

IN THE MATTER

of the Treaty of
Waitangi Act 1975

AND

IN THE MATTER

of Remehio TE
MAUNGA
MANGAKAHIA of
Whangapoua and on behalf
of descendants and whanau
members of HAMIORA
MANGAKAHIA

Brief of Evidence of Wayne Smith

1. To the Whanau-Whanui and all Others concerned and related in these historic claims. I ask only for your undivided attention.

In return I will endeavour to deliver an uplifting understanding, a detailed description and an explanation of tikinga-pa-wahi tapu-urupa-tangata whenua-turangawaewae-mana-Maori, ones identity and cultural responsibilities. I wish to paint a picture on a race that are incredibly proud, giving, and humble, these are parents, grandparents, uncles, aunts, they are your people.

2. On colonisation, Government passed legislation and the had devastating effects crippling to our culture. Legislation forced Maori to make unbelievable sacrificial decisions crucial to the survival of their unique culture and outright ownership of the most important part of their culture, the ownership of their tribal lands. Once colonisation began in the mid 1840's Maori found themselves losing their lands quicker than they could learn the European ways to stop it. Inevitably they found themselves in absolute destitute situations through Government policies that they had no control on or input over. These legislative policies were blatantly unjust, discriminating, based on greed, centred around land alienation and land confiscation. Policies that can only be described as suppressive to our people and their culture. Driven by money, the well being of the indigenous people was never considered.

3. Inevitably the results were not surprising, Maori population decreased to near total extinction, European diseases were largely responsible. No health care or Government intervention meant Maori were on course for total extinction. Those who survived this era found themselves

landless, disorientated, in respect of their culture and their identity in total disarray, living in impoverished conditions and treated as second rate citizens. This was so easily accomplished by a Government driven by money, greed, and power. If these accusations seem unfair or unjust, one need's only to read our history on Government legislation, or look into today's present statistics. If that is debatable, look into our own family's situation, ask parents, grandparents, they experienced it, they know the stories, they are living proof.

1.2 Ownership Of Land

4. Ownership of land can only be described to Maori as paramount. "Land is to Maori as air for life" This is the closest similarity I can give. To describe the lands worth as in most tribal culture's, ownership of lands were passed down through Whakapapa. Tangata whenua acquired and safe guarded their lands through:

- Chiefs sons and daughters marrying into other royalties.
- Tomo-Tomo —arranged marriages.
- Inter marriage—within the same family (this custom also kept their bloodlines intact and the family name alive)

5. Land was left always to the eldest first born. He or she inherited the family Mana through birthrights, and therefore had total control over the lands. Neighbouring tribes knew their land boundaries, marked distinctively by rivers, mountains, ranges, bush, creeks, shorelines, the absent of certain trees, ferns and other vegetation. As it was then, it is today. Land ownership means many things, success, wealth, importance, Mana, and superiority amongst other iwi.

6. But more than this, lands meant survival, identity, and the ultimate for a tribes existence. From their lands they built their pa, to house and keep their people safe. Built on strategic sites to detect early enemy invasion. So any surprise attacks were virtually impossible. They were built around bush, for food, creeks for water, so they could live within the safety of the pa without having to leave to gather food in times of war.

7. The land provided our people with the necessary foods, bird life, animals, berries, and fern roots they hunted and gathered according to the seasons. They planted by the moon, fished, caught eels and stored their foods for the winter months, by following and understanding the natural feeding habits of birds, maturing of vegetation, they knew exactly when to harvest.

8. Conservation played a natural part in Maori survival. They gathered in abundance only on special occasions. They understood the

importance of maintaining hunting and fishing grounds, of harvesting Kai Moana in the difficult areas when the weather conditions were good, leaving the close estuary for when the winter months set in.

9. The land provided them with life to sustain life, and so they gave thanks and the ultimate respect the land deserved. Myths and legends were born of the land. Papatuanuku, Ranginui, Tane Mahuta, Gods sacred to the world of the Maori. The land provided sacred burial grounds for their dead. Timber for their carvings, waka, tools, flaxes, and animal skins for their clothes. Herbal medicines for their illnesses, paints for their carving and tattoos. This is what land meant to our people, they were indeed the LAND.

10. Our people are no different to any other indigenous race, they are a people who have their own origins, beliefs, myths that form what is known as a "CULTURE".

11. To deprive, destroy a culture through Government legislation, education, greed, land alienation, or whatever, can only result in the situation we find ourselves in today. Life before colonisation was no different to any other society. Laws, beliefs, and work was an everyday requirement. A hierarchy status ruled tribal life. Chiefs and their families, workers, slaves, women and children were placed accordingly on the tribal ladder. The Tohunga (Tribal doctor-wise man- healer) held the knowledge of the spirit world and it's superstitions, that are respected to this day. Then came the arrival of the Europeans and their culture, that would change the world of the Maori dramatically forever. No one could have prepared our ancestors for colonisation and the everlasting effects it would have on their people. In hindsight one must accept that change is inevitable. We must also understand there are those of us who see the world through different eyes and accept them and their culture if we are to forever live in harmony and in acceptance of each other.

Riria

12. My third Great Grandmother was Riria the daughter of Poau and Te Mana. Riria claimed Mana Whenua over Whangapoua through her great Grandfather Mira, the leading Rangatira residing at Whangapoua in the late 18th century. Riria's parents took refuge at Tuhuna (Major Island) when Ngapuhi invaded Great Barrier Island in 1827. Here they lived having 2 daughters, the first Pane Torore and Riria. Riria married Piripi Te Aue Ikatoroa Mangakahia o Ngati Kahungunu, who was in exile himself. Riria's Father Te Mana was killed by Ngapuhi at Waiharakeke near Whangamata. Poau through request from her 1st cousin Te Ngarahu chief of Ngati Hei around 1842 returned to Whangapoua with her two daughters and her grandson Mohi 1st son of Riria.

13. Hamiora, Riria's 2nd son was born shortly after their return, in Kuaotuna around 1846. The Whangapoua lands were unoccupied at this stage, due to the Ngapuhi raids, inter tribal warring made it unsafe to return to their lands any earlier. Although the decision to return could have proved fatal, they were Tangata Whenua and this was their Turangawaewae. Sadly Poau & her cousin Te Ngarahu died shortly after re-settling in (1847).

14. It was at this stage that Riria began to re-establish her Mana Whenua rights over her Whangapoua lands. This however was fiercely contested by neighbouring tribes once European interests in the native timber became obvious. Those counter claims were driven by huge financial gains. European milling rights proved unsuccessful controversial & forever in a stop start situation until such a time Riria's Mana Whenua status was clearly acknowledged. Riria was successful in sabotaging the milling operation that was destroying their food resources, native bush and permanently scarring the landscape through soil erosion.

15. These rebellious acts cemented her Mana Whenua status. Riria daughter of Poau and Te Mana died in 1866 with her families Mana and Mana Whenua rights clearly intact. Eventually this was acknowledged by local iwi, Government, and European, leaving her sons Mohi and Hamiora to succeed to her legacy through Maori customary right, i.e. Whakapapa- ahikaa- and Tuakana.

16. It is at this point that the whanau takes its claim against the Crown as Te Whanau O Mangakahia.

Hamiora & Mohi Mangakahia

17. These leaders of the whanau faced continuous changing of government legislation favouring European regards to the land ownership, land development and government acts that clearly disadvantaged Maori. These Acts left nothing to the imagination as to the final result, it would have on Maori. Sadly Hamiora and Mohi found themselves victims of this legislation. Unfortunately they were just one of many Maori landowners who would find themselves in this predicament. Matters worsened when Maori had no control or input into what was happening. The easier Government made it for Europeans to settle on tribal lands, the more hopeless the situation became.

18. Acts & schemes that were supposed to benefit Maori were actually established & controlled by European. But Maori reinforced those and fronted these schemes for reasons one could only assume.

19. The Harataunga scheme in particular was largely responsible for the lose of land and impoverished conditions my Grandparents found themselves in. This scheme as I understand was to assist Maori land owners to develop and stock their farm lands to a productive level, ultimately improving the impoverished housing, health, education and debt levels that dogged 90% of rural Maori. But this scheme would be the final nail in the tribal lands coffin, for rural Maori. Improvements i.e. fertiliser, fencing, grass seed, stock etc.. was forced on these small farms.

20. Government were encouraging dairy farms at this stage for Maori land owners when much of the land was clearly unsuitable, and their neighbouring European farmers were farming sheep. These improvements would just arrive pushing the Whanau further into debt. These small dairy farms were never going to be viable to repay this mounting debt.

21. Repayments were taken automatically from the monthly dairy cheque. Yet the monthly income from these small uneconomic dairy farms was barely enough to supply basic everyday needs let alone pay rates, interest, and mortgage repayments on provisions that they were forced to accept. I cannot describe but only imagine what their lives must have been like. For many years they suffered in silence & shame. These once proud people who could not provide for their families through no fault of their own.

22. The time finally came when my Grandmother, her brother and their Father were totally exhausted and in financial ruin. Escalating interest on debt from improvements that they forced to accept, no Government intervention to help them, a barrage of legislation & extreme poverty, left them no choice but to abandon home lands to ensure their survival and protect the next generation from suffering any further indignities.

23. Sad as this may seem history records these events as factual. The situation we find ourselves in today further supports the outcome of this history. On going suffering of one's spirit and self worth can only leave one feeling empty, their Mana gone, themselves but a human shell. Unbelievable it may seem, but incredibly it happened.

Ruka Mangakahia

24. Go up to the bus stop and wait for Uncle Ruka. Mum would say the top of Waipani Road where it joined Te Atatu North Road, West Auckland, is where the bus stopped. He would arrive and my brothers and sisters and I would walk with him back to our home in Waipani Rd.

25. Gray suit, black-satchel, olive skin, and huge smile are how I remember Uncle Ruka. He had been on one of his many business trips, Land meeting to be more specific. Wellington - Auckland - Hamilton - Thames, were a few of the main centres that he used to visit. On return from these very important hui he would come and visit Mum and his sister Pareake to update on his progress. I remember that once dinner was over Uncle Ruka and Nana used to burn the midnight oil discussing these land issues. I would have only been 8-9 but I remember these times and sometimes they would get very upset especially Nana. I cannot remember any details, but Maori was spoken fluently. These issues must have been very important because although Nanas health was failing her personality seemed to change and she would sit and talk for many hours.

26. Uncle Ruka was extremely active in pursuing ownership of these land issues. A quietly spoken man he was blessed with honesty, mana, integrity, and religion.

27. His relentless efforts to claim what was rightfully theirs and to exploit the land injustices that had crucified his family were motivated by the truth. He knew that his family was the rightful and legal owners even though lands had been sold, circumstances forced these sales.

28. Although Nana and Ruka had land they had very limited funds to support themselves while pursuing their lands. Travel costs alone consumed all of their lease Monies they received from different lands. There was never enough money. On many occasions Ruka would meet with lawyers, Councils and various government officials only to be confronted with barriers and excuses so much of his time was unproductive and wasted.

29. The financial and emotional stress began to take its toll on Ruka. Borrowing money for bus fares from relatives living on the bread line became all too much for this very proud and gentle man.

30. For most of his life Land grievances dominated time. He struggled to pay rates on his lands until the day he died. These lands that Ruka still owned slipped from family ownership following Ruka's death. I was only 8 years old when Ruka died. He was aged 58 years (1966). The stress that surrounded Rukas life I believe contributed to his early death.

31. At the time of his death Nana and Ruka had lost their marae - lands and urupa. So Uncle Ruka lies in a public cemetery, no customary tangi graced this mans death. To ask the question why would cause further insult. In recent years our family has placed a headstone on Rukas grave. Kuka did not marry and has no issues. Sadly Ruka died unable to complete and ultimately secure ownership of his family lands.

32. However his black-satchel that holds all his land business records lives on and still travels from city to town, with a new generation as its Kaitiaki.

33. We the grand nieces and nephews of Ruka Mangakahia vowed and declared to continue his work until his story has been told. For better or for worse Ruka Mangakahia's lifetime struggle must have an ending.

34. It is the ultimate responsibility of his whanau to succeed or this mans life would have been for nothing.

Let now the stories of Ruka Mangakahia be told.

Let no legislation interfere.

Let only those who care listen

And a verdict of ownership will prevail.

Pareake Mangakahia

POAU -----TE MANA

RIRIA _____ PIRIPI TE AUE IKATOROA

MANGAKAHIA

HAMIORA MANGAKAHIA ----- PAREAKE NGAPO (1st wife)

HAMIORA WHAKAKORO

MANGAKAHIA ----- MERE POWHIRO KARAKA

PAREAKE -----BERTRUM BRIGHT

DAWN ----- MICHAEL SMITH

WAYNE SMITH----- -KAREN WELCH(SMITH)

35. Pare-Pareake -Polly - Nana - Mum, was how she was known. She was named after her grandmother who was Hamiora Mangakahia's 1st wife Pareake Ngapo.

36. Her father Hamiora Whakakoro was the only child from this marriage (Tuakana). She had 13 brothers and sisters, but only 8 survived adulthood. Joseph, Waiariki, Rangi, Hamiora, Ruka, Raukawa, Mere Ariki, & Pareake.

37. I have vivid memories of Pareake, my brother and I would travel on the service bus from Auckland to Coromandel to holiday in a small home she and Ruka rented. The house was about 5km from Coromandel at what is referred to as the Tiki. A humble but very comfortable home. Nana was a quietly spoken kind and a very beautiful women. She reminded me a lot of an American Indian. I never knew my Grandfather Bertrum Bright. He died when I was a year old. But my elderly Whanau speak proudly of him, so I guess he was a perfect match for our Grandmother.

38. My mother Dawn was the first born of Pareake and Bertrum, they had 5 children.

Mum - Dawn
Mere- who died as an infant
Montcrieff- Nichols
John-Bright

Hinemoa-Smith

39. My mother's first two daughter's Cheryl and Kay, were brought up with Nana and Bert. Although Mum is their maternal mother, Cheryl and Kay have only known Pareake and Bert as their parents.

40. My mother then had 4 daughters and 4 sons. We were brought up in the Bay of Islands around our Father's people until my parents separated when I was about 4 years old in 1963. Mum moved the family to Auckland.

41. She worked hard, although money was tight we were well cared for. This hard work took it's toll on Mum, in later year's she suffered a stroke in 1996 & has been unable to speak or walk since. She lives at home with our Stepfather but requires 24hr care.

42. Mum often talked of the land they owned in Whangapoua. On numerous visits Mum and I made to Whangapoua she would drive the roads of Whangapoua, claiming the Mangakahia land boundaries that had been told to her, the Wahi-Tapu Pa sites, the stories she had been told. I confess I didn't believe mum. I never said it to her but I used to think if we owned so much land why were we living in a small house in a sub division in Auckland, and mum was struggling to provide for the family to keep them together. If we owned so much, why couldn't we sell a little to help make Mum's life so much easier and enjoyable. Why couldn't we then return to this beautiful place and live? I never had enough guts to ask her. Perhaps I thought it would embarrass her if she couldn't answer. Now in latter years as I have become involved in her land issues, I know that she was telling the truth and I'm the one who is embarrassed for doubting her. I know now the answers to those questions and perhaps she didn't want to tell me to save embarrassing me.

43. Whichever way Mum, like Nana and Ruka always knew that, they held Mana -Whenua and Whangapoua is their Turangawaewae. Through Whakapapa & Tuakana customary rights.

44. Nana's health was failing in the mid 60's she would come and stay with us in Auckland to give Kay & Cheryl a rest. After all they were only children themselves caring for their very sick mother. Having to cope with everyday life with very little money. How they managed only they know. It is at these times that I remember Nana the most. She wouldn't speak in Maori to us, if she did it was only in short sentences, usually when she needed something. Nana died in the sun room, the one off the kitchen 43 Waipani Rd Te Atatu North.

45. Many years later I found out she had rung Kay and Cheryl in Coromandel twice that day wanting to go home. She knew her time was close, she wanted to go home to die, financial reasons, family circumstances, made her twilight years even more difficult. We were in such a position we could not even fulfil her last dying wish.

46. Nana and Ruka were renting a home at this time, so she had no place of her own to go to, only her loving families home. Through all this Mum was able to rise above and keep her Whanau and her mother's Mana intact. It's only in later years that I realise what she went through. Though we all knew Mum carried the Mana of our Tupuna, although we had no Marae, Nana lay in our home. Other Maori came from neighbouring streets once they heard the news they came with gifts of food Koha.

47. We took Nana back to Coromandel in our Holden station wagon. I remember the trip and Mum being very tired until she saw Nga Maunga, Nga Moana of Coromandel and Whangapoua, then she began to feel better. She told me that it was Nana and that she was glad she was going home, that made her feel better.

48. When we look back at this time in my life, so many questions cram my head. I only wish I could have done something to help. If only I was older, it hurts me to think of these things too much. But this is what I know and this is what hurts the most.

49. My Grandmother was a very proud and gentle person. She owned much land in Whangapoua, she held great Mana, her family is tuakana of the Mangakahia families.

50. How did she come to die in a quarter acre section in a sub-division in West Auckland? What happened to her own home? Where were her Kaumatua her Kai Karanga to call her tangi on te——— where was her Marae? Why wasn't there 3 days of customary mourning? Of Korero, of Waiata, of Karakia, of Aroha for our Nana? What happened to her people, her culture, her Urupa O Nga Tipuna? Our Nana had no choice but to lie in a public cemetery. She would at least be with her much loved Husband Bertrum Bright.

Like her brother Ruka, her father Hamiora Whakakoro, all lie in public cemetery's, such a sad ending for such a proud people. I remember when Nana died I remember standing at her grave. We were all crying, lots of crying. I remember it was very sad.

51. I consider myself a honest and responsible person. With all things being equal, everyday life for most of us presents problems and challenges that we often fail to meet. Now imagine a life where Government

legislation involvement, favouring not you ,but certain individuals. You can see what's happening ,and you live the effects it has on your family and their lives. There is nothing you can do no matter how hard you try. I can only imagine feelings of hopelessness a degrading and meaningless existence. Information that I have sourced, interviews that I have conducted and stories that I have been told, have left me feeling alone and empty. So dramatic that it has awoken a part of me that will never sleep.

52. With all things being equal we should be able to accept our history, and not feel ashamed of our past. We all realise that colonisation will always be controversial, laws, legislation, wars, Government involvement etc.

"We cannot change history" or so "they" say. I believe that "we are they".

First consider all things equal then make a decision, you will change history, and never to experience the shame and sadness that I witnessed on the faces of my people.

Tena Koutou