Under the Treaty of Waitangi Act 1975

In the Matter of the Northern South Island Inquiry (Wai 785)

And

In the Matter of a claim to the Waitangi Tribunal by Akuhata Wineera,

Pirihira Hammond, Ariana Rene, Ruta Rene, Matuaiwi Solomon, Ramari Wineera, Hautonga te Hiko Love, Wikitoria Whatu, Ringi Horomona, Harata Solomon, Rangi Wereta, Tiratu Williams, Ruihi Horomona and Manu Katene for and on behalf of themselves and all descendants of the iwi and hapu of Ngati Toa Rangatira

BRIEF OF EVIDENCE OF BENJAMIN TURI HIPPOLITE

Dated 11 June 2003



89 The Terrace PO Box 10246 DX SP26517 Wellington Telephone (04) 472 7877 Facsimile (04) 472 2291 Solicitors Acting: K Bellingham/K E Mitchell/ B E Ross

Introduction

- My name is Benjamin Turi Hippolite. I was born on 6 June 1933 in Nelson. I now live at Hamilton with my wife Emma Elizabeth Hippolite (Tammy).
- We have nine children: Alan; Celia; Debbie; Dina; Frank; Nikki; Turi; Kae; and Andre. We have thirty six grandchildren who I will not attempt to list before this Tribunal.
- 3 My iwi affiliations are Ngati Toa, Ngati Koata, Ngati Kuia and Ngai Tahu. I speak today as Ngati Toa.
- 4 My father was Benjamin Pene Hippolite and my mother was Maria Poto Tuo-Elkington. They spent their lives in Te Tau Ihu, principally at Whangarae, D'Urville and Nelson. As a child, I was called Pene because that was my father's name.

My Whanau

- My parents, Benjamin Pene Elkington and Maria Poto Tuo-Elkington, were both brought up on Whangarae and went to school there. My father was born at Whangarae on 30 March 1903 and my mother was born at Whangarae on 12 May 1910.
- My mother got to Standard Four and my father got to Standard Three in terms of their formal education. However, they were later given leadership positions or 'callings' within the Church where they needed to read and study. That was where furthered their education and learnt how to conduct meetings and give lessons, and even how to speak in public.
- 7 On my father's side, my grandfather was Teone Hippolite and my grandmother was Raima Peneamine.
- My grandfather on my mother's side was John Arthur Elkington, who was also known as Ratapu, and my grandmother was Wetekia Ruruku. My grandmother was bedridden for the last 15 years of her life and because of that her daughters used to take turns looking after her. Grandma could tell the best stories in the world. Even when she was ill with polio, she kept the young children occupied while the adults had to do something that only they

- could do. Both my grandparents are now buried on D'Urville Island, at Madsen Bay.
- 9 My parents were married at Whangarae, and then lived at different places on D'Urville, including Whareatea, Whara Iriki and Madsen Bay. They later moved to Nelson, trying to follow work and for our education. I spent the first 15 years of my life on D'Urville Island as well as at Matapihi and Nelson.
- I was the third born of 13 children, 10 born to my parents and three adopted besides. From eldest to youngest these are John, Joseph, Lionel, Maaria, Ngawai, Emily, Nelly, Ratapu and Nola-May. The three adopted children were Kathy Downes, Melanie MacGregor and Richard Fluman.
- I was the first one of our family to be born in a hospital. All of the children who were born before me, not only from our family, but our cousins as well, were all born on D'Urville Island. Because my mother had a difficult time with the second boy, Dad promised her that he would take her to a hospital for the birth of the third child, and that was me. To get to a hospital, my mother had to go to Nelson on a six hour sea journey by launch, because that was the closest hospital. It must have been a pretty difficult trip for her.
- When the others were born on D'Urville Island, my grandmother Wetekia would help out with all of the births, but there was nobody trained as a midwife. I dare say most of the iwi did it that way, with the elderly women assisting with the child-bearing.
- The first child that my parents adopted was born to another family. The birth mother already had a large family and was unwell, so my mother took her over and brought her up. My mum never adopted her legally because her birth whanau had land, and my mum thought that if she adopted the baby legally, she would lose her interest in her Maori land.
- The next child was an orphan child born to a woman from Tauranga. The father of the girl was a relative of my dads, so they took that girl in and brought her up and adopted her.
- The last one was a boy from the North Island, and again his birth mother already had a large family and was having difficulty. So my mum came up

here to the North Island and brought him back and adopted him. In Maori terms, the greatest gift you can give someone is the gift of self, if this is not possible you give a child so my parents were always very proud to adopt those children.

- Growing up, we lived mainly on D'Urville Island, where my mother was born and bred. We did not always live in the same bay, but moved to seek shelter or better anchorage or food. My mother grew up in Whareatea, but we moved because of the rough weather there. I spent most of my childhood at Madsen Bay, although I also lived at Matapihi and Nelson, and spent short periods of time on Tinui Island, Onetea, Whangarae and Canvastown.
- I remember that my parents lived for a season in a "Maori hut" made of raupo. This type of building was common among my grandparent's generation of Maori on D'Urville Island. My maternal grandparents were amongst those who built these Maori huts. However, when the school was built on the Island, in order to meet building standards, we were required to use timber in constructing the school building. From then on this was adapted for use on houses as well.
- My father used to fish and farm when we lived on D'Urville, but he ended up later in his life working as a watersider in Nelson. We moved to Nelson when my eldest brother needed to go to College (to Nelson College for Boys) and when we got there, the only job that my father could find was as a watersider.

Childhood on D'Urville Island

- I spent most of my childhood on D'Urville Island with all my relations. I must have been about 10 before I found out that my cousins weren't my brothers. We thought we were brothers because we had grown up together. If night caught me at someone else's place, I slept there. If night caught someone else at our place, he slept there. That was the way that we were brought up.
- Although I loved living on D'Urville, it could be a very difficult life. When the weather was bad, usually in south-easterly conditions, which could last between six to nine days, we couldn't do any fishing on D'Urville and so food was very limited. We had a supply of wheat we could rely on in those

circumstances, but often no other stores of food. I remember one winter in particular when we seemed to eat wheat for almost the entire winter because the weather was so bad.

- In my young days on D'Urville Island we had to dry fish during the season in order to survive. All the fences were covered with paua, pipi, fish, shark, and tuna, and all that was being dried. In the summers when we didn't do much of that, well we had a pretty tough winter. Scabies was often rampant among us as kids, and so we had to use a big jar of stinky ointment.
- Only a few people on D'Urville had boats. If you wanted to go to the mainland, you had to find out if you could go on the boat with them. When we were at Matapihi and Whangarae, my father's family had a boat and that made a huge difference to our lives because we could move about much more easily.
- When I was aged about nine years old I went to live for three or four years along with other children from D'Urville, with the family of my (now) wife Tammy, in the Croiselles. It was still just after the Depression, and food was in short supply. My wife Tammy's grandfather had a farm there, and there was always food and we could go to school there at Matapihi. My wife's mother, Ani Iwi Ngaro, looked after about eighteen children down there from different families.
- We finally left D'Urville and moved to Nelson when my eldest brother needed to go to College.

Move to Nelson

Leaving ancestral land

- My father always had land interests at Whangarae. This land was surveyed in an office rather than done out in the field, so if you had a section for thirty acres it went straight up from sea right up the hill. There was no road and it's still like that today.
- My whanau were deeply moved when we had to leave our ancestral land and move to Nelson. There was a lot of weeping and wailing. The worst part was when we left Madsen Bay by launch, leaving our cousins still at

- Madsen. There was a great big tangi because when you separate like that no one knows when you'll see each other again. It was quite heart wrenching.
- The family land is still there on D'Urville and is in Maori freehold title. But it has been reduced over the years by various actions by the Government. For example my father farmed land at Onetea but still the Government took five acres at Onatea when I was about 13 or 14 to build a light-house. But the light-house was never built and the land was leased to a Pakeha neighbour instead of being returned to us. It has now reverted back to native bush, but is still designated as a lighthouse reserve.
- Because we were all brought up as brothers, it was tough for us to go to Nelson. The memory of it now is still hard for us.

Ongoing Contact with D'Urville

- We used to go back to D'Urville whenever we could. Every school holidays we would go back there. When you go into Catherine's Cove there's a peninsular on one side and a point on the other side. When our boat came around the point from Nelson to steer into Madsen Bay in Catherine's Cove, you could hear the people calling right from there. They would come running out of their homes and run down the beach, calling and waving. You could hear it over the noise of the boat. It was fantastic.
- The boat used to go close to the shore to make it easier to unload, and they'd bring the dinghy out. The old people would hop in the dinghy first but the young bucks would run up and down and jump off the boat, they couldn't care less if they landed in the water. It was a rejoicing time together.

Move to Nelson, and the Maori House in Nelson

- When we had to move from our land on D'Urville into town, my family moved into the "Maori House" in Nelson. Almost every Maori family coming from outside the city boundaries would go there and stay until they could find accommodation.
- At any one time, there were probably six or seven families all crowded in at once, and I can remember us all of our family living in one bedroom my mother and my father and my brothers and sisters and myself. Grandma Wetekia had a primus that she cooked our meals on in our bedroom, because

that was the only isolated area for the family. It was too crowded in any other area of the house. It was absolutely too crowded.

- My grandmother came with us to the Maori house because she was sick and had to go into hospital regularly, and that was too difficult from D'Urville. She was bedridden for 15 years and her daughters used to take turns looking after her. Mostly this task was undertaken by my mother and my Aunty Lou. The only argument I ever recall my mother having with my Aunty Lou was when it was grandma's turn to come to our place, and so all the family was looking forward to it. We went down to Aunty Lou's place to pick her up and when we got there Aunty Lou said, "Oh, I think she'd better stay here, she's not feeling too well", and my mother said, "I can look after her as well as you can Lou." That was the only time I ever heard them argue. But isn't that lovely, where sisters will fight over who looks after their mother? I'll never forget that.
- At the Maori House the toilets were all outside and it really didn't matter whether it was raining cats and dogs, if you were sick that's the only toilet there was, and you had to be carried out to the outside toilet.
- The conditions there were truly terrible. We didn't have proper rubbish bins. They only gave us forty-four gallon drums with no lids and the cart that came around to collect the rubbish only came once a week. We had several rubbish tins, because of the amount of families in that place, and because all our rubbish from off the table was pretty much fish bones, the flies were so thick they would just about lift the damn forty-four gallon drums up and carry them away.
- If you wanted to make a hot drink and you wanted milk in your tea or coffee, you had to hold a knife over the mouth of the milk bottle just to stop the flies that had already dropped into the milk, from getting into your drink. It was terrible. The sugar had ants in it, and there were cats in the House too, as well as all the flies.
- We would get sick because, when we were running along the corridor, the flies would fly out and we'd swallow them. When we went to hospital because of this sickness, the doctor would say, "I want to see their faeces, would you save it". And the damn flies were in there and hadn't been

dissolved. The doctor would count the flies and he would say, "I'm going to close that place". But where else would they have put us? Our conditions were shocking, but that's the way we had to survive

- I like to think that I was the cause of the Maori House shutting down. One day I was running past one of the rubbish bins and I disturbed a swarm of flies and ended up swallowing half a dozen of them. I had to be taken to hospital. The doctor did some tests and discovered the flies. The doctor, whose name I recall was Dr. Bett, was so concerned that he began proceedings to have the Health Department close down the Maori House.
- The Maori House was only supposed to be a transitional place, but we stayed there for quite a while. You couldn't buy a house without a deposit. Where would you get the deposit from? You had very little labour options, very little money coming from outside of the city, and consequently you had to work and save; scrimp and save.
- I remember going to school and the schoolteacher saying, "Well, we don't know what it's like to starve in this country this is a country of plenty". I repeated that to my father and he said to me, "You go back and tell him we might not know what it is to starve, but we know what it is to scrimp and save".
- We used to eat a lot of fish heads and a lot of fish bones which people would dump. They were never good for anything but the Maoris would gather them and take them home and cook them, and they were delicious. That was during the Depression and even afterwards. We had to take turns in going down to the fisheries to pick up the fish-heads and the fish-bones, and that was our staple diet, that and rice.
- We moved out of the Maori House in the end. My father's sister Aunty Rayhab, had a house in Nelson and she had Tuberculosis (TB) so she had to move out to a warmer place in the country. On the very day that she moved out of her house, my father moved us in. He didn't care about the landlord or anything like that. He moved us all in there and the Health Inspector said, "You can't move in there because it has to be fumigated". My father said, "We're not leaving, you fumigate the house and we'll still be in here".

- So we all slept in the kitchen that night while they fumigated the rest of the house, and he wouldn't leave. We stayed there for several years, until my father was able to save enough for a deposit to buy a new home. And when we moved out, my Aunty Lou moved her family in there although the house was condemned. No one should ever be expected to live in those conditions, but this is what the government was doing to us.
- Tuberculosis was called the 'Maori Disease' when I was growing up. Nearly every family had someone who suffered from TB, and TB and other contagious diseases became more common after my family shifted away from D'Urville Island to Nelson. This involved a whole change of living and diet. Fresh food was harder to obtain and the cramped and unhealthy living conditions contributed to the spread of disease.
- There were many other sicknesses prevalent among Maori too. My Grandmother had polio but she died of pneumonia I think. My Grandfather died of heart problems. He used to have gout terribly. He had it so bad that as kids we would be sent up into the bush to get the stinging nettle out by the roots or close to the ground. He'd beat his own leg with the stinging nettle to give him a different type of pain. I knew many other Maori who contracted other types of infectious diseases.
- While we were in Nelson my father worked as a watersider. My mother looked after the children most of the time, but to supplement the income she worked during the school holidays picking potatoes in the gardens or picking peas. She could only do it during the school holidays when there were older children who could look after the younger ones. Mum used to leave one home looking after the babies, and the rest of us would go to work with her.

Education

- When we were in Nelson I went to Auckland Point Primary School and then to Nelson College for one year.
- We didn't speak or get to learn Maori at home. Because my mother got strapped for speaking it at school and didn't want to put us through the embarrassment of it, so she refused to teach us.

- Often our schooling was interrupted, particularly on D'Urville, because we had to gather kai. Many times we would have to go fishing and mutton-birding during school hours. I can remember during a terrible winter we had nothing to eat but wheat that we boiled up for breakfast, lunch and dinner.
- I stayed at school up to the end of Form Three so I had one year at Nelson College for Boys. Unbeknown to me, my parents had applied for assistance to help us go to College. My younger brother was old enough to go to school after I'd only been there one year and my parents were saying to us they didn't have enough for two College uniforms, so I might have to leave. The organisation that had funded this assistance wrote a letter to the principal of the College asking him if it was worth me going back for another year. I didn't know that that's what happened, but I got word that I had to go to the principal's office.
- The principal at the College said to me, "You don't really want to come back to school next year do you?", and so I replied, "No, I don't". He said: "Oh well, that's all that's necessary". If he'd put it any other way I would have said yes, that I really did want to go to school. I would have stayed on if there was half a chance
- It wasn't until I got married that my wife said to me, "Do you want to go back to school?" and I said, "Oh, I'd like to". So I decided to go to Technical College when I was about 27. I took English classes among some other classes. I was in a class with a bunch of teenagers, but I hung in there.

Move to Porirua for Work

My parents had a dream that all of their sons would have trades and their daughters would either be school teachers or nurses. They must have talked about it a lot, because my older brother did a carpentry course in Porirua with his Uncle Jim Elkington, who was a builder. When I was old enough to leave home at about 15 and get a job, I was one of two Maori selected for the Maori Department Training School in Wellington to be trained as a joiner. I achieved my first Trade certificate in 1952 and took on my first permanent job as a joiner. Before this I had had jobs in the scrub-cutting and shearing sheds and things like that, but nothing permanent because there was only seasonal work available on D'Urville.

I lived in Porirua for two and a half years before returning to Te Tau Ihu. I stayed with my Uncle Jim Elkington and his family in Porirua while I was training to become a joiner.

Customary Harvesting of Kai

- D'Urville Island has always been abundant with kai-moana kina, paua, kukutai, as well as all types of fishing. Our Grandmother used to tell us that if we did certain things wrong when we were gathering kai-moana, that the taniwha, the Kaitïaki would come. These stories were frightening, but they were there for a reason. We were not allowed to eat in the water and drop the shells on the beds. Later we found out that the beds actually moved if dead shells are dropped on them, and that these stories were told to us to preserve the kai in the water.
- When Grandma was alive, we abided by these stories, and we didn't do these things. But after Grandma died, and when there were few Mäori left on D'Urville Island, things changed. Because the Coast was so rich and plentiful with kai-moana, we would stop at the place we gathered the shellfish from and break it open to see if it was fat. If it wasn't fat, we would move to another place and we would do the same thing there. That was something we would never do in front of Grandma or the old people. With them, we would take the kai-moana above high water, and only then would we open them up and see if they were alright.
- I had a defining experience in the Hawke's Bay. I was working in the shearing sheds there, and went diving with another man to a good spot where lots of Maori went to gather kaimoana. And after I had filled a bag up with mussels, and filled another one up with paua, I gathered a couple of paua for myself and sat in a nice sun-heated pool. I was sitting eating this paua, when I heard a loud cry out in Mäori. Everyone looked at me and then they all got out of the water picked their bags up and left the beach. The joker who had taken me there said to me, "Just as well you're a stranger here mate, or else I would have had to punch you". I couldn't understand, but I noticed everyone leaving and he said, "Look, look at this, come on out of the water".

So we all got out, and went up above high water mark. Within less than fifteen minutes, the tide changed and it got rough. Don't ask me what made it change; I don't know. But I remembered the stories my Grandma used to tell me, and I have never done that again.

- There were certain seasons for gathering and certain tapu that were placed on areas. For example, women who had their off-days of the month were not allowed to help us gather kai-moana. There were a lot of things like that that we learnt, but over the years, when you leave your place of origin, you start to forget and what you were taught is slowly eroded.
- When we first moved from D'Urville to Nelson, there were restrictions placed on your food resources, like nothing I had ever known. We used to go out in the mudflat and gather the cockles and things like that, and the powers that be, the authorities, used to say, "You're not supposed to gather cockles here". We would ask, "Why?", and they would say, "All the sewage goes in here". We would reply "Oh, we didn't know that". Then they would point to notices up along the beach.
- I could never understand why government departments would send people around hammering in notices saying, 'Don't take kai-moana from here. The water is polluted'. I thought that the right thing for them to do was go around hammering in signs which say, 'Don't pollute this beach. There is kai-moana here'. There was a different perception about things when we moved to Nelson.
- There was a lake on D'Urville, at Greville Harbour, that was originally on the Rene's land, where we would go for tuna. The Elkington boys could tell by the weather and the seasons when it was a good time for gathering different kai, especially eels.
- When the spring high tide would breach the lake we would let all the families know, and pack everyone into three launches and anchor in Greville Harbour. The boys would create a little channel so that the water from the lake would be going into the tide and those eels would come out two and three thick on top of each other. The older boys would be there with gaffs with no barbs on them, and they would let the mothers through. Now and

- again we caught a really big eel which would take days to dry because there was so much fat on it. We would dry the eels behind our home at Madsen.
- I can remember our old people putting crayfish into a muslin bag and leaving it in fresh water for days. When they pulled it out the crayfish would be green. The aroma of rotten corn is nothing compared to this! But they would prepare a big platter of the crayfish and they absolutely relished it.
- The harvesting of the tuere or blind eel was also well known to our people on D'Urville. My uncle Turi never hesitated in telling us that seven tueres would buy a good wife! We would catch them in summer by tying some rotten meat to a rope and dangling it over a breezy part of the sea. These tuere would stick their heads out of the water while swimming to follow the scent. While some people think that the tuere are scavengers, they keep our beaches clean and are a delicacy for our people.

Kingitanga

- We always provided kai for the Maori Queen's poukai every year in Levin.

 This occurred in the summer which was a lovely time for gathering kai, because the fish dried quickly and there was always enough left over for us.

 The kai was packed in cardboard and fish-boxes to be sent up to the poukai.
- That was significant because it showed our allegiance to the King Movement and to Princess Te Puea. It was our association with the Tainui people.
- My mother was one of the ladies in waiting to Princess Te Puea, so our allegiance to the Kingitanga has always been strong. When the opening of the Whakatu Marae took place, the Maori Queen and all her Tainui people arrived in four bus loads. This showed that the alliegance was still there.
- After the opening ceremony, the Maori Queen and a couple of car loads of her people came to stay as our guests on D'Urville Island. I remember when we all went out fishing two big launches took everyone out fishing and they had cooking facilities on the boat so we could eat on the boat. I remember one of the Kaumatua travelling with the Queen asking me if I was from D'Urville, and I said "Yes", and then he asked me if, "The Elkington boys came from here too?", I replied "yes", and then he asked why we left

the Island and I replied that, "we had to find employment and we had to send our kids to school".

Emma Elizabeth Hippolite (Tammy)

- My wife Emma Elizabeth Hippolite, commonly known as Tammy, is also from Te Tau Ihu. Her father was Arthur Kenneth Housell, who was a Pakeha, and her mother was Ani Iwi Ngaro Hippolite. Through her mother, my wife is of Ngati Kuia, Ngati Koata and Ngati Toa descent. She was born on 23 June 1930 at Matapihi and she has one brother named Arthur.
- My wife's grandparents on her maternal side were Hinekawa and Tare Puni Hippolite. They are buried at Matapihi in the Croiselles.
- My wife's parents lived in the Croiselles most of their lives. Her mother used to go possum trapping to keep food on the table. She'd leave at seven o'clock in the morning on the horse and be home at five o'clock at night.

 And when she couldn't go she put Tammy on the horse. The horse knew the route and on the way she used to pick up Lionel Hippolite and take him along with her as a mate. He sat on the rump of the horse while she sat in the saddle. It was a saddle that the missionaries had left.
- My wife hated possum trapping because she found it hard to deal with the possum in the trap looking up at you, and having to kill it and then set the traps again. But that was what they had to do to survive.
- My wife's father, Arthur Kenneth Hounsell, worked on the road works. He worked on the opening of the road between Nelson and Blenheim. Until then that road was incredibly rough. Big boulders would come down onto the road and the workmen on the road had to just roll them off. The road has been sealed now (relatively recently), and it is nice and tidy to drive over today.
- My wife was brought up on her maternal grandfather's farm in the Croiselles. He was a lovely man. He never swore. He never went to school, but he was the first Maori in Nelson to own a taxi business.

- A whole lot of children, including myself, came to live with my wife's parents and her grandfather during the Depression years and afterwards because there was always plenty of food on the farm for them. I remember that they had a great big pantry there and there was always pork hanging from the kitchen ceiling. At Matapihi they would cut it up and all the families would have a part of that pork. So my wife's family had plenty of kai a paddock of corn, a paddock of potatoes. When we lived with my wife and her family we lived well food wise although we used to dream as kids of going into town to buy something.
- My mother sent my brother Joe to Matapihi to keep the school there going. The government required six students to keep a native school operating, so he was the sixth person who went to keep the school in operation.
- My wife spent most of her childhood in the Croiselles, but eventually had to move to Nelson to go to College. She went to school until fifth form and enjoyed it very much. But she had to leave school then and did seasonal work such as hop picking, potato picking, and also some tailoring work.
- 78 My wife's grandparents are buried at Matapihi in the Croiselles.

Maintaining Links to Te Tau Ihu

- 79 It has been difficult maintaining links to D'Urville since we moved away.

 Things were very hard in Te Tau Ihu when we left not only because of the conditions at the Maori House and because of the depression, but because we had to leave behind our old ways.
- We left Te Tau Ihu for the education of our children, who attended Church College in Hamilton, and for job opportunities. When you move away from a place, you have to assimilate yourself into a new way of life, which makes it more difficult to maintain your connections with the place that you come from.
- I can remember that for years after leaving D'Urville, it was great when we returned for holidays and visits. When we left Nelson to come to the North Island it was heart-wrenching. We still have one son, my eldest son Alan, who lives on D'Urville, but we very rarely get down to the Island now.

 Most of my children live in the North Island and some live overseas, so it is

- hard to retain contact with our ancestral land and whanau from such great distances.
- However, I still have land interests in Te Tau Ihu, as well as personal and family connections. Through my father I have land interests at Whangarae, Havelock, Nelson, D'Urville and Canvastown. Through my mother I have interests on D'Urville, Tinui Island, and along with many people in Porirua I have interests through my mother in Takapouwera (Stephen's Island).
- 83 My brothers and sisters Maria, Ngawai, Kathy, Melanie, Ratapu and Joe all live in Nelson today.