

Nomination Form

Crown Purchase Deeds



Section 1	Nominator Details
<p>This section is for information about the source of the nomination and the authority under which it is made. A copy of the Aotearoa/New Zealand Memory of the World programme's privacy policy is available on its website.</p>	
<p>1.1 Name of nominator (person or organisation) Full name of the person(s) or organisation(s) making the nomination. If the organisation has a name more than one language provide them in the preferred order. The nomination may be submitted jointly by more than one person or organisation</p>	<p>Richard Foy Chief Archivist Kaipupuri Matua Archives New Zealand Te Rua Mahara o te Kāwanatanga</p>
<p>1.2 Relationship to the nominated documentary heritage Explain the nominator's relationship to the documentary heritage. For example, the nominator may be a responsible officer of the library or archive which owns it; or he/she may be a private individual with a research interest in it.</p>	<p>Responsible for the records of government on behalf of the people of New Zealand</p>
<p>1.3 Contact person Provide the name of the person who is responsible for the nomination process.</p>	<p>Jared Davidson Senior Archivist Ohu Hāpori</p>
<p>1.4 Contact details Provide sufficient details to allow easy communication with the contact person.</p>	<p>Email: Jared.Davidson@dia.govt.nz</p>
Section 2	Identity and Description of the Documentary Heritage
<p>2.1 Title of inscription If the nomination is successful, what do you want it to be titled (e.g. for certificates)? Please use a maximum of 6 words in the preferred language with the second language beneath.</p>	<p>Crown Purchase Deeds</p>

2.2 Description of the documentary heritage

This should include a full description of what is included in the documentary heritage, its scope and its size. Include details of the type of documents e.g. letters, film, images etc.

The Crown's pre-emptive right to purchase land from Māori in order to extinguish Māori customary title created records known as Crown Purchase Deeds. These document the original alienation of Māori land by the Crown, which by the mid-1860s included two-thirds of Aotearoa New Zealand and virtually the whole of Te Waipounamu, the South Island. However, the word 'purchase' is misleading. As Acts of State, the Deeds were seen by the Crown as recording compensation for extinguishing native title, including the promise of reserves and other responsibilities. As historian Vincent O'Malley notes, Māori and most Crown officials 'did not regard the extinguishment of native title over a block of land merely as a mercantile transaction, but an important national act' that included negotiation, agreement and the formation of ongoing relationships. For this reason, the early Crown Purchase Deeds can be viewed as treaties. As evidence of agreements between Māori and the Crown, they are also significant for the information they contain (or in some cases what they don't contain) – from the use of te reo Māori and the recording of names and tohu, to maps, boundary descriptions and the location of wāhi tapu.

Around 6,300 Crown Purchase Deeds totalling 22.53 linear metres are held by the Wellington office of Archives New Zealand [Series 8102]. They cover agreements from all over Aotearoa New Zealand – from land blocks that are thousands of square kilometres in size, to small blocks of just a few hectares. Examples include the Waitematā Deed of 1840 which led to the foundation of Auckland City; the Canterbury Purchase of 1848, commonly referred to as Kemp's Deed, which included a massive 13,551,400 acres (most of the South Island); the tension-filled purchase of the Rangitikei-Manawatū block in 1866; and the 'gift' of the peaks of Tongariro, Ngāuruhoe and Ruapehu to the Crown by Horonuku Te Heuheu (actually a tuku that invited the Crown to jointly protect the sacred maunga).

The Deeds are organised geographically by region and mostly cover the years 1840-1905, but also include some earlier records as well as Deeds up to 1979. Deeds from the late nineteenth century also include the Crown purchase of land from European owners.

Generally, each Deed includes legal and physical descriptions of the land, maps or plans (on or separate to the actual Deed), conditions of sale, the purchase price, names and tohu of tūpuna (sometimes with hapū affiliation noted), and records of payment. Where the original Deed was written in te reo Māori there is often a translation into English. Many Deeds contain related papers, such as Crown Grants or Māori Land Court Orders.

The format of the Deeds changed over time. As negotiations between Māori and the Crown became more frequent, a typeset, pre-printed form prepared by the Native Department was often filled in. But most early Deeds are documented on large pieces of paper or parchment and written by hand in ink or pencil. Often these were folded, creating a cover page with the inner being the main text of the Deed. Here the boundaries are described and the names and tohu of tūpuna are recorded. Sometimes these names spill over to the reverse side or fill additional pages. Some Deeds include detailed maps that name wāhi tapu, reserves, awa and maunga, either as a separate item or drawn onto the Deed itself. However not all Deeds contain detailed maps, and some have no boundary drawings at all.

Deeds are not free of error or dispute. The pressures applied to Māori to part with their lands, the oral nature of the negotiations, the language barriers and cultural differences at play (such as differing understandings of land ownership) and inaccurate maps mean the Deeds have sometimes been interpreted differently. There is also the issue of those who did not sign because of absence or disagreement.

2.3 Catalogue, registration or bibliographic details

This should include any bibliographic, registration, inventory, classification and/or call numbers that uniquely identify the documentary heritage.

The physical Deeds are held in the Wellington repository of Archives New Zealand, while aperture card (microfiche) copies of the Auckland Crown Purchase Deeds are held in the Auckland repository of Archives New Zealand. Digital versions also exist.

Originals

Agency: ABWN [Land Information New Zealand, National Office]

Series: 8102 [Crown Purchase Deeds]

Accession: W5279

Each Crown Purchase Deed had a unique Deed number and is listed individually on the online finding aid of Archives New Zealand, mostly by block name and/or place (such as 'Castle Point – Wairarapa' or 'Pakanae No.1 – Hokianga'). Otherwise they are listed by lot or section and place (such as 'Sec 28 - Whanganui Townbelt' or 'Part of Lot 97 - Sumner Borough').

Example: 'Castle Point – Wairarapa' 1853 [ABWN 8102 W5279 Box 42/ WGN 188]

Aperture Cards

Agency: BAJZ [Land Information New Zealand, Auckland Regional Office]

Series: 8102

Example: 'Auckland Crown Purchase Deeds 1-49 [copies on aperture cards]' 1855-1878 [BAJZ 8102 A1708 Box 506/ m]

2.4 Visual documentation

Where available and appropriate, supply photographs or videos of the documentary heritage. Send image files as separate attachments and record captions here.

Please provide images that can be used for the purposes of promoting Memory of the World.

[8102 Repository 1] *Caption:* Crown Purchase Deeds stored in the Wellington Repository of Archives New Zealand Te Rua Mahara o te Kāwanatanga.

[Ahuriri 1] *Caption:* Map from the 1851 'Ahuriri – Napier' Deed. ABWN 8102 W5279 Box 24/ HWB 37, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Castlepoint 1-2] *Caption:* Page from the 1853 'Castlepoint – Wairarapa' Deed. ABWN 8102 W5279 Box 42/ WGN 188, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Castlepoint 3] *Caption:* Page from the 1853 'Castlepoint – Wairarapa' Deed with detailed map and te reo Māori headings. ABWN 8102 W5279 Box 42/ WGN 188, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Castlepoint 4] *Caption:* Documents that make up the 1853 'Castlepoint – Wairarapa' Deed. ABWN 8102 W5279 Box 42/ WGN 188, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Kemp 1] *Caption:* Map from 'Kemp's Ngaitahu Deed, Te Wai Pounamu – Canterbury and Otago', 1848. ABWN 8102 W5279 Box 37/ CAN 1, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Murihiku 1] *Caption:* Map from the 1853 'Murihiku – Southland' Deed. ABWN 8102 W5279 Box 40/ OTG 1, Archives New Zealand Te Rua Mahara o te Kāwanatanga

[Murihiku 2] *Caption:* Page from the 1853 'Murihiku – Southland' Deed showing signatories and remnants wax seal. ABWN 8102 W5279 Box 40/ OTG 1, Archives New Zealand Te Rua Mahara o te Kāwanatanga

2.5 Bibliography

This should be, where possible, a list of 3-6 published sources that have been produced using (i.e. drawing heavily on) the documentary heritage to attest to the item/collection's significance.

Harry C. Evison, *The Ngāi Tahu Deeds: A Window on New Zealand History*, Canterbury University Press, 2006

Henry Hanson Turton, *Māori Deeds of Land Purchases in the North Island of New Zealand*, 1876

The Waitangi Tribunal, numerous district enquiry reports and claimant evidence (see for example the *Muriwhenua*, *Mohaka ki Ahuriri*, and *Ngai Tahu* reports, among many others)

Ngāi Tahu, 'Te Whakataunga: Celebrating Te Kerēme - the Ngāi Tahu Claim', online at <https://ngaitahu.iwi.nz/ngai-tahu/te-whakataunga-celebrating-te-kereme-the-ngai-tahu-claim/#deeds>

Richard Boast, *Buying the Land, Selling the Land: Governments and Maori Land in the North Island 1865-1921*, Victoria University Press, 2009

Vincent O'Malley, *Beyond the Imperial Frontier: The Contest for Colonial New Zealand*, Bridget Williams Books, 2014

Vincent O'Malley, 'Land Deeds as Treaties: The New Zealand Experience', A paper presented to the 17th Annual Australian and New Zealand Law and History Society Conference, 1999

Richard Boast, Andrew Erueti, Doug McPhail and Norman F Smith, *Māori Land Law* (Second Edition), LexisNexis, 2004

Richard Boast, 'The Law and Maori' in P. Spiller, J. Finn and R. Boast, *A New Zealand Legal History*, Brooker's, 1995

Alan Ward, *National Overview: Waitangi Tribunal Rangahaua Whanui Series*, Waitangi Tribunal, 1997

3.1 History/provenance

Provide a summary of the provenance of the documentary heritage. For example, how and when was the material acquired and integrated into the holdings of the institution?

Crown Purchase Deeds were originally created, used and maintained by land purchasing agents of the Crown and their departments and agencies over time. The creation of many of the early Deeds have been covered in detail by the Waitangi Tribunal and other researchers (see Section 2.5).

In 1877, Wesleyan minister Henry Hanson Turton published two books of the North Island Deeds: *Māori Deeds of Land Purchases in the North Island of New Zealand*. Known as Turton's Deeds and covering a significant number of early North Island Deeds from 1840-1877, both volumes were indexed and included full transcripts of the Deeds in both English and te reo Māori. Turton also published two volumes of plans from the Deeds. Alexander Mackay's *A Compendium of Official Documents Relative to Native Affairs in the South Island* (1873) also made use of the Deeds and consists of two volumes that cover early South Island purchases.

Before transfer to Archives New Zealand in January 2002, the Deeds were held in the Muniments Room of Land Information New Zealand's Head Office, where they were accessed by researchers. Upon transfer to Archives New Zealand various preservation, arrangement and description work was completed, included re-packaging and re-uniting large documents that had been separated from their original file for preservation reasons (see Job File 2001/147).

There are significant gaps in the holdings as Deeds were transferred between government offices or added to other files before coming into the care of Archives New Zealand. Some Crown Purchase Deeds were also stored within a black tin trunk in the LINZ Muniments Room. Because the trunk was known by land researchers and specific documents were stored there, it was decided to maintain the records it contained as its own series [Series 8120].

The movement of Deeds can often be found in paper and electronic indexes [Series 8104]. A computer database of all Crown Purchase Deeds is maintained by LINZ Head Office, which contains detailed information about the locality of the land purchased and general remarks about the transaction and purpose of the acquisition. Archives New Zealand holds paper reproductions of these notes [Repro 1805-1814].

Other related series include the 'Old Deed Index' [Series 8103], 'Assorted Card Indexes to Crown Land Purchases' [Series 8113] and 'Unexecuted Crown Purchase Deeds' [Series 8112]. Correspondence about Crown purchases can be found throughout the holdings of Archives New Zealand, especially the Native (later Māori) Department and the Native Land Purchase Department records, as well as supporting maps and other documentation (such as Māori Land plans and other land registers).

At the time of writing, around 11% of the Crown Purchase Deeds have been digitised and ingested into the Government Digital Archive. The aim is to digitise all the physical Deeds held in the Wellington repository of Archives New Zealand.

3.2. Uniqueness of the documentary heritage

Give a brief explanation of why the documentary heritage is unique and irreplaceable.

Crown Purchase Deeds have proven to be irreplaceable sources for understanding the historical and cultural impact of colonisation and the Crown on Māori iwi and hapū. They form the subject of almost every district inquiry heard before the Waitangi Tribunal and provide a foundation for Māori claimants seeking financial and cultural redress from the Crown.

Rather than simple land sales, many signatories to the early Deeds perceived the arrangements as power-sharing alliances where Māori and the Crown would prosper through future use of land. As O'Malley argues, many Māori interpreted the early Deeds 'as confirming rather than extinguishing their rights, albeit in a modified environment in which their land and resources would now be shared equally with their new guests.' Māori signatories to the Deeds were often promised the benefits of Western trade, education and religion, as well as the setting aside of reserves and other forms of compensation to make up for the minimal cash payments they received.

Where the Crown failed to fulfil the obligations set out in the Deeds – leading to land loss, economic marginalisation and the social deprivation of many iwi/hapū – the Deeds became documentary evidence of Crown breaches of the Treaty of Waitangi. They are a significant evidential source for Māori claimants seeking redress through the Waitangi Tribunal and other mechanisms.

The content of each Deed means their informational value is also unique. From their maps and records of payment to the use of te reo Māori, the Deeds are an invaluable linguistic and historical source.

3.3 Assessment against the significance criteria

Provide an explanation of what criteria the documentary heritage meets and why it meets those criteria. The documentary heritage must meet at least one of the criteria in this section. An explanation of each criteria is given on the front page of this form.

Time:

As important milestones in Crown-Māori relations, Crown Purchase Deeds document significant social and cultural change in Aotearoa New Zealand, especially for Māori iwi/hapū. The negotiations that surrounded the early Deeds were often the first formal interaction between the Crown and iwi/hapū. They represent the original agreement and subsequent alienation of Māori land and customary title, providing an insight into Crown policies, Māori rangatiratanga and iwi/hapū organisation and politics at the time.

Crown purchasing also contributed to the escalation of conflict between the Crown and Māori – including the New Zealand Wars – as well as armed conflict between Māori. By the 1860s, the Crown's increasing ability to assert its own interpretation of the Deeds helped foster Māori resistance to further land alienation. Efforts to repudiate past arrangements led to petitions, complaints and open warfare. Later Deeds represented the changing nature of the Crown's policies towards land purchasing and pre-emption, including an influx of Deeds during the Liberal Government of 1891–1912. Various Commissions of Inquiry throughout the twentieth century made use of the Deeds to analyse the Crown's alienation of Māori land, and in 1985, when the Waitangi Tribunal was mandated to hear claims of a historic nature, the Deeds were affirmed as significant evidence of Crown breaches of the Treaty of Waitangi.

For many iwi/hapū, Crown Purchase Deeds are living documents that continue to impact on the present and future circumstances of their people – as taonga tuku iho and as instruments for financial and cultural redress. 'These documents are a living commentary on Māori land rights during the period' writes Harry C. Evison, 'and the genuine Māori signatures on them are vivid memorials of rangatira of the time.'

Place:

Crown Purchase Deeds are exceptional examples of documents with both local and national significance. As site-specific documentary evidence related to land blocks and geographically-located iwi/hapū – containing maps, boundary descriptions and sites of significance – the early Deeds are forms of localised treaties and provide a rich source of place-based information. As Acts of State, the Deeds hold national significance for their role in the systematic alienation of Māori customary title and subsequent settlement and modification of the land by Europeans.

People:

Many of the Deeds contain the personal signatures or tohu/marks of ancestors and Crown officials, making them hugely significant documents for those with connections to the signatories, especially if they are not recorded elsewhere. As rich examples of whakapapa, rangatiratanga and ūkaipōtanga, Crown Purchase Deeds are irreplaceable taonga tuku iho.

Subject and Theme:

Crown Purchase Deeds fit into the larger Imperial context of settler colonialism and Crown relations with indigenous peoples. The Deeds were important Acts of State and powerful instruments for British settlement and its land-based capitalist economy. For prominent Crown agents such as Donald McLean, the extension of real (as opposed to nominal sovereignty) was dependent on the extinguishment of native customary title. As historians, legal scholars and numerous Māori claimants before the Waitangi Tribunal have shown, Crown Purchase Deeds are more akin to treaties than simple land purchases, where signatories entered negotiations expecting to forge enduring relationships of mutual benefit. As a result, Crown Purchase Deeds have directly contributed to the development of legal and

historical discussions of mana whenua, land ownership and rights, and Crown-Māori relations.

Form and Style:

As formal documents of negotiation and agreement between Māori and the Crown, the form of Crown Purchase Deeds are akin to treaties and stylised as such. Many of the early Deeds are made of large parchment sheets and include detailed colour maps, as well as extensive lists of signatories and their tohu or marks. Their use of written te reo Māori also make the Deeds an invaluable linguistic source, contributing to the study of Māori literacy and the revitalisation of specific Māori kupu, Māori regional dialect and the Māori language more broadly.

3.4 Testimony of at least two independent experts

The committee requires testimony from at least two independent people or organisations who can give an informed opinion about the significance and provenance of the documentary heritage.

The informed opinion should focus on the criteria for inscription provided above and on the front page of this form. Please provide up to one page from each expert in support of your submission.

Note: the fields in italics will not be included on the version uploaded to our website.

Expert One

Name Tā Tipene O'Regan, Chair of Te Pae Kōrako (Archive Advisory Group) for the Ngāi Tahu Archive, Te Rūnanga o Ngāi Tahu

Qualification(s) NA

Contact Number

Paragraph in support

The Crown Purchase Deeds dealing with the original sales of Ngāi Tahu lands to the Crown in the nineteenth century are of huge historical significance to Ngāi Tahu as they are the primary source documents that evidence the failure of the State to fulfil its side of contractual arrangements made between Ngāi Tahu and the Crown. These documents, collectively known as the 'Ngāi Tahu Deeds', formed the basis of the Ngāi Tahu Claim lodged with the Waitangi Tribunal in 1986.

Between 1844 and 1864, in a series of ten land purchases, the majority of Te Waipounamu was purchased by the Crown from Ngāi Tahu: Otago (1844), Canterbury (1848), Port Cooper (1849), Murihiku (1853), Akaroa (1856), Port Levy (1857), North Canterbury (1857), Kaikōura (1859), Arahura (1860), and Rakiura (1864). The Ngāi Tahu Deeds document these transactions, the land areas concerned (often ambiguously described), the terms of sale, and the names, marks, and signatures of Ngāi Tahu chiefs and Crown representatives. When the Crown began defaulting on the terms of these land purchases, earlier suspicions of the Crown's good faith by some of the Ngāi Tahu chiefs were confirmed, and 'Te Kerēme' (the Ngāi Tahu Claim) was born. Ngāi Tahu made its first claim against the Crown for breach of contract in 1849.

The iwi believed that one-tenth of each purchase would be reserved for the Ngāi Tahu vendors, thereby guaranteeing a stake in the increasing capitalisation of the country. However, the Crown did not allocate one-tenth of the land to Ngāi Tahu, nor did they pay a fair price. They also failed to honour obligations recorded in the Deeds to ensure the iwi still had access to mahinga kai (food gathering resources), and to build schools and hospitals. Over the ensuing years the tribal authority of Ngāi Tahu was diminished, people were ostracised from their land, connections were fragmented, and language and knowledge suppressed. Robbed of the opportunity to participate in the land-based economy alongside the newly arrived colonists, Ngāi Tahu became an impoverished and virtually landless tribe. They found themselves landless in their own homelands.

For 150 years Ngāi Tahu fought tirelessly to gather evidence of Crown wrongdoings, and by the time the Ngāi Tahu Claim was lodged with the Waitangi Tribunal in 1986, its legitimacy had already been established through an extensive series of commissions, inquiries, courts, and tribunals. The Waitangi Tribunal itself said after extensive hearings:

“The Tribunal cannot avoid the conclusion that in acquiring from Ngāi Tahu 34.5 million acres, more than half the land mass of New Zealand, for £14,750 pounds, and leaving them with only 35,757 acres, the Crown acted unconscionably and in repeated breach of the Treaty of Waitangi.”

In 1997 the Ngāi Tahu Deed of Settlement was signed at Takahanga Marae, Kaikōura, and the following year the Ngāi Tahu Claims Settlement Act was passed. Ngāi Tahu received a formal apology, economic redress, cultural redress, and an agreement for the return of the ancestral mountain, Aoraki.

The ten Ngāi Tahu Deed documents, which are a subset of the broader collection of Crown Purchase Deeds nominated for inclusion on the UNESCO Memory of the World Register, constitute the key 'evidence' that was at the heart of Te Kerēme for 150 years. Consequently, these documents played a pivotal role in the historical evidence presented at the Waitangi Tribunal hearings of the WAI27 Ngāi Tahu Claim, leading to the State's admission of its failure to

fulfil its contractual obligations to the Ngāi Tahu vendors. The ground-breaking Ngāi Tahu Claim Settlement Act followed in 1998. While the Ngāi Tahu Deeds are undoubtedly of tribal significance to Ngāi Tahu, they are also of national significance as they deal with the original acquisition by the Crown of more than half the land mass of New Zealand.

Sir Tipene O'Regan CRSNZ

[Original testimonial submitted separately]

Expert Two

Name Bruce Stirling, HistoryWorks

Qualification(s) NA

Paragraph in support

I write on behalf of HistoryWorks to support the nomination of the Crown Purchase Deeds collection at Archives New Zealand for inclusion on the UNESCO Memory of the World New Zealand Register.

For the information of UNESCO, I note that HistoryWorks is a public history consultancy comprising David Armstrong, Dr Vincent O'Malley, and Bruce Stirling. We each have some 30 years' experience as public historians, specialising in Treaty of Waitangi claims and Māori land and heritage matters as well as producing numerous publications relating to New Zealand's race relations history.

In our work for nga iwi Māori on their Treaty of Waitangi claims, Crown Purchase Deeds not only delineate and quantify the loss of land to settlement; they are also significant and distinctive markers of the developing relationship between each iwi and the Crown. The Deeds are more than an invaluable and irreplaceable source in researching the history of Crown dealings with Māori for their land from the earliest colonial days of New Zealand through to the twentieth century. The Deeds also embody the changing relationship between Treaty partners over time. Early Deeds are more akin to enduring treaties than mere property transactions, covering vast tracts of customary Māori land transferred for paltry sums while also providing the basis for an ongoing and mutually beneficial relationship between the parties. These localised 'treaties' included reserves for Māori occupation and development, and promises of an ongoing income from the Crown's sale of the land to settlers, in addition to the more general benefits of settlement.

By the twentieth century, such treaties had been set aside and more prosaic Deeds instead operated within the land transfer system, involving a list of legal owners transferring a formally surveyed land title at a price set by a Government valuation.

Beyond the value of their text, many Deeds also include survey plans that form a highly valued Māori record of the land and its cultural features, including the traditional names of its mountains, waterways, pā, papakainga, cultivations, and wāhi tapu. In many cases, these names would otherwise have been lost. The Deeds also hold great significance to the descendants of the Māori vendors who signed them, forming a record of the lands held by them and the tribal communities they represented.

Ngā mihi,

Bruce Stirling

[Original testimonial submitted separately]

Expert Three

Name Stephen Clarke, Manager Historians, Office for Māori Crown Relations - Te Arawhiti

Qualification(s) NA

Paragraph in support

Following Te Rua Mahara o te Kāwanatanga Archives New Zealand's nominating the Crown Purchase Deeds for inclusion on the UNESCO Memory of the World New Zealand Register, the Office for Māori Crown Relations – Te Arawhiti wishes to provide testimony in support of the nomination.

The Treaty of Waitangi provided the Crown a pre-emptive right to purchase Māori land. Although the Crown set this right aside at various times, it purchased large swaths of New Zealand from Māori communities and individuals. The first Crown purchase was in 1840. The Crown Purchase Deeds are a cornerstone of New Zealand history which affirm that Māori had rights to land which should not simply be taken from them. Early Crown Purchase Deeds provided a platform for a massive extension of European settlement throughout New Zealand and the subsequent on-sale of land funded the early colonial government. In many parts of the country, Crown Purchase Deeds represent the Crown's first real interaction with Māori communities, often only engaging where European settlement was provided for through land sales. In this way Crown Purchase Deeds speak to a wider history of alienation, Kingitanga, confiscations and landlessness. Crown Purchase Deeds from the 1840s and 1850s differ greatly to those from the early twentieth century and speak to the change in relationship, understanding and power dynamics between Māori and the Crown.

Over recent decades historians have debated the place of Crown Purchase Deeds and their meaning today is contested. Of Crown Purchase Deeds, we must ask:

- were they, especially early deeds in the 1840s and 1850s, political treaties;
- were they simply British sale and purchase agreements or customary Māori arrangements or something in between; and
- how soon did the Crown and Māori come to shared understandings of these deeds.

On a more intimate level, individual Crown Purchase Deeds contain detailed information and views to how Māori and the Crown saw the land. As well as recording the Crown's payment for land, the Deeds often include some of the earliest block maps based on Māori descriptions. These maps occasionally locate sites of cultural significance such as pā, urupā and mahinga kai, as well as natural features like swamps, awa and maunga. In many cases the signatures of Māori on the Deeds may be the only remaining written trace of hapū and iwi tūpuna that conducted transactions with the Crown. These signatures can form a significant part of the history of these groups. It may also be the case that the signatures of tūpuna, especially those of significant rangatira who sometimes made their mark or drew their moko on a Deed, are regarded by Māori as tapu and as representative of the ancestors' presence. This adds to the cultural value of these Deeds. The signatures and Te Reo Māori texts also provide clues to questions concerning the use of proxies, literacy among Māori, regional variations in dialect and the significance of written Te Reo Māori in the nineteenth century.

We are happy to provide the above testimony to the Memory of the World Committee and for it to be reproduced elsewhere. Please note we are also happy to discuss or provide any further detail in support of the nomination as may be required.

Ngā mihi,

Stephen Clarke

[Original testimonial submitted separately]

The above experts have given their written permission to provide this information to the Memory of the World Committee and they have agreed that the provided information can be published without email and contact details and that they can be contacted by the Register Subcommittee if required. Yes No

Section 4

Legal Information

4.1 Owner (name and contact details)

Provide the name and full contact details of the owner or owners, whether an institution or an individual.

Archives New Zealand Te Rua Mahara o te Kāwanatanga, on behalf of the government and people of New Zealand

4.2 Custodian (name and contact details if different from the owner)

Provide the name and full contact details of the custodian, whether an institution or an individual. Sometimes the custodian of the documentary heritage may not be the same as the owner. It is essential to establish both before a nomination can be added to the Register.

The Chief Archivist
Archives New Zealand Te Rua Mahara o te Kāwanatanga
10 Mulgrave Street
Thorndon
Wellington 6011

4.3 Legal status

State whether the documentary heritage is owned privately, or by a public institution, or by a commercial corporation. Details of legal and administrative powers for the preservation of the documentary heritage should be the name of the Act, or other instrument of administrative power, that gives the owner and/or the custodian the legal power to preserve the documentary heritage.

Crown asset as per the Public Records Act 2005

4.4 Accessibility

Provide a brief description of how the documentary heritage may be accessed. All access procedures and restrictions should be clearly stated.

There are three levels of access:

- access to verify the significance, integrity and security of the material. This is the minimum condition for inscription
- access for reproduction, which is strongly encouraged
- public access in physical, digital, or other form

Crown Purchase Deeds are open access records. Public access to the physical, microfiche and digital forms of Crown Purchase Deeds is free of charge

4.5 Copyright Status

For documentary heritage items that are subject to copyright, details should be provided on the relevant copyright legislation and copyright owner(s). Any other factors affecting the legal status of the documentary heritage should be noted. For example, is any institution required by law to preserve the documentary heritage in this nomination?

Crown Purchase Deeds less than 100 years old are under Crown Copyright (Copyright Act 1994). Mana taonga and other cultural sensibilities must be considered with their use/re-use

Section 5

Stakeholders

The nominating institution is accountable for consultation with all relevant stakeholders before submitting the nomination.

5.1 Owner

The owner(s) of the documentary heritage has been consulted:

Yes No

5.2 Custodian

The custodian(s) of the documentary heritage has been consulted:

Yes No

5.3 Significant Stakeholders

Stakeholders with a significant interest in the content of the documentary heritage e.g. iwi, family members, have been consulted, if relevant:

Yes No

Section 6

Care and Preservation and Risk Assessment

Identify any risks to the survival of the nominated documentary heritage. We understand if you have not done a formal risk assessment.

Note: a successful inscription may assist you to obtain funds to preserve and care for the nominated documentary heritage.

If your nomination is successful, we may request additional information on the care and preservation of the inscribed documentary heritage.

Crown Purchase Deeds are appropriately housed in horizontal (file) archival boxes and stored within the climate-controlled and monitored repositories of Archives New Zealand. Risks to the documents are mitigated by strict environmental parameters used for their storage, which are constantly monitored and subject to preservation policies and international standards. Access to the Deeds is provided via public Reading Rooms and subject to Reading Room guidelines in order to mitigate preservation and security risks. The Deeds that have been digitised to date are also held digitally as preservation masters within the Government Digital Archive.

Section 7

Summary

Provide a brief summary describing the documentary heritage and how it meets the criteria for inscription on the Aotearoa/New Zealand Memory of the World Register.

Keep your summary to no more than 300 words as, if successful, it will be used on the website unescomow.org.nz to describe why the documentary heritage has been inscribed on the New Zealand Register and given UNESCO recognition.

Crown Purchase Deeds document the original alienation of Māori land and customary title by the Crown, which by the mid-1860s included two-thirds of Aotearoa New Zealand and virtually the whole of Te Waipounamu, the South Island. As historians, legal scholars and numerous Māori claimants before the Waitangi Tribunal have shown, the early Deeds were Acts of State and more akin to treaties than simple land purchases. Filled with te reo Māori, maps and traditional sites of significance, and the names and tohu of ancestors that often spilled across pages of parchment, those that signed early Deeds often believed they were forging enduring relationships of mutual benefit with the Crown. When promises were not kept, the Deeds became evidence of Crown breaches of the Treaty of Waitangi and a significant source for redress. Tied as they are to the land and the social and environmental change that followed, Crown Purchase Deeds are powerful examples of Māori rangatiratanga and subsequent British settlement. They often represent the beginning of a formal Crown-Māori relationship and are an irreplaceable source for understanding the historical and cultural impact of the Crown on Māori iwi and hapū. As such, Crown Purchase Deeds are of unique and irreplaceable local and national local significance.

Section 8

Promotion of documentary heritage

Inscription to a UNESCO Memory of the World register provides an opportunity to promote the importance of documentary heritage. We shall provide you with a branded 'tile' to use on websites / social media and in catalogues.

Give a brief overview of how your institution will use the opportunity of a successful nomination to promote the Memory of the World programme and the importance of documentary heritage. You may wish to consult with communications staff in your organisation to provide an answer to this question.

If the nomination is successful, Archives New Zealand will profile the inscription of Crown Purchase Deeds primarily through its online channel at <https://archives.govt.nz/discover-our-stories>. Here we will publish an article which details the importance of the Deeds to Aotearoa New Zealand, highlighting the unique nature of the records and their value to New Zealanders, particularly Māori iwi and hapū and the settlement process. Publishing online allows us to share the success of the nomination through our social media channels and provides an opportunity for others to do so. The article will also be included in our quarterly newsletter, *He Kohinga Mahara*.

Internally, a further article will be written for publication on the Department of Internal Affairs' intranet. This will share the nomination with the Department's 1,500 staff.

There are opportunities for further publicity through an article written for the New Zealand Society of Genealogist's magazine, *The New Zealand Genealogist*, which Archives New Zealand provides regular articles to. We will also pitch an article to media companies for inclusion in newspapers or similar, such as the *Dominion Post*.

We will work with the National Library of New Zealand and the Ministry for Culture and Heritage to present a public history talk on Crown Purchase Deeds and their nomination to the Memory of the World Register. The Public History Talks are popular events hosted by the Ministry for Culture and Heritage History Group at the National Library. They are usually held on the first Wednesday of the month from March to November.

Section 9

Permission to use visual documentation

The Aotearoa/New Zealand Memory of the World Committee will also work with you and your communications staff to obtain publicity for the programme and for the successful inscriptions.

Do you give permission for the Committee to use the visual documentation you have provided for Aotearoa/New Zealand Memory of the World publicity purposes (e.g. for brochures/website)?

Yes No

I would like to be consulted first

Section 10

Declaration of Authority

I am authorised to nominate the above documentary heritage to the Aotearoa/New Zealand Memory of the World Register.

Name: Jared Davidson

Date: 31 August 2020
