

OPOTIKI - WEDNESDAY, 23rd MARCH, 1927

Mr. Smith appears with Mr. R. C. Sim for natives of Opotiki and members of Whakatohea tribe, particularly as to Petition No.8 in schedule.

Deal with Bay of Plenty affecting Whakatohea tribe. Asks Commission to look at map before commencing - explains color scheme. Confiscation not justified and asks Commission to say that.

Trouble in this district arose out of and was consequent on the Waitara trouble. Matter developed into a matter of murder and not of war and was a matter for Civil Courts.

Reeves page 107. recalled.

Hauhauism question dealt with in Bay of Plenty. Arose at time when defeat inevitable and confiscations threatened.

1865 E.-4 No.4 (Mr.Parris)
Page 5.

18/12/1864 from New Plymouth.

No necessary connection between new religion and force.
Hypnotic influence over natives.

1865 E.-4.No.5
Page.7.

"The Land is saved." Shows connection between the new religion and land.

Enclosures to No.9 -

Cowan Vol.II
Chap.1 p.1.

Points out political value of Pai Marire on page 4.

1865 E.4 at p.28
at foot.

Instructions by Te Ua re the new religion dated 8/12/1865 as to Head - should be 8/12/1864. Rangitauiri - Prophet Matene who fought on Moutoa '88. Submits translator has deliberately omitted words showing peaceful nature of the movement.

Cowan Vol.1
p.19.

J. J. Jennings of Opotiki forwarded to Native Minister by J. Mackay.

1865 E.-5 at
p.6.
closure.

Whakatohea and East Coast tribes in opposition to Arawa and had important bearing on the attitude of these tribes. Arawas traders up and down coast for several years before the outbreak of war. Description of their activities in trade given in Cowan. Arawas traded while war progressed - grew wealthy - Their action in joining Crown forces was to save their land and for payment.

Cowan Vol.1
p.404.

Wiremu Tamihana's description of Arawas - Interview between Mr. Mannering and Wi Tamihana.

Contrasts attitude of Arawa and other tribes after Orakau.

1865 E.-14 No.2
p.2

1864 E.-5 pp.5/6.

Cowan II.
p.79

Quotes Ngapuhi Chief Tawhanga in report of Baker. Arawa intervention produced deep bitterness. Song of contempt of tribes for Arawa - following arrest of Hori Tupaea. Publisher, C.O.Davis prosecuted by Government.

Confiscation
Dread of:

Dread of confiscation felt by tribes - Taranaki lands had already been confiscated - Tauranga natives had been forced to hand over their lands.

Reeves III Edn.
p. 213.

Bred despair amongst natives affected.

1864 E.-2 p.16.

26/1/1864 -

1866 A.-1 No.19
p.29.

General Cameron's views as to effect of Confiscation part of controversy between General Cameron and Sir Geo. Gray. Letter of General Cameron dated 4/9/1865.

Confiscation was an additional element in the prolongation of the war.

Life of Bishop Selwyn
by Tucker.
Vol.II pp.206/8.
p.217.

Letter written from New Plymouth on December 6th 1865, by Selwyn to Coleridge.

Maori cares more for his land than for anything else and was the most effective way of punishment. Hauhaism merely an expression of dislike of everything English. Effect of confiscation - acquisition of 1 million or more acres of very indifferent land acquired at a cost of £5 per acre.

Rusden Vol.II
p.258.
Life of Selwyn
Vol.II p.298.

Defeat of hauhaus at Wanganui River in December, 1865. Statement of the Author.

Cowan Vol.I
p.165.

Description of fighting up Wanganui River.

Rusden Vol.II
p.356.
p.361.

As to death of Rev. Volkner.

Natives saw desolation of their homes - another element in prolongation of war and cause of deep bitterness. began to realise bitterness of defeat in war: Sentry Hill defeat at Moutoa " " Death of Chief.

p.254.

Cowan Vol.I
pp.409 & 410.

Written 6/3/1865 from Opotiki to Government.

1865 E.- 5
p.9.
at foot.

1866 A.-1.
p.69.

Low fever existing on Coast for some two or three years. Sir Wm. Martin on the subject of confiscations and suggests cession rather than confiscation.

Rusden.

As to visit of Rev. Volkner to Auckland and reason therefor.

1864 E.-7
p.18
Return of
officers.

Submits Government was under obligation to administer
Criminal Law
Bay of Plenty East not yet constituted.
Civil Administration was entirely absent.

Politics and Crowd
morality
Chap.III.

State of health of tribes - the sympathy received was
likely to cause some passionate outbreak.
As to Crowd psychology
Submits there is no special sin in natives led by
Kereopa in the circumstances.

1865 E.-14
Native Minister
N.Z.Gazette 1865
p.267.

Death of Volkner was treated by Government as a murder
and not as an armed rising or rebellion.
Explaining reason for Expedition to Opotiki and contain-
ing a threat of confiscation for further outrages.
Proclamation of Peace in Taranaki.

1921-2 G.S.
p.24.

Disturbances not treated as war but as murder and as
such cognizable by the Civil Courts so treated by
Judge Jones in his report on the Whakatohea confisca-
tion.

Rusden
Vol.II
C a II p.9

Volkners death had an unexpected result - it had the
effect of alienating sympathy of many leading natives
including Wi Tako who went to Coast to prevent the
spread of the Hauhauism. Excess re-acted in favour
of Government.

27/6/1865
Cowan II p.95

Tauranga Confiscation - Faloon murdered /1865
August 1865 - Mair and Arawa ordered to arrest
murderer of Faloon
Fitzgeralds instructions re Expedition to Opotiki
4/9/1865. Martial Law proclaimed Whakatane and
Opotiki.

1865 E.-14.

Engagements at Whakatane and Opotiki

Cowan at end
of Vol.II.
Vol.II p.102.

Landing of Expedition at Opotiki.

Native Rights
Act 1865.

Passed 2/9/1865.

1868 A.-1 No.28
pp.43/4.
Despatch of Sir
Geo.Bowen.

Execution of convicted murderers of Volkner and
Faloon - Return of murderers - Accompanied letter of
Mr. Stafford - 35 condemned - 29 sentenced to death,
6 to terms of imprisonment - only 5 executions carried
out. Mr. Smith points out the power of the Civil Law
was capable of dealing with the outbreaks.

Does this not show that the Civil Law required a
military packing and that the Government was prepared
to administer the Criminal Law where and when it was
able to do so.
Proclamation of confiscation in Opotiki and Whakatane
districts.
Amendment did not alter area taken but was merely to
make it more understandable.

N.Z. Gazette 1866
p.1,
Amended in
1/9/1866
p.347.

1873 C.-4 B.
Report of Col.St John.
at p.5
1867 A.-18
Milsons Report

Areas confiscated - Gross
Returned

Dated 9/6/1867. Showing areas taken, returned
and retained.

1866 A.-1 p.93
No.35

23/3/1866 Governor reported that all was quiet in Opotiki district.

1865 E.-4 p.14.

Submits Proclamation defective in form and substance Only lands of persons concealing the murderers was to be taken.
No indication given as to the intention to take the land of the murderers.
No recognition given of fact that murderers were practically surrendered at Te Teko.
Commission adjourned at 12.45 until 2.15.

Mr. Smith resumed his address at 2.15 p.m.

Wilson's Report
1874 A.-18.
1872 C.-4.

Deals with area of 87,000 given to Arawa. Given, it is suggested, as payment for their Military Services. It does not affect the Whakatohea tribe as this area is wholly without the lands of this tribe.

Peace Proclamation

2/9/1865

Submits confiscation was not justified and even if justified contends that it was excessive. Proclamation as a test of persons implicated must be disregarded as to the extent to which confiscation should go.

Cowan II.
p.III
p.95

Proclamation published on 5/9/1865 - Expedition landed at Opotiki on 8/9/65 at a time when the natives could not have had knowledge of Proclamation. Mokonoko personally came in and surrendered. Contends that it cannot be said that any of the tribes concealed the murderers.

1867 A.-18
Sch.of Agrts.etc.,

Elizabeth Falcon got £150 - town lots not less than $\frac{1}{4}$ nor more than $\frac{1}{2}$ acre in town of Whakatane and 50 acres at the mill at Whakatane.
No grounds for taking land to compensate relatives of murdered man.

1873 C.-4b. ✓
at p.5

Colonel St Johns report
23461 acres in Class V - mostly lying idle owners non-resident. Government had no right to take more land than was sufficient for purposes of Policing the district.

Census return by
Gov.Bowen in year
1868.

Showing the enormous increase in stock and flocks during the years preceding the confiscations - contends it was to provide lands for this increase of pastoral pursuits etc.

1867 A.-18.

Schedule in Wilson's report setting out classification as to land included in confiscated area.
Schedule of lands reserved for the Whakatohea tribe.

No.2

1870 A.-11.

Schedule of Hapus.

1872 C.-4 ✓
p.1

Wilson's report - prepared 1871 - shows that Wilson required to settle confiscated area - practically no references to Opotiki lands.

1873 C.-4b. ✓
at p.5.

Colonel St John's report - gives a summary of position to which reference has already been made.

1874 C.-3 ✓

J.A.Wilson's report - continues his schedules from report of 1872. (1872 C.-4) and forwards to Native Minister. Schedules 17, 31 and 32 affect Whakatohea people. Names in 17 and 31 identical.

Mr. Smith concluded his address at 3 p.m.

Calls evidence as to nature of land left to the Natives:

Calls George Shalfoon who says name is George Shalfoon.

Have resided here for 29 years - Am Licensed Interpreter. Know natives and am married to one of them, a member of Whakatohea tribe. Have business interests in district and am brought into contact with Natives. Consider number is between 800 and 1000 and live on Opape Reserve but some in town. Know Opotiki end of confiscated land - goes for about 10 miles back from sea. Do not know beyond Chiwa, Several hapus living on Opape Reserve - Ngatitama to which my wife belongs lives there, hence my knowledge. If one man gave £1000 for the whole reserve where Ngatitama's living we would defy him to pay rates and make living on it. Land is below sea level. Ngatitama's very scattered - probably about 150 of them. Have probably 12000 acres in the reserves. Live upon probably about 20 or 30 acres - they have to come to Opotiki to cultivate kumaras and potatoes. Some get land from their bosses and some lease from Fakehas. Balance of Opape is very poor indeed. some was leased by a European but did not take possession.

Collier, a half-caste, leased a part - he spent £2500 on land and walked out - leased about 1919 or 1920 at 1/- or 1/6 per acre rent paid one year's rent only - Was sheep farming - Other part is manuka and fern which is very poor. Collier's part is heavy bush and very inaccessible. Natives suffer from lack of educational facilities for want of funds - cannot get higher education. Waioeka sold in 1910 to Government. Whakatohea tribe is landless so far as farming land is concerned.

I would like to see the Maoris given some land for their own cultivations. These people live at Omarumutu, Waiawa and Te Waititi - Consider there are 600 Natives living on Opape Reserve. The 450 other than the Ngatitama on Opape have commenced milking. That is at Omarumutu. There are between 150 and 200 at Omarumutu. Milking at Waiawa - about 100 people here. Do little maize cropping here - droving, labouring, maize-shelling - one man has a machine.

Next Settlement is Te Waititi - on Gisborne road. About 50 or 60 people there. Milking and maize cropping on land - Men take work as road workers, bush-felling etc.

Tirohanga (50 acres) carries about 15 people (this is a Chief's Reserve). About 100 Whakatohea live in town of Opotiki but have no ancestral land there.

Pays Maoria better to go out working than to depend on their land. There are about 100 in Waioeka pa - almost all go out working - land would not provide a living. These people are landless so far as cultivable land is concerned. Think they should be provided with more suitable land. Would not pay to open up Opape. If Royal Commission finds in their favour they could be given a fund like the Arawa but I have never discussed this with the people the idea being my own.

Xxd. by Mr. Taylor:

I do not know area of Whakatohea land outside confiscated area. I think they have a block called Whakapapaku about 50 miles away from here leased to a European. Don't know area of land sold by Whakatohea outside confiscated area. Opape Reserve has been partitioned as between the families but do not know if it has been individualised. I don't know of any hapu or groupe or individual which has sold. One block is leased about 1000 acres - Ngatinahere - a part which a Maori couldn't work. Lessee spend thousands on it and is only milking 60 cows on it now. His rental is 1/- per acre. Block stated to be useless referred particularly to the area in which my wife is interested. Waiaua has a nice little flat as also has Te Waititi. It would be unusual for a small farmer with good land to go out working at sometime during the off season. About 600 live on block. Consider block is only capable of carrying 100 to 150 people. The land on which dairying is being carried on is quite good land only there is not enough of it. The people who live in Opotiki have their interests in Opape. With finance they had sufficient land to maintain themselves and many more.

Re-Exd. by Mr. Smith:

The Whakatohea tribe is landless.

Commission adjourned at 4 p.m. until 10 a.m. 24/3/27.

Thursday 24th March, 1927, at 10 a.m.

Mr. Smith:

Calls William Oakes who says: Name William Oakes. A Farmer, lives at Opotiki. On Maori side belongs to Whakatohea. Know district well. To Court: Was born December, 1862. Know very little of the land in the back blocks of the confiscated area but know the flats but not far from the sea. Know Opape Reserve blocks. Know Settlements on Opape. Opape is one: About 150 (including women and children) living there. Some go out working, others hang about and go out fishing. These occupying about 50 to 60 acres - insufficient to support them. Next Omarumutu - about 70 or 80 live here. Do a little milking and cropping and go out working. Next Waiaua valley. 50 or 60 people. Do little milking, cropping and outside work - road work, bush felling, cutting, fire-wood. Te Waiti or Rahui next - 50 or 60 people. Do a little milking, bush-felling, road work, etc. Next Tirohanga - due West from Omaramutu - about a dozen people. Do little cropping for themselves. Go out working. Ngatira hapu lives at Waioeka which is too far away from Opape so they lease part of their land to Edwards and part to McDonnell. I don't know how the lessees are getting on - but they seem to stick to it. The rest of block no good - very rough. You could not make a living on rest of block. Block inaccessible except main road to Gisborne. I know Whakatohea settlements - first in Opotiki - about 100 - work for European, some have $\frac{1}{4}$ acre sections majority paying rent. May of the sections owned by Natives in Opotiki have been given by Crown. Some bought - some given - some in Borough some in suburbs.

Next Torere, just outside borough. About 50 or 60 - About 12 acres - work for Europeans.
Next Waioeka - about 6 or 7 miles away. About 120 to 150 people. Have fairly good areas - altogether about 40 acres, more or less. Cropping road-working, bush-felling, shearing etc., Other odds and ends. Scattered around but not in Pas - about 40 or 50 people - working out, cropping. Some Whakatoheas live outside Opotiki - at Cook County, Thames, Mecury Bay, Rotorua, in fact all over Bay of Plenty. Say about 150 in all. Left through marriage and search for work. Search for work took more away than marriage but most would like to return. They are all interested in the proceedings of this Commission. They all want their land in Opotiki district returned. I have met Chiefs.

Xxd. by Mr. Taylor: Opape: 50 or 60 acres - rest no good.
Omarumutu: 100 acres - light land
Fairland (50 acres) at Rahu.
Tirohanga is not in Opape.
Have given all settlements having good land in Opape.
Agree that given £1000 and Ngaitama land a man could not make a do of it.
About £1 per acre over all.
Don't know total area leased nor rental payable.
Believe some has been sold but don't know how much. Anyhow the Maoris got it back.
Know a little of the Whakatohea land outside of confiscated boundary but don't remember area.

Re-Xd. by Mr. Smith: The Opotiki flats are bounded, on the North by the sea on East by sea: on South by Otara river on the other side by Waioeka - area about 10000 acres. Worth between £50 and £70 per acre on the average. North part sandy flat value one fifth of flat say £12.
Value of back portion behind flats between the two rivers worth about £1. About Chiwa - fair land for 5 or 6 miles back from Opotiki:
Average value about £7 or £8 per acre - pretty broken.
Behind this again value about £1.
Concluded evidence - at 10.55 a.m.

Mr. Smith -
addressed Court further:

145,196 acres within confiscated boundary taken under confiscation.
Value at 10/- per acre

Mr. Sims calls:

Matiu Repanga: Name Matiu Repanga.
Am a member of Whakatohea. My hapu is Ngatirua. Live at Omaramutu. I was living at time of confiscation. I was grown up then. I was not married. Don't know in what year I was born. I know the Pas occupied before confiscation. They were all along the Opotiki river - Opotiki was the name of the Pa. There were other Pas. Waioeka, Paerata, Omaramutu and Opape - no others. All these Kaingas were within confiscated area. The land between the two rivers was cultivated for food supply. They had fishing places on the Coast. One was Koputa outside Waiotahi.

Another was at the mouth of the Pakihi river on the other side. Caught hapuka, tarakihi. Got large quantity of fish from these grounds. There were fishing places in the rivers as well. We caught tuna, inanga, all kinds of fresh water fish - all of which places were within confiscated area. We had many cemeteries within area: One Te Papa just across Waioeka bridge - no trace left. I can point out exact spot. Te Ake Ake across the mouth of river. There is sufficient evidence of its prior existence as a burial ground but it has no mark. Pakihi on this side of mouth of river - well known to the people - but no mark. Te Roto somewhere on Coast. I know exact location. These burial grounds are all reserved as cemeteries - at least that is what was understood at the time. There are a great number of cemeteries throughout the area. I don't know the names of Urupas on Waiotahi side.

I know the boundary of the Whakatohea land - I know what was confiscated. The people sold the land not included - Crown bought portion. Some has not been sold. The whole of backblock was sold. They sold the land because they wanted money to spend. Some got very small amounts. In pre-European days land was used to get sustenance. Got birds, rats and other varieties of food. Land was all bush land and produced usual foods obtained from the bush. This supply ended with advent of the Europeans and the Maoris began to get their supplies from the Europeans.

Xxd. by Mr. Taylor:

Still a Maori Settlement at Waioeka, on land returned to Natives. Same applies to Omaramutu and Opape. Paerata has been avacuated by Natives - it was not returned to the Maoris. It is on the other side of Opotiki river near the main highway to Whakatane. I do not know whether the Maoris own any land at the spot at which that Pa was situated. There were none of the people living outside the confiscated area. The food referred to as being obtained was got on hunting expeditions. The Europeans restricted the taking of birds.

Te Mini Bishop called name Mini Bishop:

Am a Maori. Husband a Pakeha - belong to Whakatohea - Am connected with all hapus of Whakatohea. My home is at Waioeka. Know confiscated area. Know the land outside. Large area sold to Crown - all sold because Maoris could not work it they required the money for their maintenance. In olden times this land was a source of food supply. I have heard from my elders that they had permanent homes on the back.

Xxd. by Mr. Taylor:

The back land was a valuable source of food supply and when the land was sold to the Crown the owners parted with a valuable food source.

Re-Xd. by Mr. Sim:

I don't know when the land was sold. After the Europeans came the Maoris came to depend on the European foods. We now work for Europeans and with the money earned pay the storekeepers. The back land was sold to buy food.

To Mr. Taylor: I did know when the land was sold but I do not remember the date. At the time of the murder of Volkner I was about 15 years of age.

Mr. Smith: Have a list prepared by Mr. Sim, showing the size of families of the local natives.

Commission adjourned at 12.30 till 10 a.m. 25/3/27.

Friday, 25th March, 1927, at 10 a.m.

Mr. Smith calls
Charls Connolly:

Name Charles Connolly, aged 76 years. Knowledge of district starts from time came here as Bugler in His Majesty Forces. Came here December 1867. No troubles with natives here at that time but alarms from outside. At that time Boro was partly in grass partly in docks. Country looked very wild. Whares for troops on bank site and along river - no Maoris were living on flat - probably living at Opape and Omaramutu. Few Maoris lived beyond what is now Mr. Wests place. No cultivation at time but presume their must have been some at some time as the grass would seem to show. Docks were plentiful. Opotiki flats first class land. Couldn't put a price on the land for settlement at that time. £2 per acre would not be too much if one did not have to fence and subdivide. At Faerata land many years after was sold at 5/- per acre. This land was considered of very little value. Have lived here mostly.

Krd. by Mr. Taylor:

There was not a great deal of swamp land - Land was scrub covered - no timber - no grass outside what is present borough of Opotiki.

Major Withers:

Name Thomas Withers - 81 years of age. Captain in Colonial forces. Came to Opotiki about year after troops first land in September, 1866. No trouble then with members of Whakatonea tribe - mostly loyal - gave us every assistance. Trouble came from Urewera. No trouble from Ngatiawa or Ngati Pukeko. Land in borough then mostly scrub, ti-tree, cabbage trees. Cabbage trees indicate good land. Signs of old cultivations. Maoris had their cultivations mostly at Omaramutu. had small cultivations where borough now stands before Government came in. Land was very good right back to mountains. Couldn't give area. Don't know quality of hilly land which was all bush then. Can't give any idea of the value of the land then. Soldiers got allotments but it was not safe to go out and farm it and were willing to sell for any sum however small.

Krd. by Mr. Taylor:

My remarks to loyalty of Whakatonea and Ngatiawa refers only to period after I arrived - all were then loyal. The fighting between Whakatonea and Crown forces was before my time - I was at Napier then. I did not then know

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portion of Whakatohea lands had been take by the Crown. Troubles were from Urewera - Kereopa was with them. The lands were subject to raids by Ureweras and was why land was of so little value.

Re-Xd.by Mr.Smith:

The military settlements were in the good land.

Mr. Smith continues address as to areas of land confiscated and also values of land - reads statement and quotes from report of Judge Jone's Commission.

1866 A No.13
foot p.10

Judge Pentons report as to friend by natives land dated 12/7/1866.

1866 F.-No.2

Mr. Taylor called:

James Bruce Birkmyer: Name James Bruce Birkmyer - Licensed Surveyor and Civil Engineer. Live at Opotiki. Been here 16 years. Know Opape block well. Have had occasion to sub-divide it and have done a good deal of survey work on the block. Think there is at least 600 to 700 acres of first class land that is river-flats and table-lands in grass. In addition there is a fair area of other land of fair land which could be worked in with best land. There is mixed bush on the land some of it being fairly accessible The land described as of fair quality is in ti-tree scrub and is not being worked. See Opape Settlement on the way - land around Opape consists of grass flats and grass table-lands tapering away to hills and spurs undulating to steep - further away to bush.

Land in Waiawa valley - that by river is exceptionally good grass land. Te Whaiti - land here is very good grass land - undulating grass hills and clear grassed table-lands. I do not think it is correct to describe Opape a worthless block of land.

Xxd.by Mr.Smith:

I would not choose either Opotiki flats or Opape as I am a Surveyor not a farmer. Area round Opape is about 160 to 170 acres of good flat land. Area round Omaramutu is about 200 acres of good grass land good for dairying I should say. Area of good grass land round Waiawa is about 200 acres - of course as to. Round Te Whaiti - about 100 acres of good grass land in my opinion suitable for dairying. There is good motor-road as far as Waiawa Crossing. I do not know whether it would pay to make the bush land accessible.

Commission adjourned at 11 a.m. on 25/3/1927

to Whakatane on 28/3/27 at 10 a.m.

Commission opened at Whakatane at 10.45 a.m. on Monday 26th March, 1927, after formal ceremonial welcome at Meeting House, "Wairaka."

Mr. Smith appears with Mr. Pitt on behalf of Petitioners 1 to 7:

Confiscation not justified - This district confiscated in consequence of murder of Falloon. Contents confiscation not justifiable on grounds stated by Government and even if justified was excessive. Only 2 hapus concerned in murder of Falloon, Ngatirangihohira (and Ngatipukeko) and Patutatahi. Not disputed these two hapus were so concerned. There are probably 20 hapus and these 2 hapus are about one-sixteenth of Ngati-Awa population. Special circumstances re excess of confiscation - Falloon member of Ngatiawa and Tuhoe tribes - was employed by Government and considered a spy (Matataranui - Maori name) Arawa defeat of East Coast tribes April, 1864, see reference as per margin, extract from which Mr. Smith reads - remarks on Arawa disinterestedness. Reference to show - main cause of disturbance between Maoris and Europeans and that Arawas defeated East Coast tribes. 27/6/1865 confiscation gazetted - prior to murder of Falloon. Government attitude was to let Fai Mariri alone. Report of Mr. Rice to Native Minister.

I Cowan
para 404/5
p. 14

E.-4 1865
p.15 No.14

Southern Cross
of 16/4/1866 No.5:

Tauranga expedition - effect of - see extract from No.5
Bay of Plenty disturbance due to Waitara trouble.
Account of hauhauism - murder of Falloon, July, 1865. Moromona directed his followers to capture cutter from H.M.S. Eclipse which done, Falloon and other Europeans murdered. Natives and half-castes on board sent ashore. Expedition for capture of murderers by Arawas led by Captain Mair. Murders of Falloon and Volkmer treated by Government as murders only and that confiscation was made for that. Fitzgeralds letter stating reason for expedition

II Cowan
pp.74/5

22/8/1865
1865 E.-14

Proclamation of Peace of 2/9/1865 forgives everybody but murderers of Volkmer and Falloon. Submits Governor at time of despatch of Expedition had no intention of taking land. If murderers given up no land take - if concealed land of those concealing murderers will be taken. Most of murderers taken at Te Teko in October 1865 without loss. Proclamation of - to show character of primitive expeditions - August 7th, 1864.

Martial Law
1866 A.-9
p.3

Native Rights Act, 1865, made Natives British subjects. Murderers were condemned by Martial Law but sentences not carried out - does not know reason - probably owing to doubts as to validity of Martial Law Proclamation. Afterwards tried at Auckland. Guilty - hanged.

Confiscation of January, 1866:

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Most sweeping - taken for Settlement - distinct from previous confiscation where only selected areas taken for settlement. At variance with professed intentions of Government and in contravention of resolutions of House of Representatives.

1866 A.-2
Encl.No.1

(1) Reads (2) 26/10/1865 - reads - important one How could Government keep its engagements with loyal Natives - Confiscation appears to have been the result of exasperation or pressure.

1868 A.-1
p. 83

Census of New Zealand - Sir Geo. Bowen to Duke of Buckingham - Large increase in population. Neutral Natives to be treated in same way as Loyalists.

Hansard
1868 p.

Mr. Stafford's speech in House of Representatives on 19/8/1868 recorded in Hansard.

Proclamations validated by Statute - cannot contend on legal grounds that Proclamations invalid or illegal - but submits on moral and equitable grounds that Government action unjustifiable.

Mr. Pitt address Commission:

Object - place Maori view point - first - murders cause of confiscation - Knowledge of district and customs of people essential to consideration of petitions. Confiscated territory owned by 6 different tribes, - - - - -

- Whanau Apanui
- Ngaita
- Whakatohea
- Urewera
- Ngatiawa
- Ngatipukeko

) No concerned in Opotiki matters

Mr. Pitt handed in copy of Proclamation and amended boundaries. Establish themselves in land. Tribes generally divided into hapus or sub-tribes. For mutual assistance and protection. Can acquire further lands by conquest or dowry. Government in Hapu not main tribe. Hapu cannot commit main tribe without consent of all hapus constituting main tribe. Were tribes prior to Treaty of Waitangi - responsibility for acts of sub-tribes was that of offending suo-tribe. Prior to murders of 1865 - except Kahakaharoa - Bay of Plenty enjoyed very enviable reputation in eyes of white population and Government - people loyal - lived on best of terms with Europeans. Will not assert all Maoris loyal any more than we could say that of Europeans today. Hauhau apostles came first from beyond Taupo - demanded Priests be handed over - Demand refused - Kereopa and Kirimanga went to Matata dividing their forces - probably at invitation of Te Hura one of the Chiefs of Ngatirangihira who were located at Matata.

No Whakatane Chief accompanied Hauhau apostles to Opotiki and Matata. After murder of Volkner - split in forces - Patara. Some went to Tuparoa and Raukokore - then ensued six months fighting in that district (Nothing taken - but was it not Whakatoheas who were fighting Crown forces)

II Cowan p.70.
By Mr. Cooper:

1865 E.-5 Encl.No.2
Page 9.

Letter by Tamarangi Toihau

- do No.5
- do No.6 Encl.3:
- do " Encl.6
- " " Encl.8 p.15.

Letter dated 6/3/1865 to Mr. Smith - written 2 days after murder of Volkner.

Letter 18/3/1865 from Ngatiawa Chiefs. These show Ngatiawa loyalty at this time as they first reported Volkner's death. 8/3/1865 to Mr. Smith - re Mr. Volkner's death from Ohiva natives. Later on

Mr. Pitt hands in list of dates and record of events. Eclipse date approximate - I give 16/5/1865. Judge Jones gives it as 21/4/1865. Falloon accompanied Captain Freemantle as Interpreter. When his duties were completed he joined Ketch "Kate" and proceeded to Whakatane. Mr. Pitt traces whakapapa showing Falloons Maori connection with Ngatiawa and his descent from leading Chiefs. Connect with Ngatiawa and Tuhoe. Hemi Mataranui (James Falloon) first cousin of Wepiha to Poanui Pai Marire converts on boarding "Kate". Showed no indication of their intention to commit murder - James Falloon derided Hauhauism and was threatened with death. The converts returned to land and reported matter to Horomona who said Falloon must be killed. A number of our people were present in the Pa but were afraid of the Hauhaus and left for Matata soon afterwards.

Southern Cross
Newspaper
16/3/1865
Report of Murder
Trial.

Living quietly at Matata when suddenly attacked by force of Arawas under Major Mair - Had not been warned - Could only evacuate Pa and Pa after Pa in succession till Te Teko reached. When all surrendered under Te Hura Chief of Pa Cowans says 500 Arawas Southern Cross says (2/5/1866) 800 Arawas (said be derived from Arawa source) Cowan (in Te Teko Pa) 170 Southern Cross (in Te Teko Pa) 270 Submit that Te Teko pa was occupied as a protection and gave themselves up on first opportunity - this October 1865 - Submits surrender was earliest opportunity of doing so. Peace proclamation could not reach here in less than 3 weeks. Major Mair committed an act of aggression in leaving Arawa territory. (Had they learned of the Proclamation or was surrender in consequence of superior force) One Native on trial at Auckland said he would have been discharged by Court Martial.

Cowan p.92
Vol.II

Submits murderers could have been arrested without any difficulty because Chief Rangi te Kehe was a thorough loyalist Arawas were in field not more than three months.

Cowan II
p.99

As to operations of Arawa in Whakatane district - Arawas had a picnic with much booty. Major Mair, Mr. Clarke and Mr. Smith all Maori linguists who were well known in the district and could have made full enquiry in the district. Submits people in Te Teko gave themselves up in terms of Peace Proclamation (see note supra)

Southern Cross
1866 6/5/1866.

As to surrender of Te Teko Pa under
white flag.
Land confiscated in January 1866 - trial
March 1866 - while murderers were awaiting trial.
Maori view of Justice - one crime - one
punishment - not fair to take land while punishing
offenders otherwise.
Hands in copy of references to which he will
advert.

1864 E.-2 p.20.

" p.30
1865 A.-No.1 p.12

Aborigines Protection Society - reply to
objects of confiscation.
Despatch Colonial Office to George Grey.
Re murder of Volkmer.

Memo by Weld 11/8/1865
1865 A.-1
p.26

Confiscations result of greed for land.
If Ngatiawa had not been loyal they would have
started a New Zealand wide war to obtain "utu" for
death of Falloon (But Falloon was murdered by
themselves at direction of Horomona)

To East of Rangitaiki - not single individual
took part in murder - Murderers were:

12 from Patutatahi	} All arrested at Te Teko
7 " Rangihohiri	
3 " Taranaki	
1 " Islands	
1 " Ngapuhi	
1 " Tauranga	

To West of Rangitaiki - only 19 concerned
and these lived round about Matata.
Between 15 to 20 thousand acres occupied at the
time by the 3 Hapus concerned in murder of
Falloon.

Quotes from evidence of Rev. Grace on the
murderers of Falloon and Volkmer.

Maoris then British subjects and entitled to
all privileges of citizenship. Admit murderers
members of Ngatirangihohiri. Confiscation must
be limited to murderers hapu and then should
only apply to lands of actual participants.
Not rebels - because were not opposing authority
Confiscation applied to lands of people not con-
cerned and also to lands of Falloon himself as a
member of tribe. Submits murders cannot be
brought with Section 5 of New Zealand Settlements
Act, 1863.

Commission adjourned until 2.15 p.m.

Mr. Pitt resumed his address at 2.15 p.m.

Puts in copy of report of murder trial at
Auckland from Southern Cross Newspaper.

Quotes Carnell as to state of country prior
to murder of Volkmer.

Quotes from Chief Justices remarks to the
Grand Jury. Whakatane people must be kept
distinct from the Opotiki - Whakatane people
should not have been punished for murder of
Volkmer.

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Maori and Pakeha -
Kulgan & Shrimpton
p.264.

1872 C.-4
1874 C.-3
Whakatane Grants Validation Act
Act No. 1894
Act No. 1901
1874 C.

Submits Government contravened Native Rights Act, 1865 in not determining the ownership of confiscated land before taking any action in that direction.
Dealings with Maoris with which we as a people should feel ashamed.

Hands in list of land returned to Ngatiawa, Ngati-pukeko and Tuhoe tribes. Taken from papers etc., as shown in margin

Hands in copy of letter written Kereama Toitoti dated 20/7/1865 addressed to Horomona.
Kereama from Taranaki - emissary of Horomona

1872 C.-4 Report No.3

Alfred Domett

Natives were unwilling to appear before Mr. Wilson re settlement of their lands - in proof of statement that certain promises made by Sir Donald McLean for return of lands.
Quotes from speech of - as to wrongs felt etc., Submits no land returned to Loyalists - only returned to rebels - can find no statement to that effect.
Mr. Pitt concludes with impassioned words for sympathy, truth and justice.

Mr. Smith

Cowan II
p.75

resumes with regard to Petitions Nos.1, 2, 3, 4 (Ngamaihi hapu) refer to general question of confiscation.
No.5 is a special petition on behalf of himself, brothers and sisters - seeks compensation for his father's land as a Ngamaihi - it is really within general question No.6 practically same position.
No.7 (Ngatirangihohiri) (Ngatirangihikakino) These were two of hapus concerned in murder of Falloon.
The prayer of this petition is that these people are landless and pray for a grant of land.

Mr. Pitt calls:

Wharepopo Petera - Ngatirangihohira hapu -
You have heard allegations re murder of James Falloon - who were people did it? Ngatirangihohiri - Led by Te Hura.
Te Hura came from Ngatirangihohiri hapu -
Horomona (apostle) came from Taranaki.
Hee Kara is of Patutatahi -
Himana te Hae is of Patutatahi
Paraharara " " "
Hoani Hupe of Rangihohiri
Utuku te Tangi of Rangihohiri
Te Akaotau te Hura "
Heanea te Pakihiwi of Patutatahi
Te Hura te Tai of Ngatirangihohiri
Te Ritoiwi te Putarera "
Te Uwhi te Haraki - do not know his hapu

I was a child at the time of Falloon's murder and I have lived among the Ngatirangihohiri tribe all my life.

Xxd. by Mr. Taylor:

I don't know the number of Ngatirangihohiri at time of confiscation nor do I know numbers of Patutatahi. My knowledge of the facts is gained from hearing my elders talking.

Ke-Xd. by Mr. Pitt:

I saw some of the released men - met Te Hemara at Taupo - met Hoani Pohuru, met Te Hura - that is all I know personally.

Commission adjourned at 4.5 p.m. until 10 a.m. on 29/3/27.

Tuesday 29th March, 1927, - Commission resumed at 10 a.m.

Mr. Smith calls: Hohapeta Oke.
Examined by Mr. Pitt:

Name Hohapeta Oke - hapu Patutatahi. I heard of murder of James Falloon. I knew of them if I hear the names. Knew Horomona etc., heard my elders speaking of the murder but being young did not take much interest in it. The hapus which took part in murder were Patutatahi and Ngatirangihohiri. I was born in 1869, that is when Roupouara was attacked by Te Kooti. My permanent home is in this district. I am one of the elders of the Patutatahi.

Mr. Smith:

Now refer to Petition 7. This hapu entitled under 1 of order of reference as well as under this petition. Ancestral lands about 20000 acres - claim to be now landless. Statement of lands returned to them found in Lands still held by them
Lands in remaining schedules taken by Public Works Department - Schedule 22 - 10 acres, Schedule 23 - 20 acres, Schedule 24 - get whole, Schedule 25 - get whole, Schedule 26 - get whole, Schedule 27 - get whole. All Schedules 220 acres about. Total granted 278. 2. 27. Left to them 27 acres 2 roods 24 perches. After land taken by Public Works Department these people left and lived with relatives. Area taken for drainage 167 acres. Compensation £641. Present population of Ngatirangihohiri is 66 Sir Wm. Fox's estimate of rural holdings for natives.

1874 C.-3
Sch.20/1

Native Land Act
1873 Sec.24.

Tunoa Lawson called by Mr. Smith:

Name: Tunoa Lawson: whanau Apanui hapu. Farmer. 1st Grade Licensed Interpreter. Act for Natives in this district. Negotiations for leases and sale of land. Am well acquainted with Ngatirangihohiri and Ngatirangikokino. Land at Onarapotiki - this side of Tarawera river - sandy and poor land. Hapu scattered - Some live Lot 28 Rangitaiki - Interests in this very small - Area 2500 acres.

1 share represents about $\frac{1}{4}$ of an acre. I cannot give the area owned by each but this can be ascertained by search.

Lot 31 Rangitaiki - about 8000 acres. This hapu has very small interest in this block. I don't know what they have left out of lands in Wilson's schedules. Don't know what land they want to live on. I think each man and family would live comfortably on 30 acres good land in this district - about £20 per acre land. I cannot say how many heads of families there are in this hapu.

XXd. by Mr. Taylor:

I have made no recent search to ascertain what land these people hold now.

Mr. Smith continues address:

Special places - Chiwa Harbour as a place for providing food. Ngatiawa and Ngatiranginohiri both claim. William Oakes - recalled. Opotiki natives regard Chiwa Harbour as of great value as of fishing rights. Used for fishing - much used - got schnapper, mussels, flounder - I don't know whether natives are charged licenses for fishing there. Islands in Harbour were used. Used for shipping to reach Waimana.

XXd. by Mr. Taylor:

Natives can still fish in Chiwa Harbour. Still a number of Native Reserves surrounding harbour and Natives can still get access.

Mr. Pitt resumes address:

Page 2 of schedule show area given to Ngati-Fikiaro as having come out of 87,000 acres given to Arawa.

Mr. Taylor

addresses the Commission in reply to addresses at Opotiki and Whakatane. Other side have given references to Parliamentary papers and other documents render it unnecessary for me to refer to these papers for the information of the Commission. Prime Minister Stafford's remarks wisely an expression of opinion. Can establish acts of rebellion before the murders. Can show that Tuhoe, Urewera and Ngatiawa Whakatonea took part in rebellion. Mr. Smith says Waikato war followed Waitara and Bay of Plenty followed similarly. Submit point immaterial except to show that none of the arguments applying there applied here. Few white people living here - no attacks made on their land - no Government purchases - few private purchases. Mr. Smith assumes attack on one tribe justifies attack by all tribes. Not admitted any act of aggression by Crown. Natives themselves did not believe that the attack on one tribe called for general attack by natives on Europeans. Tuhoe, Ngatiawa and Whakatonea - all in rebellion 1863-4 - before murders. Tuhoe tribe see reference as per margin dealing with this tribe and Waikato war.

Cowans I
p. 359
p. 360
p. 392

Tuhoe suffered 50% casualties at Orakau. Not correct as stated by Mr. Pitt that Tuhoe took no part in rebellion.

I Cowan.
p.404.
408.

p.408

p.410

II Cowan
p.102
p.104
p.106

p.108

Ngatiawa
resistance.
II Cowan
Ch. 9 p.92

p.98

Gudgeon
p. 88

Gudgeon
p. 86

Rusden Vol.II.
p.226.

Swainson N.Z.
p. 107/8.
(old edition)
1865 E No.4
No.1

Bay of Plenty natives endeavoured to go to assistance of Waikato tribes in fighting in Waikato Arawa resistance to passage of enemy forces through their lands.
Fighting 7, 8, 9th April, 1864, Arawas v. Tairāwhiti. Invaders repulsed.
Enemy announced their intention of retiring upon Maketu - Arawa. followed up.
Tunoe and Ngaitama contingent numbered 60.
Bay of Plenty tribes organised for action against Crown. (Moromona and Kereopa must have known they would receive sympathy and haven in Bay of Plenty.)
Murder only symptomatic. Whakatonea tribe offered considerable opposition dealing with Expedition to Opotiki in September 1865, to arrest Volkner's murderers.
Native contingent engaged Hauhaus.
In rerutation of statement that no fighting took place.

Heads extracts as to fighting.
Compensation Court at Opotiki in 1867.
Extracts from minutes of - page 2 - page 23 - page 13 -
8/4/1867 - Letter dated - from Gilbert Mair to the Civil Commissioner at Tauranga - reads.
Ngatiawa tribe - various tribes and hapus comprising - resistance of to Crown forces.
Expedition to Whakatane to arrest murderers of Faloon. Suggested by Counsel for Natives that natives offered no resistance. This extract disposes of that contention.
Te Teko fighting. "No casualties" does not indicate "no fighting or resistance." Seige.
A chase lasted about two months.
Showing that parties of Ngatiawa and Whakatonea were present at taking of Pa (named).

Ngatipukeko - section of - were found at the taking of Weraroa Pa. Were very exasperated at their early capture as they had only arrived per Wanganui river the previous night.

Submits confiscation justified.
Hauhausism imported ferocity and bitterness to the Maori wars and this attitude was no doubt reflected in European attitude.

Arawa - Smith should not have made the depreciatory references to this tribe that he did.
Arawas reward for their services -

Threat of confiscation cannot be held as having caused or prolonged war or justified armed resistance.
Desolation of homes - none in this district prior to murder of Volkner and Faloon - cannot be said to be excuse -
Criminal Law - enforcement of - difficulty of

Letter of Native Minister - divergence of views of Minister with Peace Proclamation. Neither letter of Proclamation hold out promise of no confiscation if troops be resisted.

Protection by settlement - does not mean Military settlement only but by securing a greater population of Europeans generally.

Section 3 of 1863 Act. As to powers of Governor re setting apart sites for settlement apart from Military settlement.

Areas of land confiscated: Re 87,000 acres given to the Arawas.

Colonel St. John's report as to error in confiscating this area.

1873 C.-4 (Vol.II)
at p.5

Adjourned to 2.15 p.m.

1872 C.-4B

St John's report on areas finally confiscated in Bay of Plenty district.

Schedule prepared on Heaphy's map showing tribal boundaries. Handed in

Whakatohea 491,000 acres		
Confiscated	137,530	acres
Private purchase	640	"
Held afterwards	347,130	"
Tuhoe		
Confiscated	1,249,280	"
Held afterwards	14,731	"
	1,234,549	"
Ngatiawa		
Confiscated	194,120	"
Held afterwards	56,799	" (77870 acres
	137,321	" (returned)

This table shows Natives were not rendered landless by confiscation.

Schedule showing areas within the confiscated area returned (handed in)

Whakatohea:
Ngatiawa:
Abandoned:

Question 2 on order of reference.

Special places:

All Kaingas except Opotiki returned.

Government could not allow Native and possibly hostile settlement in the midst of the European Settlement.

Ohiwa Harbour - Proclamation describes the land as following Sea coast.

Maoris may still take fish from Ohiwa Harbour and witness agreed to this.

Lands returned insufficient for maintenance - question is not whether returned land sufficient by itself but that land together with their other tribal lands sufficient for purpose.
Part of Opape block leased.

1866 F. No.2
p. 1.

Refers to Mr. Smith's memoranda as to value of Whakatonea land.
Memoranda by Mr. Smith - headed memorandum showing basis on which Whakatonea land to be returned valued.
More than half land in confiscated area returned.

Natives punished for murders.
Confiscation was punishment for acts of rebellion other than the murders.

1921 G.-5
p.24

Refers to Judge Jones Whakatonea report.
At page 27.

Loyalists could have come before the Compensation Courts as Courts sat at Opotiki, Whakatane, Matata and Maketu.

If loyal they had a legal right to return of land or compensation. If no application made to Court then submit that such people are not now entitled to claim return of land.

Calls Owen Ambrose Darby - Native Lands Draftsman, Lands Office, Auckland.

Produce two maps, one 1 mile to inch, one 4 miles to inch - various classes of land shown by colouring. Land retained by Crown is uncoloured on both maps. Heaphy's plan of 1870 basis of tribal boundaries.

Produce 3 schedules already handed in.
Returns and schedules are correct.

Xrd. by Mr. Smith:

Have not been able to ascertain land taken for Military Settlers. St. John's report is not a Lands Department record. I can find no other document bearing on the matter. I am an indoor man and cannot speak as to the quality of the land included in confiscated area.

I can offer no opinion as to whether the lands are suitable and sufficient for maintenance of natives. The Crown has purchases, areas of the lands of these tribes, but I cannot say for what purpose land was purchased. I don't know anything of the nature of the land.

I have searched for the reason for the return of the 87,000 acres to Arawa. 36,000 was returned to Ngati Fikia. Compensation Court minutes do not show reason for its return. Minutes are difficult to trace.

Crown Grants register shows an entry that the area is an award of the Compensation Court. Balance of 87,000 - Crown Grants register shows its grant as of the Compensation Court. Register does not quote particular document on which it acts.

There is a note on a file to the effect that the abandonment of the Whanau Apanui was altered by direction of a Minister of the Crown.

1867 A.-16.

Refers to matter but note to which I infer is a manuscript note on one of our files. I have not come across any document in our office showing the value of the land taken at or about the time of confiscation.

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Mr. Smith in reply:

Admits troubles on East Coast but these were known to Government before Proclamation. Cowan's Vol. II is not safe record - consists of various narrations by Mr. Mair.

Reeves p.217:

Gives brief account of murder of Volkner and Falloon.

" 223.

Refers to Te Kooti. Proclamation contemplates that the murderers may have been concealed by the natives and that land would be taken from persons so concealing plus an area for protective and police requirements. Explains his references to Arawas. He was bound to submit matters as they appeared to the natives whom he represents.

Cowan I p. 405.

East Coast tribes across country to Waikato. No lands confiscated from majority of tribes concerned, therefore submit lands of Cpotiki and Whakatane tribes should not have been confiscated either.

Mr. Smith hands in list of heads of families of Ngati Rangihohiri.

Tunoa Lawson recalled:

Hands in list of Ngati Rangihohiri and Ngati Rangihohikino hapu, heads of families. List is complete with two exceptions. There are two families the other side of Matata. Most are living on lands not owned by them - none of those in list are living on their own lands. Some are labourers - some have intermarried with other hapus and are living on lands acquired in rights of their spouses.

(Paroa Pa) - Oniao Pa near Matata Township.

Te Umuhika Pa	(20)	
Kokohino	(40)	
Hekerangi	(100)	- Te Teko
Poroporo	(80)	
Pahou	(60)	
Rewetu	(30)	
Pupuarune	(20)	
Te Whare-o-Toroa	(60)	
Te Rahui	(20)	
Kawerau	(30)	
Fuapua	(15)	

Ngatiawa population is about 1300.

Xxd. by Mr. Taylor:

I obtained the information as to heads of families from the Ngati Rangihohiri hapu. They may belong to many other hapus.

1870 6.-A at page 11.

Census of various tribes and hapus in or about Whakatane.

Ngatirangihohikino	21
Ngatirangihohiri	26.

Commission adjourned to Tauranga at 10 a.m. on 31st March, 1927.

Commission opened at Tauranga on Thursday,
31st March, 1927, at 10. a.m.

Mr. Thomas McCoy asked for permission to
make a statement relative to the evidence given
at Waitara with regard to the allegations as to
looking at Parinaka in 1861.

He handed a typed copy of his statement to the
Commission and proceeded to read the statement.

Mr. Smith addressed the Commission:

Admits Tauranga people stood in with Waikato
and Taranaki tribes and that they were in arms
against the Crown. Cannot contend that the
Tauranga people were not or a majority of them
were within the provisions of Section 5 but of
course the whole matter is within the general
question as to who commenced the war.

1864 E.-2
p. 7/15.

Expedition to Tauranga. Memorandum by
Ministers as to dated 19/1/1864.
Minute of Sir George Grey upon - of same day.
Instructions to Colonel Carey.
Memos. by Mr. Smith - Civil Comm. at Maketu.
Memo. by Sir William Fox.
Memo by Col. Secy. - Mr. Shortland - to Mr. Smith.
Memo from Missionary, Tauranga.
Instructions to Col. Carey cancelled by Sir Geo. Grey.
Ministers instruct Col. Carey not to take offensive.

No. 5
No. 6
No. 7
No. 9
No. 10
No. 12
No. 11
No. 14

List of participants in actions against Crown.

1864 E.-3
p. 47

As to chivalry with which operations were
carried out by Tauranga natives.
Kiwite flag said by Sir Maui Pomare to be in
reality a Union Jack.
Gate Pa - 29th April, 1864.
Te Ranga 31st June, 1864.

1869 A.-18

Reports by Mr. Mackay and Mr. Baker R.M.
Tauranga.

Page 3
" 4

Refers to Mr. Mackay's report first. 27/7/1864.
Day fixed for surrender of rebels etc.

" 6
" 7

Matapini Pa - a friendly natives Pa - note -
Mackay refused admission to Te Papa Pa by Mr. Rice
refers to friendlies at Matapini
Speech of Hori Ngatai - 26/4/1864.

" 9/12
" 10

Mr. Baker's diary for a week.
Military tired of foreign service

1867 A.-20.

Notes of speeches made by Sir George Grey at
Te Papa (Tauranga) at pacification meeting,
August, 1864. -

Sir George Grey told them frankly that not more
than a quarter of land would be taken - but
Mr. Smith says truth was not conveyed to natives
for many years afterwards.

Claims that loyal natives would get their very
ancestral lands.

Submits 50,000 acres should have been taken in-
stead of taking 200,000 and then purporting to
return 150,000.

No. 8 at p. 8
page 9.
No. 11
page 12.

Memo by Mr. Heale to Minister of Defence

H. T. Clarke, 21/6/1865 (Chief Comm. - Tauranga.)

Proclamation of Confiscation
of Tauranga Lands

27/6/1865

(3/4ths in quantity to be
returned.)

1867 A.-20 p.61

Letter H.T. Clarke to Hon. J.C. Richmond
dated 10/5/1867.

Adjourned at 12.45 p.m. until 7.30 p.m.

Commission resumed at 7.35 p.m.

Submits as to 50000 acres confiscated.
Loyalists entitled to their rights in this area
or their equivalent.
Both loyalists and rebels entitled to their full
share as though the land returned had not been
confiscated.
Government should treat matter as if it had
confiscated only the 50000 and that balance had
not been so taken.
Ask Commission to lay down that principle.
Natives got land outside area of their ancestral
rights.
Ask that Native Land Court should ascertain what
natives were interested in the 50000 acres.
Asks that Government should pay additional price
for land purchased by Crown from Natives.
Government did not deal with reserves made for
natives under the provisions of the New Zealand
Settlements Acts.

Mr. Smith Calls.

Nepia Kohu.

Ngatimarawaho.
I could give the names of other loyalists of
this hapu - Gives number of names which he says
were those of elders, children, wives and chil-
dren born at that time.
Hands in a list of persons whom he states were
loyalists.

8.15 p.m.

Xcd. by Mr. Taylor:

My hapu had land before the confiscation.
It was from here towards the hills that is
where Tauranga is. Went back almost to
Rotorua. This land was owned by all the Hapus
mentioned today. Our cultivations were about
10 chains away from boundary.
None of my hapu were at Matapihi before Gate Pa.
Some of my hapu fought at Gate Pa and at Te
Ranga. Three fought at Gate Pa - that is all
I know of - Four fought at Te Ranga.
My hapu is not a hapu of Ngaiterangi but of
Ngaiteranginui.

Henare Pihana - Ngatiranginui hapu. Christened in 1848 by Rev. Davis, born in 1845.

After Gate Pa fight we went to Matapini. Prior to that lived in Tauranga. Mr. Clarke and Mr. Baker, R.M., sent us to Matapini. Names in list of natives who were loyal. These names all elders.

Xxd. by Mr. Taylor:

My mother - Ngatamarawaho, father - Ngatiruahine - Ngatamarawaho lands between Waimapu and Wairoa rivers. I was living with Ngaitamarawaho. Know that was land taken for military settlement. Government must have had some bitterness towards this hapu.

Callis herekau - Hapu Ngatiwhangarau - no questions asked.

Henare Pihana recalled:

List of names handed in are names of Ngatitapu elders. These people were loyalists. I have land east of Waimapu. Have some land between Waimapu and wairoa - this was confiscated

William Johnston:

Not present.

Eruera Karaka:

Fought for Crown as a soldier in 1864. Got medal from Queen. Saw people at Matapini after Gate Pa. Saw Nepia Kohu and his family at Matapini and Judea.

Henare Pihana's father - Nepia Kohu's father and others - list put in. Hapu: Ngatamarawaho a sub-tribe of Ngatiranginui.

Xxd. by Mr. Taylor:

Ngatamarawaho lands were - On east by Wairoa on West by Waimapu between the hills and the sea. Other hapus had interests in this belt. We all know the takes of the various hapus. The hapus interested were:

Ngatamarawaho:
Ngaitukairangi:

These two owned all this land. Wish to correct my statement in this way, boundary of confiscation, area between Wairoa and Waimapu and these were the hapus who were put into Ngatiranginuis land. I don't know whether Ngaiterangi owned any interests between Wairoa and Waimapu.

Re-xxd. by Mr. Smith:

I have lands outside confiscated area and I also got 50 acres within which I have sold. I don't know the area I got outside - it is sold. I have lands still at Tauranga, at Rotorua and Maketu.

This is all the witness Mr. Smith is to call.

Adjourned at 9.30 p.m. to 10 a.m. on 1/4/1927.

Commission resumed at 10 a.m. on 1/4/1927.

Mr. Smith calls Mita Karaka: 10 a.m.

Name, Mita Karaka; hapu, Ngatininerangi.
I cannot show on the map where our lands were. Am
over 70 years old. I was living at Okauia at time
of Gate Pa fight. Ngatininerangi hapu was there.
I did not see my elders going to the fight. None
of them went.

Xcd. by Mr. Taylor:

Our hapu is partly of Ngatiraukawa and partly
Ngaiterangi. Our people were at Okauia at time of
Gate Pa. Before Gate Pa were living at Huarua.
Huarua is in our ancestral land. There had been
inter-marriages between Ngatiraukawa and Ngatine-
rangi. I did'nt know that Ngatininerangi ceded all
its lands to the Crown.

Mr. Smith calls James Douglas: 10.15.

Name, James Douglas; live at Okauia.
Petitioned Parliament - claimed Marinoro block.
Okauia is outside Confiscated boundary. Some
distance from Whakamarama block which is within
Confiscated boundary. Marinoro block comes up to
boundary of Confiscated area - crosses boundary in-
to Confiscated area to the fringe of the bush as
shown on map. Estimate 8000 acres or 9000 acres
are within confiscated area. Our people lived at
Huarua, i.e., Te Kuna. Can prove ancestral rights
to this block.

Xcd. by Mr. Taylor: 10.22

I have been told that these lands were owned
by my people who told me the boundaries.
Application to Court to investigate this land was
made to the Court about 20 years ago. My people
were not living on block before Gate Pa. I was not
aware that land claimed by me was sold by Ngaiter-
rangi to Crown. Wainarakeke and Okauia blocks
investigated by Court - Auckland.

Re-xxd. by Mr. Smith:

I have been prevented by the confiscation
from having our title to this land investigated by
Court.

Mr. Taylor:

Claim not within confiscation but was bought
by Crown and therefore cannot be dealt with by this
Commission.

Mr. Smith:

Cession was obtained after natives defeated
and disarmed.

Life of Selwyn
p. 193.

Reads extract from Biographer.

Turtens Deeds
Vol.I p.633.

Peculiar wording of Deed.
Tauranga Act, 1867, validating purchases.
Does not affect position as I claim incidence of
punishment wrong.

1886 G.-10

Drabants return - dated 4/5/1886.

1866 F.-2

As to value of Tauranga lands.
214,000 taken

1873 C.-4B
p. 5

As to value of Tauranga lands - Col. St John's report.

As before we do not admit Government entitled to take more than was necessary for Military Settlement - dispute between Arawa and Ngatiranginui tribes - If Arawa land there is no doubt that that tribe would be entitled to compensation.

Petitions 22/24. Separate Tauranga Petitions. 22 stands or falls by evidence already put in. 23 for grant of land as landless. 370 owners have 790 acres within confiscated area.

Mr. Taylor addresses Commission: 10.45.

Cowan 1
p.41

Tauranga confiscation different from others owing to their cession by owner. Description of Tauranga wars and of complicity in Waikato. Admitted Tauranga rightly proclaimed district. Confiscation justified of a complicity in rebellion. Intervention of Tauranga altogether unprovoked and unjustified and sufficient to justify Government action. Proclamation under New Zealand Settlements Act was technical only the real change of ownership was cession. Cession was voluntarily acceptance - cannot be called confiscation. True there was dispute between Mackay and General - Cession and surrender of arms must be kept distinct. Even after cession, tribes willing and anxious that arrangement be carried out. His excellency with Ngaiterangi tribes - report by Mr. Clarke and Mr. Puckey of notes of. Hokoheko says etc., with regard to their understanding of the meaning and effect of the cession. Natives got back practically 5/6ths of area taken.

1867 A.-20
p. 5

do
do page 13
do " 62

23/6/1865 - Chief Commissioner Clarke to Native Secretary. Seale's memo. Combats Smith's suggestion that cession was forced. 10/7 1867 - Commissioner Clarke to Native Minister. Further proof of voluntary nature of the cession and purchase of Tauranga lands.

Submits that voluntary cession of Tauranga lands is incontrovertible.

hands in schedules of manner in which Government deal with the lands ceded which he reads to the Commission. Katikati-Te Puna block was actually purchased.

Places before Commission map of Tauranga Confiscation area - explains map and colourings thereon and refers to deeds of purchase.

Doubts as to validity of Proclamation - Tauranga Lands Act, 1867, passed to validate. Under this Act Government dealt with lands taken, returned, settled, etc.,

31st July, 1867 - J. Mackay to Under Secretary for Native Affairs. Letter - As to 50,000 acres retained by Government. Whole tribe loyalist and rebel joined in this management.

1886 G.-10.

Brabants returns as to settlement of Tauranga lands - quoted hereby Mr. Taylor.
4/5/1886. Brabants final report dated deals with no blocks excluding Katikati-Te Puna block. Suggests that Commissioners acted on principles as to loyalists as propounded by Mr. Mackay supra
Suggests 3/- to 5/- per acre fair price for all land taken and retained by Crown.

Story of (Mr. J.A. Wilson)
Te Waharoa. p.96

page 116
" 29/30
1867 A.-20 p.16

1867 A.-20
p.59

Te Waharoa (Wilson's)
p. 140

Census
1878 11 G.-2
p.20

Conflict between Ngaiterangi and Arawa - reference to boundary of Ngaiterangi land as "Wairakei".
Ngatiwhakane wars against Ngaiterangi in 1803. Ngaiterangi and Ngatiranginui differences. Account of these two tribes by Mr. Mackay

Further reference - report by Mr. Clarke to Native Minister dated April 25th, 1807. Ngaiterangi claimed by conquest. Pirirakau derive from Ngatiranginui.

Ngatiranginui remnant called Pirirakau, which means, stick in the bush.

Maori population in Tauranga district
Tribes and hapus.

Adequacy or otherwise of Katikati-Te Puna block purchase.
Tribes ceding this land cannot complain of their treatment as in effect subsequent action of Government amounted to a gift of £100,000. As to witnesses called by Mr. Smith to give evidence - evidence given very vague as to all facts upon which they purported to enlighten Commission.

Mr. Taylor calls Mr. Darby. 12.10.

Owen Ambrose Darby, Native Lands Draftsman, Auckland Lands Office. Prepared map showing lands taken returned and retained now before Commission.

Xrd. by Mr. Smith: 12.15 p.m. finished 12.27 p.m.

Exact area being 214,000 acres instead of area previously considered was discovered in preparing plan for this Commission.
Town of Tauranga Church Mission Lands - Crown presumably purchased from Mission. Have not discovered any evidence of value of lands about time of confiscation. Have not discovered any files showing Crown sales.

Petition No.20 on schedule.
Mr. Smith and with him Wi Hapi appears for the Petitioners.

Mr. Wihapi:

Arawa always loyal - resisted attempts by East Coast tribes to cross their territory to aid the Waikato tribes. Hands in list of Arawa sub-tribes and reads it to Commission. Shows also the map of Ngatipikiao. Hands in list of Arawas who received medals and pensions for war service. Large portion of Waitaha land included in the Tauranga confiscation. Land never conquered by Ngaiterangi - whole of Tauranga confiscated area was property of Waitaha.

Commission adjourned at 12.45 p.m. till 2.15 p.m.

Commission resumed at 2.20 p.m.

Mr. Wihapi:

resumes and asks to call Mita Taupopoki. Court intimates that it is not necessary to call evidence of Arawa assistance to the Crown. Claims that whole of Tauranga confiscated area belonged to Waitaha tribe. Decision of Commissioner Clarke in ascertaining persons entitled to be included in grants made to natives. This is in Maori - reads translation in which it is stated that certain of these lands belonged to Waitaha.

Hands in:

1867 A.-20
p. 7 - No.6

Encl.No.1
to No.6

Copy letter Mr. Mackay to Hon. Mr. Mantell - re dispute between Te Moananui and Ngaiterangi near Katikati.
Copy of Arbitrator's report upon dispute.