

**IN THE WAITANGI TRIBUNAL**  
**OF NEW ZEALAND**

**WAI 2561**  
**WAI 2337**  
**WAI 1248**

**IN THE MATTER OF**

the Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF**

The Ngati Wai Trust Board  
Deed of Mandate Urgency  
Applications

**AND**

**IN THE MATTER OF**

a claim made by Marina  
Fletcher for an on behalf of Te  
Parawhau Claims in Whangarei

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**BRIEF OF EVIDENCE OF MARINA FLETCHER**

**DATED THIS**

**DAY OF SEPTEMBER 2016**

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I Marina Molly Fletcher, retired, of Waimauku, state:

1. My name is Marina Molly Fletcher. I am a claimant for Te Parawhau under Wai 1248, Wai 2337, and Wai 688. This brief of evidence is filed in reply to the evidence of Kristan John MacDonald dated 12 September 2016.
2. This evidence supplements the evidence filed in my affidavit of February 2016 (Wai 2561 #A47) and expands on one key point that I wish to focus on, that is the distorted claims of any rights through whakapapa or otherwise of Ngatiwai in and around Whangarei. I have focused on the southern Whangarei area in particular as the NTB continue to claim their affiliation with Patuharakeke gives them interests there.
3. My evidence also addresses the fundamental flaw in the claimant definition of the NTB DoM and goes to the heart of the Tribunals Statement of Issues, **Q 1: How did the Crown require the NTB to demonstrate support and consent for their deed of mandate? To what extent if any was that support and consent shown?**
4. Given both Te Parawhau are named as an affiliated hapu and Te Patuharakeke are named as a hapu that falls within the DoM, the Crown would need to require demonstrated support and consent from both of these hapu. It did not. We of Te Parawhau were never asked for our support and never gave our consent.
5. Te Parawhau hapu are opposed to any organization that challenges the mana and rangatiratanga of its people to its resources without our blessing. Had we been asked for our support, our position is very clear. Ngatiwai have no business in claiming anything in the Whangarei harbor area, particularly southern Whangarei and therefore we could and would never support the NTB holding a mandate that affects our rohe, lands, people, resources and settlement interests.
6. Further, Patuharakeke is a hapu of Te Parawhau and therefore Te Parawhau rights and interests are directly affected by Ngatiwai's claim that Patuharakeke can or are represented by the NTB's mandate to settle their claims. To be clear Te Parawhau recognise Patuharakeke's rights to speak for themselves, and support their stance in opposition to the Ngatiwai mandate. This evidence is intended to assist Te Patuharakeke in their direct endeavors in this regard.

## Whakapapa to the Lands of Takahiwai, Ruakaka and Southern Whangarei Generally

7. I would like to bring to the Tribunals attention several main points that I will explain in more detail below before addressing the evidence of the NTB.
  
8. The lands at Takahiwai down to Ruakaka and neighboring blocks have their proprietorship genesis in the ancient Ngaitahuhu people. At Takahiwai and Ruakaka, we are Ngaitahuhu but more specifically Ngati Ruangaio and Ngati Tu but more recently identify as Patuharakeke, and Te Parawhau. In these locations our main whakapapa descent lines are:
  - Firstly from, Pae and Weku, twin daughters of Te Raki, descendants of Ngaitahuhu - the original proprietors.
  - Secondly from the half brother of Pae and Weku, Te Raraku, whose mother was Pare from the Ngati Rongo hapu of Ngati Whatua. Te Raraku claimed his rights in Ruakaka as gifted to him from Te Kahore, husband of Pae and Weku.
  - Thirdly Te Kahore, who married Pae and Weku and claimed rights in Whangarei southwest through either conquest or gifts from Pae (his wife). Te Kahore was the son of the Ngapuhi (Ruangaio) chief Ponaharakeke, who arranged peace with Ngai Tahu through the marriage alliance of his son Te Kahore and Pae of Ngai Tahu..
  - Some Patuharakeke people affiliate to Ngatiwai through whakapapa connections to Whangaruru or other parts of Ngatiwai that make them Ngatiwai but this should not be confused with Ngatiwai having rights in Takahiwai.
  
9. The NTB Hapu response report states that Te Patu Harakeke history is as follows:

*Te Patu Harakeke are largely at Takahiwai and Ruakaka and are named after the killing of Te Taotahi in a grove of harakeke flax. Te Taotahi was married to Te Aoheiwai of Ngatiwai.*

*This hapu has well described its affiliations to the Nga hapu of Whangarei of Ngapuhi, Ngati Whatua, Ngai Tahu and Ngati Wai itself. Most importantly Patuharakeke share Ngati Manaia and Ngai Tahu descent with the other hapu of Ngati Wai. A particularly important link between Te Patu Harakeke and Ngatiwai whanui comes descent from Manaia II and his great mokopuna Te Rangapu, who was a sister of the Ngatiwai ariki Te Rangihokaia.*

*There are also elements of Te Patu Harakeke that affiliate to Ngati Whatua O Orakei, neighbours Te Uri O Hau, and Whangarei chiefs such as Te Hono, Tirirau<sup>1</sup> II and others. Ngatiwai Trust Board seeks to represent those families of Te Patu Harakeke that descend from Ngati Manaia, in particular descendants of Te Rangapu. Ngatiwai representation for Te Patu Harakeke and Te Koiwi has been through Takahiwai Marae.*

10. I have an issue with this basis for Ngatiwai interests in Takahiwai and Ruakaka on behalf of Te Patuharakeke on several levels, which I will address in turn.

### **Killing of Te Taotahi**

11. The claim that Te Patuharakeke are named after the killing of Te Taotahi in a grove of harakeke flax, is not what we have been brought up with in our oral histories. I don't believe the Taotahi known to have been killed in the flax swamp and Taotahi that Ngatiwai claim from are one and the same people. I understand that they must be different people because, our oral traditions say that the person who was killed in a flax swamp was a baby, and the child of a rangatira who was being removed from Takahiwai to the safety of the Kaipara but on the way the enemy caught up to them and rather than have the baby captured and killed (or worse) by the enemy, his guardians trampled him in the flax. It was this incident that gave rise to the naming of Te Patuharakeke. We understand the name began to be used in the mid-late 1700's.

12. The other Taotahi (if indeed the baby was named Taotahi) was an adult, referred to by NTB as being married. I know that he is also recorded in Native Land Court records as being a father and grandfather so was definitely not a baby that had been killed at a young age.

13. Further to this, the history shows that Taotahi signed a deed of sale for Whangarei heads to Brown and Campbell and signed this deed in the Bay of Islands in the 1830's. Again given he was living in the 1830's and was transacting land with settlers he cannot be the person whose death gave rise to the name Patuharakeke.

14. It is notable that Pickmere<sup>2</sup> records that Mair bought from a chief called Te Tao - of a hapu related to the coastal people, Ngati Wai - the whole of the Whangarei Heads peninsula from a line running from McLeods Bay to the outer coast (supposedly 10,000 acres). She states Te Tao and Te Taotahi are one and the same people, she also states he is from a hapu related to Ngatiwai but does not identify him as being Ngatiwai. This transaction referred to above was later disallowed by the Old Land Claims Commission. It wasn't recognised as a legitimate transaction. His claim of a

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<sup>1</sup> These tupuna names have been misspelt and should be Hona Te Horo Motutara (aka Hona Te Horo) and Tirirau

<sup>2</sup> Pickmere p26



18. There is no suggestion that these lines apart from a remote Ngai Tahu common ancestry were ever Ngatiwai. The NTB identify as the eponymous ancestor of Ngati Tu the son of Tahuhuniorangi, Tu, who is in turn the grandfather of Tuhukea.<sup>5</sup> All of this is set out in the confidential documents recently received in the draft claimant definition under the heading Te Kapotai. Again, whether Ngati Tu descends from Tu (whom we identify as Tuauahiroa) or Tuhukea (his grandson) the relationship to Ngatiwai is remote. As you come through the generations from Tu to Tuhukea two of his descendants Te Ika Kukupa and Tirarau Kukupa held a very large domain. The intermarriages with Ruatangihia and into Ngati Ruangaio locates the mana of these descendants with the recognised people of Whangarei and rangatira of more recent times (by 1840 up to today) among them, Tirarau, Motutara, and Te Pirihi and Mate whom are not Ngatiwai in this region. These rangatira lines and their hapu have held the mana for Whangarei, and southern Whangarei.

19. The above whakapapa (at para 17) is consistent with the whakapapa given by Wiki Te Pirihi in the Pukekauri case<sup>6</sup> (set out below), but the above extends it back further to show the Ngai Tu origin these rights stem from.

Motatau (m)  
Taotahi (m)  
Te Whakariki (m)  
Te Pirihi (m)  
Wiki Pirihi (m)

20. On another line from Tuhukea comes intermarriage with the Ngati Ruangaio, whom are also the early peoples of Whangarei harbour environs.

- i. Tuhukea (another marriage)
- ii. Te Ngutu
- iii. Te Arakopeka = Whareangiangi
- iv. Te Ika o te awa = **Ruangaio** (uri o Tamangana brother of Hineamaru)

21. A wider Ngati Ruangaio whakapapa is also set out in my earlier evidence of February 2016<sup>7</sup> and that evidence provides a broader history of the peoples of Whangarei.

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<sup>5</sup> See, Wai 2561 #A 88 specifically the Ngati Wai Claimant definition (Draft 6, 21 March 2014)

<sup>6</sup> WMB 2: 341 – 352, Pukekauri Block, 8 November 1883

<sup>7</sup> Wai 2561 #A47 at paragraph 55

22. In summary however, the wider convergence of these whakapapa from Kokako and Ruatangihia demonstrates the relationships between many of the key rangatira recognised as the mana in Whangarei and south.

**Kokako = Ruatangihia begat:**

Nehe<sup>8</sup>, Hakiki, Uhinga, and Rape

**From Hakiki descends:**

Tuatara

Whatu

Toka Tutahi (Tiakariri's son in law who married his daughter Kiriwera)

Rimi Tutahi

Rata Rimi

The Hakiki descendants are recognised as The Uri o Te Tangata hapu of Parawhau, Ngapuhi. Their lands can be found at Otaika and Toetoe

**From Uhinga = Te Tawhiro comes the children:**

Te Tokaitawhia, Tirarau I, Tahuhu

**From Tokaitawhia = Haumu comes**

Kukupu married 3 sisters Whitiao, Taupaki, Hauauru, who are all the daughters of Ngai Tahuu rangatira Tuwhakatere.

These relationships begat at least the 10 children:

Ipuwhakatara, Te Ihi, Koke, Tirarau II, Tawera, Wipou, Tamaroa, Taurau, Matengahere, Tiakiriri.

**From Tirarau I descends:**

Rangipou

Te Iwitahi

Manihera

Renata Manihera & ors

**From Tahuhu Descends:**

Te Apatunga, Hihi, Huipute, Papa and Whakakati

23. The descendants of Pona Harakeke adopted the name Te Parawhau following the killing of Tirarau I. Tirarau went to avenge the killing of his matua Ponaharakeke. The name Te Parawhau did not take prominence until this era. Before they were Te Parawhau, they were Ngati Ruangaio of Ngapuhi and Ngai Tahuu. Te Parawhau always retained and acknowledge our Ngai Tahuu heritage. The convergence of Ruangaio and Ngai Tahuu manifest in today's terms in Whangarei as Te Parawhau.

### **Interests on the Land in South Whangarei**

24. I also provide at appendix "A" relevant extracts from various Crown Purchases and Native Land Court hearings which not only identifies the whakapapa lines relied on as the basis for interests in Takahiwai and other lands south of the harbor, but also sets out whose lands they were recognised to be, or who the principal people involved were, whom we have identified as belonging to one or other hapu. To briefly summarise:

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<sup>8</sup> Nehe's descendants<sup>8</sup> (from his first wife) we have already identified above.

Land Block	Record	Hapu Group(s) identified
Takahiwai	Crown Purchase Deed	Ngati Tu and Patuharakeke
Poupouwhenua	Crown Purchase Deed	Parawhau
Ruakaka	Crown Purchase Deed	Te Parawhau.
Waipu No 1. Waipu No 2. And Mangawhai	Crown Purchase Deed	Ngai Tahu Ngati Poro, Te Patukai, Ngati Tu, Parawhau. Tirarau was the chief of Ngati Poro, Te Patukai and Ngati Tu <sup>9</sup> as well as Te Parawhau and Ngai Tahu, but these different hapu have distinct whakapapa and interests
Kopuawaiwaha	Native Land Court MB	Ngai Tahu
Mangawhati	Native Land Court MB	Ngati Tu
Te Mata	Native Land Court MB	Patuharakeke and Te Kumutu. The principal tribe is Whanaupani all recognised as, and grant for Ngai Tahu
Pokapu Waiorehua	Native Land Court MB	Ngai Tahu
Pukekauri	Native Land Court MB	Patuharakeke, hapu of Parawhau Ngapuhi and Ngatiwharepaia tribe of Te Parawhau all recognised as Ngai Tahu
Mangapai Paina	Native Land Court MB	Ngai Tahu

25. What it explains in my view is that the rights and interests recognised in this geographic area and claimed by the people on the ground are Ngai Tahu, Ngati Tu, Te Patuharakeke and Te Parawhau but there is no Ngatiwai mana whenua.

26. At best, what can be concluded is that there is remote affiliations amongst the peoples but these affiliations do not give Ngatiwai any land interests in the area.

### **The claim that Te Patu Harakeke and Ngatiwai are linked through Te Rangapu**

27. The NTB claim the great mokopuna of Manaia II is Te Rangapu and it is through Te Rangapu that Te Patu Harakeke and Ngatiwai are linked. This is a very ancient link based on relationships that are so rooted in the ancient past that they bear little relevance to the people on the ground today and ignores the more recent history that gives rise to the rights of the people.

<sup>9</sup> I can elaborate on how these hapu fit under the mana of Te Tirarau if it is required

28. The NTB bases their claim to Te Patuharakeke from descent from Te Rangapu through to Tauhou Aoripo 7 generations later who marries Wiki Pirihi.<sup>10</sup> Obviously this is a different marriage as the one between Taotahi and Aoheiwā. The relevant history immediately before and after Te Tiriti shows that those people that Ngatiwai claim as theirs (through this marriage) such as Te Pirihi and his line were in fact known as Ngapuhi at the time they crossed the harbour and took up residence at Takahiwai.
29. For example, in the Pukekauri block hearing Wiki Te Pirihi told the Court that he lived at Takahiwai and his hapu was Patuharakeke, hapu of Parawhau, Ngapuhi.<sup>11</sup> He goes on to also state that it was his female ancestor who owned Te Mata (the adjoining block). Her name was Te Poho. She was a grand daughter of Weku. Te Weku was descended from Ngaitahuhu - Ngaitahuhu is a tribe.
30. Another example is Pirihi and others claimed the Mangawhati land block by conquest. They based this claim on their descent from who we understand to be a Ngati Tu, Motatau. As set out above, Motatau descends from Tuhukea. Tuhukea was from Mangakahia. This is where he was buried. Kokako his grandson was always over in Whangarei. There were also Ngati Tu people living in Takahiwai as well. Further their descendants were subsequently recognised as being progeny of the intermarriages of the Ngai Tahu, Ngati Tu, Ngati Ruangaio and Te Parawhau peoples as having land rights in the area.
31. What is notable is Te Rangapu never seems to get a mention in any of the claims to land in southern Whangarei. Neither does Tauhou Aoripo.
32. I also want to point out that in the confidential documents (#A88) that the internal document titled Initial comments on Ngatiwai claimant definition supporting material (March 2014) the Crown has noted that there are no issues remaining in relation to Te Patuharakeke and appear to simply accept that Patuharakeke descendants of Te Rangapu will be represented by Ngatiwai based on descent from Manaia.
33. Later the Ngatiwai Deed of Mandate also states that:

*Hapu and related hapu in Takahiwai, Ruakaka, and Mahurangi include:  
Te Patuharakeke (from Taotahi of Te Parawhau, Ngai Tahu and Ngatiwai and his wife  
Te Aoheiwā of Ngati Wai)*

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<sup>10</sup> See, Wai 2561 #A 88 specifically the Ngati Wai Claimant definition (Draft 6, 21 March 2014), pg.21

<sup>11</sup> 10 November 1883 WMB 2: 341 - 352

34. What our research and knowledge shows is that Taotahi was only identified in relation to some blocks, and that his whakapapa in those blocks are not Ngatiwai whakapapa. His wife Te Aoheiwa is mentioned once in the Mangawhati block but no explanation of her interests is given. We interpret that as their descendants just acknowledging the marriage between them, not as a specific Ngatiwai claim. The vast majority of tupuna in these southern lands derive from Pae and Weku and in any event Taotahi being Te Parawhau and Ngai Tahu and Ngati Tu is how his rights in this region are recognised.
35. Kristan John MacDonald<sup>12</sup> states that “*Te Aoheiwa also connects Ngāti Takapari to Te Kapotai and Patu Harakeke*”, again the only connection is her marriage to Taotahi. As an inlaw this does not give her Ngatiwai people mana whenua in Takahiwai or southern Whangarei.
36. To reiterate the point how do Ngatiwai claim any interests in the area? If it is indeed through the husband and wife named above what is their Ngatiwai whakapapa that gives them mana in this geographic location? If it is through Te Rangapu, she features so far back, three generations from Manaia II, and a further 7 to Te Aoheiwa who married in then again this is a tenuous link that does not in any event give rise to a basis to claim treaty rights in our rohe. If it is through Ngai Tahu, then at what time period do the NTB say Ngai Tahu in southern Whangarei was also Ngatiwai and how? Actually there are very few people north of Auckland who can't claim to be Ngai Tahu.
37. These questions are matters we expect the Crown to have answered before recognising the mandate. We have not uncovered any answers in the material NTB or the Crown has produced to date that changes our position that the Ngatiwai interests are at best remote interconnections because of marriages and until these points are directly addressed with some legitimate basis, we will remain:
- Incensed at what we regard as NTB's absurd claims;
  - Opposing the mandate;
  - Questioning the Crown's due diligence in recognising such a vague and controversial basis for the claimant definition;

## Appendix "A"

### Research notes for the Southern Whangarei Land Blocks<sup>13</sup>

#### Crown Purchases

##### **Takahiwai Block. (NGATI TU & PATUHARAKEKE claimants)**

7 July 1854, The Crown entered into a land transaction with the chiefs and freemen of Ngati Tu and Patuharakeke namely Rangi Heuheu, Paikoura, Te Pirihi and Tupaea for 1200 acres situated at Takahiwai and adjoining the land surrendered to the government for Parihoru's robbery at Matakana. (Turton Deeds - No 100)

Resultant on disallowing the Busby claims, the lands at Ruakaka and Waipu were available for re-purchasing in particular as settlement for the immigrating Nova-Scotians.

##### **Ruakaka. (Te Parawhau)**

**16 February 1854**, The Crown entered into a land transaction with Pou, Te Karoro, Te Mania and all their tribe whereby they consent to the sale of their land to Queen Victoria conditional on two matters. Firstly, on a portion exempted for themselves and as delineated on the plan and, secondly, that 10% of the proceeds of the sale of this Land to be expended for the benefit of the aborigines. Signatories were: Eru Toenga, Paora Pere, Te Rehe, Te Pirihi, Heke, Kawanui, Ti, Putahi, Tangata Kotahi, Te Retimana, Wiremu, Pou, Mate, Tahu. (Turton Deeds - No 96)

##### **Waipu No 1.**

**20 February 1854**, the Crown entered into a land transaction with Herekohu, of Tutahi, of Rameka and all their family whereby they consent to the sale of their land to Queen Victoria. Signatories were: Waka taka, Hone Kingi Tipa, Hu, Te Hemara ma Tutahi, Rimi, Hei, Tau Whitu, Rameka, Mohi, Te Rehe, Te Mahia, Pou. (Turton Deeds - No 97)

##### **Waipu No II. (NGAITAHUHU claimants)**

26 May 1854, the Crown entered into a land transaction with Te Pirihi, Eruera Toenga, Hona, Taurangi, Paora and of Tukuku whereby they consent to the sale of their land to Queen Victoria. Witness to Eruera Toenga's mark and payment: John Russell, settler, Wairarapa and Alfred McKellar, settler, New Plymouth. (Turtons Deeds - No 99)

##### **(NGATIPORO, TE PATUKAI, NGATITU claimants).**

17 July 1854, The Crown entered into a land transaction with the true consent of the chiefs of Ngatiporo, te Patukai and Ngatitu to give up a certain portion of their land to Victoria, Queen of England. Signatories are: Tirarau, Parore, Toko, Karawai or Karatoni (sp), Hori Kingi Tahua, Taurau, Manihera, Te Reweti Patuhiwi. (Turton Deeds - No 102)

##### **Poupouwhenua (PARAWHAU claimants).**

14 July 1854, The Crown entered into a land transaction with Manihera, Tatau, Te Maremare, Poa, and Kare Kare and Reweti for a piece of Land called the Rauiri at Poupouwhenua. (Turton Deeds - No 101)

#### Native Land Court Blocks

##### **Kopuawaiwaha. (NGAITAHUHU claimants). (WMB 1: 36 - 39)**

17 March 1865, the first Native Land Court grant was given to Hona Te Horo, son of the chief Motutara, for the 1,588 acres Kopuawaiwaha block.

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<sup>13</sup> These notes are sourced from Crown Purchase Deeds and research undertaken in preparation for the Te Paparahi o Te Raki claims and earlier research I have undertaken relating to Crown Purchases and Native Land Court claims and transactions.

Hona Te Horo names the claimants as being: Pirihi, Eru Toenga, Himi Taurangi, Wiki Pirihi, Nga Kapa, Paora Kere, Paora Kaitangata, Ripeka, Te Korehu, Rangiwahaia, Arapera, Nga Wi, Te Kepa te Rata, Te Amaru, Te Wai Tao, Te Reweti, Pita, Hona Kauikaro, Whanakereta, Ti, Pirangi, Te Konikoni, Maketu, Hemi Taurapuna, Nopera.

Te Pirihi said the named claimants derived their claims from Pae and Weku through their mother Te Raki as well as from Te Raki's elder brother, Taurahaiti.

Te Pirihi then gives the following whakapapa<sup>14</sup>:

**PAI** (f)  
Kopaki (m)  
Hemi Taurapunga(m) & Nopera.

**PAI** (f)  
Urikuri (m)  
Motutara (m)  
Te Horo Hona (m) & Te Amuru (f)

Motutara's sisters were **Te Pohu, Te Ikenga and Pairu.**

**Te Pohu**  
Pirihi, & Konikoni, & Te Korehu  
Wiki Te Pirihi, Ti & Pirangi.

**Te Ikenga**  
Paora Kere  
Nga Kapa

**Pairu**  
Himi Taurangi & Eru Toenga.

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Paora Kai Tangata gives the following whakapapa to substantiate their claims:

Ruatangihia (f)  
Tuta (m)  
Nehe (f)  
Puhi (m)  
Kai Tangata (m)  
Te Ru (m)  
Ripeka.

Pirihi's son is Te Taotahi (m)  
Te Whakariki (m)  
Tukuku & Te Konikoni & Pirihi, & Te Korehu (f)  
Wiki Te Pirihi

Taotahi's younger brother Te Hau-hau  
Tikokainga (m)  
Wi and Paora Kaitangata

Whakariki's sister Nehe<sup>2nd</sup>  
Te Karu & Amo te uri Maketu (m)  
Te Reweti.

Hona's sister Harieta<sup>15</sup>

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<sup>14</sup> The names denoted in red type are the people who were named as owners in the Court award

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Te Kepa te Rata.<sup>16</sup>

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Hona te Horo adds: Tahuri (m)  
Te Haungere (m)  
Te Wai Tao

Hona te Horo and the other claimants were unable to trace the genealogy of:

Pita,  
Whanakarete,  
Arapera,  
Rangiwhia  
Nga Wi

Their names were inserted in the certificate by the consent of the principal claimants<sup>17</sup>. Hona.

Court Records: Arapera, Ripeka and Whanakarete are from Whangaruru - related to Pirihi's.

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### **Mangawhati**

16 March 1866, Reweti Maketu's claim.

Reweti told the Court that he lived at Takarawai and that he claimed this land called Mangawhati

Te Korehu, Ripeka, Eru Toenga, Pera, Hona, Wiki Pirihi, Nga Kapa, Poara, Te Konikoni and the whanau pani katoa.

Reweti said he claimed the land from his ancestors and fathers. But is a young man and know not how to give his genealogy.

Te Pirihi stated that the ancestor was TeAo Wheonga who married Te Taotahi (m).

Taotahi begat: Nehu Naki, (m) & Te Whakariki (m), & Te Korehu (m), & Makahu (m)

Nehu begat: Maketu  
Reweti Maketu

Te Whakariki begat: Te Pirihi  
Wiki Te Pirihi

Te Korehu begat: Ripeka & Rangiripo (f)  
Henare Motatau

By an arrangement the sole proprietors of the land were Te Reweti Maketu and his (Pirihi's) sister Te Korehu.

### **Te Mata. (Judgement for NGAITAHUHU claimants)**

5 August 1866, Named claimants belong to Patuharakeke and Te Kumutu. The principal tribe is called Whanaupani. Te Pirihi told the Court that the claimants derived their claims from the ancestors Pae and Weku. Our claim to this land is the same as that to Kopuawaiwaha. At the continuing hearing of

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<sup>15</sup> aka Amuru.

<sup>16</sup> these are my g.g.grandparents ([pers.com](http://pers.com). MF)

<sup>17</sup> Gifted lands.

Pukekauri block on 10 November 1883, Wiki te Pirihi told the Court that it was his female ancestor who owned Te Mata. Her name was Te Poho. She was a grand daughter of Weku. Te Weku was descended from Ngaitahuhu - Ngaitahuhu is a tribe. (WMB 2: 341 - 352)

**Pokapu Waiorehua. (Judgement for Ngaitahuhu)**

5 August 1866, Same as Te Mata.

**PUKEKAURI, 8 November 1883. (WMB 2:341-352) (Judgement for NGAITAHUHU).**

**Claimants.** Wiki Pirihi and others.

The Court informed the applicants that there was an overlap of the boundary.

**Wiki Pirihi sworn.** I live at Takahiwai my hapu is Patuharakeke hapu of Parawhau Ngapuhi. I know the block shown on the plan now produced before the Court. The boundaries have been staked and marked out. I have a claim to this land by ancestry and occupation. Te Keepa has a claim to it also through my female ancestry.

Kawhena Paki is my cousin and is also entitled on the same claim as myself. There are others also entitled through the same claim.

Motatau (m)

Taotahi (m)

Te Whakariki (m)

Te Pirihi

Wiki Pirihi

I have dead on the north west side of the block.

**Court.** Objectors challenged.

**Te Hono Motutara.** I claim through ancestry only. My ancestor was Urekuri. That is my only claim. I object to the claimants.

**Court.** Objectors challenged. Non.

**Te Hono Motutara sworn.** My hapu is Ngatiwharepaia Tribe of Te Parawhau. I reside at Mangapai. I know the block of land now before the Court. I recognize it from this map. My claim (end of p341) P342 - cont<sup>d</sup>... to it is through ancestry - but I do not claim through occupation. I give my pedigree.

Motutara

Te Horo

Te Urekuri was the real owner of the land. I meant to say that at the present time there is no cultivation on it but I did cultivate on it at one time. I cultivated at a place called Waikauwera on the n'east side of the block. In 1852 I ceased to cultivate. My cultivations consisted of potatoes. I lived on it for two years. My father and Ngakapa lived on it also for two years. We two were the only persons who lived on it and cultivated there then. I mean only that particular part called Waikauwera. No other person lived on any other portion of the block now before the Court. No one came to live there since we left. The house was a Nikau whare put up for the occasion. I am sure we lived there two years. We took two crops off the ground.

This is the second survey. In olden days the applicants father sold this land to Mr Henry. I objected to it.

**X<sup>d</sup> by Wiki Pirihi:**

Q: Are you not aware that an (other people?) cultivated of the north west of the block at first and afterwards removed down to the south of the block?

A: No they did not. Waikauwera is a stream - it runs towards the north. My cultivations (end of p342) p343 - cont<sup>d</sup>... were at the south east corner where the pencil mark is on the plan. All I know is that it was at Waikauwera where I had my cultivations. Waikauwera is inside the block.

Pou was one of us who cultivated there. (@ Waikauwera). I do remember your working there. I do not remember Hira and others taking me there. Ngakapa did not come there but he went to his own place Ngati. I never heard of a sale by you and Ngakapa of that part where I

cultivated.

Q: Did not my father give the block Takahiwai adjoining this on (the NE) to the Govt?

A: Your father sold it by stealth.

Q: Don't you remember (blank) coming to you and giving you money in payment of this land?

A: No I did not receive any.

Q: Did not my ancestor, Whakariki reserve all the flax on the swamp near the stream?

A: He did but he had no right to do so - we objected. My father objected. After the death of my father I had always mana over the land. I often requested your father to return to Whangaruru.

Q: Don't you remember that your aunt came to live on this land because of her marriage to Whakariki my ancestor?

A: That's how he came to have a title, because he married my aunt.

Q: Don't you know that it was because of this marriage that your brother came soon after on this land?

A: No. (end of p343)

p344 - cont<sup>d</sup>...

Q: Don't you remember your father with his sisters fled from Ohaeawai to Whangarei from the Ngaterangi?

A: That is true and he came back to his own residence. My aunt was not married when my father returned from Ohaeawai.

Q: Are you not aware that my grandfather Whakare always lived on this land?

A: I am but he was merely squatting there.

Q: Did not he and his children give this piece on the north west to (blank) and (blank) ?

A: It was Motutara gave it.

Q: Was it not given on account of the marriage of Maketu to the daughter of Tutahi?

A: It was not. The gift of Takahiwai on the north to Te Koiwi by the Whakare and Maketu was by stealth.

**The Court adjourned till 2pm. Exam. cont<sup>d</sup>...**

I did not sell any of the adjoining land it was Te Pirihi with my consent I refer to the land on the NW of the block now before the Court. It is true your ancestor Whakariki had cultivations there and you are there still yourself cultivating. You have recent burial places there. I know of an old burial place called Kuramaka North. It belongs to all the people. I have dead on this burial place. I mean to say I have dead at this old burial ground only. They are not interred but places on a stone, they afterwards fell on the ground - I did not gather them up. I am aware you are removing your dead from the old burial ground. I have not removed any of mine. I have them in their own ground. (end of p344)

p345 - cont<sup>d</sup>...I went to seek for them, I should not find them as they have disappeared underground. I am aware your parents [have} a Pah on the land but it belongs to me. That Pah belonged to my ancestors. Ngatiti is the name of the Pah. In former times there were cultivations on this block before the Court I mean that which I have already mentioned.

**X<sup>d</sup> Court:** Previous to the cultivations mentioned were there any cultivations (in olden times?)

A: I did not know Whakariki had cultivations here. There is a cultivation outside the boundary belonging to Whakariki. I have no cultivation along the northern boundary line - but you have cultivations there. My father did not pull down the Rahui set up by your father to protect the flax - he only objected. There was no quarrel. He only spoke to him about it. I am not aware that any of your people was killed at Takawehai (sic). I don't know that a woman called Puia was killed there.

I am not living on this block but about 4 miles from it which was formerly part of the block now before the court. It was I who gave permission to sell certain portions of the block now before the court.

Court: Have those who asked your consent any right to the land? (end of p345)

p346 - cont<sup>d</sup>...

A: No. I simply consented because they asked my permission but not because they had any right to it. If I were asked to consent to the sale of my horse in order that we all might get money I would consent. The sales to Mr Henry was bona fide. I had the money and divided it. This was for the land outside the block towards the south. The same ancestry. I gave the money to Pirihi and others and they divided it. - Mr Henry. Pirihi and others came and gave me the money. Pirihi and the others have no title except it be through occupation. The portion where I am living has been passed through the court. My father cultivated on the adjoining land.

My father came from Ohaeawai before the marriage of my aunt. I was born long after the marriage and long after my fathers return from Ohaeawai.

I can name one of my dead. Te Toka was one of them. I refer to those left on the stones -  
Hikurangi (m) Etua  
Wharepiaie (sic) and others  
Pai and also Te Toka.

All very (ancient?) and no cultivations since except myself. These were my ancestors and also my ancestor Urekuri. He cultivated all about. He and his people. Mangawhati Pah is one of his possessions - Ngatititi - Poupouwhenua - Te Kapapha - (end of p346)  
p347 - cont<sup>d</sup>...Te RapaRapa were also cultivations. I have no particular knowledge Urekuri cultivated any particular part of this block.

**Statement by Mr Henry on oath.**

The flax where the Rahui created does not belong to the claimants but to the Govt. It is not on this block. The stream is the boundary. The cultivation spoken about by the last witness is not on the block at all - it is down south on the banks of the stream (up the stream). I never bought any land from Ngakapa. Wiki Pirihi sold me 50 acres for which I paid him £50 - but it was not his to convey - it was conveyed to me by Hara Te Pou. It was a portion of Te Mata block.

**X<sup>d</sup> Horo:** A man called Davis a son of Maketu gave me the (trees?) on this land. I cant say you were present when I got the (trees?). Pirihi and two others sold me the land. Nothing has come of it. I paid £30 for the land. They did not mention your name and you afterwards came to me very angry. You disputed my claims to the sale.

Te Horo Motutara closes his case.

The Court adjourned till 10 o'clock on Saturday morning. (end of p347)  
p348 - contd....Saturday 10 November 1883.

Present the same. Court opened at 10am. Pukekauri continued.

Wiki Pirihi sworn: I wish to be questioned by the Court. The title` is the same to all the land round about. It was my female ancestor who owned Te Mata. Her name was Te Poho. she was a granddaughter of Weku. Te Weku was descended from Ngaitahuhu - Ngaitahuhu is a tribe.

In Te Mata my father claimed through Weku because he was by his mother descended from Weku.

The piece now before the Court and those to the Nth west was taken by my ancestor Taotahi. It was when the Ngaitahuhu were defeated by Ngapuhi that he took possession. Both he and his son took it.

I cant say whether my ancestor was in the fight, all I know is they took possession after the Ngaitahuhu fled. They did not return to Te Mata. In Te Mata my father set up the Ngaitahuhu title through his mother.

Taotahi cultivated on the north of the block outside.

I object to the Ngaitahuhu claiming any part of the block. Mr Henry stated that the swamp was to the N E of the block and that the stream was the boundary. That is wrong. The swamp extends to both sides of the stream nearly (end of p348)

p349 - cont<sup>d</sup>...to the southern boundary of the block. He also stated that my house is about 60 chains from the northern boundary of the block m- in my opinion the distance is about 20 chains. It was Mr Henry who got the block first surveyed. No one interfered. Afterwards I authorised a surveyor to make a survey of this block and no one interfered. After the block was surveyed we came to Whangarei to attend a land court, the last one held here, Te Horo was there. He came to me and told me he would not interfere with my proceedings regarding this block. I have nothing further to say.

**X<sup>d</sup> Horo:** Did Motutara give land to your grandmother Poho?

A: No.

Q: Who gave Mangawhati to Poho?

A: That land belonged to Motatau.

Q: Has a grant been issued for it?

A: It was granted to the four children of Motatau. I cant say what ancestor they claimed

through. I cant say whether it was Ngaitahuhu.

Q: Was it not Urekuri.

A: Cant say [I] was not present.

Q: How did your ancestors come to have possession of the piece before the Court?

A: I have already stated the reason to the Court. I was not aware of your fathers having the management of the land. My female ancestor owned the southern portion - Te Mata - and my male ancestor owned the block before the Court and adjoining land. In former days it belonged to Ngaitahuhu but (end of p349)

p350. cont<sup>d</sup>...when they were defeated they lost all claims to it.

Your ancestor Te ...?..was set up for the Te Mata block because he was a descendant of Weku.

Q: Are you quite sure Taotahi was the real owner of the block?

A: I am because he and his descendants lived on it and occupied it.

Q: Do you mean to say your ancestor owned all the adjoining land.

A: Yes. All the Ngaitahuhu were not killed. I mean to say all the land before the Court and that to the west of it belongs to me. It was the Te Whakariki who gave the lands to Mr Henry. Kopuawaiwaha was the piece given by Motutara but he did not give Takahiwai.

Te Horo?: It was not [Was it not?] Tirarau and Motutara gave all the adjoining lands to Busby?

Wiki: Tirarau was the only man who had any mana.

Te Horo: I am not sure whether Tirarau and Motutara had anything to do with the gift. I have no further questions to ask.

**Rimi Te Ponatukhi (sp?)sworn:** I live at [Takahiwai?]. My hapu is Parawhau. I know this land. Motatau is the ancestor.

**X<sup>d</sup> Wiki Pirihi:** I know that Motatau came and lived on the land. I have seen the rahui set up by the Whakariki referred to by you. No one disputed it to my knowledge. No one disputed the survey you made. I know the names of the persons who gave the (end of p350)

p351 cont<sup>d</sup>...North west of the block to the Koiwi. They were Maketu, Whakariki. I know the persons who sold the land to Mr Busby. Tirarau, Maketu, Te Whakariki, Motutara, Te Pirihi & c. I know the persons who pointed out the boundaries of the gift to Mr busby. Te Pirihi, Hone Tarai, Te Waituhi & c.

**X<sup>d</sup> Horo:** It was Tirarau and Motutara and others who gave the land away. Tirarau and Motutara and Whakariki share the same mana. I do not know of a gift of land by Motutara to his sister. You have a claim to these lands. You never gave any of them away. I am not aware you authorised Te Pirihi to sell the block before the court and the surrounding land. You have a claim on this land also on the block because you did not give any away.

**Wiki Pirihi: This finishes my case.**

### **Judgment.**

We are of opinion that a great deal of time has been wasted and expenses incurred which might have been avoided by the parties. From the evidence there is no doubt in our mind that the parties are all entitled. This is a piece of land which from its peculiar character has never been cultivated to any extent at all (events?) (end of p351)

p352 cont<sup>d</sup>...It is admitted by claimants that the title was in Ngaitahuhu formerly, but they say that in consequence of a defeat sustained by them from Ngapuhi they left. Still however claimants do not set up a title by conquest, alleging only that they took possession when the Ngaitahuhu left. But that they, the claimants do not consider that the Ngaitahuhu lost their right is proved to our satisfaction by the fact that in the adjoining block Te Mata this claimant set up a Ngaitahuhu title and he admitted in this case that the title to this land and to those adjoining it is one and the same.

We are of opinion that these people are and as we said before should not have disputed each others title. We shall therefore award it to them on the 'tupuna' of Te Urekuri - that will admit both and that we believe to be what would have been the arrangement had the parties not differed among themselves. The Court asks when the parties all be ready with their list of names. They reply in the afternoon.

For orders for Pukekauri No 1 & 2 see Book 3 Folio 4.

**Mangapai Paina** (Maungakaramea No 2B) (**NGAITAHUHU claimants**).

7 February 1894, Mangapai Paina was vested in Paora Kerei, Heneri Ngakapa, Eru Toenga, Hona Te Horo, Te Amarua [Motutara] and Te Waitau, descendants of Pai and Weku.

## Appendix "B"

Extract from Johnsons Schedule of Native Claimants to the Ruakaka and Waipu showing their ground of claim.

Names of Claimants	Nature of Claim	Locality
Pou Wi te Whai Heke Tahu Totara Whata Matiu	Descendants of the Raraku to whom the land was given by Te Kahore, chief of the District, also possession up to the present time	Lower portion of the valley of the Ruakaka.
Te Mania, Wiremu Karore, Patu Owha Karaka Maki Herewini Waitapu Paraone Ngariki Anaru Whetu	Descendant's of a family who were allowed to settle on Rangiora, and whose chief was buried there.	North-western side of Rangiora.
Mate, Maewa Ngahuru, Hone Putahi, Rongo Parata, Muru Kawanui Pera Pirita Pita Tawaiwai Potaka	Descendants of a chief named Te Kahore, who, after conquest of the Ngaitahuhu, married a chieftains of that tribe and obtained possession of this District, and who have kept possession ever since.	Part of the west or inland of the Native Reserve.
Pirihi Paora Peu Ti Eru Toenga	Ngapuhi, who have crossed the harbour of Whangarei, and hold by conquest possession of the north side of Ruakaka.	Side next to Rangiora.
Te Rehe and party	Inherited from his grandfather Ngaki, descendant of the Raraku.	Waipu

Names of Claimants	Nature of Claim	Locality
Tutahi Ponahia Wakataka Rameka Hei Mohi Hemara Rimi Whiri Ngahuru Te Whetu Patuhiwi	Right by conquest of Waipu some generations back by their ancestor Te Hakiki, and undivided possession held ever since.	Waipu
Hone Kingi Tipa Te Hu	Descendants of Te Hakiri, related to the Ngaitahuhu and Koriri, the original possessors.	Waipu
Te Rehe	Descendant of Te Hakiki and Te Raraku.	