

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
PETER WILLIAM TUTUKI TE WHARAU

INTRODUCTION

1. Kia ora tatou katoa. My name is Peter Tutuki Te Wharau. As I stated to the Waitangi Tribunal at the Tauranga Inquiry in support of the Marutuahu claims for the Katikati Te Puna Blocks, my whakapapa is Tumu Tumu and I am descended from Te Ruinga.

Background

2. Hoturoa was the captain and arikinui for the Tainui people at that time of the great fleet. He brought his people with him to Aotearoa.
3. Before the main migration, sections of the people were the skilled tohunga. Some were skilled in oratory and some skilled in genealogy. The carvers carved the whare-tupuna with great skill and often carved their tupuna on their marae. The pataka was carved also with great skill and karakia. The pataka was a food storage and was housed in a small carved whare. In these pataka the Maori stored prestigious food. This house mainly was used to store food when the weather was rough or when extra supplies was needed during winter period.
4. In his journeys, Hoturoa ventured up the Wanganui River prior to moving to Kawhia, Putiki pa, was built at the mouth of the Wanganui River by the Tainui people.
5. Raukawa, a descendant of Hoturoa, had four wives. They were Rereahu, Kurawai, Whakatere, and Takihiku. Whakatere became Raukawa Hauraki. From this union between Raukawa and Whakatere they begat Poutu, who begat Tamaariki. Tamaariki

begat Tumu Tumu, who was to become toa, or the skilled fighting champion for Ngati Raukawa and the toa for the Tainui people.

6. Tumu Tumu and his people searched the land looking for a place to settle, crossing the Taringa Motu Forest and over the Kaimaimamaku Forest. He eventually came to the base of Te Aroha Mountain, where he met Toi, and Ngati Hako. A fight broke out between these tribes, and a battle between Tumu Tumu and Toi and Ngati Hako evolved. Tumu Tumu fought and defeated Hako in this battle. Ngati Hako retreated deep into the Hauraki swamplands. After defeating these tribes, Tumu Tumu climbed to the summit of Te Aroha and claimed mana whenua of Te Aroha.
7. From that event comes the Ngati Tumu Tumu tribal saying:

Te Aroha te Maunga, Waihou te Awa, Tikapa te Moana, Tutuki te Tangata'
8. Tumu Tumu was never turned off Te Aroha by anyone. After his death he was buried in a cave on Te Aroha, where he remains today. This sacred site is only known by a few. Te Ruinga, was the new chief of Ngati Tumu Tumu and the Tutuki Te Wharau whanau were to become the senior line from Te Ruinga.
9. Te Ruinga controlled most of Hauraki in an alliance with Marutuahu right up to Tamaki estuary.
10. Te Ruinga hollowed out a totara tree stump and he stretched hide over it and he chiseled holes around the top of the totara stump and tied the hide to the totara stump and he made a drum. This drum could be heard ten miles away from Te Aroha. The drum became a messenger that our ancestors used to communicate to neighboring tribes near Te Aroha. Te Ruinga called this drum Te Pou o Te Ruinga. It was used to call the people to hui on Te Aroha or to warn the people to beware of other incoming tribes. The drum or the pou, was a great communicator for Maori at that time, and had been a great resource to have. Te Ruinga controlled the armies in those times, those that were connected with Tumu Tumu and the Tainui people.
11. In the times of Te Ruinga, he and his children married into Ngati Tangata, from Wahirere. They formed alliances with the tribes to the south of Te Aroha, Ngati Hinerangi, Ngati Tangata and Ngati Tokotoko. Ranga, of Ngati Tangata married Kahumarū, son of Te Ruinga, and Te Ae, also from Te Ruinga, married Rangitumamao, who begat Koropango I. He married Pureroa. From Hako II came Rewa, who begat Taraia who was to become one of the paramount chiefs of Ngati Tamatera. Te Ruinga's other son Kahumarū begat Tuatara who married Kaihaka from Ngati Tangata. They begat Rimu and Pareautana, who begat Mihi and Tukoro.

12. Tukoro was a tupuna of mine who was killed by Ngai Te Rangi in times of peace. Kirioho was also killed. She was Ngati Tumu Tumu also. Kirioho had spied Ngai Te Rangi coming up the slopes of Te Aroha. She decided to hide Mokena Hou (who was a child at the time) in the bushes. While she ran to raise the alarm, she was caught by Ngai Te Rangi. A short time later, Mokena Hou saw his mother being killed by Ngai Te Rangi. He was later found by his uncle who adopted him and raised him as his own until Mokena Hou became an adult.
13. In revenge for the killing of Tukoro, Ngati Tumu Tumu assembled a taua and attacked pa sites at Tauranga. They destroyed three pa sites at Tauranga. Ngati Tumu Tumu were aided by a mixed army of Nga Puhi and Marutuahu. Only Ngati Tumu Tumu were killed at that battle. Also around that time, Taraia attacked and killed chiefs at Ongare, that was payment for the death of Tukoro and Kirioho.
14. Te Ngere begat Tutuki I, his name was Te Kepa Te Wharau. He married Maraea Merepeka. From this union, they begat Tutuki n. He married Rangikapoa Heta Parata Tutuki Te Wharau. She was Ngati Maru. During Te Kepa Te Wharau's time, Ngati Tumu Tumu had lands in the Wanganui area associated with Tainui etc, as well as being connected to Ratana Pa and Ratana faith.
15. During the gold rush years, Te Kepa Te Wharau, Tutuki Te Wharau, along with Piniha Marutuahu and Karauna Hou, all of Ngati Tumu Tumu, were to appear in the Land Court to defend their land rights from being taken away from them. During the gold rush years at Te Aroha, James Mackay was the main game player. He paid the neighbours for land he couldn't buy from tribes, who did not wish their lands to be sold or deccrated by the gold rush years and the felling of kauri timber which was stripped off their lands. Mr Mackay's land purchasing methods of paying other claimants money for land that did not belong to them behind closed doors was often the case when he could not get an agreement with the proper iwi. This was the reason that Te Aroha was taken off Ngati Tumu Tumu by the government for payments that Mr Mackay paid to Ngati Haua and other tribes.
16. On the 13th July 1878 (Hauraki Minute Book 10, pages 405/406), a statement was made by Wiropi Hoterini Taipari:

I belong to Ngati Kopirimau and live at Shortland. Ngati Kopirimau is a section of Ngati Tumu Tumu. I know the land before the court and have a claim on it. I claim through ancestry. Previous to Taumatawiwi, Ngati Tumu Tumu lived permanently on the land and they were living there at the time of Taumatawiwi. They had the mana of all that was growing on the land. Flax, timber etc. If any people wished to make use of the flax on the land they would make application to Hou. If the Waikato wished to have trees to make canoes out of they would go to Hou. If any one took upon themselves to cut flax or fell trees for canoes without permission they would be muru. They would have the flax taken from

them and the trees broken up. From the time of Taumatawiwi to the Waikato wars they continued to live there. When their people died they had them buried there. After the Waikato war up to the present time they have continued to reside there. When the tribes returned from Taumatawiwi to Hauraki some of Ngati Tumu Tumu stayed there and some came here. The old men of Ngati Tumu Tumu that remained there on their return from Taumatawiwi are Parakaua others to Tauranga. The portion of Ngati Tumu Tumu that came on to Hauraki afterwards returned to Hauraki. No one interfered with them. They have lived constantly there and have never been driven off by any one. No one interfered with their making eel nets or catching eels. If any other people wished to cultivate there they would ask permission of Ngati Tumu Tumu. People would be allowed to squat on the land provided they did not make an excuse for claiming it. In that case they would be turned off. That is Native custom, people may catch eels and fish in this manner provided they made no pretensions of ownership. I know about the court at Matamata. Te Aroha was claimed by Ngati Haua. There were two cases for hearing at that court. That raised questions there. The claim to land and the battle of Taumatawiwi. Judgment was given at Kapanga. Ngati Tumu Tumu were all present. The court stated that the land was awarded to Ngati Haua on account of Marutuahu's defeat at Taumatawiwi. It had been stated in the evidence that Marutuahu had been led like pigs by Ngati Haua. These people were very much grieved at this saying of Ngati Haua and proposed to kill Ngati Haua who were present. All the tribes returned from Kapanga and went to their respective places. Ngati Tumu Tumu then applied for a rehearing, also Ngati Maru. A rehearing took place. All the tribes of Hauraki went to the investigation at Auckland. Ngati Tumu Tumu, Ngati Maru, Ngati Paoa and some of Ngati Tamatera. Those living about Moehau, it was stated that Te Aroha had been liked by Ngati Haua.

17. Statement by Tutuki Te Wharau, (HMB10, page 478\ 479):

I belong to Ngati Tumu Tumu and live at Te Aroha. I was born on Te Aroha. In times of war I came here to Ngati Maru. In times of peace I returned to Te Aroha. I came here on account of the wars. I am part Ngati Maru myself. I came here in times of peace and times of wars and am in the habit of going backward and forward. Ngati Haua never came to interfere with us while living on Te Aroha. One of my pa's was called Otataka Omatika Orua. These pa's were peopled solely by Ngati Tumu Tumu. These pa's were built along time before Taumatawiwi. The pa's were there when I was born. Otataka was to the southward of Wairakau, Omatika was to the northward of Wairakau, Orua stood on the mountain. Ngati Tumu Tumu went to live at Te Aroha after Taumatawiwi. Ngati Tumu Tumu lived at Turua after Taumatawiwi. The latter statement is the correct one. It was at Turua we lived a great many years before we went back to Te Aroha. I was not present at the meeting at Pukerahu but I heard of it. I was at Te Aroha at that time. I went back to Te Aroha about the time the goldfields were opened here. I did not approve of the action of selling this land to the government. Had it been sold by myself it would have been alright. I am partly Ngati Maru. I should now be known as *Marutuahu*. My children would now number 200. Mr Mackay and I had a disagreement. Waitoa was the boundary awarded to Marutuahu. I had received 400 pounds from Mr Mackay for the lease of Waitoa lands although I know the lands had been sold and the lease monies were to be charged against Te Aroha.

18. Statement by Riwai Te Kiore (HMB10, page 479):

I said in my previous evidence that I had sold my interest to the government. I derive my claim from Ngati Hue. Ngati Tumu Tumu claim is distinct from ours. There is no one that can turn Ngati Tumu Tumu off Te Aroha, they are living there by right. Ngati Paoa, Ngati Tamatera and the others are guilty of theft. The land always belonged to Ngati Tumu Tumu. Claim in 1878 and 1881 saw the courts, who used the court conductor Aihie Pepene in the 1878, when the gold rush years came to Hauraki, he came from Nga Puhi his tribe was named Ngati Rahiri. James Mackay was a very clever man who often referred to Ngati Tumu Tumu as Ngati Rahiri, who came from Nga Puhi. This was incorrect. Ngati Tumu Tumu is the proper name of this tribe. The Te Aroha case, where James Mackay used Ngati Paoa, Ngati Haua, and Ngati Tamatera, to purchase

Te Aroha in the form of money behind closed doors was why the summit of Te Aroha was taken by the government as compensation for payments made to these tribes. The government later sold the summit of Te Aroha to Telecom about the 1940's. This matter was never clarified as to who was the true owner. At Matamata, Mr Mackay tried to use Ngati Haua to purchase Te Aroha from the Hauraki Maori people. At that hearing the court had relied on information by Ngati Haua and the battle of Taumatawiwi in which Ngati Haua had said that they had defeated Marutuahu at the battle of Taumatawiwi. They also said that they had tied flax to their captives legs and lead them around like pigs. On that information the court decided in favour of Ngati Haua as the owners of Te Aroha. The court ordered that Te Aroha should be surveyed immediately. The Hauraki people were not happy about what Ngati Haua had said. Ngati Tumu Tumu applied for a rehearing at that time. A rehearing was set down to be heard at Auckland Britomart. Ngati Tumu Tumu returned to Te Aroha and placed large booms across the Waihou river to stop people going to the Matamata courts, especially Mr Mackay who often brought hauhau from Waikato to help him do his dirty work. No one was allowed past the booms unless they were Tangata Whenua. Ngati Tumu Tumu also threatened to shoot anyone who tried to survey Te Aroha. At that time it was stated that some Ngati Maru and a hand full of armed hauhau were guarding Te Aroha. This was concerning the court order to survey Te Aroha.

19. Statement by Ngati Haua. (HMB IO, page 396 - date 12/7/1878).

These people, Ngati Tamatera, Ngati Whanaunga and Ngati Paoa gave no evidence as to their claim to Te Aroha. Ngati Tumu Tumu did. It was awarded to Marutuahu, not to the Marutuahu who was buried at Whakatiwai but to Marutuahu who descended from Te Ngako Marutuahu. I mean by this the Ngati Maru who are living at Hauraki. The mana of Marutuahu now rests with Ngati Maru. I say this because they have taken the name of their ancestor. The rest are known by another name. Ngati Tamatera, Ngati Whanaunga, these are descendents from the children of Marutuahu. When this land was adjudged to Marutuahu I heard something said about the survey. I heard the court say that the land must be surveyed by Marutuahu, but the land was surveyed by Ngati Tumu Tumu. Mr Creagh was the surveyor. The people of Hauraki made no objection to Ngati Tumu Tumu making the survey from the time of the second hearing to the present time. Ngati Tumu Tumu and Ngati Maru connected with them, are the only people who have lived on the land. I know the meeting of the tribes at Pukerahu. I know what was said there, we did not know that the meeting was to be about Te Aroha, but when we came we found it was about Te Aroha. What the tribes said they should take the money for Te Aroha. Ngati Tumu Tumu objected. They would not listen to us. It was Mr Mackay who strengthened their wish to take the money for Te Aroha. Some of the tribes were afraid, but Mr Mackay persisted in paying the people for interest on Te Aroha that they did not own. Ngati Tumu Tumu had told Mr Mackay, 'Te Aroha, the soil of our Tupuna, will never be sold to the crown, or anyone for any amount of money'. Mr Mackay refused to listen to Ngati Tumu Tumu. At that time Ngati Tumu Tumu had requested that Mr Mackay bring those members of Marutuahu who had sold their portions to the government up to Te Aroha to point their portions out. Tutuki and his warriors returned to Te Aroha and built a pa to accommodate the people who Mr Mackay had promised to bring up to Te Aroha to point their pieces of land out. They had requested Mr Mackay, to bring those members of Marutuahu to come to Te Aroha, and point their portions out. Those that had accepted payment for Te Aroha from Mr Mackay behind closed doors. Mr Mackay had the assistance of Mr Puckey, when they arrived at Te Aroha. They were hoping to defuse the situation between Ngati Tumu Tumu and Marutuahu. They were met by a barrage of gun fire, narrowly missing Mr Mackay's head. Ngati Tumu Tumu then asked Mr Mackay why did he not bring those who had sold their interest in Te Aroha up with him so that they could point out their interest on Te Aroha. Mr Mackay was then told to return to Shortland and to bring the people back with him. At that time some of the people who had received money off Mr Mackay behind closed doors became frightened and did not wish to go near Te Aroha for fear of being killed by Ngati Tumu Tumu. At the hearing in Auckland, Ngati Tumu Tumu had the assistance of a lawyer. His name was Mr Hesketh who was, 'brought here by Ngati Tumu Tumu. At this hearing judgment was ruled in favour of Marutuahu.

When they surveyed Te Aroha only Ngati Tumu Tumu surveyed Te Aroha. No one interfered with them when they had Te Aroha surveyed and they had lived on Te Aroha prior to the battle of Taumatawiwi right up to the Waikato wars and up to the present time. They have never been turned off Te Aroha by anyone except by trickery and fraud by government officials such as James Mackay Jnr".

20. Hori Ngakapa, claiming land in the Whangamata blocks, said:

I belong to Ngati Whanaunga. I know the land on the map. I have a claim on it. It belonged to my ancestor, Tearoa. This is bush land. My ancestors used to catch rats and gather berries on it. It was I who proposed the survey. No one opposed the survey. Ngati Tumu Tumu who lived near Te Aroha claimed a block of land, not because they lived on it, but because in the fighting against Haua their people had been the only ones killed on it. When their claim was being considered a question arose as to whether the Ngati Tumu Tumu had received money at Pukerahui. It was considered right that they should have done so as it was their land. It came out that the men had refused the money, but the women had received it, and the men had participated in it. Some claims were disallowed when their claim was being shown on the Maori land plan 3416. Most of the tribes claiming were sub-tribes of Ngati Tamatera, but the Ngati Porou who had come on a visit and just settled down and stayed, received land at Mataora as a gift. After the Tarawera eruption in 1886 Ngati Tuhourangi, whose land had been wasted in the disaster area, were given sanctuary on a block of land in the Te Aroha survey district. By the courts I admit Te Reiti Tuma because she is from Paretaipu, daughter of Rimu. This is a portion of Te Aroha block purchased by the government. To the natives the government purchased this land from Ngati Tumu Tumu for advances made to Ngati Haua, Ngati Tamatera and Ngati Paoa. Ngati Tumu Tumu alone were occupying the land at that time and the land returned by the government was for Ngati Tumu Tumu. Ngati Rahiri is a new name. Ngati Tumu Tumu is the proper name of this tribe. The ancestor of this tribe is Tumu Tumu Te Ruinga.

21. I would like to comment on the work of Mr Sam Napia, CEO of Hauraki Maori Trust, called "Developing Effective Corporate Governance Structures for Hauraki." In this book Sam Napia states (page 7) "Ngati Tumu Tumu of the Mataatua waka". This statement is totally untrue, and needs to be rectified. Tumu Tumu comes from Raukawa (Tainui) descent.
22. In 1928, my grandfather Tutuki Te Wharau passed away at his pa from tuberculosis and influenza and although Sister Nicolls, the nurse who wrote about my grandmother Rangika Paoa Tutuki Te Wharau as living in poor conditions and living off handouts from neighbours was a poor out look in the Pakeha's eyes. My grandmother came from Ngati Maru, and her father was a Ngati Maru Rangatira, and in the Maori eyes they were ariki. Food was brought to them by ringawera as was the custom for our arikinui for hundreds of years prior to the coming of Europeans.
23. Tutuki Te Wharau was the paramount chief for Ngati Tumu Tumu. He also had his ringawera who brought food of all descriptions. He passed away later from influenza, leaving his six children. They included Topeora, who was the matamua. Jack, the eldest male - he became the chief for Ngati Tumu Tumu shortly after his father passed away. He remained chief of Ngati Tumu Tumu until his death which was about late 1982. His last works were the renovation of the Tumu Tumu marae at his pa. After his

death, Kepa took over the building of the marae and completed it before his death in the 1980s.

24. My father joined the army barracks at Papakura during the 1940s and he became a home guard in the army during World War Two. After the Second World War my father met my mother. Her name was Mary Ryan Oti. Her fathers tribe was Ngati Mahuta and Ngati Naho. My parents had thirteen children from their union during the 1950s. My father worked mainly driving bulldozers and tar sealing roads and we lived at Mangere. My mother worked in the Chinese gardens.
25. In 1961 we moved to West Auckland. It was a time of learning. In the 1970s we saw metal roads disappear and we saw the West Auckland motorway being tar sealed and completed. In those early 70s my father died suddenly from heart failure and we suffered a loss which totally destroyed my family's morale. Growing up in the 1970s, we saw a lot of changes living in Auckland. We saw the Springboks tour ruin our country through apartheid and the red squad run by Ross Muerant arrest many people who protested at the atrocious way in which the South Africans were being treated by the, then government under Botha. Many New Zealanders protested against the South Africans touring New Zealand and objected to there government handling of the South African people.
26. These days saw me joining the gang scene, not only for companionship but for extra security, and drinking in public bars. In the 1970s, saw the heavy handed police task force physically man handle islanders and Maori alike. The police often used racist remarks towards over stayers and Maori people and this attitude from the police often saw many Maori joining the gang scene for security reasons, such as protection from other gangs and protection from the police and harassment in the 1980s. I was an active gang member going nowhere fast. As a gang member I was often in trouble with the law and I wasn't getting anywhere.
27. In the late 1980s I left the gang scene and concentrated on becoming a father and a working man. In the 1990s I decided to research my fathers lands to see if I could manage some of it or to find it if possible. After many years of research I have found that a great many injustices have been done to my ancestors by land commissioners such as James Mackay Jnr, the then land commissioner for the government, who's only mission was to purchase land from the Hauraki tribes for the government and try to mine the lands as quick as possible for it was gold bearing lands. It was the actions of him and people like him that lead to the suffering of our family and our people.

28. In January 1887, the Native Land Court rehearing for Te Aroha opened in the Britomart barracks Auckland. The two judges that sat at the hearing of the Te Aroha case at Auckland Britomart were judge F E Manning and HAH Munro. The following April saw Ngati Haua fail to prove their title to the Te Aroha Block and the Thames tribes had a right to the certificate which they claimed. Although my ancestors had proven there case on Te Aroha the summit of Te Aroha was never returned and is still held by Telecom today for the wrongful payment made by James Mackay.
29. We as the descendants of Ngati Tumu Tumu are still without our tupuna's lands and to this day we carry the struggle which our tupuna carried and we would like some justice done fairly and the land returned to us by the government as compensation

Kia ora tatou.

OBITUARY

Maori people mourn loss of leader

Well-known Thames personality and local Maori leader Jack Tutuki died last week at the age of 75.

Mr Tutuki was a leader of the Thames Valley's Ngatitumutumu tribe and had lived in Thames for about 30 years.

He had inherited the leadership of the tribe from his father in 1923. That position now passes to his brother Keepa Tutuki.

Local Maori elder Shu Tukukino said Mr Tutuki's passing was a great loss to the Maori people.

He said Mr Tutuki had been associated with a lot of work from Thames Valley Maoris during his lifetime.

The latest project with which he was associated was the construction of new marae amenities at Te Aroha.

Mr Tutuki's funeral was held on Saturday and was attended by Maori dignitaries from all over the Waikato and Bay of Plenty.

His daughter Mrs

Karen Murphy said that many long orations in Maori praised her father for his years of work for his people.

"Relatives on his mother's side told me my father was distantly related to the Maori Queen," she said.

"While on his father's side he is a direct descendant of the first paramount chief of the Ngatitumutumu tribe which was based in Te Aroha.

"People came from everywhere over the three days his body was at the Matai Whetu Marae."

Mr Tutuki will also be known to many yachtsmen and fishermen around Thames thanks to his work as the Thames Harbourmaster.

He worked for the Thames-Coromandel District Council for a number of years in the 1970s in that position.



Jack Tutuki

support ig sale

Pa project nears end

sale all hoping to win the draw for a Toshiba Microwave oven which was being given away as an added attraction.

The lucky winner was Mrs Joan Walker of Morrinsville who, together with her husband Colin, was stunned by the news. "As soon as I saw the coupon in his hand I knew it was mine," Mrs Walker said afterwards.

Mr Ryan, who arranged a free bus from Hamilton for the occasion, described the event afterwards as 'a great day'. "We were a bit disappointed with the numbers on the bus but everything went and what we didn't sell we gave away," he said. "It was a boomer sale. We will certainly have another next year."

AFTER three years of work the meeting house of the Ngati Tumutumu is nearing completion at Tui Pa, Te Aroha.

Since commencement of the project in October 1980 much of the work has been done by Te Kepa Tutuki and his son Tangatu Tutuki with some assistance by the Piako County Council whenever heavy machinery has been required.

Progress on the final stages has been accelerated at the provision of three PEP workers during the last six months and all that remains to be done now is the completion of the kowhaha, or painting of the Maori designs on the face and inside the meeting house.

"The time could have been shortened if finance had been available," Mr Tutuki said last week. "As it is we estimated a cost of \$10,000 and it should be finished well under that."

Most of the money for the building has come from fundraising in the form of socials and raffles.

The new meeting house is built alongside the site of the former meeting house at the pa which was burnt down 51 years ago. Mr Tutuki expects the building to be complete and ready for use in late February next year.

There will be a ceremonial opening of the new meeting house when it is completed and a hangi to celebrate.



MESSRS Te Kepa and Tangatu Tutuki inside Ngati Tumutumu Meeting House at Tui Pa.