Whakapapa and whenua: An insider's view

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Abstract: This paper extends the previous article which presented *whakapapa* (genealogy) as a framework for understanding identity (Te Rito, 2007a) by tracing the history of events regarding the ownership and ultimate alienation of extensive tracts of land that were originally under Māori ownership/guardianship. Much land was lost and as a consequence, *whakapapa* links and identity were affected. This work is drawn from the author's doctoral dissertation (Te Rito, 2007b) where considerably more detail is available to interested readers. The present paper uses a case study approach with specific *hapū* (sub-tribe) and *whānau* (extended family) to identify the key events and outcomes regarding struggles about land and their deeper implications. These particular struggles were primarily fought in the courtrooms in the late 1800s. They illustrate that legal positions were complicated by differences in language, principles, values and methods of two cultural traditions often at conflict with one another – that of the indigenous Māori and that of the colonising Pākehā (British settler). An eventual consequence is that Māori in the area today find themselves with very little land, severely marginalised and in the lowest socio-economic grouping of New Zealand society.

Keywords: genealogy, land ownership, Māori

Introduction

Despite the *whakapapa* from *Papatuanuku* (Earth Mother) some 46 generations ago, Ngāti Hinemanu and other related *hapū* are no longer the owners of the extensive tracts of land from the mountains to the sea in the broader Heretaunga Plains region. The 19,385-acre Heretaunga Block was alienated in the 1860s, and most of the 7,388-acre Ōmāhu Block was alienated in the late 1800s. Today Ngāti Hinemanu and their co-*hapū* Ngāi Te Upokoiri find themselves hemmed into the community of Ōmāhu on the edge of the fertile Heretaunga Plains. Various *whānau* cling desperately to remnants of the Ōmāhu Block. Our *whānau* have a very tenuous hold on a 10-acre block known as Ōmāhu 2M3 which we inherited from our grandmother Murirangawhenua after she died in 1980. The *whenua* (land) is especially dear to us as we have inherited it through *whakapapa*. It gives us a rightful standing place in Ōmāhu and indeed on this planet.

Within the residential area of Ōmāhu today, there are a few very old trees which tower perhaps 50 metres above the houses. As a child, I recollect us living in the house that had belonged to my grandmother's parents Tūtewake and Rauaramata. It stood in front of one of these trees. The house no longer stands there today but some of the trees do. The significance of these trees is that they were used as receptacles for the afterbirths of newly born babies. The act of depositing the afterbirth into a tree, which grew out of the land in the first place, is all part of our maintaining our roots and our identity as offspring of our forebears. Interestingly, the afterbirth is also called whenua. This represents a further connection between whakapapa and whenua, genealogy and land.

The focus of this paper is on highlighting the kinds of interaction between the Pākehā legal world (law) and the Māori cultural world (lore) with respect to issues and rights of ownership of land. The consequences of this interaction turn out to be somewhat devastating for the local hapū. The major loss of land occurred in a very short window of time of less than about 15 years after the late 1880s.

Loss of the land estate of Rēnata Kawepō

The Ōmāhu district was a place of intersection of descendents of differing *whakapapa* lineages, including Whatumāmoa, Tūrauwhā, Rangitāne, Tara, Awanuiārangi, the 'Inland' Pātea peoples, and Kahungunu. Today, the location of Ōmāhu Marae and its surrounding *papa-kāinga* (village) is also at an intersection, known as the Fernhill crossroads. This is the convergence of roads coming from Napier in the north; Wellington in the south; Taihape in the west; and Mōteo in the northwest.

The remnant *papa-kāinga* of Ōmāhu today is confined to not much more than a few acres, although collectively the surrounding land blocks still under Māori ownership could be 500 acres in total. During the Native Land Court hearings of the late 1880s, the large 7,388-acre Ōmāhu Block was made up of smaller localised land blocks which were known as: Pīrau, Matatanumia, Ōhiti, Kāwera, Ōtūpaopao, Ōmāhu, and Waipiropiro. These names had all evolved over time and were an integral part of the landscape. A Court ruling in 1890, however, saw the reconfiguration of the 7,388-acre block into smaller components respectively named Ōmāhu No.1, No.2, No.3, and No.4. Effectively this action extinguished the names and history of some of the local indigenous people. Ngāti Hinemanu in particular, had a strong association with some of these original names. Since then, the land has continued to fragment and to become almost totally alienated in the big scheme of things over the ensuing generations.

During post-colonisation struggles by local *hapū* in the courtroom for legal ownership of these blocks, a lot of the history of the different descent groups was unearthed and recorded as evidence in the court minutes. Despite all this court evidence by Māori, the surveyors' boundary lines that came with the colonisers were still imposed upon the indigenous landscape. This was done with scant regard for the history of the inhabitants whose boundaries were otherwise marked by natural features like river ways and hills. At times, these boundaries were fluid, moving backwards and forwards over the generations. While one grouping of people may have gained ascendancy in one generation, and subsequently extended their boundaries; a neighbouring grouping may have come to the fore in another generation, and pushed back those boundaries.

The evidence put before the judiciary was by no means clear-cut. The situation was exacerbated by the fact that evidence provided by most witnesses was given in the Māori language, which then had to be interpreted into English and vice versa. This meant that the integrity of that information was continually at risk of error, or even manipulation. Sometimes it was the translators who were the culprits and sometimes it was the Assessors who sat with the Judges. Whether Judges' decisions were always fair is questionable too. The 1880s/1890s Native Land Court records for the Ōmāhu area show up some of the struggles between opposing factions of the time, over land and/or *mana* (power, authority). The basis for the struggle for any land claim included: 'Ancestry; *Ringakaha* (Conquest); Gift; *Mana*; and/or Permanent Occupation' ("Blake Minute Book of Hearing", 17:09:1889, p. 7).

One particular struggle is well documented in Blake's Native Land Court minutes of 1888-1890. It involved Ngāti Hinemanu/Ngāi Te Upokoiri chief Rēnata Kawepō and his grand-niece. When Rēnata Kawepō died in April 1888 he had reached ascendancy as paramount chief of Heretaunga. Consequently he had gained *mana* over vast tracts of land described to me by *kaumātua* (elder) Kenneth Rēnata (Joe) Broughton, as extending from the mountains in the west, all the way to the sea in the east.

And so the land at Ōmāhu was only one small part of Rēnata's estate. In 1887, the year before his death, Rēnata made a formal will. A number of prominent citizens witnessed the signing including R. Vickerman (Bank Manager); J. Gemmell (JP); H. Spencer (Licensed Interpreter/Court Clerk); A. Pickering (Police Officer); and T. Bishop (Stock Agent). The will was written in both Māori and English. However, the dual versions were to create a fundamental ambiguity (not unlike that of the Treaty of Waitangi) that undermined its very

fabric. In the Māori version, Rēnata Kawepō essentially left everything to Wīremu Muhunga Broughton as *'Kaitiaki'* (Guardian) of the estate with the provision that Wīremu cared for certain named persons, as well as Rēnata's two principal *hapū* of Ngāti Hinemanu and Ngāi Te Upokoiri. A copy of the original handwritten will is held in the Alexander Turnbull Library in Wellington. Within the English version, however, it states that Wīremu Broughton would be the Executor of the will *and* owner of the assets (Te Rito, 2007b, pp. 285-287). These statements are contradictory and provide a source of confusion because there is quite a difference in meaning between being a Guardian of the land; and being the Executor and actual Owner of the land.

Mr Moana Jackson, Māori expert on the Treaty of Waitangi, pointed out in a private discussion with me that under international law, the indigenous version of the Treaty takes precedence (personal communication, 2001). Surely the same principle applies to wills. In this case, Māori was the native language of the old chief who was born in the early 1800s. It was his primary language of understanding and expression. While he may have learned English and had become literate; that does not guarantee that he understood all the finer subtleties and intricacies of the English language. In Renata's mind he was clear that Wīremu Broughton could be only the *Kaitiaki* (Guardian), in the manner that he himself had been *Kaitiaki* all those years prior. The concept of absolute ownership was a foreign one – like the air and the water, it was there to be used and accessed by everyone. It could not be taken with a person on their death. Rather, it was there for the common good, albeit under controlled conditions such as *rāhui* (restrictions). It is likely that the English version of the will was not translated into English by Rēnata himself but translated by a person from a different cultural viewpoint – by a speaker of English who was conversant with English law. It would not be surprising if mis-understandings by others had occurred, in the translation of Rēnata's will that he had handwritten and that was in the Māori language.

The issue of whether Wīremu Broughton was to be guardian, executor, administrator or actual owner of the estate, was to be of no avail. This is because only 2-3 days after the death of Rēnata Kawepō, a challenge to his 1887 will was made by his grand-niece. A huge furore lasting several years followed. It is of great disappointment to learn that despite the original intentions of Rēnata Kawepō; and a subsequent Privy Council ruling in favour of W. Broughton and the two *hapū* of Ngāti Hinemanu and Ngāi Te Upokoiri; the overall outcome still swung in favour of Rēnata's grand-niece. Wīremu Broughton mounted further challenges against the grand-niece for each block of land in the land courts but it was in vain. His grandson Joe Broughton describes what eventuated:

> A long and expensive legal wrangle ensued and the lawyers lined their pockets as each block of land was bitterly contested with the principals being egged on by their legal advisors notwithstanding the fact the first will had proceeded to probate.
> The crippling costs of defending his cause through the Courts to the Privy Council, the sale of his ancestral lands to meet legal expenses entailed as each block was contested led W M Broughton to the verge of bankruptcy and to avoid this stigma he took his own life in Wanganui 10 March 1908 at the age of 56 years survived by a widow and seven children. (Broughton, 1993).

If that was not enough of a tragedy in itself, the tragedy for the two *hapū* of Ngāti Hinemanu and Ngāi Te Upokoiri was that vast tracts of land from Rēnata Kawepō's estate, well beyond the 7,388-acre Ōmāhu Block, were sold off leaving the two *hapū* largely landless. Historian, Parsons lamented to me in a private discussion on how Rēnata had tried so hard to hold the land and the people together in his life-time but that after his death, the land rapidly dissipated (personal communication, mid-1990s).

Dissipation and dispersal of Ōmāhu Block by Native Land Court 1890

The matter of Rēnata Kawepō's will had implications across the whole district. In this section I turn to the contest in the court for the Ōmāhu Block. The major protagonists were Rēnata's

grand-niece on the one side and two aged *kaumātua*, Noa Huke and Paora Kaiwhata on the other side, although there were also a large number of other claimants claiming different portions of this large 7,388-acre block.

On February 13th 1890, an introductory summary statement by Judges O'Brien and von Sturmer reveals some points of particular interest and relevance to this study. Firstly it shows some of the impacts on the landscape from the flooding of the Ngaruroro River (due to diversion by settlers). Secondly, it highlights the bitter struggles between opposing parties in the courtroom:

> … some of the old landmarks are totally changed, rivers taking new courses, old cultivations in some instances swept away, names of hapūs changed and indiscriminately used, … individuals taking different sides …[then] taking fresh sides in this case; suppression of facts by some … and allegations by others which have been unsupported or contradicted; and an unnecessary division of parties, thereby unduly protracting what was otherwise a case not easy of solution. All these circumstances have tended to increase our labour in disentangling this case, and arriving at a satisfactory conclusion. (Judges O'Brien & von Sturmer, 1890).

For Ngāti Hinemanu and Ngāi Te Upokoiri the outcome is positive to a degree in that the judges at least reaffirm the rights of these *two hapū* to be in Ōmāhu despite many of them having left the area during the musket wars of the late 1820s:

> … we have no hesitation in saying…that the people of this district who had fled from the Rotoātara defeat should be brought back, and be restored to the position they had occupied before that event…We find that before Rotoatara, these people undoubtedly occupied portions of this block …
>
> We have further evidence of the occupation by Rēnata Kawepō, first where the river bed now exists, for his wheat fields, and subsequently at 'Old' Ōmāhu. We have evidence also of the settling down at 'Old' Ōmāhu of Aperahama Kaipipi and Raniera Te Ahiko, and of Noa Huke prior to both of them.
>
> We have further the fact that these people on their return have occupied and cultivated without any objection …that certain of the descendants of Hinemanu have rights through Tarahe 1st, some of Ngātihinemanu having lived on this block with Kikiri and his son Paerikiriki. (Judges O'Brien & von Sturmer, 1890).

The two Judges also deem that two Reserves be set aside:

> 1st, A reserve of _ acres at Te Raeotahumata for a cemetery. 2nd, A reserve upon which the native school or college is erected. These reserves [are] to be for the use and benefit of the parties to whom the Ōmāhu block is awarded. (Judges O'Brien & von Sturmer, 1890).

Minutes of the hearing verify the establishment of these two reserves in the courthouse on the 27th February 1890 ("Blake Minute Book of Hearing", 27:02:1890, p. 123-125). Amongst a list of the 40 owners of the 2-acre cemetery listed on a monument at the Ōmāhu cemetery is the name of my great, great-grandfather Hīraka Rāmeka.

On the 5th of March 1890, the Court provided a list of owners of the large block they designated the name 'Ōmāhu'. Included in the 97 names are those of my *tipuna* (ancestor) Hīraka Rāmeka and his sisters Rora, Ruiha and Māpeka. ("Blake Minute Book of Hearing", 05:03:1890, p. 169). Seventeen days later, on the 22nd March 1890, the final judgement by Judges O'Brien and von Sturmer divided and distributed ownership of the large Ōmāhu Block. Then on 23rd April 1890, they added the Kāwera and Ōtūpaopao A blocks to it.

However, the matter did not conclude there. A re-hearing of the Native land known as 'Ōmāhu' was held in Hastings a few weeks later before two new judges, Judge Seth-Smith and Judge Scannell and a new ruling was made on 28th April, 1890. The judgement resulted in the Ōmāhu Block being reconfigured into four separate blocks, with considerable changes in the distribution of shares. Only weeks earlier there had been 97 listed owners of the whole 7,388-acre Ōmāhu Block. It has been difficult to adduce the exact cause of the changes which saw: the replacement of the traditional and localised block names with a generic naming system; nor the cause of their reconfiguration and re-incorporation within the newly-formed Ōmāhu Block; nor the omission of at least 38 names (from 97 to 59) in the case of the newly named Ōmāhu No. 2 Block. For our *whānau*, although the four Rāmeka siblings (Hīraka, Māpeka, Rora and Ruiha) were in the original list of 97, Rora and Ruiha were omitted totally in this later judgement.

It is useful to reflect that from a situation where the old chief Rēnata Kawepō once owned extensive tracts of land from the sea through to the mountains; and that the Ōmāhu Block itself was 7,388 acres in size in 1890; within a century later, Ngāti Hinemanu and sister *hapū* Ngai Te Upokoiri find themselves severely disadvantaged. Although some families are fortunate to retain ownership of some of the surrounding land (approximately 500 acres), today these people are largely landless and in a state of despair.

The whakapapa of the whenua and the whānau

In following aspects of *whakapapa* and *whenua* further, I shall presently illustrate the ongoing nature of land struggles with respect to a specific *whānau*, my own *whānau*. This illustration will be done by tracking down the land transmission through time, to show the evolution of the 10-acre block owned by our *whānau*, and known as Ōmāhu 2M3.

Our *whānau* is fortunate to still collectively own this 10-acre block. It was inherited by the thirteen children of my grandparents, and as some of these have children have died, their inheritance has passed on to their children in turn. Overall, what has happened is that not only has ownership of land in the community by local Māori diminished hugely over the last century, the number of owners has increased greatly. In effect we have a situation of the multiplication of owners with the ongoing reduction in size of the land holdings, leading to increased fragmentation of the land.

The narrative commences in 1890 with the newly constituted Ōmāhu Block of the time, comprising 7,388 acres. The Block is divided further that year into four portions named Ōmāhu No.1, Ōmāhu No.2, Ōmāhu No.3 and Ōmāhu No.4. Unfortunately there is a gap in the information to hand for the period 1890-1899. However, at some stage in that period, the 2,500-acre Ōmāhu No.2 Block was further divided, with one of the portions becoming Ōmāhu 2M. Figure 1 summarises this process of the *whakapapa* or evolution of the 10-acre land block Ōmāhu 2M3 since 1890, from the original 7,388 acre Ōmāhu Block.

On 7th February, 1899 Ōmāhu 2M was further split it into three portions, Ōmāhu 2M1, 2M2 and 2M3, each a little over 11 acres in size. Of the three children of Hiraka: Ruiha inherited Ōmāhu 2M1, Pāremata inherited Ōmāhu 2M2 and my great grandfather, Tūtewake inherited Ōmāhu 2M3 (Figure 1).

Figure 2 illustrates how the numbers of owners have increased over time since the 1860s. Originally there was just a single owner, Rāmeka. Now there are over thirty owners of the rapidly fragmenting 10-acre block, Ōmāhu 2M3. This number has every likelihood of increasing geometrically in the coming years. The reader will notice the use of colour in Figures 1 and 2. The purpose of this colouring system is to show the *whakapapa* and parallel evolution since the mid to late 1800s, of both the land, and of the people directly associated with it.

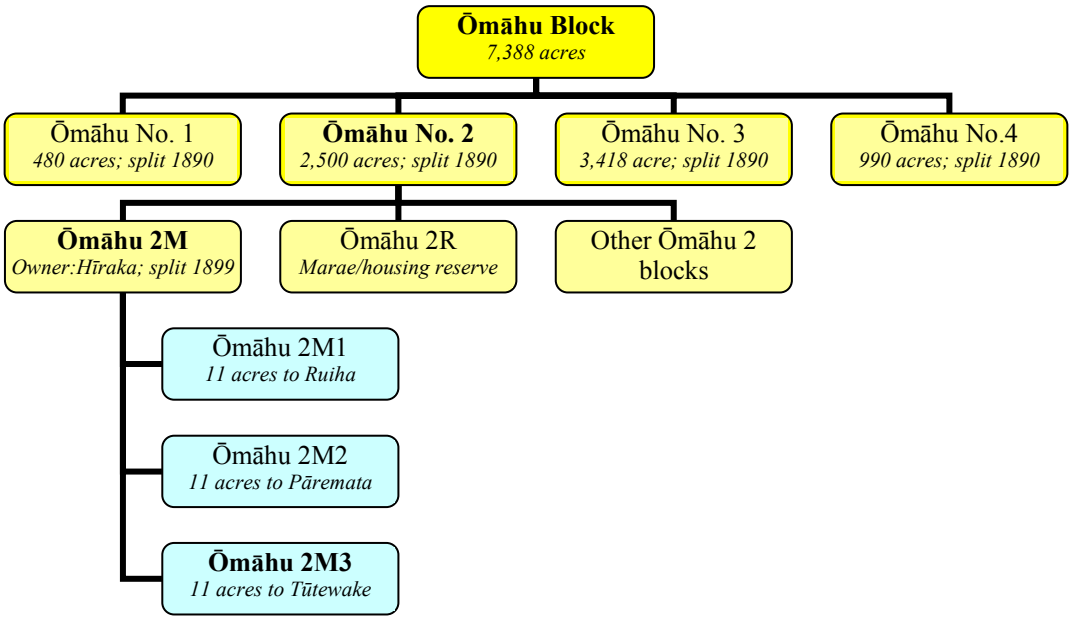

Figure 1: Whakapapa of the contemporary 10-acre block Ōmāhu 2M3, tracing its evolution and descent from the original 7,388-acre Ōmāhu Block of 1890. The items in bold print indicate the 'descent' or evolution from the 7,388-acre block in 1890, to the 10-acre 2M3 block of today.

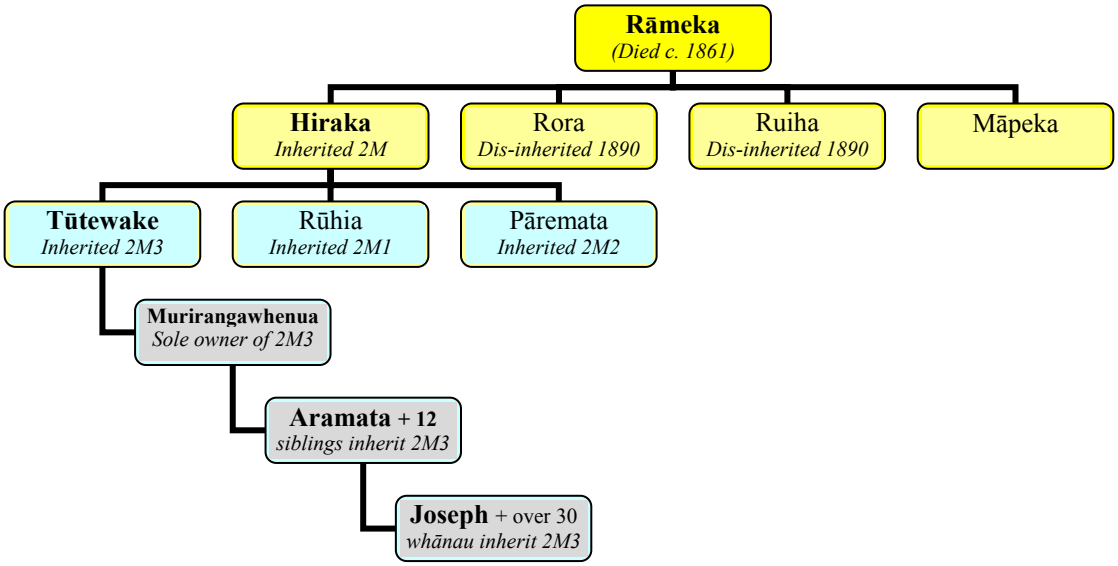

Figure 2: Whakapapa of the Rāmeka Whānau showing descent from the eponymous ancestor Rāmeka through to the author, Joseph. Rora and Ruiha lost their shares in the re-hearing by two new judges on 28th April 1890. The items in bold print indicate a direct line of descent.

On the 20th October, 1939 one acre and 23 perches were taken by Proclamation from Ōmāhu 2M3 for the purposes of River Works. Compensation for this land was twenty five pounds, three shillings and three pence. On the 20th March, 1942 Tūtewake's daughter, my grandmother, Murirangawhenua inherited Ōmāhu 2M3 from her father, as she was his only child. He passed away in 1935. Murirangawhenua lived in Māhia with her husband for some thirty years from about 1929 to 1959. From around 1951-1962 she leased the land to Warwick Gumbley.

About 1960, our *whānau* moved onto the 10-acre Ōmāhu 2M3 block when the old home 'around the *pā*' (as we termed the reservation area) was bull-dozed to make way for the new subdivision that would spring up in the 1960s. We lived in a small caravan and *kāuta* (lean-to building) against the box thorn bush while our new house was being built at the front end of Ōmāhu 2M3 by the main road, State Highway 50.

Then on the 26th May 1969, unbeknown to the *whānau*, Ōmāhu 2M3 was converted from being Māori Land, to General Land under the Maori Affairs Amendment Act 1967. The term used for this process was 'Europeanization'. The effect of this Act was that any Māori land with fewer than five owners was changed forthwith without any consultation with, or the consent of the owners. Murirangawhenua would have not necessarily been aware of this change and the effects of it. However it can be regarded as another attempt to alienate the remnants of land still in Māori hands by the mainly British colonisers. This change would have unforeseen ramifications for the *whānau* in the future.

The Māori Affairs Amendment Act 1967 was a prime example of the prevailing monocultural view and actions of the colonising group from as recent times as 1967. In an instant, our land block lost its status as Māori land simply because Murirangawhenua was a sole owner. For our *whānau* the change of status meant, that the land could no longer be dealt with in the Māori Land Court, and thus gain any advantages that that Court might bring. This led to the disregarding of the rights of *ōhākī* (deathbed wishes), *mokopuna* (grandchildren), *whāngai* (foster children) and a host of other cultural factors. Although Murirangawhenua left an *ōhākī*, it would have absolutely no legality under the 1967 legislation. The essence of the *ōhākī* was that two of her grandchildren would inherit the *whānau* house.

Then, in 1980, Murirangawhenua, owner of Ōmāhu 2M3, died intestate. The land passed by law partially to her surviving spouse, our grandfather, and partially to her surviving offspring. When our grandfather died intestate in 1981, the land then became owned totally and jointly by the surviving children. Any foster grandchildren, such as me, were excluded.

The passing away of my grandparents was not only a great loss to the *whānau* but it also heralded the commencement of its disintegration. Our Māori Affairs home and our 10-acre land block (Ōmāhu 2M3) became the subject of bitter in-fighting that took the two factions into court battles that are still unresolved today. It has come at a huge cost emotionally but also financially with legal expenses and the loss of potential income from the flat, arable land of fertile soils.

This situation highlights the problem created when Māori die intestate. My grandmother had not made a will. To do so was regarded by her as *karanga mate* (inviting death). The ultimate effect of all this was that a huge ruction developed within the *whānau*. Some supported the *ōhākī* and others did not. Some wanted to sell their shares and others thought that it was sacrilege to do so. It was a complex struggle which was very painful for everyone.

Since my grandmother's death, my aunt Waipā Te Rito purchased the Ōmāhu 2M2 block which is alongside Ōmāhu 2M3. She claims the land was 'stolen' in the first place from our grandmother's cousin Karauria. Then I purchased a 2-acre block adjacent to Ōmāhu 2M1. This land is very dear to us and it is incumbent upon us to hold it within the *whānau* and to pass it on to the ensuing generations of the *whānau*. The re-purchase of *whānau* land is something that many Māori strive to achieve but in reality it is hindered by a relative lack of disposable income.

Conclusion

For our *whānau*, Ōmāhu 2M3 is the last remnant of the very extensive landed estate that my Ngāti Hinemanu forebears and related *hapū* once owned in-common, in the first instance, as part of the 7,388-acre Ōmāhu Block of 1890. And so it remains incumbent on the present and future members of the *whānau* to do their utmost to keep Ōmāhu 2M3. Losing ownership of the land would sever our physical and emotional bonds to it. It would certainly undermine our sense of belonging to Ōmāhu and inevitably lead to a loss of our sense of identity with the *whenua*, with Ōmāhu and with the *hapū*.

This situation is a microcosm of what happened with other parts of the country, with the Heretaunga Block; with Rēnata Kawepō's will; and with the 1890 Ōmāhu Case Judgement. The events highlight how the onset of colonialism, of capitalism and of individualism continues to impact at *whānau* level today. Today we own only a tiny morsel of what we once owned. A century of land legislation since the Native Land Act of 1862 continues to take its toll.

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