

The Treasury

Release of Submissions: Consultation on the Waitangi Tribunal's “Shares Plus” Proposal

Release Document

November 2012

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27 September 2012

DO MAORI OWN THE WATER AND AGREE TO SETTLE WITH SHARE PLUS OFFERS

1. To participate in the Share Plus offer from Government the first question to determine is-do Māori own the water? The answer is **YES some Māori do own the water some do not.**
2. **PROOF OF OWNERSHIP** – In the takiwa of Ngai Tahu Whanui the Crown entered into ten (10) Deeds of Sale and Purchase beginning in 1844 to 1864. (Attached as Appendix 1)
3. These Deeds are contracts which have placed the Crown in right of New Zealand in a fiduciary duty of a Trustee. The doctrines of common law principles apply.
4. In some of these Deeds the Crown purchased the water from our ancestors and in other Deeds they did not. I shall give you an examples of one of these Deeds
5. Here is an example of the words within one Deed of Sale to the Crown *"final sale conveyance and surrender..... all that piece of land with its trees minerals water river lakes streams and all appertaining to the said land."*
6. The Crown in right of New Zealand recognized by Deed in the mid 19th century that we the South Island Maori did own the water as they purchased within certain regions of the South Island the water as above and other resource rights off the ancestors. If Ngai Tahu Maori sold the water to the Crown, then the Crown must also have an ownership or property right from those they purchased it from. This is the case within the takiwa of Ngai Tahu Whanui. The Crown owns some water in some areas of our takiwa, and some Ngai Tahu whanau and hapu members own the water in other areas. There is no iwi ownership to water within the takiwa of Ngai Tahu Whanui. Iwi rights are a creation of the Crown.
7. Would not the same rights and interests of ownership apply to Maori other than Ngai Tahu Whanui? To assist the process of understanding ownership to water and to any resource I put it simply "If the Crown never purchased the water from Māori than they do not own it, if they did purchase the water then they also have an ownership right."
8. A real example, in one region of our takiwa and in one Crown Purchase Deed where water was not sold, the owners were identified and titles then Crown granted to the individual owners. Such individual owners were identified to their whanau and hapu.
9. Further the number of different agreements between Maori and the Crown is recognized in the words I used when welcoming you tonight, being *"nga mihi kia koutou na o matau kurakura Ngai Tahu kia koutou kurakura te Karauna*. Kurakura Ngai Tahu means that the views/opinion of Ngai Tahu is as varied as the colours in the rainbow. So with the Crown their contracts with just Ngai Tahu Whanui members are as varied as the colours in the rainbow. So I greet you as Ngai Tahu but we know the contracts we have with you, for they are as varied as the colours in the rainbow. I am helping you to know these colours of your rainbow and therefore your obligations. They are found in the Deeds of Sale and Purchases attached.
10. One set of titles Crown granted under the Native Equitable Owners Act 1886 identify the owners of their mahinga kai rights and interests, which include rights and interests to water in separate document as Native Land Court Orders of 1868.

OBLIGATIONS OF MAORI OWNERSHIP TO WATER

11. As an owner in all the mahinga kai reserves identified for Crown grants in 1868 (20 IN TOTAL) and also a Trustee of several of these reserves I consulted with my fellow owners of one of these reserves (the original owners of this one reserve are also the same original owners in 7 other Fenton Reserves Crown granted to the Kaiapoi Natives)
12. The results from two of the questions I asked them to respond to and return back to me were;
 - A. Do you as an owner agree to have the Courts determine the nature and extent of our property rights so that we are aware of them?

Yes

No (98% support received for this proposal)

6. We support rigorous sustainability standards applying, in particular the sustainability of water is paramount to ensure that our mother earth is not contaminated. We support scientific practises and benchmarks to maintain such standards and believe an approach akin to the Ngai Tahu Property – Agricultural Sustainability Protocols that were approved by Te Runanga o Ngai Tahu in June 2012 will establish the approach and values that we should commit ourselves to in this situation.

Yes

No (98% support received for this proposal)

13. We know we have ownership rights to water hence 98% support is given to seek from the Courts the nature and extent of our property rights.
14. As Māori our heritage is associated with the Sky above and our Earth mother which is part of our whakapapa. From our whakapapa our kawa and tikanga to ownership of water we recognise such resources as having a life force, mauri. Therefore obligations are placed upon us. As owners of water, as Maori and as Ngai Tuahuriri as well, we have observed since European occupation of our country the continual abuse and misuse of water and its environment under European management and their ownership models.
15. The second question pertinent to this hui was to seek a response from the mandate driven from our cultural obligations. The question was structured in a way to find a group to provide leadership from within our communities to help us to walk the talk to ensure that contamination of the water and our earth mother was championed, when others from the local and central political strands were seen to talk the words but forget the deeds.
16. We directed such assistance seeking leadership to our own first, to the Ngai Tahu Property Company who are developing dairy farms within our takiwa of Ngai Tuahuriri, the place where ownership of water is held by some of our hapu members.
17. The Property Company has been given notice that we shall expect transparent relationships between them and us the owners in formal agreements. Any agreement must ensure that the performance of the commercial arm can be measured and assessed on environmental policies that shall come from the owners alone, than a cultural audit over their performance can be applied.
18. I know only too well the meaning of kurakura Ngai Tahu. The commercial arm has been notified by myself that it is our intent to notify you the Government as well the Canterbury Regional Council that, as very real potential owners of a possible 100% of water we are laying our objections to any future renewal of water rights held by the commercial arm of Te Runanga o Ngai Tahu, unless they prove to us by working with the best scientific research units thus ensuring that the quality of water is not degraded and our earth mother is not contaminated. Such values must also be sustainable.
19. Now why do we want to talk to you the Government? The reason is quite clear If we the hapu and whanau owners of water are prepared to place responsibilities and obligation upon our own commercial arm and penalties if they do not perform, than we expect the practises that the Ngai Tahu Property Company adopt must extend out to all Dairy farms and their water use rights, not just in the Takiwa of Tuahuriri and Canterbury but to all New Zealand. Other practises that affect/downgrade water quality must also follow best environmental practises.
20. To assist in facilitating / progressing this and prior to any final decisions about ownership of water, and talking about shares in a Company it is necessary to fully understand the nature and extent of the rights and interests of the owners of various 'Fenton Reserves' deriving from land purchase deeds in the mid to late 19th century. This includes an examination of what the signatories to these deeds understood to be included in and reserved from sale, the status of these deeds as contracts and the impact of a fiduciary relationship in respect of contractual dealings.
21. Finally negotiations by the Crown to identify ownership of water must be with the legitimate owners. As a group of legitimate owners in water the question posed, can a settlement be provided for us in a form of share holding as offered? The answer to that would be yes if the Crown owned 100%.
22. If our owners of the Fenton Reserves are found to own 100% it poses some questions and possible barriers if the Crown has sold 49% of the asset.
23. In conclusion let us not forget, problems that are manmade can be resolved.

Na

Appendix 1

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.1 Otakou, 31 July 1844

2.1 OTAKOU 1844-Maori/English

2.2 KEMP 1848-Maori/English

2.3 PORT COOPER 1849-Maori/English

2.4 PORT LEVY 1849-Maori/English

2.5 MURIHIKU 1853-Maori/English

2.6 HAMILTON'S AKAROA DEED 1856-Maori/English

2.7 NORTH CANTERBURY 1857-Maori/English

2.8 KAIKOURA 1859-Maori/English

2.9 ARAHURA 1860-Maori/English

2.10 RAKIURA 1864-Maori/English

2.1 Otakou, 31 July 1844

IA 1 1885/2457 (Colonial Secretary, NZ, Inwards Letters), National Archives, Wellington. Otago 3, DOSLI, Heaphy House, Wellington

Kia Mohio, nga Tangata katoa ki Tenei Pukapuka, ko matou ko nga Rangatira me nga tangata o Ngaitahu i Nui Tireni kua tuhia nei o matou ingoa ki raro, ka wakaae i tenei rangi i te toru tekau ma tahi o nga rangi o Hurai i te tau o to tatou Ariki kotahi mano e waru rau e wa te kau ma wa; kia tukua, kia hokoa; kia whakamahuetia rawatia mo Wiremu Wekepiri (William Wakefield) te tino kai mahi o te wakaminenga o Nui Tireni i Ranana mo nga kai wakarite o taua wakaminenga o matou wahi katoa to matou papa katoa i roto i nga wenua i roto i nga rohe kua tuhia nei ki raro, ko nga ingoa o aua wenua ko Otakou, ko Kaikarae, ko Taieri, ko Mataau, ko te Karoro, ko nga rohe enei, ka timata te rohe wakararo i Purehurehu haere tonu i tatahi wakawiti atu ki tawahi o te ngutu awa o Otakou ki Otupa, haere tonu i tatahi a Poatiri, ko te taha ki te haurawaho ko te moana nui haere tonu i Poatiri-a-Tokata, ko te taha ki toka ka haere tonu i reira a runga i te hiwi i Taukohu-a-Pohuroa haere tonu i runga i te hiwi i kaihiku wakawiti ki tawahi o Mataau, haere tonu i runga i te hiwi o Maungaataua-a-i runga i Wakaari-a-runga i Mihiwaka i te hiwi-a-Otuwarerau-a-heke noa ki tatahi ki Purehurehu, me nga moutere katoa hoki, ka tukua e matou a Kamautaurua a Rakiriri a Okaihe, a Moturata, a Paparoa, a Matoketoke, a Hakinikini a Aonui. Tenei hoki nga wahi wenua kua kotia e matou mo matou mo a matou

Tamariki ko tetahi wahi wenua i te taha wakawaho o Otakou ko Omate te ingoa, ka timata te rohe i moepuku wakawiti atu ki Poatiri haere tonu i tatahi-a-te Waiwakaheke ka wakawiti i reira ki Pukekura haere i tatahi a moepuku ko tetahi wahi wenua hoki kei Pukekura kotahi pea te ekara o roto kua poua ki te pou, ko tetahi wahi wenua hoki kei Taieri ka timata te rohe i onumia tika tonu te rohe a Maitapapa ko te awa o Taieri hoki te rohe o tetahi taha Ko tetahi wahi hoki kei te Karoro ko te Karoro te rohe ki runga ko te moana nui te rohe wakawaho ko te rohe wakararo kei te kainga a kia kotahi te maera o te rohe wakautu. Ko enei wahi kua kotia e matou e kore e hokoa e retia ki tetahi tangata atu kia wakaae ra ano te Kawana o Niu Tireni-Ko nga utu enei mo aua wenua kua wakahuatia ki runga, e ruai [sic] mano e waraua [sic] Pauna moni kua tangohia e matou i tenei rangi i te aroaro o enei kaititiro

Hoani Tuhawaiki tana X tohu Pokene tana X tohu

Hoani Tuhawaiki, X mo Topi Te Kai Koarere tana X tohu

Pohau Kihau tana X tohu

Kahuti tana X tohu Kuru Kuru tana X tohu

Papakawa tana X tohu Moko Moko tana X tohu

Tutewaiiao Korako Karetai tana X tohu

Raki Wakana tana X tohu Te Haki tana X tohu

Taiaroa tana X tohu Karetai tana X tohu

Korako tana X tohu Taka Maitu tana X tohu

Te Raki tana X tohu Horomona Pohio

Te Ao tana X tohu Te Raki

Potiki tana X tohu Tairoa, mo Pokihi X

Pohata tana X tohu

Witnesses:

John Jermyn Symonds, P.M.

Frederick Tuckett

George Clarke, junior, Protr. Aborigines

David Scott

Know all men by this document We the chiefs and men of the Ngaitahu Tribe in New Zealand whose names are undersigned consent on this thirty first day of July in the year of our Lord one thousand eight hundred and forty four to give up, sell, and abandon altogether, to William Wakefield the Principal Agent of the New Zealand Company of London on behalf of the Directors of the said Company all our claims and title to the Lands comprised within the under mentioned boundaries, the names of

the said Lands are Otakou, Kaikarae, Taieri, Mataau, and Te Karoro. These are the boundaries-The northern boundary line commences at Purehurehu runs along the sea shore crossing the entrance of Otakou (Harbour) to Otupa, thence along the coast to Poatiri-the Eastern boundary is the ocean from Poatiri to Tokata, thence the southern boundary runs along the summit of Taukohu to Pohueroa-it then runs along the summit of the Kaihiku range and crosses the Mataau river, thence along the summit of the Maungaataua range to Wakaari along the summit of Wakaari to Mihiwaka and Otuwareroa, thence it descends to Purehurehu on the sea coast-We also give up all the Island Kamautaurua, Rakiriri, Okaihe, Moturata, Paparua, Matoketoke, Hakinikini and Aonui-Excepting the following places which we have reserved for ourselves and our children that is to say a certain portion of Land on the eastern side of Otakou called Omate-the boundary line commences at Moepuku crosses over to Poatiri thence along the coast to Waiwakaheke then crosses to Pukekura and runs along the side of the harbour to Moepuku-also-a certain portion of Land at Pukekura the boundaries of which are marked by posts containing one acre more or less-also-a portion of Land at Taieri, the boundary line of which commences at Onumia and runs across in a straight line to Maitapapa, the Taieri river forms the other boundary, also a portion of Land at Te Karoro bounded on the south by the Karoro river, on the east by the ocean the northern boundary includes the village of that place and extends inland about one mile which said reserved places we agree neither to sell nor let to any party whatever without the sanction of His Excellency the Governor of New Zealand.-We have received as payment for the above first mentioned Lands the sum of one thousand [sic] and four hundred Pounds in money, on this day, in the presence of these witnesses.

A true translation-George Clarke Junior, Protector of Aborigines

Waitangi Tribunal, Department of Justice, Wellington

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.2 Kemp, 12 June 1848

2.2 Kemp, 12 June 1848

Canterbury 1, DOSLI, Heaphy House, Wellington

English translation included in G Eyre to His Excellency the Governor in Chief, 5 July 1848, G7/1, National Archives, Wellington.

Wakarongo mai e nga iwi katoa. Ko matou ko nga Rangatira, ko nga tangata o Ngaitahu kua tuhi nei i o matou ingoa i o matou tohu ki tenei pukapuka i tenei ra i te 12 o Hune, i te tau tahi mano waru rau wha tekau ma waru ka whakaae kia tukua rawatia atu kia Wairaweke (William Wakefield) te Atarangi o te Whakaminenga o Niu Tireni e noho ana ki Ranana, ara ki o ratou Kaiwhakarite, o matou Whenua, o matou oneone katoa e takoto haere ana i te taha tika o tenei moana timata mai i Kaiapoi i te tukunga a Ngatitua i te rohe hoki o Whakatu, haere tonu, tae tonu ki Otakou, hono tonu atu ki te rohe o te tukunga a Haimona, haere atu i tenei tai a te mouna [sic] o Kaihiku, a puta atu ki tera tai ki Wakatipu Waitai (Milford Haven) otira kei te pukapuka Ruri te tino tohu, te tino ahua o te whenua. Ko o matou kainga nohoanga ko a matou mahinga kai, me waiho marie mo matou, mo a matou tamariki, mo muri iho i a matou; a ma te Kawana e whakarite mai hoki tetahi wahi mo matou a mua ake nei a te wahi e ata ruritia ai te whenua e nga Kai Ruri- ko te nui ia o te whenua, ka tukua whakareretia mo nga Pakeha oti tonu atu

Ko te Utu kua tukua mai mo matou e Rua mano pauna moni (2,000) e tuawhatia mai te utunga mai o enei moni ki a matou, utua mai kia matou inaianei, e Rima rau pauna (500), kei tera utunga e 500, kei tera atu 500, kei tera rawa atu e 500, huihuia katoatia, e 2,000.

Koia tenei tuhituhinga i o matou ingoa i o matou tohu, he whakaaetanga nui tanga no matou, i tuhia ki konei ki Akaroa i te 12 o Hune 1848.

Ko te tohu tenei o Taiaroa X John Tikao

Maopo X John Pere

Paora Tau X Tiaki x

Tainui X Ko Te hau

Koti X Matiaha

Karetai Ihaia

Pohau Waruwarutu

Wiremu Te Raki Taki

Solomon Pohio Ko Rirawa

Te Whaikai Pokeno Korehe

Rangi Whakana Ko Te Porohua

Potiki Wiremu

Tiare Wetere Ko Hape

Ko Tare Te haruru Pukenui

Haereroa Tuauwau

Tiraki Tuahuru

Te Matahara Te Hau

Manahe

Ko te Uki

Pukari

By proxy Taiaroa &
Solomon for Topi
Kihau, son of Tuhawaiki
& Te Korako.

Nga ingoa o te kai titiro-

Witnesses-

R A. Olliver, Commander H.M.S. "Fly"

T. Bull, Lieutenant

John Watson, Resident Magistrate

Charles H. Kettle, J.P., Principal Surveyor, New Zealand
Company

H. Tacy Kemp, J.P., Commissioner

James Bruce, Settler

Know all men. We the Chiefs and people of the tribe called the "Ngaitahu" who have signed our names & made our marks to this Deed on this 12th day of June 1848, do consent to surrender entirely & for ever to William Wakefield the Agent of the New Zealand Company in London, that is to say to the Directors of the same, the whole of lands situate on the line of Coast commencing at "Kaiapoi" recently sold by the "Ngatitao" & the boundary of the Nelson Block continuing from thence until it

reaches Otakou, joining & following up the boundary line of the land sold to Mr Symonds; striking inland from this (The East Coast) until it reaches the range of mountains called "Kaihiku" & from thence in a straight line until it terminates in a point in the West Coast called "Wakatipu-Waitai" or Milford Haven: the boundaries & size of the land sold are more particularly described in the Map which has been made of the same (the condition of, or understanding of this sale is this) that our places of residence & plantations are to [be] left for our own use, for the use of our Children, & to those who may follow after us, & when the lands shall be properly surveyed hereafter, we leave to the Government the power & discretion of making us additional Reserves of land, it is understood however that the land itself with these small exceptions becomes the entire property of the white people for ever.

We receive as payment Two Thousand Pounds (2000) to be paid to us in four Instalments, that is to say, we have this day received 500, & we are to receive three other Instalments of 500 each making a total of 2000. In token whereof we have signed our names & made our marks at Akaroa on the 12th day of June 1848.

Signed

Here follow Forty Signatures

Witnesses signed

True translation H Tacy Kemp

Waitangi Tribunal, Department of Justice, Wellington

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.3 Port Cooper, 10 August 1849

2.3 Port Cooper, 10 August 1849

Canterbury 5, DOSLI, Heaphy House, Wellington

Whakarongo mai ra e nga tangata katoa; ko matou ko nga rangatira ko nga tangata o te Wakaraupo, (Port Cooper) ara, o nga wenua katoa e takoto ana i ia taha i ia taha o te Wakaraupo e mau nei te ahua, kua tuhi i a matou ingoa, i a matou tohu, he wakaactanga mo matou mo a matou wanaunga, mo o matou tamariki, mo o matou uri katoa e whanau i muri iho ia matou kia tino tukua rawatia atu nga wenua katoa o matou e tuhia nei nga rohe, e mau nei te ahua ki tenei pukapuka tuku whenua kia Her Majesty the Queen of Great Britain, her heirs and successors, hei wenua tumau tonu iho mona, mo nga pakcha ranei e wakaactia e ia, ara e His Excellency the Governor, kia tukua mo ratou aua wenua.

Ano te mea kua wakaac matou kia tukua rawatia atu o matou wenua e takoto nei i roto i nga rohe oneake nei tuhia, e wakaac ana Mr Mantell Commissioner for the Extinguishment of Native Claims, i runga i te mana kua tukua mai kia ia e His Excellency the Lieutenant Governor of the Province, kia utua matou ki nga pauna moni rua nei rau takitahi-kua riro mai nei kia matou i nga ringaringa o Mr Mantell, hei utunga wakamutunga rawatiatanga mo aua wenua.

Na, ko nga rohe enei o nga wenua ka tukua tonutia e matou: ka timata te rohe wakautu i te ngutuawa o Opawa, ka haere atu ma te rohe i tuhi ai ki te kautu o te pukapuka tuku wenua a Mr Commissioner Kemp i te 12 o Hune 1848, a-haere tonu ma taua rohe puta tonu ki Waihora: ko te rohe wakawaho ka timata ki Kaitara, a haere tonu ma te Pohue, a, ma te hiwi a te Ahupatiki a, puta tonu ki Waihora ki te wakamarotanga, taua maunga ki Kuhakawariwari; otira ki te pukapuka ruri te tino tohu te tini ahua o te wenua. A, ko te wenua katoa one nga aha noa iho o aua wenua e takoto ana i roto i enei rohe, haunga ano nga wahi i wakatapua mo matou e Mr Mantell, Commissioner, kua oti nei te tuku tonu atu.

Ko te wahi tuatahi e wakatapua nei mo matou ko te wahi wenua ki Purau, e iwa pea eka o roto i ruritua ai i a W. Octavius Carrington, Surveyor i wakaturia ai nga rohe kia Tiemi Nohomutu, kia Kautuanui kia Tami Tukutuku kia Tiemi Kokorau i te aroaro o Joseph Thomas Esqre i te 25 o nga ra o Hurae 1849

Ko te tuarua; ko nga rakau o te motu ngaherehere e huaina nei ko Motuhikarehu, kiuta atu o Purau, hei mahinga wahie mo matou, ko te wenua e hara ia hei a matou, hei te pakeha ano ia i wakaturia ano taua wahi kia Tiemi Nohomutu ma e Mr Mantell Commissioner raua ko W. Carrington i te 26 o nga ra o Hurae 1849.

Ko te tuatoru, ko te wahi wenua e huaina ana ko Rapaki, ko Taukahara: ko nga rohe enei i wakaturia ai ki nga tangata maori e Mr Carrington i te aroaro o Joseph Thomas Esqre raua ko Mr Mantell, Commissioner: E timata ana kei te pou e tu ana ki te rae ki Otuherekio, ka haere ka piki mai te Hiwi ara, ma nga tohu i wakaturia ai e Mr Carrington a tae tonu ki runga ki te Upokookuri, a, haere tonu ana aua tohu. a, heke iho ma te hiwi ki te taha wakautu o Taukahara ma te pari e huaina ana ko Nohomutu, a, hono ki te awa iti ko Okaraki te ingoa, a tika tonu ma taua awa. a hono tonu ki te wai tai.

Otiira ki nga kautu o Mr Carrington, te tino tikanga o aua rohe katoa.

Heioi, ko te wakamutunga rawatanga tenei o nga wahi e wakatapua mo matou i roto i te rohe mo Her Majesty the Queen of Great Britain a ko aua wahi e wakaae ana hoki a Mr Mantell, Commissioner, kia waiho hei wenua tumau iho mo matou, mo o matou uri i muri iho i a matou, ake tonu atu.

E wakaae ana hoki matou kia kaua e hokona ki te pakeha aua wahi kua oti nei te wakatumau kia matou kia wakaae mai ra ano His Excellency the Governor.

Ano, e wakaae aha hoki matou kia kaua e tukua he pakeha ki aua wahi noho ai kia wakaae mai ra ano His Excellency the Governor.

Ano, e wakaae ana hoki matou kia waiho tonu mo His Excellency the Governor te wakaaro mo nga ara ruri nui e wakaatitia a mua e His Excellency the Governor kia hanga, kia takoto marire ki roto i nga rohe kua oti nei te wakatapu tonu mo matou.

A, mo to matou wakaatanga pono rawa ki nga tikanga katoa i roto i tenei pukapuka tuku wenua kua panuitia mai nei kia matou ka tuhia o matou ingoa me o matou tohu: a, mo te wakaatanga hoki a Her Majesty the Queen of Great Britain ki nga tikanga katoa i roto i tenei pukapuka ka tuhia hoki te ingoa o Mr Mantell, Commissioner for the Extinguishment of Native Claims.

I Oketeupoko, i te Wakaraupo (Port Cooper) no te ngahuru o nga ra o Akuhata, i te tau kotahi mano, ewaru rau, e wa tekau ma iwa i tuhia tenei pukapuka. 10 August 1849

ko nga ingoa o nga kai titiro

Charles. O. Torlesse
Octa Carrington
John Gebbie
John Bannister
Ngarongomate
Kerere
L. Fitch

Walter Baldock Durrant Mantell, Commissioner

Ko te tohu tenei X a Nohomutu
Tami Tukutuku

Ko te tohu tenei X a Tiemi Kokorau
Ko ra na wete
Ko Te tohu tenei X a Matiu Kurihia
Ko te tohu tenei X a Hape
Ko te tohu tenei X a te Rua
Ko te tohu tenei X a Poharama Ru
Ko te tohu tenei X a Maru
Ko te one Teuki
Ko te Pukenui
Ko Topi
Ko Kairakau
Ko te tohu tenei X a Tukaha
Ko Porokori
Ko te tohu tenei X o Apetara Kautuanui
Ko Tiakikai
Ko Tahea

Hearken all people; we the Chiefs and people of Te Wakaraupo (Port Cooper) that is to say of all the lands lying on either side of Te Wakaraupo, a plan of which is attached, have signed our names and made our marks in token of our consent, for ourselves, our relatives, our children and our descendants after us to cede finally all the lands, of which the boundaries are described in this deed of sale, to Her Majesty the Queen of Great Britain her heirs and successors as a lasting possession for her or for the Europeans who may be allowed by her, that is to say by His Excellency the Governor to become possessed of these lands.

And whereas we have agreed to cede finally our lands which are within the boundaries hereafter to be described, Mr Mantell, Commissioner for the Extinguishment of Native Claims by virtue of the powers vested in him by His Excellency the Lieutenant Governor of the Province agrees to pay of two hundred pounds, which we have received by the hands of Mr Mantell in final payment of the said lands.

Now these are the boundaries of the lands which we have finally ceded: the inland boundary commences at the mouth of Opawa thence along the boundary described in the plan attached to Mr Kemp's deed dated the 12th June 1848 to Waihora; the outer boundary commences at Kaitara, thence by Te Pohue, thence by the Ahupatiki ridge to Waihora following the line of the said mountain to Kuhakawariwari, but the survey plan will accurately shew the description of the land, and we hereby cede for ever all the land, with all belonging thereto, which lies within these boundaries excepting the portions reserved for Mr Mantell, Commissioner.

The first portion reserved for us is the land at Purau estimated to contain nine acres as surveyed by Mr Octavius Carrington Surveyor and as pointed out to Tiemi Nohomutu, to Kautuanui, to Tami Tukutuku and to Tiemi Kokorau in the presence of Joseph Thomas Esqre on the 25 July 1849.

The second: we are to have the use of the trees in the bush called Motuhikarehu for firewood, but the land is not for us but for the Europeans. That piece also was pointed

out to Tiemi Nohomutu and others by Mr Mantell Commissioner and Mr Carrington on the 26 July 1849.

The third: the piece of land called Rapaki and Taukahara of which these are boundaries as pointed out to the Maoris by Mr Carrington in the presence of Joseph Thomas Esqre and Mr Mantell Commissioner: Commencing at the post standing on the point at Otuherekio thence it runs up and along the ridge following the marks shewn by Mr Carrington and on to Te Upokookuri thence following these marks down by the ridge to the inland side of Taukahara thence along the cliff called Nohomutu to the small stream called Okaraki thence following the course of that stream to the sea.

All these boundaries are correctly shewn in the plan made by Mr Carrington.

These are the whole of the places reserved for us within the boundary for Her Majesty the Queen of Great Britain, and Mr Mantell Commissioner agrees that these places shall be permanent possessions for us and for our descendants after us for ever and ever.

We also agree not to sell to the Europeans those places which have been reserved for us without the consent of His Excellency the Governor; and we further agree not to allow Europeans to occupy these places without the consent of His Excellency the Governor and we further consent to leave to His Excellency the Governor the decision as to the main lines of road which His Excellency the Governor may hereafter agree to have made within the boundaries which are herein reserved for us.

And in token of our true consent to all the provisions contained in this deed of cession which has now been read over to us we sign our names and make our marks, and in token of the assent of Her Majesty the Queen of Great Britain to all the provisions contained in this Deed, the name of Mr Mantell Commissioner for the Extinguishment of Native Claims is hereunto affixed.

This deed was made at Oketeupoko, Te Wakaraupo (Port Cooper) on the tenth day of August one thousand eight hundred and forty nine

[Here follow the signatures]

T G Young translator, Native Dept, 9 June 1871

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.4 Port Levy, 25 September 1849

2.4 Port Levy, 25 September 1849

Canterbury 2, DOSLI, Heaphy House, Wellington

Wakarongo mai ra e nga Iwi katoa ko matou ko nga Rangatira ko nga tangata katoa o nga wenua katoa e takoto haere ana i roto i nga rohe meake nei tuhia e mau nei te ahua, kua tuhi i a matou ingoa i a matou tohu hei wakaaetanga mo matou mo o matou wanaunga mo o matou uri katoa e wanau i muri iho ia matou, kia tino tukua rawatia atu nga wenua katoa o matou e tuhia nei nga rohe, e mau nei te ahua ki tenei pukapuka kua tukua wenua kia Her Majesty the Queen of Great Britain her heirs and successors hei wenua tumau tonu iho mona mo nga Pakeha ranei e wakaaetia e ia, ara, e His Excellency the Governor kia tukua mo ratou aua wenua. A no te mea kua wakaae matou kia tukua rawatia atu o matou wenua e takoto nei i roto i nga rohe meake nei tuhia e wakaae ana Mr. Mantell Commissioner i runga i te mana kua tukua mai ki a ia e His Excellency the Lieutenant Governor of the Province kia utua matou ki nga pauna moni e toru nei rau takitahi (300) kua riro mai nei kia matou i nga ringaringa o Mr. Mantell hei utunga wakamutunga rawatanga mo aua wenua. Na ko nga rohe enei o nga wenua ka tukua tonutia e matou; ka timata te rohe wakautu ki Kaitara-a haere tonu ma te Pohue a ma te hiwi a te Ahupatiki, a puta tonu ki Waihora ki te wakamarotanga o taua maunga ki Kuhakawariwari, ara ma te rohe wakawaho a Nohomutu ma; ko te rohe wakawaho ka timata kei Waihora kei Waikakhi ka haere a ma te tohu e tuhia i roto i te kaiti ahua wenua e mau nei a hono tonu ki te waitai ki Pohatupa (Fly or Flea Bay).

Otiira, kei te pukapuka ahua wenua e mau nei te tino tohu me te tino ahua o te wenua o nga rohe ano hoki. A ko te wenua katoa me nga aha noa iho o aua wenua e takoto ana i roto i enei rohe haunga ano te wahi i wakatapua mo matou e Mr. Mantell kua oti nei te luku tonu atu. Ko te wahi tenei e wakatapua nei mo matou ko te wahi wenua kei Koukourarata; ko nga rohe enei o taua wahi i wakaaturia ana e Mr. Octavius Carrington, Surveyor raua ko Mr Mantell ki a Apera Pukenui, kia Himeona kia etahi atu o nga tangata o matou, a kua waitohungai ki nga pou kua pania hoki nga pohatu i te kokowai:- E timata ana taua rohe ki te pou kei te rae ko Pariahineteta te ingoa, ka piki i konei ka haere ma nga pou i poua ai e Mr Carrington a tae ki te pou e tu ana kei te Watamaraki, witi tika atu i reira ki te Upokoohinetewai, a, haere tonu ma te hiwi o te maunga. ara, ma nga tohu ki Kakanui a heke iho i reira ma te hiwi ara ma nga tohu ki te wai tai ki Puketiti: Otiira kei te pukapuka ahua wenua o Mr O. Carrington Surveyor te tino tikanga o taua rohe. Heoi, ko te whakamutunga rawatanga tenei o nga wahi e wakatapua mo matou i roto i te rohe mo Her Majesty the Queen of Great Britain a ko taua wahi e wakaae ana hoki a Mr Mantell Commissioner kia waiho hei wenua tumau iho mo matou mo a matou uri i muri iho ia matou, ake tonu atu. E wakaae ana hoki matou ki a kua e hokona ki te Pakeha taua wahi kua oti nei te

wakatapu mo matou kia kua hoki e tukua ki Pakeha ki taua wahi noho ai kia wakaae mai ra ano a His Excellency the Governor. Ano e wakaae ana hoki matou kia waiho tonu mo His Excellency the Governor te wakaaro mo nga ara ruri nui e wakaatitia a mua e His Excellency the Governor, kia hanga, kia takoto marire ki roto i nga rohe kua oti nei te wakatapu tonu mo matou. A ko nga mara katoa me nga kainga katoa e takoto ana i waho o te rohe mo matou hei tenei tau (1849) ano era katoa te wakarerea e nga tangata Maori kia watea ai te wenua; haunga ano nga ware me nga mara kei te Wakaroi (Pigeon Bay): a koia tenei te tikanga tenei mo aua wahi kei te Wakaroi (Pigeon Bay) ko nga mara e ngakia ana i naianei e tupu ana te kai i naianei me ngaki marie i tenei tau, i tera tau ano hoki a, hei te tau kotahi mano, e waru rau, e rima tekau ma tahi (1851) me wakarere katoa aua mara me aua kaika e nga tangata Maori kia watea ai te wenua mo te Pakeha kauraka hoki he mara hou e topea ki taua wahi kei te Wakaroi (Pigeon Bay). A mo te matou wakaatanga pono rawa ki nga tikanga katoa i roto i tenei pukapuka tuku wenua kua panuitia mai nei kia matou, ka tuhia i matou ingoa me o matou tohu; a mo te wakaatanga hoki a Her Majesty the Queen of Great Britain ki nga tikanga katoa i roto i tenei pukapuka ka tuhia hoki te ingoa o Mr Mantell Commissioner of the Extinguishment of Native Claims.

I Koukourarata i Port Levy no te rua tekau ma rima o nga ra o Hepitema i tuhia tenei pukapuka 1849.

Ko nga ingoa o nga kaititiro.
 Octa Carrington
 James Egan
 Ngarongomate
 Henere Kowa
 Walter Mantell, Commissioner

Apera Pukenui
 Kairakau
 Himiona
 Na Puehu tenei X tohu
 Na Kauoma tenei X tohu
 Na Haimona Kaiparuparu tenei X tohu
 Na Te Warerakau tenei X tohu
 Tamati Pukurau
 Na Ipika tenei X tohu
 Na Wiremu Parata Te Atawiri tenei X tohu
 Na Poharama Ruru tenei X tohu
 Na Taoraki tenei X tohu
 Peneahi te Pai
 Na Timaru Tiakikai tenei X tohu
 Na Waipuhuru tenei X tohu
 Na Hokokai by Poharama tenei X tohu
 Na Te Ao tenei X tohu
 Ko Te Waipapa
 Ko Hapaikete
 Pohata by proxy by Apera
 Rangiaupere
 Na Tupeha tenei X tohu

Tamakeke by proxy by Apera
Te Kapiti by proxy by Apera
Wi Karaweko by proxy by Apera
Na Pirimona

Hearken all the tribes. We the chiefs and people of all the land within the boundaries hereunder described and of which the plan is attached have signed our names and made our marks in token of the consent of us on behalf of our relatives and all our descendants to the final cession of all those of our lands whereof the boundaries are herein described and the plan attached unto this deed to Her Majesty the Queen of Great Britain her heirs and successors as a lasting possession for her or for Europeans who she, that is to say His Excellency the Governor, may allow to become possessed of these lands.

And whereas we have consented to give up entirely our land within the boundaries hereunder described Mr Mantell, by virtue of the power granted to him by His Excellency the Lieutenant Governor of the Province agrees to pay us the sum of three hundred Pounds (300) which we have received from the hands of Mr Mantell as a final payment for those lands.

These are the boundaries of the lands which we absolutely give up: The inland boundary commences at Kaitara, thence to Te Pohue and along the ridge to Te Ahupatiki, it comes out at Waihora following the ridge of that mountain to Kuhakawariwari, that is to say by the outer boundary of Nohomutu and his people; the outer boundary commences at Waihora at Waikakahi thence it goes as is shewn on the plan hereunto attached till it reaches the sea at Pohatupa (Fly or Flea Bay).

But an accurate description of the land and its boundaries is contained in the plan hereunto attached. And all the land together with the things belonging thereto within the boundaries (except the piece reserved for us by Mr Mantell) is hereby absolutely given up.

This is the portion reserved for us-the land at Koukourarata; these are the boundaries of that piece pointed out by Mr Octavius Carrington, Surveyor and Mr Mantell to Apera Pukenui to Himiona and to others of our people, pegs have been put in to mark them and the stones have been marked with red ochre. That boundary commences at the pole on the bluff called Paniahineteata, it strikes up from here and follows the poles put in by Mr Carrington till it reaches the pole at Te Watamaraki, thence straight across to Te Upokoohinetewai, thence along the Manukuia ridge thence as marked to Kakanui, it comes down there by the ridge thence as marked to the sea at Puketi. The boundary is, however, more fully described in the plan of the land made by Mr. Carrington. Well, this is the only reserve made for us within the boundary of Her Majesty the Queen of Great Britain, and Mr Mantell Commissioner consents to leave that as a lasting possession for us and our descendants after us for ever. We also agree not to sell to Europeans that piece which is reserved for us and not to allow any Europeans to live on that place without the consent of His Excellency the Governor. Also we consent to leave it to His Excellency the Governor to decide about the main lines of road which His Excellency the Governor may agree to make and lay off within the boundaries which have been reserved for us. And all the cultivations and all the places situate outside of the boundary for us are to be abandoned by the Maori

in this year (1849) that the land may be clear, excepting the houses and cultivations at Te Wakaroi (Pigeon Bay) This is the arrangement in respect of these places at Te Wakaroi (Pigeon Bay) the cultivations now being worked upon and upon which crops are growing may be cultivated during this year and next year and in the year one thousand eight hundred and fifty one (1851) all those cultivations and all those kainga must be abandoned by the Maori in order that the land may be clear for the Europeans: no new cultivation is to be made in that place at Te Wakaroi (Pigeon Bay).

And in token of our true consent to all the covenants contained in this deed of conveyance which has now been read over to us we affix our names and marks; and in token of the consent of Her Majesty the Queen of Great Britain to all the covenants contained this deed the name of Mr Mantell Commissioner for the Extinguishment of Native Claims is hereunto affixed

This document was written at Koukourarata, Port Levy on the twenty fifth day of September 1849.

Waitangi Tribunal, Department of Justice, Wellington

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.5 Murihiku, 17 August 1853

2.5 Murihiku, 17 August 1853

Otago I, DOSLI, Heaphy House, Wellington

Kia mohio mai nga Tauwi katoa; ko matou ko nga Rangatira me nga tangata katoa o nga whenua katoa e takoto haere ana ki roto ki nga Rohe kua tuhia kiraro, a, i riro mai kia matou no o matou Tupuna tuku iho kia matou, e mau nei hoki te Ahua, kua tuhi i o matou Ingoa i a matou tohu, hei Wakaaetanga mo matou ano, mo o matou Whanaunga, mo o matou Hapu me o matou Uri katoa e ora nei a ka whanau i muri iho i a matou, kia tukua rawatia atu o matou nei Whenua katoa kua whakaritea, kua tuhia nga Rohe a e mau nei hoki te Ahua ki tenei pukapuka tuku whenua kia Her Majesty the Queen of Great Britain Her heirs & Successors for ever hei Whenua tumau tonu iho mona mo nga Pakeha ranei e whakaaetia e ia ara e His Excellency the Governor kia tukua mo ratou. A no te mea kua wakaac matou kia tukua rawatia atu o matou nei whenua e takoto nei ki roto ki nga rohe kua tuhia nei kiraro, e wakaac ana Walter Mantell, Commissioner for Extinguishing Native Claims ta te mea kua tukua mai kia ia e His Excellency the Governor-in-Chief, te wakaaro ki te wakarite i te utu mo enei whenua, kia utua mai matou e ia ki nga pauna moni kia rua mano taki tahi (2000) Ko te tikanga o te utunga tenei, kia wehea nga moni nei kia rua nga tukunga; na ki te tukunga tuatahi kia kotahi mano pauna (1000) a, kia riro mai aua moni ki a matou ki Otakou kia rupeke mai ra ano ka takata; ko te tukunga tuarua kia kotahi mano pauna (1000) hei awarua tuku ai ki te marama e tae mai ai te moni. Na, ka huihuia katoatia nga moni e nga tukunga nei ka rite ki nga 2000 kua wakaritea ki waenga.

Na, ko nga Rohe enei o nga Whenua kua oti nei te tuku. Ka timata te rohe i Milford Haven (ko te ingoa o taua wahi ki to te Kepa pukapuka tuku whenua ko Wakatipu Waitai otira ki to te Maori ingoa ko Piopiotai,) haere atu i reira ki Kaihiku a, i reira haere atu ki Tokata, ina kia piri rawa ki nga rohe tawhito o te Kepa raua ko Haimona, ma te moana no Milford Haven haere atu ki Tokata, ara ko Tauraka, Rarotoka, me Motupiu me nga motu katoa e takoto tata ana ki takutai (kauaka Ruapuke ma) me nga Whenua katoa ki roto ki aua rohe, me nga Turanga me nga Tauranga, me nga awa, me nga roto, me nga ngahere, me nga Pakihi, me nga aha noa katoa ki roto ki aua wahi me aua mea katoa e takoto ana; Otira kei te pukapuka ruri kua oti te whakapiri ki tenei pukapuka te tino tikanga me te tino ahua. Ko nga whenua katoa me nga aha noa katoa, kua oti nei te tuhituhi kirunga a e takoto ana ki roto ki nga rohe kua wakaritea kirunga kua tukua rawatia atu kia Her Majesty the Queen ake ake ake. Otira ko nga wahi whenua i wakaritea e Mr Mantell i ruritia hoki e C. Kettle Esq. J.P. Government Surveyor ki Tukurau, Omaui, Oue, Aparima, Oraka, Kawakaputaputa, me Ouetota, e mau nei hoki nga tohu whika, 1, 2, 3, 4, 5, 6, 7, i pania hoki ki te ta ahua kohai, mo matou hei whenua tumau rawa mo matou, me o matou tamariki, ake, ake, ake; ka mutu o matou wahi ko enei kua wakahuatia nei hoki nga ingoa, E whakaac ana hoki matou

kia kaua e hokona aua wahi kua oti nei te wakatumanu kia matou, kia wakaae mai ano His Excellency the Governor. E wakaae ana hoki matou kia kaua e tukua he pakeha ki aua wahi noho ai kia wakaae mai ano His Excellency the Governor. A, ki te mea ka wakaaro His Excellency the Governor ki te whaihanga amua ake nei etahi huarahi ki roto ki enei nga wahi i wakatumanuia mo matou e wakaae ana matou kia tukua utu koretia atu etahi wahi kia takoto pai ai nga huarahi e wakaaro ai ia kia hangaia. A, mo to matou wakaatanga, ponotanga rawatanga ki nga tikanga katoa ki roto ki tenei pukapuka kua whenua kua panuitia mai nei kia matou kua tuhia e matou i o matou ingoa me o matou tohu, a mo te wakaatanga a Her Majesty the Queen of Great Britain, ki nga tikanga katoa ki roto ki tenei pukapuka, kua tuhia hoki e Walter Mantell, Commissioner for the Extinguishment of Native Claims, i tona ingoa.

I tuhia o matou ingoa me o matou tohu ki tenei pukapuka ki te 17 o ka ra o Akuhata, kotahimano waru rau rima te kau ma toru ki Tanitini.

Dated at Dunedin, Province of Otago, this seventeenth day of August, one thousand eight hundred and fifty-three.

Walter Mantell, Commissioner Teoti Rauparaha

Taiaroa Tipene Pepe

Koau John Wesley Korako

Taheke Kereopa Totoi

Karetai Tiare Hape

Potiki

Tare Wetere Te Kaahu Moihī Hamero

Reihana James Rikiriki

Huriwai Te Marama

Tiare Ru Maraitaia

Wi Rehu Ihaha Whaitiri

Paitu Kahu Patiti

Akaripa Pohau Horomona Mauhe

Matewai Hoani Hoani Korako

Riwai Piharo John Topi Patuki

Paororo Manihera Tutaki

Ko Matewai Matene Manaia

Tare Te Au Te Pac

Makaia Pokene

Whaiti Pirihira Timoti White

Inia te Meihana Horomona Pohio

Hohaia Poheahea Paororo

Irai Tihau Matiaha Kukeke

Pukuhau Takurua

Korako Turinaka Huruhuru

Tare Te Ao Haimona Pakipaki

Wiremu Te Raki Rawiri Teawha

Ko Te Tohu, tenei x a Kaikai-Witness Hugh Robinson

Ratimira Tihau Te Au

Tiare Te Au

Pitoko Wiremu Rehua

Rota Pikaroro

**Witnesses to the signatures and marks-
Edmund Hooke Wilson Bellairs, Esq., Dunedin, Otago**

James Fulton, J.P., West Taieri

Robert Williams, J.P., Dunedin, Otago

A. Chetham-Strode, R.M., Dunedin, Otago

Charles H. Kettle, J.P., Dunedin, Otago

William G. Filleul, Dunedin

Richard Anthony Filleul, Dunedin

Robert Chapman, of Dunedin, Clerk to the Bench

Sealed by me, this 17th day of August, 1863.

(L.S.) A. CHETHAM-STRODE

Let all the Nations know. We the chiefs and all the people of all the lands lying within the boundaries hereunder written, derived through our ancestors from whom it descended to us, the plan whereof is hereunto annexed, have written our names and marks as the act of consent of us, for ourselves, for our relations, for our families, for our heirs now living, and our descendants who shall be born after us, entirely to give up all those our lands which have been negotiated for, the boundaries of which have been described, and the plan whereof is annexed to this deed of conveyance, to Her Majesty the Queen of Great Britain, her heirs and successors for ever, as a lasting possession for her or for the Europeans to whom Her Majesty, or rather His Excellency the Governor, shall consent that it shall be given.

And whereas we have agreed entirely to give up our land within the boundaries hereunder written: Walter Mantell, the Commissioner for extinguishing Native Claims (by virtue of the authority given to him by His Excellency the Governor-in-Chief to arrange and determine the price to be paid for these lands), agrees that he will pay us the sum of two thousand pounds sterling, the manner of payment to be as follows:- The money shall be divided into two portions: In the first instalment there shall be one thousand pounds, which shall have been paid to us at Otakou when all the people shall have assembled. The second instalment of one thousand pounds shall be paid at Awaroa in the month in which the money arrives. The whole of the moneys of these payments being added together, they shall amount to the sum of two thousand pounds, as agreed upon above.

Now these are the boundaries of the land which have been alienated: The boundary commences at Milford Haven (the name given to that place in Mr. Kemp's deed is Wakatipu, but by the Maoris it is called Piopiotahi), thence to Kaihiku; thence to Tokata, strictly following the old boundary line of Messrs Kemp and Symonds, and by the coast from Milford Haven round to Tokata, with Tauraka Rarotoka, Motupiu, and all the islands lying adjacent to the shore (excepting the Ruapuke group), and all the lands within those boundaries, with the anchorages and landing-places, with the rivers, the lakes, the woods, and the bush, with all things whatsoever within those places, and in all things lying thereupon. A more accurate description and representation of the land is given in the plan hereunto annexed.

All the lands, and all other things above enumerated, and which lie within the boundaries above recited, have been entirely surrendered to Her Majesty the Queen for ever and ever

But those portions of land which have been set apart by Mr. Mantell, and surveyed by C. Kettle Esq., J.P., Government Surveyor, at Tuturaui, Omaui, Oue, Aparima, Oraka, Kawakaputuputa [sic], and, Ouetoto, marked with the figures 1, 2, 3, 4, 5, 6 and 7, and coloured yellow, are for ourselves as lasting possessions for us and for our children for ever. The only portions for ourselves are those just named. We also agree that the portions which have been reserved for us shall not be sold without the consent of His Excellency the Governor

And if His Excellency wishes at any future time to cause a road to be made through the land reserved for us, we agree to give up some portions thereof without any

payment being made, that the roads which he thinks necessary may be properly laid off.

And in testimony of our true and unreserved assent to all the conditions of this deed, which has been read aloud to us, we have signed our names and marks; and in testimony of the consent of Her Majesty the Queen of Great Britain, Walter Mantell, Commissioner for the extinguishment of Native Claims, hereunto signed his name

Our names and marks were signed to this deed on the seventeenth of the days of August, one thousand eight hundred and fifty-three, at Dunedin

[Here follow the signatures.]

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.6 Akaroa 10 December 1856

2.6 Akaroa 10 December 1856

Canterbury 3, DOSLI, Heaphy House, Wellington

He pukapuka tuku whenua tenei, i tuhituhia ki Hakaroa i tenei ra i te tekau o nga ra o te Marama o Tihema i te tau o to tatou Ariki 1856. Ko te whakaaetanga tenei onga [sic] tangata Maori o Hakaroa, o Pigeon Bay, o Port Levi, o Port Cooper o Kaiapoi, o Hairewa o te motu puta noa ki runga, puta noa ki raro, kia tukua katoatia nga wahi, e tohea nei ki Akaroa, ki a Te Kuini Wiki toria [sic] ki ona uri, ake ake-hei utu mo nga pauna moni. Ko tahi rau ma rima tekau kua riro mai i tenei rangi.

Heoi ano nga kainga, e tohutohungia mo matou, mo nga tangata Maori ko nga eka e wha rau (400 acres) ki Onuku. Ko nga eka e wha rau ki te tumu ki tenei taha mai o Wainui-Ko nga eka e wha rau/400 acres/ ki Wairewa.

Ma matou te whakaaro ki te tangata e puta mai ki te tohe i te whenua-ki te tono moni ranei, no te mea kua riro rawa mai ki a matou nga moni mo te whakaotinga katoatanga o nga whenua ki Hakaroa. Koia matou ka whakaae nei i tenei ra, ka tuhituhi i o matou nei ingoa ki tenei pukapuka.

I te aroaro o

J W Hamilton

William Aglmer-offg Minster, Akaroa

John Aldred-Wes Minister, Lyttelton

Robert Frenvel-sub. coll. customs, Akaroa

William George Poole

O Davie

Na tenei X tohu Wiremu Karaweko

Hone Taupoki

Na tenei X tohu Matini Pawiti

Na tenei X tohu Tuauau

Na tenei X tohu Tamati Tikao

Na tenei X tohu Rangimakere

Na Te Teira

Na tenei X tohu Ropoama

Na tenei X tohu Enoke

Na tenei X tohu te Wakapiri

Na tenei X tohu Tamati Tipene

Hoani Pita Akaroa

Eli Tihau
 Paurini
 Na tenei X tohu Hoani Wetere
 Na tenei X tohu Hakiha
 John Patterson
 Solomon Pohio
 Na tenei X tohu Raihania
 Na tenei X tohu Hona
 Na tenei X tohu Hori Waitutu
 Na tenei X tohu Heneri Watene
 Marutai
 Henere te Paro
 Na tenei X tohu Raniera
 Na tenei X tohu Ekaia
 Na tenei X tohu Hamuera
 Na tenei X tohu Hoani Timaru
 Na tenei X tohu Enoka
 Na tenei X tohu Hoani
 Na tenei X tohu Paora Tangi
 Na tenei X tohu Horo Papera
 Na tenei X tohu Paora Tau
 Hoani Akaroa
 Teoti William

Ko nga rohe o te wahi mo nga Maori o Wairewa.

Me timata ki te uri ko te Waipawa-a haere ki Owika-a haere ki te puke ko Karawera-a kei muri-ko Hukahuka te roa.

He kupu tikanga mo nga Huanui mo nga ara i tahi. Ko matou ko Wiremu Koraweko o Onuku, ko Hoani Papeti o Wainui ko Mautai o Wairewa e wakaac ana ki nga Huanui ka karangatia e te Kuini kia keria i runga i o matou whenua e wakaac ano hoki matou ki a tuwera tonu nga ara i tatahi o te moana.

Witness of signatures Dec 10 1856 at Akaroa

J W Hamilton Hoani Akaroa
 Robert Grenvel Na tenei X tohu Mautai
 John Aldred Na tenei X tohu Wiremu Korawheko
 C. Davie

This is a Deed conveying land, written at Hakaroa on this day, on the tenth of the days of the month of December in the year of our LORD 1856. This is the consent of the aboriginal inhabitants of Hakaroa, of Pigeon Bay, of Port Levi, of Port Cooper, of Kaiapoi, of Wairewa of the island extending to the South, extending to the North, entirely to surrender the pieces [of land] now disputed at Akaroa, to the Queen Victoria to Her Heirs for ever and ever in consideration of the sum of One hundred and fifty pounds in money received on this day.

These only are the places reserved for us, for the Native people the four hundred acres (400 acres) at Onuku; four hundred acres (400 acres) at Wairewa

With us will be the consideration for any person coming to claim the land or to demand money because we have entirely received the monies for the full and final surrender of the lands at Hakaroa. Wherefore we consent on this day and sign our names to this document.

[here follow the signatures]

The boundaries of the piece for the Natives of Wairewa, -to commence at the ridge called Waipaua, thence to Oweka thence to the hill Karawera, and afterwards to Hukahuka te roa.

An agreement relative to the roads and the seaside paths We Wiremu Koraweko of Onuku Hoani Papeti of Wainui and Mautai of Wairewa agree that the Queens roads should be dug (formed) upon our lands and we also agree that the roads by the sea side should always remain open.

[Here follow the signatures].

A true translation H Smith for the Chief Commissioner.

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.7 North Canterbury, 5 February 1857:

2.7 North Canterbury, 5 February 1857:

Canterbury 4, DOSLI, Heaphy House, Wellington

He pukapuka tuku whenua i tuhituhia ki Kaiapoi i tenei ra i te rima o nga ra o te marama o Pepuere i te tau o to tatou Ariki 1857. Ko te whakaaetanga tenei o nga tangata Maori o Kaiapoi, o te Whakaraupo (Port Cooper) o Kokorarata (Port Levy) o Whakaroi (Pigeon Bay) o Hakaroa, o Wairewa, o te tuauru o te motu katoa, kia tukua to matou tohe mo te whenua katoa i Kaiapoi puta noa ki Waiau-ua, puta noa ki nga awapuna o Waiau-ua o Hurunui o Raka Hauri kia tukua rawatia taua whenua katoa ki a te Kuini Wikitoria ki ona uri, ake, ake, he utu mo nga pauna moni e rua nga rau kua riro mai ki a matou i tenei rangi

Ma matou te whakaaro mo te tangata e putamai ki te tohe i te whenua, ki te tohe moni ranei mo te whenua, no te mea kua riro rawa mai ki a matou nga moni mo te whakaotinga katoatanga o te whenua ki a te Kuini, i Kaiapoi putanoa ki Waiau-ua, putanoa ki nga awapuna o Waiau-ua o Hurunui o Raka hauri.

Hoia ka whakaac matou ka tuhituhi hoki i o matou nei ingoa i tenei ra

Ko te Pa o Kaiapoi o mua kei te moture, kua whakatapua me tona hua nui

Na Paora Tau tenei X tohu

Na Paora Take tenei X tohu Henere Pereita Tawiri

Na Horomona Haukeke tenei X
tohu Wiremu Te Uki

Hakopa Solomon Pohio

John Patterson Ihaia Tainui

Na Matiu Hutoi tenei X tohu Pita te Hori

Na Hoani Timaru tenei X tohu John Pere

Na Hopa Kaukau tenei X tohu Kaikoura Whakatau

Na Arapata Koti tenei X tohu Na Te Aika tenei X tohu

Ihara Taihoa Na Tukaha tenei X tohu

T Tikao

i te aroaro o

William Congreve of Christchurch

John Aldred (Wesleyan Minister, Christchurch)

William H Revell, Sub-Inspector of Police at Kaiapoi,

G F Day of Kaiapoi, Publican,

J W Hamilton of Lyttleton, Collector of Customs, Agent for purchase of Kaiapoi and Akaroa lands

A deed conveying land written at Kaiapoi on this day on the fifth of the days of the month of February in the year of Our Lord 1857. This is the consent of the Natives of Kaiapoi, of Te Whakaraupo (Port Cooper) of Kokorarata (Port Levi) of Whakaroi (Pigeon Bay) of Akaroa, of Wairewa of the West-side of all the Island to give up our claim to all the land at Kaiapoi and on to Waiau-ua and on to the sources of the Waiau-ua Hurunui and Rakahauri, entirely to give up all that land to the Queen Victoria and her descendants forever in consideration of the sum of Two hundred pounds paid into our hands on this day.

With us will be the consideration for any person coming forward to claim the land or demanding money for the land because we have finally received the monies for the entire surrender of the land to the Queen at Kaiapoi and on to Waiau-ua and on to the sources of Waiau-ua of Hurunui of Rakahauri. Wherefore we consent and sign our names on this day.

The old Pa of Kaiapoi at Te Moture has been reserved-made sacred with its road also

Waitangi Tribunal, Department of Justice, Wellington

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.8 Kaikoura, 29 March 1859

2.8 Kaikoura, 29 March 1859

Marlborough 9, DOSLI, Heaphy House, Wellington

TENEI PUKAPUKA i tuhituhia i tenei i te rua tekau maiwa o nga ra o Maehe i te tau o tatou Ariki 1859 he Pukapuka tino hoko tino hoatu tino tuku whakaoti atu na matou na nga Rangatira me nga Tangata o (Ngahitau) Ngaitahu no ratou nga ingoa e mau i raro nei a hei whakaatu tenei Pukapuka mo matou mo a matou whanaunga me o matou uri mo te tuhituhinga o o matou ingoa ki tenei pukapuka i raro i te ra e whiti nei kua whakarerea rawatia kua tino tukuna rawatia atu kia Wikitoria Kuini o Ingarangi ki ona uri ki nga Kingi ki nga Kuini o muri iho i a ia me ana me a ratou e whakarite ai hei whakaritenga mo nga Pauna moni etoru rau (300-0-0) kua utua mai ki a matou e (James Mackay Jr) Tiemi Make mo te Kuini (a e whakaaetia nei e matou te rironga mai o aua moni) ko taua wahi whenua katoa kei te Parawini o Whakatu ko Kaikoura te ingoa o taua wahi whenua ko nga rohe kei raro i te Pukapuka nei e mau ana te korero whakahaere ko te mapi hoki o taua whenua kua apititia ki tenei. Me ona rakau me ona kowhatu me ona wai me ona awa nui me ona roto me ona awa ririki me nga mea katoa o taua whenua o runga ranei o raro ranei i te mata o taua whenua me o matou tikanga me o matou take me o matou paanga katoatanga ki taua wahi: Kia mau tonu kia Kuini Wikitoria ki ona uri ki ana ranei e whakarite ai hei tino mau tonu ake tonu atu. A hei tohu mo to matou whakaaetanga ki nga tikanga katoa o tenei Pukapuka kua tuhituhia nei o matou ingoa me o matou tohu. A hei tohu hoki mo te whakaaetanga o te Kuini o Ingarangi mo tana wahi ki nga tikanga katoa o tenei Pukapuka kua tuhia nei te ingoa o (James Mackay Jr) Tiemi Make Kaiwhakarite Whenua. Ko nga rohe enei o taua whenua ka timata i te taha ki terawhiti i te kurae o te karaka ka haere tonu i tatahi i te taha o te moana ki Parinui o whiti, ka whati i konei a ka haere whakauta tika tonu ki Rangitahi i nga matapuna o te awa o Waiautoa (Clarence). Ka whati i konei a ka haere tonu i te taha o nga maunga, i Maunga Tawhai i Waiaki (i te matapuna o Waiauwha) i Te Rangiamoa, ki Hokakura (te roto i nga matapuna o te Hurunui) ka whati i konei a ka haere tonu te rohe i te awa o te Hurunui tuhono noa ki te moana. Ka whati i te Kongutu awa o Hurunui a ahu whaka te marangai. Ka haere tonu i tatahi ki te Karaka (Cape Campbell) ka tutuhi nga rohe o reira.

Eruiti his X mark Ko Kaikoura Whakatau

Raiania his X mark Raihania his X mark

Hakura his X mark Ihaia Poieke his X mark

Tioti Wira his X mark Tumaru his X mark

Aperahama his X mark Hohepa his X mark

Arama Karaka his X mark

Ihaia Tatawa his X mark

Hakopa his X mark

Hoani Timaru his X mark

Mu Korapa his X mark

Renata te Whiringa his X mark

Parateni Whiti his X mark

Wiremu Kepa his X mark

Haora his X mark

Karehoma his X mark

Parata his X mark

Rawiri te Kauhariki his X mark

Ihau his X mark

Hakaraia te Utu his X mark

Ohaia his X mark

Whera his X mark

Ko nga tangata i kite i te hoatutanga o nga moni me te tuhinga o nga ingoa -

James Mackay Jr (Tiemi Make)-Assistant Native Secretary

Kai Whakarite Whenua-Acting Native Land Purchase

Commissioner

George Fyff-Sheep Farmer, Kaikoura

Alexander Mackay-Settler, Nelson

THIS DEED written on this twentieth day of March in the Year of our Lord 1859 is a full and final sale conveyance and surrender by us the Chiefs and People of the Tribe (Ngahitau) Ngaitahu whose names are hereunto subscribed And Witnesseth that on behalf of ourselves our relatives and descendants we have by signing this Deed under the shining sun of this day parted with and for ever transferred unto Victoria Queen of England Her Heirs the Kings and Queens who may succeed Her, and Her and Their Assigns for ever in consideration of the Sum of three hundred Pounds (300-0-0) to us paid by James Mackay Jr on behalf of the Queen Victoria (and we hereby

acknowledge the receipt of the said monies) all that piece of our Land situated in the Province of Nelson and named the Kaikoura or East Coast District the boundaries whereof are set forth at the foot of this Deed and a plan of which Land is annexed thereto with its trees minerals waters rivers lakes streams and all appertaining to the said Land or beneath the surface of the said Land and all our right title claim and interest whatsoever thereon To Hold to Queen Victoria Her Heirs and Assigns as a lasting possession absolutely for ever and ever. And in testimony of our consent to all the conditions of this Deed we have hereunto subscribed our names and marks. And in testimony of the consent of the Queen of England on her part to all the conditions of this Deed the name of James Mackay junr, Acting Native Land Purchase Commissioner is hereunto subscribed. These are the boundaries of the Land commencing at Karaka (Cape Campbell) and proceeding by the Sea Coast in a Westerly direction to Parinui-o-whiti (Wairau Bluffs) from thence turning inland it runs in a direct line to Rangitahi (Tairāhapa) at the source of the River Waiaua (Clarence) whence turning in a South Westerly direction it continues by the mountains to Hikaturu (Lake Sumner) turning thence in an Easterly direction the boundary is the Hurunui to its confluence with the Sea-Thence turning at the mouth of the Hurunui in a North Easterly direction it goes along the sea beach to Karaka (Cape Campbell). Where the boundaries join.

Waitangi Tribunal, Department of Justice, Wellington.

Ngai Tahu Land Report

Appendix 02 Deeds of Purchase

2.9 Arahura, 21 May 1860:

2.9 Arahura, 21 May 1860:

Westland 1, DOSLI, Heaphy House, Wellington

TENEI PUKAPUKA i tuhituhia tenei i te rua te kau matahi o nga ra o Mai (21 Mai) i te tau o to tatou Ariki 1860 he Pukapuka tino hoko tino hoatu tino tuku whakaoti atu na matou na nga Rangatira me nga Tangata o Ngaitahu no ratou nga ingoa e mau i raro nei a hei whakaatu tenei Pukapuka mo matou mo o matou whanaunga me o matou uri mo te tuhituhinga o o matou ingoa ki tenei pukapuka i raro i te ra e whiti nei kua whakarerea rawatia kua tino tukuna rawatia atu kia Wikitoria Kuini o Ingarangi ki ona uri ki nga Kingi ki nga Kuini o muri iho i a ia me ana me a ratou e whakarite ai hei whakaritenga mo nga Pauna moni etoru rau (300) kua utua mai ki a matou e Tiemi Make mo te Kuini (a e whakaaetia nei e matou te rironga mai o aua moni) ko taua wahi whenua katoa {FNREF0-86472-060-2|APP2.9|1} kei nga Porowhini o Whakaatu, Kutaperi, me Otakou ko Poutini ko Arahura nga ingoa o taua wahi whenua ko nga rohe kei raro i te Pukapuka nei e mau ana te korero whakahaere ko te mapi hoki o taua whenua kua apititia ki tenei. Me ona rakau me ona kowhatu me ona wai me ona awa nui me ona roto me ona awa ririki me nga mea katoa o taua whenua o runga ranei o raro ranei i te mata o taua whenua me o matou tikanga me o matou take me o matou paanga katoatanga ki taua wahi; kia mau tonu kia Kuini Wikitoria ki ona uri ki ana ranei e whakarite ai hei tino mau tonu ake tonu atu. A hei tohu mo to matou whakaaetanga ki nga tikanga katoa o tenei Pukapuka kua tuhituhia nei o matou ingoa me o matou tohu. A hei tohu hoki mo te whakaaetanga o te Kuini o Ingarangi mo taua wahi ki nga tikanga katoa o tenei Pukapuka kua tuhia nei te ingoa o Tiemi Make Kaiwhakarite Whenua. Ko nga rohe enei o taua ka timata i te taha o te moana i Piopiotai a ka haere ki utu ki nga maunga huka ki Taumaro-haere tonu ki nga maunga Tiore Patea-Haorangi, me Te Rae o Tama ka haere i kona ki runga ki te tarahanga o Taramakau haere tonu ki te maunga o Wakarewa a haere tonu i reira ki runga ki nga maunga tae noa ki te hapua o te Rotoroa a ka haere i kona ki nga tauru o nga awa o Karamea me Wakapou i a ka haere maro tonu ki te Kurae o Kaurangi i te taha o te moana. Ka whati i kona a ka haere tonu whaka te haurunga i te taha o te moana ki Piopiotai, ka tutuki nga rohe i reira.

Kinihi his X mark Tarapuhi te Kaukihi his X mark

Kerei his X mark Mere te Aowangai his X mark

Rawiri Mokohuruhuru Werita Tainui his X mark

his X mark

Pako his X mark Hakiha Taona his X mark

Wiremu Parata his X mark Purua his X mark

Puaha te Rangi his X mark Makarini Tohi his X mark

Arapata Horau his X mark Riwai Kaihi his X mark

Ko nga tangata i kite i te hoatutanga o nga moni me te tuhinga o nga ingoa-

James Mackay Jnr- Assistant Native Secretary and Acting Land
Purchase Comm

Samuel M Mackley-settler, Nelson

James Burnett-surveyor, Nelson

Tamati Pirimona his X mark Collingwood

Hori e Koramo his X mark Collingwood

THIS DEED written on this twenty first (21st) day of May in the Year of our Lord 1860 is a full and final sale conveyance and surrender by us the Chiefs and People of the Tribe Ngaitahu whose names are hereunto subscribed And Witnesseth that on behalf of ourselves our relatives and descendants we have by signing this Deed under the shining sun of this day parted with and for ever transferred unto Victoria Queen of England Her Heirs the Kings and Queens who may succeed Her and Her [sic] and Their Assigns for ever in consideration of the Sum of three hundred Pounds (300) to us paid by James Mackay Jr on behalf of the Queen Victoria (and we hereby acknowledge the receipt of the said monies) all that piece of our Land {FNREF|0-86472-060-2|APP2.9|2} situated in the Province of Nelson, Canterbury and Otago and named Poutini or Arahura the boundaries whereof are set forth at the foot of this Deed and a plan of which Land is annexed thereto with its trees minerals waters rivers lakes streams and all appertaining to the said Land or beneath the surface of the said Land and all our right title claim and interest whatsoever thereon To Hold to Queen Victoria Her Heirs and Assigns as a lasting possession absolutely for ever and ever And in testimony of our consent to all the conditions of this Deed we have hereunto subscribed our names and marks. And in testimony of the consent of the Queen of England on her part to all the conditions of this Deed the name of James Mackay Junior, Commissioner is hereunto subscribed. These are the boundaries of the Land commencing at the Sea-side of Piopiotai (Milford Haven), thence proceeding inland to the Snowy Mountains of Taumaro; thence to the Mountains, Tiori Patea, Haorangi (Mount Cook), Te Rae o Tama thence to the saddle at the source of the River Taramakau, thence to Mt Wakarewa, thence following the range of Mountains to the Lake Rotoroa, thence to the sources of the River Karamea and Wakapoui, thence by a straight line drawn to Kaurangi Point at the Sea side Thence turning in a Southerly direction the Sea Coast is the boundary to Piopiotai (Milford Haven) where the boundaries meet.

[signatures follow]

{FNTXT|0-86472-060-2|APP2.9|1} 1 [footnote included on deed] "Otira tenei tenei ano matou i roto ki aua whenua ano ki nga pukapuka A me B o aua whenua ki tenei pukapuka e mau ana - kihai i utu aua whenua. Na Tieme Make."

{FNTXT|0-86472-060-2|APP2.9|2} 2 [footnote included on deed] "There are certain lands within this block reserved from sale, these are described in Schedules A and B attached to this deed, James Mackay.

Waitangi Tribunal, Department of Justice, Wellington

RAKIURA PURCHASE DEED 1864

No. 273. Deed of Sale. £6000 – Ngaitahu and Ngatimamoe.

Ceding claims to Stewart's Island.

Executed 29th June, 1864

Tenei pukapuka i tuhituhia i tenei rua tekau mā iwa o nga ra o Hune i te tau o te tatou Ariki. 1864, he pukapuka tino hoko, tino hoatu, tino tuku wakaoti atu na matou na nga Rangatira me nga tangata o Ngaitahu o Ngatimamoe no ratou nga ingoa e mau i raro nei a hei wakaatu tenei pukapuka, mo matou, mo o matou whanaunga me o matou uri mo te tuhituhinga o o matou ingoa ki tenei pukapuka i raro i te ra e whiti nei kua whakarerea rawatia atu ki a Wikitoria Kuini o Ingarani ki ona uri ki nga Kingi ki nga Kuini o muri iho i aia me ana me a ratou e whakarite ai hei whakaritenga mo nga pauna moni e Ono Mano (£6000) kua utua mai ki a matou e (Henry Tacy Clarke) mo te Kuini a e whakaaetia nei e matou te rironga mai o aua moni ko taua wahi whenua katoa ko Rakiura he Moutere ko te mapi hoki o taua whenua kua apititia ki tenei, ko te tukunga o nga utu mo tenei whenua koia tenei Erua mano (£2000) kua utua mai ki a matou i tenei ra, Erua mano pauna kua waiho kia te Kawana pupuri ai, a mana e apiti mai i roto i te tau nga pauna moni e waru mo te rau kotahi huihui katoa nga moni apiti i roto i te tau kotahi, kotahi rau e ono tekau pauna (£160), ko enei moni me wakauputa i nga tau katoa me wehewehe ki a Paitu, kia Teoni Topi Patuki, ki a Teoni Kihau, kia Frederick Kihau, kia Ellen Kihau ki o ratou uri i muri i a ratou, a ki te he katoa enei ma te Kawana e wakarite he tukunga iho mo enei moni. Erua mano Pauna (£2000) kua waiho ki a te Kawana mana e whakarite aua moni hei hoko i etahi whenua ki te takiwa o Murihiku hei whenua mau tonu mo nga Kura me era atu mea e whiwhi ai enei iwi i te pai. Ko te whenua kua tukua nei ko Rakiura katoa, me ona wai me ona awa nui, me ona roto, me ona awa ririki, me nga mea katoa o taua whenua, me nga motu nunui, me nga motu ririki e tutata ana ki taua whenua, me o matou tikanga, me o matou take me o matou paanga katoatanga ki taua wahi, kia mau tonu kia Kuini Wikitoria ki ana uri, ki ana ranei i wakarite ai hei tino mau tonu ake tonu atu. Ko nga whenua ka whakahokia mai hei whenua mau tonu mo matou me o matou uri koia enei (1) ko te tuatahi kei Potapa (Lord's Harbour) e toru tekau eka, ko te tua rua (2) kei Potiweta (Port Adventure) e toru rau e toru te kau eka (3) ko te tuatoru ko nga whenua katoa, i te Neke (Neck) kahore i riro tika i te pakeha i mua ka waiho enei mo nga hawe kaihe e noho ana i te Neke (Neck) ki te tu katoa nga hawe kaihe i taua whenua ma Ihaha Whaitiri raua ko Hoani Tumarere te toenga, ko te tua wha (4) ko te whenua ki te motu o *Ohokia* (Paterson's Inlet) kia wha rau eka me tango mai i roto i te takiwa o te mira kani rakau tawhito, i te mira kani rakau hou a Puroka (Bullock). (5) ko te tuarima ko te kurae ki te taha ki te nota o Horse Shoe Bay kia wha te kau eka, (6) ko te tua ona kei Cultivation Point, Port William kia waru tekau eka, (7) ko te tua whitu kei Raketi awa (Raggedy River) kia rima tekau eka, (8) ko te tua waru kei Mitini motu (9) kei Toparetutai, kia rima eka. Me nga motu Titi, ko Horomanae, ko te Wharepuaitaha, ko Kaihuka, ko Potuatua ko te Pomatakiarehua, ko Tia, ko Taukiepa, ko Rerewhakaupoko, ko Moki iti, ko Moki nui, ko Timore, ko Kaimohu, ko Huirapa, ko Taketu, ko Heretatua, ko te Pukeotakohe, ko Tamai o te Mioka, ko Pohowaiti, ko Poutama.

Herekopare, Pikomaniuku, ko enei whenua mo matou, Otiia ma te Kawana e tiaki e whakahaere nga tikanga. (kua oti hoki te pani ki te ahua pua kowhai i roto i te mapi apiti ki teneti pukapuka) a her tohu mo te matou whakaetanga ki nga tikaka katoa o teneti pukapuka kua tuhituhia nei o matou ingoa me o matou tohu a her tohu hoki mo te whakaetanga o te Kuini o Ingarani mo tana wahi ki nga tikanga katoa o teneti pukapuka kua tuhia nei te ingoa o Henry Lacy Clarke, kai whakarite whenua

John Topi

Hone Wetere Korako

Iare Wetere te Kahu

Potiki

Korako Karetai

Timoti Karetai

Edward King

Teoti Kerei Taiaroa

Horomona Mawhe x

Wiremu te Rehu x

Hoani Korako

Teoni Wiremu Tohi x

Maika Nera

Matiu te Rupawera x

Henare Paremata

Hoani Poko

Hoani Tunarere x

Ihaia Waitiri

Te Koau x

Solomon Pohio

Kerei Kahuti x

Rawiri Mamaru

Rawiri te Maire

Haereroa x

Matiu Khipane

Teoti Te Korihi

Kahupatiti

Huruhuru x

Paitu

Horomona Patu

Pauroro x

Rawiri te Awha x

Tauira x

Teoti Mawhe

Henry T. Clarke, Commissioner

Ko nga tangata i kite i te hoatutanga o nga moni me te tuhi tuhinga o nga ingoa

J. Newton Watt, Resident Magistrate, Campbelltown

H. Simmonds, Clerk to Resident Magistrate, Campbelltown

M. O. Kieffe, Sergeant of Police, Campbelltown

William J. Pardy, Sergeant of Police, Riverton

Rakiura Purchase Deed – Translation

This deed, written on this twenty-ninth day of June, in the year of our Lord 1864, is a full and final sale, conveyance, and surrender by us the chiefs and people of the tribes Ngaitahu and Ngatimamoe, whose names are hereunto subscribed. And witnesseth that on behalf of ourselves and relatives and descendants, we have, by signing this deed under the shining sun of this day, parted with and for ever transferred unto Victoria Queen of England, her heirs, the Kings and Queens who may succeed her, and her and their assigns for ever, in consideration of the sum of six thousand pounds (£6000) to us paid by Henry Tacy Clarke, on behalf of the Queen Victoria (and we hereby acknowledge the receipt of the said moneys), all that piece of our land the Island Rakiura, a plan of which land is annexed thereto. The manner of the payment of this land is as follows: Two thousand pounds (£2000) has been to us paid, two thousand pounds is to be held by the Governor to bear interest at the rate of eight per cent., that is one hundred and sixty pounds per annum in all, the interest to be divided annually between Paitu, Teoni Topi Putuki, Teoni Kihau, Frederick Kihau, and Ellen Kihau, and their heirs failing all these, the Governor shall direct how the money is to be applied; two thousand pounds (£2000) to be expended under the direction of the Governor in the purchase of land in the Southland Province for educational and other purposes for the benefit of these tribes. The land we now sell and convey, is the whole of the Island Rakiura, with its trees, minerals, waters, rivers, lakes, streams, and all appertaining to the said land, or beneath the surface of the said land, and all the large islands, and all the small islands adjacent, and all our right title, claim, and interest whatsoever thereon, to hold to Queen Victoria, her heirs and assigns, as a lasting possession for ever and ever. The lands that are returned to us as reserves, for us and our descendants, are the following:—(1). The first is situated at Lord's Harbour, containing thirty acres. (2). The second is situated at Port Adventure, containing three hundred and thirty acres. (3). The third is all that portion of land situated at the Neck (which has not been previously sold to Europeans), to be reserved for the half-castes residing at the Neck; should there be any remaining after the half-castes have been provided for, it shall be for Ihaira Whaitiri and Hoani Tunarere. (4). The fourth is situated on the North side of Ohokia (Paterson's Inlet), between the new and old saw-mills of Bullock, containing four hundred acres. (5). The fifth is situated on North Point of Horse Shoe Bay, containing forty acres. (6). The sixth is situated at Cultivation Point, Port William, containing eighty acres. (7). The seventh is situated at Raggedy River, containing fifty acres. (8). The eighth is an island (Mitini), near the South head of Masons Bay. (9). The ninth is situated at Taparetutae (Port Easy), containing five acres, and the Titi Islands following, Horomamae, Wharepuaitaha, Kaihuka, Potuatua, Pomatakiarehua, Tia, Taukiepa.

Rerewhakaupoko, Mokinui, Mokiti, Timore, Kaimohu, Huirapa, Taketu, Heretatua, Te Pukeotakohe, Tamaitenuoka, Pohowaitai, Poutama, Here Kopare, and Pikonamaku. These lands are reserved for us under the protection and management of the Governor. They are coloured yellow on the plan annexed hereto, and in testimony of our consent to all the conditions of this deed, we have subscribed our names and marks, and in testimony of the consent of the Queen of England on her part to all the conditions of this deed, the name of Henry Lucy Clarke, Commissioner, is hereunto subscribed.

[Here follow the signatures.]

As with other Crown purchase deeds, the boundaries of the deed have been disputed by Southern Māori, who have claimed that certain areas were reserved from the sale, such as the adjacent island of Whenua Hou.

A more detailed history of the signing of the Crown purchase deed for Rakiura can be found in *The Ngāi Tahu Deeds* (Evison, 2006: pp. 256–260) and *The Ngāi Tahu Report* (Waitangi Tribunal, 1991, pp. 797–816).



Te Kaunihera Māori o Aotearoa
New Zealand Māori Council

21 September 2012

Hon Bill English
Minister of Finance
Parliament Buildings
Wellington
By email: Bill.English@parliament.govt.nz

Hon Tony Ryall
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Dear Ministers and Treasury

Thank you Ministers for your letter of 6 September inviting New Zealand Maori Council to make submissions, by 5 October, on the Tribunal's consideration of "shares plus". Our response incorporates our submission on the Shares Plus Consultation while raising with you, the Council's plea for a much wider discussion on issues relating to the water claims.

Introduction: background

Before replying to your letter, we awaited the Council's ordinary meeting, at Henderson, on 15-16 September. The Council's Executive considered that consultations on the water claim required the attention of the full Council, and at a regular meeting because special meetings are impracticable in view of the widespread membership and the attendant costs in gathering. However, the delay has allowed the Council to take account as well of the resolutions of the King's national hui at Turangawaewae on 13 September.

We were also party to the letter to you, on 18 September, from the claim lawyers on behalf of the claimants as a whole. Claimants were concerned about rumours at the national hui that consultations were about to begin, with little or no notice. They proposed a common submission through the claim lawyers. The lawyers circulated a draft response late on 13

September and it was sent to you on 18 September. We learnt soon after on 18 September, that the consultations were starting that evening. We learnt that from a Maori Party bulletin despatched 11.30pm the previous evening. Because of the number of claimants and supporters associated with the Council we feel we should have been informed much earlier. For some of our people there was very little time to prepare especially given their desire to await the outcome of the national hui.

We write now to affirm our willingness and desire to engage with you, and we accept that this be done through the process settled at Turangawaewae. We seek a fair and prompt resolution in the interests of Maori and of the country. We write also to submit on Shares Plus, to express our concerns about the consultation process, to urge a wider dialogue which addresses the more pertinent issues, to advise of and explain our support for the Turangawaewae resolutions, to confirm the opinions given to you on behalf of claimants on 18 September, to elaborate on matters following the full Council hui, and to express our sincerity in seeking a fair solution.

Council willingness to engage

The Maori Council remains steadfast in its desire to support good faith negotiations with you on all matters relating to the water claims. We believe that in the spirit of goodwill which is the hallmark of the Treaty, a just and prompt resolution, with minimum delay to the share sales, and with good outcomes for both Maori and the country, is achievable.

It follows that we do not see Court proceedings as the best outcome but as something that we must strive to avoid. We feel that a Court outcome does not fit with the national image built up over many years, largely as a consequence of Maori Council activity, where Maori and the Crown work together to find mutually satisfactory solutions.

We understand you are reluctant to engage with the Council because you prefer to work with Iwi Leaders alone. We do not wish to compromise the quality of the relationship between government and Iwi Leaders but the Council and the several co-claimants and other hapu and iwi who support the Council's involvement, have come to the Council because they feel that either they are not represented, or their concerns for property rights are not represented, in those discussions. While they do not seek a national settlement they seek a national framework by which their proprietary interests may be equitably and consistently resolved at a local level.

The Council is also of the view that it has a right to speak with you on the water claim. The authority is from three sources:

- **Tikanga a Ture:** The Council has the authority of a statute enabling it to so engage, there are judicial determinations supporting that view, and there is now a current finding of the Tribunal that the Council should be engaged along with Iwi Leaders.
- **Tikanga Maori:** The Council has the authority of particular claimants and now of two national hui which presume that both Iwi Leaders and the Council will be involved. The first is the Government-arranged hui at Kilbirnie on 6 August, of which you are informed, involving about 200. The second, as summonsed by King Tuheitia at Turangawaewae, is said to have involved about 1000. Both hui recognised that the Council should be engaged. However, the process has been refined by the larger, Turangawaewae hui. The negotiators are to be appointed by national figures from both Council and Iwi Leaders (as well as others).

- Tikanga a te Ao: The Council relies also on the UN Declaration on the Rights of Indigenous Peoples by which indigenous peoples are entitled to be dealt with through institutions and representatives of their own choosing.

If you think there are impediments to these views we would be pleased to consider them with you.

Shares Plus process and outcome

Introduction

On the Shares Plus programme we will comment in turn on the scheme and your perceptions of it, on the process and our perception of the need, with respect, for a better one, and finally, our opinion that a government finding that Shares Plus won't work, as government has intimated, does not resolve the problem but highlights the need to find another scheme which will provide the necessary protection for hapu and iwi.

The scheme

We think there could be good prospects in the Shares Plus scheme. If a framework for proprietary interests cannot be sooner resolved we must try to make Shares Plus work because it may not be easy to find another that allows for early sales while preserving rights and providing commercial redress.

You consider that special classes of shares are contrary to the national interest but we think they are quite common overseas, especially for companies utilising natural resources, and that a special class of inalienable share for indigenous peoples with customary, resource interests, holds promise as a means of recognising indigenous peoples' interests in ancestral waters as a matter of national significance.

We understand you to say that every form of rights recognition can be met without Shares Plus but we think special shares may provide a form of recognition in a way which no other form of relief can do in the case of those entities that take their value from Maori water resources.

You say the right for a special class of shares to make management and strategic direction decisions would not work in practice but that does not seem to us to align with your support for co-management regimes affecting resource use controls. We consider also that through its continued ownership of 51% of the shares the Crown can provide valuable support for the special class shareholders.

You are concerned that share plus arrangements will lower the share price but equally the arrangements may attract ethical investors who would not otherwise be interested.

You say the Crown should bear the obligations of the Treaty rather than the companies and we agree, but that highlights the need for solutions to be put in place before the sales.

You say that selling shares without Shares Plus is not a Treaty breach but that is not the problem in our view. The problem is that, as the Tribunal has found, there is a Treaty breach if there is not some form of commercial rights recognition in place before the sales proceed.

You say the matter can be dealt with by submissions from hapu and iwi, selected by you, but we consider that they must first have the capacity to address this complex issue with you. For that they need legal and commercial advice. Also, in determining the hapu and iwi to

deal with, there can be no determination of those likely to be affected without prior disclosure of likely future projects. There are hapu and iwi associated with the Council who are likely to be affected by future projects, as power companies have already spoken with them.

We do not claim to have the answers and do not relish engaging in point scoring. We make these submissions purely to highlight the need for a fairer approach to dealing with the matter. For an even playing field we suggest that you fund our advisors to work with yours to search for practical outcomes based upon the shares plus approach. Perhaps solutions will not be found but we think we must try.

For now, the Council agrees with your observations of 6 September that the Council does not itself have a direct interest in the water resources as the interest lies with hapu and iwi. We also do not envisage a national settlement (but a national framework for local settlements). However, in terms of its statutory authority the Council has an interest in maintaining a consistent policy approach that is fair and beneficial as between Maori and as between Maori and the Crown.

Terms of engagement

The Council has serious concerns about the conduct of the consultations. The Council's view is that the terms of engagement should not be set unilaterally but should be agreed. The government consultation, in our view, has disturbing elements of pre-determination, invites submissions rather than dialogue, and government adjudication rather than a search for an agreed outcome. There are other issues as well over which hapu have direct interests and the extent to which other hapu are prospectively affected. These were set out in the lawyer's letter of 18 September. However, the primary issue on process is the structural one considered above.

Having regard to these concerns we are in sympathy with the Tainui leaders and others who are reported to have boycotted the opening consultation meeting on 18 September. As we see it they are not saying 'no' to dialogue and co-operation, but 'no' to the lack of dialogue and co-operation in the government's process. We must also advise that our co-claimants take the same view. In the spirit of co-operation they may choose to attend the consultation hui but on their behalf we make it clear that they do so not to acquiesce in the process but to protest it.

If Shares Plus does not work another solution is needed

Finally, after a careful analysis of the issues, of your letter of 6 September, and the Tribunal's report, the Council considers that the government's perceived shortcomings in the Shares Plus scheme, if correct, highlight the need for an alternative arrangement to protect the commercial interests of the affected hapu and iwi before sales proceed. We do not read the Tribunal interim report as saying that all is well if Shares Plus does not work, but as saying that in that event, some other protective scheme is needed. However, we acknowledge that the Tribunal's report is an interim report and consider therefore that the complete report may need to be reviewed before a final conclusion is drawn.

Most of all however, Shares Plus is a palliative to enable the sales to proceed while a framework for recognising residuary proprietary rights is worked out. There is more to be had, in our view, in an early determination of a framework for the recognition of Maori proprietary interests prior to sales, and prior to individual iwi negotiations.

The recognition of proprietary interests

We therefore ask for your earnest consideration of the resolutions at Turangawaewae which we think, expressed a helpful view on the way forward. These proposed that a framework of proprietary rights be settled:


- a) before the sale of shares; and
- b) before Government enters into negotiations with hapū and iwi.

Turangawaewae also proposed a process by which the Maori representatives could be settled.

We think that with goodwill and mutual respect, a broad framework can be agreed within a reasonable timeframe, perhaps equivalent to the time needed to work out a temporary, protective scheme, by Shares Plus or otherwise. We also think it is necessary. The sale of shares before Maori rights have been settled creates a body of shareholders opposed to any settlement with Maori in the future because it could affect the value of their shares. In addition, hapu and iwi are entitled to know what their rights are before they enter negotiations with regard to them.

Our reply to you is not made in a spirit of confrontation but out of a sincere concern, which we trust you share, for a just and early resolution of the issues.

Noho ora mai



pp Maanu Paul and Hon Sir Edward Durie
Co-chairs New Zealand Maori Council.

