

Wai 686 #W16 Wai 695 #B1

IN THE WAITANGI TRIBUNAL

IN THE MATTER OF The Treaty of Waitangi Act
1975

AND

IN THE MATTER OF The **NGATI TUMU TUMU
CLAIM**

AND

IN THE MATTER OF The **MARUTUAHU CLAIMS**

STATEMENT OF EVIDENCE OF GEORGE TUTUKI TE WHARAU

I am Tumu Tumu from Te Aroha
I am Marutuahu from Moehau
My bloodlines are intermingled
My feelings are not alone
I stand amongst my peers
Our people stand together
My wish is that forever We will
stand proud and strong

INTRODUCTION

1. My name is George Tutuki. The evidence that I put forward is **my own**. There has been no other influence in what I present to this hearing. Therefore I am responsible for everything that I say to you.
2. Although I am a descendant from Tumu Tumu, through my father's line, I am also a descendant from Marutuahu from my mother's line which means I am from all of the iwis and hapus which whakapapa to Marutuahu and Tumu Tumu.

3. I was born and raised in Thames with very frequent visits to Tui Pa in Te Aroha to visit my grandmother Rangi Kapoa Tutuki Te Wharau. She was the only grandparent on the Te Wharau side of my whanau still alive. My grandfather Tutuki II, having passed away long before my birth.
4. Our grandmother had raised an unknown amount of children in a mud floor whare with walls and roof of corrugated iron and an open (wood) fireplace.
5. It doesn't take much thought to work out the conditions of such a home in the middle of a wet and windy winter night, with closed doors and a smoke filled room because that is what happened.
6. My auntie Topeora, also known as Cora or Suzie was bronchial and the other children were in ill health. My father Jack had been out of work for some time at that time he would have been sixteen.
7. Dr Cybele Locke presents this case study in her report (Document Wai 686, #V4) The Social and Economic Circumstance's of Marutuahu 1840 to 1960 Volume Four (page 142, paragraph 237).
8. I refer to it because it directly impacted on myself and my whanau and brought home the reality of trying to raise a family in those times. Single handedly, albeit with help from other family's also in the same circumstances.
9. My point in referring to this tragic chapter in my whanau's history is that it should never have happened and I hold the Crown responsible for the suffering inflicted upon my dear nan, my father, and my beloved aunts and uncles nearly all who have passed on. It is the Crown's fault that this occurred, they have taken our lands and all the other things they did that others have spoken about.
10. Having said that I would like to take the opportunity to praise the hard and diligent work of the people (Sister Nicholls, Methodist Church, the local constable and Sir Maui Pomare) who directly intervened to help my whanau at this distressful time.
11. Being unable to thank them directly I would like to forward my thanks to their descendants.

GROWING UP IN THAMES - THE FORESHORE RESOURCE

12. In my early years the hills, sea and mudflats around Thames, particularly the river and coast areas from Kopu to Tapu were our fishing grounds.
13. Koura, Kutai, Karahu, Kanai, Mango, Peararo, Patiki, Tuna, Kahawai, Paroi were abundant.
14. My brothers, brother in-law and many other cousins and friends reaped a harvest of kai and kaimoana - ducks, pheasant, wild pork, quail, kereru and titi were gathered and prepared to be eaten fresh, or preserved in the old traditional way.
15. A traditional way that I still use today, sometimes to the concern of my good neighbours - sometimes with amusement, sometimes delight, depending on their ethnic origins and the way the wind is wafting:
 - Pawhara tuna (salted dried eel)
 - Pawhara mango (salted dried shark)
 - Puha teroi (preserved mussels and puha)
 - And other mara kai (mara being controlled fermentation), as I was taught.
16. These are but a few of the traditional ways in which our food was preserved to help our tupuna survive the often harsh winter conditions that prevailed in Aotearoa.
17. in reference to the hunting and fishing areas that I have spoken of I have found that some of the shellfish species I have named no longer exist or if they do they are only nominally present, (ie in low numbers in very small areas) and in a lot of cases polluted.
18. I know this from my own experiences in trying to gather some of these once prolific and most succulent of kaimoana. Also, from conversations I have had with whanau and friends who still remember with appreciation the joy of gathering such Taonga. Sadly that word "remember" says it all.

ISSUES

19. I refer to the work of Dr Belgrave, Dr Tulloch, and Grant Young: The Marutuahu Historical overview Vol 1, page 217 (Document Wai 686, # V1), All of the bullet points on this page are evidence (indicators) of the Crown's deliberate erosion of Marutuahu rights and control over the foreshore resources. The Crown's actions include:

THE CROWN'S LACK OF CONTROL OF THEIR AGENTS NOTABLY: THE THAMES HARBOUR BOARD

- (a) Their placement of the local rubbish tip along the foreshore from between the railway line and the landside of the mangrove frees shows that not much thought could have been given to the protection of the resources.
- (b) There can be no doubt that the shellfish beds must have been polluted and killed off in a very short time given that they had been there before our Tupuna's time.
- (c) The mangroves themselves were and still are a breeding and feeding ground for many species of fish and shellfish and have suffered great and in places irreversible damage and completely destroyed in other areas.

THE HAURAKI CATCHMENT BOARD - THE HAURAKI PLAINS

- (d) The inability of the Hauraki Catchment Board to realise that the clearing of the trees and flax from the Hauraki Plains and draining of this vast swamp land area would lead to flooding problems.
- (e) This area as a swamp acted as a fertile breeding ground for ducks, pukeko, eels to name but a **few** of the many species of fowl and fish. But it also acted as a sponge to soak up all the excess precipitation.
- (f) The clearing and laying of straight drains through it has magnified the amount and flow rate of water and pollutants delivered to its

tributaries, eg the Waihou, Ohinemuri, Piako, Waitakaruru. Just a few of the larger ones.

- (g) Once again Greed and Convenience runs rampant amongst the needs and rights of the people. And so the Crown must redress these problems of its own makings.

As a footnote: the preservation of our breeding and fishing grounds in all areas by laws and the work of MAF is to be applauded, but I think in consultation with iwi before passing a law that is hard to enforce. Therefore, I would like to say for myself the thought of being told by Crown agents, them being MAF officers, that I can only take six eels is abhorrent and an insult to us when the commercial take is in the hundreds of tons. What do these people who make these laws think we are going to do with more than six eels, breed them and start up in business. Eels are for eating and any excess is shared, there is no waste with our people. I see two laws here, one that advantages a business interest and one that disadvantages the rightful heirs. The Crown is at fault. Discussion and dialogue is essential to iwi.

TUMU TUMU - THE LAND ISSUE

- (h) I am concerned that the time frame allowed for claimants' land research is very tight and in a lot of cases impossible, eg expense, travel, research and knowledge etc.
- (i) Other Tumu Tumu claimants more deeply entrenched in knowledge about the extent of Tumu Tumu boundaries than I, will and have presented evidence. It is not and never has been my intention to ignore, declaim, or try to override other persons claims.
- (j) My intention is to represent claims on behalf and for Tumu Tumu and Tutuki Te Wharau claimants if these claims conflict with others, so be it. I am sure that we can work it out to the satisfaction of all parties. My overriding concern is to have our presentations heard as quickly as possible but with a retrospective view as to the legal issues that will arise.

TE AROHA

- (k) When I was nine years old, my father Jack Mokoia and my uncle Te Keepa took me with them and showed me the western face of the Aroha. They said here on the spur in a cave is your Tupuna Tutuki. That cave has since been covered by a land slip, from there look to Waitoa, in front of you Tauranga Moana, and surrounding us our hunting grounds. Since then I have always looked at those areas as our own private reserve. My father said to me as we were walking along a railway track towards Te Aroha about 5 miles north of town, shotgun on his shoulder, this is our land son, and I will never forget the sound and feeling in his voice and through the early years it happened time and time again but only in the Te Aroha region.
- (l) I claim nothing that is not ours, but everything that is ours we need, to ensure the future of our sons, daughters and mokopuna, so that They do not need to go through the same process again and again.

SUBSURFACE RESOURCES

- (m) The interest of our subsurface resources on Te Aroha by Crown Agents and miners (gold and minerals) as has been shown in other presentations has always been problematic. The presence of gold in the Moehau - Te Aroha region set off another chain of events which was detrimental to the well being of Tumu Tumu, Marutuahu and other iwi and hapu in the area.
- (n) I do not wish to elaborate on this subject as our historians (see Dr Belgrave, Dr Tulloch and Grant Young report in their overview Vol 1 Page 161 - 215) have given an exceedingly clear view of the Crown's role concerning this subject, and it simply reinforces my decision to hold the Crown responsible for the many injustices inflicted on our people in the quest for the yellow metal.

THE TALL TREES

- (o) Again, with our forests and the respect that our tupuna held for them, this is a subject of much conjecture and contention it must

have been with much sorrow and humiliation that our Tupuna saw the Great Kauri, Totara, and other giants of the forest. Some of them in excess of 1,000 years of age, hacked down, dragged by beasts of burden and milled to be sent offshore, some to Auckland others to Australia and England to be used as roofing material, lumber and in ship building a rather ignominious end to a very long and noble life.

POINTS OF REFERENCE TO TE AROHA

- (p) The desecration of Wahi Tapu on the Maunga.
- (q) The installation of the transmitter on the Maunga despite the objections of iwi.
- (r) The pollution of streams by goldmining on the Maunga.
- (s) I have a claim to lands on Te Aroha and surrounding areas through my Tupuna, Tumu Tumu, Tutuki, Tutuki II and Jack Mokoia Tutuki Te Wharau.
- (t) Statement by Keepa Te Wharau. (Sworn. Refer Te Aroha title investigation 23rd February 1869. Waikato MB No 02. Page 243):

I have a claim to Te Aroha, I am Ngati Maru and Ngati Haua, I claim as a Ngati Maru. I have heard the boundaries given, they are correct because they agree with those I have heard from my elders.

Te Aroha auta and Te Aroha Tai are in the Ngati Maru boundary. The land sold by Ngati Terangi to the government adjoins the Ngati Maru boundary on the east side Ngati Hinerangi lands adjoin Ngati Maru boundaries on the south side. Ngati Tamatera land is on the north side and Ngati Haua land is on the west side. Keepa Te Wharau is our Tupuna.

- (u) Statement by Te Mokena. (Te Aroha title investigation 23rd February 1869. Waikato MB No 02. Page 215):

I am Ngati Tumu Tumu, Ngati Hue, Ngati Kopirimau and Ngati Maru. I know the land under investigation it is called Te Aroha. He then goes on to state the boundaries of his portion which is considerable. He further states on page 217 (Tutuki, myself Te Rua, Hemi Kari, Karapuhau, Erana (1), Mere Peka, Te Taku Tai, Henare Pita, Te Rewutum Erana (2),

Maraea, Erina, Te Rokena, Makue, Wiremu Te Paora, Pakara (?) and others are now living at the base of Te Aroha, I have a claim to the Aroha from my ancestor Huemutu. He was a Ngati Hue. End of Statement).

- (v) Tutuki being my great grandfather allows me to claim for the Tutuki Te Wharau whanau all those lands which have his name on them and which have been alienated from us by the actions of the crown and their agents.
- (w) I have set out in Appendix 1, these are some of the land blocks we are aware of at the present time that we have an interest in, further research will no doubt discover more. Some of these land blocks such as, Rangitoto, Waiheke, and the other islands I have named were spoken of in general terms by my grandmothers, father and uncles.

TENA KOUTOU A

TENA KOUTOU

NO REIRA

TENA KOUTOU KATOA

APPENDIX 1

LAND TITLES

- Te Aroha Block IX
- Omahu Native Reserve Block V Aroha under the name Tutuki Te Wharau, a block running west of the Aroha, the Patuwaho Block on the north, and Block IX on the south.
- Te Awapu Burial Reserve derivation Ref 003 ATS 239.
- Atihau Wanganui maori (inc).
- Morikaunui (inc)
- Reketapauma 3c 2.
- Mauriohoro B list A
- Patutahatika C.
- Te Kapua (partition).
- Te Awapu urupa
- Tamahere lot 124
- Tieke no 2B sec 3
- Mangakirikiri south 3B
- Ranana 9, 11, 12
- Orimakatea
- Ngarakauwhakarara 15, 17
- Pohara station Matamata
- Maungatautari 6B, C

- Ngaromaki 2A
- Ngaromaki 2B
- Ngaromaki 3A
- Ngaromaki 3B
- Ngaromaki 4
- Ngaromaki 5
- Parehuia 2
- Parehuia 23B
- Parehuia 2C 4A
- Parehuia 7
- Parehuia 8
- Parehuia 9
- Parehuia 10
- Pakirarahi 2
- Pakirarahi 2B1
- Pakirarahi 2B4
- Pakirarahi 2B 3A
- Pakirarahi 2B 3B
- Pakirarahi 2A4 B1A
- Pakirarahi 2A4B2
- Pakirarahi 2A4B3

- Te Hape north #2
- Tihouou #2
- Karioi #1
- Wharekawa 5A4A
- Wharekawa 5A4C4
- Wharekawa 8B
- Ruakaka
- Orongomairua
- Ngati Pahiko
- Ohinemuri No 18
- Te Aroha Block XII sec 49
- Wairere SD Block II sec 72 Wairakau Reserve
- Omahu No 5
- Omahu No 5 sec 5
- Omahu Block 1 sec 27 (Te Aroha No 27)
- Omahu Block IX sec 30A Te Aroha
- Te Aroha Block IX sec 29, (Omahu Blk 29)
- Te Aroha Block XII sec 41
- Wairakau Block 12 sec 35
- Wairakau Reserve Block XII sec 38
- Wairakau Block II sec 72 (Te Aroha block XII sec 49)

- Manaia No 1
- Manaia No 2
- Motiti
- The Aldermans
- Great Mercury
- Great Barrier
- Little Barrier
- Waiheke
- Rangitoto