

OFFICIAL

**Wai 1504, #1.1.1
Wai 2700, #1.1.27**

FINAL AND SIGNED COPY

THE HISTORICAL CLAIM

SEARANCKE v PUBLIC TRUST OFFICE

RECEIVED Waitangi Tribunal
31 AUG 2008
Ministry of Justice WELLINGTON

**FILED WITH THE REGISTRAR
WAITANGI TRIBUNAL
P O BOX 5022
WELLINGTON
NEW ZEALAND**

31 AUGUST 2008

THIS MATERIAL IS CONFIDENTIAL TO THE CLAIMANTS AND DESCENDANTS TO THE PEOPLE NAMED WITHIN THIS DOCUMENT AND IS WRITTEN FOR THE PURPOSE ASSIGNED TO THE MATTER OF THE WAITANGI TRIBUNAL – NEW ZEALAND – CLAIMS HEARING

3b Opoia Road
Hamilton East 3612
Hamilton

31 August 2008

To: The Registrar
Waitangi Tribunal
P O Box 5022
Wellington

I Mihirawhiti Sandra Anne Searancke, 3b Opoia Road, Hamilton 3612, and others named in this document are acting as claimants to this claim. As such we have signed as either a representative within the realm of that one signature or as representative and signatories with authority to sign on behalf of each separate family trust.

We as claimants seek to be heard in front of the Waitangi Tribunal under section 6 of the Treaty of Waitangi Act 1975 and its 1985 amendment. We believe we have been prejudicially affected by policies, practices, actions and omissions of the Crown and furthermore from the legislative Acts of Parliament and other statutory instruments.

We are all descendants of Ngati Maniapoto and the many hapu named below as:

Ngati Paiariki, Ngati Te Kanawa, Ngati Matakore, Ngati Whakatere, Ngati Urunumia, Ngati Uekaha, Ngati Huiiao, Ngati Kinohaku, Ngati Rarua, Ngati Waiora, Ngati Rora, Ngati Tutakamoana, Ngati Rereahu Ngati Te Ihingarangi, Ngati Raerae, Ngati Hari, Ngati Pahiri, Ngati Rangatahi, Ngati Paemate and Ngati Rungaterangi
(Pei Te Hurinui Jones 1940)

We ask that this claim be recognised in accordance with those already registered with the Tribunal. We recognise that our claim has a natural forming relationship with other claims within the Rohe Potae but in particular with those of the Wai numbers:

Wai 48, Wai 535, Wai 551, Wai 616, Wai 788, Wai 847, Wai 993, Wai 1031, Wai 1095, Wai 1480

We the claimants' recognise our claim embraces the fact that our ancestors' life's naturally aligned themselves to community living and to hapu grouping. We believe our ancestors in 1880 were adapting well to the presence of 'pakeha' in the "King Country" as reflected in some of the names depicted as in this claim. However, we also know that Ngati Maniapoto wished to remain independent 'a state within a nation'.

We the descendants pronounce that unnecessary confusion arrived with the illegal actions of the Crown, especially, during the 1880 period when given permission from the parents of those named in the claim to carve a rail track through this area.

Te Rohe Potae has been said to be in area equal in size to the sovereign country of Belgium. Where lays the justices in assuming the Crown's actions were honourable?

We the descendants say that hapu had importance when identifying ones position within Te Rohe Potae. And this importance was played out in the ability to 'whakapapa' to those lands and waterways.

We feel that in identifying where the hapu are within the Crown blocks, (130 Blocks) and, who the hapu people are that once lived on those 'blocks' that it will bring clarity to those people's rights of ownership, and forward those rights on to be considered in this hearing.

We point to Court records (Maori Land Court Records July 1886 Otorohanga) and other Crown agent records (George Wilkinson) and the records of the Maori Voters 1908 register.

We believe that it is hapu that is pivotal to maintaining our identity and one with the land. We believe our ancestors recognised the importance of hapu and that is illustrated in their selecting to vote in hapu regions. Hapu was an identification of land ownership.

We believe that the Crown on that day and years after recognised the significance of hapu as a status of importance and co-operated with that in mind until they assumed dominance.

As with the election of Maori Trust Boards were the identification became iwi based rather than hapu. We believe that this system of operation though widely held in today's political environment was originally detrimental to our status as mana whenua.

We wish to register our concerns to the loss of land that the women and/or mothers and their children lost when land was taken to cover the survey cost of those surveyors who had not the authority to do so.

As an illustration we identify one case as that of our ancestor: **Maria Hoponi**, listed as a minor, (1886 MLC Oto) (known also as Maria, Parepaorangi and surnamed as Huihi or Hughes) who it has been reported to have had one thousand acres of land taken to pay survey cost incurred by Charles Wilson Hursthouse, a Captain in the New Zealand Militia and pioneer surveyor operating within the King Country and Taranaki in 1860.

We would like the Waitangi Tribunal to register this observation as an integral part to the essence of our claim.

We today are stating that the Public Trust Office operated to serve the interest of the Crown and as such has since unduly profited from that association. We say that that relationship has not benefited those who are named in the claim or those who are not named but remain affected.

We the descendants of those named below treasure the stories that on rare occasions made us so proud to be Ngati Maniapoto and be affiliated with a particular hapu. We too treasure the sad passion filled stories of the wrong doings of the Crown and the negative fall out from that prevailing headwind. This is the 'te puku' substance around which our claim will fan out.

Our claim seeks to remedy, to retrieve and an attempt to believe that the Crown will give us a fair hearing. For it has been the Crown's brutish colonial actions of the 1860s to 1992 that have resulted in Ngati Maniapoto and other Maori within this beautiful nation receiving the blunt end of the stick.

We the descendants of those women and/or mothers and their children write this claim as a group who hold a common whakapapa and links to seven identifiable and known whanau, known affiliated hapu of Ngati Maniapoto.

OUR CLAIM IS IN THREE PARTS:

1. Hapu as an authority and controlling influence.
2. Sale of the women and/or mothers and their children the "*minors*" lands
3. The establishment of the Public Trust Office in 1873

HAPU

We see this as a claim of the right to belong to a social group that links us with a common ancestor.

Furthering the claim from what has already been written above; we say that on the arrival of the Crown into the lands of Ngati Maniapoto, and the surveying into blocks those lands, that led to the purchase, and sale of those lands, has resulted in hapu as an identity to those lands, beginning extinguished.

We say the Crown's actions lead to a prejudice that over the many years of the Crowns operations, via the Native Land Court, and other Crown entities, and this was a breach of our rights, and the rights of our ancestors, under the Treaty of Waitangi – Article Two

"Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; ...

We the claimants in recognising the second part to Article Two stand in dispute of the Crown's position and recognise that they may argue, that permission was granted to dispense with that right. The claimant will utilise the resources available of those records that have survived and filed in the public archives.

We are especially interested in records of the Native Land Court, established, under the Native Land Act 1865 and the records of the establishment of Public Trust Office, under the Public Trustee Act 1872.

We wish to quote as an illustration of this our argument in support of what is written and as descendants to this family, the following written statement.

“TE RERENGA’S LIST OF NAMES Including N’Rungaterangi, N’Kauwhakarewa, N’kaputuhi, N’Hinewai, N’kahutotare, N’ Hekeitewa, N’Kaikaramu, N’ Pukorotangi, N’Mihi, N’ Tunae, N’ Tu, N’ Rakei, N’ Hineuru, N’Hineuto, N’ Parakia, N’ Waiora, Ki Herangi hapus.” (July 1886 MLC Oto)

We formally recognise the many hapu not stated in the claim though appear on the list of those ancestors that voted and registered 1908. Namely: Ngati Ngawaeroa.

SALE OF LAND

The kinship of Ngati Maniapoto was such that they/we remained impervious to most of the impositions of the Crown after the signing of the Treaty of Waitangi 1840, up until the opening of our territory to the Railway’s in 1885. Refer: Wai 48 and Wai 535

We the descendants of those named in this claim believe the actions of the Crown and their agents to have been illegal and hence prejudicial to the wealth and health of all our ancestors unavoidably caught up in this land grab. Especially the women and children whose lands were dispensed with, documented, and transferred to the archives of the Court’s and monies transferred to the Public Trust Office.

The results from these Crown actions caused a pan demonic disintegration of all that one identifies as traditional and cultural important to us as Ngati Maniapoto.

These transactions though may be argued today as legally right were not and more they were morally wrong. We would argue that the women were prejudiced by being women as with the fact those women in New Zealand, whether, Maori or non Maori were only afforded the right to vote in 28 November 1893.

The ‘minors’ the children our ancestors land sales were a human rights issue, taken as spoils of war and therefore morally corrupt. These children who are named as our ancestors in this claim were as young as one year old. It’s unfathomable to imagine this happening today? .

We the descendants grew up with stories not of the great battles with other tribes that defined our links and marriages to others or the horror of Rangiaowhia or Orakau. Two battles where we lost many of our family and where others survived. That being the case with our esteemed ancestor Poupatate Hughes also known as Tamati Huihi who fought along side Rewi Manga (Rewi Maniapoto) at Orakau in 1864.

The stories we grew up listening to were stories of our ‘grannies and grandparents’ lands being taken; saw cheques arrive in the mail from the Maori Trustee offices’ that sat on the shelf because for our grand parent ‘it wasn’t worth opening’; stories of

schools, hospitals, townships being once lands owned by these children, or their parents, as was the case in building of Te Kuiti and Otorohanga. Stories of grandmother collecting grass seed along the boundary line of the pakeha farmer to sell in Otorohanga for money to feed the child with her.

With the large blocks of lands being individualised and sold this further lead to the alienation and distancing of these treasured ancestors inherent continuous relationship with the streams, lakes, swamps, coastal shores, rivers, mountain ranges and forests, which had been theirs for generations.

PUBLIC TRUST OFFICE

We charge the Public Trust that practised as a Crown entity with gross misconduct to those their natural clients and as well have done nothing to remedy a know fact of business practise that was and should be expressed as working to profit of the gains of an distasteful and illegible war within the realm of the Commonwealth.

We say that your practises over the many decades and the investment in Wills and Property, especially, that of our people remains corrupt because of the above. We ask that we be given permission to research this company and request that this be aided with the assistance of researchers sanctioned by the Waitangi Tribunal.

This company will be told today and again tomorrow from us the descendents of these people named in this claim: that it was from the illegal doings of the Crown, and the forced sale of thousands of Maori babies' lands "*the minors*", and more, the sale of women lands "*not eligible to vote*", that this company remains richly solvent.

The population of Maori within New Zealand far exceeded that of non Maori back in 1873 to when the Public Trust changed it outlook in 1922. Today the company has a book value of over \$15 billion dollars.

We seek an investigation on this office.

We seek an explanation and an enquiry on how they could practise with due fairness when 1873 when it has been described in one publication that "*the Court was empowered to appoint the Public Trustee committee of the estates...in respect of the estates of, or moneys due, to minors, and the aged and infirm. It administers unclaimed and enemy property*"... An Encyclopaedia of New Zealand edited by A H Mc Lintock (1966)

OUR CLAIM CONCLUDES

We the descendants of these same fathers, women and/or mothers and their children ask the Waitangi Tribunal, when deliberating the worth of this claim to consider the comments made today and the research required adding to these comments. We remain proudly associated with our memories of our ancestors and all that they had when living in the lands of Ngati Maniapoto - Te Rohe Potae.

"HE KURA RERE" Kia Ngati Maniapoto – me ona hapu maha Ki nga rangatira, ki nga hapu me nga tangata katoa, nga tane, nga wahine me nga tamariki. Tena koutou

I raro I nga manaakitanga ate Rungarawa Te Iwi – Kia ora! Kia ora! Kia ora katoa”...

TO THOSE ANCESTORS WE NAME IN THIS OUR CLAIM

“moe mai haere haere haere ra”

Rangituatahi, daughter of **Ngaipo** and **Taonui Hikaka** and mother of **Hori Hetet**, **Hone Taonui Hetet**, Mere Te Wai Hetet and Henare Matengaro Hetet. Grandmother in this instance of **Mene Te Teira nee Hetet** and **Rangitaara Hetet nee Hetet**, whose siblings were **Wera Wera Amohanga nee Hetet**, Waimatao, Rangiahua, Ngaraima, Hikaka, Potahi, Te Ripeka and Ripeka Titinga

Hariata Rangitaupua, mother of **Wiri Herangi**, Hariwhenua Herangi, and Te Tahuna Herangi. Grandmother in this instance of **Tohe Herangi**, a sibling of Tamiaho, Piripi (Wene) Lucy, Kereama, Hinerangi, Jack, Mereana, Mihi and furthermore, a cousin, of Hariata, Waikeria, Tahuna, Hana, Rangi, Hera, Te Puea, Wanakore, Ngahae, Tamati and Atarua.

Mere Rangihurhia Pianika Te Rakau Mother of the children bearing the surname Ormsby or Omipi, as Gilbert, Robert, Arthur, John, Mary, Anthony, Richard, Annie, Jeremiah, Charles, George, Benjamin, William and Jane. In reference to the claim in this instance, mother of **Arthur** and **Jeremiah**.

Hariata Tamihana married to **Poupatate Hughes** or **Tamati Huihi** Parents of these named but particular to this instance father of **Hone Huihi**, Wiremu Huihi, Tamehana Huihi, Kino Huihi and Ngahihi Huihi.

Maria Hoponi and daughter of **Komanga Hoponi** married to **Hone Hughes** and mother of Henry Mahuta Hughes, Charles Hughes, and Miriam Hughes and her Uncle **Haurangi Komanga** and his descendents namely **Kiripunga Taylor nee Anderson**.
Kiripunga BW

CLAIMANT SIGNATURES on behalf

Renee Hinerangi Searancke

Mrs R.H. Searancke.....

Doreen Richards

Hinemaniapito Doreen Richards.....

Kingi Tuheka Hetet

Kingi Tuheka Hetet.....

Boyce Te Wharemaru Ihakara II Taylor

Boyce Te Wharemaru Ihakara II Taylor

Sharon Bettina Rakena

Sharon Bettina Rakena.....

SHARON B. SEARANCKE-RAKENA

TRUST. HETET TETEIRA TURNER SEARANCKE TRUST.

Continuation of signatures to the Claim Mothers v Public Trust Office

Trustee of
WH Murray
Family Trust

Jackie Murray

J. McDonald (nee Murray)

also

Te Aroha Gray

Aroha Gray (Bastards)

Georgi Marchioni Job

[Signature]

Claimant Manager: Mihirawhiti Searancke

Rahuk Searancke

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Legal Counsel: Haylee Putaranui haylee@osheaslaw.co.nz

Divali Atawhai Gray Day Gray
Georgina Matemoana (Bombie) Walter's of Wai

Bonnie Manaiia-Hughes A. Manaiia-Hughes
Daphne Manaiia-Hughes D. Senab
Thomas Charles Roa J. Roa
Majorie Motekopu Kaitiaki 6 x 6 Kaitiaki
ALBERT McQUEEN c/o 86 BRUCE AVE HAMILTON Albert McQueen
Te Amohia McQueen (Ormsby) [Signature]

11 August 2009

The Registrar
Waitangi Tribunal
DX SP22525
WELLINGTON

Attention: Nicola Bennett

Tena koe,

Te Rohe Potae Inquiry – Mihinawhiti Searancke– MIR 5436

Tena koe,

The purpose of this letter is to address your concerns so that my claim may be given a WAI number for the Inquiry record and other purposes.

As set out in my statement of claim:

1. This claim is on behalf of myself and other whanau whom are all of Ngati Maniapoto descent, our hapu of which are (but not limited to):

Ngati Paiariki, Ngati Te Kanawa, Ngati Matakore, Ngati Whakatere, Ngati Urunumia, Ngati Uekaha, Ngati Huiao, Ngati Kinohaku, Ngati Rarua, Ngati Waiora, Ngati Rora, Ngati Tutakamoana, Ngati Rereahu, Ngati Te Ihingarangi, Ngati Raerae, Ngati Hari, Ngati Pahiri, Ngati Rangatahi, Ngati Paemate, and Ngati Rungaterangi, Ngati Ngawaeroa and others.

2. Our claim is related to and based on Crown acts and omissions already identified by other claims:

Wai 48, Wai 535, Wai 551, Wai 616, Wai 788, Wai 847, Wai 993, Wai 1031, Wai 1095 and Wai 1480

The lands affected by this claim all lie within the Inquiry boundaries.

For the Tribunal's reference, we identify the land located approximately 8 kilometres from the Te Kuiti township and known as the Waitete viaduct, or Mangaokewa reserve. This land was historically owned and occupied by our tipuna and is one such example of Crown actions which we claim as being contrary to the Treaty of Waitangi.

Our statement of claim identifies the Public Trust Office as being the Crown agent which was initiated in 1869 with the appointment of Charles Heaphy as Commissioner of Native Reserves. Legislation such as the Native Reserves Amendment Bill 1876, Native Reserves Amendment Bill 1876, Native Reserves Act 1873, Native Reserves Amendment Bill 1876,

Public Revenues Amendment Act 1877, Native Reserves Act 1882 and the shift of administration to the Public Trust Office under the same Act.

At the same time, a train route was explored between Te Awamutu and Waitara by Crown agents such as Charles Wilson Hursthouse, a surveyor. Our lands were chosen as being the most preferable for the laying out of a railway and plans began.

These plans coincided with legislation such as the Native Reserves Act 1882 which aided by the Native Land Court, assisted in the alienation of land away from our tipuna, including many minors and into the hands of Crown entities such as the then Public Trust Office.

To clarify, whilst the function and powers of the modern day Public Trust Office may have changed the context of which we have named the Public Trust Office in our statement of claim is as, and acting on behalf of, a historic agent of the Crown.

We feel that the culmination of all of these actions (including Crown legislation and acts by and on behalf of the Crown) breached the Treaty of Waitangi because they had the direct effect of causing our tipuna loss of control over their lands and assets, physical and intellectual harm due to alienation from their lands and other matters which we shall set out once more research is completed.

For the record, as we have access to further research (as supplemented by our own knowledge and stories) once we are accorded a WAI number, we are grateful for the assistance provided by the Tribunal's own *Rangahaua Whanui* theme reports, in particular chapters 3 and 4 of Ben White's *'Inland Waterways'* report for the above information and look forward to receiving confirmation of a WAI number for this claim.

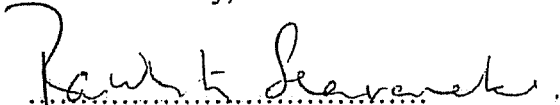
3. I confirm that my legal representation is O'Sheas Solicitors (Haylee Putaranui) and their contact details are as follows:

O'Sheas Barristers & Solicitors
PO Box 460 (DX GX10052)
HAMILTON 3240
Phone: 07 838 3109
Fax: 07 838 3494
Email: haylee@osheaslaw.co.nz

I look forward to receiving confirmation that my claim is registered with the Te Rohe Potae Inquiry and issued with a Wai number

If you require further assistance, please do not hesitate to contact me or my Solicitors.

Yours faithfully,


Mihirawhiti S A Searancke