

IN THE WAITANGI TRIBUNAL

WAI 100

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 SHANE ASHBY
ON BEHALF OF THE CLAIMANTS**

1. My name is Shane Ashby and as I have stated in the previous two hearings I am a descendant of the Ngati Maru and Ngati Pukenga Iwi of Hauraki. At those hearings I spoke to you on behalf of the Ngati Hikairo hapu, today I stand to address you on behalf of the Ngati Pukenga iwi. I am Ngati Pukenga's principal researcher and have been mandated as such by them. I have spoken many words and walked many miles with my kuia and koroua over the past twenty years and much of what is to be related to you today is taken from them. I acknowledge that in reciting our traditions it may or may not differ from others versions of those events however I am Ngati Pukenga and this is our history as we see it and any accounts to the contrary must be seen as being views outside that of Ngati Pukenga's, kia ora.

This is my whakapapa:

Toroa
Wairaka
Tamateakitehuatahi
Tanemoeahi
Pukenga
Whetu
Paonga
Kiorekino
Te Ikaiti
Tuarae
Kamaukiterangi
Tohiariki
Taitau
Te Kouorehua
Te Pakara
Te Raukopi
Petera Te Raputu
Harata
Ko au

2. I am a great great great grandson of Te Kouorehua of whom you will hear much about in this presentation. In his time, Te Kouorehua was the most influential chief of the Ngati Pukenga tribe. He had attained great stature among his own people and other tribes through mana toto and mana toa. He was known to possess great prowess on and off the battle fields. The many stories of his deeds told today confirm his ability to think quickly under pressure and able to turn most tricky situations around in his favor.

3. The Ngati Pukenga are not of Tainui descent and were not originally from the Hauraki region but instead derive their roots from the Mataatua waka. Our ancestral fires originate from the Opotiki and Whakatane districts. From the time of our founding tupuna Pukenga down to Tuarae a period of five generations, Ngati Pukenga lived at Te Karaka pa at Opotiki. Through interminable wars with their Whakatohea neighbours and other tribes of the east coast Ngati Pukenga left the area. They linked up with their Ngaiterangi relatives and began a path of death and destruction that would stretch from Whakatane all the way to Katikati. The stories of this heke are often told and form what is known today as the history of Tauranga Moana. The whakatauki that support Ngati Pukenga's success and leading role in this campaign is " Ko nga Iwi o Tauranga Moana, Ko Ngati Ranginui, Ko Ngaiterangi, Ko Ngati Pukenga.

4. I have been asked to speak today on Ngati Pukenga's concept of '*whenua tuku*' or more specifically the gift of land at Manaia given by Ngati Maru to Te Kouorehua and his people, Te Tawera. Before I begin I would like to elaborate a little more on the use of the name Te Tawera. This was the name that Te Kou's people were then known as. The lands at Manaia were originally transferred to Te Kouorehua and his people, Te Tawera which excluded other Ngati Pukenga descendants and hapu who had participated in those original fights. However in the time of Te Kou's son, Paroto, the land was offered back to Ngati Maru and then in turn given back to Paroto he declared that all Ngati Pukenga should share in the Manaia lands and as there were eight hapu known to exist they were named and then included in the title. This gave occupation rights to all the descendants of Pukenga who had participated in the earlier wars. Today, Ngati Pukenga is the name we use most often to refer to ourselves although use of individual hapu and whanau names is still commonly used among us today.

5. The reasons for the tuku are many and varied however the common belief is that the land was basically given to Ngati Pukenga for services rendered. In part this is quite true. However to claim that this is the sole reason for the tuku does not, in my opinion, give justice to or recognition of all the facts of the tuku. Nor does it support the continuous close relationship between the two peoples. For example; the many marriages between the two tribes that took place from then right down to today; or of the great aroha that existed between the two iwi long before and long after the tuku was made; and who can forget the many Ngati Pukenga warriors who's blood flowed freely on those battlefields on behalf of their Marutuahu allies. No, this *whenua tuku* is far more than merely payment for services rendered, it is recognition and confirmation by the Marutuahu tribes of their gratitude for many services offered and rendered over that time; it is a tohu or sign of their aroha, their close kinship and their esteem. It is all these things that under tikanga Maori have made this whenua tuku endure for all time. Tuku were always like this.
6. In order to understand this tuku you must first understand the reasons for the tuku. These are the stories that have been passed to me by my kuia and koroua and where practical, to fill in gaps, I will use documentary evidence to substantiate and support my korero.
7. Ngati Pukenga were first summoned to Hauraki's shores as allies in 1820 to assist Ngati Maru, or more specifically the Ngati Uringahu hapu in avenging the death of one of their principal chiefs called, Pahirua. He was killed by Ngati Paoa. It was Te Puhi of Ngati Maru that brought Ngati Pukenga here. Some years prior to this alliance, Ngati Pukenga and the Marutuahu tribes had been at war with each other for about three generations.
8. The last battle between Ngati Pukenga and the Marutuahu was fought in about 1770. This was at Te Whakatangaroa pa at Tauranga. Ngati Pukenga were

defeated in this battle. Some years later a great battle was fought between Ngaiterangi and Tapuika, this was at Te Karaka. Tapuika were defeated. Through marriages with Tapuika, Tohiariki of Ngati Pukenga and Te Puhi of Ngati Maru were sent for to assist them in exacting utu for this defeat and herein began our alliance with the Marutuahu tribes. From that time until now the Ngati Pukenga have maintained strong alliances with the Marutuahu tribes.

9. Ngati Pukenga arrived at Te Totara pa in December, 1820. They came in three divisions, one from Maketu under Te Kouorehua and from Tauranga under Manutawhiorangi, the elder brother of Te Kou. The third division was made up of Ngati Awa and Te Patuwai under their chief, Te Ahikaiata. Unfortunately their arrival at Te Totara coincided with the arrival of Ngapuhi under Hongi Hika. As Ngapuhi could not defeat the pa through usual means Hongi Hika turned to the use of treachery. Under the guise of peace, Hongi enticed Ngati Maru to open their gates. They agreed and peace talks began.

10. As was customary, several taonga were given in exchange to seal this peace. Hongi then advised his new trusting friends that perhaps it was time he returned home and proceeded to do so. However when Ngapuhi had paddled out of site of the pa he and his warriors landed and returned back to the pa via land. Ngati Maru, thinking that the threat of war had been averted saw no reason to man and secure their pallisades or gates. Because of his muskets, Hongi's attack was quick and exact. Many Ngati Maru and Ngati Pukenga people were either slain, eaten or taken as slaves. At this time, Ngaropatukino, a chief of ours was taken back to Ngapuhi as a slave. The remainder of the pa inhabitants fled inland to Haowhenua. After Ngapuhi returned home Ngati Maru returned to Te Totara and Ngati Pukenga returned to Tauranga. This was the first instance that my ancestors blood has fallen on behalf of Ngati Maru.

11. A short time later, Te Puhi sent to ask for the assistance of Ngati Pukenga and Te Patuwai. The taua came overland stopping to pick up reinforcements at Maketu and Tauranga. Pukenga were there under Te Kouorehua and Manutawhiorangi. The taua reached Hauraki and heard that Ngapuhi were in close proximity and had attacked Ngati Whatua. So the Hauraki people all retired to Haowhenua pa at Cambridge and the Ngati Pukenga went with them. Ngati Maru then made an expedition to Taupo and a great chief of theirs called, Pataua, was killed by Ngati Tuwharetoa and Ngati Raukawa. Pateuru of Ngati Pukenga was also killed at this battle. This is the second time that Ngati Pukenga's brave had fallen on behalf of Ngati Maru but it would certainly not be the last.

12. I can remember the korero of my matua regarding Pateuru. Because the intensity of the fighting was so great, when he was killed, his body was hurriedly hidden and buried and the spot marked in their minds. Two generations later, in the time of papa Kou who was a grandson of Te Kouorehua, a delegation was made up of both Ngati Pukenga and Ngati Maru chiefs resident at Manaia. They went to Taupo to retrieve the bones of Pateuru. They were found, exhumed and returned to Manaia and buried there. It is important to note the support and close involvement of Ngati Maru in acknowledging and assisting Ngati Pukenga in this expedition.

13. However to return to my story; After Pataua's and Pateuru's death, Ngati Maru and Ngati Pukenga returned to their respective homes. On Ngati Maru's return from Taupo, another high ranking Ngati Maru chief called Te Waha, was way laid and killed by Ngati Raukawa. He was pursued, caught and killed for stealing some prized clothing belonging to one of their chiefs. Ngati Maru tried for a long time to exact utu for both these two principal chiefs' murders but with little result. Te Puhi, again sent for the assistance of Ngati Pukenga and, again

they came. Their chiefs were, Manutawhiorangi, Naenae Te Kouorehua, and Te Ahikaiata.

14. When they arrived at Hauraki they combined with Ngati Maru, Ngati Whanaunga and, Ngati Tamatera and then proceeded to Haowhenua. The first pa seized was called Parikawau. The ope continued along the banks of the Waikato river taking several smaller pa sites until they reached Ngati Raukawa's stronghold at Piraunui. Here, Te Whatakaraka, was caught and killed, He was their most influential chief at the time. It was said that many people were drowned crossing the Waikato river while trying to escape their attackers. The most prominent of these being Pourahi, another chief of high rank. Many warriors from both sides fell in these battles but the ultimate victory was to be with Te Kou and his party. It was said that many heads were taken back to Haowhenua and presented to the Ngati Maru waiting there.
15. Te Tapuru, a high chieftainess of Ngati Maru was said to have rejoiced at her father, Pataua and brother, Te Waha's deaths finally having been avenged. It was here at Haowhenua that the gifting of the Manaia lands to Te Kouorehua was first spoken about by Te Tapuru and the Ngati Maru, although at this time no boundaries were mentioned. After this Ngati Maru and Ngati Pukenga lived together at Haowhenua pa.
16. While living there a war party comprised of Waikato, N. Para and Ngati Maru under Te Hotereni were on their way to Taitai (Taupo). This army stopped at Haowhenua and according to Maori custom they were welcomed into the pa. There were two divisions, they lined up on either side of the pa gates, Ngati Maru on one and Ngati Pukenga on the other making a roadway between. Te Hotereni and his Ngati Maru came in behind Waikato. As the incoming ope entered, the hakas began. One of them tried to seize a musket of Te Whatarau of Ngati Pukenga, for himself. During the scuffle the gun went off accidentally.

The Waikato, thinking that the Ngati Pukenga were shooting at them fired two shots at them and Te Kitikotahi and Hope were killed. Te Hotereni, seeing that Ngati Pukenga had been fired upon immediately retaliated and fired into Waikato killing their chief called Kereru. Ngati Pukenga then opened fire and Te Whakaiti, the principal chief of the Waikato war party was killed. Rangitehuia of Ngati Pukenga shot him. A great fight took place and Waikato were eventually beaten. Te Kouorehua's brother, Manutawhiorangi, and Te Ahikaiata were killed at this fight. According to minute book evidence given by Waraki Te Mapu of Ngati Maru, and son of Te Tapuru, over 100 Waikato were killed at this fight and they were apparently 600 strong. He claimed on their side there were, 100 Ngati Pukenga, 40 Ngati Maru with a further 40 Ngati Maru that entered with Te Hotereni. This is an interesting story in that, even though both Ngati Maru and Waikato are closely related through their Tainui decent and that, Te Hotereni, had previously been fighting alongside Waikato, when Ngati Pukenga were fired upon it was without hesitation that Ngati Maru readily assisted.

17. Ngati Pukenga continued to live with Ngati Maru right up until the time of the battle at Taumatawiwi in 1830. This was a great battle of the Hauraki people where many of our people also fell. In the same court minutes mentioned before it was stated that it was Naenae of the Ngati Pukenga who shot and killed the last man outside the Haowhenua pa. This was while the Hauraki tribes were retreating to the safety of the pa. The body was dragged into the pa, cut up and eaten. This apparently being considered a good omen a counter attack was immediately launched and the enemy repulsed back. The final outcome of this great battle is largely dependant on who is telling the story and I do not wish to comment past Ngati Pukenga's involvement therefore after peace was made Ngati Pukenga under Naenae returned to Maketu and lived there and the remainder, under Te Kou, returned to Hauraki with Ngati Maru. They were asked to come back to Hauraki by Taipari and other Ngati Maru chiefs for two

Te Kouorehua moved onto and took possession of the Manaia lands. They resided and cultivated at a place called taumatateretere, near where the present day Marae, church and Urupa are situated.

22. Ngati Pukenga lived here for 13 years up until the death of Te Kouorehua in 1865. His tangi was attended by many hundreds of friends and relations. All the chiefs of Hauraki were present at his tangi. This is a clear sign of the high esteem that he was held in by the Marutuahu tribes.
23. Before his death, Te Kou, had instructed his son, Paroto Manutawhiorangi, to return the land at Manaia to Ngati Maru. Paroto rose at the tangi and said, "*E Ngati Maru, ka whakahokia e au tou whenua na,*" "Ngati Maru, there is your land I return it to you". Hotereni Taipari was the first of the Ngati Maru chiefs to reply, he said, "*Kua oti ke te tuha, e kore a muri e hokia*" "Who after spitting will take back his spittle". (The idea that the land has been spat, doesn't carry any negative images to Maori, a chiefs spit is highly tapu).
24. Riwai Te Kioire then rose and said, "Why must you go? Stay and live on your land here". Waraki Te Mapu spoke in the same manner. Waraki Te Mapu rose and said, "*E Ngati Pukenga! E kore koe e tika kia whakahokia mai tepuihi i a koe. Kahore ano kia whakakorea tepuihi, e kore koe e tika kia haere, me noho koe*". "Ngati Pukenga! It could never be right that you should return this land to us.- We have not yet forgotten this land or the reasons why it was given. How then could it be right for you to leave, you should remain here among us, the land is yours".
25. All the chiefs of Hauraki (including my tupuna, Hohepa Paraone) rose one by one to confirm the old tuku and the whakatauki which referred to Te Kouorehua was continually used in their speeches which in turn reaffirmed his mana over those lands given to him at Manaia. The whakatauki goes, "*Ko Hauturu, hei*

kawhena mo Te Kou". "Let Hauturu be the coffin of Te Kouorehua" (ie. his final resting place). This is very significant that Ngati Maru invited us to bury our dead at Manaia. Hauturu is a large outcrop immediately south of Te Ruahine and over looking the Manaia valley. Ngati Pukenga have remained on their land from that time until now.

26. These are the facts of the tuku of Manaia to Ngati Pukenga. They show that there are many elements to tuku.

(1) The idea of payment for Ngati Pukenga

- alliance the avenging of the deaths of Ngati Maru
- the loss of Pukenga warriors on behalf of Hauraki
- the continued support of Ngati Pukenga in case of external threat.

(2) The long standing relationship between the two iwi

- gratitude for the avenging of Ngati Maru deaths
- the close bond between the two iwi even before the tuku and the strengthening of it afterwards.

(3) The sealing of the tuku through occupation and intermarriage

- even today the Manaia families share Maru and Pukenga whakapapa
- occupation by Te Kou and Ngati Pukenga immediately after the tuku was agreed and continued occupation to today.

(4) The reconfirmation of the tuku

- the reconfirmation by the generation after Te Kou of the tuku
- reconfirmed support by the Ngati Maru chiefs for the tuku.

27. For a tribe which is numerically outnumbered and living in another rohe as Ngati Pukenga was, reconfirmation, is a very important element indeed as too

reasons. One was the whakapapa links between them and the second was to strengthen their numbers as the threat of Ngapuhi was still imminent. The places they resided at Kauaeranga were Parawhau, Otai and Orunui.

18. Ngati Pukenga were given land between Te Otai and Te Hape to cultivate on. The land was given by, Paterangi of Ngati Maru. They cultivated and lived there for a long time, building two pa. This land could not however be considered a true tuku but instead one of temporary occupation. Eventually Ngati Pukenga left this land and moved to Waikawau being invited there by Taraia, of Ngati Tamatera.
19. Te Kouorehua was closely related to Taraia through N. Ranginui bloodlines and as well had assisted him in the attacks on Ngaiterangi at Te Papa, Te Taumata and Ongare. They resided here for seven years before being approached by Kapakapa, a Ngati Maru chief ,of Manaia. He had come to see his relative among the Ngati Pukenga called Tariao. He was the first of Ngati Pukenga to go and reside at Manaia. He staid with Rameka Te Tohirangi at his pa, Parakau. He staid there several days and then Rameka located him on land at Te Kauri.
20. After about a month Rameka, who was the son of Te Waha previously mentioned, and Te Marau, a nephew of Te Tapuru, called for Te Kouorehua to come and reside at Manaia. This was in 1852 and it was now for the first time that the boundaries of the gift were named.
21. Te Tapuru was by now dead and the naming of those boundaries was left to Rameka and Te Marau who were by far the most influential chiefs in Manaia at that time. There were many other chiefs of Ngati Maru present at this gifting, such as Tamati Waka Te Puhi, Taipari, Rapana Maunganoa, Riwai Te Kiore, Nopera Titari, Te Poono, Hori Tu Karawa, Hohepa Paraone, Puwhaia, Eru Taurangi, Watana Tuma and Hone Te Huiraukura. It was after these talks that

much opposition could easily have meant a quick end to the tuku, alliance and of course the people in question.

28. Confirmation by the kaituku will at least ensure your continued good health whilst residing in that district. All the takes that I have just mentioned are reasons why this tuku is considered by Ngati Pukenga to be permanent. But in order to understand the real importance of the tuku you must think of the land as a token of the special relationship between the two iwi. That's what tuku were for. In other words, tuku could definitely be permanent but never absolute. Tuku whenua is not like Pakeha land transfer where once it is given, its gone. No, the tuku had to be accompanied by occupation, intermarriage and reconfirmation from each side and then over time the parties will recognise its permanence. This is what has happened for us of Ngati Pukenga at Manaia.
29. This tuku is quite different to the story at Kauaeranga and Waikawau where only temporary occupational rights were ceded to Ngati Pukenga. To Maori the term would be 'noho noaiho or mahi noaiho'. Even though two pa were built and occupation was for a lengthy time this still did not convey any take in the land to Ngati Pukenga.
30. An example of the importance of having confirmation by the resident chiefs can be evidenced in the investigation of the Owari block at the northern head of the Manaia harbor. It was a large piece which included smaller blocks such as Hikurangi, Haukawakawa, Mataparu and Te Mata. The investigation took place in 1871 with many high ranking chiefs attending the investigation.
31. According to the opponents who were made up of a number of senior Ngati Maru chiefs such as: Hotereni Taipari, Tuterei Karewa, Te Matene Ruta, Hona Taiawa, Hori Ngakapa and Eruera Te Ngahue. They arrived at the court claiming that the land had been ceded to Ngati Pukenga some years before by

them and that the current claimants, Tamati Waka Te Puhi and Te Wikiriwhi Pokiha were trying to oust the claims of Ngati Pukenga.

32. All was looking very good for Ngati Pukenga to acquire some more land until Paroto Manutawhiorangi, chief of the Ngati Pukenga stood to address the court, he claimed that;

I am Te Kouorehua's son and I live at Manaia permanently. We and the Ngati Maru ordered Bedlington, to survey this land and we afterwards employed another surveyor to subdivide the land and the subdivision of the land was peaceably settled between us and the Ngati Maru. Taungatara the piece which has been investigated is one of the pieces included in this map. I know Te Karaka, that has been divided off, it has been settled that I should have that. The balance of the land in the map belongs to Ngati Maru. There is no dispute between ourselves and Ngati Maru. Te Tawera did not ask Taipari and the others to appear in court to prefer our claim to this land. Rameka was the person, he belongs to Ngati Whare, who gave us these two pieces mentioned. It is true that Te Hotereni gave the land formerly to Te Kouorehua but the chiefs of Ngati Maru did not all consent and it was only when Rameka gave us the land that we settled on it. The only piece we own is Te Karaka, Hikurangi belongs to Ngati Maru. Owari belongs to Te Waka. He has houses and ■ cultivations there. I have not seen Taipari living on it formerly but I have seen Te Wikiriwhi and others doing so.

33. It is clear that had Paroto not stood to give the correct nature of the tuku by Taipari and the others, at least as he understood it to be, Taipari's party would have easily defeated Waka Te Puhi and Te Wikiriwhi's claims and Ngati Pukenga would have received more land. But from Ngati Pukenga's point of view it would be land that had not been confirmed by the majority of Ngati