BEFORE THE WAITANGI TRIBUNAL

WAI 898

IN THE MATTER OF **THE TREATY OF WAITANGI ACT 1975**

CONCERNING **THE TE ROHE POTAE INQUIRY**

AND A claim by Maude Shaw, Tuahu Watene, Ken Te Houpikake Rautangata, Sunnah Thompson and Henare Gray for and on behalf of **NGATI MAHANGA** me **NGA URI O TE AWAITAIA (Wai 1327)**

JOINT BRIEF OF EVIDENCE OF ERU THOMPSON AND PARETUTAKI HAYWARD

Dated: 26TH August 2013

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JOINT BRIEF OF EVIDENCE OF ERU THOMPSON, AND PARETUTAKI HAYWARD

1. Our names are Eru Thompson and Paretutaki Hayward.

2. We are of Ngati Mahanga and we are giving this evidence in support of the Wai 1327 claim.

3. This brief of evidence is on the impact on Ngati Mahanga of the War with the Crown in the 1860s and the resulting Raupatu that occurred over Ngati Mahanga lands. Our Whanau have commented on the War in some detail in the Oral and Traditional History Report prepared for Ngati Mahanga ("O & T Report"). Vincent O'Malley has also commented on this in detail in his report (AO22). As such this brief doesn't go into great detail about the War but rather looks at the impacts on Ngati Mahanga.

4. We are also aware that the lands which were the subject of the Raupatu are outside of the Inquiry District and have been settled under the Tainui Raupatu settlement and so we can't bring claims for the Raupatu itself. However, when you are looking at Ngati Mahanga's claims you can't ignore what happened during the Wars and in the Raupatu as this strongly illustrates Ngati Mahanga being betrayed by the Crown (which is a common theme between Mahanga and the Crown). The effects of the War and the Raupatu also had a strong impact on Ngati Mahanga at Whaingaroa and other places inside this Inquiry District and that has to be considered when looking at our claims there.

5. The history between Ngati Mahanga and the Crown was different to many other Iwi and Hapu in this district. Under the guidance of our Rangatira such as Te Awaitaia, Ngati Mahanga sought to establish a good relationship with the Crown to work together as partners for the well-being and prosperity of all.

6. This included Ngati Mahanga making some of their lands available for settlement and use by Pakeha in the 1850s. This was to encourage trade, good relations and prosperity for Maori and Pakeha in the region.

7. Ngati Mahanga saw this as an essential step for obtaining imported Pakeha goods and technology which were required to engage in the new economy. Ngati Mahanga participated energetically in this new economy in the 1850s, growing wheat and other crops for their own use and for sale. Ngati Mahanga also wanted to build strong relationships with local Pakeha to assist in developing their lands for agriculture and horticulture as well as establishing strong trading networks.

8. These good intentions by Ngati Mahanga were also taken advantage of and used to permanently acquire our lands but that is part of the separate evidence in our O & T Report.

9. This commitment to working with the Crown was affirmed with the signing of the Treaty. Te Awaitaia signed the Treaty on behalf of Ngati Mahanga and so the commitment to working with the Crown as partners was sealed under his mana.

10. As war broke out between the Crown and Maori, Te Awaitaia and his supporters in Ngati Mahanga reconfirmed their commitment to honouring the agreement under the Treaty, and to maintaining their partnership with the Crown, including at the 1860 Kohimarama Conference, as set out in some detail in our O & T Report.

11. Some people have referred to this as evidence that Te Awaitaia and Ngati Mahanga were kupapa and loyal to the Queen. In fact, Te Awaitaia and his supporters largely adopted a neutral role during the wars and advocated for peace.

12. There were also others in Ngati Mahanga who did not support the Crown. The loss of land and attempts by the Crown to undermine our mana saw some of our tupuna turn against the Crown and support the Kingitanga instead.

13. This led to the whakatauki ‘Mahanga i te hauhau – Mahanga i te kupapa’ as this split widened resulting in support for both sides during the wars.

14. Te Awaitaia provided support to the Crown during the wars in a number of ways. Following Puketapu he went with Donald McLean to Taranaki in the 1850s to try and deter Taranaki Maori from harming Pakeha in such conflicts otherwise Te Awaitaia would come to the Pakeha’s defence.

15. At the request of Donald McLean Te Awaitaia also fortified his house to protect the settlers in Raglan during the 1860s conflicts. McLean promised to gift land to Te Awaitaia in return. This never happened. Our Whanau talk about this in more detail in the O & T report.

16. In November 1861 Te Awaitaia agreed to a road being built from Raglan through the forest ranges to Whatawhata. The Kingitanga strongly opposed this as the road would provide a direct route for Crown troops landing at Raglan into the heart of the Kingitanga. This almost resulted in war between Te Awaitaia and our Whanau in the Kingitanga.

17. The establishment of this road also caused strong division within Ngati Mahanga itself. Important Ngati Mahanga Rangatira such as Te Kaniwhaniwha were strongly opposed to the road. This issue created a tipping point amongst parts of Ngati Mahanga who did not support the Crown. Many of these members of Ngati

Mahanga took up arms and fought with the Kingitanga during the wars. This created a deep rift internally amongst the Ngati Mahanga members supporting the Crown and those supporting the Kingitanga. This division was long lasting and is still felt in some parts today. This division is one of the sharpest and most painful effects of Crown action that were inflicted on Ngati Mahanga.

18. Eventually it was agreed that the road would be taken to the limit of the Crown's land at Whaingaroa, i.e. Waitetuna, and the conflict within Ngati Mahanga, and between Ngati Mahanga and the Kingitanga on this issue subsided somewhat.

19. Despite this conflict, and the resulting division amongst Ngati Mahanga, Te Awaitaia still acted as an intermediary between the Kingitanga leaders and British forces during the later wars. Te Awaitaia met with Wiremu Tamihana at Maungatautari following the capture of Ngaruawahia by British forces. He also met with Lieutenant-General Cameron at Ngaruawahia to try and broker peace (although this was not successful). Te Awaitaia made similar attempts to broker peace on other occasions too.

20. In addition to supporting the Crown and acting as peace broker, Ngati Mahanga also tried to prevent bloodshed by impeding the Crown's war ships.

21. Ngati Mahanga were involved in impeding a Government boat carrying Crown troops and guns along the Waipa River following the taking of Ngaruawahia. They felled trees into the river to try and prevent it from progressing upriver.

22. Our kuia, Maude Shaw (who was the original claimant for the Wai 1327 claim) also spoke of Te Awaitaia opposing the presence of Crown war ships in the Harbour and the threat they posed to his

people. She often recounted that he paddled into the harbour on his own to directly challenge the war ship.

23. As such while it is true to say that Te Awaitaia supported the Crown during the wars, that is only part of what they were trying to achieve. The 'kupapa' Ngati Mahanga actually promoted peace and attempted to minimise harm to Ngati Mahanga and wider Waikato Maori. Our other relations in Ngati Mahanga actively fought for the Kingitanga.

24. Despite the support shown towards the Crown, Ngati Mahanga still suffered heavy losses as a result of the wars. This included loss of life, loss of land, loss of Whanaungatanga and Kotahitanga between the Iwi, and a huge strain being placed on the lands at Whaingaroa and other places inside this Inquiry District that remained.

25. Even though Ngati Mahanga had shown support to the Crown during the wars, they were still labelled as having 'been in rebellion, but had subsequently submitted to the Queen's authority'.[1] Neither of these accurately describes Ngati Mahanga's position.

26. The support shown by Ngati Mahanga to the Crown was then further trampled on when the Crown confiscated vast amounts of Waikato lands including Mahanga lands.

27. Just over 1.2 million acres of the Waikato district was confiscated under the New Zealand Settlements Act. This included vast amounts of Ngati Mahanga lands. In fact, about three-quarters of our lands were taken by the Crown.[2] We believe Governor Grey and his Ministers knew how much injustice they were inflicting on Ngati Mahanga when they did this. The Governor even made

[1] O'Malley, AO22 pg 580.
[2] See E. Stokes, Figure 13 Confiscated Land in the Waikato, page 402, in: Wiremu Tamihana Rangatira, Huia Publishers, Wellington, 2002.

some small Crown Grants on his own direct authority of places at Whatawhata, which was a rare thing for him to do, and we think this indicates his feelings of guilt about his treatment of his old friends. Ministers themselves spoke of Te Awaitaia as '…*the most firm and consistently loyal native in New Zealand, after Tamati Waka [Nene of Nga Puhi], if even he should be excepted*.'[3] Nonetheless, they took vast amounts of the land of Te Awaitaia and Ngati Mahanga.

28. Ngati Mahanga were left to try and recover what they could through the Compensation Courts or through direct negotiations with the Crown. The Crown settled immigrants on much of our good lands in the vicinity of Whatawhata and other places in the Military Settlements Block. It was humiliating and expensive to have to go through the processes for recovering some of our lands as Crown Grants, and there were many delays. An example is that Te Awaitaia's Crown grants at Mangaotama were not issued until after his passing in April 1866. The whanau have set out in some detail in our O & T Report how all these processes of the Crown dispossessed us over time of our lands and our connections to our traditional rohe, and deepened divisions among the people of Ngati Mahanga.

29. Even then, this has been used by some to further 'takahi' Ngati Mahanga's mana. An example is the 'Agreement' with Turton in 1864 for the 'purchase' of the Waipa Waitetuna block. Some have said that this was Ngati Mahanga willingly selling land to the Crown. That is not the case. Imperial troops had already seized and occupied the area. Even though the Raupatu proclamations had not taken place at the time the deed was signed, in reality Crown soldiers had already confiscated the land on the ground. The 'Turton Agreement' was an attempt by Te Awaitaia to try and

[3] Memorandum by Ministers, in: AJHR, 1864 Session I – E-02c, Further Papers Relative to Native Policy, Confiscations, etc, page 1: 18.

recover what he could for the Iwi to try and lessen the harsh effects suffered by the war.

30. The lands that we lost in the raupatu also included many of our most important lands. Many of our kainga, pa sites, cultivations, urupa and waahi tapu were all lost. This included kainga at Whatawhata, Pitaka, Pakaru, Hikurangi, Papaorotu, Kahikawaka, Ruamaka, Patotahi, Omaero, Perengaiti, and Kahukura; also our other kainga along the Waipa; and our kainga to the east of Waitetuna

31. The huge loss of lands in the Raupatu also placed a huge strain on our remaining lands at Whaingaroa and other places within this Inquiry District. Many of our Ngati Mahanga Whanau who had lived in the raupatu district became homeless and had to move to live with our relations elsewhere. Some of the many shifts caused by the impacts of war and raupatu on us are set out in our O & T Report (see pages 162-163 for example). This placed further strain on our remaining lands and resources and left Ngati Mahanga in the position of having to 'survive' rather than engage and flourish in the emerging economy as Te Awaitaia had intended.

32. These huge impacts on our people, along with the impacts of the Native Land Court, land purchasing, Public Works takings and all the other detrimental Crown forces imposed on us severely undermined any possibility of our tupuna maintaining or exercising our rangatiratanga, let alone being able to protect and maintain our lands, resources, rohe and our people. In spite of our best efforts over the generations since Raupatu, its consequences continue to impact badly on Ngati Mahanga today. In our O & T Report the Whanau speak of how the actions of the Crown reduced Ngati Mahanga's estate, resource base, leadership capability, political position as an iwi, and status, to insignificance. One example is our lack of Marae in so many parts

of our rohe. This includes Whaingaroa and Kirikiriroa, as well as the 'four great kainga of the Ngati Mahanga hapu' identified by our tupuna Te Aopouri: Kaaniwhaniwha, Tapukonakonako, Mahinui and Whakataki[4].

33. Our dream is that some day when the Crown provides recompense to us for the injustices we have spoken about today, we will once again be able to have a living presence in more places of significance to Ngati Mahanga, throughout our rohe.

DATED this 26th day of August 2013

Eru Thompson Paretutaki Hayward

[4] 12 Mercer MB: 47, 5 October 1909