



TE WHARE WĀNANGA O
AWANUIĀRANGI

KO TE MANA TE UTU.
NARRATIVES OF SOVEREIGNTY,
LAW AND TRIBAL CITIZENSHIP
IN THE PŌTIKIRUA KI TE TOKA-A-
TAIAU DISTRICT

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2023

*A thesis presented to Te Whare Wānanga o Awanuiārangi in fulfilment of the
requirements for the degree of Doctor of Philosophy,
Te Whare Wānanga o Awanuiārangi*

Ko Hikurangi te Maunga,
Ko Waiapu te Awa,
Ko Ngāti Porou te Iwi

HE KARAKIA TĪMATANGA ME TŌKU MIHI

Tukua te wairua kia rere ki ngā taumata
Hei ārahi i ā tātou mahi
Me tā tātou whai i ngā tīkanga a rātou mā
Kia mau kia ita
Kia kore ai e ngaro
Kia pupuri
Kia whakamaui
Kia tina! TINA! Hui ē! TĀIKI Ē!

Tuatahi, ka mihi atu awau ki te Atua. Nāna nei ngā mea katoa. He mihi ki tāna whakarongo mai ki āku inoi, ki tāku tangi hoki ki a ia kia tutuki pai ai awau i tēnei mahi.

Tuarua, e ngā mate, koutou i takahi atu rā ki tō tātou kaihangā. Haere atu mā Hikurangi Maunga, te maunga e kore e nekeneke, haere ki Hawaiki, ki ōu moenga roa, e moe.

Tuatoru, ki ōku iwi, ōku hapū, ōku pou kaha, pou herenga korero: ānei te hua o āku mahi hei tīmatanga kōrero mō tātou katoa.

Tuawhā, ki ngā kaihautū o te Kooti Whenua Māori, kua tautoko koutou i tēnei mahi taumaha. Ki ngā kaiwhakaako o te Whare Wānanga o Awanui-a-Rangi, ki ngā kaitirotiro hoki, tēnā koutou.

Tuarima, ko te whakamutunga: ki tōku whānau, arā, ko ōku tuākana, ōku tāina, āku tamariki, koutou ko āku mokopuna: kei te aroha awau ki a koutou, ngā kōingo o tōku manawa.

Land Acquired by the Crown by 1860.¹



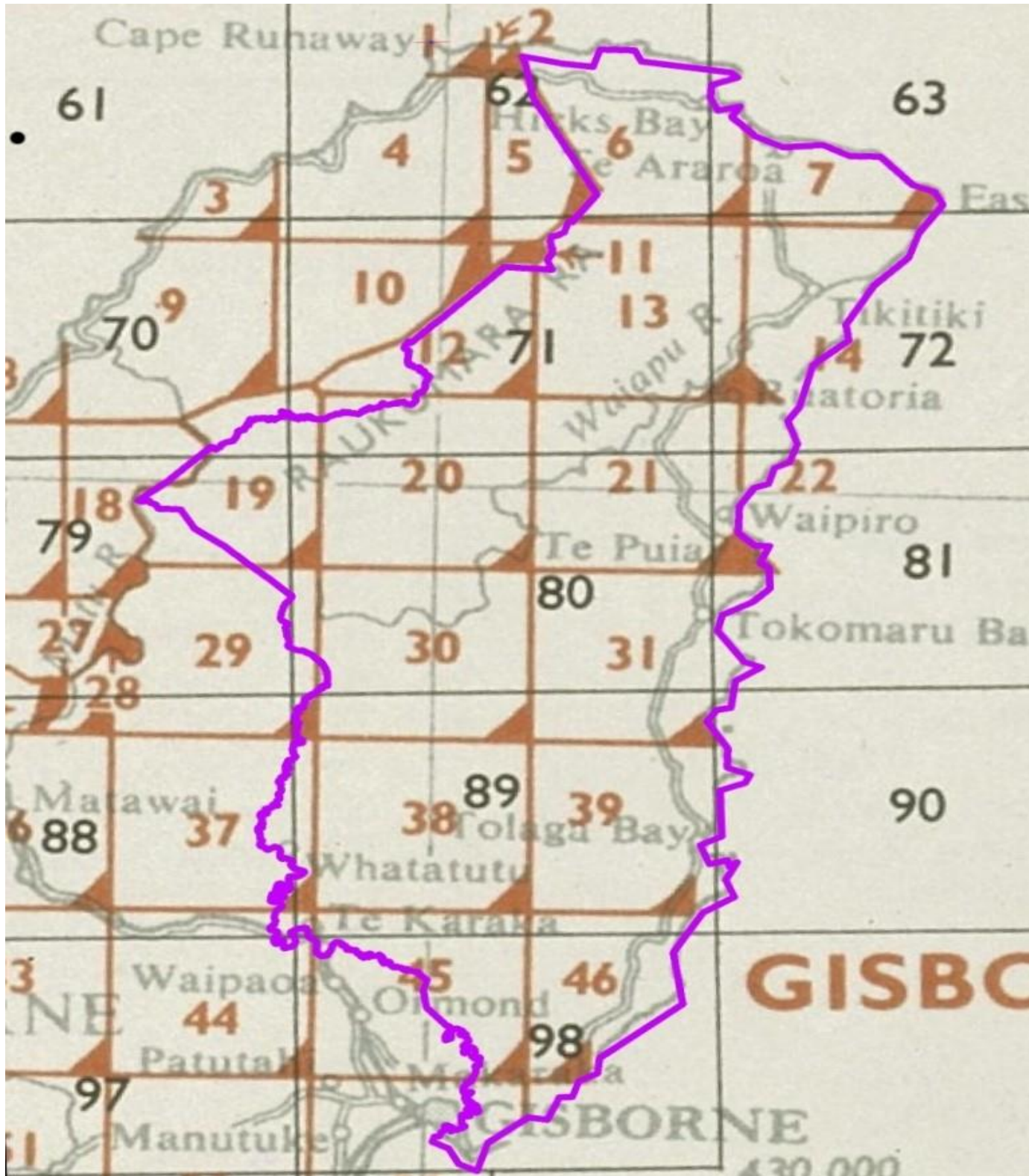
¹ Waitangi Tribunal. Assorted Maps. (Wai 900). Record of Inquiry.

EAST CAPE MAPS²



² Waitangi Tribunal. Assorted Maps. (Wai 900). Record of Inquiry.

The Potikirua ki te Toka-a-Taiau District³



³ Waitangi Tribunal. Assorted Maps. (Wai 900). Record of Inquiry. Approximate as these boundaries overlap with Te Aitanga a Māhaki, Rongowhakaata and Te Whānau a Apanui.

TUHINGA WHAKARĀPOPOTO – ABSTRACT

This thesis is about narratives of tribal sovereignty, law, and citizenship and how they may continue to be recognised in the post-colonial legal order of New Zealand and how these factors have influenced the common law. It is also an analysis of whether Māori notions of sovereignty law and citizenship in the Pōtikirua ki te Toka-a-Taiau district have continued into that post-colonial legal system. After exploring the epistemology and ontology of the pre-existing legal system in the district, I conclude that prior to 1840 the chiefs, tohunga and rūnanga of elders were exercising sovereignty (mana rangatira, mana whakahaere, and mana tangata) at the hapū or iwi level. They were also engaged in making and enforcing law and they determined their citizenry through whakapapa and whanaungatanga.

There was also an emerging Ngāti Porou identity, but it was an identity that remained marginal to hapū or iwi autonomy. This pre-existing legal system was modified by the coming of the Pākehā, their guns and other trade goods, their Christian religion, and the Crown's predilection for war against any group that sought to pursue mana Māori as reflected in the battles that took place in the district in the year 1865. Owing to the Crown's dependency on Ngāti Porou for military service, it continued after 1865 to recognise the mana rangatira, mana tangata, mana whakahaere, and tikanga of the loyalist chiefs. By aligning with the Crown, those chiefs were able to achieve a revolutionary assumption of power over the previously autonomous Kīngitanga and *Pai Mārire* iwi and hapū of the district.

The Crown cemented in place their dominance that survived through to the 20th Century on all matters, although their ability to do so with respect to land diminished as the years went by. Their actions also cemented in place the emerging Ngāti Porou identity as a term applied to all those who lived in the Pōtikirua ki te Toka-a-Taiau district. In this way, aspects of Ngāti Porou sovereignty and their pre-existing legal system survived colonisation. Mana rangatira, mana whakahaere, mana whenua and mana moana continued as did the values and tikanga sourced to that mana or pre-existing sovereignty.

Mana whenua and mana moana were the only bundle of rights where the authority of the loyalists did not ultimately prevail as these matters depended on ancestral heritage vested in hapū and as the years passed following 1865, the war chiefs either waived their claim under raupatu or they did not occupy Hauhau land, thus any claim based upon conquest waned over time.

I conclude that the Ngāti Porou pre-existing sovereign legal system continued into the post-colonial legal system of New Zealand, limited, overlaid, or modified as to its enforceability by common law rules and legislation, but always ready to be acknowledged and reinvigorated either through international law, or in the common law or by statutory enactment.

TABLE OF CONTENTS

HE KARAKIA TĪMATANGA ME TĀKU MIHI	2
TUHINGA WHAKARĀPOPOTO – ABSTRACT	6
PART 1	13
CHAPTER 1 TE MANA O NGĀ IWI TAKETAKE KI TE AO NARRATIVES OF SOVEREIGNTY IN INTERNATIONAL LAW	13
He Tīmatatanga – Introduction	13
Te Mahi Tango Whenua – The Acquisition of Indigenous Territories	13
Te Tono a te Karauna o Ingarangi – The International Claim of the British Crown	14
Te Ture a Ingarangi – The Common Law	16
Taiwhenua Ahikā Roa – Settled Colony	17
Tuku Taiwhenua – Ceded Colony	32
Taiwhenua o te Karauna – Crown Colony	41
He Whakarāpopototanga – Summary	44
CHAPTER 2 NGĀ TIKANGA ME TE TURE NARRATIVES OF CUSTOMARY LAW	48
He Tīmatanga – Introduction	48
Te Take Tuatahi – The First Point	48
Te Take Tuarua – The Second Point	51
Te Take Tuatoru – The Third Point	53
Te Take Tuawhā – The Fourth Point	54
He Aha te Tikanga Māori? – What is Tikanga Māori?	56
Te Rangahau Tikanga – Gathering Evidence of Tikanga Māori	59
Kei te ora tonu te Tikanga Māori? – Is Tikanga Māori still a viable system of law?	62
He Whakarāpopototanga – Summary	65
CHAPTER 3 NGĀ RITENGA – METHODOLOGY	69
He Tirohanga Tuhituhi – Literature Review	76
Ngā Tikanga – Ethics	78
Ngā Wāhanga – Parts to Thesis	8080
PART 2	82
CHAPTER 4 NGĀ TAONGA Ā NGĀ TŪPUNA THE GIFTS OF THE ANCESTORS	82
He Tīmatanga – Introduction	82
Te Mātai Tuarangi – Cosmology	83
Nā Māui te Iwi - The Māui Nation	85
Toi	90
Toi, Kahukura and Paoa	98
Paikea	103
Ira-kai-pūtahi	110
Porourangi	111
He Whakarāpopototanga – Summary	115
CHAPTER 5 TE PUĀWAITANGA – THE BLOSSOMING NARRATIVES OF SOVEREIGNTY, LAW, AND CITIZENSHIP PRIOR TO 1840	121
He Tīmatanga – Introduction	121
Te Aitanga a Hauiti	121
Wahineiti	135

Ngāti Ira	141
Ngā Oho	147
Ngāi Tuere	148
Ngāi Tuiti	155
Ngāti Ruanuku	158
Te Whānau a Tūwhakairiora	175
Ngā Hapū ki te Riu o Waiapu	189
Te Whānau-a-Apanui	199
Te Pākehā, Ngā Puhi, te Pū me te Paiperatapu	213
He Whakarāpopototanga – Summary	237
CHAPTER 6 MANA, TIKANGA ME TE WHANAUNGATANGA PRE-1840	240
Ngā Iho nui – Core Values and Principles	240
Mana – Sovereignty and self-government	256
Tikanga – Law	274
He Whakarāpopototanga – Summary	286
PART 3	288
CHAPTER 7 TE MAUNGARONGO – PEACE	288
Te Tiriti o Waitangi – The Treaty of Waitangi	288
Te Ekenga Anō o te Karaitiana – The Rise and Rise of Christianity	294
Iwi Whai Rawa – Tribal Pursuit of Wealth	310
Kāwanatanga me te Rangatiratanga 1840-1864 – Crown and Māori authority 1840-1864	315
He Whakarāpopototanga – Summary	329
CHAPTER 8 HE KĪNGI, TE IWI RĀNEI – A KING OR THE TRIBE	330
Te Ekenga o Pōtatau – The Raising up of Pōtatau	332
Te Mahi a Ngā Rangatira o te Kuīni – The Response of the Queenite Chiefs	333
Te Mahi a Ngā Rangatira a te Kīngi – The Response of the Kingite Chiefs	337
Te Mahi a Ngā Rangatira Kūpapa – The Response of the Neutral Chiefs	339
Te Riri Pākehā me Ngā Pakanga – The Wrath of the Pākehā and War	339
Ka whawhai tōnū tae noa ki te mate – Fight to the Death	343
He Whakarāpopototanga – Summary	344
CHAPTER 9 KO TE MANA TE UTU – MANA IS THE PRICE	346
Te Hāhi Pai Mārire – The Pai Mārire Religion	346
Ko te Mana te Utu – Mana is the Price	379
I muri i ngā Pakanga – Post War	395
Ngā Whakaaro – Reflections	407
Te Ekenga o Te Pākehā 1870-1900 – The Ascendency of the Pākehā 1870-1900	426
He Whakarāpopototanga – Summary	437
CHAPTER 10 TE HURIHANGANUI O NGĀ TAKE WHENUA - THE REVOLUTIONARY CHANGE TO LAND TENURE 1865-1908	4433
He Tīmatanga – Introduction	4433
Ka tuku ki te Kuini te hokonga – Pre-emption	445
Te Kōmihana Tuku Whenua – Old Land Claims Commission	447
Te Ture Tango Whenua 1868 - The Land Taking Law 1868	449
Te Kooti Whenua Māori ki Pōtikirua ki te Toka-a-Taiau – The Native Land Court	455
Ngā Whakaritenga a Te Kooti me te Hoko Whenua – Court Procedure & Land Purchasing	465
Ngā Rūritanga o te Whenua Me Ngā Utu – Surveys & Other Costs	470
Ngā Tītara Tuatahi o Te Kooti Whenua Māori – Original Titles Awarded	478
Te Toka-a-Taiau ki Uawa	481
Uawa ki Tokomaru	491

Ngā Paemaunga	498
Tokomaru ki Waiapu	514
Waiapu	519
Waipu ki Wharekāhika	537
Te Ture Whenua Māori 1900-1912 – Native Land Legislation 1900-1912	541
Te Kōmihana a Stout raua ko Ngata – The Stout-Ngata Commission	544
Ngā Whakataunga a te Kooti i 1900 – Post 1900 Court Investigations	546
Ngā Kaitieki a Wī Pere mā – The East Coast Trust	556
He Whakarāpopototanga – Summary	567
PART 4	572
CHAPTER 11 TE WHAKARĀPOPOTOTANGA ME NGĀ WHAKAARO WHAKAMUTUNGA - SUMMARY & CONCLUSIONS	572
Te Whakarāpopototanga – Summary	572
Ngā Whakaaro Whakamutunga – Conclusion	577
Bibliography	583

PART 1

CHAPTER 1

TE MANA O NGĀ IWI TAKETAKE KI TE AO

NARRATIVES OF SOVEREIGNTY IN INTERNATIONAL LAW

He Timatanga – Introduction

Ultimately this thesis is about sovereignty. Sovereignty means the supreme and absolute power to govern and make laws. It implies the notion of government. Sir William Blackstone in 1765 stated that in any form of government there must be ‘a supreme, irresistible, absolute, uncontrolled authority in which the rights of sovereignty reside.’⁴ Therefore, the term carries implications of autonomy, and the exercise of power without interruption or interference.

Te Mahi Tango Whenua – The Acquisition of Indigenous Territories

European states asserted sovereignty over ‘new’ territories through different means recognised in the classical Law of Nations.⁵ These colonising states could acquire sovereignty over the territories of native people by discovery followed by conquest, cession, or settlement. In settled territories the land was considered terra nullius or void of any legal authority.⁶ The situation was not much different where the body politic of native peoples remained unrecognisable to colonial officials. Treaties with native peoples could not be the derivative source of territorial sovereignty for a colonising power unless the native body politic was ‘capable’ of ceding

⁴ Blackstone, W. (1809: reprinted 2013). *Commentaries on the laws of England*, 3 vols, 15th ed.vol 1, 48-49. Marston Gate: Forgotten Books.; see generally Renwick, W. (Ed). (1991). *Sovereignty & indigenous rights: The Treaty of Waitangi in international contexts*. Victoria University Press. and McHugh, P. (1991). The Lawyers' concept of sovereignty, the Treaty of Waitangi, and a legal history of New Zealand. In Renwick, W. (Ed.) *Sovereignty & indigenous rights: The Treaty of Waitangi in international contexts*. Victoria University Press.

⁵ Wickliffe, C. (1996). *Indigenous polities, self-government, law, citizenship and property rights: Inside-Out, outside-in: A Comparative study of the United States of America, Canada and New Zealand* [Master's Thesis, Victoria University of Wellington]. 25.

⁶ Wickliffe. (1996). 25.

sovereignty within the territory.⁷ Whether a native group was capable of ceding sovereignty depended on their state of ‘civilisation.’

European colonising states could only rely on treaties with native peoples if they had the requisite degree of ‘civilisation.’ Even then the coloniser had to consolidate their claims by the continuous and peaceful display of territorial sovereignty.⁸ In assessing the state of civilisation Emer de Vattel stressed the equality of states, including certain “dwarf states” that may be ruled by native polities or non-Christian peoples. However, nomadic peoples without cultivations were incapable of exercising sovereignty and holding title to territory.⁹

Vattel’s theories and many other Eurocentric theories underpinned the classical Law of Nations on the acquisition of native peoples’ territories. These were premised upon the belief that European colonising states were superior to native peoples in all ways (particularly in terms of governance, law, and religion) and that they had a divine right to colonise native territories.¹⁰ Associated with these theories were doctrines and rules that combined justified colonial expansion. One example was the doctrine of terra nullius where a “discovered” land was considered devoid of any discernible legal authority.¹¹ In this way native polities and their authority were subjugated, and European notions of sovereignty, government, law, religion, values, and norms were elevated in colonial legal systems.¹²

Te Tono a te Karauna o Ingarangi – The International Claim of the British Crown

Britain’s claim to the acquisition of sovereignty over New Zealand rests partly on ‘discovery’ by Lieutenant James Cook who claimed ‘formal possession’ of parts of New Zealand at various places around the country. However, this act of ‘discovery’ merely vested an inchoate right to the territory in the classical Law of Nations and by 1840 could potentially have lapsed unless something further was done to cement that title.¹³ Britain had to do something more to be

⁷ Wickliffe. (1996). 25-26.

⁸ Wickliffe. (1996). 25-26.

⁹ As discussed in Wickliffe. (1996). 16-17.

¹⁰ Wickliffe. (1996). 21.

¹¹ Wickliffe. (1996). 7-58.

¹² Wickliffe. (1996). 7-58.

¹³ Joseph, P. (2014). *Constitutional and administrative law in New Zealand* (4th Ed). Brookers. 42-43.

recognised by other European states as having full territorial sovereignty over New Zealand. In other words, it could not claim the territory without the Treaty of Waitangi.

Professor Paul McHugh claims that the Treaty of Waitangi was valid at international law as a treaty of cession, and thus capable of founding British claims to territorial sovereignty as against other European states.¹⁴ Professor Phillip Joseph, on the other hand, baldly states that the Treaty of Waitangi was merely “benign in intent” and that its purpose was more “ethereal” whilst also acknowledging that the honour of the Crown was implicated.¹⁵ Joseph’s argument is suspiciously close to claiming that the Treaty of Waitangi was a “simple nullity” as pronounced in the infamous decision of *Wi Parata v the Bishop of Wellington* (1877).¹⁶ That case and the earlier case of *R v Symonds* (1847) imported the doctrine of discovery as espoused by the Supreme Court of the United States of America in *Johnson v McIntosh* (1823).¹⁷ The *Wi Parata* court declared that it was equally applicable to New Zealand. It was also authority for the proposition that the Treaty of Waitangi was a simple nullity” as there existed, in the Court’s view, “no body politic capable of making a cession of sovereignty.”¹⁸ The *Wi Parata* case has since 1900 been widely discredited in New Zealand law.¹⁹

Therefore, Joseph and McHugh differ, with the latter considering that the Treaty was still a valid treaty of cession, although not enforceable domestically.²⁰ On the effect of the Treaty Paul McHugh argued:²¹

It is clear that officially the Treaty was regarded as a valid instrument of cession. Not only was this the basis of Hobson’s offices, but their outcomes – the Treaty – was in Stanley’s words “officially promulgated and laid before Parliament.” In a minute of 1842 James Stephen noted that it was “in virtue of the treaty, and on that basis alone that her Majesty’s title to sovereignty in New Zealand at this moment rests.”

¹⁴ McHugh, P. (13 September 2010). Summary of Brief of Evidence. Waitangi Tribunal *Te Paparahi o Te Raki Inquiry*. (Wai 1040. #A21(a)). 14.

¹⁵ Joseph. (2014). 47.

¹⁶ *Wi Parata v Bishop of Wellington* [1877] 3 NZ Jur (NS) 72 (SC) 77 (Prendergast CJ) followed in *Re The Ninety-Mile Beach* [1963] NZLR 461 and not overruled until *Ngāti Apa v Attorney General* [2003] 3 NZLR 643 (CA).

¹⁷ *Johnson v McIntosh* [1823] 8 Wheaton 543; 5 U.S. 503.

¹⁸ *Wi Parata v Bishop of Wellington*. [1877]. 78; cf *Mangakahia v The New Zealand Timber Company Ltd* (1881) Court of Appeal of New Zealand December 22 1881 at (1882) NZ App Cases. 345.

¹⁹ See for example *Ngāti Apa v Attorney-General* [2003] 3 NZLR 643 (CA) at [61] per Elias CJ.

²⁰ McHugh, P. (13 September 2010). 14-15.

²¹ McHugh, P. (13 September 2010). 14.

This view is consistent with several authorities on the status of the Treaty of Waitangi as a valid international treaty.²²

Te Ture a Ingarangi – The Common Law

Also in 1996, I described how in English law only the Crown had the power to conduct foreign relations and that as part of that power, the Crown had the ultimate authority to declare sovereignty or *imperium* over a territory.²³ Any declaration of sovereignty was an act of state beyond the purview of the sovereign's courts.²⁴ The designation of a territory as conquered, ceded, or settled was, however, still relevant to (a) the form of colonial government that would apply in the new colony and the date English law would be introduced; and (b) the nature of the rights of resident populations that would continue following that assertion of sovereignty.²⁵ In a settled colony British subjects took with them such of the British law as was necessary to the circumstances of the colony.²⁶ The Crown could make laws “but only under the authority of legislation made by the Westminster Parliament. It could not itself set up a non-representative legislature, but a representative legislature could be established.”²⁷ In a ceded colony English law was not immediately introduced. Rather the “Crown had full law-making powers under the prerogative power, including the power to set up a legislature body, whether or not representative.”²⁸ In a ceded colony the law of those who ceded the territory could continue through the doctrine of continuity, at least in matters *inter se*, unless such law was changed by the legislature.²⁹ Where the Crown chose to establish a legislature it could do so by prerogative instrument such as a Royal Charter or Letters Patent.³⁰

²² See *William Webster Claim* (reproduced in Neilsen, F. (1926). *The American and British claims arbitration, under the Special Agreement between the USA and Great Britain*. Government Printing Office. 537, and reported in VI Reports of International Arbitral Awards (United Nations 1955) 166; *Hoani Te Heuheukino v Aotea District Māori Land Board* [1941] A.C. 308, 324; Waitangi Tribunal *Ngāi Tahu Sea Fisheries Report* (1991). Wai 27, Brooker & Friend Ltd. 27; Waitangi Tribunal *Ngāwha Geothermal Resource Report* (1993). Wai 304, Brookers & Friend Ltd. 304; and note that whether the Treaty of Waitangi ceded sovereignty is disputed by many Māori as discussed in Waitangi Tribunal *He Whakaputanga me te Tiriti - The Declaration and the Treaty* (2014) Wai 1040, Legislation Direct. ch 10.

²³ Wickliffe. (1996). 61-62.

²⁴ Wickliffe. (1996). 59-104.

²⁵ Wickliffe. (1996). 56.

²⁶ Joseph. (2014). 47.

²⁷ Fletcher, N. (2014). A praiseworthy device for amusing and pacifying savages? - What the framers meant by the English text of the Treaty of Waitangi” [Doctoral thesis, University of Auckland] 88.

²⁸ Fletcher, N. (2014) 88.

²⁹ Wickliffe. (1996). ch 2.

³⁰ Joseph. (2014). 48.

There are two schools of scholarship on how Britain was able to turn the inchoate right premised upon Cook's 'discovery' of New Zealand into the full assertion of territorial authority. One school argues it was acquired through settlement and the other argues that it was acquired by cession.³¹

Taiwhenua Ahikā Roa – Settled Colony

In 1996, I reviewed these two schools noting that Professor Phillip Joseph and Dr David Williams considered all the evidence demonstrated that New Zealand was a settled colony.³² Alongside these scholars sits Professor Paul McHugh. He claims that for the purposes of the common law the Treaty merely formed a part of Crown conduct and previous colonial practise in establishing British *imperium* in non-Christian territories and over non-Christian peoples.³³

The settled school look to the following documents to support their position:

- The 15 June 1839 Letters Patent and the commissioning of Lieutenant-Governor Hobson in that same month. These Letters Patent signed by the Queen amended the boundaries of New South Wales to include "... any territory which is or may be acquired in sovereignty by Her Majesty ... Within that group of Islands in the Pacific Ocean, commonly called New Zealand."³⁴
- Governor Gipps' of New South Wales three proclamations of January 1840, one of which relied on the Letters Patent 1839 to extend the boundaries of New South Wales to include "any territory which was or might be acquired in New Zealand."³⁵ Another warned settlers that any claim to land would need to be confirmed by Crown grant.

³¹ Joseph. (2014). ch 3 & cf. Rutherford, J. (1949). The Treaty of Waitangi and the acquisition of British sovereignty in New Zealand 1840. *Auckland University College Bulletin* 36, *History Series No. 3*.

³² Wickliffe. (1996). 256-258.

³³ McHugh. (13 September 2010) 3-4.

³⁴ Wai 1040 (2014)314. Quote.

³⁵ Wickliffe. (1996). 277-279.

- Governor Hobson's proclamations of 21 May 1840 proclaiming sovereignty over the North Island by cession and over the South Island by discovery and annexation.³⁶
- Letters Patent of November 1840 that authorised the establishment of a Legislative Council with the power to make laws for the peace, order, and good government of New Zealand. The Executive Council was to assist the Governor in the administration of the country. It expressly stated that nothing in the Letters Patent were to be construed as affecting Māori rights to land occupied by them.³⁷ It also authorised the Governor to appoint judges, commissioners, and justices of the peace for the "due administration of justice and for putting laws into execution."³⁸ The Instructions of that year reiterated the main aspects of the Charter.

According to the settled school, the 1839 Letters Patent, the commissioning of Hobson and his Instructions of August 1839, and Governor Gipps' proclamations of January 1840 legitimise all subsequent acts leading to annexation.³⁹ These documents, they consider, were evidence that British law was to apply immediately the May 1840 Proclamations were issued.⁴⁰ The problem for the settled school is that all documents pre-dating February 1840 were anticipatory rather than declaratory of British sovereignty, as there had been no cession from Māori.⁴¹ In terms of the May proclamations, I note further proclamations were issued on 5 June and 17 June 1840 over the Stewart Island (based on Captain Cook's discovery) and for the South Island (based on cession). Even the May proclamations were not published in the London Gazette until 2 October 1840.⁴²

Some in the settled school also refer to the 16 June 1840 statute of New South Wales Legislative Council that extended the laws of New South Wales to "Her Majesty's Dominions in the Islands of New Zealand and to apply the same as far as applicable in the administration

³⁶ Lieutenant-Governor Hobson to the Secretary of State for the Colonies, 25 May 1840, G.B.P.P. (I.U.P. Shannon, Ireland) [1835-1842] Vol. 3, 137.

³⁷ G.B.P.P. (IUP Shannon, Ireland) [1835-1842] Vol 3, 153.

³⁸ G.B.P.P. (IUP Shannon, Ireland) [1835-1842] Vol 3, 153.

³⁹ Wickliffe. (1996). 259-260.

⁴⁰ Lieutenant-Governor Hobson to the Secretary of State for the Colonies, 25 May 1840, G.B.P.P. (IUP, Shannon, Ireland) [1835-1842] Vol 3, 137.

⁴¹ Wickliffe. (1996). 259-260.

⁴² Miller, R., Ruru, J., Behrendt, L., Lindbergh, T. (2010). (Miller, 2010). Oxford University Press. 212; Wickliffe. (1996). 281.

of Justice therein, and to indemnify certain officers for acts already done”⁴³ But an equally plausible interpretation is that the June 1840 statute merely ensured that English law followed British subjects into the new territory of New Zealand, a standard rule of law applied to all British subjects – a matter standard in colonial practice.

The settled school also refers to the New South Wales Continuance Act 1840 passed by the British Parliament on 7 August 1840 authorising the issuing of Letters Patent to create the new colony.⁴⁴ However, it is important to remember the sequence of events. The Treaty of Waitangi was signed on 6 February 1840 and the Proclamations were issued in May 1840. The Proclamations were not published in the *London Gazette* until 2 October 1840. The British Parliament passed the New South Wales Continuance Act 1840 on the expectation that the Crown would successfully assert sovereignty over New Zealand, but the legislation did not come into force until November 1840, after the publication of Hobson’s proclamations in the *London Gazette*.

The new commission for Hobson appointing him Governor of the Colony, Royal Instructions and new Letters Patent (the *Charter for Erecting the Colony for New Zealand, and for Creating and Establishing a Legislative Council and an Executive Council, and for Granting Certain Powers and Authorities to the Governor for the time being of the said Colony*) were not issued until 24 November 1840.⁴⁵ These instruments were only declared to be in force in New Zealand, by proclamations dated 3 May 1841.⁴⁶ Thus the Charter and instructions of December 1840 were too late in time to influence how the common law should view the nature and status of the colony. Therefore, contrary to the position of the settled school, all instruments that predate October 1840 may equally be considered preparatory steps towards creating a new colony but were not declaratory of the colonies status as settled.⁴⁷ In terms of the proclamations issued by Governor Gipps in January 1840, Bain Attwood makes this point as follows:⁴⁸

⁴³ 1840 (NSW) 3. Vict, No. 28; see also discussion in Joseph, P. (2014). *Constitutional and administrative law in New Zealand* (4th Ed). Brookers. 46-48.

⁴⁴ 1840 (UK) 3 & 4 Vic. C 62, s 2; see also discussion in Joseph, P. (2014). *Constitutional and administrative law in New Zealand* (4th Ed). Brookers. 46-48.

⁴⁵ G.B.P.P. (IUP Shannon. Ireland) [1835-1842] Vol 3, 153.

⁴⁶ G.B.P.P. (IUP, Shannon, Ireland) [1835-1842] Vol 3, 451-452; see also the New South Wales Continuance Act 1840 & 1841.

⁴⁷ Wickliffe. (1996). 282-284.

⁴⁸ Attwood, B. (2020). *Empire and the making of native title – Sovereignty, property and indigenous people*. Cambridge University Press. 146.

It seems clear that these proclamations merely anticipated the establishment of British sovereignty. They were made in order to declare the position the government would adopt once it had acquired sovereignty, and thereby warn British subjects of the implications of this basis for British sovereignty in New Zealand. Moreover, the proclamations were never considered to be the basis for British sovereignty in New Zealand.

Only the signing of the Treaty of Waitangi on 6 February 1840 was contiguous with and relevant to the proclamations of May and June 1840. I contend that it is a combination of these documents that result in the act of state whereby the Crown asserted authority over the country. Therefore, the Treaty is evidence of what the act of state was, and its content determined what governance arrangements were to be enabled following any declaration asserting the Crown's authority over the territory. That position would be consistent with the honour of the Crown.

Te Hinengaro me te Ahua o te Māori – The Status and Capacity of Māori

Not being able to make the case conclusively based upon relevant Crown instruments and statutes pre- and post- the signing of the Treaty, nor even based upon the Treaty, the settled school has returned to an analysis of the status and capacity of Māori to enter a treaty of cession in colonial policy.

At the forefront of this argument is Professor Paul McHugh. In his *Aboriginal Societies and the Common Law* (2005), for example, he argued that by second quarter of the 19th Century the common law approached indigenous tribal authority within a broader framework of Crown sovereignty.⁴⁹ This is compared to the 18th and early 19th Centuries when there was more tolerance in official circles of legal pluralism.⁵⁰ In his view, from the second quarter of the 19th century onwards, “imperial and colonial officials, and the courts took a ‘less permissive approach’” to any form of pluralism in a territory acquired by the British.⁵¹ They increasingly “denied aboriginal polities any distinct status and would not acknowledge any ‘rights’ associated with the tribe and its way of life....”⁵² This was all related to the “state of civilisation” achieved by these polities. In other words, this is effectively an argument that as

⁴⁹ McHugh, P. (2005). *Aboriginal societies and the common law: A history of sovereignty, status and self-determination*. Oxford University Press. Chapter 3.

⁵⁰ McHugh. (2005). Chapter 2.

⁵¹ McHugh. (2005). 150.

⁵² McHugh. (2005). 150.

there was a change in colonial policy, there should also have been a change in the common law applying to such issues.

McHugh acknowledges that the Crown's acquisition in New Zealand was "premised at all times on the original sovereignty of the Māori chiefs."⁵³ But he then concludes that the colonial officials did not understand what the Māori text of the Treaty meant. In his words, they "... looked simply to the less than subtle cession of sovereignty in the English text."⁵⁴ Once acquired, he opines, there could be "no constitutional authority apart from the Crown."⁵⁵

Thus original Māori sovereignty was to be lost by cession to the Crown, a matter provided for by the instructions to William Hobson in 1839 and the English text of the Treaty of Waitangi.⁵⁶ McHugh also contended that the Colonial Office did not entertain the possibility of aboriginal people (including Māori) "remaining outside the ordinary jurisdiction of English law after Crown sovereignty."⁵⁷ Rather the Crown followed a "policy of selective application of English law to aboriginal peoples in British colonies."⁵⁸ The problem with this entire line of reasoning is that this is not what the Māori text of the Treaty of Waitangi contemplated at all. It contemplated that Māori authority would continue and that they would be able to govern at least on matters *inter-se*. A point he acknowledges.⁵⁹ It is also at odds with the work of Ned Fletcher and his conclusion that the English text aligns with the Māori text discussed further below.

Repeating these arguments before the Waitangi Tribunal in 2010, McHugh began his analysis by referring to how colonial officials understood Māori capacity. He advised the Tribunal that:⁶⁰

*The historically embedded pattern by which the British recognised the sovereignty of non-Christian polities and the necessity of their permission for a local jurisdiction was, initially, an extension of the practices of princely comity as they developed within Europe. In the secularising early-modern era of an emergent sovereign-state system – the phenomenon caught powerfully and influentially in Vattel's *Le droit des gens* (1758) – these practices*

⁵³ McHugh. (2005). 166-167.

⁵⁴ McHugh. (2005). 166.

⁵⁵ McHugh. (2005). 150.

⁵⁶ McHugh. (2005). 168.

⁵⁷ McHugh. (2005). 168.

⁵⁸ McHugh. (2005). 171.

⁵⁹ McHugh. (2005). 166.

⁶⁰ McHugh P. (16 April 2010). Brief of Evidence. Waitangi Tribunal, *Te Paparahi o Te Raki Inquiry*. (Wai 1040 #A21). 12-13.

were incorporated reflexively into the jus gentium of the European states, Britain not least. Vattel's book quickly became influential in the conduct of imperial practice among European states, being first translated into English in 1760. ...

What he meant was that the rules of the Law of Nations (i.e. the Europeans) influenced British colonial practise. Vattel's work was used by the Foreign Office in Britain.⁶¹ Paul McHugh described Vattel's theory on the equality of states and how some non-Christian or non-European societies could place themselves under the protection of more powerful states whilst retaining their self-government sourced to their own sovereignty. A foreign state had "no right of interference or governance" over such territory once this was done.⁶² The lawfulness of claims to oust other states depended upon the consent of the grantee state, no matter how dwarf-like its stature⁶³ Vattel's theories along with those of other theorists such as John Austin conveniently affirmed British policy. Austin postulated how a sovereign society could be described:⁶⁴

The generality of the given society must be in the habit of obedience to a determinate and common superior: whilst that determinate person or determinate body of persons must not be habitually obedient to a determinate person or body. It is the union of that positive, with this negative mark, which renders that certain superior sovereign or supreme, and which renders that given society (including that certain superior) a society political and independent.

Tribal societies could not meet this description according to Austin:⁶⁵

In as much as the given society lives in the savage condition, or in the extremely barbarous condition which closely approaches the savage, the generality or bulk of its members is not in a habit of obedience to one and the same superior ... The bulk of each of the families which compose that given society, renders habitual obedience to a certain and common superior. And, as the bulk of the given society is not in habit of obedience to one and the same superior, there is no law (simply or strictly so styled) which can be called the law of that given society or community. The so-called laws which are common to the bulk of the community, are purely and properly customary laws; that is to say, laws which are set or imposed by the general opinion of the community, but which are not enforced by legal or political sanctions.

⁶¹ McHugh. (16 April 2010). 13.

⁶² McHugh. (16 April 2010). 14.

⁶³ McHugh. (16 April 2010). 14.

⁶⁴ McHugh. (2005). 151. Quoting J Austin.

⁶⁵ McHugh. (2005). 151. Quoting J Austin.

By the 1830s the Colonial Office had developed a standard policy of treating with native peoples. However, considering the state of ‘civilisation’ of Māori, meant English law was to apply immediately and be selectively applied to Māori.⁶⁶

To implement such a policy in New Zealand, the British had to reconcile its previous recognition of the sovereignty of the chiefs as proclaimed in the 1835 United Tribes Declaration of Independence.⁶⁷ They also had to overcome their previous policy of non-intervention in New Zealand prior to 1839. The British intervened because over the period 1835-1839, there were difficulties controlling British subjects in New Zealand and thus intervention in New Zealand, according to Paul McHugh, became inevitable.⁶⁸ He opined that by 1838-1839 “British *imperium* predicated upon Crown sovereignty was unavoidable.”⁶⁹ McHugh’s opinion was formed based upon reviewing the information and opinions available to the British Colonial Office. These along with the threat of annexation by France lent urgency to the situation. The decision to intervene also followed the 1837 report of the British Parliamentary Committee on Aboriginal Tribes, the establishment of the New Zealand Association 1837 influenced by Edward Gibbon Wakefield, the formation of the Aboriginal Protection Society in 1837, and the influence of the Church Missionary Society 1837-1838.⁷⁰ I note that Professor Richard Boast has previously written that “many historians are deeply sceptical” of the Crown’s so called “protective and altruistic” objectives⁷¹ and others note that it was more concerned with foiling the plans of the New Zealand Association and the French.⁷² In addition, Māori in 1840 were not in need of protection given their numerical superiority and their ability to exercise sovereign authority over their own tribal territories.

While it is accepted that all these factors underpinned the decision to assert Crown authority over New Zealand and to seek cession, it must also be acknowledged that Eurocentric theories on the status of native peoples influenced the views of British officials. However, “civilised or not ... [Māori] were recognised as having the capacity to enter into treaties of jurisdiction

⁶⁶ McHugh. (16 April 2010). 78.

⁶⁷ Colonial Secretary (NSW) to Busby, 12 February 1836, CO 209/2:16; and Glenelg to Bourke, 26 May 1836, CO 209/1:268 at 269. Tabled 1 May 1838 before the Lords Committee (1838), App 2 at 159.

⁶⁸ McHugh. (16 April 2010). 28-36.

⁶⁹ McHugh. (16 April 2010). 52-58.

⁷⁰ McHugh. (16 April 2010). 37-52; and see Wai 1040. (2014) 295-307.

⁷¹ Boast, R. (1995). The law and the Māori. In Spiller, P., Finn, J., Boast, R. *A New Zealand legal history*. Brookers Ltd. 130.

⁷² Attwood. (2020). 129, 138-139; Miller, et al. (2010). 212.

(including the cession of their sovereignty).”⁷³ In other words, they recognised that the juridical capacity of Māori could extend to entering a treaty of cession. However, it could not extend to recognising their form of governance should continue, a point that Paul McHugh alludes to:⁷⁴

The Crown recognised the sovereignty of the Māori chiefs in so much as it refused without their consent to erect imperium over British subjects in their territory, much less over their persons (an aspect that never figured especially in the official reckoning). Their sovereignty extended at least to that capacity. ...

In pursuing this position, the settled school, as articulated by McHugh, perpetuates the myth that while Māori had juridical capacity to cede *imperium* for the purposes of international law and colonial policy, that capacity could not extend to the common law recognising the continuance of their own form of governance and law. Such a position is totally contrary to the text of the Treaty of Waitangi and the factual reality of Māori numerical supremacy.

As to the relevance of the Treaty of Waitangi in the common law, the settled school reduces it to nothing more than part of colonial practise unenforceable in the Courts, whether it is valid international treaty or not. It reduces the Treaty to nothing more than a “diplomatic instrument to persuade the chiefs to agree to or acknowledge the British Crown’s assumption of sovereignty...”⁷⁵ In other words it smacks of bad faith.

For the common law, McHugh argues, only Governor Hobson’s Proclamations of 21 May 1840 signalled the moment British sovereignty applied in New Zealand.⁷⁶ Those proclamations were the act of state beyond the purview of the Courts. McHugh opined that for all:⁷⁷

... constitutional purposes the May Proclamations amounted to an announcement through the prerogative that the process of acquiring sovereignty over all inhabitants was formally over and thereafter could not be traduced before the Crown’s courts.

McHugh also opined that the consequence of this recognition in the common law was that:⁷⁸

⁷³ McHugh. (16 April 2010). 54-55.

⁷⁴ McHugh. (16 April 2010). 72.

⁷⁵ Attwood. (2020). 195.

⁷⁶ McHugh. (13 September 2010). 13 and note these were published in the *London Gazette* on 2 October 1840.

⁷⁷ McHugh. (13 September 2010). 13; See also *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA) at 671, 690 where two of the five judges of the Court of Appeal considered the Proclamations were the exact moment when sovereignty was acquired.

⁷⁸ McHugh. (13 September 2010).19.

English law became applicable to all inhabitants however imperial officials were concerned to temper this with legislative accommodation of some forms of Māori custom. It was never imagined that the position at law would be matched on the ground and that Māori would instantaneously adopt English law. Nonetheless, Imperial officials were certain that the continuance of Māori custom was legally a matter of tolerance that required official legally sanctioned accommodation. ...

McHugh's acknowledgment that the colonials never imagined English law could be applied in 1840 to anyone other than British settlers is conceded because the Crown was not capable of enforcing English law against Māori without their consent given their numerical superiority. Rather English law would be "selectively applied." S. Dorsett would concur with this view, writing:⁷⁹

... the British, at the outset at least, did not intend Māori to be subject to British law in all circumstances. In particular, there was no assumption that Māori would necessarily be amenable to British law with respect to many intra-Māori matters. Outside the small isolated and Māori, and many out-settlers, lived according to tikanga Māori, and the authorities – both local and metropolitan – were painfully aware that British legal authority was largely unenforceable. ...

Ngā Whakāro o Ngā Kaiwhakawā Taiwhenua – The Opinions of Colonial Jurists

The problem for the settled school is that even the colonial judges remained uncertain as to the nature and status of the colony for the purposes of the common law. The courts of this era (1840s-1860s) never definitively answered that question. Rather they focused on when English law applied to Māori.⁸⁰ In *R v Maketu* (1842), the defendant Maketu was found guilty of murdering. At sentencing he was advised by Martin CJ:⁸¹

The charges brought against you have been found to be true, and so the last thing left for this Judge's Panel to do is to discuss the extent of the law in terms of the this terrible crime you have committed this is also the law of England, who still reigns over the people of this land, no matter whether some are Pākāhā and some are Māori, if the blood of an innocent person is deliberately spilt by someone, this panel will hand out the harshest sentence possible under the law; anyone whose hands are covered with the blood of the innocent should never be allowed to live if the victim is a child, and they shouldn't be allowed to live because they are a chief either; the law that this Judges Panel is applying is not a new law, you may believe this law only applies within England, - no that is not the case - this is a law applies to all, the death sentence being discussed by this Judges Panel; is one that has been

⁷⁹ Dorsett, S. (2017). *Juridical encounters – Māori and the colonial courts 1840-1852*. Auckland University Press. 3.

⁸⁰ Cases referenced have been sourced from the New Zealand Law Foundation – New Zealand Lost Cases website and associated newspapers.

⁸¹ *R v Maketu* [1842] Supreme Court Auckland. Per Martin CJ, reported in the New Zealand Herald and Auckland Gazette (Auckland 5 March 1842) at 2.

*agreed to by your own people; they have also said 'old man, go and be with your ancestors!'
This is the harshest sentence possible under the law."*

Therefore, Martin CJ considered English law applied in cases of murder whether the country was settled or ceded. Interestingly, the Chief Justice also appears to depend on the consent of Maketu's tribe to the application of English law. It was reported that 19 men of the "Assembly of Chiefs of Ngā Puhī denounced Maketu's crime..."⁸² Conversely, there is the case of *R v Rangihaeata* in 1843, where the same judge, Martin CJ was reluctant to issue a Bench Warrant against Te Rangihaeata after an incident involving the burning of a partly erected dwelling belonging to a Pākehā, on the grounds that it would set the position that Māori are subject to English law without proper argument.⁸³ His exact words were:

Under these circumstances, seeing that the matter sought by this application, is one of right, but within the discretion of the Judge ; and seeing, also, that the granting thereof would be a virtual decision of the points referred to, and that to [do so] upon a mere ex parte motion, without any full argument, or even without any argument at all ; I do not think I should be exercising a sound discretion if I were to issue this warrant.

Chapman J in 1847 (the same year as *R v Symonds* discussed below) also struggled to identify whether English law applied to Māori given the issue of what status the colony held. This is evident from his directions to a Grand Jury in the case of *R v Rangitapiripiri* where he stated:⁸⁴

... the general rule, when a country came into the power of another, by cession or conquest, was, that the laws of the ceded country were in force among the natives of that country, unless they were contrary to humanity or the Christian religion. In all cases where an Englishman is concerned it is privilege and birth right to be tried by the laws of his country: ... In the present case the natives by bringing the prisoner to be tried here of their own free will and consent confessed the superiority of our laws and showed a strong desire on their part to be governed by them.

In this case Rangitapiripiri was found not guilty of murder. This judgment confirms that Chapman J considered Māori law applied in New Zealand unless 'contrary to humanity or the Christian religion.'⁸⁵ Both Martin CJ and Chapman J in several theft cases also applied English

⁸² See Dorsett. (2017). 2.

⁸³ *R v Rangihaeata*. [1843]. Supreme Court Wellington. Per Martin CJ, reported in (1842, 19 October) *The New Zealand Gazette* and (1843, 8 March). *The New Zealand Gazette and Wellington Spectator*. at 2.

⁸⁴ *R v Rangitapiripiri* [1847] Supreme Court Wellington, 1. Per Chapman J reported in the *New Zealand Spectator and Cook's Strait Guardian* (Wellington, 4 December 1847) at 2.

⁸⁵ See Dorsett, S. Sworn on the dirt of graves: Sovereignty, jurisdiction and the judicial abrogation of 'barbarous' customs in New Zealand in the 1840s. (2009). *The Journal of Legal History* 30, 175 for a full discussion.

law, presumably because theft was contrary to the Christian religion.⁸⁶ There is also the decision of Stephen's CJ in a civil case who in 1856 stated:⁸⁷

There is now one point remaining to be considered, viz., whether the Act 7 Wm. 4 and 1 Vict. c.26, is in force within this Colony. All writers on colonial law agree in classifying Colonies under three heads: 1st "those acquired by conquest; 2ndly, those acquired by cession under treaty; 3rdly, those acquired by occupancy, viz., where an uninhabited country is discovered by British subjects, and is upon such discovery adopted or recognised by the Crown as part of its possessions" see Clarke p. 4. He then goes on to say, "In cases of conquest or cession, the conquered or ceded country retains its former laws, till they are changed by competent authority." (Propriety and charter governments might be considered, but as Clarke observes. "There is at present none such in the British Colonies" p. 3, note 3. But if there were, they must have come under one of the heads above mentioned in their original acquisition.) Clarke says. "In giving a new constitution to a conquered, or ceded Colony, if the Crown provides, (as has hitherto usually been the case), that a Representative Assembly shall be summoned among the inhabitants of the Colony, with the power of making laws for its interior government, it has been decided that the Crown cannot afterwards (that is, after such Assembly shall have been constituted) exercise, with respect to such Colony, its former right of legislation. It has impliedly renounced that right, by the appointment of a legislative power within the Colony itself." Clarke p7.

He then goes on to say, "In the case of a Colony acquired by occupancy, which is a plantation in the strict and original sense of the word, the law of England then in being, is immediately, and ipso facto, in force in the new settlement, and, such a colony is not subject to the legislation of the Crown, for the King cannot pretend, in that case, to the rights of Conqueror; but the subjects of Great Britain, the discoverers and first inhabitants of that place, carry therewith them their own inalienable birth-right, the laws of their Country. But they carry with them only, so much of these laws as is applicable to the condition of an infant Colony, such, for instance, as the general rules of inheritance, and protection from personal injuries. For the artificial refinements and distinctions incident to the property of a great and commercial people (such especially as are enforced by penalties), the mode of maintenance for the established clergy, the jurisdiction of the spiritual Courts, and a multitude of other provisions, are neither necessary nor convenient for them, and therefore not in force." And in a note (Clarke, p. 8, n. 4) he says, "The Common law of England is the Common Law of the plantations; and all statutes in athrmance [?] of the Common law passed in England, antecedent to the settlement of any Colony are in force in that Colony.

It is not easy to determine, under which of the three before mentioned classes of Colonies New Zealand must be considered. It is beyond a doubt, not a conquered colony. Is it a ceded Colony? I cannot consider it as such, certainly not within the meaning of the writers on Colonial law. The only treaty which ever existed between the Crown and the inhabitants of New Zealand (the Māories) was that of Waitangi. But was that a cession of the territory? So far from it, that that treaty recognises the continued right of the Māori over all the lands and provides that no sales of the lands shall be made by the Māories, except to her Majesty. And, for this last-mentioned reason, New Zealand cannot be considered as a plantation, acquired by occupancy. Still, so far as British subjects are concerned, without regard to the rights of the Crown over the general lands of New Zealand, whether New Zealand be in fact acquired by the Crown, in either, or neither of the above mentioned modes of acquiring Colonies, I should [?] that those subjects carry with them the Common law of England, and so much of the statute law of England as is applicable to their circumstances and condition, and as was passed prior to those subjects having a Legislature of their own in such colony. The question would then arise, from what period are such Statutes of England to be considered as being in force in New Zealand? ...

⁸⁶ See *R v Henry* [1843]. Supreme Court Wellington. per Martin CJ, reported in the *New Zealand Gazette* and *Wellington Spectator*. 25 October 1843. 3.

⁸⁷ *McLiver v Macky*. [1856]. Supreme Court Auckland. Per Stephen CJ, reported (1856, 18 November) in *The Southern Cross* 3-4.

So according to Stephen CJ, New Zealand was not a settled colony. He also concluded it was not ceded either as the Treaty of Waitangi did not cede territory. The inference is that it was some other form of colony administered by the Crown until representative government was constituted. These and other judgments created uncertainty over whether English law applied to Māori, ultimately leading to the enactment of the Native Rights Act 1865.

For all practical purposes during the first two decades of the colony, and while the judges applied English law to Māori for crimes ‘contrary to humanity or the Christian religion’ they could generally only do so where Māori consented. For crimes that did not fall into such categories, the implication was that mana Māori, their authority, legal system, tikanga and citizenship continued.

During the Crown colony period 1840-1852, several statutory schemes were implemented designed to assimilate Māori. Consequently, S. Dorsett contends that one of the “most important sites of assimilatory practice was the new colonial courts ...”⁸⁸ I note that while the new settler courts were significant sites of encounter in most parts of the new colony, that cannot be said of the Pōtikirua ki te Toka-a-Taiau district. Even in other districts where Māori engaged willingly or were forced to engage, Māori cooperation was necessary for some years after 1840.⁸⁹ The resident magistrate courts, where most encounters took place, encouraged a high degree of participation and agency by Māori. To suggest that only English law was applied needs to be analysed on a region-by-region basis rather than the selective case study approach adopted by Dorsett. Thus, Dorsett overstates their importance as sites of assimilation. Her research is also confined to 1840-1852 and does not address what happened in the Pōtikirua ki te Toka-a-Taiau district which was still free of any official court presence. At this time, in most settings beyond the Pākehā settlements of the district, Māori did not consider the possibility that their chieftainship would be undermined by utilising English law, so they selectively participated in its application. It is also clear that in this district they refused to apply English law in situations where it was contrary to their tikanga as discussed in Part 3. The evidence also indicates that the colonial judges in the district worked with Māori to collaboratively implement law, whether tikanga or English law, for many years during the period 1855-1880.

⁸⁸ Dorsett. (2017). 9.

⁸⁹ Dorsett. (2017). 268-269.

In British colonies, “Native title lay at the intersection of thought and disputes regarding indigenous political authority over territorial space, the question of English law and customary law, jurisdiction and sovereignty.”⁹⁰ It was also a point of “convergence on means to acquire territory – purchase for example – but not agreement on ‘how’ to do so or intellectual closure on the nature and extent on indigenous property rights.”⁹¹ So for example Native title was once held by iwi and hapū over the entire area of New Zealand. *R v Symonds* (1847) is authority for the existence of such title.⁹² The judgment concerned a dispute between two British subjects as to the validity of title purchased direct from Māori and recognised by a certificate acquired when pre-emption was waived by Governor Fitzroy versus a Crown grant. All parties accepted the existence of native title.⁹³ Some of the settled school consider the application of the doctrine of native title is proof that the colony was a settled colony, Phillip Joseph, for example.⁹⁴ Certainly the discussion in the case centres on the nature of the title a British subject acquires whether by conquest, discovery, occupation or purchase in British colonies.

But the rules applicable or *ratio* relate only to the title held by a British subject direct from native peoples *vis a vis* that awarded by the Crown. The decision makes it clear that title acquired direct from Māori cannot be enforced as against the Crown no matter how it was acquired. It is not authority for the proposition that New Zealand was a settled colony for the purposes of the common law.⁹⁵ Chapman J put it this way:⁹⁶

Any acquisition of territory by a subject, by conquest, discovery, occupation, or purchase, from native tribes, (however it may entitle the subject, conqueror, discoverer, or purchaser to gracious consideration from the Crown,) can confer no right on the subject. Territories, therefore, acquired by the subject in any way, Vest at once in the Crown. To state the Crown's right in the broadest way; it enjoys the exclusive right of acquiring newly found or conquered territory, and of extinguishing the title of any aboriginal inhabitants to be found thereon. Anciently private war was not unusual. The history of Sir Francis Drake is an instance of a subject acquiring territory for the Queen, by a mixture of conquest and discovery, without a commission. In like manner an accidental discovery is taken possession of, not for the benefit of the discoverer himself, but for that of the Crown. The rule, therefore, adopted in our colonies, " that the Queen has the exclusive right of extinguishing the native title to land, ' is only one member of a wider rule, ' that the Queen has the exclusive right of acquiring new territory, and that whatsoever the subject may acquire vests at once, as

⁹⁰ Hickford, M. (2011). *Lords of the land: Indigenous property rights and the jurisprudence of empire* Oxford University Press. 450.

⁹¹ Hickford. (2011). 450.

⁹² See *R v Symonds* (1847) [1840-1932] NZPCC 387 (SC).

⁹³ See Williams D *R v Symonds Reconsidered* [1989] VUWLR 22.

⁹⁴ Joseph. (2014) 47.

⁹⁵ Wickliffe. (1996). 273.

⁹⁶ *R v Symonds* (1847) [1840-1932] NZPCC 387 (SC) per Chapman J.

already stated, in the *Queen*. And this, because in relation to the subjects the *Queen* is the only source of title. ...

The legal doctrine as to the exclusive right of the Queen to extinguish the native title [pre-emption], though it operates only as a restraint upon the purchasing capacity of the Queen's European subjects, leaving the Natives to deal among themselves as freely as before the commencement of our intercourse with them, is no doubt incompatible with that full and absolute dominion over the lands which they occupy, which we call an estate in fee. But this necessarily arises out of our peculiar relations with the native race, and out of our obvious duty of protecting them, to as great an extent as possible, from the evil consequences of the intercourse to which we have introduced them or have imposed upon them. To let in all purchasers, and to protect and enforce every private purchase, would be virtually to confiscate the lands of the Natives in a very short time. The rule laid down is, under the actual circumstances, the only one calculated to give equal security to both races. Although it may be apparently against what are called abstract or speculative rights, yet it is founded on the largest humanity ; nor is it really against speculative rights in a greater degree than the rule of English law which avoids a conveyance to an alien. In this colony, perhaps, a few better instructed Natives might be found, who have reduced land to individual possession and are quite capable of protecting their own true interest; but the great mass of the Natives, if sales were declared open to them, would become the victims of an apparently equitable rule ; so true is it, that "it is possible to oppress and destroy under a show of Justice." (Hawtress.) The existing rule, then, contemplates the native race as under a species of guardianship. Technically, it contemplates the native dominion over the soil as inferior to what we call an estate in fee : practically, it secures to them all the enjoyment from the land which they had before our intercourse ; and as much more as the opportunity of selling portions, useless to themselves, affords. From the protective character of the rule, then, it 'is entitled to respect on moral grounds, no less than to judicial support on strictly legal grounds.

In order to enable the court to arrive at a correct conclusion upon this record, I think it is not at all necessary to decide what estate the Queen has in the land previous to the extinguishment of the native title. Anciently, it seems to have been assumed, that notwithstanding the rights of the native race, and of course subject to such rights, the Crown, as against its own subjects, had the full and absolute dominion over the soil, as a necessary consequence of territorial jurisdiction. Strictly speaking, this is perhaps deducible from the principle of our law. The assertion of the Queen's pre-emptive right supposes only a modified dominion, as residing in the Natives. But it is also a principle of our law that the freehold never can be in abeyance ; hence the full recognition of the modified title of the Natives, and its most careful protection, is not theoretically inconsistent with the Queen's seisin in fee as against her European subjects. This technical seisin against all the world except the Natives, is the strongest ground whereon the due protection of their qualified dominion can be based. This extreme view has not been judicially taken by any colonial court, that I am aware of, nor by any of the United States' courts, recognising the principles of the common law. But in one case before the Supreme Court of the United States, there was a mere naked declaration to that effect, by a majority of the judges. One of the judges, however, differed from his brethren, he considering the Natives as absolute proprietors of the soil, with the single restriction arising out of the incompetency of all but the sovereign power to buy, and he treated what is commonly called the pre-emptive right as "a right to acquire the fee simple by purchase when the proprietors should be disposed to sell."

What can be taken from the *R v Symonds* case is that Māori property rights were to be respected whether the colony was ceded, settled, taken by conquest, or annexed subject only to the Crown's right to extinguish that title through pre-emption. Furthermore, the Treaty of Waitangi

assumed no interference with such rights preserving as it did Māori rights to land.⁹⁷ A late twentieth century case *Te Rūnanganui o Te Ika Whenua Inc Society v Attorney-General* underscores this point, when Cooke P (later Lord Cooke) stated:⁹⁸

*On the acquisition of the territory, whether by settlement, cession or annexation, the colonising power acquires a radical or underlying title which goes with sovereignty. Where the colonising power has been the United Kingdom, that title vests in the Crown. But, at least in the absence of special circumstances displacing the principle, the radical title is subject to the existing native rights. They are usually, although not invariably, communal, or collective. It has been authoritatively said that they cannot be extinguished (at least in times of peace) otherwise than by the free consent of the native occupiers, and then only to the Crown and in strict compliance with the provisions of any relevant statutes. It was so stated by Chapman J in *R v Symonds* (1847) NZPCC 387, 390, in a passage later expressly adopted by the Privy Council, in a judgment delivered by Lord Davey, in *Nireaha Tamaki v Baker* (1901) NZPCC 371, 384.*

This case, by explicitly referencing the decision in *R v Symonds*, continued to recognise that native title can be recognised in the common law so long as it has not been extinguished without Māori consent. It is difficult then to accept Joseph's theory that *R v Symonds* was authority for the proposition that New Zealand was a fully settled colony. The preferred interpretation is that the full nature of native title should be recognised in the common law.

What recognition of native title has raised as an issue is the nature and extent of the customary attributes of that title, including its source. That means identifying any pre-existing Māori sovereign authority that determined and governed the use of such title. In *Re Edwards* (2021), a case involving Whakatōhea claims to the foreshore and seabed under the Marine and Coastal Area (Takutai Moana) Act 2011, the High Court recently alluded to it concluding that the applicants were able to establish their mana in relation to the whenua and takutai moana of the area.⁹⁹

⁹⁷ See for example *Baldick v Jackson* (1910) 30 NZLR 343 on the continuation of Māori rights to take whales despite being reserved as Royal fish by a statute of 17 Edward II, c2. Whales were expressly claimed as part of the Royal prerogative.

⁹⁸ *Te Rūnanganui o Te Ika Whenua Inc Society v Attorney-General* [1994] 2 NZLR 20 at 23-24; see also *In Re London and Whitaker Claims Act 1871* [1872] 2 NZCA 41; *Manu Kapua v Para Haimona M* [1913] AC 761; and *Tamihana Korokai v Solicitor-General* (1912) 32 NZLR 321; see also *Te Rūnanga o Muriwhenua v Attorney-General* [1990] 2 NZLR 641 with respect to Māori fishing rights.

⁹⁹ *Re Edwards* (Whakatōhea) (No 2) [2021] NZHC 1025.

However, and despite all the developments concerning native title, these cases do not assist in answering the issue of whether New Zealand was a settled or ceded colony for the purposes of the common law.

Tuku Taiwhenua – Ceded Colony

In 1996, I compared the work of McHugh and Joseph to the work of Sir Kenneth Keith, Dr Alex Frame, Professor Kent McNeil, Professor Benedict Kingsbury, and Sir Joseph Williams who considered that New Zealand was a ceded colony.¹⁰⁰ I pointed to the work of Professor Kent McNeil and his view that a common law court could consider all the relevant colonial instruments, statutes, and Crown actions to ascertain the nature of a colony, rather than being restricted to any declaration of sovereignty by the Crown. I referenced Sir Joseph Williams who in 1991 stated that:¹⁰¹

Orthodox acquisition theory has it that sovereignty can be acquired by cession, conquest or settlement of terra nullius. New Zealand was certainly not terra nullius and the history books reveal no war or conquest between Britain and the inhabitants of New Zealand on or before February 1840. That leaves acquisition by Treaty of cession as the only legitimate basis for acquisition of law-making power.

His position is consistent with the views of the British Law Lords given in 1774. In dealing with a conquered territory these jurists recognised pre-existing governance and rights continued into the introduced legal order. The obvious point to make is that those in a conquered territory, surely, should not enjoy greater rights than those in a ceded colony. In a unanimous opinion written by Lord Mansfield the Law Lords recorded the following relevant propositions of the common law in *Campbell v Hall* (1774):¹⁰²

[208] ... I will state the propositions at large, and the first is this :

A country conquered by the British arms becomes a dominion of the King in the right of his Crown; and' therefore, necessarily subject to the Legislature, the Parliament of Great Britain.

The 2d is, that the conquered inhabitants once received under the King's protection, become subjects, and are to be universally consider in that light, not as enemies or aliens.

¹⁰⁰ Wickliffe. (1996). Ch 5.

¹⁰¹ Williams, J. (1991). Chapman is Wrong. *The New Zealand Law Journal*. 373.

¹⁰² See also *Campbell v Hall* (1774) 1 Cowp 204, at [208]-[209] (KB).

The 3d, that the articles of capitulation upon which the country is surrendered, and the articles of peace by which it is ceded, are sacred and inviolable according to their true intent and meaning.

The 4th, that the law and legislative government of every dominion, equally affects all persons and all property within the limits thereof ; and is the rule of decision for all questions which arise there. Whoever purchases, lives, or sues there, puts himself under the law of that place. An Englishman in Ireland, Minorca, the Isle of Man, or the plantations, has no privilege distinct from the natives.

[209] The 5th, that the laws of the conquered country continue in force, until they are altered by the conqueror : the absurd exception as to pagans, mentioned in Calvin's Case, shews the universality and antiquity of the maxim. For that distinction could not exist before the Christian aera ; and all probability arose from the mad enthusiasm of the Croisades. In the present case the capitulation expressly provides and agrees, that they shall continue to be governed by their own laws, until His Majesty's further pleasure be known.

The 6th, and last proposition is, that if the King (and when I say the King, I always mean the King without the concurrence of Parliament,) has a power to alter the old and to introduce new laws in a conquered country, this legislation being subordinate, that is subordinate to his own authority in Parliament, he cannot make any new change contrary to fundamental principles : he cannot exempt an inhabitant from that particular dominion ; as for instance, from the laws of trade, or from the power of Parliament, or give him privileges exclusive of his other subjects and so in many other instances which might be put.

The Court went through a process of checking the timing of the relevant instruments to ascertain whether the King could change local law without placing the matter before Parliament and it found that the relevant proclamations came too late in time to enable the King to do so.

Taking this into account, the Treaty of Waitangi should be considered sacred and inviolable as well. Even the May proclamations came too late to change what the Crown committed to in terms of the Treaty. This approach while perfectly open to the New Zealand Courts has been side-stepped by instead referring to early American case law.

I note since 1996, the views of three former judges of the Court of Appeal in the *Ngāti Apa* foreshore and seabed case who adopted this position. In this case Elias CJ agreed with parts of the Sir Kenneth Keith J and Anderson J's separate decision. She, like them, cited with approval *Johnson v M'Intosh* (1823) from the United States of America (USA).¹⁰³ Keith J and Anderson J opined:¹⁰⁴

[136] The colonising extension of the British Empire and of other European empires raised the issue whether property held at the time of the imperial expansion was to be recognised. Answers appear in Vattel, the judgment of Chief Justice Marshall for the United States

¹⁰³ *Johnson v M'Intosh* 8 Wheaton 543; 5 US 503 (1823).

¹⁰⁴ *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643 (CA) at [136]-[138].

Supreme Court in *Johnson v M'Intosh* 8 Wheaton 543; 5 US 503 (1823) and the account by Chancellor James Kent in his *Commentaries on American Law* (1826-30) (on which HS Chapman J drew in *Queen (on the prosecution of C H McIntosh) v Symonds* (1847) NZPCC 387) of the principles, decisions and practices in the American colonies and later in the United States (see para [142] below). While the European nations asserted their sovereignty over the new colonies against other European nations and asserted their dominion, they recognised a qualification to the consequences of the latter. As Chief Justice Marshall put it in 1823 in *Johnson v M'Intosh*:

While the different nations of Europe respected the right of the natives, as occupants, they asserted the ultimate dominion to be in themselves; and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil, while yet in possession of the natives. These grants have been understood by all, to convey a title to the grantees, subject only to the Indian right of occupancy. (505)

[137] That recognition of existing native rights when colonies were settled was closely paralleled by the recognition of existing property rights when sovereignty was transferred by cession or even by conquest. Again we have the authority of that great Chief Justice speaking on this occasion of the continuity of title, originally conferred in Florida by Spain, after the cession by the King of Spain to the United States by treaty of 1819 of Spanish territories in America, including Florida:

It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do no more than displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right which is acknowledged and felt by the whole civilised world would be outraged, if private property should be generally confiscated, and private rights annulled. The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of property, remain undisturbed. If this be the modern rule even in cases of conquest, who can doubt its application to the case of an amicable cession of territory.

[138] Chief Justice Marshall went on to say that the treaty of cession conformed with this general principle. The cession to the United States “in full property and sovereignty, [of] all the territories which belong to [the King of Spain]” in the area in question passed sovereignty and not private property; *United States v Percheman* 7 Peters 31, 86-87; 10 US 393, 396-397 (1833). As Professor D P O’Connell noted in his discussion of acquired rights in his leading work *State Succession in Municipal Law and International Law* (1967) vol 1, 241, the survival of rights created under the previous system is inseparably connected with the survival of law. If the earlier legal order completely collapses acquired rights lapse. Accordingly, if the successor treats the law as abrogated – perhaps by invoking the Act of State doctrine – the acquired rights will lapse with that law. But the laws and usages of nations, according to Marshall and O’Connell, were to the contrary. We now turn to the New Zealand situation.

The *Johnson v M'Intosh* case referred to by these jurists crystalised the doctrine of discovery in the USA and it was imported into New Zealand by the *R v Symonds* case.¹⁰⁵ This was the

¹⁰⁵ Wickliffe. (1996 124, 273-274, 298-299; cf *Wi Parata v Bishop of Wellington* (1877) 3 NZ Jur (NS) 72 (SC) 77(Prendergast CJ) at 80-81 and the criticism of the manner in which Chapman J in *R v Symonds* applied *Johnson v M'Intosh*.

case where that doctrine “formally landed in New Zealand.”¹⁰⁶ As Professor David Williams has noted this and other cases from the USA:¹⁰⁷

... comprise a blending of international law and racism, and that over time American law has rejected internationalism but kept the racism. That ‘racism’ is most apparent in the Marshall court’s doctrine that ‘discovery’ by European settlers deemed indigenous peoples as ‘conquered’ as a matter of law, hence justifying the automatic application of European legal notions of native title, Crown pre-emption, and so forth to relations between settlers and indigenes.

As a result, the superior court judges in New Zealand have continued to perpetuate a doctrine underpinned by racist Eurocentric beliefs regarding the status of native peoples and their title to land, namely that colonial powers had the right to enter and claim the lands of indigenous peoples based on “discovery.”¹⁰⁸ In plain terms, they could claim it because they arrived before any other Europeans, and such claims will be upheld regardless of whether they entered treaties with native peoples or not. The common law courts in New Zealand will not look behind the veil of how sovereignty was acquired once proclaimed. On this point, Keith J and Anderson J turned to discuss the Treaty of Waitangi as a treaty of cession:¹⁰⁹

Recognition of existing native property and rights in New Zealand

[139] From the outset, the situation in New Zealand conformed, in principle at least, with those long-established laws and usages. The Treaty of Waitangi, after providing for the cession of sovereignty or kāwanatanga in its first article, in its second “confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession;” According to the translation of the Māori text of the Treaty, prepared by Professor Sir Hugh Kawharu, commonly used in the Courts, the Queen “agrees to protect [ka w(h)akarite ka w(h)akaae] the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship [te tino rangatiratanga] over their lands [wenua], villages [kainga] and all their treasures [ratou taonga katoa].” The Treaty clearly distinguishes in those two articles between imperium and dominium, a matter emphasised, as the Chief Justice shows, by the Anglo-American Claims Tribunal in 1925, in its decision written by the great American jurist, Professor Roscoe Pound, in the William Webster case (Fred K Nielsen American and British Claims Arbitration (1926) 537; 20 AJIL 391; 6 UN Reports of International Arbitral Awards 166 (1955)).

[140] To repeat, that recognition and guarantee in a treaty of cession of sovereignty, to adopt that Tribunal’s characterisation of the Treaty of Waitangi, of existing proprietary rights conformed with extensive law and practice of the time. New Zealand legislation, from the outset, also recognised and provided for the protection of rights in respect of land

¹⁰⁶ Hickford. (2011). 243.

¹⁰⁷ Williams, D. (2011). *A simple nullity – The Wi Parata Case in New Zealand law and history*. Auckland University Press. 217.

¹⁰⁸ See also discussion in Miller et al. (2010). 216.

¹⁰⁹ *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643 (CA) at [139]-[140].

confirmed and guaranteed by the Crown in article 2 of the Treaty, as the Privy Council said in Nireaha Tamaki v Baker (1901) NZPCC 371, 373.

Clearly these judges considered the Treaty of Waitangi distinguished between *imperium* (sovereignty) and *dominion* (authority over land). By doing so the judges considered that the guarantee of rangatiratanga ran with the land suggesting that when the land was gone so was chiefly and hapū authority. With respect, that cannot be the case.

The Treaty is comprised of two texts. Most chiefs signed the Māori text with only 39 of the 500 odd chiefs signing the English text. That text was explained to all the chiefs in the Māori language whether they signed the English or Māori text.¹¹⁰ While the “English text focused on the exchange of sovereignty for the guarantee of native title,” the Māori text focused on “the transfer of governance (kāwanatanga) to the Crown in exchange for ... tino rangatiratanga.”¹¹¹ The Waitangi Tribunal has consistently found that Articles 1 and 2 of the Māori version of the Treaty, ceded to the Crown the kāwanatanga katoa (all Governance) over the country in return for the Crown’s guarantee of “tino rangatiratanga” (full authority or power, but rendered to autonomy or self-government) of the chiefs and hapū over all their lands, villages, and all their “taonga.”¹¹² The term “taonga” extends to matters of tangible and intangible value and the term covers, *inter-alia*, culture and therefore governance and tikanga, Māori knowledge including rituals, language, forests, foreshore and seabed, fishing rights and grounds, and many other matters and these are not dependent on maintaining ownership of land and villages.¹¹³ An alternative interpretation to that adopted by the judges above, and one based in tikanga, is that the chiefs held rangatiratanga or mana and mana tangata over all their “taonga katoa” in the same manner that the Crown claimed sovereignty. Mana does not depend on ownership of the land as mana whenua continues with or without ownership. Rather it turns on the term “taonga katoa” in the Treaty of Waitangi.

¹¹⁰ Waitangi Tribunal *Te Mana Whatu Āhuru Report on Te Rohe Pōtae Claims* (2018) Prepublication Version online. 128-131.

¹¹¹ Williams, J. (2021). *Lex Aotearoa: Mapping the Māori dimension in modern New Zealand law*. In Joseph, R. and Benton, R. (eds.) *Waking the Taniwha: Māori governance in the 21st century* (Thomas Reuters, Wellington, 2021). 543-544.

¹¹² See for example Waitangi Tribunal *He Maunga Rongo – Report on Central North Island Claims*. (2008). Wai 1200, Legislation Direct. 172-173.

¹¹³ See for example Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity. Te Taumata Tuatahi & Te Taumata Tuarua*, Wai 262. (2011). Wai 262, Legislation Direct. 50; Waitangi Tribunal *Report on The Crown’s Foreshore and Seabed Policy*. (2004) Wai 1071, Legislation Direct. 24-25; Waitangi Tribunal *Muriwhenua Fishing Report*. (1988) Wai 22, Government Printer. 174.

Kāwanatanga is the term used for sovereignty in Article 1 of the Māori text and rangatiratanga is the term used in Article 2. In the *Motunui Report* (1983) the Waitangi Tribunal discussing Article 2 wrote that:¹¹⁴

The English text states "Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess ..." The Māori text goes further [than the English text]. It confirms to the Chiefs and the hapū, "te tino rangatiratanga" of their lands etc. This could be taken to mean "the highest chieftainship" or indeed, "the sovereignty of their lands."

Sir William Martin, New Zealand's first Chief Justice, wrote "To themselves they retained what they understood full well, the tino Rangatiratanga, full Chiefship (sic) in respect of all their lands." [Henry] Williams, translating the Māori text back into English translated this part as "their full rights as chiefs, their rights of possession of their lands and all their other property of every kind and degree." ... By 1840 the Māori people had had more than a fleeting acquaintance with the missionaries. The spread of Christianity amongst them was rapid. This is sometimes attributed to the thought that Māori spiritual and religious concepts, and many aspects of Māori communal life, were not far removed from concepts expressed in the Bible and that no major ideological shift was involved. It has been noted that many Māori were able to recite large passages from Scripture and the Book of Common Prayer by rote. It is also to be remembered that the missionaries played a major role in presenting and explaining the Treaty to Māori people, at Waitangi and throughout New Zealand. It must also have been readily apparent to the Māori that the Treaty was written in what could best be described as "Missionary Māori." It appears to us that the Māori signatories to the Treaty would have been in no doubt that they and the missionaries were agreed on what "rangatiratanga" meant. It was well known to both parties for its use in scripture and prayer, as in "kia tae mai tou rangatiranga" or, "thy kingdom come", as appearing in the Lord's Prayer.

"Rangatiratanga" and "mana" are inextricably related words. Rangatiratanga denotes the mana not only to possess what is yours, but to control and manage it in accordance with your own preferences.

Rangatiratanga and mana are inextricably related, and both are crucial in defining the nature and extent of the term rangatiratanga. The Waitangi Tribunal hearing the Tūrangānui-a-Kiwa claims (Gisborne) recorded that the Article 2 guarantee of rangatiratanga also means the right to autonomy or:

the ability of tribal communities to govern themselves as they had for centuries, to determine their own internal political, economic, and social rights and objectives, and to act collectively in accordance with those determinants.

Article 1 and 2 of the Treaty, therefore, enshrined a pattern of government for the colony. Under the Māori text, Māori ceded kāwanatanga to the Crown in exchange for the guarantee

¹¹⁴ Waitangi Tribunal *Report on The Motunui-Waitara Claim*. (1983) Wai 6, Government Print.50-51.

of rangatiratanga. Both Crown and Māori authority would co-exist and where there was overlap the extent of each other's jurisdiction would be negotiated. Dr Ned Fletcher, whose research focused on the English text, notes that a proper analysis of the English text leads to the same result:¹¹⁵

The English draft of the Treaty contains no explicit recognition of Māori self-government and custom. The preamble refers to the benefits Māori as well as British settlers will obtain from "Laws and Institutions. Article 3 is capable of the meaning that Māori, under the Treaty, became British subjects. These circumstances are often pointed to in support of the view that, with sovereignty, British government and laws superseded Māori political organisation and custom. The attributes of "sovereignty" were not, however, so clear-cut in Empire as to justify this view and, as Henry Maine pointed out in connection with the Indian princely states of Kathiawar, the "mode or degree" in which the sovereign powers were "distributed" was "always a question of fact." That question of fact required inquiry in each case because "no general rules apply": "[i]n the more considerable instance, there is always some treaty, engagement, or sunnud to guide us to a conclusion, and then the only question which remains is, what has become of the sovereign rights which are not mentioned in the Convention?"

Textual pointers within the Treaty to retention of tribal autonomy and custom include the distinction (which follows the federal model adopted in the Declaration of Independence) between the chiefs' "authority over ... Tribes and Territories" in the subscription and their cession of sovereignty over territories alone in article 1, as has already been discussed. Additionally, the preamble's expression of the Queen's anxiety to protect not only the property but also the "just Rights" of the chiefs and tribes is something to which it is difficult to ascribe meaning if not a reference to custom. The promise of "Royal protection" in article 3 is in addition to the conferral of "all the rights and privileges of British subjects" and is suggestive of an additional and special status for Māori. The article 2 guarantee of property to chiefs and tribes indicates that they would continue to be recognised in the status they held according to custom. The guarantee of property was a guarantee of property according to custom. As Busby was later to say, "it necessarily guaranteed the continuance in operation of the laws and customs constituting such property, and without which the rights in and to such property would become extinct." It is also possible to see in the terms of the guarantee of "full exclusive and undisturbed possession" to chiefs and tribes, as well as families and individuals, recognition that Māori society was to be left to regulate itself. The guarantee of "Estates" as well as "Lands", "Forests", "Fisheries" and "other properties", may be an attempt to capture different types of interest in land according to custom, but could be an attempt to recognise the rights attached to different ranks within the tribe, as indeed the Māori text of article 2 made explicit.

The guarantee of "te tino rangatiratanga" in the Māori text inescapably confirmed tribal and chiefly independence. That "rangatiratanga" conveyed that sense is shown by the contemporary and near-contemporary English back-translations of the Treaty. So, for example, Henry Williams reported that he had explained the "tenor" of the Treaty to Māori at Waitangi as including the Queen's desire to "protect them in their rights as chiefs" and as confirming and guaranteeing "their full rights as chiefs." Busby's back-translations, referring to protection of the "dignities" and "offices" of the chiefs and tribes, have already been referred to.

Perhaps the most compelling evidence that the Treaty was understood to leave undisturbed intra-tribal government except in the matters of law and order for which sovereignty had been ceded is found in the explanations given at the Treaty signings or recorded in the accounts left by witnesses Hobson reported that he had assured the chiefs that their standing amongst their tribes would not be affected by British sovereignty. That assurance is confirmed by Father Servant's report that the Treaty involved the chiefs giving Hobson

¹¹⁵ Fletcher. (2014). 1075-1078.

authority to “maintain good order and protect their respective interests” while preserving to them “their powers.” ...

The Article 3 extension to Māori of “all the rights and privileges of British subjects” ... was intended and was understood to make Māori British subjects, although that status was not seen to be inconsistent with significant retained autonomy.

Understanding the meaning and intent of the English text led Ned Fletcher to the conclusion that:¹¹⁶

British intervention in New Zealand in 1840 was to establish government over British settlers, for the protection of Māori. British settlement was to be promoted only to the extent that Māori protection was not compromised. Māori tribal government and custom were to be maintained. British sovereignty was not seen as inconsistent with plurality in government and law. Māori were recognised as full owners of their lands, whether or not occupied by them, according to custom.

To adopt Fletcher’s position means it is difficult to reconcile the application of English law applied immediately to Māori other than in those areas implicitly agreed through the signing of the Treaty of Waitangi. Conversely, the *Ngāti Apa* case indicates that English law applied from January 1840 but only to the extent necessary for the circumstances of the colony. In this respect, Dame Sian Elias (former Chief Justice and mother of Ned Fletcher) found that the English Laws Act 1858 merely declared what was already accepted, namely that English law applied from that date.¹¹⁷

Sir Kenneth Keith in the past also argued that the Treaty is not inconsistent with the immediate application of English law. In 1965, he wrote:¹¹⁸

According to the generally accepted argument, if New Zealand was ceded to the British Crown the existing local laws remains the law of the land until changed. If, on the other hand, New Zealand was occupied (settled), then English law, so far as circumstances allow, would become the law of the land. The legislature and the judges have taken the view that the law of England (as at 14 January 1840), so far as the conditions allow, is part of the law of New Zealand. It is submitted, however, that it does not necessarily follow from this fact that British sovereignty was obtained by occupation rather than by cession. First, any such automatic rule would not easily take account of the situation which arguably occurred in New Zealand: where part of the territory is ceded, and part is settled.

¹¹⁶ Fletcher. (2014). iii-iv.

¹¹⁷ *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643 (CA) at [17] & [28].

¹¹⁸ Keith, K.J. (1965). International law and New Zealand municipal law. In Northey, J.F. (ed.) *The A.G. Davis Essays in Law: A tribute to Professor A.G. Davis formerly Dean of the Faculty of Law at the University of Auckland*. Butterworths. 136.

Given the way sovereignty was asserted in New Zealand through the Proclamations of May 1840 (by a mix of cession and ‘discovery’), it was his view the immediate application of English law was appropriate to the circumstances of the colony.¹¹⁹ Other than providing for British subjects, he did not explain why there needed to be the immediate application of English law to Māori.

Again, with all due respect to these two great jurists, the only documents of the Crown that pre-date the Treaty of Waitangi that could support adopting this position were anticipatory rather than declaratory. Furthermore, neither of these jurists explain why English law should have applied to Māori. Neither grappled with the fact that after the May 1840 Proclamations were issued, signatures from Māori continued to be solicited and that two more proclamations were issued in June 1840.¹²⁰ That is important because arguably any assertion of sovereignty was adjusted to one of cession over the South Island, a matter vital for international law purposes, as the French ultimately accepted.¹²¹

That raises the issue of whether the common law could take cognizance of the adjustment. In this respect Phillip Joseph has described the doctrine of absorption as it relates to the May 1840 Proclamations. He contends that even allowing for the possibility that the North Island was acquired by cession and the rest of the country by discovery and settlement, the acquisitions could be fused through the doctrine of absorption and that through this process New Zealand became a settled colony.¹²² After citing several authorities, Joseph considers whether the argument could apply in reverse making the colony a ceded colony. But this is discounted by Joseph on the basis that the absorption would have extinguished British settlers legal and political rights which “no colonial court would countenance.”¹²³ It is not possible, in his view, that the Proclamations of Sovereignty based on cession absorbed the proclamations based on discovery. This is despite the June proclamation over the South Island, combined with the May 1840 proclamation relating to the North Island, both assert sovereignty by cession over most of New Zealand.

¹¹⁹ As discussed in Wickliffe. (1996). 261.

¹²⁰ Wickliffe. (1996). 265-266.

¹²¹ Wickliffe. (1996). 265.

¹²² Joseph. (2014). 48.

¹²³ Joseph. (2014). 49.

Joseph also considers the English Laws Act 1858 arguing that the legislation demonstrates that the British always intended for New Zealand to be considered a settled territory.¹²⁴ Dame Sian Elias appears to have accepted this position given her comments in *Paki v Attorney-General* (2012) No 1 regarding the ownership of riverbeds stating:¹²⁵

[18] The English common law was applied in New Zealand from 14 January 1840 “so far as applicable to the circumstances of the said Colony of New Zealand”, as was later confirmed by s 1 of the English Laws Act 1858 (to avoid doubt) and s 2 of the English Laws Act 1908, the effect of which are now preserved by s 5 of the Imperial Laws Application Act 1988. Presumptions of Crown ownership under the common law could not arise in relation to land held by Māori under their customs and usages, which were guaranteed by the terms of the Treaty of Waitangi. Such proprietary interests might include, if established by custom, the beds of rivers, whether or not navigable in fact (as was recognised in Mueller and In re the Bed of the Wanganui River) and the beds of lakes (as was recognised in respect of Lake Rotorua in Tamihana Korokai). (Whether a common law presumption of Crown ownership of tidal lands applied in New Zealand does not arise in the present case but was held by the Court of Appeal in Attorney-General v Ngāti Apa not to apply to any such lands held by Māori under customary rights.) No substantive rule that the Crown owned the beds of navigable waters therefore entered New Zealand law in 1840.

Then in *Paki v Attorney-General* (2014) No 2 she repeated her position:¹²⁶

[67] As is described in Ngāti Apa, and need not be enlarged upon here, the English common law applied in New Zealand from 1840 only “so far as applicable to the circumstances of the Colony of New Zealand.” English common law rules affecting property ... could not apply to lands held by Māori according to custom unless consistent with those customs.

Conversely in 1996, I opined that the fact the English Laws Act 1858 and its successors were enacted at all suggests there was some uncertainty as to when English law did apply. I suggested that if New Zealand was a settled colony, then this legislation was not needed.¹²⁷ Furthermore, the legislation come too late after the Treaty of Waitangi (a full decade) to be determinative of the colony being a settled colony. That then leaves the question, what sort of colony was it?

Taiwhenua o te Karauna – Crown Colony

In its *He Whakaputanga me te Tiriti – The Declaration and the Treaty Report* (2014), the Waitangi Tribunal has accepted Paul McHugh’s interpretation of colonial instruments and

¹²⁴ Joseph. (2014). 47.

¹²⁵ *Paki v Attorney-General* [2012] 3 NZLR 277 at [18] per Elias CJ.

¹²⁶ *Paki v Attorney-General* [2014] NZSC 118 at [67] per Elias CJ; see also *Takamore v Clarke* [2012] NZSC 116 at [94].

¹²⁷ Wickliffe. (1996). 271-272.

actions. After reviewing early records the Tribunal stressed the benevolent and protective element of the British officials' intentions and their concerns regarding the behaviour of British subjects.¹²⁸

I note that Professor Richard Boast has previously written that “many historians are deeply sceptical” of the Crown’s so called “protective and altruistic” objectives¹²⁹ and they cynically note that the Crown became more concerned with foiling the plans of the New Zealand Association and the French. Māori were not in need of protection from the British settlers given their numerical superiority and their ability to exercise sovereign authority over their own tribal territories.¹³⁰

The Tribunal in reviewing Lord Normanby’s final instructions to Hobson in 1839, then accepted that the British considered that:¹³¹

Crown Colony government was required to protect from potential injustice at the hands of the incoming settlers, thereby avoiding ‘calamity’ in the form of warfare that unregulated interaction could provoke.

In sum through the Crown Colony model of government the Crown would possess the power to make and enforce laws over all people – including Māori – in the places where sovereignty had been established. Through concentrating control in the person of the Governor, the Crown would provide the ‘external’ power that could balance the right of both settlers and Māori.

The Tribunal also accepted that Māori and other native peoples were treated differently in British colonial practice resulting in the colony being a “Crown Colony” before representative government for settlers was established.¹³² Crown colony government was discussed by Dame Sian Elias (former CJ):¹³³

¹²⁸ Wai 1040. (2014) Legislation Direct.) ch 6.

¹²⁹ Boast. (1995). 130.

¹³⁰ McHugh P Response to Written Questions dated 26 November 2010 (Waitangi Tribunal, Te Paparahi o Te Raki Inquiry, Wai 1040 #A021(c)) 4-5 – provides the example of the Crown retaliating against Māori for their treatment of stranded crew and passengers off the shipwreck Harriett. This vessel foundered off the Taranaki coast in 1833 and its crew and passengers were held captive. In 1834, the Crown dispatched from New South Wales the HMS Alligator with a detachment of the Fiftieth Regiment to ‘rescue’ the surviving crew and passengers. The HMS Alligator bombarded two pā with canon fire and the regiment attacked, resulting in some loss of life. This example suggests that the only threat to Māori was the Crown.

¹³¹ Wai 1040 (2014) 329.

¹³² Wai 1040 (2014) 327-330.

¹³³ *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643 (CA) at [37].

New Zealand was never thought to be terra nullius (an important point of distinction from Australia). From the beginning of Crown colony government, it was accepted that the entire country was owned by Māori according to their customs and that until sold land continued to belong to them ...

There is no discussion from the Waitangi Tribunal or from the former Chief Justice as to why Crown colony government was instituted for such a lengthy period in New Zealand. One disturbing answer may be that colonial administrators, both in England and in New Zealand “... recognised the clear distinction of Māori on the scale of civilisation from their Australia counterparts.”¹³⁴ Māori, ironically, were seen as having “strong capacity for improvement in levels of civilisation” and thus New Zealand became a “virtual ‘laboratory’ for the implementation of exceptional legal schemes intended to aid assimilation.”¹³⁵ However, they were not so civilised that they would be treated the same as Europeans and certain dwarf states upon cession, namely that their form of governance and law would continue. Rather, only the Crown could authorise their continued self-government through statutory enactment. On this point the Waitangi Tribunal would have benefited from the research completed by Professor Mark Hickford and Dr Ned Fletcher to assess whether there was in fact some universal conformity in British colonial policy. It may also have benefited from further legal argument on the extent to which the common law can take notice of such matters policy matters. Professor Mark Hickford, for example, has recognised that while there was consistent treaty making, there was also diverse practise in the territories resulting in several self-governing alternatives for indigenous peoples. Hickford notes:¹³⁶

Britain’s empires were dense with problematic customs and contestations. As officials such as Rogers in the Colonial Office well knew, the practices and conceptual technologies of governance and jurisdiction were sufficiently flexible to allow for pluralistic legal and political orders. ...

The common law had long recognised alternative autonomous jurisdictions as functioning under its “superintendence, for example ecclesiastical law or law merchant. The ‘technologies’ of jurisdiction ... could be related to space or to persons or moveable things. ...

Such pluralistic legal and political models, focused upon jurisdiction, could have been accommodated in New Zealand and it would have been consistent with the Treaty of Waitangi. Accordingly, due to these differences in colonial practise, it is possible to argue that it was only necessary for New Zealand to be governed by the Crown with respect to those areas negotiated

¹³⁴ See Dorsett. (2017). 8-9.

¹³⁵ See Dorsett. (2017). 9.

¹³⁶ Hickford, (2011). 13-14.

in the treaty.¹³⁷ Otherwise Māori were to be enabled to be self-governing and to exercise their own law on matters *inter-se* in line with standard colonial practise in a ceded colony. As Professor Brookfield explained not to do so was a:¹³⁸

... serious mistake made by the Crown (including its colonial government) in the 19th century in not giving effect to the qualified autonomy reserved in article 2 of the Treaty. ... The original setting up of the colony as a Crown colony without some secured form of Māori autonomy may have been understandable in the constitutional thinking of the time, but it was still a failure on the Crown's part, as was the neglect to set up the semi-autonomous Māori districts in which modified customary law would have continued and for which the Crown in Parliament had made provision in section 71 of the New Zealand Constitution Act 1852. ...

What is obvious is that there has been limited judicial opportunity to explore the contested legal scholarship on these issues. The Tribunal, for example, did not answer exactly why the common law would accept that Māori did not have the capacity at common law to continue to govern, at least on matters *inter-se*.¹³⁹ It did not do so because it did not have the opportunity to credibly explore the research on the topic.

He Whakarāpopototanga – Summary

At the commencement of the colony, I consider that the common law could have recognised that the Treaty of Waitangi was a treaty of cession. The Treaty was evidence of the intention of the parties and it along with all other contemporaneous acts and documents indicated that Māori rights were to be recognised in the new legal order of 1840.

In 1996, I considered that the actions and instruments of the Crown demonstrate that there was more than one definitive act of state leading to the assertion of the Crown's rights in New Zealand.¹⁴⁰ Rather there were several actions and documents, including the Treaty and the proclamations of May and June 1840. Combined, they form the act of state resulting in the Crown's assertion of authority. Therefore, the common law should accept the Treaty of Waitangi as evidence contributing to that act of state.¹⁴¹

¹³⁷ Wai 1040. (2014). 333.

¹³⁸ Brookfield, F.M. (1999). *Waitangi and indigenous rights: Revolution, law and legitimation*. Auckland University Press. 171.

¹³⁹ Wai 1040. (2014). 333.

¹⁴⁰ Wickliffe. (1996) 281-282.

¹⁴¹ Wickliffe. (1996) 296-297.

The common law could also consider whether the proclamations of May 1840 were absorbed by the proclamations of June 1840 resulting in New Zealand being a ceded colony. As such the Treaty of Waitangi was evidence of how the colony was to be governed. The Crown would exercise its sphere of government and law authorised by Article 1 of the Treaty and Māori would continue to exercise their rangatiratanga or mana as guaranteed by Article 2. In failing to interpret the Treaty this way, I suggest all judicial reliance on instruments that predate 6 February 1840, or that solely focus on the May 1840 proclamations, have been misplaced.¹⁴²

I continue to hold the view that the Treaty of Waitangi was evidence of how the territory was to be governed. No new research or court judgment attempting to justify contending New Zealand was a settled colony has displaced that view. This is important because it reverses the burden of proof in proceedings, namely that mana Māori, governance, tikanga, and citizenship may be recognised in the common law and that these remained enforceable unless abrogated by legislation. Where that might have occurred, such abrogation was only valid where there was consent. So, for example, all people in New Zealand became subjects of the Crown following the assertion of sovereignty.¹⁴³ However, for a period after sovereignty was asserted, officials believed that Māori born before the date sovereignty was declared, could not claim to be subjects of the Crown.¹⁴⁴ They were considered aliens and thus their status and property rights remained subject to the act of state doctrine. They were also not able to seek the protection of the common law courts.¹⁴⁵ This matter was put beyond doubt by the Crown enacting the Native Rights Act 1865.¹⁴⁶ Even so, on the acquisition of British subjecthood, whether that happened by virtue of the Treaty of Waitangi or through the Native Rights Act 1865, subjecthood did not extinguish the pre-existing status of Māori within their own legal system. Their pre-existing tribal citizenship continued and remained capable of enforcement where it was not repugnant to the common law.¹⁴⁷ This dual citizenship was always a tolerated and accepted component of the common law in circumstances where there was a merger or extension of sovereignty.¹⁴⁸ Such an issue remains relevant as it may be raised in a case concerning the mandating, settlement and distribution of treaty settlement assets or benefits.

¹⁴² Wickliffe. (1996) 281-282.

¹⁴³ Wickliffe, C. (1997). Self-determination of Māori in New Zealand. In Rishworth, P. *The Struggle for simplicity in the law: Essays for Lord Cooke of Thorndon*. Butterworths. 162-163.

¹⁴⁴ See Wickliffe. (1996). 89-95.

¹⁴⁵ See Wickliffe. (1996). 89-95.

¹⁴⁶ Native Rights Act 165 (NZ) 25 Vic No 11.

¹⁴⁷ c.f. Wickliffe (1997). 162-163; See also Wickliffe. (1996). Annex 1.

¹⁴⁸ See Wickliffe. (1996). 89-95.

The evolution of the law on native title since 1996, has not clarified the nature of the colony and what that meant for Māori. Rather existing decisions have recycled Eurocentric views of the rights of European colonisers versus the nature of Māori society by further embedding the “doctrine of discovery” and the racist policies of the Colonial Office into our law. As a result, these discriminatory theories and policies still underpin the common law in New Zealand. Essentially that means while Māori had the legal status and capacity to enter a Treaty of cession, they were still considered ‘uncivilised.’ As uncivilised peoples, the colonials considered it was appropriate to administer the colony as a Crown colony. As Ani Mikaere has written this is nothing more than mythmaking. She wrote:¹⁴⁹

Myth-making has always been crucial to the coloniser’s justification of otherwise unjustifiable behaviour. In Aotearoa, the fabrication of the colonial truth began with the assertion that in 1769 ... James Cook ‘discovered’ a land that had been settled by our ancestors for centuries. During the 1830s it continued with the carefully constructed impression that Māori were unable to cope with the growing number of British nationals in their midst ...

No sooner had Hobson made a public show of acquiring Māori consent for such intervention by gathering signatures to Te Tiriti and the Treaty than he privately contradicted that action by issuing in May 1840, proclamations of sovereignty over all parts of Aotearoa. ...

Fiction played a central role too in Hobson’s justification for the proclamations. He claimed that the proclamation over the North Island was made on the basis of universal consent, citing the treaty-signing process as evidence of this. This was a blatant lie, as the gathering of signatures was still in its very early stages: at that time only the documents signed at Waitangi, and at Port Waikato and Manukau had been returned to him. In fact, at no time could he have asserted universal consent as the basis for his proclamation over the North Island, because many significant iwi and hapū never signed it at all. The proclamation over the South Island he made on the basis of discovery claiming ‘a perfect knowledge of the uncivilised state of the natives’ there, a statement for which Claudia Orange has observed he had no grounds whatsoever.

At the least, the cases have recognised that native title rights are to be respected and cannot be extinguished without the free and informed consent of Māori. But the protection of native title is not the full extent of what the Te Tiriti o Waitangi guaranteed.

In terms of international law, the United Nations Declaration on the Rights of Indigenous Peoples recognises that indigenous peoples’ rights pre-date colonisation. Furthermore, much work has been done by indigenous peoples since 1996 on critiquing the doctrine of discovery. In 2012, the United Nations Permanent Forum on Indigenous Peoples condemned the doctrine

¹⁴⁹ Mikaere, A. (2011). *Colonising myths Māori realities – He Rukuruku Whakaaro*. Huia Publishers. 133-134.

of discovery as “socially unjust, racist, and in violation of basic and fundamental human rights.” It also stated that the "... Doctrine of Discovery had been used for centuries to expropriate indigenous lands and facilitate their transfer to colonizing or dominating nations...."

This work must continue to illuminate for all Governments and clearly the New Zealand Courts how racist this doctrine and its underlying ideology actually is.

CHAPTER 2

NGĀ TIKANGA ME TE TURE

NARRATIVES OF CUSTOMARY LAW

He Tīmatanga – Introduction

Chapter 1 of this thesis established that through the doctrine of continuity there may be elements of Māori pre-existing sovereignty or mana/rangatiratanga that survived the introduction of the common law. In this Chapter, I examine whether the common law could recognise tikanga Māori as an element of that sovereignty.

I note that there are three historical periods identified by Sir Joe Williams in New Zealand law.¹⁵⁰ The First law of Aotearoa emerged and was consolidated from the time of the Hawaiians to the classical Māori period of the 18th and early 19th Centuries.¹⁵¹ The second law (namely English law), was introduced into New Zealand after May 1840.¹⁵² The third law existing from the 1970s to the present is a combination of both previous laws and has resulted in tikanga Māori being integrated and mainstreamed.¹⁵³ There are four points that can be made based upon his analysis relevant to the topic of this thesis.

Te Take Tuatahi – The First Point

Western jurisprudence defined law by reference to rules or processes situated within a political system, society or community and which were capable of enforcement.¹⁵⁴ Under this approach English customary law was incorporated into the common law. Customary law was “law generated by social practice and acceptance.”¹⁵⁵ It was “made by the community” and

¹⁵⁰ Williams. (2021).

¹⁵¹ Williams. (2021). 542.

¹⁵² Williams. (2021). 542-548.

¹⁵³ Williams. (2021). 548-549, 582.

¹⁵⁴ Benton, R., Frame, A., Meredith, P. (eds.). (2013). *Te Mātāpunenga: A compendium of references to the concepts and institutions of Māori customary law*. Victoria University Press. 14.

¹⁵⁵ Williams, J. (1998). He aha te tikanga Māori. 1 Retrieved on 10 September 2021. www.bit.ly/3rumn4d

“established by long standing practice and precedent.”¹⁵⁶ The *Case of Tanistry* (1608) from Ireland recognised that custom may be a source of law and that it was important for such custom to be of antiquity, uninterrupted usage or continuance, certainty, and reasonableness. Such customs were void against the Crown.¹⁵⁷ In this case the custom of tanistry was found to be unreasonable, uncertain, contrary to the common law, was prejudicial to the prerogative and therefore void.¹⁵⁸ This is also one of the authorities for the proposition that custom can survive the importation of English law, so long as it is not repugnant to the rules of the common law.¹⁵⁹ Logically, it would follow that Māori law could be recognised by the common law in the same manner as the customary law of Ireland, although ascertaining its nature may require a different analysis to establish its nature and extent.

Recognition of Māori law would have resulted in a form of legal pluralism. This should have been done in New Zealand given the Māori version of the Treaty of Waitangi. Sir Edward Taihakurei Durie on this point notes:¹⁶⁰

... a mono-legal regime had not been contemplated during the execution of the Treaty of Waitangi. On the contrary, Māori were specifically concerned that their own laws would be respected. There was no lack of clarity in their position that they were not about to give away the laws of their forebears. At Waitangi the debate became mixed with a dispute amongst the representatives of the missionary churches. There the governor's response, as translated to English, was read out for him as follows:

The Government says the several faiths [beliefs] of England, of the Wesleyans, of Rome, and also the Māori custom, shall be alike protected by him.

This is sometimes called the fourth article. The government had adjourned to consider the matter and had delivered a written response.

By the time the Treaty reached Kaitia however, the debate, and the Māori insistence on respect for their own law, had crystallised. Correctly in my view, Māori identified the issue as one not just of law but authority. Nōpera Panakareao, the leading rangatira of Muriwhenua, put it this way in the Treaty debate at Kaitia that, “the shadow of the land goes to the Queen but the substance remains with us.”

Due to poor health the governor could not attend at Kaitia but there Willoughby Shortland conveyed the Governor's explicit message:

The Queen will not interfere with your native laws or customs.

¹⁵⁶ Williams. (1998). 1.

¹⁵⁷ *Case of Tanistry* (1608) Davis 28 (KB) 78-115, at 88-100; see also *Campbell v Hall* (1774) 1 Cowp 204 at [208]-[209] (KB).

¹⁵⁸ *Case of Tanistry* (1608) Davis 28 (KB) 78-115, at 92-100.

¹⁵⁹ *Case of Tanistry* (1608) Davis 28 (KB) 78-115, at 101-108; Williams. (2021). 547.

¹⁶⁰ Durie, E. (1996). Will the settlers settle? Cultural conciliation and law. In *Otago Law Review* (8) 449, 460–461; See also, Waitangi Tribunal *The Whanganui River Report*. (1999). Wai 167, GP Publications. 264.

Professor Alan Ward refers to the assurances given to other Māori throughout the country that their law would be respected when he notes:¹⁶¹

In order to avert suspicion of the Treaty, Hobson...issued a circular letter repudiating suggestions that the Māori would be degraded by the advent of British authority and telling the chiefs that "the Government will ever strive to assure unto you the customs and all the possessions belonging to the Māori." Finally, missionary George Clark was appointed Chief Protector of Aborigines and instructed to assure the Māori:

"that their native customs would not be infringed, except in cases that are opposed to the principles of humanity and morals."

The New Zealand Law Commission has also underscored the initial approach to Māori law:¹⁶²

Pragmatism prevailed with official British policy initially recognising Māori custom. James Stephen, principal advisor to successive ministries around the time of the signing of the Treaty of Waitangi, considered that British authority in New Zealand should be exercised through "native laws and customs." In 1840, the British Minister instructed Governor Hobson that:

[The Māori people] have established by their own customs a division and appropriation of the soil . . . with usages having the character and authority of law . . . it will of course be the duty of the protectors to make themselves conversant with these native customs . . .

Following this pattern, the Secretary of State for the Colonies, Lord Stanley, advocated a justice system that was inclusive of Māori custom. In 1842, he advanced the suggestion that certain Māori institutions such as tapu be incorporated into the English system. He further suggested that legislation be framed in some measure to meet Māori "prejudices" including punishment for desecration of wāhi tapu (sacred places).

Tentative legislative recognition was accorded Māori custom law by way of, in particular, the Native Exemption Ordinance 1844, the Resident Magistrates Courts Ordinance 1846 and Resident Magistrates Act 1867 which used Māori assessors, and section 71 of the Constitution Act 1852.

This willingness to accommodate Māori law is readily apparent in the royal instruments and legislation enacted between 1840-1851 as I have previously reviewed.¹⁶³ It was a period where accommodation was necessary due to the numerical superiority of Māori. In some districts, this period lasted longer because of geographical remoteness, as for example the Rohe Pōtae and Pōtikirua ki te Toka-a-Taiau districts.

¹⁶¹ Ward, A. (1995). *A show of justice: racial amalgamation in nineteenth century New Zealand* (Reprinted with corrections). Auckland University Press. 45.

¹⁶² New Zealand Law Commission *Māori Custom and Values in New Zealand Law* (Study Paper 9, Wellington, 2001), 18-19; See also Wickliffe. (1996). ch 5.

¹⁶³ Wickliffe. (1996). Part IV.

Te Take Tuarua – The Second Point

After 1851, and guided by their own sense of racial superiority, policy advisors, colonial politicians and judges rejected the notion that Māori society had the capacity to make law.¹⁶⁴ The New Zealand Law Commission has written:¹⁶⁵

A number of factors combined to ensure that the systems of introduced laws and settler policies were geared towards the eclipse of Māori custom law. These included:

- a) the belief that English institutions and culture were innately superior, and it was in the best interests of Māori to assimilate;*
- b) the desire to create an ideal English society in New Zealand;*
- c) the introduction of English laws and internalising colonial values; and*
- d) the settlers' desire for land resulting in land alienation from Māori.*

A process of denial, suppression, assimilation and co-option put Māori customs, values and practices under great stress. Aspects of this process continue today. Dr Michael Belgrave argues persuasively that the acquisition of the resource base by the Crown was effected through a sustained attack on Māori custom law by the monocultural colonial and post-colonial systems. In addition, he observes that any recognition of Māori custom law has been quickly followed by extinguishment, and that Māori people have every right to be cautious about attempts to recognise custom law...

A classic example of the extreme views held on the topic is to be found in the decision of *Wi Parata v The Bishop of Wellington* (1877) where the Court stated:¹⁶⁶

On the foundation of this colony, the aborigines were found without any kind of civil government, or any settled system of law. ... The Māori tribes were incapable of performing the duties, and therefore of assuming the rights, of a civilised community.

A. Mackay in 1890, in a letter to the Native Minister also opined in 1890 that there was no fixed law that existed in Māori society. He based his views on his own experience, and on papers he collected from Pākehā politicians, Native Land Court judges, missionaries and officials. Those papers expressed varying opinions on the nature of Māori land tenure, but Mackay wrote:¹⁶⁷

¹⁶⁴ Benton et al. (2013). 14.

¹⁶⁵ New Zealand Law Commission *Māori Custom and Values in New Zealand Law* (Study Paper 9, Wellington, 2001), 22-23.

¹⁶⁶ *Wi Parata v Bishop of Wellington* (1877) 3 NZ Jur (NS) 72 (SC) at 77 (Prendergast CJ); See also Wickliffe. (1996). ch 1 & 2 for more international examples.

¹⁶⁷ Mackay, A. (1890). Opinions of various authorities on native tenure. *The Appendix to the Journal of the House of Representatives*, G-1.

That no fixed law existed in regard to Native tenure except the law of might, and those various customs [that] existed in different localities.

This is a good example of the era and the outright rejection of law and custom. Prendergast CJ, as a further example, in the case of *Rira Peti v Ngāraihi Te Paku*, rejected the notion that marriage in accordance with Māori custom had any legal validity.¹⁶⁸

There was some acknowledgement of Māori custom as the determinant of native title cases in the early part of the 20th Century.¹⁶⁹ What the native title cases do not do, is throw light on the obvious, namely that native title must be underpinned by the pre-existing sovereignty and law of Māori, a point acknowledged by Professor Mark Hickford who has written:¹⁷⁰

Native title presupposes indigenous normative orders and a sense of an anterior political community – a community that sorts out to whom such rights might be allocated and on what terms, together with the content or incidents of such entitlements. These sorts of questions lurk in the shadows, to this day; but they suggest, importantly, the governmental and jurisdictional dimensions of native title even though such characteristics or features might seem to be concealed or neglected.

While avoiding referencing Māori law, there are several early 20th Century cases where Māori customs were recognised in law. These include the *Public Trustee v Loasby* (1908) where the Supreme Court in New Zealand accepted that if no English law prohibited it, Māori customs could continue. This case was followed a decade later by the decision of the Privy Council in *Hineita Rirerire Arani v Public Trustee* (1919) where that court considered that Māori retained some internal power of self-government, enabling a tribe by common consent to modify its customs.¹⁷¹ I note that this right to self-government was impacted by land loss, assimilation policies, and urbanisation. However, mana Māori or rangatiratanga, governance and tikanga survived in the institutions of tribal rūnanga, governance structures constituted through statute and on marae.¹⁷²

¹⁶⁸ *Rira Peti v Ngāraihi Te Paku* (1888) 7 NZLR 235.

¹⁶⁹ See for example *Nireaha Tamaki v Baker* [1840-1935] (1901) NZPCC 371; *Wallis v Solicitor-General* for New Zealand [1840-1935] (1903) NZPCC 371; *Tamihana Korokai v Solicitor-General* (1912) 32 NZLR 321; *Manu Kapua v Para Haimona* [1913] AC 76; *Waipapakura v Hempton* [1914] 33 NZLR 1065.

¹⁷⁰ Hickford, M. (2014). Looking Back in Anxiety: Reflecting on colonial New Zealand's historical political constitution and laws' histories in the mid-nineteenth century. *New Zealand Journal of History* 48. 8-9.

¹⁷¹ *Hineita Rirerire Arani v Public Trustee* [1840-1932] (1919) NZPCC 1, 6.

¹⁷² Māori Community Development Act 1962, s 18(1)(c)(iv); and see generally Wickliffe. (1996). 342-354 and for tikanga 354-373.

Te Take Tuatoru – The Third Point

There was a surge in recognition following the rise of a new generation of Māori leaders and the creation of the Waitangi Tribunal in 1975.¹⁷³ During this third law phase, judges of the mainstream courts and members of Parliament “rediscovered” the Treaty of Waitangi.¹⁷⁴ This was also the phase when the first treaty settlements for Tainui and Ngāi Tahu were completed. This was the era when dozens of Crown statutes referencing the Treaty were enacted.¹⁷⁵

Some of these statutes also referenced tikanga Māori as meaning “customary values and practices.” For example, Te Ture Whenua Māori Act 1993, the Resource Management Act 1991, the Marine and Coastal (Takutai Moana) Act 2011, and the Ngāti Porou Claims Settlement Act 2012. The Supreme Court has stated that this definition of tikanga is not to be read as excluding tikanga as law or that tikanga is not law.¹⁷⁶ Rather tikanga is “a body of Māori customs and practices, part of which is properly described as custom law.” Thus, tikanga as law is a subset of the customary values and practices...¹⁷⁷ The Māori Land Court, the Environment Court and the High Court have all analysed tikanga associated with ahi kā,¹⁷⁸ whāngai,¹⁷⁹ kaitiakitanga,¹⁸⁰ and the nature of different interests in the foreshore and seabed.¹⁸¹

During the development of the third law, previous attitudes attributing “primitivity” to Māori law and “sophistication” to English law have been dropped.¹⁸² Rather the assessment of custom turns on the facts of each case and the legislative environment.¹⁸³

¹⁷³ Williams, J. (2013). Lex Aotearoa: An heroic attempt to map the Māori dimension in modern New Zealand Law. In *Waikato Law Review* 21. 11.; Wickliffe. (1996). 354-373.

¹⁷⁴ Williams. (2013). 1, 11.

¹⁷⁵ See for example the State-Owned Enterprises Act 1986 s 9; Conservation Act 1987 s 4; Resource Management Act 1991, s8.

¹⁷⁶ *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors* [2021] NZSC 127 at [169].

¹⁷⁷ [2021] NZSC 127 at [169].

¹⁷⁸ *Bell v Churton – Mataimoana* [2019] 410 Aotea MB 244 (410 AOT 244) (MLC).

¹⁷⁹ *Re Estate of Tangi Biddle or Tangi Hohua* [2001] 10 Rotorua MB 43 (10 APRO 43 (MAC).

¹⁸⁰ *Ngāi te Hapū Incorporated & Ors v Bay of Plenty Regional Council & Ors* [2017] NZEnC 73.

¹⁸¹ *Re Edwards (No 2)* [2021] NZHC 1025 and note the test is whether an applicant iwi or hapū have held the land in accordance with tikanga from 1840 until today without substantial interruption.

¹⁸² Benton et al. (2013). 16-17.

¹⁸³ Williams. (2021). 552-580.

Te Take Tuawhā – The Fourth Point

Undeniably, great progress has been made during the development of the third law. However, in 2004 that the superior Courts considered the issue of whether Māori custom could be recognised in the common law without statutory support. The first case was the *Attorney-General v Ngāti Apa* (2003) concerning the foreshore and seabed whereby it was accepted that the common law presumption relating to Crown ownership of tidal lands could be rebutted by the existence of native title governed by tikanga.¹⁸⁴ That decision was followed by *Paki* (2012) and *Paki No 2* (2014) where the Supreme Court rejected the application of the common law presumption of Crown ownership to certain river-beds upon the same grounds.¹⁸⁵ However, as these were also native title cases, it remained uncertain whether the common law could recognise tikanga as law in its own right.¹⁸⁶

Then in 2012, the Supreme Court considered a Tūhoe burial custom to ascertain whether it could be recognised as law. This case went on appeal from the Court of Appeal to the Supreme Court and is known as the *Takamore* case.¹⁸⁷ Citing the *Public Trustee v Loasby* decision of 1908,¹⁸⁸ Dame Sian Elias accepted that that the common law imports Māori custom or tikanga as a value and as a matter to be weighed in decision making concerning the burial of a deceased person with Elias CJ stating:¹⁸⁹

[94] Values and cultural precepts important in New Zealand society must be weighed in the common law method used by the Court in exercising its inherent jurisdiction, according to their materiality in the particular case. This accords with the basis on which the common law was introduced into New Zealand only ‘so far as applicable to the circumstances of the ... colony.’ It is the approach adopted in *Public Trustee v Loasby* and in *Manktelow v Public Trustee*. Māori custom according to tikanga is therefore part of the values of the New Zealand common law.

The majority concluded ultimately that the matter of determining what should happen to the body of a deceased vests in the executor of the deceased’s estate with McGrath J stating that:¹⁹⁰

¹⁸⁴ *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643.

¹⁸⁵ *Paki v Attorney-General* [2012] 3 NZLR 277 at [18] per Elias CJ; *Paki v Attorney-General* [2014] NZSC 118 at [67] per Elias CJ.

¹⁸⁶ Williams. (2021). 551-552.

¹⁸⁷ *Takamore v Clarke* [2012] NZSC 116.

¹⁸⁸ *Public Trustee v Loasby* [1908] 27 NZLR 801.

¹⁸⁹ [2012] NZSC 116 at [94].

¹⁹⁰ [2012] NZSC 116 at [164].

The common law is not displaced when the deceased is of Māori descent and the whānau invokes the tikanga concerning customary burial practices, as has happened in this case. Rather, the common law of New Zealand requires reference to the tikanga, along with other important cultural, spiritual and religious values, and all other circumstances of the case as matters that must form part of the evaluation.

Then in *Ngāti Whātua Ōrākei Trust v Attorney-General* the Supreme Court in 2018 recognised that Ngāti Whātua should be able to pursue claims based on tikanga, with Elias CJ directly stating that:¹⁹¹

Rights and interests according to tikanga may be legal rights recognised by the common law and, in addition, establish questions of status which have consequences under contemporary legislation.

Citing with approval this statement in *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors*, the Supreme Court in 2021 explicitly recognised that tikanga Māori was the first law of New Zealand.¹⁹² In this case Winkelmann CJ, Glazebrook J and Williams J concurred with the following statement:¹⁹³

Williams J & France J

For the purposes of the EEZ Act, tikanga Māori has the same meaning as in s 2(1) of the RMA, that is, “Māori customary values and practices.” That definition is not to be read as excluding tikanga as law, still less as suggesting that tikanga is not law. Rather, tikanga is a body of Māori customs and practices, part of which is properly described as custom law. Thus, tikanga as law is a subset of the customary values and practices referred to in the Act.

Williams J added:¹⁹⁴

[297] As the Court of Appeal rightly pointed out, the interests of iwi with mana moana in the consent area are the longest-standing human-related interests in that place. As with all interests, they reflect the relevant values of the interest-holder. Those values—mana, whanaungatanga and kaitiakitanga—are relational. They are also principles of law that predate the arrival of the common law in 1840. And they manifest in practical ways, as William Young and Ellen France JJ note.

In 2013, Sir Joe Williams predicted that the third law would be “predicated on perpetuating” tikanga Māori and in doing so, tikanga would change the nature and culture of what was once

¹⁹¹ *Ngāti Whātua Ōrākei Trust v Attorney-General* [2018] NZSC 84 at [77]. The issue in that case arose in the context of a strike-out application, but the approach indicates the way in which the common law in New Zealand has been developing.

¹⁹² *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors* [2021] NZSC 127.

¹⁹³ [2021] NZSC 127 at [169].

¹⁹⁴ [2021] NZSC 127 at [297].

colonial law.¹⁹⁵ In other words, in the third law, tikanga as the first law of Aotearoa, will be integrated into the existing common law. This is indeed occurring with some recognition of tikanga but whether it is legally a body of law capable of direct enforcement in the appropriate case, rather than due to statute, has yet to be determined.

He Aha te Tikanga Māori? – What is Tikanga Māori?

The New Zealand Law Commission in its report of 2001 stated:¹⁹⁶

At the most basic level, the term “custom law” is used in a legalistic and narrow manner to refer to particular customs and laws derived from England, and indigenous or aboriginal laws and customs that have met particular legal tests and thus are enforceable in the courts. In a broader sense, it is used to describe the body of rules developed by indigenous societies to govern themselves, whether or not such rules can be said to constitute “custom law” in the former sense. There is some overlap between these categories. A careful reading of the context is often needed to determine the intended usage. In New Zealand, the expression custom law in reference to Māori is called “Māori custom law.” The closest Māori equivalent to concepts of law and custom is “tikanga”. While not completely accurate, writers often use the terms “Māori custom law” and “tikanga Māori” interchangeably. In this paper, particularly in chapter 3 where we most heavily rely on their work, we follow the preferences of the writers who have provided us with commentaries on custom law.

The first approach identified by the Law Commission can only recognise indigenous or aboriginal laws and customs that have met legal tests. The tests for ascertaining the nature and extent of Māori custom in New Zealand law was still evolving at the time the Commission wrote its report. There have been several major developments since then worth noting.

As identified above the superior Courts have accepted that the decision in the *Public Trustee v Loasby* of 1908 (dealing with a case concerning tangi expenses) is good law. In that case the Court applied the following tests to identify customs that the common law may recognise:¹⁹⁷

1. *Whether such custom exists as a general custom of the inhabitants ... who constitute the Māori race;*
2. *Is the custom contrary to any statute law ...?;*
3. *Is it reasonable, taking the whole of the circumstances into consideration?*

¹⁹⁵ Williams. (2013). 12.

¹⁹⁶ New Zealand Law Commission *Māori Custom and Values in New Zealand Law* (Study Paper 9, Wellington, 2001). 1.

¹⁹⁷ *Public Trustee v Loasby* [1908] 27 NZLR 801 at 806.

In the *Takamore* case, the Court of Appeal also took direction from *Halsbury's Laws of England*¹⁹⁸ to determine whether a Tūhoe burial custom of taking a body for burial in a person's tribal district could be recognised as law. The majority then applied the English customary law test to Māori custom and they resolved that:¹⁹⁹

- (a) *it must have existed since time immemorial;*
- (b) *it must have continued as of right and without interruption since its origin;*
- (c) *it must be reasonable;*
- (d) *it must be certain in its terms, and in respect of locality to which it obtains and the person it binds; and*
- (e) *it must not have been extinguished by statute.*

The majority found that the Tūhoe burial custom was not reasonable given the length of time the deceased had lived away from the tribe and the lifestyle he had adopted. Therefore, it could not be recognised. On appeal, Dame Sian Elias CJ in a minority decision ultimately agreed with the majority. She recognised that Māori custom through tikanga was a part of the values of New Zealand's common law.²⁰⁰ On what Māori customs are and how they should be identified, however, she stated:²⁰¹

[95] What constitutes Māori custom or tikanga in the particular case is a question of fact for expert evidence or for reference to the Māori Appellate Court in an appropriate case. A court asked to identify the content of custom by evidence is not engaged in the same process of interpretation or law-creation, as is its responsibility in stating the common law. As in all cases where custom or values are invoked, the law cannot give effect to custom or values which are contrary to statute or to fundamental principles and policies of the law. But it is necessary for the Court to take care in identifying the custom or values truly relevant to its determination. ...

[97] The role of the Court is not to judge the validity of traditions or values within their own terms. It is concerned with the application of established traditions and values in fulfilling the Court's own function of resolving disputes which need its intervention. The determination of the Court says nothing about what is right according to the value systems themselves. Indeed, the determination of the Court can only settle the immediate legal claim. The family and tikanga processes may well continue.

¹⁹⁸ *Halsbury's Laws of England* (online ed) vol 12 Custom and Usage ["Halsbury's Laws of England"]

¹⁹⁹ *Takamore v Clark* [2011] NZCA 587 and [2011] 1 NZLR 573 at [109].

²⁰⁰ *Takamore v Clarke* [2012] NZSC 116 at [94].

²⁰¹ [2012] NZSC 116 at [94]-[97].

Arguably, she was indicating that it is not appropriate for judges to apply to tikanga Māori, the common law tests used to assess English customs.²⁰² The majority of judges in the Supreme Court considered the executor of an estate's duty to deal with the body of primary importance in the common law, but that an executor had to take it into account Māori customary values, along with other important cultural, spiritual and religious values.²⁰³ However, the majority did not make it clear whether it adopted the tests set out in *Loasby* or the Court of Appeal when identifying whether any particular Māori custom could be recognised.²⁰⁴

The result of this decision, therefore, left the law in a confused state as Natalie Coates points out.²⁰⁵ She contends that the decision did not “explicitly address the possibility of customary law being recognised as law based on the doctrine of continuity and the additional tests in *Loasby* and the Court of Appeal *Takamore* decision.”²⁰⁶ That issue has now been resolved by the *Trans-Tasman* Case as it is now clear that tikanga Māori is considered the first law of New Zealand.²⁰⁷ The Courts are starting to attempt definitions of tikanga Māori as well. In *Ngāti Whātua Ōrākei Trust v Attorney-General* the High Court has defined tikanga Māori as shared values, principles, standards and norms.²⁰⁸ Tikanga-a-iwi, on the other hand, may be described as systems of law based on the lived experience of each iwi.²⁰⁹ The High Court put it this way: “It follows that tikanga is quintessentially developed by each iwi or hapū, in the exercise of their rangatiratanga.”²¹⁰ It also emphasised that: “Tikanga and its practice can change over time. ... It was accepted that tikanga have continued to evolve and are not static.”²¹¹ I agree with all these statements.

Potentially the decision in *Ellis v The Queen* (2020) will clarify further how and when the legality of tikanga may be recognised in the common law. In that case, the Supreme Court allowed a posthumous appeal following arguments on the application of Māori law to a non-

²⁰² [2012] NZSC 116 at [95]-[97] per Elias CJ.

²⁰³ [2012] NZSC 116 at [164].

²⁰⁴ See discussion by Coates, N. (2017). The recognition of tikanga in the common law of New Zealand [2017] Te Tai Haruru Journal of Māori and Indigenous Issues (5)25. 36.

²⁰⁵ Coates. (2017). 35-36.

²⁰⁶ Coates. (2017). 36.

²⁰⁷ *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors* [2021] NZSC 127 at [169].

²⁰⁸ *Ngāti Whātua Ōrākei Trust v Attorney-General* [2022] NZHC 843 at [305]-[312].

²⁰⁹ [2022] NZHC 843 at [322].

²¹⁰ [2022] NZHC 843 at [310], [322].

²¹¹ [2022] NZHC 843 at [312].

Māori.²¹² The Court's reasons for granting the appeal are still pending. However, other decisions may indicate that tikanga Māori legally applies to all in certain circumstances, not just Māori.²¹³

Te Rangahau Tikanga – Gathering Evidence of Tikanga Māori

To recognise Māori law as the Courts have started to do, is consistent with the 21st Century work of N. Rouland in *Legal Anthropology*. Rouland essentially finds that all societies have law.²¹⁴ Furthermore, there are over 10,000 distinct known legal systems operating in the world today. A study of those systems indicates the following generalisations can be made:

- Law emerges with the beginning of social existence;
- The complexity of law in a society will depend on the complexity or simplicity of that society;
- All societies possess political power that relies to some degree on the coercive power of law, while the modern state is only present in some of these societies;
- Where the state exists, customs and ritual may have been codified or reduced to judgment by the instruments of the state (e.g. the common law imported into New Zealand from Britain in 1840);
- In all societies law represents certain values and fulfils certain functions; however, the common principles of law are:
 - the search for justice; and
 - the preservation of social order and collective security;
- Law is obeyed in different societies because individuals are socialised to obey, they believe in the just nature of the law, they seek the protection of the law, or they fear sanctions associated with non-observance.

²¹² *Ellis v the Queen* [2020] NZSC.

²¹³ See for example *Ngāwaka v Ngāti Rehua-Ngātiwai ki Aotea Trust Board* [2021] NZHC 291 at [43]-[44], 47.

²¹⁴ See generally Rouland, N. (1994). *Legal anthropology*. The Athlone Press; See also the discussion by Boast, R (1999). Māori customary law and land tenure. In Boast, R., Erueti, A., McPhail, D., Smith, N. (Eds.) *Māori land law*. Butterworths. 1-42.

Legal anthropologists set themselves the objective of identifying what is legal rather than habitual in these societies.²¹⁵ They identify rules designed to address wrongdoing or provide some form of dispute resolution and the rules must, *inter-alia*, be capable of being socially and practically enforced or resolved in the interests of the community. Only then will they be considered part of the legal domain of a society.²¹⁶ To take this approach requires identifying what makes rules legal in nature.²¹⁷ Relevant to this work is the field study completed by B. Malinowski in the Pacific reported in *Crime and custom in savage society* (1926) where he attempted to identify that which in Pacific societies could be labelled customary law.²¹⁸ Law in such societies, according to him, were rules regarded as obligations, sanctioned by a “definite social machinery of binding force,” and based upon “mutual dependence” and realised in the equivalent arrangement of reciprocal services.”²¹⁹ He would later write that Pacific custom law is:²²⁰

Those rules, the working of which are essential for the maintenance of such primitive institutions as the family, the village, community, forms of organised economic co-operation, chieftainship or religious institutions, are entirely compatible with our rules of law. They are really obligatory, they are enforced, they can be taken over by our colonial codes.

E. Hoebel, considered that “Substantively, law consists of a specially demarked set of social norms that are maintained through the application of “legal” sanctions.”²²¹ He concluded that a social norm is legal where:²²²

... its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognised privilege of so acting.

²¹⁵ See generally Rouland. (1994). and the discussion by Boast. (1999). 2.

²¹⁶ See generally Rouland. (1994). and the discussion by Boast. (1999). 47-108.

²¹⁷ See discussion in Benton. (2013). ch 1.

²¹⁸ See Malinowski, B. (1926). *Crime and custom in savage society*. Routledge and Kegan Paul. 15-16, 50-54, 55; and Rouland. (1994). for a discussion on law in ancient societies. Compare Durie, E. (1994). Custom Law (Unpublished paper). www.bit.ly/3FawYaj retrieved 3 May 2022.

²¹⁹ Maslinowski. (1926). 55.

²²⁰ Malinowski, B. (1934) Introduction. In Hogbin, H. *Law and order in Polynesia* (reprinted 1972). Cooper Square. xxix.

²²¹ Hoebel, E. (1954). *The law of primitive man: A study of comparative legal dynamics*. Harvard University Press. 28.

²²² Hoebel, E. (1954). 28.

The Mātāhauariki Research Institute at Waikato University subsequently transferred to Victoria University²²³ have produced the Te Mātāpunenga publication.²²⁴ The editorial board of that publication settled on the following definition of customary law ultimately adopting a varied version of Hoebel’s definition as follows:²²⁵

A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of force or the construction of serious social disadvantage by an individual, group, or agency possessing the socially recognised privilege of so acting.

These approaches to identifying Māori law or tikanga would require identifying the interface between societal norms, where the force of law is easily discernible. Identifying tikanga would rest on whether the breaking of such norms will be met, in threat or in fact, by the application of force or the construction of serious social disadvantage by an individual, group, or agency. This focus “tend[s] to view tikanga Māori as customary law or as a body of rules or principles, prescribed by authority or established by custom, which a state, community, society, or the like recognises as binding on its members.”²²⁶ The danger of such an approach is that it could fossilise tikanga and ignore its dynamic nature.

The better alternative is that tikanga Māori is recognised as “a set of behaviour guidelines for daily life and interaction in Māori culture.”²²⁷ Tikanga principles, values, and norms are identified to explain any performance element of tikanga or kawa imposed in any given setting as Sir Joe Williams identified in the *Trans-Tasman* case.²²⁸ Dr Alex Frame has argued that law is part of a culture and that it tends to develop “...in accordance with “popular understandings and use.”²²⁹ Law “develops by incorporating, adapting and modifying diverse elements.”²³⁰ Therefore, Māori law or tikanga may be recognised as being able to adapt and develop with changing circumstances whilst maintaining the principles, values and norms which underpin

²²³ See Frame, A., Rumbles, W., Benton, R. (2010-11). A Short History of Te Mātāhauariki Research Institute in *Yearbook of New Zealand Jurisprudence Tūhonohono: Custom and State*. Volume 13 & 14 (combined) explaining the focus of the Institute on Customary Law. 1-19.

²²⁴ Frame, A. (2010-11). A few simple points about customary law and our legal system in *The Yearbook of New Zealand Jurisprudence Tūhonohono: Custom and State* [2010-2011] Volume 13 & 14 (combined). 25.

²²⁵ Benton, R et al. (2013). 16.

²²⁶ Mead, H. (2003). *Tikanga Māori: Living by Māori values*. Huia Publishers. 6.

²²⁷ Williams, T.K. (2022). The Adequacy of Laws for the Protection of Indigenous Peoples Cultural Heritage and Customary Rights in New Zealand. (2022). 9-12.

²²⁸ *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors* [2021] NZSC 127 at [297]

²²⁹ Frame, A. (2002). *Grey and Iwikau: A journey into custom*. Victoria University Press. 25-26.

²³⁰ Frame. (2002). 29.

it. If this approach is taken the broad and flexible nature of tikanga is easily identified as a system of law, whether it stands alone or is grafted onto or accommodated within another legal system.²³¹ It is this approach that is adopted in this thesis.

Kei te ora tonu te Tikanga Māori? – Is Tikanga Māori still a viable system of law?

The New Zealand Law Commission in its 2001 *Māori Custom and Values in New Zealand Law Report* relied upon several publications and background papers to assist inform its views on this topic. These were recently published on its website in 2021. Noteworthy is the fact that most of these authors were Māori or recognised scholars in the field of Māori studies. Each provided commentary on the draft paper prepared by Sir Edward Durie written in 1994. He defined Māori customary law as:²³²

. . . [the] values, standards, principles or norms to which the Māori community generally subscribed for the determination of appropriate conduct . . .

In his view tikanga Māori describes the rules that maintained law and order in Māori society.²³³ Tikanga, according to Durie, describes Māori law. The term is derived from the word “tika” or that which is right or just. Translated into English, tikanga can be rendered to mean “rule.”²³⁴ The suffix *ngā* renders it a noun and extends its meaning to include “a system, value or principle which is correct, just or proper.”²³⁵ Durie noted that Māori operated by reference to tikanga underpinned by philosophical and religious principles, norms and values. All combined to regulate the conduct of individuals, whānau, hapū, and iwi and in this way social control was maintained by doctrines, such as the doctrine of tapu.²³⁶ His definition looks beyond rules to the values and principles that underpin them. Consistent with this approach Sir Hirini Mead argued that tikanga depends on mātauranga Māori and is a means of social control as it:²³⁷

²³¹ See also Frame. (2002). 29-33.

²³² Durie, E. (1994). Custom law: Address to the New Zealand Society for Legal & Social Philosophy. *Victoria University of Wellington Law Review* (24). 325.

²³³ Durie. (1994 unpublished). 2-4.

²³⁴ Durie. (1994 unpublished). 2-4.

²³⁵ Williams. (2021).

²³⁶ Durie. (1994). 325.

²³⁷ Mead. (2003). 5-6.

... controls inter-personal relationships, provides ways for groups to meet and interact, and even determines how individuals identify themselves. It is difficult to imagine any social situation where tikanga Māori has no place. ...The word Tika means 'to be right' and thus tikanga Māori focuses on the correct way of doing something. This involves moral judgments about appropriate ways of behaving and acting in everyday life. From this standpoint it is but a short step to seeing tikanga Māori generally as a normative system.

Sir Joe Williams in 1998 noted that there is no “Māori word or phrase which accurately conveys either law or custom law.”²³⁸ He agreed with Durie that the closest equivalent was the word “tikanga”.²³⁹ Williams J noted the difference between Pākehā law and tikanga Māori is that Pākehā law is prescriptive and values certainty. Tikanga Māori, he opined, is pragmatic and subject to reinterpretation while focused upon the principles and values underlying conduct required in the particular circumstances.²⁴⁰ Williams J also suggested that tikanga Māori was law for “relatively small, homogeneous communities bound by whakapapa links and it relies for its efficacy directly upon the active support of members of whānau, hapū, and iwi.”²⁴¹ Due to the numbers of people who inhabited the Pōtikirua ki te Toka-a-Taiau district, I demonstrate that it would not be correct to define the Ngati Porou legal system that existed by 1840 as small and homogeneous. Rather this tikanga based legal system was cohesive, despite the size of the population, and it worked to regulate conduct.

However, I do agree that values, principles and norms or standards of tikanga Māori “provide the basis for the Māori jural order” as I demonstrate in terms of the district that is the subject of this thesis.²⁴² However:²⁴³

- *the ambit of tikanga is wider than that;*
- *the focus of tikanga is in the values or fundamental precepts of Māori systems of control not the prescriptive rules or laws with which western trained lawyers are familiar;*
- *Tikanga Māori makes no distinction between civil and criminal jurisdiction or between the spiritual and the profane;*
- *Tikanga Māori is both law and religion.*

...

²³⁸ Williams. (2021). 1

²³⁹ Williams. (2021). 1

²⁴⁰ Williams. (2021). 2

²⁴¹ Williams, D. and Williams, J. (1998). He aha te tikangā Māori (unpublished modified paper for the New Zealand Law Commission). 9. Retrieved on 13 September 2021. <https://bit.ly/3saBakW>

²⁴² Williams (1998). 8.

²⁴³ Williams (1998). 8.

Tikanga includes principles, approaches or ways of doing things which might be considered to be morally appropriate, courteous or advisable but which are not rules the breaking of which carries punitive sanctions.

Therefore, not all tikanga is law. This view has been accepted by the Supreme Court, “... who have stated that:²⁴⁴

... tikanga is a body of Māori customs and practices, part of which is properly described as custom law. Thus, tikanga as law is a subset of the customary values and practices referred to in the Act. It follows that any aspect of this subset of tikanga will be “applicable law.”

Academics associated with the Māori and Indigenous Governance Centre of the Faculty of Law, Waikato University in 2019 took an even more extensive approach by suggesting that:²⁴⁵

Tikanga Māori ... , reflects a metaphysical cosmology, which is pervasive in determining how Māori relate to landforms and all forms of life including how they relate to each other and outsiders. Their conception of the origin of all things on earth determines their ritenga (ritual), tikanga (law or customary values) and their perceptions of what is tika (right) or hē (wrong). Their law is aspirational, setting standards of best conduct based on ancestral exploits, with prescription mainly reserved for ritenga (custom) including the propitiation of hara (spiritual offences).

Compliance was largely self-enforced, driven by whakamā (shame), mataku (fear of spiritual retribution) or community acceptance, ostracism or even capital punishment for serious hara (offences). Muru (community stripping of the goods of a whānau) was also practised, as utu (redress or restoration of balance) for some aitua (misfortune) like the careless loss of life or property or some breach of social laws. Muru was usually undertaken with the full acquiescence of the whānau kua hē (the family or community in the wrong). Furthermore, each iwi (tribe) and hapū (sub-tribe) had its own variation of the values and customs listed – some will have slightly different ideas as to the values that inform tikanga.

Tikanga Māori is moreover, values based and aspirational, setting desirable standards to be achieved. Thus, where state law sets bottom lines, or Pākehā aspire to minimum standards of conduct below which a penalty may be imposed, tikanga Māori sets top-lines, describing outstanding performance where virtue is its own reward.

Fundamental to tikanga Māori is a conception of how Māori should relate to the Gods, land, water, all lifeforms and each other. It is a conception based on:

- *Whakapapa or the physical descent of everything; and*
- *Wairuatanga or the spiritual connection of everything.*

²⁴⁴ *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board & Ors* [2021] NZSC 127 at [169]

²⁴⁵ Joseph, R., Rakena, M., Jones, M., Sterling, R., Rakena, C. (2019). *The Treaty, Tikanga Māori, ecosystem-based management, mainstream law and power sharing for environmental integrity in Aotearoa New Zealand: Possible ways forward*. Te Mata Hautū Taketake The Māori and Indigenous Governance Centre Te Piringa-Faculty of Law, University of Waikato. 16.

While these academics stress the values of whakapapa and wairuatanga, others have longer lists of values and principles that they considered important to a Māori juridical order. Conversely, Sir Joseph Williams J and David Williams identified only five fundamental values, described as conceptual regulators, that inform the totality of tikanga Māori. Their list covered whanaungatanga, mana, utu, kaitiakitanga, and tapu.²⁴⁶ They noted that Sir Tahakurei Edward Durie listed a total of seven conceptual regulators, namely whanaungatanga, mana, manaakitanga, aroha, mana tīpuna, wairua, and utu. Dr Patariki Hohepa listed tapu, mana, pono, whanaungatanga, aroha, and utu. Manuka Hēnare in 1988 identified whanaungatanga, wairuatanga, mana Māori (including mana, tapu and noa, tika, utu, rangatiratanga, waiora, mauriora, hauora, and kotahitanga) and Cleve Barlow gave “mauri” prominence.²⁴⁷ In 2013, Sir Joe Williams J after listing the same conceptual regulators opined further that:²⁴⁸

Of these, whanaungatanga is the glue that held, and still holds, the system together, the idea that makes the whole system make sense – including legal sense. Thus the rights in cultivable land and resource complexes such as rivers, fisheries, forests, swamps and so on are allocated by descent from the original title holder (take tupuna – literally ancestral right or source). There is a form of legal interest created by conquest (raupatu – literally the harvest of the war club) and even, though more rarely, transfer (tuku – literally to give up). But these variants are better understood as the foundation of a right rather than as rights in themselves. They were, in practice, fragile until consummated (literally) by creating a connection to, and then spring-boarding off, the line of original ancestral right holder. So a “conquest” always involved formal making of peace through inter-marriage and assimilation of the old descent line into the new legal order to remove later contestation about whether the newcomer held the primary right (history taught the makers of custom law that conquered hapū rebuilt and reasserted their rights unless properly accommodated in the new order of the conqueror). Tuku was never a one-off transaction in the way a contract is, but rather a means of incorporating the transferee into the community of the original title holder.

He Whakarāpopotonga – Summary

There have been three discernible periods of law in New Zealand, the last of which integrates the first law or tikanga into mainstream jurisprudence, whilst also recognising some stand alone status. The analysis of the periods of these three law phases has raised four points relevant to this research. Namely that:

²⁴⁶ Williams. (1998). 11.

²⁴⁷ Williams. (1998). 11-12.

²⁴⁸ Williams. (2013). 4.

1. In the early years of the colony when English law or the second law was introduced there was recognition and accommodation of tikanga between 1840-1860.
2. During the latter period of the second law notions of primitivity infiltrated judicial and political decision making. During this phase English colonial law and statute law were applied to subjugate Māori. Māori struggled during this phase to have pre-existing rights recognised although there were some successes in the early 20th Century in the Privy Council.
3. During the third law phase, beginning with the creation of the Waitangi Tribunal in 1975, and the enactment of numerous statutes recognising tikanga, expectations were raised that tikanga would be recognised as the first law of New Zealand.
4. This was an outcome, predicted by Sir Joe Williams in 2013, that has been realised. The real question that this progress raises is are the judges qualified to pronounce on what the first law is without proper training and without access to in-depth tribal legal histories concerning the way the First Law was applied pre-1840. Furthermore, while the superior Courts have now accepted tikanga Māori as the first law of New Zealand, the basis upon which tikanga Māori has been accepted, is limited to where statute law does not apply, where this is no extinguishment of that customary law or where it is not necessary (due to the circumstances of the territory) to apply the common law.

Given the current rate of development in this field of law, the superior courts may take the opportunity to acknowledge that New Zealand was indeed a ceded territory. If such an approach were adopted the relevant decisions from our highest courts should be able to put to rest the racist Eurocentric underpinnings of the doctrine of discovery that still pervade New Zealand law. Rather the Courts should accept that the English Laws Act 1858 came too late to change the nature of the colony and how it was to be governed. English law applied only to the extent provided for in Te Tiriti. In other words, the Treaty had already set the framework for collaborative government between the Crown and Māori and that any English law that overrode that was not necessary to the circumstances of the colony.

While the superior court judges have recognised tikanga Māori as the first law of New Zealand, they have not grappled with identifying where this law comes from. The only answer must be

the pre-existing sovereign authority of Māori affirmed in Article 2 of the Treaty of Waitangi. This is a point well made by Professor Claire Charters as follows:²⁴⁹

Any form of accommodation of tikanga Māori constitutes implicit recognition that it is an independent authoritative source of law applicable in New Zealand in addition to state law. For example, statutory recognition of a particular tikanga Māori norm is recognition that there is an independent tikanga Māori legal system that generated that norm and that the tikanga Māori legal system has ongoing authority. The norm may be given legal force under statute (state law), but also retains its legal character derived from the independent authority of tikanga Māori. The same is true of judicial accommodation of tikanga norms.

The contrary position is that accommodation does not imply recognition of tikanga as an independent source of law, rather any statute or common law recognition is an expression of English or state law.²⁵⁰ But as Charters points out this position is flawed.²⁵¹ First, because tikanga is applied in fact and law everyday by Māori, and second, because of the “false and assumed” conflict between the primacy of state law and tikanga as an independent source of law when in fact they can be reconciled.²⁵² They may be reconciled by using the Treaty as evidence of the fact that this independent source of law was to continue.

That would require considering the Treaty as the foundation stone of the Crown’s act of state in proclaiming its authority. Through Article 2 of the Treaty the Crown guaranteed the right to exercise rangatiratanga otherwise described as mana. This is the independent source of law-making authority guaranteed to Māori. It did not depend on retaining land ownership, but rather depended upon mana tangata and mana whakahaere – the ability to continue to exercise authority over people and ones’ affairs within ones chiefly or hapū domain which all tribes in New Zealand still claim and upon which principle, Treaty of Waitangi settlements have been negotiated and settled. Thus, the role of the courts should be to determine how to enhance tikanga as an independent source of law and where abrogated to require the Crown to justify such abrogation, rather than to baldly, without analysis, accept such abrogation.

However, to do this requires establishing what rangatirangata or mana and tikanga looked like pre-1840, and then ascertaining what these became post 1840. Only a tribe-by-tribe analysis

²⁴⁹ Charters, C. (2021). Recognition of Tikanga Māori and the Constitutional Myth of Monolingualism, Reinterpreting Case Law. In Joseph, R., Benton, R. (Eds.) *Waking the Taniwha: Māori governance in the 21st century*. Thomas Reuters. 618.

²⁵⁰ Charters . (2021). 618.

²⁵¹ Charters . (2021). 618-619.

²⁵² Charters . (2021). 618-619.

can provide the information for such a task. Otherwise, the courts will only selectively integrate elements of tikanga on a case-by-case basis. To provide such information for every tribe is beyond the scope of this research. I have instead focused on my own tribe, Ngāti Porou, as it is one of the few iwi not covered by a report of the Waitangi Tribunal and there is limited published research that has considered the historiography of the tribe. Therefore, in Part 2, I consider what Māori narratives of rangatiratanga or mana, governance, tikanga, and citizenship emerged from the Pōtikirua ki te Toka-a-Taiau district by 1840. In Part 3, I analyse whether those matters survived colonisation. In Part 4, I provide a summary of all Parts and present my conclusions by linking my findings back to Part 1 of this thesis. But first, I explain the methodology that I have adopted to identify the tribal narratives of rangatiratanga, mana, tikanga and citizenship of Ngāti Porou.

CHAPTER 3

NGĀ RITENGA – METHODOLOGY

These next parts of this thesis are a historical reconstruction and collation of source materials to demonstrate the evolution of sovereignty, tikanga and citizenship in the Pōtikirua ki te Toka-a-Taiau district and the impact of colonial law. These Parts are also a study in the evolution of the law in the district because of tikanga. My focus is on that interface. I have attempted a 360-degree interrogation of multiple sources to identify vertical and horizontal (rather than chronological) tūāpapa or foundations to identify how important mana and tikanga were to their way of life.

The Waitangi Tribunal has attempted in several reports to analyse tikanga relating to certain topics.²⁵³ However, there is no other legal research that has considered narratives of Māori (let alone Ngāti Porou) sovereignty, law, and tribal citizenship using what I understand to be a kaupapa Māori approach. The Kaupapa Māori approach discussed by Dr Graham Smith:²⁵⁴

1. *Is related to being Māori [or more specifically in this case, Ngāti Porou];*
2. *Is connected to Māori philosophy and principles;*
3. *Takes for granted the validity and legitimacy of Māori, the importance of Māori language and culture; and*
4. *Is concerned with the struggle for autonomy over our own culture and well-being.*

The adoption of that approach means that the epistemology of this thesis is one sourced to the northern Pōtikirua ki te Toka-a-Taiau area and is heavily influenced by my whānau whakapapa namely: the Huriwai Whānau of Mātahi o te Tau, Horoera and Tikitiki, the Tākoko Whānau of Tikitiki and Waiōmatatini, and the Kaa Whānau of Rangitukia. My associations with these whānau and the ancestors is provided below:

²⁵³ Wai 1071. (2004). 1-13; Wai 22. (1988) 31-35.

²⁵⁴ Smith, G. (1990). Research issues related to Māori education. (unpublished paper) as quoted in Smith, L. (1999). *Decolonizing methodologies: Research and indigenous peoples*. Otago University Press. 185; cf Houston, J. (2007). Indigenous autoethnography: Formulating our knowledge, our way. In *Australian Journal of Indigenous Education*. (36) suppl. 45-50.

Toi
 Rauru
 Tahatiti
 Ruatapu
 Rākaiaora
 Tamakitehau
 Tamakiterā
 Tamahurumanu
Ruawaipu
 Parawhenuamea
 Tamatauirā
 Muriwhakaputa
 Rongomaikairae
 Ngākaupūkai
 Marupapanui
 Te Aomania
 Ihiko o te Rangi
 Mohiraia = Tūhorouta
 Hunaara = Whakaohonga (1st Wife)
 Te Wharetakapū
 Māwhaki
 Te Ahiatakue
 Te Herewini
 Atareta
 Harawira Huriwai Hoani (Te Ruahuihui) Huriwai Sisters
 Ngāhinu (Kāwini) Huriwai = Wi Ihikeepa Kaa
 Rīpeka Tūhuru Kaa
 Pākura Te Matekino (Mateora) Tākoko
 Caren
 Tina Mere Te Aomihia

Hunaara = Hinepiki (2nd wife)

Rongoahua

Manuhō

Rīpeka Pōhau = Kaingamahue

Te Wārihi Huriwai = Atareta

Te Harawira Huriwai

Ngāhinu (Kāwini) Huriwai = Wi Ihikeepa Kaa

Rīpeka Tūhuru Kaa

Pākura Te Matekino (Mateora) Tākoko

Caren

Tina Mere Te Aomihia

Mokaiahungia

Popoita

Kaingamahue

Te Wārihi

Te Harawira

Ngāhinu (Kāwini) Huriwai = Wi Ihikeepa Kaa

Rīpeka Tūhuru Kaa

Pākura Te Matekino (Mateora) Tākoko

Caren

Tina Mere Te Aomihia

Porourangi
 Rongomaianiwaniwa
 Tūmoana-kōtore
 Ngāti Hau
 Tūwhakairiora
 Tūterangiwhiu = Te Aotaihi
 Kōpuni
 Te Ahumoana
 Whakotare
 Te Huriakau
 Kaingamahue
 Te Wārihi Huriwai
 Harawira Huriwai
 Ngāhinu (Kāwini) Kaa (nee Huriwai)
 Pākura Te Matekino (Mateora) Tākoko
 Caren
 Tina Mere Te Aomihia

4. Hunaara

Kaiwai
 Hamia = Ikatai
 Hihi = Taukaka
 Mere Katene
 Emere Kato
 Rāhera Raire
 Panikena Kaa
 Wī Ihikepa Kaa = Ngāhinu Huriwai
 Rīpeka Tāhuru Kaa = Pākura Tākoko
 Pākura Te Mateora Tākoko
 Caren
 Tina Mere Te Aomihia

		Ruawai	
		Parawhenuamea	
		Tamakihi	
		Whatiuaroa	
		Tuiti	
	Te Aotaki		Hirau
	Kōwhaki		Mataura = Hinepare
	Pāpaka		Rongokaheke
	Tūtekohi		Rarawa
	Te Aokopito		
	Te Ruinga	=	Te Aotaurū (daughter of Rarawa)
	Rērēwā		
	Pōhohu		
	Urehina		
Tipikai	Hihi	Pākura	
	Mere Katene		
	Emere Kato		
	Panikena Kaa		
	Wī Ihikepa Kaa	= Ngāhinu Huriwai	
	Rīpeka Tāhuru Kaa	= Pākura Tākoko	
	Pākura Te Mateora Tākoko		
	Caren		
	Tina	Mere	Te Aomihia

	Uetaha	
	Karepa	
	Whakapuru	
	Wīkaka	
	Atuakaipo	
	Hinehaere	
	Te Kai	
	Pēkama = Mere Katene	
	Emere Kato	
Rāhera		Panikena Kaa

Wī Ihikepa Kaa = Ngāhinu Huriwai

Rīpeka Tāhuru Kaa = Pākura Tākoko

Pākura Te Mateora Tākoko

Caren

Tina Mere Te Aomihia

Wī Tākoko

Tepene Wenerei

Wī Tākoko

Tāwhai Tākoko

Pākura Tākoko = Rīpeka Tāhuru Kaa

Pākura Te Mateora Tākoko

Caren

Tina

Mere

Te Aomihia

These are all families from the northern end of the district. The old name for Tikitiki was Kahukura (the rainbow ancestor and war god), which was changed to Tikitiki-o-rangi.²⁵⁵ Tikitiki-o-rangi is the name of the place where the Supreme God of the ancestors, Io, resides.²⁵⁶ As my mother grew up in Rangitukia and Tikitiki, and her grandmother was from Horoera, I have a particular bias towards these places for the reasons given by Hāpukuniha Te Huakore Karaka (born in 1910) who recorded that:²⁵⁷

In the bible the apostle Paul talks about three degrees of glory, the terrestrial, the telestial and the celestial. Rangitukia means to break through the heavens. Therefore, Rangitukia is the next stop before one enters heaven, and to me this represents the terrestrial glory. Then you journey further up the river, and you come to Tikitiki the full name is Tikitiki-o-rangi, this is another form of heaven, and can be representative of the telestial. Then you journey on, and you reach Hikurangi, and this is the celestial heaven. To me our people knew what they were doing when they named these places. They knew that this was a special place in that it was the original boundary of the Ngāti Porou people and that it saw the light hit Hikurangi each day, and so they named these places as a way of showing our appreciation

²⁵⁵ Dewes, T. "Affidavit of evidence before the East Coast Waitangi Tribunal." (Wai 900, #A36, 14 December 2000). 22.

²⁵⁶ Dewes. (2000). 22.

²⁵⁷ Karaka HTH. "Affidavit of evidence before the East Coast Waitangi Tribunal." (Wai 900, #A43, 28 July 2000). 9-10.

to the creator for giving us this land and to show that when we are on this land, we feel close to heaven. To me that is mana whenua.

I include Horoera in this conception of the heavens. As Nēpia Mahuika has encouraged,²⁵⁸ I acknowledge the mana, mātauranga, tikanga, and whanaungatanga of the hapū of these areas, and the many other hapū that I have identified in this thesis. Their collective knowledge is the source material for the Māori chapters of this work.

I also acknowledge that this is not a tribal history, rather it is a selection of narratives from the collective mātauranga of the iwi and hapū of the Pōtikirua ki te Toka-a-Taiau district, identified to illustrate the theory underpinning this thesis. I agree with Monty Soutar that the perfect tribal history may never be realised, and that all that may be possible is a compilation of hapū histories written by several writers from throughout the district.²⁵⁹ However, I have attempted, with all its flaws, to provide an overview of tribal narratives relevant to the topic of this thesis.

I have used a narrative approach as I consider it is a legitimate analytical lens for the identification and extraction of relevant themes.²⁶⁰ However, it was a challenge to identify and extract narratives of sovereignty, law, and tribal citizenship due to an over-emphasis in the historiography on the “native warrior culture” that the Native Land Court and many historians have been fixated with. Unfortunately, much of that historiography remains the only source material available. As I have depended on the voices of tīpuna captured in print, I have relied on the interpretations of those voices proffered by scholars who lived at a time when the remnants of the tribal narratives were still available through the elders and tohunga of the whare-wānanga. I acknowledge such interpretations expressed by these authorities were influenced by their own historical and personal context. But from their knowledge of cosmology, whakapapa or genealogy, leadership, settlement patterns, history, and social organisation a consistent picture of what mana, governance, and the pre-existing legal system looked like was revealed.²⁶¹

²⁵⁸ Mahuika, N. (2012). *Kōrero Tuku Iho: Reconfiguring oral history and oral tradition*. Doctoral thesis. University of Waikato; Mahuika, N. (2015). Re-storying Māori legal histories: Indigenous articulations in nineteenth-century Aotearoa New Zealand. In *Native American and Indigenous Studies*. (2) 1.

²⁵⁹ Soutar, M. (1996). A framework for analysing written iwi histories. *He Pūkenga Kōrero Kōanga* (2) 1. 54-55.

²⁶⁰ Smith, (1999). 39; see also Binney, J. (2001). Māori Oral narratives, Pākehā written texts: Two forms of telling history. In Binney, J. (Ed.) *The shaping of history: Essays from the New Zealand Journal of History*. Bridget Williams Books. 3-15.

²⁶¹ This is consistent with the approach taken in Fox, C. (2012). Access to customary law: New Zealand issues. In *Yearbook of New Zealand Jurisprudence* (13/14)

The focus on tribal and hapū narratives in this thesis has been a point of difference in the existing research as the legal scholarship on the topic of Māori sovereignty, law, and tribal citizenship is generic in scope and not tested tribe by tribe or region by region. There is only one piece of research that comes close to this, and it was written by Dr Robert Joseph who has applied a similar lens to one aspect of an iwi's narrative, namely the battle of Orakau.²⁶²

Finally, writing this thesis is my way of giving back to my own community whom I have served for nearly 23 years as the resident judge of the Māori Land Court in the Tairāwhiti. I also hope to enable a more comprehensive understanding of the land in the Pōtikirua ki te Toka-a-Taiau district and the whānau and hapū who hold the mana whenua, and mana moana over their land.

He Tirohanga Tuhituhi – Literature Review

The standard research methodologies and analysis approach were utilised to examine the existing literature. The triangulation method has also been used. To achieve triangulation a source review was completed, along with a bibliographical review of relevant texts. I also consulted early settler letters, papers, and manuscripts such as those recorded by Bishop William Williams, Leonard W. Williams and other missionaries, W.B. Baker, Samuel Locke, and other resident magistrates and colonial soldiers. I have reviewed nearly all publications and theses written about the Pōtikirua ki te Toka-a-Taiau district. Some of the main works that I have drawn upon included the 2005 PhD in Philosophy of Rarawa Kohere which considers decision making protocols adopted by Ngāti Ruawaipu and the significance of inter-generational knowledge from whare-wānanga and whare kura.²⁶³ There is also the seminal work of Sir Āpirana Ngata in *Rauru-nui-a-Toi Lectures* and the Master's Thesis by Āpirana Mahuika in “Ngā Wāhine Kai-hautū o Ngāti Porou – The Female Leaders of Ngāti Porou” which focused on leadership (inherited and achieved).²⁶⁴ Also important is the work of W.E. Gudgeon “The Māori tribes of the East Coast of New Zealand Parts I, II, and III” as many Māori writers have relied upon him. His knowledge of Māori and his access to Māori oral history under the supervision of the tohunga Mohi Ruatapu means he cannot be ignored but his

²⁶² Joseph, R. (2021) Mō muri mā mua – Going back to the future: lessons from the 1864 Battle of Ōrakau for contemporary Māori governance. In Joseph et al. (2021).

²⁶³ Kohere, R. (2005). *Tawakewake: an historical case study and situational analysis of Ngāti Ruawaipū Leadership*. Doctoral thesis. Massey University.

²⁶⁴ Mahuika, A. (1973). *Ngā Wāhine Kai-hautu o Ngāti Porou: The female leaders of Ngāti Porou*. Master's Thesis. University of Sydney.

cultural racism is plain for all to read.²⁶⁵ Then there is Ranginui Walker's book *He Tipua: the Life and Times of Āpirana Ngata* (2005) produced following Sir Hēnare Ngata granting access to his father's manuscripts. J.A. Mackay *Historic Poverty Bay and the East Coast, N.I., NZ*, W.H. Oliver & J.M. Thomson *Challenge and Response : A Study of the development of the Gisborne East Coast Region* and B. McConnell's *Te Araroa, An East Coast Community – A History* (1998) have been important sources of information.

I have appreciated and used in this thesis, tribal papers, and articles of Dr Monty Soutar. In particular *The origins and early history of Te Aitanga a Mate: An incomplete manuscript* and his PhD in Philosophy entitled *Ngāti Porou leadership: Rāpata Wahawaha and the politics of conflict*. The thesis is the most definitive work on the 1865 war in the Waiapu produced to date. I have also relied on Victor Walker's *Te Kani-a-Takirau* thesis which was useful in providing an insight into the politics of the southern end of the district.

In undertaking this research, I have identified and extracted narratives of sovereignty, governance, law or tikanga and tribal citizenship that were prevalent both prior to and after the 1865 wars in the district. I have considered a selection of case studies where relevant to demonstrate the extent of any contestation, or commonalities in narratives of sovereignty, law and tribal citizenship.

I have reviewed as many early Māori writings as possible including whakapapa charts. Other Māori sources include the letters and articles written for Māori language newspapers. Ethnological works such as those produced for the Journal of Polynesian Society were consulted. Books such as *Ngā Mōteatea* as recorded by Sir Āpirana Ngata and neighbouring tribal histories were also used. Still more sources included the many letters, petitions or papers written by Māori to Parliamentary Select Committees, Ministers, and Government Departments. Those I have referred to were referred to by historians cited and found at the Archives New Zealand (ANZ) or at the Alexander Turnbull Library (AT), and many were published in the *Appendices to Journals of the House of Representatives*.

I have also reviewed relevant legislation, evidence given by witnesses and decisions made by the Native Land Court contained in its Minute Books, along with relevant records of inquiry and reports of the Waitangi Tribunal. However, all that can be created at this time is a window

²⁶⁵ See generally Soutar. (1996).

into the culture based upon evidence. It is acknowledged that much of the evidence from the Native Land Court was predominantly gleaned from witnesses claiming rights to land whilst denying others any interest in those lands. This was done within a Pākehā created Court process designed to individualise title to land, rather than recognising and giving expression to the collective nature of customary title. The logical extension of this weakness in the evidence will be that some of this material is skewed and imperfect, emphasising what those who controlled the system wanted to hear (e.g. the warrior culture, conquest and exclusive occupation) rather than the reality that for most of the 700 years of settlement prior to 1840 there was relative stability in the district. I also acknowledge that there may be alternative whānau and hapū narratives that have been omitted or that vary from those presented in this thesis. I have also drawn upon as many other sources as possible which record direct testimony from tohunga, chiefs, warriors or orators that have not been filtered by the Native Land Court process, but the number of such sources is limited.

Academics such as Dr. Āpirana Mahuika, Dr. Moana Jackson, Dr. Nēpia Mahuika, Dr. Monty Soutar, Dr. Linda Smith, Dr. Graham Smith, Victor Walker, Wānanga Te Ariki Walker, Mark Iles, and many more have written on topics that have influenced this thesis and I have reviewed their work and referenced it where relevant.

Ngā Tikanga – Ethics

Institutional ethics approval was sought and obtained for this research. This was a straightforward process as I conducted legal and historical research of the law, literature, and written sources, and I was able to draw upon some oral history narratives collected over the years I have spent in the district.

However, I have also been mindful of Dr Soutar's view that only a researcher 'competent in the language and culture', who is a member of the iwi, and who has access to both documentary evidence and resources of tribal scholarship, should ideally interpret the tribe's history.²⁶⁶ While I have background in the topic of this thesis due to my work, I have not been nurtured or groomed for the task of documenting tribal history. This Dr Soutar suggests may be an

²⁶⁶ Soutar. (1996). 48.

important credential for writing tribal histories.²⁶⁷ Furthermore, I have left this thesis too late to talk to those with the most knowledge of this topic. My elders have either passed away or are not able to effectively communicate their responses. Therefore, seeking “knowledge from one's elders as expressed in the whakatauki (proverbial expression) whakarongo ki te kupu a tōu matua” has just not been possible.²⁶⁸ To provide for some cultural accountability and critical analysis of this thesis, I provided drafts of the tribal historical chapters to Karin Mahuika (pouaru o Dr Āpirana Mahuika) and Wānanga Te Ariki Walker. Victor Walker, Dr Monty Soutar and Ngarimu Parata reviewed the entire thesis.²⁶⁹ This was to ensure accountability in terms of the way the thesis was presented. I wish to thank them for their review and important feed-back. However, any interpretation of material used in this thesis, I am responsible for. I consider that in most other respects, I meet most of the criteria set out by Monty Soutar.

I also note that Hōri Karaka of Rongowhakaata was one of my tupuna. He was a taina to Paratene Tūrangi and he signed the “Deed of Tūranga.” Thus, I have whakapapa links to the tribes of Tūrangi-nui-a-Kiwa, beyond my Porourangi whakapapa.

Hōri Karaka

Marara Wahakino

Marara Te Kuri = Wī Tākoko

Tāwhai Tākoko

Pākura Tākoko

Pākura Te Mateora Tākoko

Caren Fox

This thesis is not an attempt to recite the narratives of the Tūranga-nui-a-Kiwa tribes and I accept and respect the fact that their understanding of the boundaries and their narratives of the war in 1865 with the Crown, Ngāti Porou and Ngāti Kahungunu will differ.

²⁶⁷ Soutar. (1996). 44.

²⁶⁸ Soutar. (1996). 44.

²⁶⁹ Smith. (1999) 184, 187, where she discusses the need for whānau accountability in undertaking Kaupapa Māori research.

Part 1

I began in Chapters 1 and 2 by considering how narratives of tribal sovereignty, law and citizenship are recognised in international and domestic law? I explained how narratives of sovereignty and law were applied in native territories acquired in classical international law (known as the Law of Nations) and in British colonial law. I did so based upon my Master of Laws thesis written in 1996. In this PhD thesis, I updated my findings based upon recent scholarship and legal decisions. I also considered whether the current New Zealand legal system can recognise any continuing elements of Māori sovereignty, law and citizenship.

In chapter 3, I reviewed the methodology I utilised for the Māori historical, ontological and epistemological component of my research.

Part 2

In chapter 4, I identify the founding ancestors who influenced tribal sovereignty, law and tribal citizenship in the Pōtikirua ki te Toka-a-Taiau district prior to 1840. I review where many of these ancestors came from and whether those who arrived in waka from Hawaiki influenced the nature of the pre-existing legal system.

In chapter 5, I review a selection of hapū and iwi narratives of sovereignty, law, and tribal citizenship that existed within the Pōtikirua ki te Toka-a-Taiau district prior to 1840.

In chapter 6, I critically assess chapters 4 and 5 to identify and describe the nature of the Māori legal system that existed within the Pōtikirua ki te Toka-a-Taiau district prior to 1840.

Part 3

In chapter 7, I identify whether narratives of tribal sovereignty, law and tribal citizenship were influenced by Crown sovereignty and law during the period 1840-1865. I do so by reviewing the impact of colonial policies on people in the district.

In chapter 8, I analyse the impact of the Kīngitanga on the pre-existing legal system operative in the Pōtikirua ki te Toka-a-Taiau district.

In chapter 9, I consider the advent of the *Pai Mārire* faith and describe the responses to it by the Crown, former Kingites, loyalists and neutrals. I then reflect on who prevailed politically in the post-colonial struggle to retain hapū and iwi sovereignty, law and tikanga.

In chapter 10, I review how the Ngāti Porou land base was reduced over 50% during the period 1865-1900 through Crown and private purchasing of land. I spend some time outlining the legislation constituting the Native Land Court and its operation in this district and the nature of the title it awarded. I also analyse the agency of the various chiefs, rūnanga, kōmiti, or block committees in controlling what narratives of customary title would be used in the Native Land Court system when customary title was first investigated by the Court. I end by critically assessing the impact of that system on tribal sovereignty, leadership and tribal citizenship.

Part 4

In chapter 11, I summarise the chapters and discuss my conclusions. I consider the different legal strategies that have been or can be adopted to recognise tribal sovereignty, law, and tribal citizenship in the Pōtikirua ki te Toka-a-Taiau district. I identify what aspects of mana or rangatiratanga, tikanga or customary law remain in the district including mana whenua and whether it is possible to infuse these into the work of Māori Land Court under Te Ture Whenua Māori Act 1993.

PART 2

CHAPTER 4

NGĀ TAONGA O NGĀ TŪPUNA

THE GIFTS OF THE ANCESTORS

He Timatanga – Introduction

The narratives associated with the Pōtikirua ki te Toka-a-Taiau district begin with the cosmology and the settlement of the district. These narratives reflect the mātauranga and tikanga of the people. Dr Āpirana Mahuika, for example, linked their tikanga or culture with mātauranga Māori when he stated:²⁷⁰

The key to Mātauranga Ngāti Porou is tikanga, or in the English term, culture. In culture or tikanga we find all those elements that are essential to life, namely, the rules and regulations about the norms of behaviour and respect for people and property, rules of lore out of which arise systems of law, moral codes of behaviour and justice, sets of value systems, political and economic systems and religious and spiritual sanctions.

To understand how the mātauranga of the district and its tikanga governed behaviour, requires first an in-depth analysis of the history of this district. From this analysis will emerge the district's distinct political, law and justice systems and associated norms, values and principles. Modes of citizenship through whakapapa or common descent will also emerge as noted by Whaimutu Dewes:²⁷¹

In tikanga Māori the interdependence between the various elements is added to by the belief that all people and things are actually related by whakapapa. Such common descent ties represent and create the reciprocal obligations of respect and sustenance.

These common descent lines led to the district's narratives of sovereignty, law and tribal citizenship. Therefore, it is important to identify the first ancestors of the district, iwi and hapū narratives of governance that bind the kin-groups of the region together, their mātauranga and relationship with their environment and their tikanga.

²⁷⁰ Mahuika. (2012). 260-261.

²⁷¹ Dewes W. "Māori custom law: He kākano i ruia mai i Rangiatea, e kore e ngaro." (1998). 7-8.

Te Mātai Tuarangi – Cosmology

Like many iwi Māori, the cosmology of the district begins with the supreme being as identified by Ānaru Kupenga. In reciting this whakapapa, he is demonstrating the connection between all animate and inanimate objects and beings.²⁷² His recitation of whakapapa has been shortened for the purposes of this thesis.²⁷³

Io
(The supreme being)
Io-Hana
Io-Hanga
Io-Hā-wai
Io-Hūnga
Io-Mata-aho
Io-Mata-ane
Io-Mata-kākā
Io-Mata-kana
Io-Mata-moe
Io-Mata-ngaro
Io-Mata-pūtahi
Io-Matua
Io-Matua-kore-anake
Io-Mau
Io-Mata-wai
Io-Moa
Io-Mua
Io-Nui
Io-o-ngā-rangi-tūhaha
Io-Rangi
Io-Roa
Io-Taketake
Io-Tā-maua-take
Io-Tama-akaaka
Io-Te-hau-e-rangi
Io-Te-hawai
Io-Te-hiringa
Io-Te-hihiri
Io-Te-kore-te-whiwhia
Io-Te-mahara
Io-Te-mata-kaka
Io-Te-mata-aho
Io-Te-pukenga
Io-Te-tamaua-take
Io-Te-taketake
Io-Te-toi-o-ngā-rangi
Io-Te-wai-ora
Io-Te-wānanga-take
Io-Te-whiwhia
Io-Uru
Io-Uru-rangi
Io-Uru-tapu
Io-Tikitiki-o-rangi

²⁷² Kupenga A “Māui Tikitiki o Taranga me āna uri o Te Ikaroa ki Te Tairāwhiti” - Mai i ngā tuhinga a Rāniera Haereroa rāua ko Piripi Kaiwaru i te tau 20-01-1956, hei taonga tukuiho ki ā rāua uri. (undated).

²⁷³ Kupenga. (No date).

(Different stages of the void of potential)

Te kore tuatahi
Te kore tuarua
Te kore tuatoru
Te kore tuawhā
Te kore tuarima
Te kore tuaono
Te kore tuawhitu
Te kore tuawaru
Te kore tuaiwa
Te kore tūangahuru
Te Kore

Te Pō

(Different stages of night)

Te pō-uriuri
Te pō-nui
Te pō-kerekere
Te pō-roa
Te pō-tiwhatiwha
Te pō-te-kitea
Te pō-tangotango
Te pō-whawha
Te pō-namunamu-ki-taiao
Te pō-tahuri-atu
Te pō-tahuri-mai-ki-taiao

Ranginui = Papatūānuku

Te Ao
Te Ao-mārama
Te Ao-tūroa

The Pōtikirua ki te Toka-a-Taiau district begins its cosmology story with Rangi and Papa.²⁷⁴ According to Mohi Ruatapu, from the union of the primal parents they begat Tāne-tūturi, Tāne-pēpeke, Tāne-ua-tika, Tāne-uehā, Tāne-te-wai-ora, and Tāne-nui-a-Rangi and it was the latter that propped up the sky and separated Rangi and Papa.²⁷⁵ Tāne recited the following karakia:²⁷⁶

Whakaarahia i te a[h]iahi,
Ka tata whitu ē, ka tata waru ē, he manu tāwhaitari ē.
Ka tata whitu ē, ka tata waru ē, he a iki, a iki ē.
Te turoua whitu, whiti-nuku ē, whiti-rangi ē
Ka hikitia i tōna ure, ka hāpainga i tōna ure, iaia, iaia.

Taken up in the evening,
Nearing seven, nearing eight, a tawhaitari bird.
Nearing seven, nearing eight, he a iki, a iki ē.
Propped up seven, earth changes direction, sky changes direction.
His penis is lifted up, penis is raised up iaia, iaia.!

²⁷⁴ Reedy, A. (Ed.) (1993). *Ngā Kōrero a Mohi Ruatapu*. Canterbury University Press. 17, 117.

²⁷⁵ Reedy. (1993). 17, 117.

²⁷⁶ Reedy. (1993). 17, 117.

It was also Tāne-nui-a-Rangi who threw the stars in the sky, along with the moon (originating from his sweat).²⁷⁷ It was he who also fashioned the first human Hine-ahu-one out of mud and through the prodding of his penis he gave her life and mated with her.²⁷⁸ It was then, according to Mohi Ruatapu, that Tāne and Hineahuone's children were born and he lists those children as: Hine-manuhiri, Tangaroa, Huanga, Tiki, Rongo-marae-roa, and Tūmatauenga.²⁷⁹ From Tiki down 23 generations we arrive at Māui-Pōtiki-a-Taranga.²⁸⁰ Others such as Pita Kāpiti recited much shorter lines of descent to Māui as discussed below.

In a manuscript (author unknown) entitled “Ngāti Porou Traditions” (1895) the narrative begins with Rangi and Papatūānuku being the primal parents of Tāne-tūturi, Tāne-pēpeke, Tāne-uatika, Tāne-uehā, Tāne-te-wai-ora, and Tāne-nui-a-Rangi, Tangotango, Mākoropupū, Huanga, Rongo-marae-roa, Haumia, Tangaroa, Tānemahuta, Tāwhirimātea, Rūaumoko, and Tūmatauenga suggesting that within the Pōtikirua ki te Toka-a-Taiau there were differences in the narratives depending on who recited the traditions to those who recorded them in writing.²⁸¹

Nā Māui Te Iwi - The Māui Nation²⁸²

Although the term ‘the Māui Nation’ comes from a person not of Māui ancestry, it is a term befitting of his descendants. It begins with the general narrative of how Māui-Tikitiki-a-Taranga or Māui-Pōtiki fished up Te Ika a Māui. The narrative clearly demonstrates Māori knowledge of the land. As J. A. Wilson notes, the characterisation of the North Island as Te Ika a Māui demonstrates “good geographical knowledge of the shape of the island.”²⁸³ Māui is also responsible for slowing the sun, even though his demi-god prowess was obtained from Tama-nui-te-rā.²⁸⁴ He was capable of these feats because he was closely aligned with the

²⁷⁷ Reedy (1993). 17-18, 117-118.

²⁷⁸ Reedy (1993). 18, 118.

²⁷⁹ Reedy (1993). 18, 118.

²⁸⁰ Reedy (1993). 18, 118.

²⁸¹ (Author unknown). (1895). Ngāti Porou Traditions. MSY-4565 ATL. 5.

²⁸² See Wilson, J. (1906). *The Story of the Waharoa together with sketches of ancient Māori life and history*. Whitcombe and Tombs. 109, 126. <https://bit.ly/3sduSBf> retrieved on 29 September 2021.

²⁸³ Wilson (1906). 126

²⁸⁴ Kohere, R. (2005). *Tawakewake: an historical case study and situational analysis of Ngāti Ruawaipu Leadership*. Doctoral thesis. Massey University. 76.

pantheon of Māori gods.²⁸⁵ The following whakapapa shows Māui's descent from those gods.²⁸⁶

Tāne-Matua
Tiki
Oho
Hine-Tītama
Te Kitea
Te Whairo
Te Kune-iti
Te Kune-rahi
Kimihainga
Te Rapanga
Te Hāhautanga
Te Iti
Te Kore
Te Kore-te-Whiwhia
Te Kore-te-Rawea
Pupu
Mauake
Te Kanoi-o-te-uha
Te Kāwitiwiti
Kātoatoa
Tira-Waihekura
Te Pū-Motomoto
Timu-rangi
Muri-ranga-whenua
Taranga
Māui-Tikitiki-a-Taranga.

Ānaru Kupenga also provides the following whakapapa from the gods:²⁸⁷

Io-Matua-kore = Tangaroa
 Wai-nui-a-tea = Tāne
 Papatūānuku = Ranginui
 Tāne-nui-a-Rangi = Hine-ahu-one
 Hine-nui-te-Pō = Tāne-nui-a-Rangi
 Tamanui-ki te rangi = Muriranga-whenua.
 Mākearūtara = Taranga.

Nā Mākearūtara rāua ko Taranga, ko Māui-mua; Māui-pae; Māui-taha; Māui-muri; Māui Pōtiki or Māui-Tikitiki-a-Taranga.

Oral history of the region recognises that Māui's waka, Nukutaimemeha, rests in petrified form in the lake Takawhiti on the summit of Hikurangi.²⁸⁸ Te Tipi a Taikehu and Te Tone o Houku

²⁸⁵ Buck, P. (1949, reprinted 1987). *The Coming of the Māori*. Whitcombe and Tombs. 5.

²⁸⁶ Kohere. (2005). 75.

²⁸⁷ Kupenga. (No date).

²⁸⁸ Mahuika A. "He Kupu Kōrero Statement of Evidence before the Waitangi Tribunal." (Wai 262, Cultural and Intellectual Property Claims Inquiry). 13; see also Walker W. (2014). Māui Whakairo. In *Maunga*

are peaks on Hikurangi. Takawhiti is a lake on Hikurangi, at the plantation of Kahukurapō.²⁸⁹ Dr Te Kapunga Dewes collated the following whakataukī and whakatauākī to demonstrate the significance of the mountain:²⁹⁰

- “... Tērā te haeata e tākiri ana mai i runga o Hikurangi.” – “Behold the first light of dawn is reflected from the crest of Hikurangi” from the haka *Kura Tīwaka*.
- When Te Aotaiiki welcomed Tūwhakairiora he said: “Haere mai ki au ki Hikurangi, ki te maunga e tauria ana e te huka” – “Come hither to Hikurangi, the mountain adorned with snow.”
- “Maunga Hikurangi ... Te maunga pūpū o te tangata i te tai whakamate a Ruatapu” – “Mt Hikurangi to which the people sheltered from the destructive tidal wave of Ruatapu” (Peta Awatere “Te Papatipu o Horouta”).

The presence of Nukutaimemeha has imbued the mountain with the mana and tapu of the first settlers.²⁹¹ There it rests just like the ark of Noah lies on Mt Arafat. Māui’s legendary feat and his waka are recorded in district waiata and haka.²⁹² The following very ancient waiata - *Haere ra e Hika*, for example, references Nukutaimemeha along with more ancient waka:²⁹³

Haere ra, e hika, koutou ō mātua.
Inuhia i te rito o te harakeke,
Ka tū i te aroākapa.
Aku nui, aku rahi, ē
Aku whakatamarahi ki te rangi!
Waiho te iwi, māna e mae noa!
Kia mate ia nei koe, e hika,
Ko Atamira te waka, ko Hotutaihirangi,
Ko Tai-o-puapua, ko Te Raro-tua-māhēni,
Ko Araiteuru, ko Nukutaimemeha
Ko te waka o hiia ai e te whenua nui nei.

Depart, dearest one, in the company of your elders.
Plucked like the centre shoot of the flax,
As you stood in the foremost rank.
My renowned one, my noble one,
My proud boast oft flung to the heavens!
Bereft the tribe, seeking solace all in vain!
You are gone indeed, dear one,
(For your) canoe there are Atamira, Hotutaihirangi,
Tai-o-puapua, Te Raro-tuamāhēni,
Araiteuru, and Nukutaimemeha:
The canoe which fished up this widespread land.

Rarawa Kohere suggests that Māui had a fleet of canoes with him when he fished up the land and these he named as Ātamira, Hotutaihirangi, Tai-o-puapua, Te Rarotua māhēni, Araiteuru

Kōrero. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>; and see Buck. (1949) 5.

²⁸⁹ Ngata, A., Jones, P. (1928 reprinted 2006). *Ngā Mōteatea: The songs*. Auckland University Press. 156-159.

²⁹⁰ Dewes TKM “Affidavit of evidence before the East Coast Waitangi Tribunal.” (Wai 900, #A36, 14 December 2000). 44.

²⁹¹ Mahuika. “He Kupu Kōrero.” 14.

²⁹² See Reedy, T. *Ngāti Porou* identifying “Haere ra e Hika” (Farewell dear one) and Whakarongo ake ke te hīrea waha o Māui.” (Harken to the faint call of the voice of Māui) in *Te Ara – Encyclopaedia of New Zealand* Retrieved on 21/01/2015 at <http://www.teara.govt.nz/en/ngati-porou/print>.

²⁹³ Ngata et al. (1928). 10-11.

and Nukutaimemeha,²⁹⁴ the same waka identified in this waiata. Wharekia, Whanokao, Taitai, and Aorangi are neighbour mountains and peaks under Hikurangi.²⁹⁵ Whanokao was used as a mountain track short cut to Te Kaha.²⁹⁶

Not only is Māui revered for his raising of the land, he is also revered as an ancestor.²⁹⁷ In this area of Hikurangi mountain are the footsteps of Māui's descendants as recorded in the block names of Tapuwaeroa and Raparapaririki.²⁹⁸ Such names are derived from narratives in the district that resemble this one recorded by Hoturangi Pāora Weka and Koroneho Koia:²⁹⁹

6. When Māui arrived on the waka Nukutaimemeha from Hawaiki, he arrived near Tikitiki. He and all of the waka occupants stayed here for a long while. It was many years after that a group of them decided to go and explore the land and set off leaving the others behind. Many years later another group decided to go and search for the previous group. They boarded the waka and ventured up the Waiapu river. The water at the time was quite low. As they got further up the river, close to where the Ruatoria township is today, the water was very low. So, some decided to get out of the waka, to help ease the load. As this group walked along the banks of the river, they came across footprints of the previous group, so, this place was called Tapuwaeroa (the long footprints). This is still the name used for this area today.

7. From here the water became stronger so those who had left the waka, boarded it again and continued their journey up the river. Then one of them called out, "E, ko wai e rongo mai?" - "Alas, who is listening?" The area where they were calling from is still Wairongomai today.

8. They carried on their journey. As they came to different places, they would rest and some of the people would stay in the various places they had stopped at. This is how this land was first populated. These groups continued their journey throughout the East Coast and even up to where Whakatāne is today. That is where some of them stopped and became Ngāti Awa people of today. The people who arrived on the waka and journeyed around the island, became known as the Māui nation, because they inhabited this land before the arrival of any other people or waka. Many of the tribes, especially those on the East Coast, descended directly from Māui. I attach a copy of the genealogical map provided by Arnold Reedy, which shows descent from Māui and also the link these tribes form as part of the Maui nation. Ngāti Porou are very much part of the Māui nation.

²⁹⁴ Kohere. (2016). 76; cf the teachings of Te Rāwheoro Wānanga which holds that the waka Ātamira, Hotutaihīrangī, Tai-o-puapua, Te Rarotumāheni, Araiteuru were associated with the migration of Toi Te Huatahi. Parata. N. Review - Ko te Mana te Utu. (2022).

²⁹⁵ Ngata et al. (1928). 156-159.

²⁹⁶ Weka HP and Koia K. "Affidavit of evidence before the East Coast Waitangi Tribunal." (Wai 900, #A61, 12 June 2000). 5.

²⁹⁷ See also Ngāti Porou Claims Settlement Act 2012; cf. views of Buck. (1949). 9.

²⁹⁸ Ngāti Porou and Te Rūnanganui o Ngāti Porou Trustee Limited as Trustee of Te Rūnanganui o Ngāti Porou and the Crown Deed of Settlement of Historical Claims 22 December 2010, Background.

²⁹⁹ Weka HP and Koia K. (2000). 2; see also Te Maro TH. "Affidavit of evidence before the East Coast Waitangi Tribunal." (Wai 900, #A58, 3 March 2001). 5.

Dr Āpirana Mahuika would declare, “as Māui’s descendants we are indigenous to the land.”³⁰⁰ Whakapapa charts trace that connection.³⁰¹

Māui returned to his origins taking the mawe (semblance of the land) back there.³⁰² He also took the hau of the land (smell or essence).³⁰³ If, as Sir Peter Buck suggests, Māui was a navigator and explorer who was the first to discover this land,³⁰⁴ then that explains why he returned to his home and why some of his descendants remained here and others eventually found New Zealand and settled here.

Ngā taonga i heke mai i a Māui

According to the traditions,³⁰⁵ Tāne, although some say it was Māui, ascended to the twelfth realm, Tikitikiorangi, Te Toi-o-ngā-rangi. This was the domain of Io the Supreme Being. There he was welcomed to Te Rauroha, the plaza courtyard in front of Io’s mansion, Mātangireia. From there he was escorted to the celestial house of learning, Rangiātea where all knowledge is kept.³⁰⁶ After ceremonial rituals, and rites of cleansing he was invited into Rangiātea where he secured the three baskets of knowledge.³⁰⁷ These baskets were:³⁰⁸

- (1) Te kete tuauri (Uruuru Matua): the basket containing rituals and karakia and ceremony connected to all things on earth and in the heavens, peace, goodness, love (manaakitanga and atawhai).³⁰⁹
- (2) Te kete tuatea (Uruuru Rangi): containing rituals and karakia associated with magic and pertaining to disease, sickness, pestilence, poverty, corruption, deceit, wickedness, selfishness, hate, evil, theft, murder, dishonesty, and death.³¹⁰

³⁰⁰ Mahuika. “He Kupu Kōrero” 14; see also Walker, W. Te Heke a Māui: The descendants of Māui. In *Maunga Kōrero*. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

³⁰¹ See Annex 2; see also Kupenga. (No date).

³⁰² Best, E. (1973). *Spiritual and mental concepts of the Māori: Monograph 2, Dominion Museum*. Government Printer. 12 where Best acknowledges Tuta Nihoniho as one of his primary sources, see also 29.

³⁰³ Best. (1973). 45.

³⁰⁴ Buck. (1949). 5.

³⁰⁵ cf Mahuika AT *Ngāti Porou Traditions* (1995, Part 1). 56. who states it was Tāne who visited the heavens.

³⁰⁶ On the importance of Rangiātea see Mahuika. (1995, Part 1). 56.

³⁰⁷ Kupenga A. Kōrero a Waha at Hinerupe Wānanga (6-8 August 2010).

³⁰⁸ Kupenga. Kōrero a Waha (2010).

³⁰⁹ Mahuika. (1995, Part 1). 60.

³¹⁰ Mahuika. (1995, Part 1). 60.

(3) Te kete aronui (Uruuru Tau), the basket of life's knowledge and rituals pertaining to warfare, agriculture, woodwork, stonework, the arts etc.³¹¹

The three baskets contained Te Kauae Runga and Te Kauae Raro.³¹² Te Kauae Runga concerned the most sacred superior knowledge including the genesis of life and was therefore the most tapu form of knowledge.³¹³ Te Kauae Raro was concerned with earthly knowledge and how people were to relate to it.³¹⁴ It was only taught by the most senior tohunga.³¹⁵ The first wānanga in Te-ao-tūroa, where these different baskets of knowledge were taught, was in Hawaiki and it was called Ruatēpupuke.³¹⁶ Āpirana Mahuika stated it was called a whare kura and not known there as a whare-wānanga.³¹⁷ In this house and in the whare-wānanga established in Aotearoa the contents of the three baskets were studied and transmitted to ensure the various departmental gods, and lesser gods, their progeny, and their mauri were respected.³¹⁸

Māui eventually met his demise. Māui's father was also known as Irawhaaki.³¹⁹ Wānanga Walker records that it was "Irawhaaki's mistake in performing karakia upon Māui that was to render him mortal and lead to his ultimate demise at the hands of Hine-nui-te-pō, the goddess of the spiritual realm."³²⁰

Toi

There are several narratives about Toi.³²¹ Some say he was an early explorer who later followed Māui to Aotearoa. For example, Pita Kāpiti (a graduate of Tapere-nui-a-Whātonga whare-

³¹¹ Mahuika. (1995, Part 1). 60.

³¹² Mahuika. (1995, Part 1). 55.

³¹³ Mahuika. (1995, Part 1). 57-58.

³¹⁴ Mahuika. (1995, Part 1). 57-58.

³¹⁵ Mahuika. (1995, Part 1). 59.

³¹⁶ Mahuika. (1995, Part 1). 56.

³¹⁷ Mahuika. (1995, Part 1). 56.

³¹⁸ Mahuika. (1995, Part 1). 57-58.

³¹⁹ His name Makearutara used in the whakapapa above, is spelt Makea-tūtara by other oral historians.

³²⁰ Walker W. (2014) Maui. In *Maunga Kōrero*. Retrieved on 29 September 2021 at

<https://maungakorero.wordpress.com/maunga-korero/>.

³²¹ Walker, R. (2005). *He Tipua: The life and times of Āpirana Ngata*. Penguin Books. 18.

wānanga and tohunga)³²² stated that the reason Toi came to settle in this island was on account of Māui-tikitiki-a-Taranga or Māui-pōtiki, who fished up the land, Te Ika-a-Māui.³²³

However, Hōne Taumaunu and Āpirana Mahuika considered that Toi came here in search of his grandson Whātonga.³²⁴ Not knowing about the search, and after voyaging for some time, Whātonga returned to Hawaiki where he heard that his grandfather had gone looking for him.³²⁵ He decided to follow Toi to Aotearoa on the Kurahaupo waka.³²⁶ According to Kāpiti, Horouta was Toi's waka.³²⁷ He first settled at Whitianga and then eventually he moved to Whakatāne. Thus, the Horouta and the Kurahaupo arrived here long before the second wave or fleet of waka from Hawaiki circa 1350.

Mohi Ruatapu provides the following detailed whakapapa for Toi:³²⁸

... mai i a Māui Tikitiki-a-Taranga rāua ko Huruhurungaitearangi; ko Tiki-i-ahua-mai i Hawaiki; Ko Tato; ko Tawe; ko Takahapū; ko Tauwharekiokio (Nā mai i a Māui Mua; ko Te Rangituatahi; mai i a Te Rangituatahi ko Te Rangimatakeho te Tāne o Tauwharekiokio); mai i a rāua; Ko Te Rangituatea; ko Whaitirimatakaka; ko Hēma; ko Tawhaki; ko Arawhitaiterangi; ko Waihiora (Na, ko te wahine a Wahineroa ko Hinetuahonga); ko Taputapuātea; ko Tapukiterangi (Nā, ka moe a Tapukiterangi i a Ngā Ariki) mai i a rāua; ko Ngāinui; ko Ngāiroa; ko Ngāikaka (Nā, ka moe a Ngāikaka i a Ngāwharekaka); mai i a rāua ko Ngāiroki (Nā, ka moe a Ngāiroki i a Ātonga) mai i a rāua; ko Ruatanganuku (Autanganuku); ko Ruatangarangi (Autangahanga); ko Hā; (Nā, ka moe a Hā i a Kahukuraariki – Ka'ukula); mai i a rāua; Ko Tangaroawhatu; ko Toi-te-Huatahi.

Pita Kāpiti provided a shorter form of the whakapapa:³²⁹

Māui-Tikitiki-a-Taranga
Hēma
Ruatonga-nuku
Ruatonga-rangi
Hā
Tangaroa-a-Whatu
Toi-te-Huatahi³³⁰

³²² Reedy, A. (Ed.). (1997). *Ngā Kōrero a Pita Kāpiti*. Canterbury University Press. 13.

³²³ Reedy. (1997). 57-67, 111-128.

³²⁴ Taumaunu HM. "Affidavit of evidence before the East Coast Waitangi Tribunal" (Wai 900, #A56, 21 June 2001). 2, 6; Mahuika. "He Kupu Kōrero" 15; Mitchell, J. (1990 reprint). *Takitimu: a History of Ngāti Kahungunu*. Te Rua Press. 19-20.

³²⁵ Taumaunu. (2001) 2, 6; see also Mitchell. (1990 reprint). 20.

³²⁶ Mitchell. (1990). 20.

³²⁷ Reedy. (1997). 111.

³²⁸ Kohere. (2005). 78. Quoting M. Ruatapu.

³²⁹ Reedy. (1997). 58, 111.

³³⁰ See also Ngata, A. (1972). 97. but note Ngata has Ruatanga as Toi's grandfather and Rongomai as his father.

However, Victor Walker notes that Te Rangiūia (a tohunga of the Rāwheoro whare-wānanga) hints at Toi being born in Aotearoa.³³¹ He provides the following whakapapa:³³²

Māui-Potiki
Hīhiri-o-Tū
Wai-ngā-Rongo
Taharoa
Heke-ponga
Toi

These narratives demonstrate the power of the whare-wānanga in the district as the tohunga were able to trace the descent from Māui to Toi (even if descent lines varied). They also demonstrate that it was Māui and Toi who provided the main line of descent for all the ancestors of the northern part of the district south as far as Tūpāroa. From there south, the Toi people were subsumed by the later arrivals from Hawaiki.³³³

Ruawaipu

It is from Toi that the tupuna Ruawaipu descends. Halbert argues that she was of the Tahatiti branch of Te Tini o Toi in the Bay of Plenty.³³⁴ The whakapapa from Halbert shows the line of descent from Toi.³³⁵

Toi
Raurunui
Tahatiti
Ruatapu-nui
Rakeiora
Tama-ki-te-hau
Tama-ki-te-rā
Tama-huru-manu
Ruawaipu

³³¹ Walker, V. (1997). *Te Kani-a-Takirau, Ariki*. Master's thesis. Massey University. 31.

³³² Walker. (1997). 31.

³³³ Ngata. (1972). 17, 32; Ngāti Porou and Te Rūnanganui o Ngāti Porou Trustee Limited as Trustee of Te Rūnanganui o Ngāti Porou and the Crown Deed of Settlement of Historical Claims 22 December 2010, Background p 5.

³³⁴ Halbert, R. (1999). *Horouta*. Reed Publishing. 173.

³³⁵ Halbert. (1999). 226, Chart 8.

This whakapapa was the same whakapapa recited by Paratene Ngata in the investigation of the Marangairoa 1B block.³³⁶ Te Kapunga Dewes followed a different line highlighted below:³³⁷

Toi
Raurunui
Whātonga
Apa
Rūtanga
Rongomai
Tahatiti
Ruatapu
Rakeiora
Tama-ki-te-hau
Tama-ki-terā
Tama-huru-manu
Ruawaipu
Parawhenuamea

In 1913, Hēnare Rukuata of Rangitukia would state the following regarding Ruawaipu's origins:³³⁸

The first migration to New Zealand was that of Toi. Have given the whakapapa to Tamahurumanu. That section lived in Whakatāne. Toi's pā there was Whitianaōmao. Ngāmamaku a Toi is a place there. Tamahurumanu and Tamaikakea went to Maungapōhatu in Urewera country and Ruawaipu came to this district from Wharekāhika down to the present block.

Tamahurumanu was Ruawaipu's father. According to Rongowhakaata Halbert, Ruawaipu arrived in Te Riu o Waiapu aboard the Kurahaupō Waka.³³⁹ This ancestor boarded the waka at Whakatāne.³⁴⁰ Ruawaipu disembarked from the Kurahaupō Waka at the Maraehara River near Rangitukia.³⁴¹ Rongowhakaata Halbert wrote she arrived there with Whātonga and Māhutonga who also trace descent from Toi.³⁴² Halbert provides the following whakapapa:³⁴³

³³⁶ Native Land Court *Re Marangairoa 1B - Horoera* (1908) 38 Waiapu MB Introduction.

³³⁷ Dewes, T. (1973). *Ngā Waiata Haka a Hēnare Waitoa*, Master's thesis. Massey University. 44.

³³⁸ Native Land Court *Re Te Kautuku* (1913) 57 Waiapu MB 104.

³³⁹ Halbert. (1999). 173, but note he refers to this tīpuna as a male; Walker, W. (2014). Ruawaipu – the foundations of an iwi. In *Maunga Kōrero*. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

³⁴⁰ Halbert. (1999). 173; Walker. (2014). Ruawaipu; Kōrero a Waha a Robert Ruha. (18 September 2008). Awatere Marae.

³⁴¹ Halbert. (1999). 173.

³⁴² Halbert. (1999). 39, 173; Kōrero a Waha a Robert Ruha. (2008).

³⁴³ Halbert. (1999). 173.

	Tama-ki-te-hau	
	Tama-ki-te-rā	
	Tama-huru-manu	
	Ruawaipu	
	Parawhenuamea	
	Tama-ki-te-hau	
	Haerengaawatea	
	Toi-te-huatahi II	
	Rongouaroa	
Whātonga		Māhutonga

Rongowhakaata Halbert considers that Ruawaipu and her cousins established Te Tapere-nui-a-Whātonga whare-wānanga.³⁴⁴ He claims Ruawaipu remained at Rangitukia when the Kurahaupo waka continued its journey.³⁴⁵ Paratene Ngata considered that it was Tamakautuku (Ruawaipu’s brother) who was responsible for erecting the wānanga,³⁴⁶ while Hēnare Rukuata thought it was Ruawhaitiri and Parawhenuamea.³⁴⁷ The main point to take from the narratives is that members of Ruawaipu’s family were responsible for erecting the whare. Her descendants would later be found from Whangaparaoa to Waiapu. Āpirana Mahuika would write that:³⁴⁸

Ruawaipu gained by birth her mana and tapu from the Toi line. In addition, through her own personal ability and as her father’s daughter, she succeeded to his mana whenua and mana tangata.

Rarawa Kohere would record that the descendants of Ruawaipu “gradually spread northwards from the Maraehara Valley before coalescing into a tribe under Tahingaroahau. Their occupation remained unchallenged until the generation of Tamatearahia ...”³⁴⁹

Uepōhatu

Uepōhatu was a direct descendant from Māui and Toi. She held the mana ariki, mana tangata and mana whenua from the base of Hikurangi, through to the Tapuwaeroa Valley, Ruatōrea and on to Reporua and Tūpāroa.³⁵⁰ Her people became the guardians of Hikurangi, the first point to emerge from the sea and upon which the canoe Nukutaimemeha rests in petrified form.

³⁴⁴ Halbert. (1999). 173.

³⁴⁵ Halbert. (1999). 173.

³⁴⁶ Native Land Court *Re Te Kautuku* (1913) 56 Waiapu MB 175-177.

³⁴⁷ Native Land Court *Re Te Kautuku* (1913) 57 Waiapu MB 102.

³⁴⁸ Mahuika. (1973). 136.

³⁴⁹ Kohere. (2005). 136.

³⁵⁰ Mahuika. (1973). 141.

W. E. Gudgeon claimed that the Uepōhatu people believed that Māui was buried on the mountain.³⁵¹

Ngāti Uepōhatu are sometimes referred to as Te Iwi Pōhatu a Māui, the Stone-age people of Māui who arrived on the Nukutaimemeha. The whakapapa descends through the ages to Toi. Wī Tāhata advised the Native Land Court that they were the “original inhabitants of this land and were never dispossessed by the canoes that came afterwards.”³⁵² He presented whakapapa from Toi to Uepōhatu:³⁵³

Rongomai
Toi
Rauru
Tahatiti
Ruatapu
Raikaiaora
Tama-ki-te-hau
Tama-ki-te-rā
Huritakeke
Te Kohunu
Mohunu o te rangi
Tamakaroro
Te Wakanui
Uepōhatu

J. A. Wilson acknowledged the recitation of this whakapapa in the following way:³⁵⁴

Only once have I heard a Māui Māori speak in public with great and real pride of his unique and ancient descent. That was when the chief of Uepōhatu or Iwi Pōhatu a Māui put the land of his tribe at Hikurangi Mountain, Waiapu, through the native Land Court of New Zealand, and obtained a legal title to it. On that occasion the chief (Wī Tāhata) said that he was descended from Māui, from whom he claimed. He gave his genealogy 38 generations from Māui. He spoke of the Hawaiians as having come to their island in canoes from across the sea in an age long after the time that they, the Māori nation had peopled it. He showed the boundaries of the territory that belonged to his section of the Māori nation.

In the investigation into the Takamore Block (Tapuwaeroa) Wī Tāhata stressed again that Uepōhatu was a descendant of Māui and Toi and not of the Porourangi or Ira lines.³⁵⁵ It would be Uepōhatu’s descendant Umuariki who would secure her mana.³⁵⁶ Umuariki was a renowned

³⁵¹ Gudgeon, W. (1895) The Māori tribes of the East Coast of New Zealand Part III. In *Journal of the Polynesian Society* (4)3. 181.

³⁵² Native Land Court *Re Tapuwaeroa No 2* (1886) 11 Waiapu MB 20, 37, 155.

³⁵³ 11 Waiapu MB 20, 37, 155; see also Gudgeon, W. (1892). Māori Migrations to New Zealand. In *Journal of the Polynesian Society*, 1(4). 218-219; Mahuika. (1995, Part 1). 24.

³⁵⁴ Wilson. (1906). 148-149. <https://bit.ly/3sduSBf>. Retrieved on 29 September 2021.

³⁵⁵ Native Land Court *Re Takamore* (1886) 10 Waiapu MB, 117-118.

³⁵⁶ Mahuika. (1973). 144, 288, 290.

warrior during the time of Tūwhakairiora, skilled in taiaha and warfare.³⁵⁷ According to W. E. Gudgeon:³⁵⁸

... his mana, courage and ability he has transmitted to his descendants in a very remarkable degree. Hence they have kept their tribe together and have presented so bold a front that at the present day it cannot be said that they have been subservient to even the greatest chiefs of Ngāti Porou.

His whakapapa from Uepōhatu begins with Kare, who had Mairehau who had Paka and Umuariki.³⁵⁹ His whakapapa also descends from Porourangi as follows:³⁶⁰

Porourangi
Hau
Rākaipō
Rākaiwetenga
Taputehaurangi
Tāwakeurunga
Hinekehu
Whaene
Materoa = Tamaterongo
Kuraunuhia = Mairehau
Umuariki

From his exploits comes the saying: “Nō Uepōhatu ko te mana whenua, engari nā tāna uri, nā Umuariki ka mau” – “From Uepōhatu came the mana whenua over the land, and because of Umuariki these lands have been retained.”³⁶¹ Wānanga Walker would summarise those exploits as follows:³⁶²

Umuariki had established himself in his pā, Pura-o-te-aruhe in Tūpāroa. He had two known wives — the first was Whakaroro, the daughter of Hinetū, a sister to his own mother, Kuraunuhia. They had a son named Tapu-te-ira-kāhia (or Tapu-terakahia). His second wife was Uepare, the famed pāua diver from Kawakawa. From Uepare was born a son, Te Rangikaputua, who married Hinetāpora and together they had two sons, Kōparehuia and Ngākōnui. The descendants of Ngākōnui are Ngāti Rangi of Reporua while the descendants of Kōparehuia and of their mother, Hinetāpora, centre on Mangahānea marae just east of Ruatōrea.

The descendants of Umuariki at Tūpāroa, together with these hapū, form part of the collective identified as Ngāti Uepōhatu. Umuariki would take leave of the relative sanctity and security of his base at Pura-o-te-aruhe to join his uncle, Tū-whaka-iri-ora, and his

³⁵⁷ Mahuika. (1973). 288, 290. Quoting A. Reedy.

³⁵⁸ Gudgeon. (1895). 181.

³⁵⁹ Ngata. (1972). 97; Mahuika. (1995, Part 1). 24.

³⁶⁰ Mahuika. (1973). Annex, Table 6.

³⁶¹ Kupenga A & N Te Maramataka – A New Moon (Compilations) 3.

³⁶² Walker. (2014). The rise and rise of Umuariki.

cousins at Kawakawa in preparation for battle. Umuariki is credited with involvement in at least three battles organised or led by Tū-whaka-iri-ora — the battle of Waihakea, where Umuariki and his cousin Kau-taha-rua were requested by Tū-whaka-iri-ora to avenge an insult to his sister-in-law, Hinerupe, by her half-brothers Moko-tara and Ue-kai-whare, whom they promptly dispatched; the conquest over the death of Kōhaki, involving Rerekohu, Kau-taha-rua and Rangi-te-eke-hua, which resulted in the consolidation of Marangai-roa and Mākirikiri; and the battle of Tārera-kōau over the attack on Te Aotāihi (wife of Tū-te-rangiwhiu) by Te Wahine-iti, resulting in the conquest of their lands in the Waiapu valley. From Tārera-kōau, Umuariki claimed parts of the Roto-kautuku block in Tūtū-o-kura and Tūtū-matai.

As Āpirana Mahuika would note, his³⁶³

feats and skills are commemorated in the naming of specific geographical sites after him, such as the marae “Umuariki” in Tūpāroa, the cemetery at Tūtūmatai, a track from Ngāti Porou to Raukōkore in Whānau a Apanui in the Raukūmara ranges called Te Ara o Umuariki, and not least the hapū group known as Te Whānau a Umuariki.

Umuariki had two wives.³⁶⁴ From his first wife Whakaroro they had Taputerakahia and from his second wife Uepare he had Te Rangikaputua. These two sons ruled the Reporua and Tūpāroa districts.³⁶⁵ Both sons were in love with Hinetāpora but Te Rangikaputua ultimately married her, even though he was the taina.³⁶⁶ He thereby increased his own personal mana due to her senior lineage.³⁶⁷ His Uepōhatu people are often referred to as Te Whānau a Umuariki.

Pōkai

These ancestors are associated with the area from the Kōpuakanae Stream at the mouth of the Waiapu to Paoaruku Stream – the lower Waiapu valley. With Mohi Ruatapu as his main authority, W. E. Gudgeon records the whakapapa of Pōkai which shows descent from Rongomaiāwhiao, a son of Whironui and Araiara of the Nukutere Waka.³⁶⁸ Consistent with this whakapapa Tame Te Maro wrote the following:³⁶⁹

The Horouta canoe arrived at the Ngutuawa (river mouth) of the Waiapu. Pawa was the Captain of this waka. His daughter, Hineakua, married the brother of Huturangi, Rongomaiāwhiao. Hineakua and Rongomaiāwhiao had Hākirikiri-o-te-rangi, who had

³⁶³ Mahuika, A. (2010). A Ngāti Porou perspective. In Mulholland, M., Tāwhai, V. (Eds.). *Weeping waters: The Treaty of Waitangi and constitutional change*. Huia Publishers. 150.

³⁶⁴ Mahuika. (1973). 51.

³⁶⁵ Mahuika. (1973). 51.

³⁶⁶ Mahuika. (1973). 51, 59.

³⁶⁷ Mahuika. (1973). 51.

³⁶⁸ Gudgeon, W. (1895). The Māori tribes of the East Coast of New Zealand - Part II. In *Journal of the Polynesian Society* (4)1. 18.

³⁶⁹ Te Maro. (2001) 16-17.

Pouhaere, who in turn had Rākaiwhare. Rākaiwhare had Pōkai, and this is the name of the people and the wharenui at Tīkapa. Pōkai was living and reigning at the Ngutuawa o Waiapu (the mouth of the Waiapu) at the same time as Porourangi was living and reigning at Whāngārā. ...

PŌKAI married Pōhatu and they had Rongomaiwharemanuka, who married Te Rangitauriawaho and they had Rākairoa. Rākairoa is the ancestor of the people of the Waiapu valley. Her descendants also moved to the Waipiro Bay area. Rākairoa married Te Aohore and they had Hiakaitaria. Hiakaitaria married Marupapanui and they had Te Aomania. She married Rongotaihiao and they had Ihiko-o-te-Rangi, who was the second wife of Tūwhakairiora. So the people in the Waiapu valley and Te Araroa and Wharekāhika area can claim a direct connection to the Horouta canoe. ...

ONGOMAIWHAREMANUKA and Te Rangitauriawaho also had a daughter called Te Aokairau, she married Tamataua who was a son of Rongomaianiwanuiwa.... Tamataua and Te Aokairau had four children: Putaanga, Hinepare, Huanga and Rākaimataura. These represent all the ancestors of the greater Tikitiki/Waiōmatatini area. This shows the close connection to the people in these areas and also the connection of these people to the Horouta waka.

It is the grandchildren of Pōkai, namely Rākairoa I and Te Aokairau who maintained the Toi lines with Uepōhatu in the Waiapu Valley. The only impact on those rights was when the conquest of Te Wahineiti at Tārera Kōau by Tūwhakairiora and his children occurred, though prior interests associated with the descendants of Pōkai and Uepōhatu appear to have been left untouched.

Toi, Kahukura and Paoa

Kāpiti recites the narrative of a visit from Kahukura (voyager associated with rainbows) and Rongo-i-amo (famed tohunga) who arrived from Hawaiki, Toi determined at their request that his waka Horouta should return to Hawaiki to obtain the kūmara.³⁷⁰ In this narrative, it is Toi who is the owner of the Horouta. As Pita Kāpiti recites, Kahukura assembled all the tohunga in Toi's house Hui-te-rangi-ora.³⁷¹ It was these tohunga who sent out the gods to "deaden the roar and the might of the ocean waves and the howling wind." They also sent out the gods to make the waka "light so it would sail swiftly."³⁷² A kawa ceremony was held the next morning on departure and karakia recited with the aid of a branch of the māpou from Hawaiki.³⁷³

³⁷⁰ Reedy. (1997). 60-62, 113-115.

³⁷¹ Reedy. (1997). 60, 113; Wahawaha, R. In White, J. (2011). *The ancient history of the Māori, his mythology and traditions*, Vol. 4. Cambridge University Press. 3-4.

³⁷² Reedy. (1997). 60, 113; Wahawaha R in White. (2011). Vol 4, 3-4.

³⁷³ Reedy. (1997). 60, 113-114.

Kahukura went on board with 140 men.³⁷⁴ Rongo-i-amo was the tohunga.³⁷⁵ That karakia is still recited by Eastern seaboard voyagers to this day:³⁷⁶

Hau toto, hau toto,
Ko Tū hekea ana, ko Rongo hekea ana,
Ko te ngāhau o Tū.
Utaina taku kawa nei,
He kawa tua-maunga,
Ka winiwini, ka wanawana,
Tara para tū ki te rangi .
Auē kī, whano, whana, haramai te toki,
Haumi e, hui e, tāiki e!

Let it resound, let there be heard the expedition,
Of Tū migrating, Rongo migrating,
To the pleasure of Tū.
Take on board my kawa here,
A kawa that overcomes mountains,
Awesome and fearsome,
Striking forth to the skies.
Alas a voice, proceed, propel, the adze comes,
Shout as one!

When the ocean kawa was concluded, the māpou was then affixed to the figurehead (parata) at the front of the waka.³⁷⁷ A further karakia was recited to guide the waka, and yet another when they reached Hawaiki.³⁷⁸ On reaching Hawaiki at night, they heard Kānoa's waiata which signalled to Kahukura where the kūmara were stored and using *Penu*, his famous digging stick or kō, he struck the cliffs, releasing the kūmara to fill the hull of Horouta.³⁷⁹ Kahukura's kō *Penu* was the first digging stick referred to as the "tapu prototype of all the kō later employed by tohunga during planting rituals."³⁸⁰

In this recitation, Pita Kāpiti then associates the god Rongo-marae-roa with the kūmara as if they were one, noting how the kūmara was given to Kahukura.³⁸¹ He advised that was why the kūmara was tapu:³⁸²

... ko te kūmara; koia i tapu ai. Waiho iho anō hoki te kūmara hei atua, arā hei whāngai mō ngā atua; koia i tino tapu ai te kūmara.

Because of this the kūmara has ever since remained an atua -that is to say it is food offered to the atua. That's why the kūmara is highly tapu.

Kahukura stayed in Hawaiki but he instructed the crew how to return to Aotearoa, and he warned them not to allow contact with the god Ariki-noanoa (of the fern root).³⁸³ Paoa (Pawa)

³⁷⁴ Wahawaha R in White. (2011). Vol 4, 3-4.

³⁷⁵ Reedy. (1997).60-62, 113-115.

³⁷⁶ Reedy. (1997). 60, 113-114; Used by Māori mariners on Tairāwhiti Waka for sail from Auckland – Gisborne 2018.

³⁷⁷ Reedy. (1997). 60, 114.

³⁷⁸ Reedy. (1997). 61-62, 114-115.

³⁷⁹ Reedy. (1997). 62-63, 116-117.

³⁸⁰ Reedy. (1997). fn. 224 and see pp. 67, 121.

³⁸¹ Reedy. (1997). 63, 117.

³⁸² Reedy. (1997). 64, 117.

³⁸³ Wahawaha R in White. (2011). Vol 4, 3-4; and see Reedy. (1997). 64, 117.

boarded with more than one tohunga as the rangatira for the return sail with many others including the following voyagers:³⁸⁴

- Awapaka
- Rongo-tū-roa (tohunga)
- Tarahirihiri
- Houtaketake
- Tāne-here-tī
- Kōneke
- Te Paki
- Te Kanawa
- Rongokako
- Toetoe

They also took on board the ancient Māpou tree (known as Ātiatihēnga), the Pohutukawa tree, the pūkeko, the kurī and kiore of Hawaiki. Horouta returned safely to Ahuahu (Great Mercury Island) where they made landfall. Te Kanawa is said to have taken some fern root onto the waka from this place. Once out at sea, the anger of Rongo-marae-roa against Ariki-noanoa was unleashed by the appearance of “Hau-nui, Hau-roa, o Tūawhiorangi, o te Uruhanga.”³⁸⁵ This is how the tohunga (more than one) realised the problem and Te Kanawa was thrown overboard near Whakatāne. She is said to have held on to the figurehead at the prow of the waka causing the waka to overturn and break up. She perished at the place now known as Te Tukirae-o-Kanawa. Karakia were recited to uplift the waka and haul it to shore.³⁸⁶

According to Pita Kāpiti, Paoa/Pawa went to find materials for the repairs. Kāpiti and Rongowhakaata Halbert name many of the places visited by Paoa including within the Opōtiki to Gisborne district. The list includes Maungahaumi, Mangatū, Mangaotāne, Waioweka, Motu, Waikohu, the Waipaoa River, and Kōpūtūtea.³⁸⁷

³⁸⁴ Reedy. (1997). 64, 117-118; for a full list of crew see Halbert. (1999). 34-36, ch 2 fn 13 sourced from Paratene Ōkawhare (1880), Nēpia Pohūhū, (1880), Wī Tamawhaiki manuscript 1877, and Gudgeon, W.

³⁸⁵ Reedy. (1997). 64-65, 118; see also Halbert. (1999). 26-27 – translated as Great-wind, Long-Wind, Tūawhiorangi, and Sudden Blast.

³⁸⁶ Reedy. (1997). 64-65, 118; Halbert (1999) 26-27.

³⁸⁷ Halbert. (1999) 27.

Pita Kāpiti suggests that during Paoa/Pawa's absence Horouta was repaired (temporarily) by Rangi-tū-roua and Awapaka. Their men refilled it with kūmara, following the appropriate rituals brought from Hawaiki, and sent the waka south-east under the command of Kiwa, distributing kūmara along the way and leaving Paoa/Pawa behind.³⁸⁸ This is how the Horouta is responsible for the bringing of kūmara to the various places along the Tairāwhiti.

The first place the waka landed was east of the mouth of the Awatere River at Kawakawa-mai-Tawhiti. There members of the crew stayed and established a plantation at Maruhou called Whakararanui.³⁸⁹ A Pōhutakawa tree named Ōtekomaitawhiti was planted at one end of the garden and the māpou tree called Ātiatihēnga at the other.³⁹⁰

Pita Kāpiti recorded that the second place where the waka landed was at Awanui, where the Horouta left the kūmara, gourds, its anchor and the māpou tree (also named Ātiatihēnga).³⁹¹ However, according to Tame Te Maro the waka also stopped at Te Ngutuawa o Waiapu.³⁹² As noted by Karin Mahuika, this korero is endorsed in the line from Peta Awatere's pātere "Te Papatipu o Horouta" where he recorded "Kei Waiapu te tainga o te riu o Horouta – Ko te iwi tēnā o Ngātik Porou." The waka continued to Muriwai and then to Tūranga-nui-a-Kiwa. This was the place where Kiwa waited for all those of the crew who had travelled over land.³⁹³ Rongowhakaata Halbert advises this included Pouheni who led a squad carrying the "seven calabashes containing the gods Kahukura, Rongomai, Tū-nui-a-te-ika, Tamaiwaho, Ruamano, Hinekōrako and Tūhinapō, and the sacred axes, Huiterangiora, Atuahaemata, Rakuraku a Tawhaki, Kaukau and Whāraurangi."³⁹⁴ Rongokako also went overland leaving his footprints at Matakaoa, the Ōrutua river, the Wairau stream, Pouawa (Te Tapuwae-o-Rongokako) and at the Waikanae Stream where it meets the Tūranga River.³⁹⁵

Kiwa and Paoa/Pawa agreed that Kahutuanui (Kiwa's son) and Paoa/Pawa's daughter, Hine-a-Kua should marry.³⁹⁶ Through this marriage the person who inherited the mana of Kiwa and

³⁸⁸ Reedy (1997). 66-67, 120-121; see also Halbert. (1999) 26-27.

³⁸⁹ Tūrei, M. In White. (2011). Vol 4, 5-6; Halbert. (1999). 26.

³⁹⁰ Tūrei, M. In White. (2011). Vol 4, 5-6; Halbert. (1999). 27.

³⁹¹ Reedy. (1997). 66-67, 120-121.

³⁹² Te Maro. (2001). 16.

³⁹³ Halbert. (1999) 26.

³⁹⁴ Halbert. (1999) 26.

³⁹⁵ Halbert. (1999) 27.

³⁹⁶ Mackay, J. (1949). *Historic Poverty Bay and the East Coast, N.I., NZ* (Poverty Bay-East Coast Centennial Council. 3.

Paoa/Pawa seven generations later was Ruapani.³⁹⁷ In his lifetime “there was no greater chief in Tūranga.”³⁹⁸ His pā was at the southern end of the Tūranga-nui-a-Kiwa bay. His descendant, a few generations later, known as Tāneteakuku, married Hineterā (Hauiti’s daughter).³⁹⁹ Descendants from this union include Te Kani-a-Takirau.

Rongowhakaata Halbert contended that the Takitimu and the Horouta waka were the same waka.⁴⁰⁰ Tuta Nihoniho, on the other hand, claimed the Takitimu came from Hawaiki and Te Hono-i-Wairua. He advised that those who made the waka carved it from one tree, using the axe Huiterangiora, which he said belonged to Ruawharo and Tūpai. It was borrowed from them “for the purpose of hewing out this canoe of theirs.”⁴⁰¹

Halbert also claimed that the Horouta waka was taken by Ruawharo, and Tūpai to Pakarae for remodelling using the sacred axes/adzes from Hawaiki including Huiterangiora, Taiehu, Atuaahaemata, and Rakuraku a Tawhaki.⁴⁰² Halbert suggests they also built another waka for the people of Pakarae.⁴⁰³ A similar narrative suggests that this event took place in Hawaiki.⁴⁰⁴ Te Whatahoro is quoted as saying that Whāngārā was the village of Ruawharo, Tūpai and others where “...[a] trial was held on the waters of Pikopikoiwhiti, while the spectators looked on from Pukehāpopo Hill at Whāngārā.”⁴⁰⁵ This has to be a reference to the homeland of Paikea rather than the Whāngārā in Aotearoa. Tuta Nihoniho also refers to the trial on Pikopikowhiti.⁴⁰⁶ According to this narrative, the Takitimu travelled so fast that the people exclaimed “Horouta” or the “land swiftly passing.”⁴⁰⁷ J. H. Mitchell discounts the narrative as it suggests that a waka could be renamed by simple “exclamation” when in reality the naming of a waka was a sacred event and required much ritual and karakia.⁴⁰⁸ Rather, the Kahungunu narrative is the Takitimu came as part of the main fleet of 1350, carrying only rangatira and

³⁹⁷ Mackay. (1949). 3.

³⁹⁸ Walker. (1997). 44.

³⁹⁹ Walker. (1997). 44.

⁴⁰⁰ Halbert. (1999). 43; Mitchell. (1990 reprint). 23.

⁴⁰¹ Nihoniho, T. (1907). The Story of the Takitimu Canoe, Part 1. In *Journal of the Polynesian Society*, 16(4). 220.

⁴⁰² Halbert. (1999). 43.

⁴⁰³ Halbert. (1999). 43.

⁴⁰⁴ Mitchell (1990 reprint). 23-24.

⁴⁰⁵ Halbert. (1999). 43. Quoting Te Whatahoro.

⁴⁰⁶ Nihoniho, T. (1908). The Story of the Takitimu Canoe, Part 2. In *Journal of the Polynesian Society*, 17(2). 101.

⁴⁰⁷ Mitchell (1990 reprint). 23.

⁴⁰⁸ Mitchell (1990 reprint). 23-24.

tohunga, such as Tamatea-ariki-nui, Ruawharo, and Tūpai.⁴⁰⁹ While travelling the coastline, Takitimu made landfall at Whangaōkena/o, Tūranga-nui-a-Kiwa and Nukutaurua at Mahia. Descendants of the Takitimu still inhabit the Pōtikirua ki te Toka-a-Taiau district.⁴¹⁰ Rāpata Wahawaha and R. J. H. Drummond considered the waka stopped at Nukutaurua, Heretaunga, and Kaikōura before departing back to Hawaiki.⁴¹¹

Paikea

To move then to the narratives concerning Paikea, there are several versions that concern his ancestry. All versions accept that Uenuku was the father of Kahutia-te-rangi and Ruatapu. In the first version, Pita Kāpiti states that Kahutia-te-rangi was the son of Uenuku and Harahara-i-te-rangi.⁴¹² Paikea is the name Kahutia-te-rangi adopts while at sea as it is associated with his elders, the whales.⁴¹³ The second version contends that Paikea and Kahutia-te-rangi were half-brothers. Thus, Uenuku's son Paikea, was not Kahutia-te-rangi as they were two different people who were half-brothers.⁴¹⁴

Āpirana Mahuika adopts this position after citing his authorities as Āpirana Ngata, Pine Taiapa, and Moni Taumaunu.⁴¹⁵ He gives the following whakapapa:⁴¹⁶

Uenuku = Rongomaitahanui
Paikea

Uenuku = Te Rangatoro
Kahutia-te-rangi

A third version has it that Paikea is not of the same lineage at all. Hēnare Pōtae, for example, was adamant that Paikea and Kahutia-te-rangi were two different people.⁴¹⁷ In a letter to *Te Wānanga* in 1878, he provided the following whakapapa for Kahutia-te-rangi and Paikea.⁴¹⁸

⁴⁰⁹ Mitchell (1990 reprint). 24-25.

⁴¹⁰ Reedy. (1997). 55-57, 108-110.

⁴¹¹ Wahawaha R in White. (2011). Vol 4, 3-4; Drummond, R. (1937). *The origins and early history of Ngāti Porou: A Māori tribe of the East Coast*. (Master's thesis, Victoria University). 44.

⁴¹² Reedy. (1997). 33, 83.

⁴¹³ Reedy. (1997). 35, 86.

⁴¹⁴ Mahuika. (1995) Part 1). 47.

⁴¹⁵ Mahuika. (1995). Part 2). 26.

⁴¹⁶ Mahuika. (1995) Part 1). 48.

⁴¹⁷ See Pōtae, H. (1878) Letter to the editor. *Te Wānanga*. (5)48, 30 Nov 1878. 604-605.

⁴¹⁸ See Pōtae. (1878). 604-605; see also Halbert. (1999). 230, Chart 12.

Uenuku = Rangatoro	Tāneuarangi = Rongomaitahanui
Kahutia-te-rangi = Wainonokura	Paikea = Hukurangi
Kahukura = Taputea	
Araiara = Whironui	
Hukurangi = Paikea	
Pouheni = Hine-hakitai	
Nanaia = Niwaniwa	
Porourangi	

Rarawa Kohere also provides a similar whakapapa referencing Halbert as follows:⁴¹⁹

... mai i a Toi-Te-Huatahi; ko Rauru-nui-a-Toi; ko Ngāpuna-ariki; ko Poutūpari; ko Pōturiao; ko Manutohikura (Nā, ka moe a Manutohikura i a Uenukurangi); mai i a rāua ko Tāneuarangi (Nā, ka moe a Tāneuarangi i a Rongomaitahanui); mai i a rāua; ko Paikea.

W. E. Gudgeon's genealogical table starts with Toi, Rauru, Whātonga, Poutūpari, Pōturiao, Manatohikura, Tāneuarangi, down to Paikea.⁴²⁰ Gudgeon claimed that every:⁴²¹

genealogy of old date, or undoubted authority, claims Paikea as a descendant of Toi-kai-rakau—one of the aborigines—while on the other hand the evidence is in favour of pure Polynesian descent for Kahutia-te-rangi.

He also suggested that the different versions of this story reflected a “more recent desire to trace descent from the tuakana line.”⁴²²

Arapeta Awatere was more diplomatic, and he would record the following summary of the dispute:⁴²³

There are two schools of learning among the Ngāti Porou people that hold opposing views. The school at Uawa called Te Rāwheoro, founded by Te Rangiuia where Te Āpatu and Te Moihī Te Mātorohanga also taught, supports the theory that Paikea was on board during the fateful trip. The other school called Tapere-nui-a-Whātonga centred on the people at the mouth of the Waipū river, supports the theory that Paikea was indeed Kahutia-te-rangi but only changed his identity to Paikea because he was calling on his whale gods, Te Petipeti and Te Rangahua, to help. Be that as it may the controversy has been raging for generations.

⁴¹⁹ Kohere. (2005). 82.

⁴²⁰ Gudgeon. (1895, Part II). 21.

⁴²¹ Gudgeon. (1895, Part II). 22. I note that according to Halbert the use of the name Toi-kai-rakau was a mistake.

⁴²² Gudgeon. (1895, Part II). 21.

⁴²³ Awatere, H. (Ed.) (2003.) *Awatere: a soldier's story*. Huia Publishers. 108.

Let us look at the names and their meanings. Paikea is a word used to mean a whale, a tohorā, a pakake. Te Rangahua and Te Petipeti are gods of the whale in Māori mythology. So that, at the fatal moment, this man called Paikea did seek their help.

Āpirana Ngata recorded his view of this controversy noting that the topic.⁴²⁴

...was debated among all the learned men of all the tribes assembled at Nukutaurua, Mahia, a few years before the Treaty of Waitangi, when the view of Te Rāwheoro whare-wānanga at Tolaga Bay that Paikea and Kahutia-te-rangi were two different individuals was upheld. Rangiūia, the last priest of that famous school, acknowledged by Te Mātorohanga, Pōhūhū, Te Okawhare and others of the southern priest[s] to be the supreme one, emphasised that view in a well-known lament for his son Tūterangiwhaitiri.

But the contradictory traditions relating to the vessels [Takitimu and Horouta] have kept the controversy alive to this present day.

What is important to take away from the narratives, is that Paikea, Paoa/Pawa, and Ruawharo were all contemporaries in Hawaiki and who arrived in Aotearoa within a short time of each other.⁴²⁵

Although there are different views as to the parentage of Paikea, they all recite how Uenuku belittled Ruatapu more than once because of his mother's lineage. As a result, Ruatapu became hurt and jealous. He resolved to murder all his tuākana and tāina at sea.⁴²⁶ In the first version of the story, the sole survivor was Kahutia-te-rangi who became Paikea.⁴²⁷ The tragedy is known as Te Huri-pūrei-ata.⁴²⁸ Pita Kāpiti noted that this tragedy was also sometimes referred to as Tere-hāpuru, Tū-te-pewa-rangi, or Te Rangi-pā-toroa.⁴²⁹ In the second version, Te Huri-pūrei-ata was the name of the canoe sank by the treachery of Ruatapu.⁴³⁰

The Paikea narratives also acknowledge he was a descendant of Rongomaitahanui and through this tupuna, he was related to Te Petipeti and Te Rangahua (whales and jelly fish).⁴³¹ Paikea was able to survive in the sea by recounting an epic tauparapara.⁴³² The tauparapara includes Paikea's plea to his elders the whales for assistance.⁴³³ Paikea calls on the sea "to carry safely

⁴²⁴ Ngata. (1972). 134.

⁴²⁵ Ngata. (1972) 133.

⁴²⁶ Walker. (2005). 20.

⁴²⁷ Reedy (1997). 33, 84.

⁴²⁸ Walker. (2005). 20.

⁴²⁹ Reedy. (1997). 33, 84.

⁴³⁰ Mahuika. (1995, Part 2). 29-30; see also Reedy (1993). 41, 143.

⁴³¹ Walker. (2005). 21; Mahuika. (1995, Part 2). 31; Reedy. (1997). 33, 84.

⁴³² Walker. (2005). 21; Mahuika. (1995, Part 2). 31; Reedy. (1997). 33-34, 84-85.

⁴³³ Walker. (2005). 21.

forward the brave swimming man” and lift him “as a great fish’ to shore.”⁴³⁴ In the first version of the narrative, the metaphor of the great fish (a whale) was used to give Paikea the strength he needed to get to shore.⁴³⁵ In the second, a whale actually appears and he ferries Paikea to shore in an impressive display of aroha and whanaungatanga.⁴³⁶ According to Āpirana Mahuika, while making his way to shore, Ruatapu called out to Paikea.⁴³⁷

Haere ki te puke Hikurangi, ki Turuturu-a-marere o Tonga kia whai mōrehu ai. E kore au e tae i te whiti, e te iwa, i te ngāhuru. Hei te Mātahi au ka haere atu, a, hei te Maruroa.

Go to the peak of Hikurangi, ki Turuturu-o-marere o Tonga - there to be survivors. I will not come in the seventh or eighth or tenth month. I will come in the eleventh to the second month.

In some versions this is a reference to the eight waves of Ruatapu, which are seen breaking ashore at Whāngārā and Pakarae at certain times of the year.⁴³⁸ In other versions Ruatapu appears as waves of the eighth month.⁴³⁹ The famous Ngāti Porou haka composed by Mikaere Pewhairangi in the 1870s captures this story and its shades of religious divination.⁴⁴⁰

Uia mai koia, whakahuatia ake; Ko wai te whare nei e? Ko Te Kani Ko wai te tekoteko kei runga? Ko Paikea! Ko Paikea!	Ask and you will be told; What is the name of this house? It is Te Kani Who is the carved figure above? It is Paikea! It is Paikea!
Whakakau Paikea. Hei! Whakakau he tipua. Hei! Whakakau he taniwha. Hei! Ka ū Paikea ki Ahuahu. Pakia!	Twass Paikea who swam Yes! Taws a spirit who swam Yes!. Twass a god who swam Yes! Twass Paikea who arrived at Ahuahu ⁴⁴¹ Clap!
Kei te whitia koe ko Kahutia-te-rangi. Aue! Me ai tō ure ki te tamahine a Te Whironui - aue! nāna i noho te Roto-o-tahe.	Your identity is entwined with Kahutia-te-rangi - alas! You were intimate with the daughter of Te Whironui – alas! who settled at Lake Roto Tahe.
Aue! Aue! He koruru koe, koro e.	Alas! Alas! You are now a carved figurehead, oh ancestor.

⁴³⁴ Walker. (2005). 21.

⁴³⁵ Reedy. (1993) 41-42, 143-144; Walker. (2005). 21.

⁴³⁶ Mahuika. (1995, Part 2). 31.

⁴³⁷ Mahuika. (1995, Part 2). 32.

⁴³⁸ Mahuika. (1995, Part 2). Part 2, 32.

⁴³⁹ Reedy. (1993). 43, 146; Reedy. (1997). Walker. (2005). 34, 85; Mahuika. (1995, Part 2) 29-30.

⁴⁴⁰ Translation adapted and retrieved on 15 December 2021 from <https://folksong.org.nz/paikea/>.

⁴⁴¹ Taumaunu. (2001). 5.

As Hōne Taumaunu would emphasise, the waiata captures the theological nature of the journey made by Paikea.⁴⁴²

13. As Paikea's journey takes place, the sequence of events which are referred to in the haka/waiata reflects the transformation of Paikea from man to a spirit, to a god, then back to a man again. This is quite significant in that it was a spiritual, mythical, and symbolic journey. Therefore, the image of Paikea was part of the whale image, sometimes he was the whale, sometimes he was a spirit, sometimes he was the man on the whale. That particular imagery and symbolism has not been adequately highlighted. I give credit to my late father for sharing this history with me.

It is said that when Paikea arrived from Hawaiki, he arrived first at Ahuahu (Mercury Island). There he took a wife and had numerous children.⁴⁴³ As he desired to find his whanaunga on the Horouta, he journeyed to Whakatāne where he married Manawatina.⁴⁴⁴ In the following speech to Manawatina, Paikea chastises her because she prepared his food incorrectly. He did so by asserting that his rank was of the highest order in Hawaiki, one that was very tapu, a form of tapu that should be exalted:⁴⁴⁵

Whakarongo mai, tēnā pea ka rongō koe: ko au tēnei, ko Tapu-nui, ko Tapu-wehi, ko Tapu-roa, ko Te Nohoangāpāhikōhiko, ko te Whaka[w]hirinaki, ko Tūturi, ko Pēpeke, ko Ariki-roa.!

Listen, perhaps you will hear: it is me, Great tapu, Fearsome tapu, Extensive tapu, he who sits surrounded by a fortress of whakapapa, the Reliable, the Spring, the Embryo, the elongated Paramount Chief.

Paikea left Manawatina, continuing his journey until he reached Hēkawa where he started his mahi taunaha – foundation for a claim by discovery.⁴⁴⁶ At the Awatere River, he named Kawakawa-mai-i-tawhiti.⁴⁴⁷ Upon seeing a cultivation at Maruhou he recognised Whakarara-nui-mai-tawhiti (a name for a plantation in Hawaiki).⁴⁴⁸ He renamed the Pōhutukawa that he saw growing there as Te Rotu-mai-tawhiti and Te Ōteko-mai-tawhiti.⁴⁴⁹ He also named the black sand beach in this vicinity. On he went to Hautai where he named points in the land as

⁴⁴² Taumaunu. (2001). 4-5.

⁴⁴³ Reedy. (1997). 35-36, 87; Halbert. (1999). Walker. (2005). 33.

⁴⁴⁴ Drummond. (1937). Walker. (2005). 36; Kōrero a Waha a Tīpuna Tangaere – Rāhui Marae (7 April, 2008).

⁴⁴⁵ Reedy. (1997). 36, 87; but note the English is my translation.

⁴⁴⁶ Reedy. (1997). 36, 88.

⁴⁴⁷ Halbert. (1999). 33.

⁴⁴⁸ Reedy. (1997). 36, 88.

⁴⁴⁹ Reedy. (1997). 36, 88.

Tama-tūrei, Te Rua-o-te-whetū, and Ngā Taipū-ki-hāronga. He continued on his quest to find the semblance of his home which he thought would be Whāngārā-mai-tawhiti.⁴⁵⁰ As Paikea passed Te Kautuku, he saw smoke from fires. He made landfall and crossed the Mangawhero Stream.

Ngā taonga i heke mai i a Paikea

After he made landfall, Paikea spied Huturangi swimming naked at Rotokautuku.⁴⁵¹ Huturangi was the daughter of Te Whironui (captain of the Nukutere Waka) and Hinearaiara, a descendant of Toi.⁴⁵²

Paikea and Huturangi went to her pā and to the house, Te Tapere-nui-o-Whātonga, to see her people but it was deserted. When Paikea asked why, the famous response was: “Kei Ngā Puke-tū-rua ki te whakatō i ngā kūmara marere mō Tama.”⁴⁵³ This essentially means: “At the twin peaks, preparing the kūmara for Tama – another name for Paikea.”⁴⁵⁴ Ngā Puke-tū-rua is on the Kautuku block. Therefore, Huturangi’s people were aware that he was coming. Paikea and Huturangi set off for Ngā Puke-tū-rua. When they arrived, Paikea saw Whironui, Whātonga, Marere-o-Tonga, Takataka-pūtea and the “multitude of people who had come on board the Nukutere.”⁴⁵⁵ He also saw that the kūmara marere was being planted by the tohunga in their clothes. He ordered them to stop, and he showed them how to complete the job naked.⁴⁵⁶ In doing so he used a karakia paying respects to the gods and the elders who provided the kūmara as sustenance. These were Rongomai, Kahukura, and Uenuku.⁴⁵⁷ He also acknowledged Toi as the ancestor responsible for bringing the kūmara to Aotearoa. So, he named Toi, Rauru, Tahatiti, Ruatapu, Rākai-ora, and Tama-ki-te-rā, and Tama-huru-mai.⁴⁵⁸

Paikea took Whironui’s daughter, Huturangi as his wife and he lived with her and her parents at Te Kautuku for some time.⁴⁵⁹ Thus, these two Hawaiians were married. During this time, he caught his famous eel – Tangotango-rau, which became his pet. Paikea would eventually

⁴⁵⁰ Reedy. (1997). 37, 88.

⁴⁵¹ Kōrero a Waha a Tīpuna Tangaere. (2008); Reedy. (1997). 37, 88.

⁴⁵² Ngata. (1972) 135.

⁴⁵³ Kōrero a Waha a Tīpuna Tangaere. (2008).

⁴⁵⁴ Kōrero a Waha a Tīpuna Tangaere. (2008).

⁴⁵⁵ Reedy. (1997). 37, 89.

⁴⁵⁶ Reedy. (1997). 37, 89.

⁴⁵⁷ Reedy. (1997). 37, 89.

⁴⁵⁸ Reedy. (1997). 37, 87.

⁴⁵⁹ Kōrero a Waha a Tīpuna Tangaere (, 2008).

move south with his in-laws to Lake Roto-tahe.⁴⁶⁰ He built a house for his in-laws at Roto-tahe. However, according to Āpirana Mahuika, Paikea eventually put Whiro to death.⁴⁶¹

Paikea moved on after that, continuing his search for a place similar to his homeland. He was looking for the place he had heard of in Hawaiki – namely Whāngārā.⁴⁶²

When Paikea arrived at Whāngārā he looked at the bay and he said, “Anei taku kāinga o Whāngārā ki Hawaiki mehemea i te rere te awa i te taha tonu o te marae ko Whāngārā tonu. Me Tapaina e au ko Whāngārā -mai-tawhiti.”⁴⁶³ He proceeded to name various places including Pukehāpopo – the hill behind the marae.⁴⁶⁴ Pukehāpopo was the hill in Hawaiki where Toi watched his mokopuna Whātonga waka racing before he was lost at sea.⁴⁶⁵ He also built the house Whitireia which became a whare-wānanga.⁴⁶⁶ Paikea left his pet eel in Lake Roto-tahe but later moved him to a spring near Tūranga-nui-a-Kiwa. Paikea eventually died at Whāngārā leaving behind the famous landmarks Te Motu a Paikea and Te Ana a Paikea.⁴⁶⁷ It would be here in this vicinity that Porourangi would be born.

Paikea was followed to Aotearoa by Rongomaitūaho (his eldest son from Hawaiki). He had sent his magical bairor to seek permission to come and it was returned by Paikea with an invitation.⁴⁶⁸ Rongomaitūaho arrived at Whāngārā on the Tere Anini which “came to rest in a depression in the sands on Whāngārā Beach.”⁴⁶⁹ The canoe rotted, and her crew were incorporated with other descendants of Paikea and others.⁴⁷⁰ Rongomaitūaho eventually relocated to the area between Tīkapa-a-Hinekōpeka and Tūpāroa.⁴⁷¹

Eventually, Whāngārā district become well populated with 20 pā sites currently registered, indicating large populations at Pakarae, Pokotakina, Okeka, and Kaiora at Pourewa.⁴⁷²

⁴⁶⁰ Kōrero a Waha a Tīpuna Tangaere. (2008).

⁴⁶¹ Mahuika. (1995, Part 1). 51.

⁴⁶² Taumaunu. (2001). 6

⁴⁶³ Taumaunu. (2001). 6.

⁴⁶⁴ Reedy. (1997). 39-40, 90-91; Reedy. (1993). 43, 146.

⁴⁶⁵ Taumaunu. (2001). 6.

⁴⁶⁶ Mahuika. (1995). Part 1, 53.

⁴⁶⁷ Ngata. (1972). 20.

⁴⁶⁸ Taumaunu. (2001). 7.

⁴⁶⁹ Ngata. (1972). 21.

⁴⁷⁰ Ngata. (1972). 21.

⁴⁷¹ Mahuika (1995, Part 1). 51.

⁴⁷² Taumaunu. (2001). 11.

Ira-kai-pūtahi was a tuakana of Paikea.⁴⁷³ He obviously was not one of Ruatapu's taina or tuakana who were drowned at sea, having arrived on either the Horouta or the Takitimu waka.⁴⁷⁴

According to Āpirana Mahuika and Gudgeon, there was consensus among Ngāti Porou and all the tribes of the Tairāwhiti that this tupuna Ira acquired his name when Uenuku in Hawaiki "having reason to believe that his wife had committed adultery ..., slew ... the guilty parties, and to complete his revenge had Takarita's heart cooked, and given to her young son, who for that reason was ever after called Ira-kai-pūtahi."⁴⁷⁵

At the time that Paikea was living in Whāngārā, he invited Ira-kai-pūtahi and his family to live there.⁴⁷⁶ Ira subsequently moved to Pakarae, within the vicinity of Whāngārā.⁴⁷⁷ It is said that when Ruawharo (of the Takitimu Waka) and Tūpai decided to visit Paikea, they saw Ira's fires burning.⁴⁷⁸ They were going to attack Ira on account of Ruawharo and Tūpai being insulted when he was thrown by Uenuku's people into the body of a fishing net where their skins were lacerated by the spines of fish.⁴⁷⁹ This happened back in Hawaiki.⁴⁸⁰ Paikea prevented the attack, scolding them for wanting to kill their tuakana and directing them to leave the "remembrance of evils" committed in Hawaiki.⁴⁸¹

This may explain why Paikea considered he should teach the traditions to Ira and they both went to Uawa, where Ira's house Te Matatūahu was built at Waimanu.⁴⁸² Paikea then taught the traditions taught to him by Haeora. Ira reciprocated by teaching Paikea the traditions taught to him by Uenuku.⁴⁸³ Paikea told him to reveal the traditions to the world to ensure they would

⁴⁷³ Mahuika. (1973). 147.

⁴⁷⁴ Gudgeon, W. (1894). The Māori Tribes of the East Coast of New Zealand Part I. *Journal Of Polynesian Studies* (3)4. 214.

⁴⁷⁵ Mahuika. (1973). 124; see also Gudgeon. (1894). 216-217.

⁴⁷⁶ (author unknown) (1895). Ngāti Porou Traditions. ATL MSY-4565. 158.

⁴⁷⁷ Ngata. (1972). 135.

⁴⁷⁸ Ngata. (1972). 135.

⁴⁷⁹ Reedy. (1997). 45-46, 97-98.

⁴⁸⁰ White. (2011). Vol 3. 64-65.

⁴⁸¹ White (2011). Vol 3. 64.

⁴⁸² (author unknown). (1895). Ngāti Porou Traditions. ATL MSY-4565. 158.

⁴⁸³ (author unknown). (1895). Ngāti Porou Traditions. ATL MSY-4565. 158.

be continued.⁴⁸⁴ They were both responsible for establishing several *whare-wānanga* in the area. Wānanga Walker notes the following of Ira:⁴⁸⁵

.... According to some sources, including Rongowhakaata Halbert and Wī Pewhairangi, Ira was part of the crew of the Horouta when it made landfall at Ōhiwa and Tūranga (Gisborne). Also part of the crew was Ira's father, Uenuku. Ira initially lived at Te Whārau (Score Point or Anzac Park) on the banks of the Waimata River but went to live at Whāngārā at the invitation of his brother, Paikea.

*Ira set up the first *whare-maire* (school of the magic arts), called Wahakino, which stood on the site of the present cemetery. Paikea, meanwhile, had already set up his own *wānanga* in Whāngārā, called Whitireia, while his son, Rongomaitūaho, set up another *wānanga*, also in Whāngārā, called Te Ahomatariki.*

*It wasn't long before conflict arose between the three men and Ira eventually moved to the mouth of the Pākarae River where he set up another *wānanga*, called Te Wharau, the same name as his Tūranga house. However, after further discussion with Paikea, Ira moved and settled at the mouth of the Uawa River where he set up another *wānanga*, named Nuku-te-auria.*

Porourangi

From the union of Paikea and Huturangi, Pita Kāpiti recites the *whakapapa* to Porourangi:⁴⁸⁶

Ko Whiro-nui ka noho i a Ārai-ara, ko Huturangi

Ka noho i a Paikea, Ko Pouheni

Ka noho i a Mahana-i-te-rangi, Ko Niwaniwa

Ka noho i a Nanaia, ko Porourangi.

Āpirana Ngata recited Porourangi's *whakapapa* which includes the additional line of Tarawhakatū who married Te Ahungā.⁴⁸⁷

Paikea = Huturangi

Pouheni = Mahanaiterangi

Tarawhakatū = Te Ahunga

Nanaia = Niwaniwa

Porourangi

Tahu

⁴⁸⁴ (Author unknown). (1895). Ngāti Porou Traditions. ATL MSY-4565. 158.

⁴⁸⁵ Walker, W. (2014). Ngāti Ira: The descendants of Ira. In *Maunga Kōrero* Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

⁴⁸⁶ Reedy. (1997). 38, 89-90.

⁴⁸⁷ Ngata. (1972). 18.

According to Āpirana Ngata, Porourangi is also descended from Paikea's first wife in Hawaiki through their son Rongomaitūaho.⁴⁸⁸

Rongomaitūaho
Rākaitekawa
Rākaitapu
Te Aowhakamaru
Uetekoroheke
Niwaniwa
Porourangi

Porourangi-ariki and his younger brother Tahupōtiki (the eponymous ancestor of Ngāi Tahu) inherited Toi and Paikea blood.⁴⁸⁹ On the day Porourangi was born, there was a blood red dawn, hence his other name "Te Tuhi Mareikura o Rauru." His other name was Porou-ariki Te Mātātara a Whare.⁴⁹⁰ Porourangi and Tahu lived at Whāngārā. Porourangi married Hamoterangi of Tūranga-nui-a-Kiwa and a descendant of those who came on the Ikaroa-a-Rauru waka captained by Maia.⁴⁹¹ For an insight into the juridical order of this time, Eruera Stirling provides the following narrative about Tahu demonstrating how banishment was used to prevent trouble:⁴⁹²

Tahu-pōtiki was a fine-looking man and very hardworking; whenever there was work to do around the pā he was always there, and he was a leading man in all the tribal activities. Only one thing puzzled the old people about Tahu-pōtiki, he didn't seem to be interested in getting married. No matter what women came to him he took no notice, he just kept on working. The elders wondered, 'Why is he like that?'

In the finish, they got really worried about it, so one night the old people asked the high priest to come to the pa and tell them something about Tahu-pōtiki's future life. They said to the priest:

We want to ask you, why is Tahu-pōtiki still leading a single life? There are plenty of fine-looking women in the tribe, but he refuses to get married.'

The tohunga said to them, 'Very well.'

He turned aside and made offerings, and chanted prayers to Io-matua-te-kore, and when he came back to them, he sat down and revealed the secret life of Tahu-pōtiki.

⁴⁸⁸ Ngata. (1972). 23.

⁴⁸⁹ Ngata, A. (1944). *Ngā-rauru-nui-a Toi lectures*. The Porourangi Māori Cultural School. 15.

⁴⁹⁰ Ngata. (1972). 18; see also Soutar, M. (2000). *Ngāti Porou leadership: Rāpata Wahawaha and the politics of conflict*. Doctoral thesis, Massey University. 29.

⁴⁹¹ Ngata. (1972). 19; and see Reedy. (1997). 41-45, 93-97 re Maia.

⁴⁹² Salmond, A. (1980). *Eruera Stirling: The teachings of a Māori elder*. Oxford University Press. 35-36.

'This man will not marry because he is in love with his brother's wife! There is no trouble between them, but he thinks about her all the time and that is why he cannot look at any other woman. He will have to leave the district; tell him to seek a place called Rāpaki, and when he sees red fires gleaming on the mountains of Tamatea-pōkai-whenua, there he will find his new home.'

When the elders heard the tohunga's words they called a meeting the next morning, and asked Tahu-pōtiki to come to the marae. He came and sat down. And the old people said to him,

'Well, e tama Tahu-pōtiki, we have met and decided that you must leave the district. The high priest has told us that you are in love with Hamoterangi, your elder brother's wife, and although you have not caused trouble, it cannot go on. We are preparing a group of men to travel with you tomorrow – go to the mountains of Rāpaki in the South Island ... You must leave in the early hours of the morning; do not come back here to interfere with your tuakana, Porourangi.'

Porourangi was considered very tapu because of his rank and he was set apart due to his ancestor Pouheni's mana and lineage.⁴⁹³ His tapu state was such that he should not have done menial tasks as it could bring misfortune.⁴⁹⁴ His people would fish and plant for him as well as make tributes of fish and produce. One day Porourangi insisted on going fishing with them.⁴⁹⁵ Those involved all knew that he should not be engaged in such activities due to his tapu state. Soon enough he was poisoned by the nohu (mohu) fish and he died.⁴⁹⁶ He was buried at Whare-māpou.⁴⁹⁷

Tahu was allowed to return to Whāngārā for the tangi and in accordance with tikanga, he was obliged to marry his brother's wife – referred to as akin to the Jewish custom of "levirate" by Āpirana Ngata.⁴⁹⁸ In tikanga terms not only a brother but also a father, uncle or nephew could be forced to take such a widow as their wife.⁴⁹⁹

Notably, and during the Whāngārā No 1 block investigations by the Native Land Court, Rerehōna Pīwaka claimed through Tamahēnga.⁵⁰⁰ He was the great-grandson of Tarapōnga, a brother of Nanaia (Porourangi's father). His descendant Rākaitakapūnui married Rongotīpare (Hauiti's daughter). There was also a claim through Paikea.⁵⁰¹

⁴⁹³ Taumaunu. (2001). 12-13; Reedy. (1997). 40-41, 91-92

⁴⁹⁴ Taumaunu. (2001). 12-13.

⁴⁹⁵ Taumaunu. (2001). 12-13.

⁴⁹⁶ Taumaunu. (2001). 12-13; Reedy. (1997). 40-41-91-92.

⁴⁹⁷ Taumaunu. (2001). p 13.

⁴⁹⁸ Ngata. (1972). 19.

⁴⁹⁹ Ngata. (1972). 19.

⁵⁰⁰ Native Land Court *Re Whāngārā No 1* (1870). 1 Gisborne MB 130-132.

⁵⁰¹ (1870) 1 GIS MB 132.

Porourangi's descendants lived on, creating through marriage and descent a network of relationships that spread north to Wharekāhika, and south all the way down to Tūranga-nui-a-Kiwa, Mahia, to Wairarapa and across to Ōpōtiki, the Bay of Plenty and Waikato.

Ngā taonga i heke mai i a Porourangi

Porourangi and Hamoterangi begat Hau, Ueroa, and Rongomaianiwaniwa. Hau, the tuakana, or eldest was the great-grandfather of Hingangaroa who set up the Rāwheoro whare-wānanga.⁵⁰² Hingangaroa married twice including Iranui (who was his second wife – wahineiti).⁵⁰³ They had three children: firstly, Taua, who had Apanui-Waipapa and that line continued down to Apanui-Ringa-Mutu, the founding ancestor of Te Whānau-a-Apanui.⁵⁰⁴ Their next child was a son called Māhaki-ewe-karoro who became an important chief of Wahineiti of Waiapu. His third son, Hauiti became the founding ancestor of Te Aitanga-a-Hauiti.

The second child of Porourangi and Hamoterangi was called Ueroa and he begat Tokerauwahine who had Iwipūpū, the mother of Kahungunu and Iranui.⁵⁰⁵ Kahungunu married Rongomaiwahine. He begat Tauheikuri, who had Tāwhiwhi and Māhaki, the latter being the founding ancestor of Te Aitanga a Māhaki.⁵⁰⁶

The third child of Porourangi and Hamo-te-Rangi was Rongomaianiwaniwa. She married Tawakika and they had Arapere, Te Rarawa I, Uenukukahutia, Tamataua, and Tūmoanakōtore.⁵⁰⁷ Their hapū was known as Ngāti Rongomai.⁵⁰⁸ They lived in the Waiapu Valley.⁵⁰⁹ Uenukukahutia was gifted land at Pohooterangi.⁵¹⁰ Arapere begat Haupunoke, who had Tamaurirere, who was the father of Rongowhakaata, the founding ancestor of that tribe.⁵¹¹ The remaining siblings and their descendants would be instrumental in founding various hapū between Wharekāhika to Waiapu.

⁵⁰² Iles, M. (1981). A Māori history of the East Coast North Island. Master's thesis. University of Auckland. 30.

⁵⁰³ Mahuika. (1995, Part 2). 37.

⁵⁰⁴ Mahuika. (1995, Part 2). 36-37.

⁵⁰⁵ Iles. (1981). 31; Mahuika. (1995, Part 1). 6.

⁵⁰⁶ Mahuika. (1995, Part 2). 37.

⁵⁰⁷ Ngata. (1972). 58-59; Mahuika (1973). 273, 277.

⁵⁰⁸ Halbert (1999). 151.

⁵⁰⁹ Ngata. (1972). 58.

⁵¹⁰ Halbert. (1999). 151

⁵¹¹ Ngata. (1972). 111; Mahuika. (1995, Part 2). 38.

He Whakarāpopototanga – Summary

As with other Māori, the early settlers of the Pōtikirua ki te Toka-a-Taiau district believed that they were related to all things of the heavens and earth. Settlement begins with the narrative of Māui fishing up the land, followed by Toi whose descendants spread out across the land. Toi was followed by the Hawaiians. Māui and Toi became the foundation layer for settlement beginning with the Ruawaipu people (Northern Waiapu), Pōkai and Pōhatu hapū (Waiapu Valley) and the Uepōhatu iwi (Tūpāroa, Tapuwaeroa and Hikurangi area).⁵¹² These Māui and Toi peoples began spreading throughout the northern end of the district. Ngata provides a list of place names imprinted on the land by them.⁵¹³

Mountains:

Rangipoua, Tikirau, Pātangata, Pukeāmaru, Raukūmara, Te Whetumatarau, Ahomatariki, Hikurangi, Aorangi, Whanokao or Honokawa.

Streams:

Te Parinui, Pokohinu, Ōtiki, Ōrete, Te Kōau, Ōtiki (at East Cape), Pōhautea, Ōtūmaikuku, Ōteha, Kaimoho, Mataahu.

Islands:

Whakaari, Taputapuatea, Whanga-o-keno, Motueka.

Other names included the rivers Whangaparaoa, Karakatūwhero, Awatere, Ōrutua, Maraehara, and Waiapu.⁵¹⁴ These names were already established prior to Horouta returning from Hawaiki.⁵¹⁵ From the narratives concerning Horouta, there was obviously knowledge of how to navigate to and from Hawaiki. During this period there was a flowering of voyaging and visits from waka. Sir Āpirana Ngata identified the Society Islands (namely the French Polynesian islands of Borabora (Wawau or Porapora), and Tahā (Koporu)) as the Hawaiki of our ancestors.⁵¹⁶ For the Tairāwhiti, the Cook Islands, he considered was our “secondary Hawaiki”, being where the “homes of Tāwheta, Ruatapu, Paikea and members of the Uenuku family” were located.⁵¹⁷

⁵¹² Ngata. (1972). 17.

⁵¹³ Ngata. (1972). 17, 29.

⁵¹⁴ Ngata. (1972). 43.

⁵¹⁵ Mahuika. (1995, Part 1). 25.

⁵¹⁶ Ngata. (1972). 10-11.

⁵¹⁷ Ngata. (1972). 10-11.

It is probable that waka such as the Mangarara and Taurira arrived from Hawaiki (the Cook Islands) not long after Horouta's return.⁵¹⁸ Halbert, for example, says that onboard the Mangarara were Wheketoro, Tarawhata and Rauarikiao of Ngāi Tamatea (from Mangaia Island in the Cook Islands) and that it made landfall at Whanga-ō-Keno/a (East Cape Island). It brought various species of lizards such as the tuatara, insects such as wētā, birds, and dogs.⁵¹⁹ After leaving some of these species on the island, the voyagers of Ngāi Tamatea moved to the mainland but capsized, running aground at Parewhero. They settled at Pākihi and Te Kautuku at Rangitukia.⁵²⁰

The Taurira canoe carrying Motatau and others of Ngāriki landed at Whangaparaoa and the crew moved out and settled the Bay of Plenty and Tūranga-nui-a-Kiwa.⁵²¹ During this time Te Ikaroa-a-Rauru, captained by Maia (brother-in-law to Uenuku, Kahutia-te-rangi's father) brought knowledge associated with planting gourds. His waka made landfall at Tūranga.⁵²²

Then Te Whironui arrived as the rangatira of the Nukutere waka at Te Kautuku near Rangitukia.⁵²³ He and his family, along with his crew, settled among the Ngāi Tamatea people at Ngā Puke-tū-rua.⁵²⁴ Ngata notes that "Paikea was well known to these people; to them he was known as Tama or Paikea..."⁵²⁵ Te Whironui had already married Araiara by the time they arrived.⁵²⁶ She was a sister or cousin of Uenuku in Hawaiki.⁵²⁷ Te Whironui and Araiara begat Hutorangi who would marry Paikea.

Then further waka arrived during the 14th century including the Takitimu.⁵²⁸ According to Mohi Tūrei, writing in 1908, there was also another vessel that brought the Ngutu-au.⁵²⁹

Ko Kai i haere mai i Mōitū ki te ika nei, ki a Kaiaho. I hiia e ia ki te kaikaiatua. I te mea kua mate nei taua ika i a ia, ka tae atu te iwi nōna te taunga ko Uenuku-te-Whana, ko Te Aotaki. Te wahine a Uenuku, ko Hine-te-ao; tōna tungāne, ko Moutara. Ka kitea kua kore taua ika e kai, kua mate, kātahi ka whakataka te taua

⁵¹⁸ Ngata. (1972). 11.

⁵¹⁹ White. (2011). Vol. 2, 189-191; and see Halbert. (1999). 39.

⁵²⁰ Halbert. (1999). 39; Ngata. (1972). 29; White. (2011). Vol. 2, 189-191.

⁵²¹ Ngata. (1972). 11, 17, 29.

⁵²² Reedy. (1997). 41-45, 93-97.

⁵²³ Halbert. (1999). 39.

⁵²⁴ Halbert. (1999). 39.

⁵²⁵ Ngata. (1972). 135.

⁵²⁶ Halbert. (1999). 39.

⁵²⁷ Kohere. (2005). 112.

⁵²⁸ Ngata. (1972). 17.

⁵²⁹ Graham, G. Te Ngutu-Au (1922) *Journal of the Polynesian Society* (31) 121. 53-56. Quoting M. Tūrei.

hei whawhai ki a Te Ngutu-au. Ka mahia e Te Ngutu-au he waka, arā he mōkihi, ki te kōrari, ki te whau, tūpuni rawa ki te raupo. Ū rawa ki Rarotonga. Ka waruhia ngā kūmara hei kao; ka onokia ngā puke ki te pītau tutu, kia tirohia mai ai i tawhiti kei rō oneone tonu ngā kūmara. Ko Moutara i mahue. Ka tangi a Moutara. Ko te ana o Moutara ka kitea e Hine-te-ao; ka kōrerotia ki tana tāne, ki te iwi, kua heke a Te Ngutu-au.

Ko Tiopira te ingoa o tētahi tangata mai o Rarotonga, i tae mai ki Waiapu i te tau 1856. Tāna kōrero, nō Te Ngutu-au ia. E kainga ana e ia ngā ika katoa: ko te hāpuku, he atua nōna, kāhore e kāinga; he matakū i te ika i raru ai ōna tūpuna.

Kai came hither from Motiti to this fish (i.e., land) to Kaiaho [hāpuku fishing ground]. He fished him up with Kaikaiatua. When that fish had been so killed by him, the persons who owned the fishing ground arrived there, that is Uenuku-te-Whana and Te Aotaki. The wife of Uenuku was Hine-te-ao; her brother was Moutara. It was discovered that fish had ceased to eat (the bait) and had been killed. Therefore, there was assembled a war-party to give fight to Te Ngutu-au. The Ngutu-au made a canoe, that is a mōkihi (raft-like structure) of stems of the flax, and of the whau tree. It was well encased with an outer skin of raupo. They made land at Rarotonga itself. They had prepared kao from kūmara and had planted the beds in the cultivations with sprouts of the tutu, so that it might appear at a distance that within the soil kūmara were set. Moutara was left behind. Moutara was crying. The cave of Moutara was discovered by Hine-te-ao, she informed her husband and the people that the Ngutu-au had departed.

Tiopira was the name of a man from Rarotonga who came hither to Waiapu in the year 1856. His statement was that he belonged to the Ngutu-au. He ate all kinds of fish; but the hāpuku was a god of his, he did not eat it from dread of the fish whereby his ancestor had been in trouble.

The last voyagers to leave the district were recorded several generations later.⁵³⁰ These voyagers left for Polynesia under Pāhiko who sailed from Reporua-Tūpāroa and under Mou-te-rangi who left from Wharekāhika.⁵³¹

As we see from the narratives concerning Horouta, voyagers such as these were assisted by the gods, by ocean monsters and by powers of magic. Under the care of the gods, they believed they would not come to any harm. “Priestly experts placed a vessel under tapu and so under the care of the gods. They were also ready to meet any crisis during voyages with charm, or rite or magic spell.”⁵³² To arrive and return to Hawaiki required compass knowledge of the stars and winds acquired from the *whare-wānanga*. The stars included:⁵³³

⁵³⁰ Best, E. (1975). *Polynesian voyagers, Monograph No. 5 Dominion Museum*. Government Printer. 30.

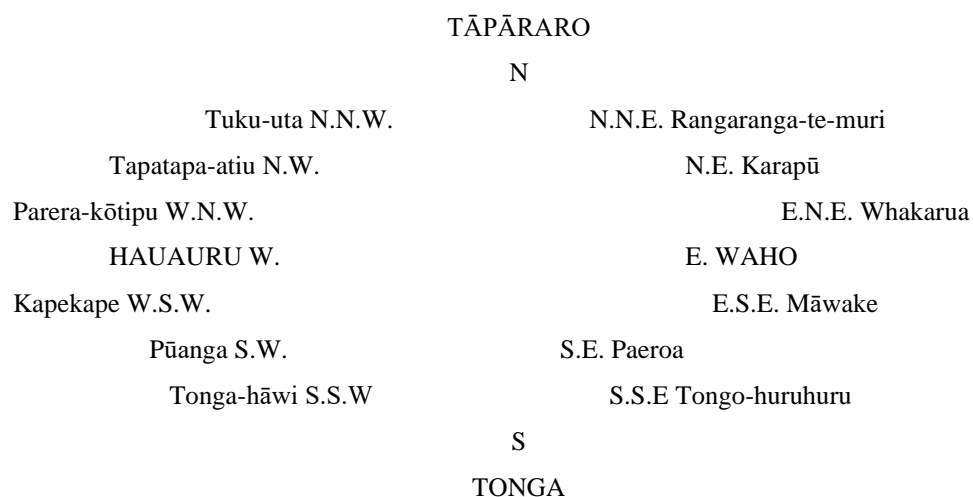
⁵³¹ Halbert. (1999). Ngata. (1972). 167; Best. (1975). 30.

⁵³² Best. (1975). 52.

⁵³³ Kupenga A & N “Te Maramataka – A New Moon” (Compilations); Best, E. (1972) *The astronomical knowledge of the Māori, Monograph No. 3 Dominion Museum*. Government Printer. 52.

- Tāwera - Venus
- Kōpū (morning star in winter)
- Rereahiahi (Mere-tū-ahiahi) (evening-star in summer)
- Takurua - Sirius
- Tira o Pūanga - Orion's belt
- Kāhui o Māhutonga – Milky Way from which are derived weather signs
- Whaitiri-papa - belongs to Feb and March
- Whānui - Vega
- Matariki – the Pleiades
- Rehua (Pou-tū-te-rangi) – Antares
- Parearau (Rangawhenua) – Jupiter
- Rangawhenua

A wind compass was also used as described by Mohi Tūrei:⁵³⁴



Knowledge of navigation, astronomy and wind, combined with the role of tohunga and their karakia, were adopted for mediating relationships with the gods, taniwha, demi-gods and each departmental god such as Rongo-marae-roa. They also took swift action against Kanawa for

⁵³⁴ Best. (1972). 38.

mixing aruhe with kūmara contrary to the dictates of Kahukura. This mātauranga was all imported from Hawaiki to ensure safe voyaging along the coastline, and to and from the Pacific homelands.

The Māui and Toi peoples survived the influx of Hawaikian settlers in the northern end of the district. South of Tūpāroa the Toi people were subsumed by descendants of Ira and Porourangi and at Tūranga-nui-a-Kiwa by the crews of Horouta, Takitimu and others.⁵³⁵ The Toi people inter-married with those from Hawaiki when they arrived. As Ngata would write:⁵³⁶

You know that our people here never set much store by Horouta, or Takitimu or any of the historical migrators. Our land titles go back to Toi – our history the gradual absorption of the latter arrivals, Paikea ... and in the already populous pre-existing Toi, Uepōhatu, Ruawaipu, Wahineiti and Ngāti Ira peoples. These were closely related to the older stock, so the whakapapa say, and rejuvenated the old blood.

Paikea and Ira entered into this world. Paikea was already known to those whom he met. He imported the chiefly status of Hawaiki being a survivor of Uenuku's whānau who were involved with Huri-pūrei-ata, whether he was a nephew or a son. By Paikea's marriages and his naming of the land he continued the process of embedding ancestral titles and rights throughout the Pōtikirua ki te Toka-a-Taia district. He also named Whāngārā-mai-tawhiti, and other places such as Pukehāpōpō, Tahatū-o-te-rangi, Te Reuanga, Wahakino and Te Ahirarariki within the area.⁵³⁷ His actions were underpinned by tikanga, karakia and kawa, especially regarding survival at sea. His knowledge extended to performing tasks associated with the planting, harvesting, and the preparation and cooking of kūmara. His narratives demonstrate that mana tūpuna, mana rangatira and the tapu nature of whakapapa, determined seniority, rank, and leadership.

Paikea's descendants, including Porourangi, continued living in the Whāngārā area following his death. Āpirana Ngata considered that this place became one of the "great confluences of the Māori people", that it contains one of its mauri, and that it was one of the "main links to Hawaiki and Aotearoa."⁵³⁸

⁵³⁵ Ngata. (1972). 26.

⁵³⁶ Sorrenson, M. (Ed.) (1986-88). *Nā to Hoa Aroha: From your dear friend: The correspondence between Sir Āpirana Ngata and Sir Peter Buck, Vol. 1*. Auckland University Press. Letter Ngata to Buck, June 1928.

⁵³⁷ Reedy. (1993). 43, 146.

⁵³⁸ Ngata. (1972). 20.

Interestingly, during this settlement period there is limited evidence of revenge killings, human sacrifice, and cannibalism as practised in Hawaiki. In fact, Paikea makes a deliberate attempt to prevent Ruawharo and Tūpai engaging in utu against Ira, suggesting that the settlers from Hawaiki under his leadership were being encouraged to leave such matters behind them.

Porourangi's time was a period of consolidation and a time where the "mating of men and women proceeded on customary lines, recalling at every stage the descent and relationship through high and common ancestors."⁵³⁹

There was also the emergence of a new legal system that determined mana rangatira, mana whenua (mahi taunaha), tikanga (as in the banishment of Tahu), and whanaungatanga (tribal citizenship) imbued by the doctrines of tapu and noa. As an example of the power of these laws, Porourangi died knowing (as did others on his waka) that this was the likely consequence for transgressing tapu.

⁵³⁹ Ngata. (1972). 20.

CHAPTER 5

TE PUĀWAITANGA – THE BLOSSOMING

NARRATIVES OF SOVEREIGNTY, LAW, AND CITIZENSHIP PRIOR TO 1840

He Tīmatanga – Introduction

In Chapter 4, I demonstrated how the foundation of settlement by the Māui, Toi, and the Hawaiians began. Through their narratives, I concluded that these ancestors were responsible for the emergence of a new legal system that determined mana or sovereignty, mana whenua or rights to land, tikanga or law and whanaungatanga or citizenship.

In this chapter, the historical narratives concerning the descendants of these ancestors and the emergence of many of the hapū and iwi of Pōtikirua-ki-te-Toka-a-Taiau is explored. I also identify what their legal system had become before 1840. This is not a chronological description but rather one that attempts to demonstrate how interconnected the different whakapapa lines of the various iwi and hapū became and, through selected case studies, how their legal system evolved. The evidence of the period 1400-1800 is drawn in the main from many sources, including the Native Land Court or Block Committee records, or I have relied upon authorities that have drawn upon such records.

Te Aitanga a Hauiti

The population increased significantly in the Whāngārā to Tokomaru Bay area during this period. This population growth was primarily comprised of the Porourangi, Ngāti Ruanuku, and Ngāti Ira peoples.⁵⁴⁰ Great pā dotted the area during this period. How this population spread through the land can be directly attributed to the spread of Te Aitanga a Hauiti.

⁵⁴⁰ Ngata. (1972). 50-51.

Te Aitanga a Hauiti settled both sides of the mouth of the Uawa River, along the coast to Anaura to Te Māwhai and Tokomaru Bay.⁵⁴¹ This hapū descend from the eldest child of Porourangi. As noted, Porourangi begat Hau, Ueroa and Rongomaianiwaniwa.⁵⁴²

Hau took two sisters as his wives.⁵⁴³ According to Mohi Ruatapu, Takoto-wai-mua was Hau's senior wife and Tamatea-toia was his secondary wife.⁵⁴⁴ Both lived with Hau at Te Māwhai (Tokomaru Bay) in Tarainga Pā.⁵⁴⁵

Takoto-wai-mua

Hau's senior wife Takotowaimua fell in love with Ueroa (Hau's brother). She was pregnant with Hau's child, Kehutikoparae at the time. Takotowaimua and Ueroa were banished so they went to Whāngārā together.⁵⁴⁶ They had to accept banishment or face certain death.⁵⁴⁷

Ueroa left with Takotowaimua and his people, commemorated by the proverb “Ko te wehenga i a Ue-roa raua ko Hau.” The sites upon which each one stood during the banishment were called Ue and Hau.⁵⁴⁸ The baby Kehutikoparae was later returned to Hau.⁵⁴⁹ While at Whāngārā the lovers quarrelled with Te Awariki and so they moved south to Te Wainui and then to Tūranga-nui-a-kiwa.⁵⁵⁰

⁵⁴¹ Ngata. (1972). 51.

⁵⁴² Ngata. (1972). 20.

⁵⁴³ Ngata. (1972). 20.

⁵⁴⁴ Reedy. (1993). 58-59,162.

⁵⁴⁵ Reedy. (1993). 58-59, 162; Halbert. (1999). 148.

⁵⁴⁶ Reedy. (1993). 58-59, 162.

⁵⁴⁷ Soutar, M. (1988). *The origins and early history of Te Aitanga a Mate: An incomplete manuscript*. (Unpublished, manuscript). ch 1; see also Ngata. (1972). 20-21; Reedy. (1993). 58-59,162.

⁵⁴⁸ Reedy. (1993). 58-59,162.

⁵⁴⁹ Ngata. (1972). 20.

⁵⁵⁰ Reedy. (1993). 58-59,162.

Hingangaroa

Kehutikoparae became the mother of Hingangaroa.⁵⁵¹ Āpirana Ngata and Victor Walker identify Hingangaroa's father as Manutangirua.⁵⁵² Manutangirua was the son of Rākaipō whose mother was Tamateatoia (Hau's second wife).

Manutangirua and Kehutikoparae had three children. Hingangaroa was not the eldest, but he became famously associated with the teachings of the whare-wānanga as the founder of the Te Rāwheoro Wānanga.⁵⁵³ This wānanga stood at Uawa. According to Pine Taiapa, Hingangaroa was the first carver on the East Coast and his whare-wānanga produced some of the most famous carvers thereafter.⁵⁵⁴ The whakapapa to Hingangaroa is as follows:⁵⁵⁵

Paikea
Pouheni
Tarawhakatū
Nanaia
Porourangi
Hau
Rākaipō
Manutangirua
Hingangaroa

Thus, through his mother and father Hingangaroa was a direct descendant of Hau. Hingangaroa married twice.⁵⁵⁶ His first wife was Tamateatahara.⁵⁵⁷ The descendants of this marriage became the Ngāti Hau and Ngāti Kuranui hapū of Te Aitanga-a-Hauiti.⁵⁵⁸

The second wife (wahine-iti) of Hingangaroa was Iranui who was a daughter of Tamatea-pōkai-whenua and Iwipūpū and a sister of the famous Kahungunu. Kahungunu and his sister Iranui

⁵⁵¹ Walker. (1997). 36; Ngata (1972). 90 for Whakapapa Chart.

⁵⁵² Walker, V. (2012). Te Aitanga-a-Hauiti and the transit of Venus. In *Journal of the Royal Society of New Zealand* (42)2 <https://tinyurl.com/y6zn7we3> retrieved 20 May 2022; see also Ngata. (1972). 90 for Whakapapa Chart.

⁵⁵³ Walker. (1997). 36.

⁵⁵⁴ Iles. (1981). 31.

⁵⁵⁵ Ngata. (1972). 93 for Whakapapa Chart.

⁵⁵⁶ Walker. (2012).

⁵⁵⁷ Walker. (2012).

⁵⁵⁸ Walker. (2012).

connect Porourangi and the Takitimu waka migrations.⁵⁵⁹ Hingangaroa and Iranui begat Taua, Māhaki and Hauiti.⁵⁶⁰

Taua and Māhaki-ewe-karoro

According to Wī Piwhairangi, when Taua was born, Tamatea-pōkai-whenua (Kahungunu and Iwipūpū's father) sent the Pararaki, Te Panahehu, Te Ahowaiwai, and the Ngā Oho to be "people for his grandson, Taua."⁵⁶¹ These people swelled the local population and were absorbed into Wahineiti.⁵⁶² When they were older Taua and Māhaki began to persecute their brother, Hauiti.⁵⁶³ It started with fishing tributes and the appropriation of Hauiti's portion by Taua, Māhaki and their followers.⁵⁶⁴

Taua as the eldest and with the support of his "retainers" "... lorded it over the peoples of Uawa."⁵⁶⁵ Māhaki also "exercised his privileges as chief and overlord in a tyrannical manner."⁵⁶⁶ Māhaki would later become the renowned leader of Wahineiti. By his marriages he and his descendants connected to the tribes of Tūranga-nui-a-Kiwa area and with those in the Waiapu Valley area.⁵⁶⁷

Hauiti

As his brothers were treating Hauiti so badly, Hauiti plotted revenge against them.⁵⁶⁸ Āpirana Ngata quotes Wī Pewhairangi, stating that Hauiti went to a tohunga, Marukakoa, at Pāwerawera, and "asked him to instruct him in the karakia "kai whanaunga", the incantation that would give him strength to eat his relatives. Marukakoa taught him the karakia."⁵⁶⁹ After surviving a special ceremony without complaint, he was told that he would prevail over his

⁵⁵⁹ Walker. (2012).

⁵⁶⁰ Walker. (1997). 37.

⁵⁶¹ Ngata. (1972). 31.

⁵⁶² Ngata. (1972). 50-51; Iles (1997). 31.

⁵⁶³ Ngata. (1972). 50.

⁵⁶⁴ See Iles. (1981). 32 quoting Mohi Ruatapu.

⁵⁶⁵ Ngata. (1972). 52.

⁵⁶⁶ Ngata. (1972). 52.

⁵⁶⁷ Ngata. (1972). 53.

⁵⁶⁸ Ngata. (1972). 54.

⁵⁶⁹ Ngata. (1972). 54.

brothers.⁵⁷⁰ As their blood was one and the same as his, this special ritual and karakia were needed to complete his revenge. A series of running engagements took place, but Hauiti successfully expelled his brothers from Uawa in battle.⁵⁷¹ As a result of that battle, Taua and Māhaki and their whānau were subjugated.⁵⁷²

Victor Walker notes that Hauiti married twice.⁵⁷³ One wife was Kahukuraiti, a daughter of Rongowhakaata.⁵⁷⁴ They had 10 children.⁵⁷⁵ The eldest was Hineterā. Kahukuranui was her younger brother.⁵⁷⁶

Another wife was taken during war. The background of which involved Hauiti attacking Uepōhatu. Hauiti was one “of the few fighting chiefs to have made incursions into the Uepōhatu territory.”⁵⁷⁷ During that raid he killed Uepōhatu’s son-in-law.⁵⁷⁸ After a revenge killing of Tawakeariki by the Uepōhatu people, Hauiti sent a war party to avenge Tawake’s death and to return with Uepōhatu’s daughter Rākaumanawahē.⁵⁷⁹ It was Aotata who attacked the Rākaupuhi Pā and he supervised the taking of Uepōhatu captives.⁵⁸⁰ Of the fighting force, all but Te Aohore (who married Rākaioa I) returned to Uawa.⁵⁸¹ Thus there was no raupatu of Uepōhatu lands. Rākaumanawahē and Hauiti begat Karihimama.⁵⁸² This son was to become a great warrior and an important component of Hauiti’s army giving the latter control over the Uawa district. He settled in Kaiaua under the hapū name of his mother, Ngāti Rākaumanawahē.⁵⁸³

⁵⁷⁰ Ngata. (1972). 54-55.

⁵⁷¹ Laurie, J. (1991). *Tolaga Bay: A history of the Uawa district*, 2nd ed. Tolaga Bay School Centennial Committee. 17-18, citing Mohi Ruatapu and Hēnare Pōtae; Iles. (1981). 33; see also Ngata. (1972). 55, 61; Walker, (1997). 38.

⁵⁷² Salmond. (1980). 40-41.

⁵⁷³ Walker. (2012).

⁵⁷⁴ Walker. (2012).

⁵⁷⁵ Walker. (2012).

⁵⁷⁶ Ngata. (1972). 96.

⁵⁷⁷ Ngata. (1972). 61.

⁵⁷⁸ Ngata. (1972). 61.

⁵⁷⁹ Ngata. (1972). 61.

⁵⁸⁰ Halbert. (1999). 132-134, 136.

⁵⁸¹ Halbert. (1999). 132-134, 136.

⁵⁸² Walker. (2014). Kūmara-pit incident leads to the fall of Rākau-puhi and Uepōhatu.

⁵⁸³ Walker. (2014). Kūmara-pit incident leads to fall of Rākau-puhi and Uepōhatu.

Before Hauiti's death his son Kahukuranui was chosen as his successor.⁵⁸⁴ Hauiti's brothers were still in the vicinity at this stage along the Uawa River, at Mangatuna, and "in the forests and among the hills."⁵⁸⁵ Wī Pewhairangi's account of what happened next contains an important portal into the juridical order present at this time:⁵⁸⁶

Kahukuranui lived at Uawa and desired to come to Anaaura to see his children, Tautini and his brethren. When he came to look for them at Whakarapurapu (opposite Mangatuna) he was seen by Te Wahineiti from their pās and he heard them calling to him as they would do to a dog "Moi, moi, moi." He looked round to see where this dog was that they were apparently calling. When he went on he still heard them calling, "Moi, moi." And he thought, "I must be the dog they are calling to." And he went on and coming to Anaaura he told his son Tautini what Te Wahineiti had done, and said, "I will go back to Uawa, and go straight to fight these people; you come in two days."

"On his arrival at Uawa he told his other sons and instructed them to build a whare, which when completed was called WHAKAREI. Tautini and his brethren reached there and it was arranged to call upon Te Wahineiti to come as a pūkūwhā, i.e. relatives by marriage, Tautini's wife at the time being a daughter of Apanui, who was a son of Taua. The proposal was agreed to and Wahineiti were invited to come as a pākūwhā. The people to go were selected. Only a few went, and they gathered together in this whare, Whakarei. While they were in the house they were counted, and number ascertained. Having done this Kahukuranui's people were also counted and of the visitors one man of the hosts would be set apart to deal with each of them who was not considered a man of rank, and two for each person considered a toa ..."

"Having arranged all this and the feast being over Kahukuranui said, "Now you had better return to your kāingas." Then he called to the people of his kāinga, "Let us escort our friends along the road to a certain place and then salute them and return."

"Kahukuranui himself was in front right to the crossing of the river. When they got close to the river Kahukuranui increased his pace to get to the other side of the river first. When he got across he turned round and attacked Apanui with his weapon. That was his signal and all his people turned on Wahineiti and slew them to a man; not one of that party escaped. Then Te Wahineiti pās were attacked, that from whence he was insulted was first taken. The survivors of Wahineiti fled in this (northerly) direction and Kahukuranui and his ope went back to their kāingas.

"Kahukuranui said to Tautini, "Let Rongomaihuatahi escape" and Tautini agreed. Then Kahukuranui came and commenced to lay down a boundary at Uawa. He came to Anaaura with his children and his people and went along the inland boundary then laid down by Kahukuranui and the land was held under that conquest. Tautini then took up his abode at Ōrangitauira above Anaaura."

⁵⁸⁴ Ngata. (1972). 62-63.

⁵⁸⁵ Ngata. (1972). 62; Iles. (1981). 38-39.

⁵⁸⁶ Ngata. (1972). 64-65; Iles. (1981). 38-39.

In another narrative, Apanui-Waipapa was killed at Whakaumu-a-Apanui. This place marks the boundary between the Mangahauini and Tawhiti blocks.⁵⁸⁷ Āpirana Ngata said of the killing of Apanui:⁵⁸⁸

Thus Kahukuranui repaid the curse, which Wahineiti uttered when they called to him as a dog. This was the very worst insult that could be levelled against any man in those days. It ranked with the killing of a relative as a cause of war, and it ranked worse than the latter until the insult was wiped out with blood and destruction. The raison d'être for the murder of Apanui-Waipapa and his people was added to the feud and vendetta between Kahukuranui's father, Hauiti and his brothers. Kahukuranui completed the expulsion of Te Wahineiti and their leaders, the progeny of Taua and Māhaki from the Uawa district. In a version by another elder Kahukuranui's advice to his son, Tautini to let Rongomaihuatahi go was in words like these: "Let your sister go; for lying by your side she will always know, that in your stomach is the flesh of her father." Sister is a literal rendering of the Māori relationship term "tuahine." Actually, Tautini and Rongomaihuatahi were cousins twice removed, as follows:

<i>Hingangaroa</i>	<i>Iranui</i>
<i>Taua</i>	<i>Hauiti</i>
<i>Apanui-Waipapa</i>	<i>Kahukuranui</i>
<i>Rongomaihuatahi</i>	<i>Tautini</i>

So Rongomaihuatahi left Uawa with her brothers and others of the children and descendants of Taua and in due course reached the Te Kaha district, where they contributed the Porourangi and associated elements to the make-up of the Whānau-a-Apanui tribe.

At the same time the older branch of Te Wahineiti, which was led by the descendants of Māhaki and Hinemākaho, moved north by way of Hikuwai to Tokomaru and beyond. The conquest of Kahukuranui, which extended from a point on the coast north of Uawa to Awarau on the coast to the south of Waipiro, is a feature in the subdivision of Ngāti Porou territory.

Kahukuranui is credited with vanquishing Apanui-Waipapa's people and Māhaki and the Wahineiti from the Uawa area.⁵⁸⁹ Although Kahukuranui became one of the prominent leaders of the iwi, Hauiti's land was divided and shared among Kahukuranui and his siblings, Pīrau, Tamateapaia, Rongotīpare and Hineterā.⁵⁹⁰

⁵⁸⁷ Iles. (1981). 39.

⁵⁸⁸ Ngata. (1972). 65.

⁵⁸⁹ See Walker. (1997). 38-39.

⁵⁹⁰ Laurie. (1991). 20, citing Hōri Mōkai.

To explain the importance of his children I return to Kahukuranui and his three wives: Hinekahukura (of the Horouta and Takitimu waka); Hinetuere (from Whāngārā - Pakarae); and Tāwhipare (a daughter of Poroumata).⁵⁹¹ From Tāwhipare he begat Tautini and Hurumangiangi. From Hurumangiangi comes the following whakapapa line:⁵⁹²

Hurumangiangi

Haukauangaroa

Uetuhiao = Tūtehurutea (mokopuna nā Materoa)

Te Atau Kuku Korohau Rongotangatake

Te Rangitāwaea

The children of Uetuhiao were famed warriors remembered today as “Ngā kurī paka a Uetuhiao”, discussed further below under the heading Te Whānau-a-Apanui. Noteworthy is the fact that Rongomaihuatahi was not the only one who survived the killing of her father Apanui-Waipapa. She also had brothers called Pararaki, Taikorekore and Te Aotākaia. They settled in Ōrete and Raukōkore. Wānanga Walker contends that Kahukuranui met his demise at the hands of the whanaunga of Apanui-Waipapa’s children in the following manner:⁵⁹³

... a fishing party comprising Kahukuranui’s people was swept ashore at Tunapahore on the coast near Hāwai. They were pursued by the local chief, Turirangi, and dispatched. When Kahukuranui received news of the death of his kinfolk, he organised a war party and engaged Turirangi and his warriors at Tunapahore. The battle was furious, but Kahukuranui and his party were to meet their fate at the hands of Turirangi and his warriors.

In learning of the death of Kahukuranui, the children of Apanui-Waipapa were elated and in recognition of the gallantry of the victorious war party, Rongomaihuatahi was betrothed to Turirangi. The marriage resulted in a son who was named Apanui-Ringa-Mutu.

The dog calls of, Moi! Moi! in Uawa led to the fall of Apanui-Waipapa, but the name Apanui was to rise again in his grandson, Apanui-ringa-mutu, the founding ancestor of the tribe, Te Whānau-a-Apanui. Hinga atu he tētēkura, ara mai he tētēkura!

⁵⁹¹ Ngata. (1972). 63.

⁵⁹² Mahuika (1973) Annex, Table 15.

⁵⁹³ See also Walker. (2014). *Moi Moi: The rise and fall of Apanui*.

Tautini and Kapihoromaunga

Before Kahukuranui's death, he placed his three sons at strategic points on the coast. Aketūangiangi took Takarangi Pā at Waipiro Bay. Tautini's Pā was at Tairoa Hill near Tokomaru Bay and Kapihoromaunga (the tuakana) originally went to Pākura Pā at Anaura.⁵⁹⁴

Then, according to Piripi Aspinall:⁵⁹⁵

The Tokomaru Bay region was split up into two as a gift to Kapihoromaunga and Tautini from their father Kahukuranui, the son of Hauiti. Kahukuranui gifted the land from Waimā, in the north of the bay, to just before Te Puka, where the present-day tavern is, to his son Tautini. The land from Te Puka to Māwhai Point, in the south of the bay, Kahukuranui gifted to his other son, Kapihoromaunga. Later the area around the Māwhai Point was gifted to Hinemaurea, Kapihoromaunga's grand-daughter.

Tautini's influence was also growing. He started appropriating areas allocated to his tuakana. Kapihoromaunga complained to his father about Tautini encroaching.⁵⁹⁶ Kahukuranui would not interfere because Kapihoromaunga was not strong enough to deal with the issue himself.⁵⁹⁷ As this demonstrated some weakness on the part of Kapihoromaunga, Tautini inherited the mana whakahaere and mana tangata of Kahukuranui.⁵⁹⁸ Kapihoromaunga, however, was still a rangatira being the tuakana and is still remembered as the grandfather of Hinemaurea who married Te Aotaki of Ngāi Tuiti.⁵⁹⁹ The narrative of Hinemaurea is connected with the Ngāi Tuere people and is discussed in full below. Importantly, her son Tamatea-kuhakauri would maintain her ahi kā at Tokomaru Bay.⁶⁰⁰

Konohi

Hauiti's first daughter, Hineterā married Tamateakuku and the whakapapa descends as follows:

⁵⁹⁴ Halbert. (1999). 137.

⁵⁹⁵ Aspinall P "Affidavit of evidence before the Waitangi Tribunal (Wai 900, #A32, 29 July 2000) 3-4.

⁵⁹⁶ Iles. (1981) 40-41.

⁵⁹⁷ Iles. (1981) 40-41.

⁵⁹⁸ Iles. (1981) 40-41.

⁵⁹⁹ Iles. (1981) 41-42

⁶⁰⁰ Iles. (1981) 45-46.

Hineterā
Tūtekohi
Tamatanui
Hurawaikato
Tūwhakapuiarangi
Te Whakahī-o-te-rangi
Pōnui
KONOHĪ

He became a great warrior chief and the eponymous ancestor of Ngāti Konohi, and protector of Whāngārā.⁶⁰¹ Hōne Taumaunu recorded that his father, the renowned carver Mohi Taumaunu, assessed the length of Konohi's taiaha. He considered Konohi would have been an imposing figure, approximately 6 feet, 6 inches tall.⁶⁰² He lived on Te Taha-tū-o-te-moana (Paiea's island) in the pā Taha-tū-o-te-rangi.⁶⁰³ Konohi had three sons: Marukauiti, Rīwai and Wahakapi.⁶⁰⁴

According to Hōne Taumaunu:⁶⁰⁵

*Konohi gave Marukauiti the lands from Pakarae River back to Uawa (Tolaga Bay).
To Riwai he gave all the land from Pakarae River to Waimata, including Whāngārā.
Konohi gave Wahakapi the land from Pouawa to Tūranga, to where the Ngāti
Oneone people are. These three blocks were all Konohi land.*

Marukauiti married Puhingā-i-te-rangi and their descendants include Rāwiri Te-eke-tū-o-te-rangi who begat Hīrini Te Kani. From his second wife Ikaatahua, his descendants include Tānetokorangi who married Ngunguru-o-te-rangi and they begat Hinematiaro. From her, the whakapapa descends to her grandson Te Kani-a-Takirau. Hinematiaro was a chieftainess who was alive when James Cook arrived at Uawa on his Endeavour in 1769. Although she lived at

⁶⁰¹ Taumaunu. (2001). 12; Walker. (1997). 51.

⁶⁰² Taumaunu. (2001). 12.

⁶⁰³ Taumaunu. (2001). 8.

⁶⁰⁴ Taumaunu. (2001). 12.

⁶⁰⁵ Taumaunu. (2001). 12.

Pourewa she had kūmara gardens at Whāngārā.⁶⁰⁶ William Williams would record that Cook:⁶⁰⁷

Presented her with beads and ornaments. Hinematiaro was much looked up to in her time by all the tribes along this coast, and her name was known formerly as far north as the Bay of Islands as that of a great rangatira. She lost her life about sixty or seventy years ago when making her escape from Te Pourewa, or Sporing's Island, the pā which was attacked by Ngāti Porou. The canoe was making for Whāngārā and was upset at sea, the only survivor being her grandson, the late Te Kani-a-Takirau.

Some contend that Te Kani-a-Takirau was not on the island as he was in Tūranga-nui-a-kiwa seeking assistance from Te Wera. Hinematiaro's pā was on Pourewa Island within the bay at Uawa.⁶⁰⁸ The whakapapa from Konohi to Hinematiaro and then down to Te Kani-a-Takirau is one of the central pou of the southern boundary and it is one of the reasons why Te Aitanga a Hauiti maintained mana ariki, mana tangata, and mana whenua. The whakapapa from Hauiti is as follows:⁶⁰⁹

Hauiti = Kahukuraiti

Hineterā

TŪTEKOHI

Tamatanui

Hurawaikato

Tūwhakapuiarangi

Te Whakahī-o-te-rangi

Pōnui

KONOH

Marukauiti = Te Umu-papa

Tānetokorangi = Ngunguru-o-te-rangi

HINEMATIO

Ngārangikahiwa = Rongotūmamao

TE KANI-A-TAKIRAU (Nāna ko Waikari)

⁶⁰⁶ Taumaunu. (2001). 10.

⁶⁰⁷ Williams, W. (1889). On the visit of Captain Cook to Poverty Bay and Tolaga Bay. In *Transactions and Proceedings of the New Zealand Institute* 21. 396-397.

⁶⁰⁸ Walker. (1997). 57.

⁶⁰⁹ Mahuika. (1995, Part 1). 13; Walker. (1997). 51.

Ngunguru-o-te-rangi (Hinematioro's mother) was the great-granddaughter of Rerekohu given to appease Pōnapātukia and Konohi after Rerekohu insulted them and refused to assist them against Tamahae of Te Whānau-a-Apanui. Konohi then gave her to Tānetokorangi. Ngunguru-o-te-rangi, through Rerekohu, was also a descendant of Tūwhakairiora and the whakapapa is as follows:⁶¹⁰

Te Ataakura
TŪWHAKAIRIORA
Tūterangiwhiu
Hukarere II
REREKOHU
Te Uhunuioterangi
Ngunguru-o-te-rangi
HINEMATIORO
Ngārangikahiwa
TE KANI-A-TAKIRAU

According to Victor Walker Te Kani-a-Takirau was also from the tuakana line from Materoa (eldest daughter of Poroumata) and the whakapapa is as follows:⁶¹¹

	Materoa = Tamaterongo		
Rongotehengia	Karaunuhia	Kahupakari II	Piko
Rongopūkikiuri			
Kahumaru			
Whariungārangi			
Te Matuhiao			
Te Rangipāmamao			
Poho			
Te Whatianga			
Hineawe			
Ngunguru-o-te-rangi			

⁶¹⁰ Mahuika. (1973). Annex, Table 15.

⁶¹¹ Walker. (1997). 59; and cf. Mahuika (1973). Annex, Table 11 (13) where the eldest child of four children is recorded as Hinetū and Rongotehengia is not mentioned.

HINEMATIORO

Ngārangikahiwā

TE KANI-A-TAKIRAU

Konohi's son, Marukauiti married his third wife and her name was Te Umupapa. She was a child of Te Huki and his third wife Rewanga of Titirangi. Te Huki was a descendant of Kahungunu. Victor Walker explains:⁶¹²

Te Huki of the Wairoa district ... married a number of powerful women in different localities along the East Coast.

The children of these marriages made up what became known as Te Kupenga a Te Huki. By his first wife, Te Rangitohumare, he settled his first son Purua-aute in the Wairoa district. ...

Te Huki then married Te Mata-kainga-i-te-Tihi. A son was born of this union called Matatai and he was placed at Te Mahia. ...

Te Huki also had a daughter called Hinerau and she was taken by him and married to a young chief from Pōrangahau called Hōpara. Te Huki established the grandson, Ngārangihakaūpoko, at Poroporo near Pōrangahau. ...

Te Huki married Te Rōpūhina from Nūhaka and together they had three sons. The eldest, Te Rākato was settled at Te Mahia, Tūreia at Nūhaka and Te Rehu also at Nūhaka. ...

Whilst in the Tūranga area Te Huki married Te Rewanga. Their daughter Te Umupapa married Marukauiti, the son of Konohi of Whāngārā. Te Whakatātare-o-te-Rangi became the eastern post of Te Kupenga a Te Huki. Te Kani-a-Takirau inherited the authority of this alliance from his grandfather.

As the north-eastern pou of Te Huki's net, Te Kani-a-Takirau was able to secure alliances with the descendants of Kahungunu and Rākaipākā.⁶¹³ The whakapapa from Kahungunu is:⁶¹⁴

Kahungunu

Kahukuranui

Rākaipākā

TE HUKI = TE REWANGA

Te Umupapa = Marukauiti (son of Konohi and this was Marukauiti's third marriage)

Hinetūraha = Kaingakiore

⁶¹² Walker. (1997). 53-54.

⁶¹³ Walker. (1997). 40-60.

⁶¹⁴ Walker. (1997). 53, 55.

TE WHAKATĀTARE-O-TE-RANGI = Hine-i-rahirahia-i-te-rangi

Te Rongotūmamao = Ngārangikahiwa

TE KANI-A-TAKIRAU

Te Whakatātare-o-te-rangi was the chief in residence at the time of James Cook's visit on the Endeavour in 1769.⁶¹⁵ He was a descendant of Tautini. Te Whakatātare begat Rongotūmamao and Te Amaru Kaitangata. Rongotūmamao begat Te Kani-a-Takirau. Te Kani-a-Takirau lived at Uawa but he would also reside at Whāngārā on occasion.⁶¹⁶ He became for this iwi their paramount chief. Well known to the ariki/rangatira classes throughout the Pōtikirua ki te Toka-a-Taiau district and Aotearoa he also became famous due to his friendly interactions with Europeans.⁶¹⁷

Te Kani-a-Takirau's eldest son Waikari passed away with no issue.⁶¹⁸ Te Kani-a-Takirau had ten wives⁶¹⁹ and three children (counting Waikari) but none of the children survived.⁶²⁰ He did take a whāngai who was his nephew Hirini Tuahine, the son of Rāwiri Te-eke-tū-o-te-rangi.⁶²¹ Rāwiri was the chief of Ngāti Oneone, a hapū with connections to Ngāti Konohi, Ngāti Rākai-a-tāne and Ngāti Mōkai).⁶²² Ngāti Oneone is associated with Te Aitanga a Hauiti and the Kaiti and Pourewa blocks.⁶²³ According to Rongowhakaata Halbert, Ngāti Oneone received its name after the chief Taraao was involved in an accident near the Tūranga-nui River. His eyes were covered in clay which nearly blinded him.⁶²⁴ Rāwiri was Taraao's younger brother who inherited the mantle of leadership when Taraao was killed by Te Heuheu of Ngāti Tūwharetoa.⁶²⁵ Rāwiri would later sign the Treaty of Waitangi.⁶²⁶

⁶¹⁵ Salmond, A. (1991, reprinted 2018). *Two worlds: First meetings between Māori and Europeans 1642-1772*. Penguin Books. 169.

⁶¹⁶ Walker. (1997). 61.

⁶¹⁷ Walker. (1997). 63-64.

⁶¹⁸ Mahuika. (1973). 128.

⁶¹⁹ *Te Karere Māori*. (2) 8, 30 August 1856.

⁶²⁰ Walker. (1997). 108.

⁶²¹ Walker. (1997). 108.

⁶²² Halbert. (1999). 76; see Tūpara B. He Oati ā Pukapuka Whakatūranga o Barney Tūpara (21 September 2010) para 32.4.

⁶²³ Tūpara B. He Oati ā Pukapuka Whakatūranga o Barney Tūpara (21 September 2010).

⁶²⁴ Halbert. (1999). 76.

⁶²⁵ Halbert. (1999). 76.

⁶²⁶ New Zealand History, Tūranga Treaty Copy. At *New Zealand History Ngā kōrero a ipurangi o Aotearoa*. Retrieved on 29 November 2021, at <https://nzhistory.govt.nz/media/interactive/turanga-treaty-copy>; cf. East Coast Sheet at same site.

Victor Walker notes that Rāwiri's son, Hirini, later in life changed his name to Hirini Te Kani. Te Kani-a-Takirau died in 1856 and Hirini inherited his mantle.⁶²⁷ He became the "paramount chief of Tūranga-nui-a-Kiwa and Te Aitanga a Hauiti in his lifetime." According to his descendant Toko-te-Kani, Hirini's hapū, Ngāti Oneone was under the protection of Te Aitanga a Hauiti.⁶²⁸

... The paramount chief Te Kani-a-Takirau ... bestowed his mana and name onto Hirini Tuahine, eldest son of Rāwiri Te-eke-tū-o-te-rangi. From that time onwards he identified himself as Hirini Te Kani-a-Takirau and Ngāti Oneone became a hapū under the protection of Te Aitanga a Hauiti.

Wahineiti

Returning to Porourangi and his son Hau, after his first wife left him, Hau turned to Tamatea-toia: his second wife, his "wahineiti".⁶²⁹ He did so after she said to him, "Tahuri mai ki au tō wahine iti." "Turn to me, your lesser wife."⁶³⁰ The name Wahineiti comes from this incident. Hau and Tamatea-toia left Tokomaru for Whāngārā. They had three sons, Rākaipō, Awapururu, and Tuere.⁶³¹ Thus the descendants of these two ancestors became the Wahineiti often referred to as an iwi.

Rākaipō

Hau's first son, Rākaipō, married Hinehuhuritai (a descendant of Paikea's son Rongomaitūaho). They begat Manutangirua who married his aunt Kehutikoparae discussed above.⁶³² Rākaipō also begat Rākaiwetenga, who had Taputehaurangi who begat Tawakeurunga. The latter had Hinekehu who was an urekehu (light hair and fair skinned person).⁶³³ Her hapū became Ngāti Hinekehu and they are associated with Wahineiti and Uepōhatu

⁶²⁷ Walker. (1997) 108.

⁶²⁸ Te Waitohioterangi, T. (2020). Pikikautuku: The heron ascends, the Ngāti Oneone origin story. At *Ngā Kōrero*. Retrieved on 7 November 2021 at <https://tinyurl.com/2p96xe4d>

⁶²⁹ Reedy. (1993). 58-59, 162; Ngata. (1972). 23-25.

⁶³⁰ Mahuika. (1973). 148, fn 2.

⁶³¹ Ngata. (1972). 90.

⁶³² Ngata. (1972). 90.

⁶³³ Mahuika. (1973). 149 and see Annex, Table 9.

The whakapapa is as follows:⁶³⁴

Porourangi = Hamoterangi

Hau = Tamatoia

Rākaipō = Hinehuhuritai

Rākaiwetengā = Te Wakatōtara

Taputehaurangi = Urumaniariki

Tawakeurunga = Ngaruwhākirangi

Hinekehu = Tangihiakeotea

Hinekehu and Tangihiakeotea had seven children including Tamataonui, Whaene, Naia, Tangihiakeapūtōtara, Kūhā, Tangihiamatatau and Tawakepitokura. Whaene married Poroumata. Naia married Tīhaere. Tangihiakeapūtōtara married Kare of Uepōhatu and begat Mairehau. Mairehau married Kuraunuhia and they had Paka and Umuariki. Tangihiamatatau married Waipipi – a daughter of Uepōhatu.⁶³⁵ According to Āpirana Mahuika, then Ngāti Hinekehu.⁶³⁶

... evolved from the marriage of Naia and Tīhaere and of Tangihiamatatau and Waipipi, a daughter of Uepōhatu. It occupied the country “south of Tūpāroa from Tohoratea Creek to Kaimoho, lands to the south-east of Ruatoria, Mangahārei, Taumata-o-Mihi and Waitangi on both sides of the Mata River. The hapū is also associated with the lands in the Tapuwaeroa Valley.

Bringing together these lines of Porourangi, Wahineiti and Uepōhatu these people mixed and settled Uepōhatu lands as far north as Port Awanui.⁶³⁷ This explains the strength of the relationship between Ngāti Hinekehu with Uepōhatu.⁶³⁸ They were also whanaunga of Te Whānau-a-Maru based at Raukōkore, a hapū of Te Whānau-a-Apanui.⁶³⁹ Eruera Stirling named the pā of Tapuwaeroa associated with Ngāti Hinekehu as Wharawhara, Takuahikererū, Te Kumi-ki-Tua, Tauwharenikau and Te Ranganui-a-Toi.⁶⁴⁰ Inter-marriage between these

⁶³⁴ Ngata (1972) 90.

⁶³⁵ Ngata (1972) 91.

⁶³⁶ Mahuika. (1973). 150.

⁶³⁷ Te Maro. (2001). 11-12.

⁶³⁸ Mahuika. (1973). 149.

⁶³⁹ Salmond. (1980). 57-58.

⁶⁴⁰ Salmond. (1980). 58.

neighbours started seven generations after Porourangi and continued through to the 20th Century.⁶⁴¹

Hinekehu's younger sister Rākaimoehau married Tangihaereroa or Tangihaere (grandson of Hau) and they had children including Hinemākaho, Poroumata, Rongomaipāpango, Haukōtore, and Koropaia.⁶⁴² Rākaimoehau and Tangihaere moved north to the Uawa area and then on to Whareponga.⁶⁴³ Initially, Ngāti Ruanuku were in peaceful occupation with Rākaimoehau and Tangihaere's family, as were their northern and southern neighbours of Te Wahineiti and the inland Ngāti Ira.⁶⁴⁴ Tangihaere's sons including Poroumata (the eldest son) remained at Whareponga living with and much respected by Ngāti Ruanuku.⁶⁴⁵

Poroumata married Whaene, his cousin and by this time the chieftainess of Ngāti Hinekehu and Wahineiti. They had nine children, six boys and three girls. They assumed the mantle of leadership of Wahineiti and Ngāti Ruanuku at Whareponga and they lived at Kōkai Pā.⁶⁴⁶ Poroumata's brother Rongomaipāpango married Whaene's niece, Haupapanui, and resided at Poutiriao.⁶⁴⁷ His other brother Haukōtore lived at Matakūkai, and Koropaia was nearby.⁶⁴⁸

Their sister, Hinemākaho became the wife of Māhaki-ewe-karoro (Hauiti's brother).⁶⁴⁹ They became the ancestors of the Wahineiti branch based in the Waiapu Valley.⁶⁵⁰ They settled the area between Reporua to Ahikouka, across the river and overlapping with the boundary of Uepōhatu.⁶⁵¹ Hinemākaho and Māhaki begat Te Aohore who married Rākairoa I.⁶⁵² Te Aohore and Rākairoa I begat Rākaitemania, who married Iwirākau (brother of Ngāti Hau who was the father of Tūwhakairiora).⁶⁵³ They begat Tatawahie who married Te Aomihia (Tūwhakairiora's sister).⁶⁵⁴ Tatawahie and Te Aomihia were the parents of Iritekura.⁶⁵⁵

⁶⁴¹ Salmond. (1980). 58, 69.

⁶⁴² Ngata. (1972). 92; Mahuika. (1973). Annex, Table 10.

⁶⁴³ Soutar. (1988). ch 1.

⁶⁴⁴ Soutar. (1988). 6-8.

⁶⁴⁵ Soutar. (1988). ch 1.

⁶⁴⁶ Soutar. (1988). ch 2.

⁶⁴⁷ Soutar. (1988). 9.

⁶⁴⁸ Soutar. (1988). 9.

⁶⁴⁹ Mahuika. (1973). Annex, Table 10; Walker. (1997). 36.

⁶⁵⁰ Ngata. (1972). 52-53.

⁶⁵¹ Drummond. (1937). 59.

⁶⁵² Mahuika. (1973). Annex, Table 10.

⁶⁵³ Mahuika. (1973). Annex – Table 10; Ngata. (1972). 92; and see Gudgeon. Part II (1895). 25.

⁶⁵⁴ Mahuika. (1973). Annex, Tables 10 and 11 (13).

⁶⁵⁵ Mahuika. (1973). Annex, Table 10.

Hau and Tamatea-toia's second child Awapururu married Hineteāhuru and they begat Taiau and the whakapapa records this as follows:⁶⁵⁶

Porourangi = Hamoterangi

Hau = Tamatea-toia

Awapururu = Hineteāhuru

Taiau

Thus, Taiau was a descendant of Porourangi and Hamoterangi. Taiau was resident at Titirangi, at Tūranga. His people's area included the foreshore from Papawhāriki, Tuamotu to Wainui.⁶⁵⁷ Taiau "had two wives, Rerepuhitai and Te Ariaterangi, both of the Toi people of the East Cape district."⁶⁵⁸ Ngata records that by his main wife, Rerepuhitai, he begat Tamahinengaro.⁶⁵⁹ By his second wife he had Tahitokurumaranga.⁶⁶⁰ These sons resided on the east side of the Tūranga river.⁶⁶¹

The rock known as Toka-a-Taiau is named after Taiau. He is associated with the hapū of Ngāti Oneone of Te Aitanga-a-Hauiti. The rock represents the southern boundary of the Pōtikirua ki te Toka-a-Taiau district.⁶⁶² It was once more than a rock: it was a reef located at the entrance to the present Gisborne wharf, from which the locals took mussels.⁶⁶³ This is where members of the crews of the Te Ikaroa-a-Rauru, Horouta, and Takitimu settled, occupying both sides of the Tūranga-nui River, Waikanae, and the area of the Waiweherua (fork of the rivers), Taruheru, and Waimata.⁶⁶⁴ The Ngāti Porou narrative is that Te Toka-a-Taiau was named after Taiau to mark the boundary with the Tūranga-nui-a-Kiwa iwi.⁶⁶⁵ I note that the Tūranga-nui-a-Kiwa iwi have quite different narratives reflecting their association with the area, but I have not considered those narratives for this thesis. Taiau's mana whenua would eventually pass down the generations to Rāwiri Te-eke-tū-o-te-rangi, the "paramount chief of Ngāti Oneone, a subtribe of Ngāti Konohi ..."⁶⁶⁶ Te Poho-o-Rāwiri, (the bosom of Rāwiri) once stood on the

⁶⁵⁶ Ngata. (1972). 90.

⁶⁵⁷ Mahuika AT *Ngāti Porou Traditions* (1995) Part 1, p 4; Ngata. (1972). 55.

⁶⁵⁸ Ngata. (1972). 55.

⁶⁵⁹ Ngata. (1972). 55.

⁶⁶⁰ Ngata. (1972). 55.

⁶⁶¹ Ngata. (1972). 55.

⁶⁶² Ngata. (1972). 90; and see Mahuika AT *Ngāti Porou Traditions* (1995) Part 1, p 4.

⁶⁶³ Awatere. (2003). 106.

⁶⁶⁴ Ngata. (1972). 56.

⁶⁶⁵ Awatere. (2003). 106.

⁶⁶⁶ Awatere. (2003). 106.

beach where the current wharf is situated in Tūranga and was famous for its hospitality, as was its chief.⁶⁶⁷

Uhengaparaoa

Taiau was imprinted in history when he was asked to mount a revenge campaign after the battle of Wharepaia at Ōpōtiki. The campaign was against those who murdered their relation Uekahikatea.⁶⁶⁸ The successful campaign was led by Taiau's child, Tamahinengaro. Tamahinengaro, was gifted one toki made of greenstone named Waikanae, a greenstone patu known as Kaitangata, and a greenstone earring named Te Paekura.⁶⁶⁹ He was also gifted the daughter of Uekahikatea called Uhengaparaoa. Tamahinengaro then gave her to his son Rākaipikirārunga and they begat Rūtanga.⁶⁷⁰

Rūtanga married Tūmoanakōtore (a son of Rongomaianiwaniwa – daughter of Porourangi) and they had children including Hinemāhuru who married Apanui-Waipapa, thereby contributing to whakapapa lines that would become Te Whānau-a-Apanui.⁶⁷¹

Uhengaparaoa then took Mōkaiaporou as a husband, the younger brother of Rākaipikirārunga. They begat Rongomaitauarau.⁶⁷² Rongomaitauarau also married Tūmoanakōtore.⁶⁷³ Tūmoanakōtore and Rongomaitauarau had Ngāti Hau and Iwirākau.⁶⁷⁴ Ngāti Hau married Te Ataakura and they had Tūwhakairiora who is discussed below.⁶⁷⁵ Iwirākau married Rākaitemania. According to Arnold Reedy, from these marriages a large section of Ngāti Porou was derived, and they settled the southern banks of the Waiapu – “tētēhi pāpāringa me tetēhi pāpāringa, te ngutu-awa ki te hukinga nei o Waiapu.”⁶⁷⁶ Tūmoanakōtore lived in the Waiapu for some time and died there.⁶⁷⁷

⁶⁶⁷ Awatere. (2003). 106-107.

⁶⁶⁸ Mahuika (1973). 159-160.

⁶⁶⁹ Ngata. (1972). 57; Note that the last known holder of Waikanae was the Milner Whānau. Kaitangata was held by the Tāwhiwhi whānau. Te Paekura is held by the Houkāmau family. Parata. N. Review - Ko te Mana te Utu. (2022).

⁶⁷⁰ Ngata. (1972). 57.

⁶⁷¹ Ngata. (1972). 59.

⁶⁷² Mahuika (1973). 160.

⁶⁷³ Mahuika (1973). 160.

⁶⁷⁴ Ngata. (1972). 59.

⁶⁷⁵ Ngata. (1972). 59.

⁶⁷⁶ Mahuika (1973). 273, 278. Quoting A. Reedy.

⁶⁷⁷ Mahuika (1973). 273, 277-278. Quoting A. Reedy.

Tamahinengaro

Taiiau's son, Tamahinengaro, begat Tūketenui. Tūketenui married Tahupukaretū, a child of Takoto-waimua (Hau's first wife) and Ueroa.⁶⁷⁸ Tūketenui and Tahupukaretū had two daughters, Rongomaitāpui and Iwitaia.⁶⁷⁹ Uetaha (of Ngāi Tuere) married Rongomaitāpui and they had Te Aopare, Hinerupe and Tamateakui.⁶⁸⁰ Uetaha also married Iwitaia and they begat Rongotaihiao.⁶⁸¹

Tamehinengaro's youngest child Ngākaupūkai married Tawakeoneone and they begat Marupāpanui who married Hiakaitaria (a grandchild of Māhaki-ewe-karoro and Hinemākoha of Te Wahineiti).⁶⁸² Hiakaitaria and Marupāpanui had Mounu, who had Hinehuhunurangi. Mounu is associated with the mainland opposite Whanga-ō-keno/a.⁶⁸³ One of the descendants of Marupapanui and Hiakaitaria was Te Aomania who married Rongotaihiao (child of Uetaha and Iwitaia).⁶⁸⁴ They begat Te Ihiko-o-te-Rangi and Rākairoa II. Te Ihiko was wedded to Tūwhakairiora.

Tuere

Hau and Tamatea-toia's third child was Tuere. Tuere lived at Pakarae near Whāngārā, then Waitōtara and Puatai.⁶⁸⁵ Tuere came into conflict with Te Awariki.⁶⁸⁶ Te Awariki was a son of Paikea and a younger brother of Pouheni.⁶⁸⁷ Ngāi Tuere engaged in several battles with Te Awariki and his people.⁶⁸⁸ Tangihaere (a nephew of Tuere) became caught up in these battles.⁶⁸⁹ The first attack was provoked on account of a kite flying incident where Te Awariki cursed the sons of Tuere and Tangihaere after their kite lines crossed his own and they in return cursed him.⁶⁹⁰ Ngāi Tuere were successfully attacked as a result of this incident and a similar result occurred during the second battle known as Te Uirarapa (Lightning flash).⁶⁹¹ According

⁶⁷⁸ Ngata. (1972). 60, 95.

⁶⁷⁹ Ngata. (1972). 60.

⁶⁸⁰ Ngata. (1972). 60, 95.

⁶⁸¹ Ngata. (1972). 60, 95.

⁶⁸² Ngata. (1972). 60.

⁶⁸³ Ngata. (1972). 61.

⁶⁸⁴ Ngata. (1972). 60.

⁶⁸⁵ Halbert. (1999). 131.

⁶⁸⁶ Ngata. (1972). 26; Walker. (2005). 24.

⁶⁸⁷ Ngata. (1972). 69.

⁶⁸⁸ Ngata. (1972). 69.

⁶⁸⁹ Ngata. (1972). 69.

⁶⁹⁰ Ngata. (1972). 69-70.

⁶⁹¹ Ngata. (1972). 26, 68-70.

to William Colenso, Tuere died not long after, and on his instructions prior to his death, his children made fish-hooks from his bones. They then went fishing and caught many fish.⁶⁹² These they left to drift in the canoe to those who would suffer Tuere's curse or mākutū through "the monovalent influence of the bones of Tuere."⁶⁹³ Tangihaere would move north, possibly because of these conflicts.⁶⁹⁴

One of Tuere's wives was Muriwhakaputa from Ruawaipu.⁶⁹⁵ Through this marriage the close relationship with these Toi people was activated by Tamatea Ūpoko of Ruawaipu in her campaign to seek utu for her father who was killed by the Ngā Oho and who took her hapū lands by conquest. Tamatea Ūpoko married a descendant of Tuere.

Ngāti Ira

Ira was a brother of Paikea. His people can be divided into two sections and in recounting the narratives, I begin with the southern part of the Pōtikirua ki te Toka-a-Taiau district. According to Wānanga Walker in just over a century, Ira's descendants occupied all the "inland recesses of the Tairāwhiti region."⁶⁹⁶ He went on:⁶⁹⁷

Of Ngāti Ira it is said, He tini pekeha ki te moana, ko Ngāti Ira ki uta – Like a multitude of petrels at sea, so are Ngāti Ira on land.

This whakatauhākī (proverb) is a reminder of the time when Ngāti Ira, like the petrel, literally swarmed over the land, covering the eastern slopes of the Raukūmara Range from Hikurangi in the north to Arowhāna in the south. A segment also inhabited the coastal area in and around Tūpāroa. At the same time the coastal stretch, from the Waipū River south to Tūpāroa, was occupied by Te Wahineiti, then Ngāti Ruanuku in Whareponga and Wahineiti again from Waipiro to Whāngārā. Meanwhile, the coastal stretch from Waipū north to Wharekākāhika (Hicks Bay) was inhabited by the descendants of Ruawaipu. As these groupings grew in number, so did their demand for land and food resources. This would inevitably bring them into conflict with each other.

The period of greatest change and turmoil for Ngāti Ira, for that matter all iwi and hapū groupings in Te Tairāwhiti, occurred in the period 1575 to 1650. It was during this time that Hauiti asserted his authority over his elder brothers, Taua and Māhaki ..., in the Uawa district — this was continued by his son Kahukuranui; it was in this time that Tūwhakairiora conquered Ngāti Ruanuku in Whareponga and then

⁶⁹² Colenso, W. *Transactions of the New Zealand Institute* 13. 48; Ngata. (1972). 70. Quoting W. Colenso.

⁶⁹³ Colenso, W. 48; Ngata. (1972). 70. Quoting W. Colenso.

⁶⁹⁴ Ngata. (1972). 70.

⁶⁹⁵ Ngata. (1972). 90.

⁶⁹⁶ Walker. (2014). Ngāti Ira.

⁶⁹⁷ Walker. (2014). Ngāti Ira.

Wahineiti in Waipiro with Pakanui; and it was also in this time that Ngāi Tūere, under Tamakoro and Uetaha, conquered Ngā Oho in Kawakawa (Te Araroa) and Wharekāhika to reclaim the mantle of Ngāti Ruawaipu. All these conflicts had serious consequences for Ngāti Ira, who were generally caught in the crossfire of competing interests. The most notable of these conflicts was Te Pūeru Mākū.

Ngāti Ira ki Uawa

The southern branch of Ngāti Ira lived inland of Uawa. Up until the time of Kahukuranui, Ngāti Ira lived in peace with Te Aitanga a Hauiti. This branch of Ngāti Ira occupied the inland pā of Pākaurangi.⁶⁹⁸ According to Victor Walker, in the “famous battle called Te Pūeru Mākū (the battle of the wet cloak) Kahukuranui vanquished Ngāti Ira from the Uawa area.”⁶⁹⁹ The background to the battle is a useful demonstration of how insults could easily lead to war. In some narratives it was Hauiti who sent two women to seek kūmara seed from Ngāti Ira.⁷⁰⁰ In others Kahukuranui sent them. Gudgeon’s narrative is that:⁷⁰¹

... Rakau-manawa-hē and Tā[w]hi-pare [were sent], to the Pākaurangi Pā, to ask Ngāti Ira for some seed kūmara. These women were grossly insulted by the people of the pā, and it is said, would have been killed, had they not been protected by Hine-tau-piri, who was related to both parties, and who brought the women back to Anaaura. Kahu-kura-nui was not a man who could be insulted with impunity, and he resolved to attack Ngāti Ira. ... [he] consulted Hine-tau-piri, who said: “The pā will fall from want of water.” ... dried crayfish, that had been steeped in saltwater, were collected and presented to Ngāti Ira ... the pā was suddenly surrounded by Kahu-kura-nui, and taken, despite the efforts of many brave men who repeatedly sallied out, and after dipping their mats in the water, fought their way back to the pā, so that the women and children, might suck the moisture from the garments. ...

The chiefs in Pākaurangi Pā, were Te Rua-rau, Whakatuarehu, Tāne-ka-tohia, and Hine-manuhiri. All of the people related to the last-named were saved. Many others escaped under the cover of night; but about one-third of the garrison were either killed or enslaved among the former Māhere-Tū-ki-te-Rangi.

Those who escaped fled in three divisions, one party fled to Kaiora near Whāngārā, a few miles north of Gisborne, another to Te Anaraparapa, which was both a cave and a pā, this section of Ngāti Ira, was under the charge of Tāne-ka-tohia, who hearing that he was pursued by the tribe of Hauiti, retired to Manga-mātukutuku, where they turned and defeated their pursuers, and again at Waihou river, [they] beat the same back killing the chiefs Angiangi, Rua-hana, Warawara-kau, and Te Rimu-tūtae.

The third division fled to the Kuratao branch of the Ngāti Ira, who had inter-married with the descendants of Porou-mata. ...

⁶⁹⁸ Gudgeon. Part I (1894). 217.

⁶⁹⁹ Walker. (2012).; see also Walker. (1997). 39.

⁷⁰⁰ Iles. (1981). 35.

⁷⁰¹ Iles. (1981). 35-36 and cf. Gudgeon. Part I (1894). 217.

This led to a long period of war between Te Aitanga a Hauiti and Ngāti Ira. In Uawa and Anaaura, Kahukuranui's children led by Tautini successfully attacked the southern Ngāti Ira living in and around Uawa. Some dispersed to the Bay of Plenty and others went south ending up in Southern Wairarapa and Te Whanga-nui-a-Tara (Wellington). Some dispersed north with one section being retrieved from Reporua and placed at Takapauarero.

Ngāti Ira ki Huiarua i Waiapu

Another division of Ngāti Ira were resident in the Huiarua to Waiapu area. One of Ira's descendants was Ruawāhine who married Tāwhiwhi. They begat Tawake who married Rākaimataura of Waiapu.⁷⁰² Their son Roro married one of Tūwhakairiora's nieces. Te Aomihia married twice and with her first husband Kahupakari (a son of Mataroa and Tamarongo) she had Te Aningaiao.⁷⁰³ Te Aningaiao married Roro. Roro later also married Rākairoa II.⁷⁰⁴

While visiting relatives in Tūranga, Te Aningaiao was raped by a cousin.⁷⁰⁵ As there was no one in Tūranga-nui-a-Kiwa that would assist Roro to address this insult, they were forced to leave or face ridicule.⁷⁰⁶ Roro decided to return to his whānau pā at Waiapu. He was guided via the Waipaoa river into the interior. He then marked a boundary between Te Aitanga-a-Māhaki and Ngāti Ira as he went.⁷⁰⁷ That boundary now marks the line between Ngāti Porou and Te Aitanga-a-Māhaki.⁷⁰⁸ He was with his siblings Rākaihoea, Puku, and Te Karaka when they met a Ngāti Ira bird hunting party, so he told them to bring some birds for his child's christening.⁷⁰⁹ This they did after the child Hukui-o-te-Rangi was born. At the pā they heaped their tahā (calabash or gourds) full of birds and fat before Roro's main house called Mātōhuarau.⁷¹⁰ It was decided to take half to the Motu River area and the other half were consumed at Roro's pā. When the festivities were over the Ngāti Ira returned home.⁷¹¹

⁷⁰² Ngata. (1972). 104, 107.

⁷⁰³ Mahuika. (1973). Annex, Table 11 (13).

⁷⁰⁴ Mahuika. (1973). Annex, Tables 10 and 11(13).

⁷⁰⁵ Soutar. (1988). 99.

⁷⁰⁶ Soutar. (1988). 99.

⁷⁰⁷ Soutar. (1988). 99.

⁷⁰⁸ Walker, W. Roro and sons: Husbands one and all. In Maunga Kōrero. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

⁷⁰⁹ Soutar. (1988). 99-101.

⁷¹⁰ Soutar. (1988). 101.

⁷¹¹ Soutar. (1988). 101.

What they did not know was that on the way to the christening the Ngāti Ira had to pass land near Kahuitara. They were seen by Ngāi Tangiharere (descendants of Tangihaere) at Pōhatukura pā.⁷¹² Their chief (Rangirākaikura) felt insulted that Ngāti Ira had not offered some of the birds to him and he decided to kill them on their return.⁷¹³ He set a plan to attack them, and many were killed but some escaped and made it back to Roro's pā.⁷¹⁴ Roro and his brother Rākaihoa assembled a fighting force and they attacked many pā associated with Rangirākaikura and killed many from Ngāi Tangihaere, Ngāti Hinekehu, and Te Aitanga-a-Mate.⁷¹⁵ They travelled first to Makaraka near Mangahānea (Ruatōrea) and killed Rangirākaikura's son, Hekeroa, and that place still bears his name Taumata-o-te-Hekeroa.⁷¹⁶ They continued to Waitotoki, then to Pākuri near Whareponga where they killed many people. Once sufficient utu against the enemies (ito – objects of revenge) was extracted, they returned to Roro's pā.⁷¹⁷

Meanwhile, Ngāti Ira from the Uawa district arrived to attack Pōhatukura pā at Waipiro (pā built by Pakanui). There was no one there other than women and children, including Rangirākaikura's sister Rautū and her twin daughters. They were taken and were to be killed and then cooked in ovens made for the purpose.⁷¹⁸ To distract her captives Rautū commenced to dance a haka with the other women which involved undressing themselves. This gave Rangirākaikura and his men the chance to attack Ngāti Ira and this taua of Ngāti Ira were cooked in their own ovens.⁷¹⁹

Relationships improved when Pakanui's son Tūteuruhina married a Ngāti Ira woman of high rank, and her name was Kuratau.⁷²⁰ They had six children while living at the Aitanga-a-Mate pā, Kauaenui. They were about to have their seventh when fresh trouble arose between Ngāti Ira and Te Aitanga-a-Mate.⁷²¹ Te Atau was the chief of the pā by then. Before the birth, Ngāti

⁷¹² Soutar. (1988). 101.

⁷¹³ Soutar. (1988). 101.

⁷¹⁴ Soutar. (1988). 103.

⁷¹⁵ Soutar. (1988). 103.

⁷¹⁶ Soutar. (1988). 103.

⁷¹⁷ Soutar. (1988). 103.

⁷¹⁸ Soutar. (1988). 105.

⁷¹⁹ Soutar. (1988). 105-107. In another version of the narrative, it was Kuku, Korohau and Rongotangatake (the sons of Tūtehurutea) and Te Aitanga-a-Mate, who made the attack.

⁷²⁰ Soutar. (1988). 109.

⁷²¹ Soutar. (1988). 109.

Ira were invited to come and live closer to their kinswoman Kuratau. Monty Soutar records hundreds came to Kauaenui under the mantle of ten hapū.⁷²² Ngāti Ira were not pleased that the child born was a son as according to their tikanga, he would inherit the mana whakahaere over their land, so they devised a plan to kill Tūteuruhina and his children.⁷²³ They invited Tūteuruhina and the children to go bird snaring. However, Kuratau remained behind with her infant son. Once at Mangarata, at the foot of Hikurangi mountain, Tūteuruhina and his children were slain.⁷²⁴ They were decapitated, cooked and placed in tahā. The hunters returned to Kauaenui and the ten Ngāti Ira hapū consumed the contents of the tahā.⁷²⁵

When Te Atau discovered what Ngāti Ira had done, he determined to take revenge with his brothers Kuku, Korohau and Rongotangatakē but not while Ngāti Ira were on his land.⁷²⁶ So he banished the Ngāti Ira.⁷²⁷ Ngāti Ira realised they had been discovered so they moved up the Mata River to Aruhe Whakatō and prepared for Te Atau's attack – which did not come for many months and only after Ngāti Ira moved twice ending at Whakaihōpuku pā.⁷²⁸ Te Atau was joined by his relatives from the south and the north including Te Aowera, Umuariki and others.⁷²⁹ In total the army amassed was 1,000 strong. They travelled the Mata River to reach Whakaihōpuku Pā where the attack commenced. A contingent under Kuku, Korohau, and Te Aowera attacked early but were repulsed. Te Aowera rallied the troops, killing seven with a sweep of his taiaha. Only after heavy fighting was the pā overcome.⁷³⁰ According to Tuta Nihoniho the battles with Ngāti Ira were:⁷³¹

“Te Rau-whakapua, at Tāhuna-hakeke, at Makomako, at Te Whakaiho-puku, and at Titi-kura; in which fights Ngāti-Ira were defeated, and their lands at Pou-turu, Puke-kura, Pua-te-roku, Parae-roa, Whakamaru-tuna, Pae-kawa, Kōtore-paia, Rangi-kōhūa, Te Ngaere, Aniwanīwa, and other places were seized and retained unto this day. His [Te Aowera's] son, Tū-te-rangi-pakū, took part in those engagements.

Some Ngāti Ira escaped to the interior at Huiarua, Tauwhareparae and some fled to the mouth of the Motu River. Many were slain and “stacked in deep holes” of the Mata River.⁷³² The other

⁷²² Soutar. (1988). 111.

⁷²³ Soutar. (1988). 111.

⁷²⁴ Soutar. (1988). 111.

⁷²⁵ Soutar. (1988). 111.

⁷²⁶ Soutar. (1988). 111-113.

⁷²⁷ Soutar. (1988). 113.

⁷²⁸ Soutar. (1988). 115.

⁷²⁹ Nihoniho, T. (1913) *Narratives of the fighting on the East Coast 1865-1871*. Dominion Museum & Government Print. 42.

⁷³⁰ Soutar. (1988). 117-121.

⁷³¹ Nihoniho. (1913). 42-43.

⁷³² Soutar. (1988). 121.

Ngāti Ira lands of the section known as Pakariki were divided among Mokopare, Mōmona, Kuku, Korohau, Rongotangatake and Te Atau.⁷³³ The Kuratau lands were not taken but were left for Kuratau and her infant son Te Aokapua.⁷³⁴ Te Atau's brothers later dispersed to the territories they had been allocated. Te Atau went to the Rangikōhua block (formerly owned by Ngāti Rākai of Wahineiti) and built a pā named Te Whare-o-te-Atau.⁷³⁵ Ngāti Rākai had fled after the battle of Roro-huka-tai (discussed below). Te Atau let them return for which they provided tributes of birds.⁷³⁶ He was touched by this but told them to cease bringing such tributes to him; rather, they should take them to Iritekura.⁷³⁷ In return for these tributes, Iritekura gifted them the land of the Te Puia block.⁷³⁸

Sometime later the section of Ngāti Ira (under Taniwha) who had fled to the Motu River were birding for Te Whānau-a-Apanui. They were caught poaching on the western boundaries of Te Aitanga-a-Mate land at Kōrau-whakamoe ridge by Kuku, Korohau, and their people.⁷³⁹ Their tahā (filled with birds) were forcibly taken from them after the back straps of their packs were slashed.⁷⁴⁰ They were, however, allowed to return home, where they advised Te Whānau-a-Apanui what had happened.⁷⁴¹ Taniwha and Te Whānau-a-Apanui determined they would eventually seek utu.⁷⁴² According to Reweti Kohere, “Te Whānau-a-Apanui took the insult seriously to heart.”⁷⁴³ This became one of the reasons for the battle known as Maniāroa discussed below.⁷⁴⁴

Before this incident a servant of Kuku and Korohau was directed by them to kill their brother, Te Atau. According to Monty Soutar it “was customary to ask someone else to kill close relatives.”⁷⁴⁵ They instructed their servant to do so on account of the many times that they quarrelled with their brother Te Atau and because he restrained them from acting against their enemies.⁷⁴⁶ Yet despite this act, they assumed the leadership of Te Aitanga-a-Mate.

⁷³³ Soutar. (1988). 121-123.

⁷³⁴ Soutar. (1988). 123.

⁷³⁵ Soutar. (1988). 125.

⁷³⁶ Soutar. (1988). 125-131.

⁷³⁷ Soutar. (1988). 133.

⁷³⁸ Soutar. (1988). 133.

⁷³⁹ Soutar. (1988). 139-141; Made famous by the saying “Tērā o ringa kokoti kawē i runga o Korau-whakamae.” Parata. N. Review – Ko te Mana te Utu. (2022).

⁷⁴⁰ Kohere, R. (1949). *The story of a Māori chief: Mōkena Kōhere and his forbears*. A.H. & A.W. Reed. 20.

⁷⁴¹ Soutar. (1988). 141.

⁷⁴² Kohere. (1949). 20.

⁷⁴³ Kohere. (1949). 18.

⁷⁴⁴ Kohere. (1949). 20.

⁷⁴⁵ Soutar. (1988). 135.

⁷⁴⁶ Soutar. (1988). 135-137.

Ngāti Ira regrouped and were never entirely vanquished because by the 1800s they were once more engaged in warfare but this time with Te Aowera. Tuta Nihoniho explains the battle that his grandfather Hikurangi (father of Hēnare Nihoniho) participated in:⁷⁴⁷

Hikurangi was a man whose courage saved him from the party of Hou-taketake [tohunga of Ngāti Ira] at Wetea, inland of Wai-tahaia, for all the persons of the camp of Te Ao-wera at Wetea--some thirty, who were planting potatoes--were slain, being attacked by a force of Ngāti-Ira, Hau-iti, and Rua-taupare No. 1, under Hou-taketake. Hikurangi was chased, but he killed four of his pursuers and escaped from his enemies. Afterwards the disaster was avenged, Ngāti-Ira and Hau-iti being defeated, while Tautoru, the chief of those clans, was captured by Hikurangi and eaten alive, in order to lighten the hearts of the relatives of those slain at Wetea. Ngāti-Porou and Hikurangi went to take part in defeating the force under Mauri that fell before the tribes of Tūranga at Turi-haua, but, on their arrival, Mauri had already been defeated.

Ngā Oho

During the seventeenth Century, Ruawaipu lands in the northern end of the district were invaded by Ngā Oho.⁷⁴⁸ Ngata noted that this iwi had “pervaded many parts of the Bay of Plenty and penetrated to northern Waiaapu.”⁷⁴⁹ The Ngā Oho people were also descendants of Māui and related to Toi.⁷⁵⁰ The whakapapa according to Gudgeon is as follows:⁷⁵¹

Māui-pōtiki

Hihiri-o-Tū

Wainga-rongo

Taharoa

Heka-ponga

Oho (Mai-rangi)

Toi

Wāwau

⁷⁴⁷ Nihoniho. (1913). 44.

⁷⁴⁸ Mahuika. (1973). 138; McConnell, B. (1998, reprinted 2005). *Te Araroa: An East Coast community: A History*. Gisborne Herald. 9.

⁷⁴⁹ Ngata. (1972). 51.

⁷⁵⁰ Ngata. (1972). 72; McConnell. (1998). 9.

⁷⁵¹ Gudgeon. Part II. (1895). 18.

In yet another narrative Oho is recorded as a child of Toi.⁷⁵² Either way, it is certain that Oho was of the same whakapapa as Toi.⁷⁵³ His people, the Ngā Oho, engaged in several battles with local tangata whenua culminating in the defeat of the northern section of Ruawaipu. In doing so they captured and killed the Ruawaipu chief Tamateaarahia at Tihi-o-Manono pā.⁷⁵⁴ The survivors of Tamateaarahia's people, including his daughter (Tamatea Ūpoko) fled south to Ngāi Tuere near Whāngārā.⁷⁵⁵

Ngā Oho then established themselves at Kawakawa and the Karakatūwhero Valley to Pukeāmaru and assumed for all 'practical purposes' the mana tangata and mana whenua over the land for an entire generation.⁷⁵⁶

Ngāi Tuere

Ngāi Tuere were the descendants of Tuere, son of Hau and his second wife Tamatea-toia. They lived at the mouth of the Pouawa Stream, south of Whāngārā.⁷⁵⁷ Ngāi Tuere's migration north occurred in response to the clashes with Awariki and his people at Whāngārā and as a revenge campaign to regain the mana of their Ruawaipu relatives.

Ngāi Tuere had formed close ties with Ruawaipu on account of the marriage of Tuere to Muriwhakaputa of Ruawaipu.⁷⁵⁸ Those ties were strengthened when Tamatea Ūpoko of Ruawaipu married Uekaiahu of Ngāi Tuere. They begat Uehaoa, Tamakoro, Uetaha, Uemāhaki, Uepuketea, Ueturi, Uengenge, Uenikoti and Pūngāwerewere.⁷⁵⁹

According to Tūtere Wirepa, Tamatea Ūpoko and her husband were living at Whetūmatarau at the time of the attack by Ngā Oho. Uekaiahu was killed there before Tamatea Ūpoko fled south.⁷⁶⁰

⁷⁵² Ngata. (1972). 51.

⁷⁵³ Gudgeon. Part III. (1895). 182.

⁷⁵⁴ Mahuika. (1973). 138; McConnell. (1998). 9.

⁷⁵⁵ Mahuika. (1973). 138; Lawson, L. (1986). *Wharekāhika: A history of Hicks Bay*. L. Lawson. 13-14.

⁷⁵⁶ Mahuika. (1973). 138.

⁷⁵⁷ Ngata. (1972). 69.

⁷⁵⁸ Mahuika. (1973). 137-138; Ngata. (1972). 26; Lawson. (1986). 13-14.

⁷⁵⁹ Ngata Ngata. (1972). 98; Mahuika. (1973). 136-139.

⁷⁶⁰ Wirepa, T. (1918, 12 October). Te Whetūmatarau in *Te Kōpara* 60. p 8.

Near Whāngārā, Tamatea Ūpoko bewitched her children with stories of the abundance of fish in her traditional territory and her lament was recited by Āpirana Ngata as, “There yonder are the foods of the streams of Ruawaipu gnawing at the shore.” They determined to seek utu.⁷⁶¹ McConnell records that she stated: “Tēnei anō te ika kei te ngutu awa o Awatere, e kainga ana e te waha kūare” (“Oh for the fish at the mouth of Awatere, being eaten by lowborn mouths.”)⁷⁶² As they grew, Tamatea Ūpoko made sure all her sons were trained in the art of war.⁷⁶³ They were determined to avenge the death of Tamatea Ūpoko’s father (their grandfather) and regain his lands.⁷⁶⁴ It was Tamatea Ūpoko who trained them,⁷⁶⁵ thereby confirming that the arts of war for this district were taught by men and women. Uekaiahu also had another wife, and her name was Pihatewaiora. From that union came Raramātai and Tahania. Raramātai was the father of Hinemaurea and Tahania was her uncle.

The Ngāi Tuere commenced military preparations and proceeded north.⁷⁶⁶ This was a migration campaign which included women and children. Tamatea Ūpoko’s husband, Uekaiahu, does not appear to have gone but he had a sister called Tūiti-matua who did.⁷⁶⁷ Tūiti-matua married Ruatapukauaenui of Ngāti Ira and they begat Uenukutewhana, Te Aotaki, Hīrau, and Ruaterau, who joined the migration north.⁷⁶⁸ The whakapapa is as follows:⁷⁶⁹

Ira				
Kahukura-ao				
Rongomaipāpango				
Kahukuramāmangu				
Kahukuraporo				
Kahukuramāmangu II				
Pakariki				Porourangi
Tānekatohia				Hau = Tamatoia (te wahine-iti)
Ūhēngārīki				Tuere
Kahukuramāmangu III				Rongomaikairae
Te Kurareremaiwaho				Whatiuaroa
Maiapatu				Uekaiahu
Ruatapukauaenui				Tuitimatua
Uenukutewhana	Te Aotaki	==	Hīrau	Ruaterau

⁷⁶¹ Ngata. (1972). 75.

⁷⁶² Mahuika. (1973). 138; McConnell. (1998). 9.

⁷⁶³ Ngata. (1972). 73-75; 98.

⁷⁶⁴ Lawson. (1986). 14.

⁷⁶⁵ Ngata. (1972). 74-75; Mahuika. (1973). 138. Note that his source was Pine Taiapa and Arnold Reedy.

⁷⁶⁶ Ngata. (1972). 77-80; Lawson. (1986). 15.

⁷⁶⁷ Ngata. (1972). 98; Halbert R. (1999). 131.

⁷⁶⁸ Mahuika. (1973). Annex, Table 16 (23); Halbert. (1999). 131; Ngata. (1972). 82, 92; Lawson. (1986). 15.

⁷⁶⁹ Ngata. (1972). 98, 104; Mahuika, (1973). Annex, Table 16.

Thus, Ngāi Tuere and Ngāi Tūiti were connected to Wahineiti, Ruawaipu and Ngāti Ira and these relationships would prove useful on their northward journey.⁷⁷⁰ On the trip north, they stopped for a period at Tuatini in Tokomaru Bay to renew their food supplies.⁷⁷¹ There was inter-marriage including Hīrau marrying Matuanihonui and Tania marrying Kauwaenga.⁷⁷² Hinemaurea married Te Aotaki.⁷⁷³

In terms of Hinemaurea, the whakapapa descends from Hauiti who had Kahukuranui, who begat Kapihoromaunga, who had Wakapāwhero who had Hinemaurea.⁷⁷⁴ On her papatipu lines, she was a descendant of Muriwhakaputa of Ruawaipu through her father Raramatai of Ngāi Tuere.⁷⁷⁵ According to Wī Pewhairangi:⁷⁷⁶

Hinemaurea become pregnant and longed for sea food and she said to her husband Te Aotaki that they should come to the coast here to Tokomaru. They came and N. Ira came to bring their food, fern roots. They came to this kāinga at the other side of the bay called Waipupu.

They lived there for a long time and Tania and Uetaha continued to direct what food should be sent there.

The first-born child of Hinemaurea was Tamatea-kuhakaui.⁷⁷⁷ Tamatea was a whāngai, raised by Tania.⁷⁷⁸ After being in Tokomaru for some time, Hinemaurea's tribal food (dried fish) stores were pilfered.⁷⁷⁹ A war party was raised. Hinemaurea with a group of Ngāti Ira were left at Tuatini, where they built a pā, while Tania, Uetaha and Ngāi Tuere searched for the thieves.⁷⁸⁰ They found and attacked them at Kōwhai, Tūrangamōaho, and Te Poroporo.⁷⁸¹ The survivors fled to Tapatahi under the chief Tamawairangi.⁷⁸² He was a chief of Wahineiti, and controlled Tapatahi and the inland pā along the Makarika and Kōpuāroa Valleys.⁷⁸³ Tamawairangi had a boastful nature. He and his taua pursued Tania and Ueroa's fighting

⁷⁷⁰ Ngata. (1972). 74.

⁷⁷¹ Halbert. (1999). 131.

⁷⁷² Halbert. (1999). 132; see also Ngata (1972). 98.

⁷⁷³ Ngata. (1972). 98; Halbert. (1999). 132.

⁷⁷⁴ Aspinall. (2000). 4-5.

⁷⁷⁵ McConnell. (1998). 13.

⁷⁷⁶ Iles. (1981). 43. Quoting Wī Pewhairangi.

⁷⁷⁷ Iles. (1981). 43.

⁷⁷⁸ Halbert. (1999). 132.

⁷⁷⁹ Halbert. (1999). 132.

⁷⁸⁰ Iles. (1981). 43.

⁷⁸¹ Iles. (1981). 43.

⁷⁸² Iles. (1981). 43.

⁷⁸³ Ngata. (1972). 32; cf Iles. (1981). 44.

force.⁷⁸⁴ Tamakoro joined Ueroa and Tahanua and they resolved to fight.⁷⁸⁵ During the battle of Takatakahanga (a hill near Ngāpunarua),⁷⁸⁶ Tamakoro used magic karakia to send Wahineiti sentries to sleep so that he could get to Tamawairangi.⁷⁸⁷ When they engaged, Tamawairangi had the advantage over Tahanua owing to his size, and the length of his taiaha, but he was struck down with Tahanua's axe.⁷⁸⁸ The following proverb is derived from when Tahanua killed Tamawairangi, "Tēnā te karere a Tamatea Ūpoko te haere na" – "There goes the messenger of Tamatea Ūpoko."⁷⁸⁹ This demonstrated the mana and power of his mother Tamatea Ūpoko.

Then the children of Tamatea Ūpoko and their taua successfully attacked Tamawairangi's section of Wahineiti at Tawhiti.⁷⁹⁰ This battle is known to the people of Tokomaru Bay as Hinemaurea's conquest.⁷⁹¹ The survivors of the battle fled to Reporua and Ahikouka at Waiapu. Te Aomania was taken as a war captive and as a wife for Rongotaihiao (son of Uetaha and Iwitaia).⁷⁹² She had been taken there by her father who was of Pōkai descent.⁷⁹³ Her mother was of Ruawaipu and Ngāi Tuere descent. Her father was killed during the battle.⁷⁹⁴ She and Rongotaihiao begat Ihiko-o-te-rangi.

Rangitārewa and his sons then allied with Wahineiti in seeking revenge for the death of Tamawairangi, but he was killed by Tahanua in the battle known as Whaitiripapa (Resounding thunder).⁷⁹⁵ Raramātai (Uekaiahu's eldest son from his first wife Pihatewaiora) was also killed.⁷⁹⁶ A war party sent against those responsible for killing Raramātai was successful.⁷⁹⁷ Uenikotī returned with a flute or trumpet, known as Hinemoemoke.⁷⁹⁸ There was a quarrel between Tamakoro and Uenikotī. So Uenikotī and his son headed north to Whangaparaoa.⁷⁹⁹ Tamakoro felt regretful, and he asked his brother Pūngāwerewere to follow them to encourage

⁷⁸⁴ Iles. (1981). 44.

⁷⁸⁵ Iles. (1981). 43-44; see also Reedy. (1993). 62-63, 166.

⁷⁸⁶ Ngata. (1972). 80.

⁷⁸⁷ Iles. (1981). 44; see also Reedy. (1993). 63, 166.

⁷⁸⁸ Ngata. (1972). 80.

⁷⁸⁹ Ngata. (1972). 80; cf Iles. (1981). 44.

⁷⁹⁰ Halbert. (1999). 132.

⁷⁹¹ Iles. (1981). 44.

⁷⁹² Halbert. (1999). 132.

⁷⁹³ Halbert. (1999). 165.

⁷⁹⁴ Halbert. (1999). 165.

⁷⁹⁵ Reedy. (1993). 63, 166.

⁷⁹⁶ Reedy. (1993). 63, 166.

⁷⁹⁷ Halbert. (1999). 132.

⁷⁹⁸ Ngata. (1972). 75-76; Halbert. (1999). 132; McConnell. (1998). 10.

⁷⁹⁹ Halbert. (1999). 132.

them to return. Pūngāwerewere then disappeared.⁸⁰⁰ Uenikotī and his son were subsequently killed by Ngā Oho at Waikura near Lottin Point.⁸⁰¹

When Ngāi Tuere moved north, Hinemaurea stayed at Tokomaru Bay as she was again pregnant, this time with Tūtewaiana.⁸⁰² Hinemaurea then moved to Wharekāhika to be with Te Aotaki and that is when Ruataupare was born.⁸⁰³ However, Hinemaurea's son Tamatea-kuhakaui remained at Tokomaru Bay.⁸⁰⁴

After successfully defeating Tamawairangi's branch of Wahineiti, the quest to find Pūngāwerewere commenced. To find him, his brothers "... dispatched their atua to guide them to where Pūngāwerewere might be found." The atua was a "weird light which at dusk indicated the direction to be followed."⁸⁰⁵ With the aid of their atua, they found the pā at Kōpuāroa Valley. Wahineiti and Ngāti Ruanuku people were present in a pā site there. There may also have been a section of Uepōhatu present.⁸⁰⁶ Here the atua indicated Pūngāwerewere had perished.⁸⁰⁷ After inciting their curiosity with haka, the Ngāi Tuere encouraged the enemy to leave the safety of their pā, whereupon they were all killed and Pūngāwerewere's death was avenged.⁸⁰⁸ That place is now known as Pūngāwerewere.⁸⁰⁹

Ngāi Tuere were able to avoid the remaining Ngāti Ruanuku entrenched in pā at Whareponga and Akuaku.⁸¹⁰ They proceeded through Uepōhatu lands.⁸¹¹ They continued to the headwaters (Ōkurawehea) of the Maraehara River where they left their women and children. They then crossed into the Awatere Valley and on to the territory formerly held by Ruawaipu⁸¹² under the mana of Tamatea-arihia.⁸¹³ An attack planned by Ngāi Tuere (Manu kāwhaki - form of retreat and ambush) was successful. Following the sacking of all the pā (including Whetūmatarau, Tihi-o-manono, Pā-oneone, Tarapāhuru, Pukeāmaru, and Puketapu) and the final defeat of Ngā

⁸⁰⁰ Halbert. (1999). 132.

⁸⁰¹ Halbert. (1999). 174.

⁸⁰² Iles. (1981). 45.

⁸⁰³ Iles. (1981). 45.

⁸⁰⁴ Iles. (1981). 45.

⁸⁰⁵ Ngata. (1972). 81.

⁸⁰⁶ Gudgeon. Part III. (1895). 179; Drummond. (1937). 23.

⁸⁰⁷ Ngata. (1972). 80.

⁸⁰⁸ Ngata. (1972). 81.

⁸⁰⁹ Ngata. (1972). 84.

⁸¹⁰ Ngata. (1972). 31-32.

⁸¹¹ Gudgeon. Part III. (1895). 179-179.

⁸¹² Ngata. (1972). 32, 85.

⁸¹³ Lawson. (1986). 15-16.

Oho north at the Whangaparaoa stream, all the Ruawaipu lands were retaken.⁸¹⁴ It is likely that the survivors of Ngā Oho then merged with the Bay of Plenty tribes and it is notable that Rikirangi Gage has referred to the early people that inhabited some of the lands now under the mana of Te Whānau-a-Apanui as Ngā Oho.⁸¹⁵

Though the children of Tamatea Ūpoko (Uetaha, Tamakoro, and others) practically exterminated Ngā Oho,⁸¹⁶ the descendants of Ruawaipu east of the Awatere River remained undisturbed. This was because of the directive of Tamatea Ūpoko to her children to “turn their backs to their tuahine.”⁸¹⁷ Their tuahine was Hinengarangara, who was the head of the Ruawaipu people occupying land east of the Awatere River.⁸¹⁸ Paratene Ngāta named some of the hapū of Ruawaipu as Ngāti Manu, Ngāti Atarau, Ngāti Rongotūpuni, Ngāti Paraheka, and Ngāti Kahuteiro.⁸¹⁹ A longer list of these people would include hapū affiliates, including Ngāti Rākaimatahana, Ngāti Rākaimātapu, Ngāti Māhanga, Ngāti Nua and the Ngāi Tāne.⁸²⁰ Combined they initially held the mana whenua over the lands from the Awatere, to the East Cape and through to the Maraehara River.⁸²¹

Ngāti Manu were associated with Hinengarangara. Their pā included Maruhou Pā, Ōpou, Ōkauwharetoa, and Ōkaurehia.⁸²² Ngāti Rongotūpuni were associated with Tataramoa and others.⁸²³ Ngāti Rākaimatahana were associated with Tama-hinengaro.⁸²⁴ Ngāti Rākaimātapu became associated with Hīrau and Uenukutewhana’s descendants,⁸²⁵ as were Ngāi Tāne who were also associated with Ngāti Māhanga.⁸²⁶ Ngāti Mounu (later Ngāti Hikakino) with Ngāi Tamatea were associated with Whanga-o-keno/a Island and Te Pākihi.⁸²⁷ Wānanga Walker would write of the ancient knowledge of this island:⁸²⁸

⁸¹⁴ Ngata. (1972). 32, 85-87; McConnell. (1998). 11.

⁸¹⁵ Kōrero a Waha, Rikirangi a Gage Wānanga Reo o Ngā Kaiwhakawā i te Kaha (4 March 2019).

⁸¹⁶ See Native Land Court *Re Marangairoa No 1A - Whakararanui* (1908) 39 Waiapu MB 179; McConnell. (1998). 11 indicates that the remnants fled to the Bay of Plenty.

⁸¹⁷ Ngata (1972). 77.

⁸¹⁸ See Native Land Court *Re Marangairoa No 1A - Whakararanui* (1908) 39 Waiapu MB 179.

⁸¹⁹ Native Land Court *Re Marangairoa No 1B - Horoera* (1908) 38 Waiapu MB 273.

⁸²⁰ Halbert. (1999). 180-186; Kohere. (2005). 34; McConnell. (1998). 25.

⁸²¹ Drummond. (1937). 24; McConnell. (1998). 25.

⁸²² Halbert. (1999). 180.

⁸²³ Halbert. (1999). 182.

⁸²⁴ Halbert. (1999). 184.

⁸²⁵ Halbert. (1999). 188.

⁸²⁶ Halbert. (1999). 185.

⁸²⁷ Kohere. (2005). 134.

⁸²⁸ Walker, W. Whanga-o-kena. (2014).

Long ago, in the eons of time, Whanga-o-kena lay further south. However, the gods had decided that he would make a good companion for Whakaari (White Island) in the Bay of Plenty, but that he had to make his journey to be with her under the cover of darkness. Unfortunately, our intrepid traveller just wasn't quick enough.

Caught in the early morning rays of the rising sun, Whanga-o-kena was trapped at the spot where he now stands. It's little wonder then that Whakaari has been boiling and fuming ever since, and that Whanga-o-kena, in his anger, has become the most inhospitable host, constantly being lashed by angry oceans and waves as a way of warding off visitors.

At this time the coastline beginning at Awatere included the Whakararanui historic cultivation, and the pā sites Tarakeha, Ōpou, Porouhuta, Rangiahua, Te Rangunui, Manawhakaahu, Rangiatea, Rangitāne (near Horoera), Tamataurei or Te Mataurei at Pouretua.⁸²⁹ Ōpou, Rangiahua, and Rangitāne were entrenched pā.⁸³⁰ There were also the inland pā, the most notable being Karikaringā (almost inaccessible) and Rangitukia at the junction of the Pākihi, Kautuku, and Horoera boundaries. The Rangitukia pā “was a meeting place of the peoples and gave its name to the mountain range, which extends from Horoera to Maraehara near Pōrahu. Later the name was applied to the present township of Rangitukia.”⁸³¹

As a result of the Ngāi Tuere campaign, Ngā Oho was vanquished and the lands on the Kawakawa side of the Awatere River to Pukeāmaru were returned. Although Ngāi Tuere and Ngāi Tūiti were victorious, it is “generally recognised in the area”, that their “mana came from Tamatea Ūpoko.”⁸³² So Ruawaipu’s descendants again took the land. The mana whenua was divided and shared between the descendants of Ruawaipu and Ngāi Tuere.

Uetaha with his brother Tamakoro settled the area from the Awatere River to Pukeāmaru where a part of the land and Pipituangi were set aside for the child of Pūngāwerewere. His name was Mānuka. Tamakoro’s eldest son would later marry Te Aopare, the daughter of Uetaha.

Kahupakari, who fought for Ngāi Tuere, was given land but he subsequently transferred it to Ngāti Hau and Te Ataakura, the parents of Tūwhakairiora.⁸³³ Therefore they were resident when Tūwhakairiora eventually made his way to the district. This may be why for many years,

⁸²⁹ Ngata. (1972). 88.

⁸³⁰ Ngata. (1972). 88.

⁸³¹ Ngata. (1972). 88.

⁸³² Mahuika. (1973). 140.

⁸³³ Ngata. (1972). 87.

the people of the northern end of Wharekāhika were also referred to as Te Whānau a Tūmoanakōtore by the locals and later Te Whānau a Tūwhakairiora.⁸³⁴

Ngāi Tuiti

Tūiti-matua, the sister of Tamatea Ūpoko's husband, also migrated north with her children via Te Kautuku. She was a direct descendant from Ruawaipu.⁸³⁵ Her son Te Aotaki built Tokomāpuhia Pā on the ridge overlooking the Waihirere Falls north of Wharekāhika. From his union with Hinemaurea, Ruataupare was born. Hati Houkāmau would give evidence that "Te Aotaki's papatipu descended to Tāmanuhiri, Ruataupare and Te Auahikoata," however, "in the time of Tūterangiwhiu, Hukarere ... [and] Makahuri, the papatipu right ceased."⁸³⁶ Most of the land became subject to conquest or gift in favour of Tūterangiwhiu.⁸³⁷ The reason for this was because Te Auahikoata married Tautuhiorongo of Te Whānau Pararaki who also lived at Wharekāhika. Te Auahikoata gave birth to Whakapuru. Hati Houkāmau also described the background of what became known as the battle of Pipiwhākao:⁸³⁸

Tautuhiorongo and Whakapuru were also known as Ngāi Tuiti. Tautuhiorongo became concerned at Tūwhakairiora's power and decided to kill Tūterangiwhiu. Whakapuru sent for Tūterangiwhiu to assist in cultivating at a maara called Taiarawhenua. Food was prepared and a scheme prepared for killing Tūterangiwhiu. Wooden fish were made, wrapped up just like real hāpuka in hinahina and when the food was cooked, those wooden fish were placed below the real ones so that the oil might flow onto the wrappers of the wooden ones. The food was opened up after being cooked, and the wooden fish was called karearea, for he had given instructions that the wooden fish should be placed before Tūterangiwhiu. Tūterangiwhiu removed the wrappers [and] found it was wood and not fish. Tūterangiwhiu told his people to return home and not to stay the night. He brought the wooden fish away. They arrived at Ōkauwharetoa, [and] the fish was placed in the house, Tahanuiorauru and left there. Tūwhakairiora saw it and said to Tūterangiwhiu, "E Tū, E Tū ... mārire te ika nei" meaning the best food taken away - only inferior left, and that Tūterangiwhiu had brought the wooden fish instead of killing someone. They thus understood that Whakapuru had given them a challenge to fight. Preparations were then made for a fight.

The fish were taken to Taumatakōrero, and the people were sent from various pā so that final preparations could be made. The attack took place at Pipiwhākao and Te Whānau a Pararaki were defeated. Tautuhiorongo's hapū, Te Whānau Pararaki at Te Koau, battled on the southern side of the Wharekāhika stream and Te Whānau Pararaki were defeated. The battle was called Pipiwhākao.

⁸³⁴ Chesley HA. "Affidavit of evidence before the East Coast Waitangi Tribunal (Wai 900, #A34, 13 December 2000) 5, 11-12.

⁸³⁵ Native Land Court *Re Wharekāhika* (1908) 42 Waiapu MB 132. Evidence of Hati Houkāmau.

⁸³⁶ 42 Waiapu MB 138. Evidence of Hati Houkāmau.

⁸³⁷ 42 Waiapu MB 143-144. Evidence of Hati Houkāmau.

⁸³⁸ 42 Waiapu MB 141-143. Evidence of Hati Houkāmau.

Whakapuru and Tautuhiorongo were leaders of [Te Whānau] Pararaki and Tūterangiwhiu, Hukarere, Makahuri, Haerenukua, Aratangata, Te Rangituatahi, and Te Rangitēkehua were the leaders of ope. Tūwhakairiora had planned out the fight [and] then left it to them.

After the fight Whakapuru and the survivors of [Te Whānau] Pararaki fled to Ōweka, Tohorapirau, and Poroaio. The ope returned and Whakapuru was defeated and fled. Another ope subsequently left Ōkauwharetoa to attack Whakapuru at Pōtaka, Ōweka and Tohorapirau (the pā of Tautuhiorongo). The ope went inland towards Tapatu and the battle was fought at Mangawhero where Te Whānau Pararaki were defeated and exiled to the west to Maungaroa near Te Kaha where Whakapuru and Tautuhiorongo went to live. That was the last fight and Wharekāhika was taken by the victors. Te Whānau Pararaki came from Whāngārā.

Tahania had by this time married one of the daughters of Uenukutewhana and they went to live within the same area.⁸³⁹ Uenukutewhana's pā (Te Rāhui) was located where the urupā and the church (Saint Barnabas) are in Wharekāhika.⁸⁴⁰ Uenukutewhana's first wife was Hine-te-ao.⁸⁴¹ They "had four children; Kohomā, Karearea, Pākihiparuparu, and Te Rangitaungawhā." Uenukutewhana would eventually move to the Waiapu. After "joining Hīrau at Te Pōrahu, Uenukutewhana married Karani, Māhanga's sister, and the daughter of Huaki, the Ngāi Tānetangia chief also known as Ngāi Tāne."⁸⁴² They begat Kōhaki.

Hati Houkāmau would contend that by going away Uenukutewhana lost his rights as his descendants never returned to Wharekāhika. Hīrau never returned to Wharekāhika either, preferring to stay in the Waiapu. Hati's view was that the mana at Wharekāhika vested in Te Aotaki and Ruaterau.⁸⁴³ Te Aotaki's right descended to his children Tāmanuhiri, Ruataupare, and Auahikoata until the conquest by Tūterangiwhiu. The mana then passed to Rerekohu.⁸⁴⁴

It will be recalled that Hīrau married Matuanihonui and they begat Mataura and Tamōkai.⁸⁴⁵ They settled on Te Pōrahu.⁸⁴⁶ Mataura married Te Aokairau's daughter, Hinepare.⁸⁴⁷ Tamōkai married Kōhaki and they had three children, Pāpaka, Mōkairūrenga, and Rangitukuwaru.⁸⁴⁸ This branch of Hīrau's family became the connection to Ngāti Rākaimātapu and Ngāi Tāne.⁸⁴⁹

⁸³⁹ Ngata. (1972). 87.

⁸⁴⁰ Chesley. (2000). p12.

⁸⁴¹ Ngata. (1972). 98.

⁸⁴² Kohere. (2005). 155.

⁸⁴³ Native Land Court *Re Wharekāhika* (1908) 42 Waiapu MB 138. Evidence of Hati Houkāmau.

⁸⁴⁴ 42 Waiapu MB 142. Evidence of Hati Houkāmau.

⁸⁴⁵ Ngata. (1972). 98; see also Kohere. (1949). 10-11.

⁸⁴⁶ Kohere. (2005). 145.

⁸⁴⁷ Halbert. (1999). 163.

⁸⁴⁸ Kohere. (2005). 156.

⁸⁴⁹ Kohere. (2005). 155-156.

Mataura first lived at Taumatarei Pā north of Te Pōrahu, before moving to Pukekioire Pā which Mataura built.⁸⁵⁰ During this time there was relative peace with one exception. After Wahaure from Popohia insulted Rākaitemania on her way to see her cousin Hinepare, trouble broke out.⁸⁵¹ Rākaitemania “raised a war party under the chief Paka” and they attempted to invade Pukekioire.⁸⁵² Reweti Kohere would state that Mataura was:⁸⁵³

... famous as the defender of the Pukekioire pā. Rākaitemania, being related to Hinepare, Mataura's wife, came on a visit to her. Before she met Hinepare she was insulted by a voice which came from the direction of Pukekioire pā. Rākaitemania at once turned back and hurried home to organise a war-party to attack the offending Pukekioire and inflict punishment for the insult. The party, which was under the command of the chief Paka, ascended a height of nearly 1,000 feet and infested the stronghold of Pukekioire. The fight increased in ferocity. Mataura and his defenders proved themselves equal to the occasion until Mataura's parched tongue stuck to the roof of his mouth for thirst. Like David of old, who longed for water from the well of Bethlehem, Mataura longed for a drink from a spring down below on the plain, a spring which today is known as Mataura's Heart. And, unlike the Biblical story, no brave dared to leave the protection of the pā to gratify his leader's wish. Still the fight grew fiercer, and the defenders' supply of spears ran out. Thus handicapped, they threw stones and earth at their assailants. When he knew further resistance would be of no avail, Mataura mounted the defences of the pā and cried out: “O, who would turn back the onrushing tide?”

Paka, the leader of the attackers, replied: “If thou hast a daughter, hand her over to me.”

Mataura, looking around, espied his young granddaughter, Whirituarangi. Her he handed over to an enemy who would not be denied. Thus, peace was made, and people and land were saved by the sacrifice of Whirituarangi. Whirituarangi finally married aged Tūwhakairiora. She was the ancestress of several chiefs.

Mataura's two grandsons, Rarawa and Porou, were both great warriors. It was the former, with the help of his brother-in-law Tīnātoka, who held up the Kōhaki war-party at the Makirikiri stream.

According to Wīremu Kaa, in later life Mataura was considered tapu and thus he moved to live in the cave, Te Ana-a-Mataura, a famous landmark on the opposite side of the river to the current village of Rangitukia.⁸⁵⁴

⁸⁵⁰ Kohere. (2005). 146.

⁸⁵¹ Kohere. (2005). 146.

⁸⁵² Kohere. (2005). 146.

⁸⁵³ Kohere. (1949). 10-11.

⁸⁵⁴ Kōrero a Waha a Rev. Wīremu Kaa - Rahui Marae (9 April, 2008).

Ngāti Ruanuku

The background to this iwi begins with Porourangi's death at Whāngārā. His younger brother Tahu returned from the South Island and took Porourangi's widow, Hamoterangi, as his wife. According to some sources Tahu returned with a retinue of slaves.⁸⁵⁵ They suggest that from Tahu's union with Hamoterangi, Ruanuku was born. Eventually all three returned to the South Island, but the retinue of slaves remained and probably merged with early tangata whenua.⁸⁵⁶ Tuta Nihoniho had a different narrative as he explained during the investigation of the Waipiro Block:⁸⁵⁷

Those living on the land were Ngāti Ruanuku who came from the South Island. They claimed their name from Ruanuku, a name of Porourangi. When he died Tahu came to cry over him and took Hamo, Porourangi's wife as a wife for himself. Their child was born (Ruanuku) ...

Tahu gave the people, who had come with him from the South Island, as servants for Ruanuku. Tahu returned home. When Ruanuku grew up he followed his father.

Another source suggests that Ruanuku was a descendant of Porourangi.⁸⁵⁸ Rāpata Wahawaha was of the view that Ruanuku was merely another name for a "high and sacred person" and thus Ruanuku was another name for Porourangi.⁸⁵⁹ Ngata provided the whakapapa as follows:⁸⁶⁰

Porourangi	
Hau = Tamatea-toia (Wahineiti)	
Rākaipō	Awapururu
Rākaiwetenga	Tangihaereroa
Ruanuku	Poroumata

Āpirana Ngata noted a further source, suggesting that Ngāti Ruanuku were the crew of the waka used by Tahu to come to Whāngārā, and that they were from Aropawa in the South Island.⁸⁶¹ However, it is more likely that the name Ruanuku covered a group of unrelated hapū including from Te Wahineiti.⁸⁶² Whatever their origin, they eventually settled on the East

⁸⁵⁵ Walker. (2005). 23.

⁸⁵⁶ Walker. (2005). 23; cf Halbert. (1999). 148, in which it is claimed that Ruanuku were of the same stock as the Moriori on Rekohu – the Chatham Islands.

⁸⁵⁷ Native Land Court *Re Ngamoe* (1886) 11 Waiapu MB 122-123.

⁸⁵⁸ Soutar. (1988). ch 1, fn 14.

⁸⁵⁹ Drummond. (1937). 57

⁸⁶⁰ Ngata. (1972). 90.

⁸⁶¹ Ngata. (1972) 31.

⁸⁶² Soutar. (1988). ch 1, fn 14.

Coast, primarily located at Whareponga and Akuaku, including at the fortress cliff pā Kōkai, Tokatea, Tongaanu and others.⁸⁶³ They formed an alliance with the Waipiro – Tokomaru Bay branch of Wahineiti.⁸⁶⁴ Their main hapū (or rangatira) were Hōre, Mana, Te Koreke, Te Mokowhakahoihoi, Te Pananehu, and Te Pōhoumauma.⁸⁶⁵

Returning to Whaene and Poroumata, the narratives and whakapapa indicate they were cousins who became husband and wife. In Mohi Tūrei's account of Tūwhakairiora, he notes that Whaene and her husband Poroumata were identified as rangatira, on account of them being descendants of Porourangi.⁸⁶⁶ Both were considered leaders of Wahineiti and Ngāti Ruanuku at Whareponga and Waipiro.⁸⁶⁷

Each day Ngāti Ruanuku would gather and prepare food to bring game, fish, and other produce to Poroumata's pā as tribute. Poroumata's six sons would intercept these workers and take the best produce and leave the dregs.⁸⁶⁸ Poroumata knew nothing about this.⁸⁶⁹ Furthermore while the men were fishing, the sons raped and molested their women. Thus, the people resolved to kill Poroumata and his sons as they considered them tyrants.⁸⁷⁰ Their plan was to build a whārau (type of house) made of ponga for Poroumata and invite him and his sons to fish on the day of the opening.⁸⁷¹ Once at sea they would kill them.⁸⁷² According to Ngata this is how Whareponga got its name.⁸⁷³ Poroumata had a premonition the night before he was killed. Tūrei states he announced:⁸⁷⁴

"He marino tuaukiuki āpōpō, he kawatawata tā te moana te kōangiāngi; ka haere au ki te moana."

It will be a settled calm tomorrow, the wind will be a light sea-breeze making gentle ripples on the water, I shall be put out to sea."

⁸⁶³ Ngata. (1972) 32.

⁸⁶⁴ Ngata. (1972) 32-33.

⁸⁶⁵ Tūrei, M. (1911). Tūwhakairiora. In *The Journal of the polynesian society* 20 (1). 17.

⁸⁶⁶ Tūrei. (1911). 17-34.

⁸⁶⁷ Mahuika. (1973). 149.

⁸⁶⁸ Tūrei. (1911). 17.

⁸⁶⁹ Tūrei. (1911). 17.

⁸⁷⁰ Tūrei. (1911). 17.

⁸⁷¹ Soutar. (1988). ch 2, fn 10.

⁸⁷² Soutar. (1988). ch 2, fn 10.

⁸⁷³ Soutar. (1988). ch 2, fn 10.

⁸⁷⁴ Tūrei. (1911). 17-18.

The next day canoes were beached and Poroumata and all but one of his sons invited to travel in separate waka.⁸⁷⁵ Once at sea Poroumata was murdered on the fishing grounds called Whatu Kamokamo (after the blinking eyes exchanged by those who killed him).⁸⁷⁶ His sons were also set upon, and after a struggle the sons were killed one by one.⁸⁷⁷ The last son Tarapaoa managed to get clear but was caught at Manutaunoa, where he was killed.⁸⁷⁸ Poroumata's internal organs were torn out and thrown into the sea and these came ashore at the mouth of the Whareponga stream at a place called "Tawekatanga-o-te-Ngākau-o-Poroumata (the place where the vitals of Poroumata lay entangled)."⁸⁷⁹ It was because of the deeds and the arrogance of his sons that Poroumata was killed.⁸⁸⁰ Other place names still commemorate this event at Whareponga. As Ngata would state, "[t]hus died Poroumata and his sons, paying a penalty that tyrants and oppressors in more renowned lands among great nations of mankind had paid in all ages."⁸⁸¹ Poroumata through his sons pushed his mana rangatira too far.⁸⁸² The lands set aside by Poroumata's father, Tangihaere, fell to Ngāti Ruanuku.⁸⁸³ According to Monty Soutar, Poroumata's "brothers were allowed to remain among the Ngāti Ruanuku as they themselves had not offended anyone."⁸⁸⁴ Haukōtore, for example, retained his status as a chief, even though he could not exercise utu (given the superior numbers of Ruanuku). He placed a rāhui over the area, but Ngāti Ruanuku ignored it.⁸⁸⁵ He also raised the remaining son of Poroumata, as a whāngai known as Tahamoana, whose descendants still connect to Whareponga.⁸⁸⁶ Poroumata's death is commemorated in the following waiata composed by Robert Ruha in 2004 which recalls the premonition Poroumata had:

Te Whare-okioki

Ka poipoia ahau	I am being cradled
I te pō marino e	In the still of the night
Te Korowai o te Atua	In the clock of the Gods
Taku whare-okioki	In my place of rest

⁸⁷⁵ Soutar. (1988). ch 2.

⁸⁷⁶ Soutar. (1988). ch 2, fn 10; and see Walker. (1997). 40.

⁸⁷⁷ Soutar. (1988). ch 2.

⁸⁷⁸ Soutar. (1988). ch 2.

⁸⁷⁹ Soutar. (1988). ch 2.

⁸⁸⁰ Lyall, A. (1979). *Whakatōhea of Ōpōtiki*. Reed. 109.

⁸⁸¹ Ngata. (1972). 32-33.

⁸⁸² Gudgeon. Part II. (1895). 21.

⁸⁸³ Soutar. (1988). ch 3.

⁸⁸⁴ Soutar. (1988). ch 3.

⁸⁸⁵ Soutar. (1988). ch 3.

⁸⁸⁶ Soutar. (1988). ch 3.

Tērā ngā whetū; Korikoriko	There are the stars sparkling
Te marama taiahoaho	The full moon
Hei hoa moku i te poho	As a companion for me in the bosom
O taku whare okioki	of my place of rest
Te Kapua i te Ikaroa	The clouds over the milky way
Mōku mō aku takahanga	For me; For the journey ahead
Hei hoa moku i te poho	Companions for me in the bosom
O taku whare-okiooki	of my place of rest

Materoa and Tamaterongo (Titirangi – Tūranga-nui-a-Kiwa)

Probably before her father's death Materoa was at Poutiriao pā.⁸⁸⁷ Rangitārewa (her cousin) was also at Poutiriao pā at the same time. The authorities differ but some say the events that followed occurred at Poutiriao (eg. Tuta Nihoniho).⁸⁸⁸ Others say they occurred at Pourewa in Uawa.⁸⁸⁹ What is agreed is that Rangitārewa made numerous advances to Materoa but these were declined. He then went to great lengths to seduce her, and she succumbed.⁸⁹⁰ Materoa then fled out of shame.⁸⁹¹

It was then that she captivated the chief Tamaterongo (of Titirangi) by her dancing.⁸⁹² They married and moved to Titirangi. There Materoa gave birth to Te Tihi-ki-te-mana-o-te-rangi (the child of Rangitārewa).⁸⁹³ She and the child were then moved to the whare-kōhanga – as this was a tapu period.⁸⁹⁴ When this news arrived at Poutiriao pā, Rangitārewa's people told him to go and fetch the baby.⁸⁹⁵ To prepare, Rangitārewa broke a leaf of the aute tree to wrap the baby in and his tohunga performed karakia over Rangitārewa for a safe and speedy journey.⁸⁹⁶ Upon his arrival at Titirangi, he boldly walked into the whare-kōhanga and took the baby. When Tamaterongo heard of this it was too late. As Monty Soutar would state: "The power of the

⁸⁸⁷ Soutar. (1988). 21.

⁸⁸⁸ Soutar. (1988). ch 3, fn 10.

⁸⁸⁹ Soutar. (1988). ch 3, fn 10.

⁸⁹⁰ Soutar. (1988). 21.

⁸⁹¹ Soutar. (1988). 23.

⁸⁹² Soutar. (1988). 23, 25.

⁸⁹³ Soutar. (1988). 25.

⁸⁹⁴ Soutar. (1988). 25-26.

⁸⁹⁵ Soutar. (1988). 25.

⁸⁹⁶ Soutar. (1988). 25.

karakia, which Rangitārewa had received, had already carried him home.”⁸⁹⁷ The child was renamed Tamaihu.⁸⁹⁸ He became the ancestor of Te Rangitāwaea.⁸⁹⁹

Also noteworthy is that from Matoroa by several generations was born Tāpuhi. According to Pine Taiapa she was senior to Hinematiōro and he is recorded as saying that:⁹⁰⁰

... the great Hinematiōro, when on a visit to Kawakawa asked the question, “Ko wai te puhi o te karaka o Tūwhakairiora?” ... She expected the answer “ko koe”, (You are) and was insulted when one of her audience sprang to her feet and called out “Ko au!” (I am!) Hinematiōro went back to Uawa. ...

However, and as Victor Walker points out, Tāpuhi was a descendant of Matoroa’s child Piko. If only that line is considered then she was a taina to Hinematiōro according to the whakapapa.⁹⁰¹ Hinematiōro was a descendant of Matoroa from her child Rongoteheingia (who was a tuakana to Piko) and thereby Hinematiōro was the senior.⁹⁰² However, the Waiapu narrative is also based upon the following whakapapa so the answer politically lies where a speaker emphasises:⁹⁰³

Hinemanuhiri	= Tūterangiwhiu =	Te Aotaihi
Whiungaterangi		Hukarere II
Rongomaiwaho		Rerekohu
Tāpuhi		Te Uhunuioterangi
Huirangi		Tataingaoterangi
Rangiponohoatāne		Ngunguru-o-te-rangi
		Hinematiōro

Tāwhipare and Kahukuranui

Matoroa’s sister, Tāwhipare went to Uawa. She married Kahukuranui (nā Hauiti) and lived at Uawa with him. They had Tautini and Hurumangiāngi.⁹⁰⁴ Kahukuranui also had other children such as Kapihoromaunga from his other marriages.

⁸⁹⁷ Soutar. (1988). 26.

⁸⁹⁸ Mahuika. (1973). Annex-Table 11 (12).

⁸⁹⁹ Mahuika. (1973). 154-155.

⁹⁰⁰ McConnell. (199). 74. Quoting P. Taiapa.

⁹⁰¹ Walker. (1997). 57-59.

⁹⁰² Walker. (1997). 57-59; and cf Mahuika. (1973). Annex 1-Table 11(13) where the eldest child of four children is recorded as Hinetū and Rongotehengia is not mentioned.

⁹⁰³ Native Land Court *Re Tangihanga* (1914) 60 Waiapu MB 61. Evidence of Wī Reihana.

⁹⁰⁴ Mahuika. (1973). 157.

Tautini married Rongomaihuatahi and they begat Te Aotāwarirangi. He also married Hinetamatea and they first settled at Ōrangitauira near Anaura.⁹⁰⁵ They begat Tūterangikatipu. At some point the family moved to Tokomaru Bay. According to Wī Pewhairangi:⁹⁰⁶

Tautini and his daughter came to this land and lived at the Toiroa pā. After living some time at Toiroa he said to his daughter Te Aotāwarirangi to cross over to this side to the Wahineiti's pās and choose which of them she liked best for herself, the Wahineiti occupants having been conquered by Hinemaurea. So Te Aotāwarirangi came over here and inspected the pās she should occupy; Taratara o te Koura and Taikoriki. They are both in the Tawhiti block.

She and her people occupied these pās but they became affected with fear, because they saw the survivors of Te Wahineiti were increasing in numbers, then she addressed her children and her people and said, "Let us establish a pā for ourselves at Te Ariuru." Then a pā was erected at Te Ariuru. ... Te Aotāwarirangi and her children occupied it. Some of them lived in Te Ariuru and some in the other two pā. ...

Tautini and his brother Tūtaemaro lived in Toiroa – others of his younger brothers he left behind him at Anaura, another of his brothers had identified himself with N. Ira having married one of their women and lived with them.

Wī Pewhairangi recorded that Tautini was a flesh eater (particularly partial to young children).⁹⁰⁷ He was killed by Tūtemangarewa of Te Wahineiti for killing his child.⁹⁰⁸ Wānanga Walker summarises this narrative as follows:⁹⁰⁹

Te Aotāwarirangi heard the news she covered herself in red ochre, rendering herself tapu (sacred), and demanded from Tū-te-manga-rewa the return of her father's head. She then set out overland for Kawakawa (Te Araroa) to seek the help of her brother, Tū-te-rangi-katipu and her uncle, Tūwhakairiora. Tū-te-rangi-katipu had fought with Tūwhakairiora and had married his daughters, Māriu and Te Ātaakura II.

Along the way, Te Aotāwarirangi displayed her father's head in the hope of rallying support from observing onlookers. At Maungakōwhai, Te Aketūangiangi requested that she call upon him on her return because he had partaken of the shoulder of her father — who was also his own brother! Upon reaching Kawakawa she passed the head to her brother, Tū-te-rangi-katipu, who paraded it before the locals urging them to battle. Tū-te-rangi-katipu also performed karakia (incantations) to remove the tapu from his sister and to ensure the success of the avenging taua (war party). Under the leadership of Tū-te-rangi-katipu and Tūwhakairiora, the war party returned to Tokomaru. Along the way they stopped at Maungakōwhai and fulfilled the wish of Te Aketūangiangi, attacking and disposing of him and his followers. The same fate awaited those at Niniho pā where Hai-atau, the man who had brought Tautini's shoulder to Te Aketūangiangi, was captured and killed. At Tātara-koura, a defiant haka by its inhabitants, stripped naked for the occasion, so impressed the avenging party that they continued on to Toiroa. When the party reached Tokomaru, Tū-te-manga-rewa, under the cover of darkness, covertly embedded himself in the avenging taua to assess their strengths and weaknesses. He was recognised, however, and pointed out to Tū-

⁹⁰⁵ Walker. (1997). 39; Iles. (1981). 39.

⁹⁰⁶ Iles. (1981). 46-47. Quoting W. Pewhairangi.

⁹⁰⁷ Iles. (1981). 60. Quoting W. Pewhairangi; see also Walker. (2014). Te Aotāwarirangi and the Battle of Toiroa.

⁹⁰⁸ Iles. (1981) 60-64.

⁹⁰⁹ Walker.(2014). Te Aotāwarirangi and the battle of Toiroa.; cf Iles. (1981). 60-61, quoting Thomas Porter.

te-rangi-katipu but managed to slip away to take up his position at the entrance way of Toiroa. Arriving at the gate of the pā, Tū-te-rangi-katipu confronted and dispatched Tū-te-mangarēwa and in moments the fate of the people inside Toiroa was sealed. Thus, the death of Tautini, father of Te Aotāwarirangi, was avenged and the toll on Wahineiti was again, severe. For their services, the avenging taua, consisting mainly of Te Whānau-a-Hinerupe from Kawakawa, was practically gifted the whole of Tokomaru by Te Aotāwarirangi and this was agreed to by her brother, Tū-te-rangi-katipu. However, time would dictate that the claim by Te Whānau-a-Hinerupe to the district would lapse for want of occupation and that mana whenua (land rights) would revert to the descendants of Tautini and his daughter, Te Aotāwarirangi.

Wī Pewhairangi added that the gift to Te Whānau a Hinerupe was from Te Māwhai to Awarau.⁹¹⁰ A section of Hinerupe stayed for some time but due to the local resentment of their occupation, all but Makahuri returned to their homes.⁹¹¹ Tūterangikatipu also marched on Anaura against Te Aitanga a Hauiti. He did so with his allies, the remnants of Ngāti Ira. For their trouble they received lands between Waipari and Te Māwhai.⁹¹²

Tautini's son Tūterangikatipu had two wives who were sisters. They were Ataakura II and Mariu I (daughters of Tūwhakairiora and Ruataupare).⁹¹³ From his second wife Mariu I came Te Rangitaukiwaho (a grandson of Ruataupare and Tūwhakairiora).⁹¹⁴ Te Rangitaukiwaho married Mariu II (daughter of Ihiko-o-te-Rangi and Tūwhakairiora) and begat Hinetāpora of Mangahānea, who married Rangikaputua, a son of Umuariki of Uepōhatu.⁹¹⁵ Umuariki was also a descendant of Materoa.

Tautini's full brother Hurumangiangi was the grandfather of Uetuhiao, who had Kuku who begat Te Rangitāwea – the chief who is commemorated in waiata to this day.⁹¹⁶ It is noteworthy that Arnold Reedy recorded of Te Rangitāwea that he was the only one of all the chiefs of the district whose death was immortalised in the proverb attached to Hikurangi when snow covers its peak.⁹¹⁷ That saying is, “Kei te rukuruku a Te Rangitāwea i ōna pūeru.”⁹¹⁸ The waiata recording this whakataukī is set out below:

⁹¹⁰ Iles. (1981). 64. Quoting W. Pewhairangi.

⁹¹¹ Iles. (1981). 66-71.

⁹¹² Gudgeon. Part I. (1894). 219.

⁹¹³ Iles. (1981). 66.

⁹¹⁴ Iles. (1981). 66, 72.

⁹¹⁵ Mahuika. (1995). 13.

⁹¹⁶ Mahuika. (1973). 157.

⁹¹⁷ Soutar. (1988). 162.

⁹¹⁸ See discussion in Soutar. (1988). 162; cf. Parata. N. Review – Ko te Mana te Utu (2022) noting that the original saying is “Kei te rukuruku a te Rangitāwea i ōna pūeru.” Later pūeru was anglicized to “Kei te rukuruku a Te Rangitāwea i ōna rinena.” – Rinena is linen “in remembrance of Rāniera Kāwhia.” He features in Part 3.

Kati ra e hika (solo)
te takoto ki raro ra,
He ue ake ra, ka hē to manawa
Ka titiro ki uta ra, ki Hikurangi maunga,
Ko te puke tēnā, i whakataukī ai a Porourangi e
Ka rukuruku a Te Rangitāwaea i ōna rīnena e

Ka mamae hoki rā (solo)
Ka mamae hoki rā te tini o te tangata,
Ka mamae hoki ra ki a Tama-na-Tū
Ka takitahi koa ngā kaihautū o te waka o Porourangi,
Ka areare koa Puanga i tōna rua

Taku hiahia e i
Kia ora tonu koe, hei karanga i o iwi,
Ka tūtū o rongo ki ngā mana katoa,
Ko Tama-i-te-mania, ko Tama-i-te-pāheke
Ka ngaro koe e hika ki te pō e...
Aue, ko ngā iwi katoa, e aue mai ra, Ka nui taku aroha, nā...

Te Ataakura and Ngāti Hau

Te Ataakura (another child of Whaene and Poroumata) went to Whāngārā. She married Ngāti Hau and lived with her husband at Uawa.⁹¹⁹ Ngāti Hau was a child of Tūmoanakōtore (descendant of Rongomaianiwaniwa – daughter of Porourangi).⁹²⁰

After a time, they had to leave as Ngāti Hau and his people were accused of taking kūmara from a neighbouring plantation.⁹²¹ They left and went to Ōpōtiki to a place called Wharepaia, where Ūhengaparaoa's iwi dwelt. Reweti Kohere would note that the reason why they went there was because Ūhengaparaoa came from that district.⁹²²

Te Ataakura and Ngāti Hau had three children.⁹²³ The first (the mātamua and a female) was Te Aomihia (after the clouds seen by her father Poroumata). Te Aomihia begat Iritekura.

Te Ataakura and Ngāti Hau's second child was Whakaorangi. Their third child was Tūwhakairiora. Te Ataakura named the latter after Ngāti Hau's father Tūmoana-kōtore-i-

⁹¹⁹ Soutar. (1988). 29.

⁹²⁰ Ngata. (1972). 59.

⁹²¹ Soutar. (1988). 29.

⁹²² Kohere. (1949). 4.

⁹²³ Mahuika. (1973). 156.

whakairia-oratia (Tūmoanakōtore who was suspended alive).⁹²⁴ The story of how Tūmoana acquired this name was the inspiration for Tūwhakairiora's name,⁹²⁵ but it was shortened to Tūwhakairiora.⁹²⁶ While Te Ataakura was pregnant with Tūwhakairiora, Te Ataakura famously stated:⁹²⁷

E whana koe i roto i au he tāne, kia ea i a koe te mate o tō tupuna.

(You who kick within my womb, be you a boy to avenge the death of your grandfather).

Thus, Tūwhakairiora was dedicated from conception to avenge his grandfather, Poroumata.⁹²⁸ When he was born Te Ataakura made sure he was trained in the art of war.⁹²⁹ He was dedicated to the god Tūmataunga, and according to Mohi Tūrei, tohunga took an active part in his upbringing, constantly reciting karakia to strengthen him as he grew and made a name for himself as a great warrior.⁹³⁰ These tohunga tended the child with “their incantations—Whakanihoniho, Whangawhāngai, Ihotaua, and other incantations.” Despite all the support from his grandfather's people, when he was an adult, he left on his quest to avenge Poroumata alone, noting he would be supported by those with whom he was connected through whakapapa.⁹³¹ According to Mohi Tūrei he famously stated:⁹³²

Kati, ko au anake e haere. Tēnā ōna iwi hai kawē i a au.

*Enough, I alone will go. There will be the tribes connected with my grandfather to conduct me.*⁹³³

Tūwhakairiora

Tūwhakairiora headed east on a quest that would make him the greatest fighting chief of the Pōtikirua ki te Toka-a-Taiau district. Tūwhakairiora was Poroumata's grandson. He was also a

⁹²⁴ Iles. (1981). 49.

⁹²⁵ Tūrei. (1911). 17-34; McConnell. (1998). 23.

⁹²⁶ Iles (1981). 49.

⁹²⁷ Mahuika. (1973). 41.

⁹²⁸ Soutar. (1988). 31.

⁹²⁹ Tūrei. (1911). 18-19.

⁹³⁰ Tūrei. (1911). 18-19.

⁹³¹ Soutar M “The Origins and Early History of Te Aitanga a Mate - An incomplete manuscript” (unpublished, undated) ch 4, p 33; Tūrei M Tūwhakairiora [1911] JPS Vol 20 No. 1, p 19.

⁹³² Tūrei. (1911). 19.

⁹³³ As translated in Soutar. (1988). 33.

descendant of Porourangi through his ancestress Rongomaianiwaniwa.⁹³⁴ Finally he was a fighting chief.

Monty Soutar would note that at this time Ngāti Moana lived at Pōtikirua, Pararaki lived at Matakaoa (they had been forced north), Ngāi Tūiti were at Wharekāhika, Ngāi Tuere at Kawakawa-mai-i-tawhiti, Ruawaipu was between the Awatere and Maraehara Rivers, the remnants of Ngā Oho were inland, Uepōhatu was at Tūpāroa and Tapuwaeroa and the Ngāti Ruanuku and Te Wahineiti were at Waiapu, Whareponga, and Waipiro.⁹³⁵

Uetaha, Tahoma, Uenukutewhana, and Te Aotaiki with their wives appear to have been very much in control of the Wharekāhika-Kawakawa area. Uetaha married Rongomaitāpui and they begat Te Aopare, Hinerupe and Tamateakui.⁹³⁶ These daughters became known as “Ko ngā kōpara a Rongomaitāpui” (Rongomaitāpui’s chattering bellbirds).⁹³⁷ On his way east, Tūwhakairiora met Hinerupe who held the mana whenua of Ruawaipu in Whangaparaoa.⁹³⁸ Hinerupe and Tūwhakairiora had an altercation at a marae Te Ngawhātanga o te Ūpoko o Hinerupe.⁹³⁹ He left but upon hearing an explanation for Tūwhakairiora’s conduct from Hukarere (Tūwhakairiora’s younger brother) she decided to marry Hukarere. She returned to Kawakawa-mai-i-tawhiti, where she told her eldest sister Te Aopare what had happened.⁹⁴⁰

Te Aopare gave her some of her land from the Awatere River to the river mouth of the Karakatūwhero River and then inland.⁹⁴¹ This is an example of gifting of land by an elder sibling resulting in the transfer of mana whenua. According to Āpirana Mahuika by surrendering the territory to Hinerupe, “... her sisters also forfeited their right to the mana tangata so that Hinerupe assumed political leadership over the whole territory.”⁹⁴² This refers to the territory gifted.

⁹³⁴ McConnell (1998). 22.

⁹³⁵ Soutar. (1988). p 33, fn 13.

⁹³⁶ Ngata (1972). 60.

⁹³⁷ McConnell. (1998). 16.

⁹³⁸ Kupenga A & N Te Maramataka – A New Moon (Compilations). 3.

⁹³⁹ McConnell. (1998). 16.

⁹⁴⁰ McConnell. (1998). 17.

⁹⁴¹ McConnell. (1998). 16.

⁹⁴² Mahuika, A. (1992). Leadership inherited and achieved. In King, M. *Te ao hurihuri: Aspects of Māoritanga* Reed Publishing. 49.

Te Aopare also gifted land to her other sister Tamateakui at Tokata for gardens.⁹⁴³ The land was not sufficient, so Tamateakui went to Wharewera and lived with Tamahuanga who gave her land. She was eventually able to use the land (from the sea to Tokatā and then to Taumataiti) for gardens.⁹⁴⁴ Tamateakui became the mother of the fighting chief Kauwhakatuakina and his descendant Kahu became the ancestor of Te Whānau a Kahu.⁹⁴⁵ While Kauwhakatuakina was alive he was faced with several challenges, including one from Tūterangiwhiu. However, he successfully maintained his mana whenua at Tokatā.

Returning to Tūwhakairiora, near Wharekāhika, he came upon the daughters of Te Aotaki (Ruataupare and Te Auahikoata) collecting mussels.⁹⁴⁶ He followed the girls to Te Aotaki's pā.⁹⁴⁷ After hearing the purpose of his journey, Te Aotaki took Tūwhakairiora to Wairere waterfall to perform a tohi (rite of bravery) and to call upon the assistance of Rangipōpō (of thunder) to guide Tūwhakairiora's campaign.⁹⁴⁸ Te Aotaki was rewarded with thunder claps and lightning from "Haruru-ki-te-rangi, Whētuki-ki-te-rangi and Ueue-ki-te-rangi" – all good signs of success.⁹⁴⁹

Arapeta Awatere noted that he was given the choice between the sisters to select for a wife.⁹⁵⁰ After approval from the rūnanga of elders, the appropriate incantation (ngunguru) was recited and Ruataupare was married to Tūwhakairiora.⁹⁵¹ When asked by the iwi to explain why he was in the district, Tūwhakairiora recited his mother's words when she was pregnant.⁹⁵² They then knew he was seeking to restore the mana of his family through utu against his enemies (itu – the objects of revenge).⁹⁵³

In time Tūwhakairiora extended his influence from the Awatere to the mouth of the Waiapu and across to the Maraehara River. This was done through his own marriages, through his children and through warfare.⁹⁵⁴ As part of this process of consolidation, he engaged in fighting

⁹⁴³ Native Land Court *Re Tokata* (1894) 24 Waiapu MB 253-254. Evidence of Manahī Parapara.

⁹⁴⁴ Native Land Court *Re Tokata* (1894) 24 Waiapu MB 253-254. Evidence of Manahī Parapara.

⁹⁴⁵ McConnell. (1998). 169.

⁹⁴⁶ Tūrei. (1911). 19; Awatere. (2003). 91.

⁹⁴⁷ Awatere. (2003). 91.

⁹⁴⁸ Tūrei. (1911). 20.

⁹⁴⁹ Tūrei. (1911). 20, 22.

⁹⁵⁰ Awatere HR (ed) *Awatere a Soldier's Story* (Huia Publishers, Wellington, 2003) p 91.

⁹⁵¹ Tūrei. (1911). 21.

⁹⁵² Tūrei. (1911). 20-21.

⁹⁵³ Tūrei. (1911). 21.

⁹⁵⁴ Mahuika. (1992). 51.

some of the hapū of Ruawaipu living east of the Awatere River over the killing of his dog (Tamurehaua);⁹⁵⁵ defeating the Pararaki iwi at the Battle of Pipiwhākao;⁹⁵⁶ marrying Ruataupare;⁹⁵⁷ subduing Ngāi Tūere under Uetaha after the battle of Maniāroa; aligning with Uepōhatu through Umuariki; and successfully attacking Ngāti Ruanuku and Wahineiti.⁹⁵⁸

Tūwhakairiora's base became Ōkauwharetoa, where he and Ruataupare lived. There battalion after battalion arrived over the years to assist in the campaign. Ultimately, he chose only enough men for three battalions. They would become Te Whare-o-te-riri (the main battalion made up of notable warriors), Te Puarere (the battalion charged with effecting an entry to pā) and Te Pātari (a battalion of warriors who were reserves to the main battalion).⁹⁵⁹ Tūwhakairiora prepared them for war and sent a message through to his grand-uncle Haukōtore at Matakukai to remove the rāhui he had placed over the sea where Poroumata had been killed.⁹⁶⁰ Haukōtore started to prepare for his grand-nephew's arrival.⁹⁶¹

Just as his army was about to finally leave (some 30 years after his arrival at Kawakawa⁹⁶²), the news arrived that Ngāti Ruanuku from all the pā north of Whareponga River were gathering at Tōngānū pā.⁹⁶³ Their kinsfolk on the south side of that river were gathering at Kōkai and Tokatea.⁹⁶⁴ It is claimed that Wahineiti was also present and thus there were thousands of the enemy waiting for Tūwhakairiora.⁹⁶⁵

The first engagement occurred after arriving at Paepaenui. Tūwhakairiora moved his army to the vicinity of Tōngānū pā.⁹⁶⁶ The scene of the battle that followed is aptly described by Monty Soutar, including the confidence of Ngāti Ruanuku that they could defeat Tūwhakairiora. He also describes the size of their army and the colourful array of capes, cloaks and head-dresses worn by the warriors.⁹⁶⁷ However, Ngāti Ruanuku's confidence was misplaced. The ensuing

⁹⁵⁵ McConnell. (1998). 28-30.

⁹⁵⁶ McConnell. (1998). 31-32.

⁹⁵⁷ Mahuika. (1992). 50.

⁹⁵⁸ Drummond. (1937). 73-76.

⁹⁵⁹ Tūrei. (1911). 37.

⁹⁶⁰ Soutar. (1988). 35.

⁹⁶¹ Soutar. (1988). 35.

⁹⁶² Soutar. (1988). 33, fn 13.

⁹⁶³ Tūrei. (1911). 22-23.

⁹⁶⁴ Tūrei. (1911). 22.

⁹⁶⁵ Soutar. (1988). 35, fn 19.

⁹⁶⁶ Tūrei. (1911). 23-24.

⁹⁶⁷ Soutar. (1988). 37-41.

successful attack by Tūwhakairiora's army was devastating. The battle raged all day and by the end of it, hundreds were slaughtered and those that fled were hunted and killed. Utu, raupatu and muru or ito (objects of revenge) were extracted to the satisfaction of Tūwhakairiora.⁹⁶⁸ The battle was called Hikutawatawa (Tail of the fish due to the food Tūwhakairiora ate on the day of the battle).⁹⁶⁹ However, a local narrative has it that the battle took its name from the mounds of fish found in the pā after the battle which were used as a relish to the human flesh that was consumed.⁹⁷⁰ Still another referred to Tūwhakairiora hanging the tail of a tawatawa fish as a rāhui to stop the fight against Ngāti Ruanuku after sufficient utu has been extracted.⁹⁷¹

Regardless of differences in these narratives, there is agreement that on the night of the battle, body parts (ahi-karae and mariunga) from the fallen Ngāti Ruanuku chiefs were taken back to Te Aotaki at Ōkauwharetoa where they were consumed.⁹⁷² Over the next few days the army killed all survivors, leaving only those people in the Kōkai and Tokatea pā. Some had also fled inland.⁹⁷³ Tūwhakairiora's army continued to quell any resistance from other smaller Ngāti Ruanuku pā.⁹⁷⁴ When Tūwhakairiora returned to Ōkauwharetoa, he left his cousins (Haukōtore's grandsons) to deal with the Ngāti Ruanuku who fled inland, which they did by attacking Kahuitara Pā and Mangakohikohi.⁹⁷⁵ These grandsons of Haukōtore returned to their own homes and took possession of the land.⁹⁷⁶

It would be from this battle and others involving Pakanui (nephew to Tūwhakairiora), that Ngāti Ruanuku and their allies of Wahineiti in this area were finally subjugated.⁹⁷⁷

Pakanui

Pakanui was a grandson of Matoroa.⁹⁷⁸ The whakapapa descends from her to Rongotehenga who married Hinetauterangi who begat Pakanui and his seven siblings including Rikipapaki.⁹⁷⁹

⁹⁶⁸ Soutar. (1988). 41 and see fn 27.

⁹⁶⁹ Soutar. (1988). 43 fn 32 quoting M Tūrei; see also Mahuika. (1973). 172; Lawson. (1986). 19-21.

⁹⁷⁰ Soutar. (1988). 43, quoting Waipaina Awarau.

⁹⁷¹ Soutar. (1988). 43 fn 32 quoting Hati Houkāmau.

⁹⁷² Mahuika. (1973). 172; Lawson. (1986). 19-21.

⁹⁷³ Tūrei. (1911). 24; Soutar. (1988). 41.

⁹⁷⁴ Soutar. (1988). 41.

⁹⁷⁵ Soutar. (1988). 41.

⁹⁷⁶ Soutar. (1988). 43.

⁹⁷⁷ Mahuika. (1973). 172; Lawson. (1986). 19-21.

⁹⁷⁸ Soutar. (1988). 47.

⁹⁷⁹ Soutar. (1988). 53.

Pakanui was a warrior of great repute raised at the southern end of the district. During the battle of Hikatawatawa, Pakanui and his brothers were assisting Rākaihikuroa of Ngāti Kahungunu on utu raids to Nukutaurua, Whakakī and Wairoa.⁹⁸⁰ The reason for their campaign was because of the murder of Rākaihikuroa's son, Tūpurupuru.⁹⁸¹

Tamaihu (Materoa and Rangitārewa's son) was at this stage living at Waipiro.⁹⁸² He sent his son Tūtehurutea to carry the news of Tūwhakairiora's victory to Materoa at Titirangi pā.⁹⁸³ Monty Soutar records what she said after hearing the news of the battle of Hikatawatawa:⁹⁸⁴

Kua ea te whanga ki taku taina. Engari, ko te wāhi ki au kei te toe. Mā wai e ngaki te awahanga ki au? Mā taku mokopuna. Mā Pakanui. Tikina mai a Pakanui.)

My sister's grief for the deaths of our father and brothers has been appeased. Yet mine is not. Who is there that can end the pain within me? There is none other than my grandson, Pakanui. Send for Pakanui.

Therefore, Tūtehurutea went to get Pakanui. Upon receiving news of Tūwhakairiora's triumph over Ngāti Ruanuku and his grandmother's demands, Pakanui returned to Tūranga-nui-a-kiwa where he prepared his army for war.

Tūtehurutea returned to Whareponga where he had been living with Ngāti Ruanuku.⁹⁸⁵ Pakanui told Tūtehurutea to advise the remaining Ngāti Ruanuku that a heke (a migration rather than a taua – war party) was coming. This was to deceive them and ensure they did not prepare for battle.⁹⁸⁶ Tūtehurutea carried out this request and then Tūtehurutea moved inland to Koutu pā where the Uepōhatu people lived under Umuariki. They were also cousins through descent from Materoa. He asked Umuariki for land which was given to him at Kauaenui.⁹⁸⁷ Tūtehurutea did not want to pursue revenge for the death of Poroumata because he once lived peacefully with Ngāti Ruanuku, hence the reason he went inland.⁹⁸⁸

⁹⁸⁰ Soutar. (1988). 47.

⁹⁸¹ Soutar. (1988). 47.

⁹⁸² Soutar. (1988). 45.

⁹⁸³ Soutar. (1988). 45.

⁹⁸⁴ Soutar. (1988). 45.

⁹⁸⁵ Soutar. (1988). 49.

⁹⁸⁶ Soutar. (1988). 49.

⁹⁸⁷ Soutar. (1988). 51.

⁹⁸⁸ Soutar. (1988). 51.

However, Matoroa and Pakanui still wanted to extract utu to appease Matoroa's sorrow for the killing of Poroumata.⁹⁸⁹ Pakanui set off for Mataahu near Whareponga. He went with his army, and women and children to resemble a heke or migration. This was so Ngāti Ruanuku would not suspect that they intended to extract utu.⁹⁹⁰ They made landfall at Akuaku and the Ngāti Ruanuku welcomed them on the beach.⁹⁹¹ Ngāti Ruanuku invited Pakanui and his people to make camp there.⁹⁹² From this vantage point he studied the numerically stronger Ngāti Ruanuku in their pā situated between Akuaku and Whareponga.⁹⁹³ The largest and most imposing of these pā were Kōkai and Tokatea. The smaller pā were Rangitoto, Kōtore, and Maungatere below which were rocky foreshore fishing channels.⁹⁹⁴ There the Ngāti Ruanuku would habitually fish for kehe. This became the stage for the attack in the battle called Te Ika-kōrapa-rua (two fish in one net – on account of the nets used to obtain the kehe and the Ngāti Ruanuku). This battle occurred at the Tangitū Stream between Akuaku and Whareponga.⁹⁹⁵ Pakanui won this battle strategically with the assistance of his Ngāi Tangihaere whānau.⁹⁹⁶ By the end of that day Pakanui and his men had overthrown all the coastal pā of Kōkai, Tokatea, Rangitoto and Maungatere.⁹⁹⁷

Not long after, word came that the survivors of Ngāti Ruanuku regrouped with the assistance of the Wahineiti in Waiapu. They returned via Tūpāroa and were based at Kaimoho.⁹⁹⁸ Again Pakanui devised a strategic plan to overthrow the Ngāti Ruanuku and the battle which occurred along the beach between Mataahu and Whareponga became known by two names – first the battle of Tai-timu-roa (the long low tide).⁹⁹⁹ Monty Soutar notes the second name for the battle when he records:¹⁰⁰⁰

After the battle, Pakanui and his victorious troops celebrated as was the custom. All of the slain bodies of Ngāti Ruanuku were gathered up and heated by a fire before being baked in massive earth ovens. When the human meat was considered cooked, Pakanui and his men

⁹⁸⁹ Gudgeon. Part II. (1895). 26.

⁹⁹⁰ Soutar. (1988). 53-55.

⁹⁹¹ Soutar. (1988). 55.

⁹⁹² Soutar. (1988). 55.

⁹⁹³ Soutar. (1988). 55.

⁹⁹⁴ Soutar. (1988). 55.

⁹⁹⁵ Soutar. (1988). 59.

⁹⁹⁶ Soutar. (1988). 55-59.

⁹⁹⁷ Soutar. (1988). 59.

⁹⁹⁸ Soutar. (1988). 61.

⁹⁹⁹ Soutar. (1988). 61-65.

¹⁰⁰⁰ Soutar. (1988). 61-65.

*ate of it. The breasts were found to be burnt and so this battle also came to be referred to as Te Poho-wera (Burnt breasts).*¹⁰⁰¹

The remaining Ngāti Ruanuku rallied again at Kahuitara Pā but it was easily overthrown by Pakanui's brother Rikipapaki and others. Those that fled were chased until captured and killed at places named after each death.¹⁰⁰² Thus the Ngāti Ruanuku ceased to exist as a tribe.¹⁰⁰³

Pakanui then sent most of his battalions home, leaving him with sixty men and they settled with their women at Waikawa.¹⁰⁰⁴ He built the Pōkurukuru pā on a ridge of the same name, and within calling distance of numerous Wahineiti pā including Tapatahi pā. For a period there was peace.¹⁰⁰⁵ However, Wahineiti grew to detest Pakanui and decided to take action against him and his people.¹⁰⁰⁶ Tūhua (a Wahineiti chief) led the plan of attack by uprooting his own kūmara patch and blaming Pakanui. Pakanui did not respond, so Tūhua insulted him from the parapets of the Tapatahi pā. Paratene Ngata and Mohi Tūrei quoted Tūhua's whakaara used to keep the watch towers alert - "He ure, he ure te kai mā te tangata haere." – "The private parts of man is food for travellers."¹⁰⁰⁷

Pakanui heard this and noted that he was being called a traveller with no land.¹⁰⁰⁸ So he prepared to punish Wahineiti. He ordered the attack on Tapatahi pā but he was numerically outnumbered. He retreated to the beach and back to his pā at Pōkurukuru.¹⁰⁰⁹ At this point he sent for Tūwhakairiora to assist, and the latter came with his army arriving at night without Wahineiti being made aware of their presence.¹⁰¹⁰

Pakanui encouraged the Wahineiti to fight again and they left the safety of their own pā to do so. They came from Takarangi pā, Te Poroporo pā, Maungakōwhai pā, Tūrangamōahu pā, Ōngorea pā, and Tapatahi pā. They chased Pakanui and his men along the beach.¹⁰¹¹ The Wahineiti, believing they were numerically superior, were then surprised by the sudden

¹⁰⁰¹ Soutar. (1988). 65.

¹⁰⁰² Soutar. (1988). 65.

¹⁰⁰³ Soutar. (1988). 65.

¹⁰⁰⁴ Soutar. (1988). 67.

¹⁰⁰⁵ Soutar. (1988). 67.

¹⁰⁰⁶ Soutar. (1988). 69.

¹⁰⁰⁷ Soutar. (1988). 69. Quoting Paratene Ngata and Mohi Tūrei.

¹⁰⁰⁸ Soutar. (1988). 71.

¹⁰⁰⁹ Soutar. (1988). 71.

¹⁰¹⁰ Soutar. (1988). 75.

¹⁰¹¹ Gudgeon. Part II. (1895). 26.

appearance of Tūwhakairiora and his army. Pakanui and Tūwhakairiora with their men counter-attacked and they slaughtered the Wahineiti in the battle known as Te Roro-huku-tai (“the brains of the men mixed with the froth of the tide”).¹⁰¹²

Tūhua, however, with others escaped to Tokomaru Bay and then south to Tūranga-nui-a-Kiwa. Others fled north to their relatives at Ahikouka in the Waiapu valley.¹⁰¹³

Iritekura

Tūwhakairiora returned to Ōkaiwharetoa where he found his niece Iritekura living near the Awatere River.¹⁰¹⁴ Iritekura was Te Aomihia’s daughter from her second husband Tatawahie.¹⁰¹⁵ Te Aomihia was Tūwhakairiora’s elder sister. At Kawakawa-mai-i-tawhiti, Iritekura was allowed to plant and cultivate but she and her children were mocked for having no land (she had no ancestral title there), so she went to her uncle and asked for some land.¹⁰¹⁶ Paratene Ngata said that he responded thus:¹⁰¹⁷

Kāore he kāinga hai hoatutanga māku ki a koe

Kāti, haramai haere ki runga ki ta mātau pungarehu, ko ōu tungāne noho ai...

(I have no place to give you here - But come go to the battleground of myself and your cousins and reside.)

This may have been because there was no more land to allocate but more likely it was because although he was a great rangatira exercising mana rangatira and mana whakahaere, he did not hold mana whenua at Kawakawa – as only those with descent from Ruawaipu did. Iritekura went south. According to Āpirana Mahuika, Iritekura was then directed with these words:¹⁰¹⁸

E noho ki Waikawa hei tiaki i te pungarehu a ō tungāne

Stay at Waikawa to guard the conquered territory of your male relatives

¹⁰¹² Soutar. (1988). 75-79.

¹⁰¹³ Soutar. (1988). 78-79.

¹⁰¹⁴ Soutar. (1988). 85.

¹⁰¹⁵ Mahuika. (1973). 171-172, Annex Table 11(13).

¹⁰¹⁶ Soutar. (1988). 85.

¹⁰¹⁷ Soutar. (1988). 85 quoting Paratene Ngata and see fn 3 referencing Mohi Tūrei.

¹⁰¹⁸ Mahuika. (1973). 173.

In this manner she was gifted the Wahineiti lands taken after the battle of Te Roro-huku-tai.¹⁰¹⁹ Meanwhile, Pakanui had moved to Tapatahi pā.¹⁰²⁰ Notably, he allowed a Wahineiti hapū known as Ngāti Whakapuke to remain alive as servants for him.¹⁰²¹ When Iritekura arrived, he sent for her and having heard of Tūwhakairiora's gift he stated:¹⁰²²

E tika ana ngā pungarehu a ōu tungāne

(You are right in coming. Here are the ashes of your cousins.

He showed her the land, gifted his mara Peke-a-te-Akau or Atau, his rua kūmara and the Ngāti Whakapuke as servants to work her cultivations. Pakanui then moved across the Waikawa Stream and remained to the north of Tapatahi.¹⁰²³ Pakanui would undertake a further campaign south, where he was killed at Whakakī.¹⁰²⁴ He left relatives and descendants in the Whareponga area and they were eventually joined by other descendants of Materoa, forming the nucleus of Te Aitanga-a-Mate.

Te Whānau a Tūwhakairiora

Tūwhakairiora married into the tangata whenua (some of whom had Porourangi whakapapa) and produced many sons who carried on their father's legacy. They were dispersed throughout the area from Kawakawa-mai-i-tawhiti to the Waiapu river valley. Tūwhakairiora held achieved mana rangatira and mana tangata status but he held no interests in land in this part of the district unless those lands were formally conquered and occupied by him. However, his wives and his children held mana whenua and through his marriages and his children his influence grew and grew. These children were placed at strategic pā sites throughout the northern East Coast. As W. E. Gudgeon notes:¹⁰²⁵

When the Ngā Oho had been finally driven from the country the Kawakawa and Wharekāhika lands were divided between the Ngāti Tūiti, Ngāi Tuere and other sections of the force headed by Tamakoro and Uetaha; and these people intermarried

¹⁰¹⁹ Soutar. (1988). 85.

¹⁰²⁰ Soutar. (1988). 81, 83.

¹⁰²¹ Soutar. (1988). 83.

¹⁰²² Soutar. (1988). 87-91.

¹⁰²³ Soutar. (1988). 93.

¹⁰²⁴ Soutar. (1988). 93.

¹⁰²⁵ Gudgeon. Part III. (1895) 180.

with the independent hapū of Ruawaipu descent who held the bush country inland of Horoera, namely Ngāti Manu, Ngāti Rongotōpuni and others, so that, at the present day, it is scarcely possible to find one person of the Whānau a Tūwhakairiora who is not also of Ruawaipu descent. As I have already shown, the chief Tūwhakairiora himself intermarried with these people and owed his power to that union.

His descendants became Te Whānau a Tūwhakairiora.¹⁰²⁶ Tūwhakairiora had three wives: Ruataupare, Te Ihiko-o-te-Rangi, and Mātai. Ruataupare and Te Ihiko-o-te-Rangi shared whakapapa lines from Porourangi, Ngāti Ira, Wahineiti, and Ruawaipu.¹⁰²⁷ Ruataupare was of senior rank when her father offered her as Tūwhakairiora's wife.¹⁰²⁸ I turn now to consider the contribution of each of his wives to the history of the district.

Ruataupare

Ruataupare would bear Tūwhakairiora six children including Tūterangiwhiu.¹⁰²⁹ These children were Mariu I, Te Aotiraroa, Tūkakahumai, Tūterangiwhiu, Te Ataakura II, and Wehiwehi.¹⁰³⁰ Ruataupare's time in labour took its toll and left her very ill.¹⁰³¹ According to Halbert it was the custom of Māori for great leaders and warriors, when wives had tired of child bearing, to "be presented with a new young bride by the people."¹⁰³² This is consistent with Ruataupare suggesting Tūwhakairiora take Te Ihiko-o-te-Rangi as his second wife.¹⁰³³ It is said that Tūwhakairiora said, "but she is married."¹⁰³⁴ The latter was married to Tūhauanu.¹⁰³⁵ Ruataupare replied "kia kī ai inā koe he rangatira"-"I thought you were a chief."¹⁰³⁶ So Ihiko was wedded to Tūwhakairiora.¹⁰³⁷ Ruataupare eventually became concerned that her mana was being eroded by the fame of her husband.¹⁰³⁸ Reweti Kohere would recite the narrative this way:¹⁰³⁹

¹⁰²⁶ Lawson. (1986). 21.

¹⁰²⁷ Mahuika. (1973). 65-166.

¹⁰²⁸ Mahuika. (1973). 167.

¹⁰²⁹ Iles. (1981). 57.

¹⁰³⁰ Aspinall. (2000). 5.

¹⁰³¹ Iles. (1981). 57 quoting Mohi Ruatapu.

¹⁰³² Halbert. (1999). 181.

¹⁰³³ Iles. (1981). 57 quoting Mohi Ruatapu.

¹⁰³⁴ Aspinall. (2000). 5.

¹⁰³⁵ Iles. (1981). 57-58.

¹⁰³⁶ Aspinall. (2000). 5.

¹⁰³⁷ Iles. (1981). 57-58.

¹⁰³⁸ Mahuika. (1973). 167-169.

¹⁰³⁹ Kohere. (1949). 2.

... Ruataupare was her husband's equal in rank, when their family increased in number their children were called "Te Whānau-a-Tūwhakairiora," that is, "Tūwhakairiora's family." Proud Ruataupare reflected and discovered that her powerful husband was overshadowing her own mana. She made up her mind there and then to forsake him and to seek for herself an independent name. Without hesitation she told her husband to get Ihiko for his wife. When he remonstrated that Ihiko had her own husband she taunted him by saying: "I thought you were a rangatira." Tūwhakairiora, resenting the taunt, went to Puketapu, where Ihiko lived, and took her away from her husband, Tūhauanu.

Finally, Ruataupare left the home at Ōkauwharetoa and went first to Tūpāroa and later to Tokomaru. She achieved her purpose, for today the sub-tribes both at Tūpāroa and Tokomaru are called after Ruataupare, their haughty progenitor. ... she was every inch a rangatira, and she hesitated not to defy her powerful husband. ...

Her whakapapa combined several aristocratic lines as follows:¹⁰⁴⁰

Hau = Takoto-waimua
 Kehutikoparae = Manutangirua
 Hingangaroa = Iranui (sister of Kahungunu)
 Hauiti = Kahukuraiti (of Rongowhakaata)
 Kahukuranui
 Kapihoromaunga = Puaiwhanake
 Whakapāwhero = Raramatai
 Hinemaurea = Te Aotaki
 Ruataupare

At some point she called for her grandson Rangitaukiwaho to fetch her.¹⁰⁴¹ He moved her to Waitetoki at Tūpāroa. A pā called Te Rangiwēherua (the day of the separation) to commemorate the separation was built.¹⁰⁴² She does not appear to have settled well there.¹⁰⁴³ She left some of her descendants there and they became Te Whānau a Ruataupare No 2.¹⁰⁴⁴

Rangitaukiwaho then moved his grandmother to Tokomaru Bay. At Tokomaru Bay she was welcomed by her brother Tamatea, by her daughters, Mariu I and Te Ataakura II, who had married Tūterangikatipu (brother of Te Aotāwarirangi), and by Te Aotāwarirangi and her husband.¹⁰⁴⁵ Ruataupare's descendants there are known as Te Whānau a Ruataupare No 1.¹⁰⁴⁶

¹⁰⁴⁰ Mahuika. (1973). Annex-Table 16.

¹⁰⁴¹ Iles. (1981). 66, 72.

¹⁰⁴² Mahuika. (1973). 168.

¹⁰⁴³ Halbert. (1999). 137.

¹⁰⁴⁴ Awatere. (2003). 92.

¹⁰⁴⁵ Iles. (1981). 72, quoting Wi Pewhairangi; Halbert. (1999). 137.

¹⁰⁴⁶ Mahuika. (1973). 168-169.

Despite Ruataupare's welcome by her relatives and Te Aotāwarirangi, the resurgent Wahineiti, and remnants of Ngā Oho under Pararaki, were not happy about it.¹⁰⁴⁷ At the coast they assaulted her with a spear.¹⁰⁴⁸ Mohi Ruatapu states: "She was ridiculed and mocked by all the people on account of her hurt (for which she also underwent severe surgical operation), (Ka kototia tōna tara). ..."¹⁰⁴⁹ Tūterangikatipu came to assist her with a section of Ngāti Ira and in the battle of Raupekanui they drove the Wahineiti out of Kōwhaitapu Pā but failed to drive them out of Te Puka.¹⁰⁵⁰ Ruataupare then sent for her grandson, Te Rangitaukiwaho and told him to go to Ōkauwharetoa and request Tūwhakairiora come to avenge the insult upon her.¹⁰⁵¹ Tūwhakairiora responded with a huge force led by his son Tīnātoka, and grandsons Mokoparae and Mōmona.¹⁰⁵² Several running battles took place until all the people who had assaulted and mocked her were killed except Pararaki who was spared but banished by Tīnātoka.¹⁰⁵³

Tīnātoka then returned to the Waiapu but Mokoparae and Mōmona stayed at Kōwhaitapu Pā. According to Halbert, Tūmōkai succeeded his father Mōmona at this pā. He had a son called Tamauahi.

Tūterangikatipu was represented by Te Rangitaukiwaho at Mārau and by Whakarara at Marahea (Anaura Bay) thereby connecting to Te Aitanga a Hauiti.¹⁰⁵⁴

One of Ruataupare's granddaughters, Tāpapatoka, married Whakarara.¹⁰⁵⁵ Their daughter Kuratū fell in love with Tamauahi. Whakarara did not consent to their marriage. He fought Tūmōkai and Pākira at Tūpāroa.¹⁰⁵⁶ It seems that Whakarara lost his son in this dispute. Drummond writes that Whakarara asked Pākira if he had eaten any part of his son, to which he replied "only the liver."¹⁰⁵⁷ To seek utu Whakarara invited Pākira to a feast at Anaura which the former attended with his warriors.¹⁰⁵⁸ It soon became apparent that Whakarara had plotted

¹⁰⁴⁷ Iles. (1981). 73.

¹⁰⁴⁸ Iles. (1981). 73; Halbert. (1999). 137.

¹⁰⁴⁹ Iles. (1981). 73. Quoting M. Ruatapu.

¹⁰⁵⁰ Halbert. (1999). 137.

¹⁰⁵¹ Walker, W. (2014). The return of Ruataupare – Home at last? In Maunga Kōrero. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

¹⁰⁵² Iles. (1981). 73; Halbert. (1999). 137.

¹⁰⁵³ Iles. (1981). 74, quoting Mohi Ruatapu; Halbert. (1999). 137.

¹⁰⁵⁴ Halbert. (1999). 137.

¹⁰⁵⁵ Halbert. (1999). 138.

¹⁰⁵⁶ Halbert. (1999). 138.

¹⁰⁵⁷ Drummond. (1937). 84-85.

¹⁰⁵⁸ Drummond. (1937). 84-85.

revenge and was intent on killing Pākira and his men; however, they escaped.¹⁰⁵⁹ During the resulting battle, Whakarara would have been killed but Pākira intervened. However, by this stage Tamauahi had urinated on Whakarara.¹⁰⁶⁰ Whakarara was humiliated and sought revenge eventually retaliating at Kōpuatahi where Tamauahi was wounded. Tamauahi drowned trying to escape.¹⁰⁶¹ His father, Tūmōkai went to seek assistance from Ngāi Tamatānui at the Motu River and he brought them back to Tuatini.¹⁰⁶² Messages were also sent to Tūhorouta and Tīnātoka and combined they defeated Whakarara and his allies Tāwehi of Tāmanuhiri.¹⁰⁶³

Te Whānau a Ruataupare were also challenged by their northern neighbours. One of their tribal citizens Tawhaki was killed in a battle fighting against their northern neighbours, including Te Whānau a Iritekura.¹⁰⁶⁴ His body was later consumed by the victors, some of it at Tapatahi, the pā of Te Whānau a Irite-kura.¹⁰⁶⁵ Tawhaki was also related to Te Aitanga a Mate.¹⁰⁶⁶ A section of Te Aitanga a Mate of Pāpoto Pā retaliated by killing Kaingamarama of Iritekura.¹⁰⁶⁷ They took the body to Tawhaki's people Te Whānau a Rua, but the majority of the latter were not satisfied that sufficient utu was extracted.¹⁰⁶⁸ Te Aitanga a Mate left in disgust and returned to Pāpoto and "later repelled a Whānau a Rua / Aitanga a Hauiti combined force at Pūrēhua, Waipiro."¹⁰⁶⁹ In this campaign they were joined by Te Aowera.¹⁰⁷⁰

Te Whānau a Ruataupare became famous for their principle of equality among their own citizens:¹⁰⁷¹

... At one stage the Ruataupare people paid a visit to the Iritekura people, who were living in Waipiro Bay area. When they arrived the Iritekura people didn't have much food but couldn't allow their guests to go hungry as this would be a slight on the Iritekura mana if they could not provide for their guests. So, they killed one of their slaves. Back in those times there was a hierarchy in place. There were those at the bottom of the hierarchy, the most common slaves, who had less mana than a dog, they were taken in times of war, and were treated to a number of indecencies. Then there were those who were the common folk and gradually the hierarchy progressed to those of chiefly status. Anyway, the Iritekura people killed one of their slaves to

¹⁰⁵⁹ Drummond. (1937). 85-86; Halbert. (1999). 138.

¹⁰⁶⁰ Drummond. (1937). 86.

¹⁰⁶¹ Halbert. (1999). 138.

¹⁰⁶² Halbert. (1999). 138.

¹⁰⁶³ Halbert. (1999). 138.

¹⁰⁶⁴ Soutar. (2000). 105.

¹⁰⁶⁵ Soutar. (2000). 105.

¹⁰⁶⁶ Soutar. (2000). 105.

¹⁰⁶⁷ Soutar. (2000). 105.

¹⁰⁶⁸ Soutar. (2000). 105.

¹⁰⁶⁹ Soutar. (2000). 105.

¹⁰⁷⁰ Nihoniho. (1913). 44.

¹⁰⁷¹ Poata. (1999). 4-5.

feed their guests and to ensure the Ruataupare people did not go hungry. When they had eaten and paid their respects to Iritekura, the Ruataupare people returned to Tokomaru. It was not long afterwards that Iritekura paid a visit to Tokomaru, to the Ruataupare people. The Iritekura gave no forewarning of their journey. When they arrived, the Ruataupare people had trouble finding enough food for the Iritekura people. The Iritekura people sat with the Ruataupare people for a long while and had not been fed. They then worked out that their hosts were having problems providing food and asked: “Me pēhea tēnā” – “What about that one”, referring to one of the people that was walking by. The Ruataupare people replied: “Kāo, he tangata rite mātou, kare he taurekareka ki kōnei” – “Alas! We are all equal, there are no slaves here”, by this statement the Ruataupare people were explaining that they did not have any such slaves like those of Iritekura, and that all those that lived at Tokomaru were of equal status.

This tradition of equality within this hapū of Te Whānau a Ruataupare (No 1) was cemented in place by intermarriage and an example is when Tūmōkai and Huiwhenua of Te Whānau a Ruataupare sought the hand of Hinemanaia of Whareponga.¹⁰⁷² Tūmōkai went by land not knowing that Huiwhenua had gone by sea and thus beat him to Hinemanaia.¹⁰⁷³ Huiwhenua married Hinemanaia and Tūmōkai married her cousin Tamawhakapeka.¹⁰⁷⁴ Both marriages were of equal importance and rank. Tate Pewhairangi would record that this story reflects their tradition of equality.¹⁰⁷⁵

The original name of Tokomaru Bay was then Te Toka-a-Marū.¹⁰⁷⁶ This is a rock that lies off the bay and it acted as a boundary marker between the people of the area.¹⁰⁷⁷ The name of the bay was distorted with the arrival of the Pākehā.¹⁰⁷⁸

Te Ihiko-o-te-Rangi

From Tūwhakairiora’s second wife Te Ihiko-o-te-Rangi came seven children. The whakapapa order of these children is as follows:¹⁰⁷⁹

¹⁰⁷² Pewhairangi T. “Affidavit of evidence before the East Coast Waitangi Tribunal” (Wai 900, #A49, 18 August 2000) 9.

¹⁰⁷³ Pewhairangi. (200). 9.

¹⁰⁷⁴ Pewhairangi. (200). 9.

¹⁰⁷⁵ Pewhairangi. (200). 9.

¹⁰⁷⁶ Poata TKT “Affidavit of evidence before the East Coast Waitangi Tribunal” (Wai 900, #A51, 1 December 1999) 2.

¹⁰⁷⁷ Poata. (1999). 2.

¹⁰⁷⁸ Poata. (1999). 2

¹⁰⁷⁹ Mahuika. (1992). 43.

- Mariu II
- Te Rangitaupopoki
- Waewaeraupa
- Tūhorouta
- Tīnātoka
- Te Aowehea
- Te Rakaa
- Te Peehi
- Kirianu

Mariu II married Te Rangitaukiwaho and they begat Hinetāpora. Hinetāpora is already mentioned above because she was also a descendant of Whaene and Poroumata. Hinetāpora grew up at Uawa.¹⁰⁸⁰ When she was a young woman, “... the great warrior chief, Umuariki, came to get her as a wife for his son, Te Rangikaputua.”¹⁰⁸¹ After some protest, Hinetāpora married Te Rangikaputua of Uepōhatu.¹⁰⁸² They went to live in Horoera, where her parents were living.¹⁰⁸³ Te Rangikaputua was subsequently banished from Horoera and he died at sea.¹⁰⁸⁴ It was after this incident that Hinetāpora went to the Ruatorea area.¹⁰⁸⁵ Arapeta Awatere recorded that he was given the patu called Te Rangikaputua (a whale-bone mere) by the descendants of these tūpuna at Mangahānea.¹⁰⁸⁶ The mere, he stated, “represents the chieftainship of the tribe and the marae.”¹⁰⁸⁷ He further stated that the “mere Te Rangikaputua belongs to the tribe. It has to be passed back to them in due course. They will pass it on to the next chief.”¹⁰⁸⁸

¹⁰⁸⁰ Mahuika. (1992). 50.

¹⁰⁸¹ Mahuika. (1992). 50.

¹⁰⁸² Mahuika. (1973). 174.

¹⁰⁸³ Mahuika. (1992). 50.

¹⁰⁸⁴ Mahuika. (1992). 50.

¹⁰⁸⁵ Mahuika. (1992). 50.

¹⁰⁸⁶ Awatere. (2003). 62.

¹⁰⁸⁷ Awatere. (2003). 62.

¹⁰⁸⁸ Awatere. (2003). 66.

From the marriage of Hinetāpora and Te Rangikaputua were born Kōparehuia and Ngākōnui.¹⁰⁸⁹ Ngākōnui became the principal leader of the people of Reporua, Ngāti Rangi.¹⁰⁹⁰ Te Whānau a Ngākōnui are his descendants. According to Wānanga Walker:¹⁰⁹¹

Ngākōnui was born at Tūpāroa and upon his birth, his uncle, Tīnātoka, the brother of Māriu (Ngākōnui's grandmother), came to fetch him to raise as his grandson. Tīnātoka's wife at the time (as he had several) was Taupēngārangi. Together they did not have children, hence the acquisition of Ngākōnui. They also took as whāngai (foster) another child, a female called Hākiri-o-te-rangi, or Hākiu as she was also called. The children were raised together and betrothed to each other from that time. They lived at Kōpūte-rehe, a fortified village located at Wai-o-matatini.

As the children grew, Taupēngārangi could no longer produce milk to feed them. Tīnātoka dispatched a messenger to the Wahineiti people of Reporua to catch "moho", a type of fish that was prevalent in the waters of Reporua and which had the peculiar properties of promoting lactation in women. The Wahineiti of Reporua, in particular the people of Ngāti Pākura, were incensed by the command. One Tūāwhio remarked, "Kāore koe i titiro ki te ao o te pārerā e rere nei i runga o Kūhāwherahia?" (Did you not observe the clouds of the north-west wind drifting across Kūhāwherahia?)? meaning that to go to sea in these conditions would be dangerous.

But since when did you challenge the command of a chief? This display of contempt was bound to have repercussions and upon receiving this response, Tīnātoka told his messenger, "E hoki ka kī atu, āpōpō koe i a au!" (Return and tell him, tomorrow you are mine!)

Sure enough, Tīnātoka and his warriors attacked and punished Tūāwhio and his people. The survivors of the battle fled and took refuge in the neighbouring pā belonging to a man by the name of Pāhiko.

Ngākōnui then became the principal leader of the people of Reporua, known as Ngāti Rangi, whilst his elder brother Kōparehuia controlled the lands in and around Mangahānea near Ruatōrea under the tribal name of Ngāti Kōparehuia. Ngākōnui had three wives that the people of Reporua recognise, Te Rā-kaao (first wife), Te Rākau-hou-amo (2nd wife) and Ngārongo. Te Rā-ka-ao and Rākau-hou-amo were said to be sisters. Ngākōnui, through his father Te Rangikaputua and his grandfather Umuariki, descends from Uepōhatu, and through his mother Hinetāpora links back to Tūwhakairiora and thus Porourangi and Paikea.

Kōparehuia controlled the lands in and around Mangahānea near Ruatōrea under the tribal name of Ngāti Kōparehuia.¹⁰⁹² Hinetāpora remained a chieftainess of the Mangahānea area (Ruatōrea) until her death at the hands of Tamahae of Te Whānau-a-Apanui, discussed below.¹⁰⁹³

¹⁰⁸⁹ Walker. (2014). Ngākōnui

¹⁰⁹⁰ Walker. (2014). Ngākōnui.

¹⁰⁹¹ Walker. (2014). Ngākōnui.

¹⁰⁹² Walker. (2014). Ngākōnui.

¹⁰⁹³ Mahuika. (1973). 173-176.

Late in Tūwhakairiora's life, he would oversee a successful campaign with his son Tūterangiwhiu, against Te Wahineiti living at Waiapu resulting in the battle of Tārera Kōau.¹⁰⁹⁴ According to Drummond this occurred when the Wahineiti chief, Te Ngaruetoro/Tūngaruatoro, pursued and insulted Te Aotaihi, the wife of Tūterangiwhiu.¹⁰⁹⁵ H. T. Paiapa would give a more explicit account:¹⁰⁹⁶

At the time of the children of Tūwhakairiora, Te Aotaihi came to Ahikouka No. 1 where the Wahineiti whom I have traced out were living. Their pā on that block were Paomahu, Hurapākai, Tauihi, Hokianga, Pukeatua, Inā-o-Parera. Their occupation was a permanent settled one. No one disputed it. Te Aotaihi came to see a relation called Rangimāhora who lived in the Pā-o-Mahu [Pā] and was married to Mahu, the chief of the pā. Te Aotaihi went one day to cut flax. Pungaruetoro saw her and ravished her. She complained to Rangimāhora and then left for Ōkauwharetoa where her husband was Tūterangiwhiu. Tūwhakairiora raised a war party to avenge the act. Rākaitemania who then lived in Houtūpākoke pā here, heard of the war party and sent a message for it to call at her pā. She did this to prevent her land being taken as she herself was Wahineiti – a chieftainess in her own time. Tūwhakairiora arrived to wait for Kauwhakatuakina as an experienced warrior. But the young men, Tīnātoka and his brothers would not wait and came away without their father. They stayed at Rākaitemania's pā for the night. Went on the next day to Ahimaurea where Tūpore, Māhaki II and Rāhui were in Tūtū block on opposite side of Waiapu to Ahikouka. And from there to Ahikouka and attacked Wahineiti but were repulsed and returned to Ahimaurea. Tūwhakairiora, Kauwhakatuakina and others then arrived and Tūwhakairiora rebuked them for attacking prematurely. They dressed their wounds, and the place was called Ahopōrara after that. Aowhāriua was with them. Next day they again attacked and fought up to Tārera kōau pā. Tīnātoka was sore at being told to wait for Kauwhakatuakina and therefore fought with great vigour. He killed Rangihekekinu then Hereumu and others. Then he saw Nukuaao escaping across the Waiapu river and pursued him. They fought at the mouth of the Paoārūku and Tīnātoka killed him. He also killed Tāhekeiwaho further inland. Tīnātoka dug a whakaumu where he killed this man on a papa rock and the place is called Whakaumu a Tīnātoka. He returned then to Tārera kōau and found the other chiefs were claiming persons killed, including some he killed himself. He said you may have the dead men. I will take the land and struck his spear into the ground. The others then began to speak about the land and make claims. Kauwhakatuakina claimed Pākira because it reminded him of the bald head of his father Tamataonui. Umuariki then stood for Tūtūmātai ... Kautaharua wished to claim with Umuariki but latter told him to go to the other land they had conquered.

Note the relationship with Rākaitemania was through her husband who was Iwirākau, an uncle to Tūwhakairiora. Tūterangiwhiu oversaw the planning for the next attack and the battle was fought on the Ahikouka block.¹⁰⁹⁷ McConnell notes that:¹⁰⁹⁸

Records of the various land blocks indicate that the following chiefs took part in the battle: Tūhorouta, Mōkaiahungia, Tūterangiwhiu, Kauwhakatuakina, Tīnātoka, Kautaharua, Umuariki, Tamakautuku, Makahuri, Rangitūatini, Wehiwehi. And with all these toa came

¹⁰⁹⁴ Drummond. (1937). 83.

¹⁰⁹⁵ Drummond. (1937). 83.

¹⁰⁹⁶ Native Land Court *Re Poroporo* (1915) 64 Waiapu MB 372-374. Evidence of HT Paipa.

¹⁰⁹⁷ Drummond. (1937). 83.

¹⁰⁹⁸ McConnell. (1998). 43.

their cousin Te Aowhāriua. She carried the spear of Tīnātoka and got so carried away urging her ope to greater efforts that her maro fell off ... part of the Ahikouka block is still called Marotarewa.

The battle led to the final defeat of Wahineiti and the survivors were made slaves or they were absorbed by inter-marriage.¹⁰⁹⁹ The mana whakahaere over the land was divided with Tīnātoka claiming the Kaiinanga and the Poroporo areas.¹¹⁰⁰ Kauwhakatuakina made a claim to Pākira and he was also resident at Tokatā near Kawakawa.¹¹⁰¹ Tūterangiwhiu claimed Te Rotokautuku, Tangihanga, and Hurakia.¹¹⁰² Mōkaiahungia claimed Ōkurawehea and Pukemanuka.¹¹⁰³ Ahikouka went to Tūwhakairiora.¹¹⁰⁴ Tūwhakairiora left the land to Māhaki, Rāhui, and Tūpore.¹¹⁰⁵ Te Aowhāriua was also given land by Tīnātoka.¹¹⁰⁶ Te Aowhāriua was Hinerupe's eldest daughter and she would also receive some of Hinerupe's land at Tāpatu along with the children of Te Aopare.¹¹⁰⁷ Haerenukua got Pukekaka, Tāwhangaporoporo and Te Roaki. Te Aowhāriua and Whaita (Tūhorouta's son) got Te Houroa. Tūhorouta claimed Tauwharerata, Whārikirauponga and Waihuka.¹¹⁰⁸ Ngākōnui (Tīnātoka's whāngai) received land south of the Waiapu river. Kautaharua claimed the area north and was also given land known as Reirua at Horoera.¹¹⁰⁹ He also had land at Ahirau because of the subjugation of Uetaha.¹¹¹⁰ Thus the spoils of war were divided with many of the descendants of these chiefs claiming land in the Native Land Court through this conquest. Importantly, Rākaitemania was left untouched, as were the other descendants of Pōkai.

Tūterangiwhiu

Tūwhakairiora's brother Hukarere married Hinerupe who never lost her mana tangata or mana whenua to him. They begat the two sisters Te Aotaihi and Te Atahaia¹¹¹¹ and both married Tūterangiwhiu (son of Ruataupare and Tūwhakairiora).¹¹¹² Tūterangiwhiu succeeded his father

¹⁰⁹⁹ Drummond. (1937). 83-84.

¹¹⁰⁰ Native Land Court *Re Poroporo* (1915) 64 Waiapu MB 375-376. Evidence of HT Paipa.

¹¹⁰¹ McConnell. (1998). 57.

¹¹⁰² 64 Waiapu MB 374. Evidence of HT Paipa.

¹¹⁰³ 64 Waiapu MB 375. Evidence of HT Paipa.

¹¹⁰⁴ 64 Waiapu MB 374. Evidence of HT Paipa.

¹¹⁰⁵ Native Land Court *Re Ahikouka No 2* (1876) 1 Waiapu MB 559 evidence of Hare Paihia.

¹¹⁰⁶ McConnell. (1998). 44.

¹¹⁰⁷ McConnell. (1998). 164.

¹¹⁰⁸ 64 Waiapu MB 374-375. Evidence of HT Paipa.

¹¹⁰⁹ McConnell. (1998). 58.

¹¹¹⁰ McConnell. (1998). 160.

¹¹¹¹ McConnell. (1998). 14.

¹¹¹² Mahuika. (1973). 170.

as the rangatira or principal chief.¹¹¹³ He had six wives, namely: Hinemanuhiri, Rākaihuia (of Kahungunu), Te Peehi o te Rangi, Te Aotaihi, Te Atahaia, and Whirituarangi.¹¹¹⁴ The issue of all these marriages made important contributions to the genealogy of the people of the district as the following examples demonstrate:

- From the marriage of Tūterangiwhiu and Hinemanuhiri, came six children including Whakarongomaiwaho who had Tūterangihuakina and Tāpuhi.¹¹¹⁵
- From the marriage with Rākaihuia came Te Rangituatini and Pukakaho.¹¹¹⁶ Te Rangituatini married Te Rauniao (of Ruawaipu) and they begat Pākira – Te Kekepōhatu.¹¹¹⁷ Pākira took part in the battle of Tārera Kōau. His children were Tūkiauu, Tamauitai, and Tūkohanataua and today are remembered as Te Whānau-a-Tūterangiwhiu.¹¹¹⁸ Pākira and his descendants took over the papatipu of Ōkauwharetoa.¹¹¹⁹
- From the marriage with Te Peehi o te Rangi came Porouhūtia and Mōkaiahungia.¹¹²⁰
- From the marriage with Te Aotaihi came Te Mohiraia, Hukarere II, Uetaha II, Iwitaia, Tukohimurau, Tamakautuku, Kōpuni and Karuwai.¹¹²¹ Te Mohiraia married Tūhorouta. Tūhorouta was her uncle and a son of Tūwhakairiora from his second wife Te Ihiko-o-te-Rangi. From the union of Mohiraia and Tūhorouta was born Hunaara.¹¹²² Hunaara married Whakaohonga (daughter of Tīnātoka) and after the marriage they lived at Te Nuku Pā and at Horoera.¹¹²³ Mohiraia was the mātāmua, or eldest of those children. However, Hukarere II was the eldest son of Tūterangiwhiu and Te Aotaihi.

¹¹¹² Lawson. (1986). 21.

¹¹¹³ Lawson. (1986). 21.

¹¹¹⁴ Ngata. (1972). 119.

¹¹¹⁵ Ngata. (1972). 119; Mahuika. (1973). 180-181.

¹¹¹⁶ Ngata. (1972). 119.

¹¹¹⁷ McConnell. (1998). 73.

¹¹¹⁸ McConnell, B. & McConnell, V. (1996). *Ngā Kānohi a Rongomaitapui Rāua ko Hinerupe – The faces of Rongomaitapui and Hinerupe: A book of identity and remembering*. Hinerupe Restoration Fund. 4-18; McConnell. (1998). 191.

¹¹¹⁹ McConnell. (1996). 4-18; McConnell. (1998). 190.

¹¹²⁰ Ngata. (1972). 119.

¹¹²¹ Ngata. (1972). 119.

¹¹²² McConnell. (1996). 14.

¹¹²³ McConnell. (1998). 76.

Hukarere II married Puatohimaru (daughter of Whakapuru) and they begat Rerekohu.¹¹²⁴ It is said that the Te Waha-o-Rerekohu (the oldest Pohutukawa tree in the district) was a sapling when Rerekohu was born around 1700 CE.¹¹²⁵ The tree stands next to the school at Te Araroa. Wānanga Walker would note that Rerekohu was a person of “noble birth and high rank.”¹¹²⁶ As a result the people of the tribe gave gifts and tributes of food to him.¹¹²⁷ The tree became the place where “these gifts and tributes were left.”¹¹²⁸

- From the marriage with Te Atahaia came eight children including Makahuri. He resided at various places including Tokomaru Bay, Wharekāhika, Ahikouka-Waiōmatatini, Awatere and Tikitiki. Makahuri was born of two senior lines (taha rua) demonstrating the “equal role played by male and female ancestors in Ngāti Porou.”¹¹²⁹ Makahuri entered several competitions over land with his brother Hukarere II.¹¹³⁰ This led him to move to the Waiapu where he fought and defeated Ikatewehi taking his lands including Houtūpākoke Pā (Tikitiki).¹¹³¹ At Tikitiki his descendants are associated with Te Whānau a Hinereupe ki Tikitiki and they inter-married with the descendants of Putaanga.¹¹³² He was a man of influence in the Waiapu, seeking and receiving, for example, assistance from Rarawa and Porou to avenge the killing of one of his slaves at Waitotoki, south of Anaura.¹¹³³ He travelled back and forward between Tikitiki, Awatere and Kawakawa where he still held land.¹¹³⁴

Tīnātoka

Tīnātoka was one of the children of Tūwhakairiora and his second wife Te Ihiko-o-te-Rangi. He was a great warrior leading his father’s battalions in battle, including at Tokomaru to avenge the insult to Ruataupare. He took part in the battle of Tārerea Kōau and he would protect the

¹¹²⁴ Native Land Court *Re Wharekāhika* (1908) 42 Waiapu MB 146. Evidence of Hati Houkāmau.

¹¹²⁵ Walker. (2014). *Te Waha a Rerekohu*.

¹¹²⁶ Walker. (2014). *Te Waha a Rerekohu*.

¹¹²⁷ Walker. (2014). *Te Waha a Rerekohu*.

¹¹²⁸ Walker. (2014). *Te Waha a Rerekohu*.

¹¹²⁹ Mahuika, A. (2010). A Ngāti Porou perspective. In Mulholland, M & Tāwhai, V (Eds) *Weeping waters: The Treaty of Waitangi and constitutional change*. Huia Publishers. 151.

¹¹³⁰ McConnell. (1998). 68.

¹¹³¹ Mahuika. (1973). Annex-Table 15; McConnell. (1998). 70-71.

¹¹³² McConnell. (1998). 70-71.

¹¹³³ McConnell. (1998). 70-71.

¹¹³⁴ McConnell. (1998). 70-71.

people of Rarawa and their lands after the killing of Kōhaki. His descendants lived between Te Kautuku and Takapautaha (Rengarenga).

He begat Whakaohonga who married Hunaara. They begat Takimoana. Takimoana married his cousin Hinewaka (a child of Tūhorouta) and they had Hineauta.¹¹³⁵ He was supposed to marry Hinepiki of Te Aitanga a Hauiti. This was to be an arranged marriage by Hunaara and Hinepiki's father, but Takimoana ran away and married Hinewaka instead. To save face (and prevent trouble), Hunaara had to marry Hinepiki himself. Te Whānau a Takimoana are associated with the Kautuku and Hahau blocks. The descendants of Takimoana's child, Hineauta, are Te Whānau a Hineauta at Tīkapa-a-Hinekōpeka and Te Horo.¹¹³⁶ She is credited with saving the people of Tīkapa by her mere presence from the chief Whakanehu of Te Whānau a Pōkai, who was not prepared to take responsibility for killing her.¹¹³⁷ That was due to her whakapapa which made her very tapu. She was carried most places on a litter so her tapu was not defiled.¹¹³⁸ At Tīkapa there is still a special tapu rock (Te Toka-a-Hineauta) named after her and only her descendants can fish on that rock.¹¹³⁹

Hukarere II

Hukarere II and his brothers lived at Punāruku.¹¹⁴⁰ They were on a fishing trip when trouble arose regarding the division of the catch among the brothers, resulting in the killing of Hukarere's slave, Māhiti.¹¹⁴¹ Paratene Ngata would record that:¹¹⁴²

Trouble arose between Tūterangiwhiu's children. Karuwai was the cause of it. It began about a fish. They were [at] Punāruku near Kawakawa. The fish were divided into lots. The largest heap was for Hukarere No 2, the eldest brother; and the younger brothers had smaller lots. They were Kautuku, Kōpuni and Karuwai. That practice was always followed out each day. Karuwai always getting the smaller heap: then Karuwai bespoke the heap for

¹¹³⁵ Mahuika. (1973). 177.

¹¹³⁶ Mahuika. (1973). 176-177.

¹¹³⁷ Mahuika. (1973). 176.

¹¹³⁸ Mahuika. (1973). 176.

¹¹³⁹ Mahuika. (1973). 176.

¹¹⁴⁰ Native Land Court *Re Marangairoa No 1A - Whakararanui* (1908) 37 Waiapu MB 173. Evidence of Hōri Mahue.

¹¹⁴¹ Native Land Court *Re Marangairoa – Horoera* (1908) 38 Waiapu MB 190. Evidence of Paratene Ngata; see also McConnell. (1998). 63.

¹¹⁴² Native Land Court *Re Maraehara* (1891) 14 Waiapu MB 238-239. Evidence of Paratene Ngata.

Hukarere by putting his ... apron [on] it. He was told that that was not his heap, and Karuwai struck the man who spoke to him ...

To avoid future challenges to his mana, Hukarere II effectively banished his brothers.¹¹⁴³ Paratene Ngata suggested it was both Te Aotaihi and Hukarere who did this.¹¹⁴⁴ Tamakautuku was sent to Tuatara and Whakararanui, Kōpuni for Horoera, and Karuwai for Waiapu.¹¹⁴⁵ His directions were followed and their mother advised the brothers go and tell their kinsman Tataramoa of Ruawaipu (who lived at Ōkahu on the boundary between Horoera and Whakararanui) that she had sent them.¹¹⁴⁶ Tataramoa and his Ruawaipu people still held the mana whenua over the papatipu lands east of the Awatere.¹¹⁴⁷ When they advised Tataramoa of this direction from their mother, Tataramoa asked:¹¹⁴⁸

Who shall have my lands? Pointing to [Tama]kautuku: “Are they for this person with the ugly shaped head or for this person,” pointing to Karuwai, “or for this person with the protruding navel,” pointing to Kōpuni, “so that he may keep them.”

The division was settled by the brothers themselves. Tamakautuku and Karuwai “put up a rāhui” and Tamakautuku took the lands from Te Ngārara o te Ao to Awatere.¹¹⁴⁹ Paratene Ngata stated that Kōpuni and Karuwai “...commenced to attack the people of Horoera.”¹¹⁵⁰ Effectively this was a conquest over Ngāti Atarau, Ngāti Kahuteira, Ngāti Manu, Ngāti Rongotūpuni and others.¹¹⁵¹ He stated that “... some of them were allowed to live to cultivate food : and that they took all the land from that side to this side of Maraehara...”¹¹⁵² Thus the people of Horoera, in his view, were conquered and the survivors made slaves or serfs.¹¹⁵³

To give the division mana, Tataramoa called his daughter Moemoea and he ordered that Kōpuni kill her and remove her heart.¹¹⁵⁴ This was done and the heart was roasted and fed to him. Her head was then used as a boundary marker.¹¹⁵⁵ Kōpuni had four wives. It is from these wives

¹¹⁴³ 37 Waiapu MB 174. Evidence of Hōri Mahue.

¹¹⁴⁴ 14 Waiapu MB 238-239. Evidence of Paratene Ngata.

¹¹⁴⁵ 14 Waiapu MB 238-239. Evidence of Paratene Ngata.; 37 Waiapu MB 174. Evidence of Hōri Mahue.

¹¹⁴⁶ 37 Waiapu MB 177-178. Evidence of Hōri Mahue; 14 Waiapu MB 238-239. Evidence of Paratene Ngata.

¹¹⁴⁷ 37 Waiapu MB 177. Evidence of Hōri Mahue.

¹¹⁴⁸ 38 Waiapu MB 191. Evidence of Paratene Ngata.

¹¹⁴⁹ 37 Waiapu MB 176. Evidence of Hōri Mahue.

¹¹⁵⁰ 14 Waiapu MB 239. Evidence of Paratene Ngata.

¹¹⁵¹ 14 Waiapu MB 239. Evidence of Paratene Ngata.

¹¹⁵² 14 Waiapu MB 238. Evidence of Paratene Ngata.

¹¹⁵³ 14 Waiapu MB 238. Evidence of Paratene Ngata.

¹¹⁵⁴ McConnell. (1998). 64.

¹¹⁵⁵ McConnell. (1998). 64.

and intermarriages of his children with the tangata whenua of Horoera (Ruawaipu) and with the descendants of Hunaara, that the present-day people of Horoera descend.¹¹⁵⁶ The children of Kōpuni and his first wife Te Atawhiua were Te Aotaihi II, Tawhaki, and Kairaho.¹¹⁵⁷ The child of Kōpuni and his second wife Te Unuhanga was Te Ahumoana.¹¹⁵⁸

It would take some time before Karuwai left the area.¹¹⁵⁹ Karuwai married Rehua of the “papatipu.”¹¹⁶⁰ Karuwai lived both at Horoera and Maraehara where he stayed at Te Pōrahu.¹¹⁶¹ He later acquired land at Te Rāoraopoto on Matahiia, Taurawhārona, Tangohiri, and Waiōmatatini.¹¹⁶²

Ngā Hapū ki te Riu o Waiapu

Pōkai married Pōhatu who was a descendant of Tuere and Muriwhakaputa of Ruawaipu. As noted above, Tuere was a descendant of Hau. Hau was the brother of Rongomaianiwaniwa and they were both children of Porourangi.¹¹⁶³ Pōkai and Pōhatu begat Rongomaiwharemanuka, who had Te Aokairau and Rākairoa I. From these children come several important whakapapa lines.

Rākairoa I

Rākairoa I married Te Aohore (the son of Māhaki-ewe-karoro and Hinemākaho). Rākairoa I and Te Aohore had eight children including Rākaitemania (the youngest) who married Iwirākau. Iwirākau was a taina to Ngāti Hau who was the father of Tūwhakairiora.¹¹⁶⁴ Rākairoa I would exercise mana ariki, mana tangata, and mana whenua over the lands on the south side of the Waiapu.¹¹⁶⁵ Her mana passed to Rākaitemania, who with her cousin Hinepare controlled the lower reaches of the Waiapu River.¹¹⁶⁶

¹¹⁵⁶ McConnell. (1998). 65.

¹¹⁵⁷ Kohere. (2005). 182.

¹¹⁵⁸ Kohere. (2005). 182.

¹¹⁵⁹ McConnell. (1998). 76.

¹¹⁶⁰ Native Land Court *Re Kautuku* (1913) 57 Waiapu MB 134. Evidence of Hēnare Rukuata.

¹¹⁶¹ 38 Waiapu MB 194-195. Evidence of Paratene Ngata.

¹¹⁶² 38 Waiapu MB 195-196. Evidence of Paratene Ngata.

¹¹⁶³ Mahuika. (1973). 144.

¹¹⁶⁴ Mahuika. (1973). 144.

¹¹⁶⁵ Mahuika. (1973). 145.

¹¹⁶⁶ Mahuika. (1973). 146.

Te Aokairau married Tamataua. According to Arnold Reedy from this union a large section of Ngāti Porou is derived.¹¹⁶⁷ Te Aokairau and Tamataua lived at the mouth of the Waiapu River, in the pā built during Te Aokairau's time.¹¹⁶⁸ Te Aokairau divided her lands between her children, Rākaimataura, Putaanga, Huanga, and Hinepare, who inherited her mana ariki, mana tangata, and mana whenua. Rākaimataura took the land on the northern banks of the Waiapu west of Tikitiki, near the southern boundary at Paoaruku; Putaanga took the Poroporo and Tikitiki area; Huanga exercised authority between the bridge to modern day Rangitukia; and Hinepare was at Rangitukia to the mouth of the Waiapu River.¹¹⁶⁹ Waho Tibble affirmed the mana whenua role of these ancestors when he noted that during the Native Land Court investigations into the Tikitiki block:¹¹⁷⁰

... Te Koroneho Kōpuka and Heni Mōrete deposed that the son of Pōkai and Pōhatu was Rongomaiwharemanuka and that in his time he held domain over the lands on both sides of the Wairoa River. Before he died, he gifted his lands to his two daughters. To the tuakana Rākairoa, from Pōhautea to Te Wairoa, and from Waiapu to Te Huka o te Tai. To the taina Te Aokairau, from Paoaruku to Te Huka o te Tai at Kopuakanae, and from the Waiapu River to Te Tihi o ngā Maunga.

Rākairoa became the wife of Te Aohore, son of Māhaki-ewe-karoro and Hinemākaho, and had a large family, the descendants of whom still occupy those lands today, their marae being at Tīkapa, Te Horo, Waiōmatatini, and Kākāriki. Te Aokairau became the wife of Tamataua, son of Rongomaianiwaniwa and Tawakika, and their children Hinepare, Huanga, Putaanga and Rākaimataura became the owners of the land from Paoaruku to Kopuakanae and from the river to the hilltops – their descendants still occupy these lands today, their marae being at Te Rāhui, at Taumata o Tāpuhi, at Rangitukia, and a house named Putaanga, formerly Pūahanui is being built at Tawatā. The people of the Waiapu Valley always called themselves one family living on each side of the river, tētahi pāpāringa ki tētahi pāpāringa he whānau kotahi – one cheek to the other cheek, one (face) family.

- (a) Rākaimataura married Tawake (son of Ruawāhine and Tāwhiwhi) and they had four children.¹¹⁷¹ They were Roro, Te Kakara, Rākaihoa and Puku.¹¹⁷² Roro married Te Aningaiao and they had Te Hukui-o-te-rangi, Hikatoa, Tūnohoa and Te Kawahauaraki.¹¹⁷³

¹¹⁶⁷ Mahuika. (1973). 273, 277.

¹¹⁶⁸ Mahuika. (1973). 273, 277; Halbert. (1999). 163.

¹¹⁶⁹ Mahuika. (1973). 146-147.

¹¹⁷⁰ Tibble, T. et al. (Eds) (2000). *He Whānau nō Maraehara memorial book*. 58; see also Soutar. (2000). 30-31.

¹¹⁷¹ Ngata. (1972). 107; Soutar. (1988). 97.

¹¹⁷² Mahuika. (1973). Annex-Table 11 (13A); Ngata. (1972). 107.

¹¹⁷³ Soutar. (1988). 97.

- Tūnohoa begat Kirimamae who married Te Rangitāwaea (the son of Kuku - Kuku was one of the Red Dogs of Uetuhiao).¹¹⁷⁴ Tūnohoa also had Manupōkai who married Tūhorouta, who begat Hinewaka. Hinewaka married Takimoana and they had Hineauta.¹¹⁷⁵
- Roro's son Te Hukui-o-te-rangi married Rākairoa II and they had Te Haemata and Mariu III.¹¹⁷⁶ Te Haemata married Pākira.¹¹⁷⁷ Mariu III married Wehiwehi.¹¹⁷⁸ Wehiwehi was the youngest son of Tūwhakairiora and Ruataupare. Wehiwehi later got into conflict with his brother Tūterangiwhiu. This was on account of Wehiwehi attempting to cohabit with Te Atahaia. Tūterangiwhiu tried to drown him in the Awatere River.¹¹⁷⁹ Wehiwehi was banished by his father Tūwhakairiora from Ōkauwharetoa.¹¹⁸⁰ He ended up at Te Wairoa.¹¹⁸¹
- After Roro's son Te Hukui-o-te-rangi died, his brother Hikatoa took Rākairoa II as his wife, and they begat Pōnapātukia and Nukutaurua.¹¹⁸² Nukutaurua also married Pākira.¹¹⁸³ Pōnapātukia became famous as a warrior chief and he with Karuwai, and Konohi would later raid Tamahae's pā to revenge the killing of Hinetāpora and the loss of Pōnapātukia's son.¹¹⁸⁴ They were almost thwarted in their task by Rerekohu who refused to assist or allow them to pass through his lands.¹¹⁸⁵ The whakapapa from Pōnapātukia is important for Te Whānau a Rākairoa as it demonstrates the descent lines to Sir Āpirana Ngata, and to Rāpata Wahawaha and his tuahine Ritihia. The Akuaku blocks in the Waipiro Bay area were gifted to Pōnapātukia and his sister, by Takapūterakahia and Takapuataua, the latter

¹¹⁷⁴ Mahuika. (1973). Annex-Table 11 (13) & (15).

¹¹⁷⁵ Mahuika. (1973). Annex-Table 11 (13) & (15).

¹¹⁷⁶ Ngata. (1972). 107.

¹¹⁷⁷ Ngata. (1972). 107.

¹¹⁷⁸ Ngata. (1972). 102.

¹¹⁷⁹ Kohere. (2005). 177.

¹¹⁸⁰ Kohere. (2005). 177.

¹¹⁸¹ Kohere. (2005). 177.

¹¹⁸² Mahuika. (1973). Annex-Table 11 (13A); Ngata. (1972). 107.

¹¹⁸³ Mahuika. (1973). Annex-Table 11 (13A).

¹¹⁸⁴ McConnell. (1998). 95-96.

¹¹⁸⁵ McConnell. (1998). 95-96.

being the daughter of Iritekura.¹¹⁸⁶ The descendants of Rākairoa at Akuaku also identify with Te Whānau-a-Te Haemata, as they are closely connected to each other.¹¹⁸⁷

- Roro’s son, Hikatoa, was killed at the battle of Maniāroa. When Roro took the news of Hikatoa’s death to his widow Rākairoa II, she required that Roro marry her as he was the sole surviving male member of his family.¹¹⁸⁸
- Roro’s sibling Rākaihoea had Māhaki, Tūpore, and Rāhui-o-Kehu (Rāhui).¹¹⁸⁹ Rākaihoea’s people lived around the Kakariki/Waiōmatatini area.¹¹⁹⁰ Rākaihoea’s son Māhaki had children including Māhiti who had Tango-pāhika.¹¹⁹¹

(b) Huangā is the tupuna of many descendants including Hinetīraha and others and they merged with Te Whānau a Tāpuhi near modern day Rangitukia.

(c) Putaanga’s descendants inter-married with Makahuri’s people and they are known interchangeably as Te Whānau a Putaanga and Te Whānau a Hinerupe ki Tikitiki. Āpirana Mahuika noted that Putaanga “achieved fame as a warrior...,”¹¹⁹² but it was recognised that the cousins Rākaitemania and Hinepare made their land “impregnable.”¹¹⁹³ Thus, other than a few skirmishes and the evacuations into pā that occurred because of the Ngā Puhi raids, their descendants have been on the land since time immemorial.

(d) Hinepare married Mataura and her descendants remain known as Te Whānau a Hinepare but are also related to the Ruawaipu hapū, Ngāti Hokopū, Ngāi Tāne, and Ngāti Māhanga.

¹¹⁸⁶ Walker. (2014). Tokatea.

¹¹⁸⁷ Walker. (2014). Tokatea.

¹¹⁸⁸ Soutar. (1988). 147.

¹¹⁸⁹ Ngata. (1972). 107.

¹¹⁹⁰ Te Maro. (2001). 17.

¹¹⁹¹ Gudgeon. Part II. (1895). 28.

¹¹⁹² Mahuika. (1992). 51.

¹¹⁹³ Mahuika. (1973). 146.

Reweti Kohere described how Mataura's whānau lived at Pukekioire pā,¹¹⁹⁴ noting that as Mataura's descendants:¹¹⁹⁵

... increased in number they left the old home and began to build homes for themselves lower down the hill ... Pukemanuka, perched on a spur leading up to Pukekioire, was the home of Ōtaurū [sic] and her husband Te Ruinga. On the western side of Pukekioire was Paturangi pā, where Rarawa, ... killed Kōhaki.

And on the fertile flat land below, at the foot of the Pukekioire hill, we find traces of five pās, the homes of the descendants of Mataura The names of the strongholds are Tapapanui, Pōpoia, Hurimoana, Tōrere and Waioratāne. Pukekioire pā and its offshoots may be likened to a hen and her brood. The first three pā are placed so close together to one another that they look like partitions of one pā. It is perfectly clear that whoever occupied them must be of the same family. During the hearing of the Kautuku case these were all admitted, even by the opponents, to have been the homes of the Whānau-a-Rērēwā, who were later named Ngāti-Hokopu.

Hinepare and Mataura's child, Tamatekura lived at Pukekioire Pā.¹¹⁹⁶ He married Hinemonoa, the granddaughter of Tamakoro of Ngāi Tuere.¹¹⁹⁷ They begat Whirituarangi who was sacrificed to Paka.¹¹⁹⁸ Hinepare and Mataura's other son Rongokaheke had a pā called Kurupaka Pā at Ipuārongo (north of Maraehara).¹¹⁹⁹ Rongokaheke's whānau also built Tōrere Pā.¹²⁰⁰ Rongokaheke begat a daughter named Tāwhara. Tāwhara married Tipuaki. After his death, Tāwhara married his younger brother, Aokaingarua, and they settled on the Maraehara block. Rongokaheke's sons were Rarawa, Porou, and Tāwera.¹²⁰¹

Rongokaheke's son Tārewa left the Waiapu.¹²⁰² However, his other two sons remained. Porou lived near Ipuārongo.¹²⁰³ He took over Kurupaka Pā after Rongokaheke passed away.¹²⁰⁴ Rarawa lived on the Hahau block. It is said that Pākairomiromi was Rarawa's Pā.¹²⁰⁵ He was married to at least two women, one of whom was Tūwhakairiora's daughter Kirianu. The other was Hinemihi.¹²⁰⁶

¹¹⁹⁴ Kohere. (1949). 28.

¹¹⁹⁵ Kohere. (1949). 28.

¹¹⁹⁶ Kohere. (2005). 149.

¹¹⁹⁷ Kohere. (2005). 149.

¹¹⁹⁸ Kohere. (2005). 149.

¹¹⁹⁹ Kohere. (2005). 147.

¹²⁰⁰ Kohere. (2005). 147.

¹²⁰¹ Kohere. (1949). 10-11; Native Land Court *Re Hahau* (1917) 73 Waiapu MB 300. Evidence of Pōro Huaki.

¹²⁰² 73 Waiapu MB 300. Evidence of Pōro Huaki.

¹²⁰³ Kohere. (2005). 148.

¹²⁰⁴ Kohere. (2005). 148.

¹²⁰⁵ Native Land Court *Re Marangairoa 1B - Horoera* (1908) 37 Waiapu MB 254. Evidence of Hakaraia Mauheni.

¹²⁰⁶ McConnell. (1998). 41.

Rarawa and Hinemihi unwittingly got involved in a round of utu over the trapping of kiore on land at Te Pōrahu.¹²⁰⁷ Hinemihi took him to the snares on the land. Rarawa found Kiterangi near the snares and assaulted him. After being cursed by Ngāti Ahi for abusing their chief, Rarawa entered their pā and killed Kiterangi.¹²⁰⁸ In other narratives Rarawa set the rāhui on his own land and he and Hinemihi caught Kiterangi breaching the tapu, hence Rarawa killed him.¹²⁰⁹ As utu, Rarawa's relative, Te Porotū was then killed in a reprisal raid.¹²¹⁰ So he and Te Aowehea (Tūwhakairiora's son) killed the chief they considered responsible, namely Kōhaki at Paturangi Pā.¹²¹¹ Kōhaki as a child of Uenukutewhana was a cousin of Ruataupare.¹²¹² Rarawa was also related to her but not as closely.

Ruataupare raised a war party of Te Whānau-a-Tūwhakairiora, Rerekohu and others to take the land. She said "Patua te peka kāinga, ko te peka tangata kia ora." Reweti Kohere writes of the killing of Kōhaki that:¹²¹³

To call for a war-party to avenge her cousin's death, Ruataupare bared her bosom and pulled her breasts. Her action fired the chiefs to rally. She issued the order: "Smite the land but spare the people." The result of the dramatic appeal was instantaneous: a war-party was organised, composed of the fighting chiefs Rangitekehua, Karuwai, Kautaharua and Umuariki. All the lands lying between the Awatere and Maraehara rivers were seized, and thus satisfaction for the murder of Kōhaki was made. This formidable band of warriors was held up by Tīnōtoka and his brother-in-law, Rarawa, at the Mākirikiri stream, and further conquest was stopped. Rarawa was one of the slayers of Kōwhaki, and it is curious that nothing of his lands was taken by the war-party.

Tūwhakairiora sent Tīnātoka to travel by sea to warn Rarawa.¹²¹⁴ Tīnātoka and Rarawa placed a rāhui over the land of Rarawa, thereby preserving it.¹²¹⁵ The raiding party conquered the rest of the land then divided it among them with Rerekohu giving his portion to Ruataupare.¹²¹⁶

¹²⁰⁷ 37 Waiapu MB 253-254. Evidence of Hakaraia Mauheni.

¹²⁰⁸ 37 Waiapu MB 254. Evidence of Hakaraia Mauheni.

¹²⁰⁹ Kohere. (2005). 156.

¹²¹⁰ 37 Waiapu MB 254. Evidence of Hakaraia Mauheni.

¹²¹¹ 37 Waiapu MB 254. Evidence of Hakaraia Mauheni.

¹²¹² McConnell. (1998). 41.

¹²¹³ Kohere. (1949). 2-3.

¹²¹⁴ Native Land Court *Re Marahara* (1891) 14 Waiapu MB 62. Evidence of Hemi Tāpeka.

¹²¹⁵ Kohere. (2005). 157.

¹²¹⁶ Kohere. (2005). 157.

After the conquest the people remained on the land.¹²¹⁷ However, tributes were expected from them as utu for the death of Kōhaki.

As Rarawa was also married to Kirianu, a daughter of Tūwhakairiora and Ihiko-o-te-rangi, the tribute was also being extracted from Tūwhakairiora's grandchildren. For three to four years that tribute was offered to Ruataupare and Tūwhakairiora.¹²¹⁸ The people of Ngāti Māhanga, Ngāti Atarau, Ngāti Rangitōpuni, Te Whānau a Kahuteiro (also known as Ngāti Ahi and Ngāti Patungaherehere) and Ngāi Tāne were left in occupation but had to supply the tribute. They were collectively referred to as Ngāi Tāne by W. E. Gudgeon:¹²¹⁹

It was with this tribe that Tūwhakairiora for the most part defeated the Ngāti Ruanuku and Wahine-iti tribes. They were for a time subservient to that chief and were required to bring him occasional presents of choice food, such as birds and rats; but even in this capacity they did not hesitate to exhibit their fierce and defiant character. On one occasion it is said they carried the food on the points of spears, and in this fashion laid the birds before Tū-whakairi-ora and Ruataupare.

According to Hēmi Tāpeka, owing to the way tribute was offered by Ngāi Tāne, Ruataupare left the land to these people conditional upon them making tributes of food to Whakaohonga.¹²²⁰ Whakaohonga and Hunaara were at some stage living at Rangitāne Pā at Horoera and his youngest son, Tarahauiti, settled the area at Matarehua Pā at Rangiata.

Other narratives suggest the requirement to provide tribute ceased completely. Thus, the Ruawaipu hapū of Ngāti Māhanga, Ngāti Rongotūpuni, Ngāti Atarau, Te Whānau a Kahuteiro (also known as Ngāti Ahi and Ngāti Patungaherehere), along with Ngāi Tāne (with whom Te Whānau a Rērēwā, Te Whānau a Whaiti, and Ngāti Nua were linked) survived and would also assist Te Whānau a Tūwhakairiora in various battles. On their return after each battle, it is said that they lived with the descendants of Kōpuni, Karuwai, and Hunaara who were in residence at Horoera, Rangiata, and Waiapu. This narrative was promoted in the Native Land Court, and this may explain why Āpirana Ngata would opine that they were the “serfs, workers and relishes for their masters.”¹²²¹

¹²¹⁷ Kohere. (1949). 160-162.

¹²¹⁸ Native Land Court *Re Marangairoa 1B - Horoera* (1908) 37 Waiapu MB 232-233. Evidence of Hōna Wikipapu; 37 Waiapu MB 238. Evidence of Hakaraia Mauheni.

¹²¹⁹ Gudgeon. Part III. (1895). 181; See also Drummond. (1937). 24-25; cf 37 Waiapu MB 238. Evidence of Hōna Wikipapu who also references Ngāti Nua.

¹²²⁰ 14 Waiapu MB 59-60. Evidence of Hemi Tāpeka.

¹²²¹ Ngata (1972). 88.

The whakapapa demonstrates that they were all related through direct descent and inter-marriage. For example, Kōhaki's daughter Mokairurenga married Ikawhakatarā, one of the Ngāti Nua chiefs.¹²²² They begat Te Ritenga whose son Tāwhiro was killed by the Ngāti Tamatea.¹²²³ The latter kin-group were based at Te Pākihi.¹²²⁴ Te Ritenga asked Porou (Rarawa's brother) to help avenge the death of his child. Porou and his sons killed many Ngāti Tamatea at Te Repo.¹²²⁵ Many were captured and given to Te Ritenga.¹²²⁶ Ngāti Nua later became Te Whānau a Takimoana.¹²²⁷ That is because Ngāti Nua merged with Takimoana's descendants and by the mid-19th Century were under the leadership of Wikiriwhi Matauru.¹²²⁸

Inter-marriage was also used to keep the peace when Rarawa's daughter married one of Kōhaki's descendants:¹²²⁹

Te Aotaurū ... and her husband, Te Ruinga [a descendant of Kōhaki], lived at Pukemanuka pā, situated a little lower than the historic Pukekioi pā of their ancestor Mataura. Her warrior sons were called "Ngā paniwhaniwhā ngau pūraho-a-Te Aotaurū" (The biting snappers of Aotaurū). When Te Ruinga, Te Aotaurū's husband, went away to Te Mārau (Tolaga Bay), she and their children Rerewā, Pango, Aparere and others continued to live on at Pukemanuka pā. Rerewā, after whom the hapū Te Whānau-a-Rerewā was named, married Whakapaukawa who had come there with Rangitimatatahi, Pohowhakaio, and others of the Ngāti Maru migration from Tūranga, during the time Hunaara went to avenge Hikatoa's death in Tūranga.

Kautuku, Te Whānau-a-Rerewā's ancestral home, was well-known, possessing eight walled pās of which Waioratāne, Waikōriri, Katikati, and Ipu-a-rongo were the settlements they owned. Of the next generation, Rerewā's son Pōhohu was the builder of Hurimoana Pā and a noted warrior, who travelled as far as Pukekōrari, Ōmāhio and other battle grounds with Te Kapa to avenge a death at the hands of the Ngāti Kahungunu of Heretaunga. The name of Pōhohu's settlement was Waioratāne.

Te Whānau a Rerewā were later renamed Ngāti Hokopu.¹²³⁰ The whakapapa from Kōhaki descends as follows:

Kōhaki
Pāpaka
Tūtekohi

¹²²² Kohere. (1949). 159.

¹²²³ Kohere. (2005). 159-160.

¹²²⁴ Kohere. (2005). 159-160.

¹²²⁵ Kohere. (2005). 159-160.

¹²²⁶ Kohere. (2005). 159-160.

¹²²⁷ Kohere. (2005). 145.

¹²²⁸ Kohere. (2005). 163.

¹²²⁹ Kohere. (2005). 148.

¹²³⁰ Kohere. (1949). 13.

Te Aokopito

Te Ruinga = Te Aotaurū (daughter of Rarawa)

Rerewā

Pōhohu

Urehina

Tipikai Hihi Pākura

Rarawa and Kirianu begat Hikatoa.¹²³¹ Rarawa's son Hikatoa would be killed in battle in Tūranga with Takimoana.¹²³² The latter had a dispute with Whakaohonga over a tapu she had placed over Whanga-o-keno/a.¹²³³ Whakaohonga placed the rāhui after Hikakino drowned there.¹²³⁴ When Whakaohonga heard Takimoana had broken her rāhui she had the mana to banish him from the takiwā, never to return.¹²³⁵ Hikatoa (Rarawa and Kiriau's son) and Takimoana went to Tūranga and were killed in battle there. Their deaths were avenged by Hunaara who returned with four women captives, one of whom was given to Kōpuni.¹²³⁶

Tipikai, Hihi, and Pākura were brothers. Hihi's descendant Rāhera Rairi (half-sister to Panikena Kaa) recorded the following narrative regarding the warrior nature of Hihi and Pākura:¹²³⁷

I know Kāmiti portion of Kautuku Block. It adjoins Okahu Block I have already claimed. The boundaries are as follows. Beginning at Tatao o Nukutere, Hohanga pā Otātāra along Ōkahu boundary Kiekie stream into Waikaka stream and following that towards the sea Tukaiahi straight to eastern side of Kauere between Maraetahia ditch and Kāmiti māras. Wairōpkahu a Rata is there. From there into Waikaka stream follows Waikaka stream to its mouth. Then along the seacoast to Tatao o Nukutere. Tatao o Nukutere is not far from Waikaka mouth. The mara Maraetahia owned by Te Kapa is outside the boundary I claim.

My claim to Kāmiti is that my ancestors took it for the inside of a crayfish. The land belonged to Whānau a Tīnātoka. They also lived at Takapautahi (formerly known as Rengarenga). Sometimes they lived at one and sometimes at the other... They cultivated the portions named. Pākura and Hihi were living at Wairingia at that time. Trouble arose by Ngakopura against a man of Huirangi named Pouaru. A Whānau a Tīnātoka's canoe went to Whangaōkena. The canoe belonged to Huirangi; while they were at the Island Ngakopura came along and killed Pouaru who had been left ashore. When Huirangi came back and found his slave Pouaru had disappeared Huirangi did not then know who killed his slave, but he blamed Ngakopura and he expelled him from the land. Ngakopura came and stopped at Rewewera, a māra. Hihi and Pākura were still living at Wairingia. Sometime afterwards Ngākōpura left for Takapautahi and he told the people there was much provision at Wairingia and Hihi and Pākura were

¹²³¹ McConnell. (1998). 77.

¹²³² McConnell. (1998). 77.

¹²³³ McConnell. (1998). 77.

¹²³⁴ *Re Marangairoa IC Block* (1905) 3 Committee Report 1/102. Evidence of Rīpeka Tāhuru.

¹²³⁵ 3 Committee Report 1/102. Evidence of Rīpeka Tāhuru.

¹²³⁶ McConnell. (1998). 77.

¹²³⁷ Native Land Court *Re Kautuku* (1913) 53 Waiapu MB 220-224.

eating the provision. At this time all the food was gathered in the pits. Pākura and Hihi used to get the food at the back instead of opening the doors. Whānau a Tīnātoka were aggrieved and decided to fight Pākura and Hihi and Whānau a Tīnātoka embarked on their canoe and filled it with huatus, patus. They went first to Whanga-ō-kena to get crayfish. They returned - Ringiringiwai was the canoe leader. The canoe appeared off Whākori.

Hihi and Pākura were coming towards Kāmiti way. They saw the canoe coming. They knew the canoe was that of Whānau a Tīnātoka and they waited at the landing place for it. Pākura was bringing down logs to use as skids. They were not aware there was trouble ahead. Hihi sat on a bank - Pākura was then on the beach waiting for the canoe. They were waiting for the crayfish. When the canoe landed Pākura jumped towards it. Before Pākura got to it Tirapikohi a person on the canoe jumped up. He shouted out as a sign to the others to take their arms. Tirapikohi pretended to be ill and fell on the beach. Pongaiuhina was the first man to strike Pākura with a spear. Pākura caught the spear and knocked Pongaiuhina down with it. Hihi saw then it was a fight and came along and saw Pākura surrounded.

Hihi and Pākura chased them back. Hihi got one of the spears. When they got to Mamangi seven of them were wounded, one of whom died. They were then retreating to the pā Ringiringiwā, the leader finding them too much sought for peace. The person who died was Mangungu. When they made peace the name of the battle was called Parukōura. When Ringiringiwai saw that Hihi and Pākura were defeating them. [He] called out to stop and Hihi and Pākura could occupy the land. Hihi and Pākura took that land as well as the canoe and the crayfish. The man that was killed was eaten.

Why was the battle called Parukōura?

The man that was killed was eaten together with the crayfish taken from the canoe. Kāmiti was then taken by Pākura and Hihi. They then found out it was incorrect that Hihi and Pākura were eating all the food on the Kāmiti side. The battle spoken of is known to everyone. ...

Pākura begat Kākātārau, Parata, Te Kooti Tipoki, and Mōkena Kohere.¹²³⁸ By this time, Te Whānau a Rerewā or Ngāti Hōkopū were associated with Te Kautuku, Tarata, Waioratāne, Pukekiore, Hahau, Te Pākihi, Te Pōrahu, Waikōriri, and the Kāmiti lands between the Waikaka and Hoerora. Their interest in these blocks they shared with several hapū including Te Whānau a Takimoana.

Te Whānau a Rerewā is also known as Ngāti Hōkopū. The second name comes from when Tūawhiorangi (a son of Hihi) was sold as a captive by Te Whānau-a-Apanui after the battle at Wharekura.¹²³⁹ Tūawhiorangi was sold for guns.¹²⁴⁰ Pākura lost his life in the battle at Wharekura.¹²⁴¹ Parata (brother of Kākātārau and Mōkena) would later die at the battle of Te Toka-a-Kuku.¹²⁴² Notably some Ngāti Hōkopū purchased guns and headed north to seek

¹²³⁸ Kohere. (1949). 13.

¹²³⁹ Kohere. (1949). 13.

¹²⁴⁰ Kohere. (1949). 13.

¹²⁴¹ Kohere. (1949). 13.

¹²⁴² Kohere. (1949). 28.

revenge against Ngā Puhi, but they never returned.¹²⁴³ The hapū would successfully avenge the defeat at Wharekura. This was done under the leadership of Kākātārau at Te Toka-a-Kuku.

Te Harawira Huriwai would state in 1908 that at Awatere-Horoera, this hapū were part of Te Whānau a Kōpuni but at the Maraehara River they were known as Te Whānau a Rerewā and Te Whānau a Hikatoa.¹²⁴⁴ The descendants of Rerewā he stated, living at Waiapu, were known as Ngāti Hokopu and they lived with Ngāi Tāne, Te Whānau a Takimoana and Te Whānau a Tāpuhi.¹²⁴⁵ Te Harawira would also say that Rarawa lived at Hahau, which is where his Pākairomiromi Pā was. Through inter-marriage Te Whānau-a-Rerewā and Te Whānau-a-Whaita together became Ngāti Hokopū.¹²⁴⁶ He also described Rarawa as “a tupuna of the whole of Ngāti Porou.”¹²⁴⁷

Te Whānau-a-Apanui

As we saw above, Taua’s son Apanui-Waipapa married Hinemāhuru, a descendant of Taiau. Her whakapapa was as follows:¹²⁴⁸

Taiau

Tama-hinengaro

Rākaipikirārunga = Ūhengaparaoa

Rūtanga = Tūmoanakōtore

Hinemāhuru

The descent of Apanui from Porourangi is from Hingangaroa and Iranui (descendants of Porourangi), as follows:¹²⁴⁹

Porourangi

Hau

¹²⁴³ Dewes. (2000). 44.

¹²⁴⁴ Native Land Court *Re Horoera* (1908) 38 Waiapu MB 362-363. Evidence of Te Harawira Huriwai.

¹²⁴⁵ 38 Waiapu MB 362. Evidence of Te Harawira Huriwai.

¹²⁴⁶ 38 Waiapu MB 362. Evidence of Te Harawira Huriwai.

¹²⁴⁷ 39 Waiapu MB 77. Evidence of Te Harawira Huriwai.

¹²⁴⁸ Ngata. (1972). 95.

¹²⁴⁹ Walker. (2012).

Rākaipō

Manutangirua

Hingangaroa = Iranui

Taua

Apanui-Waipapa = Hinemāhuru

Rongomaihuatahi

Apanui-Ringa-Mutu

The importance of Hauiti to the history of the district has been discussed above. He was attacked near Tūranga-nui-a-Kiwa, wounded, and subsequently he died.¹²⁵⁰ The Ngāti Porou narrative is that Ngāti Kahungunu wounded Hauiti and that he died from those wounds.¹²⁵¹ However, Eruera Stirling thought it was the relative of Apanui-Waipapa's children from Te Arawa who killed Hauiti.¹²⁵² In this narrative it was Turirangi – the same man who is attributed with the killing of Kahukuranui. It is more likely that Stirling was referring to the iwi Te Aitanga-a-Hauiti and that it would have been Kahukuranui that was killed. Other than that, the story mirrors the Ngāti Porou narrative. Apanui-Waipapa's children had sought Turirangi's assistance to protect them against further attack from Te Aitanga a Hauiti.¹²⁵³ Stirling also records the gift of Rongomaihuatahi to Turirangi as a wife.¹²⁵⁴

Following this incident, the children of Apanui-Waipapa spread out over the land between Maraenui and Whangaparaoa.¹²⁵⁵ Turirangi (a direct descendant of Tama-te-Kapua) and Rongomaihuatahi begat Apanui-Ringa-Mutu, the eponymous ancestor of Te Whānau-a-Apanui.¹²⁵⁶ He became a contemporary of Tūwhakairiora.

Te Pakanga a Maniāroa – The Battle of Maniāroa

Unrest was ignited when Tūwhakairiora sought to settle an old score with the Ngāi Tuere people. He defeated them at the battle of Waihākea. This conflict started when Hinerupe was insulted by her half-brothers, Mokotara and Uekaiwhare, the children of Uetaha's second

¹²⁵⁰ Laurie. (1991). 20, citing Hōri Mōkai; Ngata. (1972). 62-63.

¹²⁵¹ Ngata. (1972). 62-63.

¹²⁵² Salmond. (1980). 47.

¹²⁵³ Salmond. (1980). 41-43.

¹²⁵⁴ Salmond. (1980). 43.

¹²⁵⁵ Salmond. (1980). 47.

¹²⁵⁶ Salmond. (1980). 43.

wife.¹²⁵⁷ She then sent for Tūwhakairiora to assist her in extracting utu. He in turn sent for Umuariki and Kautaharua to assist and they came and killed Hinerupe's half-brothers.¹²⁵⁸ So the sons of Uetaha were killed during the battle.¹²⁵⁹ Uetaha requested his wife's relatives of Te Whānau-a-Apanui under Apanui-Ringa-Mutu to come and assist him fight Tūwhakairiora and his army.¹²⁶⁰ The request was made with a gift of a tahā filled with human flesh.¹²⁶¹ Te Whānau-a-Apanui agreed as they still needed to revenge the incident at the Kōrau-whakarau ridge and the attack on Taniwha.

Tūwhakairiora in turn sought assistance from his relatives from the Waiapu and from Te Aitanga-a-Mate.¹²⁶² These included Roro (descendant of Te Aokairau) who married Tūwhakairiora's relative Te Aningaiao.¹²⁶³ It will be recalled that she was a daughter of Kahupakari II (Materoa's son, cousin to Tūwhakairiora) and Te Aomihia (Tūwhakairiora's sister). Kahupakari II was Te Aomihia's first husband.¹²⁶⁴

As noted above, Roro and Te Aningaiao had Te Hukui-o-te-Rangi, Hikato and Tunohoa.¹²⁶⁵ Tunohoa begat Kirimamae who married Te Rangitāwaea (the son of Kuku). Kuku was one of the Red Dogs of Uetuhiao.¹²⁶⁶ They had Manupōkai who married Tūhorouta, who begat Hinewaka. She married Takimoana and they had Hineauta.¹²⁶⁷

Roro and his son Hikatoa joined the army that Tūwhakairiora was amassing.¹²⁶⁸ Hikatoa died at the battle of Maniāroa. The brothers Kuku, Korohau and Rongotangatake also led their people to Ōkauwharetoa to assist in the battle of Maniāroa.¹²⁶⁹ Tamahae and his father knew that these men were part of the fighting force and that they were their ito (objects of revenge).¹²⁷⁰

¹²⁵⁷ McConnell. (1998). 40.

¹²⁵⁸ McConnell. (1998). 40.

¹²⁵⁹ Soutar. (1988). 141.

¹²⁶⁰ Soutar. (1988). 141.

¹²⁶¹ Soutar. (1988). 141, fn 7.

¹²⁶² Soutar. (1988). 141.

¹²⁶³ Mahuika. (1973). Annex-Table 11(13) &(13A).

¹²⁶⁴ Mahuika. (1973). Annex-Table 11(13).

¹²⁶⁵ Mahuika. (1973). Annex-Table 11(13) & (13A).

¹²⁶⁶ Mahuika. (1973). Annex-Table 11(13) & (15).

¹²⁶⁷ Mahuika. (1973). Annex-Table 11(13) & (15).

¹²⁶⁸ Soutar. (1988). 141.

¹²⁶⁹ Soutar. (1988). 141.

¹²⁷⁰ Salmond. (1980). 55.

The battle took place on the beach at Maniāroa but Tūwhakairiora did not participate. Instead, his son Tūhorouta led his battalions. According to Waipaina Awarau, Apanui-Ringa-Mutu and Tūwhakairiora had been “comrades in previous battles” and that “... to the Māori of those days his act was one of chivalry as by absenting himself he was giving Apanui undoubted victory for it meant nothing else.”¹²⁷¹ This fight became known as the Battle of Te Maniāroa and Te Whānau-a-Apanui were victorious.¹²⁷² All three brothers Kuku, Korohau and Rongotangatake were killed during the battle.¹²⁷³ Taniwha (who trespassed and poached on Te Aitanga-a-Mate land) came across the bodies of Kuku, Korohau and Rongotangatake lying together and famously stated:¹²⁷⁴

Kātahi manu ata pōkai! Ngā kurī paka a Uetuhiao.

There you huddle like a flock of birds, the brown dogs of Uetuhiao).

Āpirana Mahuika has a similar statement, but the wording is different:

Kātahi hanga e ngā kurī paka a Uetuhiao me tō manu e pōkai ana.

There you are, you brown dogs of Uetuhiao, huddled together like wood-pigeons.

Taniwha then cut off the brothers’ hands and once back at the Motu, he attached them to poles, and hung food from them.¹²⁷⁵ And so ngā kurī paka a Uetuhiao met this unfortunate end and Taniwha obtained utu for the treatment he suffered when he was caught poaching.¹²⁷⁶ Two generations later Taniwha’s descendant (Tūtawhiwhirangi) living at Kaipatete pā would pay for this indignity suffered by Kuku and his brothers. Utu would be sought by Te Rangitāwaea’s son (and Kuku’s grandson) Rongo-i-te-Kai.¹²⁷⁷ The latter, with other children from Te Aitanga-a-Mate had been taken by the tohunga as children. At Whareponga they were trained in warfare for the express purpose of avenging the killing of ngā kurī paka a Uetuhiao and others at Maniāroa.¹²⁷⁸ In canoes they successfully raided the Kaipatete pā, and then took the head of Tūtawhiwhirangi back to Whareponga (along with several corpses for the victors’ ovens).¹²⁷⁹

¹²⁷¹ Soutar. (1988). 143. Quoting W. Awarau.

¹²⁷² Salmond. (1980). 55.

¹²⁷³ Soutar. (1988). 145.

¹²⁷⁴ Soutar. (1988). 145.

¹²⁷⁵ Soutar. (1988). 145.

¹²⁷⁶ See also B McConnell *Te Araroa An East Coast Community A History* (Gisborne Herald, 1998 – reprint 2005) p 46.

¹²⁷⁷ Soutar. (1988). 155.

¹²⁷⁸ Soutar. (1988). 155-157.

¹²⁷⁹ Soutar. (1988). 157-161.

Returning to the battle of Maniāroa, Tūhorouta just escaped death, was taken prisoner, insulted, but later set free.¹²⁸⁰ He and his descendants would become a constant thorn in Te Whānau-a-Apanui's side as a result.¹²⁸¹

Tūwhakairiora's other son Te Aowehea (who killed Kōhaki with Rarawa) was killed.¹²⁸² Apanui Ringa-Mutu took Te Aowehea's body to his father Tūwhakairiora after the battle. The latter was overcome with grief and according to Waipaina Awarau:¹²⁸³

Apanui tried to comfort Tūwhakairiora by saying, "How can one avoid striking the unfortunate bird that flies across the bow of a war canoe," thereby meaning that in regard to the death of Te Aowehea it was unavoidable as he was not recognised in the general melee but was only discovered after the battle, among the slain. "After I have returned home you may follow me," continued Apanui, "and you will find my own son at Tauritoatoa, a solitary dweller, whose pastime is fishing. Him you may kill to comfort you for the loss of your son Te Aowehea. Then I shall also mourn with you. But that the morning should be general throughout the land. Follow me to my district and when you come to my Pā you will observe me in the gateway. When I put up my hands it will be the signal for the attack for all the fighting men of my tribe are then before you. You will then fight your best as my people will also fight their best. As to myself, well, I will betake myself elsewhere.

Tūwhakairiora then amassed his army from across Pōtikirua ki te Toka-a-Taiau. This taua followed Apanui to Te Kaha on waka.¹²⁸⁴ At Tauritoatoa, they killed Apanui's son Pāhurutoa.¹²⁸⁵ Once at Te Kaha they camped.¹²⁸⁶ When they saw Apanui standing on the parapets of the pā, Apanui signalled that all his warriors were out of the pā and were ready to fight.¹²⁸⁷ The battle began, and many were killed.¹²⁸⁸ However, disputes and skirmishes between the two iwi continued. Tuta Nihoniho records, for example, that Tiekikainga of Te Aowera was killed by a party of Te Whānau-a-Apanui at Papa-o-kaumatua. Then Korokaingatua (the elder brother of Tiekikainga) was followed by the enemy and overtaken at Waingata. There the two forces of Apanui and Te Aowera fought.¹²⁸⁹ Te Whānau-a-Apanui were defeated with heavy losses. The scene of this fight was given the name of Huri-ki-tahawai (overflowing banks) because the stream was so filled with bodies of the dead that the waters

¹²⁸⁰ Kohere. (1949). 23; Soutar. (1988). 143.

¹²⁸¹ Drummond. (1937). 76.

¹²⁸² Soutar. (1988). 143.

¹²⁸³ Soutar. (1988). 151. Quoting W. Awarau.

¹²⁸⁴ Soutar. (1988). 151.

¹²⁸⁵ Soutar. (1988). 151; McConnell. (1998). 47.

¹²⁸⁶ Soutar. (1988). 151.

¹²⁸⁷ Soutar. (1988). 151-155.

¹²⁸⁸ Soutar. (1988). 155; McConnell. (1998). 47

¹²⁸⁹ Nihoniho. (1913). 42-43.

thereof overflowed the banks.¹²⁹⁰ The chief in charge of the Te Whānau-a-Apanui taua was slain by Te Auiti.

Tamahae

Apanui-Ringa-Mutu married Kahukuramihia (a descendant of Ruapani) and they begat Tūkaki, the father of Tamahae.¹²⁹¹ Tamahae took part in the battle of Maniāroa.

Tamahae grew up as a warrior with the responsibility of avenging the killings of Apanui-Waipapa and Tamahae's grandmother.¹²⁹² She had been killed by Rongowhakaata on a visit to Tūranga-nui-a-Kiwa.¹²⁹³ When he finally headed out on his campaign of utu, Tamahae went first to Tūranga and attacked the Rongowhakaata who had killed his grandmother.¹²⁹⁴ Tamahae then proceeded to return home along the East Coast. He stopped at Whāngārā and engaged with Konohi, an equally great warrior. According to Hōne Taumanu, there was an exchange of words, but Konohi did not leave his pā.¹²⁹⁵ They did agree to a pact pledging to “support each other if ever attacked” recorded in the words of Tamahae:¹²⁹⁶

“Ka tū te pōhatu i Wahakino, ka tū te pōhatu i Tākore.” Wahakino is a rock near Whāngārā and Tākore is a rock off Waikawa Point near the entrance to the Kereū Stream near Te Kaha.

Tamahae proceeded north attacking several pā. Tāmōkai had tried to persuade the chief Kōkere to leave before Tamahae arrived and go to Waiōmatatini where it was safe.¹²⁹⁷ He refused. Tamahae killed Te Kōkere at Mākarika Valley. At Purepureaure Pā he killed the chieftainess Hinetāpora.¹²⁹⁸ He beheaded her and displayed her head to Makahuri (a son of Te Atāhaia and Tūterangiwhiu) at Pūputa Pā at Waiōmatatini.¹²⁹⁹ He tried to engage Makahuri in battle but Makahuri refused to leave his pā, insulting Tamahae about killing only “old people” and

¹²⁹⁰ Nihoniho. (1913). 42-43.

¹²⁹¹ Salmond. (1980). 48.

¹²⁹² Salmond. (1980). 50-53.

¹²⁹³ cf Walker. (2014). Konohi – The eyes have it. In *Maunga Kōrero*. Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>, in which it is stated that it was Tamahae's mother and two of his two uncles that were killed by Ngāti Rākaipaka in Nūhaka.

¹²⁹⁴ Salmond. (1980). 52-53.

¹²⁹⁵ Taumaunu. (2001). 11-12.

¹²⁹⁶ Walker. Konohi. (2014).

¹²⁹⁷ Halbert. (1999). 162.

¹²⁹⁸ Kohere. (1949). 18; Salmond. (1980). 53.

¹²⁹⁹ Mahuika. (1973). 175.

turning to fart from the parapets.¹³⁰⁰ Tamahae retorted, “Akiaki ana te whero o te tama a te Atahaia” – “How explosive is Atahaia’s son.”¹³⁰¹ He then stated of Hinetāpora:¹³⁰²

Ka nui tēnei. He kotahi ia, he mano kei raro.

(She is enough. Although there is only one of her, she represents thousands.)

He proceeded on to Māhaki’s pā (child of Rākaihoa and brother of Tūpore and Rāhui-o-kehu) at Ahikouka but was unable to gain access.¹³⁰³ He crossed the river with Hinetāpora’s head just as Tūwainoa’s taua arrived in pursuit of Hinetāpora’s killers.¹³⁰⁴ Tūwainoa’s taua did not venture across the river but called out the following:¹³⁰⁵

“Haere rā e kui e, tēnā te ngaru puku, te ngaruwhiti hei kawē atu i au ki Te Kaha-nui-a-Tiki...” Ka whakahoki mai a Tamahae, “Ki te kaha i a toki?” Ka karanga atu a Tūwainoa, “Kia ai he tohu mōu.”

“Depart madam, until such time as there will be huge and calm waves of the sea, to convey me to Te Kaha-nui-a-Tiki. ...” Tamahae replied, “To the strength of the axe”? Tūwainoa replied, “That a chiefly quality be bestowed upon you.”

At Puahanui Pā, Tamahae called out to Putaanga (whom he considered ugly) to fight but was reminded that they were related through common ancestry to Tūmoanakōtore (Tūwhakairiora’s father), so he moved on.¹³⁰⁶ Tamahae followed the Maraehara River to Puketāwai Pā where he engaged the chief Hikitai, who threw a spear at him.¹³⁰⁷ He stated, “Te iti tangata e wero iho nei” (What a little man hurling spears at me).¹³⁰⁸ The reply from Hikitai was, “He iti rā he iti māpihi pounamu” (I may be little, but I am a greenstone of the finest kind).¹³⁰⁹ This was a reference to the fact that Hikitai was a descendant of Tūwhakairiora.¹³¹⁰ He reached Horoera and according to Hati Houkāmāu’s evidence given during the Horoera Block investigation,

¹³⁰⁰ Mahuika. (1973). 175; Salmond. (1980). 53-54.

¹³⁰¹ Kohere. (1949). 18.

¹³⁰² Mahuika. (1973). 175-176.

¹³⁰³ Mahuika. (1973). 281-282, 284. Quoting A. Reedy.

¹³⁰⁴ Mahuika. (1973). 282, 285. Quoting A. Reedy.

¹³⁰⁵ Mahuika. (1973). 284, 285. Quoting A. Reedy. Translation by Mahuika.

¹³⁰⁶ Kohere. (1949). 18-19; Salmond. (1980). 54.

¹³⁰⁷ Kohere. (1949). 19.

¹³⁰⁸ Kohere. (1949). 19.

¹³⁰⁹ Kohere. (1949). 19.

¹³¹⁰ Kohere. (1949). 19.

Tamahae and his force attacked Rangitāne Pā but there was no one at the pā other than the children of Kōpuni and their families.¹³¹¹ Houkāmau stressed that the pā did not fall.

A taua was then assembled by Pōnapātukia to avenge the death of his cousin, Hinetāpora and his son known as Ringa-i-waho, who had been slain by Te Whānau-a-Apanui.¹³¹² So Pōnapātukia called upon Rerekohu, Karuwai and Konohi to assist. Wānanga Walker notes he:¹³¹³

... called upon his relatives, Rerekohu of Wharekāhika, who turned down his invitation and Karuwai and Konohi, who both accepted with Konohi agreeing to the request to lead the party as well. Rerekohu's response was further reinforced by his refusal to allow the war party through the Wharekāhika district to allow easier access to the Whānau-a-Apanui hinterland, saying, "Ka whāroro āku waewae ki te moana, ko taku māhunga ki uta — my feet stretch to the ocean while my head lies inland", meaning his territory could not be crossed.

Furthermore, he also warned Tamahae and his people of the impending attack, and spoke mockingly of Pōnapātukia, Konohi and Karuwai in the process when he said, "Ana te tira tihe taruke o te paripari o Whangapirita. Hoatu! Karia te kauae! — Tis only an insignificant band which robs the crayfish pot from the cliffs of Whangapirita. Attack and destroy them!"

Because of Rerekohu's refusal to allow the revenge party through his territory, Konohi led the war party over the Raukūmara Range and into the Raukōkore Stream, subduing several pā (fortified village) along the way to safeguard their return. Konohi, Pōnapātukia and their war party soon stood face to face with Tamahae at Māramarama-te-rangi Pā, where Konohi was reminded about their pact. But the death of Hinetāpora had changed all that and Tamahae acknowledged this. To heal the breach, he presented Konohi with a korowai (woven cloak) called Tamakura. The matter should have ended there, but there was still Rerekohu to deal with.

On their return, Konohi and Pōnapātukia visited Rerekohu at his home in Wharekāhika. Rerekohu knew his number was up but averted disaster by offering two young women of high rank, Hinetaitua, and his great grand-daughter, Ngunguru-o-te-rangi, as a peace offering. This was sufficient recompense and finally Konohi returned to Whāngārā. Hinetaitua married Pōnapātukia's relation Māhiti, while Ngunguru-o-te-rangi married Konohi's grandson Tāne-toko-rangi. This marriage was to produce a daughter who would inherit the status and nobility of her ancestry. Her name was Hinematioro.

Te Toka-a-Kuku

Despite contact with Pākehā between 1806-1840, Māori of the district continued to operate in accordance with their own legal system. Interaction with Pākehā would lead to a desire for guns and goods. In 1829, for example Ngārara Toihau (and his people) in Whakatāne seized

¹³¹¹ McConnell. (1998). 93. Quoting Hati Houkāmau.

¹³¹² Walker. Konohi. (2014).; see also Mahuika. (1973). 179.

¹³¹³ Walker. Konohi. (2014).; see also Mahuika. (1973). 179.

and sacked the trading vessel the *Hawes*.¹³¹⁴ On board were two Ngā Puhi sailors.¹³¹⁵ At the time a contingent of Ngā Puhi had been staying with Uenuku at Whakawhitirā, one of whom was related to one of these crew men.¹³¹⁶ Evidently when news of what happened to the vessel became known to Ngā Puhi, the chiefs took the view Ngārara had to be punished as a deterrent and to ensure trading vessels would continue to cruise the coastline.¹³¹⁷ A schooner, the *New Zealander*, took the Ngā Puhi chief Te Hana and some Waiapu people north to Whakatāne.¹³¹⁸ When they arrived, Ngārara and his people boarded the vessel.¹³¹⁹ As Ngārara was leaving he was shot.¹³²⁰

A force of Ngāti Awa, Te Whānau-a-Apanui, Te Whānau a Te Ehutu and Whakatōhea was raised in 1829 to seek utu for the death of Ngārara. They determined to avenge Ngāti Porou and the Pākehā living with them.¹³²¹ There were two Pākehā traders living at Ōmaruiti, Wharekāhika at this time.¹³²² This provided the opportunity to obtain utu from the Pākehā as well as Ngāti Porou.¹³²³ The combined force was successful in their attack on Ōmaruiti and the two Pākehā were captured.¹³²⁴ Taylor was killed immediately but George escaped.¹³²⁵ The son of Uenuku of Whakawhitirā, Tūtohiarangi was also killed.¹³²⁶

There followed a series of ‘Ngāti Porou’ defeats, first at Te Piki-a-te-atawhiua, inland of Whangaparaoa.¹³²⁷ Then in 1829, a ‘Ngāti Porou’ taua was sent to the Bay of Plenty to avenge the battle at Te Piki-a-te-atawhiua.¹³²⁸ They were unsuccessful. The next encounter was when Ngāti Porou attacked the Wharekura Pā in 1829, to the east of Te Kaha but were

¹³¹⁴ Mackay, J. (1949). 115-116; Crosby, R. *The Musket wars: A history of inter-iwi conflict 1806-45*. (1999). Reed Publishing. 209-210.

¹³¹⁵ Soutar. (2000). 102, fn 27.

¹³¹⁶ Soutar. (2000). 102.

¹³¹⁷ Soutar. (2000). 102.

¹³¹⁸ Crosby. (1999). 210-211.

¹³¹⁹ Crosby. (1999). 210-211.

¹³²⁰ Ngata et al. (2006). 12-15; Soutar. (2000). 102.

¹³²¹ Ngata et al. (2006). 12-15; Mackay. (1949). 115-116; Crosby. (1999). 211.

¹³²² Crosby. (1999). 211.

¹³²³ Ngata et al. (2006). 12-15; Mackay. (1949). 115; Crosby. (1999). 211.

¹³²⁴ Mackay. (1949). 115; Crosby. (1999). 211.

¹³²⁵ Crosby. (1999). 211-212.

¹³²⁶ Soutar. (2000). 103.

¹³²⁷ Kohere. (1949). 23.

¹³²⁸ Kohere. (1949). 23.

overwhelmed.¹³²⁹ Kākātārau and others survived but many did not.¹³³⁰ According to Tuta Nihoniho Te Rangikamatau of Te Aowera:¹³³¹

... achieved fame by his acting against Te Whānau-a-Apanui at the time when Ngāti-Porou were defeated, at Whare-kura. He and his younger brothers, Kautete and Pou-rā-mua, were pursued by a number of the enemy, but they killed their pursuers; and they, with their clan of Te Ao-wera, also took part in the avenging of the defeat at Whare-kura by Ngāti-Porou, Ngāti-Kahungunu, and other clans. This was Te Kaha-nui-a-tiki, and, as Jesus Christ had arrived at this time, the bodies of the dead were not eaten.

As noted above, Pākura (the father of Kākātārau and Mōkena Kohere) and Te Pori-o-te-rangi (Te Houkāmau's grandfather and uncle of Te Kani-a-Takirau), and many others died at Wharekura.¹³³² Some survived but were taken as slaves. Tūawhiorangi (a son of Hihi), for example, was later sold for muskets by Te Whānau-a-Apanui. Te Whānau a Rērēwā then became Ngāti Hokopū to commemorate this event.

Te Whānau-a-Apanui went on the offensive after Wharekura and by 1834 they were threatening Rangitukia Pā and Whakawhitira Pā in the Waiapu.¹³³³ This is where the people of Wharekāhika and Kawakawa-mai-i-tawhiti had retreated to.¹³³⁴ Reweti Kohere wrote:¹³³⁵

Kākātārau ruled in the former stronghold. Whānau-a-Apanui were so sure of meeting with another success that they actually brought with them a young chief, Maka Te Uhutū, to feast on the hearts of Ngāti-Porou chiefs. For days the enemy encamped outside Rangitukia, and the local people were left guessing what their intention was. Probably they knew that Rangitukia was too well manned to be taken by assault. Tangitāheke, in whose veins coursed Ngāti-Porou blood, warned Kākātārau that the Whānau-a-Apanui were plotting treachery. They had asked for a friendly talk and were actually seen approaching the pā. Kākātārau, after humming a well-known song, gave the order to fire with what few guns they possessed. Taken by surprise, Whānau-a-Apanui fled, leaving their dead behind. Kākātārau did not follow up his success but permitted the enemy to gather their dead. These they burnt to cinders in fires which blazed day and night. And not until they had disposed of their dead did Whānau-a-Apanui leave for their homes in the Bay of Plenty. ...

Had Rangitukia fallen the Whānau-a-Apanui would probably have attacked Whakawhitirā. Kākātārau and his people thus fought Ngāti-Porou's battle and brought relief to the whole tribe.

The fight at Rangitukia took place in the year 1834. Soon after that Kākātārau, Pākura's eldest son, commenced preparations for an expedition to the Bay of Plenty as a final reckoning with the traditional enemy.

¹³²⁹ Kohere. (1949). 23; see also Crosby. (1999). 254-255.

¹³³⁰ Kohere. (1949). 23-24.

¹³³¹ Nihoniho. (1913). 42-43.

¹³³² Mackay. (1949). 92; Walker. (1997). 83-84; Kohere. (1949). 24; and see Crosby. (1999). 255.

¹³³³ Crosby. (1999). 289.

¹³³⁴ Soutar. (2000). 103.

¹³³⁵ Kohere. (1949). 24-26; see also Crosby. (1999). 290.

During the 1833 attack on Rangitukia Pā, Kākātārau only had a force of 560. After the battle, Kākātārau and Uenuku desired revenge so they:¹³³⁶

... sent messages to all the iwi of the East Coast and to Te Wera at Te Mahia to join in extracting utu. Te Wera came according to one account due to the attack by Te Whānau-a-Apanui on a Ngā Puhi waka in 1831. They had been visiting the East Coast and some of those people were on board. They successfully attacked the waka off Whakaari, killing the chiefs and taking slaves. Word was sent to Nukutaurua (Mahia Peninsula), where chiefs from Hawke's Bay and the surrounding districts had gathered for fear of an invasion of their districts by Taupō and Waikato tribes. Te Wera, the Ngāpuhi chief, was then living at Nukutaurua. Chiefs from Wairarapa were also asked to help, which they readily did, for Ngāti-Porou, under Kaapa, had come to their assistance on a previous occasion. Some say that Kākātārau personally visited Nukutaurua. The result was a large fleet of war canoes, each manned by a distinct tribe under its own chief, was got ready. All chiefs from Wairarapa to Hicks Bay joined the expedition. The enemy had already fortified themselves in Toka-a-Kuku pā, at the point of the Te Kaha Peninsula, with the sea on two sides and a high wall formed on the landward side. The stronghold was large enough to include kūmara plantations, and it proved impregnable.

At Whakawhitirā pā, and presumably Rangitukia pā preparations were made to feed 10,000 warriors, who would muster in the district.¹³³⁷ A waka taua was built named Te Ruru o Tarapikau for Kākātārau.¹³³⁸ This was a major undertaking. Reweti continued:¹³³⁹

The fleet set sail early in 1836. The invading tribes took up their position on the western side of the local tribes' position, where they entrenched themselves. They laid siege to the pā, but after a few months it was found impossible to storm it. Fish and shellfish were easily procured in abundance by the defenders, and reinforcements came by sea. The defenders, to relieve the pressure, sent out sorties, who suffered severely. The besiegers, too, suffered from shortage of food and exposure to the weather. The first to break away from the ranks of the invaders by returning home was the chief Te Kani-a-Takirau; but Kākātārau, Te Wera and other chiefs held on persistently. Reinforcements from as far north as Whakatāne came by land to the assistance of the defenders of Toka-a-Kuku. These were met at Pūremu-tahuri stream and were severely punished. Those who tried to get away were pursued and slain. Paratene Ngata told me that at every spot where a chief was slain a carved wooden figure was erected and covered with a mat. These figures were still standing in his day.

Percy Smith, in his account of the siege of Toka-a-Kuku, reckons that the Bay of Plenty tribes lost 140 in the first battle. Mohi Tūrei puts down the number of killed as over 205. Amongst the fallen of the local tribes the most notable were Tūteranginoti and Kākāpaiwaho, and of the invading tribes Parata, Kākātārau's brother, and Marino, Te Wera's son.

The Toka-a-Kuku campaign was remarkable for the fact that it was the last encounter between Ngāti-Porou and their cousins, the Whānau-a-Apanui.

¹³³⁶ Soutar. (2000). 104; Kōhere, (1949). 24-26; see also Crosby. (1999). 290.

¹³³⁷ Newman, K. (2010). *Bible & treaty, missionaries among the Māori: A new perspective*. Penguin Books. 119.

¹³³⁸ Karaka. (2000). 9.

¹³³⁹ Kōhere (1949). 24-26; see also Crosby. (1999). 290.

Te Kani-a-Takirau attempted to lift the siege once he felt sufficient utu had been extracted but according to Reweti Kohere it continued.¹³⁴⁰ The Tairāwhiti force finally withdrew, and peace was drawn with Te Whānau-a-Apanui.¹³⁴¹ Te Houkāmau and Hikurangi of Te Aowera (Tuta Nihoniho's grandfather) were present, as was Te Wera Hauraki of Ngā Puhi.¹³⁴² Te Kani-a-Takirau and Te Wera had developed a good relationship by this stage, and it was an opportunity for Te Wera to seek utu for the 1831 killing of his relations referred to by Reweti Kohere.¹³⁴³ This group of Ngā Puhi had been travelling back from a visit to the East Coast when they were successfully attacked off Whakaari by Te Whānau-a-Apanui.¹³⁴⁴ Kākātārau was one of the leaders who withdrew with the Ngāti Porou force. He died in Rangitukia and left no issue, so the mantle of leadership passed to his taina, Mōkena Kohere.¹³⁴⁵

During this 1835-1836 siege of Te Toka-a-Kuku, utu was finally extracted although the pā never fell.¹³⁴⁶ There was also a counterattack by allies of Te Whānau-a-Apanui by a taua numbering 1,800 but they were repulsed.¹³⁴⁷ Ngāti Porou and their allies were able to lay siege for many months.¹³⁴⁸ There were heavy casualties on both sides.¹³⁴⁹ The numbers killed were considerable for Te Whānau-a-Apanui. It is said that Ngāti Porou built a huge whata (stage) in front of the palisades where many bodies were hung on display.¹³⁵⁰

At the battle of Te Toka-a-Kuku, Christianity was beginning to influence tikanga. The large taua and a massive fleet that was amassed to go to Te Toka-a-Kuku was accompanied by Piripi Taumata-a-Kura.¹³⁵¹ He directed that none of the wounded be killed and there be no cannibalism.¹³⁵² He also stipulated no wanton destruction of property or plantations.¹³⁵³ He attempted to unite the hapū of Ngāti Porou under one Christian god, discard their own gods,

¹³⁴⁰ Walker. (1997). 85; cf. Kohere. (1949). 70.

¹³⁴¹ McConnell. (1998). 117.

¹³⁴² Nihoniho. (1913). 44.

¹³⁴³ Crosby. (1999). 231.

¹³⁴⁴ Crosby. (1999). 231.

¹³⁴⁵ Kohere. (1949). 26.

¹³⁴⁶ Crosby. (1999). 291.

¹³⁴⁷ Crosby. (1999). 291.

¹³⁴⁸ Crosby. (1999). 291.

¹³⁴⁹ Walker. (1997). 84.

¹³⁵⁰ Crosby. (1999). 291.

¹³⁵¹ Soutar. (2000). 108.

¹³⁵² Soutar. (2000). 108.

¹³⁵³ Soutar. (2000). 108.

and to prohibit other customs contrary to the new faith.¹³⁵⁴ There he fought valiantly, some say “... musket in one hand and his Bible in the other... .”¹³⁵⁵ Oral history records that “so great was the mana of his God, that Taumata-a-kura could ward off bullets by holding up printed texts from the Bible.”¹³⁵⁶ Piripi Taumata-a-kura, taken as a slave by Ngā Puhi and trained by missionaries, successfully ensured that no cannibalism was committed after the battle.¹³⁵⁷ He also cemented a place for his God among the iwi due to the brave way he fought.¹³⁵⁸

After the battle, and worried about reprisals, Ngāti Porou from the northern end of the district retreated to Rangitukia and Whakawhitirā.¹³⁵⁹ There they remained for some time. They retained a fighting force of 8,000 according to William Williams.¹³⁶⁰

In 1837, Te Whānau-a-Apanui sent emissaries to Wakawhitirā to sue for peace and interestingly, the delegation consisted of female chiefs.¹³⁶¹ Uenuku accepted the peace after climbing on to the roof of his house and stating:¹³⁶²

Ka whakaaetia te maungarongo ki a te Whānau-a-Apanui, kāore i takahia e te tangata (We shall accept the offer of peace by Te Whānau-a-Apanui. Let no one break it.)

It is said that this peace offer was unsuccessful with Te Houkāmau (whose grandfather was killed at Wharekura Pā). He took up arms against the emissaries, even though they were his cousins.¹³⁶³ Thus the tatau pounamu (greenstone door of peace) could not be closed with him.¹³⁶⁴ There was, therefore, continuing tension over the boundary between the two tribes between Whangaparaoa to Pōtikirua. Then at a meeting convened on 23 April 1879 called to discuss the selling of land, a boundary was agreed with certain hapū leaders.¹³⁶⁵ The agreement

¹³⁵⁴ Kaa, H. (2020). *Te Hāhi Mihinare: The Māori Anglican Church*. Bridget Williams Books Ltd. 29; Ngata, A. & Sutherland, I. Religious influences. In Sutherland, I. (Ed.). *The Māori people today: A general survey*. New Zealand Institute of International Affairs, New Zealand Council for Educational Research, Whitcombe & Tombs. 340; Newman. (2010). 119.

¹³⁵⁵ Kōrero a Waha a Rev. Wīremu Kaa - Rahui Marae (9 April, 2008); William Williams as quoted in Mackay. (1949). 92; Newman. (2010). 119.

¹³⁵⁶ Ngata & Sutherland. (1940). 340; see also William William Leonard (1829-1916) MS-2452 ATL, p 9.

¹³⁵⁷ Kohere. (1949). 25-26.

¹³⁵⁸ Soutar. (2000). 108.

¹³⁵⁹ Ngata & Sutherland. (1940). 341.

¹³⁶⁰ Ngata & Sutherland. (1940). 341. Quoting W. Williams.

¹³⁶¹ Ngata & Sutherland. (1940). 341.

¹³⁶² Soutar. (2000). 111, quoting Paratene Ngata; see also Newman. (2010). 120.

¹³⁶³ Soutar. (2000). 111.

¹³⁶⁴ Ngata & Sutherland. (1940). 341.

¹³⁶⁵ Puketauhinu Block Order and Correspondence File, Māori Land Court, Rotorua.

was dated 22 May 1879 and it sets out a boundary commencing at Pōtikirua and extending inland to Te Peka-o-te-Rangihekeihu, to Te Rangaranga, Te Tipi-o-Rongomaitipu, Te Kokomuka, Te Tutae-a-Rangitihi, Te Taumata-a-Te Awhengaiao, Te Maunga-i-tauria-e-te-kohu, Te Hīweraiwhakautua, Mangaotāne, Te Pākira, Maungaparahi, Tangatapueru, Pakarutu, Te Ranginuiatai, Wairangatira, and to Pukakahonui¹³⁶⁶ The parties agreed to leave the Puketauhinu block for the Native Land Court to “find the validity of one or the other”¹³⁶⁷ The agreement was signed by:

- Kereama Kaipara
- Te Tātana Ngātawa
- Hōtene Porourangi
- Tuta Nihoniho
- Te Hata
- Wī Taopuku
- Meiha Rōpata
- Wīremu Kīngi
- Hēnare Pōtae.

This agreement is still in the Māori Land Court records relating to the investigation into the Puketauhinu block. Thus, the northern boundary of the Pōtikirua ki te Toka-a-Taiau district was finalised by a small number of chiefs, and later confirmed in several decisions of the Native Land Court. The boundary was subject to challenge by many of those who lived in the Wharekāhika area, including Manahī Parapara who stated it had been drawn up and signed in Gisborne by the chiefs. He then added, “We heard of it afterwards and it was arranged some of us should go to Ōpōtiki” to refute it.¹³⁶⁸ They went there to challenge Te Whānau-a-Apanui’s rights to land but their attempts were unsuccessful in the Native Land Court.

¹³⁶⁶ Ngāti Porou – Whānau-a-Apanui Agreement 22 May 1879 accessed from the Puketauhinu Block Order and Correspondence File, Māori Land Court, Rotorua.

¹³⁶⁷ Ngāti Porou – Whānau-a-Apanui Agreement 22 May 1879 accessed from the Puketauhinu Block Order and Correspondence File, Māori Land Court, Rotorua.

¹³⁶⁸ Native Land Court *Re Wharekāhika* (1908) 41 Waiapu MB 125.

Te Pākehā, Ngā Puhi, te Pū me te Paiperatapu

Kia tere te pakiaka hinahina i runga i au, ka rongo ake au e mara ana, e kihi ana
(When the roots of the hinahina have grown over my grave, I shall hear the “mara” and the “kihi”)

*So said the tohunga Te Rangitauatia when he foretold of the arrival of the Pākehā and Ngā Puhi.*¹³⁶⁹

Ngā Tūtakitanga Tōmua ki te Pākehā - Early Encounters with Pākehā

Though Abel Tasman “discovered” New Zealand he never came anywhere near the Pōtikirua ki te Toka-a-Taiau district and there is no record of him landing in the area.¹³⁷⁰ The real encounter with the Pākehā, therefore, commenced with the arrival of the Endeavour under Lieutenant James Cook.¹³⁷¹ Anne Salmond records the reason for the voyage as follows:¹³⁷²

The Endeavour was on a scientific voyage to the Pacific to observe the Transit of Venus. By measuring the passage of this planet across the face of the sun, scientists hoped to estimate the size of the solar system. Expeditions were sent to different places around the globe to make these observations, including Tāhiti, which had recently been found for Europe by Captain Wallis of the Royal Navy.

The *Endeavour*’s entry into Tūranga-nui-a-Kiwa, on 9 October 1769, was initially mistaken for a bird filled with gods.¹³⁷³ The alternative tradition given to W. L. Williams was that it was seen as a floating island.¹³⁷⁴ From the deck the sailors could see a fenced hilltop, houses on the foreshore and a village on the banks of the Tūranga-nui-a-Kiwa river known as Hei-pipi Pā.¹³⁷⁵

The association by Māori aligning Pākehā with the gods was quickly dispelled as the first encounter of the races was not a peaceful one. After landing by longboat to look for water, a local chief Te Maro of Ngāti Oneone was shot by one of Cook’s crew.¹³⁷⁶ The strange ‘kihi’

¹³⁶⁹ Mahuika. (1973). 116-117; Soutar. (2000). 55-56, who notes this matekite (seer) was from Te Whānau-a-Hinerupe.

¹³⁷⁰ Salmond. (1991). 122.

¹³⁷¹ Salmond, A. (2019). First Encounters. In *Tuia 250 Encounters*. 3. Retrieved on 24 January 2021 at <https://tinyurl.com/2fkfkdxu>.

¹³⁷² Salmond. (2019). 3.

¹³⁷³ Mackay (1949). 21, quoting Polack; Salmond (1991). 123-124.

¹³⁷⁴ Mackay. (1949). 21; Salmond. (1991). 123.

¹³⁷⁵ Mackay. (1949). 98; Salmond. (1991). 122.

¹³⁷⁶ Mackay. (1949). 22, 33, 38; Salmond. (2019). 3.

or hissing language had arrived. The next day another man named Te Rākau, a chief of Rongowhakaata was shot and three others wounded after being encouraged to mingle with the crew.¹³⁷⁷ Out in the bay four more Māori were shot, two drowned, and three were taken captive, but released the next day.¹³⁷⁸ On 12 October 1769, the *Endeavour* sailed out of the bay and headed towards Te Mahia.¹³⁷⁹ The *Endeavour* then returned past Tūranga to Anaura Bay, arriving there on 20 October 1769. Salmond records that:¹³⁸⁰

Sailing past Tūranga-nui-a-kiwa, the Endeavour arrived off Anaura Bay where another ariki (high chief) and his companion, both dressed in fine feather cloaks, came on board to invite them ashore.

This ariki, Te Whakatātare-o-te-rangi, was the leader of Te Aitanga-ā-Hauiti, a kin group based at Uawa. Curious about the strangers, he escorted them ashore where they visited a small village and inspected large, meticulously weeded, hillside gardens of kūmara, taro, gourds and a few aute (bark-cloth). It was windy, however, and when Banks tried to return to the ship, his canoe capsized in the surf, giving him a soaking. Te Whakatātare decided to take them to Uawa instead, where there was a sheltered anchorage and plenty of fresh food and water.

When they arrived at Uawa, with its sweet-scented flowering trees, gardens, river and forests, the artist Sydney Parkinson called it a 'second Paradise.' As the sailors collected firewood and filled the water barrels, the officers wandered about ashore, marvelling at the gardens, carved houses and canoes, and the fine mats woven by local women. The only fortified site they saw was in ruins, and the people were living in peace. Tupaia slept ashore in a cave where he talked with the high priest of Te Rāwheoro, an ancestral school of learning famed for carving, canoe-building and ancestral knowledge, exchanging news about ancestral gods, voyaging adventures and life in the homeland, Hawaiiki.

The Uawa women were proud and feisty, and unlike those in Tāhiti, refused to have sex with the sailors. Cook, Banks and Tūpaia also visited an offshore island, Pourewa, where the young ariki (high chief) Hinematiaro lived, and they acquired a carved wall panel from a decorated house that was evidently still being completed. When Tupaia questioned the local people about the practice of eating people, they confirmed it.

Cook would somewhat romantically state: 'They eat their enemies Slane in Battell – this seems to come from custom and not from a Savage disposition this they cannot be charged with – they appear to have but few Vices. Their behaviour was free from treachery.'¹³⁸¹ Joseph Banks would also note that they governed themselves as principalities.¹³⁸² On their voyage north, Cook's vessel passed Horoera and Kawakawa-mai-i-tawhiti where the sailors saw many villages and cultivations including at Wharekāhika.¹³⁸³

¹³⁷⁷ Mackay. (1949). 28, 30-31, 38; Salmond. (2019). 4.

¹³⁷⁸ Mackay. (1949). 28; Salmond. (2019). 4; Salmond. (1991). 129.

¹³⁷⁹ Mackay. (1949). 28; Salmond. (2019). 3-4,

¹³⁸⁰ Salmond. (2019). 4.

¹³⁸¹ Salmond. (2019). 4. Quoting J. Cook.

¹³⁸² Mackay. (1949). 464.

¹³⁸³ Salmond. (1991). 185.

James Cook would be selected to lead a further expedition to New Zealand in 1773 to search for the “southern continent, Antarctica.” He arrived in New Zealand as Captain of the *Resolution* on 3rd November 1773.¹³⁸⁴ His sister vessel the *Adventure*, whose captain was Captain Furneaux, called into the district in November 1773.¹³⁸⁵ The *Adventure* would stop in Uawa on 9-10 November and due to bad weather, the vessel was forced back on 11 November, staying until the 16 November.¹³⁸⁶ During this trip, grog was taken from the crew and this may have been taken for breaching tapu after disturbing the head of a deceased woman.¹³⁸⁷ Cook returned to New Zealand in 1777 but does not appear to have called into Uawa.

There followed limited contact with other Europeans, other than with whalers and traders and those brave enough to stop for provisions. Between 1818-1819, there was no interaction as Ngā Puhi were rampaging through the district.¹³⁸⁸ Chronologically, the vessels that had some contact with Māori included:¹³⁸⁹

Mermaid	1797	
Venus	1805-1806	
Governor Bligh	1810	
Mary	1810	
Inspector	1810	
Perseverance	1813	
Amokete/Hamukete	1827-1828	
L’Astrolabe	1827	(Captain D’Urville)
Hawes	1829	
Darling	1831	
Elizabeth	1833	
Fortitude	1833	
Polack’s Cutter	1835	

¹³⁸⁴ Mackay. (1949). 60.

¹³⁸⁵ Mackay, D. James Cook. In *The Dictionary of New Zealand biography*, Vol. 1. At <https://teara.govt.nz/en/biographies>. Retrieved on 24 January 2021.

¹³⁸⁶ Mackay. (1949). 59; see also Salmond. (1991). 98-99.

¹³⁸⁷ Salmond. (1991). *A Between Two Worlds: Early Exchanges Between Māori and Europeans 1773-1815* (Viking Press, Auckland, 1997) p 99.

¹³⁸⁸ Mackay. (1949). 83.

¹³⁸⁹ Mackay. (1949). 80-84.

On first sighting the white men, Mohi Tūrei would say the people of the north thought they tūrehu (light skinned race), pūnehunehu (misty race), mā (white), mā korako (albinos), whero takou (red like ochre).¹³⁹⁰

Ngā Puhi, Ngā Pū me te Whakaponongatanga – Ngā Puhi, Guns and Slavery

The arrival of the ship the *Venus* between 1804-1806 in the waters of the northeast of the North Island would irreversibly change the lives of the iwi and hapū of the Pōtikirua ki te Toka-a-Taia district.¹³⁹¹ According to Ron Crosby, this was a small vessel seized by its mate with the help of convicts from Tasmania.¹³⁹² The crew then kidnapped two women from Te Aupouri.¹³⁹³ In the Bay of Islands, several Ngā Puhi women were taken.¹³⁹⁴ One of these women was the sister of the chief Te Mōrenga.¹³⁹⁵ Another was related to Hongi Hika.¹³⁹⁶ At Whāngarei two more women were seized, one of whom was Tawaputa, a niece of Te Mōrenga.¹³⁹⁷ At Thames they tried to kidnap a chief and his family, Te Haupa of Ngāti Maru.¹³⁹⁸ He escaped but his daughter was kidnapped by the sailors.¹³⁹⁹ At Mōtītī Island the crew left Tawapatu and she was subsequently killed and consumed at the direction of the Ngāi Te Rangi chief, Te Waru.¹⁴⁰⁰ The *Venus* sailed on to the East Coast where it left the remaining women.¹⁴⁰¹ Reports sent through to Ngā Puhi were that the women were killed at Maraenui by Te Whānau-a-Apanui or they were killed at Kawakawa-mai-i-tawhiti by Ngāti Porou. Alternatively, they were killed and eaten south of the East Cape.¹⁴⁰² There was no actual certainty in these reports, but these would be the precursor to the Ngā Puhi Raids to the district.¹⁴⁰³

¹³⁹⁰ Salmond. (1991). 62. Quoting Mohi Tūrei; see generally Salmond, A. (1997). *Between two worlds: Early exchanges between Māori and Europeans 1773-1815*. Viking Press, regarding how the trading relationship with Māori developed.

¹³⁹¹ Crosby. (1999). 45. Note that this historical work was once the subject of much criticism for the failure to provide footnotes and references. In the Preface to the reprinted volume, Crosby explains that the book was an “attempt to bring together the host of materials that have been written either as books or theses about various iwi or areas, or as articles about particular battles etc”.

¹³⁹² Crosby. (1999). 45; see also William Leonard, W. MS-2452 ATL, App A – Extracts from the journal of S Marsden.

¹³⁹³ Crosby. (1999). 45; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹³⁹⁴ Crosby. (1999). 45.

¹³⁹⁵ Crosby. (1999). 45; Ulrich Cloher, D. (2003). *Hongi Hika – Warrior Chief*. Penguin Books Ltd. 63.

¹³⁹⁶ Crosby. (1999). 45; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹³⁹⁷ Crosby. (1999). 45.

¹³⁹⁸ Crosby. (1999). 45.

¹³⁹⁹ Crosby. (1999). 45.

¹⁴⁰⁰ Crosby. (1999). 46.

¹⁴⁰¹ Crosby. (1999). 46.

¹⁴⁰² Crosby. (1999). 45; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹⁴⁰³ Crosby. (1999). 46.

By 1818, the northern tribes had collected numerous guns through their interactions with traders and whalers. In that year, those whose relatives were kidnapped by the crew of the *Venus* were ready to seek utu against their enemies.¹⁴⁰⁴ Te Mōrenga was the first to leave the Bay of Islands in January with a large fleet of canoes and 400 warriors, some of whom were from Te Aupouri and Te Rarawa.¹⁴⁰⁵ He attacked Te Waru at Mōtiti Island.¹⁴⁰⁶ However he escaped, and that meant Te Mōrenga would return to extract utu. The warriors did sack the pā and kill many of Te Waru's iwi.¹⁴⁰⁷ Te Mōrenga travelled east, raiding Ngāti Awa and other iwi as he went. He returned to the Bay of Islands with numerous slaves including the wife of the chief who killed Te Mōrenga's sister.¹⁴⁰⁸ They also returned with many preserved heads to be used as trade items to purchase more muskets.¹⁴⁰⁹ Te Mōrenga headed south again in 1820 with 600-800 warriors. During this raid Te Mōrenga eventually made peace with Te Waru after he had extracted sufficient utu.¹⁴¹⁰

But another wind was brewing. Hongi Hika also left the north with his taua in February 1818-1819, but did not meet Te Mōrenga during his travels.¹⁴¹¹ This was probably deliberate as it seems the two were in fierce competition with each other.¹⁴¹² Ostensibly he wanted utu from those of the East Coast responsible for the killing of the women (especially his own relative), who were on the *Venus*.¹⁴¹³ Alternatively he merely wanted slaves and preserved heads as there is no record in the district's oral traditions of these women being killed in the district.¹⁴¹⁴ Iles notes that:¹⁴¹⁵

The Ngā Puhi chief Te Mōrenga set out in 1818 and fought at Tauranga. Hongi followed a month later but was probably only interested in Ngāti Porou as a source of slaves. Hongi told Marsden that his battles were easily won against these peoples who had few arms ...

¹⁴⁰⁴ William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹⁴⁰⁵ Crosby. (1999). 57.

¹⁴⁰⁶ William Leonard. (No date) App. A – Extracts from Journal of S. Marsden.; Crosby. (1999). 57.

¹⁴⁰⁷ Crosby. (1999). 57.

¹⁴⁰⁸ Crosby. (1999). 57.

¹⁴⁰⁹ Crosby. (1999). 57.

¹⁴¹⁰ Crosby. (1999). 69-73.

¹⁴¹¹ Crosby. (1999). 57-58; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹⁴¹² Ulrich Cloher. (2003). 62-63.

¹⁴¹³ Crosby. (1999). 57-58; Ulrich Cloher. (2003). 63.

¹⁴¹⁴ Soutar. (2000). 56-57; Mackay. (1949). 74-75.

¹⁴¹⁵ Iles. (1981). 139.

Hika's campaign was also a response to a request from Ngāti Paoa to avenge the killing of some of their people by East Coast tribes.¹⁴¹⁶ He went to Thames and was joined by Te Haupa who had lost his daughter when she was kidnapped by the crew of the *Venus*.¹⁴¹⁷ Together they commanded a force of 900 warriors, with many muskets.¹⁴¹⁸ They attacked Maketū and then proceeded to destroy and loot as many as 500 villages all down the Eastern Seaboard including Maraenui near the Motu River.¹⁴¹⁹ At Wharekāhika (Hicks Bay), Te Hapua was killed.¹⁴²⁰ His death would be justification for further utu.¹⁴²¹

Hika led Ngā Puhi during the attack on Ōkauwharetoa when the “stream Ōtāwhao ran red with blood.”¹⁴²² The oral traditions record that “... i puni a Ōtāwhao i te pūtui o te tangata” (The stream became blocked with the heap of bodies).¹⁴²³ The expression “E mara” was heard as predicted in the prophecy of Rangitauatia.¹⁴²⁴ They then moved south and along the way the taua attacked various pā including Houtūpākoke Pā at Tikitiki (by this time the home of Te Rangitauatia), Motukokouri Pā near Tīkapa-a-Hinekōpeka and the Kōkai Pā at Whareponga.¹⁴²⁵ The defenders of each pā including Kōkai were soon overcome.¹⁴²⁶ At Kōkai, Ngā Puhi taunted the occupants and in response the people in the pā did the traditional whakapōhane.¹⁴²⁷ Ngā Puhi responded with their gun fire.¹⁴²⁸ Many fled inland and were pursued and many were captured and killed.¹⁴²⁹ Crying children were also killed by their parents to protect those fleeing.¹⁴³⁰ Te Kairākau acted to save his hapū of Te Aowera from being killed by Ngā Puhi at Tau-ki-Hikurangi.¹⁴³¹ A proverb that emerged following this attack was “Hongi Hika is the lightning that destroys completely.”¹⁴³² I note that this was probably a

¹⁴¹⁶ Ulrich Cloher. (2003). 63; see also William Leonard. (No date).

¹⁴¹⁷ William Leonard. (No date); Crosby. (1999). 58.

¹⁴¹⁸ Stafford, D. (2007). *A wild wind from the North*. Reed. 16; Crosby. (1999). 58; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden, where the number given in the journal was 800.

¹⁴¹⁹ Mackay. (1949). 74-75; Crosby. (1999). 58.

¹⁴²⁰ Crosby. (1999). 58.

¹⁴²¹ Crosby. (1999). 58.

¹⁴²² Stafford. (2007). 15-16; McConnell. (1998). 102; Ulrich Cloher. (2003). 58.

¹⁴²³ Wirepa. (1918). 8.

¹⁴²⁴ Soutar. (2000). 54, fn 24.

¹⁴²⁵ Soutar. (2000). 63; Crosby. (1999). 58; Ulrich Cloher. (2003). 58.

¹⁴²⁶ Soutar. (2000). 58-59.

¹⁴²⁷ Soutar. (2000). 58.

¹⁴²⁸ Soutar. (2000). 58.

¹⁴²⁹ Soutar. (2000). 59.

¹⁴³⁰ Soutar. (2000). 59, citing Mohi Tūrei.

¹⁴³¹ Nihoniho. (1913). 44.

¹⁴³² Ulrich Cloher. (2003). 58.

Ngā Puhi narrative as it does not appear to have been recorded in the traditions of the hapū of Whareponga. They continued down the coast as far south as Tokomaru Bay and Uawa.¹⁴³³

When Hika returned to the north in January 1819, he had over 2000 prisoners with him, collected from the 600 villages he attacked.¹⁴³⁴ Marsden records that these slaves were shared among the chiefs and their “officers” and made slaves.¹⁴³⁵ Many of these slaves were killed and eaten and missionaries recounted seeing heads on poles of different pā around the Bay of Islands.¹⁴³⁶ Those who survived were not permitted to return for over a decade and the female captives were used as concubines or slave wives.¹⁴³⁷ Ngā Puhi had also taken many preserved heads.¹⁴³⁸ Luckily Hongi never returned to Pōtikirua ki te Toka-a-Taiau district where the devastating impacts of the Ngā Puhi raids were such that many people moved inland for security including at Rangitukia, Houtūpākoke Pā at Tikitiki, and Taitai.¹⁴³⁹

The next raid came in 1820 when Ngā Puhi led by Pōmare (of Taumarere) and Te Wera Hauraki attacked those in Ōkauwharetoa and Whetūmatarau.¹⁴⁴⁰ They came armed with many guns; they came to kill and enslave but they did not intend to stay and occupy.¹⁴⁴¹

At Whetūmatarau, the Whānau a Tūwhakairiora, Te Whānau a Hinerupe, Te Whānau a Te Aotaihi, Te Whānau a Tūterangiwhiu, Te Whānau a Kahu, Te Whānau a Te Aopare, Te Whānau a Hunaara, Te Whānau a Te Rangitekehua, and Te Aitanga a Tiki gathered.¹⁴⁴² Inside the pā were many chiefs and their children. Pōmare taunted the occupants from his hillside camp (later named Te Taumata a Pōmare), particularly the husband of the famous Rangi-i-paea, Ngārangi-Tokomauri with this saying: “Moe mai rā, e hoa, i tā tāua wahine (Te Rangi-i-paia) i tēnei pō ; ko a tērā pō te riro ai i a au” (Sleep well with our woman Te Rangi-i-paia for this night; for the remaining nights she shall be mine).¹⁴⁴³

¹⁴³³ Ulrich Cloher. (2003). 63.

¹⁴³⁴ Stafford. (2007). 16; Ulrich Cloher. (2003). 63; see also William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹⁴³⁵ William Leonard. (No date). App. A – Extracts from Journal of S. Marsden.

¹⁴³⁶ Crosby. (1999). 58.

¹⁴³⁷ Crosby. (1999). 58.

¹⁴³⁸ Crosby. (1999). 58.

¹⁴³⁹ Soutar. (2000). 59.

¹⁴⁴⁰ Wirepa. (1918). 8; Crosby. (1999). 75; see also William Leonard. (No date). 3.

¹⁴⁴¹ Crosby. (1999). 75.

¹⁴⁴² Wirepa. (1918). 8.

¹⁴⁴³ Wirepa. (1918). 8; He Waiata Tangi (Ngāti Porou) Nā Te Rangiipaia. In Ngata & Jones. (2006). 100-103, which records the couple were in Whetūmatarau; cf Crosby (1999). 75, who says they were in Ōkauwharetoa, which seems to fit with the rest of his narrative.

The taua had crossed the river to commence the assault on Whetūmaturau.¹⁴⁴⁴ It stood about 200 metres above sea-level, on the summit of a very steep ridge overlooking the sea.¹⁴⁴⁵ They were unable to penetrate the pā so Ngā Puhi laid siege to the pā for months to the point that food sources were exhausted within the pā.¹⁴⁴⁶ Inside the pā people were so hungry that they started to sell their children to each other for food.¹⁴⁴⁷ Then Ngā Puhi pretended to leave.¹⁴⁴⁸ When the occupants of the pā saw the canoes leave, they left the sanctuary of the pā for their homes on the flats at Kawakawa-mai-i-tawhiti to search for food.¹⁴⁴⁹ Pōmare and Te Wera returned under the cover of night.¹⁴⁵⁰ Then the taua killed and slaughtered many Ngāti Porou.¹⁴⁵¹ It was this raid which resulted in hundreds from the district gathered at Ōkauwharetoa and Whetūmaturau being killed.¹⁴⁵²

The survivors fled inland. Others evacuated to Taitai, leaving Kawakawa, the Waiapu, and Whareponga empty.¹⁴⁵³ Ngā Puhi would continue round the coast and attack Tapatahi Pā at Waipiro Bay. At Tapatahi Pā, located at the southern end of Waipiro Bay, the pā was successfully defended by Te Whānau a Iritekura and Te Whānau a Rākairoa due to its location.¹⁴⁵⁴ Pōmare appears to have returned north,¹⁴⁵⁵ and the taua split in two.¹⁴⁵⁶ Te Wera led one section down the eastern seaboard attacking Tokomaru Bay, Uawa and Tūranga-nui-a-Kiwa.¹⁴⁵⁷ Te Wera was joined by a Waikato-Maniapoto contingent in Tūranga-nui-a-Kiwa.¹⁴⁵⁸ At the Waipaoa River they clashed with Te Kani-a-Takirau and Rongowhakaata.¹⁴⁵⁹ Many warriors were killed on both sides but the Ngā Puhi guns prevailed.¹⁴⁶⁰ Te Kani-a-Takirau escaped but three of his tuakana were killed, namely Taraao, Tamaitipōtiki and Tamaitohatohaia.¹⁴⁶¹ Te Wera Hauraki continued around the coast to Nukutaurua at Mahia

¹⁴⁴⁴ Crosby. (1999). 76; see also William Leonard (No date). 3.

¹⁴⁴⁵ Crosby. (1999). 76.

¹⁴⁴⁶ Wirepa. (1918). 8; Crosby. (1999). 76.

¹⁴⁴⁷ Wirepa. (1918). 8.

¹⁴⁴⁸ Crosby. (1999). 76.

¹⁴⁴⁹ Crosby. (1999). 76; cf William Leonard (No date). 3.

¹⁴⁵⁰ Soutar. (2000). 62.

¹⁴⁵¹ Soutar. (2000). 59; Crosby. (1999). 76; McConnell. (1998). 102-106, 111-112.

¹⁴⁵² Soutar. (2000). 62; McConnell. (1998). 102-104.

¹⁴⁵³ Wirepa. (1918). 8; Crosby. (1999). 76.

¹⁴⁵⁴ Soutar. (2000). 64.

¹⁴⁵⁵ Crosby. (1999). 76.

¹⁴⁵⁶ Crosby. (1999). 76.

¹⁴⁵⁷ Soutar. (2000). 66; Crosby. (1999). 76; see also William Leonard (No date). 3.

¹⁴⁵⁸ *Te Karere Māori*. (1856); Walker. (1997). 78-80; Crosby. (1999). 76.

¹⁴⁵⁹ Crosby. (1999). 76.

¹⁴⁶⁰ Crosby. (1999). 76.

¹⁴⁶¹ *Te Karere Māori*. (1856); Crosby. (1999). 76.

where he took 40 prisoners, including the man who would become his brother-in-law, the chief Te Whareumu.¹⁴⁶²

Some relief through utu was extracted from the defeat of a segment of Ngā Puhi (Ngāti Wai) at Waiapu who had come to try their luck at repeating Hika's and Pōmare's work.¹⁴⁶³ However, in 1823 the Pōtikirua ki te Toka-a-Taiau district would suffer again at the hands of Te Wera Hauraki and Pōmare on his return with Te Rangi-i-paia by his side.¹⁴⁶⁴ On the way there the Ngā Puhi taua assisted in an attack on Te Arawa led by Hongi Hika, who did not continue on to the East Coast.¹⁴⁶⁵

Pōmare's intention was to return with Te Rangi-i-paia to make peace.¹⁴⁶⁶ News of Pōmare's arrival reached Ngāti Porou inland at Rangitukia, Whakawhitirā, and at Taitai.¹⁴⁶⁷ At Rangitukia and Whakawhitirā were many hapū known as Ngāti Porou Tūturu. The pā on Taitai mountain was located at the summit and was called Pakuteranga and Puatai.¹⁴⁶⁸ Te Rangimatemoana was the chief who invited all the hapū to seek shelter there.¹⁴⁶⁹ Te Whānau a Hinerupe under the mana rangatira of Te Mimi-o-Pawa took refuge there as did Te Whānau a Rākai, Te Whānau a Karuwai, Te Whānau a Rua, Te Whānau a Rangi, along with the local hapū of Te Aowera, Te Whānau-a Rākairoa, and Te Whānau a Iritekura.

Pōmare sent messages to meet with Ngāti Porou and it is said that Ngāti Porou arrived as a taua (approximately 4000 strong), suggesting that they came as a confederation of hapū.¹⁴⁷⁰ On seeing that the taua from Ngā Puhi was smaller than anticipated, they attacked, seeking utu.¹⁴⁷¹ Whetūkamokamo was one of those who attacked.¹⁴⁷² He engaged Pōmare but was shot and killed.¹⁴⁷³ He was killed on the upper reaches of the Awatere River.¹⁴⁷⁴ Arapeta Awatere (who

¹⁴⁶² Lyall. (1979). 142; see also William Leonard. (No date). 3.

¹⁴⁶³ Tūrei, M. (1910). *He Kōrero Tawhito*. In *Pipiwaharauroa* no. 143. 2-3; Soutar. (2000). 66; McConnell. (1998). 108.

¹⁴⁶⁴ William Leonard. (No date). 4.

¹⁴⁶⁵ Crosby. (1999). 134; see also William Leonard. (No date). 3.

¹⁴⁶⁶ Crosby. (1999). 134; see also William Leonard. (No date). 4.

¹⁴⁶⁷ Crosby. (1999). 134.

¹⁴⁶⁸ Soutar. (2000). 65.

¹⁴⁶⁹ Soutar. (2000). 65.

¹⁴⁷⁰ Crosby. (1999). 134.

¹⁴⁷¹ Soutar. (2000). 67.

¹⁴⁷² Soutar. (2000). 67; McConnell. (1998). 108-109.

¹⁴⁷³ Soutar. (2000). 67-68; Ngata & Jones. (2006). 100-101.

¹⁴⁷⁴ He Tangi mō Te Whetūkamokamo (Te Whānau a Hinetāpora) Nā Hōne Rongomaitu. In Ngata & Jones. (2006). 93-99.

considered this happened during the 1818 raid) would record that his ancestor Whetūkamokamo:¹⁴⁷⁵

... led a Ngāti Porou war-party against Pōmare's forces which were surrounding Whetūmatarau Pā at Te Araroa whose old name was Te Kawakawa-mai-i-tawhiti. ... So his grandchildren, my father and his brothers were called Awatere to commemorate his death in the Awatere River while fighting for land, kith and kin. ... My father's taiaha is called Tūwhakairiora, after the original owner. The tribe, the people, the tangata-whenua who own Whetūmatarau Pā [are] called Te Whānau a Tūwhakairiora. They were also the tribe of my great grandfather, Whetūkamokamo. The taiaha was owned by Tūwhakairiora, nine generations back from my father.

Ngāti Porou once more retreated inland.¹⁴⁷⁶ As a result of the Ngā Puhi raids land was evacuated, in some cases permanently and gifts of land were given. For example, Hēnare Rukuata would state that the land Waikōriri, was given by the ancestor Hinetangi to Hihi (uncle of Kākātārau and Mōkena Kohere) for protecting her during the Ngā Puhi raids.¹⁴⁷⁷ That land was claimed by Hihi's descendant Panikena Kaa and his half-sister, Rāhera Rairi. Panikena had Wi Ihikepa Kaa, who begat Rīpeka Tāhuru, who had Ngāwiki and Pākura. Pākura was my mother.¹⁴⁷⁸ The remnants of the homestead are still on this land.

The Ngā Puhi taua continued down the coast to Tokomaru.¹⁴⁷⁹ There the taua split and Pōmare returned to the Te Araroa.¹⁴⁸⁰ Te Wera Hauraki carried on to Te Mahia.¹⁴⁸¹ Pōmare tried again to sue for peace by sending his warrior Taotaoriri with Te Rangi-i-paea to Uenuku at Whakawhitirā Pā, Waiapu.¹⁴⁸² Most of the people who had fled the coast were either at Whakawhitirā or at Taitai.¹⁴⁸³ Taotaoriri would have been killed by the warriors of the pā, but Uenuku saved him.¹⁴⁸⁴ Taotaoriri, who gained the admiration of the people for his bravery, was then given the wife of Rangiwhakatatae (called Hikupoto).¹⁴⁸⁵ Pōmare finally secured the peace he sought with Uenuku at Whakawhitirā Pā.¹⁴⁸⁶ Pōmare and Te Rangi-i-paia returned north together.¹⁴⁸⁷ Te Rangi-i-paea elected to go with him. They left with Taotaoriri, Hikupoto and

¹⁴⁷⁵ Awatere. (2003). 66.

¹⁴⁷⁶ Awatere. (2003). 93.

¹⁴⁷⁷ Native Land Court *Re Te Kautuku* (1913) 57 Waiapu MB, 65-67. Evidence of Hēnare Rukuata.

¹⁴⁷⁸ Native Land Court *Re Te Kautuku* (1913) 57 Waiapu MB 65-67. Evidence of Hēnare Rukuata.

¹⁴⁷⁹ Soutar. (2000). 68.

¹⁴⁸⁰ Soutar. (2000). 68; Crosby. (1999). 134.

¹⁴⁸¹ Soutar. (2000). 68.

¹⁴⁸² Soutar. (2000). 68; Crosby. (1999). 134.

¹⁴⁸³ Soutar. (2000). 68.

¹⁴⁸⁴ Soutar. (2000). 69-70.

¹⁴⁸⁵ Soutar. (2006). 69-70.

¹⁴⁸⁶ Soutar. (2006). 71; Crosby. (1999). 134.

¹⁴⁸⁷ William Leonard. (No date). 4; McConnell. (1998). 109-110.

the rest of his taua.¹⁴⁸⁸ Uenuku accompanied them to the Bay of Islands before returning to the East Coast.¹⁴⁸⁹ Pōmare would visit again in 1824.¹⁴⁹⁰ Pōmare was killed at Te Rore on the Waipā.¹⁴⁹¹ Te Rangi-i-paia then became the wife of Te Kariri of Ngāti Haua.¹⁴⁹² According to Āpirana Ngata they lived at Maungatautari where this lament for her people was recorded.¹⁴⁹³

He Waiata Tangi – Na te Rangi-i-paia¹⁴⁹⁴

E kainga iho ana e au ngā kai ki roto rā,	I eat and swallow my food,
Tutoko tonu ake e āku tini mahara.	But my many thoughts keep welling up,
He mea koroukore i te wā i ora ai, ē	I cared little, if at all, for the living,
Taria me mate, ka hao au te mahara, ē.	But should death come remorse will be my lot.

Kai wawewawe atu e te mate i ahau, ē,	Let death quickly overtake me,
Ki wawe te wairua te tae ki Taupō;	That my spirit may sooner reach Taupō;
Koi noho i te ao kairanga atu ai, ē,	Lest it remain on earth wandering and yearning
Ki te ao o te tonga e koheri mai rā	Towards the cloud glowing from the south
Nā runga ana mai te hiwi ki Tikirau;	Over the mountain at Tikirau;
Kei tua koutou ota ora i ahau.	Beyond are you, my dear ones,
	who gnaw at my heart.

While this was happening, Te Wera had continued to Te Mahia to return the chief, Te Whareumu. On his way south, at Tūranga-nui-a-Kiwa, he met with Te Kani-a-Takirau who was seeking assistance against Ngāti Porou, who at the time were “... besieging the Aitanga-a-Hauiti at Pourewa Pā.”¹⁴⁹⁵

The pā was attacked by Ngāti Porou (Te Whānau a Ruataupare and northern hapū from as far north as Whakawhitirā).¹⁴⁹⁶ During the fighting Te Kani-a-Takirau’s father, Rongotūmamao,

¹⁴⁸⁸ Soutar. (2006). 71.

¹⁴⁸⁹ Soutar. (2006). 71.

¹⁴⁹⁰ Soutar. (2006). 71.

¹⁴⁹¹ Soutar. (2006). 71.

¹⁴⁹² Soutar. (2006). 71; Tūrei. (1910). 2-3; He Waiata Tangi. In Ngata & Jones. (2006). 92-93.

¹⁴⁹³ Soutar. (2006). 71; He Waiata Tangi. In Ngata & Jones. (2006). 92-93.

¹⁴⁹⁴ Ngata & Jones. (2006). 100-103.

¹⁴⁹⁵ Crosby. (1999). 135.

¹⁴⁹⁶ Soutar. 2000). 79.

was killed.¹⁴⁹⁷ A canoe was put to sea but overturned and Hinematiaro drowned.¹⁴⁹⁸ There are several narratives associated with the attack and the first is that.¹⁴⁹⁹

Pākira, who resided in the Waiapu district, was insulted by a brother-in-law named Whakarara, whose abode was at Marahea. When Whakarara heard that Pākira was on the way to attack his pā, he went to Tolaga Bay to secure the protection of Hinematiaro, leaving behind a message for Pākira that he should be well content with the sands of Anaura for utu (compensation). Pākira, however, continued to pursue Whakarara, who took refuge on Pourewa Island.

However, Reweti Kohere claimed the attack occurred because Hinematiaro had made insulting remarks about Ngāti Porou and he wrote:¹⁵⁰⁰

Hinematiaro lived in the pā and inquired of the war-party who its leader was. On receiving the answer ..., she put out to sea at night rather than fall into the hands of the Ngāti-Porou chief and was drowned. Her body, wearing precious greenstone pendants round her neck, was washed up on the beach.

Victor Walker considers that the raid was due to many of the engagements of Te Amaru Kaitangata and his allies (Ngāriki and Rongowhakaata) against Ngāti Porou (their allies being Te Aitanga a Māhaki).¹⁵⁰¹ Te Amaru was the brother of Rongotūmamao, the father of Te Kani-a-Takirau. It seems that these tensions were long running on the border with the hapū north of Tokomaru Bay. Victor Walker would write:¹⁵⁰²

These were troubled times in and about Uawa, Tūranga and the confederacy of Ngāti Porou, and the death of Hinematiaro was a part of a cycle of revenge in which many were to lose their lives. Throughout it was a struggle for power and 'mana' or authority; alliances were forged as a means to an end. Te Kani-a-Takirau and his uncle Te Amaru used such measures to maintain the balance of tribal control and power. The relationship with Te Wera Hauraki was one such strategy.

...

The earliest reference to Hinematiaro being involved in a dispute is when as a young girl she was visiting Māpouriki pā at Kaiteratahi when it was attacked by Te Aitanga-a-Māhaki and Rongowhakaata under the command of the chief Te Whiwhi. Hinematiaro, however, was recognised and taken back to Whāngārā. The animosity between these people continued, and in due course a combined force of Ngāpuhi, Ngāriki and Te Aitanga-a-Hauiti quarrelled with the Ngāi Tamatea of Te Aitanga-a-Māhaki at Waingāromea, and Te Whiwhi was killed. Te Aitanga-a-Māhaki rose up to avenge this death and subsequently defeated Te Aitanga-a-Hauiti. In the course of this fighting, Te Aitanga-a-Māhaki, allied with hapū of the Northern Ngāti Porou, attacked sections of Te Aitanga-a-Hauiti and killed the wives of Te Amaru.

¹⁴⁹⁷ Walker. (1997). 69.

¹⁴⁹⁸ Walker. (1997). 69.

¹⁴⁹⁹ Mackay. (1949). 462-463.

¹⁵⁰⁰ Kohere. (1949). 68.

¹⁵⁰¹ Walker. (1997). 66-69; Soutar. 2000). 80-81.

¹⁵⁰² Walker. (1997). 66.

Te Amaru's revenge was swift. His armies met Ngāti Porou and Te Whānau-a-Rautaupare at Tataraiā. Converging from inland and by sea, Te Amaru was victorious. Te Whānau-a-Rautaupare attacked Pōhatu-a-Tiki pā on the Kaiaua Block, which was the principal residence of Te Amaru, [and] ... Te Rangiatāhua and Ngātao (Ngaukiore) were killed. Te Amaru was not in the pā at the time. It seems that he was at Te Pourewa with his allies Ngāi Tārore. Subsequently, Te Amaru regained Pōhatu-a-Tiki and avenged the death of Te Rangiatāhua.

Prior to the takeover of Pōhatu-a-Tiki pā, Te Amaru had attacked Tautini, Ahitītī, and Kahuitara, the pā of Te Whānau a Ruataupare and Ngāti Ira.¹⁵⁰³ Halbert records that the attack on Pourewa followed these events and that is when Hinematiaro drowned. Rongotūmamao was killed in the fighting but Te Amaru escaped.¹⁵⁰⁴ Te Kani-a-Takirau sought assistance from Te Wera Hauraki who agreed to help Te Kani-a-Takirau and in 1823 “... they arranged to return to Uawa after Te Wera had settled Te Whareumu at Te Mahia.”¹⁵⁰⁵ However, Te Kani-a-Takirau then became entangled in a internecine struggles within Te Aitanga-a-Hauti, particularly with the hapū Ngāti Te Whare and Ngāti Kuranui.¹⁵⁰⁶ This trouble went on for a number of years and Te Kani-a-Takirau had to draw on his southern allies for assistance.¹⁵⁰⁷

Finally, circa 1828-1829, an armada of waka-tauā filled with warriors from Te Aitanga a Hauti, Ngāti Kahungunu, Rongowhakaata, Ngāi Tahupō (later Ngāi Tāmanuhiri), Rongowhakata, and Ngā Puhi (under Te Wera Hauraki) was amassed.¹⁵⁰⁸ The armada made its way north-east to Tokomaru Bay with the purpose of avenging the deaths of those who had died at Pourewa and at Pōhatu-a-Tiki.¹⁵⁰⁹ Meanwhile Ngāti Porou, Te Whānau a Ruataupare, some Ngāti Konohi and two hapū from Uawa, with their chiefs Rangiuia, Teinapuku and Rāniera Tūroa, had gathered at Tuatini Pā in Tokomaru Bay.¹⁵¹⁰ The attack on the pā was led by Te Amaru, Te Wera Hauraki, and Pahurākai of Hauti.¹⁵¹¹ The pā was sacked and those who were not killed (including Rangiuia), fled to Waitahaia and Wharekia on the north and south sides of Mount Hikurangi.¹⁵¹² Others made it to Kahuitara Pā where peace was made after

¹⁵⁰³ Soutar. (2000). 81.

¹⁵⁰⁴ Halbert. (1999). 142.

¹⁵⁰⁵ Walker. (1997). 70.

¹⁵⁰⁶ Walker. (1997). 70-72.

¹⁵⁰⁷ Walker. (1997). 70-72.

¹⁵⁰⁸ Walker. (1997). 72.

¹⁵⁰⁹ Walker. (1997). 72.

¹⁵¹⁰ Walker. (1997). 73.

¹⁵¹¹ Walker. (1997). 74.

¹⁵¹² Soutar. (2000). 84.

further skirmishing.¹⁵¹³ Among the chiefs killed at Waitahaia was Mahuika and Te Rerehōrua.¹⁵¹⁴ Portions of their bodies were cut up and returned to Te Kani-a-Takirau in Uawa to consume.¹⁵¹⁵ As he did so, he “commented on the ‘toughness’ or ‘leanness’ of the men from Te Whānau-a-Ruataupare.”¹⁵¹⁶

Among those captured at Waitahaia was a young 8-year-old Wahawaha who was then made a slave.¹⁵¹⁷ He witnessed his relatives being killed and consumed.¹⁵¹⁸ He was taken back to Tūranga-nui-a-Kiwa and was a slave to Rāpata Whakapūhia for at least one year before a ransom was paid for him and other survivors. The ransom was paid by Tama-i-whakanehua-i-te-rangi of Te Whānau o te Ao.¹⁵¹⁹ Wahawaha would thereafter be known as Rāpata Wahawaha. His name was later mispronounced Rōpata by Sir Donald McClean.¹⁵²⁰ Rāpata Wahawaha and his relatives were led home and at Whāngārā “shown the hands of his relative Rerehōrua” that had been “nailed to a cross-bar, upon which kits of food were suspended.”¹⁵²¹ Monty Soutar then explains what happened next:¹⁵²²

Indignant at the way in which his kinsman had been derided, when Wahawaha reached Tokomaru he described to Tama-i-whakanehua-i-te-rangi what he had seen at Whāngārā. The chief was outraged, he being a first cousin to Te Rerehōrua, and immediately an ope taua was organised

By this time Te Wera Hauraki and Te Amaru returned to Te Mahia little knowing that they would face a great force from Waikato (Maniapoto), Hauraki, Ngāti Tūwharetoa, Te Arawa, Te Whatanui of Ngāti Raukawa (Horowhenua), and Peehi Tūroa.¹⁵²³ Te Wera and Te Amaru proceeded on to Ōkurarenga Pā, where they were caught up in the dispute.¹⁵²⁴ This led to an invasion in circa 1831-1832 as the above named tribes laid siege to the Ōkurarenga Pā (later named Kaiuku Pā). Te Amaru lost his life there. Most hapū of Kahungunu had retreated to this pā and they had so little food they resorted to eating clay – hence the change in name of the

¹⁵¹³ Walker. (1997). 74.

¹⁵¹⁴ Walker. (1997). 74.

¹⁵¹⁵ Walker. (1997). 74.

¹⁵¹⁶ Walker. (1997). 74; Soutar. (2000). 85.

¹⁵¹⁷ Soutar. (2000). 85.

¹⁵¹⁸ Soutar. (2000). 85-86.

¹⁵¹⁹ Soutar. (2000). 86, 88.

¹⁵²⁰ Soutar. (2000). 88.

¹⁵²¹ Soutar. (2000). 88-89.

¹⁵²² Soutar. (2000). 89.

¹⁵²³ Walker. (1997). 78-80.

¹⁵²⁴ Walker. (1997). 78-80; see also Crosby. (1999). 135.

pā.¹⁵²⁵ Te Kani-a-Takirau tried to assist but was unable to get through the enemy lines.¹⁵²⁶ His nephew, Hīrini Tuahine (later Hirini Te Kani), the son of Rāwiri Te-eke-tū-o-te-rangi was captured.¹⁵²⁷ His father paid a ransom of a greenstone mere named Pahikura and a toki poutangata called Te Heketua for his release.¹⁵²⁸

Meanwhile, after Tuatini there followed a series of battles between Ngāti Porou (and their allies) and Te Aitanga-a-Hauiti (and their allies).¹⁵²⁹ As noted above, a Ngāti Porou taua was organised to seek utu for the killing of Te Rerehōrua and Mahuika in circa 1831. The 12 year old Rāpata Wahawaha joined this taua.¹⁵³⁰ Uenuku and Te Kōtiri of Waiapu joined as well with Te Whānau a Ruataupare, Te Whānau a te Ao, Te Whānau a Rākairoa, Whakatōhea, and Te Whānau-a-Apanui on the campaign.¹⁵³¹ They over-ran Pukehore Pā near Puatai (Rototahē) and Maia-a-te-Ahu Pā and the chief who killed Te Rerehōrua was captured and his brains “dashed out” by Tama-i-whakanehua-i-te-rangi.¹⁵³² After the fighting Rāpata Wahawaha would return to Ngāti Porou with his people residing by this time in Whakawhitirā at Waiapu.¹⁵³³

The fighting was intense and Te Whānau a Ruataupare had to evacuate for a short period to Wharekāhika where they lived under the protection of Te Houkāmau until they had a dispute with him and his people.¹⁵³⁴ Te Aitanga-a-Hauiti also left for a period and went to Tūranganui-a-Kiwa.¹⁵³⁵ The chiefs of Te Whānau a Ruataupare, after receiving advice from other chiefs, including Uenuku at Whakawhitirā, went to Te Kani-a-Takirau at Tūranganui-a-kiwa where they negotiated peace terms and all returned to their respective pā.¹⁵³⁶ Ruataupare returned to Tokomaru building a new pā.¹⁵³⁷ Thus peace was made.¹⁵³⁸ Either before, or as part of the peace, Te Kani-a-Takirau married Te Rangiuiā’s sister Hine-i-tieri-i-te-rangi.¹⁵³⁹ She became the senior wife and gave birth to his son Waikari.¹⁵⁴⁰ The whakapapa to Te Rangiuiā

¹⁵²⁵ Walker. (1997). 78-80.

¹⁵²⁶ Mackay. (1949). 88-89; Walker. (1997). 79-80.

¹⁵²⁷ Mackay. (1949). 87.

¹⁵²⁸ Walker. (1997). 78-80; Mackay. (1949). 88.

¹⁵²⁹ Soutar. (2000). 91.

¹⁵³⁰ Soutar. (2000). 89-90.

¹⁵³¹ Soutar. (2000). 89-90.

¹⁵³² Soutar. (2000). 90.

¹⁵³³ Soutar. (2000). 95.

¹⁵³⁴ Walker. (1997). 76-80; Soutar. (2000). 91-92.

¹⁵³⁵ Walker. (1997). 76-80; Soutar. (2000). 91-92.

¹⁵³⁶ Soutar. (2000). 93.

¹⁵³⁷ Soutar. (2000). 93.

¹⁵³⁸ Walker. (1997). 76-77.

¹⁵³⁹ Walker. (1997). 78; Soutar. (2000). 83.

¹⁵⁴⁰ Walker. (1997). 78.

and Hine-i-tieri-i-te-rangi descends from Hingangaroa and Iranui through Hauiti and Kahukuraiti. Te Kani-a-Takirau also married Te Amotawa (sister of Te Rerehōrua whom he had consumed). Previously she had been Barnet Burn's wife and their son became George White.¹⁵⁴¹

The aftermath of these events is recorded in *Ngā Mōteatea*. The entry discusses the Waiata Tangi written by Te Kani-a-Takirau following the death of his only son Waikari.¹⁵⁴² Waikari was to marry the daughter of Te Houkāmau and he had gone to live at Wharekāhika.¹⁵⁴³ However, Waikari's betrothed died and upon his return to Uawa in 1844, Waikari died.¹⁵⁴⁴ According to Victor Walker, Te Kani-a-Takirau was "devastated and totally consumed by grief" and "he believed that Waikari had been destroyed by cursing or witchcraft."¹⁵⁴⁵ In the first part of the lament composed by Te Kani-a-Takirau he relates Waikari's death to the cannibalism he engaged in when he consumed parts of Mahuika and Rerehorua.¹⁵⁴⁶ From the words he appears to see the death of Waikari as a sanction or penalty (a whaiwhaia) for his cannibalism.¹⁵⁴⁷

Kia mate koe, e Wai ē,
Mō Mahuika, mō Te Rerehorua,
Mō taku ahi manawa
Ki roto o Tokomaru;

Would that you had died, O Wai,
For Mahuika and Te Rerehorua,
For my heart-offering ritual fire
Within the vale of Tokomaru;

Te Kani-a-Takirau then invited Whānau a Ruataupare to Uawa to prepare and dress flax at Paretenohonoa Pā on the northern bank of the Uawa River.¹⁵⁴⁸ There were two major pā in Uawa under the mana of Te Kani-a-Takirau, and these were Paratenohonoa Pā and Paremata Pā with approximately 500 inhabitants in each pā.¹⁵⁴⁹ Te Aitanga-a-Hauiti were on the southern bank.¹⁵⁵⁰ Te Whānau a Ruataupare were at Uawa for three to four years.¹⁵⁵¹ The chiefs that

¹⁵⁴¹ Walker. (1997). 78.

¹⁵⁴² Ngata & Jones (2006, Part 2). 190–191.

¹⁵⁴³ Ngata & Jones (2006, Part 2). 190–191.

¹⁵⁴⁴ Ngata & Jones (2006, Part 2). 190–191; Walker. (1997). 74–75.

¹⁵⁴⁵ Walker. (1997). 102; *Te Karere Māori*. (1856).

¹⁵⁴⁶ Ngata & Jones (2006, Part 2). 190–191.

¹⁵⁴⁷ Ngata & Jones (2006, Part 2). 190–191.

¹⁵⁴⁸ Soutar. (2000). 92–93.

¹⁵⁴⁹ Walker. (1997). 97–98.

¹⁵⁵⁰ Soutar. (2000). 94.

¹⁵⁵¹ Soutar. (2000). 93–94.

eventually supported Te Kani-a-Takirau were Rangiuia, Rahuruhi Hapūpoia, Karauria Pāhura, and Tamaiwhakatangiaterangi. Karauria Pāhura would state before the Native Land Court that the ariki Te Kani made sure that “there was one ‘tikanga’ or code of conduct for everybody on either side of the [Uawa] river” including a section of Te Whānau a Ruataupare who had come to tend flax.¹⁵⁵²

To keep the peace Te Kani also placed European traders (Charles Ferris and Barnet Burns) on each side of the river, one with Te Whānau a Rua at Paratenohonoa Pā and the other at the south bank at Paremata Pā.¹⁵⁵³ This is not to suggest that challenges to Te Kani-a-Takirau’s authority ceased. When James Polack visited in 1835, there was simmering tension between the two pā. He records there was an incident on board his vessel where Rangiuia became so angry that he almost incited a war between the hapū on each side of the Uawa river.¹⁵⁵⁴

Life also remained tense for Te Whānau a Ruataupare (No 1) on their northern boundary with Te Aitanga a Mate. On one trip via Te Puia, they intercepted a Te Aitanga a Mate taua heading to Tokomaru Bay to avenge the killing of Hinetukirangi, a Te Aitanga a Mate woman killed in earlier skirmishing.¹⁵⁵⁵ During the clash with this taua, Te Whānau a Rua killed four Te Aitanga a Mate chiefs.¹⁵⁵⁶ There was the inevitable reprisal raid and Tāria of Te Whānau a Rua was killed.¹⁵⁵⁷ The latter’s relatives successfully sued for peace and the dispute ended, mainly due to the whakapapa relationships of all those involved.¹⁵⁵⁸

Ngā Kaihokohoko rātou ko ngā Kaiwhaiwēra – The Traders & Whalers

Fearing a return of Ngā Puhi, all the tribes of the Pōtikirua ki te Toka-a-Taiau district then turned their attention to acquiring guns by encouraging whalers and traders to land at settlements to barter for (by this stage) potatoes and pigs.¹⁵⁵⁹ In the late 1820s-1830s, Australian schooners called in regularly and the bartering of produce, then flax, in exchange for guns “soon reached considerable proportions.”¹⁵⁶⁰ Captain D’Urville on the French vessel

¹⁵⁵² Walker. (1997). 87. Quoting Karauria Pāhura.

¹⁵⁵³ Mackay. (1949). 93- 94.

¹⁵⁵⁴ Mackay. (1949). 84-86.

¹⁵⁵⁵ Soutar. (2000). 94.

¹⁵⁵⁶ Soutar. (2000). 94.

¹⁵⁵⁷ Soutar. (2000). 94.

¹⁵⁵⁸ Soutar. (2000). 94.

¹⁵⁵⁹ William Leonard. (No date). 5.

¹⁵⁶⁰ Mackay. (1949). 83.

L'Astrolabe for example, called into Uawa in 1827 and would record that Te Kani-a-Takirau wanted to barter for guns, which they did not give him.¹⁵⁶¹ Guns, weapons, schooners and trade goods became the main reason why traders were welcomed, for the district was still concerned about Te Whānau-a-Apanui, Ngā Puhi, and inter-hapū rivalries.

Charles Ferris appears to have been the first trader at Uawa.¹⁵⁶² He was based on the southern side of the Uawa River.¹⁵⁶³ In 1831 Montefiore & Company sent John William Harris, Tom Ralph, and George White (Barnet Burns) to Poverty Bay to buy flax.¹⁵⁶⁴ John William Harris was charged with establishing trading stations during the flax boom with Tom Ralph and Barnet Burns. This they did at Uawa and in Tūranga-nui-a-Kiwa. Harris also established one of the first whaling stations¹⁵⁶⁵ He was involved in building a trading station on the Tūranga-nui-a-Kiwa river.¹⁵⁶⁶ He was followed by Thomas Halbert (Tūranga), Robert Espie (Uawa), Andrew Arthur, and William Brown (Tūranga). Robert Espie would become a trade rival with Charles Ferris at Uawa on the south side of the river.¹⁵⁶⁷

Over this period whaling stations (some very rudimentary) were established in Whangaparaoa, Kawakawa-mai-i-tawhiti, Hēkawa, Te Wharariki, Māwhai, Anaura, Whāngārā, Papawhāriki, Pokotākinu, Tuahine Point, and Tūranga-nui-a-Kiwa.¹⁵⁶⁸ It is likely that some gift was required as a form of rent payment for these stations and for trading posts (eg. blankets and calico, or other goods).¹⁵⁶⁹

At the northern end of the district, during the decade 1830-1840, several whalers and traders settled either permanently or long enough to have children. Such people included John Hayes, James Peachy, Josef Manuel, and Thomas Atkins.¹⁵⁷⁰ Atkins was at Ōmāewa when Rangitukia was attacked by Te Whānau-a-Apanui circa 1833.¹⁵⁷¹ He was engaged in trading muskets for maize with Ngāti Porou.¹⁵⁷² Hayes with another Pākehā known simply as Rōpiha arrived at Awanui whereupon the local Ngāti Porou built their store also at Ōmāewa in 1834.¹⁵⁷³ Peachy

¹⁵⁶¹ Mackay. (1949). 84.

¹⁵⁶² Mackay. (1949). 130.

¹⁵⁶³ Mackay. (1949). 130.

¹⁵⁶⁴ Oliver, W.& Thomson, J. (1971). *Challenge and response: A study of the development of the Gisborne East Coast region*. Gisborne Herald. 19-20.

¹⁵⁶⁵ Mackay. (1949). 99-102, 145.

¹⁵⁶⁶ Mackay. (1949). 99.

¹⁵⁶⁷ Mackay. (1949). 130.

¹⁵⁶⁸ Mackay. (1949). 135, 145-146; Oliver, et al. (1971). 20-21.

¹⁵⁶⁹ Mackay. (1949). 135-137.

¹⁵⁷⁰ Walker. (2005). 38-40.

¹⁵⁷¹ Soutar. (2000). 134.

¹⁵⁷² Soutar. (2000). 134.

¹⁵⁷³ Mackay. (1949). 130.

arrived circa 1840 and set up a trading post at the Awatere River in Kawakawa and his store was built by the locals as well. He was also whaling at Hēkawa and Te Wharariki until he moved to Waipiro and opened another store in the 1850s before returning to Kawakawa.¹⁵⁷⁴ Manual ran his trading post at Awanui with another near Waiapu.¹⁵⁷⁵ His daughter married a Portuguese trader called Lima.¹⁵⁷⁶ Others include Edward Deacon, Moses Yule and then George Babbington (Tokomaru Bay).¹⁵⁷⁷ A list of other early traders include James Fedarb (Waipiro), Charles Goldsmith (Waipiro), David Bristow and William Collier (Kawakawa),¹⁵⁷⁸ William Green (Waipiro), and Nathan Gilman (Kawakawa).¹⁵⁷⁹ William (Bill) Ward was at Tokomaru Bay¹⁵⁸⁰ and George Taylor at Whareponga.¹⁵⁸¹ Fedarb, Green, and Goldsmith were at Waipiro Bay and later Goldsmith moved to Tūranga,¹⁵⁸² and John Anderson and Mathew Fox were at Anaaura.¹⁵⁸³

There were at the most only thirty-five Pākehā living in the district from Hicks Bay to Mahia during this period.¹⁵⁸⁴ With most of them, Ngāti Porou became engaged in whaling, trading and flax growing.¹⁵⁸⁵ The flax industry would only support those hapū at Uawa for a short time before the market collapsed in the late 1830s.¹⁵⁸⁶ For these hapū there were no cultivations to cushion the effects of the decline.¹⁵⁸⁷ The boom and bust of the market led to a rapid decline in the local economy.¹⁵⁸⁸ There was then a return to tending cultivations but now these included turnips, melons, potatoes, wheat, and maize.¹⁵⁸⁹

All the people in the district remained under the control of the various Ngāti Porou chiefs.¹⁵⁹⁰ That meant traders and whalers had to live under tikanga,¹⁵⁹¹ and it was dangerous not to comply with the law of the chiefs and their rūnanga of elders.¹⁵⁹² Examples of how tikanga was

¹⁵⁷⁴ Mackay. (1949). 135-136.

¹⁵⁷⁵ Mackay. (1949). 136.

¹⁵⁷⁶ Mackay. (1949). 136.

¹⁵⁷⁷ Mackay. (1949). 137.

¹⁵⁷⁸ Soutar. (2000). 134.

¹⁵⁷⁹ Soutar. (2000). 134.

¹⁵⁸⁰ Soutar. (2000). 134.

¹⁵⁸¹ Mackay. (1949). 117-118, 130-136.

¹⁵⁸² Mackay. (1949). 136.

¹⁵⁸³ Mackay. (1949). 154.

¹⁵⁸⁴ Oliver, et al. (1971). 25.

¹⁵⁸⁵ William Leonard (No date). 4.

¹⁵⁸⁶ William Leonard (No date). 4-5

¹⁵⁸⁷ William Leonard (No date). 4-5.

¹⁵⁸⁸ William Leonard (No date). 5.

¹⁵⁸⁹ Mackay. (1949). 125-127.

¹⁵⁹⁰ Oliver, et al. (1971). 20.

¹⁵⁹¹ Walker. (2005). 38-40.

¹⁵⁹² Oliver, et al. (1971). 20.

applied include the forceable moko of Barnet Burns to ensure he remained with the hapū with whom he lived. They wanted him to continue to bring trade. They also required that he fight with them against their enemies if necessary.¹⁵⁹³ Another example of the application of tikanga was when Thomas Atkins was cutting up trees near Rangitukia. It seems he accidentally set fire to some kiekie (used for weaving, clothing and fine mats).¹⁵⁹⁴

As compensation he was forced to part with a piece of calico, two blankets, three pieces of duck, and a cask of tobacco. He had to give a spade for a tawa tree and a piece of dress stuff, half a cask of tobacco and two red serge shirts for some rimu and kahikatea trees.

Many of these early traders had relationships with local women and so the blood lines of Toi, Ruawaipu, Porourangi, and Horouta all merged with those of tauiwi. Harris, for example, married Tūkura, a first cousin of Rawiri Te-ke-tū-o-te-rangi.¹⁵⁹⁵ Barnet Burns, who lived in the district from 1831-1834 including at Uawa,¹⁵⁹⁶ married Amotawa of Te Whānau a Ruataupare (sister of Te Rerehōrua whom Te Kani-a-Takirau had consumed).¹⁵⁹⁷ When Burns left the country in 1834, Te Kani-a-Takirau married Amotawa.¹⁵⁹⁸

These traders were different men to those who would bring the bible. They integrated into the existing legal order. They were not able to change it and nor, apparently, did they initially seek to do so. However, their mere presence was creating change due to Māori becoming more familiar with their culture, with their trade goods and with the products they sought to purchase.¹⁵⁹⁹ Some Pākehā even become so committed to their new life that they embraced the Māori religion. One even lost his life for a breach of tapu.¹⁶⁰⁰ His hara or offence was that he walked in a tapu area. He later died of an incurable infection.¹⁶⁰¹

Ko Ngā Mihinare me te Paiperatapu – Missionaries and the Bible

¹⁵⁹³ Oliver , et al. (1971). 20.

¹⁵⁹⁴ Mackay. (1949). 134.

¹⁵⁹⁵ Mackay. (1949). 94-95, 100.

¹⁵⁹⁶ Mackay. (1949). 107, 110.

¹⁵⁹⁷ Mackay. (1949). 108.

¹⁵⁹⁸ Mackay. (1949). 111.

¹⁵⁹⁹ Oliver , et al. (1971). 19-20.

¹⁶⁰⁰ Mackay, (1949). 119.

¹⁶⁰¹ Mackay, (1949). 119.

What would herald further change was the arrival in 1833 of the whaling ship, the *Elizabeth* on the East Cape. As was standard practice, its crew welcomed local Māori onboard.¹⁶⁰² One of the people who boarded the vessel was the chief, Rukuata.¹⁶⁰³ Others included Rangikatia, Rangiwhakatamatama, and Te Kākāmara.¹⁶⁰⁴ It was claimed by Captain Black that a breeze came up and so the vessel had to put to deep water and sail north to the Bay of Islands where they dumped the unfortunate Ngāti Porou whom they had effectively kidnapped.¹⁶⁰⁵ Missionaries saved them from becoming Ngā Puhī slaves and the latter were convinced to allow them to be returned home.¹⁶⁰⁶ The Reverend William Williams accompanied them on their journey on the brig *Active*.¹⁶⁰⁷ However, rough seas resulted in the brig turning back and the Ngāti Porou passengers on board ended up staying in Paihia for eight months under the tuition of the missionaries Henry Williams and William Williams (Te Wīremu of the four eyes).¹⁶⁰⁸ The Ngāti Porou chiefs, and Rev. William Williams and the CMS missionary William Yate were finally able to board the schooner *Fortitude* with a number of other returnees who had been taken as slaves by Hika late in 1833.¹⁶⁰⁹ Thus, on this trip was the convert Rukuata and several of the Ngāti Porou people kidnapped by Captain Black on the *Elizabeth*, as well as former slaves including Piripi Taumata-a-Kura.¹⁶¹⁰ They arrived in Wharekāhika on 8 January 1834.¹⁶¹¹ Yate would record they met 400 people camped and fishing for mackerel.¹⁶¹² Williams conducted the first Christian service in Hicks Bay that evening.¹⁶¹³ This was done under the watchful eyes of Te Houkāmau.¹⁶¹⁴ Dr Hirini Kaa quoting Mohi Tūrei states that Williams, along with the other Pākehā, returned to the north.¹⁶¹⁵ However, other accounts, including those of William Williams, William Yate and W. L. Williams suggest that William Williams and Yate were on the trip the next day to Kākātārau's Pā at Rangitukia.¹⁶¹⁶ On that trip the returnees and William Williams travelled overland to

¹⁶⁰² William Leonard (No date). 6.

¹⁶⁰³ William Leonard (No date). 6.

¹⁶⁰⁴ Kaa. (2020). 26.

¹⁶⁰⁵ William Leonard (No date). 6; Mackay, (1949). 156.

¹⁶⁰⁶ William Leonard (No date). 6; Mackay, (1949). 156.

¹⁶⁰⁷ William Leonard (No date). 6; Mackay, (1949). 156.

¹⁶⁰⁸ William Leonard (No date). 6-7; Mackay, (1949). 157.

¹⁶⁰⁹ Kaa. (2020). 27; Mackay, (1949). 157.

¹⁶¹⁰ Gillies, I. & Gillies, J. (No date). *East Coast pioneers: A Williams Family portrait*. Gisborne Herald Publishing. 49-52.

¹⁶¹¹ William Leonard (No date). 7; Mackay. (1949). 157.

¹⁶¹² Yate, W. (No date). Journal and Diary 1833-1845, MC-Copy-Micro-0453, ATL. 46-47.

¹⁶¹³ Kaa. (2020). 26; Gillies, et al. (No date). 52; Mackay. (1949). 157; Walker. (2005). 40.

¹⁶¹⁴ Gillies, et al. (No date). 67-68.

¹⁶¹⁵ Kaa. (2020). 27.

¹⁶¹⁶ Williams, W. (No date). *Journal Vol 2, 1832-1840, qMS-2249*. 354-355; cf Newman. (2010). 117; Mackay. (1949). 157; Yate. (No date). 45-46.

Rangitukia Pā where there were at least 560 fighting men.¹⁶¹⁷ This was obviously the pā under the mana of Kākātārau. Yate records that he considered that the people he met were more familiar with tikanga Māori than those in the Bay of Islands, having had less interaction with Pākehā.¹⁶¹⁸ There were many elderly men at Rangitukia, and that might explain the obvious emphasis on tikanga in the district.¹⁶¹⁹

After staying overnight, William Williams travelled to Whakawhitirā where there were at least 800-1000 men, women and children present.¹⁶²⁰ Whakawhitirā was one of a number of pā erected to counter attacks from taua or troops with muskets.¹⁶²¹ It was a huge fortress, “believed to be the largest ever constructed in the country”, capable of housing 5,000 people.¹⁶²² It was also capable of “mustering 2600 fighting men.”¹⁶²³ Many of these men were away undertaking other activities or were back in their own villages or kāinga, using this pā only in times where their security was threatened. On the Sunday, two large services were conducted (the first in Rangitukia and the second at Whakawhitirā).¹⁶²⁴ Rukata and the other Māori evangelists organised the services and while Whakawhitirā was probably led by Rev. William Williams, Piripi Taumata-a-Kura may have led the service at Rangitukia.¹⁶²⁵ The next day William Williams estimated the population of Waiapu as 4,060. This cannot be right as Whakawhitirā could accommodate 5,000, and it was one of two pā in that one small area of the Waiapu, namely the Tikitiki to Rangitukia area. Williams would travel to Te Mahia where he assessed the population to be approximately 4,960 Māori.¹⁶²⁶ During that trip he was told there were 860 men at Tokomaru Bay, 680 men at Uawa, and 1,900 at Tūranga-nui-a-Kiwa.¹⁶²⁷ Again these figures probably under-estimate the actual figures.

Piripi Taumata-a-Kura and Rukuata would continue to hold services at Rangitukia and Whakawhitira. Other hapū from around the Pōtikirua ki te Toka-a-Taiau district would converge on these pā, then return home to teach their own hapū and whānau.¹⁶²⁸ Without

¹⁶¹⁷ Williams, W. (No date). 356; William Leonard. (No date). 7; Mackay. (1949). 157.

¹⁶¹⁸ Yate. (No date). 53.

¹⁶¹⁹ Yate. (No date). 53.

¹⁶²⁰ Williams, W. (No date). 356-357; cf Mackay. (1949). 158.

¹⁶²¹ Soutar, M. (2018). He iwi piri pono – loyalty to the Crown, an iwi perspective. In Crawford, J. & McGibbon, I. (Eds.) *Tūtū te Pūehu – New perspectives on the New Zealand Wars*. Steele Roberts Press. 292.

¹⁶²² Soutar. (2018). 292.

¹⁶²³ Williams, W. (No date). 356-357; William Leonard (No date.). 7; Mackay. (1949). 157.

¹⁶²⁴ Mackay. (1949). 158.

¹⁶²⁵ Williams, W. (No date). 356-357; William Leonard (No date.). 7; Mackay. (1949). 158; Kaa. (2020). 27; see also Newman. (2010). 117.

¹⁶²⁶ Williams, W. (No date). 358.

¹⁶²⁷ Williams, W. (No date). 362.

¹⁶²⁸ Soutar. (2000). 112.

guidance from Pākehā missionaries, “the teaching and ritual of Christianity was adjusted to the forms and customs of the already existing Māori religious system.”¹⁶²⁹ Clearly too, these evangelists often challenged those same customs.¹⁶³⁰ There followed a concerted effort to build churches throughout the Tairāwhiti.¹⁶³¹

William Williams would visit again in 1838 with William Colenso, and CMS missionaries Richard Mathews and James Stack.¹⁶³² They arrived on the *Columbine* at Hicks Bay on 15 January 1858, and they spent two weeks visiting almost every village between East Cape and Tūranga.¹⁶³³ The chief Uenuku at Whakawhitirā advised they were well served with goods by Pākehā traders but that they needed instruction in the gospel.¹⁶³⁴ They noted that there were fewer people at the Whakawhitirā pā as many had dispersed back to their kāinga.¹⁶³⁵ Māori were again tending to their cultivations in those areas and at Uawa.¹⁶³⁶ During their trip overland to Tūranga-nui-a-Kiwa, William Williams, for example, recorded that they encountered 100 people from Whakawhitirā at Reporua.¹⁶³⁷ This was a busy trip as they conducted morning service with 150 people at Ariawai and then William Williams spoke to 70 people at Māwera.¹⁶³⁸ At Whareponga they recorded 100 inhabitants and at Tapatahi near Waipiro they spoke to 150 more.¹⁶³⁹ Most of these people had a connection to Whakawhitirā Pā, probably as a retreat when under threat from Ngā Puhi or anyone else.¹⁶⁴⁰ At Tokomaru Bay they were asked to plead with Te Wera Hauraki to make peace.¹⁶⁴¹ This is obviously related to the round of fighting that Te Wera was engaged in with Te Kani-a-Takirau against Te Whānau a Ruataupare and their northern allies. At Uawa they received a less than enthusiastic greeting, where there was a “pretty large village” and about 600 fighting men.¹⁶⁴² Of those only 200 people met with them.¹⁶⁴³ William Williams took nine young men from the district back to the Bay of Islands for training at the mission school.¹⁶⁴⁴

¹⁶²⁹ Soutar. (2000). 112.

¹⁶³⁰ Kaa. (2020). 28.

¹⁶³¹ Mackay. (1949). 161.

¹⁶³² Williams, W. (No date). 482-483.

¹⁶³³ Bluck, J. (Ed.). (2009). *The Gift endures – New histories of the Waiapu Diocese*. Xpress Printing. 3.

¹⁶³⁴ Bluck. (2009). 4.

¹⁶³⁵ Williams, W. (No date). 482-483; Oliver, et al. (1971). 18-19.

¹⁶³⁶ Williams, W. (No date). 482-483; Oliver, et al. (1971). 19.

¹⁶³⁷ Williams, W. (No date). 484.

¹⁶³⁸ Williams, W. (No date). 484.

¹⁶³⁹ Williams, W. (No date). 485.

¹⁶⁴⁰ Williams, W. (No date). 485.

¹⁶⁴¹ Williams, W. (No date). 486.

¹⁶⁴² Williams, W. (No date). 486-487.

¹⁶⁴³ Williams, W. (No date). 486-487.

¹⁶⁴⁴ Bluck. (2009). 4.

Some months later in October 1838, Henry Williams and six Māori trained to do the work of catechists arrived in the district.¹⁶⁴⁵ Three of these Māori people (James Kiko, Wīremu Te Ika Hautapu and a man simply known as George) were placed at Waiapu and three (Edward Wānanga, Richard Taki and probably Paul Tūkereaha) were placed in Tūranga-nui-a-kiwa.¹⁶⁴⁶ Henry Williams recorded that he could not meet the demand for books and missionaries, as he was only able to leave the teachers with “writing slates, reading lessons and catechisms.”¹⁶⁴⁷

In April 1839, William Williams and CMS missionary Richard Taylor visited again and noted the impact the Māori teachers were having.¹⁶⁴⁸ At Waiapu they found that a chapel had been built since William Williams’ last visit. It was built by Piripi Taumata-a-Kura.¹⁶⁴⁹ The new chapel at Whakawhitirā was constructed of raupō 60 x 28 feet with kōwhaiwhai rafters painted white and a pulpit painted red with kokowai.¹⁶⁵⁰ In its design, there was evidence of gender allocated areas being assigned to men and women/children.¹⁶⁵¹ Other than the separation of women before and after birth to the Whare Kōhanga, there is no evidence that women were segregated solely on the basis of gender before.

So, modification to tikanga was occurring, as for example the end of cannibalism and the beginning of attempts to impose gender roles in a society that was not gender based. In addition, it seems clear that tikanga was not strictly applied to white missionaries with George Clarke noting that they became:¹⁶⁵²

... the recognised peacemakers in their intertribal quarrels. Even if a fight was going on, our persons were sacred, and we were allowed to pass to and fro between the contending parties, they sometimes deliberately suspending their firing that we may pass unharmed.

During a further visit to the district in 1840, William Williams was well received by Te Kani-a-Takirau and he counted 1800 inhabitants in Uawa.¹⁶⁵³ He also found a site for a mission

¹⁶⁴⁵ Mackay. (1949). 162; cf Gillies, et al. (No date). 67-68.

¹⁶⁴⁶ William Leonard. (No date). 9; Bluck. (2009). 4.

¹⁶⁴⁷ Bluck. (2009). 4.

¹⁶⁴⁸ Williams, W. (No date). 495-496.

¹⁶⁴⁹ Soutar. (2000). 114; Williams, W. (No date). 497-498; Mackay. (1949). 162.

¹⁶⁵⁰ Soutar. (2000). 114; Oliver, et al. (1971). 35.

¹⁶⁵¹ Soutar. (2000). 114.

¹⁶⁵² Mackay. (1949). 163. Quoting G. Clarke.

¹⁶⁵³ Williams, W. (No date). 500-502.

station in Tūranga at Kaupapa (Manutuke).¹⁶⁵⁴ Williams had also moved his wife Jane to “Poverty Bay.”¹⁶⁵⁵ The mission would eventually be moved to Waerenga-a-Hika in 1857.¹⁶⁵⁶

By that year, 1840, the Māori teachers and evangelists had converted approximately 3,200 people from Pōtikirua to Tokomaru Bay, and 2500 from Uawa to Tūranga.¹⁶⁵⁷ There were 6,000 out of 10,000 in Tūranga-nui-a-kiwa converted. William Williams acknowledged that:¹⁶⁵⁸

A great work has been accomplished in which the hand of the Lord has been signally manifest... It has not been through the labours of your Missionaries; for the Word has only been preached by Native Teachers. We have literally stood still to see the salvation of God.”

While impressive, the fact that the conversion to the new religion was Māori-led meant that there was a selective process of incorporation of the Christian faith into the existing political, social and legal order.¹⁶⁵⁹ This is discussed more fully in Chapter 6. While excited by the rate of conversion William Williams was not so charitable when it came to describing the nature of his congregations. In one example he called two ushers ‘savages,’ and he was not happy about the people using red ochre and shark oil.¹⁶⁶⁰

Despite his condescending and patronising manner, his diaries bear witness to the process of conversion and change. That process was accelerated as Māori became more literate; a matter recorded by Alexander Salmon (a merchant from Tāhiti). In 1840 he wrote that most natives could read and write, that prayer was offered three times a day; and that no presents, “however eagerly coveted, would cause the natives to violate the Lord’s Day.”¹⁶⁶¹

He Whakarāpopototanga – Summary

In the Pōtikirua ki te Toka-a-Taiau district, Māui, Toi and the Hawaikians laid the basis for the evolution of a new jural order. Their descendants consolidated those gains by exercising their mana or sovereignty over their people, territories, resources and affairs prior to 1840.

¹⁶⁵⁴ William Leonard. (No date). 10.

¹⁶⁵⁵ Gillies, et al. (No date). 70; William Leonard. (No date). 9.

¹⁶⁵⁶ Bluck. (2009). 4.

¹⁶⁵⁷ Kōrero a Waha a Rev. Wīremu Kaa - Rahui Marae (9 April, 2008); Mackay. (1949). 163, 165; Oliver, et al. (1971). 28-29.

¹⁶⁵⁸ Soutar. (2000). 117. Quoting W. Williams.

¹⁶⁵⁹ Oliver, et al. (1971). 28-29.

¹⁶⁶⁰ Mackay. (1949). 164, quoting W. Williams.

¹⁶⁶¹ Mackay. (1949). 164, quoting A. Salmond.

From the 14th to the 17th Centuries, the autonomous and functioning hapū and iwi were multiplying and spreading over new territories. They had developed a legal system that included requiring respect for those closest to the gods, namely, the chiefs, tuakana lines, tohunga, and elders of each hapū and whānau. It also required understanding the doctrines of tapu and noa and the teachings of the whare-wānanga. These were essential to leadership. Successful war campaigns were waged by those with Porourangi whakapapa. The campaigns required knowledge of tikanga, whakapapa, the arts of war, utu and muru. These ancestors inter-married and remixed with the Māui and Toi lines.

During this time, the legal system was consolidated and mana rangatira, mana tangata, and mana whenua of the different hapū and iwi based upon ancestral rights were cemented in place in the Pōtikirua ki te Toka-a-Taiau district. The various battles involving Ngāi Tuere, Ngāi Tuiti, Tūwhakairiora and his descendants, Ngāti Ira, Ruawaipu, Uepōhatu, Pakanui, and Hauiti and his descendants, Rarawa and others did mean there was some fluidity in terms of land rights. However, as Porourangi whakapapa became more intertwined with all the previously independent hapū and iwi of the district, mana whenua rights were re-established. This was done by inter-marriage, conquest, gifting or by occupation.¹⁶⁶² Disputes were settled through the imposition of sanctions, through marriage or the gifting of taonga including women, through marriage or through the transfer of land, usually by conquest.¹⁶⁶³

Battles and boundary disputes with Te Whānau-a-Apanui were not sufficient to affect mana rangatira and mana whenua in the Pōtikirua ki te Toka-a-Taiau district, although temporary evacuations from kāinga occurred. When internal conflicts arose such as that involving sections of Te Aitanga-a-Hauiti under Te Kani-a-Takirau and Ngāti Porou evacuations also took place, but the people generally returned to their tūrangawaewae. Likewise, the Ngā Puhi raids of the early 19th Century, although devastating in terms of impact, resulting in further temporary evacuations, were not sufficient to displace ancestral mana rangatira, mana whenua, and citizenship. In other words, boundary disputes and raids from external iwi did not interrupt the existing legal order, and it was still operative by 1840.

¹⁶⁶² Ngata. (1972). 32-33.

¹⁶⁶³ Salmond. (1980). 58.

What was impacting the most on this legal system was the coming of the Pākehā, their guns and other trade goods, and their religion. In terms of trade, most traders integrated into the communities and lived under Māori law. Their guns could wreak havoc on a scale previously not known so the communities remodelled traditional security arrangements to survive this new pressure. However, there is no doubt that the guns led to a growing sense of exhaustion with the renewed cycles of utu and revenge that followed the Ngā Puhi raids, the wars with Te Whānau-a-Apanui and the internal district battles.

Christianity would provide some temporary relief for those hapū who converted to the new faith. It modified some of the aspects of the laws of tapu and cannibalism was curtailed. However, the pre-existing Māori legal system continued without interruption. That is because while the Christian religion did become “the ruling fashion,” it never fully captured Māori as the wars of the 1860s would demonstrate.¹⁶⁶⁴ The Māori church (for the most part) was left mostly to itself in these early years, from 1834-1840, and thus a dualistic form of Christianity grew up – one that complimented the existing indigenous religious system rather than one that sought to replace it completely. What is more the ‘aristocrats of “intellect”’, namely the graduates and tohunga of the whare-wānanga, engaged quickly with Christian theology. As Āpirana Ngata would explain they:¹⁶⁶⁵

... were experts in all that pertained to belief, ritual and tapu in their most developed forms. Next to the highest tribal chiefs these priestly experts exerted the greatest influence in Māori life and they listened to the teaching of the Christian missionaries and heard and observed the new ways of dealing with gods. The members of this intellectual caste in Māori life were not deterred from the acceptance of the Christianity by considerations of status, as were most of the important chiefs, who were virtual sovereigns over their respective tribes. And further they saw in the fundamental doctrines of the new religion nothing that differed violently from the teaching of the higher forms of their own beliefs.

Tohunga and their chiefs were confident in their own set of beliefs and the values associated with their religion and their pre-existing legal system. They did not feel threatened by the new God and welcomed the opportunity to debate new ideas including new ways of managing disputes. This regulatory system of governance and law had become a Ngāti Porou legal system, but it was adaptive and capable of incorporating new ideas. This system was still intact when the chiefs signed the Treaty of Waitangi.

¹⁶⁶⁴ Ngata. (1972). 344.

¹⁶⁶⁵ Ngata. (1972). 336.

CHAPTER 6

MANA, TIKANGA ME TE WHANAUNGATANGA PRE-1840

As the discoverers of the land, Māui, Toi, and the Hawaikians devolved their mana, leadership, and land to their descendants. It was a world where genealogical descent from the gods and the ancestors determined tikanga. The ability to make law or tikanga evolved into a full-blown Ngāti Porou legal system. As demonstrated in Chapter 5, by the 19th Century the winds of change were blowing a breeze with the arrival of the Pākehā. Their guns and Christianity caused adaptations to the system, but it survived nonetheless until 1840.¹⁶⁶⁶ The system, while incorporating new ideas, was still a system underpinned by the values and principles associated with the gods and determined by whakapapa. It is to those values that I now turn.

Ngā Iho Nui – Core Values and Principles

That legal system depended upon a collective commitment to various values and principles, and in this next section I attempt to identify and analyse those using as authorities the voices of those most likely to appreciate the nuances of these and the resulting norms of behaviour.

Te Mātai Tuarangi me te Tapu – Cosmology and Tapu

The cosmology story beginning with Io (of the hidden face) was the spiritual and religious basis of society in the Pōtikirua ki te Toka-a-Taiau district. However, the belief in this god did not deny the existence of the departmental gods. Mediating the relationship with these gods and the realms within which they dwelt was more than spiritual and religious; it also provided the basis for the legal system of the district. In the Māori mind:¹⁶⁶⁷

1. *The gods gave protection to the social and spiritual wellbeing of the people.*
2. *They gave society a set of rules to regulate behaviour that was acceptable, and the kinds of behaviour that was not acceptable.*

¹⁶⁶⁶ Durie. (1994). 325; Brookfield. (1999). 86-87, and note the recognition of this law in the New Zealand Constitution Act 1852 (UK)15 & 16 Vict., s 71.

¹⁶⁶⁷ Mahuika. (1995). 6.

3. *They specified appropriate seasons for certain activities, necessary to human survival which resulted in the almanac for food gathering/planning/harvesting and times for fishing and so on.*

As described by Mohi Ruatapu, the cosmology narrative of the district is unique. In his recitation of the cosmology, Tāne-a-Rangi and Hine-ahu-one became the parents of the all the departmental gods. Others in the district maintained the familiar narrative that Rangi and Papa were the primal parents of the departmental gods. What is common is that the same names are used for those gods. Where there is variation is in the names of the tribal or individual gods.

To explain the significance of the different gods, Āpirana Mahuika listed the following hierarchy for the pantheon of gods with explanations which I have joined together:¹⁶⁶⁸

1. *Io, the Supreme God –... from whom all life and creation originated from. He it was who brought order from Te Kore (Nothingness), Te Pō (darkness), to Te Ao Marama (The world of light and order.)*
2. *Departmental Gods – often personified such as Maru of the heavens, Tangaroa, Tūnui of meteors, Te Pō Tuatini of comets, Whaitiri of thunder, Tūpai, Mataaho, Hine-te-uira and Tama-te-uira of lightning, Rehua of the star Antares, etc.*
3. *Tribal or individual Gods – known only to members or individuals. Some of these were in fact kaitiaki over whānau or individual resources.*
4. *Inferior Gods – associated with witchcraft-mākutū or whaiwhaia. Yet while inferior or lower in the hierarchy, theirs was a devastating effect on a person and even life itself. Those who followed this religious form were the disciples of Whiro, the god of this realm.*

The use of the departmental gods is found in the narrative of the Horouta waka with its references to Tangaroa. The use of the tribal gods is illustrated by reference to Ngāi Tuere and their quest to find the killers of Pūngawerewere.

The laws of tapu, and balancing tapu, became so detailed and were such a pre-occupation of the aristocracy that it dictated most political, social, economic and cultural aspects of life. That is because defilement of tapu was a transgression for which there was a sanction. Tapu, therefore, had to be mediated through some form of purifying rite, karakia or by the process of whakanoa – cause to be free of tapu, usually with water or food.

¹⁶⁶⁸ Mahuika. (1995). 6-8.

Although all tribes in Aotearoa retain different cosmology narratives, the significance of whakapapa from the gods and the associated tapu is a common feature and is appropriately explained by Best:¹⁶⁶⁹

The important underlying facts connected with the mental attitude of the Māori towards the spiritual and intellectual potentiae of man may be explained as follows: The Māori believed himself to be the descendant of supernatural beings; his ultimate forebears were the personified forms of the natural phenomena; his soul came originally from Io the Parent. Thus, man has inherited a modicum of ira atua (supernormal life, the Divine nature). This belief led to very singular results; it led to the conviction that this spark of the Divine in man is not only extremely tapu, but also that it represented the true vitality of man, his physical, mental, moral, and spiritual welfare. This spark is the mauri ora, or toi ora of man, and it is this quality that needs to be carefully protected from any polluting agency, the effect of any such contact being disastrous. For, in as much as such quality is the subtle vivifying and protective agent, should it by any means become defiled, then its physical basis, man, becomes precarious; his only hope is to restore the condition of tapu that alone represents safety and general welfare. The vitalising-power of tapu, be it remembered, emanates from the gods, and the favour of the gods must be retained.

As the source of tapu came from the gods,¹⁶⁷⁰ tapu that was inherited was different to the tapu imbued through karakia such as a tohi for battle or a rāhui.¹⁶⁷¹ That is why the act of cannibalism was the only means of destroying the tapu of a chief. In this way mana could be destroyed, especially where a high-ranking chief or his family were killed.¹⁶⁷² Te Rangihīroa would note that the “eating of enemy chiefs reduced them to the status of common food, and this stigma was inherited by succeeding generations.”¹⁶⁷³ In some narratives the act was associated with Tūmataunga (God of war) and the consumption of his brothers’ children when he went to war against them.¹⁶⁷⁴ Thus cannibalism was generally associated with the tribal cosmology stories. It was further nuanced in the following Pōtikirua ki te Taiau story.

The narrative of Whaitiri and Kai-tangata is important as it explains how the practice of cannibalism was received in the district. It starts with Māui who begat Tauwhare-kiokio, who had Whaitiri. Mohi Ruatapu recites the story by introducing Whaitiri who lived in the heavens, and who practiced human sacrifice and cannibalism.¹⁶⁷⁵ A man named Awa found her village

¹⁶⁶⁹ Best. *Spiritual and Mental Concepts*. (1973). 55.

¹⁶⁷⁰ Mahuika. (1995). 14.

¹⁶⁷¹ Mahuika. (1995). 15.

¹⁶⁷² Petrie, H. (2015). *Outcasts of the Gods? The Struggle over Slavery in Māori New Zealand*. Auckland University Press. 58-59.

¹⁶⁷³ Buck. (1949). 400-401.

¹⁶⁷⁴ Petrie. (2015). 58-60.

¹⁶⁷⁵ Reedy. (1993). 25-33, 126-134.

while looking for his children who were lost.¹⁶⁷⁶ He witnessed preparations for human sacrifice and cannibalism for the opening of Whaitiri's house.¹⁶⁷⁷ One person was killed inside the house and the other was to be killed on the porch as a further sacrifice to the house.¹⁶⁷⁸ However, Awa saved the second person by asking if he could take the slave in order to prove to his people what the food for the kawa ceremony of Whaitiri's house was.¹⁶⁷⁹ Whaitiri asked who the chief was of his village, and Awa replied Kai-tangata. Because of the latter's name, Whaitiri thought he was a flesh eater, so she agreed to Awa's request and later came down to earth and married Kai-tangata.¹⁶⁸⁰ When she realised, he was not a flesh eater, and that his name was merely that, she returned to the heavens, leaving her baby Hema.¹⁶⁸¹ Whaitiri continued to eat flesh until she partook of her husband's relatives and became sick.¹⁶⁸² That is why cannibalism usually did not extend to one's own relatives but was confined to enemies.¹⁶⁸³

Narratives like this are told in the oral history of Tāhiti and Hawaii. It was in the Pacific that the early Hawaikians learnt this practice.¹⁶⁸⁴ Cannibalism was not condemned within their society as it had an important function in mediating tapu. As Paul Moon would note the:¹⁶⁸⁵

... connection between cannibalism and the actions of the gods did not necessarily amount to divine endorsement, but it required only a small dose of perception to interpret it as a sanction of sorts. Provided that one's family members did not make up part of the meal, there was no immorality or opprobrium associated with cannibalism in traditional Māori society.

Under the influence of Christianity, in the Pōtikirua ki te Toka-a-Taiau district cannibalism died out after the 1836 battle of Te Toka-a-Kuku. Interestingly, at this time, the English still tolerated acts of cannibalism where a shipwreck occurred. If sailors were reduced to eating those who had died or each other, no feelings of outrage were invoked, or sensibilities affected. It was acceptable behaviour among sailors and received limited attention from the public.¹⁶⁸⁶ This maritime customary practice prevailed right through to the now famous case of *Dudley &*

¹⁶⁷⁶ Reedy. (1993). 26, 127.

¹⁶⁷⁷ Reedy. (1993). 26, 127.

¹⁶⁷⁸ Reedy. (1993). 26, 127.

¹⁶⁷⁹ Reedy. (1993). 26, 127.

¹⁶⁸⁰ Reedy. (1993). 26, 127.

¹⁶⁸¹ Reedy. (1993). 27, 128.

¹⁶⁸² Moon, P. (2008). *This Horrid practice: The myth and reality of traditional Māori cannibalism*. Penguin Books. 121.

¹⁶⁸³ Moon. (2008). 121.

¹⁶⁸⁴ Moon. (2008). 121.

¹⁶⁸⁵ Moon. (2008). 121.

¹⁶⁸⁶ Simpson, A. B. (1984). *Cannibalism and the common law*. University of Chicago Press. 114-140.

Stephens (1884) when for the first-time sailors were successfully prosecuted for cannibalism.¹⁶⁸⁷

To return to the doctrine of tapu, other than inherited tapu, there was tapu imbued by humans and not by the gods. A rāhui, for example, was a means of making an area tapu or it acted as a boundary marker or a prohibition against natural resource gathering in a defined area. An example from Chapter 5 is when Kiterangi or Rarawa set a rāhui by making the bird snaring area at Te Pōrahu tapu. Rāhui were, therefore, a form of tapu imbued through karakia by a tohunga or a chief, or rūnanga of elders, or a rights holder usually (but not always) for a set period of time.¹⁶⁸⁸ The physical aspect of a rāhui could be manifest by installing carved posts or identifying particular rocks and imbuing them with tapu.¹⁶⁸⁹ A simple declaration could also be used, especially where a person/s died in the area as with the narrative of Poroumata and the rāhui placed by his brother, Haukōtore.¹⁶⁹⁰ Tapu also served hygienic purposes. For example, tapu shrouds a tūpāpaku (corpse) on death. To breach the tapu of a rāhui could result in either spiritual or tangible sanction. Alternatively, breaches could render the subject matter noa or free from tapu. Thus, the cooking and eating of chiefs was a method of rendering them noa.

Policing tapu, other than through direct sanction, could also be effected by invoking tipua (phenomena or spirits) of the godly realm or taniwha. This was a way of protecting resources and people. As noted by John Thornton – Te Rongotoa Tamahōri who was born in 1915, taniwha were used in resource protection and conservation:¹⁶⁹¹

As a way of protecting resources various whānau and hapū relied on kaitiaki or taniwha – caretakers, to act as a spiritual link between the land and water and the people. Often the people would know that their actions were contrary to the laws of their lands and waters when these kaitiaki showed themselves and punished the people.

There are still sightings of such phenomena. Raunikau Rose Stainton, for example, described a white stingray as a kaitiaki that inhabits the southern end of Onepoto at Wharekāhika.¹⁶⁹² She

¹⁶⁸⁷ *Regina v Dudley & Stephens* (1894) 14 QBD, 273; see generally Simpson, A. B. (1984).

¹⁶⁸⁸ Mahuika. (1995). Part 2, Annex.

¹⁶⁸⁹ Mahuika. (1995). Part 2, Annex.

¹⁶⁹⁰ Mahuika. (1995). Part 2, Annex.

¹⁶⁹¹ Thornton/Tamahōri JTR “Affidavit of evidence before the East Coast Waitangi Tribunal” (Wai 900, #A54, 9 November 1999) 5-6.

¹⁶⁹² Stainton RR “Affidavit of evidence before the East Coast Waitangi Tribunal” (Wai 900, #A53, Undated) 8.

noted that most families have kaitiaki and the Stainton whanau had an owl.¹⁶⁹³ Piripi Aspinall stated that their whānau had a sea hawk.¹⁶⁹⁴ Te Whānau a Takimoana have a white owl. These kaitiaki, taniwha or tipua were used to warn of impending danger. For example, taniwha were placed at the mouths of the Poaruku Stream and the Wairoa Stream, preventing harm to the lower Waiapu Valley people.¹⁶⁹⁵ In the Waiapu River, the taniwha Ngungurutehorowhatu (the taniwha that swallows eyes) takes a person to their death if they do not cross carefully and respectfully.¹⁶⁹⁶ There is the taniwha that “patrolled” the sea at Tokomaru Bay in the shape of a conger eel.¹⁶⁹⁷ These and many other examples indicate that such phenomena were used as a means to warn of danger, to preserve resources or to enforce tapu.

O Ngā Atua – Divination

Another important element of the legal system was divination. This subject requires returning to the narrative concerning Whaitiri. She and Kai-tangata begat Hema. Hema married and begat Tawhaki and Karihi.¹⁶⁹⁸ When Tawhaki and Karihi grew up they decided to visit Whaitiri, their grandmother in the heavens. The ascent was difficult and Karihi died after falling from the eighth heaven.¹⁶⁹⁹ After the tangi for Karihi, Tawhaki scooped out his brother’s eyes and ascended the heavens. His grandmother was blind by this time, so he gave his brothers’ eyes to her.¹⁷⁰⁰ He married Maikuku at his grandmother’s village but lost his wife to her sisters who ascended to the second heaven which was the home of Tama-i-waho. Tawhaki made a kite and with the assistance of his grandmother’s karakia, the kite ascended to the “tahuna tapu, nohonga o Aitu, te manuka o te rangi”, but Tama-i-waho sent the hahuai (mythical bird of the heavens) down to startle Tawhaki.¹⁷⁰¹ The kite plunged to the ground so Tawhaki turned himself into a bird. He was struck down by the adze of Tama-i-waho (of the second heaven), wounded and killed.¹⁷⁰² The Tawhaki story is a reminder that the higher the kite goes the closer a person gets to the heavens and the gods. Āpirana Ngata also notes that kite flying was a form of divination.

¹⁶⁹³ Stainton. (Undated). 8.

¹⁶⁹⁴ Aspinall.(2000). 7.

¹⁶⁹⁵ Karaka. (2000). 6-7.

¹⁶⁹⁶ Karaka. (2000). 6.

¹⁶⁹⁷ Aspinall. (2000). p 7.

¹⁶⁹⁸ Reedy. (1993). 25, 126.

¹⁶⁹⁹ Reedy. (1993). 30-31, 131-132.

¹⁷⁰⁰ Reedy. (1993). 30-31, 131-132.

¹⁷⁰¹ Reedy. (1993). 31-32, 133.

¹⁷⁰² Reedy. (1993). 32-33, 134.

¹⁷⁰³ As recorded in Chapter 5, Awariki and Ngāi Tuere were engaged in kite flying, when insults were exchanged which then led to war. The Awariki and Ngāi Tuere narrative demonstrates that interrupting divinity flights of kites along with cursing, or insults aimed at chiefs could result in utu.¹⁷⁰⁴

With regard to Tawhaki, he and his wife (who was taken to the heavens) had a son before his wife was stolen and his name was Wahie-roa.¹⁷⁰⁵ Down through six generations from Wahie-roa was born Porourangi who had Hau.¹⁷⁰⁶

Hau
Rākaipō
Rākaiwaenga
Tapua-te-haurangi
Tawake-urunga
Hinekehu
Whaene
Materoa
Tamaihu
Kuku
Te Rangitāwaea
Rongohaere
Ika-a-te-wai-waha
Hine-kaukia
Koroua

Koroua married Te Hapi and begat Rāpata Wahawaha.¹⁷⁰⁷ Through his record of oral history and tikanga, Rāpata Wahawaha is one of the main informants for this thesis.

Mauri me te Wairua – The Life Force and the Spirit

The doctrine of tapu arose to prevent defiling of the ira atua, the wairua and mauri of the person. The “wairua was and is the spiritual force of all life” and through “... whakapapa, the spirit of one’s forebears” is inherited.¹⁷⁰⁸ The wairua of a person determines their character and temperament and their spirituality.¹⁷⁰⁹ Āpirana Mahuika wrote that:¹⁷¹⁰

¹⁷⁰³ Ngata. (1972). 70.

¹⁷⁰⁴ Ngata. (1972). 70.

¹⁷⁰⁵ Reedy. (1993). 32-33, 134.

¹⁷⁰⁶ Reedy. (1993). 33, 134-135.

¹⁷⁰⁷ Reedy. (1993). 33, 134-135 & fn 62.

¹⁷⁰⁸ Mahuika. (1995). 10.

¹⁷⁰⁹ Mahuika. (1995). 10-11.

¹⁷¹⁰ Mahuika. (1995). 11-12.

Wairua was not a physical or demonstratable force. It was innate, and unseen, yet its vitality was expressed in attitudes, respect for property and people, in knowledge and wisdom, in leadership and chieftainship, in ritual and ceremony, in kawa and respect for tapu.

Wairua was also part of the human form, which at death takes its leave of the body, to reside in the world of the dead, or “... I te ao o te wairua ...” This world of spirits, as with the dead was shrouded and concentrated with tapu, because at death, one’s soul or wairua returns to one’s origins, namely with the gods from whom all life came from. In these situations, the observance of tapu and rituals to remove tapu was paramount, the breaches of which would be most harmful on the transgressor or his/her whānau. These rituals and ceremonies related to the process of “whakanoa” making that which was tapu, common, or put another way, a process for removing the tapu, so that the more territorial, mundane human activities can be performed without spiritual or tapu encumbrances.

Mauri was the “life-force principle, innate, hereditary and the source of all emotions.”¹⁷¹¹ It also acted as a protective principle.¹⁷¹² Tuta Nihoniho noted that everything had a mauri:¹⁷¹³

Inā koa:

Ko Ngā Atua-o-te-Rangi

Ko Io, Ko Hā (ko ngā tino atua tēnei), ko ngā atua pakupaku ko Kahukura, ko Tama-i-waho, ko Mōtipua, Ko Tū-nui-o-te ika, ko Tū-korako, ko te Pō-tuatini, ko Hine-pūkohurangi, me ngā mano tini o ngā atua o te rangi (me ngā karakia mō ērā).

Ko Ngā Mauri:

He mauri tō te rangi, tō te rā, tō te marama, tō ngā whetū, tō te tau, tō te hau, tō te ua, tō te kohu, tō te hōtoke, tō te raumati, tō te pō, tō te ao (me ngā karakia e rite ana mō ērā).

Ko Ngā Atua o te Whenua

Ko Ruamoko, ko Ruamanu, ko Houmea, ko Hakikino, ko te Ōi, ko te Riro, ko Tara-kumekume, me te mano tini o ngā atua o te whenua (me ngā karakia e rite ana mō ēnei).

Ko Ngā Mauri:

He mauri tō te tangata, tō te kararehe, tō te whenua, tō te maunga, tō te hiwi, tō te rākau, tō te kai, tō te mahi, tō te manu, tō te awa, tō te manga, tō te roto, me te tini o ngā mea o te whenua (me ngā karakia e rite ana mō ēnei).

Ko Ngā Atua o te Moana

Ko Ruamano (ko tēnei atua nō te whenua nō te moana), ko Ara-i-te-uru, ko Tūtara-kauika, ko Houmea, ko Te Petipeti, ko Te Ranga-hua, ko Tai-mounu, ko Tāne-rakahia, me te mano tini o ngā atua ika, taniwha o te moana (me ngā karakia e rite ana mō ēnei).

¹⁷¹¹ Mahuika. (1995). 12-13.

¹⁷¹² Mahuika. (1995). 13.

¹⁷¹³ Nihoniho. (1908). 101-103.

Ko Ngā Mauri:

He mauri tō te moana, tō te rimu, tō te taunga ika, tō te tatai-koura, tō te ika ririki, tō ngā tohorā, tō ngā ngaru, me te tini o ngā mea o te moana (me ngā karakia e rite ana mō ēnei).

Hōne Taumaunu demonstrated the longevity of tapu, wairua, and mauri in his narrative concerning a plant brought from Hawaiki on Paikea's whale. He said:¹⁷¹⁴

30. My father told me that when the whale arrived at Whāngārā it had a certain plant growing on it. This plant was a rengarenga. This rengarenga was the mauri (life principle) of Paikea. It was left here in Whāngārā. It was the wairua (spirit) of the tūpuna and reflected our connection with Hawaiki.

31. The plant itself was similar to an orchid. It had a yellow flower, blood red markings, and the centre was purple. The flower was a tipua (phenomenon) and would stay in one place one year, and then move the next year. ... The flowers were tapu and were not to be touched.

Aroha, Utu, Koha, Manaakitanga – Respect, Price, Gift and Hospitality

Aroha essentially means respect. Respect for the mauri of all things was essential as all elements were related by whakapapa and any defilement could lead to a breach of tapu. The importance of aroha is seen in the narrative of Apanui-Ringa-Mutu and his pact (akin to a contract) with Tūwhakairiora after his son, Te Aowehea, was killed during the battle of Te Maniāroa. The killing led to the spilling of blood of a chief and that was a breach of tapu. Apanui accepted that the price would be the killing of his own son by Tūwhakairiora. However, utu in this case required a commensurate act, not just a reciprocal killing. So Apanui provided the opportunity to fight again at Apanui's pā. In doing so, he offered Tūwhakairiora the opportunity to take utu commensurate but incremental to the actions Apanui was responsible for. The alternative for satisfying utu was to offer some form of payment, but this was not available for the slaying of chiefs. Also, utu was generally delayed and often inter-generational such as in the narratives of Tūwhakairiora, Pakanui and Tamahae.

Conversely paying tribute, providing service, contributing koha, and manaakitanga were forms of aroha. These forms of exchange combined with the value of generosity were about managing and maintaining relationships or creating alliances. Generosity underpinned these values so that the greater the tribute, service, gift or extension of hospitality, the greater the mana of the

¹⁷¹⁴ Taumaunu. (2001). 9.

chiefs and their people. The chiefly demonstration of all these values enabled the management of risk associated with trade, land and natural resource use, relationships, and warfare.

Failure to respect the grant of tribute, gifting, or manaakitanga could lead to loss of access to natural resources or land, the severing of relationships, and security threats. Thus, Ngāti Ruanuku acted against Poroumata and his sons because the sons lost respect for the people and had become tyrants. Chiefs were expected to demonstrate aroha to their people or face potential revolution as in the case of Poroumata. Ngāti Ira, who gathered birds for the christening of Roro's baby, failed to pay the same respect to Ngāi Tangihaere, and thereby they became trespassers on Tangihaere land, resulting in reprisals from Ngāi Tangihaere and their allies. The quid pro quo of accepting tribute, koha, or manaakitanga was to acquiesce to tikanga that bound chiefs and their people with reciprocal obligations. Aroha, generosity, mutuality and reciprocity were therefore key to such transactions.

Mātauranga – Knowledge and Education

The narratives concerning Māui and Tāne introduce the whare-wānanga of Hawaiki where the laws of tapu and associated values were taught. This was an education system that stressed the importance of learning from the three baskets of knowledge. The associated tikanga or laws, ritualised in ritenga or kawa and performed through different forms of karakia (eg. tauparapara, warea, whakaaraara, ngunguru) were taught in these whare-wānanga by tohunga.¹⁷¹⁵

The ministry of a tohunga was tapu and therefore they were tapu.¹⁷¹⁶ There is at least one example known in the traditions of a woman who was a tohunga and her name was Rangihurihuia.¹⁷¹⁷ She “performed the rituals of war and those things necessary for the safety and success of the taua.”¹⁷¹⁸ Thus some women (just like some men) were able to access the knowledge of the gods.¹⁷¹⁹

Common people were not allowed to access the knowledge of tohunga¹⁷²⁰ and therefore the only people who could participate in the whare-wānanga were people of “noble” whakapapa

¹⁷¹⁵ Ngata. (1972). 5.

¹⁷¹⁶ Mahuika. (1995). 9.

¹⁷¹⁷ Mahuika. (1973). 120.

¹⁷¹⁸ Mahuika. (1973). 120.

¹⁷¹⁹ Mahuika. (1973). 120.

¹⁷²⁰ Ngata & Sutherland. (1940). 337.

and status as their lineage was direct from the tapu nature of the gods.¹⁷²¹ All students were, therefore, “the aristocracy of intellect ...”¹⁷²² They were experts “in all that pertained to belief, ritual and tapu in their most developed forms.”¹⁷²³

The highest-ranking tohunga, Ahorangi, were the repositories of knowledge concerning the superior gods such as Io (of the hidden face) and associated esoteric and territorial knowledge.¹⁷²⁴ Ngata noted that this higher grade of tohunga were upholders of this “aristocratic” form of the religion.¹⁷²⁵ Tohunga Tūahu held the knowledge of cosmology, the departmental gods and all ritual, karakia and incantations associated with them.¹⁷²⁶ Tohunga Ahurewa were associated with particular areas of expertise such as carving or tattooing.¹⁷²⁷ Then there were tohunga who were akin to shaman who appealed to tribal deities and deified ancestors.¹⁷²⁸ The higher grade tohunga “had no dealing with low-class shamanistic performances indulged in by third-rate tohunga; nor did they practise the arts of black magic.”¹⁷²⁹

Chiefs were the temporal leaders of a hapū or iwi but tohunga were the religious and tikanga leaders.¹⁷³⁰ Different tohunga would teach different subjects relating to the gods, demi-gods and other deities or similar phenomena to ensure tapu was respected.¹⁷³¹ They also sought to prevent harm from any transgressions of tapu. This was done through the recitation of different forms of karakia, chants such as ngunguru (used in connection with the marriage of Ruataupare to Tūwhakairiora, rituals such as tohi rites or hurihanga-takapau (removing tapu after war), and offerings. Mohi Ruatapu, for example, explained the extensive use of karakia:¹⁷³²

He kōrero tēnei nō ngā karakia Māori

*Karakia manu, karakia ika, karakia wahine, karakia taonga, karakia kūmara,
karakia wera, karakia awa moana, karakia niho tūnga, karakia tūpāpaku – mō ngā*

¹⁷²¹ Mahuika. (1973). 9; Ngata & Sutherland.. (1940). 336; see also Best, E. (1954). *Some aspects of Māori myth and religion – Monograph 1*. Dominion Museum, Government Printer. 7.

¹⁷²² Ngata & Sutherland. (1940). 336.

¹⁷²³ Ngata & Sutherland. (1940). 336.

¹⁷²⁴ Mahuika. (1973). 9; Ngata & Sutherland. (1940). 337; see also Best. (1954). 7.

¹⁷²⁵ Ngata & Sutherland. (1940). 337.

¹⁷²⁶ Mahuika. (1995). 10; see also Best. (1954). 7.

¹⁷²⁷ Mahuika. (1995). 10; see also Best. (1954). 7.

¹⁷²⁸ Best. (1954). 7.

¹⁷²⁹ Ngata & Sutherland. (1940). 337.

¹⁷³⁰ Mahuika. (1973). 119.

¹⁷³¹ Awatere. (2003). 440; Mahuika. (1973). 119-120.

¹⁷³² Reedy. (1993). 70, 174.

tāngata e mamae ana ō rātou tinana, mō te tuarā whati – karakia mō te ruaki, karakia mō ngā atua i te rangi, mō ngā atua i te w[h]enua.

There are karakia for birds, karakia for fish, karakia for woman, karakia for possessions, karakia for kūmara, karakia for burns, karakia to calm the ocean, karakia for toothache, karakia for people who are ill – people whose bodies are in pain, with broken backs – karakia to help someone bring something up, karakia for the spirits in the sky and the spirits in the earth.

In the Pōtikirua ki te Toka-a-Taiau district there were the following well-known wānanga:¹⁷³³

- Tapere-nui-a-Whātonga – an ancient house established by Te Whironui father of Ruawaipu and other members of her family. It is where Paikea and Huturangi stayed before moving to the south.¹⁷³⁴ Pita Kāpiti and Mohi Tūrei were the last of this wānanga.
- Whitireia – established by Paikea on the island known then as Taha-tū-o-te-moana (Paikea’s island).¹⁷³⁵
- Te Rāwheoro – Rangiuia and Mohi Ruatapu were two of the last of this wānanga.
- Puhi Kaiiti – established by Maia Poroaki below Titirangi on the site where the freezing works once stood.¹⁷³⁶

Outside the district, Rāwheoro appears to have been the most discussed in the literature. In discussing Rangiuia’s lament for his son Tū-te-rangi-whaitiri, Āpirana Ngata for example, records that Rāwheoro was considered “the most prestigious” outside the district. According to him this was due to the importance of the people who settled at Whāngārā and their teachings, yet Rāwheoro was located at Uawa. He stated:¹⁷³⁷

Ko te whare-wānanga whaimana tēnei o te pito whakararo o te Tai-rāwhiti, a ki te titiro iho ki ngā kōrero a ngā tohunga o Wairarapa, kua tuhi nei a rātau kōrero e Te Whatahoro, ko te whare whaimana tērā o te Tai-rāwhiti katoa. Kei muri ake nei Rangiuia te kū poto mō Te Rāwheoro, ara: -

Ko Tatai-arorangi, ko te Hupa ērā,

Ko Te Rangi-hopukia, ko Hinehuhuritai

¹⁷³³ Mahuika. (1995). 55.

¹⁷³⁴ Native Land Court *Re Kautuku* (1913) 57 Waiapu MB 102. Evidence of Hēnare Rukuata.

¹⁷³⁵ Ngata, A. (1930). He Tangi Nā Rangiuia - mō tana tamaiti - mō Tū-te-rangi-whaitiri (Te Aitanga-a-Hauiti, Ngāti Porou). In *Te Wānanga*, 2(2). 25.

¹⁷³⁶ See for location Awatere. (2003). 106.

¹⁷³⁷ Ngata. (1930). 25.

*Me ko Manutangirua, Ko Hingangaroa;
Ka tū tōnā whare Te Rāwheoro, e,
Ka tipu te whaihanga, e hika, ki Uawa.*

Nā, ko te takiwā o Whāngārā ahu atu ki roto o Tūranga, a tae noa ki Nukutaurua, he ūnga nō ētahi o ngā waka mai o Hawaiki, he taunga hoki nō ngā tohunga maha i ahu mai i runga i aua waka. Ko Ruawharo, ko Tūpai-whakarongo-wānanga, ko Paikea ko tāna tama ko Rongomaitūaho, ko Ira-Kaiputahi (te tamaiti a Uenuku rāua ko Takarita), ko Te Rongopatahi, ko Te Wharepatari, ko Tamatea rātau ko āna uri, ko te tokomaha noa atu, i tau, i ū rānei ki taua takiwā. Nō reira ka tika kia tū tētahi, ētahi whare wānanga whaimana ki taua rohe. Ko te huinga hoki tērā o ngā uri maha a Uenuku.

Ko te Kaupapa o Te Rāwheoro nō Whāngārā, engari ko te whare i tapa ai taua ingoa nō Hingangaroa, i tū ki Uawa.

Rangiuia was obviously of enormous value to the people of Hauiti and it was Arapeta Awatere's view that he should be recognised as the "greatest poet the East Coast has produced to date."¹⁷³⁸ Walton Walker, Robert Ruha, Ānaru Kupenga, Wayne Ngata, and Mark Kopua have identified the following further houses of learning:¹⁷³⁹

- Hemo-o-Tawake – established on Aorangi by Māui.
- Wharekōrero (Tūahu) – established by Uenuku-whakarongo overlooking Wainui beach.
- Te Wahakino – established by Ira on the mainland at Whāngārā – the first whare-maire (of the magic arts).¹⁷⁴⁰
- Te Uhi a Mataora also named Te Aho o Matariki – established by Rongomaitūaho on the peninsula of the island at Whāngārā.¹⁷⁴¹
- Te Whārau – later established by Ira at Pākarae.¹⁷⁴²
- Te Matatūahu or Nuku-te-auria – established by Ira at Uawa River - it was also a whare-maire (of the magic arts). His successor was Te Wharepātari.¹⁷⁴³

¹⁷³⁸ Awatere. (2003). 110.

¹⁷³⁹ Adapted list from Melbourne, T. (2009). Traditional Māori Education for the Contemporary World, Master's thesis. Massey University.

¹⁷⁴⁰ Ngata. (1930). 25.

¹⁷⁴¹ Ngata. (1930). 25; see also Ellis, N. (2016). *A Whakapapa of tradition: 100 years of Ngāti Porou carving, 1830-1930*, Auckland University Press. 23, refers to Hingangaro's ancestor Rongomaitūaho (Paikea's son from his Hawaikian wife) of the Tere Anini who brought adzes and carvings from the house of Tangaroa.

¹⁷⁴² Ngata. (1930). 25.

¹⁷⁴³ Ngata. (1930). 25 and cf. Halbert, (1999). 34.

- Ruakākā – at Uawa and the last student of this house was Karauria Pāhura (taina to Te Kani-a-Takirau).
- Te Rāhauhau – at Mangatuna.
- Rua-te-pupuke and Kaiawhā at Tokomaru Bay.¹⁷⁴⁴
- Kirikiritātangi (weeping skin) – at Whareponga was a place where men trained in the arts of war. According to Mate Kaiwai fire was used under men’s legs to make them jump.¹⁷⁴⁵
- Te Aho o Matariki – at Raparapaririki, Hikurangi also established by Māui.
- Te Ao Pūangi/ Pūangi – above Hicks Bay.

There were so many schools because there were different sections and departments in the whare-wānanga, including:¹⁷⁴⁶

- Whare pūrākau (history, legends, myths, stories etc)
- Whare tapere or karioi or Rehia/Rehī (recreation, sports, leisure)
- Whare takiura (esoteric arts)
- Whare tatai (heavens and astronomy)
- Whare mata (birding)
- Whare pora (arts and crafts)
- Whare maire or purukuruku (magic, whaiwhaia or mākutū, war).

Tuta Nihoniho likened the importance of these whare-wānanga to a western Parliament where students were taught the law relating to the heavens, the earth and the sea. To him it was important to understand the teachings of the wānanga and the gods and the life force. In Māori he stated:¹⁷⁴⁷

*Ko tēnei mea te wānanga e rite ana ki te Whare-Pāremata o nāianei. Kei roto hoki i taua whare e pūkai ana **ngā ture** mō ngā katoa, o te rangi i runga, me te whenua i raro, me te moana. Otirā, me āta whakamārama ngā kai o roto o tēnei mea o te wānanga, me ngā atua katoa me ngā mauri.*

¹⁷⁴⁴ Pōtae, H. & Ruatapu, M (1928). Rua-te-pupuke. In *Journal of polynesian studies*, 37, explaining the origin of carving came from the house of Tangaroa.

¹⁷⁴⁵ Kaiwai M “Affidavit of evidence before the Waitangi Tribunal” (Wai 900, #A42, 18 June 2001) 4.

¹⁷⁴⁶ Mahuika. (1995). 57-58; Awatere. (2003). 440.

¹⁷⁴⁷ Nihoniho T [1908] JPS Vol 17, No 2, 95-96.

Chiefly children were often dedicated at birth to particular atua and the tohunga would become responsible for their tuition, as was the case with Tūwhakairiora who was dedicated to Tūmatauenga – the god of war.¹⁷⁴⁸ Their education would consist of learning the tikanga, rituals, karakia, kōrero and skills of that atua. Different houses of learning, such as the whare-maire, whare-tapere, or the whare-rēhia, would be where they received lessons.¹⁷⁴⁹ A full breakdown of what was taught in the whare-maire with respect to Tūmatauenga, for example, is recorded by Arapeta Awatere.¹⁷⁵⁰ He records karakia, fighting stances, strengthening exercises, identifying those parts of the body for weaponry blows and much more.¹⁷⁵¹

Students learned to balance tapu and respect mauri under the guidance of their tohunga. Tohunga were their intellectual leaders.¹⁷⁵² The teachings of the whare-maire with respect to sorcery were very connected to the dead and the spirit world. Ngāti Porou had many stories of sorcery and the spirits. So, for example Rāpata Wahawaha believed that there was a sheet of water at Ōtamakōrapa near Waipiro, which had the “property of killing and bewitching people.”¹⁷⁵³ When spirits were “flying about” they were “caught in the water and held under until they died!”¹⁷⁵⁴ Where directed towards a person, sorcery was believed to have a devastating effect on them as illustrated by the following waiata taken from *Ngā Mōteatea* and *Te Wānanga* (1930):

- He Tangi – (Ngāti Puia, Ngāti Porou) written by Hinekimua.¹⁷⁵⁵ This lament concerns an unsuccessful betrothal mission for Mere Meke. The party travelled to and from Anaura. They returned home in two waka, after she was turned away. The tohunga Tokipūanga of Ngāti Āwhia and Ngāti Ira caused a sudden gale to come up and overwhelm the canoe. The name of his god was Motipua. One canoe capsized near Whareponga and a number of important high-ranking individuals were lost but Mere Meke survived.¹⁷⁵⁶

¹⁷⁴⁸ Awatere. (2003). 440.

¹⁷⁴⁹ Awatere. (2003). 440, 442-465.

¹⁷⁵⁰ Awatere. (2003). 440, 442-465.

¹⁷⁵¹ Awatere. (2003). 440, 442-465.

¹⁷⁵² Ngata & Sutherland. (1940). 336.

¹⁷⁵³ Mackay. (1949). 197.

¹⁷⁵⁴ Mackay. (1949). 197.

¹⁷⁵⁵ Ngata & Jones. (2006, Part 2). 40-43.

¹⁷⁵⁶ Ngata & Jones. (2006, Part 2). 40-43.

- He Waiata Tangi – (Ngāti Porou) written by Hinemātererangi, a senior wife of Rāwiri Rangikātia, a chief of Ngāti Porou who signed the Treaty of Waitangi.¹⁷⁵⁷ His junior wife took a lock of Hinemātererangi’s hair to Te Pōhutu at Kawakawa “for the purpose of bringing about the death of the senior wife.”¹⁷⁵⁸ This he tried to do by the waters using his god Kumukumu.¹⁷⁵⁹ Instead he saw the face of the junior wife and so he killed her.¹⁷⁶⁰ The last stanza reflects the power of this magic:

Tohu anō ki te moe kino,	Thinking on unhappy married life
Nō te iwi e haramai nei!	I put it down to people who come here!
Kāore ia rā he atua tonu	Alas, it is really the work of a god
Makere iho i te ao o te raro;	Who has escaped from the netherworld;
Ko Kumekume, te awhi o te makau, ē,	Kumukumu who was embraced by the spouse.
Atua mana nō Te Pōhutu, ī ...	Was the powerful god of Te Pōhutu.

- He Waiata Tangi (Te Aitanga-a-Hauiti, Ngāti Porou), written by Te Rangiuia for his son Tū-te-rangi-whaitiri.¹⁷⁶¹ While attending the tangi of Rāwiri Te-eke-tū-o-te-rangi, Tū-te-rangi-whaitiri slept with a women (Paretaranga) betrothed to a chief from Wairoa.¹⁷⁶² They were seen, and the matter was reported to her betrothed Te Apatū. Upon the return of Te Apatū’s party to Wairoa, word was sent to the tohunga Te Mātorohanga of Wairarapa. According to Ngata, it was suspected that Te Mātorohanga placed a mākutu on Tū-te-rangi-whaitiri.¹⁷⁶³ This was the cause of Tū-te-rangi-whaitiri’s death. At Tū-te-rangi-whaitiri’s tangi, Houtaketake a tohunga of Ngāti Ira, confirmed who was responsible by using his adze as a marker. He identified that the mākutu came from the south, so he placed a mākutu in retaliation on Te Mātorohanga’s son and he too died.¹⁷⁶⁴ Arguably this balanced the hara or wrong committed. The

¹⁷⁵⁷ Ngata & Jones. (2006, Part 2). 304-307.

¹⁷⁵⁸ Ngata & Jones. (2006, Part 2). 304-305.

¹⁷⁵⁹ Ngata & Jones. (2006, Part 2). 304-307, and fn 24.

¹⁷⁶⁰ Ngata & Jones. (2006, Part 2). 304-305.

¹⁷⁶¹ Ngata. (1930). 21–35; note that this lament was so highly regarded by Ngata that he referred to it many times in the *Rauru-Nui-a-Toi Lectures* and in *Ngā Mōteatea*. Yet the complete waiata never made it into either of these publications. Rather this waiata was published in *Te Wānanga* in 1930 and as a consequence, it is very hard to locate copies other than at the National Library in Wellington. It is also discussed in Kaa, W. & Kaa, T. (1996). *Āpirana Ngata – Āna Tuhinga i te Reo Māori*. Victoria University Press. 235-250.

¹⁷⁶² Ngata. (1930). 24.

¹⁷⁶³ Ngata. (1930). 24.

¹⁷⁶⁴ Ngata. (1930). 24.

following part of stanza 6 references Te Mātorohanga's responsibility for the death of Te Rangiūia's son:¹⁷⁶⁵

Ko Tatai arorangi ko Te Huapae rā,
Ko Rangihopukia, ko Hinehuhuritai,
Me ko Manutangirua, ko Hingangaroa.
Ka tū tōna whare, Te Rāwheoro, e;
Ka tipu te waihanga, e hika, ki Uawa.
Ka riro te manaia, ka riro te taowaru;
Ka taka i raro nā, i a Apanui. E;
Ka puta ki Tūranga, ka hāngai atu koe
Ki te ao o te tonga, i patua ai koe:
Kia whakarongo mai e tō tupuna pāpā,
E Te Mātorohanga, na i!

Mana – Sovereignty and self-government

Mana “means rights and authority over property, resources and people.”¹⁷⁶⁶ It is the reo Māori equivalent of the term sovereignty. However, there could be no mana without the required whakapapa to an iwi or hapū.¹⁷⁶⁷ Personal mana determined a person's power and prestige.¹⁷⁶⁸ Mana could be inherited by birth and if both parents were of equal rank, their children would be ascribed with greater mana.¹⁷⁶⁹ Mana could be inherited from a number of ancestors so long as there was a genealogical link.¹⁷⁷⁰ Mana could be lost as well, including in warfare or by enslavement.¹⁷⁷¹

Mana ariki/rangatira

An ariki was the highest ranking and most senior of all the chiefs of an iwi.¹⁷⁷² However, where the whakapapa of an ariki was inherited by more than one child, it was acceptable to refer to them all as ariki. This approach was recorded by Arnold Reedy referencing the three children

¹⁷⁶⁵ Ngata. (1930). 34.

¹⁷⁶⁶ Mahuika. (1995). 62.

¹⁷⁶⁷ Mahuika. (1995). 63.

¹⁷⁶⁸ Mahuika. (1973). 66, 71.

¹⁷⁶⁹ Mahuika. (1973). 66.

¹⁷⁷⁰ Mahuika. (1973). 67.

¹⁷⁷¹ Soutar. (2000). 88.

¹⁷⁷² Mahuika. (1973). 25.

of Porourangi and Hamo-te-rangi, namely Hau, Ueroa and Rongomaianiwaniwa.¹⁷⁷³ As Āpirana Mahuika would note, this “... is because they were the children of the first ariki of the tribe (Porourangi) and they are ariki to everyone else in the tribe.”¹⁷⁷⁴ In terms of the narratives recited in Chapters 4-5, others who held this status include Māui, Toi, Ira, Paoa/Pawa, Tamatea-ariki-nui, Whiro, Paikea, Porourangi, Tahu, Kahungunu, Ruapani, Rongowhakaata, Apanui-Ringa-Mutu, and Māhaki (of Te Aitanga-a-Māhaki). In some cases, hapū members considered an ariki very tapu. Interestingly, Reweti Kohere would contend that he never heard that any of the Ngāti Porou chiefs lived as tapu beings, and he referred to Tūwhakairiora and other fighting chiefs as examples of those who were ariki or senior chiefs but who were not referred to as tapu.¹⁷⁷⁵ Thus the designation of an ariki as tapu depended upon their whakapapa and the role they played in the different kin-groups of the district.¹⁷⁷⁶

Rangatira were of high rank, but junior to an ariki.¹⁷⁷⁷ The ariki and rangatira (male or female) were the most senior genealogically with the most direct line to Io and the gods.¹⁷⁷⁸ The more direct the line, the greater the mana and tapu of the ariki or chief and the more functions they had of a religious, cultural or political nature.¹⁷⁷⁹ Rangatira included Hauiti (rātou ko āna uri), Hinekehu, Whaene and Poroumata, Materoa, Mataura (rātou ko āna uri), Te Aokairau (rātou ko āna tamariki), Te Aopare, Hinerupe, Hinetāpora, Hineauta, Tūwhakairiora, Ruataupare, Tūterangiwhiu, Tinatoka, Te Aotāwarirangi, Te Rangitāwaea, Konohi, Tamahae, Hinematiaro, Taiau, Te Houkāmau, Te Kani-a-Takirau, and many others.

The tikanga for chiefly succession was gender neutral and focused on rank.¹⁷⁸⁰ The requirement was that they expressed the mana and tapu of the highest order within their kin-group.¹⁷⁸¹ Based upon his study of Tokomaru Bay, Iles concluded that female chiefs were equal to male chiefs in terms of leadership.¹⁷⁸² However, chiefly women were required to act altruistically and put the interests of the iwi first, so that meant accepting that they may need to marry outside the kin-group in the case of a conquest by another iwi or hapū (for example the taking of

¹⁷⁷³ Mahuika. (1973). 26. Quoting A. Reedy.

¹⁷⁷⁴ Mahuika. (1973). 26. Quoting A. Reedy.

¹⁷⁷⁵ Kohere. (1949). 70.

¹⁷⁷⁶ Kohere. (1949). 70.

¹⁷⁷⁷ Mahuika. (1973). 26.

¹⁷⁷⁸ Mahuika. (1973). 13; Mahuika. (1995). 41.

¹⁷⁷⁹ Mahuika. (1973). 13.

¹⁷⁸⁰ Mahuika. (1973). 11-12, 18.

¹⁷⁸¹ Mahuika. (1973). 13; Ngata & Sutherland. (1940). 336.

¹⁷⁸² Iles M. (1981). 315.

Rākaumanawahē of Uepōhatu by Te Aitanga-a-Hauiti), or they could be used as a peace offering to settle a dispute (as in the case of Rerekohu gifting Hinetaitua and Ngunguru-o-te-rangi to Pōnapātukia and Konohi), or they may be forced to marry to seal an alliance with another iwi or hapū (as in the case of the gifting of Uhengaparaoa to Taiau's son Tamahinengaro).¹⁷⁸³ They could also be used as peace emissaries.

Āpirana Ngata would explain the nature of chiefly authority in this manner:¹⁷⁸⁴

The chiefs determined political leadership and tikanga or law with tohunga and the elders. They acted in a manner akin to trustees of the people and the land.¹⁷⁸⁵ Chiefs held mana, exercising their power, influence, rank and law-making power. ... What was the authority of the Māori chiefs at the time of the signing of the Treaty, to the people, to the land, and to the tribes under their separate authorities? That was the time of Te Hāpuku, of Te Rauparaha, of Te Rangihaeata, of Te Whero-where, of Te Waharoa, of the great Te Heuheu, of Kāwiti, of Patuone, of Hōne Heke, of Tūpaea, of Te Amohau, of Te Pukuatua, of Mokonuiarangi, of Aporotanga, of Aopururangi, of Te Houkāmāu, of Te Kani-a-Takirau, of Te Pōtaoaute, of Te-eke-tū-o-te-rangi and of the many others who have departed to "the realms of night—the terror of the land, the power over man." ...

...

During the time when the Māori chiefs had authority and there was no authority of British law, the word of the chief was law to his tribe. It was he who declared war, and he who sued for peace. Here are some of the words of that period: "The fire burning yonder, go forth to put it out." A great number of the people thus disappeared, loss of man, loss of land. The chief was separated from his daughter who was used as an offering to the invaders to bring about peace. It was the chiefs who bespoke the land and gave it away.

While the chiefs could give land away, this was a form of *tuku whenua* rather than a permanent alienation, and it was expected that the land would be returned if the person to whom the land was gifted ever left that land.

Chiefs had a duty to shelter and protect the people of their community and settle disputes either alone or with the *rūnanga* of elders among them.¹⁷⁸⁶ Chiefs had obligations, and these included the:¹⁷⁸⁷

- a) *Welfare and well-being of people.*
- b) *Protection of the people, property, and resources.*

¹⁷⁸³ Mahuika. (1973). 57.

¹⁷⁸⁴ Ngata. A. (1922). *The Treaty of Waitangi – He Whakamarama*. Māori Purposes Fund. 6.

¹⁷⁸⁵ Mahuika. (1973). 13-14.

¹⁷⁸⁶ Te Waka Māori o Niu Tirani. *Obituary*, as quoted in Benton, et al. (2013). 326-327.

¹⁷⁸⁷ Mahuika. (1995). 64.

- c) *Granting of rights of use and occupation of lands.*
- d) *Kaitiaki role of property and resources that belong to the group.*

In times of peace, the kin-group had “the ‘mana’ under ‘tikanga’ to veto a decision of their rangatira.”¹⁷⁸⁸ Where there was a threat to security, mana required that chiefs maintained or recaptured their hapū lands or resources by force of arms, inter-marriage, or gifting and occupation. Mana and land were obviously lost when wars were lost, and chiefs killed in battle. Those who survived might take many years before they could resolve any indignities suffered. If they were chiefs, they maintained their ancestral authority and that could be re-established with successful campaigns of utu and muru.

Usually, chiefly mana prevailed within one’s hapū and iwi, especially where it was bestowed by one’s elders, father or mother.¹⁷⁸⁹ It was generally bestowed upon the mātāmua child (male or female) of a chief.¹⁷⁹⁰ According to Arnold Reedy, as the men were pre-occupied with war, women often “became the guardians of the mana and tapu of a tribe. They became the guardians of the land.”¹⁷⁹¹

That authority, however, could not be exercised over another iwi, or over another autonomous hapū and their land, without their consent.¹⁷⁹² No iwi or hapū chief could assert their mana over the land of another chief, their iwi or hapū without consequences.¹⁷⁹³ That position was expressed by Rāpata Wahawaha as follows:¹⁷⁹⁴

Ko te mana tupuna rangatira ka mana tonu ki tōna iwi ake hapū rānei. Ka mana anō ki runga ki ōna ake whenua. Mehemea ko te tino tupuna rangatira tonu o tētahi atu iwi hapū rānei, i moea e tāua tupuna rangatira tōnu o tētahi iwi, hapū rānei, a kāore tētahi atu rangatira i runga ake i tērā a ki ngā uri e pura i roto i a rāua nei mana ki runga ki ngā iwi e rua, me ngā hapū.

Mehemea nō te iwi kōtahi, hapū rānei, te tāne rangatira, wahine rangatira ... rānei ka mana tonu iho ki tōna iwi, hapū rānei, kāore ki ētahi atu iwi, hapū rānei ; haunga ngā moemoe noa a te tangata, wahine rānei, i ētahi tangata noa iho o ētahi iwi, hapū rānei, e kore e kia ka riro he mana i tērā. Engari ko te mana tonu o tōna kōka, pāpā,

¹⁷⁸⁸ Mahuika. (1995). 64.

¹⁷⁸⁹ Mahuika. (1973). 13-14.

¹⁷⁹⁰ Mahuika. (1973). 13-14, 17, 25.

¹⁷⁹¹ Mahuika. (1973). 258. Quoting A Reedy.

¹⁷⁹² Wahawaha, R. (No date). *War narrative of Rāpata Wahawaha, MS including stories of Uenuku, Ruatapu and Paikea, introduction of Christianity on East Coast, etc, Mana and take-whenua*, ATL MS-Papers-0072-39E. Unpublished.

¹⁷⁹³ Wahawaha. (No date).

¹⁷⁹⁴ Wahawaha. (No date).

rānei, ka mau ki a ia, tau iho ki te marea i a ia, a tae anō rānei te uru atu tōna matua ki roto o ētahi wāhi papatipu.

...

Kāore he mana rangatira o tētahi iwi e mana ana ki runga ki ngā whenua o ētahi iwi, me ētahi atu hapū, rangatira hoki. Tōna mana ki tōna whenua ake anō, rātou ko tōna hapū, iwi rānei.

There was an obligation not to defile mana by sleeping with or marrying those from a different iwi or hapū least they attempt to undermine or acquire chiefly mana.¹⁷⁹⁵

Mana Whakahaere

The mana whakahaere of an iwi or a hapū could be lost where a tuakana line was not fit for leadership. In such cases mana whakahaere could be bestowed upon a taina capable of leadership. Again, it did not matter whether those involved were male or female.¹⁷⁹⁶ Leadership was determined by the qualities necessary to be a leader, as in the case of Hinētāpora.¹⁷⁹⁷ Rāpata Wahawaha stated the position in this way:¹⁷⁹⁸

Te mana rangatira tamaiti, tuakana - Mehemea i whakataua e tō rātou matua te mana ki a ia, o te iwi, o te hapū rānei, me te whenua hoki i runga i tōna atawhai ki tō rātou matua me te whakarongo anō ki āna kōrero.

Mehemea rānei ko tōna taina te mea i pērā o āna tamariki, i āhua rorirori pea te tuakana, a ka mau ki tāua taina ōna tāua mana o tō rātou pāpā, kāore ki te tuakana; a ka manaakitia taua taina ōna e te iwi. Mehemea ka ahua rorirori ngā māhara o te taina, ā e kore anō e mau tāna mana ki tērā, a tērā pea ka manaakitia e tō rātou pāpā e tō rātou whakamutunga i runga i āna māhara pai e mōhiotia ana e tō rātou matua, me te iwi hoki, koia ngā tikanga a te Māori.

He rangatira te tuakana mehemea he pai ngā tikanga. He rangatira te taina mehemea he pai ana whakahaere: pērā tonu te pōtiki.

... Mehemea i whakataua e tō rātou matua te mana ki a rātou, o te iwi, o te hapū rānei, me te whenua hoki ... Kāore he mana rangatira o tētahi iwi e mana ana ki runga ki ngā whenua o ētahi atu hapū Rangatira hoki. Tōna mana ki tōna whenua ake anō, rātou ko tōna hapū, iwi rānei.

As he notes, however, the mana of the tuakana remained as part of that person's heritage, the taina assuming a more secular leadership or mana whakahaere role. Such a rangatira "retained

¹⁷⁹⁵ Mahuika. (1973). 55-56.

¹⁷⁹⁶ Mahuika. (1973). 18.

¹⁷⁹⁷ Mahuika. (1973). 18.

¹⁷⁹⁸ Wahawaha. (No date).

certain ritual, ceremonial and religious rights which could never be usurped.”¹⁷⁹⁹ It was the senior line where the most tapu resided, and therefore, only the senior lines could mediate tapu with tohunga.¹⁸⁰⁰ Thus leadership (male or female) was exercised by chiefly lines (tuakana or taina). Alternatively, leadership was achieved, as in the case of Tūwhakairiora’s rise as a warrior while his sister Te Aomihia (the mātamua) was the religious and political leader.¹⁸⁰¹ For achieved leadership, Āpirana Mahuika notes that:¹⁸⁰²

The pattern of achieved leadership in Ngāti Porou follows the general pattern found in other tribal areas. It may be achieved by usurping the leadership of the ariki, through migration or marriage, through inheriting the mana of an ancestor who achieved leadership and through the allocation of defined areas, to ariki heirs of equal leadership ability.

Another example of achieved leadership is the rise of Hauti usurping the mana of his tuakana Taua and Māhaki. Examples of migration to acquire mana include the Ngāi Tuere narrative and their success over Ngā Oho and the move by Iritekura to Waipiro Bay. An example of a strategic marriage as a means of acquiring mana includes Tūwhakairiora’s marriage to Ruataupare and Hukarere and his marriage to Hinerupe.

However, to achieve leadership in such circumstances required that those who aspired to such leadership were of superior whakapapa lines themselves, that they had the qualities of leadership and that they entered the right marriage or marriages.¹⁸⁰³

Mana Tangata

Mana tangata was usually inherited and it was the right to exercise authority over the people of a chief’s hapū or iwi. While a parent of rank was alive that mana lay dormant until the death of that parent or until they retired.¹⁸⁰⁴ Mana tangata, just like mana rangatira and mana whakahaere, could be lost or achieved by the same means as described above.¹⁸⁰⁵

Mana rangatira, mana tangata, tikanga, whanaungatanga, and mana whenua in the district were rarely determined by anything other than ancestral right. The exceptions were the accumulation

¹⁷⁹⁹ Mahuika. (1995). 42; see also Mahuika. (1973). 22.

¹⁸⁰⁰ Mahuika. (1973). 30-32.

¹⁸⁰¹ Mahuika. (1973). 40.

¹⁸⁰² Mahuika. (1973). 55.

¹⁸⁰³ Mahuika. (1973). 45.

¹⁸⁰⁴ Mahuika. (1973). 67.

¹⁸⁰⁵ Mahuika. (1973). 67-68.

of personal items (often considered tapu or untouchable) such as garments, jewellery, slaves, and personal weapons. These items could be inherited or acquired with the shared benefit for the hapū being the elevation of the mana of the kin-group. However, tools, cultivations, and food had to be shared for the greater good, including the provision of service, tribute, and koha as was expected of Ngāi Tāne in favour of Ruataupare and Tūwhakairiora after Rarawa killed Kōhaki.

Mana Whenua

Mana whenua was “derived from the ancestor who first discovered a specific region or lands.” The process of discovery required naming the land - taunaha tupuna.¹⁸⁰⁶ This title could be succeeded to through whakapapa to that tupuna – take tupuna.¹⁸⁰⁷

Mana whenua could be divided as shown by Te Aokairau when her lands were divided between her children Rākaimataura, Putaanga, Huanga and Hinepare. Thus, the choice of a marriage partner was important (usually of the same rank) because the children of that union would inherit the mana whenua of their parents.¹⁸⁰⁸ Āpirana Mahuika would contend that where people of rank married, their children could reside with either their father or mother’s people, but that generally mana whenua was derived from the mother.¹⁸⁰⁹ That is because while a man may hand down land rights to his children, if one traces the whakapapa back far enough, the originating source in this district would be a woman – the first being Ruawaipu.¹⁸¹⁰ He also quotes Arnold Reedy stating the following:¹⁸¹¹

Since the time of Muriwai and Ruawaipu, our land rights have come in the main through our women. When those Ngāti Porou lands were settled by the then Native Land Court, our ancestors claimed in many cases through women. This right to rule and hold the land led to other fields, especially sub-tribal and/or tribal leadership. This led to equal rights to speak on the marae.

¹⁸⁰⁶ Mahuika. (1995). 63.

¹⁸⁰⁷ Mahuika. (1995). 63.

¹⁸⁰⁸ Mahuika. (1973). 64-65.

¹⁸⁰⁹ Mahuika. (1973). 65, 68, 73.

¹⁸¹⁰ Mahuika. (1973). 87.

¹⁸¹¹ Mahuika. (1973). 260. Quoting A Reedy.

An example of this is the ancestress Te Manukai, who according to Tuta Nihoniho “held the mana of the lands of her ancestor Te Aowera, and she was a woman of the highest rank in that clan.”¹⁸¹²

Āpirana Ngata also noted that mana whenua was derived from ancestral rights to land.¹⁸¹³ Once that was established, occupation over a long period of time became ahi kā roa or kauruki tūroa (the long ascending smoke from the fire of occupation).¹⁸¹⁴ Āpirana Mahuika, however, would make the point “that one’s right to reside in a particular area never grew mātaotao because, if one could establish the genealogical link, the right to occupy and use the land was accepted.”¹⁸¹⁵ However, mana whenua could also be lost if one of the “take” listed by Rāpata Wahawaha below applied.

Within the boundaries of the hapū lands, rights were exercised by whānau, as was the case where Kiterangi or Rarawa set aside land at Te Pōrahu as a bird snaring area. Whānau rights also extended to small cultivation areas, and fisheries, where there was no necessity for collective hapū gathering or cultivating (e.g. for the hosting of manuhiri). As the narrative concerning Paikea’s arrival at Ngā-Puke-tū-rua demonstrates, the cultivation of kūmara remained tapu due to its association with the god Rongo. Therefore, its propagation and harvest remained a hapū-driven activity and that is why there were so many large cultivation areas observed by early Pākehā, as in the case of James Cook’s first voyage around the East Coast.

As the legal system of the district evolved, new forms of take were recognised. Rāpata Wahawaha, while emphasising the importance of ancestral rights,¹⁸¹⁶ contended that the length of time of a person’s occupation was not important. Occupation without ancestral inheritance was worthless, he believed, no matter how long that occupation lasted.¹⁸¹⁷ He also provided a list of the 28 different forms of take whenua that could be asserted in the Pōtikirua ki te Toka-a-Taiau district.¹⁸¹⁸

¹⁸¹² Nihoniho. (1913). 44.

¹⁸¹³ Sorrenson. (1987). 156.

¹⁸¹⁴ Sorrenson. (1987). 156.

¹⁸¹⁵ Mahuika. (1992). 55.

¹⁸¹⁶ Wahawaha. (No date).

¹⁸¹⁷ Wahawaha. (No date).

¹⁸¹⁸ Wahawaha. (No date).

Rāpata Wahawaha's list of take whenua is provided in full in Māori and I have attempted to translate the sense of his words into English. These were the tikanga applied to ensure good title and they existed in this district from time immemorial:¹⁸¹⁹

1. Take tangata - Take papatipu o te tipuna

Tokorua ngā tamariki a tētahi tangata, tokotoru rānei, a kua wehea te whenua ki āna tamariki, a ia wehenga ki ia tamaiti, a ia wehenga ki ia tamaiti, a ka nui haere a rātou uri, ka whai hapū rātou, a ka noho hapū rātou ki runga ki te whenua, a ia wāhanga, a ia wāhanga o rātou hapū. Ka tīmata te ahua whakatangata kē o rātou i a rātou, a kua tīmata te ahua tautohe mō ngā rohe o tō rātou kainga, tipu tonu atu hei pakanga mā rātou, wehewehe tonu atu tā rātou noho, tangata kē tonu atu tētahi i tētahi, taea noatia tēnei Takiwa. Nā tō rātou tangata-kētanga i waiho ai hei mahi mā rātou te rīriri, a ka raupatu tonu atu tētahi i tētahi, a riro tonu mai te whenua o tētahi i tētahi o taua whenua. Kotahi anō i wehewehea rā nō rātou e tō rātou matua.

Title is ancestral but if a parent has more than one child, and divides the land between them, and they then have many descendants, they will become autonomous hapū on their section of the land. They will then become different people. This will lead to disputes over their home territory that will result in fighting, and the divisions will deepen as they become more and more different to each other - as occurs in this district. Due to their differences, there will be no choice but to engage in warfare and the victors will engage in raupatu and take the land of the other. Yet the only reason for their division was due to the parent.

2. Take raupatu – tangata mate

Ka mate tētahi tangata te kōhuru e tētahi tangata, e tētahi hapū rānei, ka whakatika tōna hapū ake o te tūpāpaku, me tētahi hapū ke atu, he mea whakaraka nā te hapū ake o te tūpāpaku hei ope mā rātou. Ka raupatutia te tangata me te whenua, ka mate te tangata, ka tangohia hoki te whenua, ka riro. Kātahi ka tukua atu taua whenua e te hapū ake nō rātou taua tūpāpaku ki te hapū i whakatakā e rātou hei ope ngaki i te mate o tō rātou tūpāpaku, a ka mau atu ki taua hapū ngā take raupatu o taua whenua, taea noatia tēnei Takiwa.

If a person is killed by another, or by a hapū, it is up to the deceased's hapū and allied hapū to organise to undertake raupatu of the people and the land. The people will be killed, and the land taken and given to those who assisted the hapū of the deceased take revenge. They will then hold the raupatu title of that land – as occurs in this district.

¹⁸¹⁹ Wahawaha. (No date).

3. Take raupatu – kurī mate

Ka patua tētahi kurī Māori, poaka rānei, e tētahi tangata hapū rānei, ka raupatutia te tangata, hapū rānei, ka mate te tangata, ka tangohia hoki te whenua, ka riro, taea noatia tēnei takiwā. Ka kīa he take raupatu te take o ia hapū ki tēnā whenua, kāore he take kē atu.

The killing of Māori dogs and pigs, by an individual or by a hapū is also a cause for raupatu by an individual or hapū. This applies throughout the district. If it is said that a hapū acquired a raupatu title to their land in this manner, there can be no disputing it.

4. Take raupatu – wahine tangohia

Mehemea ka tangohia te wahine a tētahi tangata o tētahi hapū, ka whatorohia rānei, ka kinitia rānei, a ka rangona e te tangata nāna te wahine, e tōna hapū ake rānei, ka whakatika te hapū o taua tangata, ka raupatutia taua tangata me tōna hapū. Mehemea i āhua whakatetē mai tōna hapū, ka patua rātou, ka tangohia tō rātou whenua mō te wahine ka riro, taea noatia tēnei takiwā.

If a woman is taken, molested, or injured, and her husband or her hapū hear of it, it is the responsibility of the hapū to undertake raupatu of the person responsible and their hapū. If the hapū resists, they must be killed, and their land taken for the female victim - as occurs in this district.

5. Take raupatu – whānako taonga

Mehemea ka whānakotia e tētahi tangata tētahi kai, kūmara, aruhe, whīnau, mamaku, kōuka, ka patua anō ka tangohia tōna kāinga, ka riro.

If a person steals food, such as kūmara, fern root, whīnau trees, mamaku ferns, cabbage trees, that person could be attacked or killed, and his home appropriated.

6. Take raupatu - kanga upoko

Mehemea ki te pokanoa tētahi tangata ki te kanga upoko ki tētahi tangata, ka patua te tangata, ka tangohia te whenua ka riro mō te kanga upoko, taea noatia tēnei takiwā.

If a person heedlessly curses, swears, or verbally abuses the head of a person, he will be attacked or killed and his land taken for the victim – as has occurred in this district.

7. Take raupatu - hākere kai

He manu, kiore, taro, kūmara, aruhe, whīnau, mamaku, ika: ka patua te tangata mō te hākere. Mehemea ka kore e patua te tangata, ka tangohia ko te kāinga, ka riro mō te hākere, taea noatia tēnei takiwā.

For birds, rats, taro, kūmara, fern root, whīnau trees, mamaku ferns, and fish: a miserly person may be killed. If not killed, his home appropriated for being ungenerous – as occurs in this district.

8. Take pare whenua

Mehemea he tangata kē noa atu tētahi tangata e ahua noho tahi ana rāua ko taua tangata nōna te whenua, ā, e mōhiotia ana e taua tangata nōna nei te whenua ngā whakaaro pai o taua tangata, ahakoa he whanaunga tūturu anō o taua tangata, engari kāore e rite ana ki a ōna mahara i whakaaro ai ngā mahara a ōna whanaunga ake, ka tukua e taua tangata tōna whenua i waenganui o ōna whanaunga ki taua tangata, a ki te mea nō rātou tahi taua whenua, a tērā anō tētahi wāhi kei te nōhea e ia mō ana whanaunga; ko te nuinga o te whenua ka riro atu mō taua tangata, nui o tonu atu maua, tonu atu taua tuku, tae mai ki nāianeī.

If an unrelated person lives together with a person who has land and where that landowner shares the same values as that foreigner, and although he/she has close relatives, but their values may be different to his or hers, then he or she may gift or share his section of land held by his kin-group to that person; and it is a gift that may be held firmly even to now.

9. Take īnoi whenua – iwi kāinga

Mehemea ka kore kāinga tētahi tangata, ka haere ia ki te īnoi kāinga mōna i tētahi tangata whanaunga, tūranga whānau rānei, tangata kē noa atu rānei, a ka tukua tonutia mai te whenua mōna, ka mana tonu te tuku a tērā tangata taea noatia tēnei takiwā.

If a person has no place of abode, they may approach a relative, or their extended family, or someone entirely different, to gift them some land and if given, that gift has the mana of that person – as occurs in this district.

10. Take kākahu

Mehemea he pūahi te kākahu, he tōpuni rānei, na hīti rānei, he mea āta hoatu ki tētahi tangata, a te rironga atu i taua tangata ka whakaaro taua tangata ki taua kākahu, ki aua kākahu rānei, kia whakaritea e ia, na kāore ana mea hei whakarite, kātahi ia ka mau ki tōna whenua, ka tū. Kua atu mō taua kākahu. He taonga nui te kākahu ki ngā tūpuna.

If a dog skin cloak, or a dog skin cloak made with dark hair and trimmed with white borders, or sheeting, is given to honour a person, the receiver of that cloak or cloaks should reciprocate with something of similar value to proffer in return. If he has nothing similar, he may use his land for these cloaks. These cloaks were taonga of high regard to the ancestors.

11. Take tahaa wai, kai, kākahu

Mehemea e whakamatemate ana tētahi tūpāpaku, a kāore ōna whanaunga e kitea ana te atawhai i a ia, a he tangata kē kei te hoatu kai mōna, hoatu ahi hei kōpae mōna hoatu kākahu kia mahana ai te takoto i te taha o te ahi, i anō ka tata ia te mate, ka tukua ōna kāinga ki te kai atawhai i a ia, a ka uru atu. Kaore e taea e ōna whanaunga te whakahē i muri i a ia, taea noatia tēnei takiwā.

If a person is dying, and their family are noticeably not caring for that person – yet another is giving him or her food, tendering their fire, or providing clothing to ensure they are warm as they lie close to the fire close to death, their home may be left to the carer for, for his or her use. His relatives cannot dispute this gift – as occurs in this district.

12. Take pākuha

Mehemea ka whakatakoto pākūhā tētahi hapū ki tētahi hapū, arā ko te tāne nō tētahi hapū, ko te wahine nō tētahi hapū, a ka moe rāua, te wahine me te tāne, a ka tukua te whenua e te hapū o te tāne ki te hapū o te wahine, mehemea ka ū tonu tā rāua moe, ka tūturu tonu atu taua whenua. Ki te mahue te tāne, moe kē atu i tētahi tangata, ka hoki anō te whenua ki te iwi nō rātou te whenua.

If an arranged marriage occurs within two different hapū, where a man is from one hapū and the woman from another, they unite and sleep together, the bridegroom's hapū will gift the land of the man to his wife and if they stay together, the gift continues as long as they are together. If he leaves to sleep with another, the whenua is returned to the hapū or iwi who gifted the land.

13. Take rākau - tautau mōtoi

Mehemea he tautau mōtoi rānei tō tētahi tangata, he mea muru nā tētahi tangata, ka riro atu, kātahi ka tonoa kia whakahokia, kīhai i tukua mai, kātahi ka raupatutia, ka mate te tangata, āpiti atu ki tōna kāinga, ka rua tahi ngā utu, ko te tangata, ko te whenua mate katoa, taea noatia tēnei takiwā.

If a person has jewellery and another conducts a muru and takes that jewellery, then if a request is made for its return, but it is not given back, that is cause for raupatu. The person who took it will be killed and his land taken. Both are the price. The people and the land are laid waste.

14. Take rākau patu tangata

Ki te kore he rākau taiaha, meremere paraoa, huata, tokotoko, a te tangata i roto o ngā whawhaitanga, hei karo patu māna, a ka kite tētahi tangata whai rākau i taua tangata, a ka hoatu he rākau ki a ia, ka toa taua tangata i a ia taua rākau, a ka maharatia e taua tangata taua rākau, ka utua atu, he whenua te utu, nō reira mai taea noatia tēnei takiwā.

If there is no wooden taiaha, whalebone mere, long weapon similar to a taiaha, or a oratory stick, to parry blows, and a person is seen searching for a weapon, and another gives him a weapon, and that person wins the fight with that weapon, he will remember that weapon, reciprocate and reward with land – that is why this occurs in this district.

15. Take waka

Mehemea he hiahia tō tētahi tangata ki te haere ki tētahi wahi, he riri pea nā rāua ko tōna whanaunga, tērā pea kua kite ia i te waka a tētahi tangata, na haere ana ia ki taua tangata nōna te waka, ka mea atu - “Homai tō waka mōku.” Ka tukua tonutia e taua tangata tōna waka, ka tukua e taua tangata he whenua te utu, taea noatia tēnei takiwā.

If a person desires to go to a place, there might be a dispute, perhaps, between him and his relatives, he spies a person's waka and he approaches that person to ask, “Can I have your waka?” In return for the gift of the waka, the person departing will gift land – as occurs in this district.

16. Take aroha

Mehemea ka arohatia tētahi tangata i tētahi tangata i te mea e whakahauatia ana e tētahi tangata, e kumekumea ana rānei, e werewerehia ana rānei tōna wāhi ngaro, me ka manaakitia e taua tangata, a rangona e ōna whanaunga, ka raupatutia taua tangata, hapū rānei, ka mate, ka tangohia te whenua, ka hoatu ō rāua whenua ki te tangata nāna i atawhai taua tangata, taea noatia tēnei takiwā.

If out of love or concern for another being made crippled or dragged about by another, or if left suspended close to death, a person protects that victim, when his or her family hear of it and undertake raupatu on those responsible (individual or their hapū), by killing and taking the land, the victors will then give that land to the person who protected their kinsman – as occurs in this district.

17. Take whare tono

Ka tonoa e tētahi tangata te whare o tētahi tangata mōna, a ka riro i a ia, ka maharahā a roto i tōna ngakau ki te taonga a tētahi tangata, kātahi ka utua e ia, he whenua te utu, a kia rite, taea noatia tēnei takiwā.

A person who asks for the house of another for him or herself, and he or she acquires it, they will reflect on the taonga acquired, and that person will compensate with land of equal value – as occurs in this district.

18. Take hoko whenua

Ka hokoa tētahi whenua e tētahi tangata ki te kākahu, ki te kai rānei, arā ki ngā mea e rite ana mō te pēnā, ki tāna pononga tāne rānei, pononga wahine rānei, ana ake o ngā pā horo, a ka tukua tonutia mai te whenua o tērā tangata, a ka riro i te tangata nāna ngā taonga, taea noatia tēnei takiwā.

A person may barter land for cloaks, food, and similar things, or his male or female slave, as after a pā has been over-run, and they may give up their land in exchange. It will be acquired by the person who exchanged these taonga – as occurs in this district.

19. Take tā moko, ngutu, rape

Mehemea ka taea ngā moko, ngutu rānei, rape rānei o tētahi tangata, kaore ōna mea hei utu, ka tukua he whenua te utu.

If a moko, lips, or buttocks of a person are tattooed, and a person has nothing to give in return, land can be used as compensation.

20. Take ahi kā roa

He maha ngā tikanga o te ahi kā roa i runga i te whenua. Tētahi ahi kā roa, he take tupuna, e hāngai ana tērā take, e kore e kīa nā te roanga o te kānga o tāna ahi ki runga o tērā whenua i whai take ai ia ki tērā whenua, kāore, engari nā tōna take tupuna anō.

There are many tikanga associated with the occupation of the land. One is based on ancestral right, it is a form of title so it cannot be said that the flame of his or her fire on the land is without right, as it belongs to his or her ancestor.

21. Take ahi kā roa II

Tētahi ahi kā roa a te tangata: Mehemea ka rangona e tētahi tangata, hapū rānei, ngā rongo taua kei te haere mai, ka rapu wahi pai te tangata hei hānga pā mōna, e kore e rapu rawa ki runga ki te wahi i a ia, ka hānga pā noa iho ki runga ki te whenua o tētahi tangata, a ka kitea te kaha o tērā pā, kīhai i tā hai i ngā ope tuatahi, ka tūturu tonu ihō hei pā. Ahakoa roa e noho ana ki taua pā, e kore e kīa e taua tangata nōna ake te whenua e tūria ana e tōna pā; e mōhio ana ia ki te tangata i a ia tērā whenua.

Another form of occupation - If a person or a hapū hear a war party coming, they will search for a good place for building a pā for them, if it is not suitable to build on their own land, it will be constructed on another's land and the strength of the pā will be assessed. If not taken by the war party, it will remain there as a pā. Even if there a long time, the person who constructed it will not be able to say that they own the land as it is known who the real owner is.

22. Take ahi kā roa III

Tētahi ahi kā roa a te tangata, mehemea ka kitea e tētahi tangata mōmona, “E tika, e tika. Meatia hei meatanga puka mā koutou ko ō tamariki.” E hara tērā i te tuku i te pare, engari he koanga atu nō tōna ngākau ki te mahi a tērā tangata, ahakoa tangata kē, whanaunga, tūranga whānau rānei, kāore nei ōna take ki taua whenua; ka mahi noa iho te tangata, ka mutu tāna mahi, ka mahue noa iho.

Another occupation title or right - If an obese person is seen it will be said, “It is right, it is right. Tell how you and your children are provided for.” This is not just a derogatory saying, rather it stated from the heart in admiration due to the work of that man, despite being a stranger, a relative, or an extended family member, and despite having no right to the land, he is a worker, but when his work is done, he leaves the land.

23. Take ahi kā roa (General)

E pēnā ana ngā tikanga Māori; ahakoa ngā noho kāinga mahi, whare rānei, me ērā atu mahi a te tangata, tā eke manu, patu kiore rānei, whakangau kiwi, weka, poaka, tarapō rānei, kāore he take. E rua tonu āna take - 1. Ahi kā roa i runga i te take tupuna. 2. Ahi kā roa i runga i te take kore.

These are the laws of the Māori; despite working in villages, in houses, and other work, birding, killing rats, catching kiwi, pigs, tarapō (kakapō), none gives rights to land. There are only two take. 1. Ancestral right followed by long occupation. 2. Long occupation without right.

24. Take tango whenua

Kāore he take i tangohia noatia ai te kāinga o tētahi tangata a riro noa atu, taea noatia tēnei takiwā.

There is no right or title for simply appropriating a village or house of another – as occurs in this district.

25. Take muru kai

Mehemea ka murua ngā kai a tētahi tangata, hapū rānei, kātahi te iwi nāna āna kai ka whakatika, ka patua te tangata nāna i muru aua kai, ngā tangata rānei, ka mate, ka taona; ka rongo ōna whanaunga ka mate ana tangata nāna taua muru i aua kai ra, ka whakatika ngā whanaunga, ka ngakia te mate, ka patua te tangata, ka tangohia te whenua, ka riro, taea noatia tēnei takiwā.

If the food of a person or a hapū is subject to muru, it is up to the iwi who own the food to correct the situation by attacking the person or people who plundered the kai, they will be killed and cooked; when the family of those responsible for the muru hear that they were killed, they are responsible for correcting the situation. They will seek revenge for the killings, they will kill people, take the land and retain it – as occurs in this district.

26. Take mahi kai – tā hinu

Ki te mea ka mahia mai e tētahi tangata i ngā kai pērā, hinu, kiore, whīnau, o te kāinga o te tangata, a ka kawea mai taua tangata nōna taua kāinga i ia tau, i ia tau, a ka mōhio te tangata nōna te kāinga ki te pai o ngā whakahaere a taua tangata, kīhai hoki ia i mea ko ngā mea pai mōmona o āna kai. E mahi ana he kai māna, engari ko ngā mea āhua tūpuhi tāna e kai ai māna, ko ngā mea mōmona ka kawea e ia mā te tangata nōna ake te whenua, a kite ana te tangata nōna ake i te ata kai o tērā tangata, ka tukua te kāinga mō taua tangata, taea noatia tēnei takiwā.

If a person gathers kai such as pigeons, rats, whīnau, from village lands, and he takes these delicacies every year to the person who holds the land, the latter knows the expertise of that person and the bountifulness of his kai is also known. He will also gather food for himself but only the scraps or left overs. The more robust kai he will take for the person who holds the land so that the latter who relishes the kai will give him land – as occurs in this district.

27. Take mākutū

Mehemea ka mate tētahi tūpāpaku, mate rawa, a nō muri ka rangona te tangata nāna i mākutū, ka patua taua tangata, ka mate, ka tangohia tōna whenua, taea noatia tēnei takiwā.

If a person dies, but after it is heard that it was by mākutū, the person responsible will be killed and his land will be taken – as occurs in this district.

28. Take tūpāpaku

Ki te mate te tūpāpaku o tētahi iwi, hapū rānei muri ka huakina e tētahi iwi he hara nei nō rātou taua tūpāpaku, ka huakina, ka taona hei kai mā rātou, a ka rongo te iwi nōnā te tūpāpaku kua pau te kai e tētahi iwi, ka whakatika te iwi nō rātou te tūpāpaku, ka patua taua iwi, ka tangohia te whenua, ka riro, taea noatia tēnei takiwā.

If a person of one iwi or hapū dies following an attack by another iwi who consider wrongly that the tūpāpaku is theirs, then they cook and consume him and the people to whom the tūpāpaku rightly belongs, the deceased hapū or iwi will attack them to correct the situation, kill them and take their land, as occurs in this district.

Mau ake nei, tīmata mai i te tahi o ngā rārangi, mutu ki te 28 o ngā rārangi. Kāore he take e rerekē ai ngā whiriwhiringa a ngā Kooti i te mea āhua whakaatūria ngā take tika, me ngā take pōhēhē a te Māori, a e kore e kīa ngā take pōhēhē o Niu Tīreni hei taputapu i take pōhēhē anō, me hē; take tika anō me tika anō.

This is what I have, from number 1 on the list to 28. These titles or rights are not different to those discussed in the Courts where the aspects of these titles or rights are debated, including those presented by confused Māori. To ensure those of New Zealand who are confused do not entrench titles or rights that are not correct, which would be wrong, it is important to record what is correct.

These different forms of take highlighted by Rāpata Wahawaha co-existed over the same land creating different layers of rights held by individuals and whānau. Included in this bundle of rights were the right to cultivate, hunt or fish but all such rights were subject to the payment, either by service or by tribute as in the case of Rāpata Wahawaha's family within the Te Whānau a Rākairoa hapū. Alternatively, the land was held by one of the means listed above.

Most natural resource and land use was determined by the chiefs and elders. Within that limitation, hapū members could be assigned their own hunting or fishing areas. So, for example, Hineautā had her own fishing rock.

Hapū unity determined territory. Hapū could also forge alliances and act as a confederation where required for the purposes of muru, utu, and war as when Tūwhakairiora and later Kākātārau called for assistance with the wars against Te Whānau-a-Apanui.

Relevant also is Paratene Ngata signing a paper circulated to assessors of the Native Land Court in the 1880s, describing the principles concerning the effect of mana.¹⁸²⁰ This document described that the role of superior chiefs over large districts was to exercise mana over the people within but not over the land.¹⁸²¹ Hapū chiefs occupied land with their hapū but they could only exercise authority over their own people.¹⁸²² Therefore, as Rāpata Wahawaha described, mana whenua could only be exercised over one's own land within their hapū and iwi.¹⁸²³

Te mana Rangatira tamaiti, tuakana. Mehemea i whakataua e tō rātou matua te mana ki a rātou, o te iwi, o te hapū rānei, me te whenua hoki ... Kāore he mana Rangatira o tētahi iwi e mana ana ki runga ki ngā whenua o ētahi atu hapū Rangatira hoki. Tōna mana ki tōna whenua ake anō, rātou ko tōna hapū, iwi rānei.

It was further noted that neither superior or hapū chiefs held title to land other than what they occupied through *inter-alia* ancestral right.¹⁸²⁴

Mana Moana

Turning to mana moana, this “is the term used when referring to rights and authority over sea resources.”¹⁸²⁵ According to Āpirana Mahuika it has two aspects:¹⁸²⁶

(a) *Mana over the elements;*

(b) *Mana of rights and ownership of resources. (as per Hineauta's rock)*

Mana over the elements is that Mana that Paikea had over the children of Tangaroa. It is further illustrated by the Huripureiata incident, where.... Paikea and Ruatapu – through karakia and incantations commanded the assistance of Tangaroa and the sea, over one another. ...

¹⁸²⁰ Tautahi, T., Mahupuku, H., Tunuirangi, H., Matenga, H., Kakaura, W., Erihana, R., Omipi, H., Eketone, P., Mangakahia, H. & Ngata, P. (1890). Opinions of various authorities on native tenure – The Effect of mana on native tenure. *Appendix to the Journals of the House of Representatives*. G-1, 15-16.

¹⁸²¹ Tautahi, et al. (1890). 15-16.

¹⁸²² Tautahi, et al. (1890). 15-16.

¹⁸²³ Wahawaha. (No date).

¹⁸²⁴ Tautahi, et al. (1890). 15-16.

¹⁸²⁵ Mahuika. (1995). 65.

¹⁸²⁶ Mahuika. (1995). 69.

Rāpata Wahawaha was before the Te Whānau a Iritekura rūnanga on charges of trespass for hunting birds on Iritekura's territory. While in rūnanga, Iritekura's whaling boats were chasing whales at sea.¹⁸²⁷ Monty Soutar records Wahawaha's response "You have tried us for trespassing. How far will those boats go as there are also boundaries in the sea?"¹⁸²⁸ The matter ended there as clearly the whales (followed by the boats) may have traversed into Te Whānau a Rākairoa territory as the two hapū were neighbours.

This story demonstrates that passage through hapū areas required chiefly consent, as did the salvaging of waka. An example given by Rāhera Rairi demonstrates the point:

When a ship stranded on the beach at Te Kautuku, Whānau a Takimoana alone took possession of it. Messages were sent out and the people called together. It was loaded with timber which they demanded the Europeans come and take the timber away. The boat was broken up by Pāpē and Paratene and Pāpē erected a home. The ship was stranded on the papatipu portion.

This illustrates that boundaries determined mana moana and where breached, a vessel, its people and contents were trespassing and could become the property of those who held mana moana.

Boundaries

Boundaries, although loosely applied between whānau members, were strictly applied to others and these boundaries were public declarations of mana whenua and mana moana. According to John Thornton - Te Rongotoa Tamahōri who was born in 1915:¹⁸²⁹

The boundaries that define a whānau or hapū are ancient. For a boundary to be recognised they had to be set in place by a person who had strength and mana. They would also have to be recognised by a person or people with mana. The Ngāti Porou boundary stretches from Pōtikirua in the North to Te Toka-a-Taiau in the south ...

Boundaries were important to Ngāti Porou as they were a symbol of identity. They were a means of preserving the resources found in that boundary.

If land was to be taken, the building of a whakaumu was a sign of the impending raupatu.¹⁸³⁰ There were also various ways to define territories including declarations of areas by features,

¹⁸²⁷ Soutar M. (2000). 161.

¹⁸²⁸ Soutar. (2000). 161. Quoting Rāpata Wahawaha.

¹⁸²⁹ Thornton/Tamahōri. (1999). 6, 8.

¹⁸³⁰ Native Land Court *Re Kautuku* (1913) 53 Waiapu MB 164. Evidence of Rāhera Raire.

as in the gift from Te Aopare to Hinerupe, which was: “Mai i te moana tae noa atu ki te ao parauri” - “From the sea as far as the eye can see.”¹⁸³¹ Alternatively pou whenua could be used and sometimes this was a person’s head as in the case of Tataramoa’s daughter Moemoea after the division of land between Tamakautuku, Karuwai and Kōpuni. In addition, the land could be divided, a form of partitioning, between children of a rangatira and the boundaries were carefully pronounced as in the case of the division of land by Te Aokairau between her children Rākaimataura, Putānga, Huanga and Hinepare.

Boundaries were closely monitored, and this explains why two of the brothers known as “Ngā kurī paka a Uetuhiao” were so affronted when Ngāti Ira (some say Te Whānau-a-Apanui) under Taniwha were caught poaching and trespassing within their hapū lands.¹⁸³²

Tikanga – Law

It was the chiefs who laid out the tikanga for the people. They listened, for if they did not there were consequences such as being struck down or being subjected to muru or raupatu by a chief. This was done to ensure that the people would uphold the mana of a chief’s words. Āpirana Ngāta wrote:¹⁸³³

Ki te Māori, ko te rangatira te mana whakatakoto tikanga. I rongō tōna iwi ki tōna reo, ā, inā takahia tāua kupu ka whakatoro tōna ringa kaha ki te patu, ki te muru, ki te raupatu, ki te whakahaere i ērā atu tikanga e kitea ai te mana o tāna kupu.

While the system may have been led by chiefs, often in consultation with the elders, the common underlying values of the legal system meant that there was a high degree of consistency in how tikanga was applied across the Pōtikirua ki te Toka-a-Taiau district. As a result, it is possible to identify the following tikanga with accompanying offences and sanctions that were practiced and accepted by the communities of the district:¹⁸³⁴

¹⁸³¹ Mahuika. (1992). 49.

¹⁸³² Thorton/Tamahōri. (1999). 8.

¹⁸³³ Kaa & Kaa. (1996). 113.

¹⁸³⁴ Ngata & Sutherland. (1940). 337.

- Pantheism as in the belief in the superior god Io and other gods identifiable with the forces of nature, the departmental gods such as Rongomaraeroa, and the hapū and whānau gods such as those used by Ngāi Tuere to find Pūngāwerewere.
- Idolatry as in the infusing of godly or ancestral power into pou, or wood carvings or rocks such as those brought from Hawaiki on the Horouta waka and carried overland in gourds to Tūranga-nui-a-Kiwa, and the use of pou or rocks to demarcate kūmara grounds or boundaries of different iwi and hapū.
- Classism as in the ranking of people by whakapapa and status by some hapū. For example, Rāpata Wahawaha's full name was Rangi-wahawaha-aruhe-ki-Te Puia-ki-Te Reinga-a-Tamateahiwera-o-Ngārangikakautu-mā-te-poaka.¹⁸³⁵ In this name are references to two fern root plantations worked by Wahawaha. In describing his upbringing Rāpata Wahawaha referred to the chief Ngārangikakautu as "a rangatira of Whānau-a-Rākairoa" and Wahawaha's elder cousin.¹⁸³⁶ Wahawaha and his family were required to provide service to his cousin as the hereditary chief.¹⁸³⁷ Wahawaha explained that Ngārangikakautu's father (Ngetengeteroa) was tapu and grew no food.¹⁸³⁸ That is why "I and my ancestors grew the food for them ... We had no rights as we were cooks for Ngetengeteroa."¹⁸³⁹
- Marriages were in the main endogamous (internal to the hapū or iwi), for the sake of perpetuating the line, and preserving mana whenua unless engaged in for political purposes.¹⁸⁴⁰ Marriages could also be a means of acquiring mana tangata and mana whakahaere. Marriages did not result in the transfer of mana whenua to a spouse.
- Polygamy and polyandry. Polygamy is well covered in the histography including the example of Tūterangiwhiu who had six wives. Such marriages were usually practised within one's own whanaunga to ensure the retention of land and avoid any trouble from extended hapū where a spouse was not well treated or cursed.¹⁸⁴¹ That was because

¹⁸³⁵ Soutar. (2000). 51-52.

¹⁸³⁶ Soutar. (2000). 51-52.

¹⁸³⁷ Soutar. (2000). 51-52.

¹⁸³⁸ Soutar. (2000). 51-52.

¹⁸³⁹ Soutar. (2000). 51. Quoting R. Wahawaha.

¹⁸⁴⁰ Mahuika. (1992). 56.

¹⁸⁴¹ Ngata. (1972). 20-21.

women were at all times protected by their own whānau and in-laws were required to ensure she was well treated. Polyandry was also practised. According to Āpirana Mahuika in “times of war, men were away from their wives for long periods and often women would take defacto husbands in their absence, usually men of lesser rank.”¹⁸⁴²

- Levirate. This tikanga was akin to the Jewish custom of levirate. It required a brother take his brother’s widow to wife.¹⁸⁴³ In this district the custom was extended to require a brother, nephew, father or other near relative of the deceased to take a widow to wife.¹⁸⁴⁴ An example of this was Tahu taking his brother’s widow Hamoterangi as his wife and Roro marrying his daughter-in-law Rākairoa II.
- Koha or tribute (a form of taxation) as in the narrative of Ngāti Ira bringing birds for Roro’s son’s christening. Another example is Ngāti Ruanuku providing fish to Poroumata and his whānau.
- Adoption or whāngai in order to maintain land within correct whakapapa lines as was the adoption of Hirini Te Kani by Te Kani-a-Takirau.
- Collective child rearing recorded by Kuni Jenkins (nee Kaa) as follows:¹⁸⁴⁵

In her cultural role the Māori women was part of a community. The home unit was part of the whole kāinga. Grandmothers, aunts and other females and male elders were responsible for rearing the children of the kāinga. The natural parents were not the sole care-givers The routines of the whānau were such that couples could not be isolated to lead independent lifestyles. Their communal living required constant contact and interaction with other members of the tribe in a concerted effort to keep the affairs of the group buoyant and operational.

- War with associated ritual, karakia and tikanga. Men were primarily the warriors, but women could also participate. Tuta Nihoniho referred to the ancestress Te Inapuku of Te Whānau a Rākairoa who rallied her hapū with the war cry when Te Whānau-a-Ruataupare No. 1 of Tokomaru avenged the death of Pouramua, who had been killed by Te Whānau a Rākairoa at Ōmarumangamanga.¹⁸⁴⁶ This woman, he recorded,

¹⁸⁴² Mahuika. (1973). 129.

¹⁸⁴³ Ngata. (1972). 58.

¹⁸⁴⁴ Ngata. (1972). 58.

¹⁸⁴⁵ Jenkins, K. (1986). Reflections on the status of Māori women. Unpublished paper. 12.

¹⁸⁴⁶ Nihoniho. (1913). 43.

accompanied many war expeditions to Te Pourewa and to Te Kaha-nui-a-tiki.¹⁸⁴⁷ There was also the example of Te Aowhāriua who fought at the battle of Tārera Kōau.

- Forced marriages. An example of this was the taking of Rākaumanawahe of Uepōhatu for Hauiti.
- Serfdom as in the case of Ngāti Whakapuke, who were gifted by Pakanui to Iritekura to be her workers in her kūmara cultivation.
- Slavery as with prisoners of war. They were treated as labourers (like the way prisoners of war were treated in Europe), but they could at any time be killed.¹⁸⁴⁸ According to Monty Soutar:¹⁸⁴⁹

In enslavement pononga (slaves) lost whatever mana they had once possessed and had no security of life. Captors treated slaves exactly as they desired and could kill on whim. Slaves could be forced to exhaustion in work or just as easily killed and eaten. Some were traditionally killed on the death of a chief or for the occasion of celebration... if not freed slaves were doomed.

However, not all hapū kept slaves. For example, Te Kani-a-Takirau Poata born in 1912 explained the tikanga of Te Whānau a Ruataupare was one of equality.¹⁸⁵⁰

- Transactions occurred according to principles akin to contract law. A key element of these transactions was the provision of some form of consideration, e.g. entering into peace arrangements (tatau pounamu) through the gifting of taonga or women, or the handing of a kōpaki (a gift that had to be returned either directly or in kind).¹⁸⁵¹
- Respect for the mauri of all things as set out by Tuta Nihoniho above (even for the chiefs of an enemy who were only ever consumed by other chiefs).

¹⁸⁴⁷ Nihoniho. (1913). 43.

¹⁸⁴⁸ Petrie, H. (2015). *Outcasts of the gods? The struggle over slavery in Māori New Zealand*. Auckland University Press. 273-274.

¹⁸⁴⁹ Soutar. (2000). 87.

¹⁸⁵⁰ Poata. (1999). 4-5.

¹⁸⁵¹ Mahuika. (1973). 79-80.

- Rāhui as in the example of the placing of the rāhui over the sea where Poroumata had been slain.
- Kaitiakitanga used to protect areas set aside for bird or rat snaring as in the Te Rarawa narrative.
- Ritual and karakia required for safe voyaging, successful hunting, growing kūmara, fishing, warfare, travelling, boundary marking, constructing houses and pā, giving birth, baptism – in fact nearly all aspects of life.
- Land and resource succession based upon ancestral right, conquest or gifting with details explained above. This usually entailed allocation to children as was the case of Te Aokairau who gifted her land to all her children resident in the district. Hauiti and Konohi also did the same. Noteworthy is the fact that children who left their parents' districts were not included in succession.
- Succession and the use of ōhākī for the transferral of mana whakahaere or mana tangata, as in the transfer from Hauiti to Kahukuranui
- Maritime law - to obtain safe passage or berthage, chiefly consent was required or there was a risk of attack by canoes.

Ngā Hara – Offences

Offences against the gods usually consisted of a breach of tapu. Transgressions through cursing or insults, any form of slander or defamation, fraud, theft, adultery, rape, sexual harassment, killings, or any spiritual or physical assault on chiefs or the 'nobility', or any disobedience would be punished. This is because such transgressions of mana and tapu were contrary to the societal ranking of the leadership and their sovereign authority.

Other offences included trespass, theft, poaching, coveting another's wife, failing to care for children properly, adultery, tyranny, nuisance, failing to provide or honour tribute or koha to chiefs, failing to meet reciprocal obligations, escaping slavery, sorcery leading to death or

sickness, reprisal killings or war. Notably, killing people of the same whakapapa, no matter how just the cause, was not sanctioned so it required special karakia or it was a task that was committed by slaves or other kinsmen.

Ngā Whakautu – Penalties

This was a system that provided a range of penalties. Such penalties could be imposed for transgressing tapu, engaging in unacceptable behaviour, belittling the mana of chiefs, or breaching tikanga associated with the gods. Atua, whanaunga, or aligned iwi could be used to seek punishment. Infringement of tapu was punished by the gods or by man, and punishment swiftly followed the offence. Penalties for serious offending were collectively applied. In other words, they were not only directed at offenders but also to their entire whānau, hapū or iwi. There were also penalties for transgressing the will of the gods, or any ritual or karakia for the gods or any chiefly or elder decrees or tikanga. The penalties included utu, muru, banishment, war and cannibalism, payment of ransoms, whaiwhaia (sorcery), mate Māori or death.¹⁸⁵² In detail these penalties could be described as follows:

- War governed by the laws of tapu and its regulation of conduct, and the use of tohunga and atua used to successfully conduct war. Chivalry governed war and there were no sudden surprises, unless the enemy previously acted duplicitously. Thus, before the battle of Maniāroa warnings of the impending attack were provided.
- Utu and ito (object of revenge) of which there are many examples in the histography of Chapter 5 to demonstrate how these tikanga applied. The events leading to the battle of Maniāroa and the cycle of revenge fighting with Te Whānau-a-Apanui that followed is particularly illustrative of the effects of these tikanga. Utu or ito was reciprocal action, and revenge was pursued until extracted sufficiently.
- Raupatu was undertaken to ensure the complete annihilation or subjugation of an enemy and it required the appropriation of all property of the enemy including land – as was

¹⁸⁵² Wirepa, T (1907). Mate Māori. In *Pipiharauroa* 109. 8.

the case by Ngā Oho when they killed Tamatea Ūpoko's father and her section of Ruawaipu fled south of Whāngārā, to the people of Ngāi Tuere.

- Muru as a means of restoring balance and removing the effects of the hara or wrong committed. A muru was normally a bloodless form of punishment and it was generally carried out between whanaunga and hunaunga. One such hara for which muru would be used included failing to properly care for children. Reweti Kohere shared the following incident that occurred to his tipuna, Mōkena Kohere and his wife, Erana.¹⁸⁵³ Their firstborn, Upaerangi, was burnt to death.¹⁸⁵⁴ This rendered the chief liable to muru.¹⁸⁵⁵ In Reweti Kohere's view, the "greater the person concerned the greater would be the demands on him."¹⁸⁵⁶ As the chief responsible, Mōkena could not stop it, for to "resist the exactions of the muru was to lower oneself in the eyes of Māori good society. In fact, to be robbed under the principle of the muru was regarded as honouring the robbed."¹⁸⁵⁷ Everything Mōkena owned was taken.¹⁸⁵⁸ Reweti Kohere also noted that during a muru, small areas of land were often confiscated.¹⁸⁵⁹
- Banishment, an example of which was the direction of the rūnanga of elders to Tahu that he must leave Whāngārā. Another is when Hukarere II directed his three brothers to leave for Whakararanui, Horoera and Waiapu.
- Cannibalism: there are plenty examples of this in the histography outlined in Chapter 5. When Tūpaia of Tāhiti on the first James Cook expedition of 1769 asked tohunga at Uawa whether it was true that they "really eat Men" he was told yes but only the bodies "of their Enemies who were killed in War."¹⁸⁶⁰ Importantly, only chiefs could consume other chiefs. Notably there were incidents where cannibalism was practiced after war where tribes were made subservient. For example, at Taitai, after the Ngā Puhi raids following a tā moko ceremony, Ngāti Kaniwha "... not only provided birds for the feast but also one of their own, a man named Wharekiri, to be cooked and eaten. To celebrate

¹⁸⁵³ Kohere. (1949). 31.

¹⁸⁵⁴ Kohere. (1949). 31.

¹⁸⁵⁵ Kohere. (1949). 31.

¹⁸⁵⁶ Kohere. (1949). 31.

¹⁸⁵⁷ Kohere. (1949). 31.

¹⁸⁵⁸ Kohere. (1949). 31.

¹⁸⁵⁹ Kohere. (1949). 31.

¹⁸⁶⁰ Mackay. (1949). 56-57.

the completion of the process a woman was served up in the same manner.”¹⁸⁶¹ This tikanga following war did not cease until at least 1836 at the battle of Te Toka-a-Kuku.

- Ransoms could also be demanded as in the case of Hirini Tuahine, the son of Rāwiri Te-eke-tū-o-te-rangi when captured by Ngāti Tūwharetoa and their allies at the battle of Kaiuku. As noted above, his father later paid the ransom of a greenstone mere named Pahikura and a toki poutangata called Te Heketua.
- Whaiwhaia and mate Māori as with the death of Te Kani-a-Takirau’s son, Waikari.
- Trespass was also sanctioned by actual physical retaliation or in a manner similar to that recorded by Tūtere Wirepa. He noted that in almost all villages there were tapu places where nobody was allowed to set foot.¹⁸⁶² They included, for example, “ahi taitai.” These were places where placentae or navel cords of chiefs were hung or buried. Other tapu sites were urupā where important members of the iwi or hapū were buried. The punishment for those who trespassed would be gruesome, with those responsible being “afflicted with a complaint not unlike an abscess caused by germ infection”; kurepe.¹⁸⁶³ If the trespass occurred on a ‘umu pururangi’ (ovens or places where tohunga performed tohi or purification rites) the punishment would be an attack by a “plague of giant caterpillars or other insects.”¹⁸⁶⁴

Whakapapa and Whanaungatanga – Citizenship

Whakapapa determined mana and rank in the society. The more direct the whakapapa lines were to the gods, the greater a person’s mana and the mana of their kin-group.¹⁸⁶⁵ “All mana are ‘taonga tuku iho’, that is, ‘inherited mana’ derived from the ancestors through whakapapa.”¹⁸⁶⁶

¹⁸⁶¹ Soutar. (2000). 75.

¹⁸⁶² Mackay. (1949). 119. Quoting T. Wirepa.

¹⁸⁶³ Mackay. (1949). 119. Quoting T. Wirepa.

¹⁸⁶⁴ Mackay. (1949). 119. Quoting T. Wirepa.

¹⁸⁶⁵ Mahuika. (1973). 14-15.

¹⁸⁶⁶ Mahuika. (2010). 149.

Whakapapa of descent from a common ancestor was the key to whānau and hapū citizenship. On this point Āpirana Mahuika would record that:¹⁸⁶⁷

... while mana whenua was restricted in traditional society by the physical impossibility of living in too many places at once, one's mana tangata was not so restricted, and rank and right to belong to any group remained intact as long as one could establish the genealogical link. This would suggest that it was the knowledge of one's mana tangata that was the limiting factor, not the exercise of one's mana whenua. Obviously, in the case of a chief or chieftainess, once the mana tangata was established, he or she could lay claim to mana whenua.

The case of Ruataupare is one in point. Her choice of Tokomaru Bay as a place to settle was not accidental. She was able to establish her genealogical link with the Ngāti Ira and Wahineiti people in the area and was accepted on this basis, although the claim to membership had not been 'validated by social action' for a number of generations.

Once Ruataupare's mana tangata was recognised, it was only a question of time before she acquired the mana whenua, such was the quality of her leadership. This she passed on to her daughters and it is still held by Te Whānau a Ruataupare. Further, as the case and others indicate, I would suggest the element of choice lay not so much in what hapū one wanted to belong to, but in which one a person wished to live. And the consanguineal tie was never made 'invalid' as long as one could establish it existed.

Whānau could include immediate biological family members and extended family. Āpirana Mahuika would record again:¹⁸⁶⁸

In Ngāti Porou a person is 'taha rua' or 'karanga rua' in relation to others; that is, a person can have a duel relationship with another, in that he or she may be tuakana (senior) on one branch of the whakapapa, and taina (junior) on another line of whakapapa. No one is exempt from this principle. This concept is often heard in whaikōrero or in wānanga, as for example, in 'Tēnā koe e te taha rā!' and 'Tēnā koe taku karanga rua' ('Greetings my tuakana/taina relation').

'Taha rua' or 'karanga rua' applies to inter-tribal relationships as well. In many of our whānau/hapū relationships, this duel relationship applies, whereby an individual has 'tangata whenua' or kin groupings within the tribe. This principle of duel relationships continues to play a major part in the lives of the people, and in the determination of rangatira and leadership roles.

In the Pōtikirua ki te Toka-a-Taiau district many hapū became known as the whānau of a common ancestor eg. Te Whānau a Takimoana and Te Whānau a Tūwhakairiora.¹⁸⁶⁹ Just under a third of the known 54 hapū that exist today took the name of their female chiefs and these included:¹⁸⁷⁰

¹⁸⁶⁷ Mahuika. (1992). 54.

¹⁸⁶⁸ Mahuika. (2010). 147.

¹⁸⁶⁹ Mahuika. (1995, Part 2). 39.

¹⁸⁷⁰ Mahuika. (1973) 126, and note that I have added a further four hapū.

1. <i>Te Whānau a Uepōhatu:</i>	<i>Ruatōrea and Tūpāroa</i>
2. <i>Te Whānau a Hinerupe:</i>	<i>Waiapu and Kawakawa-mai-i-Tawhiti (Te Araroa)</i>
3. <i>Te Aitanga a Mate:</i>	<i>Whareponga,</i>
4. <i>Te Whānau a Hinekehu:</i>	<i>Huirau, Hikurangi, and Tapuwaeroa</i>
5. <i>Te Whānau a Iritekura:</i>	<i>Waipiro</i>
6. <i>Te Whānau a Ruataupare:</i>	<i>Tūpāroa and Tokomaru</i>
7. <i>Te Whānau a Tāpuhi:</i>	<i>Te Araroa, Tikitiki and Rangitukia</i>
8. <i>Te Whānau a Hineauta:</i>	<i>Tikapa-a-Hinekōpeka</i>
9. <i>Te Whānau a Te Aotāwarirangi:</i>	<i>Waimā and Tokomaru</i>
10. <i>Te Whānau a Hinepare:</i>	<i>Rangitukia</i>
11. <i>Te Whānau a Hinētāpora:</i>	<i>Mangahanea and Tūpāroa</i>
12. <i>Te Whānau a Raikaihoea:</i>	<i>Waiapu</i>
13. <i>Te Whānau a Hinematioro:</i>	<i>Uawa</i>
14. <i>Te Whānau a Te Aopare:</i>	<i>Awatere and Kawakawa</i>
15. <i>Te Whānau-a-Rongomaianiwaniwa</i>	<i>Waiapu and Tikitiki</i>

Descendants of other female leaders become absorbed into other hapū.¹⁸⁷¹ Whānau were the effective political, economic, social and cultural unit.¹⁸⁷² Each whānau grew in numbers to form hapū. Reweti Kohere emphasised that their common whanaungatanga (through whakapapa) to one ancestor united them. In Māori he stated: “He whanaunga katoa te hapū. Kotahi anō hoki te tupuna i heke iho ai ratou ...”¹⁸⁷³

These units lived within their own territory which they held in a manner akin to ownership.¹⁸⁷⁴ As the numbers of whānau and hapū increased, competition for resources increased, forcing younger whānau members to seek new areas for settlement as was the case with Hukarere II sending his brothers away.¹⁸⁷⁵ However, their whanaungatanga links still determined their collective responsibilities and rights. Thus, their new territories were within easy distance from Hukarere II, thereby ensuring their whanaunga tata links were maintained. It also ensured their whanaungatanga obligations could be called upon to assist for security, economic or cultural reasons. This collectivist approach to settlement was the basis for much of Tūwhakairiora’s,

¹⁸⁷¹ Mahuika. (1973). 126

¹⁸⁷² Mahuika. (1995). 42.

¹⁸⁷³ Kaa TO & W Ngā Kōrero a Reweti Kohere Mā (Victoria University Press, Wellington, 1997) p 53.

¹⁸⁷⁴ Mahuika. (1995). 40.

¹⁸⁷⁵ Mahuika. (1995). 40-41.

his children's and his uncles' success in war.¹⁸⁷⁶ This approach to settlement made sure that when the:¹⁸⁷⁷

“... wider society was under threat, be it political or warfare, the various groupings came together to defend the mana of the iwi, which collectively was made up of the mana of the different whānau and hapū groupings. Once the threat was removed, the people reverted back to their whānau lifestyle.”

Whakapapa

In terms of determining who could be tribal citizens, a review of the whakapapa lines of the district clearly demonstrate that Porourangi was the common unifying ancestor of the district. Although the term Ngāti Porou was not used very often before 1840, there were occasions where the hapū came together in unison such as in the battle of Maniāroa.

Many hapū in the Pōtikirua ki te Toka-a-Taiau district continued to function for the most part autonomously, including:¹⁸⁷⁸

- Those in the northern end of the district linked by Ruawaipu and Tūwhakairiora (Porourangi) lines and they included Te Whānau a Tapaeururangi, Te Whānau a Te Aotaki, Te Whānau a Te Aopare, Te Whānau a Hinerupe, Ngāti Kahu, Te Whānau a Makahuri, Te Whānau a Tūterangiwhiu, and Te Whānau-a-Iwirākau.
- Lower Waiapu Basin – Ngāti Porou linked by Ruawaipu, Pōkai and Porourangi lines, namely Ngāi Tāne, Ngāti Hokopū, Te Whānau a Tāpuhi, Te Whānau a Takimoana, Te Whānau a Hineaute, Ngāti Pūai, Te Whānau a Karuwai, Te Whānau a Hinetāpora, Te Whānau a Umuariki, and Ngāti Rangi.
- The Waiapu Valley area – Ngāti Porou tūturu including Te Whānau-a-Rākai, all linked through intermarriage with Te Whānau a Pōkai and Porourangi stock and linked also to some of the hapū in Lower Waiapu basin who are also Ngāti Porou tūturu.

¹⁸⁷⁶ Mahuika. (1995). 41.

¹⁸⁷⁷ Mahuika. (1995). 42.

¹⁸⁷⁸ Cf. list in Drummond. (1937). 10.

- Central area, Tūpāroa and Hikurangi, Te Whānau a Ruataupare (No 2) ki Tūpāroa, Te Aitanga-a-Mate, Te Whānau a Te Haemata, Ngāi Tangihaere, Rongo-i-te-Kai, Te Aowera, Uepōhatu, Te Whānau a Iritekura.
- Those from Tokomaru Bay south, Te Aitanga a Hauiti, Ngāti Konohi, Te Aotāwarirangi, Te Whānau a Ruataupare (No 1), and Ngāti Ira.

Āpirana Ngata addressed this issue noting the term Ngāti Porou was not in use until the 18th Century when it was used for the sake of convenience by invading war parties.¹⁸⁷⁹ It then rose to prominence during the 19th Century. As Monty Soutar would note:¹⁸⁸⁰

When one looks at the written record of social organisation which existed at the beginning of the nineteenth century there appears to be no sense of a cohesive tribal unit along the East Coast. Rather the region seems to have been inhabited by several disparate hapū, almost one to each valley.

But those who maintain the oral traditions within the tribe are acutely aware that this was not the case. Ngāti Porou was clearly identified by whakapapa well before the nineteenth century. On specific occasions they acted as a collective unit and found their greatest expression as a tribe in times of stress. The contest at Te Maniāroa, Tākerewakanui and the clash to avenge the killing of Hinētāpora, for example, are instances which occurred in the early eighteenth century, where all the hapū on the coastline from Tūranga to Wharekāhika stood united against their neighbours, the Whānau-a-Apanui. Further, there are campaigns of Tūwhakairiora and Pakanui in the sixteenth century which stamped the name of Ngāti Porou on their descendants' brows. Hence the reason why Sir Āpirana Ngata anchored the whakapapa in his Rauru-nui-a-Toi lecture series (his legacy of Ngāti Porou history), on Porourangi. The key to hapū on the East Coast acting in concert lies in whakapapa.

The histography demonstrates that through the children of Hauiti, Tuere, Pōkai and Tūwhakairiora most hapū and iwi (even Ruawaipu, Ngāti Ira and Uepōhatu by this stage) inter-married and their descendants had shared Porourangi whakapapa by 1840.

The additional term Ngāti Porou tūturu, is used within the district to refer to the descendants of Pōkai, namely the sisters Rākairoa I and Te Aokairau and their children.¹⁸⁸¹ These were the people of the Waiapu Valley. The descendants of Pōkai are still referred to as Ngāti Porou

¹⁸⁷⁹ Drummond. (1937). 10.

¹⁸⁸⁰ Soutar. (2000). 29.

¹⁸⁸¹ Soutar. (2000). 30-32.

tūturu to this day.¹⁸⁸² Nunu Tangaere advised in 2008 that this is why you will hear the following.¹⁸⁸³

“Haere mai ki roto o Waiapu, ki Ngāti Porou tūturu. Tētahi pāpāringa ki tētahi pāpāringa, he whānau kotahi, mai i Pōhautea ki te Ahikouka, ka whakawhiti i te awa o Waiapu, mai i a Paoaruku, ki te Huka o te Tai ki Kopuakanae. Ko ia nei a Ngāti Porou tūturu.”

*Welcome to Waiapu, to Ngāti Porou tūturu. One cheek to the other cheek, it is one family, from Pōhautea (Te Wairoa) to Ahikouka, across the Waiapu to Paoaruku, to the Foaming Sea at Kopuakanae. This is Ngāti Porou tūturu.*¹⁸⁸⁴

He Whakarāpopototanga – Summary

The early ancestors of the Pōtikirua ki te Toka-a-Taiau district developed a legal system requiring participation from different classes of people who held varying status from chiefs to commoners and slaves. The chiefly and ‘noble’ classes, including tohunga, exercised authority and made laws. Tohunga conducted rituals for atua, and appropriate karakia to ensure prosperity, protection, and safety from harm.

It was a legal system underpinned by mātauranga or knowledge from Hawaiki that would evolve in the district to become Ngāti Porou knowledge. It was a legal system that operated in accordance with the values and principles of tapu, wairuatanga, mana, aroha, utu, manaakitanga, mātauranga, whanaungatanga and whakapapa. Mana ariki or rangatira, mana whakahaere, mana tangata, and whanaungatanga were the full expression of sovereignty and law-making authority in a legal system that determined mana whenua and citizenship based on whakapapa.

The teachings of the whare-wānanga, sanctions, and punishment such as banishment and death were utilised as forms of social control. This was the legal system that imprinted the ancestral basis of the land within the Pōtikirua ki te Toka-a-Taiau district.

After reviewing the evolution of that legal system by exploring the ontology behind sovereignty, law and citizenship within the Pōtikirua ki te Toka-a-Taiau district, and the epistemology and axiology reflected in that legal system and its ethical underpinnings prior to

¹⁸⁸² Kohere. (1949). 16. Keesing, M. (1929). Māori progress on the East Coast. In *Te Wananga* Vol. 1. 13.

¹⁸⁸³ Tangaere N. Kōrero-a-Waha Rahui Marae. (7 April 2008); see also Soutar. (2000). 30-31.

¹⁸⁸⁴ Translation by C. Fox.

1840, it is clear that prior to 1840 the chiefs, tohunga and elders were exercising sovereignty at the tribal and hapū level, they were engaged in making and enforcing law, and they determined their citizenry through whakapapa. There was also emerging a Ngāti Porou identity, although marginal, to their hapū or iwi identities.

I conclude that my previous view was correct, namely that Māori, particularly Ngāti Porou, did make legal decisions from pre-1840 to 1900 regarding, *inter-alia*:¹⁸⁸⁵

- leadership and governance concerning all matters including land;¹⁸⁸⁶
- intra- and inter-relationships with whānau (extended families), hapū (sub-tribes), iwi (tribes/nations);¹⁸⁸⁷
- relationships with Europeans;¹⁸⁸⁸
- determining rights to land based on take tūpuna (discovery), take tukua (gift), take raupatu (confiscation) and ahi kā (occupation);¹⁸⁸⁹
- the exercise of kaitiakitanga (stewardship) practices including the imposition of rāhui (bans on the taking of resources or the entering into zones within a territory) and other similar customs;¹⁸⁹⁰
- regulating use rights for hunting, fishing and gathering and sanctioning those who transgressed tikanga or rights (or both) in land and other resources; and
- regulating Māori citizenship rights to land and resources.¹⁸⁹¹

¹⁸⁸⁵ Fox, C. (2010-11). 228.

¹⁸⁸⁶ See Swainson, W. (1859). *New Zealand and its colonisation*. C Smith, Elder & Co. 151; Cox, L. (1993). *Kotahitanga: The search for Māori political unity*. Oxford University Press. 3-4, and chs 4 and 7.

¹⁸⁸⁷ Cox, L. (1993). 3-4, and chs 4 and 7; Kawharu, H. (1977). *Māori land tenure: Studies of a changing institution*. Oxford University Press. 39; Erueti, A. (1999). Māori customary law and land tenure. In Boast et al. *Māori Land Law*, Butterworths. 33 – 35; Asher, G. & Naulls, D. (1987). *Māori land*. (New Zealand Planning Council. 7; See also Durie. (1994 unpublished). 5.

¹⁸⁸⁸ See generally Ward, A. (1974). *A Show of justice: racial amalgamation in Nineteenth century New Zealand*. Auckland University Press.

¹⁸⁸⁹ Kawharu. (1977). 40-60; Erueti. (1999). 42-45, Asher & D Naulls. (1987). 5-6.

¹⁸⁹⁰ Cox, L. (1993). 18; and Erueti. (1999). 30-32, 37; Waitangi Tribunal *Muriwhenua Fishing Report* (Wai 22) (Government Printer, Wellington, 1988) 61, 181.

¹⁸⁹¹ Erueti. (1999). 33-37 and 38-41.

PART 3

CHAPTER 7

TE MAUNGARONGO – PEACE

Te Tiriti o Waitangi – The Treaty of Waitangi

After reviewing the evolution of the legal system within the Pōtikirua ki te Toka-a-Taiau district, I turn now to consider the impact of the Pākehā and their law. This requires first considering the nature of the Treaty of Waitangi.

The main Tairāwhiti chiefs who signed the Treaty of Waitangi did not do so at Waitangi. They committed to its terms after William Williams took a copy of the Treaty to them.¹⁸⁹² The handwritten copy of the Te Tiriti was known as the “East Coast Sheet” or the “Blanket Treaty.” It arrived in Tūranga-nui-a-Kiwa on the 14 April 1840 on the ship *Ariel*. With it was Henry Williams and a bale of blankets. The Māori language sheet of the Treaty (one of only seven copies) was an exact replica of the version that was signed in Waitangi.

William Williams wrote to W. Shortland on 8 May 1840 from Tūranga-nui-a-Kiwa advising that he had received from H. Williams a draft of the Treaty for the “... approval and signatures of the Chiefs between the East Cape and Ahuriri, together with a Bale of Blankets for distribution among the said chiefs.”¹⁸⁹³ He then stated:¹⁸⁹⁴

I am happy to inform you that the leading men in this Bay have signed the Treaty and I have no doubt that all the rest will follow their example. In about a week I expect to proceed to the East Cape ...

Williams collected 22 or 23 signatures in Tūranga over the days 5-12 May 1840, a Ngāti Oneone signature in Tūranga between 5-12 May 1840, 3 signatures at Uawa on 16-17 May, 6 at Whakawhitirā at Waiapu on 31 May 1840, 4 at Rangitukia at Waiapu on 1 June 1840 and four at Tokomaru Bay on 9 June 1840. Therefore, most of these signatures were obtained in

¹⁸⁹² Orange, C. (1987). *The Treaty of Waitangi*. Bridget Williams Books. 71-72.

¹⁸⁹³ Williams W to Shortland W, 8 May 1840, Gov. to Sec. of State C.O.209/7, NA.

¹⁸⁹⁴ Williams W to Shortland W, 8 May 1840, Gov. to Sec. of State C.O.209/7, NA.

the same month that Hobson proclaimed sovereignty over the North Island by cession, and some signed following that event.

In his journal on 5 May 1840, William Williams wrote of those he spoke to in Tūranga, “Conversed with natives about it, who approve of the tenor of it.”¹⁸⁹⁵ He also recorded he had obtained several signatures and expected to gather more. But no real explanation is offered in his notes as to what that meant. He then turned his attention to the East Coast. Soutar’s analysis of the population is worth reflecting upon:¹⁸⁹⁶

His trek along the East Coast took him through several pā, the figures in brackets indicating the number of people Williams estimated turned out to meet him. These figures cannot be supposed to be the population at the time but must be close to the numbers of people at each locality: Pouawa (30), Pākarae (50), Puatai, Uawa (250), Waikahu, Anaura, Motukaroro, Tuatini, Ariuru (197) Waipiro (200), Whareponga (100), Whakawhitirā (900), Rangitukia (431), Horoera (50), Hēkawa (106), and Kawakawa. He also met an inland party of 20 near Waihau and felt compelled to spend the night with another group near Waihirere. Only twice does Williams mention talking to the people about the Treaty. Once at Whakawhitirā where several signed, and again at Rangitukia, at which place he claimed, the three principal chiefs signed. It was presented at Uawa and Tokomaru, as signatures were collected in both places. Williams mentions spending time with Pahurākai, the principal chief at Waiokahu but his signature was not on the Treaty. Nor did Houkāmau, the chief at Hēkawa. Te Houkāmau was not favourably disposed to the Christian message at the time and spent some time debating issues with Williams. Perhaps Williams thought it not wise to discuss the Treaty, given the chief’s attitude towards him. Another notable omission from the list is Te Kani-a-Takirau of Uawa who declined to sign but did not deter others from doing so.

It must be remembered that William Williams was still relatively unacquainted with the social and political organisation of the hapū along the East Coast, he having never spent more than a total of seven weeks on the East Coast in his three visits before 1840. That he could, in such a brief period, have familiarised himself with all the chiefly persons at each pā is highly improbable, and it is more than likely he had to rely on the chiefs themselves to provide this information. ...

The purpose of the trek was not just about obtaining signatures for the Treaty.¹⁸⁹⁷ William Williams was also visiting his parishioners.¹⁸⁹⁸ Taking that into account, it may be his Māori teachers and catechists present in the district would have advised him on who he should approach for signatures. Furthermore, some very influential chiefs did sign the Treaty. Dr Monty Soutar points out that at Uawa he failed to convince Te Kani a Takirau to sign even though he “addressed several persons who were assembled in the house of Te Kani a takirau.”¹⁸⁹⁹ But some influential chiefs did sign there such as Rāwiri Eke-tū-o-te-Rangi and

¹⁸⁹⁵ Williams. (No date). entry for 5 May 1840.

¹⁸⁹⁶ Soutar. (2000). 122.

¹⁸⁹⁷ Soutar. (2000). 123.

¹⁸⁹⁸ Soutar. (2000). 123.

¹⁸⁹⁹ Porter, F. (Ed.). (1974). *The Tūranga journals 1840-1850: Letters and journals of William and Jane Williams Missionaries to Poverty Bay*. Victoria University Press. 105; Orange. (1987). 71-72.

Te Rangiūia. Notably also was that William Williams was warmly received in the Waiapu and he recorded that he had “Talked to the natives about the Treaty with the British Government, and obtained the signatures of the chiefs of Whakawhitirā.”¹⁹⁰⁰ At Rangitukia he “read to the chiefs the treaty with the British Government, which was afterwards signed by three principal chiefs.”¹⁹⁰¹ Why he did not go to the same effort to record what he did in the other Māori settlements he visited cannot now be explained. Captured below is the list of those who signed the Treaty of Waitangi. Note the authors of the list have missed Kakatārau (brother of Mōkena Kohere) at Rangitukia whose name should be on this list – it is certainly on the original East Coast Treaty sheet.¹⁹⁰²

24	Aera Te Eke	Rāwiri Te Eke (father of Hīrini Te Kani)	Te Aitanga-a-Hauiti	Ngāti Oneone	Tūranga, 5-12 May 1840
25	Rangiūia	Nōpera Te Rangiūia	Te Aitanga-a-Hauiti		Uawa, 16-17 May 1840
26	Parekahika	Pare-kāhika	Te Aitanga-a-Hauiti		Uawa, 16-17 May 1840
27	Te Tore	Te Tore	Ngāti Matepū? Ahuriri		Uawa, 16-17 May 1840
28	Te Mimiopaoa	Te Mimi-ō-Pāoa	Ngāti Porou, Rongowhakaata		Whakawhitirā Waiapu, 25-31 May 1840
29	Rangiwakataetae	Rangiwahakatātae	Ngāti Porou		Whakawhitirā Waiapu, 25-31 May 1840
30	Tutaepa	Tūtaepa	Ngāti Porou		Whakawhitirā Waiapu, 25-31 May 1840

¹⁹⁰⁰ Porter. (1974). 105.

¹⁹⁰¹ Porter. (1974). 107.

¹⁹⁰² Tūranga Treaty Copy; cf East Coast Sheet at same site.

31	Rangiwai	Rangiwai	Ngāti Porou		Whakawhitirā Waiapu, 25-31 May 1840
32	Takatua/Pakatua	Takatua	Ngāti Porou		Whakawhitirā Waiapu, 25-31 May 1840
33	Te Kauruoterangi	Te Kauru-o-te-rangi	Ngāti Porou		Whakawhitirā Waiapu, 25-31 May 1840
35	David Rangikatia	Rāwiri Rangikatia	Ngāti Porou		Rangitukia Waiapu, 1 June 1840
36	Koiauruterangi	Rauru-te-rangi	Ngāti Porou		Rangitukia Waiapu, 1 June 1840
37	Awarau	Awarau	Ngāti Porou		Rangitukia Waiapu, 1 June 1840
38	Tamaiwakanehu	Tama-i-whakanehua-i-te-rangi	Ngāti Porou	Te Whānau-a-Ruataupare, Te Whānau-a-Te-Ao	Tokomaru, 9 June 1840
39	Te Pōtae	Ēnoka Te Pōtae-aute	Ngāti Porou – (father of Hēnare Pōtae)	Te Whānau-a-Ruataupare, Te Whānau-a-Te-Pōriro	Tokomaru, 9 June 1840
40	Tamitere	Tāmitere Tokomaru	Ngāti Porou	Te Whānau-a-Ruataupare	Tokomaru, 9 June 1840
41	Te Mokopuorongo	Paratene Te Mokopūōrongo	Ngāti Porou	Te Whānau-a-Ruataupare	Tokomaru, 9 June 1840

In William Baker's notes on the Treaty of Waitangi he recorded that:¹⁹⁰³

From the report of the Rev. W. Williams (Bishop of Waiapu) it may be inferred that the rule was to give each influential chief a blanket, and he speaks of requiring 60 more blankets to complete the bounty. Te Kaniatakirau does not appear to have signed the Treaty, tho' why a chief of his rank should have been overlooked, unless he objected to the terms of the Treaty, I am at a loss to imagine. Neither does the name Te Houkāmau appear among those of the Waiapu chiefs.

Whatever was said by William Williams to induce the chiefs to sign, he clearly spoke to them in Māori. It is the Māori version of the Treaty of Waitangi that he read and that was signed on the East Coast. Under that version the chiefs did not surrender ultimate authority to the British by signing the Treaty. They did not, in other words, cede full sovereignty. The text of the Treaty suggests that they would have understood that they retained their rangatiratanga as guaranteed by Article II of the Māori version of the Treaty. That article confirmed that the chiefs and their hapū maintained their authority, which implicitly meant they retained the right to make their laws, operate their own legal system and determine their own citizenship.

Only one fully bi-lingual scholar from this district has analysed the text of the Treaty. That was Āpirana Ngata in his booklet designed to explain the Treaty to the Māori people. In 1950, it was translated into English by M.R. Jones. In the booklet, Āpirana Ngata would begin by noting the differences in the two texts of the Treaty:¹⁹⁰⁴

English expressions in the Treaty were not adequately rendered into Māori. There were minor parts left out. However, the Māori version clearly explained the main provisions of the Treaty, therefore, let the Māori version of the Treaty explain itself.

Curiously, he then structured:¹⁹⁰⁵

... his argument around the English terms, and their intended meanings, as the conditions the Māori signatories had agreed to. ... His adherence to the English text was in line with thinking in his day and with his own general policy of 'co-operation within the parameters defined by the state'. He emphasized Māori agency and expected Māori to take responsibility for their part in signing the Treaty. He went so far as to instruct his Māori readers, 'If you think these things are wrong and bad

¹⁹⁰³ Baker, W. (No date). Notes on the Treaty of Waitangi "Undisturbed Possession": Te Tiriti o Waitangi and East Coast Māori. In Charles Baker Papers, MS 22/7, Auckland War Memorial Museum.

¹⁹⁰⁴ Ngata. (1922). 2-3.

¹⁹⁰⁵ Bell, R. (2009). Text and Translations: Ruth Ross and the Treaty of Waitangi. In *New Zealand Journal of History*, 43(1). 43.

then blame our ancestors who gave away their rights in the days when they were powerful’.

In explaining the te reo Māori version of the Treaty of Waitangi, Āpirana Ngata would emphasise that Article I of the Māori text of the Treaty of Waitangi ceded the right of Government to the Crown.¹⁹⁰⁶ The extent of that right to govern was limited by Article II of the Māori text, a point he does not discuss. Rather he queried Article II of the Māori version of the Treaty of Waitangi by asking “Ko tehea tēnei mana, tēnei rangatiratanga e kōrerotia nei hoki e te Ūpoko Tuarua? (What is this authority, this sovereignty that is referred to in the second article.)¹⁹⁰⁷ Simply by the need to ask this question demonstrates that on any literal interpretation of Article II of the Māori version of the Treaty of Waitangi, the chiefs would have understood that they retained their authority or sovereignty. His Māori text uses mana and rangatiratanga synonymously. He also translated into Māori what Article 2 should have stated if it were to accurately reflect the words of Article II of the English version.¹⁹⁰⁸

However, Āpirana Ngata’s translation was not what the chiefs signing in 1840 had before them nor does it reflect what they would have understood given the text that was read to them. In the Treaty text the Crown guaranteed their “tino rangatiratanga” authority or sovereignty as follows:¹⁹⁰⁹

*Ko te Kuīni o Ingarani ka wakarite ka wakaae ki ngā Rangatira ki ngā hapū-ki ngā tangata katoa o Niu Tīrani te **tino rangatiratanga** o ō rātou wenua ō rātou kainga me ō rātou taonga katoa. Otiia ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa atu ka tuku ki te Kuīni te hokonga o ērā wāhi wenua e pai ai te tangata nōna te Wenua-ki te ritenga o te utu e wakaritea ai e rātou ko te kai hoko e meatia nei e te Kuīni hei kai hoko mona.*

The Treaty of Waitangi should have mitigated the winds of change heralding the “kihi” and arrival of the Pākehā. That is because the chiefs from the district who signed the Tiriti understood they retained their mana rangatira, their authority, their sovereignty. They would have also understood that by guaranteeing their authority, the Crown also guaranteed their right to continue to exercise their tikanga, operate their own legal system and determine their own citizenship. As the Treaty devolved the right to make laws at the national level over the settlers

¹⁹⁰⁶ Ngata. (1922). 5.

¹⁹⁰⁷ Ngata. (1922). 5.

¹⁹⁰⁸ Ngata. (1922). 7-8.

¹⁹⁰⁹ Treaty of Waitangi Act, 1975. Schedule 1.

in Article I and guaranteed the authority of the chiefs in Article II, a new system was created. One where there was an overlap of jurisdictions between the Crown's right to govern and Māori authority. The Waitangi Tribunal has found that the Treaty envisaged that the two parties to the Treaty, would have to negotiate their positions where laws of the one intruded upon the other.¹⁹¹⁰ Māori also retained the right to determine (for the right price) whether they would sell their lands to the Crown who in turn received the right of pre-emption.

Te Ekenga Anō o te Karaitiana – The Rise and Rise of Christianity

As discussed in Chapter 5 the new faith Christianity, offered access to literacy, a respite from warfare, and the end of cannibalism.¹⁹¹¹ The result of many people living together for long periods of time for security purposes in pā such as Whakawhitirā in 1831 would prove fertile ground for the spread of Christianity as it facilitated prayer services with captured audiences. There they would learn the teachings of the gospel by memorisation, largely taught by the Māori teachers. Āpirana Ngata would state:¹⁹¹²

It was in keeping with the Polynesian genius to act and respond in chorus and the early missionaries fitted their form of worship to confirm to this custom. Collect and catechism were memorized by whole communities. ... Many an early visitor to New Zealand tells of the reverent and concerted manner in which the native services were held, and marvels at the feats of endurance in worship of which enthusiastic early converts were capable.

Hirini Kaa comments on how the introduction of Christianity occurred and the role that Piripi Taumata-a-Kura played in the collective conversion of those who lived in the district. He also comments on how Mohi Tūrei conflates the coming of Christianity with allegiance to the Crown:¹⁹¹³

Mohi Tūrei portrays the day as a new beginning, with Taumata-a-kura's words about a new God coming to fresh ears: "Te Atua hou tēnei ko Ihu Karaiti te ingoa" (this is a new God, named Jesus Christ). This story of conversion begins 'ara te kara o te Kuīni hei tohu mā Piripi, mō ngā Rātapu ka huti ai hei tohu ki te iwi he Rātapu' (the colours of the Queen were raised as a sign to the people that this was a sacred day). It should be noted that although Tūrei was very specific about this event, 1 January 1834, a Queen (Victoria) would not sit on the throne for another three years. But in the oral tradition it was Victoria who symbolised Empire.

¹⁹¹⁰ Oliver & Thomson. (1971). 19.

¹⁹¹¹ Oliver & Thomson. (1971). 31 re wars; Soutar. (2000). 127 re cannibalism.

¹⁹¹² Ngata & Sutherland. (1940). " 343.

¹⁹¹³ See Tūrei, M. (1 April 1910). He Kōrero Tawhito. In *Pīpīwharau* No. 144. 7-8 and cf Kaa. (2020). 27.

Tūrei's view that the Church, the Queen, and the law were one and the same, was a commonly held view within the community. As such the people "were quickly attracted by much they found in the Old Testament, for in it there was recorded a mode of tribal life in some respects similar to their own."¹⁹¹⁴ The new faith was made more attractive by articulate teachers or kaiwhakaako.¹⁹¹⁵ At this early-stage Christianity:¹⁹¹⁶

... brought a new power and authority, derived from literacy and the prestige of the Gospel message. This power could be used to challenge local authority and was particularly effective, as traditional leadership was neither secular nor spiritual but a blend of the two. The existing leadership of the tohunga (experts in traditional lore) and rangatira could be challenged effectively, and kaiwhakaako often did not hesitate to utilise their new power.

In the exercise of this new power, Piripi Taumata-a-Kura would challenge "ancient ontological beliefs by bringing a new God who demanded fidelity, but he and his fellow kaiwhakaako also demanded changes to the expression of those beliefs by up-ending age-old rituals."¹⁹¹⁷ The local teachers also taught their people how to read and write.¹⁹¹⁸ Piripi Taumata-a-Kura at Rangitukia, for example, had young people use "... writing tablets constructed from the flat pieces of wood greased and dusted with ashes so that they could be written on with a sharply pointed stick."¹⁹¹⁹ He would use these tools to teach students who would return to their hapū and whānau and teach them how to read and write.¹⁹²⁰ Rāpata Wahawaha recorded that "when the dispersion from Whakawhitirā took place leaves of trees were used for prayer books...."¹⁹²¹ Once Māori could write that they would do so "... everywhere on all occasions and on all substances: on slates, on paper, on leaves of flax, or on any broad leaf."¹⁹²² This occurred because William Williams could not keep up with the demand for books, slates and chalk.¹⁹²³ Hirini Kaa would contend that sense of agency exhibited by Piripi Taumata-a-Kura had a significant impact on Māori Christianity and he agreed with Monty Soutar that this carried on throughout the life of the church in the district.¹⁹²⁴ Those that followed him, in other words, exhibited the same traits.

¹⁹¹⁴ Ngata & Sutherland. (1940). 342.

¹⁹¹⁵ Kaa. (2020). 23.

¹⁹¹⁶ Kaa. (2020). 23..

¹⁹¹⁷ Kaa. (2020). 28..

¹⁹¹⁸ McConnell. (1998). 123-124, 143.

¹⁹¹⁹ Soutar. (2000). 115.

¹⁹²⁰ Soutar. (2000). 115.

¹⁹²¹ Native Land Court *Re Paraeroa* (1885) 7B Waiapu MB 297. Evidence of Rāpata Wahawaha.

¹⁹²² Ngata & Sutherland. (1940). 343.

¹⁹²³ Oliver & Thomson. (1971). 38.

¹⁹²⁴ Kaa. (2020). 30.

The people wanted instruction in the new faith from the early teachers who had been trained in the Bay of Islands but who were of their ancestry. There was also a big demand for white missionaries.¹⁹²⁵ Thus in 1842, James Stack was sent to establish a mission station at Rangitukia on the Waiapu River.¹⁹²⁶ The following year in 1843, the Rev G.A. Kissling was sent to Kawakawa-mai-i-tawhiti to establish a mission there.¹⁹²⁷ Both Kissling and Stack did not last in their roles, and both would resign due to ill health between 1846-1847.¹⁹²⁸ In 1843, Charles Baker was sent to Uawa to establish a mission.¹⁹²⁹ While there, he supervised many conversions but he was unable to get the ariki Te Kani-a-Takirau to convert to the new faith.¹⁹³⁰ However, Te Kani-a-Takirau was protective of Baker and the Mission Station.¹⁹³¹ Rangiuiua, on the other hand, was “openly hostile to Baker and made no secret of his dislike of the missionary” as he “could see no relevance in the new doctrine for his people.”¹⁹³²

In the north there was a dispersal from Whakawhitirā and Taitai to local kainga as it was no longer necessary to organise for security purposes.¹⁹³³ There was also a dispersal from the Paretenohonoa at Uawa and Pā-o-kaho in Tūranga.¹⁹³⁴ Rangitukia then became the most influential gospel centre in the district as it was there that the first “home-grown evangelists were trained and educated.”¹⁹³⁵ The number of Māori evangelists in the district increased so that by 1844 there were eighteen assistants and twelve Māori school mistresses across the region from Mahia to the East Cape.¹⁹³⁶ Schools were set up to encourage the propagation of the Christian faith.¹⁹³⁷ The first teachers to be trained in the district were trained at the mission station in Rangitukia under Stack’s supervision and sent into the field in March 1846.¹⁹³⁸ Mohi Tūrei of Waiapu recorded the work of the early Māori teachers in the famous Waiapu haka Tīhei Tāruke:¹⁹³⁹

¹⁹²⁵ Oliver & Thomson. (1971). 31-33.

¹⁹²⁶ William Leonard. (No date). Appendix V; Walker. (2005). 41.

¹⁹²⁷ William Leonard. (No date). Appendix V.

¹⁹²⁸ Soutar. (2000). 137.

¹⁹²⁹ William Leonard. (No date). Appendix V.

¹⁹³⁰ Walker. (1997). 97-98.

¹⁹³¹ Walker. (1997). 99.

¹⁹³² Walker. (1997). 97-98.

¹⁹³³ Bluck. (2009). 5.

¹⁹³⁴ Bluck. (2009). 5.

¹⁹³⁵ Soutar. (2000). 144.

¹⁹³⁶ Oliver & Thomson. (1971). 33.

¹⁹³⁷ Oliver & Thomson. (1971). 35.

¹⁹³⁸ Soutar. (2000). 144.

¹⁹³⁹ Kōrero a Waha a Rev. Wīremu Kaa - Rāhui Marae (9 April, 2008).

Rangitukia nā te Pāriha i tukua atu ai
 ngā kai whakaako, tokowhā,
 Ruka ki Reporua,
 Hōhepa ki Te Paripari,
 Kāwhia ki Whangakareao,
 Apakura ki Whangapirita e,
 E i aha tērā, e haramai ki roto ki Waiapu,
 Kia kite koe i Tawa Māpua,
 E Te Paripari tīhei tāruke i kia nei e Rerekohu,
 Hoatu karia ōna kauae
 Puraripaka, kauramōkai hei!

Tīhei Tāruke (Kaa, W. – Translation)

Rangitukia is the Parish whence
 The four preachers of the gospel were sent forth,
 Luke to Reporua,
 Joseph to Paripari,
 Kāwhia to Whangakareao,
 Apakura to Whangapirita e.
 Behold! Come to Waiapu
 So that you may witness for yourself, the prolific fruit bearing trees and fishing nets of Paripari about whom
 Rerekohu said, strike them and smite them on the jaw.
 You scoundrel! May your head be boiled! Hei!

According to Wīremu Kaa, this haka is a theological reflection on the “confusion and contradictions wrought by the introduction of Christianity and its impact on Māori customary values and spirituality”.¹⁹⁴⁰ The haka records the way in which these evangelists moved through the area spreading the new faith whilst remaining very Māori. Monty Soutar records that:¹⁹⁴¹

Ruka Te Noho Nītai was the teacher at Reporua until 1849, while Hōhepa Te Rore served the Tūpāroa community until he moved to Rangitukia. Rāniera Kāwhia was at Whareponga and was later ordained as a minister. Eruera Apakura taught at Waipiro until 1856. Another, Pita Whakangaua, took up the position at Rangitukia and was there until his death in 1855. ... To some degree, the renewed religious interest among hapū towards the end of the decade can be attributed to the enthusiasm of these new teachers.

Hōhepa Te Rore or Joseph and Rāniera Kāwhia were chiefs, and the others were also part of the class described by Āpirana Ngata as the ‘intellectuals of their society.’¹⁹⁴² They and those that followed them were responsible for increasing the already massive conversion rate. Such was the success of the teachers that William Williams from his mission in Tūranga-nui-a-Kiwa, claimed that “Satan is here falling”, “the Kingdom of Christ is being established,” and that Māori in the region were “pressing forward to the Kingdom of Heaven”.¹⁹⁴³ Under the

¹⁹⁴⁰ Kaa. *Kōrero a Waha*. (2008).

¹⁹⁴¹ Soutar. (2000). 144.

¹⁹⁴² Soutar. (2000). 144.

¹⁹⁴³ Oliver & Thomson. (1971). 34. Quoting William Williams.

influence of the teachers, Christianity was becoming all pervasive from Pōtikirua ki te Toka-a-Taiau.¹⁹⁴⁴ Williams would note that the reason for the level of success was because of the teachers who the “...people seemed to be so much more inclined to listen to ... then us.”¹⁹⁴⁵

Thus, these evangelists, with the few missionaries in the district, continued to dominate the Christian lives of those who converted to Christianity.¹⁹⁴⁶ Importantly, the missionaries required candidates for baptism (a necessary pre-requisite to become teachers) to renounce “all heathen superstitions and customs.”¹⁹⁴⁷ This indicates that the missionaries were “not interested in developing a deep *Māori* faith as much as a deep *English* one, based on English concepts and ideas and dismissive of mātauranga Māori.”¹⁹⁴⁸ It was a form of Christianity that was predicated on controlling Māori.¹⁹⁴⁹ Measurements of heathenism would be applied to those who sought to baptised. In this manner for a time:¹⁹⁵⁰

As Christianity was taught and accepted old customs died and new ones were born. Cannibalism ceased, tattooing was almost given up, painting the body with red ochre diminished, slashing the body to display grief was replaced by the firing of muskets, tapu practices (e.g. chief not touching his food) decreased, and hakas were no longer performed.

The people who followed the first wave of teachers included Wīremu Kīngi Toiteururangi based with Te Whānau a Rākairoa; Hemi Mete at Korotere Pā, Pūtiki; Hōne Tīmō at Kawakawa; Eruera Wānanga at Uawa; Hēmi Kiko at Rangitukia; and Wīremu Hēkopa at Whākawhitirā and then Uawa and Te Ariuru.¹⁹⁵¹ The latter was related to Te Kani-a-Takirau.¹⁹⁵² However, trouble arose when Rota Waitoa (after being ordained as a Minister) was sent to Kawakawa in 1853.¹⁹⁵³ He was not from there and Ihairaira Houkāmau objected to that.¹⁹⁵⁴ Eventually Waitoa won him over and baptised Ihairaira.¹⁹⁵⁵ What is interesting about this narrative is that Houkāmau (a great warrior chief) felt he had to demonstrate his faith by becoming a bellringer and church sweeper.¹⁹⁵⁶ Outside the church, however, Houkāmau

¹⁹⁴⁴ Oliver & Thomson. (1971). 35.

¹⁹⁴⁵ Oliver & Thomson. (1971). 33. Quoting William Williams.

¹⁹⁴⁶ William Leonard. (No date). Appendix V.

¹⁹⁴⁷ Kaa. (2020). 23.

¹⁹⁴⁸ Kaa. (2020). 23.

¹⁹⁴⁹ Kaa. (2020). 24.

¹⁹⁵⁰ Oliver & Thomson. (1971). 34: To the disillusionment of the missionaries in later years, many of the old Ngāti Porou values, customs and mātauranga resurfaced, once the initial euphoria of conversion was over.

¹⁹⁵¹ Soutar. (2000). 137.

¹⁹⁵² Soutar. (2000). 113.

¹⁹⁵³ Kaa. (2020). 34.

¹⁹⁵⁴ Kaa. (2020). 34.

¹⁹⁵⁵ Kaa. (2020). 34..

¹⁹⁵⁶ Kaa. (2020). 34.

continued to exercise his mana rangatira and Waitoa would report that they had the greatest respect for each other's role and authority.¹⁹⁵⁷ This emphasises that mana rangatira, chiefly power and authority continued during this time. The narrative also demonstrates that the initial zeal of the teachers and missionaries to interfere in custom due to the imposed dogma of renouncing "all heathen superstitions and customs" was balanced by the fact that Māori remained firmly in control of their villages.

Often the missionaries failed to appreciate this fact. Nor did they understand the society they lived in was still governed by custom and tikanga.¹⁹⁵⁸ In 1855, an assistant teacher approached Rev. Charles Baker for permission to take a wife by force "according to the old custom of the natives, adding that when he secured his object, he would be married."¹⁹⁵⁹ The missionary cautioned against it but the man said he would "proceed in his own way" and then after a while he would return and "confess his sins."¹⁹⁶⁰ In 1856, Baker received a report that a young widow at Rangitukia had committed adultery and that:¹⁹⁶¹

A party of natives rose up and killed a pig belonging to the parents of the young woman. Others attempted to take away a quantity of property belonging to others indifferent as to whom they belonged. In short the old system of stripping was attempted. They were checked in their [cause], but it is grievous to find the people so volatile and ready to fall back upon their old system of stripping and plunder and particularly before they had ascertained the cause.

While the matter was resolved by a rūnanga by payment for the pig once the evidence against the widow was determined false, it is clear that Māori tikanga or law remained effective and would be applied where an offence was identified.

On occasion tikanga was also applied to missionaries. Kissling, for example, was put under a ten-day rāhui in the mid-1840s after refusing to buy pigs from Houkāmau at the "very moment he offered them."¹⁹⁶²

It is interesting to also note that by 1846, Rev. Stack was mentally unwell. Rev. Charles Baker in October of that year recorded that Stack was suffering from delusions including that God

¹⁹⁵⁷ Kaa. (2020). 35.

¹⁹⁵⁸ Oliver & Thomson. (1971). 41.

¹⁹⁵⁹ Eastcott, A. & Eastcott, T. (1982). *Te Whakapono*. Taka Press. 61, quoting the diary of Rev. Charles Baker.

¹⁹⁶⁰ Eastcott. (1982). 61.

¹⁹⁶¹ Eastcott. (1982). 65-66.

¹⁹⁶² McConnell. (1998). 126.

had visited the Waiapu, that the hearts of the people were subdued by divine grace and that the Waiapu natives were Jews.¹⁹⁶³ He had either distributed or the locals had taken his property to be shared among the community, including 1000 copies of the testament.¹⁹⁶⁴ The local rŭnanga decided they would require all those who acquired Stack's property to pay Rev. Baker for the goods and return the copies of the testament.¹⁹⁶⁵ However, Baker left those copies for the people.¹⁹⁶⁶ What is important about this story is that the rŭnanga made the decision to compensate even after being advised that Mrs Stack did not want the property back.¹⁹⁶⁷

In another example, Rangiuia made the Rev. Charles Baker pay for trees to be used for buildings and then when too many were taken he expected to be paid more.¹⁹⁶⁸ Then he demanded payment for transporting those trees.¹⁹⁶⁹

In 1857, Charles Baker (who by this stage had moved to Rangitukia) had problems with Rāwiri Rangikatia (prominent chief of Waikapu) and his people, and his store was raided consistent with a muru.¹⁹⁷⁰ A rŭnanga of chiefs was called to deal with the matter and luckily for Baker, Mōkena Kohere defended him.¹⁹⁷¹

Often, too, missionaries offended Māori with the consequence that conversion to Christianity was either regretted or rejected.¹⁹⁷² Māori were quick to discern when the missionaries were contemptuous of them. They right as there is much contempt for their tikanga evident in missionary writings. Rev. Charles Baker for example, scolded mourners at a tangi for the noise they were making, and they retaliated with angry remarks.¹⁹⁷³ Baker was also contemptuous of the competition that soon arose over the building of churches during the 1850s.¹⁹⁷⁴ Every hapū wanted to build a church, for example at Te Horo, at Kawakawa, at Horoera, at Rangitukia, at Reporua and at Tūpāroa. The building process, the communal nature of the process, the feasting associated with staking poles for the church buildings (ceremonies reminiscent of the staking

¹⁹⁶³ Eastcott. (1982). 50-52.

¹⁹⁶⁴ Eastcott. (1982). 52-53.

¹⁹⁶⁵ Eastcott. (1982). 52-53.

¹⁹⁶⁶ Eastcott. (1982). 52-53.

¹⁹⁶⁷ Eastcott. (1982). 52-53.

¹⁹⁶⁸ Mackay. (1949). 169.

¹⁹⁶⁹ Mackay. (1949). 169.

¹⁹⁷⁰ Baker, C. (No date). Journal, 15 & 18 April 1857. qMS 0109. Alexander Turnbull Library.

¹⁹⁷¹ Baker, C. (No date). Journal, 15 & 18 April 1857.

¹⁹⁷² Oliver & Thomson. (1971). 40.

¹⁹⁷³ Eastcott. (1982). 60

¹⁹⁷⁴ Eastcott. (1982). 84-85.

of poupou) and the associated ceremonies made for great social events but were judged by Baker to be more about form rather than any substantive commitment to Christ.¹⁹⁷⁵ He was also scathing about the tikanga associated with the commencement of churches. After the commencement of Saint Mathew's church at Tūpāroa on 23 February 1857, for example, where hapū had brought wheat as a subscription to the church, Baker would scoff about how the remnants of the huge feast were distributed:¹⁹⁷⁶

The feast being ended, about a ton of bread and a ton of cooked meat was served out to the respective parties to take away with them. This was a foolish piece of waste. It is said that this was payment for what the different parties brought as a collection for the church. Now the price of the amount of wheat brought would not exceed ten pounds, whereas the tons of food given, said to be payment, would be worth fifty pounds. This is the way the stupid Māori squander away their means.

What he failed to appreciate, even after years in the district, was that the koha of the wheat and the manaakitanga associated with the distribution of the remnants of the feast were both expressions of mana and generosity. Monetary value was irrelevant to the communities on each side. What was more important in tikanga terms was to acknowledge the mana of the chiefs and their people. This was mana rangatira and mana tangata in action. In a similar vein, tikanga associated with "Māori burial customs, marriage rules, tattooing and carving persisted" despite missionary efforts to prohibit them.¹⁹⁷⁷ When Te Kani-a-Takirau died in 1856, for example, his tangi was held in accordance with the customs the missionaries so despised.¹⁹⁷⁸ This again was mana in action. Bishop Williams was, however, allowed to conduct prayers at sunset.¹⁹⁷⁹

Despite the missionaries' continual attack on their tikanga, the advice of the missionaries was often sought as the people initially associated the Church and the missionaries with Pākehā law.¹⁹⁸⁰ The reason for this was because:¹⁹⁸¹

... Christianity and the law not only came together with the same white people but were for other reasons identified in the Māori mind. It should be recalled that the ancient Māori was used to thinking of religion and the civil law as the restraining and controlling force in the Māori commune. Western civilization when it reached New Zealand presented as a combination of Christianity and British law. ... Some of the prohibitions of the pākehā, like those on murder, marrying more than one wife, and stealing had the sanction of both

¹⁹⁷⁵ Eastcott. (1982). 80-85.

¹⁹⁷⁶ Eastcott. (1982). 78

¹⁹⁷⁷ Oliver & Thomson. (1971). 41-42.

¹⁹⁷⁸ Oliver & Thomson. (1971). 41-42.

¹⁹⁷⁹ Oliver & Thomson. (1971). 42.

¹⁹⁸⁰ Ngata & Sutherland. (1940). 344-346.

¹⁹⁸¹ Ngata & Sutherland. (1940). 344-345.

institutions, and in the Māori mind religious laws like the Ten Commandments and civil law were all part of the one new system, the ritenga of the pākehā.

The chiefs were loyal to the religion because, as Monty Soutar points out, the Church of England was the first to:¹⁹⁸²

... preach the gospel to Ngāti Porou ... At the same time Queen Victoria was introduced not only as the British monarch and head of state, but also as the Defender of the Faith and head of the Anglican Church. For Ngāti Porou this interaction of Church and Crown and their manifestation of religion and law was a consistent theme in its relationship with the Crown.

For the people the connection between the Church, the Queen and the law was strengthened by the fact that William Williams had personally talked the chiefs into signing the Treaty of Waitangi in 1840.¹⁹⁸³ The missionaries were also engaged in the judicial work of the rūnanga alongside their ecclesiastical work. This was in keeping with their mission to stamp out traditions and create a form of ‘English Christianity.’¹⁹⁸⁴

However, missionary participation in the pre-existing legal system was only permitted where authorised by chiefs, rūnanga or kōmiti as these continued to operate throughout the missionary era.¹⁹⁸⁵ While missionary advice was often sought and welcomed, the chiefs, rūnanga or kōmiti exercised their own sense of independence and agency and where they considered the missionaries over-reached their authority, Māori decisions could:¹⁹⁸⁶

... run counter to missionary influence. In a Waiapu case of a man who had been living with another man’s wife for five years and had had three children by her, Barker advised the restitution of the woman and the payment of a fine to the husband. But the rūnanga decided that he could keep the woman if he paid the fine. Nor, probably, did muru cease; the fact that the fines normally struck the missionaries as exorbitant suggests that this customary sanction continued under the formalities of legal procedure.

Perhaps in recognition of this power dynamic, Charles Baker, when called upon to adjudicate a case involving theft from an Englishwoman as she was leaving Tokomaru Bay, sentenced the offenders by permitting them to attend Christian services but only upon return of all the stolen

¹⁹⁸² Soutar. (2018). 299.

¹⁹⁸³ Soutar. (2018). 299.

¹⁹⁸⁴ Oliver & Thomson. (1971). 60-61.

¹⁹⁸⁵ Oliver & Thomson. (1971). 63-64.

¹⁹⁸⁶ Oliver & Thomson. (1971). 64.

goods.¹⁹⁸⁷ Each of those he considered responsible, had to deliver a pig to the local chief on a daily basis, until all the woman's goods were returned.¹⁹⁸⁸ This was a punishment akin to a muru.

The missionaries and native teachers were also proactive in preventing trouble. They often attempted to mediate conflicts to keep the peace. In 1843, for example, Paratene Tūrangi of Rongowhakaata believed that a member of a hapū at Reporua had threatened to use sorcery upon one of his relatives.¹⁹⁸⁹ He assembled his leading chiefs who travelled with him and his taua by waka up the East Coast. The chiefs that supported him were Hōri Karaka (my Rongowhakaata ancestor and taina to Paratene Tūrangi), Perohuka and Rahurahi.¹⁹⁹⁰ When they landed at Purehua, Eruera Pākura (a Christian teacher) intervened to stop the fighting.¹⁹⁹¹ A song was composed by Paratene Tūrangi and the taua departed after they accepted a feast prepared for them.¹⁹⁹² Paratene Tūrangi would later be killed by Te Kooti on his return from the Chatham Islands for Paratene's role in his capture.

Another example of the mediatory role played by missionaries was when Te Kani-a-Takirau in 1844 accepted Rev. Charles Baker's participation in a dispute affecting the hapū on either side of the Uawa river.¹⁹⁹³ This appears to have been the dispute that occurred in 1844 when:¹⁹⁹⁴

Te Kani-a-Takirau took the wife of a young man ...although he had three or four others. When Te Kani heard that the young woman's mother had suggested that the nose of his canoe should be broken as a reprisal, he gave orders that none of his people were to cross the river to attend services and went off to Puatai to muster a force. Meantime, the people belonging to his pā made preparations for war. Those who lived in the pā adjacent to the mission station remained quiet.

When Te Kani returned, he told Mr. Baker that, although he had found him straight in all his decisions, he considered that his native teachers had played a double role – they had prayed to the God of War as well as to the God of Peace. The people belonging to the pā near the mission station went off to Waikirikiri. In April Mr. Baker rode over to the exiles and informed them that it was Te Kani's wish that they should return home. ...

¹⁹⁸⁷ Baker. (No date). 13 December 1845.

¹⁹⁸⁸ Baker. (No date). 13 December 1845.

¹⁹⁸⁹ Mackay. (1949). 197.

¹⁹⁹⁰ Mackay. (1949). 197.

¹⁹⁹¹ Mackay. (1949). 197.

¹⁹⁹² Mackay. (1949). 197.

¹⁹⁹³ Oliver & Thomson. (1971). 61-62.

¹⁹⁹⁴ Mackay. (1949). 170.

The missionaries were also proactive in the delivery of penalties, though that role was merely declaratory.¹⁹⁹⁵ They could not enforce such punishments. Penalties such as suspension from bible classes, or prohibitions from attending church services were generally accepted.¹⁹⁹⁶ These sanctions were perfectly in alignment with missionary work. However, in some cases missionaries would also declare penalties such as fines, or they would declare serious sanctions such as banishment from villages, acting therefore well beyond their ecclesiastical duties.¹⁹⁹⁷ It cannot be stressed enough that their sanctions (delivered with no jurisdiction in either British law or tikanga Māori), needed both the cooperation and backing of those governing the pre-existing legal system before they could be effectively imposed. In addition, cases involving superior chiefs were not brought before the missionaries at all. An example was when in 1847 a chief from Kawakawa was alleged to have killed his slave wife for committing adultery.¹⁹⁹⁸ The rūnanga therefore circumscribed what and to whom such punishments could be directed, and the missionaries were powerless to do anything about it.¹⁹⁹⁹ In other words, there was always agency and control by the people over their missionaries whilst in their communities.

In keeping with the sense of agency, the rūnanga could decide not to deal with a matter and refer it to the colonial authorities. In 1852 for example, the Rev. Barker reported a series of robberies at his mission station at Waiapu.²⁰⁰⁰ It transpired that three of those involved were from the same hapū as Mōkena Kohere.²⁰⁰¹ A rūnanga was called and it was determined that the offenders should be punished in accordance with British law.²⁰⁰² The offenders were then taken to Auckland with a Māori prosecutor who gave evidence to the resident magistrate.²⁰⁰³ They were subsequently convicted and imprisoned.²⁰⁰⁴

¹⁹⁹⁵ Oliver & Thomson. (1971). 61-63.

¹⁹⁹⁶ Oliver & Thomson. (1971). 61.

¹⁹⁹⁷ Oliver & Thomson. (1971). 61.

¹⁹⁹⁸ Oliver & Thomson. (1971). 42.

¹⁹⁹⁹ Oliver & Thomson. (1971). 64.

²⁰⁰⁰ Thos. Beckham, Auckland resident magistrate to R H Wynyard, Lieutenant-Governor, 8 July 1852, encl. 2 in 'Dispatch from Governor Grey to Rt Hon JS Parkington' 9 August 1852, *British Parliamentary Papers*, Volume 9, no 59, 118.

²⁰⁰¹ Thos. Beckham, Auckland resident magistrate to R H Wynyard, Lieutenant-Governor, 8 July 1852, encl. 2 in 'Dispatch from Governor Grey to Rt Hon JS Parkington' 9 August 1852, *BPP* Vol 9, no 59, 118.

²⁰⁰² Thos. Beckham, Auckland resident magistrate to R H Wynyard, Lieutenant-Governor, 8 July 1852, encl. 2 in 'Dispatch from Governor Grey to Rt Hon JS Parkington' 9 August 1852, *BPP* Vol 9, no 59, 118.

²⁰⁰³ Thos. Beckham, Auckland resident magistrate to R H Wynyard, Lieutenant-Governor, 8 July 1852, encl. 2 in 'Dispatch from Governor Grey to Rt Hon JS Parkington' 9 August 1852, *BPP* Vol 9, no 59, 118.

²⁰⁰⁴ Thos. Beckham, Auckland resident magistrate to R H Wynyard, Lieutenant-Governor, 8 July 1852, encl. 2 in 'Dispatch from Governor Grey to Rt Hon JS Parkington' 9 August 1852, *BPP* Vol 9, no 59, 118.

Clearly too, Pākehā missionaries struggled to reconcile the Māori way of life with Christianity.²⁰⁰⁵ Māori were communal in thought and in action. They collectively accepted the new religion, but they did so “on their own terms and for their own purposes.”²⁰⁰⁶ Where those purposes were unfulfilled, there was disillusionment in many communities and a resulting return to traditional mātauranga, ritual, and tikanga as hapū struggled with disease, death, and economic and social change.²⁰⁰⁷

Upon conversion many often, and openly, expressed disappointment with the missionaries when they were not able to acquire goods such as European clothing.²⁰⁰⁸ They were sometimes annoyed when they were not paid for work completed for the Church or for the missionaries.²⁰⁰⁹ Māori would also observe how the missionaries and their God were unable to prevent Pākehā diseases and the resulting deaths from whooping cough, measles (1854), influenza, and typhoid (1860-1861) that swept through the district.

The death rate was phenomenal from these pandemics on any measure. Missionary returns for Mahia to the East Cape, for example, estimated the Māori population in 1844 to be around 20,000.²⁰¹⁰ By 1855, Henry Wardell estimated the population to be approximately 6,800.²⁰¹¹ Allowing for any margins of error in the statistics, there was clearly a population decline and often the missionaries or their God were blamed.²⁰¹² Rangiuia, for example, claimed that medicine administered by Charles Baker was the cause of his daughter’s death, and in another example Baker was accused of killing Koromana Tuhirae.²⁰¹³ These pandemics also led to resurrection of the power of tohunga.²⁰¹⁴ Alternatively hapū transferred allegiance from the missionaries to new prophets who reflected their own traditions of faith healing.²⁰¹⁵ Perhaps the clearest example of conversion back to traditionalism occurred during the 1850s with the rise in the practise of communing with the spirits to seek answers to the problem of disease.²⁰¹⁶ Spirits would send messages through a medium and people claimed to have spoken with voices

²⁰⁰⁵ Oliver & Thomson. (1971). 38-40.

²⁰⁰⁶ Oliver & Thomson. (1971). 39; Soutar. (2000). 130.

²⁰⁰⁷ Kaa. (2020). 35.

²⁰⁰⁸ Oliver & Thomson. (1971). 39.

²⁰⁰⁹ Oliver & Thomson. (1971). 39.

²⁰¹⁰ Oliver & Thomson. (1971). 51.

²⁰¹¹ Oliver & Thomson. (1971). 51.

²⁰¹² Oliver & Thomson. (1971). 39.

²⁰¹³ Soutar. (2000). 138; see also Eastcott. (1982). 70.

²⁰¹⁴ Eastcott. (1982). 69-72; Soutar. (2000). 138-139.

²⁰¹⁵ Soutar. (2000). 138-139.

²⁰¹⁶ Elsmore, B. (1999). *Mana from Heaven: A Century of Māori Prophets in New Zealand*. Reed Books. 131.

of their dead loved ones. It became a widespread practice in the district, from Tūranga to Tokomaru Bay, involving the people, several of whom were mission teachers.²⁰¹⁷ The Christian god and religion were believed by many to be the cause of these diseases and this practice was a rejection of both.²⁰¹⁸

In many communities, economic activities such as commercial wheat growing, tending cultivations, whaling, or other wage employment assumed more prominence in the lives of the people. With the dispersal from the great security pā, economic activities became more time consuming, it became harder to attend services and many literacy classes for adults ceased.²⁰¹⁹ Hapū traditions of autonomy and communal agency meant that many also prioritised these economic activities over the religious activities expected by the missionaries.

There were complaints from missionaries regarding the attitude of the people of their parishes because they often refused to show deference to them.²⁰²⁰ Monty Soutar suggests this was more about a lack of respect for individual missionaries rather the Church.²⁰²¹ This was particularly apparent in Rangitukia (home of Ngāi Tane, Ngāti Mahanga, Ngāti Hokopu, Te Whānau a Takimoana, and others). By the mid-1840s, Rev. James Stack complained that the reverence of the early part of the decade towards the religion and the church was waning.²⁰²² There was often talk occurring during services he gripped, and the people were frequently calling out to one another.²⁰²³ He complained that Māori were not happy about the length of the services and that they objected with loud voices in the middle of a service.²⁰²⁴ Despite Monty Soutar's view that these were localised issues, probably due to Rev. Stack's mental state, it is notable that the missionaries from the entire district were united in their complaint that while there was a commitment by the people to the social form of Christianity, there was limited personal commitment to the faith.²⁰²⁵

In terms of obtaining land for the mission stations and schools, owners of traditional land would generally be asked to give land for such purposes. Te Kani-a-Takirau at Uawa and Te

²⁰¹⁷ Elsmore. (1999). 132.

²⁰¹⁸ *Mana from Heaven: A Century of Māori Prophets in New Zealand* 133.

²⁰¹⁹ Soutar. (2000). 138.

²⁰²⁰ Oliver & Thomson. (1971). 38, 43-44.

²⁰²¹ Soutar. (2000). 140.

²⁰²² Oliver & Thomson. (1971). 38.

²⁰²³ Oliver & Thomson. (1971). 38.

²⁰²⁴ Oliver & Thomson. (1971). 38.

²⁰²⁵ Oliver & Thomson. (1971). 45.

Houkāmau at Kawakawa gave land accordingly.²⁰²⁶ Not so in troublesome Rangitukia. In 1843 James Stack requested ten acres there.²⁰²⁷ However, the traditional owners were convinced that this was a scheme to get Waiapu “into the hands of the British government.”²⁰²⁸ This may have been due to the general warnings given by William Williams against selling their land.²⁰²⁹ Alternatively it demonstrates a high degree of mistrust, a cycle that was repeated whenever land was raised. Stack’s successor, Charles Reay was nearly driven off the land in 1847 as a result of such concerns.²⁰³⁰ Mōkena Kohere intervened, and but for his involvement, Reay would have been forced to leave.²⁰³¹ Sadly Reay would later die at Rangitukia in April 1848.²⁰³² In 1850, the Rev. Ralph Barker was appointed. He wanted to extend the mission property at Rangitukia.²⁰³³ Mōkena Kohere’s attempt to give him a further ten acres, drew strong opposition from the traditional owners, so Barker only received an additional acre.²⁰³⁴ He lasted only three years at Rangitukia from 1850-1853 as it was reported that he had “succumbed to sins of the flesh.”²⁰³⁵ The Rev. Charles Baker then took over the mission at Rangitukia from 1854-1857. In 1856, Bishop Selwyn arrived in Rangitukia to consecrate the new church at Rangitukia.²⁰³⁶ He took the opportunity to request land there for a school site next to the mission.²⁰³⁷ Mōkena identified a good site.²⁰³⁸ There was a delay before a deed of gift could be finalised. Mōkena Kohere and his party finally gifted approximately fifty acres of land some five weeks later.²⁰³⁹ Rev. Charles Baker would record on 25 June 1956, that Mōkena Kohere and Hōhepa Te Rore held:²⁰⁴⁰

... a committee [rūnanga] last night in the pā on the several subjects that had transpired to annoy me. They also had the subject of the school under consideration, and it met with a favourable reception. Mōkena and others took me round a good piece of land immediately adjoining the station and set up marks and I made a deed of gift to the school which he and the party signed. There are I suppose about 50 acres. This is said to be the beginning only.

²⁰²⁶ Oliver & Thomson. (1971). 70.

²⁰²⁷ Oliver & Thomson. (1971). 70.

²⁰²⁸ Oliver & Thomson. (1971). 70.

²⁰²⁹ Soutar. (2000). 142-143.

²⁰³⁰ Oliver & Thomson. (1971). 70.

²⁰³¹ Oliver & Thomson. (1971). 70.

²⁰³² Eastcott. (1982). 29, 53.

²⁰³³ Oliver & Thomson. (1971). 70.

²⁰³⁴ Oliver & Thomson. (1971). 70.

²⁰³⁵ Eastcott. (1982). 53-54.

²⁰³⁶ Bluck. (2009). 7.

²⁰³⁷ Oliver & Thomson. (1971). 70-71.

²⁰³⁸ Kohere. (2005). 209.

²⁰³⁹ Oliver & Thomson. (1971). 71.

²⁰⁴⁰ Eastcott. (1982). 45.

This favourable report was not quite accurate as there had been opposition from the traditional owners.²⁰⁴¹ The continuing division on whether to alienate land in Rangitukia was a signal that the Waiapu would become a centre of division over the threat of land loss and colonial rule.

The era of the missionaries finally came to an end in 1857 with the new national CMS strategy to close missions and focus on “the ordination of native clergy to lead the native congregations.”²⁰⁴² The new system was only for Māori men, and it was premised upon a long “preparatory period where old (Māori) habits had been completely broken and where evidence of newly formed (Pākehā) habits had been amply applied.”²⁰⁴³ The pastorates in the district were Kawakawa, Rangitukia, Te Horo, Tūpāroa, Whareponga, Tokomaru, Uawa, and Tūranga.²⁰⁴⁴ William Williams would train the Māori clergy initially at the Tūranga mission station at Waerenga a Hika. There was also opportunity to be trained at the newly established St. Stephens in Auckland.²⁰⁴⁵ William Williams was ordained Bishop of Waiapu on 3 April 1859, giving him the freedom to select those he considered worthy of ordination.²⁰⁴⁶

Three men from Potikirua ki Te Toka-a-Taiau district were the earliest to be ordained and they were Rāniera Kāwhia, Mohi Tūrei, and Hare Tāwhā. Rāniera Kāwhia was ordained as a Deacon in 1860, following study at Waerenga Hika and St. Stephens.²⁰⁴⁷ He was ordained as a priest in 1862 alongside Carl Volkner at Whareponga.²⁰⁴⁸ There was, therefore, a direct and personal relationship with the man that would later be murdered by members of Te Whakatōhea and *Pai Marie* adherents. Mohi Tūrei was ordained as a Deacon after a similar period of study in 1864 and then as a priest in 1870.²⁰⁴⁹ Interestingly, although committed to Christianity, each of these men had been:²⁰⁵⁰

... schooled in traditional practices by the tohunga [Pita Kapiti], Rangiuia and Mohi Ruatapu at the ancient wānanga ... of Tāpere-nui-a-Whātonga and Rāwheoro. There was change, and old practices were often abandoned, but there was also a sense of continuity. Tāwhā, for example, followed traditional practices of tapu and noa Even after ordination, and Tūrei continued many of the traditional arts he learned at the wānanga: composing haka, carving houses and practising ancient pre-Christian karakia (prayer).

²⁰⁴¹ Oliver & Thomson. (1971). 71.

²⁰⁴² Kaa. (2020). 32.

²⁰⁴³ Kaa. (2020). 32-33, quoting Jenny Te Pā.

²⁰⁴⁴ Soutar. (2000). 157.

²⁰⁴⁵ Kaa. (2020). 32.

²⁰⁴⁶ Bluck. (2009). 7.

²⁰⁴⁷ Tamahōri, J. (1990). *Mohi Tūrei*. In *Dictionary of New Zealand Biography*. Retrieved on 30 December 2021 from <https://teara.govt.nz/en/biographies/1t113/turei-mohi>; Soutar. (2000). 157.

²⁰⁴⁸ Kaa. (2020). 43.

²⁰⁴⁹ Tamahōri. (1990).

²⁰⁵⁰ Kaa. (2020). 37.

These newly ordained clergy were the perfect people to guide their iwi through major metaphysical change occurring about them. Āpirana Ngata noted of Hare Tāwhā that he 'was probably the most learned of the three. But he closed up like an oyster when he joined the Church.'...

Therefore, the tradition set by the early teachers of evangelising in a very Māori way was continued by these men. Ngata would record how they reconciled both schools of learning.²⁰⁵¹

The Whare-wānanga or Schools of Learning, which supplied the material for the most elevated compositions in the Māori language, had closed their sessions before the end of the internecine tribal wars in 1839. The priests had either perished in the fighting or been constrained by the changed circumstances to seal their lips. Many of their pupils – the intellectuals of their day – became the catechists and teachers of the new religion, which Marsden and other missionaries introduced. These men, who had the intelligence and training and who had been initiated into much of the ancient lore, had perforce to turn over the page, which held the record of their race for many centuries past.

Running parallel to these ordinations were the Church activities of the men who would become central to the war of 1865. Ihairaira Houkāmau during the late 1840s-1850s was involved with the Church leadership, including with Bishop Selwyn.²⁰⁵² His baptism by Rev. Waitoa merely strengthened his commitment to the faith. Mōkena Kohere was converted to Christianity at Rangitukia and (as described above) was a firm supporter of the missionaries. Rarawa Kohere would write of his ancestor that Mōkena considered that it was vital for the survival of his people that a “new culture (manaakitanga) should become an intrinsic dogma of salvation and the Church of Piripi Taumata-a-kura was an important tool to bring about this socialisation.”²⁰⁵³ Rāpata Wahawaha had been at Whakawhitirā when Piripi Taumata-a-Kura and the other teachers returned from the Bay of Islands and commenced converting their people to the new God.²⁰⁵⁴ He was also involved in the Whareponga branch of the diocese under Rāniera Kāwhia.²⁰⁵⁵ He was selected to attend the four Waiapu Synod meetings from 1861-1865.²⁰⁵⁶ In attendance at the first of these meetings held on 3-5 December 1861 at Waerenga a Hika were Rāniera Kāwhia, Mohi Tūrei, Hoani Ngātai, Rīhare Paipa, Kēmara Te Hape, Hirini Te Kani, Ānaru Mātete, Hēnare Pōtae, Hoani Te Wainohu, Pitihera Kōpū, and Rāpata Wahawaha.²⁰⁵⁷ Rāpata Wahawaha and Pitihera took prominent roles in proceedings.²⁰⁵⁸ Some of these men

²⁰⁵¹ Ngata & Jones. (2006). Part 4, explanatory note, xi.

²⁰⁵² Kaa. (2020). 34.

²⁰⁵³ Kohere. (2005). 208.

²⁰⁵⁴ Soutar. (2000). 128.

²⁰⁵⁵ Soutar. (2000). 129, 157.

²⁰⁵⁶ Soutar. (2000). 129.

²⁰⁵⁷ Kaa. (2020). 40-41; Soutar. (2000). 178.

²⁰⁵⁸ William Leonard. (No date). 55-56.

would take opposite sides during the war of 1865.²⁰⁵⁹ The second synod was held at Waerenga Hika on 5 January 1863.²⁰⁶⁰ There had been much activity during this time with wooden churches being completed at Kawakawa, Rangitukia, Tūpāroa, Whareponga, and Waipiro.²⁰⁶¹ The records for the four meetings of the synod of the Waiapu diocese demonstrate how dependent the Church was on tangata whenua for funds.²⁰⁶² For example, the Church depended on the “contributions and therefore the goodwill and commitment of the iwi, who in turn raised funds from their constituent hapū.”²⁰⁶³

Iwi Whai Rawa – Tribal Pursuit of Wealth

In the Pōtikirua ki te Toka-a-Taiau district, and following the signing of the Treaty, the local economy flourished. There was during this time a dispersal from the great security pā such as Whakawhitirā and Taitai back to villages and a return to tending traditional cultivation areas.²⁰⁶⁴

Māori interest in growing their economy had been made clear from their early participation in the flax industry during the 1830s.²⁰⁶⁵ Missionary accounts:²⁰⁶⁶

... of the 1840s show that there was a considerable spread of population in the 1840s. There were twenty-two villages between Hicks Bay and Waipiro in 1844, some of them very populous; about the same time there were twelve at Uawa, and a great number at Poverty Bay. By contrast, the ‘city’ of Whakawhitirā shrank away to nothing: in 1847 it had only fifty-five inhabitants. Its people had scattered through the Waiapu Valley; it looked desolate, and its chapel had disappeared.

Whether this dispersal was caused by the demands of a subsistence economy, or by the attractions of commercial farming, or by a combination of both, is uncertain in the 1840s. During the wheat boom of the 1850s, however, the market began to make an impact. In the north people went out in two and threes looking for small patches of productive land. The Whareponga people were so scattered that they only met together on Sundays. In the early fifties the Poverty Bay people were out cultivating small patches and moving up into the valleys. The satisfaction obtainable from the settlers and the ships contributed to this change in pattern. ...

²⁰⁵⁹ Soutar. (2000). 178.

²⁰⁶⁰ William Leonard. (No date). 57.

²⁰⁶¹ William Leonard. (No date). 57.

²⁰⁶² Kaa. (2020). 39-44.

²⁰⁶³ Kaa. (2020). 42.

²⁰⁶⁴ Soutar. (2000). 135; Oliver & Thomson. (1971) 40.

²⁰⁶⁵ Oliver & Thomson. (1971). 19.

²⁰⁶⁶ Oliver & Thomson. (1971). 19.

The term ‘scattered’ as used by Oliver and Thomson is not the appropriate term. The people returned to hapū lands or to lands of their whānaunga to organise cultivations – which were often done in small groups.²⁰⁶⁷ Produce from the lands, introduced crops such as melons, cabbages, pumpkins, potatoes, turnips, fruits and maize, and pork were increasingly sold direct to markets.²⁰⁶⁸

The evidence is that most commercial production of wheat and other produce was harvested collectively through hapū under the mana of the chiefs and their rūnanga or kōmiti.²⁰⁶⁹ Reweti Kohere would record that:²⁰⁷⁰

It would be impossible for one family to work its own wheat field without assistance. The work was performed by what was called “ohu” or working-bee. Only in this case the whole community or sub-tribe formed the “ohu.” When one field was finished the “ohu” moved on to the next, until all the community's fields were finished. Songs were often sung by the “ohu” to help keep time and to spur on the workers. With the singing in unison and chattering the scene was hilarious. All this work was given free; all that the owners were expected to do was to provide meals. Of course, the fattest of the family's pigs were reserved for the “ohu.” With the growing of wheat hand-grinding mills were imported from Auckland. With these simple contrivances the whole tribe ground their own flour. Along the countryside pieces of these mills may still be seen lying about, reminders of a once enterprising age.

Paratene Ngata succinctly captured what must have been a golden scene before harvest. “Ngaro ana ngā whenua katoa, whenua raorao, whenu maunga, paripari i mahia katoatia ana ki te witi” - all the land was covered with wheat; inland, the hills and the coastline.”²⁰⁷¹ Rev. Charles Baker on 8 May 1848 would comment how delighted he was to see extensive wheat fields at Tūpāroa.²⁰⁷² The next year Bishop Williams would also comment on the amount of wheat and kūmara grown at Reporua.²⁰⁷³ At Whareponga in 1855 where the land was rugged and not very suitable for wheat, the people there had several cultivations growing.²⁰⁷⁴ At Uawa a young Harry Glover born in 1857 would later reflect on this period:²⁰⁷⁵

In those days, the Māori grew large quantities of wheat on the Wharekaka and Ihunui flats, the wheat being packed in finely woven flax kits, each holding about three bushels. There

²⁰⁶⁷ Soutar. (2000). 135.

²⁰⁶⁸ Oliver & Thomson. (1971.) 55; Soutar. (2000). 135.

²⁰⁶⁹ Soutar. (2000). 135, 145; McConnell. (1998). 143; Oliver & Thomson. (1971) 55.

²⁰⁷⁰ Kōhere.(1949). 28.

²⁰⁷¹ Soutar. (2000). 146. Quoting P. Ngata.

²⁰⁷² Eastcott. (1982). 30.

²⁰⁷³ Eastcott. (1982). 30.

²⁰⁷⁴ Eastcott. (1982). 38.

²⁰⁷⁵ Donald, S. (2003). *Many roads from Hauiti : A Tolaga Bay memoir*. Rākōpū Press. 4. Quoting H. Glover.

would be about a quarter of a mile of these 'kits' stacked three deep on the Tolaga Bay beach when the schooners were expected.

Throughout the 1850s, the district was one of the chief suppliers of food to Auckland.²⁰⁷⁶ The production rate coupled with wheat production also led to greater prosperity.²⁰⁷⁷ By Donald McLean's estimate, about 10,000 bushels were produced in 1855 between the East Cape and Wairoa.²⁰⁷⁸ By 1857, that number had increased to 46,000 bushels.²⁰⁷⁹ Sometimes, hapū relocated, so for example some Te Whānau a Hinerupe ki Tikitiki went to Whetūmatarau at Kawakawa to grow wheat. Their produce was sold to people at Horoera who had a schooner and from there the wheat was taken to the Auckland market.²⁰⁸⁰ Rāpata Wahawaha and his brothers tended their whānau cultivation at Pūtiki near Waiōmatatini leaving Akuaku to do so.²⁰⁸¹ At Akuaku they were Te Whānau a Rākairoa, yet their whakapapa enabled them to cultivate where Te Whānau a Māhaki, Te Whānau a Tūterangiwhiu and Te Whānau a Iwirākau lived in Korotere Pā, Waiōmatatini.²⁰⁸² The pā and its church were moved due to flooding in 1854 to Te Horo. Waiōmatatini would become the centre of the Kīngitanga movement in later years.²⁰⁸³ A final example of relocation was when Ngāti Hokopū centralised at Waiorātāne on Te Kautuku for wheat growing.²⁰⁸⁴

The hapū and iwi of the district grew wheat to buy trade goods, agricultural equipment, guns, livestock, and horses.²⁰⁸⁵ Several hapū brought schooners and other sailing vessels.²⁰⁸⁶ By 1852, Māori in the Waiapu owned at least eight sailing vessels which they used to transport their produce to Auckland.²⁰⁸⁷ Schooners were also acquired at Whareponga, Tokomaru Bay, Uawa and Tūranga-nui-a-Kiwa.²⁰⁸⁸ The fleet of schooners owned by hapū and iwi included the *Pūrere*, *Ihikēpa*, *Te Anatina*, *Tamariki*, *Peti Pīria*, *Kīngi Paerata*, *Māwhai*, *Riki Maitai*,

²⁰⁷⁶ Oliver & Thomson. (1971). 55.

²⁰⁷⁷ Oliver & Thomson. (1971). 55.

²⁰⁷⁸ Oliver & Thomson. (1971). 55.

²⁰⁷⁹ Oliver & Thomson. (1971). 55.

²⁰⁸⁰ McConnell. (1998). 143.

²⁰⁸¹ Soutar. (2000). 135.

²⁰⁸² Soutar. (2000). 135, 148.

²⁰⁸³ Soutar. (2000). 148.

²⁰⁸⁴ Kohere. (2005). 215.

²⁰⁸⁵ Oliver & Thomson. (1971). 55-57; McConnell. (1998). 143.

²⁰⁸⁶ Oliver & Thomson. (1971). 57.

²⁰⁸⁷ Oliver & Thomson. (1971). 57.

²⁰⁸⁸ Oliver & Thomson. (1971). 57.

Waiapu and the *Mereana*.²⁰⁸⁹ The *Tamariki* was owned by the hapū at Whareponga.²⁰⁹⁰ According to Rarawa Kohere, his tupuna Mōkena “directed the purchase of the 20-ton schooner”, the *Mereana*.²⁰⁹¹ It operated between the district and Auckland before Ngā Puhī sailors stole it.²⁰⁹² The *Kīngi Paerata*, under the control of Te Rakahurumai (Nehe Paraire) and which belonged to the hapū of Tūpāroa, split in half and sunk when it struck a reef.²⁰⁹³ The *Pūrere* was owned by Huripuku (“the Awatere River pilot”).²⁰⁹⁴ Hānara Matekitepō owned the *Pita Pīria*.²⁰⁹⁵ The *Riki Maitai* was operated by Rāpata Wahawaha and his brother-in-law Hoera Tamatātai, the man who would bring the Māori King’s flag to the Waiapu.²⁰⁹⁶ Hoera and Rāpata along with Wīremu Karaka (also known as Wī Tito - Paratene Ngāta’s father) had married sisters.²⁰⁹⁷ Owning these vessels gave the hapū control over getting produce to the Auckland markets, increased their profits and further stimulated horticulture and agriculture on the coast.²⁰⁹⁸

As for Pākehā, after 1840 they started to form small settlements, the largest being at Tūranganui-a-Kiwa or Poverty Bay as they called it.²⁰⁹⁹ However these settlements remained small. There were only twenty-nine men, eleven women and fifty-two children in Poverty Bay in 1847, and this number “probably included the half-caste children” of the white settlers.²¹⁰⁰ There was a slow rise in numbers during the 1850s-1860s but on the whole these Pākehā settlements remained “primitive and (to missionary notions) ... disreputable community.”²¹⁰¹

As a result of interaction with these Pākehā, more Māori became “... wage earners, commercial farmers, landlords, whalers, sailors, and shipmasters. They were no longer simply Christian teachers, preachers and school pupils.”²¹⁰² Furthermore, because they had been operating their own legal system for centuries, the chiefs and their people were also able to show a “remarkable

²⁰⁸⁹ Soutar. (2000). 152; Walker, R. (2008). *Tohunga Whakairo: Paki Harrison – the story of a Master Carver*. Penguin Books. 21.

²⁰⁹⁰ Soutar. (2000). 152, fn 59.

²⁰⁹¹ Kohere. (2005). 215.

²⁰⁹² Kaa. & Kaa. (1994). 27-28.

²⁰⁹³ Kohere. (1949). 29; Oliver & Thomson. (1971). 57.

²⁰⁹⁴ Kohere. (1949). 29.

²⁰⁹⁵ Soutar. (2000). 152, fn 59.

²⁰⁹⁶ Soutar. (2000). 147.

²⁰⁹⁷ Soutar. (2000). 196.

²⁰⁹⁸ Soutar. (2000). 152-153.

²⁰⁹⁹ Oliver & Thomson. (1971). 21.

²¹⁰⁰ Oliver & Thomson. (1971). 21.

²¹⁰¹ Oliver & Thomson. (1971). 23-24.

²¹⁰² Oliver & Thomson. (1971). 26.

talent for legal procedure, policies and administration.”²¹⁰³ These skills they put to good use, and they were intelligent enough to know that these additional skills would facilitate their governance during a time of ever increasing change.²¹⁰⁴

Te Hononga ki Harataunga – The Harataunga Connection

One of the results of the Ngā Puhi raids in Hauraki after Hongi Hika attacked Ngāti Maru in Thames, was that many of the survivors fled to Waikato.²¹⁰⁵ This left the Hauraki area almost deserted. Those who stayed were Pāora Te Putu and his hapū Tama-te-Rā and Ngāti Whanaunga. Te Rākaihurumai who was of Te Aitanga-a-Mate, Te Aowera and Te Whānau-a-Rākairoa citizenship, was with his hapū exporting produce to the Auckland market. By this stage, the fleet of schooners mentioned above had been amassed.²¹⁰⁶ On one occasion returning from Auckland, Rākaihurumai on the *Kīngi Paerata* was forced to take shelter in Harataunga (Kennedy Bay) and sought permission to land from Pāora Te Putu. Permission was granted and the relationship between the two men grew. The Ngā Puhi raids were still fresh in the minds of both men. Pāora Te Putu sought security assistance from Ngāti Porou.²¹⁰⁷ Rākaihurumai provided security and trade assistance.²¹⁰⁸ During this period of trade, Harataunga became a second home for him and his hapū on the many runs to and from Auckland.²¹⁰⁹ Ranginui Walker records that in 1852 a deputation of chiefs headed by Rākaihurumai went to Harataunga to ask for land. After consultation with the local chiefs, Pāora Te Puta agreed to grant a whenua tuku.²¹¹⁰ In exchange, Rākaihurumai gifted £30, the greenstone mere Whaita was given to Pāora Te Putu and a horse was given to a member of the hapū Patukirikiri.²¹¹¹ In 1854, two vessels, the Ngā-tamariki and the Waiapu, went to Harataunga with many people from the district to confirm the tuku.²¹¹² On board were members of Rākaihurumai’s hapū and five other hapū he was connected to. This gift was later recognised and confirmed by the grant of title in the Native Land Court in 1878.²¹¹³ A tuku whenua was also arranged of land at Mataora but

²¹⁰³ Oliver & Thomson. (1971). 26.

²¹⁰⁴ Oliver & Thomson. (1971). 25-26.

²¹⁰⁵ Walker. (2008). 20.

²¹⁰⁶ Walker. (2008). 21.

²¹⁰⁷ Walker. (2008). 20-21.

²¹⁰⁸ Walker. (2008). 21-22.

²¹⁰⁹ Walker. (2008). 21-22.

²¹¹⁰ Walker. (2008). 22.

²¹¹¹ Walker. (2008). 23.

²¹¹² Walker. (2008). 22.

²¹¹³ Walker. (2008). 23.

the war between the Crown and the Kīngitanga, and then the Pai Mārire faith confused matters as the hapū and iwi became divided.²¹¹⁴ The gift was only confirmed by the hapū Tama-te-Rā at Ohinemuri, after Pāora Te Putu died.²¹¹⁵ According to Ranginui Walker those who supported the Kīngitanga went to Mataora and those who were Queenites remained at Harataunga.²¹¹⁶ This narrative demonstrates the importance of land, *tuku whenua* by a chief, and the responsibility of those who are gifted land in this manner. John Thornton (also known as Te Rongotoa Tamahōri) captured these themes in the following way:²¹¹⁷

An example of the desire of Ngāti Porou to hold on to their lands can be seen in their occupation of the lands at Harataunga (Kennedy Bay). ... These lands were a gift by Pāora Te Putu, a rangatira of Ngāti Tamaterā/Ngāti Maru, to Rākaihurumai, a rangatira of Te Aitanga a Mate hapū of Ngāti Porou. Since the time of the gift, these lands have been held by Ngāti Porou who live there. When this land went through the Native Land Court, Rāniera Kāwhia a rangatira of Ngāti Porou and the first Ngāti Porou clergyman, was asked if this land would one day be given back to the local iwi there. He replied “Tukua rangatira mai, mauria rangatira e au” – “The land was gifted by a chief and as a chief I must pay it the highest respect and hold on to it.” Still to this day Ngāti Porou have held on to this land, and to their credit they are still the largest Māori landowners in the Harataunga area compared with the tribes of that area.

Kāwanatanga me te Rangatiratanga 1840-1864 – Crown and Māori authority 1840-1864

During the period 1840-1865, the chiefs and village *rūnanga* remained firmly in control of the Pōtikirua ki te Toka-as-Taiau district. Pākehā settlement remained negligible (less than 100 settlers) and no land alienation of any significance, other than *tuku whenua* transactions for whaling, trading, mission stations and schools or settler homes. It was a district where the ‘writ of the Crown’ for all practical purposes (including the administration of Pākehā justice) did not run.

The *rūnanga* continued the tradition of decision making by hereditary chiefs, leaders, elders and heads of *whānau*.²¹¹⁸ Chiefs and *rūnanga* were making final decisions on numerous topics including land use, economic organisation, price fixing for markets, rates for ship berths or for natural resource use such as water, grazing fees for settler stock, costs of trees, as well as

²¹¹⁴ Walker. (2008). 23.

²¹¹⁵ Walker. (2008). 24.

²¹¹⁶ Walker. (2008). 24.

²¹¹⁷ Thornton/Tamahōri JTR. “Affidavit before the East Coast Waitangi Tribunal.” (Wai 900, #A54, 9 November 1999) 9.

²¹¹⁸ Soutar. (2000). 164.

sanctioning criminal offending.²¹¹⁹ Sanctions were quickly imposed on those who offended. Sexual offenders were sentenced to banishment.²¹²⁰ Banishment was a “favourite penalty.”²¹²¹ Murder was inevitably dealt with by a sentence of death.²¹²² Fines were adopted for adultery and other offences. It is certain that values such as the mediation of tapu and restoration of mana for victims, and collective punishments for offenders and their whānau which underpinned muru and utu or ito continued to determine sanctions. In circa 1858, for example, Rāpata Wahawaha was before the Te Whānau a Iritekura rūnanga for trespass on Iritekura’s bird hunting grounds, the sanction for which was to be an attack on his hapū, Te Whānau a Rākairoa. If it were not for Rāpata’s clever advocacy, that attack would have occurred in accordance with tikanga Māori.²¹²³

Although adjusted to meet the circumstances of the time, the chiefs and rūnanga continued exercising mana rangatira, mana whakahaere, and mana tangata by adapting and culturally selecting those aspects of Christianity and British colonial law that enhanced their own legal order. They also continued their role as governors of their own communities virtually uninterrupted and without interference by the colonials. This they guarded jealously, confining the Crown’s authority to land.²¹²⁴

That is not to suggest there was no engagement with the colonials. There was much agitation in parts of the district during the 1840s caused by news of Hōne Heke’s war in the north, so any interaction was cautious for fear of the Government coming to take their lands.²¹²⁵ The first official engagement came in 1851 when Donald McLean visited Tūranga-nui-a-Kiwa.²¹²⁶ At his request a meeting was arranged with the chiefs to discuss whether there should be a town established in the area.²¹²⁷ Effectively he wanted the chiefs to agree to sell land to him, as the Crown purchasing agent. Rāwiri Te-eke-ki-te-rangi and Te Kani-a-Takirau were both present at the meeting.²¹²⁸ No land was offered but Te Kani told McLean that if the other chiefs agreed,

²¹¹⁹ Soutar. (2000). 164; Oliver & Thomson. (1971).64-65, 75; Mackay. (1949). 209-211.

²¹²⁰ Oliver & Thomson. (1971). 61.

²¹²¹ Oliver & Thomson. (1971). 64.

²¹²² Mackay. (1949). 196-197.

²¹²³ Walker. (2008). 160-161.

²¹²⁴ Oliver & Thomson. (1971). 79.

²¹²⁵ Oliver & Thomson. (1971). 77.

²¹²⁶ Mackay. (1949). 177-178.

²¹²⁷ Mackay. (1949). 179.

²¹²⁸ Mackay. (1949). 179.

he would welcome a town, perhaps even at Uawa.²¹²⁹ Nothing further occurred during this period.

The next engagement was when the first Pākehā magistrate was appointed in 1855.²¹³⁰ He was H.S. Wardell and he was stationed at Tūranga-nui-a-Kiwa.²¹³¹ His area of jurisdiction covered Mōhaka to the East Cape.²¹³² In general, his appointment received a mixed reaction.²¹³³ He was welcomed in the Waiapu but not very appreciated in Kawakawa or in Tūranga.²¹³⁴

Under the Resident Magistrates' Courts Ordinance of 1846, Wardell had criminal and civil jurisdiction. He could settle civil disputes between Māori and Pākehā.²¹³⁵ In civil cases involving Māori, Wardell would sit with chiefs appointed as assessors.²¹³⁶ Only "men of the greatest authority and best repute in their respective [t]ribes" could be appointed.²¹³⁷ Judgments could not issue from hearings with assessors unless there was unanimous agreement among them.²¹³⁸

The role of magistrates and assessors was strengthened by the Native Districts Regulation Act 1858 and the Native District Circuit Courts Act 1858. The Native Districts Regulation Act 1858 empowered the Governor to declare Native Districts over land still subject to customary or native title.²¹³⁹ It also empowered him to issue regulations concerning issues such as wandering stock and associated disease, fencing, the use and occupation of land, the use of natural resources, the prevention of drunkenness, the sale of liquor, sanitation in villages, and "suppressing injurious customs."²¹⁴⁰ In relation to the suppression of "injurious customs", the legislation encouraged the *substitution* of tikanga with Pākehā penalties.²¹⁴¹ The Governor was to issue such regulations "as far as possible with the general assent of the Native population affected thereby, to be ascertained in such manner as the Governor may deem fitting."²¹⁴²

²¹²⁹ Mackay. (1949). 179-180; Oliver & Thomson. (1971). 77-78.

²¹³⁰ Oliver & Thomson. (1971). 62.

²¹³¹ Oliver & Thomson. (1971). 62.

²¹³² Mackay. (1949). 200.

²¹³³ Mackay. (1949). 200.

²¹³⁴ Mackay. (1949). 200.

²¹³⁵ Magistrates' Courts Ordinance of 1846, s 12.

²¹³⁶ Magistrates' Courts Ordinance of 1846, s 19; Oliver & Thomson. (1971). 62.

²¹³⁷ Magistrates' Courts Ordinance of 1846, s 20.

²¹³⁸ Magistrates' Courts Ordinance of 1846, s 22.

²¹³⁹ The Native Districts Regulation Act 1858, s I.

²¹⁴⁰ The Native Districts Regulation Act 1858, s II (1)-(16).

²¹⁴¹ The Native Districts Regulation Act 1858, s II (16).

²¹⁴² The Native Districts Regulation Act 1858, s VI.

Penalties for breach of the regulations would be enforced by a Pākehā circuit court judge and Māori assessors appointed under the Native District Circuit Courts Act 1858.²¹⁴³ Both the magistrates and the assessors had jurisdiction to deal with criminal and civil matters.

Assessors were again required to be of the “greatest authority and best repute in their respective tribes.”²¹⁴⁴ The Governor could also select certain assessors to hold Court, “The Assessors’ Court.”²¹⁴⁵ Mōkena Kohere, Pōpata Te Kauru and Hāmiora Tamanuiterā were appointed as assessors under Wardell, and they were able to hold Assessor Court. These chiefs effectively enforced penalties, and the penalties were so strictly applied that several unidentified young men complained about them to the new resident magistrate that succeeded Wardell in 1861.²¹⁴⁶ William Williams recorded that Mōkena Kohere, for example, had limited tolerance for any misbehaviour.²¹⁴⁷ One example of this was when he had a youth put in irons after he failed to promptly pay a fine.²¹⁴⁸

The legislative scheme required that any chiefs, rūnanga, or kōmiti wanting to administer these regulations had to work cooperatively with the Governor, the resident magistrates, and the assessors. There was still agency on the part of those who participated but there can be no doubt that the system was designed to impose British colonial law in substitution for tikanga Māori. At this stage, however, the agency of the chiefs Mōkena Kohere, Pōpata Te Kauru and Hāmiora Tamanuiterā prevented a whole-sale take-over of the pre-existing legal system. As they held mana rangatira and mana tangata, the way they conducted their roles provided some continuity between the old and the new systems.

Conversely, Wardell was toothless as he had no power to compel Pākehā or Māori to attend his Court or to comply with his decisions.²¹⁴⁹ Wardell was also not able to enforce British colonial law where it clashed with the authority of the chiefs, their rūnanga or kōmiti.²¹⁵⁰ The rūnanga and kōmiti ran independently of the State during this time and nearly every village had

²¹⁴³ The Native District Circuit Courts Act 1858, ss II, V, XXXI.

²¹⁴⁴ The Native District Circuit Courts Act 1858, s XXXI.

²¹⁴⁵ The Native District Circuit Courts Act 1858, s XXXII.

²¹⁴⁶ Soutar. (2000). 183.

²¹⁴⁷ Soutar. (2000). 183, quoting William Williams’ Journal, 14 September 1859.

²¹⁴⁸ Sanderson, K. (1980). “These Neglected Tribes”: A study of the East Coast Māoris and their missionary, William Williams, 1834-1870, Master’s thesis. University of Auckland. 163.

²¹⁴⁹ Mackay. (1949). 200-201; Oliver & Thomson. (1971). 79.

²¹⁵⁰ Mackay. (1949). 200-201.

one.²¹⁵¹ Thus Wardell was ineffective, as he acknowledged to Governor Gore Browne,²¹⁵² so he was withdrawn and transferred to Wellington in 1860.²¹⁵³ There was no magistrate appointed to the lower end of the district until after the wars of the 1860s. Serious offending was investigated by the militia during that time. However, a Tūranga wide rūnanga representing all the different tribes of the area did operate through the 1850s-1865.²¹⁵⁴ Thus while the Crown's authority and British colonial law were being imposed throughout the rest of the country, in Tūranga-nui-a-Kiwa and in the Pōtikirua ki te Toka-a-Taiau districts mana rangatira, mana whakahaere, and mana tangata remained in effect.

On his arrival back in the country Governor Grey set about trying to extend the long reach of colonial law. His plan was to divide the North Island into 20 districts, each presided over by a commissioner with a rūnanga of 12 members and a staff of native assessors and karere.²¹⁵⁵ This was an attempt to appropriate the traditional rūnanga system to combat the growing influence of the Kīngitanga.²¹⁵⁶ In pursuing such a course he was deliberately closing the opportunity to work in partnership with Māori. Rather the system was to be used as a means of controlling and supervising them.

In November 1861 a resident magistrate and civil commissioner WB Baker was placed in the northern end of the district.²¹⁵⁷ While the appointment of a magistrate was requested by the people (who wanted to utilise the new law to settle age old disputes and to mediate relationships with the settlers and between each other), Baker's placement was also in keeping with Governor Greys' policies of Europeanising the Māori.²¹⁵⁸

In undertaking his new role, Baker was advised that:²¹⁵⁹

It is a work in which a really zealous officer has singular opportunities of distinguishing himself by success and setting himself resolutely to overcome whatever may cause disappointment at first. It is only by constant devotion to the high duty of teaching the Native

²¹⁵¹ Mackay. (1949). 196-199, 201.

²¹⁵² *AJHR*, 1862, E-1, 3.

²¹⁵³ Soutar. (2000). 162; Mackay. (1949). 205.

²¹⁵⁴ W B Baker to Native Secretary, 3 January 1862, *AJHR*, E-9, sec v, 5.

²¹⁵⁵ Williams William Leonard (1829-1916) MS-2452 ATL, 60.

²¹⁵⁶ Further Papers relative to Gov. George Grey's plan of Native Government – Report of Officers 1862, *AJHR*, E-09, 21.

²¹⁵⁷ Oliver & Thomson (1971). 62.

²¹⁵⁸ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 2; Sinclair, K. George Grey in Dictionary of New Zealand Biography (1990) retrieved on 4 January 2022 at <https://teara.govt.nz/en/biographies/1g21/grey-george>

²¹⁵⁹ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 3.

race the advantages of submission to law, that real progress will be made. The Government expect and require such devotion at the hands of every officer they shall appoint to this duty.

...

By this time, there were Kīngitanga settlements at Waiōmatatini, Puatai, Kaiaua, and Anaura so placing a magistrate in the district was important for monitoring what was becoming a fast-growing movement. Baker was instructed “You are especially desired to furnish, for the information of the Government, detailed and frequent reports of your proceedings and of the general state of affairs of your district.”²¹⁶⁰

Baker was the son of CMS missionary the Rev. Charles Baker and his upbringing saw him take an almost evangelical approach to his role of ‘preaching’ the law.²¹⁶¹ Monty Soutar describes the excitement of his arrival in Waiapu, which involved the flying of the Union Jack:²¹⁶²

On his arrival at Waikākā, near Rangitukia, Baker was warmly welcomed, the British flag was hoisted for the occasion. The chief Mōkena Kohere, whose pā at that time was located at Waikākā, provided the initial hospitality. Moving on to Rangitukia, Baker had his first opportunity to gauge the feeling of the community towards the notion of British law. According to Baker, the young men particularly, were “extremely anxious for instruction and the introduction of justice.” This, he believed, was because of the “self-constituted authorities” who had been administering the law in the locality. They had operated a “system of absolute tyranny and extortion.”

The people he defamed were the chiefs appointed as assessors. The irony is that Baker was dependent on his assessors, especially Mōkena Kohere who became his protector and provider. Reweti Kohere would write in this regard:²¹⁶³

Under Sir George Grey's scheme of local government for the natives, which he launched in 1861, Mōkena Kohere was appointed a magistrate. He made a very strict one and often took the law into his own hands. Owing to the absence of a gaol, offenders were shackled with iron chains. The Government scheme was not popular with the natives, for they saw that the native officers were all paid. They grew suspicious and began to show hostility openly. Mr. William B. Baker was the Government representative, and in the eyes of the natives the embodiment of the mana of which they were suspicious. The natives came in a large body and demanded that Mr. Baker must leave at once. Mōkena Kohere thereupon asked him to go with him to his own home at Waioratane, near the sea. As the chief and the British officer left, they were followed by a howling mob. It was evident that but for Mōkena Kohere some harm would have befallen Mr. Baker. The chief and his charge were met by a band of twenty loyal natives, who formed a guard. After the party had crossed the Maraehara River Mōkena turned round and drew a line on the ground, challenging the rioters to cross it at their own risk. They thought discretion was the better part of valour. Mr. Baker took up his residence

²¹⁶⁰ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 2.

²¹⁶¹ Oliver & Thomson (1971). 60.

²¹⁶² Soutar. (2000). 182-183.

²¹⁶³ Kohere. (1949). 39.

at Waioratāne and later Mōkena gave the Government that piece of land known as Tarata for a residence site for the Government representative and for a school.

As described above, another example of how Mōkena Kohere provided for Baker was when he agreed to gift land to the Crown.²¹⁶⁴ On 22 February 1862, after lengthy negotiations, Ngāti Piritai ceded approximately 74 acres of the land known as Tarata.²¹⁶⁵ The deed of gift was dated 22 February 1862 and was signed by 14 people including Mōkena Kohere and Ānaru Kāhaki.²¹⁶⁶ Paratene Kamura would say of this *tuku whenua* to Baker:²¹⁶⁷

Tarata was given to the Government Mr Baker [Magistrate] was living at Waioratane and applied for a site for a house. We then handed over Rotoparera ... and this was agreed to. Mōkena Kohere had approved us with regard to this matter. The house was erected there. A European request[ed] Mōkena for a school site and he came to my father at Rawerewa Āpērāhama also came with Mōkena. Mōkena said "I have come for a portion of your land for a grant for a school" and that later on the land would come back. Āpērāhama backed up Mōkena and my father agreed to their request. My father said take Mōkena over the boundaries. Wheeler came up and I guided him over the portion surveyed. The school was never carried into effect. It was after the Hauhau fights that I heard the land was gone to the Government.

Baker would also organise the gifting of 700 acres of land for a school (Manutahi) and the deed of gift is dated 2 July 1862.²¹⁶⁸ Both these gifts appear to have been treated as *tuku whenua* by those Ngāti Porou who gifted the land, with many considering the land had reverted when abandoned by Baker in 1863.²¹⁶⁹

Along with organising land, Baker had to cover a huge area from Te Kaha to Whāngārā.²¹⁷⁰ He was charged with working with the existing assessors (Mōkena Kohere, Pōpata Te Kauru and Hāmiora Tamanuiterā). His brief was to assist in establishing a system of local self-government under Pākehā "supervision adapted to their (Māori) condition and circumstances."²¹⁷¹ He was to acquaint himself thoroughly with the:²¹⁷²

²¹⁶⁴ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4-5.

²¹⁶⁵ Kohere. (2005). 214; see also Reports and letters from W.B. Barker, 3 January 1862-27th February 1862, *AJHR*, 1862, E-9, sec v, 4-8.

²¹⁶⁶ Waioratāne deed, JUC 338; Turton's Deeds. 693-694, as identified in Sterling, B. (2010). *East Coast Lands: Nineteenth Century Overview - A Report Commissioned by Crown Forestry Rental Trust*, Wai 900. 60 fn 140.

²¹⁶⁷ Native Land Court *Re Kautuku* (1913) 56 Waiapu MB 190-191. Evidence of Paratene Kamura.

²¹⁶⁸ Manutahi deed, AUC 341 as identified in Sterling, B. (2010). 61 fn 145.

²¹⁶⁹ Campbell to McLean, 25 February 1868, MS-Papers-0032-0201, item 32, ATL.

²¹⁷⁰ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 3.

²¹⁷¹ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 3.

²¹⁷² Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 3.

... feelings and wants of the Natives in the district, in order that you may be able to report fully for the information of the Government upon the best mode of introducing such a system with special reference to the character and requirements of the Ngāti Porou tribe.

In pursuing this goal, Baker was to:²¹⁷³

... take advantage of the system of Rūnangas now in operation in most Native districts, and by properly constituting these and investing them with specific functions and authority, to place them on the same footing as will make them efficient instruments in the hands of the Government for establishing and maintaining law and order and improving the social condition of the Native Race.

Thus, there was no desire on the part of the Government to enhance the autonomy and rangatiratanga of the chiefs, the hapū or the Ngāti Porou tribe. Rather Baker was to convert existing rūnanga to a system of local self-government and law supervised by Baker as the resident magistrate and civil commissioner.²¹⁷⁴ Baker would use the Native Districts Regulation Act 1858 and his magistrate's powers under the Native District Circuit Courts Act 1858 to attempt to achieve this end.

This goal of the Crown to subsume the hapū rūnanga under Baker's supervision was not known to Ngāti Porou. Rather most hapū welcomed Baker and the "ture" he preached as an enhanced way of conducting their established role as governors of their own hapū system of government and law. The exceptions were Horoera, Waiōmatatini, and at Pouawa in the south. But by early 1862, Baker reported that he had visited every village in the Waiapu and in every one of those villages, a rūnanga was assembled to hear his message of the "ture."²¹⁷⁵ At Kawakawa, Ihairaira Houkāmāu was prepared to carry the message north "to preach the law" claimed Baker.²¹⁷⁶ However, in the south, Baker reported that Te Aitanga a Hauiti did not have the same desire for British law as those in the north.²¹⁷⁷ During this trip, he also distributed copies of the Native Districts Regulation Act 1858 and the Native District Circuit Courts Act 1858.²¹⁷⁸ On the state of the district, he reported that a deputation from Waikato was expected in Tūranga.²¹⁷⁹ Therefore the shadow of the Kīngitanga was drawing near.

²¹⁷³ Thomas H Smith to W Baker, 8 November 1861, *AJHR*, 1862, E-9, sec v, 3.

²¹⁷⁴ Soutar. (2000). 182; Oliver & Thomson. (1971). 63.

²¹⁷⁵ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4.

²¹⁷⁶ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4.

²¹⁷⁷ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4.

²¹⁷⁸ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4.

²¹⁷⁹ First Report from WB Barker, 3 January 1862, *AJHR*, 1862, E-9, sec v, 4.

Baker also recommended that the Waiapu District (Te Kaha to Waimāhuru near Waipiro) and the Tokomaru District (Waimāhuru to Whāngārā) be proclaimed native districts.²¹⁸⁰ These districts were proclaimed under the 1858 legislation and notice was published in January 1862 in the *Te Karere Māori*.²¹⁸¹ Assessors or kaiwhakawā Māori were confirmed or appointed for each district, along with selected wardens and these were:²¹⁸²

Waiapu District	Tokomaru District
Mōkena Kohere	Hēnare Pōtae
Wikiriwhi Matehē	Pita Hōna
Hāmiora Tamanuiterā	Karauria Pāhura
<i>Kaitiaki/Wardens</i>	<i>Kaitiaki/Wardens</i>
Erenara Otahōrau	Pekamū Te Whata
Tīmoti Te Mamae	Patihana Aukonirō
Maaka Te Ehutu	

Mōkena Kohere was appointed the principal assessor for both the Waiapu and Tokomaru Districts.²¹⁸³ There were four assessors or kaiwhakawā for the new Waiapu District and two for the Tokomaru District.²¹⁸⁴ Pōpata Te Kauru was one of initial assessors who should have been confirmed as he had been an assessor under Wardell. However, Pōpata was known to be sympathetic to the Kīngitanga.²¹⁸⁵

These assessors and the karere (also appointed under the legislation) held paid positions.²¹⁸⁶ The payment for these roles raised suspicion, particularly among the Kīngitanga supporters, that these payments were bribes for land.²¹⁸⁷ As a result many turned against those who worked under the system for the Government.²¹⁸⁸ On a visit to Waiōmatatini, Baker had to explain the

²¹⁸⁰ Resident Magistrate WB Baker to the Native Minister, 7 January 1862, *AJHR*, 1863, E-4, sec viii, 40.

²¹⁸¹ *Te Karere Māori*. 15 January 1862). Vol 2(2). 20-22.

²¹⁸² Soutar. (2000). 184; Oliver & Thomson. (1971). 63.

²¹⁸³ Oliver & Thomson. (1971).63.

²¹⁸⁴ *AJHR*, 1863 sec viii, E-04, 40-42.

²¹⁸⁵ Soutar. (2000). 188.

²¹⁸⁶ Resident Magistrate WB Baker to the Native Minister, 7th January 1862, *AJHR*, 1863, E-4, sec viii, 40-41; Soutar. (2000). 184; Oliver & Thomson. (1971).63.

²¹⁸⁷ Soutar. (2000). 187.

²¹⁸⁸ Soutar. (2000). 187.

payment of money to Pōpata for his service under Wardell. Baker had to assure those on the village rūnanga who represented the ‘taha Māori’ that the payment was for his previous service (even though it was four years delayed), that it was not a bribe and that:²¹⁸⁹

The Government had no desire to interfere with their lands any more than to suggest such measures and regulations as should best conduce to the settlement of the frequent disputes arising out of their ill-defined Māori tenure...

Pōpata returned the £10 pounds paid to him to demonstrate his rejection of this Crown “bribe.”²¹⁹⁰ However it is understood that he was persuaded to accept it and it was paid to him by Rāniera Kāwhia.²¹⁹¹

Mōkena headed the rūnanga of each district proclaimed under the law. The new districts were broken down into six areas called hundreds.²¹⁹² These were Te Kaha, Kawakawa, Waiapu, Whareponga, Tokomaru and Uawa and assessors chaired each rūnanga operating under the scheme.²¹⁹³ Rūnanga could nominate karere (constables) to support the two large rūnanga.²¹⁹⁴ The list of karere elected in February 1862 for the Rūnanga o Waiapu were:²¹⁹⁵

Hundreds of Waiapu	Hundreds of Whareponga
Wi Tākoko of Tikitiki	Paratene Pāhau of Reporua
Hāmana Tuahine of Kakariki	Rāpata Wahawaha of Whareponga
Hōri Te Aunoanoa of Waiōmatatini	Kereama Te Wera of Orangitauira
Te Weiha of Rangitukia	
Rīhara Paipa of Te Horo	
Arapeta Haenga of Tīkapa	

²¹⁸⁹ Report from WB Baker of Meeting of Rūnanga at Waiōmatatini, 17th Feb. 1862, *AJHR*, 1862, E-9, sec v, 7.

²¹⁹⁰ Soutar. (2000). 188.

²¹⁹¹ *AJHR*, 1862, E-9, sec. V, 7.

²¹⁹² Oliver & Thomson. (1971).63.

²¹⁹³ Soutar. (2000). 184.

²¹⁹⁴ The Native District Circuit Courts Act 1858, ss 31 & 35; Oliver & Thomson. (1971).63, 65-66.

²¹⁹⁵ Report from WB Baker on the Nomination of officers by the Rūnanga, 19th February 1862, *AJHR*, 1862, E-9, sec v, 9; Soutar. (2000). 184.

Hōri Aunoanoa was nominated by his hapū rūnanga at Waiōmatatini even though he was not acceptable to the “well-disposed natives”.²¹⁹⁶ Hōri had tried to:²¹⁹⁷

Sway a meeting of the Rūnanga at Rangitukia towards the Māori King in order “to resist the attempt of the Government” to obtain a “footing among Ngāti Porou.” He implored them to rally around his elder relative Pōpata Te Kauru. Claiming to have recently returned from Taranaki and the Waikato, he gave “a long and moving tale of the evils attendant upon British rule” which he said he had witnessed. Mōkena Kohere was able to discredit the young Hōri as not having been at either of the places. He assured the Rūnanga “that the fellow is an imposter who is endeavouring to carve out some notoriety for himself by appearing as the champion of the Māori King in a loyal district.

Baker thought it best to appoint him for a trial period to heal a widening breach between Kīngitanga supporters and the more “sensible Natives.”²¹⁹⁸ Baker subsequently revoked that decision, as he considered that Hōri’s loyalty to the Māori King, undermined the Government’s rūnanga scheme.²¹⁹⁹ Hōri’s replacement was Te Kooti Tīpoki, a taina of Mōkena Kohere.²²⁰⁰ Mohi Wharepoto was also replaced by Arapeta Haenga.²²⁰¹ Later in March, Baker notified the Government that the following people had been elected as karere for Uawa and Tokomaru:²²⁰²

Hundreds of Uawa	Hundreds of Tokomaru
Hepeta Miromiro of Paremata	Epeniha Pāhau of Tuatini
Tāmati Paku of Anaaura	Hēmi Kaipere of Te Ariuru

Baker wanted an increase in karere for Uawa but did not think it could be done for the Hundreds of Tokomaru because:²²⁰³

... the Natives have not so readily fallen into the scheme as they might have done. This, however, is not to be wondered at when it is remembered that they are left almost entirely to themselves even in religious matters and are considered to a certain degree to be without the pale of Christianity. I do not think therefore it is necessary to increase the number of karere in this Hundred for the present.

²¹⁹⁶ Report from WB Baker of Meeting of Rūnanga at Waiōmatatini, 17th February 1862, *AJHR*, 1862, E-9, sec v, 7-8.

²¹⁹⁷ Soutar. (2000). 186.

²¹⁹⁸ Report from WB Baker on the Nomination of officers by the Rūnanga, 19th February 1862, *AJHR*, 1862, E-9, sec v, 9.

²¹⁹⁹ Soutar. (2000). 186.

²²⁰⁰ Soutar. (2000). 186.

²²⁰¹ Soutar. (2000). 186.

²²⁰² Soutar. (2000). 186.

²²⁰³ Report from WB Baker, 25th March 1862, *AJHR*, 1862, E-9, sec v, 9.

²²⁰³ Report from WB Baker, 25th March 1862, *AJHR*, 1862, E-9, sec v, 9-10.

He identified five hapū at Uawa for whom extra karere were desired:²²⁰⁴

- Ngāti Arahē - Whāngārā, Waitotara, Pokotakina, Puatai;
- Ngāti Patuwhare - Uawa, Paremata, Mangaheia;
- Ngāti Whakarara - Uawa, Te Karaka, Waikirikiri;
- Ngāi Tarore-Paerau - Te Kōpuni, Kaiaua, Mārau;
- Ngāti Ira - Anaura, Rangiahu, Waipare, Ōmanuka.

The response to the scheme was muted as karere and assessors were placed in a position of authority over hapū over which they had no traditional mandate to act. There were still traditional Kingite rūnanga meeting, as for example at Pākairomiromi.²²⁰⁵ Even those rūnanga under Baker's supervision, were not as compliant as Baker hoped. His report notes:²²⁰⁶

The next great step to be taken is the organisation of the Rūnanga. At the present time, I am quite in the dark as to the measures which have been or may be adopted by the Government with reference to them. As at present constituted, they are, in my opinion, worse than useless; the voice of the Rūnanga is used to checkmate any movement that may not at first sight be popular with or suit the convenience of the rising generation, youths of from fifteen to twenty years of age, whose arrogance is a source of great annoyance to the older and more sensible portion of the community. These pert young fellows plume themselves upon being the representatives of the present age, "the young Māori of the native race," and comport themselves accordingly. I have frequently to remind them, that the first Commandment having reference to the duty of man to man of the code which is the basis of British law, is that which enjoins obedience and respect to their parents and chiefs.

Notable is Baker's alignment of the tenants of the Church with British colonial law. In practical terms the effect of preaching the law in this manner would confirm the Māori belief that the Church and British law were intertwined with the Governor as the representative of the Queen at the apex of this system. An example of the widespread nature of this belief is the letter sent by Rūnanga o Tokomaru to the Governor in April 1862:²²⁰⁷

We salute you, the man sent hither by God to lay down plans for the guidance of things in this world. Since your coming to this Island, you have taught us the good things which cause men to increase upon the earth. You have also sent a person hither to preach that system to us. When we heard of it we embraced it; our acceptance was this, we have been by Mr Baker the Magistrate, to be a loving friend to him for ever, and to enquire into the causes of confusion which befall the men of this place. Now this is our word to you. Do you be a support for us, you on earth, God in Heaven, although our bodies are widely separated, let our thoughts be ever near each other. May God preserve you for the future.

²²⁰⁴ AJHR, 1862, E-9, sec v, 10.

²²⁰⁵ WB Baker to Attorney-General, 9 June 1862. AJHR, 1863, E-4, 49, 50.

²²⁰⁶ Report from WB Baker, 10th April 1862, AJHR, 1862, E-9, sec v, 11.

²²⁰⁷ Report of Letter from Natives of Uawa from WB Baker, 29th April 1862, AJHR, 1862, E-9, sec v, 2.

If you see these words are good, do you cause them to be printed in order that they may be made known to all our Māori friends.

Such pleas did not change the difficulties faced by Baker. In practical terms he was ineffective without the cooperation of the chiefs. The chiefs and the rūnanga were firmly in control, and Baker was unable to enforce any aspect of the Crown's rūnanga scheme without their consent.²²⁰⁸ Often Baker would deliver a verdict or decision in a particular case, but the Māori kaiwhakawā would determine the outcome forcing him to acknowledge that he had been “obliged, in some cases, to make use of what was in reality the law of the place, setting these matters a-la-Māori, and out of court.”²²⁰⁹ Baker would complain that the fines imposed were paid in accordance with what the parties considered appropriate and usually to the victim with members of the rūnanga wanting to be compensated as well.²²¹⁰ There was no agreement to paying money to the Crown.

Also challenging were the simple logistics of bringing people together. Meetings with the assessors for training in the law and administration eventually dwindled due to distance and expense and they were concerned that their role was reduced to nothing more than passing “resolutions on certain petty subjects already decided by the Colonial Ministers and approved by the Governor.”²²¹¹

Where Kīngitanga support was high, Baker made few inroads, and such communities did their best to get rid of him. From Kawakawa, there were threats of charging Baker £100-£200 pounds to traverse their lands either by coast or inland.²²¹² They wanted to drive him away because of his habit of ‘bribing Māori’.²²¹³ They wanted local settlers to pay for stock grazing and for water or they threatened to confiscate their horses, matters he could do little about.²²¹⁴ In the Waiapu those that had accepted positions and salaries (including my tupuna Wī Tākoko) under the new rūnanga system were ridiculed by the following haka for accepting bribes from the Crown:²²¹⁵

²²⁰⁸ Soutar. (2000). 190.

²²⁰⁹ *AJHR*, 1863, E-4, sec viii, no 13, 50.

²²¹⁰ *AJHR*, 1863, E-4, 50-51.

²²¹¹ Soutar. (2000). 189-190.

²²¹² *Hawkes Bay Herald*, 30 May 1863.

²²¹³ *Hawkes Bay Herald*, 30 May 1863.

²²¹⁴ *Hawkes Bay Herald*, 30 May 1863.

²²¹⁵ Soutar. (2000). 188-189, fn 65.

E Wī, e Tīmo, e ia, hoki mai ki Aotearoa. Tēnei te motu ka tīemi. Nā te mōni a te Kāwana koe tiki mai whaka koikoi tō ngākau. Koia i pākuku kuku atu ai e hā! I tū te Kīngi ki Waikato whakarere ngā mahi, te ture Kīngi ki a whakaputa i te mata rae ki Waikato, ki reira rā e moiti moiti moihaere moihaere, ka pea peau noa, ka pea peau noa. Inā na ararā a haere ki Otihoi hoi, haere ki Otihoi hoi e.

O Wī, O Tīmo, hey you fellers, return to Aotearoa. This is the island which is about to capsize. Tis the money of the Governor which enticed you, you have lost your capacity for generosity (Lit: made your heart brittle). Tis that (the Governor and money) which caused the trouble (capsizing). The King was established in Waikato, stop preventing it from taking its course. (lit: leave aside your work). Let the laws of the kingship come out of Waikato. The laws of the King were dispersed by him at Waikato so that they may spread around. The meaning of the last lines has been lost but the essence is that once the Kīngitanga is unveiled to others it will not be contained as many will appreciate its value and join.

Wī Tākoko took the matter to heart and became a Kingite.²²¹⁶ He would later die at Te Ranga.²²¹⁷ Even at Rangitukia where Baker and Mōkena lived, by late 1863 the Kingites and Queenites lived in separate kainga and held separate church services as “Mōkena had excommunicated the King’s adherents.”²²¹⁸ Tensions between the groups was growing. Barker, for example, was waylaid by an armed “tauā of Kingites” who arrived in Rangitukia seeking his immediate return to Auckland.²²¹⁹ The tauā was led by Hoera Tamataitai who “threatened to “drive the whakapono” and the government “into the sea.”²²²⁰ Mōkena and his men stopped the Kingite aggression, but Kingites followed up with a letter demanding Baker leave.²²²¹

In terms of those who remained neutral, at a meeting held at Pouawa (1862), when Hirini Te Kani and Raharuhi Rukupō were present, the hui resolved never to have anything to do with the Government.²²²² Thus there is no doubt that Grey’s rūnanga system would have been resisted had any attempt been made to implement it there.²²²³ Rather their own rūnanga continued to operate.²²²⁴ Furthermore, their position regarding the Government did not mean they favoured the Kīngitanga. While many in the south supported the principles of the movement, they could not accept Pōtatau as their King as he was from a different iwi.²²²⁵ For example, the chiefs refused to openly support the Kīngitanga following the opening of the Manutuke Church in April 1863, as discussed below. The chiefs in the south remained

²²¹⁶ Soutar. (2000). 189.

²²¹⁷ Soutar. (2000). 189, fn 65.

²²¹⁸ Oliver & Thomson. (1971). 84.

²²¹⁹ Sterling. (2010). 54.

²²²⁰ Sterling. (2010). 54.

²²²¹ Sterling. (2010). 54.

²²²² Williams William Leonard (1829-1916) MS-2452, p 61, ATL.

²²²³ Williams William Leonard (1829-1916) MS-2452 ATL, 61.

²²²⁴ Oliver & Thomson. (1971). 63-64.

²²²⁵ Oliver & Thomson. (1971). 80.

determinedly neutral as they were entitled to remain. Further up the coast William Leonard Williams observed neutral parties and commented that:²²²⁶

... many of those perceived as government supporters at Waiapu "call themselves 'kūpapa' as being partisans of neither side." This was, of course, the original meaning of the term 'kūpapa': neutral. It was only in later years that it took on a quite different connotation when attached to those who fought alongside the government in the New Zealand Wars. South of Waiapu, Hēnare Pōtae was reported to have said in 1863: "He awhekaihe ahau; he kāwana, he kīngi [I am a half-caste; a government supporter and a King supporter]" - in other words, neutral. As Baker had earlier reported, the motto of Hēnare and Te Whānau a Ruataupare at Tokomaru was: "Neither King nor Queen, but God alone."

He Whakarāpopotonga – Summary

During this period 1840-1865 the chiefs and their rūnanga remained independent and self-governing even as against each other.²²²⁷ Some were committed to the Crown and worked with the resident magistrate, some favoured the Kīngitanga and others remained neutral. This reflects their long tradition of iwi and hapū autonomy in the district.

After June 1863, in the face of escalating tension, no Crown authority remained in the district as the resident magistrates departed fearing for their safety.²²²⁸ Owing to Crown actions in Taranaki and the preparations for the invasion of the Waikato by colonial troops, allegiances hardened between the Kīngitanga supporters and the Queenites.²²²⁹

Yet both sides along with the neutrals were deeply committed to maintaining sovereign authority over their land. One faction was committed to doing so through the nationalistic King movement and the other through the British Queen. Others waited to see the outcome of this struggle. It is to the impact of the Kīngitanga that I now turn.

²²²⁶ Sterling. (2010). 55-56.

²²²⁷ Oliver & Thomson. (1971). 65-66.

²²²⁸ Soutar. (2000). 190.

²²²⁹ Soutar. (2000). 190.

CHAPTER 8

HE KĪNGI, TE IWI RĀNEI – A KING OR THE TRIBE

According to Pei Te Hurinui Jones, the notion of a Māori King was an idea derived from the British Queen which she had shared with Governor Grey.²²³⁰ In 1843, the Ngāti Toa and Te Atiawa chief Piri Kawau visited England, where he resided for four years.²²³¹ Upon his return he was employed as Governor Grey's secretary and interpreter.²²³² In that capacity he shared that he heard the news that the Queen considered Māori should have a king.²²³³ He wrote to Wī Tako of Te Ātiawa ki Kāpiti advising that the Queen had "agreed for a King to be set up for New Zealand: and it was because of that letter that (the Māori people) got (the idea) of setting one up as the *Upoko* of this country."²²³⁴ Tamehana Te Rauparaha (son of Te Rauparaha) travelled to England meeting with Queen Victoria in 1852.²²³⁵ He was so impressed he took up the cause of the Māori king on his return.²²³⁶

Pei Te Hurinui Jones records that Tamihana also wanted to be king but was told by Mātene Te Whiwhi (Ngāti Raukawa ki te Tonga) that it would not be right and that it should be Topia Tūroa of Whānganui.²²³⁷ Topia did not agree. Topia said it should be offered to Te Heuheu, who in turn offered it to Te Amohau of Te Arawa.²²³⁸ When it was then offered to Te Hāpuku, he said "he, too, was not the one to be the King."²²³⁹ Te Kani-a-Takirau was then offered the title of the Māori King in 1854 by a delegation headed by Ngāti Tūwharetoa, Waikato, and Te Arawa.²²⁴⁰ Reweti Kohere suggests this was because he did not sign the Treaty of Waitangi and so he held sentiments analogous to those whom Reweti Kohere considered "anti-British."²²⁴¹ Whatever the reasons for asking Te Kani, his response to the request was to state:²²⁴²

²²³⁰ Jones, P. (1959, reprinted 2010). *King Pōtatau: An Account of the Life of Pōtatau Te Wherowhero, the First Māori King*. Polynesian Society & Huia Press. 176.

²²³¹ O'Malley, V. (2016). *The Great War for New Zealand Waikato: 1800-2000*. Bridget Williams Books. 77.

²²³² O'Malley. (2016). 78.

²²³³ Jones. (1959). 176.

²²³⁴ Jones. (1959). 176.

²²³⁵ O'Malley. (2016). 78.

²²³⁶ O'Malley. (2016). 78.

²²³⁷ Jones. (1959). 176.

²²³⁸ Jones. (1959). 177.

²²³⁹ Jones. (1959). 177.

²²⁴⁰ Jones. (1959). 177; Walker. (2012). 105-112; Walker. (1997). 106-107.

²²⁴¹ Kohere. (1949). 68.

²²⁴² Walker. (1997). 107, and note that I have changed the English translation provided by V Walker.

Ee, Kai te pai tō haramai. Ēngāri haramai, e hoki. E ko taku maunga ko Hikurangi, ēngāri inā rā, ko tōku Kīngitanga i heke iho nō ōku tūpuna, he Ihu-tō-mai nō te pō. Ko taku maunga ko Hikurangi, he maunga tū. Ehara i te Maunga haere.

It is well that you have come. However, welcome and return. My mountain Hikurangi, that is my kingship devolved from my ancestors, the prow of my lineage comes from the ageless night. My mountain Hikurangi stands fast. It is not a mountain that wanders.

Āpirana Ngata records that he also added that “I am already a King”²²⁴³ an answer that typifies the autonomous nature of hapū of the district, especially Te Aitanga a Hauiti. This proverb has been modified in various ways including the following:²²⁴⁴

*Ehara taku maunga a Hikurangi i te maunga nekeneke
He maunga tū tōnū mai Onamata
Ko tōku mana tuku iho nō Tuawhakarere,
He ihu tō mai nō Te Pō*

*My mountain Hikurangi does not move
It has stood firm from time immemorial
My prestige descends to me from ancient times
A status borne from the Great Night*

The Waikato narrative is that at this meeting.²²⁴⁵

There was a chief there by the name of Karauria. Everybody present agreed he was a powerful chief, and it was about to be decided to place the kingship on him. All the chiefs of the country who had spoken had agreed. Only one word remained. The word was a question, and the question was: “If there be a tribe or man who objects, they should do so now. If not the King is set up.” (Now) there was a man there of Ngāti Raukawa whose name was Te Hukiki and (he stood up and spoke) his word saying, “I do not agree that this man be made King. But (I ask you) to return the kingship to Te Heuheu III.” After he had spoken his word he collapsed.

The kingship was then returned to Te Heuheu and Mātene Te Whiwhi. Te Heuheu and Mātene Te Whiwhi then thought (it was time) to offer it to Pōtatau.

Initially Pōtatau refused the kingship in a song and returned it to Te Heuheu.²²⁴⁶ According to Octavius Hadfield by 1856 iwi were “in regular communication with one another by mail and there was more unity of action.”²²⁴⁷ Thus the out-comes of the following hui were well known.

²²⁴³ Jones. (1959). 178, fn 10. A. Ngata Quoting Te Kani-a-Takirau.

²²⁴⁴ Walker, W. Te Kani-a-Takirau – the last of the Line? In *Maunga Kōrero* Retrieved on 29 September 2021 at <https://maungakorero.wordpress.com/maunga-korero/>

²²⁴⁵ Jones. (1959). 187-189.

²²⁴⁶ Jones. (1959). 187-188.

²²⁴⁷ O’Malley. (2016). 78. Quoting O. Hadfield.

Te Ekenga o Pōtatau – The Raising up of Pōtatau

In 1856, a meeting “Hinana ki Uta, Hinana ki Tai”, was held at Pūkawa on Lake Taupo.²²⁴⁸ All the chiefs present agreed to the establishment of the Kīngitanga and they agreed Pōtatau should be named as the first King.²²⁴⁹ The establishment of the Kīngitanga was then considered by Ngāti Haua, Maniapoto and Tainui at a number of hui held between 1857 and 1858.²²⁵⁰ At one hui held in 1857 at Paetai, two flag poles were erected. On one pole the flag of the United Tribes (1835) with the added inscription of ‘Pōtatau, King of New Zealand’ was raised by Wīremu Tamihana and on the other the Union Jack flew.²²⁵¹ The people had to choose whether they were for the King or Queen.²²⁵² Those for the British Queen left the meeting.²²⁵³ At the next important meeting at Rangiaohia in 1859 the ritual for raising up the King was recited.²²⁵⁴ At the final meeting, before all the chiefs of Aotearoa, Pōtatau was raised up when Wīremu Tamihana placed a bible on his head and he was proclaimed King Pōtatau Te Wherowhero.²²⁵⁵ Wīremu Tamihana would explain:²²⁵⁶

The reason why I set up Pōtatau as King for me was [that] he was a man of extended influence and one who was respected by the tribes of this land ... to put down my troubles, to hold the land of the slave, and to judge the offences of the chief.

The Kīngitanga was essentially a model for Māori nationalism with its fundamental purpose being the preservation of land.²²⁵⁷ The Kīngitanga leadership considered that any enforcement of law and order required the exercise of mana over the land and the people who dwelt on that land.²²⁵⁸ The Kīngitanga was an attempt to balance the Crown’s Kāwanatanga authority with mana Māori and to halt the Crown’s relentless pursuit of land for white settlement.²²⁵⁹ The King, according to Wīremu Tamihana, was only ever meant to be a “covering for the lands of

²²⁴⁸ Jones. (1959). 188.

²²⁴⁹ O’Malley. (2016). 78-79.

²²⁵⁰ Jones. (1959). 193-208.

²²⁵¹ O’Malley. (2016). 78-79.

²²⁵² Jones. (1959). 211.

²²⁵³ O’Malley. (2016). 80-83.

²²⁵⁴ Jones. (1959). 212-214; O’Malley. (2016). 86-87.

²²⁵⁵ Jones. (1959). 214; O’Malley. (2016). 87-88.

²²⁵⁶ Sorrenson, M. (2014). *Ko te Whenua te Utu, Land is the price: Essays on Māori history, land and politics*. Auckland University Press. 109. Quoting W. Tamihana.

²²⁵⁷ Sorrenson. (2014). 107-108.

²²⁵⁸ Sorrenson. (2014). 107.

²²⁵⁹ Sorrenson. (2014). 107-109.

New Zealand which still remain in our possession.”²²⁶⁰ In practical terms, the Kīngitanga was another land league. This appealed to many within the Pōtikirua ki te Toka-a-Taiau district.

Te Mahi a Ngā Rangatira o te Kuīni – The Response of the Queenite Chiefs

If, the Kīngitanga had remained a movement focused on people and politics, there may have been less resistance to it from within the district. However, conservative leaders were concerned that on joining the movement adherents were expected to place their land under the mana of Pōtatau Te Wherowhero.²²⁶¹ Applying a tikanga lens, that was a transferral of mana or sovereign authority over their land they could not permit. They did not grant such a right under the Treaty of Waitangi to the Crown, and they were not going to do so in favour of another tribe. The requirement of placing land under the mana of the King was a flaw in the design of the Kīngitanga. Under Ngāti Porou tikanga, no one other than those with ancestral right were entitled to exercise mana whenua over their land.

Rāpata Wahawaha would later reflect this attitude of those opposed to the Kīngitanga.²²⁶² In summary, he considered the notion of a King transgressed the autonomy of the iwi, their mana whenua and taonga.²²⁶³ He considered it was impossible for Māori to have a King as all the tribes and sub-tribes were equal and they all had their own rangatira.²²⁶⁴ Trying to elevate a chief from one iwi as King to sit over all iwi inevitably caused trouble. His words in Māori were:²²⁶⁵

Na kāore he mana pērā i tau atu ana ki runga ki ērā uri atu me o rātou hapū, rangatira hoki; ka waiho he take pakanga mehemea ka pērā, kāore anō hoki ngā mana o ētahi tangata noa atu, iwi, hapū rānei, e eke atu ana ki runga ki ngā whenua, taonga, aha noa atu rānei, o etahi atu iwi, hapū rānei. Kia rite tonu te mana o ngā iwi o tēnei motu o Aotea-roa; kāore he mana i nui ake. Engāri ērā moutere atu, he kīngi o rātou, ko tēnei kāore he kīngi; engāri he rangatira tō ia iwi, tō ia iwi ; tō ia hapū, tō ia hapū. Na reira i nui ai ngā raruraru ki tēnei motu, na reira anō hoki i kore ai a kōtahi te tikanga mō te whakatū tangata rahi mō tēnei motu, he kore i marama i mua, a he raruraru anake te mahi, tāhuri ake, tāhuri iho, tāhuri atu tāhuri mai.

²²⁶⁰ Sorrenson. (2014). 110. Quoting W. Tamihana.

²²⁶¹ Sorrenson. (2014). 109-110.

²²⁶² Wahawaha. (no date).

²²⁶³ Wahawaha. (no date).

²²⁶⁴ Wahawaha. (no date).

²²⁶⁵ Wahawaha. (no date).

Clearly from this statement Rāpata was committed to maintaining the mana of his own hapū and iwi and it explains his participation in the war of 1865. As history would show he shared these views regarding the King and later the *Pai Mārire* religion with Mōkena Kohere, Wikiriwhi Matauru, Iharaira Houkāmau, Mohi Tūrei, and others. Essentially the Kīngitanga and the *Pai Mārire* were considered threats to their own iwi, hapū, mana, and mana whenua and to their adopted Christian religion. Karauria Pāhura of Uawa and Mōkena Kohere writing on behalf of their rūnanga would later write to the *Māori Messenger* in 1862 denouncing any claim that the King was accepted by all iwi and their rūnanga.²²⁶⁶ The King, was merely for Waikato, they declared.²²⁶⁷

Conversely, the conservatives do not appear to have considered the Crown and the Church to be such a threat beyond its continuing aspirations to acquire land. This is because they had only limited interaction with colonial officials, and they were still very much in control of their own district. Rather, these leaders stood by the Crown and the Church because “... they were confident that they could use them for their own purposes” and they were also “asserting their authority against adversaries within the tribes.”²²⁶⁸ Monty Soutar would contend that they “believed they had more chance of preserving their identity and resources through an alliance with the Crown, than with an alternate pan-Māori authority such as the Kīngitanga.”²²⁶⁹

That is not to say that they did not express concern regarding what the Crown was doing regarding its land purchasing policies in other parts of the country. Before there was any full knowledge of the facts, some chiefs denounced Wīremu Kīngi. However, as the detail of what unfolded in Taranaki became clearer, concern was expressed by Kingites and Queenites alike regarding the Crown’s waging of war against Wīremu Kīngi and his people simply for refusing to sell land.²²⁷⁰ Wīremu Kīngi had also reached out to the southern end of the district for assistance but the hapū there declined on the grounds that “their fighting men were required to remain at home to protect their own lands.”²²⁷¹ The Crown’s actions and its land confiscation policy in Taranaki have been found by the Waitangi Tribunal to be contrary to law and the Treaty of Waitangi.²²⁷² However, all that was unknown in 1860. What was known was that the

²²⁶⁶ Soutar. (2000). 193.

²²⁶⁷ Soutar. (2000). 193.

²²⁶⁸ Oliver & Thomson. (1971). 68.

²²⁶⁹ Soutar. (2000). 181.

²²⁷⁰ Soutar. (2000). 176-177.

²²⁷¹ Mackay. (1949). 213.

²²⁷² Waitangi Tribunal. (1996). *Taranaki Report Kaupapa Tuatahi, Wai 143*. Legislation Direct. 102-104, 133-134; O’Malley. (2016). 96.

Crown's actions were unjust, as was their land confiscation policy that was subsequently implemented.

Ngāti Porou chiefs first made their views on Taranaki known in July 1860 at the Kohimarama Conference.²²⁷³ Governor Gore Brown had invited Māori Chiefs from throughout New Zealand to discuss *inter-alia*, the Treaty of Waitangi, the Kīngitanga, and the Taranaki war.²²⁷⁴ Chiefs from the Wharekāhika, Kawakawa were present and these people were Wikiriwhi Matchēnoa Matauru, Te Irirama Hotūrangi, and Wīremu Pāhuru.²²⁷⁵ Tāmihana Ruatapu and Te Waka Perohuka of Tūranga were also present.²²⁷⁶ During Irirama Hotūrangi's speech he denounced the Governor's actions in Taranaki, but he rejected the need for the Kīngitanga.²²⁷⁷ He and Tāmihana Ruatapu then withheld any decision in support of the Governor on behalf of all Tairāwhiti.²²⁷⁸ None of the East Coast chiefs signed the resolutions of the conference.²²⁷⁹ The important point is that none of the chiefs endorsed the Crown's actions in Taranaki.

On 23 July 1861, Hirini Te Kani and other chiefs of Te Aitanga a Hauiti, Rongowhakaata, Ngāti Porou and Ngāti Kahungunu wrote to Queen from the "four councils of the East Coast" (endorsed by Pōpata Te Kauru and Ihairara Houkāmāu) suggesting that if the trouble at Taranaki was the Governor's fault he should be returned to England.²²⁸⁰ They asked her to tell her people to stop fighting with the Māori in the following terms:²²⁸¹

E tai e Kuīni māu e kōrero ki ōu tāngata kia whakamutua te riri ki ngā Māori, ko koe hoki te pane o ngā wairua tāngata katoa, e rongo hoki ngā mea katoa ki a koe. Ko tā mātou whakaaro tēnei e kaha rawa ko te whawhai kauta e whakahēkea tō toto ki te whenua. Engāri kuhua tōu hoari ki tōna takotoranga.

Mother the Queen, tell your people to cease fighting the Māoris, you are the head of all man-spirits, all things will obey you. Our strongest thought is this, let the war be ended, ended entirely, made to/ cease; let blood not be shed upon the land; but sheath your sword in its scabbard.

Also in that month, the Kawakawa rūnanga, made up of rangatira from Pātangata to Horoera, responding to a circular letter sent by the Governor dated 5 March 1861 expressed their concern

²²⁷³ Soutar. (2000). 171.

²²⁷⁴ Minutes of the Kohimarama Conference, *AJHR*, 1860, E-9; cf. *Te Karere Māori*, 14 July 1860, 3-5.

²²⁷⁵ Minutes of the Kohimarama Conference, *AJHR*, 1860, E-9, 3.

²²⁷⁶ Minutes of the Kohimarama Conference, *AJHR*, 1860, E-9, 3; Soutar M. (2000). 171.

²²⁷⁷ *Te Karere Māori*, 30 November 1860, 8.

²²⁷⁸ *Te Karere Māori*, 3 August 1860, 5-6.

²²⁷⁹ Minutes of the Kohimarama Conference, *AJHR*, 1860, E-9.

²²⁸⁰ Hirini Te Kani to Queen Victoria, 23 July 1861 in *Te Karere Māori*, 1 May 1862, 20-21.

²²⁸¹ Hirini Te Kani to Queen Victoria, 23 July 1861 in *Te Karere Māori*, 1 May 1862, 20-21.

in relation to the Taranaki war whilst expressing reservations about a Māori King.²²⁸² The people who expressed this sentiment included:²²⁸³

Hūnia Te Wairere	Wīremu (Tito) Karaka
Rēnata Kakawai	Wirihana Hautao
Hoani Kōpū	Epiniha Rangahau
Piripi Apanui	Hēnare Taiau
Tīpene Pīhoe	Matiu Hoia
Ihaia Ingoa	Kooti Tīpoki
Hōri Ngarongaro	Apapu Koia
Raharuhi Tāpore	Wikiriwhi Mātene
Rīwai Koia	Wīremu Wānoa
Pāora Pākaia	Hāre Parakau
Hōhua Tūmuru	Hōhera Puha
Karapaina Houkāmau	Pehikura

The flavour of the opinions expressed are reflected in the following:

- Wikiriwhi Mātene: "I am for the two laws – the law of God and the law of the Queen."²²⁸⁴ He opposed the King and the fighting.
- Raharuhi Tāpoire: "I neither approve of the Māori King nor the war."²²⁸⁵ I am for God and the Queen."
- Wīremu Wānoa said "I do not want war, I do not want the Māori King, what I do want is Christianity and unity (Kotahitanga)."²²⁸⁶

Some of these men would subsequently become Kingites or Hauhau. For example, Wīremu Karaka, Wīremu Wānoa, and Pāora Pākaia.

²²⁸² *Te Manuhiri Tuarangi* | *Māori Intelligencer*; Issue 12, 2 September 1861, 20-22.

²²⁸³ *Te Manuhiri Tuarangi* | *Māori Intelligencer*; Issue 12, 2 September 1861, 20-22.

²²⁸⁴ *Te Manuhiri Tuarangi* | *Māori Intelligencer*; Issue 12, 2 September 1861, 20-21.

²²⁸⁵ *Te Manuhiri Tuarangi* | *Māori Intelligencer*; Issue 12, 2 September 1861, 20-21.

²²⁸⁶ *Te Manuhiri Tuarangi* | *Māori Intelligencer*; Issue 12, 2 September 1861, 21-22.

Te Mahi a Ngā Rangatira a te Kīngi – The Response of the Kingite Chiefs

This empathy for Wīremu Kīngi was shared with those chiefs who supported the Kīngitanga. These hapū had sent delegations from the district to the large meetings held in Waikato where Pōtatau was raised up as King. Hoera Tamatātai (Rāpata Wahawaha's brother-in-law) headed one of these hapū delegations. On the return of Hoera, he and Pōpatu Te Kauru raised the King's flag at Waiōmatatini.²²⁸⁷

The Kingite supporters comprised a significant section of the population against an equally significant section of the population supporting the Queenites. A competitive edge between the two sides also emerged. For example, Hoera Tamatātai's hoisting of the King's flag at Waiōmatatini in September 1862 caused Mōkena Kohere to respond at Te Hātepe (near Rangitukia) by raising the Queen's flag.²²⁸⁸ Waiōmatatini was a stronghold of Te Whānau a Karuwai. Ihairaira Houkāmau at Kawakawa, Wikiriwhi Matauru at Rangitukia²²⁸⁹ and Rāpata Wahawaha at Whareponga and Ahuahu would stand by Mōkena.

At Waiōmatatini, the whare Niu Tirani was built as a Kingite stronghold.²²⁹⁰ Te Whānau a Karuwai, who had lived at Korotere before the move to Te Horo shifted to Waiōmatatini, as did those from Kākāriki and Reporua.²²⁹¹ At Pukemaire Pā near Tikitiki, Kingite supporters of Te Whānau a Hinerupe and Te Whānau a Rākai came together.²²⁹² Eventually the King's flag would be raised at numerous marae in the Waipū Basin including Waiōmatatini, Whakawhitirā, Kakariki, Reporua, and in the north at Horoera and Kōtare Pā near the Karakatūwhero River (Kawakawa), and in the south at Puatai, and Kaiaua.²²⁹³ A portion of the populations of Anaura, Uawa, Wharekāhika, and Tokomaru Bay also supported the Kīngitanga (contrary to the views of their rūnanga).²²⁹⁴

In many respects the two sides were similar. For example, and as with the Queenites, the Kingites found it difficult to submit to a chief from another tribe. After their return from

²²⁸⁷ Kohere. (1949). 52-53; Soutar. (2000). 167-168, 195.

²²⁸⁸ Mackay. (1949). 213; McConnell. (1998). 146; Soutar. (2000). 194.

²²⁸⁹ Note that Wikiriwhi and Wīremu Pahuru had attended the Kohimarama Conference in 1860 and pledged loyalty to the Queen see Soutar. (2000). 171-172.

²²⁹⁰ Soutar. (2000). 190.

²²⁹¹ Soutar. (2000). 190.

²²⁹² Soutar. (2000). 190.

²²⁹³ Oliver & Thomson. (1971). 84; Soutar. (2000). 190.

²²⁹⁴ Soutar. (2000). 190, 193 fn 82, 194.

Waikato following Pōtatau's death in 1860, for example, Hoera Tamatātai carried the news that Te Tairāwhiti had been given the opportunity to select a King from the descendants of Te Kani a Takirau.²²⁹⁵ Hēnare Pōtae was asked, but to the disappointment of Hoera Tamatātai and his delegation, he declined. However, it is recorded that Hēnare Pōtae later said of himself in 1863 that: "He awhekaihe ahau : he kāwana, he kīngi" – "I am a half-caste; a government supporter and a King supporter."²²⁹⁶ So at this stage he was not the devout loyalist he later became. As a sign of the rising tension between the different groups, after seeing Hēnare Pōtae, Hoera Tamatātai's group were stopped by the chiefs Hāmiora Tamanuiterā (an assessor) and Hōtene Porourangi (assessor) with their well-armed men from Te Whānau a Rua ki Tūpāroa, Te Aitanga a Mate, Te Aowera, Te Whānau a Rākairoa, Ngāti Hokopaura, and Te Whānau a Iritekura. They were told they could not travel through the district from Waikawa to Tūpāroa.²²⁹⁷ With only one rifle between them, Hoera Tamatātai and the other Kingites had no choice but to accept the ultimatum.²²⁹⁸

Hoera Tamatātai was not deterred. By 1862, he had become one of the leaders of the Kīngitanga along with Epiraima Te Rerenoa of Waiapu. The latter claimed that he was able to speak for 5000 people.²²⁹⁹ In October 1862, they with 20-30 others, went to Peria in Waikato to a hui called regarding, among other matters, the laying out of roads in the Waikato region.²³⁰⁰ Evidently, Hoera Tamatātai gave a fiery speech declaring it was not appropriate for the mana of the Queen to extend over the mana of King Matutaera, "for a horse cannot be paired with a bullock" he pointed out.²³⁰¹ They returned with two more of the King's flags. They reportedly adopted the recommendation that missionary tongues should be cut out if they disrespected the King and that all white men, should be expelled from Māori districts for the same offence.²³⁰²

²²⁹⁵ Soutar. (2000). 191.

²²⁹⁶ Soutar. (2000). 192. Quoting H. Pōtae.

²²⁹⁷ Soutar. (2000). 192.

²²⁹⁸ Soutar. (2000). 192.

²²⁹⁹ *AJHR* 1863, E-12, 10, 12.

²³⁰⁰ *AJHR* 1863, E-12, 9.

²³⁰¹ *AJHR*, 1863, E-12, 115.

²³⁰² *AJHR* 1863, E-12, 13.

Te Mahi a Ngā Rangatira Kūpapa – The Response of the Neutral Chiefs

Initially the approach taken by some chiefs, who tried to stay neutral, was to manage the situation. An example of their forbearance can be discerned from the records concerning the opening of the new church at Manutuke in April 1863, with well over 1200 in attendance.²³⁰³ A delegation of 400 attended from the Pōtikirua ki te Toka-a-Taiau district. Rāpata Wahawaha was present with Te Whānau a Rākaioa along with their koha of calabashes of preserved birds.²³⁰⁴ There was also a delegation of Waikato-Tainui present.²³⁰⁵ The Kingite proposal to unite all tribes under Pōtatau was discussed at length.²³⁰⁶ Ānaru Mātete (the chairman of the hui) would summarise the consensus that they should all unite under Christ whether for the King, the Governor or as a neutral.²³⁰⁷ He declared he was neutral.²³⁰⁸ The hui ended with resolution passed by the Tūranga tribes and others present which made it clear they were neutral – “he kūpapa matou – ēhara i te Kīngi, ēhara i te Kāwanatanga.”²³⁰⁹ Hēnare Pōtae and Paratene Te Moko of Ngāti Porou supported the resolution.²³¹⁰

Following Pōpata Te Kauru’s death, Te Iharaira Houkāmau, who also appears to have been neutral, became a bridge between the conservative leadership of the iwi in the north and the Kingites.²³¹¹

Te Riri Pākehā me Ngā Pakanga – The Wrath of the Pākehā and War

But there followed the Crown invasion of Waikato in July 1863. Up until this time, European settlers and officials had been advising the Government that Tauranga:²³¹²

... was a vital part of the Kingite resource base and supply route. War parties from the east coast and food and war supplies found their way to Tauranga by foot and ship and were transported over the Kaimai ranges to the war in Waikato.

²³⁰³ Williams William Leonard (1829-1916) MS-2452 ATL, p 57.

²³⁰⁴ Soutar. (2000). 198.

²³⁰⁵ Williams William Leonard (1829-1916) MS-2452 ATL, p 62.

²³⁰⁶ Oliver & Thomson. (1971). 81.

²³⁰⁷ Oliver & Thomson. (1971). 81.

²³⁰⁸ Oliver & Thomson. (1971). 81.

²³⁰⁹ Soutar. (2000). 199.

²³¹⁰ Soutar. (2000). 199.

²³¹¹ Soutar. (2000). 200.

²³¹² Simons, C. (2018). Military intelligence in the New Zealand Wars 1845-64. In Crawford, J. & McGibbon, I. (Eds) *Tūtū te Pūehu: New perspectives on the New Zealand Wars*. Steele Roberts Press. 283.

Hoera Tamatātai and forty-fifty men, for example, went to Waikato in August 1863 to assist the Kīngitanga, making the journey on three whale boats and one canoe.²³¹³ Their passage was reported by Thomas Smith, the Civil Commissioner in the Rotorua district.²³¹⁴ They made it to Waikato and were joined by a contingent of Ngāti Porou kingites from Harataunga.²³¹⁵ Worried that all of Ngāti Porou may be implicated, a rūnanga of all hapū north of the Waipū River was called, following which Mōkena Kohere, Epeniha Whaikaho Akuhata, and Tāmāti Hapimana Tuhiwai wrote to Donald McLean denying any involvement by their hapū, whilst asking whether the Pākehā had the right to invade Waikato and then stating that it was “murder.”²³¹⁶ In late 1863, a further seventy fighting men departed to support the Kīngitanga front in Waikato under the leadership of Iharaira Porourangi.²³¹⁷ This taua was made up of warriors from the north to the south of the district. They joined Te Whānau-a-Apanui, Te Whakatōhea, Ngāti Awa and some Tūhoe.²³¹⁸ During this time Waikato emissaries were active up and down the Eastern seaboard recruiting warriors.²³¹⁹ Rev. Carl Volkner at Ōpōtiki reported on these movements.²³²⁰ In January 1864, the colonials moved to block the Waikato route over the Kaimai ranges by blockading Tauranga Harbour to prevent the movement of these emissaries, food supplies and warriors.²³²¹

Meantime, the combined iwi force, that included the Tairāwhiti contingent, reached Ōpōtiki in February 1864. They sought but were denied permission to travel to Waikato through Te Arawa lands.²³²² They ignored Te Arawa’s warning and tried to travel through the lakes area. They got as far as Lake Rotoiti where they set up Ngāuhu Pā with the aid of Ngāti Pikiao.²³²³ However, they were blocked by Ngāti Whakaaue, Tūhourangi, and their allies from Taupo who had been supplied guns by William Mair the resident magistrate at Taupo.²³²⁴ Several of the combined force were killed and many injured. The Kingite contingent retreated to Ōtamarākau near Maketū to try to seek passage through that area.²³²⁵ While there they were reinforced by

²³¹³ Mackay. (1949). 213; Soutar. (2018). 299; Soutar. (2000). 201.

²³¹⁴ Soutar. (2000). 202.

²³¹⁵ Soutar. (2000). 203.

²³¹⁶ Soutar. (2000). 201-202.

²³¹⁷ Soutar. (2000). 203; Soutar. (2018). 299; Mackay. (1949). 213.

²³¹⁸ O’Malley, V. (2019). *The New Zealand Wars / Ngā Pakanga o Aotearoa*. Bridget Williams Books. 134-136.

²³¹⁹ Soutar. (2000). 203.

²³²⁰ Soutar. (2000). 205.

²³²¹ Simons. (2018). 283.

²³²² Soutar. (2000). 204.

²³²³ Soutar. (2000). 204.

²³²⁴ Soutar. (2000). 204.

²³²⁵ O’Malley. (2019). 135.

warriors from Tūhoe, Ngāti Tama and Ngāti Mākino and another group from Pōtikirua ki te Toka-a-Taiau district becoming 800 strong in number.²³²⁶ Te Arawa of Maketū in response sought assistance from the Governor and 200 men of the 43rd light infantry under Major Colville were sent to Maketū to stop their advance.²³²⁷ On 28 April 1864, Te Arawa with their allies the Forest Rangers, the 43rd light infantry and their combined artillery along with gun boats dispersed the Kingites and prevented them from launching their fleet of 20 waka taua.²³²⁸ Te Arawa and their allies then pursued the contingent along the beach known as Te Kaokaoroa.²³²⁹ More than a hundred were killed.²³³⁰ Some of the survivors returned home.²³³¹ A number escaped to fight again and were able to assist at Gate Pā and Te Ranga.²³³² Wī Tākōkō and Āpērāhama Te Kurī as heads of their rūnanga at Tikitiki-Waiapu rallied the Kingites back in Tairāwhiti.²³³³ Hēnare Pōtae reported to Bishop Williams that at Tuatini many of his people were going to Waikato.²³³⁴ There was also division among the Queenites evident when the Waiapu under Mōkena met people from Tūpāroa in April 1864.²³³⁵ Hoera Tamatātai would raise another force comprised of Te Whānau a Hinerupe (Pukemaire) and Te Whānau a Hunaara (Horoera) to go to Waikato.²³³⁶ Included in this contingent were my tupuna Wī Tākoko, and Te Wārihi Huriwai.²³³⁷ His sons Te Harawira Huriwai and Hoani (Te Ruahuihui) Huriwai were also Kingites as at this stage all those at Horoera were under the mana of Hākopa Te Ari.²³³⁸ Others who went were Kerepa and Paratene Karapaina.²³³⁹ The force that went to Tauranga were not able to get through to assist at the battle of Gate Pā which commenced on 29 April 1864. However, they did make it to Hauraki and then down to Te Ranga where some participated in the defence of the Kīngitanga on 21 June 1864 and were there for the attack by British forces.²³⁴⁰ The Tāirāwhiti struggle for the Kīngitanga is recorded in the contemporary waiata Kariri by Robert Rūhā which records:

²³²⁶ Soutar. (2000). 205.

²³²⁷ Soutar. (2000). 204.

²³²⁸ Soutar. (2000). 205.

²³²⁹ O'Malley. (2019). 136.

²³³⁰ Kohere. (1949). 53; O'Malley. (2019). 136.

²³³¹ Soutar. (2000). 206.

²³³² O'Malley. (2019). 136.

²³³³ Soutar. (2000). 207.

²³³⁴ Soutar. (2000). 207.

²³³⁵ Soutar. (2000). 207.

²³³⁶ Soutar. (2000). 207.

²³³⁷ McConnell. (1998). 241 and see also Native Land Court *Re Marangairoa No 1B - Horoera* (1908) 39 Waiapu MB 10. Evidence of Harawira Huriwai.

²³³⁸ Soutar. (2000). 207.

²³³⁹ 39 Waiapu MB 10. Evidence of Harawira Huriwai.

²³⁴⁰ Soutar. (2000). 207-208; O'Malley. (2019). 137-146.

Reo Māori	Reo Pākehā
Kariri! Ka riri te rangi e Te Rūrā rere mai ki au i Rangiriri e Kariri! Kariri, ka rere te matā Hau ana mai te rongō ki Hikurangi e Kariri, kariri, kariri e... Hau - ana te tuki Hau - ana te whana Hau - e kore e piri, e kore e tata Kariri, ka riri-a te aukati Te Kaokaoroa - ka puta ki Maketū Kariri! Ka riri ana, ka ngāngānā! Pūrepo pāha i raro ki Te Ranga - aue... Kariri, kariri, kariri e... Hau - ana te tuki Hau - ana te whana Hau - e kore e piri, e kore e tata (Korihi) Ka takatakahi te ara ki runga o Pukehinahina Ka whana, ka tuki ki runga o Pukehinahina Ka tukituki te manawa ki runga o Pukehinahina Ka riri, Ka huri ki Waerenga-a-Hika Kua riro, kua riro, kua riro aue... Ka riri, ka riri, ka riri e...	Bullets! Anger the heavens As Te Rūrā tears towards me from Rangiriri Bullets! Bullets recherché Heard even upon Hikurangi The deafening sound of their ammunition Striking - in attack Striking - in revolt Unity will not be achieved Bullets! The blockade is broken At Te Kaokaoroa - force your way to Maketū Bullets! The face grimaces with rage Canons explode upon Te Ranga The deafening sound of their ammunition Striking - in attack Striking - in revolt Still unity is not achieved (Chorus) I march upon the path to Pukehinahina 2x I attack, I revolt upon Pukehinahina My heart races upon Pukehinahina I am enraged, As I turn my gaze to Waerenga-a-Hika I see such great loss, so much loss I am enraged...

Ka whawhai tōnū tae noa ki te mate – Fight to the Death

Hoera Tamatātai, Wī Tākoko, Te Wārihi Huriwai, Te Koroneho Kōpuka, and Pirihi Hāmanu were among those killed during the battle of Te Ranga.²³⁴¹ Paratene Onono and Karanama Ngerengere were among the wounded taken to Auckland and later released to return as peace makers.²³⁴² Both Kerepa and Paratene Karapaina were taken as prisoner.²³⁴³ Some sources put the death toll at 30 from Tairāwhiti.²³⁴⁴ James Cowen, for example, would give this number and he would write that the small “Ngāti Porou contingent resisted to the death ...”²³⁴⁵ Harawira would recount the history before the Native Land Court when it was investigating title to the Horoera block.²³⁴⁶

When the news of the defeat at Kaokaoroa and Te Ranga reached Tikitiki, a deep melancholy descended over the Kingites. Paratene Ngata was 15 years old at the time, and he later recorded:²³⁴⁷

Ka rangona te tangi me te aue, ki ngā Pā katoa o te taha Kīngi i Waiapu. Ka rangona te reo reka o te kōkā o Wī Tākoko rāua ko te Koroheho I runga o Pukemaire e tangi ana. Ko te Awawaka te ingoa o taua kuia e tangi ana mō tōna tama mō Wī Tākoko kua mate ki te Ranga i Tauranga. Ko te Koroneho i noho tonu tēnā i te kainga nei ko Reporua, ko Tūpāroa me Tokomaru ōna kainga noho i tērā wā. Mehemea I te kainga nei, ka riro anō ki Tauranga.

Wailing and weeping could be heard in all the pā of the King supporters at Waiapu. The sweet lamenting voice of the aunt of Wī Tākoko and mother of Koroneho could be heard wailing from upon Pukemaire. Awakaka was the name of that old lady. She was weeping for her nephew, Wī Tākoko, who had been killed at Te Ranga, Tauranga. Koroneho, although he was from here [Waiōmatatini], he lived at Reporua, Tūpāroa and Tokomaru during those times. Had he been living at this place [Waiōmatatini] he would have been recruited by Hoera and most likely killed at Tauranga.

²³⁴¹ Walker. (2005). 44, recording Wī Tākoko’s death at Te Ranga; and see Soutar. (2000). 189, 209-210; McConnell. (1998). 241, recording Te Wārihi’s death at Te Ranga and see also 39 Waiapu MB 10. Evidence of Harawira Huriwai.

²³⁴² Soutar. (2000). 209.

²³⁴³ 39 Waiapu MB 10. Evidence of Te Harawira Huriwai.

²³⁴⁴ Soutar. (2018). 299.

²³⁴⁵ Cowan, J. (1922-230. *The New Zealand Wars: A history of the Māori campaigns and the pioneering period, Volume 1*. Government Printer. 439.

²³⁴⁶ 39 Waiapu MB 10. Evidence of Harawira Huriwai.

²³⁴⁷ Reproduced in Soutar. (2000). 209-210. Translation by M Soutar.

Bishop Williams estimated that one third of the Waiapu population (estimated at 150 men) had gone to war.²³⁴⁸ This estimate did not include those who went from Horoera, Kawakawa, or south from Tokomaru and Uawa. Upon the defeat of the Kīngitanga forces, those who returned to the district were then forced to acknowledge that their desire for a pan-Māori entity that would balance the Crown's Kāwanatanga was not possible. They became for a while “quiet.”²³⁴⁹

That is why in July 1864, Mōkena Kohere with a taua of one hundred was able to convince the people of Tikitiki Pā and Pukemaire Pā to replace the Kīngitanga flags with the Union Jack.²³⁵⁰ Rāniera Kāwhia would advise Leonard Williams that Mōkena “conquered the flags of Tikitiki and Pukemaire bringing back all the leaders to this side.”²³⁵¹ William Williams advised Governor Grey that the losses at Te Ranga had brought about a change and the Queenites were “now in the ascendent”.²³⁵² Reflecting the ascent of the Queenites at the third Waiapu synod of 1864, attendees passed a resolution praying for God to end the troubles that “our sins have brought upon us.”²³⁵³

However, Mohi Tūrei reported that support for the Kīngitanga remained among the people.²³⁵⁴ It was not long before the King's flag would fly again at Kawakawa, Tikitiki, Pukemaire, Waiōmatatini, and Reporua.²³⁵⁵

He Whakarāpopotonga – Summary

It seems clear from the narratives above that the Kingites and Queenites lived relatively peacefully during the years 1861-1864. Many Ngāti Porou had chosen the Kīngitanga as a means of promoting their own mana rangatira, mana tangata, and mana whenua but their soldiers paid the price for that at Waikato, Gate Pā, Kaokaoroa and Te Ranga. The defeats at Kaokaoroa and Te Ranga took a toll and for a while they were “quiet.” The loyalists appear to have remained reasonably peaceful as well, except for the flag incident at Tikitiki and

²³⁴⁸ Oliver & Thomson. (1971). 84.

²³⁴⁹ Oliver & Thomson. (1971). 84-85.

²³⁵⁰ Soutar. (2000). 211.

²³⁵¹ Sanderson. (1980). 165-166. L. Williams quoting R. Kāwhia.

²³⁵² Soutar. (2000). 211. Quoting W. Williams.

²³⁵³ Kaa. (2020). 43.

²³⁵⁴ Sanderson. (1980). 166-168.

²³⁵⁵ Soutar. (2000). 211-213, 216.

Pukemaire Pā. Even so the commitment to nationalism and opposition to the Government remained so tensions were again rising by the end of 1864.²³⁵⁶

Throughout the end of 1864 and the beginning of 1865, the hold of peace on the eastern regions of the North Island, from Tauranga to Hawkes Bay, was always tenuous. Divisions among Māori seemed to fluctuate in size and influence. There were those who were pro-government (known as “Queenites”), those opposed to the government (termed “Kingites” after their support for the Māori King in the Waikato), and there were kūpapa groups who tried to stay neutral, although they increasingly drifted towards alliances with the government. ... in 1865 those Māori opposed to the government received a significant boost to their cause with the appearance of a radical new religion – Pai Mārire, or Hauhauism. The persuasiveness of its message starkly accentuated the divisions among Māori, appealing to many while causing others to strongly react against it. The kūpapa and Queenite groups slowly started to merge together, while the Kingite groups acquired the name that would be attached to them for the rest of the 1860s – the Hauhau – after the chant ‘hau’ observed by the Pai Mārire.

²³⁵⁶ Battersby, J. (2000). *The One Day War: The Battle of Ōmarunui, 1866*. Reed Books. 12-13.

CHAPTER 9

KO TE MANA TE UTU – MANA IS THE PRICE

Te Hāhi Pai Mārire – The Pai Mārire Religion

The *Pai Mārire* faith began in Taranaki in 1862. By mid-1864 word reached the district of the new faith inspired by the prophet Horopapera Te Ua also known as Te Ua Haumene.²³⁵⁷ The *Pai Mārire* (the good and peaceful) religion grew quickly once King Tāwhiao converted in 1864.²³⁵⁸ At its peak, nationwide the religion commanded 10,000 followers out of an estimated 50,000 Māori.²³⁵⁹ Te Ua had been schooled in the whare wānanga, trained by Wesleyan missionaries, baptized Horopāpera (Zerub-babel), and later gained experience as a religious advisor and preacher.²³⁶⁰ He received divine inspiration when Archangel Gabriel spoke to him in 1862 telling him to “Rise up!” and convey the message of Jehovah.²³⁶¹ The angel also instructed him in the karakia and ritual associated with the new religion.²³⁶² Those who followed the faith believed there would be an “apocalyptic event” that would sweep unbelievers into the sea and save the righteous adherents of the faith.²³⁶³ Believers were known to speak in tongues and make prophetic utterings during such rituals. These and the description of miracles were clearly Christian inspired. The symbol of the raised hand was “adopted and subsequently used in battle along with the expression ‘Hapa! Pai Mārire, hau’ (Pass over good and peaceful).”²³⁶⁴ In this manner bullets could be avoided.²³⁶⁵ It is from the use of the word ‘Hau’ that the sect became known as the Hauhau.²³⁶⁶

²³⁵⁷ Williams William Leonard (1829-1916) MS-2452 ATL, 66.

²³⁵⁸ Clark, P. (1975). ‘Hauhau’: *The Pai Mārire search for Māori identity*. (Auckland University Press & Oxford University Press. 1975. 5.

²³⁵⁹ Clark. (1975). 5.

²³⁶⁰ Ngata & Sutherland. (1940). 351; Clark. (1975). 5-6.

²³⁶¹ Clark. (1975). 7, 10-11.

²³⁶² Ngata & Sutherland. (1940). 352.

²³⁶³ Battersby. (2000). 31.

²³⁶⁴ Soutar. (2000). 217.

²³⁶⁵ Soutar. (2000). 217.

²³⁶⁶ Holt, E. (1962). *The Strangest war: The Story of the Māori Wars in New Zealand, 1860-1872*. Putnam & Co. 213.

The religion used tikanga and ritenga in the performance of ceremonies, namely karakia, ritual, and poupou (the niu pole).²³⁶⁷ Archangel Michael (Riki – god of war) and Archangel Gabriel (Rūrā – god of peace) were the deities called upon during ritual worship while circling the niu and in battle Riki was often invoked.²³⁶⁸ Again associating these biblical characters with atua was reminiscent of the use made by Māori of their pantheon of gods and other deities. The sect also became associated with the preserved head of Captain Thomas Lloyd.²³⁶⁹ Lloyd had been captured, killed and decapitated at Te Ahuahu near New Plymouth on 6 April 1864 along with six of his men.²³⁷⁰ Lloyd's head it was rumoured also “implanted the tenets of the new creed.”²³⁷¹ In fact it was Te Ua's speeches and the words of his prophets that determined the new creed. However, the use of dried heads to incite support for a cause was familiar in tikanga terms.²³⁷² It was believed that the circuit of this head around the country would unite Māori to bring about the new land of Canaan where non-believers were driven into the sea.²³⁷³

The *Pai Mārire* emphasis on peace was at odds with how the sect was portrayed by a hostile settler community.²³⁷⁴ John White (resident magistrate Whanganui) for example wrote the following description of the theology of the new faith:²³⁷⁵

The followers shall be called “Pai Mārire.”

The Angle Gabriel with his legions will protect them from their enemies.

The Virgin Mary will constantly be present with them.

The religion of England as taught by the Scriptures is false. The Scriptures must be burnt.

All days are alike sacred, and no notice must be taken of the Christian Sabbath.

Men and women must live together promiscuously so that their children may be as sand of the seashore for the multitude.

The priests have superhuman power can obtain for their followers' complete victories by uttering vigorously the word “Hau”

The people who adopt this religion will shortly drive the whole European population out of New Zealand.

This is only prevented now by the head not having completed its circuit of the whole land.

²³⁶⁷ Ngata. & Sutherland. (1940). 351

²³⁶⁸ Soutar. (2000). 217; Clark. (1975). 80-82.

²³⁶⁹ Clark. (1975). 12-13.

²³⁷⁰ O'Malley. (2019). 153.

²³⁷¹ Clark. (1975). 13.

²³⁷² Clark. (1975). 83-85; Ngata. & Sutherland. (1940). 352.

²³⁷³ Elsmore. (1999). 175-179.

²³⁷⁴ Clark. (1975). 13.

²³⁷⁵ Clark. (1975). 13. Quotation.

Legions of angles await the bidding of the priests to aid the Māori in exterminating the Europeans.

Immediately the Europeans were destroyed and driven away men will be sent from heaven to teach the Māori all the arts and sciences known by Europeans.

The priests have the power to teach the English language in one lesson, provided certain stipulations are carefully observed namely : - the people to assemble in a certain position near a flagstaff of a certain height, having a flag of certain colours & c.

Assuming that the reproduction of the *Te Ua Rongopai* manuscript is correct in Paul White's seminal work, the theology of the new faith appears to promote an entirely differently message of love, peace, unity, and deliverance, contrary to the writings of John White.²³⁷⁶ Notably, Te Ua preached restraint against the races baiting each other.²³⁷⁷ In dealing with adultery, such behaviour with another man's wife was condemned by Te Ua, but polygamy in accordance with tikanga was encouraged.²³⁷⁸ Intercourse was not prohibited, and marriage was encouraged.²³⁷⁹ However, public ceremonies of marriage were deemed unnecessary.²³⁸⁰ For the elders who "watched the law" they were to take care not to "conduct cases wrongly and make wrong decisions."²³⁸¹ The death penalty could be imposed for the crime of murder and there was an allowance for killings of foe from former battles.²³⁸² At all times "adherence to the new law of God was also demanded."²³⁸³ Much of the creed of the new religion was clearly influenced by the Old Testament of the Bible and the followers were regularly described as people similar to the Israelites.²³⁸⁴

Te Tono ki a Hirini Te Kani – Message for Hirini Te Kani

A major test of the theology and its message of peace arrived in late January 1865. In that time Te Ua sent emissaries (his dukes and priests) charged with "conveying a token" for Hirini Te Kani at Tūranga-nui-a-Kiwa to deliver to his Pākehā friends.²³⁸⁵ The token was the upoko or the head of a Captain Lloyd.²³⁸⁶ The head was used as an invitation to join the fight or as a

²³⁷⁶ Clark. (1975). reproduced in full in Appendix 1, 113; cf views of Battersby. (2000). 31.

²³⁷⁷ Clark. (1975). Appendix 1, Chapter 2, 13 January 1863, 123.

²³⁷⁸ Clark. (1975). Appendix 1, For Worldly Things – Rules for Adultery – Rules 2-5, 121-122.

²³⁷⁹ Clark. (1975). Appendix 1, For Worldly Things – Rules for Adultery – Rule 6, 122.

²³⁸⁰ Clark. (1975). Appendix 1, For Worldly Things – Rules for Adultery – Rules 1 & 6, 121-122.

²³⁸¹ Clark. (1975). Appendix 1, The Gospel – Chapter, 126-127.

²³⁸² Elsmore. (1999). 178.

²³⁸³ Elsmore. (1999). 132.

²³⁸⁴ Elsmore. (1999). Ch. 24.

²³⁸⁵ Clark. (1975). 19, 84.

²³⁸⁶ Clark. (1975). 19; Crosby, R. (2015). *Kūpapa: The bitter legacy of Māori Alliances with the Crown*. Penguin New Zealand. 232.

symbol of victory.²³⁸⁷ The delegation was led by Pātara Raukatauri of Taranaki and Kereopa Te Rau of Ngāti Rangiwewehi.²³⁸⁸ These leaders were instructed by Te Ua to travel peacefully, inculcate the new religion, and not interfere with the Europeans.²³⁸⁹ As John Battersby points out, however, how the theology of the religion was interpreted by the emissaries determined how militant the party became on route to Tūranga.²³⁹⁰

During January 1865, the fourth Waiapu synod was held at Kawakawa.²³⁹¹ Divisions between the Queenites and the Kingites remained. Resentment among the Kingites did not stop. They wanted to avenge their losses during the Kingite wars and their resistance to the Crown did not wane, rather it strengthened.²³⁹² Their antagonism towards all those who supported the Crown was palpable.²³⁹³ Leonard Williams, for example, was shocked by the lack of civility his party received from Kīngitanga supporters on the way to the synod meeting at Waiapu and at Kawakawa.²³⁹⁴ The view at Pukemaire Pā was that the missionaries were the vanguard for the Crown's military forces who were about to arrive to take Māori land.²³⁹⁵ One of the speakers captured these sentiments with the words “E ngaki atu ana a mua; e toto mai ana a muri! – The party in front is clearing the way; the party behind is dragging along.” In other words, the missionaries “had come to clear the way for the armed force to come and take possession of their lands.”²³⁹⁶ No doubt these developments were discussed at the fourth Waiapu synod among those who attended. In his opening address, Bishop Williams was scathing of the *Pai Mārire*, describing the theology of the new faith as one derived from Satan.²³⁹⁷ The attendees included the Māori deacons and synods men, Bishop William Williams, Archdeacon Leonard Williams, Archdeacon A.N. Brown, Rev. Charles Baker, Rev. E.B. Clarke, Rev. S.M. Spencer, and finally the Rev. Carl Volkner, who would return to Ōpōtiki via a trip to Auckland unaware that his life was in danger.²³⁹⁸

²³⁸⁷ Waitangi Tribunal. (2004). *Tūranga Tangata, Tūranga Whenua: The Report on the Tūranganui a Kiwa claims, Volume 1, Wai 814*. Legislation Direct. 65.

²³⁸⁸ Clark. (1975). 19.

²³⁸⁹ Clark. (1975). 19-20.

²³⁹⁰ Battersby. (2000). 31-32.

²³⁹¹ Williams William Leonard (1829-1916) MS-2452 ATL, 64.

²³⁹² Soutar. (2000). 211.

²³⁹³ Soutar. (2000). 211.

²³⁹⁴ Williams William Leonard (1829-1916) MS-2452 ATL, 64; Soutar. (2000). 214; Kaa. (2000). 43.

²³⁹⁵ Soutar. (2000). 214.

²³⁹⁶ Williams William Leonard (1829-1916) MS-2452 ATL, 64.

²³⁹⁷ Soutar. (2000). 218.

²³⁹⁸ Soutar. (2000). 214.

Meanwhile the Taranaki emissaries led by Pātara arrived in Ōpōtiki in February 1865.²³⁹⁹ He had directed Whakatōhea before they arrived to expel any Ministers in their district.²⁴⁰⁰ After the *Pai Mārire* arrived, many were converted. Pātara, Kereopa and other adherents, rounded up Rev. Volkner's horses and looted his home.²⁴⁰¹ They then auctioned off Volkner's property.²⁴⁰² Pātara sent word to Volkner advising him of what had happened to his property and warning the Captain that his vessel should not to enter the river.²⁴⁰³ Pātara then departed to Tunapāhore to recruit further converts from Te Whānau a Apanui.²⁴⁰⁴ He had left instructions with Kereopa and others not to interfere with the Pākehā.²⁴⁰⁵ Rev. Volkner had been away in Auckland but returned to Ōpōtiki with the missionary Thomas Grace. They arrived two weeks after the *Pai Mārire*. According to one narrative it seems that the Whakatōhea had issues to settle with Rev. Volkner as they too had previously warned him not to return to Ōpōtiki.²⁴⁰⁶

Once Volkner's vessel arrived in the river, Kereopa and his followers went on board and tied up all the Pākehā including Rev. Volkner.²⁴⁰⁷ They appropriated the vessel and all its goods.²⁴⁰⁸ Whakatōhea then held a rūnanga that night.²⁴⁰⁹ Volkner was tried and found guilty of being a traitor and it was decided by Whakatōhea that he should be executed:²⁴¹⁰

We executed him ... according to law. He was fairly treated in our rūnanga-house, openly confronted with his own letters giving information to the soldiers, our enemies. He was one of our people; we had adopted him into our tribe. He acknowledged the adoption and lived with us for many years. He was a traitor, and we hanged him according to the law of nations.

T.W. Gudgeon gives this account of the events:²⁴¹¹

The passengers and crew, with the exception of Captain Levy (who as a Jew was supposed to be a sort of Hauhau), were marched off to the Roman Catholic chapel, outside which they were kept standing for nearly two hours, while the debate on their fate went on inside. Finally, they were all placed in a wretched hut to await sentence. Another meeting was held

²³⁹⁹ Clark. (1975). 20.

²⁴⁰⁰ Soutar. (2000). 220.

²⁴⁰¹ Gudgeon. (1879). 43.

²⁴⁰² Gudgeon. (1879). 43.

²⁴⁰³ Gudgeon. (1879). 43; Clark. (1975). 40.

²⁴⁰⁴ Gudgeon. (1879). 43.

²⁴⁰⁵ Clark. (1975). 21.

²⁴⁰⁶ Gudgeon, T. (1879). *Reminiscences of the war in New Zealand*. William Clowes and Sons. London, 43.

²⁴⁰⁷ Statement made by Natana owner of the schooner Janet, 7 March 18654, *AJHR*, 1865, Session I, E-No 5, 6.

²⁴⁰⁸ Statement made by Natana owner of the schooner Janet, 7 March 18654, *AJHR*, 1865, Session I, E-No 5, 6.

²⁴⁰⁹ Statement made by Natana owner of the schooner Janet, 7 March 18654, *AJHR*, 1865, Session I, E-No 5, 6.

²⁴¹⁰ Clark. (1975). 38. Quoting informant.

²⁴¹¹ Gudgeon. (1879). 44.

that night, at which it was resolved to hang Mr. Volkner, and keep Mr. Grace a prisoner. The majority of the tribe voted against their pastor, but there were a few good men who stood out manfully against this murder--notably Tīwai and Te Ranapia. The latter demanded that Volkner should be given over to him. Kereopa replied, "Tomorrow you shall know my decision." Later in the day he renewed his request and was told that one of them would be given to him on the following day. About 2 p. m., on the 2nd of March, twenty armed men under Heremita came to the prisoner's whare and took Mr. Volkner; eight of them remained as a guard, to prevent the others following. He was first taken to the church, where his coat and waistcoat were taken off, his hands tied, and a rope placed round his neck; he was then led out to a willow-tree which had been selected as gallows. ...

In the church, after he was beheaded, his blood was consumed by most present from a church chalice.²⁴¹² Following that, Kereopa removed and swallowed one eye symbolising the Queen, the Governor and British law and the second eye represented the Parliament and the Generals.²⁴¹³ Thus some Whakatōhea, along with Kereopa, hanged and beheaded their former minister on 2 March 1865.²⁴¹⁴ They did so following a rūnanga where, and while other iwi were present, their tikanga dictated the outcome and they arrived at a decision to execute Volkner whom they considered a spy. They sentenced in terms of their own tikanga or laws. Thomas Grace remained a prisoner until his release on 16 March 1865.

So why did this happen, despite Pātara's instructions? The answer lies partly in the way the creed of the new religion was interpreted, partly to avenge the defeat of the Kingites at Kaokaoroa, but mostly due to the role the missionaries played in supplying information and supporting the Crown's actions in Waikato, Taranaki and Tauranga.²⁴¹⁵ It had been widely reported, for example, that Bishop Selwyn had supported British forces at Rangiaowhia and watched the burning of Māori homes, women and children.²⁴¹⁶ As Ngāta and Sutherland would later note:²⁴¹⁷

*The Māori had been used to the connection between the **tohunga** and the war-party and Bishop Selwyn's connection with the British forces here and elsewhere was one of the things that dammed Christianity and its representatives among the Māori converts. It turned all Waikato against the missionaries down to this day. This burning had another consequence. It was one factor leading to ... the murder of the missionary Volkner by Kereopa. All that lay behind this is not known to the **pākehā** historian. Two of Kereopa's daughters were burnt to death at Rangiaowhia and he swore vengeance on all missionaries. He is reported as saying 'Friends, this is a word from God to you. If any minister or other European comes to this place, do not protect him, he must die, die, die.*

²⁴¹² O'Malley. (2019). 171; Clark. (1975). 40.

²⁴¹³ O'Malley. (2019). 171-173.

²⁴¹⁴ Clark. (1975). 21.

²⁴¹⁵ Clark. (1975). 31-37.

²⁴¹⁶ Ngata & Sutherland. (1940). 348.

²⁴¹⁷ Ngata & Sutherland. (1940). 348.

Not the preaching of principles but the acts of leading individuals was what the Māori judged by. ...

Rev. Volkner had been in the Waikato, and he had forwarded to Governor Grey “detailed plans of Rangiaowhia shortly before it was attacked by British and colonial forces in February 1864.”²⁴¹⁸ Word was also circulating regarding the Crown’s treatment of prisoners at Rangiriri, Rangiaowhia, Pūkorokoro and Ōrākau. Kereopa’s whānau had been killed in this fighting. Missionary support for these actions was contrary to the Christian behaviour that Māori had been directed to follow.²⁴¹⁹ These atrocities were beyond the pale, yet they were supported by the missionaries.²⁴²⁰ Therefore, Bishop Selwyn’s support of the colonial troops was inexcusable in Māori eyes blinded by sorrow and anger.²⁴²¹ They also knew about Rev. A.N. Brown supporting the troops at Gate Pā (Pukehinahina) and at Te Ranga.²⁴²² Many saw the religious tending to troops as analogous to the role of tohunga.²⁴²³ They understood that the objective of providing such support was to strengthen the troops and weaken their Māori enemy.²⁴²⁴

Rev. Volkner’s crime of supplying information to the troops about Whakatōhea and his execution is better understood (while not excused) when taking into account this context.²⁴²⁵ Whakatōhea and the others present, who were converted quickly, would find religious justification for their actions in the creed of the new faith.²⁴²⁶ They also imposed the sanction for spying against Volkner in the context of their own legal system and it was one that they would have imposed on their own people for similar offending.²⁴²⁷ In other words, they would have made the decision to execute with or without Kereopa.²⁴²⁸ The sanction was, therefore, a community-imposed sentence with a punitive objective. Kereopa, on the other hand, by removing and swallowing the eyes of his foe, was clearly giving vent to a desire for retribution or utu or ito against Rev. Volkner and all missionaries.²⁴²⁹ His symbolic act was designed to

²⁴¹⁸ Clark. (1975). 173; Clark. (1975). 35.

²⁴¹⁹ Belgrave, M. (2017). *Dancing with the King: The rise and fall of the King Country, 1864-1885*. Auckland University Press. 19.

²⁴²⁰ Belgrave. (2017). 19.

²⁴²¹ Belgrave. (2017). 19.

²⁴²² Williams William Leonard (1829-1916) MS-2452 ATL, 75.

²⁴²³ Williams William Leonard (1829-1916) MS-2452 ATL, 75.

²⁴²⁴ Williams William Leonard (1829-1916) MS-2452 ATL, 76.

²⁴²⁵ O’Malley. (2019). 173.

²⁴²⁶ Clark. (1975). 41.

²⁴²⁷ *Otago Daily Times*, 18 October 1865, 6.

²⁴²⁸ Clark. (1975). 36.

²⁴²⁹ Ngata & Sutherland. (1940). 348; Clark. (1975). 35.

insult, and it certainly did insult and revolt the conservative leadership of the Pōtikirua ki te Toka-a-Taiau district.²⁴³⁰

Te Taenga mai ki Tūranga-nui-a-Kiwa – The Arrival in Tūranga-nui-a-Kiwa

News of the Rev. Volkner killing had travelled fast.²⁴³¹ The Queenite chiefs were shocked and took his death personally as he was well known to them.²⁴³² They warned the Hauhau against entering their district.²⁴³³ They were also considered it an affront to the religion that they had adopted (Church of England) and some such as Te Iharaira Houkāmau wrote to Bishop Williams condemning the *Pai Mārie* followers responsible for the killing. He also pledged his loyalty.²⁴³⁴ The colonials also responded.

In March 1865, Donald McLean the Provincial Superintendent was appointed Agent of the General Government in Hawke's Bay charged with its military defence.²⁴³⁵ He was empowered to supply arms to:²⁴³⁶

... make such arrangements as you may think most advisable with the Friendly chiefs of the district, to preserve peace, to repel aggression, and in case of emergency forcibly to detain or remove from the district emissaries of sedition or actively disloyal persons.

He also empowered McLean to:²⁴³⁷

... supply arms and ammunition to Loyal natives, as well as to European and mixed volunteer corps at your discretion. [...] to promise to friendly chiefs, who may embody their followers and [to] take steps for the preservation of the safety of the district, substantial reward for the services rendered, also pensions for widows of men who may fall in suppressing insurrection and supporting the authority of Her Majesty's Government, and for those men who may be seriously wounded or disabled in supporting the same cause.

These powers gave almost unlimited authority to McLean to deal with the unrest, and he would use those powers against the *Pai Mārire*. In other words, McLean held wide powers and unlimited discretion.

²⁴³⁰ Clark. (1975). 40; Soutar. (2018). 300.

²⁴³¹ Williams William Leonard (1829-1916) MS-2452 ATL, 66-67.

²⁴³² Soutar. (2018). 300; Soutar. (2000). 222-223.

²⁴³³ Soutar. (2018). 300; Soutar. (2000). 223.

²⁴³⁴ Soutar. (2000). 222.

²⁴³⁵ Battersby. (2000). 17.

²⁴³⁶ F. Weld to D. McLean, Wellington, 15 March 1865, AGG-HB 1/1, ANZ.

²⁴³⁷ F. Weld to D. McLean, Wellington, 15 March 1865, AGG-HB 1/1, ANZ.

Pātara and Kereopa and their followers arrived in Tūranga on 13 March 1865.²⁴³⁸ A second contingent of *Pai Mārire* arrived two days later.²⁴³⁹ It was rumoured that Pātara and Kereopa's party would raise up Hirini Te Kani as another King, reflecting the nationalistic aim of both movements to obtain tribal unity under one cause.²⁴⁴⁰ *The Hawkes Bay Herald* reported that "the real Māori sees in this movement but a new edition of kingism under another name."²⁴⁴¹ Cowen notes that William Williams would write of these events to Governor Grey:²⁴⁴²

... it had been agreed among the people that inasmuch as this party was accredited to Hirini te Kani, whom they professed to wish to appoint Māori King, it would be wise to make the most of the influence which was conceded to him. Hirini ordered them away when he came to Taureka. Later he accepted the preserved head of a white man who had been killed, also white prisoners; Hauhau flags and other tapu things had been offered him but rejected. However, Te Aitanga-a-Māhaki received and hospitized the Hauhau emissaries.

On the 18th March a second Pai-mārire party from Taranaki came to Tūranga, accompanied by a number of Kairoa and Ruatāhuna natives, who had all joined the Pai-mārire. The faith spread quickly among the people. Even the better-disposed natives who had been disgusted at Mr. Volkner's murder seemed "thoroughly spellbound" "their decision has well-nigh forsaken them," said the Bishop. In the Hauhau party, the Bishop said, there were two principal men. One was Pātara, a man who had had much intercourse with the English: he was at Tunapāhore at the time of Mr. Volkner's murder and professed to be much disgusted at Kereopa's deed. "At the same time," the Bishop wrote, "I cannot divest myself of the feeling that he was aware of the intention to commit the murder. The other chief man is Kereopa, a man of the vilest character. At a meeting on the 14th I came in near contact with this Kereopa, who was often endeavouring to excuse himself, saying that it was the Whakatōhea who committed the murder. I told him I could not shake hands with a murderer—that I could see the blood still wet upon his hands. Since that time he has made use of threatening language: 'Let the Bishop keep out of my way. He has refused to make peace with me; let him remember that I am a murderer.'

To the disappointment of the emissaries, Hirini Te Kani did not embrace the new religion.²⁴⁴³ He refused to accept the two Hauhau flags offered to him and he told the emissaries that he did not approve of their visit.²⁴⁴⁴ Notably he did not initially expel them from the district to the dismay of the missionaries and settlers.²⁴⁴⁵ He remained, in other words, neutral.

²⁴³⁸ Williams William Leonard (1829-1916) MS-2452 ATL, 67; O'Malley. (2019). 175-176.

²⁴³⁹ Mackay. (1949). 216.

²⁴⁴⁰ Clark. (1975). 65.

²⁴⁴¹ *Hawkes Bay Herald*, 21 March 1865, 2.

²⁴⁴² Cowan. (1922-23). 122-123. Quoting W. Williams.

²⁴⁴³ Mackay. (1949). 217.

²⁴⁴⁴ Mackay. (1949). 217.

²⁴⁴⁵ Mackay. (1949). 217; Clark. (1975). 21.

On 24 March 1865, he was given a letter from the Bishop demanding that he and Ānaru Mātete expel the Hauhau immediately.²⁴⁴⁶ He then told the emissaries to leave the district.²⁴⁴⁷ However, they lingered visiting many of the villages. Large numbers of Tūranga Māori converted to the new faith, including Ānaru Mātete himself and Raharuhi Rukupō.²⁴⁴⁸ Mātete would later say that he converted because he thought the new faith would save the land, a view shared by many in Tūranga.²⁴⁴⁹ By 3 April 1865, Bishop Williams had enough and he abandoned the mission station at Waerenga-a-Hika.²⁴⁵⁰ Among other reasons, he was disappointed with the Tūranga iwi and their rate of conversion to the new faith.²⁴⁵¹ Furthermore, some Te Aitanga a Māhaki had told the Bishop that his prayers were no longer welcomed.²⁴⁵²

Into this environment came the Te Aitanga a Hauiti chief, Karauria Pāhura, and 20 men. They arrived from Uawa to see Bishop Williams but he had already departed. While they were loyalists, they were now a minority in the Uawa to Anaura area as the “... majority of their relatives were King supporters and were meeting at Anaura in relation to Kīngitanga matters at that very time.”²⁴⁵³ They missed the Bishop but they met with Wī Tako Ngātata, Mātene Te Whiwhi, and the other southern chiefs on 4 April 1865 at Te Poho-o-Rāwiri.²⁴⁵⁴ These southern chiefs with 50 men had come on the invitation of the Tūranga loyalists and under the direction of Donald McLean to persuade the Tūranga tribes not to join the new faith and to seek peace.²⁴⁵⁵ Wī was an anti-Hauhau chief from Ngāti Awa/Te Atiawa of Taranaki (the same tribe as Pātara). He spoke forcefully against Te Ua, Pātara, and the new faith beseeching the people not to convert.²⁴⁵⁶ The southern chiefs stayed in the district for approximately three weeks during which time they visited all the major villages in Tūranga preaching their message not to adopt the new faith.²⁴⁵⁷ During the time they were in Tūranga, the East Coast Kingites planned to meet Pātara after the tangi of Paratene Te Moko.²⁴⁵⁸ However, their plans were made known

²⁴⁴⁶ Williams William Leonard (1829-1916) MS-2452 ATL, 70-71.

²⁴⁴⁷ Williams William Leonard (1829-1916) MS-2452 ATL, 70-71.

²⁴⁴⁸ Williams William Leonard (1829-1916) MS-2452 ATL, 71; O'Malley. (2019). 176; Mackay. (1949). 218.

²⁴⁴⁹ Williams William Leonard (1829-1916) MS-2452 ATL, 76; O'Malley. (2019). 176.

²⁴⁵⁰ Mackay. (1949). 218.

²⁴⁵¹ Mohi Tūrei to *Waka Māori*, as reproduced in Kaa, W. & Kaa, T. (Eds). (1996). *Mohi Tūrei: Anā Tuhinga i Roto i Te Reo Māori*. Victoria University Press. 16.

²⁴⁵² Mohi Tūrei to *Waka Māori* as reproduced in Kaa & Kaa. (1996). 16.

²⁴⁵³ Soutar. (2000). 226.

²⁴⁵⁴ Williams William Leonard (1829-1916) MS-2452 ATL, 72; Soutar. (2000). 226.

²⁴⁵⁵ Soutar. (2000). 226.

²⁴⁵⁶ Soutar. (2000). 226, fn 46.

²⁴⁵⁷ Williams William Leonard (1829-1916) MS-2452 ATL, 72.

²⁴⁵⁸ Soutar. (2000). 234.

to the Queenites, so Mōkena Kohere and other leaders amassed a force of 500 men and prevented them from passing through Waipiro.²⁴⁵⁹ Back in Tūranga, Wī Tako's presence was sufficient to ensure Kereopa left the district before 13 April 1865. After Wī confronted Pātara, the latter left a few days later.²⁴⁶⁰ After being warned by Rongowhakaata of Mōkena's contingent at Waipiro, Pātara returned to Ōpōtiki overland rather than risk moving up the coast.²⁴⁶¹ There he would continue to preach the new faith. Little is known of Kereopa's movements until his arrest some years later. Kereopa was executed at Napier Gaol on 5 January 1872.²⁴⁶²

At the end of April, Hirini Te Kani and other Tūranga chiefs went to visit McLean at Napier to stress their neutrality and to express alarm at rumours that soldiers were to be sent to Tūranga.²⁴⁶³

Te Hāhi o te Kīngitanga – The Religion of the Kingites

The Queenites or loyalists (the friendly chiefs) as they were becoming known, remained determined to keep the new faith out of the district. Their commitment to the Church of England and the Queen bound them to a loyalist path.²⁴⁶⁴ The *Pai Mārire* faith and the Hauhau were considered a threat not only to Pākehā but to them as well.²⁴⁶⁵ Furthermore, they had a personal score to settle for Volkner's death.²⁴⁶⁶ There were tensions. Property attacks on Kingites became more frequent, including the destruction of a Kingite flagstaff at Reporua.²⁴⁶⁷ The iwi fractured:²⁴⁶⁸

The rebel Kingites, together with the Hauhau section, hived off from the Queenites, occupied separate pā and set about to make aggressive preparations. So quickly did the rebellion spread that but a few chiefs dared to resist it. Among those who did so were ; Ihairaira te Houkāmau, at Te Araroa ; Mōkena Kohere, at Rangitukia ; Hēnare Pōtae, at Tokomaru Bay. ...

²⁴⁵⁹ Soutar. (2000). 234.

²⁴⁶⁰ Williams William Leonard (1829-1916) MS-2452 ATL, 72; Mackay. (1949). 217.

²⁴⁶¹ Mackay. (1949). 218; Soutar. (2000). 229.

²⁴⁶² O'Malley. (2019). 174.

²⁴⁶³ Waitangi Tribunal. (2004). 67.

²⁴⁶⁴ Soutar. (2018). 299-300; Soutar. (2000). 222-224, 246.

²⁴⁶⁵ Soutar. (2000). 246-247.

²⁴⁶⁶ Williams William Leonard (1829-1916) MS-2452 ATL, 80; Soutar. (2000). 240, 246.

²⁴⁶⁷ Oliver & Thomson. (1971). 90.

²⁴⁶⁸ Mackay. (1949). 219.

All factions were preparing for war and each side built defensive pā capable of withstanding a reasonable degree of gun fire. Te Ihairaira Houkāmau had built Mākeronia Pā.²⁴⁶⁹ Rev. Waitoa moved from Kawakawa to the safety of Te Ihairaira Houkāmau's pā.²⁴⁷⁰ Mōkena Kohere had built Te Rua o Pango or Te Hātepe Pā near Rangitukia.²⁴⁷¹ Pōkurukuru Pā was rebuilt at Waikawa by Te Whānau a Iritekura and named Henekiria.²⁴⁷² According to Monty Soutar "Hairinia was the pā built by Te Whānau a Rākairoa at Mataahu, and along with Te Aowera they resurrected Awarua Pā at Makarika and renamed it Heperona."²⁴⁷³ The pā at Tūpāroa housed loyalists, while Hēnare Pōtae strengthened his pā at Te Māwhai.²⁴⁷⁴

The Kīngitanga supporters still occupied Horoera, Kawakawa, Pukemaire, Tikitiki, Whakawhitirā, Pākairomiromi, Waiōmatatini, Kakariki, Reporua, Tuatini, Pukepapa, and Tahutahupō.²⁴⁷⁵ The centre of activity appears to have been in the Waiapu. Paratene Ngata would state:²⁴⁷⁶

The whole of Te Whānau a Karuwai were Hauhaus except Rāpata and myself. ... When they were at Waiapu, the Whānau a Karuwai went with the Hauhau from this side also. Waiōmatatini was at that time the headquarters of the Kīngi movement. They merged into the Hauhau and the headquarters were Waiōmatatini, Pukemaire, Pākairomiromi, these were the chief maraes of the Hauhau and King movements.

The King's flag was also flying at pā at Tokomaru, Anauroa, Uawa, and Pouawa.²⁴⁷⁷ Therefore, it was inevitable that many people were keen to know about the new faith.²⁴⁷⁸

Meanwhile the Governor was starting to lose patience with the *Pai Mārire*. On 20 April Governor Grey instructed Captain Luce, commander of HMS *Esk*, to proceed to the East Coast and Tūranga and "ascertain the disposition of Māori in the two districts."²⁴⁷⁹ On 28 April 1865, the HMS *Esk* arrived in the district with Captain Luce and James Falloon (interpreter) on their mission to meet with the "principal friendly chiefs."²⁴⁸⁰ This he proceeded to do throughout

²⁴⁶⁹ Mackay. (1949). 220.

²⁴⁷⁰ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁴⁷¹ Mackay. (1949). 220.

²⁴⁷² Kohere. (1949). 54; Soutar. (2000). 238.

²⁴⁷³ Soutar. (2000). 238.

²⁴⁷⁴ Mackay. (1949). 220.

²⁴⁷⁵ Mackay. (1949). 220; Soutar. (2000). 211-213, 216, 239.

²⁴⁷⁶ Native Land Court *Re Marangairoa – Horoera* (1908) 38 Waiapu MB 285. Evidence of Paratene Ngata.

²⁴⁷⁷ Soutar. (2000). 211-213, 216, 239.

²⁴⁷⁸ Soutar. (2000). 211-213, 216, 239.

²⁴⁷⁹ GBPP, Vol 14, 1865-1868, 97-102.

²⁴⁸⁰ Soutar. (2000). 229.

the district. He also took the opportunity to warn the Kīngitanga followers against engaging in any violence and he reported what he said to them to the Governor.²⁴⁸¹

I everywhere delivered, as your message, the instructions you gave me to “encourage the tribes in every way in my power to remain faithful to their religion and to the cause of law and order.” While I praised the loyal and faithful, I warned the Kingites and Pai Māries that no act of violence would long go unpunished. I advised them above all things to remain quiet and peaceable, and told them as long as they behaved well, they would not be interfered with, and that I believed peace and quiet would soon open their eyes and bring many of them back to their flag and church. I told all that I came from you and that I would patiently listen and report to you all I saw and heard.

Luce received information that the Kingites at Wharekāhika, Kawakawa, Maruhou, and Horoera were threatening the Queenites at Mākeronia and in the Waiapu. They had closed the road to prevent the Queenites from travelling up and down the coast.²⁴⁸² Captain Luce, and some of his men crossed overland to Rangitukia to Mōkena’s pā, Te Rua o Pango (later named Te Hātepe) for the meeting with the chiefs on 1 May 1865.²⁴⁸³ The chiefs asked for arms and ammunition.²⁴⁸⁴ Only one person present asked for soldiers. Thus, the loyalist chiefs were even at this stage seeking assistance from the Crown. After the meeting Mōkena further advised Captain Luce of the troublesome nature of the Kingites and that he had had enough of them:²⁴⁸⁵

It is the desire of my people, of 700 men, they are ready to obey the Governor’s word. If the Governor wants me to go to Ōpōtiki, I am ready. There was talk here that Kingites were going to Maketū. If they attempt it I will accompany [them] to Hick’s Bay, and when I get there I shall ask them to return. If they refuse, I will compel them; fighting shall take place. I have made my mind to do this. You have heard what we did when we heard that the Hauhau were coming here; I was ready then to fight. I am anxious to settle these Kingites. I was hard pushed by them at one time. I will at them again.

Mōkena Kohere, Hōtene Porourangi, and Wikiriwhi Matahē Matauru then accompanied the Captain on the HMS *Esk* to Tūranga where they remonstrated with Rongowhakaata for advising Pātara not to go into the East Coast in April thus saving him from being attacked by the loyalists.²⁴⁸⁶ Hirini Te Kani and the other chiefs maintained they remained neutral. Hōtene Porourangi and Wikiriwhi Matahē Matauru later in that week reboarded the HMS *Esk* and went to Auckland with Captain Luce to try to obtain arms and powder, while Mōkena remained in Tūranga.²⁴⁸⁷

²⁴⁸¹ GBPP, Vol 14, 1865-1868, 97-102.

²⁴⁸² Soutar. (2000). 232-233.

²⁴⁸³ Soutar. (2000). 231.

²⁴⁸⁴ Soutar. (2000). 231.

²⁴⁸⁵ Soutar. (2000). 233. Quoting M. Kōhere.

²⁴⁸⁶ Soutar. (2000). 234.

²⁴⁸⁷ Soutar. (2000). 234.

Governor Grey then issued a proclamation on the 29 April 1865 condemning the *Pai Mārire* as a “fanatical sect,” declaring the Hauhau to be rebels liable to punishment by the forfeiture of land and calling on all people to resist and suppress it.²⁴⁸⁸ The proclamation provided:²⁴⁸⁹

WHEREAS a fanatical sect, commonly called Pai Mārire, or Hau Hau, has been for some time, and is now, engaged in practices subversive of all order and morality; and whereas the rites and practices of such fanatical sect, consisting, as they partly do, in murder, in the public parade of the cooked heads of their victims, in cannibalism, and in other revolting acts are repugnant to all humanity; and whereas Her Majesty the Queen has commanded her successive Governors in the colony not to tolerate, under any pretext whatever of religious or superstitious belief, customs subversive of order and morality and repugnant to humanity:

Now therefore I, Sir George Grey, the aforesaid Governor, do hereby proclaim and notify that I will, in behalf of Her Majesty, resist and suppress, by the force of arms if necessary, and by every other means in my power, fanatical doctrines, rites and practices of the aforesaid character; and I will cause to be punished all persons, whenever they may be apprehended, who may be convicted of instigating, or participating in, such atrocities and crimes; and, in Her Majesty's name, I call on all well-disposed persons, whether Native or European, to aid and assist me herein to the best of their ability.

The *Pai Mārire* adherents had become enemies of the Crown liable to be prosecuted for simply converting and adopting the new religion. Those more likely to convert in the Pōtikirua ki te Toka-a-Taiau district were the Kingites still flying the King's flag. The link between the *Pai Mārire* and the Kīngitanga was very real.²⁴⁹⁰ After all, Te Ua considered himself a subject of the King.²⁴⁹¹ King Tāwhiao was an adherent of the new faith and Te Ua had sent messages for the King stating the “Pākehā is wrong and that is a fact.”²⁴⁹² Te Ua had also stated that the Kīngitanga had “... grown in stature and prestige.”²⁴⁹³ This was sufficient to convert for the families of those Kingites who had gone to war and who had died at Waikato, Tauranga, Kaokaoroa and Te Ranga, and they too shared Whakatōhea's concern regarding missionaries being spies for the colonial Government.²⁴⁹⁴ Many of them had already rejected the Church and the missionaries, turning instead to tohunga and spiritualists.²⁴⁹⁵

²⁴⁸⁸ O'Malley. (2019). 170.

²⁴⁸⁹ (New Zealand Gazette, 1840 to present), 29 April 1865, 129.

²⁴⁹⁰ Sorrenson. (2014). 151.

²⁴⁹¹ Sorrenson. (2014). 151.

²⁴⁹² Clark. (1975). reproduced in full in Appendix 1, Chapter 2, 13 January 1863, para (33).

²⁴⁹³ Clark. (1975). reproduced in full in Appendix 1, Chapter 2, 13 January 1863, para (33).

²⁴⁹⁴ Soutar. (2000). 215, 223.

²⁴⁹⁵ Soutar. (2000). 215.

There were many *Pai Mārire* converts in Tūranga as well and this was obvious to Mōkena. Paratene Pōtiti (Tūrangi) of Ngāi Te Kete (Ngāi Tāwhiri), a hapū of Rongowhakaata, invited Mōkena to stay after Luce left.²⁴⁹⁶ He and Ngāi Te Kete erected a flag pole on the bank of the Waikanae River before raising the Union Jack.²⁴⁹⁷ The Waitangi Tribunal considered the flagstaff may have been erected on Titirangi citing Judith Binney as the source.²⁴⁹⁸ She is wrong as the land on that side of the river was not Ngāi Te Kete land. Those under Mōkena said they hoisted the flag to show they were loyalists.²⁴⁹⁹ Hirini Te Kani took great exception to this action as a landowner himself and as a chief of Te Aitanga a Māhaki, Ngāti Oneone, Rongowhakaata and Ngāi Tāmanuhiri.²⁵⁰⁰ Although provocative, Mōkena later said of his own actions that he did it to protect the people. “Ka whakaarahia e ahau te Kara ki runga i a rātou, hei tiaki mō rātou” – “I raised the flag over them for their protection.”²⁵⁰¹ Rarawa Kohere has more recently contended that Mōkena had every right to raise the flag over land where he had kinship link and in doing so, he was protecting the land from forfeiture once the Government was able to implement its colonial law in the district. This Mōkena considered inevitable.²⁵⁰² However, at the time Mōkena’s actions were condemned and he was told by some to return to his own part of the district and “not stir up any rarurau (trouble) here.”²⁵⁰³ The trouble was of such concern that Donald McLean and Bishop Williams arrived on 4 June 1865 in Tūranga to arbitrate the dispute between Mōkena and Hirini. McLean also witnessed several loyalists from Tūranga take the oath of allegiance.²⁵⁰⁴ However, Hirini Te Kani refused to take the oath unless the flagstaff was taken down.²⁵⁰⁵ Later in the year Hirini Te Kani publicly declared his support for the Crown.²⁵⁰⁶

Meantime in the north of the district, after Mōkena left in May 1865, an advance party of *Pai Mārire* arrived visiting several Kīngitanga settlements before locating at Pākairomiromi near Rangitukia.²⁵⁰⁷ However, as these were not the leaders from Taranaki, their presence was relatively low key. Further *Pai Mārire* adherents appear to have arrived at Wharekāhika

²⁴⁹⁶ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁴⁹⁷ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁴⁹⁸ Waitangi Tribunal. (2004). 71.

²⁴⁹⁹ *AJHR*, 1866 Session I, A-01, 38.

²⁵⁰⁰ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁵⁰¹ Soutar. (2000). 236. Quoting M. Kōhere.

²⁵⁰² Soutar. (2000). 236.

²⁵⁰³ Soutar. (2000). 235. Quoting W. L. Williams.

²⁵⁰⁴ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁵⁰⁵ Williams William Leonard (1829-1916) MS-2452 ATL, 78.

²⁵⁰⁶ Soutar. (2000). 245.

²⁵⁰⁷ Portion of a Diary, MS Papers 0035-44, ATL – no name associated with these papers.

(Hick's Bay) on 22 May and at Pukemaire on 23 May.²⁵⁰⁸ Pātara with 20 people from Taranaki, along with adherents from Raukōkore and Kōtare Pā near Kawakawa either arrived with them, or not many days later.²⁵⁰⁹ He and his followers could not have arrived at a better time to evangelise the Kingites.²⁵¹⁰ He had decided to ignore the warning of the loyalists not to enter the East Coast after receiving an invitation from Ihairaira Porourangi, one of the chiefs of Waiapu.²⁵¹¹ He came via an inland route thereby avoiding guards posted by the Ihairaira Houkāmau.²⁵¹² In June 1865, it was confirmed he was at Pukemaire Pā in the Waiapu.²⁵¹³ Under his word an invitation was sent out to all hapū to attend the “launch of the new religion.”²⁵¹⁴ Paratene Ngata was at the launch which was well attended.²⁵¹⁵ Pātara found many willing to convert after they watched the ceremony conducted around the niu pole.²⁵¹⁶

Paratene Ngata would record that those who were still supportive of the Kīngitanga joined the new faith and from then they became known as Hauhau.²⁵¹⁷ That would include the 300 from Waiapu and 150 from Tokomaru Bay identified in *Te Waka Māori o Ahuriri*.²⁵¹⁸ Then there were those in Kawakawa, Horoera, and Uawa. The faith was the religion of the King. In adopting it, converts were demonstrating their rejection of the Queen, the Church, missionaries and colonial law. They were also demonstrating their ongoing allegiance to nationalistic goals.²⁵¹⁹ The Kingites were inspired in circumstances where they held resentment against the Crown for waging its unjust war in Waikato and for its land confiscation policy.²⁵²⁰ It emotively captured those who had lost loved ones during the Waikato, Tauranga, Te Ranga, and Kaokaoroa battles and portrayed a love of “te iwi Māori” that was seemingly authentic and new.²⁵²¹ Thus the majority of hapū who had supported the Kīngitanga became *Pai Mārire*. Paratene Ngata named those hapū as:²⁵²²

²⁵⁰⁸ Portion of a Diary, MS Papers 0035-44, ATL – no name associated with these papers.

²⁵⁰⁹ *Te Waka Māori o Ahuriri*. 1 July 1865.

²⁵¹⁰ Oliver & Thomson. (1971). 91.

²⁵¹¹ Mohi Tūrei to WL Williams as reproduced in Kaa & Kaa (1996). 18.

²⁵¹² Soutar. (2000). 239-240.

²⁵¹³ Mackay. (1949). 22; O'Malley. (2019). 178.

²⁵¹⁴ Soutar. (2000). 241.

²⁵¹⁵ Soutar. (2000). 240.

²⁵¹⁶ Soutar. (2000). 240.

²⁵¹⁷ Soutar. (2000). 240-245.

²⁵¹⁸ *Te Waka Māori o Ahuriri*. 1 July 1865.

²⁵¹⁹ Oliver & Thomson. (1971). 87.

²⁵²⁰ Ngata & Sutherland. (1940). 350.

²⁵²¹ Soutar. (2000). 244-245.

²⁵²² Soutar. (2000). 241.

Te Whānau a Hinerupe	Ngāti Rangi
Ngāi Tāne (Rangitukia)	Whānau a Hinetāpora
Te Whānau a Tāpuhi	Whānau a Te Ao
Te Whānau a Karuwai	Whānau a Ruataupare ki roto o Tokomaru
Te Whānau a Rākai ki a Rāhui	Whānau a Kōpuni
Te Whānau a Rākai ki a Māhaki	Whānau a Hunaara o Horoera
Whānau a Te Aopare	Whānau a Kahu o Punāruku
Whānau a Te Aotaihi o Maruhou	

Paratene Ngata would identify *Pai Mārire* converts covered a territory encompassing almost the entire East Cape region north of the Waiapu river. *Pai Mārire* also enjoyed a strong following in Tokomaru and Uawa. As Monty Soutar points out this meant that:²⁵²³

... with the exception of Iharaira Houkāmau's kinsman at Pātangata, Hōhua Tawhaki and a few followers at Kawakawa and Whānau a Takimoana with Wikiriwhi Matauru, virtually all the East Cape region north of East Cape accepted the new faith. From there south to the Waiapu river nearly all but Mōkena Kohere's people joined. The southern bank of the Waiapu were won over also, with the exception of Kākāriki. Te Horo and Tikapa which had significant members resist, preventing total hapū support for the new cause. Ngāti Rangi, ... left their residence at Reporua to join the Pukemaire inhabitants. To the south were:

<i>Whānau a Ruataupare</i>	<i>(Tūpāroa)</i>	<i>Te Aowera (Pōpoti)</i>
<i>Te Aitanga a Mate</i>	<i>(Whareponga)</i>	<i>Whānau a Rākairoa (Akuaku...)</i>
<i>Ngāti Hokopaura</i>	<i>(Ōtuauri)</i>	

all of whom had resisted the new faith as they had done the Kīngitanga. Some of Te Whānau a Iritekura joined their relatives at Tokomaru on the Hauhau side, but others resisted. At Tokomaru itself ... the majority were supportive of the Hauhau. Te Aitanga a Hauiti ... lost many to the new faith. At Tokomaru itself, Hēnare Pōtae and his close relatives stood outside the Hauhau circle. Up until now they had lived together at Tuatini and Te Ariuru, even through the Kīngitanga tension where some men had gone to the war. But over the issue of the new religion they were divided. The majority were supportive of the Hauhau.

Reweti Kohere also recorded how high the numbers of converts were:²⁵²⁴

Bishop Williams, in his East Coast records, says that the Government did not confiscate the Ngāti-Porou lands because Sir Donald McLean felt generous for the part Ngāti-Porou took

²⁵²³ Soutar (2000). 242.

²⁵²⁴ Kohere. (1949). 52.

in assisting the Government. He forgets that only a handful of the tribe remained loyal, while hundreds cast in their lot with the rebels. T. W. Gudgeon states, “Ngāti-Porou as a tribe had always been inimical to the pākehā, and strong supporters of the Māori king.” James Cowan follows in the same strain: “Pātara preached Pai Mārire throughout the East Cape settlements, and many hundreds of the numerous Ngāti-Porou Tribe became disciples of the new faith.

Mōkena Kohere were still at Tūranga when the news arrived on 5 June 1865 that Pātara was in the Pōtikirua ki te Toka-a-Taiau district. He with Donald McLean and Bishop Williams left Tūranga on the *St Kilda* arriving on 8 June 1865 in Tūpāroa.²⁵²⁵ When they arrived, all the local people were at Pōpoti for the consecration of St Michael’s Church. The locals present for that ceremony were Te Whānau a Rua (No 2) ki Tūpāroa, Te Aitanga a Mate, Te Aowera, Te Whānau a Rākairoa, Ngāti Hokopaura and Te Whānau a Iritekura, and Hēnare Pōtae and his supporters.²⁵²⁶ McLean called for and met with the chiefs Hēnare Pōtae, Rāniera Kāwhia (ordained as a priest in 1862 alongside Rev. Carl Volkner at Whareponga), Mohi Tūrei and Hāmiora Tamanuiterā.²⁵²⁷ They discussed how to deal with Pātara and it was resolved that the chiefs should capture Pātara and they decided on the following course of action.²⁵²⁸ Mohi Tūrei was sent back to Pōpoti to get the loyalist hapū, Hēnare Pōtae went with McLean back to Napier to “secure arms and ammunition” and Mōkena went to Rangitukia to rally his people.²⁵²⁹ It appears that McLean significantly influenced the course of the meeting. He would later record to the Colonial Secretary:²⁵³⁰

I consider it of the utmost importance that the friendly natives should be at once supplied with arms and I brought one of the chiefs to Napier to receive all that could be spared.... There is no doubt the Govt. will meet with decided support from a large section of the Natives from Tolaga Bay to the East Cape. It will be necessary however in the event of a collision with the Hau haus that they should be well supported. It is also important to secure the alliance of as large a number of Natives as possible in that locality as a means of strengthening any measures which the Govt. may contemplate with regard to Ōpōtiki.

McLean elaborated on his position in a draft letter to the Hawke’s Bay Provincial Council:²⁵³¹

The disturbed state of the native tribes on the East Coast rendered it necessary that I should visit that part of the country with the least possible delay; and I am glad to be able to state that the visit has resulted in securing the co-operation of influential tribes to resist the encroachments of Hau hau fanatics. The serious aspect which the native question has

²⁵²⁵ Soutar. (2000). 249.

²⁵²⁶ Soutar. (2000). 249-250.

²⁵²⁷ D. McLean journal, MS 1287, ATL, 63.

²⁵²⁸ Soutar. (2000). 249-250.

²⁵²⁹ Soutar. (2000). 250.

²⁵³⁰ D. McLean to Colonial Secretary, Napier, 16 June 1865, HB 6/5, ANZ.

²⁵³¹ Donald McLean journal, MS Papers 1287, ATL. 63-65.

assumed under this new phase of superstitious belief, has greatly increased the difficulty of meeting the danger to which the Province has been exposed.... In concert with the friendly Natives, I adopted measures for the safety of the European inhabitants at the Wairoa and Eastern frontiers of the province.... The determined front assumed by the Friendly Natives on behalf of themselves and the Europeans, deserves every encouragement and support.... The means afforded by the General Government during this critical period have been the means of preserving and averting the danger to which this place was exposed.

McLean encouraged the loyalist chiefs to act against Pātara as part of broader strategy to prevent the front of the war moving to Pākehā settlements.

Te Pakanga Tuatahi – The First Battle

On his return to Rangitukia, and despite knowing he should have waited for the return of Hēnare Pōtae with guns and ammunition, Mōkena gave in to his peoples demands to attack the Kingite stronghold of Tikitiki Pā near Pukemaire.²⁵³² When they did so they found the Pā had been abandoned (with the Hauhau removing to Pukemaire) so the loyalists proceeded to occupy it.²⁵³³ Meantime Mohi Tūrei arrived back to Pōpoti on 10 June 1865 during the feasting. He was in full military dress and Matutaera (Tuta) Nihoniho recorded that he stated:²⁵³⁴

Ngāti Porou e, Ko te Hauhau nāna nei a Te Wākana i kōhuru, kua uru mai kei roto o te rohe o Ngāti Porou, e kukume ana i ngā hapū maha o Ngāti Porou kia anga atu ki ō rātou atua, ki a Riki rāua ko Rūrā.

O Ngāti Porou! The Hauhau who murdered Volkner have entered the bounds of Ngāti Porou and are inducing the man sub-tribes (sic) of Ngāti Porou to turn to their Gods Riki and Rūrā."

The hapū present selected 40-49 men to fight the Hauhau and these included Mākoare Tuatai, Hēnare Nihoniho, Rāwiri Hāpai, Hikarukutai, Wīremu Kīngi Taunaha, Erueti Taunaha, and Rāpata Wahawaha.²⁵³⁵ They had 7 muskets and 1 rifle between them but also carried mere, patu and taiaha.²⁵³⁶ They left the next day under the banner of Te Aowera even though they were not all of Te Aowera.²⁵³⁷ They headed to Port Awanui to collect more guns, but these had

²⁵³² Mohi Tūrei – Translated Letter published in the *Otago Daily Times*. 14 July 1865. 5.

²⁵³³ Mohi Tūrei – Translated Letter published in the *Otago Daily Times*. 14 July 1865. 5.

²⁵³⁴ Nihoniho. (1913). 28.

²⁵³⁵ Cowan, J. (1956). *The New Zealand Wars: A History of the Māori campaigns and the pioneering period, Volume II: The Hauhau Wars (1864-72)*. Owen Publishers. 117-118; Nihoniho. (1913). 28; *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵³⁶ Cowan. (1956). 118; Nihoniho. (1913). 29.

²⁵³⁷ Nihoniho. (1913). 30; Cowan. (1956). 117.

not arrived.²⁵³⁸ There the news reached them that there was a skirmish at Te Poroporo.²⁵³⁹ They headed for Te Hātepe where they stayed overnight.²⁵⁴⁰

Hoping to avoid further confrontation, Pātara tried to leave the area with a well-armed contingent carrying seventy guns on 11 June 1865. They were seen by Mōkena's men.²⁵⁴¹ The volley of shots directed at Pātara's contingent and the return fire, woke Te Aowera at Te Hātepe.²⁵⁴² They rushed towards Pukemaire and met up with Mōkena and his men.²⁵⁴³ The resulting battle fought at Mangaone resulted in the first deaths for the loyalists.²⁵⁴⁴ This was a matter foreseen by the elders of Te Aowera when their war party had made mistakes in their tūtū ngārahu and the haka Rūaumoko.²⁵⁴⁵ Several important loyalist chiefs were killed leaving a leadership vacuum for the Te Aowera contingent.²⁵⁴⁶ Hēnare Nihoniho was seriously wounded, and he was taken back to Tikitiki.²⁵⁴⁷ Before he died, he gave his gun to Te Teira Pikiuha and told him to take it to his son Matutaera (Tuta) Nihoniho at Pōpoti to avenge his death.²⁵⁴⁸

On 19 June 1865, Hēnare Pōtae who fought in this engagement wrote to McLean asking for arms and ammunition to be sent quickly as the reason why so many were killed was because they did not have sufficient "caps" to use in the first volley.²⁵⁴⁹ Mohi Tūrei also wrote on that day requesting that soldiers be sent.²⁵⁵⁰ The letter was published in *Te Waka Māori o Ahuriri* and the editor would note "E tono ana ngā Māori Kuīni o reira kia hoatu e te Kāwanatanga he hoia hei tuarā mō rātou."²⁵⁵¹ Mohi Tūrei would write to Bishop Williams on 18 July 1865 noting that while 6 loyalists died, so did thirteen Hauhau.²⁵⁵² Tuta Nihoniho later wrote that 9 loyalists were killed (fifteen wounded) alongside 4 Hauhau killed (9 wounded).²⁵⁵³

²⁵³⁸ Nihoniho. (1913). 28.

²⁵³⁹ Nihoniho. (1913). 28.

²⁵⁴⁰ Soutar. (2000). 254-256

²⁵⁴¹ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁴² *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁴³ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁴⁴ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁴⁵ Soutar. (2000). 254.

²⁵⁴⁶ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁴⁷ Soutar. (2000). 260.

²⁵⁴⁸ Nihoniho. (1913). 29.

²⁵⁴⁹ *AJHR*, 1866 Session I, A-01, 38.

²⁵⁵⁰ *AJHR*, 1866 Session I, A-01, 38; *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁵¹ *Te Waka Māori o Ahuriri*. 1 July 1865.

²⁵⁵² Mohi Tūrei to W.L. Williams as reproduced in Kaa & Kaa (1996). 18.

²⁵⁵³ Nihoniho. (1913). 29.

Rāpata Wahawaha distinguished himself in battle by successfully fighting with traditional weapons.²⁵⁵⁴ He would later take over the leadership of Te Aowera when Tuta asked him to; Rāpata being more senior in age.²⁵⁵⁵ Hōtene Porourangi remained responsible for Te Whānau a Rua (No 2) ki Tūpāroa and Mōkena held Tikitiki Pā with his people.²⁵⁵⁶ Hōtene Porourangi and Rāpata Wahawaha with their men returned to protect Tūpāroa, leaving fifty men in support of Te Hātepe.²⁵⁵⁷

On 17 June 1865, Ngāi Tāne went to Horoera where all the Hauhau from that area met, returning and threatening to conduct a surprise attack and kill all those at Te Hātepe.²⁵⁵⁸ On 21 June 1865, both Mohi Tūrei and Hēnare Pōtae wrote again to McLean seeking assistance, more guns and soldiers.²⁵⁵⁹ The return of the St Kilda to Port Awanui on 19 June 1865 carrying guns and ammunition was a great relief for the loyalists. There Mōkena boarded the vessel and he was given 100 arms and 12 casks of powder, Hēnare Pōtae received 70 arms.²⁵⁶⁰ It was at this point there was no going back for the loyalist chiefs because Donald McLean had sent the resident magistrate at Wairoa to have them all take the oath of allegiance which read “E oati tonu atu” – “I swear faithfully that I will stand firm for the Queen of England and abide by her law for ever more.”²⁵⁶¹ Meantime Pātara and his contingent moved north to Kawakawa. Hēnare Pōtae would write a defiant waiata directed at him indicating that they were ready to fight and win, sweeping the Hauhau into the sea.²⁵⁶²

Ko te hia tēnei o aku tau e tatari ai au
 Ki ngā Hau Hau a Horopāpaerā
 Hei whiu mō te taha Kāwana kia hinga ki raro rā,
 Ruru ana a Hikurangi.

²⁵⁵⁴ Gudgeon, T. (1887). *The Defenders of New Zealand: Being a short biography of colonists who distinguished themselves in upholding Her Majesty's supremacy in these islands*. H. Brett, Printer and Publisher. 402-403.

²⁵⁵⁵ Nihoniho. (1913). 30.

²⁵⁵⁶ Nihoniho. (1913). 29-30.

²⁵⁵⁷ Soutar. (2000). 264.

²⁵⁵⁸ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865 and Letter of Hēnare Pōtae to Donald McLean dated 21 June 1865.

²⁵⁵⁹ *Te Waka Māori o Ahuriri*. 1 July 1865.

²⁵⁶⁰ *Te Waka Māori o Ahuriri*. 1 July 1865.

²⁵⁶¹ *Te Waka Māori o Ahuriri*. 29 July 1865.

²⁵⁶² *Te Waka Māori o Ahuriri*. 1 July 1865, Waiata mō te kī a Pātara ka hate petia e ia te taha Kuīni.

Whakatahataha ana te Tipi a Taikehu
Whakatātare ana te Tone a Houku
Ki ngā tīma o te Kāwana e tahu ana i te moana
Pū ! Pū ! Ka mura te ahi !

Pātara only made it as far as Kōtare Pā along the Karakatūwhero River near Kawakawa. Pātara was forced to return to Horoera and then to Pukemaire.²⁵⁶³ Most adherents of the new faith congregated at Pukemaire near modern day Tikitiki with some still at Pākairomiromi. The loyalists gathered at Te Hātepe, Manutahi Pā then at Pukemaire Pā located above Reporua (Ngāti Rangi having moved to the other Pukemaire). By this time Tikitiki Pā had also been strengthened by the loyalists.²⁵⁶⁴ Hēnare Pōtae's section of Te Whānau a Ruataupare gathered at Te Māwhai at Tokomaru Bay while his Kingite relations of the same hapū and Te Whānau a Te Aotāwarirangi were at Tuatini and Pukepapa. Prior to this trouble, Tuatini had been his main residence.²⁵⁶⁵ Ihairaira Houkāmau entrenched at Mākeronia Pā. There were two pā occupied by opposing sides at Anaura and tension was still prevalent in the south of the district at Pouawa to Uawa.

Te Ekenga a Ngā Hauhau – The Ascendency of the Hauhau

There was then a skirmish on 22 June near Tikitiki Pā and then a full battle outside the pā on 27 June 1865.²⁵⁶⁶ The Hauhau called to the loyalists to come out of the pā and fight.²⁵⁶⁷ The loyalists left the pā without guards.²⁵⁶⁸ When the Hauhau saw this, they managed to get into the Pā, where they killed several people including Hunia Huaki (a relative of Mōkena) cutting his body into pieces.²⁵⁶⁹ They also took women and children in the pā as prisoners.²⁵⁷⁰ The majority of the loyalists present seem to have been Ngāti Hokopū.²⁵⁷¹ During the fight Mōkena's men broke ranks and fled to Te Hātepe.²⁵⁷² Mōkena was forced to retreat.²⁵⁷³ Among those loyalists killed was Eruera Apakura, one of the original Christian teachers featured in

²⁵⁶³ *Te Waka Māori o Ahuriri*. 1 July 1865, Letter of Mohi Tūrei to Donald McLean, dated 19 June 1865.

²⁵⁶⁴ Nihoniho. (1913). 29.

²⁵⁶⁵ Oliver, S. (1990). Hēnare Pōtae. *Dictionary of New Zealand Biography*. Retrieved on 1 February 2022 at <http://www.TeAra.govt.nz/en/biographies/1p25/potae-henare>

²⁵⁶⁶ *Te Waka Māori o Ahuriri*. 15 July 1865.

²⁵⁶⁷ Mohi Tūrei to W.L. Williams as reproduced in Kaa & Kaa. (1996). 18.

²⁵⁶⁸ Mohi Tūrei to W.L. Williams as reproduced in Kaa & Kaa. (1996). 18.

²⁵⁶⁹ *Te Waka Māori o Ahuriri*. 15 July 1865; Kohere. (1949). 54; Soutar. (2000). 265-266.

²⁵⁷⁰ *Te Waka Māori o Ahuriri*. 15 July 1865.

²⁵⁷¹ *Te Waka Māori o Ahuriri*. 15 July 1865.

²⁵⁷² Mohi Tūrei to W.L. Williams as reproduced in Kaa & Kaa. (1996). 18.

²⁵⁷³ *Te Waka Māori o Ahuriri*. 15 July 1865.

Mohi Tūrei's haka.²⁵⁷⁴ On the same day Tuta Nihoniho and 39 men arrived from Tūpāroa.²⁵⁷⁵ That brought the numbers of Te Aowera and Te Whānau a Ruataupare (No 2) ki Tūpāroa to 185 at Te Hātepe compared to Mōkena's men at a total of 30.²⁵⁷⁶

On 26 June 1865, McLean wrote to the Colonial Secretary advising the opposite of what was taking place on the ground:²⁵⁷⁷

*Referring to my letter of this date reporting an engagement at the East Cape, I have the honour to recommend that the friendly Natives should be well supported by the Government, and I think it would be most advisable to create a diversion in their favour by the occupation of Ōpōtiki, and by reinforcing them with fifty, or one hundred volunteers. In numbers the Govt. Natives are about five hundred strong, their opponents including the Natives north of Hick's Bay to Whakatāne, would be much more than this number, without including the disaffected tribes at Poverty Bay, three hundred of whom would be likely to join against the Govt. Natives. The war now commenced on the East Coast requires to be pursued vigorously to bring it to a speedy and favourable termination. **The friendly Natives are in good spirits,** and if well supported will do great service to the Country and I trust the applications made by them to the Govt. for assistance will be favourably entertained.*

McLean claimed the loyalists were in good spirits.²⁵⁷⁸ In fact, the 'friendly Natives' were not happy at all as Te Hātepe was threatened with an attack by forces from Pukemaire and Pākairomiromi.²⁵⁷⁹ W.L. Williams recorded that:²⁵⁸⁰

Reports were brought from Waiapu from time to time of various encounters, in which the Hauhaus were the aggressors and generally gained some little advantage over their opponents, who seemed to be unequal to them in the matter of arms and ammunition as well as in numbers.

On 29 June 1865, Mōkena Kohere, Wikiriwhi Matauru, Arapeta Haenga, Hōtene Porourangi, Hāmiora Tamanui, and Hōhepa Te Rore sent a letter to the Native Department, Wellington, requesting arms and reinforcements.²⁵⁸¹ In addition, Mōkena, Wikiriwhi and Mōhi Tūrei wrote individually to Donald McLean with the same request.²⁵⁸² The response was that he would assist on condition that they deliver up Pātara, and all take the oath of allegiance.²⁵⁸³

²⁵⁷⁴ Soutar. (2000). 266.

²⁵⁷⁵ Nihoniho. (1913). 30.

²⁵⁷⁶ Nihoniho. (1913). 30.

²⁵⁷⁷ D. McLean to Colonial Secretary, Napier, 26 June 1865, HB 6/5, ANZ.

²⁵⁷⁸ *AJHR*, 1866 Session I, A-01, p 38.

²⁵⁷⁹ Nihoniho. (1913). 30; Kohere. (1949). 53-55.

²⁵⁸⁰ Williams WL East Coast (N.Z.) Historical Records Gisborne, *Poverty Bay Herald* (1932) 43.

²⁵⁸¹ Neal, K. (1976). Māori participation in the East Coast Wars 1865-1872: Local politics and greater commitments, Master's thesis. University of Auckland. (1976) 9.

²⁵⁸² Neal. (1976). 9.

²⁵⁸³ Neal. (1976). 9.

On 29 June 1865, Pātara sent two of the women captured at Tikitiki to take a letter to Te Hātepe offering peace.²⁵⁸⁴ This was the first of several communications taunting the loyalists to surrender or face the wrath of the *Pai Mārire* god – Riki who would burn their pā to the ground.²⁵⁸⁵ At the beginning of July a written response from Mohi Tūrei on behalf of the loyalists demonstrated their determination to fight:²⁵⁸⁶

Whakamutu te pōhi te haere mai. Engari tukua mai a Riki ki te tahu i tō mātou pā. Haere nui mai rānei āpōpō ki te whawhai ki tō mātou pā.

Send no more messages but let Riki destroy our pā. Come in large numbers to fight our pā tomorrow.

Pātara and his force did not arrive the next day but Pākairomiromi was strengthened as a Hauhau stronghold.²⁵⁸⁷ There were further skirmishes and one full attack on Te Hātepe on 19 July 1865 lasting six hours.²⁵⁸⁸ The Hauhau also burnt the resident magistrate's residence at Rangitukia and the mission.²⁵⁸⁹ Clearly the Hauhau were in the ascendancy at this stage as the only refuge in the Waiapu for the loyalists was at Pātangata, Te Hātepe, Tūpāroa, and Te Māwhai. The Hauhau in comparison were moving through the district at will.

Te Ekenga a Ngā Hoia Kuīni – The Ascendancy of the Colonial Troops

McLean was able to finally respond to the pleas for assistance from the loyalists by sending troops. Monty Soutar records that:²⁵⁹⁰

On 7 July 1865, Lieutenant Reginald Briggs (Te Piki), with 30 volunteers of the Napier militia in his charge, arrived by sea to reinforce Te Hātepe. They also brought with them "fifty stands of arms, with the necessary ammunition, for Mōkena and his men." After sizing up the situation and the opposition, Briggs felt that further assistance was required and he sent a request through to Mclean at Napier. McLean went to the military settlers camp at Clive and sought out 50 volunteers under the command of Major James Frazer (Hēmi Pereiha). They boarded the gunboat Eclipse and on 11 July, with Captain Freemantle at the helm and Donald McLean himself on board, set sail for Waiapu. The troops were landed at Te Awanui and made their way to Te Hātepe in the night. McLean remained aboard the Eclipse and monitored the war from the gunboat for several days.

²⁵⁸⁴ Mohi Tūrei to W.L. Williams. As reproduced in Kaa & Kaa. (1996). 18-19.

²⁵⁸⁵ Mohi Tūrei to WL Williams. As reproduced in Kaa & Kaa. (1996). 19.

²⁵⁸⁶ Mohi Tūrei to WL Williams. As reproduced in Kaa & Kaa. (1996). 19.

²⁵⁸⁷ Kohere. (1949). 54; Mohi Tūrei to WL Williams. As reproduced in Kaa & Kaa. (1996). 19.

²⁵⁸⁸ Nihoniho. (1913). 30; Soutar. (2000). 269-270.

²⁵⁸⁹ *Hawke's Bay Herald*. 22 August 1865 – War on the East Coast.

²⁵⁹⁰ Soutar. (2000). 267-268.

Frederick Gascoyne who arrived with Biggs would record the manākitanga that the colonial troops received upon arrival but first they had.²⁵⁹¹

... to fall in by touch, as the order was "strict silence and no striking of matches or smoking." It was not known if the enemy was aware of our landing, and as we had to march along three or more miles of narrow beach at the foot of a black cliff, a sudden volley out of the darkness would have been disconcerting to a lot of raw men jammed between the foot of the cliff and the sea.

A little after midnight we reached the mouth of the Waiapu River and could see the lights of Hātepe, the stronghold of our friendly natives across the river; but we could only find two small canoes, carrying three passengers each, to ferry us across. I waited to see the last of our party off before I could cross and was very glad to get into a warm whare in the pā, and find food and tea provided for us.

There was some skirmishing on the day Frazer and his men arrived at Te Hātepe with the HMS *Eclipse* shelling the Hauhau positions near Pākairomiromi.²⁵⁹² The *Eclipse* then moved to Wharekāhika, where on 17 July 1865, McLean himself would oversee the oath being taken by Te Iharaira Houkāmau and 88 of his kinsmen at Mākeronia.²⁵⁹³ He left them with a supply of guns and ammunition. Then McLean did the same on 20 July 1865 at Tūpāroa where Hōtene Porourangi and Rāpata Wahawaha were given 44 cases of rifles and 15 kegs of ammunition.²⁵⁹⁴ They had returned from Te Hātepe, leaving 50 of their men in that place.²⁵⁹⁵ On 29-30 July 1865, Rāpata Wahawaha and Hōtene Porourangi after receiving more guns, moved their men (120 in all) to Waiōmatatini and then to Te Horo.²⁵⁹⁶ Hōtene and 50 men from Te Whānau a Rua (No. 2) ki Tūpāroa would move to Port Awanui where they would set about constructing a pā.²⁵⁹⁷ Rāpata Wahawaha with 70 Te Aowera camped on a hill overlooking Te Horo and Waiōmatatini.²⁵⁹⁸ Tuta Nihoniho thought the numbers were 215 total with 80 under Hōtene and 135 with Rāpata.²⁵⁹⁹ There they witnessed and heard Hauhau group movements crossing the Waiapu, one group from Pukemaire (Tikitiki) moving towards Te Horo and one group from Pākairomiromi heading towards Tīkapa to take the Ngāti Puai pā there.²⁶⁰⁰ Rāpata sent for Hōtene to go to Tīkapa. With his men, Rāpata then laid an ambush for the party from

²⁵⁹¹ Gascoyne, F. (1916). *Soldiering in New Zealand*. T. J. S. Guilford and Company, Limited. 11.

²⁵⁹² Cowan. (1956). 118.

²⁵⁹³ *Te Waka Māori o Ahuriri*. 29 July 1865; D. McLean to Colonial Secretary, Napier, 26 July 1865, HB 6/5, ANZ.

²⁵⁹⁴ D. McLean to Colonial Secretary, Napier, 26 July 1865, HB 6/5, ANZ.

²⁵⁹⁵ Nihoniho. (1913). 30.

²⁵⁹⁶ Nihoniho. (1913). 30.

²⁵⁹⁷ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Rāniera Kāwhia to Donald McLean dated 15 August 1865.

²⁵⁹⁸ Soutar. (2000). 271.

²⁵⁹⁹ Nihoniho. (1913). 30-31.

²⁶⁰⁰ Soutar. (2000). 271-272.

Pukemaire, killing one Hauhau warrior and wounding another.²⁶⁰¹ Rāniera Kāwhia thought that 6 Hauhau and 3 loyalists died in the fighting at Te Horo and Tīkapa while Tuta Nihoniho talked about more than one being killed.²⁶⁰² Tīkapa pā was taken by the Hauhau from Pākairomiromi who made it over the Waiapu but it was later abandoned when Hōtene and Rāpata's men with Arapeta Haenga and Ngāti Puai attacked to reclaim the pā.²⁶⁰³

The return of the Eclipse to the Waiapu River mouth from taking arms to Te Houkāmau at Pātangata and Hōtene Porourangi and Rāpata Wahawaha at Tūpāroa signalled a change in fortunes for those at Te Hātepe.²⁶⁰⁴ With the arrival of Captain Frazer and his men from Port Awanui the number of colonial troops had risen to approximately 100 and this was sufficient capacity to take the offensive.²⁶⁰⁵

Biggs determined they should attack Pākairomiromi, however he called a withdrawal when the bugle was heard.²⁶⁰⁶ In fact it was a member of the Hauhau who had sounded the bugle.²⁶⁰⁷ On 2 August 1865, the colonial troops made a further attack on Pākairomiromi.²⁶⁰⁸ Biggs and Frazer led the troops, dividing the force into 2 or 3 columns with the loyalists guiding them to the pā.²⁶⁰⁹ The call to charge was met by a heavy volley through the palisades.²⁶¹⁰ Reweti Kohere records what happened:²⁶¹¹

With the garrison strengthened by the addition of the white troops Captain Fraser took command, and, after consulting Mōkena Kohere, decided to attack the Hauhau stronghold at Pākairomiromi on August 2, 1865. The attack was divided into three sections, commanded by Captains Fraser and Biggs and Lieutenant A. Tuke. The enemy had anticipated the attack, consequently reinforcements had come from Pukemaire during the night. It was considered necessary to take the Nuku, or "Sentry Hill," as the soldiers named it, across the river, opposite Pākairomiromi, so that the stronghold could be fired into. This was taken, but to co-ordinate with other points of attack it was necessary to cross the river, climb up the steep bank and storm the stronghold. A bayonet charge was made, and the pā was taken. For the number of men engaged it was considered the battle was one of the bloodiest in the whole of the Māori war. Eighty-seven of the enemy were killed, amongst whom was the fine chief [Iharaira] Porourangi. An armed Amazon was also found amongst the killed. A large

²⁶⁰¹ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Rāniera Kāwhia to Donald McLean dated 15 August 1865; Soutar. (2000). 71-272.

²⁶⁰² *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Rāniera Kāwhia to Donald McLean dated 15 August 1865; Nihoniho. (1913). 31.

²⁶⁰³ Nihoniho. (1913). 31; Soutar. (2000). 272-273.

²⁶⁰⁴ Soutar. (2000). 270.

²⁶⁰⁵ Cowan. (1956). 118.

²⁶⁰⁶ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast.

²⁶⁰⁷ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast.

²⁶⁰⁸ Cowan. (1956). 119.

²⁶⁰⁹ Cowan. (1956). 119.

²⁶¹⁰ Cowan. (1956). 119.

²⁶¹¹ Kohere. (1949). 55-57.

number of prisoners were taken. Before the pā was stormed the Eclipse, lying about four miles away, had shelled the rebel stronghold. One live shell was buried in the ground. The natives dug this up and threw it into the fire. Of course, it exploded, killing nine natives.

It is interesting to note the numbers killed in this narrative at Pākairomiromi, as it differs significantly from the accounts of the loyalist chiefs which put the number of Hauhau killed at between 23 and 25.²⁶¹² Yet the numbers officially recorded by Governor-Grey were consistent with Reweti Kohere's narrative, namely 87 Hauhau killed and 47 prisoners.²⁶¹³ That figure was close to those reported in the *Otago Daily Times* which recorded 90 were killed (among them Ihairaira Porourangi) and 40 wounded.²⁶¹⁴ Houses were burnt down during the attack including Te Uranga o te Rā.²⁶¹⁵ Harawira Huriwai would also claim that the church *Hoani* and the whare *Marowahine* were burnt.²⁶¹⁶ He claimed that the house was burnt with the people inside it but Wī Wānoa and a few others escaped.²⁶¹⁷

It is also interesting to note from Reweti Kohere's account that a woman Amazon, who was obviously fighting, was killed. She and the other Hauhau killed were buried at Ōkaroro urupā in Rangitukia.²⁶¹⁸ Those who escaped retreated to Pukemaire or they were captured up the Maraehara River or in the bush.²⁶¹⁹ Pātara had already left when Biggs arrived and was later seen at Raukōkore in the Eastern Bay of Plenty.²⁶²⁰

Meantime, tensions had been building in other parts of the district and this had led to insults and challenges. Although Paratene Ngata would suggest that it was Te Whānau a Hinerupe and Ngāi Tāne of Rangitukia who were the most "... ardent supporters of the *Pai Mārire* religion" the threat to the loyalists became very real throughout the entire district from the Hauhau adherents and supporters.²⁶²¹ Hati Houkāmau in the Native Land Court, for example, claimed in 1914:²⁶²²

²⁶¹² *Te Waka Māori o Ahuriri*. 29 July 1865; See also Cowan. (1956). 119.

²⁶¹³ Crosby. (2015). 258.

²⁶¹⁴ *Otago Daily Times*, Issue 1156, 4 September 1865, p 5.

²⁶¹⁵ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865.

²⁶¹⁶ Native Land Court *Re Marangairoa No 1B - Horoera* (1908) 38 Waiapu MB 366-367. Evidence of Harawira Huriwai.

²⁶¹⁷ 38 Waiapu MB 366-367. Evidence of Harawira Huriwai.

²⁶¹⁸ Soutar. (2000). 275.

²⁶¹⁹ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast.

²⁶²⁰ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Rota Waitoa to Donald McLean dated 6 August 1865.

²⁶²¹ Soutar. (2000). 242.

²⁶²² Soutar. (2000). 246. Quoting H. Houkāmau; See also Native Land Court *Re Tangihanga* (?1914) 60 Waiapu MB 67. Evidence of Hati Houkāmau.

... Hākopa Te Ari and Whitu went to Tangihanga to kill pigs – I was grown up at this time. They ate their pig and likened it to eating Houkāmau. One piece was called Te Kani-a-Takirau and a third piece was called Jesus Christ.

It was also alleged that Hākopa made a threat that if Mōkena came near Horoera, blood would be spilt.²⁶²³ From Kawakawa, Renata Pukututu wrote to the editor of *Te Waka Māori o Ahuriri* recording that the whare of Paraone Hakihaki had been burnt down by the Hauhau.²⁶²⁴ When the loyalists went to inspect the area, a female prophet of the Hauhau named Eta arrived. She told them:²⁶²⁵

Paraone says that the Hauhau burnt down his whare. That is wrong. Rather it was a sign from the Hau Pai Mārire to Paraone for failing to adhere to the prayer for Hau Pai Mārire. It was our God, who burnt down his house.

Evidently this female prophet was smoking a pipe and ashes were falling from it. Renata concluded that was the cause of the fire and that the Hauhau god was one of deceitfulness.²⁶²⁶ These narratives demonstrate that those that did not convert could be threatened or their property was attacked. If correctly quoted, such talk and actions were bound to invoke a lust for utu or ito within the ranks of the loyalist chiefs. Thus, when trouble moved beyond Waiaapu they were ready to retaliate.

In August 1865, when Houkāmau and his people were attacked by a Hauhau contingent, they were able to repel the attack with the guns given to them by Mclean.²⁶²⁷ During August it was decided to secure the area west of Te Pākihi. Mōkena Kohere, Wikiriwhi Matauru and Te Iharaira Houkāmau with Te Aowera engaged in skirmishes with the Hauhau pushing them back to Horoera, eventually taking the pā there known as Rangitāne Pā.²⁶²⁸ They pushed on taking and burning the pā at Kawakawa, invading Kōtare Pā (finding it abandoned) and successfully attacking Pukeāmaru Pā.²⁶²⁹ In total the number of pā taken by the loyalists during these attacks was 8 and these were: Pouretua, Horoera, Toropapa, Wharariki, Maruhou, Kawakawa, Kōtare,

²⁶²³ McConnell. (1998). 148.

²⁶²⁴ *Te Waka Māori o Ahuriri*. 15 July 1865.

²⁶²⁵ *Te Waka Māori o Ahuriri*. 15 July 1865, my translation.

²⁶²⁶ *Te Waka Māori o Ahuriri*. 15 July 1865.

²⁶²⁷ Crosby. (2015). 258.

²⁶²⁸ Soutar. (2000). 247.

²⁶²⁹ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865; Soutar. (2000). 276.

and Pukeāmaru.²⁶³⁰ Property of the Hauhau was subject to the principles of raupatu and muru with 8 Hauhau flags taken at Pukeāmaru.²⁶³¹ Mohi Tūrei suggested that the object of the war as far as the chiefs were concerned was to kill all the Hauhau – indicating the ultimate sanction of the law of utu was being applied.²⁶³² He also estimated that 108 Hauhau had been killed by this time in the fighting of which Iharaira Porourangi was the most important.²⁶³³ On the return to Te Hātepe there were 30 prisoners held there, so they were sent to Napier goal.²⁶³⁴

In the south Te Whānau a Ruataupare and Te Whānau a Te Aotāwarirangi at Tokomaru were divided over the war.²⁶³⁵ The majority were at Pukepapa and Tuatini Pā and were Kīngitanga and Hauhau sympathisers.²⁶³⁶ Likewise those Ngāti Ira at Tahutahupō (between Hikuwai and Uawa) were believers of the new faith. There was looting at Pōpoti and harassment of Hēnare Pōtae's people, even though Te Māwhai was still under Hēnare Pōtae's control.²⁶³⁷ Tensions in Uawa were also rising so the women and children of Te Hapū Matua, Te Whānau-a-Rangipureora and Ngāti Hauariki were taken to safety at Te Māwhai from Uawa.²⁶³⁸ Uawa was evacuated. The loyalists from there were led by Karauria Pāhura, Himiona Te Kani and Heremia Taurewa.²⁶³⁹ The Hauhau hapū at Uawa were Ngāti Kuranui, Ngāti Whakamara and Ngāi Te Wharetūpainga and they were led by Mōkena Huatau (close relative of Te Rangiūia), Rāniera Tūroa and Raharuhi Hapūpoia.²⁶⁴⁰

In August, Hēnare Pōtae went to Anaura and other places to “gather in loyalists”.²⁶⁴¹ On 7 August 1865, Hēnare Pōtae wrote to Donald McLean asking for more rifles to protect the inhabitants of his pā.²⁶⁴² He also reported that over 130 Whānau a Rua (No 1) of Tokomaru

²⁶³⁰ *Hawke's Bay Herald*. 22 August 1865. War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865.

²⁶³¹ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865.

²⁶³² *Hawke's Bay Herald*. 22 August 1865, War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865.

²⁶³³ *Hawke's Bay Herald*. 22 August 1865, War on the East Coast; Letter from Mohi Tūrei to Donald McLean dated 14 August 1865.

²⁶³⁴ Soutar. (2000). 277.

²⁶³⁵ Soutar. (2000). 277.

²⁶³⁶ Cowan. (1956). 119.

²⁶³⁷ Soutar. (2000). 279.

²⁶³⁸ Soutar. (2000). 277.

²⁶³⁹ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865; Soutar. (2000). 278, quoting Victor Walker.

²⁶⁴⁰ Soutar. (2000). 277.

²⁶⁴¹ Cowan. (1956). 119.

²⁶⁴² *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

and Te Aitanga a Hauiti had taken the oath of allegiance at his pā.²⁶⁴³ Looking at the names, the list includes some Tūranga chiefs, such as Hēnare Ruru and Hōri Karaka.²⁶⁴⁴ Hēnare Pōtae advised that the district was unsafe as Hauhau were looting and pillaging including taking guns from his people.²⁶⁴⁵

Rumours were circulating that Te Whānau a Rua (No 1) at Tokomaru and Ngāti Ira at Tahutahupō were going to attack Tūpāroa and Reporua.²⁶⁴⁶ Accordingly, Hōtene Porourangi, and Hēnare Pōtae combined forces, with Rāpata Wahawaha.²⁶⁴⁷ On 18 August 1865, they and their men attacked Tuatini Pā (which they found deserted) and so they attacked Pukepapa.²⁶⁴⁸ According to T.W. Gudgeon there were five hundred rebels entrenched in that pā, and “amongst whom were some of his Rāpata’s own tribe”.²⁶⁴⁹ He led a contingent of two hundred against them.²⁶⁵⁰ The pā did not fall and during the night the Hauhau evacuated leaving the wounded.²⁶⁵¹ T. W. Gudgeon alleged that Rāpata Wahawaha shot eleven of his kinsmen that remained in the pā.²⁶⁵² James Cowan also referenced these executions.²⁶⁵³ Monty Soutar expressed surprise at these narratives as he could find no official record of these executions. The combined force then took the pā at Tahutahupō where there were Hauhau of Ngāti Ira and Te Aitanga a Hauiti.²⁶⁵⁴ Skirmishes occurred at Pākura Swamp inland of Anaura and there Hāmiora Rangiuia of Te Aitanga a Hauiti was killed along with 11 other Hauhau.²⁶⁵⁵ Thus three pā were lost to the Hauhau and all their property including taonga, horses, stock and 80 women and children. Hēnare Pōtae put the number of Hauhau deaths at 17 with many wounded.²⁶⁵⁶ At least 45 prisoners were taken.²⁶⁵⁷ Those who escaped headed south.²⁶⁵⁸ They fled to Uawa where they were building a defensive pā.²⁶⁵⁹ Hēnare Pōtae offered terms of surrender sent by letter and carried by female emissaries which they refused.²⁶⁶⁰ The terms

²⁶⁴³ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁴⁴ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁴⁵ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁴⁶ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁴⁷ Crosby. (2015). 258.

²⁶⁴⁸ Crosby. (2015). 259.

²⁶⁴⁹ Gudgeon. (1887). 402-403.

²⁶⁵⁰ Gudgeon. (1887). 402-403.

²⁶⁵¹ Crosby. (2015). 259.

²⁶⁵² Gudgeon. (1879). 84-85.

²⁶⁵³ Cowan. (1956). 120.

²⁶⁵⁴ Nihoniho. (1913). 32; Gudgeon. (1887). 402-403.

²⁶⁵⁵ Cowan. (1956). 120.

²⁶⁵⁶ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁵⁷ AGG – HB 1/1, ANZ.

²⁶⁵⁸ Cowan. (1956). 120.

²⁶⁵⁹ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

²⁶⁶⁰ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 7 August 1865.

required ending the fighting, forsaking their god, and giving up their prophets.²⁶⁶¹ These Hauhau were still awaiting reinforcement from Rongowhakata and Te Aitanga a Māhaki.²⁶⁶² On 30 August 1865, Hōtene Porourangi and Rāpata Wahawaha went back to Tūpāroa and from there to Te Hātepe to assist with the siege of Pukemaire at Tikitiki.²⁶⁶³

Ironically, and during all this, on 2 September 1865 the Governor issued a peace proclamation that announced the end of war in the North Island. This is important because it means that the Hauhau could not have been at war with the Crown from this point. As noted by the Waitangi Tribunal:²⁶⁶⁴

All Māori who had been in arms against the Queen were pardoned, with the exception of those who had been involved in a small number of murders of individuals. The Governor would take no more lands on account of the war, and he called on all the chiefs and tribes to assist him in preserving the peace of the colony.

In line with that proclamation, on 10 September 1865 the Native Minister FitzGerald wrote to McLean noting that:²⁶⁶⁵

The Govt had determined not under any circumstances to extend military operations beyond those at Ōpōtiki, and those carried on under Captain Fraser at Waiaapu . . . I learn however from your recent despatch that the whole East Coast is now in a blaze . . . I am unable to form any satisfactory opinion as to the necessity for these steps ... because I cannot accurately judge how far your influence has been used to induce those who are friendly to engage in active operations against the Hauhaus, nor how far it was wise or necessary to stimulate our friends to engage in hostilities, nor whether such a course had become inevitable by the violence of the fanatics. Nor again have I any sufficient information as to what extent you have pledged the Government to support and protect those who are fighting on our side.

Still there was nothing in this letter rescinding McLean's powers so he continued his course of strengthening the loyalists to fight the Hauhau. In September 1865, Hēnare Pōtae believing that some of his Te Whānau a Rua relations at Pukemaire had set out for Tūranga, went to stop them with his men.²⁶⁶⁶ Taking advantage of Hēnare Pōtae's absence the Hauhau attacked Te Māwhai.²⁶⁶⁷ The pā was occupied by a very young Hati Houkāmau, four other elderly men,

²⁶⁶¹ *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald Mclean dated 30 August 1865.

²⁶⁶² *Te Waka Māori o Ahuriri*. 9 September 1865, Letter Hēnare Pōtae to Donald McLean dated 30 August 1865.

²⁶⁶³ Soutar. (2000). 281-282; Cowan. (1956). 121.

²⁶⁶⁴ Waitangi Tribunal. (2004). 76.

²⁶⁶⁵ FitzGerald to McLean, 10 September 1865, MA4/7, ANZ.

²⁶⁶⁶ Crosby. (2015). 260.

²⁶⁶⁷ Gudgeon. (1879). 85-86.

women, children and three whalers.²⁶⁶⁸ All fought successfully to defend the pā against the Hauhau including the women Hēni Te Pahuahua, Te Rangi-i-paea, and Mere Arihi Te Puna.²⁶⁶⁹ Following this defeat, the Hauhau made their way to Tūranga to join the rest of the Tokomaru, Uawa, and Tūranga Hauhau. Upon his return, Hēnare Pōtae was determined to chase down those responsible so he pursued them to Tūranga.²⁶⁷⁰

Meanwhile, Rāpata's attention had turned to Te Hātepe and Pukemaire which was still occupied by hundreds of Hauhau warriors and their supporters.²⁶⁷¹ With his arrival along with Hōtene Porourangi and their men of Te Aowera and Te Whānau a Rua (No 2) of Tūpāroa, and fifty more colonial troops under Captain Westrupp and Lieutenant Ross at the beginning of October (380 men), the stage was set for an attack on Pukemaire.²⁶⁷²

On 3 October 1865, the first assault on Pukemaire took place led by the colonial officers.²⁶⁷³ Rāpata Wahawaha and his column were able to get as far as Makorau where the Meri Tapu Church was located.²⁶⁷⁴ From there they chanted ngeri and pao denigrating the Kīngitanga, those of the Hauhau who were from other districts, and their god Rūrā.²⁶⁷⁵ They were then able to breach the pā but due to weather conditions and other reasons Captain Frazer ordered the retreat.²⁶⁷⁶ Tuta Nihoniho records that many were killed on both sides.²⁶⁷⁷ On 9 October 1865, a second assault was made but the pā had been abandoned by the Hauhau.²⁶⁷⁸ The pā was then destroyed and burnt to the ground.²⁶⁷⁹ The Hauhau were pursued overland by a column headed by Biggs with Rāpata Wahawaha and a second column headed by Lieutenant Westrupp with Mōkena Kohere took the East Coast route.²⁶⁸⁰ Reweti Kohere explains how the northern part of the district was lost to the Hauhau:²⁶⁸¹

After the fall of Pākairomiromi those of the enemy who escaped found shelter in Pukemaire. The loyalist force followed them up and attacked the stronghold. During a stormy night the rebels evacuated the pā and took the inland track to Kawakawa (Te Araroa). Hōri Kōhuru

²⁶⁶⁸ Cowan. (1956). 120.

²⁶⁶⁹ Cowan. (1956). 120.

²⁶⁷⁰ Cowan. (1956). 120.

²⁶⁷¹ Cowan. (1956). 121.

²⁶⁷² Mackay. (1949). 220; Soutar. (2000). 284; Cowan. (1956). 121.

²⁶⁷³ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁶⁷⁴ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁶⁷⁵ Soutar. (2000). 284-285.

²⁶⁷⁶ *Te Waka Māori o Ahuriri*. 4 November 1865; Gudgeon. (1879). 86; Cowan. (1956). 121.

²⁶⁷⁷ Nihoniho. (1913). 31.

²⁶⁷⁸ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁶⁷⁹ Soutar. (2000). 287.

²⁶⁸⁰ Nihoniho. (1913). 32.

²⁶⁸¹ Kohere. (1949). 56-57.

told me that in the retreat families suffered much from hunger. As one party tried to rest another would come along and leapfrog over the family resting; then this family would in turn leapfrog over the next or more families, for a family dreaded the idea of being the first. Leapfrogging was kept up all night long until the Awatere Valley was reached at daybreak. Here a storehouse of potatoes was found. In order to roast the potatoes, the whole house was set on fire.

After the evacuation of Pukemaire by the rebels the loyalist force was divided into two. Captains Fraser and Biggs and Rōpata Wahawaha pursued the rebels by the inland track while Westrupp and Mōkena Kohere took the beach route via East Cape. The other party came up to the enemy strongly entrenched at Hungahungatoroa. The terrace was about 200 feet above the bed of the Karakatūwhero River. On the east and west were deep gullies, and on the north were precipitous high cliffs.

The white troops and the friendly natives made a frontal attack, but it proved ineffective for the reason that the defenders were on a higher ground. It was left to Lieutenant Tuke to conceive the idea of scaling the precipitous cliffs behind the stronghold, and from that point of vantage to enfilade the enemy within the pā. Lieutenant Tuke took with him fourteen Māoris, who after a while succeeded in posting themselves where they could directly fire into the pā. The rebels were so confused that 500 of them surrendered, but not before the arrival of Mōkena Kohere and Westrupp. The chief took in the situation at a glance and saw that the rebels were indeed in a bad way. Amongst the enemy were about 500 of his fellow tribesmen, the Ngāti-Porou. He asked that firing might cease while he negotiated with the rebels. He sent in Hēni Kahiwhā and another woman to ask the Ngāti-Porou defenders to come out of the pā, otherwise they would be slaughtered without mercy. There was no response to the kindly request. A stubborn man, called Hāre Paraone, had placed himself in the gateway, blocking all exit, and warning others not to trust the loyalists. Mōkena Kohere once more sent in the two women, and this time the Ngāti-Porou tribesmen came out, throwing down what firearms they possessed. The rebels from Taranaki, Waikato, Bay of Plenty and elsewhere knew they were doomed, so they ... followed close on the heels of the local tribesmen, and without ado slid down into the deep gullies and got safely away.

Other accounts suggest that Mōkena did not make it to the battle site but that he sent a message to Rāpata to seek the surrender of their Hauhau relatives.²⁶⁸² Frazer also sent a message for Biggs.²⁶⁸³ Two women were sent into the pā to negotiate the surrender.²⁶⁸⁴ This was debated in the pā.²⁶⁸⁵ All were told to give up their arms which they did, surrendering 948 flintlock guns, spears, mere, taiaha, patu and tiki.²⁶⁸⁶ Hapū by hapū were called out of the pā.²⁶⁸⁷ Realising they may not be so well treated, 60 Hauhau from Taranaki, Whakatōhea, Whānau a Apanui, and Ngāti Awa escaped.²⁶⁸⁸ Three were shot during the escape.²⁶⁸⁹ Officially, 20 Hauhau were killed during the battle.²⁶⁹⁰ One of those dead was Pita Tamaturi of Te Aitanga a Māhaki

²⁶⁸² Crosby. (2015). 276.

²⁶⁸³ *Wellington Independent*. 21 November 1865, Letter of Captain Frazer to Captain T.M. & Brevet-Major dated 17 October 1865.

²⁶⁸⁴ Crosby. (2015). 276.

²⁶⁸⁵ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁶⁸⁶ *Te Waka Māori o Ahuriri*. 4 November 1865; Nihoniho. (1913). 32.

²⁶⁸⁷ Gudgeon. (1879). 87-88.

²⁶⁸⁸ Cowan. (1956). 122.

²⁶⁸⁹ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁶⁹⁰ *Te Waka Māori o Ahuriri*. 4 November 1865.

responsible for bringing Pātara to the district.²⁶⁹¹ T.W. Gudgeon alleged that he was executed – shot in the head by Biggs.²⁶⁹² Biggs would later be murdered in Tūranga by the escaped prisoners from the Chatham Islands under Te Kooti.²⁶⁹³

Ko te Mana te Utu – The Price was Mana

After their defeat at Hungahungatoroa on 11 October 1865, 500 men, women, and children were taken prisoners.²⁶⁹⁴ Initially they were taken to Kawakawa for 2 nights.²⁶⁹⁵ There Ihairaira Houkāmau told them he was going to give Kautuku, Pākihi, Horoera and Awatere to the Karakatūwhero River to the Government.²⁶⁹⁶ The probability of that happening without discussion was nil given that loyalist chiefs Wikiriwhi Matauru, Hōhua Tawhaki, Mōkena Kohere and their people had land in this area. After the drama of Pōpata Te Kauru’s son (Hōne Te Kauru) and several others escaping on the last night at Kawakawa and fleeing to Raukōkore²⁶⁹⁷ the rest of the prisoners were then marched (“e akiaki ana ngā herehere”) around the East Cape to Te Hātepe.²⁶⁹⁸ Wikiriwhi Matauru threatened to kill some of the prisoners at Te Pito.²⁶⁹⁹ Reweti Kohere explained that to kill prisoners in these circumstances was in accordance with the tikanga or law of ito or revenge and that “Wikiriwhi Matauru would be quite capable of enforcing the law of ito.”²⁷⁰⁰ Mōkena arrived just in time to prevent this happening.²⁷⁰¹ Rāpata would conduct killings at Ngātapa in accordance with the same law.²⁷⁰² At Te Hātepe on 16 October 1865, the Union Jack was raised, and a bible was placed on a table by the flag staff.²⁷⁰³ The prisoners were made to circle the flagstaff, kiss the bible and swear allegiance to the Queen.²⁷⁰⁴ They were “permitted their liberty on parole under the chief

²⁶⁹¹ Crosby. (2015). 276.

²⁶⁹² Gudgeon. (1879). 87-88; Cowan. (1956). 122.

²⁶⁹³ O’Malley. (2019). 180.

²⁶⁹⁴ *Te Wāka Māori o Ahuriri*. 4 November 1865; McConnell. (1998). 152.

²⁶⁹⁵ *Te Wāka Māori o Ahuriri*. 4 November 1865.

²⁶⁹⁶ Native Land Court *Re Marangairoa No 1B - Horoera* (1908) 39 Waiapu MB 140. Evidence of Hati Houkāmau.

²⁶⁹⁷ Soutar. (2000). 293.

²⁶⁹⁸ Soutar. (2000). 293.

²⁶⁹⁹ Kohere. (1949). 57.

²⁷⁰⁰ Kohere. (1949). 57-58.

²⁷⁰¹ Kohere. (1949). 58.

²⁷⁰² Kohere. (1949). 58.

²⁷⁰³ *Te Wāka Māori o Ahuriri*. 4 November 1865; Kohere. (1949). 58.

²⁷⁰⁴ Kohere. (1949). 59; Walker. (2005). 47.

Mōkena and Captain Deighton... ”²⁷⁰⁵ Those identified as the leaders and officially recorded were.²⁷⁰⁶

Papū or Robert (he mangumangu)	Hōne Pōhe
Hōtene Waipu	Wīremu Wānoa
Paratene Kāmura	Ihaka Whakatāne
Hākopa Tūrei	Āpērāhama Te Kuri
Hākopa Te Ari (who from Horoera had cursed Mōkena)	Rīhara Tātua
Hōne Te Aruhe	Karanama Ngerengere
Hiriweteri Te Whakamate (said to have drunk Volkner’s blood)	Hīra Kauhau
Wīremu Tito (Paratene Ngata’s father)	Te Wāriki
	Te Oti Kaikapō (nō Taranaki)
	Harawira Whānautaua
	Hēmi Marumarupō

However, Paratene Ngata’s recollection of numbers was different. During the Native Land Court investigation into the title of the Wharekāhika Block in 1908 he stated:²⁷⁰⁷

We took the Hauhaus from Hungahungatoroa to Hātepe – I was then a solider and the Hauhaus were all sworn in. There were two flags and prisoners walked between ranks. The chiefs were sorted out. The chief leaders were sent as prisoners to Napier.

Those from here were Hākopa Tūreia, Hēmi Marumarupō, Āpērāhama Te Kuri, Wī Wānoa, Hākopa Hunahuna ... those from Waiapu were my own father [Wī Tito], Wārihi Nēpia, Hīra Kauhau and many others, perhaps 40 or 50... Hōne Pōhe ... was captured and sent to Napier. At Napier a further selection was made and Te Kooti, Hōne Pōhe and others were sent to [the] Chathams and [the] remaining were returned.

There is also a suggestion that Rāpata Wahawaha considered that it was unfair that the Pākehā officers insisted on imprisoning those who had surrendered and who had sworn allegiance to the Queen.²⁷⁰⁸ His view and Mohi Tūrei’s testimony indicate that many of these men were important leaders of their respective hapū. Their loss must have been devastating. Mohi Tūrei

²⁷⁰⁵ Cowan. (1956). 122.

²⁷⁰⁶ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁷⁰⁷ Native Land Court *Re Whārekahika* (1908) 42 Waiapu MB 116. Evidence of Paratene Ngata.

²⁷⁰⁸ Soutar. (2000). 294-295.

noted that Hōne Pōhe, Rīhara Tātua, and Harawira Whānautaua had fought at Te Ranga, converted to *Pai Mārire* at Tauranga and were among the first adherents to bring the religion to the East Coast.²⁷⁰⁹ Paratene Kāmara and Karanama Ngerengere fought at Waikato and Te Ranga where they were taken as prisoners but were released to return home.²⁷¹⁰ Hōtene Tunanui, Wīremu Wānoa, Hōne Te Aruhe, Hīra Kauhou, Hākopa Tūrei, Karanama Ngerengere and Wīremu Tito had all been native teachers, and Āpērāhama Te Kuri was the head of the Kawakawa rūnanga.²⁷¹¹

As for the other prisoners, most, but not all of those hapū who took the oath were permitted to return to their kainga.²⁷¹² Tūhaka Kohere would summarise these events:²⁷¹³

In Mōkena's time trouble arose in connection with the Hauhau's. Mōkena was an adherent of Christianity. Some of the Ngāti Porou and Ngāi Tāne joined the Hauhaus. Fights took place here and the result was that the Ngāti Porou Hauhaus were captured at Hungahungatoroa. Many hapūs were taken prisoners and brought to Te Pito on Kautuku. Te Wikiriwhi Matauru a descendant of Tinātoka suggested killing the Hauhaus. Mōkena intervened and prevented them being shot. He brought them to Te Hātepe and hoisted the Queen's flag over them. He converted them and instructed them and advised them to forsake Hauhauism. They agreed to become loyal subjects of the Queen and Mōkena directed them to return to their kaingas.

There were several hapū not allowed to return and they were “suspended and kept under surveillance.”²⁷¹⁴ They included Te Whānau a Hunaara of Horoera who were kept on the Te Pākihi Block under Wikiriwhi Matauru and Mōkena Kohere.²⁷¹⁵ Ngāi Tāne and Ngāti Porou went to Tītaka on Kautuku where Mōkena was in charge of them as “prisoners.”²⁷¹⁶ James Cowan described the nature of the arrangement:²⁷¹⁷

Eventually most of the Ngāti-Porou rebels were captured. They were marched out to Waiapu, were required to take an oath of allegiance to the Queen and to salute the Union Jack and were then permitted their liberty on parole under the chief Mōkena and Captain Deighton, R.M., whom Mr. MacLean had sent up from Wairoa with some military settlers. The peace secured at the East Cape was never again broken ...

²⁷⁰⁹ Statement made by Mohi Tūrei and chiefs of Waiapu regarding prisoners taken to Napier, HB 4/6, ANZ.

²⁷¹⁰ HB 4/6, ANZ.

²⁷¹¹ HB 4/6, ANZ.

²⁷¹² Soutar. (2000). 295.

²⁷¹³ Native Land Court *Re Hahau* (1921) 80 Waiapu MB, 285-287. Evidence of Tūhaka Kōhere.

²⁷¹⁴ Kohere. (1949). 59.

²⁷¹⁵ Native Land Court *Re Marangairoa 1B – Hoerora* (1908) 39 Waiapu MB 141-143. Evidence of Hati Houkāmāu; Soutar. (2000). 295.

²⁷¹⁶ Kohere. (2005). 229; Native Land Court *Re Kautuku* (1913) 56 Waiapu MB 358. – Evidence of Wī Tūpaea; Native Land Court *Re Hahau* (1921) 81 Waiapu MB 26. Evidence of Wī Tūpaea.

²⁷¹⁷ Cowan, J. (1940). *Sir Donald MacLean*. A.H. & A.W. Reed. 80.

After the peace was declared, Ngāi Tāne returned to their traditional kainga at Raraōpawa on the Maraehara block and then to Ōkarae.²⁷¹⁸ Ngāti Porou of Pukemaire were also able to return eventually on land within the area of their former stronghold.

Te Whānau a Uruahi, Te Whānau a Māhaki and Te Whānau a Rua prisoners all came under the authority of Rāpata Wahawaha.²⁷¹⁹ Eru Pōtaka would note this by stating that he:²⁷²⁰

... was taken prisoner and released. Rāpata settled the Hauhau of Te Whānau o te Ao and Te Whānau a Kaipākihi at Tokomaru and some were placed at Waipiro, some at Akuaku, some at Anaura.

Iharaira Houkāmau also took 32 male Hauhau as his prisoners along with their women and children.²⁷²¹ On 17 October 1865, Iharaira Houkāmau sent a notice listing his prisoners (without their hapū affiliations) to the editor of *Te Waka Māori o Ahuriri* and the names were:²⁷²²

Te Hēnare Tutu	Tūai
Taimōna	Hōna
Hōhepa Kaihe	Pehimana
Piri Kōria	Pineāmine te Opeope
Hirini Whaiwaka	Mara ki Niu
Paratene	Tūrou
Hōri Te Apinga	Himiona Marupare
Wī Takekē	Pērā Tarahuanui
Reta Toenga	Wī Ngaurakau
Pāora Keka	Ēnoka Te Āpāpā
Rota Tapukea	Te Reweti
Te Paka Maruki	Himiona Kēhua
Pirimoana	Hōne Kuruini
Rīhara	Pātoromū Waerehu

²⁷¹⁸ 56 Waiapu MB 358-359. – Evidence of Wī Tūpaea; Native Land Court *Re Hahau* (1921) 81 Waiapu MB 26. Evidence of Wī Tūpaea.

²⁷¹⁹ Soutar. (2000). 296.

²⁷²⁰ Native Land Court *Re Maungahauini* (1897) 27 Waiapu MB, 180. Evidence of Eru Pōtaka.

²⁷²¹ *Te Waka Māori o Ahuriri*. 4 November 1865.

²⁷²² *Te Waka Māori o Ahuriri*. 4 November 1865.

Karepa Ironui	Reweti Hunuhunu
Hetaraka Te Kētai	Hōne Kou

On 26 October, Donald McLean wrote to the Colonial Secretary's Office asking for instructions on how to deal with the prisoners from Hungahungatoroa.²⁷²³ The Colonial Secretary directed McLean to immediately release all the women and children taken prisoner.²⁷²⁴ With regard to the male prisoners, he wrote:²⁷²⁵

Those of the Adult Male Prisoners who belong to the districts in which respectively they were taken, and against whom no accusation, or suspicion, of any special crime exists are to be liberated on their fulfilment of the following conditions:

1. *They are (whether they have done so before or not) to take the oath of allegiance in a formal and solemn manner, the name, appearance, age, &c., of each being carefully and conspicuously taken down in writing at the time, and a written acknowledgment that they have taken the oath being signed by each and duly witnessed.*
2. *A distinct intimation must be given to each in the most explicit terms, that if any of them shall at any future time take up arms against, or in other ways resist, the Queen's authority, he will most assuredly, if again captured, be executed or transported from the Country, or condemned to hard labour.*
3. *Each prisoner to be released should acknowledge in writing that he has heard, and thoroughly understands, the above intimation.*

The prisoners who had already been taken to Napier were to be investigated on the possibility they "may have been accomplices in the murder of Mr Volkner or Mr Fulloon, or of any other person," and they were to be tried as soon as sufficient evidence was collected.²⁷²⁶ Until then "they were to be kept in confinement."²⁷²⁷

The fate of all the prisoners taken to Napier is not known. What is clear is that their fate became mixed with the prisoners from Tūranga after the battle at Waerenga Hika.²⁷²⁸ Four East Coast prisoners were taken to Wellington charged with rebellion and by 1870 were awaiting

²⁷²³ D. McLean to Colonial Secretary, Napier, 26 October 1865, HB 6/5. 373 One such list has been located at ANZ in the file AGG-HB 7/2b and is included in the document bank.

²⁷²⁴ E. W. Stafford to D. McLean, Wellington, 1 November 1865, HB 3/3, ANZ.

²⁷²⁵ E. W. Stafford to D. McLean, Wellington, 1 November 1865, HB 3/3, ANZ.

²⁷²⁶ E. W. Stafford to D. McLean, Wellington, 1 November 1865, HB 3/3, ANZ.

²⁷²⁷ E. W. Stafford to D. McLean, Wellington, 1 November 1865, HB 3/3, ANZ.

²⁷²⁸ Williams William Leonard journal, MS 2467, ATL, 11, 59.

execution.²⁷²⁹ Prisoners captured during the fighting at Tokomaru were also sent to Wellington.²⁷³⁰

On Saturday 4 November 1865, Donald McLean travelled from Napier to the Waiapu district on board the HMS *Esk*.²⁷³¹ By this time all the major Hauhau strongholds including Pukemaire had been destroyed except Waiōmatatini and Horoera, which were occupied by the loyalists. McLean went ashore at Port Awanui on 6 November and then he rode over to Waiapu. The Hauhau prisoners were then subjected to further round of swearing allegiance to the Crown, with the *Hawkes Bay Herald* reporting on what took place.²⁷³²

The natives expressed the greatest delight at seeing Mr McLean, and welcomed him with a war dance and enthusiastic speeches ... The Hau Hau prisoners – men, women and children – to the number of about 300 (a number having been sent to Tūpāroa ...) were seated on the side of the rise; on the flat below were Morgan's people; while Mr McLean, Capt. Luce, and the European officers and gentlemen, stood between the two parties.

The friendly chiefs handed over the prisoners and the conquered territory to Mr McLean, as representing the Government. The Hau Hau were then informed that their lands and all their property were forfeited to the Queen, but that, in taking the oath of allegiance, they would be restored to liberty on the distinct understanding that if they should again take up arms, they would be either hung or transported, as the Government might determine. The oath of allegiance was then administered to 134 men, and a description of each taken down in writing as they signed the oath.

Te Waka Māori o Ahuriri gave a slightly different version of what he said. The editor noted first that the chiefs released the prisoners and the land to McLean.²⁷³³ McLean advised the Hauhau that their lands and their “taonga” (property) were to be confiscated.²⁷³⁴ He also told them that they were released but that should they ever turn against the Queen and break the law they would be executed.²⁷³⁵ There were only 300 prisoners present as some had been taken to Tūpāroa with Hōtene Porourangi and Rāpata Wahawaha.²⁷³⁶

On 6 November 1865, McLean held a conference with Mōkena Kohere, Mohi Tūrei, and Hōtene Porourangi at Waiapu over the issue of Pai Mārire lands. McLean advised that “... the Government do not wish to interfere with the land taken from the Hauhaus but would make it

²⁷²⁹ *AJHR* 1870. The source lists the prisoners as Ngati Porou.

²⁷³⁰ D. McLean to H. Pōtae, Napier, 8 September 1865, MS Papers 0032-689k, ATL, ETHA Vol. 5, p.113.

²⁷³¹ *Hawke's Bay Herald*. 14 November 1865. 3.

²⁷³² *Hawke's Bay Herald*. 14 November 1865. 3.

²⁷³³ *Te Waka Māori o Ahuriri*. 18 November 1865.

²⁷³⁴ *Te Waka Māori o Ahuriri*. 18 November 1865.

²⁷³⁵ *Te Waka Māori o Ahuriri*. 18 November 1865.

²⁷³⁶ *Te Waka Māori o Ahuriri*. 18 November 1865.

all over to the friendly chiefs subject to their allowing the Hauhaus to have a maintenance.”²⁷³⁷ Mohi Tūrei is recorded as stating that the chiefs wished that “the Queen should take possession of the whole” of the land.²⁷³⁸ However, Mōkena Kohere and Hōtene Porourangi, clarified the matter stating “...the land should be surveyed, and ... the Government should set apart enough for themselves and also for the maintenance of such of the rebels as give up their Hauhauism and become loyal subjects of Her Majesty.”²⁷³⁹ Clearly, they did not expect their land to be confiscated, and they also considered enough land should be retained for those who renounced the *Pai Mārire* religion.

Tūranganui-a-Kiwa

On that note, attention turned to Tūranga-nui-a-Kiwa, where news of the Hauhau defeats had reached that community. Earlier in July 1865, 120 men from Tūranga swore allegiance to the Queen and to the law. This ceremony was facilitated by Hirini Te Kani who wrote down their names for them to sign with their marks or signatures.²⁷⁴⁰ Thus, along with the 136 people who did the same at Te Māwhai in August, many chiefs of Te Aitanga a Hauiti, Ngāti Oneone, Ngāti Konohi, and Rongowhakaata in the southern part of the district were loyalists. Hirini Te Kani appears to have done his best to keep the peace and the organising of the oaths was not the only contribution he made. He also tried to stop Hauhau activities that might lead to an adverse reaction from the loyalists. The Waitangi Tribunal records, for example, that on 10 August 1865 in Tūranga:²⁷⁴¹

... a large Pai Mārire rūnanga was held at which it was decided, after canvassing the options, to send 200 armed men to ‘make peace between Hēnare [Pōtae] & the Tokomaru Hauhaus’. Pōtae’s village at Te Māwhai had been fortified and a Pai Mārire pā constructed at Tokomaru. Hirini Te Kani, who had returned from Pōtae’s pa, tried to dissuade this party from setting off, but, though he was unsuccessful, the party was turned back at Puatai anyway. Two Rongowhakaata chiefs had been killed in recent fighting, and in early September the Rongowhakaata party decided to make another attempt to go to Uawa to avenge these deaths. On 1 September, Mōkena Kohere had declared that any Pai Mārire Tūranga Māori involvement in the Ngāti Porou conflict would ‘ensure he returned to the district to destroy its Pai Mārire inhabitants’.

²⁷³⁷ Minutes of a Conference held at Waiapu, 6 November 1865, AGG-HB 1/1, ANZ.

²⁷³⁸ Minutes of a Conference held at Waiapu, 6 November 1865, AGG-HB 1/1, ANZ.

²⁷³⁹ Minutes of a Conference held at Waiapu, 6 November 1865, AGG-HB 1/1, ANZ.

²⁷⁴⁰ *Te Waka Māori o Ahuriri*. 7 October 1865.

²⁷⁴¹ Waitangi Tribunal. (2004). 73.

At Uawa people were building pā, as they were worried about the fighting between the Hauhau and loyalists there.²⁷⁴² On 4 September 1865, Hirini Te Kani wrote to McLean requesting soldiers, guns and ammunition to use should he not be able to persuade the parties to keep the peace.²⁷⁴³ This followed an earlier request by Hirini Te Kani for arms while he was at Te Māwhai.²⁷⁴⁴ McLean was able to use this request to justify his interference in Tūranga and to mount a military campaign. On 15 September 1865, a contingent of 30 men under Lieutenant Wilson arrived in Tūranga and were located at Te Poho o Rāwiri.²⁷⁴⁵ Then, on 18 September 1865, a further unit arrived whereupon they began building a redoubt.²⁷⁴⁶

In mid-late September the 200 strong Hauhau contingent from Uawa and Tokomaru arrived in Tūranga.²⁷⁴⁷ Hēnare Pōtae threatened to come down to get his people of Te Whānau a Rua (No 1) of Tokomaru. He arrived on 28 September 1865.²⁷⁴⁸ Then news arrived that Te Māwhai had been attacked.²⁷⁴⁹ He returned up the coast after calling on all loyalists to assist him.²⁷⁵⁰ Hirini Te Kani tried to intervene but was told by the Tūranga Hauhau chiefs, that they desired peace and would not start any conflict.²⁷⁵¹ However, they did not “wish ... to tell those Ngāti Porou staying with them to leave”.²⁷⁵² Hēnare Pōtae returned on 30 October with 30 men causing a “great stir”.²⁷⁵³ Hirini Te Kani wrote to Hēnare Pōtae urging him not to come to Tūranga. Rongowhakaata loyalists also visited him asking him to leave.²⁷⁵⁴ Pōtae’s reply was that he was there to follow up the fighting, not to begin it.²⁷⁵⁵ If they “did not want fighting, they should send away those he chased.”²⁷⁵⁶ On 2 November, Hēnare Pōtae “wrote to McLean to ask for more guns, because he had only 50 rifles for his men, whose number had swelled to 120.”²⁷⁵⁷

²⁷⁴² *Otago Daily Times*. 9 October 1865. 5.

²⁷⁴³ Waitangi Tribunal, (2004). 75; Oliver & Thomson. (1971). 92.

²⁷⁴⁴ Waitangi Tribunal. (2004). 77.

²⁷⁴⁵ Waitangi Tribunal. (2004). 77.

²⁷⁴⁶ Waitangi Tribunal. (2004). 77.

²⁷⁴⁷ Waitangi Tribunal. (2004). 73.

²⁷⁴⁸ Waitangi Tribunal. (2004). 73.

²⁷⁴⁹ Waitangi Tribunal. (2004). 73-74.

²⁷⁵⁰ Waitangi Tribunal. (2004). 74.

²⁷⁵¹ Waitangi Tribunal. (2004). 74.

²⁷⁵² Waitangi Tribunal. (2004). 74.

²⁷⁵³ Waitangi Tribunal. (2004). 74.

²⁷⁵⁴ Waitangi Tribunal. (2004). 74.

²⁷⁵⁵ Waitangi Tribunal. (2004). 74.

²⁷⁵⁶ Waitangi Tribunal. (2004). 74.

²⁷⁵⁷ Waitangi Tribunal. (2004). 74.

On 12 October 1865, there was a change in Government and Edward Stafford became Premier. Stafford's defence policies for the entire country were outlined on 19 October 1865.²⁷⁵⁸ He would accept the withdrawal of the imperial troops from New Zealand, but he proposed to keep a small mobile force, which, "in conjunction with the friendly Natives" would repress "outrages".²⁷⁵⁹ This policy had shown its success on the East Coast. He stated, "We do not propose to meddle with the Natives so as to irritate or provoke them to outrages, but we do mean to repress outrages whenever they occur."²⁷⁶⁰ Thus McLean had a potential ally in power. When FitzGerald was still Native Minister, he did not support McLean. Stafford enabled McLean to continue his plan to wage war on the Hauhau with the assistance of the loyalists.²⁷⁶¹ McClean also remained wedded to his strategy of extending the Crown's authority and protecting Pākehā settlements. In pursuing his own objectives, and as at Waiapu, he lost the opportunity to mediate a peaceful resolution to the trouble in Tūranga. The Waitangi Tribunal has outlined the many overtures of peace made by the Tūranga chief Raharuhi Rukupō which were rejected.²⁷⁶²

During October, the settlers and the press recorded Rukupō's evident commitment to peace. Early that month, Leonard Williams, the Daily Southern Cross, and the Hawke's Bay Herald all reported that an attack on the Tūranga kāwanatanga side had been planned by a large number of Ngāti Porou Pai Mārire, who had recently arrived in Tūranga after the fall of Pukemaire. However, Rukupō had overruled this plan. The Cross also noted that Rukupō had expressed his 'desire for peace' and had announced that 'so long as his people remain unmolested he would not interfere with [Ngāti Porou]'. A Pai Mārire individual named Harawira was also proposing peace, though [Leonard] Williams commented that he had 'no faith in such speeches from the Hauhaus'. However, at the beginning of October 1865, the situation at Tūranga seemed relatively calm – 'pretty safe', in Williams' words. Pai Mārire leaders in fact appeared anxious to keep the situation calm. Rukupō, who had exchanged letters with McLean since the 1850s, wrote to him in September to assure him of his pacific intentions. He added, however, that he did not believe that 'McLean's friends' – the Ngāti Porou kāwanatanga – wanted peace.

By the last week of October, Rukupō was also making repeated attempts to open discussions with the colonial officers. On 24 October, he invited Lieutenant Wilson and Captain La Serre to meet him, but they declined. The younger Rongowhakaata Pai Mārire leader Ānaru Mātete was also present, and he and Rukupō made 'the usual friendly protestations & [said] that they did not approve of Hēnare Pōtae & Mōkena coming here'. On 25 October, a Tūranga rūnanga expressed friendliness to the Government, though remaining firmly

²⁷⁵⁸ NZPD, 19 October 1865, 685.

²⁷⁵⁹ NZPD, 19 October 1865, 685.

²⁷⁶⁰ NZPD, 19 October 1865, 685.

²⁷⁶¹ Waitangi Tribunal. (2004). 77-78.

²⁷⁶² Waitangi Tribunal. (2004). 80-83.

opposed to Kohere and Pōtae. For a second time, Rukupō tried to arrange a meeting with Wilson and La Serre, but they again declined his invitation.

At this time, too, relations between Rukupō and the Tūranga kwanatanga party assume importance. On 31 October, Williams wrote that Rukupō and other Pai Mārire chiefs were reported to be hoping for a reconciliation with Hirini Te Kani. The colonial officers seem to have found this dialogue between Tūranga rangatira of both political allegiances difficult to deal with. It was about this time that Lieutenant Wilson was driven by frustration to issue a notice to 'the loyal natives of Tūranga' requesting that they be true in their declarations either for or against the Government. Wilson would no longer tolerate 'Government men' carrying on amicable relations with the 'Hau Hau', saying 'let them either be cold or hot, and not remain as sources of trouble and perplexity to both parties'. Wilson's notice points to the fact that kāwanatanga–Pai Mārire divisions among Tūranga Māori were hardly rigid; whanaunga conducted their relations with one another as normal.

... [Tāreha] Te Moananui would intensify efforts to keep the peace. His correspondence to McLean and Biggs conveyed both his anxiety that McLean and Rukupō should meet and his belief that he was acting in accordance with McLean's wishes. On 5 November, he wrote urgently to McLean at Waiapu asking him to come to Tūranga at once and to leave his forces in Waiapu. Te Moananui also wrote to McLean and Biggs to inform them of his meeting with Rukupō and of his success in securing Rukupō's agreement to meet Te Kani and Pōtae at Tūranganui and to travel with McLean to Napier.

Historians agree that from this time Rukupō did his best to ensure that the peace would be kept. To that end, he offered restitution for the damage done to outlying settler properties abandoned at the beginning of November and he sought to discuss peace. ...

On 7 November, though his invitation to Te Kani, Pōtae, and the officers to cross the river and visit him to arrange peace terms had been refused, Rukupō decided to go across to them. In the hope of negotiating peace with La Serre, he arrived in town, bringing a canoe load of food with him, but St George said, 'we would not even meet him'. La Serre was reported as saying 'there was no peace now and . . . he must abide the consequences. Te Moananui had also 'tried hard' to persuade the officers to meet with Rukupō, but they continued to refuse to do so, saying that McLean would come to sort out the situation.

That same day, kāwanatanga Tūranga Māori did meet with Rukupō, who undertook to compensate for looting. But he was not well received, and he left, reportedly saying that he would 'fight at once'.

On 8 November, it was recorded that Rukupō made Wyllie, whose house had suffered considerable damage, an offer of payment of horses, cattle, and cash amounting to £300 or £400, to 'indemnify him for the loss which he has now sustained.' Wyllie said he could not accept the offer without communicating with the officer in command. In the event, Wyllie did not accept the compensation Rukupō offered. ...

The Tūranga chiefs, particularly those from Rongowhakata were right to be concerned that Ngāti Porou were involved. Some were traditional enemies of several hapū including Rāpata Wahawaha's hapū. As already discussed, he was made a prisoner of Rongowhakaata when he was a child. Mōkena had whakapapa links into the district, and he considered he had every right to expel the *Pai Mārire* religion and the Hauhau from Tūranga as well as the East Coast. Furthermore, all the loyalist chiefs were still seeking utu for the killing of Rev. Volkner and

for the various killings on the East Coast. The Waitangi Tribunal, who did not hear from Ngāti Porou or consider any tikanga reasons for their participation, concluded that the attack on Tūranga was inevitable because.²⁷⁶³

- (a) *McLean and kāwanatanga Ngāti Porou had brought the internal Ngāti Porou campaign on the East Coast to a triumphant conclusion.*
- (b) *McLean saw the invasion of Tūranga as an opportunity to address within a single campaign Pai Mārire and Māori self-determination sentiments along the entire East Coast as far as Tūranga. The new Premier, Stafford, took the same view, advising McLean in private correspondence on 3 November 1865 that it appeared to be 'the best thing to do to put down hauhauism in Poverty Bay while our forces are flushed with success, & the rebels correspondingly dispirited'.*
- (c) *Ngati Porou kāwanatanga saw opportunities for enhancement of mana and gains in land by allying themselves with Crown forces.*
- (d) *In any event, Ngāti Porou kāwanatanga leaders owed McLean and the Crown a debt of gratitude for providing what became crucial assistance in the Ngāti Porou fighting. In the end, it was simply the case that, if the Crown were going to break the independent mindset of Tūranga Māori, that was the perfect time to do it.*

I would add to this list the tikanga reasons above and the fact that Ngāti Porou were merely pawns in the McLean's strategic objectives, namely, to assert authority over all Māori including the Hauhau. Ironically, both sides would pay the price for the Crown's duplicity. The reference to gaining land, relates to the negotiations that led to the transfer of Patutahi lands to Ngāti Porou, which were sold.²⁷⁶⁴

Te Taenga Mai o Ngā Hoia Kuīni ki Tūranga – The Arrival of the Queen's Troops at Tūranga

On 9 November 1865, McLean returned to Tūranga on HMS *Esk*. He came via Tūpāroa where he addressed the prisoners held by Hōtene Porourangi and Rāpata Wahawaha.²⁷⁶⁵ It is likely that a similar ceremony took place there as occurred in Waiapu. McLean moved on to Tūranga with Rāpata Wahawaha, Mōkena Kohere, 260 loyalists and some of the Hauhau prisoners.²⁷⁶⁶ On the same day Captain Frazer arrived with 100 of his Forest Rangers.²⁷⁶⁷ With the arrival of

²⁷⁶³ Waitangi Tribunal. (2004). 107.

²⁷⁶⁴ Daly, S. (February 1997). Rangahaua District 5B, Poverty Bay Working Paper. Published as part of the *Waitangi Tribunal Rangahau Whānui Series*. 104-105.

²⁷⁶⁵ *Te Waka Māori o Ahuriri*, 18 November 1865, Volume 3, No 64, pp 49-51.

²⁷⁶⁶ Williams William Leonard East Coast (N.Z.) Historical Records Gisborne, *Poverty Bay Herald* (1932) p 46; *Te Waka Māori o Ahuriri*. 18 November 1865; Mackay. (1949). 222; Oliver & Thomson. (1971). 94.

²⁷⁶⁷ Mackay. (1949). 222.

these forces, the southern war in Tūranga became inevitable.²⁷⁶⁸ In an attempt to stop the loyalist participation in the impending war, some Te Whānau a Ruataupare Hauhau departed Waerenga a Hika for Tokomaru on 11 November 1865.²⁷⁶⁹ This did not stop the war, but it probably meant that the Hēnare Pōtae would take them under his “surveillance.” After discussion with the loyalist chiefs, McLean issued terms to the Hauhau to surrender on 10 November 1865.²⁷⁷⁰ Those terms were as follows:²⁷⁷¹

The majority of the Natives of Tūranga have been guilty of many wrong acts. They have invited and entertained the Hauhaus after they had in cold blood murdered the Revd Mr Volkner and have continued to support the Votaries of that superstition ever since. It is well known to all that the aim of the Hauhaus is to murder and destroy; they have done this in many instances and have been punished. The Government have shewn great forbearance. They gave good advice to the Natives of Tūranga in the days of darkness, but this good advice has been trampled upon and rewarded by bad deeds. European property has been plundered, houses destroyed, and threats used to kill without distinction, both the Europeans and the Natives who support the Government, and those who wish to live in peace and follow their usual avocations are prevented from doing so. All thoughtful men must know that this state of things cannot last.

The Natives of Waiapu and Tokomaru have been compelled to take up arms in their own defence to protect their lives which were threatened by the Hauhaus. It is impossible to preserve peace when the Hauhau party determine to drive the supporters of the Government into the sea. The terms upon which war may be averted at Tūranga are as follows -

1st. The surrender to the Government of all Natives now in the District who have been concerned in any murder or other serious crime, that they may be tried for their offences, and, if found guilty, punished according to Law, also of all Natives who have fought against the Government at Waiapu, Ōpōtiki, or elsewhere

2nd. The immediate expulsion from this District of all Natives who have come from a distance as emissaries of the Hauhaus.

3rd. Taking the Oath of allegiance to Her Majesty and undertaking in future to live in obedience to the Law.

4th. All losses sustained by Europeans to be paid for.

5th. The Arms to be surrendered.

It must be distinctly understood that If the above terms are not complied with the lands of the promoters of disturbance will be taken for the purpose of defraying the expenses of the European and Māori Soldiers who will have to be employed to secure peace, and of maintaining order here-after. And if after this, they break the peace the Government will establish Military Settlements on their lands to maintain the Queens authority.

Tūranganui Nov 10th, 1865

²⁷⁶⁸ Oliver & Thomson. (1971). 94.

²⁷⁶⁹ O'Malley, V. (September 2000). “An Entangled Web”: Te Aitanga a Māhaki Land and Politics 1840-1873 and their Aftermath. Te Aitanga a Māhaki Claims Committee. 146.

²⁷⁷⁰ *Te Waka Māori o Ahuriri*. 18 November 1865; Oliver & Thomson. (1971). 94.

²⁷⁷¹ As reproduced in Waitangi Tribunal. (2004). 84-86.

The Crown clearly saw the war at Waiapu as a fight against the Government. In other words, the Government did not consider the fighting at Waiapu a Ngāti Porou war, yet later McLean would claim otherwise.

In Tūranga when the Hauhau chiefs did not surrender by 16 November 1865, the troops marched on Waerenga-a-Hika.²⁷⁷² The fighting lasted several days until the surrender on 22 November 1865.²⁷⁷³ The price paid was enormous as Mōkena Kohere, Rāpata Wahawaha, Hōtene Porourangi, and Hēnare Pōtae lost the following men:²⁷⁷⁴

No Hapū Named	Te Aitanga a Hauiti	Te Whānau a Rua
Taitanga Māhaki	Wī Māhau	Pōtiki
Riria Pura (a woman)	Kereopa Te Neke (wounded)	Āpirana Te Ke
Hāmi Parehe	Tāmati Tāwaha	Hōne Tikitiki
Wī Rangitārewa	Hōne Toke	Te Kuia
Te Korewā	Hōhaia Tūtapu	Peti Mōkene
Kaperaniko Tuku Paka	Piriha Kone Kone	Hāmi Hamo
Te Manihera		

Many Hauhau were killed with 71 in the pā alone and 400 taken prisoner.²⁷⁷⁵ The Waitangi Tribunal would record that:²⁷⁷⁶

By 22 November 1865, the siege was over. Hundreds of those inside the pa surrendered, though a considerable number escaped out the back. Many of those selected by the Crown as the 'worst offenders' were imprisoned on Wharekaui (Rekohu, or the Chatham Islands). The Crown attempted, in their absence, to secure a cession of Tūranga land, and it finally succeeded in 1868. ...

Mōkena Kohere then did what any victorious chief who had lost warriors would have done in battle. He acted in accordance with the tikanga of utu, ito, muru and raupatu, and the underlying values of these sanctions are clear to see. The Waitangi Tribunal records that he:²⁷⁷⁷

... paraded the prisoners and commenced a haka. Fraser intervened, telling Kohere that the prisoners belonged to the Crown, not to Ngāti Porou. But the Crown did not stop Kohere

²⁷⁷² *Te Waka Māori o Ahuriri*. 9 December 1865; Mackay. (1949). 223; Oliver & Thomson. (1971). 94.

²⁷⁷³ *Te Waka Māori o Ahuriri*. 9 December 1865.

²⁷⁷⁴ *Te Waka Māori o Ahuriri*. 9 December 1865.

²⁷⁷⁵ Waitangi Tribunal. (2004). 93.

²⁷⁷⁶ Waitangi Tribunal. (2004). 42.

²⁷⁷⁷ Waitangi Tribunal. (2004). 93-94.

from exacting other traditional fruits of victory. In the days after Waerenga a Hika, Kohere and his men looted the area, removing and destroying the property not only of Māori communities and the other pā nearby but of settlers too. Harris wrote to McLean that 'the Pai Mārire have not done us one tenth part of the damage inflicted by Morgan [Mōkena] and his men'. Settler stock had been killed and cultivations destroyed. Battersby concluded that 'This behaviour seems to have resulted from Fraser's dispute with Mōkena over the prisoners'. The prisoners from Waerenga a Hika were initially taken to the Kōhanga Karearea redoubt or placed under the care of leading kāwanatanga chief Tamihana Ruatapu at Oweta while the Government decided their fate. By 24 February 1866, the Government had determined to send the prisoners into detention on Wharekauri.

It was the Crown through McLean who unleashed this result by engaging in the war in the first place when it could have been avoided. The Waitangi Tribunal found that the Crown's attack was unlawful and that in insisting on the attack the Crown was in breach of the principles of the Treaty of Waitangi, including the right of Māori to exercise autonomy from the Crown.²⁷⁷⁸ These are findings that are hard to disagree with.

After the battle at Waerenga a Hika, those Hauhau who escaped including Ānaru Mātete sought shelter among the Hauhau in Northern Wairoa - Ruakituri.²⁷⁷⁹ In December 1865, there was further fighting against Crown forces.²⁷⁸⁰ After a request for assistance from the loyalists at Wairoa (including Ihaka Whāngā), Rāpata Wahawaha, Hōtene Porourangi and Pāora Parau arrived there with 150 men in January 1866.²⁷⁸¹ They successfully turned the battle in favour of the Crown forces at Te Kōpane and the Hauhau who survived fled to Lake Waikaremoana hotly pursued, and those not killed there fled into the Urewera.²⁷⁸² Most Ngāti Porou then returned back north but 300 under Hēnare Pōtae remained stationed at Tūranga until May 1866. Mōkena Kohere did not participate in this southern campaign and in fact never fought again for the Crown. His business with the Hauhau was completed in Tūranga where he had traditional rights.

Te Kooti Arikirangi Te Turuki – Te Kooti

The loyalists did not fight again until asked by the Crown to assist in 1868 when Te Kooti and his followers escaped from the Chatham Islands on the *Rifleman* arriving at Whareongaonga

²⁷⁷⁸ Waitangi Tribunal. (2004). 18-122.

²⁷⁷⁹ *Te Waka Māori o Ahuriri*. 9 December 1865, Letter of Pitiera Kōpu to the editor; Mackay. (1949). 225.

²⁷⁸⁰ *Te Waka Māori o Ahuriri*, Volume 3, No 67, 6 January 1866; Mackay. (1949). 220

²⁷⁸¹ Nihoniho. (1913). 34; *Te Waka Māori o Ahuriri*. 6 January 1866; Mackay. (1949). 225.

²⁷⁸² Nihoniho. (1913 33; *Te Waka Māori o Ahuriri*. 3 February 1866; *Te Waka Māori o Ahuriri*. 24 March 1866; Mackay. (1949). 225, 227, 246.

on 10 July of that year.²⁷⁸³ Hirini Te Kani's men were also approached to fight.²⁷⁸⁴ Rāpata Wahawaha and Hōtene Porourangi with Ngāti Porou were back in the fray by October 1868.²⁷⁸⁵ They assisted Crown's forces led by Captain Porter in the campaign to the Urewera in 1870 chasing Te Kooti. Te Kooti eluded them, showing up at Uawa with 33 followers.²⁷⁸⁶ According to Judith Binney he expected to garner support there from Te Aitanga a Hauiti, because some of his whakarau came from there.²⁷⁸⁷ He planned to raid Uawa but was unable to breach the redoubt housing 200 people.²⁷⁸⁸ After he abandoned the attack, he was pursued and narrowly escaped capture.²⁷⁸⁹ Rāpata Wahawaha with 50 men chased him to Mangatū, but Te Kooti again proved elusive.²⁷⁹⁰ In 1871, Rāpata with Porter returned to the Urewera where they received intelligence as to the whereabouts of Kereopa.²⁷⁹¹ He was captured, sent to Napier Goal and tried for the murder of Rev. Volkner.²⁷⁹² Kereopa was found guilty and executed on 5 January 1872.²⁷⁹³

As late as August 1878, Te Kooti's influence was still being felt in the southern end of the district with a rūnanga being called in Tūranga to discuss his new *Ringatū* faith.²⁷⁹⁴ In attendance was Hirini Te Kani and Hēnare Pōtae. They, with other loyalist chiefs and Captain Porter condemned Te Kooti and advised the people to cease their "intercourse" with him.²⁷⁹⁵ Then in 1889 when Te Kooti received his pardon and threatened to return to Tūranga, Rāpata Wahawaha, with 30 men, was present for the march to Ōpōtiki to arrest him for potentially "disturbing the peace" and they were active participants in his capture and detention.²⁷⁹⁶ He never made it to Tūranga. His legacy in the Pōtikirua ki te Toka-a-Taiau district would be the religion he founded – *Te Hahi Ringatū*. Te Kooti had identified himself with the prophet Moses and his faith would be taken up by several former Ngāti Porou Kingites and Hauhau.

²⁷⁸³ Mackay. (1949). 233.

²⁷⁸⁴ Mackay. (1949). 241.

²⁷⁸⁵ Mackay. (1949). 247.

²⁷⁸⁶ Preece to Defence Minister, 30 April 1870, AJHR, 1870, A-8B, p 47.

²⁷⁸⁷ Binney, J. (1995). *Redemption Songs: A Life of Te Kooti Arikirangi Te Turuki*. Auckland University Press, Auckland. 229.

²⁷⁸⁸ Mackay. (1949). 290.

²⁷⁸⁹ Binney. (1995) 231-233.

²⁷⁹⁰ Mackay. (1949). 290.

²⁷⁹¹ Mackay. (1949). 290-291.

²⁷⁹² Mackay. (1949). 291.

²⁷⁹³ Mackay. (1949). 291.

²⁷⁹⁴ Mackay. (1949). 291-292.

²⁷⁹⁵ Mackay. (1949). 291-292.

²⁷⁹⁶ Mackay. (1949). 294-298.

The Tūranga tribes were placed under enormous pressure to cede land following the southern war and the escape of Te Kooti in 1868. On 18 December 1868 they ceded the entire district to the Crown by the Deed of Tūranga (Poverty Bay) with the ability to make a claim to have title re-vested in them by Crown grant through the East Coast Act 1868. The Crown claimed that it had an agreement to keep 56,000 acres covering Te Arai, Patutahi and Mūhunga (Ormond) which were ceded to it, a matter highly contested.²⁷⁹⁷ The Crown decided that sections within these blocks should be awarded to Ngāti Porou and Ngāti Kahungunu. Negotiations involving Rāpata Wahawaha and others from Ngāti Porou then occurred.²⁷⁹⁸ On 30 September 1873, Ngāti Porou loyalists received a payment of £5000 for their share (10,000 acres) of the lands at Patutahi.²⁷⁹⁹

On 9 August 1869, for the sum of £2,000, an agreement was signed for the town of Gisborne by the following Te Aitanga a Māhaki, Rongowhakaata, and Te Aitanga a Hauiti chiefs: Rīparata Kahutia, Raharuhi Rukupō, Mōkena Pākura (or Kohere), Hōri Karaka (my tupuna), Rēnata Ngārangi, Eparaima te Kura, Pita Ngunu, Rota Waipara, Hirini Te Kani, Rūtene Kuiata, Kīngi Hōri (a nephew of Te Kani-a-Takirau), Tamihana Ruatapu, Hēnare Ruru, Wī Pere, Hoera Kapuaroa, Keita Waere (Kate Wylie), and Pāora Pārau.²⁸⁰⁰

The block was bounded on the east by the Tūranganui River, on the north by the Taruheru River, on the west by a line which is now Lytton Road, and along the coast to the Waikanae swamp.²⁸⁰¹ It was then surveyed and the sections were sold by auction at Napier in April 1870.²⁸⁰² Vincent O'Malley would record the extensive nature of the land cessions in the south:²⁸⁰³

More than a million acres of land, approximately the same area as was proclaimed under the Settlements Act in either Taranaki or Waikato, was theoretically subject to the East Coast confiscation legislation. At Wairoa just over 42,000 acres was ceded to the Crown by Government allies in lieu of its claims to the lands of those deemed 'rebels' in April 1867.

²⁷⁹⁷ See also Mackay. (1949). 306.

²⁷⁹⁸ Daly. (February 1997). 82.

²⁷⁹⁹ Mackay. (1949). 309.

²⁸⁰⁰ Mackay. (1949). 387.

²⁸⁰¹ Mackay. (1949). 387.

²⁸⁰² Mackay. (1949). 387.

²⁸⁰³ O'Malley, V. (February 1996). "Begging with a Bludgeon": The East Coast Confiscations. New Zealand Historical Association | Te Pouhere Kōrero Conference. Victoria University of Wellington. <https://bit.ly/3SfUx7p>.

The entire Poverty Bay district, more than half a million acres, was similarly ceded in December 1868, before the Government was forced to content itself with just over 56,000 acres in June of the following year. Repeated but unsuccessful efforts were made to obtain similar cessions of land from Ngāti Porou, and in 1875 more than 172,000 acres of land was practically confiscated from Waikaremoana Māori, who were badgered into withdrawing their claims to the blocks in question under threat of confiscation in return for a nominal payment and a few small reserves. Thus, the total area of land effectively confiscated on the East Coast, more than 280,000 acres, could hardly be described as 'small', and certainly is not regarded as insignificant by many Māori living there today, who can point out the exact boundaries of the raupatu blocks, and note with more than a touch of bitterness that some of the most prestigious chardonnays in the world are produced on confiscated land.

I muri i ngā Pakanga – Post War

Tukua te Ture a te Kuīni kia Rere – Spread the Queen's Law

After the war of 1865, the different chiefs and village elders returned to utilising their rūnanga as their form of local self-government.²⁸⁰⁴ In addition the authority of the assessors or kaiwhakawā Māori and the rūnanga established pursuant to the Native Districts Regulation Act 1858 and the Native Circuit Courts Act 1858 was reinvigorated. As early as December 1865, the Rūnanga o Waiapu was meeting and one of their first outcomes, published in *Te Waka Māori o Ahuriri*, was the composition of a waiata in honour of Donald McLean and the law.²⁸⁰⁵

Sir William Martin writing to the Native Minister in July 1865 noted under this system, the country was divided into “Native Districts” and that in each one a resident magistrate and civil commissioner were working alongside Native Assessors.²⁸⁰⁶ In his view the Native Assessors occupied the “lowest place” in this system despite the fact they worked to settle questions between Māori *inter-se*.²⁸⁰⁷ He then outlined the history of the system:²⁸⁰⁸

We began some years back by appointing certain Chiefs to administer justice among their own people. We called them Assessors, though in the Māori forms of appointments they were called Kai-whakawā, or Magistrates. It was of course intended that they should learn something of law before they began to administer it. With that view, it was arranged that the Chief English Magistrate in each district should hold periodical circuits, and so both orally

²⁸⁰⁴ Oliver & Thomson. (1971). 166.

²⁸⁰⁵ *Te Waka Māori o Ahuriri*. 9 December 1865.

²⁸⁰⁶ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸⁰⁷ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸⁰⁸ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

expound and practically exhibit to the Assessors the rules and methods of our laws. Unfortunately, it came to pass that the proposed circuits were not holden and the desired instruction not given, though the need was growing every day. Accordingly, the Native officers set themselves to do the work in their own way. The result has been such as strong wills acting ignorantly, with little instruction and less supervision or control, might be expected to produce. The new principle of law was taken up earnestly, and carried through the country by Native agents, just as the Gospel itself had been to a large degree carried through the country in former years. What was understood by law was this : that all grievances and causes of strife were to be removed for the future by peaceable means —by decisions formed and penalties imposed after public discussion ; not as in old times, by intimidation or force. Each set of administrators set itself to carry out this general principle as best it could and assumed at once the fullest powers for that purpose; that is to say, the power of determining both what matters should be treated as offences, and also the rule according to which they should be dealt with.

Sir William considered that it was necessary to “uphold these Māori Courts” because he acknowledged “it is impossible in dealing with this people to create and keep in efficient working, any system in which they do not take some practical part.”²⁸⁰⁹ These Courts were absolutely necessary, in his view, for the purpose of “effectually carrying the operation of law into the remoter parts of the country and over the whole of the scattered population.”²⁸¹⁰ He reasoned that it was also necessary to restrain them as they were often used in many parts of the country as instruments of oppression.²⁸¹¹ Any small grievance, he opined, was acted upon and “arbitrarily treated as offences against the law; and even in the case of real offences, fines altogether unreasonable in amount are often imposed, out of which the administrators of the so-called law pay themselves for their trouble.”²⁸¹² Sir William wanted the system to be improved and he laid out a blue print for how this could be done. Governor Grey rejected his advice as did the Native Minister.²⁸¹³

Nevertheless, aspects of his proposed reforms are apparent from what happened in practical terms on the ground. There were at least 2 resident magistrates appointed for Waiapu after the war, but they died very soon after appointment. In 1866, James H. Campbell took the position of resident magistrate. He was supported in his role by Major Frederick Gascoyne.²⁸¹⁴

²⁸⁰⁹ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸¹⁰ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸¹¹ Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸¹² Sir William Martin to the Hon Native Minister, 18 July 1865 – Notes on the best mode of Introducing and Working “The Native Land Act” *AJHR*, 1866, 1866 Session 1, A-01, p 79.

²⁸¹³ *AJHR*, 1866, 1866 Session 1, A-01, pp 65-66.

²⁸¹⁴ Gascoyne. (1916). 21.

Gascoyne, with a guard of 30 colonial volunteers had the role of protecting Campbell and they were to act as “a check on the behaviour of the many Hau-haus whom we had lately disarmed in that district.”²⁸¹⁵ Sir William had recommended that magistrates be protected by the constabulary thereby decreasing the formers dependence on the chiefs. Samuel Locke replaced Campbell in 1869. Generally, the existing rūnanga in the district, both traditional and those constituted under the 1858 legislation (Waiapu and Tokomaru) worked cooperatively with both J.H. Campbell and S. Locke.²⁸¹⁶

Under J.H. Campbell, Mōkena Kohere, Rāpata, Wahawaha Hōtene Porourangi, Wikiriwhi Matauru, Hēnare Pōtae, and Ihairaira Houkāmau were reconfirmed or made assessors and they assisted in the arbitration of disputes the length of the coast.²⁸¹⁷ Their traditional authority as victors recognised in tikanga, and their authority as assessors under the Native District Regulations Act 1858 and the Native Circuit Courts Act 1858 remained until they either resigned or until 1891 when the legislation was repealed by the Repeals Act of that year.

Te Kotahitanga — Unification

The loyalist chiefs appear to have attempted to unify all their people, and also prevent trouble among the iwi. During the war, for example, a warning was sent in September 1865 from Mōkena Kohere and Mohi Tūrei to the Ngāti Porou living at Mataora at Hauraki.²⁸¹⁸ The chiefs were reacting to rumours that these people were making threats towards officials and surveyors. It was also known that they had fought with Pirirākau of Tauranga against the Queenites.²⁸¹⁹ In February 1872, Rāpata Wahawaha visited Hauraki where he warned the former Kingites and Hauhau to be peaceful and not engage with Te Kooti.²⁸²⁰ He said at the time that he had the authority to settle disputes between Pākehā and Ngāti Porou, and other tribes and his people.²⁸²¹ It was reported that he went to Heretaunga to ensure that Ngāti Porou remained peaceful there.

²⁸¹⁵ Gascoyne. (1916). 21.

²⁸¹⁶ Oliver & Thomson. (1971). 167.

²⁸¹⁷ H. Campbell to D McLean, 20 February 1874, MS-papers-0032-0201, ATL.

²⁸¹⁸ Gilling, B. (April 1995). “I raised the flag over them for their protection”: The Development of an alliance between East Coast Māori and the Crown, 1840-1872. Crown Forest Rental Trust et al. 199-200.

²⁸¹⁹ Gilling. (2005). 199-200.

²⁸²⁰ *Auckland Star*. 13 May 1872, 2.

²⁸²¹ *Auckland Star*. 13 May 1872, 2.

In April 1872, Mōkena Kohere held a baptism celebration for his grandson at Ōruatua, near Horoera.²⁸²² Following the celebration he directed the people to remain faithful to the Church, the Queen, and the law. Immediately after the hui, Mōkena was picked up by Donald McLean and Rāpata Wahawaha, the latter having boarded McLean's steamer at Mataahu.²⁸²³ The two chiefs accompanied him on the trip to Tōrere, Ōpōtiki, Whakatāne and Tauranga meeting with Kīngitanga and Hauhau supporters to encourage them to remain peaceful.²⁸²⁴ This would not be the only time that McLean relied upon the loyalist chiefs to support him. A year later in 1873, he had Hēnare Pōtae and Rāpata with him on a similar trip.²⁸²⁵

Rāpata Wahawaha hosted a hui from 16-30 July 1872 at Mataahu to convey the same message internally to the tribe. The hui was called to dedicate a flagpole and to raise his new flag. He invited all the hapū and iwi of the East Coast to attend.²⁸²⁶ Te Whakatōhea, Te Whānau-a-Apanui, Tūhoe, Tūranga iwi, and all the hapū of Ngāti Porou were represented at the hui.²⁸²⁷ Sixty-seven Te Whakatōhea came by foot through the rain and cold weather to attend.²⁸²⁸ According to reports, 3000 plus people attended (including former Hauhau).²⁸²⁹ The pōwhiri to Te Whakatōhea was led by Te Aitanga a Mate, Te Whānau a Rākairoa, Te Whānau a Iritekura, and Te Aowera.²⁸³⁰ Only a small number of men were chosen as orators, a far cry from the numerous numbers of male speakers forcing themselves onto paepae these days. On the day of their arrival, 16 July 1872, the flagpole was erected by all present, and Whakatōhea led the karakia and hoisting song.²⁸³¹ There were gun salutes as well. On 26 July 1872, the Rūnanga o Waiapu was assembled.²⁸³² On 29 July 1872, the ceremony dedicating the flagpole took place. All those present attached their iwi or hapū flags to the flagpole (52 in total), but the Queen's flag flew above them all.²⁸³³ Again there were gun salutes. A table was set up under the flagpole, and on it were two swords.²⁸³⁴ One had been given to Rāpata Wahawaha

²⁸²² Letter of Mohi Tūrei to the editor of *Te Waka Māori o Niu Tīrani*, as reproduced in Kaa & Kaa. (1996). 30-31.

²⁸²³ *Te Waka Māori o Niu Tīrani*. 8 May 1872, 63.

²⁸²⁴ *Te Waka Māori o Niu Tīrani*. 8 May 1872, 63; Letter of Mohi Tūrei to the editor of *Te Waka Māori o Niu Tīrani* as reproduced in Kaa & Kaa. (1996). 30-31.

²⁸²⁵ *AJHR*, 1874, G-1, pp 1-10.

²⁸²⁶ Mohi Tūrei to *Te Waka Māori o Niu Tīrani* as reproduced in Kaa & Kaa. (1996). 36-37.

²⁸²⁷ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸²⁸ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸²⁹ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.; Walker. (2005). 58.

²⁸³⁰ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³¹ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³² *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³³ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³⁴ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

and the other was given to Mōkena Kohere.²⁸³⁵ Rāpata Wahawaha's speech after the dedication ceremony is instructive on how he considered the mana of the chiefs had continued united by the Queen and acknowledged by the Government.²⁸³⁶ He stated:²⁸³⁷

E ngā rūnanga katoa me ngā iwi, me ngā hapū, me ngā rangatira, ka whakawhetai atu au ki a koutou kua huihui katoa mai nei tātou ki kōnei kia kite i te whakaarahanga o tō tātou mana, te tohu o tō tātou whakakotahitanga ; ka whakatūria hoki e ahau ki a koutou ēnei hoari, nō te mea kāhore anō koutou kia kite. He tohu whakahōnore ēnei hoari, nā te Kuīni mō tō koutou piri pono ki a ia ; he tohu nō tōna aroha nui ki a koutou me tō koutou toa ki te pēhi i te kino, ki te hāpai i te pai ki runga. Me tēnei kara hoki, he tohu whakanui nā te Kāwanatanga i tō koutou mana, mō tō koutou toa ki te pēhi i te kino ...

He also explained the additional designs added to the Queen's flag. The moon and the star Matariki represented new life, planting, and rebirth. The other symbols on the flag were each major stars in the Māori constellation and each carried a special meaning. He encouraged the people to see this time as one of peace to be used to construct roads, schools and rebuild or restore their churches.²⁸³⁸ Rāpata referenced the story of Horouta stating that Ngāti Porou was like the Horouta waka, broken and in need of repair. Rāniera Kāwhia was called upon to distribute the solution to renew the relationships of the iwi. He distributed the 170 taha manu to each hapū or iwi present. Mohi Tūrei summarised his speech thus: "kia mau ki ngā ture, kia ū tonu ki te Whakapono" - "abide by the laws and hold fast to the faith."²⁸³⁹ Hōtene Porourangi, Wikiriwhi Matauru, Ihairaira Houkāmau, and Hēnare Pōtae all spoke during this occasion along with the Te Aitanga a Hauiti chiefs Arapeta Rangiuia, Pātara Wahaaruhe, and Hirini te Kani. The Crown supplied some of the food for the hui but it went on for some days and by the end of it there was not enough food.²⁸⁴⁰ Bruce Sterling would note that enormous toll the meeting took on the resources of the people:²⁸⁴¹

McLean was informed of the problem by Rōpata immediately after the hui ended, noting that "the Rūnanga with all its problems finished today," adding that a full account of proceedings had been sent to him:

Nothing has been left out including our times of feasting and the times when we were famished. Not only were we supplied with food from the local people and their land, the Rūnanga itself collected its own food, cows, sheep, pigs, and kūmara, from the bush. The local people used up all their food in trying to look after us, and those days when the food was so sweet were good. It was only afterwards that we saw that it was all gone. All the wood was burnt in the fires, including the fences. The Rūnanga

²⁸³⁵ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³⁶ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³⁷ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³⁸ *Te Waka Māori o Niu Tīrani*. 11 September 1872, 109.

²⁸³⁹ Mohi Tūrei to *Te Waka Māori o Niu Tīrani* as reproduced in Kaa & Kaa. (1996). 36-37.

²⁸⁴⁰ Sterling. (2010). 186-187.

²⁸⁴¹ Sterling. (2010). 186-187.

was left with nothing except the flagpole, the houses, and the kūmara pits. The reason was the great number of people. There were not less than 2,400 men from Ngāti Porou, from Uawa to as far as Mākeronia.

This number of 2,400 men did not account for women and children at the meeting, and that is how the figure of 3,000 plus is arrived at. The shortage of food was aggravated by the district wide problem of famine, probably related to the men being on military duties in the south with the result that limited planting had been done.²⁸⁴² By 1873, however, the situation was slowly improving, although impacted by flooding and climatic conditions.²⁸⁴³

One year later another meeting was held on 3 October 1874 at Wharekāhika.²⁸⁴⁴ There a flagstaff had been erected.²⁸⁴⁵ Over 350 Ngāti Porou were in attendance along with representatives of Te Whānau-a-Apanui.²⁸⁴⁶ The hui began with the raising of Rāpata's flag from Mataahu and gun salutes.²⁸⁴⁷ Seated below the flagpole were Ihairaira Houkāmau, Mōkena Kohere, Rāpata Wahawaha, J.H. Campbell (resident magistrate), Captain Porter, and others.²⁸⁴⁸ All the hapū were seated in groups. Ihairaira called the hui to recommit to the faith, the Queen, and her laws as was done at Mataahu. It was also called to *inter-alia*, to select Ngāti Porou's choice to run as a Member of Parliament for Eastern Māori.²⁸⁴⁹ Following the opening ceremony the rūnanga was convened and Rāpata led the discussions. Hēnare Pōtae was selected as the candidate with 350 votes.²⁸⁵⁰ However, he did not go on to win the Eastern Māori seat. Captain Porter was also nominated to be the land purchase officer (called commissioner) for the area. The hui then proceeded to discuss the proposal to have the Native Land Court deal with oil spring lands, the Crown's request to have a Magistrate's Court built at Awanui, and the return of armed constabulary in the Waiapu.²⁸⁵¹ Mōkena expressed support for the building of the Court house.²⁸⁵² He also agreed to the Native Land Court dealing with the oil lands and lands on the Waiōmatatini or south side of the Waiapu River.²⁸⁵³

²⁸⁴² Sterling. (2010). 188-190.

²⁸⁴³ Sterling. (2010). 190.

²⁸⁴⁴ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁴⁵ Sterling. (2010). 230; Oliver, S. Ihairaira Te Houkāmau. In *Dictionary of New Zealand Biography*. Accessed on 2 February 2022 at <https://teara.govt.nz/en/biographies/1t35/te-houkamau-ihairaira>

²⁸⁴⁶ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁴⁷ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁴⁸ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁴⁹ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁵⁰ *Te Waka Māori o Niu Tīrani*. 17 November 1874. 281.

²⁸⁵¹ *Te Waka Māori o Niu Tīrani*. 1 December 1874. 294.

²⁸⁵² *Te Waka Māori o Niu Tīrani*. 1 December 1874. 294.

²⁸⁵³ McConnell. (1998). 197.

Other hapū also held rūnanga hui during the years 1877-1878. While there were declarations of loyalty to the Church, Crown and the law each hui was called primarily to discuss land issues. The hui were held at Tikitiki, Waipiro, Kawakawa and Kākāriki.²⁸⁵⁴ At Tikitiki in April 1877, it was proposed that all the chiefs of every iwi in Aotearoa meet to discuss, among other matters, the Native Land legislation.²⁸⁵⁵ It is telling that such a proposal would come from a hui held in Tikitiki, a former nationalist stronghold. It is equally telling that this proposal does not appear to have been accepted by the hui at Waipiro and ignored by the hui at Kākāriki.²⁸⁵⁶ Hēnare Pōtae reframed the ideas from these hui proposing that there be a Ngāti Porou tier of decision making before representatives were selected to attend a national rūnanga. On 29 January 1878, he hosted a hui at Uawa with 400 men were in attendance.²⁸⁵⁷ Obviously there were also women present. The main themes for the hui were Te Kotahitanga, recommitting to the Christian faith, loyalty to the Queen, uniting under the new Government, and establishing a Kōmiti Nui. At the local level the parishes were to work on acquiring ministers, prohibiting alcohol and reconvening village rūnanga to discuss issues of the day. They were also to select administrators for the land and representatives for the Kōmiti Nui. They were to also chose those to attend the national hui of all the tribes at Heretaunga. These matters were put to a hui held in 1878. Hēnare Pōtae is recorded below in Māori:²⁸⁵⁸

1. *Kia ora te whakapono i roto i te Tai Rāwhiti me ōna mahi katoa.*
2. *Kia piri pono kia Te Kuīni me ōna tikanga pai.*
3. *Kia kaha ngā iwi o te Tai Rāwhiti nei ki te tuku i ngā tamariki ki te kura.*
4. *Kia iwi kotahi ngā iwi katoa o te Tai Rāwhiti nei i raro i tō tātou Kāwanatanga hou ka tū nei.*
5. *Kia tahuri ngā Rangatira me te iwi katoa ki te kimi oranga mō tātou.*
6. *Kia ora ngā Kōmiti o ngā Pāriha katoa.*
7. *Kia whai Minita ngā Pāriha katoa hei puna mo te Whakapono e mau ai.*
8. *Ko te autaiā nei ko te waipiro kia turakina atu i roto i tō tātou takiwa o te Paritū ki Wharekāhika.*
9. *Kia kotahi tūnga o te hui nui mō tō tātou takiwa i roto i te tau kotahi.*

²⁸⁵⁴ *Te Wananga*. 30 June 1877. 263-266.

²⁸⁵⁵ *Te Wananga*. 30 June 1877. 263-266.

²⁸⁵⁶ *Te Wananga*. 30 June 1877. 263-266.

²⁸⁵⁷ *Te Wananga*. 16 February 1878. 78-79.

²⁸⁵⁸ *Te Wananga*. 16 February 1878. 78-79.

10. *Kia noho huihui ngā tangata o ia kainga o ia kainga kia hanga anō hoki ngā Whare Rūnanga hei takotoranga mō ngā kōrero.*
11. *Kia Pōtitia anō hoki he tangata mō tō tātou Kōmiti nui o te Takiwa, o te Paritū ki Wharekāhika.*
12. *Kia uru anā hoki ngā Rangatira katoa ki roto ki taua Kōmiti nui.*
13. *Kia riro mā ngā Kōmiti e whakawā i ngā raruraru katoa.*
14. *Kia whakaititia ngā Rangatira raruraru me ngā tāngata tutu anō hoki.*
15. *Ko te iwi nui tōnū me ngā Rangatira katoa, hei tuara mō ngā Kōmiti katoa o tēnei takiwa.*
16. *Tēnei ka roherohea ngā Pāriha - i te Paritū ki te Awa o Tūranga-nui, i Tūranga-nui ki te Awa o Uawa, i Uawa ki Tawhiti, i Tawhiti ki Reporua, i reira ki te Kautuku, i reira ki Wharekāhika.*
17. *Mā te iwi nui tōnū e pōti he tangata i roto i ngā Pāriha kua whakahuatia i runga ake nei, hei kai whakahaere mō ngā whenua Māori.*
18. *Kia Pōtitia anā hoki e te Pāriha, he tangata mō te hui nui o te motu katoa, ki Heretaunga.*
19. *Me haere he tangata o ia wahi o ia wahi, ki Tūranga kia kite i te Minita mō te taha Māori.*
20. *Kia tonoa anō hoki e tēnei hui ki te Kāwanatanga kia rua mēre mō te takiwa o Tūranga ki Waiapu, kia tere ai te puta mai o te Wānanga i roto i te wiki kotahi ki te kore e whakaaetia mai, me mutu te utu i te Wānanga nō te mea e hē ana te haere.*
21. *Ki te hapainga katoatia ēnei Ture e tātou, ki te manaakitia. Ka mana te ingoa o tēnei hui ara **Te Kotahitanga**, ka oti nei te hua, ko te kotahitanga o te Hahi.*

The proposals were supported by:²⁸⁵⁹

Hēpeta Maitai (Uawa ki Tūranga); Hōne Meihana (Uawa ki Tūranga); Paraone Hīnaki; Hirini Ahunuku (Uawa ki Tawhiti); Hare Parahako (Uawa ki Tawhiti); Epiniha Rātapu (Uawa ki Tawhiti); Rūtene Ahumuku (Tūranga ki te Paritū); Rāwiri Te Manu (Reporua ki te Kautuku); Hemi Kaipua (Uawa ki Tawhiti); Hikiera Wharowharo (Tawhiti ki Reporua); Eru Pōhatu (Tūranga ki te Paritū); Wī Pewhairangi; Peta Kurekure; Hēnare Ruru (Tūranga); Rāniera te Heuheu; Pine Tū (Waiapu); Pāteriki Pōhura; Kerehōna Pīwaka and Pātara Rangi (Uawa); and Wī Pere (Tūranga).

This list indicates that the chiefs from Tokomaru south were more open to the emerging Repudiation and Kotahitanga Movements, though their participation was to be carefully mandated. In 1879, the Ngāti Whātua chief Pāora Tūhaere hosted an eight-day Kotahitanga meeting that discussed land-taking and other issues.²⁸⁶⁰ Whether the southern Ngāti Porou chiefs were represented is not known.

²⁸⁵⁹ *Te Wananga*. 16 February 1878. 79.

²⁸⁶⁰ Meredith, P. & Higgins, R. (No date). *Kāwanatanga: Māori engagement with the state – Sharing kāwanatanga. In Te Ara - the Encyclopaedia of New Zealand*. Accessed on 16 March 2022 at <http://www.TeAra.govt.nz/en/zoomify/37448/kotahitanga-parliament-orakei-1879>

In the meantime, the authority of the chiefs and their successors in this district continued as Paratene Ngata would reiterate. In a letter dated 13 January 1879, written from Port Awanui he wrote:²⁸⁶¹

We all know how the Government returned the Waiapu lands which were taken by Biggs, the officer in command during the fighting against the Ngāti Porou Hau-Haus of Waiapu in 1865; how Waiapu was deliberately returned by the Native Minister, Mr McLean, to the Native chiefs of Ngāti Porou who had exerted themselves to suppress the Hau-Hau troubles which broke out at Waiapu. This is what Mr. McLean said:

“The power and authority in connection with the fighting at Waiapu lies with you, the Māori chiefs of Ngāti Porou. The Government will merely assist you in the matter. The whole of Waiapu is returned to you, the chiefs, and it is for you to deal with your relatives who joined the Hau Haus; it will be for you to replace them upon the lands of which they are the owners. But they themselves must not have anything to say on the subject; that is, they must not consider that they can overrule or set aside your arrangements.”

And so the Hau-Haus were replaced on their lands by the chiefs, and none of the said land was retained by the chiefs themselves. All they did was to reserve to themselves the control of all public questions affecting Waiapu; which power they still continue to exercise.

My friends, do not despise the chiefs; they are the protectors of the people. Although your land is your own, and you are desirous of selling or leasing it, you must first apply to the chiefs, to whom the direction of these matters was given by the Government, and it is for them to approve or disapprove.

Obviously, the management of land and leasing was causing some ill feeling towards the chiefs. Paratene Ngata would later state in the Native Land Court that:²⁸⁶²

Waiapu was confiscated in consequence of Hauhau trouble but was given back by the Government and placed in the hands of the chiefs to place the various hapū back on their lands. That was done so the old position before the Hauhau war was restored.

The issue was addressed at a further Ngāti Porou hui. Rāpata Wahawaha would deliver a speech published in 1879 that recalled the measures the chiefs took in 1865 to expel the Hauhau. He claimed maintaining their loyalty to the Crown saved the people and the land.²⁸⁶³ He exalted those present to rise to meet a new challenge, namely the sale and leasing of land. He proposed the establishment of a Rūnanga Nui with representative kaumatua chosen by each hapū to supervise those with responsibility for the land and other matters affecting the iwi.²⁸⁶⁴ Each hapū was to select representatives to sit on the rūnanga. The rūnanga was to select those who

²⁸⁶¹ *Te Waka Māori o Niu Tīrani*. 1 February 1879, Paratene Ngata to the Editor.

²⁸⁶² Native Land Court *Re Marangairoa – Horoera* (1908) 38 Waiapu MB 285. Evidence of Paratene Ngata.

²⁸⁶³ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 299-300.

²⁸⁶⁴ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 300.

would have responsibility for the land and to manage all the affairs concerning that land.²⁸⁶⁵ He recalled the resolutions from the Kākāriki rūnanga where there was an emphasis on controlling land sales and leasing land. He also suggested that all the hapū centralise back to living in pā settings rather than living dispersed throughout the district.²⁸⁶⁶ He considered in this way the well-being of the whole tribe would be secured and the gospel maintained. He indicated that new measures could be adopted by which “enlightenment and peace will be promoted.”²⁸⁶⁷ Most of his proposals, were endorsed by the hui “hei tino tikanga pūmau mā te iwi nui tonu o Ngāti Porou.”²⁸⁶⁸ The hui also ambitiously purported to set aside land sales at Wharekāhika and Waiapu, declaring them null and void. Those who voted in favour of these resolutions were:²⁸⁶⁹

Rāniera Kāwhia, Mohi Tūrei, Tangaroapeau, Hōhepa Te Rore, Rīhara Honia, Marakaia Te Hei, Hakaraia Mauheni, Hēmi Taka, Hūtana Taru, Erueti Rena, Nēpia Hurikara, Hati Taumaunu, Wīremu Pere, Wīremu Keiha, Pirika Te Houhou, Hōterene Te Whārau, Raihania Pāhina, Karaitiana Wharehinga, Hāruka Tiwhatiwha, Hōtene Porourangi, Hōhepa Whitirua, Hēmi Pāhaoa, Pāora Taihaki, Epiniha Rangahau, Niha Tāwhiwhi, Wārihi Ōnewa, Tamihana Kākano, Pioripi Waipapa, Hōne Te Kauru, Irimana Houtūrangi, Wiki Matauru, Wīremu Tākeke, Manahi Kaehā, Puha Ngaripa, Eru Kāwhena, Hōri Te Whai, Te Keepa Patuhuri, Hōhepa Te Onoono, Hōnatanga Hautonga, Ānaru Whakareia, Pirinihia Te Rito, Rēnata Taiapa, Tāmati Ngākaho, Paratene Pikaahu, Māhaki Takioterangi, Karamana Ngere, Hāmiora Katia, Paratene Ngata, Tīpene Tamatama.

The list is impressive but there are many missing from that list. There are no names that correspond with those that signed the resolutions of the rūnanga in Uawa. Missing also from the list are the names of Hēnare Pōtae, Mōkena Kohere and Hatiwira Houkāmau (as by this time the latter’s father had died).

In 1881, there was a huge rūnanga meeting held at Tūpāroa with 1,000 people attending. The *Poverty Bay Herald* reported that the rūnanga was called by Rāpata to collect money from associated hapū for the Church and to deal with the leasing of land at Rotokautuku (oil spring land) and Waitekaha.²⁸⁷⁰ No final arrangement was achieved for Rotokautuku at this hui.

Interestingly, these rūnanga hui were occurring at the same time when there was also a rise in the creation of small kōmiti rather than the rūnanga managed by the loyalist chiefs. There was

²⁸⁶⁵ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 300.

²⁸⁶⁶ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 301.

²⁸⁶⁷ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 301.

²⁸⁶⁸ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 301.

²⁸⁶⁹ *Te Waka Māori o Niu Tīrani*. 15 February 1879. 301.

²⁸⁷⁰ *Poverty Bay Herald*. 25 August 1881. 2.

also some support for having these kōmiti formalised. T.W. Gudgeon, who became the resident magistrate based in Gisborne in May 1879, was anxious about these developments reporting that:²⁸⁷¹

For the last six months, committees elected by the Ngāti Porou and Tūranga Tribes have assumed judicial powers in their districts, and have fined offenders severely, particularly in the very numerous cases of crime. In the majority of cases these fines have been paid and absorbed by the committees, but a few bolder spirits refused, whereupon the judges have applied to me to enforce their judgments. I of course had to refuse and point out that to the best of my belief they had no jurisdiction from a legal point of view....

As a rule, I find these committees amenable to reason and easily managed, but such is not the case in the district north of Waiaapu River, extending to the Kautuku; here the local chairman, Ānaru Kahiki, an assessor, has warned me not to allow European policemen to serve summonses, and informs me that they are capable of managing their own affairs.

Ānaru Kahika's voice was clearly not supported by all. Pineamine Tūhaka, for example, petitioned the Native Minister, in January 1881 stating "He inoi atu tēnei kia koe kia whakamana mai e koe ngā kōmiti a Ngāti Porou e noho nei i tō mātou whenua i Waiaapu."²⁸⁷² He wanted the Minister to clothe the kōmiti with authority. Responding to similar calls nationwide, the Government chose to pass the Native Committees Act 1883. This legislation provided for the election of committees in any district proclaimed a Native district.²⁸⁷³ In those districts, the power to call elections was vested in the resident magistrate.²⁸⁷⁴ The magistrates were required to give notice of the meetings and provide instructions on how to nominate members.²⁸⁷⁵ The magistrates had total discretion as to how these elections and procedures were undertaken.²⁸⁷⁶ The committees each comprised 12 members.²⁸⁷⁷ The first meeting was to be convened by the Native Minister, and while he did not have to be present, he obviously was required to provide authorisation for the committees to sit.²⁸⁷⁸ All those elected had to take the oath of allegiance.²⁸⁷⁹ Decisions were to be made by consensus with the Chair having the casting vote.²⁸⁸⁰ The committees could act as a Court of Arbitration and make awards up to £20 in value.²⁸⁸¹ Such decisions were enforceable as judgments of the Magistrates Court.²⁸⁸² If

²⁸⁷¹ *AJHR*, 1879, G-1, 6.

²⁸⁷² Pineamine Tuhaka, 17/1/1881, in MA 23/13a. ANZ.

²⁸⁷³ Native Committees Act 1883, s 4.

²⁸⁷⁴ Native Committees Act 1883, s 4.

²⁸⁷⁵ Native Committees Act 1883, s 4.

²⁸⁷⁶ Native Committees Act 1883, s 4.

²⁸⁷⁷ Native Committees Act 1883, ss 5-6.

²⁸⁷⁸ Native Committees Act 1883, s 8 (1).

²⁸⁷⁹ Native Committees Act 1883, s 8 (2)-(3).

²⁸⁸⁰ Native Committees Act 1883, s 8 (6).

²⁸⁸¹ Native Committees Act 1883, s 11.

²⁸⁸² Native Committees Act 1883, s 12.

resisted the matter was referred to resident magistrates.²⁸⁸³ Under section 14 of the legislation, the committees could make inquiries and report in writing to the Chief Judge of the Native Land Court as to (1) the names owners of any block of land in the process of or having been passed through the Court; or (2) the successors of any deceased owner; or (3) any disputes that may have arisen as to the location of the boundary between lands claimed by any Māori.²⁸⁸⁴ The legislation sanctioned no other functions and made no provision for funding. By the Native Lands Administration Act 1886 provision was made for block committees to be elected once title had been investigated by the Court.²⁸⁸⁵ The functions of the block committees were to make decisions with the owners regarding leasing or sale.²⁸⁸⁶ They then gave notice of that decision to the Commissioner appointed under the legislation, who was then responsible for implementing the decision.²⁸⁸⁷

The legislation was roundly criticised because it did not empower the committees to make actual decisions regarding land subject to Native Land Court proceedings.²⁸⁸⁸ The committees or *kōmiti* were constituted to cover districts and so there were often several *hapū* vying for representation on the *kōmiti*. Nor did the *kōmiti* have any local government functions. Of the 1886 legislation, James Carroll would note that the Hawke's Bay and East Coast tribes were concerned that the legislation "placed 'too much power in the hands of the Government' and that by it 'they would be robbed in a great measure of their independence ... in connection with their lands.'"2889

In summing up, these *rūnanga* and *kōmiti* meetings over the period 1877-1880s marked a period when the Ngāti Porou war chiefs were searching for a mechanism to formalise their district wide approach to self-government and the management of land. It was also a period when the difficult question of how the land should be administered become a serious issue, with *hapū* trying to reclaim back from the war chiefs their authority over their land. The 1883 and 1886 legislation superseded and probably neutralised efforts to establish a *Rūnanga* or *Kōmiti Nui*. That legislation would subsequently be repealed. It would not be until the

²⁸⁸³ Native Committees Act 1883, s 13.

²⁸⁸⁴ Native Committees Act 1883, s 14.

²⁸⁸⁵ Native Land Administration Act 1886 ss 7-12.

²⁸⁸⁶ Native Land Administration Act 1886 s 17, 20.

²⁸⁸⁷ Native Land Administration Act 1886 ss 6, 28-33.

²⁸⁸⁸ O'Malley, V. (1997). Agents of autonomy: Māori committees in the Nineteenth century. Huia Publishers. 164-165, 199, 202.

²⁸⁸⁹ O'Malley. (1997). 202.

enactment of the Māori Council's Act 1900 and the Māori Administration Act 1990 that Ngāti Porou mana whakahaere, mana rangatira and mana whenua were reinvigorated.

Ngā Whakaaro – Reflections

Donald McLean perpetuated the belief that the war of 1865 was solely a Māori war – sometimes referred to as the Ngāti Porou civil war. In doing so McLean was avoiding being accountable for arming one side against the other and encouraging Ngāti Porou to fight. It is notable that he made no attempt to seek a peaceful resolution with Pātara and the Hauhau and nor did he remain independent. He wanted war in the north and south of the district. The breach of the peace that occurred during the first engagement between the loyalists and the Hauhau he promoted because he wanted Pātara captured, and several important chiefs died as a result including Hēnare Nihoniho.

McLean also encouraged the loyalist chiefs' belief that Governor Grey had nothing to do with the war, that McLean was only involved because they sought his assistance, and that Ngāti Porou led the war effort.²⁸⁹⁰ This was a view they sincerely held and it is recorded for example, that Mōkena Kohere refused to be paid any money in recognition of his service stating – “Take your money away, the fight was mine, not the pākehās”.²⁸⁹¹

Mōkena probably did not know that in fact McLean's authority to intervene was granted in March 1865 well before the war, Captain Luce's visit in April was a reconnaissance trip, and Governor Grey's proclamation of April 1865, were all laying the basis for war. That war could not be undertaken without loyalist Ngāti Porou support. However, in all the engagements where the colonial troops were involved, Pākehā officers determined the battle strategies, even if they sometimes took advice from the loyalists. They also determined who would be taken to Napier goal. In other words, the 1865 war in Ngāti Porou territory was strategically pursued to assert colonial authority and protect Pākehā communities. To reiterate this point, Donald McLean reported to the Colonial Secretary on 26 October that:²⁸⁹²

²⁸⁹⁰ *Te Waka Māori o Ahuriri*. 4 November 1865, Letter to the Editor from Hāmiora Tamanui, Wī Hekopa Awatere, Wīremu Kīngi Taunaha & Hōtene Te Haro.

²⁸⁹¹ Kohere. (1949). 59.

²⁸⁹² D. McLean to Colonial Secretary, Napier, 26 October 1865, HB 6/5, ANZ.

The chief stronghold of the Hauhaus and rebel natives at Pukemaire has been evacuated and the enemy followed up and compelled to make an unconditional surrender. The several successful engagements...will I feel assured be the means of enabling the Govt in conjunction with our Native allies to establish British authority along the whole line of coast from Hick's Bay on the East to Uawa or Tolaga Bay on the South.

The strategy in the Tūranga war was also about asserting the authority of the Crown and making sure that the “Hauhau problem” was eradicated.

Mana Ngāti Porou – Ngāti Porou Authority

It is significant that following the war the Crown was not able to proclaim military rule and so the loyalists effectively became the governors of the district from 1865-1890s. As an unintended consequence of the wars of 1865, the Ngāti Porou loyalists were enabled to maintain their mana rangatira, mana whakahaere, and mana tangata over matters *inter-se*. It is clear they continued to govern the people of the district for many years following 1865.

They were able to do so because they had the backing of the Crown and they also had significant military capability. Those who took part in the campaigns during the 1870s against Te Kooti and others were issued with weapons and organised into companies. In 1881, one such company (two abreast on horses) led by Te Ōtene Pītau accompanied a group of settlers on a trek from Uawa to Tokomaru Bay for a large political gathering hosted by Hēnare Pōtae's people.²⁸⁹³

In 1886, Government issue guns and ammunition were still in loyalist hands.²⁸⁹⁴ The list of weapons they held included long rifles, carbines, Enfields and pistols.²⁸⁹⁵ The guns were held by ten companies comprising between 40-60 men. These men could be called up for service at any time. For example, some were activated when Ngāti Porou committed to seeking the arrest of Te Kooti in 1889 during his attempt to visit Tūranga. By 1886 the companies appear to have been led by the following people:²⁸⁹⁶

²⁸⁹³ *Poverty Bay Herald*, Volume VIII, Issue 1436, 27 September 1881, p 2.

²⁸⁹⁴ Miscellaneous Militia and Volunteer records: Arms Book (Lists of serial numbers of weapons issued to East Coast Native Militia), Container Code C 904 349, AD 103, Box 38, NA.

²⁸⁹⁵ Miscellaneous Militia and Volunteer records: Arms Book (Lists of serial numbers of weapons issued to East Coast Native Militia), Container Code C 904 349, AD 103, Box 38, NA.

²⁸⁹⁶ Miscellaneous Militia and Volunteer records: Arms Book (Lists of serial numbers of weapons issued to East Coast Native Militia), Container Code C 904 349, AD 103, Box 38, NA.

No 1 Company – Tolaga	Hōhepa and Hēnare Pei	(Captains)?
No 2 Company – Tokomaru	Hēnare Pōtae	(Captain)
No 3 Company – Akuaku	Pine Waipapa	(Captain)
No 4 Company – Akuaku	Matui Kahawai	(Captain)
No 5 Company – Tūpāroa	Hōtene Turi or Tui	(Captain)
No 6 Company – Reporua	Wī Tāhata	(Captain)
No 7 Company – Port Awanui	Hōri Te Hapinga	(Captain)
No 8 Company – Waiapu	Wī Keiha	(Captain)
No 9 Company – Kawakawa	Wikiriwhi	(Captain)
No 10 Company – Hicks Bay/Kawakawa	Mōkena	(Captain)

The existence of these companies and their military strength indicates that the Crown wanted its authority to prevail throughout the East Coast. However, that was not possible without the assistance of the Ngāti Porou loyalists. To meet the Crown’s objectives in war, the Ngāti Porou loyalists were given significant military support. In this manner the authority of the Crown and the authority of the loyalist chiefs collaboratively co-existed in the district.

Ngāti Porou authority has continued to be exercised in various forms ever since. Granted this authority has not been exercised at the pre-1840 sovereign level, yet it was still subsisting at 1900 and it has been recognised or reinvigorated in various statutes ever since as I discuss in my conclusion.

Te Whakakeke – Rebellion

Then there is the difficult question of whether the Hauhau were in rebellion. That depended on proving an individual had been in rebellion. The picture was complicated by the 2 September 1865 proclamation of peace. There was also no definition of the word “rebellion” existing in the legislation of the time. There was the New Zealand Settlement Act 1863 which defined those *not* entitled to claim land under that Act as people:²⁸⁹⁷

²⁸⁹⁷ New Zealand Settlement Act 1863, s 5.

1. *Who shall since the 1st January 1863 have been engaged in levying or making war or carrying arms against Her Majesty the Queen or Her Majesty's Forces in New Zealand; or*
2. *Who shall have adhered to, aided assisted or comforted any such persons as aforesaid; or*
3. *Who shall have counselled advised induced enticed persuaded or conspired with any other person to make or levy war against Her Majesty or to carry arms against Her Majesty's Forces in New Zealand or to join with or assist any such persons as are before mentioned in Sub-Sections (1) and (2); or*
4. *Who in furtherance or in execution of the designs of any such persons as aforesaid shall have been either as principal or accessory concerned in any outrage against person or property; or*
5. *Who on being required by the Governor by proclamation to that effect in the Government Gazette to deliver up the arms in their possession shall refuse or neglect to comply with such demand after a certain day to be specified in such proclamation?*

There was no declaration of war proclaimed against the Hauhau of the East Coast. There was only the Governor's proclamation that outlawed the religion. If there was a war, the martial law definition of rebellion could be applied but that required a concerted action against the Crown; one engaged in, for the purpose of overthrowing the authority of the Crown by armed force (or the threat of armed force).²⁸⁹⁸

Based upon these definitions, not all the Ngāti Porou hapū who converted to the *Pai Mārire* religion were in rebellion. Utterances made by Pātara could not be attributed to all of them. What was required was a case-by-case analysis to ascertain whether different members of the Hauhau were acting in rebellion or self-defence or whether they were resisting excessive force by the Crown.²⁸⁹⁹ After all, the fighting in the Pōtikirua ki te Toka-a-Taiau district was initially conducted by Māori against each other not the Crown. McLean's involvement was by subterfuge and was unknown to the Hauhau until the arrival of his colonial troops. As for responsibility for the killing of Volkner, Ngāti Porou were never implicated in that execution. Nor were the Hauhau given the opportunity to undertake a peaceful surrender by the colonial troops once they arrived in the Waiapu.

Furthermore, the eyewitness accounts of the attack on Pākairomiromi indicate that the Crown and the loyalists used excessive force, especially given that women and children, as well as

²⁸⁹⁸ Waitangi Tribunal. (2004). 116-117.

²⁸⁹⁹ Waitangi Tribunal. (2004). 117.

prisoners were in the pā. The pā was also shelled by the gun boat at Waiapu, buildings were then burnt (some suggesting there were people inside) and survivors were hunted down. All these actions were consistent with tikanga but not consistent with colonial law of the time, yet McLean did nothing to curb the behaviour of the troops and loyalists.

While some of the Hauhau may have committed crimes before the arrival of the troops, it would be very difficult in the circumstances of this war to prove the Hauhau were in rebellion. The difficulty of proving “rebellion” was the reason why prisoners were taken to the Chatham Islands without trial. This was a matter that Colonel Russell would later attempt to justify in Parliament by baldly asserting: “No great violence was done, although the action taken was, I know, somewhat beyond the law.”²⁹⁰⁰

Whenua Here – Land Confiscation

There was also no lawful authority in colonial law to confiscate land in 1865 as no proclamation under the New Zealand Settlements Act 1863 had issued and no other legislation was in place authorising confiscation at this time.²⁹⁰¹ Initially the policy of the Crown reflected by the Colonial Secretary Stafford, was that confiscation was only going to be an option if the loyalists were not able to preserve the peace stating in his letter of 1 November 1865 to McLean that he was to:²⁹⁰²

... notify to the Natives at Waiapu, Poverty Bay, and to any other Natives you may at any time communicate with, that, if they do not for the future preserve the peace, so surely will part of their land be taken for the purpose of defraying the cost of repressing outrage and maintaining order, and that, if after this, they should break the peace, the Government will establish Military Settlements on their lands to maintain the Queen’s authority.

McLean made a show of claiming the land of the Hauhau. In accordance with tikanga associated with raupatu, the chiefs initially understood the Crown was going to take all Hauhau land. McLean encouraged the chiefs to believe that he was going to revest the Hauhau land in them. Of course, the Crown had no legislation in place to undertake a confiscation. That did not stop the Crown from toying with the idea. It was unsuccessful for 3 reasons:

²⁹⁰⁰ Mackay. (1949). 228. Quoting Colonel Russell.

²⁹⁰¹ Battersby. (2000). 53.

²⁹⁰² E. W. Stafford to D. McLean, Wellington, 1 November 1865, HB 3/3, ANZ.

(1) The Crown made a mistake in the text of the legislation when it enacted confiscation legislation.²⁹⁰³ In Parliament, Stafford advised that it had been “arranged with the loyal chiefs that portions of the lands so taken should be given to the friendly natives who had fought against the rebels, and that military settlers should be planted in certain districts.”²⁹⁰⁴ The East Coast Land Titles Investigation Act 1866 was then enacted.²⁹⁰⁵ The legislation authorised the Native Land Court to determine title to all land covered by the Schedule to the Act which read as follows:²⁹⁰⁶

To the North and East by the sea from Lottery Point to the Northern Boundary of the Province of Hawke's Bay thence by the said boundary to the summit of the Maunga Haruru Range thence by a line to Haurangi thence by a line to Purororangi thence by a line to Hikurangi and thence by a line to Lottery Point.

Interestingly, native title to that land was not extinguished immediately on the date the legislation came into effect. Instead, it was envisaged that title was to be investigated and land previously held by those in rebellion would be deemed to be Crown land.²⁹⁰⁷ The Court could only award a part of a block to loyalists or any Pākehā applicant, at an amount equivalent to their interest and the rest would go to the Crown after partition.²⁹⁰⁸ Ironically poor drafting of section 2 of the 1866 legislation resulted in lands of those in rebellion being excluded from those lands liable to be taken, thereby defeating the purpose of the Act. In addition, in 1867 it was discovered that most of the land coveted for oil springs and other valuable land, were not within the area covered by the Schedule to the 1866 Act.²⁹⁰⁹ The drafting error in section 2 and the mistake in the Schedule were subsequently rectified by the enactment of the East Coast Land Titles Investigation Act Amendment Act 1867. The Schedule then covered the following area:²⁹¹⁰

THE sea from the eastern extremity of the Northern boundary of the Province of Hawke's Bay to Lottin Point thence the range of mountains forming the watershed between the East Coast and the Bay of Plenty to the extremity of the said range north-east of Waikare Moana thence a straight line to the junction of the River Waiau with the River Waikare-tāheke thence a straight line running south-west true bearing to the said northern boundary of the Province of Hawke's Bay thence the said boundary to the commencing point on the East Coast.

²⁹⁰³ O'Malley, V. (2014). The East Coast Petroleum Wars. In O'Malley, V. *Beyond the Imperial frontier: The Contest for colonial New Zealand*. Bridget Williams Books. 150-164.

²⁹⁰⁴ Mackay. (1949). 305.

²⁹⁰⁵ O'Malley. (2014). 150-164.

²⁹⁰⁶ East Coast Land Titles Investigation Act 1866, Sch.

²⁹⁰⁷ O'Malley. (2014). 167.

²⁹⁰⁸ East Coast Land Titles Investigation Act 1866, ss 3(c) & 4.

²⁹⁰⁹ East Coast Land Titles Investigation Act 1866, s 4.

²⁹¹⁰ East Coast Land Titles Investigation Amendment Act 1867, Sch.

(2) In November 1866, Donald McLean was replaced as Crown agent by Major Reginald Biggs.²⁹¹¹ He pursued a strategy of avoiding the Native Land Court and coercing the loyalists into voluntary cessions of land.²⁹¹² This strategy he pursued vigorously in the district attending rūnanga and meeting with the chiefs. He did not have much luck at Waiapu in May 1867 as the loyalist chiefs could not agree on what land should be ceded.²⁹¹³ At Tokomaru Bay 15-20,000 acres were ceded and Biggs would record that as there were a “considerable number of Hau Hau at Tokomaru ... I felt bound to take some land.”²⁹¹⁴ He was able to report that at Anauroa and Uawa the chiefs “voluntarily” ceded 20,000 acres to the Crown.²⁹¹⁵ In March 1868, Biggs was still pursuing the Waiapu chiefs for more land even though they were prepared to cede blocks amounting to 40,000 acres which included the battle sites of Pukemaire and Hungahungatoroa.²⁹¹⁶ Biggs considered these blocks were far too small and demanded the area stretching from Wharekāhika down to Reporua.²⁹¹⁷ The chiefs refused, withdrew their offer, and voted that no land at Waiapu should be confiscated by the Government. Mōkena Kohere then ordered Biggs (and his surveyors) to leave the district.²⁹¹⁸ At Wharekāhika, Biggs was given a similar message.²⁹¹⁹ In March and April 1868, Mōkena and Mohi Tūrei organised 1,097 Ngāti Porou from the north of the district to Uawa and another 200 from Waiapu to sign petitions stating that their lands were to be preserved to them and complaining about the constant attempts to have them cede their land.²⁹²⁰ They asked that no land be taken as they had fought to “crush that evil.”²⁹²¹ They noted how much time had passed since the war and they asked for their lands to be investigated by the Native Land Court and not under the East Coast Land Titles Investigation Act 1866 and its amendment of 1867.²⁹²² It is likely that after the war Ngāti Porou loyalists did

²⁹¹¹ O'Malley. (2014). 163.

²⁹¹² O'Malley. (2014). 167-168

²⁹¹³ R Biggs to Under Secretary, Native Affairs, 2-3 May 1867, MA 62/8.

²⁹¹⁴ R Biggs to Under Secretary, Native Affairs, 21 May 1867, MA 62/8.

²⁹¹⁵ R Biggs to Under Secretary, Native Affairs, 21 May 1867, MA 62/8.

²⁹¹⁶ McConnell. (1998). 154-155.

²⁹¹⁷ McConnell. (1998). 154-155.

²⁹¹⁸ R. Biggs to D. McLean, Poverty Bay, 27 March 1868, MS Papers 0032-162, ATL; Kohere. (1949). 59.

²⁹¹⁹ R. Biggs to D. McLean, Poverty Bay, 27 March 1868, MS Papers 0032-162, ATL.

²⁹²⁰ Petitions from East Coast Natives relative to their Lands. Return to an Address of the House of Representatives, dated 29 July 1868 A. – No 16.

²⁹²¹ Petitions from East Coast Natives relative to their Lands. Return to an Address of the House of Representatives, dated 29 July 1868 A. – No 16.

²⁹²² Petitions from East Coast Natives relative to their Lands. Return to an Address of the House of Representatives, dated 29 July 1868 *AJHR*, 1868, A– No 16.

not fully comprehend the nature of the Crown's confiscation law and its requirement that all land in a block be taken, whether owned by loyalist or Hauhau. In the same year, the Government enacted the East Coast Act 1868 and repealed the 1866 and 1867 legislation. The East Coast Act 1868 changed the jurisdiction of the Native Land Court so that it could deal with land taken by confiscation and in doing so award title to entire blocks in favour of loyalists or others.²⁹²³ It could also determine what blocks were owned by rebels and issue certificates whereby that land would be deemed Crown land.²⁹²⁴ Thus it seemed that further cessions were inevitable.

- (3) The often-cited justification for siding with the Crown in 1865 is that the Ngāti Porou loyalists prevented wholesale land confiscation.²⁹²⁵ As demonstrated, there were in fact several attempts made to confiscate but in the end the colonials needed the services of Ngāti Porou soldiers. In 1868, Te Kooti escaped from the Chatham Islands and the Ngāti Porou loyalists were commissioned. On instructions from his chiefs, Rāpata Wahawaha would amass a large contingent of Ngāti Porou to pursue Te Kooti. In return for all Ngāti Porou services in the wars, on 16 April 1870, the Crown gave up its claims to "certain lands between Tolaga Bay and Hick's Bay...in acknowledgment of the services rendered by the Ngati Porou tribe."²⁹²⁶ This position was reiterated by Donald McLean when he met with Mōkena, Rāpata and the other chiefs in 1871.²⁹²⁷ But as Gail Dillimore records:²⁹²⁸

... While Government land confiscations hung in the balance, Te Kooti was reported to be having 'an unsettling effect on the people' (Biggs to McLean, D. 13th October 1868, McLean Papers MS 32). The Crown Agent suggested that 'the safest and cheapest plan to keep these people quiet would be to give some land to Ngāti Porou in Poverty Bay'. As a result, he stated, most of the Ngāti Porou grievances would be removed, their occupation of Poverty Bay encouraged, and their assistance secured should further trouble break out. One month later several families, among them Captain Biggs, and 'Government side' Māori, were killed by Te Kooti's party. Although concerned for the welfare of their own women and children (letters from the Chiefs Hōtene Porourangi and Hēnare Pōtae in AJHR 1869 A-10:25-26), Ngāti Porou sent reinforcements to the Government troops at Tūranga and Wairoa (McLean, D. to Richmond, J. 18th November in AJHR 1869 A-10:26). The Government interpreted this as 'unswerving loyalty' to the Queen, yet three months later it threatened Ngāti Porou that 'if they did not [fight at Taranaki] ... their guns would be taken from them' (Karaitiana Takamoana, [p83] Eastern Māori Representative in the General Assembly, to the Government, 23rd March 1869 in AJHR 1869). Faced with the prospect of an armed Te

²⁹²³ East Coast Act 1868, s 4(1).

²⁹²⁴ East Coast Act 1868, ss 4(3) & 5.

²⁹²⁵ Oliver & Thomson. (1971). 89.

²⁹²⁶ Outward Letter-book, 16 April 1870, AGG-HB 4/3, pp 899-900, NA.

²⁹²⁷ Williams WL East Coast (N.Z.) Historical Records Gisborne, *Poverty Bay Herald* (1932) 72.

²⁹²⁸ Dallimore, G. (1983). *The Land Court in Matakaoa*, Master's thesis. University of Auckland. 38.

Kooti, who had sworn vengeance on the 'loyalist' Ngāti Porou, there was no choice. This time the elder sons of the Chiefs, namely Te Hatiwira Houkāmau and Paratene Ngata (adopted by Rōpata Wahawaha) led the contingent. From this time on the Government ceased its attempts at Hauhau land confiscation in the Ngāti Porou territory (AJHR 1873 C-4B:6). Perhaps, the settlers whose lives were saved by Ngāti Porou would have publicly deplored Government-pressed sales of Ngāti Porou land.

So, the Crown attempts to force voluntary cessions, with the threat of confiscation should there be no cooperation, failed. As the years went by and as the law was more fully understood, the chiefs rejected any possibility of confiscation. Furthermore, the *bona fide* of the Crown's representatives were challenged. J.H. Campbell as the resident magistrate explained their concern:²⁹²⁹

The prospect of peace being permanently established will, I consider, depend much, at least on this coast, upon the legislation in respect of Native lands. Owing to the delay in dealing with the question of confiscation time has been given to the Natives to reconsider that which at the conclusion of hostilities they were quite prepared to allow was just and reasonable, even according to their own ideas of the rights of conquest—that the Government should assume possession of all lands held by rebels. The time that has elapsed has encouraged many of the friendly Natives to claim these lands on account of some relationship discovered to exist between them and the former Hauhau possessors.

But the most obnoxious measure to them, and one which I would particularly draw the attention of the Government to and commend to their grave consideration as being fruitful in causes of future trouble, is the scheme of taking blocks of land in certain localities, regardless of ownership, whether friendly or otherwise. I have been witness to many and violent expressions of discontent on this measure being announced to them. They loudly complain that if they are required to remove from homes rendered sacred to them by long occupation of themselves and their ancestors, they are being treated no better than rebels, and that no other lands could compensate them for those that they are thus dispossessed of.

Ngāti Porou seem to have been as one in resisting this pressure and their petition of 1868 gave clear expression to that. In other words, once they understood the Crown's confiscation law, there was no way the Crown was going to get their land. That did not stop the Crown trying when it enacted the East Coast Act 1868. But as the Crown became dependent on Ngāti Porou military service to strengthen its pursuit of Te Kooti, it finally gave up any attempts to confiscate in 1870. Therefore, no Ngāti Porou land north of the Uawa was formerly confiscated by the Crown. The only land the Crown did ask for was at Waiapu for a magistrate's residence and at Port Awanui for a landing place.

²⁹²⁹ Reports on the State of the Natives AJHR, 1868, A-04, pp 15-16.

In November 1865, Donald McLean gave the loyalist chiefs the authority to keep certain hapū under “surveillance” which is just another term for detaining them. This was contrary to the instructions he had received to immediately release all the women and children and the directive to release the male prisoners subject to the conditions outlined by the Colonial Secretary in his letter of 1 November 1865. In the aftermath of the 1865 war, McLean dictated how the Hauhau should be treated on the basis that they had been in rebellion. But there was no authority in colonial law to hold the Hauhau prisoners under such conditions without a hearing. They should have been charged with an offence such as breaching the peace, damage to property, theft, kidnapping or even murder.

While many of the prisoners were told they could return home after taking the oath of allegiance, home for them was very different. During the war all their property was confiscated including horses, cattle and other stock leaving them practically destitute. Many canoes and houses were destroyed including at Kōtare, Te Aopare, Punāruku, Waiōmatatini, Pākairomiromi, Pukemaire, Tahutahupō, Pukepapa, Tuatini, and Anaura. Their crops were destroyed or pilfered, so they had to go home with no food security at all.

The hardship for the people of Te Whānau a Hunaara, Te Whānau a Uruahi, Te Whānau a Māhaki, Te Whānau a Rua, Ngāi Tāne, and Ngāti Māhanga living with Wikiriwhi Matauru, Mōkena Kohere and Mohi Tūrei, and the prisoners held by Te Iharaira Houkāmau was very apparent to Leonard Williams travelling the district in 1866.²⁹³⁰

At Tūpāroa, the former Hauhau “fighters from several hapū between Reporua and Waipiro” were living with Hōtene Porourangi, Rāniera Kāwhia and Rāpata Wahawaha in similar conditions.²⁹³¹ Prisoners from the south of Tūranga, and from Tūhoe were also placed with Rāpata after the southern war thereby adding to the hardship. There is also reference to captives being placed at Akuaku, Tokomaru, Waipiro Bay and Anaura. At least the Government distributed flour and potatoes during the winter of 1866 to the coastal tribes and “a ton of potatoes was received from the bishop of Waiapu to help prevent the people from starving.”²⁹³²

²⁹³⁰ Bluck. (2009). 39.

²⁹³¹ Bluck. (2009). 39.

²⁹³² Bluck. (2009). 3.

All these groups were left totally at the mercy of the loyalist chiefs and the tikanga that applied post war. It also became the loyalist's responsibility to provide for these prisoners. As Bruce Sterling would note:²⁹³³

It became clear that, despite Stafford's instructions, some prisoners were to remain detained, for McLean notes that the Pai Mārire held by Mōkena were to receive "spades, axes, clothes, food," indicating they were in for a long stay, but perhaps also that they were to be provided for by the government. "Rāniera" (Reverend Rāniera Kāwhia) was supervising 30 prisoners, for whom spades were to be provided, while 60 "former Hauhau" with him were also to receive "rice, biscuit, flour." In addition, McLean later arranged for Hōtene and Rōpata to be paid £14 and £23 respectively for goods and food they had supplied to Māori at Tūpāroa, with this cost to be "charged against rebellion" (with a view to land later being taken to square this account).

Even so, there was a hint of mistreatment in a stem note by McLean regarding Hōtene ... and his thefts from the captives: "Taking pieces of greenstone and other articles belonging to prisoners, this must be stopped as contrary to all usages of civilised nations. " Despite this supposed warning, Paratene Ngata later recalled that all Pai Mārire property was confiscated at the time, including horses, cattle, and waka. It is also evident that widespread looting occurred when the fighting shifted south to Tūranga later in November 1865, and something similar appears to have occurred on the East Coast. Waiapu Resident Magistrate Campbell reported, almost a year later, that the captives had been deprived of all they had possessed and lacked the means to acquire clothing or food.

By September 1866, the desperate condition of the Hauhau prisoners under the "surveillance" of the loyalist chiefs had not improved with James H. Campbell, the Waiapu resident magistrate reporting:²⁹³⁴

... there are believed in this place and Tūpāroa about 500 Hau Hau or as they are now styled New Queen Natives. These people are in a most deplorable state of destitution. Deprived of all they once possessed they have now no means of procuring food or clothing. They can get no assistance from our own people who themselves as you are aware have had to depend much upon what the Govt and yourself have sent them.

Under Mōkena the prisoners were sent to different areas of land under loyalist control to cultivate food. Hēmi Tāpeka of Ngāti Hōkōpū, for example, stated during the Maraehara Block investigation by the Native Land Court that after the Hauhau war "... Mōkena said that the Hauhaus were to come to work there & I brought my wife's hapū's who were Hauhaus to work on this land."²⁹³⁵

²⁹³³ Sterling. (2010). 70.

²⁹³⁴ J. H. Campbell to D. McLean, Waiapu, 1 September 1866, MS Papers 0032-200, ATL.

²⁹³⁵ Native Land Court *Re Maraehara* (1891) 14 Waiapu MB 69-70. Evidence of Hēmi Tāpeka.

After a time at Te Hātepe, Te Whānau a Hunaara also were sent Te Pākihi to eke out a living and Mōkena Kohere went to Horoera.²⁹³⁶ This was in consequence of Hākopa Te Ari's unfortunate comments regarding blood being spilt if Mōkena went to Horoera. Bruce Sterling would describe their fate in this way:²⁹³⁷

Te Whānau a Hunaara seemed to have objected to being singled out for detention; Te Harawira Huriwai later said in the Native Land Court that Mōkena was not justified in detaining them for what Hākopa Te Ari had said to him at Horoera in 1865 ... Te Harawira Huriwai had been a Kīngitanga figure in the Horoera district (his father having been killed fighting at Tauranga in 1864). ... The hapū believed that Mōkena's intention was to take their land at Horoera as restitution for the insult offered him. By this account, Iharaira Te Houkāmau and Wikiriwhi objected to Mōkena's plan, so the matter was referred to McLean. As Iharaira was not present when McLean visited, he wrote to the rangatira in December 1865 about the Horoera prisoners captured at Hungahungatoroa. It was decided that the Horoera people could return to their homes, as Te Houkāmau wished. However, Te Harawira Huriwai said that Mōkena came home with them and remained on their lands for some years. McLean's letter would seem to support the related Native Land Court testimony over East Coast confiscation plans.

In fact, Harawira Huriwai and his whānau had been held as prisoners, a matter confirmed by Hati Houkāmau before the Native Land Court.²⁹³⁸ Te Pākihi is next to the Horoera block, and upon Te Whānau a Hunaara's return to Horoera, Mōkena went to Ōrutua.²⁹³⁹

The people of Pukemaire were kept under surveillance at Mōkena's pā, Te Rua-o-pango (Te Hātepe). In late February 1866, Leonard Williams visited Te Hātepe where he:²⁹⁴⁰

... found the Rev. Mohi Tūrei at Te Rua-o-pango where the late defenders of Pukemaire were quartered under the charge of Mōkena's people. All were living very amicably together as though their peaceful relations had never been disturbed. There was a detachment of the Military Settlers stationed for the time being at Te Awanui. The people, who in time of peace, were distributed along the coast from Reporua to Waipro, were still crowded together at Tūpāroa in a pā which was protected by a rough palisade only, the Rev. Rāniera Kāwhia being with them. South of Tokomaru very few people were met with, the majority being at Tūrangānui.

Despite this glowing account it appears the prisoners from Pukemaire were treated poorly. After Te Kooti's raid on Matawhero in 1868, J.H. Campbell reported that Mohi Tūrei was very concerned as he had practically made "slaves of the Hauhau and he is now filled with dread

²⁹³⁶ McConnell. (1998). 198.

²⁹³⁷ Sterling. (2010). 72.

²⁹³⁸ Native Land Court *Re Marangairoa 1B - Horoera* (1908) 39 Waiapu MB 143-144. Evidence of Hati Houkāmau.

²⁹³⁹ McConnell B. (1998). 198.

²⁹⁴⁰ Williams WL East Coast (N.Z.) Historical Records Gisborne, *Poverty Bay Herald*.

that a day of retribution may come.”²⁹⁴¹ However, this treatment was expected by both the victors and the conquered given the tikanga associated with utu and ito, and despite being a Minister, Mohi was very engaged in such tikanga.

With respect to those prisoners under Rāniera Kāwhia, Hōtene Porourangi, and Rāpata Wahawaha, the government was still providing food in 1871 for the Hauhau for whom they were responsible.²⁹⁴²

Of the Ngāti Porou Hauhau who escaped to Raukōkore, including Whākā Tamariki of Te Whānau a Tapaeururangi (who lived at Ōkarae and Pōtaka), it is recorded that after peace was proclaimed, these Ngāti Porou survivors returned.²⁹⁴³

Of the 30 prisoners taken to Napier after the fall of Pakairomiromi and all the pā west of Te Pākihi and the 45 taken from Tokomaru not much is known based upon current research, other than some were taken to Wellington to be held on a prison hulk.²⁹⁴⁴ Of those Te Whānau a Rua (no 1) who returned to Tokomaru Bay before the battle of Waerenga Hika presumably Hēnare Pōtae and others from that area took responsibility for them, though that has not been confirmed.

As far as the 19 prisoners singled out after Hungahungatoroa are concerned, Mōkena Kohere wrote to McLean in January 1866 requesting the release of Wīremu Wānoa, Hōtene Tunanui and Hemi Marumarupō.²⁹⁴⁵ These men had been part of the group of 19 singled out following the fall of Hungahungatoroa. Āpērāhama Te Kuri (again one of the 19) was involved in the hui at Wharekāhika on 3 October 1874 so must have survived or was never taken to the Chatham Islands. That left 15 who could have been taken. It is difficult to know as their whereabouts is merged into the fate of all the Hauhau prisoners captured at Tūranga and Wairoa. They were in Napier in March 1866 when McLean arrived to implement the decision to send prisoners to the Chatham Islands.²⁹⁴⁶ On 10 March 1866, the first group of East Coast Hauhau were taken to the Chatham Islands on the HMS *St Kilda*.²⁹⁴⁷ That was the first of three trips (others in April

²⁹⁴¹ Gilling. (2005). 207. Quoting J. Campbell.

²⁹⁴² Sterling. (2010). 74.

²⁹⁴³ Native Land Court *Re Wharekāhika* (1908) 41 Waiapu MB 316-317. Evidence of Whākā Tamariki.

²⁹⁴⁴ Soutar. (2000). 277.

²⁹⁴⁵ M. Kōhere to D. McLean, 1 January 1866, AGG-HB 2/1, ANZ.

²⁹⁴⁶ Williams WL East Coast (N.Z.) Historical Records Gisborne, *Poverty Bay Herald* (1932) 55.

²⁹⁴⁷ *Te Waka Māori o Ahuriri*. 24 March 1866.

and June) ferrying the prisoners.²⁹⁴⁸ Two further groups were taken in October and December 1866.²⁹⁴⁹ A list of names (without tribal affiliation) was published in papers tabled before Parliament in 1868 for the first three trips to the islands.²⁹⁵⁰ From that list it appears that the following people who fought at Hunguhungtoroa were on the third trip to the Chatham Islands. They shared this trip with Te Kooti and they were:²⁹⁵¹

- Hākopa te Ari (who refused to take the oath of allegiance)²⁹⁵²
- Hiriweteri Te Whakamate
- Harawira Whānautaua wrongly spelt Haiawirai Te Whānautau
- Rīhara Tātua
- Karanama Ngerengere
- Te Oti Kaikapō (Taranaki)

The Government return to 20 July 1866 shows the total number of prisoners on the Chatham Islands as 203. This number comprised 116 men, 49 women, and 38 children.²⁹⁵³ No names or tribal affiliations were provided.²⁹⁵⁴ By November 1867, the list was longer with 190 men, 60 women, and 37 children. The designation Ngāti Porou were not allocated to any individuals held as prisoners, yet obviously they had been on the island. These lists also did not include Pau or Robert Simmonds (he mangumangu) yet he was on the island when Te Kooti escaped on the *Rifleman* in 1868.²⁹⁵⁵ According to Bob McConnell, Wīremu (Tito) Karaka, Hōne Pōhe and Hākopa Te Ari were transported to the Chatham Islands, Hōne Pōhe died there and the fate of Hākopa is not known.²⁹⁵⁶ Wī Tito is not identified in the returns. There is a prisoner called Wī Mahuika, a well-known Waiapu name, but it is not known what this Wī Mahuika's tribal affiliation is. Karanama Ngerengere may also be the same person Karamana Ngere, who endorsed the resolutions at the rūnanga meeting called in January 1879, where Rāpata Wahawaha promoted the idea of a Rūnanga Nui. If it is indeed the same person, he had survived the battle of Te Ranga, the Crown's Hauhau wars, the Chatham Islands and Te Kooti.

²⁹⁴⁸ *Te Waka Māori o Ahuriri*. 21 April 1866.

²⁹⁴⁹ Edwards, C. (March 2002). Detention on the Chatham Islands, 1866-1868: Report Commissioned by Crown Law Office, produced for the Waitangi Tribunal Tūranga Claims Inquiry (Wai 814). 18.

²⁹⁵⁰ *AJHR*, 1868, A 15e, pp 1-20 and see for list p 10.

²⁹⁵¹ *AJHR*, 1868, A 15e, pp 1-20 and see for list p 10.

²⁹⁵² McConnell. (1998). 153, 198.

²⁹⁵³ *AJHR*, 1866, A-7, p 3.

²⁹⁵⁴ *AJHR*, 1866, A-7, p 3.

²⁹⁵⁵ Cooper to Richmond, 4 August 1868, *AJHR*, 1868, A-15, pp 12-13.

²⁹⁵⁶ McConnell. (1998). 153, 155.

Those on the island were never charged with any offences such as breaching the peace, damage to property, theft, kidnapping or even murder. The Waitangi Tribunal found that for prisoners from Tūranga, their imprisonment on the Chatham Islands was unlawful and in breach of the principles of the Treaty of Waitangi. This breach, the Tribunal opined, “was greatly aggravated because the period of detention was made indeterminate for mere bureaucratic convenience.”²⁹⁵⁷ Such a finding must apply equally to the Ngāti Porou prisoners, their women and their children who were taken there as well. However, in tikanga terms this punishment was akin to banishment, favoured so much by Ngāti Porou.

He aha te Utu? – What was the Cost?

The immediate cost was the loss of life for both loyalists and Hauhau. A conservative estimate would be that at least 150-200 Ngāti Porou who fought as Hauhau died and approximately 40-50 for the loyalists. While the loyalist hapū benefited from being reinforced by the well-armed Pākehā troops, they still lost men to the war and many on both sides were wounded.

The Hauhau lost many of their intellectuals and leaders. Their whānau, hapū, and iwi had to live with the shame (whakamā) and humiliation of losing the war. They also lost their autonomy and in the Pōtikirua ki te Toka-a-Taiau district, some of those who were under surveillance lived under the subjugation of the loyalist chiefs for several years before they could be considered free.

For the loyalists, their commitment to the Crown took its toll. The relentless demands on Ngāti Porou to contribute to its war efforts required they assume the risks of war, including leaving their families, pā, cultivations, or pastoral pursuits at a time when security issues were still an issue on the coast. The length of time that they were called upon spanned the period 1865 to at least 1889.

Once the wars in 1865 were over the loyalists then had to govern or monitor all hapū, some of whom were traditional enemies. It would have been difficult to provide food or even access to

²⁹⁵⁷ Waitangi Tribunal. (2004). xvii.

food for these people.²⁹⁵⁸ The resulting social and economic hardship was a fate that loyalists and Hauhau both shared.²⁹⁵⁹

He aha ngā mea pai? – What were the benefits?

The loyalists received some colonial recognition for their contributions, which they appear to have accepted as an expression of mana and as a means of honouring their people's contribution to the war efforts. Thus:

- In 1870, Mōkena Kohere received a sword from Queen Victoria and in 1871 he received the New Zealand War Medal.²⁹⁶⁰ Joseph Mackay records Mōkena was offered a section in the new town of Gisborne which is the site upon which the Gisborne Herald was first published.²⁹⁶¹ Mackay does not indicate whether the section was accepted. In 1872, Mōkena was appointed as one of the first Māori members of the Legislative Council.²⁹⁶² He would sit until 1887 when he resigned.
- Hēnare Pōtae was also awarded a section of land in Gisborne.²⁹⁶³ Hēnare was also made chief assessor in 1869, for which he received £50 a year.²⁹⁶⁴
- In 1871 Rāpata Wahawaha was presented with a British flag and a sword.²⁹⁶⁵ Both of which he shared with his people at the hui at Mataahu.²⁹⁶⁶ According to Stephen Oliver he was:²⁹⁶⁷

... appointed officer in charge of the militia in the Ngāti Porou district, with a salary of £200 a year, and under the Native Circuit Courts Act 1858 he was made an assessor to assist in law enforcement. When these salaries were stopped in 1884 ...

²⁹⁵⁸ Sterling. (2010). 77-80.

²⁹⁵⁹ Sterling. (2010). 77-80.

²⁹⁶⁰ Walker. (2005). 58-59; Kohere, R. (No date). Mōkena Kohere. In *Dictionary of New Zealand Biography*. Accessed on 1 February 2022 at <https://teara.govt.nz/en/biographies/1k15/kohere-mokena>.

²⁹⁶¹ Mackay. (1949). 387.

²⁹⁶² New Zealand Parliament accessed on 17 February 2022 at <https://www.parliament.nz/media/7655/members-of-the-new-zealand-legislative-council-1853-1950.pdf>

²⁹⁶³ Oliver. (1990). Hēnare Pōtae

²⁹⁶⁴ Oliver. (1990). Hēnare Pōtae

²⁹⁶⁵ Mohi Tūrei to *Te Waka Māori o Niu Tīrani* as reproduced in Kaa & Kaa.(1996). 36-37.

²⁹⁶⁶ *Te Waka Māori o Niu Tīrani*. 11 September 1872. 109.

²⁹⁶⁷ Oliver, S. Rāpata Wahawaha. In *Ngā Tāngata Taumata Rau / Dictionary of New Zealand Biography*. Accessed on 21 January 2018 at <http://www.TeAra.govt.nz/en/biographies/1w1/wahawaha-rapata>

he objected bitterly. Later he received a pension of £100 a year, and in 1887 he was appointed to the Legislative Council.

For his contribution to the first assault on Ngātapa, and despite the executions that occurred there,²⁹⁶⁸ Rāpata was awarded the New Zealand Cross at a special ceremony in the Court House at Waiōmatatini.²⁹⁶⁹ The medal was presented by Samuel Locke, the resident magistrate.²⁹⁷⁰ Rāpata thanked him for bringing the “symbol of honour from the Government of New Zealand” to Ngāti Porou. As with the flag and the sword he saw the medal as an honour for his people. According to Joseph Mackay he was given a town section (Miller’s Corner) in the new township of Gisborne along with a four roomed cottage.²⁹⁷¹ He sold the property in April 1875.²⁹⁷² In 1887, Rāpata Wahawaha was called to the Legislative Council, and he remained a member until his death in 1897.²⁹⁷³

- Matutaera (Tuta) Nihoniho was awarded a “sword of honour” by the Queen inscribed “Te Aowera Hapū Ngāti Porou Raiwhara” (Rifles).²⁹⁷⁴ He was also appointed Captain of the Ngāti Porou Rifles.²⁹⁷⁵ He would later acknowledge his grandfather Hikurangi (Hēnare Nihoniho’s father) who went to the assistance of Tīkapa and who took part in both assaults on Pukemaire at the age of 80 years of age.²⁹⁷⁶ His mother’s role in the war was also acknowledged.²⁹⁷⁷

Hēni Noho-waka was also a courageous woman who assisted in avenging the death of her husband, Hēnare Nihoniho, who was killed by the Hauhau at Manga-one in the year 1865. In the two attacks on Puke-maire she took part with her clan, Te Aowera, when fighting the Hauhau. When going into action she wore two cartridge-belts and carried a single-barrel percussion-lock gun, termed a hakimana or tiakimana. She was also with the force of Te Aowera and Ruataupare No. 2 that pursued the Hauhau of Puke-maire to Te Kawakawa and Hungahungatoroa, and when the Hauhau and Government forces came into conflict on the field of Kōtare, at the Karaka-tū-where Stream, she was just behind her son, Tuta Nihoniho, firing at the enemy, and ever crying amid the roar of the guns, "Charge! O Te Aowera! Charge! Charge!" A bullet just missed her and struck Peta Rirerire, who was just

²⁹⁶⁸ Waitangi Tribunal. (2004). 237-240.

²⁹⁶⁹ *Hawke's Bay Herald*. 16 April 1878. 2; Walker. (2005). 58-59; Gudgeon. (1887). 402-403.

²⁹⁷⁰ *Hawke's Bay Herald*. 16 April 1878. 2.

²⁹⁷¹ Mackay. (1949). 387.

²⁹⁷² Mackay. (1949). 387.

²⁹⁷³ New Zealand Parliament accessed on 17 February 2022 at <https://www.parliament.nz/media/7655/members-of-the-new-zealand-legislative-council-1853-1950.pdf>

²⁹⁷⁴ Oliver, S. (1990). Matutaera Nihoniho. In *Ngā Tāngata Taumata Rau / Dictionary of New Zealand Biography*. Accessed on 1 February 2022 at <http://www.TeAra.govt.nz/en/biographies/1n14/nihoniho-matutaera>.

²⁹⁷⁵ Nihoniho. (1913). 42.

²⁹⁷⁶ Nihoniho. (1913). 44-45.

²⁹⁷⁷ Nihoniho. (1913). 43-44.

behind her, killing him. Te Ao-wera heard her encouraging cries amid the sound of the guns, and all rushed headlong at the Hauhau, who fell before them under the shining sun. This woman joined many of the expeditions of Te Ao-wera to the wars. She was in the second attack on Nga-tapa, when that place was taken, where she shouted the same war-cry that she did at Karaka-tū-where. By this time the Hauhau had come to recognize her voice in giving that cry, and thus knew that the Ao-wera were attacking them; hence they fled in haste in order to save themselves. This woman held similar views to those of her son, Tuta Nihoniho -- namely, to hand the body over to the clutches of death, a feeling prompted by the affection of the saddened heart of Hēni for her husband and of Tuta for his father, who had fallen by the hand of the enemy; therefore life was not prized by these survivors. Enough on this point.

- Te Iharaira Houkāmau, Wikirwhi Matauru, Rāniera Kāwhia, Hāmiora Tamanuiterā, Karauria Pāhura, and Hōtene Porourangi were made kaiwhakawā Māori (assessors). They must have been highly regarded in the district as after an attack on Native Assessors by Sheehan, the following Members of Parliament rose to their defence:²⁹⁷⁸

During the session of 1876 Mr. Sheehan proposed that the amount set down on the estimates for the Native Department (£22,332) should be reduced ... He then went on to say that there was another head under which sweeping reductions should be made, and that was the Native Assessors. Two-thirds, he said, of these officers were perfectly useless, and in a great many instances the positions were held by men of inferior rank. Many of the Assessors received salaries ranging from £20 to £50. He knew many of them himself; and although he had had four years' experience of the working of the system, he had failed to discover any good work that these people did. They were very often unfit for the appointment; they were often not acceptable to the Native people and were men who ought not to be intrusted with positions of that kind. It simply amounted to spending so much money for a purpose that was entirely useless. He hoped that the Native Department would be done away with next year.

Mr. Taiaroa defended the Native Assessors. He said they were chiefs, and mentioned the names of Te Wheoro, Taipari, Major Kemp, Tareha, Renata, and others. Mr. Ormond, also, defended the Assessors, and referred to Mōkena Kohere, Rāpata Wahawaha, Hōtene Porourangi, Wikiriwhi, Hēnare Pōtae, ... Rāniera Kāwhia, and others. He said the assertion should not be made that such men were persons of no position, mere hangers-on of the Government. "We think the Native Assessors will not feel flattered by Mr Sheehan's expressed opinion of them. ... they are invariably the chief men of their tribes ..."

- Hēnare Pōtae, Pita Houao, and Karauria Pāhura, Mōkena Kohere, Rāpata Wahawaha, Hōtene Porourangi, Wikiriwhi Matchē Matauru, Hāmiora Tamanuiterā were also made assessors under the Outlying Districts Sale of Spirits Act 1870.²⁹⁷⁹
- As for the soldiers of Ngāti Porou, during the Waiapu campaign the loyalist soldiers did not get paid daily rates for their services (unlike the Pākehā troops), and they were

²⁹⁷⁸ *Te Waka Māori*. 30 August 1879. 517.

²⁹⁷⁹ *Hawke's Bay Times*. 12 April 1871. 2.

only given “part rations.”²⁹⁸⁰ That changed during the southern part of campaign in 1865 when it seems some were paid 3-6 shillings per day.²⁹⁸¹ Others were paid nothing and received minimal rations. Paratene Ngata believed that when Ngāti Porou were sent by Rāpata to garrison Tūranga, they were not only unpaid but were given only “meagre” rations.²⁹⁸²

- On the return of Ngāti Porou forces from the Crown’s remaining wars in the south at Tūranga and Wairoa they found difficult conditions. Bryan Gilling records that.²⁹⁸³

A little over a week after the end of the siege, Rōpata wrote to McLean that the search was on ‘for the Mamaku and Aruhe to eat’. ‘As for us troops,’ he added, ‘we can survive. When we go to do battle we take the food from our enemies.’ In that case, they would have been taking what supplies they could against a shortage six months hence. Indeed, Hēnare Pōtae’s people, who had been coping with the Hauhau siege and unable to move outside their pa all through spring, were reported to be starving the following winter. This would also seem more plausible in light of the close Ngāti Porou links with the Poverty Bay chiefs being plundered; perhaps the Poverty Bay complaints were actually complaints about lack of government assistance and provision.

This is backed up by Paratene Ngata’s journal, indicating the cost to Ngāti Porou of being involved in this conflict, and of continuing to assist the government off the East Coast itself. Ranginui Walker summarises:

With the Hauhau ousted from Poverty Bay, the Ngāti Porou returned home to Waiapu to find difficult conditions. The war had disrupted the economy. It was a time of hunger and want. No crops had been planted and men had to forage for food, pig-hunting and gathering wild honey. When all the domestic cattle had been consumed, men went out hunting wild cattle. Some even fell back on the traditional hard-time rations of fern-root.

Walker also states that through this period and the subsequent Wairoa expedition Ngāti Porou were unpaid, and hence had to live off the land, pig-hunting, killing cattle for their own consumption or for sale to the Pākehā soldiers who were being paid, and catching stray horses for sale. When Paratene returned home to Akuaku, he had brought with him supplies of food and clothing for trade and personal use. Instead, he found that although Te Whānau-a-Rākairoa were planting corn and potatoes, for the present they were subsisting on wild pigs, whinau berries and tree-fern shoots to supply themselves over the months before the crops grew. His supply of personal goods therefore went on distribution to the hapū or buying more food to supply their immediate wants. The government had recompensed the Ngāti Porou fighters only to the extent of what they would have paid for buying rations while on campaign in the south. There was no great material reward for being the friend of the Crown.

²⁹⁸⁰ Crosby. (2015). 263.

²⁹⁸¹ Daly. (1997). 101.

²⁹⁸² Sterling. (2010). 76, quoting Paratene Ngata’s diary.

²⁹⁸³ Gilling. (2005). 196-197.

- On 25 January 1866, 120 Ngāti Porou loyalists arrived in Napier for a celebration of their achievements during the wars.²⁹⁸⁴ They performed the peruperu and a waiata denigrating the *Pai Mārire* as entertainment for the white settlers and on the 30 January 1866 after meeting with Ngāti Kahungunu they returned home.²⁹⁸⁵ The rest of 1866 was tough for the loyalists as noted by Bruce Sterling:²⁹⁸⁶

Having fought for the government outside their own district, they did not expect to be rewarded with starvation. For instance, in June 1866, Apiata Parehuia wrote to McLean from Whāngārā to tell him: "We are starving although we are living quietly. ... Our only food was puha and its relish was the tears of one's eyes." The fighting may have ended for his people (at the end of May 1866, when they returned to Whāngārā), "but we have seen that the end is really hunger. ... We are lost because of lack of food." There were 93 of his people afflicted by this hunger.

From Uawa, Karauria Pāhura wrote in June 1866 that their only food was fernroot (aruhe) and fern fronds (pikopiko): "This is the food left to us." He sought assistance, not so much food but seeds to ensure future supplies but these had to be sent quickly, "before the end of this month as these are the days of the month for planting the land." A few days later he and Hēnare Pōtae sent a similar plea to Captain Fraser, asking: "Why are you letting us starve? ... Please have some thought for us that are feeling the effects of starvation."

Hēnare Pōtae wrote separately, seeking to return home from Tūranga so he and his men could "go to find food for us and all of our people. I have great concern for my children and women who are starved." His fighters had been supplied by the government at Tūranga, but not their people at home. He proposed heading to the coast to gather kaimoana.

Things were just as bad at Waiapu, as Mōkena Kohere and Mohi Tūrei informed Fraser in June 1866: "James, we need food. ... We planted only a few potatoes during the days of the fighting. ... you will see our great need for food." They asked to be supplied with seed potatoes.

To the south, at Tūpāroa, Rāniera Kāwhia and Rōpata lamented the starvation afflicting them: We here are but a shell, only bones, for the body is sick. People are scavenging food for themselves and not finding much. They are just finding scraps. There are no seeds. ... There may be found there a kind thought for this tragedy and some assistance may be found for this place and for this small tribe of the world. Fraser had visited them and had advised those at Waiapu, to inform the government of their plight. They expected "the starvation suffered by our children" to last until the end of the year.

Te Ekenga o Te Pākehā 1870-1900 – The Ascendancy of the Pākehā 1870-1900

The real challenge to the loyalist chiefs was the increasing demand for land to enable Pākehā settlement. This challenge was aggravated by a population change, accelerated by the purchase of land at Tūranga in 1867. The Crown also purchased the Tolaga Bay township site in 1875.²⁹⁸⁷

²⁹⁸⁴ *Te Waka Māori o Ahuriri*. 3 February 1866.

²⁹⁸⁵ *Te Waka Māori o Ahuriri*. 3 February 1866.

²⁹⁸⁶ Sterling. (2010). 77-78.

²⁹⁸⁷ Oliver & Thomson. (1971). 109.

As a result of these acquisitions and Crown land purchasing activity the Pākehā population in these areas increased.

These Pākehā settlers claimed a right to some form of local government. As a result, these institutions slowly spread their tentacles into the district. The Rohe Pōtae Waitangi Tribunal explained how:²⁹⁸⁸

The New Zealand Constitution Act 1852 (UK) divided New Zealand into six provinces : Auckland, New Plymouth (later renamed Taranaki), Wellington, Nelson, Canterbury, and Otago. Four additional provinces were later established before 1875. Each province was required to have an elected council and an elected superintendent. By 1873, there were three more provinces: Hawkes Bay, Southland, and Westland.

Provinces were divided into electoral districts for the election of members of the provincial council. The members of the councils were elected by all people in the province who were qualified to vote. Only men who were 21 years of age or over and had the requisite property holdings could vote. The 1852 Act provided for a move towards more centralised responsible colonial government in also establishing a central General Assembly, to consist of the Governor, a Legislative Council, and House of Representatives alongside provincial government. The same model for electoral participation used by the provinces was used for central government. While provincial governments carried out most local government functions, a handful of municipal councils in major settlements were responsible for some local administration, and road boards were responsible for roading. In 1876, there were 36 municipal councils and 314 road boards. The provinces were abolished from 1876, replaced with counties who took over local government functions from provincial governments. Municipal councils continued and grew in number.

How that played out in this district was commensurate with the growing Pākehā population. The Poverty Bay Highways Board (no Māori members) was formed in 1870.²⁹⁸⁹ By 1873 it determined it would fund a bridle route from Gisborne to Wharekāhika. It contracted Māori to carve a bridle track over 35 sections between Gisborne and Wharekāhika.²⁹⁹⁰ But that exercise was not without incident as Ngāti Porou contractors became concerned about their pay rate and the track alignment.²⁹⁹¹ By 1874, the Highway Board had assumed control over river ferries and punts at Gisborne, Kaiteitahi, Uawa, Waiapu and Ohutau.²⁹⁹² Other than this, there was limited road and bridge development in the district until the 1880s.

²⁹⁸⁸ Waitangi Tribunal. (No date). *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims*, Wai 898. (Prepublication Version). Part IV. 92-93. Accessed on 3 January 2022 at <https://bit.ly/3PMYJi5>.

²⁹⁸⁹ Mackay. (1949). 388.

²⁹⁹⁰ Mackay. (1949). 389.

²⁹⁹¹ Mackay. (1949). 389.

²⁹⁹² Mackay. (1949). 389-390.

Cook County was established in 1876 covering Waikohu, Uawa, Waiapu, and Matakaoa.²⁹⁹³ It was established pursuant to the Counties Act 1876 and the full boundary for the county reached from Whangaparaoa in the north to Paritū in the south as outlined in the schedule to the legislation. It appears that this boundary may have been influenced by Captain Porter who in July 1876 wrote to Donald McLean pointing out that: "... a portion of Ngāti Porou territory will be included in another County and may in the future give rise to difficulties."²⁹⁹⁴ Gisborne district was incorporated as a borough on 12 May 1877.²⁹⁹⁵ Waiapu County was formed in 1890 and other counties were formed later after 1900.

Between 1870-1900, most Ngāti Porou could not participate in these Pākehā local government bodies as many of the people did not hold the requisite property franchise to be able to vote and or be represented on local government bodies.

As population data during the 19th Century was not accurately recorded it is difficult to get a full comparative understanding of the impact of Pākehā settlement during this period. That is because Māori population data, among other problems, excluded "half-caste" children.²⁹⁹⁶ However, the official statistics demonstrate that as the Pākehā population increased, there was a rise in the power of Pākehā local government. A review of the statistics reveals why this trend occurred. In 1874, there were 554 Pākehā in the new town of Gisborne, 20 in Waiapu, 12 in Kawakawa and 364 in other localities including Ormond - the Headquarters of the Armed Constabulary.²⁹⁹⁷ By 1886, the Gisborne town population of Pākehā had grown to 2,194 and by 1906 it was 5,664.²⁹⁹⁸ The number of Māori recorded as living in the town remained very low.²⁹⁹⁹ By 1906, for both the Cook County and Waiapu County, the Pākehā population was 8,031, and the Māori population was 4,111.³⁰⁰⁰ However, only 858 Pākehā resided in the Waiapu area, whereas 2,611 Māori called it home.³⁰⁰¹ Clearly for Ngāti Porou living in the Waiapu Valley north there was less demand for Pākehā local government. In the area of the district south of Tūpāroa there was growing interaction, though most Ngāti Porou including Te Aitanga a Hauiti remained in the recesses of their own villages.

²⁹⁹³ Mackay. (1949). 397.

²⁹⁹⁴ T. Porter to D McLean, 30 July 1876, MS-Papers-0032-0510, ATL.

²⁹⁹⁵ Mackay. (1949). 388-390.

²⁹⁹⁶ Pool, D. (1977). *The Māori population of New Zealand, 1769-1971*. Auckland University Press. 57-60.

²⁹⁹⁷ Mackay. (1949). 387, 389.

²⁹⁹⁸ Mackay. (1949). 387.

²⁹⁹⁹ Mackay. (1949). 387.

³⁰⁰⁰ Mackay. (1949). 398, 400.

³⁰⁰¹ Mackay. (1949). 398.

The fact that many could not vote in local body elections, coupled with the relative isolation of the district meant a degree of autonomy existed for some time after the wars of 1865 until 1900. While the loyalist chiefs cooperated with and participated in the making and enforcement of colonial law, during this period they also resorted to tikanga when there was no barrier stopping them.

Te Mana Whakahaere Me Te Ture – Autonomy & Law

Local rūnanga continued to deal with local affairs. These bodies in association with the assessors continued to cooperate in the administration of justice until 1891. Karere were still able to be appointed under the rūnanga system, but it is not clear whether that was done. In addition, the Crown asserted its authority almost immediately after the war in 1865 when a garrison of about 20 volunteer troops was stationed at Waiapu.³⁰⁰² During their time there they supervised the prisoners from Pukemaire as the latter rebuilt the Rangitukia Church, presumably with Mohi Tūrei.³⁰⁰³ However:³⁰⁰⁴

“... having little to do, the bored soldiers resorted to drinking, or as Campbell put it, “drunken and debauched beyond all discipline.” This led Mohi Tūrei to induce their commander, Gascoyne, to have the soldiers leave Mōkena Kohere’s pā (at Te Hātepe) and remove to Awanui in early 1866.”

Then with the appointment of J.H. Campbell as the resident magistrate in 1866, he and the assessors (kaiwhakawā) spent some time imposing order rather than justice.³⁰⁰⁵ Most of the time Campbell was at Rangitukia. There he acknowledged he could not enforce the law as he “lacked a house, a courthouse, and a jail.”³⁰⁰⁶ He also lacked capacity to do so. In the end he did build “... a small room himself to use as a court and office, but he could only fit three to four people at a time, when as many as 50 people attended his sittings.”³⁰⁰⁷ Campbell was replaced in 1868 with Biggs who sanctimoniously declared:³⁰⁰⁸

I am sorry to tell you that the Ngāti Porou are gradually drifting back into their old habits. The rūnanga has again become paramount. They now hold their meetings monthly and look

³⁰⁰² Sterling. (2010). 80-81.

³⁰⁰³ Sterling. (2010). 81.

³⁰⁰⁴ Sterling. (2010). 81.

³⁰⁰⁵ Sterling. (2010). 83-86.

³⁰⁰⁶ Sterling. (2010). 86.

³⁰⁰⁷ Sterling. (2010). 86.

³⁰⁰⁸ Biggs to McLean, 27 March 1868, MS-Papers-0032-0162. ATL.

upon their decision as all powerful. Law is next to a farce there. I much fear I shall not be able to do anything with the people north of Tawhiti.

Rūnanga, therefore, remained the forums for the administration of governance and justice unless the resident magistrate or the kaiwhakawā Māori were present. Even then, the kaiwhakawā or assessors generally chaired the rūnanga or worked collaboratively with them. In 1876, for example, in the Waiapu area a person was shot having been deemed by the offender to be a sorcerer.³⁰⁰⁹ The local rūnanga met and concluded (1) that the killing was justified, and (2) the offender should not have used his government issue rifle, and (3) that the killer was to destroy the gun and recompense the government to the value of the weapon.³⁰¹⁰ The local constabulary made no attempt to arrest him thereby accepting the ruling of the rūnanga. In 1877 at Tokomaru Bay, a case of theft was heard by a rūnanga attended by 200 people and it was agreed that a muru should take place. The offender lost all his stock, chattels, and land.³⁰¹¹

At the hui convened at Whārekahika on 3 October 1874, Rāpata Wahawaha had raised for discussion whether the Native Land Court should sit to deal with land blocks within which there were oil deposits. He also noted the Crown's desire to base the armed Constabulary in Waiapu and its proposal to construct a Court house at Port Awanui.³⁰¹² He received approval for all these proposals. In 1876, the first sitting of the Native Land Court took place at Waiōmatatini.³⁰¹³ As discussed below, the other two matters were implemented as well.

By April 1879, the Armed Constabulary were permanently stationed at Port Awanui and not in the Waiapu.³⁰¹⁴ In 1881, a Court house was erected at Port Awanui, and it remained in use until the early 20th Century. Prisoners were held in goal at Port Awanui, but for serious offences were shipped to Gisborne or Napier for trial. The rūnanga and kōmiti and most of the people usually cooperated with the police, the magistrates, and the assessors in any attempts to apprehend such offenders.³⁰¹⁵

³⁰⁰⁹ Oliver & Thomson. (1971). 166.

³⁰¹⁰ Sterling. (2010). 221.

³⁰¹¹ Oliver & Thomson. (1971). 166.

³⁰¹² *Te Waka Māori o Niu Tīrani*. 1 December 1874. 294.

³⁰¹³ McConnell. (1998). 156, fn 19.

³⁰¹⁴ Robinson, J. (1995). *Policing the Tairāwhiti*. Te Rau Herald Press. 8-11.

³⁰¹⁵ Oliver & Thomson. (1971). 167.

Eventually the police and the magistrates became responsible for law enforcement for serious crimes such as murder.³⁰¹⁶ A case in point was the shooting of Hāmāna Māhuika in 1883. Rāpata Wahawaha was involved in the detention of the suspect, and after an inquest, the suspect was referred for arraignment to the Supreme Court.³⁰¹⁷ Before he was shipped from Port Awanui, the suspect had to face a rūnanga of Ngāti Porou very angry at him for taking the life of this important chief.³⁰¹⁸ For less serious offences, including fishing offences, the chiefs and rūnanga continued to assert jurisdiction utilising rāhui, fines, banishment, and excommunication as sanctions.

During the 1870s, Rāpata Wahawaha led a busy life as an assessor and convenor of rūnanga. For serious matters he was conducting early inquiries for the Crown. An example relates to the murder of a local woman at Port Awanui.³⁰¹⁹ The suspect was charged, and evidence was taken before the suspect was shipped to Gisborne.³⁰²⁰ An inquest was held there and the jury reached a verdict of death by murder.³⁰²¹ After giving the verdict the jury commended Rāpata's rūnanga for the way it conducted and recorded its investigation.³⁰²² His rūnanga was not the only one operating and in 1878 Porter saw no harm in maintaining the rūnanga as a form of self-government and arbiter of land disputes."³⁰²³ However, he was concerned that some rūnanga were overreaching their roles.³⁰²⁴

Rāpata Wahawaha was also beginning to worry about the younger leadership of the tribe. He lamented the ignorance of these younger chiefs in failing to respect or care for the tikanga of their ancestors leading to the loss of mana and tikanga. He stated "Nā tō rātou kuaretanga ki te tiaki i ngā tikanga a ō rātou tīpuna me ō rātou mātua Ka ngaro haere te tupu me te ahua ō rāua o ngā mana me ngā tikanga."³⁰²⁵ What is more probable is that chiefly authority and tikanga were adapting or being challenged by young people so they could cope with significant societal change. It also explains why there was a slow transition of authority over criminal

³⁰¹⁶ Robinson. (1995). 8-11.

³⁰¹⁷ *Korimako*. 15 May 1883. 5.

³⁰¹⁸ *Korimako*. 15 May 1883. 5. (Korimako, 1882-1889)

³⁰¹⁹ *Hawke's Bay Herald*. 16 August 1878. 2.

³⁰²⁰ *Hawke's Bay Herald*. 16 August 1878. 2.

³⁰²¹ *Hawke's Bay Herald*. 16 August 1878. 2.

³⁰²² *Hawke's Bay Herald*. 16 August 1878. 2.

³⁰²³ Oliver & Thomson. (1971). 166.

³⁰²⁴ Oliver & Thomson. (1971). 166.

³⁰²⁵ Rāpata Wahawaha Manuscript in Elsdon Best Papers, ATL, MS Papers-0072-39E, as quoted in Benton, et al. (2013). 326-327 at [#RGA 05].

matters so that by 1889, the police dealt with 30 offences at Port Awanui, 22 at Tolaga Bay and 15 at Waipiro Bay suggesting that more offending was being referred to the authorities.³⁰²⁶ It further suggests that the ability of the chiefs and rūnanga to administer penalties for serious offending was diminishing. With the repeal of the Native Districts Regulation Act 1858 and the Native Circuit Court Act 1858 in 1891 by the Repeals Act of that year, Ngāti Porou become subject to the Crown's criminal law and assessors (Māori kaiwahakawā) lost the right to assist the justices of the peace and magistrates.

The rūnanga, and elected kōmiti, however, continued to meet to discuss land and local government issues, and they jealously guarded their authority over their land and fishing grounds, refusing to entertain any interference by the Government.³⁰²⁷

Te Mana Whakahaere E Haere Tonu Ana – Autonomy Continues

In 1900, after bowing to pressure from the Kotahitanga Movement and the emergence of new leadership such as the members of the Young Māori Party, the Māori Councils Act 1900 was enacted. Sir James Carroll, then Native Minister:³⁰²⁸

... encouraged the measure, felt that such local self-government would be of especially great help in raising Māori morale and in conserving in some way the rights of the Māori people to rule themselves in their own organisation. Thus, the Māori Councils were established by the Māori Councils Act, 1900. This legislation authorised the Māori people 'to frame for themselves such rules and Regulations on matters of local concernment or relating to their social economy as may appear best adapted to their own special ones'. Power was given to the Council to make by-laws for the following purposes: (1) Providing for the healthy and personal convenience of the inhabitants of any Māori village. (2) Enforcing the cleansing of houses and other buildings in dirty and unwholesome state. (3) The suppression of common nuisances. (4) The prevention of drunkenness and sly grog selling. The Act also regulated the proceedings of tohungas. Provision was also made for the proper registration of dogs, the branding of cattle, suppression of gambling, matters affecting oyster-beds, water-supply, schools, sanitation and general social matters.

Under the authority of this legislation the Horouta District Māori Council was constituted with Āpirana Ngata its first Chairman. The Council undertook the business of:³⁰²⁹

.. setting and giving of fines and regulations for misbehaviour (e.g., drunkenness, theft, fighting, allowing animals to roam on roads, felling trees over roads, hanging of clothes on roadside, arguments over stock etc.); payment for and repair of telephone wires;

³⁰²⁶ Robinson. (1995). 17.

³⁰²⁷ See also Oliver & Thomson. (1971). 176.

³⁰²⁸ Unknown Author. (Winter 1952). 50 Years of Māori Self-Government. In *Te Ao Hou*, Vol. 1. 21.

³⁰²⁹ MSS & National Archives A-115.

registration of births and deaths; banning of smoking; appointments of police; dog taxes and registration; funding for various activities (e.g., supplies for care of the springs at, e.g. Waitekaha, Omaio, Orete; materials for upkeep of meeting-houses and marae); women's participation on committees; payments for members of council; council accounts; licences for billiard halls; voting re supply of liquor; election of speakers for the Horouta region to attend a Parliamentary committee; setting of rāhui and protection of mahinga kai, and kai mātaaitai...; licenses for sale of fish, stores; and marae committees' organisation of social functions (e.g. football, dances).

A full review of the work of the Horouta District Māori Council has not been possible as it is beyond the scope of this thesis. What is known is that by 1945 most councils nationally were inactive and/or would assume a different form as tribal committees established under the Māori Social and Economic Advancement Act 1945.³⁰³⁰

Te Oranga o te Iwi – Health of the Tribe

In terms of health, by 1868 poverty was taking its toll on the wellbeing of Ngāti Porou. J.H. Campbell the resident magistrate reported that there were approximately 4,270 people living in the district between Matakaoa and Tūranga.³⁰³¹ He noted that the population had declined and that was because the people resided in crowded conditions in their pā with bad ventilation, uncertain diet and “irregular mode of clothing” causing “scrofulous” (tuberculosis) and pulmonary diseases.³⁰³² A year later the people were dispersing from these pā returning to their cultivations or to clear their land for sheep farming.³⁰³³

These communities remained plagued by the 1870s influenza epidemic, and the 1880-1890s whooping cough and enteric fever (typhoid) epidemics, all affecting loyalists and former Hauhau alike. In June 1884, for example, Rāniera Kāwhia died in his village of enteric fever (typhoid) during an epidemic affecting many communities in the district.³⁰³⁴ These were diseases associated with poverty and a lack of food.³⁰³⁵ Ironically, while there was no sufficient food, “every village had a liquor store” with most of the 52 stores owned by Māori.³⁰³⁶

³⁰³⁰ Unknown Author. (Winter 1952). 50 Years of Māori Self-Government. In *Te Ao Hou*, Vol. 1. 21.

³⁰³¹ *AJHR*, 1868, A-4, pp 15-16 - Reports on the State of the Natives.

³⁰³² *AJHR*, 1868, A-4, pp 15-16 - Reports on the State of the Natives.

³⁰³³ *AJHR*, 1873, G-1, p 13 - Reports from Officers in Native Districts.

³⁰³⁴ Letter of Mohi Tūrei in Kaa & Kaa. (1996). 22-23.

³⁰³⁵ *AJHR*, 1872, F-3, p 12; Oliver & Thomson. (1971). 165-170.

³⁰³⁶ Oliver & Thomson. (1971). 171.

As there were no doctors in the district, ministers and teachers, resident magistrates and schoolteachers, and modern tohunga became the main suppliers of health services through to 1900. It would not be until the dawn of the next century that a young Āpirana Ngata, taking advice from medical experts, successfully encouraged many chiefs to direct the burning of dilapidated houses, to renovate villages and to erect European style houses.³⁰³⁷ These initiatives he pursued through the newly established Councils, constituted under the Māori Councils Act 1900 while he was the organising-inspector from 1902-1904.³⁰³⁸

During this period measures were also taken by the Councils to control tohunga engaged in healing work, some genuine and some charlatans.³⁰³⁹ Later this was done through the law with the enactment of the Tōhunga Suppression Act 1907 and its amendment of 1908.³⁰⁴⁰ By 1907, Āpirana Ngata had been a Member of Parliament for the East Coast for two years. During the debate on this legislation in Parliament, he would explain that he had issued licences to tohunga to operate and he stated:³⁰⁴¹

I was told that by issuing licences I was indirectly supporting tohungaism. But the object of having a regulation empowering licences was this: we practically rendered tohungaism illegal except [if] it was conducted under the control of the [Māori] Council.

The power to control tohunga was in section 15(2) which provided for their suppression of “injurious Māori customs, and for the substitution of remedies and punishments for injuries in cases in which compensation is now sought by means of such customs.” Clearly Ngata was concerned about charlatans, but he also warned:³⁰⁴²

Legislate as you will, you will never suppress tohungaism. You cannot do it. All the laws that could be passed in this House could not do it...You are getting down to bedrock when you get to tohungaism.

The 1907 legislation did not discriminate between charlatans and real tohunga. It merely made it a blanket offence for any person “who gathers Māoris around him by ...their practice superstition or credulity, or who misleads or attempts to mislead any Māori by professing or pretending to possess supernatural powers in the treatment or cure of any disease, or in the

³⁰³⁷ *AJHR*, 15 September 1904, H-31, pp 62-63 - Public Health Statement.

³⁰³⁸ Mackay. (1949). 354.

³⁰³⁹ Māori Councils Act 1900, s 15(2).

³⁰⁴⁰ Elsmore. (1999). 325.

³⁰⁴¹ 139, NZPD, 520-521, 19 July 1907.

³⁰⁴² 139, NZPD, 520, 19 July 1907.

foretelling of future events, or otherwise.”³⁰⁴³ Approval from the Native Minister was needed before a prosecution could be taken, and no record has yet been found indicating that such a measure was taken in the Pōtikirua ki te Toka-a-Taiau district.³⁰⁴⁴ The belief in the power of tohunga continued as Ngata predicted.

Te Mātauranga a Te Pākehā – Pākehā Education

During the period from 1865-1900, and as they did with the arrival of Christianity, Ngāti Porou chiefs wanted access to Pākehā knowledge. Rāpata Wahawaha for example, sent a letter to *Te Waka Māori-o-Niu-Tīrani* in April 1874 from Australia indicating how embarrassed he was because he could not speak English and directing his people as follows:³⁰⁴⁵

The divination and prophetic knowledge of our ancestors have passed away to other strange races. While Captain Cook was yet in his own distant country, the Rangitauatia (our ancestor) said that when the roots of the slow-growing hinahina tree had spread over his grave, he would hear the clattering of a foreign tongue and the noise of numbers. And so, it is. We now have the clatter of a foreign tongue and ‘many run to and fro and knowledge is increased.’ Now ye descendants of that ancestor, behold! The knowledge of which he prophesied is in the possession of a strange people. With them are wisdom, knowledge, prosperity, greatness, power, truth, advancement, and all excellent things. My friends: make all haste to acquire knowledge! Dip into the foundations of that knowledge – that is to say, attend the schools.

During the 1870s, he and many other Ngāti Porou engaged in a determined effort to have schools established under the Native Schools Act 1867. This legislation required that Māori males in an area meet and elect a school committee before making application for establishing a school.³⁰⁴⁶ The communities had to supply the land and pay at least half the cost of constructing the school, along with any other contribution required.³⁰⁴⁷ By the 1890s, native schools were at Pōtaka, Waipiro, Whārekahika, Kawakawa, Rangitukia, Tikitiki, Waiōmatatini, Manutahi, Tūpāroa, Hiruharama, Tokomaru, Akuaku, and Uawa.³⁰⁴⁸

³⁰⁴³ Tohunga Suppression Act 1907, s 2(1).

³⁰⁴⁴ Tohunga Suppression Act 1907, s 2(2); and see Stephens, M. (2001). A Return to the Tohunga Suppression Act 1907. *Victoria University of Wellington Law Review* 32(2). 437.

³⁰⁴⁵ *Te Waka Māori o Niu Tīrani*. 2 June 1874. 137, translation by editor of paper.

³⁰⁴⁶ Native Schools Act 1867, s 6.

³⁰⁴⁷ Native Schools Act 1867, s 8.

³⁰⁴⁸ Oliver & Thomson. (1971). 168-169.

Instruction was generally in English and as a result, mātauranga Ngāti Porou was left in the recesses of the whare rūnanga and the villages. That mātauranga remained extant in these enclaves. Rūnanga houses were built. For example, Mohi Tūrei would assist Hōne Ngātoto and Hoani Ngātai construct and carve Ohinewaiapu in 1872.³⁰⁴⁹ He was also involved in the building of the house Tūwhakairiora at Wharekāhika.³⁰⁵⁰ He may also have assisted with Hinerupe.³⁰⁵¹ Ruakapanga at Uawa was opened in c. 1880.³⁰⁵² Ruatēpupuke II was opened in 1881. Other houses built during this period were Iritekura I opened in c 1880, Hinetāpora carved 1882-1886, and Tū Auau carved 1890-94 at Reporua.³⁰⁵³ Mohi Tūrei and Hati Houkāmau assisted the principal carvers in the building of Porourangi.³⁰⁵⁴ In March 1888, the tapu lifting ceremony was held for the new fully carved meeting house Porourangi at Waiōmatatini.³⁰⁵⁵ The house was built for Rāpata Wahawaha and 2000 people attended the opening ceremony.³⁰⁵⁶

Ngā Hahi – Religion

In terms of their religious lives, the loyalist chiefs initially kept a firm grip on what religions were permitted to conduct services in the district. After the war they remained for the most part conservative Church of England chiefs, particularly Mōkena Kohere, Mohi Tūrei, Rāpata Wahawaha Rāniera Kāwhia, Hōtene Porourangi, and Te Iharaira Houkāmau in the north. Paratene Ngata, emerging as a leader after the wars would also remain committed to the faith.

In the south Hēnare Pōtae, and the Te Aitanga a Hauiti chiefs Himiona Te Kani, Heremia Taurewa, Hirini Te Kani, and Karauria Pāhura appear to have had a broader perspective on religion.

The war chiefs who were Anglican Ministers continued to administer the gospel in their villages. These ministers (particularly Mohi Tūrei and Rāniera Kāwhia) and their gospel

³⁰⁴⁹ Ellis, N. (2016). *A Whakapapa of tradition*. Auckland University Press. 252.

³⁰⁵⁰ Ellis. (2016). 252.

³⁰⁵¹ Ellis. (2016). 252.

³⁰⁵² Ellis. (2016). 253.

³⁰⁵³ Ellis. (2016). 255-258.

³⁰⁵⁴ Ellis. (2016). 251.

³⁰⁵⁵ *Poverty Bay Herald*. 15 July 1897.

³⁰⁵⁶ *Poverty Bay Herald*. 15 July 1897.

teachers were fully engaged in most public meetings and ceremonies conducted by the loyalist chiefs.

They did not cope well with the emergence of other religious denominations. There were stories of believers of other religions being subjected to persecution in the northern end of the district. Mormons, for example, were beaten and thrown out of Kawakawa.³⁰⁵⁷ One complained to the police but after discussing the matter at Hinerupe, the police resolved no charges were to be brought against those who assaulted them.³⁰⁵⁸ For many years also, the Ringatū faith was conducted in clandestine ways to avoid the control of the Anglicans and the chiefs. Late in the 19th century whether followers of the faith could congregate for the purpose of prayer was still an issue. When Reweti Kohere first met Paratene Ngata, the latter had called “a meeting of the Ngāti-Porou Tribe to discuss the question whether the Ringatū church should be permitted to hold its meetings in the Waiapu Valley” suggesting that prior to that meeting they could not do so.³⁰⁵⁹

Despite that by 1886, there were three religious groups recorded in the district, Anglicans, Mormons, and Ringatū (described as Hauhau).³⁰⁶⁰ One of the reasons for the 1865 war was jealousy over religion. But by the end of the same century different Christian sects were operating in the district. The fact they could operate at all indicates the grip of the Anglican ministers and teachers and their elevation of the Church of England was weakening. Furthermore, alignment of the Church with the Crown and the law, was also waning.

He Whakarāpopotonga – Summary

Both the loyalists and Hauhau acted in accordance with tikanga through the wars of 1865 although their behaviour was modified by Christian and Crown influences. They acted consistently with the values and tikanga of the pre-existing legal system of the district. The loyalists warned Pātara and other outsiders who were not Ngāti Porou not to enter the district, attacking them when they did not respect that edict. They also wanted to avenge Volkner’s

³⁰⁵⁷ Letter of Mohi Tūrei in Kaa & Kaa. (1996). 22-23.

³⁰⁵⁸ Letter of Mohi Tūrei in Kaa & Kaa. (1996). 22-23.

³⁰⁵⁹ Kohere. (1949). 51.

³⁰⁶⁰ Oliver & Thomson. (1971). 172.

murder, which they did. Tuta Nihoniho recorded as much when he noted that after the fighting concluded at Lake Waikaremoana in 1866:³⁰⁶¹

... this was the end of the fighting conducted by Te Ao-wera, Rua-taupare No. 2, Ngāti Porou, and other loyal clans, in order to avenge the shed of blood of the Rev. Volckner, minister and servant of the Most High, who had been murdered at Ōpōtiki, and his eyes swallowed, by Kereopa and the Hauhau folk. The fighting would have been confined to those tribes that took part in the murder of Mr Volkner, but assistance extended to those murderous tribes by certain other tribes caused the fighting to spread to the homes of every tribe, clan, and person. In all these actions spoken of above, Hōtene Porou-rangi ranked above Rōpata Wahawaha.

In other words, those who assisted the Hauhau were held collectively responsible for the killing of Volkner. The imposition of a collective sanction was very much in accordance with tikanga or the laws of utu, ito, and raupatu. They were also entitled to respond to threats and to the attempts to limit their access to certain areas of the district stemming in part from the lingering resentment of the Kingites. Finally, the loyalists were entitled to side with the Crown as a means of promoting their own mana rangatira, mana tangata, and mana whenua.

Equally, the Kingites and Hauhau supporters were entitled in tikanga terms to prevent entry into their areas of the district by the Queenites. Furthermore, they were entitled to invite who they liked to their villages. The killing of Mōkena's relative, found wounded in Tikitiki Pā, was all part of the cycle of holding Mōkena and his kinsman collectively responsible for the Hauhau killed during the fighting. The Ngāti Porou Hauhau chose the religion of the Māori King to promote their own mana rangatira, mana tangata and mana whenua, and this was what they were entitled to do in tikanga terms. Their conversion was inevitable given that the majority of the Kingites had not recovered from their losses while fighting for the King.

Responding to curses, attacks and threats to life and composing ngere and haka were also tikanga based responses used in the psychology of war. Each side also had their gods. The loyalists had the Christian God but they did not forsake their own gods. Tuta Nihoniho referred to Uenuku and Kahukura.³⁰⁶² He also noted the various stages of Tū (the War God) used as indicators of action during battle. There was Tū Korako (War God of the night) who becomes Kahukura during the day, Tū ka riri (War God of anger) Tū kai nguha (Wai God of rage and

³⁰⁶¹ Nihoniho. (1913). 34-35.

³⁰⁶² Nihoniho, T. (March 1959). Uenuku or Kahukura the Rainbow God of War Being Advice to Young Soldiers When Going into Action (Part I). In *Te Ao Hou*. Vol 26. 50-53.

fury who crushes or shreds).³⁰⁶³ The Hauhau no doubt still believed in Tū and they also had Riki and Rūrā. Reference to these gods was part of the tikanga associated with war.

The involvement of women as warriors was not new either as traditionally women fought where capable, and they did so as part of a fighting force. Alternatively, they fought when forced to do so in the absence of their men. Women were also used as peace emissaries, in the same manner that was done pre-1840. Seeking alliances with other iwi was in accordance with tikanga. Pākehā were often considered allies as in the case of the whalers at Te Māwhai when it was attacked. Therefore, seeking an alliance with the *Pai Mārire* emissaries or alternatively with the Crown was acceptable practice.

But at the point Donald McLean became involved, it became impossible to say this was just a tikanga based war. In other words, this was no longer a Ngāti Porou civil war as Donald McLean encouraged the loyalists to capture or kill Pātara, the *Pai Mārire* emissary, and he gave the loyalists weapons in return for doing so. The loyalists also relinquished their authority to the Pākehā colonials over the war effort where the colonial troops were engaged. In every engagement involving those troops, Pākehā officers determined the battle tactics, retreats, attacks, and counter attacks, despite sometimes acting on the advice of the loyalists. The loyalists also accepted that the Crown had the right to confiscate land, which could only happen in tikanga terms if the Crown was the victor. Therefore, to call it a Ngāti Porou civil war is not a correct reflection of what took place. It was a Crown and loyalist war, driven by McLean's strategic goals of destroying the Hauhau, extending the Queen's law into areas that were still fully autonomous and keeping the arena of war away from Pākehā settlements. The loyalists wanted utu for Volkner's murder and security from the threat posed by the Hauhau, but both those objectives could have been achieved by peaceful means. All it would have taken was for the Crown to pursue only those individuals responsible for Volkner's murder and by acting as mediator between the different Ngāti Porou factions.

The loyalists were just fortunate post-war that Donald McLean could not declare martial law because he lacked the resources to do so. That is to be compared to other parts of the country. Martial law was simultaneously declared in Ōpōtiki and Whakatāne for example, so that those responsible for the killing of Volkner (and one other colonial settler) might be captured and

³⁰⁶³ Nihoniho. (1959). 50-53.

tried summarily.³⁰⁶⁴ As a consequence of not being able to do the same in this district, McLean was forced to recognise the mana rangatira, mana tangata, mana whakahaere, and tikanga of the loyalists. In doing so he implicitly recognised the pre-existing legal system, despite the loyalists and their prisoners swearing their allegiance to the Queen and to her law.

The result was that most of the Hauhau prisoners (both male and female) were subjugated to the loyalist chiefs, rather than to colonial law and that was very much a tikanga based outcome. The executions the loyalists were responsible for were acts undertaken in accordance with the law of “ito”. Through a Māori lens, this was also the standard applied by the Crown in the war they were engaged in. After all the loyalists had seen the summary execution of Pita Tamaturi by Biggs at Hungahungatoroa. The Crown, in other words, enabled this tikanga to continue, thereby acting contrary to its own Treaty of Waitangi obligations to those who were the victims of these acts. However, and in accordance with tikanga this was considered acceptable in the circumstances of war. Also acceptable was the banishment of prisoners to the Chatham Islands. What was not tikanga was the gradual political marginalisation of women as it became clear to the chiefs that they were not important to their Pākehā allies. For example, little mention is made of their attendance at important meetings and no record was made of their participation in those meetings.

As victors after the wars, the loyalist chiefs were entitled to assume the role they did as governors of the entire district. They had significant military support from the Crown, so they were also able to enforce their authority if need be. Under the chiefs, the Pōtikirua ki te Toka-a-Taiau district became subject to two separate but collaborative authorities, namely the authority of the Crown and the authority of the loyalist chiefs. By aligning with the Crown, these chiefs were able to achieve a revolutionary assumption of power over the previously autonomous Kīngitanga and Hauhau iwi and hapū.

The emerging district wide Ngāti Porou identity was cemented in place during this time 1865-1900, and most references to the district in official documents and newspapers also reference the Ngāti Porou tribe. Referencing Porourangi as the founding ancestor extended the lattice of whakapapa sufficiently to cover all hapū and iwi whilst maintaining the boundary integrity of the district. After all, other common whakapapa links, such as Māui, Toi, Uenuku’s whānau of

³⁰⁶⁴ Waitangi Tribunal. (2004). 79.

Hawaiki including Ira and Paikea, could be claimed by a number of iwi, especially in the Bay of Plenty. What united all the hapū and iwi in the district was inter-marriage with Porourangi's descendants and their iconic landscape. John Thornton – Te Rongotoa Tamahōri made this point well:³⁰⁶⁵

Ko taku Ngāti Poroutanga tēnei, ko taku whenua – This is what makes me Ngāti Porou, the land. The land provides Ngāti Porou with her identity. When we use our pepehā:

Ko Hikurangi te maunga (Hikurangi is the mountain)

Ko Waiapu te awa (Waiapu is the river)

Ko Ngāti Porou te iwi (Ngāti Porou is the tribe)

We are using the landscape to show who we are and from whence we draw our tribal mana. Each tribe has a similar saying that links the people with the land, it is not unique to Ngāti Porou. What is unique to Ngāti Porou are the specific features of that proverb. In this respect, Hikurangi and Waiapu are the physical manifestations of the mana of Ngāti Porou.

The term Ngāti Porou was applied to all the iwi and hapū with Porourangi whakapapa.³⁰⁶⁶ This notion of a tribal citizenship would submerge hapū and other iwi identities for nearly all political purposes but not for local issues. As Paratene Ngata's letter to the editor of *Te Waka Māori o Niu Tīrani* in 1879 demonstrates, the governance by the chiefs and then their successors covered most political matters involving interaction with the Crown from 1865-1900. With this cementing in place of a tribal identity, it became more difficult to escape the new form of governance. However, the people continued aligning with their own hapū or iwi for their local affairs. For example, Te Aitanga-a-Hauiti remained fiercely independent. Hauiti, of course, was one of Porourangi's direct descendants. In fact, all hapū and iwi through inter-marriage were also Porourangi stock, making them all citizens of Ngāti Porou.

As the Pākehā population grew, the new threat to the mana whakahaere and mana tangata of the war chiefs was the reach of Pākehā law and their forms of local government. The ascendancy of the Pākehā population, their form of local government and their law meant that mana Ngāti Porou retreated into the recesses of villages and to isolated areas of the district. Serious offending was removed from their jurisdiction but in all other respects they remained

³⁰⁶⁵ Thornton/Tamahōri JTR "Affidavit of evidence before the East Coast Waitangi Tribunal" (Wai 900, #A54, 9 November 1999) 9-10.

³⁰⁶⁶ Soutar. (2000). 32.

self-governing. At a practical level there were three governing authorities operative in the district: (1) the Government (2) the chiefs and rūnanga, and (3) Pākehā local government institutions.

The chiefs and rūnanga remained the only practical form of self-government for Ngāti Porou. They continued to exercise mana whakahaere and mana tangata over all the hapū and their public affairs from 1870-1900 including decisions regarding education, religion, local government and health and whether to allow the Native Land Court to sit in the district, and in some cases, they made decisions about sales and leasing.

It is also clear from hui occurring from 1870-1890 areas were configuring on a hapū – marae basis. These collectives naturally aligned with the land being Horoera northwest to Pōtaka, Kautuku to Waiapu and Reporua, Tūpāroa to Waipiro, and Tokomaru to Tūranga. In these areas, different ideas on how to deal with land emerged. Some preferring village rūnanga and kōmiti decision making, while others wanted a Rūnanga or Kōmiti Nui to deal with the land. Some also wanted to participate in the Repudiation and Kotahitanga Movements with their emphasis on land reform. These differences were to be expected as they reflect tikanga in the one area the loyalist chiefs could not assert their mana rangatira and mana whakahaere over for any great length of time – namely land. That is because they could not assert mana whenua over every hapū's land for all time. Mana whenua depended on ancestral right and as the years past following 1865, the war chiefs either waived their claim under raupatu or they did not occupy Hauhau land, thus any claim based upon conquest waned over time. Rather, the Native Land Court would become the new battle ground in the pursuit of mana.

CHAPTER 10

TE HURIHANGANUI O NGĀ TAKE WHENUA

THE REVOLUTIONARY CHANGE TO LAND TENURE 1865-1908

He Tīmatanga – Introduction

Ngāti Porou customary or papatupu land was once all land in the Pōtikirua ki te Toka-a-Taiau district held in accordance with their mana whenua and associated tikanga. Bruce Sterling and his team using data sets produced for the Crown Forest Rental Trust, noted that the total customary land area was once just over 1.1 million acres (1,104,029 acres) as at 1840.³⁰⁶⁷

“Take” determined rights to land as outlined in Chapter 6. Those rights to land were held under the collective tenure of hapū. Internal hapū allocation to members of the hapū for occupancy or hunting, gathering or fishing ensured that individuals could sustain themselves and their families. Where occupation or any other right were awarded to another hapū or person outside the landholding hapū, that kin-group or person took that occupancy or right knowing there were reciprocal obligations associated with it, as for example, to provide tribute, service, or other benefit to the landholding hapū. Marriage also gave no rights to land to a spouse from another iwi or hapū. Not even conquest gave rights to land unless followed by occupation, but the original ancestral right holders always had the ability to re-establish mana whenua when a conqueror was not vigilant. If occupiers without ancestral right left the area or waived their rights to occupation or utilisation, the land returned to the landowning hapū. There was no ability on the part of hapū citizens or other occupiers without ancestral right to permanently alienate the land collectively owned by a hapū.

This is probably why leasing was preferred as a way of making income from the land during the 1865-1908 period. Bruce Sterling would note that:³⁰⁶⁸

³⁰⁶⁷ Sterling. (2010). 7.

³⁰⁶⁸ Sterling. (2010). 20-22.

... leasing of East Coast lands was significant in several way. ... a large area of land was under lease at various times and it consisted of the most desirable and (at the time) most accessible coastal blocks. ... the leases extend[ed] almost unbroken along the coast from Kaitī north to the lower Waiapu, taking in all the large southern blocks, key central coastal blocks (such as Tokomaru and Waipiro, and numerous small Waiapu blocks that formed sizeable and strategic clusters of leasehold interests. From 1869 to 1900 the total area under lease amounted to over 320,000 acres. This is a little more than the total Crown purchases in this period, and also a little more than the total private purchases. It must be acknowledged that not all of this land was leased at the same time, with the maximum area under lease in any single decade being about 200,000 acres, but even so these figures indicate just how much land was under lease. Just as importantly, many of the early leases were precursors to purchase. In particular, the big southern blocks that were leased in 1869 and the early 1870s, were soon subject to protracted and disputed purchases of individual interests; transactions that resulted in awards of freehold to purchasers through the 1880s and beyond. In other words, leasing was a vital part of the purchasing process, most especially in the early decades of settlement. Subsequently, leasehold interests came to be seen as a satisfactory basis for substantial farming endeavours, although they still tended to be combined with some freehold titles. The result was that clusters of relatively small leasehold blocks were secured by individual settlers, with a view to forming a sizeable station. Whitmore's Tūpāroa station was the biggest of the early leasehold clusters, but his ambition was soon dwarfed by a new generation of better-financed and more ambitious southern farmers.

The most notable example is Williams, who not only acquired the Tūpāroa station but a huge area of leasehold and freehold land to the south, extending almost unbroken along the coastal strip to Te Māwhai. Moving into the twentieth century, it was big runholders such as this who would decide the future of the East Coast.

What is also apparent from the foregoing maps and data is that the issuing of Native Land Court titles and land loss commenced most extensively in the south of the district (nearer Tūranga), before moving north along the coast, and inland (inland blocks and sales being generally much larger). As is discussed in the report, the rāhui against land dealings that northern Waiapu Māori sought to impose over their district proved moderately successful, at least in the period covered by this report. Large areas of papatupu land, and some land held under Native Land Court title, were retained north of Waiapu, other than a group of blocks along the route between Waiapu and Hick's Bay.

Large parts of the lower Waiapu valley were also retained, but as the earlier maps show, much of this land was held under individualised Native Land Court title rather than as customary land. This rendered it vulnerable to the piecemeal purchasing (and leasing with a view to purchasing) that had already led to the loss of more than half of the total East Coast land area. By the 1890s, this was ... land the owners wished to keep but which - being held under Native Land Court title - proved difficult to retain.

From 1865, the amount of customary or papatupu land in the district slowly decreased in area. The various ways by which customary land was converted and assimilated into what would become the New Zealand land law system are discussed below but the flow on effect of that conversion was rapid alienation. This rate of alienation becomes important to the exercise of mana, tikanga, mana whenua and mana moana. I turn now to the ways that the land was alienated.

Ka tuku ki te Kuini te hokonga – Pre-emption

In January 1840, Governor Gibbs declared all land purchases in New Zealand null and void unless confirmed by Crown grant. The Crown thereby reserved the right to review pre-Treaty transactions between Māori and settlers. It then negotiated the right of pre-emption (the sole right to purchase native land). This was provided for in Article 2 of the Treaty of Waitangi signed by some Ngāti Porou chiefs in May and June 1840. This allowed the Crown to have a monopoly over the purchase of land. The right of pre-emption was waived and reinstated several times during the period 1865-1909. The Crown used pre-emption to purchase land direct from Ngāti Porou and then on-sell it to settlers at a profit.

Bruce Sterling contended that the Crown subsequently acquired 309,923 acres (28% of the land) in the district by 1908. This is discussed further at the end of this chapter. That figure is to be compared to the figures recorded in the settlement deed with Ngāti Porou. In that document the following history and Crown concessions regarding its purchasing activity in the district was recorded as follows:³⁰⁶⁹

2.30 ... During the nineteenth century, and the early years of the twentieth century, the Crown characterised Māori land that was not used for habitation or cultivations as "waste lands." The Crown argued that such land had little economic value and should be made available to European settlers who would improve it and make it economically productive. The Crown began attempting to purchase large areas of Ngāti Porou land in the 1870s. However, many Ngāti Porou preferred to lease rather than sell land. The Crown opened a number of lease-negotiations, but never completed any leases as its preference was to purchase.

2.31 Before 1879 the Crown frequently opened lease and purchase negotiations by paying advances before the Native Land Court had determined the ownership of the land under negotiation. Crown land purchase agents did not always adequately identify and consult with all of the owners before paying advances. Some owners only discovered their land was under negotiation when surveyors arrived to define its boundaries. This caused much resentment among Ngāti Porou.

2.32 Parliament enacted a number of pieces of legislation over the years that empowered the Crown to negotiate for land as a monopoly purchaser. The Crown generally created this privileged market position by issuing proclamations prohibiting private competition for the blocks it wished to acquire. These prohibitions were not removed until the Crown was satisfied with the outcome of its negotiations. Legislation enacted in 1909 limited the duration proclamations prohibiting private alienations could remain in force. However, when prohibitions issued for Ngāti Porou land after 1909 expired, the Crown often replaced them with fresh proclamations to protect its continuing negotiations from private competition. More than 260,000 hectares of Ngāti Porou land was subject to proclamations

³⁰⁶⁹ Ngāti Porou and Te Rūnanganui o Ngāti Porou Trustee Limited As Trustee Of Te Rūnanganui o Ngāti Porou And The Crown Deed Of Settlement Of Historical Claims. (22 December 2010). 17-18.

prohibiting the owners from alienating any interests to private parties between 1876 and 1926.

2.33 The Crown increasingly negotiated for Ngāti Porou land with individual owners rather than collectives of owners after the 1870s. This enabled individuals to sell land interests irrespective of the views and mana of Ngāti Porou whanau and hapū. New legislation in 1909 provided that Māori land could only be sold with the approval of meetings of the assembled owners. However, in 1913 the Parliament again empowered the Crown to purchase from individual owners. The Crown's acquisition of individual interests often extended over many years.

2.34 The frequently slow and protracted nature of Crown land purchase operations meant that prohibitions against private alienations of Ngāti Porou land often remained in place for many years. These prohibitions affected all of the owners in a proclaimed block, regardless of whether they wanted to negotiate with the Crown. For long periods it was difficult for Ngāti Porou to derive economic benefits from land under negotiation with the Crown except by selling it to the Crown.

2.35 The Crown sought to acquire Ngāti Porou land as cheaply as possible. It did provide in 1905 that the Government valuation should be legally established as a guaranteed minimum price the Crown should pay for Māori land. However, in 1920 Apirana Ngata argued that the Crown frequently paid prices based on outdated valuations that were too low.

2.36 The Crown was unable to persuade Ngāti Porou to sell as much land as it would have liked to acquire. Even so it still purchased more than 190,000 hectares before 1930. Much of this land was never on sold to settlers. Nearly one third of the land the Crown purchased from Ngāti Porou before 1930 remains in Crown ownership, in the public conservation estate.

The difference between the 190,000 acres purchased by the Crown set out in the trust deed and the estimate of 309,923 acres may simply reflect the purchases that the Crown was willing to concede during treaty negotiations with the tribal leaders. The Crown also permitted private purchasing and that inflated the figures even higher, such that over half the district was alienated by 1900.

What is known is that during the 19th-20th Centuries, Ngāti Porou papatupu land was converted by the Native Land Court (excluding the foreshore and seabed) into Māori freehold title land blocks individually owned by single owners, joint tenants, or tenants in common. Thereby the collective tenure previously held by the hapū under the authority of the chiefs was obliterated. The land base, as a result, slowly dwindled as the rate of alienation accelerated in some parts of the district. In other words, more people were able to sell their land and accountability to the collective, namely the hapū with mana whenua, diminished. I turn now to explain the mechanisms that caused that rate of alienation to the Crown and to private purchasers.

First a small amount of land was alienated was through the Old Land Claims procedures. These procedures were implemented by a Commission constituted under the Land Claims Ordinance 1841. It investigated pre-1840 land transactions.³⁰⁷⁰ Section 2 of the Land Claim Ordinance 1841 provided that:³⁰⁷¹

And whereas it is expedient to remove certain doubts which have arisen in respect of titles of land in New Zealand, be it therefore declared enacted and ordained, that all unappropriated land in the said Colony of New Zealand, subject however to the rightful and necessary occupation and use thereof by the aboriginal inhabitants of the said Colony, are and remain Crown or Domain Lands of Her Majesty, her heirs and successors, and that the sole and absolute right of pre-emption from the said aboriginal inhabitants vests in and can only be exercised by Her said Majesty, her heirs and successors, and that all titles to land in the said Colony of New Zealand which are held or claimed by virtue of purchases or pretended purchases gifts or pretended gifts conveyances or pretended conveyances leases or pretended leases agreements or other titles either mediately or immediately from the chiefs or other individuals or individual of the aboriginal tribes inhabiting the said Colony, and which are not or may not hereafter be allowed by Her Majesty, her heirs and successors, are and the same shall be absolutely null and void: Provided, and it is hereby declared that nothing in this Ordinance contained is intended to or shall affect the title to any land in New Zealand already purchased from Her Majesty's Government or which is now held under Her Majesty.

If transactions were bona fide, they would be confirmed by Crown grant, but no grant could exceed 2,560 acres.³⁰⁷² The surplus from such sales would almost always revert to the Crown, a major cause of settler complaint and subsequent Māori resistance. The policy and legislation concerning pre-treaty transactions or old land claims was reviewed by the Waitangi Tribunal in its *Muriwhenua Land Report* (Wai 45) and it concluded that legislation was in breach of the principles of the Treaty of Waitangi. The Tribunal found that the legislation circumscribed the inquiry into customary title. Rather it focused on sales as understood in western terms. This prevented any consideration of the true nature of the transactions.³⁰⁷³ These transactions should have been determined in accordance with Māori law. Instead, the Commission inquired into whether Pākehā occupation of land was due to an absolute sale or not. Therefore, according to the Waitangi Tribunal, the Land Claims Ordinance 1841 was inconsistent with the Treaty principle which required the “Crown actively to protect Māori rights to their land, to ensure that they maintain an economic base, and to respect tribal autonomy and law.”³⁰⁷⁴

³⁰⁷⁰ Land Claim Ordinance 4 Victoriae 1841, No 2.

³⁰⁷¹ Land Claim Ordinance 4 Victoriae 1841, No 2, s 2.

³⁰⁷² Land Claim Ordinance 4 Victoriae 1841, No 2, s 6.

³⁰⁷³ Waitangi Tribunal. (1997). *Muriwhenua Land Report*, Wai 45. Government Print. 394.

³⁰⁷⁴ Waitangi Tribunal. (1997). 394.

In this district there were very few old land claims.³⁰⁷⁵ Prior to 1865 the Government attempted to have a number of early *tuku whenua* transactions investigated through the Old Land Claims Commission process.³⁰⁷⁶ The Commission deferred their investigations in late 1859, due to the antagonism demonstrated towards the Commission by Tūranga Māori.³⁰⁷⁷ Commissioner Dillion Bell would complain: “I never heard anywhere such language used about the Queen’s authority, Law, Government, Magistrates, and the like.”³⁰⁷⁸ The chiefs did not want the Commission anywhere near their land. It seems that many of the chiefs were influenced by the repudiation movement that had started in the Hawkes Bay.³⁰⁷⁹ Ngāti Oneone and other Te Aitanga a Hauiti chiefs must have been involved given their overlapping *whakapapa* links to the *whenua*.

Prior to 1865, there was no way of enforcing the rulings of the Commission as colonial troops were amassed in other districts, so there was no way of protecting settlers whose claim to title in this district may have been validated by this Commission.³⁰⁸⁰ This problem was acknowledged after a visit to Tūranga by Governor Gore Brown in 1860. After commenting on the assertiveness (or as he described the “rudeness”) of Tūranga chiefs, he acknowledged that trouble was being aroused by Pākehā attempting to acquire land direct from local Māori contrary to the Crown’s proclamations preventing such transactions:³⁰⁸¹

... I see in them an example of the effect of unauthorised settlement by Europeans in districts where it is not possible to protect them unless at an enormous expense of men and money, and secondly, because they afford one of the proofs that the demands for the acquisition of Native land are often made in utter ignorance of all the circumstances of the case, and are too often based on the single idea that the Government is bound to furnish, not only an adequate supply of land, but that particular land which is especially coveted, without reference to the views of and inclinations of the Natives, whose claims are entirely disregarded.

Thus, there were settlers in the district causing trouble over land transactions and the Governor could not assist them as they were still subject to Māori law. After the wars of the 1860s, the Government was able to finally exercise real effective power in the southern end of the district. In 1869 these pre-treaty land transactions were reconsidered.³⁰⁸² The result was that all pre-

³⁰⁷⁵ Waitangi Tribunal. (1997). 394.

³⁰⁷⁶ Mackay. (1949). 138.

³⁰⁷⁷ Mackay. (1949). 138.

³⁰⁷⁸ Oliver & Thomson. (1971). 80, quoting from *AJHR*, 1862, E-1, p 6.

³⁰⁷⁹ Mackay. (1949). 138.

³⁰⁸⁰ Soutar. (2000). 169-171.

³⁰⁸¹ *AJHR*, 1862, E-1, pp 2-4; Oliver & Thomson. (1971). 80.

³⁰⁸² Mackay. (1949). 138.

1830 transactions were rejected and a small list of post-1830 transactions involving small blocks were validated through the Poverty Bay Crown Grant's Commission.³⁰⁸³ For the most part these were in the Tūranga district.³⁰⁸⁴ However, the list did include 27 acres gifted to W.S. Green at Wainui on Ngāti Oneone land.³⁰⁸⁵ Transactions post 1840-1865 were also considered but had to be approved under the Native land legislation.

Te Ture Tango Whenua 1868 - The Land Taking Law 1868

Another means where land was alienated, was by the application (actual or by threat) of the East Coast Act 1868, particularly affecting Tūranga north to Uawa. The legislation was used to validate the “voluntary cessions” following the 1865 wars.³⁰⁸⁶ So, for example, the Puatai block was dealt with in March 1868 by the Native Land Court at its second sitting in Gisborne, the first being adjourned in July 1867 on application by the Crown.³⁰⁸⁷ The Crown sought the adjournment in 1867 because it was busy trying to obtain “voluntary cessions.”

The applicability of the East Coast Act 1868 is complicated by the arrangements for Tūranga Māori. As noted in Chapter 9, the chiefs of those tribes were forced to sign a deed of cession on 18 December 1868 which ceded approximately 1.195 million acres, “substantially the entire Tūranga district...”³⁰⁸⁸ Loyalists had three months to make claims to the land within the ceded boundaries.³⁰⁸⁹ A new commission, the Poverty Bay Commission, made up of two Native Land Court judges would hear these claims and, “where a claim was accepted by the commission, a title would be issued as a Crown grant.”³⁰⁹⁰ The Commission would also investigate old land claims and other claims by settlers.³⁰⁹¹ The Crown and Tūranga Māori reached an agreement as to which lands within the ceded area would be kept by the Crown.³⁰⁹² The boundaries of the area were never properly recorded, nor was any written record of the agreement made.³⁰⁹³ By

³⁰⁸³ Mackay. (1949). 138-144.

³⁰⁸⁴ Mackay. (1949). 144.

³⁰⁸⁵ Mackay. (1949). 144.

³⁰⁸⁶ Mackay. (1949). 387.

³⁰⁸⁷ Boast, R. (2013). *The Native Land Court: A Historical study, cases and commentary, Volume 1, 1862-1887*. Thomas Reuters, Brookers. 396, 400.

³⁰⁸⁸ Waitangi Tribunal. (2004). 254.

³⁰⁸⁹ Waitangi Tribunal. (2004). 254.

³⁰⁹⁰ Waitangi Tribunal. (2004). 254.

³⁰⁹¹ Waitangi Tribunal. (2004). 254.

³⁰⁹² Waitangi Tribunal. (2004). 254.

³⁰⁹³ Waitangi Tribunal. (2004). 254.

1873 there was disagreement “over the agreement, the size and location of the blocks to be retained by the Crown.”³⁰⁹⁴

The history of events that followed has been traversed by the Waitangi Tribunal:³⁰⁹⁵

... the deed of cession was published in the New Zealand Gazette on 13 February 1869. Governor Bowen deemed ‘Native title to and over’ the lands described in the deed to have been extinguished from 18 December 1868. At the same time, an Order in Council, dated 10 February 1869, appointed Judges Rogan and Monro, both of whom were Native Land Court judges, to be commissioners. The Poverty Bay Commission, as it became known, was empowered to hear the claims of ‘loyal persons’ to those lands which the Crown had decided to return, provided their claims were lodged by 18 March 1869.

The establishment of the Poverty Bay Commission marked a significant turning point for Tūranga Māori. By the deed, Tūranga Māori relinquished approximately 1.195 million acres of land to the Crown. As we have discussed in the previous chapter, the Crown retained approximately 50,000 acres of this land as punishment for the purported ‘rebellion’ of some Tūranga Māori and to establish military settlements in the area.

The Poverty Bay Commission’s first task was to record which of the lands ceded by Tūranga Māori would be retained by the Crown. This was done (albeit unsatisfactorily) on 30 June 1869 – the commission’s second day of hearings. The remaining lands were to be returned to ‘loyal’ Tūranga Māori. This required a process of title adjudication to identify the customary owners of the many blocks within the ceded lands. It also required a process to establish whether any of those customary owners had been in ‘rebellion’. The test for rebellion was to be that contained in section 5 of the New Zealand Settlements Act 1863. That section provided for two distinct tests of rebellion: bearing arms against the Crown and assisting others to bear arms (see sec 7.3.1). Those whose actions fitted the section 5 tests would be excluded from titles.

The Waitangi Tribunal has also recorded that:³⁰⁹⁶

The commission sat twice: once in 1869 and again in 1873. Its first sitting in Tūranga lasted 33 days. In those 33 days, 101,000 acres were awarded to ‘loyal’ Māori and 1230 acres of land were awarded to settlers. In its second sitting, only 15 claims were heard: two resulted in awards, two in succession orders, and one block was subdivided. The commission awarded a further 37,278 acres.

In between these two sittings of the commission, some claims were adjudicated by the Native Land Court, sitting in place of the commission and carrying out its functions. This was because, in 1870, the new Government had decided not to use the commission proper but to replace it with the Native Land Court, sitting under the East Coast Act 1868. After the hearings began, a serious question then arose as to whether the court had the legal power to hear the claims, given that native customary title had purportedly been extinguished by the cession and proclamation. Once the issue surfaced, the court was abruptly adjourned. It had heard claims to only 14 blocks comprising 758 acres. The problem had to be remedied retrospectively by legislation purporting to validate the mistake. There is a question about whether it succeeded.

A total of 138,278 acres was therefore awarded to Tūranga Māori by the Poverty Bay Commission and the Native Land Court in its place (acting under the East Coast Act 1868).

³⁰⁹⁴ Waitangi Tribunal. (2004). 255.

³⁰⁹⁵ Waitangi Tribunal. (2004). 339.

³⁰⁹⁶ Waitangi Tribunal. (2004). 340-341.

Over the course of the hearings, the attitude of Tūranga Māori to the commission and the court underwent a marked change.

...

The Poverty Bay Commission finally reconvened in November 1873. On that occasion, the upcoming Tūranga leader Wī Pere proposed that the commission return all the lands not retained by the Crown to 12 trustees, with authority to administer them on behalf of Te Aitanga a Māhaki, Ngāi Tahupō (Ngāi Tāmanuhiri), and Rongowhakaata. The commission did not accede to the request. The commission was disestablished. The Poverty Bay Land Titles Act 1874 provided that any further claims to lands within the returned tribal blocks might be heard by the Native Land Court sitting under the Native Land Act 1873. Land over which native title had purportedly been extinguished by the deed of cession was thus to be treated as if native title still existed. The 1874 Act also provided retrospectively that land which had passed through the Poverty Bay Commission was to be treated as if it had received title through the Native Land Court process.

As noted in Chapter 9, a petition in 1868 was organised by Ngāti Porou seeking to have the Native Land Court investigate title to their land under the Native Lands Act 1865 and its amendments rather than the East Coast confiscation legislation. By the time of the first sitting of the Native Land Court involving significant Ngāti Porou blocks, the tribe had the agreement from the Crown dated 16 April 1870, to give up its claims to confiscate lands between “Tolaga Bay and Hick’s Bay...in acknowledgment of the services rendered by the Ngāti Porou tribe.”³⁰⁹⁷ This leaves open what was to become of the blocks from Uawa south and this was made even more uncertain by the East Coast Act 1868. That legislation was never restricted by the Ngāti Porou agreement. As a result, it could have been invoked at any time and applied to Ngāti Porou lands where so called “rebels” made their claims too strongly in the Native Land Court. This must have had a stultifying effect on former Hauhau adherents, preventing them from freely engaging with the new institutions of the Poverty Bay Commission and the Native Land Court. For example, in June 1869, the Poverty Bay Land Commission sat with Judges Rogan and Munro. Gail Dallimore notes that at this sitting:³⁰⁹⁸

The number of military officials present to confirm the claimants’ loyalty to the Crown, probably gave the Court the appearance of an ‘armed camp’. The proceedings were quite literally dominated by European officials - when lists of owners were read, the Resident Magistrate was consulted, and any name objected to by him was deleted ... It is likely that the Judges’ chances (there were no Native Assessors) of acting as ‘protectors’ (kaitiaki) of the (human) interaction between Māori and Pākehā, or even as ‘independent arbiters’, were remote. Where Māori claimants’ titles to land were investigated, they were not disputed, however when sales between Māori and Europeans were involved, the claims were challenged and several witnesses from each side gave evidence. Land sales between Europeans and Māori were in every case confirmed in favour of the Europeans, although Māori claimants admitted that they had no right to sell the land: ‘I was jealous of having

³⁰⁹⁷ Outward Letter-book, 16 April 1870, AGG-HB 4/3, pp 899-900, NA.

³⁰⁹⁸ Dallimore. (1983). 38.

been left out in arrangement of the Bishop's and sold land [to Captain Rhodes] which was not mine' (Matenga Tamaioria, Karaua Block ...).

The same approach was used when the Native Land Court sat in Tūranga from late November to December 1870. During that sitting it conducted investigations into title for Mangaōpeka block, Mangarara 1, Mangaheia 1 and 2, Paremata, Pouawa, Tuamotu, and Whāngārā. These titles were “awarded under the Native Lands Act 1867, and there was no reference in the Court's minutes or title awards to the East Coast Act 1868, nor was any evidence taken regarding the status of individual claimants (rebel or loyal).”³⁰⁹⁹ However, the lead claimants in these blocks were or were organised by the loyalist chiefs as is discussed below.

Then when the Tūranga blocks were heard during this same sitting in November-December 1870, the Court applied the East Coast Act 1868 and it heard evidence on who were “rebels” and who were not. Rāpata Wahawaha, for example, gave such evidence with respect to:³¹⁰⁰

Rongowhakaata claims to the Puketapu and Manutuke blocks, Rōpata Wahawaha asserted that one female claimant was a rebel. This was not only on the basis that, as he explained, "I myself caught her at Ngātapa," but, he asserted more generally, "the whole of Rongowhakaata were Hauhau" (an untrue generalisation). Despite his assertion, the distinctly loyalist Keita Waere (Kate Wyllie, later Kate Gannon) defended the woman, who had been taken prisoner by Te Kooti with many other Rongowhakaata, and she was admitted to the Puketapu title. Clearly, the East Coast Act did apply, and some Ngāti Porou were willing to bring forward evidence under that Act.

There is limited evidence of the East Coast Act 1868 being used to confiscate land interests from rebel Māori and award them to loyal Māori in the Pōtikirua ki te Toka-a-Taiau district. However, there is evidence that the Ngāti Porou war chiefs considered it appropriate on tikanga grounds that they control the allocation of land titles. It must be remembered that during this period (1870s) several Hauhau hapū were still subject to “surveillance.” In accordance with the tikanga of raupatu, utu and ito the chiefs seem to have considered it was appropriate for them to receive the land or join Hauhau on titles. This was behaviour that was entirely consistent with the promises of Donald McLean. These promises were recalled for the benefit of the tribe by Paratene Ngata in his letter to the editor of *Te Waka Māori o Niu Tīrani* in 1879 as discussed in Chapter 9.

³⁰⁹⁹ Dallimore. (1983). 37-38.

³¹⁰⁰ Dallimore. (1983). 38.

Another example of this approach by the chiefs also involves Rāpata Wahawaha. Ihaia Hūtana would record in 1876 that it seemed to him and to the people:³¹⁰¹

... that Rōpata Wahawaha was influencing the Court. I saw that those whom Rōpata approved of got into the list of owners, and those of whom he did not approve were not included in the list of owners."

It seems clear that the loyalist chiefs considered that they were responsible for determining how the former Hauhau land was to be dealt with. Another example concerns Karauria Pāhura who during the Uawa township block investigation in 1874 stated that:³¹⁰²

I asked those people who went over to the Hauhaus not to go but to remain on the land. They replied, no, that they would go and that I could stay if I liked, and that if they were the strongest they would get the land but if my side was strongest I would get the land. Fighting took place, the Hauhaus were beaten and I retained the land.

This comment indicates that Karauria was claiming the land through raupatu. Himiona Te Kani during the Kourateuhi subdivision case in 1889 also noted that Raharuhi Hapūpoia and Mōkena had a meeting with the Hauhau at Mangatuna.³¹⁰³ Himiona and Karauria Pāhura with their party went onto the block from Te Ruakapahui to Mangatuna and they "told those persons not to join the Hauhaus : Raharuhi said to Karauria if you conquer the land will belong to you and if I succeed the land will belong to me..."³¹⁰⁴ Hēnare Pōtae also noted during the Arakihi investigation that just as his ancestors Kahukuranui and Whakarara conquered some of their own and allowed them to live on their own land under sufferance – he did the same with the Hauhau.³¹⁰⁵ He stated "the Government wanted to take them all to the Chatham Islands but I stopped it and took some of them back on to their own lands to live."³¹⁰⁶ His actions he believed were consistent with Māori custom or tikanga.³¹⁰⁷ Eru Pōtaka who was a Hauhau at Tokomaru was asked "What side did the natives take here during the Hauhau times?" Eru's answer was that most:³¹⁰⁸

... of the people were Hauhau, a few remained with the Government - Hēnare Pōtae was with the Government, and the other inhabitants of the place were Hauhau, as far as Tokomaru – I was a Hauhau myself and was here when Hēnare Pōtae was fighting against

³¹⁰¹ *Te Wananga*. 30 December 1876. 494-495.

³¹⁰² Native Land Court *Re Uawa 1* (1874) 1 Gisborne MB 266.

³¹⁰³ Native Land Court *Re Kourateuwhi No 1* (1889) 7A Waiapu MB 377.

³¹⁰⁴ (1889) 7A Waiapu MB 377.

³¹⁰⁵ Native Land Court *Re Arakihi* (1876) 2 Waiapu MB 92.

³¹⁰⁶ 2 Waiapu MB 92.

³¹⁰⁷ Berghan, P. (2008). *East Coast Block Research Narratives 1865-2000*, Wai 900. Walghan & Partners. 118, and the Arakihi investigation.

³¹⁰⁸ Native Land Court *Re Mangahauini* (1897) 27 Waiapu MB 78-79.

us all at Tuatini and Pukepapa, we retreated to Tahutahupō and were followed – pursued by Hēnare Pōtae.

The Hauhaus at the end went to live with Rōpata Wahawaha, and when the war was over Rōpata brought back the hapū each to his own place, and after Rōpata had put them on the land Hēnare Pōtae gave the land from Waikawa to Maungahauini to the Government. And when Rōpata heard of this he prevented it – and Te Whānau a te Ao lived on the block from Te Puka to Te Ariuru.

Q. When the Hauhaus were put on their land did they consider it was their own.

A. They were frightened if any Govt natives came to live on their lands, they were afraid to say anything to them. Hēnare was the man who opened mouth widest to keep the Hauhaus away – they were frightened of Hēnare.

Q. Was there any trouble when Hēnare shifted his house to this side of Te Puka – on this land.

A. I heard there was between him and Hīria Kapuika of Te Whānau a te Ao. Hēnare wanted to shift his houses from the other (western) side of Te Puka to this. Hīria told Hēnare she would not consent to the erection of his house on this land, that the land belonged to her not to him – Hēnare threw her out of his house, on the western side – that made the woman afraid – when a rangatira lays hands on a common person, that person is frightened.

Eru Pōtaka noted she had lived on the land before the Hauhau wars and Hēnare had not, as the land belonged to Te Aotāwarirangi.

Eru Pōtaka was challenged by the chief Hōne Paerata.³¹⁰⁹ Hōne put it to him that Hēnare Pōtae also occupied sections of the block before 1865. Under cross-examination by Wī Pewhairangi, Eru Pōtaka added:³¹¹⁰

... After I was taken prisoner and released, I went to Waipiro to live. Rōpata settled the Hauhau of Whānau o Te Ao & Whānau a Te Kaipakihi at Tokomaru – some were placed at Waipiro, some at Akuaku, some at Anauro – when all the Hauhau troubles were over Rōpata sent these people of Whānau a Te Ao & Whānau a Te Kaipakihi to this place. Some remained at Waipiro even though they had no right there – died and were buried there.

There is other testimony from former Hauhau such as Pinihā Rangahau who during the Kaiinanga block investigation claimed that he had been subjected to plunder by the loyalists and his hapū were driven off the land. He stated that: "It was through my joining the Hauhau that these people presumed to claim my land."³¹¹¹ During the same investigation Tahata Taraka, and Hōne Te Kauru discussed those in occupation before the war who lost the land, and that the loyalists took it over after the "disturbance."³¹¹² Rarawa Kohere records:³¹¹³

³¹⁰⁹ (1897) 27 Waiapu MB 135-138.

³¹¹⁰ (1897) 27 Waiapu MB 180.

³¹¹¹ Berghan. (2008). 268-272, and the Kaiinanga investigation.

³¹¹² Berghan. (2008). 268-272, and the Kaiinanga investigation.

³¹¹³ Kohere. (2005). 229.

... the Ngāi Tāne, being Hauhaus, were made prisoners and were placed by Mōkena at Tītaka. Wī Tūpaea relates, "Ngāi Tāne were brought to Tītaka and settled there after the Hauhau troubles. After Tītaka, Ngāi Tāne went to Maraehara at Raropawa. And then on to Ōkarae." Rāhera Rairi relates further, "When Ngāi Tāne went to Ōkarae Ngāti Hokopū lived at the Pā Hātepe." Mōkena 's words to the tribes were to return home - Ngāti Hokopū went to Ipuārongo.

Therefore, the 1865 war must have affected how customary or papatupu land tenure was investigated during many sittings of the Native Land Court, as these examples indicate.

Thus, the influence of the war chiefs before the Native Land Court continued through to the 1890s. But these chiefs became elderly, or they died during this period and slowly from the Waiapu north, former *Pai Mārire* families became more strident in asserting their mana whenua or customary title to land.

Te Kooti Whenua Māori i Pōtikirua ki te Toka-a-Taiau – The Native Land Court

In 1868 and faced with no other choice of land title institutions, some Ngāti Porou petitioned to have the Native Land Court investigate their title to their land, rather than risk having their land confiscated under the East Coast Act 1868, a matter discussed in Chapter 9. Those in the south were the first to feel the effects of the Native Land Court in their district at a time when the East Coast Act 1868 was still extant. Faith in the Court decreased as its operations moved north and as more land was alienated. Ngāti Porou started to appreciate that the rate of alienation was linked to the operation and activity of the Native Land legislation, the Native Land Court and the Crown's land purchasing policy. A simple analysis of the data collected by Bruce Sterling and his team indicates how effective the Court process was in revolutionising title in the district.

To demonstrate how effective the system was, it is possible to track the “progress of Native Land Court titles across the district and over time.”³¹¹⁴ This is because the Native Land legislation effectively coincided with “the chronological progression of Court activity.”³¹¹⁵ Bruce Sterling would record that the:³¹¹⁶

³¹¹⁴ Sterling. (2010). 7-8.

³¹¹⁵ Sterling. (2010). 7-8.

³¹¹⁶ Sterling. (2010). 8.

... largest category is that of land awarded title under the Native Land Act 1873, in the period 1874-1880; this being 471,059 acres, or 38 percent of the total East Coast land area. ... most of this land was awarded title as a result of Native Land Court title investigations in 1876 and 1877, indicating how explosive and extensive Court activity was in this period. The next most significant area of land under which title was issued is that relating to the Native Land Court Act 1880, in the period 1880-1886; this being 289,699 acres, or 26 percent of the total East Coast land area. The Waipiro block should be added to this total as investigation of this land commenced in 1885, even if was not concluded for some years. This takes the total to 319,702 acres, or 29 percent of the land area.

These statistics demonstrate how effective the Native Land legislation and the activity of the Native Land Court was in terms of revolutionising title which was subsequently alienated at an alarming rate. This result was welcomed by local politicians and officials, and it was openly acknowledged that the Native Land Court was primarily about converting customary title to a form of title that could be alienated to facilitate Pākehā settlement. As T. W. Lewis, Under Secretary of the Native Department stated in 1891, before a commission of inquiry into Native land laws:³¹¹⁷

In the first place, my opinion is that the whole object of appointing a Court for the ascertainment of Native title was to enable alienation for settlement. Unless this object is attained, the Court serves no good purpose, and the Natives would be better without it as, in my opinion, fairer Native occupation would be had under the Māori's own customs and usages without any intervention from outside.

Te Ture Whenua Māori 1865 – The Native Lands Act 1865

It is to the detail of how title was converted that I now turn. The preamble of the Native Lands Act of 1865 commenced by recognising there was land in the colony still subject to Māori "proprietary customs."³¹¹⁸ The purpose of the 1865 Act was to "provide for the ascertainment of the persons who according to such customs are the owners."³¹¹⁹ It was also to "encourage the *extinction* of such proprietary customs and to provide for the *conversion* of such modes of ownership into titles derived from the Crown."³¹²⁰ The legislation was also enacted to "provide for the regulation of the descent of such lands when the title thereto is converted."³¹²¹ Under the legislation the Native Land Court of New Zealand was constituted as a Court of Record.³¹²² Its function was the investigation of "titles of persons to Native Land."³¹²³ It was also to

³¹¹⁷ *AJHR*, 1891, G-1, p.145.

³¹¹⁸ Native Lands Act 1865, Preamble.

³¹¹⁹ Native Lands Act 1865, Preamble.

³¹²⁰ Native Lands Act 1865, Preamble.

³¹²¹ Native Lands Act 1865, Preamble.

³¹²² Native Lands Act 1865, s 5.

³¹²³ Native Lands Act 1865, s 5.

determine succession to those lands and hereditaments, where an owner died intestate or without leaving a will.³¹²⁴ The legislation provided for the appointment of Judges and native assessors, who together formed the Court.³¹²⁵ Every Judge of the Court sat with assessors.³¹²⁶ Initially, there could be no decision or judgment on any question before the Court unless the Judge and the assessors concurred.³¹²⁷

Any Māori could initiate proceedings for the investigation of title under Part III of the legislation.³¹²⁸ Before the Court could investigate a claim to land, a suitable survey plan of a block had to be produced.³¹²⁹ The Court would then conduct hearings and consider any evidence to ascertain any right title estate or interest of the original applicant and of all other claimants to the land.³¹³⁰ Once the hearing was complete the Court could order certificates of title “specifying the names of the persons or of the tribe who according to Native custom own or are interested in the land” and describing any other estate or interest.³¹³¹ Alternatively, the Court could refuse to order a certificate.³¹³² Those certificates of title were ordered in favour of no more than ten people.³¹³³ This ten-owner rule, as it became known, facilitated the alienation of land. It made it far easier for those seeking to purchase land to target individual owners, usually chiefs, whose names were recorded on the titles, even though they were acting as mere representatives of their hapū.

Furthermore, the certificates of title could only be ordered for land blocks not exceeding five thousand acres thus ensuring that the hapū and tribal estates could not continue to be held intact.³¹³⁴

The Court was also given the power to subdivide and partition the land.³¹³⁵ This made it easier to cut out areas of a block that a minority of owners wanted to sell. Upon the first sale or lease

³¹²⁴ Native Lands Act 1865, s 5.

³¹²⁵ Native Lands Act 1865, s 6.

³¹²⁶ Native Lands Act 1865, s 12.

³¹²⁷ Native Lands Act 1865, s 12.

³¹²⁸ Native Lands Act 1865, s 21.

³¹²⁹ Native Lands Act 1865, s 25.

³¹³⁰ Native Lands Act 1865, s 23.

³¹³¹ Native Lands Act 1865, s 23.

³¹³² Native Lands Act 1865, s 23.

³¹³³ Native Lands Act 1865, s 23.

³¹³⁴ Native Lands Act 1865, s 23.

³¹³⁵ Native Lands Act 1865, s 50.

of the land a duty was payable to the Government.³¹³⁶ Part VII of the 1865 Act provided for the use of surveys of the land, but the Court could investigate customary title and issue interlocutory orders with or without a completed survey.³¹³⁷

The Native Lands legislation from 1865 was amended almost annually over the period 1865-1894. The Native Lands Act 1867, for example, gave the Crown the power to suspend the legislation in districts by issuing proclamations thereby prohibiting the Court from investigating title.³¹³⁸ The Native Lands Act 1867 also provided that certificates of title issued by the Court were to specify “the names of the persons or of the tribe who according to Native custom own or are interested in the land.”³¹³⁹ Such certificates were to describe the nature of the land, estates or interests and describe the land.³¹⁴⁰ Where more than 10 people, or where any tribe or hapū were interested in the land, they could consent to a certificate of title being ordered in favour of ten or less people.³¹⁴¹ This was a repeat of the ten-owner rule except now consent was required. In addition, the Court had to register the names of all the persons interested in the land including those named in the certificate of title.³¹⁴²

Interestingly, rather than have the Native Land Court deal with allegations of fraud, the Government enacted the Native Land Fraud Prevention Act 1870. The legislation was designed to address fraudulent dealings in land. The 1870 Act declared that alienations of Māori land could be declared null and void:³¹⁴³

- Where contrary to equity and good conscience; or
- Where made in breach of trust; or
- Where the alienation of the land arose out of any contract for the sale or supply of liquor, firearms or other warlike implements or stores;³¹⁴⁴ or
- Where any such contract was of an illegal nature.

³¹³⁶ Native Lands Act 1865, s 50.

³¹³⁷ Native Lands Act 1865, s, 27 & 71.

³¹³⁸ Native Lands Act 1867, ss 4-5.

³¹³⁹ Native Lands Act 1867, s 17.

³¹⁴⁰ Native Lands Act 1867, s 17.

³¹⁴¹ Native Lands Act 1867, s 17.

³¹⁴² Native Lands Act 1867, s 17.

³¹⁴³ Native Land Fraud Prevention Act 1870, s 4.

³¹⁴⁴ Note that even the promise of supply of such items to induce sale or gift would also be the subject of Trust Commissioner inquiries following the amendment to the legislation in the Native Land Fraud Prevention Act 1881, s 5.

Trust Commissioners were appointed in accordance with the Act to ascertain the circumstances of any alienations, to inquire into their validity and to determine whether the parties to the transaction understood the effect of such transactions, including the nature of the consideration.³¹⁴⁵ The Trust Commissioners had to be satisfied that the consideration paid or given had been actually paid or given and that sufficient land was left for the support of any Māori who engaged in these transactions.³¹⁴⁶ If the Trust Commissioner was satisfied with the result of his inquiries he would endorse on the principal or only instrument of the transaction a certificate issued by him.³¹⁴⁷ Any person could appeal a decision of a Trust Commissioner for giving or withholding such a certificate to the Supreme Court.³¹⁴⁸ The impact of the work of the Trust Commissioners on land transactions in the district was particularly important for some of the early purchasers of land from 1870-1881 when the legislation was amended by the Native Land Fraud Prevention Act 1881. The 1881 Act merely enhanced the powers of the Trust Commissioners to conduct their inquiries. The legislation was repealed in 1894 and jurisdiction to inquire into such matters was vested in the Native Land Court.³¹⁴⁹

Te Ture Whenua Māori 1873 – The Native Lands Act 1873

By 1873, the Government required that before the Native Land Court could investigate any claim to land and before it could any award the partition of any land a survey with associated maps or plans were required for approval by the Court.³¹⁵⁰ Applications for investigations were made under s34 of the 1874 Act. Under this amendment the judges of the Court were given discretion as to whether they would sit with assessors and their “concurrence” was not necessary to the validity of any judgment or order.³¹⁵¹ A rehearing could also be ordered.³¹⁵²

When investigations were complete, the Court issued Memorials of Ownership.³¹⁵³ The Memorials of Ownership listed the blocks to which they were attached, the names of the owners and in “each case (when so required by the majority in number of the owners), the amount of

³¹⁴⁵ Native Land Fraud Prevention Act 1870, s 5

³¹⁴⁶ Native Land Fraud Prevention Act 1870, s 5.

³¹⁴⁷ Native Land Fraud Prevention Act 1870, s 6.

³¹⁴⁸ Native Land Fraud Prevention Act 1870, s 7.

³¹⁴⁹ Native Land Court Act 1894, s 53.

³¹⁵⁰ Native Land Act 1873, s 33.

³¹⁵¹ Native Land Act 1873, s 15.

³¹⁵² Native Land Act 1873, s 58.

³¹⁵³ Native Land Act 1873, s 47.

the proportionate share of each owner.”³¹⁵⁴ Every Memorial had a plan of the land attached.³¹⁵⁵ The Memorials also had annexed a condition that the owners had no power to sell or make any other disposition, except they could lease the land for a term not exceeding twenty-one years.³¹⁵⁶ However, nothing in the condition was deemed to preclude any sale of the land comprised in such Memorial of Ownership where all the owners of the land agreed to the sale, nor could it prevent any partition of such land.³¹⁵⁷

In circumstances where a sole owner, or a minority of owners, wanted to sell land held under a Memorial of ownership, they could seek to partition the land.³¹⁵⁸ Where the Court found there were dissenters among them, the Court could ascertain their number and decide whether a subdivision of the land should be made between the owners.³¹⁵⁹ The Court would order the partition of the land into two aggregate allotments, proportioned to the interests of those who wished to sell or lease, and of those who did not.³¹⁶⁰ The Court would then inquire into the particulars of the transaction.³¹⁶¹ If satisfied of the justice and fairness of the transaction, the Court could assent to the sale, and then ensure the payment of the whole amount of the costs and charges for the original surveys, maps and investigation of title, or the subsequent costs and charges relating to the partition were ordered.³¹⁶² The Court could then endorse on the Memorial of Ownership that the transaction was bona fide, and that no difficulty exists in respect of the alienation.³¹⁶³ The Court also had to explain to the owners the effect of sale would be “absolutely to transfer their own rights in the land to the proposed purchaser without any further claim on their part, either on the land or on its proceeds” and the Court was to satisfy itself in every case that the owners understood that this would be the effect.³¹⁶⁴ The Court would then attach to the Memorial of Ownership, a certificate of the completeness of the sale, and a declaration to the effect that the purchaser shall thenceforth hold the land comprised in such Memorial as freehold.³¹⁶⁵ These Memorials of Ownership were then transmitted to the

³¹⁵⁴ Native Land Act 1873, s 47.

³¹⁵⁵ Native Land Act 1873, s 47.

³¹⁵⁶ Native Land Act 1873, s 48.

³¹⁵⁷ Native Land Act 1873, s 49.

³¹⁵⁸ Native Land Act 1873, s 59.

³¹⁵⁹ Native Land Act 1873, s 65.

³¹⁶⁰ Native Land Act 1873, s 65.

³¹⁶¹ Native Land Act 1873, s 59.

³¹⁶² Native Land Act 1873, s 59.

³¹⁶³ Native Land Act 1873, s 59.

³¹⁶⁴ Native Land Act 1873, s 60.

³¹⁶⁵ Native Land Act 1873, s 61.

Governor, with a recommendation that a Crown grant for the land comprised in such Memorial may be issued in favour of the purchaser.³¹⁶⁶

Leases of the land held under a Memorial of Ownership were not valid unless all the owners of the land comprised in the Memorials of Ownership assented to the lease.³¹⁶⁷ The Court had to satisfy itself in every “case of lease of the fairness and justice of the transaction, of the rents to be paid, and of the assent of all the owners to such lease.”³¹⁶⁸ If satisfied of all these matters, the Court would enter a memorandum of the particulars of the lease on the Court Rolls, and a transcript of such memorandum on the Memorial of Ownership of the land subject to the lease.³¹⁶⁹ The Court, with or without the consent of all the owners, could then appoint any person(s) selected by the owners to receive and distribute the rent.³¹⁷⁰

The Court could make any further subdivision of any aggregate allotment it had awarded to any dissenters but the costs and expenses of any further subdivision were apportioned only among the dissenting owners.³¹⁷¹ Such partitions were held under the same tenure and customs as the land was before the partition had been made.³¹⁷² Where there were no more than ten owners of any aggregated allotment, they could make application to the Court for a commutation of their title for an English title of freehold.³¹⁷³ Where they did so, the shares of that aggregate allotment to which each of the owners were entitled had to be ascertained by the Court, and inscribed on the Court Rolls, as well as on any new Memorial of Ownership issued.³¹⁷⁴ In addition where there was a bona fide sale, an order of English title of freehold could be ordered under s 75 of the legislation in favour of the purchaser. Where that occurred, native title was extinguished.

The process for issuing Memorials of Ownership, the partitioning process and the confirmation of sale and lease provisions, and the commutation of customary title to English title of freehold are the root cause of why so much land was converted and alienated during the period 1873-1880s in this district.

³¹⁶⁶ Native Land Act 1873, s 61.

³¹⁶⁷ Native Land Act 1873, s 62.

³¹⁶⁸ Native Land Act 1873, s 62.

³¹⁶⁹ Native Land Act 1873, s 62.

³¹⁷⁰ Native Land Act 1873, s 63.

³¹⁷¹ Native Land Act 1873, s 66.

³¹⁷² Native Land Act 1873, s 67.

³¹⁷³ Native Land Act 1873, ss 67, 80.

³¹⁷⁴ Native Land Act 1873, s 67.

Te Ture o te Kooti Whenua Māori 1880 – The Native Land Court Act 1880

Under this legislation after investigating title and establishing who the owners were, the names of those entitled were recorded on the Native Land Court's register, and a certificate of title was issued.³¹⁷⁵ Where there was no sufficient survey, the Court could defer the issue of a certificate of title until that was completed.³¹⁷⁶ A detailed process for hearing boundary disputes was provided.³¹⁷⁷ The Court had a discretion to create one or more divisions of the land.³¹⁷⁸ Where the Court divided the land, it recorded the names of the owners of each division on its register and issued certificates of title accordingly.³¹⁷⁹ All certificates of title had full force and effect and could be dealt with as a Memorial of Ownership under the Native Lands Act 1873.³¹⁸⁰

Te Ture Mō Ngā Kaipupuri Whenua 1886 – Native Equitable Owners Act 1886

This legislation was enacted to rectify the ten-owner rule and the fact that so many people had been disenfranchised because of this provision in the Native Land Act 1865. The preamble to the legislation acknowledged that under the 1865 Act, “certificates of title to, and Crown grants of, certain lands were made in favour of or to Natives nominally as absolute owners.” The Crown then attempted to clarify what the purpose of vesting the land in so few people was. The preamble of the Native Equitable Owners Act 1886 records that in such cases those on the titles were “... were only intended to be clothed with title as trustees for themselves and others, members of their tribe or hapū or otherwise.”³¹⁸¹

The 1886 Act provided that any Māori affected by the ten-owner rule who was omitted from the title, could apply to the Native Land Court to undertake an inquiry into the nature of the title to such land, and into the existence of any intended trust affecting the title.³¹⁸² If the Court found such a trust existed it could declare who were the people entitled.³¹⁸³ Alternatively, it

³¹⁷⁵ Native Land Court Act 1880, s 25.

³¹⁷⁶ Native Land Court Act 1880, s 27-33.

³¹⁷⁷ Native Land Court Act 1880, s 27-33.

³¹⁷⁸ Native Land Court Act 1880, s 34.

³¹⁷⁹ Native Land Court Act 1880, s 34.

³¹⁸⁰ Native Land Court Act 1880, s 70.

³¹⁸¹ Native Equitable Owners Act 1886, Preamble.

³¹⁸² Native Equitable Owners Act 1886, s 2.

³¹⁸³ Native Equitable Owners Act 1886, s 3.

could find there was no trust.³¹⁸⁴ Where it found there was a trust, the Court could make an order that any person was entitled to be a tenant in common of the land and they were deemed to be owners as if their name were on the certificate or grant affecting the land.³¹⁸⁵ However, the 1886 Act did not apply where the land or interest had been sold and where there was a lease, such orders could not affect the tenure of the lease.³¹⁸⁶ Every certificate of title to be granted by the Court was to contain a restriction on alienation by sale or mortgage, or by lease for a longer period than twenty-one years.³¹⁸⁷ The Court was also granted the power to give effect to any agreement between owners and to decide a case accordingly.³¹⁸⁸

Ngā Ture Pākehā 1890-1909 – Legislation 1890-1909

There were several changes to Māori land law during this period demonstrating the vacillating nature of the policies adopted by the different Governments during this period. First there was the establishment of the Validation Court authorised by the Native Land (Validation of Titles) Act 1893. The purpose for which it was established was explained in the preamble to the legislation.

WHEREAS Europeans have for years past held possession of lands claimed by them under alleged purchases and leases from Natives entitled to lands under statutes now repealed, and whose right to lease or sell such lands was regulated by the provisions of such repealed statutes:

And whereas Europeans have also for some years past claimed to be entitled to lands or undivided shares in lands alleged to have been purchased or leased from Natives entitled as aforesaid:

And whereas the said alleged agreements, purchases, and leases are incapable of being enforced, either because of some repealed statutory prohibition against the making of such purchases or leases, or because, although not forbidden, they were made not in conformity with the requirements of such statutes, or were rendered invalid through some irregularity or informality, or by reason of some unlawful act of omission or commission by the Native Land Court or some other Court :

And whereas it is notorious that many Europeans were by various means enabled to obtain indefeasible Land Transfer titles notwithstanding such statutory prohibitions, irregularities, illegalities, omissions, or commissions, while other Europeans similarly situated as to their titles have been hindered and prevented from obtaining similar indefeasible titles, notwithstanding the repeal of the prohibitory enactments aforesaid:

And whereas Natives allege that they have been and still are deprived of the possession of their lands by Europeans, who profess to hold them under leases or sales to them, and said Natives complain that no Court with sufficient jurisdiction for the redress of their grievances is practically open to them:

³¹⁸⁴ Native Equitable Owners Act 1886, s 3.

³¹⁸⁵ Native Equitable Owners Act 1886, s 4.

³¹⁸⁶ Native Equitable Owners Act 1886, s 5.

³¹⁸⁷ Native Equitable Owners Act 1886, s 8.

³¹⁸⁸ Native Equitable Owners Act 1886, s 9.

And whereas all these persons complain with justice that the statutes in force from time-to-time respecting Native lands have been cumbersome and conflicting, and sometimes contradictory in their provisions, so that obedience to them has been always difficult and sometimes impossible:

And whereas it would be a scandal that such a state of things should be allowed to continue to the public detriment, and it is therefore expedient that a special Court should be constituted, endowed with sufficient powers and jurisdiction to deal with and settle finally all conflicting interests, disputes, and claims of right and ownership in the said lands, and all claims, debts, and demands whatsoever arising out of the said transactions, or out of the occupation of the said lands, or out of any of the wrongs and grievances hereinbefore mentioned:

And whereas the said Court ought to have power to make all such orders and decrees, and issue all such muniments of title, as shall be required for the settlement of all the said conflicting interests, and for determining all the aforesaid rights, debts, claims, and demands, and all other rights, debts, claims, and demands whatsoever existing or claimed to exist by or against parties asserting rights, titles, and interests, liens, mortgages, debts, and other demands whatsoever, upon or over said lands, or in respect of the occupation thereof:

The Validation Court sat in this district and heard claims concerning, among other matters, disputes over several blocks subject to claim by the East Coast Trust and discussed below.

Then there was the enactment of the Native Land Court Act 1894 which provided for the establishment of the Native Appellate Court and rights of appeal from the Native Land Court decisions. Previously a person not satisfied with the judgment of the Native Land Court, only had the right to apply for a rehearing. From this point the right of appeal became enshrined in the legislation and the Māori Appellate Court evolved from this 1894 Act.³¹⁸⁹

The Crown then enacted the Māori Land Administration Acts 1900. The Preamble to the Act noted that “chiefs and other leading Māoris of New Zealand, by petition to Her Majesty and to the Parliament of New Zealand, urged that the residue (about five million. acres) of the Māori land now remaining in possession of the Māori owners should be reserved for their use and benefit in such wise as to protect them from the risk of being left landless.” However, and despite this recording of Māori views, the Crown’s land legislation never lost focus on its primary goal which was to facilitate Pākehā settlement. Thus, the Preamble continued “...whereas it is. expedient, in the interests both of... the Māoris and Europeans of the colony, that provision should be made 'for the better settlement and utilisation of large areas of Māori land at present lying unoccupied and unproductive, and for the encouragement and protection of the Māoris in efforts of industry and self-help.” Finally, the legislation was to “... make

³¹⁸⁹ Native Land Court Act 1894, s 10.

provision for the prevention, by the better administration of Māori lands, of useless and expensive dissensions and litigation.” Under the Māori Land Administration Act 1900, six Māori land districts were created and for each district a Māori Land Council was constituted.³¹⁹⁰ These Councils comprised 5-7 members with a President and 2-3 members, one of whom was to be Māori, appointed by the Governor. Only 2-3 Māori members were to be elected by the Māori of the district.³¹⁹¹ The quorum of the Council required a majority of members, and as part of that majority at least one had to be a Māori member. The President had a deliberative vote and a casting-vote. In the absence of the President from any meeting, he could appoint a European member to act as deputy chairman with the same powers as the Chairman.³¹⁹²

Ngā Whakaritenga a Te Kooti me te Hoko Whenua – Court Procedure & Land Purchasing

The Native Land Court process was initiated by filing an application for investigation of customary title to a block in the Court registry. A survey plan of the block was also required, and usually the lead claimant would provide this with an application for the investigation of title. Title investigations were conducted by a judge, an assessor (usually from another tribal district), an interpreter, and a clerk. A District Officer or Government agent was also usually present.

The Native Land Court sat in Tūranga initially in 1868 where it conducted investigations into title. When it sat again in 1870, some cases were not ready to proceed, namely Ōmanu Kokopā, and Kaitua. The Court did conduct title investigations into Mangarara 1, Mangaheia 1 and 2, Te Kōpuni, Pouawa, Paremata, Tuamotu, and Whāngārā.³¹⁹³ These titles were awarded under the Native Lands Act 1867. Gail Dallimore would note that:³¹⁹⁴

In 1870 a Land Court was held at Tūranga under Judge Rogan. This time several blocks of land from the Uawa (Tolaga Bay) area were investigated and made inalienable by lease or sale from the Māori people. While inalienability clauses held the land in trust for the Māori people, owners had no authority to determine who would inherit their rights to the land when they died. The contrast between the 1869 Commission and this Court is striking, although the same Judge was presiding. While the Judge continued to hear 'outstanding land claims', his major concern was with the investigation of Māori title to land. No longer was he expected to adjudicate on the 'loyalty' of the claimants, and his adoption of a

³¹⁹⁰ Māori Administration Act 1900 ss 5-6.

³¹⁹¹ Māori Administration Act 1900 s 6.

³¹⁹² Māori Administration Act 1900 s 8.

³¹⁹³ *Native Land Court MB No. 1*. 166ff.

³¹⁹⁴ Dallimore. (1983). 86.

mediatory role was consistent with the set of Māori expectations I have proposed. When the Waiapu block 'Kaitua' was called, Mohi Tūrei told the Court that the Waiapu Chiefs did not want their land investigated at the present, as they were raruraru (troubled, busy) (Gisborne M.B. 1:107). While this probably referred to food shortages (AJHR 1872 F-3:12) it may also have referred to land disputes. It was then discussed in Court whether the Land Court should be allowed to investigate land near East Cape, and Judge Rogan intimated that he was prepared to wait on their decision (ibid). In another case, when a dispute between the Chief and his people arose over whether to make land inalienable, Rogan tactfully reminded the Chief:

'that many pieces of land has passed through former Courts without having been made inalienable and the consequence was that most of them had gone into the hands of the Pākehā, and told him that they [the people in Court] had paid a great deal of attention to what he had said about having no restriction placed on the Grant ... Rogan thought it best, although he was the "kaumatua" to listen to the majority in this manner, and the lands would be made inalienable' (Gisborne M.B. 1:115-6)

By the end of the 1870 Native Land Court sittings, several blocks from the district had passed through the Court. Much of that land was immediately leased and subsequently alienated. In the years that followed, Court hearings were held during the 1870s at Waipiro, Waiōmatatini, Tolaga Bay and Port Awanui.³¹⁹⁵ Later they were moved to Tikitiki and Kawakawa.

Title investigations were advertised in the New Zealand Gazette and all those with an interest in the blocks had to be present to either advocate for their claim or defend their right to the land. Failure to be present could result in a person losing their rights to the land. Proceedings were conducted in te reo Māori but the evidence was recorded in English. A list of claims was announced upon the opening of the Court, after which the judge would determine the order of cases.³¹⁹⁶ For the most part the claimants had discussed the claims before the Court sittings with most issues between claimants resolved at pre-Court meetings.³¹⁹⁷ Sometimes the Court would stand a matter down while such meetings could take place. Where issues could not be resolved, the Court would conduct a full investigation.

Lists of claimants and counterclaimants for each block heard would be announced at the beginning of the case. The case for the claimants could be presented by a kaiwhakahaere or conductor or claimants would conduct the case themselves.³¹⁹⁸ Witnesses would give their evidence and then be subjected to cross-examination by counterclaimants. Generally, they would claim the land for a hapū through a common ancestor. Then counterclaimants would undergo the same process. At any time, the judge or the assessor “could ask for points of

³¹⁹⁵ Dallimore. (1983). 108.

³¹⁹⁶ Dallimore. (1983). 108.

³¹⁹⁷ Dallimore. (1983). 108.

³¹⁹⁸ Dallimore. (1983). 108.

clarification.”³¹⁹⁹ Sometimes block inspections were carried out. On such occasions the judge, the assessor, and a party of claimants from each side went to the blocks “to examine the marks of occupation” or the boundaries.³²⁰⁰

The Court could then adjourn and later issue a judgment and award title or it could decide these matters immediately. In the early years the judgments often confirmed the arrangements made by the parties or where title was contested, the judge and assessor would determine the matter. In most cases “the judgments were read aloud in Court in Māori, or both English and Māori.”³²⁰¹ Lists of owners would be read out in Court, and subject to no objections, the judge “ordered a ‘Memorial of Ownership’ (1873 Act) or ‘Certificate of Title’ ... in their names.”³²⁰² Where there was an objection to a name or where a name was omitted, the Court would hear evidence on the matter. During the hearing of Rāpata Wahawaha’s claim to the Turitaka block, for example, Hēnare Kaiwai stated the following:³²⁰³

Rōpata and his people have always acknowledged my claim until today. I came here when Rōpata was thinking of having it passed through the Court. He was writing a list of the persons to be included in the ownership of that land. I said to Rōpata am I included in the list, Rōpata told me I had better be left out, that I would be included in Hikurangi. I said to Rōpata, let my name be included in both lists. Some of his people admitted my claim. I have cultivated (ie my ancestors) on the land. My ancestors have done likewise. Fifteen years ago, I had a store on the land.

Those who made it on to the titles held the land as tenants in common of undivided individual shares. This meant that associations they might have with parts of the land could only be accommodated if they applied for subdivision and partition of the land.

In the Pōtikirua ki te Toka-a-Taiau district, Crown land purchase agents would negotiate with chiefs over the purchase of land either prior to the Court hearings or after them. This system of Crown purchasing was codified in 1877.³²⁰⁴ To advance its own interests, the Government Native Land Purchases Act 1877 was enacted to provide better protection for the Crown’s interests in the purchase or acquisition of Native lands.³²⁰⁵ The legislation declared this was necessary because Government land agents had been employed to purchase Native lands on

³¹⁹⁹ Dallimore. (1983). 108.

³²⁰⁰ Dallimore. (1983). 108.

³²⁰¹ Dallimore. (1983). 108.

³²⁰² Dallimore. (1983). 108.

³²⁰³ Native Land Court *Re Turitaka No 1* (1876) 1 Waiapu MB 98-99.

³²⁰⁴ Government Native Land Purchases Act 1877.

³²⁰⁵ Government Native Land Purchases Act 1877, Preamble.

commission, and as a result there were several incomplete purchases still under negotiation.³²⁰⁶ The legislation declared that this mode of purchasing Native lands had to stop.³²⁰⁷ The Crown wanted to adopt other arrangements for the completion of those purchases.³²⁰⁸ Thus, the 1877 Act in essence provided that where any negotiations had been entered into on behalf of the Crown for the purchase or acquisition of Native land, it was unlawful for any private person to contract for purchase or otherwise acquire that land.³²⁰⁹ The Crown was required to publicly notify its interest in the New Zealand Gazette and declare how much money had been paid or whether negotiations had commenced for the purchase of the land. This was the only notice that any person claiming any prior rights received.³²¹⁰ The District Land Registrars were also required to place a caveat on the land once such a notice was published.³²¹¹ However, agents continued to be paid by commission at a rate determined by the Native Minister.³²¹² Where there was no Crown notification, private buyers could acquire Native land from owners on Memorials of Ownership or certificates of title.

How this system worked in practise was that the land purchase agents or private buyers would call hui or visit chiefs and pay to them, or others the chiefs identified, sums of money in advance of the Court hearing. Then they would wait for the investigations into customary title, usually initiated by those they had negotiated with or the people who supported the sale of the land. Following the hearing they would identify any further owners on the certificates of title or Memorials of Ownership and approach each individually before partition applications would be filed. Taitai, Aorangi, Matahiia, and Hauturu 1 for example, were all the subject of advanced negotiation by the Crown before the blocks were subject to an investigation of title by the Native Land Court. Thus, once the Court completed its investigation into title, it could then move to subdivide the shares of those who sold, and partition the land in favour of the Crown. Those who did not agree (dissentients) were left in the balance of the partitioned land.

In this district, the Crown's land purchase agent during the 1870s was Captain (later Colonel) T W. Porter. He would deal with chiefs such as Rāpata Wahawaha, Tuta Nihoniho, and Mohi

³²⁰⁶ Government Native Land Purchases Act 1877, Preamble.

³²⁰⁷ Government Native Land Purchases Act 1877, Preamble.

³²⁰⁸ Government Native Land Purchases Act 1877, Preamble.

³²⁰⁹ Government Native Land Purchases Act 1877, s 2.

³²¹⁰ Government Native Land Purchases Act 1877, s 3.

³²¹¹ Government Native Land Purchases Act 1877, s 4.

³²¹² Government Native Land Purchases Act 1877, s 7.

Tūrei to facilitate sales by identifying owners and conducting rūnanga or kōmiti hui.³²¹³ There is also evidence that some of these chiefs were paid for services with respect to purchasing land. Rāpata Wahawaha also had some permanent responsibility with Captain Porter to determine what blocks should be sold.³²¹⁴

It is noteworthy that from 1870, the war chiefs were either claimants, gave evidence, or they organised or represented many of the lead claimants before the Native Land Court. Either before or after many of these hearings from Tolaga Bay north, the loyalists were also negotiating the sale to the Crown of many of those blocks primarily associated with the Hauhau hapū or so remote or contested that they determined to sell them. Alternatively, the blocks were used to pay for the needs of the iwi or to meet Court costs and expenses. Conversely, by the 1880s the loyalist chiefs in the south were seeking ways of preventing their alienation as Wī Pere tried to do. His initiatives and the operations of the East Coast Trust are discussed below.

In the early decade of the Native Land Court operating in this district (1868-1878), the judges and their assessors rarely had to make decisions without assistance from the chiefs and claimants, who usually decided matters among themselves before the Court hearings. The evidence is that where there was no contest, the blocks were quickly dealt with, and title issued accordingly.

Unfortunately, for the southern part of the district, the hearing of most of their blocks occurred reasonably soon after the wars of the 1860s at a time when the loyalist chiefs dominated the system. It would have been difficult to oppose them at this time. They also determined lists of owners for the Court. Those lists were rarely challenged so only the names provided were placed on titles or Memorials of Ownership. In comparison, the northern part of the district successfully kept their land out of the Native Land Court during the decades 1870s-1880s. In the north, many large blocks did not come before the Court until after 1900.

³²¹³ Sterling. (2010). 260-261.

³²¹⁴ Sterling. (2010). 260-261.

Costs of the Native Land Court system included court filing fees and other costs associated with attending Court. However, survey costs in the Pōtikirua ki te Toka-a-Taiau district were by far the greatest single cost of the Court system. As Richard Boast has noted:³²¹⁵

The costs and expenses were of two main kinds. The Court process generated significant direct costs. Probably the most severe cost of this kind was the expense of surveys. The Court was generally unable to hear any investigation of title case unless the land had been surveyed. For a brief period (1880-1886), the Court was given power to hear cases based on sketch plans rather than full surveys, but this only caused different kinds of problems, and the need for full survey plans was restored by the Native Land Court Act 1886.

Surveys were very expensive, and the Court's requirements relating to surveys were strict. The Court system thrust the cost of surveys directly onto the applicants, who were typically in no position to pay for them. Applicants could ask the government to survey land for them or commission private surveyors themselves, but in either case the surveys required payment. Surveyors were entitled to apply to the Court for a lien to protect their costs, and discharging the lien often meant that at least some land had to be sold to meet the survey expenses. Survey liens were interest-bearing, adding to the debt burden the process could generate. The government would at times recoup the costs of surveys in land.

The survey of land was an essential component of the Native Land Court system. No application for a title investigation could commence without a survey plan. After 1873 the surveyors were essentially contracted by the Crown to complete their work, in this way ensuring that blocks were ready for hearing. To complete these surveys, often the chiefs, claimants, or their case conductors, sometimes with other hapū members, would accompany the surveyors. Usually this was a straightforward process, and the block owners would be charged the cost of the survey either at the time the work was completed or by way of a survey lien on the block titles.

After the enactment of the Native Land Court Act 1894 charging orders could be attached to the blocks as a charge by way of mortgage and subject to interest at the rate of 5% per annum for five years, if left unpaid.³²¹⁶ The Crown would pay all costs and deduct those costs from the purchase price it paid for the blocks or impose a lien or seek a charging order. The Crown could also recover the cost by requiring contributions of land and many acres were alienated to the Crown in this manner. When it sought to subdivide and partition the Crown's interests, all

³²¹⁵ Boast, R. (2015). Historical Foundations of the Court, 1862-1890s. In Māori Land Court (Ministry of Justice). *He pou herenga tangata he pou herenga whenua he pou whare kōrero: 150 years of the Māori Land Court*. 41-42. Accessed on 22 April 2022 at <https://bit.ly/3JqosWE>.

³²¹⁶ Native Land Court Act 1894, s 65.

allotments were charged survey costs even where there were dissentients who did not want to sell. Not all surveys were welcome of course. One such case involved Taitai when it was alleged that Wī Pātene interfered with a portion of the survey line in 1876.³²¹⁷ The Court indicated that the guilty party would have to pay for the resurvey of the block.³²¹⁸

During the 1880s-1890s land interests in the following blocks were liquidated to cover survey costs:³²¹⁹

- Ngatawakawaka
- Matatūotonga
- Part of the Puremungāhua block
- Pirauau
- Mangarara 2
- Mangatokerau
- Huiarua
- Ahomatariki (Raukūmara)

Richard Towers would note that:³²²⁰

In the eight cases above the Crown was awarded a total of 5,512 acres for survey costs, from a total land area of 53,453 acres. Thus, survey costs alone led directly to the loss of over 10 percent of the land surveyed. As noted earlier, in smaller blocks (although small is relative on the East Coast), survey costs frequently consumed one-third of the block's value. ... The Crown was able to convert individual interests in a whole block, and survey costs, into a specific piece of land from that block....

The creep of Crown and private purchasing of land was delayed at the northern end of the district, where there was opposition to the Native Land Court as late as the 20th Century. Therefore, the process of completing surveys was not so easy.

³²¹⁷ Native Land Court *Re Taitai* (1876) 1 Waiapu MB 674-675.

³²¹⁸ Native Land Court *Re Taitai* (1876) 1 Waiapu MB 674-675.

³²¹⁹ See Towers, R. (2008). 'The most important expense, and the most oppressive' East Coast survey issues: Supplementary report. Crown Forest Rental Trust. 83-87, for details.

³²²⁰ Towers. (2008). 87.

The background to this issue starts with the aftermath of the 1865 war. As discussed in Chapter 9, Mōkena Kohere had moved on to the land at Horoera after the war. Te Whānau a Hunaara from Horoera were taken to Pākihi but were subsequently allowed to return.³²²¹ Mōkena's occupation of Horoera was then disputed.³²²² The chiefs Te Houkāmau and Wikiriwhi Matauru wanted him to leave Horoera but he refused. Mōkena claimed the land at Horoera by conquest and the fact that the land was given to him after Hungahungatoroa by Hākopa.³²²³ The dispute between Mōkena and the northern chiefs had been the subject of several magistrate reports, and this was noted by the resident magistrate J.H. Campbell in 1872.³²²⁴ Wikiriwhi had built a fortified pā in expectation of trouble. Attempts to mediate the situation by Rāpata Wahawaha and others had failed.³²²⁵ However, Donald McLean with Tarehā and Te Hāpuku of Ngāti Kahungunu successfully persuaded Mōkena to leave Horoera for Ōrutua.³²²⁶

This mediation was so successful that the chiefs were all present at the hui called by Te Houkāmau at Wharekāhika in 1874 discussed in Chapter 9. That hui had been called to “honour [the] flag of the Queen.”³²²⁷ The hui also resolved to allow the Native Land Court to sit in Waiapu, some suggest for the sole purpose of investigating title to the “oil lands”, but that is not reflected in official accounts. Harawira Huriwai would say of the 1874 hui:³²²⁸

All Ngāti Porou assembled at Wharekāhika. Rāpata told of his return [from Australia] and said the land [Marangairoa] should be sold. Captain Porter was the Government Land Purchase Commissioner. Te Mōkena said to Wī [Wānoa] and Wiki Mātāuru, his tamariki, “Keep the land as a playground for yourselves and your tamariki” meaning Marangairoa No 1. After that meeting, a meeting was called at Te Pākihi in 1875. It was then resolved that Marangairoa No 1 should be kept reserved, from Awatere to Maraehara River to the seacoast.

The resolution of the 1874 hui was “put into effect by Rōpata Wahawaha who went to Tūranga to apply for a Court sitting at Waiapu.”³²²⁹ This is when the Native Land Court commenced inquiring into land blocks within the Waiapu area. Alongside this development were the

³²²¹ Native Land Court *Re Marangairoa No 1B – Horoera* (1908) 39 Waiapu MB 142-143. Evidence of Hati Houkāmau.

³²²² JH Campbell to McLean, 12 February 1872, MS-Papers-0032-0201, ATL.

³²²³ JH Campbell to McLean 15 October 1870, MS-Papers-0032-02101, ATL.

³²²⁴ *AJHR*, 1872 Session I, F-03, p 12.

³²²⁵ Porter to McLean, 7 June 1872. MS-Papcrs-0032-0510, ATL.

³²²⁶ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³²²⁷ 39 Waiapu MB 14. Evidence of Harawira Huriwai.

³²²⁸ 39 Waiapu MB 14-15. Evidence of Harawira Huriwai; see also McConnell. (1995). 156.

³²²⁹ Dallimore. (1983). 90.

negotiations entered into between Iharaira Te Houkāmau and Captain Porter for the lease of the Matakaoa Block.³²³⁰ Negotiations were also entered into for sale or lease of the Pukeāmaru, Raukūmara, and Tututohorā.³²³¹ Then Te Iharaira Te Houkāmau died in January 1875.³²³²

One month after Houkāmau's tangi, Mōkena Kohere held a meeting at Te Pākihi, where it was resolved to reserve Marangairoa No. 1 from the Awatere River to the Maraehara Stream, and to the sea coast.³²³³ Hamahōnā Puha, Wī Wānoa, Wikiriwhi Matauru, and Ānaru Kāhaki were selected as guardians of the land.³²³⁴ However, it was agreed that Pukeāmaru and Raukūmara could be sold.³²³⁵ A few weeks later Wikiriwhi Matauru and Mōkena Kohere held another hui at Horoera.³²³⁶ By 1875 any issues between the chiefs had been resolved. This is clear from the detailed report on the hui recorded in the newspaper *Wananga* of 1875. It was decided at that hui the entire area from the Marahaera River to Pōtikirua was to be administered under the following arrangement:³²³⁷

HOROERA, March 4th 1875. To the Editor of the Wānanga,

"Tīhei Mauri-ora ki te ao marama, ka mama rā tara ki uta, ka mama rā tara ki tai, ka mama rā kai Ariki, Tīhei Tōhi-ora."

We are new correspondent(s) to the Wānanga, and our Waka Horouta will be looked on by the Island a stranger, is the only Waka that has been heard of, and Ngātiporou is the tribe. Ngātiporou will pull in his Waka Nukutere, so that the Wānanga will advertise its thoughts.

Nukutere is the Waka of Porourangi, namely of his ancestors Whironui and his wife Araiara, Takatakapūtonga and Mārere-o-tonga were the skilled persons on board, there are also several other persons on board, their names would be mentioned if it was not for the delay. When Whironui staid with his wife, Araiara, she gave birth. Huturangi ... staid with Paikea, and gave birth. Pouheni staid with Nanaia and gave birth. Porourangi, this is the Porourangi that we in this tribe is called by Ngātiporou.

The Wānanga stated let everyone send their thoughts to him as a load. So do not be wearisome put-on board this advertisement of ours the chiefs who [signed] their signature underneath, so that the Government will hear, and also Pākehās who desires to lease or buy Land, will hear, and also that the whole tribe of Ngātiporou will hear, and so that the tribes of the Ika-nui-a-Maui, Tikitiki-o-Taranga will see.

On the 4th of March, Wikiriwhi Te Matauru, and the Hon. Mōkena Kohere, called a meeting to be held at Horoera, East Coast, the chiefs from Waiapū and Wharekāhika were called.

³²³⁰ Dallimore. (1983). 90.

³²³¹ Dallimore. (1983). 90.

³²³² *Te Waka Māori o Niu Tirani*. 23 February 1875. 48

³²³³ 39 Waiapu MB 15. Evidence of Harawira Huriwai.

³²³⁴ 39 Waiapu MB15. Evidence of Harawira Huriwai.

³²³⁵ 39 Waiapu MB 15. Evidence of Te Harawira Huriwai.

³²³⁶ 39 Waiapu MB15. Evidence of Te Harawira Huriwai.

³²³⁷ *Te Wananga*. 26 April 1875. 73, recorded in te reo with official translation.

At 7 pm the meeting met, Wikiriwhi Te Matauru rose and addressed the meeting.

“The reason that I, and my uncle called on yours, is, we see the new rules made in the district of Ngātiporou at present, the leasing at Waiapū is increasing, and the blocks that are surveyed are increasing, and the money is poured on the bed of the river of Waiapū, and the hands of Ngātiporou has stretched out, and received the money for Mangawaru, it is only Hikurangi snow that can be seen, white, the money is consumed, and swallowed in their bellies. It is so, I and my uncle think that we Ngātiporou will be mate [dead]. This is a Land that I and my uncle desired that leasing or buying should not enter on it, but to be a permanent Land for ourselves, and it is by your desire that these be the fixed boundaries or are they to be moved.

It begins at Kōpū.i-a-Rehua, Rua-Aritekura, Waikapakapa, Mimi-o-Rerewā, Tūpapakūrau, strait on to Maraehara, and on to Waitaikō, and ascend the hill of Tihi, and strait in the water of Mangatawa, and on to the river .of Awatere, and strait to the mouth of Pikopō, Maruhou, Wharariki, Ōrutua, Horoera, Whakateao, Pariwhero, Papaoreikura, Waione, Matakiora, and joins on to Kōpua-a-Rehua. This is the reason that you are called here.”

Hatiwira te Houkāmau kiwa rose:

“Mātāuru, I greet the reasons of this meeting which is called by you, and your uncle, which I will not be able to demolish, but it will be exact by me here is also the Land that I and my brothers, and our parents' desires to be a permanent Land for ourselves.

It begins at Kōau. strait on to Pukeāmaru, and on to Taumata-o-te-Awhengaiao, strait on to Pōtikirua, and come by the seaside Maruparoa, Whakatiri, Kapuarangi, and strait on the line leased by Major Piti, te Hākao, Pukekahu, Pātangata, Mōhua, and joins on to the Kōau. This is ours which we will neither give to lease or sale, this is to be, permanent Land.”

Rūtene Hoenoa, rose and said,

“Wiki and your uncle, your reasons for calling this meeting are clear, I will join mine on to yours:

To commence at Waitaiko, and in of Maraehara, and on to Raukūmara, Māruanui-a-Tūranga, and runs in the river of Karakatūwhero, and runs to the mouth of the river, and joins on to yours at Pikoko, this boundary will not be broken by lease or sale, this is to be a permanent Land for ourselves.”

Hemi Tāwhena then a rose, and said:

“Strait in of Karakatūwhero, Maruanui-a-Tūranga, strait on to Taumata-o-te-Awhengaiao, and runs to Pukeāmaru, and strait on to the Kōau, and joins on to Karakatūwhero.”

Hon. Mōkena rose and said:

“The meeting that as joined their rings and has made this a hard ground, will this Land not be broken by sale or lease.” The whole meeting said, No.

He also said, “... this Land is fixed to be a permanent Land for you and your children, appoint a Trustee in the Hapū's, either one or two of different Hapū.”

The[s]e were agreed to which are written down and will not be for lease or sale.

These are the words that are to be advertised by you the Wānanga, so that the Government and Pākehā, and the tribes' of Ngātiporou who desires will hear. By our next correspondent you will know the names of the persons appointed as Trustees, if any person or Pākehā, who desires to lease or buy will have to apply to the Trustees, and the said Trustees will advertise, so that the chiefs and tribe will meet, and listen to the application of a person or Pākehā, and if agreed on it will be open to lease or sale, if not, it will not:—

<i>Wikiriwhi Te Matauru,</i>	<i>Pērāhama Kuri,</i>
<i>Mōkena Kohere,</i>	<i>Hakaraia Mauheni,</i>
<i>Wīremu Wānoa,</i>	<i>Naera Tarawa,</i>
<i>Irimana Houtūrangi,</i>	<i>Pāora Pōkaia,</i>
<i>Wī Pāhuru,</i>	<i>Epimihā te Awhikakahū,</i>
<i>Hatiwira Houkāmau,</i>	<i>Te Teira Rangiaia,</i>
<i>Muera Rangipūrua,</i>	<i>Pēhimana Hōrua,</i>
<i>Rūtene Hoenoa,</i>	<i>Te Hatiwira te Kuhu,</i>
<i>Hēmi Tāwhena,</i>	<i>Hamapiria Kakatārau</i>
<i>Hōne Mōkena.</i>	<i>Hoani Mātāuru,</i>
<i>Wīremu Keiha,</i>	<i>Tiopira Rorirori,</i>
<i>Hoani Ngātai,</i>	<i>Hōtene Tunanui,</i>
<i>Ānaru Kāhaki,</i>	<i>Hare Taua.</i>
<i>Hēnare Kaiwui,</i>	

Friends, chiefs of Ngātiporou, the Wānanga greets you of the meeting held by the off springs of Tūwhakairiora. This is what the Wānanga desires to publish, so that the survivors of our Island will hear. This is how the Pākehās is saved, because they write everything they say, and this is how we Māori are lost, and does not write down what we say.

A third meeting was held at Maruhou hosted by Hamahōnā Puha, and he and Wikiriwhi Matauru, Wī Wānoa, and Ānaru Kāhaki were again selected as guardians.³²³⁸ Gail Dallimore would note:³²³⁹

Just as the Queen of England had her role as the Kaitiaki for the interchange between Māori and Pākehā confirmed by the Treaty of Waitangi, the role of these 'Pouherenga' (Trustees) was confirmed by the Horoera proclamation. Their role appears to be to safeguard the 'Whenua here' - fixed land, to ensure that the 'correct' (tika) procedure (that is, the procedure agreed upon by all the people at the meeting) in land negotiations was followed. In practice this meant that land negotiations could no longer proceed 'by stealth', that is, without the consent of all the people, as in the negotiations for Pukeāmaru, Raukūmara, and Tututohorā (Piriniha te Rito Waiapu M.B. 6:228; Hatiwira Houkāmau Waiapu M.B. 11:197; Mita Hane Waiapu M.B. 42:14).

'The last meeting held in regard to the reservation of land was held at Waiapu, at Te Rāhui ... perhaps 1883 or 1884 or thereabouts' (Te Harawira Huriwai, Horoera Block Waiapu

³²³⁸ 39 Waiapu MB 15. Evidence of Harawira Huriwai.

³²³⁹ Dallimore. (1983). 90-95.

³²³⁹ Dallimore. (1983). 90-95.

M.B. 39:16). The resolutions of this meeting were taken to Wellington by Te Kāhaki and presented to Rōpata, who was a member of the Upper House (ibid):

'The position he held ["for this district at that time"] was as that of a Governor. The people knew that if Rōpata supported the petition, effect would be given to it, because Rōpata was a friend of the Government party.' (ibid)

Gail Dallimore describes the Proclamation of Horoera as one that affected all negotiations for land in the Northern Waiapu area causing such negotiations to cease. As a result, much of the “land remained outside the jurisdiction of the Land Court for a further decade.”³²⁴⁰

The northern hapū were also determined to stop surveyors doing their work when they did not agree with any attempted sale. In 1879, the survey of Pukerangiora was stopped by an armed party led by Te Taonui and the Kōmiti o Tūwhakairiora.³²⁴¹ They were concerned about that part of the land known as Pikiakāhui and an attempt to sell that land to the Crown by the loyalist chief Wīremu Keiha. The Kōmiti o Tūwhakairiora wrote in a letter dated 9 January 1880 that it was women who tried to stop the surveyors. However, the surveyors and “their Māori” accompanying them had guns, so.³²⁴²

... the men of Tūwhakairiora arose and armed themselves with guns to the number of 20. On the 5th of the month we went out. On our arrival they had gone. If we had found them there they would have been shot European or Māori no distinction would have been recognised.

When a building was erected at Waiōmatatini to be used specifically for the Native Land Court, Mōkena Kohere threatened to burn it down. He also actively opposed the Native Land Court investigating title to the Marangairoa No 1 Block seeking to reserve this land instead.³²⁴³

In 1877 trigonometric surveys began to be used on the East Coast. Such surveys required the establishment of trig stations, often erected on land without owner approval. Mōkena encouraged several men to pull down the trig station.³²⁴⁴ Some were captured for doing so and they included Ānaru Kāhaki, Hōri Wānoa, Hoani (Te Ruahuihui) Huriwai, and Hēnare

³²⁴⁰ Dallimore. (1983). 90-95.

³²⁴¹ Berghan. (2008). 901-902, Pukerangiora investigation.

³²⁴² Berghan. (2008). 902, Quotation. Pukerangiora investigation.

³²⁴³ McConnell. (1998). 196.

³²⁴⁴ 39 Waiapu MB 79. Evidence of Harawira Huriwai.

Paringatai and they went to prison.³²⁴⁵ Harawira Huriwai stated he was the only one who was not caught.³²⁴⁶ This incident from 1893 was described by J. A. Mackay:³²⁴⁷

A party led by Te Kakaha (sic) pulled over the trig station on Pukekiore Hill. Again, fines were imposed. It was overturned by another party under Ēnoka Rukuata soon after it had been re-erected. Some of the obstructionists threatened even to shoot any native who assisted to point out boundaries. Seventeen of the offenders were fined £40 each, or in default three months' gaol. They re-erected the trig station and agreed to desist from molesting the survey party if the fines were reduced to £10 a piece. The trouble was smoothed over.

Pukekiore is located on the Marangairoa 1D or the Kautuku block. There were other attempts in that year to frustrate the work of the surveyors. J.A. Mackay noted that for Taurawhārona:³²⁴⁸

A determined attempt to stop a survey was made at Taurawhārona [sic], near East Cape, in 1893. First of all, some obstructionists, led by Koroneho Kōpuha, felled trees to prevent W.J. Wheeler and his staff from making observations. Then they carried off the theodolite but returned it. Fines were inflicted on six of the culprits.

The survey of Taurawhārona had been initiated by Rāpata Wahawaha, Paratene Ngata, and Hōne Te Kauru.³²⁴⁹ They are described on the survey plan as ‘applicants for the whole block.’³²⁵⁰ There was a dispute over the northern boundary which occurred at the upper (western) reaches of the Maraehara River. A note on the survey plan states that there was trouble at the peg at the mouth of Kaitoto Stream.³²⁵¹ It seems that “Kereama Ingoakore [sic], Rēnata Taiepa, Koronehō Kopuka, Mihi Taihaki, and Hoana Riki of Ngāti Putaanga objected to our survey proceeding further west up Maraehara and pointed out the Kaitoto as [the] true boundary.”³²⁵² At a another peg they were stopped again by the same people.³²⁵³ This dispute was primarily about boundaries.

³²⁴⁵ 39 Waiapu MB 79. Evidence of Harawira Huriwai.

³²⁴⁶ 39 Waiapu MB 79. Evidence of Harawira Huriwai.

³²⁴⁷ Mackay. (1949). 314.

³²⁴⁸ Mackay. (1949). 314.

³²⁴⁹ Gisborne Māori Land plan 975.

³²⁵⁰ Gisborne Māori Land plan 975.

³²⁵¹ Gisborne Māori Land plan 975.

³²⁵² Gisborne Māori Land plan 975.

³²⁵³ Gisborne Māori Land plan 975.

As noted above, the Native Land Court commenced investigating title to blocks in the Pōtikirua ki te Toka-a-Taiau district in 1868. What follows is a summary selection of block narratives from each of the four areas or rohenga of the district. This section does not provide a definitive list of all block investigations conducted by the Native Land Court in the district. Further I have only reviewed the initial investigations so there may have been appeals, rehearings, or commissions of inquiry concerned with these blocks that are not covered in this Chapter.

The selected block narratives demonstrate the process of the Native Land Court. These also illustrate the identification of ancestors, the nature of their title and how their hapū acquired title to portions of a block or to the entire block. What is clear is that most of the applicants before the Court did not understand that once title was awarded, they would all be tenants in common holding the land jointly with no individual allotments unless there was a formal subdivision and partition.

The selection of block studies also demonstrate the mana whakahaere of the loyalist chiefs such as Hirini Te Kani, Karauria Pāhura, Hēnare Pōtae, Tuta Nihoniho, Mohi Tūrei, Hati Houkāmau, and Rāpata Wahawaha over the title investigations that were heard by the Native Land Court between 1868-1900 and the many land alienations that took place during this period. Title was generally awarded based upon claims of discovery by ancestors, ahi kā roa (including cultivating, hunting, fishing or birding), raupatu, mana rangatira, or tuku whenua.

However, the influence of the chiefs diminished once the Native Land Court moved to subdivide and partition the land. The reasons for this concern the Kaiti Block (4,335 acres). Title to that block was investigated on 25 November 1870. The case did not proceed but it was called again on 25 November 1873.³²⁵⁴ Riperata Kahutia claimed the land for Te Whānau a Iwi – a hapū of Te Aitanga a Māhaki.³²⁵⁵ She claimed through the ancestors Karuwahamū and Te Manga.³²⁵⁶ Rūtene Te Eke claimed for both Te Aitanga a Māhaki and Te Aitanga a Hauiti.³²⁵⁷ Rūtene Te Eke claimed through the ancestors Rākaiātāne, a son of Kahunoki and Te Nonoi.³²⁵⁸

³²⁵⁴ Native Land Court *Re Kaiti* (1870) 1 Gisborne MB 232-255.

³²⁵⁵ 1 Gisborne MB 232.

³²⁵⁶ 1 Gisborne MB 232.

³²⁵⁷ 1 Gisborne MB 233.

³²⁵⁸ 1 Gisborne MB 233-234.

The Court found that the ancestors of both parties occupied the land.³²⁵⁹ The Court ordered a certificate of title in favour of nine people, 6 selected by Rūtene Te Eke and 3 by Riperata Kahutia. Rūtene Te Eke's list for the certificate of title included himself, Hirini Te Kani, Ihaka Ngarangione, Hare Wahie, Paraone Hinaki, and Wī Pere.³²⁶⁰ Riperata Kahutia's list included herself, Hēni Te Heuhui, and Kataraina Kahutia.³²⁶¹ The Memorial of Ownership was issued in favour of 109 owners.³²⁶² On 3 December 1883 a rehearing took place but the earlier award was essentially confirmed.³²⁶³

Kaiti came back before the Native Land Court in 1885-1886.³²⁶⁴ This case was a subdivision and partition application. The Native Land Court, after noting that the legislation required it be guided by 'native usage and custom', called for evidence on whether there was any tikanga associated with dividing hapū land.³²⁶⁵ The evidence presented showed that a chief exercised the right to allocate and divide land and that the Court should abide such a custom.³²⁶⁶ However, the Native Land Court held that:³²⁶⁷

Assuming a chief to have done all the things asserted, and to have done them of his own goodwill, we do not see that any guidance is thereby afforded, for whatever may have been the relative positions of a chief and his people, it is clear that such a thing as individual ownership of land, whether according to the will of the chief or otherwise, was never in contemplation of the native mind, and therefore there could never have been any 'usage or custom' among natives for regulating the reduction of title to a tenure of which they had no conception.

What this means is that the Court was able to subdivide and partition the land without regard to tikanga and the mana whakahaere of the chiefs because a rangatira could not subdivide land or allocate individual title to the land. Therefore, this tikanga was not relevant to the test to be applied for subdivision and partition. Yet there is a history of chiefs subdividing land among their children or in favour of allies or as a gift. However, in the Kaiti case the Court found that it should only be guided by tikanga for the initial title investigations but if a chief:³²⁶⁸

³²⁵⁹ 1 Gisborne MB 250.

³²⁶⁰ 1 Gisborne MB 251.

³²⁶¹ 1 Gisborne MB 251.

³²⁶² 1 Gisborne MB 255.

³²⁶³ Native Land Court *Re Kaiti* (1885) 10 Gisborne MB 113.

³²⁶⁴ 10 Gisborne MB 169.

³²⁶⁵ 10 Gisborne MB 186.

³²⁶⁶ 10 Gisborne MB 186.

³²⁶⁷ 10 Gisborne MB 186.

³²⁶⁸ 10 Gisborne MB 186.

... could rightly assume in himself ownership apart from his people, the proper time to assert it would be when the title was originally investigated, and when, instead of bringing in a 'list of owners' he could have simply named himself. Altogether, we decide that neither the will of the chief nor of any member of a hapū ought to be accepted as the measure of right to the common estate.

Rather as:³²⁶⁹

the chief of a tribe or hapū, quite apart from his personal status, [he] had exceptional advantages in the enjoyment of the tribal estate when held in common, so he is entitled to a compensating advantage when the tenure of the estate is changed from tenancy in common to severalty.

This was certainly not what a chief was entitled to in terms of tikanga. His rights he held in common with the hapū. The Court also awarded a larger share to the rangatira with ancestral associations with the land. Included in this category were Hirini Te Kani and Rūtene Te Eke. Then there were those chiefs who were "... entitled to much less consideration on division than others."³²⁷⁰ In recognition of their "nominal right" they were granted an area of one acre. There were 12 individuals who fell into this category, and they included Hēnare Pōtae and Rāpata Wahawaha.³²⁷¹ Thus, the decision while denying the relevance of tikanga with respect to subdivision and partition, purported to give effect to it when granting a larger award of shares in the partitioned allotments to chiefs associated with the papatupu as compared to those who held rights by conquest. This decision is illogical and makes no sense.

This decision had little impact in the north of the district for the decades 1880-1900. There the mana whakahaere of the war chiefs continued, particularly that of Wikiriwhi Matauru, Mōkena Kohere, Hati Houkāmau, Rāpata Wahawaha, Mohi Tūrei, and Paratene Ngata. As noted above, the first three leaders prevented the Court from sitting to investigate most of the blocks in the north of the district during this decade. The others continued as kaiwhakahaere or conductors of cases, giving evidence for claimants, or acting as claimants, as the selection of block narratives below demonstrates. From 1900, there is a discernible decline in the ability of the remaining chiefs to influence the Native Land Court as proceedings became more contested.

Turning now to the selection of original block investigations, I have included the blocks that demonstrate the themes so far discussed, or which were important in tikanga terms to the

³²⁶⁹ 10 Gisborne MB 186.

³²⁷⁰ 10 Gisborne MB 186.

³²⁷¹ 10 Gisborne MB 186.

cultural landscape of Ngāti Porou. The main body of work relied upon has been the excellent report completed by Paula Bergan of Walghan Partners and their report *East Coast Block Research Narratives 1865-2000*.³²⁷² However, I have filled out that work with the cultural evidence given by Ngāti Porou before the Native Land Court. If there is no citation, the authority for the material presented is derived from the Walghan Partner's report. I only cover the initial title investigations and some information of later partitions leading to alienations.

Te Toka-a-Taiau ki Uawa

- Tuamotu Island (8 acres) was before the Native Land Court on 2 December 1870.³²⁷³ Rūtene Te Eke claimed the block through the ancestor Rakaiatāne of Te Aitanga a Hauiti.³²⁷⁴ Objectors were included in the list and a Memorial of Ownership was awarded to 10 owners including Hirini Te Kani and Rūtene Te Eke.³²⁷⁵ The island was taken for public works in approximately 1889.
- Pouawa (19, 200 acres), bordered in the south by the Kaiti Block, and in the north by the Whāngārā block. Claimed by Hare Wāhia and Hirini Te Kani of Te Aitanga-a-Hauiti and heard on 1 December 1870.³²⁷⁶ The hapū through whom they claimed was Ngāti Matekōraha and the founding ancestors were Hine Te Ao and Rongokauae.³²⁷⁷ Hoani Matiaha also claimed.³²⁷⁸ A certificate of title was awarded to 10 owners including Hirini Te Kani and the remaining 64 owners were registered in accordance with s 17 of the Native Lands Act 1867.³²⁷⁹ There were no objections. The Pouawa block became caught up in the New Zealand Land Settlement Company as discussed below.
- Whāngārā No. 1 and No. 2 (21,450 acres) was heard in March 1868 but as the survey was not finalised the claims to the block were adjourned.³²⁸⁰ Whāngārā No. 1 was heard

³²⁷² Berghan. (2008).

³²⁷³ Native Land Court *Re Tuamotu* (1868) 1 Gisborne MB 146-147.

³²⁷⁴ 1 Gisborne MB 146.

³²⁷⁵ 1 Gisborne MB 147.

³²⁷⁶ Native Land Court *Re Pouawa* (1870) 1 A-E Gisborne MB 127.

³²⁷⁷ 1 A-E Gisborne MB 127.

³²⁷⁸ 1 A-E Gisborne MB 128-129.

³²⁷⁹ 1 A-E Gisborne MB 130.

³²⁸⁰ Native Land Court *Re Whāngārā* (1868) 1 Gisborne MB 13.

again on 1 December 1870.³²⁸¹ Kerehōna Piwaka claimed for Te Aitanga a Hauiti and his hapū Te Whānau a Tamahenga.³²⁸² Rūtene Koroua reminded those present in Court there was another ancestor called Paikea associated with the land.³²⁸³ Titles were issued for Whāngārā on 2 December 1870.³²⁸⁴ In addition 138 people were registered as owners in accordance with s17 of the Native Lands Act 1867.

- Puatai (2,805 acres) is a small block within the rohe of Te Aitanga a Hauiti and held by Ngāti Whakahemo.³²⁸⁵ The case was to be heard under the East Coast Land Titles Investigation Act 1866 and 1867. It came before the Court on 9 March 1868.³²⁸⁶ The East Coast Act 1868 did not come into force until later that year. The 1866 legislation was impossible to enforce so the matter was dealt with under the Native Land Act 1865. The block was claimed by Apiata Parehuia. Title was awarded unopposed in favour of Apiata and 9 other people.³²⁸⁷ On 4 February 1889, the Court heard an application under the Native Equitable Owners Act 1886 and more owners were added and a subdivision of the block ordered into Puatai Nos 1, 2, 3, and 4 with a combined total of 131 owners.
- Roto-Tahe (331 acres) bordered by the Puatai and Tuawhatu blocks this investigation commenced on 31 January 1881.³²⁸⁸ It was already subject to lease to a settler by this time. Mīhaka Ngāhue claimed for Ngāti Huinga, a hapū of Te Aitanga a Hauiti through the ancestor Tamakinaki of Ngāi Tuere.³²⁸⁹ Apiata Te Hame of Ngāti Matea also claimed through the ancestor Urutakehau (brother of Tamakainaki).³²⁹⁰ There was opposition from Hepita Matai of Ngāti Manuhiri. He claimed through the ancestors Tutuhuruhou and Makimaki.³²⁹¹ He claimed only Ngāti Huinga and Ngāti Harahe lived on the land.³²⁹² He claimed that when Ngāti Porou came, they did not stay, and they only fought Ngāti Matea who were slain or were vanquished.³²⁹³ He discussed pā and

³²⁸¹ (1868) 1 Gisborne MB 130-133.

³²⁸² 1 Gisborne MB 130.

³²⁸³ 1 Gisborne MB 132.

³²⁸⁴ 1 Gisborne MB 137-139.

³²⁸⁵ Native Land Court *Re Puatai* (1868) 1 Gisborne MB 14-14a, 15.

³²⁸⁶ 1 Gisborne MB 14-14a, 15.

³²⁸⁷ 1 Gisborne MB 14a.

³²⁸⁸ Native Land Court *Re Roto-Tahe* (1876) 6 Gisborne MB 413-420, 423.

³²⁸⁹ 6 Gisborne MB 413.

³²⁹⁰ 6 Gisborne MB 413, 415-416.

³²⁹¹ 6 Gisborne MB 413.

³²⁹² 6 Gisborne MB 413.

³²⁹³ 6 Gisborne MB 415.

cultivations. Manahi Puanga claimed for Te Whānau a Tāwhao of Te Aitanga a Hauiti.³²⁹⁴ He claimed through Eke-o-Te Rangi.³²⁹⁵ He noted that Eke-o-Te Rangi built a pā on the land and that he and his father cultivated it. He noted that a rāhui had been placed on the land by Tamakinaki that was broken down by Eke-o-Te Rangi as he knew that Makimaki was “wrong in placing the reserve there.”³²⁹⁶ Rorohea was his son. Epiniha Whakateke (original claimant – deceased by date of Court hearing) placed another rāhui on the block and Manahi broke it down and they almost had a fight over it.³²⁹⁷ Other witnesses claimed through other tūpuna. On 3 February 1881, the Court delivered its judgment, finding that Apiata Te Hame’s ancestors abandoned the land following the invasion of Ngāti Porou and Whakatōhea.³²⁹⁸ The Court considered that Eke-o-Te Rangi took occupation, renamed all the pā, houses and cultivations and that his son Rorohea lived nearby.³²⁹⁹ Makimaki’s descendants were also admitted.³³⁰⁰ The list of owners included Apiata Te Hame, Arapeta Rangiua, Manahi Puanga, and Tami Pāhura (16 years of age).³³⁰¹ The block was later incorporated under the Whāngārā Incorporation along with Pakarae 1C, 2B2, 2C, Puatai 1, 2, 3, and Pokotakina D, E.

- Mangaōpeka (10 acres) in the Uawa area – claimed by Lucy Glover and Henry Glover (children of Miriama Glover) by way of gift from Pita Raharuhi, Mōkena, Karauria, and Teira and heard on 25 November 1870.³³⁰² Karauria Pāhura gave evidence that the gift was made 8-10 years earlier with the knowledge of the whole tribe.³³⁰³ There were objections, but the land was awarded to the Glovers.
- Mangaheia No. 1 (18,442 acres) and No. 2 (10,000 acres) in the Uawa area were before the Native Land Court on 30 November 1870.³³⁰⁴ Mangaheia No. 1 was claimed by Hepeta Maitai for his hapū of Te Aitanga a Hauiti.³³⁰⁵ He submitted the names of the

³²⁹⁴ 6 Gisborne MB 415.

³²⁹⁵ 6 Gisborne MB 415.

³²⁹⁶ 6 Gisborne MB 415.

³²⁹⁷ 6 Gisborne MB 415.

³²⁹⁸ 6 Gisborne MB 422.

³²⁹⁹ 6 Gisborne MB 422.

³³⁰⁰ 6 Gisborne MB 422.

³³⁰¹ Native Land Court *Re Roto-Tahe* (1876) 6 Gisborne MB 423.

³³⁰² Native Land Court *Re Mangaopeka* (1870) 1 Gisborne MB 109-112.

³³⁰³ 1 Gisborne MB 110.

³³⁰⁴ Native Land Court *Re Mangaheia No 1* (1870) 1 Gisborne MB 120.

³³⁰⁵ 1 Gisborne MB 123.

owners including Hēnare Te Ruru to go on the title.³³⁰⁶ The Mangaheia No. 2 block was claimed by Karauria Pāhura for Te Aitanga a Hauiti through the ancestor Hauiti. The other owners he named included Wī Kīngi Hōri and Arapera Pāhura.³³⁰⁷ An order was made in favour of ten persons of Te Aitanga a Hauiti including Karauria Pāhura and Himiona Te Kani.³³⁰⁸ The No. 1 block became caught up in the New Zealand Land Settlement Company as discussed below. The No. 2 block was before the Court for partition in 1889. The Court subdivided the land between the two-land holding hapū who claimed under different ancestors. Further subdivisions were then made between the individuals of each hapū.

- Paremata (9,426 acres near Uawa) located on the southern side of the Uawa river was before the Native Land Court on 26 November 1870.³³⁰⁹ This block was claimed by Hepeta Matai for the hapū of Ngāti Rua-auta and Ngāti Kuranui of Te Aitanga a Hauiti.³³¹⁰ Title was ordered in favour of Hepeta Matai and others.³³¹¹ Ten people from both hapū were selected for the title and the other 74 owners were registered in accordance with s17 of the Native Lands Act 1867. The Paremata block became caught up in the New Zealand Land Settlement Company as discussed below.
- Te Kōpuni (454 acres) was called at the first sitting of the Native Land Court following the 1865 war. This sitting was held on 10 March 1868.³³¹² The claimant was Karauria Pāhura, whose agent was Heremaia Pāhura.³³¹³ The matter was adjourned and heard again on 28 November 1870.³³¹⁴ Karauria claimed that the land belonged to him and his wife and no others, and that he claimed through Hauiti.³³¹⁵ Title was issued in his name and the name of his wife – Arapera Pāhura.³³¹⁶ This caused many years of litigation and petitions for rehearings as there were many people who considered they should have been included on the title.

³³⁰⁶ 1 Gisborne MB 123.

³³⁰⁷ 1 Gisborne MB 134.

³³⁰⁸ 1 Gisborne MB 143-144.

³³⁰⁹ Native Land Court *Re Paremata* (1870) 1 A-B Gisborne MB 112, 140.

³³¹⁰ 1 A-B Gisborne MB 140-143.

³³¹¹ Native Land Court *Re Paremata* (1870) 1 A-B Gisborne MB 143.

³³¹² Native Land Court *Re Te Kōpuni* (1868) 1 Gisborne MB 34-35.

³³¹³ 1 Gisborne MB 34.

³³¹⁴ 1 Gisborne MB 35, 116.

³³¹⁵ 1 Gisborne MB 116.

³³¹⁶ 1 Gisborne MB 116.

- Uawa block (600 acres) was before the Court in 1873.³³¹⁷ The block was eventually divided into Mangarara No. 2, Ihunui, Uawa No. 1 (Township) and Uawa No. 2.³³¹⁸ The Court heard evidence regarding Ihunui claimed by Karauria Pāhura.³³¹⁹ Hēnare Ruru claimed the Uawa block through Hauiti.³³²⁰ The Court found in favour of all claimants equally.³³²¹ A conditional title to Uawa was ordered in favour of Karauria Pāhura, Hēnare Ruru, and six others. The order was conditional on the production of a proper survey map.³³²² No restrictions against alienation were attached to the order.³³²³

The Uawa blocks were before the Court on 26 October 1874.³³²⁴ Rāniera Tūroa asked for the Uawa block to be adjourned and for the Court to proceed to hear only the Uawa No. 1 (Township) block.³³²⁵ He claimed through the ancestors Te Poutu Kiwaho, Tawaputa, Te Tuapuku and Horomona (his father).³³²⁶ There were objectors and Hēnare Pōtae submitted a list of 14 counter claimants.³³²⁷ The first of these counter-claimants was Karauria Pāhura who claimed through Tamatea Paia of Te Aitanga a Hauiti.³³²⁸ He referred to the land being taken by conquest from Apanui-Waipapa.³³²⁹ He also claimed the land through the ancestor Tutae Kaniwhā. In reference to the claimant Rāniera Tūroa, Karauria Pāhura opposed his claim:³³³⁰

This is my claim to this block. Pāhura was a man. Horahora was a woman. Te Kōwaka was a man. The land descended to me and all the others are my younger brothers. According to English law and custom the land would perhaps vest in the eldest son or heir as the case may be. When guns were introduced into Tolaga Bay, Rāniera Tūroa went to Tokomaru to the side he thought the most powerful. But I remained on the land. Rāniera and his people then came back with guns to fight me. We fought and numbers were slain on both sides. My uncle then said that I was to inherit that land and no one else. I have possessed the land ever since. I asked those people who went over to the Hauhaus not to go but to remain on the land. They relied, no, that they would go and that I could stay if I liked, and that if they were the

³³¹⁷ Native Land Court *Re Uawa* (1873) 1 Gisborne MB 217-225.

³³¹⁸ 2 Waiapu MB 82-87.

³³¹⁹ 1 Gisborne MB 218.

³³²⁰ 1 Gisborne MB 219.

³³²¹ 1 Gisborne MB 225.

³³²² 1 Gisborne MB 225.

³³²³ 1 Gisborne MB 218.

³³²⁴ 1 Gisborne MB 263.

³³²⁵ 1 Gisborne MB 263.

³³²⁶ 1 Gisborne MB 264.

³³²⁷ 1 Gisborne MB 264.

³³²⁸ 1 Gisborne MB 265.

³³²⁹ 1 Gisborne MB 265.

³³³⁰ 1 Gisborne MB 265-266.

*strongest they would get the land but if my side was strongest I would get the land.
Fighting took place, the Hauhaus were beaten and I retained the land.*

Hēnare Pōtae said his evidence was the same as Karauria Pāhura.³³³¹ He stated that they all had a claim as they were all of the same tribe and that he felt ashamed of the evidence of Rāniera as the land belonged to all of them.³³³² The Court gave effect to this evidence and awarded Uawa to all the claimants and counter-claimants.³³³³ The Uawa (Township) block land was sold to Captain Read by Karauria Pāhura, Hēnare Pōtae, Rāniera Tūroa, Hēnare Ruru, H. Mōkai, P. Pāhura, and K. Rangiuiua. On 25 February 1875, Hēnare Pōtae advised the Court that the block had been sold to the Government so on 5 July 1876 an order was made in favour of the Crown for approximately 252 acres out of the Uawa No. 1 block. This alienation is linked to the subsequent sale of part of the Mangarara No. 2 block to the Government. When the Ihunui case (discussed below) was concluded, lists were produced for that block and Uawa No.2 to whom the title of the 413-acre block was awarded. An order was issued in favour of 56 people including Rāniera Tūroa, Karauria Pāhura, Hirini Te Kani, and Wī Kīngi Hōri.³³³⁴

- Ihunui (approx. 82 acres) was linked to Uawa No.1 and the Mangarara blocks. On 30 September 1876 a meeting was held between Judge Rogan and a list of grantees for Uawa No.1.³³³⁵ These people included Karauria Pāhura, Arapeta Rangiuiua, Hēnare Ruru, and others.³³³⁶ It seems that money had already been paid by Mr Rees (of the New Zealand Land Company) for Ihunui.³³³⁷ Karauria Pāhura, Hēnare Ruru, and others were among those who had received money for the land.³³³⁸ The judge stated at the end of the meeting that all that was “necessary had now been done” and that the surveys would be completed and when the Court sat the names to be included in each subdivision could be given.³³³⁹

³³³¹ 1 Gisborne MB 268.

³³³² 1 Gisborne MB 268.

³³³³ 1 Gisborne MB 270.

³³³⁴ Native Land Court *Re Uawa No 2* (1881) 6 Waiapu MB 86-87.

³³³⁵ Native Land Court *Re Ihunui* (1876) 2 Waiapu MB 82-86.

³³³⁶ 2 Waiapu MB 82.

³³³⁷ 2 Waiapu MB 84.

³³³⁸ 2 Waiapu MB 85.

³³³⁹ 2 Waiapu MB 86-87.

The matter did not come back before the Court for title investigation until 25 July 1881.³³⁴⁰ As this block had formerly been involved with the November 1873 Uawa award, the Court decided to link the cases together. The main claimant was Karauria Pāhura.³³⁴¹ Others claimed through conquest by Te Angiangi, or through the ancestor Rongotīpare and other ancestors.³³⁴² The Court refused to hear the claims under Rongotīpare (a mokopuna of Hauiti through Hineterā).³³⁴³ The judge was only interested in hearing about what had taken place since then, including Te Āmaru's conquest during Rangipūreora's time, and the rights of individuals to come under that conquest.³³⁴⁴ There were a number of claimants, including Paki Te Āmaru and Tuta Nihoniho.³³⁴⁵ The latter claimed through the ancestor Rongotīpare.³³⁴⁶

The Court found that the original claims by Rongotīpare were “completely put to an end by Te Angiangi's conquest” and consequently Te Whatu went to Whaingaroa.³³⁴⁷ After the conquest was completed, it extinguished all other claims.³³⁴⁸ His two daughters married Poutukiwaho. By his wife Rangipureora, their descendants occupied the land until Te Āmaru's conquest of them at Kāhuitara.³³⁴⁹ Although he did not take the land for himself, leaving the people on the land, Karauria Pāhura and the descendants of Te Kani a Takirau derive their rights from Te Āmaru.³³⁵⁰ The Court would not recognise the mana of Rangiuia but acknowledged Arapeta Rangiuia had rights through descent from Poutukiwaho and Rangipureora.³³⁵¹ A list of names was produced and a title was ordered to Ihunui in favour of Karauria Pāhura, Rāniera Tūroa, Wī Kīngi Hōri, Heremia Taurewa, Arapeta Rangiuia, and Himiona Te Kani.³³⁵²

- Mangarara 1 (part of the Tolaga Bay township side of the river) was claimed by Karauria Pāhura for Te Aitanga a Hauiti on 26 November 1870 before the Native Land

³³⁴⁰ Native Land Court *Re Ihunui* (1881) 6 Waiapu MB 72.

³³⁴¹ 6 Waiapu MB 72.

³³⁴² 6 Waiapu MB 773-74.

³³⁴³ 6 Waiapu MB 74; Parata. N. Review - Ko te Mana te Utu. (2022).

³³⁴⁴ 6 Waiapu MB 74.

³³⁴⁵ 6 Waiapu MB 74-83.

³³⁴⁶ 6 Waiapu MB 78-79.

³³⁴⁷ 6 Waiapu MB 83.

³³⁴⁸ 6 Waiapu MB 83.

³³⁴⁹ 6 Waiapu MB 83.

³³⁵⁰ 6 Waiapu MB 83.

³³⁵¹ 6 Waiapu MB 83.

³³⁵² 6 Waiapu MB 86.

Court.³³⁵³ He claimed through the ancestor Hauiti.³³⁵⁴ Karauria Pāhura did not want the land to be made inalienable but other owners did.³³⁵⁵ The Court adjourned to give the owners time to settle the matter.³³⁵⁶ This land had been sold to the settler Mr H. Glover, who was the lessee. Karauria advised the Court on 28 November 1870 that all the claimants agreed that the land should become Mr Glover's.³³⁵⁷ The Court decided the land would be made inalienable.³³⁵⁸ The matter was before the Court again in 1875 when it was recognised an interim order had been made affecting this land.³³⁵⁹ The case was adjourned.

- Mangarara 2 was originally part of the Uawa block.³³⁶⁰ The background to this is that in 1874, Pāteriki Pāhura and others sold their interests to Captain Read. In that same year, Captain Read sold his share of the land to the Crown. The Crown's Land Purchase Agent J.A. Wilson then reported that Mr Michael Mullooly purchased the same interests from six of the same owners who had sold to Read. These people were Karauria Pāhura, Hēnare Pōtae, Rāniera Tūroa, Hēnare Ruru, and P. Rangi. The Court commenced the investigation of title on 1 March 1875 but the matter did not proceed as the land had been the subject of an interlocutory order.³³⁶¹ It was not before the Court again until 12 July 1876.³³⁶² Again it was adjourned.³³⁶³ On 20 September 1876, Judge Rogan of the Native Land Court wrote to the Native Minister to explain how the purchase of these blocks were linked to the Crown's desire for a township and the confusion the Crown's land purchasing agent was creating. The letter demonstrates how the focus of the judge was not the investigation of title to land for the benefit of the tribes, but rather he was focused on the needs and aspirations of Pākehā and their settlement of the district. He began by noting that he could not amend the order made

³³⁵³ Native Land Court *Re Mangarara* (1870) 1 Gisborne MB 108.

³³⁵⁴ 1 Gisborne MB 109.

³³⁵⁵ 1 Gisborne MB 109.

³³⁵⁶ 1 Gisborne MB 109.

³³⁵⁷ 1 Gisborne MB 115.

³³⁵⁸ 1 Gisborne MB 116.

³³⁵⁹ 1 Gisborne MB 320-324.

³³⁶⁰ Native Land Court *Re Mangarara No 2* (1876) 2 Waiapu MB 50.

³³⁶¹ 1 Gisborne MB 320-324.

³³⁶² Native Land Court *Re Mangarara No 2* (1876) 2 Waiapu MB 50.

³³⁶³ 2 Waiapu MB 50.

in 1873 and that the only way to deal with it was by way of rehearing.³³⁶⁴ He then noted that the settler Mr Glover:³³⁶⁵

... arranged with the Māoris in 1845 to lease the land as a sheep walk and thirteen years ago a sheep farmer named Reeves purchased Glover's interest, and has his sheep running on the place from that time to the present day, paying rent on an insecure lease. In the year 1865 the battle of Waerenga-a-Hika was fought and the chiefs of Tolaga Bay agreed to the confiscation of six or seven thousand acres of land including Mangarara and Uawa No.1 to the Government on account of the tribe joining the rebels.

Accordingly, the boundaries of the block were pointed out to major Biggs which will be seen by reference to the enclosed tracing and to the recollection of Sir Donald McLean that the confiscated land at Tolaga Bay was given back to the Native owners about the year 1868.

In 1873 the land was brought under the operation of the Native Land Court during all this time Reeves held possession and has undergone annoyance from the Natives who are continually teasing for money. The sheep have the scab, the land has been confiscated and again given back and subsequently the Government Land Purchase Agent Wilson having paid advances for the purchase of this and other places has caused a confusion between the Natives. The Government and Reeves which has retarded the progress of this particular locality and at one time very seriously affected Mr Reeves mind. He is now living at Tolaga Bay with his wife and family but cannot call a foot of land his own and is in a most unenviable position between Natives, the Government Agent and others. This is indeed a most miserable case. I cannot conceive how Reeves has been left out of the Wilson report of Uawa No.1.

My first acquaintance with this case was in 1875 when the Native owners were anxious to obtain a title for one Mr Mulloony and came into Court and deliberately denied Uawa was ever before the Court at all, when the map was produced which is one of the most complete surveys ever seen in the Court together with the evidence taken by Mr Munro and to which I beg to call your attention, these documents completely astonished the Natives because they thought to deceive me a strange Judge who know nothing of the Natives of their country. I distinctly and positively refuse to take any further evidence for the reasons above given and referred the whole matter to Mr Munro and the Chief Judge in Auckland. In the course of time, long after the period allowed for survey, Karauria, the chief of Tolaga Bay and the chief owner of this land, wrote to Mr Fenton who replied to the effect that if the pencil line with Mr Munro's initials were cut and surveyed a certificate of title would be made and issued.

The letter was produced by me, and I directed the Sub Inspector of Surveys to carry out Mr Fenton's direction when the Government Land Agent stepped in and countermanded the order consequently the order of the Court was disobeyed.

Judge Rogan considered that these actions on the part of the land purchasing agent would “bring contempt upon the Chief Judge and two judges of the Land Court, and for the future of all orders of the Court.”³³⁶⁶ There were no further hearings until 20

³³⁶⁴ Rogan to Locke, 20 Sept 1876, MA-MLP1 1898/165 pt2. ANZ.

³³⁶⁵ Rogan to Locke, 20 Sept 1876, MA-MLP1 1898/165 pt2. ANZ.

³³⁶⁶ Rogan to Locke, 20 Sept 1876, MA-MLP1 1898/165 pt2. ANZ.

March 1879 when the 163-acre Mangarara No.2 block was brought before the Court for its investigation of title.³³⁶⁷ Arapeta Rangiūia claimed the block for Te Aitanga a Hauiti tribe through the ancestor Tūrongotīpare.³³⁶⁸ The Court adjourned and referred the matter to the Chief Judge again.³³⁶⁹ On 28 April 1879 the case resumed with Arapeta Rangiūia appearing claiming the block for the hapū Ngāti Whare, through Tūrongotīpare and through occupation.³³⁷⁰ Objectors included Hāmiora Te Hata and Wī Kīngi Hōri, claiming by ancestry through Te Korakau and secondly from conquest. The raupatu discussed by Wī Kīngi Hōri was a reference to the fighting between Te Āmaru and Te Rangiūia when guns were first introduced into the district. He stated:³³⁷¹

Rangiūia and his people went to Tokomaru, Te Āmaru and his soldiers got up and fought against Tuatini pā in which Rangiūia was and took it. They went from thence to Kāhuitara another pā where Rangiūia and many others were gathered, before they arrived, they met a detachment of the pā and fought, and Te Āmaru & party again became victorious. When they arrived at the pā peace was made. After this some of the people were murdered by Te Āmaru's party in the pā and Rangiūia and his party returned to this place and gave out that this land should be for them. Te Aitanga-a-Hauiti all left this place and went to Mangaheia. Te Āmaru and part all left Uawa for that fight. The fight commenced by Rangiūia getting a body of men from Tūranga, the people who were fetched were Te Whānau a Kai...

Other objectors appeared including Karauria Pāhura.³³⁷² On 3 May 1879, the Court ordered a Memorial of Ownership for the Mangarara No.2 block containing 163 acres awarded to 63 owners from different hapū including Ngāti Whare and Ngāti Kuranui. All the five hapū were of Te Aitanga-a-Hauiti.³³⁷³ The owners included Arapeta Rangiūia, Karauria Pāhura and Wī Kīngi Hōri.³³⁷⁴ Part of the block was sold to the Government and part was eventually sold to the New Zealand Land Company.

³³⁶⁷ Native Land Court *Re Mangarara No 2* (1879) 4 Waiapu MB 2.

³³⁶⁸ 4 Waiapu MB 2.

³³⁶⁹ 4 Waiapu MB 3.

³³⁷⁰ 4 Waiapu MB 302-328.

³³⁷¹ 4 Waiapu MB 304-305.

³³⁷² 4 Waiapu MB 314, 316.

³³⁷³ 4 Waiapu MB 332-333.

³³⁷⁴ 4 Waiapu MB 332-333.

- Tauwhareparae block (57,950 acres) came before the Court in April 1876.³³⁷⁵ It seems that it had been agreed by the chiefs to sell the block to the Crown in 1874. Hēnare Pōtae claimed the land in 1876 through his ancestor Kahukuranui and he stated:³³⁷⁶

I claim through ancestry and by right of conquest. My ancestor is Kahukuranui, a descendant of Ira. My ancestors down to the present time have occupied the land. The produce birds etc of that land has always been given to me. The same has been in my ancestors time and my own. I do not know of the food having been supplied to anyone but myself. Ngāti Ira supplied my ancestors with the food gathered off the land, they descended from the same ancestor as myself but Ira being the principal chief placed the people to obtain food, they were the original proprietors. I know of no people living on the land with Ngāti Ira. ...

He then traced the whakapapa from Ira to Hauiti and down to Kahukuranui.³³⁷⁷ Kahukuranui led the war against Ngāti Ira known as Pūeru Mākū and Pōtae claimed they have lived off the land ever since.³³⁷⁸ This evidence was supported by several claimants, some of whom also claimed through Te Aowera.³³⁷⁹ It then transpired that the survey took in a section of land on the western boundary claimed by Te Aitanga a Māhaki. On 26 March 1879, Hēnare Pōtae again gave evidence noting also that he had never seen the land.³³⁸⁰ During April 1879, further evidence was given including from Wī Pere who raised the issue of the section of land in the block claimed by Māhaki.³³⁸¹ The Court finally delivered its judgment on 21 April 1879 in favour of claimants of different hapū of Ngāti Ira, Te Aitanga a Hauiti, and Te Aitanga a Māhaki, and an individual share went to Hēnare Pōtae in his own name on the basis that he exercised mana over the land and was once paid tribute by those who occupied it.³³⁸² The hapū named were Ngāti Whakarara of Te Aitanga a Hauiti, Ngāti Awhia and Ngāti Tūroa hapū of Ngāti Ira, and Te Aitanga a Māhaki.³³⁸³ The list of owners included Hēnare Pōtae, Rāpata Wahawaha, Mōkena Kohere, and Wī Pere.³³⁸⁴

³³⁷⁵ Native Land Court *Re Tauwhareparae* (1876) 1 Waiapu MB 59-69.

³³⁷⁶ 1 Waiapu MB 59.

³³⁷⁷ 1 Waiapu MB 59-60.

³³⁷⁸ 1 Waiapu MB 60.

³³⁷⁹ 1 Waiapu MB 60-69.

³³⁸⁰ 4 Waiapu MB 30-32.

³³⁸¹ 4 Waiapu MB 120-125, 127-256.

³³⁸² 4 Waiapu MB 269-263.

³³⁸³ 4 Waiapu MB 259-263.

³³⁸⁴ 4 Waiapu MB 259-263.

A rūnanga of the owners established a Working Committee to deal with the issue of sale to the Government and Mohi Tūrei delivered its decision to sell. The chiefs Hēnare Pōtae, Karauria Pāhura, Rāpata Wahawaha, Paratene Ngata, and Tuta Nihoniho were all involved in negotiations with the Government agent. Tuta Nihoniho is recorded as stating that the agreement to sell the land was made in 1874, at a time “when Māori were ignorant” however, the sale proceeded. The Government Land Agent, Captain Porter then went to each owner to try to obtain their consent to the sale. The majority agreed to sell the land. However, the money for the sale was paid to the chiefs for distribution and this became the subject of much complaint.

- The Anauroa block was before the Court on 25 November 1873.³³⁸⁵ The land was claimed by Hēnare Pōtae for Te Aitanga a Hauiti through the ancestor Tautini.³³⁸⁶ Hēnare Pōtae handed in a list of owners. Other names were added during the hearing. Hēnare also stated:³³⁸⁷

Our ancestors used to live on this land. My settlement is on it now. It is my permanent residence and has been for a long time. My father lived on the land before me. There are many persons who have an interest in the land as part owners.

A certificate of title was ordered and issued in the names of 10 owners including Hēnare Pōtae, with a further 36 names registered under s 17 of the Native Lands Act 1867.³³⁸⁸ The latter list included Rāpata Wahawaha and Karauria Te Kani. The survey charge on the block was £156.13/4.³³⁸⁹

- Nuhiti (4,112 acres) was before the Court on 27 May 1881.³³⁹⁰ Piniha Rātapu claimed through Tainawaka.³³⁹¹ He also acknowledged the interests of the descendants of Whakarara.³³⁹² Hōne Paerata claimed through Tautini who he said had mana over the land.³³⁹³ After Tautini was killed by Tūtemangarewa, Tūterangikatipu (son of Tautini) avenged the death. Some of the survivors fled into Nuhiti to Kāhuitara and Ruakora

³³⁸⁵ Native Land Court *Re Anauroa* (1873) 1 Gisborne MB 226-232.

³³⁸⁶ 1 Gisborne MB 226.

³³⁸⁷ 1 Gisborne MB 226.

³³⁸⁸ 1 Gisborne MB 230-232.

³³⁸⁹ 1 Gisborne MB 232.

³³⁹⁰ Native Land Court *Re Nuhiti* (1881) 5 Waiapu MB, 214-223, 231-234.

³³⁹¹ 5 Waiapu MB, 214.

³³⁹² 5 Waiapu MB, 214.

³³⁹³ 5 Waiapu MB, 215.

pā.³³⁹⁴ Ngāti Ira assisted Tūterangikatipu and he gifted the right to live on the land to Whakarara.³³⁹⁵ Hēnare Pōtae claimed for Kahukuranui.³³⁹⁶ He stated he and Hōne Paerata were the principal chiefs of the area.³³⁹⁷ The judgment was in favour of Ngāti Whakarara.³³⁹⁸ The block was subdivided into Nuhiti No.1 and 2.³³⁹⁹ Nuhiti No.2 (Te Māwhai, 94 acres) was made inalienable for the descendants of Whakarara.³⁴⁰⁰ The title to Te Māwhai was superseded and included in the Nuhiti Incorporation in March 1917. This is where Hēnare Pōtae's pā once was. The No.1 block (3770 acres) was awarded to Ngāti Hau

- Tokomaru (21, 267 acres) was before the Native Land Court for an investigation of title by 18 February 1875.³⁴⁰¹ Hēnare Pōtae was the lead claimant for Te Whānau a Ruataupare (western section).³⁴⁰² He noted that the land also was claimed by Ngāti Hau (middle section) and Ngāti Ira (southern section).³⁴⁰³ The Court advised that it would not order hapū divisions and it requested the names of all those with interests in the block.³⁴⁰⁴ Hēnare Pōtae claimed his portion of the block through Kahukuranui and Hinemaurea by conquests.³⁴⁰⁵ He acknowledged other claimants and submitted the list of owners from the different hapū for his section of the block from Te Whānau a Te Atau, Te Whānau a Te Ngoi, Te Whānau a Te Pākoko, Te Whānau a Tawhaki, Te Whānau a Tuaea, and Ngāi Kaitāhuna.³⁴⁰⁶ Pineaha Rātapu produced the list for Ngāti Hau and it was read to the Court by Hēnare Pōtae on 19 February 1875.³⁴⁰⁷ A list of names was also produced for Ngāti Ira and its subtribes.³⁴⁰⁸ Hēnare Pōtae's evidence was confirmed and supported by Mohi Ruatapu.³⁴⁰⁹ The lists were accepted by the Court but infant names and repeated adult names were struck off.³⁴¹⁰ On 15 May 1888,

³³⁹⁴ 5 Waiapu MB, 215

³³⁹⁵ 5 Waiapu MB, 215.

³³⁹⁶ 5 Waiapu MB, 217.

³³⁹⁷ 5 Waiapu MB, 217.

³³⁹⁸ 5 Waiapu MB 221.

³³⁹⁹ 5 Waiapu MB 223.

³⁴⁰⁰ 5 Waiapu MB 221.

³⁴⁰¹ Native Land Court *Re Tokomaru* (1875) 1 Gisborne MB 278-293.

³⁴⁰² 1 Gisborne MB 278.

³⁴⁰³ 1 Gisborne MB 278.

³⁴⁰⁴ 1 Gisborne MB 289.

³⁴⁰⁵ 1 Gisborne MB 290.

³⁴⁰⁶ 1 Gisborne MB 280-285.

³⁴⁰⁷ 1 Gisborne MB 286-287.

³⁴⁰⁸ 1 Gisborne MB 288-289.

³⁴⁰⁹ 1 Gisborne MB 291.

³⁴¹⁰ 1 Gisborne MB 291.

an application was made by the owners of Ngāti Ira, Ngāti Hau and Te Whānau a Rua to partition the block. That partition was granted and then the three blocks were subdivided again. Charging orders against the block, mortgages, leases and sales led to rapid alienation of some of these blocks.

- Mangahauini (6,487 acres) in Tokomaru Bay was before the Court on 26 April 1879.³⁴¹¹ Hēnare Pōtae was before the Court claiming through Ruataupare and indicated that the hapū wanted the land reserved. The block was highly contested, and the investigation was not properly heard until 1897, by which time Hēnare Pōtae had passed away.³⁴¹² Hēnare Pōtae “died at Kaitī, Gisborne, on 5 October 1895. His funeral was held at Tokomaru Bay, where he was buried with his father in the Tuatini cemetery.”³⁴¹³ Thomas William Porter (now Colonel) took the lead conductor role in the Native Land Court as he was representing his wife Herewaka Porter as a claimant.³⁴¹⁴ He claimed under the ancestors Tamatea Kūwhā Kauri (brother of Ruataupare), Tūmōkai (descendant of Ruataupare), and Wehiwehi.³⁴¹⁵ Porter contended that Ruataupare’s brother Tūterangikatipu held the land from Te Māwhai to Uawa.³⁴¹⁶ Wīremu Pōtae (son of Hēnare Pōtae) stated that it had been arranged before Court to name only Tūmōkai and Tamateakūwhakauri as the ancestors. He wondered why Wehiwehi was raised. He claimed a small section on the eastern end of the block through gift to Makahuri.³⁴¹⁷ Counter claimants relied on the ancestor Te Aotāwarirangi.³⁴¹⁸ Eru Pōtaka was asked who had the mana from south of Mangahauini to Te Māwhai. He stated Te Aotāwarirangi had the mana. She gave land to Te Whānau a Hinerupe for avenging the death of Tautini (her father).³⁴¹⁹ Eru Pōtaka later discussed a gift to Māroro that was given on account of the fighting with Ponapātukia.³⁴²⁰ He described how the descendants of Te Aotāwarirangi were living at Te Māwhai when they saw a fire burning on the eastern side of the Mangahauini block.³⁴²¹ Makahuri was living at Te

³⁴¹¹ Native Land Court *Re Mangahauini* (1879) 4 Waiapu MB 297.

³⁴¹² Native Land Court *Re Mangahauini* (1897) 27 Waiapu MB 44-51.

³⁴¹³ Oliver, S. (1993). Hēnare Pōtae.

³⁴¹⁴ Native Land Court *Re Mangahauini* (1897) 27 Waiapu MB 44-51, 60-99, 131-345, 350-382 & 28 Waiapu MB 1-301, 314-382 & 29 Waiapu MB 1-380.

³⁴¹⁵ 27 Waiapu MB 45, 48.

³⁴¹⁶ 27 Waiapu MB 71.

³⁴¹⁷ 27 Waiapu MB 47.

³⁴¹⁸ 27 Waiapu MB 46-47.

³⁴¹⁹ 27 Waiapu MB 70-71.

³⁴²⁰ 27 Waiapu MB 85-94.

³⁴²¹ 27 Waiapu MB 72.

Māwhai with Hinemataikai and he assisted in killing the man trespassing. He was Manukiao from Waiapu.³⁴²² Makahuri wept for the deceased and Hinemataikai gave him land to appease his sorrow.³⁴²³ Hēnare Pōtae was a descendant of Makahuri.³⁴²⁴ Trouble occurred between the descendants of Makahuri and Te Whānau a Te Ao when the former killed Tūheue. A war party was raised by Te Whānau a Te Ao and they defeated Te Whānau a Makahuri such that there no longer exist as a hapū by that name at Tokomaru.³⁴²⁵ Eru also explained what he knew about the killing of Tawhaki by Ngāti Porou of Waiapu, who came to avenge the beating of the wife of Tataiārangi.³⁴²⁶ They were wanting to fight Te Whānau a Ruataupare and Te Ruru was going to try to make peace until taunted by Tawhaki.³⁴²⁷ Te Ruru turned and returned to Tuatini Pā and Tawhaki was killed.³⁴²⁸ There was some trouble between Te Whānau a Tawhaki and Te Whānau a Te Ao but it was mainly the putting up and taking down of rāhui where Tawhaki was killed. That trouble stopped when Rongowhakaata, Te Aitanga a Hauiti, and Ngāti Kahungunu came to avenge the death of one of their own.³⁴²⁹ The two hapū united as allies at Tuatini Pā against the invasion.³⁴³⁰ Eru also discussed the coming of Ruataupare to the district, her being speared by the people on the land and the revenge taken by Tūwhakairiora.³⁴³¹ Te Whānau a Hinerupe were there before she came and continued to live with her until they went back to Kawakawa.³⁴³² He noted that Hinemaurea was a descendant of Kahukuranui.³⁴³³

There are pages of evidence concerning Maungahauini with some of the most outstanding material coming from Wī Pewhairangi who discussed the origins and whakapapa of Te Aitanga a Hauiti, Kahukuranui, down to his children.³⁴³⁴ His claim was based first upon the conquest of Wahineiti, second based on ancestry from the descendants of Kahukuranui, namely Tamateakūwhakauri and Ruataupare, and third

³⁴²² 27 Waiapu MB 72.

³⁴²³ 27 Waiapu MB 72.

³⁴²⁴ 27 Waiapu MB 94.

³⁴²⁵ 27 Waiapu MB 73.

³⁴²⁶ 27 Waiapu MB 73-74.

³⁴²⁷ 27 Waiapu MB 74.

³⁴²⁸ 27 Waiapu MB 74.

³⁴²⁹ 27 Waiapu MB 75.

³⁴³⁰ 27 Waiapu MB 75.

³⁴³¹ 27 Waiapu MB 83-84.

³⁴³² 27 Waiapu MB 84.

³⁴³³ 27 Waiapu MB 86.

³⁴³⁴ Native Land Court *Re Mangahauini* (1898) 28 Waiapu MB 264-301, 315-350.

based upon occupation.³⁴³⁵ However, the “take” to the land was through the conquest by Kahukuranui over Te Wahineiti.³⁴³⁶ Maungahauini is within the boundary he laid down from Uawa.³⁴³⁷ According to him the next battle known as Takatakahanga or Hinemaurea’s conquest involved those of Ngāti Ira who assisted Ngāi Tuere against the Wahineiti (led by Tamawairangi). This section of Wahineiti had survived the conquest by Kahukuranui.³⁴³⁸ Tamawairangi was killed by Tamakoro.³⁴³⁹ He then explained how she left with Te Aotaki leaving her son behind before he explained how Tautini and Te Aotāwarirangi and their people settled the land.³⁴⁴⁰ He recorded Tautini’s desire for human flesh (in particular children) and his subsequent death and then the journey undertaken by Te Aotāwarirang to raise an army to help to avenge his death.³⁴⁴¹ Te Whānau a Hinerupe came to assist and killed and vanquished those responsible.³⁴⁴² As a reward she gave the land from Te Māwhai to Waitakeo and inland.³⁴⁴³ Tūterangikatipu also called upon Ngāti Ira to assist against other neighbours at Te Kāhuitara, which they did.³⁴⁴⁴ So he gave them land from Te Māwhai to Mārau.³⁴⁴⁵ Eventually Te Whānau a Hinerupe withdrew back to Kawakawa and Wharekāhika, leaving no one on the land.³⁴⁴⁶ What was not covered was that Tamateakūwhākaui returned to take the land, but before he could do so Manukiao of Te Whānau a Hinerupe had tried to reclaim the land.³⁴⁴⁷ He was killed and the land was given to Makahuri by Hinemataikai.³⁴⁴⁸ He also described the arrival of Tūwhakairiora to Wharekāhika, the marriage to Ruataupare and her move to Tokomaru and the reasons for it, the assault on her by the remnants of Te Wahineiti and the subsequent conquest by Tīnātoka sent by Tūwhakairiora.³⁴⁴⁹ Wī Pewhairangi discussed the conquest over the Waihineiti noting they recovered in number and how they were ultimately defeated.³⁴⁵⁰ The next incident involved the killing of Ponapātukia by Māroro after he attacked Te Whānau a

³⁴³⁵ 28 Waiapu MB 264.

³⁴³⁶ 28 Waiapu MB 269.

³⁴³⁷ 28 Waiapu MB 272.

³⁴³⁸ 28 Waiapu MB 276.

³⁴³⁹ 28 Waiapu MB 276.

³⁴⁴⁰ 28 Waiapu MB 276-280.

³⁴⁴¹ 28 Waiapu MB 281-282.

³⁴⁴² 28 Waiapu MB 282-284.

³⁴⁴³ 28 Waiapu MB 284.

³⁴⁴⁴ 28 Waiapu MB 284-286.

³⁴⁴⁵ 28 Waiapu MB 286.

³⁴⁴⁶ 28 Waiapu MB 288.

³⁴⁴⁷ 28 Waiapu MB 291-292

³⁴⁴⁸ 28 Waiapu MB 291.

³⁴⁴⁹ 28 Waiapu MB 315-320.

³⁴⁵⁰ 28 Waiapu MB 320-321.

Te Aotāwarirangi.³⁴⁵¹ Te Whānau a Rākairoa then attacked and kept Te Whānau a Te Ao in servitude.³⁴⁵² This situation was mitigated by intermarriage and after the battle of Te Toka a Kuku, Te Whānau a Te Ao returned to Te Ariuru.³⁴⁵³ Finally he covered the story of Tūmōkai and the marriage of his son to Whakarara's daughter. Whakarara did not approve of the marriage and came to fetch her, but she ran back and an inter-hapū war occurred between Te Whānau a Rua and Te Whānau a Whakarara, leading to the former's defeat.³⁴⁵⁴ Tūmōkai raised a war party with Tūhorouta and Pākira. Whakarara had the assistance of Rongowhakaata and Ngāti Kahungunu but was defeated and Pākira let Whakarara live.³⁴⁵⁵ The rest of his evidence was a response to other claimants, and he covered sites of occupation, pā, houses, wāhi tapu, cultivations, and hunting and fishing grounds. Clearly this evidence must have been the source for some of Ngata's *Ngā Raurunui a Toi Lectures*.

Colonel Porter agreed to the claims of the hapū that descended from Tūmōkai and Tamateakūwhākauri.³⁴⁵⁶ Te Whānau a Te Aku, Te Whānau a Tamarangi, Te Whānau a Te Ngoi, Te Whānau a Te Pākoko, Te Whānau a Tawhaki, Te Whānau a Tuaia, Te Whānau a Te Pākōrākira, and Te Whānau a Te Kaipakihi.³⁴⁵⁷ Other hapū claimants were of Te Whānau a Te Ruru, Ngāi Kaitāhuna, Ngāti Hau, Ngāti Hokopaura, and Te Whānau a Hinehaerewai.³⁴⁵⁸ Ruka Aratapu explained to the Court that the original subdivision of the land was based upon Māori custom and the ancestor of each subdivision was ascertained.³⁴⁵⁹ The Court issued its judgment on 12 March 1898.³⁴⁶⁰ It created partitioned allotments in favour of various claimants, recognising their "take" to the land and registering the lists of names. Mangahauini No.1 was set aside in favour of 207 people of Te Aotāwariangi.³⁴⁶¹ The other partitions were the subject of further hearings. The rest of the Native Land Court Minute Book 29 & 30 Waiapu Minute Book contain the evidence relating to the 19 other partitions of this block.

³⁴⁵¹ 28 Waiapu MB 292.

³⁴⁵² 28 Waiapu MB 292.

³⁴⁵³ 28 Waiapu MB 297, 327.

³⁴⁵⁴ 28 Waiapu MB 322.

³⁴⁵⁵ 28 Waiapu MB 322-326.

³⁴⁵⁶ 27 Waiapu MB 60.

³⁴⁵⁷ 27 Waiapu MB 60.

³⁴⁵⁸ 27 Waiapu MB 47-50, 62-63.

³⁴⁵⁹ 27 Waiapu MB 52.

³⁴⁶⁰ Native Land Court *Re Mangahauini* (1898) 29 Waiapu MB 214-219.

³⁴⁶¹ 29 Waiapu MB 223-230

- Tawhiti block (4,960 acres) was before the Native Land Court in 1876.³⁴⁶² This was the block at the northern end of Tokomaru Bay. The claimant was Hare Parahake through the ancestor Te Aotāwarirangi.³⁴⁶³ He handed in two lists noting that Te Whānau a Rākairoa also claimed the land and he stated:³⁴⁶⁴

Rākairoa is the ancestor of the people named in the second list. He was no relation to Te Aotāwarirangi. From Rākairoa came Ponapātukia from whom descended Te Kauwhiwhiria and the people named in the second list. We have uninterruptedly occupied the land since the time of Te Aotāwarirangi.

Title at the northern end of the block was contested by Te Whānau a Iritekura who claimed through conquest by Tūwhakairiora and Pakanui and the gift to Iritekura.³⁴⁶⁵ In its one sentence judgment the Court ordered a Memorial of Ownership to the persons on the list for the block excluding the northern portion in dispute.³⁴⁶⁶ The following year on 21 April 1877, Rāpata Wahawaha advised that an arrangement among the owners had been achieved for the northern section of the block.³⁴⁶⁷ The Court ordered a Memorial of Ownership in favour of 162 names including Hēnare Mahuika, Mohi Ruatapu, Tuta Nihoniho, Wī Pewhairangi, Rāpata Wahawaha, Wī Keiha, and Paratene Ngata.³⁴⁶⁸

Ngā Paemaunga

- Waitahaia block (50,067-acres) was brought before the Native Land Court for an investigation of title on 18 May 1876.³⁴⁶⁹ Paki-te-Ahi claimed on behalf of Ngāti Moehau of Ngāti Ira through the ancestor Moehau.³⁴⁷⁰ A list of 53 names was then produced and read out by Tuta Nihoniho before the Court.³⁴⁷¹ The list included Tuta Nihoniho. The Court then adjourned to allow time for the opposing parties to become

³⁴⁶² Native Land Court *Re Tawhiti* (1876) 1 Waiapu MB 101-121.

³⁴⁶³ 1 Waiapu MB 113.

³⁴⁶⁴ 1 Waiapu MB 115.

³⁴⁶⁵ 1 Waiapu MB 333-339.

³⁴⁶⁶ 1 Waiapu MB 341.

³⁴⁶⁷ 3 Waiapu MB 268-269.

³⁴⁶⁸ 3 Waiapu MB 269, 293-296, 297-298.

³⁴⁶⁹ Native Land Court *Re Waitahaia* (1876) 1 Waiapu MB 643-673 & 5 Waiapu MB 118-120, 122-154, 156, 159-161.

³⁴⁷⁰ 1 Waiapu MB 643-673.

³⁴⁷¹ 1 Waiapu MB 649-653.

organised. The next day Hōterene te Karaka and others claimed a strip of land at the north-eastern part of the block called Mangaōkura for Ngāti Kapohanga a Rangi.³⁴⁷² He claimed through conquest of Ngati Ira by Kuku and Korohau. He referred to Taniwha as a member of Ngāti Moehau.³⁴⁷³ Taniwha's people were killed first for taking food off the land at Korau-whakamae.³⁴⁷⁴ On 20 May 1876 the Court delivered its judgment in favour of Paki-te-Ahi to the exclusion of all the objectors.³⁴⁷⁵ A Memorial of Ownership was ordered in favour of Paki-Te-Ahi and the co-claimants to the Waitahaia block "excepting for the time that portion between the range and the Mangaōkura river, roughly estimated to contain about 1,000 acres."³⁴⁷⁶ The Crown eventually purchased 47,168 acres of Waitahaia.

The background to the Crown purchase of this block commenced in 1873 when Land Purchase Officer Captain Porter indicated he wanted to purchase lands adjacent to Maunga Hikurangi.³⁴⁷⁷ He was after all the land between the forks of the Mata and Tapuwaeroa Rivers – the headwaters of the Waiapu. Rāpata Wahawaha worked with the Land Purchase Officer on the negotiations for most of the maunga blocks. On 9 May 1875, Porter was offered the right to lease the lands comprising Waitahaia, Te Ngaere, Taitai, Aorangi and Matahiia.³⁴⁷⁸ On 16 July 1875, Hēnare Pōtae and others wrote to him offering to sell lands on the Mata River in the vicinity of Hikurangi.³⁴⁷⁹ The lands offered were Pouturu, Marutūtiri, Waitahaia, Haewhenua, and Te Whanokao.³⁴⁸⁰ By 14 August, Porter was able to report further on the purchase of Waitahaia:³⁴⁸¹

I have the honour to inform you that I left Gisborne on the 26th ultimo to attend a Rūnanga called by me at Te Rere-a-Taha Hikurangi to arrange the acquisition of the block of land offered to lease and which is known by the name of Waitahaia an integral portion of Hikurangi.

I had given the natives due notice of my intention to negotiate for the land, and all those hapū interested met me at Rere-a-Taha on the 5th Inst, a day and night were spent in discussing the rightful ownership of the land, and it was finally determined to belong to Ngāti Moehau and Te Whānau-a-Te Mihinga, these hapū then desired

³⁴⁷² 1 Waiapu MB 653-655.

³⁴⁷³ 1 Waiapu MB 655.

³⁴⁷⁴ 1 Waiapu MB 655.

³⁴⁷⁵ 1 Waiapu MB 672.

³⁴⁷⁶ 1 Waiapu MB 672.

³⁴⁷⁷ Berghan. 2008). 778.

³⁴⁷⁸ Berghan. 2008). 993.

³⁴⁷⁹ Berghan. 2008). 1439.

³⁴⁸⁰ Berghan. 2008). 1439.

³⁴⁸¹ Berghan. 2008). 1440-1441. Quoting Captain Porter.

me to advance them £500 by way of rent, but I submitted two propositions to their consideration, one to lease, the other to sell. I had some difficulty in combatting the unwillingness to break down the barrier set up against selling land to Government. I however represented the groundlessness of their fears as Govt particularly instructed Officers when negotiating for land to take care that plenty was retained by the Natives for their own support.

The Revd R. Kāwhia, Revd Mohi Tūrei and Meiha Rōpata and others spoke as to the equitableness of the Government's intention, and it was then agreed to sell the block to Her Majesty, the price fixed being at the rate of One hundred and twenty five pounds per thousand acres. Porter noted the deposit he had made.

It will be seen by the terms therein that one thousand [pounds] is asked for as an advance and that five hundred of that amount has been paid by me, fifty pounds of which I had to obtain from T. Fox. ...

The area of the block is estimated at sixty thousand acres, and contains five forests of Tōtara timber, from whence the Ngātiporou obtain their Wakas. If I succeed in obtaining the whole of the outer lands to the junction of the two rivers, - which would be at once suitable for settlement; - this block Waitahaia then would be a source of revenue to the settlers. The successful issue of this negotiation has as I anticipated led to the offer of other lands, one being Te Ngaere, a contiguous block upon which I report separately. In concluding this report, I trust Government will approve of the action taken and the price agreed upon. The fact of having made the favourable beginning with Ngātiporou district, cannot well be underrated, particularly as it is for absolute sale. With the block calculated to be 60,000 acres, the total price to be paid would be £7,500. The original deed attached to this report was in Māori and was signed in one place by 26 persons and in another by a further 40 persons. An English translation notes that the deed was signed on 7 August 1875 and that it was, "a full and true consent on the part of the people of Ngātiporou to finally cede to Her Majesty the Queen our land called Waitahaia portion of Hikurangi, Waiapu."

- Te Arawhawhati (Hikurangi, 3,882 acres) was before the Native Land Court for an investigation of title in April 1877.³⁴⁸² Hānara Tangiawha claimed the land through the ancestor Kuhataona.³⁴⁸³ He claimed that his ancestor received the land as a gift for avenging the death of Te Aokapua by Koaruhe.³⁴⁸⁴ The land was given by Tūterangiwehiwehi, the son of Te Aokapua.³⁴⁸⁵ He produced a list of names of those who were his co-claimants. There were objectors and the Court adjourned to “allow them to make arrangements among themselves.”³⁴⁸⁶ When the Court resumed Tuta Nihoniho told the Court they had discussed the matter outside, and they had concluded that only Rēnata Mauhana had a just claim to the land and it was up to him to submit more names. Hānara Tangiawha said that was correct as it was “proved outside” and that with regard to “giving in names, that would have to be arranged between himself

³⁴⁸² Native Land Court *Re Te Arawhawhati* (1877) 3 Waiapu MB 225-230, 302.

³⁴⁸³ 3 Waiapu MB 225-226.

³⁴⁸⁴ 3 Waiapu MB 225.

³⁴⁸⁵ 3 Waiapu MB 225-226.

³⁴⁸⁶ 3 Waiapu MB 227.

and Rēnata.”³⁴⁸⁷ Tuta Nihoniho was on Rēnata’s list of owners.³⁴⁸⁸ No order was made because the survey plan was incorrect.³⁴⁸⁹ A Memorial of Ownership was ordered on 17 November 1877.³⁴⁹⁰ By 1880 the block had been acquired by the Crown.

- Aorangi Maunga (2,300 acres) was before the Native Land Court on 7 April 1877.³⁴⁹¹ Hāmiora Haua, Mōkena Kahu, Eparaima Uruika, and Tuta Nihoniho claimed for Te Aitanga a Mate through the ancestor Korohau.³⁴⁹² The land was originally Ngāti Ira land but Te Aitanga a Mate drove them off this land and other blocks after they killed Tūteuruhina.³⁴⁹³ Korohau then took possession as a reward for defeating Ngāti Ira. Rongo-i-te-Kai also lived on the land with Te Aitanga a Mate.³⁴⁹⁴ Mōkena Kahu claimed to be living in a pā on the block when Ngā Puhi invaded.³⁴⁹⁵ A portion of the block was the subject of a counterclaims and these claimants used the ancestors Paka and Umuariki.³⁴⁹⁶ These claims for Uepōhatu included Wī Tāhata.³⁴⁹⁷ However, judgment was given in favour of the claimants only.³⁴⁹⁸ A Memorial of Ownership was issued in favour of 216 people. On 22 August 1878 a survey lien of £83/15/0 was registered against the block. On 11 February 1882 the Crown made application to the Chief Judge to have the Crown’s interest in the block defined. On 15 April 1882, the Native Land Court partitioned the block into No.1 and No.2 blocks. The Crown took the No.2 block of approximately 3,010 acres.
- Aorangiwai (9,285 acres) was before the Native Land Court for investigation on 28 April 1876.³⁴⁹⁹ The block had once belonged to Ngāti Ira. After they killed Tūteuruhina they were driven from the area. Kuku was part of that conquest, and he was rewarded with this land. Rāpata Wahawaha was a lead claimant.³⁵⁰⁰ He listed the hapū associated with the land as Ngāti Hinepari, Tūterangipinepine, Te Whānau a Karuwai, Kōparehuia,

³⁴⁸⁷ 3 Waiapu MB 227-228.

³⁴⁸⁸ 3 Waiapu MB 230.

³⁴⁸⁹ 3 Waiapu MB 230.

³⁴⁹⁰ 3 Waiapu MB 302.

³⁴⁹¹ Native Land Court *Re Aorangi Maunga* (1877) 3 Waiapu MB 121-142.

³⁴⁹² 3 Waiapu MB 122.

³⁴⁹³ 3 Waiapu MB 122.

³⁴⁹⁴ 3 Waiapu MB 122.

³⁴⁹⁵ 3 Waiapu MB 140.

³⁴⁹⁶ 3 Waiapu MB 132-138.

³⁴⁹⁷ 3 Waiapu MB 136-137.

³⁴⁹⁸ 3 Waiapu MB 142.

³⁴⁹⁹ Native Land Court *Re Aorangiwai* (1876) 1 Waiapu MB 342-402.

³⁵⁰⁰ 1 Waiapu MB 342.

Ngāti Moehau, Ngāti Hokopaura, Ngāi Te Rore, and Rongohaere.³⁵⁰¹ He also claimed portions of the block known as Taruruwhainoa, Taukimatawhero, and Te Umu o Hinetūraha.³⁵⁰² He claimed through Karuwai, who asked Kuku for water. Kuku gave him the land and Karuwai transferred it to Kōparehuia.³⁵⁰³ Hōne Heihe supported Rāpata.³⁵⁰⁴ There were several counterclaimants including Tuta Nihoniho. He claimed Papaōkaumatua through Tāmōkai.³⁵⁰⁵ Rāpata Wahawaha stated that Rongo-i-te-Kai was living there.³⁵⁰⁶ Rongo-i-te-kai lost it to Tāmōkai when he killed Tāmōkai's mother Kapohanga.³⁵⁰⁷ According to Halbert, after Rongo-i-te-Kai's first wife died he tried to marry her sister, but their mother Kapohanga objected, so Rongo-i-te-kai killed Kapohanga.³⁵⁰⁸ She was the wife of Tūterangipaku, a child of Te Aowera.³⁵⁰⁹ Rongo-i-te-kai was then killed in retaliation by the sons of Tūterangipaku and Kapohanga, namely Tāmōkai and Koropawa.³⁵¹⁰

Tāmōkai's descendants became known as Ngāti Moehau.³⁵¹¹ Rongohaere lived on the land Te Umu-o-Hinetūraha where the latter was killed.³⁵¹² In total the Native Land Court recognised nine sections of the block and awarded Memorials of Ownership accordingly but it made a point of noting that it ordered that each person admitted as an owner was an owner of all of the block.³⁵¹³ By this date, the block had been the subject of negotiations between Porter and the chiefs. They agreed to sell to the Crown. The Crown eventually acquired Aorangiwai (6,792 acres) and Aorangiwai No.1 (1,756 acres) by deeds dated 16 April 1877.

- Taitai (2,150 acres) was before the Native Land Court on 20 May 1876 but was adjourned.³⁵¹⁴ Before and after this hearing the Native Land Purchase Officer, Captain Porter, was making advances of money to chiefs in order to facilitate the purchase for

³⁵⁰¹ 1 Waiapu MB 344-347.

³⁵⁰² 1 Waiapu MB 343.

³⁵⁰³ 1 Waiapu MB 343.

³⁵⁰⁴ 1 Waiapu MB 347.

³⁵⁰⁵ 1 Waiapu MB 369.

³⁵⁰⁶ 1 Waiapu MB 395.

³⁵⁰⁷ 1 Waiapu MB 395.

³⁵⁰⁸ Halbert. (1999). 155.

³⁵⁰⁹ Halbert. (1999). 155.

³⁵¹⁰ Halbert. (1999). 155.

³⁵¹¹ 1 Waiapu MB 369.

³⁵¹² 1 Waiapu MB 395.

³⁵¹³ 1 Waiapu MB 398-402.

³⁵¹⁴ Native Land Court *Re Taitai* (1876) 1 Waiapu MB 674-675.

the Crown. It is clear from the correspondence that the main reason for the Crown wanting to acquire this block, and the Aorangi Maunga, Aho Matariki (Raukūmara), and Matahiia blocks was to secure all the land that surrounded Hikurangi Maunga.

In March 1877 and April 1878 Taitai was finally before the Court.³⁵¹⁵ On 26 March 1877, Mohi Tūrei wrote to the Court and asked Captain Porter to read the list of owners claiming under the ancestor Whaita.³⁵¹⁶ This list was objected to, so the Court declined to have regard to the letter.³⁵¹⁷ Hati Houkāmau also gave in a list as did Hōne Ngatai.³⁵¹⁸ Hōne Ngatai and a number of other witnesses gave evidence regarding the pā and cultivations on the block. The evidence was that pā on this block were used as security pā during the Ngā Puhi raids. Hōne Ngatai claimed through Peha, a descendant of Whaita. The Court adjourned for the survey to be corrected and had to do so again on 16 April 1877.³⁵¹⁹ On 30 March 1878 the block was back before the Court and further evidence was taken.³⁵²⁰ Hōne Heihe claimed the block by conquest for Te Whānau a Whaita through the ancestor Teepa who gifted the land to Whaita.³⁵²¹ It was claimed that Teepa once held mana over the land. Teepa was a daughter of Korohau, brother of Kuku. She hired the services of Whaita, Te Wī-o-te-Rangi and Rongo-i-te-kai to prevent her ex-husband Hikakuharu and the people of his new wife from trespassing and poaching on the land.³⁵²² These people were taking food from the block to her husband's new wife. Teepa gave the land to Whaita as a reward.³⁵²³ Te Wī-o-te-Rangi and Rongo-i-te-Kai were brothers and children of Kuku.³⁵²⁴ Whaita married Manupōkai, a daughter and the eldest of Kuku's children. Mohi Tūrei gave evidence that he and Mōkena Kohere were descendants of Peha, a descendant of Whaita.³⁵²⁵ A Memorial of Ownership was issued in favour of Mere Raiha and all the descendants of Whaita including Hati Houkāmau, Mōkena Kohere and Mohi Tūrei.³⁵²⁶ An application for rehearing was made as a result of a mistake made in the survey. An Order in Council

³⁵¹⁵ Native Land Court *Re Taitai* (1877) 3 Waiapu MB 84-102, 205, 370-380, 383.

³⁵¹⁶ 3 Waiapu MB 88.

³⁵¹⁷ 3 Waiapu MB 88.

³⁵¹⁸ 3 Waiapu MB 88.

³⁵¹⁹ 3 Waiapu MB 102, 205.

³⁵²⁰ 3 Waiapu MB 370-380.

³⁵²¹ 3 Waiapu MB 370.

³⁵²² 3 Waiapu MB 370.

³⁵²³ 3 Waiapu MB 370.

³⁵²⁴ Native Land Court *Re Matahiia* (1876) 1 Waiapu MB 279. Evidence of Erueti Rena.

³⁵²⁵ 3 Waiapu MB 375.

³⁵²⁶ 3 Waiapu MB 380.

was gazetted on 10 June 1878 authorising a rehearing. A rehearing was held in August 1879. On 17 March 1884 the block was partitioned, and the Crown took 1,150 acres of the Taitai block.

- Matahiia (3,183 acres) – investigation into title was commenced by the Native Land Court on 25 April 1876.³⁵²⁷ The block was claimed by Kereama Kaipara through the ancestor Umuāriki for Ngāti Kaniwhā and Te Whānau a Umuāriki.³⁵²⁸ The land was given by Rangikaputua to Kapohanga who begat Tāmōkai.³⁵²⁹ Hōne Heihe also claimed the land through this ancestor. The claim was contested by Te Aitanga a Mate claimants led by Erueti Rena who claimed through Hinekura.³⁵³⁰ He gave evidence that the land descended to Korohau and Kuku and then to Teepa (Korohau’s daughter).³⁵³¹ Erueti repeated the story of Teepa’s husband deserting her for another woman. After the conquest of her ex-husband, and the people of his new wife, this was the land Teepa gifted to Te Wī-o-te-Rangi and his descendants for his services.³⁵³² Hati Houkāmau confirmed the evidence of Erueti and he noted his mother was from Matahiia.³⁵³³ Hēnare Pōtae also claimed as a descendant of Te Wi o te Rangi.³⁵³⁴ The Court adjourned on 20 May 1876.³⁵³⁵ It sat again on 5 April 1877 but adjourned to issues with the survey.³⁵³⁶ On 23 April 1877, the Court found in favour of the claimants and counterclaimants and the Court ordered a Memorial of Ownership for 3,183 acres to 110 people.³⁵³⁷ Part of Matahiia A2 block was purchased by the Crown in the 20th Century and Matahiia A6 and B2 blocks were declared Crown Land as a result of the consolidation of titles.
- Huiarua block (30, 970) was before the Court by 21 April 1879.³⁵³⁸ It had already been the subject of purchase negotiations in favour of the Crown. Leading for the claimants

³⁵²⁷ 1 Waiapu MB 267-307 673-674.

³⁵²⁸ 1 Waiapu MB 267-269.

³⁵²⁹ 1 Waiapu MB 269.

³⁵³⁰ 1 Waiapu MB 277.

³⁵³¹ 1 Waiapu MB 277.

³⁵³² 1 Waiapu MB 279-281.

³⁵³³ 1 Waiapu MB 285.

³⁵³⁴ 1 Waiapu MB 293.

³⁵³⁵ 1 Waiapu MB 673-674.

³⁵³⁶ 3 Waiapu MB 115.

³⁵³⁷ 3 Waiapu MB 288-291.

³⁵³⁸ Native Land Court *Re Huiarua* (1879) 4 Waiapu MB, 257-258, 264-295, 298-299, 342-343.

was Hēnare Pōtae claiming through the ancestor Ira and then to Ruawāhine.³⁵³⁹ He asked for an adjournment to allow time for claimants to work out any issues before any other evidence was taken.³⁵⁴⁰ One of the counterclaimants was heard the next day. Peta Tōta of Ngāti Ira who lived at Anauro after naming pā and other locations on the block stated.³⁵⁴¹

We are a people who reside in forests. Ngāti Ira were expert bushmen. The produce of this land was taken to Roro by his command. Roro is the only one that I know of who received the fruits of this land.

There were other claimants including Tuta Nihoniho for his hapū of Ngāti Ira claimed through Tamakauri whose house was at Houtarakōrero.³⁵⁴² Other claimants stated that the block ancestors were Tamakauri and Ruawāhine (grandmother of Roro). On the 29 April 1879 the Court delivered its judgment in favour of the descendants of Roro, Tamakauri and Tamakatohia.³⁵⁴³ Rāpata Wahawaha was another claimant whose ancestor was Roro.³⁵⁴⁴ The judgment of the Court was given on 23 June 1881 as follows:³⁵⁴⁵

There is no doubt that the land originally belonged to Ngāti Ira and that no other tribe has ever driven them off their land and occupied it to their exclusion. But that tribe was completely broken ten generations ago and the only remnants of it in this District are those having inter-married with neighbouring strong tribes [and they] continued on the land under their occasional protection. Each of these tribes whenever they assisted the Ngāti Ira remnants in expelling attacks on or in obtaining vengeance for attacks made, at once set up a claim over all the land and over the people as Roro with Ngāti Porou did 9 generations ago, and again Ruru with Te Whānau a Rua 4 generations ago. However, it appears clear that this last assertion of claim was effectual for Kohakoka was clearly the chief over the land and strongly through his mother ... he was by ancestry a chief claimant on it – yet it is certain that he could not have exercised the pre-eminence he did except through the strength and mana of his father Te Ruru. The Court therefore adjudges that the land belonged chiefly to the descendants of Te Ruru and Kohakōka but all Ngāti Ira who can prove a descent from Tamakatahira, Ruawāhine, and Tamakōae must be admitted.

The Court awarded the Huiarua Block to Hēnare Pōtae, Erahia, Mei Te Rure, Hōne Parehuia, Tama ki Te Rangi, Tuta Nihoniho, Kereama Kaipara and the descendants of the ancestors named. On 27 July 1881 the block was subdivided and partitioned with

³⁵³⁹ 4 Waiapu MB, 257-258.

³⁵⁴⁰ 4 Waiapu MB, 258.

³⁵⁴¹ 4 Waiapu MB, 265.

³⁵⁴² 4 Waiapu MB, 269.

³⁵⁴³ 4 Waiapu MB, 298-299.

³⁵⁴⁴ 4 Waiapu MB, 293.

³⁵⁴⁵ 5 Waiapu MB, 342-343.

the Crown taking No.1 block at 7,750 acres. The Nos 2 and 3 partitions were ordered in favour of a combined total of 41 owners. This land is no longer Māori land.

- Te Papatipu o te Ngaere block(18,431) was heard by the Native Land Court for the first time on 11 April 1877.³⁵⁴⁶ Tamihana Kākano was the lead claimant supported by Tuta Nihoniho and Herewini Tamahōri claiming for Te Aitanga a Mate.³⁵⁴⁷ He stated the land was left for Ngāti Ira after they were conquered hence the name Papatipu.³⁵⁴⁸ Tuteuruhina of Te Aitanga a Mate married Kuratau of Ngāti Ira and their child Aokapua inherited the land.³⁵⁴⁹ As a result Te Aitanga a Mate owned it but Kuratau's people also lived on the land.³⁵⁵⁰ Tuta Nihoniho claimed through Ira, down the generations to Kuratau.³⁵⁵¹ He stated that it was Te Aitanga a Mate that claimed the land through Tūterangiwehiwehi a child of Te Aokapua.³⁵⁵² Tūterangiwehiwehi begat Kōkere who had Takangawaho.³⁵⁵³ Herewini had nothing to add. The Court adjourned for a short period to allow the claimants to produce a list of owners.³⁵⁵⁴ The list included Tuta Nihoniho and Mohi Tūrei.³⁵⁵⁵ Hōne Heihe represented a group of counter-claimants who based their claim on the ancestor Kōkere who left the land to all his children including Te Kapa.³⁵⁵⁶ Wī Pewhairangi claimed through Takangawaho and Hineruku (both of Kōkere).³⁵⁵⁷ He stated that both Te Aitanga a Mate and Ngāti Kapohanga lived on the land.³⁵⁵⁸ There was a claim made by Pineamine Wahapeka and others for the papatipu – Ngāti Ira.³⁵⁵⁹ Hēnare Pōtae made a claim through Pakariki. Kuratau was a sister to Pakariki.³⁵⁶⁰ Erueti Rena claimed through Ira down the generations to Kuku who begat Te Rangitāwaea and then down further generations to him.³⁵⁶¹ He noted that “when Hikurangi was covered with ice it became a proverb with the Māoris that it

³⁵⁴⁶ Native Land Court *Re Papatipu o Te Ngaere* (1877) 3 Waiapu MB 156-187.

³⁵⁴⁷ 3 Waiapu MB 156-157.

³⁵⁴⁸ 3 Waiapu MB 157.

³⁵⁴⁹ 3 Waiapu MB 157.

³⁵⁵⁰ 3 Waiapu MB 157.

³⁵⁵¹ 3 Waiapu MB 158.

³⁵⁵² 3 Waiapu MB 159.

³⁵⁵³ 3 Waiapu MB 158.

³⁵⁵⁴ 3 Waiapu MB 160.

³⁵⁵⁵ 3 Waiapu MB 160-161.

³⁵⁵⁶ 3 Waiapu MB 167.

³⁵⁵⁷ 3 Waiapu MB 168.

³⁵⁵⁸ 3 Waiapu MB 169.

³⁵⁵⁹ 3 Waiapu MB 172-175.

³⁵⁶⁰ 3 Waiapu MB 175-176

³⁵⁶¹ 3 Waiapu MB 181.

resembled the garment of Te Rangitāwaea.”³⁵⁶² Hati Houkāmau also made a claim through Takangawaho.³⁵⁶³ The Court indicated it could not deal with the block until the investigations into the adjoining subdivisions had been ascertained and the matter was adjourned.³⁵⁶⁴ The case remained adjourned until 27 March 1878.³⁵⁶⁵ The Papatipu block was then estimated at 23,412 acres. Tamihana Kākano repeated his evidence but added that the conquest of Ngāti Ira was led by Te Atau after the former killed Tūteuruhina.³⁵⁶⁶ Te Atau divided the land.³⁵⁶⁷ There were the other counterclaimants present and Eruera Pāhau appeared for Te Whānau a Umuariki. On 28 March 1878 the Court found that Ngāti Ira had “failed to show any occupation or possession of any kind that would establish a claim.”³⁵⁶⁸ In its judgment it stated that Pakariki and the rest of Ngāti Ira were driven off the land and the whole of the land went to Kuratau and her descendants.³⁵⁶⁹ The Court further found that a dispute had arisen in regard to the “North boundary which divides the block from the land of Te Whānau-a-Umuariki” and that:³⁵⁷⁰

It is impossible for the Court with the evidence before it to determine absolutely on this question and if the parties cannot agree to a common boundary the Court will have to adjourn the case until greater light is thrown upon it by the survey of the line claimed by the Whānau-a-Umuariki. The smaller piece of mountainous country is not worth the expense this will involve, and the Court hopes that the parties will see their way to some agreement to have it settled about. The Court will make an Order for the southern undisputed part as soon as the names of the owners are found.

On 30 March an arrangement between Matutaera (Tuta) Nihoniho and Eruera Pāhau was made and announced to the Court but there were objectors. The Court adjourned to “give opportunity to arrange.”³⁵⁷¹ When the matter was recalled on 1 April 1878, the arrangement was subject to further objections.³⁵⁷² The Court adjourned until later that day when Tuta Nihoniho announced that Mangakura should be the subject of a separate folio attached to the Memorial of Ownership.³⁵⁷³ He handed in a list of descendants

³⁵⁶² 3 Waiapu MB 182.

³⁵⁶³ 3 Waiapu MB 184.

³⁵⁶⁴ 3 Waiapu MB 187.

³⁵⁶⁵ 3 Waiapu MB 205, 347-370.

³⁵⁶⁶ 3 Waiapu MB 348.

³⁵⁶⁷ 3 Waiapu MB 205, 347-369, 370, 378-379, 394-395.

³⁵⁶⁸ 3 Waiapu MB 358.

³⁵⁶⁹ 3 Waiapu MB 368.

³⁵⁷⁰ 3 Waiapu MB 368.

³⁵⁷¹ 3 Waiapu MB 370.

³⁵⁷² 3 Waiapu MB 378.

³⁵⁷³ 3 Waiapu MB 379.

from Kuratau.³⁵⁷⁴ There were objectors, so the case was adjourned. It was recalled on 2 April 1878 and Tuta Nihoniho stated that “we agree perfectly well about the names for the Memorial of Papatipu o Te Ngaere outside but when we come into Court somebody gets up to dissent from our settled arrangements.”³⁵⁷⁵ A list of names, including Matutaera (Tuta) Nihoniho, Mohi Tūrei, and Wīremu Pewhairangi, was handed in on 3 April 1878.³⁵⁷⁶ A Memorial of Ownership was ordered in their favour.³⁵⁷⁷

- Te Ngaere (1,046 acres) was heard on 17 April 1877.³⁵⁷⁸ Nēpia Hurikara was the lead claimant.³⁵⁷⁹ The survey was incorrect, so the Court merely took the owners’ list he handed in and deferred the hearing of the case.³⁵⁸⁰ Tuta Nihoniho and Mohi Tūrei were on the list. There was “a great deal of contention” that took place among the claimants regarding the list and the Court asked them to “settle among themselves who were to be included.”³⁵⁸¹ The Court recorded that the claimants went outside to “endeavour to arrange the matter in dispute.”³⁵⁸² Further names were added including Nēpia Mahuika.³⁵⁸³ A Memorial of Ownership was ordered for the 1,404-acre Te Ngaere block in favour of 97 owners when the case was recalled on 17 November 1877.³⁵⁸⁴

The Crown commenced negotiating for the purchase of the Te Ngaere block in 1875 prior to the Court investigating title. This was one of the blocks included in the list of 16 July 1875, when Hēnare Pōtae and others wrote to Land Purchase Officer Captain Porter offering to sell lands on the Mata River in the vicinity of Hikurangi. Rāpata Wahawaha and Thomas Fox were consulted about the sale and Rāpata organised a rūnanga to be held at Whareponga. On 4 October 1875, a large number of people gathered for a meeting at Whareponga including Rāpata Wahawaha, Rānira Kāwhia, Mohi Tūrei, Hēnare Pōtae, Hāmiora Tamanuiterā, Hati Houkāmau and others. After a

³⁵⁷⁴ 3 Waiapu MB 379.

³⁵⁷⁵ 3 Waiapu MB 379.

³⁵⁷⁶ 3 Waiapu MB 394-395.

³⁵⁷⁷ 3 Waiapu MB 394-395.

³⁵⁷⁸ Native Land Court *Te Ngaere* (1877) 3 Waiapu MB 219-224, 244, 302.

³⁵⁷⁹ 3 Waiapu MB 219.

³⁵⁸⁰ 3 Waiapu MB 220.

³⁵⁸¹ 3 Waiapu MB 221.

³⁵⁸² 3 Waiapu MB 222.

³⁵⁸³ 3 Waiapu MB 222.

³⁵⁸⁴ 3 Waiapu MB 302.

day and night in wānanga it was decided to sell the Te Ngaere land. On 31 January 1877, Captain Porter wrote.³⁵⁸⁵

1. The land is situated on the Mata River near Hikurangi adjoining the Waitahaia and Aorangi-Wai blocks purchased by me and directly opposite to Pīrauau and other lands purchase by Mr J.A. Wilson and forms a continuation of the chain of lands extending from the head of the Mangatū Valley Poverty Bay to the head of the Waiapu Valley, the greater part of which are under purchase by Government and will eventually form a valuable estate as by the nature of the country the main trunk line of road between Poverty Bay and Waiapu must lay through this district and it cannot be long or this will be felt to be a necessity to develop the inland resources of the district. Some years back the whole of this country was thickly populated by Natives but owing to late hostilities in various parts of the country they have drawn nearer to the Coast.

2. The capabilities of the land are various, that portion on the Mata is well adapted for pastoral purposes, and the bush portions in which the soil is very good, clearings could be made and adapted for purposes of cultivation, the back portions of the block near the Motu will not be available for occupation for some time.

3. Survey of the land is now nearly completed and will be in readiness to pass the Native Land Court at Waiōmatatini in March next, it is being cut up into ten (10) sub-blocks owing to the various hapū's owning each being anxious to be assured of the area of their particular piece, and as they pay cost of survey there can be no objection to this arrangement. The total area will fall short of that estimated by me originally.

On 1 June 1881, the Papatipu-o-te-Ngaere block was brought before the Court for partition of interests sold to the Crown. The block by this time contained 21,100 acres and 49 owners had sold. The Court partitioned the block into Papatipu-o-te-Ngaere No. 1 and 2 blocks. The Crown was awarded the No.2 block comprising 19,363 acres. The No.1 block containing 1,737 acres was vested in 5 dissenting owners. On 2 November 1894, the Crown received a deed of conveyance of the Papatipu No.1 Block from the land purchase agent.

The Court had also divided the Te Ngaere block, into Te Ngaere and Te Ngaere No.1 on 1 June 1881. The Crown was awarded the Te Ngaere block comprised of 1,425 acres. Te Ngaere No.1 was vested in one owner Hōne Tauheke. On 10 November 1894, the Crown's land purchase agent forwarded a deed of conveyance to the Crown of the Te Ngaere No.1 block signed by the sole owner.

³⁵⁸⁵ Berghan. (2008). 781. Quoting Captain Porter.

- Hauturu 1 (2,930 acres) was ready for title investigation by the Native Land Court on 11 June 1881.³⁵⁸⁶ The lead claimant was Tuta Nihoniho who claimed through ancestry from Tamakauae who was a descendant of Ira.³⁵⁸⁷ A part of the block was forest and there were also cultivations on it that had been there since the time of Mihinga.³⁵⁸⁸ Other claimants claimed through Ruawāhine and Hekewaka.³⁵⁸⁹ Others also claimed from Tamakauae, down to Taniwha and Moehau who married Tāmōkai.³⁵⁹⁰ There were a number of other claimants. The judgment of the Court was delivered on 23 June 1881.³⁵⁹¹ It awarded title to the descendants of Te Mihinga and her brother Hekewaka.³⁵⁹² An order was issued on 28 June 1881 in favour of Tuta Nihoniho, Reupena Te Ana, Wīremu Te Ruru, Eraihia Matahiki and Hareta Aratapu.³⁵⁹³ It was sold by the end of the 19th Century.
- Maungawaru (45,000 acres) bordered by the Huiarua and Motu blocks was before the Native Land Court for an investigation of title on 13 February 1882.³⁵⁹⁴ The block had been the subject of various negotiations for sale to the Crown led by Rāpata Wahawaha and these continued after title was awarded. Hēnare Pōtae claimed for Ngāti Ira down through the generations to Roro and down again to Te Ruru and finally down to him.³⁵⁹⁵ Hēnare stated the land belonged to Tamakauae who was gifted the land by Pakariki.³⁵⁹⁶ Tuta Nihoniho opposed Hēnare Pōtae and claimed for Te Whānau a Haemata, Te Whānau a Tūnohonga, and Te Whānau a Hakihatoa, sub-tribes of Ngāti Ira, through the ancestor Hīra.³⁵⁹⁷ During the time of Kahukura Pora the land was divided by him between his children, Pakariki and Kuratau. Pakariki had Maungawaru.³⁵⁹⁸ Tuta claimed the land descended from Pakariki to Ruāwahine.³⁵⁹⁹ He claimed through her descendant Whakauheterangi.³⁶⁰⁰ He claimed this was “the first block we Ngāti Porou

³⁵⁸⁶ Native Land Court *Re Hauturu* (1881) 5 Waiapu MB, 282-287, 288-296, 318-319, 343, 364.

³⁵⁸⁷ 5 Waiapu MB, 282, 283.

³⁵⁸⁸ 5 Waiapu MB, 282.

³⁵⁸⁹ 5 Waiapu MB, 283-287.

³⁵⁹⁰ 5 Waiapu MB, 288-289.

³⁵⁹¹ 5 Waiapu MB, 343.

³⁵⁹² 5 Waiapu MB, 342.

³⁵⁹³ 5 Waiapu MB, 364.

³⁵⁹⁴ Native Land Court *Re Maungawaru* (1882) 7 Gisborne MB, 370-389, 409-411, 416-419, 421-423, 448-449.

³⁵⁹⁵ 7 Gisborne MB 370-371.

³⁵⁹⁶ 7 Gisborne MB 410.

³⁵⁹⁷ 7 Gisborne MB 373.

³⁵⁹⁸ 7 Gisborne MB 373.

³⁵⁹⁹ 7 Gisborne MB 373.

³⁶⁰⁰ 7 Gisborne MB 374.

ever sold – it was in 1874. We got £400. The money was given to Paki – being the first sale everyone from Hawkes Bay to the Bay of Plenty participated in the money. Hēnare Pōtae was aware of the sale.”³⁶⁰¹ There was simmering tension between the two chiefs.³⁶⁰² Under cross-examination Tuta explained the context of the sale.³⁶⁰³

There was a meeting held at which Major Rōpata attended to discuss selling this land. It was done in accordance with the usages of the descendants of Ira and as we were ignorant at the time of land selling ; that also was the reason the money received was widely distributed. ...

There were competing claims from Te Whānau a Apanui.³⁶⁰⁴ Rāpata Wahawaha gave evidence on 23 July 1882, stating that he had signed the agreement with Te Whānau a Apanui as to boundary between them and Ngāti Porou.³⁶⁰⁵ The agreement was read out.³⁶⁰⁶ He stated that Te Whānau a Apanui had no right to Maungawaru as it was to the east of the agreed boundary.³⁶⁰⁷ The Court dismissed the Te Whānau a Apanui claims.³⁶⁰⁸ The Court found that it was likely that Pakariki gifted land to both Ruawāhine and Tamakauae. A descendant of Tamakauae, Te Moana, gifted land to Ruru as payment for his assistance in battle and therefore both parties before the Court were entitled.³⁶⁰⁹ The Court ordered that a certificate of title to those represented by Hēnare Pōtae and Tuta Nihoniho be issued when a correct survey was available.³⁶¹⁰ The list of owners were presented to the Court on 21 March 1882.³⁶¹¹ The Court subdivided and partitioned the block on 24 September 1883, and the Crown acquired the Maungawaru No.1 block. In total the Crown acquired nearly 36,000 acres. Tuta Nihoniho then facilitated the transfer of 332 individual interests in the balance of the block to the New Zealand Land Company. There were over 550 owners on the title.

- Ahomatariki (aka Raukūmara – 50,000 acres) was before the Court on 29 June 1886 with Herewini Tamahōri claiming the block.³⁶¹² Noho Kōpuka advised the Court that

³⁶⁰¹ 7 Gisborne MB 374A.

³⁶⁰² 7 Gisborne MB 377.

³⁶⁰³ 7 Gisborne MB 376.

³⁶⁰⁴ 7 Gisborne MB 379-389.

³⁶⁰⁵ 7 Gisborne MB 409.

³⁶⁰⁶ 7 Gisborne MB 409.

³⁶⁰⁷ 7 Gisborne MB 409.

³⁶⁰⁸ 7 Gisborne MB 448-449.

³⁶⁰⁹ 7 Gisborne MB 448-449.

³⁶¹⁰ 7 Gisborne MB 449.

³⁶¹¹ Native Land Court *Re Maungawaru* (1883) 8 Gisborne MB 5-14.

³⁶¹² Native Land Court *Re Ahomatariki* (1886) 11 Waiapu MB 197-200, 208-231, 243-298, 299-301.

the block had been sold to the Government.³⁶¹³ He said that the only part of the land sold was Raukūmara and not the actual land known as Ahomatariki.³⁶¹⁴ Only Herewini Tamahōri participated in the transaction.³⁶¹⁵ Hati Houkāmau stated that the sale took place at Tolaga Bay without the knowledge of the tribe.³⁶¹⁶ Herewini brought the money from the purchase to Kawakawa and this caused “just indignation when the money was produced by Herewini to the tribe and it was first determined to send it back but that Hati persuaded the people not to act precipitately, and eventually it was decided to retain the money seeing that Herewini was a man of great note among them.”³⁶¹⁷ The money was retained as an advance on the land.³⁶¹⁸ It turned out that others were consulted during the negotiations and they were Pāora Taihaki, Neho Kōpuka, Hōne Te Whai, Hāmana Mahuika and Hēnare Pōtae.³⁶¹⁹ Rāpata Wahawaha also gave advice to the Crown to discuss the matter with Hāmiora Katia.

Hati Houkāmau claimed the block through Te Aotaihi.³⁶²⁰ Uetaha obtained the land by conquest. Uetaha begat Hinerupe, Te Aopare, and Tamateakui. Hinerupe had this land and “the produce of the land was taken to her.”³⁶²¹ Hinerupe was the mother of Te Aotaihi and the latter held the mana over the land.³⁶²² Although Tūwhakairiora conquered Uetaha’s people, this land was not taken as Te Aotaihi and her sister Te Atahaia were the wives of Tūwhakairiora’s son Tūterangiwhiu. Others claimed through the ancestor Tamakoro which was agreed to by Hati Houkāmau.³⁶²³ However he stated that Tamakoro had a subordinate position to Te Aotaihi.³⁶²⁴ Keita Te Ahurangi claimed under Tamakoro and she contended that he was the tuakana.³⁶²⁵ Her claim was through his conquest of Ngā Oho and that Tamakoro’s descendants had occupied untouched since then.³⁶²⁶ She stated that Taku was the principal descendant of Tamakoro who

³⁶¹³ 11 Waiapu MB 197.

³⁶¹⁴ 11 Waiapu MB 197.

³⁶¹⁵ 11 Waiapu MB 197.

³⁶¹⁶ 11 Waiapu MB 197.

³⁶¹⁷ 11 Waiapu MB 197-198.

³⁶¹⁸ 11 Waiapu MB 198.

³⁶¹⁹ 11 Waiapu MB 224, 262.

³⁶²⁰ 11 Waiapu MB 198.

³⁶²¹ 11 Waiapu MB 199.

³⁶²² 11 Waiapu MB 199.

³⁶²³ 11 Waiapu MB 200-201, 208.

³⁶²⁴ 11 Waiapu MB 208.

³⁶²⁵ 11 Waiapu MB 208.

³⁶²⁶ 11 Waiapu MB 208.

lived on the land and that his hapū was Ngāti Rongomai.³⁶²⁷ When questioned by Hati Houkāmāu she stated that the mana of Tūwhakairiora did not affect the ownership of the land, it extended only over the people.³⁶²⁸ A similar statement was made by Piriniha Te Rito.³⁶²⁹ There were other claimants through Tamakoro and other ancestors. When Hati Houkāmāu gave further evidence he told the story of Tamatea Ūpoko and the return of her sons Tamakoro, Uetaha and Tahania, the battle of Takatakahanga near Tokomaru and the brothers' conquest over Ngā Oho.³⁶³⁰ He also repeated the story of the arrival of Tūwhakairiora via Whangaparaoa where he fought with Hinerupe, her return and the gift of land from Te Aopare to Hinerupe.³⁶³¹ Then he recounted the story of the killing of Tūwhakairiora's dogs and the conquest of those responsible, the battle of Hēkawa, and the subjugation of the previous inhabitants including Ngāi Tuere.³⁶³² He also described how the land was divided after Hinerupe's death.³⁶³³ Then he recounted how the land was brought under the mana of Tūwhakairiora.³⁶³⁴

On 14 July 1886, the Court delivered its judgment by recognising interests in different sections of the block.³⁶³⁵ It found that Tamakoro and Uetaha took the land from the Karakatūwhero River to the Raukūmara.³⁶³⁶ The Court described the coming of Tūwhakairiora, the marriage of Hukarere to Hinerupe, their many children, the marriage of Te Aotaihi and Te Atahaia to Tūterangiwhiu.³⁶³⁷ The Court noted that all acknowledged that the children of Tamakoro took tributes of birds and kiore to the children of Hinerupe, and that the descendants of Tamakoro sought assistance from Te Aotaihi when one of their own was murdered.³⁶³⁸ Te Aotaihi was asked to plead with Tūterangiwhiu to seek vengeance.³⁶³⁹ Therefore, the Court found that those descended from Tamakoro were in a subservient position to those from Te Aotaihi.³⁶⁴⁰ It found in favour of the descendants of Te Aotaihi, of the tribe Tūwhakairiora, and it deducted

³⁶²⁷ 11 Waiapu MB 210.

³⁶²⁸ 11 Waiapu MB 217.

³⁶²⁹ 11 Waiapu MB 249.

³⁶³⁰ 11 Waiapu MB 279-280.

³⁶³¹ 11 Waiapu MB 281-283.

³⁶³² 11 Waiapu MB 282.

³⁶³³ 11 Waiapu MB 284.

³⁶³⁴ 11 Waiapu MB 285.

³⁶³⁵ 11 Waiapu MB 299.

³⁶³⁶ 11 Waiapu MB 299.

³⁶³⁷ 11 Waiapu MB 299.

³⁶³⁸ 11 Waiapu MB 300.

³⁶³⁹ 11 Waiapu MB 300.

³⁶⁴⁰ 11 Waiapu MB 300-301.

2,280 acres in favour of the Government.³⁶⁴¹ The Crown continued to purchase within the block and further partitions were made in its favour in 1897. By the end of 1938, all of the Ahomatariki blocks were vested in the Crown and none of it remains Māori land today.

Tokomaru ki Waiaapu

- Waipiro (30,101 acres) was before the Native Land Court by 13 April 1885.³⁶⁴² Eru Pōtaka claimed the block for Te Whānau a Iritekura through the conquest by Tūwhakairiora and Pakanui and the gift of both these ancestors to Iritekura.³⁶⁴³ Paratene Ngata subsequently became the conductor of the case for the applicants. Another applicant claimed a southern section of the block through the conquest by Kahukuranui.³⁶⁴⁴ This became one of the most contentious cases heard by the Native Land Court. Tuta Nihoniho was a counter claimant and he claimed for the hapū Te Aitanga a Mate through the ancestors Tangihaere and Pakanui.³⁶⁴⁵ He described the boundaries of the conquest of Wahineiti and he claimed that it was that land that Tūwhakairiora sent Iritekura to occupy.³⁶⁴⁶ Waipiro was occupied by Pakanui and then his descendants.³⁶⁴⁷ Tangihaere held the land “undefeated from Porourangi.”³⁶⁴⁸ Tuta recounted the story of conquest of Ngāti Ruanuku and Waihihineiti and to whom the land descended after Pakanui’s death at Wairoa.³⁶⁴⁹ He discussed pā, urupā, cultivations, eel ponds, and hunting on the block.³⁶⁵⁰ He claimed that the gift to Te Whānau a Iritekura was confined to the area on the southwest side of the Waikawa stream.³⁶⁵¹ He then explained the relationship between Te Aitanga a Mate, Te Aowera, Te Whānau a Iritekura and Te Whānau a Rākaioa, their intermarriage, and the trouble that started

³⁶⁴¹ 11 Waiaapu MB 301.

³⁶⁴² Native Land Court *Re Waipiro* (1885) 8B Waiaapu MB 32-46, 50-92, 102-147, 150-320, 326-369, 373-382 & 9B Waiaapu MB 1-33, 42-100, 104-179, 183-184, 208-223, 243-244, 462-473.

³⁶⁴³ 8B Waiaapu MB 32-33.

³⁶⁴⁴ 8B Waiaapu MB 34.

³⁶⁴⁵ 8B Waiaapu MB 35-36.

³⁶⁴⁶ 8B Waiaapu MB 36.

³⁶⁴⁷ 8B Waiaapu MB 36.

³⁶⁴⁸ 8B Waiaapu MB 36.

³⁶⁴⁹ 8B Waiaapu MB 51-56.

³⁶⁵⁰ 8B Waiaapu MB 37-38, 57-58.

³⁶⁵¹ 8B Waiaapu MB 36, 62.

in 1868 over claims to the land.³⁶⁵² According to Tuta all these hapū assembled at Waipiro where the land issue was discussed and.³⁶⁵³

... Te Whānau a Iritekura were found to be in the wrong. We then turned them away from Waipiro directing them to go to Ōrete. They did not go. Rāpata and Rāniera Kāwhia kept them but they would have gone but for the regard for them of Rāniera and Rāpata ... Rāpata and Rāniera showed regard for Pineamene because he belonged to Te Aitanga a Mate, a descendant of Kuku.

Mohi Tūrei gave evidence that he was at the meeting on the invitation of Rāniera Kāwhia. He stated:³⁶⁵⁴

Meiha Rāpata and Te Aitanga a Mate were the principal speakers. Rāpata spoke against the demand made [by] his relative Arapeta Te Waititi by Whānau a Iri, he wished to set the claims at naught. Te Aitanga a Mate's object at the meeting was to drive away Te Whānau a Iri. Hirini Taura was the person who spoke for them. ... I remember the principal statements that were made I said to Te Whānau a Iri "That will do remain." I said to Te Aitanga a Mate "What are you about, leave off making disturbances." ... Rāniera and Rāpata also spoke to quiet the people. The Whānau a Iri were on the point of moving off – the reason I think was because they had no pū kōrero among them. That was the reason that the words were spoken telling them to stay ... I believe the meeting took place before the fighting with Te Kooti. ... They were quite prepared to move off when I spoke to them. Rāpata had spoken to them telling them to stay ... Pineamene himself spoke of going off Waipiro, but I do not think he intended to admit the right of the others to turn them off.

The singing of a waiata by Pineamene about the land belonging to him was significant for Mohi. He also noted that Hōtene Porourangi had told them that those hapū “who kept their fires alight on the land were the owners.”³⁶⁵⁵ He then stated that he and “Rāpata and Rāniera had no right to tell Whānau a Iri to go off the land, their own land, Waipiro.”³⁶⁵⁶ Meiha Rāpata Wahawaha gave evidence on 4 June 1885.³⁶⁵⁷ He gave detailed history of his growing up and the different clashes that he and others of Te Whānau a Rākaioa and Te Aitanga a Mate had with Te Whānau a Iritekura.³⁶⁵⁸ He denied that he had told Te Whānau a Iri to stay.³⁶⁵⁹

³⁶⁵² 8B Waiapu MB 58-60.

³⁶⁵³ 8B Waiapu MB 59.

³⁶⁵⁴ 8B Waiapu MB 227-229.

³⁶⁵⁵ 8B Waiapu MB 229-230.

³⁶⁵⁶ 8B Waiapu MB 230.

³⁶⁵⁷ 9B Waiapu MB 69.

³⁶⁵⁸ 9B Waiapu MB 69-72.

³⁶⁵⁹ 9B Waiapu MB 73-76.

Hikiera Tātaikoko claimed a portion for Te Whānau a Rākairoa.³⁶⁶⁰ Haira Te Rango of Te Whānau a Taharora, contended that a portion of the land had been given by Iritekura's child Takapuatua to Taharora.³⁶⁶¹ The gift of land was for Taharora's services as a warrior.³⁶⁶² There were also several other claimants, claiming through the same "take" to land as the above claimants.

The judgment of the Court was issued on 28 June 1885 in favour of Te Whānau a Iritekura and all other claims were dismissed.³⁶⁶³ Tuta occupied the Waipiro block with 60 armed followers. The incident ended peacefully with a surrender of weapons to police from Auckland.³⁶⁶⁴ A rehearing took place on 20 January 1890. The outcome of the case was reported as follows:³⁶⁶⁵

That such a speedy decision has been arrived at in the Waipiro block by their Honours, Chief Judge Mac Donald and Judge Puckey, is a matter for congratulation. The case was a re-hearing of a former decision arrived at by Judge Mackey at the last sitting of the Court at Wai-ō-matatini. The block, comprising 30,000 acres was then awarded to Pene Hāmene and his hapū, Tuta Nihoniho and his hapū being entirely excluded. In consequence of this decision, it will be remembered that Tuta and his hapū took forcible possession of the block, and feuds between the two hapū was the result, the principle of which was the burning down of the pah which Tuta had erected. The decision of Judge Mackey has now been reversed, Tuta being awarded 10,000 acres in the best part of the block. This decision has caused some little dis-satisfaction by one or two of the other side, not that they object to the acreage allowed to Tuta, but because they allege it is the cream of the block ; and one native this morning protested against the award, holding out a threat of taking the case to the Supreme Court. The Judges, very properly, would allow no argument on the decision. With every award of the Land Court the settlement of our district advances a stage, and in this light the conclusion arrived at should be looked upon as advantageous.

- Akuaku (5,557 acres) was before the Native Land Court on 24 January 1893.³⁶⁶⁶ There was one claim covering several portions of the block. Paratene Ngata conducted the case for the main claimant Rāpata Wahawaha and others.³⁶⁶⁷ The latter gave evidence

³⁶⁶⁰ 8B Waiapu MB 39.

³⁶⁶¹ 8B Waiapu MB 42.

³⁶⁶² 8B Waiapu MB 42.

³⁶⁶³ Native Land Court *Re Waipiro* (1885) 9B Waiapu MB 183-184, 208-223.

³⁶⁶⁴ Oliver.(1993). Matutaera Nihoniho.

³⁶⁶⁵ *Poverty Bay Herald*. 11 November 1886. 2.

³⁶⁶⁶ Native Land Court *Re Akuaku East and West* (1893) 18 Waiapu MB 4, 6-18, 20-39, 41-49, 68-70, 80, 137-138, 189-227, 229-233, 241-242, 245-251.

³⁶⁶⁷ 18 Waiapu MB 6.

that the block was owned by Te Whānau a Rākairoa by gift from Tapu Te Rakahia to Te Haemata and then through Ponapātukia.³⁶⁶⁸ Another gift was the piece known as Ōwhateao given by Takapuatua to Te Haemata.³⁶⁶⁹ The ancestor for Ōhine-a-kai was Taharora.³⁶⁷⁰ Waiōrongomai was under the mana of Te Awhanui a son of Te Haemata.³⁶⁷¹ Rāpata made no claim to this last section.³⁶⁷² The judgment for Waiōrongomai (158 acres) was delivered on 27 January 1893 and an order was made in favour of the descendants of Te Awhanui.³⁶⁷³ On 27 January 1893, the Court heard evidence regarding Akuaku West (Ōwhāteao) and Akuaku East. Akuaku East was awarded in favour of Rāpata Wahawaha and the descendants of Ponapātukia and Tapu Te Rakahia who gifted it to Te Haemata.³⁶⁷⁴ Akuaku West was awarded to the descendants of Te Haemata and Ponapātukia.³⁶⁷⁵ Tuta Nihoniho entered negotiations to sell Akuaku West in 1896. The Crown later purchased shares in Akuaku West and in Akuaku East. On 22 October 1897, its Land Purchase Officer made application to have the Crown's interests partitioned. Ōhine-a-kai was excluded and dealt with as a separate block and awarded to the descendants of Taharoara.³⁶⁷⁶

- Whareponga (1,884 acres) was before the Native Land Court for investigation of title in April 1877.³⁶⁷⁷ Tamehana Kākano claimed for Te Aitanga a Mate through the ancestors Kiterangi, Umutapu and Te Kurakamaringi. Kiterangi and Umutapu were sisters.³⁶⁷⁸ Tamehana noted that he had lived on the land since the introduction of Christianity and his ancestors did so before him. They lived in Kōkai pā which had been over-run by Ngā Puhi.³⁶⁷⁹ He handed in a list of names to be registered as owners and these included Mohi Tūrei and Hāmana Mahuika. Judgment was given in favour of the claimants and all but one of the objectors.³⁶⁸⁰ On partition and rehearing further people were added to the list of owners. The land was originally set aside as a reserve.³⁶⁸¹ On

³⁶⁶⁸ 18 Waiapu MB 7-8.

³⁶⁶⁹ 18 Waiapu MB 7-8.

³⁶⁷⁰ 18 Waiapu MB 8.

³⁶⁷¹ 18 Waiapu MB 8.

³⁶⁷² 18 Waiapu MB 8.

³⁶⁷³ 18 Waiapu MB 29-32.

³⁶⁷⁴ 18 Waiapu MB 251.

³⁶⁷⁵ Native Land Court *Re Akuaku West - Ōwhāteao* (1893) 18 Waiapu MB 68-70.

³⁶⁷⁶ Native Land Court *Re Ohine-a-kai* (1893) 18 Waiapu MB 8, 49-142, 234-258.

³⁶⁷⁷ Native Land Court *Re Whareponga* (1877) 3 Waiapu MB 279-285

³⁶⁷⁸ 3 Waiapu MB 280.

³⁶⁷⁹ 3 Waiapu MB 280-281.

³⁶⁸⁰ 3 Waiapu MB 285.

³⁶⁸¹ 3 Waiapu MB 285.

23 April 1894, a Memorial of Ownership was issued by the Court in favour of 68 people. Further partitions occurred in 1894.

- Reporua (1,085 acres) was before the Native Land Court on 27 March 1877.³⁶⁸² The block was claimed by Pene Heihi. He stated his claim was the same as for Ahikouka.³⁶⁸³ In the Ahikouka case he claimed through Te Aomania who had mana over the land. A pā belonging to Te Aomania was at Reporua. He handed in a list. Other claimants claimed through Te Aomania. Nikorā Rangimaro claimed through Ngākōnui.³⁶⁸⁴ Wātene Te Ao handed in a list. The Court found in favour of Pene Heihi and his co-claimants and Wātene Te Ao.³⁶⁸⁵ The list of 116 owners submitted by Pene Heihi and Wātene Te Ao included Hati Houkāmau, Hāmana Mahuika, Wī Tahata, Wī Tito, and Paratene Ngata.
- Te Ahi o te Atua (2,455 acres) investigation was heard by the Native Land Court on 17 May 1875 at Waipiro.³⁶⁸⁶ The southern end of the block was claimed by Rāpata Wahawaha for Te Whānau a Rākairoa through right of conquest by the children of Rongohaere.³⁶⁸⁷ The rest of the block was claimed by Paki-te-Ahi under the ancestor Kapohanga, a descendant of Tangihaere.³⁶⁸⁸ There was one objection to the ancestors identified but it was not sustained.³⁶⁸⁹ Judgment was short and in favour of all names submitted in equal shares over the whole block.³⁶⁹⁰ A Memorial of Ownership was ordered. On 2 September 1885, the Court heard an application for partition in favour of private purchasers. One of those partitions ended up in the hands of the New Zealand Native Land Settlement Company Ltd discussed below.
- Ngāmoe (8,733 acres) was before the Native Land Court for investigation on 22 May 1886.³⁶⁹¹ There were two competing lead claimants. Rāna Pākau who claimed through

³⁶⁸² Native Land Court *Re Reporua* (1877) 3 Waiapu MB 104-112.

³⁶⁸³ 3 Waiapu MB 104.

³⁶⁸⁴ 3 Waiapu MB 110.

³⁶⁸⁵ 3 Waiapu MB 112.

³⁶⁸⁶ Native Land Court *Re Ahi a Te Atua* (1875) 2 Gisborne MB 145.

³⁶⁸⁷ 2 Gisborne MB 145-146.

³⁶⁸⁸ 2 Gisborne MB 149.

³⁶⁸⁹ 2 Gisborne MB 166.

³⁶⁹⁰ 2 Gisborne MB 166.

³⁶⁹¹ Native Land Court *Re Ngamoe* (1886) 11 Waiapu MB 16, 18, 76-131, 133-134, 148-154, 173-174.

the ancestor Tangihaere.³⁶⁹² Eruera Kāwhia (son of Rāniera Kāwhia) who claimed for Te Whānau a Rangitukua through the conquest by Tūwhakairiora and his cousins who conquered Ngāti Ruanuku and Te Wahineiti for the killing of Poroumata.³⁶⁹³ On this block were pā and cultivations occupied for some time by Te Whānau a Hinerupe due to the Ngāpuhi raids led by Pōmare. Paratene Ngata gave evidence in support of Eruera. They also noted that the hapū returned to their own lands after Ngā Puhi returned north.³⁶⁹⁴ Tuta Nihoniho also claimed through Tangihaere.³⁶⁹⁵ He gave evidence stating that Ngamoe, Waitekaha, Tokaroa and Waikawa are all in the boundary of Tangihaere's land extending to Hikurangi.³⁶⁹⁶ The Court issued its judgment on 18 June 1886 in favour of certain descendants of Tangihaere named in the judgment.³⁶⁹⁷ It did so after recounting the history of Porourangi's death and the return of Tahu with Ngāti Ruanuku, the settlement of the area by Tangihaere and the subsequent conquest by Tūwhakairiora over Ruanuku and Wahineiti for the killing of Poroumata.

Waiapu

- Ahikouka (4080 acres) was one of the land blocks called on 10 March 1868, but Captain Biggs advised the Court that the Government objected to the investigation taking place as the land was under negotiation for “cession” to the Government. The Court dismissed the case. Ahikouka was before the Native Land Court again on 8 October 1875.³⁶⁹⁸ Pene Heihi (who lived at Reporua) claimed through the ancestor Te Aomania and he recorded that the mana was held by Te Whānau a Te Aomania.³⁶⁹⁹ According to him Te Aomania had a pā at Reporua and “others at different places on the land.”³⁷⁰⁰ He listed the descendants down to Ngākōnui in whom he believed the mana of the land was vested.³⁷⁰¹ Ngākōnui had a pā at Kuratau and the fernroot was “dug off the Kouka at the Awakari” and taken to “his place for the workmen.”³⁷⁰² He saw the fern “was

³⁶⁹² 11 Waiapu MB 16.

³⁶⁹³ 11 Waiapu MB 76-77.

³⁶⁹⁴ 11 Waiapu MB 81.

³⁶⁹⁵ 11 Waiapu MB 121-122.

³⁶⁹⁶ 11 Waiapu MB 121-122.

³⁶⁹⁷ 11 Waiapu MB 150-154.

³⁶⁹⁸ Native Land Court *Re Ahikouka* (1875) 1 Waiapu MB 507, 553-627, 629-641.

³⁶⁹⁹ 1 Waiapu MB 553, 589.

³⁷⁰⁰ 1 Waiapu MB 553.

³⁷⁰¹ 1 Waiapu MB 554.

³⁷⁰² 1 Waiapu MB 585.

very good and he called the place Poho o Ngākōnui.”³⁷⁰³ Pene named other sites of significance such as Te Whanganui and Te Whāngai a Tunohoa swamps. He further claimed that when Hineitukua was tattooed at Taitai, the food of this land was given for the feast “with human food as relish.”³⁷⁰⁴ Hare Paihia made a claim through conquest as a result of the battle of Tārera Kōau during which time five pā of Wahineiti fell.³⁷⁰⁵ Tūpore, Rāhui and Māhaki were awarded this land for the part they played in the battle.³⁷⁰⁶ These ancestors were children of Rākaihoa.³⁷⁰⁷ Rāpata Wahawaha appeared as a witness stating he cultivated the land with other members of his hapū. One of his hapū were at Waiōmatatini.³⁷⁰⁸ He supported Pene Heihi’s boundary.³⁷⁰⁹ However, he also supported what Hare Paihia had to say regarding the history of the block.³⁷¹⁰ He noted that prior to Christianity he married one of the owners according to Māori custom at Whakawhitirā.³⁷¹¹ Pene Heihi stated that “Rōpata and his wife cultivated first outside the disputed boundary. The part claimed by Rōpata was cultivated by a person present in Court.”³⁷¹² Hāmana Mahuika with others also claimed by conquest and through ancestry.³⁷¹³ Mohi Tūrei spoke to the original survey of the block.³⁷¹⁴ The only dispute between the claimants was the boundary with Ahikouka No.1.³⁷¹⁵ Wī Tahata claimed through Ngākōnui and down to Puatai.³⁷¹⁶ He named cultivations and places where fern root was collected. He named the people living on parts of the block as Te Whānau a Whaiti.³⁷¹⁷

The Court issued its judgment on 16 May 1876.³⁷¹⁸ It determined that Hare Paihia’s list of 252 people were owners of Ahikouka No.1 through the ancestors Tūpore, Rāhui, and Māhaki and a Memorial of Ownership was ordered.³⁷¹⁹ Included on that list were

³⁷⁰³ 1 Waiapu MB 585.

³⁷⁰⁴ 1 Waiapu MB 585.

³⁷⁰⁵ 1 Waiapu MB 557.

³⁷⁰⁶ 1 Waiapu MB 559.

³⁷⁰⁷ 1 Waiapu MB 578.

³⁷⁰⁸ 1 Waiapu MB 567.

³⁷⁰⁹ 1 Waiapu MB 563-565.

³⁷¹⁰ 1 Waiapu MB 567.

³⁷¹¹ 1 Waiapu MB 565.

³⁷¹² 1 Waiapu MB 585.

³⁷¹³ 1 Waiapu MB 575.

³⁷¹⁴ 1 Waiapu MB 579.

³⁷¹⁵ 1 Waiapu MB 553.

³⁷¹⁶ 1 Waiapu MB 593-595.

³⁷¹⁷ 1 Waiapu MB 599.

³⁷¹⁸ 1 Waiapu MB 629-641.

³⁷¹⁹ 1 Waiapu MB 641.

Rāpata Wahawaha, Hāmana Mahuika, Paratene Ngata, Mohi Tūrei, and Nēpia Mahuika.³⁷²⁰ A Memorial of Ownership for Ahikouka No. 2 was issued in favour of Pene Hewihei and his list of 110 owners including Wī Tahata, Paratene Ngata, Hāmana Mahuika, and Te Hati Houkāmau.³⁷²¹ On 13 October 1877 there was a rehearing, but the Court merely confirmed the earlier judgment.³⁷²² The Crown sought the partition of both Ahikouka No.1 and No.2 in October 1897. The Native Land Court partitioned and granted the following allotments to the Crown: Ahikouka No. 1A and 1B blocks totalling 235 acres; and the Ahikouka No.2A block totalling 285 acres.

- Rotokautuku (5,393 acres) was before the Native Land Court on 18 May 1875.³⁷²³ This hearing followed the local hui held to sell oil lands hosted by Rāpata Wahawaha and the Wharekāhika Hui of 1874 hosted by Te Houkāmau. Epiniha Tama Tama of Te Whānau a Tūwhakairiora was the lead claimant and he claimed through conquest of the Wahineiti Tribe.³⁷²⁴ Te Wātene Te Ao, claimed through Te Mana o Ruataupare.³⁷²⁵ The list submitted included names from all the hapū with interests and included Hatiwira Houkāmau, Wikiriwhi Matauru, Te Iharaira Houkāmau, Hāmana Mahuika, Paratene Ngata, Hōtene Porourangi.³⁷²⁶ There were other claimants. The judgment of the Court was brief, no more than a paragraph.³⁷²⁷ It found in favour of all those who claimed, and a Memorial of Ownership was issued to 431 persons.³⁷²⁸ On 21 July 1885 an application was made for the partition of the Rotokautuku block and Paratene Ngata gave evidence regarding the leasing of the lands by Southern Cross Petroleum Company. Six partitions were granted.
- Turitaka No. 1 (176 acres) was before the Native Land Court on 7 April 1876.³⁷²⁹ Rāpata Wahawaha claimed the block for Te Whānau a Karuwai and through the ancestor Hikatoa.³⁷³⁰ Hikatoa was the father of Ponapātukia.³⁷³¹ He also claimed

³⁷²⁰ 1 Waiapu MB 613-627.

³⁷²¹ 1 Waiapu MB 641, 605-611.

³⁷²² Native Land Court *Re Ahikouka* (1877) 4 Gisborne MB 154-159a.

³⁷²³ Native Land Court *Re Rotokautuku* (1876) 2 Gisborne MB 126-144.

³⁷²⁴ 2 Gisborne MB 126-127.

³⁷²⁵ 2 Gisborne MB 127.

³⁷²⁶ 2 Gisborne MB 128-141.

³⁷²⁷ 2 Gisborne MB 144.

³⁷²⁸ 2 Gisborne MB 144.

³⁷²⁹ Native Land Court *Re Turitaka* (1876) 1 Waiapu MB 50-55, 88-101, 211-213.

³⁷³⁰ 1 Waiapu MB 51, 54-55.

³⁷³¹ 1 Waiapu MB 54.

through Poho.³⁷³² There were other claims made in the name of Te Whānau a Ponapātukia.³⁷³³ On 22 April 1876, the Court found in favour of Rāpata and his co-claimants.³⁷³⁴ Hēnare Kaiwai and Hare Pikoi's claims were not admitted.³⁷³⁵ A Memorial of Ownership was issued in favour of Rāpata Wahawaha and 91 co-claimants.³⁷³⁶

- Tokaroa (719 acres) was heard on 11 May 1876.³⁷³⁷ The block was claimed by Wī Tahata for Ngāti Kōparehuia (grandson of Umuariki).³⁷³⁸ Kōparehuia begat Te Umu a Ngā Paraki who took the rights over the land.³⁷³⁹ On 12 May 1876, the Court ordered a Memorial of Ownership in favour of Wī Tahata and 94 others.³⁷⁴⁰ On 5 February 1889 the block was before the Court to define and partition the interests held under lease by George Whitmore. This block was first divided into two parts Tokaroa No.1 and No.2. Afterwards Tokaroa No.1 was divided into further allotments and one division was awarded to those who leased their land to Sir George Whitmore and another for the non-lessors. Tokaroa No.2 was also divided into allotments for the lessors and No.4 for the non-lessors.
- Waitekaha (1,347 acres) was before the Court for the first time on the same day 11 May 1876.³⁷⁴¹ Wī Tahata claimed the block for Te Whānau a Umuariki.³⁷⁴² There was no opposition, and the Court ordered a Memorial of Ownership in favour of 175 people.³⁷⁴³ The owners list included Wī Tahata, Rāniera Kāwhia, Hōhī and Rīwai Awatere and Hōtene Porourangi,³⁷⁴⁴ On 1 August 1894, the Waitekaha block was partitioned by the Court into 5 subdivisions.

³⁷³² 1 Waiapu MB 54.

³⁷³³ 1 Waiapu MB 88-101.

³⁷³⁴ 1 Waiapu MB 211.

³⁷³⁵ 1 Waiapu MB 211.

³⁷³⁶ 1 Waiapu MB 211.

³⁷³⁷ Native Land Court *Re Tokaroa* (1876) 1 Waiapu MB 491-505.

³⁷³⁸ 1 Waiapu MB 491.

³⁷³⁹ 1 Waiapu MB 491.

³⁷⁴⁰ 1 Waiapu MB 505.

³⁷⁴¹ Native Land Court *Re Waitekaha* (1876) 1 Waiapu MB 477-489.

³⁷⁴² 1 Waiapu MB 477.

³⁷⁴³ 1 Waiapu MB 477-489.

³⁷⁴⁴ 1 Waiapu MB 477-489.

- Waiōmatatini (686 acres) was before the Native Land Court on 21 March 1877.³⁷⁴⁵ Rāpata Wahawaha claimed the block through two conquests.³⁷⁴⁶ He referred first to the ancestor Hākui o te Rangi who was betrothed to Ngākōnui.³⁷⁴⁷ She was taken by another person and Ngākōnui raised a war party “to obtain satisfaction for the wrong done [to] him.”³⁷⁴⁸ He had assistance from Makahuri.³⁷⁴⁹ Makahuri was gifted Pōhue and Makarangi within the block.³⁷⁵⁰ Rāpata’s ancestor Kuraunuhia married Makahuri and it was through this marriage that they were in occupation.³⁷⁵¹ The second conquest was when his ancestor Ūpokotaka killed members of the Te Whānau a Apanui after the killing of Hinetāpora.³⁷⁵² Hinetāpora was Ngākōnui’s mother. Ngākōnui gave Ūpokotaka the area of the block known as Pukeatua and that is how it was in Rāpata’s possession.³⁷⁵³ Finally, he claimed through marriage of Ngākōnui’s son to his ancestor.³⁷⁵⁴ There was no opposition. A list of 172 names was given to the Court and it included Rāpata Wahawaha, Paratene Ngata, and Wī Tahata.³⁷⁵⁵ A Memorial of Ownership was ordered on 21 March 1878 in favour of 172 people.
- Tapuwaeroa No.1 (10,116 acres) was before the Court for title investigation on 9 April 1886 at Waiōmatatini.³⁷⁵⁶ Paratene Ngata appeared for the claimants.³⁷⁵⁷ Wī Tāhata claimed the land through Uepōhatu. He claimed they had been in occupation since the time of Toi.³⁷⁵⁸ He contended that Umuariki was the owner of the land. Te Rana Pakau claimed through Korohau for Ngāti Korohau, Te Aitanga a Mate, Ngāi Tangihaere and Ngāti Porou.³⁷⁵⁹ Other claimants noted the importance of the ancestor Hinekehu. On 19 April 1886 the Court found in favour of all claimants of Ngāti Uepōhatu and Ngāti Hinekehu.³⁷⁶⁰ The block was subdivided into Tapuwaeroa Nos 1a, 1b and 1c.³⁷⁶¹

³⁷⁴⁵ Native Land Court *Re Waiōmatatini* (1877) 3 Waiapu MB 16-30, 309.

³⁷⁴⁶ 3 Waiapu MB 16.

³⁷⁴⁷ 3 Waiapu MB 16.

³⁷⁴⁸ 3 Waiapu MB 16.

³⁷⁴⁹ 3 Waiapu MB 18.

³⁷⁵⁰ 3 Waiapu MB 18.

³⁷⁵¹ 3 Waiapu MB 18.

³⁷⁵² 3 Waiapu MB 18, 21.

³⁷⁵³ 3 Waiapu MB 18.

³⁷⁵⁴ 3 Waiapu MB 21.

³⁷⁵⁵ 3 Waiapu MB 21-30.

³⁷⁵⁶ Native Land Court *Re Tapuwaeroa 1* (1886) 10 Waiapu MB 184-260, 266, 286.

³⁷⁵⁷ 10 Waiapu MB 184.

³⁷⁵⁸ 10 Waiapu MB 224.

³⁷⁵⁹ 10 Waiapu MB 192.

³⁷⁶⁰ 10 Waiapu MB 266.

³⁷⁶¹ 10 Waiapu MB 295-298, 303-307, 312-315.

The Tapuwaeroa No.2 (11,448 acres) title investigation was heard on 27 May 1886.³⁷⁶² Wī Tāhata was the lead claimant for Uepōhatu and Te Whānau a Umuariki.³⁷⁶³ He claimed the land as undisturbed papatipu land.³⁷⁶⁴ He stated that the land was divided by Paka and Umuariki. There were claims through Korohau as well. The Court issued its judgment on 21 June 1886.³⁷⁶⁵ It found in favour of Wī Tāhata and Ngāti Uepōhatu.³⁷⁶⁶ Title was ordered, and 164 owners registered.³⁷⁶⁷ On 7 December 1891 the No.2 block was partitioned. T.W. Porter told the Court that three meetings had been held at Tūpāroa and that it has been arranged that there should be four subdivisions. Orders were made creating new titles No. 2A, B, C, and D. On 14 October 1897 the Tapuwaeroa No. 2A block was brought before the Court to have the Crown's interests partitioned out.³⁷⁶⁸ The Crown had purchased 2,457 acres.³⁷⁶⁹

- Ngāwhakatutū (5,080 acres) was before the Native Land Court for an investigation of title in April 1893.³⁷⁷⁰ Pairora Tūheke claimed through Uepōhatu.³⁷⁷¹ Eru Pāhau claimed the land through Uepōhata, Umuariki and Kōparehuia.³⁷⁷² Wī Tahata also claimed the land for Te Whānau a Umuariki and a gift to Rangikaputua.³⁷⁷³ Arapera Ngākaho claimed for Te Whānau a Hukarere and the conquest by Tūwhakairiora at the battle of Tārera Kōau.³⁷⁷⁴ He spoke of the incursions by Te Aitanga a Hauiti into Uepōhatu territory, the killing of Tawakeariki and the taking of her daughter Rākaumanawahē to be a wife for Hauiti. He claimed that the survivors fled to Waiāriki and that the descendants of Māhaki settled the area and became known as Wahineiti.³⁷⁷⁵ He discussed the assault on Te Aotaihi and the conquest of the land, Waitekaha and the

³⁷⁶² Native Land Court *Re Tapuwaeroa 2* (1886) 11 Waiapu MB 20-31, 33-38, 66, 155, 167-168, 377-379.

³⁷⁶³ 11 Waiapu MB 20.

³⁷⁶⁴ 11 Waiapu MB 20.

³⁷⁶⁵ 11 Waiapu MB 155.

³⁷⁶⁶ 11 Waiapu MB 155.

³⁷⁶⁷ 11 Waiapu MB 377-379.

³⁷⁶⁸ Berghan. (2008). 1054.

³⁷⁶⁹ Berghan. (2008). 1054.

³⁷⁷⁰ Native Land Court *Re Ngāwhakatutū* (1893) 20 Waiapu MB 65, 140-144, 176-218, 221-227, 229-293 & 21 Waiapu MB 1-16.

³⁷⁷¹ 20 Waiapu MB 140.

³⁷⁷² 21 Waiapu MB 28.

³⁷⁷³ 20 Waiapu MB 142, 238.

³⁷⁷⁴ 20 Waiapu MB 176.

³⁷⁷⁵ 20 Waiapu MB 176-177.

Maraehara by Tūwhakairiora and his children.³⁷⁷⁶ This land was taken by Hukarere as a reward for his part in the conquest.³⁷⁷⁷ Tīnātoka took Kaiinanga.³⁷⁷⁸ Umuariki claimed from Tutumatai to the coast, east of Awa a Ruahine and to Waitekaha including Tokaroa.³⁷⁷⁹ Reporua, Tokaroa, and Te Awa a Ruahine were given to Ngākōnui, Tīnōtoka, and Ruawhare.³⁷⁸⁰ The land from Tutumatai to Manutahi was eventually gifted to Whetukamokamo.³⁷⁸¹ Rāpata Wahawaha gave evidence that the land belonged to Kuratau through Rākaitemania.³⁷⁸² He stated that the land was not taken in the fight for Tārera Kōau.³⁷⁸³ There were other claimants including Amiria Tawhā.³⁷⁸⁴ She noted that the people once lived at Whakawhitirā before dispersing back to Manutahi after Christianity was introduced and that they assembled at Tūpāroa during the Hauhau troubles. As noted above, Wī Tahata claimed the land through Te Rangikaputua who was gifted the land by Tahitōrangi.³⁷⁸⁵ He told the story of how Hinetāpora was not happy about being betrothed to Rangikaputua. When Tahitōrangi heard what Hinetāpora had suggested that it was beneath her to marry him, Tahitōrangi gave the mana of the land and the people to Rangikaputua.³⁷⁸⁶ What follows is an extensive amount of history from Wī Tahata.³⁷⁸⁷ He also claimed through Pōhatu.³⁷⁸⁸ Paratene then gave extensive evidence. Other evidence suggested that the chiefs decided what land would be allocated to whom and they decided this block was to go to Eru Pāhau to receive any rental monies for the tribe.³⁷⁸⁹ Eru Pāhau claimed through the daughter of Kōparehuia, namely Marewa and Takere to the exclusion of other descendants of Uepōhatu.

The Court issued its judgment in May 1893.³⁷⁹⁰ The Court worked its way through all the claims. It found that a chief has “no power to give the land of his tribe to anyone

³⁷⁷⁶ 20 Waiapu MB 177.

³⁷⁷⁷ 20 Waiapu MB 177.

³⁷⁷⁸ 20 Waiapu MB 177.

³⁷⁷⁹ 20 Waiapu MB 180.

³⁷⁸⁰ 20 Waiapu MB 181.

³⁷⁸¹ 20 Waiapu MB 181.

³⁷⁸² 20 Waiapu MB 187.

³⁷⁸³ 21 Waiapu MB 17.

³⁷⁸⁴ 20 Waiapu MB 193.

³⁷⁸⁵ 20 Waiapu MB 235.

³⁷⁸⁶ 20 Waiapu MB 236-237.

³⁷⁸⁷ 20 Waiapu MB 237-293 and 21 Waiapu MB 1-16.

³⁷⁸⁸ 20 Waiapu MB 235.

³⁷⁸⁹ 21 Waiapu MB 51.

³⁷⁹⁰ 21 Waiapu MB 53-58, 95-101.

not even to appoint his successor unless the tribe agrees to the arrangement.”³⁷⁹¹ In response to Paratene Ngata, the Court stated that “he was perfectly right in asserting the mana whakahaere was effectively with the descendants of Takere but that is not proof that they alone had a right to the land. In fact, it only proves that the leading chiefs came from that family.”³⁷⁹² The Court recognised that the descendants of Marewa and Takere were the chief owners of the land and awarded the block to them.³⁷⁹³ Wī Tahata, Eru Pāhau, Paratene Ngata and Amiria Tawhā made it on to the list of owners.³⁷⁹⁴ The order was in favour of those of Te Whānau a Umuariki listed as owners.³⁷⁹⁵ The block was divided into five subdivisions. On 15 February 1918, after purchasing shares in advance, the Crown obtained a partition of its interests. Orders were issued that awarded the No.1 and 2 blocks to the Crown.³⁷⁹⁶

- Aruhe-mokopuna (150 acres) on the western side of the Waiapu River near Rangitukia was before the Native Land Court on 8 June 1886.³⁷⁹⁷ A dispute had occurred over this land between Pāora Haenga and Wīremu Keiha prior to hearing.³⁷⁹⁸ It led to fighting, the destruction of crops, and the killing of stock.³⁷⁹⁹ The tension was so bad that Wīremu Keiha shot one of Pāora Haenga’s men.³⁸⁰⁰ The chiefs sent for Donald McLean, by then Native Minister, to mediate the dispute. He arrived by steamer at Port Awanui on the 28 November 1873.³⁸⁰¹ The chiefs that were there to greet him were Te Iharaira Houkāmau, Tamanuiterā, Mōkena Kohere, Rāpata Wahawaha, Hēnare Pōtae, Hōtene Porourangi, Wikiriwhi Matauru, and the Reverend Mohi Tūrei.³⁸⁰² The mediation began with Pāora Haenga claiming he did not want to fight, despite one of his men being killed, and his crops and goods destroyed.³⁸⁰³ He recorded that Te Iharaira Houkāmau and Hōtene Porourangi had tried to mediate the dispute, but the matter was not resolved.³⁸⁰⁴ Te Iharaira wanted the land to be given to Pāora as

³⁷⁹¹ 21 Waiapu MB 58.

³⁷⁹² 21 Waiapu MB 100.

³⁷⁹³ 21 Waiapu MB 101.

³⁷⁹⁴ 21 Waiapu MB 136-140.

³⁷⁹⁵ 21 Waiapu MB 140.

³⁷⁹⁶ Berghan. (2008). 670-671.

³⁷⁹⁷ Native Land Court *Re Aruhemokopuna* (1886) 11 Waiapu MB 67-74, 134-147, 157-166, 168-185, 197-374.

³⁷⁹⁸ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁷⁹⁹ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰⁰ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰¹ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰² *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰³ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰⁴ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

compensation for the killing of his man on the land.³⁸⁰⁵ Te Iharaira forced all the people to vacate the land and Rāpata Wahawaha sent Wīremu Keiha to the coast “to avoid the dispute being carried to extremes.”³⁸⁰⁶ Pāora Haenga (who was living at Tīkapa) considered that it was ownership of the land Aruhe-mokopuna that was at the heart of the dispute.³⁸⁰⁷ On 29 November 1873, Wīremu Keiha gave his side of the story. He was worried that McLean had come to arrest him. He blamed Mōkena Kohere and Mohi Tūrei for the trouble but did not explain why.³⁸⁰⁸ During the subsequent title investigation there is evidence that Mohi encouraged the dispute, by challenging the boundary of land claimed by Wīremu Keiha, and by sending Ngāti Puai to plough up the latter’s cultivations.³⁸⁰⁹ Mōkena Kohere identified part of this land for a school site and he also cultivated the land planting and growing wheat.³⁸¹⁰ McLean responded by asking the Pāora and Wī why they had ignored the law and why they were fighting.³⁸¹¹ He noted that both chiefs had guns issued by the Government to fight enemies, not each other. He asked them to surrender their guns so that he could see they truly wanted peace.³⁸¹² Wīremu Keiha thought the matter could only be resolved by both he and Pāora Haenga staying on opposite sides of the river. Pāora Haenga did not agree as he wanted the block to be divided between them.³⁸¹³ He also wanted utu for the loss of his whanaunga and his pigs. Wīremu Keiha refused on the basis that it was Pāora who first took up arms. It was finally resolved that the two would live on allocated areas of the land. The chiefs were pleased with the result.³⁸¹⁴

The block was before the Native Land Court on 8 June 1886.³⁸¹⁵ The lead claimant was Hakaraia Mauheni claiming the block belonged to the ancestor Huanga.³⁸¹⁶ Huanga begat Tutakahiao, who had Te Umuparae, who begat Tāmokonui I.³⁸¹⁷ The latter had four children, three of whom were killed leaving Te Rangingāiwaho who married

³⁸⁰⁵ 11 Waiapu MB 69.

³⁸⁰⁶ 11 Waiapu MB 69.

³⁸⁰⁷ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰⁸ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸⁰⁹ 11 Waiapu MB 68.

³⁸¹⁰ 11 Waiapu MB 71, 136.

³⁸¹¹ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸¹² *Te Waka Māori o Niu Tirani*. 8 January 1873. 2..

³⁸¹³ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸¹⁴ *Te Waka Māori o Niu Tirani*. 8 January 1873. 2.

³⁸¹⁵ 11 Waiapu MB 67-74, 134-147, 157-166, 168-173, 175-185, 203-204, 302.

³⁸¹⁶ 11 Waiapu MB 69.

³⁸¹⁷ 11 Waiapu MB 67.

Tāwhiri who assumed the mana over the land.³⁸¹⁸ The children of Te Rangingāiwaho and Tāwhiri were Tāmokonui II, Rōpueke, and Paihau. Rōpueke begat Marohurutāhanga and Tūroa.³⁸¹⁹ Tūroa begat Wharemahauhau, Pako, Arapūrua, and Mōrehu, and their descendants occupied the land.³⁸²⁰ He repeated the story of the dispute between Wīremu Keiha and himself with Pāora Haenga. He noted that Major Biggs had come to their pā and asked Tuhiwai “what land would be kept out of the cession.”³⁸²¹ The chief decided to keep this land.³⁸²² Wīremu Keiha supported the evidence of Hakaraia Mauheni.³⁸²³ He noted that he had dug ditches on the land with the Kīngite chief Hemi Paratene Te Hakawai who subsequently died in Waikato with those of Te Whānau a Te Porou who went to fight for the King.³⁸²⁴ Pineamine and Ruruhira were the survivors of the descendants of Porou who fetched Paratene “as a chief for themselves.”³⁸²⁵

Mohi Tūrei was the conductor for the counterclaimants led by Hemi Tāpoka, claiming through Hinepare down to her grandsons Porou and Rarawa.³⁸²⁶ Hemi claimed the land north of the Poroporo Stream was subject to rāhui placed by Putaanga over the land.³⁸²⁷ He claimed Porou was killed by Rarawa for committing adultery with one of Rarawa’s wives. As a result the land south was settled by Te Paka and other ancestors.³⁸²⁸ Hemi Tāpoka discussed the dispute with Wīremu Keiha and claimed that Mohi Tūrei established the peace between the two factions.³⁸²⁹ Different evidence was given by Mere Karaka, who claimed it was Porou’s son Korotaoroa who committed adultery with the wife of Tauramotuhea.³⁸³⁰ The latter killed Korotaoroa and Rarawa and his children avenged the death.³⁸³¹ Rarawa, she claimed, took the land.³⁸³² Eruera Te Rore then

³⁸¹⁸ 11 Waiapu MB 67.

³⁸¹⁹ 11 Waiapu MB 67.

³⁸²⁰ 11 Waiapu MB 67-68.

³⁸²¹ 11 Waiapu MB 71.

³⁸²² 11 Waiapu MB 71.

³⁸²³ 11 Waiapu MB 177.

³⁸²⁴ 11 Waiapu MB 177.

³⁸²⁵ 11 Waiapu MB 178.

³⁸²⁶ 11 Waiapu MB 136.

³⁸²⁷ 11 Waiapu MB 136.

³⁸²⁸ 11 Waiapu MB 137.

³⁸²⁹ 11 Waiapu MB 142.

³⁸³⁰ 11 Waiapu MB 144.

³⁸³¹ 11 Waiapu MB 144.

³⁸³² 11 Waiapu MB 144.

claimed that the block was the boundary set down by Te Aokairau between Huanga and Hinepare.³⁸³³ He claimed that part of the land belonging to Hinepare.³⁸³⁴

Pāora Te Whakatihi or Haenga gave evidence noting that the division of the land was made by Te Aokairau and he claimed through descendants of Huanga down to Tāwhiri.³⁸³⁵ He gave his version of events leading to the dispute with Wīremu Keiha.³⁸³⁶ He also referred to a meeting that took place where the elders determined where the boundary was between the descendants of Huanga and Hinepare.³⁸³⁷ Hōne Mōkena also gave evidence. He indicated Te Rarawa's boundary was at Hahau and that this block belonged to the descendants of Huanga.³⁸³⁸ Arapeta Te Rāroa identified the boundary between Hinepare and her descendants and Huanga.³⁸³⁹ He claimed through Huanga and he also referred to a meeting held in 1871 and then in 1883 when "all the old people of Hinepare and Huanga met."³⁸⁴⁰ Pita Roki told the Court that in "bygone times we exchanged fernroot from this land and taro for fish" and that his people cultivated at Waiu.³⁸⁴¹

On 29 June 1886, the Court created six allotments vesting five in the descendants of Hinepare and one allotment in favour of descendants of Huanga.³⁸⁴² Wīremu Keiha was to receive the area described as Lot 2. Lot 1 went to Himiona Haeata and those who chose to associate with him, and his right was derived from a gift and occupation. Lots 3, 4 and 6 were awarded to the following of Te Whānau a Hinepare: Mōkena Kohere, Mohi Tūrei, Mere Karaka, Epiniha Whaikaaho, Hemi Tāpeka, Eruera Te Rore, and to any other descendants who these people considered should be included.³⁸⁴³ Lot 5 was awarded to Te Whānau a Huanga, namely Himiora Tukapōkai, Hōne Mōkena, Pāora Haenga, Arapeta Te Rāroa, Pita Roki, Hape Haerera, and to any other descendants of Huanga who these people considered should be included.³⁸⁴⁴

³⁸³³ 11 Waiapu MB 161.

³⁸³⁴ 11 Waiapu MB 161-162.

³⁸³⁵ 11 Waiapu MB 165, 168.

³⁸³⁶ 11 Waiapu MB 170-172.

³⁸³⁷ 11 Waiapu MB 171.

³⁸³⁸ 11 Waiapu MB 179.

³⁸³⁹ 11 Waiapu MB 180-181.

³⁸⁴⁰ 11 Waiapu MB 180-182.

³⁸⁴¹ 11 Waiapu MB 183-184.

³⁸⁴² 11 Waiapu MB 203-204.

³⁸⁴³ 11 Waiapu MB 203-204.

³⁸⁴⁴ 11 Waiapu MB 204.

- Turitaka No.2 was before the Court on 17 February 1894.³⁸⁴⁵ Rāpata Wahawaha claimed this block and the Tūtarawānanga No.1 block. With respect to Turitaka No.2 he claimed through a gift made by Ponapātukia to Ngarutahi.³⁸⁴⁶ The gift was made because Ponapātukia had arranged with Ngarutahi that the latter's son should marry his daughter. Ponapātukia's daughter refused to marry Ngarutahi's son and therefore Ponapātukia had to recompense the chief Ngarutahi.³⁸⁴⁷ As there were no objections the order was made in favour of Rāpata Wahawaha and the "other descendants of the ancestors for whom he claims," namely Ngarutahi.³⁸⁴⁸
- The Tūtarawānanga block was claimed by Rāpata Wahawaha. He claimed through Te Aokairau. His second claim was made by way of occupation. He discussed how Ponapātukia left the Waiapu after taking another man's wife for his son and how he gifted the land to Te Whānau a Karuwai.³⁸⁴⁹ On the northern section of the land Rākaimataura and Tawake's children Roro and Rākaihoea had a claim.³⁸⁵⁰ At a further hearing, others claimed through other descendants of Rākaihoea including Tūporo.³⁸⁵¹ Hēnare Peti claimed that Tūporo gifted the land to Wehiwehi who worked on the land.³⁸⁵² The gift was in recognition of a haka taught by Wehiwehi to the people of the land.³⁸⁵³ Wī Pōkiha appeared for Rāpata and led cross-examination.³⁸⁵⁴ Rāpata reappeared and described the spring of oil near the Waiapu on this land.³⁸⁵⁵ He noted that Ponapātukia was the son of Hikatoa and they both occupied the same pā on Turitaka as did Te Whānau a Karuwai.³⁸⁵⁶ The land was awarded in 1894 to Rāpata Wahawaha for Te Whānau a Karuwai.³⁸⁵⁷

³⁸⁴⁵ Native Land Court *Re Turitaka No 2* (1894) 22 Waiapu MB 167-173.

³⁸⁴⁶ 22 Waiapu MB 168.

³⁸⁴⁷ 22 Waiapu MB 168.

³⁸⁴⁸ 22 Waiapu MB 173.

³⁸⁴⁹ 22 Waiapu MB 169.

³⁸⁵⁰ 22 Waiapu MB 172.

³⁸⁵¹ Native Land Court *Re Tūtarawānanga* (1894) 22 Waiapu MB 167-173, 197-226, 233-236, 256, 264, 345, 374-378 & 23 Waiapu MB 143.

³⁸⁵² Native Land Court *Re Tūtarawānanga No 1* (1894) 22 Waiapu MB 205.

³⁸⁵³ 22 Waiapu MB 203.

³⁸⁵⁴ 22 Waiapu MB 199.

³⁸⁵⁵ 22 Waiapu MB 212.

³⁸⁵⁶ 22 Waiapu MB 213.

³⁸⁵⁷ Native Land Court *Re Tūtarawānanga No 1* (1894) 22 Waiapu MB 233-236, 374-378.

- Tūtārāwānanga No.2 was before the Court on 24 February 1894.³⁸⁵⁸ Paratene Ngata was the lead claimant for Te Whānau a Karuwai.³⁸⁵⁹ Rāpata Wahawaha also gave evidence that Karuwai and his descendants held the mana over this land.³⁸⁶⁰ He claimed the land was taken by Karuwai from Hineauta.³⁸⁶¹ Neho Kopuka objected and counterclaimed through conquest by Tīnātoka and the Battle of Tārera Kōau.³⁸⁶² Tīnātoka begat Whakaohonga, who had Takimoana, who begat Hineauta.³⁸⁶³ Others claimed through Pōkai.³⁸⁶⁴ On 26 February 1894 the Court gave judgment in favour of Te Whānau a Karuwai.³⁸⁶⁵ The list of owners includes Paratene Ngata, Wīremu Pokiha, and Rāpata Wahawaha.³⁸⁶⁶
- Pūtiki (115 acres) was before the Native Land Court on 17 October 1891.³⁸⁶⁷ Rāpata Wahawaha was the lead claimant claiming through Tukiumu of Wahineiti.³⁸⁶⁸ He claimed no conquest affected the land.³⁸⁶⁹ The last fight on this land was Tārera Kōau but there was no conquest over Rākaitēmania and Tukiumu.³⁸⁷⁰ The Court was asked by Rāpata Wahawaha on 22 October 1891 to “deliver judgment at once.”³⁸⁷¹ Judge Gudgeon immediately did so in one paragraph, awarding the block to Rāpata Wahawaha and those descendants of Tukiumu who occupied the block.³⁸⁷² Rāpata was in charge of the list of owners and those who wanted to be added had to argue their case when the list was submitted.³⁸⁷³ Rāpata objected to the addition of names not on his list.³⁸⁷⁴ The Court then heard evidence from Hīria Rangiwaha (married to Hāmana Māhuika) as to why she and her people should be on the list. She claimed from Tukiumu whose mana descended to Wainono. She claimed the portion called Ōtāwhao and she

³⁸⁵⁸ Native Land Court *Re Tūtārāwānanga No 2* (1894) 22 Waiapu MB 226.

³⁸⁵⁹ 22 Waiapu MB 226-233.

³⁸⁶⁰ 22 Waiapu MB 244.

³⁸⁶¹ 22 Waiapu MB 227.

³⁸⁶² 22 Waiapu MB 228.

³⁸⁶³ 22 Waiapu MB 241.

³⁸⁶⁴ 22 Waiapu MB 228-229, 237-246.

³⁸⁶⁵ 22 Waiapu MB 255.

³⁸⁶⁶ 22 Waiapu MB 379-381.

³⁸⁶⁷ Native Land Court *Re Pūtiki* (1891) 15 Waiapu MB 156-157, 204, 228 & 16 Waiapu MB 213-232, 236, 242, 244.

³⁸⁶⁸ 15 Waiapu MB 156.

³⁸⁶⁹ 15 Waiapu MB 156.

³⁸⁷⁰ 15 Waiapu MB 157.

³⁸⁷¹ 15 Waiapu MB 204.

³⁸⁷² 15 Waiapu MB 204.

³⁸⁷³ 15 Waiapu MB 204, 228.

³⁸⁷⁴ 16 Waiapu MB 213.

alleged that Rāpata was pushing her off the land.³⁸⁷⁵ In response Rāpata traversed his whānau occupation of the block from 1839.³⁸⁷⁶ He claimed that when the war ended in 1872, the Hauhau from Te Horo were cultivating the land.³⁸⁷⁷ He told them they did not own this land and in 1875 he began to cultivate the whole of the land until the flood of 1876.³⁸⁷⁸ He denied seeing Hīria and her husband working the land.³⁸⁷⁹ He also challenged Hēni Hoehoe.³⁸⁸⁰ Detailed evidence of the cultivations on the block and the names of those responsible for them was given by Hōri Manana. He noted that before the war in 1865, at the time of the King movement, the people lived at Kapua-o-te-Rangiora.³⁸⁸¹ They worked this land Ōtāwhao and Herenga. Hāmana Mahuika cultivated with him as of right as they were both descendants of Tukiumu.³⁸⁸² He was challenged by Hōne Te Kauru. Judge Gudgeon delivered his decision on 3 December 1891 finding in favour of Rāpata Wahawaha and Hōne Te Kauru and dismissing all other claims in quite scathing terms.³⁸⁸³ The Pūtiki block was consolidated into the Waiōmatatini A9 Block in the 1950s.

- Tīkapa-a-Hinekōpeka (815 acres) was before the Native Land Court for investigation of title on 13 January 1894.³⁸⁸⁴ This block had been the subject of a Committee hearing.³⁸⁸⁵ The lead claimants, claimed different parts of the block, including Karauria Pākura, (through the ancestor Te Rangitaotai a descendant of Pōkai), Arapeta Rāroa (through descendants of Pōkai, namely Mōkai, Kauwhakautukura, Keke, Te Rangitaotai and Whareoneone), and Pāora Haenga (through three ancestors including Taumaunu and his gift to Hineauta, and Whareoneone).³⁸⁸⁶ He claimed the land on Te Kuri-a-Paoa by gift to Hineauta and Te Rimu through his ancestor Whareoneone. Witnesses recounted the story of both Makahuri and Hunaara coming to take the land from Te Whānau a Pōkai but they were both met by Hikapōhe and his two sisters who

³⁸⁷⁵ 16 Waiapu MB 214-215.

³⁸⁷⁶ 16 Waiapu MB 216-218.

³⁸⁷⁷ 16 Waiapu MB 218.

³⁸⁷⁸ 16 Waiapu MB 219.

³⁸⁷⁹ 16 Waiapu MB 220.

³⁸⁸⁰ 16 Waiapu MB 222.

³⁸⁸¹ 16 Waiapu MB 227.

³⁸⁸² 16 Waiapu MB 227.

³⁸⁸³ 16 Waiapu MB 236, 242.

³⁸⁸⁴ Native Land Court *Re Tīkapa-a-Hinekōpeka* (1894) 21 Waiapu MB 165-267, 273-288 & 22 Waiapu MB 1-40, 42-111, 117-167, 175-196, 247-254, 302-316, 346-350, 356-373.

³⁸⁸⁵ 22 Waiapu MB 2.

³⁸⁸⁶ 21 Waiapu MB 165-172.

stopped them.³⁸⁸⁷ Hunaara came to assist Taumaunu who had lost a contest with Tūteaio.³⁸⁸⁸ Taumaunu and Tūteaio arranged to race to a certain rock and whoever won would own the rock and the kainga.³⁸⁸⁹ Tūteaio won but Taumaunu would not give up his kainga so he went to get assistance from Hunaara.³⁸⁹⁰ Then in the time of Maihi another taua came led by Te Mairoa o te Rangi, laying down the western boundary.³⁸⁹¹ Te Mairoa o te Rangi descendants were known as Te Whānau a Te Rangi.³⁸⁹² Rāhui were used to denote the land of each side and the descendants of these ancestors, including Pāora Haenga lived on the land together.³⁸⁹³ Pāora claimed the part of the land known as Te Rimu given to Whareoneone by Te Rangitaotai.³⁸⁹⁴ He claimed that canoes had been made from trees on this land including one called Katahaterā taken to Horoera for Hākopa Te Ari.³⁸⁹⁵ A bag of powder, blankets and other goods were given in return.³⁸⁹⁶ This evidence was later denied by another witness.³⁸⁹⁷ The waka Whiria made by Ihaka Tūpai was taken to Awanui.³⁸⁹⁸ There is evidence that Peta Haenga was in dispute with Te Wārihi Haupehi on the Tīkapa-a-Hinekōpeka block and Mōkena was sent for to “pana Peta [and] his hauhau. Mōkena chased them all off the land.”³⁸⁹⁹ However, Pāora Haenga stated that each side then took half the land and that is how the dispute ended.³⁹⁰⁰ Peta died in 1870 after telling Pāora that he owned Te Rimu.³⁹⁰¹ Pāora spoke about other places on the land including Te Kuri-a-Paoa which he claimed through Hineauta who was given this land and Pohautea by Taumaunu on account of her settling the dispute between him and others of his generation within his whānau.³⁹⁰² This area, Pāora claimed, was owned by Te Whānau a Hineauta.³⁹⁰³ In terms of Miringarangi, when the “hauhau war was over all of the Te Whānau a Te Rangi worked here, Ngāi Tūpai was their name – they worked near Peg H on the boundary of Tīkapa

³⁸⁸⁷ 21 Waiapu MB 173-174, 189-190.

³⁸⁸⁸ 21 Waiapu MB 177.

³⁸⁸⁹ 21 Waiapu MB 177.

³⁸⁹⁰ 21 Waiapu MB 178.

³⁸⁹¹ 21 Waiapu MB 174.

³⁸⁹² 21 Waiapu MB 178.

³⁸⁹³ 21 Waiapu MB 174.

³⁸⁹⁴ 21 Waiapu MB 186.

³⁸⁹⁵ 21 Waiapu MB 186.

³⁸⁹⁶ 21 Waiapu MB 186.

³⁸⁹⁷ 22 Waiapu MB 75.

³⁸⁹⁸ 21 Waiapu MB 186.

³⁸⁹⁹ 21 Waiapu MB 177.

³⁹⁰⁰ 21 Waiapu MB 187.

³⁹⁰¹ 21 Waiapu MB 187-188.

³⁹⁰² 21 Waiapu MB 191.

³⁹⁰³ 21 Waiapu MB 191.

and Herengārangi. They did this as they were in a broken condition after their defeat & worked for a māra ... kai.”³⁹⁰⁴ During the 1870s, Te Whānau a Tāpuhi were on the land with Wīremu Keiha making a canoe contrary to the wishes of the traditional owners.³⁹⁰⁵ It was further alleged that they cultivated “without right.” Amiria Huatahi recounted the story of a second dispute involving her uncle, Rīhari Tātua, who later died a prisoner on the Chatham Islands.³⁹⁰⁶ The rest of her evidence is extensive on the nature of the land, who cultivated and from which ancestor claimants descended and she contested evidence given by Pāora Haenga. Wī Keiha also gave evidence for a section of Te Whānau a Te Rangi.³⁹⁰⁷

The judgment of the Court issued on 2 February 1894 with the Court expressing some frustration at the nature of the evidence produced, suggesting it was contradictory and that some witnesses engaged in perjury.³⁹⁰⁸ The Court found that the independent evidence of Wīremu Keiha indicated that Te Whānau a Te Rangi were those who occupied Tīkapa with Te Whānau a Maihi having interests in the block including Pāora Haenga.³⁹⁰⁹ Pāora Haenga also made the list for Te Rimu.³⁹¹⁰ The Te Kuri-a-Paoa block was awarded in part to Pāora Haenga and Te Whānau a Hineauta and in part to Karaitiana and party.³⁹¹¹ Te Kawenga o te Aowhina was awarded to the descendants of Te Aowhina.³⁹¹² Another division of the block was awarded to the descendants of Kauwhakautukura.³⁹¹³ In total there were seven divisions named.

- Maraehara (1,553 acres) was investigated on 20 August 1891.³⁹¹⁴ Pineaha and Hape Haerewa were the lead claimants for Ngāti Māhanga but there were others as well.³⁹¹⁵ Hakaraia Mauheni was called as a counterclaimant on behalf of Te Whānau a Hikatoa to a portion of the block based upon occupation, conquest and gift from Ruataupare.³⁹¹⁶

³⁹⁰⁴ 21 Waiapu MB 256.

³⁹⁰⁵ 21 Waiapu MB 257.

³⁹⁰⁶ 22 Waiapu MB 16-17.

³⁹⁰⁷ 22 Waiapu MB 62.

³⁹⁰⁸ 22 Waiapu MB 247-254 at 249.

³⁹⁰⁹ 22 Waiapu MB 250-251.

³⁹¹⁰ 22 Waiapu MB 372.

³⁹¹¹ 22 Waiapu MB 253.

³⁹¹² 22 Waiapu MB 254.

³⁹¹³ 22 Waiapu MB 254A.

³⁹¹⁴ Native Land Court *Re Maraehara* (1891) 14 Waiapu MB 48-53, 58-75, 79-110, 114-176, 186-226, 230-314 & 15 Waiapu MB 65, 82, 101-118, 211, 264-266, 271 & 16 Waiapu 198-213, 233-235, 245, 249-264.

³⁹¹⁵ 14 Waiapu MB 48.

³⁹¹⁶ 14 Waiapu MB 49.

He also claimed through the ancestress Hinepare.³⁹¹⁷ He objected to Ngāti Māhanga's claim.³⁹¹⁸ Yet before a Committee in 1881, he had supported claims by Ngāti Māhanga. Wīremu Keiha claimed a portion of the block through conquest by the ancestor Tāwhiri, a descendant of Uenukukahutia.³⁹¹⁹ Koroneho Kōpuka claimed for Te Whānau a Te Whakaohonga and he noted that Whakaohonga and Hikatoa came with Tīnātoka and his foster child Ngākōnui and they occupied the land.³⁹²⁰ When Ngākōnui was an adult he was sent back to Waiōmatatini.³⁹²¹ Koroneho discussed returning with the soldiers from the war in Wairoa after the "Kōpane fight" and then he claimed that Major Rāpata Wahawaha told him "go and get your relatives" so as to locate them to Pukemaire and Tikitiki.³⁹²² His relatives told him to go there instead, so he did.³⁹²³ Pineaha Koia claimed for Ngā Mokopuna a Te Whānau a Uenukukahutia.³⁹²⁴ Pāora Haenga claimed for Te Whānau a Te Whakaohonga by gift from Ruataupare after the conquest of Ngāi Tāne and Ngāti Māhanga.³⁹²⁵ Paratene Ngāta claimed for Te Whānau a Karuwai through conquest and the ancestors Muariki and Kautaharua.³⁹²⁶ He advised that Kautaharua gave the land to Whakaohonga – daughter of Tīnātoka.³⁹²⁷ Mohi Tūrei and Te Kooti Pākura claimed for Ngāti Hokopū through Rangimatemoana whose descendant gifted the land to Kākātārau and Mōkena who occupied the land.³⁹²⁸ There were also claims through the ancestors Morimori, Pūtangarongo, and Rarawa.

Hēmi Tāpeka claiming for Ngāti Hokopū, also claimed through Hinepare and Rarawa. He advised that he had taken a portion of the land known as Kōpū before the District Committee at Te Hatepe.³⁹²⁹ He recounted the story of the killing of Kiterangi, the conquest of the war party raised by Ruataupare, the advanced warning given by Tīnātoka, the taking of tributes to Tūwhakairiora and Ruataupare by Ngāti Nū and Ngāi Tāne of Ngāti Māhanga, and Ruataupare's direction to give the food (birds and rats)

³⁹¹⁷ 14 Waiapu MB 49.

³⁹¹⁸ 14 Waiapu MB 50.

³⁹¹⁹ 14 Waiapu MB 50, 153-154.

³⁹²⁰ 14 Waiapu MB 50, 168-171.

³⁹²¹ 14 Waiapu MB 169.

³⁹²² 14 Waiapu MB 174-175.

³⁹²³ 14 Waiapu MB 174-175.

³⁹²⁴ 14 Waiapu MB 50-51.

³⁹²⁵ 14 Waiapu MB 52-53.

³⁹²⁶ 14 Waiapu MB 52.

³⁹²⁷ 14 Waiapu MB 221-223.

³⁹²⁸ 14 Waiapu MB 96-97.

³⁹²⁹ 14 Waiapu MB 88, 133, 234.

from the land to Whakaohonga.³⁹³⁰ Other claimants gave variations of the same story.³⁹³¹ Hēmi also discussed the Hauhau war and stated that afterwards “... Mōkena said that the hauhaus were to come to work there & I brought my wife’s hapū who were Hauhaus to work on this land.”³⁹³² He claimed that Māhanga or Ruawaipu “owns the land north of the Maraehara to the sea” and “Pōkai owns the land south of the Maraehara stream.”³⁹³³ He called Mere Karaka as a witness even though she did not agree with all he stated.

The Court delivered its judgment on 10 October 1891.³⁹³⁴ After criticising the evidence and its contradictory nature (a common theme by judges who did not know the traditions and history of the people), new resident judge, Judge Gudgeon, and his assessors found:³⁹³⁵

- There has been so much intermarriage that whether Māhanga was the original ancestor of the land was not of very much importance due to inter-marriage from that ancestor’s time over the 9-11 generations and that it was more important to identify those who have permanently held possession of the land;
- That there was a conquest by Ruataupare’s war party;
- That only those with undisputed occupation of the land recognised by the tribe should have any claim to the land, alternatively when the land is not occupied, they must be recognised as in possession according to “Māori usages” and that was for most of the land Ngāti Māhanga, although Ngāti Hokopū through gift acquired a small portion of 20 acres at Kōpū; and
- The Court was of the opinion that Ngāti Māhanga was a new name and that the tribe was originally known as Ngāi Tāne and Ngāti Nua, that they were saved during the conquest, that they took tribute to Ruataupare and

³⁹³⁰ 14 Waiapu MB 58, 61-63, 87.

³⁹³¹ 14 Waiapu MB 101-103 Evidence of Hatiwera Raire, for example, who claimed that the land was gifted to Ruataupare by Rerekohu and Rangī-te-ekehua.

³⁹³² 14 Waiapu MB 69-70.

³⁹³³ 14 Waiapu MB 74-75.

³⁹³⁴ 15 Waiapu MB 82, 101-118.

³⁹³⁵ 15 Waiapu MB 82, 101-118.

Tūwhakairiora and that they occupied the land from then to the time of the hearing.

Thus, all the land east of the Pōhatukarekare Creek was awarded to Ngāti Māhanga. West of the creek was awarded to Paratene Ngata and Te Whānau a Karuwai and orders were issued partitioning the block into six parcels with various claims recognised including to a small section in favour of descendants of Whakaohonga.³⁹³⁶

Waipu ki Wharekāhika

As noted in Chapter 9, in 1874 at the Wharekāhika Hui hosted by Iharaira Te Houkāmau, Ngāti Porou agreed to the Native Land Court to Waipu investigating the “oil lands.” Rāpata Wahawaha then applied to have the Court sit in Waipu and the first case was heard in 1875.

- Matakaoa (3,049 acres) was the first case to be gazetted for investigation by the Native Land Court at Waipiro in 1875.³⁹³⁷ The block had been leased in 1874 by Iharaira Houkāmau to Captain Porter. The people held a meeting at Wharekāhika to settle the “take” for the Matakaoa Block. The Court hearing was held at Waipiro on 17 May 1875 and it heard the case under the Native Lands Act 1873 and the 1874 Amendment Act. Judge Rogan and the assessor Hōne Peti heard the case. Te Hatiwira Houkāmau advised the Court of the following:³⁹³⁸

I live at Matakaoa, the name of my tribe is - Whānau a Tūwhakairiora, subtribe of Ngātiporou, I know the land shewn on the map before the Court. The survey was ordered by my father Iharaira Houkāmau, the boundaries were pointed out by Wī Pāhuru, there was no dispute, I have a claim to this land and come from thence to [proffer] it - I was sent by the owners. We claim through right of conquest. The cause of quarrel which caused the fight ending in our obtaining possession of the land claimed, was [when] one of our people was thrown over a cliff and killed - None of the original owners remain, they were exterminated. It is nine generations ago since we obtained the land - We are now in possession. I put in a list of owners together with myself.

³⁹³⁶ 15 Waipu MB 82, 101-118.

³⁹³⁷ Native Land Court *Re Matakaoa* (1875) 2 Gisborne MB 124-126, 167-168.

³⁹³⁸ 2 Gisborne MB 124-125.

The names of the ancestors through whom Hati claimed were Hukarere, and Makahuri.³⁹³⁹ On his list of owners was Wikiriwhi Matauru.³⁹⁴⁰ A Memorial of Ownership was ordered for Matakaoa. Those who were appointed to receive rent from the use of the land were: Hatiwira Houkāmau, Wī Pāhuru, Irimana Houtūrangi, Te Muera Rangipurua, Te Keepa Tieke, and Wikiriwhi Matauru.

On 13 November 1917, a resolution of owners was confirmed by the Native Land Court. The resolution was that part of Matakaoa comprising 380 acres, be acquired by the Crown for the purpose of a township site.³⁹⁴¹ The Crown sought to acquire further land within the block and on 28 October 1936, the Matakaoa block was partitioned. Matakaoa A comprising 400 acres went to the Crown.³⁹⁴² That block was subsequently repurchased by the owners.³⁹⁴³

- Hauturu (2,650 acres) was before the Native Land Court for title investigation on 14 June 1894.³⁹⁴⁴ Te Hati Houkāmau conducted the case for Manahi Parapara, who was the lead claimant.³⁹⁴⁵ Manahi Parapara claimed the block through the ancestor Te Atahaia, who derived her right from Hinerupe who owned the papatipu.³⁹⁴⁶ He claimed that Makahuri lived on the land with his wives.³⁹⁴⁷ After Makahuri killed two of his wives, Te Uhunui o Te Rangi went to avenge their deaths killing one of Makahuri's people in the raid.³⁹⁴⁸ Makahuri then went to avenge that death and killed two of Te Uhunui's men. Te Uhunui responded and sent a war party to take the land. Manahi claimed that ever since then, Te Uhu and his descendants owned the land.³⁹⁴⁹ Makahuri then went to live at Waiapu.³⁹⁵⁰ Pāora Haenga was a counterclaimant and he claimed under the ancestor Te Atahaia down to Makahuri and his sons Te Autiti and Tahukōtore.³⁹⁵¹ Karepa Taua claimed the land as papatipu from Hinerupe.³⁹⁵² He called

³⁹³⁹ 2 Gisborne MB 125.

³⁹⁴⁰ 2 Gisborne MB 126.

³⁹⁴¹ Berghan. (2008). 589.

³⁹⁴² Berghan. (2008). 589.

³⁹⁴³ Berghan. (2008). 590.

³⁹⁴⁴ Native Land Court *Re Hauturu 2* (1894) 25 Waiapu MB 166-198, 283-284, 335.

³⁹⁴⁵ 25 Waiapu MB, 166.

³⁹⁴⁶ 25 Waiapu MB, 166.

³⁹⁴⁷ 25 Waiapu MB, 166.

³⁹⁴⁸ 25 Waiapu MB, 166.

³⁹⁴⁹ 25 Waiapu MB, 166-167.

³⁹⁵⁰ 25 Waiapu MB, 193.

³⁹⁵¹ 25 Waiapu MB, 167.

³⁹⁵² 25 Waiapu MB, 167, 176.

Peta Rāroa to support the claim and he indicated that he had sold land to the East Coast Land Company for £20.³⁹⁵³ Pāora Haenga gave him the money “under the mana of Ruawharariki.” Hāmiora Apanui claimed through the gift from Te Aopare to Hinerupe,³⁹⁵⁴ He also claimed the land for the descendants of Te Aotaihi through the conquest by Hukarere.³⁹⁵⁵ To cover all bases he claimed through Te Atahaia and Makahuri.³⁹⁵⁶ He also claimed the land belonged to Ruawaipu and Tamakoro.³⁹⁵⁷ The Court delivered its judgment on 20 June 1894.³⁹⁵⁸ It found that it was not consistent with the character of Makahuri that he would allow the land to be taken without reprisal. Therefore, the Court rejected Te Hati and Manahi’s claim that there was a conquest by Te Uhu.³⁹⁵⁹ The Court found the land belonged to Makahuri and it awarded title to his descendants who could prove they had a claim.³⁹⁶⁰ Pāora Haenga handed in the list on 29 June 1894 and other names were then included.³⁹⁶¹

- Kohukohupaua No. 1 (4 acres) in Kawakawa-mai-Tawhiti came before the Court on 6 July 1894.³⁹⁶² Hōri Mahue claimed Kohukohupaua No. 1 through Pākira.³⁹⁶³ Mere Katene Kawakawa claimed through Te Ihiko and Iritekura.³⁹⁶⁴ She stated that she was the last to cultivate the land. She also stated that “When Biggs took this land Rāpata came here to inquire to whom this land belonged. Hākopa told told Rāpata I owned this land.”³⁹⁶⁵ Kohukohupaua No. 2 was heard on the same date and claimed by Hōri Mahue through the ancestors Uetaha and Iritekura. The block was partitioned into two blocks and the Court awarded the No. 1 block to the descendants of Tūkahauataua and the No. 2 block to the descendants of Iritekura.³⁹⁶⁶

³⁹⁵³ 25 Waiapu MB, 185.

³⁹⁵⁴ 25 Waiapu MB, 167.

³⁹⁵⁵ 25 Waiapu MB, 167-168.

³⁹⁵⁶ 25 Waiapu MB, 167-168.

³⁹⁵⁷ 25 Waiapu MB, 167.

³⁹⁵⁸ 25 Waiapu MB, 197-198.

³⁹⁵⁹ 25 Waiapu MB, 198.

³⁹⁶⁰ 25 Waiapu MB, 198.

³⁹⁶¹ 25 Waiapu MB, 283-284.

³⁹⁶² Native Land Court *Kohukohupaua* (1894) 25 Waiapu MB, 330-334, 345, 350.

³⁹⁶³ 25 Waiapu MB, 330, 332.

³⁹⁶⁴ 25 Waiapu MB, 331.

³⁹⁶⁵ 25 Waiapu MB, 331.

³⁹⁶⁶ 25 Waiapu MB, 334.

- Tokatā (3,405 acres) was before the Native Land Court on 10 May 1894.³⁹⁶⁷ The lead claimants were Manahi Parapara and Kātene Ngātoko. Others included Keiti Ahurangi who claimed for Te Whānau a Kahu through Ruawaipu and the gift from Te Aopare to Tamateakui.³⁹⁶⁸ Rota Huna gave detailed evidence on this gifting process.³⁹⁶⁹ Manahi Parapara claimed through Tuiti, Kauwhakatuakina, and Tūhorouta.³⁹⁷⁰ East of the Karakatūwhero he claimed through several ancestors including Te Aotaihi.³⁹⁷¹ South-east he claimed through Hukarere and Makahuri.³⁹⁷² Land at the southern boundary he claimed through two ancestors including Rangi-te-ekehua. Hati Houkāmau claimed through the ancestor Tuiti and was concerned that part of the Wharekāhika block had been included.³⁹⁷³ He recounted the story of the return of Tuiti, the coming of Tūwhakairiora and the marriage to Ruataupare, the dispute with Uetaha, the conquest by Kauwhakatuakina and Umuariki under Tūwhakairiora’s direction, the resulting battle at Maniāroa, the evacuation to Ōkauwharetoa, and the gifting of the land to Makahuri and Hukarere.³⁹⁷⁴ Tūhaka Mōkena claimed the land as a gift from Kauwhakatuakina to Tūhorouta.³⁹⁷⁵ The land was given by a descendant of Tūhorouta, Māruki, to Mōkena Kohere. According to Judge Gudgeon, Mōkena “as a sign of his right set up a post at Takere.”³⁹⁷⁶

Judge Gudgeon issued his lengthy judgment on 24 May 1894 rejecting nearly all claims.³⁹⁷⁷ Of the gift to Mōkena he stated that it was “not shown that Māruki had any higher right to give away the tribal lands to a stranger and this point is of the utmost importance for their case – no gift of land unless it is assented to by the tribe.”³⁹⁷⁸ Such recognition and purported gifting was “of no value and confers no title.”³⁹⁷⁹ He went on to hold that it was “quite clear that the Whānau a Kahu have always been in

³⁹⁶⁷ Native Land Court *Re Tokatā* (1894) 24 Waiapu MB 204-210, 351, 354-358, 377-392 & 25 Waiapu MB 20, 39, 228-237, 288-242, 326-330, 359.

³⁹⁶⁸ 24 Waiapu MB 204.

³⁹⁶⁹ 24 Waiapu MB 215-217.

³⁹⁷⁰ 24 Waiapu MB 205, 253.

³⁹⁷¹ 24 Waiapu MB 205.

³⁹⁷² 24 Waiapu MB 206.

³⁹⁷³ 24 Waiapu MB 206, 228.

³⁹⁷⁴ 24 Waiapu MB 233-237.

³⁹⁷⁵ 24 Waiapu MB 207-213, 377.

³⁹⁷⁶ 24 Waiapu MB 207-213, 377.

³⁹⁷⁷ 24 Waiapu MB 377-392.

³⁹⁷⁸ 24 Waiapu MB 378.

³⁹⁷⁹ 24 Waiapu MB 379.

possession of this land.”³⁹⁸⁰ In the judgment he recounted the story of Ruawaipu being conquered by Ngā Oho, the evacuation to Whāngārā, the return of Ngāi Tuere and the retaking of the land and he concluded that Tuiti could not have been on the land before Uetaha.³⁹⁸¹ He, therefore, dismissed the claims of all those who claimed through Tūhorouta and Tuiti. He found in favour of Ngati Kahu, and the descendants of Kauwhakatuakina.³⁹⁸² Others were also included in the list from Te Aowharengākau who obtained their right by virtue of descent from Te Atarau.³⁹⁸³ Title was issued in the names of 201 owners. The block was partitioned into 5 subdivisions in April 1916.

Te Ture Whenua Māori 1900-1912 – Native Land Legislation 1900-1912

In September 1895 a large number of the Ngāti Porou assembled in the Courthouse at Awanui.³⁹⁸⁴ Paratene Ngata advised the Court that the tribe had:³⁹⁸⁵

... resolved not to put the papatipu lands thro' the Court as the Government thro' their land purchase officers are taking their very homes from under them - and even buying their graveyards.

The tribe was seeking law reform. Judge Gudgeon telegraphed the Government on behalf of Ngāti Porou but a week later he received notification that the Government was 'not disposed' toward curtailing land purchase in the area.³⁹⁸⁶ Paratene Ngata then asked that all the papatipu cases be adjourned indefinitely and the Court granted his request. Two weeks later the Court adjourned from the Waiapu district and did not return until 1901.

By 1900, law reform was achieved. The last remaining area in this district where there were still large papatipu or customary land blocks to be investigated was in the Waiapu-Pōtaka area. The Māori Land Administration Act 1900 came into effect at this time. On 14 December 1901,

³⁹⁸⁰ Native Land Court *Re Tokata* (1894) 24 Waiapu MB 378.

³⁹⁸¹ Native Land Court *Re Tokata* (1894) 24 Waiapu MB 378-380, 382-383, 386.

³⁹⁸² Native Land Court *Re Tokata* (1894) 24 Waiapu MB 392.

³⁹⁸³ Native Land Court *Re Tokata* (1894) 24 Waiapu MB 386.

³⁹⁸⁴ Native Land Court (1895) 26 Waiapu MB 174.

³⁹⁸⁵ 26 Waiapu MB 174.

³⁹⁸⁶ 26 Waiapu MB 184.

the president and members for the Tairāwhiti Māori Land Council were appointed, and they were.³⁹⁸⁷

- William Alfred Barton, stipendiary magistrate (president – Crown-appointed)
- John Townley (Crown-appointed member)
- Edward Patricks Joyce (Crown-appointed member)
- Heta Te Kani (Crown-appointed member)
- Pene Heihi (elected Māori member)
- Wīremu Pōtae (elected Māori member)
- Epanaia Whaanga (elected Māori member)

The Council assumed and exercised all the powers of the Native Land Court as to the “...ascertainment of ownership, partition, succession, the definition of relative interests, and the appointment of trustees for Native owners under disability.”³⁹⁸⁸ However, it could not exercise these powers unless and until directed to do so by the Chief Judge of the Native Land Court.³⁹⁸⁹ Anyone dissatisfied with any order made by the Council, could appeal to the Chief Judge who could determine the appeal or he could decide to refer the matter to the Native Appellate Court.³⁹⁹⁰ The Council could refer any claim or question to a Block Committee for further investigation and report.³⁹⁹¹ Once the report was received the Council had to issue notice in the *Kāhiti* and the *New Zealand Gazette* of its intention to give effect to the report. It could then move to grant any orders it saw fit.³⁹⁹²

The Block Committees or "the Papatipu Committee of the Block" consisted of 5-9 elected representatives who held office for a term of three years.³⁹⁹³ The committees were required to have due regard to Māori customs and usages as they conducted full investigations into the ownership of the block for which the committee was established.³⁹⁹⁴ They had to use sketch-plans of the block prepared by authorised surveyors setting out the situation and boundaries of

³⁹⁸⁷ Loveridge, D. (1996). *Māori Land Councils and Māori Land Boards: A Historical overview, 1900 to 1952*. Waitangi Tribunal, Rangahaua Whānui Series. 32.

³⁹⁸⁸ Māori Administration Act 1900 s 9.

³⁹⁸⁹ Māori Administration Act 1900 s 9.

³⁹⁹⁰ Māori Administration Act 1900 s 10.

³⁹⁹¹ Māori Administration Act 1900 s 11.

³⁹⁹² Māori Administration Act 1900 s 12.

³⁹⁹³ Māori Administration Act 1900 s 16.

³⁹⁹⁴ Māori Administration Act 1900 s 17.

the block, and adopting hapū boundaries as far as practicable.³⁹⁹⁵ The committees then prepared reports setting out:³⁹⁹⁶

(1.) The names of the owners of the block, grouping families prepare report together, but specifying the name of each member of each family;

(2.) The relative share of the block to which each family is entitled;

(3.) The relative share to which each member of the family is entitled in such family's share of the block; •

(4.) Such other particulars as are prescribed.

The reports and sketch-plans prepared by the Papatipu Committee were sent to the Council, and the Council, after considering them, and giving all parties concerned full opportunity of being heard, could then confirm the committee decision by making an order in accordance with the report, or could alter or amend the same.³⁹⁹⁷

A few Papatipu Block Committee Books still exist, and these include books for the Manga o Tahito, Aho Matariki, Marangairoa No.1 and No. 2, Te Pākihi, Hahau, Hinetīraha, Whakaari, Potikitangata, the Poroporo and Tikitiki Blocks. These books are available to be perused at the Gisborne Māori Land Court. The books are in te reo Māori. As an example of what was dealt with by the Committees, I have identified the Tairāwhiti District Māori Committee 1 Minute Book which begins on 4 May 1904-13 August 1904. The Committee conducted the investigation into Hahau No. 1 No. 2, No. 2A and Potikitangata. It was attended by the committee members Āpirana Ngata (Chair), Wī Tākoko, Hōri Mahue, Rēnata Tīhore, and Reweti Pāhau and claimants. Mohi Tūrei claimed through Hinepare down from Te Aotauru to Rarawa and Porou.³⁹⁹⁸ He claimed papatipu rights through these ancestors and their defence of the land.³⁹⁹⁹ He also claimed through the conquest of Hikatoa of Porou and the transfer of mana over Porou's land to Pango.⁴⁰⁰⁰ Others who claimed under similar rights included Piripi Rairi, Manahi Taua, Rāniera Tūhoro, Kereama Tīhema, Pirimana Te Kawa, Karepa Taua, and Rāhera Rairi (sister of Panikena Kaa). Piripi Rairi also discussed the Ruataupare conquest and the placing of a rāhui protecting the land by Tīnātoka.⁴⁰⁰¹ So did Piripi Rairi. Te Hapi Haerewa

³⁹⁹⁵ Māori Administration Act 1900 s 17.

³⁹⁹⁶ Māori Administration Act 1900 s 18.

³⁹⁹⁷ Māori Administration Act 1900 s 19.

³⁹⁹⁸ Tairāwhiti District Māori Committee 1 MB 2.

³⁹⁹⁹ Tairāwhiti District Māori Committee 1 MB 2-5.

⁴⁰⁰⁰ Tairāwhiti District Māori Committee 1 MB 6.

⁴⁰⁰¹ Tairāwhiti District Māori Committee 1 MB 9-10.

claimed as a descendant of Paka. Those who gave evidence signed the book after their testimony and questions. The Committee declared the boundaries between Rarawa, Porou, and Māhanga.⁴⁰⁰² It then called for objections and it reconsidered the matter.⁴⁰⁰³ It also discussed the setting of boundaries of Pōtikitangata.⁴⁰⁰⁴ The Committee found for those claiming under Rarawa for Pōtikitangata, whilst a number of the other claims were also acknowledged and there were no objections except to the boundary.⁴⁰⁰⁵ The decision for Hahau was in favour of the descendants of Hinepare who married Rarawa. The decision was mostly accepted with discussion centred on the lists of owners.

Meanwhile, the President of the Tairāwhiti District Māori Land Council Judge Barton resigned in 1902 and Colonel T.W. Porter was appointed.⁴⁰⁰⁶ The Council then became the Tairāwhiti Māori Land Board in November 1905 due to the enactment of the Māori Land Settlement Act 1905. This 1905 Act amended the Māori Land Administration Act 1900 by reconstituting the Māori Land Councils as Boards.⁴⁰⁰⁷ The Boards were comprised of three people, only one of whom had to be Māori. Porter was confirmed as President and held the position until mid-1908.⁴⁰⁰⁸ Increasing the power of the Land Board, section 8 of the Māori Land Settlement Act 1905 was used to compulsorily vest 85,185 acres in the Tairāwhiti District Māori Land Board.⁴⁰⁰⁹

Te Kōmihana a Stout rāua ko Ngata – The Stout-Ngata Commission

In Schedule 4 of its report, the Stout-Ngata Native Land Commission explains what became of the decisions of the Papatipu Committees noting that:⁴⁰¹⁰

We find that in the year 1894 the claims for investigation of the titles to these lands came before the Native Land Court, but, owing to the dissatisfaction, felt by the people with the Crown purchases of Native lands in the district, these claims were all withdrawn, and the lands remained papatupu until after the passing of " The Māori Lands Administration Act,

⁴⁰⁰² Tairāwhiti District Māori Committee 1 MB 47-48.

⁴⁰⁰³ Tairāwhiti District Māori Committee 1 MB 47-48.

⁴⁰⁰⁴ Tairāwhiti District Māori Committee 1 MB 64.

⁴⁰⁰⁵ Tairāwhiti District Māori Committee 1 MB 67, 73.

⁴⁰⁰⁶ *Gisborne Times*. 26 June 1902. 2; and see Crawford, J. (1993). Thomas William Porter. In *Dictionary of New Zealand Biography*. Retrieved on 22 April 2022 at <https://teara.govt.nz/en/biographies/2p26/porter-thomas-william>

⁴⁰⁰⁷ Māori Land Settlement Act 1905, ss 2-3.

⁴⁰⁰⁸ Crawford. (1993). Thomas William Porter.

⁴⁰⁰⁹ Loveridge. (1996). 45.

⁴⁰¹⁰ Native Lands and Native-Land Tenure: Interim Reports of Native Land Commission on Native Lands in the Waiapū County, *AJHR*, 1908 Session I, G-00i, Schedule 4.

1900," under which it was proposed to investigate claims to papatupu blocks through Māori committees selected by the claimants. The committees were required to report to the Māori Land Council, which confirmed or otherwise disposed of the report, subject to appeal to the Native Appellate Court. Between 1902 and 1905 Papatupu Block Committees dealt with Waiapū lands of the area of 73,625 acres ; they reported to the Council, but, owing to a technical defect in the Council's orders of confirmation, the Native Appellate Court referred the matters back.

In 1908, the Robert Stout and Āpirana Ngata Native Land Commission produced an interim report on what land was available for Pākehā settlement in this district. They recorded that of the land area in the Waiapu County:⁴⁰¹¹

... 150,000 acres were acquired by the Crown, and 172,000 acres sold to Europeans, making a total of 322,000 acres the freehold of which the Māoris have parted with. They own a balance of, roughly, 380,000 acres, of which 113,025 acres are under lease to Europeans. The first land was obtained from the Māoris mainly through the influence of Sir Donald McLean, who asked the Māoris to sell the interior land, keeping the sea-coast for their own use. The price given to the Māoris for the inland land was from 1s. to 3s. per acre, and most of it went to the Crown. Other portions were sold to Europeans at from 2s. to ss. an acre. Between 1876 and 1893 large areas of the lands reserved from sale and lying generally to the south of the Waiapu River and between the sea-coast and the lands sold, were leased to Europeans. They comprise the well-known Waipiro, Tūpāroa, Taoroa, and Tokomaru leaseholds.

The Commission's interim report attached schedules demonstrating:⁴⁰¹²

- (a) the lands which were under lease to Europeans, and the unexpired terms of the leases;
- (b) those lands, the titles to which have been ascertained, which were under Māori occupation or which were desired to be reserved for Māori occupation; and
- (c) the lands, the titles to which had been ascertained, and which were proposed or would be available for general settlement. The last category of land included lands that were "suitable and available" for settlement. These were papatupu lands comprising a total area of approximately 149,285 acres.

The Native Land Commission reported that they had made representations to the Native Minister "that a Court should be appointed as soon as possible to deal with these and other

⁴⁰¹¹ Native Lands and Native-Land Tenure: Interim Reports of Native Land Commission on Native Lands in the Waiapū County, *AJHR*, 1908 Session I, G-00i, p 1.

⁴⁰¹² Native Lands and Native-Land Tenure: Interim Reports of Native Land Commission on Native Lands in the Waiapū County, *AJHR*, 1908 Session I, G-00i, 1-2.

papatupu lands in the Waiapu County, and we are assured that a Court will sit about the middle of February.”⁴⁰¹³

Ngā Whakataunga a te Kooti i 1900 – Post 1900 Court Investigations

Sure enough the Native Land Court did sit in 1908 to conduct its initial block investigations into title. I have considered a sample of the cases heard to ensure coverage over the entire Pōtikirua ki te Toka-a-Taiau district. I have not considered later appeals or rehearings or commissions of inquiry.

- Marangairoa was called before the Native Land Court for the first time in 1908. It had been the subject of the Papatipu Block Committee investigation and Āpirana Ngata was the chair of that Committee.⁴⁰¹⁴ Before it was broken up the land encompassed the entire East Cape area reflecting the desire of Mōkena Kohere to keep the area as a reserve.
- Marangairoa 2 was the first hearing for these cluster of blocks by the Native Land Court. It found that the land was under the mana of Te Rangitekehua by conquest. Tāwhangaporoporo land on the block was recognised as a gift to Mimi-o-pawa for organising the tā moko of Mataiata. The award also went to descendants of Whakauriki for performing the tā moko work he completed on Mataiata and it was agreed that part of the payment would have been shared with his food bearers from the Waiapu. The area known as Kiwikiwi was gifted to Kauae for avenging the death of Raho’s children. Part of the land was awarded to Manahi Parapara claiming through Hauhaumoko. The rest was awarded to the descendants of Tūkōhanataua and Tamauitai whose ancestor was Pākira. The list of owners was finalised on 8 June 1908.
- Marangairoa No. 1 block was heard on 8 June 1908. This block was partitioned into Whakaranui (1A 8,000 acres), Hoerora (1B 17,295 acres) and Pakihi (1C, 1930 acres), and Kautuku.

⁴⁰¹³ Native Lands and Native-Land Tenure: Interim Reports of Native Land Commission on Native Lands in the Waiapū County, *AJHR*, 1908 Session I, G-00i, Schedule 4.

⁴⁰¹⁴ Tairāwhiti Papatipu Block Committee MBs 1-5.

- Marangairoa No.1A – Whakakaranui was heard in 1908. The block was claimed by Hōri Mahue, Manahi Parapara, Himiona Apanui, Pāora Haenga, and Te Hati Houkāmau based on different rights to land.⁴⁰¹⁵ In his judgment, Judge Sim repeated the history of the vanquishing of Ngā Oho by Ngāi Tuere, the occupancy of Uetaha and Tamakoro of Kawakawa, the uninterrupted occupancy by Ruawaipu on the eastern side of the Awatere, Tūwhakairiora’s arrival in the district, the killing of one of his dogs, his slaying of Māhue and Whata in retaliation, and his pursuit to the rock at Hēkawa known as Te Pā-o-Tūwhakairiora. It was claimed that with support from his father-in-law and brother, Tūwhakairiora took the whole of the land from the Awatere to the Maraehara and to the Ngutu Awa o Waiapu. This was not accepted by the judge, although he acknowledged that by his old age Tūwhakairiora through many different “take” had the mana over the entire area from Pōtikirua to Waiapu. Tamakautuku and Pākira, the latter’s nephew, were the recognised ancestors for this block. Therefore, their descendants of Te Whānau a Te Aotaihi and Te Whānau a Tūterangiwhiu were the predominant people in the block. The Court also found that a part of the block was under occupation by the descendants of Mohiraia and Hunaara.

- Marangairoa No. 1B or Horoera is bordered by the Whakakaranui and Pākihi blocks. Hati Houkāmau claimed through conquest by Tūwhakairiora but with Hunaara taking the right. Hakaraia Mauheni, Hōriana Te Whare, Waiheke Tūreia, Manahi Parapara and others also made claims. Paratene Ngata claimed under gift by Tataramoa to Kōpuni and Karuwai. Harawira Huriwai claimed by gift from Tataramoa to Kōpuni. Pāora Haenga claimed the land was papatipu through Ihiko-o-te-rangi. Himiona Apanui claimed under gift to Te Aotaihi. On Tuesday, 16 June 1908, the Court found that Tataramoa made a gift of his kāinga and māra to Kōpuni, and that Moemoea was killed in order to “whakanihoniho” Kōpuni.⁴⁰¹⁶ But that gift was only to his mara, not the whole block.⁴⁰¹⁷ The Court considered that the whole of the people including Tataramoa were under the mana of Tūwhakairiora, and naturally his mana would descend to any of his descendants who occupied. In the

⁴⁰¹⁵ Native Land Court *Re Marangairoa No 1A - Whakakaranui* (1908) 39 Waiapu MB, 178-186.

⁴⁰¹⁶ Native Land Court *Re Marangairoa No 1B - Horoera* (1908) 39 Waiapu MB 186-193.

⁴⁰¹⁷ 39 Waiapu MB 189-192.

Court's view, it was clear that Hunaara occupied and exercised mana over the people and the land. But the papatipu people remained in the same occupation as they had done under the mana rangatira of Tūwhakairiora.⁴⁰¹⁸ Thus the Court awarded a small portion to Karuwai (for Te Pōrahu at Maraehara Valley). The balance of the block was awarded to those descendants who were entitled through the ancestors Kōpuni and Hunaara and of the papatipu ancestors Tataramoa, Kahuteiro, Parekawhiu, and Kautoroa – all of Ruawaipu. The gifts of Te Wehiwehi and others were also recognised by the award of the Court.

- Marangairoa 1C – Pākihi was investigated by a Papatipu Block Committee in 1904. Judge Jones subsequently complimented the Papatipu Committee for its work.⁴⁰¹⁹ He did so after he heard the matter during 1912 and in his judgment issued on 16 December 2012.⁴⁰²⁰ The block was claimed by descendants of Tūwhakairiora, Takimoana, Te Whakaohonga, Ruahuia, Tarahauiti and Te Kāpa. All agreed that the Ruawaipu tribes had stayed on the land. In the times of Hikakino of Ruawaipu his people and Ngāi Tamatea were attacked on the account of the loss of Te Ritenga's child. Hikakino asked for protection from Hunaara. The latter moved to Te Pākihi, and when he returned to Horoera he left his child Tarahauiti in residence at Te Pākihi. The Court found in favour of the papatipu descendants.⁴⁰²¹ Tarahauiti married into the papatipu and the descendants of that marriage were also entitled.
- Marangairoa 1D – Kautuku. A southern portion of this block was investigated first by the Rāniera Heuheu Committee.⁴⁰²² Trouble arose about the land in 1888.⁴⁰²³ Mohi Tūrei at that time was living on the portion of the Kautuku block called Waikōriri. According to Rarawa Kohere, Ngāi Tāne, and Te Whanau-a-Takimoana.⁴⁰²⁴

... began to persecute Mohi Tūrei who had lived there for 18 years. Mohi and others contended that Waikōriri was Mataura's papatipu. Kāhaki with Karaitiana Pākura., Hāre Taua and Hakaraia Mauheni contended that it

⁴⁰¹⁸ 39 Waiapu MB 189-192.

⁴⁰¹⁹ Native Land Court *Re Marangairoa No 1C or Pakihi* (1908) 52 Waiapu MB, 335.

⁴⁰²⁰ 52 Waiapu MB, 335-336.

⁴⁰²¹ 52 Waiapu MB, 335-336.

⁴⁰²² Native Land Court *Re Kautuku* (1913) 57 Waiapu Minute Boo 66.

⁴⁰²³ 57 Waiapu MB 66.

⁴⁰²⁴ Kohere. (2005). 240-242.

was a gift to Hihi given on her dying bed by Hinetangi. Ngāti Hokopu contended that Pukunui (which is outside the block in question) was in fact the gift in question. Ngāti Hokopu believed that the set up was a conspiracy, given that none of those mentioned were from Hihi.

The reasons for the persecution Ngāti Hokopu believed, was because of the Hauhau fight in the first instance and also because of religious trouble with the recent entry of the Church of Jesus Christ of the Latter-Day Saints into the Waiapu Valley to challenge the CMS whakapono which Piripi Taumatakura had brought back from the Bay of Islands. There had also been earlier trouble at Te Rapa in 1881. A quote from Hakaraia Mauheni reflects the circumstances: If Mohi owned this place, No 1 6, 1 7, 1 8, 19 would we go to turn him off, the true owner? Hemi Tāpeka in reply: Yes, Even if Mohi owned it you would turn him off as at Te Rapa, which Mohi owned his house was burnt.” ...

Evidently, Mohi had erected a fence on the area he was occupying causing some reaction from other hapū members.⁴⁰²⁵ Ānaru Kāhaki, Ēnoka Rukuata and others disputed his right to be there and “disturbed his occupation.”⁴⁰²⁶ Before the Committee, Ānaru Kāhaki set up Hopehope down to Mokairūrenga through Ruawaipu.⁴⁰²⁷ Mohi Tūrei set up Tamaikakea (brother of Ruawaipu) down to Mataura.⁴⁰²⁸ According to Hēnare Rukuata, the elders on the Committee decided against Mohi Tūrei.⁴⁰²⁹ The Committee decided Mataura had no right there and awarded the land under the papatīpu of Hopehope down to Hinetangi who gifted it to Hihi.⁴⁰³⁰ Rāhera Rairi and Panikena Kaa were eventually identified as descendants of Hihi before the Native Land Court and Panikena became the owner of Waikōriri. He passed the land to his eldest son Wī Ihikeepa Kaa (my great grandfather) who married Ngāhinu Kāwini Kaa (nee Huriwai, daughter of Harawira Huriwai) who raised my mother Pākura Te Mateora on Waikōriri after her father Pākura Tākoko (son of Tāwhai Tākoko) was killed in a motor accident.

The Court started hearing claims to the Marangairoa D1 block - Kautuku in 1913 and the evidence before it spans five of its Minute Books.⁴⁰³¹ The number of claims was reduced to 21 claims with the lead claimant being Hēnare Rukuata and all the

⁴⁰²⁵ 57 Waiapu MB 66.

⁴⁰²⁶ 57 Waiapu MB 66.

⁴⁰²⁷ 57 Waiapu MB 66.

⁴⁰²⁸ 57 Waiapu MB 66.

⁴⁰²⁹ 57 Waiapu MB 66.

⁴⁰³⁰ 57 Waiapu MB 67.

⁴⁰³¹ Native Land Court *Re Kautuku* (1913) 53, 54, 55, 56 57 Waiapu MBs.

other claims were set up as counterclaimants.⁴⁰³² Judge Jones was the presiding officer and his handwriting is so bad that it is difficult to read the evidence. However, for the purposes of the later Royal Commission process, the evidence was transcribed, and I have had access to that document. The judgment of the Court was delivered on 8 December 1913.⁴⁰³³ It noted that there were essentially three “take” to the land set up. The first by Hēnare Rukuata who claimed the southern areas of the land as papatipu of Ruawaipu through Whiwhi and his descendants, Huaki down to Kōhaki, down to his children including Papapaka and for the descendants of Te Ritenga.⁴⁰³⁴ Paratene Kāmura claimed the southern portion through Tamaikakea. He also claimed through Uetaha, Koura and Huatau, and others.⁴⁰³⁵ Piripi Rairi claimed from Pohautahataha down to Uetaha, Huatau and Moananehu, and to their descendants including Ikawhakatarā and Rangimakāuea with the remainder of the block coming through Kōhaki down to Rangitukuwaru.⁴⁰³⁶ Other claims were made based upon papatipu (e.g. Rāhere Raire, Pineaha Koia, Rīwari Rāroa, Hakaraia Mauheni, Karepa Taua); conquest (e.g. over Kamiti through the battle of Parukoura by Hihi and Pākura as claimed by Rāhera Rairi); or gift (e.g. Ēnoka Rukuata) or overlapping areas (e.g. Keita Ngatai as per Hinepare, Hapi Haerewā and Ngāi Tāne).⁴⁰³⁷ Other claimants included Tipiwai Houkāmau, Mere Karaka, Karepa Taua, Pono Huaki, Hoani Rāroa, and Irimana Te Kawa. In the northern section of the block the conquest of Ngāi Tamatea by Te Ritenga with assistance by Porou and his children was raised as a “take” to land.⁴⁰³⁸ The Court found that the claims through Tamaikakea could not be proven.⁴⁰³⁹ It awarded north of the Mangatākoha to such of the descendants of Uetaha, Huatau and Koura who could demonstrate occupation. It also awarded land north of Mangatākoha to the descendants of Te Ritenga and Rangimakāuea who could demonstrate occupation.⁴⁰⁴⁰ The area known as Pukekioire was claimed by Ketī Ngātai and others through Mataura and Hinepare. That claim was dismissed as it was not clear to the Court what Mataura’s rights to

⁴⁰³² 57 Waipap MB 311.

⁴⁰³³ 57 Waipap MB 311-329, 379-386.

⁴⁰³⁴ 57 Waipap MB 312.

⁴⁰³⁵ 57 Waipap MB 313.

⁴⁰³⁶ 57 Waipap MB 313.

⁴⁰³⁷ 57 Waipap MB 315.

⁴⁰³⁸ 57 Waipap MB 329.

⁴⁰³⁹ 57 Waipap MB 320.

⁴⁰⁴⁰ 57 Waipap MB 322.

the land were other than he married Hinepare the owner of Hahau.⁴⁰⁴¹ The Court was prepared to grant a small award to his descendants if there was no objection.⁴⁰⁴² As to Hinepare her boundary was Kopuakanae and therefore the overlap claim was dismissed.⁴⁰⁴³ As to the area between Waikapakapa stream and Mangarangiora stream, the Court recognised those who claimed under Ruataupare's conquest but noted that the land was given back to Ngāti Māhanga with the sole condition being to pay tribute with food.⁴⁰⁴⁴ Most of the balance of the land between Mauria and Waikapakapa was found to have belonged to Kōhaki and his descendants Rangitukuwaru and Papaka who occupied.⁴⁰⁴⁵ A number of gifts (e.g gift of Takapau o Papa to Hunaara) were confirmed, while others were dismissed. Taupō was awarded to the descendants of Porou's son Tamamatuhea and his wife Kōtihi.⁴⁰⁴⁶ As to Ōkahu, the Court affirmed the gift from Te Ritenga to Uetaha and the gift of Kāmati to Tīnātoka.⁴⁰⁴⁷ The Court then dealt with the conquest claims and started with Ketī Ngatai's wrongly claimed that Hihi's child Te Rangihauangi was drowned on a trip back from Whanaōkeno. She contended that the sea was declared tapu.⁴⁰⁴⁸ This rāhui was desecrated by the owners of the land and Manawatī was killed. Her claim that the land was taken after conquest was dismissed.⁴⁰⁴⁹ Another claim of conquest to Ōkahu was set up by Rāhera Rairi based on the drowning of Hāmia's child. Rāhera claimed that it was Hāmia who went to Hihi to seek revenge against those responsible for not doing enough to save the child. This claim was also dismissed.⁴⁰⁵⁰ As to Rāhera's claim to conquest of Kāmiti and the battle of Parukoura and the attack on the canoe party by Hihi and Pākura, and the retaking of the land, the Court was not sure it was a conquest or an abandonment by the former owners. However, the claim was upheld in favour of the descendants of Hihi and Pākura and any others who assisted who were in occupation of the land.⁴⁰⁵¹ A gift from Rawewera to Te Hihi and Pākura by Ngāti Paura was also

⁴⁰⁴¹ 57 Waiapu MB 323.

⁴⁰⁴² 57 Waiapu MB 324.

⁴⁰⁴³ 57 Waiapu MB 324-325.

⁴⁰⁴⁴ 57 Waiapu MB 325-326.

⁴⁰⁴⁵ 57 Waiapu MB 327.

⁴⁰⁴⁶ 57 Waiapu MB 380.

⁴⁰⁴⁷ 57 Waiapu MB 380.

⁴⁰⁴⁸ 57 Waiapu MB 381.

⁴⁰⁴⁹ 57 Waiapu MB 381.

⁴⁰⁵⁰ 57 Waiapu MB 381-382.

⁴⁰⁵¹ 57 Waiapu MB 383.

upheld. An alleged gift from Hunaara of a northern portion of the land was rejected, while a gift to Hunaara down to his descendants was confirmed.⁴⁰⁵²

- Wharekāhika was before the Native Land Court on 23 March 1908 and again on 4 October 1908.⁴⁰⁵³ Te Hati Houkāmau made the application for the investigation. He claimed under his ancestors Tuiti of Ruawaipu and their descendants, a gift to Hukarere and Makahuri and by conquest by Tūterangiwhiu. There were 7 counter-claimants. Manahi Parapara, Himiora Apanui, and Waiheke Tūreia also claimed under Tuiti. Paratene Ngata, Wīremu Arapeta, and Horomona Te Paipa claimed under Tahania who arrived with Uetaha and Tamakoro of Ngāi Tūere. The Court delivered its judgment on 20 March 1909.⁴⁰⁵⁴ The Court was satisfied that the land belonged to Ruawaipu and that Tuiti was her descendant. The Court considered that it was probable that she was in occupation at the time of the Ngā Oho invasion, and that she left for Whāngārā where she married and had children.⁴⁰⁵⁵ She returned at about the time that Uetaha and his “ope” arrived and the Court was satisfied that she went to live at Wharekāhika.⁴⁰⁵⁶ She and her children then exercised mana over the land at Wharekāhika, establishing their rights over the entire block.⁴⁰⁵⁷ The Court found that those who relied on Tahania could not dispute this occupation and mana.⁴⁰⁵⁸ It also found that while Tahania went to Wharekāhika, he did not have any right to the land as he was not a descendant of Ruawaipu and there was no proof that he and his children exercised any right to land.⁴⁰⁵⁹ The Court did find that a portion of the land was gifted by Tāmanuhiri to Hukarere-iti, and Makahuri but it did not uphold the claim to conquest and acquisition of territory by Tūterangiwhiu after the battles with Te Whānau a Pararaki and Ngāi Tūmoana.⁴⁰⁶⁰ Rather the Court found that the descendants of Hukarere-iti and Makahuri extended their occupation over the land with Hukarere’s descendants taking the greater portion.⁴⁰⁶¹ The Court then reviewed all the claims under Tutamakuhurangi for his avenging the killing of Rangihekeiho and restricted those to the portion of the land

⁴⁰⁵² 57 Waiapu MB 384-386.

⁴⁰⁵³ Native Land Court *Re Wharekāhika* (1908-1909) 42, 43, 44 Waiapu MBs.

⁴⁰⁵⁴ Native Land Court *Re Wharekāhika* (1909) 43 Waiapu MB 145-157.

⁴⁰⁵⁵ 43 Waiapu MB 146.

⁴⁰⁵⁶ 43 Waiapu MB 146.

⁴⁰⁵⁷ 43 Waiapu MB 146, 148.

⁴⁰⁵⁸ 43 Waiapu MB 146.

⁴⁰⁵⁹ 43 Waiapu MB 147-148.

⁴⁰⁶⁰ 43 Waiapu MB 150-151.

⁴⁰⁶¹ 43 Waiapu MB 154.

known as Rongotūpua.⁴⁰⁶² At Ōkarae or Ōtonga, Ruaterau's descendants occupied with others. The Court awarded the block in accordance with these findings, breaking down the shares for Hukarere in favour of Rerekohu, Te Aowharengakau, Kātawa, Whakarae, and Tūwhakairiora.⁴⁰⁶³ Smaller claims to māra and other small areas were recognised as well, including one in favour of Hēnare Mahuika.⁴⁰⁶⁴

- Tikitiki (6,079 acres) had previously been investigated by a Papatipu Block Committee over the period 1904-1905 as authorised by the Māori Lands Administration Act 1900. Members of that Committee included Āpirana Ngata (Chair), Ehau Pakatai (tohunga whakairo), Eruera Maehe, Rāwiri Waikare, Reweti Pāhau, Pauira Tāheke, and Panikena Kaa. The block was not the subject of investigation by the Native Land Court until 19013-1916. The decision of the Native Land Court issued on 13 June 1916.⁴⁰⁶⁵ The Court noted that the block had been investigated by a Block Committee.⁴⁰⁶⁶ The Court recorded:⁴⁰⁶⁷

This Committee went very fully into the claims set up before it spending 4-5 months over the investigation. It had the advantage of having a number of witnesses who are now dead. Amongst these are Hōne Te Kawa, Eruera Te Rore, Rēnata Tihore, Hēmi Tāpeka, Arapera Ngākaho, and other elders. The evidence given by them is of course in the minutes of the Block Committee, and therefore available to this Court, which however, has not had the benefit of observing the demeanour of those witnesses in giving their testimony. The Block Committee duly made its report to the Māori Land Council as required by law. Objections were lodged against the report. The Council does not appear to have considered those objections or heard the objectors but to have affirmed the report as it stood. For this reason, the Native Appellate Court annulled the Council's orders and referred the whole matter to the Native Land Court. The present hearing, then is the first time that the findings of the Block Committee have actually been under review by any tribunal. The long delay that has occurred has not improved the prospect of the Court arriving at a true estimate of the right of the parties for not only have many elders died but there have been considerable changes in many of the signs of occupation. It is plain that under all the circumstances it would not be right for the Court to alter the findings of the Block Committee unless it was quite satisfied that they were wrong. A mere doubt would not be sufficient.

The Court regrets to have to add that though it is accustomed to irreconcilable and contradictory statements in evidence before it, yet the testimony in this case appears to it to be unusually unreliable. It is of the opinion that several of the witnesses who gave evidence at the present hearing would not have ventured to make the statements

⁴⁰⁶² 43 Waiapu MB 151-153.

⁴⁰⁶³ 43 Waiapu MB 155-156.

⁴⁰⁶⁴ 43 Waiapu MB 156-159.

⁴⁰⁶⁵ Native Land Court *Re Tikitiki* (1916) 70 Waiapu MB, 94-120.

⁴⁰⁶⁶ 70 Waiapu MB 94.

⁴⁰⁶⁷ 70 Waiapu MB 94-95.

they did if the elders were still alive. And more than that one witness has contradicted his or her own evidence before the Block Committee. The Court will adopt the division of the land into Tikitiki Nos 1 & 2 blocks as made by the Block Committee. There is only one part where that boundary is disputed, namely at Te Puni, and the Court will deal with that question in connection with that portion.

The Court then proceeded to deal with the claims to each division of the block upholding most of the findings of the Block Committee. It dismissed claims to Tikitiki No. 1 under Rākaitemania. For Tikitiki No. 1A or Te Puni, the Court upheld the decision of the Block Committee in favour of Manahi Parapara and others through the ancestor Hinehaere and dismissing all other claims.⁴⁰⁶⁸ Hinehaere married Tāputu and begat Tautau, Te Awha, Tawa a Tangaroa and Te Wahinekīrau.

Te Whānau a Hinehaere claimed that Aningāiao had been given the land by Makahuri.⁴⁰⁶⁹ Makahuri had Te Auiti also known as Te Au o Mawake, Tahukōtare, Tamauiui, Koroingo and Tuitui. Aningāiao was a grandchild of Te Ehunga. Te Ehunga was a grandson of Rākaitemania. Te Ehunga's sister Te Aotārewa married Kōtorewerohia a brother to Aningāiao. Te Aotārewa begat Umuwhārangī, Kaihau, Tūmau and Te Whānaupūrei. A portion of the land was given to the last of these children (Hinehaere's nephew) Te Whānaupūrei. It then passed to Rangitauatia (the son of Te Whānaupūrei) who became a whāngai of Hinehaere and her husband Tāputu. The block was awarded to those of Whānau a Hinehaere who could establish a right to it.⁴⁰⁷⁰

As for Tikitiki 1B (Hereumu) the Court upheld the decision of the Block Committee and rejected claims made under Tūmau and Kaihau who, the Committee found, had no ancestral right in Hereumu.⁴⁰⁷¹ The Court awarded the block to the descendants of Umuwhārangī and Whānaupūrei who had a right and to those descendants of Kaihau and Hinehaere who were entitled under gifting.⁴⁰⁷²

Tikitiki 1C or Ahape was awarded by the Block Committee to the descendants of Te Ehunga and the Court upheld that decision.⁴⁰⁷³ For Tikitiki 1D or Tawata the Court did

⁴⁰⁶⁸ 70 Waiapu MB 95-97.

⁴⁰⁶⁹ 70 Waiapu MB 97.

⁴⁰⁷⁰ 70 Waiapu MB 97-98.

⁴⁰⁷¹ 70 Waiapu MB 98.

⁴⁰⁷² 70 Waiapu MB 98.

⁴⁰⁷³ 70 Waiapu MB 99-100.

not accept in total the decision of the Block Committee so it awarded the land to the descendants of Rangitauatia and Te Rāhui, with occupation being greater for those who descended from Te Rāhui (grandson of Te Ehunga) and so shares were allocated accordingly with 120 shares to Te Whānau a Rāhui and 60 shares to the descendants of Rangitauatia.

As to the boundary affecting Pukemaire, this was land was retained by Makahuri and then passed to Te Aotārewa and the decision of the Block Committee was upheld in favour of his descendants.⁴⁰⁷⁴ Tikitiki No.1E2 or Karinga-a-Matahuna was awarded to the descendants of Karinga who had a right to it.⁴⁰⁷⁵ Tikitiki No. 1F went to the descendants of Tapiata as determined by the Block Committee.⁴⁰⁷⁶ For Tikitiki Nos 1F1, 2, 3, 5, 6, 7, 8, 9, 10 again the Block Committee decisions were upheld and allocated to descendants of the following ancestors, Kaihau, Pāhero, Te Puna-a-Ruawharo, Hauwhenua, Tūmau, and others.⁴⁰⁷⁷ There were a number of divisions of Tikitiki 1G. For 1G1 the main ancestors confirmed by both the Block Committee and the Court were Te Ehunga and Hakahaka.⁴⁰⁷⁸ Block No. 1G2 was awarded to the descendants of Te Whānaupūrei who had rights to the block.⁴⁰⁷⁹ Block 1G3 or Totaranui was awarded to the descendants of Arahimokonui who have a right to it.⁴⁰⁸⁰ The next block 1G4 or Haupouri was awarded to the descendants of Koroingo. Block 1G5 was awarded to Te Ehunga and Hakahaka with the greater number of shares going to the descendants of Te Ehunga.⁴⁰⁸¹ Block 1G6 was divided further as they involved a number of māra and these were awarded to the descendants of Makahuri, Pāhero, and Hakahaka.⁴⁰⁸² The Block 1G7 or Te Rāhui Pā was awarded to the descendants of Te Ehunga.⁴⁰⁸³ The balance of the Tikitiki No. 1 block was 1G8 and it was awarded to 6 people in equal shares including Nēpia Mahuika.⁴⁰⁸⁴ Tikitiki No. 2 went to the descendants of Putaanga.⁴⁰⁸⁵ Putaanga was the father of Kahika, Mamangu, and

⁴⁰⁷⁴ 70 Waiapu MB 101-102.

⁴⁰⁷⁵ 70 Waiapu MB 102-104.

⁴⁰⁷⁶ 70 Waiapu MB 102-104.

⁴⁰⁷⁷ 70 Waiapu MB 104-105.

⁴⁰⁷⁸ 70 Waiapu MB 105-106.

⁴⁰⁷⁹ 70 Waiapu MB 106.

⁴⁰⁸⁰ 70 Waiapu MB 106.

⁴⁰⁸¹ 70 Waiapu MB 107.

⁴⁰⁸² 70 Waiapu MB 107-108.

⁴⁰⁸³ 70 Waiapu MB 109.

⁴⁰⁸⁴ 70 Waiapu MB 109.

⁴⁰⁸⁵ 70 Waiapu MB 109-110.

Tamakaraka. Block 2A Maniatanga-o-Makahuri was owned by Makahuri and then divided.⁴⁰⁸⁶ Block No. 2A1 was awarded to the descendants of Kaihau. No.2A2 went to the descendants of Koroingo and Hinehaere. No. 2A3 went to those who descended from Makahuri who had a right to it. Tikitiki No.2B was divided into Lots 1, 2, 3, and 4 and divided among descendants of Ngaparaki, Rangikaio, Tahukotore, Koroingo, Porouhekeiho, and to the claimant Rauhuia Tawhiwhi and her party. The balance of Tikitiki No. 2B was the papatipu of Putaanga and through either intermarriage or friendship, the descendants of Putaanga came to live on the land together.⁴⁰⁸⁷ Tikitiki No. 2C went to those of Ngāti Putaanga and Te Whānau a Tahi as could establish rights.⁴⁰⁸⁸ Tikitiki No.2D or Mākōau went to the descendants of Tahi and Wehiwehi.⁴⁰⁸⁹ The balance of the block No.2E, 2F, 2G went to the descendants of Hauangiangi, Tohuraukura, Mamangu, Tuitui, Whakarōrangī, Kīmaiwaho, Kaihau and Te Kāhika.

Ngā Kaitieki a Wī Pere mā – The East Coast Trust

Turning back to what else contributed to the alienation of land in the Pōtikirua ki te Toka-a-Taiau district, it is important to address the collapse of the East Coast Trust and the New Zealand Land Settlement Company. The case study is also a good example of how private purchasers could easily purchase or otherwise acquire Ngāti Porou land.

The background to the Trust and Company involves several influential loyalist chiefs. In 1877-1879, a series of meetings were held in the Tūranga district to encourage hapū to vest their land in W. L. Rees and Wī Pere as trustees.⁴⁰⁹⁰ The trustees of the East Coast Trust would manage land blocks with elected committees.⁴⁰⁹¹ All decisions regarding alienation were to be made by the tribes or owners, but any settler wanting to deal with the land would only have to negotiate with the trustees.⁴⁰⁹² The scheme was touted by Rees in the media and at public gatherings.⁴⁰⁹³

⁴⁰⁸⁶ 70 Waiapu MB 110-112.

⁴⁰⁸⁷ 70 Waiapu MB 112-113.

⁴⁰⁸⁸ 70 Waiapu MB 113-114.

⁴⁰⁸⁹ 70 Waiapu MB 114.

⁴⁰⁹⁰ Ward, A. (1958). *The History of the East Coast Māori Trust*, Master's thesis. Victoria University of Wellington. 17; Waitangi Tribunal. (2004). 540.

⁴⁰⁹¹ Ward. (1958). 17.

⁴⁰⁹² Ward. (1958). 17.

⁴⁰⁹³ Ward. (1958). 17.

Rees drafted the East Coast Settlements Bill of 1880 to further progress the scheme.⁴⁰⁹⁴ He planned to encourage the alienation of land by subdividing those lands into small blocks for lease or purchase.⁴⁰⁹⁵ The Bill promoted the removal of restrictions on the direct purchase of land.⁴⁰⁹⁶ The Bill was published as a pamphlet in time for a large meeting in Tūranga so had some support.⁴⁰⁹⁷ Tuta Nihoniho and 231 others from the district signed a petition in favour of the Bill.⁴⁰⁹⁸

The Bill was not consistent with the Government policy on Māori land, so it failed to pass into law.⁴⁰⁹⁹ Far from discouraged, Rees with several other settlers, supported by Wi Pere, Hēnare Pōtae, and Rāpata Wahawaha registered the New Zealand Native Land Settlement Company in 1881 with the following object:⁴¹⁰⁰

The acquisition of Native Land on the East Coast by the voluntary association of owners of Native Land, who shall contribute the land, with Europeans who shall contribute funds, for the purpose of effecting settlement of the land by farmer settlers and others.

The Trust changed its name to the New Zealand Native Land Settlement Company in 1881.⁴¹⁰¹ Māori were to transfer their land to the company in return for payments in cash, or shares in the company.⁴¹⁰² Pākehā investors were given shares and profits from land sales. The land was surveyed and subdivided using the funds of the settler directors of the company.⁴¹⁰³ The process for acquiring the lands was to contract with the owners and then apply to the Native Land Court for a certificate of title, by way of partition if necessary. This process also required having restrictions on alienation removed and having the sales reviewed by the Trust Commissioners appointed under the Native Land Fraud Prevention Act 1870 and 1881 to ensure there was no fraud.

Most of the blocks in which the Company had an interest were initially located in the southern part of the district. Pouawa for example, had been claimed by Hirini Te Kani and another. Title

⁴⁰⁹⁴ Ward. (1958). 18.

⁴⁰⁹⁵ Ward. (1958). 18.

⁴⁰⁹⁶ Ward. (1958). 18.

⁴⁰⁹⁷ Ward. (1958). 18.

⁴⁰⁹⁸ Sterling. (2010). 634.

⁴⁰⁹⁹ Ward. (1958). 19.

⁴¹⁰⁰ Ward. (1958). 21-22.

⁴¹⁰¹ Ward. (1958). 22.

⁴¹⁰² Ward. (1958). 22.

⁴¹⁰³ Waitangi Tribunal. (2004). 543; Ward. (1958). 22.

was issued subject to restrictions on alienation. Fifty six of the 74 owners agreed to assign their interests to a trust (using a trust deed) with trustees being appointed, namely Rees, Wī Pere, and Hirini Te Kani.⁴¹⁰⁴ At this time, both Pouawa and Kaiti were subject to leases and the decision was made to buy out the remaining terms of these leases at £25,000 with the debt charged to the land.⁴¹⁰⁵ In addition, a “petition calling for the removal of restrictions was signed by more than 60 owners, including leading figures such as Rīperata Kahutia, Rūtene Te Eke, Hapi Hīnaki, Paura Parau, Hirini Te Kani and Hēnare Pōtae.”⁴¹⁰⁶

The Pouawa subdivision case was called before the Native Land Court on 27 January 1881.⁴¹⁰⁷ Rees was the conductor of the case, and he explained to the Court the constitution of the trust and the appointment of himself, Wī Pere, and Hirini Te Kani as Trustees.⁴¹⁰⁸ He also explained that a Block Committee had been established and he asked that those who did not sign the trust deed, and any children on the title have their interests partitioned into a separate parcel or title, with the balance to be handed to the Trustees and the Committee.⁴¹⁰⁹ Members of the Block Committee including Wī Pere and Rūtene Te Eke, gave evidence in support.⁴¹¹⁰ The Court ordered the subdivision and partition of the Pouawa block on 2 February 1881 with an 18,597 acre allotment going to those who supported the Trustees and a 621 acre allotment for the dissentients, minors and absentees.⁴¹¹¹ On the issue of whether the deed of trust could be accepted as a bona fide sale and be given effect, the Native Land Court referred that issue to the Supreme Court.⁴¹¹² The decision of the Supreme Court was recorded as follows by the Poverty Bay Herald:⁴¹¹³

On the strength of the Pouawa Trust Deed, Mr. Rees, we understand, applied under the 11 section of the Native Land Act, 1881, for the fee simple of the block in question to be vested in himself and his co-trustee, to all intents and purposes as if a bona fide sale had been made by the owners of the block to those two persons. It was on this rock the split occurred. Judges Heale and O'Brien after giving this point their fullest consideration failed to see that they were empowered or justified by law in adopting such a formidable step. The point raised being a new one in the procedure of the Native Land Court, and as a legal question of an important character was involved, a special case agreed upon between the judges and Mr. W. L. Rees, solicitor, was set down for hearing by the Supreme Court on the motion of the

⁴¹⁰⁴ Sterling. (2010). 637.

⁴¹⁰⁵ Sterling. (2010). 638.

⁴¹⁰⁶ Sterling. (2010). 638.

⁴¹⁰⁷ Native Land Court *Re Pouawa* (1881) 7 Gisborne MB 390-399.

⁴¹⁰⁸ 7 Gisborne MB 390.

⁴¹⁰⁹ 7 Gisborne MB 390-391.

⁴¹¹⁰ 7 Gisborne MB 391-397.

⁴¹¹¹ 7 Gisborne MB 420 (a)-421.

⁴¹¹² 7 Gisborne MB 421-422.

⁴¹¹³ *Poverty Bay Herald*. 30 March 1881. 2.

Native Land Court. We now lay before our readers the opinion of his Honor Chief Justice 88 upon the above important Appeal Case.

The Chief Justice, after one or two preliminary remarks, states: — " I think it plain that the Trust Deed is not a sale, and consequently not a purchase within the meaning of the provisions of the Native Land Act, 1873. Sections 59 and 75 apply only to sales where the alienors part with their entire interest (see section 60), and thereby enable a Crown grant of the fee simple to be granted, conveying not only the legal estate, but that estate free from any trusts (see section 76). The eleventh section of the Native Lands Act, 1878, though I am not able to determine its intended object, does not apply. Before that section could apply the persons named in the trust as the parties to take, must be in law persons interested. They are not so in my opinion. The Trust Deed, according to the view above expressed, not being a sale, has no legal operations, and creates therefore no interest. ... I suppose the 11th section intended to enable the Court to sign to any individual who, together with others in common, or generally, holds under Memorial of Ownership, Crown Grant, award, or valid conveyance, the shares to which he is entitled, notwithstanding anything in the Act of 1873, requiring the application to be made by a majority, or notwithstanding more than ten are named in the Memorial of Ownership, Award of Partition, or other award, and notwithstanding any other similar restriction. I think the word award in this section includes an award of partition as well as a compensation award; but the section does not make valid what was invalid before. When I say that the Trust Deed has no legal operation, I mean this particular Deed, for it is made by persons who, only holding under the 17th section of the Act 1867, are prohibited from alienating except in the manner and subject to the provisions of the Act of 1873. " Such is the verdict pronounced by the Chief Justice on the Pouawa trust deed.

This decision rendered the use of trusts for the Company a waste of time and money. As only the owners could sell, subject to any restrictions on alienation, the Company proceeded by obtaining agreements to transfer the land to the Company and then those owners would apply for subdivision of the blocks. If there were no restrictions, the Company as the purchaser could be awarded a freehold title pursuant to s75 of the Native Lands Act 1873. By the time Pouawa was back before the Native Land Court on 11 March 1881, Rees sought an order pursuant to s11 of the Native Lands Act 1878, and s 75 of the Native Lands Act 1873 vesting 12,000 acres of the block in the purchasers of the block, including himself who brought the land for the company.⁴¹¹⁴ Orders were not made until 1882.⁴¹¹⁵ Most of the Pouawa No. 1B (12,171 acres) was sold to third parties within two years as the Company struggled to repay its mortgage to the Bank of New Zealand.⁴¹¹⁶ Pouawa No. 1A (6,205 acres) was also sold to the Company in 1882.⁴¹¹⁷

By the end of 1882, the company had negotiated 125,000 more acres of land.⁴¹¹⁸ Minus the Pouawa lands, it had acquired areas of land from the Kaiti, Mangaheia No. 1, Mangahaeia No.

⁴¹¹⁴ 7 Gisborne MB 70-78.

⁴¹¹⁵ 8 Gisborne MB 16, 30-31.

⁴¹¹⁶ See Ward. (1958). 25 and cf Sterling. (2010). 656-657.

⁴¹¹⁷ Sterling. (2010). 656-657.

⁴¹¹⁸ Ward. (1958). 24.

2, Paremata Nos 1 & 2, Waimata South, Waimata North, and Waimata East blocks. Most of these transactions had to be confirmed by the Native Land Court.

In the South, transactions were sometimes straightforward despite the Native Land Court process. For example, a round of subdivision and partitions occurred with the Waimata blocks in 1882. In April of that year, the Company acquired the Waimata South block (9,550 acres) from owners including Rūtene Te Eke.⁴¹¹⁹ Waimata East (4,966 acres) was awarded to owners who subsequently transferred to the Company. That transaction was approved by the Native Land Court on 31 May 1882.⁴¹²⁰ Waimata North block was before the Native Land Court on 5 May 1882 for subdivision and partition. Again, a Committee had been established with members that included Hēnare Ruru and the result was the transfer to the Company of Waimata North No.1 (4,828 acres) approved by the Native Land Court on 2 June 1882.⁴¹²¹

In the north there was some excitement concerning the work of the Company during the period 1882-1884 when its agents were calling meetings at different villages and hosting large feasts within the district.⁴¹²² At the meetings the traditional owners were asked to form their block committees on the “understanding that the committee would eventually execute conveyances of lands to the company.”⁴¹²³ In September 1883, the Company established an office at Te Horo manned by former land agent James Mackay to complete Company transactions.⁴¹²⁴

Tuta Nihoniho was very active with the Company.⁴¹²⁵ For example, the company acquired Mangaokura No. 1 (2,027 acres) in 1884. Mangaokura (2,700 acres) was heard by the Native Land Court on 15 August 1881.⁴¹²⁶ It was adjourned for the completion of a survey plan. In February 1894, it was back before the Court and Tuta Nihoniho claimed the block for Ngāti Maehau and Te Whāngai-a-Mokopuna-a-Kuratau and the ancestor Ira.⁴¹²⁷ There were no objections and title to Maungaokura No. 1 was awarded in favour of Tuta Nihoniho and Nēpia

⁴¹¹⁹ Native Land Court *Re Waitemata South* (1882) 8 Gisborne MB 80-81 & 200-201.

⁴¹²⁰ 8 Gisborne MB 81-82 & 201.

⁴¹²¹ 8 Gisborne MB 206-207.

⁴¹²² Sterling. (2010). 784.

⁴¹²³ Sterling. (2010). 784.

⁴¹²⁴ Sterling. (2010). 783.

⁴¹²⁵ Sterling. (2010). 784-785.

⁴¹²⁶ Berghan. (2008). 434.

⁴¹²⁷ Berghan. (2008). 434.

Hurikara who sold the land to the Company in 1884 for £150, a transaction confirmed by the Native Land Court in December 1887.⁴¹²⁸

However, the Company also faced the following challenges creating cash flow issues:

- (a) The work of the Trust Commissioner charged with the task of reviewing transactions in land to ensure no fraudulent conduct induced a sale. In this regard the Mangaheia No. 1 deed was the subject of a hearing by the Trust Commissioner in 1881. The Poverty Bay Herald reported that:⁴¹²⁹

Mr. Price, Trust Commissioner, was engaged the whole of yesterday evening (with the exception of an adjournment of one hour) from 4 p.m. to 10 p.m. in examining the members of the East Coast Native Committee, touching the sale of the Mangaheia Block, comprising 36,000 acres, to the East Coast Land Company. The examination was only a preliminary one, the final application for the certificate being fixed for a future date. A lively interest was taken in the proceedings by the Natives, who, up to a late hour in the evening, swarmed about the Courthouse. From enquiries which we have made from the Natives, we have been informed that the sum of £12,000 has been paid for the block. One of the Natives who underwent examination stated that the 'sum of £11,200 had been paid to the Native owners in a cheque by the Company, and that the balance of £800 was to be paid when the certificate [from the Court] was obtained. This is a very large sum to be paid by cheque, and the transaction is one which requires noting. Although our reporter was not at the enquiry, we have it on reliable authority that when Mr. Price asked on which bank the cheque in question had been given the Native replied that they had received the cheque, and that it was no business of the Commissioner to enquire of which bank it was issued.

The Committee comprised Rāwiri Karaha, Paki Te Āmaru, Hepeta Maiti, Karaitiana Āmaru, Peta Rangiuiā, Kihī Tūpara, Hōhua Kāwhia, Tamihana Te Ao, and Eru Te Whana acting on behalf of the owners.⁴¹³⁰ As it transpired, they had not been paid money, rather they received shares in the Company.⁴¹³¹ The Trust Commissioner approved the sale.⁴¹³² In March 1882, the subdivision and purchase of the block was finalised in the Native Land Court without any opposition.⁴¹³³ Rees had appeared for the Company and produced a deed of sale and evidence was given that the owners had been paid.⁴¹³⁴ Less than approximately 900 acres was retained by the owners (500 as a reserve) and the rest was held by dissenters. An order for the balance of the block being

⁴¹²⁸ Native Land Court *Re Mangaokura* (1887) 6 Waiapu MB 243-254.

⁴¹²⁹ *Poverty Bay Herald*. 22 October 1881. 2.

⁴¹³⁰ Sterling. (2010). 703.

⁴¹³¹ Sterling. (2010). 702.

⁴¹³² Sterling. (2010). 705.

⁴¹³³ Berghan. (2008). 409.

⁴¹³⁴ Berghan. (2008). 409.

17, 160 acres was made in favour of the owners who had sold.⁴¹³⁵ An order for freehold title for Mangaheia No. 1 was issued by the Native Land Court in favour of the Company on 2 June 1882.⁴¹³⁶ A few sections of this land were sold in 1886 before the company was wound up. In terms of Mangaheia No. 2 block, Arapeta Rangiuaia, Pātara Rangi, Karauria Pāhura, Wī Kīngi Hōri, and Hata tried to finalise a sale to the Company in 1882.⁴¹³⁷ Then the Company became embroiled in a contest with local Pākehā run-holders to whom many of the major owners were indebted and the Crown who issued notice that some the Mangaheia 2 block was under Crown purchasing.⁴¹³⁸ The block come before the Court for partition until 8 February 1889.⁴¹³⁹ The block was divided first into hapū names, then individuals were named for each of the five allotments.⁴¹⁴⁰

- (b) Title to the Kaiti Block (4,350 acres) had been awarded to nine title owners with a total of 100 owners recorded by the Native Land Court on 27 November 1873 representing Te Aitanga a Hauiti and Te Whānau a Iwi descent. Part of the block was leased out to a settler soon after for 21 years. As noted above, the company purchased this lease and the Pouawa lease for £25,000, and an application was made to the Native Land Court to award the land to the Company based upon the same payment of shares and cash to the owners. A division of the block was ordered and a new Land Transfer title was awarded to Rūtene Te Eke and his group for 2,900 acres in 1883. On rehearing, in 1885, the Court awarded the land on a one-third to two-thirds basis in favour of Rūtene Te Eke and Hirini Te Kani and their group.⁴¹⁴¹ A further round of subdivisions and partitions of the block took place in 1885-1886 and eventually the Company acquired over 900 acres 20% of the block.⁴¹⁴² Most of the 250 sections of the 350 created by the company were sold before the Company was wound up.

⁴¹³⁵ Berghan. (2008). 409-410.

⁴¹³⁶ Native Land Court *Re Mangaheia No 1* (1882) 8 Gisborne MB 207.

⁴¹³⁷ Sterling. (2010). 670.

⁴¹³⁸ Berghan. (2008). 411.

⁴¹³⁹ Berghan. (2008). 410.

⁴¹⁴⁰ Berghan. (2008). 410.

⁴¹⁴¹ Native Land Court *Re Kaiti* (1885) 10 Gisborne MB 89-112.

⁴¹⁴² Sterling. (2010). 700.

- (c) Another problem faced by the Company was the enactment of the Native Land Administration Act 1886 preventing any private dealings with Māori land and restoring the Crown's pre-emptive right to purchase Māori land.⁴¹⁴³
- (d) Annual land sales of land were held by the company where smaller sections of the larger blocks were sold. But sales were slow and demand for land north-east of Kaiti was not as high as had been expected.
- (e) The Paremata block passed through the Native Land Court in 1870 after it was claimed for Te Aitanga a Hauiti under the ancestor Hauiti. Applications for partitions were heard in May 1879 and August March 1881, but both were dismissed.⁴¹⁴⁴ In 1882, the Company finalised an agreement with 106 owners of Paremata block in return for shares in the Company.⁴¹⁴⁵ Those representing the owners for this block included Hēnare Ruru and Wī Kīngi Hōri.⁴¹⁴⁶ The Court created Paremata A (1,052 Acres) and Paremata B (400 acres) and the balance of the block was ordered in favour of those who entered into the Deed of Sale with the Company.⁴¹⁴⁷ The next step was the transfer of 7,974 acres of the Paremata block to the Company and the Native Land Court ordered a freehold title on 2 June 1882.⁴¹⁴⁸ The title was never issued as a condition of the order was the surrender of the existing lease over the block.⁴¹⁴⁹ The lessee refused to surrender their lease before it expired in 1889.⁴¹⁵⁰ Bruce Sterling would describe what happened next.⁴¹⁵¹

With the lease was about to expire in 1889, the Company was in a position to complete the title ordered in 1882. Before it could do so, Rōpiha Tamararo and Arapeta Rangiūia wrote, on behalf of the former owners, to the Native Land Court in early 1890, to ask it not to issue the title. The Chief Judge replied in February 1890 that he would inquire into the matter. This action seems to have been inspired by the Company's attempt to occupy the land when the lease expired (by removing those who were occupying the land). Rāwiri Karahā later testified that:

The cause of the disruption was the same objection the [block] committee always had to the Company and the Bank of New Zealand driving the people

⁴¹⁴³ Native Land Administration Act 1886, s 33.

⁴¹⁴⁴ Berghan. (2008). 811.

⁴¹⁴⁵ Sterling. (2010) 709.

⁴¹⁴⁶ Berghan. (2008). 812.

⁴¹⁴⁷ Sterling. (2010) 711.

⁴¹⁴⁸ Native Land Court *Re Paremata* (1882) 8 Gisborne MB 200, 207-208.

⁴¹⁴⁹ 8 Gisborne MB 200, 207-208.

⁴¹⁵⁰ Sterling. (2010) 754.

⁴¹⁵¹ Sterling. (2010) 757.

off Paremata. They did so last November, when there was a great row between the Māori and the person who drove the sheep off the land The Natives had objected to everything the Company had done.

The Chief Judge responded to the committee's concerns on 26 March 1890 by directing the Court at Gisborne to inquire into the sale of the Paremata block to the Company. Yet Judges Barton and von Sturmer declined to do so on the grounds that the 1882 order for freehold tenure had been made, it bound them, and they could not go behind it. The matter was separately brought to their attention by the April 1890 application of an owner, Hōre Pātene Taki, in relation to the order. The Court dismissed that application in June 1890, at which point the Chief Judge issued the title ordered in 1882 (except that the acreage differed; being 8,475 acres rather than 7,974 acres).

There were also challenges to the validity of the sale of Paremata in the Supreme Court and the Court of Appeal.⁴¹⁵² The matter then ended up in the Validation Court leading to a settlement laying the basis for the establishment of the T. Carroll and W. Pere Trust to assist as receivers to sell only that part of Paremata necessary to service a component of the Company's mortgage.⁴¹⁵³ They also reviewed other proposed sales of Company land. All these delays for the Company meant that.⁴¹⁵⁴

By 1885, the directors of the New Zealand Native Land Settlement Company decided to wind it up. However, because of the size of their overdraft with the Bank of New Zealand, agreement with the bank was not reached until 1888. The company went into 'voluntary' liquidation; the bank gave it little choice. Its debts to the bank amounted by then to around £92,000, and the bank was not the company's only creditor. On 23 May 1888, many of the Māori committees that had sold their land to the company signed an agreement authorising the company to take out a mortgage to the Bank of New Zealand for £135,000 over the land it owned.

By a private Act of 1889, its assets were then transferred to a Bank of New Zealand (BNZ) subsidiary Estate's Company, which in turn foreclosed on the Settlement Company, buying its assets.⁴¹⁵⁵ The Estates Company then subdivided the land for auction.⁴¹⁵⁶ In 1890, the BNZ took steps to foreclose on mortgages to the company. An auction was held in October 1891 where 11 blocks belonging to the company were sold.⁴¹⁵⁷ Those included from the district were sections of Waimata North, Waimata East, Waimata South, and Mangaheia No.1.⁴¹⁵⁸ Bruce

⁴¹⁵² Sterling. (2010) 713-722.

⁴¹⁵³ Sterling. (2010) 760-773; in 1902, the remaining Paremata land vested in Pere and Carroll was the subject of a mortgagee sale. This was averted by legal action, and the enactment of the East Coast Native Lands Trust Board Act 1902.

⁴¹⁵⁴ Waitangi Tribunal. (2004). 544-545.

⁴¹⁵⁵ Ward. (1958). 47.

⁴¹⁵⁶ Ward. (1958). 47.

⁴¹⁵⁷ Waitangi Tribunal. (2004). 545.

⁴¹⁵⁸ Sterling. (2010) 746.

Sterling records that the “total area of East Coast land sold was thus 29,492 acres, which sold for an average of more than £1/5s. per acre, for total sales revenue of £37,715/11s.”⁴¹⁵⁹ The auction did not generate sufficient funds to discharge the company's debts. Before further sales could take place, caveats were placed on any further sales by W. Rees, W. Pere and J. Carroll. The agreement reached between the Estates Company, Rees, Pere, and Carroll as a result of the Validation Court proceedings provided for the transfer of company land to the Wī Pere and James Carroll to be held in trust for the benefit of the Māori shareholders.

The agreement meant that Pākehā investors escaped liability.⁴¹⁶⁰

Another aspect of the November 1891 agreement was that the Land Settlement Company's capitalist shareholders were to be released from further liability; they would not be asked to pay the balance owing on their, by then, worthless shares. This compromise represented a transfer of more than £27,499 of debt from Pākehā investors to Māori investors, and meant that the land and its Māori owners were to carry the entire debt still owed to the Estates Company. As noted earlier, as of 1887 the capitalist investors still owed more than £50,000 but there were evidently further calls made on them before 1892, as by then it was noted by the Estates Company that this balance - to be transferred to Māori - had been reduced to £27,499. 2367 That was, of course, only a small part of the total debt remaining that was to be borne by the unsold lands of East Coast, Tūranga, and Wairoa Māori under the 1891-1892 agreements. Again, it is not clear why the investors were not pursued more rigorously for this debt.

Wī Pere's land (comprising 2,000 acres) was transferred back to him personally pursuant to the agreement.⁴¹⁶¹ Further land titles which had not been completed were then drawn into the Trust as additional security.⁴¹⁶² The Validation Court awarded title to the trustees of several blocks for this purpose including:⁴¹⁶³

- Mangaheia No. 2D at 5997 acres (the rest of the block having been subject to partition);
- Maungawaru No. 2 (14,802 acres) and Maungawaru No. 3 (18,720 acres) situated in the Raukūmara ranges, between Tauwhareparae and the Motu River.

⁴¹⁵⁹ Sterling. (2010) 746.

⁴¹⁶⁰ Sterling. (2010). 749, 751.

⁴¹⁶¹ Ward. (1958). 51.

⁴¹⁶² Ward. (1958). 50-52; Waitangi Tribunal. (2004). 546.

⁴¹⁶³ Sterling. (2010). 775.

The debt owed by the Company was converted to a five-year mortgage.⁴¹⁶⁴ Subsequently a new mortgage was also negotiated.⁴¹⁶⁵ The mortgages were secured against the completed titles acquired by the Company and transferred to the Trust. These completed title blocks included the Mangaōkura No. 1 block (2,027 acres).⁴¹⁶⁶ It was then the role of the Trustees to service the debt and complete work on incomplete titles previously acquired by agents of the Company. All lands with “incomplete titles” would be transferred to the new Trustees as soon as titles were complete.⁴¹⁶⁷ The incomplete titles from this district, or titles that still had to be approved by the Native Land Court, included as at February 1892:⁴¹⁶⁸

Paremata	Mangaheia No. 2
Ahikouka No. 3	Akuaku
Hauanu	Haupouri
Te Hue	Manutahi
Maraehara	Ngāmoe
Pariwhero	Pūhunga
Pukemanuka	Tapuwaeroa
Tauwharerata	Tikitiki
Tōtaranui	Taipiro
Whakaangiaangi	Maungawaru

There were still other blocks such as Matakaoa, Taoroa, Makarika, Te Ahi o te Atua, and the Ōrua blocks that were subject to Validation Court claims in the 1890s.⁴¹⁶⁹ Sterling provides a list of 41 blocks in total that were claimed by the East Coast Trust 1892-1900 including Matahiia, Matakaoa, Totaranui, Waipiro, Waitangi, Whāngārā, and Whareponga.⁴¹⁷⁰

However, the Pere-Carroll Trust never could overcome the debt or address fully the mortgage owed. In 1901, the BNZ was threatening to foreclose on the Trust.⁴¹⁷¹ The Government intervened by way of the East Coast Native Trust Lands Act 1902, which constituted a new

⁴¹⁶⁴ Sterling. (2010). 750.

⁴¹⁶⁵ Sterling. (2010). 774.

⁴¹⁶⁶ Sterling. (2010). 751, 774.

⁴¹⁶⁷ Sterling. (2010). 749-750; see also Ward. (1958). 50; Waitangi Tribunal. (2004). 546.

⁴¹⁶⁸ Sterling. (2010). 751.

⁴¹⁶⁹ Sterling. (2010). 782-783.

⁴¹⁷⁰ Sterling. (2010). 752.

⁴¹⁷¹ Waitangi Tribunal. (2004). 547.

Trust with a board of Pākehā trustees.⁴¹⁷² All the land held by the Pere and Carroll Trust was transferred to the new trust, a large percentage of which was land from this district. The trustees sold a third of the land to clear the bank debt.⁴¹⁷³ From 1906, the board was replaced by a single East Coast Commissioner and from then until 1953 the remaining lands were managed by successive Pākehā Commissioners who were judges of the Native Land Court.⁴¹⁷⁴ They had the power to sell land and occasionally did so.⁴¹⁷⁵ In 1950, the trust was wound up. In 1951 the beneficial trust owners agreed to pay compensation of £96,751 to the owners of land sold between 1892 and 1902 to meet the debts of the Pere-Carroll Trust.⁴¹⁷⁶

He Whakarāpopototanga – Summary

The Native Land Court narratives for each block confirm the nature of mana whenua outlined in Chapter 6. Claimants set up their claims to land on the basis that it was held by hapū or several hapū, and that it was divided along ancestral boundaries. Within those boundaries kainga, pā, cultivations, and bird or kiore snaring sites were allocated and closely associated with particular ancestors and their whānau. There were many claims to such sites. In addition, there were claims made based upon tuku whenua for warrior services to avenge insults or a death; for services for building a canoe; as utu for ravishing a woman; as a marriage or betrothal gift; as payment for teaching haka or tā moko; or even simply out of aroha.

The evidence given confirmed there were no boundaries between whanaunga or allied hapū. Over these areas the hapū ranged freely within the regulatory restraints of their own legal system. So for example, they could not disturb a chiefs rāhui. There were boundaries used as warnings for opposing hapū. Boundaries were made by declarations or geographical features or rāhui posts or rocks were used. The disturbance or interference with boundaries or rāhui could lead to war. Umu were used to signify boundary markers and frequently named by claimants in Court. Often the area was where a person had been killed and cooked to cement that boundary. In terms of the sea, the evidence was that shell fish rocks or beds and fisheries were also allocated but there was no division of the hapū fishing grounds. Inland areas were

⁴¹⁷² Waitangi Tribunal. (2004). 548.

⁴¹⁷³ Waitangi Tribunal. (2004). 548.

⁴¹⁷⁴ Waitangi Tribunal. (2004). 548.

⁴¹⁷⁵ Waitangi Tribunal. (2004). 548.

⁴¹⁷⁶ Waitangi Tribunal. (2004). 549.

used for birding and catching kiore. Forest resources were used for medicines, canoes, and flax was used for insulating houses and for clothing and for construction of houses and canoes.

During the 1866-1908 era Ngāti Porou hapū returned to traditional hapū collectives to deal with the difficult question of the land. Rohenga within the Pōtikirua ki te Toka-a-Taiau district were coalescing. These collectives naturally aligned with the land being Horoera northwest to Pōtaka, Kautuku-Waiapu-Reporua, Tūpāroa to Tokomaru, and Tokomaru to Tūranga. In these rohenga, different influences (including the Native Land legislation and the many different amendments to the law) led to different approaches to land management. What did not change was the watchful supervision of the war chiefs.

The chiefs continued to exercise mana whakahaere and mana tangata over all public affairs including the decision whether to allow the Native Land Court to sit in some areas of the district. Where it did conduct hearings, the chiefs controlled the process of surveys, presenting claims to the Court for title investigations, drawing up owner lists, negotiating sales and leasing. This did not prevent claimants and counter-claimants frequently opposing one another over the list of owners and many were included not by an established “take” but rather out of aroha.⁴¹⁷⁷

During early investigations rights to land were sourced to ancestral rights but there was often competition over who maintained those rights. When evidence was presented by “pūkorero” selected by the chiefs and the people, the Court became a method for transmitting mātauranga to the next generation or it was used as a weapon to wield for power over land. As Gail Dallimore noted:⁴¹⁷⁸

This is not to suggest that orators did not also employ this knowledge on the marae to upstage their opponents. The difference is that the outcome of the attack in the Land Court was irrevocable. Defeat on the marae, and even in war, always carried with it the possibility of redress on some future occasion; in the Land Court defeat was permanent, the land was lost forever. ...

The methods used to validate this traditional knowledge were principally that it was old and from traditional sources - 'the tradition of it has been handed down' (Ahirau Block, Waiapu M.B. 10:171), widely accepted - 'ancient story and widely known' (Te Harawira Huriwai, Horoera [p166] Block, Waiapu M.B. 39:58), and 'the boundary of gift by Te Aopare running along Karakatūwhero is very widely known' (Himiona Apanui, Tapata Block, Waiapu M.B. 43:132), and most importantly was told to the claimant by recognised authorities

⁴¹⁷⁷ Native Land Court *Re Marangairoa No 1A or Whakakaranui* (1908) 39 Waiapu MB 234.

⁴¹⁷⁸ Dallimore. (1983). 163.

(recognised by both the local people and the Judge): 'My tipuna Tamatama, a "pūkōrero" told me the history of this land' (ibid).

There is evidence that some of the war chiefs considered they had the right to take *Pai Mārire* land by conquest as was the case with Karauria Pāhura and Mōkena Kohere. However, and as the years passed, the war chiefs either waived their claims under raupatu or they did not occupy *Pai Mārire* land to the exclusion of those with mana whenua, thus any claim based upon conquest waned over time. From the 1880s, the chiefs worked with district or block committees in determining lists of owners, but they still made many of the decisions regarding what blocks should be sold, leased, or occupied. Throughout most of their lifetimes, therefore, the war chiefs asserted their mana rangatira and mana whakahaere over the land and the people.

In the Northern Waiapu, while the Court was locked out of the district, the chiefs controlled the leasing of land until Native Committees emerged as a new force for land administration. Land was kept from sale by placing it under kaitiaki, by disrupting surveys and by direct action. Once the Native Land Court started to hear cases in the north it could not sensibly analyse the whakapapa and other cultural evidence that was laid before it and so it became more dependent on proof of recent occupation and ringa kaha and these became the normative values required by the Native Land Court to establish customary title. Claimants adjusted their claims accordingly. The block narratives also demonstrate that claimants struggled with the definition of areas within hapū boundaries. There were many disputes over these internal boundaries investigated by the Court and there is evidence that these boundaries were moved to settle such disputes, rather than the Court investigating who as a matter of custom were entitled.

As the dawn of the new century approached, the number of parties contesting ownership increased dramatically. As the narratives for each of the Waiapu to Wharekāhika blocks demonstrate, investigations of title literally took months with the Block Committees and the Native Land Court sitting many hours per day, sometimes six days a week hearing enough evidence to fill two or more-Minute Books.

From the rate of alienation that occurred over the period of 1870-1909, the Native land legislation from 1865-1909 was the main mechanism used to convert Māori customary title, to a form of title that could easily be alienated. Thus, many acres of Ngāti Porou land was transferred to benefit Pākehā settlement or to meet other Crown objectives. By 1908,

approximately 56% of this converted title land was alienated. The Crown purchased 309,923 acres (28% of the land).⁴¹⁷⁹ About the same amount, 309,964 acres or 28% of the land went to private purchasers. Nearly 2,044 acres (0.19% of the land) were taken for public works.⁴¹⁸⁰ The total area alienated amounted to 621,931 acres (56% of the land).⁴¹⁸¹ By 1908 Ngāti Porou held 148,642 acres of papatupu or customary land (13% of the land). They also held 311,605 acres of Māori title land awarded through the Native Land Court (29%).⁴¹⁸² A further two percent is unaccounted for. In total Māori held 460,247 or 42% of the land.⁴¹⁸³ That means that in just 35 years Ngāti Porou lost over half of its land base. The map below indicates approximately how much land (coloured white) had had been alienated.⁴¹⁸⁴ By the 1980s it had been reduced to less than 25% of the land base.

The enactment of the Māori Councils Act 1900 and the Māori Administration Act 1900 delivered mana whakahaere but the success of the Papatipu Block Committees was undermined by the Pākehā-led district Māori Land Council. These initiatives also came too late for some parts of the district where much land had already been processed through the Native Land Court and in many cases that land was sold. But even in the north this innovation was not permitted to continue beyond 1905 when the Māori Administration Act 1900 was repealed and Pākehā dominated Native Land Boards took over the administration of Ngāti Porou land in conjunction with the Native Land Court.

⁴¹⁷⁹ Sterling. (2010). Waitangi Tribunal. (2004). 12-13.

⁴¹⁸⁰ Sterling. (2010). Waitangi Tribunal. (2004). 12-13.

⁴¹⁸¹ Sterling. (2010). Waitangi Tribunal. (2004). 12-13.

⁴¹⁸² Sterling. (2010). Waitangi Tribunal. (2004). 12-13.

⁴¹⁸³ Sterling. (2010). Waitangi Tribunal. (2004). 12-13.

⁴¹⁸⁴ Waitangi Tribunal. Assorted Maps. (Wai 900). Record of Inquiry.

Land Alienated by 1910



PART 4

CHAPTER 11

TE WHAKARĀPOPOTOTANGA ME NGĀ WHAKAARO WHAKAMUTUNGA

SUMMARY & CONCLUSIONS

Te Whakarāpopototanga – Summary

This thesis was about narratives of tribal sovereignty, law, and citizenship and how they may continue to be recognised in the post-colonial legal order of New Zealand. It is also an analysis of whether Māori notions of sovereignty law and citizenship in the Pōtikirua ki te Toka-a-Taiau district have continued into that post-colonial legal system.

This has been done by reviewing the arrivals of Māui, Toi, and the Hawaiians who laid the basis for the evolution of a district wide legal system. There is an analysis of the 12th-19th Centuries to identify what the legal system looked like, how it was consolidated, whether mana rangatira, mana tangata, and mana whenua/moana based on ancestral rights influenced the legal system and how that was reflected in land tenure. The existing historiography demonstrates that as the population expanded there was competition and conflict. Various battles were fought to determine hapū lands and sea territories. Included in these conflicts, were battles fought by Te Aitanga a Hauiti, Ngāi Tuere, Ngāi Tuiti, Tūwhakairiora (and his descendants), Te Aitanga a Mate, Ngāti Ira, Ruawaipu, Uepōhatu, Pakanui, Rarawa, Hinemaurea and Ruataupare. This was also a time when Porourangi whakapapa became intertwined with that of all the previously independent hapū and iwi of the district. This was done by inter-marriage, conquest, gifting, or by occupation. Disputes were settled through the imposition of sanctions, through marriage or the gifting of taonga, wives, concubines or through the transfer of land, usually following conquest.

After exploring the epistemology and ontology of the pre-existing legal system, I found that prior to 1840 the chiefs, tohunga and rūnanga of elders were exercising sovereignty (mana rangatira, mana whakahaere and mana tangata) at the hapū or iwi level. They were also engaged in making and enforcing law and they determined their citizenry through whakapapa and

whanaungatanga. There was also emerging a Ngāti Porou identity, but it was an identity that remained marginal to hapū or iwi autonomy.

This pre-existing legal system, hidden in plain view, has remained operative. It was modified by the coming of the Pākehā, their guns and other trade goods, and their Christian religion. It was challenged when many hapū in district became supporters of the Māori King. That is because the Kingites chose the nationalistic King movement as a means of promoting their own mana rangatira, mana tangata, and mana whenua. Their soldiers would pay the price for that at Waikato, Gate Pā, Kaokaoroa, and Te Ranga. While their defeats at Kaokaoroa and Te Ranga took a toll, there was limited conflict in the Pōtikirua ki te Toka-a-Taiau district. That is because while the Queenites chose to commit to the Church of England, the Queen as the head of the Church, and the law, they remained unaffected by conflicts happening in other parts of the country. In the south of the district from Tokomaru Bay to Tūranga, there were also many chiefs who remained neutral and peaceful. Thus by 1865, there were three factions in the district, the Kingites, Queenites, and neutrals or kūpapa. All were exercising their own mana or sovereignty, in a manner akin to the principalities of Europe, and all were peaceful.

Owing to the means by which the Crown waged war in Waikato and Tauranga there was, however, some empathy from the Queenites and a lingering resentment from the Kingites. That resentment would erupt when the Kīngitanga supporters and others (many previously neutral) converted to the new faith of the King, the *Pai Mārire* religion. From that time, they became known as Hauhau. Encouraged by Donald McLean, the Queenites or “friendly Māori” described also as “loyalist” in this thesis responded with aggression and both sides ended up in a war largely manipulated by the Crown. Despite that, both the loyalists and the Hauhau converts exercised some agency by acting in accordance with tikanga throughout the war. Their actions and engagements were also consistent with the values of the pre-existing legal system.

At the point Donald McLean became more involved, however, it became impossible to say this was just a tikanga based war. In other words, this was no longer a Ngāti Porou civil war as Donald McLean encouraged the loyalists to capture or kill Pātara, the *Pai Mārire* emissary, and he gave the loyalists weapons in return for undertaking to do so and then he amassed and sent colonial troops to destroy the Hauhau. The loyalists also relinquished their authority to the Pākehā colonials over the war effort wherever the colonial troops were engaged. In such engagements Pākehā officers determined the battle tactics, retreats, attacks, and counter-attacks, despite sometimes acting on the advice of the loyalists. The loyalists also accepted that

the Crown had the right to confiscate land, which could only happen in tikanga terms if the Crown was the victor. Therefore, to call it a Ngāti Porou civil war is not reflective of what took place. It was a Crown and loyalist war, driven by McLean's strategic goals of destroying the Hauhau, extending the Queen's law into autonomous areas, and keeping the arena of war away from Pākehā settlements. The loyalists wanted utu for Volkner's murder, and they wanted security. Both of these objectives the Crown could have enabled by peaceful means, but it chose to foment war instead.

The loyalists were just fortunate post-war that Donald McLean could not declare martial law because he lacked the resources to do so. That is to be compared to other parts of the country. Martial law was simultaneously declared in Ōpōtiki and Whakatāne for example, so that those responsible for the killing of Volkner (and one other colonial settler) might be captured and tried summarily.⁴¹⁸⁵ As a consequence of not being able to do the same in this district, McLean was forced to recognise the mana rangatira, mana tangata, mana whakahaere, and tikanga of the loyalists. In doing so, he implicitly recognised the pre-existing legal system, despite the loyalists and their prisoners swearing their allegiance to the Queen and to her law. The result was that most of the Hauhau prisoners (both male and female) were subjugated to the loyalist chiefs, rather than to colonial law and that was very much a tikanga based outcome. The executions the loyalists were responsible for were also acts undertaken in accordance with the tikanga of "ito". This was also the standard applied by the Crown in the war. After all the loyalists had seen the execution of Pita Tamaturi by Lieutenant Biggs at Hungahungatoroa. The Crown, in other words, enabled this tikanga to continue, thereby acting contrary to its Treaty of Waitangi obligations owed to those who were the victims of these acts.

After the war, and as victors, the loyalist chiefs were entitled to assume the role they did as governors of the entire district as this was in accordance with tikanga. Thus, the district became subject to two separate but collaborative authorities, namely the authority of the Crown and the authority of the war chiefs. The loyalists also received significant military capability from the Crown over two decades to maintain that authority. Consequently, and by aligning with the Crown, the chiefs were able to achieve a revolutionary assumption of power over the previously autonomous Kīngitanga and Hauhau iwi and hapū. Thus the Crown cemented in place the

⁴¹⁸⁵ Waitangi Tribunal. (2004). 79.

dominance of the loyalist chiefs that survived through to the 20th Century on all matters including in the southern part of the district over the land.

The loyalists then cemented in place the emerging Ngāti Porou identity. Referencing Porourangi as their founding ancestor extended the lattice of whakapapa sufficiently whilst maintaining the boundary integrity of the district. The term Ngāti Porou grew to prominence over the period 1865-1900 and most references to the district in official documents and newspapers also reference the Ngāti Porou tribe. This notion of a tribal citizenship would submerge the hapū and iwi identities in the district for all political purposes. With the cementing in place of a tribal identity, it became more difficult to escape the collaborative authorities of the Crown, the loyalists and their successors.

In this way, Ngāti Porou sovereignty and the pre-existing legal system survived colonisation. Mana rangatira, mana whakahaere, mana whenua, and mana moana continued as did the values and tikanga sourced to that mana or pre-existing sovereignty. The Native Committees Act 1883, combined with the Native Districts Regulation Act 1858 and the Native Circuit Courts Act 1858, gave some formal recognition to that pre-existing sovereign authority, although the 1858 legislation was repealed in 1891, after which time all Māori became subject to the criminal law of New Zealand. The creep of the law was also felt when the Crown enacted local government legislation creating yet another form of authority in the district. This was done knowing that only a limited number of Māori could participate due to not having the required property franchise. Ironically this meant that Ngāti Porou remained largely responsible for their own self-government until 1900. In that year the Crown recognised Ngāti Porou authority overtly when it enacted the Māori Councils Act 1900. It has been recognised in various forms by statute ever since.

There was, however, a return to traditional hapū collectives to deal with the difficult question of the land during the 1880s. It is clear from hui occurring at the time that rohunga within the Pōtikirua ki te Toka-a-Taiau district were coalescing. These collectives naturally aligned with the land being Horoera to Pōtaka, Kautuku-Waiapu-Reporua, Tūpāroa to Tokomaru, and Tokomaru to Tūranga. In these rohunga, different ideas on how to deal with land emerged. Some preferred to reserve the land from the Native Land Court, some wanted village rūnanga and kōmiti to deal with land, others from Tūpāroa south wanted a Rūnanga or Kōmiti Nui to deal with the land. There were differences on how representation should be determined. Some

also wanted to participate in the Kotahitanga Movement with its emphasis on land reform. These differences were to be expected and they reflect tikanga, as this was the one area the loyalist chiefs and their successors could not assert their mana rangatira and mana whakahaere over for any great length of time.

The loyalists exercised mana whakahaere and mana tangata over all the hapū and their public affairs including the decision whether to allow the Native Land Court to sit in some areas of the district, and in some cases (where they had mana whenua rights) they made decisions about sales and leasing. But they could not assert the same authority over other peoples' land and where they tried to, they were challenged. Mana whenua and mana moana depended on ancestral right vested in hapū and as the years past following 1865, the war chiefs either waived their claim under raupatu or they did not occupy Hauhau land, thus any claim based upon conquest waned over time.

Then Ngāti Porou was subjected to the full gambit of Crown land purchasing tactics and the Native Land Court. In combination these policies and processes totally undermined the mana whenua of all the hapū by turning communal title into individual title. The Native Land Court was a tool of colonisation designed to facilitate Pākehā settlement through the sale and leasing of Māori land. This system required that Māori pay for the title investigation process, court costs, surveys, and partition costs. They were then expected to sell their land cheaply as they strove to meet the never ending and often threatening demands from the Crown and settlers for more and more land. To meet this demand during the 1870s-1880s the work of the Court was often reckless, hasty, and intemperate however systematic it appeared. Alienation quickly followed its work, and nearly 50% of Ngāti Porou's land was sold and lost forever during the 19th Century. This rapid alienation was ultimately what the Native land legislation was designed to do.

Nor did the Court ever attempt a full investigation of the aftermath of the 1865 war on land rights during the period 1870-1880. Such an investigation would have given it a fuller understanding of the land it was dealing with and the people associated with it. The nuances of raupatu, muru, the law of ito during times of war, and the different tikanga associated with peace such as marriages, land gifting, taonga gifts, land exchanges were all too complicated for the Court. In later years it over-emphasised ahi kā, where it had to give a decision and

simply partitioned blocks in favour of competing hapū claimants who could show some form of occupation or use.

Ngā Whakaaro Whakamutunga – Conclusion

By the Treaty of Waitangi, the Crown guaranteed to the chiefs and hapū of Aotearoa the right to exercise “tino rangatiratanga.” That guarantee of rangatiratanga in Article 2 of the Treaty of Waitangi was reflected in Crown policy, legislation and practice in the early years of settlement in the Pōtikirua ki te Toka-a-Taiau district. Mana rangatira and mana whakahaere were still exercised by the chiefs of the district before and after the war in 1865, with respect to matters *inter se*. Their authority to do so was derived from tikanga sourced in their pre-existing sovereign authority.

As they collaborated with the Crown, the loyalists accepted that from 1865 there were two authorities in the district, Crown authority and Māori authority exercised at the tribal, rather than hapū level. Ngāti Porou authority was vested in those who were the victors, and this was an outcome consistent with tikanga. This authority overlapped with the Kāwanatanga of the Crown and then with the jurisdiction of local government. This local constitutional scaffolding still reflected the Treaty guarantees.

The Native Land Court diminished the strength of this scaffolding. The chiefs and the hapū depended on their lands to continue to exercise their own forms of governance in accordance with their tikanga or customary law. However, the Court undermined the authority of all chiefs, loyalists and former *Pai Mārire*, by stripping them of their collective title and converting their land rights to individualised titles administered by the Native Land Court. Second, and although the Native Land Court was required to investigate and ascertain who were owners according to Māori proprietary customs, most of the judges knew nothing about Ngāti Porou history and tikanga, Judge Gudgeon being a marginal exception. A comparison of the list of “take” produced by Rāpata Wahawaha and discussed in Chapter 10, with the reasons why title was awarded in the Native Land Court demonstrates how highly inept the Court was at dealing with traditional rights to land. Rather Ngāti Porou expected the land to be awarded to hapū members so that their mana tangata and mana whenua could be retained. What they received were

individual titles that could be alienated without reference to the collective and as a result the importance of the collective and its leadership reduced with the rapid rate of alienation. Coupled with the rise in the power of local government the ability of the chiefs and the hapū to exercise mana whakahaere, mana tangata and mana whenua diminished, and the exercise of law-making authority was restricted. However, it was never extinguished as a matter of law and as a result it could and can be revived at any moment in time. Therefore, the most significant challenge that the tribe has faced in terms of its pre-existing sovereignty and tikanga has been the operation of the Native Land Court.

The Crown could have and should have delayed the introduction of the Native Land Court. During the years 1870-1880, this was a district still affected by the aftermath of war. There was clearly insufficient time for healing to take place in the communities of the district and grievances on both sides still ran deep. Some of those tensions played out in the Native Land Court when investigating title to the southern blocks.

If the Court had not been an option, and left to themselves, Ngāti Porou would have managed the situation through tikanga based solutions and the rush to sell may have been prevented. The Crown never gave the people the opportunity to seek such reconciliation. In the north of the district, there was a time delay and that was largely due to the northern chiefs including Mōkena Kohere, Wikiriwhi Matauru, Te Iharaira Houkāmau, and later Hati Houkāmau. They prevented the Court from sitting for much of their lives. In that part of the district the hapū, including many former *Pai Mārire* supporters led title investigations in the Native Land Court. This reflected the fact that while there was still some bitterness, most of the chiefs on both sides had time to reconcile and move on.

Furthermore, the Crown should have refrained from purchasing Ngāti Porou land and it could have prevented private dealings in land. Rather it could have leased land or allowed settlers to do so. Much valuable land was lost as a result. The course taken by the Crown was a clear breach of the Treaty of Waitangi. It begs the question what price was really paid by the loyalist chiefs for Ngāti Porou loyalty and fidelity to the Crown?

However, the chiefs, the hapū and their pre-existing sovereignty and tikanga survived the rigour of the Native Land Court process. They continued to exercise mana whakahaere and mana tangata over the public affairs of their people in the district. Such mana and the right to exercise

mana whakahaere has found expression or been reinvigorated through a variety of different statutes.

In the early 20th Century, new leaders emerged to engage in the new legislative arrangements recognising their tribal mana, authority and tikanga. These arrangements included the Māori Māori Councils Act 1900, and the Māori Social and Economic Advancement Act 1945.⁴¹⁸⁶ Legislative recognition remains in section 18(c)(iv) of the Māori Community Development Act 1962 which has preserved the right to self-government.⁴¹⁸⁷ More direct recognition was resurrected in 1986 by the Te Rūnanga o Ngāti Porou Act 1986, the latest iteration of which is the Ngāti Porou Claims Settlement Act 2012.⁴¹⁸⁸ That recognition should not be considered a limit on the pre-existing sovereign status of Ngāti Porou but rather should be interpreted as empowering that authority at both the rohe and district wide level, leaving the local level of decision making to hapū. Such management arrangements are consistent with what the tikanga of the tribe has become since 1865.

The 2012 legislation also defines Ngāti Porou citizenship as “nga uri o ngā whānau, hapū o Ngāti Porou mai i Pōtikirua ki te Toka-a-Taiau.” Ngāti Porou is described as the “collective composed of individuals who descend from one or more Ngāti Porou tūpuna or ancestors. It also means every whānau and hapū to the extent that these kin groups comprise individuals who descend from one or more Ngāti Porou ancestor. Such individuals must descend by birth or legal adoption. The tūpuna or ancestors referred to must have been individuals who exercised customary rights within the Ngāti Porou area of interest on or after 6 February 1840 by virtue of being descended from —

- (a) *Porourangi (also known as Porou Ariki te Mataratara-a-whare te Tuhimareikura-a-Rauru); or*
- (b) *a recognised ancestor of any of ngā hapū o Ngāti Porou, including Hauiti, Hinekehu, Hinemaurea, Hinerupe, Hunaara, Irakaiputahi, Konohi, Māhaki-ewe-karoro, Materoa, Rākai-a-tāne, Ruataupare, Ruawaipu, Taiau, Takimoana, Tāwhipare, Te Aotaihi, Te Aotaki, Te Ataakura, Tuere, Tūwhakairiora, Uepōhatu, and Umuāriki.*

⁴¹⁸⁶ Fox, C. & Dickson, M. (2021). Māori and Constitutional Change. In Joseph, R. & Benton, R. *Waking the Taniwha: Māori Governance in the 21st Century*. Thomas Reuters. 524-525.

⁴¹⁸⁷ Fox & Dickson. (2021). 525.

⁴¹⁸⁸ Fox & Dickson (2021). 525.

This is consistent with the findings in this thesis that the descendants of these ancestors merged and become the one tribe known today as Ngāti Porou. Also consistent is the list of hapū of Ngāti Porou contained in the First Schedule of the 2012 Act:⁴¹⁸⁹

<p>(1) <i>Te Whānau a Tapaeururangi:</i> (2) <i>Ngāi Tāne:</i> (3) <i>Ngāti Uepōhatu:</i> (4) <i>Ngāti Ira:</i> (5) <i>Te Whānau a Te Aotaki:</i> (6) <i>Ngāti Hokopū:</i> (7) <i>Ngāi Tangihaere:</i> (8) <i>Ngāti Patuwhare:</i> (9) <i>Te Whānau a Tūwhakairiora:</i> (10) <i>Te Whānau a Rākaimataura:</i> (11) <i>Ngāti Rangi:</i> (12) <i>Te Aitanga a Hauiti:</i> (13) <i>Te Whānau a Hinerupe:</i> (14) <i>Te Whānau a Te Uruahi:</i> (15) <i>Te Aitanga a Mate:</i> (16) <i>Ngāti Tūtekohi:</i> (17) <i>Te Whānau a Hunaara:</i> (18) <i>Te Whānau a Tīnātoka:</i> (19) <i>Te Aowera:</i> (20) <i>Ngāti Konohi:</i> (21) <i>Ngāi Tuere:</i> (22) <i>Ngāti Horowai:</i> (23) <i>Te Whānau a Hinekehu:</i> (24) <i>Ngāti Oneone:</i> (25) <i>Ngāi Tamakoro:</i> (26) <i>Te Whānau a Pōkai:</i> (27) <i>Te Whānau a Iri-te-kura:</i> (28) <i>Te Whānau a Ruataupare:</i> (29) <i>Ngāti Kahu:</i></p>	<p>(30) <i>Te Whānau a Rākaihoea:</i> (31) <i>Te Whānau a Rākairoa:</i> (32) <i>Te Whānau a Karuwai:</i> (33) <i>Te Whānau a Māhaki:</i> (34) <i>Ngāi Taharora:</i> (35) <i>Te Whānau a Ruataupare:</i> (36) <i>Te Whānau a Tāpuhi:</i> (37) <i>Te Whānau a Uruhonea:</i> (38) <i>Ngāti Kahukuranui:</i> (39) <i>Te Whānau a Takimoana:</i> (40) <i>Te Whānau a Hineauta:</i> (41) <i>Ngāti Hau:</i> (42) <i>Te Whānau a Te Aōtawarirangi:</i> (43) <i>Te Whānau a Hinepare:</i> (44) <i>Te Whānau a Umuāriki:</i> (45) <i>Ngāti Whakarara:</i> (46) <i>Te Whānau a Te Haemata:</i> (47) <i>Te Whānau a Hinetapora:</i> (48) <i>Ngāti Nua:</i> (49) <i>Te Whānau a Te Rangipureora:</i> (50) <i>Ngāti Putaanga:</i> (51) <i>Te Whānau a Rerewā:</i> (52) <i>Te Whānau a Tarahauiti:</i> (53) <i>Te Whānau a Hinehou:</i> (54) <i>Te Whānau a Rerekohu:</i> (55) <i>Ngāti Rākai:</i> (56) <i>Te Whānau a Te Aopare: and</i> (57) <i>Ngāti Puai</i></p>
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Therefore, I conclude that the people who are now referred to as Ngāti Porou:

⁴¹⁸⁹ Ngāti Porou Claims Settlement Act 2012, and note that the purpose of the 2012 Act as described in s3 is to give effect to certain provisions of the Ngāti Porou Deed of Settlement, which is a deed to settle the historical claims of Ngāti Porou, dated 22 December 2010. It was signed by the tribal negotiators, and Dr Apirana Tuahae Mahuika, Dr Monty Soutar, and Selwyn Tānetoa Parata, on behalf of Te Rūnanga o Ngāti Porou, to indicate their support for the settlement. It further records in English and te reo Māori the acknowledgements and apology offered to the tribe.

1. Have continued to exercise sovereign authority over the Pōtikirua ki te Toka-a-Taiau district from the time of Maui, despite no full recognition in the post-colonial legal system; and
2. That they collaborated with the Crown to share authority over the district from 1865-1900 and down through the decades to the present; and
3. That the Crown has always recognised their authority to govern themselves and their right to determine Ngāti Porou citizenship; and
4. That their pre-existing legal system has continued to operate from the time of Maui to the present, subject only to erosion, modification or reinvigoration by legislative enactment; and
5. That these matters have existed since time immemorial having grown from the land and from the people who have occupied the Pōtikirua ki te Toka-a-Taiau district since the time of Maui;
6. That these matters continued into the post-colonial legal system of New Zealand, limited, overlaid, or modified as to their extent by legislation, but always ready to be acknowledged and reinvigorated either through international law, or in the common law or by statutory enactment. Māori have challenged the underlying rationale for restricting their pre-existing sovereignty and tikanga Māori as a source of law. They have also continued to assert juridical capacity, their pre-existing sovereignty, law, and citizenship.
7. Turning to the issue of mana whenua and mana moana. These aspects are clearly embedded in hapū authority, ancestral right and associated tikanga. The knowledge of those with mana whenua survived the investigation of title by the Native Land Court. The one blessing from the history of the district is that Ngāti Porou have retained 22-23% of the land base. This land base provides the opportunity to reinvigorate traditional tikanga based solutions to land reform, including through hapū management of land based on ancestry and ahi kā.
8. The latest iteration of the Crown's land legislation, Te Ture Whenua Māori Act 1993, particularly its Preamble, sections 2 and 4, acknowledges the importance of land for its owners, their whānau and their hapū as the preferred land holding classes. But the legislation is limited because it does not expressly recognise the mana whenua of the hapū, although arguably it can be inferred from the Preamble and s 2 of the 1993 Act. That is to

be compared to the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. The purpose of the legislation under section 3 “is to contribute to the legal expression, protection, and recognition of the continued exercise of mana by ngā hapū o Ngāti Porou in relation to ngā rohe moana o ngā hapū o Ngāti Porou.” An amendment to Te Ture Whenua Māori Act 1993 overtly recognising the mana of the hapū would reinvigorate this important tikanga in terms of land. There is no reason why the authority of the hapū, whilst respecting the property rights of owners, cannot be provided for in this way. In addition, the legislation could be amended to ensure that the Māori Land Court have regard to hapū decision making (either through Marae Committees or Rohenga Land Committees) concerning their aspirations for the lands within their domain and any associated tikanga relevant to its decisions affecting Ngāti Porou land.

9. The legacy of mana whakahaere and mana tangata has been the subject of continuous recognition by the Crown in legislation since 1858 and into the 20th Century. Legislation such as the Māori Councils Act 1900, the Māori Social and Economic Advancement Act 1848, the New Zealand Māori Council, Te Rūnanga o Ngāti Porou Act 1987, and the Ngāti Porou Claims Settlement Act 2012 make it difficult for the Crown or the Courts to deny that this authority existed before 1840 and it continues to exist, a matter recognised and provided for in existing statutes. The challenge is whether those that lead Te Rūnanganui o Ngāti Porou can continue to enable the hapū and the respective hapū leaders of the tribe to exercise their own form of governance at the local level.

Nō reira – kua mutu tēnei tuhinga roa mō tōku iwi pūmau me ōku hapū maha o Ngāti Porou
tēnā koutou katoa.

Ko Ngā-puketūrua me Kāmiti ngā maunga Ko Rotokautuku te puna wai Ko te Waikākā te awa Ko Tāperenui-a-Whātonga te wānanga Ko Te Whānau-a-Takimoana, ko Ngāti Hinepare, Ngāti Hokopū, ko ko Ngāi Tāne ngā hapū Ko Hinepare raua ko Ohinewaiapu ngā whare kōrero Ko Ngāti Porou tūturu te iwi	Ngā-puketūrua and Kāmiti are the mountains Rotokautuku is the pool Waikaka is the river Taperenui-a-Whātonga is the house of learning Te Whānau-a-Takimoana, Ngāti Hokopū, Ngāi Tāne are the subtribes Hinepare and Ohinewaiapu are the houses that speak Ngāti Porou is the tribe.
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