

KAINGAROA 1

The Kaingaroa 1 block is of considerable interest to claimants, and we consider it important to provide further detail about the title investigation in the Native Land Court, and the alienation of the block. We begin with an account of pre-investigation dealings in the land conducted during the period when the Native Land Court was suspended in the region (from 1873 to 1877). We give details, sourced from minute books of the Native Land Court and from reports commissioned by the Crown Forestry Rental Trust, of the proceedings relating to the investigation of title of Kaingaroa 1, and the subsequent rehearing. We conclude with a brief account of the alienation of the land, and of protest by some claimants in the wake of the court rehearing, and alienation.

PRE-INVESTIGATION DEALINGS

As early as 1864, according to Peraniko Te Hura of Ngati Manawa, the boundaries of what would become Kaingaroa 1 were indicated to Government officers TH Smith and HT Clarke.¹ And by 1866, Angela Ballara tells us, Gilbert Mair had already negotiated a private lease over part of it.² It is possible that this was the land ‘near Paeroa’, leased by Mair and his brother in November 1866 ‘from Ngatitahu and Ngatiwhaoa’, and that the lease was the one arranged with Ihaia Te Waru of Ngati Whaoa, for which Te Waru received £80.³

In 1867, Josiah Firth negotiated a lease for some land that was referred to as Kaingaroa 1, from a group of Ngati

Raukawa led by Topi Te Kahuwahara. However, in the case of this particular deal, a number of factors have led both Bruce Stirling and Dr Ballara to conclude that this was not the same land that would finally become known as Kaingaroa 1. Rather, they think that the land involved was closer to Taupo and the Waikato River.⁴

In 1873, Ngahuruhuru Perarika of Ngati Whaoa leased an area of land to the Crown which appears to have included the south-west corner of what would become Kaingaroa 1. He received £100 from the Government.⁵ He would later state:

I received the payment to the best of my belief for the portion of the Kaingaroa No 1 shown on the map from Captain Mair[,] Crown Agent. I received payment twice[,] once before the hearing [of Kaingaroa No 1] and again afterwards from Captain Mair.⁶

Also in 1873, the Government’s agent, Henry Mitchell, began negotiating a lease with Ngati Rangitihī for land later given title as Kaingaroa 1, and on 1 December, at Matata, he paid £100 deposit to unnamed rangatira of the kin group.⁷

In 1874, however, Mair negotiated the lease of some Kaingaroa 1 land from Ngati Manawa.⁸ He met with them in May and they drew up the boundaries of some reserves to be set aside from the lease (as well as undertaking a census of the kin group).⁹ The area of the land leased was given as 136,000 acres, and the annual rental was to be £250, with Mair paying a deposit of £400.¹⁰ Mair seems to have been offered the lease by Peraniko Te Hura, as compensation

for his having missed out on a lease on Kuhawaea, but the deal was not universally approved by Ngati Manawa.¹¹ And in a newspaper article, J A Wilson, a native land purchase officer, accused Mair of bribing Ngati Rangitihi so that the boundary of the Kaingaroa 1 lease could be extended as far as Ruawahia.¹² Mair would write in an 1878 memorandum that he later 'gave up [his] interest in favour of the Crown.'¹³

The transfer of the lease to the Crown, evidently promised by Mair in June 1874, was formalised on 28 January 1875, and was signed by 89 signatories for Ngati Manawa. The Crown was to pay £250 a year for the first 20 years, and £300 a year for the final 10 years. Under the terms of the lease, the money could be paid to any of the signatories.¹⁴ It was also written into the lease that if the surveyed area proved to be less than the estimated 136,000 acres, then the rental would be correspondingly reduced.¹⁵ The lease stipulated the reserves that were to be set aside for Ngati Manawa, one of which may have been for a school.¹⁶

Following the signing of the lease, the Crown appears to have insisted on title investigation before paying any regular rentals – a process which of course would necessitate reinstating the Native Land Court, then suspended in the region.¹⁷ A payment was made to Ngati Manawa in February 1875 for Kaingaroa 1 and Heruiwi, but this seems, rather, to have been an advance to meet survey costs.¹⁸

In July 1875, CO Davis and Henry Mitchell reported to the Under-Secretary of the Native Department:

At Te Awa o te Atua, numerous meetings were held with Wiremu Kepa Te Rangipuawhe [Tuhourangi/Ngati Hinewai], Te Wikiriwhi Te Tuahu [Tuhourangi], Arama Karaka [Ngati Hape/Ngati Rangitihi], and other influential chiefs, together with their people. The subjects put before the meetings were the leases of Kaingaroa and Rerewhakaitu, and it was agreed that a day should be fixed by consent of Government for the investigation of title, to insure the validity of leases.¹⁹

Mr Stirling observes that these leaders came from kin groups on the western, rather than the eastern, side of Kaingaroa.²⁰

Also in 1875, and after the formalisation of the Kaingaroa lease, 'two large meetings' (according to Mair) were held at Galatea to discuss the boundaries of the block. Henare Ngakete of Ngati Hinewai was evidently there both times and was later to comment that 'the general boundary of this land [Kaingaroa 1] was discussed but without any result on either occasion.' Hiriwetere of Ngati Awa, Hare Matenga of Ngati Tahu, and Morihi of Ngati Hinewai (Mair's statement of affiliations) also attended and voiced objections, but 'their objections were not persisted in'. Mair states that the Government 'paid [Ngati Manawa] £250 on these boundaries, £100 of which they divided amongst their visitors'. Mair's notes indicate that Rangiheuea, and Arama Karaka of Ngati Hape and Ngati Rangitihi, attended at least one of the meetings.²¹ News of the payment clearly circulated around the district. Niheta Kaipara of Ngati Hape was later to comment: 'I heard that Ngatimanawa received £250 on acc^t of this Block'. He further went on to observe: 'In the time of our forefathers there was no dispute between us and Ngatihinewai but since money has been paid by Government dis[p]utes have arisen.'²²

There is also reference to a meeting at Parawai where 'the whole of Kaingaroa No 1 was talked about' and where money was distributed. Sums particularly noted were the £3 given to Ngati Hinewai and £5 to Arama Karaka.²³

Then in May 1876 Crown purchase officers attended a hui of Rangitaiki people at Te Umuhika, inland from Matata, on the Tarawera River, which included around 300 people from Tuhoe, Ngati Awa, Ngati Pukeko, Te Patuwai, and Te Arawa. Crown negotiations in the Rangitaiki and Kaingaroa were apparently discussed, including matters relating to Kaingaroa 1. J C Young reported afterwards that the 'general feeling was in favor of surveying and completing the titles to blocks which the Government have arranged to lease.'²⁴ (This may have been the meeting at 'Umuika' that Peraniko Te Hura later referred to in court, which Mair had apparently attended (although Peraniko himself had not), and at which boundary matters had been discussed.)²⁵

There is also reference to a hui involving 'many tribes' that took place at Waikarikari (elsewhere written 'Waikaiwari'),

but we have no date for the meeting. Hiriwetere of Nga Maihi said it was one of three meetings that had been held to discuss the Kaingaroa boundaries. Ngati Haka Patuheuheu leaders (including Mehaka Tokopounamu) were among those who attended and, during the meeting, Te Mauparaoa of Ngati Manawa disputed their claim to the northern part of Kaingaroa.²⁶

A further hui appears to have taken place at Kokohinau, Te Teko, called by Te Rangitukehu of Ngati Awa, to which Ngati Manawa, Ngati Hamua, Ngati Whare, and Ngati Pukeko were also invited. This hui also discussed boundaries, including the boundary of Kaingaroa 1.²⁷ Again, the evidence does not give us a date. We only know that it was before the title investigation.

SURVEY

As noted above, Ngahuruhuru Perarika of Ngati Whaoa had, in 1873, negotiated a lease with the Crown, which included the south-west corner of what would become Kaingaroa 1. He later recalled that:

A meeting was subsequently held at Paeroa to fix boundaries of the land which I had leased to Government[,] letters were sent to Mair and Mitchell from Ngatiwhaoa and Ngatitahu inviting them to attend this meeting[,] the proceedings of that meeting were published in the Waaka Maori. The whole of the Arawas objected to Kaingaroa No 1 being surveyed. Shortly afterwards the government wished the land to be surveyed, and consequently Mitchell & I went there and camped in the evening at Paharakeke. I said to my friend let us take up our station at Wairapukau [sic] from there to Pokapoka. and another was between the two places. and another Ahiwhakamura. Mr Mitchell said let us have one station between Paharakeke and Ahiwhakamura. I said perhaps the line might be objected to by some people after us. Mr Mitchell then said[:] when will the survey between these two places take place[?] I replied[:] when the whole of the Arawa agree. Afterwards I heard of the survey having been made of

the boundary between these two places. I objected to this because the Arawa chiefs had not been informed and also personally because my boundary between Wairapukau to Ahiwhakamura not being arranged.²⁸

This may be the survey that Mr Stirling mentions as having taken place in April and May 1875, when a surveyor was sent to Paeroa to consult with Ngati Tahu and Ngati Whaoa about surveying Kaingaroa 1. Mr Stirling surmises that it related to the stretch of boundary between Kaingaroa 1 and Kaingaroa 2.²⁹ That does not, however, fit evidence from the minute books. Wetini of Ngati Tahu said that 'Morihi conducted the survey between K. No.1 & K. No.2'.³⁰ And Morihi of Ngati Hinewai did indeed refer to a meeting at Paeroa, after the Galatea meetings, but said it was to decide a boundary variously spelled as 'Putauaiki' and 'Putaiiki', and the boundary markers mentioned do not correspond with its being a line between Kaingaroa 1 and Kaingaroa 2. Rather they appear to designate an area to the west of Paeroa East, roughly corresponding to Rotomahana–Parekarangi.³¹ Peraniko Te Hura of Ngati Manawa also mentioned a meeting at Paeroa about the 'boundary of Putauaiki'.³² On another occasion Te Hura recalled that:

N'Tahu never had a meeting at Paeroa but the N'Whaoa [did?] to discuss the boundaries of the Kaingaroa No 1 Block. N'Tahu & N'Manawa were present by invitations of N'Whaoa. The tribes who were present at the meeting were N'Manawa, N'Tahu, N'Rangitahi, Tuhourangi, N'Tu, N'Whakaue & N'Hinewai. I was present myself and N'Whaoa supplied us with the food (Takerei). I do not know Takerei's connection with N'Tahu. The Government Officers who were present at the meeting were Messrs JC Young, CO Davis, & Mitchell. Kaingaroa No 1 and Paeroa East was discussed at the meeting.³³

He went on to report that 'Tuhourangi laid down a boundary at the Paeroa meeting on this and other blocks', which would accord with comments about the Putaiki being involved.³⁴

Irrespective of any survey negotiations with western and northern Kaingaroa iwi and hapu, however, Dr Ballara notes that '[a]dvances were being paid to Ngati Manawa to meet survey costs as early as February 1875'.³⁵

In 1877, Mair was instructed to assist in the erection of the trig stations that would be necessary for the surveying of the Kaingaroa (and other) blocks. However, there was opposition to this work from various kin groups in the area, including Ngati Tahu.³⁶ Patuheuheu, too, voiced objections about a trig station on 'Paratiemi'.³⁷ On 14 December 1877, Mair arranged for a surveyor named Reay to make a start on the Kaingaroa survey, but the work was stopped by Ngati Manawa.³⁸ It appears to have resumed, only to be stopped again in January 1878 – this time by Ngati Whakaue, Ngati Whaoa and Ngati Tahu – but was finally forced through.³⁹

Afterwards, during the hearing for Kaingaroa 1, Niheta Kaipara of Ngati Hape, cross-examined by Kamareira of Ngati Tahu, said:

This block was surveyed by Ngatimanawa excepting the south west boundary line which is [the] boundary line of Kaingaroa No 2. Ngatitahu su[r]veyed this line. It was surveyed this year [1878] (that is Kaingaroa No 1). I can't say when your survey was made. I did not agree to Wairapukau being the boundary between the Kaingaroa No 1 Block & No 2 Block. The northern & western boundaries of this Block are ancestral. I know of an ancestral boundary running North & South through the centre of the Block.⁴⁰

In 1882, Kamareira would assert that '[his] survey of Kaingaroa No 1 [was] the first and the correct one', and he commented that 'Captain George's lease expired before the survey of Kaingaroa No 1[,] he having died'.⁴¹

As surveyed, the Kaingaroa 1 block was over 114,000 acres.⁴²

TITLE INVESTIGATION

A block named Kaingaroa 1 first came before the Native Land Court at Oruanui, Taupo on 28 October 1867 (as did another block named Kaingaroa 2). The judge was Judge Monro and Hakiriwhi Purewa was the assessor. This, however, was the land that had been leased to Josiah Firth and therefore probably not the land that would later become known as Kaingaroa 1. Judge Monro declined to issue a title, partly because many claimants were absent and partly because he anticipated problems with surveying.⁴³

On 6 April 1868, there is again reference to Kaingaroa 1 being brought before the court at Oruanui. However, Topi Te Kahuwhara said he wished the claim to be dismissed 'as there was no likelihood of the land being surveyed at present'. Judge Monro obliged.⁴⁴

A Kaingaroa block (without a number this time) again came before the court in 1869 but Mr Stirling thinks that this land was the same or similar to that brought in 1867. The hearing was at first adjourned in favour of another block investigation, and then abandoned because of the approach of Te Kooti and his force.⁴⁵

On 9 March 1878, the title investigation of Kaingaroa 1 proper was gazetted to be heard at Galatea at an unspecified date (although wrongly described in the first instance as 'Kaingaroa No. 2', which had to be corrected in a later *Gazette*).⁴⁶ Under 'Name of Claimant' the notice gave a long list of names beginning with Peraniko Parakiri and ending 'and others'.⁴⁷ Niheta Kaipara of Ngati Hape would later comment during hearing: 'I was not one of the applicants for the investigation of this land. The application was written at Galatea & this is why my name did not appear in the list'. Rather, 'Peraniko and Hare Hare made out the application for the hearing' and 'A Karaka, Poia & others consented to it'.⁴⁸

The court in fact convened at Opotiki, on 28 June 1878, but was immediately adjourned to 12 July at Matata where it commenced by hearing other blocks. The hearing of Kaingaroa 1 commenced on 31 July 1878, immediately after the hearing of Waiohau. The case was heard by Judge Halse and the assessor was Karaka Ngatiparu.⁴⁹ Taken together

with part of the rehearing of Kaingaroa 2, and hearings of Karamuramu, Pukahunui, Heruwi and Waiohau, the entire proceedings ran for nearly three months (from late June to the third week in September) – and this in the middle of winter.⁵⁰ At more than one point, the court needed to adjourn ‘to allow the people to obtain food.’⁵¹ Indeed, on 13 August 1878 the clerk recorded:

At the general request of all the Natives the Court adjourned until next day for them to obtain food. They stated that there was hardly any to be obtained and were suffering considerable inconvenience.⁵²

The next day, Mauparaoa of Ngati Manawa asked the court for some relief: ‘as the Government brought them to Matata & as the food of Rangitihi (resident natives) was exhausted they should receive some assistance & would make application to the Court every day’. The court ‘admitted the force of their argument & said the District Officer would report their condition to the Government without delay.’⁵³

Ngati Haka Patuheuheu as such did not participate, although Mehaka Tokopounamu was present and gave evidence for Ngati Manawa (on the basis of his descent from Tangiharuru).⁵⁴ According to a 1897 petition, Ngati Haka Patuheuheu said they had come to a prior agreement with Ngati Manawa whereby they would not object to the latter’s application with respect to the Kuhawaea block, on the understanding that Ngati Manawa would ensure the inclusion of Ngati Haka Patuheuheu on the resulting ownership list.⁵⁵ Similar agreements are said to have been in place with respect to the Kaingaroa land.⁵⁶

Paora Pomare led the case for Ngati Manawa and called seven witnesses. Mr Stirling says that two were of Ngai Tuhoe (Makarini Waiari and Tamaikoha).⁵⁷ We have, however, already noted above that a third witness (Mehaka Tokopounamu) had Ngai Tuhoe connections, being of Ngati Haka Patuheuheu as well as Ngati Manawa. Indeed, he introduced himself by saying ‘I belong to Tuhoe.’⁵⁸

In addition, there were counter-claimants present from Ngati Hape (3 names), the Pahipoto (4 names) and Tawera

(3 names) hapu of Ngati Awa, Ngati Hinewai (5 names), Ngati Tahu (3 names), Ngati Whaoa (3 names), and Nga Maihi (also of Ngati Awa – 3 names). A Tuhourangi representative was likewise present but in the end resiled from making any Tuhourangi claim to the block. Although not listed on the first day of hearing, there was also a Tuwharetoa presence.⁵⁹

The minute book also notes that ‘Mr Mitchell appeared as Crown Agent to watch Crown interests.’⁶⁰

Each witness gave evidence about the basis on which his kin group claimed an interest in the land, which included take such as ancestry, conquest and marriage. In most cases the take also included resource usage. Ngati Hape, for example, mentioned a wide range of activities including fern cultivation, flax-gathering, gardens, birding areas and eeling places. Ngati Tahu and Ngati Whaoa both cited similar activities, including catching rats, birds and (later) pigs.⁶¹ There was constant reference to differences between ‘the eastern side of the block’ and ‘the western side of the block’. Niheta Kaipara, for instance, commented that ‘Ngatihape are not going on the Western side in search of food at the present time, but they occupy the eastern portion.’⁶² Hakopa Takapou of Ngati Rangitihi, and appearing for Ngati Hinewai, commented that ‘The Western portion is poor land.’⁶³ A number of witnesses mentioned an old traditional boundary down the middle of the block, which they referred to as a ‘central’ or ‘middle’ boundary, and most ascribed the laying down of it to Ngatoroirangi and Maaka.⁶⁴

On 9 August, Niheta Kaipara announced that he and Arama Karaka (both of Ngati Hape) ‘withdrew all further opposition’, and Peraniko (Ngati Manawa) then stated that ‘he would admit them in Kaingaroa No 2 and also in this Block.’⁶⁵

On Wednesday 11 September, the counter-claimants began summing up their cases, followed later by the claimants. This appears to have taken the whole of that day and possibly the next two days as well, but the minute book records nothing of the information given. For the Wednesday, it merely lists the names of the speakers and the kin groups for whom

they were appearing and, in one or two cases, the length of time for which they spoke. Henare Ngakete, for example, ‘addressed the court for Ngatihinewai (1 hour and 20 minutes)’. For the other days, there is even less information. On the Thursday the court opened at 10.00 am but no finishing time is indicated and the minute book simply records: ‘Mauparaoa (contd address)’. For the Friday, the minute book notes nothing of what went on – only that the court opened at 10.00 am and ‘Present the same’. We can assume, however, that the hearing was still related to Kaingaroa 1 since the minute book does not indicate that the court had shifted its attention to another block. Not till Saturday 14 September does it record that the court was moving on to consider Kaingaroa 2.⁶⁶

The judge issued his decision on Kaingaroa 1 on Tuesday 17 September 1878. He first outlined the areas claimed by the different kin groups:

- ▶ Ngati Hinewai and Ngati Tuwharetoa claimed about half the block [on the western side];
- ▶ Ngati Whaoa claimed a triangular area in the south-west;
- ▶ Ngati Tahu claimed a larger piece in the south-west; and
- ▶ Ngati Awa and Nga Maihi claimed in the northern part.⁶⁷

He found that Ngati Hinewai, Ngati Whaoa and Ngati Tuwharetoa had all failed to establish a claim. Ngati Tahu’s claim was said to be ‘unsupported by occupation’ so was ‘not admitted by the court’. Ngati Awa and Nga Maihi’s claims were also rejected. Title was awarded to Ngati Manawa, who had ‘fully established [their claim] to the satisfaction of the Court.’⁶⁸ The award specified those who ‘are living on’ the land, which suggests that actual and present occupation weighed heavily in the court’s decision. Resource use rights had in many cases been described, but they seem to have been regarded as a lesser claim.⁶⁹ We see this as having potentially disadvantaged groups claimant into the western side of the block, which has been variously described as ‘the most barren portion’ and ‘largely

unfertile and unproductive and, therefore, not necessarily ideal for permanent occupation.’⁷⁰

It appears that the judge did make reference to resource use in his summing up, but obviously regarded it as insufficient to establish a claim if there was not also occupation. For instance, the minute book records:

Ngatitahu base their claim through ancestors who obtained food consisting of rats and birds from this piece of land. The claim is unsupported by occupation and is not admitted by the Court.

Similarly:

Ngatituwharetoa base their claim through ancestors, also through catching birds rats and pigs on this land. Evidence of occupation – there is none whatever. The Court does not consider that they have established their claim.

Ngati Manawa, on the other hand, ‘base their claim on conquest, and occupation, and have fully established it to the satisfaction of the Court.’

Even assertions of occupation, though, did not necessarily guarantee success:

Ngatihinewai base their claim through ancestry, conquest, and occupation, but have failed to establish a claim.

Likewise:

Ngatiwhaoa base their claim through ancestry and occupation but the Court does not consider that they have established their claim.

The verdict on Ngati Awa and Nga Maihi, for its part, was particularly interesting. The judge noted that they

base their claim through

1st Ancestors;

2nd Subdivision of the land by ancestors;

3rd Having received money from the Government;

4th Conquest.

Not one of these claims is sustained by the evidence.

The Court's decision was 'that the Kaingaroa No.1 Block as shewn on the plan belongs to the descendants of Tangiharuru and Apa, *who are living on it*, including Arama Karaka Mokonuiarangi, Niheta Kaipara, Huta Tangihia, and Poia Ririapu' (emphasis added).⁷¹

With reference to the boundary, Judge Halse commented in his decision that, had the line continued all the way down the Ngatamawahine Stream to where it met with the Rangitaiki River, the boundary would have had the appearance of an ancestral one, 'but as it stands the line appears to be a recent arrangement.'⁷² This observation tends to give credence to prior arrangements having been made about what was to be included on the title and what was not. Mehaka Tokopounamu, for example, was later to explain that the boundary of Kaingaroa 1, as drawn up, had explicitly excluded those interests of Ngati Haka Patuheuheu over which he had authority because 'we had no desire at that time to sell the land'. However, he said, 'N'Manawa put us into the Crown Grant of Kaingaroa No 1 of their own free will [-] we had no right on it.'⁷³ Ngati Manawa's Apiro Nikotahura, for his part, said that some Ngati Haka Patuheuheu interests were not included in Kaingaroa 1 because Mehaka and Wi Patene 'were displeased at Aperaniko and myself and they wished this piece to be left out, and also for the reason that they had already received money from the Government for it'. Ms Rose thinks Ngati Haka Patuheuheu may have wished to keep their negotiations separate from those of Ngati Manawa, so had their interests incorporated into a different block.⁷⁴ Dr Ballara makes other observations. She notes that 'Te Patuheuheu, Ngati Haka and Ngati Hamua made no overt claim to the block' but, rather, that 'it was left to various witnesses from other hapu to state their interests, and their own chief, Mehaka Tokopounamu, supported the Ngati Manawa claim'. Less than a month after the judgment, she notes, Peraniko Te Hura and Mauparaoa Manuka telegraphed to Mitchell asking for a £100 advance on the block, the request being made in the name of Ngati Manawa, Ngati Whare, Ngati Apa, Te Patuheuheu and Ngati Hineuru.

Dr Ballara concludes from this that these other hapu had merged their claims with those of Ngati Manawa.⁷⁵

However, for Dr Ballara, 'perhaps the oddest thing' about the judgment was that:

the principal claimant, Peraniko Te Hura of Ngati Manawa, admitted the interests of Ngati Rangitihī's principal chief and gave testimony about his distribution of moneys to Ngati Rangitihī, Ngati Hinewai and others, but that *the testimony of the principal claimant was ignored by the judge*.⁷⁶ [Emphasis added.]

OWNERSHIP LIST

The ownership list took some time to finalise. Ngati Manawa presented a list of over 300 people, and Niheta Kaipara of Ngati Hape sought to include 103 further names.⁷⁷ The length of Ngati Manawa's list supports the contention that they tried to include people from other kin groups, since Gilbert Mair's census of 1874 had returned a population of only 123 people for Ngati Manawa, and a 1878 census suggested an even lower total of 61.⁷⁸

On 30 May 1879, a hui was held at Karatia (Galatea) to try and resolve the issue of the lists. It was called by Ngati Manawa and attended by Ngati Apa, Warahoe, Ngati Hineuru, Ngati Whare, Patuheuheu, and Hamua to 'consider an arrangement for the Native Lands Court' with respect to Kaingaroa 1 and 2.⁷⁹ None of these kin groups had been specifically represented at the hearing of either block, which again suggests that Ngati Manawa's original list for Kaingaroa 1 was intended to cover more than just themselves.⁸⁰

Further evidence that Ngati Manawa's claim was on behalf of others as well is provided by their request for an advance on the purchase payment for the block. Immediately after the 1878 hearing, they asked for a £100 advance on behalf of themselves, Ngati Whare, Ngati Apa, Te Patuheuheu, and Ngati Hineuru. This suggests that the

other kin groups also had interests in the land – as well as confirming that they saw alienation to the Crown as a foregone conclusion. Mr Stirling suggests that one reason for the other groups not wanting to participate in the Native Land Court hearing was their support for Te Whitu Tekau (although he adds that Te Whitu Tekau also opposed land sales, implying that that should theoretically have militated against those groups' acceptance of any proceeds from alienation).⁸¹

By mid-July 1879, Ngati Hineuru's position on the alienation had become less clear. On the one hand, they wrote letters to the Premier and the Native Minister protesting against the sale of Kaingaroa 1 (and more particularly 2), while on the other, according to Mitchell, they had, on exactly the same day, signed a document assenting to the sale of the number 1 block.⁸² Either way, however, they clearly regarded themselves as having ownership rights in the block.

On 24 September 1879, a list of names was finally 'acceded to by Ngatimanawa and accepted by the Court'. However, the court minute book records that two lists were read out: 'List of names read as well as the list of names leased by the Government.'⁸³ In a later (1926) inquiry held as a result of a petition over Kaingaroa 1, William Bird, appearing on behalf of the petitioners, would assert:

Read – one list contained 360 & one 31 names . . . Order only showed 31 names – names on o'. list 360 not shown. List of 360 in handwriting of Natives – 31 list in Capt. Mair's handwriting.⁸⁴

Harehare Atarea was also at the 1926 inquiry, and was by then the only surviving grantee of the block. His statement corroborated the evidence of Bird: he maintained that '[i]t was "Tawa" (Capt. Mair) who handed in [the] list of 31 owners', and he added that the list was 'not completed by elders of N'Manawa.'⁸⁵ The judge, however, later ruled that the assertion about the list being in Mair's handwriting was erroneous.⁸⁶ (Mair himself commented disapprovingly in

his diary at the time about the attempt of Niheta Kaipara of Ngati Hape to add further names; he 'tried to insert 103 of his own people'.)⁸⁷

At the same inquiry, Mr Darby, for the Crown, admitted that blocks were 'often . . . investigated for [the] purpose of sale' and that 'to facilitate such sale numbers put into [the] title were kept to a minimum – representatives only being included'. He asserted that '[p]ersons in M/O are N'Manawa only' and '[m]oney paid to N'Manawa only'.⁸⁸

Analysis suggests that in fact a number of those named did have links to groups other than Ngati Manawa, but the associations were not made explicit on the list as recorded by the court at the time. None of those named, though, appears to have had a close connection with any kin groups from the west such as Ngati Tuwharetoa, Ngati Tahu, or Ngati Whaoa.⁸⁹

Rather, the connections were almost exclusively with kin groups associated with the eastern sides of the block. Three of those listed, for example, had appeared in court on behalf of Ngati Hape. Niheta Kaipara, who gave evidence for the Ngati Hape claim, identified with both Ngati Rangitahi and Ngati Manawa. (For the Ngati Hape take, see evidence of Niheta Kaipara (their 'counsel'), and his cross-examination, Opotiki minute book 1, pp 118–134.) Mr Stirling attributes the withdrawal of their claim, during proceedings, to their having come to an agreement with Ngati Manawa about being included on the list and, as we have noted above, this understanding was in fact subsequently recorded in court.⁹⁰ Also listed were two Ngati Haka Patuheuheu chiefs, Mehaka Tokopounamu and Wi Patene Tarahanga. As earlier noted, the former had identified himself in court as being of Tuhoë, but had given evidence for Ngati Manawa.⁹¹ And at least two (Hamiora Potakurua and Hapurona Kohi) were of Ngati Whare.⁹²

Perarika Ngahuruhuru of Ngati Whaoa would later state: 'My name was not put in the Certificate for Kaingaroa No 1 by my own wish[,] being arranged with Peraniko Te Peretini.'⁹³

REHEARING

Most of the counter-claimants at the original hearing soon requested a rehearing. Applications were lodged by Ngati Hinewai, Ngati Whaoa, Ngati Awa 'and all the tribes of the Arawas'; and Ngati Hinewai, Ngati Awa, Ngati Whaoa, and Ngati Tahu combined.⁹⁴ Ngati Manawa asked that the rehearing take place at Galatea.⁹⁵

Among the complaints were the court's failure to make clear the basis of its decision on Ngati Hinewai's claim, and the role of Gilbert Mair who, it seems, had been present 'at all times' during the hearing. Ngati Hinewai objected to the judge's decision on the grounds that:

With reference to the ancestors, it is not clear – With reference to the Ancient permanent boundaries, it was not clear – With reference to the directions of the Ancestors in pointing out the land it was not clear – The cultivation of and occupation of the land was not considered.⁹⁶

As to Mair's role, they clearly felt that the nature of his involvement had been highly questionable:

The District Officer backed up the claim of the people in whose favour the decision was given; we and some of the other opposing tribes strongly urged upon the Court to disallow the partiality shewn by that District Officer Captain Mair, but the Judge Mr Halse did not consent to Captain Mair's removal but retained him to assist him with respect to some of the evidence adduced in that case.⁹⁷

Ngati Awa, for their part, indicated they had simply been unable to get to the court in time for the hearing of their case.⁹⁸

The applications were used by Government officials as an opportunity to have fresh surveys carried out, extending these into adjacent lands where surveys had previously been resisted. Included in the work were additional surveys of the land on the western side of Kaingaroa.⁹⁹

To facilitate the surveying, Mitchell set out to meet with some of the tribes to urge that boundary issues be brought

to the court for resolution rather than disputed on the ground:

On the 4th of January last [1879] we . . . started on a mission amongst the tribes of Matata, Te Teko, Kokohinau, Te Waiohau & Galatea, announcing His Excellency's assent to the Re-hearing of the Kaingaroa No.1 Block (to take place before September 1879) and the advisability of taking the opportunity they now had of bringing their various claims before the Court with maps derived from actual survey shewing their ancestral boundaries, kaingas, cultivations, & burial places &c. Kepa [Te Rangipuawhe] explained that each hapu in agreeing to have their boundaries surveyed should allow any other hapus lines to be surveyed even altho overlapping into each other – and to leave all disputings over boundary lines to be settled in and by the Court instead of obstructing and fighting with each other on the ground.¹⁰⁰

Also in 1879, Ngati Manawa telegraphed the Native Minister, John Sheehan, about the location of the rehearing:

Your word to us at Wellington was that Karatia [Galatea] was to be the place where the court for Kaingaroa No.1 & Kaingaroa No.2 should sit. Now Mr Mitchell says that Matata is the place where the Court will sit for Kaingaroa No.1 & Kaingaroa No.2. We told him that from you was the word to us. Allow these courts to be held at Karatia. We have food for the tribes. We also have houses for any number of persons.¹⁰¹

Mitchell, however, advised the Minister there was no suitable building at Galatea, it was too far from the telegraph, and it cost too much to get supplies there.¹⁰²

The rehearing opened in Matata on 22 October 1880, but was immediately adjourned to Whakatane on 25 October, owing to a lack of suitable accommodation for the judge and court officers. Hardly any Maori appeared at Whakatane on 25 and 26 October and it was reported that some of the witnesses were ill. On 27 October a further adjournment was requested, this time by the claimants,

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until February 1881. Apart from illness, this may have been because there was apparently very little food for the claimants at Whakatane (unlike Matata, where food, they said, was plentiful). The judge (Symonds) declined the request. Further, he decided that 'the eastern part [of Kaingaroa 1] not being disputed, the evidence must be confined to the western part'. Mr Stirling points out that this ignored a Ngati Awa claim in the north-east of the block.¹⁰³

Present at the hearing, in addition to Ngati Manawa, were representatives from Ngati Hinewai, Ngati Tahu, and Ngati Awa. However, the Ngati Awa witness, Penetito Hawea, said that 'his tribe would not oppose the claim of Ngatimanawa at this hearing'. On the Ngati Hinewai side, one of their main witnesses, Keepa Te Rangipuawhe, had not arrived when the hearing opened. Mair, who was evidently present in court, stated that 'he had sent both telegram and letter to Keepa Te Rangipuawhe, so that he could not plead ignorance as an excuse for not being present'. The court decided nevertheless to proceed with the hearing and the judge indicated that 'Hakopa must conduct the case of Ngatihinewai until the arrival of Kepa'.¹⁰⁴ By Saturday 30 October, Te Rangipuawhe had still not appeared.¹⁰⁵

The re-hearing lasted only a few days, and Mr Stirling notes that Te Rangipuawhe (who was of Tuhourangi as well as Ngati Hinewai) was reported ill and did not recover in time to attend.¹⁰⁶

Many tribes argued that Ngati Manawa did not have mana in the western part of the block, but Peraniko Te Hura, for Ngati Manawa, was adamant that they did. He conceded, however, that the area contained no permanent kainga as it was 'unfit for cultivation' and was occupied only by wild pigs and horses 'belonging to all tribes'.¹⁰⁷

In delivering his decision, the judge reiterated his view that there was no dispute about the eastern portion of the block: 'The portion of this block on the East of the boundary set by Ngatihinewai belongs unquestionably to Ngatimanawa'. However, he went on to say: 'The evidence regarding the Western part is very perplexing and

contradictory, yet the preponderance of that testimony is in favor of Ngatimanawa'. Nevertheless, he did rule that a portion in the south-west of the block should be excluded from the award to Ngati Manawa:

The Southwest portion, claimed by Ngatitahu, cannot in the opinion of the Court be arranged until Paeroa East is heard. Therefore the Court awards this Block [Kaingaroa 1] to Ngatimanawa, reserving that portion claimed by Ngatitahu to be settled hereafter.¹⁰⁸

The latter area – a triangular portion of around 10,000 acres – was later heard along with Paeroa East, and became designated Kaingaroa 1A.

The block as finally awarded was surveyed at 104,479 acres 3 roods 38 perches, the portion claimed by Ngati Tahu having been adjourned.¹⁰⁹

NEW OWNERSHIP LIST

Again there was disagreement over the list of names. Ngati Manawa tried to use the opportunity to expand the list to 120 names. Instead, the number of those named in the Memorial of Ownership, dated 4 November 1880, was further reduced to just 28 owners. Among those dropped were Hamiora Potakurua and Hapurona Kohi of Ngati Whare.¹¹⁰ The list of 28 names 'in the rehearing order' was in Gilbert Mair's handwriting, with the exception of one name.¹¹¹

Dr Ballara comments that 'Henry Mitchell must have been relieved; the list of grantees included all those to whom he had been advancing money on the block'.¹¹² Her analysis indicates that of those on the list 'a large number' were Ngati Manawa. Of the rest, she says:

those that can be identified included Wi Patene Tarahanga and Mehaka Tokopounamu of Te Patuheuheu/Ngati Haka, Hemi Te Whatanui of Ngati Hamua, Meihana Te Hiakai of Ngati Hineuru, Arama Karaka Mokonuiarangi, Niheta Kaipara, Poia Te Ririapu and Huta Tangihia of Ngati Rangitihia/Ngati

Hinewai/Ngati Hape, and Rihara Kaimanawa, and Waretini Ngapapa (also of Ngati Rangitihī) and Nikora Te Tuhi of Ngati Hape.¹¹³

When Arama Mokonuiarangi later complained about the size of his payout on the sale of the block, Mair wrote :

Ngatimanawa . . . explained that had they adhered to their first intention of putting 120 names in the Memorial Roll Arama's share would have been small indeed, that they reduced the list to 28 to enable govt. to obtain a title more easily.¹¹⁴

The wording implies prime agency on the part of Ngati Manawa with respect to restricting the ownership list. However, as we have seen, the Crown freely admitted in later years that blocks were 'often . . . investigated for [the] purpose of sale' and that 'to facilitate such sale numbers put into [the] title were kept to a minimum – representatives only being included'.¹¹⁵ Given Mair's own close interest in the case, it seems most unlikely that the decision to limit the list was only, or even primarily, Ngati Manawa's. In fact Mair noted in his diary that he had great difficulty keeping the number down to 28; and in a letter to Brabant he wrote that he reduced the Ngati Manawa list 'to enable Govt. to obtain title more easily'.¹¹⁶

ALIENATION

The Crown's interest in purchasing Kaingaroa 1 seems to have been apparent by 1877.¹¹⁷ At some point before the title investigation of 1878, Mitchell had already paid over some money to one of the owners. A witness at the title investigation recalled that Keepa Te Rangipuawhe had received from Mitchell '£80 on account of the Western portion', which had subsequently been distributed amongst Ngati Hinewai. The witness went on to state that 'The money was a deposit on the western portion of this Block'. 'Keepa claimed land', he said, 'and Govt paid him for his claim'.¹¹⁸

According to an annual return of native lands purchased, leased, or under negotiation by the Crown, the official commencement of negotiations for Kaingaroa 1 was notified in the *Gazette* of 14 March 1878. The return includes reference to the purchase of 110,000 acres in the block, negotiated by Henry Mitchell. The amount paid on account is given as £700 6s 8d, with an additional sum of £255 17s 7d recorded as 'Incidental'.¹¹⁹ In short, steps were being taken to convert the Crown lease to a purchase some months before the court commenced sitting in relation to the original title determination for the block.

By January 1879 (after the original hearing but before the first ownership list was finalised), Mitchell was already sending a request to the Paymaster General for 'a fifth instalment' of £150 to be paid on Kaingaroa 1. When the Auditor General's Office queried whether consent had been obtained to buy, Mitchell responded that it had. An initialled minute in the Auditor General's files queries both the legality and wisdom of that situation:

Such a purchase as this can hardly be legal and certainly could not be enforced. It contains elements not only of uncertainty in law but of dispute and discord with the native owners.¹²⁰

Following the rehearing, as we have seen, the list of owners stood at 28 names. The signatures of all 28 were obtained by the Crown between 4 December and 8 December 1880. The total purchase price was £7754 9s 7d, and the area alienated was 103,392 acres 3 roods 37 perches, which excluded Oruatawehi Bush, Rangipo 1 and Rangipo. The purchase was confirmed by the trust commissioner, T M Haultain, on 26 April 1881, which thus became the official date of purchase.¹²¹

Of the total purchase price, only £5650 was calculated as still owing at the time of alienation, since £2104 was reckoned as already consumed by advances. In the distribution of the cash Mair once again became involved, saying afterwards: 'I did all in my power to see a fair division made of the money, rather annoying the natives by my

interference'. His formula appears to have been based on tracing back to particular tupuna, with an emphasis being placed on male lines of descent. This resulted in some men with 'five or six of the sixteen ancestors' getting a large share, while others received considerably less.

SUBSEQUENT PROTEST

In 1881, and despite the block having already been acquired by the Crown, Wi Keepa Te Rangipuawhe of Tuhourangi and Ngati Hinewai, who had missed the rehearing through illness, petitioned Parliament for a further rehearing. The Native Affairs Committee requested the view of Chief Judge Fenton. Although claiming to be speaking in a private capacity, Fenton agreed that Te Rangipuawhe's allegations were 'in the main correct' and he told the committee:

I remember hearing a great deal of talk with the Natives all about the country and the general opinion is the matter has not been heard in a satisfactory manner. My mind was never very comfortable about the case and I always hoped a day would come when a satisfactory hearing could take place.¹²²

When asked whether he recommended a rehearing 'under proper conditions', he responded: 'I should be very glad to see Parliament take steps in that direction, no other authority can do so'. (His latter comment referred to the fact that only Parliament could order a second rehearing, and it usually required special legislation.)¹²³

Despite Fenton's endorsement, no rehearing was granted. The Native Department did propose a commission of inquiry, but the idea was quashed by the Native Minister, John Bryce. A further petition from Te Rangipuawhe in 1882 was also set aside.¹²⁴

In 1926, there was, however, an inquiry into Kaingaroa 1 following a petition lodged in 1924 by Wharehuia Heta of Ngati Manawa, and 38 others. The petitioners' concerns related to the omission of a number of people from the ownership list at the time of the title determination, and that the block had been purchased by the Crown before

the time allowed for filing applications for a rehearing had expired. They also claimed that the amount paid for the land did not represent fair value, and that certain reserves promised to Ngati Manawa had instead been retained by the Crown.¹²⁵ The judge found against the petitioners on all points apart from the issue of Motumako reserve, which he considered should have been set aside for Ngati Manawa.¹²⁶

SUMMARY AND COMMENT

The 1878 hearing of Kaingaroa 1 was held in winter, far from the homes of the claimants and most of the counter-claimants, and the food supply was tenuous. Distance was also a problem for many at the 1879 rehearing, and again there were issues over food.

In the determination of title, Maori in the west of the block were disadvantaged because the court appeared to place an overriding emphasis on occupation. Maori in the east of the block (other than Ngati Manawa) were disadvantaged because the court failed to take account of out-of-court agreements.

Mair's role in the proceedings was questionable, as was Mitchell's. Large sums of money were being paid out before the title determination was completed and the list of owners finalised. In the Auditor General's own words:

Such a purchase as this can hardly be legal and certainly could not be enforced. It contains elements not only of uncertainty in law but of dispute and discord with the native owners.¹²⁷

In Dr Ballara's damning estimation:

Kaingaroa No.1 demonstrates many of the aspects of the Land Court and land purchasing process that mark them as unsatisfactory, improper, even fraudulent processes which damaged the customary interests, the economic base, the livelihood, and the social cohesion of all the hapu involved.¹²⁸

We cannot help but concur.

Notes

1. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 27
2. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 724
3. Whakatane minute book 1, p 7
4. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17); Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 723
5. Opotiki minute book 1, p 157; Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 726
6. Whakatane minute book 2, p 110
7. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 11
8. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 201
9. Ibid, p 160
10. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp 166, 201
11. Ibid, p 179
12. Ibid, p 161; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 11
13. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 201
14. Ibid, p 166; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G 17), p 11
15. Ibid, p 167
16. Ibid, pp 160–1, 167
17. Ibid, p 169
18. Kathryn Rose, 'The Bait and the Hook: Crown Purchasing in Taupo and the Central Bay of Plenty in the 1870s, An Overview Report', report commissioned by CFRT, July 1997 (doc A54), p 138; Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 725
19. CO Davis and Henry Mitchell to Under Secretary, Native Department, 10 July 1875, AJHR, 1875, c-4a, p 4
20. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 14
21. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004

(doc A37), p 201; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 12; Opotiki minute book 1, p 147

22. Opotiki minute book 1, pp 124, 130. As will be recalled from chapter 2, Ngati Hinewai are associated with Ngati Rangitihī. However, they also have a strong link with Ngati Whaoa in that their eponymous ancestor Hinewai was the mother of Whaoa. Ngati Hape have strong links to both Ngati Rangitihī and Ngati Manawa.

23. Opotiki minute book 1, p 140

24. Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960', report commissioned by CFRT on behalf of the claimants, February 2003 (doc A43), p 72; Dr Ballara associates Te Patuwai with the coastal Bay of Plenty, and with Ngati Awa and Waitaha, see 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), pp 665, 668, 675, 681, 683, 686, 687, 692, 705

25. Opotiki minute book 1, p 200

26. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp 24–25; Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960', report commissioned by CFRT on behalf of the claimants, February 2003 (doc A43), p 73

27. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 25

28. Opotiki minute book 1, pp 157–158

29. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 13

30. Whakatane minute book 1, p 8

31. Opotiki minute book 1, p 150

32. Whakatane minute book 1, p 5

33. Whakatane minute book 2, p 51

34. Ibid, p 52

35. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 725

36. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 14

37. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 173

38. Ibid, p 172

39. Ibid, pp 172–173; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 15

40. Opotiki minute book 1, p 133

41. Whakatane minute book 2, p 47

42. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 183

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43. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp 6–8
44. Taupo minute book 1, p15
45. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 9
46. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp194–195; *New Zealand Gazette* 1878, no 20, p 281
47. *New Zealand Gazette* 1878, no 20, p 281
48. Opotiki minute book 1, p127
49. Kaingaroa 1 Block History, LHAD Data (CD), 2005 (doc 144), p 2; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p199; Opotiki minute book 1, p 70.
50. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p195
51. Opotiki minute book 1, p139
52. Ibid, p141
53. Ibid, p142
54. Te Kani Williams and Dominic Wilson, closing submissions on behalf of Ngati Haka Patuheuheu and generic closing submissions on the Native Land Court, 2 September 2005 (paper 3.3.90), pp 86–87, paras 321–323; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 28
55. Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960', report commissioned by CFRT on behalf of the claimants, February 2003 (doc A43), pp 79–80
56. Robert Pouwhare, brief of evidence, 25 February 2005 (doc C49), paras 51–55
57. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 16
58. Ibid, p 28
59. Ibid, pp 16–26; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp 202–203, 184, 199; Opotiki minute book 1, pp 116–117
60. Opotiki minute book 1, p116
61. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp 16–29
62. Opotiki minute book 1, p130
63. Ibid, p138
64. See, for example, ibid, pp 137, 139, 141, 145, 149, 150, 181, 187
65. Ibid, pp 134–135
66. Ibid, pp 203–205
67. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 29 Details of the various claims, as summarised by the Court, may be found in Opotiki minute book 1, p 207
68. Ibid, pp 29–30; Opotiki minute book 1, p 208
69. Merata Kawharu, 'Te Mana Whenua o Ngati Manawa', 26 July 2005 (doc 162), pp 74–75
70. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 27; Merata Kawharu, 'Te Mana Whenua o Ngati Manawa', 26 July 2005 (doc 162), p 71
71. Opotiki minute book 1, p 208
72. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 30
73. Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960', report commissioned by CFRT on behalf of the claimants, February 2003 (doc A43), p 74
74. Ibid
75. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 730
76. Ibid, p 730
77. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 30
78. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 130
79. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 31
80. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp 206–208
81. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp 31–32
82. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), pp 734–735
83. Opotiki minute book 1, p 249
84. Rotorua minute book 77, p 144
85. Ibid, p 150
86. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 479
87. Mair Diary #26, Diary entry 18–20 September 1878, MS-papers 0092, Folder 50, Alexander Turnbull Library, Wellington, cited in Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A 37), p 203
88. Rotorua minute book 77, p 154; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 472
89. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 33

90. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p30.
91. Kathryn Rose, 'A People Dispossessed: Ngati Haka Patuheuheu and the Crown, 1864–1960', report commissioned by CFRT on behalf of the claimants, February 2003 (doc A43), pp73–75
92. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p42; see also pp32–33. We note that Mr McBurney has made suggestions as to tribal affiliations of those named in the memorial of ownership, variously Ngati Manawa (ten), Ngati Rangitihini/Ngati Hape (four), Ngati Whare (four, possibly five), Patuheuheu/Ngati Haka (three), Tuhoë (one); his suggested affiliations thus relate to 22 of the 31 people named in the memorial of ownership. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT, March 2004 (doc A37), pp214–215. Mr Stirling expresses some caution about assigning affiliations, given that those claiming rights in a block might rely on descent lines particular to the origins of those rights. As always, a range of considerations were important to those claiming rights in various lands.
93. Whakatane minute book 2, p111
94. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p184; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p33; Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p731
95. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p34
96. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p731; Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp33–34; Rotorua minute book 77, p145
97. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p731;
98. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp33–34; Rotorua minute book 77, p145
99. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p34; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p184
100. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), pp732–733
101. Cited in Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), pp591–592
102. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p592
103. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp34–35
104. Whakatane minute book 1, p3
105. Ibid, p18
106. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp34, 44
107. Ibid, pp39–40; Merata Kawharu, 'Te Mana Whenua o Ngati Manawa', 26 July 2005 (doc I62), p75
108. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp40–41; Whakatane minute book 1 p26
109. Kaingaroa 1 Block History, LHAD Data (CD), 29 July 2005, doc I44, p2; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp183, 197; Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p738
110. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp41–42; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp217–221
111. Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p480
112. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p738
113. Ibid, p739
114. Ibid, p741
115. Rotorua minute book 77, p154; Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), 472
116. Mair Diary #30, 4 November 1880, MS-Papers 0092 Folder 52, Alexander Turnbull Library, Wellington, in Peter McBurney, 'Ngati Manawa and the Crown 1840–1927', report commissioned by CFRT on behalf of the claimants, September 2004 (doc A37), pp217–218
117. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p14
118. Opotiki minute book 1, pp138–139
119. AJHR, 1879, C-4, p13
120. Angela Ballara, 'Tribal Landscape Overview, c1800–c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p734
121. Kaingaroa 1 Block History, LHAD Data (CD), 29 July 2005 (doc I44), p14.

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122. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), p 44; Peter McBurney, 'Ngati Manawa and the Crown 1840-1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), p 253

123. Bruce Stirling, 'Nineteenth Century Land Interests in Kaingaroa', report commissioned by CFRT, April 2005 (doc G17), pp 44-45

124. Ibid, p 45

125. Peter McBurney, 'Ngati Manawa and the Crown 1840-1927', report commissioned by CFRT on behalf of the claimants, March 2004 (doc A37), pp 46-48

126. Ibid, p 483

127. Auditor General, 28 April 1879, Minutes on voucher for fifth payment on account of Kaingaroa No 1, MA1, 1892/1219, Archives New Zealand, Wellington, cited in Angela Ballara, 'Tribal Landscape Overview, c1800-c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 734

128. Angela Ballara, 'Tribal Landscape Overview, c1800-c1900 in the Taupo, Rotorua, Kaingaroa and National Park Inquiry Districts', report commissioned by CFRT, September 2004 (doc A65), p 745