

DUPLICATE

WAI 814 #D6
WAI 814 #C6

TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI
IN THE WAITANGI TRIBUNAL

WAI 856

IN THE MATTER OF

The Treaty of Waitangi Act
1975 (as amended)

AND

IN THE MATTER OF

a claim by **PUKA MOEAU** for
and on behalf of **NGA URI O
TE KOOTI RIKIRANGI**

**BRIEF OF EVIDENCE OF HAROLD BROOKES KIRK
ON BEHALF OF NGA URI O TE KOOTI RIKIRANGI: WAI 856**

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Whakapapa

1. **MY** name is Harold Brookes Kirk. I am the adopted son of Harold Kirk and Hana (nee Smith deceased). Hana was the younger sister of Erina Pohatu (nee Smith). I am the third boy in a family of eight. My grandparents on my mother's side were Putiputi Amiria Te Hiria Smith (nee Rikirangi). She was the granddaughter of Te Kooti, her father being Wetini Rikirangi.

Knowledge of Te Kooti

2. A lot of history has been passed on to me through my grandmother, Putiputi Amiria, the granddaughter of Te Kooti. I recall my upbringing at Waipatu on the main road of Gisborne. It was there that I shared a bedroom in a two-bedroom house with my grandparents. During the evenings, my grandmother would talk to me about our tupuna. Everything she told me I believed with all my heart. Most of what she had to say was in opposition to the negative stories that were circulating about Te Kooti at the time.

Matawhero

3. **AFTER** Turuki's exodus from Wharekauri, while trying to make his way to the Waikato, he was relentlessly pursued by the heavily armed militia. The vigorous pursuit by the militia met with strong resistance from Turuki and his followers. Turuki himself wrote to McLean, to ask for this crusade of terror against him and his people to stop and that they be allowed to carry on peacefully to the Waikato. Of course this was denied and set the course of action that was to be called the "Matawhero Massacre".
4. **TURUKI** realising that the constant onslaught against him and his followers was permanent then wrote a further letter to McLean that if they would not stop coming after him in his home "the bush" then let them set the date for battle to decide once and for all. It is stated that Turuki in the letter to McLean wrote the month, the date and the location for battle – being November 10th in Turanganui.
5. **YET** despite this letter being written and received the authorities did very little to protect their people. Also at that time other books confirmed that fires (from Turuki's camps) could be seen in the hillsides as well as friendly Maori warning the settlers of eminent attack. All of this was dismissed by the authorities at the time, who presumably were loathed to admit that Maori were their equal and maybe their superior in chivalry and honour in warfare. That the attack did indeed take place at the prescribed time and date was a tragedy, a shame and a disgrace as many innocent people were slaughtered.
6. **THAT** Turuki and his followers took all the blame for the 'massacre' for me is a matter for conjecture. I believe that it was the authorities of that time who were at fault and who should reap all the blame for that day. Particularly when you consider that, Turuki's letter was ignored, the warning from friendly natives again was ignored, and in addition authorities: (1) failed to put on extra pickets; (2) failed to put on extra centuries (guard patrol) and; (3) failed to bring their settlers – women and children – into the safety of the Turanganui compound that night until at least they knew all imminent danger had passed.

7. **WHETHER** by callous disregard, arrogance, or simple ineptitude in not taking the appropriate action it is the authorities I believe who were in charge who are totally to blame for the loss of innocent lives both Pakeha and Maori. (Note: Over the whole campaign of terror directed at my tupuna and his followers many attributes have been accredited to him but there is no record of him being considered stupid or a fool).
8. **TURUKI'S** modus operandi was hit and run, lightning raids and quick dispersal, ambush his favourite signature mark. With that in mind we know for sure that a frontal or full scale attack on a fortified garrison at Gisborne would have been out of the question as it would have averted any attack by our tupuna and his followers.
9. **SOME** of our oral histories say that Te Kooti was not even at the incident at Matawhero. There are stories that Te Kooti had hand to hand combat with one of the survivors. However, my grandmother and indeed many in my family firmly believe that Te Kooti was not there. According to my grandmother, Te Kooti had been summoned to a council meeting of the Tuhoe chiefs. In those days, Tuhoe were very strict on who could enter their lands. You had to get their permission, you couldn't just pack up and head across their lands without their authority. Before the raid on Matawhero, there are accounts that Te Kooti approached Tuhoe to enter onto their lands, so that he could attend the council meeting of the chiefs.
10. **THIS** does not excuse the fact that people who may not have been directly responsible for his exile were killed. His instructions were to go to Matawhero and to secure utu from the likes of Biggs and Read because they were on his land at Matawhero. However, when you look at Maori lore and custom, there were many pa battles and other fights that took place where woman and children were killed and eaten or were made slaves. According to Maori custom, when those battles took place, nobody was spared and seldom did they let anybody go.

Te Kooti the successful trader

11. **TE KOOTI** was a successful and ambitious trader and had his own thriving business. He had a co-operative that grew wheat and vegetables and he traded produce including livestock. Te Kooti also leased and owned schooners which assisted his trade between Gisborne, the Waikato, Auckland and in some cases the North. Te Kooti also had a mail run between Gisborne and Wairoa. One of the schooners that Te Kooti mastered was named *Ruawhetuki*. It was understood by our whanau that Turuki was in a joint partnership with his uncles, Paratene Turangi, Raharuhi Rukupo, Hori Karaka and his father-in-law Waaka Puakanga. At one stage Te Kooti also worked in some sort of arrangement with George Read. However, Read considered Te Kooti as competition and set out to halt his ability to trade in Turanga.

Read's attempt to push Te Kooti out of Turanga

12. **PEOPLE** like Read and Biggs were partly responsible for Te Kooti's exile to Wharekauri. Read was the so-called uncrowned King of Poverty Bay. He even called himself the "Captain". Read was also in cahoots with Turanga chiefs such as Paratene Turangi. They got together and concocted a story of Te Kooti being a Hauhau and a spy so that they could send him away. Then Paratene Turangi took over the co-operative and the schooner business. Now why did they do that, we may ask? The fact is they (the rangatira of Turanganui) were losing their authority to our tupuna Turuki, the young people were flocking to him to work in his co-operation. It was said he had a house on the Waipaoa and showed great leadership qualities and some of the Turanga chiefs saw this as their authority being undermined.
13. **READ** saw Te Kooti as a business opponent who was sending him bankrupt. Read was notorious for taking people to Court, being involved in fist fights and disputes with people who were in opposition to him and his business. Read's attempt to push Te Kooti out was in the end successful and rather convenient for him. This is evident by the fact that Read's business didn't really start to flourish until our tupuna was sent off to Wharekauri. The

remaining chiefs who helped to send Te Kooti off were able to pull together all the rangatahi who had turned to Te Kooti for guidance and leadership. They inherited a neat little package when they got rid of the main antagonist, Te Kooti. I believe that's one of the reasons why Te Kooti was sent to Wharekauri illegally without a trial and in breach of article three of the Treaty of Waitangi. Te Kooti was a thorn in the side of local businessman, the Government and the local chiefs believed it was their opportunity to conveniently get rid of him.

Te Kooti of many names

14. I remember asking my grandmother Putiputi when I was about eight or nine, how Te Kooti got his name. To this she replied that Te Kooti was not his name and that his true name was Te Turuki Te Rangipatahi. She thought that the name Rikirangi came later on and had derived from the word Arikirangi that was given to him by Tuhoe who regarded him as an Ariki through his religious movement, the Haahi Ringatu. The name Te Kooti is said to have three origins. The first is that he was named after a man called Coates, who he worked for. Secondly while he was detained illegally in Napier, he asked to see McLean, the Minister of Native Affairs at the time, so that he could ask for a fair trial in court. As a result of this incident, they kept on calling him Te Kooti. It was also said that prior to Te Kooti being sent to the Chatham Islands that he often opposed the sale of Maori land to Europeans. Consequently when it was exposed that the sale of Maori land to Europeans had occurred Te Kooti insisted on getting the sale overturned by going to Court. Hence the name 'Te Kooti' also which was often used to refer to our tupuna in a derogatory manner. The third version is that Te Kooti had a passion for wearing coats and waistcoats.

15. I know that the name Te Kooti has now become popular but we consider his true name Te Turuki Te Rangipatahi to be a taonga and we are sad that he felt he could not use it until later in life. Te Kooti was a clever man and he did use the many different aliases' he had whether self imposed or otherwise, to his advantage. When the confiscations came, they looked in various land blocks

for Te Kooti and could not find him there, if they had looked under his real name Te Turuki Te Rangipatahi they would have found that he had shares in Tahora and various other land blocks. This was his only way of safeguarding the land interests he knew they would strip from him.

Hauhau or prophet and peacemaker?

16. **DURING** my upbringing there were many incorrect stories relating to Te Kooti's character. One of the most grating memories I have is of him being called a Hauhau and murderer. These stories had a great impact on my grandmother and of course those negative feelings were passed on to me. We all knew he wasn't a Hauhau, and in actual fact he was quite the opposite, in that he fought against the Hauhau.

17. **AS** I referred to earlier, Te Kooti was incorrectly labelled as a Hauhau by many. However, the followers of the Haahi Ringatu regarded Te Kooti as a prophet, peacemaker and faith healer and they didn't regard him as the Hauhau cannibal murderer that people so conveniently labelled him as. Some say that it was justified for his land, business and livelihood to be taken from him. There are many accounts of the wonderful things that he did as a faith healer and a prophet under the Haahi Ringatu. Some people are uncomfortable with the many stories relating to Te Kooti's predictions and prophecies because it verges on the supernatural, but his faith kept him and his followers safe whilst being constantly pursued by the Crown.

Sheltered by Tuhoe and Ngati Maniapoto

18. **AS** a whanau, we have the utmost respect for Ngai Tuhoe, who we whakapapa to through Ruapani. My grandmother has always held them in the highest regard and refers to them as the "kaitiaki of the Haahi Ringatu - guardians of the faith".

19. **IN** giving our tupuna sanctuary, we must also remember Ngati Maniapoto, and their chief Rewi Maniapoto. When Te Kooti entered the Waikato, he was on

the brink of capture and probably would have been shot, particularly because there was a £5,000.00 reward on his head, dead or alive. Advances such as the introduction of telegraph lines would have spelt the end for our tupuna, because it enabled the Crown's forces to get in touch with each other quickly and rally their troops. However, through the efforts of King Tawhiao and Rewi Maniapoto, Te Kooti was able to stay in the King Country at that time.

The history books lie

20. **IN** the late sixties and seventies, one of the most biased and racist accounts of our tupuna was that of James Cowan, "*Warfare in the Ureweras*". Now you have the likes of Judith Binney, Witi Ihimaera and even James Belich who are depicting our tupuna in a positive light. Now it is fashionable to see Te Kooti as a martyr, one who was wrongfully accused and imprisoned. We are here today in front of the Tribunal putting our whakapapa right and explaining the true story of what actually happened to our tupuna.

Te Kooti's lands

21. **TE** Kooti was given 600 acres of land at Wainui. The Haahi Ringatu over the last 80 odd years, have been the kaitiaki of this land, and although the family would not interfere or try to claim it from the Haahi Ringatu, it begs the question of course about the payment of compensation to the family from the Government. Our family have never directly benefited from that 600 acres. Our grandparents lived in Manutuke on the land known as Waipatu. The land and house belonged to Waaka Puakanga who gave it to his daughter Irihapeti. Te Kooti never had the opportunity to maintain a close a connection with his land (or with us – his uri) and this situation has been inherited by us, his descendants.

No place to rest

22. **EVEN** when Te Kooti died, he was still not able to return to his whenua tapu to rest in peace. While he lay in state news came that tauiwi in Auckland

wanted to come and take Turuki's head for scientific study. This is the reason why his people or followers took him away in the night and buried him in some unknown place. Three people were said to have buried him and only they knew the whereabouts of Te Kooti's grave. This situation is supposed to exist still today. We hope and pray that they passed this information on to someone in our family that may lead to the discovery of the burial site of our tupuna and his remains so that we may return him to his whenua tapu. There are accounts in our family history that one of either Maraea or Komene's sons helped bury Te Kooti in the secret place. There are also stories that Te Kooti is buried on an island in Ohiwa Harbour, although we are not totally sure.

Wives and children of Te Kooti

23. **WHEN** questions are brought up about the other children and wives of Te Kooti, I always go back to the book written by Judith Binney "*Nga Morehu*". In this book, there is a particular passage written by one of the kuia who had experienced problems while giving birth and had miscarried on many occasions. Our tupuna visited her when she had given birth, took the placenta of her newly born child, hung it over a fire to dry and told her that this would be her last child. This was done because that woman's health had suffered through a history of miscarriages. It so happened that she didn't have any more children. If Te Kooti had the spiritual power to stop this process, I'm sure he would have applied it to his own situation. It may be stretching the powers of credibility too far, however, Te Kooti was a practical realist and during his 15 years in the bush, trying to avoid his captors, the last thing he'd want was a newborn child in his ranks. He did take his son Wetini with him, but he - Weteni - was recaptured and sent back to the Ngati Porou people who brought him up.
24. **ALTHOUGH** my knowledge of my tupuna's wife Irihapeti Puakanga is limited I do know that she was of noble blood and was the daughter of paramount chief Waaka Puakanga. She was a bolshie woman and took no nonsense, that's probably where some of our nieces and sisters get their strong attitudes from. The men in our family are a bit quieter than the women.

25. **THERE** is also the story of the makutu placed on us from our tupuna, that every first born would be a girl due to Wetini taking Oriwia as his wife. That makutu seems to have been broken now, but it certainly explains why the woman in our family are so headstrong.

Education

26. **MOST** of my cousins, nephews and nieces will have some story to tell you about when they were at school and mine is no different. From the age of eight, I would argue with teachers about the written history on Te Kooti in the school curriculum and how it was incorrect. Teachers would quite often say that Te Kooti came from Rotorua and that he was of Te Arawa waka, or that he was from the Tuhoe area. I found it hard to believe that these teachers taught at Manutuke where he was born and bred but refused to recognise that he was from there. I am very grateful for the late Mrs Moi Brown, who would tell the teachers, "*Yes that's right, this is where he's from*", and even later on when Phyllis Maynard was teaching at the school, she was also able to tell the teachers that he was from Turanga.
27. **ON** one occasion I recall vividly aged about ten or eleven, our teacher insisted that Te Kooti was a Hauhau. I was very vocal in Te Kooti's defence, and I told him that he was, "*A white maggot liar*". (The teacher's name was Athol O'Connor). As a result, the whole school was stopped, assembly was brought out and I was given four of the best, by the leather strap in front of the whole school. Back in the days of our tupuna, the teachers probably would have led me out and shot me I think. When I recall that incident, it taught me that I must not call anybody in authority over me, a liar. This I believe led to my distrust of authority figures which remains with me to this day.
28. **AT** High School, in History and Social Studies classes, we also had discussions about the Maori/New Zealand wars. A teacher by the name of Marshall was very supportive and listened to what I had to say and that was

receptive, but he was the exception to the rule. Generally speaking, my school experiences were negative.

29. **ONE** of the saddest stories relayed to me by my grandmother while I was at school was how she and her brother Rangi were sent away at a very young age. Raukawa went to Hukarere Girls College and Uncle Rangi was sent I believe to Tolaga Bay. Raukawa was about ten and Uncle Rangi was about 13 when Wetini took them into the township of Poverty Bay. While Wetini was in the General Store, my grandmother and her brother were yelled at and called "*Nigger murderer's grandchildren!*" by Pakeha and Maori bystanders. My grandmother can remember her father Wetini talking to the local constable who advised Wetini to leave the township for their own safety. It was then that Weteni decided to send our grandmother to Hukarere Girls College in Napier and Rangi to a family in Tolaga Bay. Both Uncle Rangi and my grandmother ended up being well educated however originally it was a horror story.
30. **AT** the time, none of our whanaunga in Ngati Kahungunu would take my grandmother because she was a descendant of Te Kooti. Lady Carroll, who was closely related to us, also refused to take Raukawa because she never forgave Te Kooti for killing her grandfather Paratene Turangi. At first, my grandmother was absolutely terrified and bewildered by this new way of life that she had to quickly adapt to. Although she could not live with whanaunga, she was given aroha and care. She learnt the finer arts of the Pakeha, such as setting the dining table correctly with silverware and I remember her telling us how a table should be set and what different knives and forks were used for. She also learnt to play the piano and to read music and could speak perfect English.
31. I often wonder what the education standards of all the descendants of Te Kooti would be like today if he had not been chased all over the country and imprisoned illegally. Had we been treated like a normal family, we all might have been able to pursue the highest education for the betterment of our whanau much earlier.

The Crown using Maori to fight Maori

32. **IT** was not only tauiwi who directed hostilities towards our family - it was something we experienced from other Maori. Ngati Porou, Ngati Kahungunu and Te Arawa joined together with Whanganui Maori to chase our tupuna throughout the Urewera and other places. To have your own whanaunga chasing you and trying to kill you must have been horrendous for Te Kooti. I remember reading some whakapapa related documents which described how members of Ngati Porou complained to Minister McLean and the Government that they were only getting one in three pence per head for each Te Kooti follower killed, as opposed to Ngati Kahungunu who were getting two shillings a head.

33. **DURING** my time at High School, we were forever getting into scraps with our Ngati Porou and Ngati Kahungunu whanaunga. They would come up to me and say in an accusing tone, "*We know who your tupuna was*". I don't know how they found out because we usually kept our relationship to Te Kooti very quiet for our own safety. But all it took was one person to make a mention that you were a descendant of Te Kooti and usually we would end up in fist fights. I thank God for my Manutuke relations who used to support me and back me up when I was in very difficult situations.

Lands of Te Kooti

34. **THE** Crown were determined to take Te Kooti's land from him and were successful in doing so. The Crown conveniently confiscated his lands at Matawhero when he was shipped off to the Chatham's without trial. On the more general scale, when the Hauhau were rounded up and arrested, the confiscations started and Ngati Porou sent their camp to the north, Kahungunu to the south and Te Aitanga a Mahaki who had invited the Hauhau to rest there, with the approval of Rongowhakaata. Rongowhakaata bore the brunt of the confiscation as most of their land was taken.

35. **MISSIONARIES** and traders convinced Maori that they should sell their land to the Missionaries and not the Crown, that the Crown could not take it from them and their lands would be safe and would be given back at a later stage. Of course we know that the Crown intervened anyway and took whichever lands they desired.
36. **ONE** interesting observation to make, is that when Te Kooti's lands were confiscated, his business was also taken from him and other people benefited from the fruits of his labour. When Read died, his estate was worth close to £130,000.00. Te Kooti's lands and business profit and opportunities were stolen from him. In financial terms, he died a "poor" man.

Korero Whakamutunga

37. **WE** the descendants of Te Kooti want our future generations to be "rich" with the knowledge of their ancestor. I have watched generations after me striving to regain and learn stories about Te Kooti and his teachings. Each generation gets stronger and more determined. Everything we are attempting to reclaim now is a result of the stigmatisation that we have all suffered, and we are hopeful and optimistic that the Tribunal will pay heed to our cries so we can lay down a positive foundation for Nga Uri o Te Kooti Rikirangi.