

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

I TE KOTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE

CIV-2017-404-563
CIV-2017-485-305

UNDER the Marine and Coastal Area (Takutai Moana) Act 2011 (The Act)

BETWEEN an Application by Te Rūnanga o Ngāti Whātua and Tamihana Pahi on behalf of Te Parawhau for an order recognising Customary Marine Title and Protected Customary Rights

Affidavit of Bruce Stirling

21 August 2023

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MAY IT PLEASE THE COURT

I, Bruce Stirling of Wellington, Historian, solemnly and sincerely affirm:

Introduction

- 1 My name is Bruce Stirling. I am a historian and a director of HistoryWorks, a public history consultancy established in Wellington in 2004 and specialising in Treaty of Waitangi claims research and negotiation, evidence for Marine and Coastal Area Act applications, Maori Land Court matters, Environment Court evidence, and heritage issues.
- 2 I have a BA in History from Victoria University and have been involved in the preparation and presentation of historical research in a variety of fora and for a variety of clients for 30 years.
- 3 In relation to the Whangārei district, I have previously presented evidence to the Waitangi Tribunal's Kaipara inquiry for Te Uri o Hau at Pouto in 1996 and for Ngāti Whātua o Kaipara ki Te Tonga in 1998 and 1999. In 2017 I drafted a historical account to assist Te Rūnanga o Ngāti Whātua with their Treaty settlement negotiations with the Crown (that historical account has yet to be finalised with the Crown). I am currently engaged in preparing evidence for the High Court in relation to the Marine and Coastal Area Act application of Ngāti Rongo o Mahurangi in the Puhoi and Mahurangi district.
- 4 More generally, in 2007 I presented a district-wide overview on the Crown's treatment of pre-Treaty land dealings ('old land claims') for the Waitangi Tribunal's Te Paparahi o Te Raki (Northland - Wai 1040) inquiry. This included significant material on pre-Treaty land dealings in the Whangārei district. In 2008 I presented a district-wide overview report on Maori and local government for the Te Paparahi o Te Raki inquiry. This included some material relevant to Whangārei lands and land owners.
- 5 This evidence has been jointly commissioned by Te Rūnanga o Ngāti Whātua and Tamihana Paki on behalf of Te Parawhau.¹ The project brief was to provide a tribal landscape overview of Whangārei Harbour, including patterns of occupation, use, right-holding, and tribal relationships and interaction in the harbour and its environs from about 1820 to about 1900.

Code of Conduct and Independence

- 6 I confirm that I have read the Code of Conduct for Expert Witnesses as set out in Schedule 4 of the High Court Rules 2016. I agree to comply with the Code and

¹ CIV-2017-404-563 and CIV-2017-485-305 respectively.



have prepared my evidence on the above matters in accordance with the Code of Conduct.

- 7 I consider the matters on which I express opinions are all within my areas of expertise. I further confirm that I have not omitted consideration of material facts which might alter the opinions set out in this evidence.

Whangarei Harbour Tribal Landscape Overview

- 8 I append the report I have prepared on the Whangārei Harbour tribal landscape as “BS-01”.

AFFIRMED at Wellington this 21st day of August
2023 before me:



Michaela Stack

A Solicitor of the High Court of New Zealand
Deputy Registrar

Deputy Registrar
of the High Court
at Wellington



Bruce Stirling

BS-01

Whangarei Harbour Tribal Landscape Overview

Bruce Stirling

August 2023

Exhibit Note

This is the annexure marked BS-01
referred to in the annexed affidavit of

MP
BS *affirmed* SWORN at Wellington this
21st day of August 2023

before me: *M Stack* Michaela Stack

A ~~Solicitor~~ of the High Court of New Zealand
Deputy Registrar Deputy Registrar
of the High Court
at Wellington

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Summary

1. Whangarei harbour lies on the border between two large iwi, Ngati Whatua and Ngapuhi. Both iwi refer to the same significant maunga as boundary markers for their tribal districts, from Manaia at the Whangarei heads and across the island to Maunganui on the west coast. The location of the harbour on a significant boundary resulted in the lands around Whangarei harbour being heavily contested over many generations. Another factor in the contesting for Whangarei is that the harbour contained abundant fishing grounds and significant tauranga waka that gave access to strategic transport routes, in addition to the fertile lands near the harbour.
2. As with other border zones between large iwi, the tribal landscape of Whangarei features tribal groups with ties to the iwi on either side of the broad boundary. Such connections and alliances with large and powerful neighbours are a necessity in a border zone as it was also the location of contesting by, and between, the two iwi. Being on the edge of the lands of the two iwi, the Whangarei border was also vulnerable to attacks by external tribes reluctant to take on either iwi deep within their respective territories. Generations of conflict, resolution, and intermarriage resulted in complex inter-tribal relationships and the formation of tribal groups distinct to Whangarei yet closely linked with the iwi by whom they are surrounded.
3. These characteristics of the Whangarei border zone are evident in the emergence of the tribal groups of Whangarei holding customary rights to the lands around the harbour, and in the harbour itself. These tribal groups were formed from conflict with neighbouring iwi, and the resolution of conflict through the forging of peace-making connections and that recognised and sustained the rights of both parties and, more especially, their descendants.
4. Tahuhunuiorangi of the Moekakara waka is the founding ancestor of Ngai Tahu, whose interests at Whangarei have endured through the centuries. The marriage of his grandson Tahuhupotiki to Reipae (of Waikato) at gave rise to the naming of Whangarei. Tahuhunuiorangi is an important early ancestor for Whangarei and for Ngati Whatua at Whangarei.
5. The tribal grouping known for the last few hundred years as Ngati Whatua was not known by that name until many generations after the time of Tahuhunuiorangi, but he is among the ancestors from whom they trace their identity. The key common ancestor for Ngati Whatua is Haumoewarangi. Ngati Whatua is a grouping of connected tribes in an area extending from the Manaia to Maunganui boundary given above and south to Tamaki Makaurau ('Auckland'). The larger tribes among those comprising Ngati Whatua that are most relevant at Whangarei are Te Uri o Hau, Te Taou, and

Te Roroa. Other tribal groups at Whangarei with strong connections to Ngati Whatua include Ngai Tahu, Te Parawhau, Te Uriroi, and Te Patuharakeke, although these groups also have other connections.

6. In the mid-eighteenth century Ngai Tahu came under pressure from Ngapuhi groups to the north, particularly Ngati Ruangaio, who sought to migrate to Whangarei to access its rich resources. This eventually resulted in Ngati Ruangaio attacking and inflicting a heavy defeat on Ngai Tahu at Whangarei. In this case, the marriage links between the Ngati Ruangaio rangatira Te Kahore and Pae of Ngai Tahu did not prevent Te Kahore's father (the rangatira Te Ponaharakeke) and others from attacking Whangarei, but neither did they continue their attack after Te Kahore took many Ngai Tahu under his protection on the southern shores of the harbour.
7. After the fighting, peace-making marriages between the arriving Ngati Ruangaio and the resident Ngai Tahu ensued. These brought together the rights of the newcomers and the existing tangata whenua, thus ensuring that the customary rights of both groups and, more importantly, their descendants were maintained. As Te Tirarau later put it: "the Ngapuhi are like the toetoe that blows over the ground in the summer, I am the root of the land."
8. The Ngai Tahu roots in the land were maintained by their descendants, whose ancestral rights were combined with those of the new arrivals. The main tribal group to emerge from these connections was Te Parawhau, so named after the death of the first of three significant rangatira to bear the name Te Tirarau. Two generations after him, the third leader of that name – Te Tirarau Kukupa (Te Tirarau III) – emerged as the paramount rangatira at Whangarei during several decades either side of 1840. Te Tirarau Kukupa ("Te Tirarau") embodied the connections of Te Parawhau to Ngai Tahu, Ngati Whatua, and Ngapuhi. Marriage connections across several generations established close links between he, Paiea (leading rangatira of Te Uri o Hau in the district), and Te Parore (leading rangatira of Te Roroa to the west).
9. Another tribal group emerging at Whangarei in the eighteenth century is Te Uriroi who, like Te Parawhau, combine descent from Ngati Ruangaio and Ngai Tahu. Their rangatira Te Waikeri was the son of Taurahaiti, who is also the grandfather of Te Tirarau (I). The name Te Uriroi arose from an incident that illustrates their close connections. Their lands were to the west and southwest of what is now Whangarei city. Te Uriroi and Te Parawhau maintained ongoing marriage connections in the time of Te Tirarau.
10. Other hapu developed at Whangarei with close connections to Te Parawhau, notably Te Patuharakeke whose lands were on the southern shore of Whangarei harbour. They too have connections to the ancestral roots of Ngai Tahu, notably through Te Weku (a sister of Pae), as well as links to the coastal group, Ngati Wai.

11. Ngati Kahu ki Torongare are a significant tribal group along the northern side of Whangarei harbour. Their ancestor Torongare has Ngai Tahu ancestry (through his mother Kareariki) but is associated much more closely with Ngapuhi (through his father Uenuku, a son of Rahiri, a key ancestor for Ngapuhi). Ruangaio (ancestor of Ngati Ruangaio) is a grandson of Torongare. Torongare is also a significant ancestor for Ngati Hine to the north of Whangarei. Torongare did not spend a lot of time at Whangarei but his descendants did become established there as a result of conflict in the area in the late eighteenth century, about the time Te Tirarau (I) was killed.
12. Ngati Kahu ki Torongare maintained ongoing connections with Ngapuhi kin to the north. At the same time, they also forged connections with Te Parawhau such as the marriage referred to by some between Rangipinenngaru of Ngati Kahu ki Torongare and Te Tirarau (II). Their son was named Te Iwitahi to show the unity of the two tribal groups promoted in his parents and embodied in him. Ngati Kahu ki Torongare (like Te Parawhau) also looked to their Ngai Tahu descent as a source of ancestral rights in lands beside the harbour.
13. The Whangarei tribal group Ngati Tu, who descend from Tuhukea (a descendant of Tahuhunui-orangi), are closely linked to Ngati Kahu ki Torongare in northern Whangarei. In some accounts, the kahu in the name Ngati Kahu ki Torongare refers an incident during a fight between the people of Torongare and those of Tuhukea, when Torongare placed his kahu ('cloak') over two people as a protective gesture of peace. This resulted in the forging of close connections between the two groups.
14. The last tribal group to establish themselves at Whangarei are Ngati Pukenga (Te Tawera), who were gifted a block beside the northern shore of the harbour in the 1830s to atone for the killing of three of their rangatira by Whangarei Maori. Te Parawhau and Ngati Kahu ki Torongare each later said they were responsible for gifting the land to Ngati Pukenga. The chiefly donors of the land – Tipene Hari, Pohe, Te Manihera, and Rawiri Patu – are identified with Ngati Kahu ki Torongare while one is also identified with Ngati Tu and one with Te Parawhau. The gift itself was not disputed and was recognised by the donors when title to the land was investigated in 1877.
15. Other than Ngati Pukenga, the tribal groups of the lands around Whangarei harbour were all established there by the late eighteenth century. Some also had much older ancestral roots through Ngai Tahu going back centuries. Those at Whangarei found their hold on these lands severely tested in the early decades of the nineteenth century, particularly during the 1820s and early 1830s which were a time of extensive armed conflict and upheaval for many tribal groups across Aotearoa.
16. Customary relationships were strained when an imbalance of force came about through the introduction of firearms and the early monopoly of this deadly new weapon by Ngapuhi to the north. Muskets were first used (to little effect) by Ngapuhi in a battle with Ngati Whatua at Moremonui (on

the coast north of what is now Dargaville) in 1807, but as they then had few muskets it was the traditional weapons and stratagems of Ngati Whatua that won the day.

17. By 1820, Ngapuhi had more muskets but still lacked the overwhelming force to avenge their loss at Moremonui (and other grievances with Ngati Whatua). A Ngapuhi force rampaged through Mangakahia and upper Wairoa in 1820 but was then defeated by Ngati Whatua in southern Kaipara. Even so, this attack had severe impacts on Maori inland of Whangarei; a visiting missionary found that although Taurau Kukupa and his Te Parawhau people had remained safe in their pa at Tangiteroria there was extensive devastation evident across their abandoned land beyond there, towards Whangarei. Later in 1820, Ngapuhi attacked Whangarei itself.
18. It was not until 1825, after Ngapuhi had accumulated enough muskets and sufficient experience in their use elsewhere to take their devastating vengeance on Ngati Whatua at Te Ikaaranganui (near Kaiwaka). Ngati Whatua (who had only two muskets) suffered huge losses. In the wake of this defeat, most Ngati Whatua fled the region to take refuge with allies to the north and to the south. Much of Kaipara and Whangarei lay abandoned into the 1830s.
19. As other tribal groups began to acquire muskets, Ngapuhi lost their early advantage and soon found themselves on the receiving end of devastating attacks by musket-armed foes from the south. This impacted Whangarei from 1820, which was targeted by Hauraki tribes as it was seen as an easier target than the Ngapuhi heartland to the north. Some Hauraki tribes also had grievances with Te Parawhau, who had joined with Ngapuhi in some of their attacks on Hauraki in eastern Tamaki.
20. When it came to the conflict between Ngapuhi and Ngati Whatua, Te Parawhau were in a difficult position given their connections to both. When Ngapuhi planned their attack on Ngati Whatua in 1825 they sought permission from Te Tirarau to travel through Wairoa to get to Ngati Whatua in Kaipara, but he blocked that route. Ngapuhi instead came overland from the east to Te Ikaaranganui, and Te Tirarau did not join them in attacking Ngati Whatua.
21. This is not to say there was not conflict between Te Parawhau and some tribal groups within Ngati Whatua. In 1824, a group of Ngati Whatua from southern Kaipara joined with a Waikato group to attack Te Parawhau at Whangarei, avenging an earlier attack by Ngapuhi on a group of Ngati Whatua fishing near Motutapu. Such conflict involving southern Ngati Whatua and Te Parawhau was rare, however, and in 1844, Paora Tuhaere (the leader of Ngati Whatua o Orakei at Tamaki) came to Whangarei to seal a peace that had been broken 20 years before.
22. In the wake of the 1820 and 1824 attacks (and the devastation at Te Ikaaranganui in 1825), Whangarei lay largely abandoned for a time, with few among Te Parawhau or Ngati Whatua in the district. Some Te Parawhau lived for a time with Ngapuhi kin in the Bay of Islands. Those who remained, or later returned, to Whangarei suffered in another big battle when a large Waikato force (that included some

southern Ngati Whatua) attacked Whangarei, defeating Ngapuhi and Te Parawhau there in 1828. Te Tirarau later joined with Ngapuhi to avenge this loss, their forces gathering at Whangarei before travelling far to the south to attack Waikato in 1832. This failed to end the cycle of conflict, as Waikato forces (which included some Te Taou of Ngati Whatua) returned north in 1832 where they attacked and defeated Ngapuhi and Te Parawhau at Mangawhati. This was the last conflict in the Whangarei area and although the land around the harbour remained deserted in early 1833, it soon began to be reoccupied.

23. The period of conflict in the 1820s and early 1830s saw much of the land around Whangarei harbour abandoned for a time, as the occupants sought refuge elsewhere from conflict. This temporary abandonment did not result in the lands around the harbour being occupied by others, nor did it have any lasting harmful impacts on the customary rights the various tangata whenua groups had previously established at Whangarei.
24. The arrival of Pakeha traders and settlers in and around Whangarei in the late 1830s introduced a new set of relationships and obligations between these newcomers and their Maori hosts. Several of these early Pakeha residents had been residing in the Bay of Islands in the 1830s and largely arranged their Whangarei land transactions in the Bay of Islands. Some were arranged with rangatira who did not live in Whangarei and their rights to transact the land were not recognised by those who held customary rights at Whangarei. For instance, the right of Te Tao, a Ngapuhi rangatira of the Bay of Islands, to transact land near Manaia with the early Pakeha trader Gilbert Mair was subsequently denied by Whangarei rangatira. Other land dealings were arranged with Whangarei Maori, particularly rangatira of Te Parawhau and Ngati Kahu ki Torongare, but other interests were also recognised.
25. The benefits of a relationship with an individual Pakeha on particular land gave rise to competition among tribal groups as to who would exercise control over that Pakeha and the land allocated to him. It also gave rise to the need to defend and define customary interests for Pakeha purposes. The potential for tensions to arise from this competition began to be realised from 1840, after the arrival of the Crown. During the 1840s the Crown sought to ratify (by Crown grant) what Pakeha occupiers thought of as their exclusive rights to land which they had hitherto occupied under chiefly patronage. The Crown and early Pakeha instead saw the rights of occupation they had acquired as land purchases; the claims to which came to be known, 'old land claims'.
26. Even before the Crown ratification these old land claims was complete, early Pakeha residents of Whangarei no longer saw themselves as beholden to their chiefly patrons, nor required to respect ongoing obligations to the customary authority that endured at Whangarei. In 1842 some Pakeha living at Whangarei discovered that the customary rights of their Maori hosts could not be so easily set aside. A group of Maori led by rangatira of Te Parawhau and Te Uri o Hau used the traditional

practice of muru to take the payment still owed to them by some Pakeha at Whangarei for the occupation of lands beside the harbour.

27. In 1845 muru was again used far to the south of Whangarei, at Matakana, to address the improper occupation of land there by an old land claimant. That land belonged to Ngati Rongo (of Ngati Whatua) but they were helped in the muru by their close kin Te Parawhau at Whangarei. The Crown punished what it saw as a criminal offence by taking about 1,000 acres of land beside the southern entrance of Whangarei harbour from the Ngati Rongo rangatira Parihoru and his fellow offender, Koukou of Te Parawhau and Te Patuharakeke. Ngati Rongo continued to assert interests in this area into the 1870s.
28. The old land claims of the early residents Mair and Carruth beside the upper Whangarei harbour were arranged through Crown grants in the early 1840s. This left a Mair claim beside the outer harbour and two other significant old land claims to lands west of Whangarei that remained unsettled for some years. They were later overlaid and finally resolved through subsequent Crown land purchase deeds from the 1850s to the 1870s. These transactions involved other customary interests, notably those of Te Uri o Hau, that had earlier been overlooked.
29. From 1853 to 1864 Crown land dealings gave rise to a number of disputes over customary interests in lands beside the Whangarei harbour and in adjoining lands. These transactions also provide some further evidence the tribal groups holding interests there. Crown land purchase commissioners looked particularly to Te Tirarau as a lead vendor for their land deeds, leaving other customary interests to be addressed later in negotiations by which time the land was already committed to purchase. Given the prominent status of Te Tirarau, and the Te Parawhau interests he represented, this strategy proved very successful in the acquisition of lands along the southern side of the harbour.
30. At the same time, the Crown's land purchasing methods at Whangarei led to a range of other tribal interests being raised and recognised to varying extents. To the south and west of the harbour these other interests included Ngai Tahu, Te Uri o Hau, and others linked to Ngati Whatua (such as Te Maungaunga and Ngati Mauku). Near the southern entrance to the harbour Te Patuharakeke and Ngati Tu interests were recognised. Beside the upper harbour and along the northern shore – where Te Tirarau had slightly less influence – Ngati Kahu ki Torongare and Ngati Tu interests feature, while Ngai Tahu were acknowledged to some extent. Te Waiariki hapu (based at Pataua) were involved in two deeds for land lying between Parua Bay and Pataua.
31. To the west and southwest of Whangarei – beyond the lands immediately adjoining the inner harbour – more intractable disputes arose between Te Tirarau (for Te Parawhau) and Paikea (for Te Uri o Hau), and also between Te Tirarau and Matiu Te Aranui (for Ngati Toki of Ngapuhi). Being close kin, Te Tirarau and Paikea did eventually find a customary way to resolve overlapping land interests,

interests that had become contested largely as a result of Crown purchasing in lands from Whangarei across to northern Kaipara.

32. The dispute involving Matiu Te Aranui concerned Mangakahia lands a little further north and proved far more difficult to resolve. After several years it escalated into deadly armed conflict on the disputed land at Wharekohe in 1862. Following arbitration and the resulting findings by Governor Grey in 1863, the dispute eased but was not finally resolved until boundaries were codified through the issuing of Native Land Court titles in the 1890s. This protracted conflict has been cast by some as part of the dispute between Te Uri o Hau and Te Parawhau (or even more simplistically as between 'Ngati Whatua' and 'Ngapuhi'). Even though Te Tirarau was a common factor, these were distinct disputes that involved distinct tribal interests; Te Tirarau acted for Te Parawhau while Matiu Te Aranui acted for Ngati Toki and related Ngapuhi interests (and received strong support from other Ngapuhi to the north).
33. The Mangakahia land dispute drew out a lot of evidence about how customary interests were defined and obtained in the area between Whangarei and Mangakahia. This aspect of the dispute is more relevant to customary interests at Whangarei, as it concerns the origins of Te Urirotoi, and the gifting of land west of Whangarei that arose in the context of early conflict there between Ngati Ruangaio and Ngai Tahu. Much of this evidence was later repeated during Native Land Court title investigations of land near Whangarei.
34. From 1865 the Native Land Court became a forum in which interests in customary land were determined for the purposes of extinguishing those interests through the issuing of a Crown title. Many of the Court's early title investigations of the remaining Maori land around Whangarei harbour were brief, uncontested affairs. This was the result of the influence of Te Tirarau and pre-court hui at which titles were arranged, leaving the Court with little to do but confirm what had been agreed by Maori. Many of the out-of-court arrangements reflected the ongoing predominance of Te Tirarau, who was so prominent in the early Court hearings that the judges deferred to him even when he was not directly involved in a case. During the 1870s, as Te Tirarau's influence waned, hearings became a little more contested but there were still few prolonged hearings or rehearings for titles around the harbour (in contrast to more contested inland titles west of Whangarei).
35. Given the brevity of many of the early Native Land Court title investigations they reveal only a little about customary interests. The interests that are raised and recognised in the Court in the lands around the harbour are broadly consistent with those identified in other sources and as a result of pre-1865 Crown land dealings. That is, Te Parawhau feature in lands along the southern shore and upper harbour while Ngati Kahu ki Torongare feature in lands along the northern shore. Within this broad pattern, other interests and ancestries are sometimes acknowledged, such as Te Patuharakeke, Te Urirotoi, Ngai Tahu, Ngati Ruangaio, Ngati Whatua, and Ngati Tu.

36. An important qualification relating to Native Land Court evidence is that there are strong indications that the brevity and lack of contesting over early title investigations concealed more than it revealed. An out-of-court agreement resulted in a brief hearing and an unopposed title award that was indicative of certain tribal interests. But that does not mean there were not other tribal interests recognised in the land. In some cases, a claim might appear to involve only Te Parawhau or only Ngati Kahu ki Torongare interests, but the ancestry relied on and other aspects of evidence indicate the claim was underpinned by earlier Ngai Tahu interests. The example of Hihiaua in the upper harbour is instructive; when this low-lying land was first before the court in 1867 it appeared to be a straightforward Te Parawhau claim. It was only decades later that fuller inquiries revealed the land comprised tauranga waka (canoe landing grounds) and seasonal fishing camps in which other Whangarei groups shared interests.

A. Ngati Whatua and Ngapuhi: the Whangarei Borderlands

37. Whangarei harbour forms the eastern part of the border between the big iwi groupings of Ngati Whatua and Ngapuhi. This border extends from up the harbour from Manaia on the east coast (at the mouth of the harbour) across the island to Maunganui on the west coast. The traditional southern boundary defined by Ngapuhi matches very well with the traditional northern boundary defined by Ngati Whatua.
38. Ngapuhi define this boundary using key maunga across the island: “Manaia ki Whatitiri, ki Tutamoe, ki Maunganui.”¹ As noted, Manaia stands at the harbour entrance, while Whatitiri is a maunga just west of Whangarei city, Tutamoe is east of Kaihu, and Maunganui is a prominent bluff on the coast west of Kaihu. This boundary is also referred to as the “entrance of the whare tapu of Ngapuhi.”² Key maunga are defined by Ngapuhi as “pillars” of the “house of Ngapuhi” in a well-known whakatauki which refers to the southern boundary at Whangarei thus: “Manaia titiro ki Tutamoe, Tutamoe titiro ki Maunganui [From Manaia look to Tutamoe, From Tutamoe look to Maunganui].”³
39. Ngati Whatua use the same maunga to define their northern boundary, as expressed in the iwi whakatauki:⁴

¹ As cited by Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

² Te Ihi Tito, ‘Brief of Evidence’, 2010. Wai 1040 #C35.

³ Dr Manuka Henare, Dr Hazel Petrie, and Dr Adrienne Puckey, “He Whenua Rangatira” Northern Tribal Landscape Overview’, CFRT, 2009. Wai 1040 #A37, p.47. See also Waimarie Bruce, ‘Brief of Evidence’, 2013. Wai 1040 #E47.

⁴ Cited in Marama Henare, ‘The Establishment of Te Runanga o Ngati Whatua’, Waitangi Tribunal, 1993. Wai 264 #H1(a), pp.13 and 45. See also Te Runanga o Ngati Whatua, Statement of Claim, 1992. Wai 303 #1.1 (Wai 1040 #1.1.0036), and; Te Runanga o Ngati Whatua, ‘Te Rohe o Ngati Whatua: Our Area’. URL: <https://web.archive.org/web/20170406053420/http://ngatiwhatua.iwi.nz/mana-ngati-whatua/rohe>

Mai Tamaki ki Maunganui i te Tai Hauauro,	[From Tamaki to Maunganui in the west]
Mai Tamaki ki Manaia i te Rawhiti.	[From Tamaki to Manaia in the east]
Manaia titiro ki Whatitiri,	[From Manaia look to Whatitiri]
Whatitiri titiro ki Tutamoe,	[From Whatitiri look to Tutamoe]
Tutamoe titiro ki Maunganui.	[From Tutamoe look to Maunganui]

40. Given that the boundaries of these two iwi groupings or alliances meet on Whangarei harbour, it and the lands around it have long been “heavily contested.” This is also due to the “fertile land, abundant fishing grounds, and strategic transport routes making them highly attractive for settlement.”⁵
41. Whangarei harbour lies in what the Waitangi Tribunal in its 2022 Te Raki report refers to as “something of a border zone between major southern and northern iwi,” with the result that hapu around the harbour “affiliate strongly” to Ngapuhi and to Ngati Whatua.⁶ Whangarei is thus part of a “borderland, a zone of conflict, between the broad tribal groupings of Ngapuhi and Ngati Whatua.”⁷ As the Waitangi Tribunal observes of Whangarei: “It is a region of complex intertribal relations.”⁸ This complexity emerged from generations of contact, conflict, and intermarriage, “ultimately forming the great tribal confederations that emerged in the 1800s,” including Ngati Whatua and Ngapuhi.⁹
42. Parihaka pa, the great fortress of Whangarei, was eventually taken during the inter-tribal conflict of the early nineteenth century when forces led by Ngaro-ki-te-uru (of Te Parawhau) were defeated there. As one of his descendants notes, Parihaka “stood in the way of two main northern tribes, one being Ngati Whatua to the south and Ngapuhi to the north.”¹⁰ The resident hapu of Whangarei were in what some see as the “unenviable position” of being on the border between two big iwi: “It is a place where large iwi groups merge and kinship lines appear blurred by the complexity of whanaungatanga and its obligations.” A “strong sense of loyalty to close kinship ties,” combined with “geographical location and proximity,” has resulted in complex and overlapping customary

⁵ Waitangi Tribunal, *Tino Rangatiratanga me Te Kawanatanga. The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* (pre-publication version), Wellington 2022, p.134.

⁶ Waitangi Tribunal (2022), p.16.

⁷ Waitangi Tribunal, *The Kaipara Report*, Wellington, 2006, p.13. This conclusion supersedes that in the Tribunal’s “interim” four years earlier which had provisionally identified a “border zone of overlapping interests” between Ngati Whatua and Ngapuhi somewhat south of Whangarei (Waitangi Tribunal, *The Kaipara Interim Report*, Wellington, 2002, p.10 and Map 2 at p.11).

⁸ Waitangi Tribunal (2022), p.16.

⁹ Waitangi Tribunal (2022), p.106.

¹⁰ Winiwini Kingi, ‘Brief of Evidence’, 2015. Wai 1040 #P18(a).

rights at Whangarei. The hapu there are closely related to the iwi “by whom they are surrounded, so much so that a section of Te Parawhau will claim to be Ngati Whatua, while another section will claim to be Ngapuhi.”¹¹ For hapu in border areas, it is possible to be both.

43. The position of hapu in and around border zones such as Whangarei harbour can indeed be ‘unenviable’, yet kinship ties to the iwi around them has its benefits. Links to Ngati Whatua can, for instance, mean the iwi will come to their aid if they come under attack at Whangarei by Ngapuhi or its allies; equally, the reverse can apply. At the same time, being on the border can leave hapu on the frontline of any conflict that involves either of the iwi on that border. An attack on a border area such as this also avoided the risk of striking Ngapuhi in their more strongly defended heartland. For instance, when Ngapuhi aggravated Hauraki tribes by attacking them in the early nineteenth centuries, the first retaliation was often targeted at the most readily attacked coastal areas, such as Whangarei. An example of this is the Hauraki sacking of Te Parawhau’s Onemana pa in about 1820.¹² (Onemana pa is near Onemana Point, beside Whangarei harbour just southwest of Matakoho (Limestone Island).)
44. As Taipari Munro of Te Parawhau told the Waitangi Tribunal, “the Whangarei people were vulnerable where they lived, being the southern extremity of the tribal land of the alliance of Ngapuhi tribes.” When Ngapuhi’s enemies to the south came north “seeking utu” they attacked “more accessible areas on the coast,” particularly Whangarei which suffered “attack after attack... right into the head of the harbour and inland.”¹³ One result of these attacks in the 1820s was that, as reported by Reverend Henry Williams, a number of Te Parawhau moved to Waitangi from 1824 until the 1830s to take refuge from such attacks with Ngapuhi kin. As he noted, they had come under “pressure” from the Hauraki tribes and “felt insecure in their position, which was a sort of borderland between the hostile tribes.”¹⁴
45. Ngati Whatua were no strangers to such measures, most of them having had to leave much of their rohe for some years after their heavy defeat by Ngapuhi forces at the disastrous battle of Te Ikaaranganui (near Kaiwaka) in 1825. Alliances with related kin groups were “critical to the recovery” of Ngati Whatua after 1825, including an alliance with Kawiti, a leading rangatira of Ngati Hine (typically seen as Ngapuhi) who provided northern Ngati Whatua with refuge north of Whangarei in the wake of Te Ikaaranganui. This alliance with Kawiti and Ngati Hine not only

¹¹ Taipari Munro, ‘Whangarei Taiwhenua opening’, 2013. Wai 1040 #E46, pp.2-3.

¹² Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

¹³ Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

¹⁴ Henry Williams, *The Early Journals of Henry Williams, 1826-1840* (Lawrence Rogers, ed.), Christchurch, 1961, pp.53 and 216 (being journal entries of April 1827 and January 1832).

reflected his “desire for peace” after several years of devastating warfare, it also built on existing whakapapa connections between Ngati Hine and Ngati Whatua.¹⁵

46. At a broader level, Ngati Whatua and Ngapuhi were not always in conflict along their mutual border at Whangarei, as the two iwi had a range of whakapapa connections here going back many generations. They do come from different ancestral waka, however. As noted below, Ngati Whatua trace their descent from the Mahuhu-ki-te-rangi waka, while Ngapuhi come from Matawhaorua waka (captained by Kupe himself) and its later incarnation as Ngatokimatawhaorua (captained by Nukutawhiti), and they are also descended from Mataatua waka.¹⁶
47. The Whangarei boundary itself has been seen as “recognition of a relationship between Ngati Whatua and Ngapuhi through the common ancestor of Rahiri.”¹⁷ Rahiri is the founding ancestor of Ngapuhi. He married “into powerful neighbouring iwi” in the borderlands around Whangarei (and Mangakahia to the northwest). The Whangarei tradition is that Rahiri met his first wife Ahuaiti at Maungatapere, a short way up the Otaika river valley from Whangarei harbour. (Another tradition has them meeting in the Mangakahia valley to the northwest). Ahuaiti was a Whangarei descendant of Manaia and Tahuhunuiorangi (some say she was Tahuhunui-o-rangi’s mokopuna). The marriage did not endure and Ahuaiti later returned home, pregnant. Rahiri then married her cousin Whakaruru, retaining the connection to Whangarei, and this continued when he took a third wife, Moetonga, who was a sister of Whakaruru. The Whangarei tradition is that Rahiri met these wives at Maungatapere. Rahiri is said to have returned to Whangarei to live out his days there. For those at Whangarei, the female line (from Te Ahuaiti of Ngai Tahu) “holds as much mana” as the male line (from Rahiri of Ngapuhi).¹⁸
48. Other early connections between Ngapuhi and Ngati Whatua date back to the time of Rahiri and Ahuaiti, whose eldest son Uenuku married a Ngai Tahu woman, Kareariki. (Among their children were Maikuku who married Huatakaroa, whose children included Torongare, an important Ngapuhi ancestor at Whangarei; see below.) In addition to this, Rahiri’s sister Puna-Te-Ariari (also known as Hineao) married the Ngati Whatua ancestor Te Aweawe (Te Aweawe-o-te-rangi), whose descendant Haumoewarangi is the founding tipuna for Te Uri o Hau and a significant ancestor for Ngati

¹⁵ Tame Te Rangi, ‘Brief of Evidence’, 2010. Wai 1040 #B36(a).

¹⁶ Rāwiri Taonui, ‘Ngāpuhi – Canoes’, *Te Ara - the Encyclopedia of New Zealand*. URL: <http://www.TeAra.govt.nz/en/ngapuhi/page-2>

¹⁷ Te Pania Kingi, ‘Brief of Evidence’, 2010. Wai 1040 #B7.

¹⁸ Waitangi Tribunal, *Tino Rangatiratanga me Te Kawanatanga. The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* (pre-publication version), Wellington 2022, pp.118-119 and 135, and; Hirini Heta, 1885 (Mangakahia evidence), cited in Piripi Moore and Lawrence Wharerau, ‘Tai Tokerau District Maori Council Oral History Report’, CFRT, 2016. Wai 1040 #AA3, p.92. See also, Manuka Henare, Angela Middleton, and Adrienne Puckey, ‘He Rangi Mauroa Ao te Po: Melodies Eternally New’, Mira Szasy Research Centre, University of Auckland, 2013. Wai 1040 #E67, p.70.

Whatua.¹⁹ As set out below, the two iwi later came into serious conflict but the coming of peace in the 1830s saw a renewal of these marriage links. For instance, Paora Tuhaere (a significant leader of Ngati Whatua in Tamaki Makaurau from the 1840s) married Harata, a grand-daughter of the notable Ngapuhi rangatira Te Wharerahi (whose wife Tari was sister to the renowned Ngapuhi leaders Tamati Wake Nene and Patuone).²⁰

Ngati Whatua and Ngai Tahu

49. Manaia and Tahuhuniorangi (or Tahuu), referred to above, are important early tupuna for Whangarei, dating back to the arrival of ancestral waka. Manaia captained Mahuhu-ki-te-rangi, an early waka to Aotearoa – one of his landing places being Whangarei – and his descendants settled much of the coast in this district. Manaia maunga is not merely named for him but is said to embody him after he and his whanau were transformed into the maunga and the distinctive rocks below it.²¹ Mahuhu-ki-te-rangi is also an ancestral waka for Ngati Whatua.
50. Tahuhuniorangi, the tipuna for Ngai Tahu, captained the Moekakara waka, landing near Te Arai before his descendants – Ngai Tahu – established themselves over a broad area from Tamaki Makaurau in the south (giving rise to the naming of the maunga Otahuhu) to the Bay of Islands in the north, including Whangarei and Mangakahia.²² (Others refer to Ngai Tahu coming here on the Tunui-a-rangi waka, which landed at places along the coast south of the Bay of Islands, including Whangarei.)²³
51. Some in Whangarei refer to Tahuhuniorangi as the son of Manaia. Tahuhuniorangi later migrated south and died in Tamaki Makaurau but it is said that his koiwi were later brought back to his Whangarei home and that he was buried in the urupa on Parakiore maunga (just north of Kamo).²⁴
52. Tahuhuniorangi's great-great-grandson Tahuhupotiki married the Waikato woman Reipae, for whom several Whangarei harbour places are named. Reipae and her twin sister Reitu had been drawn north by Ue-oneone of Ngapuhi (at Whangape) who wished to marry Reitu. On their way north,

¹⁹ Hare Hongi, 'On ariki and, incidentally, tohunga'. *Journal of the Polynesian Society*, Vol. 18, No. 2, 1909, pp.84-89, and; Manuka Henare, Angela Middleton, and Adrienne Puckey, 'He Rangi Mauroa Ao te Po: Melodies Eternally New', Mira Szasy Research Centre, University of Auckland, 2013. Wai 1040 #E67, p.70.

²⁰ Steven Oliver, 'Tūhaere, Pāora', Dictionary of New Zealand Biography, 1990: <https://teara.govt.nz/en/biographies/1t109/tuhaere-paora>

²¹ Rāwiri Taonui, 'Whangārei tribes'. *Te Ara*, 2017. URL: <https://teara.govt.nz/en/whangarei-tribes/page-2>

²² Eru Maihi (Ngati Whatua) cited in George Graham, 'Te Toka-tu-whenua: A relic of the ancient Waiohū of Tamaki', *Journal of the Polynesian Society*, Vol. 34, No. 134, 1925, p.177, and; Rāwiri Taonui, 'Whangārei tribes'. *Te Ara*, 2017. URL: <http://www.TeAra.govt.nz/en/whangarei-tribes/page-1> and; <http://www.TeAra.govt.nz/en/whangarei-tribes/page-2>

²³ Rāwiri Taonui, 'Canoe traditions – Other northern canoes', *Te Ara – the Encyclopedia of New Zealand*. URL: <http://www.TeAra.govt.nz/en/canoe-traditions/page-3>

²⁴ Waimarie Bruce 'Brief of Evidence', 2013. Wai 1040 #E47.

Reipae had to wait at the harbour that now bears her name; some accounts say it is simply the harbour ('whanga') of Reipae (shortened to 'rei'), but others say the name is derived from 'Te Tauwhanga o Reipae' ('the waiting place of Reipae', shortened to Whangarei'). This was about 18 generations ago.²⁵

53. Over the generations Ngai Tahu and the ancestors of Ngati Whatua established close connections, to the extent Tahuhunuiarangi and his Moekakara waka have been referred to by Ngati Whatua as one of their ancestral waka (their principal waka being Mahuhu-ki-te-rangi, as noted).²⁶ Such are the ties between Ngai Tahu and Ngati Whatua that the marriage of Reipae to Tahuhupotiki has been referred to as her marrying into Ngati Whatua.²⁷ As the tangata whenua of Whangarei have noted, their "rich tapestry of whakapapa and whanau-hapu relationships" existed long before Ngapuhi came into the district from the north.²⁸
54. The tribal grouping known since the eighteenth century as 'Ngati Whatua' did not emerge until many generations after the time of Reipae, but the reading back of this identity to the time of these ancestors goes to indicate the extensive kinship connections established over time between Ngai Tahu and the ancestors of Ngati Whatua. When the Crown was purchasing land to the south of Whangarei (at Mangawhai) in 1853 Ngai Tahu were identified as being among those with customary rights and they were represented in the transaction by Arama Karaka, a noted Ngati Whatua rangatira.²⁹
55. By way of explanation, Ngati Whatua is an alignment of connected tribal groups of which the most relevant here are Te Roroa, Te Uri o Hau, and Te Taou (other significant Ngati Whatua tribal groups are Ngati Rongo, Te Uringutu, Ngaoho, and Ngati Whatua-o-Orakei). These Ngati Whatua tribes share a common heritage in the form of affiliation to the Mahuhu-ki-te-rangi waka and descent from the early ancestor Tuputupuwhenua (also known as Tumutumuwhenua), who is also an important ancestor for many in Te Tai Tokerau. As such, Ngati Whatua share links with ancestors who migrated from Muriwhenua in ancient times, intermarrying with and then subsuming groups living in the

²⁵ Pei Te Hurinui Jones and Bruce Biggs, *Nga Iwi o Tainui*, Auckland, 2004, pp.136-137; Rāwiri Taonui, 'Whangārei tribes'. *Te Ara*, 2017. URL: <http://www.TeAra.govt.nz/en/whangarei-tribes/page-3> , and; Taipari Munro, 'Whangarei Taiwhenua opening', 2013. Wai 1040 #E46, pp.3-4.

²⁶ Eru Maihi (Ngati Whatua) cited in George Graham, 'Te Toka-tu-whenua: A relic of the ancient Waiohūa of Tamaki', *Journal of the Polynesian Society*, Vol. 34, No. 134, 1925, p.177.

²⁷ Pierre Lyndon, 'Transcript', 10-13 February 2014. Wai 1040 #4.1.12, p.726.

²⁸ Pierre Lyndon, cited in Taipari Munro, 'Whangarei Taiwhenua Opening Statement', 2013. Wai 1040 #E46, p.12.

²⁹ Land Purchase Commissioner Johnson report, 31 December 1853. *Turton's Epitome*, Section C-IV, pp.56-57.

regions occupied by the tribe today (as described in their traditional boundaries set out above). More particularly, the common ancestor for Ngati Whatua is Haumoewarangi.³⁰

56. The broader Ngati Whatua grouping emerged from extensive kinship ties established over several generations, and also from a period of conflict in the mid-eighteenth century, followed by more severe upheaval in the early nineteenth century (see below).³¹ As Angela Ballara has written, the “amalgamation of these peoples through intermarriage, and through common misfortunes” in the warfare of this period led to groups that otherwise saw themselves as related but separate coming together under the name of Ngati Whatua.³² Those of Te Taou under Tuperiri who conquered Tamaki in the mid-eighteenth century became known as Ngati Whatua o Orakei, and the broader grouping of Ngati Whatua came to be applied to the earlier tribes.³³ It should be noted that many of those who became known as Ngati Whatua, or who came to be seen as part of the tribal grouping, had previously identified under their older tribal identities (not least, in the context of this evidence, Te Uri o Hau, Te Taou, Ngati Rongo, and Ngai Tahuu).

Ngai Tahuu and Ngati Ruangaio

57. Ngai Tahuu at Whangarei came under severe pressure during the eighteenth century when conflict over resources in the Bay of Islands region forced some Ngapuhi to migrate south to Whangarei. One group was led by Torongare (a descendant of Rahiri) who came to live at Whatitiri (just west of Whangarei). Torongare’s descendant Ruangaio remained behind at Waiomio, marrying into Ngai Tahuu and giving rise to the hapu named for him, Ngati Ruangaio (sometimes given as Ngati Rua). By one account, when a dispute later arose in about 1750 over the prized Whangarei harbour fishing and whaling ground Terenga-paraoa (‘the gathering place of whales’³⁴) and other fishing grounds, Ngati Ruangaio attacked and defeated Ngai Tahuu at Whangarei. In particular, shark pools in the harbour prized for fishing were gifted by Te Pae to Te Kahore as a wedding gift. The shark pools were near Horomanga, Te Taheke, Te Akeake, Te Roro, Tahuna a Rewa, Owhiua, and Te Toetoe. This angered his cousin Ngaro-ki-te-uru, who gathered forces for an attack on Te Pae.³⁵

³⁰ Waitangi Tribunal (2022), pp.153-154; Rāwiri Taonui, ‘Ngāti Whātua – Origins’, Te Ara. URL: <http://www.TeAra.govt.nz/en/ngati-whatua/page-1> and; whakapapa given by Hare Hongi, ‘On ariki and, incidentally, tohunga’. *Journal of the Polynesian Society*, Vol. 18, No. 2, 1909, pp.84-89.

³¹ Waitangi Tribunal (2006), pp.33-331, and; McBurney, pp.396 and 401.

³² Angela Ballara, *Invi. The dynamics of Maori tribal organisation from c.1769 to 1945*, 1998, p.101.

³³ Rāwiri Taonui, ‘Ngāti Whātua – The tribes of Ngāti Whātua’, *Te Ara - the Encyclopedia of New Zealand*. URL: <http://www.TeAra.govt.nz/en/ngati-whatua/page-2>

³⁴ The name also means ‘the gathering place of chiefs’, a reference to a mere paraoa (whale bone mere) being the weapon of a rangatira (see, for instance, Pererei Tito, ‘Brief of Evidence’, 2013. WAI 1040 #J11, and Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26).

³⁵ Waitangi Tribunal (2022), p.136; Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26, and; Tony Walzl, ‘Tai Tokerau Maori District Council Manawhenua report’, 2012. WAI 1040 #E34, pp.209-210.

58. Hori Kingi Tahua of Whangarei gave a different cause for the attack on Ngai Tahu in Whangarei. According to evidence he gave in 1863, the cause was the frustration of “Miripokai” at his offer of marriage being rebuffed by a Ngai Tahu woman. He turned to Ngapuhi kin to attack her tribe at Whangarei.³⁶ Te Tirarau gave very similar evidence about the role of Miripokai in the attack on Ngai Tahu at Whangarei.³⁷ It is likely that whatever the most proximate cause for the attack, the underlying cause was the growing pressure on resources faced by Ngapuhi in their more populous district to the north.
59. The Ngati Ruangaio rangatira Te Kahore (son of Te Ponaharakeke and a great-grandson of Ruangaio) lived at Whangarei among the Ngai Tahu people of his wife Pae and, when they were attacked, he saved many of them by gathering them under his protection at Toetoe and Takahiwai (on the shores of the harbour) and at Ruakaka (on the coast near the mouth of the harbour). He did so by marking the beaches with his patu. Peace-making and intermarriage followed, such as that of Te I (or ‘Tei’) to the Ngai Tahu woman Kama. (Te I was a son of Tawhiro who in turn was brother to Te Ponaharakeke.)³⁸
60. Hori Kingi Tahua said (in 1863) that Te Kahore “took the people whom he had saved and the mana of the land to himself – all one side of Whangarei.” In addition, in exchange for Te Kahore having saved them, the surviving Ngai Tahu gifted him a large area of land at and inland of Whatitiri (the prominent maunga along the tribal boundary west of Whangarei).³⁹ Pouaka Parore (who was descended from Ngati Whatua (Te Roroa), Te Parawhau, and Te Patuharakeke) said in 1895 that before Te Kahore came to Whangarei he was living near Orauta when his wife was Wawaerangi who was of Ngai Tahu at Tangihua.⁴⁰ This shows the Ngai Tahu links had earlier roots than the migration to Whangarei and Te Kahore’s marriage to Pae (Te Kahore, according to Pouaka Parore, “deserted” Wawaerangi for Pae).⁴¹
61. For his part, Te Tirarau referred to the rights of these and other ancestors – Te Waikeri, Tawhiro, Hautakere, and Te Ponaharakeke – as deriving from Ngai Tahu, stating clearly: “our ancestors

³⁶ Hori Kingi Tahua, 13 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 30 March 1863, p.5 (a record of evidence given in the arbitration of the Mangakahia/Wairoa dispute; see below).

³⁷ Te Tirarau, 19 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 18 July 1863, p.22.

³⁸ Waitangi Tribunal (2022), p.136, and; Netana Ripa (Toe Toe case), 1877. Whangarei MB 2, p.190. Regarding Te Kahore, a whakapapa given by Taipari Monro shows the descent from Ruangaio to Taurahaiti to Te Ponaharakeke to Tataia, while he also notes that Tataia is sister to Te Kahore (Wai 1040 #126). See also descent for Te Puku (of Toetoe block) from Kama (Te Raro Te Puku, cited in ‘Arbitration Court’, *Te Karere Maori*, 15 May 1863, p.5 (a record of evidence given in the arbitration of the Mangakahia/ Wairoa dispute; see below). See also Te Puku evidence (Toetoe 2 case, 1877). Whangarei MB 2, p.190.

³⁹ Hori Kingi Tahua, cited in ‘Arbitration Court’, *Te Karere Maori*, 30 March 1863, p.5 (a record of evidence given in the arbitration of the Mangakahia/Wairoa dispute; see below).

⁴⁰ Whangarei MB 5, p.142 (Mangakahia 2 case).

⁴¹ Whangarei MB 5, p.147 (Mangakahia 2 case).

were descended from Ngai Tahu. While the focus of many at Whangarei is on these male ancestors, Te Tirarau went on to name the Ngai Tahu (and Ngati Whatua) women they married over several generations to secure their rights, and the rights of their descendants, to the land. These female ancestors included Whitiao I (one of Te Tirarau's direct Ngai Tahu ancestors), Te Atakura (wife to Te Ponaharakeke and to Te Tawhoro⁴²), Kama (daughter of Te Atakura and Tawhoro; Kama then married Tei [Te I] as noted), and Haumu (daughter of Taramainuku of Ngati Whatua and Tataia, daughter of Te Ponaharakeke) who married Te Tokaitawhio (or Tokatawhia) (many of these connections are noted elsewhere in this evidence). Emphasising that these rights derived from Ngai Tahu Te Tirarau declared: "the Ngapuhi are like the toetoe that blows over the ground in summer, I am the root of the land [He toetoe rere Ngapuhi i te Whitu, ko ahau te take o te whenua]."⁴³

62. The many ancestral connections referred to and relied upon by Te Tirarau above puts in rather a different light the way in which the attacks on Whangarei were later portrayed by some, which is as enabling Ngapuhi leaders to acquire "authority over lands from Whangarei to the Wairua and Wairoa Rivers [to the west]."⁴⁴ As Te Tirarau indicates, it was not so much victory in battle that secured customary rights for the incoming Ngapuhi (Ngati Ruangaio) but the connections they established with the land's existing Ngai Tahu occupants through marriage links that built on those already enjoyed by Te Kahore. Conversely, these peace-making marriages to the incoming Ngati Ruangaio enabled Ngai Tahu (or at least those who were not already protected through connections to Te Kahore) to retain customary rights to their lands. The children of these marriages combined the rights of the existing tangata whenua (and their long standing connections to the land and the harbour) with the rights of the newcomers (with their strength of arms). Or, as (then) Chief Judge Durie put it, connection to "original occupiers and dominant migrants" were important: "The former had manawhenua (right to the land), the latter, mana tangata (control over persons). By descent from both, one had all toes embedded in the soil. ... Conquerors and conquered had need of one another."⁴⁵
63. That was what Te Tirarau was emphasising in the evidence cited above. Although his focus was on the Ngai Tahu and Ngati Whatua ancestors of he and his people, this was not about denying his own Ngapuhi ancestry: it was simply a matter of restoring some balance to their shared ancestry.

⁴² Te Tirarau refers to her as having been married to both men, apparently to Te Ponaharakeke first and later to Te Tawhoro (Te Tirarau, 19 January 1863, in 'Arbitration Court', *Te Karere Maori*, 18 July 1863, p.22). Haora Areka testified in 1895 that Atakura had married Te Ponaharakeke (Mangakahia case, Whangarei MB 5, p.30).

⁴³ Te Tirarau, 19 January 1863, in 'Arbitration Court', *Te Karere Maori*, 18 July 1863, p.22.

⁴⁴ Waitangi Tribunal (2022), p.136.

⁴⁵ See, for instance, E. T. Durie, *Custom Law*, Wellington, 1994 (Treaty Research Series, Treaty of Waitangi Research Unit, Wellington, 2013 ed.), pp.43, 45, and 62.

This evidence was given by Te Tirarau in the context of a prolonged and bitter dispute with Ngapuhi groups over lands west of Whangarei (at Mangakahia), which is examined later in this evidence.⁴⁶

64. Te Tirarau joined with Parore Te Awha (of Te Roroa, closely linked to Ngati Whatua) in rebutting the Ngapuhi claim. Their closing written statement on the dispute in 1863 emphatically denied that the land belonged to Ngapuhi, and instead stated that it was the land of their ancestor Taraimanuku, “who belonged to the Ngati Whatua tribe.” They named the descendants of Taraimanuku, who included Paikea (of Te Uri o Hau), Parore Te Awha, and Te Tirarau, and concluded: “These are the tribes who were within the boundaries of these lands – Te Taou, Ngati Whatua, Ngati Rango, Te Roroa, Ngati Kawa, Ngati Korokoro, Ngati Whiu.”⁴⁷ The three last-named hapu are associated with Te Roroa in the west of the disputed district (towards Wairoa). This statement of Te Tirarau and Parore was focused on the Mangakahia lands at issue in 1863, but the long-running dispute behind the 1863 evidence did extend as far as Whangarei.
65. Such key elements of customary tenure tended to be downplayed or set aside in the colonial era, when Crown purchasing or Native Land Court title investigations rewarded a more exclusive approach to customary interests; one that emphasised conquest as a source of customary rights. This can be seen in the 1871 Native Land Court evidence of Taurau Kukupa for Tauranga Kotuku (50 acres beside Whangarei harbour). He successfully claimed that the land was part of that “seized” from Ngai Tahu by Te Tokaitawhio and Te Tirarau I (his grandfather and great uncle respectively) when they “conquered the district” (with Ngati Ruangaio). In his view, Ngai Tahu had “owned all Whangarei formerly but [there are] none in this district now.”⁴⁸ (Another element of Taurau’s customary rights that went unremarked in the Court was that his father, Kukupa, had been born on this very land, Tauranga Kotuku, not long after Ngati Ruangaio’s arrival in Whangarei.⁴⁹)
66. Against the reductive and exclusive approach favoured by the Court and the Crown, custom instead reflected a more balanced reality; one in which peace-making marriages between Ngai Tahu and Ngati Ruangaio secured the rights of both groups at Whangarei. For instance, when tribal historians met at Whangarei as recently as 1993 to consider who were the tangata whenua there, they settled on Ngai Tahu as the “tangata whenua,” with Te Parawhau as the “mana whenua,” and Torongare as the tupuna.⁵⁰

⁴⁶ ‘Arbitration Court’, 13-19 January 1863, in *Te Karere Maori*, 30 March, 20 April, 15 May, 1 June, and 18 July 1863.

⁴⁷ Parore Te Awha and Te Tirarau, 19 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 18 July 1863, p.25.

⁴⁸ Whangarei Native Land Court Minute Book 2, pp.79-82.

⁴⁹ Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

⁵⁰ Cited in Pierre Lyndon, ‘Te Hiitoria o Whangarei mai i nga Whakapapa’ [“The History of Whangarei from the Whakapapa”], 2013. Wai 1040 #E66(a).

67. The combination of ancestry affirmed in 1993 reflects the ancestral rights derived from Ngai Tahu as well as the combination of that inheritance with the more recent rights of victory in battle acquired by those of Ngati Ruangaio. This combination of customary rights is embodied in Te Parawhau, who bring together descent from Ngai Tahu/Ngati Whatua descent at Whangarei and from Ngati Ruangaio. Torongare has been acknowledged by Te Parawhau and other tribal groups in the area as “one of their founding tipuna.”⁵¹
68. The enduring rights of Ngai Tahu had been recognised by some at Whangarei long before the 1993 hui referred to above. For instance, during the 1894 title investigation for Whatitiri block (21,362 acres) Te Rata Riimi of Whangarei (who was generally identified as Te Parawhau) gave his whakapapa from an ancestor 11 generations earlier, saying: “This is the genealogy of Ngai Tahu.” He added that “Te Maungaunga” is the present name of Ngai Tahu” at Whangarei and that he was of Te Maungaunga.⁵² Te Rata explained the name Te Maungaunga had been given to the hapu by “he maunga (Patunga) of Te Uri o Hau,” in the wake of a heavy defeat in battle at Kaipara. He added that Te Maungaunga “were one tribe with Te Uri o Hau.”⁵³ This indicates their closeness to Ngati Whatua.
69. Some descendants of Te Ponaharakeke (of Ngati Ruangaio_ identified as Te Maungaunga, such as Haora Areka (a descendant of Kukupa) who claimed in Mangakahia block (13,987 acres) in 1895 as Te Maungaunga and who had also lived at Raumanga and Te Toetoe beside Whangarei harbour.⁵⁴ Others claimed in Mangakahia as Te Maungaunga, recounting how that hapu were known as Ngai Tahu until the killing of their ancestor Haukopaia, after which they were known as Te Maungaunga, living alongside Te Parawhau and Te Uriroi at Whatitiri and elsewhere “like brothers.”⁵⁵
70. Te Maungaunga interests were recognised in the 1855 Maungakamea Crown purchase deed, which was signed by Te Rata’s uncle, Te Rata Tiakiriri.⁵⁶ Both men were descended from Te Tirarau (through Kukupa, with his Ngai Tahu wife Hauauru and their son Tiakiriri). They could certainly have claimed Whatitiri as Te Parawhau, but instead emphasised the ongoing rights of Ngai Tahu

⁵¹ Tony Walzl, ‘Tai Tokerau Māori District Council Manawhenua report’, 2012. Wai 1040 #E34, p.199.

⁵² Whatitiri evidence, 1894. Whangarei MB 4, p.126, and; Whangarei MB 5, p.181.

⁵³ Whatitiri evidence, 1894. Whangarei MB 4, p.142.

⁵⁴ Haora Areka evidence, Mangakahia case, 1895. Whangarei MB 5, pp.32-33 and 39. Haora’s descent from Kukupa (three generations earlier) was given by Pouaka Paore (Whangarei MB 5, p.167).

⁵⁵ Netana Ripa, evidence, Mangakahia case, 1895. Whangarei MB 5, pp.57-58. Netana related how Haukopaia had sought aid from Te Uri o Hau in the battle in which he was killed. The name may have arisen from Haupokaia being eaten (‘mau ngau nga’ refers to biting).

⁵⁶ Maungakamea deed, 1855, AUC 317. R12153227. Archives NZ.

and Ngati Whatua (through Te Maungaunga). This is relevant to Ngati Whatua as Te Maungaunga are seen as a hapu of Ngati Whatua.⁵⁷

71. Ngai Tahu interests were also recognised in Te Mata block (975 acres on the southern shore of Whangarei harbour) when Wiki Pirihi (who usually identified as Te Patuharakeke) said his claim to Te Mata was through “my female ancestor, who owned Te Mata.” Her name was Te Poho (or Te Poho), who was the grand-daughter of Te Weku of Ngai Tahu. Te Weku was the sister of Pae, the Ngai Tahu wife of Te Kahore (as noted).⁵⁸ They have been described as twin sisters.⁵⁹ Wiki’s father Te Pirihi presented the Ngai Tahu claim to Te Mata in 1868, giving his descent from Te Weku (from whom came Te Toru, from whom came Te Pirihi’s mother Te Poho; a sister to Te Parawhau rangatira Motutara). He traced the descent of a number of other Ngai Tahu from Te Weku and from Pae (although he and those he named would typically identify as Te Patuharakeke in other lands, such as Pukekauri).⁶⁰ Peka Te Rata (a grand-daughter of Tiakiriri) claimed in Takahiwai on the basis of her Ngai Tahu descent, from the ancestor Te Weku.⁶¹
72. The time of Pae and Te Weku was when Ngati Whatua interests again arose. According to Horomona Te Anga, Te Waha and the Ngati Whatua woman Pare were the parents of Te Raraku, who was a brother (or perhaps half-brother) to Pae and Te Weku (whose mother was also said to be of Ngati Whatua and whose father was Hikurangi, as noted).⁶² Te Raraku sought land from his sisters and they gave him Ruakaka. Horomona added: “It was quite right for them to give the land of their father Hikurangi” and Te Kahore did not make the gift as it was not his ancestral land to give.⁶³ On the other hand, Hori Kingi Tahu rejected this evidence, and said the gift was instead made only by Te Kahore as, by that time, “all the mana of the land was vested in Te Kahore alone”⁶⁴ (which rather ignores the significance of the marriage links he established through Pae before Ngai Tahu were defeated).

⁵⁷ Marina Fletcher, ‘Brief of Evidence’, 2016. Wai 1040 #AA126(b), pp.44-45.

⁵⁸ Wiki Pirihi (Pukekauri case), 1883. Whangarei MB 2, p.348.

⁵⁹ Marina Fletcher, ‘Brief of Evidence’, 2016. Wai 1040 #AA126(b), and; Marina Fletcher, cited in Piripi Moore and Lawrence Wharerau, ‘Tai Tokerau District Maori Council Oral History Report’, CFRT, 2016. Wai 1040 #AA3, p.103.

⁶⁰ Te Pirihi (Te Mata case), 1868. Whangarei MB 2, pp.42-43, and; Wiki Pirihi (Pukekauri case), 1883. Whangarei MB 2, p.348.

⁶¹ Te Rata (Takahiwai case), 1903. Tokerau Maori Land Council MB 1, pp.166-167. His claim succeeded but resulted in the award of small interests on the basis that the interests of Te Weku were stronger in adjoining lands (ibid, p.292).

⁶² Horomona Te Anga was said by another witness to be a descendant of Ruawheke and Takutaikura, of Ngati Whatua (Patuwai Te Tango-taha-ware, 17 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 1 June 1863, p.11).

⁶³ Horomona Te Anga, 17 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 1 June 1863, p.10.

⁶⁴ Hori Kingi Tahu, 17 January 1863, in ‘Arbitration Court’, *Te Karere Maori*, 1 June 1863, pp.9 and 10.

73. It was also from Ngai Tahu that Tipene Hari of Whangarei traced descent when laying out the basis of Te Tirarau's rights in the Mangakahia district. During the 1863 arbitration into disputed lands there, Tipene first noted that Ngai Tahu "were the original possessors of the land," back in the "olden times, when men were great and could move mountains." He traced a line of descent about 12 generations from Tahu all the way down to Tuwhakarete, then to Whitiā (II) and to Te Tirarau Kukupa (Te Tirarau III), the pre-eminent rangatira of Te Parawhau before and after 1840.⁶⁵ This emphasised the strong connections of Te Tirarau and his Te Parawhau people to Ngai Tahu and to Ngati Whatua.

Te Parawhau

74. Te Parawhau was the name adopted by the tribal group that emerged from the conflict of the late eighteenth and early nineteenth centuries in this district. Te Parawhau were formed from Ngati Ruangaio, having emerged from Ngapuhi and Ngati Whatua origins. These diverse origins are reflected in the mutual recognition of Torongare, Ngai Tahu, and Te Parawhau as integral to the status of the people of Whangarei (as noted above). The Waitangi Tribunal, relying on claimant evidence, refers to Te Parawhau and other hapu emerging in this period as being of "mixed Ngapuhi and Ngai Tahu lines," and accepts that "some later came to consider themselves as part of Ngati Whatua."⁶⁶
75. The name Te Parawhau was adopted by the people of Te Tirarau (I) (descendants of Ruangaio through his son Taurahaiti) after he was killed in combat with Rangitikiwaho (of Te Waiariki) at Punaruku (near Whangaruru). He had been seeking to avenge Te Waiariki's earlier killing of Te Ponaharakeke (uncle to Te Tirarau). Out of respect, the body of Te Tirarau (I) was wrapped in whau leaves, leading to his descendants and those of Te Ponaharakeke becoming known as Te Parawhau. From Te Tirarau came Te Tirarau (II) and Te Iwitihi, a Te Parawhau rangatira active in the mid-nineteenth century).⁶⁷
76. The origins of Te Tirarau Kukupa (Te Tirarau III) are set out below. Te Tirarau Kukupa features more in this evidence than Te Tirarau (I) and Te Tirarau (II) so where "Te Tirarau" is referred to without a roman numeral the rangatira being referred to is Te Tirarau Kukupa (Te Tirarau III).
77. As Te Parawhau emerged as a hapu, their ancestral ties to Ngati Whatua were maintained across the border zone from Whangarei. To the west, Taramainuku, grandson of the great Te Roroa rangatira

⁶⁵ Tipene Hari, cited in 'Arbitration Court', *Te Karere Maori*, 30 March 1863, p.8 (a record of evidence given in the arbitration of the Mangakahia/Wairoa dispute; see below).

⁶⁶ Waitangi Tribunal (2022), p.137.

⁶⁷ Waitangi Tribunal (2022), p.137; Marina Fletcher, 'Brief of Evidence', 2016. Wai 1040 #AA126(b), p.4, and; Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, p.225.

Toa, married Tataia, the daughter of Te Ponaharakeke (Ngati Ruangaio/Te Parawhau). Tataia was also the sister of Te Kahore (noted above).⁶⁸ Taramainuku lived at Tapere kainga, for which the hill Maungatapere (just west of Whangarei harbour) was named.⁶⁹

78. These chiefly connections were renewed in the next generation when Haumu, a “wahine rangatira” and the daughter of Taramainuku and Tataia, married Te Tokaitawhio (brother to Te Tirarau (I)). Haumu and Tokaitawhio were in turn the parents of Kukupa and Whakakahu. Whakakahu married Hekeua, the leading rangatira of Te Uri o Hau (Ngati Whatua). Their son Paikea Hekeua was an important Ngati Whatua leader of the nineteenth century. Kukupa and his first wife Whitiao (II) of Ngai Tahu and Ngati Whatua descent were the parents of Te Tirarau Kukupa (Te Tirarau III), the leading Te Parawhau rangatira before and after 1840, until his death in 1882. Tawera, a half-sister to Te Tirarau Kukupa then married Parore Te Awha, the leading rangatira of Te Roroa.⁷⁰
79. Te Tirarau Kukupa’s first wife, Whitiao II, noted above, was the grand-daughter of Whitiao I (of Ngai Tahu and Ngati Whatua descent), who had married Hautakere, a great-grandson of Taurahaiti. Te Tirarau Kukupa also married Whitiao II’s sisters, Taupaki and Hauauru. These marriages gave him connections to “influential chiefs and women of the area... consolidating the influence of Te Parawhau and securing the south and west of Whangarei.”⁷¹
80. Despite the extent of these connections established at Whangarei they could be disrupted by the conflict that continued to plague this border zone. For instance, despite Hautakere’s marriage to Whitiao I he was later killed by Ngati Whatua. Even so, this did not prevent the marriage connections being renewed when Whitiao II married Kukupa.⁷² Conflict did have the potential to weaken such connections; when Tokaitawhio was killed in a fight with Ngapuhi at Maungataniwha, his Ngati Whatua (Te Roroa) wife Haumu reacted by throwing their baby Kukupa into the Otaika River (near

⁶⁸ Evidence of Taurau Kukupa, (Tauranga Kotuku block), 1871. Whangarei MB 1, pp.79-82; Evidence of Pouaka Parore (Mangakahia block), 1895. Whangarei MB 5, p.28; Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26, and; Garry Hooker, ‘Parore Te Awha’, *Dictionary of New Zealand Biography*, 1993. URL: <https://teara.govt.nz/en/biographies/2p8/parore-te-awha>

⁶⁹ Piripi Moore and Lawrence Wharerau, ‘Tai Tokerau District Maori Council Oral History Report’, CFRT, 2016. Wai 1040 #AA3, p.151.

⁷⁰ Waitangi Tribunal (2006), p.76 (note that the Tribunal has the genders of Haumu and Te Tokaitawhio round the wrong way, as do several other whakapapa); Steven Oliver, ‘Te Tirarau Kūkupa’, *Dictionary of New Zealand Biography*, 1993. URL: <https://teara.govt.nz/en/biographies/2t31/te-tirarau-kukupa> ; Garry Hooker, ‘Parore Te Awha’, *Dictionary of New Zealand Biography*, 1993. URL: <https://teara.govt.nz/en/biographies/2p8/parore-te-awha> ; Hare Hongi, ‘On ariki and, incidentally, tohunga’. *Journal of the Polynesian Society*, Vol. 18, No. 2, 1909, pp.84-89; Evidence of Pouaka Parore (Mangakahia block), 1895. Whangarei MB 5, p.28; Whangarei MB 1, pp.45-47; Marina Fletcher, ‘Brief of Evidence’, 2016. Wai 1040 #AA126(b), pp.4-5, and; Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

⁷¹ Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

⁷² Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

his birthplace Tauranga Kotuku, beside Whangarei harbour). She later returned to her people in Kaipara. Kukupa was saved and raised by his uncles (including Tirarau I).⁷³

81. By the same token, conflict could strengthen the ties already forged through whakapapa. For instance, in about 1740, Ngati Whatua and their Ngati Ruangaio manuhiri were killed by Waiohua (of Tamaki Makaurau) under Kiwi Tamaki. The killings occurred in southern Kaipara at a hakari for the uhunga (funeral rites) of the Ngati Whatua rangatira Tumapakihi. Te Parawhau rangatira Tokaitawhio was named for this incident to remind his people of the need to avenge this treacherous killing. The name comes from the tuahu (altar) first erected by Tahuhunuiorangi near Te Arai and later taken by Waiohua and placed at Te Tatua (Three Kings, Auckland). The tuahu was originally called Te Toka-tu-whenua but after being removed by other tribes and relocated to several sites in Tamaki Makaurau it was renamed Te Toka-i-Tawhio ('the stone which has travelled all around'). (The killing also led Te Taou of Ngati Whatua to wage war on Waiohua, eventually defeating them and securing Ngati Whautā's presence at Tamaki Makaurau).⁷⁴

Te Urioroi

82. Other new hapu that emerged from the conflict at Whangarei, and who combine descent from Ngai Tahu and Ngapuhi include Te Urioroi and Te Patuharakeke, who are closely related to Te Parawhau and share in their descent from Ngai Tahu and Ngapuhi.⁷⁵ Taipari Munro relates that the hapu name refers to an occasion when their rangatira Te Wha and his people brought roi (fern root) for the hakari (feasting) associated with the ceremonial raising of the bones of Taurahaiti. The process of scraping or preparing roi for cooking is roroi. The mana wahine Tataia (married to Taramainuku of Ngati Whatua) remarked on their bringing roi rather than kumara and said they should be known as the descendants ('uri') of the roi, as she knew the land was stony and not suited to growing kumara; thus Te Urioroi.⁷⁶

⁷³ Evidence of Taurau Kukupa 1871. Whangarei MB 1, pp.79-82, and; Taipari Munro, 'Brief of Evidence', 2013. Wai 1040 #I26.

⁷⁴ Eru Maihi (Ngati Whatua) cited in George Graham, 'Te Toka-tu-whenua: A relic of the ancient Waiohua of Tamaki', *Journal of the Polynesian Society*, Vol. 34, No. 134, 1925, p.178, and; Rāwiri Taonui, 'Ngāti Whātua - The tribes of Ngāti Whātua', *Te Ara* URL: <http://www.TeAra.govt.nz/en/ngati-whatua/page-2>

⁷⁵ Waitangi Tribunal (2022), p.137, and; Piripi Moore and Lawrence Wharerau, 'Tai Tokerau District Maori Council Oral History Report', CFRT, 2016. Wai 1040 #AA3, p.101.

⁷⁶ Taipari Munro, cited in Piripi Moore and Lawrence Wharerau, 'Tai Tokerau District Maori Council Oral History Report', CFRT, 2016. Wai 1040 #AA3, pp.101-102, and; Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040, #E34, pp.219-220. See also evidence of Pouaka Parore (Mangakahia 2 case, 1895). Whangarei MB 5, p.149.

83. It can be noted here that the removal of the bones of Taurahaiti from his resting place near Orauta to his descendants' new home at Whangarei was initiated by Te Ponaharakeke. According to Pouaka Parore, this was because Te Ponaharakeke "felt that they would never return to Orauta."⁷⁷
84. Te Waikeri (sometimes Te Waikere) is an ancestor cited by Te Uriroroi in claiming land, he being a descendant of Taurahaiti (son of Ruangaio) from Taurahaiti's second wife, Whareangiangi.⁷⁸ Hori Rewi of Te Uriroroi refers to this rangatira as having fought alongside Te Kahore (Ngati Ruangaio) during their defeat of Ngai Tahu at Whangarei. At the same time, Hori Rewi and others (including Renata Te Manihera of Te Parawhau) continued to also rely on the gifting of land by Pae (of Ngai Tahu) to her husband Te Kahore (a gift that preceded the fighting, as noted).⁷⁹
85. Te Uriroroi had close ties to Te Parawhau, through marriages such as that of Kukupa's daughter Koke to Toitu of Te Uriroroi. Te Uriroroi occupied land alongside Te Parawhau to the west and south-west of Whangarei harbour (such as Poroti and Maungatapere).⁸⁰ Pomare Kingi later claimed Raumanga block (1,139 acres, southwest of Whangarei city) as Te Uriroroi, giving descent from Te Waikeri, a brother of Te Ponaharakeke (their parents being Taurahaiti and Whareangiangi).⁸¹ (In contrast, when claiming lands on the other side of the harbour (such as Pakikaikutu) Pomare Kingi relied on his Ngati Kahu ancestry (see below).)⁸² Hemi Hoera was another who claimed for Te Uriroroi in Raumanga and Toetoe 2 (78 acres), claiming from Taurahaiti and his son Te Waikeri – as well as claiming from Te Kahore. Hemi also noted that his father Hoera had lived with Taurau Kukupa on Raumanga.⁸³

Te Patuharakeke

86. Te Patuharakeke "affiliate strongly" to Ngapuhi, Ngati Wai, and Ngati Whatua, as well as Te Parawhau. The hapu occupied lands along the southern shore of Whangarei harbour (such as Toetoe and Takahiwai) and coastal lands to the south (such as Te Mata, Ruakaka, and Waipu).⁸⁴ When claiming Pukekauri (292 acres, adjoining Takahiwai), Te Patuharakeke rangatira Wiki Pirihi

⁷⁷ Whangarei MB 5, pp.147-148.

⁷⁸ Piripi Moore and Lawrence Wharerau, 'Tai Tokerau District Maori Council Oral History Report', CFRT, 2016. Wai 1040 #AA3, p.127, and; Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. WAI 1040 #E34, p.205.

⁷⁹ Hori Rewi (Whatitiri case), 1894, Whangarei MB 4, pp.117-119.

⁸⁰ Waitangi Tribunal (2022), p.1164; Joseph Rapana, 'Brief of Evidence', 2013. Wai 1040 #J15(a), pp.15-16 and 18-20, and; Taipari Munro, 'Whangarei Taiwhenua opening', 2013. Wai 1040 #E46, p.4

⁸¹ Pomare Kingi (Raumanga case), 1877. Whangarei MB 2, pp.185-189.

⁸² Pomare Kingi (Pakikaikutu case), 1877. Whangarei MB 2, pp.145-146

⁸³ Hemi Hoera (Toetoe 2 case and Raumanga case), 1877. Whangarei MB 2, pp.185-190.

⁸⁴ Waitangi Tribunal (2022), pp.16, 137, and 609; Marina Fletcher, 'Brief of Evidence', 2016. WAI 1040 #AA126(b), p.12; Takahiwa deed, 1854, AUC 309. R12153899. Archives NZ; Tokerau Maori Land Council MB 1, pp.166-167 (Takahiwa block), and; Te Mata case, 1868. Whangarei MB 1, p.41.

referred to his hapu Te Patuharakeke as being “of Parawhau.” Te Whanaupani was another tribal name used by Te Patuharakeke. Wiki’s ancestral claim was from Motatau, who lived four generations before Wiki Pirihi and who was also referred to in the claim later made by Henare Pirihi to Takahiwai. The rights of Motatau were bolstered through his marriage to the daughter of Te Weku of Ngai Tahu (a daughter of Hikurangi and the sister to Pae, who was married to Te Kahore, as noted).⁸⁵

87. Te Pirihi (father of Wiki Pirihi) affirmed the importance of Te Patuharakeke’s ancestral claim from Weku when he testified in the title investigation for Te Mata block (as noted earlier). The close connections to Te Parawhau rangatira Motutara were also noted (Motutara being uncle to Te Pirihi, as noted).⁸⁶ The closeness of Te Pirihi to Te Parawhau was embodied in his support for Te Tirarau in his long-running dispute with another rangatira over lands west of Whangarei (from Whatitiri towards Wairoa and Mangakahia). As noted later in this evidence, the dispute degenerated into armed conflict near Wharekohe in 1862, a fight in which Te Pirihi was “wounded in the thigh” (being among three of those on Te Tirarau’s side who were injured, while five of their opponents were killed).⁸⁷

Ngati Kahu ki Torongare

88. Another group with customary interests at Whangarei harbour is Ngati Kahu ki Torongare, whose interests are largely along the northern side of the harbour. One connection of their tupuna Torongare (a descendant of Rahiri and Ahuaiti) to Whangarei has already been noted; he being the grandfather of Ruangaio, whose descendants occupied Whangarei. His identification at the 1993 gathering of tribal historians as the key tupuna for Whangarei has also been noted. Torongare did not live at Whangarei for long as he spent many years travelling through southern Hokianga, Mangakahia, and Whangarei before becoming ill and settling at Mohinui near Waiomio. This was near where his eldest daughter Hineamaru settled, having been travelling with him. Hineamaru is the ancestor of Ngati Hine of the Motatau area.⁸⁸ Even so, Torongare did remain at Whangarei long enough to be commemorated in the naming of Te Nohonga o Torongare [‘the seat of Torongare’], a rock on Ruarangi maunga which is a strategic spot overlooking Whangarei harbour.⁸⁹
89. Some of Torongare’s descendants became known as Ngati Kahu ki Torongare, who initially established themselves north of Whangarei (from Hikurangi and Pipiwai out to the east coast). Ngati

⁸⁵ Wiki Pirihi (Te Mata case), 1868, and (Pukekauri case), 1883. Whangarei MB 2, pp.41 and 341, and; Peka Rata (Takahiwai case), 1903. Tokerau Maori Land Council MB 1, p.292.

⁸⁶ Wiki Pirihi (Te Mata case), 1868. Whangarei MB 2, p.42.

⁸⁷ Native Assessor Te Manihera, Raumanga, to Resident Magistrate Aubrey, Whangarei, 17 May 1862. AJHR, 1863, E-4, p.15.

⁸⁸ Waitangi Tribunal, (2022), pp.131-132.

⁸⁹ Waitangi Tribunal, (2022), pp.136-137, and; Piripi Moore and Lawrence Wharerau, ‘Tai Tokerau District Maori Council Oral History Report’, CFRT, 2016. Wai 1040 #AA3, p.121.

Kahu ki Torongare were involved in the conflict around Whangarei at about the time Te Tirarau I was killed (and Te Parawhau were named) in the late eighteenth century. Being on the winning side, they were able to move south to occupy lands north of the upper Whangarei harbour at Kamo, Parihaka, Tamaterau, and Parua.⁹⁰ Their tribal maunga, Parakioro, is located north of Kamo.⁹¹

90. For a time, in the wake of the taking of Parihaka pa, Ngati Kahu ki Torongare looked to Ngapuhi allies to the north. Their rangatira Ngaro-ki-te-uru arranged the marriage of his daughter Mere Wharenikau to the early Bay of Islands settler Pierre Cafler. Some years later, the couple's daughter Katarina was married to Hori Tahua Kingi of Ngati Manu whose Kingi descendants are today part of Ngati Kahu ki Torongare at Whangarei. This built on existing Ngati Manu connections at Whangarei, such as the marriage of Te Whareumu to Herawhakakati of Te Uriroroi and Te Parawhau.⁹²
91. At the same time, Ngati Kahu also maintained marriage connections with Te Parawhau (following on from their earlier connections to Ngati Ruangaio noted above). A significant marriage in this regard was that of Te Tirarau (II) to Rangipinengauru of Ngati Kahu ki Torongare. Their son was named Te Iwitahi to show the unity of the two tribal groups represented by his parents (according to Ngati Kahu ki Torongare today). At the same time, Rangipinengauru was a descendant of Ngaro-ki-te-Uru, a leading Ngati Ruangaio rangatira in the time of their arrival at Whangarei.⁹³ As if to further emphasise the interconnectedness around the harbour, Te Iwitahi's wife was a sister of Te Tirarau.⁹⁴
92. In the early colonial era, the key rangatira of Ngati Kahu ki Torongare included Tipene Hari, Wiremu Pohe, and Hirawani Te Aitu. These rangatira emphasised rights of conquest on the northern side of the harbour that had descended to them from Ngaro-ki-te-uru, one of those who had come south with Ngati Ruangaio and defeated the area's Ngai Tahuu occupiers.⁹⁵ Even so, at times they asserted an ancestral right through their connections to Ngai Tahuu, as occurred when Wiremu Te Pohe claimed Turiapua block (100 acres) not on the basis of conquest but on descent from "Ikurangi" (that is, Hikurangi, father of Pae, who married Te Kahore of Ngati Ruangaio), or rather from Hikurangi's sister Mihiaua. Others with him claimed from Hikurangi's elder brother, "Paiki."

⁹⁰ Waitangi Tribunal, (2022), pp.136-137.

⁹¹ Waimarie Bruce 'Brief of Evidence', 2013. Wai 1040 #E47.

⁹² Winiwini Kingi, 'Brief of Evidence', 2015. Wai 1040 #P18(a)

⁹³ Tipene Hari (Waikaraka case), 1865. Whangarei MB 1, pp.41-43, and; Waimarie Bruce, cited in Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, pp.225-226.

⁹⁴ Nancy Pickmere, *Whangarei: The Founding Years*, Whangarei, 1986, pp.17-18.

⁹⁵ Hirawani Te Aitu, 1871 (Waimahanga evidence). Whangarei MB 2, pp.99-100, and; Wiremu Pohe, 1865 (Wharaua evidence). Whangarei MB 1, pp.57-58.

Wireumu Pohe successfully rebutted counter-claims that had instead been made on the basis of conquest.⁹⁶

93. Ngati Kahu ki Torongare also shared with other Whangarei harbour tribal groups lands that were common to the tribal groups of the harbour, such as Hihiaua, a significant tauranga waka (landing place) on the upper harbour (see below).⁹⁷
94. Ngati Tu descend from the ancestor Tuhukea, who is said to be an early descendant of Tahuhunuiorangi, the ancestor for Ngai Tahu.⁹⁸ They are referred to in the sources in relation to Ngati Kahu ki Torongare, to the extent that Ngati Kahu claim to have defeated and taken over from Ngati Tu (in the same way that others at Whangarei claimed to have defeated and taken over from Ngai Tahu). The name of Ngati Kahu has been said to derive from an incident in a battle between Ngati Tu and Torongare's forces. To put an end to the fight Torongare placed his kahu ('cloak') over Haumakuruata and Torukao. This was accepted as a peace offering and the pair were married to seal the peace.⁹⁹
95. The foregoing suggests co-existence and a merging of the two peoples. Yet Ngati Tu were said by some among Ngati Kahu o Torongare – not least Horomona Kaikou who was earlier seen as a rangatira of Ngati Tu at Parua¹⁰⁰ – to be a “former tribe,” or to have “nearly all disappeared” and “merged into our tribe [meaning Ngati Kahu].”¹⁰¹ This is, as noted, how some referred to Ngai Tahu in the context of the Native Land Court, but the alien context of the Court ignored the nature of customary rights and the way in which the rights of Ngai Tahu endured. For instance, descendants of Horomona Kaikou continue to identify as Ngati Tu today.¹⁰²
96. Even so, others continue to assert that Ngati Tu were defeated and conquered by the descendants of Torongare and driven south of Waipu. In this version, Ngati Hine “began to beat” Ngati Tu at a place named for the event – Patutahi, near Kaikou (well to the northwest of Whangarei) – before pursuing them to Ruakaka and all the way to Te Hurihanga o Kawharu (Brynderwyn hill, whose

⁹⁶ Wiremu Te Pohe (Turiapua case), 1867. Whangarei MB 1, pp.119-122.

⁹⁷ Whangarei MB 8, pp.304-307.

⁹⁸ Piripi Moore and Lawrence Wharerau, 'Tai Tokerau District Maori Council Oral History Report', CFRT, 2016. Wai 1040 #AA3, p.92, and; Waimarie Bruce, 'Brief of Evidence', 2013. Wai 1040 #E47.

⁹⁹ Winiwini Kingi, 'Brief of Evidence', 2013. Wai 1040 #I9

¹⁰⁰ Taipari Munro, 'Brief of Evidence', 2013. Wai 1040 #I26. Horomona (or Solomon) was Kaikou's baptismal name, for which Solomon's Point in Parua Bay appears to have been named).

¹⁰¹ Horomona Kaikou (Rahuikuri case), 1866. Whangarei MB 1, pp.87-88, and; Horomona Kaikou (Kohinui case), 1868. Whangarei MB 2, pp.64-65.

¹⁰² Riki Solomon, 'Brief of Evidence', 2015. Wai 1040 #P28.

original name recalls the journeying of the key Ngati Whatua rangatira, Te Kawharu).¹⁰³ A more nuanced approach from some among Ngati Kahu refers to the “the complex origins of our whakapapa” and suggests that Ngati Kahu acquired their lands through (rather than from) Ngati Tu.¹⁰⁴ Notably, when hapu trustees were appointed for the highly significant Ruarangi urupa in 1906, Ngati Tu were among the Whangarei hapu represented by a trustee.¹⁰⁵

Ngati Pukenga

97. Ngati Kahu ki Torongare seemed to be sufficiently secure in their hold on land at Tamaterau to claim to have gifted the Pakakaikutu block (334 acres) to Te Tawera hapu in about the 1830s.¹⁰⁶ Te Tawera are also known as Ngati Pukenga, a somewhat peripatetic fighting hapu originating in the Bay of Plenty (who were also gifted land at Hauraki). Taurau Kukupa of Te Parawhau challenged Ngati Kahu’s status as the donors of the land, saying instead that it was given by Te Parawhau. What was not questioned was that Pakakaikutu had been gifted to Te Tawera, who later confirmed that the land had given to them by Te Parawhau.¹⁰⁷
98. The gifting of the land was the focus of the 1877 title investigation into Pakakaikutu. Pomare Kingi had claimed the block for Ngati Kahu in 1875 without opposition, but allocated only 30 acres to Te Tawera.¹⁰⁸ That title award was appealed and reheard two years later. Taurau Kukupa opened the case by saying it had been Te Parawhau land whose chiefs “gave it to the Tawera tribe. ... No one disputed our right to give the land at the time it was given but at the last Court there was a dispute about it.” Horomona Kaikou of Ngati Tu (close kin to Ngai Tahu and Ngati Kahu ki Torongare) countered that the land had belonged to his ancestors, but that it had been gifted after 1840 without his knowledge or consent. Even so, he had agreed in 1875 to them having 30 acres.¹⁰⁹
99. The gift was said to have been made to atone for the killing of Te Kinapo, a Te Tawera man, by Rawiri Patu and Topatopa on Pakakaikutu when Te Kinapo came there from Kororareka to see his sister, who had been enslaved by a Te Parawhau rangatira. Others said it was Marupo (a prominent Ngapuhi rangatira in the Bay of Islands) who had committed the killing. A Te Tawera man clarified that three brothers of the hapu had been killed on the land. The land was given to Moeroa of Te Tawera by the Whangarei rangatira Tipene Hari, Pohe, Te Manihera, and Rawiri Patu. The first

¹⁰³ Pierre Lyndon, ‘Te Hiitoria o Whangarei mai i nga Whakapapa’, 2013. Wai 1040 #E66(a).

¹⁰⁴ Waimarie Bruce, ‘Brief of Evidence’, 2015. Wai 1040 #P29.

¹⁰⁵ Marina Fletcher, ‘Brief of Evidence’, 2013. Wai 1040 #I35, p.18. Among the other hapu represented were Te Parawhau, Ngati Rua, Ngati Hau, Te Whanaupani, Te Uri o te Tangata, and Te Urirori.

¹⁰⁶ Waimarie Bruce ‘Brief of Evidence’, 2013. Wai 1040 #E47.

¹⁰⁷ Whangarei MB 2, pp.169-179.

¹⁰⁸ Whangarei MB 2, pp.145-146.

¹⁰⁹ Whangarei MB 2, pp.169-179.

two named are typically identified as Ngati Kahu ki Torongare, and Rawiri Patu was an elder brother to Horomona Kaikou of Ngati Tu while Te Manihera is Te Parawhau. Taurau recalled there had been no objection to Te Tawera living on the land, and they had done so for 30 years before leaving after which the land was unoccupied for a time. Their departure was said to be “on account of the war,” likely referring to the fighting south of Auckland after 1863. The Court accepted the validity of the gift and awarded the entire block to Te Tawera.¹¹⁰

B. Early Nineteenth Century Conflict

100. The early decades of the nineteenth century were disrupted by extensive armed conflict throughout Aotearoa. This had significant short-term effects at Whangarei, located as it was along the border of two major factions – Ngati Whatua and Ngapuhi – who were heavily involved in regional warfare in this period. The worst of the conflict arose from the arrival of muskets and, more particularly, their initially very unequal distribution among iwi. When Ngapuhi first obtained and used muskets in the early nineteenth century and upset the traditional balance of forces, Ngati Whatua – like many iwi around the country – endured a period of conflict and disruption, particularly in the 1820s and 1830s.¹¹¹
101. Ngati Whatua had fared well in traditional conflicts before this. For example, under the leadership of Murupaenga they defeated Ngapuhi in the battle of Te Kai-a-te-karoro (‘food for seagulls’) at Moremonui (on the west coast north of what is now Dargaville) in 1807, when Ngapuhi had only a few muskets and were using them in battle for the first time.¹¹² It was some time before Ngapuhi could avenge this defeat, but they did so to devastating effect at the battle of Te Ikaaranganui (near Kaiwaka) in 1825. They brought hundreds of musket-armed warriors to bear on Ngati Whatua defenders who, having only two muskets between them, suffered huge losses.¹¹³ In the wake of Te Ikaaranganui many Ngati Whatua fled Whangarei, Kaipara, and Tamaki Makaurau for several years, temporarily relocating with kin to the north (at Waipoua) or to the south (in Waikato). Some were given refuge at Mangakahia by Ngati Hine and their rangatira Kawiti, drawing on existing kinship ties.¹¹⁴

¹¹⁰ Whangarei MB 2, pp.169-179, and; Whangarei MB 6, pp.134-142 (relative interests case, 1897).

¹¹¹ Angela Ballara, *Taua: ‘Musket Wars’, ‘Land Wars’ or ‘Tikanga. Warfare in Maori Society in the Early Nineteenth Century*, 2003, pp.14 and 183-186, and; Rāwiri Taonui, ‘Ngāti Whātua – European contact’, *Te Ara* URL: <http://www.TeAra.govt.nz/en/ngati-whatua/page-3>

¹¹² Waitangi Tribunal (2006), pp.14-15, and; Rāwiri Taonui, ‘Ngāti Whātua – European contact’, *Te Ara* URL: <http://www.TeAra.govt.nz/en/ngati-whatua/page-3>

¹¹³ Waitangi Tribunal (2006), pp.16-17, and; S. P. Smith, *Maori Wars of the Nineteenth Century*, Christchurch, 1910, pp.329-351. The muskets were named in the lament ‘Te Tangi mo Te Ika-a-Ranganui’ as Wehi-ki-te-rangi and Te Ata-o-kaihihi.

¹¹⁴ Waitangi Tribunal (2006), p.18.

102. During this time Ngapuhi also came into conflict with Hauraki tribes. As noted, those near the coast on the southern border of Ngapuhi territory were vulnerable to attack by Ngapuhi's foes, including Hauraki. At the same time, some Hauraki tribes had specific grievances with Te Parawhau at Whangarei, leading to escalating conflicts not only at Whangarei but also to the south. This warfare extended to Tamaki where Te Parawhau joined with Ngapuhi in attacking Hauraki forces.¹¹⁵
103. Te Parawhau were placed in a difficult position by the conflict between Ngati Whatua and Ngapuhi, being related to both sides and living on the border between them. Kukupa, their rangatira at the time, had particular take against some within Ngati Whatua (not least those held liable for failing to save his wife Tauke some years earlier) but even so, he and Te Parawhau did not join with Ngapuhi in the deadly attack on Ngati Whatua in 1825 at Te Ikaaranganui (near Kaiwaka). When Ngapuhi were planning their attack on Ngati Whatua they advised Te Parawhau of their intentions, asking Te Tirarau to leave open a warpath through Wairoa (so they could get to Ngati Whatua in Kaipara). Kukupa instead closed that path by building pa, and Ngapuhi got the message: "that road was blocked." Their attack had to instead proceed by way of Mangawhai, from where Ngapuhi took their waka overland to Kaipara (near Kaiwaka).¹¹⁶ As a result, Te Parawhau under Kukupa and Tirarau did not join the fight at Te Ikaaranganui (although Kukupa's son Te Ihi did so, being wounded there before being killed two years later in another fight with Ngati Whatua at Mairerahi in southern Kaipara).¹¹⁷
104. It should be noted that some unreferenced sources refer to Te Tirarau and Te Parawhau as having taken part in the fight against Ngati Whatua at Te Ikaaranganui, while the route taken by the Ngapuhi taua to that battle by way of Mangawhai is ascribed to Te Hihi of Te Roroa. In this version of events it was Te Hihi who persuaded Hongi Hika and his very large taua to turn around at Mangakahia and return to the Bay of Islands to find another route to the Kaipara.¹¹⁸ This seems rather less likely than the evidence (including primary sources) presented in the previous paragraph. It seems unlikely that Hongi, by the time he and his taua reached Mangakahia, could have been induced to change his path (much less turn around and go back). As noted above, Hongi would have ensured the path for his taua was clear well before setting off.

¹¹⁵ See, for instance, Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, pp.229-230.

¹¹⁶ Pouaka Paraore (Mangakahia case), 1895. Whangarei MB 5, pp.151-152, and; Pouaka Parore (Whatitiri case), 1894. Whangarei MB 4, pp.247-248.

¹¹⁷ Arama Karaka Haututu (Maunganui case), 1876. Kaipara MB 3, pp.162-164; Marina Fletcher, 'Brief of Evidence', 2016. WAI 1040 #AA126(b), p.15, and; Taipari Munro, 'Brief of Evidence', 2013. Wai 1040 #I26.

¹¹⁸ See, for instance, R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, p.155 and; Steven Oliver, 'Te Tirarau Kūkupa', Dictionary of New Zealand Biography, 1993. URL: <https://teara.govt.nz/en/biographies/2t31/te-tirarau-kukupa>

105. The neutrality of Te Parawhau in Te Ikaaranganui is more striking given that they had ample cause to join in the fight, having a take against elements within Ngati Whatua. Just a year earlier, in 1824, Te Parawhau had been defeated by Ngati Whatua in a battle at Whangarei. A group of Ngati Whatua (Te Uringutu hapu from Kumeu under Hakopa Paerimu) were first attacked by Ngapuhi near Motutapu while out fishing. Ngati Whatua at Tamaki Makaurau combined with Waikato allies (Ngati Tahinga) to avenge this incident, surprising and heavily defeating Te Parawhau at Whangarei. Those at Whangarei were not the perpetrators of the inciting incident but were attacked because, as noted earlier, they were seen as connected to Ngapuhi and their location was “accessible and handy.”¹¹⁹
106. The leader of the Ngati Whatua attack on Te Parawhau at Whangarei in 1824 was their great rangatira at Tamaki Makaurau, Apihai Te Kawau. In 1844, Paora Tuhaere, Te Kawau’s nephew and political successor, came to Whangarei with his people to seal the peace with Te Parawhau that had been broken 20 years before.¹²⁰
107. The 1824 attack on Whangarei might be seen as sufficient motivation for Te Tirarau to commit Te Parawhau to join Ngapuhi’s attack on Ngati Whatua in 1825, but that is too simplistic an approach. It was not all Ngati Whatua who attacked Te Parawhau at Whangarei in 1824; it was some of the southern hapu of that iwi, backed by a Waikato hapu. The Ngati Whatua being targeted by Ngapuhi at Te Ikaaranganui included Te Uri o Hau and other northern hapu with whom Te Tirarau and Te Parawhau shared deep ancestral connections.
108. At the same time, it was not as if Te Tirarau’s significant ancestral connections to Ngapuhi had prevented them from attacking his people at Whangarei and northern Wairoa just a few years earlier. In the winter of 1820 Tareha led a Ngapuhi taua south through Mangakahia and the upper Wairoa and down into Kaipara, killing many as it went. The targets of his enmity appeared to be Ngati Whatua and their Te Roroa kin, but when Tareha’s taua reached southern Kaipara not even their muskets could save them from the strategies of Murupaenga, the battle-hardened rangatira of Ngati Whatua, who inflicted heavy losses on Tareha’s forces.¹²¹
109. Tareha’s returning taua appears to have attacked Maori at Whangarei and elsewhere. The missionary Samuel Marsden was travelling through northern Kaipara and Mangakahia in August 1820 on his way back to the Bay of Islands. He found tangata whenua in northern Kaipara on the Wairoa river taking refuge in their pa, concerned about further attacks by what Marsden referred to as the Ngapuhi

¹¹⁹ S. P. Smith, ‘Wars of the northern against the southern tribes of New Zealand in the nineteenth century: Part V’, *Journal of the Polynesian Society*, Vol. 9, No. 1, 1900, p.164. See also R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, p.150.

¹²⁰ Piriipi Moore and Lawrence Wharerau, ‘Tai Tokerau District Maori Council Oral History Report’, CFRT, 2016. Wai 1040 #AA3, p.95, and; Steven Oliver, ‘Tūhaere, Pāora’, *Dictionary of New Zealand Biography*, 1990. URL: <https://teara.govt.nz/en/biographies/1t109/tuhaere-paora>

¹²¹ R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, pp.73-74.

“plundering party.” Moving up the river to Tangiteroria, he was hosted by Taurau Kukupa of Te Parawhau who was living in what Marsden described as “one of the best houses I had seen in New Zealand.” His strong pa had not been troubled by the Ngapuhi attacks but he told Marsden that five of his people had been killed and that the taua had forced many to flee from their farms and cultivations along the river, which were plundered by the taua. As Marsden travelled east towards Whangarei he saw further destruction and abandoned pa and kainga.¹²²

110. Marsden was being guided and protected by Te Morenga, a Ngapuhi rangatira from Taiamai and a rival of Hongi Hika. Te Morenga was then returning from a great battle with Tauranga tribes.¹²³ This again demonstrates the risks of simplification at the iwi level: Tareha had led a Ngapuhi taua against the district and Te Morenga was of Ngapuhi, yet he was not in danger from Te Parawhau or Te Uri o Hau for he was from Taiamai and not involved in the attack led by Tareha, from the Bay of Islands. Not all Ngapuhi were held responsible for everything any Ngapuhi rangatira did, any more than (as noted above), all Ngati Whatua were held responsible for what any rangatira of that iwi did.
111. Taurau advised Marsden to travel to the Bay of Islands via Whangarei, as the rivers north of Tangiteroria were in flood. As Marsden moved east toward Whangarei he found more destroyed and abandoned kainga, with no one to host he and his guides. When he returned there in October 1820 (en route south back to Kaipara), the abandonment of the inland district was such that he was unable to get a waka to travel to Kaipara by the Wairoa River as the Wairoa people had “fled for safety” from Ngapuhi, either to Kaipara or Whangarei so “there was not a canoe upon the [Wairoa] river.” Nor could he find a canoe to travel via the rivers south of Whangarei to Kaipara, for the same reason.¹²⁴
112. Nearing Whangarei in August 1820, Marsden met a small taua comprised of “particular friends” of Te Morenga who had fought alongside him in earlier battles. They said that the Ngapuhi forces (presumably those of Tareha) had attacked Whangarei, killing 10 people there, including a niece of Te Morenga. The rangatira had other connections to Whangarei, where he had “many friends” as well as whanau.¹²⁵ The killing of his niece was not the first time Te Morenga’s whanau had suffered at Whangarei; as early as 1806 another of his nieces, Tawaputa, was taken from Whangarei by the crew of the *Venus* (an Australian ship seized by its mate and some convicts in Tasmania). She was left with Ngaiterangi on Motiti who later killed her. (Te Morenga learned of this, fixing a take for his

¹²² J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.296-298.

¹²³ J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.265-267 and 280.

¹²⁴ J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.299-300 and 309.

¹²⁵ J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.297 and 299.

devastating later attacks on Ngaiterangi.)¹²⁶ The fate of his two nieces indicates that Te Morenga's whanau were established at Whangarei.

113. On his return south to Kaipara, via Whangarei, in October 1820 Marsden noted that, unlike the vacated inland areas (see above), Whangarei was much busier as many of the “very numerous” people present were inland people who had “fled for safety from the Ngapuhi, some to Kaipara and others to Whangarei.” He observed that the harbour “abounds with the finest fish of various kinds, which were hung up in all directions upon the shores” being dried for future consumption.¹²⁷
114. Marsden did not record who any of these Whangarei people were or their tribal identities. When he earlier travelled down the harbour by canoe on his way back to the Bay of Islands, he did note calling on Wehiwehi at his kainga on the northern side of the harbour, a few kilometres from its mouth. Marsden called on him again when he returned to Whangarei (en route to Kaipara) in October 1820.¹²⁸ The Whangarei connections of the Ngatiwai rangatira Hori Wehiwehi are not known but his presence there does not appear to have been permanent; he is associated more with Whangaruru and Whananki, on the east coast well north of Whangarei.¹²⁹
115. As noted, the 1824 attack on Whangarei (which followed earlier disruption inland) led many Te Parawhau to withdraw from Whangarei for a time; some moving to Waitangi and the southern Bay of Islands, and others moving inland to the west. Many tribal groups in the region moved from their ancestral lands at this time to temporarily seek refuge elsewhere, not least Ngati Whatua. As with Ngati Whatua's subsequent temporary withdrawal from their lands in the wake of defeat at Te Ikaaranganui in 1825 (see below), Te Parawhau's withdrawal from Whangarei in the 1820s did not result in their lands being taken up by other tribal groups, much less their having to fight to reoccupy them once the threat of overwhelming attacks by exterior forces had passed.
116. The 1824 attack on Whangarei was not the last time southern Ngati Whatua came north to attack some Te Parawhau at Whangarei. Some years after Te Ikaaranganui, and after Te Parawhau had returned to Whangarei during the early 1830s, Te Taou (with Waikato allies) defeated them in the Mangawhati battle of 1832 (on a point near the harbour south of Matakohē (Limestone Island),

¹²⁶ R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, pp.45-46. Marsden learned a slightly different version of this incident and did not name Tawaputa but referred to the woman involved as a sister of Te Morenga rather than a niece (possibly due to his rudimentary grasp of te reo Maori) (J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, p.355).

¹²⁷ J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.299-300.

¹²⁸ J. Elder (ed.), *The Letters and Journals of Samuel Marsden*, 1932, pp.300-301.

¹²⁹ See, for instance, his involvement in land dealings at Whananaki and Whangaruru (Bruce Stirling and Richard Towers, “Not by the sword but the pen”: The Taking of the Northland Old Land Claims’, CFRT, 2007. Wai 1040 #A9, pp.1756 and 1771, and; Paul Thomas, “The Native Land Court in Te Paparahi o Te Raki, 1865-1900. Waitangi Tribunal, 2016. Wai 1040 #A68, pp.281-281 and 286-288).

although others refer to the battle taking place at the adjoining Ko Te Kapaha or Hewlett Point; see below).¹³⁰ Again, Kukupa remained neutral, and this was later referred to as a “small fight” and the last such fight before Te Tiriti was signed in 1840.¹³¹

117. Arama Karaka Haututu (of Ngati Whatua) recalled that Paikea and his Te Uri o Hau people were living with Te Tirarau even before Te Ikaaranganui. This reflects the several generations of marriage connections established between Paikea (and his forebears) and Te Tirarau and Kukupa (and their forebears). As noted, Paikea’s mother and Te Tirarau’s father were siblings. The same connections ensured that, in the wake of Te Ikaaranganui, Paikea and his people were able to take refuge with Kukupa on his lands in northern Wairoa.¹³²
118. This did not mean that some among Te Parawhau did not have scores to settle with some among Ngati Whatua. Neither group was a monolithic entity; each was composed of whanau and hapu, whose particular rangatira acted with considerable autonomy in pursuit of their own interests. When some Te Uri o Hau (Ngati Whatua) of Kaipara returned north in the 1830s from their refuge in the Waikato to join Paikea, about 20 young men (the warriors among the returning group) were killed by Kukupa to avenge the earlier death of Tauke (as noted).¹³³ Arama Karaka Haututu recalled the killings, having been a boy among that group of returning Te Uri o Hau.¹³⁴ This emphasises the specificity of the relationships between Te Parawhau and other Ngati Whatua; the close ties nurtured between Kukupa and Paikea ensured Te Parawhau remained neutral in a broad conflict like Te Ikaaranganui, but that did not mean Kukupa would not avenge a particular take by acting against those of Te Uri o Hau who had wronged him. By the same token, southern Ngati Whatua (such as Te Taou) had no ties to Te Parawhau, and were quite prepared to attack them at Whangarei when the need arose (see above).
119. Much of Kaipara, Whangarei, and the coast south of Whangarei was deserted for some years after 1825, but a few Ngati Whatua remained, forming guerrilla bands that were able to mount raids on Ngapuhi to the north. As Te Otene Kikokiko later recounted, they had to lead a “precarious and uncertain life” for about three years, until Hongi’s death in 1828, but “they never gave up the fight

¹³⁰ The location was referred to in evidence but it is possible Mangawhati refers to Mangawhati Point, which is located to the south, on the eastern side of the Mangapai estuary.

¹³¹ Kamariera Wharepapa (Maunganui case), 1876. Kaipara MB 3, p.152, and; Marina Fletcher, Brief of Evidence’, 2016. WAI 1040 #AA126(b), p.17.

¹³² Arama Karaka Haututu (Maunganui case), 1876. Kaipara MB 3, pp.162-163 and; Marina Fletcher, Brief of Evidence’, 2016. WAI 1040 #AA126(b), pp.15-16.

¹³³ Pouaka Parore (Whatitiri case), 1894. Whangarei MB 4, pp.247-248, and; Kamariera Wharepapa (Maunganui case), 1876. Kaipara MB 3, p.153.

¹³⁴ Arama Karaka Haututu (Maunganui case), 1876. Kaipara MB 3, pp.163-164.

for their ancestral lands and, as opportunity offered, they turned on their enemies.”¹³⁵ Those to the south were able to mount larger actions, as in 1827 when Ngati Whatua allied with Waikato to inflict substantial losses on Ngapuhi in a battle at Tamaki. Once they had acquired some parity with muskets, Ngati Whatua were able to return north, defeating Ngapuhi later that year in one fight and again in 1832 (see below).¹³⁶ From the mid-1830s, Ngati Whatua began to return to their lands in force.¹³⁷ They were, however, greatly reduced by years of warfare this time. These various “remnant” hapu were associated with the Ngati Whatua grouping.¹³⁸

120. The situation was similar in Whangarei, being largely abandoned for some years after the 1824 defeat noted earlier. That was due not solely to Ngati Whatua’s attack but also because Whangarei remained vulnerable to attack from the sea by the considerably stronger Hauraki tribes. As noted, a number of Te Parawhau moved to Waitangi, near the missionaries based at Paihia, where their ageing rangatira Christian Rangi was among the first Maori baptised there in 1825. Henry Williams refers to Motutara (a Te Parawhau rangatira) having left Whangarei in 1824 due to “pressure” from the Hauraki tribes, and moving to Waitangi.¹³⁹ Many of them remained in the Bay of Islands into the mid-1830s.
121. When the French captain Dumont d’Urville mapped the entrance to Whangarei harbour in February 1826 he found the remnants of destroyed and long deserted villages in regenerating bush, being “astonished by the silence that reigned on all sides and the absence of any human being.” While there he was visited by a waka taua, crewed by men from the Bay of Islands who were then staying near the harbour entrance (with the crews of several other waka in this fleet) in what d’Urville described as an “encampment... only a temporary affair.” They were gathering for another war expedition to the south. He did not visit the upper harbour but “Te Rangui” – the rangatira in charge of the waka taua (an ally of Pomare of Ngati Manu), and who stayed on board d’Urville’s ship the *Astrolabe* – told him that Te Morenga (“Tamarangai”) was staying beside Whangarei harbour and could bring pigs to d’Urville if he would wait a few days (he did not wait).¹⁴⁰
122. Those of Te Parawhau who later returned to the district from the Bay of Islands (or who returned from refuges inland to the west) found they were still vulnerable to attack. Their presence at Whangarei led to what has been called the final battle beside the harbour, at Motutara’s Te Parawhau

¹³⁵ R. Hoc, *Te Otene Kikokiko*, Helensville, 1934, p.5.

¹³⁶ S. P. Smith, *Maori Wars of the Nineteenth Century*, Christchurch, 1910 , pp.392-393 and 442.

¹³⁷ Waitangi Tribunal (2006), p.22; Waitangi Tribunal (2022), p.159, and; Angela Ballara (2003), p.230.

¹³⁸ Waitangi Tribunal (2022), p.159.

¹³⁹ Henry Williams, *The Early Journals of Henry Williams, 1826-1840* (Lawrence Rogers, ed.), Christchurch, 1961, pp.53, 215, p.273, and 320.

¹⁴⁰ Dumont d’Urville, *New Zealand, 1826-1827. An English translation of the Voyage de L’Astrolabe in New Zealand Waters*, Wellington, 1950, pp.145-150.

pa, Ko Te Kapaha, on what was later named Hewlett Point (on the eastern side of the Mangapai estuary on Whangarei harbour).¹⁴¹ The pa was sacked by a Waikato force and its southern Ngati Whatua allies in 1832.¹⁴² The first Pakeha house at Whangarei – that of flax trader Gordon Brown built on Matakoho Island (‘Limestone Island’) – was also sacked.¹⁴³

123. The ground for the 1832 battle was laid in 1828, when the great Waikato rangatira Te Wherowhero led a taua that included many Ngati Whatua north to mount a devastating attack on their Ngapuhi foes. As before, Whangarei was the first port of call so it was Te Parawhau that suffered as well as Ngapuhi in the battle of Oparakau that took place near Tawatawhiti, the great pa beside the Hatea River at Parihaka (near what Pakeha later named ‘Mair’s Landing’).¹⁴⁴ Te Tirarau and Te Parawhau sought to avenge their losses by joining a taua of southern Ngapuhi, led by Pukerangi, to attack Waikato.¹⁴⁵ When the missionary Henry Williams visited Whangarei in January 1832, it was briefly occupied by hundreds of Ngapuhi fighters from the north under Tareha, Titore, Wharerahi, and Moka, who were gathering their forces for another fight to the south. Te Tirarau and his forces joined them on their journey south to attack Waikato.¹⁴⁶
124. The taua was instead forced to withdraw in a fighting retreat, being harried all the way to Kawau island where Pukerangi and many others were killed. The Waikato and Ngati Whatua forces pursued the taua to Whangarei where Ngapuhi and Te Parawhau were defeated at Parihaka and Tawatawhiti. The final battle in this campaign took place near Ngunguru where not even the arrival of Ngapuhi reinforcements could prevent further heavy losses among the unfortunate taua. This defeat marked the end of the military supremacy Ngapuhi had enjoyed for much of the previous decade.¹⁴⁷ It thus marked the end of the vulnerability of Whangarei Maori to the cycle of fighting between their combative neighbours, Ngapuhi and Ngati Whatua.
125. After the fighting ended Te Tirarau seems to have returned to the Bay of Islands for a time (or at least spent much of his time there) rather than living at Whangarei. Williams found Whangarei deserted when he called there in February 1833. He was informed any inhabitants had been

¹⁴¹ The name of the pa was given by Williams as “Ko te Kapa” but Te Parawhau know it as Ko Te Kapaha (although some favour ‘Ko Te Kapua’).

¹⁴² Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26.

¹⁴³ Nancy Pickmere, *Whangarei: The Founding Years*, Whangarei, 1986, p.10.

¹⁴⁴ Bill Edwards, ‘Tawatawhiti/Mair’s Landing Historic Area, Whangarei (List No. 9702)’, New Zealand Heritage List/Rarangi Korero, Heritage New Zealand Pouhere Taonga, 2017.
<https://www.nrc.govt.nz/media/bzpldall/tawatawhiti--mairs-landing-historic-area-whangarei.pdf>

¹⁴⁵ R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, pp.188-189 and 252-253.

¹⁴⁶ Henry Williams, *The Early Journals of Henry Williams, 1826-1840* (Lawrence Rogers, ed.), Christchurch, 1961, pp.215-217 and 254.

¹⁴⁷ R. D. Crosby, *Musket Wars*, Reed, Auckland, 1999, pp.252-253.

“dispersed by a party from Waikato,” and all was “desolation,” following the Waikato and Ngati Whatua retaliation for the taua sent against them (in which Te Tirarau had joined) in 1832. In 1833 and 1834 Williams refers to seeing Te Parawhau rangatira, such as Te Tirarau and Motutara, only in the Bay of Islands.¹⁴⁸ Te Tirarau likely returned to his Tangiteroria home (inland of Whangarei) sometime after this. Even so, he was back in the Bay of Islands in February 1836 when he signed He Whakaputanga (the 1835 Declaration of Independence).¹⁴⁹ He was also there in 1837, when he engaged in a land transaction at Kerikeri with the missionary James Shepherd.¹⁵⁰ However, with peace prevailing throughout the district after 1832, Whangarei began to be reoccupied.

C. Early Land Dealings

126. The relocation of many Te Parawhau to the Bay of Islands after 1824, and particularly during the early-to-mid-1830s, led to the Bay of Islands becoming the source of early Whangarei settlers and those who entered into pre-Treaty dealings for land there. After Crown authority was proclaimed in 1840 the claims based on those dealings became known as ‘old land claims’ (‘OLC’). As of January 1840, the government would not recognise any old land claim by a Crown grant of land until it had been investigated by the Land Claims Commission and determined to be valid (according to Crown criteria, rather than Maori views).
127. The role of Ngapuhi from the Bay of Islands as allies to Te Parawhau during much of the fighting in the late 1820s and 1830s also led some of them to assert the right to deal with lands around Whangarei harbour (notably at Manaia). Even so, Pakeha based in the Bay of Islands identified Te Tirarau as the key rangatira to engage with for Whangarei lands, particularly after he had approached British Resident James Busby in 1838 in the Bay of Islands about land at Whangarei, with a view to securing a Pakeha trading presence there.¹⁵¹ Thereafter, Te Tirarau was the preferred point of contact for most land dealings in the border zone from Whangarei across to the west coast, not only for Pakeha in the Bay of Islands (looking to acquire land to the south) but also for the Crown land purchase agents who came to the district in the 1850s.
128. Busby entered into dealings with Te Tirarau, Te Iwitahi, Motutara, Tipene Hari, and others for enormous areas of land extending south from Whangarei harbour at Poupouwhenua and from Ruakaka to Waipu. His deed for the most relevant of these deeds here, the Ruakaka (Bream Bay)

¹⁴⁸ Henry Williams, *The Early Journals of Henry Williams, 1826-1840* (Lawrence Rogers, ed.), Christchurch, 1961, pp.280-281, 320, 378, and 400.

¹⁴⁹ ‘Te Tirarau’, *New Zealand History*. URL: <https://nzhistory.govt.nz/politics/declaration/signatory/te-tirarau-kukupa>

¹⁵⁰ Waitangi Tribunal (2022), p.626.

¹⁵¹ Bruce Stirling and Richard Towers, “‘Not by the sword but the pen’: The Taking of the Northland Old Land Claims”, CFRT, 2007. Wai 1040 #A9, pp.1591-1592.

claim (OLC 23 comprising about 25,000 acres) was completed in 1839, being signed at “Taika” (Otaika) beside the harbour. A few days later the Ngati Manu and Ngati Rongo (Ngati Whatua) rangatira Pomare received payment for agreeing to the deed.¹⁵² Although the deed was concluded at Whangarei, it had been arranged in the Bay of Islands where the vendors had been living during the 1830s. One of those involved in the deed was working at Busby’s Waitangi house when the deed was arranged in 1839.¹⁵³ Busby did not occupy the Ruakaka claim (or the Waipu claim to the south). He failed to properly prosecute his claims at the Land Claims Commission established to investigate all pre-Treaty land dealings. As a result the claims were rejected and no land grant recommended. This meant Ruakaka remained Maori land.¹⁵⁴

129. In 1839 the early Whangarei settler William Carruth negotiated a transaction for land in what is now Whangarei city (OLC 728 estimated at 1,500 acres).¹⁵⁵ He was the first permanent Pakeha settler at Whangarei but, like other Whangarei land claimants, his dealings originated in the Bay of Islands. Those who participated in his transaction included Tipene Hari, Te Iwitahi, Wiremu Pohe, and several others, some of whom also engaged with Busby. He later recalled meeting Te Iwitahi at Ahipupu (on the upper harbour where Whangarei township was established) who was said to be eager for a resident “Pakeha-Maori” for trading purposes.¹⁵⁶ Te Iwitahi also understood that Carruth (a farmer) would establish an agricultural training school similar to the one the missionaries ran at Waimate (a commitment he failed to honour).¹⁵⁷
130. The rangatira with whom Carruth dealt are closely linked to Te Parawhau but at times Tipene Hari and Wiremu Pohe identified as Ngati Kahu ki Torongare. In addition, as noted, Wiremu Pohe at times asserted customary rights on the basis of his Ngai Tahu descent.
131. Te Iwitahi cautioned Carruth that it would take some time to allocate the land to him as there were many owners to consider, some of whom lived inland to the west. He was likely referring to rangatira such as Te Tirarau (of Te Parawhau) and Paikea (of Te Uri o Hau) who Carruth did not include in his negotiations, resulting in severe repercussions for he and other Pakeha at Whangarei in 1842 (see below). Despite dealing with, among others, Te Iwitahi, Carruth seems to have preferred to identify Tipene Hari as the “leading rangatira” for this land near the upper harbour. Carruth’s focus on this rangatira explains why he was later referred to as “Tipene’s Pakeha.” Tipene expected to seal this

¹⁵² Stirling and Towers. Wai 1040 #A9, pp.1587-1589.

¹⁵³ Stirling and Towers. Wai 1040 #A9, p.1619.

¹⁵⁴ Stirling and Towers. Wai 1040 #A9, pp.1600-1603.

¹⁵⁵ On the location of Carruth’s claim, see Map 115, Stirling and Towers. Wai 1040 #A9, p.1686, and; Waitangi Tribunal (2022), Map 6.3, p.542.

¹⁵⁶ Stirling and Towers. Wai 1040 #A9, pp.1665-1668.

¹⁵⁷ Marina Fletcher, ‘Brief of Evidence’, 2013. Wai 1040 #I35, p.5.

relationship in the traditional fashion, by incorporating Carruth into the hapu through a chiefly marriage. Apparently lacking a daughter of his own, the young daughter of Tipene's kinsman Te Iwitahi was instead betrothed to Carruth (when she reached a marriageable age). Carruth was a reluctant groom but knew better than to deny Te Iwitahi, although the issue was rendered moot through the daughter's death in 1840.¹⁵⁸

132. Carruth successfully prosecuted his claim at the Land Claims Commission and, based on his payment for the land, he was awarded 968 acres. When the boundaries given in the 1839 transaction were surveyed, they comprised 938 acres which was finally Crown granted to Carruth and his brother in 1851 (by which time 'Tipene's Pakeha' had long since left Whangarei; moving to the North Shore at Auckland in the 1840s and then on to the Australian goldfields).¹⁵⁹
133. The other successful pre-Treaty land claims made in Whangarei in 1839 were those of the early Bay of Islands trader, Gilbert Mair. He claimed 5,000 acres around Tikupunga and Parihaka (OLC 307), inland of Carruth's claim at Whangarei, and another area named Taurikura which purported to take in most of the land on the northern side of the outer Whangarei harbour from Parua Bay to the entrance and east out to the coast, comprising perhaps 10,000 acres (OLC 1047).¹⁶⁰
134. The OLC 307 claim and Mair's occupation was centred on Tawatawhiti, an important pa on the Hatea River associated with Parihaka. Mair's son, also named Gilbert, was given the name Tawatawhiti by Mair's Maori hosts (although Mair later shortened this to Tawa), and the riverbank wharf became known as Mair's Landing.¹⁶¹ This claim was arranged with Te Iwitahi, Tipene Hari, and others. Wiremu Pohe was included in an 1842 clarification of the boundaries of Mair's claim. Te Iwitahi and others continued to live and plant at their Te Kauika kainga for some years after despite it lying within the boundaries claimed by Mair. The Land Claims Commission accepted the claim and recommended a grant of 1,200 acres to Mair. He successfully lobbied the government for this to be increased on 1844 to the statutory maximum of 2,560 acres, but on survey the claim was found to comprise 1,798 acres which was finally Crown granted to Mair in 1853.¹⁶²

¹⁵⁸ Nancy Pickmere, *Whangarei: The Founding Years*, Whangarei, 1986, p.22, and; Stirling and Towers. Wai 1040 #A9, pp.1665-1667.

¹⁵⁹ Stirling and Towers. Wai 1040 #A9, pp.1684-1687.

¹⁶⁰ On the location of Mair's claims, see Map 115, Stirling and Towers. Wai 1040 #A9, p.1686, and; Waitangi Tribunal (2022), Map 6.3, p.542.

¹⁶¹ Bill Edwards, 'Tawatawhiti/Mair's Landing Historic Area, Whangarei (List No. 9702)', New Zealand Heritage List/Rarangi Korero, Heritage New Zealand Pouhere Taonga, 2017, p.7.
<https://www.nrc.govt.nz/media/bzpdlall/tawatawhiti--mairs-landing-historic-area-whangarei.pdf>

¹⁶² Stirling and Towers. Wai 1040 #A9, pp.1688-1689, 1693-1695, 1698-1699, and 1701-1702.

135. Mair's far larger claim at Taurikura (OLC 1047) was arranged in the Bay of Islands in 1839 with Te Iwitahi, Tipene Hari, Wiremu Pohe, and several others.¹⁶³ Despite being made aware of the interests of Te Tirarau, Mair failed to engage with him.¹⁶⁴ Mair soon sold his claim to a Frenchman who failed to complete the payment owing for the land and did not pursue the claim at the Land Claims Commission, resulting in the claim being dismissed in 1842. It was only in 1844 that Mair revived the invalid claim in his own name.¹⁶⁵ Earlier that year, Te Tirarau testified to the Land Claims Commission that the land in the Taurikura claim – a claim to which he objected – belonged to him and he had never transferred it to Mair, adding: "I fear it was sold by one William Pohe without my knowledge or sanction."¹⁶⁶
136. In 1844 the Commission again rejected Mair's OLC 1047 claim on four grounds, including that Te Tirarau's claims had not been satisfied and others associated with him also had claims that had not been addressed.¹⁶⁷ Despite the Commission's recommendation, Governor FitzRoy in 1845 issued a Crown grant to Mair for 414 acres anywhere within the very broad boundaries of the Taurikura claim. The grant remained unsurveyed and Mair continued to pursue his claim to all of the Taurikura claim into the 1850s, when it became entangled in a Crown purchase of land around Manaia (see below).
137. Stepping back a bit, Carruth and Mair successfully prosecuted their OLC 728 and OLC 307 claims before the Land Claims Commission at the Bay of Islands in January 1842. It became clear they were seeking exclusive title (by way of Crown grant) to the lands they claimed at Whangarei, rather than holding the land under the prevailing Maori custom. This appears to have triggered a response from those to the west who Carruth had long since been told by Te Iwitahi he needed to consider, but who had been ignored. In March 1842, Te Tirarau, Paikea, and others came from their homes west of Whangarei to muru the Pakeha settlers occupying land at Whangarei without the permission of these customary owners. Or, as the settler press preferred to put it, they "plundered" Whangarei. Rather than 'plunder', the land's owners from the west were simply coming to obtain the payment that Carruth had promised Te Iwitahi he would make to those who he had earlier ignored. Protector of Aborigines George Clarke praised the land's owners for having "shown a great regard to equity as well as considerable forbearance" towards the deceiving Carruth.¹⁶⁸

¹⁶³ Stirling and Towers. Wai 1040 #A9, p.1704.

¹⁶⁴ Marina Fletcher, 'Brief of Evidence', 2013. Wai 1040 #I35, pp.5-6.

¹⁶⁵ Stirling and Towers. Wai 1040 #A9, pp.1706-1707.

¹⁶⁶ Cited in Stirling and Towers. Wai 1040 #A9, p.1711.

¹⁶⁷ Stirling and Towers. Wai 1040 #A9, pp.1713-1714.

¹⁶⁸ Waitangi Tribunal (2022), pp.302-303, and; Stirling and Towers. Wai 1040 #A9, pp.1674-1682.

138. In addition to demanding that Mair and other Pakeha settlers acknowledge his interests at Whangarei, Te Tirarau and his allies also challenged (and rejected) a pre-Treaty claim to 3,000 acres at Whangarei made by Scott, Anderson, and Russell (OLC 842), which these Pakeha had arranged with Wiremu Pohe and others.¹⁶⁹ Scott and his fellow claimants failed to pursue their claim at the Land Claims Commission with the result that it was dismissed. However, in 1844 James Anderson alone revived the claim at the Commission. Wiremu Pohe confirmed the claim to the Land Claims Commissioner and while he acknowledged that Te Tirarau “had a claim” to the land, he insisted this was specific to “a sacred place on the land” for which he had been paid in 1842 by the Pakeha occupier of the land, Runciman.¹⁷⁰ The Commissioner advised the government to confirm with Te Tirarau that his interests had been dealt with. On that basis he recommended a grant of 519 acres to the claimants, excluding the undefined interests of Te Tirarau and Te Parawhau. The Governor instead increased the grant to 900 acres, but on survey the claim comprised only 656 acres, which was finally Crown granted in 1860.¹⁷¹
139. As indicated by the way the Whangarei pre-Treaty land claims were dealt with, the early land claimants and to a large extent the government, prioritised the interests of Te Tirarau. To a large extent this reflected the relationships early Bay of Islands colonists had developed with he and his Te Parawhau people while they were in that district during the 1830s. As a result, a northern Ngapuhi perspective was prioritised, one that did not reflect the nuances of the border zone of Whangarei. The land claimants had engaged with a number of other Whangarei rangatira – particularly Te Iwitahi, Wiremu Pohe, and Tipene Hari – which recognised slightly broader Te Parawhau interests, but they still failed to address other interests in the district.
140. To the colonial mindset, Te Tirarau and Te Parawhau represented interests acquired by conquest, which were seen as distinct from (and superior to) established ancestral interests. The truth was more nuanced. As set out earlier, Te Parawhau emerged (only a few decades before the era of the old land claimants) by combining interests secured by ringakaha (‘the strong arm’) and interests passed down from ancestry: a coming together of the interests of Ngai Tahu/Whangarei and those of Ngati Ruangaio/Ngapuhi.
141. For their part Tipene Hari and Wiremu Pohe did not rely solely on the rights of conquest from Ngati Ruangaio and Ngati Kahu ki Torongare; sometimes they claimed land through their Ngai Tahu ancestry. For example, Turiapua block (100 acres beside Parua Bay in Whangarei harbour) was

¹⁶⁹ Waitangi Tribunal (2022), p.546.

¹⁷⁰ OLC 1/842. Archives NZ. Paula Berghan, Supporting Documents to Northland Block Research Narratives Related to Old Land Claims’, CFRT, 2005. Wai 1040 #A39(m), Vol. XIX, pp.11177-11178.

¹⁷¹ Paula Berghan, Northland Block Research Narratives Related to Old Land Claims’, CFRT, 2005. Wai 1040 #A39(m), pp.536-537.

successfully claimed by Wirmeu Pohe and Tipene Hari in the 1860s not by conquest but on the basis of ancestry; being descent from Hikurangi (of Ngai Tahu), who was the father of Pae, who married Te Kahore of Ngati Ruangaiao. This ancestral claim was made in opposition to a claim of conquest from others. The Court consulted Te Tirarau, who agreed that a claim based solely on conquest was not valid.¹⁷²

142. As the government later found during the purchase of land at Ruakaka, the old land claimant Busby had dealt with Te Tirarau and elements of Te Parawhau but had failed to consider the interests of other interests on the southern side of Whangarei harbour. These unacknowledged interests at Whangarei included those of Ngati Whatua. Further, as noted, the Land Claims Commission noted in 1844 of Mair's OLC 1047 claim that others in Te Tirarau's party (referring to the 1842 muru) had interests that needed to be addressed. Paikea and others of Ngati Whatua (such as Weinga) were in the muru party alongside Te Tirarau, which affirms the Ngati Whatua interests at Whangarei and the close ancestral links between these rangatira.
143. The 1842 muru is an example of tribal interests coming together in a common purpose to defend the interests of the wider group. This occurred again in 1845 when Kawiti (of Ngati Hine) sent a pouch of bullets and a letter to Te Tirarau in the northern Wairoa to invite him to join with Ngapuhi in fighting the Crown in the Northern War. Before deciding, Te Tirarau consulted his kinsmen Paikea of Te Uri o Hau and Parore Te Awha of Te Roroa. They all preferred peace and wished to attract more traders and settlers to their district. As in 1825 (see above), Te Tirarau declined to assist Ngapuhi in an action that would harm his people in the border zone. He stayed out of the war and was reported to have thrown Kawiti's bullets into the river.¹⁷³
144. A reluctance to join the Northern War did not mean the Whangarei tribes would accept peace at any price. In 1845 the Matakana sawyers and old land claimants Millon and Patten were subjected to a muru by the local tribe Ngati Rongo (affiliated with Ngati Whatua) who were joined by their "close kin" Te Parawhau from Whangarei. The disputed Matakana old land claim had been arranged with a distant Hauraki tribe without regard for the interests of Ngati Rongo, who acted to defend their interests. Governor FitzRoy did not investigate the justice of the muru, as the government did in response to the 1842 muru at Whangarei, where it was revealed to be a justified and moderate action. FitzRoy instead condemned the muru out of hand and offered a reward for the capture of three of the key rangatira involved – Parihoru, Koukou, and Mate. Although the Governor was quickly convinced that Mate had not been involved, he pressed for punishment of Parihoru and Koukou.

¹⁷² Whangarei MB 1, pp.119-122.

¹⁷³ Waitangi Tribunal (2022), p.458. See also Native Department notes on Tirarau, c.1865, cited in Rose Daamen, Paul Hamer, and Barry Rigby, *Rangahaua Whanui District 1 Auckland*, Waitangi Tribunal, 1996, p.173.

Mate then helped broker a deal to save them from arrest and detention, but this involved a different form of punishment; giving up to the Crown 1,000 acres of land at Te Poupouwhenua (on the southern entrance to Whangarei harbour).¹⁷⁴ The ceded area was overlaid by later Crown purchases that took in the cession and much more land besides, blurring what had had been ceded and what was purchased. A deed plan for the adjoining Takahiwai Crown purchase refers to the Poupouwhenua land as that “surrendered to the Govt for Parihorō’s robbery at Matakana,” but the area shown on the plan was instead included in a fresh Poupouwhenua purchase deed in the 1850s (see Takahiwai deed plan overleaf).¹⁷⁵

145. Parihorō was of Ngati Rongo, hence his interest in the disputed Matakana old land claim.¹⁷⁶ The confiscation of his interests at Te Poupouwhenua indicates he also had interests at Whangarei (although it is not clear if these were through his Ngati Rongo descent, although Pomare’s interests had also been acknowledged by Busby, which may also involve Ngati Rongo). Parihorō’s interests on the south side of Whangarei had previously been recognised through his involvement in Busby’s nearby Ruakaka land claim in 1839, and his role in Carruth’s old land claim at Whangarei.¹⁷⁷
146. Less is known about Koukou, but he too was involved in Busby’s Whangarei old land claims. In 1855 and 1868 a man named Pirihi Koukou gave evidence to inquiries into Busby’s claims.¹⁷⁸ He appears to be the same man as Te Pirihi, a noted rangatira of Te Parawhau and Te Patuharakeke in southern Whangarei whose descendants have referred to Koukou as a Te Patuharakeke tupuna. Given that those descendants also refer to Koukou as having died in 1830, it seems likely Pirihi Koukou was kin to him. Te Pirihi’s involvement in the muru is also noted.¹⁷⁹
147. Mate (sometimes known as Mate Kairangatira) was of Ngati Hine, Ngati Moe, and Te Uri o Hau. He was born at Mihirau in the Mangakahia district, where his father Te Ra had earlier moved from their Orauta home (near Moerewa). This move to Mangakahia was to strengthen the Ngati Moe presence in this contested part of the borderlands. Mate’s ancestral links to Te Uri o Hau led to the great Ngati Hine rangatira Kawiti choosing him to act as peacemaker in the wake of Te Ikaranganui, when Kawiti gave refuge to a number of Ngati Whatua. Mate and some of his people later migrated to Kaipara with Ngati Whatua when they returned home in the 1830s, where they gifted land to Mate

¹⁷⁴ Waitangi Tribunal (2022), pp.432-434.

¹⁷⁵ The overlaps are detailed in the evidence of Vincent O’Malley, (‘Northland Crown Purchases, 1840-1865’, Crown Forestry Rental Trust, 2006.(Wai 1040 #A6, pp.77-78).

¹⁷⁶ Waitangi Tribunal (2022) p.1115.

¹⁷⁷ Stirling and Towers. Wai 1040 #A9, pp.1588 and 1670.

¹⁷⁸ Stirling and Towers. Wai 1040 #A9, pp.1599, 1620, and 1662.

¹⁷⁹ Waitangi Tribunal (2022), p.1167; Paraire Pirihi and Harry Midwood, ‘Joint Brief of Evidence’, 2013. Wai 1040 #I29(a), and; Paraire Pirihi and Harry Midwood, ‘Supporting Documents’, 2013. Wai 1040 #I29(b), pp.2 and 9.

at Kakaraea and Puatahi (on the eastern shores of Kaipara). There the two peoples intermarried extensively. The people at Puatahi continue to identify strongly with Ngati Whatua.¹⁸⁰

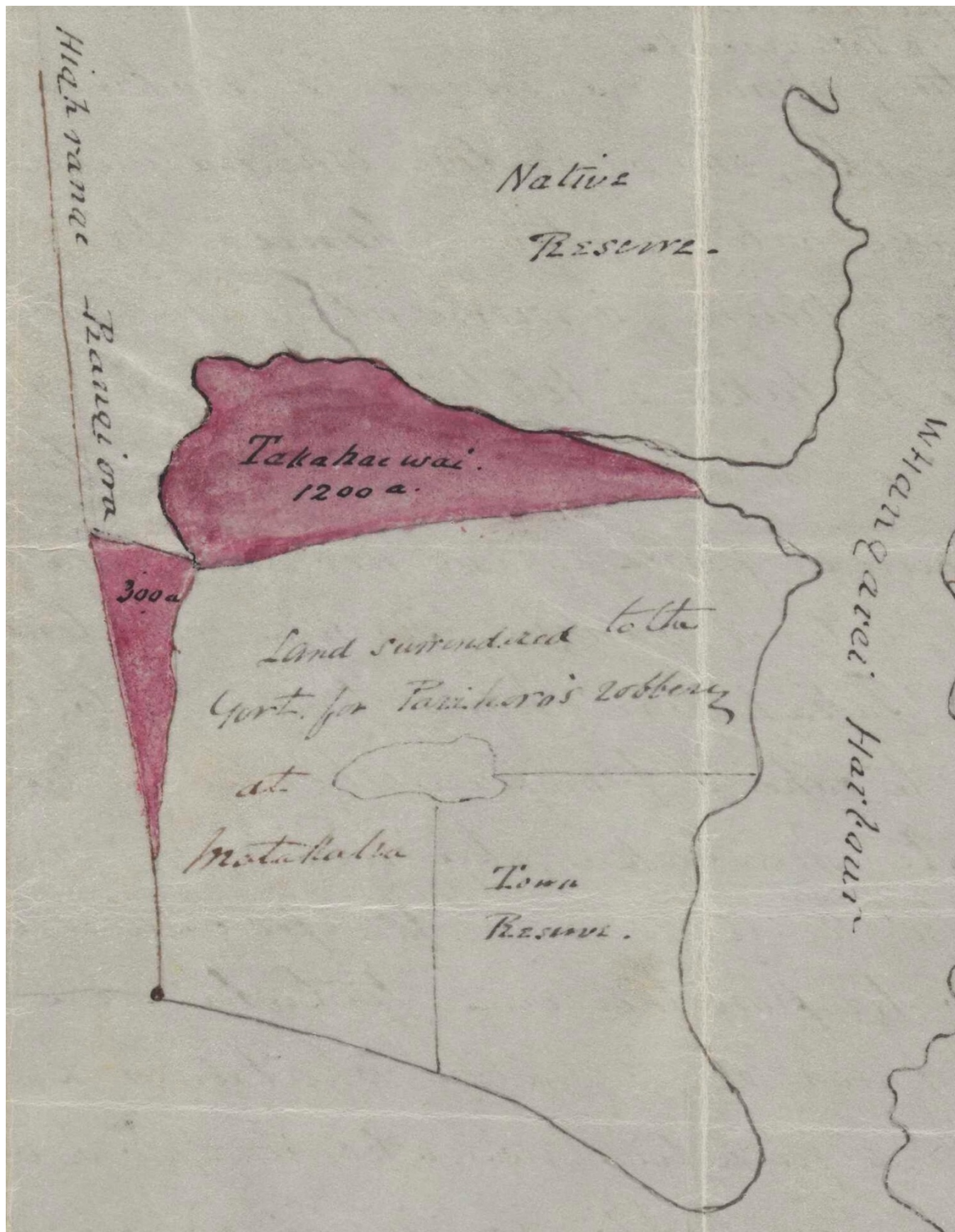


Figure 1: Takahiwai Deed Plan (AUC 304, R12153899. Archives NZ)

¹⁸⁰ Waitangi Tribunal (2006), p.18, and; 'Mate Kairangatira', *New Zealand History*. URL: <https://nzhistory.govt.nz/politics/declaration/signatory/mate-kairangatira>

148. Mate was a significant rangatira whose authority was recognised across the borderlands around Mangakahia and south into Kaipara and Whangarei. In 1836 or 1837 he signed He Whakaputanga (the 1835 ‘Declaration of Independence’). When Mate died in the 1860s he was buried at Kakaraea, but in the 1930s Ngati Hine came south to uplift his remains and removed them to a Ngati Hine ancestral urupa at Waiomio.¹⁸¹ During subsequent Crown purchasing at Ruakaka, Mate was identified as having significant interests and influence there.¹⁸² The 1845 muru affirms the close ties between Ngati Whatua and other Whangarei groups.
149. Te Hemara Tauhia, a significant Ngati Whatua rangatira, continued to assert Ngati Rongo interests at southern Whangarei. This indicates that it was Ngati Rongo interests that led to the involvement of Pomare and Parihoru here. At the 1879 Orakei Parliament (a regular pan-tribal political gathering organised by Ngati Whatua to lobby the government on Maori issues), amongst the Maori land grievances raised was the claim of Te Hemara to “Kaherutahi” at Whangarei. He protested that it had been “taken wrongfully by the Government... in a manner like stealing.”¹⁸³ This was not the first time Kaherutahi had been raised. In 1876 Te Hemara Karawai lodged a claim in the Native Land Court sitting at Whangarei to Kaherutahi, noting it was in the Ruakaka block just south of Whangarei harbour and outside the land granted by the Crown in 1863 to Henry (an early settler in the Waipu district).¹⁸⁴ Henry’s large grant at Ruakaka extended along both sides of the lower Ruakaka river and out to the coast (see map detail overleaf).¹⁸⁵
150. Members (unnamed) of Te Parawhau had raised the Kaherutahi land in a petition in 1877, noting the land had been “taken” by a Pakeha (presumably Henry) and granted to him but had never been purchased by the Crown. The government insisted Kaherutahi lay within one of its southern Whangarei land deeds.¹⁸⁶ A hint as to the land’s location was given in an 1879 petition from “Homa Te Hora” (Hona Te Horo) and others about Kaherutahi which they said was “near the mouth of the Whangarei river” and had been wrongly granted to Henry (whose lands were at Ruakaka). An inquiry into the petition was recommended but the result was naught.¹⁸⁷ (Hona Te Horo was a son of Ngai

¹⁸¹ ‘Mate Kairangatira’, *New Zealand History*. URL: <https://nzhistory.govt.nz/politics/declaration/signatory/mate-kairangatira>.

¹⁸² Native Land Purchase Commissioner Johnson to Colonial Secretary, 20 March 1854. AJHR, 1861, C-1, p.48.

¹⁸³ AJHR, 1879, Session II, G-8, p.38.

¹⁸⁴ *Te Kaiti*, 31 August 1876, p.124, and; Whangarei MB 2, p.150.

¹⁸⁵ Wayte and Batgers, ‘Map of the northern section of Marsden’, 1866. AAFV 997/A86. R22822573. Archives NZ.

¹⁸⁶ AJHR, 1877, I-3, p.31.

¹⁸⁷ AJHR, 1879, I-2, p.13.

Tahuhu and Te Parawhau rangatira Motutara.¹⁸⁸ He also identified as Te Patuharakeke.)¹⁸⁹ These claims to Kaherutahi reflect the range of customary interests overlapping around the southern side of Whangarei harbour, including Ngati Rongo, Ngai Tahuhu, Te Parawhau, and Te Uriroroi.

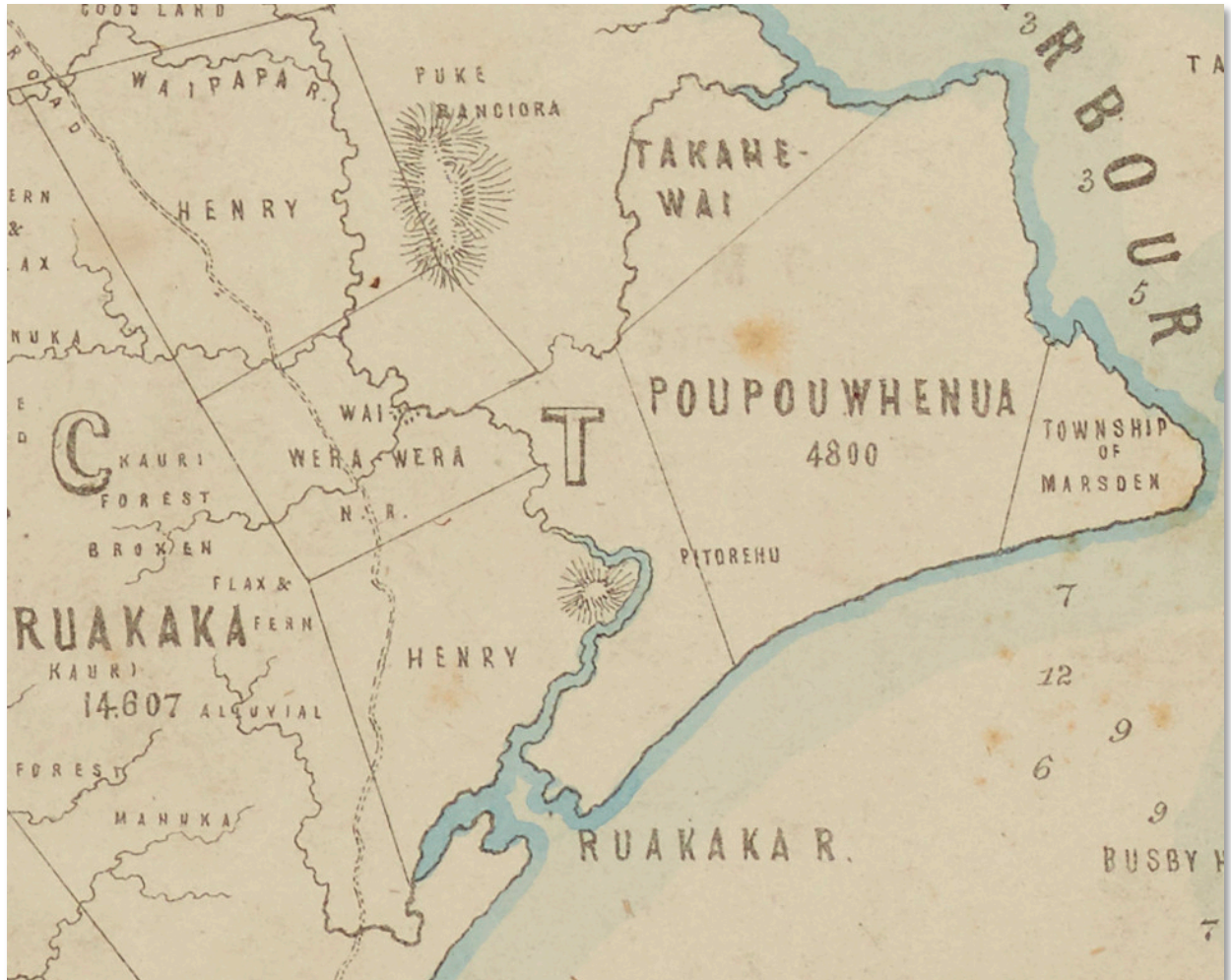


Figure 2: Henry Grant Map (including Kaherutahi)

(Wayte and Batgers, 'Map of the northern section of Marsden', 1866. AAFV 997/A86. R22822573. Archives NZ).

Inland Early Land Dealings

151. Two other pre-1840 old land claims inland of Whangarei are relevant here, being that of the trader Henry Walton (OLC 175) and that of the missionary Charles Baker (OLC 547). Despite lying some way west of Whangarei harbour these two claims raised significant issues around overlapping customary interests in the district, and also became entangled in subsequent Crown purchasing that

¹⁸⁸ Marina Fletcher, 'Brief of Evidence', 2013. Wai 1040 #AA126, p.12.

¹⁸⁹ Whangarei MB 2, p.172 (Pakikaikutu case, 1877). The minutes record the hapu as "Pakaharakeke" which appears to be a mangling of Patuharakeke.

is relevant to Whangarei. The extensive evidence around both claims also affirms Ngati Whatua and Te Parawhau interests in this heavily contested area.

152. The merchant Henry Walton arrived in the Bay of Islands in August 1839 and just a few weeks later, on 7 September, arranged the deed for a land transaction covering an estimated 6,000 acres at Omana (south of Tangihua, west of Maungakaramaea).¹⁹⁰ He dealt with Te Tirarau and Taurau (of Te Parawhau), Weinga (of Te Uri o Hau), Parore and Te Ahu (his son, both of Te Roroa), and others not named in the sources. The claim was not investigated by the Land Claims Commission until April 1844, when evidence was taken only from Te Tirarau. He said the vendors had the right to transact the land and they had not been opposed. He firmly backed Walton's claim, having already incorporated him into his people in the customary way, by marrying his niece Kohura to Walton. The Commission recommended a grant of 4,000 acres to Walton.¹⁹¹
153. The Walton claim remained unsurveyed and ungranted into the late 1850s, when it became entangled in overlaps with the heavily contested Waikiekie Crown purchase (see below).¹⁹² In 1862, a second Land Claims Commission required Walton to survey the boundaries of his claim which covered 44,043 acres, much of which had already been purchased by the Crown in other deeds. The Walton survey plan was signed by Te Tirarau and by Paikea as correct. The Commission calculated that Walton was entitled to grants totalling 11,708 acres, part of which overlapped with the Waikiekie block.¹⁹³ The claim is shown on the map overleaf in relation to the overlapping Crown deeds.
154. Reverend Charles Baker's Mangakahia claim (OLC 547) comprised about 5,000 acres beside the Mangakahia river west of Titoki (taking in the confluence with the Hikurangi river and extending west to Mangatipa maunga). The claim was arranged in the Bay of Islands in 1836 with a group of rangatira most of whom do not appear in the records relating to Whangarei district lands ("Wai, Huarahi, Hira, Awa, Ripa, Karekare, Pakira, Hau, Kaiaua, Tuaroa, Patu, Kiwi, Karu, Tamati Rea, Watipu, Taonga, Aranui, Mihi, Mate, Kairangatira").¹⁹⁴ The influence of one vendor, Mate, and his links to Ngati Moe and Te Uri o Hau in the Whangarei area were noted earlier. It appears that the Aranui named in the deed was Matiu Te Aranui, who emerged in the late 1850s as a key figure in a long-running dispute with Te Tirarau and others over Mangakahia lands (see below). Matiu's role and the location of the deed signing in 1836 indicates that Baker's vendors included Ngapuhi.¹⁹⁵

¹⁹⁰ Waitangi Tribunal (2006), Figure 16, p.74, and Figure 22, p.110.

¹⁹¹ Waitangi Tribunal (2006), pp.108-109, and; Daamen, et al, p.175.

¹⁹² On the overlaps, see also Waitangi Tribunal (2006), Figure 16, p.74.

¹⁹³ Waitangi Tribunal (2006), pp.110-112.

¹⁹⁴ OLC 1/547. Wai 1040 #A39(m), pp.6563-6569. Mate has been referred to as Mate Kairangatira so these last two names may refer to one man.

¹⁹⁵ Whai was certainly from the Bay of Islands (see Stirling and Towers, p.789).

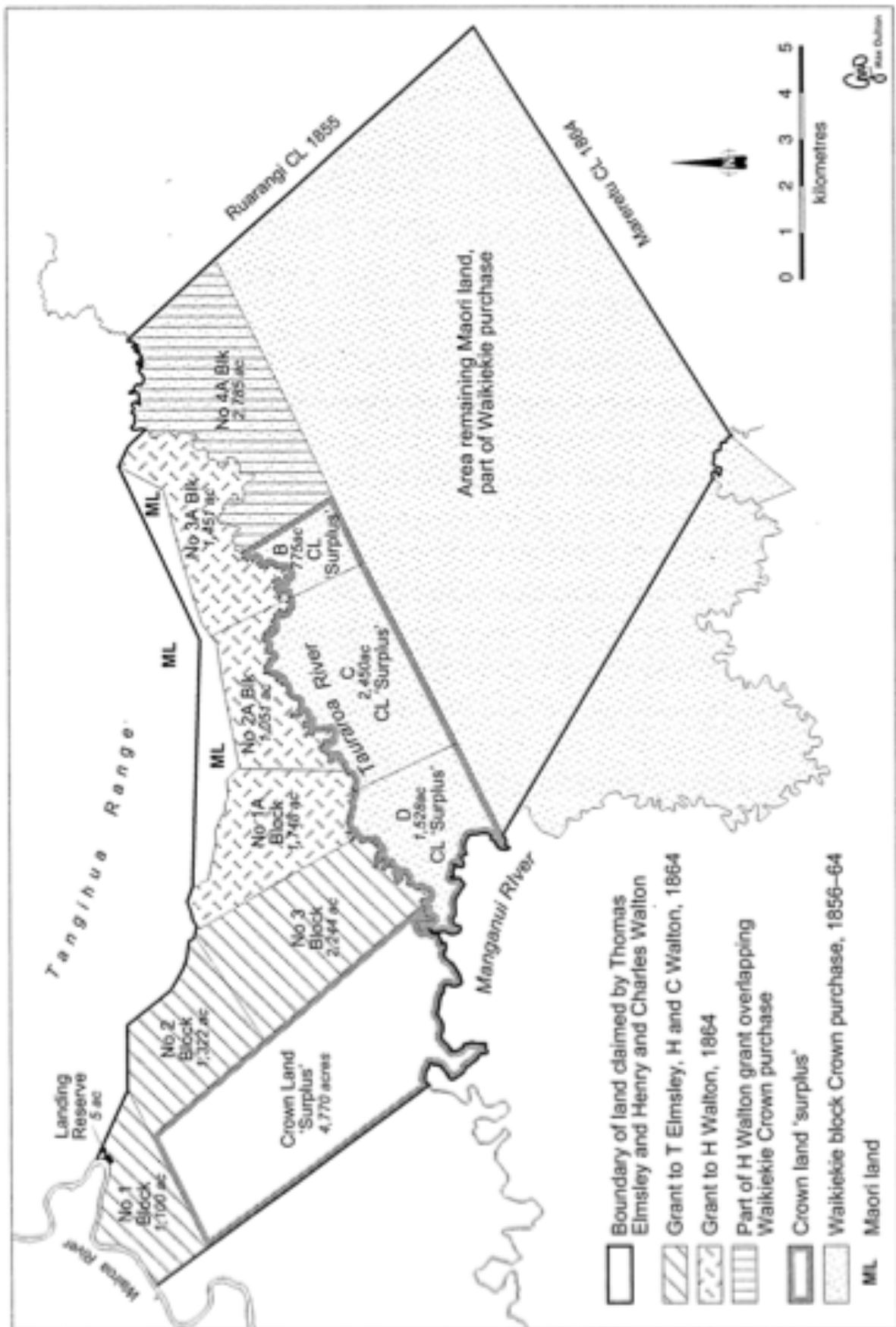


Figure 3: The Elmsley-Walton land claims and Waikiekie Crown purchase

(Source: Waitangi Tribunal, *The Kaipara Report*, Figure 22, p.110)

155. Baker did not occupy the land. After taking brief evidence from two vendors (Wai and Huarahi) in 1841 the Land Claims Commission awarded 1,316 acres to him.¹⁹⁶ Customary interests in the area were not assessed by the Crown before making this award. In April 1844, Te Tirarau told the Commission at Kaipara that he objected to Baker's claim, adding that land at Oue on the Kaipara (western) side of the claim belonged to his people and should be excluded from the claim.¹⁹⁷ (Oue was a block of 3,968 acres on the western side of Mangakahia No. 2 block; see location map below).¹⁹⁸ He did not claim the land on the Whangarei side of Baker's claim. The matter lay unresolved and Baker's claim remained unsurveyed and ungranted.

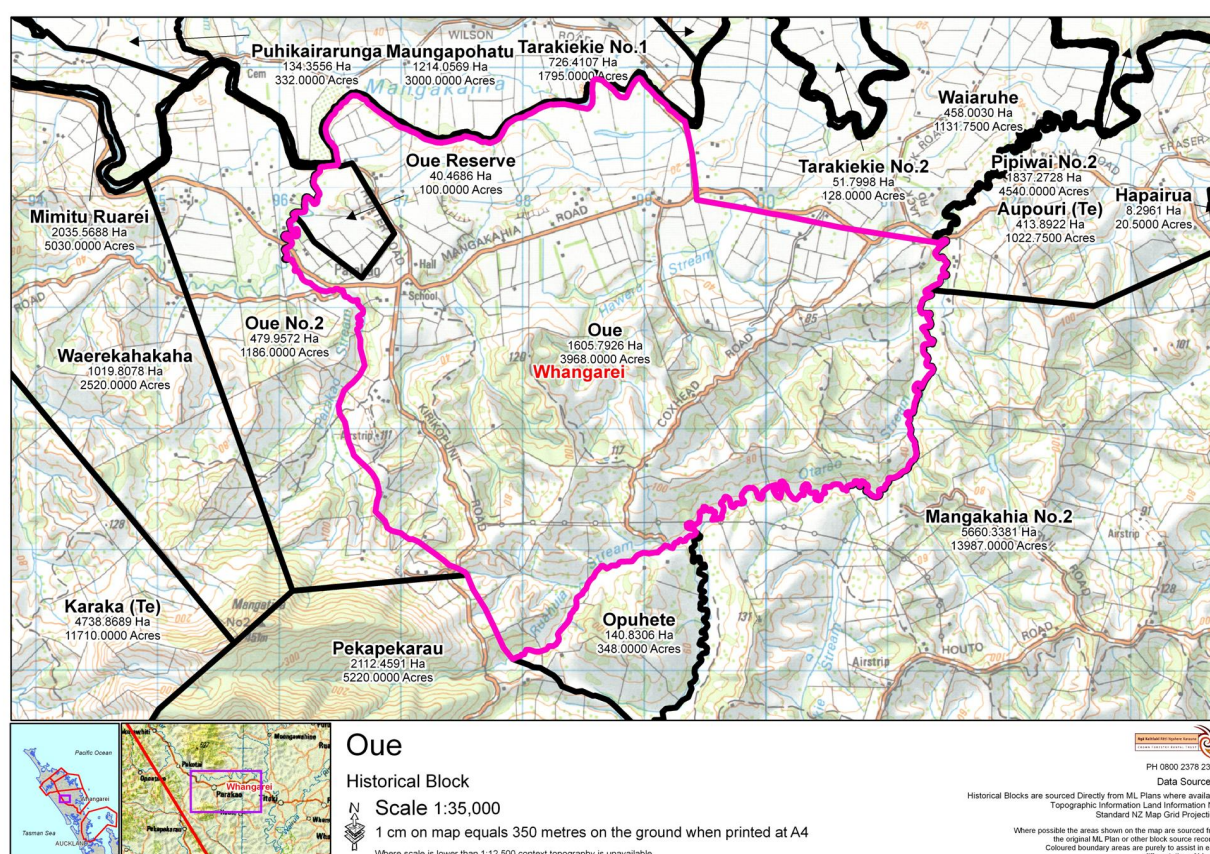


Figure 4: Oue Block Location Map

156. In 1858, Baker's claim was caught up in the ongoing dispute between Matiu Te Aranui (for Ngapuhi) and Te Tirarau (for Te Parawhau) over Crown purchasing of Mangakahia lands (see below). At the same time Hori Kingi Tahua, then living at Wharekohe near the disputed land, added his voice to Te Tirarau's objection.¹⁹⁹ (As noted, Hori was a Ngati Manu rangatira with links to Whangarei

¹⁹⁶ Paula Berghan, 'Northland Block Research Narratives, Vol. II, Old Land Claims', CFRT, 2006. Wai 1040 #A39(a), p.357.

¹⁹⁷ Evidence of Te Tirarau, Kaipara, 12 April 1844. OLC 1/547. Cited in Stirling and Towers, p.785.

¹⁹⁸ ML 2938-A, LINZ.

¹⁹⁹ Hori Kingi, Wharekohe, to Governor, 24 February 1858. OLC 1/547. Wai 1040 #A39(m), pp.6706-6710.

through his wife of Te Parawhau and Te Uriroroi.) Wiremu Pohe of Whangarei sought to calm the situation, telling Baker in April 1858 that he had told Hori Kingi Tahua to “leave Baker’s land to him,” and instead seek some payment for it, with the Governor’s help. Hori agreed to put his case to the Governor.²⁰⁰ In the meantime, Tirarau together with Parore and a number of rangatira had agreed that Baker could have some of the land in his claim, from “Otaitai, thence to Oue.”²⁰¹

157. Land Purchase Commissioner Kemp wanted to survey all of Baker’s claim, and hoped resolution of it would open up land in the area to Crown purchase, but he warned that Hori Kingi Tahua (“the principal opponent”) remained opposed to the claim and its survey.²⁰² Land Claims Commissioner Bell met with McLean, Matiu Te Aranui, and Baker in Auckland in June 1858, as Matiu evidently still endorsed Baker’s claim and objected to Te Tirarau having sent a man to prevent the survey of the claim. It was agreed to include the dispute in the Crown’s efforts to mediate the wider Mangakahia borderlands dispute (see below).²⁰³ Rather than resolve the matter, in 1859 the Crown awarded Baker £1,920 in scrip (a form of land credit to be used to buy Crown land elsewhere), which left it to find what land it could at Mangakahia for this payment.²⁰⁴ Baker’s claim was now the Crown’s claim, so it became caught up in the wider dispute between Matiu Te Aranui and Te Tirarau over the Crown’s dealings for Mangakahia lands (see below).

D. Early Crown Purchasing

158. From 1853 to 1864 the Crown arranged a number of purchase deeds for land around Whangarei harbour, from Manaia in the east to Parihaka beside the upper harbour and, on the southern side, from Maungatapere around to Poupouwhenua and Ruakaka near the harbour entrance (across from Manaia). Several purchases adjoining these lands to the west – notably Ruarangi and Waikiekie – raised issues relevant to customary interests in the lands adjoining the harbour.²⁰⁵ These deeds are shown on the map overleaf, together with the areas granted to Mair and Carruth from their old land claims.

²⁰⁰ Wiremu Pohe, Whangarei, to Baker, 19 April 1858. Cited in Stirling and Towers, p.786.

²⁰¹ Parore, Te Tirarau, Moetara, and others, Mareikura, to Governor, 22 April 1858. Cited in Stirling and Towers, p.787.

²⁰² Kemp to Bell, 14 April 1858. Cited in Stirling and Towers, pp.787-788.

²⁰³ Bell memorandum, 4 June 1858. OLC 1/547. Wai 1040 #A39(m), p.6711.

²⁰⁴ Stirling and Towers, p.789.

²⁰⁵ See Waitangi Tribunal (2022), Map 6.3, p.542.

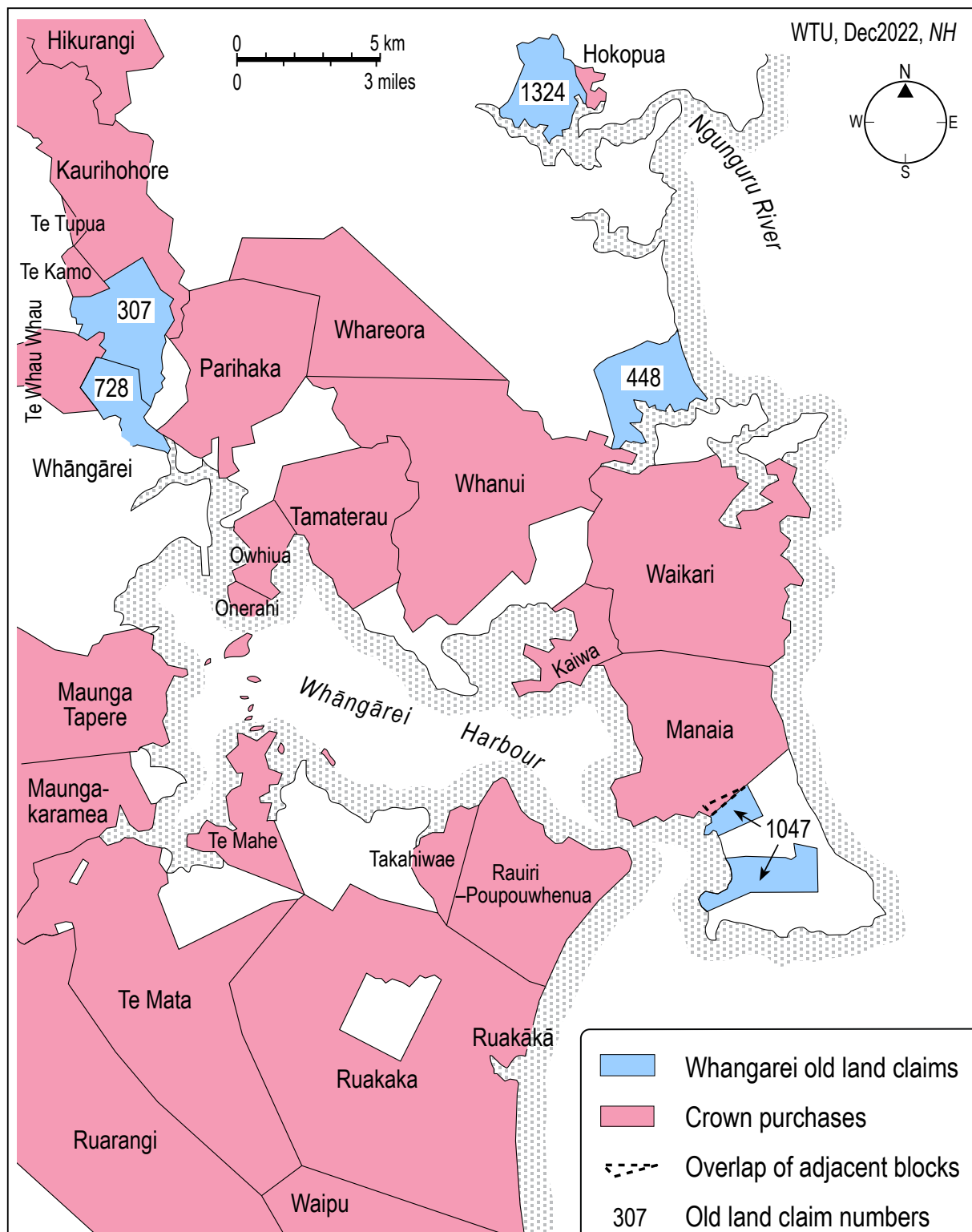


Figure 5: Early Crown Purchases and Old Land Claims

(Waitangi Tribunal (2022), Figure 6.3, p.542)

159. The following section of this evidence works through the early Crown land deeds in a roughly chronological order, before going into a discussion of the borderlands west of Whangarei over which

a protracted and deadly dispute erupted as a result of early Crown purchasing in this contested zone. This section of the evidence then moves on to look at other southern Whangarei Crown deeds before concluding with a brief examination of the northern Whangarei deeds.

160. Most of the Whangarei purchasing was arranged by Native Land Purchase Commissioner Johnson. Like most of the old land claimants before him (and some of the Native Land Court Judges and officials after him), he tended to defer to Te Tirarau and addressed his interests first – typically through down-payments – before consulting with what Johnson called “the more immediate owners” (those occupying the land). Shortly after being sent north to open negotiations, Johnson promptly prejudged customary interests by concluding that Te Parawhau – who he characterised as “the original tribe of Whangarei” – occupied and claimed the southern side of Whangarei harbour, while “Ngapuhi” had the northern side. Yet, according to him, “both parties” were “connected with, and, in a great measure, controlled by Te Tirarau” of the Wairoa district, west of Whangarei.²⁰⁶ As Vincent O’Malley has written, Johnson soon discovered that customary rights at Whangarei were “rather more complex than his ‘two tribes, one river’ initial assessment,” but despite this Johnson’s purchasing efforts continued to rely heavily on Te Tirarau.²⁰⁷
161. Given the significance of Te Tirarau to the wider district, he was the first rangatira Johnson sought out when he went to northern Kaipara in order “to gain his consent to the object of my mission,” which was secured.²⁰⁸ Johnson later reported of Te Tirarau that “his influence is paramount,” so his support for Crown actions was essential: without him, very little could be achieved, but with his consent, Johnson could achieve a great deal. Thus, from the start of his negotiations in Whangarei, Johnson “committed myself to the policy of supporting this Chief [Te Tirarau] in his authority over the tribes, and the results are that he has been a principal party to the disposal of about a hundred and fifty thousand acres to the Crown.”²⁰⁹
162. Johnson was not wrong in identifying Te Tirarau as an important rangatira for Crown land dealings in the district, given his wide ancestral connections and influence. As noted, it was Te Tirarau who decided in the 1820s, and again in the 1840s, if powerful Ngapuhi taua would involve the district in warfare or not, and it was he who decided what Whangarei settlers would pay for offences against his tikanga and against his customary authority there. Johnson soon learned to his cost what happened if he overlooked the interests of Te Tirarau.

²⁰⁶ Johnson to Colonial Secretary, 12 December 1853. *Turton’s Epitome*, Section C-IV, p.55. See also, p.174.

²⁰⁷ O’Malley. Wai 1040 #A6, p.276.

²⁰⁸ Johnson to Colonial Secretary, 12 December 1853. *Turton’s Epitome*, Section C-IV, p.55.

²⁰⁹ Johnson to Chief Native Land Purchase Commissioner, 3 April 1856. *AJHR*, 1861, C-1, p.70. See also Waitangi Tribunal (2006), p.77.

163. For example, in 1853 he did not think Te Tirarau needed to be included in the Mangawhai and Waipu Crown deeds well south of Whangarei. Te Tirarau had first sought a payment of £100 on the basis that these purchases included the site of the 1825 battle, Te Ikaaranganui, but Johnson denied the claim as the battle site lay outside the boundaries of the deeds. Te Tirarau then sought the same payment because his relation “Hikatote” (a brother of Te Parore) had drowned at the mouth of the Mangawhai river when his canoe capsized many years earlier. Neither Johnson nor the Ngati Whatua vendors of the blocks considered this demand reasonable but Te Tirarau was not to be denied and “urged his claim with great firmness, threatening to burn the house of any settler who might go to the land unless his claim is satisfied.” Johnson saw no equity in the claim, but discretion proved the better part of valour and he accepted it, while also emphasising that keeping Te Tirarau on side would ensure many other land blocks could be purchased.²¹⁰
164. The problem with Johnson’s focus on Te Tirarau was that it set aside the interests of other Maori with interests in these lands, particularly those in occupation of them. Johnson’s approach forced these other Maori rights-holders to argue for a share of the balance of payment owing, rather than have any say as to whether the land should even be sold in the first place or what should be reserved for them.²¹¹ Such was the extent to which Johnson relied on the influence of Te Tirarau in Crown purchases in the Whangarei district that at one point Johnson simply handed over the purchase proceeds for a northern Whangarei block (Kaiwha) to Te Tirarau to distribute, instead of ensuring the Crown identified all the other owners and seeing that they were paid.²¹²
165. On the other hand, there is evidence that it was the practice of Te Tirarau to share purchase payments with those rights-holders that he recognised as having a customary interest. Pairama Ngutahi of Te Uri o Hau later recalled that whenever Te Tirarau sold any land “he divided the money with Paikea,” who then divided his share up amongst others with interests.²¹³ This is just one indication that what is stated in Crown purchase deeds, or in the reports of Crown land purchase officers, is far from the full story.

Ruakaka Deed

166. Having dealt first with Te Tirarau before entering into negotiations for Whangarei lands, Johnson characterised Wiremu Pohe, Tipene Hari, and Whare as the “principal men among the owners” of the coastal land at and south of Ruakaka who remained to be dealt with.²¹⁴ When he started

²¹⁰ Johnson, Whangarei, to Colonial Secretary, 20 March 1854. AJHR, 1861, C-1, pp.47-48.

²¹¹ Waitangi Tribunal (2022), pp.1139-1140.

²¹² Johnson to T. H. Smith, 22 March 1858. *Turton’s Epitome*, Section C-IV, p.85

²¹³ Kaipara MB 3, p.342 (Puhikairunga claim, 1879).

²¹⁴ Johnson to Colonial Secretary, 12 December 1853. *Turton’s Epitome*, Section C-IV, pp.55-56.

negotiations he had been hoping to snap up 240,000 acres in the area for a mere £600, but soon found the job was not so simple or so cheap.²¹⁵ Ultimately, in 1854 he ended up with the Ruakaka block (16,524 acres) and the adjoining Waipu block (29,833 acres), having to pay more for less than the government had anticipated.

167. Johnson sought to drive down the price of the land, and reduce the interests he had to deal with, by asserting many owners had already been paid by Busby as part of his flawed and invalid 1839 old land claims (see above). Those Busby dealt with in 1838–1839 were predominantly Te Parawhau. Johnson characterised those Busby had dealt with as “the great chiefs possessing a feudal right over the land” (Te Tirarau and various Whangarei rangatira) rather than other owners with established ancestral rights, who had been briefly absent from Whangarei for much of the 1830s due to warfare.²¹⁶ Unlike Busby, the Crown was aware it had to deal with these ancestral interests or, as Te Tirarau described them, “the men residing on the land.”²¹⁷ Johnson then insisted he was only going to pay those owners who had not previously been paid by Busby and, even then, pay only those who were occupying the land.
168. About two weeks after his first report, Johnson found that “the extinction of the native claims is fraught with more difficulty, and the price required will be much greater, than I had anticipated.” He had not anticipated having to deal with Ngati Whatua, who had raised their interests. They then took it upon themselves to divide the 240,000 acres Johnson had been hoping to buy into four different blocks. Their division of this huge area into the Mangawhai, Ruakaka, Waipu, and Te Ikaaranganui blocks went some way to allowing Johnson to recognise the differing customary interests in each block. With Ngati Whatua having emerged to take a role in negotiations, he now found “the claimants are so numerous” that even just their chiefly representatives amounted to 100 people. Among the Ngati Whatua interests to be accommodated were those of: Te Uri o Hau (including Paikea), Ngai Tahu (including Arama Karaka Haututu), Ngati Mauku, and Te Uri o Katea (including Parihoru).²¹⁸
169. By January 1854 Johnson was more positive about the Ruakaka portion of his purchase district, extending south along the east coast from the shore of Whangarei harbour and taking in about 60,000 acres. Having delved into the customary interests a little more than before, he noted the vendors were “not the same parties who formerly received a payment” from Busby in 1839. As noted, he

²¹⁵ Vincent O'Malley, 'Northland Crown Purchase, 1840-1865', CFRT, 2006. Wai 1040 #A6, pp.277-278.

²¹⁶ Native Land Purchase Commissioner Johnson report, 6 January 1854. qMS-0343. Alexander Turnbull Library. Cited in Stirling and Towers, p.1612.

²¹⁷ Native Land Purchase Commissioner Johnson evidence, n.d. [1868]. IA 15/5b. Archives NZ. Cited in Stirling and Towers, p.1617.

²¹⁸ Johnson to Colonial Secretary, 31 December 1853. *Turton's Epitome*, Section C-IV, pp.56-57, and; Waitangi Tribunal (2022), p.1178.

referred to the vendors as “men who in the present peaceful times have returned to occupy the lands of their forefathers,” whereas Busby had dealt only with “the great chiefs possessing a feudal right over the land.” As a result, Busby had not extinguished the rights of “the inheritors of the soil” that Johnson now addressed.²¹⁹

170. Rather than assemble the owners and deal with them together – which Johnson accepted was “the usual and safer method” of purchasing – he proceeded to pay off groups of individual owners as and when he could. He also left it to those accepting the early down-payments to ensure that they would “satisfy the other parties with whom I had not yet come to terms.” He considered this the most effective strategy to undermine those who opposed the purchase; opponents he dismissed as “disaffected factions, exercising very little, if any, ownership at all over the lands sought to be purchased.”²²⁰ This indicates that the names on the deeds arranged by Johnson in Whangarei cannot be taken as a reliable guide to the range of customary rights holders there.
171. In the end, the Ruakaka deed was signed by only 14 of the many owners identified by Johnson, but he prepared a schedule listing about two dozen owners and the nature of their claims, as far as he understood them. These names and groupings are difficult to relate to particular tribal groups. For instance, Pou Wi Te Whai and three others were described as “descendants of Te Raraku, to whom the lower portion of the valley was given by Te Kahore, chief of the district.” (The gift of Ruakaka to Te Raraku was noted earlier.) Johnson described Wiremu Te Mania and five others as descendants of a family “who were allowed to settle on Rangiora, and whose chief was buried there.” Maewa Mate and eight others were described as descendants of Te Kahore (who Johnson noted had married a “chieftainess” of Ngai Tahu and then obtained possession of the district). Te Pirihi and three others were said to be “Ngapuhi, who have crossed the harbour of Whangarei and hold by conquest possession of the north side of Ruakaka river.” In fact, Te Pirihi referred to himself as Te Patuharakeke, rather than Ngapuhi, and was an ally of Te Tirarau of Te Parawhau (as noted). While Johnson did not describe tribal groups, his report indicates he dealt predominantly with Te Parawhau and related groups, although Mate (linked to Te Uri o Hau and others) also signed the deed.²²¹
172. The approach to customary interests taken by Johnson set the pattern for subsequent Crown purchasing at Whangarei. That approach was to take his lead from Te Tirarau and deal with the

²¹⁹ Johnson to Colonial Secretary, 6 January 1854. *Turton's Epitome*, Section C-IV, pp.56-57, and; Waitangi Tribunal (2022) p.1179.

²²⁰ Native Land Purchase Commissioner Johnson to Colonial Secretary, 20 March 1854. AJHR, 1861, C-1, p.48, and; Waitangi Tribunal, p.1179.

²²¹ Waitangi Tribunal (2022), p.1180; Johnson, ‘Schedule of Claimants to the Ruakaka and Waiapu’, n.d. [1854]. *Turton's Epitome*, Section C-IV, pp.50-51, and; Ruakaka deed, 1854. AUC 309. R12153903. Archives NZ. Supporting Documents to ‘Northland Crown Purchase, 1840-1865’, CFRT, 2006. Wai 1040 #A6(a), pp.7423-7427.

interests he identified (predominantly those of Te Parawhau) before considering who else might need to be considered around the harbour.

Takahiwai and Poupouwhenua Deeds

173. Johnson's next deed was Takahiwae [Takahiwai] (about 1,200 acres), adjoining the Ruakaka block and the area at Poupouwhenua (beside the harbour mouth) that had been confiscated in 1845 (see above). The deed was signed in July 1854 by four vendors – Rangi Heuheu, Te Pirihi, Paikoura (or Poukoura), and Tupaea – who were said to represent Ngati Tu and Te Patuharakeke.²²²
174. A week later (on 14 July 1854) Johnson arranged the Rauiri deed, which was apparently within the Poupouwhenua block. Or, rather, he paid for the claims of Te Manihera (son of Te Iwitahi) and five others in the vicinity of Takahiwai and Poupouwhenua (the land confiscated in 1845). The other five signatories were Te Tatau, Te Mare Mare, Poa, Kare Kare, and Reneti [possibly Renata]. Given that the vendors were said to be Te Manihera "and his tribe," these five vendors might seem be of Te Parawhau.²²³ A man called Karekare was referred to by Henry Williams in 1832 as being of Mangakahia.²²⁴ Pouaka Parore said Karekare was of Ngati Rua and Ngapuhi but fought alongside Ngati Whatua, "and so I call him a Ngati Whatua."²²⁵ Other evidence refers to a man (possibly a different man) called Karekare as a tohunga of Ratu kainga, south of the Whangarei settlement.²²⁶ In the nearby Maungakarama deed, Maremare and Te Tatau signed as members of several small hapu said by Johnson to be of Te Parawhau but some members of those hapu describe themselves as Ngai Tahu, while others link them to Ngati Whatua (see below).

Maungatapere and Maungakarama Deeds

175. Johnson continued working his way around the southern harbour in 1854–1855, arranging the adjoining Maungatapere and Maungakarama deeds (16,640 and 17,462 acres respectively), both of which extended south of the harbour. As before, he first secured the consent of Te Tirarau before dealing with "the individual owners."²²⁷ He met with Te Tirarau at his Mareikura home (near Tangiteroria, far inland from Whangarei) in November 1854 to arrange the Maungatapere deed with the rangatira and two others; Te Manihera and Kepa Tau. He referred to them somewhat

²²² Takahiwae [Takahiwai] deed, 1854. AUC 304. R12153899. Archives NZ.

²²³ Poupouwhenua deed, 1854. AUC 403. R12153989. Archives NZ, and; O'Malley. Wai 1040 #A6, pp.77-79 and 287-289.

²²⁴ Henry Williams, *The Early Journals of Henry Williams, 1826-1840* (Lawrence Rogers, ed.), Christchurch, 1961, December 1832, p.269.

²²⁵ Pouaka Parore (Mangakahia case), 1895. Whangarei MB 5, p.170.

²²⁶ Nancy Pickmere, *Whangarei: The Founding Years*, Whangarei, 1986, pp.17-18, and; Taipari Munro, Brief of Evidence, 2013. Wai 1040 #I26.

²²⁷ Johnson to McLean, 24 August 1855. AJHR, 1861, C-1, p.65.

simplistically as “Ngapuhi chiefs,” noting that the land was the “hereditary possession” of Te Tirarau and Te Manihera, while Kepa Tau was “the man in actual possession and occupation at Otaika” beside the Whangarei harbour.²²⁸

176. The foregoing repeats Johnson’s distinction between those who claimed some overarching right to land (Te Tirarau and Te Manihera) and those who actually occupied it (Kepa Te Tau and his people). He soon found there were many more claimants to deal with, which led to the need to sign two deeds in January 1855 to complete the Maungatapere purchase: the first deed of 19 January was signed with Te Tirarau and Te Manihera in Auckland, while the second was signed at Whangarei by Te Tirarau and 113 others on 31 January. The first deed described the two vendors as “Ngapuhi” but the second deed did not give any tribal affiliations for the vendors who were described simply as “chiefs and freemen” (a phrase rarely used elsewhere but common to the deeds drawn up by Johnson in this district).²²⁹
177. Many of the 113 signatories to the Maungatapere deed were recorded by only one name and their tribal affiliations are difficult to ascertain. The vendors included Kepa Tau, who lived at Otaika, and presumably many of those living with him. Other recognisable Whangarei names include Taurau, Te Manihera, and Hori Kingi Tahua.²³⁰ Other Whangarei vendors emerge in Native Land Court records, such as Hirini Tipene, Renata Titore, Te Tatau, and Koroneho, all of who were named by Te Manihera as joining him on the title of the Okara block (66 acres beside the Whangarei harbour near Raumanga 1 block; see below). That claim was based on shared descent from Tawhiro and Te Tirarau (I).²³¹ In other words, they are Te Parawhau. Others who can be identified include Paora Kaitangata, whose interests in Te Mata block were recognised at the 1868 title investigation but he claimed by a different ancestor (unnamed) from others in the claim (who identified as Te Patuharakeke).²³² (Paora was also a vendor in the adjoining Ruarangi deed, signed later in 1855; see below.)²³³

²²⁸ Johnson to McLean, 12 and 20 November 1854. *Turton’s Epitome*, C-IV, p.64.

²²⁹ Waitangi Tribunal (2022), pp.1180-1182, and; Maungatapere deed, 1855. AUC 320. R12153240. Archives NZ.

²³⁰ Waitangi Tribunal (2022), pp.1180-1182, and; Maungatapere deed, 1855. AUC 320. R12153240. Archives NZ.

²³¹ Whangarei MB 2, pp.9-10.

²³² Whangarei MB 2, pp.41-42.

²³³ Waitangi Tribunal (2022), pp.1180-1182, and; Maungatapere deed, 1855. AUC 320. R12153240. Archives NZ.

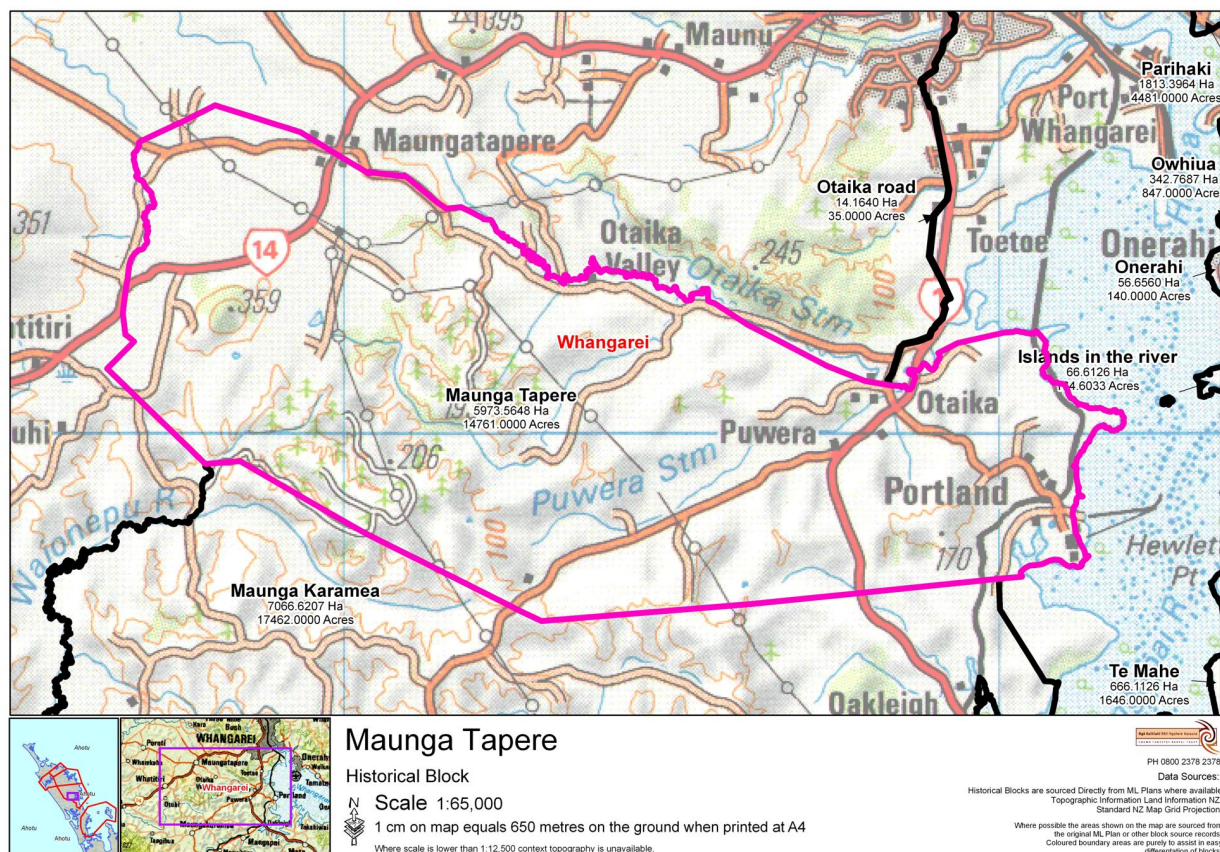


Figure 6: Maungatapere Deed Location Map

178. Another signatory to the Maungatapere deed was Mate, who (as noted) is linked to Ngati Whatua and also to Ngapuhi. “Matu” also signed which may be Matu Te Aranui, a Ngati Toki (Ngapuhi) rangatira of Mangakahia but, given that came into conflict with Te Tirarau over lands in the Mangakahia district from about this time, this signatory may be someone of the same Christian name. Finally, what has been overlooked in research to date is that the Maungatapere vendors included Paikea of Te Uri o Hau (Ngati Whatua).²³⁴ These Te Uri o Hau interests at Maungatapere are consistent with those held by the tribe in other lands around western and southern Whangarei.
179. Johnson appeared a little confused about one of the two small reserves agreed to in the Maungatapere deed. The deed referred to one reserve, Motukiwi, as “a sacred spot” but in his report on the deed he incorrectly referred to it as “a landing place” near the mouth of the Otaika river, which comprised only an acre or two. When later surveyed Motukiwi comprised 11 acres and it was not a landing place but a wāhi tapu, being “the scene of a hostile encounter” which, he reported, “we considered prudent

²³⁴ Waitangi Tribunal (2022), pp.1180-1182, and; Maungatapere deed, 1855. AUC 320. R12153240. Archives NZ.

to leave out of the purchase for fear of bringing the relatives of the people killed there to make claims.”²³⁵

180. Motukiwi pa was also known as Tapu Point, having acquired this name after a devastating attack by Hauraki tribes in which Tawhiro (father to Te Tirarau I) was killed.²³⁶ There were said to have been so many bodies in the water beside Motukiwi that it was referred to as “O tai ka timu, the tide choked with bodies,” which gave rise to the name of the river here, Otaika.²³⁷
181. When title to Motukiwi (‘Motu Kiwi’) was investigated by the Native Land Court in 1865, it was awarded to Te Tirarau alone after he told the Court his claim was the same as that at nearby Matakohē and Motu o Tawa (see below). Evidently aware Motukiwi was a wāhi tapu of some sort, the Court asked him if it was “an old burying ground,” but Te Tirarau replied: “Ngapuhi was defeated here and there are many bodies but we do not want to make any stipulation about them.” When the Court Assessor Te Keene Tangaroa (of Ngati Whatua) asked if all had agreed the land be awarded to Te Tirarau alone, he was told: “None present will ever dispute Te Tirarau’s claim. Te Manihera, Hori Kingi [Tahua], Te I, Parore [Te Awha] are those that might dispute,” but they agreed to the title being in his name only.²³⁸ This clarified that broader interests were involved.
182. The only other reserve made from Maungatapere was some cultivations on the bank of the lower Otaika river, near Whangarei harbour. These did not long endure long as a reserve; as Johnson reported in September 1855 the reserve was made simply “to conciliate the Natives living on the cultivations” at the time the deed was signed, so the purchase of these cultivations had merely been “postponed for a time.” He arranged the purchase of the ‘reserve’ by including it within the boundaries of the adjoining Maungakaramēa block, the deed for which was then being completed.²³⁹
183. As Johnson had indicated, there was also a tauranga waka – a landing place – at Otaika but it was not, as he wrote, at Motukiwi and nor was it reserved from the Maungatapere deed. The landing place was instead a short way up the tidal reach of the Otaika river on the southern bank, at the junction with Puwera stream. It is said that this landing place is where Busby came ashore to meet the tangata whenua to arrange his huge speculative land deals south of Whangarei (see above). The tauranga waka at Otaika became known as “The Landing,” and was as important a landing place for early Pakeha as it was for the tangata whenua.²⁴⁰

²³⁵ Johnson to McLean, 20 November 1854. *Turton’s Epitome*, C-IV, p.64.

²³⁶ Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26

²³⁷ Margaret Tahi Marea Kay, ‘Brief of Evidence’, 2013. Wai 1040 #J17, p.3.

²³⁸ Whangarei MB 1, pp.3-4.

²³⁹ Johnson to McLean, 10 September 1855. AJHR, 1861, C-1, pp.65-66.

²⁴⁰ Margaret Tahi Marea Kay, ‘Brief of Evidence’, 2013. Wai 1040 #J17, p.4.

184. The significance of the Otaika tauranga waka is evident from one final transaction relating to Maungatapere and Otaika, which was the rather unusual Otaika Road deed of 1864. This deed was for a road a chain wide (20 metres) from Raumanga to the Otaika river for which £20 was paid. There was no plan with the deed, but a later plan of the Otaika and Ohuirua Native Land Court blocks shows the road leading from Whangarei to the north down to the tauranga waka (see also location map below).²⁴¹ This road was intended to open up a connection between Whangarei township and the land recently acquired in the Maungatapere deeds. The deed was signed by Te Manihera, “Kahawhau[?],” and “Rimi [Te Rata Riimi].” The role of Te Manihera is evident from the description of the road as extending from Raumanga, at the house of Te Manihera, to the Otaika river.²⁴² As noted, Te Manihera is typically identified as Te Parawhau. Te Rata Riimi is also often cast as such, but as noted below he also identified as Te Maungaunga hapu of Ngai Tahu.

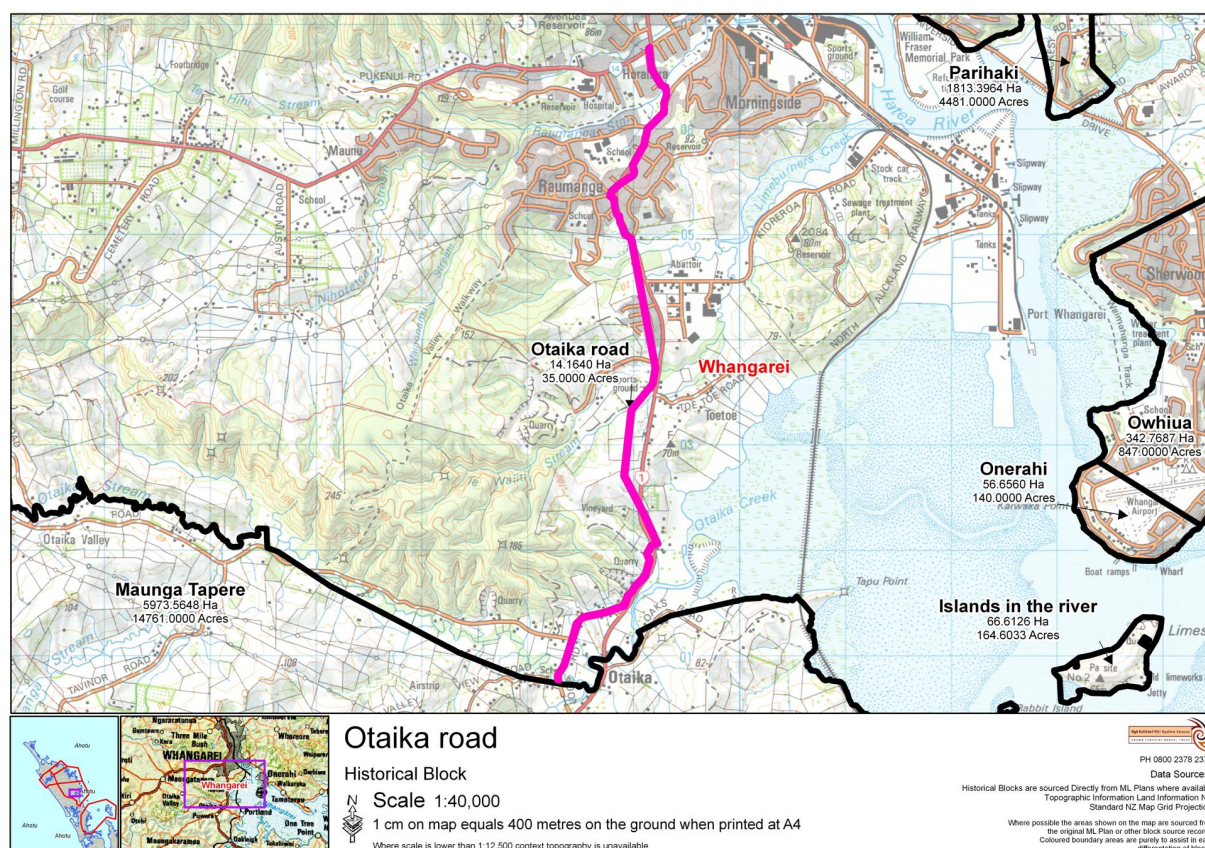


Figure 7: Otaika Road Deed Location Map

185. Returning to the early Crown purchasing in this area, another block acquired at this time is Maungakaramaea, which adjoins Maungatapere block. As before, Johnson relied heavily on Te Tirarau in the Maungakaramaea purchase and, once again, secured his consent to the deed before consulting

²⁴¹ Ohuirua block plan, 1880. ML 4095, LINZ.

²⁴² Whangarei to Otaika deed, 1864. AUC 405. R12153991. Archives NZ.

any other owners. This time, though, Johnson ran into some opposition from other tribal interests.²⁴³ When the deed was signed at Mareikura (not at Whangarei) in October 1855 by Te Tirarau and 17 others, the vendors were described as the chiefs of “Ngaiporo, Ngaipo, Ngati Ouenuku, Te Maungaunga, Ngati Haua of Te Parawhau.”²⁴⁴ These hapu have been described as being among those of Te Parawhau who affiliate to Ngati Whatua.²⁴⁵ As noted earlier, when claiming in the nearby Whatitiri block in 1894, Te Rata Riimi gave his ancestral claim from Tahinganui (from whom comes Whitiao and Te Tirarau (I)) before saying: “This is the genealogy of Ngai Tahu, Te Maungaunga is the present name of Ngai Tahu.”²⁴⁶ The Maungakarama vendors included Te Rata Riimi’s forebear, Te Rata Tiakiriri, as well as some names familiar from adjoining deeds (such as Te Tatau and Maremare).²⁴⁷

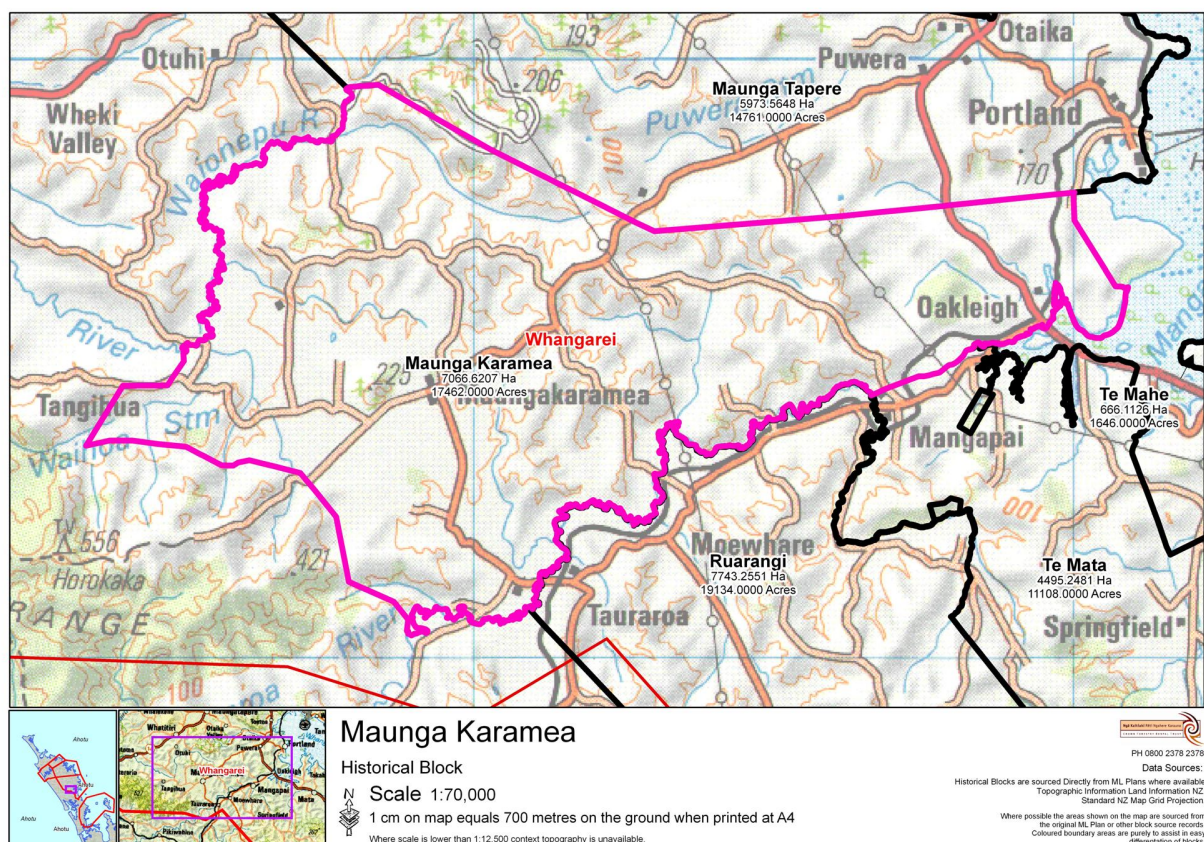


Figure 8: Maungakaramaea Deed Block Location Plan

²⁴³ Waitangi Tribunal (2022), p.1186.

²⁴⁴ Maungakaramēa deed, 1855. AUC 315. R12153227. Archives NZ.

245 Marina Fletcher, 'Brief of Evidence', 2013. Wai 1040 #AA126.

246 Whangarei MB 4, p.194.

²⁴⁷ Maungakaramēa deed, 1855. AUC 315. R12153227. Archives NZ.

186. Ngati Whatua had certainly asserted their interests in Maungakaramea before and after the deed was signed. As a result £800 of the purchase price was withheld due to “repeated applications to the Government of several influential persons of the Ngati Whatua tribe.” The government wanted their interests resolved before completing the transaction. It instead failed to resolve them and proceeded to complete the purchase in December 1855, when a second deed was signed with the same vendors as before without any of the £800 being paid to Ngati Whatua.²⁴⁸
187. Paikea later recalled in 1862 (at a meeting between Te Uri o Hau and Governor Grey) that “I persisted every year” since the deeds were signed in the mid-1850s to raise his people’s interests in Maungakaramea, as well as in the Ruakaka, Waipu, Pohuenui, and Ruarangi lands to the south and east of Whangarei, but to no avail. Paikea sought payment for land purchased by the Crown from others without regard for his people’s interests. At the time the Governor fobbed Paikea off, being more concerned to first resolve the rather more dangerous dispute between Te Tirarau and Matiu Te Aranui over borderlands to the west of Whangarei (see below). As Grey told Te Uri o Hau at the meeting: “When the dispute between Matiu and Te Tirarau is investigated” then other matters could be arranged.²⁴⁹
188. In between the two Maungakaramea deeds noted above, the Crown in May 1855 completed the adjoining Ruarangi deed (about 35,000 acres), which took in land south of Whangarei (without any harbour frontage), extending from the inland end of the Waipu deed block around to the Maungakaramea deed block. Te Uri o Hau and Te Parawhau interests were recognised in the Ruarangi deed, although this is not readily apparent from the deed which does not refer to the tribal identities of the vendors. The Ruarangi deed was signed in Auckland in May 1855 by 26 “chiefs and freemen,” most of whom are readily identifiable as Te Parawhau (including Te Tirarau, Te Manihera Iwitahi, Renata Titore, Te Karekare, Te Tatau, and others). However, the deed was also signed by Kereihi, Wiremu Reweti, and Henare Patara of Ngati Whatua and Matikikuha of Ngati Mauku (of Te Uri o Hau).²⁵⁰
189. It was only later that the full extent of Ngati Whatua interests in Ruarangi became evident; in October 1855 Johnson reported that while the total payment for the block was £700, only half of this was paid to Te Parawhau (or “the Natives of Whangarei” as Johnson dubbed them), with the remaining £350 divided between those Ngati Whatua who attended the deed signing in Auckland (who received £175) with the final £175 retained by Johnson to pay to Ngati Whatua in Kaipara, from whom he

²⁴⁸ Kemp to Johnson, 1 November 1855. AJHR, 1861, C-1, p.68; Maungakaramea deed, 1855. AUC 317. R12153238. Archives NZ, and; Waitangi Tribunal (2022), p.1186.

²⁴⁹ Memorandum of interview between His Excellency Sir George Grey and Te Uri o Hau, 27 June 1862. R20248996. MA 13/101. Archives NZ.

²⁵⁰ Ruarangi deed, 1855. AUC 316. R12153239. Archives NZ. The affiliation of the named Ngati Whatua was confirmed when they signed the Waikiekie deed as Te Uri o Hau and Ngati Whatua (see below).

intended to obtain further signatures to the deed. That did not occur as McLean had instead paid the final £175 to Matikihu (of Te Uri o Hau) when the latter went to Auckland for his people's share.²⁵¹ In other words, Johnson recognised the interests of Te Uri o Hau to be equal to those of Te Parawhau. Despite Ruarangi having been resolved without conflict, the subsequent Maungakarama deed raised issues about the authority to deal with lands that were not so amicably resolved.

The Borderlands Disputes, 1855–1863

190. The Maungakarama deeds marked the re-opening of a simmering dispute over lands from Whangarei across to the lower Wairoa River that dated back several decades, having arisen in relation to early inland dealings with Pakeha prior to 1840 for lands within this disputed area of borderlands. Contesting of these old land claims continued into the 1860s, aggravated by overlapping Crown purchases. The Crown's completion of the second Maungakarama deed in December 1855 merely served to aggravate an already tense situation.
191. The disputes were centred on different areas of the border at different times: the focus of the existing research has been very much on the Mangakahia dispute (which escalated into a deadly armed conflict in 1862) but lands to the west (at Tokatoka and in the vicinity of what is now Dargaville) and to the east (at Whangarei and Ruakaka) were also involved at different times.²⁵² The focus here is on lands most relevant to Whangarei but the centrality and intensity of the Mangakahia dispute requires that it too be given some consideration.
192. There were early indications that the Crown's land purchasers were playing with fire in this area. When Paikea and Ngati Whatua (Te Uri o Hau) met with Te Tirarau and his numerous supporters at Mangawhare (in northern Kaipara) in December 1855, the supporters of Te Tirarau came armed. The passions aroused were indicated by Waata Parore (son of Parore, here allied with Te Tirarau) who, while Paikea was speaking, "marked his breast with ngarahu [charcoal] and said to Paikea 'Look at my breast. This is my land!'" At the same meeting one of Te Tirarau's supporters levelled his gun at Paikea with the intention to shoot (the gun reportedly misfired, twice).²⁵³
193. After the hui, Ngati Whatua built a pa to defend themselves from an anticipated attack.²⁵⁴ Native Secretary T. H. Smith reported that the Maungakarama deed had "led to the revival of a feud

²⁵¹ Johnson, Whangarei, to McLean, 10 October 1855. AJHR, 1861, C-1, pp.67-68.

²⁵² On Tokatoka see Thomas, pp.102-105 and 159-163. For a succinct summary of the wider dispute see Waitangi Tribunal (2022), pp.1191-1196.

²⁵³ Wi Wiapo evidence, 1901 (Otioro and Topuni case), Kaipara MB 9, p.105; 'Kaipara', *Te Karere Maori*, 31 May 1856, pp.9-12, and; Waitangi Tribunal (2022), pp.1186-1187.

²⁵⁴ Existing research refers to a pa being built at Otakanini, which is so far from the scene of the conflict as to be absurd; Te Uri o Hau later said two pa were built; one at Te Topuni (in central Kaipara) and one nearby

between two tribes both claiming land in that district.” The dispute was cast by Crown and Pakeha observers as involving Paikea and Ngati Whatua on one side, and Te Tirarau and Te Parawhau on the other, and concerned “the boundaries of their respective territories.” Given that the two rangatira were so closely related and had for so long amicably managed their overlapping interests in these borderlands, the simplistic analysis ignores the heart of the issue: Crown land purchasing, which was the very thing that had sparked the dispute. That being an issue close to the hearts of many Maori, many others soon pledged their support to one side of the other. Ngapuhi from Hokianga and further north with kinship connections to Te Uri o Hau (notably Te Popoto hapu) came down on the side of Paikea, as did southern Ngati Whatua who came up from Orakei. Ranged against them were Ngapuhi from northern Whangarei, Waimate, and the Bay of Islands who came to support Te Tirarau and Te Parawhau. By February 1856, each side had hundreds of armed men ready to fight.²⁵⁵

194. Seeking to resolve this dispute – not least in order to continue with its Whangarei and northern Kaipara land purchases – the Crown had, by April 1856, induced the two key parties to avert conflict by bringing the matter before Chief Land Purchase Commissioner Donald McLean (Johnson’s boss), who would mediate.²⁵⁶ That attempt at mediation did not take place until late-1856. Long before then, in May 1856, the Crown tried to survey Maungakarama and its ‘reserves’, further provoking Te Uri o Hau to intervene to protect their interests. Johnson reported that Ngati Mauku (of Te Uri o Hau) claimed interests in Maungakarama and had prevented the completion of the survey.²⁵⁷
195. As an aside, it can be noted that the three ‘reserves’ were no such thing, consisting of no than a provision in the deed for some vendors to buy back land within the Maungakareama block from the Crown at 10 shillings per acre (far more than it had paid them for the land), being land at Mangapai (800 acres), Matakitahi (20 acres), and Tangihua (400 acres). Johnson reported that these ‘reserves’ were “for the use of the people residing thereon.” The Tangihua ‘reserve’ did not proceed (remaining as ordinary Maori land) and Mangapai was reduced to just 386 acres (being granted to Hemi Pea, Eruera Toenga, and Paora Keri; the three sons of the late rangatira Motutara).²⁵⁸ ‘Matakitahi’ seems to refer to the Mahakitahi kainga beside the Whangarei harbour.²⁵⁹ (An early map of the Whangarei

called Tahekeroa, which makes more sense (Wi Wiapo evidence, 1901 (Otioro and Topuni case), Kaipara MB 9, p.107).

²⁵⁵ ‘Local Intelligence’, *Daily Southern Cross*, 26 February 1856, p.3; ‘Kaipara’, *Te Karere Maori*, 31 May 1856, pp.9-12, and; and; Waitangi Tribunal (2022), pp.1186-1187.

²⁵⁶ ‘Kaipara’, *Te Karere Maori*, 31 May 1856, pp.9-12, and; Waitangi Tribunal (2022), p.1187.

²⁵⁷ Johnson, Wellington, to McLean, 8 May 1856. *Turton’s Epitome*, C-IV, p.72.

²⁵⁸ Johnson, Wellington, to McLean, 8 May 1856. *Turton’s Epitome*, C-IV, p.72, and; Maungakarama deed, 1855. AUC 315. R12153227. Archives NZ.

²⁵⁹ Nancy Pickmere, *Whangarei: The Founding Years*, Whangarei, 1986, pp.17-18.

district also shows a maunga called ‘Mahahikitahi’ on the Maungakarema block a little way inland from the harbour, from which the kainga may have taken its name.)²⁶⁰

196. It is not clear if the Crown mediation promised in early 1856 ever took place. In October 1856, McLean invited Te Tirarau and Parore to Auckland to discuss the disputed Maungakarema land. In the same month he met with Paikea and others of Te Uri o Hau and Ngati Whatua to discuss that land, and arrange a deed with them to recognise their interests in the adjoining Waikiekie block (which overlapped with the Walton old land claim, as noted).²⁶¹ It is not evident the two parties met each other, only that they each met with McLean and came to some arrangement with him.
197. A few days after Tirarau and Parore left Auckland – and after the Waikiekie deed was signed on 30 October 1856 with Paikea and 28 others of Te Uri o Hau and Ngati Whatua – McLean told Johnson what he had done. He enclosed a letter each for Te Tirarau and Parore, telling them what he had arranged with Te Uri o Hau. McLean told Johnson that the Waikiekie deed took in an estimated 12,000 acres of land claimed by Te Uri o Hau between the Tauraroa and Manganui rivers (and extending to the Ruarangi block in the east) for which he had paid them £400. (The payment was for 12,000 acres and the deed provided for additional payment if it was found to be larger; when surveyed in 1864 it comprised the far larger area of 33,800 acres, for which the vendors were paid an additional £570). McLean wanted them to take a token £100 payment for “the disputed land in Maungakarema” (across the Tauraroa river from Waikiekie block to the north), hoping to “remove all future difficulties in connection with that transaction,” but they declined. McLean instead left it to Te Tirarau to “adjust” the matter with them.²⁶²
198. McLean’s letter to Te Tirarau put things slightly differently; it told him about Te Uri o Hau accepting £400 for the land within the Waikiekie boundaries, but wrote of Maungakarema that, “I begged them to give me the part that is in dispute, which is included in the sale of Maungakarema, but they refused [I tohe au ki a ratou kia tukua mai te wahi e tautohea nei kei roto ki to hokonga o Maungakarema kihai ratou i pai].” He thus asked Te Tirarau to resolve the issue so that Pakeha who purchased the disputed land from the Crown would not be troubled.²⁶³ (McLean’s letter to Parore

²⁶⁰ Wayte and Batgers, ‘Map of the northern section of Marsden’, 1866. AAFV 997/A86. R22822573. Archives NZ.

²⁶¹ McLean to Johnson, Whangarei, 3 November 1856. AJHR, 1861, C-1, p.74. On the overlap with the Walton old land claim, see Waitangi Tribunal (2006), Figure 16, p.74.

²⁶² McLean to Johnson, Whangarei, 3 November 1856. AJHR, 1861, C-1, p.74. The additional payment in 1864 is recorded in Turton, *Land Deeds of the North Island*, Wellington, 1876, Volume 1, pp.242-243.

²⁶³ McLean to Te Tirarau, 4 November 1856. AJHR, 1861, C-1, p.74.

referred only to the Waikiekie deed, probably because he – as a supporter of Te Tirarau, rather than a holder of customary rights at Maungakaramea – was not expected to further involve himself.)²⁶⁴

199. What McLean did not put in writing to Te Tirarau or to Paikea was his expectation that the Waikiekie deed had fixed a boundary between the two parties at the eastern (Whangarei) end of their disputed lands. This boundary was referred to only in an unsigned and undated note in English on a scrap of paper filed with the deed stating: “Paikea not to urge his claims on north bank of Tauraroa; Tirarau not to claim any land south of Tauraroa.” A pencilled annotation beside this note reads: “Insert as ‘note’ to Deed at the end.”²⁶⁵ As set out below the note may date from 1860, when some sort of mediation occurred and this boundary was later said to have been “partially agreed to.”²⁶⁶ The note certainly does not appear to date from the time of the Waikiekie deed in 1856, as Maungakaramea (north of the supposed boundary) remained unresolved and the supporters of both Paikea and Te Tirarau continued to clash over Crown land dealings in this district.
200. As early as 1857, further efforts by the Crown to purchase Whangarei land from Te Tirarau north of Waikiekie, in which Te Uri o Hau held interests, reignited the dispute. In March 1857, John Rogan (the Kaipara land purchase commissioner who took over from Johnson) reported Te Uri o Hau opposition to Te Tirarau’s offer of land around Tangihua (just inland of Waikiekie and Maungakaramea). McLean was advised to visit Paikea to try and get him on side, as this would open up a great deal of land to the north to Crown purchase.²⁶⁷
201. Neither Rogan nor McLean induced Te Uri o Hau to consent to the Crown’s purchase of Tangihua from Te Tirarau, and as a result the purchase stalled indefinitely. The block – on the western boundary of Maungakaramea block and the northern boundary of Walton’s old land claim – remained customary Maori land until 1875, when title was investigated by the Native Land Court as Tangihua block (15,600 acres) (see location map overleaf). Te Tirarau and Maraea Te Hoia (Maraea Waiata) claimed the land for themselves exclusively on the basis of descent from Te Ponaharakeke. The exclusion of other interests was objected to by a number of claimants, including several Te Uri o Hau such as Matikikuha, Hone Waiti, and Heta Paikea. Even so, after a brief hearing title was awarded to Te Tirarau and Maraea Waiata, who soon sold most of the block to the Crown.²⁶⁸ It is relevant to note that Eria Marepa, the husband of Maraea, was Ngati Whatua, and as part of resolving

²⁶⁴ McLean to Parore, 4 November 1856. AJHR, 1861, C-1, p.75.

²⁶⁵ Waikiekie deed, 1856. AUC 187. R12153226. Archives NZ.

²⁶⁶ Native Department notes on Paikea, c.1865, cited in Daamen, et al, p.173.

²⁶⁷ Daamen, et al, p.176.

²⁶⁸ Whangarei MB 2, pp.131-136; Tangihua Certificate of Title, 1875. R25285166. Archives NZ, and; Tangihua deed, 1878. AUC 827. R12154255. Archives NZ.

the land issues around Tangihua, Te Tirarau gifted Eria the Hatoi block (about 100 acres across the Wairua River from Tangiteroria; see below).²⁶⁹

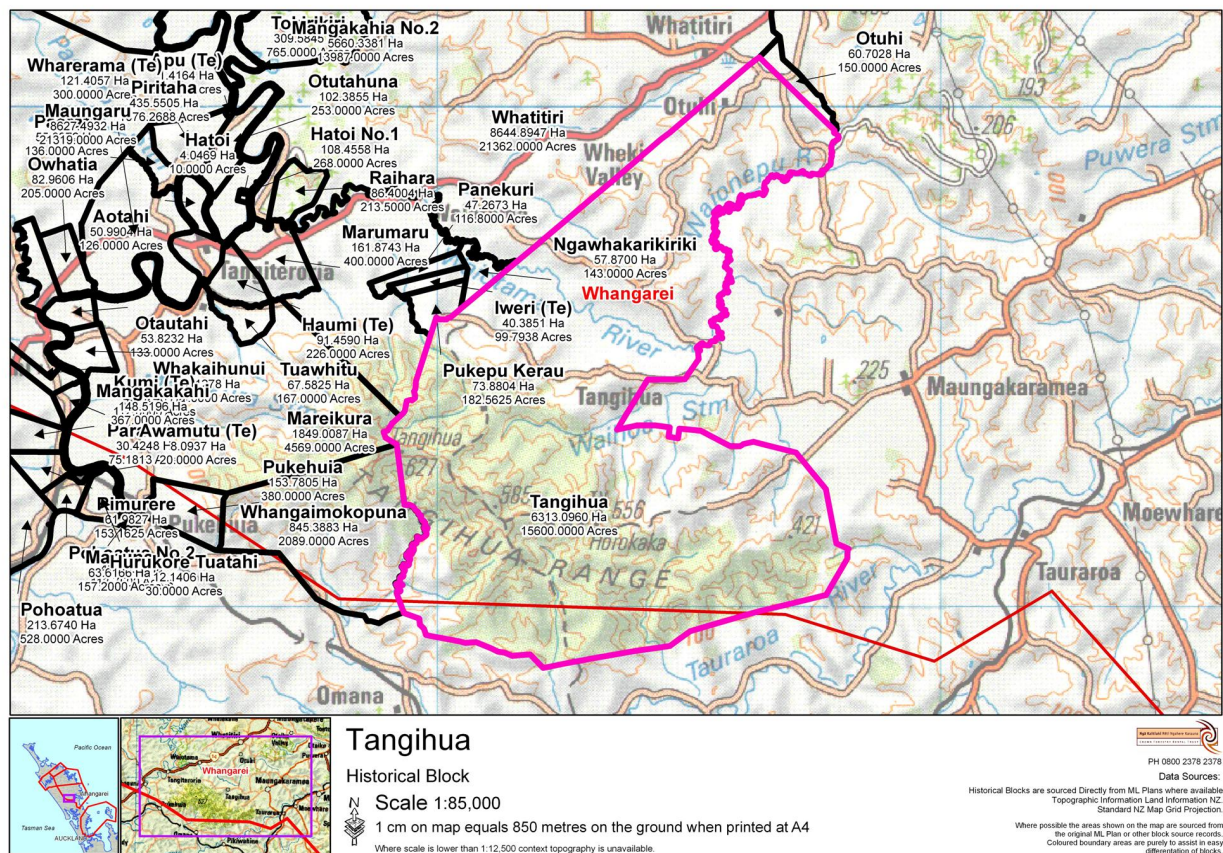


Figure 9: Tangihua Block Location Map

202. Land dealings for the area around Tangihua and to the west (across to Mangakahia) still remained at issue. What has generally gone unremarked in the existing research is that what was truly at issue was not just ‘Waikiekie’ or ‘Mangakahia’ but a broad swathe of land from Whangarei west towards what is now Dargaville. Paikea made this clear, writing to the Governor in 1861 to set out in detail the boundaries of the contested lands which extended from Maunganui in the west across the island to the Otaika river “and falling into Whangarei [harbour].”²⁷⁰
203. Lands east of Mangakahia were also named to Governor Grey at a later meeting with Te Uri o Hau (in 1862), when he asked Paikea about his claims in that direction, which were described thus:

²⁶⁹ Evidence of Pouaka Parore (Mangakahia 2 case), 1895. Whangarei MB 2, p.161. Note that Hatoi (10 acres) was land set aside by Te Tirarau for the Catholic church in 1867, while Hatoi 1 (108 acres) was not heard until 1895 when Te Tirarau’s descendants said it was Te Parawhau land that had been gifted to Eria Marepa (Kaipara MB 7, pp.241-242).

²⁷⁰ Paikea Te Hekeua and Matiu Te Aranui, Okaro, to Governor, 30 August 1861. MA 13/101. R20248996. Archives NZ.

“commencing at Maungakarama, thence to Ruakaka, Pohuenui, Waipu, and Ruarangi.” These were the southern Whangarei lands the Crown had purchased from others.²⁷¹ Paikea also told Te Tirarau and Parore at one hui that “the boundary of his land began at Maunganui and extended to Whangarei.”²⁷² This was the traditional and long-standing boundary of Ngati Whatua; being land that Paikea and Ngati Whatua claimed as the “putake, or root of the soil,” being a deep ancestral claim.²⁷³

204. In 1859, Governor Gore Browne invited Paikea and Te Tirarau to Auckland to mediate a settlement of their dispute which included Wairoa land in the west as well as Whangarei lands in the east. As of May 1859 a “great meeting” on the issue was anticipated but no result is evident; Rogan later wrote that Paikea “collected 400 men in 1860 to fight for the Wairoa,” and grumbled that the dispute had “cost the Government a considerable sum of money in food at Auckland.” He recalled that a boundary was then “partially agreed to” and land “purchased up to it on the south side.”²⁷⁴ This appears to be when McLean’s note about the Tauraroa river forming a boundary between Paikea (to the south) and Te Tirarau (to the north) was filed with the 1856 Waikiekie deed. As noted, there is nothing to indicate either rangatira agreed to this boundary or that anything was resolved.
205. McLean later wrote that the goal of fixing a boundary at Tauraroa river “was as much the prevention of dispute between the Chiefs Tirarau and Paikea as the acquisition of the land.”²⁷⁵ It did not end their dispute. In May 1861, Te Tirarau was reported to have withdrawn from part of his claim while at the tangi for Paikea’s wife. According to Rogan, when leaving the tangi Te Tirarau told Paikea: “Ko te Wairoa kia Paikea,” meaning the Wairoa was for Paikea.²⁷⁶ This was confirmed when Te Tirarau and Paikea attended a Te Uri o Hau runanga at Otamatea in early July 1861. After several days, Te Tirarau was said to responded to Paikea’s claim to Wairoa thus: “It is right, you have the Wairoa, as far as you know that your claim extends shut up the land for yourself only, the whole of it.”²⁷⁷ Exactly what Te Tirarau meant by ‘the whole of it’ in his cession of Wairoa to Paikea is unclear, although it refers more to the western part of the borderlands than to Whangarei in the east.

²⁷¹ Memorandum of interview between His Excellency Sir George Grey and the chiefs of Te Uri o Hau, 27 June 1862. MA 13/101. R20248996. Archives NZ. See also Waitangi Tribunal (2022), pp.1192-1193.

²⁷² Cited by Wi Wiapo, 1901 (Otioro and Topuni case), Kaipara MB 9, p.105.

²⁷³ Rogan memorandum, 15 May 1862. AJHR, 1862, E4, p.16.

²⁷⁴ Native Department notes on Paikea, c.1865, cited in Daamen, et al, p.172.

²⁷⁵ McLean letter, 7 January 1861, cited in Paul Thomas, ‘The Crown and Maori in the Northern Wairoa, 1840-1865’, CFRT, 1999. Wai 1040 #E40, pp.105-106. See also Waitangi Tribunal (2006), pp.108-110.

²⁷⁶ Rogan to McLean, 31 October 1861. Cited in Daamen, et al, p.182, and; Rogan memorandum, 15 May 1862. AJHR, 1862, E-4, p.16.

²⁷⁷ Paikea and Te Uri o Hau runanga, Otamatea, to Governor, 13 July 1861. MA 13/101. R20248996. Archives NZ.

206. What is clear is that the resolution of the dispute between Paikea (for Te Uri o Hau) and Te Tirarau (for Te Parawhau) over their contested borderlands did nothing to resolve a different and deeper dispute between Te Tirarau and Matiu Te Aranui over Mangakahia land. Paikea and Te Tirarau were closely related through their strong Ngati Whatua links, so their dispute had been more readily resolved through customary means (such as the action of Te Tirarau noted above). The dispute between Te Tirarau and Matiu Te Aranui was not so easily settled, as it concerned a more fundamental clash between opposing groups over rights to land and, in particular, the right to deal with others (i.e, the Crown) for that land.
207. To date, the quite distinct dispute between Te Tirarau and Matiu Te Aranui has been misrepresented as a dispute between Te Parawhau and Te Uri o Hau (or, more generically, Ngati Whatua).²⁷⁸ This is not correct, as when Matiu Te Aranui was defending Mangakahia lands against Te Tirarau he was acting not for Te Uri o Hau but for his own Ngati Toki hapu (affiliated with Ngapuhi) and other Ngapuhi hapu there (such as Ngati Pongia). As set out above, there had been a separate dispute between Paikea (for Te Uri o Hau) and Te Tirarau (for Te Parawhau) over other parts of the borderlands (at Whangarei and at lower Wairoa) but this was largely resolved by 1861. The dispute between Te Tirarau and Matiu Te Aranui at Mangakahia subsequently proved more intractable, and deadly.
208. Matiu Te Aranui and Te Tirarau emerged as the main figures in the Mangakahia dispute, particularly when it degenerated into armed conflict in May 1862.²⁷⁹ When Governor Grey met with Paikea and others of Te Uri o Hau in June 1862 he referred to that conflict as “Matiu’s and Tirarau’s affair,” rather than one involving Paikea and Te Uri o Hau.²⁸⁰ As was later noted in the Native Land Court, the boundary Te Tirarau later laid down at Mangakahia (at Hapairua to be precise) was “between himself and the Ngapuhi.”²⁸¹
209. As the dispute between Te Tirarau and Matiu Te Aranui did not directly involve Ngati Whatua it need not be gone into in great detail here, but it is necessary to consider it in order to establish what it was (a conflict between Te Parawhau and Ngapuhi) and what it was not (a conflict between Te Parawhau and Te Uri o Hau). What both disputes had in common was that they were aggravated by Crown land dealings. The dispute between Te Tirarau and Matiu Te Aranui came to a head with a fatal conflict at Waitomotomo (near Titoki) on the contested land in 1862, but the Crown was

²⁷⁸ See for instance, Waitangi Tribunal (2022), pp.1191-1192.

²⁷⁹ Daamen, et al, p.181.

²⁸⁰ Memorandum of interview between His Excellency and Te Uri o Hau, 27 June 1862. MA 13/101. R20248996. Archives NZ.

²⁸¹ Haora Areka evidence (Mangakahia block), 1895. Whangarei MB 5, p.39.

informed that these specific lands were contested five years earlier, while it had known since the 1840s investigation of old land claims that the area was disputed.

210. In January 1857, Matiu Te Aranui warned the Governor not to continue with plans to purchase a block from Te Tirarau as it was land claimed by Matiu. He repeated this warning in 1858, to Chief Land Purchase Commissioner McLean.²⁸² The Crown did not proceed with the transaction, but the issue was far from resolved. In March 1858, Maori convened a big meeting (with about 600 attendees) in an effort to resolve the dispute. Matiu brought 150 armed men (mostly Ngapuhi from Kaikohe, Waimate, and Hokianga) while Te Tirarau's Whangarei ally, Hori Kingi Tahua, brought about 100 armed men (from Whangarei). Te Uri o Hau were notably absent, as this was not their dispute. The meeting ended peacefully after 11 days but without a clear resolution.²⁸³
211. In December 1860 and January 1861, Matiu Te Aranui renewed his protests to the Crown about land dealings with Te Tirarau for lands in the Mangakahia district. Te Tirarau (supported by Parore) countered that Matiu intended to survey land claimed by Te Tirarau. Land Purchase Commissioner Rogan, fearing that "a serious quarrel" could arise, advised that the purchase be held over "until some better understanding" was arrived at.²⁸⁴ In October 1861, Rogan consulted Te Tirarau about renewing the Crown's purchase efforts but found this was not yet advisable due to the unresolved claims of Matiu Te Aranui and his people.²⁸⁵
212. The customary rights of Matiu Te Aranui in the Mangakahia district came from his Ngapuhi descent, particularly Ngati Toki who endure in the Mangakahia valley today.²⁸⁶ (He had also forged marriage ties in the borderlands; one of his wives Heni Hiakai was of Te Maungaunga and Te Parawhau at Mangakahia.²⁸⁷ Matiu was at times also identified as Ngati Moe (or Ngati Moeroa) who are associated with Ngati Rangi, Ngai Tahu, and Ngati Whatua.²⁸⁸ His Ngati Pongia ancestry was also emphasised

²⁸² Matiu Te Aranui to Governor, 28 January 1857, and; Matiu Te Aranui to McLean, 18 January 1858. R20248996. MA 13/101. Archives NZ. Cited in Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, p.283.

²⁸³ Thomas, pp.175-176.

²⁸⁴ Matiu Te Aranui to Governor, 17 December 1860 and 31 January 1861; Te Tirarau, Parore, and others to Governor, 4 April 1861, and; Rogan note, 16 March 1861. R20248996. MA 13/101. Archives NZ. Cited in Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, pp.283-285.

²⁸⁵ Rogan memorandum, 15 May 1862. AJHR, 1863, E-4, p.16.

²⁸⁶ Puhikairarunga case, 1879. Kaipara MB 3, pp.339-342; Mimitu case, 1908. Papatupu MB 23, pp.66-67, and; Tokerau Maori Land Council MB 1, p.196. See also Piripi Moore and Lawrence Wharerau, 'Tai Tokerau District Maori Council Oral History Report', CFRT, 2016. Wai 1040 #AA3, pp.128 and 139-140.

²⁸⁷ Haora Areka evidence (Mangakahia block), 1895. Whangarei MB 5, p.31. Haora Areka (a descendant of Te Ponaharakeke later involved in the Mangakahia case) was a niece of Heni (she being "my father's sister"). On the other hand, when Matiu's grandson Mate Komene gave his whakapapa in Court he named only one wife of Matiu Te Aranui, being Hera (Mimitu case, 1908. Papatupu MB 23, p.97).

²⁸⁸ Whangarei MB 10, pp.60 and 67. See also, Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, pp.190-191.

by his descendants in Court when claiming some Mangakahia lands).²⁸⁹ Thus it was Ngapuhi who provided Matiu with the many armed supporters who came to Wharekohe to defend the land against Te Tirarau's forces (drawn largely from Whangarei) in May and June 1862.²⁹⁰ When a list of Matiu's key supporters was drawn up (for the purposes of arranging their free passage from Russell to Auckland for the arbitration in January 1863) the 34 named all appear to be Ngapuhi.²⁹¹

213. Te Tirarau referred to his opponents in the Mangakahia dispute as Ngapuhi, in contrast to the "men of Whangarei" who supported him.²⁹² As noted, Te Tirarau was emphatic that his rights to the disputed lands came not from Ngapuhi but through the Ngai Tahu and Ngati Whatua whakapapa he shared with Paikea and Parore.²⁹³ This ancestry was important for other lands along the borderlands from Whangarei across to the west coast, but in the Mangakahia valley there was also Ngapuhi ancestry to consider.
214. The clearest evidence that Te Uri o Hau and Ngati Whatua were not directly involved in the dispute came when they wrote to Matiu in February 1858: "Friend, do you work that side of the land [Mangakahia], your relatives Paikea and Matikikua, and the council of Te Uri o Hau will work this side of the land," referring to Tangihua and Maungaru (lying to the south-east and south-west of Mangakahia respectively).²⁹⁴ Hone Waiti of Ngati Rangi and Te Uri o Hau later recalled "our lands were not affected by Matiu's quarrel with Tirarau."²⁹⁵
215. Te Uri o Hau were hardly neutral in the matter though, telling Matiu, "the land belongs to us, to your Father, to Paikea, to the descendants of Ngati Rangi" – but they left it to Matiu to defend Mangakahia.²⁹⁶ (Ngati Rangi is a Ngai Tahu hapu, being linked here with Ngati Whatua.)²⁹⁷ Arama Karaka Haututu later recalled that Matiu and Paikea had met, "just before the fight at Waitomotomo

²⁸⁹ See whakapapa from Pongia given for Komene Matiu Te Aranui and for Matiu Te Aranui in Mangakahia 2 case (1895) (Whangarei MB 5, pp.41 and 90). See also Tony Walzl, 'Tai Tokerau Maori District Council Manawhenua report', 2012. Wai 1040 #E34, pp.119-120.

²⁹⁰ Attorney-General Sewell to Civil Commissioner, Waimate, 27 May 1862, and; Resident Magistrate, Whangarei, to Attorney-General, 10 May 1862. AJHR, 1862, E-4, pp.10-11 and 13-14. On Te Mahurehure, see Fulloon, Te Waitomotomo (Tirarau's pa), to Native Secretary, 15 June 1862. MA 13/101. R20248996. Archives NZ.

²⁹¹ Resident Magistrate, Russell, to Native Minister, 3 January 1863. In contrast, Te Tirarau took only Parore, Hori Kingi Tahua, Tipene Hari, Rewiti Maika (of Mangakahia), and Maihi Kawiti (of Ngati Hine at Waiomio) (Henry Walton, Maungatapere, to Native Minister, 1 December 1862) MA 13/101. R20248996. Archives NZ.

²⁹² Te Tirarau, Wharekohe, to Governor, 7 July 1863. J 1/1893/1971. R24564271. Archives NZ.

²⁹³ Parore Te Awha and Te Tirarau, 19 January 1863, in 'Arbitration Court', *Te Karere Maori*, 18 July 1863, p.25.

²⁹⁴ Paratene Taupuhi, Kaipara, to Matiu, 17 February 1858. *Te Karere Maori*, 30 March 1863, p.7.

²⁹⁵ Kaipara MB 3, p.342 (Puhikairarunga case, 1879).

²⁹⁶ Paratene Taupuhi, Kaipara, to Matiu, 17 February 1858. *Te Karere Maori*, 30 March 1863, p.7.

²⁹⁷ 'Limestone Island', in Ngaire Brown, 'Te Waiariki/Ngati Korora iwi hapu and the Crown in the Northern Kaipara', 2000. Wai 1040 #E23, Appendices, p.11.

[in 1862]... on account of joining together against Tirarau,” but that Paikea declined Matiu’s invitation to join that fight “against Tirarau and Parore” (who were his close kin). Hone Waiti (of Te Uri o Hau) added that they reason they had not joined the fight was “because we desired to remain under the law.”²⁹⁸

216. The fighting over Mangakahia that took place near Wharekohe in May and June 1862 involved more than 100 Ngapuhi (on Matiu’s side) and a similar number of Te Tirarau’s supporters (from Whangarei and inland to the west). A map later drawn by Te Manihera of Whangarei for the Whangarei Resident Magistrate shows the area of conflict and the location of each side’s pa, in relation to key landmarks such as Whangarei and Maunu maunga in the east, and across to Puketitoti maunga, Poroti, and Wharekohe in the west (the map also gives the names of the occupants of various whare and kainga in the mapped area).²⁹⁹ The location of Wharekohe in relation to Whatitiri and Mangakahia 2 blocks is shown below.

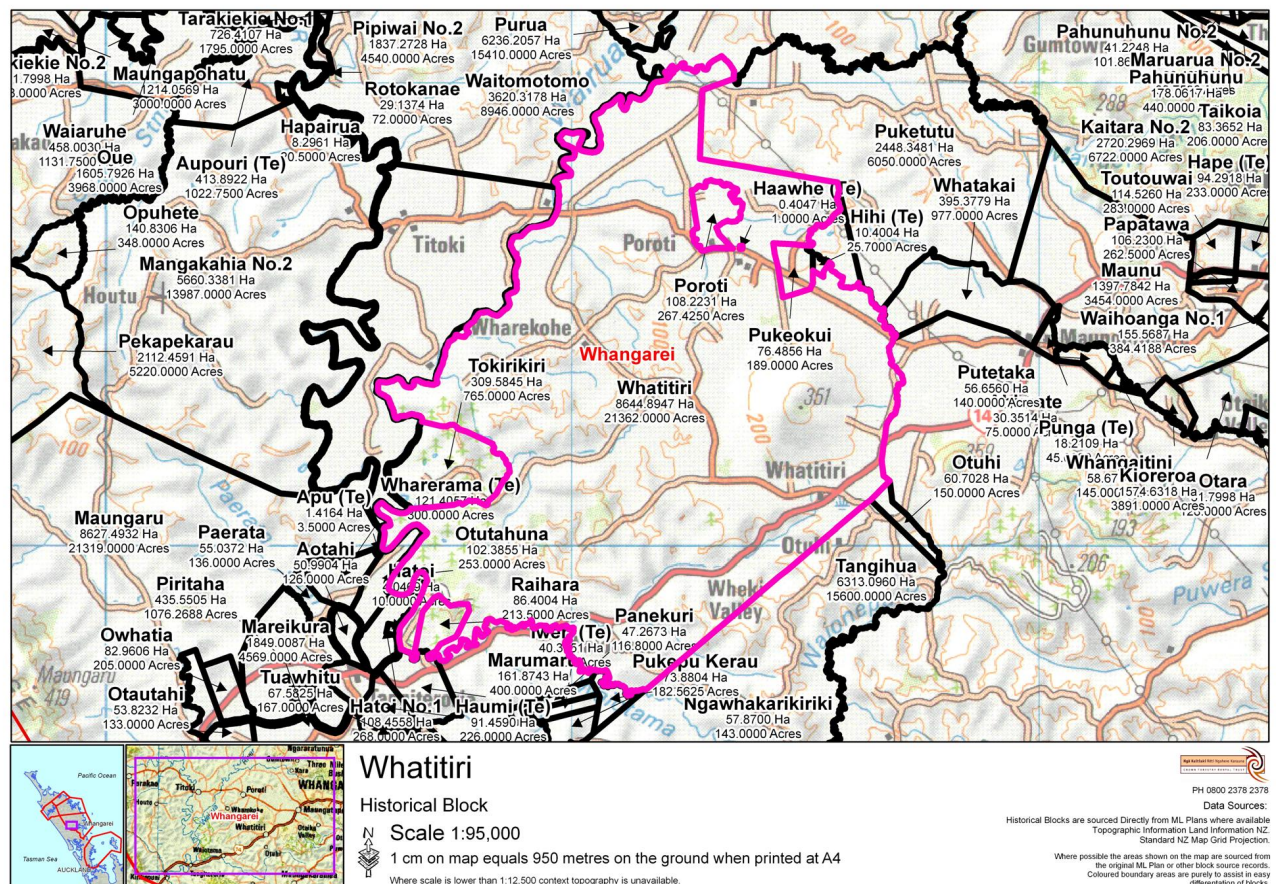


Figure 10: Wharekohe Location Map

²⁹⁸ Kaipara MB 3, pp.341-342 (Puhikairunga claim, 1879).

²⁹⁹ Te Manihera, sketch map, n.d. [c.June 1863], enclosed with Resident Magistrate, Whangarei, to Colonial Treasurer, Auckland, 22 June 1863. J 1/1893/1971. R24564271. Archives NZ.

217. Three pa built for the conflict were shown on the map, being that of Te Tirarau, that of Matiu, and that of Arama Karaka Pi (a Ngapuhi supporter of Matiu from the Bay of Islands). The pa were close to each other, standing on land below Puketitoti maunga beside the Waitomotomo stream, near its junction with the Mangakahia river.³⁰⁰ Netana Ripa of Te Maungaunga (a hapu of Ngai Tahu with interests at Mangakahia) later recalled that there were instead two pa built by Te Tirarau's Whangarei supporters, noting that "Te Waiariki, Te Maungaunga, Te Tawera, Ngati Kahu, and Ngati Rua were in one of the pa at Waitomotomo. Te Maungaunga and Te Urirotoi in another."³⁰¹ Te Parawhau were not distinctly referred to but were clearly present and actively involved. Regarding some of the hapu named, Te Rata Riimi of Whangarei later noted that Kukupa (apparently referring to the father of Te Tirarau) had earlier lived at Mangakahia with "the hapu that supported him, Te Maungaunga, Te Urirotoi, and Te Parawhau."³⁰²
218. The inconclusive fighting in 1862 cost three lives with another 10 wounded from Matiu's pa, while Te Tirarau's forces suffered the death of one (Pera Puhirau) and the wounding of eight (including, as noted, Te Pirihi of Whangarei). The tribal affiliations of Matiu's dead were reported to be Ngapuhi (two of Ngati Tautahi and one of Ngati Tautahi/Ngati Hau).³⁰³
219. In June 1862 Paikea (and the Crown) urged the warring parties to have their dispute referred to arbitration in Auckland, which was agreed to.³⁰⁴ The arbitration was held in Auckland in January 1863, by which time Matiu Te Aranui had died (in late 1862).³⁰⁵ His case was taken up by Te Hira Te Awa (Te Hira Ngaporo) who acted in his name at the arbitration. Both sides relied on descent from the same Ngai Tahu ancestors, with the contest instead being over a gifting of the disputed land and the extent of occupation by each side.³⁰⁶
220. The gift referred to was central to the contesting of Mangakahia and lands to the east towards Whangarei. It was also relied on in later Native Land Court cases (see below). The gift was from Tauru to Te Wha (a descendant of Te Ponaharakeke, who was a key recent ancestor of Paikea,

³⁰⁰ Te Manihera, sketch map, n.d. [c.June 1863], enclosed with Resident Magistrate, Whangarei, to Colonial Treasurer, Auckland, 22 June 1863. J 1/1893/1971. R24564271. Archives NZ.

³⁰¹ Netana Ripa (Mangakahia case), 1895. Whangarei MB 5, p.71.

³⁰² Te Rata Riimi (Mangakahia case), 1895. Whangarei MB 5, p.86.

³⁰³ Fulloon [interpreter], Te Waitomotomo (Tirarau's pa), to Native Secretary, 15 June 1862. MA 13/101. R20248996. Archives NZ. An earlier report gave lower casualties, but did not account for the fighting that took place on 10 June (Assessor Te Manihera, Raumanga, to Resident Magistrate, Whangarei, 17 May 1862. AJHR, 1862, E-4, p.15).

³⁰⁴ Fulloon, Te Waitomotomo (Tirarau's pa), to Native Secretary, 15 June 1862. MA 13/101. R20248996. Archives NZ.

³⁰⁵ Waitangi Tribunal (2022) pp.1195-96.

³⁰⁶ The emphasis of Te Tirarau, Tipene Hari, and others on descent from Tahuu has been noted, but see also 'Arbitration Court', 13 and 19 January 1863. *Te Karere Maori*, 30 March 1863, pp.8-9, and 18 July 1863, pp.21-22.

Te Tirarau and Parore). Tauru gifted Mangakahia land to Te Wha as a response to the prior action of Te Ponaharakeke in throwing his cloak over the body of Tomoaure (a cousin of Tauru), to protect the body and prevent it being cut up after Tomoaure was killed by others. Tauru was of Ngai Tahu and Ngati Rangi descent, but was also said to be Ngati Moe (Ngati Moeroa).³⁰⁷ Tomoaure was also of Ngai Tahu and Ngati Rangi descent, and has also been referred to as Ngati Whatua (Ngati Rongo and Te Uri o Hau).³⁰⁸

221. When the bones of Taurahaiti (father of Te Ponaharakeke) were later to be raised (see above), Te Wha (a descendant of Te Ponaharakeke) asked Tauru to give him the karaka groves on his land, while others said it was land on which the karaka grew that was given. While there was debate at the arbitration (and later in the Court) about exactly what was given, a gift was made and it was agreed that it was because of the earlier actions of Te Ponaharakeke. Also at issue was to what extent the interests of those who had made the gift endured relative to those to whom the gift was made.³⁰⁹
222. Each side chose two arbitrators favourable to it: Te Hemara of Ngati Rango and Eruena Te Paerimu of Ngati Whatua for Te Hira, while Te Tirarau selected two of his resident Pakeha, Walton and Heath) Unsurprisingly, the mediation thus resulted in a stalemate, which left it to Governor Grey to resolve. Te Hira's arbitrators saw that both sides had customary rights to the land and asked the Governor to divide the land between them "as he thought just."³¹⁰
223. The Governor acknowledged that land dealings (with Pakeha prior to 1840 and with the Crown subsequently) had introduced a "new usage" for land that had been "unknown in former days... namely, selling it." While customary practice had enabled contested or overlapping claims to be managed, Crown land purchasing made this more difficult. It was accepted that "original owners" (with ancestral rights) were "in justice" entitled to share in the purchase money paid to the land's more recent occupants. Walking a fine line between both parties, the Governor deemed that Te Tirarau's ancestors had been gifted part of the land by Matiu's ancestors and had occupied it long enough to conclude they "could not now be turned off." However, if they sold it to the Crown (which is what the Governor wanted), Matiu's people would be entitled to participate in the proceeds on account of their older interests as the donors. If the vendors could not agree on the division of

³⁰⁷ His Ngai Tahu descent is shown in a whakapapa at Whangarei MB 5, p.57, while his Ngati Rangi links are noted by Kamariara Te Wharepapa (Whangarei MB 5, p.43) (Mangakahia 2 case, 1895), and his Ngati Moeroa status was noted in the 1863 arbitration by Te Puku Te Raro of Ngati Moeroa.

³⁰⁸ Whakapapa showing the relationship between Tomoaure and Tauru was given in the Mangakahia 2 case in 1895 (Whangarei MB 5, p.57), and Tomoaure's tribal affiliation is noted by Kamareira Te Wharepapa in the same case (Whangarei MB 5, p.43).

³⁰⁹ See, for instance, the records of the Arbitration Court referred to above.

³¹⁰ "The decision of the Governor in the dispute between Matiu and Te Tirarau", *Te Karere Maori*, 12 February 1863, pp.4-6.

the money, the Crown would decide. Given the conflict on the land, the Governor said purchasing would not be allowed until “ill-feelings... had calmed down.”³¹¹

Resolving the Mangakahia Dispute, 1863-1895

224. The Governor’s 1863 decision resolved very little, not least because his underlying purpose was to facilitate future Crown land purchasing in the area. Given the lack of finality in the decision, tensions continued to simmer leading to a number of (peaceful) contests over land into the 1870s.³¹² This did not directly concern lands around Whangarei harbour but it did involve Whangarei tribal groups and the evidence they produced for the Mangakahia border blocks is relevant to lands closer to Whangarei.
225. Each side looked to the Governor to resolve the underlying dispute but it was instead left to Te Tirarau and the descendants and allies of Matiu Te Aranui to reach a consensus. Te Tirarau averted conflict that threatened as early as mid-1863 by ceasing to dispute the occupation by Matiu’s people of Te Aupouri block (in the Mangakahia district), and ensuring they had a share in the proceeds of timber that had been sold from that block (see below).³¹³
226. The issue re-emerged when the Native Land Court heard claims to the Waitomotomo block, the land on which the fighting had occurred in 1862. The Waitangi Tribunal has identified the 1880 hearing of the Waitomotomo block (8,945 acres) as marking the end of the “drawn out conflict.”³¹⁴ That proved not to be the case. The block lay north of Poroti on the right bank of the Wairua River and extended west to the Mangakahia river.³¹⁵ The Crown had been seeking to purchase Waitomotomo and other blocks in the vicinity since the mid-1870s, aggravating the long-running borderlands dispute, just as it had with its purchasing in the 1850s. When the block came to Court in August 1880, Pomare Kingi (a claimant) was absent in Gisborne working as a Court Assessor, but he telegraphed the Court at Dargaville to say that if the title was awarded to himself, Hira Te Taka, Tirarau Kukupa, and Taurau Kukupa he would not ask for the case to be adjourned. In other words, the block was to be shared between Te Uriroroi and Te Parawhau (with a view to facilitating it’s purchase by the Crown).³¹⁶

³¹¹ “The decision of the Governor in the dispute between Matiu and Te Tirarau”, *Te Karere Maori*, 12 February 1863, pp.4-6.

³¹² Waitangi Tribunal (2022), p.1196.

³¹³ J 1/1893/1971. R24564271. Archives NZ. See also *Daily Southern Cross*, 3, 15, and 28 July 1863.

³¹⁴ Waitangi Tribunal (2022), p.1196.

³¹⁵ ML 4469A, LINZ.

³¹⁶ Kaipara MB 4, pp.20-21. The planned Crown purchase is noted at Kaipara MB 4, p.157.

227. Te Tirarau agreed to Pomare's offer but Eru Hiri objected for another group. When Te Hira Te Taka suggested the title to Waitomotomo simply be in the name of Te Uriroi hapu, Kamariera Te Wharepapa replied "the use of that name would produce great complications" due to claims from "their tribes," and for his part "he would introduce the claims of the whole of Ngapuhi." Referring to the fatal fighting a generation earlier, he warned that if "great care" was not taken the "blood feuds of other days would be revived." At his request, the Court adjourned to resolve this impasse.³¹⁷
228. Kamariera Te Hautakiri Wharepapa was a leading rangatira of Ngati Horahia and Ngati Toki, who are both hapu of the Mangakahia area (However, on lands closer to Whangarei – such as Maunu – his interests were through Ngati Rua, while Te Parawhau also acknowledged him at Ruarangi (a significant wāhi tapu, as noted) and Hihiaua, an important fishing ground and tauranga waka in the upper Whangarei harbour (see below).³¹⁸ Matiu Te Aranui was (as noted) also of Ngati Toki. Kamariera featured in a number of title investigations in the Mangakahia area (where he was born in about 1823). He was a well-known rangatira, having been among a group of 14 Tai Tokerau Maori who travelled to England with a Wesleyan missionary in 1863 (Kamariera returned in 1864 with an English bride (Elizabeth Reid). Kamariera's portrait was later painted by Gottfried Lindauer (in 1895) and later still by Charles Goldie.³¹⁹
229. When the Waitomotomo case resumed, Kamariera referred to the block as part of that effectively 'awarded' (but not granted) by Governor Grey in the 1862 arbitration. The ageing and unwell Te Tirarau asked that the case "be heard while he yet lives to see it settled." Long lists of names were submitted by Te Uriroi but, seeking to avoid a prolonged argument about who went on the title, the following day Te Tirarau proposed just four names for Waitomotomo: Te Tirarau, Tito Papa, Te Hira Te Taka, and Pomare Kingi for Te Uriroi. This was eventually agreed by all parties and title ordered. Te Hira insisted that the name of the tribe each of the four owners represented be added to the title – being Te Parawhau for the first two and Te Uriroi for the last two – which was agreed to.³²⁰
230. What the Court minutes for Waitomotomo did not reveal was what went on outside the Court to ensure this agreeable outcome. During an adjournment, Hira Te Taka and Kamariera Wharepapa had threatened to bring "hundreds of warriors on the disputed land at a day's notice and fight the

³¹⁷ Kaipara MB 4, pp.22-28.

³¹⁸ Whangarei MB 2, pp.205-206; Whangarei MB 6 p.172, and; Whangarei MB 8, p.304.

³¹⁹ 'Kamariera Te Hau Takiri Wharepapa,' n.d. URL: <https://www.lindaueronline.co.nz/maori-portraits/kamariera-te-hau-takiri-wharepapa> and; Mina Kerr-Lazenby, 'Goldie artwork brings in \$1.8m at Auckland auction, setting new record', 5 April 2022. URL: <https://www.stuff.co.nz/national/300558864/charles-f-goldie-artwork-brings-in-18m-at-auckland-auction-setting-new-record>

³²⁰ Kaipara MB 4, pp.22-28.

matter out to the bitter end.” Seeking to avoid a repetition of the 1862 fighting, Te Tirarau took what a press report described as a “magnanimous and patriotic” stance, telling the contesting parties outside the Court:

Leave me out of this title. I give all my share in it to you both (both sides); only let there be no fighting, I am very old and shall soon die. Let me be sure that when I am dead there shall be peace amongst the young men. Take the land. Let my friend [Judge] Rogan settle it this day.³²¹

231. This quickly ended the impasse. Despite Te Tirarau saying he gave up his claims, his chiefly gesture of peace and goodwill was suitably matched by the other side, who then ensured he and his kinsman were included in the title. This was precisely the sort of reciprocal and respectful exercise of custom that, had the Crown given it room to be exercised, could have ensured just as mutually beneficial an outcome all along the contested borderland. As Te Tirarau noted, by 1880 he was very old; he died in 1882, being buried at Hikurangi urupa (Whatitiri). He left no issue, being succeeded to by his brother Taurau Kukupa.³²²
232. Unfortunately, this being the Native Land Court, there was no way for the agreement of these rangatira to stand in the face of any aggrieved individual who wished to lodge an appeal. An application for a rehearing was promptly lodged but the Chief Judge recommended it be refused (in the absence of an appellate court he decided such matters). Despite this, the government later agreed to a rehearing, which was held in August 1882.³²³
233. The stated reason for the 1882 rehearing was to ensure that all the owners were included in the title, not simply the four tribal representatives that had been agreed to in 1880. (The Native Land Act 1873 required all the owners to be named, unless there was a voluntary agreement otherwise.) Pomare Kingi believed there was an agreement on the four names and opposed the rehearing but Taurau Kukupa suggested the quickest solution now was to agree on a more complete list of names. The result was that Te Parawhau confined themselves to four names for their half of the title (Te Tirarau Kukupa, Tito Papa, Taurau Kukupa, and Ti Ru Reweti), while Eru Hiri handed in a list of 57 Te Uriroroi owners (including several children) for the other half of Waitomotomo.³²⁴

³²¹ Waitangi Tribunal (2022), p.1196, and; ‘Native Lands Court at Dargaville’, *New Zealand Herald*, 20 August 1880, p.3.

³²² Steven Oliver, ‘Te Tirarau Kūkupa’, *Dictionary of New Zealand Biography*, 1993. URL: <https://teara.govt.nz/en/biographies/2t31/te-tirarau-kukupa>

³²³ Chief Judge to Native Department, 9 October 1880. J 1/276ad, 1880/4476. R24386391. Archives NZ. The rehearing appears to have been overlooked in the research relied upon by the Waitangi Tribunal when it, somewhat optimistically, opined that the borderlands dispute was resolved in 1880.

³²⁴ Kaipara MB 4, pp.157-159, and; Waitomotomo certificate of title, 1882. R25292794. Archives NZ.

234. Despite the Waitangi Tribunal's hope that the Waitomotomo hearing in 1880 marked the end of the drawn out conflict in the borderlands, the contesting over these lands continued in the Native Land Court into the 1890s. Unsurprisingly, the Mangakahia land adjoining Waitomotomo was left in abeyance and as a result the Mangakahia 2 block (13,987 acres to the west of Whatitiri and Waitomotomo) was not brought before the Native Land Court until 1895 (being heard after the contested Whatitiri block). It was claimed by the descendants of those involved in the conflict and arbitration more than 30 years earlier, and some of the same evidence was given. Te Hira Te Taka and Kamariera Wharepapa led the case for what had, in the 1860s, been Matiu Te Aranui's Ngapuhi group while Pouaka Parore led the case for what had been Te Tirarau's group, now represented by Hori Kingi Tahua.³²⁵ Pouaka Parore was a grandson of Parore Te Awha of Te Roroa, but Pouaka had close ties to Te Parawhau at Whangarei (and married Makeriti Pirihi of Te Patuharakeke).³²⁶
235. As previously noted, the Mangakahia case led by Pouaka Parore in 1895 was based on descent from Te Ponaharakeke, including key Ngati Whatua ancestors such as Taramainuku and Haumu. This descent included Paikea and Te Tirarau's whanau, as well as Te Parawhau at Whangarei such as the descendants of Tiakiriri.³²⁷ Netana Ripa acknowledged Pouaka's claim and sought to be included as Ngati Moeroa (or Ngati Moe), "a hapu of Ngai Tahu" with links to Ngati Whatua. He had Wiki Pirihi conduct his case. Hori Rewi claimed for Te Uriroiroi.³²⁸ These claims were ultimately successful, with the Ngapuhi claimants excluded (they were instead included in adjoining titles; see below). Mangakahia 2 was awarded to several hundred individual owners said to be of Te Uriroiroi and Te Parawhau (the latter securing a larger share).³²⁹ Despite this classification, the owners included several of the Paikea whanau of Te Uri o Hau.³³⁰
236. A key issue in this part of the borderlands was the mix of Te Parawhau, Te Uriroiroi, and Ngai Tahu interests represented in the land, interests which are also evident in Whangarei. This was epitomised in the uncontroversial Hatoi 1 block (108 acres) noted earlier. It was across the Wairoa River from Tangiteroria and was land that Te Tirarau had earlier gifted to Eria Marepa, the Ngati Whatua husband of Maraia Hoia (of Te Parawhau). (Te Tirarau had also gifted Hatoi block (10 acres

³²⁵ Whangarei MB 5, p.27.

³²⁶ Garry Hooker and Robert Parore, 'Parore, Louis Wellington', *Dictionary of New Zealand Biography*, 1998. URL: <https://teara.govt.nz/en/biographies/4p4/parore-louis-wellington>

³²⁷ Whangarei MB 5, p.28.

³²⁸ Whangarei MB 5, pp.30 and 44.

³²⁹ 'Native Lands Court', *Auckland Star*, 6 February 1895, p.5. The adjoining Whatitiri block was similarly awarded to a large number of owners with Te Uriroiroi and Te Parawhau securing the largest interests, but several other groups were included ('Native Lands Court', *Auckland Star*, 29 January 1895, p.5).

³³⁰ The Court minute books do not include a full list of owners, but many can be identified from the Mangakahia 2A1 and 2B1 Crown purchase deeds (Mangakahia 2A and 2B1 deed, 1896. AUC 2028. R23291772. Archives NZ).

within Hatoi 1) to the Catholic church in 1867). When Huirua Tito, one of Te Tirarau's descendants, presented the claim to Hatoi 1 in 1895 (on behalf of Eria Marepa) he told the Court of the gift to Eria, which was not opposed by Pouaka Parore or Tapihana Paikea (of Te Uri o Hau) but both of them did oppose Huirua's assertion that the land was taken by conquest from Tauru in the time of Kukupa.³³¹

237. Pouaka Parore agreed the land had belonged to Tauru but, "I only object to the statement that the land was conquered by Kukupa" from Tauru, because Tauru "gave it to Te Wha and to his uncle Te Ponaharakeke." He set out the whakapapa showing the descent from Te Ponaharakeke to Tataia who married Taramainuku; as noted, their three children – Haumu, Te Wha, and Te Awha – were important ancestors for the people and lands of this area, including Ngati Whatua. Kukupa was the son of Haumu while Paikea was the son of Kukupa's sister, Te Whakakahu, and from Te Awha came Parore Te Awha. Tapihana Paikea endorsed the importance of these connections.³³²
238. A different border issue emerged from the lands north of Mangakahia 2 and west of Waitomotomo, where the boundary had less to do with Te Parawhau and Te Uriroroi and was more concerned with Ngapuhi and the boundary fought over by Te Tirarau and Matiu Te Aranui in 1862. The 1895 title hearing for Te Aupouri block (1,023 acres, north of Mangakahia 2) revived unresolved issues around the Crown's 1863 arbitration and its outcome in terms of a boundary between Ngapuhi-affiliated hapu to the north and other groups to the south who had Te Uri o Hau and other connections (notably Te Parawhau but also Te Uriroroi).
239. Before looking at Te Aupouri, there was a small block heard that sat right on the boundary between these tribal groups; Hapairua (20 acres on the bank of the Mangakahia River adjoining Mangakahia 2, opposite Waitomotomo block). Paora Kiwi's claim to Hapairua was that it was part of the land "ceded by Te Tirarau" to Ngapuhi after the 1863 arbitration award: "Te Tirarau said this side [Waitomotomo] of Mangakahia River belongs to me but that on the other side [Hapairua] is given over to you." This was challenged by Te Uriroroi, who – many years after the event – now disputed the right of Te Tirarau to have ceded this land to settle the borderlands dispute.³³³
240. The Ngapuhi claimants (who lived "mostly" at Kaikohe) backed Te Tirarau's rights, responding to Te Uriroroi that he "held the land by his own mana... was living on it as lord of the soil," and he had gifted it to Ngapuhi "to put an end to our fighting." At the same time, they pointed out that Paora Kiwi and Matiu Komene (son of Matiu Te Aranui) also "have a right on this land, their ancestor [Tauru] ceded the land to Te Wha." That is, Komene had an ancestral claim from Tauru distinct

³³¹ Kaipara MB 7, p.241.

³³² Kaipara MB 7, pp.241-242.

³³³ Kaipara MB 4, pp.34-39.

from the claim being put by other Ngapuhi on the basis of the gift by Te Tirarau. This small block thus raised the wider issue of the boundary with Ngapuhi as well as the specific issue of what had been given in 1863 to resolve the dispute.³³⁴

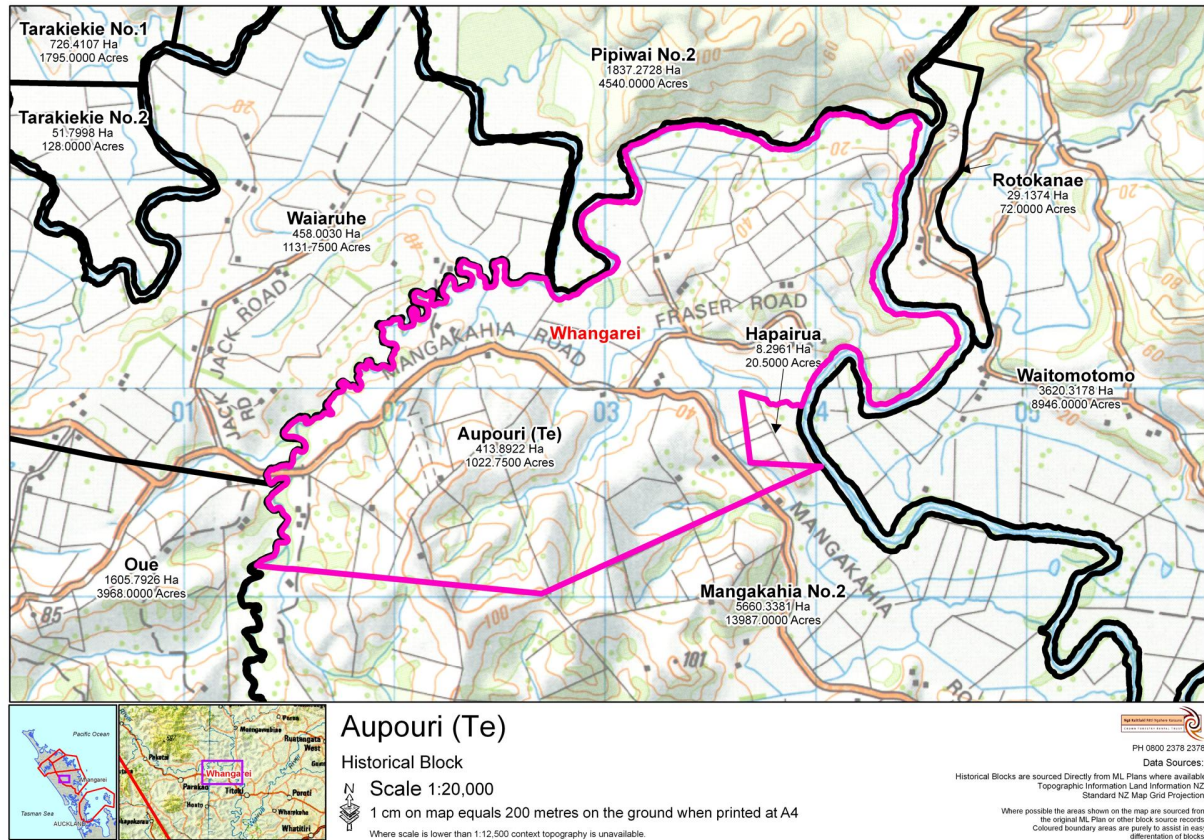


Figure 11: Te Aupouri and Hapairua Blocks Location Map

241. The Court regretted that this “test case” did not concern the entire boundary, only a small part of it. Finding the evidence conflicting, it made a hasty compromise decision (wishing to adjourn to a Whangarei sitting) and awarded half of Hapairua to Ngati Pongia of Ngapuhi and half to Te Urioroi. When the land was later partitioned, the northern half went to Ngati Pongia, and among the owners of that hapu was Matiu Komene.³³⁵ The split award of Hapairua did little to resolve the wider boundary question or the weight to be given to the cession of land here by Te Tirarau in 1863 to conclude the arbitration.
242. These key boundary issues were instead left to be resolved in the 1895 Te Aupouri hearing. As with Hapairua, the Ngapuhi claim was based on the gifting of this land by Te Tirarau to resolve the

³³⁴ Kaipara MB 4, pp.55-60.

³³⁵ Kaipara MB 4, pp.60-61, and; Kaipara MB 5, pp.222-223. Matiu Te Aranui’s descent from Pongia is also noted in existing evidence (Piripi Moore and Lawrence Wharerau, “Tai Tokerau District Maori Council Oral History Report”, CFRT, 2016. Wai 1040 #AA3, p.119).

fighting at Waitomotomo and complete the 1863 arbitration. During the Mangakahia 2 hearing, Pouaka Parore referred in passing to the gifting of Te Aupouri by Te Tirarau to Hira Te Awa (who conducted Matiu Te Aranui's case in 1863).³³⁶ Pouaka expanded on this in the 1895 hearing, after the Ngapuhi claimants asked him to conduct their claim for them, indicating that he – with his strong Ngati Whatua connections (through Te Roroa and Te Parawhau) – sought to uphold what Te Tirarau had done in 1863 in ceding Te Aupouri to Ngapuhi to bring peace. Pouaka set out how Te Urirotoi and Te Parawhau had the same ancestral claim to Te Aupouri, as established in the adjoining Mangakahia 2 block; that being based on descent from Te Ponaharakeke. This gave Te Tirarau the right to cede the land to Ngapuhi in 1863.³³⁷

243. The ancestral evidence was not contested, so the case focused instead on the boundary of the land given by Te Tirarau. Te Urirotoi said the boundary was around Hapairua and land to the southwest of that should be awarded to them, leaving the northern part for the Ngapuhi claimants. Hori Rewi for Te Urirotoi asserted that they had always opposed the gift, and persuaded Te Tirarau to instead give Ngapuhi the income from the timber on the land, rather than the land itself. Hori Rewi was described as a mokopuna of both Te Tirarau and Hori Kingi Tahua (of Te Urirotoi). His argument was undermined by evidence from Hira Te Taka of Te Urirotoi that Hori Kingi Tahua had at the time endorsed the actions of Te Tirarau, and that tikanga required such gifts to be faithfully observed: “It is always the custom ... [to] observe gifts given as peace-makings.”³³⁸
244. The Court found that Te Tirarau's giving of the timber income to Ngapuhi was part of the gifting of the land, not a substitution for it. It noted that while some among Te Urirotoi had opposed the gift at the time, their rangatira Hori Kingi Tahua had endorsed it. In any case, it was of the view that Te Tirarau was “undoubtedly the paramount chief of this part of the country.” The gifting of Te Aupouri was thus upheld, and the Court relied on the boundaries pointed out by Te Tirarau himself, which aligned with Te Aupouri block. The land was thus awarded to the Ngapuhi claimants. They wished to include in the title those who had fought for the land in the 1860s, rather than Matiu Te Aranui's descendants whose claims had underpinned Ngapuhi's defence of the land in 1862. As a result, Iraia Kuao (of Ngati Hine at Motatau) was included in the title as a veteran of the fighting, but Matiu Komene (son of Matiu Te Aranui) was excluded. Following objections by Matiu's kin, the ownership list was altered to include Matiu Komene Te Aranui and his son Mate Komene.³³⁹

³³⁶ Whangarei MB 5, pp.159-160.

³³⁷ Whangarei MB 6, pp.227-229.

³³⁸ Whangarei MB 6, pp.250-251.

³³⁹ Whangarei MB 6, pp.270-273, 278, 282, and 286.

245. The awarding of Te Aupouri in 1895 finally brought to an end the last of the disputes over the borderlands, disputes provoked by Crown purchasing that had erupted into fighting more than 30 years earlier.

Te Mahe and Te Mata, 1858

246. While the borderlands dispute simmered, Crown purchasing around the Whangarei harbour continued. Most of the land it acquired was along the northern side of the harbour (see below), but two significant Crown deeds were arranged in 1858 for land on the southern side around the estuary of the Mangapai River, being the blocks Te Mahe and Te Mata. No Crown records relating to these two deeds have been located beyond the deeds themselves and some perfunctory correspondence regarding the prices approved by Native Land Purchase Commissioner Johnson's superiors, and his reports noting the completion of the deeds.
247. Te Mahe (1,646 acres) took in the headland on the southern side of the outer Mangapai estuary for which £100 was paid. The deed described the six signatories as being of Te Parawhau, being Te Reweti Maketu, Paora Kaitangata, Kepa Tau, Eruera Toenga, Hemi Taurangi, and Te Manihera Iwitahi. The signing was witnessed by Poukoura and Eru Pohe.³⁴⁰ This would seem to be a Te Parawhau transaction, although Waimarie Bruce (for Ngati Kahu o Torongare) has referred to Te Mahe as the site of a battle in which Ngapuhi fought Te Patuharakeke.³⁴¹
248. Te Mata (11,108 acres) extended inland from the southern side of the upper Mangapai estuary, adjoining the Ruakaka and Ruarangi blocks, for which £600 was paid. The deed described the 15 signatories as "Nga Te Waru," which is not a tribal name identified in any of the other sources examined for this evidence. They were Te Ahiterenga, Henare Ngakapa, Potaka, Muru, Hori Kingi Tahua, Mate, Tau Ngahuru, Hone Papita Te Hakiro, Hona, Penehamine Takere, Pou Raraku, Karawai Tamihana, Wiremu Wai, and Parata Kaitangata. The deed provided for four reserves: Te Totara, Kopuawaiwaha ("Jonah's reserve," referring to the vendor Hona (Hona Te Horo)), Kahuitieke, and Pokapu. The first two reserves are beside Whangarei harbour and are examined below when titles were awarded by the Native Land Court (see below).³⁴²
249. Given the names of the vendors and the location of the land, the vendors of Te Mata (as with Te Mahe) would appear to be broadly associated with Te Parawhau. As with other deeds, this single classification does not reflect other customary interests, such as those of Te Patuharakeke, Ngai

³⁴⁰ Te Mahe deed, 1858. AUC 286. R12153882. Archives NZ.

³⁴¹ Waimarie Bruce, 'Brief of Evidence', 2013. Wai 1040 #I25, para 61.

³⁴² Te Mata deed, 1858. AUC 306. R12153237. Archives NZ.

Tahuhu, and Ngati Whatua (Mate being one of the vendors). These interests are also evident in the later Native Land Court title investigations in the vicinity of Te Mata and Te Mahe blocks.

Northern Whangarei Crown Purchases

250. Crown purchasing along the northern side of Whangarei harbour began at about the same time and proceeded in largely the same manner as purchasing along the southern side, but here it generally involved less contesting over customary rights. Northern purchasing continued into the 1860s, ending (for a time) only when the Native Land Court was introduced in 1865. One feature of purchasing here is that Te Tīrarau did not exercise quite as much influence over Crown land purchase commissioner Johnson or the Whangarei vendors. That is not to say, however, that he did not have some influence.
251. Johnson's first attempt to acquire land at the head of the harbour did not end well. In 1853 when he opened negotiations for Whareora, a block estimated at 10,000 acres located inland to the northeast of Parihaka.³⁴³ As he later reported, the opposition to sale from some quarters was so strong he had to suspend negotiations "to avoid collision."³⁴⁴ As set out below, the first deed Johnson succeeded in completing was the Manaia deed of July 1855, but he made little progress beyond there.
252. In April 1856, Johnson reported of the northern side of Whangarei that (unlike the southern side) it "is not subject to Te Tīrarau," or indeed anyone else: "the Natives in that portion of the district are scattered in small parties, and are not under the immediate command of any important Chief," instead being "guided in their disposition" by Ngapuhi in the Bay of Islands district. He claimed these Whangarei people had offered him "considerable tracts of land for sale."³⁴⁵ Yet he made no further progress there until 1857, when several deeds for land adjoining the northern side of Whangarei harbour were arranged (see below).

Manaia Deed

253. Johnson's first foray into the northern side of the harbour in 1854 concerned the still unresolved Mair claim at Taurikura (see above). Mair's unsurveyed award of 414 acres there had been sold to the Auckland merchants Brown and Campbell who then asserted a general right to all of the land in the vicinity, taking in about 7,000 acres around Manaia on the northern entrance to the harbour, which was hindering Pakeha efforts to utilise timber resources there.³⁴⁶

³⁴³ On the location of Whareora, see Waitangi Tribunal (2022), Map 6.3, p.542

³⁴⁴ Johnson, Whangarei, to McLean, 11 September 1855. AJHR, 1861, C-1, pp.66-67.

³⁴⁵ Johnson, Whangarei, to McLean, 3 April 1856. AJHR, 1861, C-1, pp.69-70.

³⁴⁶ Johnson to Colonial Secretary, 18 September 1854. AJHR, 1861, C-1, p.59, and; Stirling and Towers. Wai 1040 #A9, p.1719.

254. The Crown sought to resolve this impasse by purchasing land at Manaia outside Mair's claim. In March 1855, Johnson arranged with Tipene Hari, Wiremu Pohe, Hirini Tipene, and Hinewaru to purchase land at Manaia, north of Taurikura. Title to the remaining land on the peninsula south of Taurikura, comprising about 3,000 acres, was deemed to have been extinguished by Mair in 1839. At the same time Johnson learned that Mair had failed to inform anyone that, as part of his land claim in 1839, he had transacted for the Manaia land with Te Tao, of Ngapuhi in the Bay of Islands. Te Tao's customary rights were reportedly acknowledged by the Whangarei Maori with whom Johnson was dealing, as was Mair's extinguishment of those rights. The acceptance of Te Tao's rights was wishful thinking on Johnson's part (see below). In any case, this still left the rights of Whangarei Maori to be dealt with.³⁴⁷
255. In July 1855 the Crown used its authority to select and survey the 414 acres to which Brown and Campbell were entitled (from within the 3,000 acres south of Manaia). Wiremu Pohe guided the surveyor in marking out this land by the harbour at Taurikura. This cleared the way for Johnson to conclude his Manaia deed in the same month, taking in about 4,000 acres of land at and north of Manaia for which £200 was paid.³⁴⁸ The deed signed at Tamaterau (beside the northern shore of the harbour) named the vendors as Wiremu Eru Pohe, Tipene Hari, Hirini Taiwhanga, and Hinewaru. However, the deed was signed not only by them but also by Te Whare, Horomona Pokerehu, Hine Waru, Patu Kohura, Hirini Tipene, Hirawana [or Hirawani] Whare, Manihera Te Iwitihi, Wiremu Tangahura, Te Mau Kawiti, and Hone Rakete.³⁴⁹
256. The Manaia deed does not refer to the tribal affiliation of the vendors or signatories. Many of them have been referred to earlier as identifying as Ngati Kahu-ki-Torongare and as Te Parawhau (such as Wiremu Pohe, Tipene Hari, and Hirini Tipene) while others are typically seen as Te Parawhau (Manihera Te Iwitihi). (Hirini Taiwhanga is something of an anomaly; he was then a young Ngapuhi leader from Kaikohe (of Ngati Tautahi and Te Uri-o-Hua) who does not appear to have had customary interests here but may have had some influence or relationship with the vendors.) Hinewaru was accepted here without demur but in a later northern harbour deed Johnson sought to exclude him, saying he was "an old man" who held ancestral rights from Ngai Tahu; a group Johnson incorrectly dismissed as "the former – but now extinct – tribe... who inhabited this district at one time."³⁵⁰ As noted, in some cases Wiremu Pohe also emphasised his rights as deriving from Ngai Tahu.

³⁴⁷ Stirling and Towers. Wai 1040 #A9, pp1720-1721.

³⁴⁸ Stirling and Towers. Wai 1040 #A9, p.1721-1723.

³⁴⁹ Manaia deed, 1855. AUC 314. R12153908. Archives NZ.

³⁵⁰ Johnson, Whangarei, to McLean, 17 May 1858. AJHR, 1861, C1-1, p.86.

257. In 1856, the second Land Claims Commission gave Brown and Campbell an opportunity to re-open Mair's old land claim, and opportunity they took in 1858. In 1859 Commissioner Bell took evidence on the claim from Wiremu Pohe and Hirini Tipene at a hearing attended by other Maori, including Te Manihera. This hearing clarified the role of Te Tao of Ngapuhi in Mair's claim. When Wiremu was questioned by Brown and Campbell's representative about Mair's claim extending north of Taurikura (taking in the Manaia land the Crown had purchased in 1855), Wiremu responded that the boundaries named by the Whangarei people in 1839 did not extend north of Taurikura. Mair's claim to the Manaia land was based on his separate transaction with Te Tao, which Wiremu referred to as "a piece of interference (pokanoa [without authority]) on [Te Tao's] part. He sold that land by stealth to Mr Mair." Those in Whangarei became aware of this stealthy transaction when Te Tao shared part of Mair's payment with one of the Whangarei people, who received a cask of gunpowder.³⁵¹
258. Wiremu Pohe went on to testify that an ancestor of Te Tao's had long ago lived with Wiremu's ancestors on the land, but only as "noho manuhiri"; a guest. The connection with Te Tao was that his grandmother was a daughter (or niece) of Te Ruaitohoro, a Whangarei rangatira of the Manaia land at that time. Wiremu added that "at an invasion of the Ngapuhi in this territory" a female descendant of this guest was "made prisoner by the Ngapuhi while she resided here, and taken as a slave to the north." This attack led Wiremu Pohe's people to leave Manaia for a time, seeking safer ground. The female captive was Te Tao's mother and, given her descent from Te Ruaitohoro, the Whangarei people "looked upon Te Tao's mother as belonging to the land." After being captured she later lived with other Ngapuhi in the Bay of Islands to whom she was related and gave birth to Te Tao. He thus asserted a right to deal with Mair for the Manaia land "on the ground that it 'belonged' to his mother." This right was rejected by Wiremu, and also by Hirini Tipene.³⁵²
259. Commissioner Bell's focus was not on such issues but on resolving Mair's claim with a view to granting land to Brown and Campbell south of the Manaia deed and securing the balance of the claim for the Crown (on the basis that Mair had extinguished native title and it was thus Crown land). When Mair's claim was surveyed it comprised 10,942 acres (including the Crown's Manaia block), of which 910 acres was granted to Brown and Campbell with a pre-emptive right over a further 1,675 acres (acquired for £837 10s.), leaving the Crown with 8,357 acres of surplus land (less whatever was within the Manaia block).³⁵³

³⁵¹ Wiremu Tipene, 20 January 1859. Cited in Stirling and Towers. Wai 1040 #A9, pp.1726-1727.

³⁵² Wiremu Tipene and Hirini Tipene, 20 January 1859. Cited in Stirling and Towers. Wai 1040 #A9, pp.1726-1727.

³⁵³ Stirling and Towers, pp.1730-1731, and; OLC 1047. AJHR, 1863, D-14, p.77. On the location of the grants and surplus land see Waitangi Tribunal (2022), Map 6.3, p.542.

Parihaka Deed

260. In March 1857, Johnson reported the survey of the “Parahaki” (Parihaka) block (4,481 acres) at the head of the harbour had been completed (as had the adjoining Whareora and Kaurihohore blocks well inland from Whangarei harbour).³⁵⁴ No other reports of his negotiations for Parihaka have survived. The deed for the block was signed in June 1857 by vendors who were described as Ngati Torongare (Ngati Kahu ki Torongare) of Ngapuhi, being Hirini Tipene, Tipene Hari, Wiremu Pohe, Hirawani, Hinewaru, Whare Te Puia, Epiniha Monariki, Rakete, Wiremu Tipene, Paratene Wakaturangi, and Poukoura.³⁵⁵ As noted, some of these vendors were known under other affiliations, not least Hinewaru of Ngai Tahu. A reserve of about 400 acres beside the upper Whangarei harbour was made from this deed, being later awarded title in the Native Land Court (see below).

Tamaterau Deed

261. As with the Parihaka deed there is little record of the Tamaterau deed beyond the deed itself, signed at Waimahanga papakainga in October 1857. The 3,752-acre block is located at the top of the Onerahi peninsula (but excluding the peninsula itself), a little east of Parihaka. Two small reserves were excluded from Tamaterau, being Waimahanga (314 acres) and Waikaraka (80 acres) which were both located beside the harbour. The deed did not refer to the affiliation of the vendors, who comprised very much the same group as those who signed the Parihaka deed, including Wiremu Pohe, Wiremu Tipene, Tipene Hari, Hinewaru, Whare Te Puia, Epiniha Monariki, Himi Hinewaru, Manihera Te Hono, and Ihaka Kaitapu.³⁵⁶ The interests represented by these vendors are consistent with those noted in the Manaia and Parihaka deeds (see above), and with the Kaiwha deed (see below).
262. In 1864 a further deed was arranged for a small part of the Waikaraka reserve, being a landing place beside the harbour and a road through the block to it. This was signed by two of the Tamaterau vendors, Tipene Hari and Stephen Sydney Pakia (Hirini Tipene). This provided settlers on the adjoining Tamaterau land with an outlet to the harbour.³⁵⁷ The area acquired as a settler landing place had long been a tauranga waka for Whangarei Maori.³⁵⁸ The location map below shows the location of the Waikaraka Road deed and the Tamaterau Deed.

³⁵⁴ McLean to Johnson, Bay of Islands, 9 May 1857. AJHR, 1861, C-1, p.77.

³⁵⁵ Parahake [Parihaka] deed, 1857. AUC 303. R12153898. Archives NZ.

³⁵⁶ Tamaterau deed, 1857. AUC 302. R12153897. Archives NZ.

³⁵⁷ Waikaraka [landing place and road] deed, 1864. AUC 404. R12153990. Archives NZ.

³⁵⁸ W. Kingi-Bruce, ‘Brief of Evidence’, 2015. Wai 1040 #P29.

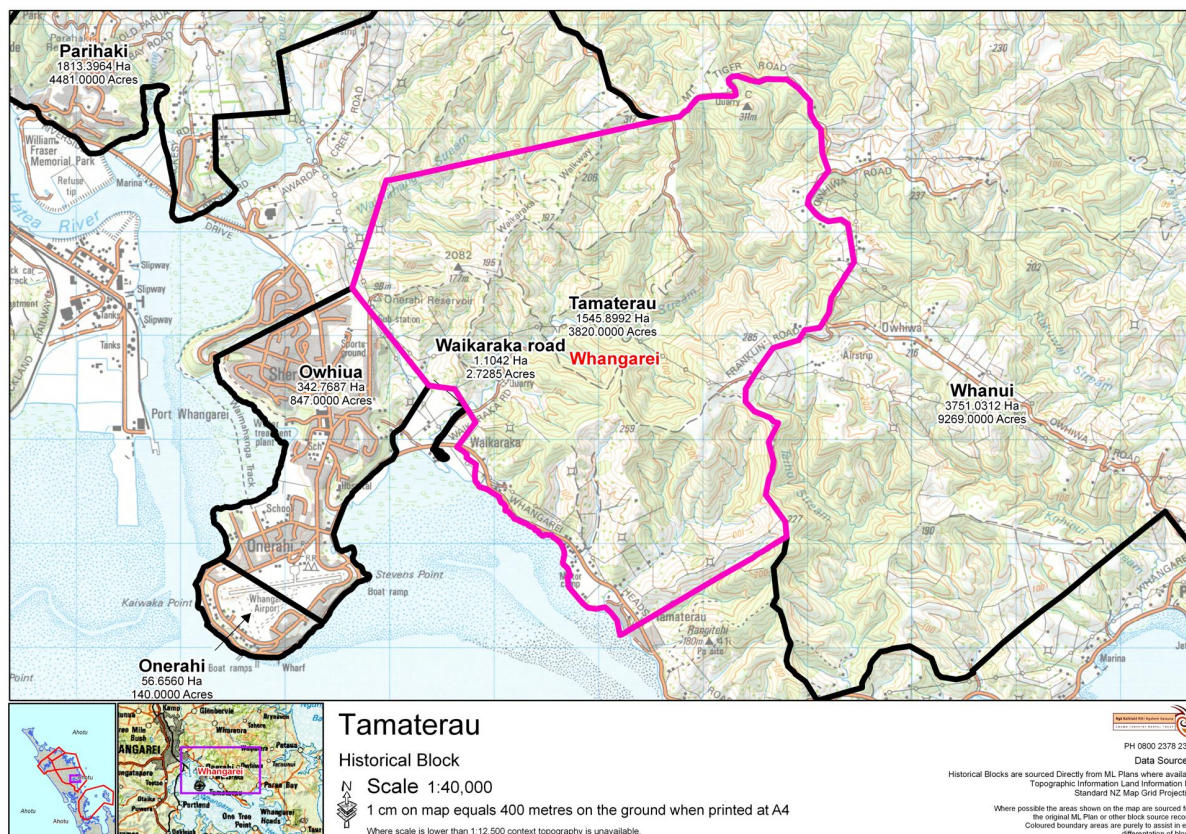


Figure 12: Tamaterau Deed and Waikaraka Road Deed Location Map

Kaiwha Deed

263. The ‘Kaiwha’ (Kaiwha) deed of 1857 saw Johnson run into significant difficulties despite it being a relatively small block on the southern side of Parua Bay. The area already had a bad reputation among Pakeha; Captain Stokes of the government survey ship *HMS Acheron* having dubbed it “Bad Maori Bay” in 1849 (a name that was not dropped until 1888), while the point at the western end of the bay was named “Annoyance Point” (now Manganese Point).³⁵⁹
264. The Kaiwha deed also saw the emergence of Te Tīrarau in dealings for land on the northern side of the harbour. In early 1857 the land at Parua Bay was sought by a group of Nova Scotian settlers who the Crown sought to attract to the district. Pressure was put on Johnson to purchase the land and in March 1857 he arranged with unnamed “natives” to send a surveyor there to lay out the boundaries.

³⁵⁹ Pickmere, pp.119-120; Wayte and Batgers, ‘Map of the northern section of Marsden’, 1866. AAFV 997/A86. R22822573, and; Coast Waite Munro, Marsden Point, to Collector, Customs, Auckland, 1 November 1888. R16220442. Archives NZ.

The surveyor was promptly turned off the land by Haimona Te Hakiro, one of the many owners of the land but who had not consented to the survey.³⁶⁰

265. Te Hakiro was “an old chief related by marriage to Mohi Tawhai of Hokianga” (a significant rangatira of Te Mahurehure hapu of Hokianga). Te Hakiro’s father was from Pataua and both men had “periodically resorted to Whangarei to plant and fish.” Johnson accepted this occupation to be a “bonâ fide claim,” but the Whangarei rangatira involved in the Kaiwha transaction “deny his [Te Hakiro’s] hereditary right to any land at Whangarei.” Despite this, Johnson insisted to Whangarei rangatira that “it rests with them” to secure Te Hakiro’s consent to the transaction. However, Johnson told McLean that Te Tirarau and Hori Kingi Tahua (who had spoken to McLean during his recent visit to Whangarei) had already told Te Hakiro to “cease his opposition” so Johnson was surprised he had not.³⁶¹
266. In April 1857, Hori Kingi Tahua returned from Parua Bay with one of Te Hakiro’s three sons to say the survey could now proceed. Johnson then went to Parua Bay with Hori Kingi, Wiremu Pohe, and Te Hakiro. The result was that the large area Johnson had been seeking was drastically curtailed to a modest block of 1,372 acres with frontage to Parua Bay. Other areas sought by the Crown were to be purchased separately at a later date. This smaller Kaiwha block was said by other claimants to represent the interests of Te Hakiro and Hori Kingi Tahua in the wider area of Parua Bay that the Crown still sought, and would also make it easier to deal with other claimants in that wider area. These other claimants (later said to be Ngati Tu) were said to those living at Ngunguru and Pataua on the east coast beyond Whangarei who had been reluctant to include their lands in a larger transaction that would involve Te Tirarau and Hori Kingi, reportedly because those two Whangarei rangatira “should appropriate too large a share [of the payment] to themselves.”³⁶²
267. Negotiations stalled for some time as Te Tirarau demanded a higher price for Kaiwha than Johnson had been authorised to pay. In September 1857 Johnson reported that the land belonged to “Pohe’s tribe,” and was also “partly claimed by an old Chief named Horuona [Horomona] who resides near it.” It was revealed that Hori Kingi Tahua’s interest arose from an old pa beside Parua Bay in which ancestors of he and Te Tirarau had been killed in battle. Their interest comprised only about 200 acres around the pa which Johnson deemed not “sufficiently large for the Government to purchase,” so Kaiwha block was enlarged to 1,372 acres, provided that the “real owners” – who were of another tribal group – would get a share of the payment to be made to Hori Kingi and Te Tirarau. Johnson was reluctant to pay the purchase proceeds to these two rangatira without being able to ensure the

³⁶⁰ Waitangi Tribunal (2022), p.1188, and; O’Malley. Wai 1040 #A6, pp.302-305.

³⁶¹ Johnson, Parua, to McLean, 7 April 1857. AJHR, 1861, C-1, p.76.

³⁶² Johnson, Whangarei, to McLean, 26 May 1857. AJHR, 1861, C-1, p.78.

‘real owners’ got their share.³⁶³ Eruera Pohe also opposed Te Tirarau having charge of the distribution of the payment.³⁶⁴

268. In the end, Johnson had to yield to Te Tirarau and the Kaiwha deed was signed across the harbour at Otaika on 6 November 1857 by Te Tirarau alone, “on behalf of all concerned therein [ma nga tangata katoa].”³⁶⁵ Johnson reported that Te Tirarau had assured him that he would obtain the signatures of the other owners and pay them their share of the proceeds. By 6 November, the opposition of “Pohe’s party” had reportedly abated, but Johnson’s real motive for simply handing the matter over to Te Tirarau to deal with as he saw fit was “being apprehensive of his quarrelling with the other claimants” which risked “public welfare.”³⁶⁶ As he put it: “It will be a triumph of might over right.”³⁶⁷ Johnson was also aware that opposing Te Tirarau in this matter would not only prevent the purchase of Kaiwha but entirely prejudice further purchasing in the Whangarei district, including a large nearby block of about 16,000 acres, the purchase of which was nearly complete.³⁶⁸
269. In March 1858, Johnson reported that his approach had failed, as Te Tirarau had yet to distribute any of the purchase proceeds to other claimants. In May 1858, Wiremu Pohe was still seeking payment from Te Tirarau but Johnson was unable to help him. In the end he gave up on securing the signatures of other owners to the deed and gave up on ensuring they were paid for their land. While Te Tirarau sought to act as an intermediary in the disputed transaction, it was the Crown that failed to ensure consent was secured from the land’s owners and the payment shared with them.³⁶⁹
270. Given that the deed was signed by Te Tirarau alone, it provides no clue as to the customary interests involved in the Kaiwha deed, other than his. However, the identity of others who played a leading role in the negotiations is known: Wiremu Pohe and Hori Kingi Tahua typically identify as Ngati Kahu-ki-Torongare and as Te Parawhau. Johnson noted that Wiremu Pohe had two roles, the first of which was advocating on behalf of Ngati Tu of Pataua who sought a share of the payment for Kaiwha. Wiremu did not claim as Ngati Tu but acted for them in an effort to resolve the purchase. The second role of Wiremu Pohe in the Kaiwha deed was a claim he made for himself and others as Ngai Tahu.³⁷⁰

³⁶³ Johnson, Whangarei, to McLean, 30 September 1857. AJHR, 1861, C-1, p.79.

³⁶⁴ Johnson, Whangarei, to McLean, 19 November 1857. AJHR, 1861, C-1, p.80.

³⁶⁵ Waitangi Tribunal (2022), p.1189, and; Kaiwha deed, 1857. AUC 305. R12153900. Archives NZ.

³⁶⁶ Johnson, Otaika, to McLean, 19 November 1857. AJHR 1861, C-1, p.80.

³⁶⁷ Johnson to McLean, 5 October 1857. Cited in O’Malley. Wai 1040 #A6, p.310.

³⁶⁸ Waitangi Tribunal (2022), p.1190.

³⁶⁹ Waitangi Tribunal (2002), p.1190-1191.

³⁷⁰ Johnson, Whangarei, to McLean, 17 May 1858. AJHR, 1861, C-1, p.86, and; O’Malley. Wai 1040 #A6, pp.314-315.

271. As noted, the Ngai Tahu claim arose from what Johnson disparaged as some “hereditary right” claimed by “an old man named Hine Waru” from Ngai Tahu. In Johnson’s simplistic view, Ngai Tahu were “extinct” so he dismissed the claim as invalid, but sought instructions from his superior McLean, admitting that the nature of a valid claim in Crown purchasing had never been defined for him by the Crown. As a result he had been left to conclude that he had to “satisfy every claim brought forward... or procure its withdrawal.”³⁷¹ McLean thought otherwise, telling Johnson that the Ngai Tahu claim made by Wiremu Pohe was too “vague and unsatisfactory” to warrant consideration or payment. In his view, it was not a claim that could “according to Maori custom” be substantiated and Wiremu Pohe would need to establish a “right of ownership within [the last] 20 or 30 years... to make any claim.”³⁷² This approach served the Crown’s interests at Kaiwha but it did not reflect customary rights as they had been and continued to be exercised at Whangarei.
272. As much of the foregoing evidence has shown, Ngai Tahu interests were not (as McLean and Johnson wishfully thought) extinct, and they were far from extinguished. In any case, the rights of Wiremu Pohe and of Hinewaru had already been acknowledged in other northern Whangarei Crown deeds, so it was a bit late to say they were ‘extinct’ just because that suited the Crown in its mismanagement of the Kaiwha deed. Finally, the rights asserted at Kaiwha by Te Hakiro at Pataua were of a different nature, relying on seasonal use rather than the more enduring occupation of the other groups. These overlapping customary rights were recognised by both the Crown and, more importantly, by the Whangarei Maori involved at Kaiwha.
273. A group of customary owners who were not referred to in the Kaiwha deed are Te Waiariki, a hapu of Ngapuhi origins who migrated firstly from Hokianga to Kaipara and then, in the early eighteenth century, to the east coast around Ngunguru and Pataua.³⁷³ They have claimed coastal interests from the mouth of the Whangarei harbour north to Tutukaka, but are most prominent around Pataua. They became connected to Ngai Tahu, with a notable chiefly marriage to Tuatahi (a great-grandson of Hikurangi of Ngai Tahu). They also have marriage connections to Te Parawhau.³⁷⁴
274. Te Waiariki was the hapu name used for the vendors of the Waikare block (8,580 acres) which was purchased by the Crown in 1865. Waikare lies inland of Kaiwha, extending to Pataua and down to the Manaia block. This was part of the larger area around Parua Bay which Johnson had been seeking in 1858, when he had been forced to settle for Kaiwha. His successor as land purchase commissioner,

³⁷¹ Johnson, Whangarei, to McLean, 17 May 1858. AJHR, 1861, C-1, p.86, and; O’Malley. Wai 1040 #A6, pp.314-315.

³⁷² McLean memorandum, 4 June 1858. AJHR, 1861, C-1, pp.87-88.

³⁷³ Waitangi Tribunal (2022), p.135.

³⁷⁴ Ngaire Brown, ‘Te Waiariki/Ngati Korora iwi hapu and the Crown in the Northern Kaipara’, 2000. Wai 1040 #E23, pp.5-18.

William Searancke, negotiated with Hoani Papita and Te Waiariki for Waikare and the adjoining Whanui block (9,269 acres), which extended inland west of Pataua across towards Tamaterau and Parua Bay but had no frontage to the Whangarei harbour. Although the Whanui deed referred only to Te Waiariki, Searancke found he had to deal with Horomona and his Ngati Tu people, who also signed the deeds.³⁷⁵ This is consistent with the Ngati Tu rights expressed at Kaiwha and elsewhere beside the northern shore of Whangarei harbour. (As noted, Ngati Tu were also involved in gifting land in the vicinity to Te Tawera/Ngati Pukenga.) This indicates Ngati Tu rights here were nearer Whangarei harbour while those of Te Waiariki were towards Pataua.

275. One issue that arose with the Waikare deed was the claim of Hirini Tipene made after the deed was signed. He had been absent in England during the negotiation of the deed which is how he came to be overlooked.³⁷⁶ He typically represented Te Parawhau and Ngati Kahu-ki-Torongare interests.
276. In relation to Waiariki, the Waikare deed did not extend as far south as the Whangarei harbour. This appears to be due to their interests not extending that far, which is indicated by evidence given on the 'Rukuai' (Rukuwai) block when it was investigated by the Native Land Court in 1867. Rukuwai is located across the Waikare River from the Waikare block, on the left bank of the river, which is a tributary of the Pataua River and thus flows away from Whangarei. Hone Papita claimed Rukuwai for Waiariki and the Court heard that Rukuwai formed "the boundary line between the tribes" (apparently meaning between Waiariki and Ngati Kahu/Ngati Tu).³⁷⁷

Owhiua and Onerahi Deeds

277. Johnson did not acquire any further land in northern Whangarei. His role there was taken over by the Kaipara-based land purchase commissioner, John Rogan, who in 1862 negotiated for the Owhiua block (sometimes given as 'Owhiwa'). Owhiua took in much of the small peninsula between Onerahi and the Tamaterau block. The land took its name from a pa there. The deed for Owhiua block (847 acres) was signed in 1862 and described the vendors as Ngati Kahu. They included Tipene Hari, Hirini Tipene, Hirawani, Epiniha, [Whare] Te Puia, Wiremu Pohe, and Te Manihera.³⁷⁸ Several of these vendors generally identified as Te Parawhau, notable Wiremu Pohe, Whare Te Puia, and Te Manihera Iwiatahi.³⁷⁹

³⁷⁵ O'Malley. Wai 1040 #A6, pp.325-329; Waikare deed, 1864. AUC 295. R12153890, and; Whanui deed, 1864. AUC 293. R12153236. Archives NZ.

³⁷⁶ O'Malley. Wai 1040 #A6, p.330.

³⁷⁷ Whangarei MB 1, pp.108-110, and; ML 161-A and ML 161-B, LINZ.

³⁷⁸ Owhiua deed, 1862. AUC 291. R12153887. Archives NZ.

³⁷⁹ See, for instance, the 1858 Whau Whau deed (near Whangarei township, west of Carruth's old land claim) which they signed as Te Parawhau (AUC 285. R12153881. Archives NZ).

278. The plan of Owhiua showed the tip of the peninsula – Onerahi block – as “Tirarau’s land.”³⁸⁰ This was purchased from Te Tirarau alone in the Onerahi deed (140 acres) for which the Crown paid the remarkably high price (at least relative to Owhiua and other purchases) of £500.³⁸¹
279. The exclusion of Onerahi from the Owhiua deed indicates how overlapping customary interests could be dealt with; Te Tirarau evidently did not participate in the Owhiua deed (although he doubtless asserted Te Parawhau interests there) but in return Ngati Kahu and other interests left Onerahi to him alone. This is further indicated by Johnson’s 1857 report that “Ngaitorowhare” (a mangling of Ngai Torongare (Ngati Kahu ki Torongare)) had “settled their dispute with Tirarau, having conceded to that chief the boundary he contended for” at Onerahi.³⁸² In other words, it was not so much a traditional boundary as a political one arranged to resolve Crown land purchases. Te Tirarau hinted at this when negotiating with Rogan; telling him in 1862 that, “the stern and the middle of the vessel had been disposed of and that he now offered the bow” – the stern and middle being Tamaterau and Owhiua, and the prized bow being Onerahi, which was then seen as the best position for a township due its deep water frontage.³⁸³ Te Tirarau had earlier established a coastal schooner trade based at Onerahi.³⁸⁴

Islands in the Stream

280. The final Crown deed arranged around Whangarei harbour came in 1864, when it acquired several small islands in the harbour for the nominal sum of £20. These were not surveyed for the deed but were named as Motuwairaka, Motutahi, Motukuia, Motukauau [Motukawau], Motukaroro, Pouroa, Okoko, Taingamaru (or Tongamaru), and Mapuro (spellings taken from the deed). Some of them are located near the north head of the harbour while others were seen less as islands and more as sandbanks in the upper harbour. The islands did not include the largest and most commercially valuable island in the upper harbour, Matakoho (‘Limestone Island’), which was later investigated as a Native Land Court title (see below). Despite Motukaroro being listed in the 1864 deed, title to this small island was later awarded by the Native Land Court (see below). The location map below shows only the upper harbour islands and mistakenly includes Matakoho, which remained Maori land for a year or two longer (see below).

³⁸⁰ Owhiua deed, 1862. AUC 291. R12153887. Archives NZ.

³⁸¹ Onerahi deed, 1863. AUC 292. R12153888. Archives NZ.

³⁸² Johnson, Parua, to McLean, 7 April 1857. AJHR, 1861m, C-1, p.76.

³⁸³ Rogan to Native Minister, 21 January 1862. Cited in O’Malley. Wai 1040 #A6, p.323.

³⁸⁴ Marina Fletcher, ‘Brief of Evidence’, 2013. Wai 1040 #AA126(b), p.29.

281. The vendors for the 1864 deed were Pakia Sydney Stephen (Hirini Tipene), Whare Te Puia, Wiremu Pohe, Hirawani, and Rakete. The deed described the vendors as Ngati Kahu but, as before, they included some who also identified as Te Parawhau.³⁸⁵

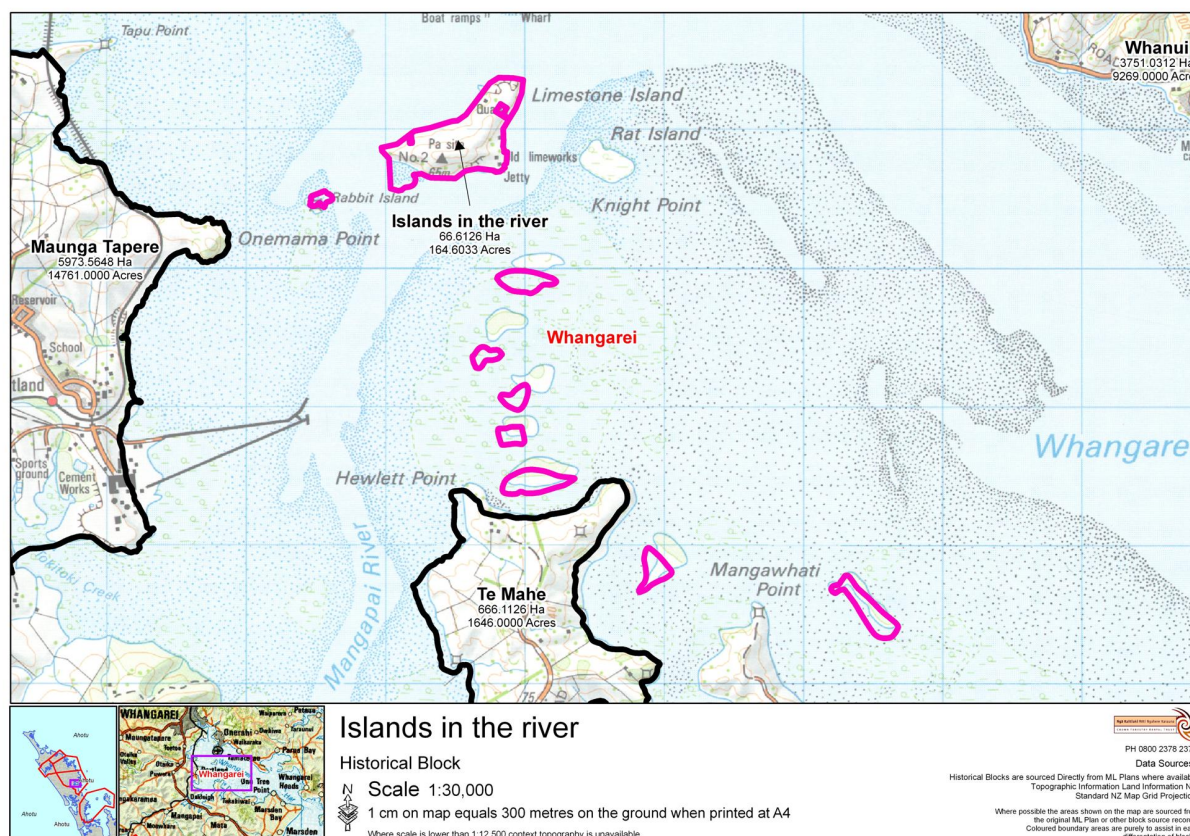


Figure 13: Whangarei Harbour Islands Deed Location Map

E. Native Land Court Titles

282. The focus in this section is on blocks beside the Whangarei harbour, which comprise the relatively small area of Maori land remaining around the harbour after the impact of old land claims and early Crown purchasing. Title to most of the harbour-side blocks was investigated and awarded by the Native Land Court from 1865 to about 1880, but a few titles remained as customary (or papatupu) land a little longer, even into the early twentieth century.

³⁸⁵ Tangamaru, Mapuro, and other islands deed, 1864. AUC 299. R12153894. Archives NZ, and; Searancke to Colonial Secretary, 19 September 1864. *Turton's Epitome*, Section C, pp.89-90.

First Hearings, 1865

283. In March 1865 the Native Land Court began sitting at Whangarei to investigate claims to customary Maori land. It held a further sitting in August 1865. Despite having been established under the Native Lands Act 1862, the Court was in 1865 still a very new institution, having held only one sitting prior to the one at Whangarei; that being a somewhat experimental sitting at Te Awaroa/Helensville in Kaipara in June 1864. The focus of the Court was on ascertaining title according to “native custom” – under which title was held collectively by whanau and hapu under the authority of their rangatira – and then destroying that customary title by awarding a Crown grant to named individuals. To emphasise the destructive element, after Native Lands Act 1865 came into force at the end of that year, title could be awarded to no more than 10 individual owners.
284. These early Kaipara and Whangarei sittings were presided over by Judge Rogan (the Kaipara Resident Magistrate and the former Land Purchase Commissioner in the district). He was joined on the bench at Whangarei by two Maori judges (or “assessors” as their lesser status was described), who were Te Keene Tangaroa of Ngati Whatua and Te Manihera of Te Parawhau.
285. The first case heard in Whangarei in March 1865 was the claim of Te Tirarau to the island of Matakoho (‘Limestone Island’) (98 acres) in the upper Whangarei harbour (see Islands in the River Deed Location Map above). It was followed on the same day by Motuotawa and Motukiwi.
286. To assist Te Tirarau and other claimants unfamiliar with the Court’s still-developing procedures Judge Rogan took a leading role; asking Te Tirarau about the nature of his claim and who else had interests in it.³⁸⁶ From late 1865, the Court began to operate quite differently under the Native Lands Act 1865, dropping this open inquisitorial approach in favour of something that purported to resemble the adversarial procedures of other courts.
287. During these early hearings, and well into the 1870s, the cases brought to the Court were largely arranged outside the Court prior to the hearing. As a result very little evidence was taken as to the nature of the customary rights held by those claiming title. It was generally the case in the Court that the most evidence was generated in cases where there was no out-of-court agreement and the parties had to argue their cases at great length, and at great cost, in the Court, while also risking the judgment of a Court with scant appreciation of customary tenure. The reliance on out-of-court arrangements was due, in part, to the dominant role the Court encouraged Te Tirarau to play in proceedings, and in part to ignorance of the Court’s procedures.
288. Both before and after the 1865 Act came into force, the Court failed to explain how its judicial processes worked even though they were, to Maori acting without counsel, entirely foreign. When

³⁸⁶ Whangarei MB 1, p.1.

the Court returned to Whangarei in May 1867, its fourth sitting there, Judge Rogan belatedly observed to those present that “it appears an impression had got abroad that Natives were not allowed to make any objection.” As he explained: “This was quite erroneous. The proper time for any Native to make any objection was when the question was put by the Court in every case, if there was any one who wished to make objection to the Certificate of Title being issued.”³⁸⁷ One problem with that approach was that the question was put at the end of the case, just as the Court was about to order its (generally pre-arranged) award, rather than at the opening of each claim.

289. Given the foregoing factors, it is difficult to place too much reliance on the early awards of the Court as – like the preceding Crown purchases – they provide only a little evidence on the customary interests in the lands around Whangarei harbour. The example of the Hihiaua block is instructive in this regard; when first investigated in 1867 (see below) little evidence was produced, and that which was given was indicative of a straightforward Te Parawhau claim that was heard without objection. After many years of protests from Whangarei Maori, the title was re-investigated in the early twentieth century, whereupon a great deal of useful evidence about customary interests and customary use of the land and the adjoining foreshore was produced (see below). Had the Court undertaken full inquiries into the customary interests in every block brought before it, Hihiaua might have been the rule, rather than the remarkable exception when it comes to the paucity of evidence produced during the nineteenth century title investigations around Whangarei harbour.
290. To return to the Matakohē case, when Te Tīrarau was asked if his claim was “derived by conquest or by descent,” he told Rogan: “My claim was derived from my ancestors” and he named the six ancestors from whom he claimed: “Tawhiro, Te Pona[harakeke], Hautakere, Te Waikeri, Te Kahore, Te Wha, those ancestors alone possessed the land.” He traced their descent, beginning with Te Kahore: “after Te Kahore comes Rangiaumarie [or Rangi-au-Marie], after Rangiaumarie comes Kopaki.” He then named Tawhiro’s descendants: “Tawhiro begat Te Tīrarau [I], Te Tīrarau begat Toka[i] Tawhio, Toka[i] Tawhio begat Kukupa, Kukupa began Tīrarau [III].”³⁸⁸ This is a Te Parawhau and Ngai Tahu whakapapa. Tipene Hari had earlier referred to Rangi-au-Marie as a daughter of Pae (who was of course married to Te Kahore), as he was emphasising the significance of Ngai Tahu descent. Tipene Hari also noted that the descendants of Kopaki then living included Hemi Hoera.³⁸⁹
291. Rogan then asked Te Tīrarau to name other descendants who had claims to Matakohē. He replied: “The whole of Te Parawhau tribe own this land as descendants of these ancestors” but they agreed that the title would be in his name alone. Te Keene asked those of Te Parawhau present if they

³⁸⁷ Whangarei MB 1, p.106.

³⁸⁸ Whangarei MB 1, p.1.

³⁸⁹ Tipene Hari evidence, ‘Arbitration Court, 13 January 1863, *Te Karere Maori*, 30 March 1863, p.8.

agreed with this, and they replied that they did. Title to Matakoho was then ordered to Te Tirarau alone.³⁹⁰ Despite his sole ownership, his own evidence made it clear it was the land of the tribe.

292. The Court moved on to Motuotawa ('Rabbit Island') (2 acres) south of Matakoho. This too was claimed by Te Tirarau who said his claim was "precisely the same" as Matakoho, and the title was to be in his name only. Those of Te Parawhau present were asked if they assented to this, and replied: "We do." Accordingly, title was ordered to Te Tirarau alone.³⁹¹
293. Next up was Motukiwi (Tapu Point) (11 acres), with Te Tirarau again saying he claimed it on the same basis as Matakoho and Motuotawa (see Figure 29 below). Given the land was also known as Tapu Point, the Court asked if it was "an old burying ground," to which (as noted) Te Tirarau replied, "Ngapuhi was defeated here and there are many bodies" but "we do not want to make any stipulation about them." As before, Te Keene asked those Te Parawhau present if they agreed that "the land belongs to Te Tirarau." They replied: "None present will ever dispute Tirarau's claim." Someone added that Te Manihera, Hori Kingi Tahu, Te Ihi, and Parore "are those that might dispute but they all agree" to the title being issued to Te Tirarau.³⁹² Again, sole ownership was agreed to but it was clear that many others had interests.
294. The extent to which Te Tirarau exercised a strong influence over the Court – just as he had over the Crown's earlier land purchasing around Whangarei harbour – was confirmed in a case later in the hearing for which he was present but in which he was not actively involved (having left Te Parawhau's claim to be made out by Te Manihera). Despite not being a claimant in the case, Rogan checked with Te Tirarau at the end of the brief case to ensure he agreed with the claim that was put, asking: "Tirarau, are you aware of any other claimants." After he replied: "There are no others," the Court awarded title to those named by Te Manihera.³⁹³ This is not how any other Native Land Court operated.
295. After Te Tirarau withdrew from his oversight role in Court he maintained his influence by appointing his brother Taurau Kukupa in his stead. As Taurau told the Court in 1871 of lands near Whangarei township and close to the harbour: "Tirarau appointed me as principal man in these lands at the first Court that sat at Whangarei." As such, he assured the Court there were none who could object.³⁹⁴ Again, this was not how the Court operated anywhere else.

³⁹⁰ Whangarei MB 1, pp.1 and 3, and; Matakoho certificate of title, 1865. R25284667. Archives NZ.

³⁹¹ Whangarei MB 1, p.3, and; Motu-o-Tawa certificate of title, 1865. R25285066. Archives NZ.

³⁹² Whangarei MB 1, pp.3-4, and; Motukiwi certificate of title, 1865. R25285065. Archives NZ.

³⁹³ Whangarei MB 1, p.12 (Wharowharo block).

³⁹⁴ Whangarei MB 2, p.55 (Horahora case, 1871).

296. Another block adjoining the upper harbour that was heard in 1865 was Okara (66 acres) near the township, which was claimed by Te Manihera on the basis of descent from Tawhiro. As such it was a Te Parawhau claim that emphasised the descent of Te Manihera's father, Te Iwitiahi, from Te Tirarau (I). Te Manihera named others who claimed Okara as his son Renata Titore, as well as Te Tatau, Parera (Te Tatau's son), and Koroneho. Te Manihera gave a brief whakapapa from Waihoa for Te Tatau and Koroneho. As before Te Keene for the Court asked those Te Parawhau present if there were any other claimants, and if they agreed to title vesting in the five named claimants. Te Keene sought to make sure, telling those at court: "Remember that no claim can be preferred after this proclamation," but as before, there was unanimity and title was ordered accordingly.³⁹⁵ A survey plan of Okara was not located during research for this project but the location relative to Whangarei township and adjoining Maori blocks is shown on the cadastral plan detail below.

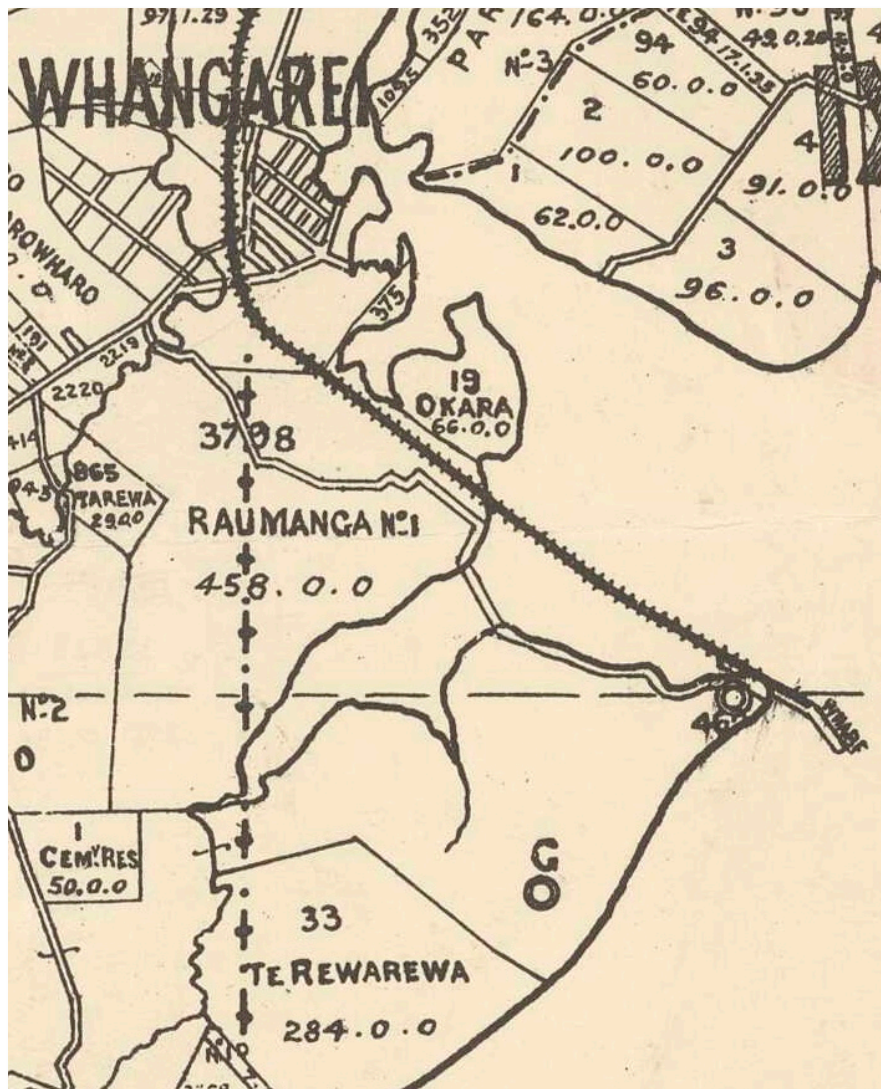


Figure 14: Okara Block Location Map

³⁹⁵ Whangarei MB 1, pp.9-10, and; Okara certificate of title, 1865. R2528505. Archives NZ.

297. Not far from Okara lies the Rewarewa block (284 acres), beside the upper harbour (and much of which remains in Maori ownership today), which was also investigated in 1865. It was claimed by Maraehara but the claim was presented by Taurau Kukupa (acting for Te Tīrarau), who named the owners as Maraehara, Mohi Poto, Taparoto, Te Ngungu, Aterea Te Arahi, Pera, Perepe, Apetera, Kake Peru, and Hemi Peru. For the Court, Te Keene asked for the ancestral source of the claim, who Taurau named as “Kauwangerua (a woman),” who lived five generations before Te Pouwhare, whose four children were among the claimants. The ancestral name may be the Court clerk’s mishearing of Kauangerua, a Te Parawhau ancestor.³⁹⁶ Karetu, one of the children of “Kauwangerua,” had a younger brother, Hautakere, who was the ancestor of several others among the claimants. Title was awarded to the claimants without objection.³⁹⁷ Although it was not stated, this appears to be a Te Parawhau claim.
298. Waikaraka (78 acres), a reserve from the Tamaterau Crown purchase (see above) was one of the few titles on the northern side of the harbour investigated in 1865. It was claimed by Te Puia but the claim was presented by Tipene Hari, who named himself, Te Puia, Hirawani, Hirini [Tipene] Pakia, Wiremu Pohe, Te Manihera, Hepi Moriki, Te Hira Tauru, Mahi Kohitaro, and Tamati Pehi as the claimants. For the Court, Te Keene asked from what ancestors they claimed. Tipene told him, Hinewai, and gave a whakapapa from her to Te Huru, to Te Ngahuru, to Mihiao (“a woman”), to Ngarokiteuru, then to Matatahi, and then Rangipinengauru and then Te Iwitahi (father to Te Manihera). Most of the other claimants were descended from Matatahi, who had four children. No objections were raised but, as before, the Court checked with Tīrarau (or, in this case, his representative Taurau) that the owners named were correct. Once he confirmed this, title was awarded accordingly.³⁹⁸ The tribal affiliation of the claimants was not given, but Mihiao and Ngarokiteuru were ancestors referred to by Ngati Kahu. On the other hand, Hinewai is also named elsewhere as a Ngati Tu ancestor.³⁹⁹
299. The plan below shows the Waikaraka block relative to the earlier Waikaraka Road and Landing Reserve deed (noted earlier).

³⁹⁶ Taipari Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26. See also evidence of Taurau for the nearby Toetoe block in 1885, where the name is recorded as “Hauangerua” (Whangarei MB 3, pp.82-83).

³⁹⁷ Whangarei MB 1, pp.45-46, and; Te Rewarewa certificate of title, 1865. R25285063. Archives NZ.

³⁹⁸ Whangarei MB 1, pp.41-43, and; Waikaraka certificate of title, 1865. R25285061. Archives NZ.

³⁹⁹ See, for instance, Hirawani Te Aitu’s claim to the nearby Waimahanga reserve for Ngati Kahu in 1871 (Whangarei MB 2, pp.99-100), and Horomona Kaikou’s claim to Rahuikuri for Ngati Tu in 1865 (Whangarei MB 1, pp.87-88).

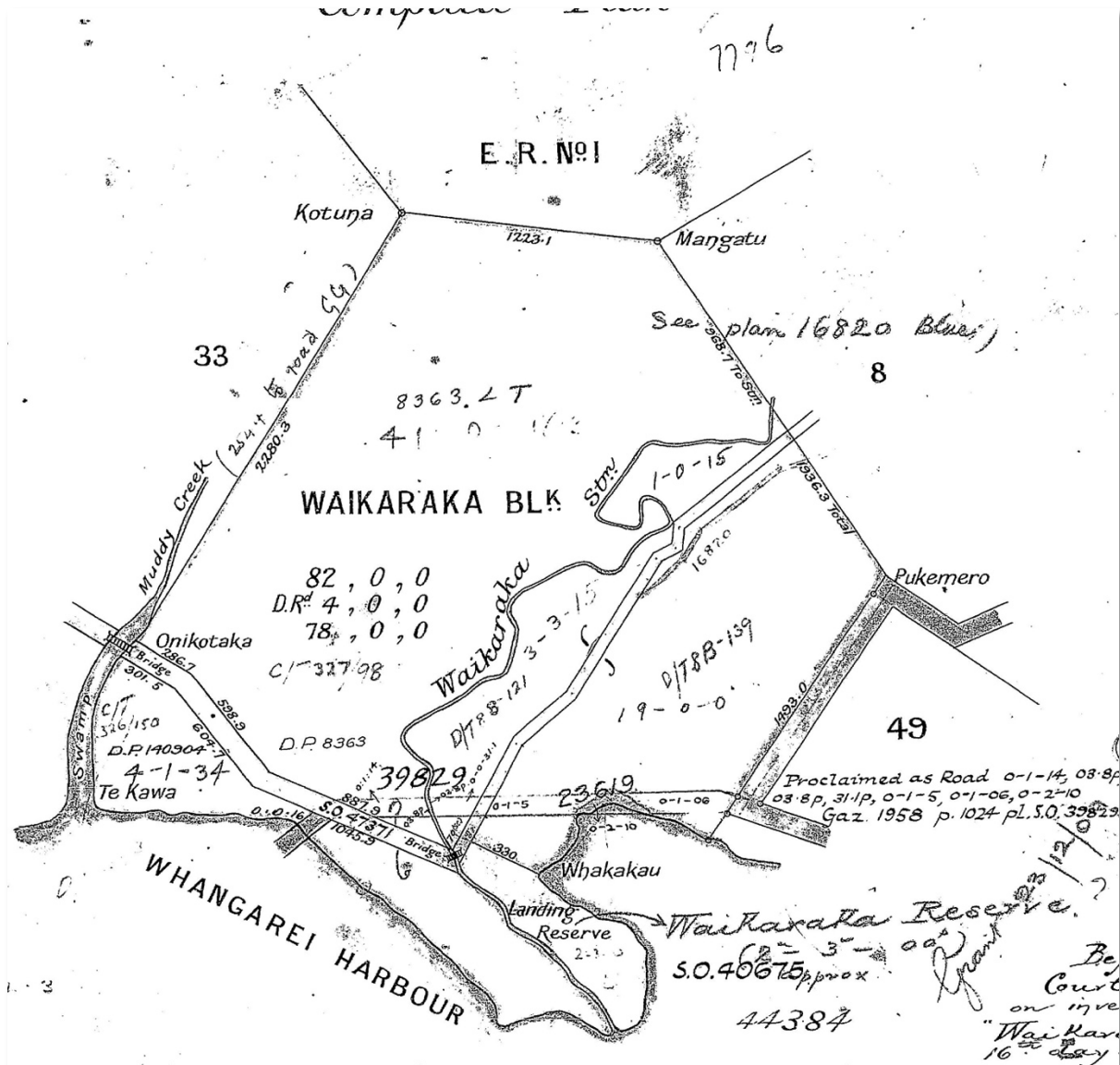


Figure 15: Waikaraka Block Plan (ML 31, LINZ)

300. Further east, the Kopuawaiwaha block (1,588 acres near the mouth of Mata Creek beside the southern side of the harbour). As noted, it had been reserved from the Crown's Te Mata purchase deed for "Jonah" (Hona Te Horo), and was also bordered by the Crown's Te Mahe purchase (see location map below). Title was investigated under a claim made by Hona Te Horo, who named more than 20 other claimants (including Te Pirihi, Wiki Pirihi and Eru Toenga) who he told the Court were all of the claimants. For the Court, Te Keene asked from whom they derived their claim, to which Te Pirihi referred to Pae and Weku of Ngai Tahu and named their descendants: from Pae came Rangi-au-marie, then Kopaki, then Nopera Au and Hemi Taurapunga, while from Weku came "Urikuri" then Motutara, then Te Horo Hona. He then branched out from Motutara to his sisters,

who were the mothers to other among the named claimants. Title was awarded accordingly.⁴⁰⁰ The tribal affiliation of the owners was not referred to and while this is a claim based very much on Ngai Tahu and Te Parawhau descent, the owners have various lines of descent and some identify in this vicinity as Te Patuharakeke (notably Wiki Pirihi).

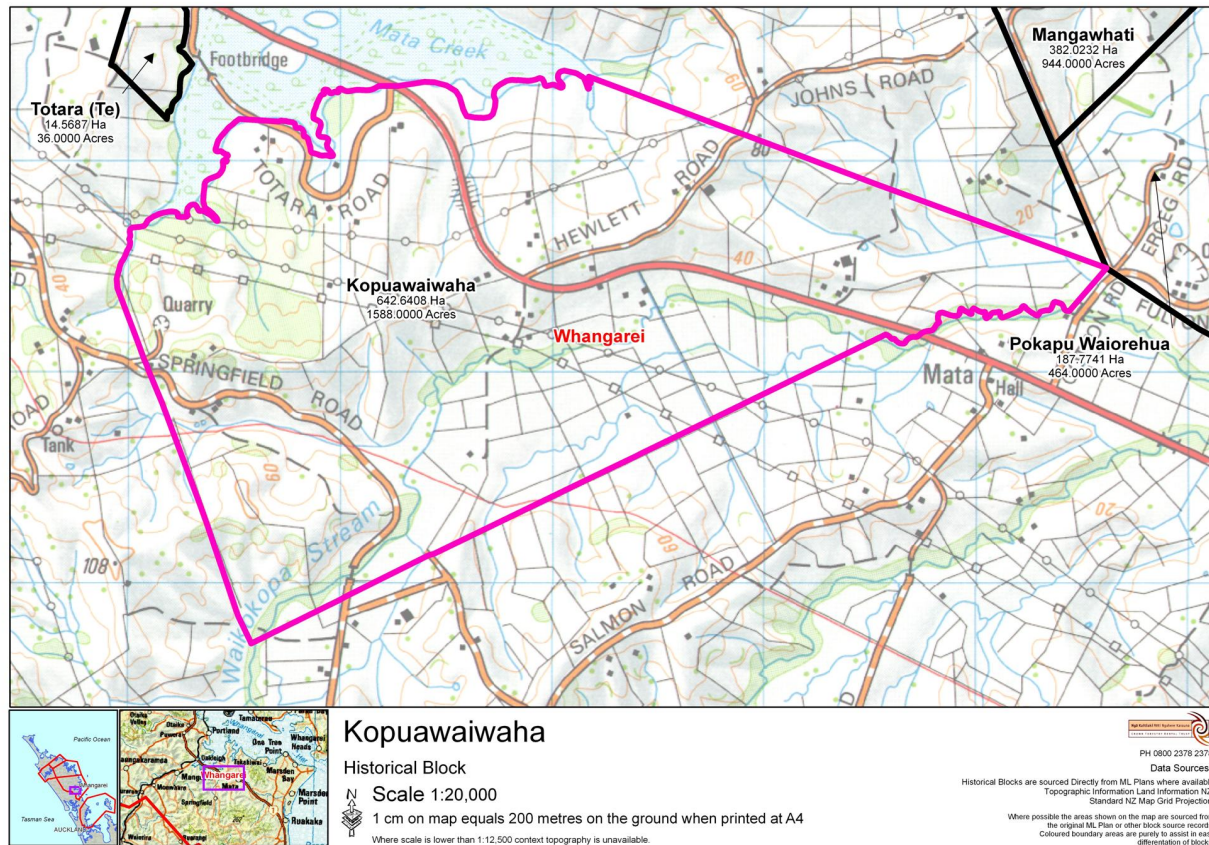


Figure 16: Kopuawaiwaha Block Location Map

301. Not all the claims heard at the inaugural Whangarei hearing proceeded as smoothly, particularly towards the outer harbour along the northern shore where Te Tirarau had much less influence. When the Parua Bay block Turiapua (100 acres) was called in March 1865 it had to be adjourned due to claimants “disputing amongst themselves as to their title, outside the Court House.”⁴⁰¹ It returned to Court in 1867, by which time the disputes had been resolved (see below).
302. The hearing of Pakikaikutu (334 acres), beside the harbour just east of Tamaterau, was also set aside in 1865. A claim was lodged by Wiremu Te Mangemange but he was absent and there was no survey of the block, added to which Te Manihera and Te Puia objected to the claim being heard as they

⁴⁰⁰ Whangarei MB 1, pp.36-39, and; Kopuawaiwaha certificate of title, 1865. R25284665. Archives NZ.

⁴⁰¹ Whangarei MB 1, p.14.

referred to themselves and Wiremu Pohe, Tipene (Hari), Te Hira Tauru “and others” as “the real owners of Pakikaikutu.”⁴⁰² The claim did not proceed and the block was not investigated until 1876.

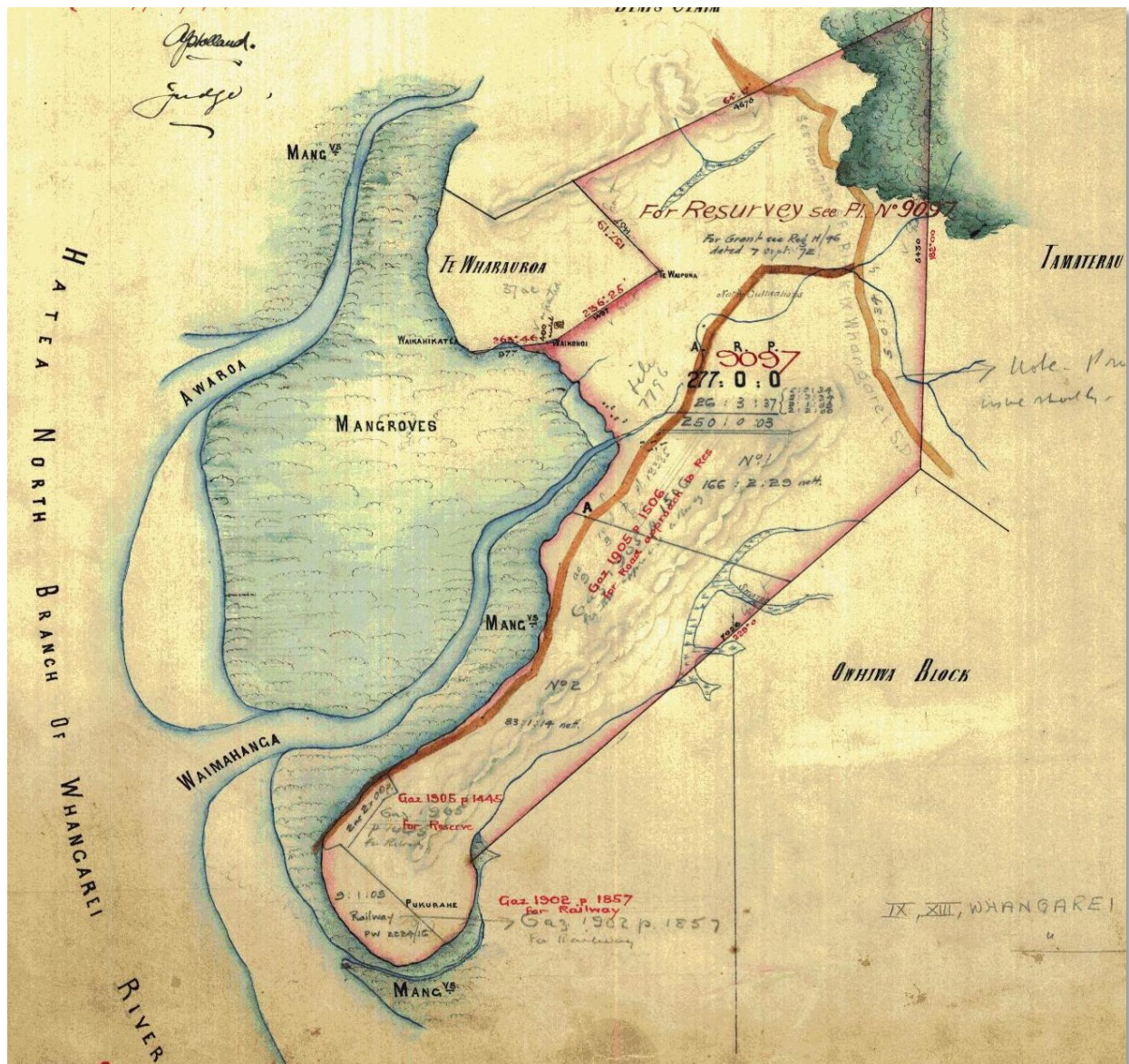


Figure 17: Te Wharauroa and Waimahanga Blocks Detail (ML 2341-A, LINZ)

303. When the Court returned for its second sitting in August 1865, only one harbour-side block was heard, being Te Wharauroa (37 acres), which adjoined the Waimahanga reserve from the Tamaterau Crown purchase. It was claimed by Wiremu Pohe but the claim was presented by Te Puia who said he, Wiremu Pohe, Tipene Hari, Te Hira Tauru, Hirawani Te Aitu, Hirini [Tipene] Pakia, Hapi Monariki, “and all the Ngati Kahu tribe” were the owners. Their ancestral claim was given from Te Mihiao, who was the mother of Ngarokiteuru and Pokemaui, from whom the named claimants

⁴⁰² Whangarei MB 1, pp.29-30

descended. As Te Puia said, this was a Ngati Kahu claim, but the title was awarded by agreement to Wiremu Pohe alone.⁴⁰³ The Waimahanga block survey plan shows the location of Te Wharauora relative to Waimahanga, Owhiua, and Tamaterau blocks.

Landing Places and Fishing Camps

304. Given the number of titles subsequently investigated under the Native Lands Act 1865 (and its main amending act, the Native Land Act 1873), these titles are organised below by geographical location, beginning with titles along the southern side of the harbour, starting from the township and moving east towards the harbour mouth. Before considering the Native Land Court titles along the southern side of the harbour there are several areas of customary land – including areas classified as foreshore – that have distinctly different histories to the Native Land Court blocks that are the focus here.
305. The uppermost block considered here is Hihiaua (7 ½ acres), which is a small but significant block near the mouth of the Raumanga Stream beside the harbour and near what was, in the 1860s, becoming Whangarei township (see location map below). The block was surrounded by land alienated from Maori ownership through old land claims and early Crown purchasing, but had been retained through all these alienations. It first came before the Court in 1867 when it was claimed by Renata Manihera, whose claim was awarded without demur or very much evidence. He asked Taurau to “assist me in establishing my claim.” Taurau simply confirmed that land in the vicinity had been awarded to Renata’s father, Te Manihera Iwitahi, at the Court’s first Whangarei sitting, and the evidence given then applied equally here. Accordingly, title was awarded to Renata.⁴⁰⁴ The foregoing could be read as indicating Hihiaua was a Te Parawhau claim – the truth was rather more complex.
306. In 1907 Pomare Kingi (usually identified as Te Urioroi in this area) and his wife complained to the government about the Whangarei Harbour Board interfering with their harbourside lands. They referred to three “tauranga waaka” which had been “forever in the hands of our people,” and asked “what right have the Pakeha to take our tauranga waaka, is not this the right of the Natives in the Treaty of Waitangi.” They acknowledged that Maori had not lived there for a while, having withdrawn inland to Poroti and Mangakahia (apparently referring to the period of intense fighting in the 1830s). Even so, this land beside the upper harbour “was kept by them for their boats.” It was, in other words, a tauranga waka they had continued to use. Mrs L. Kingi recalled coming to live at Hihiaua when she married Pomare Kingi in the mid-1860s: “when all the other land was sold this was left as a tauranga waaka (boat landing) for the Maori of the district and never put through the Court because it was for general Maori use.”⁴⁰⁵

⁴⁰³ Whangarei MB 1, pp.57-58, and; Te Wharauora certificate of title, 1865. R25285087. Archives NZ.

⁴⁰⁴ Whangarei MB 1, pp.106-108, and; Te Hihiaua certificate of title, 1867. R25285110. Archives NZ.

⁴⁰⁵ L. Kingi to Native Minister Carrroll, 8 May 1907. MA 1/916, 1907/236. R22401276. Archives NZ.

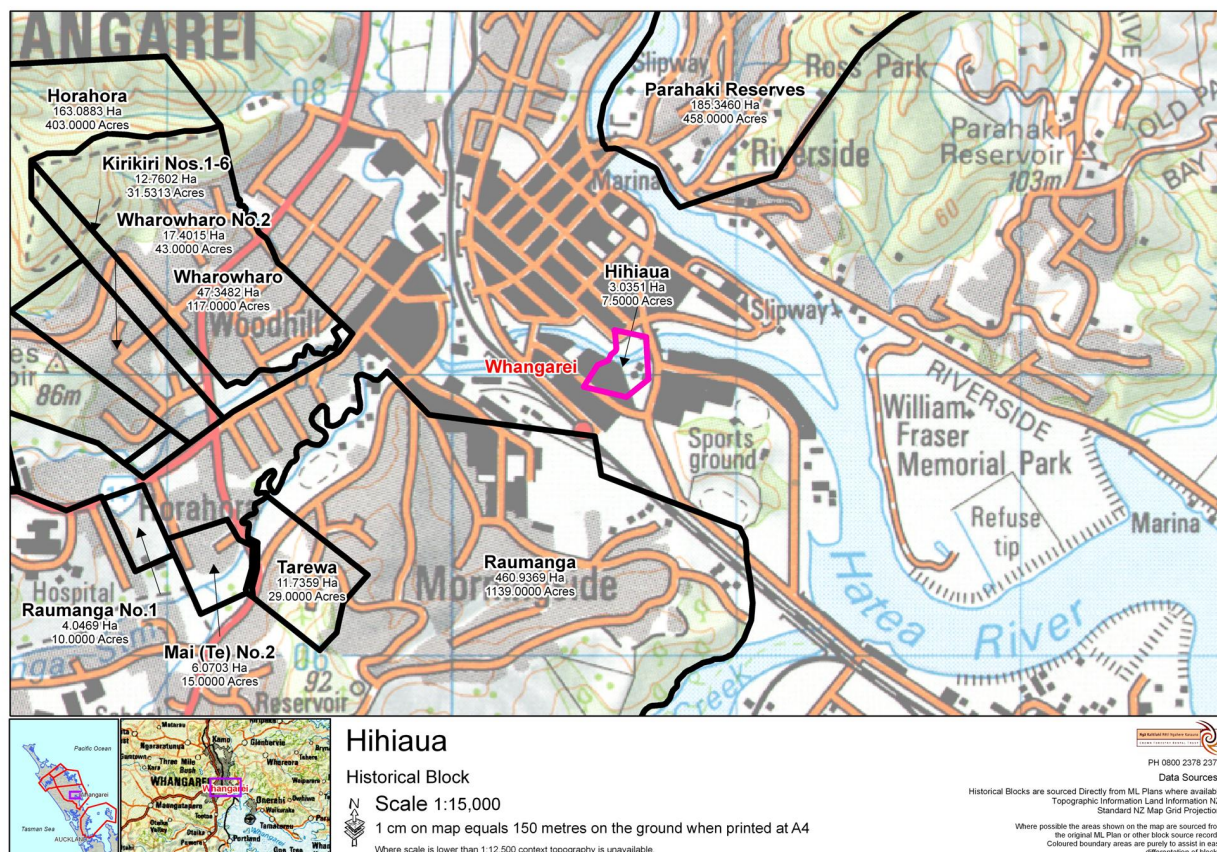


Figure 18: Hihiaua Block Plan, 1867

307. Mrs Kingi named two other tauranga waka in the vicinity; Pohe's Island (near Hihiaua) and Otakiri (up the river in the township adjoining land sold to the Pakeha Dent).⁴⁰⁶ Pohe's Island is considered below, but it can be noted here that Eruera Pohe told Native Minister Carroll in 1907 that while Pohe's Island belonged to his father and to his tribe, Hihiaua and Otakiri "were regarded as belonging to the tribes of the district and were not put through the Court, they were regarded by everyone as Maori papatupu [customary] land." He added that at Hihiaua there was a large area of about 40 acres "which contains a number of nga tauranga waaka, when in times gone by our people used to leave their waaka when not required for fishing, etc."⁴⁰⁷
308. Eruera Pohe emphasises what Mrs Kingi had written: that Hihiaua was land used by not only many Whangarei Maori but also other Maori in the district when visiting Whangarei by waka or small boat (which was a common mode of transport throughout the nineteenth century). As Mrs Kingi had noted, Hihiaua had not been put through the Native Land Court, which means she was referring to a different piece of land to the very small block awarded title as Hihiaua in 1867.

⁴⁰⁶ L. Kingi to Native Minister Carroll, 8 May 1907. MA 1/916, 1907/236. R22401276. Archives NZ

⁴⁰⁷ Eru Pohe to Native Minister Carroll, 7 May 1907. MA 1/916, 1907/236. R22401276. Archives NZ

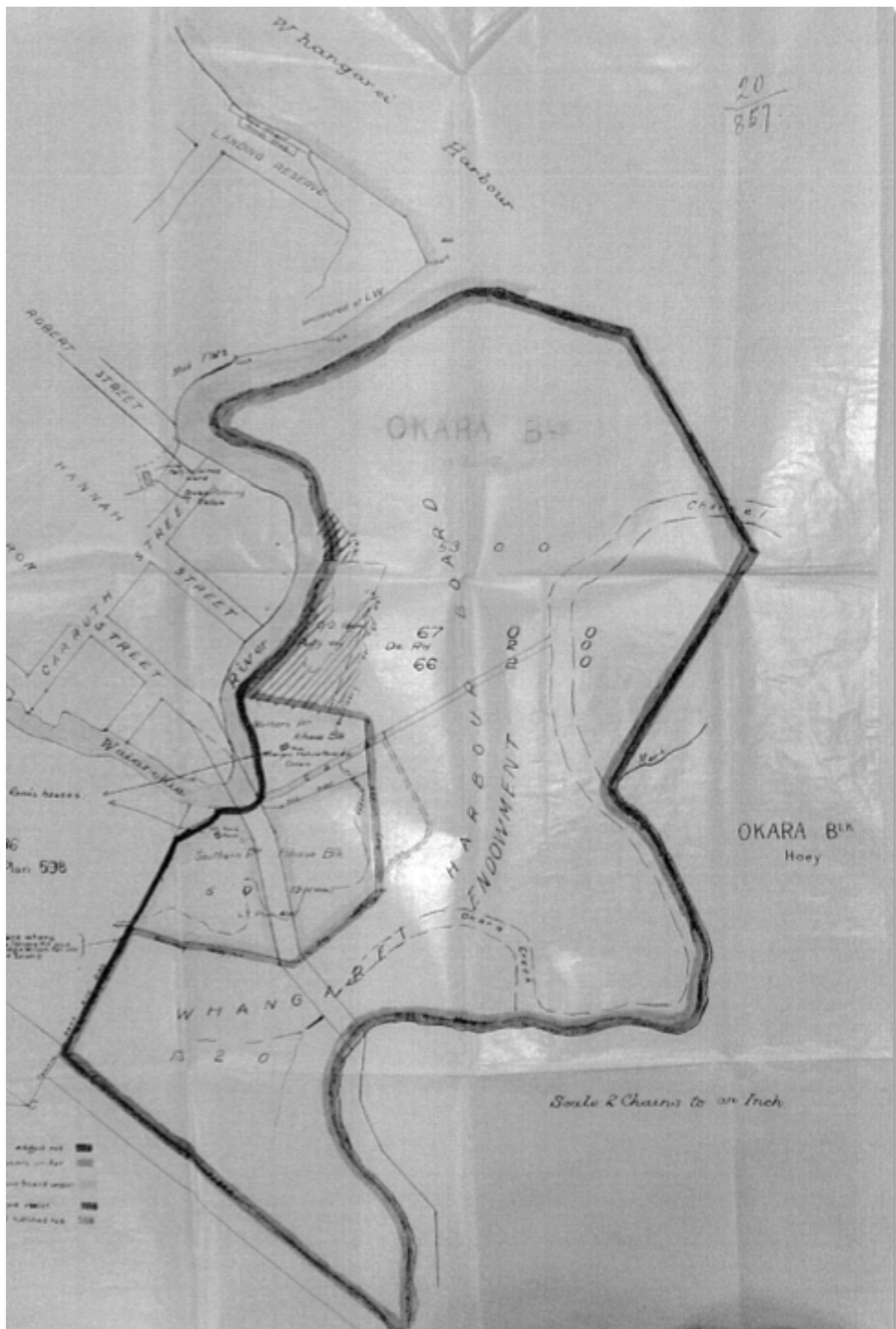


Figure 19: Hihiaua Sketch Plan, c.1907

309. It soon emerged that the land known to Whangarei Maori as Hihiaua was far larger than the small title surveyed in 1867. This larger Hihiaua block took in a large area of low-lying land and foreshore in the vicinity of the 1867 title. When later surveyed this area comprised about 60 acres (see sketch plan above). A claim to this land was brought to Court in 1908 for a hearing. The applicant Hori Rewi said: “Natives deny that land has been sold. They say it was a landing place reserved for the tribe.” (The sale referred to was of the original 7 ½ acre title issued to Renata Manihera, who had reportedly sold part of it to James North.⁴⁰⁸) Hori went on to explain of the large area of customary land outside the 1867 title: “It was a landing place of ours, arranged by the elders in olden times.” He claimed from his ancestors Ponaharakeke and Te Waikeri, but added “there may be others.” He named himself, Renata Manihera, Eru Pohe, Pouaka Parore, Henare Panoho, and Kamariera Whareapapa to go on the title.⁴⁰⁹
310. Renata Manihera responded that Hori Rewi was “not correct” about the ancestral rights: “His ancestor had a right. But Tawhiro obtained the land. He took it and drove the others off.” He claimed the land for the descendants of Te Whata and Ngarokiteuru, and gave his descent from Tawhiro and from Te Whata but admitted to not knowing the whakapapa from Ngarokieturu. Eruera Pohe did not agree with Renata, and instead endorsed the evidence given by Hori Rewi. Pouaka Parore also agreed with Hori Rewi that the land came from Te Ponaharakeke, but clarified that: “After him came Tawhiro and Te Waikeri.”⁴¹⁰
311. Rather than focus on the descent of specific individual owners, Pouaka Parore referred more generally to Te Parawhau, Ngati Kahu, and Te Uriroroi, saying: “I admit that all three tribes have a right to this land which was a landing place.” Eruera Pohe also testified that Hihiaua “was a landing place for three tribes, Te Uriroroi, Te Parawhau, and Ngati Kahu.” He acknowledged there was “a dispute amongst us outside the Court over the land” over a list of owners, but believed they could now draw up a list.⁴¹¹
312. A list of owners was drawn up but was not recorded in the Court minutes as it wanted to first consult the government about the status of the land. In response the government asserted that Maori had “no right” to Hihiaua “as it is foreshore and mud flat which, by the Harbour Act 1908, is Crown land.” The customary owners challenged this and, in the interim, asked the Court to record the list of owners for future reference, which it did. (The list was added to the Court’s files, which have not been sighted for this research, but it is evident the land was shared by many Whangarei Maori so any list would be representative of all.) The owners believed: “It is clear from the plan that part of the

⁴⁰⁸ *New Zealand Herald*, 26 January 1917, p.4.

⁴⁰⁹ Whangarei MB 8, pp.294 and 304.

⁴¹⁰ Whangarei MB 8, pp.305-307.

⁴¹¹ Whangarei MB 8, pp.305-307.

land is not covered by water at spring tides” and that Hihiaua “was reserved as a landing place.” They added the Crown has “done the Natives a great wrong. If this can be done in this instance, there is no protection for other Native land and the Treaty of Waitangi is void.”⁴¹²

313. A petition followed in 1915, submitted by Hori Rewi and 34 others, many of whom gave their hapu as Ngati Tu (an older hapu name in Whangarei that is often linked with Ngati Kahu, as noted). A further petition in 1916 referred to Hihiaua as not only a landing place for waka, but also a shellfish ground and a camping area used by Maori visiting town.⁴¹³ The petitions led to a 1917 inquiry into Hihiaua which determined that part of the block was above the high water mark and title to it should be investigated by the Court.⁴¹⁴ The Minister of Native Affairs said later that special legislation would re-vest Hihiaua in the Maori owners.⁴¹⁵
314. In terms of customary interests, the Hihiaua inquiry in 1917 found a large area of land outside the original 7 ½ acre title of 1867 was “a reserve used by the natives from time immemorial as ‘a landing reserve, a fishing station, and a shark-drying ground’.” This was stated not only by Maori witnesses but by early Pakeha residents whose memories of seeing Maori making use of Hihiaua dated back more than 60 years. The “high dry bank of land” at the mouth of the Waiarohia creek was covered in harakeke, manuka, and ngaio, and this large area of dry land was held “for the several iwi... as a reserve in accordance with their ancient customs.”⁴¹⁶ This confirms it was land in which many Whangarei groups had interests. The subsequent fate of Hihiaua is examined in other evidence.
315. What Hihiaua illustrates is that Native Land Court awards around Whangarei harbour cannot be assumed to be a reliable guide to the customary interests to the land within each award. Had claims to Hihiaua not been revived and provided for through special legislation, we would be left with the impression given by the 1867 minutes that it belonged to one man (Renata Manihera) and to one tribal group (be that Te Parawhau or Ngati Kahu).
316. Even when Hihiaua was before the Court again in 1908, the title left an impression that it was the property of four people and one tribal group. It was only when further and more searching inquiry was made into customary interests in 1917 that Hihiaua was revealed to be the common heritage of several tribal groups and effectively all Whangarei Maori. Native Land Court awards, like Crown

⁴¹² Whangarei MB 8, pp.317-321.

⁴¹³ Hihiaua Commission of Inquiry, 1915-1916. MA 1/1162, 1916/4186. R22406226. Archives NZ.

⁴¹⁴ *New Zealand Herald*, 26 January 1917, p.4.

⁴¹⁵ *Northern Advocate*, 19 October 1917, p.2.

⁴¹⁶ *Northern Advocate*, 27 February 1918, p.1.

purchase deeds before them, are not a very reliable guide to customary interests. This should be borne in mind when considering the harbourside lands set out below.

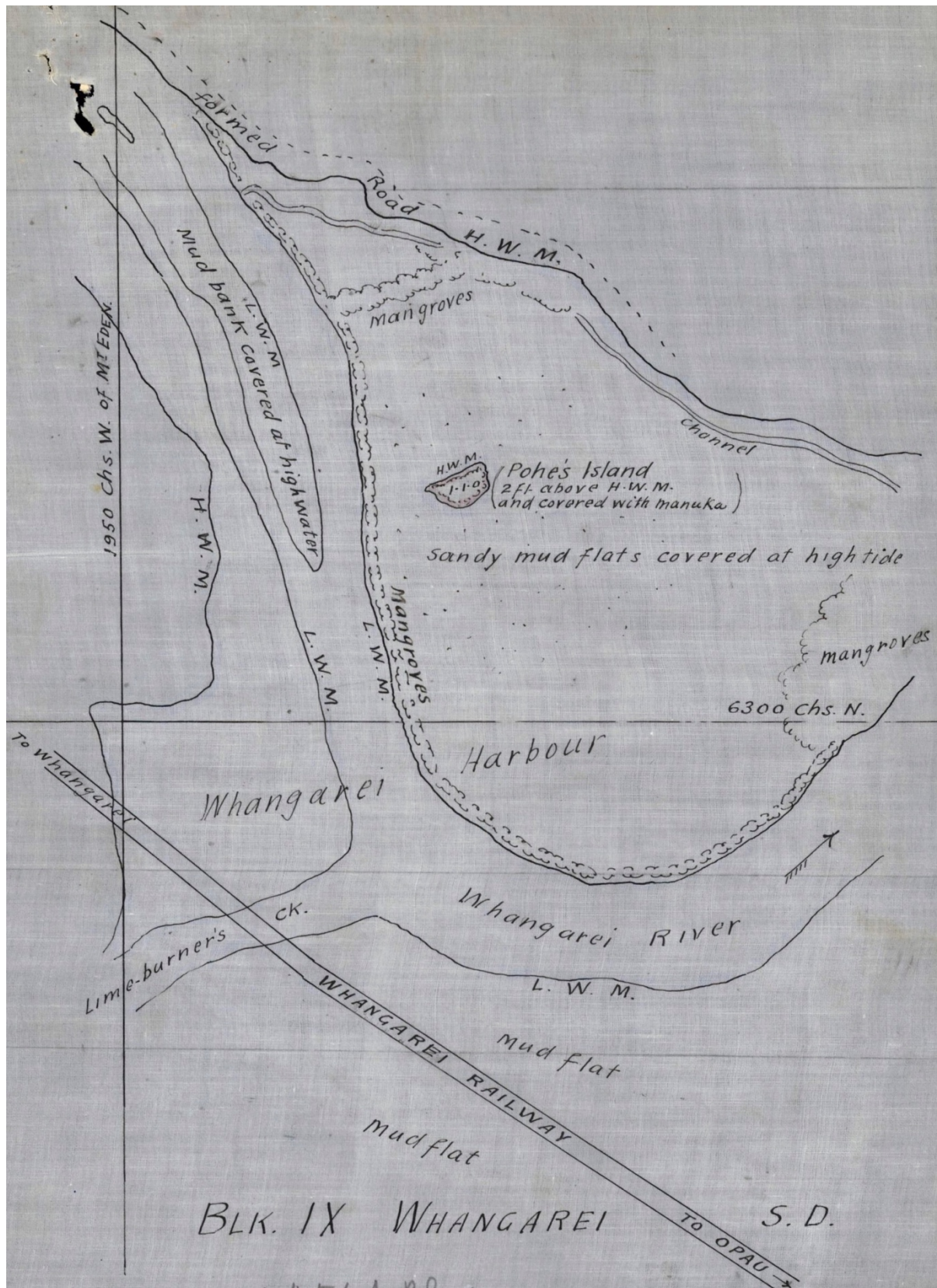


Figure 20: Pohe's Island Sketch Plan, c.1907

317. As noted, another of the tauranga waka near Whangarei township was Pohe's Island (1 acre). It was in the upper Whangarei harbour near the mouth of Limeburners Creek, standing on a large area of mudflats that were covered by high tide. Given the small island's name it is hardly surprising that it was claimed by Eruera Pohe, on the basis that it belonged to his father and to his tribe.⁴¹⁷ In 1907 he applied to have the island surveyed, in preparation for a Native Land Court claim.⁴¹⁸ His claim was heard in 1908 (at the same hearing as Hihiaua) but it was contested by the government which asserted the island had been included in the land vested in the Whangarei Harbour Board as part of its endowment, so the Court had no jurisdiction.⁴¹⁹
318. Eruera Pohe still wanted the Court to ascertain who would be entitled to the land if the title could in future be investigated (as occurred with Hihiaua; see above). He then gave evidence that Pohe's Island was "left from the sale of Parahaki [Parihaka] by my father," and named the owners as himself and Ihaka Horomona, adding: "Only these two." Taui Pepene objected as he sought to be included, to which Eruera agreed. "Mrs Bruce King" (Ruiha Kingi) asked that Miira Kairi be included but Eruera refused, responding: "The right did not come from Ngaro ki te Uru, but from Tangiika." The Court said if they could agree out of Court who the owners were, it would send "a note" to this effect to the government, but "no order can be made till it is known whether the Crown admits any right." Agreement was reached, with the putative owners named as Eru Pohe (2 shares), Ihaka Hormona (2 shares), Taui Pepene (2 shares), and Ruiha Kingi (1 share).⁴²⁰
319. The government told the Court it acknowledged that Pohe's Island had never been acquired from Maori but, having been included in the Harbour Board's endowment, it had ceased to be customary Maori land so it could not be investigated by the Court without special legislation. The Court advised the owners to seek compensation from the Crown for their loss.⁴²¹ It does not appear that title was ever awarded to the owners.
320. Eruera Pohe referred to the customary ownership as being the same as the nearby Parihaka block, the 1857 deed for which referred to the owners (including his father) as Ngati Torongare (Ngati Kahu ki Torongare), although as noted the vendors also had other affiliations such as Te Parawhau and Ngai Tahu. However, he also made a rare reference to Tangiika; the ancestor for Pohe's Island (rather than Ngarokiteuru who was usually relied upon in this area). The only other reference to Tangiika identified in this research was a few years earlier by Eruera Pohe in the Ngararatunua case

⁴¹⁷ Eru Pohe to Native Minister Carroll, 7 May 1907. MA 1/916, 1907/236. R22401276. Archives NZ

⁴¹⁸ Eru Pohe, Application for Survey, 1 July 1907. Pohe Island, 1907-1976. BBEE 15336/70e, 3/808. R12189286. Archives NZ, Auckland.

⁴¹⁹ Whangarei MB 8, p.298.

⁴²⁰ Whangarei MB 8, pp.303-304 and 317.

⁴²¹ Whangarei MB 8, p.317.

(an inland block north of Whangarei township). This revealed that Tangiika was a grandchild of Ngarokiteuru, so this ancestral claim does not at first appear significantly different from other Ngati Kahu claims from Ngarokiteuru. What made it different was that many claims from Ngarokiteuru went through his son Matatahi (which was, for instance, the line of descent for Tauī Pepene), but Eruera Pohe was going through another son, Te Kona and that son married the Ngai Tahu woman Tirawhiti; they being the parents of Tangiika.⁴²² In this way, Eruera Pohe was emphasising the ongoing importance of the Ngai Tahu ancestral rights at Whangarei, as many other rangatira had done before him.

321. A more extensive area of valued customary land beside the upper harbour – land that was deemed to be foreshore and outside the jurisdiction of the Native Land Court – is the Opau (or Kaituna) block. It comprised 652 acres that lay between Haha River (Limeburners Creek), Whangarei harbour (opposite the mouth of Hatea River), and the highwater boundary of the adjoining Kioreroa block.
322. Opau was surveyed in 1879 when the plan referred to much of the northern part alongside the Haha River as “hard shell flat awash in springs [i.e., spring tides].” The north-east corner of the block was described as “flat rock (trap)⁴²³ awash at spring tides,” and the southern bulk of the block was marked as “high mangroves and mud.” (The flat rock referred to appears to be similar to a more visible ‘rock bench’ formation across the harbour, below the pa site on the western side of the Onerahi peninsula near Pah Road.⁴²⁴) Of more significance to tangata whenua are the “old native camps on shell dunes near fishing grounds” that are marked as raised areas in the east of Opau block, beside Whangarei harbour. Similar “shell banks” and “shell dunes camping grounds” are marked along the northern edge of the block beside Haha River. The latter ‘camping grounds’ are named Kararewa (or Kararewai) on the plan. Other place names along the outer harbour edge of the block are “ko tio” and “topi.” A stream running across the southern half of the block is named Whawharau.⁴²⁵
323. The names on the plan (ko tio (an oyster ground), topi, and whawharau) and the existence of the shell banks, shell dunes, and camping grounds all point to the value of Opau for its fisheries. The block took its name from the Opau hill (an old pa) at the end of the adjoining Kioreroa peninsula. The hill was later destroyed to use as fill to reclaim seabed for the nearby Whangarei port facilities and fertiliser works, built over the Opau block.⁴²⁶

⁴²² Whangarei MB 6, p.216.

⁴²³ Trap or ‘trapp’ rock refers to any dark, fine-grained igneous rock (such as basalt).

⁴²⁴ G. E. Harris, ‘Geological map of Whangarei’, Geological Survey Branch, 1922. URL: https://ndhadeliver.natlib.govt.nz/delivery/DeliveryManagerServlet?dps_pid=IE1267732

⁴²⁵ ML 4475, LINZ.

⁴²⁶ Mira Norris, ‘Brief of Evidence’, 2013. Wai 1040 #I21, p.4.

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Figure 22: Opau Block details (ML 4475, LINZ)

325. The 1879 survey of Opau was for a claim made by “Mohi Kipa, Puketawa Rahiri, Koroneho Totara, Tatau, and Neho.”⁴²⁷ When the claim came before the Court at Whangarei in 1879 it was dismissed without evidence being taken on the basis that it was “below high water mark.”⁴²⁸ In the absence of evidence, the Court was here relying on the opinion of Deputy Inspector of Surveys S. P. Smith who approved the plan as to survey requirements while adding, “but it is notified that the whole of the block is overflown by the tide and is therefore claimed by the Crown.”⁴²⁹ Those claiming Opau disputed this view, and in 1881 lodged two more claims to Opau (or ‘Kopao’ as one of the published notices put it). Both the 1881 claims were from Taurau Kukupa and Te Koroneho, while one again included Puketawa.⁴³⁰ The outcome was the same; the Court dismissed both applications in February 1882 without hearing evidence, again on the basis that the land was below high water mark.⁴³¹
326. Those claiming Opau can be broadly identified as Te Parawhau. However, as with Hihiaua these extensive fishing grounds and seasonal fishing camps are likely to have been used by many Whangarei hapu. For one thing, Maori who already lived on lands beside the harbour near Opau did not require a seasonal camp, but those coming from further afield who had interests in the fisheries of the harbour would need somewhere to stay while they were collecting kai moana.
327. Another block of ‘land’ along the northern side of the harbour that was claimed by Whangarei Maori but which the Crown deemed to be foreshore is Pikopiko Kaumatua (51 acres near the mouth of the Mangapai River). As surveyed in 1867, Pikopiko Kaumatua comprised an area of foreshore between high water mark and low water mark around Motutere (an island in the mouth of Mangapai River; see below) beside the lower Mangapai River. The block was described on the plan as “sand flat, covered by high spring tides.” The plan also showed other ‘foreshore’ to the east outside Pikopoko Kaumatua as “Native property.”⁴³² This indicates there were larger areas of Maori land that were instead deemed to be foreshore and excluded from Maori ownership. Nearby land that did come under a Court title was Te Totara block (36 acres), the plan of which shows the adjoining ‘land’ as Pikoipko Kaumatua (Te Totara is considered in the next section of this evidence; see map below).⁴³³
328. When the plan of Pikopiko Kaumatua was submitted to the Inspector of Surveys it was met with an assertion by one official that it was “not the property of the Natives” but was instead part of the

⁴²⁷ *Kahiti*, 17 July 1879, p.91.

⁴²⁸ Whangarei MB 2, p.265.

⁴²⁹ Smith note, 7 August 1879, on ML 4475, LINZ.

⁴³⁰ *Kahiti*, 20 December 1881, p.235.

⁴³¹ Whangarei MB 2, p.292.

⁴³² ML 697, LINZ.

⁴³³ ML 2342, LINZ.

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329. The “Native property” adjoining Pikopiko Kaumatua referred to on the plan included Te Totara block, which was surveyed in 1868. A detail of the survey plan of Te Totara showing its location beside Pikopiko Kaumatua is shown overleaf. A location map for Te Totara and Motutere is also included below.
330. It was only when a Crown grant for Pikopiko Kaumatua was drawn up in 1870 that officials stepped in to halt the issuing of title, on the basis that the block was foreshore. Correspondence on the matter between officials and the Chief Judge continued into 1873. As noted, the plan referred to the block being covered by the water at “spring tides.” When clarification was sought as “to what point on the block the ordinary neap tides rise” to ascertain how much lay below that line, the Inspector of Surveys replied that the land “is all outside high water mark, as is shown on the map.” The Chief Judge then wanted to know if ‘outside’ meant “above or below high water.” In this case, ‘outside’ meant “below” high water mark, leading the Secretary of Crown Lands to conclude the Court’s proceedings “are invalid” as the land – being “below ordinary neap tides” – was “outside the jurisdiction of the Court.”⁴³⁶



Figure 24: Detail of Te Totara Block, 1868 (ML 2342, LINZ)

⁴³⁶ Summary of correspondence, cited in Alexander, pp.71-74.

331. The Pikopiko Kaumatua block remained something of a loose end in the Court's title records. It was drawn to the attention of Court in 1956, when it was found that a small part of the block (4 acres) formed an island above high water mark. This island was known as Motutere and as Ngawi island. A sketch plan of Motutere was prepared but, rather than hold a fresh title investigation, the Court in 1963 simply issued a fresh order for the reduced area of what had been Pikopiko Kaumatua block (but which was now known as Motutere; see figure above). Somewhat ludicrously the owners were listed as the same three to whom title had been awarded in 1868 (for whom successors would presumably have to be appointed). The surrounding foreshore had long since been vested in the Whangarei Harbour Board by a 1919 vesting act (a matter considered in other evidence). In 1971, to avoid the complications of Maori ownership, Motutere was taken under the Public Works Act for the benefit of the Board. This enabled it to reclaim the island along with the surrounding foreshore endowment. No effort was made to identify the successors to the owners, nor is there any record that they were compensated for the taking of this last piece of Pikopiko Kaumatua.⁴³⁷

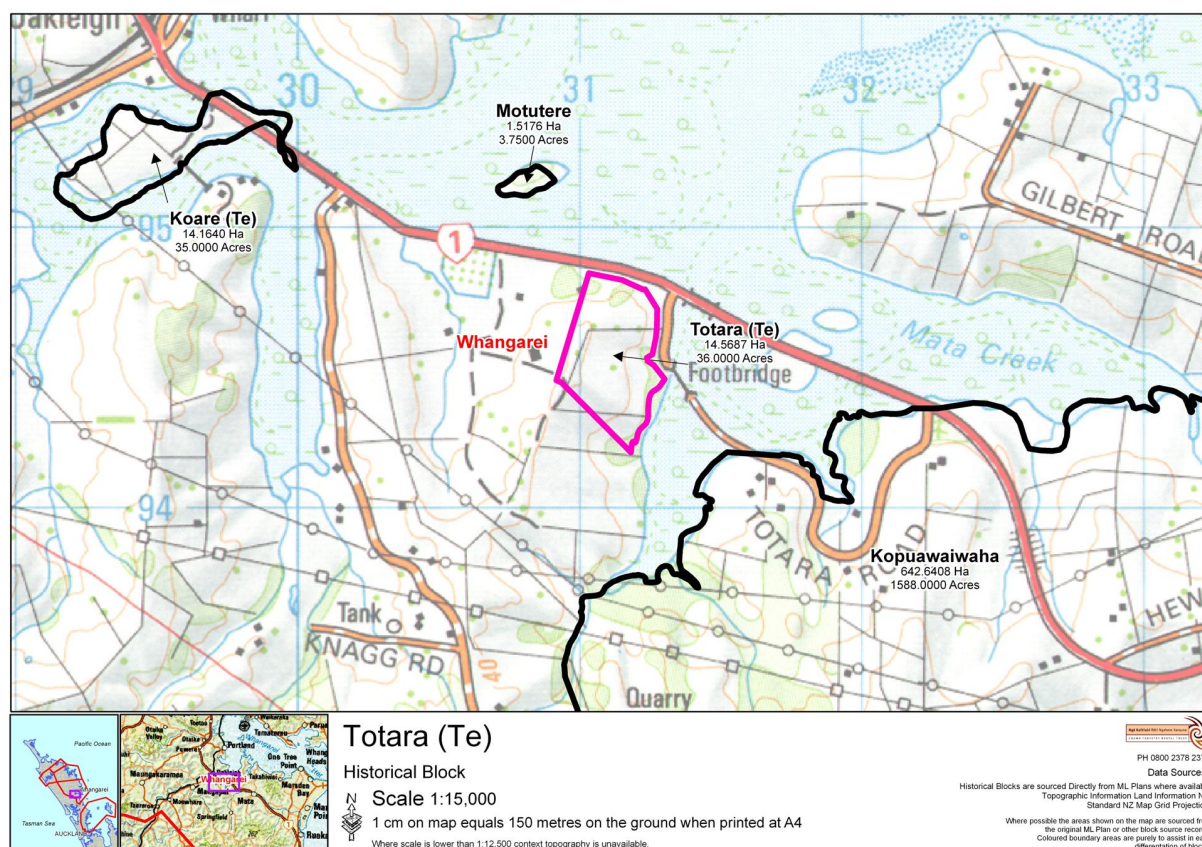


Figure 25: Motutere, Te Koare, and Te Totara Blocks Location Map

⁴³⁷ Alexander, pp.597-600.

Other Southern Whangarei Harbour Blocks

332. Returning to the upper end of the southern shore of the harbour, a block here that was heard by the Court is Raumanga 2 (1,139 acres on the banks of the tidal reaches of Limeburners Creek). It came before the Court in 1877, by which time Tīrarau’s iron grip on proceedings had long since loosened. He now left such claims to his younger relation Taurau Kukupa who claimed the block for Te Parawhau (here identified as Ngapuhi), based on descent from Te Ponaharakeke whose descendants had occupied the land in Taurau’s time “and I have cultivated on it as did they.”⁴³⁸ These assertions were no longer as readily accepted by other claimants as they had been in Te Tīrarau’s heyday.

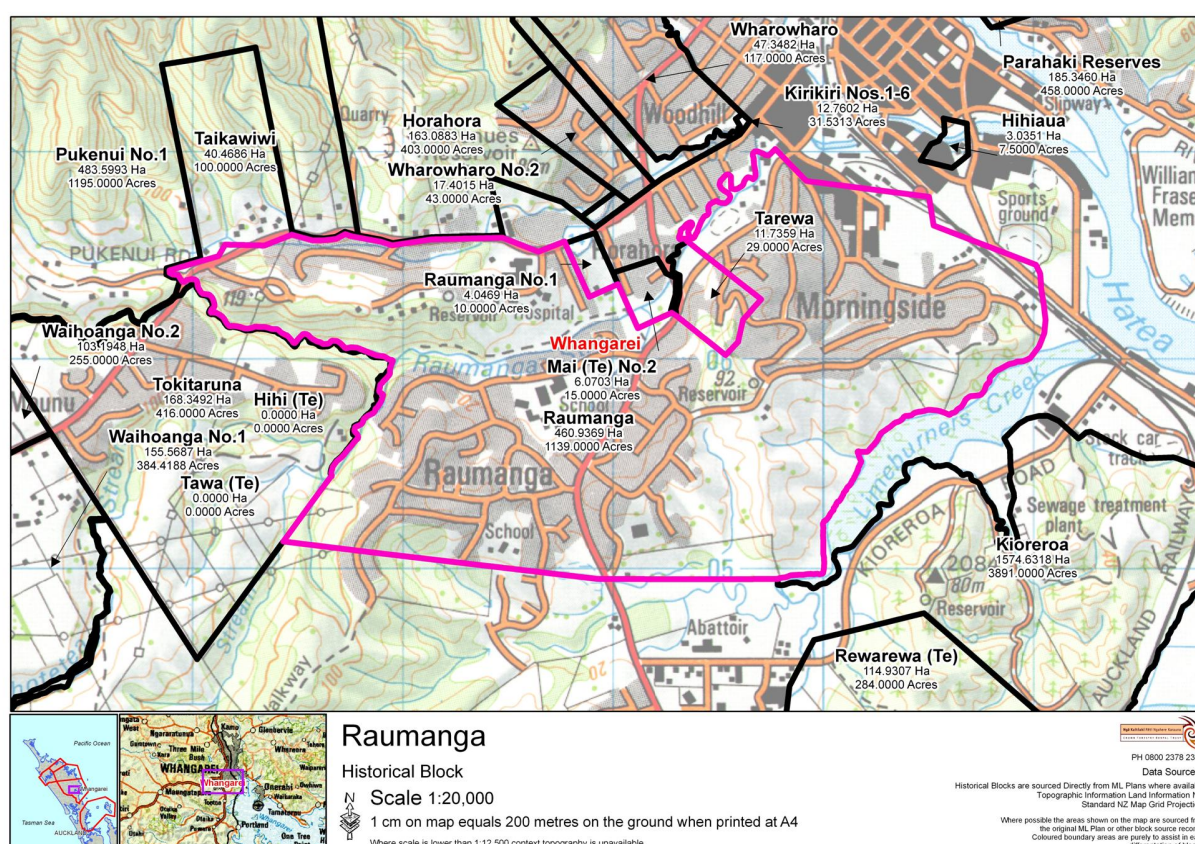


Figure 26: Raumanga Block Location Map

333. Pomare Kingi, Patiria Te Taka, and Hare Wetiwha (Charles Waetford) sought to be included in the title but when Taurau denied them, Pomare Kingi (of Te Urioroī) claimed on the basis of descent from Te Waikeri (elder brother of Te Ponaharakeke). In his view, both ancestors “owned this land” and their descendants “all lived together on it, we have never been divided until now.” He indicated that it was the Court and also land selling that had divided them, relating how Renata Manihera

⁴³⁸ Whangarei MB 2, pp.185-189.

sought to sell Raumanga not long after his father Te Manihera died, but Pomare Kingi's father, Hori Kingi Tahua had prevented this: "At this time, Taurau said to my father, 'Let us go and work together on this land', my father agreed. ... Taurau and my father were one in opposing the sale."⁴³⁹

334. Some of the claimants admitted little knowledge of Raumanga; Hare Wetiwaha (who had a Pakeha father, Waetford) said he claimed as Te Uriroroi but his mother was born in the Bay of Islands. His grandfather Te Patuwhakairi had lived on the land – "my old people told me so" – but he had not. Patiri Te Taka said his father had lived on Raumanga and cultivated it with Taurau Kukupa, but Patiri was born at Mangakahia and "never lived on the land." He knew only that Taurau "told me when I was small I claim on Raumanga." Taurau responded in Court by rejecting such absentee claimants who "have not kept their claims alive," adding that the ancestor Waikeri had long since left the land to live at Whatitiri inland. Waikeri's descendants did come to Whangarei to visit, "but not to reside." Despite his evidence, the Court agreed to include Pomare Kingi, Patiri Te Taka, Charles Waetford [Hare Wetiwaha], Hemi Hoera, and Patara Kingi, as well as Taurau Kukupa. Taurau was dissatisfied and had the land awarded in two titles: Raumanga 2 (691 acres) for himself, Te Rata (Tiakiriri), Eruera Noki, Mohi Poti, Renata Manihera, and Henare Manihera, while Raumanga 1 (458 acres) was for Pomare Kingi, Patira Te Taka, Charles Waetford, Hemi Hoera, and Renata Kingi.⁴⁴⁰ This reflects the division of the formerly united owners into Te Parawhau and Te Uriroroi groupings. Raumanga 1 was beside the harbour.
335. Moving along the harbour shore the next title is Kioreroa block (3,891 acres), a large block extending from Limeburners Creek and down to the mouth of the Otaika river. When it was investigated by the Court in 1876 it was claimed by Te Tatau and others, but the claim was led Taurau Kukupa for Te Parawhau (again referred to as being of Ngapuhi). He said: "The land belongs to myself and others, it is tribal estate" and was claimed from ancestry, but he was not required to give that ancestry as there were no objections. Renata Manihera spoke of others present with interests and said they wanted the title in the names of Taurau and (Kamariera) Te Wharepapa only. The Court ordered accordingly.⁴⁴¹ By 1876 the Court was required (under the 1873 Act) to include all owners in a title (having previously been limited to maximum of 10) but this requirement could be avoided if the owners agreed to fewer owners, as occurred here. This was likely with a view to facilitating an alienation of the land (which was acquired by the Crown and used as an endowment for Whangarei High School).

⁴³⁹ Whangarei MB 2, pp.185-189.

⁴⁴⁰ Whangarei MB 2, pp.285-189 and 223, and; Raumanga certificates of title, 1877. R25292753 and R25292731. Archives NZ.

⁴⁴¹ Whangarei MB 2, pp.163-164, and; Kioreroa certificate of title, 1876. R25302379. Archives NZ.

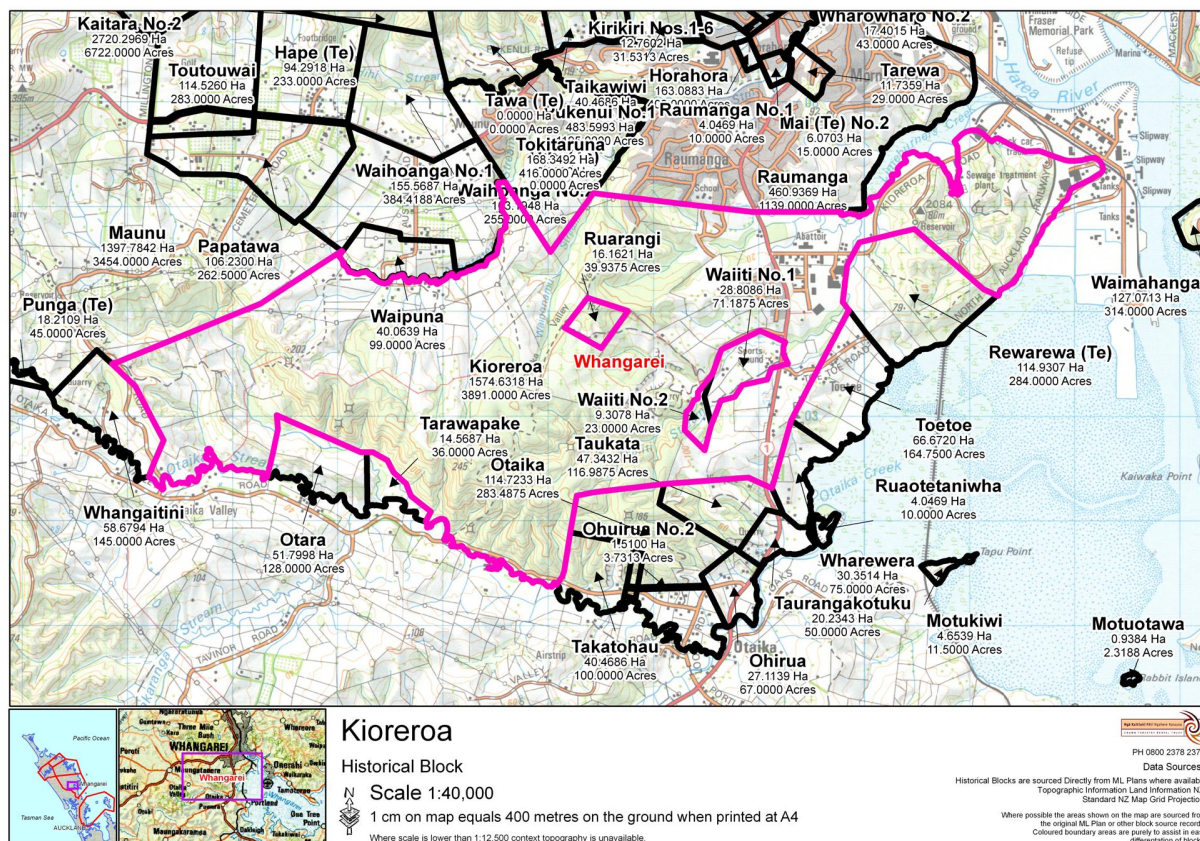


Figure 27: Kioreroa Block Location Map

336. The significant urupa, Ruarangi (40 acres), lay within the boundaries of Kioreroa but was not part of the title. Some Whangarei Maori seemed unaware of this so after Kioreroa was lost to Maori ownership, Pouaka Parore sought to be appointed as successor to Taurau Kukupa who he thought was a trustee for Ruarangi (as part of Kioreroa). It was instead “the wish of the people” that Te Rata Tiakiriri be appointed as successor, but this was not agreed. At the time, Renata Manihera and Kamariera Wharepapa were already trustees for the urupa. In the end, the Court dismissed the application as Ruarangi was still then papatupu (customary) land, so there was no title to succeed to.⁴⁴² This does indicate the tribal interest in Ruarangi (if not in Kioreroa) was broader than revealed by the 1876 title investigation.
337. Title to Ruarangi was later investigated by a papatupu committee of the Tokerau District Maori Land Council in the early 1900s, although it does not appear that a title was issued. Pirimiha Arika of Toetoe kainga was of Te Parawhau but said the claim was being made for Te Uriroroi and “Ngati Rua” (Ruangaio). He confirmed Ruarangi was a “burial place” for ancestors such as Te Ponaharakeke but it was no longer in use as Pakeha “have desecrated our burial place.”⁴⁴³ Ruarangi is today held in

⁴⁴² Whangarei MB 6, pp.172 and 188.

⁴⁴³ Tokerau Maori Land Council MB 1, p.164.

trust under a title issued in 1966 in the name of the ancestor Ruangaio, with nine local trustees representing several Whangarei hapu (currently Brownie Davies, Marina Fletcher, Peti Kingi-Kake, Taipari Munro, Tony Munro, Tepora Nehua-Kauwhata, Mira Norris, Maria Reece, and Pereri Tito). The urupa forms only part of the title, and other parts of the land are used for other purposes.

338. Moving along the harbourside from Kioreroa, the next block is Toetoe (165 acres), a papakainga just north of the mouth of Otaika river. It was claimed in Court in 1877 in three portions but awarded in four titles. Toetoe 2 (78 acres) was heard first, being claimed by Koroneho, but as he was “old and deaf” the claim was presented by Puketawa (or Puketaua) who said his group lived on and cultivated the land, and had houses there. They claimed from “Tikahu”, which was later corrected to Tikapu, a sister of Taurahaiti (a child of Ruangaio and parent of Te Waikeri). He agreed there were other claims, referring to those of Te Puku, Hemi Te Hoera, and Hata Te Hakiro.⁴⁴⁴

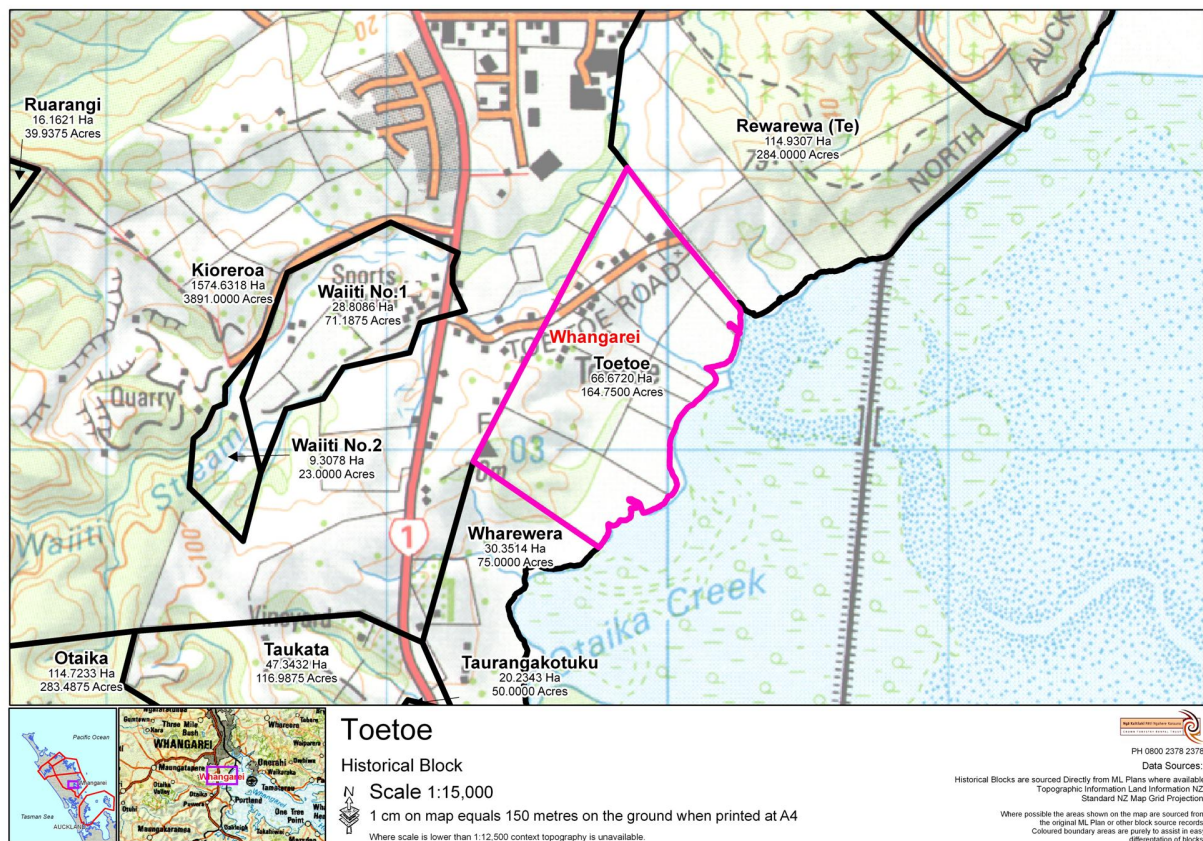


Figure 28: Toetoe Block Location Map

339. Te Puku was also deaf, so he had Netana Ripa speak for him and explain that he was of Maungaunga hapu (said here to be of Ngapuhi, but elsewhere referred to as a Ngai Tahu hapu linked with Ngati Whatua). Netana did not dispute Koroneho’s claim but did dispute the evidence about current

444 Whangarei MB 2, pp.189-192.

occupation, saying “the land has not been occupied for many years.” Te Puku’s claim was from the ancestor Tawhiro, from whom came Te Kahore and Te I (Tei), both of whom he acknowledged had married Ngai Tahu women and then lived on the land (these women were, as noted, a significant source of customary rights at Whangarei).⁴⁴⁵

340. Hemi Hoera’s claim was for Te Uriroi but he gave his descent from Tawhiro (more a Te Parawhau ancestor), saying only that Tawhiro and his descendants had lived on Toetoe. Hata Te Hakiro was actually from Ngunguru and belonged to a hapu there, but his claim at Toetoe was from “Te Kapa,” meaning Tikapu, so it was very similar to that of Koroneho. Hata had not lived at Toetoe, and most of the ancestors he gave in his whakapapa from Taurahaiti had lived in Hokianga.⁴⁴⁶
341. The dispute did not seem easy to resolve, so Renata Manihera suggested the title be divided into Toetoe 2 (39 acres) and Toetoe 4 (39 acres), with Koreneho and his group (Puketawa, Te Puku, and Hemi Hoera) in Toetoe 2, and Renata Manihera and his group (Taurau Kukupa, Te Rata Tikairiri, Te Pake Whakarongouru, and Riria Te Ngongoi) in Toetoe 4. The Court ordered accordingly.⁴⁴⁷
342. Toetoe 3 (37 acres) was the next title heard, being claimed by Rata Riimi Tutahi who said he was of “Uripuwha” (Uripuha) hapu, descended from Hakiki. Rata did not live on Toetoe but cultivated nearby. Pomare Kingi asserted a claim but agreed to withdraw it. As there were no objections, title was ordered for Rata Riimi Tutahi and his group (Te Puku Whitu, Raumanga Manihera, Ngatihi Horomona, Mere Tauwhitu, and Hehi Tauranga).⁴⁴⁸ Te Uripuha have been described as a hapu of Te Parawhau who are known to have occupied land at the Te Parawhau papakainga of Otaika.⁴⁴⁹ They also assert interests in Maunu to the west of Whangarei and as far east as Takihiwai, relying on their Ngai Tahu descent. At Toetoe they refer to a more specific right derived by descent from Tiakiriri Kukupa, but also refer to his brother Taurau Kukupa gifting the land to them in his will.⁴⁵⁰
343. Toetoe 1 (53 acres) was just as quick a hearing, being claimed by Arikahanara Te Whareumu of Te Parawhau who claimed from ancestors (not named) and through occupation. He claimed with “Te Paroto” (Taparoto Taurau), Turaki, and Hoana (or Hona) Pou. As there were no objections,

⁴⁴⁵ Whangarei MB 2, pp.189-192.

⁴⁴⁶ Whangarei MB 2, pp.189-192.

⁴⁴⁷ Whangarei MB 2, pp.189-192, and; Toetoe 2 and Toetoe 4 certificates of title, 1877. R25292721 and R25292723. Archives NZ.

⁴⁴⁸ Whangarei MB 2, p.207, and; Toetoe 3 certificate of title, 1877. R25292722. Archives NZ.

⁴⁴⁹ Marina Fletcher, ‘Brief of Evidence’, 2016. Wai 1040 #AA126(b), p.11.

⁴⁵⁰ Taparoto George, ‘Brief of Evidence’, 2013. Wai 1040 #I34, p.7.

title was ordered accordingly.⁴⁵¹ It was later revealed that, as with other Court titles, the interests were less simple and clear-cut than they first appeared.

344. Further evidence was given on the block in 1885 when Arikahanara applied to partition Toetoe 1, saying he had put Taparoto (his sister) in the title only because she had a wāhi tapu on the block – adding “she had no claim on the land” – and it was now proposed to award this wāhi tapu to her in a partition. The wāhi tapu was an urupa in which three people had been buried, including Arikahanara’s grandfather and father, who was of course also Taparoto’s father. Their koiwi had later been removed from the land (presumably for reinterment elsewhere). Taparoto responded that she wanted a full share in the title, not just the area of the wāhi tapu.⁴⁵²
345. Neither Pomare Kingi nor Hona Pou wanted any partitioning of the land, and then Taurau Kukupa stepped in to say what Arikahanara had said was “false,” as the land belonged to Taurau and Te Tirarau and was for Te Parawhau. Their claim was from “Hauangarua” (Kauangarua) and Tawhiro, but they had not sought inclusion in the title in 1877 as they had given the land to Hona Te Pou, who was Arikahanara’s wife. Taurau told the Court that Arikahanara’s grandfather had only come to Toetoe from the Bay of Islands after the end of the Northern War (in 1846), to live with Taparoto’s parents who were those who then occupied and cultivated the land. Toetoe 1 was said to have been given to Arikahanara’s wife Hona “simply as a dwelling place” not for title to be vested in her. Although Taurau acknowledged Hona’s ancestral right, he asserted that: “It is a native custom that a person should not occupy land that he owed through ancestry until he had obtained permission of the chiefs.”⁴⁵³
346. The Court found that Te Tirarau and others had gifted land at Toetoe to Hona, who also had ancestral interests, and that Taparoto had equal ancestral interests (through her father, Te Kupa). As Hona had rights by ancestry and by gift, it awarded her Toetoe 1B of 7 acres, while the other three owners received Toetoe 1A (45 acres).⁴⁵⁴ Once again, what appeared to a straightforward and uncontested title investigation (in 1877) soon turned out to involve much more (in 1885) than is apparent from the quickly-issued title.
347. Adjoining Toetoe to the south beside the harbour is Wharewera (75 acres), which was claimed in 1871 by Rimi Te Pona of Otaika papakainga for Te Parawhau, claiming for herself and Manihera. The claim was from their ancestor Te Awhi, but no details of their ancestry were given (further information on Te Awhi was given in relation to the adjoining Tauranga Kotuku block; see below).

⁴⁵¹ Whangarei MB 2, p.210, and; Toetoe 1 certificate of title, 1877. R25292719. Archives NZ.

⁴⁵² Whangarei MB 3, pp.81-89.

⁴⁵³ Whangarei MB 3, pp.81-89.

⁴⁵⁴ Whangarei MB 3, p.89.

Rimi's niece, Mere Reti, successfully argued for inclusion in the title, even though Rimi tried to reject Mere, saying she had no claim “except that her people used to land there in their canoes to get to their own place inland.” As noted in relation to Hihiaua, that sort of usage could establish a customary right to such shared lands. After it was established that Mere's father had also worked the land at Wharewera, her inclusion was agreed to and title was ordered to the three claimants.⁴⁵⁵

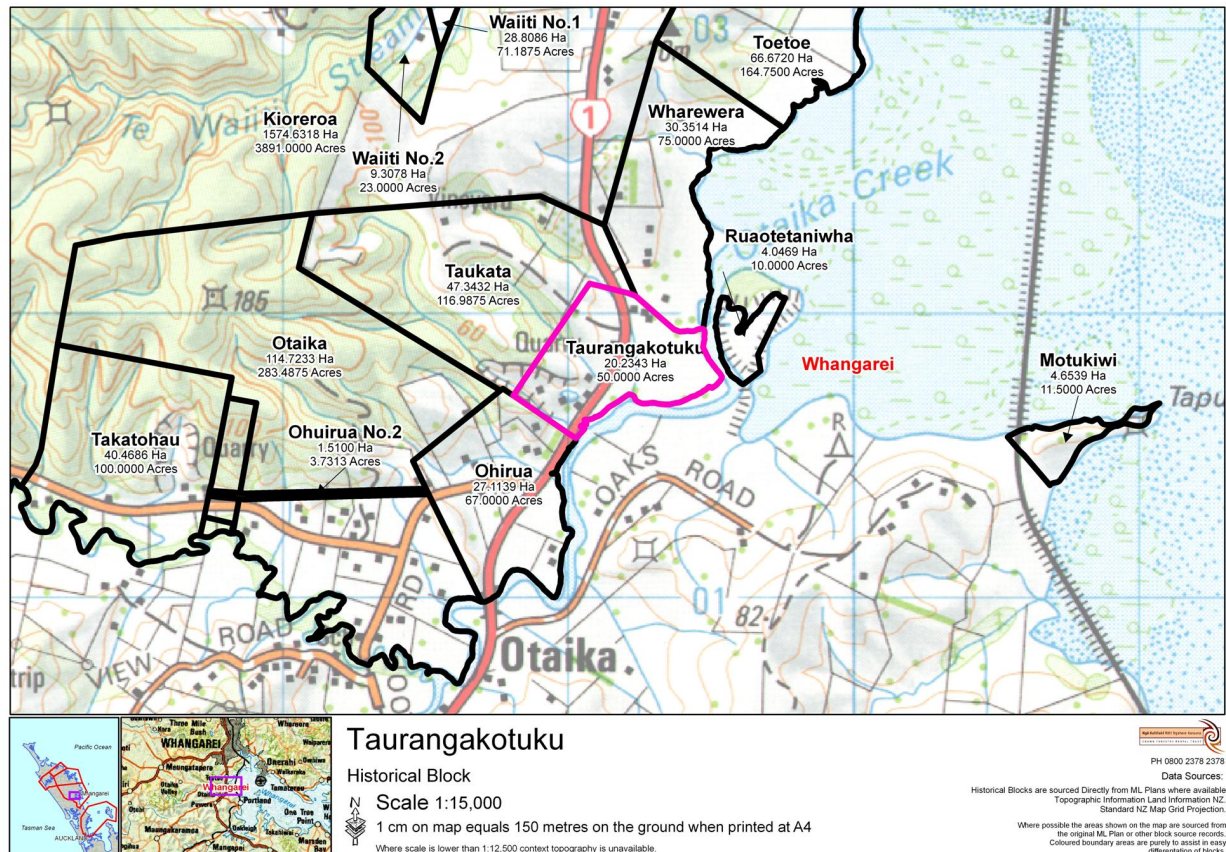


Figure 29: Taurangakotuku, Wharewera, Te Rua o Te Taniwha, and Motukiwi Blocks Location Map

348. Adjoining Wharewera beside the mouth of the Otaika river is Tauranga Kotuku (50 acres), title to which was investigated in 1871 on a claim by Taurau Kukupa (a Te Parawhau claim). As noted, Tauranga Kotuku was significant for being the birthplace of Kukupa (father to Te Tirarau Kukupa), but it was not land that was lived on permanently. The Court was told that Te Tirarau used to catch kotuku (white heron) on Tauranga Kotuku (hence the name of the land) but did not live there. Taurau claimed with Wi Rimi on the basis of descent from Te Ponaharakeke, but this was challenged by Renata Manihera who sought inclusion on the basis of descent from Te Tirarau and from Te Awhi, who he said was a descendant of Tikapu (a sister of Taurahaiti and child of Ruangaio, as

⁴⁵⁵ Whangarei MB 2, pp.86-87, and; Wharewera certificate of title, 1871. R25285154. Archives NZ.

noted). He gave his descent from Tikapu to Te Awhi to Tawhiro to Te Tirarau (I), and on down to Te Manihera. Wi Rimi could also trace descent from Te Awhi.⁴⁵⁶

349. As noted, it was during this hearing that Rimi argued a very exclusive claim for his ancestors, one that relied on the complete extirpation of Ngai Tahu. This was despite a great deal of other evidence demonstrating how the ongoing rights of Ngai Tahu endured through marriages to the incoming Ngati Ruangaio, resulting in the emergence of groups such as Te Parawhau who brought together ancestry from Ruangaio, Ngai Tahu, and Ngati Whatua. Taurau referred to the same conquest as Rimi but did not insist that this meant the Ngai Tahu rights had been lost. Such nuances were not explored by the Court, which simply awarded title to the three claimants; Taurau, Wiremu Rimi, and Renata Manihera.⁴⁵⁷
350. In the mouth of the Otaika river in Whangarei harbour beside Tauranga Kotuku was the island of Te Rua o Te Taniwha (10 acres) that was claimed in Court in 1885 by Te Rata Tiakiriri of Otaika, who was of Te Parawhau. His claim was based on ancestry from Kukupa (a very recent ancestor) and also through a gift of the land to Te Rata by Manihera Te Iwitahi (close kin to Te Tirarau). He said he and two of Manihera's sons were living on the island (Manihera Maunsell and Renata Maunsell) but he wanted the title in his name alone. As there were no objections, title was awarded accordingly.⁴⁵⁸
351. Further along the shore of the harbour beside the mouth of the Mangapai river lies Maungakaramea (also known as Mangapae Paina), which was no longer customary Maori land but instead comprised 516 acres of land bought back from the Crown out of the Maungakaramea purchase deed by some of the vendors; namely Te Tirarau, Te Ahiterenga, Eruera Toenga, Hemi Pea, and others (including Hirini Taurangi, Paora Kerei, Henare Ngakapa, Hona Te Horo, Te Amaru, and Te Waitau). This was thus a Te Parawhau claim. Despite the numbers involved in these transactions, when the Crown granted title to these reserves they were issued to Te Tirarau alone.⁴⁵⁹ A later cadastral map of land titles in the area labels the land "Ngako Tirarau," perhaps meaning 'Ngakau Tirarau' (ngakau being the seat of affections, or soul).⁴⁶⁰
352. By 1890, the western part of the Maungakaramea land had been alienated, leaving a block called Maungakaramea 2 (370 acres) beside the harbour. Parts of Maungakaramea 2B remain in Maori ownership today. Of particular significance is the Parahaki urupa (Maungakaramea 2B6, being a

⁴⁵⁶ Whangarei MB 2, pp.79-82.

⁴⁵⁷ Whangarei MB 2, pp.79-82, and Tauranga Kotuku certificate of title, 1871. R25285141. Archives NZ.

⁴⁵⁸ Whangarei MB 3, p.80, and; Te Rua o Taniwha certificate of title, 1885. R25292347. Archives NZ.

⁴⁵⁹ Waitangi Tribunal (2022), pp.1229-1230, and; Whangarei MB 3, pp.209-222, and MB 4, pp.24-26.

⁴⁶⁰ Whangarei district map, 1881. AAFV 997/74, GAZ89A. R22822963. Archives NZ.

quarter acre) which is a Maori reservation set aside in 2006 as a burial ground for Te Parawhau and Te Patuharakeke.

353. Just south of Maungakarama 2 lies Te Koare (35 acres), an island at the mouth of the Mangapai river, title to which was awarded in 1866 on a claim made by Taurau. He claimed from his ancestor Taurahaiti (from Ngati Ruangaio), referring also to Haumu (of Ngati Whatua) from whom he descended. He called on others to support his claim; asking Te Pirihi and Paora Kaitangata to do so. As there was no opposition, title was awarded to Taurau alone.⁴⁶¹ It would thus seem to be a Te Parawhau claim, drawing on Ngati Whatua and Ngati Ruangaio descent.
354. Moving along the southern harbour the next block is Pikopiko Kaumatua which was considered in the previous section of this evidence. To the east of that is Te Totara block (36 acres) which was investigated by the Court in 1871 when a claim was presented by Hona Te Hora (of Te Parawhau at Mangapai). He claimed the land not for himself but for the absent claimants; Tipene Huirua and Timoti Taungahuru. He said they claimed the land from their (unnamed) ancestor, were the only claimants, and also claimed by virtue of having “lived and cultivated upon it.” Renata Manihera counter-claimed and Hona readily accepted his inclusion on the title. With that, the brief hearing was concluded and the title awarded to Tipene Huirua, Timoti Taungahuru, and Renata Manihera.⁴⁶² As noted Renata is Te Parawhau. The tribal affiliation of Tipene and Timoti is not known. (Tipene may be related to Huirua Tito of Te Parawhau, a descendant of Te Ipuwhakatarā who was a child of Kukupa and Whitiao and thus sibling of Te Tirarau.)⁴⁶³
355. Moving east along the harbour, the next block is Mangawhati and Te Wita (944 acres), located west of Takahiwai around Pakauhokio pa and taking in Mangawhati Point. Title to Mangawhati and Te Wita was investigated at Whangarei in March 1866, when the land was claimed by Reweti Maketu of Takahiwai for himself, Te Korehu Ripeka, Eru Toenga, Pera, Hona [Te Horo], Wiki Pirihi, Ngakapa, and others, “and Te Whanau Pani katoa.” It was thus a claim for Te Whanau Pani, who at Whangarei area a hapu associated with Te Parawhau and with Te Patuharakeke. Reweti called on Te Pirihi to explain the claim, which he said was from Te Ao Wheonga who married Te Taotahi, the grandparents of Reweti Maketu and of others among the claimants. He then told the Court it had been agreed that title would vest in Te Reweti Maketu and his sister Te Korehu only, and the Court ordered accordingly.⁴⁶⁴

⁴⁶¹ Whangarei MB 1, pp.78-79, and; Te Koare certificate of title, 1866. R25285068. Archives NZ.

⁴⁶² Whangarei MB 2, pp.87-88.

⁴⁶³ Whangarei MB 5, p.28, and; Taipara Munro, ‘Brief of Evidence’, 2013. Wai 1040 #I26, p.16.

⁴⁶⁴ ML 35, LINZ; Whangarei MB 1, p.75, and; Mangawhati and Te Wita certificate of title, 1866. R25285075. Archives NZ. On Te Whanau Pani, see Marina Fletcher, ‘Brief of Evidence’, 2016. WAI 1040 #AA126(b), p.12, and; Wiki Pirihi (Te Mata case, 1868), Whangarei MB 2, p.41.

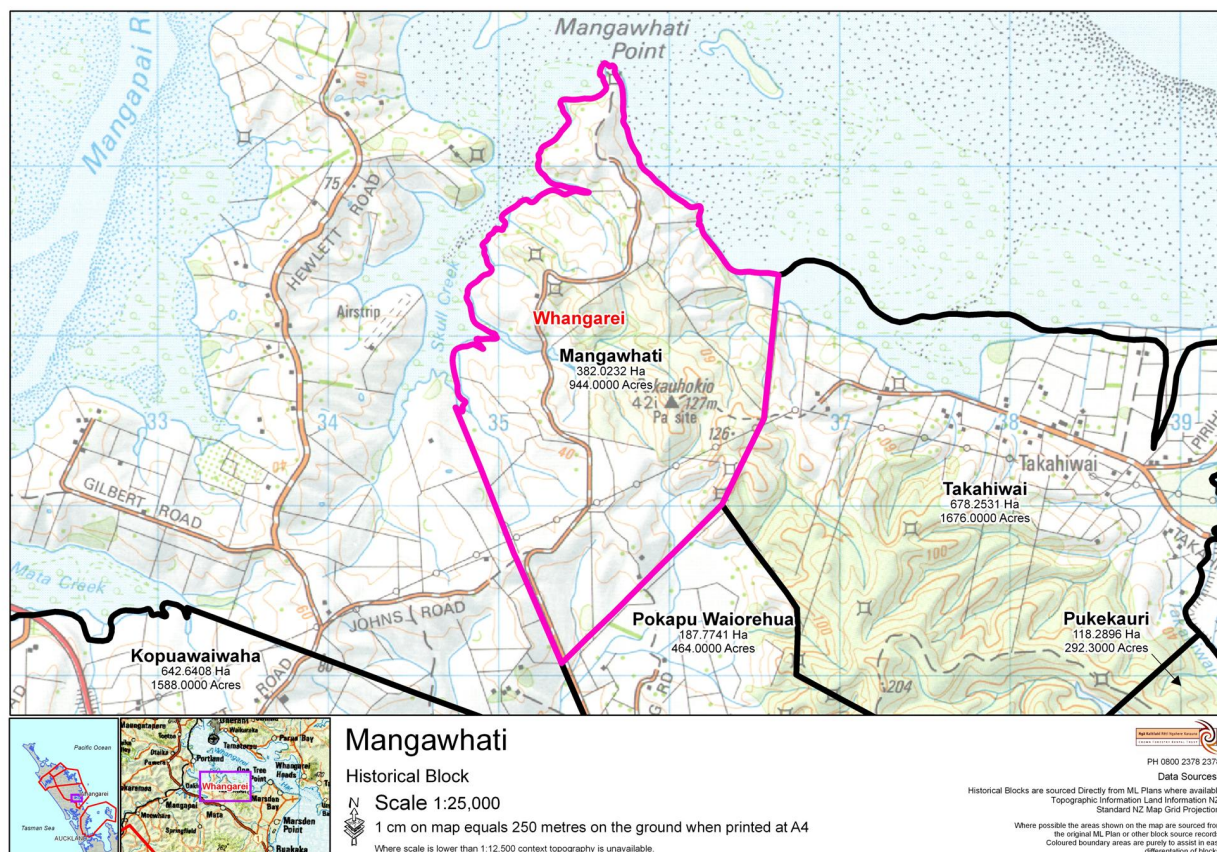


Figure 30: Mangawhati Block Location Map

356. The final block on this side of the harbour is Takahiwai (1,673 acres), which was retained as customary Maori land until the early 1900s, when title was investigated by the Tokerau Maori Land Council (rather than the Native Land Court) under the Maori Lands Administration Act 1900. The Council comprised a majority of elected Maori members but the President was Native Land Court Judge E. C. Blomfield. The 1903 sitting at which Takahiwai case was heard was presided over by Blomfield and Hoterene Kawiti (a rangatira of Ngati Hine).⁴⁶⁵ However, the case itself was then referred to a five-member “block committee” elected by the claimants. Each claimant elected one member and the remaining two members were agreed by all jointly. The committee comprised Hare Wetiwha (chair), Hare Maihi, Hori Rewi, Patira Taka, and Hirini Tauhi.⁴⁶⁶ The evidence heard by this committee was recorded in a Council ‘papatupu minute book’ but that minute book has not been located. In any event, those minutes were written entirely in te reo Maori and, if able to be located, will require the attention of those expert in te reo Maori.

⁴⁶⁵ Tokerau Maori Land Council Minute Book 1, p.157.

⁴⁶⁶ Tokerau Maori Land Council Minute Book 1, p.167.

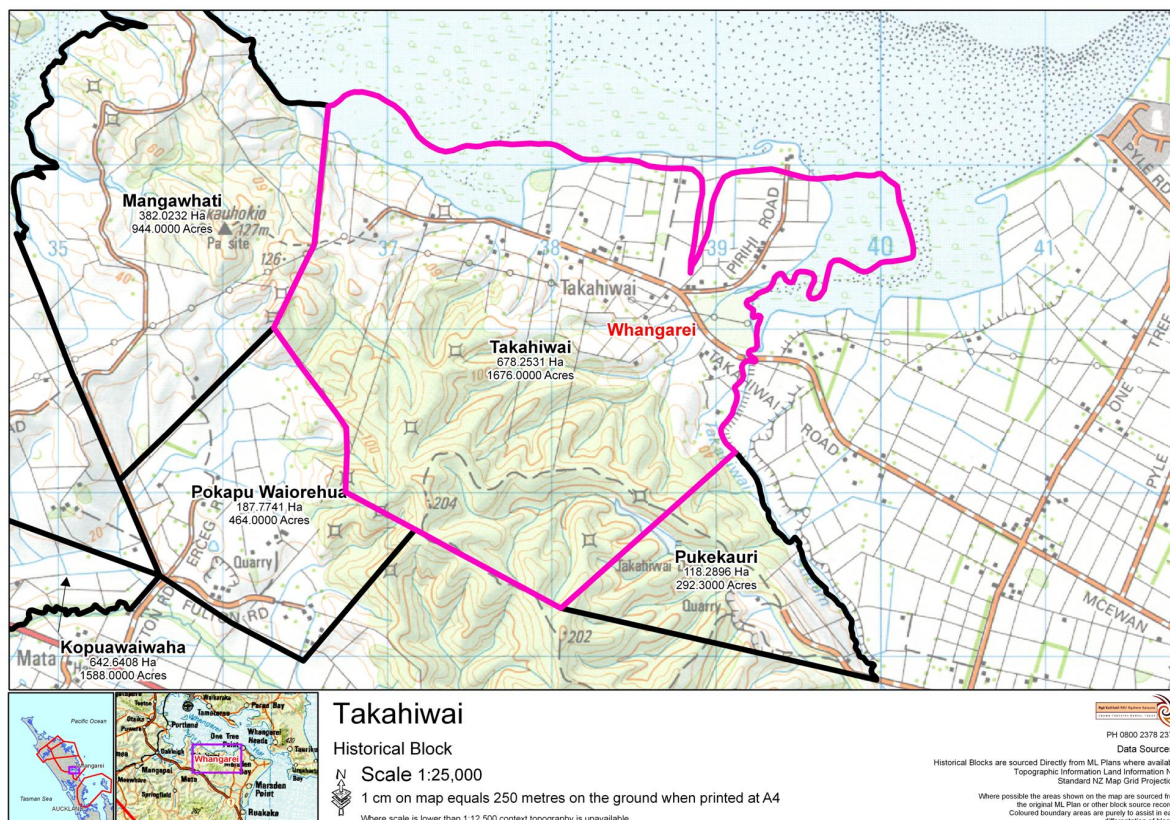


Figure 31: Takahiwai Block Location Map

357. What is known of the title investigation is that Takahiwai was claimed by Henare Pirihi of Te Patuharakeke from the ancestors Puhi and Motatau, as well as the take of “strongarm [ringakaha], mana,” occupation, and a gift by Tawhiro to the ancestors Puhi and Motatau. Another claim was put by Peka Te Rata for Ngai Tahu, from the ancestor Weku as well as the take of “strongarm, mana,” and occupation. A third claim was put by Taporoto Taurau for Te Parawhau, based on a gift by Te Tirarau, as well as occupation.⁴⁶⁷
358. The block committee did not give its decision until May 1905, but this is not in the Council’s minute book. There were three objections to the decision, including one from Peka Rata for Ngai Tahu. (The other two objectors were Tahi Honetana and the husband of Ponahia Te Mana, who was acting for her, but these are less relevant here.) When speaking to his objection Peka noted that the block committee’s decision stated that “the ancestor of Henare Pirihi was a relation of Pae and Kahore, my ancestors.” However, he had based his claim on descent from Weku, “a younger sister of Pae,” leading the committee to award he and Ngai Tahu some interests because Weku had been recognised in “the adjoining lands” and because of the relationship of Weku to Pae and Kahore.⁴⁶⁸

⁴⁶⁷ Tokerau Maori Land Council Minute Book 1, pp.166-167.

⁴⁶⁸ Tokerau Maori Land Council Minute Book 1, pp.166-167.

359. The award was, however, less than Peka considered they were entitled to, due to the committee's view "that Tawhiro defeated my ancestors." This was apparently why Henare Pirihi and Te Patuharakeke, who were also descendants of Weku, had instead claimed from Motatau. Peka responded that Motatau "had no right except by marrying the child of Weku for the purpose of discarding us." He also said: "there was no conquest," and supported this by pointing to the investigation of nearby lands, such as Te Mata, Pukekauri, and Kopuawaiwaha.⁴⁶⁹
360. Of these blocks, Te Mata and Pukekauri are south of Takaihiwai, away from the harbour. Kopuawaiwaha was noted earlier and the interests of Ngai Tahu were recognised there, as were those of Te Parawhau. Evidence given in Te Mata (975 acres) in 1868 has been referred to earlier, but not the outcome: it was claimed by Wiki Pirihi for a group of individuals of Te Patuharakeke and Te Kumutu tribes but, he added, "the principal tribe is called Whanaupani [who] belong to this place, I do not know the history of the tribe." The following day his father Te Pirihi affirmed the claim and added four more names for the title, saying the claim was the same as for Kopuawaiwaha. As noted, they claimed from the ancestors Weku and Pae. He added that "Te Kahore was the only one who ever preferred a claim [to Te Mata]. He made an attempt to seize this land but did not succeed." As there were no objections to the claim the title was, at Te Pirihi's request, awarded to Rata Pou alone, evidently to facilitate the private purchase of the block (the claimants had agreed that Paora Kaitangata would also be named in the title but this does not seem to have occurred).⁴⁷⁰
361. This issue goes to the origins of the tangata whenua at Whangarei, drawing on earlier Ngai Tahu ancestry, and the whakapapa connections established between Ngai Tahu and those of Ngati Ruangaio who migrated to Whangarei. This led to the emergence of Te Parawhau and related hapu such as Te Patuharakeke, and ensured that Ngai Tahu maintained customary rights. As a result of this recognition of Ngai Tahu ancestry, Peka Rata was included in the title to Takaihiwai, just not to the extent he believed was warranted.⁴⁷¹ The Council did not agree with him; rejecting all three objections and affirming the block committee's report.⁴⁷² The final title orders for Takaihiwai were signed by the Council in November 1905.⁴⁷³ A full list of owners has not been located during research for this evidence although the block is particularly associated with Te Patuharakeke. Even so, as noted, other interests were recognised in the title.

⁴⁶⁹ Tokerau Maori Land Council Minute Book 1, pp. 292-293.

⁴⁷⁰ Whangarei MB 2, pp.42-45, and; Te Mata certificate of title, 1868. R25285120. Archives NZ.

⁴⁷¹ Tokerau Maori Land Council Minute Book 1, pp.292-293.

⁴⁷² Tokerau Maori Land Council Minute Book 1, p.299.

⁴⁷³ Tokerau Maori Land Council Minute Book 3, pp.320-321.

362. Takahiwai was investigated on a sketch plan, not a full survey, so when Henare Pirihi and Te 'Tahi Honetana applied to partition the block in 1910 they had to first obtain a survey plan of the block.⁴⁷⁴ The partition proceeded in 1911.⁴⁷⁵ A 1915 partition plan shows a wāhi tapu (Takahiwai 1 of 2 acres) in the west of the block, adjoining Whangarei harbour.⁴⁷⁶
363. The final title considered here is Motukaroro (1 acre), a small island in the mouth of the harbour north of Marsden Point. It was claimed in 1882 by Taurau Kukupa who here described himself as Ngapuhi and put his claim very simply: “the land... belongs to me through my ancestors.” Unlike the early Court sittings (when Taurau was rarely opposed), this claim was objected to and the Court immediately adjourned to enable the parties to “come to an arrangement.”⁴⁷⁷ An out of Court agreement was arrived at by the following day when a list of names was handed in and the title was duly ordered in the name of Taurau Kukupa, Pomare Kingi, Hemi Hoera, and Hemi Kaikou.⁴⁷⁸ The island was promptly purchased by Harcourt Aubrey (who owned nearby land at Whangarei Heads, where Mount Aubrey was named for him). The names selected for the title reflect a mix of Te Parawhau, Ngati Tu, and Ngati Kahu interests.



Figure 32: Motukaroro Block Location Map

⁴⁷⁴ Whangarei MB 10, p.57.

⁴⁷⁵ Whangarei MB 11, pp.162-164 and 211.

⁴⁷⁶ ML 9683, LINZ.

⁴⁷⁷ Whangarei MB 2, p.293.

⁴⁷⁸ Whangarei MB 2, p.300, and; Motukaroro certificate of title, 1882. R25292317. Archives NZ.

Other Northern Whangarei Harbour Blocks

364. Beginning at the upper harbour, the first title investigated by the Court was Parihaka, the reserve made from the earlier Parihaka Crown deed (see above). Moving east along the harbour shore, the next block is Waimahanga while most of the remaining blocks on the northern side of the harbour are clustered around Parua Bay. (In between lie Waikaraka and Wharauoa, near Waimahanga, but these blocks were addressed earlier.) Much of the land along this side of the harbour is associated with Ngati Kahu. Other interests identified here include Ngati Tu and Ngai Tahu.
365. The Parihaka reserve was divided into a number of small blocks when it came before the Court. The first block claimed was Parihaka Reserve (445 acres beside the Hatea River and upper harbour) which Te Puia explained to the Court had been excluded from the earlier Crown purchase because: “It was a sacred place and we wished it to be outside the boundary line.” Even so, he now wanted to sell about half of this wāhi tapu, “because there is a European living upon it.” His son Hirawani objected to only one part of the reserve being investigated: “I disapprove of these small pieces being investigated. These small claims are not easily settled.” Even so, he yielded to Te Puia who named the owners as Tipene, Hori Kingi [Tahua], Hone Rakata, Hirawani, Monariki, “and all the others of my people” but he wanted only himself and Pohe on the title. He said they all claimed on the same take as in the blocks already investigated in the area, namely descent from Ngarokiteuru. As there were no objections, title was awarded to part of Parihaka Reserve (245 acres) accordingly, deducting three smaller titles within the original reserve which were then heard (see below).⁴⁷⁹ The location map below shows only the entire reserve, misnamed as ‘Parahaki’.
366. Parihaka 1 (26 acres, at the southwest tip of the reserve) was then heard, being one of the three areas excluded from the main Parihaka Reserve title above. Te Puia explained that some Pakeha “have been in possession of this land for two years and [we] have received no payment.” He wanted a title to the land “in order that I may demand payment and if refused I will turn them off.” He sought a title in his name only and this was duly ordered. He appears to have intended to alienate the land to its Pakeha occupiers.⁴⁸⁰
367. Parihaka 2 (10 acres) adjoined Parihaka 1, which was claimed by Wi Pohe. The claim was presented by Hirawani, who said part of the block was for Pohe but there “is also to be a Crown grant for Mr Rayburn’s[sic] piece,” evidently referring to land the early settler Robert Reyburn was occupying. Instead, a single title was awarded to Wi Pohe.⁴⁸¹

⁴⁷⁹ Whangarei MB 1, pp.147-148, and; Parihaka certificate of title, 1867. R25285138. Archives NZ.

⁴⁸⁰ Whangarei MB 1, p.149, and; Parahaki 1 certificate of title, 1867. R25285078. Archives NZ.

⁴⁸¹ Whangarei MB 1, p.150, and; Parahaki 2 certificate of title, 1867. R25285079. Archives NZ.

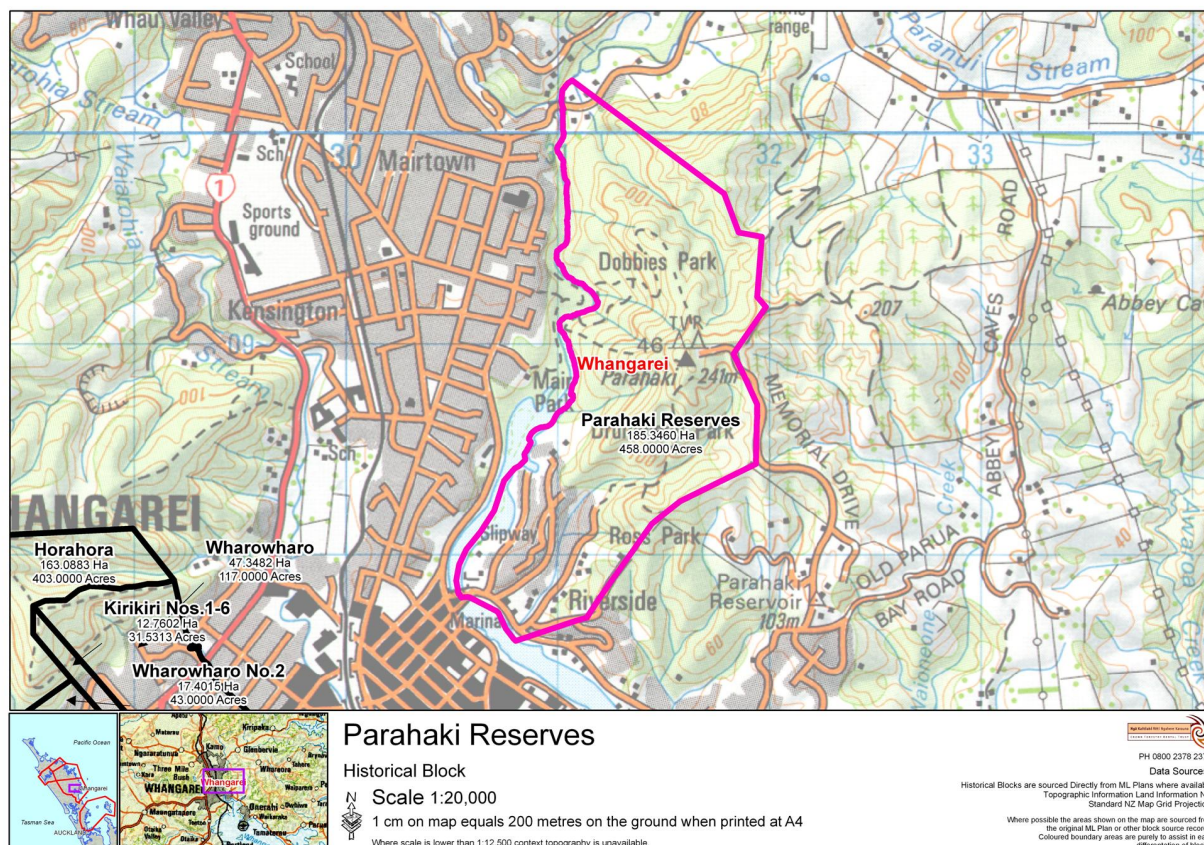


Figure 33: Parihaka Reserves Location Map

368. Finally, Parihaka 3 (164 acres) was heard. It had a small frontage to the upper harbour, beside Parihaka 1 and 2. No evidence was heard on the block, which was awarded to Wi Pohe.⁴⁸² The land was later purchased by Reyburn. As noted, the ancestor (Ngarokiteuru) and rangatira named for the Parihaka reserve titles are generally associated with Ngati Kahu ki Torongare (as noted).
369. Moving east along the harbour, the next Court title is Waimahanga (314 acres) which, like Parihaka, had been reserved from a prior Crown deed (Tamaterau, as noted). Hirawani Te Aitu of Ngati Kahu ki Torongare at Ketenikau claimed the land (with Te Hira). Their ancestral claim was from Mihiao, for which they gave a whakapapa showing that ancestor as having lived six generations earlier and being the father of Ngarokiteuru and Te Pokemaui (Hirawani's ancestor). He said they used to have a kainga on the land but "have not lived on it for the last few years" and intended to sell the land. Hone Puriri counter-claimed, saying he had the same ancestry and sought to be included. Hirawani responded that Hone "is grounding his claim on the name of Pohe [but] Pohe got a part of Waimahanga in his own name [referring to Wharauora, as noted]. We let him have it on the understanding that we should have this as our share." The Court – focusing on the customary basis

⁴⁸² Whangarei MB 1, p.151, and; Parahaki 3 certificate of title, 1867. R25285080. Archives NZ.

of Hone's claim rather than the earlier out-of-court arrangements Hirawani referred to – admitted Hone to the title. Kataraina Tipene said her father Tipene withdrew his claim. Accordingly, title was awarded to Hira Tauru, Hirawani, and Hone Puriri.⁴⁸³

370. Moving east along the shoreline the next block is Pakikaikutu (334 acres), claims to which, as noted, first came to Court in 1865 but without being determined (see survey plan detail below). It returned to Court in 1876 on a claim by Te Tirarau and “others,” which was introduced by Taurau Kukupa who said, “I belong to Ngapuhi,” before handing over to Pomare Kingi to present the claim. Pomare too said he was Ngapuhi but added he was “Ngati Kahu hapu,” and claimed the land with others from ancestry. As there was no opposition he was not asked to elaborate and simply handed in a list of owners.⁴⁸⁴

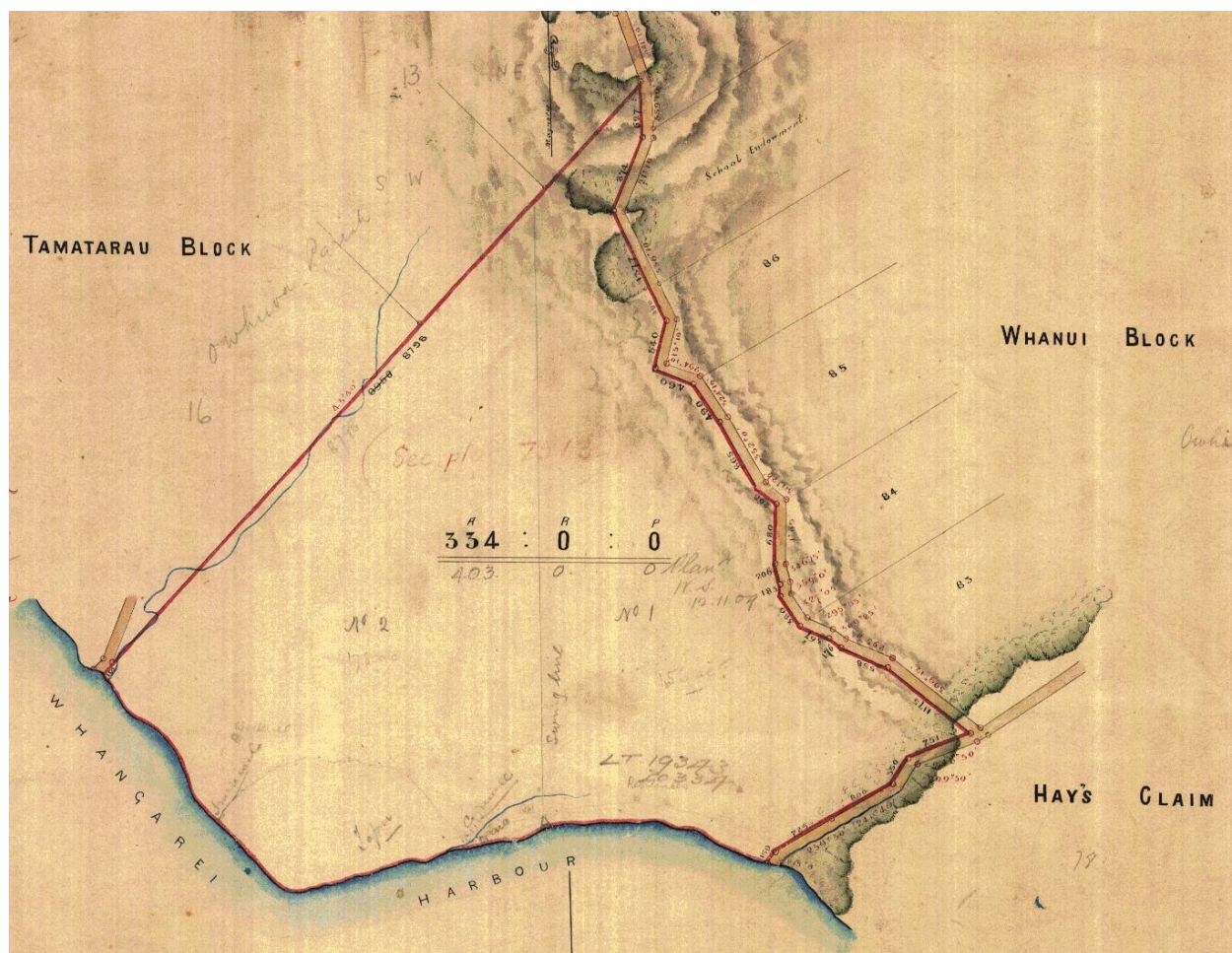


Figure 34: Pakikaikutu Block Detail (ML 3211, LINZ)

⁴⁸³ Whangarei MB 2, pp.99-100, and; Waimahanga certificate of title, 1871. R25285145. Archives NZ.

⁴⁸⁴ Whangarei MB 2, p.145.

371. The owners wanted 30 acres in one title for Te Ahokotiro and Wiremu Te Parihi, this being an area along the harbour shore between the Opaia and Tawatawa creeks which was marked “Tapu” on the plan. It was not a wāhi tapu as such but was the gifted land Ngati Kahu ki Torongare agreed that Ngati Pukenga could retain. As noted, Te Parawhau and others had gifted Pakikaikutu to Ngati Pukenga many years before. The remaining 304 acres was awarded to Horomona Kaikou, Pita Pohe, and Pomare Kingi.⁴⁸⁵ Despite the claim having been made by Tirarau (of Te Parawhau) back in 1865, it was now very much a Ngati Kahu claim.
372. That was not the last word on Pakikaikutu: following an application for rehearing from Ngamana Te Wharau (of Ngati Pukenga), the block was reheard in 1877. Taurau Kukupa told the Court that the land “belonged formerly to the chiefs of Parawhau,” who had given it to Te Tawera (Ngati Pukenga), as noted earlier. Ngamana agreed with Taurau that the entire block should be awarded to them, rather than only the 30 acres awarded in 1876. As noted, there was some debate about what was given, by whom, and on what authority. Pomare Kingi recalled a runanga convened in 1875 to decide about the land, the members of that runanga being Te Tirarau, Taurau, Maihi Kawiti (of Ngati Hine), and Te Ahokotiro (or Te Ahokotiri) (of Ngati Pukenga). Ngati Pukenga declined the offer of 30 acres as they sought the entire block, so the matter went to Court in 1876 where Ngati Pukenga were not even heard during the very brief hearing.⁴⁸⁶
373. In 1877 the gift by Te Parawhau was challenged by Horomona Kaikou of Ngati Tu, who said the land belonged to his Ngai Tahu ancestors, and he had not given it to anyone. Eventually, Te Tirarau was called to clarify and uphold the nature and extent of the customary gift to Ngati Pukenga. The Court agreed with the evidence of Te Parawhau and awarded Pakikaikutu to Te Tawera (Ngati Pukenga). As in other lands on the northern side of the harbour, interests were asserted by Ngati Kahu but the gift to Ngati Pukenga dated back to a time when Te Parawhau were in the ascendant and had the authority to gift this land to Ngati Pukenga (in order to atone for the killing of three of their rangatira at Pakikaikutu).⁴⁸⁷
374. Moving east into Parua Bay itself, the first block on the map is Rahuikuri but the adjoining Waitaiki block was the first title heard here so it is considered first (see Parua Bay blocks plan below). The lands beside the Bay reflect a mix of Ngati Kahu and Ngati Tu interests. The investigation of Waitaiki block (115 acres) had to be adjourned when it first came before the Court in 1866, following “a lengthened discussion” between Wiremu Pohe and his opponents, Mohi Parore and Hata. With no resolution in sight, Wiremu Tipene suggested to the Court that the case not be heard “owing to the

⁴⁸⁵ Whangarei MB 2, p.146, and; ML 3211, LINZ.

⁴⁸⁶ Whangarei MB 2, pp.169-179.

⁴⁸⁷ Whangarei MB 2, pp.169-179, and; Pakikaikutu certificate of title, 1877. R25302399. Archives NZ.

claimants differing so severely amongst themselves.”⁴⁸⁸ It was of course the Court’s function to assess the evidence put by rival parties, but both it and Maori generally preferred to arrange any disputes before they presented an agreed claim, so the case was briefly adjourned.

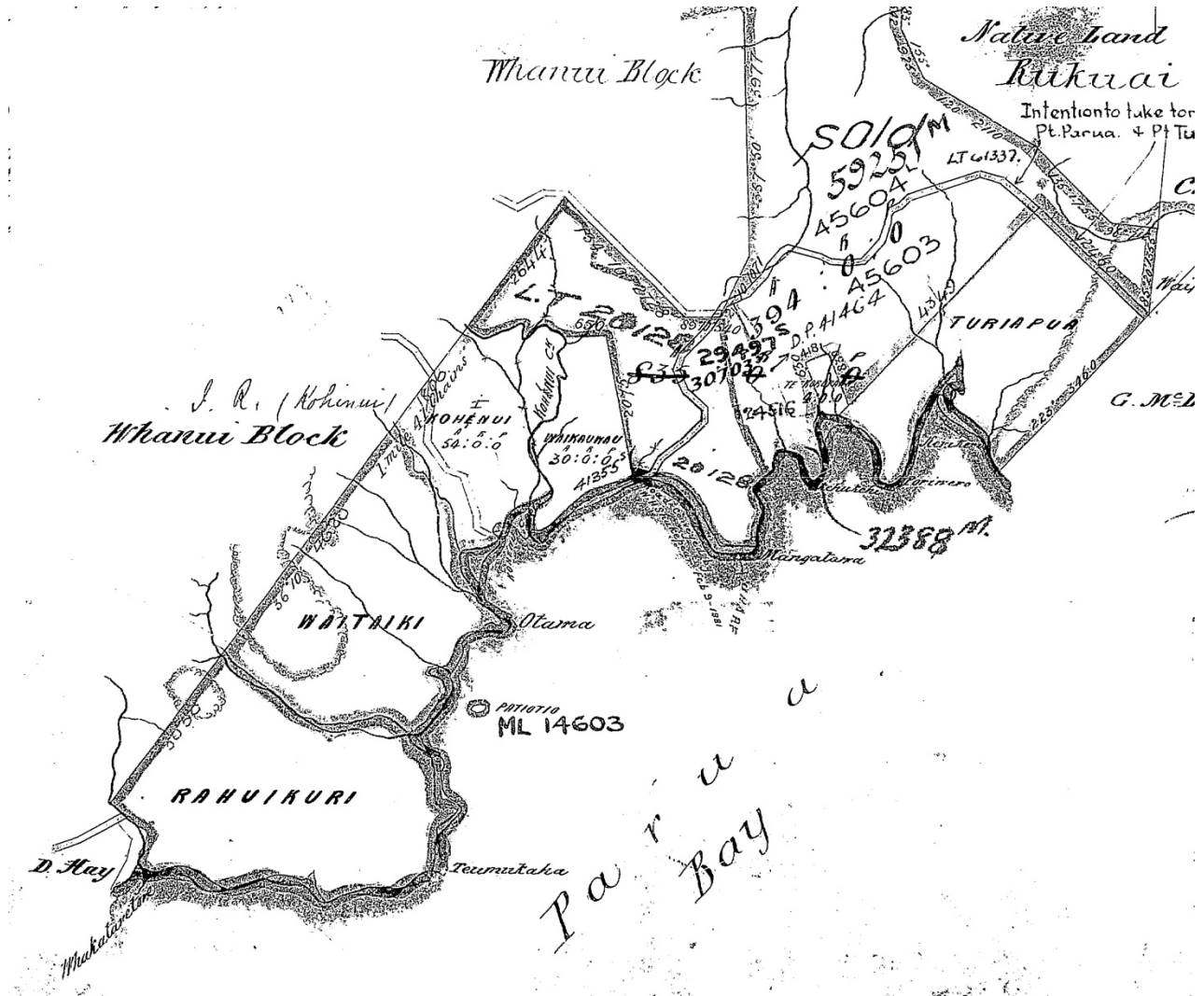


Figure 35: Parua Bay Blocks Plan Detail (ML 1004, LINZ)

Parua block itself is more clearly shown on the location map below.

488 Whangarei MB 1, p.83.

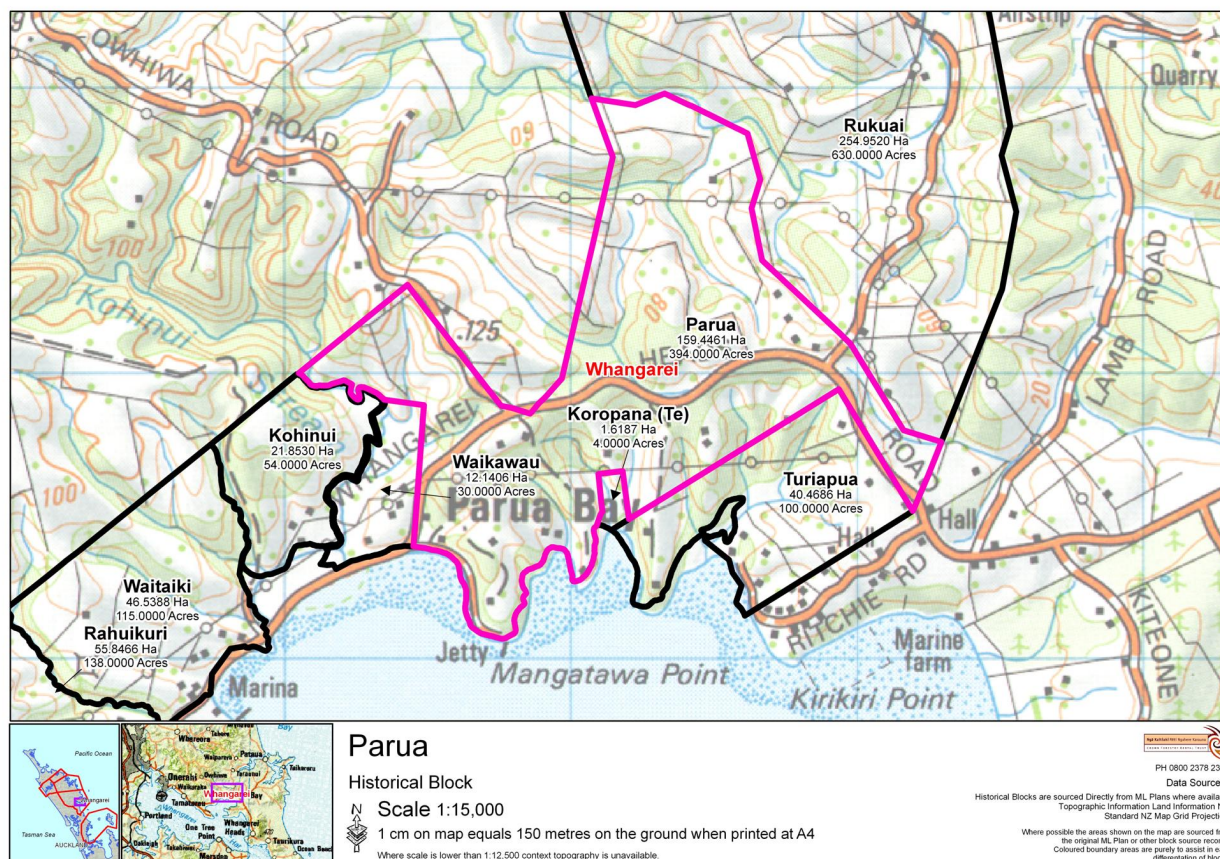


Figure 36: Parua Block Location Map

375. Accordingly, when Waitaiki returned to the Court the following day it was noted that the disputing parties “after having an open air meeting... had arrived at an arrangement to settle the dispute between themselves.” Hirini Tipene explained that Ngati Kahu ki Torongare had decided to “give way” to the claim of Hata Kingi Kahui and Mohi Parore “as a [con]cession to them” and in order to end the “disagreement about the land.” The Court ordered accordingly.⁴⁸⁹ The land was thus seen by Ngati Kahu ki Torongare as their land, but they were willing to yield to the two grantees for the sake of keeping the peace, and in exchange for the pair withdrawing their claims to other land at Parua Bay and simplifying future title investigations.
376. It was not clarified on what basis Hata and Mohi claimed the land and little has been discovered about them during research for this evidence, but their interests were evidently different from those of Ngati Kahu ki Torongare. They may be Waiariki or Ngati Wai interests. What is known is that in 1858, land purchase commissioner Johnson referred to Haimona Hakiro as obstructing his Kaiwha purchase (see above). He reported that Haimona’s three sons were supporting him and one of the

⁴⁸⁹ Whangarei MB 1, pp.86-87, and; Waitaiki certificate of title, 1866. R25285072. Archives NZ.

sons was Hata Kingi.⁴⁹⁰ Hata Te Hakiro, who seems to be Hata Kingi's father, was related through his wife Pakira to Mohi Tawhai, a leading Hokianga rangatira. The couple lived for a time at Hokianga, where Mohi Parore was born (indicating Mohi was another of his sons).⁴⁹¹ When Hata Te Hakiro claimed at Toetoe on the other side of the harbour (see above), he said he belonged to Te Roroa at Ngunguru (He had an ancestor named Parore, which may also be linked to the naming of Mohi Parore).⁴⁹²

377. The Waitaiki title did not include Patiotio (14 perches), a rock just off shore, even though it was shown on Maori land surveys at the time.⁴⁹³ Patiotio Rock was not surveyed as a separate title until 1967 and remained customary land until 1968, when title was investigated and then vested in the Maori Trustee to sell.⁴⁹⁴ It can no longer be identified on aerial images of Parua Bay and appears to have been destroyed as part of reclaiming this part of the Bay for the carpark of the Parua Bay Yacht Club.
378. The resolution of the Waitaiki dispute cleared the way for the next claim, which was the adjoining Rahuikuri block (138 acres). It was claimed by Horomona Kaikou who said he was born on and had long lived on the land. Referring to the Waitaiki block he said the only dispute about Rahuikuri had been the claim "made recently" by Hata and "his brothers." He asked Tipene Hari to establish the ancestral claim, which was from Tahupeka (as with other Ngati Kahu ki Torongare blocks), and Tipene noted that the "whole tribe of Ngati Kahu have a claim to this land but it is all waived in favour of Horomona and Hema as they are and have been the occupants." As noted, he added that the land had belonged to Ngati Tu who, he said, "have nearly all disappeared and Horomona has merged into our tribe, Ngati Kahu." Title was awarded accordingly to Horomona Kaikou alone.⁴⁹⁵ His claim appears to be an older Ngati Tu claim, but this was not how Ngati Kahu ki Torongare saw it.
379. Before the other small blocks beside Parua Bay were heard (see below), the main Parua block (394 acres) came before the Court in 1868. When it was first inquired into by the Court in 1867 the survey showed its area as 833 acres but the surveyor had incorrectly included a large area that was not customary land. Wi Pohe presented what was rather a contested claim for Parua and suggested that, if a corrected plan was obtained, the case could be promptly heard at the next sitting of the Court, which was to be at Otamatea (central Kaipara). The Court initially agreed but realised "there was

⁴⁹⁰ Johnson to Smith, 22 March 1858. *Turton's Epitome*, C-IV, p.85.

⁴⁹¹ Johnson to McLean, 7 April 1857. *Turton's Epitome*, C-IV, p.78, and; Whangarei MB 2, pp.189-192.

⁴⁹² Whangarei MB 2, pp.189-192.

⁴⁹³ ML 1004 and ML 14603, LINZ.

⁴⁹⁴ ML 14603, LINZ.

⁴⁹⁵ Whangarei MB 1, pp.87-88, and; Rahuikuri certificate of title, 1866. R25285071. Archives NZ.

likely to be some opposition” to hearing the block there, so it withdrew its earlier agreement to the Otamatea venue, saying that Parua “would be heard and decided here [Whangarei] where all claimants would have an opportunity of being present.”⁴⁹⁶

380. Upon correction, the survey of Parua block comprised 394 acres and in 1868 the Court heard Horomona Kaikou’s claim. He noted that one adjoining block, Turiapua, had gone through the Court and been awarded to Wiremu Pohe. Horomona noted that the small Te Koropana block (4 acres) within the boundaries of Parua “is mine, I am living on it.” He also said that the nearby Waikawau and Kohinui blocks “belong to me.” The Parua block thus established something of a precedent for the interests of Horomona Kaikou and Ngati Tu in the smaller blocks around it in Parua Bay. He also claimed Parua as Ngati Tu (oddly recorded here as “Ngatituhi”) but advised: “There are other claimants.” Even so, in the absence of any objections, title was awarded to him alone without any evidence being taken.⁴⁹⁷
381. Adjoining Waitaiki to the east at Parua Bay is the Kohinui block (54 acres) which Horomona Kaikou claimed in 1868, again as Ngati Tu rather than as Ngati Kahu ki Torongare. He claimed from his ancestor Hikurangi and through occupation. Wiremu Tipene had lodged a claim to Kohinui but told the Court he waived it in favour of Horomona, adding that he would instead claim the adjoining Waikawau block. This arrangement – one block for me, one block for you – is the same as that used to resolve the claims to the adjoining Rahuikuri and Waitaiki blocks. Title was awarded accordingly to Horomona Kaikou.⁴⁹⁸
382. The adjoining Waikawau block (30 acres) did not come before the Court until 1871 when – despite the arrangement of Horomona Kaikou and Wiremu Tipene in 1868 (as noted) – it was claimed by and awarded to Horomona Kaikou without opposition. As before, he claimed it from his ancestor Hikurangi and by occupation, having lived on it with his father Te Ngahuru. Title was awarded accordingly.⁴⁹⁹ At the same Court in 1871 Horomona Kaikou claimed Te Koropana (4 acres), a small block beside Parua Bay that lay within the larger Parua block. This claim was also for him alone and on the basis of descent from Hikurangi and occupation in his time and his father’s before him. Title was awarded accordingly.⁵⁰⁰ He did not state his hapu affiliation in either case but it would appear to be as Ngati Tu, as before.

⁴⁹⁶ Whangarei MB 2, p. 8.

⁴⁹⁷ Whangarei MB 2, pp.63 and 66, and; Parua certificate of title, 1868. R25285136. Archives NZ.

⁴⁹⁸ Whangarei MB 2 pp.64-65, and; Kohinui certificate of title, 1868. R25285131. Archives NZ.

⁴⁹⁹ Whangarei MB 2, p.75, and; Waikawau certificate of title, 1871. R25285149. Archives NZ.

⁵⁰⁰ Whangarei MB 2, p.74, and; Te Koropana certificate of title, 1871. R25285152. Archives NZ.

383. The final block in Parua Bay (and by the late 1860s the easternmost Maori land title remaining along the northern shore of the harbour) is Turiapua (100 acres). As noted, it came before the Court in 1867 when it was claimed by Wiremu Pohe. It was first set down for hearing in March 1865 but Wiremu Pohe's claim had to be adjourned "in consequence of the claimants disputing amongst themselves as to their titles, outside the Court House."⁵⁰¹ This was despite Te Tirarau having exercised some control over the Court's proceedings at these early hearings (as noted).
384. In 1867, the surveyor (former land purchase commissioner Johnson) told the Court that Mohi Parore and Hakiro had opposed the survey and "kept me two days on the ground" until Wiremu Pohe "gave way and promised to give the half of the money for which it was sold to them," at which they withdrew their opposition to the survey. The surveyor pointed out that Wiremu Pohe told them "he did not make the concession of right but that they should not have come such a distance for nothing."⁵⁰² In other words, the survey delay was costing the Pakeha purchaser of the land a lot of money so Wiremu Pohe agreed to include the objectors on that basis, not because he accepted they had customary rights. On the other hand, this evidence does reveal what an out-of-court agreement may conceal: that the few individuals placed on titles for convenience's sake do not necessarily represent the range of customary interests in a land block.
385. At this stage, Te Tirarau still had a lot of influence over the Court and was present, so Judge Rogan explained to him that "there was apparently a difficulty about this land, disputed by Hakiro and others, and that the Court would like him [Te Tirarau] to hear Pohe's statement and give his opinion as to what should be done to settle it."⁵⁰³ Te Tirarau was not being asked to give evidence but to assess the evidence that was given and to tell the Court his view of it. As noted, he was effectively being treated as part of the Court's bench (which included the Assessors Matikikuha and Pairama, both of Te Uri o Hau).
386. Wiremu Pohe told the Court there were "many other claimants" besides himself, naming Tipene, Horomona "and many others of our tribe," which the surveyor had already said was Ngati Kahu. They claimed from their ancestor "Ikurangi" (Hikurangi), and said Tipene would give the whakapapa. Te Tirarau stepped in and said "the differences in relation to this block of land had been settled" so there would be "no further opposition on the part of Hakiro, as they had left the place." That is, Hakiro and his people had left Turiapua. Tirarau added: "Hakiro had no inherent claim to

⁵⁰¹ Whangarei MB 1, p.14.

⁵⁰² Whangarei MB 1, pp.119-122.

⁵⁰³ Whangarei MB 1, pp.119-120.

the soil, his claim was by conquest.” Te Tirarau said he too had “made a demand some time ago” for part of the block but “I have since relinquished my claim.”⁵⁰⁴

387. It is noteworthy that Te Tirarau emphasised the weakness of a claim based on conquest that was not backed by occupation and ancestral rights to the land (or ‘soil’) or what he referred to as ‘an inherent claim’.
388. Tipene then continued with the evidence on ancestry for Horomona, saying that (as noted earlier) Hikurangi’s sister was Mihiaua, and that Tipene, Wiremu Pohe, and the other claimants came from Mihiaua, whereas Horomona came from Hikurangi’s elder brother Paiiki. He asked for the title to be in the name of Wiremu Pohe alone (because the land was already committed to sale and it was easier for land with a single owner to be sold). Horomona agreed to this, and title was awarded accordingly.⁵⁰⁵
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⁵⁰⁴ Whangarei MB 1, p.121.

⁵⁰⁵ Whangarei MB 1, pp.121-122, and; Turiapua certificate of title, 1867. R25285099. Archives NZ.

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