

**BEFORE THE CHIEF JUDGE
OF THE MAORI LAND COURT
OF NEW ZEALAND
WAIKATO-MANIAPOTO DISTRICT**

A20100001098

UNDER Section 45, Te Ture
Whenua Maori Act 1993

IN THE MATTER Harataunga 2C1

AND

IN THE MATTER of an application by D
Katipa

AND

IN THE MATTER of the Notice of Intention
to Appear to oppose the
said application by the
following trustees of the
Harataunga 2C1 maori
reservation: J T McLeod,
M Dobbs, S Whittle, J
Rabarts, C Hunter, Q
Potae, J Hamon and W Te
Moananui

**BRIEF OF EVIDENCE OF JOHN THORNTON McLEOD
IN SUPPORT OF OBJECTORS**

Dated the 15th day of August 2012

CORBAN REVELL

Lawyers

133A Central Park Drive, Henderson, Auckland

DX DP92558

PO Box 21-180

Phone: (09) 837-0550

Fax: (09) 838-7187

Counsel Acting: John Pera Kahukiwa

BRIEF OF EVIDENCE OF JOHN THORNTON McLEOD

Introduction

1. My name is John Thornton McLeod.
2. I live at Kennedy Bay, Harataunga.
3. I am a sitting trustee of the Harataunga Marae, which is situated on Harataunga 2C1.

Trusteeship

4. There are 9 current trustees of our marae.
5. Eight of us oppose this application.
6. We (who oppose) do not accept that there was a Court error in 1962.
7. We believe that Ngaropi White gave the land for a marae for the residents of Kennedy Bay.

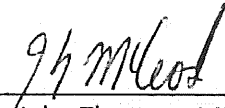
Ngaropi's intention

8. This application raises the matter of what Ngaropi intended for Harataunga 2C1.
9. Attached and marked "A" is a letter which I believe was signed by Mr George Thomas Woodward Hovell on 31 July 2009, and which I further believe is relevant to the matters at hand. I understand that it was submitted to the Maori Land Court in about 2009, at the time that we were having major problems with the marae. Unfortunately Mr Hovell is no longer with us and is unable to speak directly to it.
10. Also attached and marked "B" is a letter that I believe was penned by Mr Wilson Bright on 25 August 2009. He is the only surviving trustee of the original trustees of our marae. For me this also has relevance to Ngaropi's intentions for the land. Unfortunately I understand that Mr Bright is too elderly to attend this hearing and speak to his letter.

Kennedy Bay-Harataunga and our marae

11. I came to live in Kennedy Bay with my Aunty Kate (Keita Te Ngaro Ngapo) in 1959. I moved away for schooling and a four year stint in the Air Force. I returned in 1975, and have been here ever since.
12. In the 1950's and 1960's the school at Harataunga was the focal point for the community.
13. There was gathering place at the Ngapo pa, but that was limited more to the Ngapo whanau.
14. The community wanted a marae that they could all be part of and use.
15. The community always extended to mean and include our Ngati Porou relations living at Tuataewa.
16. This is our Harataunga marae today. It has been operated by the home people as a Ngati Porou marae since the whare kai went up in the early 1980's.
17. I just don't accept that 50 years ago there was an error of the Court and by other people involved in making our marae for the residents of Kennedy Bay. In particular I knew Mr Richard (Dick) Roy Hovell. He was good, honest and community person. He would help anyone in need.
18. I am not against having a proper debate about whether the marae beneficiaries should be changed in this present time and going forward. My father, Mr George McLeod, who has also passed, often said to me "not to chuck out "residents", you could add to it." I do not believe you build a house with someone and when it's built, kick that someone out.
19. I think that this matter should be taken up by Te Runanga O Ngati Porou ki Hauraki for consideration by a series of hui, inclusive of owners, residents and Ngati Porou ki Hauraki, and then for voting on. If the outcome is to amend then that could be put to the Land Court.

Dated this *15th* day of August 2012

A handwritten signature in black ink, appearing to read "John Thornton McLeod", written over a horizontal line.

John Thornton McLeod

6

"A"

Kohutara
Kennedy Bay
Coromandel
31/07/09

This is the true story of how Mrs White finally made the piece of land, Harataunga Block 2C1, over to the people of Kennedy's Bay for the purpose of building a marae.

I was Secretary of the Tribal Committee and marae for about twenty years. I was marae secretary all through the planning stages and the fundraising for marae buildings. Late 1960's we went to Land Court in Hamilton where we met with Heni Ngaropi White. There were three of us, Mr Rangi Harrison, his son Windy and myself.

Mrs White said she was taking the piece of land back to give to Tom Hale, because of a lack of action with the marae building. She said this was her firm intention. We were, at the time busy raising funds. We begged her to reconsider and give us another chance as all the people were busy fundraising.

The Judge asked us to go away and talk it out and come back with a clear and final intention for the land acceptable to both sides. Rangi Harrison did all the talking. Windy and I were merely mute witnesses to the decision made. The dear old lady said she'd let us build the marae for all of us in the Bay.

Rangi was our spokesperson, and he accepted on those terms for all of us. We were fortunate to have Rangi do our battle for us and straighten up the mess. He did a wonderful job.

I wrote a full account of this in the marae and tribal committee minutes – which must have been lost since I passed the books on to the subsequent secretaries.

Signed... *G. T. Woodward* Date 31/7/09
George Thomas Woodward Hovell

Witnessed by... *R. J. R. Hovell J.P.* Date 31/07/09
Rollo John Richard Hovell JP

"B"

(9)

Wilson Bright,
261 Main North Road,
Tairua

25 August 2009

To Whom it may concern,

Re Harataunga 2C1, Heni Ngaropi Maori Reservation.

I Wilson Bright am the only surviving Trustee of the original Trustees of the Heni Ngaropi Reservation.

The reservation was given by Heni Ngaropi for the people of Kennedy Bay, Maori and Pakeha.

The original Trustees were: Pou Tokomano Pickering
Prince Potae
George Thwaites
James Rabarts
Wilson Bright

It was for the residents of Kennedy Bay. People all over the country helped by giving money and fundraising.

I never heard anything about 3 hapus way back then, I have only heard about them lately.

I think it should be left the way it was and is. The Residents of Kennedy Bay.

Yours faithfully

Wilson Bright

