

# Taipa sewerage claim

## 3 Ngati Kahu Lands - Background

### 3.1 The Lands

#### 3. THE NGATI KAHU LANDS

##### 3.1 THE LANDS

The lands of Ngati Kahu focus upon the waters of Tokarau, or 'many fishing grounds'. Doubtless Bay, as it is now called by most, is a large, shallow and sandy-bottomed indentation of partially sheltered water. The entrance between Knuckle and Berghan Points spans 11 kilometres, with the width increasing to 18 kilometres inside. Because of its shape it is not directly open to ocean influences (see Fig.1).

From the imposing hills of Karikari Peninsula at the northern end, the land sweeps down to a long, and sandy isthmus dividing Doubtless Bay from Rangaunu Harbour on the west. On both sides, splendid beaches exist. The western beach 13 kilometres long, is dominated by a white sand the brilliance of which even travel brochures could not exaggerate; but due to remoteness, resort development has only now been contemplated. The lands between are partly farmed but are largely in scrub.

From Tokerau Beach the shoreline curves back to the east. There the high hills of the hinterland provide a commanding backdrop with the spine of the main ridge running parallel to the coast only three kilometres from the foreshore. Like fingers extending from a hand, a series of elevations protrude into the sea, providing rocky points on the coast with fine stretches of sandy beach in between. Lining them can be found the most populous settlements of today, Taipa, Cable Bay, Coopers Beach and Mangonui.

Beyond the Mangonui harbour inlet, which bulges from off the Bay, a deep and rocky shoreline continues out to Berghan Point. There, access is difficult and a mountainous land mass prevails.

It is in all a most scenic locality, additionally blessed with an equitable climate. It is remote however, and in only recent decades have large numbers sought to inhabit the tribe's ancestral lands. The resultant development has concentrated along the southern shores of the Bay, where the state highway, now sealed, wends westward along the undulating coastlands from Mangonui. It is the only through road for the area.

The district has a long history. Leigh Johnson, an archaeologist, considered the Maori population was once several times the total population of today (Johnson 1986). They lived mainly on the coastal hillsides, where nature provided all necessary drains and cultivations could be developed with ready access to the resources of both land and sea.

In contrast, most people today occupy the foreshore flats in a ribbon development. The built up area of the southern coast is some 9.0 kilometres long and on average 0.3 kilometres wide.

Perhaps because the surrounding hills so clearly define it, early seafarers were attracted to Doubtless Bay. Kupe, the discoverer of New Zealand according to some accounts, is said to have made his first landing at Taipa on the Bay's southern shores. When the Maori settlers arrived on Mamaru canoe, possibly 700 years ago, they settled at Taipa, and the original dwelling place at Otengi headland, is sacred to this day. The people's main pa was built there. The main shellfish beds were nearby too.

Centuries later, in 1770, Captain James Cook and the French explorer J F M de Surville were both in the Bay within a few days of one another. Due to a violent storm de Surville hove to on three anchors but had then to cut loose leaving 2 behind. They are now in New Zealand museums. Cook left behind the name of Doubtless Bay.

Early whalers were drawn to the area as well, probably commencing with the William-and-Mary in 1792; and a bustling industry was developed at Mangonui, mainly by Maori, with the provisioning of whaling boats. Traders soon followed in search of flax and timber. In due course missionaries and settlers were attracted to the area, all well before treaty times.

In the century that followed the Treaty, Mangonui saw slow economic growth. Gum digging and timber milling in the nineteenth century gave way to pastoral farms in the twentieth. But the main economic growth took place far to the south. Electricity and sealed roads came much later to Doubtless Bay than elsewhere.

Today there are few remnants of the original kauri forest cover. Of the rural land, about half is presently used for farming, mainly sheep, and apart from small areas of forest plantation, the balance is in scrub or regenerated bush.

The population is rapidly increasing in this part of the Far North however, as holiday makers, retired persons and resort developers discover the advantages of its climate and scenic havens. It has once more become the new frontier. For Ngati Kahu however, though many have now left, the Bay has never been their distant frontier, but the bosom of their existence.

Taipa was the hub of the Ngati Kahu lands, and the gateway to the extensive Oruru valley that may have supported one of the densest ever Maori populations. It was the birthplace of the tribe, and was central not only to the Bay but to the tribe's thinking. There was therefore contention when the treatment works were proposed at Taipa, to service a sewerage scheme made necessary by the new subdivisions.

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*Waitangi Tribunal, Department of Justice, Wellington.*

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### 3.2 The Emergence Of Ngati Kahu

#### 3.2 EMERGENCE OF NGATI KAHU

According to local history, it was at Taipa that Kupe first landed. He is credited with discovering the country but it is not certain that he did so. Recent archaeological evidence indicates that Maori were clearing the Northland forests as early as AD 500 (see document A14).

He called the Taipa river Ikatiritiri (to apportion fish) because of the abundant fish life to be found. At the adjoining Otengi headland, he made a place for his daughter to stay while he explored the country. It was from Taipa that Kupe returned to Hawaiiiki, according to Ngati Kahu history.

In Hawaiiiki Kupe gave instructions on how to reach here and on the places to be found. Those descriptions, it seems, were passed down over some generations as Kupe's descendants set sail.

Whatever navigational aids were used they appear to have been accurate for Tumoana was to bring his canoe, Tinana, to the very places that Kupe had described. His people, including his daughter Kahutianui, were to dwell at Tauroa near Ahipara, but Tumoana journeyed back to Hawaiiiki, promising to send his nephew Parata, as a husband for Kahutianui, and prophesying that certain signs would announce Parata's arrival at Taipa.

At Hawaiiiki, the Tinana canoe, re-adzed and enlarged, was relaunched under the new name of Mamaru, under Parata's command. Landfall was made at the Otengi headland at Taipa, amidst a gathering storm. The lightning, we were told, alerted Kahutianui who knew the time had come to journey to the Bay. She was a woman of great lineage, courage and leadership and it is from her that Ngati Kahu take their name.

The coast was explored by Mamaru and at Karikari peninsula, or Rangiawhia as they called it, the first pa was erected to stand sentinel over the bay. Eventually however the canoe was beached at Otengi, where Kupe's daughter had stayed, and it was there that Parata and Kahutianui made their home. It was to be the birthplace of Ngati Kahu.

Thus was the tribal pepeha raised

Ko Mamaru te waka  
Ko Parata te  
Ko Kahutianui te wahine  
Ko Ngati Kahu te iwi

Mamaru was the canoe  
Parata was the man  
Kahutianui was the woman  
And Ngati Kahu began.

Two logs or skids, carried from the homeland to beach the canoe, were then planted there. Two tawapou trees are there to this day. From cuttings, others have been established on the lands of related tribes.

At Taipa an abundance of fish was found, and shellfish of great variety - toheroa, tipa (scallops), kokota (pipi), huai (cockles), karahu (periwinkles), kutai (mussels), tio (oysters), kina, pupu and koramarama (rock periwinkles), paua, patiotio (limpets), ngakihikihi (small mussels) and kotoremoana (shell-less paua). The kokota beds at the Taipa river mouth exceed five acres; there are large huai beds a little upstream and karahu are found on the nearby mangrove mudflats.

Fresh water was available by digging holes in the Taipa sands, a practice that continued to modern times (see documents A2 and B26).

At Otengi headland a defensive Pa was built, called Mamangi, after the daughter of Parata and Kahutianui. Parata and Kahutianui lived alternately at three important headlands of the Bay, at Karikari to the north, Otengi at the centre and at Taemaro on the east. But Otengi at Taipa was the main base, where there were direct lines of sight to the other headlands and to promontories inland. As the descendants settled the whole of the Doubtless Bay lands, signal fires were used to maintain contact between them.

In the course of time the people multiplied and grew, supplemented from marriages with other Maori from the many other canoes that came. Originally there were three hapu or clans on the Mamaru canoe, Te Rorohuri, Patu Koraha and Te Whanau Moana. Those names have always been maintained but in later years numerous sub-tribal groups adopted additional tribal names that came to apply to different localities. For convenience, we refer to the sub-tribes collectively as Ngati Kahu, although the name was not revived until the 1920's, and although for the greater period of the time described, different groups of the same people preferred their separate hapu names.

By the eighteenth century the main settlements were broadly in three areas, at the eastern peninsula leading to Mangonui Harbour and in the surrounding valley and hills; in the central area inland from Taipa and nearby coastal places; and at the Karikari peninsula on the northern extremity of the Bay. In all these places, pa were built, but villages were everywhere.

It is likely that for every coastal headland there was a pa, and many were built inland, on well drained hills, at strategic spots on communication lines, and at places with ready access to the resources of the dense forests and the open seas. On carefully chosen sites, extensive gardens were established.

Taipa, and the Oruru valley behind it, remained the most popular of the places, though few Maori live there today. Hikurangi became the main Ngati Kahu pa, and was located at Taipa on what became the Adamson's farm. Most of the people however,

had spread up the Oruru Valley, where the river provided an easy pathway to the sea, extending as far as the fertile Peria valley, where Kauhanga pa was maintained. Dr Susan Bulmer, regional archaeologist for the New Zealand Historic Places Trust, provided this description (document A14)

The Oruru was an extraordinary valley, one of the longest in Northland (22km) and it had excellent garden land. It possibly supported one of the densest concentrations of population in the country; a late 18th century map recorded a fighting force of 2,000 men, suggesting there may have been around 8,000 people in the Oruru Valley at that time. This population was gone by the early 19th century and Leigh Johnson concluded from his studies that this was likely to have been a consequence of a devastating epidemic of disease about 1794. There were 57 pa along the ridges of Oruru valley, and each had many associated pit and terrace sites of undefended settlement. Altogether this adds up to one of the most spectacular archaeological landscapes in the country.

We were advised that the area was so densely settled that news and messages could be shouted from Taipa to Kauhanga, from one pa to the next.

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*Waitangi Tribunal, Department of Justice, Wellington.*

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### 3.3 European Encounters And The Ngati Kahu Decline

#### 3.3 EUROPEAN ENCOUNTERS AND THE NGATI KAHU DECLINE

The northern Maori were keen to trade with the whalers and traders who arrived from the early 1790s. The provisioning of their boats brought trade and the introduction of new kinds of clothes, articles and food. Some new resources came by other means. Tuki Tuhia of Taipa for example was kidnapped and taken to Norfolk Island, because he was presumed to have knowledge of flax planting and preparation. He was restored to Taipa by Governor King, in 1793, with a range of exotic plants and animals.

Mangonui became a significant provisioning area, although never rivalling the Bay of Islands or Hokianga. Through the whalers, Maori were to export the produce of their labours and gain new materials and experiences. Unfortunately, the visitors brought diseases, to which Maori were unaccustomed, and even the common cold had catastrophic consequences for them. By the end of the eighteenth century, local populations are thought to have been reduced by well over a half (Johnson oral evidence 21.10.86).

The ravages of disease exacted their most terrible toll where Maori settlements were thickest, and few were as dense as those in the Oruru valley where whole pa were wiped out. A secondary consequence, as dreadful as the first, was that disparity in population losses altered the earlier balance of tribal power, and exposed Ngati Kahu to the pretensions of neighbouring tribes against whom they had once held their own.

The remnants of Ngati Kahu were caught between the powerful tribal coalitions of Te Rarawa on the west and Ngapuhi to the immediate south east. Both became major contenders for the Ngati Kahu lands. Taipa-Oruru lay midway between the rivals' home bases, and inland valley routes put Oruru within easy reach.

It assisted Ngati Kahu a little that Te Rarawa and Ngapuhi were both their blood relations. They were conquered but not driven from their lands. The main question was whether they should acknowledge Te Rarawa or Ngapuhi as holding an authority in the Bay, or whether they could maintain an independence of their own.

From at least the 1810s, members of both Te Rarawa and Ngapuhi occupied different parts of the Ngati Kahu lands. In the crucial Taipa Oruru area, Ngati Kahu were joined by Te Rarawa towards the coast and by Ngapuhi further inland. The position was uncertain when the European settlers came, and as shall be seen, the control of the Taipa-Oruru area, the choicest part of the Ngati Kahu lands, was to be crucial in the subsequent contentions.

It was also ominous that the European settlers sought the same thing - more land.  
Their greatest weapon however was not the taiaha but the pen.

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*Waitangi Tribunal, Department of Justice, Wellington.*

# Taipa sewerage claim

## 3 Ngati Kahu Lands - Background

### 3.4 Land Transactions

#### 3.4 LAND TRANSACTIONS

It was mooted, by the Mangonui County Council, that the Taipa lands where the treatment ponds are proposed, may hold no special significance for the tribes because for over a century they have not been Maori owned. Copies of the relevant titles to the Taipa lands were produced to show that that was so.

That gave merely a fraction of the story. The submission was indicative of how much there is to learn and of why the circumstances that led to the early sales require examination. Though we have no wish to introduce the land claims at this stage a broad outline of the background is required because of the submission made. It is relevant as well to the claimants' contention that because so much of the Ngati Kahu lands have passed from their hands, not one more hectare of that now held should be taken away.

Our description that follows, though given in general terms and without full references, is subject to the caveat that it may need amending, for the research is far from complete and the land claims are yet unheard.

#### 3.4.1. Pre-Treaty

Of the many leaders of the two main protagonists, Nopera Panakareao of Te Rarawa and Pororua of Ngapuhi stand out. For convenience we refer only to them although other rangatira were involved. Panakareao lived mainly at Kaitaia and Pororua at Whangaroa, but both came to occupy parts of the Ngati Kahu land with members of their tribes, from time to time.

When European settlers came, in search of land, Panakareao and Pororua developed rival land-sale policies to attract settlers, for both were eager to add Pakeha to their tribe to elevate their own status and economic prowess. It did not assist Ngati Kahu that Panakareao and Pororua both claimed authority over the Doubtless Bay lands, and that they sought to prove their over-right by granting Europeans access to them. In those days, as Europeans were befriended by one or other side, Ngati Kahu in the middle had but a minor say.

The different land sale policies were largely due to the establishment of a mission station at Kaitaia in the west and a trading port at Mangonui in the east. Panakareao sought an alliance with the missionaries, and was much influenced by them.

Thousands of acres were transferred to them in a handful of deeds, but to the apparent intent that Maori and missionary families would develop them in association. It was a way of protecting the tribal land and of assuring the advance of the tribe. The policy

suiting the missionaries as well. They accepted much more land than they required or even sought, to prevent sales to the traders and others, whom they often described as the "riff-raff" of western civilisation. In the result, some of the deeds refer to a continued Maori use of cultivations and dwelling places on the lands sold.

Some sales were to other than missionaries however, though made on a similar basis. A sale of 10,000 acres to Southee at Awanui, for example, assumed that Maori would continue to farm large parts, learning British farming skills in the process.

On the eastern side however, Pororua sought protection for the traders. Many were stationed at Mangonui where boats were provisioned, and flax and kauri timber spars were traded. Pororua's sales were rather like allocating the traders a place to live under his protection, and where they in return would give support. The traders arranged the sale of flax and timber from the land that Pororua claimed.

In both cases, the chiefs sought alliances in the land deals and a new economic base through farming or trade. In customary Maori style, a personal relationship was meant to endure.

#### 3.4.2 Treaty Changes

The Treaty of Waitangi introduced a change, for thereafter sales could be only to the Crown. To Panakareao, this presented the chance for an alliance with a yet more powerful body. When the Treaty was taken from Waitangi to the Far North, Panakareao persuaded his fellow chiefs that the Treaty should be signed. His statement on the occasion is well known. "Ko te atakau o te whenua i riro i a te Kuini", he said, "ko te tinana o te whenua i waiho ki nga Maori" (The shadow of the land passes to the Queen, but the substance remains with us) (per Shortland to Hobson 6 May 1840, CO 209/7). That statement may indicate not only his view of the Treaty, but his perspective of the early sales where a continuing Maori presence was intended to be maintained.

Shortly after the enthusiastic signing of the Treaty at Kaitaia, Hobson himself travelled North to meet with the friendly Te Rarawa. The Lieutenant Governor was greatly impressed with the tribe's commitment to the new relationship with the Crown. He learnt however of the rivalry over the Oruru and Mangonui lands. The hostility was such that the settlers feared for their own safety and promptly told Hobson so.

The Lt. Governor appears to have struck upon a solution of his own though he knew very little of the Maori mind. Reports of the event are obscure and contradictory and more research is required, but it appears that on the spur of the moment he agreed to pay a nominal sum in exchange for Te Rarawa's claims to the whole of the disputed land.

Far from easing the situation, the "purchase" inflamed it. To Pororua the transaction was a treaty between Te Rarawa and the Crown in which the latter recognised a Te Rarawa right over Ngapuhi land. He protested vehemently to Hobson and insisted on negotiating a matching deed over the same piece of land for a similar price. It was no longer a matter of land or money for a question of honour was involved.

Pororua's settlers were equally incensed. Their rights to the land depended upon Pororua's claim. Nor was Panakareao appeased. He appears to have demanded further payment from the Crown and possibly from the settlers Pororua had placed on the Mangonui lands. Eventually he repudiated the deed completely claiming that the £100 he had been paid was no more than a koha for Hobson's entertainment and accommodation at Kaitaia.

Tension was heightened, fighting parties were constructed and each side called in reinforcements. When a Land Commissioner arrived in Mangonui in January 1843, the district was on the brink of war.

### 3.4.3 Land Claims Commissions

Land sales were at the heart of the Treaty debate. Maori who had welcomed Europeans and had entered into a wide range of agreements with them over access to the land became increasingly disturbed at the consequences as the trickle of migrants became a flood. While some Europeans anticipated the arrival of the Crown and hoped for quick profits from land dealings, others were as concerned as their Maori hosts about the consequences of New Zealand becoming a British colony. Any failure to uphold the claims of their benefactors undermined their own purchases. All kinds of rumours flourished in the communities - Maori and non Maori alike - during the months of uncertainty prior to Hobson's arrival. It was all very worrying for the Ngati Kahu occupants. They had sold nothing but for that very reason no settler was minded to back them.

The Crown's stated intention to recognise only its own land grants was widely known and debated. Prior to the Treaty discussion on 5 February 1840 Hobson met with various settlers and promised that those who had made equitable purchases in good faith would receive Crown grants. To Maori it was promised that land not justly purchased would be returned, a promise that was repeated during the signings at Waitangi.

In 1841 a Land Claims Commission was established to examine these pre-treaty transactions. The Commission was to reject fraudulent claims and to recommend the award of Crown grants to European claimants who could prove a genuine purchase. So began a long and tortuous process. It took twenty years before most claims were resolved. Others took longer, an American claim remaining in litigation until 1925. Maori complaints over the way the Crown dealt with the issue have continued to the present, and were the subject of a Royal Commission appointed in 1946.

The investigation of pre-treaty transactions is the subject of several claims to this Tribunal that will need to be researched in greater depth, but the broad principles are clear. The Crown insisted on separating its investigation of the nature of the sales from the process of determining how much land should be awarded to those settlers who had purchased in good faith.

The first Land Claims Commission, (there were several), examined the claimants' deeds, the testimony of Maori witnesses and usually one or two of the witnesses to the deed. Few Maori were examined, but the hearings were held in open session, usually with local Maori assembled.

On proof of a sale the Maori title was deemed to be extinguished and held by the Crown without encumbrance. It did not follow that all of the land passed to the purchaser. The buyer received a Crown Grant for an area of land commensurate with the sum paid, up to a maximum of four square miles (2,560 acres) unless the Governor in Council awarded a larger area. The result was a large surplus for the Crown which became known, in the course of time, as the 'surplus lands'.

There were several reasons for the Crown's purchase policy. It was known that some deeds conveyed huge territories, (although most of these would be eventually disallowed) particularly in the South Island, and the Colonial Office was anxious that the millions of acres involved should not pass to a few individuals. Following the land regulations of New South Wales, the maximum any individual could hold was set at four square miles. Up to that maximum grants were based not on the land bought but the amount paid according to the date of payment thus:

1815-1824 6d per acre  
1825-1829 6d to 8d " "  
1830-1834 8d to 1s " "  
1835-1836 1s to 2s " "  
1837-1838 2s to 4s " "  
1839-1840 4s to 8s " "

Through changing ordinances and the rather arbitrary grants of the Governors the formula was far from strictly adhered to. In the 1850s, for instance, additional land was awarded for survey costs. The Land Commissioners and Governors tended to make as liberal awards as the regulations would allow, believing that the awards were from Crown Land, the Maori ownership having been extinguished.

Maori, and many non-Maori too, saw the Crown's free acquisition of large areas as a major injustice. Many Maori it appears would have been more or less content had the claimants obtained title to the whole area in the deed, providing that their understanding of the arrangement prevailed. Land transactions were seen in the Maori view as the first step in a long-term personal relationship between the tribe and the purchaser, where both would have continuing obligations to each other through subsequent generations. But for the Crown to gain an interest in the land, without any agreement with the tribe, was another matter. Maori tribes asked where was the Crown's Deed and to whom was the money paid?

In awarding land to claimants on the basis of a sliding scale of acres to the pound, the Crown was seen as fixing the fair price for land sold prior to the Treaty. The Crown persistently argued that the scale was no more than an arbitrary method of determining how much land it would award from its own estate. Maori responded, often with non-Maori support, that the Crown had fixed a limit on what could fairly have been purchased by Europeans. Any land above this limit was obviously unfairly acquired in their view and should revert to Maori ownership.

Protest at the Crown's retention of the surplus land has continued from the 1850s, the concern being heightened as more and more land passed from Maori ownership through later sales and the operations of the Native Land Court. In 1946 a Royal Commission was established to look at the issue. Although the Commissioners were

divided, the majority decision was that the Crown's actions in taking the surplus land were unjust and that compensation should be paid. Much of the surplus land was in North Auckland, and eventually £40,000 was paid in compensation, leading to the establishment of the Tai Tokerau Maori Trust Board. Ngati Kahu dissatisfaction with the Commission's decision cannot be gone into here. It is at the heart of the land aspects of this claim.

The prominence given the surplus land grievance actually obscured more serious difficulties. The Land Claims Commissioners generally treated the land transactions as simple sales. The pre-treaty agreements however were personal, incorporating a purchaser into the tribe, or securing a compact with a church, with mutual and ongoing obligations involved. Many had been renegotiated to deal with changing circumstances. In some deeds Maori rights to continue using the land were protected, in others where no such rights were specified they continued in practice. Once land had been through the Commission however and Crown Grants made, quite usually for smaller areas especially in the case of the missionaries, the purchasers were freed of all such tribal obligations unless a reserve was clearly specified in the deeds. In the few cases where this was so, it was usual to reserve part of the land to the Maori sellers, an expedient which did not necessarily reflect the spirit of the original understanding. With a Crown grant based on survey, Europeans could mortgage, subdivide or alienate land as they pleased, without any reference to the needs or wishes of the tribe from which it was purchased.

In all however, there was no full inquiry by the Land Claims Commissioners as to who really had the right to sell, whether absolute sales were intended at all, or whether lands unjustly held should be returned.

#### 3.4.4. Land Claims Commission in Mangonui

Commissioner Edward Godfrey found a tense situation at Mangonui when he attempted to examine the pre-Treaty purchases in 1843. He was greeted by around 250 Te Rarawa who were determined to resist and dispute all land claims not approved by Panakareao. Two days later Pororua arrived with a similar contingent, equally determined to support their European claimants and to resist some of the Te Rarawa sales.

In the heated atmosphere Godfrey negotiated with both sides but each refused to acknowledge the mana of the other to the lands in dispute. The inquiry was unable to proceed and while Godfrey appears to have believed that in most cases the Europeans had made bona fide purchases, it was obvious that he would be unable to secure them on the lands they claimed.

The doubtful exceptions were Dr Samuel Ford's purchase of the Oruru valley, and Richard Taylor's Muriwhenua purchase. Both men were missionaries. Although the Taylor purchase does not concern us in this instance, the Oruru purchase became the focus for the continually fermenting inter-tribal dispute.

The Ford purchase occurred late in 1839 and partially involved lands occupied by a section of Ngati Kahu who were at the time associated with Pororua rather than with Panakareao. Panakareao had effectively sold land over which he had no control.

When Godfrey failed to resolve the issue, the opposing forces gathered at Oruru and prepared for war. After a number of indecisive skirmishes and the deaths of a significant number of contenders, each side withdrew. (The last battle was fought on the Taipa foreshore where 46 died.) The land was temporarily abandoned, but the whole issue was no nearer resolution.

A year later many of the European claimants requested and were awarded an amount of scrip equal to the award they would have received had their claims been successful. Scrip was a credit in land which could be used to purchase Crown land elsewhere in the country. In return, the claimants turned their deeds over to the Crown and left the Government to recover what it could of the lands they had purchased. Samuel Ford was among those to swap his deeds for scrip. Some of the Europeans who remained and who eventually received Crown grants managed to gain access to their land by gaining the support of both tribal groups.

Little happened in the next decade to change the situation. Both Maori parties continued to claim the mana of the valley, and the Crown maintained that through the Ford purchase it too had a major interest in the land. In 1854 Panakareao was persuaded by W B White, the Government's agent and magistrate in Mangonui since 1848, to sign a final agreement to part with his claims to the Oruru lands in return for L100 and a reserve of 100 acres. White had been encouraged to enter negotiations by several Europeans who wished to settle at Oruru. With the obstacle of Panakareao removed, the Crown believed it had extinguished all Maori claims to the Oruru and set about selling off parcels of the land for between L3-4,000.

Maori resistance to the presence of new settlers and their persistent cultivation of the land made it clear that their title was far from extinguished in their view. The Crown became embroiled in yet a further attempt to resolve the Oruru issue, but in seeking a final settlement, it sought to open the door to large scale land purchasing from all the surrounding tribes. With Panakareao's influence waning, due to his great age, it was finally possible for Ngati Kahu to make an independent appearance but at a time when the land was all but gone.

#### 3.4.5 Land Purchase Commissioners

In 1855 the Government stepped up its land purchasing programme in Northland. Henry Tacy Kemp was dispatched to the Bay of Islands with instructions to identify lands not already owned by the Crown, to purchase lands offered by Maori and to allocate reserves.

At this point we recall an important principle of the Treaty, as found in the Orakei Report (1987), that in the acquisition of land the Crown would ensure to each tribe a sufficient land endowment for their future needs. The principle was spelt out in Lord Normanby's instructions to Lt. Governor Hobson in 1839, and was implicit in the Crown's pre-emptive purchase right that the Treaty secured. The intention to maintain that undertaking was often made clear, but in practice it was not always applied.

Accordingly, when Land Purchase Commissioners were sent to acquire more of the Ngati Kahu lands the Chief Land Purchase Commissioner, Donald McLean, instructed them to do so "subject to [creating] ample reservations for [the Maoris]

own present and future wants." That was not to be. The failure to provide those reserves is central to the tribe's subsequent problems.

By then a different situation prevailed in Doubtless Bay. The Maori population had dramatically declined, hopes for economic growth had been thwarted, the early land sale claim areas were still held by the Crown, and tension and confusion remained over who really had the right to sell. In any event, the Crown agents were soon involved in buying several blocks each involving thousands of acres, but still the doubts remained as to who really had the selling rights.

In fact less than four months after Panakareao had received his payment for the land the whole Oruru issue was re-opened. White's assurances that the valley could be peacefully settled were proved groundless. McLean was forced to ask for a full report on the ongoing saga. He was told that as far as Panakareao was concerned the land had gone to the Crown, but that there were still outstanding claims by Pororua and the Mauriuri of Hokianga, Puhipi of Te Rarawa and Tipene, a young chief representing Ngati Kahu, identified as 'the original possessors of the land in question' (AJHR, 1861,C-1,1).

Tipene had managed to detach himself from Panakareao and with the assistance of Tamati Waka Nene took Ngati Kahu's claim to the Governor in Auckland. The matter dragged on for some time, until in late September 1856 it was finally accepted that Pororua would be paid L200 and Tipene L150 as a final payment for the Oruru. It was suggested that Tipene be responsible for passing on some of his payment to some other claimants, in particular Rangatira Moetara of Hokianga. Although Rangatira Moetara appears never to have received his L50 and minor tension continued for some time, it does appear that for the time being the conflict of the Oruru had been put to rest.

Settling the Oruru dispute opened the way for the Crown to purchase tens of thousands of acres in the Far North within a few short years.

One of the first purchases was of the Otengi Block of 2,722 acres to the west of the Oruru and including the whole of Taipa. A leverage to effect the sale was that the Crown claimed an interest from the old land claims and the settlement with Panakareao. Indeed, various parts were already occupied by settlers. The Taipa lands, for example, were in actual possession of a settler, W J Clarke, at the time of the Otengi sale. Certain of Te Rarawa maintained they had not been paid out. Others of Ngati Kahu claimed a right to be in while some wanted land for Ngati Kahu to be retained. In the end the land was sold with 79 acres to be reserved for Tipene of Ngati Kahu. Whether it was meant for him personally is not clear. Based on the Crown's contemporary thinking on the size of reserves that Maori were thought to require, it is likely the 79 acres were intended to support a number of families, though the same area would not have done for one settler. The reserve, called Waimutu, was surveyed and located at the very rear of Taipa, and included the site where the sewerage treatment works are now proposed.

While the Government saw no reason why Waimutu reserve or that in the Oruru occupied by Panakareao's family should be purchased by the Crown, correspondence shows quite clearly the anxiety of the local agents to have all Maori entirely removed

from the whole Taipa-Oruru area. In the end both areas were acquired though they were meant to be reserves. Waimutu was purchased for L39 10 Shillings in 1864 and with it went the last Ngati Kahu foothold at Taipa.

### 3.4.6 Native Land Court

By the 1860s, which marks an important historical divide, there was very little of the Ngati Kahu lands left in Maori ownership. There were aggregations of Maori lands on the northern Karikari Peninsula, along the central Parapara river in the valley adjoining Oruru and at Peria, and in the eastern sector around and beyond Mangonui. On the eastern headland some small areas had been reserved, at Waimahana, Taemaro and Waiaua.

In all however, the vast bulk of the land, probably about 85%, had changed hands and very little had been reserved for the present and future economic needs of the hapu involved. Such reserves as had been made were not awarded to the hapu, but mainly to a few leading individuals to appease their claims and counter-claims. Nor were they properly reserved, for the whole or parts of some were subsequently acquired.

Counsel for the claimants understood that on the allocation of lands for settlement, some of Ngati Kahu had sought to buy back in. Sales were restricted to individuals however, and Ngati Kahu sought to buy as a group. Of five applicants for land at Oruru for example, she claimed, three represented Maori, but only the two non-Maori were successful.

The land retained had then to pass through the Native Land Court, established in 1865, a Court that was expected to individualise the tribal lands that remained. At least the Court had regard to actual occupations so that Ngati Kahu, at last, were included, but in dividing the smallish lands between the largish numbers of owners, and in subsequently arranging successions to their heirs, the land was awkwardly divided and the allotments became multiply owned. This negated rather than assisted the promotion of viable farming schemes, and if it facilitated anything at all, it was mainly the sale of more land.

The failure to establish adequate reserves or to uphold agreements or arrangements effected in the pre-treaty period, was not the focal point of subsequent complaints. The Maori could not get past the fact that the surplus lands, amounting to many thousands of acres in the Far North, had been retained by the Crown. As has been seen, a Commission was established to investigate that matter in 1946, but more significantly, prior to the Commission's inquiry, the many sub tribal groups of Doubtless Bay had met, and the common tribal name of Ngati Kahu was revived.

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*Waitangi Tribunal, Department of Justice, Wellington.*

# Taipa sewerage claim

## 3 Ngati Kahu Lands - Background

### 3.5 Rebirth Of Ngati Kahu

#### 3.5 REBIRTH OF NGATI KAHU

Meanwhile, European settlement had increased. In Taipa it began in 1831, when Captain Dacre brought the schooner Darling to the river mouth for the loading of kauri spars. Stephen Wrathall, one of the crew, was the first white settler at Taipa but was moved off the area by the Ngapuhi contenders. W J Clarke was the first settler to hold to his site, building a two-storey house on the Taipa river-side in 1842. After the Otengi purchase, in 1858, he was to obtain a title for the land, and was to become the first European owner of the Taipa flats.

Shortly afterwards, the Maori were to be removed from Taipa-Oruru entirely, as has been seen.

Clarke sold to R J Adamson in 1867. Strangely, though the Ngati Kahu presence was no longer there, we can see with hindsight that this propitious bargain was eventually to contribute to the Ngati Kahu rebirth; for the Adamsons have lived with Taipa, and Taipa has been with them ever since. Now, the grandson of R J Adamson has made arrangements to reunite Ngati Kahu with the land.

In addition to farming, R J Adamson was to establish a trading complex, which included gum buying at Taipa with branches at Waimahia, Kaimaumau and Oruru. Many Maori families were involved in gum extraction, working on communal lines, and a close association with Maori began that was to last over 100 years. It is said that Mr Adamson would take a large canoe laden with six tons of merchandise up the Taipa-Oruru river to Kauhanga pa in the Peria valley where a large Maori population still remained.

His son Alfred built the current Adamson house in about 1900. Needless to say, it is filled with the evidence of a long traditional past. The first school at Taipa was a cottage in the house grounds, and the home has hosted nearly all visiting priests who came to minister to the Ngati Kahu tribe.

The land then passed to the current owner, Gerard Adamson, who has now farmed the property for over 60 years. His wife, Freda, was a nurse amongst the Maori in the 1930s, the most economically depressed years for Ngati Kahu. We were told that the Adamsons have always been a source of inspiration for the Ngati Kahu people. The tribe was to present Gerard and Freda Adamson with two important carved sticks. Called Parata and Kahutianui respectively, they represent the progenitors of the tribe.

Gum digging, on which Ngati Kahu had depended, was to cease to be economically important in the first two decades of this century. Their small farms were not

sufficient for their support, and fishing and farm labouring was needed to supplement their low returns. From the 1940s, many of Ngati Kahu had to leave the district for work, and the urban drift began. Today, at least three generations of Ngati Kahu have lived and worked in distant places, Whangarei and Auckland in particular, but the district of Doubtless Bay is still their homeland.

The loss of land at least had the benefit of ending the tribal land wars, and the impositions of other tribes that had caused the identity of Ngati Kahu to be subsumed. Only then were Ngati Kahu freed to assert their own status but the process of revival, when so little remained, has been slow and painful indeed.

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*Waitangi Tribunal, Department of Justice, Wellington.*

# Taipa sewerage claim

## 3 Ngati Kahu Lands - Background

### 3.6 New Frontier

#### 3.6 NEW FRONTIER

The lands still held by Ngati Kahu are certainly not large. They are roughly divided to the eastern, central and northern portions described. On the eastern headland of the Bay are the smallish but significant residues of the Waimahana, Taemaro and Waiaua reserves, while to the south of the Mangonui harbour are the Kohumaru-Kenana lands, some 950 ha in numerous blocks, with 190 ha in pasture and the balance in rough scrub.

At the centre, a short distance from Taipa, the Okokori block stands over Aurere beach. Three kilometres up the Parapara valley behind it are the Parapara and Te Ahua lands. Until recently they supported substantial Maori settlements, but through fragmentation and land sales, only some 600 ha remains. Most is in multiply owned fragmented titles under grazing arrangements. The important Oruru valley that adjoins has not been Maori owned since the 1850s, but in the fertile Peria valley behind it, 410 hectares remain.

At the Bay's northern extreme are the important Karikari lands, on a remote and scenic peninsula where Maori lands predominate. An isolated spot it may be, but it is the spiritual base for the local Ngati Kahu. It is there that the first Ngati Kahu pa was built, and it provides the main visible evidence of the peoples' continued stand.

That is all that remains of the Ngati Kahu lands, though the survival of the tribe may depend upon their continued retention. They are at risk nonetheless though they have always been susceptible to acquisition. But they are particularly at risk now, for Doubtless Bay is rapidly becoming a haven for many from the south who seek its warm climate and scenic attractions. From the 1950s, settlements have sprung up along the Bay's southern shores, and new subdivisions have encroached from Waiaua at one end to Karikari at the other. The lands of Ngati Kahu are once more at a new frontier.

The restoration of the tribe will be difficult, perhaps impossible, on the Maori lands that remain. With successions and title fragmentation even workable areas have been made unusable and families have shifted. The modern Maori land title system however, with its individual ownership, has existed now for nearly 125 years. It has nothing to do with the customary mode of tenure but can not now be replaced without substantial injustices. Accordingly the most significant development for Ngati Kahu, in terms of its holdings, has been the recent transfer of land to the tribe.

In June 1974, Mr and Mrs G P Adamson gifted part of their farm to the Ngati Kahu Trust Board for the Ngati Kahu people as a whole. It was 20 acres, which may seem

small, but it was the most significant 20 acres of the ancestral demesne. It was the Otengi headland where the tribe was born. The gift was symbolic of the re-emergence of the tribe.

In late 1986, an agreement was entered into for the transfer to the tribe of the balance of the Adamson Taipa farm, at what was described to us as 'a very fair price'. A transfer has now been registered. As tribal land, and the only land in the district that will be tribally owned, it has the potential to contribute to the future economic wants and needs of the tribe. It reminded us of the instructions of Lord Normanby, in 1839, in seeking a Treaty with a pre-emptive right of purchase by the Crown, that the Crown should act judiciously to reserve sufficient land for the future needs of the tribes. It seemed fitting that one of the old settler stock, should have taken the initiative to help rectify the Crown's parsimony.

Mr Gabel of the Ngati Kahu Trust Board advised that any development undertaken would not alter the landscape or compromise the ancestral and historical links with the land. Little wonder then that many of Ngati Kahu resent the current proposals to construct works upon the land for the treatment and disposal of the sewage of the new subdivisions. It is after all, not only the land of their origin, but the only part of their ancestral land that will be owned on ancestral terms.

To that extent, the sewerage scheme is symptomatic of a wider Maori concern. With the new growth and developments going on all around, the question is whether there will be a sufficient space for the Maori on the Ngati Kahu lands, and whether the principle of the Treaty, that areas would be protected for them, can ever be maintained.

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*Waitangi Tribunal, Department of Justice, Wellington.*