Claim
WAI 116

334 Swanson Road
Henderson
Auckland

11 July 1986

Wai 116, #1.1
Wai 45, #1.3

The Registrar
Waitangi Tribunal
Department of Justice
Private Bag
Postal Centre
WELLINGTON

17 JUL 1986

Tena Koe

E karanga atu tenei na nga iwi o Nga-ti-kahu ki te Taraipiunara o Waitangi mo etahi o Ratou Whenua Tupuna - Whakaronga mai ki te karanga mo nga Mate, nga Tangi nga Mamae, me nga Aroha o Matou Tupuna heke mai ki o matou maatua, na, ka puta mai ki a matou Nga Tamariki - No reira e nga Rangatira o tenei Taraipiunara Whakaronga mai - whakaronga mai - whakaronga mai ki te Tangi o Nga-ti-kahu o Ratou Whenua Tupuna.

Te Mamaru te Waka
Te Parata te Tangata
I moe i a Kahukuraariki
Ngatikahu te iwi

Greetings,

We, the people of Ngatikahu, wish to commence a claim before the Waitangi Tribunal in respect of our ancestral lands known as Taemaro Block.

Our claim relates to the actions, on behalf of the Crown, by W B White, leading up to the law passed by Parliament known as the "Taimaro and Waimahana Grants Act, 1874".

We would be pleased if you will advise us as to how we should put this claim before the Tribunal and when the Tribunal will be able to hear our grievances about this land.

We have raised this matter with Mr Koro Wetere recently, but we are not satisfied with his response.

Ma te Atua Tatou e Manaaki mo te whiriwhiri i tenei Take i Runga ite Rangimarie.

P M Pangari

Peter M Pangari

Attachments - "A" of 11.7.86

KO TENEI TE TOHO E TETAHI TAANGA O NGATIKAHU

TAEMARO BLOCK

Request for an investigation into the historical origins of Crown ownership over land adjoining Taemaro Block

In order to assist the owners of Taemaro Block to sort out the future of this land and how it may best be utilised for the mana and benefit of our people it is desirable to ascertain whether any of the adjoining land presently in Crown ownership might be part and parcel of an overall project. In particular it is desirable to inquire whether we as the tangata whenua of this area will be able to lay a special claim to any land which the Crown might be considering for private settlement or other disposal to individual persons.

The historical research necessary to provide evidence in support of the oral traditions of our kaumatua has been very extensive and has taken a great deal of time. By and large it seems that various investigations in the past have relied upon the lawfulness of dealings based upon so-called "land sales" in the Pakeha land speculators rush during the last month of 1839 before Captain Hobson arrived to establish a British Colony. These "old land claims" were considered by various Commissioners upon the basis of laws which were designed to provide land for British settlers and revenue for the Crown to finance orderly settlement by incoming settlers. In recent years Maori people have been urging a re-investigation of past land dealings in the light of the Treaty of Waitangi as the starting point, instead of taking the laws laid down to assist the British settlers as the starting point. The new amendment to the Treaty of Waitangi Act 1975 shows that this Government has agreed that past injustices must be carefully investigated in the light of the Treaty of Waitangi.

However, in order that any claim by one people can be properly formulated, we need to be clear as to the historical facts in this area which seems to have had a very complicated history indeed. The Government has the documents and the staff resources to provide the detailed facts. We do not want a study of the land dealings which is intended to protect the Crown's legal title to the land in this area. We want a full and frank disclosure of the Government's involvement in land dealings so that we can compare the official records with our oral traditions and then decide on a course of conduct for the future of our land at and near Taemaro.

So far our researches have uncovered the following materials which appear to relate to our land. These materials are set out in chronological order

1. From Turton, Old Private Land Purchases (1882)
   (i) "Waimaori" - Deed No. 49 - 7 November, 1839
   - "sale" of 5,000 acres to C. Partridge.

   (ii) "Kapura" - Deed No. 53 - area included in "Waimaori".

   (iii) "Timore" (or "Taimori") - Deed No. 55 -
   14 November 1839 - "Sale" of 300 acres to M. Smyth.

2. Land Claims Ordinance 1841.

3. Despatches from Papers Relative to New Zealand

   (i) 1843, Despatch of Commissioner Godfrey and Protector Kemp,
   10 February 1843 (pp 73 - 76).

(ii) 1845, Despatch of Governor Fitzroy to Lord Stanley, 7 September 1845 enclosing Report by Protector Clarke, 1 September 1845 (pp 122 - 127).

4. Land Claims Settlement Act, 1856.

5. (1861) AJHR, E-7, Report by Resident Magistrate White for Governor Grey, 28 August 1861 - contains reference to people "Living on Government Land, I have promised to make a reserve for them at Taimaro".

6. (1862) AJHR, D-1-, Land Claims Commission Report, 8 July 1862.

7. (1863) AJHR, D-14, Appendix to Land Claims Commission Report.

8. North Island Maori Deeds, Vol. 1, Deed No. 16 of 19 May, 1863 - settlement of outstanding claims setting aside "Waiaua" and "Taemaro" (pp 19 - 20, plus map) - Note that the area and shape of Taemaro is significantly different from the present block (see ML 12827) - Note also reference to a piece of the block being "withdrawn" and "reverted to the Crown" - how? Why?

9. Survey PLan 1177, produced to Native Land Court on 24 March 1870 in respect of claim by Tamati Werohu.

10. Applications and other Native Land Court documentation relating to Tamati Werohu's claim and the persons entitled pursuant to the Native Lands Act 1867, section 17.

11. Certificate of Title to Taemaro Block - sealed by Chief Judge Fenton, 26 May 1870 - Note memorandum on reverse side by Judge Maning accepting that there was no foundation for the claim by the Government to the Block.

12. Survey Plan 1177. produced to the Native Land Court on 24 March 1870 also, relating to a claim by Kaiwaka which was however dismissed.

13. Debates in the Legislative Council and the House of Representatives, 1874.

14. Taimaro and Waimahana Grants Act, 1874.

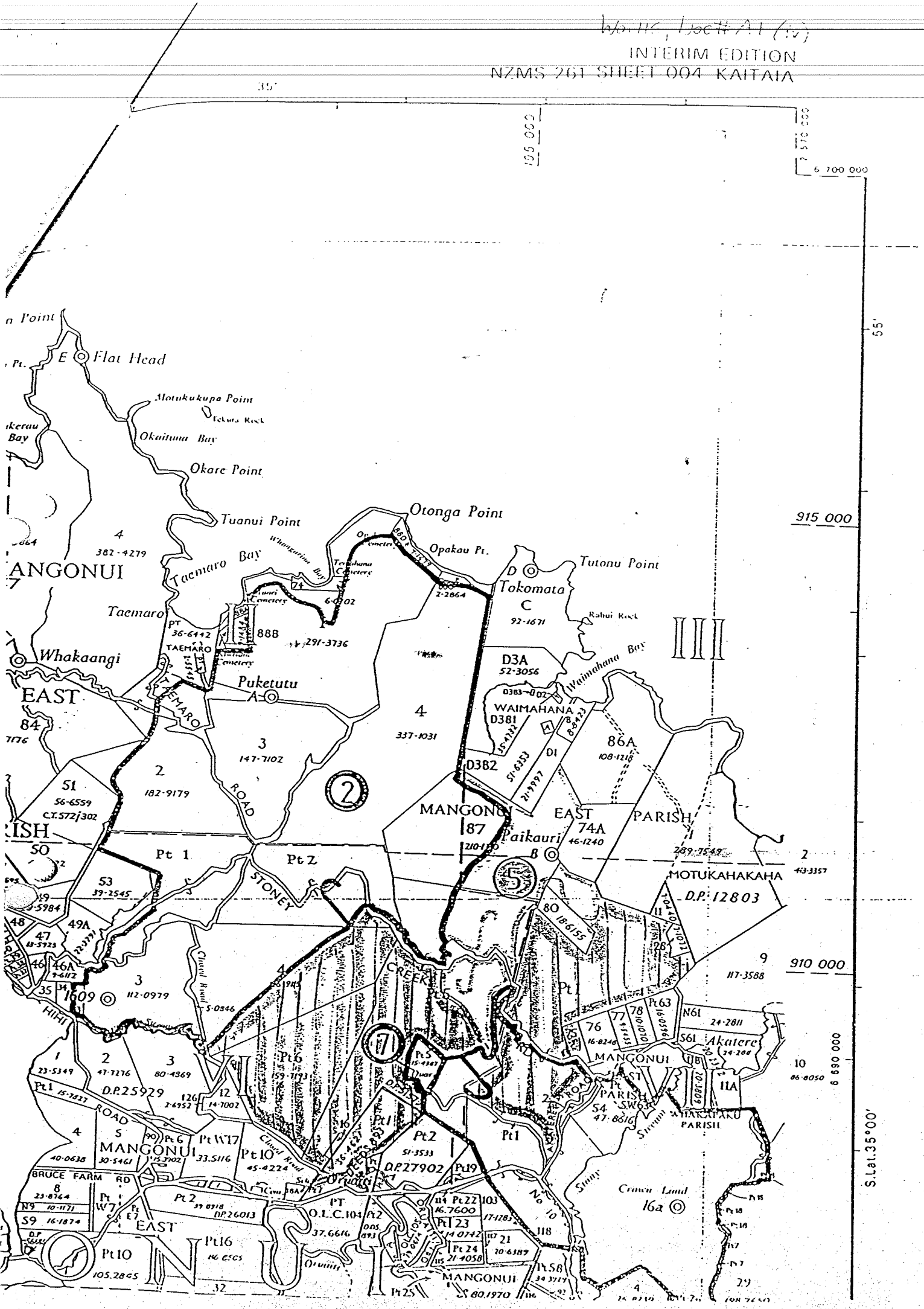
15. Grants pursuant to 1874 Block of the blocks in their present form.

16. Gazette Proclamation of 22 February 1912, letter of 8 February 1913 and Declaration of 7 February 1913 - relating to the Taemaro Native School within the block and road access to it.

17. ML Plan 2988 - showing various Native Land Court orders.

18. Plan illustrating lands affected by Taemaro and Whakaangi Petitions before Royal Commission on Surplus Lands.

19. (1948) AJHR, G-10, Report of Royal Commission on Surplus Lands.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Flat Head
Motukukupa Point
Okaitunua Bay
Okare Point
Tuanui Point
Otonga Point
Opakau Pt.
Tutonu Point
Tokomata
Rahui Rock
Taemaro Bay
Whangaruru Bay
Waimahana Bay
Whakaangi
Puketutu
TAEMARO ROAD
WAIMAHANA
MANGONUI EAST PARISH
Paikauri
MOTUKAHAKAHA
D.P. 12803
STONEY CREEK ROAD
Akatere
MANGONUI
BRUCE FARM RD
EAST MANGONUI
Crown Land 16a
Stream
Pt 1
Pt 2
Pt Z
D.P.25929
D.P.27902
O.L.C.104
III
IIA
ROAD