

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 JOHN HIKAIRO ON
BEHALF OF NGATI HIKAIRO**

1. My name is John Hikairo. I am a kaumatua of Ngati Hikairo. Ngati Hikairo descend from the ancestor, Marutuahu, in a direct line to Hikairo who is of course the ancestor of Ngati Hikairo.
2. I am a direct descendant of Hikairo in accordance with the following whakapapa:

Marutuahu
Te Ngako
Kahurautao
Whaanga
Hikairo
Te Niho O Mokoroa

Keke
Te Whakaharuru
Kataraina
Hohepa
Te Rata
Hura

John

3. The descendants of Hikairo claim into two hapu of the Ngati Maru iwi. They are Ngati Hikairo and Ngati Waikaukau.

4. Shane Ashby will be addressing the mana whenua claims and historical grievances of Ngati Hikairo and Ngati Waikaukau in more detail.

Kia ora koutou,,

My name is Shane Ashby, I am a descendant of the Ngati Maru and Ngati Pukenga iwi of Hauraki. I am a member and spokesperson for the Ngati Hikairo and Ngati Waikaukau; hapu of Ngati Maru. I am also the secretary of the Pakirarahi No. IB Trust. Our mana tupuna is, Hikairo, of the Marutuahu.

I support the whakapapa that my uncle has recited. It is correct. Hikairo was the great grandson of Te Ngako, who himself was the ancestor of Ngati Maru, or perhaps more commonly termed Ngati Maru tuturu. Hikairo, was the fourth of seven sons. His father was, Whaanga and his mother was, Hinepare. His brothers were: Te Ua, Te Ahumua, Te Apurangi, Te Rangipuata, Neke and Te Ramaroa. Many Ngati Maru today are descended from Hikairo's brothers.

As I stated earlier, we claim mana tupuna through, Hikairo. Our hapu are, Ngati Hikairo and Ngati Waikaukau.

NGATI WAIKAUKAU

In respect of Ngati Waikaukau, our mana whenua claims are principally situated at Manaia. Ngati Maru's lands at Manaia were taken as a consequence of the murders of two Ngati Maru chiefs called Te Ahumua and Ramaroa. They were brothers of Hikairo. They were killed at Parawaha pa overlooking the Manaia harbor.

According to our tikanga, N.Waikaukau are descended from the lines of three founding tupuna, they are: Onehunga, who was a child of Te Apurangi and Parehuitao and Te Niho o Mokoroa, who were from Hikairo. After the Manaia fight Hikairo and Te Apurangi returned to Turuakange pa, on the banks of the Waihou river near Turua. Onehunga, Parehuitao and Te Niho were left at Manaia to secure the titles to their lands. Their main residences there were at Parawaha, Whakataha and Te Waitotara near the sea. When inland they lived and cultivated on our lands at Te Kakati, Te Puke and Whakairipaoa.

The Ngati Waikaukau burial ground at Parawaha is called, Kareponia. There are many descendants of these three founding tupuna buried there, such as Hori Tu Karawa, Te Huiraukura, Eru Tarawherawhera, Mohi Te Whakaharuru, Hamuera Hororiri and Kataraina Mohi to name a few. There are many more of Ngati Waikaukau buried there.

Ngati Hikairo

Ngati Hikairo are specifically those who are descended from Hikairo only i.e. the uri from, Parehuitao and Te Niho O Mokoroa. The line of Parehuitao has long since died out. A well known N.Maru chief called, Te Rata Tarawherawhera, was the last descendant of our kuias line. Te Rata was also known as, Hohepa Paraone. The name "Ngati Hikairo" is an ancient one and is derived from our tupuna, Hikairo. There are many references in the Land Court minute books as well as family books that support this fact.

Hikairo, had land of his own at Manaia; this is called, Te Kakati. Hikairo's pa can still be clearly seen there. Te Kakati is our noho kainga where we currently reside. There is an ancient urupa situated on the block also called 'Te Kakati' My Papa's books list many of the Ngati Maru tupuna buried within its sacred boundaries. My mother and grandmother often spoke of this urupa claiming it extended in excess of 1 hundred metres across our land.

The majority of Ngati Hikairo's mana whenua claims lie south of Thames. They include various sections in the Thames township. At Turua there was the Owharau and Tahanui 5 & 5a blocks which adjoined the ancient Ngati Maru pa called, Turuakange. When at Te Puriri, Hikairo and his people cultivated on their land at Te Mako, down on the flats. Behind Puriri is Pakirarahi which is an extremely large block It stretches from the pinnacles on this side of the ranges and extends over the ranges to the Tairua river on the eastern side. Today the mana whenua over the whole of Pakirarahi is shared between Ngati Hikairo and Ngati Te Ahumua.

Adjoining Pakirarahi on the eastern side of the Tairua river, is Waitaia, this is where our tupuna and his followers also lived and cultivated. Its location was chosen apparently for its rich food resources and isolation. Its flat areas abounded in *kiore*, *kiwi* and *rarauhe* and the nearby Tairua and Waitaia rivers offered plenty of *tuna*. Waitaia is situated within the Wharekawa east No. 1 block. Hikairo's mana was said to extend from Waitaia

to the Wharekawa east harbor and from there to Motuhaua pa, near the base of the Pauanui mountain.

According to our tradition, The Pakirarahi and Wharekawa east blocks were seized by Hikairo after the raupatu of the east coast Peninsula by the Marutuahu. It is and has been said here at this overview that these wars were sparked because of the death of, Waenganui. She was the wife of Taurukapakapa who himself was the youngest of Marutuahu's sons.

The Pakirarahi and Wharekawa east blocks are the subject of claims to the Waitangi Tribunal by and on behalf of the Ngati Hikairo hapu. It is also acknowledged by Ngati Hikairo that in respect of the Wharekawa east No. 1 block, the mana whenua is of a shared nature between ourselves and Ngati Ruahuri.

In respect of

of the Wharekawa east claims Our claims are against the Crown for their use of Survey liens/debts to assist in alienating our tupuna from their land.

Along with survey debts there were advances made by certain Pakeha traders to our ancestors causing them to be heavily indebted. The crown would quite often acquire those debts which, as land Purchase agent, James McKay quoted, "*This would then give the Government a foothold in the land, from which purchase of the remaining shareholdings can begin.*"

Another common and very aggressive tactic used by the Crown was the monopoly it could create over the sale and purchase of Maori land. The Crown would issue a proclamation over the land effectually barring any negotiations for sale or purchase with anyone other than itself. With this having been done the Crown could then set their own price. And if the Maori owners just happened to be already in debt, then that was even better for them. In the case of the Wharekawa east 1 & 2 blocks, our research will show that the prospect of locating gold was the major driving force behind the Crowns action to issue a proclamation over the land and then pursue the purchase of our land.

Before the Crown began to negotiate the purchase of Wharekawa east, there was a very lucrative lease agreement already in place between our tupuna and, James McKay, which

was about to start bearing considerable fruit in the form of rentals equating to a total of L2100 pounds over the period of the 21 year lease, which in those times was an enormous amount of money. As well as the yearly rental there was also royalties payable from the kauri and other timbers that were to be milled on the block; and in addition an agreement was in place that the Maori owners would be entitled to royalties from any gold, silver or any other mineral found on the block.

The intervention of the Crown by issuing their proclamation, effectually stopped this lucrative lease agreement from being completed and in that there is a clear breach of article two of the Treaty because in doing so it then prevented our tupuna from deriving significant long term revenue and benefit from their land. Most importantly though is that the land would have remained in Maori ownership. With no prospect of deriving any revenue from the lease to pay their debts the only way left open to our tupuna was to sell the land.

In a letter to the Government, Thames Warden Harry Kenrick, summed up quite clearly the Crowns underlying motives for initiating such an aggressive approach to purchasing our ancestral land, he simply instructed the Native Department that; "*it would not do to allow a possible goldfield to pass into private hands*" in other words, acquire this land at all costs - to the Maori owners.

As a direct result of this tactic my ancestors were forced to sell their land to the Crown and because of the proclamation barring any outside individuals from trying to buy the land, our tupuna were forced to sell to the Crown at a much lesser price to what they could easily have gotten on the open market. In fact one possible purchaser had clearly offered twice the amount that the Government was offering.

Though the thought of selling land is abhorrent to many of us today; in my ancestors defence I must say that it was theirs to do with as they wish. We are not always privy to the circumstances of why land sales took place back then but it is easy for us to cast opinions and judgements from this late place in time. I can only surmise that it was absolutely necessary at the time, in which case they at least should have been permitted the opportunity of obtaining the very best possible price for their land. But even this basic right was to be denied them by the Crown.

the land if it is no longer ours. Who would want to tell of the great deeds that our tupuna did in order to secure the mana if his descendants do not have mana over it. Without our land there is nothing to pass on.

Pakirarahi is a very real example of the horror that loss of autonomy and land can cause; in that; even before the land had been restored to Maori ownership, we were making arrangements for its sale. We are extremely fortunate that the land was not sold at that time and over subsequent years we have taught ourselves the tikanga of the land and in this have restored our mana over the *land*. As well as this we have also learned to love and respect our ancestral land and the end to this is that our values and how we look at our whenua has changed remarkably.

Much of what we have learned and has been conveyed to you today is the result of exhaustive and financially draining research efforts by myself, my family and hapu. Its an absurd fact that Maori should have to pay to regain that which is clearly ours by birthright especially when you consider by who's hands it was taken from us in the first place. For many of us, the claims have initiated a resurgence of that birthright. In that respect, Ngati Hikairo is no different to many of the claimants here today. In addition to settling old grievances we are hoping to restore our mana tupuna and mana hapu within Hauraki's tribal and Political structure.

Closing

In closing I would firstly address the tribunal, in that it is indeed very nice to at last see you here. Your presence, although somewhat overdue, is most welcome and is a sign that at last the process of redress has begun. I would like to state quite clearly to you the, Tribunal, that; while we are supportive of the Trust Board and the Wai 100 claims we, the Ngati Hikairo are individual of those claims in that; Our autonomy and mana can not be compromised and must at all times be maintained and steered by Ngati Hikairo alone.

To my relations of Hauraki, I would recite the first of two profound sayings; the first of which is: "*Ano te ahua reka o te noho o nga teina me nga tuakana i raro o te whakaaro kotahi*" "Oh how sweet it is to be all of the one mind." Ngati Hikairo are here today to support the grievances of all Hauraki's claimants whether carried under the mana of the "Trust Board, their respective iwi. hapu or whanau. We wish you all well in the times ahead.

We believe that: The Crowns actions in acquiring Wharekawa East No. 2 were in direct breach of article two of the Treaty of Waitangi which purports to extend to Maori all the rights and privileges of British subjects, in other words they should have been able to sell their Sand to whom ever they wanted and for the best price they could get. In this respect the words of the Treaty were meaningless. It is our contention that in this case the proclamation over our ancestral land had an individual rather than a class application and that our tupuna were prejudiced by that action.

IN RESPECT OF

our claims over Pakirarahi. Pakirarahi No. IB contains a large area and according to the Trust Boards research reports, after Ngati Porou's Maori freehold title, our title is the second largest block of Maori freehold land left in Hauraki today. While we are very grateful and proud of this fact it is tinged with sadness and anger also because like all Hauraki iwi, hapu and whanau our land holdings today are but a mere fraction of our original estates.

Our land is situated approx. 15kms south of Thames behind the town of Te Puriri. It extends from the base of the Pakirarahi mountain down to the Tairua river. The title to this land was restored to Ngati Hikairo in 1991, after a 12 year Court battle. It was the result of many Court appearances, financial losses, accumulative Legal costs, stress and heartbreak.

My kuia who are here today will attest to those facts. Our claim against the Crown is obviously not for the return of the land, as that end has already been achieved by our own efforts. We are seeking compensation for the loss of autonomy over our ancestral land for over one hundred years. We claim the District Land Registrar of the time, through his own illegal actions, registered certain deeds conveying the fee simple of our land over to the Kauri Timber Company.

The deeds were found, by the Court of Appeal, of 1902, to be nothing more than a 99 year timber lease, which only purported to allow the removal of all standing kauri. The Judges of the Appeal Court then ordered the District Land Registrar to find the native owners and inform them of their decision. It must be known that my ancestors had no prior knowledge of these Court proceedings and were never invited to defend their rights. In addition to finding the Maori owners the District Land Registrar was also instructed to

investigate the validity of the Kauri Timber Company's title and if, as the Judges suspected, they were found to be wrong, their name was to be struck off the Title and a new title issued in the names of the Maori owners.

To the Maori owners' detriment, this was never done and the title remained in the hands of the Kauri Timber Company. Over the subsequent years the giant kauri forest as well as other native timbers were felled and removed from the block. In comparison with what stands on our land today; I can only reflect on in great sadness when viewing the photographs of the original kauri and native forest that once covered our land.

Kauri Timber Company records clearly show that there was a staggering 27,000,000 super feet of millable kauri timber alone on the block. Although this figure pales in comparison, to the wider Hauraki's timber figures, in respect of Ngati Hikairo alone, it is very significant indeed. This figure does not of course include the millions of super feet of other native timbers illegally felled and extracted within this time period.

From the time the Kauri timber Company were put onto the title they administered it as though they were the legal owners. They sold mining licenses, timber leases and occupational licenses over the block, all without any real legal authority to do so. As a result very valuable minerals such as gold and silver were removed from the block all without any royalty or compensation ever being paid to our tupuna.

The timber and minerals that have been removed from our ancestral land at Pakirarahi alone could be counted today in the hundreds of millions of dollars.

It is our contention that we; Ngati Hikairo have been prejudicially affected by the decision of the District Land Registrar to register those deeds as transfers of the fee simple of our land and we claim that these matters are contrary to the principles of the Treaty of Waitangi, in particular, article two, in that we, the Maori owners, have been deprived of the full exclusive and undisturbed possession of our lands, minerals and forests.

Summary

Without a doubt the most painful and long lasting effects from land losses is the loss of tikanga and mana. I mean who of us would bother to recite the whakapapa and history to

The second are the immortal words of my tupana. Te Kou o Rehua, paramount chief of the Ngati Pukenga and eternal friend and ally of the Maratuahu:

" Na te ture ano i waki mai ahau kia; puritia toku wahi mo oku uri i muri i a ahau ake ake ake "

" It is the Law which teaches me to hold onto my land for my descendants who come after me forever and ever"

The *Law* referred to by Te Kou is both tikanga and Biblical Law. Imagine for a moment his words. *Would* it not have been wonderful had this piece of tikanga Maori been adhered to and supported by our Treat}/ Partner instead of taking every opportunity to undermine and destroy it. Aue taukiri e:

Kia ora