IN THE WAITANGI TRIBUNAL
OF NEW ZEALAND

IN THE MATTER	of the Treaty of Waitangi Act 1975
A N D	
IN THE MATTER	of the Te Rohe Pōtae District Inquiry (Wai 898)
A N D	
IN THE MATTER	of Wai 2273, a claim by Heather Thomson for and on behalf of Ngāti Whakamarurangi and Ngāti Tūirirangi

SUMMARY OF AMENDED STATEMENT OF EVIDENCE OF HEATHER TARUKE THOMSON ON BEHALF OF NGĀTI TŪIRIRANGI AND NGĀTI WHAKAMARURANGI

Dated 2nd September 2013

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Introduction

1. This is a summary of my Amended Statement of Evidence, filed on behalf of the descendants of Ngāti Tūirirangi and Ngāti Whakamarurangi.

2. In my Amended Statement of Evidence I have set out my background, a description of my whakapapa, and details of when I have previously given evidence before the Tribunal.[1]

3. My evidence covers the following matters:

   (a) Our rohe and significant sites;

   (b) Early interactions with traders, missionaries and with the Crown (including the allocation of native reserves);

   (c) Kīngitanga and the war;

   (a) The Native Land Court – participation and effect;

   (d) The Native Schools in our rohe;

   (e) The role of the Raglan County Council and other Crown institutions in alienation of land in our rohe; and

   (f) The Toreparu wetland and reserve.

Our Rohe and Significant Sites

4. I gave evidence of our hapū boundaries at the Ngā Korero Tuku Iho hearing in 2010. My Amended Statement of Evidence also includes a map depicting our hapū boundaries and area of interest as relevant to this Inquiry.

5. Our main blocks are as follows:

   (a) **Manuaitu**: Manuaitu-Aotea block is 8,342 acres, 1,518 acres of which is on the southern side of the Aotea harbour;

[1] Paragraphs 1 to 5

(b) **Oioroa**: Oioroa is a 1,200 acre sand dune area. It is located on the northern head of the entrance to the Aotea harbour and is now a scientific reserve under the 1977 Reserves Act;

(a) **Ruapuke**: Ruapuke is a 6,000 acre block that has Pakaraka on the coast as its northern point, and Toreparu wetland as its southern point;

(c) **Mōtakotako**: Our principal marae is known as Mōtakotako Marae. Mōtakotako lies between the Toreparu wetlands to the north, and the Te Pahi block to the south;

(d) **Te Makaka**: To the west of Mōtakotako was the main Ngāti Whakamarurangi settlement of Te Mākaka;

(e) **Waka**: Te Uawhatu, Pīrakaraka and Tītahataha were names of waka belonging to our tūpuna Te Whareroa;

(f) **Pā sites**: We have a number of pā sites spread across our rohe, all of which are set out at paragraph 18 of my Amended Statement of Evidence.

6. In addition to the above, my Amended Statement of Evidence refers to a number of sites which are especially significant to our hapū.[2] Mōtakotako marae, the three tūahu, the reserves Toroanui and Horokawau, and the Toreparu wetland are all significant cultural sites for our hapū. It is crucial for our hapū that these sites are maintained and respected to the extent our forefathers expected. Much damage has already been caused by a lack of understanding by the general public as much as by our own people, as well as because of an imposition of European values. This damage needs to be rectified if the prejudice our hapū has suffered is to be appropriately addressed.

Early interaction with traders, missionaries and the Crown

7. Wesleyan missionaries and traders arrived early in our rohe. This heralded new opportunities, new ideas and new agricultural technologies, all of which were enthusiastically received and encouraged by Ngāti Whakamarurangi and Tūirirangi. Traders were valued for their knowledge of commerce and, as a result, trading relationships with hapū which were cemented through Pākehā-Māori

[2] Fully described at paragraphs 20 to 30.

marriages.[3] The traders set up around the Aotea harbour so that schooners and cutters could deliver merchandise, collect produce and transport passengers up and down the coast. Missionaries were encouraged to settle and land was allocated to them. Aotea Māori expected that if they gave missionaries land, in return they could become proficient at reading and writing and prosper in the new economy.[4]

8. Trading was made possible because the land was fertile, extensively cultivated, and produced a wide range of commodities. These days you can find borrow pits on almost every ridge, which serve as evidence of the richness of our soil and the numerous cultivations which used to exist.

9. In 1847 the first flour mill in Waikato was built at Raoraokauere. Powered by a water wheel, the mill was built to harvest 200 acres of wheat under cultivation at the Wesleyan mission station at Raoraokauere. Ngāti Whakamarurangi and other hapū excavated the site in preparation for the mill, felled the timber required for construction, transported the mill stones from Kawhia, and paid £80 for construction by selling wheat and pigs. The schooner Matilda was then engaged to carry flour produced at this mill as well as locally produced oats, wheat and pigs to markets in Auckland. The success of the Raoraokauere mill later led to the construction of other mills throughout Waikato.[5]

10. Unfortunately, in 1870 a trading store run by Pākehā traders at Rauiri on the north side of Aotea was sacked and burned by Kīngitanga supporters. This had the effect of straining the political relationship between the Kīngitanga supporters and Ngāti Whakamarurangi (the later having leased out parts of the Manuaitu block to the traders).[6] The Wesleyan missionary Cort Schnackenberg was eventually forced to leave Raoraokauere because Kīngitanga supporters threatened to burn the mission station to the ground.[7]

11. Oioroa and Ruapuke were among the first Crown alienations of Waikato lands. The Crown was anxious to secure land and as a result, purchase agreements were signed and sealed before proper surveys were carried out.

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[3] Traders J Ellis, J Douglas, J Graham, J Phillips married local women.
[4] Turtons Deeds No.6, 1854, 25 January.
[5] New Zealander 1846, Vol 1 Issue 41, p 3.
[6] Waikato Minute Book 16, pp 229-230.
[7] AJHR 1875, G-2A, No.8 p 6.

12. In June 1854 Ngāti Whakamarurangi chiefs travelled to Auckland to 'transact'[8] the Aotea block,[9] which included both the Ruapuke and Manuaitu blocks (Oioroa being a part of the Manuaitu block). An agreement was reached whereby a down-payment of £100 was paid by Donald McLean (Chief Commissioner of Lands) to Te Aho Moana and Te Haho Kewene,[10] with a subsequent request that the Oioroa block be considered equivalent to the £100 when the deal did not progress.[11]

13. Like other early land transactions usually did, this transaction also involved customary practices, namely the fact that money was allocated even to those with no direct interest in the land.[12] The reason for this, it seems, is that Māori continued to use customary practices because the common law principles of land sales were foreign to them. As a result, early deeds often contain the names of all parties present at a transaction, whether they had a right to the land or not. Such inclusions were later understood by the Crown to mean that all those who were listed in a deed of sale were rightful owners of the land. By way of an example, at the 1887 hearing of the Manuaitu-Aotea block a Ngāti Tūirirangi chief brought it to the attention of the Court that there were at least three names of *slaves* included in the sale of the Karioi block who clearly had no entitlement to the land.

14. The late Owen Wilkes incorrectly interpreted the right of Ngāti Whakamarurangi to transact Oioroa, notably describing Whakamarurangi chiefs as 'an opportunistic minority', a saying which has been carelessly repeated by Treaty historians and by Ngāti Te Wehi claimants ever since. The Te Wehi claimants allege that Oioroa was Ngāti Te Wehi land,[13] relying on the interpretation of Wilkes as establishing that right, as opposed to relying on take tūpuna, take noho and take tuku.[14]

15. The Ruapuke block was also subject to early alienation by the Crown in that on 23 August 1855 Rogan wrote to the Chief Commissioner in relation to this block, noting that the Māori owners had declined an offer of £300 for the block and demanded a minimum of £700 to part with their land. However, two months later

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[8] Encyclopedia of New Zealand http://www.teara.govt.nz/en/land-ownership/page-1
[9] Turtons Deeds No 448.
[10] Waikato Minute Book 16, p 222.
[11] AJHR 1861 I C-O1 p 158.
[12] Waikato Minute Book 16, p 298.
[13] Belgrave, D et al *Te Rohe Pōtae Environmental and Wahi Tapu Report* (Wai 898, #A76) p 139.
[14] Wilkes, O unpublished article, 21/09/2001, http://www.aoteaharbour.co.nz/scientific_reserve.html

and for reasons that remain unknown, the owners accepted the earlier £300. Following this, the hapū of Ngāti Mahanga, Ngāti Hourua, Ngāti Whakamarurangi, Ngāti Te Wehi and Ngāti Tūirirangi conferred for three days over what to do with the money.

16. In the end, customary practices prevailed and the money was distributed to some of the hapū in question. In addition, the sale included the creation of two reserves in favour of Ngāti Whakamarurangi, namely Horokawau and Toroanui. These reserves as well as what has happened to them since, are further described at paragraphs 72 to 83 of my Amended Statement of Evidence. All I want to highlight here is the fact that they have since been alienated and both reserves are now in private Pākehā ownership. The hapū have no access to the reserves, the tūahu or the pā site upon which the tūahu stands at Toroanui. This is a major loss to our hapū and the fact that there is no legislation in place to protect the relationship between the hapū and these reserves further exacerbates the feeling of loss.

Summary

17. As is clear, traders and missionaries were for the most part welcomed by Ngāti Whakamarurangi and Tūirirangi who gave them land and assisted them to establish themselves in return for access to education and the trading economy. The land was fertile and our hapū produced a range of tradable commodities. By the 1870s the political relationships between our hapū and the Kīngitanga also affected our relationship with the missionaries and traders.

18. In the mid-nineteenth century, our hapū were active participants in the European society. We had the resources, the ability and the will to look after our own people and engaged fully in what was thought to be exciting new adventures when the traders and missionaries came to our rohe.

19. As I have explained, records of early hapū land transactions suggest some form of customary practice was present in these early stages. Portions of money or merchandise were exchanged among parties, including to those with no direct interest in the land. Money from land transactions was sent to those who had originally lived on the land but were absent when the land was sold. Early land deeds contained the names of all parties present at a transaction, whether they had a right to the land or not, which was misinterpreted by the Crown to mean

that all those who were listed in a deed of sale were rightful owners of the land. This has caused prejudice to our hapū, who have either lost land (in whole or in part) or have had to share land with persons with no legitimate interests in the land in question.

Kīngitanga and the war

20. Prior to the establishment of the Kīngitanga, our hapū were keen to have Pākehā settle on their lands at Aotea and expected reciprocal advantages to arise from those arrangements. However, when the invasion of Waikato commenced, men and women from Ngāti Whakamarurangi and Tūirirangi joined their Kīngitanga relations at Rangiriri[15] in order to halt an unwarranted incursion into tribal lands by an outside force. Key leaders were captured in this fight and were imprisoned for over a year without charge. Ngāti Hine eventually assisted these captives to leave the island and return to their respective homes.

21. Ngāti Whakamarurangi had natural alliances with the Kīngitanga supporters, in part because existing whakapapa-based relationships required them to. At the same time any Māori north of the aukati line who did not identify themselves as 'kupapa' or loyal to the Crown was assumed to be a rebel and was liable to be shot. In my view, these were inadequate and prejudicial designations, as the 'rebels' and 'loyals' had fluid ongoing relationships and common objectives. Unfortunately, the chiefs who were considered 'loyal' were rewarded and, unlike the 'rebels', received annual salaries from the Government, causing prejudice to some of our people.[16] At this time, the Crown also used to supply goods to selected hapū and chiefs in order to undermine hapū relationships.[17]

22. During and after the war, Ngāti Whakamarurangi took in a number of displaced people from Waikato, and even allocated some of them with land (based on the customary practice of 'tuku whenua'). As our land base diminished through the legislation enacted by the Crown and as a consequence of titles allocated to individuals, it was harder to look after ourselves and our relations.

[15] Mercer Minute Book 13,p 305 Mercer Minute Book 9, p 10.
[16] AJHR 1866 Session I D-No 3, p 63.
[17] AJHR 1862 E-No 12.

Native Land Court – participation and effect

23. In 1887 the Native Land Court sat at Alexandra for the purpose of investigating the title to the Manuaitu-Aotea block. Pouwharetapu te Kewene was the principal claimant for Ngāti Whakamarurangi and Tūirirangi for this block at the hearing and he gave a detailed description of the Whakamarurangi and Tūirirangi claim to the land during eleven days of evidence.[18] The other side consisted of a large number of counter-claimants.

24. The counter-claimants were only required to prove that they had occupied the land for 20 years, as opposed to having to show customary title (which had much higher thresholds). Had the counter-claimants had to prove customary title they would not have been able to do so.

25. In the end the Court ignored the argument of Ngāti Whakamarurangi and Tūirirangi and when the claim was determined, the Court found that occupation was the paramount factor for entitlement to the Manuaitu-Aotea block. As a result, the Court awarded 5,400 acres or approximately two-thirds of our hapū lands to the counter-claimants.

26. Another example of prejudice caused by the Court for our hapū was when in 1899 the Court dismissed an objection against an application for a partition of Manuaitu B1 from a representative of chief Mahuta on the basis that it was an expression of a desire "by anyone". This showed a flagrant disregard for chiefly authority by the Pākehā community, even by the Crown implemented Native Land Court.

27. The Native Land Court also engaged in other prejudicial processes, such as when Court costs were borne by individuals or groups making applications to the Court. Payment for the services of those conducting the cases was sometimes made in the form of being awarded shares to the land. The number of shares allocated to owners depended on the size of the contribution they had made to the Court hearing. Those unable to contribute might receive fewer shares than those who would otherwise had a weak or negligible right but whose monetary contribution to the Court costs was greater.[19]

[18] Waikato Minute Book 16, pp 14-16, pp 201-269, *Te Pukapuka tuatoru a Te Kereeme*, pp 472-615.
[19] Mercer Minute Book 11, p 30 and Otorohanga Minute Book 36, p 18.

28. The undermining of customary land practices by the Native Land Court often resulted in hapū making claims for land belonging to neighbouring relatives. As it were, rights acquired through long ancestral association or chiefly regard (in the form of gifting or through an authority to allocate land), while critical to Māori, were less important issues to the Court.

29. Sometime after 1867, Ngāti Whakamarurangi engaged in a formal protest at the Raglan Courthouse when it was discovered that two unauthorised surveys had been carried out at Manuaitu.[20] The Ngāti Tūirirangi chief Mita Karaka, himself trained as a surveyor, believed that the reason Māori were commissioning surveys was because they had already lost considerable amounts of land through Crown confiscations and as a result they hoped to survey and sell land before the Government carried out further confiscations.[21]

30. Ngāti Whakamarurangi and Tūirirangi were not silent about the alienation of their land, but rather prepared a number of petitions for presentation to Parliament and joined a delegation to Government about Māori land legislation. In spite of this there are only two Ngāti Whakamarurangi families able to make a living from their ancestral lands today. Other Ngāti Whakamarurangi families retain shares in collectively owned lands but those lands are leased to Pākehā farmers, and some of those lands have been land-locked since 1887.

Summary

31. The Court made many decisions that prejudiced our hapū. This included the right of individuals to partition land, payment of Court services in the form of shares to land, undermining customary practices, and carrying out unauthorised surveys of hapū lands. Ngāti Whakamarurangi and Tūirirangi were outspoken about injustices involving lands but in spite of that and as a result of Māori land legislation, only two Ngāti Whakamarurangi families are able to make a living from their ancestral lands today. Others, whilst retaining shares in land, have leased out the land as a way to earn some income from the land, although some of that land has been land-locked since 1887.

[20] Wirihana Te Aoterangi, p 634.
[21] *Te Pukapuka tuatoru a Te Kereeme*, pp 663-664.

Native Schools in our rohe

32. In 1844 the Wesleyan Missionary Society exchanged an assortment of goods with members of various hapū residing around Aotea harbour in return for 167 acres of land at Raoraokauere.[22] The expectation from our hapū was that the Wesleyan mission would provide education for Ngāti Whakamarurangi and Tūirirangi children, as well as other Māori children in the region. The Raoraokauere mission school was set up shortly thereafter.

33. However, only 13 years later the mission school was no longer operating.[23] Therefore, hapū who had been drawn to the mission station by education, trade and work opportunities returned to their settlements on the eastern side of the harbour.

34. In 1862, W. Harsant reported that the Raoraokauere mission school had resumed and that 28 pupils were attending.[24] In 1863 the Inspector of Schools, Henry Taylor, noted that the school was "crippled by want of funds" and that an allowance of £5 16s per child per annum was inadequate. By comparison, in 1867 the usual Government (Pākehā) school allowance was £10 per child per annum. The Reverend Cort Schnackenberg and his wife took over the teaching around this time, but their tenure was short as the outbreak of the war forced them to flee to Raglan.

35. Notably, in 1865 Te Haho Kewene had managed to get the school running again. This shows the sheer determination of our people in making sure that our children continued to receive an education despite the war and all other hurdles our tūpuna had to face.

36. A private school run by a Ms Wylie operated for a few years but there is little information about who attended or the teaching arrangements. In 1897 the Government considered setting up an experimental school at Raoraokauere. Free use of a hall, owned by the local hapū, was offered until a schoolhouse could be

[22] This land had previously been sold to Henry Turton and other Wesleyan missionaries but that sale was declared null and void due to irregularities, refer Evidence of Mita Karaka,Waikato Minute Book 16, p 295.
[23] AJHR 1958 E-01.
[24] AJHR 1862 E4 pp 13-14.

built. In 1898 Cecilia and Annie Lundon arrived to take up the teaching positions at the school.

37. From the log books left by the teachers, it is apparent that the Raoraokauere school was an uphill struggle. Lack of teaching resources, too little funds for wages and the cost of grazing and firewood were some of the factors that contributed to its demise. When the school closed in 1904 there were an estimated 68 children residing within reach of Raoraokauere who were left without access to schooling. Clearly the Crown failed to honour its obligation to ensure that Māori children were given the same opportunities as Pākehā children in our rohe, particularly in relation to receiving education for our children. In 1905 Ngāti Whakamarurangi chief Te Whareroa requested that the Native Minister set up school at Te Makaka but the request was declined.

38. By way of a brief summary, despite the departure of the mission teachers, the advent of war and consequent hardships, Ngāti Whakamarurangi and Tūirirangi continued to provide education for our children in some form until 1898. The only reason our children had access to schooling during those years was because of the persistence of our tūpuna in making sure that happened.

The role of the Raglan County and Waikato Maniapoto Māori Land Board

39. In my view, while the Native Land Court and the Native land laws extinguished collective title, the Waikato Maniapoto Māori Land Board ("the Land Board"), the Māori Trustee ("the Trustee") and the Raglan County Council ("the Council") also made good use of successive legislation to remove control of lands from Māori owners. The Court and the Land Board were required to make sure that Māori were not left landless if they were interested in alienated Māori interests to a particular piece of land. At the partition hearing for the Manuaitu block in 1908, Pouwharetapu requested that all parts of the block be made inalienable from sale. Two years later the Land Board confirmed a resolution passed by a meeting of owners in Auckland for a sale of part of the block; Manuaitu B12.[25] Even though the Board was made aware that some of the owners were already landless, the sale went ahead regardless.

[25] Waikato Maniapoto Maori Land Board, No. 5, p 234.

40. My Amended Statement of Evidence sets out a number of specific examples which clearly identify how our hapū have been prejudiced as a result of aggressive action by both the Council, the Land Board and the Trustee. I do not propose to go through these today but would rather just draw the Tribunal's attention to the below summarising table for further details.

Name of block	**Relevant legislation**	**Relevant institution**	**Breach and prejudice**
Manuaitu B2	1909 Native Land Act	Waikato Maniapoto Māori Land Board, Māori Land Court	• Objection of owners over-ridden, leading to landlessness for some
Manuaitu B3	1909 Native Land Act, Part XV111	Waikato/ Maniapoto Land Board; Māori Land Court	• Objection of owners over-ridden: majority of owners had their rights over-ridden by a minority of owners with large interests • Rulings by judges were inconsistent
Manuaitu B6	1950 Māori Purposes Act, Section 34	Raglan County; Māori Trustee; Māori Land Court	• Paternalistic, compulsory vesting in Trustee despite an owner-in-residence, and no rates owing
Manuaitu B7	1931 Native Land Act, Section 540	Raglan County; Māori Trustee; Māori land Court	• Paternalistic, compulsory vesting
Manuaitu B8A & B8B	1950 Māori Purposes Act, Section 34 Māori Affairs Act, 1953, Part XXV	Raglan County; Māori Trustee; Māori land court	• Paternalistic, compulsory vesting
Manuaitu B9 (also known as Pakoka Reserve)	1950 Māori Purposes Act, Section 34	Raglan County; Māori Trustee; Māori Land Court	• Paternalistic, compulsory vesting, Trustee approved • Only a minority of owners sent notices re transfer to Trustee with no meeting • Block sold twice and compulsory acquired for a national reserve
Manuaitu B10	1950 Māori Purposes Act , Section 34	Raglan County; Māori Trustee; Māori Land Court	• Paternalistic, compulsory vesting

Manuaitu B11 (also known as Manuaitu B11 C; Manuaitu B11 D1A; Manuaitu B11 D1B; and Manuaitu B11 D2)	1950 Māori Purposes Act, Section 34	Raglan County; Māori Trustee; Māori Land Court	• Paternalistic, compulsory vesting • Owner opposition (wanted resource for hapū development) • "Incorporation" of the blocks facilitated sale, following which the forest was destroyed

41. Ngāti Whakamarurangi and Tūirirangi have suffered prejudice as a result of the alienation of Manuaitu B9, now called the Pakoka Reserve. In regard to Manuaitu B9, the Māori Affairs Act 1953 had the same effect as the Māori Purposes Act 1950. The legislation took the land out of the control of Ngāti Whakamarurangi and Tūirirangi and placed it in the control of agents of the Crown. There were no avenues for the hapū to refute the process or the outcome. As it were, it took less than ten years for land considered "neglected" and "unimproved" while in Māori ownership to become a national asset managed and owned by the Crown.

42. In my view, while the Council, the Court, the Trustee and the Land Board were, on the face of it, different Crown and statutory bodies, they all showed the same disregard for the rights and relationship of Ngāti Whakamarurangi and Tūirirangi to the land. These institutions were twentieth century mechanisms used to further alienate Māori land. Despite legal provisions to prevent landlessness, the thrust of all of these bodies was to part Ngāti Whakamarurangi and Tūirirangi from their lands, regardless of the effects it would have. Opposition by hapū members to alienation carried little weight, and at times judges made contradictory rulings.

43. The Māori Purposes Act 1950 provided a number of contrived and paternalistic reasons why alienation should proceed: unpaid rates, owners neglecting to farm land, noxious weeds, and unoccupied and unproductive land. It appears that little effort was made to contact owners of land under consideration for alienation, and in the case of the forest on the Manuaitu B11, the hapū derived no benefit from the removal of timber from the block. In 1988 a hapū member was informed by the Māori Trustee that the Manuaitu B9 block had been sold following an application by the Raglan County. There were 92 owners of this block and the Māori Trustee held only $8.28 in its Trust account; one owner's share from the sale.

Toreparu wetland and reserve

44. The Toreparu wetland is surrounded by farms in private ownership. The banks of streams flowing into the wetland have been denuded of natural vegetation by cattle, and the secondary re-growth is poor as a result of opossums and the effect of herbicides. The loss of vegetation along the banks allows nutrients from the farms to flow unimpeded into the streams. Without vegetation along the banks there is an increase in the amount of light reaching the streams. More light means higher water temperatures, more algae, and less oxygen to support eels, kōaro, kōkopu and inanga.

45. The grey willow and other introduced flora dominate the wetland today. These have had the effect of restricting the growth of natural wetland trees such as tii koka and kahikatea. The willow also chokes the flow of water and increases the build-up of sediment so that over time the wetland is more prone to drying out. Importantly, grey willow does not support the variety of native birds, insects and other native fauna that were present when tii koka, kahikatea and other native wetland flora flourished in the Toreparu.

46. Overall, the loss of native flora is changing the function and the form of the Toreparu. Native plants that were beneficial to the wetland because they absorbed nutrients from the water and provided cover and a buffer zone, are compromised by cattle, fertilisers, and herbicides. As it stands, native plants have to compete with some of the faster growing 'introduced' plants and many do not survive, resulting in a loss of plant diversity.

47. In 1887, when the Manuaitu-Aotea block was before the Māori Land Court the Toreparu was an integral part of the lives of Ngāti Whakamarurangi and Tūirirangi people, supplying us with foods, birds, raupo, kuta, harakeke and other resources.

48. Our hapū is working hard to improve the health of the Toruparu. For example, a new Environment Committee at Mōtakotako marae supports research that helps them to understand and care for the wetlands. Relationships with the Department of Conservation and the Waikato Regional Council have been fostered as one of the hapū strategies for restoring the Toreparu. The Waikato District Plan also makes note of the regional significance of the wetland. In spite of all this, what is required for progress to be made is a medium to long-term restoration

plan, co-operation from farmers, and significant resources. The legislation that alienated the land and separated the hapū from the Toreparu means that today, most members have little knowledge about the poor state of the Toreparu and the challenges we face in trying to restore this wetland.

Conclusion

49. Ngāti Whakamarurangi and Ngāti Tūirirangi hapū have been and continue to be prejudicially affected by the imposition of legislation, policies and practices by the Crown and other statutory bodies. From 1856 to 1957 our lands in the Ruapuke and Manuaitu-Aotea blocks were alienated, leaving us with insufficient land to live on and off, as well as impeding our relationship with our significant cultural sites.

50. Ngāti Whakamarurangi and Tūirirangi had carved houses, churches, waka, gardens, pā sites, sites for divination, wetlands, forests and many other significant sites on the Ruapuke and Manuaitu-Aotea blocks. Today, our hapū wishes to protect and restore what is left of our land as well as our sites of significance. The locations of these sites have been described to the Tribunal, as have the historical and contemporary reasons why these are significant to Ngāti Whakamarurangi and Tūirirangi.

51. As you have heard, our hapū welcomed the traders and missionaries when they arrived in our rohe in the 1840s. They were given land and help to establish themselves, in return for access to education and for our people to be able to take part in the trading economy. However, our relationships with the missionaries and traders changed around the 1870s as a consequence of the Kīngitanga.

52. When the Ruapuke block was alienated in 1856, the Toroanui and Horokawau reserves were set aside for Ngāti Whakamarurangi. Despite customary practices and opposition by some, legislation facilitated the alienation of both reserves on the basis that hapū members had land interests elsewhere. The sales of both reserves were significant losses to the hapū. Today the reserve lands are unfortunately in private ownership and there is no legislation in place to protect the relationship our hapū have with the tūahu and pā sites at Toroanui and Horokawau.

53. Ngāti Whakamarurangi and Tūirirangi were not active supporters of the Kīngitanga when it was first established, but later joined our Kīngitanga relations to fight at Rangiriri. As it were, the Crown unjustly rewarded 'loyalists' and punished supporters of the Kīngitanga (so called 'rebels') and for this reason our hapū did what we could to maintain relationships with all parties.

54. After the war, the Waikato was affected by poverty, sickness, fear, and land confiscations. At that point and in accordance with customary practices, Ngāti Whakamarurangi provided land to their relations who had been dislocated by the war. However, as our land base diminished, a consequence of land alienations and individualisation of titles, it became harder to look after ourselves and our relations.

55. In 1887 the Manuaitu-Aotea block was investigated by the Native Land Court. There were a number of counter-claimants for the block, and when the claim was determined by the Court, occupation alone was seen as the determining factor. Ngāti Whakamarurangi and Tūirirangi argued that according to customary practice the counter-claimants had no right to the land, but the Court ignored that argument and awarded no less than two-thirds of our hapū lands to the counter-claimants, causing our hapū significant prejudice for generations to come.

56. Ngati Whakamarurangi and Tūirirangi also gifted land to the missionaries at Raoraokauere with the expectation of receiving education for our children. Despite the departure of the mission teachers, the advent of war, inadequate funds and consequent hardships, Ngāti Whakamarurangi and Tūirirangi continued to advocate for our children's education up to and after the Crown took som (limited) responsibility in 1898. In 1905, Ngāti Whakamarurangi chief Te Whareroa even requested that the Native Minister set up school at Te Makaka, but the request was sadly declined.

57. I have also explained how the Waikato Maniapoto Māori Land Board, the Raglan County, the Māori Land Court and the Māori Trustee served as twentieth century mechanisms allowing for continued alienation of our hapū land. The Māori Purposes Act 1950 provided contrived and paternalistic reasons for why alienation should proceed, and little (if any) effort was made to involve the Māori owners.

58. Our hapū have always been outspoken about the injustices caused by the alienation of our lands, but in spite of that, today's effect of the legislation and the Crown policies and practices is that very little of our ancestral land remain in our ownership. As a result, we seek to protect and restore at the very least our most significant sites for the wellbeing of future generations of our hapū.

Na,

Heather Thomson