

**IN THE WAITANGI TRIBUNAL****Wai 45**

**IN THE MATTER OF** the Treaty of Waitangi Act  
1975

**AND** an application for remedies on  
behalf of Te Rūnanga-ā-Iwi o  
Ngāti Kahu ("Ngāti Kahu")

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**BREIF OF EVIDENCE OF MALCOLM PERI ON BEHALF OF TE  
RUNANGA O TE RARAWA**

**22 AUGUST 2012**

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## **MAY IT PLEASE THE TRIBUNAL**

- 1.** My name is **Malcolm Maihi Peri**.
- 2.** I live at 1617 Main Road, Pawarenga.  
My Marae is Taiao.  
My Tupuna Whare is Kahi.  
My Hapu is Te Uri-o-Tai.  
My Iwi is Te Rarawa.

### **Whakapapa:**

Kairewa	=	Waimirirangi (Ngapuhi links)
Tamatea	=	Tiari
Takateauahi	=	Te Urukauri (Tumoana links)
Tarutaru	=	Ruapounamu
Kahi	=	Kaimanu
Te Huhu	=	Maumau (daughter of Hapai & Horoinga Aupouri links)
Te Huhu	=	Ngauru (daughter of Makoia & Takanui Ngati Kuri links)
Tamaho	=	Ngapouri
Raiha Tamaho	=	McMath
Te Huhu	=	Morohaia (sister of Ngauru)
Peri Te Huhu	=	Anataia Pukeroa
Hepara Peri	=	Te Oranoa Waipouri
Huru Peri	=	Laura Backhouse Smith
Malcolm Mahi Peri		

- 3.** I hold the positions of:
  - a.** Trustee of Te Runanga o Te Rarawa ("Te Runanga"), the governance entity for the Iwi of Te Rarawa ("Te Rarawa"); and
  - b.** Negotiator on behalf of Te Rarawa ("Te Rarawa") for historical Te Tiriti o Waitangi/Treaty of Waitangi ("Te Tiriti/Treaty") settlements.
- 4.** I am aware of the Application for Remedies that has been filed with the Tribunal by the Venerable Timoti Flavell on behalf of himself and Ngati Kahu.
- 5.** I am a seventh generation heke-tika whakapapa (direct descendant) to the tupuna Tarutaru, from whom Te Rarawa Iwi

derives its name. Tarutaru lived at Waireia with his wife, Te Ruapounamu, who was the daughter of Te Reinga, a high-ranking rangatira of Waihou-nui-a-rua.

- 6.** Tarutaru was chosen to carry out 'kawe-utu' for the slaying of Te Ripo by Ngati Whatua, and during the retribution an incident occurred at Kaipara from which Tarutaru was referred to as 'Tarutaru te rarawa kai-whare' – Tarutaru the house eater.
- 7.** The name Te Rarawa also refers to the act of 'rekindling' or 'restoration' and in this case 'te hikinga o te tapu-noa', that is, the lifting of the tapu-restriction of noa that besieged the Tumoana people over a long period as a consequence of the slaying of Te Ripo plus other extenuating circumstances.
- 8.** The success of the mission of 'kawe-utu' bestowed on Tarutaru achieved the restoration of 'te tapu o Tumoana', which overwhelmed them to a sense of elevation and euphoria and as such, it was pivotal to the change of name from Tumoana to Te Rarawa.
- 9.** In his latter years Tarutaru fell victim to a house fire where he was severely burnt and as a consequence lived his life out with his son Kahi and wife Kaimanu at Waireia. Following the death of Tarutaru the mantle of rangatiratanga was bestowed on his son Kahi.
- 10.** Te Ripo was a high-ranking woman who lived at Rangiputa Pa in Whangape and was of the Tumoana people and of the Tinana Waka. Tumoana occupied the Hauauru coastline from Hokianga in the south and to Ahipara and along Te Oneroa in the north. Tumoana people also had domain over 'Te Wahapu o Whangape' and the waterway and tributaries of 'Te Awaroa' to their stronghold Pa Okakewai set in the hills of Takahue.
- 11.** While Tarutaru is well known as a Rangatira-tauira of Te Aewa he also was of Tumoana descent through his mother Te Urukauri;

and it was for this reason he was asked to carryout 'te kawe-utu mo te kohurutanga o Te Ripo'.

- 12.** Tarutaru was also the grandson of Tamatea, the oldest son of Kairewa and Waimirangi and this descent bestows on him his Ngapuhi rangatiratanga.
- 13.** Kaimanu was the daughter of Te Marino, who was the sister of Te Ripo. She was given the name Kaimanu in reference to the slaying of Te Ripo at the hands of Ngati Whatua by being thrown over the Maunganui Bluff in Kaihu, to the outcry; 'Otaota kai mo nga manu' – (food fodder for the birds) hence the name 'Kaimanu'.
- 14.** Kahi like his father Tarutaru was also given a similar mission, which also involved the Tumoana people of Whangape. He was charged with 'te kawe-utu mo te kohurutanga o Ngataiawa', that is, the slaying of Ngataiawa.
- 15.** Ngataiawa was the reigning Tumoana Rangatira over the domain of Whangape, which stretched inland into Mangonuiowae and bordered onto Takahue and returning to Te Wahapu o Whangape by way of Te Awaroa.
- 16.** This incident of the 'kawe-utu' took place in a 'Pakanga' (battle) which has been referred to as 'Te Mutunga o Te Riri o Te Rarawa ki Hukatere, Mo te Kohurutanga o Ngataiawa i a Ngati Ruanui'. The actual 'pakanga' took place at the beach in Ahipara known as Wharoa, while the reference to 'Te Mutunga o Te Riri o Te Rarawa ki Hukatere', relates to the resolution of the fury of Te Rarawa, which took place at Hukatere by Te Rarawa claiming it as the demarcation of the rohe (domain) of Te Rarawa in retribution for the killing of Ngataiawa.
- 17.** Included in the 'kawe-utu' were Ngati Kuri who formerly lived at Herekino, and a faction of Ngati Rangi, each of whom had separate reasons for their involvement.

- 18.** Following the resolution, Kahi went to visit his older sister Ngamotu, who lived with her husband Te Paa at the highly fortified Okakewai Pa set in the hillside of Takahue; overlooking the Rangiputa and Pouoterangi Pa situated in Te Wahapu o Whangape. The three fortified Pa formed a tripod symbol of the might of Tumoana, Tinana Waka. Kahi instructed his sons Te Huhu and Papahia, together with others, to wait at Whangape where he would join them in their return to Waireia.
- 19.** It was thought by many that Kahi met his fate during the 'pakanga'. This was not the actual case, however, it can be said to be indirectly connected, as he did die during his visit to Takahue, he was killed in an incident involving Te Rore.
- 20.** On hearing of the death of Kahi, his sons went to Takahue to take him back to his home in Waireia to rest with his father Tarutaru in the Urupa Pukepoto below Pukekowhai maunga of Waihou. While taking Kahi back to Waireia, the group stopped at a bend in the Awaroa river, which was given the name Okakewai, in memory of this event.
- 21.** During the tangi of Kahi, his son Te Huhu was bestowed the title of 'Wharoa' in reference to the 'Pakanga' and he was also bequeathed the mantel of rangatiratanga over the domain of Whangape. And together with his sister Tiari, 'te matamua' (first born) lived out their lives in the serenity of Whangape. This incident is referred to in 'Te Tangi a Te Huhu' by his brother Papahia and compiled in Te Moteatea by Apirana Ngata.
- 22.** Both Te Huhu and Papahia were signatories to He Whakaputanga – The Declaration of Independence in 1835. They were born in the period of the 1800's.
- 23.** A third incident involving the descendants of Tarutaru and consequently, Te Rarawa, entails Tamaho and Puiti the sons of Te Huhu and the grandsons of Kahi (great grandsons of Tarutaru).

The incident related to a Court hearing held in Kaitaia to determine the ownership of the Takahue Forest with the dispute being between Te Rarawa living in Whangape and Te Patu who was living in the vicinity of Takahue.

- 24.** The Judge declared the ownership of the forest to be that of Te Patu, due to their living closer to the forest. However, this was not agreed to by Te Rarawa and on their leaving the Court they conveyed to Te Patu that they would return the following day and that Te Patu needed to be prepared for a 'pakanga' which they regarded a more just way to resolve ownership over 'whenua tuku o nga tupuna' that is, 'land bequeathed by tupuna'.
- 25.** The following day an 'ope taua' – war party of Te Rarawa armed for battle attended the Court hearing to settle the dispute over ownership of the forest.
- 26.** The Judge on seeing the 'ope taua' suggested a resolution that Te Rarawa and Te Patu share equally the ownership over the Takahue Forest of which the resolution was agreed to by both parties.
- 27.** These accounts confer that Te Rarawa Iwi have more than a significant involvement in the history of Tumoana and it can be argued that Te Rarawa are a natural and undeniable derivative of the Tumoana people. These conferences are also indicative of the domain that currently fall within 'Te Rohe Potae o Te Rarawa' that was once the 'rohe' of Tumoana.
- 28.** Added to this repertoire, is the compiled evidence that:
  - a.** Te Huhu the grandson of Tarutaru was bestowed rangatiratanga over Whangape;
  - b.** Papahia the brother of Te Huhu was bestowed rangatiratanga over Te Rangi (Rangi Point) including Matihetihe;
  - c.** Te Tai, the grandson of Kahi, through his mother Kahuwhero was bequeathed the Papakainga Waireia;

- d. Poroa, the grandson of Tarutaru, became the rangatira over Ahipara to Hukatere including Takahue;
- e. Pukeroa, the great grandson of Tarutaru, customarily inherited Tauroa; and
- f. Painga, the brother of Pukeroa, customarily inherited Owata.

29. I have relied on the following sources for some of the information contained in this Brief of Evidence:

- a. Pa Henare Tate (ed) *Karanga Hokianga* (1986).
- b. Pa Henare Tate *Waireia Overview Re. Land Claims Settlement* (1964).
- c. Handwritten Letter by Re Te Tai.
- d. Oral deliberations by Reverend Maori Marsden on the background to the name Te Rarawa Old Te Kopuru Hospital 1986.
- e. Nga Purakau Korero (Oral Stories) of the Peri whanau; by Heparu Peri: the son of Peri Te Huhu and grandson of Te Huhu.



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**MALCOLM MAIHI PERI**  
**22 August 2012**