

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

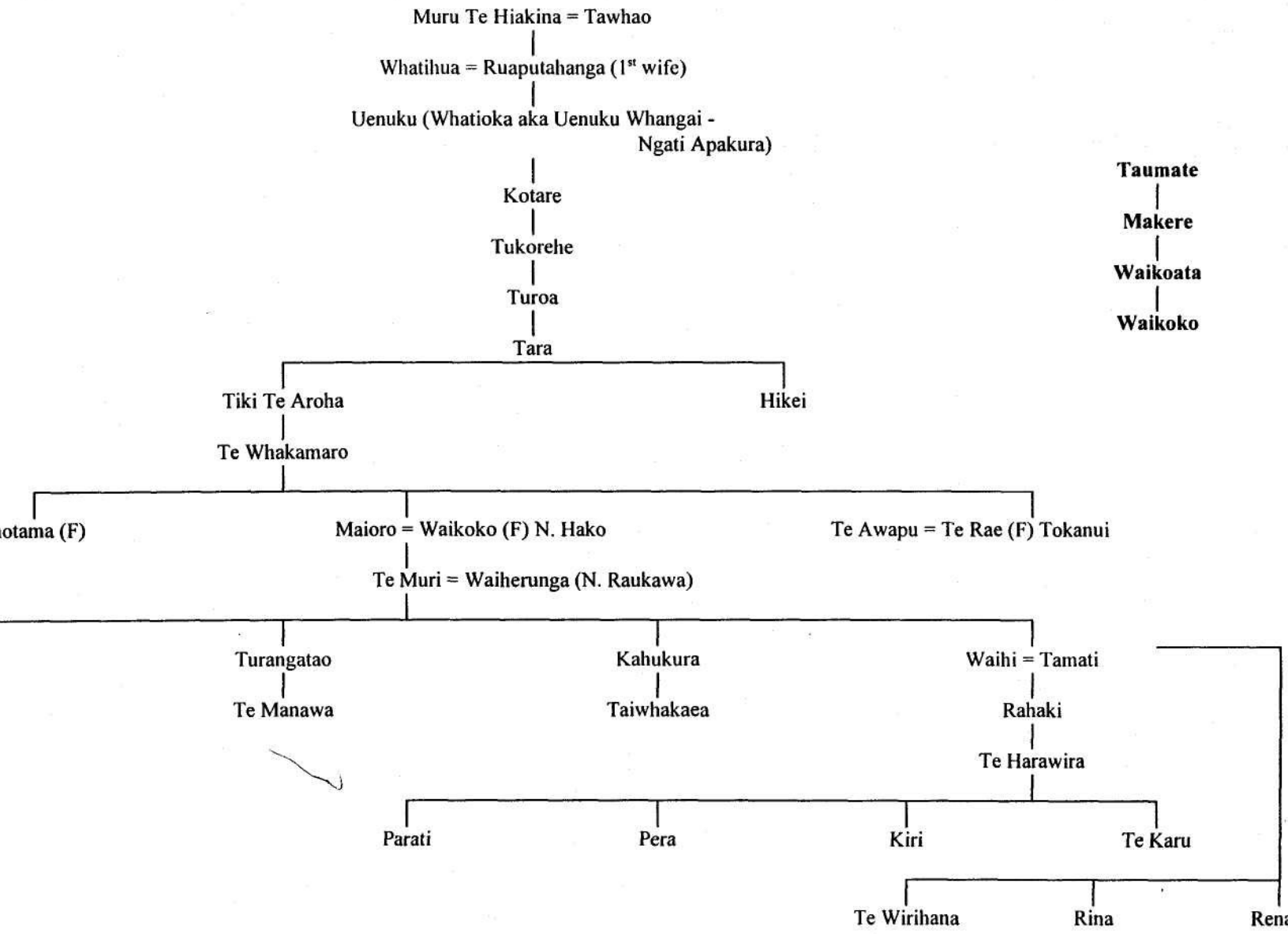
**STATEMENT OF EVIDENCE OF PANI RU PAHATA HORI KEETI ON
BEHALF OF NGATI TARA TOKANUI AND NGATI KOI**

1. My name is Pani Ru Pahata Hori Keeti. People call me Bunny Gage. I am a kaumatua of Ngati Tara Tokanui and Ngati Koi.
2. Tainui is the waka of Tara Tokanui and Tara is the tupuna.
3. Tara Tokanui is closely interlinked with Ngati Tamatera, Ngati Hako, Ngati Maru and Ngati Tawhaki. Through intermarriage we are all one.
4. I have attached the whakapapa of Tara Tokanui to my evidence. This shows that we are a Tainui Iwi through Whatihua and his first wife Ruaputahanga.

5. Whatihua's first wife was Ruaputahanga. They had a son named Whatioka. Ruaputahanga ran off back to her people in Taranaki. Whatihua chased her. She knew that Whatihua was right behind her. She wrapped up her baby, Whatioka, and left him by the creek. She knew that Whatihua would find the baby and, unable to leave him behind, would be burdened in his chase. She saw Whatihua arrive at the river and see Whatioka. But before Whatihua could pick up his child he saw a taniwha. It was the taniwha of Ruaputahanga. Whatihua realised that if he was to continue the chase for his wife he would have to carry the baby and fight the taniwha. If he lost the fight with the taniwha, he would also lose his child. So he gave up the chase and turned back. It was four more generations between Whatioka and Tara.
6. Ngati Tara Tokanui settled predominantly in the Ohinemuri area. Tara himself came originally from Mangatautari (near Cambridge). He followed Ngati Maru into Hauraki when they migrated, as they were closely related. At the time of the signing of the Treaty of Waitangi we had substantial land holdings throughout the Ohinemuri area. By 1885 we had lost virtually all of our land, from Ohinemuri right through to the Athenree gorge. Our iwi was burdened by the ruinous expenses involved in defending title to our lands in the Native Land Court. The Native Land Court did not understand our customary rights. It denied tribal ownership and the authority of our rangatira.
7. James Mackay and the other government agents were supposed to help us. Instead Mackay made loans to our tupuna to the extent that they could not pay the money back. He then took our best lands as payment for the debt. This is what we call raihana. As a result of debt we lost our Ohinemuri lands. We were moved into swamp land which had been set aside as a reserve for our people. This Ngati Koi reserve was made up of 1170 acres at Mangakiri at a place called Motukeho.
8. We were given this reserve because our tupuna were saying that they had no land left. They wanted a rahui on the sale of the land so that some could be saved for the mokopuna of the coming generation. The government put restrictions on the sale of

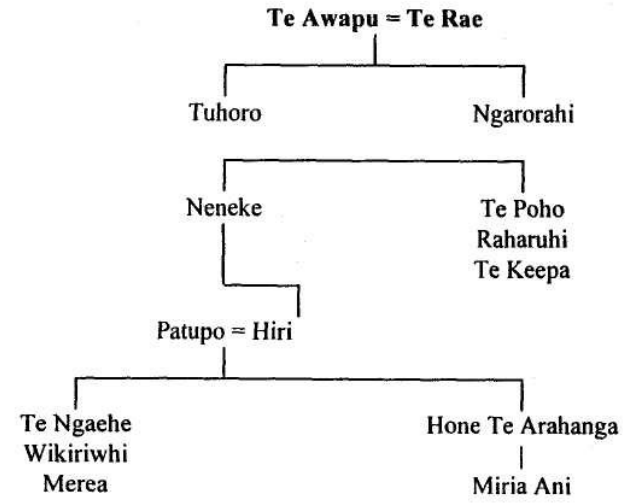
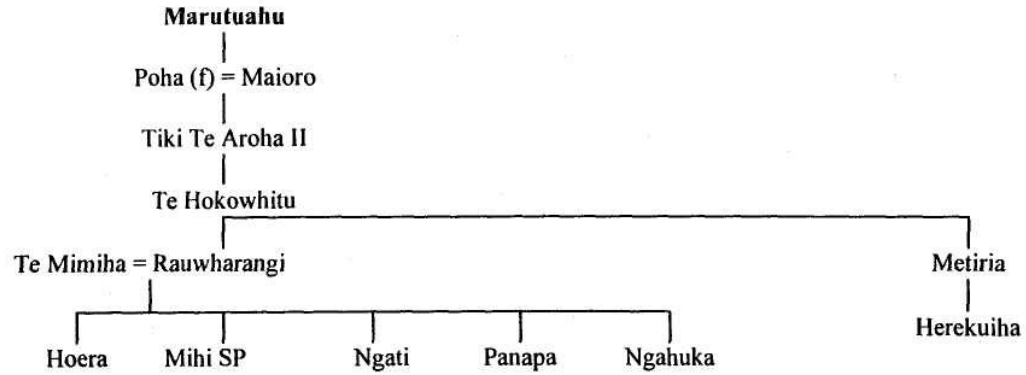
the land. Then in 1882 the government decided that it wanted the land for goldmining. The restrictions on sale were removed.

9. There were 73 names recorded on the title to this land, including my great great grandfather on my father's side and Herekiuha Muroa, my great great grandfather on my mother's side. They picked us off one by one. By the 1890's we had lost ownership of this land as well. This land is now being used as a processing plant for the Martha Hill gold mine. It is under lease from the Council. There is a long conveyor belt which transports the mining spoil from the mine to our reserve for processing.
10. When I was a young boy I remember occasions when we passed by the Ngati Koi reserve. We would stop on the road and have a karakia. I asked my mother why we stopped here. She said that it was the pa of my tupuna and that I should always pay respect. It is only recently that the pa site has been fenced off by the Council.
11. We had another 50 acres which was reserved from sale. We understood that there would be timber on the land. But when we got there, there was no wood. Also we had no legal access to the land. It was a bad deal.
12. I also attach correspondence in respect of the Ohinemuri 7A2 and 16A2 blocks which were acquired by the Crown through special legislation. I do not believe that all of the owners were compensated for that taking, but even if they were, why did the Crown have to take the land in the first place?
13. These are some of our concerns as Ngati Tara Tokanui and Ngati Koi. These concerns are in addition to the general grievances outlined in the WAI 100 claim which we also support. We hope that, with these hearings, the claims of our people will be dealt with properly and honourably. If they are not, we will just hand them on to the next generation and they will fight just as we have. I do not want that to be their inheritance.



Taumate
 |
 Makere
 |
 Waikoata
 |
 Waikoko

i Tara Tokanui & Ngati Koi-Keeti P
 Evidence



PHILLIPS & POWELL

BARRISTERS & SOLICITORS

F. L. PHILLIPS, L.L.B.
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DX 4930
P.O. Box 6
27 Maniapoto Street
OTOROHANGA

Please make appointments for interviews.

5th March 1991

Bunny Gage Esq
C/- PO
Waiomu
THAMES COAST

Dear Sir

You will remember that we discussed with you before, the situation in regard to Ohinemuri 7A2 and 16A2 Blocks. We advised you that the land had been partitioned by the Maori Land Court on the 4th October 1887 but subsequent to the partition, the lands were acquired by the Crown under Section 14 of the Native Purposes Act 1946. However, the purchase money was apparently never paid. In fact, an Act of Parliament intended to legalise the situation was passed as the Native Purposes Act 1947. Section 14 of that Act created a Trust in favour of Maori owners, the Trustee being the Waikato Maniapoto District Maori Land Board.

The whole result of the transaction is that 110 years have passed without the Maori owners being paid for their land and we believe that because we had no response to our letter of the 23rd November 1990 from the Maori Trustee at Wellington that you should now make an application to the Waitangi Tribunal for redress. Please advise whether you approve.

Yours faithfully
PHILLIPS AND POWELL

Per: 

F L Phillips

PHILLIPS & POWELL

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7th October 1991

Mr Bunny Gage
c/- Post Office
Waiomu
THAMES COAST

Dear Sir


Re: Ohinemuri 7A2 and 16A2 Blocks

We refer to your letter dated the 3rd of September 1991. We have now requested that the Maori Trustee advise us on the payment of compensation moneys for the people through whom you claim an interest in Ohinemuri 7A2 and 16A2 Blocks. We have received confirmation by the Maori Trustee that three of those owners have had compensation moneys paid out, and that the fourth owner Tuinga Te Wani was succeeded by Peter Panapa Te Wani. We have requested further information on the succession of the share of Peter Panapa Te Wani from the Maori Trustee, and will advise you in due course.

In the meantime we enclose a copy of the Maori Trustee's letter, which explains the payment of compensation moneys for your information. We look forward to your comments, if any, on that letter. Should you have any queries please do not hesitate to contact the writer.

Yours faithfully
PHILLIPS & POWELL

Per:


Mark Hornabrook

encl

Tuinga Te Wani, Account No: 1025.

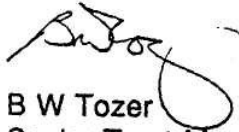
Compensation of Twenty-four pounds, Nine shillings and Four pence in respect of Ohinemuri 7A2 and Thirty-seven pounds, Sixteen shillings and Seven pence in respect of Ohinemuri 16A2 was credited to his account on the 22 August 1947. On the 17 December 1947, further compensation was received in respect of Ohinemuri 16A2 and Ohinemuri 7A2 as part successor to Te Pirihī Taha of Three pounds, Four shillings and Ten pence and Two pounds, Twelve shillings and Five pence. On the 3 February 1948, further funds were received on part succession to Waini Epiha in Ohinemuri 7A2 of Six pounds, Two shillings and Eight pence and part succession to Rihī Kahurerewai in respect of Ohinemuri 16A2 of Thirty pounds, five shillings and Three pence. On the 1 August 1949, the sum of Ten shillings was debited to his account in respect of a Court fee on the Probate of Will, and further Court fees of Five pounds, Nine shillings was debited on the 12 April 1950. On the 20 June 1950, the balance of funds held of Ninety-nine pounds, Twelve shillings, which included Nineteen shillings and Eleven pence in respect of a prior succession to Waini Epiha was transferred to Peter Panapa Te Wani as successor.

Tiaki Te Wani, Account No: 1027.

Compensation of Twenty-four pounds, Nine shillings and Four pence in respect of Ohinemuri 7A2, and Thirty-seven pounds, Sixteen shillings and Seven pence in respect of Ohinemuri 16A2, credited to his account on the 22 August 1947. The total amount of Sixty-two pounds, Five shillings and Eleven pence was paid out on the 2 October 1947, reference Post Office, Paeroa. On the 17 December 1947, further compensation was received in respect of Ohinemuri 16A2 on part succession to Te Pirihī Taha of Three pounds, Four shillings and Ten pence and Two pounds, Twelve shillings and Five pence for Ohinemuri 7A2. On the 3 February 1948, the sum of Six pounds, Two shillings and Eight pence was credited to his account in respect of Ohinemuri 7A2 on part succession to Waini Epiha and in respect of Ohinemuri 16A2 on succession to Rihī Kahurerewai the amounts involved being Six pounds, Two shillings and Eight pence and Thirty pounds, Five shillings and Three pence. The total of Forty-two pounds, Five shillings and Two pence was paid out on the 30 March 1948, reference Post Office, Paeroa.

I trust the above information is what you require to satisfy the enquiry from your clients.

Yours faithfully



B W Tozer
Senior Trust Manager
FOR MAORI TRUSTEE

WED1/26-27

BRIEF BACKGROUND

On 18 February 1875, the Ohinemuri Deed of Cession came into being.

The next step was to investigate the title of Ohinemuri to see who had claim to the various regions of land.

During the 1880's the Ohinemuri Blocks were investigated at Native Land Court sittings at Ohinemuri. The blocks were numbered 1 - 19.

Each block was partitioned, the parent block to be acquired by the Crown and the non sellers to receive the remainder of the block.

Land was set aside for Maori occupation and in some cases burial trusts were set aside within the parent block.

OHINEMURI 7 A 2

This block was originally a part of Ohinemuri No 7 containing 1123 acres.

The block was then partitioned into Ohinemuri 7 containing 966 acres, this block was acquired by the Crown.

Ohinemuri 7A containing 157 acres was vested in the non sellers :

Maraea Raharuhi X
Rato Kuao
Paora Tuiwa
Kingi Haura
Tukukino
Rangihikihiki X
Wiremu Wepiha

Huria Ani
Titiko Te Rehu
Homata Te Ahu
Waitawhi
Maraea
Tuipiriha

Partition Order under sec 31 of the Native Land Court Act 1886 dated 4 October 1887 divides the land into the following :

Ohinemuri 7 A 1 containing 103 acres to be acquired by the Crown

Ohinemuri 7 A 2 containing 54 acres to be vested in the non sellers :

Maraea Raharuhi @ Whiria X
Tuipirihi Taha
Maraea Rangihikihiki X

Henare Pakara
Wiremu Wepiha

The Partition order was incomplete in both diagram and signature.

Both the Ohinemuri 7 A 1 and Ohinemuri 7 A 2 were declared Crown land at the above Native Land Court sitting.

OHINEMURI 16 A 2

This block was originally Ohinemuri No 16 containing 812 acres.

The block was then partitioned into Ohinemuri 16 containing 195 acres this was acquired by the Crown.

&

Ohinemuri No 16 A containing 617 acres was vested in the non sellors :

Pineha Wharekawhia
Hamiora Pakeke
Te Ipu Totara
Ahiataewa
Wiremu Ngarewa
Rihi Kahurerewai
Ihipera Ruiha

Merea Kiriwaitai
Te Pirihi Taha
Tukukino Te

Miria Wikiriwhi
Wiremu Wepiha

A Partition order under sec 31 of the Native Land Court Act 1886 dated 4 October 1887 orders that :

Ohinemuri 16 A 1 containing 165 acres be declared Crown land.

&

Ohinemuri 16 A 2 containing 452 acres be vested in the following non sellors :

Rehi Kiriwaitai
Te Piriha Taha
Pineaha Te Wharekowhia
Rihi Kahurewai
Ihipera Ruiha

Wiremu Ngarewa
Hamiora Pakeke
Te Ipu Totara
Wiremu Wepiha

The partition order for Ohinemuri 16 A 2 was incomplete in regard to diagram and signature.

Ohinemuri 16 A 1 and Ohinemuri 16 A 2 were declared Crown lands at the above date.

OUTCOME

In 1945, a Report concerning Ohinemuri 7 A 2 and Ohinemuri 16 A 2 was completed by the Registrar of the Court and it was found that no alienation had taken place in respect to these two blocks of land, legally they were still Maori land. The report assumes that the original owners and successors were under the impression that their title rights were extinct.

It was apparent to the Court that legislation was necessary

to remedy the matter.

A valuation was completed by the Chief Supervisor and District Land Valuer. The land was described and their valuations given as follows :

Ohinemuri 7 A 2 containing 54 acres was valued at 315 pounds

Land described : " This area of land lies west from Waihi just outside the Borough boundary. It is mostly steep undulating country with a westerly and easterly aspect. There is no formed access. Approxiametly 29 acres of the area is unimproved, growing scrub, fern and gorse."

Ohinemuri 16 A 2 containing 452 acres and 2 roods was valued at 755 pounds

Land described : " This area of land is situated south east from Paeroa town. It is in a somewhat isolated locality. The land is practically all very steep, hilly and broken country, rising from 300 to 1500 feet above sea level. It has an easterly and westerly aspect. There is no formed access. Approxiametly 332 acres of this area is unimproved growing light Native bush of no commercial value.

Section 14 of the Native Purposes Act 1946 declares the above blocks to be Crown land as from 1 March 1879 and directs payment of moneys to the Waikato Maniapoto District Maori Land Board to be held in trust for the former owners and successors.

Succession applications were lodged by the Registrar of the Native Land Court.

Successions for Ohinemuri 16 A 2

Succession orders dated 20 March 1947 for the following deceased :

Rehi Kiriwaitai
Pineaha Te Wharekawhai
Ihipera Ruiha
Wiremu Wepiha

Succession order dated 25 March 1947 for the following deceased :

Hamiora Pakeke

Succession orders dated 9 September 1947 for the following deceased :

Rihi Kahurerewai

Te Piriha Taha

Succession order dated 10 September 1947 for the following deceased :

Epiha Ngawiki

Succession order dated 4 April 1950 for the following deceased :

Tiunga Te Wani

Successions for Ohinemuri No 7 A 2

Succession order dated 20 March 1947 for the following deceased :

Henare Pakara

Succession order dated 25 March 1947 for the following deceased :

Maraea Raharuhi @ Maraean Rangihikihiki

Succession orders dated 9 September 1947 for the following deceased :

Wiremu Wepiha
Te Pirihi Tahi

Up until November 1947 only 2 owners had drawn their monies for Ohinemuri 7 A 2.

A meeting held by the Ngati Tara Tokanui committee on 11 April 1948 passed the following motion :

" We the issue of Maraean Rangihikihiki hereby give over the interests of the deceased in Ohinemuri 7 A 2 to the Trust Board Committee of Ngati Tara Tokanui."

At a Maori Land Court sitting dated 24 June 1948 it was ordered that Keremeneta Wiriharai and Hone Te Waewae succeed to the shares of Maraean Raharuhi @ Maraean Rangihikihiki deceased.

The above being trustee and secretary respectively of the Ngati Tara Tokanui Committee.

Her shares amounted to 73 pounds payable to the successors. The money was to be used for the maintenance and improvement of Ngahutoitoi Pa.

QUESTIONS : DID THE GOVERNMENT HAVE ANY RIGHT TO DECLARE THE ABOVE, CROWN LANDS BEFORE CONSULTATION WITH THE OWNERS AND LIKELY SUCCESSORS ? THEY KNEW THAT THE LANDS WERE MAORI LAND BEFOREHAND BUT GAVE THE PRESENT [1940'S] OWNERS NO OPTION BUT TO ACCEPT THE COMPENSATION IN MONEY.

VICTORIA BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN TO ALL WHOM THESE PRESENTS SHALL COME, GREETING
VOLUME 40/70. grant under the fourth Section of the Government NATIVE LAND AND PURCHASES ACT, AMENDMENT ACT. KNOW YE THAT, FOR GOOD CONSIDERATIONS US THEREUNTO MOVING, WE FOR US OUR HEIRS AND SUCCESSORS DO HEREBY GRANT UNTO

AHENATA WIRIHANA, ARARA TERI, ANARU HAIRA, ATA HARAWIRA, HARIATA MARAKAI
HARIATA HARAWIRA, HOHI ROTA, HOAMI RAHARUHI, HEREKIUMA RETI, HEREKIUMA MURUA, HAPI REWI,
HOERA TEMIMINA, HAMIORA HAIRA, HARAI RINA, HARIATA TEMANAWA, HORI KEETI, HOANA MARARA,
HIRINI HARIATA, HORITAU POIHIPI, HOHI RAMARI, KIMOKIMO HERA, KORONEHO KOTIA,
KEREI HOHUA, KIRI HARAWIRA, MARARA MARARA, MIRIA ANI, MARAKAI RAHARUHI, MARARA
POIHIPI, MIHIREANA TEMIMINA, METERIA TAEWHAKAEA, MERE RETI, METERIA PONA, MAKARETA
TOKERAU, MAKUTU TAMATI, MOHI KORONEHO, MERE MOHI, MATENGA RAWIRI, MERE WIKIRIWHI,
MIHI MERE HARIATA, MARARA RAMARI, MARARA RAHARUHI, NGAHUKA TEMIMINA, NAHI
HAIRA, NGATO TEOHIRO, NGARERE HARIATA, PETI MARAKAI, PARATA HARAWIRA, PERA HARAWIRA,
POIHIPI HAPI, PERA REWETI, PAEA TEMIMINA, RORA MARARA, RAMARI MARARA, ROTA MERE,
REWI TEMANAWA, RENATA TAMATI, RAMARI WHAKARONGOTAI, RINA NGATAHA,
TE KARU HARAWIRA, TAKA WIRIHANA, TORI MARARA, TIMIUMA TAIWHAKAEA,
TE WATENE TAIWHAKAEA, TORO MOHI, TE OKA RETI, TIMI RETI, TERE TE
WHATANUI, TUIHANA TAEWHAKAEA, TE PAREHE HAPI, TROTIMIRIA HOERA,
TEMIMINA PAKURA, TURIWHATI POIHIPI, WIRIHARAI, WIRIHANA, WARUTAU
MOHI

POIHIPI MURI ABORIGINAL NATIVES OF NEW ZEALAND THEIR
HEIRS AND ASSIGNS, ALL THAT PARCEL OF LAND IN OUR PROVINCIAL
DISTRICT OF AUCKLAND IN OUR COLONY OF NEW ZEALAND, CONTAINING
BY ADMEASUREMENTS OF (1170) ONE THOUSAND ONE HUNDRED AND SEVENTY
ACRES MORE OR LESS AND BEING SECTIONS NUMBERS (1) AND (2) OF
BLOCK XV AND SECTION NUMBER (1) OF BLOCK XVI ON THE MAP OF THE
OHINEMURI SURVEY OF WHICH AND CALLED OR KNOWN TO THE NAME OF
THE NGATI KOI BLOCKS. SECTIONS NO. (1) OF BLOCK (XV)
CONTAINING FIFTY (50) ACRES BOUNDED TOWARDS THE EAST BY A LINE
THREE THOUSAND FOUR HUNDRED AND FORTY SIX (3446) LINKS TOWARDS
THE SOUTH BY ALLOTMENT NUMBER THREE (3) (A) OF THE OHINEMURI
AGRICULTURAL LEASES, ONE THOUSAND EIGHT HUNDRED AND NINETEEN
LINKS (1819) TOWARDS THE WEST BY A LINE, (2052) TWO THOUSAND
AND FIFTY TWO LINKS AND TOWARDS THE THE NORTH WEST BY A LINE
TWO THOUSAND TWO HUNDRED AND NINETY TWO LINKS (2,292)
SECTION NUMBER TWO OF BLOCK (XV) AND SECTION NUMBER (1) OF
BLOCK (XVI) CONTAINING ONE THOUSAND ONE HUNDRED AND TWENTY
ACRES (1,120). BOUNDED TOWARDS THE NORTH BY THE OHINEMURI RIVER
AND A LINE, TWELVE THOUSAND SEVEN HUNDRED AND SEVENTY FIVE

LINKS (12,775) TOWARDS THE EAST BY A LINE SEVEN THOUSAND
EIGHT HUNDRED AND TWENTY FIVE LINKS (7,825) TOWARDS THE
SOUTH BY A LINE THE CROSSING OF A ROAD ONE HUNDRED LINKS
(100) WIDE AND BY LINES NINETEEN THOUSAND FOUR HUNDRED AND
SEVENTY THREE LINKS (19,473) AND NINE HUNDRED AND FORTY SIX
LINKS (946) AND TOWARDS THE WEST AND NORTH WEST BY THE
OHINEMURI RIVER AFORESAID BY LINES TWO THOUSAND FOUR
HUNDRED AND EIGHTY LINKS (2,480), AND EIGHT HUNDRED AND
SEVENTY FOUR LINKS (874) AND BY THE OHINEMURI RIVER AFORESAID
BE ALL THE AFORESAID LINKAGES MORE OR LESS AS THE SAME IS DELI
NEATED ON THE PLAN DRAWN IN THE MARGIN HEREOF WITH ALL THE
RINGS AND APPURTENANCES THERE TO BELONGING TO HOLD UNTO THE

SAID, AHENATA WIRIHANA, ARARA TERI, ANARU HAIRA, ATA HARAWIRA,
HARIATA MARAKAI, HARIATA HARAWIRA, HOHI ROTA, HOAMI RAHARUHI,
HEREKIUMA RETI, HEREKIUMA MURUA, HAPI REWI, HOERA TEMIMINA,
HAMIORA HAIRA, HARAI RINA, HARIATA TEMANAWA, HORI KEETI,
HOANA MARARA, HIRINI HARIATA, HORITAU POIHIPI, HOHI RAMARI,
KIMOKIMO HERA, KORONEHO KOTIA, KEREI HOHUA, KIRI HARAWIRA,
MARARA MARARA, MIRIA ANI, MARAKAI RAHARUHI, MARARA POIHIPI,
MIHIREANA TEMIMINA, METERIA TAIWHAKAEA, MERE RETI, METERIA
PONA, MAKARETA TOKERAU, MAKUTU TAMATI, MOHI KORONEHO,
MERE MOHI, MATENGA RAWIRI, MERE WIKIRIWHI, MIHI MERE HARIATA,
MARARA RAMARI, MARARA RAHARUHI, NGAHUKA TEMIMINA, NAHI HAIRA,
NGATO TEOHIRO, NGARERE HARIATA, PETI MARAKAI, PARATA HARAWIRA,
PERA HARAWIRA, POIHIPI HOHUA, PERA REWETI, PAEA TEMIMINA, RORA MARARA,
RAMARI MARARA, ROTA MERE, REWI TEMANAWA, RENATA TAMATI, RAMARI WHAKARONGOTAI,
RINA NGATAHA, TE KARU HARAWIRA, TAKA WIRIHANA, TORI MARARA, TIMIUMA TAIWHAKAEA,
TE WATENE TAIWHAKAEA, TORO MOHI, TE OKA RETI, TIMI RETI, TERE TEMATANUI, TUIHANA
TAIWHAKAEA, TE PAREHE HAPI, TROTIMIRIA HOERA, TEMIMINA PAKURA, TURIWHATI POIHIPI,
WIRIHARAI WIRIHANA, and WARUTAU MOHI, THEIR HEIRS AND ASSIGNS FOR EVER as from
the twenty eighth (28) day of July one thousand eight hundred and eighty
(1880) provided however that the said land hereby granted shall be inalienable
except with the previous consent of the OWNERS by sale or by mortgage or
by lease reserving the right of laying out and making public Roads in
through and over the said land hereby granted.

MARUTEHIKINA = TAWHAO = PUNUIATEKORÉ

WHATIHUA = RUAPUTAHANGA

TUHATU

WHATIOKA

(Aias Uenukuwhangai Uenukuwhangai)

HOTUNUI

KOTARE

MARUTUAMU

TUKOREHE

TUROA

TARA

TIKITEARONA

HIKEI

WHAKAMARO

MAIRO = WAIKOKO

TEANAU = TERAE

(F)

NIHOTORO = Poro Poro

TEMURI = WAIHERUNGA (F)

NAWENAWÉ NI.

TURANGATAO

KAHUKURA

WAIHI

The story of whatioka:
(how he became uenukuwhangai)

Apakura, (second wife of whatihua) decided to adopt uenuku whatioka and she gave him the name uenukuwhangai, she also bestowed her tribal title of Ngati Apakura on him.