

OHIWA

CLAIM 86: HEARD 25 MARCH 1867

CROWN AGENT CLAIMANTS;

Te Kepa Toihau
Apanui Wepiha
Hori Kawakura
Tukehu
Tiopira
Heteraka Teuia

JUDGEMENT;

Te Arawa in favour of Tukehu 25 acres and Tiopira 25 acres, other Claimants dismissed in consequence of thus having been in rebellion.

CLAIM 86

March 25th 1867

Court Opened at 10am

Kepa Toihau and others (Cross ex'd by Mr Mair): Claim from my ancestors Taiuru, Aniwahi, Tukokiki, Tamatione, Taiwhakare, Kura te Pirirangi, Wikapuku, Hapainga, Tamakaha, Tamaka, Tohi-te-Ururangi, Te Wai Opohao to Toihau my father. I claim through these ancestors as well as through war. Have lived sometimes at Whakatane and sometimes at Ohiwa. At the time Europeans first came to this neighbourhood I was staying at Ohiwa.

Between us and the Whakatohea's there has been a good deal of fighting about Ohiwa but it has never been taken from us. I fought against the Whakatohea's in my father's time.

(Cross ex'd by Mr Wilson): I recollect when the Rev'd. Mr Wilson and the missionaries first came. I was then living on the Uretara island and at Ohope. The Whakatohea's were living at Opotiki. The Upokorehe had not gone to Hokianga island. We took Opotiki in the fighting. The Whakatohea's went to Whakatane but they did not take the land. Am willing to leave the ancestors on one side. I have fought against the Government. Was at Maketu and the Rotoiti to fight the Arawa. I stated to you at the meeting at Whakatane that the Ohiwa river was my boundary. You said a portion of the land should be set aside for Ngati Hokopu and Ngati Wharepaia. Will not consent to Whakatohea's claim.

(Cross ex'd by Mr Mair): Tiopira I claim on two grounds, through my ancestors and my strength in war. My ancestor was Hapainga spoken of by last witness. She begat Te Kapua, Rangtouiariiki, Te Hikamaroke, Paka, Hatua, the Tukehu and myself. Have been concerned in the war about Ohiwa as Kepa stated. The fighting ended at Te Papa. When it was taken they fled to Whakatane and other places. Ngati Rua fled to Ngati Porou who took their side. Together they attacked Te Whanau-a-Apanui at Maraenui. The refugees then fled to Omarupotiki. After this Ngati Rua went and took that pa. The rest of the Whakatohea went to Turanga. Kepa Toihau afterwards brought the Whakatohea to Opotiki and settled them here. Rehi also brought the Upokorehe back and settled them at Waiotahi. At that time it was a rule that a man put on land in this way had to pay tribute in food to his benefactor. If he paid it to others he would suffer for it. In the time of our ancestors there were disputes about Ohiwa. A pa would be destroyed and people were killed on both sides but the land still continued to belong to Ngati Awa.

At the time the Europeans came Ngati Hokopu held Ohiwa. The first European who lived at Ohiwa was Te Koti. Kepa settled him at Hokianga. Kepa at the same time brought Upokorehe from Waiotaha and settled them at Hokianga to raise food for Te Koti. Titokoa principal chief of Whakatohea went to Hokianga and likewise planted food. He proposed to Kepa that the Eastside of Ohiwa should be left to him while Kepa should take the West. This was agreed to. They cultivated 2 years. Two years after the arrangement had

been come to, Kepa sold Hokianga to a European of the name of Mackey for a mare called Peti. The Whakatohea's upon hearing this went to Hokianga and destroyed the houses. In return Kepa and Kawakura burnt the Whakatohea pa at Onekawa and destroyed the crops. The quarrel then ended. The third European who came was Nicholas. He lived on Te Uretara. He bought it from Te Kepa for ten shirts. The Whakatohea's had nothing to do with the sale, they were against it. Ngati Hokopu lived there. During the shark fishing season the Ngati Awa joined them. When Nicholas went away he left the Island to Thomas Black and Tio. When Tio went away he left it in charge of Kepa. From the time Papa full up to the present the Whakatohea have never crossed the Ohiwa for the purpose of cultivating food.

Hotere and Paraurau chiefs of Whakatohea took Mr Shortland to Ohiwa and altered the boundary to Nukuhou. Titoko was not aware of this. When Mr Shortland showed the papers to Kepa he tore them up. He disputed about the boundaries and said they should remain as before. After Shortlands time Ngati Awa and Whakatohea came to Ohiwa to catch sharks. They had some dispute about the boundary. They held a meeting at Hokianga. Te Huia came back and collected the Whakatoheas. They crossed the Ohiwa 400 strong during the night and constructed pa's. Kakihi brought the information from Hokianga and Te Kepa sent Mereana to propose that the Popora should be the boundary. To this the Whakatoheas objected. Witness then went but they wanted to kill me. Messrs Smith and Clarke were then sent for who, having heard both sides decided that the river at Hokianga should be the boundary. The Whakatohea's were still dissatisfied and having sent to the King Wi Thompson came and gave his decision in our favour.

When the war began Ohiwa was deserted by the Whakatohea's who went to fight against the Europeans.

(Cross ex'd by Mr Wilson): I believe that we have a superior claim to the Whakatohea to Ohiwa. Whakatohea and Ngati Awa have both sinned against the Government.

I have related the History of Ohiwa so that matters can be understood and that we may get a share of it again. Mr. Wilson's father was the first who brought horses to Opotiki. There were many horses here before the mare Peti came. I think Ohiwa is ours, we have right to claim at Ohiwa.

Hori Kerei Kawakura Claim through ancestors. Tai (same as Kepa's line) to Tohi Te Ururangi, Mataiata to Ti Kohi my father. Also claim by strength in war. I have cultivated at Hokianga and many other places but not on this side. When young I lived with the Europeans at the Bay of Islands. On my return to Ohiwa I found Ngati Hokopu in residence. Nicholas was there at that time. I lived there five years with the Ngati Hokopu. Afterwards went to Whakatane. Never saw the Whakatohea cultivate on the Eastside of Ohiwa. Lived for about 12 months at Whakatane. Then some disputes arose and I was sent for. Had the Whakatohea's lived for any considerable length of time on the other side I would not dispute their claim. The river at Hokianga is the boundary. I desire to prove my claims to all beyond the river in order that a portion may

be left to me after a portion has been taken for my crimes against the Government.

(Cross ex'd by Mr Wilson): Two tribes living on beach Ohope. (Proves census of Ngati Hokopu and Ngati Wharepaia). The whole of the tribes on this coast have sinned against the Government. Te Rohikohi, Rawiri, Apanui are the only people of Ngati Wharepaia who have not sinned against Government. Wi Hapa, Takotoihu, Hau and Patua never fought nor renounced Christianity. Hetaraka looked after the property of the Catholic priest. Am not aware whether Karanema went to Maketu to fight. Wepiha went. Sent in the claim so that Government might know who are the owners and to prevent others claiming it.

Hetaraka Remember the time when my father placed me at Ohiwa. I lived at Tokitoki and Hokianga. Cultivated there. After it was sold to Wiremu Meki. I went to Te Uretara and have remained about Ohiwa ever since. My father lived and died there. My line of ancestors is the same as Kepa's. Heard from my father that I had a claim to the land through these ancestors.

(Cross ex'd by Mr Wilson): In former times there was fighting between Ngati Awa and Whakatohea respecting Ohiwa. I fought for the King at Rotoiti and Maketu but I never became a Hauhau.

Wepiha Te Pono. Have heard the older people say his ancestors and father lived at Ohiwa. They held it by force of arms. They often fought for it till my time. The other claimants have given the history of Ohiwa correctly. I possess a claim there too.

(Cross ex'd by Mr Wilson): Have never been a Hauhau but went to Rotoiti and Maketu to fight for the King. Kerenama went there also. Am ignorant of what took place at the meeting at Whakatane.

(Cross ex'd by Mr Mair): Kerenama has a claim to Ohiwa.

Hori Tunui A Queenite. I claim on two grounds, through my ancestors and my strength in war. (The same evidence as that given by Tiopira). I lived at Te Ipu a Maui. I fished there as my ancestors did but I did not cultivate the land.

(Cross ex'd by Mr Wilson): Am a Queenite. I went to Te Awa o Te Atua for the purpose of making peace with the Arawa after the fight at Te Kaokaoroa and burying the dead.

Hoheia Agree in part with what the last witness has stated. I claim Ohiwa through my ancestors. In the wars about Ohiwa I was ever ready to support Te Kepa. I came with Reihana and endeavoured to make peace with the Whakatohea.

(Cross ex'd by Mr Wilson): Am an assessor at Whakatane and was there during the difficulties connected with the Hauhaus. Matiu, Tamana Urake Kahaki and Hori Tunui did not fight. They were not in arms against the

Government. Hori Tunui had gun powder in his mill. One cask was taken to Whanganui by Matiu Rata and given to Tuirā. Poti took the cask from the box at the mill. Do not know if there were three casks. The powder was in George's box. It got wet and had to be dried. Heard afterwards that it was given to Rata.

(Cross ex'd by Mr Mair): Kaperia Again with George's statements regarding his claims to Ohiwa. He has a claim at Ohiwa.

(Cross ex'd by Mr Wilson): Went to Whanganui with Rata. Was taken a prisoner at Wereroa. He took one of the casks of powder belonging to Hori along with our party. Poti took it. Saw them drying it one day. Saw Poti attending to it. Did not see it the day it was taken.

(Cross ex'd by Mr Mair): There were five casks taken altogether. Rata owned 2. Hoiti 1 and a bag. One from Patira and a bag, and one from Poti.

Tamanohowaka Through my ancestors I have a share at Ohiwa. Fished for sharks there. Did not cultivate. Kepa took charge of the land. Boundary of Ohiwa is at the river. Ancestor was murdered at Auckland.

(Cross ex'd by Mr Wilson): Even when we fought against Kepa he still took charge of Ohiwa for them. The powder at the mill belonged to me and Hori. Two casks were wet. Poti took it. Mr Wallace hid the powder. It was dried. Titipa came to Whakatane in order to get guns wherewith to fight the Europeans. He obtained three or four from Ngati Pukeko. Mohi gave a gun. Thomson gave another. Rangipiha gave a musket. Has one cask of powder at Whakatane bought it from Thomas. Bought 4 casks at that time. Paid 7 pounds and 8 pounds each for them. Stole 30 bars of lead.

Hori Kerei Kawakura Went with the party to get possession of the canoes belonging to the Whakatohea at Te Awa o te Atua. Saw George and Hori there. The Arawa's had broken into Mr Grace's house and some of us also broke into afterwards. Some of the goods were planted. There were some testaments. These we divided amongst ourselves. Flour too was taken and cooked by the party. Some wine which I saw at Hori Tunui's house at Whakatane was said to have been removed from Mr Grace's house. Mohi took the wine. They were drinking in Hori's house and they told him the wine came from Matata. Did not see Hori drinking the wine. Found a saddle in George's house. He said his saddle was not in the house.

Tiopira. I was along with the party that went for the canoes. We camped on Ohau. Could not trust the war party. Tunui was one of them. That party broke into Mr Grace's house. Arawa's said not to plunder the house. When the expedition returned they brought boats and canoes with them and gave them to the Whakatohea. Tukehu desired them to leave them for the Arawa but they would not listen to him. There were one or two boats and 5 canoes. Arawa has destroyed the rest.

Rewiri Rangimetanuku Those claiming Ohiwa have no right to it or Whakatane. They belong to me. My ancestors owned Whakatane. Ngati Awa

ought to return to Rangitaiki where they would have been by the time but for the Europeans. The statements made by claimants and their witnesses are not correct. I saw Apanui among the war party that went to Maketu. He returned from Te Awa o Te Atua. Wepiha proceeded on. I destroyed Kepa's crops at Uretara. Nicholas was the first European there.

Wi Teria I claim for three reasons. Whakatohea's boundary is Pukenui. When I say the Whakatohea have three reasons for claiming, I mean three great ancestors. Kingitanga and Hauhauisim both came to us from Ngati Awa. When the troops came they deserted us. Let their land go to pay for their sins and our land for our crimes.. Kereopa was brought here by the chiefs of Ngati Awa, Apanui, Kepa, Apanui and Wepiha, they all went to fight the Pakehas.

Apanui came back from Awa o te Atua. His son went on. Ohiwa is mine. If Ngati Awa have a claim Ngati Maru and other tribes would have a claim also.

Tuesday March 26th, 1867. Court Open at 10 am.

Wi Teria: Re-collects the advance on Rotoiti and Maketu. We went to Ihukatia when Ngatiporou came. Next to Ohope. Apanui, Kepa and Wepiha joined us. That was before they asked us to join them against the Europeans. They went with us to Te Awa-o-Te -Atua. The whole of the chiefs of Ngati Awa went on except Apanui. Chiefs of Ngati Awa and Whakatohea sent a letter to us to join them and we went to Rotoiti and then came back. After that we again went to attack Maketu, Ngati Pukeko, Ngatirua and about half of the Kaponga people (Pahipoto.) Did not observe Hohaia, Tiopira nor Te Tutira but saw all the others. We were beaten at Maketu. The Arawa followed us and defeated us at Whakarewa. The leader was Kawakura and Apanui with words encouraged us. On our way to Maketu, we assembled at Ohope before a native prophet, Te Kaingamata, belonging to that place, stated that Ngati Awa would be the victors.

(Cross ex'd by Tiopira): Thompson was not invited by Whakatohea. Know nothing respecting the letter of invitation to him. We wished to fight at that time.

Extract from Mr Mair's notes: Discussion and much recrimination, Tiopira getting the best of it.

(Cross ex'd by Mr Wilson): Tamarangi had a hut at Mikupou. Tamarangi lived at Hokianga when we returned.

Tiwai Piahana: Know those who claim Ohiwa. The persons who possess a claim beyond Te Pukenui are Karanama, Wepiha and Hori Tunui. I am not aware that Ngati Awa have any claim except through war. They have a claim through ancestors. Ohiwa was a disputed district. Were always fighting against neighbouring tribes. I am a Queenite. Tukehu and Hori Tunui are the only claimants who did not fight. When Kereopa came here the whole of the chiefs

of all the tribes approved of him. Ngati Awa chiefs among the rest. At the time Titoko came from the North, Ohiwa was uninhabited. Kepa sold the island of Te Uretara to a European. The Whakatohea destroyed the European's house and forced him away from Hokianga.

(Cross ex'd by Tiopira): As to the European's house being burnt I will not answer. For three years Whakatohea cultivated the land near the house. At that time Europeans were living at Uretara. When we gained strength we used to fish for sharks at Ohiwa. Sharks were the principal food at Ohiwa. The ancestors through whom I claim Ohiwa are Taingo, Tukehu and another. Pa's were built at Ohiwa because you were encroaching. I myself destroyed a house belonging to Kepa.

Te Ranapia (Cross ex'd by Mr Wilson): Know Ohiwa and the claimant Kepa. I have seen him at Te Uretara. It now belongs to Whakatohea. Kepa sold it to Nicholas. I have not seen Kepa living at Ohiwa. It does not belong to anybody. His (Kepa's) people used to live at the other side of Taomohua. The boundary between Ngati Awa and Upokorehe is Nukuhou. Am not aware how the boundary runs inland. Claimants, I suppose, desire the land in order to pay for the crime.

Tukehu and Tiopira do not possess a claim. I have never seen them there. Apanui, Wepiha and Kawakura came here along with Kereopa. They consented to his doings so did the whole of us. Ngati Awa had a prophet of dreams. His name was Te Kaingamata. He came here. At the time we went to fight the Europeans he used to dream dreams.

(Cross ex'd by Tiopira): Arawa did not kill the priest. Saw Ngati Hokopu Korekainga. Am not aware whether they approved of the death of Volkner. Whakatohea did. It was Mr Shortland who settled the boundary. Cannot say if Ngati Awa were present. The houses at that time standing at Hokianga, Te Uretara and Te Ipu-a- te-Maui belonged to Kepa.

Case Closed

Decision reserved

Hohaia Matetehokia: Sent in claim to show to whom the land belonged and not with the idea of obtaining it. Claim through ancestors Te Tawhiro, Tamakaha, Pakekaha, Pituu, Te Rua Whawheki to my mother.

(Witness describes the boundaries and name of a very large tract including most of the land between the Otara and Waimana rivers.) The descendants of Te Tawhiro were the owners of all this land. Out of these I am the only one who did not live on it because of the war between Ngati Awa and Whakatohea.

(Here the witness gave an account of various services rendered by him to Government).

I consider I ought to obtain a share of Opotiki. I do not wish to take all the land.

Hori Tunui (Cross ex'd by Mr Mair): Claim from Te Tawhiro, Tamakaha, Te Atua-a-te-wao, Heruakeha, Hineariki, Waite my father to myself. Claims close to Opotiki. Ancestors cultivated the land up to my mother's time. My mother is still living, my brother Patara was killed at the Kaokaoroa. The reason I was anxious to go back was that I might bury him. He and Hori had the greatest claim here. Hori died after the fighting at Tauranga. Pokatuwhenua, Apanui, Te Ati Hoawai, Owahau and Wharekahu are my lots. I was taken over the ground by Patara and Hori. I have cultivated at Pokatuwhenua and Hoewai. Cultivated about the time of the fighting between the Ngati Awa and Ngati Pukeko. My mother looked after the land when I left Te Rarapia and Tamaka. My mother belongs to Ngati Rua. I also claim through her, she too is descended from Te Tawhiro.

(Cross ex'd by Mr Wilson): Hori Te Tamaki was fighting at Tauranga at the Gate Pa. He belonged to Ngati Rua. Hori claimed by ancestors and by purchase from Mr Burrows. I gave Rewiri a house but did not give Mr Burrows anything. My mother paid as well. My brother Patara was killed fighting against the Europeans. My mother is at Opape. She was among the Hauhaus. Government has placed her at Opape.

Hoani Tuhimata: Claim through ancestors, Te Tawhiro, Tamakaha, Te Atua-o-te-rewarewa, Te Rangihaumoana, Heruakaha, Hineariki, Kokimara my mother to myself. The boundaries of the land of Te Tawhiro have been stated by Hohai. My second claim is through war. The lands belonging to Te Tawhiro were not divided but were left entirely to his descendants. My mother cultivated near Volkner's house. She was living with her brother. She belonged both to Ngati Rua and Ngati Awa. She died at Whakatane a considerable time back. I never cultivated in Opotiki.

(Cross ex'd by Mr Wilson): In war time was at Whakatane. Fought against the Government at Rotoiti and Maketu. After the affair at Kaokaoroa, Wi Te Whakapapa went to Auckland to see the Governor. On their return they stated that the Government had told them that unless they fought a second time against him he would not deprive them of their land. We held a meeting at Whakatane. I said I would place myself under the protection of the Government. I was the only one who did so. Did not gain any payment for Papakanui. When Kereopa came I had no liking for him. Tamihana, Werahiko and I protected the priest at Whakatane. At the time Fulloon was killed we were nearly killed also.

Case Dismissed

Huana: half-caste Ngati Rua. Claim land at Waiweka and in the township of Opotiki. Claim is outside the Government boundaries. Claim through ancestors. Through my mother's ancestors. Mine are all small pieces. Have cultivated all my land. The land belongs to me only.

(Cross ex'd by Mr Wilson): Some of my relatives are in the bush among the Hauhaus others are here. Have a sister at Ohope. My mother's name is Ramari te Wai. She is partly from Ngatira and partly Ngati Awa. At the time of the fighting I lived at Whakatane and sometimes at Opotiki. I saw the Ngatira when they went to fight at Rotoiti and Maketu. Their woman remained behind. I did not approve of the conduct of the tribe and I spoke to Hira and the rest cautioning them not to go to fight. My mother came from Ohiwa at the time the troops came here and took me away. I am Webster's wife. Paneka had charge of my land. Huriwhenua is near the hotel. It is a small lot and no-one claims it with me. The reason why Ngatira left my name out of their lists was because I left them.

Matiu: (Cross examined by Mr Mair): All the pieces belonging to claimant that I know of are Tarawa, Hineha, Tuhua and Tutuhika. They belong solely to her. Have seen her living on them. Also a relation of claimants. We obtained our land through our Grandfather who left some to me and some to Huana's mother.

Patrick: Huriwhenua, Raututu Haireni and Wairau all belong to claimant. The first is near the hotel on the beach. The others are at Waioeka. One is a large piece, the others are small.

(Cross ex'd by Mr Wilson): Claimant is a relation of mine. We lived together before the war. It was entirely of her own will that she went to Ohope. There she married Webster.

Case Closed

(Extract from Mr Mair's notes; full share of lands of Ngatira)

Balneavis Claim Opotiki

March 27th, 1867
 Court opened at 10am

Piahana: Land was given to Col. Balneavis's children previous to the fighting here. Everyone was aware of it. Did not have any objection to the land being given. Rangihaerepo their grandfather gave the land. Map produced is correct. Patukiariki is the name of the land. These children and their mother are the nearest surviving relatives of Rangihaerepo.

(Cross ex'd by Mr Wilson): Maoris are always kinder to daughters. Hinehua (Mrs Balneavis) has a son by another husband.

Wiremu Paki: Know that land was made over to the children and Col. Balneavis. Rangihaerepo made it public. Gave it to his grandchildren. It was about five years ago. Some people wished to live on the land but Rangihaerepo said he intended to give it to his children before he died.

(Cross ex'd by Mr Wilson): A deed was made out and sent to Col Balneavis. The adjoining land belonged to Rangihaerepo's brother. That near the swamp to Mereama Makawa.

Tarai and Te Ratetapu both worked on the land. Tarai (Rangihaerepo) was anxious that his grandchildren should have the land before his death lest Ngati Awa should keep it.

Paora Taiiau: Know that lands were given by Rangihaerepo to Col Balneavis's children before the troubles here. It was made public and the boundaries were made further. Claimants are grandchildren of Rangihaerepo. The land was set apart for them to occupy if they came here.

Miriama Makawa: Am the wife of D. Davids. Remember before the fighting took place here that a piece of land was given by Rangihaerepo to his grandchildren. He gave it on account of their relationship. It joins land of mine. Plans shows correct the land was Rangihaerepo.

Claimants Case Closed