

Claim 19

Wi Kingi's Claim: Waiau

Plaintiff (Cross ex'd by Mr Mair): Claims Waiau for himself. I sent in a claim for all my land. Some of my people took up arms against the Queen, but not lately. I claim through my ancestors. Ngaetu (Wharui), Ruahine, Turana, Tutu, Tumapirangi, Tamateahurawa, Te Kupenga, Taiparahika, Mokena, Omutu, Taopaenga, Tamaoatea, Matitiritangata, Te Aouhauhanga, Hineuru, Waitotoki, Werewere, Tauwakikawa, Kaiwha, Tata, Huterangikonei, Tutahirangi, Ti Rangihuatiki to myself. I never took up arms against the Government. The claim begins at Tokomanawa, then towards the sea. Papanui was sold to Mr Wilson (by Te Rangitumanako) as far as Tirohanga. Mr. Wilson said to Rangitumanako; "Who owns the otherside?" He answered; "Ngaitai". After this Ngaitira claimed Waiau. Mr Shortland came and found trouble between Ngaitai and the Whakatohea. He said; "End this disturbance". Whakatohea would not listen to him. Mr Shortland sent to Ngaitai and ten of them came to him. He met them at Te Awahou and said; "Give up some of this land and make peace". The elders of my people agreed to this and the Awahou was made the boundary. From that river to Tirohanga the land was given up to the Whakatohea in order to make peace. Mr. Shortland returned to his place and the Whakatohea proceeded to Opape and made a pa at Puketapu. Then I came and took the pa and destroyed it. Afterwards one of our vessels called Te Wira was driven on shore on the beach. At that time peace had not been concluded but when the Whakatohea brought the wreck of the vessel to our place then peace was established. Before a year had lapsed Te Whanau-a-Apanui made war against us. This took off our attention from the land and Ngaitira occupied Rangiariki, Omarumahi and Kopukorei. After fighting with Te Whanau-a-Apanui we concluded a peace on the 5th day of June, 1864.

Rewiri Te Ngau went to Ngaitai and asked for Opape to cultivate there and for some of us to go there with them. We agreed. Of the men who consented, Eruera is dead but Ranuina is still alive. They said; "this thing is right and clear. We do not like things to be hidden". Eru said; "go and work there". They worked for a year and then the fighting began with the Europeans and we consumed the food. When the Colonel

PLAINTIFF'S CASE CLOSED

is all correct.

Romana: I have heard the evidence that has been given in this case. It

the whole of his evidence. What he has said is true.

Hirini Kare: I know the land claimed by Plaintiff. Have listened to

stated by Wi Kingi is correct.

Hirini: I have heard Wi Kingi's evidence. Wi is correct about our claim to Waiau. The chief ancestor through whom we claim was Torini, Te Tai, Tuteaunu, Tai, etc. We are all ready to affirm that what has been

Europeans.

(Cross ex'd by Counsel, Mr Leary): I have never fought against the

Government came to the land. A few old men were living there.

was unoccupied. Ngaitai were not occupying Opape when the land when the Whakatohea crossed the Awahou to plant nor whether the land am unable to say whether Ngaitai fought about that pa. I cannot say The chief of the party was Rangimatanku. The pa was east of Opape. I claimed. I have heard that the Whakatohea built a pa at Awawikini. forty remained at home. These people have all a share in the land of my people capable of bearing arms. Forty nine went to fight and and Rotoiti against the Pakeha. At that time there might be about sixty was sent in after the first proclamation. My people fought at Maketu of my tribe. I am the chief of my people. The claim is ours. The claim te Rongoma! Te Ururangi, Kurawhero, Ngaitu - these are the ancestors (Cross ex'd by Mr Wilson Crown agent): Torianaia, Kotaku, Tuhana, Ko

gave up at Mr Shortland's request but it is for the Court to decide. having been won by my sword. I am not quite clear about the power I having been seized that I claim but it is through my ancestors and I do not wish the Court to imagine that it is on account of the land. Brasse) agreed that there should not be any fighting beyond that place. The reasons why I named Tirohanga was this, the Colonel (Major

desired me to take up arms against the Hauhaui I constructed a pa at fetch in the Hauhaui. I brought in fifty and settled them on Opape. The Governor himself said to me "Cease fighting and go and

DEFENCE

Rewiri Ti Rangimatānuku: I am a chief of Ngātira. My father was a chief. I do not know whether Wi Kingi has land at Waiau. That has been my land ever since the time of my ancestors (relates their names). Tuhinakura was the principal ancestor through whom all the Whakatohea lay claim to Waiau. My claim is the principal one. Wi Kingi never cultivated there. We have had many pa's there. Tanakihā was the last. The eighth one was at Awawokinu. Wi Kingi did not invite me to live at Waiau. The claim is made through my ancestors and my bravery in fight. Ngātai never interfered with our pa. I never saw his people on Waiau. No fires have ever been burnt there except mine up to the time of the first and second Governors of Auckland. Till this time have constantly grown food at Opape. Wi Kingi never cultivated there. It is only now that I have learned that Wi Kingi claims there. He cannot prove his claim to my fire. My fires have always burnt there. Wi Kingi has no claim to the land on the side of Tarakeha extending inland. The western boundary begins (on the sea) at Tirohanga and runs inland. I have lived at Awawakino. It was a pa of mine. It is east of Tarakeha. I held the land by force.

(Cross ex'd by Plaintiff's Counsel, Mr Leary): I have fought against the Europeans. I have reasons for disputing Wi Kingi's claim. He is trying to take land that is not his.

Wi Teia: I am a chief of Ngātira. The Whakatohea claim through the ancestors enumerated by the last witness. My hapu have no claim to it. It belonged to the hapu Ngātira, Ngatingahere. My tribe have been there during war time. Ngātai occupied it after fighting and driving the people to Opotiki. Ngātai murdered one of my tribe. Then the hapus of the Whakatohea collected together and drove away Ngātai. Thirty of them were killed. One hundred were killed at Te Awahou. Then the Whakatohea occupied that country and have lived there constantly till now. My ancestors were Kariwi, Maruwai, Tipane, then my mother. When Mr Shortland was there the Whakatohea did not agree. Their permanent boundary was Tarakeha. I have only lately heard of a boundary on this side. The last witness has mentioned our pa on that land. The last pa, built by Wi Kingi, was constructed by order of the Colonel and does not prove any claim. Te Apoutangua's tribe Ngātira had charge of the land. The Whakatohea's have always lived there. Tarakeha is the Eastern boundary, Ohīwa, the western.

(Cross ex'd by Plaintiff's Counsel, Mr Leary): Have not sent in any claim for compensation. I have been in arms against the Government.

In the Waiau case Claimant agrees to accept a fair proportion of the lands of the hapu supposing that the Waiau land is not awarded to Wi Kingi.

David Davids: I came to Opotiki about the year 1841. I do not think that any one was living at Opape at that time. Ngatirua were living about Tirohanga and by degrees they moved further East. Ngaitai were living at Tunapahore. A few years before I left they began planting at Tirana. The Whakatohea built a pa at Opape. I believe Wi Kingi's people came in the night and burnt the Whakatohea pa but that did not drive them away. The Ngaitai retired to their own place. The Whakatoheas may have planted last at Opape but I never saw them.

Tiria Pearson: I am a chief of the Whakatohea. I know the country claimed by Wi Kingi. That is not all the land. The part by us his. Wi Kingi's claims may be right through his ancestors but he never held the land. The Whakatohea began working the land about the time of the first Governor. Before that it was unoccupied by anyone. I have heard that Rangimatanku lived at Awaawakino. Do not know his reasons for leaving that place.

Te Ranapia: I am a chief of Ngaitama. I have heard the boundaries of the land claimed by Wi Kingi. I do not know that he is the owner, never having seen his people there. I have seen the Whakatohea there. They raised food there from a very distant period down to these times. It was deserted when we were driven away. When they returned it was unoccupied. They advanced east as far as Awaawakino. Most of the hapu's lived in a pa then. Matanku was the chief. It is east of Tarakeha. Neither the Whakatohea nor Ngaitai cultivated the land about Awaawakino. Ngaitai have gathered honey there for a good many years. (Cross ex'd by Plaintiff Counsel, Mr Leary): When the steamers arrived I took up my gun and ran away to the bush because I was afraid.

CASE CLOSED

Decision Reserved

March 14th 1867. Court Opened at 10 a.m.

Kennedy: Claim adjourned on 12th Resumed.

Hala: I escorted claimant over his mother's land. He is a son of Rangirauwaka. The land was his mother's. She lived there.

(Cross ex'd by Mr Wilson): Rangirauwaka worked there. I have seen her. She was taken in slavery long before the fight at Te Papa. At the time the land belonged to Te Upokorehe, she was a child. No other hapu had any claim to any of the land. All the land between Waitohi and Ohiva belonged to the Upokorehe.

(Cross ex'd by Plaintiff): The land belonged to the whole of the tribe and to your mother.

Retitia Ropihia: The land belonged to claimant and to Rini. It was given to Rini for ever and ever, by his mother. It was settled on her by last witness and another old man who, however, was only a slave. I decline mentioning his name. The land was handed down to Rangirauwaka from Te Ruppitau, her father.

(Cross ex'd by Mr Wilson): Am from the Upokorehe and Whakatoha. I left but my people remained. I was made a slave by the Urewera. I was sold for a double barrel gun. I have returned for the purpose of getting some of Ohiva for myself.

Hira: All I know is that the land now in question belonged to Claimant's mother. She inherited it from her father. It was her's solely. The hapu had no claim to it.

(Cross ex'd by Mr Wilson): Do not know the boundaries. I am aware it is a large piece. Upokorehe stayed on the land but it was Rangirauwaka's.

DEFENCE

Kepa Toihau (Cross ex'd by Mr Wilson): I am a chief of Ngati Awa. I know Waitohi and some of the places mentioned as boundaries of this claim. From Puhionaki to Ohiva is a large piece. It belonged to Upokorehe. My claim is superior to theirs. I claim it through strength of arms. The land does not belong to one woman. I have only now heard about claimant's mother being the owner. I do not think she has any land.

Decision Deferred

CASE CLOSED

Tiwa!: I knew your mother. Kepa had no power over the land.

(Cross ex'd by Mr Wilson): The land referred to is at Ohiva.

(Cross ex'd by Claimant): Upokorehe own all that land. Ti Rupirau had a share in it. Some of your mother's children have been here during late years. Your mother said to me, "I will come back to my land", and she likewise wrote to the people, "Hold fast to my piece of land".

by the last witness is correct.

Rewiti Rangimatanku: I am a chief of Ngatirua. The evidence given

(Cross ex'd by Claimant): I have lived in the district from my childhood and have had considerable experience in directing the people. That is how I come to know about the land in question. Your grandfather had a piece of land. This claim retraces all the land of Upokorehe

Wi Teria: I am a chief of Ngatirua. I know the names mentioned and the boundaries. The land in question belonged to the Upokorehe hapu. They numbered somewhere about 18 men. The claimant might possibly be entitled to a small portion of land but not to the whole tract. In the event of a person being taken in slavery he forfeits his claim unless someone is left to occupy the land.

(Cross ex'd for Plaintiff, Mr Kennedy): The land between Ohiva and Waioatahi could not belong to one man.

Kaperiere: I am a chief of Ngati Pukeko have some knowledge of the land claimed. It belonged to Upokorehe. It is only now that I have heard that one woman could claim all that larger piece. In accordance with the Maori idea no individual could claim so large a piece. Upokorehe had perhaps about thirty to forty men.

(Cross ex'd for Plaintiff, Mr Kennedy): I do not know either you or your mother. The Whakatohea do not know anything about you. The land belonged to Upokorehe. My claim was superior to theirs. If your mother had been taken at Te Papa I might know something about her.

NO. 2 OHIWA

CLAIM 89

Hoterini Taipari (and others): I know the land claimed. It is all Ohiwa. I claim for two reasons. First through my ancestors. Awatope (names his descendants down to claimant). Parihuihui lives on the land occasionally. During Poutu time my people killed men at Ohiwa and at Opotiki. The Whakatohea were beaten. The ending of that was Te Papa. I got the slaves after Te Papa. Apanui took Harriet Korihaha to wife. Then I took the rest of the Whakatohea people away to Horotiu. Afterwards we allowed them to go to Tauranga. After Te Papa I left Apanui and Kepa to look after the land. The Whakatohea came from Tauranga. At that time a child was born to Apanui (Merana). The Whakatohea occupied Ohiwa. Ngati Awa ceased fighting when the child was born. At that time Kepa lived at Ohiwa. Poutu came to see them. The Whakatohea were at Opotiki. Knew that at that time I owned Ohiwa. Whakatohea went to Hauraki to make peace.

Then I came to Opotiki and gave a slave as a pledge of peace. After this Whakatohea and Ngati Awa ceased fighting at Ohiwa. The Arawa came to make peace but they failed. Ngaiterangi tried and did not succeed. Te Waharoa tried with the like result. Tioriori and Taati tried but they too failed. Then I sent Reihana and peace was concluded. The Whakatohea were sent back to Opotiki and Ngati Awa to Ohope. Te Kepa looked after the land for me up to the time the peace was made; this was in 1857. Up to the time of the late fighting the two tribes kept apart.

(Cross ex'd through Counsel, Mr Leary): I claim through my ancestors. I have never been in arms against the Queen.

(Cross ex'd by Mr Wilson): Ancestors fought. It was Poutu who killed the people. At that time my ancestors lived at Ohiwa. Opotiki and Te Awa-o-Te-Atua and Hauraki, they also fought about the Bay of Islands.

I belong to many tribes. Here I am Ngati Awa, at the Thames I am Ngati Maru.

I sent Reihana. Upokorehe were living at Hokianganga. During the time Kepa was in charge of Ohiwa he lived at Te Uretara and after at Ohope. He did not live at Te Uretara after the peace made by Reihana. I do not remember the fall of the Totara pa but understand a number of people were killed.

Wepiha Te Pong: I know land of Hoterini. I have nothing to say about the first part of Haururu claim. I will talk about the coming of Reihana for the purpose of ending the fighting between Ngati Awa and Whakatohea. They agreed to make peace. Then Reihana said "allow Ngati Awa return to Whakatane and the Whakatohea to Opotiki". Then Reihana retired to Hauraki. I lived at Ohope, near Ohiva up to the time my goods were there. I never saw Hoterini in arms against the Government. Claimants right to Ohiva is through his ancestors and by his strength of arm. There are other claimants behind me.

(Cross ex'd by Mr Wilson): I am a claimant to a portion of Ohiva.

(Discussion as to how case should be conducted)

Case Resumed.

Haururu is entitled to a part of Ohiva and I also am entitled to a part in the same way, through my ancestors and my sword. Ngati Awa, Ngatimarū, Ngaitai, Ngaitawarini, Te Whanau-a-Apanui and the Arawa all fought against the Whakatohea at Ohiva. Papakanui at Whakatane was taken by the Whakatohea.

There was a great deal of fighting between Ngati Awa and Whakatohea till other tribes joined the former and Whakatohea were beaten at Te Papa. Their people were taken into slavery.

When Te Waharoa came my pa was at Te Horo and Te Uretara. The Whakatohea lived at Hokiangā. I am not acquainted with the names of some of the claimants. It is only now I have heard of their claims. I have signed against the Government. Do not know as to the others. Apanui did not go to Maketu. He came here with the party belonging to Kereopa but it was on his own account.

(Cross ex'd through Counsel): I did not receive a letter telling me that this claim had been sent in. I did not think I should be included among any people except my own (Ngati Awa).

Meremana: (another claimant) I know the land claimed. I lay claim to all Ohiva. I claim through my mother who belonged to the Whakatohea and also through my father Apanui. I am not acquainted with the boundaries of this claim. My mothers claims extended to the Pukenui to Whakatohea boundary.

Meremana: (claimant) I claim through my ancestors. Patu who begat Whitimatanui, who begat my mother. The land belonged to Patu. Pukenui belonged to him. That is the only part I know about.

I have never been in arms against the Government. I only know about Ngingahere. My mothers name was Puketapu. She was taken as a slave to Hauraki at which place she died. After I had come to the years of manhood I planted at Pukenui. I went there along with the Whakatoha to fight. I was here twice in Mr. Wilson's time and once in the time of Mr. Burrows.

Hauauru: On behalf of Matene, Pataraa, Rapana, Raika and Paroto, states their claim is of precisely the same description as his own.

PLAINTIFF'S CASE CLOSED

DEFENCE

Kepa Toihau: I am a chief of Ngati Awa. I know Ohiwa and it does not belong to those claimants alone. There has been constant fighting about the place. Some of the claimants are perfect strangers to me. I never heard of them. I never heard of Patu Merryman's ancestors. There has never been any cultivation at Pukenui during my time. It is sand.

Hori Kerei Kawakura: I am a chief of Ngati Awa. I know Ohiwa. I am acquainted with the names of some of the claimants. I have lived for a long time at Ohiwa. I never heard of Patu. There has always been a dispute about Ohiwa. I never heard that the people named were the owners.

I have seen you there. I have not seen the others.

Rewiri Te Rangimatanku: I am a chief of Ngatima. I do not know any of the claimants as owners of Ohiwa. The whole of the Whakatoha were interested in that land. It is a disputed country but the claimants never took it. Apanui came with Keropu.

(Cross ex'd by Mr Mair): Merana, Matene, Patara, Rapana, Raika, and Paroto have failed to prove a claim.

Mr Mair's judgement: Apanui, Wepiha, Merana and Hauauru will each receive a certain amount of land in Ohiwa. At the same time it will be borne in mind that Apanui and Wepiha are to a certain extent compromised and must trust to the leniency of the Government.

(Cross ex'd by Mr Wilson): In Wepiha's case only, is the right of appeal reserved.

March 15th, 1867. Court Opened at 10am.

CLAIM 26

Henare Whakarongohau (Cross ex'd by Mr Mair): Claim at Ohiva. I lay claim to all the land extending from Ohiva back to the interior through my father and mother. The man who looked after my affairs was Rakuraku. I base my claim to Opotiki through my father and my ancestors Te Oreke (his father was Patiki Whitu) Te Orea, Te-Ikatapu, Heituri, Kahurini, Te Ripinga, Whakarongohau down to myself. Patiki Whitu belonged to the Ngaitamahaua tribe and I consider I have a claim on all the lands of that tribe. Up to April 1863 I had lived here for about ten years but from that time till the 17th day of July of the same year I was prevented from returning on account of the fighting at Kohura. During my residence here of 12 years I had got together a quantity of goods such as ploughs, boxes and these I was unable to remove. In the days of Titoko the elders of the people here allowed my claims.

(Cross ex'd by Mr Wilson): I lay claim to the same land as Ngaitererehana. I cannot give you the names of all the places to which I lay claim. Whariki is the name of one of the places. (The names were read over to witness from the claims) I am of opinion that I have a share in all these places. Rakuraku and the tribe to which he belongs have a claim to the same land as have likewise the Upokorehe. I know that two of the claimants have been rebels. Their names are Te Teira and Te Ropiha. I know that Hakana and Te Arawanui's (claimants) friends were in arms against the Government. One of the claimants, Kahanu, belonged to Ngaitamahana. Her mother's name is Kahapa. I have seen her father here. One of the claimants, Raima Te Hemoata, is my sister. There are other claimants, Metana, Horetini and Ho Kennedy. They are not here. Metana was aware that their names were included in the claim.

Kepe Te Tira: Claimant. I am not acquainted with the boundaries of the claim at Ohiva, nor can I state the precise grounds on which my claim rests.

My claim to Opotiki is made through my ancestors Te Aponga, Tangau, Hitia, Tanato, Rangiwihakapikitia, Tupatahou, Te Tipuwahakatarata to myself. Have lived in various parts of Opotiki and have cultivated the land. I have also lived at Onekau. When I was quite a child I went to Hauraki and have resided there till now. My tribe is the Ngaitamahana. I am acquainted with the claimants. I am not aware whether there are any other claimants to the land. Some of the claimants have been in rebellion against the Government. Te Teira, Te Ropiha were rebels. Hakana and Kahawai's parents were also rebels. Do not know if any claimants are dead.

Papa Kahawai: Claimant. I belong to the Ngaitama tribe. It is through my mother that I lay claim to Ohiva and Opotiki. She is still living and resides at Opape. My mother's name is Ranapia Kaipiri.

(Cross ex'd by Mr Wilson): I have a brother. His name does not appear in the claim. It is through his father that he claims. My father and mother lived amongst the rebels. My parents were Hauhaus. They surrendered and were brought from the gorge at Opotiki by Te Ranapia. I cannot recollect the date. I was in Auckland at the time.

Ngahiraka: Woman Claimant. Affirms. I belong to the Ngaitama tribe. It is through my mother that I make a claim to Opotiki and Ohiva. My mother's name is Matarana. She is living at Opape. Another of her names is Rangiwihuihua.

(Cross ex'd by Mr Wilson): I have one sister in Auckland and three others here. Ka-Te-Ruri is the name of my sister who is in Auckland. My mother was with the natives where Mr Volkner was killed. She surrendered at Kohipana but I was not here at that time. I lay claim to the land through my ancestors on the side of my mother. When Ranapia brought the natives from Ohiva my mother took the oath.

Te Teira: Claimant sworn. It is through my ancestors that I lay claim to Opotiki. So long as the Whakatoha tribe were united they were entitled to a part of Opotiki, it is in this manner that I claim Onekawa.

My forefathers owned Pukenui. It is through the Upokorehe whanau in part Whakatoha, that I claim Anapape. My fire has always burnt there. Te Poroa is likewise mine - that is to say it belongs to the Whakatoha. It has been in Rakuraku's charge and he has a claim there also.

Akuhata may possibly have a claim to Poroa. I am acquainted with the names mentioned in this claim. They are correct. As to Kennedy's claim I do not know anything about it. The Ngati Pukeko have a claim. I have resided at Ohiva. Have also lived at Waimana.

Wiremu Paki (Cross ex'd by Mr Mair): Witness on behalf of Ngatiraka. Ngatiraka's claim to Opotiki is clear and distinct. From her ancestors down to her mother her pieces of land have been distinct from the others. Her mother was brought from the Kohipana pa by Te Ranapia. I was there too. We were short of powder. The pa had a ditch and fence. Patara was at the pa. There was no fighting in consequence of the want of ammunition. It was Major MacDonnell's letter which brought us out.

Paora Taiā: Witness on behalf of Kahawai. What has been stated by previous witness is correct. Besides Ohīwa she has some land in Opotiki acquired not through fighting but from her ancestors down to the period when the Europeans came here to fight.
(Cross ex'd by Mr Wilson): The claimant's mother and sister were along with the rebels. It is through her mother that she claims. Kahawai is a daughter of Rahapa.

Te Rānapia: Witness on behalf of Kaipa. I cannot speak about the Ohīwa claim but can speak about Opotiki. Kaipa's Opotiki claim is through his ancestors. His pieces are quite distinct from the others. He has one piece at Otamaraukapu, another in the township, another at Pakitopeti, another at Huiwai, another at Wherekahu, another at Te Whatawirau, and Te Houhi, at Te Waipuna, at Piorapuraroa and at Kanihī. All these places belong solely to him. The whole of them are small patches. His mother has cultivated land at all the places mentioned. His parents were people of considerable rank. They both belonged to Ngaitama. The land belonged to his mother.

(Cross ex'd by Mr Wilson): The claimant is my nephew. My mother was Upokotara.

CLAIMANTS CASE CLOSED

COURT ADJOURNED

Meriana Waiti: Claims at Mataka etc. I have been married to Bennet White about three years. I was the wife of another white man for seven years. It is a considerable time since I was among my own people. I consider myself a European. I was at considerable outlay in surveying my claims. I make the claim through my ancestors. The land (pink coloured) on the plan produced is mine. Te Hapa was her father. My claim begins at Mataka, Panepoaka then along the tops of hills to Kauponga, descends Ohia and joins the middle of Ohui. Then to Te Hua-a-te-Rangikapakapa. Te Hapa belonged to Ngatrua. He is dead. The lands were settled on me by Panuiamarama. Te Hapa was not a chief.

(Cross ex'd by Mr Wilson): I lay claim to the land solely through my ancestors. No other person has a claim to these lands. I never bought land. I claim not by tribe but through forefathers. I belong to the Ngatrua hapu and not to any other tribe. Both my grandfather and father cultivated in several places on the land. Am not aware whether any land has been sold to Europeans. If any has been sold it was wrong

to do so. My father never sold any of it. Father was living in this place when European's came here in Titoko's time.

(Cross ex'd by Mr Marston): Am ignorant of the value of the land. It is of good quality. 200 pounds was given for land and houses at North Shore. There is a good road to my land. I am aware that land has been sold here.

Taipua: I am acquainted with claimant. I knew she had made certain claims. I know the land in question. Identified the land on reference to the map. Know it is large but cannot state the value. She claims through her forefathers. The tribes did not dispute her claim. I am quite clear about the plan.

(Cross ex'd by Mr Wilson): 300 pounds was given by Mr Burrows for Papakanui; Te Hoe, Paronapa, Hekara, Reniri, Te Ngau, Tu Kaua, Petara and myself received the money. Paora, Te Tamaki, Piripiripi Te Ranga, Paora Tamaiti - these are the names of the sellers of Papakanui. It is bounded by the sea to Tirohanga and inland up to Te Panepoaka and by the Otara river, to the sea and on to Tirohanga (witness points out the position of Tirohanga and Te Panepoaka on the map) The Europeans purchased according to law. He came introduce religion.

(Cross ex'd by Marston): The land belongs to claimant

(Cross ex'd by Wilson): The land bought by Mr Wilson was in one piece and is known to witness.

Tiwai Pihana: I know that claimants land, viz Te Panepoaka, Kiropana, Mataka belong to her. The land is indicated on the plan. Some of it is good and others hilly. There are gullies. It is a considerable tract. A large portion of it is adapted for cultivation. I am aware of the value of land in Auckland (town). Part of the land claimed is better than that in Auckland. It is equal to from 3 to 5 acres of Auckland land and is about 1 1/2 miles from this. I have heard that the lower price which the land has fetched was five pounds. The seller may have been drunk. I understand 25 pounds have been offered for 50 acres. Anyone much in want of drink might dispose of his acre for five pound. (Witness looks at plan but says that the land does not quite correspond with it). Traced part of the boundaries. Says, "my wife's land adjoins". Mereana claims through her ancestors. She has lived a long time with Europeans and the present husband is the second European. She has been married to him about 4 years.

(Cross ex'd by Mr Wilson): Points out Panepoaka on the plan.

Mereana claims the land below Te Panepoaka which was sold to us by Mr Burrows, a minister, and which had been purchased by Mr Wilson,

senior. One piece was bought by Ngatima, another by Ngatingahere. It was bounded on the west by the Otara river while the eastern boundary extended from Tirohanga inland to the Otara at Panepoaka. The claim is a large one but not so large as appears on the map. I am not aware whether part of Kiropana belongs to Ngatima. Witness did not point out the boundaries of that portion.

(Cross ex'd by Mr Marston): We sold the land to Mr Wilson for pipes, tobacco, pots, money etc. As we did not know the value of the land we re-purchased some of it. Now we are aware of the value of the land but at that time we did not. The missionaries bought the land about twenty years ago. A part reserved for the erection of a church.

CLAIM 86: HEARD 25 MARCH 1867

OHIWA

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.

March 25th 1867. Court Opened at 10am

Kepa Toihau and others (Cross ex'd by Mr Mair): Claim from my ancestors Tairu, Aniwahi, Tukokiki, Tamatione, Taiwhakare, Kura te Piritangi, 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 Ohiva. At the time Europeans first came to this neighbourhood I was staying at Ohiva.

Between us and the Whakatohes there has been a good deal of fighting about Ohiva but it has never been taken from us. I fought against the Whakatohes 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 Whakatohes were living at Opotiki. The Upokorehe had not gone to Hokianganga island. We took Opotiki in the fighting. The Whakatohes 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 Rototiti to fight the Arawa. I stated to you at the meeting at Whakatane that the Ohiva river was my boundary. You said a portion of the land should be set aside for Ngati Hokopu and Ngati Wharepapa. Will not consent to Whakatohes's claim.

Tiopia (Cross ex'd by Mr Mair): 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, Rangitowariki, Te Hikamaroke, Paka, Hatua, the Tukehu and myself. Have been concerned in the war about Ohiva 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 Maranui. The refugees then fled to Omarupotiki. After this Ngati Rua went and took that pa. The rest of the Whakatohes went to Turanga. Kepa Toihau afterwards brought the Whakatohes 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 Ohiva. 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 Ohiva. The first European who lived at Ohiva was Te Koti. Kepa settled him at Hokianganga. Kepa at the same time brought Upokorehe from Waiotaha and settled them at Hokianganga to raise food for Te Koti. Titokoa principal chief of Whakatohes went to Hokianganga and likewise planted food. He proposed to Kepa that the Eastside of Ohiva 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 Hokianganga to a European of the name of Mackey for a mare called Pet. The Whakatohes upon hearing this went to Hokianganga and destroyed the houses. In return Kepa and Kawakura burnt the Whakatohes 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 Whakatohes 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 Whakatohes have never crossed the Ohiva for the purpose of cultivating food.

Hotere and Paraurau chiefs of Whakatohes took Mr Shortland to Ohiva 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 Whakatohes came to Ohiva to catch sharks. They had some dispute about the boundary. They held a meeting at Hokianganga. Te Huia came back and collected the Whakatohes. They crossed the Ohiva 400 strong during the night and constructed pits. Kakihi brought the information from Hokianganga and Te Kepa sent Mereana to propose that the Popora should be the boundary. To this the Whakatohes 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 Hokianganga should be the boundary. The Whakatohes were still dissatisfied and having sent to the King Wi Thompson came and gave his decision in our favour.

When the war began Ohiva was deserted by the Whakatohes who went to fight against the Europeans.

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

I have related the History of Ohiva 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 Ohiva is ours, we have right to claim at Ohiva.

Hori Kerei Kawakura Claim through ancestors. Tai (same as Kepa's line) to Tohi Te Uruangi, Mataiata to Ti Kohi my father. Also claim by strength in war. I have cultivated at Hokianganga 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 Ohiva 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 Whakatohes cultivate on the Eastside of Ohiva. Lived for about 12 months at Whakatane. Then some disputes arose and I was sent for. Had the Whakatohes lived for any considerable length of time on the other side I would not dispute their claim. The river at Hokianganga 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 Wharepapa). The whole of the tribes on this coast have sinned against the Government. Te Rohikohi, Kawiri, Apanui are the only people of Ngati Wharepapa 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 Ohiva. I lived at Tokitoki and Hokianganga. Cultivated there. After it was sold to Wiremū Meki. I went to Te Uretara and have remained about Ohiva 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 Whakatōhea respecting Ohiva. 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 Ohiva. They held it by force of arms. They often fought for it till my time. The other claimants have given the history of Ohiva 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 Ohiva.

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 Kaokaoora and burying the dead.

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

(Cross ex'd by Mr Wilson): Am an assessor at Whakatane and was there during the difficulties connected with the Hauhaus. Matu, 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 Wanganui by Matu Rata and given to Tuira. 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.

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

(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. Pot took it. Saw them drying it one day. Saw Pot 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. Hoi 1 and a bag. One from Patra and a bag, and one from Pot.

Tamanohowaka: Through my ancestors I have a share at Ohiva. Fished for sharks there. Did not cultivate. Kepa took charge of the land. Boundary of Ohiva 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 Ohiva for them. The powder at the mill belonged to me and Hori. Two casks were wet. Pot 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. Rangipihia 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 Aua. 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.

Tipia: 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 Rangimetaukū: Those claiming Ohiva 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 Makeku. He returned from Te Awa o Te Aua. 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 Hauhausim 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. Ohiva 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 Rototi 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 Rototi and then came back. After that we again went to attack Maketu, Ngati Pukeko, Ngatitua and about half of the Kaponga people (Pahipoto.) Did not observe Hohai, 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 Hokianganga when we returned.

Tiwai Pihana: Know those who claim Ohiva. 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. Ohiva 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, Ohiva was uninhabited. Kepa sold the island of Te Uretara to a European. The Whakatohea destroyed the European's house and forced him away from Hokianganga.

(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 Ohiva. Sharks were the principal food at Ohiva. The ancestors through whom I claim Ohiva are Taingo, Tukehu and another. Pa's were built at Ohiva because you were encroaching. I myself destroyed a house belonging to Kepa.

Te Ranapia (Cross ex'd by Mr Wilson): Know Ohiva and the claimant Kepa. I have seen him at Te Uretara. It now belongs to Whakatoha. Kepa sold it to Nicholas. I have not seen Kepa living at Ohiva. 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. Whakatoha 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-Mau belonged to Kepa.

Case Closed

Decision reserved

Hohala Matehokia: 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, Pitou, 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 Whakatoha.

(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 Ahua-a-te-wao, Henuakeha, 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 Ahi Hoa, 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 Rapia and Tamaka. My mother belongs to Ngati Rua. I also claim through her, she too is descended from Te Tawhito.

(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 Tuhiyata: Claim through ancestors, Te Tawhito, Tamakaha, Te Atua-o-te-rewarewa, Te Rangihauoana, Heruakaha, Hineariki, Kokimara my mother to myself. The boundaries of the land of Te Tawhito have been stated by Hohai. My second claim is through war. The lands belonging to Te Tawhito 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 Rototi and Maketu. After the affair at Kaokaoora, 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 Rototi 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 Ohiva at the time the troops came here and took me away. I am Webster's wife. Paneka had charge of my land. Huruihenua 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 Huanas mother.

Patrick: Huruihenua, Kaututu Hairani and Wairau all belong to claimant. The first is near the hotel on the beach. The others are at Waioka. 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)

Wepiha Apanui.

Sufficient

Greeting. This is an application of advice to you to give me the land called Te Uretara, for the promises of Mr McLean, an Island in Ohiva as a place for me and my tribe to occupy. Do you give it in my hands, and I will look after it.

The Hon. Native Minister, Wellington,

Whakatane
21 July 1886

Na Wepiha Apanui

Heoi ano

He inoi atu tenei naku kia homai e koe a Te Uretara te whenua i tonoa e ahau mo te ohaaki a Te Makarini, te motu i Ohiva, hei nohoanga mo etahi o taku iwi, tukua mai ki ahau maku e whakahaere taua whenua maku e tiaki.

Ki a te Paranihi Minita, Ms Te Tahaa Maori, tena koe,

Whakatane
Hurae 21/1886

TE URETARA ISLAND

Uretara Island is situated in the Ohiva harbour, Whakatane Survey District. It is 73.3 hectares in area, and is densely covered in secondary and territory growth - mainly Kanuka Forest, Pohutukawa, Wattle, and Manuka scrub.

The island is uninhabited and is used [occasionally during the year] by the Scouting Association and fisherman.

A report was conducted by the Lands and Survey Department in 1984 as part of the on-going biological survey of reserves in the South Auckland district. Beddel, who investigated the island was instrumental in classifying the island as a Scenic Reserve.

He noted at least eleven different bird species, this being large in number, a strong possum population and also sighted a deer.

Although the island has been extensively modified by past human activity, the remains of pa sites, middens etc were still discernible. Beddel acknowledged that the Ohiva harbour area was one of the most densely settled places in New Zealand in pre European times¹.

In 1986, K. Jones of the NZ Archaeological Association briefly visited the island². He noted the remains of 2 large pa sites. It is estimated that the larger pa site Paripari would have been capable of supporting 500 people.

According to Best, the early inhabitants of the territory from Opotiki to Whakatane were Te Hapu Oneone 'a tribe of the original Polynesian peoples of these isles'³. They were descended from Hape, the Chief of the Rangī-Matoru canoe which had landed at Ohiva.

The Ngati Awa, Whakatohea and Tuhoe tribes are closely related⁴ and have continued to occupy this area of the Bay of Plenty for several centuries. Ownership of Uretara has fluctuated between the three tribes, particularly the Ngati Awa and Whakatohea since early occupation.

¹ Beddel report p 8 No. 1.

² See site report from No's W362-W355 inclusive and No's W350 inclusive plus W15/485.

³ Best 'Tuhoe: Children of the Mist'.

⁴ Their progenitors being Waitaha, Muriwai and Kuaiahona respectively, descended from Wakanui and Irakewa.

Due to the rich, sea and land resources, the island has been the source of many tribal disputes. The favourable strategic position of the island was a major bonus due to its close proximity to the mouth of the harbour and the ability to cross from the mainland at a particular point over to the island during high tide. (Wainui Peninsula end).

The pa were built at the top of steep cliffs on the island where the land flattened out, enabling extensive sites to be built. The pa sites were surrounded on 3 sides by water and were naturally defended. Terraces were built to access the pa on the western side of the island where the mudflats were.

The middens were located at the bottom of the cliffs and are heavily concentrated with pipi and mussel shells.

During the 1820's, the Ngati Awa and Ngati Maru of Thames defeated the Whakathea and took them into slavery. Some of the Whakathea escaped and fled to Tauranga and through time others were redeemed and liberated. During this period, the Ngati Awa cultivated land held at Opotiki as well as Ohiva.

Apanui, the principal chief at Whakatane and Toihau invited Whakathea back and placed them in Opotiki again, giving them seed potatoes and kumara⁵.

The Ngati Awa built at least 2 main pa on the island. The names of the 2 pa are Paripari and Karama, Paripari being the larger.

Sale in 1839

In 1839, the island was purchased by Alfred Nicholas on behalf of Black, Green and Company. Keepa Toihau, his father and his brother Hokimoana of Ngati Awa, [According to Thomas Black], sold the island to Nicholas for goods to the value of fifty pounds. The deed was signed in the Bay of Islands.

According to B.V. Cottrell⁶, the first ship building venture south of Hokiangra (Northland) was on Uretara Island. It was run by three Europeans, A.J. Nicholas and the 2 Waddy brothers Richard and Robert who were master mariners.

Thomas Black claimed to have purchased the island from Nicholas.

⁵ Land Court Meeting held at Opotiki, presided over by Henry Clark (Registrar Magistrate) on 1st October 1862. Refer Thomas Black's letter to the Editor, Southern Cross Newspaper. (Appendix No. 3)

⁶ Whakatane Historical Society - see notes held by them of B.V. Cottrell.

In 1848 while still in residence in Tauranga, Black arranged for the placement of cattle on the island. The Whakatohea were still disputing Ngati Awa's claim to the island. However it was to be another 14 years before they were able to actively protest against them.

In 1856, the Whakatohea warned Black to remove the cattle off the island, which he did. The females he sold to Hira te Popo⁷ for cash and the males he slaughtered and salted down.

Finally in 1862, the Whakatohea crossed the river and took possession of the island. Black asked them the cause of their coming to build pas on the island after he had held it for 22 years without them ever raising any claims. They replied it was true that it was taken from them by the Ngati Awa, but now they were recruited and increased in number. They added that they had seized the land as far as Whakatane.

It is obvious at this point that the Whakatohea totally dismissed Ngati Awa's claim to the island and consequently Black's claim. They re-established themselves on the island and rebuilt a pa.

An arbitration meeting was held at Whakatane on the 1st October 1862, with Henry Clarke presiding. Thomas Smith (Civil Commissioner of Bay of Plenty) was present and he was accompanied by all the native assessors of Tauranga, Maketu, Rotorua, Matata, Rangitaiki and Whakatane, plus some 40 odd native police.

Minutes of this meeting are not able to be located, however a letter written by Thomas Black to the Editor of the Southern Cross newspaper, outlines the proceedings of the meeting. It must have been a important meeting to all concerned, especially the Ngati Awa who numbered no less than 400 men.

This meeting can be considered to be one of the most significant for both Ngati Awa and Whakatohea, as not only was the ownership of the island being debated, but also the tribal boundaries.

Black reports that at the open-air Court, 400 Ngati Awa men 'danced the war-dance well armed and naked save a shawl or shirt tied round the loins'...(See Black's letter Appendix 3).

The case was then opened by selecting some twenty men on each side to state their claims.

It was subsequently confirmed at this meeting that Ngati Awa had taken the island by conquest. The Whakatohea refused to have the matter settled in this or any other court in the land.

Smith wanting a quick settlement of the dispute suggested that the meeting be transferred to Opotiki, but the Whakatohea told them that they went uninvited. The meeting was shifted to Opotiki the next day (October 2nd, 1862) and the Whakatohea were still adamant that they owned the island.

Busby, a native assessor on the East Coast was their speaker and he used a taiaha as a symbol of their dispute (the pakanga) and a bone mere named Ohiva to symbolise the land.

Two Kingites who were with the Commissioner's party asked if the pakanga (taiaha) and the whenua (mere) be handed over to them to settle.

Smith, wanting to avoid bloodshed, agreed and so too did the Whakatohea. Wiremu Tamihana Tarapipi was nominated by the king's men to decide the outcome of the case.

The Ngati Awa however were not satisfied. Te Hura and Petera of Mataata (spurred on by Black) declared that the issue be settled by the "Queen and the Court".

Tamihana eventually decided in favour of Ngati Awa. They told the Whakatohea that they must go back to their own place at Opotiki and give up the land in dispute as it belongs to Ngati Awa. Tamihana and all were unanimous. The Whakatohea treated the decision with contempt and immediately hoisted their flag.

(Black writes to the Editor of the Southern Cross).

"...there is nothing for it now but war to the knife and unless the Governor foreseeably interferes and drives the Whakatohea off, it will be a bloody and exterminating war in which the whole of the Bay of Plenty will be engaged.

Signed Thomas Black
26th December 1862"

In 1866, following the Maori Land Wars, the Island was confiscated by the Crown. A notice was published in the NZ Gazette (1866, p 348 Proclamations No 18/1/1866). Black at this time was still living in Tauranga.

The Compensation Court sitting at Opotiki in March 1867 did not include the island as part of the lands being returned to the natives. The island has been in Crown hands' ever since.

On 3rd March 1869, Pitcairn whom, Black commissioned to survey the island, was killed by Te Kooti's raiding party who had sought refuge on the island. (Refer: Staffords "Te Atawa" p 425). Gilbert Mair and his men buried Pitcairn⁸. Pitcairn's death turned out to be a great loss for Black in years to come as the survey plans which Pitcairn had prepared were burned in the William Denny Hotel (Opotiki) sometime in the early 1940's. Black claimed that he paid Pitcairn fifteen pounds for the survey.

H.G. Wilkinson, Land Claims Commissioner, wrote on 29th June 1875, to Black informing him that if he has the original plan of survey certified by the surveyor, and signed by at least two principal witnesses to the sale, then a Crown Grant would be made to Black. Black who had been corresponding with the Government now for some 35 years had given up almost all hope of getting Uretara and had previously asked for a Crown Grant in lieu of the island.

Black wrote to R.S. Bush (R.M.) in 1886 advising him that witnesses to the original deed could not be contacted. William Green had died in Panmure, George Grey had died at Whakatane; Taylor had also passed away. Charles Fulloon, another witness had since moved to New South Wales.

Because Black was unable to comply to Wilkinson's request, the claim was disallowed, under Clause (vii) of the NZ Settlements Act of 1863.

In 1879, Black wrote to T.W. Lewis re his disallowed claims and requested a rehearing. The request was turned down and Judge Wilson ruled on 13th January 1880, that Black's claim was invalid.

On the 21st July 1886, Wepiha Apanui of Ngati Awa wrote to the Native Minister in Wellington asking for the island to be returned to him and his people. In his letter, he referred to the promises of Sir Donald McLean. A reply was sent to Apanui by W.J. Morpeth in which he refused to acknowledge Apanui's claim to the island⁹. He stated that Donald McLean had no authority to grant land without an Act of Parliament.

Wepiha, who had been involved in the trials of Fulloon and Volkner, continued to seek the return of confiscated Ngati Awa tribal lands. Although his correspondences to the government were written in Maori¹⁰, his experiences with the Pakeha had been greatly increased (however negatively), following the trials and his incarceration. He had also found a friend in a Pakeha named George Graham (MP) who had assisted in gaining his release from prison.

⁸ see map Appendix 3.

⁹ Refer Appen. 8, r/c No. 86/2637.

¹⁰ No evidence to support that Apanui could not write in English.

The Ngati Awa tribe had been heavily penalised by land confiscations during the 1860's and suffered greatly from the effects of loss of land, mana and people¹¹.

Black still pursuing his claim in 1886 wrote to L.M. Grace (H.R.) offering to sell to the government the island at a price to be negotiated. He estimated that it was worth 20/- (20 shillings = 1 pound) per acre. Grace was sympathetic to Black's case and arranged through John Ballance (then Minister of Lands) for a rehearing of his case. The case was re-heard at Opotiki on 22nd November 1886. Black was unable to produce to the court satisfactory evidence of his ownership to the island, and thus the case was closed. Black was advised by Bush not to enter the claim again to any court in the land. Black, by this time in his eighties, was sick and weak. Following this court case, he reluctantly dropped all claims to the island. He estimated that by this time, the whole business had cost him 214/10/6 pounds, and said the island was worth no more than twopence to him now.

The island, still in the Crown's possession in 1898, was gazetted as a Public Recreation Grounds (NZ Gaz. 1898 p1467).

It was left un-inhabited up until 1906 when, due to increasing trespass and damage to native trees, a Mr Frank Drucker of Auckland was appointed caretaker. In return for his services he was granted a tenancy of the island for farming purposes which, the lease stipulated, was specifically for raising poultry. The island became known then as Drucker's Island.

Drucker raised fowls and sold them at 3 shillings and 3 pence per head. Drucker's Island was an early trading post and had a 'good' Kauri House¹². As a point of interest, the first cows were taken to Fiji by Drucker (who died there).

It is presumed that during this time, wattle was introduced to the island. Wattle was once used extensively in the tanning industry and this was the original source of the plants that cover large areas around Ohiva harbour. In 1909, the island was gazetted as a Public Domain (NZ Gaz. 1909, p 2386).

Drucker maintained the lease of the island up until 1920 when he transferred it to a Mr F.H. Cunningham.

¹¹ For example the Ngati Rangihouhiri and Hikakino who were left with 100 acres out of 20,000. A large number left the area and went to stay with relatives at Tauranga and Taupo. * It is interesting to note that the Government was able to keep reviewing Black's claim, but would not grant a special hearing to the Ngati Awa.

¹² Notes by BV Cottrell (held by Whakatane Historical Society).

Whakatohea meanwhile continued to pursue ownership of the island and evidence establishing their claims to the island was made in a Royal Commission (1920). [GS 1921 pp 24 - 27]

The Government in their compensations and returning of lands back to Whakatohea, however, did not include the island and it remained with the Cunninghams up until 1951.

Mr Cunningham died in 1940 and when his wife applied to transfer her lease, it was discovered on inspection that there had been gross abuse of the terms of the lease. The lease was cancelled and not taken up privately after 1951.

'Old Maori Horses' were found to be roaming about on the island in 1954 during a Lands & Survey Dept. check on the island. They found no persons to be living there.

In 1956, the island was again re-classified as a Recreation Reserve (NZ Gazette 1956, p1 738). It was visited occasionally by picnickers and seafood gatherers.

A fire in 1969 destroyed most of the remaining native vegetation and the island was considered by the lands and survey Dept. as having minimal merit for a Scenic Reserve.

In 1979 the island was re-classified as a Reserve for Recreational Purposes. (NZ Gazette 1979, p 1908).

It was during the early 1970's that the Scouting Association were made honorary caretakers of the island, and in return the island was used intermittently by them.

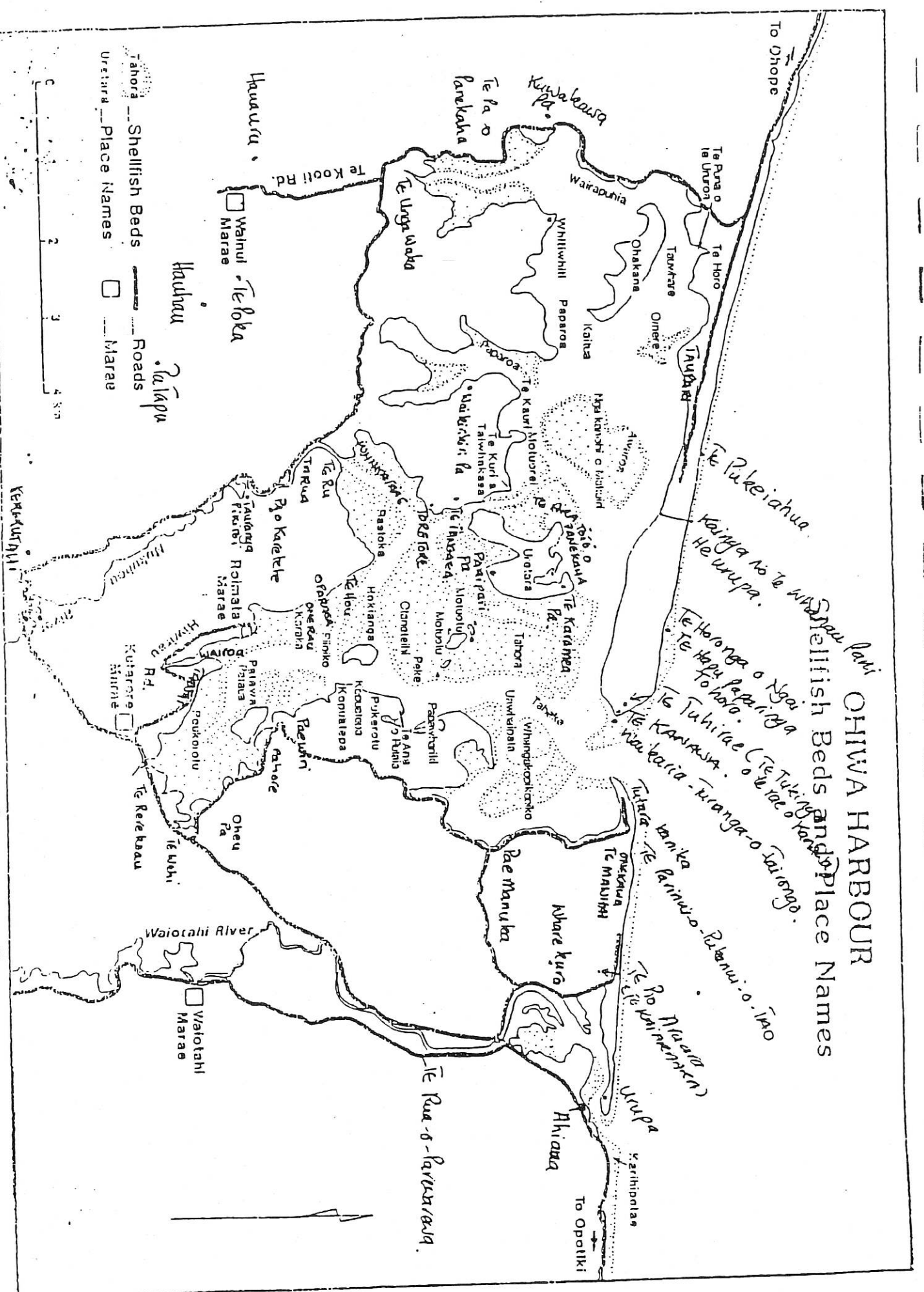
In 1984, the island was made a Scenic Reserve (Gazette 1984, p 4229).

According to Don Prentice currently of the Dept Survey and Land Information in Hamilton, there has never been a Maori Court title since the confiscation (1866), and no sign of a Grant having been issued from the Crown. This must mean, then, that Wepiha had every right to request the return of the island to Ngati Awa.

by Tania Rei
Te Roopu Whakaemi Korero
o Ngati Awa.

OHIVA HARBOUR

Shellfish Beds and Place Names



Scale: 1 cm = 1 km

- Shellfish Beds
- Place Names
- Roads
- Marae

0 1 2 3 4 km

