

OFFICIAL

Wai 1950, #1.1.1

**IN THE WITANGI TRIBUNAL
OF NEW ZEALAND**

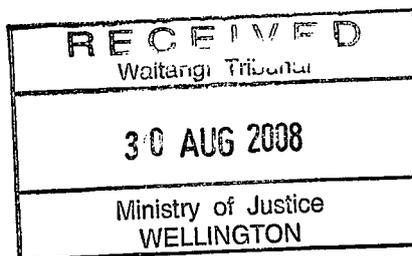
IN THE MATTER OF:

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF:

The Claims of Ehetere Kawemata Rautahi
Whanau
Area of Tamaki nui a Rua.



INTRODUCTION

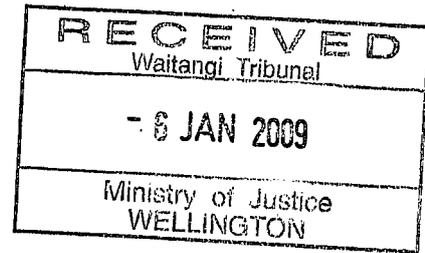
- 1) My name is Jocelyn Pattison. I was born in Te Rehunga on the 30 January 1956
- 2) My father was Robert Campbell Pattison and my mother was Mei nee Harris. They had twelve children (incl.of myself)
- 3) My father had a brother Charles Tangaru (aka Rautu) and a sister Cecile Pattison.
Charles Tangaru had one daughter her name Irene Cooksley. Irene daughter was Janice Cooksley. Cecile Pattison died in her forties and there were no issue.
- 4) My evidence will focus on my father story. He explained to me who his grandmother was Kawemata Rautahi and her father was Aperahama Rautahi. Aperahama Rautahi owned all the land in Dannevirke (Tamaki nui a Rua) area. Kawamate inheritance was all the land of Dannevirke township going out to Akitio Coastline. This land was confiscated under 1908 Public Works Act. My father initiated an inquiry in the late 1960's into claiming the land back from the Crown. His lawyer advised him that it would cost him \$34,000. This amount of money was beyond my fathers means.
- 5) His mother Hinetuwhirangi Eparaima told stories about how her grandfather Aperahama land was confiscated by the crown.
- 6) It is my belief that 270,000 acres of land in Tamaki nui a Rua was confiscated by the Crown, The areas of confiscation will be proven in supporting documents will at a later date.

WHAKAPAPA

Whatonga
/
Tautoki
/
Rangitane
/
Koupuparapara
/
Kuaopango
/
Uengarehupango
/
Hamua
/
Wahatuara
/
Hinerautekawa
/
Rakaimaro
/
Piki Hauraki
/
Te Ahiahiotau
/
Taukannaena
/
Te Nuhunga

Te Rangitaunonoikura
/
Hinehuana
/
Rakairakaka
/
Kakihapai
/
Hinekatarangi
/
Hinetewhiurangi
/
Aperahama
/
Ehetere Kawemata
/
Hinetewhiurangi
/
Robert Campbell Pattison
/
Jocelyn Pattison.

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Whanau
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Introduction

Ko Ruahine Te Maunga
 Ko Manawatu Te Awa
 Ko Whiti-te-rā Te Marae
 Ko Whiti-te-rā Te Hapū
 Ko Rangitāne Te Iwi
 Ko Kurahaupō Te Waka
 Ko Rangiwhakaewa Te Tangata

1. My name is Jocelyn Pattison I am a Māori and I was born on the 30th of January 1956 on a sheep farm in Te Rehunga just a few kilometers south of Dannevirke. I attended Ruahine School, Hillcrest School and later, Dannevirke High School. Most of my twelve siblings were born and raised on the same farm our father was.

2. In order to present our Rangitāne whakapapa I have been compelled to include both of our matua's, tupuna because none is complete without the other. My father's hapū's were Ngāti Pakapaka, Ngāti Te Rangiwhakaewa and Ngāti Parakiore and Whiti-te-rā. Ngāti Mutuahi was another hapū of our fathers prior to Aotea the Marae being moved to its present site at Makirikiri.

3. Our Pattison whakapapa is as follows;

Robert Pattison		Jane Hastie
Robert Pattison	=	Agnes Wright
Robert Thomas	=	HineTeWhiurangi
Robert Campbell	=	Mei Harris

4. Our father Robert Campbell Pattison was the son of Robert Thomas Pattison (Sonny) and Hine TeWhiurangi Eriwhata Rautahi. In 1881 Sonny's father Robert came out from Renfrew, Scotland, with his parents Robert and Jane and settled in Otago. His mother was Jane Hastie little is known about her other than she was a farmer's daughter and died in 1939 at the age of 79. and is

buried with her mokopuna William at the old Kumeroa Cemetery. Robert married Agnes Wright and together they had five children.

5. In 1886 Robert purchased 480 acres of densely populated native bush land in the Ōtawhao Valley, Kumeroa, near Woodville. Robert was a pioneer and no doubt an early run holder, in the district. After taming the land he grew apple and cherry trees, which he developed into a successful orchard.
6. Robert was one of two people who first pioneered hydro electricity in the valley by building a dam and using a 230 volt dynamo powered by a waterwheel and power house that he built himself, his home was lit by electricity long before the power entered the valley. Robert died in 1954 at the age of 96 and is buried beside his daughter May at the Woodville cemetery, just across the railway track before entering the Manawatu Gorge.
7. In 1914 the Pattison house was built by Robert and our grand dad Sonny, described by one as being in the style of a baronial mansion, the home is considered to have one of the finest examples of art nouveau architecture in New Zealand. The homestead is nestled in hills it over looks the Ruahine Ranges, now known as Ottawa Lodge it offers a quite haven retreat for visitors and guests.
8. When Sonny met our grandmother Hine TeWhiurangi, his people must have found the situation deplorable, "To think, that their son had even entertained the idea of going with a Māori woman". It was obviously more than what they could bare because they "disowned him". Its' such a tragedy because our grand dad remained estranged from his whānau till the day he died at the age of 83 on 27th Jan 1972.
9. Our grand dad had four siblings, 'two brothers and two sisters William died as an infant, and Herbert, was killed in France during World War 1, his sisters were May and Mabel and upon May's death in 1959, the farm and homestead was sold after it was reported that the Pattison line had run out.

10. Our farm was directly opposite our father's marae and urupā called Whiti-te-rā, like the farm the marae land was given to Ihaka Rautahi from his father Aperahama, and at one particular time in history, both properties were a part of one larger block, known as Tahoraiti No.1A before being partitioned off and divided by the Kumeti Road.
11. Our great grandmother Ehetere Rautahi obtained our farm from her father Aperahama Rautahi when it was a 118 acres. Our father believed that at one time half of the farm was sold off, he thought this may have occurred during his mothers' time because when he succeeded to it there was only 60 acres left. Our grandmother Ehetere lived on the farm with our father, his sister Cecelia (Bubby) and their parents.
12. Our Rautahi whakapapa is as follows;
- | | |
|--------------------------|------------------------|
| Te Rangiwhakewa | Purerau |
| Parikōau | Te Muhu |
| Tauarohaki | Rerewa |
| Kapa | Marōpuehu |
| Uewhā | Te Whakatau |
| Rautahi | Hinekataarangi |
| HineTeWhiurangi | Te Rangapu |
| Aperahama Te Rautahi | Hera Hiahia |
| Ehetere Rautahi | Eriata Eriwhata |
| HineTeWhiurangi | Robert Thomas Pattison |
| Robert Campbell Pattison | Mei Harris |
13. Our marae Whiti te-rā was founded by Ihaka Rautahi, our nanny Ehetere's brother. We are not too sure if Ihaka belonged to the Ratana faith as the marae has always being acknowledged as being a marae where some of it's' members may have leanings toward the Ratana faith. Like Kaitoke Ngāti Pakapaka was another Rautahi marae and hapū. Our marae in former times was called Rautahi and Rautahi was the name of the hapū. Another

name it is known by is Poherau which was the name our parents always referred it to. During some point in history Ratana blessed and renamed our Marae.

14. A story related to our niece April by her aunty Angiangi-Te-Rangi Rautahi who is her father, Heremia's sister, and the wife of Mōhio-tanga Rautahi now deceased and the mokopuna of Ihaka Rautahi. Said, "She was eleven years old when the early morning service took place the sky was shrouded with clouds, there was dense fog and thick mist, during the service the fog lifted, the mist vanished and at the completion of the service the clouds parted and the sun burst through pouring its rays down on the Whare, prompting T.W. Ratana to call it Whiti-te-Ra" (House of the Rising Sun).
15. According to Aunty Angiangi's age today that would place the year at 1935, Ihaka's wife Rihi Turi would have been 97 at that time and she died in 1938 at the age of 100. Our Urupa records begin in 1920 and there is no record pertaining to Ihaka's death, so it is highly unlikely that Ihaka was alive at that time.
16. Our parent's, our brother Thomas and our, grandparents and nanny Ehetere are buried in the urupā there. Ihaka, Rautahi and his wife Rihi and their tamariki and mokopuna are buried there. Many of our much loved cousin's aunts and uncles lie there.
17. Our sister Hine TeWhiurangi's husband Heremia Karaitiana is buried there too; he was the great mokopuna of Te Wirihana Kaimokopūna, son of Whakarongo, (sister to Hirawanu Kaimokopuna) who married Rora (Mako) Paewai, Hohepa's daughter. Heremia's parents Arapata, and Whareponga and his brother Tuakana lay there too.
18. Heremia's whakapapa is as follows;

Koa	Te Pakahuruhuru
Whakarongo	Te Kere

Te Wirihana Kaimokopuna	Rora (Mako) Paewai
Karaitiana Wirihana	Kahu Māori
Arapata Hautu Karaitiana	Whareponga Gardiner (Ihaka's moko)
Heremia William Karaitiana	Hine Te Whiurangi Pattison

19. Our marae is the hapū of the following whānau's
The Bell, Gardiner, Heremia Karaitiana, Martin, Mason, Mc Call, Meihana, Nicholson, Pattison Ratima, Raharuhi, Rautahi, Te Huki, Todd, Whitiri and Wharewhiti all these people are Rautahi mokopuna. Apologies are offered to those whānau's that may have been missed?
20. Our tipuna Aperahama claimed during a land court hearing that he was Ngāti Te Rangiwhakaewa he represented Rāngitane, he often spoke at hui's and land hearings on behalf of Ngāti Pakapaka and Ngāti Parakiore and Ngāti Te Rangiwhakaewa, these all being Rautahi hapū. Ihaka Rautahi took part in assisting with the building of Aotea at Tahoraiti in 1880 and Matene Rautahi took part in assisting with the tukutuku panels.
21. Our whānau have always considered Whiti-te-rā, as being our tūrangawaewae because we grew up there, as children the Pā was our tramping ground largely because of its close proximity to the farm, we drank from the natural spring there, fed the pet eels there and spent endless hours just playing and paddling in the Kumeti stream there.
22. At present there is some contention amongst some of the beneficiaries concerning matters pertaining to the marae, largely due to the dubious behavior of some of its committee members. Most beneficiaries would like to see these people replaced, so that the affairs of the marae can be conducted in an honest and open manner.
23. A few years ago the marae with out the knowledge of the majority of its beneficiaries secretly became registered under the umbrella of Kahungūnu it was rumored that someone received a substantial amount of money for

doing this, if this is correct, we can only assume that this transaction was done purely for monetary gain, as the people responsible for this did not even bother to research their whakapapa to find out “Who Ihaka Rautahi was”? In doing this they have changed the whakapapa of our tupuna!

24. I hope to set the record straight on behalf of my siblings and whānau many of whom are direct descendants of Ihaka and Rihi Rautahi and that is the Rautahi's were Rangitāne people, Ngāti Parakiore , Ngāti Pakapaka Ngāti Te Rangiwhakaewa, and Ngati Mutuahi were all Rautahi, hapū's., in the Tamaki district.
25. As evidenced by Jock McEwen author of the Rangitāne, Book who spent many hours with Ranginui, and Matene Rautahi and their wives learning Rangitāne waiata's and whakapapa most of which is included in his book. If we are to believe Jock McEwen and his sources being primarily oral, then there is nothing in the Rautahi whakapapa to suggest that we are anything else, than the mokopuna of Rangitāne the mokopuna of Whātonga Captain of the Kurahaupō Waka.
26. *Our grandfather Aperahama is believed to be buried on the Knights farm at Oringi to the rear of the shearing quarters in the paddock amongst the swamps there. Aperahama owned the land and lived in a whare in the next paddock, situated nearer the banks of the Keritaki River. We can only assume that our nanny Hera and some of our great uncles and aunts are buried there too.*
27. Our grand mother Hine TeWhiurangi's father Eriata Eriwhata was the son of Rapana-Te-Hauerangi who was the brother of Maata Te Aopukahu, the wife of Paora Rangiwhakaewa. Rapana is mentioned in the Tararua block Research Narratives.

28. Our Eriwhata whakapapa is as follows;
- | | |
|---------------------|-----------------|
| Te Rangiwhakaewa | Purerau |
| Parakōau | Te Muhu |
| Tauarohaki | Rerewa |
| Kapa | Marōpuehu |
| Turake | Takaputai |
| Nganahau | Te Ruingahoe |
| Kohitiwaru | Hoewaka |
| Rapana Te Hauerangi | (Unknown) |
| Eriwhata | Ehetere Rautahi |
29. Our mother Mei was born at Tahoraiti, Ngāti Mutuahi, Ngāti Parakiore Ngāti Rangiwhakaewa hapū. Aotea was the name of her marae, her mormon parents Rahiri Harris and Ngawai, Pereki Te Ngarara, had a homestead and cultivations there, we believe that the land was given to Ngawai by her mother Emaraina Paewai, who was the daughter of Hohepa Paewai and Atenata Pereki Wharekiri.
30. Ngawai's father Ihaiah Te Ngarara is figured often in the Tararua Block Research Narratives pertaining to his interests in some blocks.in this district
31. Our mother Mei was the midwife at Whiti-te-rā and delivered many babies including most of her own tamariki. She recalled: "How dad would go to work leaving her at home heavily hapū caring for her numerous children and while he was at work she would give birth". When he returned at the end of the day she would inform him "that he had an extra mouth to feed" as she put it! After attending to her own births, she would continue with the affairs of the home if though nothing important had taken place.
32. Our mother also recalled stories of her youth and growing up in Tahoraiti. As a teenager she was generally sent to wash and dress our tūpāpaku's preparing them for laying in state on the marae, often these preparations were performed when the body was lying inside the whare-nui. She recalled having to do this a

lone “with, only an oil lamp or a candle stick for company.” We admire our mother for this. From the perspective of children we thought this would have been a terribly daunting task.

33. Our Paewai whakapapa is as follows;

Rahera	Hakikino
Hohepa Paewai	Atenata Pereki Wharekiri
Emaraina Paewai	Ihaiah Te Ngarara
Ngawai Pereki Atenata Te Ngarara	Rahiri Harris
Mei Harris	Robert Campbell Pattison

34. Our mother’s sister Aunty Treve Timu (now deceased) wrote a book called Nga Matua Pai (Of Goodly Parents) a family history about our tupuna Rahiri and Ngawai and their tamariki and mokopuna, she also writes about Hohepa Paewai. She wrote that little was known about him other than he died a relatively young man approximately at the age of 50, she wrote, because no one knew what he looked like, he couldn’t be identified by photo’s. She remembers being told that he came from the Pahiatua district.

35. Our mothers father Rahiri was born to Tamati Harris and Ani Tanaha he was the grandson of Christopher and Ngahuia Harris. Christopher was born in Parramatta Sydney Australia and was involved in the earliest timber trading between Australia and New Zealand. Rahiri.grew up in Taheke near Hokianga his parents were devout catholics and Ngāpuhi people. He came into the Hawkes Bay Province in 1900 where he met and married our grandmother Ngawai. Sometime later our grandfather joined the Mormon Church and remained devout for the rest of his life until his death in 1954.

36. Our Harris whakapapa is as follows;

William Harris	Charlotte
Christopher Harris	Ngahuia
Tamati	Ani Tanaha
Rahiri Harris	Ngawai Pereki Te Ngarara

Mei Harris

Robert Campbell Pattison

37. We grew up with the knowledge that once upon a time all the lands in Tāmaki Nui a Rua from Dannevirke back to the coast belonged to the Rautahi family. In saying Rautahi this, also includes Paora Rangiwakaewa his brother our great great grandfather Aperahama Te Rautahi and their siblings, cousins aunts and uncles, which encompasses all the families here in Tāmaki who are the descendants of our Rautahi tupuna.
38. In the year 1977, I recall having a conversation with my father in my parent's home. Dad had just returned from his lawyer's office, he said that he had been to see Mark Poole (Marcus John Quentin) re claiming back lands that were confiscated by the Crown, from his grandmother Ehetere Rautahi. Mr Poole told dad "it would cost him thirty two thousand dollars to take the Crown to Court" Naturally my father didn't have that kind of money.
39. Dad said that all the land from Dannevirke back to the coast belonged to the Rautahi whānau, when the crown introduced certificates of title with ten grantees, on each title his mother's people lost thousands of acres of land, dad recalled something in the vicinity of 275.000 acres.
40. Our father said the Rautahi hapū, was once in the center of Dannevirke, and that due to colonization of the area, the whānau were forced to move out and occupy other lands they possessed.
41. Our father was acknowledged as being a Rautahi grandchild and was given the Rautahi whakapapa book probably given to him by Ranginui or Matene Rautahi. Unfortunately this book has fallen into the hands of other people and has since been lost to our family at this particular time.
42. Aperahama was the grandchild of Hine Kaatarangi and Rautahi the younger brother of Parakiore that same man mentioned by John Meha in his statement of evidence that "Parakiore was responsible for the defensive system that was

established to protect Rangitāne lands in the greater Tamaki Nui a Rua takiwā during the 19th century, Parakiore was situated at Te Reinga o Māhuru which was in the heart of Tāmaki Nui aRua”

43. During the Waikopiro hearing 1889-1891 the Rangitane position was articulated by Hori Herehere. *‘Parakiore was set up to have mana over Paparataitoko I think this shows that man was the owner of this block. He was brought from Tahoraiti by his elders Turake’ Uewha, Te Ruatotara and Tutaua. Last-named was Ruatotara’s husband and came from Hikarerepari. Parakiore was set up at that place to have mana and to keep back attacking parties from coming on to his block.*

Traditional History

44. I would like to base our evidence on, the Rangitāne Traditional History Report and Block Research Narratives of the Tararua 1870 – 2000 A Resource Document for Wairarapa District Treaty Issues.
45. 1845 Rangitāne Traditional History page 54 September, 1891
Colenso gave evidence at the Mangatoro partition hearing. During his evidence he revealed details of a census he had taken at Hautotara in the year 1845. I have listed the names of some of the people present and besides those names the relationship these people have to our whānau today, and no doubt many other families here in Tamaki Nui a Rua, who would also have a similar relationship to our ancestors.
- | | |
|---------------------------|---|
| 46. <i>Wi Te Huata</i> | <i>Great Great Uncle (brother to Aperahama)</i> |
| <i>Wikirohi Rautahi</i> | <i>Great Uncle (child of Aperahama)</i> |
| <i>Ihaka Rautahi</i> | <i>Great Uncle (child of Aperahama)</i> |
| <i>Eruini</i> | <i>Great Uncle (child of Aperahama)</i> |
| <i>Hoera Rangihakaewa</i> | <i>Great Great Cousin (son of Paora)</i> |
| <i>Te Poke</i> | <i>Great Great Great (Grandfather)</i> |

Names of some of the females present

47. *Arapera Rangiwakaewa* *Great Aunty*
Ngahiha Rautahi *Great Aunty (child of Aperahama)*
Hera Hiahia, *Great, Great Grand Mother (wife of*
Aperahama)
Maata Te Opakahau *Great Great Aunty (wife of Paora)*
48. We can only assume the rest of these people I have not recorded would be our great cousin's aunts and uncles after all Colenso does state that these were men and boys.

Rangitāne Traditional History

8.5.Exile to Nukutaurua.

49. *Our people then continued their journey to Nukutaurua. This was the time when this country was abandoned by all the tribes except some of Ngati Rangiwakaewa who continued to live on this land and Tamaki. But none of the counter claimants went from this land. Paora TeRangiwakaewa. Father of Hore Herehere, Wiremu Te Huata, Aperahama Rautahi and others of Ngati Rangiwakaewa lived both on this land Ngapaeruru. After the return from Nukutaurua this land was never permanently occupied but we used to hunt over it and then our elders told us of the places on it.*
50. Here we have two paddocks Ngapaeruru and Tāmaki that our ancestors were known to occupy and even though the great exodus took place in this district our tupuna the Rautahi's remained here on lands that had been occupied by our ancestors for hundreds of years.
- Significant Rangitane Meetings 1852- 1869 pg 58
51. Hoani Meihana spoke of a second meeting at Tamaki Nui a Rua where affairs relating to Rangitāne lands were discussed. This meeting may have preceded the Land Court sittings of January 1867 when crown grants were issued for Otawhao, Tahoraiti, Kaitoki and Mangatoro. After the meeting at Puketotoara

a meeting was called at Puehutai by Hirawanu Kaimokopuna. Puehutai is near Oringi. *I went to that meeting. It was called to discuss the leasing of land. It was before '70. Special lands were in few, viz Mangatoro, Kaitoki and others which I forget. Karaitiana Takamoana, Henare Matua, Ropiha Te Takou and others were present. Hirawanu was there and so was I.'*

52. *'Ancestors were named in connection with those lands. They were Rangiwakaewa and Rangitane. They were spoken of as not being in opposition re the leases. The claims of Rangitane were upheld by Aperahama. Te Rautahi but there was no rivalry. Rangiwakaewa was set up and Rangitane was mentioned as giving right to the lands spoken of in connection with the leases. Both sides mentioned Rangitane.*

The Rautahi's had land interests in Mangatoro, Kaitoki and Tahoraiti
Rangitāne Traditional History

Evidence of Occupation on Puketoi 6. pg59

53. *Tawhai gave evidence in the Puketoi No6 hearing, 'I was not brought upon this land I had a house there and cultivated there, I also leased the central portion of the land*
On the western boundry – it was about four years back to Mr Hamilton. The term two years, it was for totara timber, I ceased cultivating on this land in 1874. I have also shot birds on this land and wild cattle and pigs and caught eels. I have many houses on this land I have never been disturbed in my occupation of this land.

Robert Smith, who worked for George Hamilton for 12 years from 1874, also gave evidence of Rangitāne occupation.

54. *'I always understood this land belonged to Paora's people (Paora Rangiwakaewa) I have seen camping whares on this land. The peach trees are outside this land near the Mangatoro stream. I have cut timber near the Managatoro stream on the portion claimed by the Crown. There was no lease. The people who claimed the money for the timber were Paora Rangiwakaewa and Ihakara.'* *'They used to shoot pigeons on this land and*

huias. There was a track on the northern boundary. I have seen Manahi Paewai, Hapakuku, Karaitana Wirhana, going on this land, with Paora's people'.

Rangitāne Traditional History. Pg 56

55. *.Maata -Aopukahu (wife of Paora) whom Colenso records in his census, belonged to the Ngāti Rangihakaewa hapu of Rangitāne who remained at Tamaki when other hapu abandoned it for Nukutaurua. Forty –five years later she was to recall. 'I have lived at Piripiri. It is our present kainga. I lived at Hautotara and am doing so now, for I have come from there. I was living at Mangatoro for a long time and then went to Hautotara when I entered Christianity so as to be near the church.'*

Rangitāne Traditional History pg 60

56. Evidence of Rangitāne occupation on Mangatoro 11.2 pg 60
Hori Herehere (son of Paora Rangihakaewa) belonged to the Ngāti Rangihakaewa hapu of Rangitane. He was well versed in Rangitane tradition and knew the places of occupation on Mangatoro. 'Whawhapo was another of our settlements. The same hapus I have already named. Wiremu Te Huata, Paora Rangihakaewa, Ihakara Whaitiri, Haira Tamanoho, Hauparoa, Takitaki, Te Ngarara, Te Ohu and others lived there. 'Potahi was a pa of ours. It was palisaded and had earthworks. It belonged to the hapus of ours that I have named and to no one else. Poho-o-Niwaniwa was a settlement and cultivation of ours and the same hapus occupied. Rapana Te Hauerangi, Haira Tamanoho, Te Raniwhatatiri, Newa, Heni Mokai Takitaki, Ihakara Whaitiri, Te Ngarara Te Ohu and others lived there.'

Block Research Narratives of the Tararua

Ahūaturanga pg 33 we see the beginning of the erosion of our tupunas lands.

57. On 8 September 1870, the Ahūaturanga block (estimated as being 21,000-acres) was bought before the Native Land Court for the investigation of its title. The first witness to appear before the investigation who claimed the

block through ancestry and occupation was our great, great grandfather
Hohepa Paewai

58. *I know the block of land called Te Ahuaturanga delineated on the plan. I have lived and cultivated on the land and have houses on it. I claim through my ancestor. The chief claimant of this land in old times was Poutoa a grandson of Rangitane. I am the only surviving chief claimant of this land. There is no dispute among us about it.*
59. *Hohepa named almost 70 others who also claimed through ancestry and occupation. He noted that "all these people belong to Rangitane. I ordered this land to be surveyed- there are no other hapus to my knowledge who claim this land. I have agreed to dispose of this land to the Pakehas. We wish no restriction to be placed on it"*
60. When objectors were called for, Aperahama Rautahi, Te Ropiha Tako and Wi Matua appeared before the court and claimed the land from a series of alternative ancestors including Rangiwakaewa, Whata, and Manuwhiri. Having heard this testimony, the court delivered the following judgement:
61. *That Rangitane have substantiated their claim to the land called Ahuaturanga and the opposing claimants Aperahama Rautahi, Te Ropiha Tako and Wi Matua have no claim to this land. Seven grantees were placed on the Ahuaturanga title.*
62. On 4 December 1870 Aperahama wrote to Chief Judge Fenton about the "disputed" lands of Ahuaturanga and Puketoi.
These lands which are being sold I am holding back I am not willing to sell. Friend, listen attentively to this remark about these lands. Do not give the money to the one man when he goes to ask you for money. I dispute those lands – be just towards me in your dealings with those lands the person who owns that land let him sell it that is right if the sale of that land is tampered with it will not be given up that is all.

Our grandfather wasn't given the opportunity for a rehearing before the block was sold to the Crown.

Maharara

63. On September 1870 the Maharara block (estimated at 13,000 acres) came before the Native Land Court for its investigation of title. Locke appeared before the court on behalf of claimants stating that this block joined Te Ahuaturanga block. The first witness to appear before the court was Hohepa Paewai who claimed the land for the Rangitāne Tribe.
64. *I claim through ancestry my claim to this land is precisely the same nature as may claim to Ahuaturanga.* The Court then called for objectors.
65. Aperahama Rautahi appeared before the Court as an objector.
...my kainga is on the banks of Mangapuakahukahu stream in the Tahoraiti block, it has already passed through the Court. My claim was recognized by the Court to Tahoraiti, my name is in the Crown grant. My claim to Maharahara is through Rangitane the name of his descendant I claim from is Irakumia..
66. *When Tahoraiti was surveyed the boundaries were pointed out by Hohepa, myself and others. We had a dispute about the boundaries at the time it was surveyed – the lands that were formerly surveyed were all settled by the Court. I have caught birds at Pakupaipai, I have a cultivation at the Whakaoho and had another at the Pawhati I and my wife have cultivated at these places. I went to cultivate there partly because my wife had a claim to this land and partly because I claimed it in former times. There were a great many people cultivating at these places but not since my time. I was the only one. These were the only cultivation I had on this land.*

67. This witness was then cross-examined by the Court and stated “In claiming this land I want it parted out from the block.” When further cross-examined by Hoani Meihana on matters of whakapapa, Aperahama got up and abruptly left the court.
68. Another objector was Hore Herehere (Aperahama’s nephew) who stated he belonged to the tribe of Ngati Pakapaka and resided at Okurehu in the Mangatoro block which had already passed through the Court. His claim was admitted by Hohepa Paewai. The Court delivered its judgement.
69. Decision of Court-that Aperahama having left the Court abruptly did not support his claim and that Hori Herehere’s claim being admitted the Court decided that Rangitāne claimants were the owners of the land called Maharahara.
70. This is the second block of land our grandfather lost his ancestral rights to. Block Research Narratives pg 11 & 12
71. On October 1870 Paora Ropiha Takau wrote to Chief Judge Renton regarding the hearing of the Tamaki block case before the Native Land Court held in Napier.
72. *The investigation of Tamaki including all its parts was not correct – the conducting of the former Courts was correct, it was clear the holding of this Court was very wrong – this is a new proceeding which has only be done with respect to Tamaki – this is to inform you that we will not allow the investigation to stand because it was wrong there was no survey made, the map was merely sketched in Napier.*
73. Paora Ropiha Takau also informed Fenton that there were “two tribes holding back Tamaki that it should not be sold (viz) Ngatirangi-whakaewa and Ngati Parakiore – there are two tribes who are selling Tamaki Ngati Mutuahi and Rangitane. ✓

74. *“He stated.....these tribes have been occupied in a dispute for years part to this year 1870 when the Court came to Waipawa the investigation was held... during the first and second day the evidence was strong on both sides, till night on the third day the surveyor Mr Locke gave his evidence in the Court when Aperahama and Ropiha Te Takau were defeated. Friend those persons are perfectly right who were sorsted everybody knows of the justness of (of their claim) of those persons but it was on account of the new proceeding in the case of Tamaki that those persons fell – another reason of their defeat was on account of their not being related to Rangitane.*
75. *The Rangitane tribe have a proper claim to Rangitane’s district his descendants settled on the other coast at Manawatu, it was Aperahama’s tribe alone that we saw living at Tamaki at Te Ahuaturangi including all of its parts – another reason why Aperahama and Te Ropiha were objected to was on account of their holding back from not selling Tamaki therefore Hoani Meihana was allowed to cross question in order to upset the evidence. Aperahama was not able to answer Hoani’s questions he was frightened at the presence of the court. Hoani was a seller of the land.*
76. *Another wrong in our judgment was that the land Tamaki was not surveyed that each man’s division line might be known the map was made merely by guess by a pākehā of Napier. The first lands were not dealt with in this manner they were surveyed afterwards, claims were sent in and afterwards they were investigated, but as for this is a new proceeding of their own in the Court – the boundaries of Tawaha were laid down for the investigation, the claims only of the Huru te Hiaro and Hohepa Paewai were written down, the land was not surveyed.*
77. *Puketoi, Ahuaturanga, Maharahara, Tanga, Tiratu, Te Umuturoa, Te Piripiri, Ngamoki and Te Tuatua the surveyour did not go on these lands that the boundaries and the divisions might be known. This map was made by guess on the sale made by Rangitane and Ngati Mutuahi.*

78. *Now this is to inform you that those lands which have been investigated will be investigated a second time they will not be allowed to remain in the way they were finished by the late Court (As for) these lands (called) Tamaki the dispute will never end it may be carried on in a peaceful or perhaps in a bad manner it will not be permanently settled in the way this Pakeha investigated Tamaki including all of its pieces.*
79. *All the tribes of Tamaki were very much dissatisfied after this investigation.*
80. *Another wrong was that the lands which it was said were lands to be restricted there were no restrictions placed on them - those lands were TePiripiri, Taanga and the thousand acres in Rakaitatai*
81. We believe our grandfather Aperahama was not a seller of lands in this district as evidenced in other books, due to copy right laws we are not able to furnish that information at this point in time.
82. Paora Rangiwakaewa now dead and Maata his wife was strongly supported in her decision not to sell by her son Hori Herehere
- Block Research Narratives Puketoi pg 182.
83. On 8th September 1870, the Puketoi blocks (Nos 1, 2, 3 and 4) were before the Native Land Court for investigation of title. The blocks were estimated to contain a total of 110.000 acres.
84. Samuel Locke produced a map before the Court which showed the “whole of the Manawatu Ngaherehere application but it is subdivided showing the different applications”. *He proposed to the Court that “on behalf of the applicants the whole of the portion surveyed was conducted under my direction.”* Alexander Munro the surveyor stated:

85. *I surveyed portion of this land which I pointed out on the map called Tamaki C Manawatu ...Nopera Matua and Ihaka were the principal Natives who pointed out the boundaries. I met with some obstruction from Aperahama, when surveying although the opposition was small. There were not more than 5 or 6 natives on the ground at this time. I did not complete the survey. A Crown Grant could be made from this plan it would not require to go on the ground to separate the plans. I assisted in compiling the place of Puketoi in fact in the whole of this.*
86. Wrongful Occupation pg 86.
On May 30th 1881, Hori Ropiha and five others petitioned to the General Assembly requesting Government to "put a stop to the wrongful occupation of our lands by Europeans and also protect the timber which they take from our land" Rakaiatai and Ohu are the names of two blocks of land at Tamaki, we did not agree to sell or deal with land in any way, but wished to keep them for our own use. Ormond and Mr Locke know about our land;
87. *"This land should be given back to us, together with all the timber that has been felled, and that which is still standing thereon".*
88. Hori Ropiha and others also petitioned the Native Minister on the same day requesting him to "issue instructions prohibiting the unlawful occupation of our land by Europeans also felling of timber thereon.
89. *Rakaiati is the name of one piece of land and Te Ohu the name of another they are both within the Tamaki block (70 Mile Bush). We never at anytime consented to sell or otherwise dispose of the land. We intended it for ourselves. Mr Ormond and Mr Locke know about our lands.*
90. *Let our land with the timber being cut the standing timber and other things remaining thereon be returned to us.*

91. On 16 June 1881, Ormond wrote a memorandum to Rolleston regarding the payment to be made by Capt Preece to the four remaining grantees in the Rakaiatai block “who, have not joined in the sale”...He noted that if Preece was authorized to pay two hundred pounds each and also to give them a small reserve in the block so that he could complete the purchase. Ormond also stated:
92. *If he could secure the block on those terms I think he should be authorized to do so. My fear is he may not be able to induce the Natives to complete the sale and if that is so then I would recommend early steps be taken to have the interests of those who will not part with their interests defined so that the rest of the block may be available for settlement. Capt Preece, also wants authority to complete the purchase of the Umutauroa - Maharara and Te Ohu blocks in each of which one signature only is wanted.*
93. We believe that Hohepa Paewai was the seller of lands in Tāmaki Nui Arua and he Hohepa had found favor with Government Officials of that time, as evidenced by the quick sale of the Ahautārangi block to the Crown once the certificate of title were finalized. Hohepa requested that no restrictions be placed on that block for the purpose of selling it immediately to the Crown. We also believe that Hohepa Paewai sold the land of Dannevirke to the Crown because a newspaper article mentions that he did
94. When granny Amo the daughter of Hirai Rangihakaewa (Paora’s son) died, a news paper article recorded her death. The following is the contents of that article.
“Link With The Past Mrs Amo Hiria Hetariki”, ends the earthly career of the last of Southern Hawke’s Bay’s tattooed chieftainesses, a pioneer of the early days, at the great age of 108-the tattoo being a symbol of distinction and high rank.

95. Born at Tahoraiti in 1854, two years after the commencement of the building of the second Aotea meeting house, she was said to be 29 years of age when it was completed and opened by King Tawhaio of the Waikatos.

The first Aotea house at Tahoriti was the family house of Rangiwakaewa and is now situated at Oringi where Mrs Hetariki lived with her family for many years. She lived through many notable events in Maori and European history, her birth dating back to the Crimean War and the reign of Queen Victoria

96. Well before the Pakeha came to Dannevirke Hawke's Bay was inhabited by the Rangitane tribe. The land on which Dannevirke stands was bought by the government from Hohepa Paewai, a direct descendant of Rangiwakaewa a famous Chieftain, from whose house at Tahoraiti the name of the modern meeting house is taken. This was in the year 1872

The most notable Maori chief of this area, recalls the writer, as Te Kooti Rikirangi, later known only as Te Kooti recalls who is buried at Ohiwa, having died on April 17 1883.

97. An early memory of Mrs Hetariki is of a stately Maori woman, with a tattooed chin, her long black hair flowing, and wearing a greenstone tiki pendant, on one of her annual trips from Oringi by train to Ashhurst with Matoo, her husband, to the small pa on the hill above the railway line at Ashhurst, called Raukawa, to pick karaka berries. The pā is quite unknown to the younger generation but was situated on the hill above the railway line at the junction of the Pohangina, and Manawatu River at the western end of the gorge.

98. On the 1st of September 1871, a hui took place in Waipawa in relation to the sale of the Forty Mile Bush. Tribes assembled there came as far as the Wairapa to Heretaunga. About, 300 people. Government Europeans were Locke and, James Grindell.

99. Ngati Pakapaka and Ngati Parakiore and Ngati Mutuahi, the speakers for those tribes were Aperahama Rautahi, Te Ropiha, Te Takou and some others.

Aperahama stated that he was closely linked to the land and his ancestor being Wahatuara.

100. Hohepa Paewai challenged our grandfather Aperahama and demanded to know "*Who the ancestor Wahatuara came from?*" because Aperahama could not answer Hohepa's question. Hohepa claimed "Wahatuara as being an ancestor that was exclusive to him". Hohepa was wrong in denying that Aperahama had links to Wahatuara. Our Rautahi whakapapa shows us, as descendants of Wahatuara and Hamua the mokopuna of Rangitāne and Whātonga. After all what right has a man to dispute another man's whakapapa and ancestry? Because that's what Hohepa was allowed to do! Not knowing then, that his own mokopuna's would become the sufferers there of, because Hohepa's mokopuna our mother Mei married Aperahama's mokopuna our father Robert.
101. It is evident that Hohepa was representing Ngāti Mutuahi and some Rangitāne whānau, and it was known, that they were the primary sellers of the lands in this district Te Hirawanu Kaimokopuna was a near relative of Hohepa's and no doubt Hohepa was acting on his behalf too.
102. The petitioning of Tahoraiti.
On January the 18th 1867 the Tahoraiti block (estimated as being 9397 acres) was before the land court for investigation of title Aperahama Rautahi was the a witness to appear before the Court, *He stated I am one of the owners of this land. I belong to Ngati Rangihakaewa... I think there should be two Crown Grants for this land the Maungapauaki stream would be a good boundary.* Aperahama then named grantees he proposed to put the North West part. The claimants then returned to the Court with lists of person agreed upon among themselves as grantees. The Court ordered a Certificate of Title Ihaka Te Ngarara and nine others to the block known as Tahoraiti No.1 to contain 3, 473 acres. Another Certificate of Title was issued in the name of Aperahama Rautahi and nine others to the block called Tahoraiti No. 2 containing 5.924 acres.

103 When the certificates of title were issued the court clerk had carelessly put the claimants that should have gone in to No.1 block in to No 2 and vice a versa. The consequences for Aperahama's tamariki were huge they were forced to sacrifice their shares in 5,924 acres.

104. On 29 January 1897 an application was heard under "The Equitable Owners Act", for the Tahoraiti No.2 block.

Mr Fraser who was acting under the will by Albert Karaitiana made "a preliminary objection to the application of Mare Rautahi on the grounds that he (Mare) has no application for Tahoraiti before the Court". ...objects on the grounds that the block now known as No.2 was at the date of application(1890) known as No.1 block and has since been altered and amended by the Court under the provisions of the "Tahoraiti Titles Amendment and Validation Act 1892 No1 block becoming No.2 and vice versa.

105. During 1904 a petition was received from Eruini Rautahi and four other's...*pray fro a further hearing in connection with Tahoriti No. 2 block.* On 17 August 1904 the Under Secretary wrote to the Chairman of the Native Affairs committee requesting a report n the petition of Erunini Rautahi and others with reference to the Tahoraiti block. *He understood that the desire was "to deal with this petition immediately..."* On 29 September 1904 the Chairman of the Native Affairs Committee reported "*... that the Committee has no recommendation to make with regard to this petition.*

106. On 12 April 1904 the Tahoraiti No.2 block was before the Native Land Court as an appeal under the 'Equitable Owners Act'. Having heard submissions and evidence, the Court delivered the following judgment.

The question to be decided is whether or not the Native Land Court in its jurisdiction under "The Native Equitable Owners Act"1886 was right in admitting to the ownership of Tahoraiti No 2 the children of Aperahama Rautahi. The contention of the part of the appellants is that the division of the

original Tahoraiti block Aperahama elected to take his interest in No. 1 and that the dividing line between Nos 1 & 2 was arranged accordingly, so as to include in No. 1 land which would otherwise have been included in No.2.

107. There is no direct evidence to that effect, but the circumstances point strongly in that direction. *It is said on the other hand that Aperahama was put in to No.1 in the right of his wife Her Hiahia appeared in the list of names for No.1 and on the definition of interest in that block their representatives were awarded substantial interests in respect of each of their parents.*
108. Had Aperahama considered that he was representing his wife's interest only, he would have taken care at the time to secure his interest also under his Ngati Rangiwakaewa title in No.2
109. Aperahama appears to have taken a leading part in the arrangements on the whole matter seems to have been settled amicably. Had it been considered at that time that Aperahama intended to claim in both blocks, he would hardly have been allowed without dispute to lay down the line in the manner he did. Neither do we think that if Aperahama had been living at the time of the proceedings under the Equitable Owners Act, he would have attempted to set up any claim in No.2. *The decision of the Court is that the order of the native land Court under "the Native Equitable Owners Act 1986", in respect of Tahoraiti No.2. and the order of the Appellate Court varying the same be respectively amended by striking out the list of names of Ehetere Rautahi [and three others]... and that the shares awarded to those persons by the Appellate Court be distributed amongst the remaining owners No.2 pro rate on the basis of the interests awarded by the Appellate*
110. During 1905 a petition as received from Ihaka Rautahi and four others "for a rehearing with the Tahoraiti No. 2 block. On August 1905 Chairman of the Native Affairs committee reported '... *that the Committee has no recommendation to make with regard to this petition.*

111. We believe that a blind man and his dog would recognize that Aperahama was the prominent land owner in this district purely by conducting matters very much as he pleased that alone suggests that he was a man with considerable influence and this would have been measured by the amount of land one man owned. His resistance to land sales and opposition to fellow petitioners his resistance to people that were not from this district, (Manawatu) been put into blocks on this side, and his opposing Karaitiana Takamoana been put on certificates of titles in blocks in this district demonstrates that our grandfather, was a prominent person, a Kaiwhakahaere and a Kaiwhakahau for the Tamaki district.
112. We believe that Aperahama was seen as being a tyrant and a resistor to the Crown and it's purchasing of lands in this district at that time, and that the decisions of the Courts were biased because if they allowed Aperahama in to those blocks that he was left out of they the Crown would have found a lot of resistance from Aperahama, making it difficult for the Crown to purchase those lands.
113. In 1863 The Suppression of Rebellion Act was created for people like Aperahama and that was to punish Māori tribes for rebelling against the Government. Our grandfathers' resistance to the Crown purchasing placed him at risk of breaking the law and facing possible imprisonment and even death as punishment.
114. On 1 October 1906, Batham commented on the petition received from Eruini Rautahi and others.
115. During 1906 a petition was received from Tapapa Rautahi and three others of the Tahoraiti Hawkes Bay who "pray for a further inquiry into their rights to the Tahoriti No. 2 block" On 16 October 1906 the Chairman of the Native Affairs Committee reported "that the committee had no recommendation to make on this petition."

116. During 1906 a petition was received from our great, great grandmother Atenata Te Wharekiri of Dannevirke, for a rehearing of Tahoraiti No. 2 block.' On 3 October 1906 the Under Secretary wrote to the native Chairman of the Native Affairs Committee regarding the petition from Atenata Wharekiri, one of the original grantees over the 5,924 acre Tahoraiti No. 2 block. The petition objected to the Equitable Owners activity which had occurred with the block.

A PERSPECTIVE ON HOW THE CROWN DISHONOURED THE TREATY

117. **1841 Land Claims Ordinance**

All "un appropriated" or 'wasteland' other than that required for the 'rightful and necessary occupation of the aboriginal inhabitants of the said Colony' were deemed Crown land. While giving statutory recognition to the Crown right of pre-emption, it did so at the expense of any rights to Māori rangatiratanga over their own land.

118. **1844 Native Trust Ordinance**

Made hollow provision for Māori education as part of the process of "civilization of the Māori – 'which object may best be achieved by assimilating as speedily as possible the habits and usages of the Native of those of the European population"

119. **1844 Proclamation**

Fitzroy abandoned Crown's right of pre-emption. Lack of government funds meant insufficient land purchases to satisfy settler demand. Any pretences of the "protective" aspect of pre-emption were effectively abandoned.

120. **1846 Native Land Purchase Ordinance**

Restored the Crown's right of pre-emption. Penalties were imposed on any person buying or leasing land from the Māori as means of blackmailing Māori

into selling land to the Crown in place of long-term leases whereby they retained title.

121. **1846 New Zealand Government Act**

Lead to Royal Instructions to Governor Grey to chart all lands in the Colony. That not claimed or registered would automatically vest in the Crown. No Maori claim was to be admitted unless the claimants” actually had the occupation of the Lands so claimed, and have been accustomed to use and enjoy the same, either as places of abode. Or for tillage, or for the growth of crops, or for the de pasturing of cattle, or otherwise for the convenience and sustentation of life, by means of labor expended there on”

122. **1852 New Zealand Constitution Act**

This gave the right to vote to males who owned a small amount of property. Communally owned land did not qualify as property, denying Māori a vote. Parliament was therefore the domain of wealthy colonizers and land speculators.

123. **1862 Native Lands Act**

Once more removed the Crown’s right of pre-emption a Land Court was set up to individualize Māori land ownership. The act was sponsored by Russell, a major land speculator.

124. **1863 Suppression of Rebellion Act**

Suspended the right to habeas corpus for those found to be in rebellion against the crown. Military courts were established, and land confiscation and death were included as penalties for rebellion.

125. **1863 New Zealand Settlements Act**

This empowered confiscation of Māori land of any district where a “considerable number” of Māori were believed to be in rebellion. This assisted the confiscation of 3 million acres, once more to the benefit of Russell and his fellow speculators.

126. **1864 Native Reserves Act**

All remaining native reserves were placed under Pākehā control, and could be leased out to squatters at minimal rentals.

127. **1865 Native Land Act**

The right was given to any person to apply to the Land Court for determination of title to land. Courts could only decide on the basis of evidence before it. If a Māori owner therefore did not take part in this long and costly process, title would automatically vest in the claimant. Māori owners who did not take part would often incur debt which resulted in forced sales anyway. Land titles allowed the naming of 10 owners on the title as a vital step of individualisation, of ownership.

128. **Māori Representation Act**

Set up for Māori seats as a means of removing the threat of Māori outnumbering Pākehā in some electorates where individualized titles had given Māori to vote.

129. **Native Land Amendment Act**

Laws on trusteeship; and on admissible evidence were changed to allow small farmers easier access to land.

130. **Māori Prisoners Trial Acts**

A series of Acts postponed and finally dispensed with trials for those accused of hindering surveying of land. Renewed suspension of habeas corpus (writ ordering a person to be brought before a court or judge so that the court may ascertain whether his detention is lawful).

131. **1882 Crown and Native Lands Rating Act**

Māori land within 5 miles of a highway was made liable to rates. The Crown paid the rates to the local body and made the debt a first charge on the land.

132. **1886 Native Lands Administration Act**
Provided for Māori land to be held by trustees with the right to sell in contravention of rights of communal ownership. Government was able to buy land or sell or lease to small farmers at minimal rates.
133. **1887 Native Land Act**
Allowed for further alienation, including land formerly designated as reserves.
134. **1893 Native Land Purchase and Acquisition Act**
This reintroduced the Crown right of pre-emption. The Crown was given new powers to declare any Māori land “suitable for settlement”. Resistance to the implementation of such powers led to further armed suppression of Māori people.
135. **1904 Land Settlement Act**
Land “not required or suitable for occupation by Māori owners” was to be compulsorily placed under Land Councils with no Māori representation.
136. **1907 Suppression of Tohunga Act**
The spiritual and educational role of the Tohunga in the preservation of traditional Māori society was seen as a threat to amalgamation and was outlawed.
137. **1912 Land Laws Amendment Act**
Conditions under which Crown and Māori leases could be converted into freehold were relaxed. This was in fulfillment of Massey’s election promise, *“I want to see the settlers of this country not tenants of the Crown or private individuals, not afraid of a Government agent or a private landlord, but sturdy free-holders farming their own land”*. By this stage only 4 million acres out of 66 million acres remained in Māori hands. But still that was not enough.

138. 1945 Māori Social and Economic Advancement Act

Some attempts were made under this labor legislation to return some Māori land after the expiry of leases over them. Control over all land transactions remained, however, in Pākehā hands.

139. 1953 Māori Affairs Act

The Maori Affairs Department was set up to act as Māori land Purchase Agent for the Government. Māori land deemed “uneconomic” could be compulsorily purchased at state valuation. The (Pākehā) trustee was given power to buy Māori land worth less than £50 without the owners consent to use as he wished

140. 1967 Māori Affairs Amendment Act

Curbs most iniquitous of alienation under 1967 amendment. Largely of work of Matiu Rata who subsequently left the labor party after facing lack of support on this amendment.

141. 1975 Waitangi Tribunal Act

Set a politically appointed Tribunal to look at Māori claims from 1975 onwards.

Two Pākehā and one Māori member. “Power to recommend only”

142. 1985 Waitangi Tribunal Amendment Act

Crown land can be sold as an asset into private ownership by new privatized Government departments. Once in private title, it could not be subject to claim under the Waitangi Tribunal.

143. 1987 Court of Appeal

Rules against passage of Crown land which may be subject to claims into private sales. Called “The most important ruling made in the history of this nation”. Forces the Government for the first time into a negotiation process with representatives of the Māori people and gives Māori right of veto.

Introduced as well this year was the Environment Act – for format; of the Department of Conservation.

144. **1988 State Sector Act**

Ignores hard won equal employment rights – and blankets them under being a “good employer” – the people at the bottom of this particular heap are Māori women and Māori men. They also make up 80% of redundancies following the S.O.E Act.

145. **1988 Port Reform**

Allows the privatization of Harbour Boards and the right to sell assets including Crown land, foreshore etc, under the 1951 Companies Act, thus placing them outside the jurisdiction of the Waitangi Tribunal. By this Act the Manukau recommendations are made a nonsense.

146. **1989 Māori Fisheries Bill**

When the “negotiations” didn’t go well for the Government, it simply produced its own bill which contained clauses the negotiators had never seen. Māori were to be blocked from making a fisheries claim in Court and a freshwater fisheries clause effectively blocked the majority of claims lodged with the Waitangi Tribunal which are composite claims. Public uproar over the removal of access to the legal process and therefore justice, forced Government to remove these clauses June 1989

147. **1989 Resource Management Law Reform**

Still being processed through Parliament. Earlier inclusion of reference to the Treaty is consistently being removed from all sections of the Bills as the Government strikes snags with the fisheries Bill etc. This raft of legislation will control all resources in this country, amalgamating local resources under local body control. Local bodies have no track record for upholding Treaty rights.

148. The exact meaning of the treaty has been debated from the time it was signed. The State Owned Enterprises Act 1986 identifies the following principles.
149. The crown would exercise the power of government. This included the authority to legislate to ensure peace and good order. Tino rangatiratanga or chieftainship over lands forest, fisheries and other taonga would be protected and guaranteed. This protection extended to Māori people by making them British subjects. The crown would have pre-emptive right to acquire land from Māori at agreed prices should they wish to sell, but sale of land to private people was prohibited. The principal issues then are authority and control over resources and taonga.
Protection and Care, Cultural Integrity Tribal Development Partnership.
150. **What Māori promised and were promised in Tiriti O Waitangi which they were offered and signed.**
A governor(whose purpose, according to the preamble, would be to carry out the Queen's wishes to preserve for the chiefs and hapu their chieftainship and their land, and to maintain peace with Māori in the face of increasing British settlement)
151. Full chieftainship (autonomy etc) over their lands, villages and other taonga (precious things, both tangible and intangible – including language beliefs, social systems etc, much the same as the broad meaning of culture.
152. Land as the prime economic resource of the country to be sold only if the owners chose to sell, and at a mutually agreed price;
153. Royal Protection;
154. The same rights as British who were settling among them.

155. **What Māori were automatically entitled to anyway if New Zealand became a colony, under the conventions of international and colonial law, and British common law.**

The same traditional rights they had before the Treaty, enforceable through the courts, unless these rights were specifically altered by law – if so, the new law would apply to Māori and settlers equally.

156. The same rights as other citizens in respect of new laws and common law.

157. **What Māori might reasonably have expected to happen?**

That they would remain the majority, with an ongoing trickle of migrants rather than a flood:

158. Limited British settlement areas where British law would apply-Māori in British areas would observe British law:

159. The bulk of the country belonging to the tribes which would rule themselves as they wished, with some Pākehā settlers there by agreement and observing Māori law;

160. The Queen through the Governor, controlling the behaviour of Pākehā toward Māori, and fairly mediating and arbitrating between the groups as needed;

161. Tribes would continue to learn and apply new technology in their own ways, with tribal enterprise and Pākehā enterprise developing alongside each other; with Māori will be able to compete and to supply many Pākehā and export needs.

162. **“What Maori Actually Got”**

Sovereignty exercised by and for Pākehā;

163. An imposed Pākehā government making laws for all without reference either to Tiriti or to Māori needs;

164. The deliberate undermining and destruction of Māori authority and social systems;
165. Alienation of vast areas of land by confiscation, “agreements” made under duress, and discriminatory laws designed to transfer the land and resources to the Pākehā and to deny Māori effective voice;
166. Wars of conquest launched against them by governments;
167. The destruction by these means of Māori enterprise and decision making, and the creation of cycles of dependence and poverty;
168. Widespread racial discrimination against them;
169. **What might Te Tiriti o Waitangi mean for now and the future?**
Self determination for Māori in specifically Māori matters;
170. Recognition and support for Māori leadership and structures;
On issues, plans and visions which affect both Māori and Tauīwi and where Māori express particular needs or concerns, decisions genuinely negotiated on equal terms;
171. Return of Crown-controlled resources unjustly alienated from Māori owners, and negotiated compensation to Māori for such resources which are no longer longer in Crown control;
172. Compensation for past and present dependency, poverty and discrimination by policies aimed at equity, including affirmative action in training, job, appointments, etc, until there is real equality;

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173. Recognition of Māori as tangata whenua, not as one ethnic minority among others, and of Māori language, traditions and beliefs as having a major place in the institutions of Aotearoa New Zealand
174. **Māori attempts to be heard working directly through the courts!**
1847 Symonds, Common law rights, aboriginal rights validated.
175. 1866-70 3,489 investigations of land titles Whakaharatu case.
176. 1870's Kauwaeranga – ownership of foreshore land proved but disallowed
177. 1877 Wi Parata and Justice Prendergast – “Treaty is a nullity”
178. 1894 Nireaha Tamaki v Baker – rights only if State recognizes them.
179. 1901 Privy Council recognizes common law
180. 1902 New Zealand Court of Appeal – rejects Privy Council ruling.
181. 1913 Tamihana Korokai v Solicitor General – no rights unless given by Parliament.’
182. 1914 Te Heu Tukino only rights enforceable are those in municipal law.
183. 1963 Re Ninety Mile Beach – foreshore rights sold with coastal land no compensation
184. 1977 Mihaka v Police – language
185. 1986 Te Weehi-customary fishing rights upheld

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| 186. | 1987 | Court of Appeal-Treaty clause upheld in SOE's Pākehā defined Treaty principles. |
| 187. | 1831. | Māori Attempts to be heard working directly!
Petition to King William to look after his hapū, who are behaving in an uncivilized manner”. |
| 188. | 1843 | Wairau Incident |
| 189. | 1844 | Hone Heke flagpole protests |
| 190. | 1845 | Northern Wars |
| 191. | 1847 | Letter to Queen Victoria |
| 192. | 1860 | New Zealand Land Wars. |
| 193. | 1881 | Parihaka – passive resistance – land wars |
| 194. | 1884 | Petition to the Sovereign |
| 195. | 1891 | Petition to the Sovereign |
| 196. | 1932 | Ratana Petition to Parliament |
| 197. | 1970-72 | Nga Tamatoa – Waitangi protests |
| 198. | 1974 | Te Matakite o Aoteroa land march 1975 |
| 199. | 1978 | Occupation of Bastion Point
Occupation of Raglan golf course |
| 200. | 1979 | Te Taua haka party |

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- Waitangi Action Committee
Māori peoples Liberation Movement
201. 1980 Te Hikoi Ki Waitangi
202. 1987 Occupation Tauranga Town Hall
203. 1988 Protests at Waitangi
204. 2004 Foreshore and Seabed Hikoi (Land March on Parliament grounds)
205. **Māori attempts to be heard working through the parliamentary system 1841' 1882, 1891, 1905, 1920, 1928, 1946, 1966, 1978, 1980 Commission of Enquiry**
- 206 1848 - Bill of rights circulated by Māori petitions begin carry through to present day
207. 1850 Suggest laws to strengthen chiefly authority
208. 1860 Kohimarama Conference, Treaty ratified by all māori
209. 1900 Māori Councils Act
210. 1905 Young Māori Party (Carol, Ngata, Buck and Pomare)
211. 1935 Ratana in politics
212. 1937 Petroleum Act – Ngāti Porou
213. 1940 Tribal Committees
214. 1951 Māori Womens Welfare League

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| 215. | 1931 | Incorporations |
| 216. | 1960 | Hunn Report |
| 217. | 1962 | New Zealand Māori Council |
| 218. | 1967 | Māori can stand in European seats |
| 219. | 1974 | Māori Affairs Amendment (Matiu Rata) |
| 220. | 1975 | Waitangi Tribunal |
| 221. | 1985 | Waitangi Tribunal Amendment Act |
| 222. | 1988 | Treaty of Waitangi Act (SOE's) |
| 223. | 1988 | Māori Language Act |
| 224. | 1995 | Tainui – apology from the Crown \$170 million settlement |
| 225. | 1995 | Appeal won Northland able to access seafront properties |

Conclusion

226. We believe that a miscarriage of justice was served upon our grandfather and his tamariki at the hands of the courts and the judges there of. Our grandfather was allowed to be cross examined and even intimidated by fellow petitioners and court judges pertaining to matters of whakapapa and entitlement to ancestral lands that his tupuna had been occupying for centuries.
227. On many occasions our nanny's brothers, Ihaka, Tapapa, Eruini and Mare Rautahi petitioned to the courts for a rehearing to the Tahoraiti No.2 block
228. We believe the statement of Peter Thornton Ropiha for the Wai 166 claim and that is "It is grossly inappropriate that Māori should have to substantiate a claim that the Crown has acted, in its dealings with Māori, inappropriately and contrary to the terms of the Treaty of Waitangi 1840".
229. We also believe another statement of Peter Ropiha and that is "It is the Crown that should be standing here endeavouring to explain its actions of the past"
230. As the Mokopuna of Aperahama Rautahi and his tamariki we ask the Tribunal this "Do you think our tupuna got a fair and just hearing, which they as British subjects were entitled to"?

Bibliography

Tiriti O Waitangi 2003 Nelson Melborough Institute of Technology
Te Whare Wananga O Te Tau Ihu Compiled by S Stevens.
The Rowan Partnership

Rangitane O Tamaki Nui a Rua Traditional History
A Report by Dorothy Ropiha and Patrick Parsons

Block Research Narratives of the Tararua 1870-2000
A Resource Document for Wairarapa District Treaty Issues
Compiled by Paula Berghan Feb 2002