KEI MUA TE RŌPU WHAKAMANA I TE TIRITI **WAI 898**
BEFORE THE WAITANGI TRIBUNAL OF NEW ZEALAND WAI 537

I TE TAKE O **IN THE MATTER OF**	**TE TURE I TE TIRIT O WAITANGI 1975** **THE TREATY OF WAITANGI ACT 1975**
ME **AND**	
I TE TAKE O **IN THE MATTER OF**	**TE ROHE PŌTAE** **DISTRICT INQUIRY**
ME **AND**	
I TE TAKE O **IN THE MATTER OF**	**NGĀ KEREME O** **A CLAIM BY RICHARD TIKI O TE RANGI THOMPSON FOR AND ON BEHALF OF TAHINGA TRIBES**

WHAKATAKOTORANGA KORERO O RICHARD TIKI O TE RANGI THOMPSON MO NGĀ HAPŪ O TAHINGA
BRIEF OF EVIDENCE OF RICHARD TIKI O TE RANGI FOR TAHINGA TRIBES

TĒNEI TE RA 26 O HERE TURI KŌKĀ, 2013
DATED THIS 26TH DAY OF AUGUST, 2013

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RECEIVED
Waitangi Tribunal
27 Aug 2013
Ministry of Justice
WELLINGTON

WHAKATAKOTORANGA KORERO O RICHARD TIKI O TE RANGI THOMPSON MO NGĀ HAPŪ O TAHINGA

BRIEF OF EVIDENCE OF RICHARD TIKI O TE RANGI FOR TAHINGA TRIBES

MIHI

WHAKATŪWHERA
INTRODUCTION

1. Ko Richard Tiki o Te Rangi Tamihana taku ingoa. He uri ahau o te Iwi ko Tahinga. Ko au te Kai-kerēme mo Wai 537, ngā take e pā ana ki o mātou hapū, ngā uri o ngā hapū o Tahinga.

2. Anei āku mihi maioha ki ngā mātua tūpuna o tātou katoa kua haere atu ki te pō. Haere, haere, haere! Okioki mai.

3. Anei hoki au e mihi atu ki āku whanaunga, ngā Rangatira maha o Whaingaroa, nga kaitiaki o ngā tikanga manāki o tātou mo te haerenga mai a te Ropu Whakamana i Te Tiriti o Waitangi. No reira tēnā koutou katoa.

4. On 28 June 2013, our lawyer filed a Memorandum in response to the Tribunal's Directions of 22 April 2013 because the Judge directed clarification on three aspects concerning the Waikato Raupatu claims, namely:

   i. Which hapu listed in the Waikato Raupatu Settlement Act 1995 and the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 are bringing the claims in respect of Waikato Raupatu; and

ii. In general terms, the basis of which they say they can bring their claims; and to

iii. Identify which maps on Wai 898 Record of Inquiry accurately identify the area of interest in the Waikato Raupatu district or when they will file such maps to identify their hapū interests.

5. I note that this Rohe Pōtae Tribunal have said that in respect of any hapū making a 'raupatu claim' they will only inquire into claims where claimants can make a claim on the basis of some other non-Waikato whakapapa affiliation.

6. We of Tahinga hapū and Māori in general are always having difficulty with words and definitions imposed by the Crown.

7. For example, what is called the 'Waikato Raupatu district' is not restricted to the Waikato region only, but it did impact on us of Tahinga hapū because the Crown inflicted raupatu on everyone it wanted. It threw the raupatu over all lands like a blanket and claimed what land it liked. Regardless of what a tribe may or may not have done, we were all affected badly by Crown confiscations.

8. I confirm that Tahinga Tribes are not bringing raupatu claims within the Rohe Potae Inquiry District by our Waikato-Tainui affiliation, although of course we share whakapapa and whanaungatanga on that side of our whakapapa and heritage.

9. As Tahinga Tribes we rely on whakapapa into the Rohe Potae Inquiry District because the primary heke we rely on for connections in Te Rohe Pōtae is from our tūpuna Hotunui to Tahinga and down from him to us.

10. For our Rohe Potae pānga tāngata, pānga whenua, pānga tupāpaku, pānga wai, we do not rely on our connections to other prominent whakapapa lines such as those descent lines from the tūpuna Hoturoa, who was the teina of Hotunui.

11. The Hotunui whakapapa line to Tahinga and thence to the Tahinga Hapū claimants are where our take tūpuna, pānga tāngata, pānga whenua, pānga tupāpaku, pānga tapu in Te Rohe Potae arise. We are also acknowledged by many other Rohe Potae hapū who also whakapapa to Hotunui and Tahinga. But those korero are for those hapū and we acknowledge and respect their korero.

12. Tahinga Hapū raupatu claims in the Rohe Pōtae Inquiry whenua are primarily located in the Te Akau D Block extension area.

13. I acknowledge that Tahinga Hapū are listed in the Waikato Raupatu Settlement Act 1995 as a hapū included in that settlement. However, our raupatu interests in the Rohe Potae Inquiry area do not arise through those Waikato-Tainui affiliated heke whakapapa.

Tahinga Hapū Map of Interests in Te Rohe Potae

14. I recall the Tribunal's direction that hapū bringing claims in respect of the raupatu identify which maps on the Wai 898 Record of Inquiry accurately identify our area of interest in the raupatu district.

15. I have been through the Rohe Potae Inquiry Record Maps and can confirm that the relevant maps I will refer to in my evidence are recorded on the Wai 898 Record of Inquiry in the Overview Map Book 2 Wai 898 # A119, in particular:

i. Plate 23, which map shows the Crown invasion of Waikato and during 1863-64. It also highlights Tahinga's location and relative isolation;

ii. Plate 24, which map from 1868-69 shows the raupatu areas in yellow around the whole island, giving context to the Crown's extensive invasions, operations and land confiscations;

iii. Plate 26, which map shows the Waikato and Taranaki raupatu areas and between them shows the Rohe Potae Inquiry District;

iv. Plate 27, which shows "Land Returned to Maori in the Waikato Raupatu District". It includes in pink colour the long coastal Te Akau block which runs from the Whaingaroa Harbour northwards to Port Waikato; and

v. Plate 37 showing Tahinga lands of interest in Te Akau D block in the dotted area on the Northern side of Raglan, to Karewa Island West of Manuaitu, to Kinohaku West B block, to the West of Te Kuiti.

Tahinga Interests

16. Please also find **attached** as Exhibits to this brief of evidence, copies of maps which show Tahinga Hapu interests and sites of significance in the whenua, moana and whanga. In particular there are maps of:

i. The Tahinga area of interest in the Waikato raupatu area is shown in the **attached Exhibit 'A'** being a Crown map prepared and signed by Crown official Charles Heaphy, dated 15 December 1864. On this map Heaphy had written the words "Offered for sale by Tamehana", but we of Tahinga have no korero of Tamehana offering to sell these lands, and I have never seen any papers to back it up. In later Crown maps of 1868, there are no references to Tahinga lands being for sale. The map shows coastal areas of Te Akau which are labelled 'Reserve', the southernmost of which is what became part of Te Akau D block. Please note that this is a Crown map, prepared by the Crown, not by Tahinga. Tamehana Tunui, referred to on the Heaphy map, was my great-great Grandfather;

ii. The next map attached as **Exhibit 'B'** is the 90,000 acre block called Te Akau which was returned to our hapū in 1869 by Crown Grant, having confiscated 158,000 acres. I note that on a Court archive document an official recorded that in 1867 Ngāti Tahinga "agreed" to "give" 5,000 acres to the Crown in payment of survey fees for them surveying the land they had confiscated from and then returned to us. We have no such korero tuku iho in our tribe;

iii. In Te Akau D lands are a number of Tahinga Pā, Urupā, papakainga, māra kai, mahinga kai, wahi tapu and taonga. We have strong connections to those areas. I refer to the Tribunal to the **attached** Map **Exhibit 'C'** showing part of TE Akau D block. It shows the locations of sites which are very important to Tahinga such as Te Aute, Te Ao te Rei urupa, Puke Karamu papakainga and urupā, Uruika papakainga, Hōrea Pā, Matawhero Urupā, Papatangi, Motukokako, Waiwhara papakainga, Pātikirau kainga and Pātikirau Urupā (please also see **attached** as **Exhibit 'D1 & D2'** photographs of Patikirau Urupā and tomb erected in 1910 for the tūpuna Te Ao Te Rangi Wirihana Takapa, Tuaiwa Ngatipare and Mita Karaka Ngatipare. Patikirau Urupā is only one acre and it is landlocked in a farm. He tino taonga ki a mātou ngā koiwi tūpuna o mātou e takoko ana i ngā urupā i ngā urupā maha. E takoto tonu te Urupā tapu o mātou nei ko Patikirau kei te whenua o Tahinga.

Tahinga and Te Tiriti o Waitangi

17. Tahinga hapū signed Te Tiriti o Waitangi at Port Waikato at Maraetai where Rev. Robert Maunseel had built the Mission Station. On 11 April 1840 our tūpuna Kiwi Ngārau, Tūnui Ngāwaka and Kimura Whareroa signed the Treaty at Port Waikato.

18. Please refer to Plate 20 of the Overview Map Book for locations where the Treaty was signed. It shows Port Waikato.

19. I refer the Tribunal to **Exhibit 'E'** being a copy of the Treaty of Waitangi signed by those Tahinga Tribe Rangatira and others at Maraetai, Port Waikato.

20. I also refer the Tribunal to a sketch of the original Mission Station and old maps of the Station at Maraetai, Port Waikato. Please see **Exhibit 'F'** and **Exhibit 'G'**. Rev. Maunsell's Mission Station is very significant to Tahinga Tribe as the place where our tūpuna agreed to The Treaty.

21. I understand that there is considerable debate about whether or not our Tūpuna signed the English version of Te Tiriti o Waitangi here at Port Waikato. However, it does not seem to matter too much which version they signed as it would have been translated for our tūpuna by our resident Pakeha Missionary Rev. Maunsell. Our tūpuna would have trusted and relied on him to be honest in clarifying what it meant for them and their Tino Rangatiratanga.

22. As it turned out, whichever version the Crown signed, they were not able or willing to honour it.

23. It is also notable that Potatau Te Wherowhero and other Tainui Rangatira did not sign the Treaty. However, Te Wherowhero did join Te Whakaminenga o Nga Rangatira o nga Hapū and signed He Whakaputanga 1835 at Maioro, on the North Waikato Head, just over the river from where Tahinga Rangatira signed the Treaty 5 years later.

Tahinga and Tino Rangatiratanga

24. Prior to the arrival of the Pākehā the Hapū were Rangatira in their own rights in their own rohe. Ngāti Tahinga asserted our own Tino

Rangatiratanga by running our own economy, military and social affairs.

25. Tahinga never ceded our Tino Rangatiratanga to the Crown. Te Tiriti was promoted as a means of agreement that hapū would retain their Tino Rangatiratanga of all their whenua, ngahere, moana, awa and taonga. The Treaty was to control Crown, soldiers and settlers from using force or bad means to get our lands.

26. It was the Crown's newly introduced systems and legal machinery which had a huge impact on our rangatiratanga, despite the Treaty's promises. Confiscation of whenua caused movement of hapū from one area to another. The courts had a big impact. Judges listened to tangata whenua, but still made their own decisions for their own reasons about who they would allocate land to, where and how.

27. Those institutions punished those who they deemed rebels or even those who boycotted government activities.

28. The changes disrupted relationships, which damage is still carried by generations today.

Tahinga and War and Raupatu

29. Tahinga were not heavily involved in the war from either side. Tahinga had sought to remain neutral to protect our own whenua and whanau, but became drawn into the conflict over time as the situation heated and war escalated.

30. There are different perspectives on whether or not Tahinga were involved in the 1863-64 war following the British Crown's invasion south from Tamaki Makau Rau. Of course the Crown had its own version of what Tahinga did and that Crown view changed depending on what they wanted from us or from others – usually land and to either deliver punishment or give incentive. Some of our Tainui-Waikato whanaunga from the awa side and our Rohe Potae whanaunga also had varying views of what our tūpuna did during the war.

31. In the 1830s, Tahinga came into conflict with some of our related hapū. One of the main Tahinga Pā, Kahuwera, was razed to the ground by some of our whanaunga hapū. This led to more battles and it escalated for some time. The trauma of the sacking of Kahuwera caused our hapū deep mourning and our tūpuna resolved to avoid conflict and war as much as possible and to live peacefully. In the lead up to 1863, the earlier conflict Tahinga had experienced led some of our hapū to sometimes reside at other places, such as in Kaipara, where many of our whanau still reside. I believe that some of the resistance to Tahinga being actively involved in the 1863 war arose from the armed conflict we had experienced not long before that war.

32. Just like all other hapū, and right down to today, our hapū, our tūpuna had duties to protect our whanau and whenua. The challenge was and still is, how to do that? How were we to protect our families, our resources?

33. Eventually Tahinga hapū were forced into a position where we had to make a decision to support our Waikato relations, but were not in a good position of resources to do so. We also became surrounded by Crown forces at sea, on the Waikato awa and eventually to the south as well.

34. The irony is, regardless of our neutral stance, we still had land confiscated because the Crown wanted land for itself. And from the bloodshed imposed by thousands of imported, professional, Redcoat soldiers, the Crown wanted land in payment. Our land. The Crown confiscated 158,600 acres of our land. Mehemea he whawhai, he utu kei muri.

35. The Crown's invasion had a big effect on Tahinga hapū. The Crown attacked the Tino Rangatiratanga of our hapū and all hapū everywhere. Tahinga's ability to act as an independent tribal nation was reduced by the Crown's heavy-handed military action. The Crown invaded on a huge scale.

36. Our ability to act in unison with our whanaunga hapū was affected because serious divisions were created amongst us. The Crown created systems which fuelled divisions between us: the compensation court; criminal courts; land courts; and the Crown then put in place taxes of many different types and survey fees and all the courts had fees to pay. The Crown used these systems to manipulate their own favourites and disaffected groups and play us all off against each other. The ability to act in solidarity with our whanaunga was an important part of our Tino Rangatiratanga. We were caught in the 'cross-fire' of different worlds. It was our Rangatiratanga which suffered.

'Rebel' or 'Loyal'? What effects did the labels have?

37. The Crown used the labels 'loyal' and 'rebel' whenever they wanted something from one or the other, or sought to drive a wedge between us. Ultimately they wanted control and own our land.

38. For example, when the Crown wanted land, it simply applied the label 'rebel' to describe the people in that area and then 'took' their land under the law they had written to give them that power.

39. If the Crown wanted to return land or to 'create favour' and encourage 'loyalty' from Maori, they simply labelled one group or another 'loyal' and 'gave' them land.

40. Sometimes the Crown gave one tribe's land to another tribe to punish the former and reward the latter. Either way, the Crown designed this system to ensure that we were pushed around, confused and that our traditional ways, our Tino Rangatiratanga, was diminished and taken apart.

41. The British Crown had learnt well over many centuries of invasions and occupations by the Romans, Vikings and the Normans – all those invaders used divide and rule systems. So when it came to putting in place systems of 'divide and rule' in these lands, the Crown were very clever; they used classic methods of playing different tribes against each other. One method was to 'label' the tribes. This had different effects, as is seen by Tahinga being pitted against other hapū relations in the Compensation Court and in the Native Land Court.

42. The professional historians provide good evidence of this to the Tribunal and they discuss details of problems the Crown threw at Tahinga and our whanaunga hapū. The costs of going back and forth to court for 6 different appeals for many years, and even all the way to the Privy Council in England, where we won, but it all caused huge costs in the Te Akau land cases, and we had to pay those costs by using land to pay those or agreeing to give land in payment of court costs and surveyors' and assessors' costs – again attacking our hononga whakapapa ki te whenua. One of the historians noted that just after the completion of all the court appeals, a large block of Te Akau land was sold by Tahinga to pay all the case costs and fees. Our tūpuna paid dearly each way, even when we won the case.

43. The systems the Crown created backed us into a corner; we had no choice but to participate in this legal battle for our whenua against our whanaunga. Because if we did not take part, we would lose our land – it would have been granted to others and the mana of our hapū would have been diminished. In the end, the winners were the Crown and the lawyers, surveyors, officials, settlers and land speculators. Eventually we lost land. We lost relationships. We lost money. We lost resources.

44. Whichever way the labels were used, they 'cut' us and took their 'pound of flesh' in land; tangata whenua paid either way.

Impacts of War and Depleted Resources

45. Our biggest casualty in regards to the war was our whenua. Land was a casualty because Tahinga lands were taken. Some of our tūpuna fought against the Crown, others remained neutral. None fought against other hapū. Not much was known about our loss of land although during the Compensation Court Hearing, we have a korero that one of our tūpuna told the court that he did fight against the Crown in the war at Rangiriri, but he asked the Court "Punish me. But do not punish my children and mokopuna." His view was that his fighting should not mean punishment for the innocent children.

46. One effect of the war and raupatu was that we hosted refugees from neighbours, from other hapū, other rohe and other iwi. Many lost their lands, were displaced and came to us. We took in many. Many stayed and married in to our people and their uri are with us. It placed some pressure on our economy which had already been hammered by the war. Then the Crown raupatu took other traditional land resources. Some of our tūpuna must have really struggled with more mouths to feed and whanau to support, but with less lands to do so. But caring for those who had fled from war and violence was a duty we had to carry.

47. Koia nei tētahi āhuatanga o to mātou tikanga, kia manāki tangata. Ko te pakanga nei a te Karauna te tupuranga o te kaupapa o ngā 'poukai'. Ko te manākitanga he tino tikanga o mātou, hei tiaki, hei whāngai i ngā whanau pani, i ngā rawa kore, me ngā pouaru. Ka haere tonu ngā poukai inaianei, i te mea e hiahia ana kia kawe tonu mātou i te kaupapa motuhake nei o mātou.

48. The War and the Raupatu reduced the whenua and other resources we could rely on for our sustenance. Some Tahinga whanau moved from their original homes to other places after the war. The removal of resources and decision-making is always heavy on people. The price of caring was the removal of our prosperity and then poverty.

49. It offended the dignity of our people, especially the innocents, who had honoured the Treaty we entered. This is the negative effect it had on Tahinga hapū.

Crown Relationships and Duties - To Seek Peace: Did they even try?

50. The relationship between Tahinga and the Crown at the 1840 signing of the Treaty at Maraetai, Pūtataka, Port Waikato must have been promising. However, the war created very heavy tensions. The relationship was not good and as time passed and the realities of the new and different systems we had not anticipated hit our hapū, our relationship with the Crown became worse.

51. It is Tahinga's view that the Crown had a solemn duty to honestly seek peaceful resolution of any conflict with Māori. Making war was such a drastic step for the Crown to take without further discussion with the Kingitanga and once the blood was shed, it became harder and harder for either side to reverse.

52. Tahinga do not believe that the Crown's efforts to discuss peace were honest, nor enough. To bring in eleven thousand fully armed, full time soldiers required huge planning and funding. The Crown were planning and communicating about that 1863 invasion for a long time before the British Army landed on our shores. Many of the Auckland speculators and masses of settlers and their politicians in Auckland were making war noises. The settlers successfully lobbied the British Empire for an army so that they could attack Māori and take their land and then take control.

53. Tahinga and all our related hapū were caught in the cross-fire of the competition. The Crown failed to seek peace. They wanted power. They wanted land. They wanted blood. Tahinga and Tainui did not want to shed blood or attack the Auckland and other settlers. But the Crown's settlers wanted war. They were fuelled by desire for land, which is the base for power.

54. The Crown had a duty to seek and make peace under Te Tiriti. The Crown ignored that duty.

Ngati Tahinga and the Crown's compensation measures

55. The technical witnesses in this inquiry have extensive korero about the Crown's investigation of raupatu grievances. Their explanations provide a good, detailed analysis of the events which happened as the Crown processed our tūpuna lands.

56. I have touched on this issue earlier, but generally, the Tahinga hapū korero tuku iho on the Crown's legal court and commission processes

is that they were ridiculous. They took years and years to do, were risky for all Māori, were terrible, confusing, and expensive. From our hapū perspective all they did was create confusion and more havoc. It cost us money and because we had none, more of our land was taken. That is what Tahinga see as the aim of the Crown's complicated processes. Not much has changed.

57. When I reflect on this in relation to the Treaty and the Crown's guarantee of our Tino Rangatiratanga, all I can say is "Arero-Rua" [Two-Tongues]. The Crown says and writes one thing, but does something different. They pit us against each other. We suffer.

Crown Policies and Processes: Impacts on Tahinga

58. Complicated legal processes have been one of the Crown's favourite mechanisms for confusing the real issues, and hiding the real intention of the Crown. Its agenda has been clear: take land and seize power, then create a set of smokescreens to 'wash' the blood-stained hands. Meantime, flood the lands with more and more migrants to support their numbers. Surround and absorb Maori. It is still happening 150 years later.

59. There were so many 'policies' for Maori and they were designed to confuse and control us. For example, for many years after the Compensation Court, Native Land Courts and Royal Commissions and Inquiries there was a Crown 're-settlement policy' for some Maori, eg move them off their confiscated lands. Then a 'segregation policy' for planning and settlement and even the sale of alcohol – where, when and to who Maori could or could not partake. There was even a 'colour bar' at Pukekohe Hotel, at the picture theatre and also at the barbers until the 1960s. I remember it clearly. That colour-bar was a hangover of the Crown's racist policies which encouraged the theft of land,

enrichment of settlers over Māori with that land and taught generations to treat Māori as sub-citizens. It is a dark cloud over the Crown's honour. That cloud still looms over our country.

60. Then there came an 'assimilation policy' – another confusing set of Crown plans, actions and procedures, to make us not Māori, not Tahinga but something else was created "Kiwi". But that is just a bird. That is not our identity, we are Ngāti Tahinga. We are Māori. We are tangata whenua. Our whakapapa defines us and where we belong. We belong to these lands, these places, these waters, these tribal nations.

Ngā Whenua i Te Rohe Potae

61. My whanaunga Steve Walsh will speak in more detail on our land interests in this Inquiry. I will only say that we will focus on context of the following lands. Te Akau Block and in particular Te Akau D, which we Tahinga belong to by our pānga tāngata, pānga tūpuna, pānga tupāpaku and in which lands many of our whanau are still shareholders.

62. I refer to the **attached Exhibit 'H1'** which is a list of Owners of Te Akau D ordered by the Court on 17 April 1907 which includes as owner number 6, Hori Ruia of Ngati Tahinga. That list is followed by **attached Exhibit 'H2'**, a copy of the list of Owners of partitioned sub-blocks Te Akau D9 & D10, 1,208 acres dated 1 June 1908, starting with Ngapera Ngātipare, Mita Karaka Ngātipare and seven others of the Tuari and Mihaka whanau, all of whom are Tahinga people. Many of their tamariki mokopuna have interests and will attend the Waitangi Tribunal Week 5 hearing.

63. We also have Tahinga whanau as owners in Kārewa Island, via our Tahinga tūpuna and it is shared also with our whanaunga of Ngāti Hikairo and Ngāti Maniapoto.

64. Steve Walsh will also talk about Tahinga tūpuna being in many other land blocks in Te Rohe Pōtae Inquiry district, but not necessarily noted as Ngāti Tahinga on those title lists. However, Steve Walsh will also speak of Tahinga tūpuna ownership in Kinohaku West B Block far to the south, who listed their hapū affiliation as Ngāti Tahinga on the title. Again, the land interests in that block were also shared with other relations who were listed as Ngāti Pehi and Ngāti Rora. I mention these lands to affirm Tahinga's connections to our whanaunga and whenua in Rohe Pōtae.

Tahinga, Crown Land Policy and Transactions: Fair? Rushed?

65. From what I can see, one way or another our tūpuna were forced to sell or lease our lands by the Crown's processes. It was always expensive to take part in any Crown process because their approach was for Maori to pay for anything and everything relating to land, because back then we had lots of land and they wanted it to build this new part of their Empire.

66. The Crown's motives for purchasing land from our tūpuna were that they wanted to control our area and acquire our land to sell.

67. Tahinga do not really have any traditions of the Crown making promises or assurances about the benefits of selling them land. What we do know is that the Crown pressured our tūpuna into doing what they wanted, which was to provide them land as cheaply as possible. Eventually the Crown invaded the region with their army and the decisions about selling land became academic for a long time. Much was just confiscated. And following the war, the Crown imposed systems, commissions and courts which made selling land inevitable.

68. After the war, it was very clear what the Crown's policy was if we did not co-operate with them. The Crown threat was violence, war and confiscation were the results of any resistance. There was no misunderstanding about that.

69. The Crown did not care whether the tribal leadership agreed with their land purchase policies. It was more a case of the Crown presenting our tūpuna with proposals and then the Crown implementing their systems. There seemed little room to move.

Did the Crown Find the Rightful Owners? Did they really try?

70. The Crown also did not bother to identify the rightful owners in many instances - they did not necessarily care who was placed in the lands, as long as they could access land for purchase cheaply and then make on-sales for a higher price. When I consider the **attached** Crown Map of 12 March 1867, **Exhibit 'I'**, it shows the Waikato District 'Various classes of land open for sale at the Waste Lands Office Auckland'. Military settlers had lands set aside and the million acres of confiscated lands were mostly for sale at between 5 to 15 shillings per acre. The army was already in other campaigns and the Waikato war had only been over for two years. It was clear that the Crown wanted to sell that land and sell it quickly. The Crown were in debt to Britain for the war costs. They had to pay. So Māori paid for their war on us with our land.

71. The Crown's systems did not seem to place much importance on finding out who were the real owners or whether they agreed with transactions. Often the Crown seemed to pick whomever they wished or who was most convenient. This resulted in court battles later on which went for many years and caused huge cost and damage to Maori, but benefitted the Crown.

Wāhine as Land Owners: Crown Policy Contrary to Tikanga

72. One of the problems caused by the Crown's processes was that it was mostly the Crown's approach to not recognize women as owners of land. In the British system, women were chattels, to be owned by husbands. This was a popular English custom at the time which was convenient to the Crown, but Tahinga tikanga was not about denying wāhine, and that approach affected our tikanga, our ways of recognizing and acknowledging our wāhine.

73. Sometimes the system granted land to the husbands of women. This meant that some men were given land title, but they did not whakapapa to the land. This also created problems for our people by making another change in the way we related to our whenua and to each other and how we passed on our connections to the next generations.

74. A related problem is that the policy of leaving out wāhine from land grants was that the Crown did not apply it consistently. Wāhine were recorded on some titles and not others. This also caused major disruptions to our tikanga. Inconsistent policy caused difficulties.

Fairness?

75. Hapū land was bought cheap and on-sold for profit, and the transaction process was not fair.

76. Out of the 158,000 acres of our land which the Crown confiscated, the Crown kept the most easily accessible and farmable land and left the

less valuable 90,000 acres of land with Tahinga and our related hapū. Some was leased, much became alienated after court battles for years.

Survey Costs & Fees: Tahinga Made to Pay

77. Another method to get land was imposing survey costs. Please see the **attached Exhibit 'J'** which is an extract from a Crown official Memo about the 'Te Akau' case, in particular I highlight the part dated 21 April 1867. It reads that: ***"Ngātitahinga Tribe agree to 5,000 acres of land being taken to pay for the survey of the whole".*** However, our hapū korero tuku iho is that our tūpuna were forced to have another 5,000 acres taken to pay for those costs because the Crown would not pay for it, so we had to pay for the whole of the survey costs in land. Our tūpuna had not asked for the court or the surveys. The Crown imposed that and we had to pay for it.

78. Tahinga do not believe that the land we eventually retained after Crown activities was sufficient for the hapū's needs.

Tahinga and the Native Land Court

79. The Court's preference of some whakapapa over others had a big impact on Tahinga. This big topic is well dealt with by technical witnesses and I do not need to go into detail. The Crown's Native Land Court processes had a huge impact upon our tikanga. One of the methods was preferring some whakapapa lines over others. Another was by undermining the key role of wahine in our whakapapa as discussed earlier. Much of this was set up to pit us against our related hapū while the Crown kept the lion's share of everything and kept us fighting over the scraps. It was unfair. Unjust.

80. Also, the Crown had no proper way of dealing with nor understanding shared and overlapping interests, and this is still the case in the 21st Century. The Native Land Court was a 'bomb' thrown into our tikanga and destroyed much of our traditional systems in that process. The Crown did this on purpose.

81. Succeeding to land in our tikanga was thrown into chaos because the Crown reduced land to a commodity. Land became a 'thing' to be owned by specific people and sold and bought by them. Another problem with the Land Court process I see was that it denied wāhine their traditionally strong role as rangatira kaitiaki in decisions about land and the running of our hapū.

82. The Crown's survey boundaries, policies and procedures were designed to make a complete mess of our tikanga whenua, tikanga whakapapa, whanaungatanga and Tino Rangatiratanga.

Ngati Tahinga Response to Land Alienation

83. Petitions were made to the Crown for the return of land. Decisions were made which did not necessarily suit the rightful owners, and then overturned those decisions or changed or additional people given shares later. The other factor was the court's overturned decisions as further settler pressures and greed came to bear. Not much has changed.

84. Tahinga say that the Crown breached the Treaty of Waitangi in acquiring our land. It was heavy-handed. It took too much land.

Tikanga: Pānga Tāngata, Pānga Whenua, Pānga Tupāpaku

85. Under Te Tiriti o Waitangi the Crown has a duty to recognise and protect Tahinga tikanga. Our pānga tangata, pānga whenua, pānga tupāpaku, pānga wai have been maimed by the Crown's actions. Their actions have deeply impacted on our spiritual connections, our leadership structures and activities as hapū.

86. Tahinga Tribe connections to the Te Akau D block are numerous. I refer again to the **Map Exhibit 'C'** which shows many places of great significance to Tahinga. The map shows the locations of Te Aute, Te Ao te Rei urupā, Puke Karamu papakainga and urupā, Uruika papakainga, southwards to Hōrea Pā, Matawhero Urupā, Papatangi papakainga, Motukokako, Waiwhara papakainga, Pātikirau kainga and Pātikirau Urupā.

87. I refer again to those photographs **attached** as **Exhibit 'D1 & D2'** of Patikirau Urupā which shows a tomb erected on the urupā in 1910 by the Tahinga Tribe for our tūpuna, Te Ao Te Rangi Wirihana Takapa, Tuaiwa Ngatipare and Mita Karaka Ngatipare, many of whose mokopuna are here today. He tino taonga ki a mātou ngā koiwi tūpuna o mātou e takoko ana i ngā urupā maha. Nā rātou i puta mai mātou. He tino taonga ngā pānga tupāpaku ra o mātou tūpuna.

88. Patikirau is on a southern bay of Te Akau D block fronting onto Whaingaroa. It faces across the harbour to Raglan township. Patikirau Urupā also holds 13 tamariki who died in the Flu epidemic of 1918 after World War One. Our people still visit it when we can but it is one landlocked acre. Patikirau and some of our urupā are lonely places now but our connections to our tupāpaku are tapu. Ka hono mātou ki ngā tūpuna, ki ngā pānga tupāpaku, ahakoa ka rere ngā tau.

Tahinga Take Whanga and Takutai Moana

89. Our hapū maintained Tino Rangatiratanga to our whenua, awa, moana through our own tikanga, our whakapapa and our kaitiakitanga.

90. The Treaty guaranteed Tahinga the full, exclusive and undisturbed possession of our takutai moana. Tahinga never waived this protection. Our moana remain ours and we did not surrender our rights.

91. I remain hopeful that there will come good out of this long and tense process. Tahinga seek justice from the Waitangi Tribunal. For the sake of the tamariki mokpuna I would like to pass on something better than the mess we have inherited from the Crown's greed and hard lines.

No reira, mā ngā matua tūpuna, me te Atua Aroha tātou katoa e tiaki, e manāki, mo ake tonu. Tēnā tātou katoa.

Kei Pūtataka, Maraetai, Wahapū o Te Awa o Waikato, Tēnei te Rā 26 o Here-Turi-Kōkā, 2013

Dated at Pūtataka, Maraetai, Port Waikato, this 26th Day of August, 2013

Richard Tiki-o-Te-Rangi Tamihana
Ngāti Tahinga