

**BEFORE THE WAITANGI TRIBUNAL
TE ROOPU WHAKAMANA I
TE TIRITI O WAITANGI**

WAI 970

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Hauraki Inquiry District

AND

IN THE MATTER of a claim by **Florence Te Paea Watene Gurnick; Mita Eparaima Watene; Billy Wi Te Koha Williams; Bill Wiremu Te Moananui; Ropata Te Wharetoitoi Rare; Harata McCaskill Williams; Toi Te Akeake and Aporo Hikitapua Reedy** on behalf of themselves and all the descendant whanau and hapu and the constituent whanau and hapu of the ancestor **TAMATEPO** of the **MARUTUUAHU TRIBAL CONFEDERATION**

**BRIEF OF EVIDENCE
OF DANIEL ALEXANDER BENSON
Dated June 2002**

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1. My full name is **DANIEL ALEXANDER BENSON**. I was born in Taupo. My mother was buried there when I was three years of age. She was Columbian. Her name was **CAROLYN YOUNG**.
2. My father is **ALLEN MAX BENSON**. He was born in Wanganui. I was raised in Te Puke by a mix of my father's six wives, one of which was his first cousin whose name was **AUDREY JOHNS**, through an arranged family marriage. The rest of the time I was raised by my grandmother **DAPHNE BIDDLE**. She married **ALLEN BENSON**.
3. My grandmother's mother was **MARY HARATA TOOKY**. She was born in Thames. Her first husband was **JAMES MALLISTER**. She raised my grandmother on Oparia Pa. My great grandmother's father was **DANIEL TOOKY**. He was a gold miner and timber merchant in Thames. He married three of Te Matahau's daughters. One was my great grandmother's mother, **HARATA TE MATAHAU**. Harata is buried in Paeroa and Mary is buried in Shortland cemetery.
4. If you refer to the **Appendix 1** you will see the Matahau's whakapapa. As you can see by this whakapapa, he is under the umbrella of Marutuuahu tribal group. His main line is Ngati Maru. All through he does whakapapa back to the rest of the group as well. His waka is Tainui, but can whakapapa back to others as can be said for most Maori, since we are all one people.
5. My claim is not a racial claim as we now descend from many races, and would not deny any one the right to live in this paradise you call New Zealand, or we call Aotearoa. Instead, I stand here today to voice a grievance against the Crown, a Government system that has now and forever practised racial injustices in the interest of monetary and land gain. We naively trusted you with your knowledge and technology as a sheep trusts a shepherd, but our partnership has not been a good one. We must now look back to right the wrongs of the past or our precious Aotearoa will be torn in two.
6. Now, I would like to share a story that takes place in Te Matahu, which shows how this system of yours has affected my family, in the hopes that none of our descendants or my children will have to experience the kind of hell some of us

have lived.

7. Te Matahau is a man of Mana, large in stature and in life. He fought against the Crown in Taranaki, Waikato and in Hauraki where he never gave up that fight, even when living in the Hauraki. He was hunted by the Crown.
8. The fight was not for land or money. He fought for a way of life, Tikanga, his wairua, his right to lead his people. These things are covered by the Treaty, and even in Te Matahau's time, the Crown was trying to take those rights away. The way of life that makes up the essence of what and who we are.
9. You can not tear out the heart of someone and still expect their blood to flow. That blood flows through our veins and down through the ages of time. In our death it goes into the ground and lives on in a never-ending food chain. That is our tie to this land and everything on it, in it, over it and surrounding it.
10. These lands are ours. It only takes a small bit of blood to feel for these things. We can share our lands, but we cannot share the knowing of what we are, and this very knowing is what we are being denied.
11. Te Matahau's son tried to show these things in the land courts, a system designed by the Crown to divide tribal lands into a way the Crown could comprehend, a way of ownership, for we in our knowledge, know we cannot own something that is greater in mana than ourselves. But still we tried to fight with your Crown and lost. You gave us a system of ownership which cannot fit with our system of Tatou, Tatou.
12. If you go to the appendices you will see that when we had children with the people you rule over, we thought that because we had a Treaty we would be equal. But even then, the inequalities of our circumstances show its ugly head. For instance, the burning of one of our children on a fire by her white stepfather who, after burning her, rubbed kerosene on her burns, saying in Court he thought it was the right thing to do. He was convicted and given a mere six months for the crime. His mother took the child from the mother who loved her. There was no-one to go to that would listen to the cries of that mother. It was ninety years before we found this child again, ninety years of pain. That may have been the first time the Crown allowed the theft of one of our most sacred Tamaiti, but not the last. ***We lost five more children.***

13. With the death of the European father the European grandmother moved off the Pa and took the children and placed them in your orphanages, because, despite having the good Pa and strong family structure, the Pa Maori, were not good enough according to your way of measuring things. *So much for the Treaty and what it means.*
14. It was Peter Grace, the grandson of Te Matahau and only surviving son of Mataku Matahau, who was mother of 24 children (what happened to our health? How did she lose so many?) that first made the decision to move from the Pa. His reason was no education for his children. Without this, they could not be a part of a European world. He did not want his children to lose what he saw his family lose. What he did not see is what I see today when looking for who I am.
15. I found a family once strong with mana and wairua, ripped apart piece by piece, their heart had just about stopped pumping. I found family just like me, fighting against a Crown system. They do not understand why or what they feel for these things, they can only learn when they comeback and unfortunately, for most of us it is only after the Crown can't handle them in jails and systems, that they end up sending them back to us.
16. My family has suffered abuse, beatings, and humiliation. Most of this is due to not understanding something inside of us. A deep connection to a past we had lost but were promised we could keep by a Treaty that was trusted by so few. We recognise that we were to blame for some things. The biggest thing of all though, is giving up the fight,
17. For in one hundred years, we have let our own family believe that they do not belong and yet out of a total of twenty two hundred and thirty two descendants of Te Matahau over four hundred paid for the chance to find their roots.
18. The colonisation process has been a disaster for the families of Matahau. The social impact of trying to fit in and find a place of belonging on their own whenua has caused the loss of everything they ever had, their very way of existence having been changed. They no longer have their language, their

close family ties, their mana Maori. They now wander all around this country of ours trying to fit in.

19. Most of the family of Te Matahau is listed in **Appendix 3**. **Appendix 4** is not for public record and is a general look at part of this family's early life. **Appendix 5** will show our land connection to this area.
20. The base for this great family's destruction starts right back in time in 1835, when the foundation of this country's legal base was laid down, **Appendix 6**. It was added to by the Tiriti o Waitangi which was a partnership signed by two countries on the 6 February 1840, **Appendix 7**. The two Tiriti had different meanings but only one had 500 signatures making it the legal base.
21. From there we tried to fit in as a native people. Then the Crown and local Government made a grave mistake in drawing up a constitution (**AJHR 1860 E7**) **Appendix 8**, without including their Tiriti partners. They were informed of this mistake by Chichester Fortescu in the House of Commons on the 11 th April, 1861.
22. Then you took away our right to vote to change laws that affect us as a people, because we lived on common land that we did not own (you say) by title of your Crown reference to the 5th Duke of Newcastle Secretary of State for Colonies 1857-58, 1859-65.
23. Even back in that time this country was politically in trouble. The lack of good education as stated by John Eldon Gorst, **Appendix 9**. The lack of a legal Government of both Tiriti partners, made the state of the country go from bad to worse.
24. The Maori people set up the Kingitanga movement to try to stall their political demise in 1857, Te Matahau playing his part in 1860.
25. Your Crown went to Hauraki in search of gold to solve the state of economic depression in Auckland and you did whatever you had to do, without thought or consideration of my people, the Tangata Whenua of these lands, which you walked all over for the sake of greed. This was headed by James Mackay, all

he had to do was find one of us that was greedy, and there in his own words he

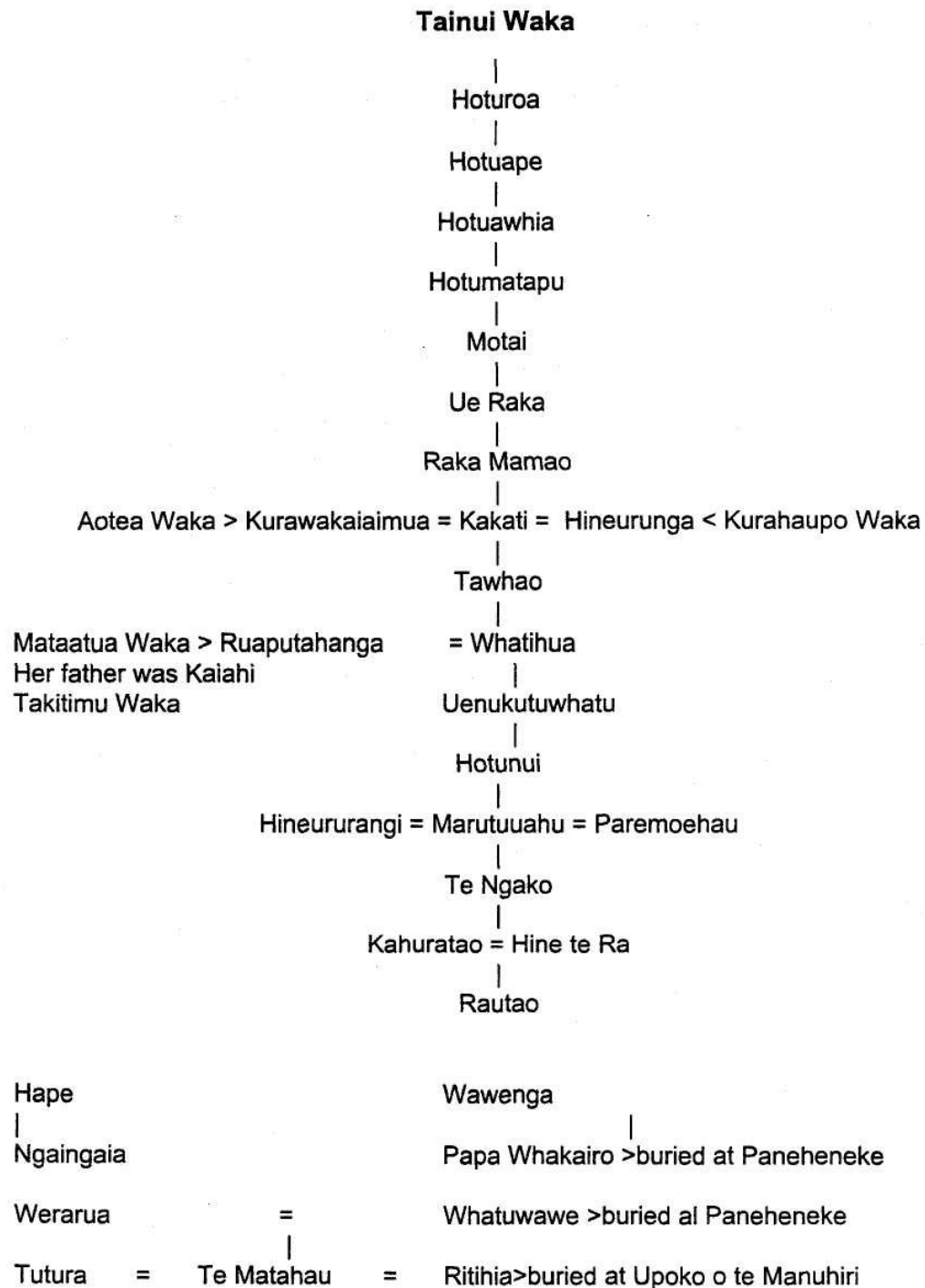
describes what happened, "Quietly putting in my wedges and letting them draw" **(29th Nov, 1868-Mackay to Rolleston)**. This undermined tribal authority. Remember that these Gold-fields were under the responsibility of the Auckland provincial Government since January 1865 and this is where the money to set up came from. The field was opened 1st August, 1867 and they agreed to lease on the 27th July, 1865. As if this was not enough for them, they exploited our people as well, **(refer AJHR 1869A-17 PG. 9) Appendix 10** . By 1868, his efforts of expansion of the gold fields had stopped. By 1871 Thames was the fifth largest town in New Zealand and in 1868 you changed the law to suit, your Crown and Government again, without your Tiriti partner with the (Gold-fields Act Amendment- Act 1868 breaching the original arrangements of less. **Refer to Mackay report 27 July 169 AJHR Appendix 11.**

26. When the Crown wanted to mine our sea beds where we collected Kai Moana., you just made a bill to suit, being the Thames Sea Beach Bill 1869, and after we objected you changed that bill only to take it off us in 1870 in the Native Land Courts, even after the peoples exclusive possession had been proven..
27. The sicknesses suffered by the people of Marutuuahu are the result of the Crown slamming ten thousand people into the midst of almost an exclusive indigenous region in less than a year in trying to save the Crowns Colony. **It just about decimated ours.**
28. Remembering that in 1903, Governor Grey went to war against the Kingites which Te Matahau was part of. Grey sent in his converted steam ships and cutters to lob mortar bombs on what were known as the Rebel Kingites. Te Matahau lived at Piako when the mass force of Ngati Paoa and Ngati Whanaunga attacked "Cameron's" supply lines in the first battles of the Waikato. Hauraki iwi lost two hundred thousand acres in confiscation as a people for our part in this war and yet 'what option did we have?', the HMTB claimed.
- 29 Our Tiriti partner would not hear our cries for help and still even right up to this day do not recognise their wrong doings. The fact that the Crown set up and runs the HMTB to investigate crimes against itself is a joke. What happened to the people's say? Is this not our place? Is it not ourselves that have been harmed?

30. The Crown should sort out the political wrong doings of this country. Without that, we the tangata Whenua will be accused of being greedy for claiming what is rightfully ours to claim. The Crown seems to be taking full advantage of this fact to further divide our races, as the Crown agents get rewarded and the victims of these crimes continue to suffer losses.
31. **What the future would hold if our people had got what was offered to them - hence what we have claimed for as this is the only way to ensure the survival of our people.**
- 31.1 Shifting our people out of low class suburbia, back into tribal areas will ease the burden NZ is currently facing such as Roothing, sewerage, and power to our main cities. This would create a drop in expenditure.
- 31.2 People can seek out the resources available to all today eg. Community gardens, mud brick housing, alternative power supplies and general maintenance would be done by our people of all ages currently unemployed.
- 31.3 Our youth's community values would flourish, creating a 'rippling effect' seeing them work in their communities and this work force would spread out, their tax bases would be seen going into their area.
- 31.4 This would mean, gone are the days of our youth sitting around, breathing precious air, drinking alcohol and giving into substance abuse because they are bored, this boredom being a created feeling, shielding the fact of no presence of self identity.
- 31.5 This stolen identity needs to be given back and balance and harmony shall come into place creating a community rich in knowledge, so as to provide ourselves with basic needs - produce of gardens etc. The community would drop the expenditure of the basic household and excess produce being sent to local markets and other avenues, again creating work and also the recognition that we are a race consistent in Tikanga, Kaupapa Maori in all that we do.

- 31.6 We would live a healthier way of life, thus in return, bringing a reduction to our medical needs, combined with the fact that healthy food, less alcohol and drug consumption, we would halve the cost of medical care.
- 31.7 Happier people, healthier people, no matter what their ethnicity, combined with the increase of trade and although the tax base would be smaller, the Government would make more money. Sometimes we need to step back to go forward, yet imagine the drop in crime.
- 31.8 Bring back our people and make us one in our tribal identities. Let us live in the peace that we have fought so hard to gain, and in doing so, we protect our youth, nurturing them today, so that tomorrow they can reflect the work of their forefathers, enabling them to stand in the shadow of their Tipuna, proud to have finally come full circle.

APPENDIX 1



APPENDIX 2

Proclamation and Declaration of Tino Rangatiratanga Acknowledging the Legal Status of Te Matahau - Hapu of Marutuuahu 0 Hauraki ki Tikapa Moana

1. The time has come to make known to the Waitangi Claims Tribunal and all Crown enterprise of New Zealand that Te Matahau is a hapu of Marutuuahu 0 Hauraki ki Tikapa Moana, bird life, wildlife, all minerals above and below the land and sea, all sea and foreshores and docking, and air space.
2. We claim all lands, structures and buildings including those illegally built on our lands.
3. We claim all forests according to the territorial boundaries of Te Matahau and we claim all roads, rivers, lakes and waterways.
4. We claim all compensation monies due to Te Matahau through illegal laws and acts of the Crown, with interest.
5. We claim all state owned enterprises, courier services utilities and communication networks ie: telecom illegally and unlawfully obtained and sold to multinational interests.
6. We claim invasion of our intellectual property.
7. As part of Maori sovereignty of Marutuuahu 0 Hauraki ki Tikapa Moana, we also claim our part of the right to govern as we see fit according to The Declaration of Independence 1835 as well as the Tiriti 0 Waitangi in 1840.
8. We also claim our right to be part of the development of a legal Constitution of New Zealand.

Disclaimer

We claim the right of the people of Te Matahau, not to be represented or controlled by the Crown or Agents of the Crown and demand all documents and sundries etc. held pertaining to Matahau, to be handed back to the descendants of Marutuuahu.