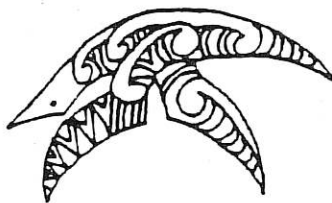


TE RUNANGA O NGATI AWA
WHAKATANE

Prepared by
Te Roopu Whakaemi Koreo o Ngati Awa

27 July 1992

Research Briefing Papers No. 3



AN EXAMINATION OF ARCHIVAL RESOURCES

OHIA

CONTENTS

1. Counsel's Opinion, Tom Woods
 2. Thomas Black letter to Editor of The Southern Cross, 1862
 3. Compensation Court Minutes, 1867
 4. Letter by Wepiha Apanui (Maori and English), 1886
- Appendices**
- 3.1 A Report on Uretara Island by Tania Rei
 - 3.2 A Map on Ohiva

Counsel's Opinion on Ohiva

Opinion for: Whakatohea and Ngati Awa

OHIVA

Tena koutou e nga rangatira.

The Ohiva estuary, that is its eastern sector of a line from Terae o Kanawa, is acknowledged by a number of authorities from both Ngati Awa and Whakatohea as kainga tauotohe between the two iwi.

In terms of customary law neither tribe, it appears, was ever in a position to exclusively deny the other asserting its rights to Ohiva.

So critical was this issue that a special arrangement was entered into between the two iwi to resolve once and for all the boundary of each others rights to the estuary. The settlement appears to have been initiated following formal peace-making between Ngati Awa and Whakatohea in 1857, a date from which all fighting between the two iwi effectively stopped.

A settlement in respect of Ohiva became essential if peace was to survive.

In order to set the background to the Ohiva settlement it is important in my mind to trace the events that followed the fall of Te Papa in 1831. In doing so, I will commence with the Whakatohea perspective of events which will be followed with that of Ngati Awa.

Whakatohea

As a consequence of the Nga Puhi invasions and the defeat suffered at Te Papa many Whakatohea were taken into slavery or otherwise fled as refugees to other parts. It is recorded that the Opotiki district was virtually isolated as a consequence of the fall of Te Papa.

In the late 1830's, the Whakatohea were scattered and occupied such places as Whakatane, Hauraki, Thames, Tauranga and the Bay of Islands.

Tauranga became the focal point for the re-unification of the Whakatohea in preparation for their return to Opotiki.

The re-unification of Whakatohea became possible through the strong affection Ngai Te Rangī had towards Whakatohea and as a consequence of peace-making between Ngai Te Rangī and Nga Puhī.

The fact that both Ngai Awa and Whakatohea had a close bond with Ngai Te Rangī enabled Whakatohea to advance in relative security with Ngai Awa their desire to return to Opotiki.

As a small diversion, the connection between Whakatohea and Ngai Te Rangī arose as a consequence of the Nga Puhī invasions by Hongi Hiki and others. Ngai Te Rangī retreated to Opotiki where the Whakatohea sheltered them and when events calmed down gave them canoes and food for their return to Tauranga.

As a result of that friendship many Whakatohea, as a consequence of Te Papa, fled to Tauranga for refuge. Living at Otumoetai was Tomiko and he initiated the re-unification by drawing away from Nga Puhī and other tribes the Whakatohea.

They all resided at Otumoetai and joined as soldiers for Ngai Te Rangī.

Titoko who was resident in the Waikato as a refugee following the defeat at Te Papa, heard that Tomiko (a relation of his) was dwelling at Tauranga. He consequently moved there and when Ngai Te Rangī made peace with Nga Puhī, both Titoko and Tomiko were instrumental in purchasing from the Nga Puhī guns, powder and canoes in exchange for dressed flax.

Titoko (who was acknowledged as a chief of a new generation) desired to return to Opotiki to which Tomiko consented. Tomiko gave Titoko, presumably from the purchase of military were from Nga Puhī, three casks of powder, three guns, three canoes, the names of which were "Horokaka", "Hauairo" and "Kakahu".

In the meantime, Toihau and other chiefs of Ngai Awa arrived at Tauranga and taking the opportunity Titoko requested that they give back the land at Opotiki.

Ngai Awa said no and instead suggested to Titoko that he strive for some of the land at Tauranga and Maketu for which the Whakatohea had fought as warriors of Ngai Te Rangī.

Following that rebuttal, Titoko rejoined with an old saying "a friend on the land you can see, but one on the sea you cannot".

That was a warning to Ngai Awa of Whakatohea's friendship with Ngai Te Rangī who Titoko was confident would support him in his desire to return home.

Titoko then spoke to the chiefs of Ngai Te Rangī who responded to Whakatohea to get as many munitions of war as possible and pledged to assist Titoko in his efforts.

It was agreed that the Whakatohea should return by canoe and that Ngai Te Rangī, in support, travel by land. In all, 170 Whakatohea travelled by canoe and 70 Ngai Te Rangī by land.

The Whakatohea landed at Whakatane with the intention to fight Ngai Awa. After residing there for 10 days the Whakatohea proceeded to Ohīwa and 5 days after that they reached Opotiki.

In the meantime, Taneka of Ngai Te Rangī reached Whakatane and cautioned Toihau that if the Ngai Awa attacked Whakatohea he would be against it.

Whakatohea resided at Opotiki until the time of the confiscation.

Ngai Awa

Ngai Awa's understanding of events as recalled principally by Kepa Toihau and Hauru Taipari is that Ngai Awa formed an alliance with Ngai Maru on the attack of Te Papa. Ngai Awa took many slaves and under the direction of Taipari they ended up at Horoiu.

Ngai Awa contend that only by its consent were the Horoiu slaves allowed to travel to Tauranga and meet up with Tomiko at Otumatai and settle back at Opotiki. When Titoko returned Apanui handed over the slaves.

Peace-making between Ngai Awa and Whakatohea

Formal peace between Ngai Awa and Whakatohea took place in 1857. A number of events are attributable to the peace-making; the most influential being the influence of the missionaries and Christianity amongst the two iwi, in particular, Whakatohea.

The initiative for peace came from Whakatohea. At first the Whakatohea went to Hauraki to make peace. Presumably that was with Ngai Maru. Following the overture, Ngai Awa gave a slave to Whakatohea as a pledge of peace between the two peoples.

Prior to that a number of attempts were made by other iwi to get Ngai Awa and Whakatohea to settle their differences. The principle advocate of that was Ngai Te Rangī who had a common bond of friendship with both.

According to Hoterani Taipari, peace-making was largely attributable to the efforts of Reihana who directed that Whakatohea go to Opotiki and Ngati Awa to Ohope and since the two have kept apart. Peace between the two iwi was attributable also to the birth of Apanui's child Mereana. Mereana's mother, as far as I can ascertain is a Whakatohea woman, being a daughter of Tamariki.

Settlement arrangement over Ohiva

Peace-making between the two iwi required a solution to the Ohiva question which singularly was the major cause of dispute. Since 1857 a number of incidents arose in regard to Ohiva which threatened the peace between the parties.

However, it is notable that instead of resorting to arms there was a desire particularly by Ngati Awa to resolve the issue by negotiation.

The necessity to reach a settlement over Ohiva arose in the event of the introduction of the Pakeha.

Not long after the return of the Whakatohea to Opotiki, Titoko proposed to Kepa Toihau that the east side of Ohiva should be left to him, leaving the west to Kepa. That arrangement was apparently agreed to and worked well for 2 years until Kepa apparently sold Hokianganga to a Pakeha of the name Mackey for a mare called Peti.

The Whakatohea upon hearing about it then went to Hokianganga and destroyed the houses on the island.

In return Kepa and Kawakura burnt the Whakatohea pa named Onekawa together with their crops.

The quarrel then ended.

The next issue arose over another Pakeha called Nicholas. Nicholas apparently lived on Te Uretara and like Hokianganga, bought it from Kepa for 10 shirts.

The Whakatohea were not informed of the sale and were strongly against it, however did not retaliate.

Not long after that two chiefs of Whakatohea known as Hoterini and Papurua took Edward Shortland, Sub-protector stationed at Maketu, to Ohiva and advocated to him that their boundary was the Nukuhou. Apparently according to Tiopira, Titoko was not aware of that.

Attached is a map indicating the various rivers (streams) that feed into the Ohiva estuary. Having perused all the material and related documentation I am of the opinion that the river Ngati Awa originally

My own research into the rapatu claim has clearly put beyond doubt that there was never any river named Ohiva. However, it is sometimes referred to as the Ohiva river. It remains to identify the river. The record states it is the river at Hokianganga. However, it is sometimes referred to as the Ohiva river. There the matter settled.

WI Thompson agreed that the boundary be the river at Hokianganga. The Whakatohea were still dissatisfied and therefore sent for WI Thompson to adjudicate the dispute.

However, both Smith and Clark heard both sides and decided that the river at Hokianganga should be the boundary. Consequently Messrs Smith and Clark were then sent for. Clark, I think, refers to George Clark who was a missionary and Chief Protector of Aborigines. My research at this stage has not resulted in the identification of Smith. (Smith was the Civil Commissioner at Maketu).

Consequently Messrs Smith and Clark were then sent for. Clark, I think, refers to George Clark who was a missionary and Chief Protector of Aborigines. My research at this stage has not resulted in the identification of Smith. (Smith was the Civil Commissioner at Maketu). However, the Whakatohea objected.

Upon hearing that Kepa sent for Mereana to propose to Whakatohea that the Popora should be the boundary. I am unable to ascertain or identify what Popora is.

This time, Whakatohea asserted themselves and crossed the Ohiva with a 400 strong party and constructed a pa on the western side.

In order to resolve the boundary question once and for all the two iwi agreed to meet at Hokianganga.

There the matter settled until another clash occurred when Whakatohea went to Ohiva to catch sharks.

When Shortland showed the papers to Kepa illustrating Nukuhou as the boundary he tore them up. Kepa insisted that the boundaries should remain as earlier agreed to.

asserted and agreed to as the boundary was the Ruatahuna and not the Nukuhou stream.

Be that as it may I feel that existing realities must be taken into account and would point to the Nukuhou stream as the boundary point for reason that east of that stream is the Hiwarau block which is Whakatohea as with the lands around and adjacent to Rutarere.

I hope that this information may assist your deliberation today on Ohiwa.

Tom Woods.

Written for the meeting between Ngati Awa and Whakatohea held at Opotiki 4th April 1991 to discuss Ohiwa and come to some agreement about the boundary.

NATIVE LAND DISPUTE, OHIWA - 1862

Between the Whakatohea of Opotiki and the Ngati Awa's of
Whakatane and Matata.

By Mr Thomas Black, to the editor of the Southern Cross.

30th Sept 1862 - Went to Ohiva this morning, the Whakatohea had taken possession of an island of mine in the Harbour containing near 400 acres purchased in 1839. I asked the cause of them coming to build pas on my land after my holding it 22 years without them ever seizing any claims.

They replied it was true it was taken from them when they were conquered and carried into slavery by the Ngati Awa, but now that they were recruited and increased in number and that they had now seized and taken it back again, as far as Whakatane, that I had better come next day and hear the whole case.

Oct 1 - Met Henry Clarke R.M. Bay of Plenty and the Hon. Mr Smith, Civil Commissioner, Bay of Plenty, accompanied by all the Native Assessors from Tauranga, Maketu, Rotorua, Matata, Rangitaiki and Whakatane and Runanga Native Police numbering some 40 men.

Placing a table and forming an open-air court. After 400 Ngati Awa men danced a war dance well-armed and naked save a shawl or shirt tied round their loins, which must not go further than cover the knees, the case was opened by selecting some 20 men on each side to state their claims.

Placing a table and forming an open-air court. After 400 Ngati Awa men danced a war dance well-armed and naked save a shawl or shirt tied round their loins which must not go further than cover the knees the case was opened by selecting some 20 men on each side to state their claims.

This showed that in their wars, some 30 or 40 years ago the Ngati Awa had subdued and carried the Whakatohea away into slavery, some fled to Tauranga and through time others were redeemed and liberated. During the period the Ngati Awa cultivated and held Opotiki, as well as Ohiva, Apanui, the principal chief of Whakatane and Toihau Capes's father, invited them back and placed them in Opotiki again, giving them seed potatoes and kumaras

After a peaceable and most orderly hearing Mr. Smith asked the Whakatohea if they would submit their case, to the decision of them the Assessors and Runanga, they referred him first to the Ngati Awa who sent for him to come.

On his appeal to them, Ngati Awa, their spokesman, Theophilus, who is an assessor threw him his walking stick in the most off-handed manner, there is the pakanga.

I objected to Mr. Smith's way of putting the question stating it was not definite or correct, this caused some sharp words between us, Mr. Clarke explaining that they had already tried them on this point (to hand over the land and dispute together) and they had refused. The Whakatohea refused to submit either land or dispute to this or any other court, Busby was their speaker one of the oldest assessors on the coast and one of the greatest rebel scoundrel on it.

Unpromising as things were we informed them we should visit their pa in the morning, they told us, we went uninvited.

Oct 2 - Went to the Whakatohea and were met by about 450 men who danced the war dance, they were then addressed by Mr. Smith and Mr. Clarke long and earnestly on the peaceful views of the case supported by the Assessors and Runanga without any apparent effect, on our rising to come away they appeared rather confused desiring us not to be in such a hurry - we had then been sitting there 10 hours.

Busby came forward with a rod in hand and threw it to Mr. Smith, adding there is the Pakanga, take it with you, I shall never return to Opotiki but plant and establish ourselves here, I then pressed on Messrs. Smith and Clarke the folly of carrying away the stick under such a view of the case that the land was alone the dispute, that it was unfair to tie up the hands of the Ngati Awa's and let the Whakatohea establish themselves here. In this I was supported by Mr. Clarke and all the Assessors, at length we agreed on this. Mr. Smith stated that if they refused placing the land in the hands of the Court then he should be compelled to return the stick symbol - this they refused, Busby coming forward plucked the stick out of Mr. Smith's hand, threw it into the pa calling the whole Magistrates, Assessors, Runanga and all a ? of Ngati Awa's.

Two of the King party who were among our party ran forward calling to give them the rejected stick and hand all over to the King.

Busby then asked them why they had not separated from the Queen mob at first, if they had it would have been all over in a moment the first day, and that the King was the thing that all should submit to.

Taking a bone mere called Ohiva, this is the land and a stick, this is the Pakanga, take all to the King, we will wait his decision quietly.

My companions returned crestfallen to the Ngati Awa and returned the symbol of the Pakanga, when they were greeted by the King Party flourishing their tokens of triumph. After some discussion Mr. Smith proposed omitting the name of the King and Queen and appointing another arbitrator. The King's men named William Tamahana Tarapipi. Smith said he would not object to any person who could settle this matter and save bloodshed.

I stated that in appointing Tamahana they were really thrusting not this case but the whole Natives of the Bay of Plenty into the King's mouth (that Tamahana was in reality the King), that the Ngati Awa would not consent, that they as government officials should hold the Ngati Awa in hands of Government and try to settle it themselves. Smith replied, that Mr Black is just what the Government wants to avoid. I asked him what he came here for then if that was the case and after consulting with Mr. Clarke who was of my opinion, I took Rewiri King of Tauranga, a Kingite over whom I have some influence, to address the Ngati Awa calling on them to hand their land and dispute to the Queen and Runanga as their enemies had done to the King. While the [debate] was thus a breaking, I separately instructed Te Hura of Matata and Petera of same place to rise and hand over the land and dispute to the Queen and Runanga. While thus engaged Theophilus, led astray by Mr. Smith's remarks was in the act of sticking the stick into the ground handing over Ngati Awa's claim to Thompson. Pulling up the stick I gave it to Te Hura who came forward and drove the stick into the ground calling out, here I hand over both land and dispute to the Queen and Runanga. Petera then came forward using the same words, they finished that part of the affair.

At this moment the excitement was very great, several of the Ngati Awa became indignant that they were compelled to follow in the track of their enemy and compelled to abide by the decisions of the Whakatohea - not knowing how the case ended.

Mr. Smith now became courageous, one of the King fellows pulling up our stick saying he would bundle the King and Queen together. Smith ran forward and tore the stick from him saying, no you shan't, and drove it into him. I congratulated him on my having put life and mettle

It was now dark and there was only the two men, Te Hura and Petera, among the whole Ngati Awa that knew how the case ended.

I hope no person will think there was any loyalty among the Ngati Awa with one or two exceptions, though they would not like to throw their claim along with the Whakathea, the latter having the land, they are all red-hot Kingites, I may say, to a man.

JUDGE OF THE COURT : W. MAIR
COUNSEL : H.T. CLARKE
CROWN AGENT : J.A. WILSON

OHIA

7 March to 16 March 1867

MINUTES OF THE COMPENSATION COURT
HELD TE AWA O TE ATUA

**Proceedings of Compensation Court
Held at Opotiki, March 7th, 1867**

Present; Mr. Mair - Judge
Mr. Wilson for the Crown

Copy of Notice

The Opotiki Compensation Court is opened this day but to afford time for the Judge to work over claims and make some necessary arrangements the Court stands adjourned till Saturday, the 9th inst on which day the Court will open at 10.00 am.

Mr Mair declared the Court opened on 7th March but adjourned the same until 10am Saturday, the 9th inst.

Saturday 9th March 1867. The Court opened.

Claim 83

Merena sworn: Claims at Waimana through her grandfather - he lived and cultivated there - mother lived there after him - I have lived there too - Mother's name, Harriet Roroa - she lived there - it is a large place - she occupied it all - am not aware that part of it was sold to the Pakehas - I lived on the centre of it - cannot tell the area but it is large. Never sold any of it.

(Cross ex'd by Mr Wilson): Believes her claim is good and the land to be her own.

(Cross ex'd by Mr Leary): She has a fair claim - the boundaries of her and her children's land are correct.

Taipati sworn: My wife is from this part. Mother was Whakatohea tribe. Her father was from Ngati Awa - her mother lived there. She was a daughter of Tamaita - his fire burnt there and his daughter's also. I saw him living there and cultivating food on the hills - the food was titi - he saw her working on it - on the shore; potatoes, Kumaras and corn - from this I knew she owned this place - the sub tribes on this land were Ngatingahere first, then Ngatimarū. Tamaariki was the first.

Cross ex'd by Mr Wilson): The cultivations began at Rakiana - others cultivated there as well.

(Cross ex'd by Mr Leary): None of my relatives have been in arms against the Government.

Horahora sworn: I believe the land to belong to Mereana - I have heard her say so. I have seen her on the land and her mother also.

(Cross ex'd by Mr Wilson): All I know is the land is hers - do not know what is the nature of her claim - Ngati Awa and Ngatingahere have been in the war against the Pakeha.

(Cross ex'd by Mr Leary): Some of Hauru's relations were fighting against the government.

Mereama: Knew her mother - she worked on that land - do not know the particulars of her claim - Mereana lived there too after she was grown up.

(Cross ex'd by Mr Wilson): Claimant worked there - do not know the extent of her claims but the land is large. Know the Waimana and Otara - know nothing about the fighting of the people.

(Cross ex'd by Mr Leary): Do not know whether any of the claimants were fighting.

DEFENCE

Rewiti sworn (Cross ex'd by Mr Wilson): All the pieces described in claim are not Mereana's - Otirakuhukuhu is hers - I am of Ngatimarua - I am a chief - my tribe were fighting against the Government, some of the land was sold to you - a large piece - the boundaries were from Pukenui to the sea - the East boundary was by Tirohanga pa and the river - the west is marked on the deed - the land was bought by my father and you - Hakura, I and others sold the land. Hoe, Tukawa, Ranapia, Potini, Taira, Panetamiti and Hone Te Tamaki sold it also - it was sold to Mr. Burrows, a missionary. Otirakuhukuhu to the Ropihia is Mereana's - she has no land east of Otirakuhukuhu - no-one worked on the land when the Europeans owned it.

Te Aotawhio Te Awanui sworn: (Cross ex'd by Mr Wilson): - I do not know the lands claimed by Mereana - I do not know whether she owns it or not - my tribe is Ngati Awa - I am a chief and so is the last witness. All took arms against the Government - the land is a large piece - very large - part of this land described by last witness was sold to the Europeans - a large piece from Pukenui to the sea - and by the sea to Opukepuke and the paniwaka, the Onemata was sold to the Europeans. It was sold when they first came.

The Maori's got payment - they sold it after to Mr Burrows, the first purchaser was a missionary too. Mereana has no land beyond. Mereana claims with her tribe.

(Cross ex'd by Mr Leary): No-one pays me for what I have stated. I was not with Mr. Wilson prior to the opening of this court.

Tapu Hekara (Cross ex'd by Mr Mair): Have heard the boundaries of this place described. The pieces belong to a number of people - Ngatirua is my tribe - I have land at Tirhanga and other places - claim in Otitrakohukohu and Te Kophia - all the tribe have claims with Mereana - do not know whether she has claims to the last of Otitrakuhukuhu - was at the Bay of Islands when the land was sold - when I came back sold it to Wilson - bought it from the Missionary - I had another party with me when I bought it - paid horses for it - I was one that bought it. Rewiti, Patara, Te Hoe, Taipua, Te Tamaki, Te Aua Warikakahi, Paora te Na-o-te-Rangi and others were paid for it - the inland boundary was to Pukenui. My tribe Ngatirua were all fighting: that hapu were the owners of all the land.

(Cross ex'd by Counsel): I know who are claiming the land, we are - they took up arms against the Queen.

Mereana recalled (Cross ex'd by Court): My connection with the Whakatohea is through Ngatingahere.

Crown Agent Claim.

Tamati Koha and others Maraenui
Hamiora Rewiti at Haparapara
Hamiora Rewiti at Omaio
James White and Tikitu Rauporoa
Mereana Taipari and others Maraenui
James BlackOpotiki
Rev. J.A. Wilson Opotiki
Tatara Te Tarimate o Apanau
Hotene Te Iritangi and others Torere
Taipua Tikaihoa and others Haparapara

Claim 84

Mereana Taipari: Claims through ancestor Tamaariki the land was his, he lived there and cultivated food. My mother lived there too and cultivated food, potatoes, kumaras etc. My parents were the only persons who lived there. The land was occupied by our people up to the time of the war at Opotiki. We cultivated it all (points to Wi Teria, a person in court, as having been appointed to live there currently).

(Cross ex'd by Mr Wilson): It was a large field and all cultivated, (draws her attention to the absence of clearings). No other hapu had to do with this land or any of Ngatingahere. It was all mine.

W.J. Shortland: I came here during the life of Plaintiff's mother. Saw her cultivating there. Her houses stood there and the store houses of Kumara. She set me to work there, she pointed out the boundaries of Mr Wilson's land (the lower part) to me, as well as the boundaries of her own land. All the land belonged to her. She was the only occupant. Merana lived there after. At the time the fighting began there, Merana went North. She came back in consequence of the sitting of the court. It was pointed out to me as a large piece.

(Cross ex'd by Mr Wilson): Ti Ti was cultivated and Manukatikitiki. It was not all occupied. It is through her Grandfather that my wife claims. All the land was hers.

Wi Teria was the only one who was allowed to live there. Do not know the extent (area). Know what a mill is. The piece was large. To go round it two days and nights would be required. Am not aware that Ngati Patu have anything to do with this land.

Rewiti: Know that Merana's mother lived on the land, and that Merana owns the land. Her father also lived there. Cannot tell the name of the place, but it was on the other side (left bank) of Wairaka. It is a large lot of land.

(Cross ex'd by Mr Wilson): Do not know a great deal about the land in question. I am from the North and am not altogether certain about Merana's father living there. Saw the mother's fires on the land. Am not aware on what grounds she claims. Suppose from seeing people living on land that it is theirs. People sometimes live on land upon very slight grounds.

Mr Clarke: Saw Merana's mother working there. Her fires were burning there. Merana also lived there. The land was known. Saw both her and her mother working there. Manukatikitiki and Ti Ti were cultivated by them, they used to catch pigeons on the mountains. This is the reason why she says the whole of the land was worked by them. This proves their claim to the land. Merana left off working the land after the fighting began.

(Cross ex'd by Mr Wilson): A pa, Hauraki, belongs to the Whakatohea. After I had grown up I went North. No-one else, I consider has any claim to the land.

Tiwai Pearson: All I know is that the east-side of the river belongs to Ngatirua. It is not through her ancestor but by conquest that Mereana claims. It belonged to Te Upokorehe, Te Ao-o-te-rangi then it was taken by Whakatohea. The fight was by ours and the woman's hapu. Saw the mother living at Manukatikitiki. She lived there at various times as she had claims in various other places.

(Cross ex'd by Mr Wilson): The Ngati Patu conquered the land also the Ngatama and Ngatingahere. The Upokorehe were driven off the land and the three hapu's got it. Ngati Patu have now a claim. It is through Ngatingahere that Mereana claims. The low lands were cultivated and the mountains were hunted for birds and rats..

Wi Teria: I am a Hauhau. Worked on the land for three years. Te Uriti, Te Poho-o-Tarawhata and Manukatikitiki were the places worked by me. It was with her mother's permission that I worked there. No other person worked there in my time. The Upokorehe owned the land. After they murdered the older brother of Mereana's mother the hapu assembled and took the land. They gave it to her. Ngati Patu claim at the North end.

Heta: The land belongs to Mereana. It belonged to her mother, Koroha. It belonged to the Upokorehe. (This witness gives the same evidence as the last). She was the only person who lived there. She grew potatoes, kumaras and wheat, on the hills they got birds, rats and honey. The homes were at Manukatikitiki. There were no huts. On the other side of the river there were houses likewise at the North and at the Rakau. The pa was at Otanerore(?).

(Cross ex'd by Mr Wilson): The places I have mentioned were close together. Neither Te Arahī nor Mokena lived there. She was a very strong old woman to work. She would live for a year in one house and another year in another and so on. Cannot state boundaries of her claim.

Tamihana (Cross ex'd by Mr Wilson): (Names read over) Know the whole of them except one. Was acquainted with Koroha. Do not know who are her relations. Te Arahī lived at Tarapua but not on the other piece. Te Mokena also lived there. They did not live on any of the other places.

David Davids: Have known the Whakatohea for 24 years, was a trader, bought their produce. Know the Ngatingahere tribe and have some knowledge of the land before the Court. Know that Marihaea, Mokena, Whakaturenu, Piriipi, Haki and their women and children used to live there generally, they were related to each other. Believe they were all in rebellion. Expect some of them are in rebellion still. Knew Ngatiri. Do not know whether he claimed any of the land in question. Te Arahī and a lot of his friends and relatives stopped us from working near

(Cross ex'd by Mr Wilson): I am chief of Ngaituhoe. They were part of the Waiwera. We have about 50 fighting men. The people live at Te Waimana. The whole of the people of this island have been Hauhaus. Remember the fighting between the Arawa and Urewera at the Taipiri. Was there myself. The Urewera lost 8 men. One of them belonged to Ngaituhoe. His name was Meihana. He was killed after I left. There is a road up the Waimana valley to Maungapohatu. Ngaituhoe and Upokorehe are the tribes living on the land in question now. They are connected with each other. Neither of them are connected with the Whakatohia, Ngati Hokopu and Ngati Wharepaia and Ngati Awa but are

them have fought either against the Government or the native allies. Ngaituhoe tribe - the descendants of Tairona. Do not believe that any of has always been retaken by my people. The whole of it belongs to the ancestor 12 generations back. The land has been lost several times. It Anania Rakuraku (Cross ex'd by Mr Mair): Claims through Tairona an

CASE CLOSED

Tiwai Pihana: Know Te Arahī, he is a Hauhau. He is away among them. He is a chief of Ngatingahere. Some of his people Te Mokena, Te Para, Piripi, Haki and others are still with the Hauhaus. Haki and Hori Kingi Pohu worked on this land, so also did Marihaea and Ti Waka Kereru (he has taken the Oath of Allegiance) Knew Te Koroha. She was full sister to Te Arahī, the latter was the eldest. Koroha lived there among her people and cultivated the land. Recollect when Koroha went North. Am not aware to whom she left her land. Remember she left them to Wi Teria who worked them for three years. A bad man will not be slow to claim land if it has been unoccupied for many years, but a good man would return it to the owner. The reason why Wi Teria was left in charge was because his wife was a daughter of Te Arahī. My people Ngaitipatu worked at Waiohapu. It is within the land claimed by Mereana. Te Noho-o-te-Parata is mine. A number of tribes were concerned in the fighting for this land. We let Te Noho-o-te-Parata to your father for a year for Twenty Pounds. Ti Wikiwiki got the money.

Meriana Makawa: Know the Powhau - it is mine.

Patu working within the boundaries of this claim. Do not know if rent was paid by anyone for that land. Saw Ngati

connected with Urewera. They live within the claim but the whole of it belongs to my tribe. Have seen troops going to fight at the Waimana.

They were first led by Major McDonnell and afterwards by Col. Lyons. Mr. Edwards was interpreter upon the last occasion. We conversed together.

Hirini: (Cross ex'd by Mr Mair): She claims through Tairona to Upokorehe and Ngaituhoe. It belongs to my tribe. I am also the connection between the two tribes. It has belonged to us for seven generations. No other tribe or individual can claim any of that land.

(Cross ex'd by Mr Wilson): The Upokorehe is my tribe. They are unable to bring any men into the field, there are so few of them. (Mentions some 18 or 20 men who call themselves Upokorehe's but says they do not belong to that tribe). If we reckon women and children there are about fifty. Ngaituhoe at Waimana number about fifty able men or sixty counting the whole.

Upokorehe and Ngaituhoe are distinct hapus. Once they fought against each other. It is not all Rakuraku's claim described, but it belongs to his tribe. Ngati Hokopu and Ngati Wharepapa live on part of it through their connection with both Urewera and Ngati Awa.

There has been fighting about that land. Ngati Awa against Whakatoha. Christianity was introduced the fighting ceased but the land still remained in dispute even until the present time.

We have the proper claim but there are many other tribes claiming our lands.

Plaintiff says he has no more witnesses.

C. Jettis: (Cross ex'd by Mr Wilson): Am an officer in the 1st Waikato Regiment. I went with armed expeditions into the Waimana, one under Col. Lyon on February 12th 1866. Saw Rakuraku. Col. Lyon asked him if we could get any nearer to the enemy position. He said there was no road into the Urewera country. He said the way was impracticable from where we were then encamped.

Upon another occasion I believe an expedition went much further into the country. (Upon the former occasion we turned back to Whakatane). Rakuraku said that a number of his young men were among the Urewera rebels. He had a pa in the neighbourhood.

Kepea Toihau: (Cross ex'd by Mr Wilson): Am of the Whanau-a-Apanui (Ngati Awa). Live both at Ohiva and Opape. Have land there. Claim through my ancestor and by right of conquest. Tairona was my ancestor. The inner boundary of my land was at Waimana from this to the sea and North to the Kaokaoroa. Ohiva is a disputed country. We took it from Ngatimarua, Ngati Awa, Ngaitawereri and Ngaitai. Am not aware whether the Urewera ever fought about it. Ohope belongs solely to me - my tribe are the owners. Will not tell our numbers for fear of making a wrong statement. The Urewera all fought against the Pakehas.

C. Jeff recalled (Cross ex'd by Mr Wilson): Remember Rakuraku being disarmed by Col. Lyon on the 24th of April 1866, at his own pa at Waimana. I believe he said he had no arms, but some were found upon searching his whare's.

B.T.J. Edwards (Cross ex'd by Mr Wilson): Accompanied Col. Lyon's expedition to the Waimana on February 12th, 1866, as interpreter. Col. Lyon told me to ask the chief Rakuraku if there was any road towards Maungapohatu. He said he was not aware of any road leading to that place from where we then were. The expedition then went to Whakatane. Rakuraku admitted there was a circuitous route to Maungapohatu by the Whakatane Gorge.

I afterwards went with the expedition when Rakuraku was disarmed. He did not deny having arms in his possession.

Tiwai Pihana (Cross ex'd by Mr Wilson): The Whakatane have claims within the area claimed by Rakuraku. (Witness describes a portion of them) The Uropokorehe belong to the Whakatane. The whole of them took up arms against the Government. Ngaitakaritu also took up arms. Ngatingahere, all Whakatane claims there. The boundary is at Pukenui. Hori Tunui, Webster, Tauhi and Hirini (J. Fulloon) all claim Pukenui to Kohi.

Rewiri Te Rangimatānuku (Cross ex'd by Mr Wilson): Boundaries described. Do not recognize those as the boundaries of Rakuraku. The boundary of the Whakatōhea is from the sea to Pukenui and then inland and along Pakenuioraki. This belonged to the Upokorehe and the rest of the tribes of the Whakatōhea.

The Upokorehe took up arms against the Pakehas.

Te Harawira of that tribe was killed at Towhiti - so was Te Amo.

CASE CLOSED

The Court adjourned at 5pm.

Tuesday 12th March. The Court opened at 10 a.m.

I. Kennedy Claims Paiwiwi, Ohiwa

Claim 123

Claims through his mother Rangirauwaka of the Upokorehe tribe. She occupied the land. It is about 1800 acres. She lived on it before she went North. Her title was never disputed. Does not know whether she had any deed. The land was supposed to be hers alone. She is since dead. Claim on behalf of my brothers and self.

(Cross ex'd by Mr Wilson): Rangirauwaka and Kitakita are one and the same person. She went North about 1838. Do not know if she was taken into slavery at Te Papa. Do not know that in 1838 the Whakatōhea were coming South. My mother did not come back. Upokorehe wrote to my brother Nathan to come down about 5 or 6 years since and claim his rights. Meta or Mika was one who wrote. Do not claim with Upokorehe. Am not aware that it swallows up a large portion of this land. It may do so. I do not think there are more than 14 or 15 of the real Upokorehe men alive.

Tamihana (Ferryman) (Cross ex'd by Mr Mair): Knows the claimant. He is a son of Rangirauwaka. The land begins at the Raupatu outside at Papanui to the Waimana, then down to Waitahi, then across to the Rua-a-te-Whanga, to Aponaiki, thru Waipita-a-Tawa, Rangitaua, Parahamuti, Waimohi, crossing to Papanui and finishes. I have named the outer boundaries. These lands belonged to Rangirauwaka's people only.

(Cross ex'd by Claimant): It would not be right for her to live there alone. Her family lived there too.

(Cross ex'd by Mr Wilson): Rangirauwaka was taken as a slave to the north. The war party was of Ngatimaru. They fought and took possession of the land.

Do not know if Kennedy's mother wrote about the land. Upokorehe have worked on the land since. I have worked on the land. I had a right to do so. She was not a tapu woman that we should not work the land after her.

Hirini: It begins at the Kakaho and Papanui, Matawera, Waimana down to Waitahi across Raumapo, Waiputa-a-Taura, Rangituri down to Parahumati, Karihi, Pakarukaru and Kakaho - the end. It belonged to Rangirauwaka alone. No one else had any claim. It came to her through her mother. None of the Upokorehe had any claim to it. One side of this land is Ohiva. The other, Waitahi.

(Cross ex'd by Mr Wilson): Urewera have nothing to do with this land. Rangirauwaka has no other claims. Her father was a chief and that is the reason why her claims are large and undisputed.

It was before I was born that she went North. Have seen 3 letters from her about her land, telling us not to part with it to the Pakehas. Have not seen any cultivations on the land.

Witemu: (half-caste): Recollect having brought letters from the Kennedy's to the Upokorehe about their land.

(Cross ex'd by Mr Wilson): Gave the letters to Hunia and others living at Ohiva. Did not see what was in the letters but heard from Hunia and others. Understood they answered them.
Kennedy recalled: Cannot produce the replies to any of our letters.

Case adjourned to enable the Claimant to produce another witness.

Haururu Taipari - Ohiva

Claim 82

W.S. Taipari: Claims through ancestor Awatope then Kahaki, Reimahanga, Tawhirirangi, Rangihouhiri, Pueni, Paretahiwi, Hanauru, Poutu Paturangi, Te Aro-o-te-rangi to himself. That is one claim. Another is by conquest. I defeated the people of that place. My ancestors lived there. Apanui was left by me to look after my interests. I returned from the North, defeated the people and again left Apanui in charge. In my time peace was made with the Whakatohea. In 1857 I returned my slaves to them. The Whakatohea and Ngati Awa quarrelled concerning Ohiva. I made peace between them. The Pakehas came to live there. I brought back the Whakatohea, in order to release them, during the first period of Governor Grey's residence in New Zealand. I lived for some time in different places in the neighbourhood. My father did not live any time on the land.

(Cross ex'd by Mr Wilson): Cultivated at Ohope but never in Ohiva. Father did not cultivate there but he came there sometimes. Neither Paterangi nor Poutu came there that I am aware of. The last time my father came here to fight was about the time of the fight at Te Papa. The Ohiva people were taken as slaves. They returned north by Tarawera. He came here afterwards when the slaves were returned. At that time a pa stood here (Pa Kowhai). We were treated as friends. Some of the slaves were Upokorehe. My father did not build a pa at Ohiva. Apanui lived at Ohope then. No more fighting after we returned to the North.

Apanui: (affirms): Awatope, Kahaki, Reimahanga, Te Ao-o-te-rangi, Te Uruhiwa, Rangihouhiri, Pueni, Paretaihwi, Hanauru, Te Poutu, Paterangi, Te Kapa down to Hoterini. Ruato was the first Pa taken, then another pa, then Te Whakapakina (ancestor) was murdered on the land. The Waioatahi people were killed at Ohiva. There was another fight at Waihake. The only man killed was my father on our side.

Afterwards there was the fight at Te Papa. I brought the refugees back to Whakatane. They were there 2 years cultivating and sometimes at Ohiva. They were sent to Opotiki. After that Titoko returned and I gave him the slaves.

(Cross ex'd by Mr Wilson): The fight at Te Papa was after the capture of the "Hawse" brig (off Whakatane) about a year after Ngatimaru (Hanauru) were my allies and came to assist me in punishing the Whakatoha.

I was driven off my land by the Whakatoha. The tribes assembled to bring me back. It was not the work of one chief. Ohiva was deserted. I lived at Tokitoki when Mereana was born.

Rewiri Te Rangimatanku: Claim Ohiva through our ancestor Ruamoko. Was living at Ohiva when the Europeans came. The Whakatoha had returned from Tauranga and Hauraki. We occupied Onekawa without reference to anyone. Titoko and my father did it. Ngati Awa and Taipari had nothing to do with it. We came back of ourselves. We had arms, etc, and canoes of our own.

Wi Teria: Titoko and his people (on their return from the North) landed at Ohope. There was no-one on the land. We were armed with guns. We bought them with flax and potatoes. We waited there to be attacked by Ngati Awa but they were frightened by our appearance. We remained about a month. Then occupied Ohiva. We were not brought back by Hanauru and Apanui. They were our enemies after the missionaries came here. Some of the slaves returned then.

When law was introduced by Europeans we were living at Ohiva.

Taneka Hikaroga: Claims Opotiki. Has no witnesses. Does not know the boundaries. Claims it all. Claims through Te Miti o Matangi, Rangikurukuru, Te Mate and to where Kope, Waikura, Omaituru, Te Ikawaha Kura, Wakanui, Turapaki, Toi, Te Maihi, Paikanoki all "rangī" to myself. These were my ancestors. Ngaituna went to fight at Maketu and Tauranga. We left the Whakatohea quiet here saying; we are going North to look upon some good land to cultivate. In the days of Titoko and Taneka (father) there was fighting between Whakatohea and Ngaitai. Taneka heard there had been three engagements and the Whakatohea were defeated. That the latter laid claim to Opotiki. After this the Whakatohea were defeated by Ngati Awa and Ngaitimaru at Te Papa. Those who were left fled to Hauraki and other places and left the land to Ngati Awa. Then Titoko came with the Whakatohea to Tauranga wishing to return to Opotiki. Toihau and Tikitu went to Tauranga. Titoko said; "Give me back some of my land". They answered; "Try and get some of Tauranga, you shall not have any of Opotiki". Titoko spoke to the chiefs of Ngaitē-rangi who answered; "Get as many munitions of war as you can and we will assist you". It was agreed that the Whakatohea should go by canoe and the Ngaitē-rangi by land. One hundred and seventy came by sea and seventy by land. Most of the

W. Leary for Plaintiff

Claim 163

Tareka and others to Opotiki, Opape

Claim dismissed

Hauru has failed to make out a case.

Tiwal Pearson: (Cross ex'd by Mr Wilson): Hauru did not return to the Whakatohea. They came back armed. They landed at Paparingatorohora (near Ohope). They waited there for Ngati Awa to attack them but they did not do so. They left the Upokorehe at Ohiwa and the rest came on Opotiki. When the Government came the Upokorehe were in possession of Ohiwa. Kapa Toihau was living at Wareina near Ohope. Hauru was not there.

CASE CLOSED

Claim dismissed

(Cross ex'd through Counsel by Mr Leary): I have fought against the Queen and my land has been taken from me for it. I fought at Te Ranga. When I lived at Whakatane there was no fighting against Europeans.

upon.
cultivated there up the river. Hone and Kepa gave us pieces to work Tora. It has no boundaries but includes all the land my father landed at Whakatane. My claim to Whakatane is through Muriwai and same ancestors. Tora, one of my ancestors came from Mataatua and Hawaiki twelve generations back. I claim at Whakatane through the Muriwai, who came from beyond the sea in a canoe. She came from there. I have never been there. Claim Waiotahi through my ancestor, ancestors. Neither myself, my father, nor my grandfather cultivated know the spot. Two of them are buried there. I claim Opape through my Whakatane. Afterwards he came to Ohiva and cultivated there. Do not the land I must give some of it. Taneka's party returned from Whakatohea did not give us any but as the Government have signed for to Opotiki. We did not ask the Whakatohea for any land. The Tauranga. If Taneka had not consented Titoko could not have returned since then - six generations. Toihau advised Titoko to get land at Ngatohi went to fight the Arawa. Several generations have elapsed belongs to Whakatohea as well as to me. We never cultivated here. (Cross ex'd by Mr Wilson): Others claim Opotiki as well as myself. It

and left this for the Whakatohea.
came occasionally to see the Whakatohea. I had got land at Tauranga ancestor. Ngatiki lived here but did not cultivate the ground but they confiscated by Government. The Whakatohea and Ngatiki had one them". Then the Whakatohea occupied this land (Opotiki) and held it till Tareka said to Toihau; "If you attack the Whakatohea I will be against

canoes were Ngati-rangi's. Ngatiki (Ngati Umuria) came to Whakatane to Toihau and Apani's.