

**IN THE MATTER OF**      The Treaty of Waitangi  
Act 1975

**AND**

**IN THE MATTER OF**      Claims by HUHURERE  
TUKUKINO and  
OTHERS known as the  
HAURAKI CLAIMS

**STATEMENT OF EVIDENCE OF HUTANA MACASKILL ON  
BEHALF OF NGATI TUMUTUMU**

1.      My name is Hutana Macaskill and I am a kaumatua of Ngati Tumutumu.
2.      Ngati Tumutumu are one of the original tangata whenua of the Hauraki rohe.
3.      Through intermarriage, Ngati Tumutumu are strongly linked to Ngati Maru, Ngaiterangi and Ngati Tamatera. For example in the times of the Tamatera chief Taraia, our chief, Hou, was one of his principle allies. Together they defended our rohe against invaders and on occasions ventured outside our rohe to fight others - the war they waged against Te Waharoa of Ngati Haua is a good example of this.
4.      Te Aroha is the ancestral land of Ngati Tumutumu. The mountain is wahi tapu to us, from the top down to the river. It was where our tupuna Tumutumu

lived. Our marae, Tui Pa Marae, was originally on the top of the mountain. Our tupuna gradually shifted the marae down the mountain. Today, our marae stands at its base.

5. Ngati Tumutumu lost their Te Aroha lands because of the sharp dealings of crown land agents such as James Mackay. He gave money to people who had no right to sell Te Aroha lands. These actions were then made worse by the Native Land Court. The Court gave rights over Ngati Tumutumu land to other iwi. Our tupuna protested against this decision. In November 1876, a hui was held at Mackay's residence, Pukerahui, to discuss the matter. The rangatira of Ngati Tumutumu proved their claim to the Te Aroha lands by giving evidence of occupation, of our boundaries, of our many burial places and of eel weirs that were built by our tupuna and maintained by them through the ages. Other prominent leaders of Hauraki supported Ngati Tumutumu. Wiroke Hoterene Taipari spoke in support of Ngati Tumutumu's right to land at Te Aroha. He said that the Marutuahu tribes had never conquered Ngati Tumutumu. He was the eldest son of the senior ariki of Ngati Maru.
6. But Mackay still urged other iwi to take money on behalf of Te Aroha lands. He took the chiefs of these iwi into his house and showed them the money laid out on the table. They took it.
7. Hoani Nahe, the member of the House of Representatives for the Hauraki Maori seat, sent a letter to the Native Minister, Sir Donald MacLean, for Ngati Tumutumu. He told the Minister about Mackay's actions. He warned that Ngati Tumutumu would never give up their land, the soil of their tupuna. 71 elders signed that letter.
8. In July 1878 the Native Land Court finally agreed to rehear the Te Aroha case. We were awarded a small portion of our lands at Omahu, where our tupuna were then living. But we had already lost too much. Ngati Tumutumu, along with the other iwi, had been forced to pay hundreds of thousands of pounds to defend our title in the Court. We never recovered our former strength.

9. Today, Ngati Tumutumu has no land. However, we still live around our mountain and maintain our marae at Tui Pa. We still exercise kaitiakitanga over the Te Aroha rohe. I hope that this claim will strengthen our unity as Hauraki tribes. I also hope it will lead to the righting of some of the wrongs of the Crown against my tupuna. Ngati Tumutumu supports the Wai 100 claim.

