TUNAPAHORE

Court informs natives that it cannot say yet when judgment will be given on this block, but mean while Court is adjourned until 10 a.m. tomorrow morning.

5/2/85

Thursday February 5th
Court opened at 10 a.m.
Present the same.

6/2/85

Tunapahore Judgment

This case was commenced on January 20th and has occupied two weeks in the hearing.

The claimants are Ngaitai, who set up claims Claims of Ancestry, Conquest of Ngariki and also occupation.

The Counterclaimants are

1st Te Whanauapanui who claim by Ancestry,

Conquest of Ngariki, and also occupation.

2rd Ngariki, who claim by Ancestry Conquest and
occupation but case their claim principally on

Ancestry and participation with Te Whanauapanui
in the various wars which took place on the block
and in its' neighbourhood against Ngaitai and
other tribes.

The evidence offered has been very conflicting each side denying the other sides strongest points. Events which are said to have occurred at the close of the last was between the parties being disputed absolutely. -

74/ Junapahore

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5/2/85

Theoretay February 5101
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· Gunapahore Judgment

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Tru Claimants and Igartan, extosetupling Camo of Ancestry, Longuest of Ingaritic, and abor occupation.

- Ite Countere Camanto core

15t Seterancinaparin, who cain by ancestry, Conquest of Ingarie, and also occupation.

21. Nganiki, who cain by Anewby Conquest and occupation, but Garetie elain fruncipally on ancestry and participation with the toward and in its neighbour hood against Ngartae and other bubes.

The under wo offord two been very conflicting called pide denying the other pide obsorgest fromto - levents which are baid toward at the close of the Cast war between the parties being disputed about they.

If then there is so much difficulty in ascertaining the truth about circumstances occurring only twenty five years ago, and in which persons now in the Court are said to have taken a prominent part how much more difficult must it be to estimate the value of evidence relating to events dating back many generations.

On the question of the Ancient boundaries of this land we are not at all clear.

It would appear that Tunapahore or Motatau as some call it, was at one period in possession of a tribe called Ngariki, and the strong point in the claims both of Ngaitai and Te Whanauapanui is the conquest of that people, while Ngariki, though admitting that there was fighting amongst themselves, deny that they were conquered and that they lost their land.

The Court does not think it necessary to seek further back for the title to this land nor to enquire from whence Ngariki came, nor how they acquired possession. That they did hold possession of it is evident from the number of old walled pas which both sides state belonged to Ngariki. Referring then to the claims by Conquest, the important points are

1st Were Ngariki really Conquered and driven away to other places.

2nd If they were so conquered what tribe conquered them and took possession of their land?
We will take first the case of Te Whanauapanui their witnesses state that Apanui Ringamutu was the Ancestor to whom the land belonged, and that his people the descendants of Turirangi were then known as Ngariki, that a few generations after Apanuis' time quarrels arose amongst them, not about the land, but in consequence of wrongs perpetrated by one family or

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in consequence of wrongs people braked by one family or

hapu upon another family, and that the result was that one hapu under the chief Te Whakaihu were driven away, and another under Tohe Te Ururangi followed, that the land of these two sections was confiscated - the name "Ngariki" blotted out, and that of Te Whanauapanui substituted.

Very little is told of the subsequent history of Te Whakaihu, but Tohi returned to Maraenui on the occasion of the tattooing of his granddaughter, made peace with the tribe, and was treated as a person of distinction - after which he returned to Whakatane.

Te Whanauapanui state further that they, (Ngaitai) had been in possesion occupation of the land for many generations, when a people called Ngariki-ratoawa came to them as refugees from Tauranga, were taken under the protection of Ngaitai and placed at Tunapahore, but after a time troubles arose between them and many were killed and the rest driven away by Ngaitai who then reoccupied Tunapahore and have continued to do so ever since, except when they had to leave their country for fear of Ngapuhi.

Now the two accounts of the exodus of Ngarare very different but Ngaitais' version appears to us to be the most probable in as much as Ngariki were quite a distinct people from Ngaitai, whereas Te Whanauapanui say that Ngariki whom they expelled were their own flesh and blood.

In later times there have been wars between Ngaitai and Te Whanauapanui but exclude the one which took place during the present generation, they do not appear to have had any reference to this.

76/ Junapahore Judgment

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believe n'iquitai una se lotananafrance but esca licone which book place during the present quive truy donot appear to have trad any reforence tot

Do much for the questions of Ancestry and Conquest. We come now to the question of occupation - TeWhanauapanui, more especially that section called
Te Whanaua te Harawaka are closely connected with
Ngaitai, and itis evident that for several generations at least both Tribes have been living on
the land, whether or not one was living there
under the "mana" of the other we cannot tell,
but Ngaitai appear to have occupied the west end
of the block and Te Whanauapanui the other part,
and as far as we can judge, no boundary was ever
defined between them.

With reference to the claim set up by Ngariki, whether these people were driven away or went voluntarily, does not appear to be of much consequence for it is not disputed that some of them came back that they kept up constant intercourse with Te Whanauapanui, that they used to come to their aid in war-time, and that they are close by connected by Ancestry.

We think therefore that though Ngariki have not offered much evidence of occupation, their claim has still been kept alive.

Taking all those circumstances in to consideration we have arrived at the conclusion that the only just settlement of this question is by a division of the land.

We therefore AWARD ALL THAT

portion of the block lying to the west ward of a line running from the mouth of Waiomuri stream across to the southern boundary of the block, as shown on the map to Wiremu Kiingi and his fellow Claimants of Ngaitai, and the remainder of the Block we award to

Junapahore Judgment 6/2/1885

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recupation - Telbriananapanui, mon especially matsection called Telbrianana Telborawaka and dosely connected with Ingaitai, and it is evident mat for several generations, atteast bost Tribes have been tiving on the tand, whether or not one was living those under the mana "of the other we cannot tell, but Ingaitai appear torrave occupied the lost end of the block and selbra an anapanui the other part, and as for as we can judge, no boundary was condifined between truin.

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Panapa Te Nihotahi and his fellow claimants of
Te Whanau a te Harawaka and Te Whanau Apanui,
and we direct that the names of such of Ngariki
represented by Huhana whose claims the Court may
consider are to be included in Te WhanauApanui list.

The lists of names are to be handed in to Court by Wiremu Kiingi and Panapa.

Te Whanau Apanui will have to pay their share of the cost of the Survey of this Block.

It is after very careful weighing of the evidence and with the most sencere desire to do justice to all parties that we have arrived at this judgment, and we earnestly hope that both sides will accept this as a fair settlement of a question that has cost them much trouble and bloodshed in the past and has defied all attempts in the direction of a peaceful solution.

In conclusion we desire to compliment both Ngaitai and Te Whanau Apanui for the friendly spirit that they have manifested all through the hearing of the case.

Opotiki
February 6th 1885
Court then adjourned till 2 p.m

Resumed at 2 p.m.

Tatana and others applied that Pukemauri might stand over in order that they might get over their "pouri" in connection with the judgment above given Huhana Wepiha seconded also this applied. Wi Kiingi who handed in a receipt of £113-10-5 for survey costs in the Tunapahore Block, wish to know when he would be recouped the share toward him of Whanau Apanui, as directed in the above Judgment.

78/ Sunapahore Judgment

I anapa se Minotani, and no fellow-claimants of se Unianamate narawa ka anaselva anamapanem, and we done the at the names of such of I gari hi suprometed by Munana, whose saims he Burt may consider the art we to be included in Telemanamapanem list

The woo of games are to be nanded into Courtbyloineme Kingi and Panapa.

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Pobliki
February 6th 1885
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Uni Kiinqu (who tranded in a receipt i £113-10-5 for purous forts in the sunapations Block, wis Know when the would be recouped the stare toward of tohanawapanus, as directed in the about judg

The Court replied that it would asertain the share of Apanuis, and inform them.

The Natives then unanimously asked that the Court adjourned until Monday.

> Court then adjourned until 10 a.m. on Monday the 9th

Monday February 9th

9/2/85

Court opened at 10 a.m.

Present the same

PLAN

5481 No 1

of 2.2.85 Panui Paratene Te

Aratahatu

sworn 2/- paid

Pukemauri

(14.173 arces)

on Gazette of 2rd February 1885 Claim of Te Tatana Ngatawa and others. I live

at Te Kaha, and belonged to Whanau a Hikarukutae hapu of Whanau Apanui. I know this land as shown on the plan before the Court and have a claim $\underline{\text{Hearing 20/- paid}}$ to it through Ancestry, and occupation of my Ancestors, (Apanui No.2). I have already given my whakapapa in previous case. (Houpoto and others). (Huhana Wepiha there applies to be admitted but is objected to by Te Paratene Te Aratahatu. who stated that Apanui No.2. was the Ancestor who owned the whole of this land there abouts, but that this descendants alone owned this block).

Objections called

NONE

Order therefore in favor of Claimants; Lists to be handed in.

Tunapahore Judgement. 79, in our our pupul as un ascertain the stian of stpanews, and inform truin.

The Malwoo tain unanimowsky asked that
The Court be adjourned until Monday.

Court (hin adjourned

Listil 10 57111. on Monday 1 the 9 15

Monday Fromway 919.
Court opened at 10 Fin.
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9/2/85.

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773 1

on swyette of 2nd Fibruary 1885

of 2/2/85 Tanui. Reacin of Tesatana ngatawa and orans.

Taratine To Thise attitation, and belong to Whanawahikarukuta

aratatratu hapu of Whanawapanui. Know this Eand as show

Sworn. 2/- paid on plan befow the lourt and have a claim to it Tuaring 20/- had through anustry, and occupation of my anustros.

(aparun 192). Have abready quen my whatapapa un priore case. (Houpoto to:)

(Therian a Cocpiera tiene applies to be admitted but is objected to by Il anaterie It anatariate, who ptated that apanen 11-2 was the anew to wolf our au thewhole of this tand time bouts, but that this despendents a tore owned the block)

Objectors called.

7) one

Order Therefore in favor of Camanto, List to be

55483

Kapuarangi (or Paku (32,949 acres)

41

Claim of Wiremu Kiingi and others.
Whanau Apanuis also asked that this case might
be heard at a future Court. Wi Kiingi objected.

court informed those present that it would let them know its decision at 2 p.m.

Court adjourned till 2 p.m.

Resumed at 2 p.m.

On assembling Wi: Kiingi said he was agreeable to the adjournment of the Kapuarangi block. The Court says it has not any objection, and as Whanau Apanui and Te Whanau-a-Te-Harawaka also desire it the Court considers it best that case be adjourned.

Case adjourned to a future Court accordingly.

No.8

Te Paku Kapuarangi

Claim of Wiremu Kiingi and others

Adjourned.

No.19

Te Paku No.2 (kapuarangi)

Claim of P. Te Aratahatu and others.

Adjourned

No.12

Takaputahi

Claim of Wi: Kiingi and others There being no plan

Case is Dismissed

Court then adjourned til 10 a.m. tomorrow.

Kapuarange (or Pakul (32949,000) Kain of lovemu Kingi tolkers.

· Miranauapanus aboancia mat mis Caro might be heand ata future lowert. Usi Kingi objected.

Court informed mose present mat it would let Them Know it's decision at 21411

Tourt adjouvered till 21911.

Resumed at 25m:

On assembling, wi Kingu paid we was agreeable to the adjournment of the Kapuarangi block

The Kourt says it has not any objection, and as Yokanawapanun and si Whanauckeranawaka also desvie it, the lower forvoiders it but that carebe adjourned. Love adjourned to a fution Court accordingly.

Telake Kapuwiangu Laun of lovenu Kinge and others 11-8 adjourned.

Selaku No? (Kapuarangi) Raim of 1. Se avatariatu and orios. adjourned

Takaputahi 11: 12 leain of loi: Kinge +others

Thew being no plan (doe is Diomosed

Court then adjourned till 10 Jill to moviow