

Auckland

Remarks on an application by Tauwha
for a rehearing of Oamaru case

This large block of land, 105,000
acres, was awarded to all the hapus
of the Whakatane tube and to one
hapu of the Wairua tube.

The hapus of the Whakatane are
Ngatingahere
Ngaitama
Ngaturia
Ngaturua and
Ngatipatu, which last is the
smallest hapu.

The Wairua hapu to whom a portion
of the block at the W was awarded
was the Whakatane - Tamikowhai's
hapu.

Ngaturua contains seven sub-hapus
(poris) one of these petty divisions is
Ngaturakautahi

Tauwha, the petitioner, is half a
Ngaturakautahi and half a Ngatipatu

He is a modern young man,

J. R. Macdonald Esq
Chief Judge
Native Land Court
Auckland

sharp to a degree, well
educated

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and has allied himself with some Europeans, who finding the funds have secretly made surveys with Tauwha over a large territory probably more than 100 miles in length and many miles wide.

Oamaru part of this country was surveyed by stealth. For a long time the Statute Committee refused to recognise the survey - ultimately they gave way, and the Chief Surveyors then approved the survey.

Such were the surroundings of the matter when Tauwha came before my Court to claim that Oamaru, 165,000 acres, belonged exclusively to himself and to ten other persons named in the pahi of whom five were his two children his sister his cousin and his aunt; subsequently he enlarged this circle as the case advanced.

Against Tauwha were opposed all the hapus of the Whakatohea excepting Ngatipati, which is a mere handful not more than twenty persons perhaps - also the evidence of Tamaitiwha's tribe was against him -

The weight of evidence ^{was} entirely against Tauwha moreover we found that he manufactured ^{some of} his traditions and distorted that which was genuine to suit his purpose thus weaving a web to blind the Court -

Thus to rid himself of the claims of Ngaitama and Ngatipahere he destroys all their forefathers except two in a burning house, the two and their descendants he keeps in a state of dependence to his own little party; but the descendants of the former outnumber the latter twenty fold.

The same ridiculous tactics are pursued against Ngatira whose presence at Opotiki gives the lie to what he says. This tribe is a genuine hapu of the Whakatohed descended from Ika Puwai a grandson of Muriwai who came to Whakatane in Mataatua canoe yet Tauwha has the audacity to tell the Court that Ngatira are a race of interlopers who came to Opotiki comparatively recently from Waiapu and that they own no land at Opotiki in their own right.

Erew Tiwai (the chief of Ngatipahere), who was under Tauwha's influence denied this. The Ngatira denied it, and gave their own traditions of themselves - and Tamaitohu one of the greatest tohungas of the Waiwera shewed how Ngatira were Whakatohed descended from Muriwai.

Tauwha complains that the judgment makes him say that Puaromoko and Te Whakapae laid down a certain alleged boundary, whereas he had said that said boundary "was laid down by Te Hau o Te Raupae and Te Whakapae". There is no point in

this complaint, and the Whakapapa he gives in his application for rehearing does not shew the connection in time between Te Whaitupai and Ruamoko, but the following of his whakapapas does shew this:

Whaitupai killed Pakakura
Rangikapakapa
Kahopu
Te Hau o te Rangī
Ruamoko said to

have conquered the land the boundary of which it is alleged was laid down by Whaitupai and Hau o te Rangī -

As a matter of fact Taunua used the names of both Te Hau o te Rangī and Ruamoko as parties to laying down the alleged line between them and Te Whaitupai, but he ^{explains} qualified the presence of Te Hau o te Rangī by saying that he was a very old man and was living with his son at the time, forgetting altogether that by his own account Te Whaitupai had killed Pakakura four generations before Ruamoko.

Again he told us that Punahamoa was a soldier who fought under Ruamoko (Punahamoa was really the fighting chief of Ngatungahere) and that Punahamoa brought valuable information to Ruamoko on the eve of the battle at Korotahi, and Taunua told us also that Te Whaitupai was killed in leading the onset at that engagement.

Now here in his own Whakapapa to shew the kind of traditions he wished us to believe -

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- Te Whatupeki killed 1 Pakakura
- 2 Rangikapakapa
- 3 Kahopu
- 4 Te Hau ole Rangī
- 5 Ruamoko
- married to Sringa of 6 = Rangihutini of
 Apatangabese.
- 7 Hinehere
- Te Whatupeki and 8 Panahamoa were
 together at Kouratahi

again Tamoha made to Whatupeki not only kill Pakakura, but he destroyed the whole of the tribe of the latter burning them in a share two persons, Tamatakeri and Warokini, only ~~escaping~~ escaping; but the moment it suits his purpose he raises up Rangikapakapa, Phoenix-like, from the ashes of the hut -

How can he be entitled through Rangikapakapa to anything if all were killed excepting Warokini and Tamatakeri? - both of them he tells us were kept in a state of dependence - The object of the said dependence being to show that the chiefs of Apatangabese and Apatangabese have no claim -

But the whole of Tamoha's case is a tissue of fraud and deserves no further analysis -

Briefly he destroys half the Shekatohea to get half the block, say 50000 acres; yet, there is he destroyed moiety in full force now claiming their land under their traditions -

Then one branch of the destroyed he brings to life again to wage a war that

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never occurred, i.e. the alleged war of
Ruamoko with Te Whakatane by
which he claims the other half of the
block, say another 50000 acres -
The existence of Ngatira except as
interlopers he denies, and denies that
they conquered Te Whakatane, notwithstanding
the latter admit that they were driven
off Waioeka by the Ngatira. In this
the evidence Tamaihowa, who tho'
a cannibal I take to be a chief
of great knowledge and veracity
in these matters, (independently of
other evidence adduced before us)
is worth more than that of all
the Tauwhas in New Zealand

Tauwha asserts that I prevented
him from giving a portion of his
evidence -

There is no truth in this statement,
which in itself, to say the least, is
highly improbable -

Tauwha was before us during the
21, 22 and 23 Aug. He finished
his evidence in chief on the 22nd -
after his cross examinations were over
he wanted to reopen his evidence in
chief; this I refused; every body might
reopen in the same way if he might,
and endless confusion would be the result.
I looked upon the application to reopen evidence
at the time as a peg to hang a petition
for rehearing upon -

No one knows better than Tauwha that
he can't have two says to the other natives
one.

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Tauwha says " in his judgment he stated that I have said that the tribe Ngatara possessed land within that block, I did not say this."

The judgment makes no such statement and these remarks distinctly contradict any such inference.

Vide the judgment attached the perusal of which is necessary to the further understanding of Tauwha's petition.

Lawson
judge

Dep. 12.
N. L. 88/2604.

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Hunder Lee, N. O.

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