

IN THE WAITANGI TRIBUNAL

**WAI 898
WAI 2351
WAI 1112
WAI 1113**

IN THE MATTER of The Treaty of Waitangi Act 1975 (as amended)

AND Claims in the King Country Inquiry consolidated under Wai 898

AND the Wai 2351 claim by Frank Thorne on behalf of himself and for the benefit of Ngāti Hikairo

AND the Wai 1112 claim by **MANIHERA FORBES** and **MERE GILMORE** on behalf of themselves and Ngāti Hikairo

AND the Wai 1113 claim by **MANIHERA FORBES** and **MERE GILMORE** on behalf of themselves and Ngāti Hikairo

**BRIEF OF EVIDENCE OF
METO HOPA, JACK CUNNINGHAM, AND FRANK KĪNGI THORNE
ON THE CONFISCATION OF NGĀTI HIKAIRO LANDS**

Dated this 28th day of March 2013

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Introduction

1. This Joint Brief of Evidence is by Meto Hopa, Jack Cunningham and Frank Thorne.
2. This brief of evidence discusses the Crown's confiscation of Ngāti Hikairo lands.
3. Frank Thorne is the principal writer of the oral and traditional history report of Ngāti Hikairo called "*Te Maru-ō-Hikairo*". A section of "*Te Maru-ō-Hikairo*" discusses the confiscation of the Ngāti Hikairo lands and this brief draws upon that work.¹

Overview of loss

4. Following the New Zealand wars around 68,000 acres of Ngāti Hikairo lands were confiscated by the Crown. Of these only about 6,100 acres were "returned" to individuals in various lots within the Pirongia Parish, Ngāroto Parish, Mangapiko Parish, and in the Town of Alexandra West and East.

Ngāti Hikairo lands within the confiscation district

5. North of the confiscation line the Ngāti Hikairo territory extends from Māhaukura to Tahuanui, from Mangakarā to the mouth of Manga-o-Tama, including Te Rore, Pukerimu, & Pāterangi and then east to Ngāroto and Te Hinau-a-Tamatea north of Ōhaupo. Then south to Kaipaka on the Mangapiko Stream then to Tutupōrutu, then to the Mangapōuri Swamp, then to the mouth of the Mangapōuri Stream as it enters Waipa opposite Whatihatihoe

¹ Wai 898 #A98, pp 267-268, 272-278

and gathering sites. However, the confiscation ended the seasonal harvesting of tuna, piharau, koraro, freshwater shellfish, ducks and other birds at Ngā Roto and the Ōhaupō lakes. It also terminated generations of occupation of homelands such as Taurangamirumiru, Ngā Roto, Waiari, Tauwhare, Pukerimu and various others. A census of the Māori population in 1878 identified Ngāti Hikairo living at Kaipāpaka, Kāwhia North, Mangauika, Whatiwhatihoe and Waipā, but as the confiscation took effect they were steadily removed from their lands.

9. Mangakāware, Ngā Roto and the Ōhaupō lakes had long provided sites of occupation, with an abundance of freshwater and other natural resources. The lakes were also storehouses for tribal artefacts; buried in and protected by the peat. Excavations of these lakes have revealed thousands of artefacts, including the revered Uenuku.
10. The raupatu had a profound effect on the continuation of ahi kā, of kaitiakitanga and the maintenance of mauri and tapu of the hundreds, possibly thousands, of sites associated with Ngāti Hikairo tūpuna within the Waipā. The signing off of the raupatu legislation, involved not only the confiscation of land, but also the confiscation of centuries of associated Ngāti Hikairo history, mātauranga, tikanga and identity. Ngāti Hikairo koroheke, Mac Bell was asked if he considered Ngāti Hikairo to be independent and he responded with the following comment:

'Yeah, we are separate, yeah... Yeah, related but separate. And so is everybody else. So is Ngāti Mahuta, so is everyone. And it hasn't stopped them claiming has it. Yeah so that's my view of it. Why the hell should we take a backwards step. It's not much of a piece of land, but it's the quality of it. Especially when it gets out here. That's the best land in the country. It's not the most. Our lawyers should be, this is the best. Go and look on the Pākehā archives and find out what's the most valuable agricultural land in the South Pacific. Mangapiko, Pāterangi rise. It's not the quantity, it's the quality that they pinched.... Yeah, it's on the quality of it. Go and see how much they pay for land there. Beautiful country,

*and there right in the centre of it is Hingakākā and Waiari. You've got your landmarks.*²

11. The confiscations led to the immediate destruction and desecration of multiple pā sites, wāhi tūpuna, and mahinga kai with the establishment of redoubts atop the strategically located pā, and the draining and farming of lands.
12. There are traditions and contemporary kōrero that focus on the the Crown imposing the Wars and Confiscations on us that induced a migration and immigration of refugees, and the pressures these place on the social makeup of Ngāti Hikairo and our neighbours and our resources. Ngāti Hikairo in large numbers were expelled from Kāwhia as they seen as been “loyalists” and moved to Raglan and the Mōtakotako in exile. Their presence in Aotearoa placed pressures on their huānga that gifted them whenua. Similarly strains and pressure were placed on Ngāti Hikairo to manaai and maintain mana whakahaere, with the masses of Waikato and Kīngitanga on the Manguika and Kaipihia lands, and the Crown Grant Lands at Whatiwhatihoe with Ngāti Māhanga and Ngāti Tahinga huānga at Te Kauri and Ōpārau, with Ngāti Apakura at Paetonga, Mangaora and Te Whetutakaora. And other groups. All these situations forced upon both parties, were inevitably to cause tension and dispute between huānga. This Ngāti Hikairo is adamant is as a result of the Crown's actions.

Compensation Court and process

13. The Tribunal will be aware that the Crown established the Compensation Court to look at returning lands to Māori who had not been in rebellion. The aim was more about minimising the lands that would return and opening up the remainder for

² Interview, Pohepohe (Mac) Bell, 2012

settlement. Title reform also appears to have been a key plank of the system.

14. Applications were made, in 1865, on behalf of the Rūnanga and all of Ngāti Hikairo for certain areas of land to be returned to the collective. At that time the Rūnanga of Ngāti Hikairo had 13 members. Several of the applications and letters state the application and the land is for the collective “*me Ngāti Hikairo katoa*”. The applications were for the land to be returned as a collective to the iwi.
15. Maps were drawn up and attached to the applications to complement the boundaries provided for the areas to be returned. Those areas identified by the Rūnanga were Aratokau, Mātakitaki, Mangaukika, and Te Rore. These are discussed in turn.

(i) Aratokau

16. The application for Aratokau was made on the 3rd of April, 1865 by Hōne Whitu, Wī Hikairo, Pūmipi Moke, Pēpene Waata, Wīremu Kārewa, Pūmipi Waitai. The iwi name was Ngāti Hikairo.
17. The boundaries given were Mangaio-ā-Te Tuki, Te Hopukanga, Takumanu, Te Whauroa, Te Kuri-ā-Te Kamonga, Māhaukura, Pirongia, Pukewharariki, Wairaho, Ngātawatūrua, Te Hautū, Parakōkako, Te Au-ō-Kiorenuī Waipā, Mangawawe, Mangaio-ā-Te Tuki.³

³ Raupatu Document Bank, pp.41375-41377

(ii) Mātakitaki

18. The application for Mātakitaki was made on 13th of April, 1865 by Hōne Te One on behalf of Hōne Whitu, Wī Hikairo, Pūmipi Moke, Pēpene Waata, Wīremu Kārewa, Hōne Pūmipi, Mūnu Whitu, Pūmipi Waitai, Te Wirihana, Hōne Kaora, Rīhare Tauwhare, Ruki Wī Hikairo.
19. The hapū named were Te Matewai and Ngāti Horotakere. The iwi was Ngāti Hikairo.
20. The boundaries given were Te Whakatekateka, Mangapōuri, Te Wahine-kaitororere, Wharekauhoka, Te Anaputa, Tūtūpōrutu, Puketuakura, Pukeiwāhie, Mangapakiaka, Waipā.⁴

(iii) Mangauika

21. The application was made on 13th of April, 1865 by Hōne Te One on behalf of himself, Wī Hikairo, Pūmipi Moke, Hōne Whitu, Wīremu Kārewa, Rīhare Tauwhare, Matire Mōkena “*mō Ngāti Hikairo katoa*”. The application stated ‘*Ko Ngāti Hikairo te ingoa o tō mātou hapū.*’⁵
22. The boundaries given were “*Mangauika, Mangatōtara haere tonu atu ki Pirongia heke atu ki Mangauika*”.
23. An application for all four of these areas was made on 22nd of May, 1866 by Hōne Te One on behalf of himself, Hōne Whitu, Pūmipi Moke, Wīremu Kārewa, Wī Hikairo (dead), Hōne Pūmipi, Pēpene Waata, Te Mūnu, Te Wirihana, Pūmipi Waitai, Hōne Kaora, Rīhare Tauwhare (the last three names were crossed out and the note “rebel with the King” written against their names), Ruki.
24. The hapū names provided were Ngāti Purapura, Ngāti Horotakere, Ngāti Pare, and the iwi Ngāti Hikairo.

⁴ Raupatu Document Bank, pp.41541-41543

⁵ Raupatu Document Bank, p.41548

25. The boundaries given were Waipā, Ōpōporo, Puketuakura, Moehaki, Tūtūpōrutu, Te Anaputa, Wharekauhoka, Te Wahinekaitororere, Mangapōuri, Whakatekateka.⁶

(iv) Te Rore

26. A letter was written by the Rūnanga of Ngāti Hikairo to Sir William Fox claiming the land being called Te Rore - Pirongia is the mountain, and Mangauika is the plain. The letter stated that the land was at that time being surveyed. The writers also claimed that they did not go to war against the General, and that they wished for a Government representative to visit them and explain what was happening in relation to the land. The letter was signed by Hōne Te One, Wī Hikairo, Pūmipi Moke, Hōne Whitu, and Te Wirihana.⁷

27. An application was sent on the 23rd of January, 1867 from Raglan, by Hākopa Kōtuku and Hōne Te One and 43 others, for lands in the neighbourhood of Pirongia, adjacent to the lands that were sold to Turton.

28. Boundaries were provided which overlap with the northern boundaries of Ngāti Hikairo.

29. The hapū named were Ngāti Hurumāangi, Ngāti Tū, Ngāti Kahuone, Te Patupō, Ngāti Uakau (Mākau)

30. A list was then provided of those attached to the application, which included the following Ngāti Hikairo names: Hōne Te One, Hōne Whitu, Wīremu Kārewa, Hōne Pūmipi, Kipa, Hōne Wirihana, Hōri Tarau, Pipiwai, Te Wirihana, Pēpene, Hapimana, Whakamarurangi, Pūmipi Moke, Wī Hikairo, Parawhau.

31. At the bottom of the list it stated, "*ko te tangata tēnā nōna te whenua.*"⁸

⁶ Raupatu Document Bank, p.41548

⁷ Raupatu Document Bank, p.41548

⁸ Raupatu Document Bank, pp.41354-41356

32. The following applications were made, in 1867, by Matilda Morgan⁹ and William Swanson.¹⁰

Ko Matilda Morgan te tangata, ko Mangauika kei Ārekahanarā Waikato te whenua. Ngā rohe ki te Marangai, ko te awa o Waipā; ki te Raro, ko te raina o te tāone o Ārekehana, me te raina ki te tihī o Pirongia; ki te Hauauru, he raina ki taua maunga, ahu atu ki te Tonga tae atu ana ki Puketihī, ki Mangauika, haere atu i roto i te awa o Mangauika, tae noa ki te awa o Waipā.’¹¹

‘Ko William Swanson me ētahi atu ngā tāngata, ko Mangapukatea kei Waikato te whenua. Ko Kaipaka, te rohe o tētahi taha, haere ki Mangapiko awa. Haere atu ki Takatakahi, haere atu ki Taumatamurumuru, haere atu ki Rekahunui, haere atu ki Tumuakitahuna, haere atu ki Whakaironga, haere atu ki Ruakōtare, e tata ana ki Te Awamutu. Mehemea kua oti ēnei whenua te ruri ka kitea ngā Māpi i te Kooti o te Kai Whakawā tūturu i Ngāruawāhia i Waikato.’¹²

⁹ Ngāti Ngāti and Te Whānau Pani

¹⁰ Ngāti Rāhui

¹¹ Te Waka Māori o Ahuriri 1863-1871: Volume 4, No. 15: p2

¹² Te Waka Māori o Ahuriri 1863-1871: Volume 4, No. 15: p3

Ngāti Hikairo Crown Grants

33. As a result of these and other individual applications, Ngāti Hikairo individuals received in excess of 6,000 acres in Crown Grants in the Pirongia Parish, Ngā Roto Parish, Mangapiko Parish, West and East Alexandra Townships. On the basis of the data by Mr Innis¹³ Ngāti Hikairo estimates that about 6,100 acres was “returned” as set out in Table 1 and Figures 2 and 3 below.

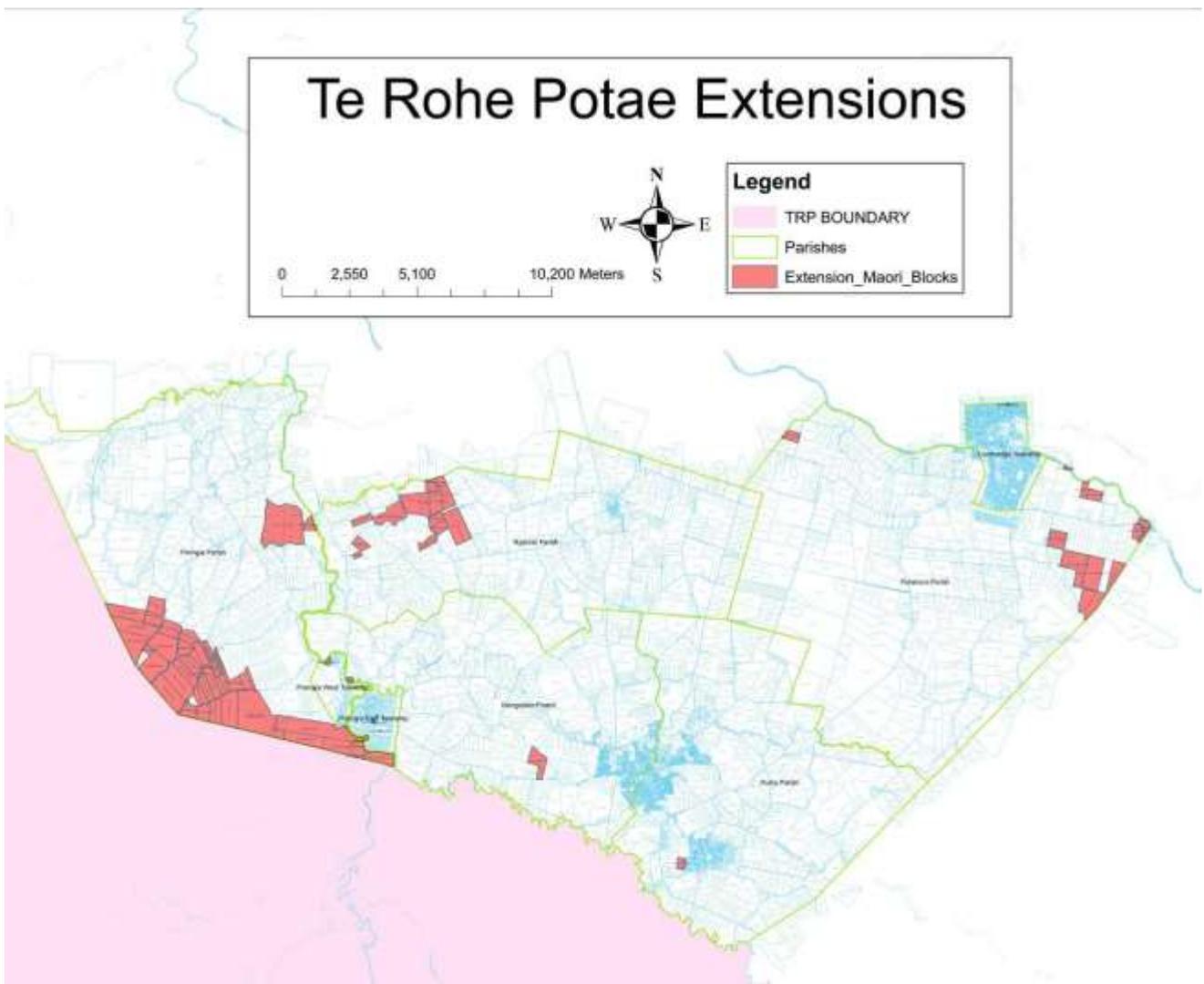


Figure 2: Overall lands “returned”

¹³ Innis, #A30

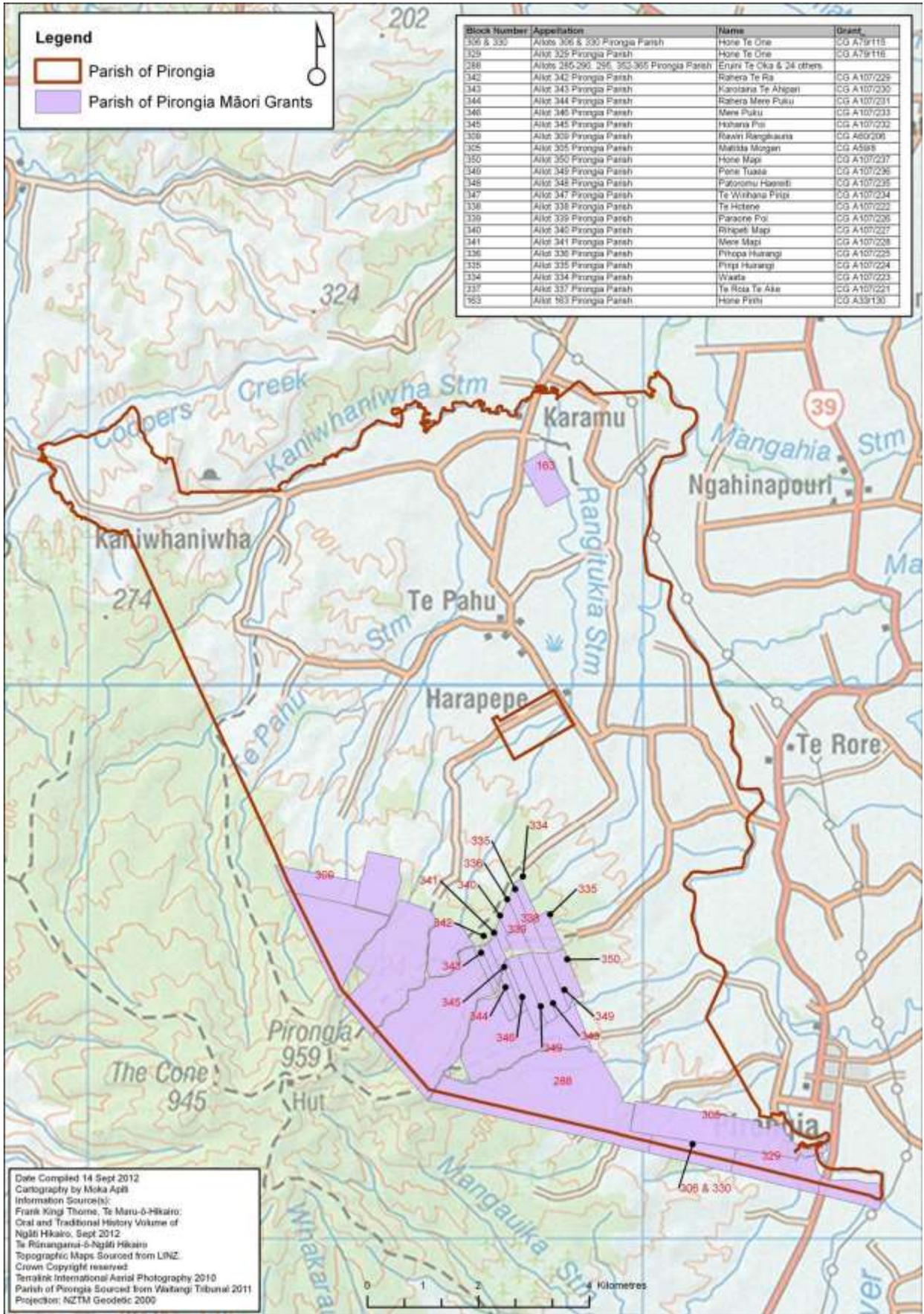


Figure 3: Parish of Pirongia Māori Grants

34. Ngāti Hikairo has identified the following Crown awards made to Ngāti Hikairo individuals: ¹⁴

Parish	Lot	Area	Grantee
Mangapiko	323	10.37	Hone Kaora (John Cowell) from Hone Te One
Pirongia	305	409.23	Matilda Morgan (Matire Te Rārangi)
“	306 & 330	250	Hone Te One
“	327	566	Hone Te One
“	329	200.33	Hone Te One
“	344	24.999	Rahera Mere Puku
“	285-90, 295, & 352-365	3,287.20	Eruini Te Oka and 24 others
Ngāroto	15, 22, 23, & 24	203.21	Wiremu Kārewa
“	27, 28, 109, 118, & 119	256.06	Hone Te One
“	82	50.52	Hone Wirihana
“	99, 100, 101, & 102	201.35	Kipa Te Kotuku
“	104, 105,110, &111	202.61	Hone Whitu
“	112,113,114, & 115	204.24	Pipiwai
“	387	15.77	Mata Kaora
“	388	10.17	Matilda Morgan
“	84A	23.16	Opehia MacFarlane, Opehia did not seem to be part of the Ngāti Hikairo application
“	87 & 149	178.75	Opehia MacFarlane, Opehia did not seem to be part of the Ngāti Hikairo application
Township of Alexandra West	321	10.14	Hone Kaora (John Cowell) from Hone Te One
“	246	0.5	Wiremu Te Wheoro
Township of Alexandra East	196, 196A, & 386	1.5	Hone Kaora (John Cowell) from Hone Te One
“	202	1	Wiremu Te Wheoro

¹⁴ Innes, #A30, pp 80-97; there were a few other very small township awards in “Newcastle” Hamilton West, Puahue 1B, Pukekura 13, but outside the Inquiry District

Parish	Lot	Area	Grantee
"	195	0.5	Wiremu Te Wheoro
Puniu Parish	341	49.91	Hone Te One
Total		6,157.73	

Table 1: Crown Grants to Ngāti Hikairo individuals in the confiscation district

35. According to Ngāti Hikairo kōrero tuku iho, the Crown had multiple reasons for awarding the Crown Grants including:

- i. To secure an ally and continued support;
- ii. To have “friendly Natives” occupying the border to make a buffer between the Rohe Pōtae and its Kīngitanga occupiers, the Government and the Europeans in Pirongia Township;
- iii. To distract the attention of the Kīngitanga, where they would focus more on the “kūpapa” and his land awards;
- iv. To allow for Ngāti Hikairo to provide a neutral zone at Whatiwhatihoe, on the boundary of the Rohe Pōtae, where the Government and influential Rohe Pōtae leaders and the Kīngitanga supporters could meet and negotiate;
- v. To ‘tick the box’, to say they had considered and catered for some Rohe Pōtae groups;
- vi. Provide Crown awards like the Pirongia Parish awards 1865-1867, exceeding 3500 acres, which apart from three blocks at and nearby Whatiwhatihoe were located on the steep, heavily forested slopes and ravines of Pirongia Maunga, where, the costs of surveying and the rates on the unusable, uninhabitable land would lead to failure to occupy, which would result in the land reverting back to government ownership or to sales. All but two of these blocks remain, with one still in the ownership of the original owner, located on a bush clad ridge. The other, more accessible block, is now held by multiple descendants of the original two owners. There are six Pirongia Parish sections at Harapepe, and several Ngāroto Parish sections at Te Rore, where the sales happened either immediately, or not long after the award, and in some cases before the titles had been written up. The legitimacy of the majority of the sales is highly questionable but so too are the intentions of the Government when awarding the lands. These lands are nearly 10 kilometres north

of the Rohe Pōtae Aukati Line.

- vii. Ngāti Hikairo believe the Government were assured that these lands would not be occupied so far from the safety of the Rohe Pōtae, and so soon after the wars. There is consistent uncertainty of the sales and their validity. Lastly, some awards were granted with the rule that they had to be occupied within a certain short time frame, usually 3-6 months otherwise ownership would revert back to the Government.

- 36. The initial returns and maps of the Compensation Court indicated that the land in the Pirongia Parish was going to be awarded to the collective “Ngāti Hikairo Tribe”. However the actual Crown grants were made to individuals rather than to the iwi of Ngāti Hikairo.¹⁵
- 37. Nearly all of the Ngāti Hikairo grantees were the Runanga members and their immediate families.

¹⁵ Innes, #A30, pp 80-97

The nature of the lands granted

38. On the whole, the lands awarded by the Crown to Ngāti Hikairo were of poor quality. Indeed the majority of “Returned” lands to Ngāti Hikairo individuals were within the southern Pirongia parish and within the area of least suitability for development and with most remaining forest.¹⁶
39. The lands did however contain parts of Pirongia maunga, Mātakitaki Pā, and Whatiwhatihoe marae.
40. There were few awards in the townships. Mr Innes states that only about 0.76% of the Alexandra East Township land was granted to Māori¹⁷ and only about 1.67% of the Alexandra West Township land was granted to Māori.¹⁸ Ngāti Hikairo considers that the reason for this was that the settlers didn’t want to have many Māori among them in the towns.
41. The “Returned” lands were often surrounded by paper roads that were never actually formed.¹⁹
42. A point of contention for Ngāti Hikairo, especially at Whatiwhatihoe, but also at Harapepe and Te Rore, is that there were redoubts within close proximity of those lands awarded to Ngāti Hikairo. In the case of Whatiwhatihoe, the Alexandra Redoubt had large mounted guns aiming right at the lands and settlement.

¹⁶ Innes, #A30, pp 49, 193

¹⁷ Innes, #A30, p127

¹⁸ Innes, #A30, p145

¹⁹ Innes, #A30, pp 192, 193

Land loss within the Confiscation District

43. As noted above, around 68,000 acres of Ngāti Hikairo lands were confiscated by the Crown. Of these only about 6,100 acres were “returned” to individuals in various lots within the Pirongia Parish, Ngāroto Parish, Mangapiko Parish, and in the Town of Alexandra West and East.
44. Ngāti Hikairo estimates that the iwi has lost about 99.9% of their land inside the confiscation district. Based on the figures provided by the Waitangi Tribunal researchers the iwi estimates²⁰ the following losses to confiscation and other causes (in acres).²¹

Region	Area	Remaining land	Land lost
Pirongia Parish	26,173	94.8	26,078
Ngāroto Parish	21,572	0	21,572
Mangapiko Parish	18,968	0	18,968
Alexandra Township lots	1,656	1.5	1655
Totals	68,369	96.3	68,273

²⁰ However, use of geospatial computer software allows for an apparently accurate estimation of land loss. On this basis Ngāti Hikairo estimate a total loss of about Acres: 97.549 (Hectares: 39,476) with Raupatu accounting for acres: 44,860 (Hectares: 18,154) with about 102.93 acres remaining in Ngāti Hikairo ownership within the Raupatu zone

²¹ Based upon the report by Douglas *et al*, #A21