

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 Moncrieff Nicholls

1. My name is Moncrieff Motutere Nicholls (nee Bright). I was born at Coromandel in the hospital. My date of birth was the 26 April 1936. My parents were Pareake Bright and Bertram John Bright. My parents were on the farm at Whangapoua at the time of my birth. I grew up on the farm until I was four and then we moved to Opotiki. When we left the farm my Uncle Ruka who had been living with us went into the army. We left because there was no work on the farm for Dad and the farm was not making enough to keep us. My father had a job managing the hospital farm. In those days, the hospital had gardens and they had their own farm with milking cows, meat, and pigs. Dad would look after the farm and grow the vegetables for the hospital - that was way back in the old days. They were self-sufficient in those days.

2. We were in Opotiki for about six or seven years. My father was hurt when he was working on the hospital farm. Dad had a fall in the cow shed and that is when he hurt his spine so he wasn't able to do heavy work. Because my father had been hurt we had to leave the hospital farm and rent a new place. In the meantime my mother had Hinemoa, my younger sister. This pregnancy was right on her change of life, and she had a nervous break-down when Hinemoa was six weeks old. In those days there were no benefits that Dad could get, so he had to look after us kids and Mum went into hospital for about six months. My eldest sister Dawn, who was 15, had to leave school to go and work to earn money to keep us and Dad. It was quite hard. Then when Mum came out of hospital

they decided to move back to Whangapoua just before my 10th birthday. My sister went onto Gisborne to start her training as a nurse, and it was just Hinemoa, myself, Mum and Dad that moved back to Whangapoua. My brother John, finished his schooling in Opotiki, and he stayed on down there. I finished primary schooling at Whangapoua.

3. During the time we lived at Opotiki we never went to Whangapoua - we could not afford it. We did not have the money. My Uncle Ruka, Mum's brother was in the army and he would come and stay with us at Opotiki. My grandfather died while we were there - that was Hamiora Whakakoro - and we could not come back to his funeral. My mother had just come out of hospital. Hamiora Whakakoro is buried at a cemetery in Totara, Thames. We were just too poor. Life was hard in Opotiki. My brother and I used to go out collecting beer and lemonade bottles and we would hop on our horse and gig. John and I used to go out and pick up beer bottles and the lemonade bottles which were worth a three pence. My brother and I had to go to health camp in Gisborne - there was nothing wrong with us, we were healthy, but to help Dad (because he was looking after us) we had to go to a health camp for six weeks and it gave Dad a bit of a rest.

4. It was my mother that was the Mangakahia. My father was very good to my mother. Dad used to work very hard to try and keep things afloat. By the time we came back to Whangapoua, he was just about ready to go on the pension. Dad was 17 years older than my mother - there was a big age difference there.

Whangapoua

5. When we went back to Whangapoua, Dad would have been in his late 50s. When we went back there the farm had been run right down. When my parents talked about land there was much unhappiness. I remember Mum talking about the farm. She would often speak of the times they tried to pay the mortgage on the farm but the Maori Affairs would dump some more manure onto it and they would have to pay for that. I can remember there were bags of manure that had gone hard because there was too much of it.

6. Our house was near the road known now as Quarry Road. The quarry was started a long time after we left about the mid 1950s. It was part of the Denize's property. A lot of material has come out of the quarry. Every time we went over there in Christmas, there would be non-

stop quarrying all day, every day. I went to the Whangapoua School on Bert Denize's farm. It was by the little creek. There were only 9 of us. I finished school when I was 12. They closed the school down because there were not enough pupils.

7. The little island - Pungapunga, you can walk out most of the way, and then you might have to swim about 10 metres. I went out there as a child - you could get mussels. The kinas were around the lagoon with the pauas. You would hardly get your feet wet - but there's not as many there now.

8. When we got back to Whangapoua in 1946, we were never short of food, because my father worked hard. He would go and cut ti tree on Bert Denize's farm and he would be paid for that - so much an acre. Dad had a big beautiful garden - so we were never short of kumara and potatoes, cabbage and all the vegetables. Dad used to get meat from Berty Denize - Bert would kill a sheep and Dad would trade his vegies for meat. Dad was very good at gardening.

9. All the ti tree that was cut down, we were allowed to have for fire wood because we had a coal range. Dad would cut them and they were left to dry, and Bert would pile them up and burn them. There were millers by the Denize's ford off the main road - I can remember seeing logs.

10. Our life down there was a good life - because we were all the same. But when I look back on it now, we didn't have much, but we used to think it was neat - it was a neat life. We lived in a neat house. The house is still there but it is starting to fall down now. The rooms were only tiny. It was sold in the 1970s. My mother didn't even own the roof over her head when she died, she was renting in Coromandel. She would come and stay with me for a fortnight, and then she'd go to Dawn for a while, and it was on one of her trips up to Dawn's at Te Atatu that she took sick and she died at Dawns. She had emphysema and heart failure, and I think she got pneumonia and she took sick. Mum was only 68 when she died.

11. As children we were quite healthy. I had pneumonia when I was little and that when they saved my life with watercress juice - my grandmother. It was flooding and they could not get over to Coromandel to get any medicine or anything for me, and Mum said I wasn't passing urine. My grandmother sent Ruka looking for watercress. It was flooding, and he could only get a little bit, and he brought it back and my

grandmother - she crushed it and got all the juice out of it. My Mum said it was green, and my grandmother fed, me this watercress on a spoon. Mum said not long after I had passed urine my life was saved. That is probably why I love watercress.

12. Our only transport were horses but we had no saddles and we were lucky to have a bridle. Hinemoa, my sister, was about four, and every time my cousin Winnie and I wanted to go somewhere on the horses, she would cry and say she wanted to come. I would say, "You can't, you're too little, stay home." She would tell Mum and Mum would say if Hinemoa doesn't go, you are not going. So we would get her on the horse, "Get on then!" And she'd hang on and I'd get a stick and I'd hit the horse and hit her legs at the same time. We were cruel. But everywhere we went she wanted to come. We had to make our own fun.

Tikanga Maori me te Taha Wairua (Maori Customs and Spirituality)

13. In terms of tikanga my mother tried to teach us Maori but to no avail. She would recite grace and make us comply with customs such as never sitting on tables or putting feet on tables - any where near food. We were not allowed in gardens when we had our periods. Mum would also tell us stories about the battles in the area. She told us the places we should not go to including the Maori burial grounds in the area.

14. We loved my mother's kehua (ghost) stories when we were kids - but we were also frightened by them. Mum would tell us that if you hear knocking on the door, answer the door and nobody's there, it was a spirit coming to let you know someone was dead. Next minute the phone would ring. News would come that different people had died and then come back to life and they would tell them what had happened when they died. One was walking along the beach and had seen all the ones that had gone before them. One of my Uncles, I never knew him, Mum told us how they were all grieving over him - he had actually died. They were sitting around crying at Whakakoro's house, and the next thing he opened his eyes. He told them that he had gone along the beach and all his ancestors were sitting on the beach and they were having a kai, and he thought he'd go and join them, but they told him no, go back. They kept telling him to go back, it wasn't time for him to come. And then that's when he woke up. There was 13 in Mum's family, and a lot of them died when they were very young. The only ones I knew was Uncle Hami, Uncle Waiariki, Uncle Ruka and Auntie Pano, and Mum - that's not many out of 13. It was nothing for me to walk down from our place to my cousin Winnie's house at night. I would go home about 11 o'clock even though I was only

I would go up the metal road, across the paddock, and I would be good until I got to the cemetery. The cemetery is in the paddock and it's fenced off. Once you start walking, then you start walking faster, and you get faster - and your imagination just takes over. I would run bare feet on the stones - I never would feel it. At the end of the beach there is another urupa where all the old ones are buried - and that's another part where we never ever used to ride our horses - we would ride them along the sand hills, but we were always told that where the pine trees were at the end of the southern end of the beach - we were not allowed to go there. We would go right around it - never go through there. Now there are houses built there.

15. Old Bert Hawkswood, when he went up Raukawa - he got some ti tree and that for his fire even though Mum told him that it was sacred - this was one of the Hawkswoods that lived up Te Rerenga, he was from a Pakeha family. Anyway he took this firewood, but they reckon on the night he took it the trailer came back with all the firewood, and he tipped it off. And they said, "Why did you bring it back?" And what happened was that he reckoned that he burnt the wood and he got into bed and went off to sleep and he had these nightmares. And he reckon that all these centipedes were coming out of this wood, and climbing all over him. He thought that it was just a bad dream. And he did it again, and the same thing happened. So he threw all the wood back onto the trailer and took it back. And from there on he believed them - he wouldn't take nothing. He died - he actually came and bought a house in Thames in his latter years - but he used to have that farm by the school there.

16. Where the bridge and the road curves and there was a puriri tree - there used to be a house up in the hill there, and it belonged to Martin Henan. That's how it got its name. I think he was an old man that used to live in the house - he was a Pakeha. This old man hung himself from this puriri tree. Anyhow we rode to Coromandel one day, and we got to the top of the hill and Winnie said, "I'm going to Coromandel to stay the night," and she said, "Well, you can't take the horse back," and I said, "Well, I'll walk" because I was that scared Mum would go mad. So I jumped off the horse and I was barefoot, and I started to run back down the hill. And I got a ride as far as Te Rerenga, and it was about five o'clock in the afternoon when I took off from the top of Whangapoua hill. So by the time I got to Te Rerenga it was dark, and old man Hawkeswood gave me a ride in his car but he would not take me down to the house. He dropped me off at the turn off. So away I went, and I got down the straight - it was all metal - and I must've been about 11 or 12, anyway I was running along and it was dark. When I got to the bridge the tide was out, and I thought - do I go down on the mudflat or do I go through the bush here. Anyway I was thinking about Martin Henan - I thought I'd just shut

my eyes and run through. Mum and them used to say that sometimes you would see this old man sitting up on this hill. I started to run and I opened my eyes and I saw this glow and I thought - Martin Henan! And I leaped over to the side of the road and just then this car came around with its lights on coming through towards me - by this time I was running in the scrub on the side of the road. It was old Hawkeswood - "Is that you Bubby? Oh, you're going to get it when you get it when you get home. I've just been at your place and your mother and father are waiting for you. Where have you been?" I thought he was going to say hop in and I'll take you home, but the old bugger just left me there. So I ran all the way home and wondered what I would do, and I started crying. Mum said to me, "Never mind crying, come here, I'll make you cry." It must've been about half past nine or quarter to 10 at night.

17. My mother also taught us how to read death signs and warnings. When a Morepork hooted at night it was ok, but when it started screeching it was a bad sign, and that was proved to me when my father was sick. By then I had the three kids and we had no car and so I was travelling on the bus - Gregory was six months old and Auntie Bib was there - she was looking after the kids. I would go over and Dad would perk up, he was in hospital, and then I would come home the next day on the bus. And then I'd just get home and they'd ring up and say that I was better returning as they didn't think my father would see the night out. So then I got a ride to get a bus back to Coromandel. But when it came to the night before he died, there was a Morepork - because the hospital's right next to the bush at the back. Hinemoa and I were sitting with Dad the night before he died and this Morepork started screeching. And I looked at Hinemoa and she was looking at me, and it gave us both a strange feeling, and Dad died at 11 o'clock in the morning - New Year's Eve. I always remembered what Mum and them said about the Morepork. I would not laugh or denounce their beliefs.

18. We were also told by my mother that if a fantail goes backwards and forwards in front of you, go the other way because it's trying to tell you not to go that way. For some a fantail coming inside was a bad sign, but for us it was okay.

19. I remember being at a tangi held at Tangiora Browne's homestead - we were not allowed where they had the body, they would chase us out. The old house had a long passage, and next to that there was another room and it had the piano in there. They had a glass door that looked into this wear greenery in their hair. Dad would go crook at Mum and say, "Don't you go taking those kids up there." But that was the pull. We would be frightened but we did not want to miss out. And then the

bigger ones used to have room, and Winnie and I used to look in, and the old kuia would be sitting there, and their hupe hanging right down - and we used to laugh. Mum would come and chase us. They were always in old black clothes - spooky looking. They would look after the little ones that were there.

20. I went up one night when Mum went up to see Betty, Bunty's wife. They had just candles - and I think she just had a baby. Well their bedroom was just off the room where they used to have the tangi. We were sitting in the kitchen which was right down the other end of the house, and then the baby woke up in the front room. And Mum said, "Bubby you go and get the baby for Betty, take the candle, be careful." So I got the candle, crossed to the corner of the lounge where the baby was and then the candle went out - well I just jumped and I turned with fright - I remember just grabbing this baby - it's a wonder I didn't squash it. I was running with the baby - I was so sure someone had blown out that candle.

Schooling

21. My nieces Cheryl and Kay were bought up by my parents, they had Mum and Dad right until they died. They would have been 16 or 17. They were home all that time in the latter years with Mum and Dad. But I left home when I was 12 and I went to high school. I boarded and I never went home again to live only to visit for the odd weekend. I had no way of going home, I boarded with this Pakeha lady in Coromandel and on some weekends she would let my room out to other people so I would have to walk home to Whangapoua for the weekend. I was only 14. I would start walking and I would get halfway to Te Rerenga and walk from there. I eventually got out of that place and went and stayed with another lady - she was not a very nice lady. She was nasty - I would tell her that I had no way of getting home, but she didn't care because she needed the room. I lived with that lady for about 12 months and I would have to go home about once a month. When I was old enough to leave school I went to work at a mussel factory and then I went nursing at the hospital in Thames. I've never moved from Thames since then - I have been there 47 years.

22. In 1954 I was married Tom my husband. I had my children - Kevin, Gregory, Richard and Sandra while I was living in Thames. Ruka was over in Coromandel with Mum because Dad died on the 31st December 1960.

The Mangakahia/Bright Farm

23 We lived in a house built for Mum and Dad. Just behind it by the orchard was a big old place that my grandparents lived in. And when Mum and Dad got married and came back to Whangapoua my grandparents were still living in the back - Whakakoro and his wife. Dawn was the one that was always over there with them. I can just remember my grandfather, I can not remember my grandmother. My grandfather was an old Maori man. People used to say that my grandfather was a very gentle man. He was very knowledgeable about Maori things - but was a very quiet man.

24. At one stage Winnie's father Waipapa managed the farm. Mum seemed much happier in Whangapoua. She would say that Whangapoua was our roots. She would tell us that Whangapoua was always home. But then there came a time where they were getting on in years, and it just wasn't feasible for them to stay there - it was so far to Coromandel so they moved there and rented. I think I was working at the time because I never went and lived with them again.

25. As far as I can remember, the farm had been subdivided from the Mangakahia farms. I've always known what 300 odd acres belonged to us. The rest was divided between Waipapa and the Brownes. My cousins the Mangakahias lived on the other side of the whanau lands. Waipapa was there with his family, including my cousin Winnie.

26. Before Mum got sick and died we tried to talk her into selling the farm. She told us that if we were to ever sell the land, we were to give Bert Denize first option. When she died we all talked about it, and nobody wanted to go back because there was nothing there - Tom was a mechanic. Dawn didn't want to go back, so we decided to sell. In the 1970s, the farm would have cost us a lot of money to get everything going - there was no stock, the farm needed clearing - there were prickles and blackberries - there was no house. It would have cost a lot - and we were just starting married life, trying to raise a family - none of us could afford to go back. I think that the mismanagement of the farm caused the decline - I would say that if the farm had been well groomed looking John might have come back. But as it was he couldn't afford it. The debt on the farm had been cleared by the 1970s. It was through them leasing the farm that they were able to clear the debt. I must admit that old Bert Denize was good to them when they were short of money - I do not know how much he was leasing it for.

27. After the sale I continued to go back for holidays. We would go and stay at the old house - I had the three kids and we camped in the house. After the house was sold, we never actually camped on the section, we used to camp on the Denize's section. The Denizes said that if we ever wanted to go back we were quite welcome to camp on their property whenever we wanted. Waipapa was still alive then, and Reg was farming down on the farm. The Waitis never lived there - they lived down on the East Coast - they're in Auckland now. Auntie Pano used to come down and visit Mum when they were in Coromandel. So they didn't grow up knowing Whangapoua at all.

28. There's a small section on his farm that still belongs to us. When I went around there with Robin Denize he asked me if I knew that I still had land on the farm, and I didn't know what he was talking about. Robin told me where it was, and told me he was wondering why he had been paying two lots of rates - and then said that the section was a separate block. But we've still got to succeed to it.

Mahi Kai (Food Gathering and Preparation)

29. However, let me return to when I was little. Life was better at Whangapoua than Opotiki - we had horses to ride, we used to go and get shellfish, whereas in Opotiki we couldn't do those things. We just thought that how we lived was natural - go bare feet, one dress which you washed for the next day - horses. We ate smoked fish, pigeon, kina, mussels, pipi, the hearts of cabbage trees, wild berries. We would cut groves into kauri trees up in the bush and return a few days later to get the gum. We used the gum as chewing gum.

30. We would never think of taking lunch when we went horse riding, because we could go and get kina, mussels — just stop and have a feed. We were not allowed to eat shell food on the rocks - we would just gather them and then take them off on our horses and go back on the tracks and have a feed up there. They reckoned that if you eat the shellfish on the rocks and leave the shells there the shellfish will move out. That is what they told us and we believed them so we never used to do it. We were not allowed to dig with a spade in the sand when we were getting pipis - we had to always use our hands - otherwise you'd damage the beds and the pipis would move away. We could not turn our back on the sea.

31. When we were in Whangapoua, Mum used to do all the cooking. Winnie my cousin and I would go with Uncle Ruka (because he was part of our family and he never got married) I fishing in a little boat.

32. Winnie and I were good swimmers - we used to swim out to Pungapunga island. I do not know who taught us to swim - we just learned. We would go down to the breakers and surf on the board and if it went over your head you just jumped on the board and let the plank of wood take you in. We would ride horses all over the area and down to Kennedy's Bay.

33. Dad used to take us line fishing as well. My father would go down and night and catch eels - but we were never bought up eating eels. My grandfather, Hamiora, loved eels, but my grandmother didn't like eels, and she used to make him cook all his eels outside - he had special pots. He also had to eat them outside. My mother did not like eels because they didn't eat them - Whakakoro was the only one who ate them. So it's only natural that the kids weren't fed eels - but Dad would go and catch them and they were used for bait. We would go at night go with Dad to catch the eels. He would make a jag. Then holding a torch he would jag the eels out of the creek. Dad taught himself- he's Pakeha - but he knew how to catch eels before coming to Whangapoua.

34. I remember Ruka going hunting for pigeons - not regularly. Mum and the. others would eat them - they loved it. He would also get pheasants. I do not think he had a gun - these birds just appeared. We never went with Ruka - I never thought about it. I think hunting was more of a "man" thing.

35. We would share the fish around and give it to the neighbours - the Denizes, Waipapa and his family. Mum would give Waipapa stuff out of the garden -for the kids, Winnie and her brothers. Winnie was only young when she lost her mother - she was about seven, and she did all the cooking for the boys. And then there was Bunts. He and his wife would have kids every nine months. Mum would go down with Dawn to their house. The phone would ring, "Oh, Betty is in labour," and away they would go and help her deliver her babies. Dawn would deliver them - she was a nurse, and my mother did a little bit of nursing, but she wasn't registered. They would deliver the babies in Tangiora's house.

36. My father would go up to the bush and get kumara hou and it was yuk. He would get kumara hou and boil it up and use it for

everything - even to make you tiko. Mum used to drink it. We used to go and cut nikau, open it up and eat the cabbage part inside - we were not allowed to do that, but if we got hungry that's what we would do. They didn't want us cutting the trees down, so we would go right into the bush and cut a nikau down. Sometimes we wouldn't cut a tree down, we would just peel it all back. We were not allowed to do this because the Maori Affairs did not want us to cut ti tree off some of the blocks.

37. We also used to go to Te Rerenga and pinch fruit - we would go on our horses and stand guard. We used to go to this house and they had lots of orange trees and grapefruit trees. One would be made to knock on the door asking for the papers. If nobody came to the door, then we would all jump in and get the fruit. But then we would get on the road and start peeling right from the gate. And old Bert Hawkeswood said, "I knew you kids used to come and pinch the fruit, because you'd start peeling them and it lead right down around towards Whangapoua!"

38. We had corn. We ate smoked fish - Dad would smoke it. They had an old rua where the kumaras used to be, and they'd light a fire - the hole was dug out of the bank and it was all lined and the fish would hang in there, and Dad would light a fire and it would smoke. It used to look like the fish was coming out of the ground - I do not know whether that was the right way to do it, but it tasted ok to us. I can remember fish hanging on the clothesline - I suppose Dad salted it - but we didn't hang around to see what happened, we only saw it on the table.

39. We had a fridge - it was a hole dug in the ground. Dad lined the hole with bricks and we used to get our groceries once a month, and the butter would be put in this fridge. We also put the meat into that fridge, until he got a safe which was hanging under the tree. Anyway, the hole would be covered with damp sugar bags, and they had a lid and they put that on the hole. And when the butter came out it was that hard that you could not put it on the bread - if you forgot to take it out in the morning for tea that night - the butter would be too hard - they would have to put it in the oven. The rua was also used for kumara.

40. On Sunday, Winnie and I would go horse riding, and the only people we would see were the people who came through from Kennedy's Bay. We would go around to the wharf and wait on our horses, and they would come down the hill and we would all stop and talk. They would bring us lollies.

Attempts to Reclaim Rangatiratanga

41. My Uncle Ruka was a very good man. I remember seeing Ruka write letters. He was as honest as the days were long. He had a gold mine and he showed my cousin Winnie and I where it was. Winnie and I would ride our horses over there - it was on the way to Kennedy's Bay. Ruka and his younger brother Hami used to let Winnie and I go over. Sometimes they would find little gold bits and they would crush it and put it all in little jars - they did not make a fortune.

42. Ruka spoke Maori - he'd speak with my mother. But I think with our family, because Dad was Pakeha, it was very difficult for them to speak Maori because Dad couldn't understand it. And whenever we were all together English were spoken.

43. Ruka had a satchel, and he used to turn up to our house and go on about the land and how the land was stolen. My sister Hinemoa has that satchel. Everybody thought he was crazy - no one would listen - even us. He would come to us stony broke. Next minute he was off to Parliament. He would just get back and I would lend him money for him to get from here to Coromandel on the bus because he had spent it all getting to Wellington. He would talk about Maori Affairs all the time - about how they were crooks.

44. In 1955, I married my husband Tom. We had four children and we have lived most of our lives in Thames. Tom's mother was one of the few people at my grandfather's (Ruka's father's tangi). He was Hamiora Whakakoro Mangakahia. Ruka died in Coromandel and we bought him back to Totara. He is buried in the same cemetery as his father in

Thames.

45. Ruka was always worried about the land. One of the areas he was specific about was Matarangi - it was one of his pet ones. When we were kids he would take us fishing and he would say, "You see the beach over there and all that over there, it's all ours." Matarangi's a big development where the resort is. He would point to Matarangi from the Whangapoua side looking straight across the harbour. Now there is a golf course at Matarangi and sub-divisions - but there was nothing there then. Ruka was paying rates on Matarangi. If it was not his, why would he be paying? Then it just stopped and the next thing you know they are developing it.

46. I can remember Ruka saying we owned all of Te Rerenga, Opiitonui and the other blocks where the forestry is. He firmly believed that it was stolen. He said that his father's father had the land taken off him.

47. Ruka would say to me, "All that land over there, girl, that's all our land." And I would say, "Oh yeah, Ruka" He would say, "You know where all those rehab farms are - that was all ours." When they came back from the war, the government divided different blocks up and the servicemen were put onto rehab farms - the men would work the farm and pay the government off. Ruka would tell us that all those farms were on our land. But we were just kids and we would think - there he goes again.

Importance of the Whanau Lands

48. The Whangapoua area is very important to us. Even when we sold the farm we continued to go back there because it was home. It still feels like home - it most probably will always be home. I think it's because I know it so well and we grew up there - there is something there that takes you back. I always say I come from the Whangapoua area - I think you call it your turangawaewae - your standing place. I realise that Maori land is everything. When you have it you have mana. This is why the claim is important to me - to settle the issues and to prove that the land was taken.