

In the Waitangi Tribunal

**Wai 785
Wai 207**

Under **the Treaty of Waitangi Act 1975**

In the Matter of **the Northern South Island Inquiry (Wai 785)**

And

In the Matter of **a claim to the Waitangi Tribunal by Akuhata Wineera, Pirihiira Hammond, Ariana Rene, Ruta Rene, Matuaiwi Solomon, Ramari Wineera, Hautonga te Hiko Love, Wikitoria Whatu, Ringi Horomona, Harata Solomon, Rangi Wereta, Tiratu Williams, Ruihi Horomona and Manu Katene for and on behalf of themselves and all descendants of the iwi and hapu of Ngati Toa Rangatira**

BRIEF OF EVIDENCE OF MATIU NOHORUA TE REI # 1

Dated 9 June 2003

BRIEF OF EVIDENCE OF MATIU NOHORUA TE REI**Introduction**

- 1 My name is Matiu Nohorua Te Rei. I have lived in Wellington since January 1982 and my current address is 141 Aro Street, Wellington.
- 2 I am employed by Te Runanga O Toa Rangatira Incorporated as Executive Director. I have held this position since the Runanga's incorporation on 17 March 1989. I am authorised by the Runanga to give evidence personally and on behalf of the Runanga.
- 3 Prior to my appointment as Executive Director of the Runanga, my previous roles within Ngati Toa have been as Chairman, Takapuwahia Marae, Chairman, Porirua Committee, Raukawa Trustee, and Te Manawhakahaere o Te Wananga o Raukawa.
- 4 My father was Patariki Te Rei and my mother Peti Rei, nee McRae. My whakapapa is Ngati Toa, Ngati Koata, Ngapuhi, Ngati Whakaue and Nga Ruahine.
- 5 I was born in Rotorua on 12 March 1948 and raised amongst my mother's people, Ngati Whakaue. In later life I moved to Titahi Bay where I lived and work amongst the Ngati Toa people. I now reside in Wellington and continue to work for Ngati Toa.
- 6 Although I have only lived with Ngati Toa for some 21 years, it has been a period where I have spent a large amount of my time learning my tribal history and tikanga. This knowledge has been passed on to me through my father and other Ngati Toa kaumatua including Ariana Rene, Ringi Horomona, Ruta Rene, Ihakara Arthur, Iwi Nicholson and many others. I have also read much of the published and unpublished material concerning Ngati Toa. I have been involved in at least four court cases and two Waitangi Tribunal hearings (Wellington (Wai 145) Inquiry and the Te Tau Ihu Inquiry) where a substantial amount of evidence regarding Ngati Toa has been gathered and presented. As Executive Director, I am also a member of the Ngati Toa Claims Committee.
- 7 The court cases I refer to in particular are the boundary dispute with Ngai Tahu which was heard in the Maori Appellate Court in 1990, the Section 30 Te Ture Whenua Act dispute, and the litigation following on from the Maori Appellate Court decision, in particular the judicial review proceedings taken by Ngai Tahu in respect of the proceedings before this Tribunal and the appeal and judicial review of the decision by the Maori Appellate Court. I have given affidavit evidence in a number of those court cases and in the Tribunal Inquiry into the Wellington District.
- 8 My Ngati Toa whakapapa is:

Ko Tainui te waka, Ko Hoturoa te tangata

Na Hoturoa, ko Hotuope

Ko Hotu Matapu

Ko Motai

Ko Ue

Ko Rakamaomao

Ko Kurawakaimua = Kakati

Ko Tuhiana

Ko Poutama

Ko Mango

Ko Kaihamu

Ko Te Urutira

Ko Tupahau

Ko Korokino

Ko Toa Rangatira

Ko Marangaiparaoa

Ko Kimihia

Ko Werawera

Ko Nohorua

Ko Te Ua Torikiriki

Ko Tametame

Ko Miriama Te Wainokenoke

Ko Patariki

Ko au

9 As can be seen I am a descendant of the Ngati Toa rangatira Nohorua, Te Rauparaha's half-brother. He was the leader of the Ngati Toa community at Cloudy Bay. It was Nohorua who told the New Zealand Company surveyors that they could not have the Wairau and who bequeathed land to his daughter in Queen Charlotte Sound. I will comment more fully on Nohorua later on in my evidence.

Ngati Toa's Claim in Context

10 We believe that to better appreciate the Ngati Toa perspective it is necessary for this Tribunal to see our claim to Te Tau Ihu within the context of the wider Ngati Toa claim.

11 It is not appropriate to treat our claim to Te Tau Ihu as divorced from our claims to Wellington, the Hutt Valley, Porirua, or the Kapiti Coast, to satisfy some administrative constraint. They are all linked and events in one area had significant impacts upon another. All of these areas form part of the contiguous Ngati Toa rohe and the key players in all areas are the same. For instance, one cannot understand the interrelationships between the iwi in Te Tau Ihu without looking at the whakapapa links or the heke south from Kawhia. Likewise, one cannot view the sale of Ngati Toa land in Te Tau Ihu independently from the capture of Te Rauparaha and the subordination of Te Rangihaeata, because those events are intrinsically linked.

12 It has always been part of Ngati Toa history that a military campaign was waged by the Crown against Ngati Toa during the 1840s. The Crown's singling out of Ngati Toa thus distinguishes its claim from that of the other iwi in Te Tau Ihu. Ngati Toa claim not only that the Crown took from Ngati Toa its land and other taonga in breach of the Treaty, but also that it took that land by force of arms. We say that it was Ngati Toa which was seen by the Crown as the iwi that had to be subjugated in order for the Crown to achieve its aim of domination of the Cook Strait region.

13 We are concerned that should our claim be viewed narrowly as falling only within the 'boundaries' of the Te Tau Ihu inquiry (such 'boundaries' creating subsequent problems of their own in the context of future legislation and administrative decisions), then the full effect of the Crown actions will not be properly considered. As such, in order to consider customary concepts and the nature of Ngati Toa's rights in Te Tau Ihu as at 1840 in customary terms, this Tribunal must consider Ngati Toa's claim in the broader historical context so that the full extent of the Crown's Treaty breaches can be properly assessed.

14 In the Wellington (Wai 145) Report, the Tribunal stated that it did not make a finding on the Crown's military actions against Ngati Toa because:

"This claim relates almost entirely to a sequence of events between 1846 and 1848 which, for the most part, are beyond the scope of our inquiry. These events are best left to be considered in a later Tribunal inquiry." (Wai 145. Report on the Wellington District, Waitangi Tribunal, 2003, p 218)

15 Ngati Toa feel that this view was most unfortunate, and very much to Ngati Toa's detriment, since the history of the interrelationship and conflict between Ngati Toa and the Crown is one unbroken sequence of events. This sequence of events is closely bound up with the Crown's actions and policies towards Ngati Toa; both in relation to the sale and taking of land, and to the Crown campaign against Ngati Toa. I will talk more about this later in my evidence.

16 As far as this Tribunal is concerned then, it is Ngati Toa's view that the military actions by the Crown, in particular the capture of Te Rauparaha and the exile of Te Rangihaeata, must be considered and findings made on them by this Tribunal, because they had a direct impact on Crown Treaty breaches against Ngati Toa in Te Tau Ihu (such as the 1847 Wairau Deed), and undoubtedly form part of the broader context of this claim.

Ngati Toa's Development of Land Tenure

17 It has been convenient to dismiss Te Rauparaha's establishment of a form of political and economic dominion on the grounds that it does not match classical Maori land tenure tikanga. Yet numerous Maori and European sources clearly record the predominance of Ngati Toa in both Te Tau Ihu and the Wellington region, despite its relatively small size.

18 Ngati Toa is concerned that the discussion of customary concepts has imposed an unduly narrow interpretation and scope to these concepts. This does not accord with the Ngati Toa tikanga, which has been spoken about in more detail by Iwi Nicholson.

19 By way of example, I refer to the narrow interpretation that has been taken of ahi kaa. This narrow interpretation of ahi kaa ignores Maori societal structure – certainly as it was developing in the early part of the 19th Century. In particular, it ignores the ranking of chiefs, individuals, iwi, hapu and slaves.

20 Today there is an almost silent denial that slaves were a component of Maori society – so that groups in 1840 who may have had the ranking of slaves, are now acknowledged as having the same customary rights as the groups who had dominant customary rights to the land. This leads to the prospect of vassal tribes having greater influence in Treaty outcomes through narrow application of ahi kaa.

21 In my view, this narrow view in itself is a Pakeha perspective which minimises the Maori expression of rangatiratanga. It is clear that such relationships did exist in Maori society prior to the arrival of the Europeans. While such subservient relationships no longer exist in Maori society today, in Maori customary society the existence of slaves was an important part of conquest, and a true explanation of the concept of take raupatu cannot ignore the existence of such slaves. Thus ahi kaa interpreted in its narrowest form, assigns equality to slaves and their masters. This is an absurdity.

22 Given that Maori customary society was hierarchical in nature, it must also be an absurdity to continue to assign interests in lands and resources between iwi, hapu, rangatira and tangata, using a narrow interpretation of ahi kaa. Competing interests in lands, rivers, lakes, forests and sea should be weighted, and ahi kaa is but one factor in determining those interests.

23 It is my view that ahi kaa should be interpreted in a manner that measures the interests of competing groups, and this is particularly important in Te Tau Ihu, given the overlapping interests of hapu and iwi. It is Ngati Toa's view that in 1840 we had interests in all the lands, lakes, rivers, forests and sea of Te Tau Ihu, except for defined kainga, mahinga kai and urupa.

24 For example, in 1840, the Wairau was occupied by Ngati Toa, Ngati Rarua and Rangitane. However, it would not be 'tika' to conclude that each of the iwi's interests were the same. It is Ngati Toa's view that we held precedence, followed by Ngati Rarua and lastly Rangitane. What determined the difference was that Rangitane were a vassal tribe, and the Ngati Rarua hapu were not capable of matching the forces of Ngati Toa, nor the ability of its leadership. Further, Tana Te Pukekohatu was an ally and lieutenant of Te Rauparaha, and therefore would have been under considerable constraint, should he have decided to claim an interest greater than that of

Ngati Toa.

25 It is also Ngati Toa's strongly held view that ahi kaa is a tikanga that is not solely based on physical presence. Representation of one's interest can be through one's subordinates just as it can be through one's superiors. In respect of Ngati Toa, the widely acknowledged (in Te Tau Ihu) status of Te Rauparaha amongst the conquering and conquered tribes must result in an acknowledgement of his, and therefore Ngati Toa's interests in all parts of Te Tau Ihu. Otherwise how is that acknowledgement realised? For as Professor Ward says in his evidence before the Wellington Tribunal:

"An obvious awkwardness about equating 'mana toa' (the mana of warriors) with 'title' is that one gets into the absurd situation that *either* Te Rauparaha's undoubted mana as a war leader entitled him to 'own' the entire region, with everyone else having subsidiary rights on his 'estate'; *or* (if that could not be accepted) that his mana as war leader entitled him to virtually nothing. All he could ever claim as 'owner' were the gardens he or his servants cultivated. Some other basis of analysis would seem to be necessary to avoid this absurdity."

(Ward, Wai 145 #M1 page 185)

26 Joe Williams, now Chief Judge of the Maori Land Court, made the following observation in legal submissions on behalf of Ngati Toa during the 1990 Maori Appellate Court case stated:

"... if the Court is to take a view of whether an iwi has maintained its ahikaa up to the present day, then this court is invited to take the view that the maintenance of traditional stories, the maintenance of whakapapa, that the remembrance of wahi tapu, battles won and lost, is evidence of the maintenance of that ahikaa."

(1990 MAC case transcript page 210)

27 Ahi kaa cannot be described simply as occupation of land, but must also include the maintenance of control over the land occupied and areas surrounding it. Simply being on the land is not enough and questions of mana and authority must also be taken into account. Recently, Sir Hugh Kawharu commented:

"At a simplistic level, evidence of unchallenged occupation pre-1840 would be good grounds for the recognition of customary title/mana whenua.... [But] I cannot see how any customary occupation could ever be limited to land "actually occupied". Actual occupation, taken literally, would be impossible to sustain without the protective mantle of a mana whenua standing over a territory much wider than that "actually occupied"."

(from Sir Hugh Kawharu to Matiu Rei, personal communication, 30 May 2003)

28 Furthermore, ahi kaa does not restrict other tikanga from changing its effect. For example, Te Rauparaha granted Arapawa Island to Atiawa and Atiawa established ahi kaa. Yet when requested by Nohorua to assign land at Te Awaiti to his son-in-law Joseph Thoms, he was still able to do so.

29 Thus an unduly narrow focus on the concept of ahi kaa does not fully express nor does it result in outcomes that truly reflect the depth and breadth of a tribe's, a hapu's, or a rangatira's customary interests.

30 It is extraordinary that the modern Treaty processes may provide a greater outcome to people who may have possessed no mana or less mana in traditional terms at 1840, whilst, Te Rauparaha who had greater mana than any other person in Te Tau Ihu, is not given due recognition of his achievements. Ngati Tama, Atiawa, Ngati Rarua and Ngati Koata would not be in Te Tau Ihu had it not been for Te Rauparaha and Ngati Toa.

31 This is particularly pertinent in the case of Ngati Toa where the Crown's actions had the effect of diminishing Ngati Toa mana and presence in Te Tau Ihu. Today Ngati Toa have very little land remaining in Te Tau Ihu. In the Wairau for example various families have scattered interests in various places – usually only small shares in small remnants of land.

Ngati Toa's Relationship with Te Tau Ihu

32 I am tangata whenua in Te Tau Ihu as well as elsewhere. I believe this because this is what I have been taught. This is also my view from the history I have learnt. My belief stems from the deeds of my tupuna who migrated from Kawhia to these lands. Irrespective of the reasons they left our whenua tupu, their actions in acquiring these lands through conquest and diplomacy and settlement has ensured that their descendants, including myself, have every right to claim to be tangata whenua.

33 It is necessary for me to make this statement because of events surrounding the diminishing of Ngati Toa mana in Te Tau Ihu. Since the detention of Te Rauparaha and the expulsion of Te Rangihaeata, Ngati Toa have been striving to maintain their rights in Te Tau Ihu. The Crown has attempted to validate their violent actions against Ngati Toa by their almost continuous suppression of us.

34 We believe our tupuna, particularly Te Rangihaeata, acted in the only responsible Maori way in responding to pressure placed by the Crown on Ngati Toa to acquire parts of our estate. His willingness to face a formidable foe which had stolen our lands despite entering into a solemn Treaty which guaranteed the exclusive and undisturbed possession of our lands for as long as we wish to do so, is proof of his expressing rangatiratanga in full for the lands over which he held mana. It certainly shows that he was not of a mind to part freely with his interests.

35 Ngati Toa has always maintained the view that it holds mana over Te Tau Ihu because it was under the mantle of Te Rauparaha's leadership that these lands were wrested away from the tribes that previously occupied them. It was Ngati Toa that divided the lands and settlement of those lands was not only as a consequence of victory but also due to kinship ties.

36 Ngati Toa does not maintain that it has an exclusive claim to the area under dispute. But it does claim that it has a significant interest in the entire area of the Te Tau Ihu Inquiry district (and beyond).

37 Sir Hugh Kawharu has commented to me:

"Occasionally, rights were transferred by the chiefs out of their group altogether, but carrying conditions which varied according to purpose, e.g. establishing or maintaining inter-group alliances. The granting of such rights, or "tuku rangatira", well illustrates the principle that land tenure was an integral part of the tribal political system, a subset of the tribal social system. Who occupied the land and under what conditions was invariably a political decision taken in the interests of survival, domination or expansion."

(From Sir Hugh Kawharu to Matiu Rei, personal communication, 30 May 2003)

38 Ngati Toa also maintain that historical evidence shows that this is precisely how the Ngati Toa chiefs acted. Te Rauparaha disposed of lands to his people, to his

allies, and to the vassal groups for the political purposes of maintaining alliances and effective control of the conquered lands. In Sir Hugh's words, his decisions were "taken in the interests of survival, domination [and] expansion."

39 This interest has been maintained in various ways, such as by occupancy, use of resources, receipt of gifts, harvesting of the land, maintenance of traditional stories, maintenance of whakapapa, remembrance of wahi tapu, battles won and lost and so on by Ngati Toa within Te Tau Ihu, from the time of the conquest to the present, despite the Crown's actions toward Ngati Toa. It is also shown through the ongoing relationship between the other iwi in Te Tau Ihu to Ngati Toa. But the knowledge is part of our living history. While these practices may seem important it is my personal contention that they are mere fragments or residual expressions of rangatiratanga. They are the remains of our contact with the land and the sea in Te Tau Ihu and they reflect the oppression of subsistence, not the full and undisturbed possession of our lands and fisheries.

40 Although one may focus on individual iwi it is also relevant to recognise that within the wider context of tribes there are genealogical relationships which enabled Te Rauparaha and Te Pehi Kupu to form alliances. These alliances formed the platform for the successful conquest and settlement of an area.

41 While it may be contended that Ngati Toa could not have achieved its remarkable success without the assistance of other tribes, such as Ngati Mutunga, Ngati Tama, Te Atiawa, Ngati Rarua, Ngati Koata and Ngati Raukawa the corollary must also be true. That is, that those other tribes could not have achieved settlement without the aid and leadership of Ngati Toa. We think the corollary has more substance.

42 In a comment in the Native Land Court in 1873, Rene Te Uenuku who declares himself as being Ngati Koata and Ngati Rarua was speaking about a block of land. In the context of his evidence he said:

"He iwi ke a Ngati Koata, he iwi ano a Ngati Rarua me Ngati Tama, engari, no Ngati Toa aua iwi katoa."

Thus, while the different hapu and iwi maintained their separate identities, they did so under the mantle of Ngati Toa.

43 This seems most consistent with what the Ngati Toa chiefs are saying in their letters to Governor Grey, connecting the linkages of these iwi back to their common ancestry, although in this instance Rene Te Uenuku has expanded it to include Ngati Tama. I think that is because of the Ngati Tama rangatira linkages back to Ngati Toa, because in the Ngati Tama whakapapa Te Puoho's father was Whangataki who was Ngati Tama, but his mother was Hinewairoro who was Ngati Toa.

44 In waging a series of successful campaigns numbers appear important, in that it was necessary to have a force which was capable of sustaining those campaigns. However, there is a Ngati Toa saying:

"Ahakoa he iti taku iti, he pura ki te kanohi, ka ngaro te Ao. Tenei taku rahi"

"Although I maybe small, I am like a grain of sand, that when lodged in the eye causes the world to vanish. This is my greatness".

It means that although Ngati Toa was a relatively small iwi, it is still capable of realising great deeds.

45 The threat posed by the iwi of Ngati Toa was in large part due to the formidable and brilliant nature of its leadership. Scrutiny of the battles waged both in the various heke from Kawhia and in the South Island indicates that a major factor in the successes was the brilliant strategies and personal magnetism and dynamic leadership of Te Rauparaha. The battle of Waiohua is a case in point. Even though Ngati Toa and Ngati Koata were facing an enemy of overwhelming numbers, we were successful due to Te Rauparaha's inspiring leadership.

46 Likewise, the Ngati Toa chiefs were extremely successful in developing relationships and alliances.

47 Ngati Toa settled the Kapiti, Porirua and Te Tau Ihu areas for four reasons. The abundance of food and their strategic locations, were I believe, the most important of the two. It is by controlling these important coastal areas that Te Rauparaha could control and monitor threats to his region of influence which extended from Whangaehu in the north at least as far as Waipapa on the east coast and Arahura on the west coast of Te Tau Ihu.

48 The third reason is trade with the Pakeha, particularly the acquisition of muskets. The last reason was the acquisition of greenstone.

49 It should also be noted that Ngati Toa came to stay. They cut off their contact back to their whenua tupuna and decided to settle permanently in the area of conquest. This despite the invitation of Te Wherowhero to return to Kawhia. The Ngati Toa kaitiaki also came. These are Kopa, a ruru, Mutumutu, who comes in the shape of an eel, and Mukukai, which appears in the straits in the shape of a tree. These kaitiaki are described in more detail by my Aunty Ariana Rene in her evidence before the Tribunal. The fact that our kaitiaki came with Ngati Toa to the area of conquest was very significant, it indicates that this was our new homeland.

50 It is my view that one cannot understand the interrelationships between the iwi in Te Tau Ihu by 1840 without having a clear understanding the whakapapa and background to those iwi. In my view the Ngati Toa led campaigns to Kapiti and the South Island were based on more than a common interest in acquiring lands and resources, but rather a deeper interrelationship with common genealogical ties.

51 It is clear that the common objective of conquest was far better obtained by a cohesive force with layers of common genealogical ties and with individual chiefs leading hapu or iwi groups. Ngati Toa were excellently positioned to exploit those relationships by its assumption of the mantle of leadership.

52 From the significant battle of Hingakaka and the campaigns of Te Rauparaha, the leadership of the Kawhia groups, including for example the joining of Ngati Tama and Ngati Mutunga, to the allied force, it appears that all of these events were undertaken under the leadership of the Ngati Toa chiefs and especially Te Rauparaha and Te Rangihaeata. It is clear that Te Rauparaha in particular made use of the common genealogical ties as well as common objectives in persuading these groups to join with him in the conquest.

53 Te Rauparaha had an excellent whakapapa to assume such leadership but his whakapapa must also be seen in the context of his undoubted leadership qualities and skills. Te Rauparaha has often been described as having junior whakapapa. I question the accuracy of this comment, because Te Rauparaha was a descendant of Kimihia, who was the brother of Te Maunu. Te Rauparaha's linkages back to Ngati Raukawa elevated his whakapapa further. Toitoti from Te Maunu, the father of Te Pehi Kupu, was the same generation as Te Rauparaha, so in a Maori sense Te Rauparaha was the Uncle of Te Pehi Kupu. This to some respect gave him a balance in his leadership. Also relevant is Te Rauparaha's relationship with both Te Rangihaeata and Nohorua.

54 Te Rangihaeata was always described as being Te Rauparaha's nephew, which he was, because Rangihaeata was the son of Te Rauparaha's sister Waitohi. Waitohi

was also renowned as a woman of great leadership qualities, and was known to have been respected and consulted by Te Rauparaha. But it is also very important to remember that Rangihaeata was the son of Te Rakaherea, who was the son of Te Maunu. So Te Rangihaeata has lines back into the principal Ngati Toa hapu as well as into a second line, Ngati Kimihia. This relationship also helped Te Rauparaha because while Te Rangihaeata could say he was Te Rauparaha's tuakana, he was also his nephew. And then with Nohorua, Nohorua and Te Rauparaha shared the same father, so they were half brothers, but Nohorua's mother was Waitaoro, who was a sister of Pikau Te Rangi.

55 Thus Te Rauparaha was able, even within his own iwi Ngati Toa itself, to exploit his relationships and elevate himself in terms of his rangatiranga through his own relationships with people who might have been, for instance, his tuakana or his matua, but because of other linkages of his other close relations, he was able to achieve a leadership position. So in my view Te Rauparaha's prominence within Ngati Toa was not only due to his undoubted abilities and skills as a leader, but also his extremely good genealogical links within Ngati Toa.

56 Nohorua was another Ngati Toa leader. He was a tohunga and apparently had a great strategic mind. He was the kaitiaki of the Ngati Toa tupua. That means that he was the kaitiaki of Kopa, Mukukai and Muhimuhi. They are the Ngati Toa taniwha, and they are used as mediums between Ranginui and Papatuanuku. They are therefore extremely important tupua, and on that basis Nohorua would have been able to go between the tupua and Ngati Toa.

57 Nohorua was somewhat sceptical of the Europeans. It has always been the Ngati Toa position that Nohorua refused to sign the Treaty unless his son in law Joseph Thoms also signed it. This was because of the mistrust between Ngati Toa and the Crown in signing the Treaty, and certainly Nohorua's mistrust. It was thus his view that if the Europeans failed to uphold their side of the bargain, then Thoms would be personally responsible to Nohorua for the same, and Nohorua would not be blamed for signing the Treaty. That was the Ngati Toa understanding. Of course by comparison, the Crown's position was that Joseph Thoms signed as a witness. The period of time prior to the signing of the Treaty had not allowed a huge amount of contact between Ngati Toa and the Crown and there were still huge language difficulties.

58 Matene Te Whiwhi was the grand-nephew of Te Rauparaha, as the son of Toperoa. He became prominent in Ngati Toa post 1840 along with other Ngati Toa leaders such as Rawiri Puaha. They achieved seniority through their connections and also because of their appearance as highly intelligent individuals. But they were of a different kind to Te Rauparaha and Te Rangihaeata. This was because of the influence of Christianity. It appears that they had a great deal of trust in European civilisation and European law.

59 There is a notable contrast between the attitudes of these Ngati Toa chiefs to the European laws, from virulent opposition to passive acceptance or a somewhat more amenable view. Te Rangihaeata was the most sceptical of all of Christianity and the 'benefits' of the Treaty and European colonisation. He was probably at one end of the spectrum. He was followed closely by Te Rauparaha and to some extent by Te Hiko. Then at the other end you have Matene Te Whiwhi and Rawiri Puaha.

60 I think that difference in attitudes is what eventually led to the events that came to pass over the sale of Ngati Toa lands, because Governor Grey was able to exploit those differences by focussing on getting the new generation of Maori chiefs like Matene Te Whiwhi and Tamihana Te Rauparaha into positions of authority. Governor Grey understood very well the relationships and nature of Maori society. By putting the younger chiefs in a position of power in the absence of the older chiefs, who were most opposed to the wholesale selling of Ngati Toa lands, he was able to persuade them to sign the deeds.

61 But while that may have occurred, it must always be seen in the context of the forced arrest and imprisonment of Te Rauparaha. It has always been Ngati Toa's perspective that the actual selling of the land was centred around the arrest of Te Rauparaha. With Te Rauparaha imprisoned and Te Rangihaeata forced into exile, Ngati Toa would do whatever was necessary to get their leaders back. I believe that Ngati Toa saw the selling of the land as the ransom for the release of Te Rauparaha.

62 This Ngati Toa understanding was reinforced when Te Rauparaha was indeed released shortly after the Deeds had been signed. Despite his imprisonment, Te Rauparaha was still regarded as a chief by the other chiefs throughout the country, for example by the Nga Puhi chief Mangonui. It may have been Grey's understanding of the delicate nature of Te Rauparaha's imprisonment, both in terms of European law and in maintaining the balance of power with Maori, which meant that on the whole, Te Rauparaha was not treated badly while imprisoned.

63 The detention of Te Rauparaha created a leadership vacuum. Coupled with the expulsion of Te Rangihaeata, this enabled Governor Grey to extract Ngati Toa lands. This began the demise of Ngati Toa lands by the Crown to today's situation where we are virtually landless.

64 The words in William Wakefield's diary, when, in the context of the Port Nicholson purchase, he goes to visit Te Rauparaha 'and the heads of the Kafia tribe' at Cloudy Bay in order to try and 'ratify' the Company's Port Nicholson 'purchase', provide a useful summary of a European view of Te Rauparaha as at 1840:

"The history of Raupero is the most eventful and worthy of any existing New Zealand chief. His expulsion and that of all his numerous and powerful tribe from their native district Kafia... is well known to you... Their forcible seizure and occupation, in their turn, of all of the Coast Land on both sides of this strait has also been described; but the means he has employed for the aggrandizement of this people and the causes of his pre-eminence and influence amongst all classes and clans, extending also to the foreign residents and visitors, in the southern parts of these islands, have not been dwelt on.

Raupero is at least 60 years old. When a young man he acquired a reputation for strength and courage, founded on his skill in native warfare, which his wiliness and success in all his undertakings have preserved for him in his old age.

He came from Kafia as a fighting general of Ti Pahi and, after the death of the latter at Otago by Tairoa and the Southern tribes, became Chief of the tribe. To revenge Ti Pahi's death, which was accomplished by tying him up by the heels to a tree and cutting his throat, at which his enemies sucked his blood, Raupero engaged with a Master of an English vessel, by name Stewart, to carry him and some of his people to Otago under pretence of a trading voyage, where the Master coaxed on board a leading Chief of the tribe and his family. Some of these were immediately killed, after which Raupero and Stewart with their myrmidons landed and laid waste the settlements...

By similar treachery has Raupero acquired his power in other parts and become the terror of all the neighbouring tribes... In all negotiations Raupero is considered skilful and is referred to upon many occasions. In his dealings with Europeans and Americans he makes use of alternate begging and extorting measures, according to the power of resistance to his demands he may meet with, and might if he had been prudent, be now extremely rich by his trafficking for supplies for ships and the presents he has received.

He receives tributes from numerous petty tribes and slaves and the stronger tribes are occasionally constrained to purchase peace at his hands.

On the whole he is disposed to encourage and protect European settlers and having been several times to Port Jackson, knows how to appreciate the commodities of civilised life.

...In resolving to visit and conciliate this old savage, however strong my repugnance to his character and practises, I am more led by the hope of acquiring his land on which to locate a society which shall put an end to his reign, than by any good wishes to him, and to obtain influence with his presumptive successor, Hiko, who bears a much better character.”

65 It is also clear from Wakefield’s words that the Europeans perceived an opportunity to manipulate iwi through the so-called ‘New’ and ‘Old’ Guards of Ngati Toa chiefs. This is reinforced by other comments which he makes in his Diary, for instance:

“A schooner from the Bay of Islands had been here with an English and native chief Missionary...and had transformed these fighting cannibals into catechists or self styled missionaries. Our friends asked for Bibles and talked of the morrow being Sunday with uplifted eyes...”

(from William Wakefield’s Diary, Alexander Turnbull Library, Ref: qms2102)

66 He goes on to say that,

“...the rising generation, however, promises much better things. The influence of the forms of worship, introduced by the Missionaries and scrupulously attended to by the whole community, although it has inculcated but a vague idea of the Christian Religion, has been most powerful and morally useful”

(from William Wakefield’s Diary, Alexander Turnbull Library, Ref: qms2102)

Ngati Toa and its Position in Te Tau Ihu by 1840

67 It is my view that by 1840 Ngati Toa was in an extremely strong position in Te Tau Ihu.

68 By 1840, Ngati Apa, Ngati Kuia and Rangitane were in no position at all to pose a threat to Ngati Toa and the other tribes of the North. They were, in fact, in a position of subjugation.

69 Likewise, although the allied iwi and hapu had rights to Te Tau Ihu by virtue of take raupatu, it is Ngati Toa’s view that these rights existed under the mantle of the Ngati Toa leadership.

70 In addition to my discussions above, my conclusions are backed up by Ngati Toa’s own history and also by the recorded observations of Europeans who visited Te Tau Ihu around that time.

71 William Wakefield describes meeting a group of Rangitane at the estuary at the bottom of Admiralty Bay. He describes going from the estuary up a stream and notes that there they find a party of ‘the original natives’. He also notes that at the place of the encampment the marks of floods reach 10 feet above its bed and that they were told that some people drowned at night by a sudden flood. He goes on to state that:

“they belong to the Ranghitani tribe and were made prisoners four of five years ago by Raupero and the Kafia people, after the latter were driven from Kafia. They have their residence at Titirangi, at the entrance of Admiralty Bay, and are the slaves of the Kafia chiefs. They were bound on an excursion to pick flax, which grows in abundance and of the best quality on the swampy ground up the river. These poor people received us in fear and trembling, holding their lives at the mercy of the Chiefs, once of whom was with us. We encamped near them at night and found them very different from the free people we had seen. They are scarcely allowed to possess anything beyond the bare means of existence and pay heavy tribute yearly to their masters.”

(from William Wakefield’s Diary, Alexander Turnbull Library, Ref: qms2102)

72 This letter should perhaps be read in context with evidence given by Meihana Kereopa on behalf of Rangitane in the 1892 Nelson Tenth case. In response to questioning from Hemi Matenga, he states:

“We were dressing flax at Nelson at the time when Captain Wakefield came. Was here about seven years before the Company arrived. Our people died while here but I cannot say where they are buried as they were buried secretly by their relatives.” ... “It was in the time of Captain Wakefield when we were dressing flax at Nelson that Te Rako died and was buried in the European cemetery. There were no pakehas here before the Company came.”

(Nelson Tenth case page 317)

He goes on to say at page 321 in response to questions from Mr Pitt that:

“There were over forty persons here dressing [322] flax at Nelson when Captain Wakefield arrived.”

73 Two particular observations are made. One, the main work of the Rangitane in Nelson was “Haaro harakeke” or to collect and prepare flax. The second was that until the arrival of a Captain Wakefield, it appeared that they had no European contact. Therefore it is most probable that Rangitane were not conducting trade on their own behalf, but rather for someone else and that someone else was most likely Te Rauparaha. A second point can be made and that is the Rangitane party were not under the direct control or presence of either Te Rauparaha nor any Kawhia chief, but were still under the mana of the conquerors. This strongly indicates the nature of “take raupatu” in that control of resources and people could still be maintained without the confinement of “take ahikaa”.

74 In the letter from John Tinline, Native Interpreter, to Richmond on 18 February 1950 (referred to in Richard Boast’s report, page 240), Tinline states that a group of Rangitane remained on land on the South Bank of the Wairau River, despite the ‘sale’ of the land to the Crown. He notes that, in his view:

“the most important reason of all [for the continued occupation], altho merely hinted at and not openly declared, appeared to me to be because the actual aggressors- Natives belonging to the old original tribe, the Rangitane, formerly owners of the District, but from who it was wrested by Te Rauparaha and his tribe, the Ngati Toa, having never received a penny of the purchase money...but being subject to the Ngati Toa tribe, they are afraid to openly assert their claim to any part of the money which has been paid for the land, and I dare say they may have some idea that by retaining possession of the land itself, they will entitle themselves to a separate consideration from the Government or the New Zealand Co.”

Later in the letter he says:

“I was very anxious to get from them a distinct answer, as to whether they would remove or not, and was obliged, from their inadequate and vacillating replies, to repeat the enquiry again and again, when the parties who are the trespassers said they would not give up the land but to the owner himself when he came for it, but Kanae, who is a Chief of the Ngati Toa, said as much as that the Natives would remove on the taking up of the present potatoes crop.”

75 In William Wakefield’s diary he records coming up the outer reaches of the Queen Charlotte Sound between the Island of Motuara and Long Island. He records meeting there the people of the Ngatiinhatangi [sic] tribe. This tribe is described as living at Queen Charlotte Sound and being “tributary to Raupero, the head of the Capiti Tribes, who lives at Capiti or Entry Island.” Wakefield also notes that:

“This part of the Sound, however, is owned by Hiko, Raupero’s nephew, who inherited it from Tipahi, and who will probably succeed Raupero as

chief of the Capiti Tribes.”

(from William Wakefield’s Diary, Alexander Turnbull Library, Ref: qMS 2102)

76 Ironside when he was in Te Tau Ihu made a number of comments about how terrified all the iwi were down there of Te Rauparaha and the allied forces.

77 William Wakefield also observes that:

“the island of Moturoa and Long Island each presented signs of hasty but extensive fortification... and we found that a few months ago a quarrel had taken place between the Capiti tribe and that called Ngatiawa, which resides further up the sound than where we are, respecting the right of proprietorship in Mouara and Long Island, when Raupero crossed the Straight, with his followers, and after a fight which ended in the slaughter of eight men, had been victorious, when peace was established and it still exists.”

(from William Wakefield’s Diary, Alexander Turnbull Library, Ref: qMS 2102)

78 Ngati Toa and the allied iwi were free to range freely across the whole Te Tau Ihu area. Ngai Tahu, although not in the position of those Kurahaupo tribes, likewise was in a greatly weakened state and was not in a position to respond or avenge the actions of Te Rauparaha and previous years. There was one campaign, but that didn’t end in any success.

79 By and large, Ngai Tahu had retreated back to Southern parts of the South Island and didn’t really represent any threat to Ngati Toa.

80 The major threat to Ngati Toa in Maori terms was always from the North, in particular from Tainui or Nga Puhi. However the arrival of Ngati Raukawa and their settlement in the Manawatu/Horowhenua area had further strengthened Ngati Toa’s position in the bottom of the North and the top of the South Islands and secured a buffer around Ngati Toa’s centre. This buffer to Ngati Toa’s central position reduced further the threat of attack from either the North or the South Islands. It is thus my view that it would be fair to say that Ngati Toa had established itself into a very comfortable situation throughout the decade of the 1830s.

81 Likewise, Ngati Toa had developed very strong relationships with European settlers throughout the decade of the 1830s.

82 Te Rauparaha recognised the trade value of having Europeans settle in the area, instead of merely stocking up on their way through, and supported the presence of the Europeans. Ngati Toa traded in flax, potatoes and pigs for a wide range of European-manufactured goods including nails, axes, blankets, tobacco, alcohol and muskets.

83 Ngati Toa established important relationships with new settlers, missionaries, traders and whalers. The whaling industry was particularly important to Ngati Toa in the 1830s, as was the ship building industry.

84 At its peak there were eight whaling stations on Kapiti Island (including three on small islands off Kapiti). There were also two whaling stations at Paraparaumu, one at Raumatī, and others at Paremata, Te Korohiwa, Mana Island, Port Underwood and Te Awaiti.

85 John (also known as Jacky) Guard set up one of the country’s first whaling stations at Te Awaiti in Tory Channel. On arriving at Guard’s Island, Wakefield found:

“a few of the Ranghitani tribe, slaves; and on the side next to the sea, from which there is a view of the whole straight, a numerous body of the Kawhia people. They have excellent houses and stores of pigs, potatoes and flax”.

(from William Wakefield Diary 11 September 1839, ATL, Ref qMS 2102)

86 Te Rauparaha and Te Rangihaeata also sold John Guard land at Pelorus Sound.

87 Joseph Thoms was another whaler. He established a whaling station close to the pa of Nohorua. Thoms also operated a small inn and ferry service across from Paremata to Whitiorea Peninsula. They had two sons, but his wife Te Ua Torikiriki died shortly after the death of the second son in May 1835 and was buried at Te Awaiti, where Thoms had established another whaling station and where he based himself from the 1840s until his death. I will speak more about Joseph Thoms later in my evidence.

88 The value of European tools and shipbuilding abilities, as well as relationships, is well demonstrated by the Wairau incident. Ngati Toa was able to get to the Wairau so quickly because Thoms provided the transportation. Ngati Toa was thus able to achieve the trip in better time than the constabulary that left from Nelson. Word got across to Te Rauparaha in Kapiti in time for him to collect up the relevant chiefs and then get across to the Wairau and to be there waiting for the constabulary and the settlers before they got there. This clearly demonstrates that Ngati Toa had very good communication links extending as far as Nelson and Ngati Toa was able to cross the Cook Strait with relative ease.

89 Thoms and his sons continued to build boats, not just for Ngati Toa but also for other people and to chase whales right up to beginning of the 20th century.

90 Ngati Toa was renowned in terms of its sailing and fishing ability and techniques. The Ngati Toa feasts were famous across the sea. This is recorded by Arthur Wakefield regarding a hakari organised by Te Rauparaha, known as Te Rauparaha’s feast – Hakari Turipona.

91 Trade with Europeans enhanced the mana and superiority of Ngati Toa in Te Tau Ihu. Ngati Toa strategically chose to base itself partly from Kapiti Island because of its position as a major trading port. Kapiti Island became the major trading place between Ngati Toa and the Pakeha and became known as ‘Entry Island’. Ngati Toa’s trading interests included the North and South Island and extended as far as Australia.

Personal Links With Te Tau Ihu

92 I also have strong personal links with the South Island arising out of my ancestry.

93 As I have said I am a direct descendant of Nohorua, the brother of Te Rauparaha and Te Wauwau. Nohorua was part of the conquest south led by Te Rauparaha to conquer lands in the northern part of the South Island. When the Treaty of Waitangi was signed on behalf of Ngati Toa, Nohorua was one of the signatories in the South Island. He signed at Cloudy Bay.

94 My Ngati Toa ancestry is set out below, descending from Nohorua

Ko Nohorua

Ko Te Ua Torikiriki

Ko Tametame

Ko Miriama Te Wainokenoke

Ko Patariki

Ko au

- 95 Other descendants of Nohorua, in particular my Aunty Ariana Rene, Tiratu Williams and Nohorua Te Koha will speak in more detail about Nohorua and his descendants. However, I do wish to make some brief comments about my tupuna.
- 96 Nohorua, like the rest of the Ngati Toa chiefs, was found in many places. Quite unlike today, they didn't appear to have only one permanent residence. Nohorua appears to have lived in Port Underwood and Nelson for a time as well as on Kapiti Island, on Hongoeka, in Wellington at Oriental Bay (according to Matuaiwi Solomon) and Plimmerton.
- 97 There were a number of new relationships developed between Ngati Toa and the Europeans in Te Tau Ihu. One such relationship was between Nohorua and his family and Joseph Thoms.
- 98 Thoms was the coxswain on the ship that McQuarrie brought into Wellington harbour in 1827. This is recorded as the first European ship to enter Wellington Harbour. Obviously Thoms would have seen the potential of the area at the time, and he returned shortly afterwards to establish relationships with Ngati Toa.
- 99 Joseph Thoms brought to New Zealand his skills in terms of seamanship and boat building. As I have said, these skills were extremely valuable to Ngati Toa because they meant the ability to trade for European goods. Ngati Toa was thus able to exploit the skills of Joseph Thoms and his sons in order to trade with Europeans, which was one of the principal objectives of the migration to Te Tau Ihu.
- 100 Joseph Thoms was married to Nohorua's daughter, Te Ua Torikiriki.
- 101 Nohorua was married to Te Wainokenoke who was of Ngati Toa and Ngati Awa lineage. Her whakapapa is attached. They had two children, Te Ua Torikiriki and Horomona.
- 102 Te Ua Torikiriki was named after an event that occurred during the skirmish that began at Kaparatehau and ended at Fighting Bay in 1836. An unarmed party of Ngati Toa went to Kaparatehau to gather ducks when they were ambushed by Ngai Tahu under the leadership of Tuhawaiki. A contest of wills developed between Nohorua and a Ngai Tahu tohunga through the incantation of karakia. The Ngati Toa party survived the ambush by Nohorua invoking a karakia that created a misty rain or "te ua torikiriko", obscuring Ngati Toa from the pursuing Ngai Tahu.
- 103 According to my father, Te Ua Torikiriki died of a broken heart when Joseph Thoms left her and returned to Sydney. She was buried on the beach at Te Awaiti. Her remains were later interred in the Thoms cemetery. Te Ua Torikiriki composed the waiata *Moe Hurihuri* which expresses her grief and aroha for Joseph Thoms. This will be referred to by Te Waari Carkeek when he speaks about Ngati Toa Wairata.
- 104 Te Wauwau was born in Kawhia and lived in the South Island. Tiripa was born in Whakapuaka. Ihaka was born in Whakapuaka, Nelson. My father, Patariki Rei, was born in Matauri Bay, Northland but for a period of seven years was raised on D'Urville Island and in Nelson.
- 105 My father was born in Matauri Bay because his grandfather, Tametame Thoms established a whaling station there, and subsequently married Rawinia Te Ho of Ngapuhi.
- 106 Tametame Thoms was previously married to a pakeha woman to whom he had five children. His wife and children from this marriage remained in Wellington in the home he had established in Thorndon. My grandmother, Miriama Te Wainokenoke maintained contact with her siblings.
- 107 Joseph Thoms and Te Ua had two sons, my tupuna Tametame (also known as Thomas) and George. He passed on his ship building and seamanship skills to his sons.
- 108 Thoms was well known for his whaling station at Paremata and also for a grog shop at the same place. He was known to be a hard and robust innkeeper. He was also well known in Te Tau Ihu particularly at Te Awaiti. He also had land interests in Te Awaiti and land was given to him by Nohorua in Tory Channel and Queen Charlotte Sound. He also had a large estate at Linkwater, known as 'Thoms' Grant', because his plan was to build a channel between Queen Charlotte and Pelorus Sounds. That is why 'Linkwater' has that name today. However although Nohorua gifted these lands to Thoms, he had to first seek the permission of Te Rauparaha and Te Rangihaeata to do so.
- 109 It seems that although certain rights were given to people living on the land, Te Rauparaha and Te Rangihaeata still held overall authority in respect of those lands. For instance, although Arapawa Island appears to have been granted to Ngati Awa at the time, this did not stop Te Rauparaha approving the grant of some of the land on Arapawa Island to Joseph Thoms.
- 110 Throughout the history of the people from whom I descend, they have travelled extensively. This does not affect their connection with the lands of Ngati Toa. In fact, their travels enhance their connections to the various Ngati Toa lands. My Ngati Toa ancestors travelled extensively around Ngati Toa lands. These lands were the lands conquered by Ngati Toa and its allies, led by Te Rauparaha. I have an interest in the lands through Nohorua, from whom I am a direct descendant.
- 111 My family have maintained our connections with land in the South Island. We have "mate" in the South Island on D'Urville and Arapawa Islands and in Nelson. Nohorua was born in Kawhia and lived in the South Island. Te Ua Torikiriki lived and died in the South Island. Tame was born and raised in the South Island. Wauwau was born in Kawhia and lived in the South Island. Tiripa was born in Whakapuaka, Nelson. Ihaka was born in Whakapuaka, Nelson. My father, Patariki Rei was born in Matauri and raised in the South Island.
- 112 We have interests in Marlborough at Whangarae and Whakatu and the islands around D'Urville. Many of these lands are somewhat isolated and access is either by four-wheel drive or by boat. Nevertheless we maintain a connection with the lands.

- 113 My whanau have a great deal of contact with our South Island relatives. In particular, my father Patariki Te Rei maintained this contact. He was Ngati Koata as well as Ngati Toa and for a period of seven years was raised on D'Urville Island.
- 114 He and his cousins, the Elkingtons were extremely close, and maintained those links all their lives. The Elkingtons are also descendents of Nohorua. However, by the time my generation came to adulthood, many of my relations had left Te Tau Ihu.
- 115 They migrated north for economic and spiritual reasons. In the 1950s, many of Dad's Ngati Koata and Ngati Toa relations went to Tuhikaramea as labour missionaries to assist in the construction of the Mormon Temple and also the Church College of New Zealand. But my father and others like him have always maintained their emotional and spiritual attachments to Te Tau Ihu. There was never a conversation that didn't go back to Te Tau Ihu and as children we grew up thinking that it was the most wonderful place in the world.
- 116 Ngati Toa and Ngati Koata are closely intertwined. Ngati Koata could be said to be Ngati Toa, although one can differentiate Ngati Koata through genealogy. In my view it is not clear whether Ngati Koata are a hapu or an iwi yet it is difficult to separate either from each other. Ngati Toa and Ngati Koata are connected at almost every generation. We therefore have strong connections with Ngati Koata either independently or as part of Ngati Toa and in particular with the Ngati Koata people in Nelson. The Ngati Koata people form part of my whanau.

The Crown's attack on Ngati Toa

- 117 It has always been the belief of Ngati Toa that the Crown chose particularly to attack and undermine the power and influence of Ngati Toa and its chiefs. As I have said at the time of the Treaty Ngati Toa was the iwi who had a primary position of mana in the coast and the inland regions on both sides of Cook Strait. The iwi had economic power through trade and relationships with other hapu and iwi groups.
- 118 Ngati Toa suffered as did other hapu and iwi on both sides of the strait the effects of the New Zealand Company purchases, the Spain Commission and Crown purchasing, the reduction of our few reserves, and the work of the Native Land Court. But we also suffered from direct and deliberate military and police coercive action against not just our chiefs but also against our people and our vassal groups. The Wellington Report just released describes the action of the New Zealand Company, settlers and Crown against Ngati Toa in Heretaunga. The pattern of events there followed similar lines to what occurred in Te Tau Ihu. When the company began to press claims for land in Porirua and Heretaunga Ngati Toa resisted. When settlers attempted in 1842 to build houses in Porirua, Te Rangihaeata chased the settlers away and destroyed the buildings.
- 119 The next year when surveyors began surveying the lands in the Wairau, Te Rauparaha and Te Rangihaeata went with a large party of Ngati Toa men, women and children and began to cultivate the land. When as the Wellington report says "an armed posse of company officials and settlers tried to arrest Te Rauparaha", battle ensued. The posse was not made up of only New Zealand Company officials but was in fact led by Nelson's chief Crown official Thompson, the police magistrate and native protector.
- 120 The Wellington Report describes how the Crown made repeated attempts to secure Ngati Toa agreement in the period after the Wairau battle including discussions at Waikanae and Porirua for the sale of Ngati Toa at Port Nicholson and Heretaunga. Ngati Toa's resistance to sales was met by a change of Crown approach with the arrival of Governor Grey who decided that he would expel Ngati Toa and others there by military force and issued ultimatums that Maori would face immediate attack if they did not move. This was followed by the occupation of these lands by troops, the plundering of houses and fields and burning of pas. Quite reasonably, Te Rangihaeata was enraged by this attack and particularly the burning of the fences around the urupa. Grey went ahead with a declaration of martial law.
- 121 The Wellington Report records that in July 1846 Grey had decided to attack Te Rangihaeata at Pauatahanui and that capturing Te Rauparaha would provide the victory that was eluding him with Te Rangihaeata, "and would satisfy the clamouring Wellington public, who had never been fond of Te Rauparaha". As a result Te Rauparaha was captured at Porirua and detained on 23 July 1846. He remained a captive of Grey for 18 months but was never charged or tried and was only released back to Ngati Toa after the sale of Wairau and Porirua. (Wellington Report page 216).
- 122 Of great disappointment to Ngati Toa is that the Wellington Report then says that "Grey's capture and detention of Te Rauparaha falls outside the parameters of this inquiry, and the Tribunal makes no finding on it." Nor does the Tribunal comment on the whole nature of the coercive threatening against Ngati Toa, Grey's planned strategy to suppress Ngati Toa and the military and armed warfare waged against Ngati Toa the decade following the signing of the Treaty.
- 123 Given the fact that the Tribunal may not hear the rest of the Ngati Toa claims against the Crown until later this decade it is vital that the Tribunal considers the whole of this campaign against Ngati Toa on this occasion. The campaign was not something the other claimants before this Tribunal suffered.
- 124 It is the consistent Ngati Toa understanding that the Porirua and Wairau sales – which must be taken together – were the ransom for their rangatira Te Rauparaha and the price that needed to be paid to buy our freedom from further Crown military attack. Only by paying this price, extorted from us by the Crown's chief representative in New Zealand, could they get their rangatira back.
- 125 Governor Grey also deliberately set about subverting Ngati Toa's rangatiratanga and social structure by carefully driving a wedge between the older leaders, whom he perceived to be more intransigent, and the younger chiefs who appeared more pliable. Not only were Ngati Toa's lands attacked, but so were the very bonds of mana and relationships that held the iwi together as an entity.
- 126 Later this week I will briefly describe the efforts made in the last fifteen years to bring the iwi together and recapture the political and economic strength that Ngati Toa had before the Crown undermined our position and place on either sides of Raukawa.