

**TANGATA WHENUA BRIEF OF EVIDENCE OF  
MOANA TE AIRA TE URI KARAKA TE  
WAERO**

**MIHI WHAKATUWHERA**

1. My name is Moana Te Aira Te Uri Karaka Te Waero. I am the Great-Granddaughter of Te Uri Karaka Te Waero (who was known locally as Rehutai Te Waero and Mihi Rawiri Puhata of Waiheke Island, Hauraki Gulf.
2. I descend from two hapu of Ngati Paoa long settled on Waiheke, Te Uri Karaka, to the east of the Island and Ngati Hura to the west at Te Huruhi.
3. Te Kupenga, one of the Ngati Paoa Rangatira who signed Te Tiriti o Waitangi on 9 July 1840 at Karaka, Tamaki, was my Great-Grandfather Rehutai Te Waero's father. Te Kupenga was therefore my Great-Great-Grandfather. Te Kupenga's name is signature number 232 on that 9 July 1840 copy of Te Tiriti o Waitangi.<sup>1</sup> As uri of that tupuna, I bear whakapapa to make this claim.
4. I am of the 11th generation from Kaiwhakapae on my Great-Grandfathers whakapapa through Te Whiringa. My Great-Grandmother Mihi Rawiri Puhata, also known as Maringinui, was a descendant of Kaiwhakapae through Kapu. From this heke or descent line I will speak of the kaitiaki of the whenua, urupa and church at Hangaura, part of the Te Huruhi No. 13 block. I will then speak of being kaitiaki in the 21<sup>st</sup> Century and discovering that the urupa which holds my tupuna was somehow reduced from 2 acres to half an acre. One and a half acres disappeared into surrounding sections. The Block was alienated in very suspicious circumstances. Today we have no legal access to the urupa and yet our role as

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<sup>1</sup> Claudia Orange, *An Illustrated History of the Treaty of Waitangi*. Allen & Unwin New Zealand Limited. Wellington, 1990, p. 138.

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kaitiaki continues. The 'shrinkage' of our urupa is unfair, unjust and breaches Te Tiriti o Waitangi. Having no access rubs salt into the wounds.

5. I will cover these and some other thoughts in this brief. I will later speak in some more detail about the Native Land Court paper trail in my other brief of evidence filed with the Tribunal in April 2002.
6. Another relevant heke (line) of my whakapapa is from Ritihia and Tauranga who begat Taihuri and Te Aira. Te Aira my namesake married Waipapa aka Reweti Whakahihi who had my Great Grandmother, Titia-i-te-rangi (or Rahera Titia as she was also known). Rahera Titia married Karena Tete Paraone who had Atariti May who married Tumatapo Morehu Te Uri Karaka Te Waero. They had my father Meihana Cecil Te Uri Karaka otherwise known as Mason Clarke, who with my mother Frances Tapsell had me. Thus I stand before you to tell of the role of Rahera Titia and her tupuna as kaitiaki of part of the whenua known as Te Huruhi No. 12 and an urupa at Matiatia which is a part of Te Huruhi Block.
7. I only discovered the existence of this urupa very recently while researching Maori Land Court records in Hamilton and National Archives in Mt Wellington, Auckland for my other evidence regarding the Hangaura urupa on Te Huruhi 13. I have added a list of copies of documents to this brief with a table setting out the chronological order of those documents.
8. I want to show how the land around the Matiatia urupa .was initially protected by the tupuna in a lease signed under duress by Rahera Titia. It was later alienated by pressure exerted on my tupuna by lawyers and other players and how this pressure was enabled by the Native Land law system. As kaitiaki, we the uri of that land and urupa have no legally recognised status in terms of our urupa. We want this Tribunal to help us to address this issue by recommending the return of this urupa to us, the Kaitiaki. I will provide some more detail about the Matiatia urupa story later in this brief.

## **9. Te Huruhi Block**

10. In April 1869, 2100 acres at the west of Waiheke called Te Huruhi was passed through the Native Land Court to four people on behalf of Ngati Paoa. In May 1869, the interests were extended to 61 people in total. Between 1890 and 1897 Te Huruhi was later partitioned into

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13 Blocks, each of which were then subdivided into numerous smaller blocks. These blocks were then alienated by various means familiar to the Tribunal. The Native Land Court system was at the root of it.

#### **11. Te Huruhi Block 13: Hangaura, Whenua, Kainga, Urupa & Church**

12. Prior to the sale Te Huruhi 13A (part), my Great-Grandparents were the last Maori family to live on and work this land. The area was called Hangaura (Church Bay). It is located to the south of Matiatia where the Wharf is. My tupuna farmed sheep and had extensive cultivations that extended down to the beach. Most of their produce was sent to the Auckland markets. Kaimoana was at their front door. Their children lived at Hangaura and attended the Native School over the hill at Te Huruhi (now commonly called Blackpool). The school was built on Maori land taken under the Public Works Acts 1908. It opened on 6 February 1911 and closed in 1924 due to a lack of *natives* and increasing number of *pakeha*. The decrease in Maori population happened because of landlessness and epidemics. Rehutai Te Waero sat on the school committee along with Hori Hanakawhi of Owhanake, Wiremu Keepa of Matiatia, and Pokaitara of Te Huruhi. Mihaka of Owhanake was chairperson. Other Maori families were Puhata of Church Bay and Tamihana of Te Huruhi.
13. The eldest son of Rehutai and Mihi was my Grandfather, Te Matapo (also known as Tumatapo) Morehu Te Uri Karaka Te Waero, and known locally as Tom Clarke. He married my Grandmother Atariti May Paraone of Tuhourangi, and Ngati Kahungunu. Their youngest son's name was Meihana Cecil Te Uri Karaka, also known as Mason Clarke, who was my father. Both were born on Waiheke Island. My Grandfather was born at Hangaura in 1896 and he delivered my father at Okahu (now known as Surfdale) in 1940. My grandfather spent time off the island living and working on a farm at Kaiarau/Miranda with an uncle. He returned to the island at age 14 and stayed there till he passed away at Surfdale in 1964.
14. After the sale of Section 13A at Hangaura by Te Kani Mihi Wiremu, my great-grandparents, Rehutai Te Waero and Mihi Rawiri Puhata, who owned the house sited on the land were given a choice to either sell the house or move it off. They chose to sell their home, which was substantial in size and well constructed, to A.F. Alison for £175. Rehutai Te Waero would have been around 60 years of age. The house was later relocated to another site about half a kilometre up from Matiatia wharf by the Alisons.

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15. After the sale of the land at Hangaura in 1924, Rehutai Te Waero lived for a short time at Ahi Pao, to the north of Matiatia Bay, Waiheke Island, in an old cottage where cooked meals were taken to him by the Croll family who were the Alisons' farm managers.<sup>2</sup> He was well respected by Fred Allison and the Croll family." My grandfather, along with George Kawhi and Billy Royal also worked for Fred Alison. Allison who by this time had purchased over 2300 acres of land at the western end of Waiheke Island.
16. By 1929 Rehutai Te Waero and his son-in-law William Royal bought a section together in Surfdale. My grandfather had been living there, two doors along, since 1925. Nohowaka, the youngest son of Rehutai Te Waero and Mihi Rawiri Puhata, bought a section on the other side of Grandad in 1927, then Huiarangi Kawhi of Owhanake bought a section between my grandfather and Rehutai Te Waero in 1950. Mihikerei, sister of my grandfather had a section behind them. My grandfather then purchased three more sections behind his section, side by side in the late 1940s. In total his own land would have been three quarters of an acre. The three sections up the back was planted out in crops to feed the families and the rest was planted in fruit trees. Only a small portion was set aside for a house for a family of eleven. Those were the last of the known Maori families on Waiheke, reduced to small sections on general land, as a result of land sales. Rehutai Te Waero passed away in 1935 and Mihi Rawiri Puhata followed shortly afterwards. Both lie at Te Huruhi Urupa which is the urupa on the foreshore just along from Piritahi marae.
17. My father died on Waiheke Island in 1999 and was buried at Te Huruhi Urupa on Waiheke Island. We have many tupuna buried there. My grandfather, Tumatapo Te Uri Karaka Te Waero, was one of the original trustees of this urupa and continued to look after it until he passed away on Waiheke Island. He is buried at Clevedon with my grandmother Atariti.
18. I am my father's eldest child. I have been given the approval by his eldest brother Te Iwingaro Te Uri Karaka, also known as Dave Clarke who resides at Taumarunui and who is our tuakana, to represent our whanau/hapu interests on Waiheke Island. Prior to my father passing away Uncle Dave had given his approval for him to represent whanau/hapu interests. This extended into Ngati Paoa iwi issues concerning both Waiheke Island and elsewhere. My

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<sup>2</sup> See Don Croll, *My Life on Waiheke 1911-1955*. 1979 Manuscript, long-time resident and friend of my tupuna

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father told me in late August 1999 that he was appointed Kaitiaki for Waiheke Island. He was very proud of that appointment given his commitment to both the Island and to Ngati Paoa iwi. The descendants of both Rehutai and Mihi continue to hold the ahi kaa roa, due to our long association with the land to this present day. I live on Waiheke Island with my whanau, my tane Keith, my eldest son Thomas, my second son Ranon and our daughter Kya is our potiki.

## 19. WAIHEKE - 1794-1858

20. Following first Pakeha contact there were three horrendous disease epidemics between 1794 and 1801 in the area. Also during that period peace between Ngati Maru and Ngati Paoa began to break down and the conflict spread to Waiheke when Ngati Maru came to Hangaura and killed Te Whetu of Ngati Paoa in 1815.<sup>4</sup> In 1821 Hongi Hika armed with muskets attacked Putiki-o-Kahu (Rangihoua) and a massacre occurred taking 1,000 Ngati Paoa lives. Ngati Paoa and Ngati Maru accused one another of connivance in this raid and Hongi Hika's attack on Ngati Maru's Totara pa. As a result of these raids Waiheke was abandoned with both Ngati Paoa and Ngati Maru fleeing.<sup>5</sup> In the early 1830s Ngati Paoa began returning to Waiheke on release from Ngapuhi captivity. Hori Pokai Te Ruinga and his sons Aperahama and Hori settled at Man O'War Bay and Arama Karaka, his two sisters and Komene Te Ua settled at Te Huruhi. Hori Pokai of Urikaraka assumed supreme mana while Wiremu Hoete, was highly respected at Te Huruhi and Putiki.<sup>6</sup>
21. By the time the Treaty was signed granting the Crown pre-emption over the purchase of Maori land, the land on Waiheke was under threat of alienation because of conflicting claims to ownership by Ngati Paoa and Ngati Maru traceable to an exchange of curses in late 1840. Donald McLean, the Crown's Land Purchase Commissioner was invited to a hui to settle the ensuing problems. Ngati Maru agreed to give up Omaru (Woodside Bay) as payment for the curses. The Pakeha courts eventually appraised the claims of both tribes attempting to gauge the significance of these curses with far-reaching effects.<sup>7</sup>

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<sup>3</sup> Don Croll. *My Life on Waiheke 1911-1955*

<sup>4</sup> Paul Monin. *Waiheke Island: a History*, Palmerston North, 1992, pp. 29-30.

<sup>5</sup> Paul Monin, pp. 35-6.

<sup>6</sup> Paul Monin, pp. 42-4.

<sup>7</sup> Paul Monin. *Waiheke Island: a History*, Palmerston North, 1992, pp. 48-52.

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## **22. WAIHEKE - 1869 TO 1921**

### **TE HURUHI BLOCK**

23. On 27 April 1869 a certificate of title for the Te Huruhi block of 2100 acres issued at the Native Land Court. The Court ordered that the names listed were to be registered as tenants in common in unequal shares under the Native Lands Act 1867. The names recorded on the front of the title are Harata Patene, Rawiri Te Hautaku also known as Rawiri Takurua, Henare Te Paora and Ropata Te Rou. I descend directly from Rawiri Te Hautaku. The land was divided into 13 blocks: 1 (Owhanake), 2 (Te Wharau), 3 (Matarahue), 4 (Te Ngahungahu), 5 (Te Huruhi proper), 6 (Te Kiritapu), 7 (Mokemoke), 8 (Mahuehue), 9 (Te Rere), 10 (Te Ruangakahi), 11 (Te Ahipao), 12 (Matiatia) and 13 Hangaura).
24. Harata Te Patene was sworn in at the Native Land Court sitting that recorded this grant and said the following:
25. "I belong to the Ngati Paoa Tribe and know the land shown up on the map which belongs to the Ngati Paoa tribe and have lived upon it for a long period. No person has come to dispute our occupation over title. The Ngati Paoa has been in possession long before the first governor came. It is the desire of the tribe that this piece of land should be inalienable by sales. It is our permanent place of residence. The persons named by Mr MacKay are those entitled to the land. And the four persons proposed as grantees are the persons agreed upon by us to represent the whole of the claimants..".<sup>8</sup>
26. Te Huruhi was the last land still in Maori ownership on Waiheke and the only block to be awarded a communal title. Harata Te Patene was clearly trying to protect it by the above statement but she could not have reckoned with the machinations of the Native Land Court over the next 35 years. The block was partitioned between the various whanau groups living on the land.

## **27. ALIENATION OF TE HURUHI 13A**

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<sup>8</sup> *Native Land Court, Hauraki Minute Book 4*, 3 May 1869, pp. 51-55.

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28. The memorandum of transfer for Te Huruhi No. 13A (Part) was signed by Te Kani Mihi Wiremu "in his own handwriting" for a sum of £140, dated 12 December 1924, purchaser - Anne Fannie Alison. This was subject to mortgage No. 49195. However, the Native Land Court required that a form known as *He PukaPuka Tuku Whenua* be completed. This form was not completed by a Licensed Interpreter, only an outline showing the section was drawn in.

## 29. CHURCH AND URUPA AT HANGAURA

30. The first church at Hangaoura was an Anglican Mission Station built circa 1830.<sup>9</sup> It was a raupo hut. Later, when more settlement had happened, the tupuna saw the need for a church for the community. At Hangaoura Mihi's grandfather, Rawiri Takurua, suggested that land be set aside for an urupa and a church by the tupuna in the 1870s. The location of this was approximately 400 metres from where Rehutai and Mihi lived.

31. Many are recorded to have been buried there as it was to be used as a permanent burial place. Their names were provided in evidence at a Native Land Court sitting dated 2 March 1897 separately by Wiremu M. Hoete and Pepa Tauki. Many of our tupuna are buried there. Wiremu M. Hoete also went on to say at p. 104 that,

32. There is a church at Hangaoura, it was erected by the people. W. Keepa collected money to build it and used to preach in it too. Some of the money was given to Rev. Maunsell and some to Rev. Pomare. It was proposed that **two acres should be set apart for the church site and cemetery...**

33. Wiremu M. Hoete continued,

Te Kupa and I used to receive the money for shingle in his day but now Arama gets it. Arama arranged for the sale of firewood to Europeans.

34. Pepa Tauki stated,

Rawiri Takurua was the first tupapaku buried at Hangaoura... No-one objected as it had been decided to give **two acres for a cemetery by the church, all agreed to this two acres**, Puhata was there.

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35. The two acres would have been sufficient land for the functions of keeping the land as a spiritual centre for the whanau and hapu. Somehow it was reduced to two roads and eventually it was alienated to become owned by others.

### 36. THE CHURCH

37. My tupuna fund-raised to build the church through the sale of shingle from Hangaura and firewood.<sup>10</sup> They wanted to own it outright so that it would not or could not be taken from them. They continued to fund raise for nearly ten years until they had enough money to pay cash for everything. The church was well constructed being of kauri boards, with measurements of 18 feet by 12 feet."

38. Recorded visits by Rev. George Maunsell and Rev. Gould are documented by the Anglican Church including a photo of a visit from the then Governor Lord Ranfurly which shows a picture of the church in the background.<sup>12</sup> Rehutai was known as an Anglican lay preacher before changing religion to Ratana at a later stage.

39. The church went into to disrepair some time after 1911 due to lack of use as most of the families had left the area due to land sales. Today the site where the church once stood, along with graves that had wrought iron surrounds, are fenced off. There is no indication that this area is wahi tapu. The wrought iron grave surrounds are mostly gone, and there are no remnants of a building having been there. The area that is fenced off would be no greater than half an acre.

40. Bruce Croll's father, Don Croll, and his grandfather worked for the Alison family over the years. Bruce recalls as a youth on horseback riding with his father, going past the urupa, and seeing wrought iron grave surrounds. The size of the fenced area is the same as it was then. The present owners are the Johnstone family, who bought it off the Allison family. The Johnstones have told us that they will continue to respect the urupa and have kept the fence to protect it. We are very grateful to them for their good will and respect for our tupuna.

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<sup>9</sup> Anglican Church, Auckland Diocese records

<sup>10</sup> Anglican Church, Auckland Diocese records.

<sup>11</sup> As above

<sup>12</sup> *Sowers of the Seed*, Colin C. Banfield

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41. **Questions About Partitioning, The Titles, Size And The "Sale" Process**

42. My questions are: Why did the urupa and church end up as only two roods? What happened to two acres originally asked for in the Native Land Court? Why was the urupa attached to part 13A instead of 13D? I believe that the agreement amongst my tupuna, made at the Native Land Court in 1897 to set apart two acres, was simply never carried out. It is possible and probable that the Court did not instruct the surveyor to set aside two acres. The tupuna's korero asking the Court for 2 acres is clear. I believe that the Native Land Court failed to put into action the wishes of my tupuna to protect the 2 acres of land, urupa and church.

43. There appeared to be some confusion at the time that Te Kani Mihi Wiremu sold the land. To me it is tragic that the Native Land law system resulted in my Great-Grandparents being partitioned out of the very land they and their tupuna had lived on, cultivated, raised children on. They had been living there, as had their tupuna prior to the 1869 Native Land Court hearing for Te Huruhi. They continued to live there, built their home and the church for the Hapu community and where they buried their dead.

44. When the partitions of the late 1890s happened, my tupuna were the victims of the individualisation of land titles. The very kainga they lived on was vested in another relative who did not live on Waiheke by an arbitrary survey system which drew lines across their valley homeland for the purpose of Crown 'practicality'. It had nothing to do with the ancient tikanga which my tupuna were kaitiaki of. The system was all about carving up the land and dividing the Hapu so that land could be taken for settlement. The system was not designed to look after my Great-Grandparents security in their old age. It was not designed to uphold the tino rangatiratanga of our people over the whenua and taonga. That was what my Great-Great-Grandfather Te Kupenga signed up to with Te Tiriti in July 1840. As it turned out, the system operated to evict Te Kupenga's son from the land in his old years. Those should have been his golden years but eviction made them only grey. Worse yet, the church and urupa had 'shrunk' by an acre and a half in legal terms and the tupuna had no access to fulfil their duty as kaitiaki over the urupa.

45. Aside from the Crown's failure to protect the my tupuna and our interests in the design of land laws, there is also the big question of the tupuna Te Kani Mihi Wiremu's mental state at

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the time he supposedly signed the transfer document of 13A in 1924 given that he was in a Mental Hospital from 1923 onwards.

46. The even bigger question is whether or not he was in fact alive on 12 December 1924 when the purchaser's solicitor Mr E. Blomfield apparently witnessed and certified this either already dead or possibly mentally unfit person understanding and signing the document. This timing is suspicious because the Native Land Court Registrar wrote to the Native Trustee on 26 October 1923 referring to Te Kani Mihi Wiremu as: "deceased". I have not been able to find a death certificate for this tupuna. The only evidence I have found is the official memorandum from the Native Land Court saying he was dead 10 months before the lawyer was supposed to have witnessed him signing the document. At the risk of sounding ridiculous I ask: How could this tupuna have possibly signed the transfer document if he was dead?
47. These questions are hard to answer, but I lay the blame at the feet of the Crown. The Crown did not have proper systems in place to prevent what looks like fraud happening in these land dealings. I ask this Tribunal to look at the evidence before it and see that the result: the church and urupa land were alienated from our people. We are prevented from fulfilling our duties as kaitiaki of our taonga tupuna.

#### **48. MATIATIA URUPA**

49. Below is a list of documents from my research in the Hamilton Maori Land Court and National Archives, Auckland - records relating to the Te Huruhi 12 Block. They are in chronological order for ease of reference. Copies of the documents are attached to the back of this brief in the order and numbering listed. In this section I will try to show how the Native Land Court process led to pressure being placed on my tupuna to firstly lease **the flat land at** Matiatia valley by the foreshore and then to eventually sell it, resulting in the alienation of the urupa there.
50. Although I have included all these documents for the completeness of the record, the most relevant documents for this claim are: M5 the Lease of the flat land at Matiatia both the English and the Maori versions; M6 the letter from my Great Grandmother's lawyer to complaining of duress on her by James MacKay to sign the lease in 1906; M7 the Lessee's lawyers reply to my tupuna's letter, M9 John Alexander's Declaration, M13 Memo from the  
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President of the Waikato Native Land Board to Thames Native Land Court Judge EDGAR concerning application by Parr & Blomfield for a recommendation for removal of restriction on alienation for sale of 12A to Devonport Ferry Company. Blomfield were solicitors for the Company, showing some of the intentions behind all the nice words.

#### 51. MATIATIA DOCUMENT TABLE

<b>Doc. Ref No.</b>	<b>Date of Registration "D.O.R"</b>	<b>Date of Signing "D.O.S"</b>	<b>PARTICULARS of Document</b>
M1			Maori Land Court Record sheet of all Te Huruhi Blocks from 20/02/1897 to 25/07/1975
M2	21/03/1889	21/03/1889	Succession from Hohua PAKIHI to Rahera TITIA
M3	21/03/1889	21/03/1889	Appointment of Trustees for Rahera TITIA - Te Meihana ARAPAKARA and Reweti WHAKAHIHI
M4	07/08/1900	07/08/1900	Application by C.C. Otway - Cost of Survey of Te Huruhi No.12 £10.8.11
M5	03/03/1906	17/03/06 (signed by Rahera Titia)	Lease (in English and Maori) of Part of Te Huruhi 12 to J.C. Macky, J. Alexander, H.Haines, (three Auckland Businessmen) for £20 p/ann, including clause to not disrupt the wahi tapu (urupa). The three Lessees later advised that they were acquiring the lease on behalf of the Royal Yacht Squadron. Maori version states 10 acres 3 roods to be leased.
M6	26/03/1906	22/03/1906	Letter from W.A.CARNELL Solicitor for Rahera TITIA to Native Land Court Registry, Auckland repudiating signature on lease, complaining of menaces and her fear of James MACKAY. C.C. copies to E C BLOMFIELD, Solicitor of Auckland and James MACKAY, Licensed Native Interpreter, C/- E J BLOMFIELD
M7		26/03/1906	Letter: Parr Blomfield Solicitors to W A CARNELL

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			in reply denying allegations of coercion to sign and saying that the lease was only for the benefit of the RY Squadron and no one else
M8		30/03/1906	Letter: Registrar to W A CARNELL (Unsigned)
M9		01/05/1906	Declaration by John ALEXANDER that lease is for Royal Yacht Squadron and for the benefit of no other party
M10	29/05/1906	06/06/1897	Partition of Te Huruhi No. 12
M 11	14/06/1906	09/06/1897	Instrument affecting Te Huruhi No. 12, 277a 2 r
M12		16/07/1906	Declaration by E C BLOMFIELD that lease read and understood by all Lessors
M13		07/10/1907	Memo: President Waikato Native Land Board to Thames Native Land Court Judge EDGAR concerning application by Blomfield for recommendation for removal of restriction on alienation for sale to Devonport Ferry Company. Blomfield were solicitors for the Company
M14		17/12/1907	NL Court Particulars of Title Part Te Huruhi No. 12
M15		26/01/1909	Schedule of Other Lands by Owners of No. 12
M16	18/02/1911	09/06/1897	Partition Order: Rahera TITIA. No 12A. 101a 3r 18p
M17		26/07/1911	CT 182/132 issued for Te Huruhi No 12 to: Wiremu Hoete Maehe TE ORU; Mere RAPATA; Mere Awhitu KEEPA; Wiremu Taumata KEEPA; Rahera TITIA
M18	26/07/1911	01/12/1910	Transfer no 60618 of 12A to A E Alison, subject to lease of flat land
M19	16/10/1914	13/10/1914	Caveat No.4620 for survey lien, later withdrawn-12A
M20		01/01/1915	Department of Lands letter to Registrar, Auckland re Te Huruhi Nos 12 & 13
M21	08/02/1915	09/11/1914	Certificate of Chief Surveyor Nos 12B, 12C and 13A
M22	03/07/1916	09/06/1897	Particulars of Title as at Date of Lease stating size of lease to be 11a 2 r 3 p (NB Maori version of 1906 lease says 10a 3r) 1 acre more - certified correct by

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			Parr & Blomfield lawyers.
M23		21/08/1921	CT 337/172 issued to Rahera TITIA - No. 12A
M24	31/08/1921	18/02/1912	NL Court Instrument to register partition of No. 12A, 101a 3r 18p
M25	25/09/1924	04/07/1924	Surrender of Lease to AE Alison for £4,000 which had been by this time assigned by (apparently) RYSquadron to Devonport Steamship Company
M26	March 1979	1911 to 1955	"My Life on Waiheke- From 1911-1955" by Don Croll, Manuscript
M27	18/07/1996		Excerpt from Auckland City Operative Hauraki Gulf Island Section of the Auckland City District Plan 18 July 1996. Map showing zoning designations and including wahi tapu as black box no 3.27 on Wharf Land - NB the size of the urupa is undefined
M28	18/07/1996		Auckland City Operative Hauraki Gulf Island Section District Plan 18 July 1996, Page 10 Appendices, Schedule B3 Archaeological and Maori Heritage Sites - Inner Island. Planning Map Ref 3.27 Item 15 Urupa Part 12A SO 5243 Matiatia
M29	1996 Planning Map		Auckland City Council Specific Reference Map No 2951/1-Waiheke Islands
M30	Undated		Aerial Photograph of Matiatia, with Planning map designation overlay showing approximate (undefined) location of urupa

52. My Great-Grandmother signed a lease of part of her land under duress from the infamous ex Crown Purchasing Officer James MacKay. He was an intimidating figure even in 1906 when this happened and Rahera expressed this in her solicitor's letter the week after they had met.

53. Her protest led to a string of documents from Mr Blomfield the lawyer, his lawyer client Mr Alexander all saying that the deal was fine, that the three Lessees were only trustees for the Royal Yacht Squadron, that there was no personal or other interest in it for anyone other than  
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the Royal Yacht Squadron, who they seemed to think gave the deal the validity because it had a 'Royal Warrant from the King'. This was all news to my tupuna.

54. As it turned out, the Lessees registered the lease, then entered into negotiations to sell the interest to the Devonport Steam Ferry Company. At the same time, Mr Blomfield applied to the Native Land Board to lift the alienation restriction on my tupuna's land so that the Devonport Ferry Company could purchase the land. The three Lessees transferred the lease to the Devonport Ferry Company a few years later. The land was later transferred to Mr A. Alison, for £400. Mr Alison then bought the surrender of the lease from the Devonport Company for £4,000 in 1924.
55. The lawyers Parr & Blomfield were complicit in dealings with land in both Te Huruhi Blocks 12 at Matiatia and 13 at Hangaura. They appeared to be expert at manipulating the flawed system and got away with it because my tupuna did not know better, did not have the money or resources to effectively contest or deal with it and in any event, the system was designed to alienate Maori land. It favoured manipulation by one sector of the country over the other.
56. Parr and Blomfield, the solicitors acted for a number of parties interested in the lands at Te Huruhi. Here is a list of the parties they represented:
- Macky, Alexander and Haines - the three Lessees
  - The Royal New Zealand Yacht Squadron
  - The Devonport Steam Ferry Company
  - Annie Alison
  - Te Kani Mihi Wiremu
57. At the end of the day, my tupuna lost their lands to a land title system which was painful enough. Even worse, they and us, their uri lost our rights and obligation to be kaitiaki of those urupa. That is why we ask this Tribunal to find in our favour, recommend that archaeological surveys be made of the urupa to determine their exact extent and recommend their return to us, the kaitiaki. We will then be able to fulfil our birthright and educate our children properly.

Statement of Moana Te Aira  
Te Uri Karaka Te Waero, 1 August 2001.

## **58. MOTUKAHA, OUR ISLAND**

59. Hangaura Bay has a small island in it. It was named Motukaha by our tupuna. You can walk out to Motukaha at low tide. There used to be good kaimoana available in the waters there when my tupuna lived at Hangaura but there is not so much there now. This island belonged to our tupuna, it was never alienated. We still belong to motu and it still belongs to us, the uri of those tupuna. I have searched the Native Land Court and Maori Land Court records and can find no trace of it ever being mentioned in any hearings or orders. I understand that either the Department of Conservation or the Regional Council 'administer' Motukaha at the present. It remains our customary tupuna land just as the foreshore and moana are our customary taonga as well.

## **60. HANGAURA: RECENT HISTORY**

61. In 1990, the Anglican Church contacted Bruce Croll asking him if he could locate the descendants of the Maori families that resided at Church Bay as part of the 150 years of celebration. They came over for the day and the present landowners of the Church Bay estate, Nick and Nettie Johnstone were in attendance with family members at the site where memories were shared with all present.

62. In 1995 the Johnstones asked Auckland City Council to dedicate a reserve to Rehutai and Mihi as a wish of the late Don Croll, Bruce Croll's father.

63. Today there are four generations descended from Rehutai Te Uri Karaka Te Waero and Mihi Rawiri Puhata . On an island that has been inhabited by many iwi over its long and volatile past - I say we hold the ahi kaa roa. We are also a whanau hapu who are landless. We acknowledge that this is our turangawaewae yet we have no marae. We have no place to stand in our own right to call home. We are scattered both physically and spiritually. Four generations have very little knowledge of their language nor of their roots. So much was lost when the land was sold for whatever the reasons by our tupuna, particularly by payment of survey liens and mortgages forcing them into reducing their land holdings.

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64. My father spent the last six years of his life searching for our whanau hapu identity, one could say it killed him. During this time he was researching the history of the Island, and especially Hangaura. When Dad passed away in 1999, I chose to address these issues. All we have to rebuild our whanau/hapu strength are the memories of a few elders who are in their late seventies, some written sources and written documentation by the Crown and its agencies.
65. Had the land in its entirety at Hangaura been protected on paper when the tupuna first indicated that it was set aside for a church and urupa, had the Crown investigated its documentation thoroughly and honestly and consulted properly with the tupuna for their needs before surveying, I would not be here today asking the Tribunal to correct the Crown's failure to protect our taonga. The point I am making is this - no land no people. It is an absolute tragedy. The elders drive around the Island talking of childhood memories, picnic on the beach then take a ferry back to Auckland, that's all that is left for them, that's all that is left for all of us.
66. Church Bay today is regarded as elite real estate on the Island given its location. Prices for small blocks (less than 10 acres) are in the half a million-dollar bracket for bare land on the ridge line. The block of land that this claim is about is practically beachfront putting it in the million-dollar bracket. Further development of this block is inevitable. Already the land on its boundaries has been resurveyed into smaller lots suggesting future development. On an island where development is finite I fear that Hangaura may succumb to the same fate as Oneroa which is situated on the northern side of the Island, bringing pollution to the Bay and sewerage problems due to commercial and residential development. Hangaura provides safe anchorage in a tranquil bay. Our tupuna are buried there.

**67. HOPES FOR THE FUTURE**

68. I have a dream that I wish to share. That one day as a whanau/hapu each one of us can say:
69. We are Te Uri Karaka o Ngati Paoa ki Waiheke. We are the descendants of Rahera Titia, Rehutai and Mihi. We are the Kaitiaki of this motu. These are our tupuna, these are our maunga, this is our whenua, these are our urupa and this is our marae. We come together to share the stories of the past, to talk of our tupuna and whakapapa. We know our language

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and that of creation. We come together both young and old to laugh and cry. We come together to celebrate births and to bury our dead. We harvest from the sea. We grow food from Papatuanuku, Mother Earth, to feed our families. We educate ourselves including our young. We tiaki our taonga. We heal the past, live for today and open wide our arms to that which is yet to unfold. No longer do we stand in the shadow of ignorance, shame or fear. The scattered seeds have been gathered and taken root once more. We are empowered with newfound wisdom of old. In one hand is the flame, in the other is you. All is in balance. This is our kainga, we live here, we raise our children here, we die here, as have our tupuna before us.

70. No reira, tena koutou, huri noa ki nga rangatira, nga whaea, me nga tupuna katoa,  
Tena koutou katoa.

## **MOANA TE AIRA TE URI KARAKA TE WAERO**

Statement of Moana Te Aira  
Te Uri Karaka Te Waero, 1 August 2001.