

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//

Tunapahore

Court informs natives that it cannot say yet when judgment will be given on this block, but meanwhile Court is adjourned until 10 PM tomorrow morning

5/2/85

Thursday February 5th

Court opened at 10 PM.

Present claimants

Judgment not being ready in Tunapahore, the Court is adjourned until 10 PM tomorrow

Friday February 6th

Court opened at 10 PM.

Present claimants

6/2/85

Tunapahore Judgment

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

The Claimants are Ngaitai, who set up the claim of Ancestry, Conquest of Ngarikē, and also occupation.

The Counter claimants are

1st Te Whānauapanui, who claim by Ancestry, Conquest of Ngarikē, and also occupation.

2nd Ngarikē, who claim by Ancestry Conquest and occupation, but base their claim principally on Ancestry and participation with Te Whānauapanui 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 side's strongest points. Events which are said to have occurred at the close of the last war between the parties being disputed absolutely. —

Tunapahore Judgment

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

Tunapahore Judgment

7511

It 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 Motakau as some call it, was at one period in possession of a tribe called Ngauriki, and the strong point in the claims both of Ngaitai and Te Whanauapanui is the conquest of that people, while Ngauriki, though admitting that there was fighting amongst the two tribes, deny that they were conquered and ultimately 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 Ngauriki came, nor how they acquired possession. That they did not acquire possession of it, is evident from the number of old-walled paas which both sides state belonged to Ngauriki. Referring then to the claims by conquest, the important points are

- 1st Were Ngauriki really conquered and driven away to other places?
- 2nd If they were not 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 Rakiamutu was the ancestor to whom the land belonged, and that his people the descendants of Turirangi, were then known as Ngauriki: that a few generations after Apanui's time quarrels arose amongst them, not about the land, but in consequence of wrongs perpetrated by one family or

Tunapahore Judgment

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 Uru-rangi 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 possession 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.

Tunapahore Judgment

Kapu upon another family, and that the result was that one Kapu under the chief Te Whānāhāhā was driven away, and another under Jorū te Whānāhā followed, that the land of those two sections was confiscated - the name "Ngariki" blotted out, and that of Te Whānāhāhāhā substituted.

Very little is told of the subsequent history of Te Whānāhāhāhā, but Jorū returned to Māraenui on the occasion of the tattooing of his granddaughters; made peace with the tribe, and was treated as a person of distinction - after which he returned to Whānāhāhāhā.

Te Whānāhāhāhā state further that they have held possession of the block ever since.

Ngaitai's witnesses state that they (Ngaitai) had been in possession and occupation of the land for many generations, when a people called Ngaurikihatoawa came to them as refugees from Māraenui, were taken under the protection of Ngaitai and placed at Tūnāpāhore, 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 Ngaitai are very different but Ngaitai's version appears to be the most probable inasmuch as Ngaurikihatoawa is quite a distinct people from Ngaitai, whereas Te Whānāhāhāhā say that Ngaurikihatoawa whom they expelled were their own flesh and blood.

In later times there have been wars between Ngaitai and Te Whānāhāhāhā but the one which took place during the present quarrel they do not appear to have tied any reference to.

Tunapahore Jugdment

6/2/1885

Do much for the questions of Ancestry and Conquest. We come now to the question of occupation - Te-Whanauapanui, more especially that section called Te Whanaua te Harawaka are closely connected with Ngaitai, and it is 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 closely 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

Tunapahore Judgment

6/2/1885

77

Do much for the questions of Ancestry and Conquest.

We come now to the question of occupation - Te Whānau ā Pānui, more especially that section called Te Whānau ā Te Whānau ā Pānui are closely connected with Ngaitai, and it is evident that for several generations, at least both tribes have been living on the land, whether or not one was living there under the name of the other we cannot tell, but Ngaitai appear to have occupied the West end of the block and Te Whānau ā Pānui 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 Ngaitai, whether those 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 Whānau ā Pānui, that they used to come to their aid in war-time, and that they are closely connected by Ancestry -

Certainly therefore that though 'Ngaitai' have not offered much evidence of occupation, their claim has still been kept alive.

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

The therefore award All that portion of the block lying to the westward of a line running from the mouth of Waioneke stream across to the Southern boundary of the block, as shown on the map to Wirimu Kingi and a few fellow claimants of Ngaitai, and the remainder of the block is awarded to

Tunapahore Judgment

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 Whanau-Apanui 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 sincere 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.

Tanapahore Judgment

Tanapahore Ninotani, and his fellow-claimants of Te Whānau-a-Kāhawa-Kā and Te Whānau-a-Panui, and we direct that the names of such of Ngati Kū represented by Whānau, whose claims the Court may consider clear are to be included in Te Whānau-a-Panui list.

The lists of names are to be handed into Court by Wiremu Kīngi and Tanapa.

Te Whānau-a-Panui 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 sincere 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 Whānau-a-Panui 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 the Kēmanu might be handed over in order that they might get over their "power" in connection with the judgment above given.

Whānau-a-Kōpū also seconded above the application.

Wi. Kīngi (who handed in a receipt for £113-10-5 for survey costs in the Tanapahore Block, who knows when he would be recouped the share towards Te Whānau-a-Panui, as directed in the above judgment.

Tunapahore Judgment

The Court replied that it would ascertain 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

<p>5481 No 1 of 2.2.85 Panui Paratene Te Aratahatu <u>sworn 2/- paid</u> <u>Hearing 20/- paid</u></p>	<p><u>Pukemauri</u> (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 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 thereabouts, but that this descendants alone owned this block).</p>
-------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Objections called

NONE

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

Tunapahore Judgement.

79//

The Court replied that it would ascertain the claim of Spanius, and inform them.

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

Court then adjourned

until 10 AM. on Monday the 9th

Monday February 9th

9/2/85.

Court opened at 10 AM.

Present the same.

Man
5481

N^o 1

of 7/2/85. Panui.

Paratene Te

Aratakatu

suborn. 2/- paid on plan before the Court and have a claim to it

having 20/- paid through Ancestry, and occupation of my Ancestors.

(Apanui N^o 2). Have already given my whaka-papa in previous case. (Houpo to &c.)

(Upeiana a Upeiana now applies to be admitted but is objected to by Te Paratene Te Aratakatu, who stated that Apanui N^o 2 was the Ancestor who owned the whole of this land time abouts, but that his descendants, a son owned this block)

Objector called.

Now

Order therefore in favor of Claimants. List to be
recorded in.

55483

Kapuarangi (or Paku (32,949 acres)

21

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.

80//

55483

Kapuarangi (or Paku) (32949.000)

No 1

Claim of Wiremu Kingi & others.

Whānauapanui also asked that this case might be heard at a future Court. Wi. Kingi objected.

Court informed in so prevent that it would let them know its decision at 2 PM

Court adjourned till 2 PM.

Resumed at 2 PM:

On assembling, Wi. Kingi said he was agreeable to the adjournment of the Kapuarangi block.

The Court says it has not any objection, and as Whānauapanui and Whānaukōwhiri 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 Kingi and others

Adjourned.

No 19

Te Paku No 2 (Kapuarangi)

Claim of P. de Aratahā and others.

Adjourned

No 12

Takaputahi

Claim of Wi. Kingi & others.

There being no plan

Case is dismissed

Court then adjourned

till 10 PM to morrow.