

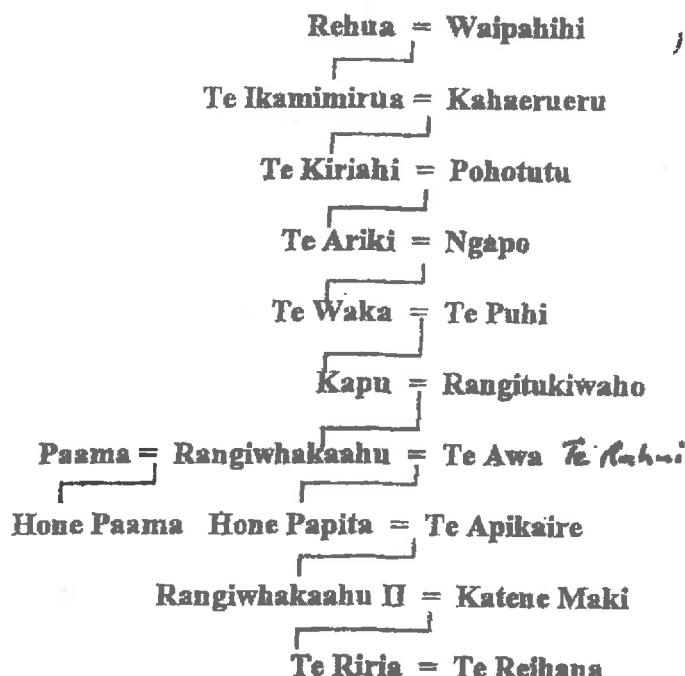
from Murdoch
Sept 1995

INVESTIGATION OF TITLE TO THE OFFSHORE ISLANDS, ISLETS AND ROCKS OFF THE COASTLINE OF AOTEA (GREAT BARRIER ISLAND)

1.0 INTRODUCTION

My name is Te Witi McMath. I reside at Matapouri. I am a member of the Ngati Wai Trust Board and was until recently Chairman of the Board. I give this evidence for and on behalf the Ngati Wai Trust Board and as a descendent of Rehua the eponymous ancestor of Ngati Rehua. I am a principal shareholder in the Onewhero Block on Aotea.

Ka heke ahau no nga kawai rangatira o Ngati Rehua. Ko oku hapu : Ko Te Ure Whakapiko, Ko Te Uri Papa, me Te Whanau o Rangiwhakaahu.



The detailed evidence that I am presenting is the result of countless hours of consultation, korero and research. It is the product of the work of many people both young and old from throughout Ngati Wai, and in particular Ngati Rehua. I am presenting this evidence on their behalf.

2.0 STATEMENT OF CLAIM

We the people of Ngati Wai ki Aotea, and in particular Ngati Rehua, are the persons entitled to the exclusive ownership of the motu, motu nohonohi and kohatu under investigation. These places are an integral part of our papatupu or customary lands, and of our wider ancestral domain. We claim exclusive mana whenua or traditional ownership rights and obligations over the entire island of Aotea and the adjoining islands, islets and rocks. We claim exclusive mana moana over the coastline of Aotea and the seas that surround it. Our mana over Aotea has been exclusive before, during and after 1840.

The basis of our claim to the papatupu under investigation is required to be determined under s. 132 (2) of the Te Ture Whenua Maori Act 1993 'according to

EXHIBIT NOTE

This is the exhibit marked "RJD-1" referred to in the affidavit of
ROPATA JUNIOR DIAMOND and sworn at this
day of 2017 before me:

tikanga Maori'. Our claim is clearly based on traditional rights or 'take' and tikanga Maori, and not on flimsy secondary evidence researched from manuscript sources.

I wish to reiterate these 'take' in some detail to the Court, as they provide the basis of our claim, and of our exclusive mana over Aotea and the places currently under investigation. It is recognised that under the legislation previously outlined, that every title to, and interest in, Maori customary land is determined by these 'take'. This is the case whether mana is asserted on the basis of these 'take', either before, during or after 1840.

The 'take' under which we claim sole and exclusive mana over Aotea and its environs have been outlined briefly at the two previous hearings held by the Court during this investigation. I and several other speakers will examine them in much greater detail in the evidence that is being presented at this hearing. These 'take' include:

2.1 Take Raupatu or the right of conquest by our ancestors Rehua and Te Rangituangahuru near the end of the seventeenth century. This raupatu was, as I will show later, a conquest of the entire island of Aotea, and it was generally associated with the conquest of Hauturu (Little Barrier Island). No conquest of Aotea occurred subsequent to this conquest. The raupatu had two phases which will be explained later in my evidence.

2.2 Take Tupuna or rights claimed through direct descent from our ancestors who occupied all of Aotea and the places under investigation subsequent to the conquest. While our mana whenua and mana moana over Aotea and its environs is claimed specifically from Rehua and his son Te Rangituangahuru, we also have other treasured ancestral associations with Aotea. These come down to us through Waipahihi and Rangiarua the respective wives of these two Rangatira, and also through the other descent lines of Ngati Manaia, Ngati Wai and Te Kawerau.

Through the above named tupuna and their descendants, we of Ngati Rehua can claim descent from the many waka that visited the shores of Aotea over the preceding centuries. These waka include: Paepae ki Rarotonga, Matahaorua, Aotea, Takitimu, Mataatua, Tainui, Moekakara, and indirectly Te Arawa. These waka all left 'tohu' or traditional landmarks on Aotea and its shores. They will be referred to where relevant in this case, in particular in the evidence to be presented by our whaea Whetu McGregor.

2.3 Tikanga or customary practices and knowledge relating to Aotea and the places under investigation. Ngati Rehua and Ngati Wai whanui have a unique and exclusive knowledge of the customs and traditions relating to Aotea and its surrounding motu and moana. This knowledge is an integral part of our take tupuna. It extends back, not only to the conquest of Aotea by our tupuna in the late 1600s, but also back a further five centuries to the occupation of the island by the Turehu people, or as they were known locally the Tutumaiao. Our take tikanga relating to Aotea apply to customs and traditions, usages and practices, place names and their origins, whakatauki, pepeha, and kaitiaki or spiritual guardians.

I will outline tikanga that apply to Aotea generally later in my evidence. Other speakers, in particular our whaea Whetu McGregor, will refer to these tikanga in

greater specific detail as they relate to the areas under investigation. These tikanga apply, not just to the northern part of Aotea as asserted by some of Marutuahu, but to the whole island, its surrounding seas and the places under investigation by this Court.

2.4 Wahi Tapu or sacred places. We of Ngati Rehua have sacred places throughout Aotea and the areas under investigation. The motu, motu nohinohi and kohatu under investigation are tapu for many reasons. Some such as Papakuri, Te Punga o Tainui and Te Toka o Kahukura are associated with ancestral waka. Some such as Huakaraka, Nga Mahanga and Oruawharo are old kainga and pa of our tupuna. Others such as Motu Pakaingā and Okokewa are associated with battle and bloodshed. Yet others such as Kaitoke, Kohatupaopao, Te Pani and Motu Tohora are associated with ancient tradition and are of special spiritual significance.

Some of these motu such as Taukokopu, Motu Kahakaha, and Kaikoura were places of ritual and the burial places of our tupuna. All of them are sacred to us because of their association with our tupuna. They are all protected by the guardian kaitiaki of Ngati Rehua and Ngati Wai whanui. Several of these motu are in fact kaitiaki in their own right, as will be explained in the presentation of our evidence.

2.5 Mahinga or resource use. Ngati Rehua have harvested the resources of these motu, motu nohinohi and kohatu, and the surrounding seas, for many centuries. Our people continue to visit them and to harvest their resources today. Our many whanau who are resident on Aotea are heavily reliant on these resources for their material and spiritual wellbeing. The practices and usages associated with these places have been outlined to some extent at the two previous hearings of this case. Further detailed evidence relating to them will be presented at this hearing.

2.6 Ahi Ka Roa the long burning fire. Ahi ka or the maintenance of permanent and continuous occupation, has always been recognised by Iwi Maori as being of paramount importance in determining mana over specific areas of land. The fundamental importance of ahi ka in determining mana over customary Maori land has also been recognised in New Zealand law. For this reason I will address this 'take' at some length later in my evidence.

In summarising this brief introductory section of my evidence I reiterate to the Court that in terms of the traditional 'take' I have outlined, Ngati Rehua clearly has a unique and exclusive relationship with Aotea and the places under investigation. This will be confirmed beyond doubt in the detailed evidence being presented to the Court by Ngati Wai.

3.0 TE RAUPATUTANGA O AOTEA -The Conquest of Aotea

As the mana whenua and mana moana held by Ngati Rehua in relation to Aotea stems from take raupatu or right of conquest, this take must necessarily be examined in some detail. All of our ancestral rights and obligations relating to Aotea and its environs stem from the raupatu of Aotea by our tupuna around the end of the seventeenth century. Our fires were lit on Aotea and its adjoining motu after this conquest, and we alone have maintained continuous occupation or ahi ka roa from that time to the present.

An explanation of the conquest of Aotea by our tupuna and its aftermath, also explains our more ancient links with the Island that stem from peace making marriages made with several of the wahine rangatira of the conquered people. Importantly it also explains the Marutuahu connections with Aotea, and puts their association with it as manuhiri into context.

The korero surrounding the raupatu of Aotea and the origins of Ngati Rehua is a taonga that is tapu to us. We are reluctant to speak of it in detail in this Court which is essentially a non Maori, public forum. We do however recognise that Ngati Rehua is faced by the greatest threat to its mana for generations, and that like our tupuna in the Native Land Court, we must talk of our history to assert our mana. For this reason I will outline the korero relating to the conquest of Aotea in sufficient detail to ensure that the Court has a clear understanding of this 'take' which provides the very basis of our mana whenua and mana moana over the Island and its environs.

3.1 Nga Putake o Te Raupatutanga o Aotea

The conquest of Aotea took place in two phases around the end of the seventeenth century. The first phase of the conquest was led by our tupuna Rehua and his son Te Rangituangahuru from whom we of Ngati Rehua trace descent. They were assisted by Te Whaiti and his son Te Awe. These tupuna who conquered Aotea were of Ngati Manaia and Kawerau descent. In the mid 1600s the Kawerau Iwi occupied the eastern coastline of the mainland between Takapuna and Te Arai o Tahuhu the headland standing at the northern end of Pakiri Beach. To their north were Ngai Tahuhu who were part of the powerful Iwi of Ngati Manaia who then controlled much of Tai Tokerau. It is principally from Ngati Manaia that Ngati Wai emerged.

In this period Aotea was occupied by an Iwi known as Ngati Tai who were part of the larger confederation known as Ngaoho or Waiohau. Ngati Tai were the descendants of Taihaua a crew member of the Tainui waka, and in particular of his uri Tainui who lived throughout the Hauraki Gulf. While these people were known generally as Ngati Tai, they were divided into three main hapu on Aotea. They included: Ngati Te Hauwhenua who occupied the northern part of Aotea, Ngati Taimanawa hapu who occupied the eastern part of the Island south of Whangapoua, and Ngati Te Wharau who occupied the west and south west of the Island. I will briefly outline their whakapapa, and the geneological links between them and Ngati Rehua later.

I should point out that one remnant part of this once large Iwi later became known as Ngai Tai after they married into the Ngai Tai people from Torere in the eastern Bay of Plenty. These specific people, who were referred to by Taimoana Turoa at the first hearing, were not the Ngati Tai people who occupied Aotea, but were as I have explained closely related to them.

At the time just prior to the conquest of Aotea the northern and eastern parts of the Coromandel Peninsula were occupied by an Iwi of Tainui and Arawa descent. They were known as Ngati Huarere. The Marutuahu conquest of Hauraki had however begun, and Ngati Huarere were soon to be defeated and largely absorbed by them. The conquest was completed several generations after the Ngati Rehua conquest, in the time of such tupuna as Whareiro, Whatihua, and Tarawaikato.

In the late 1600s Te Kawerau and Ngati Manaia often met on the coastline between Te Arai and Whangarei. The two Iwi initially enjoyed friendly relations, although in time they fought a major battle in the Mahurangi area. This battle, and in particular the peacemaking that was to follow it had a number of important outcomes. Firstly it led to the emergence of the Iwi that became known as Ngati Wai. It also led to the development of important links between Ngati Wai and Te Kawerau in the form of a series of ongoing peacemaking marriages. One of these included the marriage of the leading Ngati Wai rangatira Rangihokaia of Mimiwhangata to Tukituki a Kawerau woman from Mahurangi. Another important marriage was that made between Rehua of Te Kawerau and Hinurere a rangatira woman of Ngati Manaia. They settled at Mahurangi where their child Te Rangituangahuru was born.

At this time both Te Kawerau and Ngati Manaia were making periodic journeys to Aotea to visit Ngati Tai. The Kawerau people, being originally from Kawhia, were like Ngati Tai a people of predominantly Tainui descent. Ngati Manaia, particularly those who descended from Tahuhunui o rangi, also shared important geneological links with Ngati Tai. Tahuhu potiki, a mokopuna of Tahuhunui o rangi, had married Reipae the famous Tainui tupuna who had migrated to Te Tai Tokerau with her sister Reitu. It is from Reipae that the name Whangarei, or Te Whanga a Reipae originates. It should also be pointed out that Ngati Manaia also had more ancient links with Aotea through a people known as Ngati Te Rauwawa who journeyed back and forth from Tai Tokerau to Aotea in ancient times under the leadership of a rangatira known as Pukehinau. They ultimately settled at Taheke in the Hokianga area.

3.2 Te Matenga o Te Koro

In the late 1600s a Ngati Manaia rangatira Te Whaiti led an ope from Mimiwhangata on a visit to Aotea. At the Island they stayed as manuhiri of Ngati Te Hauwhenua at Ahuriri, a pa on the north western coastline. During this visit a rangatira of Ngati Te Hauwhenua developed a likening for Te Koro the daughter of Te Whaiti. The two were subsequently married. Te Koro was initially well received by Ngati Te Hauwhenua. However after Ngati Manaia returned to Mimiwhangata, she was mistreated and ultimately killed by her husband's people.

In time news of this kohuru reached Te Whaiti and his son Te Awe. They immediately began to assemble a Ngati Manaia taua to travel to Aotea to seek utu for the death of this wahine rangatira. Te Whaiti also sent a ngakau to Rehua and Te Kawerau of Mahurangi. The reason for this was that Rehua through his marriage to Hinurere of Ngati Manaia was a whanaunga of Te Whaiti, and a matua keke to this woman Te Koro. Rehua and his son assembled a taua at Puhoi and immediately departed for Aotea. They stopped briefly on their journey at Hauturu, where they enlisted the help of their Ngati Manuhiri whanaunga. The taua led by Rehua arrived at Aotea well in advance of the Ngati Manaia taua under Te Whaiti, who had been delayed at Pokohinu by bad weather.

3.3 Te Kahukura o Te Rangituangahuru

On arrival at Aotea, Rehua and his taua immediately sought out Ngati Te Hauwhenua and engaged them in battle. The Ngati Te Hauwhenua pa of Ahuriri at the northern entrance to Motairehe Whanga was taken. Those of Ngati Te Hauwhenua who fled this battle were killed on the foreshore at Torehangina. The next pa taken by Rehua and his taua was Tukari located between Motairehe and Kawa. Rehua who led the

taua was a kaumatua by this time, and it was his son Te Rangitūangahuru who directed the fighting. This first phase of the conquest became known as 'Te Kahukura o Te Rangitūangahuru' because of his prowess as a toa.

3.4 Te Rangi i whakaea

Rehua and his taua rested for a time at Motairehe. They then crossed to the other side of Aotea to the area known as Whangapoua. Here they took the major Ngati Te Hauwhenua pa of Whiritoa which stands above the entrance to Whangapoua. At this stage they were joined by the Ngati Manaia taua led by Te Whaiti. Together they headed north to Waikaro and killed the remnants of Ngati Te Hauwhenua at Motu Pakaingā and Rangiwahakaea. This latter place name has its origins in the name of the final battle of this the first phase of the conquest of Aotea. In full it is Te Rangi i whakaea te matenga o Te Koro - 'The day that the death of Te Koro was avenged'.

The taua led by Rehua, Te Rangitūangahuru, Te Whaiti and Te Awe had achieved their aim of avenging the death of Te Koro. They therefore set out to secure peace with the Ngati Taimanawa hapu occupying the central and southern parts of Aotea. At Awana peace was made with Mata the leading rangatira of Ngati Taimanawa. In order to secure the peace, Te Mata gifted his sister Waipahihi to Rehua. The taua then crossed to the west of the Island where peace was made with the Ngati Te Wharau hapu of Ngati Tai at Motukaraka, a pa on Kaikoura Island. Here the local rangatira gifted his daughter Rangiarua to Te Rangitūangahuru in order to secure peace with the powerful force lead by Rehua.

After the maungarongo the Ngati Manaia force returned to Mimiwhangata, although Te Awe settled for a time on Aotea where he left descendants. Rehua and his people settled on the land that they had conquered in the north of Aotea. Rehua himself initially settled at Pukewhau near Motairehe. He decided however to leave the western side of the conquered land for his son and he shifted to Whangapoua where he built a pa known as Kaikai. Te Rangitūangahuru initially made his home on the shores of Motairehe Whanga where he occupied the famous pa of Tukari. He subsequently occupied pa and kainga throughout Aotea.

3.5 Te Karo ki Mahurangi

After a period of peace, trouble arose between Rehua and his people and Ngati Tai who resented their occupation of the northern part of Aotea. As a result Te Mata and his Ngati Taimanawa people murdered Rehua during a night raid on Rakitu Island. This led to the second and final phase of the conquest of Aotea.

Following the death of Rehua, his son Te Rangitūangahuru immediately turned to his father's people at Mahurangi to avenge his death. They included the Kawerau hapu of Ngati Kahu, Ngati Ka, Ngati Raupo and Ngati Manuhiri who occupied the coastline between Whangaparaoa and Pakiri. A ngakau was also sent to his mother's people of Ngati Manaia. A large taua was assembled at Mahurangi. It was led by Te Korotai of Ngati Rongo, Te Ha and Turoa of Ngati Manuhiri. They were joined by a Ngati Manaia taua that included Hikihiki the then youthful son of Rangihokaia. The taua arrived at Aotea and joined Te Rangitūangahuru and his people. Together this large combined force led by Te Rangitūangahuru inflicted a series of crushing defeats on the remaining Ngati Tai hapu who occupied Aotea. This second phase of the

conquest was known as Te Karo ki Mahurangi, or 'the protection that came from Mahurangi'.

In this phase of the conquest the Ngati Taimanawa and Ngati Te Wharau hapu were first defeated at Mohunga (Nagle Cove). This place was in fact named after the battle which was known as 'Nga Roro Mohunga'. They were then defeated in battles at Whangaparapara, Awana, and Waitematuku which is located at the southern end of Oruawharo or Medlands Beach. Te Rangituanhuru and his force secured their final victories at Rangitawhiri tuturu (Shoal Bay) and Te Wharangi (Sandy Bay). Ngati Tai were driven completely from Aotea with no captives being spared. Some survivors led by Te Mata fled south and took refuge at Ruamahunui in the Alderman Islands near Whitianga. A few also took refuge with the Ngati Pare hapu of Ngati Huarere at Whangapoua on the north eastern side of the Coromandel Peninsula.

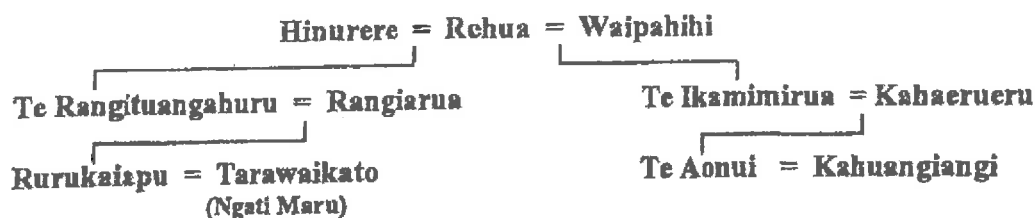
3.6 Nga Hua o Te Raupatutanga

I would now like to describe the aftermath of the conquest of Aotea. Te Rangituanhuru and his allies now held mana over all of Aotea by right of take raupatu. Soon after the conquest the allies of Te Rangituanhuru left Aotea and returned home to their kainga on the mainland. They were however to retain links with Ngati Rehua and Aotea that were to be important in the subsequent history of the Island, as will be explained in later parts of my evidence.

After the death of Rehua, his descendants, by both his first wife Hinurere of Ngati Wai and his second wife Waipahihi of Ngati Tai, took the tribal name of 'Ngati Rehua'. In time Ngati Rehua developed their own identity on Aotea, although they retained and consolidated links with Ngati Manuhiri of the Pakiri area; and in particular with Ngati Wai as the older tribal grouping of Ngati Manaia had become known.

In the first generation after the conquest two hapu developed within Ngati Rehua. They were Te Ure Whakapiko and Ngati Kahu. The Te Uri Papa hapu was to emerge several generations later, as I will explain in relation to the episode known as 'Okahuroa'.

'Te Ure Whakapiko' was the name given to the descendants of Te Ikamimirua the child of Rehua and Waipahihi. This unusual name arose from events surrounding the death of Rehua on Rakitu Island. 'Ngati Kahu' was the name applied to the descendants of Kahurangi the wife of Te Aonui the eldest child of Te Ikamimirua and Kabaeru. The descendants of Te Rangituanhuru and Rangiarua were known simply as 'Ngati Rehua'. It was this particular descent group which was to initially develop geneological links with Ngati Naunau, the Marutuahu hapu who were to settle in the northern Coromandel area several generations later.



Ngati Rehua grew in numbers, and while retaining their own identity, they and Ngati Manuhiri of Pakiri became part of Ngati Wai through constant intermarriage over successive generations. Ngati Rehua settled in all parts of Aotea from Te Puehu and Rangiwahakaea in the north; to Rangitawhiri, Te Wharangi (Sandy Bay), and Waihi (Rosalie Bay) in the south. I will only give a general summary of this pattern of occupation as it is being outlined in detail in the evidence being presented by Whetu McGregor on behalf of Ngati Rehua.

3.7 Nga Kainga maha o Ngati Rehua ki Aotea.

Contrary to statements made by Marutuahu witnesses during this case, our tupuna occupied every part of Aotea, and they were directly associated with every part of the papatupu under investigation.

Ngati Rehua had pa in the far north west of Aotea on the stretch of coast known as Te Whakarae and numerous pa and kainga around Motairehe Whanga. On the west coast south of Motairehe Whanga, Ngati Rehua occupied kainga and pa at Mohunga, Owhiti, Waikaraka, Te Kotuku, Rarohara, Akapoua, Kaiaraara, Kiwiriki, Wairahi and Oneura. They also occupied many islands in the area on a seasonal basis. The island of Kaikoura was occupied permanently. Here pa were maintained at Motukaraka, Kohatutitore and Pahangahou.

To the south of Kaikoura seasonal kainga were occupied on the Kairaumati coastline at Okiore, Parahake and Mangati. The island of Rangiahua was permanently occupied, and the resources of the surrounding motu were harvested seasonally for manu oi and korora, as will be outlined in the evidence being presented by Whetu McGregor. Several kainga were occupied at Whangaparapara where our main pa was Pukerangiora. At Okupe, now incorrectly referred to as Okupu, a kainga known as Kawa was occupied at Blind Bay. The main Ngati Rehua pa in this area was Te O a Kupe. It protected access to the obsidian sources of Te Ahumata, and also the Okupe-Kaitoke portage.

At Rangitawhiri (Tryphena), Ngati Rehua maintained kainga and cultivations at Waikirikiri and Rangitawhiri tuturu, and pa including Putuwhera, Otaimanawa, Te Atamira, Taupakihi and Matarehu (Cape Barrier). To the south of Rangitawhiri our people had kainga at Te Wharangi (Sandy Bay) and Waihi (Rosalie Bay). On the eastern coastline of Aotea our tupuna had pa and kainga at Whangaiti, Oruawharo, Pitokuku, Kaitoke, Matahoroa, Otaihua, Awana, Matawhero, Harataonga, Whangawahia, Waipapa and Komahunga.

At Whangapoua kainga were maintained at: Ohineuru, Orehua, Okiwi and Waikaro. Pa occupied by our people in this area included: Te Tabawai, Kaikai, Whiritoa, and Te Kawau at Rangiwahakaea. Ngati Rehua also lived on the island of Rakitu

occupying pa and kainga at Moturoa, Ngawhakaururu, Te Pau, Puketoitoi and Pa o Rehua.

I will give further evidence detailing the unbroken historical chronology of this pattern of occupation in relation to the most important putake of our mana whenua, ahi ka roa.

4.0 HE TIKANGA NUNUI MO AOTEA ME NGA ROHE O NGATI WAI

At this point I would like to make some points about tikanga that apply to Aotea and the Ngati Wai tribal rohe generally. These will be expanded upon in the evidence being presented by Whetu McGregor, in particular as they relate to the specific places under investigation.

4.1 Nga Rohe o Ngati Wai

It is unthinkable to Ngati Rehua and to Ngati Wai whanui that our beloved Island of Aotea, and the motu and kohatu that surround it, could be cut up into pieces and distributed as proposed by Taimoana Turoa at the first hearing of this case. Aotea cannot be hacked into pieces along the lines along the lines drawn up by Pakeha surveyors following the sale of the Island by Marutuahu.

Our kaumatua were quietly dismayed at this suggestion when it was made at Motairehe and repeated at Ponsonby, because the Island of Aotea is the south eastern outpost of the Ngati Wai Iwi. The western boundaries of Ngati Wai extend from Rakaumangamanga (Cape Brett) in the north west, to Matakana in the south west. The eastern boundaries of our Iwi consist of the many offshore islands that lie in the sea known to us as 'Te Moana nui o Toi te huatahi'.

In the north lie Aorangi and Tawhitirahi (The Poor Knights), further south are Taranga and the Marotiri group (The Hen and Chickens), and beyond them again are Pokohinu and Motukino (the Mokohinau Islands). To the south east of Pokohinu is Te Hauturu o Toi (Little Barrier). Further to the south is the largest and most famous of our islands, Aotea (Great Barrier Island). The south eastern boundary markers of the tribal rohe of Ngati Wai whanui lie at the southern end of Aotea. They include Manaia the maunga tupuna that stands above Rangitawhiri Whanga, Matarehu the pa located at Cape Barrier; and the islands of Motu Tohora and Te Pani which stand in the seas that break on the southern shores of Aotea. They are known to Ngati Rehua as 'Taitumata'.

4.2 Nga Unahi me nga Taratara o Te Ika roa a Maui

As stated by our whaea Whetumarama McGregor at the Motairehe hearing - Aotea and the motu and kohatu that surround it are part of Te Ika roa a Maui, or 'Maui's long fish' that was dismembered by his brothers. They are referred to collectively in our traditions as Nga Unahi me nga Taratara o Te Ika roa a Maui, or 'the scales and the spines of Maui's fish'. This explains the rugged nature of the main island of Aotea, and also the existence of the many little motu and kohatu that lie beside it.

In the traditions of Ngati Wai, the famous ancestor Maui Tikitiki a Taranga, or Maui Potiki, had his origins off the coast of Whangarei. The traditional names of the Marotiri and Taranga group (The Hen and Chickens) recall the events surrounding his birth. Maui Tikitiki a Taranga is the smallest motu lying to the north of his mother

Taranga. Beside him are his brothers who include: Maui i mua, Maui i roto, Maui i taba, and Maui i pae. Further north is their tupuna Muriwhenua.

Te Hauturu o Toi, (Little Barrier) is likened in Ngati Wai tradition to a massive whai or stingray, as it stands guard over the seas that lie between Aotea and the lands of the Ngati Manuhiri hapu of Ngati Wai at Omaha and Pakiri.

The many motu that lie in Te Moana nui o Toi, including those under investigation, are referred to collectively in Ngati Wai tradition as Nga Poito o te Kupenga o Toi te huatahi - 'the floats of the fishing net of Toi te huatahi'. This ancient name is referred to in the waiata oriori that was sung by our tupuna at the Hauturu investigation over a century ago.

Me piki taua ki te tihi

O Hauturu muia ao.

Ka matakutaki taua

ki nga poito o te kupenga

O Toi te huatahi.

E tama tangi kine e.

4.3 Ko nga mana katoa o Ngati Wai kei te wai

The island of Aotea, the surrounding moana, and the motu, motu nohinohi and kohatu that stand off it, are an integral part of the identity of Ngati Rehua and Ngati Wai whanui. We of Ngati Wai are a coastal and seagoing Iwi. We have travelled up and down the chain of islands from Aorangi and Tawhitirahi to Aotea for centuries. More than any other Iwi in Aotearoa we are associated with constant travel on the sea, and in particular with the occupation of an extensive chain of islands.

Our seagoing tradition, and the ocean and islands that make up a significant part of our tribal rohe, provides one of the origins of our tribal name of Ngati Wai. As pointed out at the Motairehe hearing, the late Morore Piripi of Ngati Wai stated -

"Ko nga mana katoa o Ngati Wai kei te wai, i nga taniwha me o ratou manawa"

All the mana of Ngati Wai comes from the sea, from its guardian taniwha and their spiritual force.

4.3 Nga Kaitiaki o Ngati Wai whanui

Aotea and the areas under investigation are protected by kaitiaki or spiritual guardians to which our people look for guidance and help in their everyday lives, and in times of trouble. The most famed kaitiaki of Ngati Wai whanui is the manu known as Tukaiaia. This guardian and messenger is a kaitiaki of all of our tribal rohe, and especially of our moana and motu. Tukaiaia is referred to in one of the better known whakatauki of our Iwi.

**"Ka tangi Tukaiaia ki te moana,
Ko Ngati Wai kei te moana e haere ana.**

**Ka tangi Tukaiaia ki te tuawhenua,
Ko Ngati Wai kei te tuawhenua e haere ana."**

Tukaiaia is a guardian of all of Aotea and its environs. This kaitiaki has special alighting places around the Island. On the western coastline of Aotea there is a kohatu tapu which is also known as Tukaiaia. Its location is known to only a few of our kaumatua, and its appearance is periodically observed for tohu relating to important events within the Ngati Wai rohe.

Aotea and the moana that surrounds it are also protected by a number of other kaitiaki which are the spiritual guardians of Ngati Rehua. It would be inappropriate in this forum to reveal the matauranga tapu relating to these kaitiaki in any great detail. It is sufficient to say that our kaitiaki include: manu, tohora (right whales), aihe or papahu (dolphins), whai (stingrays), and mango (sharks).

Among the better known kaitiaki of Ngati Rehua are the mango known as Te Mauri and Mangoroa who protect our people on the sea, and who are turned to in times of danger. The origins of these kaitiaki go back to the time when Toi te huatahi landed on the western coast of Aotea near Rangiahua (Flat Island). Mangoroa was particularly associated with our tupuna of the Te Uri Papa hapu, or the descendants of Ranginui. They occupied all parts of Aotea and in particular its western coastline between Motairehe and Rangitawhiri (Tryphena). Like the rest of Ngati Rehua they also occupied the islands of Pokohinu and Hauturu, and kainga on the mainland between Tutukaka and Te Rawhiti.

Tukaiaia and the other kaitiaki who keep vigil over Aotea and its surrounding seas, do not know of the artificial boundaries that were drawn on maps of Aotea by nineteenth century Pakeha surveyors. They protect all of our coastline and the moana that borders the tribal rohe of Ngati Wai, from Rakaumangamanga (Cape Brett) to Motu Tohora at the southern end of Aotea. They protect the people of Ngati Rehua who still constantly travel the seas surrounding Aotea to harvest the rich resources of the ocean and the motu that lie within it.

5.0 AHI KA ROA

5.1 As I have stated earlier, the right of 'ahi ka roa' or continuous occupation has always been recognised both in Maori tikanga and British Law as being fundamental in determining mana over specific land and sea areas. This is particularly the case in relation to papatupu or customary Maori land. For this reason I wish to give a detailed summary of the Ngati Rehua occupation of Aotea from the time of its conquest by our tupuna until the present time. Further detail will be added to this summary later in my evidence as I describe some of the key events in Ngati Rehua history, such as 'Okahuroa', 'Te Hara ki Te Kowhai', 'Te Kohuru o Te Maunu' and 'Te Whawhai ki Te Mauparaoa'.

5.2 I recognise that the Court is well aware of the legal basis and precedent associated with Ahi ka. I would however like to begin by briefly outlining the comments of some noted legal authorities on this traditional 'take' of Ahi ka for the benefit of those assembled here today.

The noted authorities Chief Judge E.T.J. Durie, P.B. Temm, W.M. Wilson and S. Kenderdine state in a N.Z. Law Society Seminar publication entitled 'The Treaty of Waitangi' (1989:36), "the whole basis of Maori customary title to land is based on the doctrine of Ahi Ka (keeping the fire alight) or 'dominium' in Roman Law terms."

They go on to further describe the doctrine of 'Ahi Ka' as defined by Judge Norman Smith (1936 : 57-58) thus- "every right to land, whether it rested upon ancestry, conquest or gift, was required to be kept alive by occupation or the exercise of some act indicative of ownership and user...A Maori was required, according to Native custom, to keep his fires burning on the land. If a Native left his tribe and went to live in another district through marriage or otherwise, and he and his descendants remained away for three generations, they would forfeit all rights to the land so abandoned; their claims would become ahi mataotao. The meaning of this term is cold or extinguished fire and, as applied to the instance just given, would signify that the rights of the claimants had become cold and their claims extinguished."

5.3 Ngati Rehua have kept their fires burning on Aotea and its environs, from the time of Rehua and Te Rangituehuru until today. To illustrate this at a personal level, my whanau have maintained their ahi ka on Aotea for 12 generations subsequent to the conquest.

Even during the period following the battle with Ngati Kahungunu at Whangapoua, when many of our people sought refuge on the Coromandel Peninsula (1838-1840), some of our tribe remained in occupation of Aotea. They occupied Rangitawhiri (Tryphena) and other places in order to keep the fires burning in our many kainga on Aotea. I will expand on this matter further in relation to Te Whawhai ki Te Mauparaoa.

5.4 Marutuahu never lit their fires on Aotea other than as our manuhiri. Even then they only did so for less than a century prior to the mid 1820's. This was also the case for our people who travelled to Marutuahu kainga in the Moehau and Hauraki areas. (This important aspect of the case is examined in greater detail later in my evidence.) The Marutuahu hapu who were given permission to light their fires in our kainga, from the time of Te Ngaiea in the early 1700s until the deaths of Te Maunu, Te Mana and others in 1827, never occupied the island of Aotea or its environs on a permanent basis.

Several small groups of Ngati Rongou under Aperahama Te Karanga and his son Hohepa Katene, and Patukirikiri under Pita Taurua; lived as manuhiri with Te Heru and Te Huaroa at Rangitawhiri tuturu for a brief period in the early 1840s. Kitahi Te Taniwha of Ngati Whanaunga also spent a short period on Aotea in the early 1840s. At this time he stayed with Te Mariri and relatives of his Ngati Wai wife Kabuwaero at Te Roto and Moanauriuri near Motairehe. Te Mariri also occasionally hosted his Ngati Maru relatives such as Rangikaiwhiria and Te Pukeroa in various kainga on Aotea in this period. He also stayed with them at their kainga in the Hauraki area.

Ngati Rehua

I will examine exactly who these manuhiri were, and what they were doing on Aotea, later in my evidence. These manuhiri had left Aotea before 1844 and were never to return. They and others sold Aotea from Coromandel and Auckland without our initial knowledge and against our will.

In brief, small groups of Marutuahu lived in some of our kainga as manuhiri for less than a century. Their fires, that were lit with our permission, went cold over 150 years ago. It was for this reason, and because Marutuahu had sold what they perceived as their 'rights' to land on Aotea, that Judge MacCormick stated nearly seventy years ago - "Ngati Maru has no rights in the Barrier at all now, whatever they may have had formerly." (K.15 1926 : 316) This statement is particularly relevant to this investigation as it was made in relation to the investigation of title to an area of papatupu, in this case to Rangiahua (Flat Island), a small island lying off the coast of Aotea.

5.5 After the 1838 sale of Aotea, as outlined by Graeme Murdoch at the Motairehe hearing, Ngati Rehua technically became landless on Aotea. They still however continued to occupy kainga throughout the Island until the absentee sale of the Rangitawhiri Block by Marutuahu in 1854. Pakeha settlement on Aotea was however initially confined to the north of the Island in association with the copper mine operated by Nagle and Abercrombie at Te Puehu or Miners Head. This meant that our tupuna were able to continue to occupy most of the Island, and to harvest its resources as their tupuna had done before.

The 1844 and 1854 land sales had however formalised our landless state. As a result our tupuna were forced to approach the Governor and the Mining Company to secure at very least our most sacred lands surrounding Motairehe Whanga. For this reason the 4500 acre Native Reserve was set aside for Ngati Rehua in 1854. (This important matter will be examined in further detail later in my evidence.) It was from this time that many people came to assume, quite incorrectly, that Ngati Rehua mana whenua and whenua tupuna, applied only to the land lying north of the survey boundary established by the Land Claims Commissioner in 1844.

5.6 Pakeha had come to Aotea to prospect for copper in the late 1830s, and had begun to settle near the Mines in 1839. However it was not until after the Crown had surveyed the land purchased from Marutuahu in 1854 and 1856, that the Pakeha came to Aotea to settle permanently. Growing numbers of settlers came to the Island in the late 1860s, and by the 1870s most parts of Aotea had been settled by the Pakeha.

In spite of this we of Ngati Rehua continued to exercise our customary rights throughout the Island and the surrounding seas. We continued to harvest the natural resources of the Island, and to visit our wahi tapu located throughout Aotea. This was however to become increasingly difficult over following generations as the settler community grew; and as they asserted their Pakeha view of individual property rights.

5.7 From the 1870s Ngati Rehua were therefore restricted in our ability to exercise our traditional rights and obligations on the main Island. Our tupuna did however continue to fish the seas around Aotea which they had always known intimately.

They also continued to visit the motu and kohatu under investigation, which had never been alienated, and which they always regarded as their own.

For seven generations since the sale of our Island by non resident individuals of Marutuahu, and our relocation on the Native Reserve at Motairehe Whanga; we of Ngati Rehua have continued to exercise exclusive mana whenua and mana moana over Aotea and its environs. We have known no other Iwi on the Island during this period of 150 years. In this regard I would like to again remind the Court once again that our tupuna Hone Paama (born on Aotea in 1845), stated at the Rakitu Investigation in 1870 that he had never seen Ngati Maru on the Barrier. (AK. 2 1871: 38) He also stated, "our people have always remained in undisturbed possession of both islands (Aotea and Rakitu)...Our tribe has always exercised rights of ownership over the Barrier and Rakitu." (Ibid. : 36&37)

5.8 We of Ngati Rehua have however been handed down the tikanga and korero relating to Marutuahu associations with us and Aotea. This will be outlined in the next section of my evidence. We value and cherish the geneological connections that we hold with the Marutuahu confederation, as with other Iwi. We do however maintain categorically, as did our tupuna before us, that Ngati Rehua hold exclusive mana whenua and mana moana over Aotea, its surrounding motu, motu nohinohi, kohatu and moana. Our fires have never stopped burning on Aotea from the time of Rehua until today.

5.9 Over the last 150 years Ngati Rehua have had virtually no contact with other hapu, other than those of Ngati Wai whanui who occupy the coastline from Pakiri to the Bay of Islands. No other Iwi have ever occupied Aotea during this time. In fact, apart from a few individual Maori who have sought work on the Island or married into Ngati Wai, no other Maori occupied Aotea until recent decades. Since the 1970s a number of taurahere have settled on Aotea, in the main to work in commercial fishing.

5.10 Over the last century Ngati Rehua have generally lived on the Maori Reserve. During this period our people have however worked all over the Island in a wide variety of employment. This has included : farm work, commercial fishing, whaling, forestry work, transport; and in recent years tourism, service industries and work for DOC.

While engaged in this work our people have lived throughout Aotea from Waihi (Rosalie Bay) in the south to Te Roto in the north. Ngati Rehua still fish the seas surrounding Aotea, both for sustenance and commercial purposes. Our people continue to harvest kaimoana from the coastline and estuaries, and to harvest the resources of the motu and kohatu that lie off the coast off the Island. This matter is discussed further in the evidence being presented to the Court by Whetu McGregor.

Ngati Rehua have occupied all of the main settlements on the Island, and in particular Rangitawhiri (Tryphena), Whangaparapara, Okiwi, Whangapoua and Rarohara (Port Fitzroy). As well of course, our people have also occupied the larger offshore islands off the coast including : Rakitu, Rangiahua and Mahuki Iti. This occupation pattern continues today, with people of Ngati Wai descent occupying homes on Aotea from

Ruahine in the far south, to Te Roto at the north western entrance to Motairehe Whanga.

Today there are an estimated 6500 people of Ngati Rehua descent. Only a small proportion of them reside permanently on Aotea where our people presently make up approximately 15 per cent of the Island's permanent population. Large numbers do however regularly return to Aotea for holidays or hui. An increasing number are returning to Aotea to settle on the reserve land, or elsewhere on Aotea. Many of our people live in urban Auckland, elsewhere in New Zealand, or overseas. Some, like my hapu Te Whanau o Rangiwhakaahu, live at Matapouri and in other Ngati Wai kainga in Te Tai Tokerau. Aotea is however the ancestral home of Ngati Rehua. We are the Tangata Whenua of Aotea.

6.0 MARUTUAHU ASSOCIATIONS WITH AOTEA AND NGATI REHUA.

6.1 The aims of this section of evidence are: to explain the relationship between Ngati Wai and Marutuahu, to outline which Marutuahu groups came as manuhiri to Aotea, and to explain why they came. I intend to examine this matter in some detail using both Ngati Wai and Marutuahu sources.

It should be remembered that because of contacts between our two Iwi over the generations, many people of Ngati Rehua and Ngati Wai whanui are descendants of Marutuahu. We hold a considerable body of knowledge relating to our links with the Marutuahu confederation. Our mana on Aotea has however always been claimed solely through descent from Rehua.

At the first hearing Taimoana Turoa stated that it was a total mystery to him how Marutuahu came to be on Aotea. For this reason I will explain this important point to the Court in some detail to set the Marutuahu associations with Aotea in their proper context, and to clarify Ngati Wai mana over Aotea once and for all.

6.2 At the second hearing of this investigation Taimoana Turoa stated (3.1) that, "a Marutuahu tribal presence in Aotea has existed for many generations." This is definitely not the case. A Marutuahu presence on Aotea did exist as manuhiri for several generations from the late eighteenth century until the death of Te Maunu in 1827. Several small groups of Ngati Whanaunga, Ngati Rongou and Patukirikiri also returned to stay briefly with us in the early 1840s following the arrival of Christianity and the making of peace between Ngapuhi and Hauraki. (I will explain the reason for their presence later.) Relations however soured after trouble arose between Te Heru of Ngati Wai and Tamati Waka Te Puhi after his attempts to sell Rangiahua and other land on Aotea in the early 1840s.

Following the sale of Aotea by Marutuahu, their presence on Aotea as manuhiri ceased. There has now been no 'Marutuahu tribal presence on Aotea', even as manuhiri, for 140 years or at very least six generations.

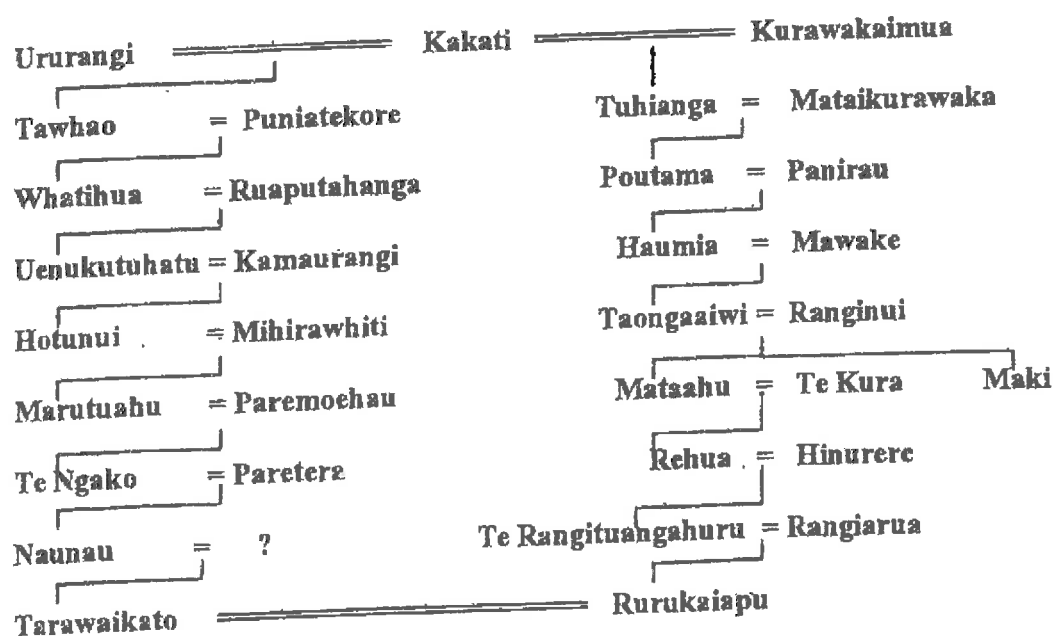
6.3 As previously mentioned Marutuahu had completed their progressive conquest of Ngati Huarere not long after the Ngati Rehua conquest of Aotea. They had then settled in the northern area Coromandel Peninsula. In relation to this Hoani Toarauwhea of Marutuahu states, "Ngati Naunau took possession of Tangiaro in the time of Tarawaikato." (H.1 :93, H 2 :55) Tarawaikato lived several generations after

Rehua. A generation after the conquest, Ngati Rehua and Marutuahu began to come in contact with each other in the vicinity of Te Awanui o Hei, or the Colville Channel.

At this time an important marriage was concluded between Tarawaikato of Ngati Naunau, and the great grandson of Marutuahu; and Rurukaiapu (not Urukaiapu as stated by Taimoana Turoa) the grand daughter of Rehua. Rurukaiapu left Aotea and settled with her husband at Tangiaro o Kahu (Port Charles) in the north east of the Coromandel Peninsula.

6.4 The marriage of Rurukaiapu and Tarawaikato had been made to secure good relations between Ngati Rehua and the Marutuahu confederation. Most importantly however, it was made to recognise the ancestral links between the two Iwi. Both Marutuahu, the founding ancestor of the Marutuahu confederation, and Mataahu the father of Rehua had originated from Kawhia. These two tupuna descended from the Tainui rangatira Kakati who in his time controlled the land between Whaingaroa (Raglan) and Kawhia. Kakati had strengthened his mana by taking two important wahine rangatira as wives. Firstly he married Ururangi of Kurahaupo, from whom descended Marutuahu. Secondly he married Kurawakaimua who was a mokopuna of Turi the commander of the Aotea waka. It is from this marriage that Rehua the eponymous ancestor of Ngati Rehua descends.

Mataahu and Makinui were the founding ancestors of the Iwi known as 'Te Kawerau', or in full 'Te Kawe rau a Maki'. Mataahu married Te Kura of Ngaoho and their child Rehua was born at Whangaparaoa. He subsequently married Hinurere of Ngati Manaia during peacemaking between these two Iwi. Rehua and Hinurere lived at Mahurangi, Hauturu and then Aotea.



6.5 I would now like to examine the associations of Ngati Naunau with Ngati Rehua and Aotea. The descendants of Tarawaikato took the name 'Ngati Naunau' in honour of his father Naunau. They visited our tupuna periodically on Aotea, where they stayed as manuhiri until the death of Te Maunu at the hands of our visiting

whanaunga of Ngati Manu in 1827. (I will speak at some length on this important event later in my evidence) Ngati Rehua, and in particular the descendants of Tarawaikato and Rurukaiapu, also periodically visited Tangiaro on the Coromandel Peninsula.

The Ngati Naunau visits to Aotea had begun from the time of the marriage of Tarawaikato and Rurukaiapu. They were however infrequent, and were made for reasons of whanaungatanga. As Hoani Toarauawhea noted, Ngati Naunau "occupied Tangiaro (Port Charles) since the days of Tarawaikato to the days of Korio when they left for Great Barrier and came back in the time of Te Rau o Te Huia. They left the Barrier on account of Ngapuhi." (H. 2 : 58) This latter reference is to the death of Te Maunu in 1827, and the Ngapuhi raids of the 1820's. Korio was the grandfather, and Te Rau o Te Huia the mother of the Ngati Rehua rangatira Te Mariri.

They had taken refuge with Ngati Rehua on Aotea for approximately a decade around 1800. At this time Ngati Naunau had been involved in land disputes with Ngati Whanaunga, and after fighting had left Hauraki and sought shelter with Ngati Rehua.

Regarding this, Kitahi Te Taniwha of Ngati Whanaunga stated - "there was a quarrel between Ngati Naunau and Ngati Whanaunga in my father's time. Ngati Naunau were beaten. They left Waiapu and took up residence at Tangiaro...The Ngati Whanaunga went to attack them. After some fighting Tupu of Ngati Naunau was killed...The Ngati Naunau were driven to Aotea.. They came back after peace was made. The Ngati Naunau went afterward to the Barrier to get mackerel" (H. 2 :73) It was at this time that Te Wao of Ngati Rehua had married Korio of Ngati Naunau.

	Te Wao	=	Korio
	└───┘		
Te Rau o Te Huia	=	Parehe	
	Te Mariri		

The Ngati Rehua rangatira Te Mariri, spent a great deal of time at Tangiaro and elsewhere in the Hauraki area until the mid 1860s. Te Mariri could claim land rights in the Hauraki area through descent from Marutuahu, Te Ngako and Naunau. His mana whenua on Aotea was however always claimed through descent from Rehua, as is well illustrated in the Rakitu case.

Ngati Naunau had sought refuge with us because of whanaungatanga, especially with Te Mariri. As will be seen in subsequent evidence these visitors did accompany our tupuna on fishing expeditions, especially for the prized tawatawa and whapuku.

6.6 I would now like to turn to examine the reasons why people of Ngati Tamatera, in particular Ngati Rongou and Patukirikiri made intermittent visits to Aotea to stay as our guests for several generations prior to and after 1800.

Taimoana Turoa stated in his evidence presented at the second hearing that, "some of the major role players who took part in the sale of Aotea were inter-tribally connected, as their many recorded whakapapa show." (3.4) This is certainly true, as a study of our records and the Coromandel and Hauraki Minute Books of the Native

Land Court reveals. The geneological links of these people who took part in the 1844, 1854 and 1856 sales of land on Aotea also explains the association of these Marutuahu hapu with Ngati Rehua, and the reasons for their visits to Aotea as manuhiri.

The best documented associations of these Marutuahu tupuna are to be found in the minutes of the Rakitu Investigation, and the Coromandel Minute Books 1865-1900. Those who are stated to have occupied Aotea, or to have had associations with it include: Aperahama Te Karanga, Hohepa Katene, Poau, Te Mana, Pita Taurua, Riria Poau, Mohi Mangakahia, Haimona Mangakahia, Te Maunu, Tamati Waka Te Puhi, Hikihihi, Te Ipu, Tara, Turuhira Te Arikirangi, Te Horeta Te Taniwha, Kitahi Te Taniwha and several others. (The links of Te Horeta and his son Kitahi, and other members of Ngati Whanaunga will be explained later.)

Those tupuna of Ngati Tamatera named above, all descend from Te Rakau the founding ancestor of the Ngati Rongou hapu of Ngati Tamatera. Those of Patukirikiri named above, who took part in the sale of Aotea, such as Pita Taurua and Riria Poau, were related to Ngati Rongou by marriage.

How then do the descendants of Te Rakau have an association with Aotea? Why did the mokopuna of Te Rakau occasionally visit Aotea to stay with Ngati Rehua? The answer is alluded to in their claims asserted in the Rakitu Investigation in 1870. One of these claims was referred to by Taimoana Tumoana in trying to assert a Marutuahu right with part of Aotea at the second investigation. He noted that in the Rakitu Case that Wi Turipona had, "acknowledged a reference to Whangaparapara, admitting it belonged to Paora Te Putu." (Ak 2 :35) When asked by Tamati Waka Te Puhi, "how does he (Paora Te Putu) claim on Ngati Wai land?" Turipona replied, "He taha ke, a woman." (Ibid.)

It is this woman who is the key to explaining the Ngati Tamatera, and especially the Ngati Rongou association with Aotea, and why our tupuna welcomed them periodically as manuhiri, and were reciprocated when they went to Hauraki. This tupuna was a woman of Ngati Tai descent known as Rakawhanake. Her family had been among the few survivors who were driven from Aotea when Ngati Rehua and their allies had taken Pukerangiora the pa at Whangaparapara during the conquest of the Island. The people of Rakawhanake had taken refuge at Whangapoua on the Coromandel Peninsula. In adulthood she married the Ngati Tamatera rangatira Te Rakau who lived at Papaaroa and Koputauaki north of Coromandel Harbour.

The first wife of Te Rakau was Waipaipai whose child Miria was the mother of Te Maunu, and the great great grandmother of Tamati Waka Te Puhi. The children of this marriage had no ancestral links with Aotea. It was for this reason that Tamati Waka Te Puhi had to rely on his wife's Ngati Rehua whakapapa to establish a link with the Island, as he tried to do unsuccessfully in the Rakitu Case.

Rakawhanake was the second wife of Te Rakau. They had several children including Tutapu and Namunamu. It is from them that those people of Ngati Rongou and Patukirikiri who stayed on Aotea as our manuhiri descend.

In the Rakitu Investigation Hohepa Kapene of Ngati Rongou attempted unsuccessfully to claim a 'right' on Aotea through descent from the conquered people of Ngati Tai. He claimed his links with Aotea, "through my ancestors Tainui. Tutapu a descendant of Tainui lived on this island (Rakitu)." (Ak 2 : 19) He went on to say, "I don't know what tribe he belonged to,"... and later, "Tainui belonged to Kawerau." (Ibid.)

Tainui did not belong to Kawerau but was in fact the founding ancestor of Ngati Tai ki Aotea who were driven from Aotea by Te Rangituangahuru and his allies of Ngati Wai and Te Kawerau in the time of Ponanui and Te Mataa who became the brother in law of Rehua. Tainui was a descendant of Taihaua and Te Keteanaataua who were rangatira on the Tainui waka. His whakapapa is well known.

Tainui
|
Taimaro
|
Takaroa
|
Taimatahirahira
|
Taimanawaiti
|
Taihaua
|
Ponanui

Tutapu was a descendant of Tainui through one of the uri of the conquered people of Ngati Tai who were driven from Aotea by Ngati Rehua, and who took refuge on the Coromandel as I described earlier. Tutapu did not live on Aotea, although Te Moho and Taioho the children of Tutapu did spend time on Aotea as manuhiri of Ngati Rehua, in particular at Rangitawhiri tuturu (Shoal Bay, Tryphena). Hamiora Mangakahia claimed his rights on Aotea from Tutapu, and from his grandparents Te Mana and Poau. We must ask why were these people visiting Aotea?

In the generations that followed the conquest of Aotea by Ngati Rehua, our tupuna developed friendships with Ngati Naunau as I have explained. This friendship came to extend to the children and in particular the grandchildren of Te Rakau and Rakawhanake. The reason was that Rakawhanake was of Ngati Tai descent, as were our tupuna wahine Waipahihi and Rangiarua who had been gifted as wives to Rehua and his son after the first phase of the conquest of Aotea. It was for this reason of whanaungatanga and aroha that Ngati Rehua invited them to visit Aotea, and to stay in our kainga as manuhiri. Conversely it was for the same reason that our tupuna travelled to Hauraki to stay as manuhiri in the kainga of our Marutuahu relatives.

6.7 Ngati Rehua developed an association with Ngati Whanaunga after it forged the friendships with the other Marutuahu hapu I have just mentioned. It was however to be the most important of our associations with Marutuahu from the late 18th century until the 1850s. Tuhi the wife of the Ngati Whanaunga rangatira Te Horeta Te

Taniwha was a descendant of Naunau, and therefore they came into contact with those of Ngati Rehua who visited the Coromandel area.

Te Horeta kept pigs on Repanga (Cuvier Island) which lies south east of Aotea. He gifted some of these pigs to Ngati Rehua in the late eighteenth century and he occasionally visited our tupuna on Aotea. His mana was always respected by the rangatira of Ngati Wai whanui, as will be seen in part of my subsequent evidence that relates to the incident known as 'Te Hara ki Te Kowhai', and in relation to the 1838 battle with Te Mauparaoa. Te Heru of Ngati Wai and Te Horeta had an ongoing respect for each others mana. This respect was cemented by several important marriages which I will describe later. Te Heru stayed with Te Horeta at various Hauraki kainga in the early 1800s, and Te Horeta stayed with Te Heru and Te Mariri in their kainga on Aotea in the same period. This friendship was to be maintained by his son Kitahi until after Te Heru's death in the late 1850s.

In spite of the fact that Te Horeta oversaw the sale of Aotea in 1838, Ngati Rehua always respected the fact that he never interfered with their occupation of Aotea, either before or subsequent to the sale. Te Horeta was a staunch opponent of Tamati Waka Te Puhi's land selling ventures in the Hauraki area, and he took no part in Tamati's secretive private sale of land on Aotea in 1844. It was not until Te Horeta's death in 1853 that the other individuals and hapu of Marutuahu dared to move to again sell parts of Aotea to the Crown.

6.8 I would now like to examine the documented occupation patterns of these individual Marutuahu tupuna mentioned above. This will clearly show that they resided permanently in the Coromandel district, and that if they visited Aotea at all, their visits were brief and sporadic.

6.9 At the second hearing of this case Lianne Ngamane quoted a reference from Land Court minutes that stated that Aperahama Te Karanga had a 'pa' on Aotea. My first comment is that this statement was made by a witness trying to deny Aperahama a right to the Poihakena Block in the northern Coromandel. Aperahama was a great great grandson of Rakawhanake. For this reason he sometimes lived with our tupuna Te Mariri, Te Heru, and Te Huaroa at Rangitawhiri tuturu as a manuhiri. The same applied to Te Mana and his wife Poau.

Paora Te Putu also spent some time as a manuhiri on Aotea at the same time for the same reason of distant whanaungatanga. He was the great grandson of Namunamu a child of Rakawhanake. He never held mana on Aotea. His link with our tupuna was through his Ngati Tai tupuna who had been defeated and driven from Aotea approximately six generations earlier.

These links between Ngati Rehua, Ngati Wai whanui and Ngati Tamatera and Ngati Naunau were to last for several generations until the deaths of Te Maunu, Te Mana and others at the hands of our Ngati Manu relative Pomare II or Whiria in 1827. Marutuahu were to remain absent from Aotea for a generation during the Ngapuhi raids of the 1820s and 1830s. The whereabouts of these people over following decades can be clearly seen by an examination of the Coromandel Minute Books of the Native Land Court.

As a consequence of the Ngapuhi raids Aperahama Te Karanga and his whanau moved from Whangapoua on the north east Coromandel to Horotiu in the Waikato for safety. (C.7 :99) After his return from exile in the Waikato, Aperahama and his people lived in various kainga on the Coromandel Peninsula. In relation to this Tuta Tamaiti stated, "Aperahama Te Karanga's permanent residence was Whitianga." (C. 8 :271) Huihana Rangituiia stated, "Aperahama was brought to Koputauaki from Whitianga." (C.7 :260)

Hohepa Kapene noted that his father Aperahama died in 1856 at Papaaroa and that he was initially buried there, and was later reinterred at Ohinemuri. (C. 7 :242) and (C. 7 :251). Hohepa Kapene may have visited Aotea several times during his life, however he lived his life in the Hauraki district. He noted in 1871, "I live at Ohinemuri. I lived formerly at Koputauaki." (C.2 :242) Koputauaki and Papaaroa are kainga located just north of Coromandel Harbour.

Mohi Mangakahia and his brother Hamiora Mangakahia made claims in the Rakitu investigation of 1870 that their parents and grandparents had lived on Aotea. This was true to the extent that these people of Patukirikiri and Ngati Rongou lived with Ngati Rehua as manuhiri at Rangitawhiri and elsewhere on Aotea. They had visited our tupuna as explained for reasons of whanaungatanga and to take refuge at the time of trouble with Ngati Whanaunga.

Te Mana and Poau the grandparents of Mohi and Hamiora were guests of Ngati Rehua on Aotea when Te Mana and Te Maunu were killed by our relative Pomare II and his Ngati Manu ope from the Bay of Islands. (I will expand on this episode later in my evidence.) It was Taioho, the parent of Te Mana and the child of Tutapu, who had first been invited come to Aotea as a guest because of whanaungatanga. As I have explained this whanaungatanga derived from Rakawhanake and the conquered people of Ngati Tai. Mohi Mangakahia and his brother Hamiora never lived on Aotea.

6.10 At the Ponsonby hearing Taimoana Turoa stated quite mischievously that Hamiora Mangakahia, "had been born at Whangapoua." (4.8) He knows full well that this was not Whangapoua on Great Barrier but Whangapoua on Coromandel. Hamiora himself states, "I was born at Kuaotunu." (C.2 : 262). Mohi Mangakahia states, "I live at Whangapoua. I have always lived there." (C.1 :210) This evidence given in the Opitonui Block Investigation makes it quite clear that he is talking about Whangapoua on the north east coast of the Coromandel Peninsula, and not Whangapoua on Aotea. He was still living there in his home at Pungapunga at the turn of this century.

Mohi Mangakahia explained in his evidence in the Opitonui case that after his grandfather Te Mana had been killed by Ngapuhi while visiting Aotea in 1827, his family had fled to Tuhua or Mayor Island. His mother Riria and his grandmother Poau had returned to Otanguru in the Coromandel area after this. (C. 1 : 312) Mohi stated that they were both buried at Whangapoua, Coromandel. (C.1 :264) Riria Poau was one of the sellers of the Rangitawhiri Block in 1854. Like the other sellers, she had no right to sell land that she visited as a manuhiri, and from which she had been driven after the death of her father Te Mana.

6.11 Tamati Waka Te Puhi was one of the main land sellers on Aotea, and in fact in the Hauraki area. He was a descendant of Te Rakau and his first wife Waipaipai, and had no geneological links with Ngati Rehua. It is for this reason that he never claimed land on Aotea in his own right. He always tried to claim land on Aotea through his wife Turuhira Te Arikirangi. He even signed the 1856 Sale Deed to central Aotea, "for his wife."

Turuhira was of predominantly Ngati Rongou descent and lived virtually all of her life in the Coromandel area. She had a great grandparent Te Ipu, who was of the Ngati Kahu hapu of Ngati Rehua. Tamati Waka Te Puhi had no right to land on Aotea, or in fact to the surrounding motu. His wife did have a very minor ahi mataotao right through Te Ipu, as did their children Wiremu Te Puhi and Te Katene. Both of these children however died young and left no descendants.

Tamati Waka Te Puhi may have stayed briefly with his wife's Ngati Rehua relatives on the west coast of Aotea. However he generally lived on the Coromandel Peninsula at many kainga. He himself stated that he, "cultivated at Otautu, in Governor Hobson's time and continued to do so for years." (C. 2 :149) He also stated that he lived at Waiaro near Colville for 5 years in the time of FitzRoy. (C. 2) Other kainga that he lived in on the Coromandel Peninsula included: Te Onepu, Hongikore, Ahirau, Pumuku and Poihakena. Tamati Waka died at Manaia, Coromandel.

6.12 As I have previously noted, Taimoana Turoa asserted, on the basis of a reference in the Rakitu Investigation, that the Ngati Tamatera rangatira Paora Te Putu had a 'land right' at Whangaparapara on Aotea. As I have explained this was not a 'right' as it had been extinguished by conquest. Rather it was an association gained through descent from Rakawhanake and the conquered people of Ngati Tai.

While Paora Te Putu visited our people on Aotea in his sailing vessel in the mid 1840s, he never spent any length of time on the Island. As Wikitoria Rangipiki stated, "Paora Te Putu lived permanently there (at Papaaroha) and at Koputauaki (just north of Coromandel Harbour). He never moved from these two places. During his stay at Koputauaki he was raised and made famous by the people of those places, namely the Ngati Rongou, Ngati Rakatauri, and Ngati Mango." (C. 6 :206) Paora Te Putu died at Koputauaki in 1861 and was buried at Ohinemuri.

I will expand on the links of all of these Marutuahu tupuna with Aotea later in my evidence, and will also discuss the alleged links of Wi Hopihona with the Island.

6.13 In summary none of the Marutuahu groups who occupied Aotea periodically as our manuhiri from the mid 18th century until 1827, ever had mana whenua or mana moana over Aotea or the moana, motu, motu nohinohi or kohatu that surround it. They had taken no part in the conquest of Aotea and subsequently only occupied Aotea periodically and briefly, as manuhiri for reasons of whanaungatanga. This also applied to the Ngati Rehua occupation of Marutuahu kainga in the Hauraki area.

Some members of Ngati Naunau who were the descendants of Rurukaiapu and Tarawaikato visited Aotea for approximately four generations. This was particularly the case when they were under pressure from Ngati Whanaunga. When visiting Aotea they generally stayed with Ngati Rehua at Rangitawhiri tuturu and Waikirikiri

which were the closest kainga to Moechau. Those of Ngati Rehua who were related them also crossed Te Awanui o Hei (Colville Channel) and stayed with Ngati Naunau at Tangiaro o Kahu. Ngati Whanaunga visited us because of the same reasons and because of two marriages concluded in the early 1800s.

Those of Ngati Rongou and Patukirikiri who stayed in Ngati Rehua kainga on Aotea had no traditional rights to Aotea. Small groups of them were welcomed by our tupuna as manuhiri because of ancient whanaungatanga, and because of whanaungatanga derived from the conquered people of Ngati Tai. This related in particular to the children and grandchildren of Tutapu and Namunamu. They did not however have mana whenua on Aotea. Their ancestral rights had been extinguished by the conquest.

Their occupation of our kainga and their use of surrounding resources was reliant on the permission of the rangatira of Ngati Rehua. When this was transgressed it had serious consequences as some of my subsequent evidence will show. There is also no documented evidence that Marutuahu ever buried their dead on Aotea. In fact as I have shown, a study of the Coromandel and Hauraki Minute Books of the Native Land Court reveals that without exception the tupuna mentioned in relation to Aotea by Marutuahu witnesses were buried in the Coromandel - Hauraki area. This was even the case after the 1838 battle as I will explain subsequently.

7.0 OKAHUROA

7.1 When Marutuahu used the resources of Aotea and its environs without the permission of our rangatira, trouble ensued. What is remarkable however is that throughout the time of the relationship between Ngati Rehua and the hapu of Marutuahu mentioned previously, there was only one recorded incident of bloodshed between the two groups, and even it resulted in only two deaths.

At the Ponsonby hearing of this investigation Taimoana Turoa spoke of a whawhai that is referred to in the Rakitu Investigation as 'Okaharoa'. This incident, which is well remembered in Ngati Wai tradition, is more correctly known as 'Okahuroa'. As with so many Maori names it was misspelt by the Clerk of the Land Court. 'Okahuroa' is of major importance in the history of the Ngati Wai occupation of Aotea for several reasons. Firstly it confirmed and consolidated the link between Ngati Rehua and Ngati Wai whanui. Secondly it provided the origin of the Te Uri Papa hapu of Ngati Rehua. Significantly 'Okahuroa' also provides an excellent example of the true nature of the Marutuahu association with Aotea and with Ngati Rehua.

7.2 Te Taenga mai o Ranginui ki Aotea.

After the final conquest of Aotea by Te Rangituangahuru and his Ngati Wai and Kawerau whanaunga, these two Iwi regularly visited Aotea. The Ngati Wai hapu occupying the coastline between Mahurangi and the Bay of Islands maintained permanent occupation and resource use of the many offshore islands between Aorangi and Tawhitirahi (The Poor Knights) and Hauturu and Aotea. Just prior to this period Rangihokaia one of the most famous Ngati Wai Rangatira of his time had taken as one of his wives a Kawerau woman from Mahurangi known as Tukituki.

Their son Hikihiki, who had assisted Te Rangitūangahuru in the conquest of Aotearoa, had also married a Kawerau woman from Mahurangi. She was Makiwahine who was of the Ngāti Manuhiri hapu who occupied the Tawharanui - Omaha area.

Rangihōkaia and Hikihiki maintained their main pa at Mimiwhangata and Whangaruru. At this time Ngāti Wai was emerging as a powerful force. Their numbers were growing rapidly and their pa and kainga were becoming crowded.

This is alluded to in the famous Ngāti Wai whakatauki -

"Kia korikori ai nga totore a Rangihōkaia"

For this reason Ngāti Wai regularly visited the many motu that lay within the Ngāti Wai tribal rohe. The child of Hikihiki and Makiwahine was the famous Ngāti Wai rangatira Rāginui. Like his matua and tupuna, Rāginui regularly visited the offshore islands that lay within the Ngāti Wai rohe, including Aotearoa.

7.3 Te Riri o Te Aonui

Some time after the conquest Rāginui travelled with a large ope from Whangaruru to visit his mother's Ngāti Rehua relatives on Aotearoa. Rāginui and his people stayed as guests at the important Ngāti Rehua pa of Tukari. At the same time a group of Ngāti Naunau whanaunga of Ngāti Rehua were also staying as guests at Waikaraka. During this visit some of the Ngāti Naunau visitors fished on an important tauranga whapuku near Motu Okokewa. Although the location of this fishing ground had been pointed out by some of Ngāti Rehua, permission had not been sought from Te Aonui the Ngāti Rehua rangatira who held mana over this reef. This was seen as a major 'hara' as tauranga whapuku were especially prized, with each being named and under the mana of specific rangatira.

It should be noted here that each of these tauranga whapuku also had their own unique tikanga, karakia and kaitiaki. The whapuku from each ground also had their own distinguishing characteristics. Much of this knowledge is still retained by Ngāti Rehua, as will be illustrated in the evidence being presented by Whetu McGregor.

When Te Aonui discovered that the Ngāti Naunau manuhiri had fished his tauranga whapuku without his permission he was greatly angered by this slight to his mana. He haranged those of Ngāti Rehua for their kuware actions and some of his toa insulted the Ngāti Naunau visitors with curses and whakapohane. The Ngāti Naunau ope wishing to avoid further trouble went to Tukari to placate Te Aonui.

At Tukari further insults were however exchanged and Rāginui of Ngāti Wai offered to defend the honour of his hosts. As a result Rāginui engaged one of the rangatira of the Ngāti Naunau ope in individual combat. Rāginui was victorious and the visitors withdrew from Tukari. In the words of our tupuna Ngāpera Taiawa - "Kihai e taea tera pa. Kotahi anake o Ngāti Maru i patua na Rāginui. Ka mutu tera pakanga. Ka hoki a Marutūahu ki Hauraki." (Te Roto Papatupu Minutes, 1904 : 72) ⁴ ?

7.4 Te Kohuru o Moechau

This incident would have been relatively minor but for the subsequent death of Moechau a tuahine to Rāginui. After the Ngāti Naunau ope had withdrawn from

Tukari they had found Moechau with a group of woman gathering kaimoana from a beach nearby. Moechau was seized and subsequently killed by Ngati Naunau who withdrew over the canoe portage to Rakitu. Ngati Rehua, not wishing to prolong the fighting now that one person from each Iwi had been killed, asked for the return of Moechau's body as a condition for the maungarongo. Her remains were subsequently returned by Ngati Naunau wrapped in a long dogskin cloak or kahuwaero. It was this action which led to the naming of this whawhai, and subsequent maungarongo, as 'Okahuroa' or the peace 'of the long cloak'.

After this uneasy peace had been concluded, the Marutuahu visitors returned to their homes in Hauraki, and peace was maintained between them and Ngati Rehua until the Ngapuhi raids of the 1820's. There were certainly not to be any further conquests of the island. In relation to the situation on Aotea after 'Okahuroa' our tupuna Ngapera Tajawa stated - "ka noho a Ranginui i tona whenua. Kahore atu he tangata i taea houtia ai tena whenua a Pikiparia e tiki mai te patu, a tae noa mai ki a matou ki ona uri. (Te Roto Papatupu Minutes, 1904 : 4) Ngati Rehua remained secure on Aotea and retained mana whenua and mana moana over Aotea and its environs.

"Okahuroa"



7.5 Te Maungarongo Whakararuraru

While this fragile peace between Marutuahu and Ngati Rehua was maintained, relations between Marutuahu and Ngati Wai whanui were extremely strained in this period. Trouble had arisen between the two Iwi after a whawhai that took place following the famous battle of 'Waiwhariki' at Puketona inland of the Bay of Islands. This episode is extremely important in the history of the relationship between Ngati Wai and Marutuahu and was to have repercussions for decades. Because of it Marutuahu made few visits to Aotea in the decades around the turn of the nineteenth century.

The battle of 'Waiwhariki' is well documented in numerous tribal and other histories. What is not so well known is the role that Ngati Wai played in it and the aftermath of the battle.

When Ahurei the leader of the Ngati Maru force arrived in Te Tai Tokerau he was guided to Puketona by a leading Ngati Wai rangatira known as Waipu. He assisted Ahurei because Ngati Wai were also in dispute with the Ngati Rangi, Ngai Tautahi and Ngati Rahiri hapu of Ngapuhi. Waipu also offered assistance to Marutuahu because his tupuna whaea Te Arai was of Ngati Maru. Waipu and a Ngati Wai taua also fought alongside Ngati Maru at Waiwhariki.

After the battle Ngati Maru were hosted at the Ngati Wai kainga of Mokau, which is located just south of Whangaruru. Talk soon turned to the respective roles that Waipu and Ahurei had played in the battle. Ill feeling developed and Waipu issued Ahurei with a challenge. The episode was described by the late Morere Piripi of Ngati Wai as follows - (Te Ao Hou Volume 39)-

additional
material
if relevant

"Ka mea a Ahurei ki Waipu - E Waipu nou ranei te toa, noku ranei?
Ka mea a Waipu, a, naku ano ra te mataika. Mehemea e ki ana koe nou te toa,
A, me hoki mai ra koe, ki konei taua whakamatautau ai. Kia kite ai tou toa."

Ahurei went home to Hauraki but later returned subsequently returned to Mokau to take up the challenge of Waipu. Ahurei and his taua were defeated in battle by Waipu and Ngati Wai at Mahinguru and Pihoi near Mokau. Ngati Rehua were not involved in this whawhai, although it was to effect their relationship with Marutuahu.

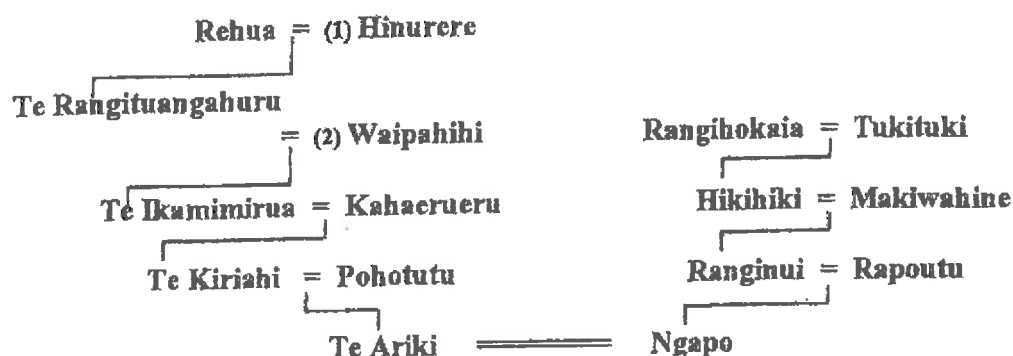
The whawhai at Mokau was to be the cause of ill feeling between the two Iwi for some time and was an important factor in the killing of Te Maunu of Ngati Maru, and in the trouble that arose in the 1830s between Te Heru and Marutuahu on Aotea. Subsequent to the Mokau battle Marutuahu were to be involved in attacks on Ngati Wai and their allies at Rahongana and Oparakau near Whangarei in the 1820s, and in one of the last big battles in Tai Tokerau at Ngunguru. As I have said, the Ngati Rehua relationship with those Marutuahu hapu who had visited them on Aotea was to be effected by this trouble between the two Iwi.

7.6 Te Uri Papa

Because of his mahi rangatira during the 'Okahuroa' incident, the loss of his tuahine Moeau, and the help that his tupuna had given to Te Rangituangahuru in the conquest of Aotea; Ranginui was invited to settle on Aotea by his Ngati Rehua. Makiwahine the mother of Ranginui settled at Te Roto on the northern side of Motairehe Whanga and lived her life out there. Ranginui himself was to subsequently live, both at his various home kainga in the Whangaruru area, and also on the offshore islands of the Ngati Wai rohe, including Aotea.

On Aotea his main kainga was at Mohunga (Nagle Cove) where he built a pa known as Tapuwaeaharuru. He also occupied the island of Okokewa where he built a pa known as Wekarua. Ranginui also occupied Rangiahua (Flat Island) and various seasonal kainga as far south as Rangitawhiri tuturu and Te Wharangi (Sandy Bay). This latter place was a favourite summer home of Ranginui and his descendants when they were fishing for shark in the Rangitawhiri area.

After 'Okahuroa', friendship between Ngati Wai and Ngati Rehua was cemented when Ngapo the daughter of Ranginui married Te Ariki the great grandson of Rehua and Waipahihi.

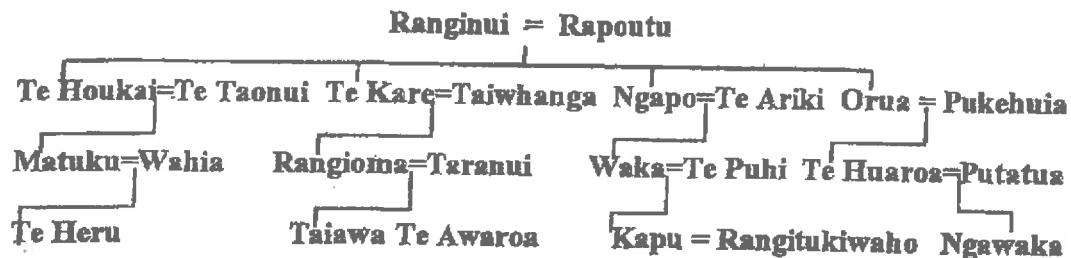


The descendants of Ngapo and Te Ariki became known as 'Te Uri Papa', a name which relates to the death of Moeau and the maungarongo of 'Okahuroa'. Te Uri Papa intermarried with Ngati Rehua so that there are no people of Ngati Wai ki Aotea today who cannot claim descent from Ranginui as well as from Rehua and Te Rangituangahuru. Descent from Rehua remained the basis for mana whenua on

Aotea, although through their mahi rangatira some of the descendants of Ranginui gained occupation rights on the western coastline of Aotea.

The other children of Ranginui, who included: Te Houkai, Te Kare and Orua also spent time on Aotea and Hauturu subsequent to Ranginui's visit. Some of their mokopuna settled there, and a number of their uri were to become leaders of Ngati Wai ki Aotea in the nineteenth century. They included such rangatira as: Matuku, Te Heru, Taiawa Te Awaroa, Rangitukiwaho, Te Huaroa and Ngawaka, several of whom married into Ngati Rehua and thus gained land rights on Aotea.

Ngati Rehua, while partly of Kawerau origin, had always had whanaungatanga with Ngati Wai through Hinurere the first wife of Rehua and mother of Te Rangituangahuru. From the time of Ranginui's visit and occupation of Aotea regular intermarriage took place between Ngati Rehua and Ngati Wai whanui, with the result that Ngati Rehua became an integral part of Ngati Wai.

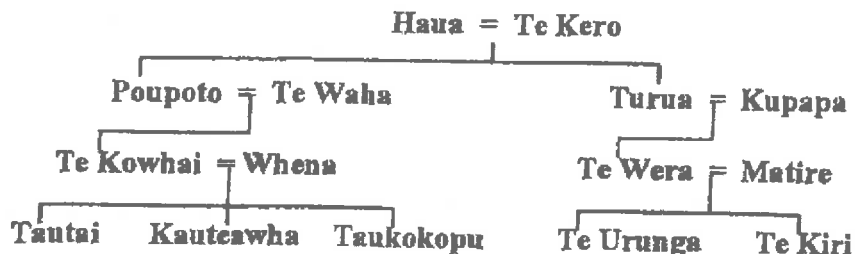


7.7 Ko Ngati Haua me Ngati Taka

Subsequent to 'Okahuāroa' the Ngati Haua hapu of Ngati Wai also visited Aotea and frequently stayed with Ngati Rehua. They descended from Haua the elder brother of Hikihiki. The main rangatira who were involved, were of a descent group within Ngati Haua that is known as Ngati Taka. They included rangatira such as Te Kowhai, Tautai, Kauteawha, Taukokopu and Rangitukiwaho.

Ngati Haua did not claim land on Aotea, however these rangatira occupied it freely because of their whanaungatanga with Te Uri Papa; and because of their mana as leaders within Ngati Wai whanui. It should be noted here that their dead, and those of Te Uri Papa who did not also descend from Rehua, were generally returned to Te Tai Tokerau for burial. This practice was to continue until early this century.

An ongoing relationship was also maintained by Ngati Rehua with Ngati Manuhiri of Pakiri and Hauturu who were also descendants of Haua. They like Ngati Rehua had Kawerau origins, but had been absorbed into Ngati Wai following the marriage of Turua of Ngati Wai and Kupapa of Ngati Manuhiri. Their mokopuna Te Urunga and his brother Te Kiri occupied Hauturu and also spent time on Aotea with Ngati Rehua.



8.0 TE AO HOU

I now wish to give a brief account of the early period of contact with the Pakeha, and the impact it was to have on Ngati Rehua.

8.1 Kapene Kuki

In the late 1769 Captain Cook visited Whitianga and other Marutuahu kainga. He did not visit Aotea or Hauturu but had a number of indirect influences on Ngati Rehua. He introduced the names of 'Little Barrier' and 'Great Barrier' which have almost superseded the traditional names of Aotea and Hauturu. The main impact that Cook had on Aotea was however to indirectly introduce pigs which were gifted to Ngati Wai by Ngati Whanaunga. I raise this point because the introduction of the pig to Aotea is of specific relevance to this investigation.

Because it was difficult to restrain pigs, and to keep them out of the cultivations, our tupuna used a number of the motu off the coast of Aotea as 'motu poaka' or pig runs. They included: Motuahu, Motuhaku, Kaikoura, Motutaiko, Rangiahua, Mahuki, and Rakitu, with some of the smaller islands being used on occasions. Each motu poaka was owned by a specific whanau or hapu, and was under the mana of individual rangatira.

8.2 Nga Pakanga a Te Pu

In 1796 the first European vessel visited Aotea. It was an American Whaler known as the 'Mermaid' that was careened at Kaiaraara. From this time on Ngati Wai came into increasing contact with European trade goods, and unfortunately epidemic disease such as rewharewha and measles. The Pakeha also brought 'Te Pu' or the musket which was to have a major impact on all the Iwi of Aotearoa. It was certainly to have a profound effect on Ngati Rehua and Ngati Wai whanui. I do not intend to outline the details of the many musket battles that directly or indirectly involved Ngati Wai whanui in the early 1800s. I will however outline some of the key events that relate to Aotea and the relationship between Marutuahu and Ngati Rehua.

*Nga pakanga
a Te Pu
and long
term effects.*

Between 1818 and 1820 Ngapuhi taua, including some Ngati Wai, combined with Marutuahu in several attacks on Te Tai Rawhiti. This was to avenge the deaths of some northern women who had been taken south on a whaler the 'Venus' and killed by the East Coast tribes. Marutuahu joined in this expedition to avenge the ill treatment of the Ngati Paoa rangatira Te Haupa at the hands of the crew of the 'Venus'.

7.3 Te Totara me Te Pai o Taukokopu

In 1820 Te Morenga of the Ngare Hauata hapu of Ngapuhi, and Te Koriwhai a Ngapuhi rangatira related to Ngati Wai, were killed by Marutuahu at Tamaki and Kohuroa (Matheson's Bay) respectively. This, combined with memories of 'Waiwhariki', led Hongi Hika and his allies to carry out a number of retaliatory raids on Marutuahu in 1821.

Firstly an attack was made on the Ngati Paoa stronghold of Mauinaina on the Tamaki River. Hongi then led a large force to Te Totara the Ngati Maru pa south of Thames. On this raid he was accompanied by some Ngati Wai rangatira from both Tai Tokerau and Aotea. He was also accompanied by Pomare the Ngati Manu rangatira who was closely related to Ngati Wai through both Ngati Manaia and Kawerau descent. His

Pare

Kawerau tupuna Te Korotai had in fact assisted Te Rangituangahuru in the conquest of Aotea.

At Te Totara, Ngati Maru were humiliated during whaikorero, and were forced to conclude peace by gifting precious taonga to Ngapuhi. Once peace had been concluded Hongi and his allies then withdrew to the north and camped at Taruru. Hongi then intimated to the taua that he intended to return under the cover of darkness to attack Te Totara. Pomare felt that Ngati Maru had been sufficiently humiliated and opposed this proposal being put forward by Hongi stating -

“ Me haehaetia koia te rau i peke i te matangi.”

Taukokopu of Ngati Wai, who had gone with Ngapuhi from Aotea to Te Totara, also opposed the plan. He had in fact warned Ngati Maru at Te Totara to be on the alert stating as he left the pa, “ Kia mataara, kia tupato.” When Hongi decided to proceed with his attack on Te Totara, Pomare and Ngati Manu withdrew from the taua and returned with Taukokopu and Ngati Wai to Aotea. The actions of Taukokopu were not forgotten by Ngati Maru and he was subsequently gifted a Ngati Maru woman, Tiaho, in recognition of his deed at Te Totara. Mere Tiaho, as she was known to Ngati Rehua, lived her life out on Aotea. Te Kura the daughter of Taukokopu and Mere Tiaho married Parata Te Mapu of Ngati Maru.

After Te Totara many of the Marutuahu tribes withdrew from Hauraki and took refuge in the Waikato. Ngati Rehua and others of Ngati Wai whanui remained on Aotea. At this time our people had an uneasy relationship with Ngapuhi, although we shared many geneological links with Hongi and his many allies. As our tupuna Hone Paama stated, “Kahore a Ngapuhi i whawhai ki a matou i runga to matou huangatanga.” (Te Roto Papatupu Minutes, 1904: 109) ✓

In the early to mid 1820s, Ngati Wai continued to occupy all of Aotea. They still continued to host small visiting parties of those of Patukirikiri, Ngati Rongou and Ngati Naunau who remained in the Hauraki area. Ngati Wai also continued to reciprocate these visits by travelling to Marutuahu kainga in the northern Coromandel such as Tangiaro, Whangapoua, Poihakena and Umangawha (Cabbage Bay), Otautu, Waiaro and Waiau.

These relationships were maintained for reasons of whanaungatanga as I have already explained. Although still apprehensive about Ngapuhi, these particular visitors to Aotea were guaranteed some security because of their ancestral relationships with Te Mariri, and because of the marriage of Taukokopu and Tiaho.

7.4 Te Hara ki Te Kowhai

In this period Te Mariri of Ngati Rehua hosted a group of Patukirikiri and Ngati Naunau manuhiri who stayed with him and his people at Whangaparapara. From here they fished several of the tauranga ika off the western coastline of Aotea with the permission of Te Mariri. By mistake however, they also fished on a tauranga whapuku that was under the mana of the Te Uri Papa rangatira Te Heru who had not consented to its use.

The tauranga whapuku concerned was 'Te Kowhai' which lies in the vicinity of Rangiahua. In relation to this 'hara' Ngapera Taiawa stated - "I haere a Te Mariri me Te Patukirikiri ki te tahae i taua toka whapuku. Ko taua toka e kore i hiaa rikirikitia. No te taima i a Te Kare ka whakaturia te ture mo taua tauranga, tu iho ki Te Heru." (Te Roto Papatupu 1904 : 72) ✓ 71-72

When Te Heru heard that 'Te Kowhai' had been fished by these Marutuahu manuhiri, not only without his permission, but also without the observance of appropriate tikanga, he became extremely angry. He also remembered 'Okahuroa' and the death of his tupuna Moehau at the hands of Marutuahu.

Te Heru recognised the mana of his fellow rangatira Te Mariri, although he expressed his anger to him for allowing these visitors to fish in the area. It was however the Marutuahu manuhiri who he was most angry with because of this slight to his mana. Te Heru, in conjunction with his younger relative Taiawa Te Awaroa, then resolved to assemble a taua from both Aotea and Te Tai Tokerau to avenge this hara.

Te Mariri was alarmed by this turn of events so he and Taukokopu went south to Waiau, Coromandel and returned with the leading Ngati Whanaunga rangatira Te Horeta Te Taniwha. Te Horeta was not only one of the leading rangatira of the Marutuahu confederation at that time, but he was also a whanaunga to Te Mariri through descent from Marutuahu and Naunau.

Te Heru refused to make peace and withdrew to Pokohinu (the Mokohinau Islands). Te Mariri, Taukokopu and Te Horeta subsequently visited Te Heru at Pokohinu and peace was made. To bind this maungarongo Te Horeta gifted his daughter Hine nui te po (Kikipo or Kipo) to Te Heru. It is thought by our kaumatua that she subsequently married Te Ruaawai, a son of Te Mariri.

Some time after this Te Heru led a large Ngati Wai ope to Te Kapanga (Coromandel) where the maungarongo was reciprocated. At this time Te Heru gifted his daughter Kahuwaero (who was named after the cloak involved in the Okahuroa incident) to Kitahi the son of Te Horeta Te Taniwha.

Kitahi subsequently spent time on Aotea with his wife's people until the death of Te Maunu in 1827. Following this Kitahi returned to Hauraki. Kitahi did return to Aotea in 1838 along with others of Marutuahu to fight in the battle with Te Mauparaoa. He then returned in 1840 with several others of Marutuahu to collect the koiwi of their rangatira killed in the 1838 battle. (I will refer to this matter in more detail later in my evidence.) In 1840 Kitahi returned to Hauraki, while Kahuwaero lived at Te Roto and Moanauriuri on Aotea until her death.

8.0 TE MAUNU

8.1 In 1827 one of the best documented Marutuahu visits to Aotea occurred. This was the visit to Aotea by a Marutuahu ope led by Te Maunu. This episode was the only documented link with Aotea that Marutuahu witnesses raised in the Dragon Island Investigation. Most importantly great emphasis was placed on it by Taimoana Turoa at the second hearing of this investigation. He tried to use the visit of Te Maunu, and his subsequent death, to assert a Marutuahu right of occupation with what he called "the southern sector of Rangitawhiri and Whangaparapara." (Turoa 4.2)

As I have explained, Marutuahu ope occasionally stayed with Ngati Wai at these and other places on Aotea for several generations from the late 1700s until the 1820s. The visit by Te Maunu provides another excellent example of the reasons for Marutuahu visits to Aotea, and also of the true nature of mana whenua and mana moana that was held over over Aotea and its environs. That is, of the status of Ngati Wai as mana whenua and of Marutuahu as manuhiri. For these reasons I will discuss this episode in the history of Aotea in some detail.

8.2 Te Maunu was the leading rangatira of Ngati Rongou in his generation, and was one of the leading rangatira of the Marutuahu confederation. He was a descendent of Te Rakau, but did not descend from his wife Rakawhanake whose people had been driven from Aotea by Ngati Rehua and their allies. Rather he descended from another wife of Te Rakau known as Waipaipai. Te Maunu lived at many kainga throughout the northern Coromandel, and in particular at Papaaroa and Koputauaki where he and his wife were described by Haora Tareranui as being, "the principal people." (C.7 : 28) When many of Marutuahu sought refuge in the Waikato following Te Totara in 1821, "Te Maunu stopped at Poihakena where his wife belonged." (C. 7 : 350 Te Paea Aperaniko)

8.3 Taimoana Turoa stated at the second hearing that Te Maunu and his son Ngahua had been, "murdered by a Ngapuhi war party in 1827 whilst he and a number of his tribespeople were living on the Barrier." (Turoa 4.3) He did not however explain who these so called 'Ngapuhi' people were, why they killed Te Maunu and his son, or what Te Maunu was doing on Aotea. I will answer these questions, not only from Ngati Wai tradition, but most importantly from documented Marutuahu sources.

8.4 Haora Tareranui, who Taimoana Turoa identifies as 'a senior chief of Marutuahu and well versed in tribal knowledge', stated that Te Maunu, "went to live on Big Barrier being invited to go there by Ngapuhi where he was murdered by Ngapuhi." (C. 7 : 34?) That is, he travelled to Aotea as a manuhiri. Hohepa Kapene stated that Te Maunu's wife, "was a half caste of Ngati Wai belonging partly to Ngati Rongou, that was why Te Maunu went to take his wife to her people." (C. 7 : 142) Te Rihitoto also states, "Te Maunu's wife was of hapu Ngati Wai, a Ngapuhi." (C. 7 : 352) Tukumana Te Taniwha states, "Ko Kahukura no Ngapuhi teteahi taha, no Marutuahu teteahi taha." (J.P.S Vol. 54 : 7)

Kahukaka was in fact mainly of Ngati Rongou and partly of Ngati Manu descent. The so called 'Ngapuhi war party' who were visiting Aotea in 1827 were in fact a Ngati Manu ope from the Bay of Islands. They were led by Pomare II, or Whiria, a Ngati Manu rangatira from Waikare near present day Russell. He was related to Ngati Wai in a general sense, and had a specific ancestral relationship with Aotea. His tupuna Te Korotai had come from Mahurangi to assist Te Rangituarangahuru in the conquest of Aotea following the death of Rehua.

8.5 While Whiria and his ope were staying on Aotea with Ngati Wai, Te Maunu and his ope were invited to travel over to Aotea to visit his wife's Ngati Manu relatives. Both ope manuhiri parties stayed with Ngati Wai at Rangitawhiri tuturu, or Shoal Bay, Tryphena Harbour. It should be noted that in George Graham's account of the incident (which was supplied to him by Tukumana Te Taniwha of Ngati

Whanaunga), that Rangitawhiri (which is located at the southern end of Aotea) is identified as, "a Ngati Wai village." (J.P.S. Vol. 54)

During this visit Whiria invited Te Maunu and his young son to join him and his people on a fishing expedition to the well marked tauranga whapuku of 'Nga Toka toru o Hei' or The Pigeons. Ngati Wai approved of this expedition but did not take part. Our tupuna did not know of the treacherous intent of Whiria and his ope. While on this expedition Te Maunu and his son were murdered and subsequently eaten by Ngati Manu.

8.6 Te Maunu and his son had been killed by Whiria and his people as 'utu' for a number of older and more recent 'take'. The deaths were utu for the death of Te Koriwhai, and for Ngati Manu losses associated with 'Waiwhariki'. They were also utu for the attacks made by Waikato and Marutuahu on Ngati Wai and Te Parawhau at Rahongaua and Oparakau near Whangarei. Most importantly this action provided utu for the recent death of Pomare I the uncle and namesake of Whiria. Pomare I had been killed by Tainui one year earlier in 1826. What better revenge for these matters than to kill a leading rangatira of Marutuahu and his son.

8.7 When Te Maunu was killed, his wife Kahukaka was spared because of her genealogical relationship with Ngati Manu. Other Ngati Rongou people who were staying with Ngati Wai were however killed. One of them was a rangatira known as Te Mana. He was a great grandson of Te Rakau and Rakawhanake and had periodically been welcomed as a visitor to Aotea by Ngati Wai. Te Mana and his wife Poau of Patukirikiri had accompanied Te Maunu on his visit to Aotea. Mohi Mangakahia a mokopuna of Te Mana and Poau stated in relation to this, "when Ngapuhi came here (to Hauraki) Te Mana and Poau were living at Great Barrier. Te Mana was killed and Poau and her children went to Mayor Island to live." (C.1 :229)

8.8 The death of Te Maunu was avenged in 1828 by Te Rohu of Te Matewaru and Te Horeta Te Taniwha of Ngati Whanaunga at Poihakena, Cape Colville. The killing of Te Maunu, Te Mana and others of their people at Rangitawhiri in 1827 effectively marked the end of Marutuahu visits to Ngati Wai kainga on Aotea. When the Reverend Henry Williams visited Aotea in 1833 he noted that the Ngati Hine rangatira Marupo was staying on Aotea with Ngati Wai to whom he was related. He also noted that the presence of this renowned warrior on Aotea caused the Marutuahu people living in the Coromandel area great consternation; and that many of them were living with Te Horeta at Kopu south of what is now Thames. (Rodgers 1961) p.

As I explained earlier, several small groups of Marutuahu did however briefly resume visits to Aotea in the early 1840s prior to the 1844 sale of part of Aotea by Tamati Waka Te Puhi. After this they made no further visits to Aotea.

8.9 At the second hearing of this investigation Taimoana Turoa attempted to use the well known waiata tangi composed by Kahukaka to show that Te Maunu and his people were in occupation of Aotea in this period. As I have shown this was not the case. Taimoana implied in his evidence that two localities referred to in the waiata, namely 'Te Karaka' and 'Rangipo', are associated with Aotea, and therefore might provide some scant evidence of Marutuahu occupation. This again is not the case.

Taimoana referred to Te Karaka as being a place, "near the home of Te Maunu and his people living on the Barrier." (Turoa 4.4) We of Ngati Rehua know of no such place on Aotea which we know intimately. Taimoana Turoa admitted at the second hearing that he had no idea where this place was, and even suggested that it may have been at Karaka Bay. This locality is well to the north of the other places associated with this incident, and it is traditionally known as 'Waikaraka'.

We suggest that the reference to Te Karaka in this waiata refers to Te Maunu's home in the Hauraki area. It is known that references are made in the Coromandel Minute Books of the Native Land Court to Ngati Rongou kainga of this name at both Poihakena and Papaaroa. In George Graham's account of Te Maunu's visit to Aotea, which was given to him by Tukumana Te Taniwha, he clearly describes Te Karaka as being - "A home of Te Maunu located near the present Thames township." (JPS Vol. 54) It is known that Te Karaka was an important Ngati Maru kainga located at the northern end of present day Thames.

'Te Puke i Rangipo' referred to in the waiata tangi is definitely not on Aotea as suggested by Taimoana Turoa. The Graham - Tukumana account refers to this place as, "the hill at Rangipo (Bay of Islands) - the hill pa of these Ngapuhi murderers - relatives of the bereaved Kahukaka. Te Maunu's head had been taken north and placed on a turuturu (post) used by women weavers, who whilst they plied their craft, jeered at the deceased's head, as if he were still alive to listen." (J.P.S. Vol. 54) Ngati Wai kaumatua confirm that Rangipo is a takiwa or locality at Waikare, the home of the Ngati Manu rangatira Whiria. ✓

8.10 In summary, Te Maunu and others of his Iwi had visited Aotea as manuhiri. In this case he had been invited to Aotea by his wife's people who were also visiting their Ngati Wai whanaunga. Both groups of manuhiri had stayed at the Ngati Rehua kainga of Rangitawhiri tuturu which lies inland of Shoal Bay, Tryphena. This visit was typical of those made periodically to Aotea by Ngati Rongou and Ngati Naunau for reasons of whanaungatanga.

Te Maunu's visit does not provide proof of, "contemporaneous occupation by Marutuahu" as Taimoana Turoa alleged at the second hearing of this investigation. Te Maunu and his ope were manuhiri, as were the other groups of Marutuahu who periodically visited Aotea, both before and after the incident I have described. Mana whenua over Aotea and its surrounding motu, and mana moana over its surrounding moana, lay indisputably with Ngati Wai then, as it still does today.

8.11 During the decade following the death of Te Maunu, Ngati Rehua remained in occupation of all parts of Aotea and continued to use the resources of the moana, motu, motu nohinohi and kohatu off its coastline. At this time Ngati Rehua had regular contact with the other hapu of Ngati Wai who occupied the coastline to the west between Matakana and Rakaumangamanga. They did not retain contact with those Marutuahu hapu who had previously visited them as most of them had taken refuge from Ngapuhi in the Waikato. Te Horeta Te Taniwha did however visit Aotea in this period to see his daughter Hine nui te po who still resided with Ngati Rehua.

8.12 In the 1830's Ngati Wai ope from Tai Tokerau continued to visit their whanaunga on Aotea. Ngati Rehua also journeyed to Hauturu and Pokohinu, and

beyond to Ngati Wai kainga in the north. In this period Te Mariri was the leading rangatira of the Te Uri Whakapiko and Ngati Kahu hapu of Ngati Rehua. He lived at various kainga around Motairehe Whanga, and at Ohineuru and Te Tahawai at Whangapoua. He also lived during seasonal resource gathering at Harataonga, Matawhero, and Otaihua at the southern end of Awana. Te Mariri also spent time at Oruawharo (Medlands) and at Rangitawhiri. He also utilized all of the most of this coastline, and in particular Rakitu where he lived at Moturoa and cultivated at Ngāwhakaururu.

Te Heru was the leading rangatira of the Te Uri Papa hapu of Ngati Rehua in this era. He lived at times at Motairehe and elsewhere with Te Mariri. He generally however occupied kainga on the western coastline of Aotea between Mohunga and Rangitawhiri. At Rangitawhiri he and others of Te Uri Papa occupied pa and kainga at Te Atamira, Rangitawhiri tuturu, Omanawa, Putuwhera and Waikirikiri. His main pa in this area was Putuwhera which is located at the southern end of Puriri Bay. Te Heru also spent a great deal of time at Hauturu and Pokohinu.

The other leading rangatira of Te Uri Papa in this period was Te Huaroa who lived at Waitapu, Kawa, Wairahi, and the other kainga occupied by Te Heru. Other Ngati Wai rangatira of Te Uri Papa, or who were closely related to them, travelled from Tai Tokerau and also lived in these various kainga at times. They included: Taiiwa Te Awaroa, Kauteawha, Taukokopu, Tihewa and Haumakuru.

Te Uri Papa also utilised the resources of the motu off the western coastline, and in the 1830s they occupied Rangiahua permanently, and Okokewa, Mahuki, Motutaiako, and Whangarara on a temporary basis while gathering manu oi. In this period Ngati Rehua also had a number of tapairu or wahine rangatira. They included Takaau the leading woman of Te Ure Whakapiko and Ngati Kahu, who was a close relative of Te Mariri. They also included Te Waka and her daughter Kapu who was married to Rangitukiwaho of the Ngati Taka hapu of Ngati Wai.

9.0 TE WHAWHAI KI TE MAUPARAOA

As stated by Graeme Murdoch at the first hearing, one of the most significant events in the history of Ngati Rehua occurred on Aotea in the early 19th century. It was the pakanga with Ngati Kahungunu that took place at Whangapoua in 1838. It was an event which was to have long term consequences for our people and has remained etched on our memories ever since. The basic chronology of events surrounding this battle was outlined to the Court at the Motairehe hearing. For that reason I will concentrate on several key points that have not been adequately explained. They include: the position of Ngati Wai ki Aotea at the time, the reasons why they turned to Marutuahu for help, and in particular the aftermath of the pakanga.

9.1 In 1838 as outlined earlier, Ngati Wai were in occupation of all parts of Aotea, and held mana over the adjoining motu and moana. As with all Iwi, our tupuna were very mobile and moved around their tribal rohe harvesting its rich resources. In 1838 when Te Mauparaoa arrived on Aotea at Motairehe Whanga, our people were busily engaged in the annual harvest of manu oi. They were harvesting this treasured kai rangatira of Ngati Wai from the motu between Okokewa and Whangarara, and also from Hauturu and Pokohinu well to the north. The practice of harvesting manu oi from early to late summer from Pokohinu and the motu off Aotea, has in fact

continued down through the generations to the present day. It is for this reason that there were only 30 immediately available toa on Aotea.

Our tupuna had no reason to expect an attack in this period. Christianity had begun to take hold, the musket wars appeared to be over, and Ngati Rehua faced no immediate threat from either Ngapuhi or Marutuahu. They certainly had no quarrel with Ngati Kahungunu.

9.2 Te Mauparaoa and his ope had merely called in to Aotea while travelling south to rest and to reprovision. Te Mauparaoa had visited Ngapuhi to conclude the peace settlement made by Te Wera Hauraki in the Heretaunga (Hawkes Bay) area, and also to get guns and ammunition. They found that most of the Ngati Rehua men were absent and plundered our food stores, took the weapons from Te Mariri's pa at Kawa, and humiliated some of our women.

When our people found Te Mauparaoa and his party plundering the kainga around Motairehe Whanga, their position was serious but not hopeless. I absolutely refute the statement made by Lianne Ngamane at the last hearing that, "there is little doubt that Ngati Rehua would have been conquered if it were not that Te Horeta Te Taniwha and his Ngati Maru had hastened to their aid." (Ngamane 4.6)

Most of Ngati Rehua were not on Aotea at the time. Those on the Island may have been defeated if they were foolish enough to have confronted Te Mauparaoa's taua immediately. Ngati Rehua would not however have been "conquered". Ngati Rehua were, and still are, an integral part of Ngati Wai whanui who in the 1830s were a force to be reckoned with. Our tupuna could also call on their Ngati Wai allies of Ngati Manuhiri, Te Uri o Hikihiki, Te Akitai, Patubarakeke and Te Waiariki in times of trouble. They could also call on the closely related Iwi of Te Parawhau, Ngati Manu, Ngare Raumati, and of course Ngapuhi.

9.3 A number of Ngati Rehua did return from Hauturu and Pokohinu to fight Te Mauparaoa. They were also joined by Te Heru and others of Ngati Wai whanui who were gathering manu oi with them on Hauturu. Te Mariri was however the leading rangatira of those of Ngati Rehua who remained on Aotea. He could have turned to Ngati Wai or to his wife Ngaurukehu's people in the Bay of Islands. This would obviously have however taken too long.

As a result Te Mariri turned to Marutuahu for help because as he said in the Rakitu case, "I thought of my fathers." (AK. 2 : 26) Both his father and grandfather were, as stated earlier, of Ngati Naunau. Te Mariri was supported in this decision by Taukokopu who was married to Tiaho of Ngati Maru. A messenger was then sent to seek help from the Ngati Whanaunga rangatira Te Horeta Te Taniwha. The reason for this was the fact that his daughter was living with Ngati Rehua on Aotea and she had been insulted by the Ngati Kahungunu party. His son Kitahi was also married to Te Heru's daughter. I have outlined his other associations with Ngati Rehua.

Hera Puna, the wife of the Ngati Whanaunga rangatira Hori Ngakapa, described the situation in 1907 - "An expedition of Ngati Kahungunu under their chief Mauparaoa had been to the Bay of Islands to obtain guns and ammunition. They came by canoes and were on their return journey, and stopped at Aotea. Here were living our

relatives Ngati Wai, married to whose chief was Kipo, Hine nui te po, daughter of our chief Te Horeta. (His) father had presented to him (and to Ngati Wai) some pigs gifted to him by Captain Cook. Those moumou poaka or surplus pigs were kept on Aotea... Now Ngati Kahungunu killed and ate the pigs, among others 'Pukenui' a pet pig. Kipo came to her father at Whakatiwai to complain. An expedition was formed and the robbers surprised, killed and eaten." (M.S.120 A.I.M: 2) ✓

9.4 What is of extreme significance to this case is the fact that apart from Hine nui te po and Tiaho, no Marutuahu people were in occupation of Aotea in late 1838, even as manuhiri, and that their assistance had to be sought from Hauraki.

9.5 Following the whawhai with Te Mauparaoa and his taua, many of Ngati Rehua took refuge for a brief period of time with Te Horeta at Waiau, and then Tangiaro on the Coromandel Peninsula. They did so because Te Mauparaoa had escaped from Aotea on a mokihi and had returned to Tai Tokerau to Ururoa the Ngapuhi rangatira living at Whangaroa. Ururoa had been a close ally of Hongi Hika and Pomare, so therefore Ngati Wai had good reason to fear repercussions.

A number of our people did however remain on Aotea where they maintained Ngati Rehua's rights of 'ahi ka'. Te Huaroa remained at Rangitawhiri with a number of young men. Here they maintained the cultivations and maintained a lookout from Te Atamira.

Taiawa Te Awaroa remained in occupation of Motairehe as did Taukokopu. In regard to this Ngapera Taiawa states - "Kahore aku tupuna me oku matua i haere ki Hauraki, a Kauteawha, a Taukokopu, me etahi atu." (Te Roto Papatupu 1904 : 84) ✓
Te Heru and his people of Te Uri Papa returned to Aotea after the argument concerning the sale of the Island in 1838. Te Mariri returned to Aotea in 1840, at which time the rest of Ngati Rehua resettled their many kainga on Aotea.

In 1840 Ngati Wai alone were in occupation of all parts of Aotea, apart from several individual members of Marutuahu who were married to our people.

As explained at the earlier hearings, Te Horeta Te Taniwha and his fellow Marutuahu rangatira had sold the entire island of Aotea to William Webster in 1838. As was also explained at the earlier hearings, Ngati Wai have never recognised the validity of this sale which in effect rendered our people of Ngati Rehua landless. That several rangatira of Ngati Wai witnessed the sale deed is not disputed. They were however in no real position to refuse at what Webster described as, "a hui of three hundred principal chiefs of the Thames." (A.J.H.R. 1893 A No. 4 : 12, Webster's Claims) I will expand on this matter later in my evidence. ✓

9.6 Our Ngati Wai tupuna understood that Marutuahu had been deeply hurt by their losses in the 1838 battle where they came to our aid, and where they fought to avenge the dishonour caused to the daughter of Te Horeta. They also understood that it was 'tika' that Marutuahu should receive some recompense. Ngati Wai had also suffered losses, both in battle, and in the affront to their mana caused by the actions of Ngati Kahungunu prior to the battle.

From the point of view of our tupuna, Marutuahu were given adequate recompense for their losses after the battle. With the agreement of Ngati Wai they had been allowed to retain most of the Ngati Kahungunu captives, and most importantly the majority of the taonga of the defeated taua. Our tupuna Te Heru took several Ngati Kahungunu women as wives, as did Taiawa Te Awaroa.

Marutuahu were given all eight of the Ngati Kahungunu waka, including the famous waka taua known as 'Waikohare'. They also retained the pounamu and other taonga of the defeated taua, including their guns and ammunition. This is verified by Hera Puna of Ngati Whanaunga who stated in relation to Marutuahu recompense after the battle - "Ka riro mai to ratou waka nui me nga utanga, ara nga pu, nga paura, me nga taonga mahamaha atu." (Ms. 120 A.I.M.)

The sale of Aotea by Te Horeta and his fellow Marutuahu rangatira was not 'muru'. He and his allies had received 'muru' in the manner just described. In a traditional sense 'muru' was only applied to individuals and groups who had transgressed tribal law or tapu. That is, it was generally used to punish acts of disobedience, carelessness, stupidity, or such things as adultery. At the second hearing of this investigation, Taimoana Turoa gave several accounts of gifts of land made in the Hauraki area as examples of 'muru'. (Turoa 8.8 & 8.9) These were not strictly examples of the traditional concept of 'muru'. Rather they were examples of 'whenua tuku' as thanks for assistance, rather than compensation being given to an aggrieved party.

Ngati Wai certainly did not gift land on Aotea to Marutuahu, either before or after 1838. The sale of Aotea by Te Horeta was not 'muru', or as a result of 'take tuku'. Rather it was an impulsive sale to the local Coromandel resident Pakeha trader and land shark William Webster.

As Marutuahu well know to their cost, Webster was constantly on the lookout for land in the district. What Marutuahu sought was not Aotea, or even land, but rather they sought money and trade goods. Webster paid them, "cash and merchandise to the value of 1200 pounds." (AJHR 1893 : 12). This was a considerable sum in 1838.

The sale of Aotea by Marutuahu to Webster is clear recognition of whose island it was. Marutuahu were not likely to have sold their own island to provide recompense to themselves.

9.7 In discussing the 1838 battle Taimoana Turoa raised the extremely important, and contentious, matter of the burial of Marutuahu dead on Aotea after the battle. He stated, "the interment of tribal dead on Aotea is considered as a sufficient ground for a customary claim. These burials had occurred at both Whangapoua and Harataonga." (Turoa 8.5) He had earlier stated that some children of his tupuna Wiremu Hopihona were buried at Harataonga, and that his tupuna Te Rohu was buried at Whangapoua in 1838.

His assertions are categorically denied by Ngati Wai who have been caused great distress by this statement. As I have carefully outlined earlier, none of the Marutuahu rangatira or others mentioned by Marutuahu in relation to Aotea, are buried on Aotea.

Rather they are all buried in the Moechau - Hauraki area. As I have shown this is verified in every instance by Marutuahu witnesses.

After the 1838 battle approximately 100 Marutuahu toa lay dead as they had made a direct assault, against Te Horeta's orders, on Te Mauparaoa's barricaded taua who were all armed with muskets. Ngati Wai lost approximately 30 toa. Ka hinga taku tupuna a Rangitukiwaho raua ko Te Anini no Mahurangi. Our toa were buried in various of our traditional wahi tapu depending on which hapu they belonged to. Some were returned to the Tai Tokerau for burial. None of the Marutuahu tupapaku were buried at Whangapoua, or miles away at Harataonga as stated by Taimoana Turoa. What happened to the Marutuahu dead is well known to Ngati Rehua.

The bodies of the Marutuahu rangatira who died in the battle were given the honour by Ngati Rehua by being buried on our most important pa of Tukari between Motairehe and Kawa. This in fact began a tradition that only 'tangata ke' were to be buried there. No one of Ngati Rehua has been buried there since. What happened to the tupapaku of the other Marutuahu toa was described at the Aotea Papatupu hearing in 1904. "Ka mate a Ngati Maru i a Ngati Kahungunu. Ka mutu te whawhai. Ka tahuna nga tupapaku ki te ahi." (Te Roto Papatupu 1904 : 7)

In late 1840 Kitahi Te Taniwha, Kapihana Te Tuhi, and a rangatira of Ngati Tamatera remembered by our kaumatua as Taiataura, came to Aotea to deal with their dead. Muskets were fired over the spot where the dead had been burnt at Whangapoua (K. 4 : 204), and a hahunga was held for the rangatira buried at Tukari. The remains of all of the Marutuahu rangatira were returned to Hauraki for burial.

We are adamant that none of the Marutuahu toa who fell in 1838 are buried on Aotea, although the place where the battle took place is still tapu to our people. It is still known as 'Te Parekura'.

9.8 While dealing with the issue of the burial of Marutuahu dead on Aotea I wish to raise another associated matter. Taimoana Turoa, in trying to assert a so called 'ancestral right' on Aotea, alleged at the second hearing that his people had several dead buried at Harataonga on the inaccessible north eastern coast of the Island. He stated, "two children of Wiremu Hopihona, my great great grandfather, were known to have been buried there. Ngati Wai deny that Wiremu Hopihona lived on Aotea, let alone at Harataonga.

As to documented evidence regarding the kainga occupied by Taimoana's tupuna Wi Hopihona and the burial place of his children, we need look no further than the evidence given by many Marutuahu witnesses over a number of years in the Coromandel Minute Books of the Native Land Court.

From a study of these detailed records, it is obvious that Wi Hopihona lived predominantly at Koputauaki near Coromandel, and later at Ohinemuri. (C. 2:94) He also lived at kainga known as Tio Mangere, Tauwhare, Whitireia (C. 2:167), and also at Tapu Creek. (C.8 :193). Te Rihitoto states, "Hopihona lived at Koputauaki and his children died there." (C. 7 : 374) Wi Nicholls states, "the child(ren) of Wi Hopihona died and were buried at Koputauaki. Afterwards their bones were removed to Ohinemuri." Haora Tareanui, who has been described by Taimoana as being 'a

Nicholls
same

senior chief of Marutuahu, and well versed in tribal knowledge', stated that "Hopihona and his wife lived at Koputauaki, his children died there." (C. 7 : 39).

9.9 Taimoana Turoa spoke also at some length to the Court at the second hearing concerning an alleged visit to Aotea in 1948 to rebury koiwi at Harataonga. Ngati Wai find this claim to be both bewildering and absurd. We categorically deny that Marutuahu ever occupied Harataonga on Aotea, or that they buried their dead there. This matter was certainly never raised at either the Rakitu or Dragon Island case where it would have been a crucial piece of evidence. It was also not mentioned at the Motairehe hearing of this investigation.

This assertion by Taimoana Turoa has caused distress and anger among our people who spent a great deal of time at Harataonga, before, during, and after 1948. Our relationship with Harataonga will be outlined in the evidence being presented to the Court by our whaea Whetu McGregor. As you will hear our people spent a great deal of time on the Overton property at Harataonga in 1948, mustering stock, gathering kaimoana and relaxing. If any koiwi had been found exposed at Harataonga our kaumatua would have reburied them.

Throughout the period of Pakeha settlement our kaumatua have regularly reburied koiwi that have become exposed by the elements. This applies to all parts of Aotea from Te Paparahi south to Rangitawhiri. Our kaumatua still carry out this duty, and have done so as recently as this year. We have specially designated wahi tapu that are used for this purpose in a number of places on Aotea.

Taimoana's assertion that the alleged koiwi were left in place on an eroding dune, and reburied using 'a bucket of sand' is absurd. No kaumatua, especially of that generation, would have ever reburied koiwi in such a way using such a 'noa' object as a bucket off a fishing boat as alleged by Taimoana. If koiwi were, or are, found in eroding dune country they are normally buried in a more stable area nearby. They are not left to be washed away by the next easterly storm.

Although I am sure he will have an explanation for it, we believe that Taimoana's allegation is false. As a number of our people can testify, he stated quite clearly when attending the first hearing at Motairehe, that he was then on his first visit to Aotea.

Marutuahu have no rights to Aotea or any of the places under investigation through either ancestral rights or through rights of burial.

10.0 NGA HOKOHOKO WHENUA

Many of the basic facts concerning the private and Crown Purchases of land on Aotea have been outlined at the two previous hearings of this investigation. For this reason I do not intend to discuss each of these transactions in detail. I do however recognise that Marutuahu witnesses have so far placed great emphasis on them in trying to assert a relationship with the Island. For this reason I will outline the Ngati Wai position in relation to the land sales clearly.

10.1 The stance that we of Ngati Rehua and Ngati Wai whanui maintain in relation to the sale of land on Aotea between 1838 and 1856 is the same that was held by our

tupuna. It is a stance that was expressed consistently by our tupuna in all forums, from the time of the 1844 Land Claims Commission until the Motutaiko and Mahuki Investigation of 1934.

In summary it consists of four key points which are as follows:

- Ngati Wai took no willing part in the 1838 sale of the entire island of Aotea by Te Horeta and others to William Webster at Coromandel, and took no part at all in the subsequent 1844, 1854, and 1856 sales of land on the Island.
- The Marutuahu right to sell land on Aotea is denied.
- Ngati Wai, and in particular Ngati Rehua, dispute the legitimacy of these private and Crown purchases which made our people landless on Aotea at that time.
- The 1838 - 1856 land transactions relating to Aotea and the deeds which accompany them do not provide a basis for the determination of mana whenua, 'according to tikanga Maori', (before, during or after 1840); over Aotea or the motu, motu nohinohi or kohatu that surround it.

10.2 In relation to the first point it is not disputed that the names of several Ngati Wai rangatira, including Te Mariri and Te Heru appear on the 1838 Deed of Sale. Their involvement was however made under extreme duress at a large hui of rangatira from throughout the Marutuahu Confederation as I have explained earlier. This situation was alluded to by Taimoana Turoa in his evidence presented at the second hearing. (Turoa 7.2) The Ngati Wai position in relation to the 1838 sale of Aotea was made quite clear in the Rakitu Investigation of 1870, where all of our rangatira who were present denied a willing Ngati Wai involvement in the transaction.

Te Mariri, the leading rangatira of Ngati Rehua and a witness to the sale of Aotea in 1838, always disputed the legitimacy of the sale of his birthplace and whenua tupuna. Even as a very old man he travelled to Coromandel with Hone Paama to appear in the Native Land Court at Coromandel to dispute Marutuahu rights to Aotea. Te Mariri, one of the alleged signatories to the 1838 deed stated, "the Great Barrier was sold by Te Taniwha. I did not agree to the sale." (C. 3 : 65) He was supported by Hone Paama who stated, "I don't know that Te Mariri ever sold it (Great Barrier), Te Taniwha did as he was one of the chiefs of Ngati Maru...we do not admit that Ngati Maru had any claim and we did not admit their right to sell the Island." (C.3 64-65)

At the time of the 1838 transaction some of Ngati Wai, and in particular the Te Uri Papa hapu, remained resident on Aotea. It is of extreme importance to note that those of our people who were at Coromandel at the time of the sale of the Island to Webster, showed their opinion of its legitimacy by returning to Aotea and reoccupying their many kainga on it.

Ngati Wai took no part in the 1844 sale of the 'Okupe and Whangaparapara' Block by Tamati Waka Te Pahi to Whitaker and du Moulin in Auckland. Te Mariri and his fellow Ngati Wai rangatira completely denied Tamati Waka Te Pahi's rights to any land on Aotea. They did however admit that his wife Arikirangi had a minor interest as she had a Ngati Rehua great grandparent, but denied that this gave her or her husband any right to sell papatupu land on Aotea. In reference to the 1844 and subsequent sales of parts of Aotea, Te Mariri stated, "the Ngati Maru sold the Barrier

here in Auckland without our knowledge." (Ak. 2 : 25) He also stated that he had been deceived over this transaction. (Ibid.)

Realising that Tamati Waka had already concluded the sale of the Okupe and Whangaparapara Block, Te Mariri demanded some recompense from Whitaker and du Moulin on behalf of Ngati Rehua. He subsequently received the trade goods described in Turton's Deed No. 52. This, and the 200 pound payment received years later (from Heale of the Great Barrier Mining Company) as compensation for part of the land taken in 1838, was the only payment ever received by Ngati Wai in relation to the Aotea land sales in which they played no direct part. Ngati Wai played no part in the 1854 and 1856 Crown land purchases of the central and southern portion of Aotea. Our people were then resident on these parts of Aotea and were not aware of these transactions that were taking place at Coromandel and Auckland. We have always disputed their legitimacy.

10.3 We have always denied the Marutuahu right to sell land on Aotea. As I have explained, some hapu of Marutuahu occupied Aotea in small groups as our manuhiri for reasons of whanaungatanga. Apart from those few such as Wi Turipona who shared descent from Rehua and Te Rangituehuru, they never held mana whenua over Aotea. Their periodic visits to Aotea had ceased following the death of Te Mana and Te Maunu in 1827. None of the Marutuahu hapu were in occupation of Aotea in 1838 when Te Mauparaoa and his ope landed on Aotea. At the time of the 1844, 1854 and 1856 sales, Marutuahu were not in occupation of Aotea. It is for this reason that these sales were concluded at Coromandel and Auckland.

Marutuahu had not been gifted land on Aotea, nor could they claim it from traditional 'take'. In 1838 they exploited the disruption of the early colonial period by selling Aotea from a distance to a Pakeha trader. They undertook this and the subsequent transactions for material gain. William Webster was a willing purchaser who purchased a massive amount of land in the Hauraki area. He and his partners Nagle and Abercrombie were interested in the mineral resources which had been discovered on Aotea in 1837.

At no stage in this period did Marutuahu show any aroha for Aotea of which they were not even in occupation. Significantly they made no attempt to retain so much as an acre on Aotea by the usual process of setting aside reserves. Through these absentee sales Marutuahu severed their association with Aotea 150 years ago, and they have had no association with the Island ever since. In particular they have had no association with the motu, motu nohinohi and kohatu which are the subject of this investigation.

10.4 In relation to the third key point Ngati Rehua state that these 19th century private and Crown land purchases on Aotea were in breach of the Treaty of Waitangi which guaranteed Ngati Rehua and Ngati Wai whanui undisturbed possession of their lands and other taonga so long as it was their wish to retain them. The Crown is definitely culpable for its part in these land transactions associated with Aotea. Its officials made only a cursory investigation of mana whenua, or traditional proprietary rights associated with Aotea, in particular in relation to the 1854 and 1856 Crown Purchases.

A key figure in these transactions was Donald McLean, then the Chief Crown Land Purchase Officer. The Court is well aware of his actions in relation to the purchase of Maori land in the 1850s and early 1860s. I do not wish to dwell on this matter. It is however of some significance, as Mr. Williams the Counsel for Marutuahu claimed Donald McLean as an authority who had documented what he called a 'Marutuahu right' to the Rangitawhiri Block.

Williams noted that this so called 'right' had, "been documented by Donald McLean who was the Crown Purchase Officer, fluent in Maori and adept in tikanga Maori." (M.L.C. Auckland, Nov. 24 1993) I would comment that McLean may have been proficient in te reo Maori, however he certainly was not as a 34 year old Scotsman, knowledgeable in the intricacies of tikanga Maori and mana whenua. He knew nothing of the traditional history of Aotea. He was not concerned with tikanga Maori in negotiating these transactions from his office in Auckland, but rather in acquiring as much Maori land as quickly as possible for the Crown. This after all was his job.

10.5 In relation to the fourth point it must be said that neither the land sales, or the maps and deeds which accompany them, provide any basis for a Marutuahu claim, or in fact any claim to Aotea. In trying to use Turton's Deeds to assert a claim at the Motairehe hearing, Taimoana Turoa claimed that the Crown Purchase Blocks on Aotea related to what he called 'specific inter tribal boundaries'. As I stated earlier it is unthinkable to Ngati Rehua and Ngati Wai whanui that our beloved island and the motu and kohatu that surround it could be cut into pieces along these convenient lines devised by Pakeha surveyors following the sale of the Island by Marutuahu.

While the purchase deeds have no validity as a basis for determining mana whenua, they do illustrate quite clearly that those of Marutuahu who concluded these sales were not resident on Aotea in this period.

These deeds most definitely do not provide a basis on which to determine ownership of customary land 'according to tikanga Maori', as is required under the Te Ture Whenua Maori Act 1993.

11.0 THE 1956 COMPENSATION MONIES

Here it is appropriate that I refer to the issue of the '1956 Compensation Monies'. It must be stated at the outset that this issue quite frankly does not have a lot of relevance to this case. I will however comment on it briefly as it was raised by Taimoana Turoa at both previous hearings as being what he called 'a precedent of sharing', and as some how being a Ngati Wai acceptance of Ngati Maru rights to the central part of Aotea.

11.1 The first point that I wish to make is that Ngati Wai took no part in the 1856 sale. Therefore if the Crown Officials and the Marutuahu elders involved had held a basic knowledge of the 1856 transaction, it would have been obvious that Ngati Wai should not have received any of the Crown surplus compensation money in 1956. The research for the 1956 hearing was not undertaken by either Ngati Wai or Marutuahu. Rather it was carried out by staff of the Maori Affairs Department and the Maori Trustee's Office. The matter was discussed by Ngati Wai and Ngati Maru representatives at a hui at Whananaki which I attended as a sixteen year old with my uncle Te Ngore Maki of Matapouri.

11.2 To Ngati Wai the visit of representatives of another Iwi was a rare occasion in the 1950s, and a great honour. The manuhiri were received in a spirit of rangimarie and aroha. I am quite sure that all of the kaumatua concerned acted in good faith, but to be quite frank, as the record of their korero shows, their knowledge of the intricacies of the history of Aotea was extremely limited. Most discussion centred on general whanaungatanga, the 1838 battle and on information relating to the 1856 sale as researched by Crown Officials. Assumptions were made by both parties and the Crown, based on misconceptions arising from Turton's Deeds.

The majority of the Ngati Wai kaikorero at the Whananaki hui were from the Whananaki - Whangaruru area. Their historical knowledge was generally localised and hapu based, and none of them were knowledgeable in relation to the history of either Ngati Rehua or Aotea. Some of the Ngati Wai kaumatua present, for example Ngaronoa Mahanga of Pataua, were however extremely knowledgeable in relation to the whakapapa of Ngati Wai whanui. They would have therefore known that none of the three signatories to the 1856 sale of land on Aotea were Ngati Wai rangatira.

11.3 The only representatives of Ngati Rehua who travelled from Aotea to the Whananaki hui were Dave Walker, then only 35 years of age, and Waata Nehana Grant. The latter, while a local community leader at Motairehe, was not well versed in the intricacies of the traditional history of Aotea. He attended the Whananaki hui to ensure that the interests of the resident Great Barrier people were looked after in the allocation of the compensation monies. Those remaining Ngati Wai kaumatua who were knowledgeable on the history of Aotea, such as Mahou Reweti, Neti Pita Kino, Hemi Ngawaka and Te Arani Hale (nee Ngawaka), were not involved in the Whananaki hui.

11.4 The Ngati Wai kaumatua present at Whananaki, while not knowledgeable concerning the 1856 sale and its historical context, regarded the compensation monies as a remarkable windfall that had appeared out of the blue. The money was much needed by the Iwi and was accepted with both hands. Therefore, even though they had taken no part in the 1856 sale, Ngati Wai willingly agreed to divide the compensation money equally with Marutuahu at the Whananaki hui. This agreement was confirmed by a decision of the Maori Land Court on the following day, January 17 1956.

The payment of this then very considerable sum of 2,367 pounds by the Crown led to the establishment of the Ngati Wai Trust Board, which ultimately enabled the fragmented tribal structure of the Ngati Wai Iwi to be revitalised. It must be said however that the lack of real Ngati Rehua involvement in the hui, and our failure to receive proceeds from the 1956 compensation monies was a matter of ongoing disquiet on Aotea for many years.

11.5 A key point of relevance to this investigation emerges from the example provided by the handling of this affair. It is how misleading and irrelevant the evidence derived from Turton's Deeds and the Crown Land Purchase Office records is to an investigation of legitimate mana whenua on Aotea, or for that matter anywhere in Aotearoa.

12.0 NGA WHENUA I WHAKAHOKIA MAI NA TE KAWANATANGA ME TE KAMUPENE

I now wish to discuss the creation of the Ngati Wai Reserve on Aotea in 1854. At both of the previous hearings of this investigation Marutuahu witnesses have placed great emphasis on the Ngati Wai occupation of the Native Reserve in the northern part of the Island. They have attempted to assert that Ngati Wai have always occupied only the northern third of Aotea. In an attempt to verify this Taimoana Turoa quoted from a statement from Hohepa Kapene of Ngati Tamatera who stated that, "when Great Barrier was sold, Ngati Wai were living on the north of it." (Ak.2; 19). This, apart from the occupation of seasonal camps throughout the Island, was true when the 1854 and 1856 sales were concluded with the Crown by Hohepa Kapene's people at Auckland and Coromandel.

12.1 That Ngati Wai occupied only the north of the Island, and held mana whenua over only a third of it, is however completely erroneous as the overwhelming weight of Ngati Wai evidence clearly shows. This commonly held misconception stems from the fact Ngati Wai settlement was concentrated in the west and north of the Island from the period of post colonial disruption, for reasons I have outlined. Above all it stems from the fact that Ngati Rehua have been largely confined to occupation of the 'Native Reservation' around the shores of Motairehe Whanga for the last 150 years.

It also comes from ignorance of the fact that our people continued to occupy all parts of Aotea until Pakeha title introduced restrictions; and of the fact that we have always maintained a relationship with the papatupu under investigation; as later evidence to be presented later will show clearly. It is therefore important that I briefly outline how we of Ngati Rehua came to be restricted to the 4500 acre Reserve which makes up less than 10% of our ancestral home of Aotea.

12.2 In the disruption of the 1838 - 1840 period those of our people who had taken refuge on the Coromandel Peninsula returned to Aotea. They then joined those who had remained behind in resettling the many Ngati Rehua kainga on the Island. They reoccupied Rangitawhiri and Putuwhera in the south; as well as numerous kainga on the western coastline between Okupe and Motairehe, and on the eastern coastline between Oruawhoro and Whangapoua.

Te Heru and the Te Uri Papa hapu also occupied the islands of Rangiahua and Kaikoura, while Te Huaroa and Ngawaka made their main home for a time at Wairahi. It was here that one of our most important 19th century wahine rangatira, Raihi Miraka was born. Te Mariri and the Te Ure Whakapiko hapu also occupied these places, but made their main kainga at Motairehe and Kawa, as well as on the east coast at Okiwi and Whangapoua. They also occupied Harataonga, Awana, Oruawhoro (Medlands) and the island of Rakitu on a seasonal basis. Throughout this period the resources of the motu and kohatu surrounding Aotea were harvested by our tupuna according to the season.

12.3 In the post 1838 era, the mining company or 'Te Kamupene' as our tupuna called it, left us alone in our occupation of Aotea. They did not interfere in our reoccupation of Whangapoua or Motairehe Whanga which were used as part of their

mining operations. They came to refer to Motairehe Whanga as 'Maori Bay' and 'Catherine Bay'.

While Webster and his partners claimed ownership of the entire island of Aotea, until the 1844 - 45 Land Claims Hearing, they only really desired to maintain control over the land around the Te Puehu Coppermine. They also milled kauri from around the west coast harbours. 'Te Kamupene' realised that our occupation of the surrounding area would also be beneficial to them in terms of our supplying the mine village with food and labour.

Our tupuna made the importance of the Motairehe area known to Webster and his partners Abercrombie and Nagle, and they allowed Ngati Rehua to occupy it as an informal reserve even though the Land Claims Commission gave them title to it. As Te Mariri noted at the Rakitu Investigation in 1870, this informal reserve was negotiated soon after the 1838 sale. (Ak. 2:25)

12.4 While Ngati Rehua continued to live throughout Aotea into the early 1840s, Motairehe and Whangapoua became an increasingly important focal point for our tupuna in this period. The Motairehe - Whangapoua area had always been of extreme historical and spiritual significance to Ngati Rehua. It was associated with the visits of the famous ancestral waka Tainui, Takitimu and Mataatua. This area was also the 'manawa' of Ngati Rehua. Here were located the kohatu tapu known as Aotea and Awatea; and Pukewhau, Kaikai and Orehua, the first homes of Rehua on Aotea. Here was Tukari the pa of Te Rangituangahuru, and the most sacred wahi tapu of our Iwi.

There were also a number of more practical geographical, economic and strategic reasons for the importance of this area. It had access to two excellent harbours, and in Whangapoua the richest and most varied kaimoana on the coast of Aotea. The Motairehe Valley and the Okiwi Basin at Whangapoua contained by far the most extensive gardening areas on Aotea. It also contained the best east - west canoe portage on Aotea, between Motairehe and Wakahuna at the head of the Whangapoua Harbour. Motairehe Whanga, being a long narrow harbour was also an excellent defensive position in terms of military strategy.

Like all Iwi throughout Aotearoa at this time, Ngati Rehua had also been reduced in numbers by epidemic disease, and our tupuna preferred to live together. They also soon learnt the economic advantages of living near to the only Pakeha settlement on Aotea at Te Puehu.

12.5 A key reason for our tupuna gathering at Motairehe in the middle 1840s was however for reasons of security, as they faced what appeared to be a serious threat from Ngapuhi. In this period Haehae of Ngati Wai and Ngare Raumati had killed Marara Pohara a mokopuna of the Ngapuhi rangatira Te Wharerahi and Tari Tapua, and a grand neice of Patuone and Nene. As stated by Ngapera Taiawa in reference to this incident - "ka rangona te whawhai ki Te Kopua mo Marara Pohara. E haere ana a Ngapuhi ki te tango i Whangaruru katoa tae atu ki Pikiparia nga whenua katoa o tenei iwi o Ngati Wai. Ka ki a Taiawa, me hanga pa ki Motairehe." (Te Roto Papatupu 1904: 9)

Facing this threat from Ngapuhi, a large number of Ngati Wai came from Whangaruru and elsewhere in Tai Tokerau to Aotea. Their leaders were: Ngawiki, Turingonge, Te Huiatahi, Te Koikoi, Tupoki, Paretai, Te Kaha, Paratene Te Manu, Rangiwahipu, Te Mauri, Manaia, Tihewa, Kauteawha and Taukokopu. They all assisted Te Mariri and Taiawa Te Awaroa in the construction of a fortified pa at Motairehe. The pa was named 'Te Ruahuihui', although it is generally referred to today as 'Te Pa o Taiawa'.

12.6 In the 1850s mining company employees had begun to settle in various places in the northern part of the Island. Tamati Waka Te Puhi was again threatening to sell land following the death of Te Horeta Te Taniwha in 1853, and Crown Agents were enquiring after land on Aotea. By this time our tupuna had begun to better understand the Pakeha concept of land ownership and its long term consequences. Therefore, faced by these threats, Te Mariri and his fellow rangatira of Ngati Rehua approached the Crown and the Mining Company to have the Motairehe and Whangapoua areas formally reserved for Ngati Rehua.

McLean agreed in principal to the creation of a Ngati Wai Reserve on behalf of the Crown, as did the Government Surveyor Heale (Te Hira), who was also an owner of the Mining Company. The Company was however only prepared to set aside a small foreshore reserve around Motairehe Whanga. They would not consent to reserving Whangapoua where some of the Mining Co. staff such as Stark had settled. After strenuous representations by Te Mariri, the Company grudgingly agreed to extend the reserve back to the ridgelines behind Motairehe Whanga. The 4500 acre Native Reserve was established in 1854, although title to it was not formally investigated until 1871, or surveyed until 1877. As Te Mariri stated concerning the Reserve in 1878, "we live on the land now...having pulled it out of the hands of the Europeans who afterwards consented to our living on it, and this is our right." (C. 3 : 65)

Our tupuna never saw the Reserve as equating to their 'ancestral land'. Their whenua tupuna included all of Aotea and its environs. The Reserve was seen as 'Nga Whenua I whakahokia mai na Te Kawanatanga me Te Kamupene'. At the Papatupu hearings relating to it, that were held at Whangarei in 1904, specific interests were however claimed in all cases from traditional 'take'.

12.7 It is important to remember that the Native Reserve at Motairehe Whanga is exactly that, a 'reserve'. Like the reserves set aside in this era for Iwi throughout Aotearoa, it was not in any way an indication of the extent of the Ngati Rehua mana whenua relating to Aotea and its environs. In this regard I am quite sure that Marutuahu don't see their present day mana whenua in the Hauraki area as being restricted to the lands reserved for them in the late nineteenth century.

Our mana whenua on Aotea does not equate to the boundaries of the Native Reserve or to any other boundary lines established on Aotea by Crown Surveyors. As I have stated earlier it applies to all of Aotea and its environs from Nga Taratara o Toi in the north, to Te Tohoro standing off the southern shores of Aotea.

13.0 PAPATUPU HEARINGS RELATING TO ISLANDS ADJOINING AOTEA.

Papatupu involving islands adjoining Aotea has been investigated on a number of occasions between 1870 and 1982. I do not wish to discuss the details of these investigations as they have been described at the earlier hearings of this case; and as information relating to them is freely available to the Court. I will therefore confine my discussion of them to key issues which are relevant to this investigation.

12.1 These earlier papatupu investigations provide a number of important precedents and they outline the basis of our mana whenua over Aotea and its environs. Importantly the earlier investigations, from Rakitu in 1870, to Rangiahua 1923-1926, contain evidence that clearly outlines the point of view of our rangatira who were alive in the nineteenth century. These investigations also similarly put the Marutuahu associations with Aotea into perspective.

It is of importance to note, that except in the case of Dragon Island (1981 - 1982), title to all of the motu, motu nohinohi and kohatu surrounding Aotea, was awarded solely to Ngati Wai. In particular, title was awarded to the descendants of Rehua and Te Rangituangahuru. It is also of great relevance to this case to note that except in the case of Dragon Island, title to this papatupu was awarded on the basis of traditional 'take' and existing associations, rather than on the basis of the sale of adjoining land to the Crown as described in Turton's Deeds.

12.2 Rakitu 1870

This large island lies to the south and east of the Crown survey line which has been described by Taimoana Turoa 'as representing the northern limit of Marutuahu interests on Aotea'. Title to the island was awarded by the Native Land Court to Ngati Wai, and in particular to the descendants of Rehua and Te Rangituangahuru. The Rakitu Investigation is particularly important as it contains evidence relating to mana whenua on Aotea and its environs as it was viewed by the generation of Ngati Wai who were in occupation of Aotea in 1840. The witnesses included Te Mariri and his fellow rangatira of Ngati Rehua, as well as Tamati Waka Te Puhi who was then one of the oldest rangatira in the Marutuahu confederation.

The Ngati Wai rangatira who appeared at the Rakitu investigation defined the basis of Ngati Wai mana over not only Rakitu, but also over all of Aotea and its environs. One hundred and twenty five years ago they categorically denied Marutuahu rights to Aotea as we do today. Marutuahu associations with Aotea were shown to be extremely tenuous at best. Most importantly they were denied by three Marutuahu witnesses.

12.3 Rangiahua (Flat Island) 1923 - 1926

This island, which is still occupied by our people, lies well south of Akatarere the point claimed by Taimoana Turoa from reference to Turton's Deeds as being the north western boundary of Marutuahu interests on Aotea.

The Rangiahua investigation was widely advertised by the Court, even in Thames as early as 1905. (Ak. 1923 :154) Marutuahu made no attempt to become involved in the case, and only Ngati Wai lodged claims to Rangiahua. The Ngati Wai claim to

this papatupu was based solely on traditional take including continual association and right of occupation. The Court awarded title to Rangiahua to Ngati Wai.

The sale of adjoining land by Tamati Waka Te Pahi in 1844 and 1856 was not deemed to be relevant by the Court in determining mana whenua over this piece of customary land. At the second hearing of this investigation Taimoana Turoa downplayed the importance of the statement in Judge McCormick's Rangiahua decision that - "Ngati Maru has no rights in the Barrier at all now, whatever they may have formerly." (K. 15 : 315) This 1926 decision is of major relevance to this investigation. Judge McCormick had to investigate to his satisfaction the basis of mana whenua as it related to this island lying off the western coastline of Aotea. His decision, which was given nearly 70 years ago, outlines the finding of the Court concerning mana whenua as it related not just to Rangiahua, but also to the Island of Aotea generally.

This decision and the subsequent Motutaiko and Mahuki decision provide an important precedent for the determination of ownership of the islands in the vicinity of Rangiahua which are being investigated in this case. They include Moturako, Orakuku, Opakau, Mahuki Iti, Raurimu, Whangarara and the many motu nohinohi and kohatu which adjoin them. In particular, the Court's 1934 decision provides an important precedent for the ownership of Mahuki Iti (Little Mahuki) which is linked with Rangiahua at low tide. As explained at the second hearing this island is permanently occupied by the Ngawaka family.

12.4 Motutaiko and Mahuki 1934

This investigation, which had been advertised from 1911, was not contested by Marutuahu. Claim to these two islands located near to Rangiahua was made solely by Ngati Wai on the basis of traditional take and ahi ka. These islands were shown to have been occupied for generations in association with seasonal resource gathering, and in particular with the harvest of manu oi. Title to these two islands, which once again lie to the south of Akatarere, was awarded to Ngati Wai.

12.5 Nga Taratara o Toi and Owango (Aiguilles Island, the Needle rocks and surrounding rocky islets) 1971

Title to these areas of customary land located at the northern tip of Aotea was awarded by the Maori Land Court to Ngati Wai in 1971. These islands and rocks were gazetted as Maori freehold land and set apart as a s. 439 reservation, "for the purpose of a place of scenic interest for the common use and benefit of the Maori owners." (N.Z. Gazette, June 13, 1974 : 1172)

12.6 Dragon Island 1982

As it is our intention that this island be the subject of a rehearing, I will confine my comments to the actual 1982 hearing and the role of Ngati Wai in this most recent investigation of papatupu adjoining Aotea.

Ngati Wai, and in particular Ngati Rehua cannot be proud of its involvement in this investigation which was initiated by Crown officials of the Lands and Survey Department. It is an episode which cannot be run away from or ignored. This 'red herring' in the history of our Iwi must be explained and put right.

Most of Ngati Wai whanui were unaware that the investigation was taking place. Those of Ngati Rehua that did know of the hearing were not aware of the significance of the investigation to the mana of our Iwi. The main concern of those who were involved was to prevent the island being awarded to the Crown, thus setting a precedent for the uninvestigated papatupu surrounding Aotea.

At the time of this investigation our Ngati Rehua kaumatua retained detailed knowledge relating to the traditional history of Aotea, but were baffled by the material produced by the Crown relating to the 1856 sale deeds. They were also confused by the involvement of another Iwi in the affairs of Aotea for the first time since the 1870 Rakitu Investigation. Even our oldest kaumatua, who had been born in the nineteenth century, had never known any other Iwi to have been associated with Aotea, let alone to have visited it in their, or their parents lifetimes.

Our leading kaumatua at the time of the Dragon Island investigation was Te Arani Hale who was the daughter of Te Nupere Ngawaka. This kuia had a detailed knowledge of the traditional history of Aotea and of the whakapapa of Ngati Rehua. She also knew the Harataonga area well and of our people's relationship with it. Te Arani, who co ordinated our involvement in the case, was not however familiar with the details of the 1856 land sale raised by Crown researchers. She was greatly confused by the contradictions between the 1856 Deeds and the traditional history of Aotea. Most importantly she and our other oldest kaumatua were women. They were not prepared to appear in Court to challenge male kaumatua of another Iwi. They felt that this was the role for a male to undertake.

Those of us of Ngati Wai who were resident in Tai Tokerau did not know of the investigation. Ngati Wai were represented in the case by a young man who is a close relative of mine. He attended the hearing at the request of Te Arani. He was neither resident on Aotea, or conversant with the details of the history of Harataonga or Aotea generally. He did his best in the circumstances, but having no answer to the evidence relating to the 1856 Sale Deeds (in which both Ngati Wai and Ngati Maru were allegedly involved), his main aim was to ensure that the Island was retained in Maori ownership and not awarded to the Crown.

The Dragon Island investigation was not initiated by either Ngati Wai or Marutuahū. Rather it was initiated by the Commissioner of Crown Lands in conjunction with the investigation of the Harataonga Block which was to be transferred to the newly established Department of Conservation. Most of the evidence placed before the Court was produced by a representative of the Commissioner of Crown Lands. The evidence related solely to Crown deeds and records of land purchases and transfers on Aotea. Apart from several theoretical suppositions and an irrelevant reference to the death of Te Maunu, no traditional evidence was placed before the Court by the Iwi representatives present.

The Court awarded joint title to Ngati Wai and Ngati Maru on the basis of the limited evidence that was available to it. It included no relevant traditional evidence that related specifically to Dragon Island or the adjoining area, and consisted almost entirely of speculation and the research presented to the Court on behalf of the Commissioner of Crown Lands.

The Dragon Island investigation provides the only example of a papatupu investigation relating to Aotea where title was awarded, not on the basis of traditional 'take' and *ahi ka*, but rather on the questionable basis of information based on the content of the Crown Deeds of the 1856 sale of the central portion of Aotea. It should be again remembered that Ngati Wai were not involved in the 1856 transaction in any way, and have denied its validity in many forums.

The Court appointed Ngati Maru and Ngati Wai trustees for the Island, but issued a freehold title "in the names of Tamati Waka Tarewa, Wiremu Hopihona and Te Retimona as Trustees for the chiefs and people of Ngati Maru and Ngati Wai." None of these rangatira was of Ngati Wai. The Court was remiss in not investigating the origins of these three men. It was particularly remiss for not studying the extremely relevant precedent set in the Papatupu investigation of nearby Rakitu Island, which is only 3.5 kilometres from Dragon Island.

As will emerge from evidence being presented during this investigation, Ngati Rehua have significant associations with the Harataonga area where Dragon Island is situated. It is obvious that a rehearing of title to Dragon Island investigation is necessary. We of Ngati Rehua were not in a position to respond appropriately to the Dragon Island investigation a decade ago, and we have learnt some painful lessons from the experience. Our Iwi now has the co ordinated Iwi political and research capability that enables us to respond effectively to such investigations in order to uphold the mana of ourselves and our tupuna.

13.0 The 1840 Rule

13.1 We are aware that from its inception the Maori Land Court adopted the '1840 Rule' as an important basis for determining the ownership of Maori customary land. The Court adopted the principle that it should imagine itself as sitting in 1840 and took that year, "as the crucial date upon which investigation of title to Maori customary land is contingent." (Smith 1960 : 88)

Ngati Wai recognise that the signing of Te Tiriti o Waitangi in February 1840 is a date of major significance in the history of Iwi Maori, and of the nation generally. We also understand why the Court adopted this date as a convenient and logical 'commencing point' from which to determine title to 'papatupu lands'.

13.2 In relation to this we of Ngati Rehua state that we were the tangata whenua of Aotea before, during and after February 1840, on the basis of traditional 'take', and in particular of *ahi ka* or continuous and ongoing right of occupation. We are still the Tangata Whenua of Aotea and its environs.

That is, our mana over Aotea and the papatupu under investigation was, and is, based on tikanga Maori. It is not related to the 'coming of British Law' in 1840. Mana whenua, or traditional ownership rights and obligations over 'ancestral land' is still founded solely on traditional 'take'.

We do however realise that we must address the legal reality of the '1840 Rule', and that we must establish the 'traditional elements' in place on Aotea at that time. As the Court noted at the second hearing of this investigation, "it is not a count up of who was there at that cut-off date (1840), but more a matter of who had the ancestral

connection and maintained that connection.” (Ak. Nov 24 1993) The ‘traditional elements’ in place on Aotea immediately before, during and after February 1840 are quite clear to Ngati Wai who were the only Iwi in occupation of Aotea at this time. I now wish to describe these ‘elements’ in some detail for the benefit of the Court.

13.3 In 1838 when the Ngati Kahungunu ope led by Te Mauparaoa stopped at Aotea, only Ngati Wai were in occupation of the Island. Marutuahu had not even visited us as manuhiri following the death of Te Maunu in 1827. As Te Mariri stated at the Rakitu Investigation, “ Our fathers lived on the Barrier from the time of Rehua until the taking of Te Totara...we lived on the island (Aotea) in undisturbed possession until the time of Mauparaoa.” (Ak. 2 : 23) In 1838 Ngati Rehua occupied seasonal kainga throughout Aotea and claimed mana whenua over the entire island and its environs. This exclusive mana whenua was based on the inter related traditional ‘take’ from which we still claim mana whenua to Aotea.

13.4 As I have already stated out tupuna were a highly mobile and sea going people. They travelled throughout our rohe in a seasonal cycle of resource gathering. The harvest of the resources of the motu, motu nohinohi, kohatu, and moana adjoining Aotea was part of this cycle. A particularly important activity was the harvesting of manu oi which were, and are , the kai rangatira of Ngati Wai. A wide variety of these manu were harvested from motu around Aotea from early to mid summer. When Te Mauparaoa arrived on Aotea in the summer of 1838, Ngati Rehua had gathered together to engage in this important annual activity. As I have explained earlier, our people were engaged in gathering manu oi from islands all around Aotea, as well as from Hauturu and Pokohinu.

13.5 Following the 1838 battle most of Ngati Rehua left Aotea on the advice of Te Horeta as they feared retribution from Ngapuhi who had befriended Te Mauparaoa. In particular they feared retribution from Te Ururoa of Whangaroa. Ko te hoa rangatira a Te Mauparaoa he wahine tutata ki a Te Ururoa. Under the leadership of Te Heru and Te Mariri they took refuge at Te Kapanga and later at Tangiaro on the Coromandel Peninsula.

As stated earlier, a number of Ngati Rehua and Ngati Wai whanui remained on Aotea under the leadership of Te Huaroa, Taiawa Te Awaroa and Taukokopu. They kept the Ngati Wai fires burning on Aotea. They maintained watch for northern taua from Ahuriri in the north of the Island, and from Te Atamira located above Taupakihi at the southern entrance to Rangitawhiri Whanga. Members of Ngati Rehua and Ngati Wai whanui also occupied Hauturu at this time.

13.6 Even though the entire island of Aotea had been sold to William Webster and his partners in 1838, Ngati Wai remained in occupation of the Island. Many of our tupuna returned to Aotea with Te Heru not long after the 1838 sale, and most had returned by 1840. Ngati Rehua did not accept the validity of the 1838 sale nor did they understand the consequences it would have. Our tupuna continued to live throughout Aotea in 1840, although as I have already explained their settlement was to become focused on Motairehe and Whangapoua for the economic, strategic, and historical reasons outlined earlier.

13.7 In 1840 only Ngati Wai were in occupation of Aotea, although as I have explained Kitahi Te Taniwha of Ngati Whanaunga came to Aotea with others of Marutuahu to collect the remains of their dead killed two years earlier. These people returned to Hauraki soon after.

In the period of peace that followed the signing of Te Tiriti o Waitangi, small groups of Marutuahu again stayed as guests in our kainga in 1842 and 1843. As noted by Hone Paama at the Rakitu Investigation they were, "people of Ngati Maru and Ngati Naunau (who) went their to stay with relations of theirs." (Ak 2 : 37) These included whanaunga of Te Mariri such as Manawatiu the father of Wi Turipona, Rangikaiwhiria; and relatives of Mere Tiaho the Ngati Maru wife of Taukokopu. A small number of Patukirikiri led by Pita Taurua also visited Aotea in this period. They stayed briefly with Te Heru at Rangitawhiri.

13.8 Tamati Waka Te Puhi also visited Aotea in this period with his wife Te Arikirangi who was partly of Ngati Wai descent. They came with quite a large ope and stayed with Te Mariri and Te Huaroa at Whangaparapara and Wairahi. At this time Tamati Waka Te Puhi intimated that he was going to sell Rangiahua (Flat Island) in which his wife had a minor ancestral interest. This incurred the wrath of Te Heru who threatened to kill him. (This incident is referred to in Ak 2 : 37 and AK 1923 : 183) Tamati Waka Te Puhi and his ope then moved around the northern end of Aotea and camped at Rakitu. At this stage Te Mariri and Te Ure Whakapiko exchanged fire with Tamati Waka Te Puhi who returned to Hauraki.

As I have stated earlier Tamati Waka Te Puhi sold the Whangaparapara and Okupe Block without our knowledge from Auckland in 1844. At this time he came to Aotea briefly on a sailing vessel with Whitaker to point out the land. He then left Aotea never to return.

13.9 In summary in relation to the '1840 Rule', the 'traditional elements' in place in relation to mana whenua on Aotea were the same as they had been for centuries. Ngati Wai were alone in occupation of Aotea, and our tupuna still claimed mana over the entire Island and its environs from the traditional 'take' outlined previously. It should be pointed out to the Court however that these 'elements' had been subjected to considerable modification by Pakeha influences by 1840.

By this time Ngati Wai whanui had been exposed to European contacts for over 70 years. Cook had renamed Aotea 'Great Barrier' in 1769 and had indirectly introduced new foods and technology. Whaling and timber vessels had begun to call at the Island from the 1790s. That is, the 'elements' present on Aotea in 1840 had been subject to direct and indirect colonial processes for some. This was particularly true in relation to the devastating effects of 'Te Pu', or the musket. These Pakeha influences had brought significant and devastating change to Te Ao Maori, and had to some extent distorted traditional patterns of mana whenua and mana moana. This is well illustrated by the causes and nature of the 1838 battle, and in particular its aftermath.

In 1838, after nearly two decades of major social and political disruption in Maori society, our Island had been sold in its entirety by another Iwi who had no traditional or current claim to it. Until the deliberations of the Land Claims Commission in 1844

Aotea was then in theory Pakeha owned. However neither the Pakeha or Marutuahu interfered with our continued occupation of our ancestral home. Our people did not accept the validity of the 1838 sale, or understand the consequences it would have on their lives. They did not understand the Pakeha concept of land ownership or that large numbers of Pakeha would soon arrive to settle their ancestral home.

In the period between 1838 and the early 1840s, our tupuna continued to claim Aotea from traditional 'take'; and they maintained their traditional cycle of occupation and resource gathering throughout Aotea and its environs. That is, the mana whenua of Ngati Rehua over Aotea and the motu and kohatu which surround it, was based on 'tikanga Maori', before and during what the Court calls "the coming of the Law" in February 1840. Our tupuna continued to claim mana whenua over Aotea on the basis of traditional 'take' in 1840, and in all subsequent papatupu hearings relating to the Island.

14.0 HE KORERO WHAKAMUTUNGA

In conclusion I wish to summarise the key points that are the basis of the claim of the Ngati Rehua hapu of Ngati Wai to the papatupu under investigation.

14.1 We of Ngati Rehua state unequivocally that we are the persons entitled to sole and exclusive title to the motu, motu nohinohi and kohatu that adjoin Aotea, and which are the subject of this investigation.

14.2 Our mana over, and our claim to these papatupu areas is not based on tenuous manuscript sources, although these have been used sparingly to verify aspects of our claim. It is claimed from traditional 'take' according to Tikanga Maori, as is required by Maori 'Lore' and by the Ture Whenua Maori Act 1993.

The 'take' under which we claim mana over Aotea and its environs include:

- 'Take raupatu' - We claim mana over the entire island of Aotea and its environs from its complete conquest by our tupuna Rehua and Te Rangituhangahuru and their allies. No conquest of Aotea has taken place subsequent to this raupatu.
- 'Take tupuna' - We claim ancestral rights to Aotea and its environs from our tupuna who occupied all parts of Aotea from the time of the conquest until Pakeha settlement intensified on the Island in the 1860s, after the illegal sales of Aotea to the Crown by Marutuahu.
- 'Tikanga' - We of Ngati Rehua have a unique and exclusive knowledge of the names, customary practices, korero and matauranga relating to all of Aotea and the places under investigation. This will be revealed in great detail in the evidence being presented to the Court by Whetu McGregor on behalf of Ngati Rehua. Our 'take tikanga' are fundamental to our exclusive mana whenua and mana moana over Aotea and its environs.
- After two long hearings of this investigation it can be said that the evidence presented by Marutuahu witnesses has been almost exclusively based on researched and fragmented documentary evidence. Other than in inaccurate references to the death of Te Maunu in 1827, it has been devoid of tikanga relating to Aotea. Most importantly the evidence presented by Marutuahu has been

completely devoid of tikanga relating to the motu, motu nohinohi and kohatu under investigation by this Court.

- 'Wahi tapu' - We of Ngati Rehua have sacred places throughout Aotea, the areas under investigation, and in the surrounding moana. Some of the papatupu under investigation is sacred for specific reasons, while all of it is sacred to us because of the association of our tupuna with these places. All of the motu and kohatu under investigation are an integral part of the tribal robe of Ngati Rehua and Ngati Wai whanui. They are all associated with the guardian kaitiaki of our Iwi, and in some cases are kaitiaki in their own right.
- 'Mahinga' - Ngati Rehua has harvested the resources of these motu and kohatu under investigation for centuries. We alone have maintained resource use and kaitiakitanga in association with these papatupu areas during the last 150 years. We continue to visit them and to harvest their resources when appropriate today. Our many families on Aotea are heavily reliant on the resources of these places, and the moana which surrounds Aotea, for their material and spiritual wellbeing.
- 'Ahi ka roa' - We of Ngati Rehua have maintained continuous and permanent occupation of Aotea and its environs over the centuries down to the present time. We have kept our fires burning on the land. No other Iwi can make this claim. The fires that were lit with our permission by Marutuahu manuhiri have been out for generations. According to tikanga Maori they are indisputably 'ahi mataotao'. Conversely this also applies to the fires that we lit for many generations in Marutuahu kainga in the Moeau and Hauraki areas.

14.3 I have explained the position of Ngati Rehua in regard to the '1840 Rule'. We recognise that we must address this legal reality. Our mana over Aotea and its environs before, during, and after 1840 has always been firmly based on traditional 'take', according to tikanga Maori.

In theory Aotea was owned in its entirety by William Webster and his partners Abercrombie and Nagle in 1840. We of Ngati Rehua have never acknowledged the validity of this private purchase. Our tupuna remained in exclusive occupation of all of Aotea in 1840 in defiance of of this intrusion on our ancestral domain. Ngati Rehua alone continued to exercise our traditional rights throughout Aotea and its environs in 1840.

14.4 As I have explained in detail earlier, some hapu of the Marutuahu Confederation, in particular Ngati Naunau, Ngati Rongou, Patukirikiri and Ngati Whanaunga, spent time in some of our many kainga on Aotea. They came to Aotea intermittently for approximately four generations as manuhiri. They were welcomed by our tupuna for reasons of whanaungatanga, or in several cases to take refuge. Our tupuna visited Moeau and Hauraki for exactly the same reasons and they stayed in Marutuahu kainga as manuhiri.

14.5 That Marutuahu and other Ngati Wai hapu came to the aid of Ngati Rehua in the 1838 whawhai with Te Mauparaoa is not denied. As I have clearly outlined Marutuahu returned to their homes at Moeau and Hauraki. They received traditional recompense for their part in the battle, and two years later took the remains of their dead home for burial. Their sale of Aotea to the land speculator Webster was opportunist, and made at a time of immense disruption in Maori society. Most

importantly as stated in the Rakitu Investigation in relation to this 'private purchase', "all the little islands were excluded." (Ak. 2 : 20)

14.6 Ngati Rehua and Ngati Wai whanui have always valued our ancestral and historical connections with Marutuahu, and we continue to do so. It would be an honour to once again welcome them as manuhiri to our kainga on Aotea, and to visit them at their ancestral homes across Te Awanui o Hei.

We do however categorically deny Marutuahu claims to mana over any part of Aotea. They have no basis in terms of tikanga Maori, and their associations with Aotea have long been ahi mataotao in a traditional sense. Ngati Rehua are the Tangata Whenua of Aotea and its environs.

14.7 Ngati Wai cannot accept that the motu, motu nohinohi and kohatu that surround Aotea can be divided up like some inanimate object and be distributed among several Iwi and many hapu.

We of Ngati Rehua with the support of Ngati Wai whanui, ask the Court to award exclusive title to the papatupu surrounding Aotea (Great Barrier Island) to us the descendants of Rehua and Te Rangitūangahuru.

We ask that these motu, motu nohinohi and kohatu remain in the collective title of Ngati Rehua as papatupu land.

I wish to call further witnesses.

Te Witi McMath September 14 1995