

IN THE WAITANGI TRIBUNAL

Wai 1040

Wai 1527

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

Te Paparahi o Te Raki Inquiry (Wai 1040)

AND

IN THE MATTER OF

A claim for Ataiti Te Rehu (Hoterene) Armstrong
and descendants (Wai 1527)

**STATEMENT OF EVIDENCE FOR
ATAITI TE REHU (HOTERENE) ARMSTRONG AND DESCENDANTS
Dated 22 July 2014**

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WAI 1527

**A claim for Ataiti Te Rehu (Hoterene) Armstrong and
Descendants**

Evidence Concerning Crown Breaches of Te Tiriti o Waitangi



I dreamt last night that you came to me, so clear and vivid was your appearance .You sat on your chair in the warm sunlight, a place I remember you sitting.

What were you thinking as you sat there from morn until night, not saying much but looking out toward the horizon. You were so far away, a sense of longing embraced your posture and your eyes beheld a story none of us knew.

I dreamt last night that you came to me, and tonight you stayed a little longer. You talked to me for a long time and again as you faded in silence I saw your face with sadness.

I dreamt last night that you came to me and brought with you others. They had much to say, but only to recall a little. Each time I awoke, the message became clearer and stronger than before.

I dreamt last night you came to me, you told me this time that you wanted your story to be told, the truth, my story, so my mokopuna will know what really happened.

I dreamt tonight, a smile on your face ...

(Arvay Armstrong-Read, 2013, mokopuna)

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INTRODUCTION

1. We have waited a long time to bring our mother, Ataiti Te Rehu (Hoterene) Armstrong's claim before the Waitangi Tribunal.
2. Our mother, her siblings, we her children and our mokopuna have all suffered significant, lasting and irreversible prejudice at the hands of the Crown.
3. The Crown, via the Maori land development and administration policy, took our mother's and other whanau lands at Pipiwai for the Te Horo development scheme. In doing so, the Crown has deprived us of our rangatiratanga over our lands and our social, cultural and economic prosperity. Our whanau is hurting.
4. Our mother fought for the last 20 years of her life to have her lands returned to our whanau. She appealed continuously to the Crown and sought justice in the Maori Land Court. She was unsuccessful. We have never received an acknowledgement, apology or compensation for the wrongs and emotional turmoil our mother and our whanau have suffered at the hands of the Crown.
5. There has been no justice, only loss and despair. It is now the responsibility of our generation to ensure justice is achieved for our whanau and our mokopuna.
6. It is with great respect that we appeal to this Tribunal to give weight to the integrity of the evidence we provide here in this document. We ask that the Tribunal make findings and recommendations so that our whanau may settle these issues which have vexed our whanau, hapu and community at Pipiwai for far too long.



Ropere Paraima, Heeni Tame Horomona Whatipu, Ataiti Te Rehu (Hoterene) Armstrong

BACKGROUND

7. Our whanau have lived on the lands at Pipiwai for many generations. Our grandparents Te Rehu Waa Hoterene and Heeni Tame Horomona (Nee Whatipu) were both significant land holders at Pipiwai. When they passed away their children, Ngarongoa Te Rehu Hoterene (Ihaia), Moetahi Te Rehu Hoterene, Ataiti Te Rehu Hoterene (nee Armstrong), Ropere Paraima reached an agreement on how their lands would be divided amongst them. In 1963, our mother engaged in Maori Land Court processes in order for the siblings to succeed to and divide the lands in accordance with their agreement. However the partitioning of these lands was not successful, as the Crown's proposal to amalgamate lands at Pipiwai for the Te Horo development scheme ultimately subsumed her application and their lands were included in the Te Horo development scheme against their wishes.
8. The proposal for the Te Horo development scheme was initiated by the Maori Affairs in the early 1960s. At this time Maori Affairs was pursuing a Crown policy at Pipiwai of amalgamating "uneconomic" Maori land and settling new farmers on the land in order to bring the land into production. It is well documented in Maori Affairs and Maori Land Court records that our mother and her siblings Ngarongoa and Moetahi were known as the three major objectors to the proposed development scheme. Our mother and her siblings

were major land holders who strongly opposed the amalgamation of their lands as they wanted to remain on their lands and work their own farms as they had done for so many years. Our mother and her siblings attended a Court hearing regarding the amalgamation and sought to have their land excluded from the amalgamation however, all of their objections were disregarded and overruled and the Maori Land Court ordered the amalgamation of their lands into the Te Horo development scheme.

9. Our whanau were promised by Maori Affairs that we would be able to resettle on our lands within five years. At that point it was expected by us that the lands would be economic and making money. However, resettlement did not occur within five, ten or even 15 years. One by one, many of the whanau including our mother, were either forced to leave, or were left with no option but to move out of their homes in Pipiwai to live elsewhere. In the end we moved our mother to Moerewa because her health began to deteriorate due to the stress of her losing her lands and the manner in which she was treated by Maori Affairs. We her children were also forced to leave the area because we could not farm the land and we needed jobs to support our mother and our own whanau.
10. One of the first things that occurred after the amalgamation was ordered was that Maori Affairs ripped out all the fences on our mothers land so that there would be no sense of boundaries, or individual whanau ownership of the land. Maori Affairs also padlocked the gates on our mothers land to prevent her from entering onto her own lands. Our mother was known to cut the locks on the gate. She, and we her children, were devastated by the destruction of her milking shed, shop and property. The letters contained in this evidence show that our mother complained many times to the Maori Affairs, however they never accepted any fault in the destruction of her lands or properties.
11. The real effect of the taking of her lands by Maori Affairs was that her rangatiratanga, the absolute right to live on and manage her lands, was diminished and taken away. Her rights as an owner were transferred to the Maori Affairs who gained all rights of ownership and control of her lands and, in return, she was given only a shareholding in the new Te Horo block. The shareholding was supposed to reflect the amount of land she owned prior to amalgamation however we do not think that this has been correctly

quantified. Our mother continually opposed the concept of being a shareholder rather than a land owner. Conceptually it was not something she could conceive. She knew it took away her mana whenua. Shareholdings did not and still do not equate to land ownership. To her, nothing compared to being on her whenua, living and farming her land.

12. The intention of the Maori Affairs was to develop the land and bring it into economic production. However, the Maori Affairs actually mismanaged the lands and accrued substantial debts. During Maori Affairs' administration of the land a complicating issue began to arise where shares were either sold or acquired by the Crown. The selling of shares also allowed people from outside the whanau to buy land which they never should have been able to, thereby alienating the rights of the original whanau who lost their shareholding in the block. Over time, the Crown came to acquire half of the shares in the block and the effect of this, was that many whanau were pushed out of Pipiwai and became landless.
13. Throughout the entire period that the land was developed by Maori Affairs, our mother remained opposed to the amalgamation and sought to have her lands partitioned from the scheme. She was constantly engaged with lawyers, the Maori Land Court and Maori Affairs and was always actively writing letters, which we have included in our evidence.
14. Our mother paid for many applications and lawyers fees out of her own money, a testament to her passion to get her lands back. Because of her constant opposition she was ridiculed and, in spite of her constant efforts she remained unsuccessful. We know now that our mother would never have succeeded as her lands were identified by the Maori Land Court as essential to the success of the development scheme, even prior to the amalgamation being proposed to the community. In our view, this meant that the initial consultation was a token gesture and the taking of her lands was a fait accompli.
15. Due to our mother's ill health, our brother Sam Armstrong was appointed as Power of Attorney in respect of our mother's lands. Sam joined the Te Horo Development Scheme Committee and attended many meetings where he

continued our mother's efforts to have our lands partitioned from the scheme.

16. Sam was also known to object to the management of the lands by Maori Affairs. We have tried and tried, again and again, only to be unsuccessful in having the lands removed from the scheme.
17. It was a further blow to our whanau that, during the Maori Affairs administration of the lands, the Maori Land Court allowed the partition of some of our mother's land for our cousin Winiata Shortland. This partition was approved even when the whanau opposed his partition application. This land was owned solely by our mother prior to the amalgamation and was exactly where our shop, house, paddock and milking shed were located. This event caused an enormous level of stress and grief amongst our whanau that continues even today. Again our mother wrote in opposition to this partition but her concerns were ignored. It has caused irreparable damage between us as whanau.
18. Instead of returning the lands to our family and allowing us to return to our lands to live, in 1986 after 21 years of management, the Maori Land Court ordered that the Te Orewai Te Horo Trust ("the Trust") be established to manage the Te Horo block. The Trust has operated the Te Horo station since that date. Numerous and serious complaints regarding mismanagement have been levied against the Trust by many of the whanau, including our own.
19. The Te Horo development scheme continues to be an issue that has exasperated our whanau and the community at Pipiwai for almost 60 years. Today, we continue to seek the return of our lands to our whanau.

WAI 1527 - THE CLAIM

20. On 28 August 2008, our sister Lavona Hogan filed the Wai 1527 claim on behalf of our mother and our whanau.

21. The claim primarily concerns the Crown's taking of our mothers lands for the Te Horo Development scheme in 1965. At the heart of our claim, is the issue of the loss of tino rangatiratanga over our lands, as guaranteed to the whanau under Te Tiriti o Waitangi. However, our claim also relates to many of the Waitangi Tribunal issues, including:
 - (a) Issue 1 - Rangatiratanga, kawanatanga and autonomy: political engagement between Maori and the Crown;
 - (b) Issue 7 – Twentieth century alienation, retention, titling and administration of Maori land;
 - (c) Issue 12 – Economic development and capability;
 - (d) Issue 13 – Socio-economic issues; and
 - (e) Issue 14 – Te Reo Maori, wahi tapu, taonga and tikanga.

22. In summary, our claim alleges that:
 - (a) The Crown has breached Te Tiriti o Waitangi by taking our mothers lands for the Te Horo development scheme;
 - (b) Our mother and our whanau have been prejudicially affected by acts and policies with regard to Maori land development schemes;
 - (c) Our mother was a major shareholder in several blocks of land at Pipiwai. The titles to these blocks were cancelled and substituted by the one title of Te Horo, pursuant to section 435 of the Maori Affairs Act 1953 against her wishes;
 - (d) Our mother objected to the amalgamation and sought to have her lands partitioned but her objections were overruled by the Maori Land Court against her wishes;
 - (e) Maori Affairs farmed Te Horo as a land development scheme against our mother wishes;

- (f) As a result of the amalgamation, our mother and our whanau have had to leave their land and reside elsewhere;
 - (g) Our whanau do not have sufficient land for our present and future needs;
 - (h) Instead of Maori Affairs returning the land to our whanau when the scheme ended, in 1986 an order was made pursuant to section 436 of the Maori Affairs Act 1953 establishing the Trust, which has run the Te Horo station since that date;
 - (i) The Trust has mismanaged the land and failed in its administration of the Te Horo block;
 - (j) The Maori Land Court, in allowing the partition of some of our mother's lands to Winiata Shortland, has further facilitated the alienation of whanau lands; and
 - (k) The Maori Land Court has also been complicit in the mismanagement of the Te Horo block.
23. We believe that the series of events and evidence we put forward to this Tribunal clearly show that the Crown has wronged our whanau.
24. We appeal to this Tribunal to make findings and recommendations, among others, that:
- (a) The Crown's Maori land development and administration policies in respect of the Te Horo development scheme were in breach of Te Tiriti o Waitangi;
 - (b) That the Crown provide a full apology for the wrongs committed against our Mother, especially our whanau and the Pīpīwai community;
 - (c) That a full title investigation into the status of the Te Horo block be undertaken and that a comprehensive research report be prepared regarding the Te Horo development scheme;
 - (d) That the Te Horo block be departitioned and the original land interests of our mother be returned to our whanau;

- (e) That compensation be determined for the loss suffered by our mother and our family for:
 - (i) The deprivation of our ancestral lands, home and destruction of our shop that served as a business and residential dwelling homestead, together with our cowshed and family gardens;
 - (ii) Resulting loss of income;
 - (iii) The use of our land;
 - (iv) The loss of the economic advantage as major land owners, to leverage and realise economic advantage, using our lands;
 - (v) The partition of our mothers land to Winiata Shortland;
 - (vi) The social, and emotional injustices and cultural and economic prejudices suffered as a result of the Crown's actions;
- (f) That specific redress be provided to our mother, through us as her descendants;
- (g) That collective redress be provided to Te Orewai to revitalise our hapu; and
- (h) A determination of such other relief as the Tribunal considers appropriate.

KORERO O TE WHANAU HOTERENE - OUR EVIDENCE

25. We, the daughters of Ataiti Te Rehu (Hoterene) Armstrong present this evidence together.
26. As the Tribunal will know, there are a number of claims filed in respect of the Te Horo block.
27. We are all whanau. The Wai 149 claim represents our mother's brother, Moetahi Hoterene's lands. The Wai 1520 claim represents our mother's sister, Ngarongoa's lands. Together, these claims represent some of the largest land holdings that were taken for the Te Horo development scheme. While our claims do have similarities, particularly in their vehement opposition to amalgamation, they also have varying korero as each whanau has been affected differently.
28. In this regard, we have chosen to prepare our evidence as whanau groups however parts of our korero are similar and represent the collective voice of all whanau. We have held wananga and interviews with our whanau. Our whanau members have shared their stories and papers as well as their memories of life at Pipiwai, before and after the amalgamation. That korero has been included in this evidence.
29. We have also included in full the many compelling letters, petitions and court documents as they pertain to our mother and her fight to have her lands returned. We do so to provide full context to our claims and bring to the forefront the great lengths our mother and whanau have gone to, to seek the return of our lands. While the full inclusion of this documentary evidence causes our evidence to be lengthy and comprehensive, we believe it is important to bring this evidence to light for the Tribunal, the Crown and our whanau as this record of correspondence is one of the unique aspects of our claim.
30. We acknowledge that the process of preparing our whanau claim has been moving and highly emotional for our family, as we have had to confront very sensitive and difficult issues that weigh heavily on our whanau.
31. In order to present the Tribunal with a comprehensive account of our story, our evidence is broadly categorised into the following sections:

- (a) **TE WAHANGA TUATAHI – WHAKAPAPA** – This section of our evidence covers our hapu origins and whakapapa and mana i te whenua. It also covers korero on our whanau, life at Pipiwai and our mother and her lands. This section is not a complete history of our hapu and whanau, however it is intended to give the Tribunal a clear understanding of who we are, how we lived and our relationship with our whenua. It is also presented to allow the Tribunal to assess the extent of the prejudice we have suffered and contrast how we lived prior to and following the amalgamation.
- (b) **TE WAHANGA TUARUA – NGA HARA ME NGA TUKINOTANGA O TE KARAUNA – AMALGAMATION / THE PROPOSAL / OJECTIONS / MAORI AFFAIRS ADMINISTRATION / TE HORO TE OREWAI TRUST** – This section covers all key events and issues concerning the amalgamation of our whanau lands into the Te Horo blocks. It begins with a discussion on the Crown’s initial proposal for the amalgamation, our mother’s early application to partition the lands and successive attempts to have her lands removed from the development scheme. It goes on to cover key grievances of our whanau around the destruction of our mothers shop, the partition of her lands to our cousin Winiata Shortland and issues concerning the Maori Affairs, Maori Land Court’s and Te Horo Trust’s administration of the lands. This section mainly draws on the documentary evidence, including various letters, minutes, land records and our whanau’s understanding of those documents.
- (c) **TE WAHANGA TUATORU – KO TE MAMAE ME TE POURITANGA O TE WHANAU (PREJUDICE)** - The final section of our evidence draws on korero from the many interviews with our whanau to highlight for the Tribunal the social, cultural and economic loss that our whanau has suffered as a result of the Crown’s taking of our lands.

32. Accompanying this evidence is a chronology of key events for our claims. We have also filed whatever original written documentation we have as an indexed document bank to support our evidence.

TE WAHANGA TUATAHI - WHAKAPAPA



Maunga Manukorihi

***Ko Hikurangi, Motatau, Manukoroahi
nga maunga tapu o Te Orewai
Ko Hikurangi te awa
Ko Tau Henare te whare tupuna
Ko Te Orewai te hapu
Ko Ngati Hine te iwi***

WHAKAPAPA

33. Our whanau is of Te Orewai, Ngati Hine decent.
34. The hapu of Te Orewai descends from the eponymous ancestor Hineamaru, through several key tupuna, including Hape, Kokako, Hakiki, Tewha and Poroharakeke, who came to occupy the lands at Te Orewai through conquest. While several hapu lived on the land over time, including Ngai Tahu, Ngaitai, Te Uriroroi and Ngati Pongia, when they left, Te Orewai became the occupying hapu and remains so through to this day. It is difficult to identify exactly when the hapu name Te Orewai came to be.
35. The first ahi kaa of Ngati Hine was Hineamaru who settled on the lands. The second was Moeahu and Moraki's battles to extend the boundaries of Ngati Hine. The third was by Hingatuauru and Pongia ki te Ao.
36. When Morekai lived on the land, it was not called Te Orewai.
37. Papiwai was conquered from Ngati Whatua, by Hineamaru's warriors Moeahu and his brother Moraki:

Moeahu and Mōraki...drove back Ngaitāhuhu, Ngaitu and other descendants of Māhuhu ki te Rangī canoe, out of Waiomio, Kawakawa, Otiria, Pokapu, Matawaia, Pipiwai and Maromāku.¹

I whānui ai a Ngāpuhi ki tēnei taha i te taitama-wahine o Te Taitokerau, nā, i tīmata mai i a Moeahu rāua ko Moraki. I rongo koutou i nanahi rā i ngā whakapapa a Hirini mo ēnei tokorua. Na rāua a Ngāpuhi i whakawhānui atu i konei ahu atu ki Pipiwai, ki Matawaia, ki Akerama ka mutu.²



The bridge that crosses the Awa at Patutahi

38. The brothers Moeahu and Moraki fought Ngāti Whatua at the awa Patutahi in Pipiwai where, as the name suggests, only one could safely cross at a time, so Moraki remained to fight Ngāti Whatua back, while his brother Moeahu safely escaped:³

Ngāti Whātua. I tēra wā a Ngāti Whātua, Te Uri o Hau tae noa mai ki Tautoro te tawhiti –tata ki Kaikohe te tawhiti mai o te rohe o Ngāti Whātua, o te Uri o Hau i tēra wā. He rohe nui. Na Moeahu rāua ko Moraki a Ngāti Whātua i hoki whakamuri atu i Tautoro, atu i Pipiwai, atu i Matawaia.

Ka mate a Moraki ki reira. I patua e Ngāti Whātua, e te Uri o Hau ki te waahi e kī a nei i Pipiwai ko Te Patutahi. I te mea i tae rāua ki te kūititanga o te awa, he tūporo e kurupae ana i te awa ka whiriwhiria e rāua kotahi noa iho ka tāea te puta. Ka noho tetahi ki te tiaki i te ara nei. Anā, ka whakawhiti atu a Moeahu ka noho atu a Moraki ki reira. Ka patua ki reira.

¹ Te Pae Tawhiti Strategic Direction 2008-2020, Te Runanga o Ngāti Hine, 2008 p 10.

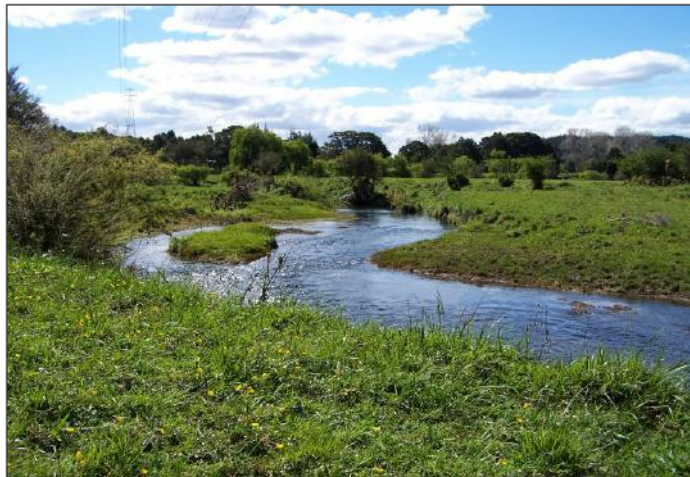
² Wai 1040, A 30 (c), Erima Henare, Te Paparahi o Te Raki Waitangi Tribunal Hearings May 2010, p 28, para 102.

³ Ibid, p 29, para 103.

39. By the battle of Waitomotomo in 1862, the hapu was recognised as Te Orewai:⁴

Te Hapu o Te Orewai no konei puta ai Te Orewai ma i nga tamariki a Hape rao ko Te Wheau. I te awa i te taha atu o te kainga o Para Kopa i Opahi ka tukua ai tenei ingoa. He Tangata e haere ana i te taha o te awa ka patai “ Na te aha ke ranei e oreore ai te wai?” Te whakahoki, “Ko nga tamariki a Hape e ore tuna ana.” A Hape i tupu ake ki Matawaia/ Opahi, mate ki Te Ruatangata i waenganui o Kaikou me Opahi. Horekau ke ia i haere ki Pipiwai, engari i rongo ahau, tana kotiro i moe i te mokopuna a Te Kohukohu – no konei ka whiwhi ai ia tetahi whenua ki Pipiwai hei pakuha (koha).

40. The name Pipiwai comes from a rock in the Pipiwai Stream that was used by our our tupuana for whetting axes:



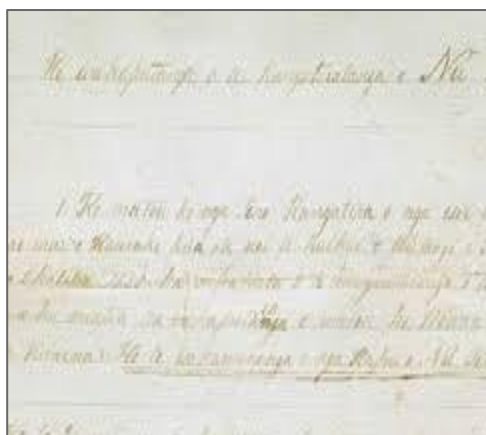
Te Awa o Hikurangi

41. Pipiwai sits at the southern end of Te Orewai, with Kaikou being the northern part of Te Orewai. Te Orewai occupies the south western lands at the base of maunga Motatau with Mataroria's Pa, Maungawharawhara at the rear, adjacent to the Ngati Te Tarawa hapu of Ngati Hine and shares its northern boundary with the Te Kauimua hapu of Matawaia which sits under Uenuku's Pa, maunga Hikurangi.

⁴ Papatupu Book, Pipiwai 1907, p 59.

MANA I TE WHENUA

42. Our hapu has exercised mana whenua over the lands at Pipiwai since the time of occupation through to this present day.
43. Our mana whenua is evidenced in many ways including our whakapapa, mana rangatira, ahi ka and ringa kaha. Our pepeha, whakatauki, waiata, pa, kainga, waahi tapu, place names and exercise of kaitiakitanga also record our unique connection to the whenua.
44. Over time our rights to our land have also been recorded in many documents, including He Whakaputanga o Te Rangatiratanga o Niu Tirenī and Te Tiriti o Waitangi being two central covenants for Ngāti Hine. Our tupuna including Kawiti signed He Whakaputanga and Te Tiriti o Waitangi. Te Tiriti o Waitangi guaranteed them their mana and rangatiratanga over their lands, estates and affairs.



He Whakaputanga



Te Tiriti o Waitangi

45. Our tupuna fought to defend our lands from the Crown. The Northern War and the battle of Ruapekapeka in 1845-1846 against the British Military was our last forceful defence of our lands. From this point forward, our resistance to our lands being taken was through petition, letter writing and more peaceful protest. Our tupuna moved to attempt to use the Pakeha systems and processes for protecting our lands, one primary example of this being the Whenua Papatupu of Maihi.



Ko Te Ture Mo Te Whenua Papatupu 1874 - Rules for the ancestral lands, 1874

46. In 1874, Ngati Hine rangatira came together in a land hui to record their traditional customs, their beliefs and their feelings about our lands. It reflects the constancy of korero about the land and how important it was to all the tupuna who gathered to give witness and tautoko to the hui. The hui endorsed He Whakaputanga and clearly stated their understanding and interpretation of Te Tiriti o Waitangi and section 71 of the 1852 Constitution Act:⁵

ko nga rangatira o runga kihai nei i uru ki te whakaminenga o ng rangatira o Ngapuhi ki Waitangi, a kua uru katoa ki taua Whakaputanga.

47. This was the first and most important issue for our rangatira at the time:⁶

All Chiefs with authority, whether or not they were part of whakaminenga, now all endorse He Whakaputanga o nga Rangatira o Niu Tireni.

me waiho atu nga ture a te kawanatanga me nga pire a te minita Maori ki runga ano ki nga whenua a te kawanatanga tu ai ana ture ka tangohia mai i te Section 71 o nga rarangi o taua ture 1852.

48. The second important issue was to confirm Queen Victoria's commitment to what was said and agreed to in Te Tiriti o Waitangi:⁷

Te tuarua o nga take ka whakatoria nei ko ohaki, a, o matou tupuna, a, o matou matua ko te Tiriti O Waitangi, ko Wikitoria Te Kuini o Ingarangi i tana mahara atawhai ki nga rangatira me nga hapu o Nui Tireni i tana hiahia hoki kia

⁵ Ko Te Ture Mo Te Whenua Papatupu, 1874.

⁶ Ibid p6.

⁷ Ibid p4.

tohungia kia ratou o ratou rangatiratanga me to ratou whenua, a kia mau tonu hoki te rongo kia ratou me te atanoho hoki kua whakaro ia he mea tika kia tukua mai tetahi rangatira hei kai whakarite ki nga tangta Maori o Nui Tirenī kia whakaaetia e nga rangatira Maori te kawanatanga o te Kuini ki nga wahi katoa o te whenua nei me nga motu.

49. Erima Henare's translation of Upoko II of the Papatupu is provided below. What it records is that our tupuna discussed and understood the relationship and obligations between the Crown, Queen Victoria and Maori. This translation of the passage, written in Maori, is provided by Erima Henare in his brief of evidence to the Waitangi Tribunal in 10 May, 2010:⁸

Ko ta matou mana me to matou rangatiratanga me a matou whenua i tenei ra i te 9 o nga ra o Apreira, 1887. He panuitanga ki te ao katoa mo a matou whenua ka tuhia ki raro nei, koia tenei.

50. The third important take being section 71 of the Constitution Act 1852, which promised that Maori would govern themselves, with their own laws and leaders. The combined power of He Whakaputanga, Te Tiriti and section 71 clearly articulated our tupuna's views on Sovereign rule over their whenua:

51. It goes on to describe the extent of these lands, being all of Ngati Hine's lands:⁹

KO NGA TAKIWA O NGA ROHE, PEPUERE 19, 1887.

Motatau te Tumutumu ka herea ki te pou, ara, kia Hineamaru, here tangata here whenua. Koia tenei, ka herea nei kau, kau, kau, kakiki, kakiki, kakiki, ko ta matou whakahaere tenei. Ko ta enei uri o Hineamaru e noho nei i rarp o enei puke e rua o Motatau o Hikurangi kua oti hoki te whakatauki, tu te ao tu te po ka kite hoki ki te korero o te ture nui o Ingarangi.

Waa Paora and Hemi Waa Paora at Kaikou, Papawhenua 1874

All regions and areas, February 19, 1887 Motatatu is the root and binds the people to the land. And so it is bound and this is how it will go forward. All the descendants of Hineamaru who live under the two mountains of Motatau and Hikurangi, the proverb says; upstanding through the day, upstanding through the night, in other words, forever. The world will see our whakatauki is likened to the rules of England.

⁸ Wai 1040, A 30 (c), Erima Henare, Te Paparahi o Te Raki Waitangi Tribunal Hearings May 2010.

⁹ Ko Te Ture Mo Te Whenua Papatupu 1874, p 6.

52. We include this korero because our whanau hold fast to the efforts of our tupuna to protect our lands and the promises made to them under Te Tiriti o Waitangi. Our whanau supported Ngati Hine in the celebrations of Te Tiriti o Waitangi and our mother even referenced section 71 of the Constitution Act 1852 in her letters regarding her lands.

LIFE AT PIPIWAI

53. From the mid to late 1800s, we know the people of Te Orewai continued to live on and cultivate their lands for their whanau and for their sustenance. The area was heavily forested and timber felling was a key source of income during that time, as was income from leasing gum fields.
54. The name Pipiwai is used interchangeably with Te Horo, although Te Horo is a smaller area within Pipiwai. Te Horo is where the settlement currently is, with the Te Horo School which dates back to 1916. Tau Henare is the marae in Pipiwai. Tau Henare Hall, as it was then, was built around 1940 at the end of WWII and the Church of Jesus Christ of Latter Day Saints, or Mormon chapel, which celebrated its 100 year anniversary in 2007.
55. Eparaima Makapi is the marae in Kaikou.



Early LDS church in Pipiwai 1904



Tau Henare Marae



1940 - Pipiwai chapel being redesigned



Nga Tau e Toru served as the marae before Tau Henare Hall was built



Te Horo School 1916

56. This picture shows the Te Horo School in 1916. In its heyday during the 1940's, the roll was around 100 to 150. Today, the school roll sits at 60 pupils and with only Maori children on the roll.

57. While Pipiwai has been stereotyped as a typically poor, rural and isolated community, we remember it as a thriving community. Just prior to the Crown's seizure of our lands for the development scheme in 1965, the community spirit was strong and the place had a definite way about it.



1934 Tappers store in Pipiwai

58. Pipiwai had a general store complete with petrol “bowsers” and a post office, a daily bus service to Whangarei and bus service to take students to Motatau and Whangarei for secondary schooling and a regular doctor's clinic. It also had tearooms and, further up the valley, Uncle Hama's popular billiard saloon where patrons could enjoy having a “sly grog” or an ice cream.¹⁰ Some would certainly say Pipiwai had more then, than it does now.



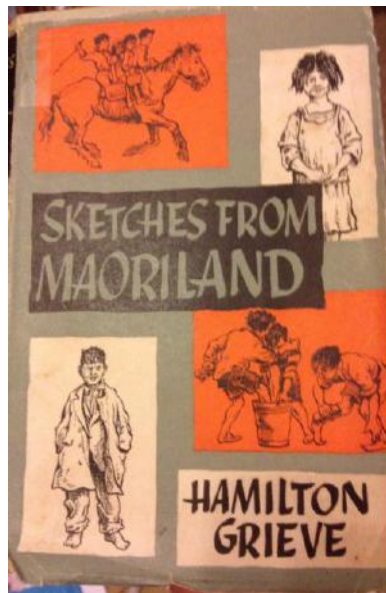
59. Whakapapa was an integral part of life in Te Orewai. Everyone was related in some way and these connections were valued and understood well by all the

¹⁰ Mereana Ruka, November 2009.

whanau in the valley. Life within the Pipiwai valley was largely influenced by these close-knit connections. Each whanau could be identified throughout the valley by the names given to their homesteads. There is a waiata sung by the Pipiwai whanau which recites the historical names designated for each whanau and their papakainga throughout the valley.

60. There was a great sense of community and care for each other and this centred around the school, the church and the land at Pipiwai. Manaakitanga and whanaungatanga were the essence of how we lived.





PIPIWAI ITSELF – Extract from the above book by Hamilton Grieve

The village itself deserves more than a word of mention. Our first glimpse of it was a picturesque little church in the distance, its cream walls and red spire sowing up for miles as it stood like a sentinel on the hillside and looked out over the rugged landscape. But the rest of the settlement nestles coyly out of sight behind a hill. And with good reason. Seldom have I known modesty so little misplaced.

We found that distance had lent enchantment even to the church which at close quarters proved to be quite an ordinary wooden building. Further disillusionment was in store for us when we learnt that it was a Mormon institution presided over by the local natives. Alas, not even a visiting padre to be invited to dinner on Sundays, and no change of airing my best bonnet in the choir. Instead, several incredibly dilapidated nags tied to our front fence every Sunday, all the dogs of the village in joyous concourse at the gate, and the entire population in Sunday attire assembled for an uproarious *korero* lasting all day and well into the night.

Such was the church “service” at Pipiwai. However, whatever spiritual need the church, under its purely native tutelage, did or did not fulfill, the building itself was at least a perennial source of inspiration to our juvenile artists at school. At first I could not make out the reason for the riot whenever chinks were given out, nor understand why the red and white were so greedily snatched and belligerently safeguarded. The sight of a Maori urchin tearfully refusing beautiful purple and green and yellow chinks while bellowing lustily for his neighbor’s jealously guarded mite of scarlet was a puzzle which only the first blackboard period

solved. And then the blackboards broke out in a veritable rash of tipsy “House-Sundays”, weird cream rectangles riddled with staring black window-holes, and each saintly edifice was crowned with an unmistakable red spire, pointing in a direction presumed to be heaven-wards, albeit in most cases heaven seemed to have slipped several degrees out of plumb.

Even after four years we found that no drawing period was complete without a row of churches of which, though an earthquake seemed to have demolished three of the sides and left the fourth tottering to its downfall, the spire was always left magnificently standing, piercing the very tip-most-top boundary of the blackboard forsooth. (To accomplish this, the artists had to climb on each other's shoulders – which was undoubtedly one reason why the church was such popular “copy”.)

Next door to the church was a windowless *whare*, paintless but popular, the local billiard saloon, if one might judge by the cryptic sign “biLiARd” painted drunkenly over the doorway, and a number of sorry-looking steeds left tethered to the fence-posts. The correctness of one's surmise might be proved on the rare occasions when the door was left open to admit a sorely-needed draught of fresh air. Upon such an occasion an unearthly clamour might at first have led one to suppose that an electioneering meeting was in progress, but a hurried glance through the open doorway disclosed all the paraphernalia of the indoor sport of sports. A regulation table, thickly decorated along the edges with dungaree-clad posteriors, bestraddle an anemic crop of thistles. And if further proof were needed that here was the academy where lusty Lindrums and muscular MacConachies were made, it was to be had in the sight of a tough old warrior squinting along his cue in the semi-darkness and in the blood-curdling battle-cries which rent the air when he succeeded in pushing the ivory a few feet along the table.

On the opposite side of the “street” were the village store, the post office, the school buildings and the school house. These comprised the city proper. The ‘residential suburbs’, so to speak, were to be found, if one sought diligently enough, among the surrounding hills and unkempt valleys, a sorry collection of primitive shacks and whares. For it must be understood that most of the Maori's have long since left their pas and “gone on the land”. This means, in the majority of cases, that they have built themselves rude shanties in the midst of a few bracken-covered acres, and there they eke out a precarious livelihood milking a scrubby herd of cows.

His Majesty's Post Office was a paintless edifice of about the same dimensions as, and very similar to, the country

outhouse. I *have* known of a customer being able to get inside the building to transact his business with the postmistress, but she said customer generally emerged backwards. However, with a bit of maneuvering I think he could have turned around and come out in the normal manner. It was open to the public three days a week. This gave the active native population an excuse to assemble and exchange hilarious anecdotes from 9am till 5pm with an hour off for an afternoon siesta, taken on the roadside.

The Maori postmistress took her position "in the Government" with salutary seriousness. On the rare occasions on which she was called upon to put a toll-call through to Whangarei, the flippant official at the other end of the wire was treated to a professional dignity that was meant to be positively shriveling. However, Martha's knowledge of the King's English was strictly limited, a fact of which her fellow Civil Servants sometimes took an unfair advantage. For instance, the headmaster and one of the exchange operators in Whangarei (whom Martha, of course, imagined to be chatelaine of the office and all that therein was), took an unholy joy in using a disdainfully frigid and haughtily businesslike Maori postmistress as an unconscious medium for the conveyance of mutually abusive sallies. The sight of Martha, gorgeously be-satinned and wonderfully be-rouged, a marvelous array of penny-lucky-packet jewels on the fingers which handled the telephone with an airy nonchalance meant to impress us as much as it did her simple dusky brethren, obediently delivering the ribald and strictly unofficial back-chat which invariably opened and closed this toll-call, was a situation worthy of musical comedy. The headmaster would open the engagement with the request that the Whangarei official should be told to shake a leg, a suggestion conveyed by Martha with the utmost decorum and gravity. The operator would retaliate with a pressing invitation for the headmaster to go and have a roll or to have his head read or some equally childish injunction. And so the interchange of compliments proceeded. One day Martha, in a burst of geniality confided to me that she thought it would be "the real good wrestling" when the headmaster and the "postmaster" met.

"I like to see the schoolmaster shake the leg of the postmaster", she remarked with definite relish. "And the postmaster give the schoolmaster a roll all around the ring. That be better", she averred, "than telling each man through the telephone to run and take a jump at herself".

Then she suddenly recollected that she had the dignity of her position "in the Government" to keep up and must not indulge in idle chit-chat with the *boi-polloi*. So with a sharp return to her old professional frigidity, "I do not know what my telephone use for next!" she said severely, and I

crawled away, devoutly hoping there were no holes in the heels of my stockings. Such was the crushing personality of the postmistress of Pipiwai.

But to return to the village. By far the most important building in the Pipiwai borough was the general store.

This was a low, squat, architecturally ludicrous building of unpainted corrugated iron, almost bulging with the wares it was called upon to accommodate. It was our storekeeper's proud boast that, like the Army and Navy Stores, here one could get anything from a needle to an anchor, although the likelihood of any of his clients demanding either needles or anchors was so remote as to be almost negligible. However, the fact remained that here one could buy from a most catholic assortment of merchandise. Of course, scrubbing brushes rubbed shoulders with the bacon and the cheese got on very chatty terms with the chifon, but it could safely be said that whatever one's requirements, whether hardware or hosiery, flannel or flour, one seldom went empty away.

The miscellany inside had overflowed on to the verandah in a medley of old iron bed-ends, broken mangles, the disrupted entrails of a separator, biscuit-tins, packing-cases, worn out motor tyres, and divers rusty odds and ends and broken bits and pieces.

Nor was the confusion confined to the building itself, for the yard was a sea of rubbish. And every broken down old motor lorry in the district seemed to have brought its aged bones to rest in this sanctuary also. There they lay, an astounding collection of rust-bitten, rib-naked derelicts, so that the whole section resembled an elephants' graveyard of mammoth mechanical skeletons. The storekeeper and his wife were our only white neighbors. He it was who, wrapping up a slab of cheese with one hand and weighing out onions with the other, the while he eyed us austerely over the top of a pair of spectacles whose broken legs were ingeniously splinted with hairpin wire, impressed upon us the necessity for Circumspection in all our Actions, the Scrupulous Regard for Appearances so Proper to the Representatives of His Majesty's Government in Residence among a Native Race. So, one felt, might the King take on one side the Governor-General Elect for some distant colony and instruct him in the proper decorum of demeanor to be observed among the primitive peoples of that far-flung outpost of Empire.

Prior to our acquaintance with our self-appointed guide, philosopher and friend, we had looked upon our appointment to that priceless spot as rather a "lark", its humours to be savoured to the full and recounted with vociferous mirth whenever opportunity offered. But the

storekeeper frowned severely upon such an unseemly and frivolous outlook. Where we greeted with whole-hearted abandon such members of our dusky flock as we encountered in the village, he served his herrings and haberdashery and drove his decrepit delivery van with an unbending air of vice-regal dignity. One felt that only the exigencies of hauling bags of flour and sacks of potatoes about kept him from wearing a silk hat and white spats as a matter of principle. If ever Pipiwai elected a Lord Mayor, here, one felt, would be the only worthy, the only possible candidate. In the meantime, however, our friend seemed quite content to carry out his self-assumed duties without the actual robes and insignia of office.

But his factitious aloofness deceived nobody. The Maoris imposed shamefully on his good nature, irreverently called him "Spuds" and invariably spoke of him as "the dam' good fellow", which he undoubtedly was.



Ataiti Te Rehu (Hoterene) Armstrong

ATAITI TE REHU (HOTERENE) ARMSTRONG

*Ko Hikurangi, Motatau, Manukorohi nga maunga tapu o Te Orewai
Ko Pipiwai te awa
Ko Tau Henare te whare tupuna
Ko Te Orewai te hapu
Ko Ngati Hine te iwi*

61. Our mother, Ataiti Te Rehu Waa Hoterene, was born on 13 March 1912 in Pipiwai. She was the fourth child of Te Rehu Waa Hoterene and Heeni Tame Horomona (Nee Whatipu), Ganny Heeni. Te Rehu Waa Hoterene and Heeni Tame Horomona (Nee Whatipu) had six children, Ngarongoa Te Rehu Hoterene (nee Ihaia Rewiti) Tame Horomona Hoterene, Anamaraearangai Hoterene who died as a child, Moetahi Te Rehu Hoterene, Ataiti Te Rehu (Hoterene) Armstrong and Matini Hoterene, who also died as a child.



Te Rehu Waa Hoterene and Heeni Tame Horomona Whatipu at their wedding



Left - Aunty Ngarongoa as a young girl

62. Our grandmother, Heeni or otherwise known as Ganny Heeni, was a highly respected kuia within the Te Orewai community and was known for her matriarchal leadership with both our whanau and hapu. Ganny Heeni was the only child of Tame Horomana (Whatipu) and Whakarongotai Waa Paora.



Ganny Heeni as we called her

63. Ganny Heeni was also known as Heeni Te Kori, The Kurnel and Te Kai Haa. Te Kai Haa was reference to her mana or breath of life to help other people.
64. She was given the name of the Colonel as she wore a Colonel's war hat. She was described as a woman who had strong leadership attributes and demonstrated acts of kindness, advocacy, service and support to her whanau, and hapu. These values were also strongly embedded in her children.



65. Ganny Heeni was known for her wealth both in whenua and material possessions as she received large pay-outs from land interests at the gold mines in Ngati Maru, also known as the Coromandel. Ganny Heeni had jars of sovereigns buried around her kainga at Manawatopu.
66. Ganny Heeni had significant land interests at Pipiwai. Our grandmother's land was known as the "bread basket of Ngati Hine". Ta Himi said that Heeni was a very wealthy woman with a lot of land, cattle, horses, gardens, fruit trees and money. He also recalls that she would contribute food in abundance to Waitangi Day celebrations.



Ganny Heeni and whanau from Pipiwai

67. Ganny Heeni's lands were succeeded in the Maori Land Court by her three surviving children, including our mother, on 2 October 1958.
68. Our mother and her siblings were born and raised in Te Orewai, Pipiwai on their traditional papakainga known as Manawatopu which belonged to her parents Ganny Heeni and Te Rehu. Manawatopu was built to accommodate Heeni's whanau and mokopuna. The papakainga had large gardens and

orchards with numerous fruit trees ranging from apple trees, peaches and pears, to grapes and figs.



Manawatopu kainga site

69. Manawatopu was surrounded by large holdings of whanau whenua and it had cattle and farm animals which provided a self-sufficient lifestyle that was provident and ensured that our whanau and community were all looked after.
70. At certain times during the year, depending on the seasons, there would be regular gatherings and working days when Heeni would call her children and mokopuna together to prepare seasonal preserves and harvesting from the large gardens. Much of this produce was shared equally with her whanau and with whanaunga throughout the valley. Whanau within Te Orewai retained mana whenua over their lands and resources were shared equally and communally. Our mother continued to do this after our grandmothers passing.
71. Manawatopu was frequently used by the Te Orewai community as a marae to accommodate hui mate and other community events within the valley. Numerous stories have been told by whanau members about the history of Manawatopu and how this became a focal gathering place for Te Orewai, prior to the establishment of the Tau Henare Marae.
72. Te Reo was our mother's first language and was predominantly spoken in the home. Her life was immersed in Te Ao Maori whereby tikanga practices were upheld and maintained.
73. Our mother was raised with a strong connection to the whenua, knowing the cultural and spiritual connection of the land along with its economic value. At

that time, their life was only about the land and they learned to work the land as young children. This continued into our generation and, from as young as five, we would all help with working on the farm. Before school, there were always chores of cooking, cleaning, milking, fencing and ploughing. We would be up at 5am to round up cows and pick produce from the garden. There was a seemingly endless amount of laborious tasks. This ethic of working together on the land was instilled from our grandmother Heeni, as her husband Te Rehu died at a very young age, leaving Heeni to raise the family and work the lands alone.



Murphy on his horse - getting ready to go round up the cows

74. Our sister Lavona speaks of this old way of life:

I can remember as far back as when I was about eight. My siblings and I were the farmers, we were still milking cows. I can remember being woken up early in the morning. My brother and I would go to round up the cows. While we were doing this Hari and Dereck would prepare the milking shed. At that time we would have been milking at least 80 plus cows, day and night. After the morning milk we would then go to school. This was our main income. Our whanau was doing the bulk of the milking at that time. We shared the money received from the milking of the cows. I recall that we were fully self-sufficient, we had an income and we had productive land.

We were very active as kids. We used to hop on our horses and go to the cow shed across the road and at the bottom of the hill there used to be a big creek where we would swim. We would go and hunt and look for tuna. We would also go up into the bush. We were working the farm right until the time of amalgamation in 1965 at the start of 1966.

(Lavona Hogan)



Hari, Geraldene, Sam, Rua

75. Our mother Ataiti was a beautiful woman. She married our father, Benjamin Armstrong. He was also a fine looking man who was a great sportsman and was renowned as a Maori orator. Our father was a farming and forestry contractor who worked very hard at fencing, farming and providing work for the whanau and locals.



Ataiti Te Rehu (Hoterene) Armstrong and Benjamin Armstrong

76. Our parents had ten children together, being three sons, seven daughters and three whangai.

77. The children of Benjamin Armstrong and Ataiti Te Rehu (Shortland) Armstrong, the first family of Ben Armstrong are:

Hinemoa (deceased)

Harriet

Samuel (deceased)

Murphy (1) (died as an infant)

Murphy (2) (died as an infant)

Geraldine

Rua

Ripekatitiparu (died as an infant)

Murphy Armstrong Munroe (deceased) (whangai)

Lavona

Eileen (whangai raised as a sister)

Murray (whangai mokopuna)

78. In those days, our mother gave birth to her children at the family homestead in the bathroom. Hari was delivered by our grandmother Heeni who was a tohunga in midwifery. This was not unusual as all babies were born at Pipiwai, as it was too far to travel to the hospital. It was not a big deal, when you were ready to have your baby; it was all over and done with.
79. Delaraine Armstrong and Arvay Armstrong-Read provide brief biographies of Ataiti's children, Hari, Geraldine, Rua, Lavona, Eileen and Murray who have provided this evidence.



Harriet Armstrong

80. **Harriet Armstrong (Hari)** is now 84 years old, and is the oldest of 10 surviving children. She has always been active, strong-willed and very connected to Pipiwai. She grew up as a child with a fondness for the life they all shared there in their early years. Hari remained working on the family farm after she married. Before and during the amalgamation, she was helping to support the family. Hari has always been very entrepreneurial in her own life, owning and working several dairy farms with husband Derek. She also went on to own and operate second-hand shops until her retirement in her 70's. Hari currently lives in Kawakawa and travels regularly back to Pipiwai, as she has all her life.



Geraldine May (Dene)

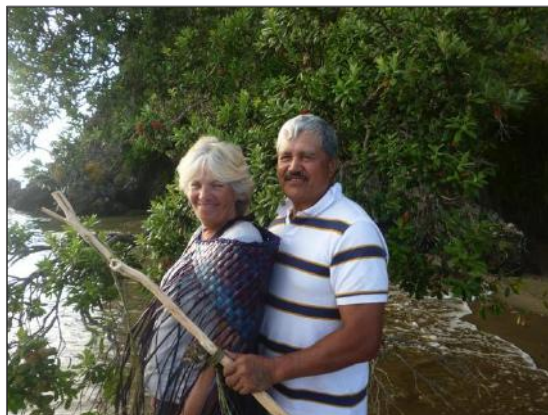
81. **Geraldine May (Dene)** is 74 years old. She has lived in Australia for 30 years, and travels home regularly to visit and celebrate with whanau in community and Marae events at Pipiwai, as well as significant land meetings or Court hearings. Like Hari, she also has fond memories of a “great life” growing up surrounded by cousins, aunts and uncles in the valley. Her children and

grandchildren, like their many Australian born cousins, feel a very strong connection to Ngati Hine, to Te Orewai and Piplwai, particularly because of the importance that Dene and the whanau have taught them. They all know that this is where they are from. This is their turangawaewae.



Rua Codling

82. **Rua Codling** is 72 years old. She has lived all of her adult life on the Kaipara Harbour in Hellensville, raising children, grandchildren and now great grandchildren there. Undeterred by a life away from Piplwai, like the other sisters, she too has a strong connection to Piplwai. They all travel back regularly together whenever the sisters return from Australia. They must visit Piplwai on every trip back to New Zealand. They enjoy nothing more than staying at and sleeping at the old homestead where they all grew up, such is their love for this place.



Lavona Hogan

83. **Lavona Hogan** is 63 years old. She and her husband and daughter live in Kerikeri and Kawakawa, caring for their sister Hari. Lavona is the youngest of the children born to Ben and Ataiti. By the time the land was taken in the amalgamation, Lavona had left for boarding school in Hamilton. However, on her return home during the holidays, she helped run the farm with her

brother Murphy and sister Eileen, milking cows, caring for farm animals and working on the land. Fifty years later, she and her family are still working on the land, leading the fencing of the boundaries; attending Trust meetings and doing maintenance work on the family homestead, as the last vestige of physical connection left to them from their childhood memories. They continue to invest heavily in the land following every trail of hope to have it returned to them. Lavona is now the third generation who has succeeded their mum, Ataiti, to continue to fight for the return of their lands.



Eileen Estrop

84. **Eileen Estrop** is 61 years old. Like Dene, she has lived in Australia raising children and now grandchildren for more than 30 years. In spite of that, she too travels back to New Zealand regularly. She brings her children and grandchildren here so they know their whakapapa and connection to Ngati Hine, to Te Orewai and Pipiwai. Like the other sisters, she speaks her mother tongue when she meets with others from home, or when she gets home. Although Eileen is a granddaughter by birth, she was raised as and is, a sister. At the time of the amalgamation, Eileen was young and still going to school in Pipiwai. She has strong recollections of the pain, anguish and disrespect their mother endured during those years in which her lands were being stolen from her, up to her death. Eileen recalls the many letters she wrote, the countless trips to town to meet with lawyers, to attend Maori Land Court Hearings, etc and the endless rejections from the Maori Affairs and the Maori Land Court. The wrenching transfer of her shop lands to the greed of first cousins was, and continues to be, a festering blight in the battle for the land. It never stopped. They never gave up. This is their memory of those sad years.



Murray Armstrong (Muzz)

85. **Murray Armstrong (Muzz)** is 45 years old. He is the mokopuna who was a whangai to Nanny Ata as a very young boy. By her aged years, she was living in Moerewa, broken and sick. Murray cared for her as a very young child through her last years, bathing her, feeding her, comforting and caring for her. He was the single bright light in her final years. Murray witnessed her deterioration after years of fighting for her lands. She was reduced from the strong articulate and capable matriarch of her large family, to a stooped shell of that woman. Her mind was captured, her reality bent to forever fighting mental battles for her land. He saw how it consumed her.
86. Returning to our mother Ataiti, she was known as an astute business woman and entrepreneur. She was the postmistress at Pipiwai for many years, helping people in the community with their affairs, reading and writing important letters and generally advocating on their behalf.



Ataiti in her postmistress uniform at Pipiwai

87. There were only two shops at Pipiwai. One was the general store and post office. The other was the tearooms and shop owned by our mother and the

whanau which we ran for close to 20 years. At the shop, we made lunches for the school children, and sold ice-creams, sweets and second hand clothing. She used to have carport sales and made good money off them. Uncle Hama sold all manner of produce, including ice-cream at his billiard saloon which he had built on his land.



The shop where we made lunches, sold icecreams, and second hand clothing

88. Our mother derived her whenua interests from her father Te Rehu Hoterene and her mother Heeni Whatipu. Our mother and father managed their own lands, consisting of large communal gardens, orchards, farming dry stock, sheep and dairy cows.
89. Hari recalls life prior to amalgamation, and says that the whanau was relatively well off:

Because my parents were both business inclined, economically and financially we were always provided for. My parents always budgeted our money wisely, which allowed us to have luxuries such as a grand piano, saxophone and accordion. As children we were very fortunate to be the first home in our community to own a car and have electricity. There were never times when we would go without, because there was no food in the cupboards or because of poverty.

(Hari Armstrong)



Hari and Sam in front of our car

90. We all recall that there was a real sense of community spirit at Pipiwai. The kainga Manawatapu and the lands were central to the spirit of our community. However, this all changed after the amalgamation, as the taking of our lands by Maori Affairs broke our community and set whanau against each other.



Ataiti Te Rehu (Hoterene) Armstrong

91. Our mother was 60 at the time the lands were taken and amalgamated by Maori Affairs. From this point on our memories of our mother changed from this point on. She was forever writing letters to the Maori Land Court and Maori Affairs about her lands. She would often catch the bus to Whangarei to go to Court and spend hours searching for information. When attending Court, we can recall how she would come out of the Maori Land Court angry, frustrated and often so disappointed with the outcome. Many times staff at the Maori Affairs and Maori Land Court were unhelpful and denigrating of our mother in her requests for documents and information. Often she was “fobbed off” and told they could not find the records she wanted. The fight for her lands completely consumed her.

She was always going to Court. Back then the Court house was on Rathbone Street in town. She used to be there all the time forever fighting. After the amalgamation most of her time was spent in town then. It was an all day trip from Pipiwai for her when she went into town, because she'd have to come back on the 3 o'clock bus. That was if the family wasn't around to take her. So she'd get the bus early and come and spend the day in Court and represent herself. I don't recall her having much help if any, she did it all herself. She'd fight with them all the time. She would spend hours there looking through books and asking for things.

She was well known to the Court staff. They would never give her the answer she wanted. She would leave mostly frustrated and dissatisfied.

(Lavona)

92. Due to the decline of our mother's health, on 6 September 1977 our mother consented to her son, Samuel Armstrong becoming the proxy in respect of her lands. From then on, our brother attended meetings to represent our mother's interests. He also became a member of the Te Horo Development Scheme Committee. He continued to raise objections on behalf of the whanau in respect of the amalgamation and the way the lands were being managed.



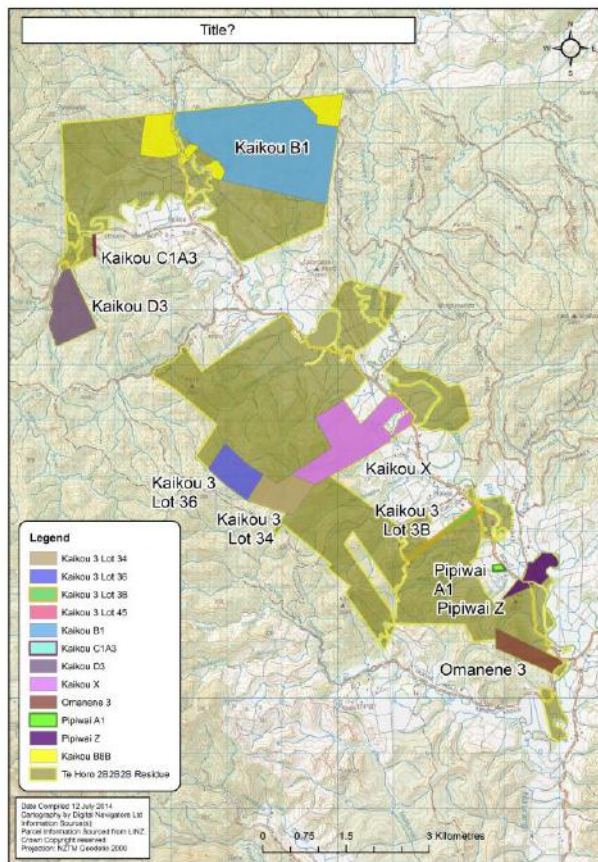
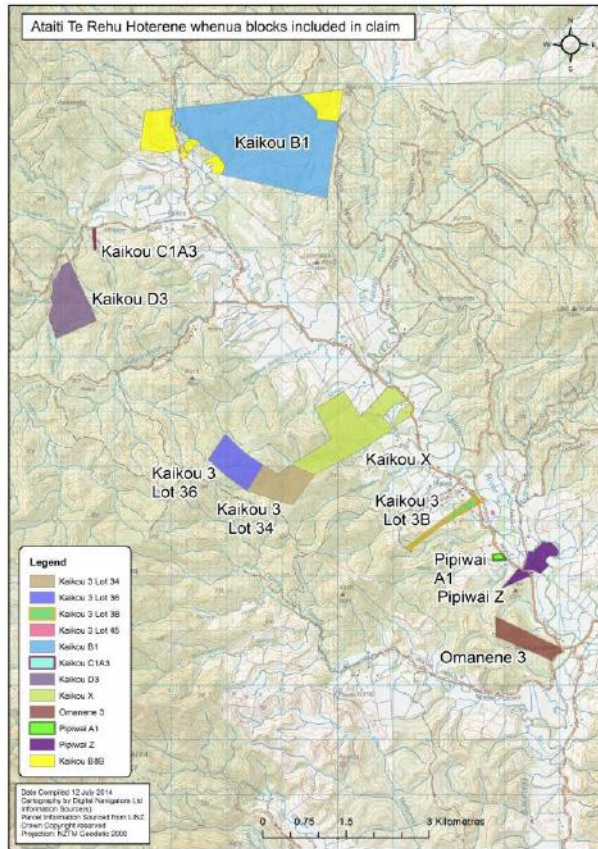
Sam Armstrong

93. Our mother passed away on 6 October 1985, at 73 years of age and is buried at Ngatairua urupa at Pipiwai.
94. The evidence contained here in this document portrays 24 years of our mothers struggle and her continual fight to have her lands returned. The next section of our evidence covers our mothers land interests. We then go on to provide evidence regarding our mother's opposition to the amalgamation and the efforts of our whanau to have our lands partitioned from the scheme. Finally, we provide korero on the impact that the scheme has had on our whanau and the ongoing efforts of our generation to restore the justice our mother fought so long for.

WHENUA

95. As we mentioned, our whanau were major land owners at Pipiwai. Our land holding came from our grandparents, Te Rehu Hoterene and Heeni Tame Horomana Whatipu, who were listed as owners on many of the blocks when they were first partitioned by the Native Land Court in the early 1900s.
96. In 1958, our mother filed an application in the Maori Land Court for her and her siblings to succeed to the lands of her mother Heeni. The succession order was granted and Moetahi Hoterene, Ngarongoa Ihaia Hoterene, Rosie Palmer (half sister), and our mother Ataiti succeeded to the lands of our grandmother.
97. Our mother had interests in the following blocks that were amalgamated into the Te Horo block for the development scheme in 1965:

Block Title	Area acres	Total Shares	Ataiti's Share	Partition date
Kaikou B1	908.0.00	1200.000	.304	27 June 1917
Kaikou B8B	23.3.01	385.000	.042	28 July 1948
Kaikou C1A3	20.3/4			21 January 1947
Kaikou D 3	173.0.04	210.000	.275	23 June 1920
Kaikou X	756.26.5	7410.000	1174.254	31 July 1963
Kaikou 3 Lot 3B	50.2.10	620.000	547.767	18 May 1948
Kaikou 3 Lot 34	127.1.26	140.000	140.000	22 April 1912
Kaikou 3 Lot 36	120.1.37	160.000	160.000	22 April 1912
Kaikou 3 Lot 45				22 April 1912
Omanene 3	98.0.00	260.000	5.058	4 November 1908
Pipiwai Z	76.0.03	1220.000	29.883	29 March 1961
Pipiwai A 1				16 August 1944



98. We have provided as much information as possible regarding the land, that we presently have available to us. Our mother knew every detail of all of her land holdings, as did her mother Heeni before her and her mother Whakaronogotai before her however the passage of time has separated us from the level of detail they were familiar with. Because of our removal from the land, we are less familiar with all the specific land blocks, so we acknowledge that there are still gaps and therefore we have unanswered questions in respect of our mothers land.
99. We wish to focus on the lands that were widely known by all whanau in the district as being our whanau lands, as these are the lands that have been held by our whanau for many years, and are the lands which we lived on, farmed on and cared for. What we note at the outset is that our understanding does not match with the table above of what Maori Affairs and the Maori Land Court have over time described and determined to be our land.
100. In discussing our land we provide the Tribunal with the information we have gathered about these lands over time, including:
- (a) Photos and or maps of the land;
 - (b) When these lands were investigated by the Native Land Court and subsequent partitions and alienations;
 - (c) Comments from our whanau about the lands, including any special features, wahi tapu and how we used those land blocks; and
 - (d) Information from the Court hearing regarding the amalgamation on 26 November 1965. This Court hearing was held for owners to indicate whether or not they supported the applications for amalgamation. During this hearing, Norman Trevor Kerr, a Registered Surveyor for the Department of Maori Affairs, appeared as a witness and presented evidence to show that the land blocks to be amalgamated were, at that time, unproductive and various sections were capable of development. During the presentation of his evidence, Mr Kerr acknowledged that he had not been on all the land blocks, but that he did have aerial photographs showing the condition of land. At this hearing, our mother also presented evidence objecting to the amalgamation. The statements of Mr Kerr regarding

our mothers land blocks is provided here as it really highlights the difference in how we viewed our lands, compared to the Maori Affairs and the Maori Land Court.

KAIKOU B1

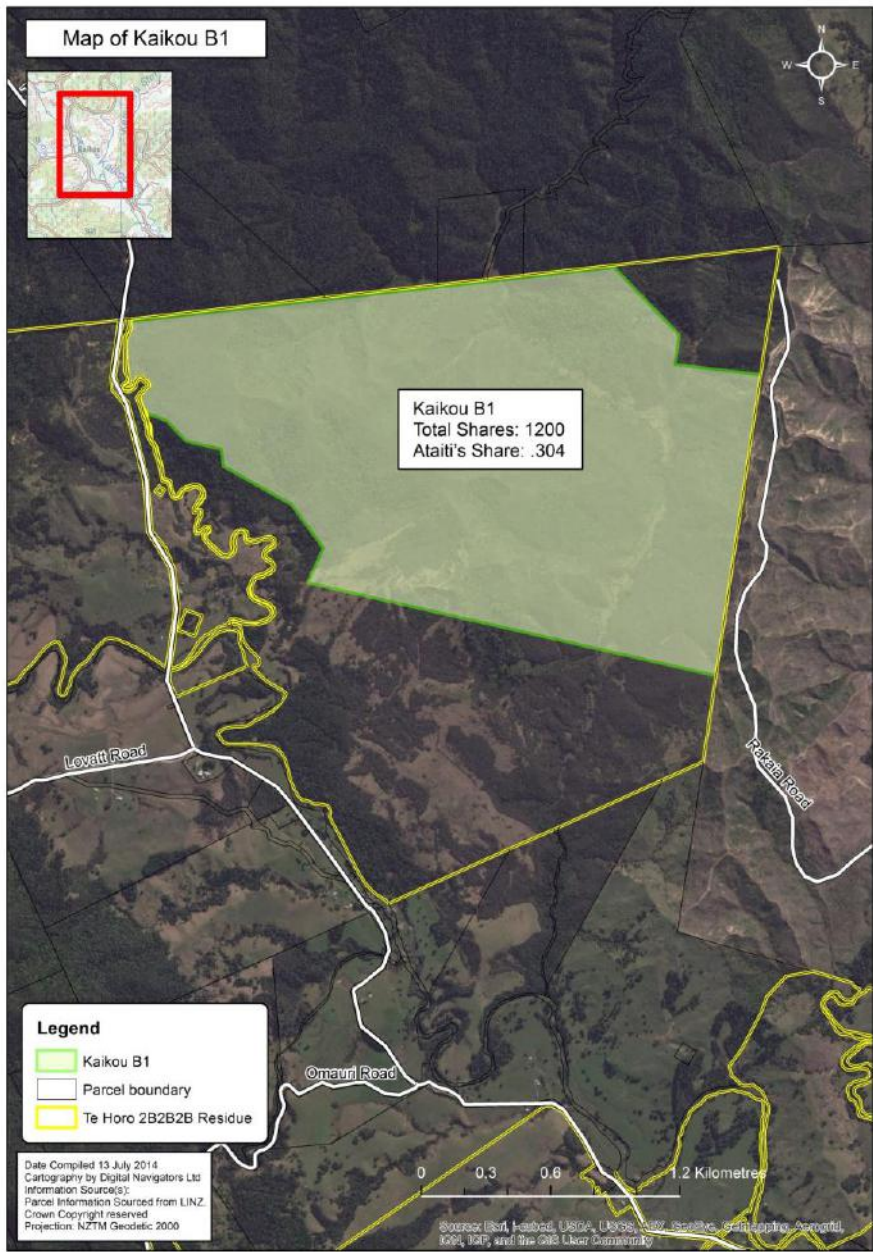
101. The Kaikou block was first investigated by the Native Land Court on 18 May 1905 and the subdivisions of Kaikou A-F were issued. Further partitions occurred between 1916 and 1920. On 27 June 1917, the Kaikou B subdivision was partitioned into Kaikou B1-B8. Kaikou B1 was 908/0/00 acres and was awarded to 70 owners. It was the largest of the Kaikou B1-8 partitions. Our mother had a .304 share holding in a total of 1200.000 shares in the block.¹¹
102. On 17 December 1965, Kaikou A4D, A4E, A4F, **B1**, B2, B3A, B3B, B4, B5, B8A, **B8B**, C1A1A, C1A2, **C1A3**, C1B1, C1B2, C2, C3, C4, C5C1, C6A, C6B and **D3** were amalgamated into the C1X block and then into the Te Horo block.¹²
103. In 1965, Mr Kerr's evidence to the court simply stated:

Kaikou B1 - An area of 908 acres, which is completely unimproved. It is an area of gum land which has medium to steep hill-sides and covered in scrub and light bush.¹³

¹¹ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 116.

¹² Ibid, 120.

¹³ Wai 1527 Document Bank, p 26-60 -extract From Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 82.



KAIKOU B1

KAIKOU B8B

104. The Kaikou block was first investigated by the Native Land Court on 18 May 1905 and the subdivisions of Kaikou A-F were issued. Further partitions occurred between 1916 and 1920. On 27 June 1917, the Kaikou B subdivision was partitioned into Kaikou B1-B8. On 28 July 1948 the Kaikou B8A and B8B subdivisions were created:

Block	Size	No. of Owners
Kaikou B8B	231/3/01	72

105. Our mother had a .042 shareholding in a total of 385.000 shares in the block.

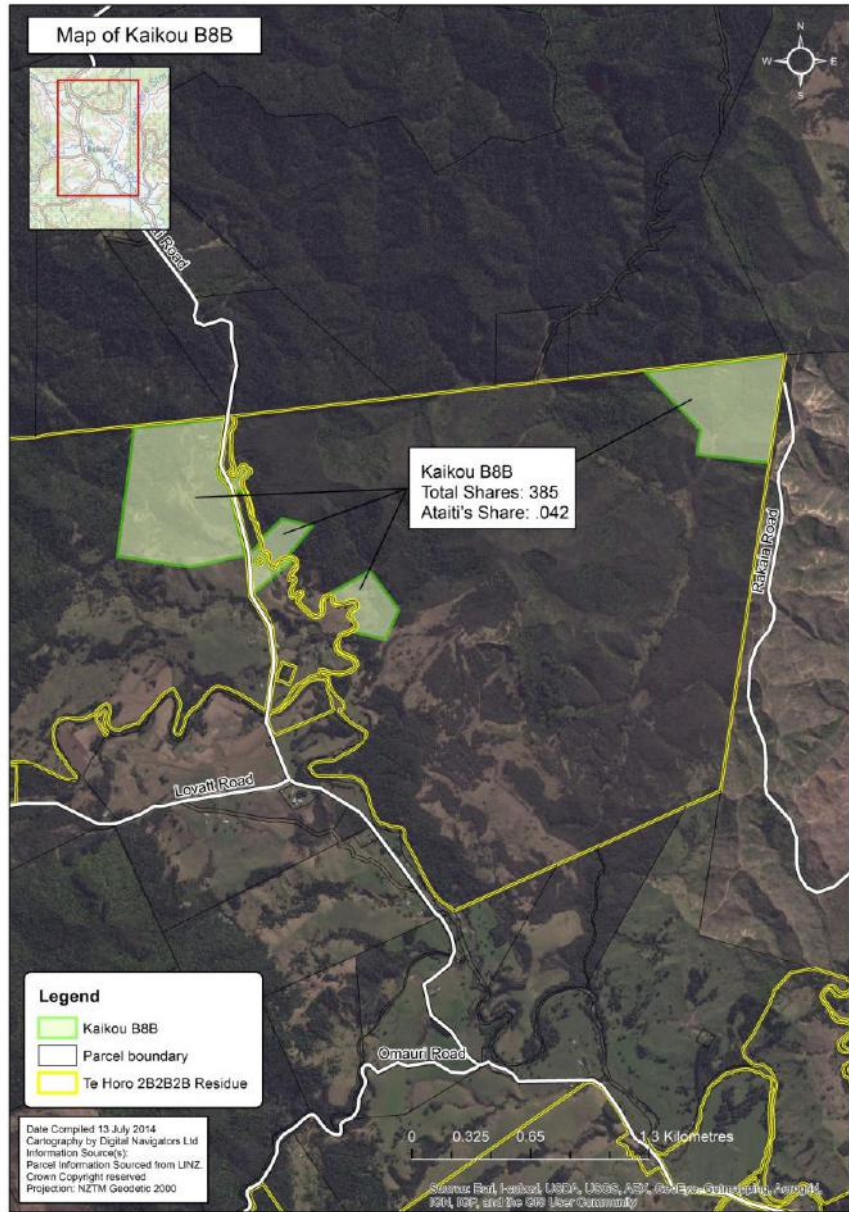
106. On 17 Dec 1965, Kaikou A4D, A4E, A4F, **B1**, B2, B3A, B3B, B4, B5, B8A, **B8B**, C1A1A, C1A2, **C1A3**, C1B1, C1B2, C2, C3, C4, C5C1, C6A, C6B and **D3** were amalgamated into the C1X block and then into the Te Horo block. C1A1B was originally to be included in this amalgamation but was eventually excluded.¹⁴

107. Mr Kerr's evidence to the Court in 1965 said:¹⁵

Kaikou B8B is likewise a block which contains severances. Some of them are approximately over a mile apart. The severance is on the western side of the road and is a severance of approximately 114 acres, it is an area which has reverted to fern and scrub. The severances on the eastern side of the road are in their unimproved state. They are in scrub and small areas of bush.

¹⁴ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 120.

¹⁵ Wai 1527 Document Bank, p 26-60 - extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 82.



KAIKOU B8B

KAIKOU C1A3



Whenua down by the flats

108. The Kaikou block was first investigated by the Native Land Court on 18 May 1905 and the subdivisions of Kaikou A-F were issued. Further partitions occurred between 1916 and 1920. On 22 January 1917, the Kaikou C1 partition was created and on 25 November 1919 the Kaikou C1A partition was ordered. On 21 January 1947, the Kaikou C1A3 partition was created for 20 acres 3 roods and 00 perches.
109. On 17 December 1965, Kaikou A4D, A4E, A4F, B1, B2, B3A, B3B, B4, B5, B8A, B8B, C1A1A, C1A2, **C1A3**, C1B1, C1B2, C2, C3, C4, C5C1, C6A, C6B and D3 were amalgamated into the C1X block and then into the Te Horo block. C1A1B was originally to be included in this amalgamation but was eventually excluded.¹⁶
110. The Kaikou C1A3 subdivision was ordered on 21 January 1947. The block was 20 acres, 3 roods and zero perches.
111. We understand that our father Peene or Ben Armstrong succeeded to this land from his grandmother Hariata and her sister Ganny Ngawai, who he was raised by. He subsequently transferred the land to our mother. This land comprises the flats before you come up to the hill and the houses as you come into the Pipiwai township. This land was only about 100 metres from our house and we viewed it as our backyard. The land goes to the creek where we used to swim as children. Dad's grandmother, who raised him, is buried just across from the creek.

¹⁶ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 120.

KAIKOU D3

113. The Kaikou block was first investigated by the Native Land Court on 18 May 1905 and the subdivisions of Kaikou A-F were issued. Further partitions occurred between 1916 and 1920. On 23 June 1920, the Kaikou D3 partition was created. The block is 173 acres 3 roods and 4 perches. This block was granted to 3 owners.

114. On 17 December 1965, Kaikou A4D, A4E, A4F, **B1**, B2, B3A, B3B, B4, B5, B8A, **B8B**, C1A1A, C1A2, **C1A3**, C1B1, C1B2, C2, C3, C4, C5C1, C6A, C6B and **D3** were amalgamated into the C1X block and then into the Te Horo block. C1A1B was originally to be included in this amalgamation but was eventually excluded.¹⁸

115. Kaikou D 3 was partitioned on 23 June 1920.

116. Our mother had a 0.275 share out of 210.000 shares in the block.

117. Mr Kerr's evidence to the Court in 1965 said:

A total area of approximately 580 acres; these areas are up in the medium to steep country all covered in scrub and light bush. There may be very small areas of unimproved grassland on these blocks.¹⁹

¹⁸ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 120.

¹⁹ Wai 1527 Document Bank, p 26-60 – extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 83.



KAIKOU D3

KAIKOU X



118. The taking of Kaikou X land for the Te Horo development scheme is a major source of grievance for our whanau. The Kaikou X land is by our whanau kainga Manawatapu. The Kaikou X block was wholly owned by our mother and her siblings Moetahi and Ngarongoa Ihaia Hoterene at the time it was taken for the development scheme. All the siblings strongly opposed the inclusion of Kaikou X in the scheme, however, against their wishes Kaikou X was ultimately included in the scheme.
119. We believe these lands were specifically targeted by Maori Affairs as the lands were deemed necessary for the economic viability of the scheme. We will cover in more depth the lengths our mother went to have her lands in the Kaikou X block excluded from the scheme. However, what is important for the Tribunal to remember is that the Kaikou X amalgamation was never about the Te Horo development scheme, it was about our mother and her sibling's succession to land.
120. The Kaikou X block was created upon an application by our mother in 1963 to amalgamate land blocks of Ganny Heeni. Since Ganny Heeni's passing in 1956, the whanau had many ongoing conversations about how to proceed with the succession. It was a long conversation about succeeding to the lands and trying to get the split right between the surviving siblings.

121. It is important to understand the nature of the Kaikou X land and the dynamics among the whanau to understand how the split was agreed. It was really logic and convenience that determined how the Kaikou X was to be divided. The division of the land was to be equal for all of the siblings. At that time, Uncle Hama's homestead was on the Kaikou X land by the main road at the Northern end, opposite Manawatapu, so he was to receive land in that location. Just south of Uncle Hama's homestead, but still on the Kaikou X block, maybe 500 metres away, is Aunty Nga's homestead, she therefore received land in that area. Across the road is Aunty Rosie's land and her children now live there. Our mother's homestead is back towards the chapel at Pipiwai and she therefore deferred to her siblings and accepted that she would have the lands in the back blocks of Kaikou X, because she did not live on that particular block and did not want to disturb how they were living. Our mother's lands in Kaikou X were, and continue to be, inaccessible. Access was by agreement in those days and it was not challenged. More recently, there have been significant disagreements amongst whanau and Ganny Heenis mokopuna around land ownership and access to these back blocks.
122. It was agreed that the family would support our mother to organise the division of the lands, as our mother was familiar with administration processes and was often called upon by her own mother to carry out the affairs of the whanau. Our mother then informed the Court of what the family had agreed upon and how Kaikou X was going to be divided among the siblings once the blocks had been amalgamated.
123. On 31 July 1963, the Court granted the application and ordered the amalgamation of the following blocks to form Kaikou X:

<u>Block</u>	<u>Area</u>	<u>Date of partition order</u>
Kaikou 3 Lot 7	363:3:00	24 th April 1912
Kaikou 3 Lot 8A	80:1:01	2 nd October 1914
Kaikou 3 Lot 8B	126:0:35.5	2 nd October 1914
Mangakowhara B41	186:0:30	18 th January 1916

124. Shortly after the amalgamation order, our mother sought to have the agreed split of Kaikou X confirmed by the Maori Land Court. On 23 December 1963,

the Maori Land Court wrote to our mother informing her that she needed to instruct a surveyor in order to complete the partition:²⁰

23 December 1963

Dear Mrs Armstrong,

Kaikou X

I enclose a copy of the Court's Minute of 10 December concerning the above matter.

Furthermore, I write to stress the need for immediate action by yourself and other members of your family to instruct a surveyor to do the necessary plans. If this is done it will then enable the Court to consider any proposals which you have agreed upon for the satisfactory partitioning of your family interests.

Your attention is drawn also to the fact that the matter has been adjourned to the next Whangarei Court sittings as a final adjournment and unless satisfactorily disposed of then by the making of Orders, the matter will be dismissed without further ado.

A copy of this letter and attached minutes have also be sent to Mrs Ropere Paraima, Mrs Ngarongoa te Rehu Hoterene, Mr Moetahi Hoterene all of Pipiwai.

Yours faithfully,
K. Hui.

125. The matter remained undetermined and our mother instructed lawyers to look into the matter further. On 16 August 1965, lawyer Robert W. Gill wrote to our mother confirming that a surveyor needed to be instructed to survey the lands:²¹

16 August, 1965

Dear Madam,

re: Kaikou X

We have searched the records of the Maori Land Court and find there is an Application for Partition before the Court and this will be advertised in the next Whangarei panui. It seems that certain evidence has been given, but there was some disagreement as to the areas to be allocated to each of the shareholders in this block. We understand from you that all shareholders have now agreed to the partition, and to this end you should instruct a surveyor to prepare a plan for the

²⁰ Wai 1527 Document Bank, p 16.

²¹ Wai 1527 Document Bank, p 14.

Court to divide the land as agreed, and showing the existing house sites and occupations.

If you wish us to appear in the Maori Land Court in support of this application or wish us to take any further steps in this matter, would you please pay into our office the sum of £26.5. – on account of our costs.

Yours faithfully,
KEETON AND GILL
Robert W.Gill

126. A further adjournment of the proceeding took place on 14 September 1965, as our mother instructed her lawyers to adjourn the proceeding because the whanau were not prepared and the surveyor had not yet been contacted.
127. By this time, Maori Affairs had already sought to amalgamate many blocks for the Te Horo development scheme and the hearing was taking place to hear from owners in opposition to the scheme. This meant our mother's application to partition the Kaikou X block so that she and her siblings could succeed to the lands as agreed between them, was subsumed by the Maori Affairs application to amalgamate the lands.
128. At the Maori Land Court hearing in November, 1965, Mr Kerr's evidence spoke to the condition of the Kaikou X block.²²

The next block is Kaikou X, an area of 756 acres. This block is in three portions. The severance which is west of the main road is the largest area and it has a portion at the front 1/3 of it, fronting the main road, which is an area in terraces and sloping land. This land has been grassed at some stage and it is now reverting to fern, blackberry and scrub. There are boundary fences on this land, some are in reasonable condition but most are not in really stock proof condition. The area at the rear of this is in bush and heavy scrub of medium to steep hill-sides. The severance of Kaikou X which lies between the main road and the Kaikou River, an area of approximately 85 acres, is all river flat. Most of it is in grassland, there are small scattered areas of scrub and fern. There is an area of Kaikou X to the east of the Kaikou River. This is the portion which has been left out of the proposed amalgamation.

²² Wai 1527 Document Bank, p 26-60 – extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 84.

129. As Mr Kerr provided in his evidence, Kaikou X was regarded as good farmland and therefore it was seen as a central block in the proposed development of Pipiwai. There is a consistent reference to Kaikou X throughout the correspondence from Maori Affairs, highlighting that it was specifically targeted for inclusion in the scheme. When we read these things we realise that, in hindsight, our mother would never have been successful in having her lands excluded from the development scheme as some other owners did.
130. Our mother appeared at the Court hearing on 26 November 1965 in opposition to the amalgamation. She told the court that she was farming the land and wanted to continue to do so:²³

Ataiti Armstrong re sworn: I want my shares partitioned out. I have no house on the land. I am farming part of the land my stock.

131. However, her opposition was dismissed by the Court and the Court ordered the amalgamation for the scheme with the inclusion of Kaikou X. We discuss our mother's appearance at this court hearing in more detail below.

²³ Ibid.



KAIKOU X

KAIKOU 3 LOT 3B

132. The Maori Land Court was involved in the Kaikou No.3 block before the title was investigated. In 1906, the Maori Land Court ordered an injunction of Kaikou No.3 to owners and to the Kauri timber company to refrain from the cutting and removing of timber. On 26 January 1911, a freehold order was issued over Kaikou No.3 containing 9,530 acres in favour of 335 owners. On 22 April 1912, Kaikou No.3 was partitioned into a series of Lots, including Kaikou 3 Lot 3B, which was 55 acres and was awarded to 2 owners. A further

partition of Kaikou 3 occurred on 18 May 1948, where Kaikou 3 Lot 3A and Kaikou 3 Lot 3B were created:²⁴

Block	Size	No. of Owners
Kaikou 3 Lot 3A	3.8980 ha	2 owners
Kaikou 3 Lot 3B	50/2/10 acres	2 owners

133. Our mother was a major shareholder in this block. There were a total of 620 shares in the Kaikou 3 Lot 3B block and our mother had 547.767 of those shares.
134. On 17 December 1965, several Kaikou 3 Lots (1A1, 1A2, 1A3, 1B, 2, **3B**, 4C1, 4C2B, 4F, 9A, 9B1B, 9B2, 9C, 13A, 13B2, 14, 31, **34**, **36**, 37, 38, 39 and **45**) were amalgamated and repartitioned into the Te Horo block.²⁵
135. It is a great source of grievance for our whanau that this land was included in the amalgamation against our mothers wishes, as Kaikou 3 Lot 3B was the block of land that our whanau house, shop and cowshed were on. It is also the land that was later partitioned to allow Winiata Shortland to build a house.
136. The fact that we lived on this land was not even acknowledged in Mr Kerr's evidence to the Court in 1965:²⁶

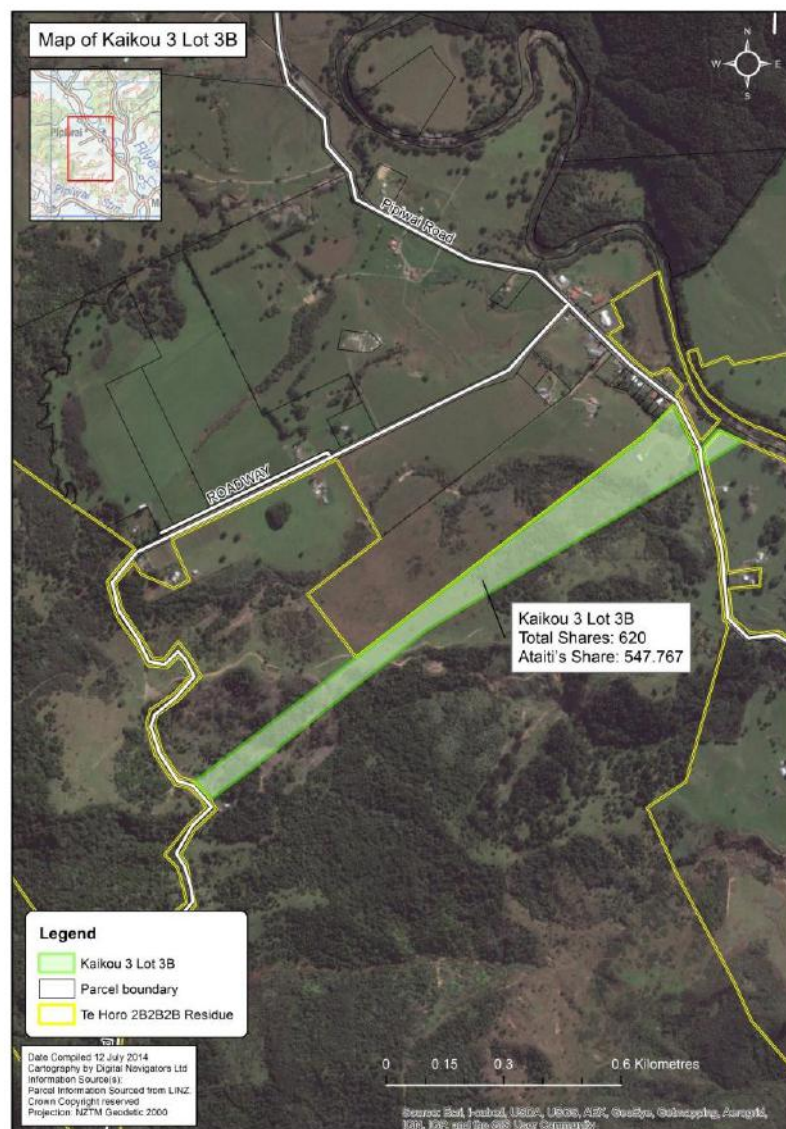
This is an area of 50 ½ acres situated across the main road just below the Pipiwai School. This block is in two main severances. The eastern one lying between the main road and the Kaikou River contains an area of river flat which is grassed. There may be some small patches of reversion to black –berry. The Western portion which runs from the main road up to the hills to the west is a long narrow strip approximately 3-4 chains wide and about of ¾ mile long. This strip runs from easy terrace land to medium hills at the back. The front area of it is grass land which is revering to fern and scrub and the rear of the land is in scrub and fern.

²⁴ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, p 126,129

²⁵ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 131.

²⁶ Wai 1527 Document Bank, p26-60 – extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 88.

137. In our lifetime, blackberry wasn't "reversion", it was a source of food. Scrub including manuka was also used for firewood and was therefore our source of heating.



KAIKOU 3 LOT 3B

KAIKOU 3 LOT 34, 36, 45

138. On 26 January 1911, a freehold order was issued over Kaikou No.3 containing 9,530 acres in favour of 335 owners. On 22 April 1912, Kaikou No.3 was partitioned into a series of lots, including Kaikou 3 Lot 34:

Block	Size	No. of Owners
Kaikou 3 Lot 34	127/1/26 acres	3
Kaikou 3 Lot 36	120/1/37	16
Kaikou 3 Lot 45	1/0/00	All 335 owners Lots 42-45 all in one title.

139. On 17 December 1965, several Kaikou 3 Lots (1A1, 1A2, 1A3, 1B, 2, **3B**, 4C1, 4C2B, 4F, 9A, 9B1B, 9B2, 9C, 13A, 13B2, 14, 31, **34**, **36**, 37, 38, 39 and **45**) were amalgamated and repartitioned into the Te Horo block.²⁷

140. Our mother was the sole owner of this block. This block was covered in second generation native bush. There are caves on this block. Mr Kerr's evidence to the Court in 1965 said:²⁸

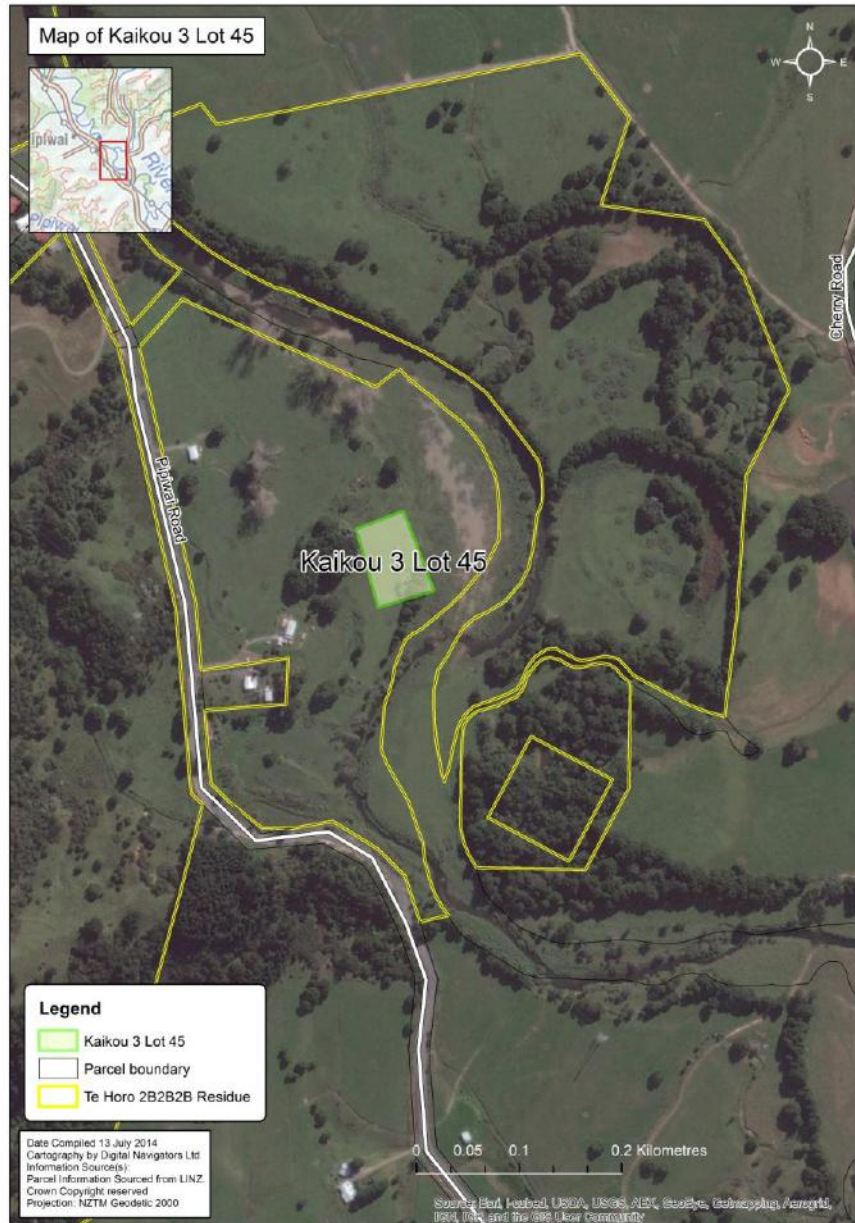
Kaikou 3 Lot 34, Kaikou 3 Lot 36, Kaikou 3 Lot 39, Kaikou 3 Lot 37, Kaikou 3 Lot 38 – These five blocks are up in the bush country up behind Mr Sowry's farm. They are blocks which are in medium to steep hill-sides covered in bush and heavy scrub. No improvements whatsoever.

²⁷ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 131.

²⁸ Wai 1527 Document Bank, p 26-60 - extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 84.



KAIKOU 3 LOTS 34 & 36



KAIKOU 3 LOT 45

OMANENE 3

141. The 290 acre Omanene block was investigated by the Native Land Court on 5 July 1877. The block was awarded to two owners. On 4 November 1908, the Omanene block was partitioned into Omanene 1, Omanene 2 and Omanene 3.²⁹

Block	Size	No. of Owners
Omanene 1	48/1/13	3
Omanene 2	145/0/00	-
Omanene 3	98/0/00	17

142. On 20 June 1963, an area of one acre, three roods and 22.2 perches was taken from Omanene No.3 for a public road. (NZG 1963/825). On 17 December 1965, the remainder of Omanene No.3 was amalgamated into the Te Horo Block.³⁰

143. Our mother now has a 5.058 shareholding out of the total 260.000 shares in the block.

144. This block is up by Moores Road where the shale pit is. The block has been used for rock extraction over time. Our mother was one of 17 owners in this land.

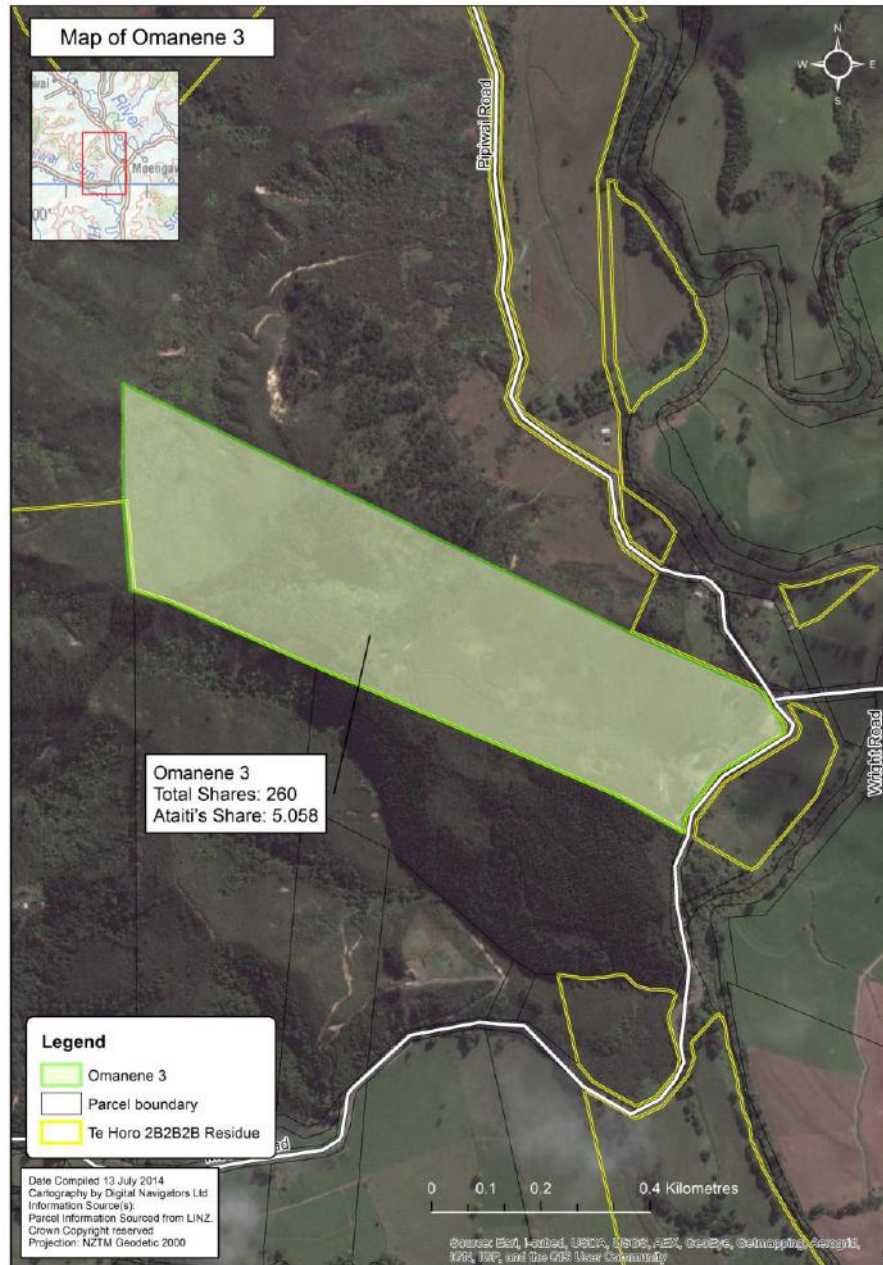
145. Mr Kerr's evidence to the Court in 1965 omits that there was a quarry or shale pit, which would have improved the value of this land:³¹

An area of 96 acres, is a block which is wholly unimproved. It contains medium to steep hillsides. Once again it is gum land and it is covered in burnt scrub. The last block, Sir, is a portion of Omanene Z which is ultimately a ¼ mile. It is an area of approximately 50-60 acres of which has some small areas of fern reversion and blackberry. The other small portion of 7-10 acres or so, part of it is in medium hillside in grass, the rest of it is a very steep hill side in heavy scrub.

²⁹Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 378.

³⁰ Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 379.

³¹ Wai 1527 Document Bank - extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 90.



OMANENE 3

PIPIWAI Z

146. On 14 May 1879, the 1,102-acre Pipiwai block was brought before the Native Land Court for its investigation of title. Hoana Niha appeared before the Court. Hoana Niha claimed the block for himself and others through his ancestor Hapi. There being no opposition, the Court issued an order in favour of Te Kauku and three others.³² A series of alienations occurred in the late 1800s.

147. On 29 March 1961, as a result of amalgamation, Pipiwai B1 and B2 were formed into the following new title order:

Block	Size	No. of Owners
Pipiwai Z	76/0/03	-

148. On 17 December 1965 as a result of amalgamation, Pipiwai No.s A1, C, D, E, G1, G2 and Z were included in the Te Horo Block.

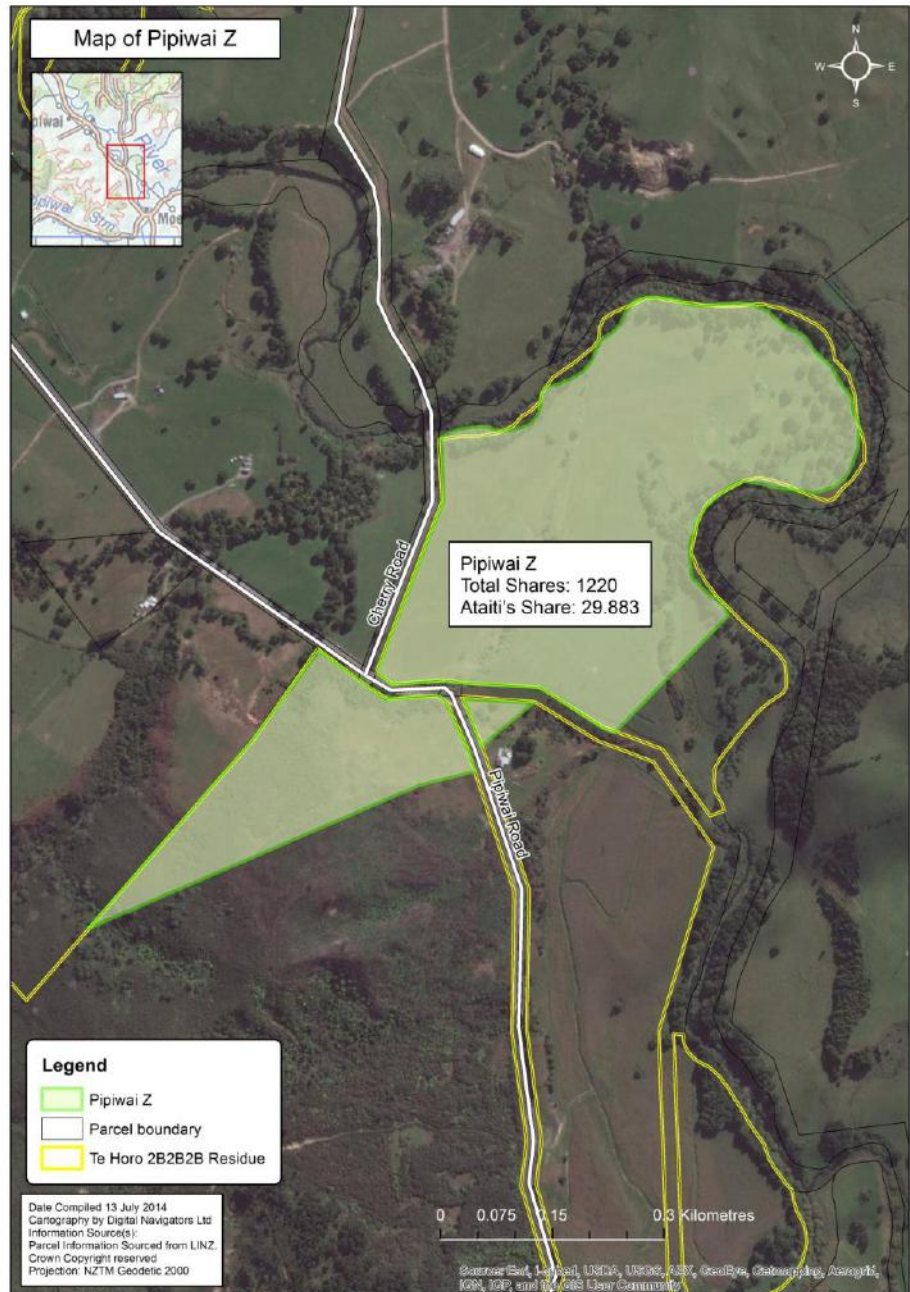
149. Part of this land went on to adjoining owner Charlie Tipene on boundary restructuring during the operation of the scheme.

150. Mr Kerr's evidence to the Court in 1965 said:³³

An area of 76 acres in three severances. Two of those severances are on each side of the road entrance to Mr Trimmer's farm, the third is to the west of the main road. This land is in terrace land, a mixture of easy to medium hillsides. The easy land is grassland which has reverted to fern and small areas of black-berry and scrub. The steeper country to the west of the main road is perhaps an area of gum land on steep hillside which is in scrub.

³² Wai 1040, #A39(L), P Berghan, Northland Block Research Narratives Vol 13 Geographical volume for the Whangarei & Mahurangi hearing dis, CFRT Feb 2006, 517.

³³ Wai 1527 Document Bank – extract from Whangarei Minute book No 41 (Folio 79-114 dated 26 November 1965 & 115-121 dated 17 December 1965) Te Horo Amalgamation, p 89.



PIPIWAI Z

PIPIWAI A 1

151. On 14 May 1879, the 1,102-acre Pipiwai block was brought before the Native Land Court for its investigation of title.
152. On 8 November 1916, the Pipiwai block was partitioned into 7 blocks; Pipiwai A – G. On 16 August 1944, the Pipiwai A block was partitioned into Pipiwai A1 and Pipiwai A 2. Pipiwai A2 block was later sold on 9 November 1956.

Block	Size	No. of Owners
Piwai A 1	5/0/00	1
Piwai A 2	170/2/38	51

153. On 17 December 1965, as a result of amalgamation, Pipiwai No.s A1, C, D, E, G1, G2 and Z were included within the Te Horo Block.



SHAREHOLDING SINCE AMALGAMATION

154. On 17 December 1965, the above lands were amalgamated into the Te Horo block. This is discussed in more detail below, however, the amalgamation order records the following details:

Title:	Te Horo Block
Area:	7,132:3:128 acres
Number of original owners:	138
Total shares:	31029.689
Ataiti's shares:	1488.283

155. On 12 October 1987, when the Court ordered the partition for the Te Horo 2B2B2B block to be vested in the Te Horo Trust, the accompanying schedule of ownership records the following details:

Title:	Te Horo 2B2B2B
Area:	3090.1277 hectares
Number of owners:	168
Total shares:	29,148.766
Ataiti's shares:	940.516
Sam Armstrong's shares:	547.767
Total shares:	1488.282

156. While we mention our mother's shareholding here, we believe the transfer of our mothers' ownership of her land to shareholding in the scheme, has diminished her land interests and caused huge social, cultural and economic loss for our whanau. Therefore, throughout our evidence we will only talk about our land as land, not as shares. Shares are a foreign concept to our whanau. We believe that we have a right to physical land, not shares.

157. We believe that the information we have provided demonstrates that, by virtue of succession and continued occupation of her grandmother's land, and by transfer of lands from our father, our mother was a major owner of lands at Pipiwai.

158. In the next section of our evidence we will cover our family's account of how our mother's lands were compulsorily included in the Te Horo development scheme, in spite of her fierce and constant opposition to the amalgamation. This section covers all key events and issues concerning the amalgamation of our whanau lands. It begins with discussion on the Crown's initial proposals for the amalgamation, our mother's early application to partition the lands, and successive attempts to have her lands removed from the development

scheme. It goes on to cover key grievances of our whanau around the destruction of our mothers property and shop, the partition of her lands to our cousin Winiata Shortland, and issues concerning the Maori Affairs, the Maori Land Court, and the Te Orewai Te Horo Trust's administration of the lands. This section mainly draws on the documentary evidence, including various letters, minutes, land records and our whanau understanding of those documents.

TE WAHANGA TUARUA – NGA HARA ME NGA TUKINOTANGA O TE KARAUNA

THE PROPOSAL

159. While the Maori Land Court order to amalgamate the lands for the Te Horo development scheme was not made until December 1965, it was known in the valley that Pipiwai was an area that Maori Affairs was interested in for development. Smaller unit farms were already operating in the valley with the assistance of Maori Affairs. It was in 1965 however that Maori Affairs held various hui in an attempt to gain the owner's consent for a much larger scale of development. Right from the first formal hui, our mother opposed the amalgamation however, for the most part, was totally ignored in the consultation process and her voice as a major land owner was suppressed. For this reason we believe that Maori Affairs engaged in a token consultation process to achieve the consent of some owners to amalgamate the lands.

160. When Maori Affairs proposed the development to the Pipiwai community there was a lot of promises, lies and manipulation of hui and voting. The notes from many hui and other correspondence clearly records Maori Affairs promising that the scheme would deliver great economic development and potential for the Pipiwai Valley and it was also promised that the land would be returned within five years. The promise of the scheme is aptly captured in this news article:³⁴

Special News Item for Maori Radio Newsletter Of 13 March 1966

The efforts of the Farming Committee of the Pipiwai Maori Committee to develop unimproved and idle Maori lands in the Pipiwai Valley has had a successful climax in the Board of Maori Affairs agreeing, this week, to a development programme under the Maori Affairs Act.

61 blocks containing over 7,000 acres have been amalgamated into one block and the development programme approved by the Board provides for an initial programme of about 2,000 acres. The estimated cost of developing the land to the station stage, including the purchase of livestock, is £187,000. The land has good soil

³⁴ Wai 1040, #A10A, H Bassett & R Kay, Tai Tokerau Maori Land Development Schemes, 1930-1990, Aug 06, Special News Item for Maori Radio Newsletter, 13 March 1966, BBDL 1030/2516c 18/28 pt 1, ANZ, Auckland [DB p. 905].

types, good water supply and a good rainfall and ultimately should provide some of the highest producing farms in Northland.

The settlement objective is 10 dairy farms and one sheep farm from the first stage development programme. The Board will endeavor to provide three or four dairy farms in approximately five years from the date development commences and the balance of the land will be farmed for a longer period to ensure the economic success of the Scheme. Full interest will be paid on the advances made for development.

The entry of the Board of Maori Affairs into the Pipiwai district on a scheme basis guarantees the success of the Pipiwai Valley as one of Northland's better Maori farming districts. It is expected that a commencement will be made with development at an early date.

161. Maori Affairs held a meeting with land owners at Pipiwai on 6 June 1965, to discuss the proposal for the scheme. Another meeting was held at Pipiwai on 28 June 1965.
162. At that time it was clear that, from very early on, Maori Affairs had identified that our mother's lands were necessary in order for the scheme to be profitable, however this was not communicated with her. On 30 June 1965, the District Officer wrote an internal note on the proposed Pipiwai Land Development:³⁵

Ref: 18/28

ADMINISTRATION OFFICER:

PIPIWAI LAND DEVELOPMENT

These notes will place on record the office discussions this morning at which the DFS, ADO, Mr Bull and yourself were present. This office discussion followed on from the public meeting at Pipiwai on 28.6.65 called as a result of the outbreak of typhoid fever in the district.

Pressure is being brought to bear on the people to improve their housing standards to overcome public health hazards. The Health Department requires three homes to be evacuated and through the SAC we are able to offer State

³⁵ Wai 1040, #A10, H Bassett & R Kay, Tai Tokerau Maori Land Development Schemes, 1930-1990, Aug 06 - District Officer to Administration Officer, Department of Maori Affairs, 30 June 1965, BBDL 1030/2516c 18/28 pt 1, ANZ Auckland [DB p. 910].

Rental houses for these families in Whangarei. It will be for the Whangarei County Council to issue demolition orders.

The people of the district want their lands developed and houses built on their farms. Individual farm development seems to be preferred but the view which I expressed at the general meeting was that scheme development farming of the lands until the debt was reduced to valuation and then subdividing and settling farmers at valuation was to be preferred over the financing of single unit farms.

Now that the interest in profitable use of the land has been reawakened as a result of the public health scare, we should follow up the general meeting with a Pt. XXIV meeting to make another effort to bring the land under development. **We need a minimum of 500 good acres and Kaikou X Block is the key block to scheme development. There are many people in Pipiwai who would be quite happy with scheme development but there are a few major owners who want individual farm development. This opposition, if it is maintained at the Pt. XXIV meeting, could possibly be disregarded by the Board of Maori Affairs in the general interests of the district. Another possibility would be for the Maori Trustee to buy out the interests of any objectors.**

The County has also indicated that unless something is done by the people to use their lands they may be applying to the Maori Land Court for Section 438 orders to lease the land to someone who would use it. The time is therefore very appropriate for the Department to call a Pt. XXIV meeting and I would like you to make the arrangements for the meeting.

District Officer

30.6.65

163. We take issue with many statements in this memo. Firstly, we believe that Maori Affairs purposefully made out that health issues such as typhoid and the living conditions of whanau were so dire, that the intervention of Maori Affairs to develop the lands and lift the economy of Pipiwai was necessary. We cannot remember there being issues like this and certainly not to the degree to justify measures such as amalgamation. We believe this was a manipulation of the circumstances by Maori Affairs at that time to gain support of the Government and wider community for the scheme.
164. Secondly, it is clear where it says “we need a minimum of 500 good acres and Kaikou X Block is the key block to scheme development”, that the dye was cast to take our mothers lands. It is also clear that her objections would be overridden in the interests of the wider community. Again, this leads us to

believe that the consultation by Maori Affairs was nothing but an empty effort to gain consent of owners.

165. Our mother opposed the amalgamation from the outset. While one of her earliest objections is recorded in the file note of Maori Welfare Officer K Lawrence regarding a hui on 25 August 1965, it makes out that she was somewhat partial to the amalgamation. We do not believe that this was the case:³⁶

PIPIWAI DEVELOPMENT PROPOSALS

It would seem that there is a proposal to develop under Part XXIV provisions of the Maori Affairs Act 1953, some 500 acres of Maori land in the Pīpiwai valley for settlement as dairy farms by suitable Maori farmers. This proposal is the result of efforts by the Department and the people of the area, to alleviate the poor economic state under which the area has suffered for some little time through non-productivity of the land which has no doubt contributed in no small measure towards the state of concern which arose during the Pīpiwai typhoid outbreak some two months ago.

Apparently the attitude of the people, indeed of the majority of the owners of the lands concerned in the proposal as far as it can be ascertained, are in favour of this proposal. However, Mr R. Bull, F/S for the area, recently mentioned to the DWO and myself that the only major owner who is objecting strongly to the proposal is Mrs Ataiti Armstrong, who is the sole owner of Kaikou 3, Lot 38, comprising 50 : 2 : 10 more or less. It is severed by the Pīpiwai main road and has a long narrow shape.

Mr Bull's problem was to get Mrs Armstrong to agree to include her land in the proposal. Following a discussion it was decided that I talk the matter over with Mrs Armstrong who might see her way clear to agreeing to the proposal. I offered my assistance, having due regard to my Court experience and as a welfare officer, and also I know Mrs Armstrong very well.

Consequently on Tuesday 24 August when in the Pīpiwai area, I called to see Mrs Armstrong and discussed the possibility of changing her mind. I explained that there was no force being brought to bear on her to agree, as no doubt if the proposal was to be put into effect, she would be given ample opportunity at meetings of the owners and at the Court sittings, to state her views freely. I pointed out that

³⁶ Wai 1040, #A10, H Bassett & R Kay, Tai Tokerau Maori Land Development Schemes, 1930-1990, Aug 06 - Maori Welfare Officer to Department of Maori Affairs, 25 August 1965, BBDL 1030/2516c 18/28 pt 1, ANZ Auckland [DB p. 907].

my sole purpose was to help her understand perhaps more clearly the ramifications generally involved in the proposal and the desirability of securing her land from a practicable farming point of view.

Mrs Armstrong stated that she had no objection to the proposal and went as far as to say it was a good idea. She said she had no objection in principle to including her land in the proposal but felt that the views of her family must be ascertained first before she could agree to include her land. She added, however, that the major owners of the lands lying on either side of hers were not in favour of the proposal and unless they did agree she could not see why her land should be included. She added that if these objections could be removed she may be favourably inclined to agree, subject to the attitude of her family.

I therefore explained the situation to Mr Bull and together with Mr Hughie Bristowe, a Maori farmer, went and saw Mr Dave Ihaka, one of the owners (or persons interested) whom Mrs Armstrong claimed objected to the proposal. Mr Ihaka was emphatic that Mrs Armstrong was quite wrong and he reiterated his assurances for full support of the proposal. Similarly, Mr Ihaka assured us all that there was no objection to including Ape's land too.

Messrs Bull, Bristowe and myself then saw Mrs Armstrong and told her that there were no objections from Messrs Ihaka and Ape. She stated that she had not heard Messrs Ihaka and Ape verbally confirm this. However, she again stated that she has no objection in principle to having her land included in the scheme although the matter must first be discussed with the family. The matter was pursued no further.

I understand Mr Bull, F/S, will take these matters further in collaboration with the Department's administration.

(K.Hui)
Maori Welfare Officer

166. Another thing we cannot understand in this correspondence is how the proposal for development increased from 500 acres in the August 1965 memo, to the 7000 acres that was actually amalgamated in December 1965.
167. On 14 September 1965, our mother wrote to the clerk of the Maori Land Court saying that she did not want her farm to be put under the control of the Maori Trustee:³⁷

³⁷ Wai 1527 Document Bank, p 13.

Sir, I don't want my farm put under Maori Trustee. I've taken notice in the panui. I want to know why.

Faithfully A Armstrong

168. As mentioned earlier in our evidence, prior to the proposals for amalgamation, our mother was pursuing an application in the Maori Land Court to seek an order to partition her lands from Kaikou X. This was part of the succession of her mother's lands after she had passed away in 1956 and was the first of many applications to the Court to gain control of her lands. However, as the proposal for amalgamation was being proposed, her application for partition of Kaikou X was confused and subsumed by the Maori Affairs application to amalgamate the lands for the development scheme. Our mother was required to seek partition of her lands from entire proposed amalgamation.
169. On 12 October 1965, our mother wrote from hospital to her lawyer Mr Gill regarding the surveying of the lands, as she wanted to complete the partition of her lands prior to the amalgamation being ordered:³⁸

Mr Gill

Sorry Sir, I'm in hospital I don't know how long more I will be in. Anyway I rang up Simpson for a rough idea about Survey Plan over the phone, he told me what ^ costs were ^ closely for an idea. I told him about you being my lawyer. I suppose he has already contact you. I might have to see ^ him yet for what we want done I don't think I'll be too long here I be out soon or you know best but think we all have to give a say what we ^ or if I'm not quite ready. You will have to adjourn it I'd go the money ready but I'm in here instead. I hope you don't mind cause I didn't realise I would be called in but I'm walking around so soon be out. Thank you

M Armstrong

170. Our mother continued to pursue these legal avenues in the hope that she would eventually succeed at having her lands removed from the development scheme. At this time, there was no financial assistance available for objectors and we have a record of correspondence which shows that our mother was paying ongoing legal costs herself. This again shows that she had enough

³⁸ Wai 1527 Document Bank, p 401-405.

wealth and resources to maintain a lawyer the whole way through her objections.

171. Later, on 8 October 1965, the Deputy Registrar of the Maori Land Court, T.A. Love, wrote to owners to notify them that an application had been filed with the Maori Land Court for the Court to consider the amalgamation of the lands set out in the attached schedule, to enable the lands to be farmed and utilised more effectively and to the best advantage of the beneficial owners. The letter invited people within traveling distance of Pipiwai to attend a hui on 20 October 1965 to express views or concerns about the proposal. That meeting was held at the Tau Henare Hall in Pipiwai, on 20 October 1965, where Maori Affairs officers argued that the Pipiwai lands could be farmed more efficiently collectively. Notes on this meeting held by Maori Affairs show that our mother was listed as being one of those against the amalgamation of the lands.
172. It is our understanding that Maori Affairs was under pressure from the health department, the county council, mainly non-Maori neighbouring farmers and the public at large, to make the Pipiwai valley an economic contributor to the welfare of the region. We believe that there was a superseding interest or organised programme by third parties to deceive the owners and force the amalgamation to get them off the lands. However, we believe that the Crown organisations who were pushing for development did not want to improve Pipiwai, they did not have our mother's best interests in mind, but rather, they were operating in their own interests. It is extremely paternalistic that they thought they knew what was best for us. These people were wholly engaged in the deceit.
173. Our mother was present at the Maori Land Court hearing held on 26 November 1965 to hear from owners in support or in opposition to the amalgamation. At this hearing, our mother was put under cross examination and it is quite evident that she was apprehensive in this process:³⁹

Ataiti Te Rehu (Hoterene) Armstrong or Armstrong
(sworn)

Mr Gill – You full name Mrs Armstrong is Ataiti Te Rehu (Hoterene) Armstrong or Armstrong? Yes, sir.

³⁹ Wai 1527 Document Bank, p 26-60.

I think you are the largest individual shareholder in the Kaikou X Block?..... I own 1174.254 shares out of a total of 7410 shares in Kaikou X Block. I am the third largest shareholder.

I think you are also a shareholder in Kaikou No.3 Lot 35(?)?....Therein I won 455 shares out of 515 shares.

Now I understand that is relation to Kaikou X that the shareholders in that block had agreed to a certain scheme of partition, is that correct? Yes, sir.

With the aid of that map that you have there can you explain to his Honour what the proposal was? With respect to the part of Kaikou X lying between the road and the Kaikou River, an area of 88 acres 3 roods, how was this to be split up? According to the partition there, to the lines marked on this map.

Is there a fence there? Yes.

Now I also note that the area to the south west of the road is also partitioned on this plan by pencilled lines. Were these agreed to by the family? Yes.

And the area to the north, who is to own that? Te Arani Ihaka, Remo Ihaka, Hana Hapia.

And the balance of the block running up into the hills and the heavy bush, who is to own that? Myself, and a little bit my brother.

And you now produce that plan to the Court.

(Plan produced as Exhibit "G")

COURT TO MR GILL – I notice that the plan produced by Mrs Armstrong is not in fact a plan of Kaikou X, but is a plan which embraces, amongst others, part of the former Kaikou 3 Lot 7. Kaikou X includes a lot of land lying to the east of the Kaikou Stream and also includes lands lying to the north west of the former Kaikou 3 Lot 7 and does not include some of the back blocks such as Lot 36 which is in bush, to which Mrs Armstrong has made mention, but I do understand from her evidence that she seems to have no desire to get into good quality land, but seems to have some desire to get into the back country which is in bush and as I have explained to her on previous occasions, the difficulty about that is simply this, that one must have a means of getting into these lands and if roads are to be laid off, or in the alternative tramways laid off for the taking out of timber, one must pay the owners over whose lands you move to get the timber block moneys or a premium for the right to do so.

MR GILL – May it please Your Honour this matter has been repeatedly explained to Mrs Armstrong. I will ask her if she has got any proposals regarding access to the back blocks that she so desires.

How are you going to get access to the back blocks? That has been put before the Court before. The evidence has been heard before in Court. It was proposed to put it before on 5A1 Block.

To put a road through some other land to get to your block? Yes, Sir. A lawyer put that through before.

COURT TO MR GILL – The Court on 15 September 1965 at Whangarei 140 folio 316, pointed out as to Mrs Armstrong's land lying to the back of Kaikou X that those two blocks which she owns in severalty are served by a 50 link right-of-way across Kaikou X as laid off by the Court some 50 years ago. Despite this over the years there have been a number of applications or attempts to convince successive Courts that a right-of-way other than this one is needed. There is nothing to show that the right-of-way as at present existing did not adequately serve the two lands to which Mrs Armstrong refers.

MR GILL – Now what were you proposing to do with this back land Mrs Armstrong, this broken country that you wish to have in this partition?

COURT – That is land lying in the vicinity of Kaikou 34 and 36.

MRS ARMSTRONG – Part of that land will be used for cattle.

MR GILL – You are going to use some of it for rough grazing for cattle, but from what we have seen in the photographs that would appear to be a relatively small part of this. What else is to be done with this land?..... Well part of that land is heavy bush and it has not been worked out. It was given by my mother in the first place and that is why I succeeded in it.

So you say there is timber to be taken out of that land? There is also some timber in the place which has not been arranged to be sold, but later when this is all over it may be sold.

COURT TO MRS ARMSTRONG – Is the Court to understand that you are saying that there is a goodly quantity of millable timber on Kaikou X Block?

A. No, Sir, not exactly. Kaikou X is Kaikou 3 Lot 7.

COURT – As long as you understand that.

MR GILL – Now with regard to the Kaikou No.3 Lot 3B Block, what proposals do you have in respect of that land? What do you propose to do with it if the Court excludes it from the scheme? We have been farming on that place with my son Sam Armstrong.

And for how long has this been farmed? All my life.

What stock are you running on it at the moment? I have got 20 odd at the moment.

Cows, steers, or what? Mixture.

Now from what we have heard it would seem that this land could carry more stock if developed. Do you have any proposals to develop the land to improve its carrying capacity? It has been developed three weeks ago. We had to put a man on it to develop it. It has been developed already.

Now you say you are going to develop it. Do you know specifically what is going to happen? Who is going to develop it? It has already been developed before.

From what Mr Kerr has told us only that part lying between the road and the river is composed mainly of grass. There is a little bit of grass on the other side of the road. Now is that correct? Over the other side of the road.

Between the road and the river it is mainly grass, a little blackberry, we are told.

COURT – Q. You have a look Mrs Armstrong because there does not seem to be much argument about it. Mr Kerr says there is a little bit of grass there, but it gets rougher and rougher as it gets to the back of the block.

A. The best part of that place is in grass and it is only a little bit on the hill that is burnt.

MR GILL – What fences has this land? That land there has a fence right around that road.

COURT - Q. Let's get this right down to tin tacks. Your land lying between the road and the stream is in two severances or parts. Is each of those severances completely fenced upon the boundaries?

A. Yes, Sir, on the other side of the road it is –

Q. Between the road and the creek?

A. Yes, Sir.

Q. Now go over to the other side, the long narrow strip. Is that completely fenced around the boundaries?

A. The whole block it is, but along between the strip up the hill is not really completed.

Q. Well in other words, the long narrow strip is not completely fenced?

A. Not completely fenced.

Q. How many chain is missing?

A. Impossible to tell you because I have never been up there.

Q. Now why have you never been up there?

A. Well I am a woman, I cannot go up there and start measuring. I did not know that you would want this kind of thing. I would have been up there and asked my son to do so.

Q. For how long has your son been running the farm for you?

A. All his time when he was single up to the time now.

Q. And where does he live?

A. Moerewa. When he married this woman he had to stay there.

Q. And how long has he been living away from Pipiwai at Moerewa?

A. I guess about two to three years. He still comes up through.

Q. And is he living with his wife and family in Moerewa?

A. Yes.

Q. And he works at the Freezing Works?

A. Yes, Sir.

Q. And how many days a month would he spend up with you?

A. Well I cannot answer for someone else.

Q. When last was he up working on this property?

A. Two weeks ago.

Q. And what did he do?

Q. What was the name of the man who you had in recently to do this development work of which you were talking?

A. Sam Armstrong.

Q. Is he your son?

A. Yes, Sir.

Q. He is the man who is living at Moerewa?

A. Yes, Sir.

Q. What did he do in the way of development work?

A. What do you want to know?

Q. What did he do? Did he cut rushes, cut blackberry, cut gorse and fix fences?

A. Blackberries were on there. He went and put the cutter on about three weeks ago.

Q. And how much blackberry did he clear?

A. It wasn't much.

Q. How many acres of blackberry have you got on your farm?

A. Only a very little.

Q. You have only got very little?

A. Yes.

Q. And that is what he chopped, very little?

A. What do you mean?

Q. He just chopped a very little amount of blackberry. What next did he do?

A. The fence.

Q. Between the road and the river?

A. Yes, Sir.

Q. Did he do any work between the road and the hill?

A. Not yet, Sir.

Q. What else has he done?

A. I think you had better ask him that question, I have answered fair enough.

Q. What superphosphate have you put on the land in the last couple of years?

A. I could not tell you, but they have done it, my son and my daughter.

Q. Who paid for it?

A. Through the Whangarei Dairy Factory.

Q. And whose name is the account in at the Whangarei Dairy Factory?

A. Samuel Armstrong.

Q. How long ago was that?

A. About a couple of years ago.

Q. You have told Mr Gill that you have got dry stock there. Well how did you get this fertiliser from the Dairy Company that only has wet suppliers? Can you tell me what lime you have put on it in the last couple of years? Have you put any on?

A. I couldn't tell you. They did the work – Sam Armstrong.

Q. Can you tell me whether there has been any oversowing of grass seed in the last two – three years?

A. I couldn't tell you all that.

Q. If anything has been done it is to be found solely in the records of the Whangarei Dairy Factory, is that correct?

A. I guess so.

Q. Now if you would just tell me this. How many head of cattle have you got on this land at the present time?

A. 20.

Q. What are they – cows, steers?

A. Mixed.

Q. Well you tell me how many cows, how many steers? Do you know Mrs Armstrong?

A. Yes, Sir.

Q. Well tell me.

A. These things are under Samuel Armstrong.

Q. They are not then yours at all?

A. They are under my son in the meantime.

Q. So he is the one who is running this place and the cattle are in his name?

A. Yes, Sir.

Q. And they belong to him?

A. Yes, Sir.

Q. When did you give them to him?

A. Some time back.

Q. Now what do you depend on for your own living? Are you on a pension, or what?

A. Why is all this about?

Q. Because I want to know.

A. Fair enough I have answered questions on the land.

Q. You answer me that one too.

A. Well I think that is a Social Security matter.

Q. Are you on a Social Security benefit?

A. Well I did not concern to come here and talk about Social Security, I come here to concern about land.

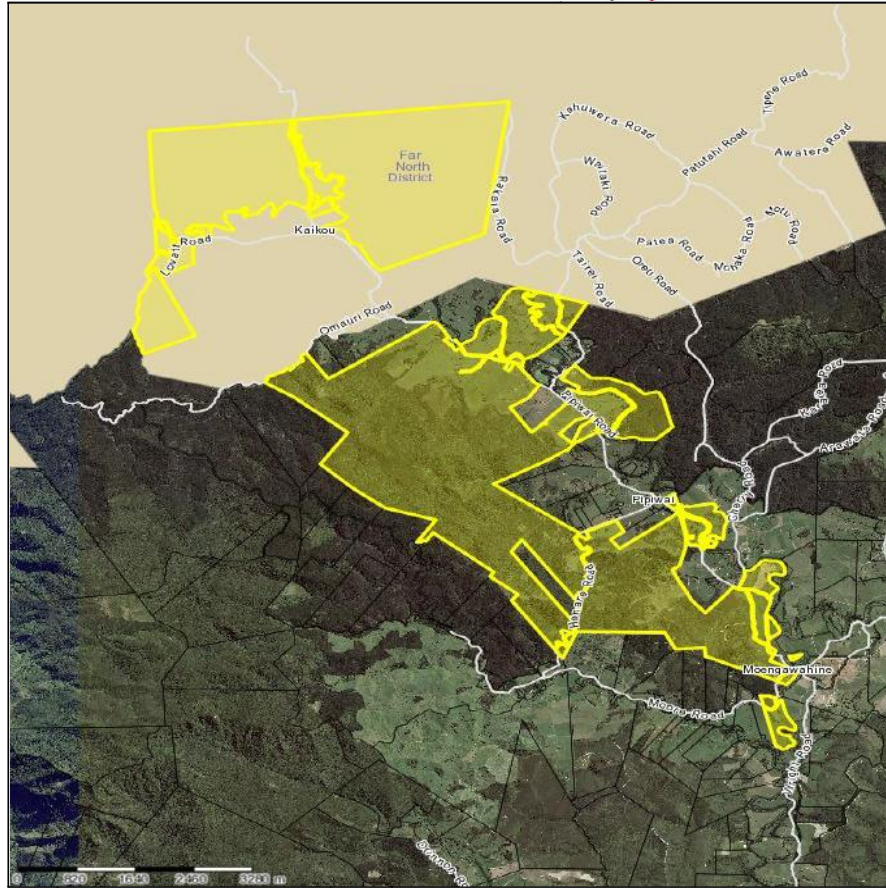
COURT – Yes, Mr Gill.

MR GILL – I have no further questions.

174. We believe that this transcript is indicative of the attitude continually exhibited towards our mother. You could very much see that she was trying to contort herself to fit in with the criteria which she knew Maori Affairs were looking at. She could not even say that this was her land because she knew that she would be looked at unfavourably because she was a woman so she was saying that Sam was running the land even though it was her land. Sam and our generation would succeed to it but it was very much her land while she was alive.

Piawai Amalgamated lands

Print Date: 5/31/2014
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Scale: 1:69323
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Projection: NZGD2000 / New Zealand Transverse Mercator 2000
Bounds: 6062782.01424878, 1685384.717
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The Amalgamation of lands under Te Horo 2B2B2B Trust - Map 2014

THE OUTCOME – AMALGAMATION IS ORDERED

175. In spite of our mother's opposition, the Court refused to partition our mother's lands and ordered the amalgamation. The Maori Land Court Minute dated 17 December 1965 shows the clear dismissal of our mother's objections and confirms the cancellation of the 62 individual titles and the reordering of the single Te Horo 2B2B2B title. Our mother's interests are indicated in bold:⁴⁰

Whangarei

Friday, 17 December, 1965

K. Gillanders Scott, Judge

P.J Roberts, Clert and Int.

Kaikou A3B2 and OR

SEC. 435 ETC

COURT - This application for amalgamation of titles under section 435 of the Maori Affairs Act, 1953, has been most actively canvassed for several months prior to the actual hearing in Court. The Department of Maori Affairs has been in personal contact with the bulk of the owners and in addition the owners themselves have had the benefit of close scrutiny and examination of the proposal by the Farming Committee of the Pipiwai Tribal Committee, and it is patent from the hearing itself that the scheme is one well favoured by the vast majority of the owners.

A number of owners have evidence in the Court opposing amalgamation. In each case the Court has come to the conclusion that the objections put forward are not of sufficient merit to call for the exclusion of any lands from the application other than Kaikou D 1 and D 2, Kaikou 3 Lot 5A1 and Kaikou 3 Lot 5E which were excluded from the application.

As to Mrs Ataiti Te Rehu (Hoterene) Armstrong Armstrong: This lady is of middle age and suffers from a disability in the vicinity of her hip which affects her gait. She is quite clearly physically unfit to vigorously undertake farming activities and it is clear from her evidence that the only use to which she has put a portion of Kaikou X is the casual grazing of some cattle. Who is the true owner of the cattle is not clear from the evidence, but the Court is satisfied on the evidence that she has neglected to farm or otherwise manage the land with due diligence and in consequence of her neglect the land is not being used to proper advantage. Partition out of her interest is clearly inexpedient both the public interest and the private interest.

⁴⁰ Wai 1527 Document Bank, 20-25.

...The Court has no doubt whatever but that the lands following, held as they are under separate titles, could be more conveniently and economically worked or dealt with if held in common ownership under one title. Accordingly there are the orders following:

Order under s 4355 cancelling the titles following:

Name of Block Date of Partition Order

Name of Block	Date of Partition Order
KAIKOU C5C1	10.10.1945
KAIKOU C6A	1.12.1919
KAIKOU C6B	13.6.1945
<u>KAIKOU D3</u>	<u>23.6.1920</u>
<u>KAIKOU X</u>	<u>31.7.1963</u>
KAIKOU 3 Lot 1A1	19.10.1917
KAIKOU 3 Lot 1A2	19.10.1917
<u>KAIKOU 3 Lot 1A3</u>	<u>21.1.1950</u>
KAIKOU 3 Lot 1B	12.1.1916
KAIKOU 3 Lot 2	25.1.1950
<u>KAIKOU 3 Lot 3B</u>	<u>18.5.1948</u>
KAIKOU 3 Lot 4A	25.6.1917
KAIKOU 3 Lot 4C1	25.11.1919
KAIKOU 3 Lot 4C2B	31.7.1963
KAIKOU 3 Lot 9A	7.5.1946
KAIKOU 3 Lot 9B1B	21.1.1953
KAIKOU 3 Lot 9B2	7.5.1946
KAIKOU 3 Lot 9C	7.5.1946
KAIKOU 3 Lot 13A	21.1.1915
KAIKOU 3 Lot 13B2	10.8.1944
KAIKOU 3 Lot 14	22.4.1912
KAIKOU 3 Lot 31	22.4.1912
<u>KAIKOU 3 Lot 34</u>	<u>22.4.1912</u>
<u>KAIKOU 3 Lot 36</u>	<u>22.4.1912</u>
KAIKOU 3 Lot 37	22.4.1912
KAIKOU 3 Lot 38	22.4.1912
KAIKOU 3 Lot 39	22.4.1912
<u>KAIKOU 3 Lot 45</u>	<u>22.4.1912</u>
KAIKOU 4F	27.9.1963
Mangakowhara B4E2	30.8.1950
Mangakowhara B4F	30.8.1950
Mangakowhara B4P2	18.1.1916
<u>Omanene 3 (Part)</u>	<u>4.11.1908</u>
Omanene Z	29.3.1961
<u>Pipiwai A1</u>	<u>16.8.1944</u>
Pipiwai C	8.11.1916
Pipiwai D	8.11.1916
Pipiwai E	8.11.1916
Pipiwai G1	21.6.1918
Pipiwai G2	21.6.1918
<u>Pipiwai Z</u>	<u>29.3.1961</u>
Kaikou A4D	31.7.1963

Kaikou A4E	31.7.1963
Kaikou A4F	31.7.1963
<u>Kaikou B1</u>	<u>27.6.1917</u>
Kaikou B2	27.6.1917
Kaikou B3A	21.6.1918
Kaikou B3B	21.6.1918
Kaikou B4	27.6.1917
Kaikou B5	25.1.1950
Kaikou B8A	28.7.1948
<u>Kaikou B8B (western portion)</u>	<u>28.7.1948</u>
<u>Kaikou B8B (eastern portion)</u>	<u>28.7.1948</u>
Kaikou C1A1A	17.8.1960
Kaikou C1A1B	17.8.1960
Kaikou C1A2	21.1.1947
Kaikou C1A3	21.1.1947
Kaikou C1B1	11.7.1935
Kaikou C1B2	11.7.1935
Kaikou C2	22.1.1917
Kaikou C3	22.1.1917
Kaikou C4 (Part	22.1.1917

And substituting therefore one title to the whole of the land under the style of Te Horo in all the owners in their respective share based upon the most recent Government Roll Valuation in each case.

As to the future user of the land, as I have said earlier, this case has been fully canvassed both in and out of Court and the Court has come to the firm conclusion that it is the wish and will of the great majority of the owners of the land that the land itself be the subject of a development scheme for ultimate settlement by selected persons. This is a healthy sign, the moreso since the Piiwai district has been regarded by all and sundry as being backward on matters of farming progress. The owners have themselves set up a Farming Committee and have worked in close harmony with the representatives of the Department and Mr R.G Bull in particular. Accordingly the Court has no hesitation whatever in respectfully recommending to the Board of Maori Affairs that Te Horo should be declared subject to the provisions of Part XXIV of the Maori Affairs Act 1953 – and that with expedition – for the purpose of putting the lands into good heart with a view to ultimate settlement of selected persons.

It is patent from the evidence that a number of owners or descendants of owners are living in houses upon the land. Piiwai was recently the subject of exhaustive enquiries and investigations by the health department and it is clear that, with few exceptions, the houses are all of poor standard, in many instances, fit only for demolition. However, they are lived in and it fit and proper that the occupants be protected so far as that is possible, having regard to the Health Act 1956. **The court is satisfied that it would be in inexpedient both the public interest and the private interest to partition**

out these houses as house sites. However, section 328 provides that the mere fact that any land is for the time being subject to the development provisions shall not affect the legal ownership of the land but that the rights of the owners shall be subject to special provisions of the Act and to the right of the Board to exclusive occupation of the land subject to any rights conferred by it on lessees, nominated occupiers or other persons. It is clear that it is within the province of the Board of Maori Affairs to grant limited licences to the homesteaders upon satisfactory terms.

The District Officer has assured the Court that the Department has no intention of disturbing existing domestic housing occupations and the Court therefore sees no point or need in touching further up this aspect of the matter. It will be for the District Officer to negotiate with each individual homesteader and to allow him in the immediate vicinity of the house an area in each case of up to but not exceeding 2 acres.

The proposal for development of the Pipiwai Valley originated from the owners of the lands to the east of Pipiwai Village. They already have nominees in the course of farm training who desire settlement within 5 years. Settlement must of necessity be not at a figure greater than valuation and to enable this to be done the greatest possible area of land in the one scheme is needed. The Court expresses the final belief that this scheme is 100% in the interest of the Maori owners themselves and, if handled with expedition, will prove a worthwhile addition to economic Maori farming units in Northland.

Copy hereof, please, to: -

- (a) Maori Trustee
- (b) Messrs S. Clayton Thorne and Son
- (c) Messrs Keeton and Gill
- (d) Messrs Connell, Trimmer, Land and Gerard
- (e) **Mrs Ataiti Armstrong**
- (f) Mrs Ngarongoa Ihaia
- (g) Mr Moetahi Te Rehu Hoterene

(K. Gillanders Scott) JUDGE

176. Here our mother's health is used as a justification for taking her lands, as they concluded that she was unable to manage her lands. This is a complete manipulation of information. Our memory is that our mother was 53 when her lands were taken into the Te Horo amalgamation. Our sister, Lavona, was 16 years old. We were still living on our lands and working the land at the time and our mother had no desire to move our family out of the valley.

However, this was never acknowledged by the Maori Affairs and they made out that our mother was a disabled woman that was unable to work her lands. They did this in order to justify to the court the inclusion of her lands in the scheme.

177. Even though the Maori Land Court had ordered the amalgamation, the level of support from the owners for development was still in question for some time after the order was made. The development submission by District Officer K Lawrence in February 1966, said that, to date, consent had been obtained from owners with shares totalling 15,000 out of a total of 35,100 shares. The consenting shares were the owners of major portions of the separate blocks before amalgamation. The report says that there were only three known objectors to the scheme, minor shareholders, who had apparently been objecting to the development of the locality for some time.⁴¹
178. According to information from the Maori Land Court minutes of 1965 and from Te Puni Kokiri files, objections to the scheme came primarily from the Te Rehu Hoterene whanau, our whanau.⁴² “Moetahi Te Rehu Hoterene (Shortland), Ataiti Te Rehu (Hoterene) Armstrong (Armstrong) and Ngarongoa Te Rehu Hoterene (Ihaia) were vocal in their opposition to the scheme”. This minute also says “the family”, were major shareholders in Kaikou X as well as ‘one of their numbers owning several blocks of solely owned land’.
179. A concern that we have now is, how it is that our whanau went from being major land owners at the time of amalgamation to being described by Maori Affairs as “minor shareholders” in the scheme.
180. The Te Horo development scheme was gazetted pursuant to section 330 of the Maori Affairs Act 1953 on the 23rd of June 1966.⁴³ This was months after the amalgamation was ordered and yet our mother had clearly not relinquished her obligations and concerns as an owner as, in August 1966, our

⁴¹ K Lawrence, Development Submission to Board of Maori Affairs, 18 February 1966, Maori Affairs file HO 61/51 p2.

⁴² Wai 1040, #A10A, H Bassett & R Kay, Tai Tokerau Maori Land Development Schemes, 1930-1990, Aug 06 - Christina Lyndon, Te Horo Development Scheme, 25 July 1983, BBDL 1030/2519a 18/28 pt 12, ANZ. Auckland [DB p. 965].

⁴³ Wai 1527 Document Bank, 395.

mother wrote to the Council to raise concerns regarding the rates, roading and fencing of her lands.⁴⁴

Pipiwai
August 1966
County Council – Dear Sir

I don't want any of my blocks to go into the amalgamation scheme. I want to withdraw them all. I can manage with my family and son and our farm we still want to use it. I don't understand this kind of situation, fencing order round and trespassing sole owners. Properties it's really lawless to my knowledge. We can't have this kind of law, some aspects must be dealt with along my boundary close to road quite a few yards in land fenced. I herewith say I want the country to pay for waste part. There is a portion cut in same along on block Kaikou 3B3 of my block measured by Mr Bull, and if I find round just been surveyed so dept says going through my block and several others.

Please sort this matter. Rates should never be paid as roads, power and poles and ^ from govt. Going over it not paid no forced. This subject has been dealt in parliament before years back in respect of Maori Lands.

I strongly urge your officers look into this matter. Maoris are compulsory not to pay rates.

181. She wrote again requesting the road to be sealed:

Sir, here's another appeal, I want to bring before your table, we want a tar sealed road to Pipiwai. When is it going to be done? Elsewhere is done, Pipiwai still the same. Dept. owes Pipiwai pupils rents in money line.

Reply,

Armstrong

182. It is telling that after so many years the road is still unsealed and this is a major issue of complaint for our community. The fact that the road is still not sealed is telling that the development scheme was a complete failure in terms of lifting the economy and infrastructure at Pipiwai.

183. Our mother's objections continued. On 4 August 1966, the notes from a Maori District Officer from a hui at Pipiwai recorded that our mother said that she did not want her lands to go into the scheme:⁴⁵

⁴⁴ Wai 1547 Document Bank, 394.

⁴⁵ Wai 1527 Document Bank, 391-393.

MINUTES OF MEETING HELD AT THE PIPIWAI HALL,

PIPIWAI, ON 4 AUGUST 1966
TE HORO SCHEME

IN ATTENDANCE:

D.M.A. Officers:

Messrs K. Lawrence, District Officer
H. E. Pou, District Welfare

Officer J. Stewart, Secretary

Owners:

Messrs S. Tohu
M. Shortland
J. Ape
A. Ape
H. Henare
R. Ihaia

This meeting was called by Mrs Armstrong at very short notice, primarily for the objecting owners to express their concern of the Te Horo Scheme proceeding any further.

The meeting opened at 1 p.m. with addresses by several of the Maori owners welcoming the Department's Officers to the district and they expressed their appreciation of their attendances.

MR K. LAWRENCE explained to the owners that unity between the various organisations in the district with regards to the Development scheme would be beneficial to the district. He went on to explain to the owners that they have their rights and that the Scheme would benefit the owners, the country district and New Zealand as a whole.

The Board of Maori Affairs has approved an advance of £100,000 or more and this would make the district second to none in the whole of New Zealand. This Scheme is of the utmost importance and benefit.

MR M. SHORTLAND requested that he be left alone with his land and his interests. He considered that the Department was even taking away the land and his birth place. He thought it would not be long before the Department asked him to leave the district. He then asked the Head of the Department whether his house and land would be taken away from him. His speech was mainly that of general grievance.

MR LAWRENCE then explained that bona fide home owners would not be asked to leave and that there would be no confiscation. The Maori Land Court amalgamated the land into one title and the owners now have their interests in the Te Horo Topu Block. Mr Lawrence went on to say that there would be no desecration of burial grounds (the owners were relieved to hear this). Much of the land was reverting and was not being farmed actively and if it had not been for the Department taking over this Scheme, the County may have had to take some action. **The owners were ensured that within five years, five farms would be available for settlement and that these farms would be settled at Government Valuation, regardless of cost of development by descendants of the owners or their nominees. The balance of the Scheme would then be run as a station and would be farmed to recoup the debt between the cost of the development of the five dairy farms and the valuation.**

MR S. TOHU explained that his wife Ani, was not in agreement with her interests being included in the Scheme for three reasons:

1. The interest is too small (the total only being 25 acres.)
2. The family could develop it seeing that it was so small.
3. The family could settle on the land, and they could travel anywhere in the world and still come back and live on this block.

This land is included in the scheme and is still being farmed by Ani's son. Mr Bull has stated that this son is a good farmer and would make an ideal settler when the Scheme is developed.

MRS A. ARMSTRONG said that she would no doubt exchange her shares in Kaikou X with those held in the Motatau block.

MR R. IHAKA a local member of the Social Credit, said that he has discussed the proposals of the Scheme with his committee and that they were not in favour of the Scheme going ahead.

MRS RAU IHAIA said that she had not been made known of what was going on. (She was at the Court sitting and incidentally she signed the agreement for the Scheme to go ahead).

MR H. E. POU (acting as an interpreter for the Department) then explained that the transactions of the amalgamation were made by the Maori Land Court and that all the blocks were now in one title. Although Mrs Ihaia's objections were heard by the Maori Land Court the decision was made to amalgamate the title. The Department of Maori Affairs had nothing to do with the amalgamation.

MRS A. ARMSTRONG then spoke at some length on her objections to the Scheme. She then said that she wished the 756 acres of Kaikou X of which she is an owner be excluded from this Scheme. She is in the course of lodging an application to the Maori Land Court for redress. Mrs Armstrong then said that she had not signed the consent form for the Scheme to go ahead and this was proved by her showing the unsigned document. Reference was made to the term of 42 years.

MR LAWRENCE then explained the 42 years that Mrs Armstrong was mentioning was a 42 year lease for those settlers who are eventually settled on the farms. The 756 acres of Kaikou X could be developed into approximately five farms for the settlement of Maori farmers, which would probably be from the Shortland family.

MRS U. PEPE said that she was not in favour of the scheme and that she was in support of the previous speakers. She signed the agreement but did not know what it was about.

MR H. E. POU then summed up the proposals regarding the scheme.

MR LAWRENCE said that in a few years people would be asking for the land to be taken into the Scheme and not to be taken out.

The meeting closed at 3.45p.m with Mr Ihaka saying a closing prayer.

J Stewart (signature)
(Dvpt)
5.8.66

184. We take issue with Mr Lawrence making these statements. We believe the statements are deceitful and confusing. He is making promises about the use of Kaikou X. We believe that he is trying to draw our mother into agreement with the promise of future possibilities. She was not stupid she already knew they were deceiving her.
185. It was around this time that our mother was having trouble engaging lawyers to continue her opposition. She had engaged lawyers since 1963 and had still had no success at concluding the application for the partition of her land. It was on instruction of the Maori Land Court that she was required to have a lawyer. On 16 September 1966, lawyers Richworth, Harrison, Kennedy and Lynch wrote to our mothers' solicitor P.C.C Keeton in Whangarei, advising

that they were not able to act for our mother as they could not agree with her submissions for partitioning her lands, as by then they were known as the Te Horo block and therefore not hers. Keeton further advised our mother that he did not have the capacity to represent her.⁴⁶

186. Around the same time, our mother sought advice from lawyers on options for opposing the amalgamation order of the Court. On 20 October 1966, lawyers O'Neill, Mahood and Armstrong wrote to our mother advising that there was nothing that could be done and that they could not take the case any further:⁴⁷

Mrs. M. Armstrong,
C/o Post POoffice,
PIPIWAI.

Dear Madam,

We have investigated the question of the amalgamation of the block of land owned by you into a new block known as Te Horo Block and have come to the opinion that there is nothing which can be done to alter the order of the Court last year or to have your piece of land partitioned out. You yourself gave evidence at that hearing and the Judge ruled that your case was insufficient to justify your being excluded from the order. The information which you have given to the writer does not vary significantly from the evidence which you gave in the Court. Further the writer discussed the matter with Mr. Lawrence of the Maori Affairs Department and we are assured that the Maori Affairs Department would oppose any application for partition; further Mr Lawrence states that arrangements have been entered into with you allowing you grazing rights and access to your shed and it would appear to the writer that in these circumstances you would have very little success.

The writer is unable to take this case for you in these circumstances and we enclose a note of our costs for acting so far. Will you please advise whom you would like your file to be given to or whether you would like it returned to you.

Yours faithfully,

O'NEILL MAHOOD AND ARMSTRONG

⁴⁶ Wai 1527 Document Bank, p 389-390.

⁴⁷ Wai 1527 Document Bank, p 387.

MAORI AFFAIRS TAKES OVER THE LAND

187. It was not for some months after the amalgamation was ordered, that Maori Affairs staff and farmers began to move onto the land. The first thing that they did was remove the original fences on the land. This caused major disruption and angst among whanau in the valley. It got to the point where Maori Affairs had to try and keep the original owners away from their lands and there were instances of trespass orders being granted. In order to keep the whanau off their lands, Maori Affairs padlocked the gates to the land. Some whanau, our mother included, were outraged by the removal of the fences and re-fencing on their lands. Each day the Maori Affairs would come out and put a heavy padlock on the gates. Such was her riri that she would get bolt cutters and cut the chains. She would call the cops and complain about the Maori Affairs and Maori Affairs would ring the police and complain that she was trespassing. By padlocking the gates, it forced some whanau out of Pipiwai, our memories of that time is that it was just not a good place to be.
188. On 11 October 1966, the District Officer wrote to our mother regarding the complaints she had raised with the Maori Affairs about the fencing and access to the land:⁴⁸

11 October 1966

Mrs, M Armstrong,

I have received letters from you and have also had several discussions with you about the Te Horo development scheme.

At our last discussion I said I would go out to Pipiwai and see your problem for myself.

I was in the district on 6 October but you were away. I did, however, see that although there was a gate in the new road fence not far away from the cowshed some wires of the fence had been cut to give direct access to the shed via the concrete race. While we cannot condone cutting of wires, the Department will not insist on the fence being repaired, provided the paddock fence immediately on the Whangarei side of the cowshed is made stock-proof. You will then have easy access to the shed and sufficient area to graze your house cows without any interference with scheme farming activities.

⁴⁸ Wai 1527 Document Bank, 387.

The Maori Land Court order amalgamating all the blocks into one block was made after hearing all objections and the Development scheme is progressing strictly according to law and with the majority of owners solidly behind it.

Now that your practical problem has been straightened out I hope that the Department will have your full support for the Scheme which will ensure that the land is held in Maori ownership and will, in due course, give properly trained young Maoris of the district the opportunity for settlement and economic farms. Pipiwai has the potential to become one of the best Maori farming districts in New Zealand but this is only possible with substantial financial assistance from the Government which is obtainable only by the amalgamation of titles as has taken place and a Development scheme under the Maori Affairs act.

Yours faithfully,
(Lawrence)
District Officer

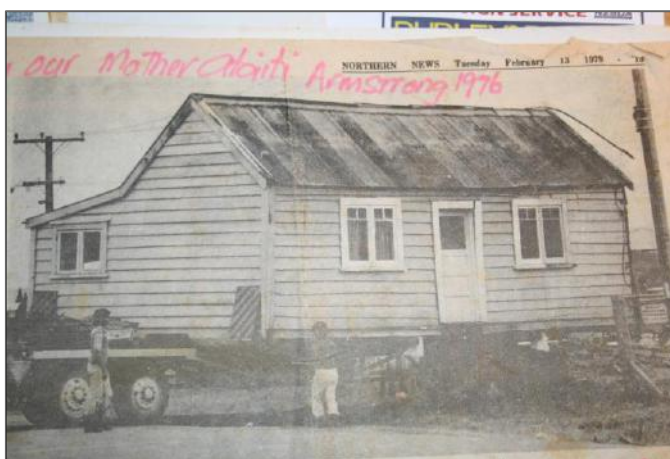
OUR MOTHER MOVES TO MOEREWAWA

189. The events during 1966 placed huge stress on our mother and we decided as a whanau, that Mum needed to move out of the area for her health:⁴⁹

In the end our whanau decided that it was necessary for our Mother's health that she leave Pipiwai. Our brother Sam arranged for her to move to Moerewa. The home she had in Moerewa was a very old home. The house was bought from dividends she used to receive from the bush.

We say she moved because of her health. But if we are honest, as far as her health she was really quite well. What deteriorated was her state of mind. Out of everything, all of the issues, it hurts me the most when I think about the impact the taking of her lands had on her mind. I watched it every day. I saw it all. It is not so much about the land for me, it is what the taking of her land did to her. To the day she died she was a broken woman. They trampled on her. She was a mother of twelve children. She was a strong strong woman. By the time it got to the point that she moved to Moerewa her mental state was totally broken. Every day, for most of her waking day she was imagining things, people talking to her, people that were long gone. She constantly talked as if she was in a land court hearing. She was talking like that because of everything that went on with the land years before. It was hard for us as her children. That wasn't our Mum we remembered. That's not how we remember her.

⁴⁹Lavona – 9 Oct 2013.



Home in which Ataiti lived when she moved from Pipiwai to Moerewa.

190. If you talk to the family you will hear that our Mother was held in such high regard. People will tell you she was driven away from the valley.
191. After our moved to Moerewa she would still return to Pipiwai often to check the land. She was not happy in Moerewa as life was very different to Pipiwai and she felt removed from her lands.
192. When our mother moved to Moerewa we had to support her financially because she did not have the farm or shop from which to derive an income. This was a huge shift for our mother who had been financially independent her whole life. This in turn meant that we also had to leave Pipiwai to work. It was Eileen and Lavona who mainly stayed home to look after our mother.

OUR MOTHERS LETTERS

193. Although our mother had moved to Moerewa she still opposed amalgamation and Maori Affairs administration. She was always writing:

We can remember mum continuously writing letters every day because of the amalgamation. I can remember some of those people that she was writing to Parore, Maori Affairs, Maori Land Court. This was all to do with the land. Her love of the land never was lost. She was very knowledgeable about the land and the processes of the Maori Land Court. When she couldn't do a lot of things herself because of her old age, she made sure that we would fight for what is rightfully ours. I guess that was her strength when she lacked in going out and doing physical work.

(Hariata)

194. Many of her letters are difficult to read and transcribe. She was more profficient in Maori than English.
195. On 21 September 1968, our mother wrote to Mr Lawrence complaining that it was wrong that the Maori Affairs would not accept any responsibility for the damages that were done to her land and property. She told the Maori Affairs Department that the Police would continue to look into the matter. She also complained that Mr Bull was causing disturbances in the district.⁵⁰
196. In her letter to Maori Affairs dated 24 September 1968, she also wrote complaining of damage to her land and ended the letter with "I'm much alive not dead".⁵¹
197. Our mother wrote to Mr Lawrence again on 25 September 1968 complaining again about the damages done to her lands and property, including a broken milking machine. It is important to note that nearly three years after the amalgamation was ordered, she was still rejecting the notion that the land was now collectively owned and insisting that she was still the owner of the land.
198. When the development scheme was proposed in 1965, Maori Affairs promised that whanau could remain living on their lands and that house sites would be made available if applications for partitions were made. However, only a few whanau were successful in gaining a partition for a house site. In the end the Maori Affairs were reluctant to release any lands from the block and required that any proposed partition needed the consent of the Board of Maori Affairs, or its delegated authority the Taitokerau Maori Land Advisory Committee. You also had to get Council approval and pay for your own portion of the scheme debt as well as paying for a boundary fence. In an undated letter, likely to be at a similar time, our mother again wrote to Mr Lawrence stating that she did not want her lands to go into the 42 year lease that was being proposed by Maori Affairs. She complained of repeated damages and that she wanted her lands withdrawn from the scheme. She said she also wanted a payment for the cows grazing in the bush. In a further undated letter from our mother to Mr Love, she said that she still wanted to

⁵⁰ Wai 1527 Document Bank, p 365-368.

⁵¹ Wai 1527 Document Bank, p 374.

run her 85 acre farm and complained that the Maori Affairs had put cows on her block.

199. In a further undated letter she said that she wanted Mr Bull to remove the cows. She also complained that no one cared that there was damage done to her fruit trees and property and complained about how she was treated.⁵²

Mr Love,

I want Mr Bull to take those cows out in ^ of there ^. I haven't got a big place ^ Mr Bull and Mr Lawrence having a ^ with me doing such kind. I want a gate put in shed out across to road haven't been done for 3 weeks. Inconvenience to shed using 2 house cows. Mr Love anyone can imagine a lot of ^ being done and someone else talking instead of the owner in fact Dept trespassing my lands. Damages done to my garden fruit tree posts removed, totaras, they are no. Replaced to woman owner. Posts chopped, undone ^property. Careless, no caring because it's my place no ^ sounds very funny. Mr Love anyone won't agree with the Dept if this is how they treat owners ^ to make a fuss infract I don't want them around. I'd rather keep them off I've said enough Mr Love. Remind Mr Lawrence I can't stand nonsense like this.

Armstrong

Pipiwai

200. Another letter with no date reads:⁵³

Mr Love,

The Court report didn't outline for the Dept to do such ^ likewise in fact his doing more in his own favours. Regards to his own measures. These things must be dealt and bought to before Court for redress, too many faults.

Armstrong

201. We remember that our mother would write and also call the Maori Affairs to speak to the District Officer. On 17 October 1968, the District Officer K Lawrence wrote to our mother in response to her concerns and rejected that the Maori Affairs was responsible for the damage done to the land.⁵⁴

17 October 1968

⁵² Wai 1527 Document Bank, p 356-358, 387.

⁵³ Wai 1527 Document Bank, p 356-358, 387.

⁵⁴ Wai 1527 Document Bank, p 364.

Mrs A. Armstrong
Pembroke Street
MOEREWA.

Dear Mrs Armstrong,

On 9 October you called to discuss matters at Pipiwai which you were not satisfied about.

I have since looked into your complaints and the Department does not accept any responsibility for the cutting of the electric wires at the switchboard in the house or in the cowshed, damage to the refrigerator or removal of the bath which you had been using for watering of stock. This damage was not done by the department and I am agreed it will be a matter for the police to track down the culprits.

You also mentioned that fences were removed without authority and the posts and wire had gone. These fences were removed on land in which you had a partial interest but all usable material was used on the scheme. Only wire which had no further utility value was dumped.

Like you, I think it is best to talk over differences of opinion but in considering problems it is important to remember the effect of the Maori Land Court order amalgamating the titles. This means all of the block which are not included in the Te Horo Block are owned by all the owners in proportion to the shares that they hold in the smaller individual blocks. Each owners has an undivided interest in the whole block not in any particular area. The Court, when making the order, asked that people with a right to occupy homes on the block should remain undisturbed with a reasonable area around their homes. The department has endeavoured to carry out this express wish of the Court.

Yours faithfully,

(K. Lawrence)
District Officer

202. We do not believe that the Maori Affairs ever dealt with our mothers concerns. A note, which looks like it is from a staff member of the department on one of our mothers letters, says "This had been dealt with many, many times at the counter and there is no need to take any further action".
203. We are surprised that, in spite of the level of opposition from our mother and her siblings, the Maori Affairs staff often downplayed or rejected their

concerns. At the Te Horo meeting of owners on 29 November 1968, District Officer K Lawrence discussed the history of the scheme from the various difficulties that were raised up to the present stage and noted there was “complete harmony” between owners and the Department of Maori Affairs. He said that Pipiwai was not the most progressive district and that the owners could be proud of the various agreements made between the department and themselves some years ago. Mr Lawrence continued that, if settlement was required by the owners within five years from the commencement of development, then the owners would need to ensure that they have men of sufficient calibre and finance and he confirmed again that his promise to have these farms available at that stage still stood:⁵⁵

There would be little point in the owners putting forward nominees who would not weight up to the standard required as the cost of settling is a charge against the owners and if these men failed then the owners would, in the long-run, have to meet the bill. Settlement of the farms would be at valuation....He said that while some of the owners may like to think they could run the property themselves they should reconsider the fact that finance from other sources is extremely limited at the moment and the Government really is the only one with sufficient finance to take on such a project.

204. Our mother was present at this meeting. She addressed Mr Lawrence and said that she would like it known that the farms were being used by the owners prior to the development commencing and she would like to know who made the agreement about the amalgamation. She also asked about the rates demands and asked if the owners could sell their shares in the block, to which Mr Lawrence replied that the Maori Trustee would purchase shares off any owner immediately.⁵⁶
205. Our mother’s complaints continued into the next year. On 21 August 1969, she wrote to Mr Bull, again raising the issue of the cows entering her lands because there were no fences. She was also complaining that Maori Affairs were trespassing on her land and objecting to the construction of new roads on her lands:⁵⁷

⁵⁵ Wai 1527 Document Bank, p 359-363.

⁵⁶ Ibid.

⁵⁷ Wai 1527 Document Bank, p 356-358.

Mr Bull,

I'm having lots of problems with my place, cows going through ^shrubs into my place because of fences off, open and no ring fence all fences disposed by you. My mowing machine all damage – cost £400 – all the parts taken off, power switch board all broken, power at the house to repair cost already \$100, my fridge all broken too much young workers going in my place, no one else to blame but Maori Affairs who is doing all the disturbance and trespassing place, sees things when I'm out. This is all going to cost. I don't call this scheme real, coward, smash things, I don't want any more, Maori Affairs this how it goes, no fence to close cows out. I also don't want any more roading on my place to use for access, not legal.

206. The date of the following internal memo of Maori Affairs is not clear however it must have been after 1969. The memo advises on issues that Maori Affairs should be aware of for the upcoming review of the scheme. In this memo, it notes that our mother will “surely be present” as although she had left the district she was still opposed the amalgamation:⁵⁸

For many years the Department endeavoured to get owners approval to amalgamation and development of Maori land at Pipiwai without success. The area consisted of reverted lands not being properly farmed and covered in gorse and blackberry. There were many derelict houses which were causing Health Department concern and there was a typhoid scare in the district in 1965....The scheme is now due for review to the Board of Maori Affairs but before this is done the D.F.S has recommended that we investigate the possibilities of amalgamating adjoining Maori Land...Problems that have been raised at previous meetings and **which could be raised again and also existing problems to be ironed out are as follows:**

....6. Mrs Armstrong: This is an elderly woman who is certain to be at the meeting. She still does not accept the amalgamation but has left the district. She will voice her opinion at the meeting. Mrs Armstrong has already realised on the timber from this block.

207. In 1973 eight years after the order of the amalgamation, our mother was still attempting to have her lands partitioned from the Te Horo block. On 1 March 1973, the Deputy Registrar of the Maori Land Court responded to our

⁵⁸ Wai 1040, #A10 A, H Bassett & R Kay, Tai Tokerau Maori Land Development Schemes, 1930-1990, Aug 06.BBDL 1030/2517b 18/28 pt 3 Te Horo Dev Sch General 1969-70,p 925-926.

mother's letter regarding partition and suggested that she engage a solicitor to apply for a partition of the lands.⁵⁹ We understand that they refused to deal with her anymore unless she had legal representation. Unsurprisingly, our mother was never successful in partitioning her lands.

OMBUDSMAN COMPLAINT

208. Another significant form of opposition to the scheme which our mother was involved in, was the complaint to the Office of the Ombudsman, which took place in late 1978. At this time, the Ombudsman's office was approached by Mr D Malloy, who was acting for members of the Te Horo Development Scheme Committee, putatively representing owner's interests in the development. Mr Malloy raised various complaints of maladministration of the development at Te Horo against Maori Affairs and requested the Ombudsman conduct an inquiry into the scheme.
209. Mr Kim Workman, an investigator with the Ombudsman's office, was sent to Whangarei around 15 June 1979 – 18 June 1979 to discuss the complaints with the committee and to examine district records on the Te Horo scheme. The purpose of the visit was to ascertain whether Mr Workman would instigate a formal inquiry into the complaints made by the development committee, given the limitations imposed by the Ombudsman Act 1975.
210. The function of the Ombudsman was to conduct independent investigations into complaints arising from decisions, acts and omissions by central and local government authorities, including Maori Affairs. However, in a letter to Mr Malloy dated 28 August 1979, Mr Workman declined the request for a formal investigation, stating that he did not have the power to comment on certain allegations of the owners' development committee.⁶⁰ In particular, he could not comment on decisions or recommendations of the Maori Land Court or any magistrate. Thus, complaints relating to the exchange or partitioning of land or the demolition of houses subject to a Court order, having already been the subject of Court proceedings, were not able to be investigated. Furthermore, because the majority of issues raised by the Te Horo complainants occurred more than ten years prior to the complaint, Workman

⁵⁹ Wai 1527 Document Bank, p 351.

⁶⁰ Wai 1527 Document Bank, p 306-310.

decided he could not conduct a satisfactory inquiry which would yield useful results.

211. While, the scope of the report Workman sent to Malloy was limited because of the narrow focus of his inquiries, it does contain several interesting comments regarding the relationship between Maori Affairs and the Te Horo land owners, including our mother. In particular, Mr Workman's reply focuses on the lack of communication between all parties in the development project. While Workman considered Maori Affairs had made a genuine effort to explain what was involved in land development schemes to the owners concerned, he accepted...“that it may have been a difficult concept for owners to grasp or accept, particularly in light of their own cultural values and attitudes in respect of land and land ownership”.⁶¹ Addressing the other complaints, including the damage of property which had been a complaint of our mother, Workman said that they had been the subject of correspondence for some years and had been “fully ventilated”. He suggested that the owners contact the department to clarify any concerns that remained with regards to grievances raised by Mr Malloy.

212. In contrast to the Ombudsman report in July 1983, Christina Lyndon, a previous employee of Maori Affairs wrote a summary of reflections about the Te Horo development scheme. She wrote about Kaikou X and the opposition of our whanau to the inclusion of that block:⁶²

...The area of land being discussed as potentially suitable for development had increased in size and now included Kaikou X and Omanene 3 as well as some additional blocks of land. Kaikou X was seen as a valuable inclusion as it was recognised as being good farm land and a key block to scheme development, as 500 good acres were required by the scheme. One of the major shareholders of Kaikou X wanted inclusion in the scheme as well as two of the minor shareholders. Later folios indicated that 300 acres of Kaikou X was what the scheme would require....Objections to the inclusion of their lands into the scheme were being voiced and particularly from Te Rehu Hoterene's. They were the major shareholders in Kaikou X as well as one of their owning several blocks of solely owned land. **All three, Ataiti Te Rehu (Hoterene) Armstrong (Armstrong), Moetahi Te Rehu**

⁶¹.K Workman to D Malloy, 28 August 1979, Maori Affairs file MA 61/51 p 4. Refer to this document attached as appendix 11. Miles 29 – 30.

⁶² Christina Lyndon, Te Horo Development Scheme, 25 July 1983, BBDL 1030/2519a 18/28 pt 12, ANZ Auckland [DB p. 965].

Hoterene (Shortland) and Ngarongoa Te Rehu Hoterene (Ihaia) were vocal in their opposition to the inclusion of their lands into the scheme. It is at this stage that the contradictory information regarding their consent or dissent to inclusion occurs; some folios indicate that they had agreed to amalgamate and others say they were vehemently against amalgamation and their objections included threats of violence, against those who attempted the development of their lands. Court minute show they did oppose amalgamation and there are allegedly signatures of those who agreed to the amalgamation, but as yet I have been unable to locate them.

THE OBJECTORS TO AMALGAMATION IN THE SCHEME

The Te Rehu Hoterene family, i e Moetahi Shortland, Ataiti Armstrong and Ngarongoa Ihaia were the main dissenters to the amalgamation of their lands into the scheme. Others who were consistently against the amalgamation of their blocks into the scheme were Uru Peepe, Tuhi Peita and Mrs Ani Tohu.

At the Court hearing of 26 November 1965, those who were recorded as being against the amalgamation were the Te Rehu Hoterene's, the Peepe family, Hemi Herewini and Te Matauranga Rotohiko (Shortland).

Although Uru Peepe signed an agreement to amalgamate, she later said that she had not understood what she had signed.

I have been unable to locate any written agreement for amalgamation by Ngarongoa and Ataiti, although several folios say that Ngarongoa signed agreeing to amalgamation. This she denies, and her husband's objection to the inclusion of their shares are noted in one of the first meetings held on 7 1960. Thereafter she is always on record as objecting to this end.

Ataiti was always in objection to the inclusion of her shares in the scheme and was quite consistent on her objection to this end....

CONCLUSION

Although it is quite clear that the blocks of land which were amalgamated into the Te Horo Development scheme have always been part of the scheme since the final amalgamation order of 17 Dec 65, some of the owners have been unable to recognise this fact. The vast majority of shareholders in the scheme are unable to accept the fact they no longer own the blocks of land that they once owned, and only owned shares in the entity now known as Te Horo Development scheme.

It is an unfortunate pity that Kaikou X was included in the amalgamation as it is from this Te Rehu Hoterenes that much of the “stirring” on and about the scheme has come. The land Kaikou X was seen as desirable for the inclusion and a necessary part of the success of the scheme.

The Te Rehu Hoterene family owned a large portion of the land in the Pipiwai area and well illustrates the observation that “those with the most to lose will fight the hardest to retain it”.

From a personal and admittedly biased observation, it would appear that the history of the development scheme at Te Horo has been one of vested interests trying to come out on top at the expense of others. Although the aims of some of those who wanted the development of Pipiwai were sincere, they were also incredibly naïve. There appears to be a mentality of wanting things for nothing or at someone else's expense and this appears to have carried on from 1960 through to the shareholders of today, who are wanting to regain control of the scheme, or, partition out. The observations made by the investigator of the Ombudsman's office were I thought, very perceptive and quite true. They see only what they want to see and the department has at time been made a scapegoat in the interplay between some of the owners and their attempts to achieve their own ends. The lack of liaison between the owners' representatives and the owners that he also mentioned is well illustrated in the fact that copies of the Ombudsman's report were never made available to the bulk of the shareholders...



The concrete pillars indicate where the original shop was located as pictured above

DESTRUCTION OF SHOP, COWSHED AND PROPERTY

213. It is a grievance for our family that our family shop and cowshed were demolished. We believe that the shop and cowshed were demolished around 1974. For our whanau it was more than a shop, it was also our home and we would live between the shop and the homestead, spending a few nights at each. We do not know much detail about the destruction of our shop and

cowshed and there appears to be a real absence of paperwork on the destruction of the homes across the valley during the time. However, the fact that so many homes and so much property was destroyed is indicative that there was direct action taken to destroy homes.

214. We understand that homes were ordered for destruction when they were condemned by the council as unfit or unfavourable to live in. One record indicates that it was the County Council that ordered the destruction of the shop, however we believe that there must have been some relationship between the Council and Maori Affairs, because the whanau were complaining that it was Maori Affairs who were destroying the homes. What we do know is that they would order demolition orders for any number of reasons, including if your roof was not painted. We believe our shop/home was perfectly fine. It was structurally sound, being one of the more modern buildings in Pipiwai, it was not disease ridden or poorly constructed. The destruction of our shop was simply another way to get us off our lands. What is so wrong with this is that it was not up to others to say whether or not our home was in a liveable condition and it was certainly not their right to destroy our home and property.

215. On the state of the home and shop, Rua says:

There was nothing wrong with the shop it was a place to live in. It was damaged in such a way that you could not live in it. There was damage done to it in two phases. The first time it was made un-liveable. The second time it was demolished properly. The Shepherd's on the lands after the amalgamation would have been told by the Maori Affairs that they can do what they want.

216. As we understand it, our mother and whanau were not informed that the destruction was going to take place. Of course, our mother would never have agreed to this.

217. As we mentioned our mother wrote to the Maori Affairs constantly about the damage that was done to her property during the time that Maori Affairs managed the lands. She also complained about this to the police. However, as far as we can tell, no one was ever held accountable and no compensation was ever paid.

Mr. Gill
Sorry I'm in
hospital I don't
know how long
more will I
be in any
way I read
up, Simpson

Sorry thing
that on the
page just
to check.
where is
wanted to be
done and oh
I forget about
the Cemetery
1/2 acre I believe
we want.

The development does not justify the expenditure

(Sam Armstrong)⁶³

218. We have already discussed that a major issue for our whanau is how Maori Affairs treated our mother once they had taken her lands:

I think the Maori Affairs belittled her integrity. She was a lady who was classified by the community as a leader. She wore other hats. She was the head of the Maori Women's welfare. She was always organising events. Everything she had she would share and give. She was a very generous woman. It was overwhelming. These were the traits that my grandmother taught her. They treated her terribly. They ignored her. They would come down and bolt up the gates. She would go down and cut them off. Within just two hours Maori Affairs staff would be there putting the locks back on. They not only bolted the fences on the flat they bolted all the way along. They harassed her. She was a lady, and she was made to fight. This changed her character. She was victimised. Can you imagine how she would have felt wanting to go on her land.

(Dene May)

219. During Maori Affairs administration of our lands they also built a house down by the orchard of our farm. This displeased our mother and she also complained about this to Maori Affairs:

Letter to District Officer – 1972

Dear Sir Mr Thompson,

I came to see you many a times re this Maori Affairs home you built on my place near the orchard. I told you what I said. What is your plan about now ^ you, on whose application gave you the right to build there now that block is entirely mine. ^ my name in the Court, that is your plan. Re ^this matter ^ wrong this house ^ shop money pay this house or is it a free house? Or the block or what. No other owners there but me and want this clear from you.

From yours A Armstrong.

220. On 20 January 1972, the Officer for Maori Affairs responded and said it was no longer her land as the lands had been amalgamated:

⁶³ Wai 1527 Document Bank, 302-303.

20 January 1972

Mrs Martha Armstrong
MOEREWA

Dear Mrs Armstrong,

I was very pleased to get your letter asking for information about the Pipiwai house.

The easiest part of your letter to answer is about rent for the house. Charlie Unuwai who lives in the house does not pay any rent. The house goes with his job on the block. It is one of the conditions of his work that he shall get a free house. That is why he does not pay rent and that is why there is no intention of charging him rent.

I have to say that the house is not on your land – that is you are not the only owner.

The house was built for the development scheme on land which used to be your block. When the business of getting land together to start the development scheme was before the Maori Land Court 62 small blocks of land were taken and put together in one title. Now instead of having 62 lists of owners for different bits of the scheme there is only one list of owners which covers all the 7,000 acres. Each owner who had shares in any block had his name put in the new Topu list for the value of all the shares he owned before the lands were put together in one title.

There are now 96 owners in the scheme – the whole 7,000 acres of it. You have just over 1488 shares in the scheme. That is 1488 shares in the 7,000 acres. The piece of land you used to own now has the same 96 owners but you have shares in all the lands which make up the Topu.

All the shareholdings were worked out by values. The total value of all your shares in the separate blocks which went to make the amalgamation for the development scheme were added together and you were allotted the value you were entitled to.

I hope this is what you wanted to know.

Yours faithfully

(E S Thompson)
for District Officer

221. In addition, the general farming administration by Maori Affairs and debts that accrued due to their poor farming practices were also other points of complaint for our whanau, because it was these factors that Maori Affairs used to justify the continuation of the scheme. Our brother Sam is recorded

in the Development Committee minutes to have questioned farming practices and activities.

222. Maori Affairs had said that the development of our lands would make our land more productive and economic and we were told that the development of the land would progress in stages. There was supposed to be an intense period of development in the beginning. The consolidation would improve the block's stock production and then there would be a focus on debt reduction. The profit from the farming was supposed to reduce the debt from the initial development of the land. It was when this point was reached, that our whanau was supposed to be able to resettle the land. The whanau were promised that this would take five years, however five, ten, fifteen years passed and Maori Affairs would still not allow the lands to be resettled.
223. In the end, Maori Affairs managed the block for so long, that many of the whanau left the area to find work elsewhere. The whanau who moved out of the area to the cities or towns were more inclined to sell their shares in the block because they needed money for their whanau and no longer had any land to sustain themselves or from which to generate a source of income. Through the selling of shares, some people were able to gain an interest in the scheme that they would have been unable to gain before.
224. At no point during the administration by Maori Affairs did our mother sell her shares. The only dealing that has occurred over the land which affected the title of the original land blocks was the partition of one acre of our mother's land to Winiata Shortland, and this was strongly opposed by our family.
225. It was during the administration of the lands by the Maori Affairs that whanau divisions deteriorated and the community spirit was dampened.



Winiata House

Print Date: 5/31/2014
 Print Time: 6:57:07 AM



Scale: 1:2389
 Original Sheet Size A4

Projection: NZGD2000 / New Zealand Transverse Mercator 2000
 Bounds: 6057594.39045618, 1692155.56648749, 6057314.46674022, 1692795.97104612

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WINIATA SHORTLAND PARTITION

226. Another major grievance for our whanau is that, after our mother's lands were taken and put into the amalgamation, a portion of her best land was partitioned for our cousin Winiata Shortland for a dwelling to be erected. It was prime land where our milking shed used to be. Our approval was not sought and our objections to the partition were ignored. The partitioned land

consisted of two acres of prime property. No compensation or monies were ever received for this land alienation.

227. Our mother made written submissions and appeared in the Maori Land Court to oppose the partition by Winiata. An application for an injunction to stop the building of the home was also filed. This was overruled by the Maori Land Court. We set out what information we have been able to find below.
228. On 4 August 1972, Winiata Te Peka Shortland made an application for a partition of lands from Te Horo, for a house site.⁶⁴ Between lodging the application in 1972 and 1975, there was correspondence between Winiata, Maori Affairs, the Council and the Court regarding the application for partition, as matters concerning the house site and consents had to be worked through. The partition application would not be heard by the Court until the housing loan was granted to Winiata and the Council had consented to the partition. The application was dismissed in 1974 and reinstated in June 1974. These were eventually approved in 1975 and the final matter to be determined to allow the partition to proceed was whether Mr Shortland had sufficient shares, and a special valuation was required to determine this. On 16 June 1977 at a sitting of the Maori Land Court before Judge Nicholson, an order was made allowing the partition of 2 acres of land from Te Horo 2B2 to Winiata Shortland.
229. On 22 November 1972, a telegram was sent from Sandra Armstrong noting opposition to the partition because the land was too close to the milking shed and asking that the case be heard at a later hearing, as her son was sick. The partition was re-advertised for the next Whangarei Court sitting commencing on 2 March 1976.
230. On 6 April 1976, the solicitors for Winiata Shortland wrote to the Registrar of the Maori Land Court and noted that they had become involved in the application for partition, some time after the application was actually commenced, and that they were not certain as to whether the Court had been satisfied as to the consent of the other owners of the block to the

⁶⁴ Wai 1527 Document Bank, p 353.

partition. The solicitors asked whether the Court was still to be satisfied that the other owners are in agreement with the application.⁶⁵

231. The Court responded on 4 May 1976, saying that the consent of the Maori Affairs board was necessary but did not mention the consent of the owners:

The land is subject to Part XXIV of the Maori Affairs Act 1953. The consent of the Board of the Maori Affairs is therefore necessary. On checking Mrs Shortland's housing file I find that the Board consented to his partition in 1973.

Also required to complete the partition is the County Council consent and confirmation that applicant has sufficient shares to fill the area required.

232. On 16 June 1977 at a sitting of the Maori Land Court before Judge Nicholson, an order was made allowing the partition of two acres of land from Te Horo 2B2 to Winiata Shortland.
233. On 21 July 1977, our mother wrote to John Davis, Chairman of the Te Horo Development Committee, opposing the partition by Winiata:

Mr John Davis
Chairman Development Committee,
Te Horo Block, Pipiwai,
Rugby Place, Whau Valley
WHANGAREI

Dear Sir,

It has been brought to my notice that Mr Wynyard Shortland proposes to build a house on a quarter acre section adjacent to a cowshed on land owned by Ms Ataiti Armstrong in the above block.

Under the arrangement made by Mrs. Ataiti Armstrong regarding this block, it was agreed that any development of land would be governed by the Development Committee and herself and that their consent would be mandatory.

Mr. Wynyard Shortland has not obtained the approval or consent of the Development Committee or Mrs Ataiti Armstrong to proceed with this dwelling although it is obvious that some Government Department without consultation with the Committee has approved the building. I therefore object to this building being located as described

⁶⁵ Letter to the Registrar of the Maori Land Court, from Thorn Dallas Perkinson and McGregor Barrister and Solicitors re Winiata Shortland, 6 April 1976.

above, as no authority or approval has been given by the farming Development Committee of the Te Horo Block.

I would therefore request that immediate steps be taken to prevent any building process being taken or further advanced until the Committee gives Mrs Atati Armstrong's approval to the scheme and grants proper authority for building to proceed.

Yours Faithfully

Mrs Ataiti Armstrong

234. Our brother Sam sought to cancel the partition order. On 30 August 1977, the Registrar of the Maori Land Court wrote to Sam Armstrong regarding his request suggesting that he engage a Solicitor on the matter.
235. An application for an injunction was made and the extract from the Whangarei Minute Book Vol, 53 Folio 148 dated 6 September 1977, provides that Judge Nicholson issued the interlocutory injunction restraining Winiata from building on the land, until 2pm Tuesday 13 September 1977, when applications were to be heard at Kaikohe.⁶⁶
236. On 6 September 1977, our mother formally appointed our brother Sam to act on her behalf as her proxy in respect of Winiata's partition.⁶⁷
237. On 13 September 1977, an order was made dissolving the interlocutory injunction restraining Winiata from erecting the dwelling.⁶⁸
238. On 21 October 1976, a letter was written from Winiata's lawyers to the Maori Land Court seeking confirmation that the matter of a final partition order would be dealt with without further hearing.
239. Our mother and Sam were unable to stop the partition and, on 30 March 1978, a certificate of title was issued under the Land Transfer Act, vesting Te Horo 2B2A in Winiata Shortland and his wife in fee simple.
240. At the Te Horo development scheme committee hui held at Pipiwai, the issue of the Winiata Shortland partition was still being discussed and this is proof that the issue was still causing tensions amongst the whanau:

⁶⁶Wai 1527 Document Bank, p 346-347.

⁶⁷Wai 1527 Document Bank, p 346.

⁶⁸See Memorial Schedule CT. 38A/1296), Te Horo 2B2A.

Mr Shortland: I turned down the position for personal reasons (election). I repeat again that I feel there could be conflict of interest. I am still annoyed over W Shortland getting Armstrong land for his house site. I still maintain that if our representatives had been strong in doing their job properly this would never have happened. However, if it is the feeling of this meeting that I stay on the official development committee I will.

Sam Armstrong: If any mention is to be made of Wynyard's house, then my family has that say and no-one else. I would like, therefore, Moses Shortland to withdraw his comments about it. I would also like to point out that we here in this hall are all of the same faith or religion. We have all been taught by our Church the meaning of humility; we seem to be overlooking our Church's teaching.

M Shortland: I retract all the bad things I have said about Charlie Tipene. I apologise.

241. The Winiata Shortland partition was one of the issues raised by Mr D Malloy in the complaint to the Chief Ombudsman. The Chief Ombudsman report of 28 August 1979, made mention of this among other issues stating:⁶⁹

You also mentioned a proposal made by Winiata Shortland to have land partitioned in his name. The Development Committee on behalf of the owners, approached the department with a proposal by Winiata Shortland who owned 155.0033 shares in the Te Horo Block and had made an application for a housing loan and requested permission to partition out a site for himself. The Development Committee was in agreement. The department the put a proposal to the Board of Maori Affairs that it should consent to partition off 0.28 acres of the area and the proposal was the subject of a Court order approved on 9 July 1972. However the County Council would not agree because the soakage area was inadequate for the effluent disposal system. A proposal was then put forward to amalgamate the two lots and Mr Shortland had sufficient shares to offset the amalgamation. The Head Office Committee approved the amendment on 17 August 1976.

242. An order was made on 20 January 1983, determining the land owned by Winiata, Te Horo 2B2A to be Maori Freehold Land.

243. The minutes of the Te Orewai Te Horo Trust meeting of 20 September 1990, record the continued opposition of our whanau to the partition:⁷⁰

⁶⁹ Wai 1527 Document Bank, 306-310.

SAM ARMSTRONG: - Concerning equity. I am seeking remuneration for 1) demolished house. 2) Piece of land that went to Winiata Shortland. 3) Compensation for loss of time, and alienation of the land. What can we do? Motatau Shortland: If you feel you have a good case against the Maori Affairs, seek counsel from your lawyers. ACTION: All Trustees sympathise with Sam, all shareholders have experienced some loss. John T Davis to see Warrick Syers about creating a counter-suit against Maori Affairs in returning land back to trust as a liability.

244. It was a further source of grievance for our whanau that, on 1 May 1996, a letter from Corban Revell Lawyers, the lawyers for Winiata Shortland, identified that Winiata sought to have the status of the land changed so that he could successfully borrow against the land. The lawyers said that those funds would be used for educational purposes and for the benefit of their children and themselves as the need arises in the future. The Court appears to have declined the application and recommended that the clients approach a major trading bank to accept their title as good security for a loan.

245. On 28 June 1996, Sam filed a Notice of Intention to Appear upon Application in the Maori Land Court in respect of the application by Winiata and Belinda Shortland for the change of status of Te Horo 2B2A to general land. He opposed the application on the grounds that:⁷¹

1. I was previously offered the 2B2A section to purchase from Winiata Shortland.
2. He has since offered it to someone else.
3. I believe he is changing the status to general land to effect a sale, possibly, to sons who are outside of the preferred class of alienees as described in Te Ture Whenua Maori Act 1993.
4. If the above isn't the case then I would like to know the reason for the change of status application.

246. On 29 January 1997, counsel for Winiata wrote to the Maori Land Court and advised that Winiata appears to have successfully arranged a loan with

⁷⁰ Wai 1527 Document Bank, p 319-323.

⁷¹ Wai 1527 Document Bank, p 200.

Westpac to be secured as a registerable mortgage over Te Horo 2B2A and accordingly requested that the application be withdrawn.⁷²

247. On 4 March 1997, Sam filed an affidavit opposing the application:

Samuel Armstrong
11 Rotoma Rise
Manukau City
Auckland

The Registrar
Maori Land Court
PO Box 1764
Whangarei

Tuesday, 4 March 1997

**RE: TH2B2B – Winiata Shortland Application Panui No. 174
(Hearing dated 5th March 1977)**

Tena koe,

Further to the above, please find for your information a copy of my affidavit:

1. Upon the grounds that I am the son of Ben and Ataiti Armstrong, who had title of this said land prior to the transfer of title to Winiata Shortland.
2. Transfer of title only occurred after amalgamation of the said land in the TH 2B2B Block. I represent my sisters and myself as the surviving children of Ben and Ataiti Armstrong.
3. My father and mother both opposed the transfer of title to Winiata Shortland and the inclusion of their lands into the amalgamation of the above block.
4. I believe Winiata Shortland wishes to change the status of the land from Maori to General land to effect a sale, possible to someone outside the 'preferred class of alienee' as described in Te Ture Whenua Act 1993.
5. This land is subject to definition of a process for the demalgamation of the said block.
6. This land is part of a claim being lodged on behalf of my family with the Waitangi Tribunal for wrongful amalgamation in the TH2B2B Block.

⁷² Wai 1527 Document Bank, p 195-196.

Ma te Atua hei manaaki, hei tiaki.
Naaku noa, na.
Sam Armstrong

248. On 5 March 1997, our whanau turned out to the Maori Land Court to oppose the application Winiata's application to change the status of the land to Maori land. We were not informed prior to the day that Winiata had withdrawn the application to change the status of the land. Accordingly, the Court issued an order dismissing the application on the basis that it had been withdrawn by the applicant.⁷³
249. While it is difficult for our whanau to raise these issues concerning our own whanau we must do so, as it was the Crown, via Maori Affairs and the Maori Land Court, that was complicit in allowing these things to occur and facilitating division amongst the whanau. It was the Crown that set up the Court processes which have for so long caused division among our whanau with little if any resolutions.
250. Our whanau are still hurting over the decision of the Court to partition our mother's land to Winiata Shorthland. We want this issue to be resolved and we want the land to be returned. We do not want our mokopuna to carry this injustice and for this to become an intergenerational division. We want it sorted and rectified.

CONTINUED OBJECTIONS AND REQUEST TO PARTITION OUT LANDS - 1970

251. While our mother had always sought the partition of all her lands from the scheme, in the end she applied for the partition of a new house site and small amount of land to farm. We believe that she was trying to claw land back in any way she could. The series of correspondence to seek this partition covers 15 years and the lands were never successfully partitioned. Given the relationship between our mother and Maori Affairs, it is unlikely they would ever have consented and it is unsurprising that her application to partition for a house site was not successful. It was sad for us to see our mother trying to claw back lands however she could. This was not what she wanted.

⁷³ Wai 1527 Document Bank, p 190.

252. On 28 November 1976, our mother notified the Maori Land Court that she wished to partition land for a house site. She sought 85 acres to farm 60 cows with her two daughters.
253. Sam later progressed this application for our mother. On 1 November 1979, Tom Parore, Maori Affairs District Officer, wrote an internal memo regarding Sam's request to have the lands removed from the scheme and noted that, if the lands were partitioned, it could create a dangerous precedent:

TE HORO DEVELOPMENT SCHEME

1. Mr Sam Armstrong of 51 Otiria Road, Moerewa, called to see me on Friday 26 October 1978. He wishes to take out his mother's share from the Te Horo Development scheme. According to Mr Armstrong, it was never the intention of his mother that the land should be included and the decision was apparently taken against her will.
2. He is definite that the land to which his mother's shares relate can be easily identified and separated from the scheme.
3. Mr Armstrong said that Mr Winiata Shortland has apparently had a two acre piece taken out of the scheme.
4. I advised Mr Armstrong that I would consider the matter and possibly refer it to the Maori Land Advisory Committee for consideration. Would you please consider and discuss with me.

(T Parore)
District Officer

1.11.79

254. On 5 November 1979, Field Officer T Spring wrote an internal note advising that he did not think our mothers lands could be released without affecting the economic viability of the whole scheme:

Reference 18/28/12

DISTRICT FIELD OFFICER:

1. In reference to folio 259.
2. Mrs Armstrong is one of very few major owners in Te Horo.

3. I agree wholeheartedly with para 1.
4. Para 2 however is only half true. The land is easily identifiable but it is definitely not easily separating from the scheme.
5. Para 3 too is not the whole story. The lady was the major owner in this block of land prior to amalgamation (Kaikou 3 Lot 3B) but she was not the sole owner. This is the factor which created a huge controversy in Pipiwai when Winiata Shortland finally obtained approval to build out there. My own feeling is that the Armstrong family refuse to accept the fact that the mother was not the sole owner of this particular block. It is further accentuated by the fact that the site Winiata was advised to build on was the same site Mrs Armstrong used to use for her cowshed.
6. The lands Mrs Armstrong had shares in are as follows:

Block	Area	Total Shares	Her Share
KAIKOU B1	908: 0: 00	1200.000	.304
KAIKOU B8B	231: 3: 01	385.000	.042
KAIKOU D3	173: 0: 04	210.000	.275
KAIKOU X	756: 1: 26.5	4580.000	725.788
KAIKOU 3 Lot 3B	50: 2: 10	620.000	547.767
KAIKOU 3 Lot 34	127: 1: 26	140.000	1400.000
KAIKOU 3 Lot 36	120: 1: 37	160.000	160.000
OMANENE 3	98: 00: 00	260.000	5.058
PIPIWAI z	76: 0: 03	1220.000	29.883

KAIKOU B1, B8B, D3 are still largely undeveloped and are part of the area which is still hoped the owners will take back and utilise in a tree planting venture.

Kaikou X is part of the central position of the scheme, informally partitioned by family consent prior to amalgamation – however never formally put through the Court. One portion occupied by her sister Mrs Ih..^ we have never entered because of family resentment. Another portion formerly occupied by her brother Moe Shortland, is now virtually totally developed. The balance area was jointly occupied by another sister (Mrs Palmer) and Mrs Armstrong. Mrs Palmer was just as violently pro amalgamation as Mrs Armstrong was violently anti amalgamation. Mrs Palmer’s reasoning was that as she was the youngest in the family her sister had always arranged to grazing etc on the land and that she (Mrs Palmer) had not received “one black

penny” as her share. This area is virtually fully developed and also has a scheme house built on it.

KAIKOU 3 LOT 3B was Mrs Armstrong's house area. Her actual house section is excluded from the scheme. Most of the good river flat area has been regressed and is in good pasture. Winiata Shortland's house site has been taken out of the block (from shares which the other part owner sold to the Crown prior to amalgamation).

KAIKOU 3 LOT 34 & 36 Mrs Armstrong owned solely and both are total “bush blocks”. The only scheme expenditure on these is part boundary fencing. She milled the timber off these blocks after the commencement of the scheme.

OMANENE 3 is largely undeveloped.

She is one of I think 72 owners in this block. This land also contains the shale pit which the scheme uses.

PIPIWAI Z is mostly developed into good pasture. Part of this land went to adjoining owner Charlie Tipene on boundary restructuring.

7. To sum up, I do not think that Mrs Armstrong's shares can now be partitioned out of the scheme without seriously affecting the viability of the balance scheme area.

8. Another point to consider too is that if this is agreed to even in part, it would set a dangerous precedent.

(T W Spring)
Field Officer.

255. On 13 December 1979, the District Officer T Parore denied the partition on the grounds that it would impact on the economic viability of the scheme, saying that:

The main factor here should be the effect on the economic viability of the scheme. If the land or some of it can be partitioned out without any significant effect then maybe we should go ahead with it. The land is to take its share of the debt with it. If the effect is likely to be significant then clearly we would not support it.

Presumably Kaikou Lots 34 and 36 are solely owned by Mrs Armstrong could be returned, but I am not sure whether they would want these blocks. Kaikou Lot 3 B3 is land she is a major owned could presumably also be considered for

return. She is only part owner in the others and I do not think any of the other land should be considered.

I think there needs to be more information than that contained in paragraph 7 folio 260 and 261 to provide reasons to Mr Armstrong why his request cannot be supported, in indeed that is the course we take. We are more concerned that we come up with a just and fair decision rather than being worried about creating any precedents. Mr Armstrong may also of course ask for the request to be considered by the Maori Land Advisory Committee if he so wished.

256. On 21 January 1980, Tom Parore, District Officer, wrote to Sam Armstrong regarding the request to partition our mother's lands. In this letter, he noted that he had placed the matter on the agenda for the recent annual general meeting however, due to low attendance at the meeting he did not think it was worthwhile having a lengthy discussion. He did note that, on that question, those present did indicate some reluctance to see any land released. He then went on to say that, the future of the scheme is currently under discussion and he would want the views of other owners before deciding whether to support the release of any lands from the scheme.
257. We did not give up. On 23 February 1980, Sam wrote to the District Officer to seek that a portion of land be partitioned from the scheme:⁷⁴

Feb 23, 1980

Dear Sir,

Reference: 18/28/12.

In reference to your letter, the Armstrong have since met and discussed the total shares of Ataiti Armstrong comprising of 1609.117 shares. It was decided from our discussions, that we, the Armstrong family would like to have released from the scheme, Kaikou Lot 3B, which includes the homestead and farm, totalling an area of 50.210 acres.

Further to our discussions, the family have agreed that the remaining portion of her shares should remain within the scheme, which would approximately be 1100 shares.

We strongly feel that we would like to continue to farm this block as we have done before it was taken against our wishes by the Maori Affairs Department, as it was a productive unit at that particular time.

Yours sincerely.

⁷⁴ Wai 1527 Document Bank, p 304.

258. The issue of partitioning a house site from our land was again raised on 15 November 1980. The then Minister of Maori Affairs visited Pipiwai and spoke with the owners about the possibility of partitioning out their interests in the block. The Minister and Maori Affairs indicated that they would generally support partitioning interests where land had been included in the scheme against the express wishes of the owners and was in sole ownership, or owned by one family. In contrast to the above letters from Maori Affairs it was now said that the only land which could possibly satisfy these conditions, was that previously owned by our mother, who had already sought permission for partition from the board:⁷⁵

As the majority of the pre-amalgamation titles were multiply owned this is considered to be the main obstacle to any owners who wish to partition out their shares. The consents of the other former owners would not be easily obtained. The owners as a whole have indicated they would agree to house sites only being partitioned out.

The blocks that the Armstrong's own, if partitioned out, would not have any undue effect on the viability of the scheme but the danger in any partition would be the pressure from other owners for similar partitions.

259. It is frustrating that here, the Maori Affairs are now saying that the scheme would be viable even if our mother's lands were partitioned, yet at the time of the amalgamation, and for a large period of the development, Maori Affairs repeatedly said that the scheme would not be viable without Kaikou X. Again this highlights the inconsistency and manipulation by Maori Affairs around the amalgamation.

260. On 8 April 1982, solicitors wrote to Maori Affairs on behalf of our whanau regarding the partition of land for a house site. At this stage, an exchange of land was proposed.⁷⁶

8 April 1982

Mr T Parore,
The District Officer,
Department of Maori Affairs,
Private Bag,
WHANGAREI

⁷⁵ Wai 1527 Document Bank, p 302-303.

⁷⁶ Wai 1527 Document Bank, p 300-301.

Dear Sir,

Re: Sam Armstrong & Family – Te Horo Development scheme – Your reference 18/28

We refer to previous correspondence and particularly to your letter of the 8th December 1981.

We have had further discussions with our client and we are instructed that Motatau Shortland is not now raising any objection to the land that our client proposes should be withdrawn from the scheme.

We now enclose a plan showing the amended area that our client wants withdrawn.

The former Kaikou 3 No. 34 and Kaikou 3 No. 36 will be “exchanged” for the area in Lot 1.

Our client wants the land to be returned with all improvements e.g. housing, fencing already existing. This particularly applies to the managers house on the former Kaikou No. 3 which should not be sold for removal.

Our client also wishes the football field to be fenced off and he has written separately to you on that aspect pointing out that Lot 2 provides the only feasible access into the family’s Mangakowhara blocks.

In the assessment of value for the land to be handed back, our client expects consideration to be given to the following factors:

- a) One of the family houses which was opposite the shop was demolished and no compensation was given.
- b) The area of land on which Mr Wynyard Shortland’s house stands comprising approximately 1 acre, was taken out of the Armstrong farm area and no compensation has been given.
- c) There is considerable timber value on the former Kaikou 3 No. 34 and No. 36 Blocks and a portion of 3 No. 34 is in grass and able to be grazed by cattle.

Having regard to the above factors our client expects the land to be returned on a straight exchange basis.

Yours faithfully,

CHAPMAN TRIPP

261. On the partition sought by Sam, the Maori Affairs internal memo on the applications reads:

Ref: 18/28

LAND: Pt Te Horo 2B2B, 95 ha, Blk III Purua S D

The Armstrong family wish to partition their mother's shares from Te Horo Development scheme, amalgamated title now Te Horo 2B2B. Mrs Armstrong Snr was formerly sole owner of Kaikou 3 Lot 34 and Kaikou 3 Lot 36 (two "bush" blocks) and was the major owner in the former Kaikou 3 Lot 3B. She was against amalgamation right from the start.

However, when the amalgamation went ahead in spite of her objections, Mrs Armstrong immediately exercised her right of milling all millable timber off her "bush" blocks. This aspect of the family's claim through Chapman Tripp's letter of 8.4.82 and repeated through Desh Sharma's letter is simply not correct. See attached Photostat copy of advice received from N Z Forest Service in 1966 – original on Vol. II 18/28. The timber mentioned by NZ Forest Service was the timber taken out under Mrs Armstrong's instructions.

This land on its own is an extremely unattractive proposition. The small area of flat land, while potentially highly productive over the summer period, has severe limitations in the winter with its high silt content creating severe water movement problems.

This same area has a long river boundary. The river itself is not a stock barrier to either sheep or cattle and with the big floods experienced, any fence would have to be sited a considerable distance back from the banks.

The hill area has only a relatively small area of wheel tractor country, the balance being steep and broken in contour. The present cover is mainly poor to fair pasture with two or three small patches of bush and a widespread infestation of blackberry.

I have no doubt that with the diversification now possible in farming circles these days, that this area could be made into an economic unit but it will require a large input of capital for extra fencing (including boundary fencing with Kaikou 3 Lot 4A, tracking, crossings and capital fertiliser.

Approximately 75% of the hill portion of this proposed partition was in fern and scrub at the time of the amalgamation in 1966. As has already been said in this report, it is now in poor to fair grass. This could only be improved by concentrated heavy stocking and heavy capital topdressing.

However, farming on a full drystock basis would be totally uneconomic. Horticulture would be possible on the flats but only over the summer period. Dairy goats would be feasible but the ingoing capital required for stock alone would be at least \$50,000, plus a shed, a further \$25,000. Dairy cows would be quite unrealistic as the contour is too steep over the major portion.

Boundary fencing with 3 Lot 4A would cost \$2,500, the river boundary an additional \$2,500. Internal fencing could cost \$5,000. Tracking \$2,500, Crossings \$2,000, Capital Fertiliser \$8,750, Electric power \$2,000. Costs to set up unit would be \$100,250. In addition to this, are the costs involved in partitioning from the Scheme which would be:

Costs Involved:

Scheme debt as at 30.6.82	\$838,524
Applicants portion on share basis	\$ 42,206
Cost of Improvements	\$ 63,140
Cost to replace scheme house	\$ <u>55,000</u>
	\$160,000

Provision would also have to be made for the erection of some sort of stock barrier along the river boundary.

Regarding the points raised in Chapman Tripp's letter of 8.4.82 at fol. 391:

- a) The house was demolished by the County Council not Department
- b) Mrs Armstrong owned 547.767/620 shares in Kaikou 3 Lot 3B.
- c) Timber value remaining in Kaikou 3 Lot 34 and Lot 36 is relatively minor.

The alternative proposition the family put up, of the scheme removing and resiting the shepherd's house would have the effect of dropping the requisite ingoing to \$220,250.

262. On 16 June 1982, Field Officer T W Spring wrote a note regarding the letter from Chapman Tripp, essentially dismissing all of our requests:

Executive Officer (Development)

Refer folio 391

1. The demand from the solicitor that if the partition does go through that the house (scheme house) should not be removed, should be looked at very carefully. It is not only the value of the house as it, - and this would no doubt be subject to a special Government valuation as I have referred

to once before at folio 308, but if the partition was agreed to and the house was included, it would then involve the replacement cost of that house to the scheme. This would amount to considerably more than the value of the present house.

2. Mrs Wilson's comment that the proposed Lot 2 provides the only feasible access to the Mangakowhara blocks is not correct. If lot 2 went back to the Armstrongs, they would still have to go on through the football field section to get to the river crossing. There is no river cross below Lot 2: so they could still have to come to some agreement with the trustees of the football field section.

3. Lot 3 would create a river boundary which, because of the flooding factor would be impossible to fence. Te Horo would still have 54 acres across the river 2/3 of which has been grassed. This is the old Mangakowhara B4P2 section.

4. Mr Wilson's comments on page 2 of his letter are not correct either:

(a) The family house opposite the show was condemned and demolished by the County Council not by the scheme. This has already been checked out by the Ombudsman's report.

(b) The Armstrong's were never sole owners in Kaikou 3 No 3B. The Maori Trustee was an owner in this section at the time of the amalgamation and he acquired his shares from a Moon or Muunu. Wynyard Shortland could have been given his house site from these shares if there had been no amalgamation.

(c) There may be some slight timber of value remaining in Kaikou 3 No 34 and in No 36 but it would not be of major significance as Mrs Armstrong (Sam's mother had these blocks milled (as she was entitled to) as some time after the amalgamation was done when the scheme was in existence.

(T W Spring)

Field Officer

16.6.1982

263. The partition sought was addressed by the District Officer at the Te Horo development scheme meeting on Friday 18 June 1982. While Sam was not present at this hui, the minutes record the following:⁷⁷

⁷⁷ Wai 1527 Document Bank, 297-299.

4. S Armstrong proposal:

(a) DO give a rundown of latest letter from solicitor. Complete change from what was first mooted. Armstrong not only wanted land out, he also insists that the scheme house be included. Considered that, as his family had been wronged, partition should be on a straight exchange basis. One of their family houses – opposite shop – had been demolished, and the family not compensated. The demolition was by Council, not the scheme. Wynyard Shortland's house was on their land – again the family was not compensated. Land was former title Kaikou 3 Lot 3B. At amalgamation, Armstrong's were not the sole owners. The MT was also an owner, thus it was incorrect for them to say it was their land that was taken.

All the good millable timber has been taken off Kaikou 3 Lots 34 and 36 by Mrs Armstrong. What timber remaining on these blocks would not be of major value.

(b) In essence the demand was now unreasonable and should be declined.

(c) DO pointed out that previously he had been sympathetic because the Armstrong's land had been put into the scheme against their objections. However, the current demands were not on, and thus he recommended decline.

(d) All owners reprs, including Shortland, agreed to the decline. Motatau considered that they must pay for any improvements taken. The land they were wanting to take had legal access, whereas their present land did not.

...

Armstrong's access:

All agreed that Armstrong's should negotiate with trustees to gain access over the football field.

264. The partition was also discussed at the Te Horo Development scheme Annual General Meeting on 18 September 1982:⁷⁸

Reference: 18/28/12

TE HORO DEVELOPMENT SCHEME: NOTES ON ANNUAL GENERAL MEETING

Held Saturday 18 September 1982 at Tau Henare Marae,
Pipiwai 11am – 3pm.

⁷⁸ Wai 1527 Document Bank, 289-293.

Present: Department: D O, A/Acct, E O Dev,
Scheme Manager

Owners: See schedule – 12
representing 4573.384
shares out of Maori owner
shareholdings totalling
17312.584, or 26.42%

Others: See schedule – 9.

...

Armstrong Family Partition

11. Proposal is now different from that agreed to by owners at last year's AGM. The shepherd's house was now included. The Armstrong's were also now wanting to take out land other than land which formerly belonged to them.
12. Much discussion as to merits or demerits. Department would abide by wishes of Maori owners. Owners must consider effect and repercussions. However, no precedent is being set. Each case must stand on its own.
13. Merits voiced were:-
 - a) Armstrong family had always objected to the inclusion of their lands in the amalgamation. Court and departmental records reveal this.
 - b) The Armstrong's have just regained use of other lands – Mangakowhara blocks – in the Piiwai valley.
 - c) Family are prepared to ensure that other owners in scheme are not adversely affected. Offer \$25 000 for the house, and also will exchange land on value basis.
 - d) Family's intentions are to consolidate all their interests in one area.
14. Sam Armstrong contended that the matter had been discussed enough, and that they had followed recommended procedures – at considerable cost and expense, thus now needed a final decision from the owners and the case put before the Tai Tokerau Maori Land Advisory Committee.
15. Demerits voiced were:-

- a) If the partition is approved, the following signified their intentions to seek partition of their shares – J Davis, H Tipene, Mrs Ihaia (Ngaronoa Te Rehu Hoterene). Also understood that the successors to Moetahi Te Rehu Hoterene would also seek partition. (These total 3324.134/29568.371 shares or approx. 342 ha. Armstrong's would take about 153 ha.)
- b) Development of the scheme is now completed and thus it can look forward to a period of consolidation, with future profits. A partition at this stage would be untimely.
- c) Armstrong's will have to take their share of debt. (This could make their proposal uneconomic),
- d) Armstrong's must be prepared to pay for any difference in values of their land that they leave in the scheme, and the land belonging to other owners that they are wanting to cut out.

16. Resolved that the Armstrong's partition be approved subject to negotiations re the house and exchange of interests.

The above resolution was carried by 8 to 3, those against being C Tipene, H Tipene and W Shortland. J Davis abstained.

265. By 1983 the issue had still not been resolved. Sam wrote to his solicitor Mr Sharma and began by saying that the Maori Affairs had flagged at the last Trustee meeting, that the land would be handed back in the next 18 months to two years. He noted that he wanted to continue with the partition application, as John Davis and Mrs Black were also seeking partitions. He reiterated that the reasons they were seeking an exchange should be made out again; as the family opposed the amalgamation and it went ahead against their wishes, their home was destroyed and land was granted to Winiata Shortland. He ended the letter by saying "This whole thing has gone on so long so I will want you to forward this application immediately."⁷⁹

266. At the meeting of the Te Horo Development Scheme Committee on 6 October 1983, there was discussion about setting in place a multi-development option

⁷⁹ Wai 1527 Document Bank, 281.

which included continued farming, the exchange of lands and lease options. It was requested that existing forestry areas be excluded from any lease. Sam Armstrong referred to his partition application re lots 34 and 36 and asked that these also be excluded in the meantime. Mr Parore agreed that this would be appropriate in the meantime.⁸⁰

267. At this same meeting, various partition applications were considered and decisions were made to approve house sites for Raniera's, Clark's and Shortland's. Partitions were approved for Mata Black, John Davis and Wati Hauraki. These partitions were for large areas (8 ha) and the owners were prepared to meet the proportionate share of the scheme debt. Further information was required for the partition sought by Ngarongoa Ihaia and the decision was deferred. Our whanau application was excluded as it was already under consideration.⁸¹

268. Again on 27 November 1984, Sam wrote to the District Field Officer regarding the board's decision to decline the partition application:

61 Otiria Road,
Moerewa,
NORTHLAND.

27th September 1984

The District Officer,
Department of Maori Affairs,
WHANGAREI.

Attn: Mr Tom Parore

Dear Tom,

Recently an application I put before the Maori Land Board was declined, no reason having been given for the decision.

Naturally I am disappointed, but wonder whether the Land Board is in full possession of the facts of this application. My disappointment stems from knowing that my application and purpose in seeking subdivision is in line with current thinking of the self-determination of the Maori race with regard to Maoris developing their resources for themselves. My family wish me to take the matter further but I thought it fair that I organise a formal application to the Maori Land Board again.

⁸⁰Wai 1527 Document Bank, 282 – 285.

⁸¹Ibid.

Firstly I speak for the Ben Armstrong family of two brothers and four sisters. Our mother was Ataiti Shortland. Between us we have twenty four children, some already adult, who would be economic beneficiaries to this proposed subdivision.

Our plea for the right to subdivide is based on the following:

1. ANCESTRAL LAND

This land has an unbroken tie with my family coming first from our mother and father. My father was reared by Karani Mangu who gifted all her land and possessions to him, having no children of her own. My father transferred by way of gift "Kaikou 2B. and Block 34 & 36" to my mother.

It is common knowledge and verified by Maori Land Court records that my mother did not give her consent to amalgamation of her land blocks in the first instance and it was a very bitter memory for her, that she was forced to sell because Reg Bull, Field Officer for the department kept telling her that as an individual her rights had been acquired by the Te Horo Development scheme.

The impression given to the owners at that time was "We will develop your lands and then give them back to you." Naturally all the Maori owners were thinking within the perimeters of family ownership in the future, as through experience, that was their only concept.

The three bedroomed family home has been renovated and maintained since Te Horo Incorporation took place. It has always been lived in by one of the family.

2. PRECEDENT

It is no use saying that subdivision is difficult. The local County Councils Scheme Plan allows as of right, subdivision of that size area. Besides your department has allowed a subdivision on our property by a rank outsider to the family block. I refer to Winiata Shortland. I can also cite numerous cases of subdivision within an amalgamation, and reversion to former titles after the dissolving of amalgamations.

The capability to make this farm a viable proposition, Maungakowhara was returned to us. We have the boundary fenced with new fencing and upgradings of the old fence. We have also planted in Radiata Pine, have sprayed the balance for blackberry control and are currently grazing thirty head of beef stock. This area is 20 hectares.

With the area we are asking to be returned to us, we wish to afforestate 20 hectares, set aside 10 hectares for horticulture, increase our dry stock numbers and begin a breeding programme for Angora Goats. We have not lost sight of the value of native timber on the blocks. We also

realise that a shepherd's cottage has been placed on our land.

LEASES WITHIN TE HORO TO FORESTRY COMPANIES

It is our intention to retrieve our former land blocks into our family name, therefore I don't want the land in question - - - Blocks 34 & 36 to be considered as part of a proposal of lease to forestry companies in order to reduce the debt incurred by the Te Horo Development scheme. We feel that to lease our portion of the land in the Development scheme is to be taking it one step further away from us.

We live in a changing world and when I note the small amount of development that has taken place on land that we previously owned, and compare that cost with the size of the mortgage debt, then obviously we have been asked to sacrifice as a family share too great for us to carry. The family felt that they would be getting a far greater financial return and that within our group we have the means to invest in our land to a far greater degree than has been invested over the past eighteen years.

I wish to speak personally to my submission at the next Land Board Meeting. I thank you for this opportunity and look forward to hearing from you.

Yours sincerely,
SAM ARMSTRONG

269. District Officer Tom Parore responded to Sam on 2 October 1984, stating that the concern of Maori Affairs was the risk of further applications for partitions of large amounts of land being sought:⁸²

DEPARTMENT OF MAORI AFFAIRS

2 October 1984

Mr Sam Armstrong
61 Otiria Road
MOEREWA

Tena koe

MAORI LAND ADVISORY COMMITTEE DECISION ON TE
HORO PARTITION APPLICATIONS

Thank you for your letter of 27 September 1984.

A concern of the committee was the effect of allowing one partition which could lead to other large areas being taken

⁸² Wai 1527 Document Bank, p 276.

out as well. In fact three partitions for relatively large areas were considered and none were supported by the committee. Allowing large partitions could lead to a breakup of the whole block which could have a serious impact on the viability of land for other owners. It could also be the first step towards sale of some of the land. This is the experience when land is partitioned on individual blocks.

“Two small partitions” were supported subject to an independent utilization report on the land and its economic viability.

Several applications for “house” partitions were supported.

The committee actually visited the block and viewed the land areas concerned, so the decisions were made with knowledge of the land.

Keeping the land in one block does not go against the concept of tu tangata. The main areas where Maori land has been kept in Maori ownership in the North are those which have been amalgamated into large blocks. The Te Horo block will still be run by the owners (represented by trustees) and as you are aware we are getting closer to a practical scheme which will see the return to owner control.

Nevertheless, I would be prepared to put another proposal before the MLC and to recommend that you be allowed to make personal representations. Before doing this, you would need to submit further information on your proposal, especially on its practical and economic viability. This should be done direct to our development section.

Kia ora

(T Parore)
Director

270. A letter from Christine G Lyndon at the Maori Affairs on 14 November 1984, shows the hoops that Sam was having to jump through to achieve the partitions. Maori Affairs was now requiring a financial management plan for the land that was to be partitioned out.⁸³

DEPARTMENT OF MAORI AFFAIRS

14 November 1984

Mr Sam Armstrong
61 Otiria Road

⁸³ Wai 1527 Document Bank, p 274-278.

MOEREWA

Tena koe Sam,

PARTITION APPLICATION AT TE HORO

I am sorry for the delay in getting back to you about your partition application and also your reimbursement claims.

I submitted your claim to the development section but it was sent back to me for verification of the dates involved for the five trips. I rang and asked Mylene for the dates involved and she has not as yet done this. I thought our next meeting together could help resolve this, as then your claim could be correlated with Les's claim and then we can check for the correct dates of these meeting and issue claims for both at the same time.

In regard to your partition application, I'm not sure how much information you actually gave the Maori Land Board, but my understanding is that they would expect a management or financial plan for the land you propose to partition out.

My feelings on what extra things you would need (going by your letter, which is incidentally attached to this letter) would be:

1. The list of owners for the blocks of land which you want to partition out, at the time of amalgamation i.e. to determine whether your family were the sole owners of the block.
2. Tidy up some of the contradictory statements made e.g. "she was forced to sell up". To my knowledge she never did sign any agreement to sell.
3. Get evidence from the County Council which might support your claims for subdivision:
 - From the district review
 - From other larger subdivisions (not for housing etc).
4. Get photographs of the work done on Mangakowhara by your family as well as of the house.

Sam, the main thing you have to do is present facts and figures. See the Ministry of Agriculture and Fisheries about looking at the block and formulating a land use report. Prior to the budget this service apparently cost next to nothing, now I don't know how much it will cost. We had a valuer look at our place three years ago and it cost us \$385.00. We

will be asking Ministry of Agriculture and Fisheries to do another land utilization report for us.

You will need a management plan and costings for this plan. MAF will be your best bet and Moses's expertise may be required for working out a financial plan, but this will be determined after you see the report from MAF or whoever.

I cannot stress how important it is to you to show how financially viable your proposition is hence the need for facts and figures.

Dealing with MAF and having them involved lends a certain "persona" or aura to your application as well as showing that your proposals have been regarded with seriousness from an existing fellow government department.

Good luck and we'll get together on this again at some future time.

Noho ora mai

(Christina G Lyndon)

For Director

271. There was no movement on this application for partition until 9 June 1990 where, under pressure from dissatisfied shareholders, a special owners' meeting was held. At this hui, it was agreed that the Trust would begin to accept applications to partition out of Te Horo and would also accept applications for licenses to occupy from 1 January 1991.
272. However, this was again blocked when the Maori Land Court suspended applications to partition, until the issue of uneconomic shares had been resolved. To date, our whanau lands remain in the Te Horo block.

ESTABLISHMENT OF TE OREWAI TE HORO TRUST

E hiahia ana ahau kia hoki mai o matou whenua ma matou ano e whakahaere, ka oti i a matou. E hiahia ana matou ki te hoki mai.
(Te Rau Shortland)⁸⁴

273. In the 1980s, the Government had finally accepted that the development schemes were a huge failure and had begun returning the schemes to the owners. There were conversations between our whanau and Maori Affairs about the Government writing off the huge levels of debt that accrued while the lands were under Maori Affairs administration.

⁸⁴ Te Rau Shortland – Minutes of Te Horo Development scheme AGM, 15 November 1980.

274. At the Te Horo Annual General Meeting on 16 January 1986, Sam moved a motion that the owners take over control of the scheme immediately as from that year. The motion was seconded by John Davis. It was later that year at a sitting before Judge H B Marumaru on 8 September 1986 at Whangarei, that the Court approved the application for the setting up of an owners trust to assume the administration of the Te Horo station, pursuant to section 438 of the Maori Affairs Act 1953. The Trust is known as the Te Horo 2B2B2B Trust. After the establishment of that Trust, the block was released from the administration of Maori Affairs by a gazette notice published on 9 June 1988.
275. The first letter of the Trustees for Te Horo Te Orewai Trust highlights the duration of the grievances suffered by the whanau whose lands were taken by Maori Affairs for the development scheme. It also shows how our community was trying hard to strengthen its spirit and whanaungatanga and grapple with the administration of the land:

HE HUI

KI HEA:

TE RA:

**TE PUTAKE: WHIRIWHIRI KAUPAPA E PA ANA KI NGA
WHENUA E MOHIO NEI KO TE TE HORO
DEVELOPMENT SCHEME**

**Ko Manukorihi, Motatau me Hikuranga nga
maunga.**

Hikurangi te awa.

Te Orewai te iwi.

Newsletter 1) Na nga Trustees mo Te Horo Te Orewai Trust

Tena koutou, nga whanaunga, nga tangata whai hea i roto o nga whenua mohitia nei ko Te Horo.

Ko tae ki te wa e korerotia, ai nga take e pa nana ki enei whenua.

Me whakahokia mai ki nga iwi whai hea, me waiho ranei i raro i te whakahaere o nga trustees o nga whenua nei. No reira, he tono tenei kia hoki mai ki te whirwhiri kaupapa, ki te whakatikatika i enei take.

No reira tena koutou, tena koutou, tena tatou katoa.

February 18 1989 saw the return of the Te Horo development scheme to owner control with the debt of \$3/4 million written off.

The day was a day of quiet celebration because although we celebrated the return of the land to our control we also remembered 24 years of struggle to regain it and the people who died with the return of the land as their fervent wish.

A highlight of the hui was the historical account of the land acquisition in the North and the context within which lands of Pipiwai, Omanene, Mangakowhara and Kaikou were amalgamated by Ta Himi Henare. This was one of the last public speeches given by our Matua before his untimely death.

The afternoon saw sports activities and the presentation of 3 trophies for the Summers Twilight Sports Competition

The "Te Hokingamai" cup went to the Paora and Bristowe Whanau for winning the days activity as well as the "Roimata Whanau Trophy" for the most sportsmanship like behaviour/ The Te Hokingamai cup was donated on behalf of the shareholders whilst, the "Roimata Whanau Trophy" was presented on behalf of those tupuna who had died before the return of the land had been completed.

The Rapata Whanau won the cup donated by the Alcoholic Liquor donated by the Alcohol Liquor Advisory Council for the winners of the Twilight Sports Competition.

May 27th is the day that shareholders in Te Horo Development scheme are asked to come back and discuss what they see as the future of the scheme, either:

- a) Give back the land to the shareholders and on what basis.
- b) Maintain the farming operations.
- c) A combination of both.

The Trustees need to know what you want and what your ideas are. After 24 years of talk we need to get down and sort out the future of our land and indeed the future of Pipiwai.

No reira, nau mai, haere mai, haere mai.

Powhiri and mihi : 9.00 am.
Morning tea : 9.30 am.
Korero starts : 10.00am
Lunch : 2.00 pm.

End of hui.

DESIGN A LOGO

Design a logo for use as a letterhead for the Te Horo 2B2B2B Trust and win a prize. Send or bring your design to the hui. The winner will be notified and the shareholders will see the results of this competition on our next newsletter.

276. We had always wanted the scheme to be released from Maori Affairs administration however the circumstances in which this occurred were wrong. The Maori Affairs lumped it back into the hands of the committee and our whanau did not have the capacity to deal with this type of large scale farming. The share dealings which had occurred during the Maori Affairs amalgamation also made it difficult to simply de-partition and return the land to the original owners. The Crown had come to acquire a significant share in the block and establishing a system for the division of the Crown's shares, has proved highly problematic. The new Trust simply inherited all the issues from Maori Affairs, which only occurred because of the amalgamation of the lands and we were left to resolve them ourselves.
277. Sam was a trustee of the Te Orewai Te Horo Trust for many years. In 1990, Sam continued to raise concerns regarding the family lands.⁸⁵ He raised concerns regarding equity saying that he was seeking remuneration for the demolished home, the land that went to Winiata Shortland and compensation for loss of time and alienation of the land. He asked what the family could do to get their lands back. It was noted in the minutes that all the trustees sympathised with Sam, as all shareholders had experienced some loss. At this time, there was discussion among the trustees of creating a counter-suit against Maori Affairs in returning the land back to the Trust as a liability.
278. The Maori Land Court, for its part, provided little relief and infact caused greater issues for the Trust and owners.

FINAL REMARKS

279. The period of time from 1965 which saw the forced amalgamation of our mother's lands to the establishment of the Trust in 1988, was a period of inestimable pain and frustration. Our mother was powerless and totally disregarded under the Maori Affairs legislation to exercise her rights as the owner of her lands. She fought tirelessly for 20 years until her death on 6

⁸⁵ Wai 1526 Document Bank, 252 – 253.

October 1985, only to be followed by our brother Sam's succession to her fight until he also died, on 5 January 2002. Instead of the later years of their lives being spent enjoying family and whanau on their lands, they spent those years fighting, appealing, writing letters, paying for lawyers, attending countless meetings with Maori Affairs, the Maori Land Court, then the Te Horo 2B2B2B Trust, to return their lands, all to no avail. Now another generation has stepped up to continue the fight. How many more? No compensation can account for the cost this battle has had upon our whanau.

280. This is a protracted battle that has never eased for generations of our whanau. We have never resiled from the battle. We never will. We are charged with our mother's memory to never give up until the land is returned in total. Her courage and unwavering persistence is present with us every day. We cannot do any less than she did.
281. The last 50 years have been time consuming, financially expensive and consistently obstructive of our simple desire to return our lands which were amalgamated against our mother's express and repeated wishes.
282. The establishment of the Te Horo 2B2B2B Trust brought further complication to our desire to partition out of the scheme. Initially, our application to partition our lands out of the Scheme was opposed on the basis that, as a major shareholder, partitioning would undermine the scheme's viability. The scheme failed miserably in its promised viability. Even the Maori Affairs realised that by the 1980's, yet still we remain landless in the battle for the return of what is rightfully ours.
283. The handover of the scheme from the Maori Affairs to the Te Horo 2B2B2B Trust was a "cop out". Maori Affairs created the mess then walked away and left the whanau Trust who were without the skill, competence or necessary resources to succeed in what continued to be an undesirable situation. While the Maori Land Court retained all legal authority and control over the Trust's operations, they left the Trust as puppets to the government. This does not however, account for the actions of whanau who used the Trust for their own dishonest purposes and personal gain.
284. The animosity between whanau has been devastating. There was jealousy about the greed of individuals who were given an opportunity to grab land

that was not rightfully theirs to claim under the development scheme. The development scheme has delivered nothing but despair, frustration and unjust alienation by transfer of ownership of our land to other whanau.

285. Our position remains the same. Return all of our lands, with boundary fences where they were at the time they were seized in the amalgamation in 1965.

286. Compensation is due for the years of this battle and the losses we have suffered and yet still there are some things which can never be made right. For those that can be made right, "act now and act swiftly to do so" is our earnest request, before another generation passes in the traces of this long, sad battle.

TE WAHANGA TUATORU - KO TE MAMAE ME TE POURITANGA O TE WHANAU



*“I don’t know where Pipiwai is
but I would like to go there someday with my Mum”*

(Grea Swanson Terepo - Rua Codlings Great Grandson)

OUR CLAIM

287. Since filing this claim, our whanau has come together to confront these issues which have troubled us for some time. For so long we did not talk about what happened to our mother, because it was too emotionally painful. To complete our evidence, we want to include some of the korero that has come from our whanau hui regarding these issues, because we believe this korero captures the loss that our whanau has suffered because of the Crown. We discuss the loss within our community and whanau, the emotional grief we have carried for so long for our mother and our concerns for the future.
288. We want to share with the Tribunal our views on what we think will help us move forward as a whanau and community at Pipiwai.
289. Eileen speaks about what it is like to talk about what happened to our whanau:

We want to be able to communicate what we feel. But each time we come forward it is very emotional and trying for us. Unless you lived through it you won’t know how we feel. We are not trying to harbour emotions but you can understand that the hurt and experiences have not been easy to carry.

As a whole we have all gone through this and each one has been affected in a different way. We are trying to portray the feeling we had, we were children at the time. We are now adults and we think differently. We are still crying, and what for? Because the hurt has been there all that time. It is quite a burden to carry.

Preparing these claims has allowed us to talk about the issues. For the younger ones this would be the first time they would have heard this korero. We hope to have an outcome that will help us.

290. Our concern is not only for our mother but for our mokopuna. They get the sense that something very wrong has happened in the past and it is them that really suffer the consequences of the Crown actions because they have, to some extent, been cut off from their home and whenua. We want our mokopuna to know what happened during the 1960s and understand how this has changed our lives and the way we live today. We want them to remember what their grandparents and tupuna experienced. Future generations must know our rangatiratanga, mana, land, reo and tikanga, despite the violations that were enacted by the Crown. Our mother wants her story to be told; she wants the truth to be told so that her mokopuna may know what really happened. The truth, both as described and as seen through her eyes.
291. We want them to know that our mother did not sit back and wait for the Crown to improve our situation. Neither our mother, nor her mother, nor her mother before her sat back and waited for a handout. Each one of them was a leader, a rangatira in their own right. They worked their lands for their own and their surrounding whanau, hapu and iwi's benefit. Time and time again we have written, protested, petitioned, litigated and appealed to uphold the promises under Te Tiriti o Waitangi and our rights affirmed therein to have control over our own lands.
292. We are grateful that this process allows us to record our whanau account of what happened and we hope that future generations will look to this korero and know that we continued to fight for our mana, rangatiratanga and our whenua under Te Tiriti o Waitangi.

OUR PAIN FOR OUR MOTHER

293. Eileen speaks about what happened to her mother and how poorly Maori Affairs treated her:

Our mother did not want her lands to be taken into the scheme. She felt that she could manage them herself. She didn't need any interference from them. Our land was clean until the Maori Affairs took over and then it ended up in blackberries and gorse. We did not have that stuff when mum was in charge of the land. We didn't use manure because it was thick with grass. The whole valley was like that.

Our mother knew all the ins and outs about her land. She knew where all the blocks were. She was very involved and invested in her land. She would speak about block numbers. She knew every block, not only her own. After the amalgamation she was trying to make sense of what was happening because she knew it wasn't right. She knew it was very unjust.

I think that Maori Affairs tried to act ignorant towards her because they didn't want to know. She knew exactly what she was taking about and they made out that she didn't. The Maori Affairs staff didn't have a good relationship with her. The way they would talk to her was belittling. But just because she didn't get a good outcome didn't mean she would give up. She kept fighting. She would go back to them again if she wasn't satisfied. All the money she had was spent fighting for her (land) rights.



Lavona Hogan and her mum Ataiti

294. Lavona shares her experience of the time the lands were taken into the scheme and how the trauma of this affected her mother:

I left to go to college, but I remember a lot of the things that were happening back home. The powers of the Maori Affairs and the Maori Land Court were demoralizing to her. I remember that she was a strong woman before the land was taken. However after the amalgamation and what took place I think it pushed her to the point where her mental state was compromised. In some peoples view she didn't know what she was saying. It was like the taking of her land was forever in her mind and she felt helpless. So she wrote letters and stood to defend herself. She fought for her lands, for what she saw as her own livelihood for her and for her children.

In the last few years of her life I witnessed what was happening to her, even in the middle of the night and during the day she would continually be talking about the land and blaming people, but she was talking to herself. I would say to her mum that's enough just let it go, but right up to her dying day was her thoughts were for the land that was taken away from her.

Sam moved her away to Moerewa to care for her. She would still come backward and forward to the farm and try to keep some connection with the homestead and the farm. It was very hard during those years, she was taken away from her environment and home that she knew and loved very much.

The struggle for me is trying to rectify the wrongs in the past. It is hard to move forward because we are all related to each other. These issues have been caused by the Crown. The Crown instructed its departments to put these things in place at Te Orewai and they have had lasting effects on our lives, right until this day. I would like to see things back, that is the land returned, to the way they were before. We want to redeem the things that my mother fought for. My mother was a caring and loving person. However, these things that happened at Te Orewai broke her and changed her. They took away that happiness from our family that I remember as a child.



Ataiti in her later years

295. Eileen shares her memories about when Maori Affairs took over the lands and homes were destroyed at Pipiwai:

Mum started to get depression after the amalgamation. It was a consequence of all of the trauma she had been through. Things were going on in the valley too. People were becoming fractioned and broken up.

The health department just came in and started to condemn the living conditions of homes and declare them as substandard. I don't understand this. They said the houses were demolished because of typhoid. I think this was fabricated, I think they just used this to justify the destruction of homes because people were digging in and resisting amalgamation.

There were regular doctor's clinics at Pipiwai and there was never a suggestion of substandard housing, it wasn't an issue until the health department came along talking about a typhoid breakout. It was just the way we lived but there was nothing wrong with the children.

It was around 1969 that the houses were being destroyed. They just bought the blimen bulldozers in without notice. Mum never received an eviction notice or anything. We weren't home at the time that the shop was destroyed. We were in Moerewa then. They chose to do it at a time when nobody was there. But we were still returning regularly. Here's another funny thing, after the houses got knocked down you could apply to Maori Affairs to have loan money to build houses. So you just got into more debt. That's all those papakainga houses that are now there and how people got onto the lands of others.

I think in destroying the homes they were trying to kick people off the land. In order to get rid of the opposition they had to move people out and I think that was their plan. People may have had the odd flu or sore but nothing life

threatening or serious enough to warrant the demolition of their homes. We may have lived on takakau and milo but none of us were unhealthy. Nobody ever got or died from typhoid that I remember. It wasn't only homes, I remember they took our huge garden away.

I remember they were trying to embarrass our family and make out we were crazy.

I don't think I have got anything good to say about Maori Affairs. I have deep seated feelings about what happened and what we are left to carry. It is hard to see that there is no progression. But the biggest pain is what they tried to do to the families. It just divided us. And you see Maori Affairs, they haven't lasted have they. They haven't done anything progressive for our community. Maori Affairs achieved nothing yet they caused this animosity between the families. For all those years that the land was taken there is nothing tangible, there is nothing you can see that would make you think we have benefited from the scheme. They just came in and caused a lot of damage. Damage is what they have done. They destroyed the confidence of the people.

Our shop was there one day and when we came home it was gone. No one told us that they were going to demolish our shop , all we knew was it was there in the morning and when we returned in the evening , it was gone. Totally demolished. No reasons provided except that it was unfit for living in. We were devastated.



296. Hari talks about the partition of her mother's land for Winiata Shortland and how this personally affected her:

I was the oldest. They were trying to run us off our own farm. I was so mad and bitter when they partitioned the

land for Winiata. It was the way they went about it. Undermining us and it was under handed dealing. He had no right to be there. We would still have been using our garden there. He was more or less ignoring us with whatever he was doing and it was disrespectful to us and our mother. It did get physical. I tell you I really threatened to shoot whoever came on our land. I didn't care what happened to me. I was so mad and so hurt at the time I couldn't care less. I ended up telling my family that I had to leave before I did something silly and that's really why I left home. Sometimes I cry over it because I was that angry I did get so close, I just saved myself by leaving before I did anything crazy.

297. Eileen also remembers how Hari was affected by this:

It took Hari a long time to go back once she had left. There was animosity and hatred, because of all of the dodgy things that were going on. He (Winiata) put the house up for sale. That outraged us further. Today, she wouldn't go back that often. None of this would have ever happened if the land wasn't taken. It felt like it was a real slight on our mother. Even if we got the land back now it wouldn't fix this hurt and pain. It would take a very long time. We are still upset. Now there is anger that all the boundaries have changed and people have land that they never should have got. People that were never part of it.

298. The partition was an injustice that never should have happened - a terrible event that has severed close whanau ties. We are saddened that this will become an intergenerational issue that will have life-long consequences for Winiata, his children and mokopuna.



Tau Henare Marae Pipiwai

PIPIWAI

299. Another thing that saddens us greatly is the loss of whanau connectedness and the severing of community spirit at Pipiwai. Things are just not how they were. The way of life that we remember has gone and will never be like it once used to be.

300. Dene believes it is Maori Affairs that has changed the way of life at Pipiwai:⁸⁶

Pipiwai is our home and it just has a different feeling for us. That is where we were born and where we started. I have been away for years but I love coming home. I know it belongs to us. It was rightfully ours. We have to go home to visit Pipiwai every time we return from overseas. We want our children to feel free about going back there and to not be hesitant. Our breakdown is really how we have been treated by the Maori Affairs. They would come and do whatever they want. As if we don't belong there. And that was the real hurt for us. Being kids you just don't get over it. They used our own people to do their dirty work on our families. We are not the only family who experienced this. Pipiwai will always be there because it flourished once and it will flourish again.

301. Lavona talks about how life at Pipiwai has changed:

I can still remember clearly that we used to have big gardens. Uncle Dave and Aunty Melly lived next door and we shared our gardens together. All the whanau came together with a lot of love and support. It was about helping each other out and supporting one another. I can remember those days where as children we looked forward to going to visit our Aunty Rosie and Aunty Nga and cousins up the road.

There was a lot of freedom in those days and you used to be able to get to the lands. I suppose that was the rangatiratanga. We had a good rapport with our own whanau. We could tell them that we were going on their lands and everything was fine. You respected their land and they respected yours. Everyone was very clear about whose was whose. It's not like that today. That sort of interaction with the family has been impacted upon. You can no longer get to your lands. The boundaries have been changed.

We do not have that love and happiness that we used to have. Our love for Pipiwai will never fade away. But there is a feeling that we have that changes everything else. Maybe I can be honest and say mistrust. We have changed as a

⁸⁶ Geraldine May, 9 October 2013.

result. We try not to. We love Pipiwai. My kids say “oh nanny, take us back to Pipiwai”. I myself never want to change how I feel about my family. But the feelings have changed. When we are there the feelings are strong. We are happy. There are certain things that come to me at Pipiwai. Pipiwai will always be home to me.

302. Eileen also speaks about Pipiwai:

When I come back from Brisbane I like to go and visit home (Pipiwai), even though I have lived in Australia for nearly 40 years, Pipiwai is always my home. We try to make an effort to get home every time there are big occasions. We always go to the Urupa. We were taught to remember all these things. We want our families to know what Pipiwai means to us. We want them to know that this was their homestead, this is where their parents grew up and that we were taught by our grandparents. Ive bought my grandkids here several times. They love it when they come back. It’s important that they know where they are from. Even though they were raised in the city and overseas they ask us that if something happens to them, is this the place they will go? This is their home and their turangawaewae.



Eileen’s Family

303. Eileen talks of the importance of the mokopuna knowing the old values and that they are from Pipiwai:



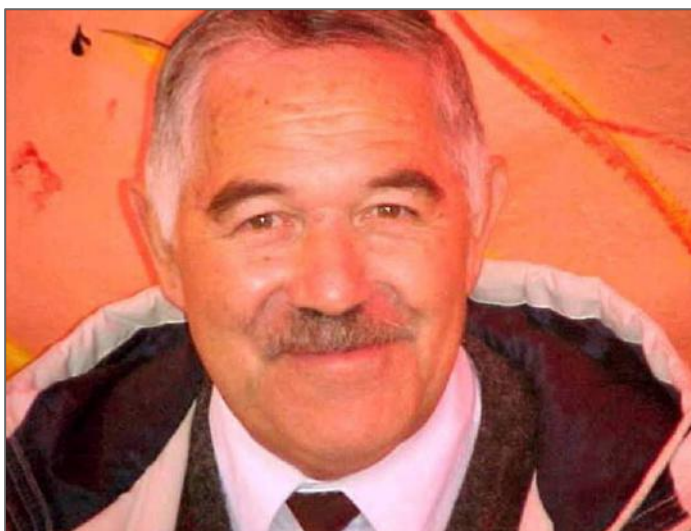
Eileen and Percy and their whanau and mokopuna

We need to make our children aware of where our whanau is from, who cared for the land. It was a good life here and they need to understand the values of what it is like to care for other people other than themselves. That was the true value at Pipiwai. This is where my children believe they will come back to if anything happens to them.

We want Pipiwai to return to how it was. If our mokopuna enjoyed the things that we did, it would be deep seated in them and they will know how we felt about the place, having grown up and lived on the land and how much it means to us.

304. Our whanau also share their views on Pipiwai.⁸⁷

⁸⁷ Contributions from whanau hui 4 October 2013.



Samuel Armstrong

I remember Pipiwai as a very controversial place to be. There were undertones of crooked actions.

My Dad (Sam) was consumed with having the whenua returned. My Dad died in his turangawaewae, he fought his whole life alongside his mum in reclaiming what was always theirs, their whenua. Now that my Dad has gone, I want my children to learn of Pipiwai but with the whenua taken away, I don't know if this will ever happen.

(Veeshayne Patuwai)

I only remember going back there sometimes and when we did, it often is of memories of trustee fighting and arguments in meetings at the Marae with our relations about the whenua, shouting at each other, I remember one time my uncle threatened to shoot anyone that came on his whenua.

I feel a disconnection between myself and the land. I feel a loss of mana and that there has been a violation against my whanau. It saddens me that we continue to feel, see and experience the loss that has impacted on me and my whanau. I cry when my aunties cry about the lifetime trauma that has impacted on their lives.

(Mokopuna)



Hari, Eileen, Michelle and Ataiti

Knowing that Nanny Ata had to fight for what was hers hurts and to know now that the fight out lived many, many more of my relatives, a fight that should never have started.

(Grand daughter, Michelle Estrop Faulkner)

In terms of our land being taken it unease's me very much as this is where I go to ground myself, where I feel connected to all of my whanau past and living.

(Grand daughter, Angela (Angie) Kena)



Angela Kena and her children, Issac and Chloe

Since having my own children I haven't been able to go back to Pipiwai for ages. Everyday life takes over and it is disappointing that I haven't been able to give my children the same experiences at Pipiwai that I had growing up.

(Great granddaughter, Alana Terepo (Rua Codling's Eldest Moko)

I remember having fun at family reunions with not just immediate family but a huge amount of extended family, doing bombs in the creek, playing rugby on the fields, being excited about catching up with people I never got to be with so often. I always remember the overwhelming feeling of wairua and tikanga that came from stepping back onto the Marae. I remember always feeling at peace about being in a place I belong.

I have many memories of fun filled activities shared with my whanau. Memories of tangi, memories of mahi, memories of learning about my heritage and memories of always learning something new about my Maori culture.

It saddens me to hear of the way members of my family were treated during the times of the amalgamation. The pain and anguish felt by my aunties and cousins made me feel angry that a governing body who knew nothing about my family's heritage could come in and blatantly confiscate land that was not theirs. They had no right to do that and they used misleading and unjustified tactics to bully their way onto our lands. It sickens me in the way these actions were taken and how my family were treated. I wish this upon nobody.

(Grandson, Joel Armstrong)



Hokino and Hamiora at Pipiwai



Joel Armstrong's tamariki

I remember running through the overgrown fields behind the Marae and swimming in the creek, having mud fights with the boys. Going to church on Sundays with the family.

Losing our land not only affects our family homestead, but also our family time together. Losing our whanau land in Pipiwai means we have one less place to gather as a family. This in turn, diminishes our precious whanau bonding time together.

(Great grandson, Hohaia Armstrong)



Veeshayne and Tamati Patuwai with their whanau



Mokpuna riding the truck at Pipiwai

My memories are few. The urbanisation of our whanau to the Auckland area has left us who were raised in Auckland unfamiliar with Ngati Hine kawa and tikanga and with few opportunities to learn. It has disadvantaged our greater whanau from having an economic base to build and pass on to whanau. A loss of a place to develop into a central gathering place for hui and holidays to allow my children to learn about where they come from on their Te Orewai, Ngati Hine side.

(Grandson, Jarom Tonge Armstrong)



Mokopuna riding their horses

We remember riding our horses all day and doing jobs for our grandfather. We would ride up the valley and visit all our cousins along the way, and then have a swim on the way back to the marae. Stop and pick blackberries, we had fun.

(Varron Armstrong)

305. The Tribunal has already heard that the taking of our lands for the development scheme has significantly impacted on core values of rangatiratanga, whanaungatanga, manaakitanga and our collective way of life. Our community has been destabilised and our proficiency in te reo and tikanga has also suffered as a result.



306. Our te reo has been impacted and there are very few who have the deep understanding, eloquence and oratory skills like our parents and tupuna. We have few kuia and kaumatua who are fluent in te reo and they are now passing on. Many are also the ones who moved out of the area because of the development scheme. We know their matauranga will be lost forever. This is a huge cultural loss for our hapu. In more recent times the majority of our hapu have grown up speaking very little reo. Our reo has become more and more of a second language, and many of us have lost the reo altogether. Instead of learning it at home and in the playground like our parents, we have to find courses to learn te reo. Our parents were native speakers. We were native speakers. Our mokopuna don't have that way of life with te reo.

307. The fact that our people had to leave the area during the time of the development scheme has had a major impact on the retention of reo in our hapu and whanau. It is a shame that some of those who have left have become quite disconnected and isolated and this has taken a toll on the succession and transfer of our reo to our people. In the first instance they were not home to learn the language and matauranga from those who could

still speak our reo, and further they were not taught reo to any real level in the cities.

I remember my aunties talking about when they grew up and Maori was always their first language. English was never spoken and, if it was, it was rare. To this day when our anties return, even though they have been away for long periods of time, as soon as they get home in Pipiwai, they speak their mother tongue. It's not the same today, some of our whanau are not able to do this as natural native speakers. It has really affected our own and following generations.

(Arvay Armstrong-Read)

CONCLUDING REMARKS

My first dream would be restoring the boundaries. This would be easy to do. We know where they are.

(Eileen)

308. We have much to learn from this tumultuous journey for our mother and our whanau. It has consumed us for far too long. The aspirations of our whanau are simple - this is our land and we want it back - with the same boundaries and fences as they were, with no government conditions attached. We want to choose how we will use our whenua and to ensure its livelihood will be a legacy for mokopuna. We want to be self-sustaining and economically successful and productive on our land. We want a place where whanau can return home.
309. We seek that the Crown be held accountable for what has happened to our mother and our whanau. We seek justice from this Tribunal.
310. This place we claim is our turangawaewae, our mana, our whenua.



Na matou, nga uri o Ataiti Te Rehu (Hoterene) Armstrong