

1.
Opotiki Court Aug 24th 1886.

- Oamaru Judgement -

Subject to the Reservations following - The claims of Tātōha and others, made generally over this Block are opposed to the weight of evidence.

These individuals wrest tradition in an effort to acquire ~~to acquire~~ the Tribal Lands that belong to the hapus of the Whatatōhea.

Their claims are as the claims of certain individuals against their own, or other hapus for the Tribal Lands of those hapus - To this end we are asked to discredit the traditions of all these hapus, and to accept in lieu statements too incorrect, and too improbable to mislead.

Thus with the object of setting aside the status of Ngatinahere and the conquests of Punahamoa their chief, over ^{to} Upokorehe we are told, by way of accounting for his military career, that Punahamoa flourished in the third generation after Ruamako -

was a "soldier" under Ruamoko at Kouratahi's battle "but Punahamoa

but neither of them at that period of life would possess bodily and mental vigour sufficient to vanquish in battle a powerful enemy flushed with success as is represented by these claimants.

Again in reference to the dividing line said to have been set up between the alleged conquests of Ruamako and Te Whatatōhei; we are informed that those chiefs fixed this Boundary themselves; but Te Whatatōhei lived in the fourth generation before Ruamako.

It is therefore unlikely that such line was made by said chiefs. But what shall we say to the assertion that Te Whatepui and Puna-hamoa who lived seven generations apart were together at the engagement at Kouratahi where the former was killed, and the latter ^{sewed} as a soldier under Ruamako? yet it seems necessary to the story put forth by Tawha that these three chiefs should be contemporaries.

Again, considering the great numerical loss that a tribe sustained when carried captive formerly, as well as subsequent diminution due to contact with civilisation, it is evident such that a tribe such as Ngatiira is now, must have been a considerable hapu before it was taken captive at Te Papa, and far too numerous at the time of that captivity to have sprung from Taamahora, seeing that that disaster occurred in the days of Taamahora's Grandchildren; yet ~~we~~ we are informed by Tawha that Ngatiira was a landowning hapu, and we apprehend that they all owned land are descended from Taamahora. The object of this assertion, ^{made} in opposition to the ^{legitimate} traditions of Ngatiira that they are otherwise descended is clear; seeing that Taamahora was a son of Ruamako and that it is material to Tawha's case that the presence of N. Ira at Waitika should be explained in a manner to serve the interests he claims through Ruamako.

We find some of Tawha's statements to be disingenuous, and his traditions largely fictitious, hence we summoned Tuiaki Pihana

a chief of H. Patu, and a descendant of Ruamako but to our regret we discovered ~~that~~ this witness while speaking to us to be under Tawha's guidance, thereby ~~set~~ neutralising the value of evidence that we had hoped would be independent.

Turning from the conquest claimed through Ruamako, the eastern portion of the Block, being the balance of the Land - This also is claimed by conquest, alleged by Tawha to have been made by ^{the} Whatupei.

Now what does this conquest amount to? It Whatupei to avenge an insult burns a house at night in which a number of Ngaitu natives are sleeping. No battles were fought, no pas were taken, there was absolutely no war. Such an incident does not exterminate a Tribe. When Kinonui was burnt with some of his people in his large house at Tauranga by Kotorua, it was not that, but the taking of Maungarui and other pas that caused the downfall of H. Ranginui.

The remnants of that tribe are now a handful while their conquerors fill the District, and so it would be ^{here} if Tawha's contention were correct, whereas we find the contrary to be the case, Ngatimare and Ngaitama the hapus descended from Ngaitu are numerous, while Tuhaka, Tawha's aunt tells us that the descendants of H. Whatupei having sole right to this Land, are Tawha, herself, Tuki, Maria and their children.

Further we find that persons whom Tawha opposes would be as much entitled to claim under H. Whatupei as himself, but they

refrain from doing so, because they hold that Te Whatupehi did not conquer the Land.

But the statement on the other side it appears that the hapus ki Rua, ki Ngahere, ki Aetama, and ki Ira, each gives an intelligible account, as to how it obtained, and occupied the portion of this large Block claimed by it, each points out its marks of Ownership and where its Boundaries are. In one instance only do their Boundaries overlap. The Boundaries must have been understood formerly to be so well adhered to now.

The Court cannot disturb these tribal claims on the evidence offered by Tawha, although certain adjustments and doubts necessary owing to the phase in which the matter has been presented to us.

We are of opinion that Te Whatupehi did not acquire the eastern portion of this Block by conquest at Ngatu, neither did Ruamako conquer the western portion from the Whakatana.

We consider however that the descendants of Ruamako, that is ki Patu, are a section of ki Ngahere and as such should show in the ki Ngahere portion of this Block.

Lot 3.

We think this share should be defined, we therefore assign to them Lot 3 upon the plan at Ohuaroa where Tawha says they used to hunt Game.

We are of opinion that ki ^{Rakautahi} ~~Raukotehi~~ are entitled to show with certain other ki Rua natives inlands to be presently named on the north eastern side of this Block.

Lot 2.

— That part of this Block lying between Waiwaka River on the one side, and a straight

line on the other side drawn from the summit of Moananui to the point where Tutaeotot stream crosses the confiscated Boundary and by a line from the summit of Moanui following the Boundary of Motu Block towards the Koroma River until it reaches the U stream and thence by the course of said stream to its junction with Waioteka river is claimed by H' Ira as having been conquered by them from the Whakatane tribe. The survivors of the Whakatane who have given evidence state that H' Ira drove them off this land (not Ruamoko as alleged by Tauwha) and the evidence of the other hapus of the Whakatane directly affirms that H' Ira conquered the land from the Whakatane. H' Ira has or has had, pas, cultivations, burning places, fishing places and flax grounds on this land, they have built canoes upon it, and have hunted over it.

This land Lot 2. is awarded to H' Ira a list of names to be furnished to the Board by Paora te Pakihi.

Lot 1.

— That portion of this Block that is bounded by No. 2 Lot. by Waioteka river, and by part of Motu Block is also claimed by H' Ira as having been conquered from the Whakatane, but the Whakatane in person of Ketana and Tamaitouha oppose this claim on the ground that they have never been expelled from this land. The remnants of conquered tribes are not infrequently found living in remote parts of their old possessions in a state of independence. Such would seem to be the case in this instance we do not find it

proved that the Whakatane were expelled from this Land.

This Land, Lot 1, is awarded to the Whakatane tribe a list of names to be furnished to the Court by Tutang Rangihū or by Eru Tamaitōwha.

Lot 3

That portion of this Block bounded on the north by the confiscated Boundary, on the west by Lot 2, on the east by Lot 4, and by Lot 5 on the south, being Lot 3, as shown upon the plan is awarded to the Natives who are descended from Ruamako and H. Ngahere now called H. Patu. a list of names to be furnished to the Court by Tauwha Hikora, and Tiwai Pihana or either of them.

Lot 4.

The Watershed of Te Waiiti Stream and its branches south of the confiscated line is awarded in the manner shown upon the plan of Ngaitama.

This is Lot 4 a list of names to be furnished to the Court by Rewia Huiā and Ranapahi Waihaku or either of them.

In this case we have not felt able to concede that part of the claim of Ngaitama that extends beyond the watershed we have named as far as Mōtikōra - This portion of the claim is not well sustained and the outlet sought would cut the H. Ngahere land in two, and reduce that Tribe from the superior position which we consider them entitled to hold.

Lot 5.

The Balance of the unalotted portion of this Block that is bounded by the left Banks of the Pakihi Stream from the Boundary.

of Whakapapaiki Block to the confiscated Boundary, being Lot 5 shown upon the plan, is awarded to ki ngahere, a list of names to be furnished to the court by Te Ua Tawhito and Matu ngahona or either of them.

Lot 6

Lot 6 as shown upon the plan is awarded to Ngairangi, a list of names to be furnished to the court by Te Ua Tawhito.

Lot 7.

As shown upon the plan is awarded to Ngaitamoko and ki Raukatahi. Lists of names for these hapus to be furnished to the court by Heremia Hoera Poaka, and by Tawha Nikora.

All lists to be given to the court within ten days, failing which the court may take such action as may seem fit.

The case of Te Pahi Hoera for all ki Rua is dismissed.

J. Wilson
Judge