

DIOCESE OF WAIKATO

STATUTE NO. 12

TE PIHOPATANGA RELATIONSHIP STATUTE 1994

WHEREAS under the Constitution/Te Pouhere adopted by the General Synod 1992 the taha Maori ministry of Waikato Diocesan Komiti Maori and the Archdeaconry of Te Tai Hauauru was transferred from this Diocese to the jurisdiction of Te Pihopatanga, and this Synod enacted the Waikato Diocesan Tikanga Relationship Statute 1992;

AND WHEREAS under Title B Canon XX clause 5 it is the duty of the Standing Committee to ensure it meets at least once each calendar year, and from time to time as considered necessary, with the Rununga Whaiti o te Hui Amorangi ki te Manawa o te Wheke to consider matters affecting the provision of ministry; the proclamation of the Gospel; the sharing of resources and facilities; and such other matters as are of common or mutual responsibility and concern; with a view to ensuring the effectiveness of the respective witness and work of the Standing Committee of Waikato Diocese and Rununga Whaiti o te Hui Amorangi ki te Manawa o te Wheke in their areas of responsibility;

AND WHEREAS under Title B Canon XX clause 3 the Standing Committee is charged with the direct responsibility of ensuring that this Diocese is functioning on the basis of the covenant relationship expressed in the Constitution/Te Pouhere and in partnership with the other partner constituent Tikanga of this Church;

AND WHEREAS under Title B Canon XX clause 2 the Diocese in structuring and organising itself according to Tikanga Pakeha is charged to do so in a way that promotes and works for harmonious relations with the people of each of the other Tikanga within this Church;

AND WHEREAS this Diocese has a special historical relationship with Te Pihopatanga o Aotearoa ki te Manawa o te Wheke;

AND WHEREAS this Diocese provided in the Waikato Diocesan Tikanga Relationship Statute 1992 that it will keep a place in the Synod for members of Te Manawa o te Wheke; AND that this Diocese also provided that it will keep a place in the Standing Committee for members of Te Manawa o te Wheke;

AND WHEREAS this Diocese has provided for the mutual recognition by this Diocese of Ordained and Lay Ministries within Tikanga Maori;

AND WHEREAS this Diocese in considering its own Resources and Endowments has Resolved to divide these where appropriate to provide support and provision for our partner Tikanga in furtherance of Title B Canon XX clause 4;

AND WHEREAS this Diocese has or is presently arranging for the transfer of land endowments and beneficial interests to pass to Te Pihopatanga o Aotearoa ki te Manawa o te Wheke and ki Te Upoko o te Ika;

BE IT ENACTED by the Bishop, Clergy and Laity of the Diocese of Waikato in Synod assembled as follows:

1. The Short Title of this Statute shall be "Te Pihopatanga Relationship Statute 1994".
2. It is the intention of this Diocese that transfers effected by Clauses 3 and 4 will be to the appropriate Trust Board nominated by Te Pihopatanga O Aotearoa.

LAND AND ENDOWMENTS:

3. The lands in the First Schedule are hereby transferred to Te Pihopatanga o Aotearoa.
4. The ownership of the Endowments and beneficial interests in the Second Schedule are hereby transferred to Te Pihopatanga.
5. The Third Schedule to this Statute records the agreed settlement of all outstanding issues of Maori land and endowments and shared resources between this Diocese and Te Pihopatanga.

FIRST SCHEDULE:

Land to be transferred to Te Pihopatanga from this Diocese's Trust Board:

1. **Waitara Pastorate:**
Lot 2, Deeds Plan 32, 8 Princess St. Waitara. CT 128/60; church: being part of Endowments settled on this Diocese from Auckland Diocese by the 1925 Commission, coming originally from part of the Native Pastorate Trust established by Bishop Selwyn in or about 1858, as endowment "for the Native Pastorate": originally acquired by conveyance 42728 Mather & anor to General Trust Board Diocese of Auckland;
2. **Maori Mission Properties:**
Endowments from this Diocese; being other Maori Mission land for the use of Pastorates formerly within Waikato Diocese;
 - 2.1 Hamilton Hemi Tapu Pastorate: purchased from grants from the Williams Trust and funds from Port Waikato Trust;
 - 2.1.1 Lot 3 DP 5031 pt allot 367 Te Rapa Parish CT 16C/665; 165 Massey Street; church and hall;
 - 2.1.2 Lot 4 DP 5031 pt allot 367 Te Rapa Parish - CT 29C/790; Massey Street, Hemi Tapu church and hall;
 - 2.1.3 Lot 5 DP 5031 pt allot 367 Te Rapa Parish - CT 29C/791; Massey Street, Hemi Tapu church and hall;

- 2.1.4 Lot 6 DP 5031 pt allot 367 Te Rapa Parish - CT 29C/792; Massey Street, Hemi Tapu church and hall;
- 2.1.5 Lot 7 DP 5031 pt allot 367 Te Rapa Parish CT 356/272; 2 Lyon Street; dwelling;
- 2.1.6 Lot 8 DP 5031 pt allot 367 Te Rapa Parish CT 192/200; subject to mortgage to Trust Bank Waikato Ltd H 837885.2, 24/11/88; 2A Lyon Street; dwelling;
- 2.2 Ngaruawahia Pastorate:
Lot 1 DP 6226 of Sec 187 Suburbs of Newcastle North CT 1717/33; 39 River Road Ngaruawahia; subject to Trusts in Deed 29/6/60. Maori Mission Pastor's Residence - purchased 1959 by Standing Committee for (pounds) 1,000 from moneys held for purposes of Maori Mission Trust - new house dedicated 6 May 1967;
- 2.3 Te Kuiti Pastorate House:
Lot 4 DPS 10910 pt Allotment 16 Blk XIX Te Kuiti Maori Township CT 7B/230; 10 St Luke's Crescent. Te Kuiti; held under Declaration of Trust 14/8/53 for Maori Mission purposes within Diocese of Waikato; Purchased in part with money from sale of Taumarunui Pastorate Residence and land part acquired by exchanges with Te Kuiti Parish Vestry;
- 2.4 Paeroa St John's Pastorate:
All DP 23983 of Muro-o-te Ahi Blk; Rotokohu Rd [Old Te Aroha Rd]: land and fund to build church given by Mrs Nicholls in 1930;
3. **Land presently held by Maori Trustees:** Waitara Pastorate:
Lot 3 Deeds Plan 32, CT 128/59, 10 Princess St: purchased in 1963 for (pounds) 2,850 registered owners David Keepa, Jack McClutchie and Charles Puke held as Trustees of Waikato Diocesan Maori Mission; and now as Trustees for Te Pihopatanga. Pastorate dwelling.

SECOND SCHEDULE

ENDOWMENTS and Beneficial Interests:

1. **Endowments** settled on this Diocese from Auckland Diocese by the 1925 Commission, coming originally from part of the Native Pastorate Trust established by Bishop Selwyn in or about 1858:

- 1.1 The Ormerod Trust:

Leases of property - 2a Or 20p, being 35, 39, 41 & 43 St Stephen's Ave., Parnell; bought 1868; a Trust founded on the legacy of Wm Piers Ormerod "for Native Pastorate in New Zealand or other Islands in the Pacific if no ordained Ministers of those races, then for the maintenance of Native Teachers" and "is held as a General Trust in aid of the purposes of the Native Pastorate, without special restriction or appropriation". This Diocese got 9/20ths of Income on capital (1925 Commission stated valued as [pounds] 789.15.0). This is a Trust still managed by the General Trust Board of Auckland Diocese.

- 1.2 The Maori Pastorate Trust

21 Symonds Street (Native Pastorate Endowment Fund): 17.5% of total funds (1925 Commission [pounds] 2,941.4.3. [pounds] 589.5.10 being the amounts of Local Endowments - made up of

Hauraki	Local Endowment	86. 0.10
Ngaungau	" "	120. 0. 0
Tainui	" "	211. 9. 4
Tamahere	" "	5. 0. 0
Taranaki	" "	166.13.8

and [pounds] 2,352.0.5 from the General Endowment Fund.

Within this Diocese the capital was placed in the Waikato Diocese Native Pastorate Trust, (renamed 9/9/1970 the Waikato Diocesan Maori Pastorate Trust).

- 1.2.1 The Waikato Diocesan Maori Pastorate Trust also includes funds of the Hukunui Trust of [pounds] 578-0-0 ex Auckland Diocese (received 20/5/1931); [This trust was a bequest from the Te Ngoungou family.];
[General Synod Report 1925 465, says "for religious educational and charitable purposes in (then) Diocese of Auckland primarily for the purpose of Missionary work among persons of Maori race living in the said Diocese".

- 1.2.2 and this Diocese's share of the V.A. Barrow estate Bequest to the NZ Anglican Board of Missions, namely [pounds] 305-2-6 which was capitalised 21/3/1972 by Standing Committee resolution.

The Waikato Diocesan Maori Pastorate Trust's fund 1994 stands at \$18,000.00.

- 1.3 **N.Z. Mission Trust Board's trusts:**
 The Waikato Account stands at \$43,399.43 in Capital and Reserves invested in the Anglican Investment Trust Board and in the Common Fund.
- 1.3.1 Interest on sale of Puniu land at Te Awamutu (Te Kawa) belonging to CMS originally given by Maori: funds with Anglican Investment Trust Board.
- 1.3.2 Puriri Trust - originally farm land given by the tribes of Hauraki; used for the pastoral care of that people.
- 1.3.3 Tauranga Trust - remnant of the land acquired by Reverend A.N.Brown for CMS in 1839 - 21 year Lease in Dive Cres. 2/3 income to this Diocese.
2. **Wirikihana Trust:** - a bequest to the Waikato Diocesan Trust Board on Trust for Maori Mission work in Waikato Diocese from the Estate of Merea Wirikihana dec'd; shares in Te Whakahoru Block sold - compensation in August 1978 of \$ 349.97
3. **Waikato Diocesan Komiti Maori Funds:**
- 3.1 Reserves from the N.Z. Mission Trust Board's Distributions
- 3.2 Reserves from the Ormerod Trust's Distributions
- 3.3 The Windfall Trust - Maori Fund. In terms of this trust the money should be used within the boundaries of the Waikato Diocese.
4. **Deed of Trust for Endowment of Pastorates**
- The Waikato Diocese having paid, out of Parish Assessments voted by Synod up to and including the financial year 1997, a 13% assessment on the rest of the Schedule of Assessments passed by the annual Synod, to the Hui Amorangi o te Manawa o te Wheke to be used by them as they shall determine; has resolved that it will settle by Deed of Trust upon Hui Amorangi ki te Manawa o te Wheke Trust Board a capital sum of \$500,000 (\$236,000 in 1997 and the balance on approval by the General Synod 1998) in trust for the sustentation of the Maori pastorates situated within the geographic boundaries of the 1925 Auckland Diocese that now are in the 1997 Diocese of Waikato for the financial year 1998 and future years. This is mutually acknowledged as meeting all the obligations of this Diocese to share its resources, under Title B Canon IV Clause 4.

THIRD SCHEDULE

LAND ISSUES:

1. **Port Waikato Trust** - the land originally given to C.M.S. has been returned to Maori donors, lands and \$ 309,354 settled on the Ngati Karewa and Ngati Tahinga Trust in 1987 under the New Zealand Mission Trust Board (Port Waikato Maraetai) Empowering Act 1986.
2. **Native Schools Trust** - Puniu lands - (St Stephen's and Queen Victoria Schools):

The Diocese received from Auckland diocese in the 1926 settlement from Native Schools Trust:-

"3] land at Puniu 870ac; Otawhao School Trust schedule D Deed A III 3" Income was used for boys at St Stephen's. The 1925 Auckland Diocese Commission reported "the present arrangement should continue only so long as the Bishop and the authorities of [Waikato] Diocese are satisfied therewith and that full liberty should be given for any alteration or modification of the arrangement which such authorities might deem expedient. In the event of such Diocesan authorities desiring to make other use of properties within terms of Trust governing the same, the properties be handed over to the Diocese of Waikato."

In 1962 following General Synod resolution that all titles and assets held on behalf of the Native Schools Trust Board be transferred, the Puniu lands were transferred to the Board of Governors of St Stephen's and Queen Victoria Schools from this Diocese. Diocesan Investments belonging to this Trust of [pounds] 11,500 were also transferred.

3. **FURTHER LAND and other ISSUES** that have been raised with the General Synod's Commission to Investigate Land issues relating to Land given by Maori.

3.1 Hopu Hopu and Pepepe:

The Diocese received from Auckland Diocese in the 1926 settlement from Native Schools Trust:-

"1] land at Pepepe 133ac 3r} Taupiri School Trust

2] Hopu Hopu 1385ac} Schedule C Deed A III 3"

From this land originally given by Maori to CMS for schooling; then taken by the Government for military use part was returned to Tainui in 1993 and vested in the Hopuhopu Trust (Te Pihopatanga being a member); the return being accomplished by Te Hahi Mihinare and Tainui assisted by this Diocese.

3.2 Te Kuiti Parish:

The present St Luke's Church and Vicarage buildings stand partly on lands that were bought by the Methodist Church from Pepene Eketone and Parehina Tawhana. In any transfer of these lands from the Methodist Church this Diocese will endeavour to obtain and seek from them an indemnity for this Diocese against any possible claim, though surveyor's advice is that there can be none as these were correct transactions according to both people's tikanga.

3.3 Taumarunui parish:

In 1935 a house was purchased part funded from NZ Mission Trust Board money for the Southern King Country Maori Mission. It was subsequently (1944) the vicarage of Manunui Conventional District and later sold in 1951. The money [pounds] 1200.18.9 was placed in the Diocesan Church Trust to fund the Bishopric. In 1966 at the request of Taumarunui people the money [pounds] 1200 was made available for financing the new Maori Mission house at Te Kuiti.

3.4 Windfall Trust - Maori:

By Resolution the Standing Committee of Waikato Diocese (the beneficiary of this Trust) decided 15.9.87 that 11% of the income be at the disposition of the Waikato Diocesan Maori Komiti. These moneys are the Windfall Trust (Maori).

The Trust Deed states "to pay annually one half of the net annual income thereof in perpetuity to the Standing Committee for the time being of the Diocese of Waikato (as established under statutes of the said Diocese) for the general purposes of the Diocese without the trustees being bound or entitled to see to or determine the application therefore". Further distribution beyond the date of the Revised Constitution/Te Pouhere establishing Tikanga Maori would be in breach of the present Trust.

The Windfall Trust (Maori) fund to the date of the Revised Constitution/Te Pouhere, 10th May 1992, goes to the Komiti o Te Tai Hauauru o te Manawa o te Wheke.

3.5 83 Cook Street:

This land was part of Section 51 Hamilton East 'Diocesan Trust Endowment', originally a Crown Grant to Bishop Cowie 7/12/1874 "for religious charitable and educational purposes in connection with the Church of England". CT was issued 31 Oct 1917 pursuant to sec. 22 Reserves & Other Lands Disposal Act 1917.

The land was surveyed 23/ 9/1864 and designated 'Church site' before the Confiscation Legislation. Research has found no earlier trust, however Waikato Diocesan Trust Board has elected to follow the actions of St Stephen's- Queen Victoria and Te Aute Trust Boards and, having sold the remainder interest in the Glasgow lease in 1989, has kept the proceeds identifiable. The fund of \$42,366.12 is held as part of the Waikato Diocesan See Trust.

3.6 Ngaruawahia Church Site

Research into the origin, trusts and use of land in this parish used as the Holy Trinity Church site has been completed. It shows:-

(1) "Allotment 39 formed part of the Horotiu and Waipawa Maori Blocks which were under negotiation in 1864 to be purchased by the Crown (HH Turton) for the Queenstown (Ngaruawahia) settlement.

"Agreement was reached between Maori Owners and Crown and this was evidenced by the endorsing of Deeds 420 dated 15/ 9/1864 for consideration 1000 pounds, being for the lands of Ngatimahanga, Ngatitamainu, Ngatihourua; and 420A dated 18/ 2/1865 for consideration 30 pounds, being for lands at Whatawhata and between Horotiu and Waipawa." (Department of Survey & Land Information letter 25/11/93)

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(In an earlier letter 28/6/90 they wrote that "This site was acquired as part of the Central Waikato Confiscation Area. It was declared Land of the Crown. vide N.Z. Gazette 1865 pages 1 & 265".)

Crown Grant dated 5/7/1915 from Earl Liverpool to Charles Heaphy, Theophilus Kissling and James Wathen Preece as from 18th July 1873 was issued pursuant to the NZ Settlements Act 1863 and Continuance Act 1865 in trust for the religious charitable and educational purposes in connection with the Church of England. The land was brought under the Land Transfer Act on 13/7/1915. This CT 238/250 has remained unaltered since that time.

The allotment 30 was set apart as a site for a place of worship by NZ Gazette 1864 p375 on 6/9/1864.

History relates a church was built/used by the military - Regiment of 12th Foot – on this site, after the occupation of Ngaruawahia by Gen. Cameron 8/12/1863. The present church was built 1914.

(2) A former Registrar of the Waikato-Maniapoto Maori Land Court, sometime Maori land researcher of the Centre for Maori Studies University of Waikato wrote -Any former confiscated Maori Land which is no longer Crown owned and for which a Land Transfer title has been issued legally belongs to the registered proprietor/s as shown thereon. This of course applies as much to Church owned land as to other General land, consequently from the various Acts and documents that I have perused it is apparent to me that the church has nothing to fear in this respect legally or morally.

... in my dealings with the Tainui Trust Board we at that time were only concerned with confiscated Maori land still owned by the Crown and there is a lot of that in the Tainui area.

Land Transfer Title is guaranteed. Tainui Trust Board know that "consequently any claims it may make for confiscated land in the Waikato will be for confiscated land still in Crown's hands. This of course precludes confiscated land vested by the Crown in the Waikato Diocesan Trust Board or for that matter confiscated land vested in any other Church Boards or local bodies."

(3) Consequent upon this research and advice and informal conversations with Tainui Trust Board the Bishop will meet with the parish to assure them that the parish has good and moral title to its property and church site as agreed by both Te Pihopatanga, Tainui Trust Board and the Diocese.

3.7 Rangiriri Trust:

Allotment 108 Town of Rangiriri, now Lots 1, 2 and 3 DP 31569, formed part of the "Rangiriri Maori Block which was proclaimed as Crown Land pursuant to the Settlements Act 1863 by N.Z. Gazette 1865 page 170 without apparent compensation". A Crown Grant 1327F was issued on 25/ 6/1869 to Bishop Selwyn.

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The land in Lot 2 was the cemetery for the Rangiriri battle of 20/11/1863. The other two lots are subject to perpetual renewable leases.

The AJHR 1869, A-5, No10 Enclosure 6, Memorandum, records particulars of all lands in the Waikato District granted for religious charitable and educational purposes prior to passing N.Z. Settlements Act 1863..(on evidence of A Sinclair Chief Surveyor Auckland) Item 10 is `Rangiriri 1 ac 2 r Lot No. 108 Grant to Bishop Selwyn in trust for religious charitable & educational purposes'.

The property was transferred to this Diocese from Auckland Diocese in 1927 under the 1925 Commissions heading of:-

"Parochial & Local Endowments church & vicarage sites &c: local endowments transferred .. Rangiriri Endowment land."

"Research leads to the conclusion that this 1ac 2 r block of land which was given to Bishop Selwyn prior to the Rangiriri battle has been properly a Waikato endowment. It is listed as land granted to Bishop Selwyn prior to the passing of the NZ Settlements Act 1863 (27 Vict no 23) (AJHR 1869, A-5, No 10). The land cannot therefore be raupatu from Tainui, despite apparently being included in Order in Council 1865 NZ Gazette, 170 purporting to do so."

"It is clear there was a pre-dating gift to/or purchase by the church, not legally transferred by Crown Grant until after the confiscations. We have asked DOSLI but they cannot say from their records how the Bishop had a claim to the land for which the Grant was made. All we know is in the AJHR 1869, A-5, no 10, Encl 6. Selwyn's diaries are not in New Zealand for checking from. There is no record in Auckland Diocesan and Diocese of New Zealand Archives."

"CMS sites were Crown Granted to the CMS Trustees not the Bishop. Rangiriri was Granted to the Bishop which leads to the deduction it was not a CMS Station. In the `Life of Bishop Selwyn', Tucker, 188 is "At one time the Bishop is visiting a Maori deacon whom nothing would induce to desert his station; at another, as at Rangiriri, where a great battle was fought, he came upon a churchyard where a large party were at work on thirty newly-made graves; each soldier lay in his separate grave, regiment by regiment, company by company, comrades in life and in death not divided'."

"The Crown Grant was registered as 1327F in the Deeds Office on 13 August 1869. The land was leased to A F C Gall Deed 353542 registered 30 October 1925 - the first transaction registered against the Crown Grant. The General Trust Board of the Diocese of Auckland by Conveyance on 17.2.1876 became trustees but it was not registered until 18 July 1929."

"Contemporary maps drawn of the site of the Rangiriri action (20 Nov.1863) show marked "+" the site of a "Native Church" ['Bush Fighting', Major-General Sir James Alexander, 94]. On it is "D.J.Gamble reduced by J.E.A."

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and "Edwd.Weller, Litho. Red Lion Square. Published by Sampson Low & Searle. Crown Buildings, 183 Fleet Strt. London" [the original publishers 1873]."

"An audio-visual at Rangiriri shows a drawing of the church [Hamilton Museum archives]. The Church is also shown in photo (dated 1863) and plan by Major Mair published in 'The Road to War, The Great South Road', 1862-64, Maurice Lennard, 162ff. "At Rangiriri the funeral of the dead soldiers took place the next day. A separate grave was dug for each alongside the church arranged in rows. The church ... building was Maori formed of a framework of timber with thatched roof and the sides of reeds laced together in the usual manner." The church is shown in the north west corner of the present cemetery in a plan (exhibited 1998) in Waikato Museum."

"The site of these burials is now the Rangiriri Cemetery. William Morgan wrote in his Journal 25.11.1863 "The bodies of our men were buried near the native church at Rangiriri the Rev Mr Maunsell officiating.": and in 'Te Maihera', Garrett, 256 quoting Maunsell "I went over the field of battle we have up to this time lost 44 they as far as we can ascertain 41', and at 258 'Maunsell read the burial services over the dead at Rangiriri as Selwyn did at Rangiaowhia. The Maori church was used as a hospital."

3.7.1 RANGIRIRI ENDOWMENT LAND.

Conveyed to the Waikato Diocesan Trust Board on 10.3.1927 and registered on 18.7.1929. The Land came under the Land Transfer Act on 31.7.1934 as CT 575/164; it was subdivided in May 1943 and new CTs issued are 8C/917 of 4.4.1968 for Lot 1 DP 31569 and 9B/1084 on 17.7.1968 for Lots 2 and 3 DP 31569.

3.7.2 RANGIRIRI CEMETERY:

"The Rangiriri Land Wars Cemetery has significance to both European and Maori. It is Lot 2 parts Section 108 part CT 9B/1084. Dead from the military under General Cameron were buried there 20 or 21 Nov. 1863. see 'Land Wars', I., Cowan, 332."

"Various accounts occur as to Maori burials. But there is evidence that Maori defenders were also buried there. 'The Road to War' op.cit, 159 "The bodies of 41 Maori which had been found were put into the western trench and covered by the earth of the parapet. Some were later dug up and re-interred in the Military Cemetery at Rangiriri alongside the bodies of their erstwhile foes [the soldiers], and it is reported that they were later exhumed and re-interred at Taupiri."

"The Memorial Archway into the Cemetery states European and Maori are buried within. The War Graves Commission pays an annual grant for general and routine maintenance."

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"Proposals for future trustees for the land of the Cemetery are on behalf of Tikanga Pakeha the Waikato Diocesan Trust Board, on behalf of Tikanga Maori te Hui Amorangi ki te Manawa o te Wheke Trust Board and on behalf of the original owners and Tainui Trust Board, Potatau te Wherowhero. This to reflect and take note of the history, and significance of burials that have taken place in this land."

"3.7.3 THE LEASES:

"Part of the 1 acre 2 rood block - Lots 1 and 3 - is leased under two Glasgow leases. They produce in 1998 an annual income of \$715. The land came to the Diocese in 1925 under the heading "a parish endowment" and it is agreed between Te Pihopatanga and the Diocese that these properties should be recognised from 1st January 1998 onward as an endowment of Te Kauwhata Parish. The annual income will be available to the parish for its mission and ministry."

3.7.4 THE FUND: i.e. accumulated rents:

Rents from the two 21 year leases have been accumulated in the Trust Board since before 1969 in a joint fund with Te Kauwhata Parish Stock Scheme. This fund contained mixed monies prior to 1978 from parish funds and Rangiriri rents. The monies were accounted for and separated in 1978 - \$3444.00 being recorded and declared Trust fund from Rangiriri rentals. Since then only rents have been accumulated in this fund. The vast sums of monies pre-1978 in the Trust Board for Te Kauwhata parish are unrelated to Rangiriri Trust lands."

"In the 1997 balance the fund is shown at \$53,719.04 with the Trust Board."

"Now, in 1998 with the consent both the Diocese and of Te Kauwhata Parish Vestry, and of Te Pihopatanga and Hui Amorangi ki te Manawa o te Wheke and Komiti te Tai Hauauru the sum of \$53,700 is to be handed to Te Pihopatanga by the Diocese with the intention that Te Pihopatanga will use it as a contribution from our Anglican Church to the costs of building a chapel in Hopu Hopu Camp for the use of all who use the facilities of courses and education there."

"It is agreed by both Tikanga that this action both acknowledges and settled all claim Tikanga Maori has on Rangiriri."

"Te Arikinui Dame te Atairangikaahu has sought help from the Bishop of Waikato that a church may be put on this Hopu Hopu land, land which was gifted by Maori to CMS for schooling; and later had a mission and church on it, and the Rev Ruarangi who ministered there during the smallpox epidemic in 1918 and died of that disease is buried in the grounds."

"Joint Tikanga proposals are that te Hahi Mihinare will approach both te Hahi Katorika and te Hahi Weteriana to join us in this venture and facilitate this place of worship and karakia at Hopu Hopu."

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3.8 Te Awamutu Parish:

3.8.1 Otawhao lands.

The Anglican Mission at Te Awamutu was begun by the Reverend Ashwell who encouraged Christian Maori to move from Otawhao Pa into a kainga at Te Awamutu. The CMS were allowed to occupy land. The Reverend Morgan, who followed as missionary, had built Old St. John's Church on Otawhao land. Morgan, as the Deed of Grant recites, had also established a School at Otawhao, and he secured the land from Maori owners.

The AJHR 1905 vol III G-5 'Commission on .. Waikato ...Trusts', 37 records Otawhao property of over 100 ac at Te Awamutu was bought by John Morgan as agent for CMS c 1839; it is not known how much was paid for it.

Crown Grant 42274 W granted this Otawhao land to Archdeacons William Williams and Brown, The Reverends R Maunsell, R Taylor, R Burrows, G A Kissling, O Hadfield, R Davies, James Hamlin, Thomas Chapman, I Matthews and W Colenso as Trustees for the Church Missionary Society on 15 October 1850. It was 173 ac 38p; which includes the present St. John's parish property at Te Awamutu.

Deed 4274 W recites the Grant is UPON TRUST "to permit the same to be used and occupied by the said Church Missionary Society in and as a Mission Station or as a site for a Place of Public Worship or for Schools or in other like manner for purposes connected with the Religious and Moral instruction of Our subjects inhabiting these Islands or of other persons being Children of poor and destitute people inhabiting any Islands in the Pacific Ocean."

The Trust was so worded despite the recital in the Deed "Whereas a School hath been established at Otawhao in our Province of New Ulster in Connection with the Church Missionary Society and Whereas it would promote objects of the said Institution to set apart for the use and maintenance of the same certain pieces or parcels of land in the immediate neighbourhood thereof."

1863 Morgan left the site because of the explosive political situation and imminent hostilities over land. The CMS did not return to the mission after the Land Wars. Land to the west of Arawata Street was later leased by CMS as a farm. At the turn of the century Te Awamutu Town Board was negotiating to buy this land but it was eventually compulsorily acquired under a Land Settlement Act by the Crown to enable expansion of Te Awamutu Town.

In 1881 the NZ CMS formed the NZ Mission Trust Board. The area of 5ac 1r 30p which included the site of old St. John's Church and the

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historic cemetery was conveyed by Deed No 175067 on 1 August 1905 by the NZ Mission Trust Board to the General Trust Board of Diocese of Auckland for a sum of 100 pounds. This Deed stated the land was held UPON TRUST "for the purpose mentioned in Grant from the Crown to William Williams and others registered in the Deeds Register Office at Auckland as number 4275 or as a site for a Church, Vicarage, Schoolroom, Burial ground and all or any general church purposes connected with the Church of England and the Colony of New Zealand."

On the formation of the Waikato Diocese the land was transferred to private trustees. Subsequently it was transferred to the Waikato Diocesan Trust Board and then to Te Awamutu Parish Trust Board.

In 1937 Te Awamutu Council, under the Public Works Act, took 1ac 20.5p. The remaining land is now held in two titles - CT 3B/1279 for Old St. John's and the Cemetery of 3r.22.5p; and CT 30/1278 for the balance including the site of the new St. John's Church and the vicarage of 4ac.2r.20.4p.

The Trusts on the land enable the present parish to continue their usage of this church property in keeping with the terms of the trusts in both the Grant 4275 W and the Deed of Conveyance 175067."

3.8.2 OTAWHAO [Te Awamutu Parish] LEASES:

At the request of the Komiti te Taihauauru ki te Manawa o te Wheke, Waikato Diocese has reviewed the question of to whom the income of Leases of parts of the Te Awamutu Parish's Otawhao land are properly paid. These leases are:

3.8.2.1 Lease H.304856 to Cork Holdings Ltd of Lots 1,2,3,4,5,6 and 7 DP 27637; 1ac.2r.58p.; term 21 years from 1/10/79 with perpetual right of renewal; for \$5,200 pa.;

3.8.2.2 Deed of Lease to Benchmark Building Supplies Ltd of part Lots 5,10,11 and 12 DP 16493; 2362 m²; term 21 years from 1/10/79 with no right of renewal; for \$2,135 pa.;

3.8.2.3 Deed of Lease to Benchmark Building Supplies Ltd of Lot 3 DP 33489 and part Lots 10 and 11 DP 16493; 1049 m²; term 17 yrs 7 months from 1/3/83; for \$1,680 pa.

3.8.2.4 Lease H.061803 to Te Awamutu Machinery Ltd of Lots 1,2,3,4 and 7 DPS 2264; 34.2p.; term 21 yrs from 1/11/72 with perpetual right of renewal; for \$1,860 pa.

3.8.2.5 House monthly Tenancy to D & L Mateara of Lot 2 DP 33489; 39p. for \$90 per week.

3.8.3 A brief statement of the agreed history of Otawhao land is -

3.8.3.1 purchased in 1839 by CMS through its agent John Morgan.

3.8.3.2 Crown Grant 15/10/1850 to trustees of CMS - 173 ac. 38p.

3.8.3.3 1862 Morgan left.

(1998)

- 3.8.3.4 Gorst, magistrate appointed 1861, took over the mission station as HQ 1862.
- 3.8.3.5 18/4/1863 Gen. Cameron used Mission as his HQ until end 1864.
- 3.8.3.6 then CMS leased their land as farm.
- 3.8.3.7 1881 CMS became NZ Mission Trust Board.
- 3.8.3.8 1905 NZ Mission Trust Board sold 5ac 1 r 30p as parish land to General Trust Board of Auckland Diocese for 100 pounds.

Additional information shows that -

- 3.8.3.9 1905 Govt took the `farm' land and paid 5,000 pounds to CMS [for c.168ac].
- 3.8.3.10 1948-49 Maniapoto took to Maori Land Court a claim.

Swarbricks [Te Awamutu lawyers] hold affidavits for case. Ngati Maniapoto "content with how the land was sold to CMS" [Ngati Rukawa the local hapu].

The NZ Mission Trust Board, to whom the 2000 pounds from Government and the 100 pounds from the General Trust Board of Auckland Diocese was paid, have as beneficiaries of their trust funds and investments tikanga Maori ki te Hahi Mihinare.

It can therefore be properly said that the tikanga Maori through Te Manawa o te Wheke is in possession of the appropriate beneficial interest derived from these lands.

The Te Awamutu Parish Otawhao land came to the Diocese of Waikato from the Auckland Diocese as the site of and for the parish of St John Te Awamutu, and the parish uses the income from the leases for the work of the tikanga Pakeha parish, the land having been first purchased from the original Maori owners by CMS and then purchased by the tikanga Pakeha from the NZ Mission Trust Board.

It is noted that in 1948-1949 Ngati Maniapoto in the Maori Land Court acknowledged that they were content with how the land was "sold" to John Morgan as agent for CMS in 1839."

(1998)

3.8.4 Kopua 1A

This 4ac block vested by the Maori Land Court in Hone Omipi of Otorohanga in 1890, was given 23 November 1921 to the General Trust Board of the Diocese of Auckland, transferred to the Waikato Diocese in March 1928 and is now held by the Te Awamutu Parish Trust board in CT 382/46.

Little is known of the early history of this land or the reasons for the gift. Kopua was a Maori settlement. The land adjoined a block originally vested in the Wesleyan Mission and a School Reserve.

The possibility of use for parish purposes is extremely remote. Standing Committee declared that the land has "no special significance to Maori or any section of Maori" in terms of section 18(1) and 18(4) of Part IV of the Anglican Church Trusts Act 1981.

With the consent of Te Pihopatanga, who has been informed of this in terms of Section 18 of that Act, and in keeping with the principles set out in "Te Kaupapa Tikanga Rua" the Parish, with the support of the Standing Committee, attempted to return the land to the donor's whanau: A Trust for the Ormsby interests in lands was not established and the deceased person's interests in the block were such that it was not possible for the Parish to make the transfer. In the meantime it has been agreed between the Diocese and Te Pihopatanga that the Title to the property Kopua 1A remain with the parish Trust Board.

4 **ADDITIONAL SHARING OF RESOURCES**

- 4.1 The loan of \$40,000 from the Diocesan held Port Waikato Fund to the Hamilton Pastorate of the Komiti Maori for purchases in connection with the Hamilton Hemi Tapu Pastorate properties, which has appeared in Diocesan Accounts until 1993.
The Diocese forgoes any claim or interest in any repayment of these moneys from Tikanga Maori that may be due to the Diocese, as part of the endowment settlement of the work of Tikanga Maori.
- 4.2 The item of \$6,000 debt appearing in the same accounts for the Maori Komiti's Section and Hemi Tapu Kitchen is declared not to be an outstanding debt to this Diocese.
- 4.3 This Diocese will continue the administration of any moneys or funds on behalf of Te Pihopatanga for so long as they ask this Diocese to do so without seeking any reimbursement for administration costs.
- 4.4 Additional resource sharing with Tikanga Maori occurs with the annual decision of this Synod in its money vote for scholarship funds for students at St Stephen's & Queen Victoria Schools.

(2003)

4.5 Archives

This Diocese holds Archival material relating to the history of the Church's work in Waikato Diocese that includes archives for the Maori Mission work of what became the Archdeaconry of Te Tai Hauauru.

Archives as they relate to Te Pihopatanga are held on a joint basis of in trust for the Church. There will be ready access at times prescribed by Church House for perusal and copies will be made available for appropriate cost.

- 4.6 The Parish of Taumarunui-Ohura with the authority of Standing Committee has gifted the Church of St. Saviour and its land at Mananui to Hui Amorangi ki te Manawa o te Wheke Trust Board as Trustee for the use of the Maori pastorate of that area within Te Tai Hauauru.