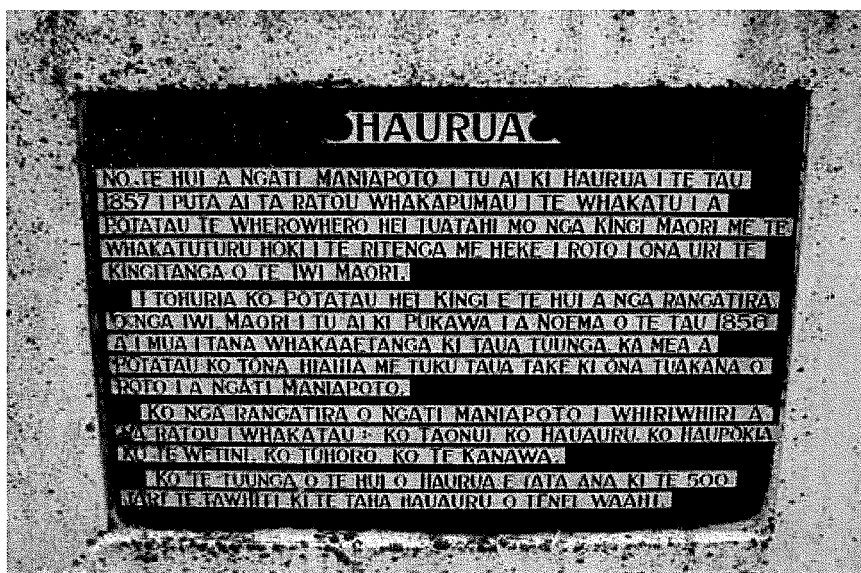


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Te Rohe Potae Political Engagement, 1840-1863



A report commissioned by the Waitangi Tribunal

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Cover image: Memorial stone for the King movement, Haurua. Paul Meredith photographer, Tūhuatahi Tui Adams and Paul Meredith. 'Ngāti Maniapoto', Te Ara - the Encyclopedia of New Zealand, updated 16-Mar-10
URL: <http://www.TeAra.govt.nz/en/ngati-maniapoto/4/1>

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Table of Contents

1. INTRODUCTION	9
2. MUSKETS, MISSIONARIES AND TRADERS: EARLY YEARS OF CONTACT.....	20
2.1 FIRST CONTACTS	20
2.2 THE MUSKET WARS	25
2.3 ADVENT OF THE MISSIONARIES	33
2.4 EARLY VISITORS' IMPRESSIONS.....	36
2.5 CONCLUSION	43
3. TE TIRITI O WAITANGI AND THE EVOLVING RELATIONSHIP OF ROHE POTAE MAORI WITH THE CROWN AND SETTLERS	46
3.1 HE WHAKAPUTANGA O TE RANGATIRATANGA O NU TIRENE – THE 1835 DECLARATION OF INDEPENDENCE.....	46
3.2 TREATY SIGNING.....	59
3.3 EARLY CROWN CONTACTS WITH TE ROHE POTAE	75
3.4 EARLY TARANAKI DEALINGS	92
3.5 ECONOMIC EXPANSION.....	123
3.6 MISSIONARY INFLUENCES	128
3.7 MAORI AND SETTLER RELATIONS.....	131
3.8 CONCLUSION	134
4. THE CRISIS IN RELATIONS AND THE EMERGENCE OF THE KINGITANGA	139
4.1 NEW ZEALAND CONSTITUTION ACT	139
4.2 CROWN PURCHASES	159
4.3 EMERGENCE OF THE KINGITANGA	173
4.4 CONTEMPORARY EXPLANATIONS OF THE KINGITANGA.....	216
4.5 CONCLUSION	233
5. THE DEVELOPMENT OF THE RUNANGA SYSTEM AND INITIAL CROWN RESPONSES TO THE KINGITANGA	237
5.1 NATIONALISM OR THE SEARCH FOR GOOD GOVERNANCE?	237
5.2 THE RUNANGA MOVEMENT IN THE WAIKATO.....	241
5.3 FENTON'S MISSION.....	244
5.4 THE WAIKATO COMMITTEE 1860	262
5.5 THE KOHIMARAMA CONFERENCE AND ITS AFTERMATH.....	277
5.6 CONCLUSION	300
6. THE BACKGROUND TO THE TARANAKI WAR AND ROHE POTAE INTERESTS IN THE DISTRICT	303
6.1 BACKGROUND TO THE WAITARA PURCHASE AND FIRST TARANAKI WAR.....	303
6.2 WAIKATO INVOLVEMENT IN THE TARANAKI WAR	319
6.3 THE TARANAKI WAR AND PREPARATIONS FOR THE INVASION OF WAIKATO	355
6.4 MODERATES VERSUS EXTREMISTS? OR IDEALISTS VERSUS REALISTS?	358
6.5 NEGOTIATIONS WITH THE WAIKATO TRIBES	367
6.6 FROM BROWNE TO GREY: THE INTERREGNUM PERIOD	380
6.7 CONCLUSION	387
7. NEW INSTITUTIONS.....	391
7.1 DEVELOPING THE PROPOSALS	391
7.2 GREY'S DECEMBER 1861 VISIT TO THE WAIKATO	396
7.3 IMPLEMENTING THE NEW INSTITUTIONS.....	406
7.4 THE 'LOYALIST' STANCE.....	414
7.5 CONCLUSION	418
8. THE FINAL BREAKDOWN IN RELATIONS	420
8.1 PREPARATIONS FOR WAR	420

8.2 FINAL MEETINGS	424
8.3 RESUMPTION OF THE TARANAKI WAR	434
8.4 THE GROWING CRISIS IN THE WAIKATO	443
8.5 THE DECISION TO INVADE	469
8.6 GREY’S ULTIMATUMS	483
8.7 THE ORIGINS OF THE WAIKATO WAR: A BRIEF HISTORIOGRAPHICAL OVERVIEW	495
8.8 CONCLUSION	508
9. CONCLUSION	513
BIBLIOGRAPHY	527
I. UNPUBLISHED ARCHIVES AND MANUSCRIPTS	527
<i>Alexander Turnbull Library</i>	527
<i>Archives New Zealand (Head Office, Wellington)</i>	530
<i>Auckland City Library</i>	539
<i>Auckland War Memorial Museum Library</i>	540
<i>John Kinder Theological Library, Auckland</i>	541
II. OFFICIAL PUBLICATIONS	541
III. NEWSPAPERS	542
IV. EARLY PUBLISHED WORKS AND EDITED COLLECTIONS	542
V. DOCUMENT BANKS	546
VI. WEBSITES	546
VII. BOOKS AND ARTICLES	547
VIII. UNPUBLISHED THESES	561
IX. RESEARCH REPORTS	562
X. TRANSCRIPTS	564
APPENDIX ONE: TIMELINE OF RELEVANT EVENTS.....	566
APPENDIX TWO: RESEARCH COMMISSION	573

List of Tables

TABLE 1 WAIKATO-MANUKAU TREATY COPY	69
TABLE 2 MANUKAU-KAWHIA TREATY COPY	73

Table of Figures

FIGURE 1 PLACE NAMES	8
FIGURE 2 TE ROHE POTAE INQUIRY DISTRICT	19
FIGURE 3 TRIBAL MOVEMENTS, 1820-1840, WAIKATO NORTH.....	27
FIGURE 4 TRIBAL MOVEMENTS, 1820-1850, WAIKATO SOUTH	31
FIGURE 5 MISSION STATIONS 1840-1860	45
FIGURE 6 NEW ZEALAND COMPANY TARANAKI TRANSACTIONS.....	96
FIGURE 7 TE ROHE POTAE CROWN PURCHASES 1840-1865.....	172
FIGURE 8 TARANAKI WAR 1860-61	331

List of Abbreviations

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
AJLC	<i>Appendices to the Journals of the Legislative Council</i>
Archives NZ	Archives New Zealand, Head Office, Wellington
Archives NZ (Akl)	Archives New Zealand, Auckland Regional Office
ATL	Alexander Turnbull Library
DNZB	<i>Dictionary of New Zealand Biography</i>
GBPP	<i>Great Britain Parliamentary Papers</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
RDB	Raupatu Document Bank

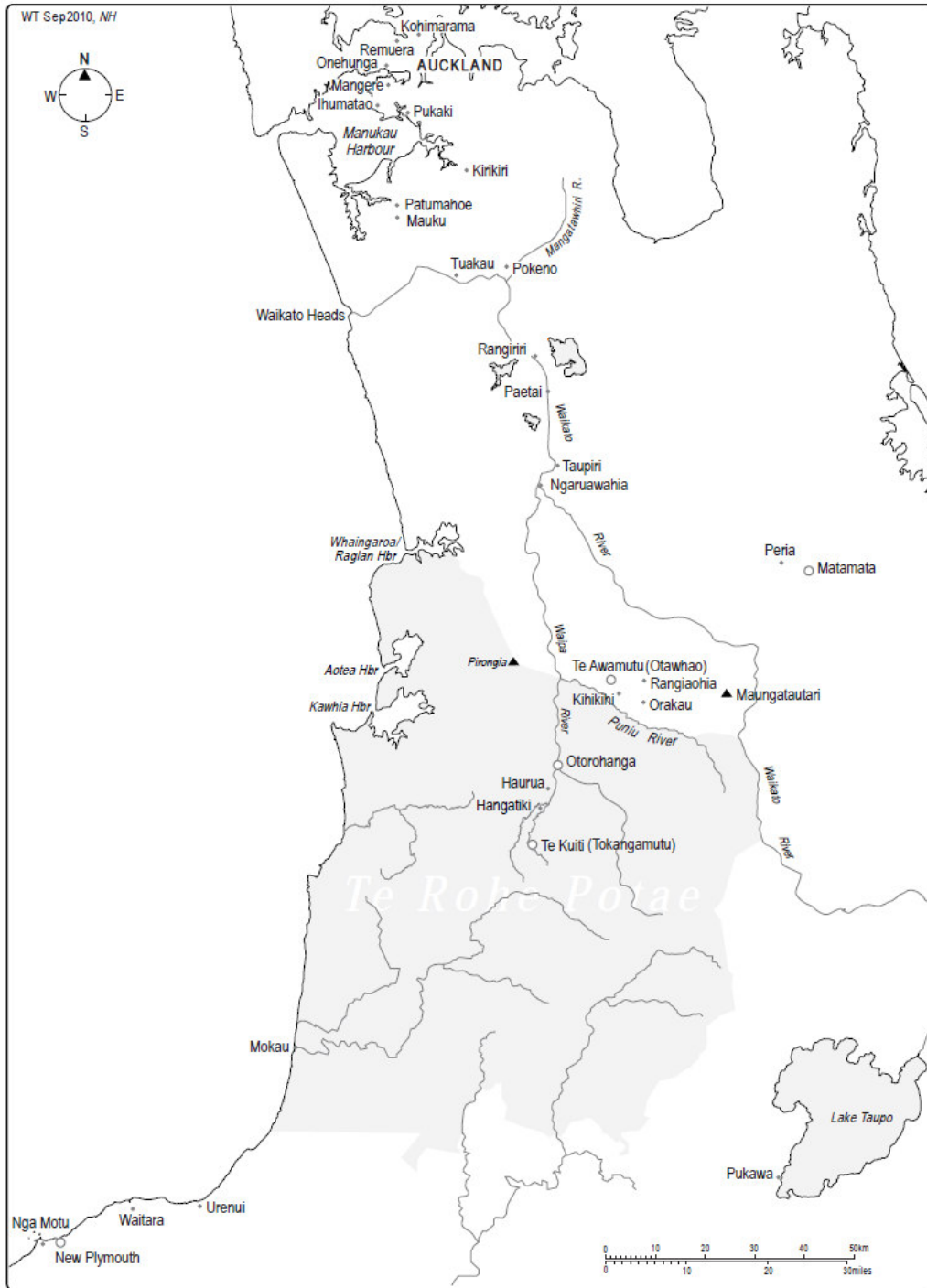


Figure 1 Place Names

(Source: Waitangi Tribunal)

1. Introduction

This report examines the beginnings of political engagement between the hapu and iwi of the Rohe Potae inquiry district and the Crown from 1840 through until 1863. It constitutes the first in a series of thematic reports on political engagement and autonomy for the Rohe Potae district inquiry. The report has also been prepared concurrently with a linked project on Te Rohe Potae war and raupatu, and it is intended that the two reports should be read alongside one another. Readers will find that, whereas the war and raupatu report traverses the course and consequences of the Waikato War, for example, it is necessary to refer to this report for some discussion of the conflict's origins. There are also other areas where the background to events discussed in the war and raupatu report are more fully outlined in this companion volume. For example, the coverage in this report of Te Rohe Potae hapu and iwi interests in Taranaki is essential background to the other report's discussion of the Taranaki confiscation and how it impacted on those interests.

It was noted in the introduction to the war and raupatu report that many of the events described there took place outside the Rohe Potae inquiry district. As a cursory glance at the map of frequently mentioned place names (figure 1) will testify, the same applies with respect to this report, not merely with respect to the coverage of Taranaki issues already mentioned above, but also in relation to developments to the north of the inquiry district that would ultimately impact on the hapu and iwi of Te Rohe Potae. The report also briefly traverses the period prior to 1840 as essential context to later developments in the district, while (in accordance with requests made at earlier research hui), it also provides some coverage of He Whakaputanga o Te Rangiratanga o Nu Tirene, the 1835 Declaration of Independence, even though many of the key developments covered here took place in Northland.

At this point a note on some of the terminology employed throughout the report seems necessary. As is also noted in the introduction to the war and raupatu report, the term 'Rohe Potae', as applied to the period prior to 1863, is obviously ahistorical, that is, it was not (at least to the best of my knowledge) in common use at the time, and this report therefore seeks to avoid using such a label unless necessary for the purposes of distinguishing what is today defined as the Rohe Potae inquiry district from the

broader Waikato region. Although some nineteenth century observers argued that the term Waikato ought, strictly speaking, only apply to those lands and tribes located adjacent to the Waikato River, in practice it was usually employed much more loosely. Thus significant chunks of what is today the Rohe Potae inquiry district were often included within this loose appellation, while Ngati Maniapoto were in many cases considered as one of four main Waikato tribes (the others being the hapu that today collectively form Waikato-Tainui, henceforth referred to in this report as Waikato proper, along with Ngati Haua and Ngati Raukawa).

But there were exceptions to this trend. Often, for example, the coastal settlements of Mokau, Kawhia, Aotea and Whaingaroa were separately noted, while there was also an increasing emphasis on distinguishing Waikato proper from Ngati Maniapoto, especially as the latter tribe came to be viewed in a much less favourable light by officials and settlers. Where those distinctions are made the report seeks to make this clear, though as was noted in the war and raupatu report, it is not always obvious from the sources whether the broader or restrictive meaning of Waikato is intended, so a certain level of ambiguity is unavoidable.

Chapter Two provides an overview and narrative of the earliest contacts between Te Rohe Potae hapu and iwi and European visitors, traders, missionaries and others. It also briefly explores some of the key developments from the ‘musket wars’ period in so far as these appear relevant to later events discussed in the report. The massive battle at Hingakaka (1807), in which a combined force of Waikato proper and Ngati Maniapoto overcame taua from many parts of the North Island, was said, for example, to have been an important precedent for the later emergence of the Kingitanga. European contacts with and settlement of the area was, meanwhile, relatively light in the period prior to the New Zealand Wars, and this can also be seen as pertinent to subsequent developments. In particular, it is suggested, the Kingitanga could be seen as essentially a conservative movement, seeking to preserve an existing way of life that had already come under threat in other parts of the country more densely settled by Europeans. Christian missionaries were another great threat to that way of life, especially given their avowed goal of eradicating customs and practices deemed inconsistent with their own teachings. Yet the evidence suggests Christianity did not ultimately subvert pre-existing belief systems so much as become incorporated into

them. And the recorded impressions of visitors such as Dieffenbach (1840) and Angus (1844) certainly suggest a thriving and vibrant indigenous society remained intact in the years following formal British annexation.

Chapter Three explores the Treaty of Waitangi and the evolving relationship of Te Rohe Potae hapu and iwi with the Crown and settlers. It begins, though, with some discussion of He Whakaputanga, the Declaration of Independence, signed firstly by a number of Northland rangatira at Waitangi in 1835, and later by several chiefs of importance from elsewhere, including Te Wherowhero of Waikato. By 1839 the British government had determined to annex New Zealand itself, but its prior recognition of the Declaration prompted officials to determine that it was necessary to seek a formal cession of sovereignty from the chiefs. Whether the Treaty of Waitangi had that effect has been a matter long debated. Less often considered are the implications of the English-language version of the Treaty signed by many of the Waikato chiefs. However, it is suggested that the verbal explanations were likely to be of greater significance than the actual text of a document drafted in a language the rangatira did not understand, and there are also reasonable grounds for believing that the text of the original te reo Maori Tiriti was probably read as part of the signing ceremony which took place at Waikato Heads.

A consideration of early Crown dealings with the hapu and iwi of Te Rohe Potae in the years following 1840 casts doubt on the extent to which such communities understood themselves to have ceded control over their own affairs to the incoming government. While cordial relations were maintained with Crown officials, the chiefs and their people remained firmly in control of their own affairs, and unsolicited attempts at interference were liable to be resisted. One early source of tension was the state of affairs in Taranaki, where New Zealand Company land deals, Waikato claims arising out of earlier conflicts with the local tribes, and the return of a number of absentee owners made for a volatile mix. Waikato claims over Taranaki were acknowledged in an 1842 deed signed with Te Wherowhero, but even after that date Crown officials appear to have recognised ongoing interests on the part of Ngati Maniapoto. Although it seems clear that hapu from Te Rohe Potae did occupy some lands at Taranaki after 1840, the extent of such occupation is the subject of conflicting accounts. What is clearer is the generally promising economic development of the

Waikato Maori economy after 1840, a process aided in part by missionaries such as John Morgan who viewed 'civilising' Maori as a crucial corollary to their full conversion to the Christian faith. But Morgan's vision was embraced rather more selectively by the tribes, and he and other Europeans who settled within the Rohe Potae district lived within an evolving yet still recognisably Maori world.

Chapter Four traverses the crisis in relations with the Crown that developed from the early 1850s onwards and the emergence of the Kingitanga in response. The first signs of unrest, it is noted, came at a time of relative economic prosperity for many tribes, but coincided with the introduction of the New Zealand Constitution Act of 1852, which though granting Europeans representative self-government, effectively denied Maori the right to vote for the new assemblies established under the legislation. A reading of the British parliamentary debates associated with the 1852 measure shows that officials there believed that most Maori communities would not, in fact, be subject to settler governments but would instead continue to govern their own affairs under the supervision of the governor through the provisions of section 71 of the Constitution Act. But section 71, which provided for native districts to be established, was never implemented on the ground, and progressive Maori rangatira began to complain bitterly of their growing subjection to a Parliament from which they were effectively excluded. The growing rate of land alienation across the country was meanwhile a further cause of concern, especially as many chiefs perceived a link between the loss of lands and their own diminishing political authority vis-à-vis the settlers. Land transactions at one time seen as augmenting or strengthening hapu and iwi thus increasingly came to be viewed as weakening their influence, especially among the wider Waikato tribes. While some communities and their rangatira remained anxious to obtain the perceived benefits of Pakeha settlement, others therefore sought to oppose further sales, providing a platform for shared inter-tribal cooperation amongst those who harboured such concerns.

Both concern over land dealings and other issues and increased cooperation between different hapu and iwi were apparent in the emergence of the Kingitanga. While there are different versions of its origins, most agree that Matene Te Whiwhi and Tamihana Te Rauparaha of Ngati Toa played important roles in promoting the notion of the Kingship. That cause was later taken up by chiefs such as Wiremu Tamihana of Ngati

Haua and promoted at hui such as that convened at Pukawa in 1856 and Paetai and Ihumatao the following year. But it was the gathering of Ngati Maniapoto at Haurua later known as 'Te Puna o te Roimata' at which Potatau Te Wherowhero was said to have been endorsed as King and to have finally agreed to accept the position. Further hui followed at Ngaruawahia and Rangiaowhia in June 1858, with final confirmation of the new King at a large gathering held at the former location on 2 May 1859. European observers, including Crown officials, attributed these developments to a range of causes. Concerns over land have already been noted, while what would today be regarded as nationalist sentiments were also identified. That arose in part out of fears that Maori would quickly become a small minority in their own country, subject to the whims of the Pakeha, while crude settler prejudices against Maori were also believed to have fed into such fears. Some observers also attributed the rise of the Kingitanga to economic factors, although this lacks credibility since the movement to install a King first emerged at a time of relative prosperity in the early 1850s. Even less credible were conspiracy theories, based on little more than xenophobic and sectarian prejudices, which blamed the French (and especially French Jesuit priests) for encouraging the Kingitanga as part of a plot to undermine British control of New Zealand.

As Chapter Five makes clear, one of the key questions asked in the 1850s was whether the Kingitanga represented a desire for improved law and order within Maori communities or was at heart a nationalist response to the increasing dominance of the settlers. This was important because the two motives implied different policy responses. While officials were at first inclined to ignore the King movement in the hope or expectation that it would die of natural causes, an allied movement involving the revival and revamping of runanga (tribal councils) across many North Island communities from the mid-1850s suggested that there was certainly a demand for improved governance. Capitalising on evidence of the emergence of the runanga movement in 1857, Francis Dart Fenton was deployed as Waikato Resident Magistrate with a specific mandate to work with such bodies to further facilitate the spread of law and order in the villages. Fenton was withdrawn from the district early the following year, and the success or otherwise of his mission was subject to much subsequent scrutiny. Some observers believed that Fenton was withdrawn from the Waikato just as he was beginning to make real progress with his mission, leaving a

vacuum and level of dissatisfaction with the government that was subsequently filled by the Kingitanga. Others alleged that Fenton himself, through his interference in land disputes and refusal to consult with senior chiefs such as Potatau Te Wherowhero, had done much to polarise the tribes into King's and Queen's parties. These were matters considered at length by a Parliamentary committee in 1860. It condemned the withdrawal of Fenton as a serious mistake, but failed to examine any of the chiefs who might have testified against their former Resident Magistrate, and who were by this time leading figures in the Kingitanga. It was that body which Governor Browne was keen to marginalise when he convened a conference of chiefs from around the country at Kohimarama, near Auckland, in July 1860. A small number of Ngati Maniapoto rangatira attended. Others such as Rewi Maniapoto were either not invited (in his case) or chose not to go. Given the Waitara dispute had already resulted in war, the conference came too late and in any event was designed, at least from the Crown's perspective, largely to sell its case to the assembled chiefs rather than with a view to opening up any kind of genuine dialogue with the tribes. But the government did not win the glowing endorsement of its position hoped for, and many of the chiefs, viewing this opportunity for meaningful engagement with the governor and his officials in a favourable light, called for the conference to be made an annual event. Though Browne agreed, his successor canned plans for further conferences.

Chapter Six explores the background to the Taranaki War and Te Rohe Potae hapu and iwi interests in that district. That war began in March 1860 as a consequence of Browne's determination to push through the Waitara purchase with only minority support from the owners and against the wishes of Wiremu Kingi and others with customary interests in the area. Once Browne determined to ignore and override the wishes of Kingi and other members of Te Atiawa, the question soon became a bigger one than merely the fate of less than 1000 acres at Taranaki: it became an issue of whose will would ultimately prevail. Thus issues of sovereignty versus rangatiratanga left unresolved since 1840 were brought into stark relief, and that was especially so once the Waikato tribes began to render military assistance to Kingi from June 1860 onwards. That assistance came not just from Ngati Maniapoto, but from across the Waikato tribes, and had immediate effect at Puketakauere, when British forces suffered a crushing defeat. That was reversed at Mahoetahi in November, and after

further engagements early the following year the situation became something of a stalemate.

It took the personal intervention of Wiremu Tamihana to broker a truce in March 1861, but Browne's demands for the Kingitanga to be dismantled proved harder to swallow. By July plans were well advanced for a full-scale invasion of the Waikato the following September, and it was only news of Browne's imminent replacement as governor by Sir George Grey which saw these suspended. Had Browne proceeded with the attack, and with a fraction of the force later available to Grey in 1863, no road to the Waikato and no armed steamer to sail up it, it seems fair to speculate that the results would have been catastrophic for future British settlement of New Zealand. Browne's decision to pursue such an invasion, though certainly reflecting a great deal of personal hubris, also stemmed in part from his perception that an extremist hardcore element existed within the Kingitanga and posed a serious threat to the settlers. That extremist faction has been identified then and since most closely with Ngati Maniapoto and especially their leader Rewi Maniapoto. Historians have, even in recent times, depicted the tribe and their rangatira as almost fanatical in their determination to fight the British, contrasting this with the 'moderate' approach of Wiremu Tamihana and the majority of non-Maniapoto Waikato Maori. Yet the alternative viewpoint, outlined by a minority of previous writers and endorsed in this chapter, sees Rewi Maniapoto not as an extremist but as a realist. Convinced that the Waikato tribes would inevitably be attacked if they did not voluntarily abandon the King movement, Rewi's concern was to prepare for that moment and to optimise the chances of success against what (at least by July 1863) would be a vastly bigger and better armed invading force. Meanwhile, Wiremu Tamihana, who believed that the Kingitanga and Crown could be reconciled and co-exist through ongoing dialogue and mutual good faith, perhaps needs to be re-cast as an idealist. Crown officials remained more concerned with the language of confrontation and ultimatum than with the kind of reconciliation he had long hoped to achieve.

Grey, who assumed the governorship in October 1861, continued this trend. In Chapter Seven his scheme of 'new institutions', also known as the runanga system, is considered. The new governor, it is suggested, saw this scheme as a vital tool in his efforts to isolate and undermine the Kingitanga. He was less interested in providing a

genuine mechanism by which Maori communities might control their own affairs more effectively than in establishing a system of indirect rule over them, and one which would, especially through its raft of salaried government positions for chiefs, see supporters of the Maori King defect to the government party. But these ulterior motives saw the whole scheme received with suspicion and concern in core Kingitanga centres of support such as the upper Waikato. Grey's aggressive and threatening tone when introducing the proposals to the Waikato tribes in December 1861 hardly assisted matters, and John Gorst's subsequent deployment as Civil Commissioner for the upper Waikato was fiercely opposed by many local chiefs in consequence. In such areas the runanga system probably served to intensify increasingly profound mistrust of the Crown. Some 'Queen party' communities did embrace the system, though many settlers (and some Crown officials) were inclined to doubt their motives, suspecting that there was no such thing as a genuinely 'loyal' Maori. As was sometimes noted, in many cases rejection of the Kingitanga largely reflected tribal imperatives and alliances, the Crown's cause being embraced because it was perceived to be in the best interests of such communities to do so.

In Chapter Eight the final breakdown in relations leading up to the invasion of the Waikato in July 1863 is examined. Although Grey had cancelled his predecessor's plans for an 1861 invasion, it is seen that he also took almost immediate measures to prepare for a future confrontation with the Waikato tribes. Those preparations, including the construction of the Great South Road, the erection of a large fort (the Queen's Redoubt) on the north bank of the Mangatawhiri River, talk of a further road from Whaingaroa across to the Waipa district and frequent taunts that armed steamers would soon be patrolling the Waikato River, all contributed greatly to the rapid deterioration of relations between government officials and Waikato leaders in the early 1860s. Peaceful co-existence required not provocation but patience and a willingness to find a place for the Kingitanga in the governance of the tribes, something that was notably lacking on Grey's part. At a hui held at Peria in October 1862 many speakers expressed concerns about the military preparations being made by the Crown, fearing that it was indeed just a question of time until they were attacked. Grey, though, made a surprising visit to Waikato in January 1863, and later claimed that he had offered to constitute Waikato as a separate province under its own administration, an offer he claims was ultimately rejected on the grounds that the

tribes would accept nothing less than the full and absolute recognition of the King. There is little contemporary evidence that such an offer had indeed been made. By contrast, many of the Waikato rangatira present soon after complained that Grey had warned them that he intended digging around the King until he fell of his own accord – a statement that was said to have finally convinced many Kingitanga leaders that the governor was committed to toppling their leader.

At Taranaki, meanwhile, Grey's actions in seizing the Tataraimaka block without first returning Waitara prompted an ambush of British troops at Oakura in May 1863, an action which Rewi Maniapoto was widely seen as responsible for inciting. The growing crisis at Waikato was further intensified by Gorst's unwise actions in publishing a newspaper out of his Te Awamutu base that was highly derogatory towards the Maori King, prompting his own eviction from the district in April 1863. Suspicions had been further heightened by the government's appropriation of the former mission school at Otawhao for the purposes of a Crown-administered industrial school that might subsequently be converted into a police station, and by the construction of a courthouse at Te Kohekohe that was secretly intended to double as a police barrack. Yet even following the Oakura ambush, government officials refused to call out the militia on the grounds that Auckland and other settlements were in no danger, information that Grey sought to suppress from the British government as he successfully applied for additional troops with which to fight the forthcoming war.

Grey and his Executive Council had nevertheless determined sometime before 24 June 1863 to launch a full-scale invasion of the Waikato, to be followed up with the construction of a line of forts stretching from Kawhia or Raglan across to Tauranga, and the confiscation of the lands of 'hostile Natives' north of those posts. Grey claimed that Auckland was under threat of imminent attack from the Waikato tribes in justification of what he sought to portray as a pre-emptive strike to remove such a threat. Yet most of the letters he produced as evidence of such a plot to attack Auckland could not have been received by him prior to the invasion decision having been made, and those that were hardly constituted clear and compelling evidence of a general conspiracy of this kind. Indeed, taken as a whole, they provided a flimsy pretext for invasion.

Grey, though, ordered a massive movement of troops to the Waikato front and on 9 July an ultimatum was issued to all Maori living between South Auckland and the Mangatawhiri River to either swear allegiance to the Queen or retire beyond the Mangatawhiri. With great sorrow and occasional anger, nearly all of those confronted with these demands joined their relatives in the Waikato. Three days later British Imperial troops crossed the Mangatawhiri, commencing the invasion of Waikato. Officially at least, one day prior to this a further ultimatum was issued to the Waikato tribes, this time calling upon them to remain peaceably in their own villages, move to districts pointed out by the government, or, if they waged war or remained in arms against the Crown, be prepared to forfeit the right to possession of their lands guaranteed them by the Treaty of Waitangi. Previous anecdotal reports suggested that this ultimatum was delivered to the tribes after the invasion had already begun. New evidence discussed in this chapter proves that this was indeed the case. In fact, the proclamation was still being drafted after Cameron had crossed Mangatawhiri; it could not have been intended to allow the tribes a genuine opportunity to comply with the demands set out. Finally, the chapter concludes by stepping back to briefly consider important historical analyses of the origins of the Waikato War, from Cowan through to Belich, a debate which further brings into relief a number of the issues traversed in this report.



Figure 2 Te Rohe Potae Inquiry District

(Source: Waitangi Tribunal)

2. Muskets, Missionaries and Traders: Early Years of Contact

2.1 First Contacts

This chapter provides a brief overview and narrative of the earliest contacts between Rohe Potae hapu and iwi and European visitors, traders, missionaries and others in the period through to about 1840. It also looks at some of the important inter-tribal battles in the decades preceding British annexation of New Zealand in 1840, with a particular focus on those which appear to have some implications for events discussed later in the report. The chapter concludes by examining impressions of the district recorded in the writings of two of its more well-known European visitors in the early 1840s.

The absence of any reliable general history for the Rohe Potae or King Country district as a whole makes the task of accurately reconstructing earliest contacts a challenging one. What we do know is that first contacts between hapu and iwi from the Rohe Potae inquiry district and Europeans were limited in extent and confined mainly to the coastal areas prior to 1840, commencing at Kawhia, which was regarded as having one of the better harbours on the whole of the otherwise treacherous west coast of the North Island, and later at Whaingaroa, Aotea and Mokau. In December 1642 Dutch explorer Abel Tasman and his crew sailed northwards along the western coastline of the North Island. Yet having just experienced their first direct and bloody encounter with Maori at Golden Bay, Tasman sailed well out to sea. James Cook and the *Endeavour* sailed much closer to the coastline when travelling southwards from North Cape to Queen Charlotte Sound in January 1770. On 11 January 1770 Cook sailed between Karewa Island, which he named Gannett Island for the large number of birds of this species seen perched on its rocky spots some 12 miles from shore, and the entrance to Kawhia Harbour.¹ He named a spot just a few miles to the south of the harbour entrance Albatross Point but made no effort to land and had no direct contact with local hapu. It seems unlikely that Cook's presence so close to the shore went unnoticed by local inhabitants, however, and as Leslie Kelly noted, Cook's crew had

¹ Robert McNab, *From Tasman to Marsden: A History of Northern New Zealand from 1642 to 1818*, Dunedin: J. Wilkie & Co., 1914, p.48.

already met with related *Tainui* (waka) tribes at Whitianga and Hauraki, and news of the arrival of these strange visitors almost certainly spread quickly.²

Some sources suggest that the next known European visitor to the district was the shadowy figure of Captain Felix Tapsell, who is said to have visited Kawhia in 1805.³ The evidence for this appears slim to non-existent, although there is a distinct possibility that there were early contacts that went either wholly or largely unrecorded. There is greater agreement that the mariner and trader Captain Amos Kent (who became known to local Maori as ‘Hamukete’) settled at Kawhia in the 1820s. According to J.F. Mandeno, Kent visited Kawhia on board the brig *Elizabeth Henrietta* in 1824 in order to acquire a cargo of flax.⁴ Other sources, including Charles Marshall, who himself settled at Waikato Heads in 1830, dated the arrival of Kent at Kawhia as being in 1828.⁵ Kent’s arrival coincided with a period of intense interest in acquiring muskets and other European goods, in consequence of which he and the other Europeans who were brought to Kawhia by him to establish a trading post were warmly welcomed. Kent himself married Amohia, the daughter of senior Waikato chief Te Wherowhero and settled at Heahea on the northern side of Kawhia Harbour.⁶ His European companions were also ‘appropriated by various chiefs’ and married into the local hapu, whose well-being they were expected to contribute towards in various ways, besides at all times respecting and complying with local customs.⁷

Wiremu Te Wheoro referred to early European settlement of the Kawhia district when giving evidence in the Native Land Court in 1886. He told the Otorohanga hearing that:

² Leslie G. Kelly, *Tainui: The Story of Hoturoa and his Descendants*, Wellington: Polynesian Society, 1949, p.423.

³ Peg Cummins, *A History of Kawhia and its District*, Kawhia: Kawhia Museum, 2004, p.36.

⁴ J.F. Mandeno, ‘A Saga of Kawhia’, *Footprints of History*, no.19, February 1998, p.1.

⁵ J.H.H. St. John, *Pakeha Rambles Through Maori Lands*, Christchurch: Kiwi Publishers [1998] (original ed.1873). St. John notes in the preface to this work that the section entitled ‘Waikato Forty Years Ago’ was written by a Waikato settler of old standing. It has since been widely attributed to Marshall.

⁶ Kelly, *Tainui*, p.424.

⁷ *ibid.*

Shortly after the cessation of fighting between the Waikato people and the Ngapuhi, of the North (about 1828), the Kawhia Chief Te Puaha went on a visit to the Ngapuhi country (Bay of Islands). When he returned to Kawhia Harbour he brought with him a European named “Amukete”. He got him to come in on his ship as far as Heahea, at the entrance to Kawhia. The Waikato people then resident at Kawhia asked him, the Captain of the Ship, to supply them with powder and with firearms. He sailed away to Sydney and brought back with him several other white men, including “Te Kaora”, “Te Kawana”, and “Tamete”[.] These Europeans (who had come to live with the Maoris as traders) were claimed and taken away by the various Chiefs as their *pakehas*.⁸

It is said that Te Wherowhero claimed Hamukete (Kent), who settled at Heahea. Kiwi claimed Te Kaora (Cowell), who took up residence at Pouewe, Tamete was taken by Te Kanawa and lived at Maketu, on the northern side of the harbour, while Te Rangitera settled at Heahea, where he married the daughter of Ngati Mahuta chief Te Tuhi.⁹ A lucrative flax-for-muskets trade soon developed at Kawhia, which drew in other hapu to the district.

A hint that perhaps not all was smoothness and light during this initial period of contact comes in the form of notes penned by Donald McLean many years later. He observed that:

In former years when Kawhia was first visited by Europeans the natives were in their wild state, and resorted frequently to robbing all vessels visiting the Port. One of these vessels belonging to a Mr. Brown was plundered of all the goods tobacco powder guns shot blankets, the capt. and crew tied up and the plunder carried off by the Ngatihikairo tribe.¹⁰

According to McLean, when Pikia, a great chief of Ngati Hikairo heard of the misconduct of his tribe, who had attempted to conceal the ‘robbery’ from him for two days, ‘he made a long speech indignant at the disgrace brought upon him’, before

⁸ ‘The First White Men in Kawhia’, Robert McNab Papers, MS-Papers-0047-16, ATL.

⁹ *ibid.*; Kelly, *Tainui*, pp.423-424.

¹⁰ [Undated notes in McLean’s handwriting], McLean Papers, MS-Papers-0032-0014, ATL.

ordering substantial payment to be made to the injured party. Besides 2000 kits of potatoes, pigs and other produce, the rangatira also 'ordered one of his favourite sons...on board as a slave to the Pakehas'.¹¹ That incident was also recalled in a speech delivered by Kikikoi (also known as Waikawau or Kingi Te Waikawau and described in some sources as Pikia's son, but in fact his nephew)¹² on the occasion of the departure of Kawhia's Pakeha residents soon after the outbreak of the Taranaki War in 1860.¹³

But what Europeans often viewed as opportunistic robberies were sometimes seen quite differently by the local tribes. The inadvertent or deliberate breach of customs could in itself require compensation, for example, while there were also accepted customs with respect to vessels which were shipwrecked (the property from which was deemed to belong to the hapu on whose land it washed up). And in other cases the captains and crew of visiting vessels were guilty of inflicting serious wrongs on the chiefs and their people. McLean recorded one case in which a man called Stewart, captain of the *Harriet*, having been robbed, ordered a black servant to go below deck and bayonet a chief visiting the vessel. Kikikoi, the intended victim, proved too strong for his assailant, however, and managed to make his escape. Remarkably, the chief subsequently instructed his people not to seek utu for such treatment.¹⁴

European penetration of the upper Waikato district remained light. Even by the mid-1830s most Maori in the district had never seen a European.¹⁵ Charles Marshall, recalling many years later his own arrival in the Waikato district, observed that:

On the passage up the [Waikato] river we had an opportunity of seeing a considerable collection of natives at the different settlements, our visit being anticipated from forerunners having gone ahead to trumpet our chief's success in having secured several *Atuas* (spirits) in the flesh, some of whom he was about exhibiting for their wonderment and admiration. At all the settlements

¹¹ *ibid.*

¹² Frank Kingi Thorpe, pers. comm., 6 October 2010.

¹³ *Te Karere Maori/Maori Messenger*, 31 May 1860.

¹⁴ [Undated notes in McLean's handwriting], McLean Papers, MS-Papers-0032-0014, ATL.

¹⁵ K.R. Howe, 'Missionaries, Maories, and "Civilization" in the Upper-Waikato, 1833-1863: A Study in Culture Contact, with special reference to the attitudes and activities of the Reverend John Morgan of Otawahao', MA thesis, University of Auckland, 1970, p.3.

we were received most courteously and hospitably, though the younger portions of the community generally hid behind stumps of trees, in, or behind, houses, or under the garments of the elder portion, occasionally stealing a peep at “*Te Atua*.”¹⁶

While this phase of initial and very limited European settlement based on close absorption into the tribe was common elsewhere during the early stages of the colonisation process, it generally gave way at some point to a much more substantial and Pakeha-controlled phase of expansion. In the Rohe Potae and broader Waikato district, this change did not occur prior to 1863. It could therefore be suggested that supporters of the Kingitanga in these areas were in some senses seeking to retain a system of Maori-Pakeha interactions that had already been pushed aside in other districts that by this time were already firmly under the control of the settlers. This could be seen as a conservative rather than revolutionary (or even ‘rebellious’) instinct (‘a response not so much to what happened but to what the Maori believed would happen’).¹⁷ Likewise, similar concerns could be seen to have driven rangatira such as Wiremu Nera Te Awaitaia, even if they resulted in quite different actions. Something of this is perhaps hinted at in the evidence given by Kaye Turner at the Whaingaroa oral and traditional hui. Turner stated that:

Matataiera, Kaniwhaniwhani and Te Awaitaia were cousins and with other Ngati Mahanga Hourua leaders in that early part of the 19th century, I think they came to a view of how their iwi and their hapu could work with Pakeha to make a world where the people of Ngati Mahanga Hourua and the Pakeha people could live together...in well being and in prosperity. And I think that they had arrived at some very important judgements about the world that they were living in, the changing world that they were living in as a result of their interactions with Europeans from the 1820’s onwards. I think one of the things they observed was that Pakeha might seem few in number and weak, especially in all those years but actually, they had a very dangerous power and that power was military power. And I believe that Ngati Mahanga Hourua

¹⁶ St. John, *Pakeha Rambles Through Maori Lands*, p.5.

¹⁷ Brian Morehu McDonald, ‘Rewi Manga Maniapoto: A Study in the Changing Strategies of Nineteenth Century Maori Political Leadership’, MA thesis, University of Auckland, 1977, p.53. See also Howe, ‘Missionaries, Maoris, and “Civilization” in the Upper-Waikato’, p.187.

rangatira came to a view that if Pakeha were given any excuse to use that power, they would destroy, not just Ngati Mahanga Hourua but Maori more generally.¹⁸

Turner went on to note that there was another aspect to this besides the incipient military threat Pakeha were seen to pose, which was the desire to engage with and prosper in the newly introduced economy.

2.2 The Musket Wars

Even before the first known visits by Europeans to the Rohe Potae district, imported Pakeha goods and technology were beginning to have a profound impact on local hapu and iwi communities. By the early 1820s, for example, introduced European crops such as the white potato, maize, pumpkins and other food items were already being widely cultivated throughout the broader Waikato region. Pigs had also been introduced into the local economy, their distribution and spread facilitated by extensive Maori inter-tribal trading and gift-exchange systems.¹⁹ By the 1840s the introduction of such crops had enabled areas on the northern fringes of the Rohe Potae district such as Otawahao to become among the most productive agricultural centres in the country, encouraging a thriving trade based on the export of food crops to Auckland, Australia and elsewhere.²⁰ The most important European import in the 1820s was, however, the musket. In 1822 a well-armed Ngapuhi taua inflicted a crushing defeat on the Waikato tribes in the battle of Matakītaki, prompting large numbers of survivors from the conflict to retreat from their more exposed positions further north and seek sanctuary within the territory of Ngati Maniapoto.²¹ Frank Kingi Thorpe, who explained Ngati Hikairo's connections to the site of the conflict at the second Nga Korero Tuku Iho hui, observed that the slaughter was great.²²

¹⁸ Te Rohe Potae, Oral and Traditional Hui 3, Poihakena Marae, Raglan, 12-13 April 2010, pp.55-56.

¹⁹ Alan Clark, 'European Impact on Maori Culture with particular reference to areas like Inland Waikato', *Journal of the Te Awamutu Historical Society*, vol.8, no.1, June 1973, p.3.

²⁰ Otawahao was later renamed Te Awamutu after an old pa in the area that was considered less difficult for new settlers to the district to pronounce.

²¹ Evelyn Stokes, *Mokau: Maori Cultural and Historical Perspectives*, Hamilton: University of Waikato, 1988, p.65; R.D. Crosby, *The Musket Wars: A History of Inter-Iwi Conflict 1806-45*, Auckland: Reed Books, 1999, pp.108-113.

²² Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 2nd Oral Traditions Hui, Waipapa Marae, Kawhia, 29-30 March 2010, pp.238-239.

According to Rovina Maniapoto, the battle was an absolute catastrophe for the tribes, unaccustomed as they were to muskets.²³ It was said that just one of their rangatira, Hauauru, had a musket during the battle.²⁴ However, the advent of traders such as Kent and Marshall, and marriage alliances with Ngapuhi aimed at securing an end to the conflict with the northern groups, enabled the Waikato and Ngati Maniapoto tribes to begin accessing significant quantities of muskets themselves from the mid-1820s.²⁵

With the large number of toa available to them, and newly-enhanced access to European firepower, the Waikato tribes and their allies were a formidable fighting unit and in early 1832 they inflicted a crushing blow on the northern Taranaki tribes at Pukerangiora.²⁶ Although this was partly avenged at Nga Motu a short while later, nearly all of the Te Atiawa, Taranaki, Ngati Mutunga and Ngati Tama inhabitants of northern Taranaki who had not already been taken back to the Waikato as captives determined to retreat south to the Kapiti Coast and Te Whanganui-a-Tara in order to avoid further Waikato retributions.²⁷ There they joined relatives who had previously migrated to the Cook Strait region. According to some accounts, following further victories in south Taranaki, in 1834 Waikato and the vanquished tribes agreed peace terms, and Te Wherowhero promised that the lands of the defeated would remain with them on account of their prowess. Senior Ngati Maniapoto rangatira were said not to have recognised this peace, however, and – regardless of the cessation of the fighting – much of coastal Taranaki stretching north towards Mokau remained largely bereft of inhabitants for many years thereafter.²⁸ As will be seen more clearly later in this report (and its companion volume on war and raupatu), the question of what rights and interests in the Taranaki lands had been secured to the Waikato tribes and Ngati Maniapoto by virtue of this series of conflicts would exercise the minds of various officials for many years afterwards. An understanding of these events is also key to

²³ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.196.

²⁴ James (Jim) Taitoko, Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 5th Oral Traditions Hui, Maniaroa Marae, Mokau, 17-18 May 2010, p.36.

²⁵ Clark, 'European Impact on Maori Culture', p.10.

²⁶ Angela Ballara, *Taua: 'Musket Wars', 'Land Wars' or Tikanga? Warfare in Maori Society in the Early Nineteenth Century*, Auckland: Reed Books, 2003, pp.345-347.

²⁷ Crosby, *Musket Wars*, p.247.

²⁸ Stokes, *Mokau*, p.75; Kelly, *Tainui*, p.406. Further evidence with respect to Ngati Maniapoto participation in the peace making is discussed below.

appreciating the impact of the Taranaki confiscation on the hapu and iwi of Te Rohe Potae.²⁹

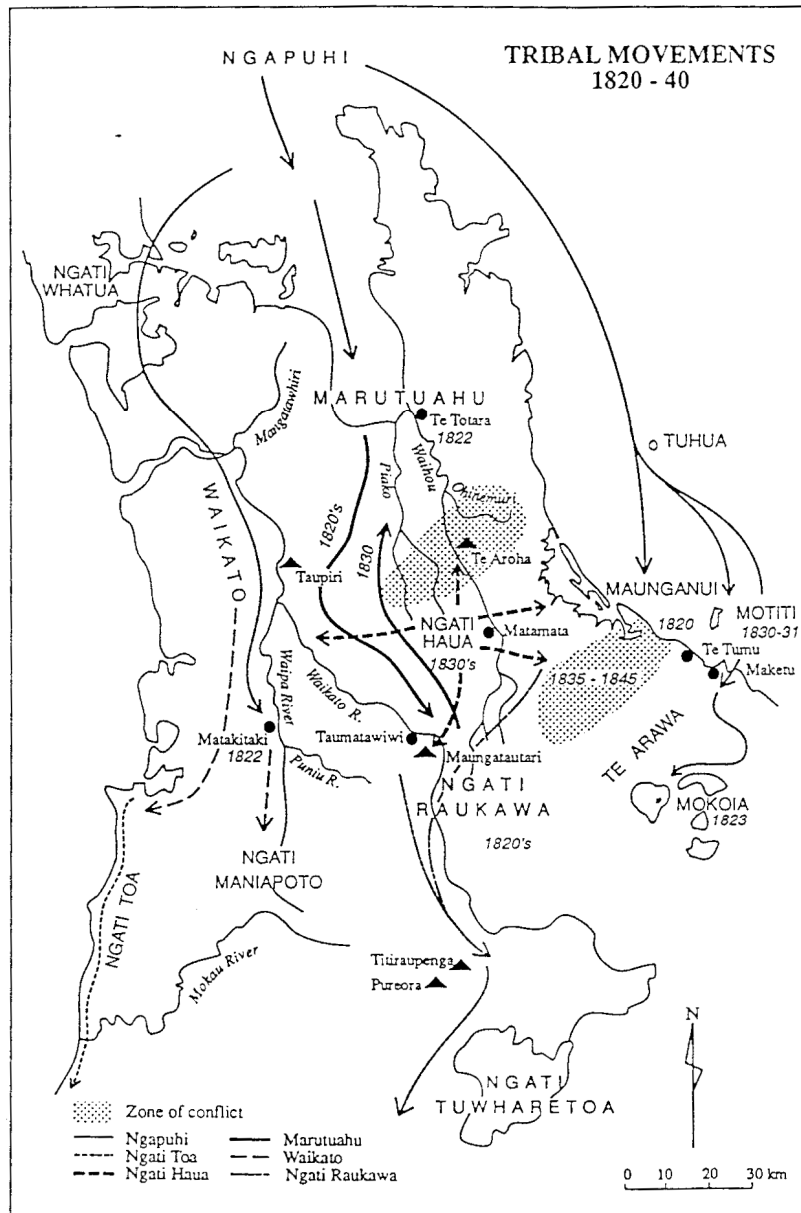


Figure 3 Tribal Movements, 1820-1840, Waikato North

(Source: Stokes, *Te Raupatu o Tauranga Moana*)

There were other more localised implications arising from these conflicts. According to some sources, for example, while Mokau Maori were away fighting at Nga Motu in

²⁹ As outlined in the Te Rohe Potae war and raupatu report, there are two distinct though related sets of issues here: firstly the question of overlapping rights and interests between Ngati Tama and Ngati Maniapoto hapu in the Mokau district and the extent to which a clear boundary was understood by officials in the 1860s to exist between such groups; and secondly, the broader claim to an interest in the lands north of New Plymouth on the basis of the conquest of the Taranaki tribes in the 1830s.

1832, a group of Maori from Aotea came down the coast and seized a man named Ralf, who was the local agent for the Sydney flax-buyer Montefiore. Ralf was said to be the first Pakeha to reside at Mokau, if not the first to visit it. He eventually escaped from his captors with assistance from Captain Kent, but meanwhile Mokau Maori involvement at Taranaki saw Te Atiawa launch a retaliatory raid on the island pa of Motutawa, in which, however, the local tribes are said to have emerged victorious.³⁰

Another series of conflicts, this time waged between Ngati Maniapoto and Waikato on the one hand and Ngati Toa, variously supported by Ngati Tama and later by Ngati Raukawa after the battle of Hingakaka in 1807 on the other, was also to have important ramifications in various directions. According to some accounts these conflicts, culminating in Ngati Toa's decision to migrate south in the 1820s, intensified the relationship between Waikato and Ngati Maniapoto in a general sense, providing the basis for a closer alliance that would later be formalised in the King movement.³¹ While various accounts have been advanced as to the origins of this battle, at a more fundamental level the seizure of Kawhia Harbour by Toarangatira had been a longstanding source of tension in the district.³² Hingakaka, the largest battle ever fought on Tainui territory (at least prior to the advent of muskets), was said to have involved up to 16,000 fighting men, involving dozens of tribes from across the North Island.³³ On one side were allied Ngati Toa, Ngati Raukawa, Ngati Koata, allied kin from Poutama and Taranaki, and other tribes from much further afield, including Te Arawa, Tuhoe, Ngati Porou, and Whanganui.³⁴ Kelly noted that nearly all of these tribes had some score of their own to settle with Waikato or Ngati Maniapoto, who did not have the same level of external assistance (despite the support of Kaipara rangatira Te Murupaenga of Ngati Rongo), managing to assemble a formidable (yet still heavily outnumbered) force of some 800 to 3000 men.³⁵

³⁰ S. Percy Smith, 'Sketch of Mokau History', Papers Relating to Mokau History, fMS-Papers-7496-1, ATL.

³¹ J.B.W. Robertson, *Maori Settlement of the Waikato District*, Te Awamutu: Te Awamutu Historical Society, Bulletin No.2, 1965, p.42.

³² Kelly, *Tainui*, pp.225-228.

³³ Pei Te Hurinui Jones and Bruce Biggs, *Nga Iwi o Tainui: The Traditional History of the Tainui People*, Auckland: Auckland University Press, 1995, p.348; Ballara, *Taua*, p.291.

³⁴ Kelly, *Tainui*, p.291.

³⁵ *ibid.*, p.290; Yorkie Taylor, Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 5th Oral Traditions Hui, Maniaroa Marae, Mokau, 17-18 May 2010, p.248.

Fought at Te Mangeo, just south of Ngaroto lake in the neighbourhood of Te Awamutu, the battle later took its name from the fall of kaka during the birding season, such were the numbers killed.³⁶ By some accounts Ngati Raukawa alone lost 1600 men in the battle,³⁷ which was decisively won by the combined Waikato-Maniapoto army. Ballara writes that the main effect of the battle was ‘to further polarise the two sides, and to set in concrete the alliances that had developed.’³⁸ The conflict further consolidated the position of Waikato and Ngati Maniapoto, both of which groups would likely have been greatly reduced in strength and size if the outcome had gone the other way. Martin (Morehu) McDonald notes that Ngati Maniapoto may have ‘perished’ if they had not emerged victorious from the battle, while the King Movement might never have been born. He further observes that some have described Hingakaka as ‘the commencement...of the Tainui Confederation’.³⁹ According to Tame (Tom) Roa, Hingakaka ‘was the binding of Waikato and Maniapoto.’⁴⁰ That alliance was further strengthened (and relationships with Ngati Whatua and other Kaipara and Hauraki tribes forged) through the participation of both Waikato and Ngati Maniapoto in the large Amiowhenua taua of 1821-1822.⁴¹

Yet ironically, Hingakaka saw Ngati Toa lose many of their most prominent rangatira, paving the way for the subsequent emergence of Te Rauparaha, whose life’s work would thereafter be dedicated to restoring the fortunes of his people.⁴² Before that could be achieved, however, there were further reverses to be sustained. While some of those who had fought on the victorious side at Hingakaka, such as Hikairo of Ngati Apakura, were known to favour following this up, perhaps by pursuing Ngati Raukawa, who had retreated to Maungatautari, the majority had had enough of fighting for the time being.⁴³ Kelly, though, wrote that:

³⁶ Kelly, *Tainui*, p.294.

³⁷ *ibid.*, p.293.

³⁸ Ballara, *Taua*, p.291.

³⁹ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, pp.210-211.

⁴⁰ *ibid.*, p.32.

⁴¹ Ballara, *Taua*, pp.321-322; Crosby, *The Musket Wars*, pp.90-93.

⁴² Robertson, *Maori Settlement of the Waikato District*, p.42; Patricia Burns, *Te Rauparaha: A New Perspective*, Wellington: A.H. & A.W. Reed, 1980, p.28.

⁴³ Kelly, *Tainui*, pp.294-295.

The heavy losses sustained by Ngati Toa at Te Mangeo had instilled into the Kawhia tribes a bitter hatred for the Waikato people and their allies, and while Waikato and Ngati Maniapoto appear to have been satisfied with their victory at Hingakaka, Ngati Toa, in their attempts at retaliation, gradually drew down upon themselves the wrath of tribe after tribe until practically the whole of that people were arranged against them.⁴⁴

Conflict with Ngati Mahanga saw Ngati Toa pushed back to their strongholds around southern Kawhia. Then, in the summer and autumn of 1820 and 1821, a number of Ngati Maniapoto rangatira joined forces with their Waikato allies to seek utu for various attacks previously launched by Te Rauparaha.⁴⁵ Defeated at the battle of Te Karaka in 1821, Ngati Toa retreated to Te Arawi, a steep and inaccessible pa perched atop cliff faces jutting out into the bay beyond the entrance to Kawhia Harbour.⁴⁶ As Parsonson writes, ‘Pinned up in their pa, their Ngati Tama allies – who had tried to come to their assistance – defeated, Ngati Toa had little hope of fighting their way out. All that was left to them was negotiation.’⁴⁷ But the besieged Ngati Toa were too closely related to their attackers for their total destruction to be an option. Some of the attackers adopted various ruses to allow their relatives to escape, and some of their number were offered shelter by Ngati Maniapoto.⁴⁸

What followed next is less clear. According to one version, Te Rauparaha called down from the pa, inviting Te Rangituatea of Ngati Maniapoto (who also happened to be a direct descendant of Toarangatira) to come and negotiate with him, though in other versions Te Rangituatea initiated the discussion.⁴⁹ Following a long talk between the pair, Te Rangituatea is said to have offered Te Rauparaha safe passage to a pa in the Mokau district, but the Ngati Toa chief expressed a preference to leave the area altogether, handing his lands over to Te Rangituatea and his hapu.⁵⁰ However, Angela Ballara notes that the main Ngati Toa sources are silent on any gift of land,

⁴⁴ *ibid.*, p.301.

⁴⁵ Crosby, *The Musket Wars*, p.82.

⁴⁶ *ibid.*, p.86.

⁴⁷ Ann R. Parsonson, ‘He Whenua Te Utu (The Payment Will Be Land)’, PhD thesis, University of Canterbury, 1978, p.157.

⁴⁸ *ibid.*; Crosby, *The Musket Wars*, pp.86-87.

⁴⁹ Kelly, *Tainui*, p.337.

⁵⁰ Ballara, *Taua*, p.309.

and not all of the tribe left with Te Rauparaha in any case. Others preferred to remain in the district, some of whom became known as Ngati Marangaiparaoa after a son of

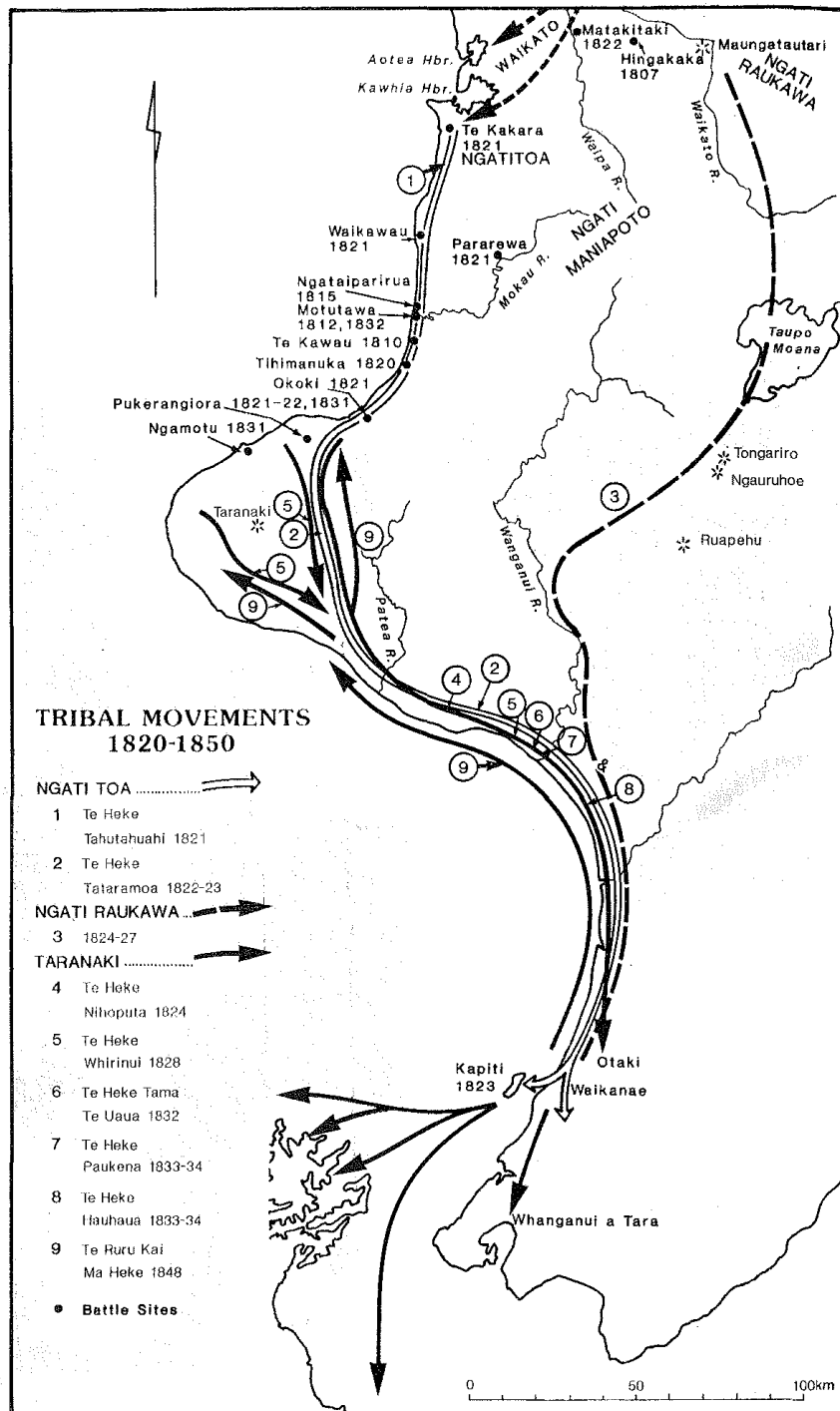


Figure 4 Tribal Movements, 1820-1850, Waikato South

(Source: Stokes, *Mokau*)

Toarangatira.⁵¹ However, members of the tribes which had fought against Ngati Toa subsequently occupied different parts of the Kawhia district.

In 1861 the government's Maori-language newspaper *Te Manuhiri Tuarangi* published a lengthy account of the inter-tribal wars of this era, penned by Wiremu Nera Te Awaitaia of Ngati Mahanga. In it he suggested that Ngati Toa had subsequently been asked to return to Kawhia, while also apparently contradicting suggestions that Ngati Maniapoto had not been party to the peace making with Te Atiawa. His account of the wars stated that:

at length the evil with Taranaki came to an end, and religion became the sole concern (of the people). Under the teaching of Christianity, the prisoners captured by Waikato were liberated and sent back to Taranaki. It was Christianity that induced Wiremu Te Awaitaia and Paratene Te Maiaha to carry peace to the Ngatitua at Karape. Word was sent to the Ngatitua to come back to Kawhia. Their reply was, "The thought is with your ancestors." We came back and then went to Wellington, to the Ngatiawa and Rauakitua. We said, "Come, return to Taranaki". Rauakitua consented and said, "Yes, sons, return to the place – to Taranaki." We said, "Return with your women." They reached the place, and that matter was ended. We then went to Kapiti – to Te Rauparaha, Topeora, and Te Rangihaeata – and stayed there. Te Wiremu (Williams) and Te Rangitake came, and we crossed the Waikanae (river). Ihaia Kirikumara was one of the party. I said, "Return with your women, not with men." They consented, and Reretawhangawhanga gave us his dog-skin mat. Te Rauparaha did not agree to go back to Kawhia. We came back to Waikato, and when Muriwhenua, Te Kanawa, and Pohepohe, heard that the Ngatiawa had returned to Taranaki, they assented to it. Afterwards the Ngatimahanga, Ngatihourua, Ngatinaho, Ngatimahuta, of Kawhia, and Ngatimaniapoto, went to Ngamotu to confirm the peace. The basis of that peace was that the Ngatiawa should reside at Taranaki.⁵²

⁵¹ *ibid.*

⁵² *Te Manuhiri Tuarangi and Maori Intelligencer*, 15 April 1861.

Further inland the tribal picture was also a complex one in these years. According to Robertson, for many years Te Awamutu was at the junction of four tribes, Ngati Apakura, Ngati Kauwhata, Ngati Raukawa and Ngati Maniapoto.⁵³ But an already complicated tribal picture in the Te Awamutu district was compounded by the apparent decision of Peehi Tokorehu to transfer his allegiance from Ngati Raukawa to Ngati Maniapoto (the tribe of his own grandmother Paretekawa). It has been speculated that such an act may have been prompted by Te Rauparaha's growing influence over Ngati Raukawa prior to his own move south to the Cook Strait region.⁵⁴ Various tribal interests continued to intersect and overlap one another in the area. Indeed, even several decades later the disputed claims of a number of groups appear to have been a significant factor behind the expulsion of Waikato Civil Commissioner John Gorst from Te Awamutu in April 1863.⁵⁵ As will be seen later in this report, it was at this point that many observers began to conclude that war in the Waikato was an inevitability.

2.3 Advent of the Missionaries

In 1825 William White of the Wesleyan Missionary Society (WMS) journeyed from Whangaroa in the north to Waitemata and the fringes of the Waikato district in order to report on potential new sites for missionary endeavour. White left few details of this journey, but later attributed his determination to establish a Wesleyan presence in the Waikato district to this time.⁵⁶ However, the destruction of the Whangaroa station by local Maori in 1827 set back these plans and members of the WMS withdrew to Australia. In February 1834 White became the first missionary known to have visited the Rohe Potae district when he made a long journey via the Manukau Harbour to Whaingaroa, the Waipa River district and Kawhia. It was said to have been during this journey that White 'purchased' sites for future mission stations at both Ahuahu in

⁵³ J.B.W. Robertson, 'An Outline of the History of Te Awamutu District', *Journal of the Te Awamutu Historical Society*, vol.1, no.1, March 1966, p.6.

⁵⁴ 'Native Disturbances at Te Awamutu: Commentary', *Journal of the Te Awamutu Historical Society*, vol.1, no.4, December 1966, p.92; J.B.W. Robertson, 'An Outline of the History of Te Awamutu District', p.6.

⁵⁵ J.E. Gorst, *The Maori King*, K.O. Arvidson (ed.), Auckland: Reed Books, 2001 (original edition 1864), p.21; 'Further Papers Relative to Native Affairs: Native Disturbances at Te Awamutu', *Appendices to the Journals of the House of Representatives* (AJHR), 1863, E-1.

⁵⁶ J.F. Mandeno, 'Wesleyan Missions on the West Coast and Inland', *Footprints of History*, vol.1, no.1, October 1988, p.15.

the Kawhia district and at Waipa, though the deeds later lodged with the Land Claims Commission dated these as being November 1834.⁵⁷ In the latter month White returned to Kawhia with fellow missionary William Woon. In April 1835 John Whiteley arrived to take up residence at the Ahuahu Mission Station at Kawhia, while James Wallis became the first missionary based at Whaingaroa.⁵⁸ A dispute with the Church Missionary Society (CMS) over respective sphere of operation saw Whiteley and Wallis withdrawn in 1836, returning to their stations only in 1838 after the matter had been referred to London for settlement.⁵⁹

In November 1833 William Williams of the CMS travelled to the recently established mission station at Puriri in the Thames district to investigate the potential for a new station in the Waikato district.⁶⁰ In February of the following year A.N. Brown and James Hamlin travelled through the Waikato district to further report on prospects in the area. Brown and Williams returned in August of the same year, at which time they selected Mangapouri, which lay at the junction of the Waipa and Puniu Rivers, as the site for the first CMS station in the Waikato.⁶¹ John Morgan began a long association with the district in September 1834, when he arrived at Mangapouri with instructions to oversee the clearing of land and construction of mission buildings on the favoured site.⁶² In January 1841 Morgan returned to the district to take up residence at the Otawahao station, where he would remain as missionary until shortly before the invasion of the Waikato in 1863 (see figure 5).

Virtually all of the early missionary visitors to the Waikato and Rohe Potae districts reported an enthusiastic response from local hapu and iwi. Just as the presence of a few traders was welcomed, so too did each tribe seek to secure their own missionary. Yet as many of the missionaries freely acknowledged, temporal rather than spiritual gains were sometimes uppermost in the thoughts of tribes anxious to secure a

⁵⁷ Eric J. Laird, *The Missionary Period in the History of Te Awamutu District*, Te Awamutu: Te Awamutu Historical Society, 1979, p.7; Paula Berghan, 'Te Rohe Potae Inquiry District Research Assistance Projects: Block Research Narratives', (report commissioned by the Crown Forestry Rental Trust), July 2009, p.20.

⁵⁸ Mandeno, 'Wesleyan Missions on the West Coast and Inland', p.16.

⁵⁹ Stokes, *Mokau*, p.103.

⁶⁰ Alan Clarke, 'The Maori Settlement of the Te Awamutu Region (1800-50) [Part] II', *Journal of the Te Awamutu Historical Society*, vol.10, no.1, June 1975, pp.2-3.

⁶¹ Laird, *Missionary Period in the History of Te Awamutu District*, p.7.

⁶² Laurie Barber, *Frontier Town: A History of Te Awamutu 1884-1984*, Auckland: Ray Richards Publisher, 1984, p.27.

missionary of their own.⁶³ Unlike the first missionaries in Northland, those who established themselves in and around the fringes of the Rohe Potae district at this time were for the most part not economically or physically dependent on the local tribes for their well-being.⁶⁴ However, hapu who hosted such missionaries could still expect to receive various goods in return for helping to build huts or carry supplies, including items such as slates, pencils, axes, blankets and tobacco.⁶⁵ Literacy was the main good offered by the missionaries and one that was grasped enthusiastically by many hapu and iwi of Waikato and the Rohe Potae district.⁶⁶ It helped to transform the Maori world over time, especially in the political arena, where the new mode of communication greatly facilitated the emergence of the Kingitanga.⁶⁷

As claimants have commented at earlier research hui, there is also a need to consider the influence of missionary teachings upon Maori expectations and understandings of the relationship they might expect with the Crown and with settlers more generally, as well as on the conduct of their own affairs. Key Kingitanga figure Wiremu Tamihana Tarapipipi, for example, who features prominently in later sections of this report, was quite clearly someone who was strongly driven by his deep Christian convictions and principles (and was later greatly perplexed by what he saw as the failure of European officials to follow these same precepts, despite their own professed Christian beliefs).

Significant numbers of Maori in the wider Waikato district had at least nominally become Christian by 1840. The CMS missionary Robert Maunsell estimated in June of that year that something in the vicinity of three-quarters of the entire population had 'embraced the Gospel'.⁶⁸ While this seems a remarkable figure given the relatively short space of time in which the missionaries had been active in the district, historians have in recent times tended to emphasise the syncretic nature of Maori responses to Christianity. The new religion was, in other words, blended with and to some extent filtered through pre-existing belief systems. And whereas an earlier

⁶³ Howe, 'Missionaries, Maoris, and "Civilization" in the Upper-Waikato', pp.11-22.

⁶⁴ K.R. Howe, 'The Maori Response to Christianity in the Thames-Waikato Area, 1833-1840', *New Zealand Journal of History*, vol.7, no.1, April 1973, p.33.

⁶⁵ Howe, 'Missionaries, Maoris, and "Civilization" in the Upper-Waikato', p.12.

⁶⁶ Michael D. Jackson, 'Literacy, Communications and Social Change: The Meaning and Effect of Literacy in Early Nineteenth Century Maori Society', in Hugh Kawharu (ed.), *Conflict and Compromise: Essays on the Maori Since Colonisation*, Auckland: Reed Books, 2003, p.33.

⁶⁷ *ibid.*, pp.42-44.

⁶⁸ Howe, 'Missionaries, Maoris, and "Civilization" in the Upper-Waikato', p.45.

generation of historians, writing very much within a 'Fatal Impact' framework of reference, saw cultural dislocation and disruption as the underlying causes of Maori 'conversion', this 'collapse of culture' argument has in recent decades been rejected in favour of a view of Maori society as 'highly adaptive and inventive' in the face of European technologies and ideas.⁶⁹ In fact, Kerry Howe's seminal work on the Waikato and Thames districts, completed in the early 1970s, was at the forefront of this new approach locally. His work strongly suggests that the people of Te Rohe Potae were confident, forward-looking, flexible and adaptive in this early phase of contact.

There are many examples of the way in which Christianity did not so much take the place of existing beliefs as become incorporated into them, but perhaps two particular stories may suffice. According to CMS missionary Benjamin Ashwell, Wiremu Nera Te Awaitaia's conversion came about when a WMS missionary found him about to avenge the death of his father at Ahuriri. The missionary 'told him that the dead would rise again [and] that at the day of Judgement he would see all his relatives and that God would then take vengeance on the Wicked. William thought well if God will revenge my Fathers [sic] death I need not.'⁷⁰ Christianity thus evidently became viewed as a means of exacting utu. A related example of the complex consequences of missionary immersion in a deeply tribal world came from an 1834 incident in which a chief and some of his followers seized luggage belonging to John Morgan. When the missionary confronted them as to why they had 'evil intentions' towards 'a messenger of God', he was told 'that I came from the Thames (the enemies [sic] country) and therefore to strip me would be straight [tika] as a payment for the stripping of their Chief "Kati" by the Wakaiwa natives a few weeks ago'.⁷¹

2.4 Early Visitors' Impressions

Few of the early European visitors to Waikato left behind detailed accounts of their journeys. In this section we briefly consider the two most notable exceptions to this,

⁶⁹ Ballara, *Taua*, pp.413-414.

⁷⁰ Ashwell to CMS, 31 March 1843, B.Y. Ashwell, Letters and Journals, qMS-0087, ATL.

⁷¹ John Morgan, Journal, 23 August 1834, p.22, qMS-1390, ATL.

one from a thoughtful and perceptive German naturalist employed by the New Zealand Company and the second from an equally insightful English artist and writer who famously sketched portraits of a number of leading Waikato rangatira during an overland journey through the district. Both men's impressions were subsequently recorded in books published in London and provide valuable insights into the state of affairs in the Waikato and Rohe Potae districts in the early 1840s.

The first of these men was Ernst Dieffenbach, whose two-volume work *Travels in New Zealand* was easily one of the most comprehensive and accurate early accounts of the country. Dieffenbach travelled overland from Taranaki to Mokau in January 1840, and observed that at the latter place he was 'welcomed with a salute of musketry, and conducted in the midst of the assembled chiefs, who were dressed in their best attire.'⁷² He wrote that the sale of lands, 'and the colonization of the country by Europeans, engrossed their whole attention, and formed the subject of our interview.' Travelling upriver to visit other pa sites, Dieffenbach reported that:

we were everywhere received with the most studied attention. Disunion had, however, been spread amongst them by the arrival of some native missionaries, sent from the Wesleyan establishment at Kawhia. The larger and more respectable part of the little community were not well inclined to them, as an idea prevailed that the missionaries sought to convert them only with a view to their own aggrandizement.

These natives, which are a subdivision of the tribe of the Waikato, and are called Nga-te-Meniopoto [sic], seem to be in very prosperous circumstances. The river Mokau, which takes its rise in the mountains of Rangitoto, a hilly range running near the western coast, flows through a very fertile and moderately hilly district. On its banks are well-cultivated spots, bearing potatoes, maize, melons, and taro; the natives were also growing a great proportion of the tobacco that they consumed in the year. Flax covers extensive districts; and the industry formerly displayed on manufacturing mats had not yet entirely disappeared. Their settlement never having been reached

⁷² Ernst Dieffenbach, *Travels in New Zealand, With Contributions to the Geography, Geology, Botany, and Natural History of that Country*, 2 vols, London: John Murray, 1843, vol.1, p.169.

by European visitors or ships, these natives had retained their unsophisticated virtues. They sometimes, indeed, have come in contact with Europeans at Kawia [sic], where they exchange their pigs for foreign commodities.⁷³

On a later journey in April 1840 Dieffenbach travelled from the Manukau Harbour into the Waikato, on foot and by canoe, in the company of William Symonds. As will be discussed in the next section, Symonds had been deputed to secure signatures to the Treaty of Waitangi from chiefs at Manukau and further south. Dieffenbach wrote that:

In Waingaroa there are about 1200 natives, belonging to the Waikato tribe. They are mostly Christians, and on the southern shore is a missionary establishment belong[ing] to the Wesleyan Society. The natives assembled in the morning of the 11th, and Captain Symonds expounded to them the new system of government. They were highly pleased to be in future subject to the English law, the leading principles of which, as affecting their own position, they appeared perfectly to understand.⁷⁴

A number of small vessels from Sydney visited the harbour regularly for the purpose of trading in salted port and flax, obtained through the auspices of the few Europeans who had settled in the district, and Dieffenbach believed that Whaingaroa offered many advantages for settlement, especially as the agricultural and forest land in the vicinity was of excellent quality. But despite these natural advantages, European land purchases (to be discussed in the next chapter) had not been as extensive as in other parts of the island. After travelling further south along the coast, Dieffenbach reached Aotea. He wrote that:

In Aotea the limestone again appears on the sides of the hills which bound the harbour. On the northern shore is a Wesleyan mission-station, and the native population amounts to 1200. They assembled at the summons of the missionary, who exhorted them concerning some cases of murder which had lately occurred, resulting from a belief in witchcraft. In one case a dying chief

⁷³ *ibid.*, pp.169-170.

⁷⁴ *ibid.*, p.305.

had accused a poor old man of having caused his illness by makuta [sic], or sorcery. A young relative took upon himself to revenge the supposed crime, and killed the man. The majority of the natives felt not only the culpability, but also the absurdity, of such a procedure, and were of opinion that it should in future be discontinued.⁷⁵

Two hours' walk away was Kawhia, described by Dieffenbach as one of the most important harbours on the west coast of New Zealand. He wrote that:

The principal settlement of the Waikato, who are now in possession of this part of the island, is near the Wesleyan mission-station on the south shore. They are about 1500 in number, and of late most of them have become Christians. There are about forty Europeans settled on the northern shore, who have lived here for several years past: but the mixed members of this little community do not keep up the best understanding amongst themselves; and it would be well to establish soon some authority at this place, as, from its being almost the best harbour on the western coast, and the only one of consequence between Manukao [sic] and Port Nicholson, from the quality of the surrounding country, as well as from the immediate neighbourhood of the extensive and fertile Waipa plains, a town might be established here with every prospect of immediate success. The greater part of the land in the vicinity of Kawia is claimed by Europeans.⁷⁶

Dieffenbach turned inland ascending the hills which separated the coastal settlements from the Waipa valley and scaling Pirongia Mountain. From here he noted that:

I had a good view of the country inland of Waingaroa and Aotea Harbours; and I observed that everywhere the coast-hills descended gradually towards the interior, and that all these hills were covered with forest. Only some small spots of the valley of the Waipa were wooded. On these we observed burnt and bleak stems of old trees, the only sign we could perceive of the intrusion

⁷⁵ *ibid.*, p.307.

⁷⁶ *ibid.*, pp.309-310.

of man upon the dominion of Nature. The undisturbed silence in which the whole was wrapped imparted an agreeable repose to the landscape.⁷⁷

Descending into the Waipa, Dieffenbach arrived at the Otawhao mission station, opposite which a Christian pa had been constructed. About ten Europeans were settled in the neighbourhood, and Dieffenbach noted that nearly all of the Maori who attended Sunday service at the mission station were proficient in reading and writing, which they had been taught by mutual instruction, though the chiefs, a few only of whom had by this time become converts, sat at a distance, contemplating the scene in silence.⁷⁸

The English explorer, naturalist, writer and painter George French Angas, who travelled through the Waikato in 1844, was another to leave a detailed record of his impressions in the form of a book. Angas estimated the population of the Waikato at 25,000 (almost certainly an overestimate but probably less of one than the 36,000 Ngati Kahungunu he believed Waikato were second to in terms of total numbers) and could muster a fighting force some 6000 to 7000 fighting men in the event of an emergency.⁷⁹ Angas was travelling in the company of government official T.S. Forsaith, and noted that:

My friend had important business with this chief on matters connected with Government; Te Whero Whero having lately proffered a request to the Governor to allow Europeans to settle on the Waikato, being anxious to have *pakehas* amongst his people, to purchase their produce, and give them European articles in exchange; and he had offered certain lands for sale to the British Government for that purpose.⁸⁰

In the course of subsequent conversations with Te Wherowhero, Angas added that the chief, 'alluding to a more recent application than his, which had been made to the Government by the chiefs Wiremu Nera, Paratene, and others at Waingaroa on the

⁷⁷ *ibid.*, p.313.

⁷⁸ *ibid.*, pp.318-319.

⁷⁹ G.F. Angas, *Savage Life and Scenes in Australia and New Zealand*, 2 vols, London: Smith, Elder & Co., 1847, vol.2, pp.49-50.

⁸⁰ *ibid.*, p.50.

west coast, for settlers to come amongst them...said “Tell the Kawana (Governor) that he must not neglect the elder brother for the sake of the younger.””⁸¹

Angas indicated a desire to paint a portrait of the chief, and told him that his likeness would be seen by the Queen of England, after which Te Wherowhero readily agreed to sit for him, though when it began to rain he would not remove to a place of shelter on account of his personal tapu, instead asking some followers to construct a temporary roof over the artist. At Whaingaroa Angas found that his art had created something of a sensation among the people, who crowded into the mission station courtyard to request that their own likenesses might be taken, ‘that they may go to England with those of the *Rangatiras*’.⁸² They, too, were ‘exceedingly desirous for Europeans to come amongst them’, offering lands to the government in order that a township might be built.⁸³

After parting ways with Forsaith, Angas later headed inland, making his way to the isolated mission station at Whakatumutumu, on the upper reaches of the Mokau River. Here Angas painted the portrait of local rangatira Te Ngaporutu and his wife. Meanwhile, he noted that:

Near Whakatumutumu, on the Mokau, there resides a European, or *Pakeha Maori*, who has become almost more savage than the natives themselves: he is partially tattooed, and clothes himself in a mat or blanket; he has at least six wives, and adopts all the habits and manners of the Maori people.⁸⁴

Further on, at Paripari, Angas encountered another European called Lewis, who had married the daughter of local chief Taonui, enjoying a ‘Robinson Crusoe-like life in perfect security’ under the auspices and protection of his father-in-law.⁸⁵ Angas observed that:

⁸¹ *ibid.*, pp.50-51.

⁸² *ibid.*, p.58.

⁸³ *ibid.*, p.59.

⁸⁴ *ibid.*, p.82.

⁸⁵ *ibid.*, p.85.

At a small *pah* not far distant from the abode of his *pakeha* Lewis, Taonui, the chief, has his residence. He is one of the most powerful and superstitious of the old heathen chiefs, and is scrupulously attached to the religion of the Tohunga; around his neck he usually wears a small flute, constructed out of the leg bone of Pomare, a northern enemy of his tribe, and upon this instrument he frequently plays with peculiar satisfaction. He has also in his possession the original suit of armour that was given by King George IV. of England to the Bay of Islands chief Shongi (E Hongi), when that warrior visited England.⁸⁶

Angas had managed to anger Taonui through having painted one of his slaves, and altogether the district described by him was one in which customary practices of old continued to be strictly adhered to by all. He wrote that:

I have nowhere seen the law of *tapu* more rigidly adhered to than amongst these wild inhabitants of Mokau. Even poor Lewis himself is a sufferer from this cause: to-day he wanted to kill a pig, that we might make merry, and have some provision to carry along with us on our journey towards Taupo; but the unfortunate pig in question having unwittingly trespassed upon some sacred ground, it had become *tapu*, and neither Lewis nor any one else dared to touch the sacred porker.⁸⁷

Angas's description of the inland Mokau district, where many of the people remained 'pagans' and *tapu* and other restrictions continued to be closely observed contrasted with Otawhao, where many residents had adopted the Christian faith and former customs were being modified or abandoned.

⁸⁶ *ibid.*, p.86.

⁸⁷ *ibid.*, p.90.

2.5 Conclusion

We have seen in this chapter that the Rohe Potae district was only lightly touched by the impact of European settlement in the period prior to 1840. The few European traders who did settle in the district were mainly confined to the coastal region. For the most part, they were incorporated into those Maori communities and were expected to comply with tribal customs and to contribute towards the overall well-being of the hapu they became linked to through marriage and other ties. In other districts, this phase of very limited Pakeha settlement based on close absorption into the tribe usually gave way at some point to a much more substantial and European-controlled pattern of settlement. But this did not occur in the Rohe Potae and broader Waikato district prior to 1863. The attraction of the Kingitanga to hapu and iwi in these areas might therefore be at least partly seen in essentially conservative terms: that is, that supporters in these areas were seeking to hold on to an existing way of life that had come under challenge elsewhere.

Even without a substantial European presence in the district, imported Pakeha goods and technology had a profound impact on many Maori communities in the decades before 1840. Pigs, potatoes and other new foodstuffs began to transform the local economy. Meanwhile, the musket revolutionised Maori warfare. In 1822 the Waikato tribes suffered a crushing defeat at the hands of a musket-armed Ngapuhi taua at the battle of Matakītaki. Ngati Maniapoto and other iwi thereafter made concerted efforts to acquire their own muskets. With the large number of fighting men available to them, and their newly-enhanced access to European firepower, the Waikato tribes quickly re-established themselves as a formidable fighting unit. That was evident in the defeat they inflicted on the Taranaki tribes at Pukerangiora in 1832. Ngati Maniapoto and Waikato had joined forces at the massive Hingakaka battle in 1807, defeating a taua comprised of members of many iwi from across the North Island. That cooperation between the two tribes was said to have formed the basis of a closer alliance that would later become evident in the Kingitanga. Ngati Maniapoto and Waikato also combined in a series of conflicts with Ngati Toa that eventually saw many members of the latter iwi permanently depart the Kawhia district for the Cook Strait region.

Meanwhile, the first known missionary visit to the Rohe Potae district was not until 1834. A permanent missionary presence was established in the area soon after. By 1840 large numbers of Maori in the region had at least nominally converted to the new faith. Yet Christianity did not so much subvert pre-existing belief systems as become incorporated into them. And although few early European visitors to the district left behind detailed accounts of their journeys, those that did, including Ernst Dieffenbach and George French Angas, described a vibrant, adaptive and evolving Maori society. There had been no 'Fatal Impact' or collapse of culture, but rather a more confident engagement with the outside world.

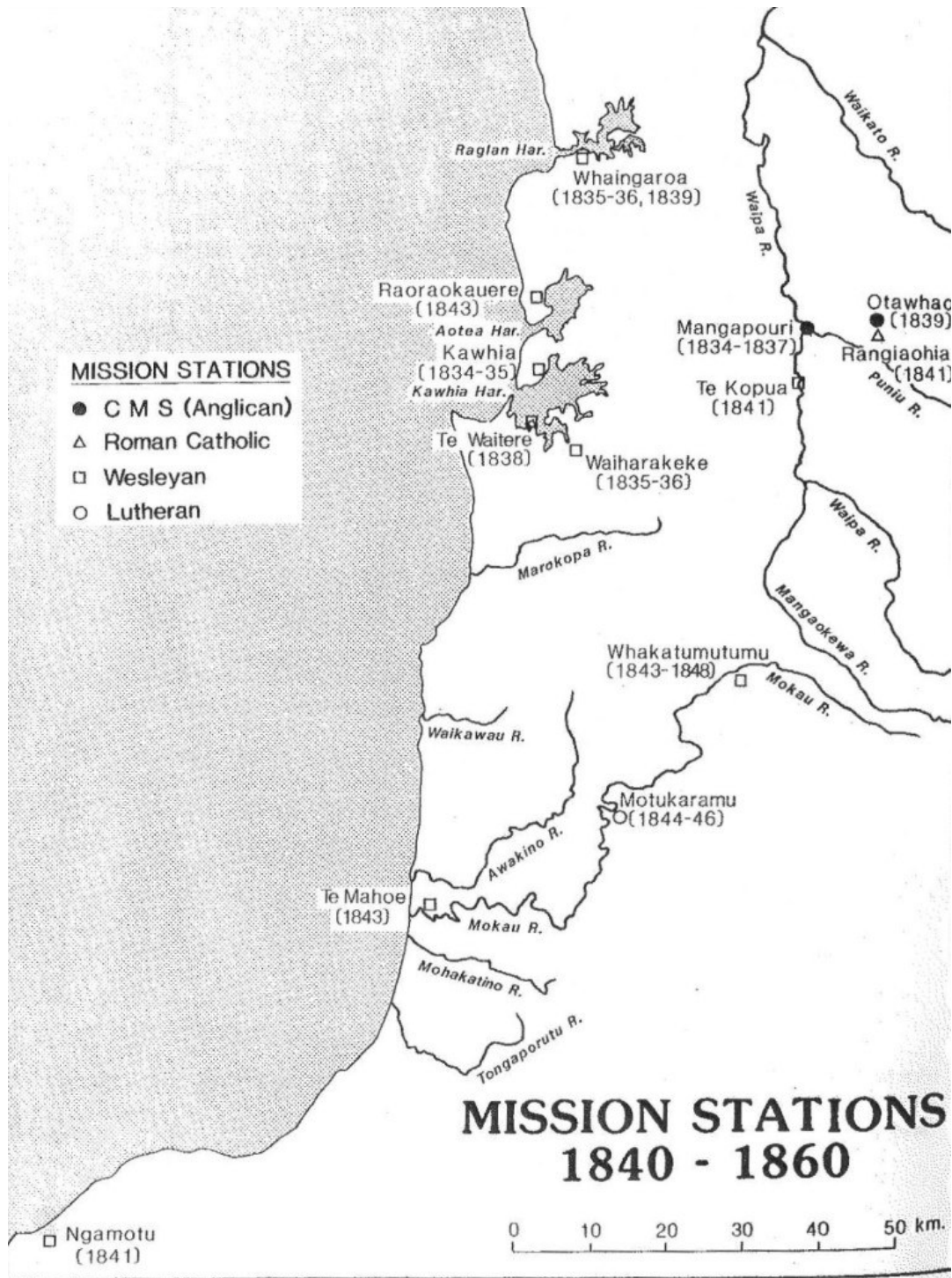


Figure 5 Mission Stations 1840-1860

(Source: Stokes, *Mokau*)

3. Te Tiriti o Waitangi and the Evolving Relationship of Rohe Potae Maori with the Crown and Settlers

3.1 He Whakaputanga o Te Rangatiratanga o Nu Tirene – The 1835 Declaration of Independence

Although many of the events described in this section are not unique to the Rohe Potae inquiry district, and indeed, largely have reference to Northland, the Declaration of Independence was noted by claimants at early hui called to consider the draft research programme as an issue of importance for the pre-1863 political engagement report, as a result of which reference to the agreement and its significance was included in the project brief for this report. More recently, the significance of this topic in terms of the broader constitutional issues raised in a number of Rohe Potae claims was further emphasised at hui called to consider the draft scoping report. This section therefore steps back from inquiry-specific matters to consider the 1835 Declaration, which has also been the topic of extensive testimony during the first phase of the Te Papanahi o Te Raki inquiry hearings in Northland.

British responses to the hapu and iwi of Te Rohe Potae and Maori more generally were strongly influenced by an ingrained set of values and ideas which had long coloured European perceptions of indigenous peoples. That Maori practised a form of settled agriculture was considered strongly in their favour, for example, and made it difficult to deny all recognition of their land rights (unlike the nomadic Aborigines of Australia).⁸⁸ On the other hand, a prevailing European belief that land rights ultimately stemmed from the expenditure of capital or labour on particular tracts of land prompted questions as to the extent of Maori ownership of the lands of New Zealand – questions which continued to be debated for several years after the Treaty of Waitangi had supposedly guaranteed its signatories ‘full, exclusive and undisturbed possession’ of their territories. Proponents of the influential theories of Emerich de Vattel and Thomas Arnold argued that Maori land rights should be restricted to places under actual cultivation and occupation as defined in European terms, or as the New Zealand Company described it, ‘a few patches of potato-ground, and rude dwelling

⁸⁸ Stuart Banner, *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska*, Cambridge, Mass.: Harvard University Press, 2007, pp.48-49.

places'.⁸⁹ Meanwhile, the lack of a centralised government structure and perceptions of Maori as largely 'uncivilised' and 'barbarous' meant that in the early 1830s:

The country's independence was viewed in negative rather than positive terms: not so much a sovereign nation in its own right, as a country *not* within the dominion of any European power.⁹⁰

But with increasing European penetration of the country, especially at the Bay of Islands and elsewhere in the north, some form of enhanced intervention on the part of one of the major imperial powers was made more likely. James Cook had nominally claimed New Zealand on behalf of King George III during his 1769-1770 voyage,⁹¹ but that claim lapsed through the absence of any official ratification of the measure in London and the failure to follow it up with effective occupation.⁹² Nevertheless, the establishment of a penal colony at New South Wales in 1788 was at least partly predicated on its proximity to New Zealand and the latter place's abundance of timber and other natural resources deemed vital to the success of the new British settlement. Formal British colonisation of Australia also invited significant political, missionary and commercial interest in New Zealand, much of it directed out of the increasingly important settlement of Port Jackson (Sydney).⁹³

Within a few years of this northern Maori in particular had established a strong connection with officials from the new colony, initially through Philip Gidley King, the Lieutenant-Governor of the offshoot Norfolk Island settlement and later Governor of New South Wales. By the early nineteenth century a number of northern rangatira had personally travelled to New South Wales, often staying at Government House and effectively being treated as visiting dignitaries from a foreign power. The close personal relationships they established with representatives of the British Crown

⁸⁹ Memorandum left at the Colonial Office by the New Zealand Company, n.d. [November 1842], GBPP, 1844 (556), p.17 (appendix), cited in Vincent O'Malley, 'Treaty-Making in Early Colonial New Zealand', *New Zealand Journal of History*, vol.33, no.2, October 1999, p.140.

⁹⁰ Peter Adams, *Fatal Necessity: British Intervention in New Zealand, 1830-1847*, Auckland: Auckland University Press/Oxford University Press, 1977, p.51.

⁹¹ Donald M. Loveridge, "'The Knot of a Thousand Difficulties': Britain and New Zealand, 1769-1840", (report commissioned by the Crown Law Office), December 2009, p.16.

⁹² Adams, *Fatal Necessity*, pp.51-52; Claudia Orange, *The Treaty of Waitangi*, Wellington: Allen & Unwin/Port Nicholson Press, 1987, p.32.

⁹³ Vincent O'Malley and John Hutton, 'The Nature and Extent of Contact and Adaptation in Northland, c.1769-1840', (report commissioned by the Crown Forestry Rental Trust), April 2007, p.67.

proved crucial in forging stronger ties with the British, and these were reinforced by Hongi Hika's 1820 visit to London, during which he famously met with King George IV. Thus by the time that the Treaty of Waitangi came to be signed in 1840, some tribes had pre-existing ties with the British Crown dating back nearly half a century.⁹⁴ And although there had also been contacts with the French, brutal reprisals in the wake of the killing of Marion du Fresne at the Bay of Islands in 1772 was remembered with great bitterness by many northern Maori generations later, souring the prospects of any kind of closer alliance with Britain's great rival.

In fact, that incident was recalled in an 1831 letter from a number of Ngapuhi chiefs addressed to King William. The chiefs informed the British monarch that:

We have heard that the tribe of Marian is at hand coming to take away our land, therefore we pray thee to become our friend and the guardian of these islands, lest the teasing of other tribes should come near to us, and lest strangers should come and take away our land.

And if any of thy people should be troublesome or vicious towards us, (for some persons are living here who have run away from ships,) we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them.⁹⁵

The imminent arrival of a French naval vessel *La Favorite* and rumours that its commander was intent on avenging Marion du Fresne's death and claiming New Zealand as a French territory had sparked the appeal.⁹⁶ And although such fears proved to be unfounded, they did prompt a significant intensification in the nature of the relationship between the British government and northern Maori. From the early nineteenth century, the British had attempted, with limited efficacy, to control the ill-treatment or abuse of Maori by visiting whalers, sealers and other British subjects.⁹⁷ Following the 1831 appeal to King William, which was transmitted via the CMS

⁹⁴ On these developments generally see Grant Phillipson, 'Bay of Islands Maori and the Crown, 1793-1853', (report commissioned by the Crown Forestry Rental Trust), August 2005, ch.5.

⁹⁵ Warerahi and others to King William, n.d., enclosure in William Yate to Colonial Secretary, 16 November 1831, GBPP, 1840 [238], p.7.

⁹⁶ Orange, *Treaty of Waitangi*, p.11.

⁹⁷ *ibid.*, p.8.

missionary William Yate, the decision was made to appoint an official British Resident. In an 1832 response to the earlier petition the Secretary of State for the Colonies stated that:

The King is sorry for the injuries, which you inform him, that the people of New Zealand have suffered from some of his subjects; but he will do all in his power to prevent the recurrence of such outrages, and to punish the perpetrators of them according to the laws of their country, whenever they can be apprehended and brought to trial, and the King hopes that mutual good-will and confidence will exist between the people of both countries.

In order to afford a better protection to all classes, both Natives of the Island of New Zealand and British subjects who may proceed or may be already established there for purposes of trade, the King has sent the bearer of this letter, James Busby, Esq., to reside amongst you, as His Majesty's Resident, whose duties will be to investigate all complaints which may be made to him. It will also be his endeavour to prevent the arrival amongst you of men who have been guilty of crimes in their own country, and who may effect their escape from the place to which they have been banished, as likewise to apprehend such persons of this description as may be found at present at large.

In return for the anxious desire which will be manifested by the British Resident to afford his protection to the inhabitants of New Zealand against any acts of outrage which may be attempted against them by British subjects, it is confidently expected by His Majesty that, on your part, you will render to the Resident that assistance and support which are calculated to promote the object of his appointment, and to extend to your country all the benefits which it is capable of receiving from its friendship and alliance with Great Britain.⁹⁸

This message was read to a gathering of chiefs soon after Busby arrived at the Bay of Islands in May 1833. And although Busby had limited involvement with Maori outside of Northland (and minimal control over those tribes resident in the region)

⁹⁸ Lord Viscount Goderich to the Chiefs of New Zealand, 14 June 1832, GBPP, 1840 [238], pp.7-8.

these events were ultimately of much wider significance. Busby, the 1832 letter further explained, had been sent to them as an intermediary, or 'Kaiwhakarite', in their disputes with Europeans. Denied any military backing that was about the best he could hope to achieve, though Busby was also expected to exert his influence over the chiefs from an early date in order to bring about a more settled state of affairs.⁹⁹ Busby himself later explained to his brother that he sought to establish close working relationships with the chiefs in order to give him 'almost entire authority over the Northern part of the Island.'¹⁰⁰

It did not take long for Busby to conclude that the authority of the chiefs was insufficient to allow for the early establishment of any strong centralised governing body through which he might exercise influence. And in the absence of such a body, Busby insisted on dealing with the chiefs in a 'collective capacity only'.¹⁰¹

The selection of a national flag in March 1834 was an important milestone in the evolving relationship with the British. Prior to then vessels built in New Zealand sailed unregistered and without a flag, since they were not eligible to fly the British ensign. At least two such vessels, the *New Zealander* and the *Sir George Murray* had been seized by authorities in Sydney in consequence, the latter incident provoking Maori anger since two important northern rangatira were on board at the time.¹⁰² Anxious to prevent such incidents arising again in the future and with an eye to the opportunity created to get the chiefs to act together in a collective way, Busby invited a number of rangatira to consider ways in which this problem might be eliminated in future, culminating with a hui held at Waitangi on 20 March 1834 at which a majority of the assembled chiefs, numbering some 25 in all, selected one out of three options presented to them as contenders for a national flag.

Their choice of flag was subsequently gazetted in Sydney and instructions were issued to the British Navy to acknowledge vessels sailing under it, which were also accorded

⁹⁹ Richard Bourke to Busby, 13 April 1833, GBPP, 1840 [238], pp.4-6.

¹⁰⁰ A.D.M. Busby, 'A History of the Busby Family', Edgecliff, N.S.W., 1994, vol.2, p.415, cited in Merata Kawharu, 'Te Tiriti and its Northern Context in the Nineteenth Century', (report commissioned by the Crown Forestry Rental Trust), 2006, p.87.

¹⁰¹ Busby to Colonial Secretary, 13 May 1833, qMS-0345, ATL, cited in Phillipson, 'Bay of Islands Maori and the Crown', p.240.

¹⁰² Orange, *Treaty of Waitangi*, p.19; Phillipson, 'Bay of Islands Maori and the Crown', p.240.

the same duty free entry status in New South Wales as ordinary British and colonial ships.¹⁰³ The selection of a national flag thus served to strengthen recognition of the independence of New Zealand, even as it pulled the northern rangatira into a closer protective alliance and relationship with the British. Manuka Henare argues that the flag selected became a potent symbol of tribal mana and sovereignty in the nineteenth century, and cites the example of it being flown at Pukawa in 1856, at one of the first meetings held to consider selecting Potatau Te Wherowhero as the Maori King.¹⁰⁴ While the process of selecting the flag appears to have been initiated by Busby, the flag itself was thus subsequently appropriated by Maori for their own ends.

To a certain extent the same might be said with respect to He Whakaputanga o te Rangatiratanga o Nu Tirene, otherwise known as the Declaration of the Independence of New Zealand. The immediate catalyst for the document was yet another French scare, this time involving the eccentric figure of Baron De Thierry, a French national living in Tahiti. De Thierry claimed to have purchased 40,000 acres of Hokianga lands from the Ngapuhi chiefs Hongi Hika and Waikato during their 1820 visit to England. He hoped to plant a colony on the lands and, after failing to arouse support for his efforts from the British government, subsequently turned to the Dutch, suggesting in 1824 that Holland annex New Zealand on the strength of Tasman's 'discovery' and appoint him viceroy over the country.¹⁰⁵ A similar offer to the French government a year later was no more successful, but De Thierry claimed that he had acquired sovereign rights over New Zealand. In 1835 De Thierry travelled to Tahiti, anointing himself king of one of the Marquesas Islands along the way. De Thierry announced from Tahiti plans to establish a 'sovereign and independent state' at Hokianga.

Busby was at first inclined to dismiss De Thierry as a 'mad man' but subsequently concluded that 'there appeared to be sufficient method in the madness of such a man, to be productive of much mischief'.¹⁰⁶ For one thing De Thierry had been actively

¹⁰³ Orange, *Treaty of Waitangi*, p.20.

¹⁰⁴ Manuka A. Henare, 'The Changing Images of Nineteenth Century Maori Society – From Tribes to Nation', PhD thesis, Victoria University of Wellington, 2003, p.182.

¹⁰⁵ J.D. Raeside, 'Thierry, Charles Phillipe Hippolyte de, 1793-1864', DNZB, vol.1, p.533; <http://www.teara.govt.nz/en/1966/thierry-charles-philip-hippolytus-baron-de/1> (accessed 17 July 2010)

¹⁰⁶ Busby to Colonial Secretary, 10 October 1835, qMS-0345, ATL, cited in Phillipson, 'Bay of Islands Maori and the Crown', p.244.

plotting such a scheme for more than a decade, and Busby concluded that the threat needed to be taken seriously.¹⁰⁷ He accordingly alerted authorities in Sydney to the danger and speedily invited northern rangatira to a meeting at Waitangi, advising them that ‘a letter has been received from a person afar who desire to be king of the Maori people’, and that they should meet at his house ‘that I may hear your opinions of this interfering person, and as to what shall be done. Shall the land be handed over to him, and all you be slaves, or not?’¹⁰⁸

There were other factors behind Busby’s decision to call a meeting of the chiefs, including his overarching ambition to establish a confederate government of the chiefs through which he hoped to indirectly govern the tribes, and his deep-seated hostility to the Additional Resident at Hokianga, Thomas McDonnell.¹⁰⁹ The latter’s independent power base might effectively have been circumvented if not entirely eliminated if Busby could have only succeed in establishing a central governing body at Waitangi.¹¹⁰

In all some 35 rangatira, described as ‘a fair representation of the population of the Country, from the North Cape, Southwards to the River Thames’,¹¹¹ gathered on the front lawn at Busby’s Waitangi home late in October 1835. Discussions commenced on 27 October and concluded late the following afternoon, when the assembled rangatira agreed to the proposals put before them.¹¹² While a detailed account of what was said at the meeting does not appear to have been kept, Busby reported that:

The Chiefs were perfectly unanimous in asserting their determination not to permit the landing of the Baron de Thierry: nor to submit to his Government. I address them on the great importance of laying aside their petty jealousies, and contentions which exposed them to the inroads of any adventurer who might

¹⁰⁷ Phillipson, ‘Bay of Islands Maori and the Crown’, p.244.

¹⁰⁸ Eric Ramsden, *Busby at Waitangi: H.M.’s Resident at New Zealand, 1833-40*, Wellington: A.H. & A.W. Reed, 1942, p.95.

¹⁰⁹ Kawharu, ‘Te Tiriti and its Northern Context’, p.96.

¹¹⁰ J.M.R. Owens, ‘New Zealand Before Annexation’, in W.H. Oliver with B.R. Williams (eds), *The Oxford History of New Zealand*, Oxford/Wellington: Clarendon Press/Oxford University Press, 1981, p.43.

¹¹¹ Busby to Colonial Secretary, 31 October 1835, qMS-0344, ATL.

¹¹² Henare, ‘The Changing Images of Nineteenth Century Maori Society’, p.187.

make an attempt upon their country: and exhorted them to unite as one man in its defences.

I have the honor to enclose herewith a copy of a declaration of the Independence of New Zealand, which I drew up for the Chiefs: and which, after a considerable time spent in explaining it both by the Missionaries and myself – was unanimously agreed to. It concluded by entreating H.M., to whom they requested I should send a copy of it – to continue to be their parent and to become the Protector of their infant state, from any attempts upon its Independence.

It settled the basis of a Government for the Country upon the principle which I so strongly urged in my communication recommending that the Chiefs should be induced to adopt a National Flag – Vizt [sic] that the powers of a Government should be vested exclusively in the Chiefs of Tribes, in their collective capacity...This I conceived to be the form of Government which naturally springs from the actual condition of the people. And it is the only one which (leaving the conquest of the Country by a Foreign power out of the question) is at all likely to promote the improvement of the people themselves: or to afford any degree of safety and protection to British Subjects, who are settled, or may settle among them.¹¹³

But Busby also pointed to a more fundamental objective in communicating news of the Declaration to the New South Wales government, writing that ‘the establishment of the Independence of the Country under the protection of the British Government would be the most effectual mode of making the Country a dependency of the British Empire in everything but the name’.¹¹⁴ Thus while Busby saw the Declaration as a ready means of complying with instructions to introduce a ‘settled form of government’ among the Maori tribes, he also viewed it as ultimately tending towards the erosion rather than recognition of Maori independence.¹¹⁵ Indeed, Busby later

¹¹³ Busby to Colonial Secretary, 31 October 1835, qMS-0344, ATL.

¹¹⁴ *ibid.*

¹¹⁵ Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Wellington: Bridget Williams Books, 2004, p.13

openly declared that the whole of his residency had aimed to ‘open a way for acquisition and settlement’ of the country by Britain.¹¹⁶

Yet the plain words of the Declaration of Independence and likely Maori understandings of this were quite different from Busby’s underlying intention. The text of the document declared:

1. Ko matou ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau [i te ra] 28 o Oketopa 1835. ka wakuputu i te Rangauratanga [*sic* – Rangatiratanga] o to matou wenua a ka meatia ka wakuputaia e matou he Wenua Rangatira. kia huaina ‘*Ko te Wakaminenga o nga Hapu o Nu Tireni*[’].

2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga. a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni. ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei matou i to matou huihuinga.

3. Ko matou ko nga tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga, kia mau pu te rongoa kia mutu te he kia tika te hokohoko. a ka mea hoki ki nga tauwi o runga, kia wakarerea te wawai. kia mahara ai ki te wakaoranga o to matou wenua. a kia uru ratou ki te wakaminenga o Nu Tireni.

4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakuputanga nei ki te Kingi o Ingarane hei kawea atu i to matou aroha nana hoki i wakaae ki te Kara mo matou. A no te mea ka atawai matou, Ka tiaki i nga pakeha e noho nei i uta. e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

¹¹⁶ Adams, *Fatal Necessity*, p.66.

Kua wakaetia katoatia e matou i tenei ra i te 28 Oketopa. 1835 ki te aroaro o te Reireneti o te Kingi o Ingarani.¹¹⁷

The contemporary English translation rendered this as:

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show,

¹¹⁷ *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*, Wellington: Government Printer, Wellington, 1877. It should be noted that this transcription from a facsimile of the original document contains a number of differences from the usual 'corrected' versions cited, which fail to note, for example, the typographical error in the spelling of 'rangatiratanga' in the main text.

to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.¹¹⁸

Ironically, although the Declaration was for all practical purposes largely forgotten by the British soon after signing (and has generally been dismissed by most historians, at least until recent times, as being of little real significance), its clear and unequivocal recognition of Maori independence proved one of the most compelling reasons why the British determined the need to enter into a treaty with Maori in 1840.

In all, 34 northern rangatira signed He Whakaputanga on 28 October 1835, while the agreement of a further 18 chiefs was acquired at various points over the next four years. Although most of the 52 rangatira to sign the Declaration were from Northland the senior Waikato chief Te Wherowhero was also among the signatories.¹¹⁹ He was the last to do so, Kahawai signing as kaituhituhi for the principal Waikato leader on 22 July 1839.¹²⁰ Unfortunately the official papers of the British Resident for the period after 1835 (BR 1/2) are missing from Archives New Zealand, in consequence of which the background to these later signings is less than clear. It should also be noted that Ngati Maniapoto oral traditions have it that Haupokia Te Pakaru was another signatory to He Whakaputanga.¹²¹ That is not clear from the documentary record, though Haupokia Te Pakaru certainly signed Te Tiriti.

Henare in any event notes that many historians have failed to appreciate the close kinship ties between many ariki and rangatira when describing He Whakaputanga as largely a northern Maori concern only. He notes that:

¹¹⁸ *ibid.*

¹¹⁹ Orange, *The Treaty of Waitangi*, p.22.

¹²⁰ Henare, 'The Changing Images of Nineteenth Century Maori Society', p.201; *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*.

¹²¹ Tony Haupokia and John Kaati, Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 6th Oral Traditions Hui, Te Tokanganui-a-Noho Marae, Te Kuiti, 9-11 June 2010, pp.52-54, 136-137.

Te Wherowhero had made a peace pact, a tatau pounamu, with Ngapuhi and other associated hapu like Te Rarawa in 1822 or 1823. After Ngapuhi returned some women to Waikato, Te Wherowhero arranged the marriage of a close teina, Kati, to Matire Toha the daughter of Rewa. Rewa, also known as Maanu, a Ngapuhi of Rawhiti, was a confidante of Hongi Hika and a signatory to t[h]e 1831 letter, attended the flag selection ritual and signed He Whakaputanga on 28th October.¹²²

These kinds of relationships were enough to make Crown officials distinctly fearful in the 1860s that Ngapuhi might make common cause with the Waikato tribes, resulting in a nightmare scenario in which Auckland would be cut off from the rest of the country and face potential invasion from both the north and south.¹²³ Moreover, in the decades after 1840 the Declaration of Independence was increasingly viewed as an explicit acknowledgement of the rights of all iwi and hapu, besides being a rallying point for greater kotahitanga or unity between different groups.¹²⁴ Under such circumstances, exactly who signed it and on behalf of whom assumed less significance.

What was important, too, was not just the Declaration itself but the British government's acceptance of it. In February 1836 the New South Wales Executive Council indicated its acceptance of the document, which it believed would assist Busby's efforts 'towards a regular form of Government in New Zealand'.¹²⁵ In addition, the British Secretary of State for the Colonies, Lord Glenelg, informed the Governor of New South Wales, Sir Richard Bourke, that:

I have received a Letter from Mr. Busby, enclosing a Copy of a Declaration made by the Chiefs of the Northern Parts of New Zealand, setting forth the Independence of their Country, and declaring the Union of their respective Tribes into One State, under the Designation of the Tribes of New Zealand. I perceive that the Chiefs, at the same Time, came to the Resolution to send a

¹²² Henare, 'The Changing Images of Nineteenth Century Maori Society', pp.194-195.

¹²³ Vincent O'Malley, 'Northland Crown Purchases, 1840-1865' (report commissioned by the Crown Forestry Rental Trust), July 2006, p.159.

¹²⁴ Orange, *The Treaty of Waitangi*, p.195.

¹²⁵ Colonial Secretary to Busby, 12 February 1836, CO 209/2, cited in Loveridge, "'The Knot of a Thousand Difficulties'", p.68.

Copy of their Declaration to His Majesty, to thank Him for His Acknowledgement of their Flag; and to entreat that, in return for the Friendship and Protection which they have shown and are prepared to show to such British Subjects as have settled in their Country, or resorted to its Shores for the Purposes of Trade, His Majesty will continue to be the Parent of their infant State, and its Protector from all attempts on its Independence.

With reference to the Desire which the Chiefs have expressed on this Occasion to maintain a good Understanding with His Majesty's Subjects, it will be proper that they should be assured, in His Majesty's Name, that He will not fail to avail himself of every Opportunity of showing His Goodwill, and of affording to those Chiefs such Support and Protection as may be consistent with a due Regard to the just Rights of others, and to the Interests of His Majesty's Subjects.¹²⁶

Claudia Orange notes that this response 'was given apparently without much thought for the legal consequences. If Britain chose to intervene formally, the independent status of the country would have to be either qualified or nullified.'¹²⁷ In this respect, once the British government determined to acquire New Zealand itself, this prior recognition of the Declaration made a formal cession of sovereignty something of a necessity (though whether the Treaty of Waitangi had that effect is another matter again).

By the time that news of the British government's acceptance of the Declaration reached New Zealand early in 1837 tribal tensions in the north were such that Busby believed any move to call a meeting of the confederated chiefs would only expose the weakness of such a forum.¹²⁸ Meanwhile, earlier plans to secure much more extensive agreement from other chiefs around the country were dropped.¹²⁹ But the confederation 'was not completely abandoned', and occasional efforts were made to convene the chiefs to resolve local disputes.¹³⁰

¹²⁶ Glenelg to Bourke, 25 May 1836, GBPP, 1837-38 (680), p.159.

¹²⁷ Orange, *The Treaty of Waitangi*, p.21.

¹²⁸ *ibid.*, p.22; Phillipson, 'Bay of Islands Maori and the Crown', p.249.

¹²⁹ Orange, *The Treaty of Waitangi*, p.22.

¹³⁰ *ibid.*

Importantly, too, contrary to the standard depiction of this as merely something promoted and driven by Busby, Henare argues that ‘He Whakaputanga was a Maori initiative in as much that many senior rangatira had already recognised the need for political changes’ and a more collective framework for governance.¹³¹ It has also been suggested that the rangatira may have viewed the confederation as something to aspire towards rather than necessarily a proposal that could be implemented in full right away.¹³² An increasingly willingness to experiment with new forms of governance and dispute resolution, including komiti whakawa (courts of inquiry) besides new ture (laws), highlighted a society that was anything but a prisoner to tradition.¹³³ In this respect, the efforts made in the 1830s to explore new and more widely collective forms of governance may have presaged the emergence of the Kingitanga movement in the 1850s.

3.2 Treaty Signing

Despite formally recognising Maori independence just a few years earlier, by 1839 a number of factors had conspired to convince British officials that it had become necessary to seek to annex New Zealand in the Queen’s name. While it is hardly necessary to outline the background to that decision at any length here, among the crucial considerations were concern over plans for the imminent informal settlement of the country in large numbers by the New Zealand Company (a privately-owned organisation committed to the ‘systematic colonisation’ of New Zealand), the desire to forestall perceived French interest in the region, and reports from Busby and a number of the missionaries which painted a vastly exaggerated picture of an anarchic and tumultuous situation, especially in the north of the country. In August 1839 William Hobson, a captain in the Royal Navy who had previously visited the Bay of Islands and elsewhere (and subsequently recommended the establishment of selected coastal factories, or trading posts),¹³⁴ received instructions to proceed to New Zealand

¹³¹ Henare, ‘The Changing Images of Nineteenth Century Maori Society’, p.195.

¹³² Phillipson, ‘Bay of Islands Maori and the Crown’, p.246.

¹³³ O’Malley and Hutton, ‘The Nature and Extent of Contact and Adaptation’, pp.235-243; Ballara, *Taua*, pp.436-443.

¹³⁴ Hobson to Sir Richard Bourke, Governor of New South Wales, 8 August 1837, GBPP, 1840 [238], pp.10-11.

in order to negotiate with its chiefs for the cession of sovereignty. The formal orders issued to Hobson at this time, commonly known as 'Normanby's Instructions', provide a very clear insight into the standards expected of British government representatives in New Zealand, besides shedding significant light on the official rationale for enhanced British intervention in the country. In those instructions, the British Secretary of State for the Colonies, the Marquis of Normanby, informed Hobson that 'a very considerable body' of Her Majesty's subjects had already taken up residence in New Zealand, while others had formed themselves into a body with the same intention. He added that:

Her Majesty's Government have watched these proceedings with attention and solicitude. We have not been insensible to the importance of New Zealand to the interests of Great Britain and Australia, nor unaware of the great natural resources by which that country is distinguished, or that its geographical position must in seasons, either of peace or of war, enable it, in the hands of civilized men, to exercise a paramount influence in that quarter of the globe. There is, probably, no part of the earth in which colonization could be effected with a greater or surer prospect of national advantage.

On the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836, to inquire into the state of Aborigines residing in the vicinity of our colonial settlements; and have concurred with that Committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British Government. We retain these opinions in unimpaired force; and though circumstances entirely beyond our control have at length compelled us to alter

our course, I do not scruple to avow that we depart from it with extreme reluctance.¹³⁵

The necessity for further intervention had become too apparent to be overlooked, however, especially as more migrants continued to enter the country and extensive cessions of land were increasingly secured by the settlers. It could no longer be doubted that an extensive settlement of British subjects would be rapidly established in New Zealand or that ‘unless protected and restrained by necessary laws and institutions, they will repeat, unchecked, in that quarter of the globe, the same process of war and spoliation, under which uncivilized tribes have almost unvariably disappeared as often as they have been brought into the immediate vicinity of emigrants from the nations of Christendom.’¹³⁶ It had therefore been determined that, in order to mitigate if not entirely avert these ‘disasters’, the most effective measures for establishing a settled form of civil government were required and would be the principal object of Hobson’s mission. Normanby noted that:

we acknowledge New Zealand as a sovereign and independent state, so far at least as it is possible to make that acknowledgement in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate, in concert. But the admission of their rights, though inevitably qualified by this consideration, is binding on the faith of the British Crown. The Queen, in common with Her Majesty’s immediate predecessor, disclaims, for herself and for her subjects, every pretension to seize on the islands of New Zealand, or to govern them as part of the dominion of Great Britain, unless with the free and intelligent consent of the natives, expressed according to their established usages, shall be first obtained. Believing, however, that their own welfare would, under the circumstances I have mentioned, be best promoted by the surrender to Her Majesty of a right now so precarious, and little more than nominal, and persuaded that the benefits of British protection, and of laws administered by British judges, would far more than compensate for the sacrifice by the natives of a national independence, which they are no longer

¹³⁵ Normanby to Captain Hobson, 14 August 1839, GBPP, 1840 [238], pp.37-38.

¹³⁶ *ibid.*, p.38.

able to maintain, Her Majesty's Government have resolved to authorize you to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion.¹³⁷

It was not just in the acquisition of sovereignty that high standards were expected. Indeed, Hobson was also instructed that the Crown's exclusive right to purchase Maori lands was also to be imposed, but was to be exercised with the utmost care. All prior land dealings by Europeans were to be subject to Crown investigation before any titles were to be acknowledged as valid, following which:

Having, by these methods, obviated the dangers of the acquisition of large tracts of country by mere land-jobbers, it will be your duty to obtain, by fair and equal contracts with the natives, the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers resorting to New Zealand. All such contracts should be made by yourself, through the intervention of an officer expressly appointed to watch over the interests of the aborigines as their protector. The re-sales of the first purchases that may be made, will provide the funds necessary for future acquisitions; and, beyond the original investment of a comparatively small sum of money, no other resource will be necessary for this purpose. I thus assume that the price to be paid to the natives by the local government will bear an exceedingly small proportion to the price for which the same lands will be re-sold by the Government to the settlers. Nor is there any real injustice in this inequality. To the natives or their chiefs much of the land of the country is of no actual use, and, in their hands, it possesses scarcely any exchangeable value. Much of it must long remain useless, even in the hands of the British Government also, but its value in exchange will be first created, and then progressively increased, by the introduction of capital and of settlers from this country. In the benefits of that increase the natives themselves will gradually participate.

¹³⁷ *ibid.*

All dealings with the aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith, as must govern your transactions with them for the recognition of Her Majesty's Sovereignty in the Islands. Nor is this all: they must not be permitted to enter into any contracts in which they might be the ignorant and unintentional authors of injuries to themselves. You will not, for example, purchase from them any territory, the retention of which by them would be essential, or highly conducive, to their own comfort, safety or subsistence. The acquisition of land by the Crown for the future settlement of British subjects must be confined to such districts as the natives can alienate, without distress or serious inconvenience to themselves. To secure the observance of this, - will be one of the first duties of their official protector.¹³⁸

The standards expected and imposed were high ones, then, and applied not merely to the process of securing sovereignty but also to the way in which the new colony was to be subsequently administered. As Normanby had said, *all dealings* with Maori were to be governed by the same principles of sincerity, justice and good faith which were expected in the initial phase.

Hobson was not, however, provided with the draft text of a treaty and therefore drew up one himself in consultation with James Busby soon after the former's arrival in New Zealand in January 1840. It was subsequently translated into Maori by the missionary Henry Williams with the assistance of his son Edward. The debate that has raged ever since as to the obvious discrepancies between the English and te reo Maori texts of the Treaty hardly needs to be dwelt upon here. Suffice it to state that the tension between British claims to sovereignty under Article One of the English text or translation and the 'tino rangatiratanga' promised Maori in Article Two of the te reo text goes to the heart of many of the later conflicts traversed in this report. Those issues were not immediately obvious in 1840, however, especially as British claims to sovereignty remained largely nominal over much of the country and Maori continued to exercise rangatiratanga or full chiefly authority over their own affairs. In many

¹³⁸ *ibid.*

respects, then, the full meaning and significance of the Treaty remained a matter to be worked out in practice over subsequent years.

Crown officials were, though, particularly anxious to secure the signatures of those who had signed the Declaration of Independence when seeking support for the Treaty of Waitangi. Te Wherowhero, however, famously refused to sign the Treaty of Waitangi, raising some interesting constitutional issues concerning the status of those rangatira and their hapu who either would not sign the 1840 agreement or had not been presented with an opportunity to do so. Following the initial Treaty signing ceremony at Waitangi and elsewhere in the north copies of the Treaty were made to secure the agreement of important rangatira further to the south. On 13 March 1840 a copy was sent to Captain W.C. Symonds to secure the agreement of chiefs at Manukau and further down the west coast. Symonds subsequently reported that:

On the receipt of your letter, dated 13th March, I immediately assembled as many of the Manukau chiefs as could be collected on a short notice, and with the assistance of Mr. Hamlin, a catechist in the Church Mission, explained to them the views of Her Majesty's Government, and solicited their signatures to the Treaty. Rewa, one of the chiefs of the Bay of Islands, and the principal follower of the Roman Catholic bishop, was present, and exerted all his influence against me; in consequence of which all I effected was to dispel many of the doubts which his misrepresentations had created in the minds of all. At a second meeting, however, where many of the Waikato and some of the Tauranga and Taupo chiefs also attended, - having come from the southward in the interval between the two meetings, - I obtained some signatures, and the promise of others from some of the most influential chiefs, who yet had to overcome a feeling of pique at their having been left among the last whose concurrence in the Treaty had been demanded, and among these Te Wherowhero, who is the leading chief or king of Waikato.¹³⁹

¹³⁹ Symonds to Colonial Secretary, 12 May 1840, in H.H. Turton (comp.), *An Epitome of Official Documents Relative to Native Affairs and Land Purchases in the North Island of New Zealand*, Wellington: Government Printer, 1883, A.1 Part I – Province of Auckland, p.27. See also GBPP, 1840 [238], pp.101-102.

Symonds provided no further details of his explanation of the Treaty to those who had assembled at Manukau. In any event, it appears that just three signatures were secured at the 20 March meeting, all of them from Ngati Whatua rangatira.¹⁴⁰

Robert Maunsell, the CMS missionary based at Waikato Heads, had meanwhile been sent the only copy of the Treaty to have been drafted solely in English sometime in March 1840. Quite why the document was in English on this occasion is not at all clear from the available sources. However, Claudia Orange believes that Maunsell was probably sent one of 200 printed copies of the Maori text produced on the missionary press at Paihia on 17 February at the same time in order to assist him in explaining the terms of the Treaty to those assembled.¹⁴¹ If so, he may in fact have read out the original Maori version, which would obviously have made a rather more profound impression on Maori understandings of the agreement than a document printed in a language which few if any of the assembled chiefs were likely to be fluent in, much less be able to read. Although that must be a matter of some speculation, it would seem quite likely that if he did have the printed version to hand then he would have read it out. Either way, it is today generally agreed that the verbal explanations given at the various signings were likely to have been of more importance to Maori when weighing up whether to sign than the words on the document itself.

The arrival of the Treaty copy happened to coincide with a large gathering of hapu and iwi at Maunsell's station, and Maunsell rapidly secured the assent of 32 rangatira to the Treaty. There appears to be very little record of this gathering, though Maunsell wrote to Hobson on 14 April 1840:

You will, I trust, receive with this the document lately forwarded to me, to have the signatures of the principal men in Waikato attached to it. I am happy to inform you that the signatures obtained comprise those of the leading men, excepting perhaps two. Those we hope soon to obtain, and I have already forwarded on to Messrs. Wallis and Whiteley the document left with me by

¹⁴⁰ Orange, *Illustrated History of the Treaty of Waitangi*, p.296.

¹⁴¹ *ibid.*, p.301. At some point Maunsell secured five signatures on the printed copy, two from members of Ngati Pou, one from Te Noke of Ngati Te Wehi and two more from Rahiri and Te Wera, both of whom were described as Ngati Mariu. However, there is no indication as to when and where the signing took place.

Captain Symonds, in order that they may obtain as many more names as they deem expedient.¹⁴²

In the same letter Maunsell went on to note the somewhat compromising position the missionaries had placed themselves in through having been a party to British annexation. While the missionaries were anxious to cooperate with Hobson, still Maunsell felt a heavy responsibility:

having put ourselves thus prominently forward in obtaining an acknowledgement of the sovereign power of the Queen on the part of the natives, so we trust that that acknowledgement will never be made, even apparently, the basis of any measure that may hereafter result in their prejudice.

The steps we have taken have been taken in full dependence on the well known lenity and honour of the British Government, and we rest assured, that we shall never hereafter find ourselves to have been in these particulars mistaken.¹⁴³

Many years later he claimed that the signatories understood by their consent to the Treaty that 'they retained the rights over their lands but that the Queen had power to make laws.'¹⁴⁴ Wiremu Nera Te Awaitaia of Ngati Mahanga, one of those to sign on this occasion, told Governor FitzRoy some four years later that:

After some time we heard the name of the Queen of England, and the English suggested to us that it would be well to consent to her sovereignty, as nothing but kindness proceeded from her government.

¹⁴² Maunsell to Hobson, 14 April 1840, cited in Henry E.R.L. Wily and Herbert Maunsell, *Robert Maunsell LL.D., A New Zealand Pioneer: His Life and Times*, Dunedin: A.H. & A.W. Reed, 1938, p.68.

¹⁴³ Maunsell to Hobson, 14 April 1840, cited in Helen Garrett, *Te Manihera: The Life and Times of the Pioneer Missionary Robert Maunsell*, Auckland: Reed Books, 1991, p.93.

¹⁴⁴ Minutes of Evidence, 11 October 1860, AJHR, 1860, F-3, p.42.

We reflected on these sayings, and consulted with our teachers, who told us that probably, if any other nation came among us, they would forcibly compel us to give up possession of the country to them.¹⁴⁵

While we only have an English translation of Te Awaitaia's speech, in consequence of which it is difficult to know what phrase has been rendered as consenting to the Queen's 'sovereignty', from the tenor of this and Maunsell's comments it seems apparent that a particular emphasis was placed upon the protective nature of the Treaty, particularly with regard to protecting the lands and other resources of the Waikato tribes in their ownership.

Symonds, who arrived at the Waikato Heads in early April, found that considerable discontent had already arisen, however, later reporting that:

On my arrival great excitement prevailed amongst the Natives yet about the settlement, owing to the report which had reached them of presents having been given by the Government to all to the northward who had subscribed to the Treaty, and they were in the act of remonstrating very angrily with Mr. Maunsell on his having kept them in the dark on the subject, demanding the paper to destroy it. My coming was most opportune. I soon allayed the excitement and distributed a few presents, promising the like to all others who had signed their names. Had I been a day later Mr. Maunsell's influence would have been lost, to the great detriment of the advancement of his Missionary labours. On examination of the signatures obtained by Mr. Maunsell I found that, with the exception of very few, all the leading men of the country as far as Mokau had acknowledged the sovereignty of Her Majesty. These few belonged to the neighbourhood of Aotea and Kawhia; wherefore I determined on proceeding myself no further, being well assured of the disposition on the part of the Wesleyan Mission to support the Government by every exertion in its power.¹⁴⁶

¹⁴⁵ FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), p.14.

¹⁴⁶ Symonds to Colonial Secretary, 12 May 1840, in Turton (comp.), *Epitome*, A.1 Part I, p.27.

Symonds returned to Manukau on 18 April, where he secured the agreement of a further seven chiefs to the copy of the Treaty sent to Maunsell. He noted, however, that Te Wherowhero and several others had once more refused to sign, 'though they manifested no ill-will to the Government.' Symonds attributed this partly to the influence of the Catholic Bishop, Jean-Baptise Pompallier, 'partly to the extreme pride of the Native chiefs, and in great measure to my being alone and unable to make that display and parade which exerts such influence on the minds of savages.'¹⁴⁷ Shortly before his own death in 1894, Te Wherowhero's son, King Tawhiao, recalled a special journey Maunsell had made to Awhitu (on the southern side of the Manukau Heads) in the company of Tipene Tahatika to make one further but again unsuccessful effort to persuade the great chief to sign.¹⁴⁸ Whether or not this was the same occasion on which Symonds secured the seven further signatures is unclear, though it seems more than likely.

It would seem a worthwhile exercise to list here the names of all 39 rangatira who signed this particular copy of the Treaty, along with their presumed hapu and iwi affiliations, based on Claudia Orange's research, since in many cases claimants may well be in a position to provide more accurate information as to the identities of some of those concerned. It would appear, for example, that the sixth signatory listed (and described there as Te Ngoki) was likely to have been Te Ngohi Kawhia, the father of Rewi Maniapoto. Kaawhia Te Muraahi told the inaugural Nga Korero Tuku Iho hui for the Rohe Potae inquiry district that Te Ngohi and four or five of his kin had signed the Treaty, adding 'I think, like many progressive thinkers at that time, our tupuna Kawhia was not unhappy with the Pakeha and saw their presence as an opportunity to further economic aims and trade associations with these new foreign funny looking people.'¹⁴⁹

¹⁴⁷ *ibid.*

¹⁴⁸ Wily and Maunsell, *Robert Maunsell*, p.69. The same story went on to give an account of Te Kahawai signing the Treaty on behalf of Te Wherowhero, apparently confusing this with the earlier Declaration of Independence in which case a kaituhituhi of that name had signed for the chief.

¹⁴⁹ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.147.

Table 1 Waikato-Manukau Treaty Copy

No.	Signed as	Probable Name	Tribe	Hapu
<i>Signed in late March or early April 1840, at Waikato Heads, witnessed by Robert Maunsell and Benjamin Ashwell, dated 11 April 1840</i>				
1.	Paengahuru	Paengahuru	Waikato	Ngati Tipa
2.	Kiwi Ngarau	Kiwi Ngarau	Waikato	Ngati Tahinga
3.	Te Paki	[Hone Wetera] Te Paki	Waikato	Te Ngaungau
4.	Ngapaka	Ngapaka	Waikato	Ngati Tipa
5.	Kukutai	[Waata?] Kukutai	Waikato	Ngati Tipa
6.	Te Ngoki	Te Ngoki?/Te Ngohi?	Ngati Maniapoto	from Kawhia
7.	Muriwhenua	Muriwhenua	Ngati Haua	from Aotea
8.	Te Pakaru	Te Pakaru	Ngati Maniapoto	from Kawhia
9.	Waraki	Te Waraki	Ngati Maniapoto	from Kawhia
10.	Kiwi (Te Roto)	Kiwi Te Roto	Waikato	Ngati Mahuta from Kawhia
11.	Te Paerata	Te Paerata	Waikato	Ngati Pou
12.	Te Katipa	Te Katipa	Waikato	Ngati Pou
13.	Maikuku	Maikuku	Waikato	Ngati Te Ata
14.	Aperahama Ngakainga	Aperahama Ngakainga	Waikato	Ngati Te Ata
15.	Hoana Riutoto	Hoana Riutoto	Waikato	Ngati Mahuta
16.	Te Wairakau	Te Wairakau	Waikato	Ngati Te Ata

17.	Hako	Hako	Waikato?	Ngati Te Wehi from Aotea
18.	Wiremu Te Awa-i-taia	Wiremu Nera Te Awa-i-taia	Waikato	Ngati Mahanga from Whaingaroa (Raglan)
19.	Tuneu Ngawaka	Tuneu Ngawaka	Waikato	Ngati Tahinga?
20.	Kemura Wareroa	Kemura Whareroa	Waikato	Ngati Tahinga
21.	Pohepohe	Pohepohe	Ngati Haua	from Matamata
22.	Pokawa Rawhirawhi	Pokawa Rawhirawhi	Ngati Haua	from Matamata
23.	Te Puata	Te Puata	Waikato	Ngati Ruru at Otawhao
24.	Te Mokorau	Te Mokorau	Waikato	Ngati Ruru at Otawhao
25.	Pungarehu	Pungarehu	Waikato	Ngati Apakura at Parawera
26.	Pokotukia	Pokotukia/Pohotukia?	Ngai Te Rangi	from Tauranga?
27.	Tekeha	Te Keha?	Waikato	Ngati Naho at Te Horo
28.	Te Warepu	Te Wharepu	Waikato	Ngati Hine at Taupiri
29.	Te Kanawa	Te Kanawa	Waikato	Ngati Hine at Taupiri
30.	Te Whata	Te Whata	Waikato	Ngati Tipa at Whaingaroa (Raglan)
31.	Ngawaka (Te Ao)	Ngawaka Te Ao	Waikato	Ngati Whauroa at Putataka
32.	Peehi	Peehi	Waikato	Ngati Ruru at Otawhao

<i>Signed on 26 April 1840, at Manukau Harbour, witnessed by W.C. Symonds</i>				
33.	Wiremu Ngawaro	Wiremu Ngawaro	Waikato	Ngati Te Ata
34.	Hone Kingi	Hone Kingi	Waikato	Ngati Te Ata
35.	Ko te ta Wha	Te Tawa/Tawha?	Waikato	Ngati Te Ata
36.	Tamati	Tamati	Waikato?	
37.	Rabata Waiti	Rapata Waiti	Waikato?	
38.	Te Awarahi	Te Awarahi	Waikato	Ngati Te Ata
39.	Rehurehu	Rehurehu	Waikato?	

Source: Orange, *Illustrated History of the Treaty of Waitangi*, pp.298-300

Whiteley was meanwhile informed that there were ‘but few of the principal chiefs remaining to be gained over.’ Symonds requested that the missionary:

take the trouble to obtain the cession of their sovereign rights to Her Majesty from as many of the chiefs as you may deem sufficient, stretching as far to the southward as possible among the Ngatimaniapoto. Te Ngohi, Pakaru, Warahi, and Kirihi, from your neighbourhood, have given their signatures; and I believe that if Taonui, Tarihi, Te Waru, Te Ao, Te Wakaka, from Kawhia, and Wiremu and Rawiri from Whaingaroa, be obtained, they will suffice to extend Her Majesty’s authority as far south as Mokau.¹⁵⁰

Symonds remained concerned lest the prospect of securing blankets was construed as a bribe or payment which blinded signatories to the solemnity of the Treaty and its provisions. A similar issue was many years later raised by the Ngati Haua rangatira Wiremu Tamihana. He told H.T. Clarke in 1861 that:

My dissatisfaction first commenced with the loose manner in which the signatures were obtained to the Treaty of Waitangi. Instead of making it a matter of grave importance, and soliciting the opinion and obtaining the concurrence of every individual of the different tribes, it was retained for the consideration of a few, whose assent was further stimulated by a tempting pile

¹⁵⁰ Symonds to Whiteley, 8 April 1840, in Turton (comp.), *Epitome*, A.1 Part I, p.27. See also GBPP, 1840 [238], p.102.

of blankets lying close at hand to be given as presents to those who attached their signatures to the document. Many old men were heard to say, “Let us go and make our mark in order that we may receive a blanket.”¹⁵¹

Tamihana also appeared to have broader objections to the Treaty, including the failure to consult a wider number of chiefs. In an article which appeared in the Kingitanga newspaper *Te Hokioi* in 1862 he was quoted as saying:

I do not agree with the Treaty of Waitangi. We know that there are many chiefs in New Zealand and it is not right that the many chiefs should abide by the consent of one chief. This is the second letter I have written disagreeing with the Treaty of Waitangi. I maintain that it is the covenant of the blind. I call it the covenant of the blind because it was made at the time when the people were all ignorant and had no faith in their fellow-men. They were like a dog who was tempted by a morsel of meat, who, when the meat was dangled before him, without hesitation whatever, jumped up to grab it and thought at the time it was very good to eat but, having taken the meat and when it stuck in his throat, realized that something was wrong; and his master came upon him and found a bone stuck in his throat and took it out and saved the dog’s life. This parable may be likened to the Treaty of Waitangi. Who was in the wrong? The man or the dog? I say the man was in the wrong, for he is the one gifted with reason.¹⁵²

Whiteley, assisted by James Wallis, secured ten more signatures to the Treaty between April and September of 1840 from chiefs of the Rohe Potae district. They signed the same te reo version that Symonds had earlier presented to the 20 March hui at Manukau Harbour. According to Claudia Orange’s analysis of the signatories and their tribal affiliations, the complete list of signatories to this version of the Treaty were:

¹⁵¹ H.T. Clarke, Extracts from Journal, 14 January 1861, GBPP, 1862 [3040], p.19.

¹⁵² *Te Hokioi*, 8 December 1862 (translated by W. Ngata and others, 1951), cited in Harold Miller, *Race Conflict in New Zealand, 1814-1865*, Auckland: Blackwood and J. Paul, 1966, pp.190-191.

Table 2 Manukau-Kawhia Treaty Copy

No.	Signed as	Probable Name	Tribe	Hapu
<i>Signed on 20 March 1840, at Manukau Harbour, witnessed by W.C. Symonds and James Hamlin</i>				
1.	Te Kawau	[Apihai] Te Kawau	Ngati Whatua	Te Taou, Nga Oho
2.	Te Tinana	[Ihikiera?] Te Tinana	Ngati Whatua	Te Taou
3.	Te Reweti	Te Reweti [Tamaki]	Ngati Whatua	Te Taou
<i>Signed on 28 April 1840, at Kawhia, witnessed by James Wallis</i>				
4.	Rawiri	Rawiri	Nga Puhi?	
<i>Signed on 21 May 1840 [at Kawhia?], witnessed by John Whiteley</i>				
5.	Te Kanawa	Te Kanawa	Waikato	Ngati Mahuta
6.	Tariki	Tariki	Waikato? Ngati Maniapoto?	from Patupatu pa
7.	Haupokia	Haupokia [Te Pakaru]	Ngati Maniapoto?	
<i>Signed on 25 May 1840, witnessed by John Whiteley</i>				
8.	Te Waru	[Hori] Te Waru [Haunui]	Waikato	Ngati Te Apakura
<i>Signed on 15 June 1840, witnessed by John Whiteley</i>				
9.	Taunui	Te Taonui	Waikato? Ngati Maniapoto?	from Patupatu pa
10.	Hone Waitere, Te Aotearoa	Ngati Maniapoto?		from Aotea?
11.	Te Matenga, Te Wahapu	Te Matenga		from Te Wahapu?

<i>Signed on 27 August 1840, at Kawhia</i>				
12.	Ngamotu	[Wiremu Hopihana?] Ngamotu	Ngati Maniapoto?	
<i>Signed on 3 September 1840 [at Kawhia?]</i>				
13.	Warekaurua	Wharekaurua/Wharekawa?	Waikato	from Whakatiwai?

Source: Orange, *Illustrated History of the Treaty of Waitangi*, p.296.

We can see from this and the preceding table that Ngati Maniapoto were quite poorly represented among the signatories, while it is not apparent that any Ngati Raukawa signed the Treaty in Waikato. In both cases this was likely to reflect the fact that copies of the Treaty were not taken to inland settlements such as Tokangamutu, Hangatiki or Maungatautari, their passage through the district instead being confined solely to a few coastal settlements such as Kawhia. Notwithstanding the comments of Maunsell and Symonds that the agreement of nearly all of the principal chiefs had been secured, there is therefore a question mark as to the extent to which the various hapu and iwi of what is today the Rohe Potae inquiry district had meaningfully consented to the Treaty.

Other questions arise with respect to the weight and interpretation to be placed on the English-language version signed by 39 rangatira. As noted above, from an historical perspective more important than the text itself would appear to be the verbal explanations offered at the time of the signings (especially when the document itself was in a language the chiefs were unfamiliar with). There are good grounds to think that a printed copy of the original te reo version of the Treaty may have been read in explanation, while it also seems apparent that the protective intent of the British government was also emphasised. However, there are also issues of legal interpretation best left to others to consider and make submissions upon.

As will be seen in the next section, subsequent interactions between Crown officials and the hapu and iwi of Te Rohe Potae and the broader Waikato district cast doubt on the extent to which both parties shared a common understanding of the Treaty and its meaning. That may not have been unique to the region, but the contrast between

government assertions of unqualified dominion over all of New Zealand and the expectations of rangatira and their communities of continued control over their own affairs came into more stark relief in the Waikato from the late 1850s than in any other district. And that tension could be sheeted home to the Treaty itself, in particular reflecting the dichotomy between Article One of the English version and Article Two of the te reo Maori text of the agreement. Whether British claims to sovereignty could co-exist with te tino rangatiratanga was central to the evolving debate.

3.3 Early Crown Contacts with Te Rohe Potae

Although the Waikato district was located close to Auckland, the official capital of the colony after 1841, the Crown's presence was lightly felt in the two decades that followed. John Morgan may have taken issue with a statement he believed was contained in Gorst's book that only two or three government officials had ever visited the district before 1860, but the evidence he adduced in support of his case merely served to highlight the very limited nature of such interactions. Hobson and Browne had both travelled as far as Otawhao at least once, Morgan wrote, and Grey perhaps three or four times during his first governorship, while a range of lesser officials had also passed through the area and a handful of magistrates and other functionaries had intermittently been stationed there over the years.¹⁵³

Chief Protector of Aborigines George Clarke Senior was one of the first Crown officials to spend time in the Waikato district, embarking on an overland journey which extended over December 1840 through until January 1841. He encountered an increasingly prosperous number of communities, but also reported a great deal of suspicion of the Crown and its intentions. At Matamata, for example, Clarke was well received, but was told by the assembled rangatira that:

They had heard of the state of America, of New South Wales, and of many countries taken possession of by Europeans, and they could not but be jealous

¹⁵³ Morgan to Browne, 27 July 1864, Gore Browne 1/2D, Archives NZ. In fact, Morgan had misrepresented what Gorst actually wrote, which was that Morgan's own missionary colleague Benjamin Ashwell had told a Parliamentary select committee that 'he could not remember more than three or four visits to the Waikato by officials.' Gorst, *The Maori King* (2001), p.18.

of the intentions of the British Government; but very few natives, they said, in this district had signed the treaty, and these few only on the good faith of the missionaries, the reason was, they were not, nor would they be slaves.¹⁵⁴

Clarke reported what he perceived to be the origins of such concern, observing that:

They had been told by Europeans, who had already manifested a different tone of feeling towards them, that they were gentlemen no longer; that they were prohibited from selling their land, except to the Queen, and that very soon other laws would be in operation which would make them no better than slaves; that this would not be accomplished all at once, but by degrees; that governor would succeed governor, with new regulations, until the object was accomplished: already they were called the slaves of the Queen, and were threatened with imprisonment if they, the Europeans, could not drive a good bargain with them.¹⁵⁵

Clarke sought to counter such concerns, assuring the Matamata chiefs that they were now entitled to all the privileges of other British subjects, and had the assurances of men whose honour and integrity were too evident to admit of a doubt. This does not seem to have wholly assuaged lingering concerns, however, and the Chief Protector noted that the tribes there 'had already affected to despise the Government'.¹⁵⁶

Similar suspicions were evident when Clarke reached Otawhao on 4 January 1841. He reported that:

The natives were anxious to know the object of my visit, and what dependence they ought to place on the reports in circulation. They had heard that his Excellency Sir George Gipps was legislating for them, and asked why were not his regulations translated into native, that they might read and judge for themselves.

¹⁵⁴ Clarke to Colonial Secretary, n.d. [1841], GBPP, 1842 (569), pp.96-97.

¹⁵⁵ *ibid.*, p.97.

¹⁵⁶ *ibid.*

Were the English the only people interested in the laws he was making? Was the country his otherwise than by theft? I had said that they were misled by designing men; “Let us see, let us see whether it is so or not,” they replied, “we are now a reading people; render Government acts and designs into native fairly, and then we will think for ourselves for the future.”¹⁵⁷

Clarke reported that under the circumstances he had not deemed it advisable to raise the subject of the purchase of lands, but learnt that very little had previously been sold. At Pukitea, about 25 miles below Ngaruawahia, another large gathering again levelled various accusations against the British government, the Chief Protector being informed:

they did not like the treachery of the British Government. If they wished to take their country, why not do it openly, they would then know how to act; but for the paltry consideration of 13 blankets (alluding to a present of 13 blankets sent by His Excellency) had they been betrayed to sell their country.¹⁵⁸

Clarke countered that the Treaty of Waitangi was the ‘magna charta of the country’, securing to them everything which they possessed ‘and no one could possess an inch of it without their consent.’ He concluded his report of the visit by observing that ‘[o]ne rash, injudicious step, and the whole country is involved in trouble and ruin’.¹⁵⁹ The New Zealanders, he wrote, ‘are jealous of their liberty, as well as of their lands; they see them intimately connected, and they are carefully watching and comparing every public act, deducing from thence positive conclusions as to the line of conduct that will be pursued towards themselves.’¹⁶⁰

It would seem that they also, naturally enough, expected to have some input into matters affecting them. On 10 September 1842 William Hobson died. Just weeks later Potatau Te Wherowhero wrote to Queen Victoria on the question of a successor. The letter, which was dictated to the missionary Robert Maunsell, stated:

¹⁵⁷ *ibid.*, p.98.

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*, p.100.

¹⁶⁰ *ibid.*, pp.99-100.

How farest thou? Great is my love to you who are residing in your country.

My subject is, a governor for us and the foreigners of this island. Let him [be] a good man. Look out for a kind person, a man of judgement. Let not a troubler come here. Let not a boy come, or one puffed up with pride. We, the New Zealanders, shall be afraid. Let him be as good as this governor who has just died.

Mother, Victoria. Let your instructions to the foreigner be good. Let him be kind. Let him not come here to kill us; seeing that we are peaceable. Formerly we were a bad people, a murdering people, a killing people. Now we are sitting peaceably. We have left off the evil. It was you who (appointed) this line of conduct and therefore is it pleasing (to us).

Mother be kind.¹⁶¹

It is not clear what, if any, response the chief received to his letter.

Concern over possible Crown intervention in their own affairs remained high on the part of the Waikato tribes. In 1843, for example, a dispute broke out between Ngati Mahuta and Ngati Pou concerning fishing rights at Lake Whangape, prompting the Waikato-based missionary Benjamin Ashwell to suggest that they either sell the disputed spot to the government or allow Protector Clarke to arbitrate. That was met with an emphatic response: 'No was the reply [;] we dont [sic] interfere with Europeans. You dont call us to interfere in your quarrels, leave us to ourselves.'¹⁶²

When, late in 1843, Robert FitzRoy arrived to assume the governorship of New Zealand, Te Wherowhero, his brother Kati, Epiha Putini and other senior Waikato chiefs sent him a message of welcome, albeit one that was not without complaint. The chiefs wrote that:

¹⁶¹ Te Wherowhero to Queen Victoria, 1 October 1842, IA 1/1842/1862, Archives NZ.

¹⁶² Ashwell to CMS, 31 March 1843, B.Y. Ashwell, Letters and Journals, qMS-0087, ATL. See also Charles Marshall to George Clarke Snr., 25 March 1843, IA 1/1843/1599, Archives NZ.

When Governor Hobson first arrived, some said that he only came to take our lands; but we said, wait quietly, by his actions we shall prove him. Then the Chiefs agreed at Waitangi to the treaty of the Queen; they fully assented to her proposal, because that Treaty was to preserve their chieftainship. But when the Europeans arrived in great numbers, we began to be alarmed, because we saw many of their proceedings were directly contrary to the Queen's agreement, some were coveting our lands, some stole our pigs, some reviled and swore at us; and had not the late Governor constantly befriended us, we should long since have been dead with grief.¹⁶³

The chiefs thus made it clear that they had viewed the Treaty as an agreement that would preserve and uphold their chieftainship. The influx of settlers had alarmed them, however, and they now appealed to the new governor to protect them, at the same time indicating their willingness to embrace new customs and to cast off war and other bad practices. In this respect they had resolved to follow the customs of the Europeans, though one thing greatly grieved them. The chiefs wrote that:

there is another thing that makes our hearts cry dark. This agreement at Waitangi said: The land was to be sold to the Queen: now, we supposed that the land was first to be offered to Her, and if Her Governor was not willing to buy, we might sell to whom we pleased; but no, it is for the Queen alone to buy; now, this is displeasing to us, for our waste lands will not be bought up by Her only, because She wants only large tracts; but the common Europeans are content with small places to sit down upon.¹⁶⁴

The chiefs therefore envisaged transacting small areas of land with settlers who would live amongst them, rather than selling large blocks within which more or less autonomous settler communities might spring up. There were any number of reasons why that may have been the preference: perhaps a desire to limit the number of Europeans introduced into the Waikato; a wish to minimise the total area of land transacted; or an understanding of the political implications of entering land deals in

¹⁶³ Te Wherowhero and others to FitzRoy, 26 December 1843, quoted in *Southern Cross*, 30 December 1843.

¹⁶⁴ *ibid.*

respect of large blocks (that is, that with the land went effective control over its occupants); or perhaps a combination of the above. To a large extent this would be dependent on precisely how the Waikato tribes viewed land transactions, an issue discussed in a later section.

In May 1844 a massive hakari was held at Remuera, on lands then owned by the Waikato tribes, in return for a feast previously given in their honour by the local tribes. In all, more than 3400 Maori were estimated to have been in attendance, including Ngati Hikairo and other Rohe Potae groups,¹⁶⁵ along with FitzRoy and dozens of other officials and nearly 1000 European observers. FitzRoy, who forwarded a lengthy account of the gathering to the Secretary of State for the Colonies, Lord Stanley, observed that there was more to the gathering than merely the honouring of reciprocal obligations. He wrote that:

The professed object of this great assemblage was to make a return for the complimentary feast given to them last year, by a similar display of hospitality and good feeling; but there was also a desire to show the extent of Te Whero Whero's, or the Waikato influence and alliances. It was to show his "rangatiratanga" (which means station and conduct as a gentleman, or the estimation in which he is held by his countrymen); and that this demonstration, in the immediate neighbourhood of Auckland, the capital, was planned with reference to its effect on the English as well as on the natives, there can be but little doubt.¹⁶⁶

Huge preparations had accordingly been made for the hakari, including several hundred acres of good land planted with potatoes specifically for the occasion and the drying of huge quantities of shark meat, which was considered a particular delicacy. FitzRoy later received many of the leading chiefs at Government House, where he proceeded to lecture them on various topics, including his views upon various 'native customs'. Those chiefs present had other concerns, however, including Wiremu Nera Te Awaitaia of Ngati Mahanga, who told the governor that they had consented to the

¹⁶⁵ Names and Estimated Number of the Principal Tribes present at Remuera, 11 May 1844, GBPP, 1845 (247), p.18.

¹⁶⁶ FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), pp.8-9.

Queen of England only after reflecting on the advice of their teachers (the missionaries) ‘who told us that probably, if any other nation came among us, they would forcibly compel us to give up possession of the country to them.’¹⁶⁷ He hinted at a level of dissatisfaction with respect to land dealings, when adding that:

We are now anxious that our lands should be secured to us, that a check should be put upon English urging us to sell those lands that we cannot part with: and when we do sell, we wish that the feeling of kindness should be mutual; when we dispose freely of our lands, let the English dispose freely of their property.¹⁶⁸

Much of the ensuing discussion focused on the disputed ownership of Motiti Island in the Bay of Plenty.¹⁶⁹ But regardless of whatever else it may have achieved, the Remuera feast had served as a telling and timely reminder, if ever one were needed, of the immense power and prestige of the Waikato tribes.

By contrast, European settlement had touched large parts of the Rohe Potae district only lightly, if at all. An 1845 ‘Return of the Native Population of New Zealand’ had estimated the Waikato Maori population between Mokau and the Manukau Harbour at 18,400.¹⁷⁰ While that was no more than an estimate, European observers were generally agreed that the Waikato tribe (broadly defined) was the largest in the country at this time. Meanwhile, the Pakeha population of the Waikato district was tiny by comparison, perhaps numbering no more than a few hundred at the most.¹⁷¹ Kawhia, one of the main centres of European residence within the Rohe Potae, was said to have just 20 Pakeha living there in 1841 (nearly all of whom were described as ‘dissolute’).¹⁷² An 1858 census of the Maori population of the Waikato district completed by F.D. Fenton indicated a combined population for the area extending

¹⁶⁷ *ibid.*, p.14.

¹⁶⁸ *ibid.*

¹⁶⁹ See Vincent O’Malley and David Armstrong, *The Beating Heart: A Political and Socio-Economic History of Te Arawa*, Wellington: Huia Publishers, 2008, pp.17-18.

¹⁷⁰ *New Zealander*, 2 August 1845.

¹⁷¹ The European population of Auckland in 1845 was calculated at 3635 people, rising to an estimated 4500 when the outlying districts to the north and south were added. *New Zealander*, 4 April 1846.

¹⁷² William Symonds to Colonial Secretary, 16 July 1841, IA 1/1841/814, Archives NZ.

from lower Waikato south to Mokau at around 10,319.¹⁷³ Fenton appears to have gone to some lengths to ensure his figures were reasonably reliable, even publishing the names of every living member of certain hapu in some cases (including Ngati Apakura and Ngati Hinetu resident at Rangiaowhia). According to his analyses the population of Rangiaowhia had declined by 13.1% since 1844, compared with an average decrease across all of Waikato of just under 20%, a difference attributed by Fenton to Rangiaowhia's relative agricultural advancement and the adoption of European clothing and habits among its residents.¹⁷⁴ While the precise figures may be open to further scrutiny, it does seem clear that Waikato was not immune from the general decline in the Maori population in the two decades after 1840.¹⁷⁵ That contrasted with a rapidly increasing Pakeha population in some parts of the country, feeding into fears that Maori would soon end up a small and oppressed minority in their own country, if measures were not taken to improve their situation. As we shall see later, those concerns were among the factors that were said to have given rise to the Kingitanga in the 1850s.

In the first decade after Waitangi that threat was more latent than real, however, especially as economic downturn in the mid-1840s saw net inwards migration across the colony as a whole stagnant or even declining. In the wider Waikato district some hapu were anxious to secure a few settlers for themselves, while other groups appear to have adopted a more wary attitude towards the question. Attitudes towards the Crown also varied. Although Clarke had encountered great suspicion on his earlier visit to the northern fringes of the Rohe Potae district, in other areas the Crown appeared of marginal relevance at best. Donald McLean, the Taranaki Sub-Protector of Aborigines, visited Mokau in April 1845 in consequence of 'reports of the unkind treatment often experienced by European travellers' who visited the district. McLean reported that:

On my arrival the Chiefs of that River assembled when I pointed out to them various matters respecting their behaviour to Europeans, their conduct to each

¹⁷³ F.D. Fenton, *Observations on the State of the Aboriginal Inhabitants of New Zealand*, Auckland: W.C. Wilson for the New Zealand Government, 1859: Table Showing (as far as can be ascertained) the Aboriginal Native Population of New Zealand.

¹⁷⁴ *ibid.*, p.37.

¹⁷⁵ Ian Pool, *Te Iwi Maori: A New Zealand Population Past, Present and Projected*, Auckland: Auckland University Press, 1991, p.60

other and the various duties they ought to observe, with, whatever I could think of that might advance their social improvement; they appeared to appreciate my visit and listened attentively to my replies to their inquisitive enquiries. They are quite unacquainted with Europeans habits and customs or form of Government and seem to have had no intercourse but with a few Europeans whose evil precepts tended more to injure and debase and utterly destroy what was good in the New Zealand character, and more such persons still are numerous amongst them their baneful influence would perhaps lead to the same serious results which have to be contended with in other parts of the Island....¹⁷⁶

Fortunately, McLean added, many of these ‘worthless characters’ had disappeared from the district, while the appearance of the missionary John Whiteley on the scene held out the prospect of a more positive influence on the Mokau tribes. While McLean did not rate highly those few other Europeans resident in the district, it was clear that such individuals were subject to the same customs, practices and disputes as any other member of the community. He noted that:

A few days prior to my arrival a chief had robbed a European of all his moveable property under the pretence of having a claim on his wife who was a native and had been married some years before to her present husband by Mr Whitely. I saw this Chief on the subject, when he said that the European’s wife had been formerly living with a native who died and that by native custom his younger brother was entitled to her, that he was displeased with her father for having given her to an European and that as a relative and on behalf of the younger brother of the former husband he had taken the goods as payment, he was for some time obstinately determined to keep them, but at length with the assistance of Te Pakene the articles consisting of blankets clothes tobacco, etc. were all laid at my tent door on the morning of my departure from that Settlement.¹⁷⁷

¹⁷⁶ McLean to Chief Protector of Aborigines (George Clarke Snr.), 11 July 1845, McLean Papers, MS-Papers-0032-002, ATL.

¹⁷⁷ *ibid.*

The German-born Wesleyan missionary based at Mokau, Cort Henry Schnackenberg, was equally blunt in his assessment, observing in 1846 that the people at Mokau:

know nothing about the Queen's sovereignty...and are of opinion that they are quite strong enough not only to drive all the settlers from the island, supposing they wished to be rid of them, but also to defend themselves against any force that could be sent from England. The natives of this place however are not all disposed to quarrel with the Europeans, on the contrary they are very wishful to receive a body of settlers to whom they would sell a tract of land, but they never dream that in such an event they would lose their chieftainship in the river.¹⁷⁸

Ongoing tribal control invariably meant that settlers resident in such districts were caught up in various customary conflicts. In 1846, for example, all traffic between Mokau and New Plymouth was brought to a halt when word reached the Ngati Maniapoto chief Taonui that a curse had been uttered against him at Taranaki. The sum of about £12 in cash and property was raised from both Maori and Pakeha at Taranaki and sent off to the chief, with the tapu promptly lifted soon after in the expectation that Taonui would accept the payment in satisfaction for the offence. He deemed the sum insufficient, however, in consequence of which an even stricter tapu was imposed.¹⁷⁹

Inter-tribal conflicts or quarrels over land or fishing rights were also common, including a long-running dispute at Awaroa between Ngati Pou and Ngati Tipa which resulted in a number of deaths during 1846,¹⁸⁰ and a further confrontation between Ngati Mahuta and Ngati Tahinga at Whaingaroa in 1850.¹⁸¹ Other disputes at Whaingaroa between Ngati Mahuta and Ngati Mahanga were said to have been a key

¹⁷⁸ C.H. Schnackenberg to 'My dear brother', 11 May 1846, C.H. Schnackenberg Papers, 82-174, folder 1, ATL.

¹⁷⁹ *New Zealander*, 11 April 1846; McLean to Grey, 9 March 1846, McLean Papers, qMS-1205, ATL.

¹⁸⁰ *New Zealander*, 26 March 1846, 11 April 1846.

¹⁸¹ *New Zealander*, 16 January 1850, 2 February 1850, 23 February 1850, 28 August 1850. A disturbance in the same area earlier that same year (this time also involving Ngati Koata) had prompted the Surveyor-General to report on the complex web of customary rights in the area, though his efforts to purchase the disputed lands were rebuffed. Ligar to Grey, 2 February 1850, IA 1/1850/1988, Archives NZ.

reason why the latter tribe, under the leadership of Wiremu Nera Te Awaitaia, refused to recognise Potatau Te Wherowhero as King after 1858.¹⁸²

Given their numbers and proximity to Auckland the attitudes of the Waikato tribes to developments elsewhere remained a matter of keen concern for many settlers and officials. The Northern War between Hone Heke's followers and British troops and their allies fought between March 1845 and January 1846 prompted a variety of responses from Waikato hapu and iwi. One traveller who had passed through Rangiaowhia en route to Taranaki met with various Waikato and Ngati Maniapoto chiefs, including Te Wherowhero, Taonui and Waitara, during his stop at the settlement. He noted that although Te Wherowhero had said nothing:

all the other natives expressed the greatest anxiety about the result of the fight, at the Bay of Islands; at the same time saying that they had been informed, that supposing the English subdued Hone Heke, their next step would be to attempt the subjugation of this part of the Island, and to make the whole of the natives slaves, telling me also, that such had been the course pursued by the English in Van Diemen's Land, and at other places; that the residents of Waiapu at the Bay had told them this, and had even gone as far as to say, that such would be the course pursued towards the natives of these islands, unless they pulled down the British Flag.¹⁸³

The missionary John Morgan wrote in March 1846 that there had been 'numerous but unfounded' reports of planned Waikato attacks on Auckland during the recently-concluded Northern War. For his part, though:

I never felt uneasy at these reports, as the good feeling existing between the Government and the natives was sufficient under the restraint of the Gospel to check the temptation which presented itself of their enriching themselves by the sacking of Auckland. The troops were withdrawn and ordered to the North, so that Auckland lay naked and exposed, surrounded by powerful tribes. Had

¹⁸² *Auckland Examiner*, 16 March 1859.

¹⁸³ *New Zealander*, 5 July 1845.

the natives of the Thames or Waikato risen at the time nothing humanly speaking could have saved the town.¹⁸⁴

But of perhaps greater concern were instructions issued by the British Secretary of State for the Colonies, Earl Grey, in 1846 concerning Maori ownership of the so-called 'waste lands', that is lands not cultivated or occupied in accordance with accepted British practices. Earl Grey had (as Lord Howick) in 1844 chaired a British parliamentary select committee which condemned the Treaty of Waitangi as 'part of a series of injudicious proceedings' in New Zealand, besides declaring that:

the acknowledgment by the local authorities of a right of property on the part of the Natives of New Zealand, in all wild lands in those Islands, after the sovereignty had been assumed by Her Majesty, was not essential to the true construction of the Treaty of Waitangi, and was an error which has been productive of very injurious consequences.¹⁸⁵

Controversy over the extent of Maori land rights that were to be recognised prompted the then Secretary of State for the Colonies, Lord Stanley, to in 1845 declare:

I repudiate, with the utmost possible earnestness, the doctrine maintained by some, that the treaties which we have entered into with these people are to be considered as a mere blind to amuse and deceive ignorant savages. In the name of the Queen I utterly deny that any treaty entered into and ratified by Her Majesty's command, was or could have been in a spirit thus disingenuous, or for a purpose thus unworthy. You [Governor Grey] will honourably and scrupulously fulfil the conditions of the treaty of Waitangi.¹⁸⁶

Stanley further clarified his position during a debate in the House of Lords on 10 July 1845. During the debate, he stated that:

¹⁸⁴ Morgan to CMS, 11 March 1846, Morgan Letters and Journals, p.196, qMS-1390, ATL.

¹⁸⁵ Report of the Select Committee on New Zealand, GBPP, 1844 (556), pp.12-13.

¹⁸⁶ Lord Stanley to Governor Grey, 13 June 1845, GBPP, 1846 (337), p.70.

I am not prepared to say that there may not be some districts wholly waste and uncultivated – there are such in the northern island – but they are few in number; but I know that a large portion of the district in question is distributed among various tribes, all of whom have as perfect knowledge of the boundaries and limits of their possessions – boundaries and limits in some places natural, in others artificial – as satisfactory and well defined, as were, one hundred years ago, the bounds and marshes of districts occupied by great proprietors and their clans in the Highlands of Scotland. With respect to the greater portions of New Zealand, I assert that the limits and rights of tribes are known and decided upon by native law. I am not prepared to say what number of acres in New Zealand are so possessed; but that portion which is not so claimed and possessed by any tribe, is, by the act of sovereignty, vested in the Crown. But that is a question on which native law and custom have to be consulted. That law and custom are well understood among the natives of the islands. By them we have agreed to be bound, and by them we must abide. These laws – these customs – and the right arising from them on the part of the Crown – we have guaranteed when we accepted the sovereignty of the islands; and be the amount at stake smaller or larger; so far as native title is proved – be the land waste or occupied – barren or enjoyed, those rights and titles the Crown of England is bound in honour to maintain; and the interpretation of the Treaty of Waitangi, with regard to these rights, is, that, except in the case of the intelligent consent of the natives, the Crown has no right to take possession of land, and having no right to take possession of land itself, it has no right – and so long as I am a Minister of the Crown, I shall not advise it to exercise the power – of making over to another party that which it does not itself possess.¹⁸⁷

Stanley thus ruled that the full extent of Maori land rights would need to be determined in accordance with Maori custom, regardless of the manner in which those lands were being utilised. That stood in marked contrast to those proposing a narrow test of ownership based on the expenditure of capital or labour over particular tracts of land.

¹⁸⁷ http://hansard.millbanksystems.com/lords/1845/jul/10/new-zealand#S3V0082P0_18450710_HOL_60 (accessed 4 November 2010).

But just when it seemed as if debate as to the practical effect and meaning of the land guarantee in the Treaty of Waitangi had been brought to an end, Earl Grey took over at the Colonial Office. And in a despatch to Governor Grey containing a new charter and constitution for the colony, he reiterated the principles enunciated by him in 1844. He noted that '[t]he opinion assumed, rather than advocated, by a large class of writers on this and kindred subjects is, that the aboriginal inhabitants of any country are the proprietors of every part of its soil of which they have been accustomed to make any use, or to which they have been accustomed to assert any title'. From this doctrine, Earl Grey, declared, 'I entirely dissent':

The Islands of New Zealand are not much less extensive than the British Isles and capable probably of supporting as large a population, while that which they actually supported has been variously estimated, but never I believe so high as 200,000 souls. To contend that under such circumstances civilized men had not a right to step in and take possession of the vacant territory, but were bound to respect the supposed proprietary title of the savage tribes who dwelt in but were utterly unable to occupy the land, is to mistake the grounds upon which the right of property in land is founded...I must regard it a vain and unfounded scruple which would have acknowledged their right of property in land which remained unsubdued to the uses of man. But if the savage inhabitants of New Zealand had themselves no right of property in land which they did not occupy, it is obvious that they could not convey to others what they did not themselves possess, and that claims to vast tracts of waste land, founded on pretended sales from them are altogether untenable. From the moment that British dominion was proclaimed in New Zealand, all lands not actually occupied in the sense in which alone occupation can give a right of possession ought to have been considered as the property of the Crown in its capacity as Trustee for the whole community....

Such are the principles upon which, if the colonization of New Zealand were only now about to begin, it would be my duty to instruct you to act; and though I am well aware that in point of fact you are not in a position to do so, and that from past transactions a state of things has arisen in which a strict application of these principles is impracticable, I have thought it right that they should be thus

explicitly stated in this despatch (as they are in the Royal instructions to which it refers), in order that you may clearly understand that although in many respects you may be compelled to depart from them, still you are to look to them as the foundation of the policy which, so far as in your power, you are to pursue....¹⁸⁸

Governor Grey was thus effectively instructed to confiscate uncultivated or ‘unoccupied’ Maori lands to the extent that he was able to do so, and pursuant to this policy was also required to register all lands actually occupied or owned by Maori and Europeans in the colony so that ‘the whole of the remainder of the territory’ could then be declared to be the royal demesne. As Rutherford commented, ‘[t]here is a marked muddle-headedness in this ponderous piece of Colonial Office prose’.¹⁸⁹ Wishful thinking, it seems, remained a strong element in British policy by 1846.

Governor Grey, fearing the likely Maori response to attempting to effectively confiscate such lands for the Crown as the instructions required, instead played for time and waited for word of the backlash against the plans to filter back to London. Meanwhile, he developed alternative proposals towards the same end. Crown recognition of native title to the ‘waste lands’ did not necessarily imply a costly and protracted process to extinguish this, the governor argued, since an ‘allied principle’ lay in pre-emption. In short, substantial areas of Maori land could be made available for colonisation purposes at merely nominal prices provided the Crown’s exclusive right of purchase was rigorously enforced and purchases kept in advance of settlement.¹⁹⁰

But in the lengthy period in which the fate of the wastelands instructions remained uncertain tensions were high. Many Maori were (through personal observation on journeys to Port Jackson and by other means) well aware of the fate of the Australian Aborigines and from the outset of European settlement in New Zealand fears

¹⁸⁸ Earl Grey to Governor Grey, 23 December 1846, GBPP, 1847 (763), pp.67-69.

¹⁸⁹ J. Rutherford, *Sir George Grey, K.C.B., 1812-1898: A Study in Colonial Government*, London: Cassell, 1961, p.168.

¹⁹⁰ Governor Grey to Earl Grey, 15 May 1848, Turton (comp.), *Epitome*, A.1 Part I, pp.48-50. See also Vincent O’Malley, ‘Treaty-Making in Early Colonial New Zealand’, *New Zealand Journal of History*, vol.33, no.2, October 1999, pp.137-154; Michael Belgrave, ‘Pre-emption, the Treaty of Waitangi and the Politics of Crown Purchase’, *New Zealand Journal of History*, vol.31, no.1, April 1997, pp.23-37.

circulated that they would one day suffer a similar fate. At a stroke, Earl Grey's instructions appeared to confirm their worst fears. One European who had attended a meeting at which Te Wherowhero, Kati and a number of other Waikato chiefs were in attendance alongside the Ngati Toa chief Te Rauparaha (who had earlier been seized and shipped to Auckland by Grey)¹⁹¹ observed that:

Though they know well the purport of Earl Grey's dispatch, yet they seem quite incapable of comprehending that there is any real intention of depriving them of their lands; nor is it likely they will believe so, until some overt act is attempted by us. Their suspicions are now, however, completely aroused, so that the slightest act on the part of the government regarding their lands, of a character different to what has hitherto existed, will convert these suspicions into certainty, and we should never be able to persuade them to the contrary. Indeed we much fear that our moral power is already entirely gone. They must now look upon us as a nation of deceivers for how shall the honest and straightforward man now answer them when they put the oft-repeated question, "Does the Queen intend taking our lands?" Shall we lie ourselves, or shall we make the crown the deceiver?¹⁹²

Te Wherowhero, Kati, Tamati Ngapora and two other Waikato chiefs appealed to the Queen directly on this issue in November 1847, writing to her that:

Madam, listen, news is going about here, that your Ministers are talking of taking away the land of the native[s] without cause, which makes our hearts dark. But we do not believe this news, because we heard from the first Governor, that the disposal of the land is with ourselves (or at our own option). And from the second Governor we heard the same word; and from this Governor. They have all said the same. Therefore we write to you that you

¹⁹¹ Te Rauparaha had recently been released from captivity on board the *Calliope* but effectively remained under house arrest in Auckland, and some rumours had it that Te Wherowhero had hinted that Waikato would soon be in arms if he was not set at liberty. *Southern Cross*, 7 August 1847. However, an earlier approach from the chief's nephew to Ngati Maniapoto and Waikato had received short shrift. See the correspondence in McLean Letterbook, qMS-1206, ATL.

¹⁹² *Southern Cross*, 10 July 1847.

may be kind to us, to your friends that love you. Write your thoughts to us, that peace may prevail among the natives of these islands.¹⁹³

Under pressure on various fronts, by 1848 the Colonial Secretary backed down, and reassurances were issued that Maori rights under the Treaty would be scrupulously respected. Te Wherowhero and the other Waikato chiefs were informed that:

there is not the very least foundation for the rumours relative to the taking-away of your lands, to which you allude, and...it never was intended that the Treaty of Waitangi should be violated by dispossessing the tribes which are parties to it of any portion of the land secured to them by the Treaty, without their consent. On the contrary, Her Majesty has always directed that the Treaty of Waitangi should be most scrupulously and religiously observed.¹⁹⁴

A significantly expanded programme of Crown purchasing, based on the old principle of buying cheap and selling dear, was henceforth introduced. Allied with this were a range of other initiatives aimed at securing the confidence of Maori communities and expanding Crown influence and control over the tribes. Although the office of Protector of Aborigines had been established pursuant to Normanby's August 1839 instructions, Grey was quick to abolish it, claiming the Protectorate had delivered few benefits to Maori.¹⁹⁵ He instead established hospitals open to both Maori and Pakeha, though mainly intended for the former, introduced an Education Ordinance in 1847 providing for state subsidies to mission schools for Maori children, and provided the framework for the appointment of influential Maori chiefs in each district as salaried Assessors able to adjudicate on minor disputes within their communities under the supervision of Resident Magistrates. Loan funds were also made available to Maori communities for the purchase of livestock, agricultural implements, flourmills, ships and other goods.¹⁹⁶

¹⁹³ Te Wherowhero and others to Queen Victoria, 8 November 1847, GBPP, 1847-48 [1002], p.16.

¹⁹⁴ Governor Grey to Potatau Te Wherowhero, 31 October 1848, Turton (comp.), *Epitome*, A.1 Part I, p.51.

¹⁹⁵ Grey to Earl Grey, 4 February 1847, GBPP, 1847 (837), p.92.

¹⁹⁶ Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland: Auckland University Press/Oxford University Press, 1973, pp.72-91.

Many of these so-called ‘flour and sugar’ policies were eagerly embraced by the wider Waikato tribes, whose own economic expansion was in many instances aided by loans and other forms of practical assistance from the Crown. They proved reluctant to part with their lands on anything like the scale the Crown hoped for, however, despite generally positive relations with Grey. That relationship was personified in the dealings between Grey and Potatau Te Wherowhero. The chief travelled extensively with the governor as part of ‘a miniature Maori court in attendance on vice-royalty’ and was prevailed upon in 1849 to settle at Mangere along with some of his followers in order to strengthen Auckland’s potential defences in the event of an attack by hostile Maori.¹⁹⁷ In 1853 Grey awarded the chief an annual pension for life in recognition of ‘the obligations the Government of this Country are under to you for the uniform aid and assistance it, together with all classes of Her Majesty’s subjects have now for so many years uniformly experienced from you.’¹⁹⁸

Grey’s departure from New Zealand late in 1853 prompted a petition to Queen Victoria from many of the leading chiefs of Waikato calling for him to be allowed to remain their governor.¹⁹⁹ Less than a decade later many of those same chiefs would be in arms against the government, in consequence of Grey’s decision to order the invasion of the Waikato. Supposedly unwarranted Waikato intervention in Taranaki affairs was one of the key reasons proffered by Crown officials in justification for such an attack. Nonetheless, as we shall see below, Ngati Maniapoto and other Waikato iwi had long played a significant part in the affairs of that province (and, indeed, in some cases were actively encouraged to do so by officials). It is to Taranaki that we turn next.

3.4 Early Taranaki Dealings

Land continued to remain the greatest source of concern and fear as to the government’s intentions, especially following the New Zealand Company’s purported

¹⁹⁷ Rutherford, *Sir George Grey*, p.209. However, some sources wrongly claim that Te Wherowhero was one of two Maori esquires appointed when Grey received his knighthood in 1848.

¹⁹⁸ Grey to Te Wherowhero, [c.October 1853], IA 1/1853/2475, Archives NZ.

¹⁹⁹ Enclosure in Grey to Newcastle, 23 December 1853, GBPP, 1860 [2719], p.10.

purchases in 1839 and 1840 of much of the Taranaki district from tribes which Waikato and Ngati Maniapoto claimed to have conquered.²⁰⁰ In October 1839 Colonel William Wakefield claimed, on behalf of the New Zealand Company, to have purchased some 20 million acres of central New Zealand, extending from the south head of the 'River or Harbor of Mokao [sic]' in the North Island all the way to the Hurunui River in the South Island, from Te Rauparaha and a handful of other chiefs.²⁰¹ That purported purchase was so preposterous that even the New Zealand Company abandoned any serious claims to land by virtue of it.²⁰² The Land Claims Commissioner William Spain told missionary Octavius Hadfield that he treated the deed 'as waste paper'.²⁰³ Hadfield added that 'Colonel Wakefield told me that he never had any intention of taking possession of any land under that deed, and it was only intended "to throw dust in the eyes of the Sydney land sharks," that he might keep them away, or that if they came he could assert a primary claim to the land, which would invalidate any other claim.'²⁰⁴ Absentee owners in the Cook Strait region meanwhile had their own reasons for entering into such an arrangement. Wakefield recorded in November 1839, for example, that 'some of the ancient possessors of Taranaki...are very desirous that I should become the purchaser of that district, in order that they may return to their native place without fear of the Waikato tribes.'²⁰⁵

Efforts were subsequently made to secure agreement to more localised deeds, though negotiations at Taranaki took place within a context of considerable fear and uncertainty. New Zealand Company naturalist Ernst Dieffenbach, who spent more than two months at Taranaki during the signing of the various deeds, observed that at Sugarloaf Point, or Nga Motu, there were only about 20 Taranaki Maori resident (while the whole district between Taranaki and Mokau was said to be devoid of a

²⁰⁰ Ann Parsonson, 'Nga Whenua Tautohetohe o Taranaki: Land and Conflict in Taranaki, 1839-59', (report commissioned by the Waitangi Tribunal), November 1991, Wai-143, #A1(a), pp.14-22.

²⁰¹ Turton's Deed No.429, <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g14-g6.html> (accessed 15 June 2010).

²⁰² Waitangi Tribunal, *The Taranaki Repor: Kaupapa Tuatahi*, Wellington: GP Publications, 1996, pp.22-23.

²⁰³ Minutes of Evidence, 14 August 1860, AJHR, 1860, E-4, p.13.

²⁰⁴ *ibid.*

²⁰⁵ Extracts from First Despatches of Colonel Wakefield to the New Zealand Company, After his Arrival in New Zealand, 2 November 1839, AJHR, 1861, C-1, p.164.

single inhabitant). Upon encountering Dieffenbach and Company translator Richard Barrett, the Nga Motu group:

In a singing strain of lamentation...related their misfortunes and the continual inroads of the Waikato. The scene was truly affecting, and the more so when we recollect that this small remnant had sacrificed everything to the love of their native place. I perceived in the evening how much they stood in dread of the Waikato. A fire had been observed in the direction of Kawia [sic], and the fear that the Waikato were again on their way to Taranaki kept them awake during the greater part of the night.²⁰⁶

Dieffenbach reported that in January 1840 two Taranaki Maori who had been captured and enslaved by Waikato arrived back in the district from Kawhia. Besides bringing news of developments further south at Waikanae, Dieffenbach recorded that:

They also told us that the Waikato were prepared to make an immediate descent on us, in order to prevent the natives of Taranaki from selling any of the land, which they regarded as their property.²⁰⁷

He subsequently found it impossible to sleep in consequence of constant speculation as to the anticipated attack from Waikato (which had prompted many people to seek refuge on the Sugarloaf Islands),²⁰⁸ and although this did not follow, their ongoing claims in respect of Taranaki remained very much in evidence. Furthermore, former Wesleyan missionary William White had gone so far as to enter into a deed of purchase for the whole of the lands between the Whanganui and Mokau rivers in competition with the New Zealand Company. The signatories to his agreement, which was signed on 28 January 1840, were chiefs of Waikato and Ngati Maniapoto.²⁰⁹ Among the signatories to the deed signed at Kawhia were Haupokia Te Pakaru and Rangituatea, Kiwi of Ngati Mahuta, Muriwhenua and Wiremu Nera Te Awaitaia of

²⁰⁶ Dieffenbach, *Travels in New Zealand*, vol.1, p.138.

²⁰⁷ *ibid.*, pp.163-164.

²⁰⁸ John Whiteley, Journal, 22-24 January 1840, pp.105-106, MS-Copy-Micro-0769, ATL.

²⁰⁹ Angela Caughey, *The Interpreter: The Biography of Richard 'Dicky' Barrett*, Auckland: David Bateman, 1998, pp.129-131.

Ngati Mahanga and Ngati Hourua from Whaingaroa.²¹⁰ They received goods to the value of £30 out of a total promised payment of £1000.²¹¹

White meanwhile managed to win over the support of Wesleyan missionary John Whiteley through an agreement to grant the mission any land in Taranaki they were able to pay for, while in another unusual condition of the deed the signatories agreed that Catholic missionaries would be permanently excluded from Taranaki.²¹² New Zealand Company representative Colonel William Wakefield was also warned off further dealings in Taranaki. White informed Wakefield that:

he had bought the land bounded by the *Wanganui* and *Mokau* rivers, and a line between their sources, from the *Waikato* and *Ngatimaniapoto* tribes; and that if we persisted in buying this district from the resident natives, those former conquerors had determined to recommence hostilities, or to claim the protection of the British Government in securing their rights.²¹³

Ann Parsonson comments that the only effect White's deed with Waikato and Ngati Maniapoto chiefs in respect of Taranaki could possibly produce 'was an ineradicable determination in Ati Awa to complete their own sale as soon as possible – and to extract more payment from the Company.'²¹⁴

Wakefield entered into two further deeds with resident Taranaki Maori (see figure 6), both of which were dated 15 February 1840. The Nga Motu deed purported to transfer to the Company lands between the 'Wakatino' (Mohakatino) River and Hauranga on the coast,²¹⁵ while the second deed extended south as far as Stony River. Both deeds had been signed subsequent to Lieutenant-Governor William Hobson's proclamation of 30 January 1840 forbidding all future private land dealings with Maori and

²¹⁰ Parsonson, 'He Whenua Te Utu', p.232.

²¹¹ *ibid.*, p.233.

²¹² *ibid.*; John Whiteley, Journal, 22-24 January 1840, pp.103-105, MS-Copy-Micro-0769, ATL. For copies of the deed of 28 January 1840 (along with an earlier one dated 16 January 1840) and White's agreement with the WMS see John Whiteley, Papers, MS-Papers-0484, ATL.

²¹³ E.J. Wakefield, *Adventure in New Zealand, From 1839 to 1844; With Some Account of the Beginning of the British Colonization of the Islands*, 2 vols, London: John Murray, 1845 (Wilson & Horton facsimile edition), vol.1, p.169.

²¹⁴ Parsonson, 'He Whenua Te Utu', p.234.

²¹⁵ Extract from Deed of Sale by Natives Resident at Taranaki to the New Zealand Company, 15 February 1840, AJHR, 1861, C-1, pp.165-166.

subsequent to the signing of the Treaty of Waitangi on 6 February 1840, with its pre-emptive clause in favour of the Crown (at least in the English translation).

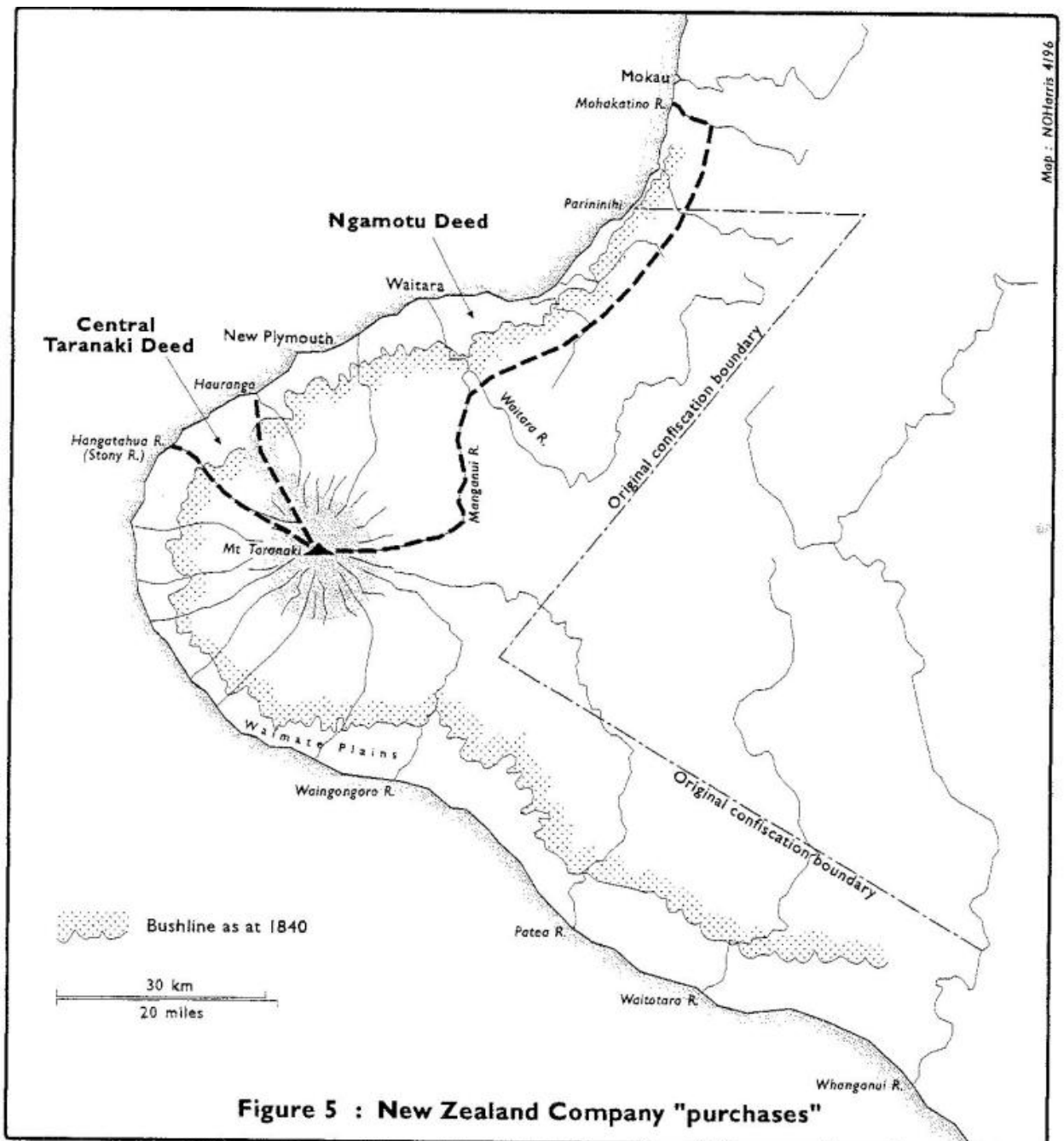


Figure 6 New Zealand Company Taranaki Transactions

(Source: Waitangi Tribunal, *Taranaki Report*, p.24)

White never completed his own purchase. He received a valuable piece of land in return for surrendering all of his land claims, but meanwhile further Waikato claims were stirred up by these events. Te Wherowhero, in particular, was said to have been greatly irritated by the share of White's payment previously offered him, and continued to press for further recognition.²¹⁶ By the mid-1840s large numbers of former Taranaki captives were allowed to return to their homes by Waikato and Ngati Maniapoto chiefs in what Parsonson describes as a 'series of competitive grand Christian gestures'.²¹⁷ Those gestures were not, however, without strings. According to Parsonson the Waikato and Ngati Maniapoto chiefs reasoned that the presence of their former taurekareka (captives or slaves) at New Plymouth would serve to remind all of Te Atiawa of the nature of Waikato interests in Taranaki.²¹⁸

Waikato claims over Taranaki were also acknowledged by Crown officials after 1840. John Whiteley recorded in his journal in July 1841 having encountered a chief named Te Waru:

He has just returned from Auckland where he has seen the Governor and a great many things new and strange to him. He, the Governor, says, the Taranaki land belongs to the Waikato tribes and in the summer he shall come here with a vessel and after assembling the chiefs, shall proceed with them to see the place.²¹⁹

Forwarding the Chief Protector's half-yearly report to the Secretary of State for the Colonies in December 1841, Governor William Hobson highlighted this claim, declaring that the 'extremely powerful' Waikato tribe under Te Wherowhero had:

conquered and drove away the Ngati-awas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the river Waikato.

²¹⁶ Parsonson, 'He Whenua Te Utu', pp.234-237.

²¹⁷ *ibid.*, p.236.

²¹⁸ *ibid.*

²¹⁹ John Whiteley, Journal, 6 July 1841, p.138, MS-Copy-Micro-0769, ATL.

Some five years after that conquest, he explained, Colonel Wakefield visited the country, and bought a considerable portion of it from ‘the few Ngati-awas who had resumed their habitations on the retreat of Te-whereo-whereo’:

Now Te-whereo-whereo claims the country as his by right of conquest, and insists on it that the remnant of the Ngati-awas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, “Now as long as I choose to keep this weight here, the papers remain quiet, but if I remove it, the wind immediately blows them away; so it is with the people of Taranaki;” alluding to his power to drive them off.²²⁰

In Hobson’s view, Te Wherowhero ‘certainly has a claim to the land, but not a primary one, as the received rule is, that those who occupy the land must first be satisfied.’ But, Hobson added, ‘he is the most powerful chief in New Zealand, and I fear will not be governed by abstract rights, but will rather take the law into his own hands.’²²¹ Earlier Hobson had advised the Secretary of State for the Colonies that ‘At Taranaki the powerful tribe of the Waikato threatens to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest.’²²² In December 1841 a party of Waikato Maori led by Te Kaka travelled to New Plymouth to press their claims, their presence in the district causing considerable alarm among some of the settlers.²²³

Hobson reluctantly decided to encourage Te Wherowhero to accept ‘a moderate compensation’ for his claim, and on 31 January 1842 the Waikato chief and his brother Kati, also known as Takiwaru, consented to accept, on behalf of ‘the tribes of Waikato’, the sum of £150 cash, along with two horses, two saddles, two bridles, and 100 blankets, for their interests in an area extending from Tongaporutu River in the

²²⁰ Hobson to Secretary of State for the Colonies, 15 December 1841, GBPP, 1842 (569), p.188.

²²¹ *ibid.*

²²² Extract from Despatch from Hobson to Secretary of State, 13 November 1841, AJHR, 1861, C-1, p.167.

²²³ B. Wells, *The History of Taranaki: A Standard Work on the History of the Province*, New Plymouth: Edmondson & Avery, 1878, pp.76-77. The group was eventually persuaded to return home after receiving some small presents.

north to Waitotara in the south.²²⁴ In a letter from Te Wherowhero to some of the leading chiefs of Te Atiawa written in 1844, Te Wherowhero explained that his exclusion from the original transaction had prompted the demand for payment. He also went on to warn the Taranaki tribes not to interfere with the settlers but instead to calmly await the governor's decision with respect to their unresolved claims. He wrote:

Friends Te Puke Whiti & Poharama, it is right you have sold your land viz Taranaki and you received goods for the Chiefs of Waikato viz. for Waitara Pakaru Ngatapu Paora & Muriwhenua all these Chiefs received payment but I have received none. Now the evil was commenced some time ago Tawhakarongo was my man, when he was dead you gave me Ngamotu. Tuherana was the second place that I received no payment from you. You were wrong, that is why I went to sell a piece in order to receive payment. You were in the wrong. If any Chief of Waikato sold it I should have said nothing. Friend I will not go to you. Friend Poharama be kind to the Europeans. The Governor will decide for the natives. Friend mind the Europeans and do not send them off their places because friend the Governor has got it (the land) (meaning that it is in the Governors hands) be like me I am kind to my Europeans be kind to your Europeans. You were wrong because the Governor...has bought your land leave off old customs you have taken to the word of God. Poharama do not adopt Rauparaha's plan it is very bad (meaning the affray at Wairau).

Poharama Whiti Eruera & te Puke do not let your hearts be dark at this my speech. Friends do not send the Europeans off the land – or it will not be well with you and the Governor.²²⁵

This was far from the end of all contention with respect to interests in the Taranaki district, however, and indeed one witness before the 1844 Select Committee on New

²²⁴ Deed of Sale from Te Wherowhero, 31 January 1842, AJHR, 1861, C-1, pp.167-168.

²²⁵ Te Wherowhero to Te Puke Whiti and Poharama, 27 March 1844, McLean Papers, MS-Papers-0032-001, ATL.

Zealand, asked whether the manner in which the government had treated native titles to lands had not raised up a whole host of ‘indefinite rights’, replied:

Yes; of which I should consider the additional payment of Te Whero-Whero, for the lands at New Plymouth, the sole cause. No sooner was he paid by preferring a claim of that kind, than other natives came and preferred such claims also; and there was scarcely a district of land in New Zealand bought by the Company or by the Government, but was claimed in some way or other on this account, though at the same time I must remark that the natives very rarely, if ever, set up a claim against the original settlers on that account; it was only against the Company and the Government.²²⁶

In many cases the government was forced to accept the legitimacy of these later claims, further exposing the fatal flaws in the original ‘purchases’. Governor Thomas Gore Browne observed many years later with respect to the 1842 deed signed with Te Wherowhero and Kati that:

It does not appear that Governor Hobson obtained any formal cession of their rights from the Ngatimaniapoto chiefs, who, with Te Wherowhero, were the joint conquerors of the Ngatiawa; but Tamati Ngapora, Te Wherowhero’s brother, told me not long since that the Ngatimaniapoto got the whole payment, and that his brother was very angry, and said he would have been satisfied with even a blanket as a token of recognition. During his visit to the Ngatimaniapoto chiefs at Kawhia in April, 1842, Governor Hobson acquainted them with his purchase, and gave them permission to occupy a part of the land within the boundary, distinctly warning them at the same time that they were not to interfere with the European settlement at New Plymouth, and desiring the Resident Magistrate there to point out to them the English boundary.²²⁷

²²⁶ G.B. Earp, Minutes of Evidence, 13 June 1844, GBPP, 1844 (556), p.112. The same witness claimed to have counselled Hobson against recognising Te Wherowhero’s claim, warning the government ‘that he would have hundreds of applications from other parties’ if he paid the chief for his interests.

²²⁷ Browne to Colonial Secretary, 4 December 1860, Turton (comp.), *Epitome*, F. – On the Tenure of Native Lands, p.33.

Browne's statement constitutes important official recognition that whatever interests Ngati Maniapoto may have had in Taranaki had never been formally acquired by the Crown. This is significant when it comes to considering the impact of the Taranaki raupatu on Rohe Potae hapu and iwi, since it is clear that any unextinguished customary interests inside the raupatu boundaries were effectively confiscated in the 1860s. Only a very brief account of Governor Hobson's April 1842 visit to Kawhia appears to exist. He wrote from Kawhia to Captain King, the New Plymouth Police Magistrate at the time, stating that:

I find you have had a friendly visit from this branch of the Waikatos, who now express a wish to settle and cultivate in your neighbourhood; and I have purchased Te Whero Whero's claims, as well to your block of land as that which extends 30 miles to the north of what Colonel Wakefield pointed out to me as your northern boundary. I have permitted them to settle near you, but by no means to infringe upon you.

They will locate on your northern frontier within the limits I acquired by purchase from Te Whero Whero, and I trust you may find them as good neighbours as the natives are about Auckland.

Have the goodness to point out to Mr. Whitely your boundary line, and inform him, on behalf of the natives, where they may go without interfering with the settlers. I do not contemplate their having more land than they choose to cultivate, which certainly will not exceed 100 or 200 acres.²²⁸

It is not apparent that Hobson's promise to allow Ngati Maniapoto a right of occupation inside Taranaki (subsequently clarified to extend as far south as Urenui) had any impact on those rights, other than constituting an implicit form of recognition of their existence.

There is some evidence to indicate that the issue of occupation rights was brought up at this time in part because Waikato, Ngati Maniapoto and other groups were anxious

²²⁸ Hobson to Captain King, 25 April 1842, GBPP, 1846 (203), p.70.

to secure for themselves some of the perceived benefits of Pakeha settlement that their erstwhile captives were by this time seen to be enjoying. In July 1843 numerous rumours circulated among the settlers of New Plymouth regarding a possible hostile visit from the Waikato tribes. But the Company's Resident Agent, observing that the Waikato tribes 'dread the hostility of the whites', noted that:

In fact the principal object of their movement would be to obtain for themselves the advantages of the European connection which are enjoyed by the resident Maoris, almost all of whom have till very lately been slaves to the Waikatos. Their former slaves have now a much better supply of blankets, tobacco, and double-barrelled guns, than they have or can hope to procure, except from intercourse with the European settlers.²²⁹

Indeed, an 1844 report from the Protector of Aborigines, T.S. Forsaith, makes it quite clear that such rights continued to be asserted in unequivocal fashion. He reported 'the sentiments of the Kawhia and Ngatimaniapoto Chiefs' as conveyed to him shortly before departing for New Plymouth:

You are now going to Taranaki; listen to our parting words. That land is ours. We claim it by right of conquest, and some part of it by possession. We have power to enforce our claim if we choose, but our inclination is for peace, not war. The Governor who is dead [Hobson] professed to buy the interests of the Waikatos in the lands of Taranaki, and paid Te Wherowhero for them. Te Wherowhero had a perfect right to sell his own or his tribe's interest, but not ours; he was not the principal man in subjugating Taranaki, many were before him; we do not recognize his sale; we might insist on our right to a payment equal to Te Wherowhero, but we are not so very anxious about that; we want Europeans. You have told us that the Governor will do all in his power to send them to us: now we will wait a reasonable time: if they come, well; if not, we must go to them. We hold the late Governor's permission to locate any of the lands at Taranaki, provided we do not go south of Urenui.²³⁰

²²⁹ J.T. Wicksteed to Colonial Wakefield, 31 July 1843, cited in Wells, *History of Taranaki*, p.97.

²³⁰ T.S. Forsaith to Governor FitzRoy, 22 October 1844, GBPP, 1861 [2798], p.215.

With respect to the tribes of Taranaki, Forsaith was further reminded that:

We sent the present occupants of Taranaki home to the land of their fathers; we did so from the influence of Christian principles, but we did not send them back to assume the airs of superiority they have done, or to molest the Europeans. They have Europeans, but do not know how to treat them; we, who would treat them well, cannot get them. We are therefore determined, in the event of no Europeans coming to us, to go back and resume our rights. We shall not go in hostile mood, though we shall go prepared to resist opposition. If kindly received and treated with respect by our former captives, we shall simply arrange for our joint occupation of the land; but on the contrary, if opposed, we shall take the matter into our own hands, and settle their disputes with the Europeans in our own way. Go and tell the Ngatiawa (Taranaki Natives) that the Waikato Chiefs remind them that the land is theirs, and advise them to settle their dispute with the Europeans [sic], or the Waikatos will settle it for them.²³¹

While Forsaith's report provided clear evidence of ongoing assertions of interest in the Taranaki district on the part of Ngati Maniapoto and other Waikato groups, FitzRoy overlooked this in a memorandum on the Taranaki land question penned just a few months later. In this, the governor outlined the background to the 1840 deed signed with the New Zealand Company. He wrote that:

In February 1840 Mr. John Dorset and a few natives of the Ngamotu and Puketapu branches of the Ngatiawa tribe executed a deed purporting to convey certain lands to the New Zealand Company. The principal parties to this transaction were Messrs. John Dorset, Jerningham Wakefield, Richard Barrett, and about 40 native men and boys.

The deed above mentioned refers to chiefs and their signatures only, whereas not one-third of those that signed were chiefs even of the lowest degree, and not one was a chief of any note.

²³¹ *ibid.*

They were a small party of refugees from the conquering Waikato tribe, who had recently overrun the Taranaki district. From these men the boundaries of lands owned or claimed by the whole Ngatiawa tribe, were obtained by description, and were set down in the aforesaid deed, but the natives who gave them were ignorant of the purpose for which they were sought.

At this time all the families of the Ngatiawa tribe, one of the largest in New Zealand, were scattered along the coast between Otaki, Porirua, and Petoni [sic], or on the northern shores of the Middle Island, or were in captivity among the Waikato, who had lately invaded and desolated the Taranaki and Waitera [sic] country; and these beautiful districts, excelling in soil, climate, abundance of wood and water, level country, and the best flax (tihore), were temporarily depopulated. But although they were thus almost without inhabitants at the time of the Company's supposed purchase of the whole country near Taranaki and the Waitera, they were neither wholly deserted nor permanently abandoned, as the presence of a small remnant of the Ngatiawa tribe at Ngamotu proves.²³²

The ongoing presence in the district of at least some Te Atiawa was beyond dispute. What was more contested was the basis upon which they remained on (or returned to) the district, along with the extent to which Waikato conquest had been followed up by actual occupation. On this point FitzRoy was unequivocal. He wrote that:

These districts were not occupied or settled in any way by the Waikato, who merely overran them, and then immediately retired to their own country, without cultivating the soil or constructing dwellings. Nevertheless, as the Waikato claimed to be the conquerors of the Waitera [sic] and Taranaki country, and were not only nearer at hand, but much more formidable than the dispersed Ngatiawa, it was thought advisable to make a considerable payment

²³² Memorandum by Governor FitzRoy on the Taranaki Land Question, 2 December 1844, GBPP, 1861 [2798], p.300.

to the principal chief of that powerful tribe, in consideration of his claim on behalf of the Waikato generally.²³³

FitzRoy failed to acknowledge Hobson's subsequent decision to allow Ngati Maniapoto to settle in northern Taranaki or concerns raised over the extent to which the deed with Te Wherowhero and his brother constituted a valid extinguishment of the claims of all of Waikato.²³⁴ He noted that:

Early in 1842 the influence of Christian teaching induced the Waikato to release their so-called slaves from captivity, and allow them to return to their own land. Some availed themselves of this freedom; others stayed among the Waikato, by their own choice. Those who returned to the land of their fathers found that some of it was occupied by strangers, who said they had bought it, and that it was no longer the land of the Maori.

Parts of this land so claimed were all, or the greater portion of, the only places on which these returned Ngatiawa could locate themselves, without intrusion, on ground claimed by others, and they disputed the right of the stranger by various annoying methods short of actual hostility; they cut down his trees; they refused to let him extend his cultivation; they stopped up his roads, and threatened him with personal violence.

Altercations of course ensued; disputes increased, and became more serious as more natives returned, not only from Waikato, but from the southern region, which they found less inviting than the land of their birth.²³⁵

FitzRoy went on to note the steps taken to deal with the Te Atiawa claims. In June 1844 the Land Claims Commissioner William Spain conducted a formal investigation into the Company's claims at New Plymouth. Summarising the results of this investigation, FitzRoy noted that:

²³³ *ibid.*

²³⁴ Despite this, his statement with respect to the failure of the Waikato tribes to occupy Taranaki were still being cited many years later, including in the British House of Commons. <http://hansard.millbanksystems.com/commons/1861/apr/11/resolution> (accessed 17 May 2010).

²³⁵ Memorandum by Governor FitzRoy on the Taranaki Land Question, 2 December 1844, GBPP, 1861 [2798], p.300.

Mr. Spain's opinion was against the claim of the Ngatiawa. He considered that their country had been conquered by the Waikato, to whom adequate payment had been made, and that the right to sell lay in them and the few persons in actual possession at the time of purchase. He considered that those who had been taken prisoners and carried into captivity had forfeited all right and title to their land; and that the other Ngatiawa had parted with their claim by having abandoned or lost their country.²³⁶

Spain therefore ruled that the purchase made by the New Zealand Company was a valid one, and that no further payment was required. In a letter to FitzRoy the commissioner explained that he had received no claim to Taranaki on the part of the Waikato tribes and had not heard or received any evidence of their occupation within the New Zealand Company block.²³⁷ But that was hardly surprising, since the Waikato chiefs had taken no part in his inquiry and there was little incentive for any other party to talk up Waikato interests. And there could have been any number of reasons why the Waikato tribes did not attend Spain's inquiry, including simply not being aware that it was to take place. In any case, Spain was fully alive to the fact that the Waikato tribes continued to assert their claims over Taranaki in different ways. He noted, for example, that:

Previous to entering upon the case, and several times after its commencement, I inquired of Mr. Clarke²³⁸ whether he considered it would be expedient to offer any further payment to the claimants; but he informed me that this could not be done with safety, and that he had not the slightest chance of getting the Natives to accept a compensation; that if they received any further payment, the Waikato would immediately come down upon them and take it away, which would in all probability lead to a fight between them. I also heard from several sources, that the Waikato, looking on these Natives as slaves, were

²³⁶ *ibid.*

²³⁷ Spain to FitzRoy, 12 June 1844, AJHR, 1861, C-1, p.170.

²³⁸ George Clarke Junior, the Protector of Aborigines assigned to represent Maori before the Spain Commission.

continually threatening to come here and take them back into a state of slavery.²³⁹

While he made his decision known orally, Spain at the same time stated that it remained to be confirmed by the governor.²⁴⁰ FitzRoy, though, travelled to New Plymouth in August 1844 to announce to a large gathering of settlers and local Maori that he would not confirm Spain's award in favour of the Company. In reaching that decision he relied at least in part upon the views of the Chief Protector of Aborigines, George Clarke Senior, who disputed Spain's assumption that Maori taken into captivity thereby forfeited or lost all previous rights to land they may have held.²⁴¹ FitzRoy accordingly arranged for additional payments to be made to Te Atiawa in respect of a much smaller area of land centred around New Plymouth.

Spain subsequently produced his final report, in which he noted the circumstances leading up to FitzRoy's decision and outlined in more detail the reasons for his original recommendation. The commissioner wrote that:

About eleven years ago a battle was fought between the Waikato and the Ngatiawa residing in this district, at a place called Pukerangiora, when the former completely conquered the latter, taking a great many prisoners with them to Waikato, whom they made slaves.

The majority of those who escaped, fearing a further attack from the Waikato, migrated to Waikanae, Port Nicholson, and other places to the south, took possession of and cultivated the land there; and in the case of Port Nicholson I have already admitted their title by reason of their occupation and cultivation of the soil for a period of nine or ten years, as against Te Rauperaha [sic] and others, who pretended to claim that district by right of conquest.

²³⁹ Spain to FitzRoy, 12 June 1844, AJHR, 1861, C-1, p.170.

²⁴⁰ Judgment of Mr. Commissioner Spain, Delivered at Taranaki, 8 June 1844, AJHR, 1861, C-1, pp.171-172.

²⁴¹ Memorandum from the Chief Protector of Aborigines on the Territorial Rights of Natives when in Captivity, 1 October 1844, GBPP, 1861 [2798], pp.301-302.

The resident natives of whom Barrett made the purchase in question, appear to have been permitted by the Waikato to occupy this district between the Sugar Loaves and Taniwha without interruption, from the time of the taking of Pukerangiora until the purchase; most of them, however, appear to have lived opposite the Sugar Loaves, for the purpose of being ready to escape in case of further attack; and it seems to me that fear of the Waikato, coupled with a desire to have Europeans to reside amongst them, to protect them from their enemies, was one of the principal moving causes that induced them to consent to the sale of the district.

It appears to me that those Ngatiawa who, having left this district after the fight, sought for and obtained another location, where they lived and cultivated soil, and from fear of their enemies did not return, cannot now show any equitable claim, according to native customs, or otherwise, to the land they thus abandoned. Had they returned before the sale, and with the consent of the resident natives again cultivated the soil without interruption, I should have held that they were necessary parties to the sale.²⁴²

Reiterating earlier comments to FitzRoy, one of the reasons Spain advanced for deciding against ordering a further payment to be made for the land was advice received from George Clarke Junior, the Protectors of Aborigines, that:

this could not be done with safety; that he had not the slightest chance of inducing the natives to accept a composition, and that if they received any further payment, the Waikato would come down upon them and take it away, which would in all probability lead to a fight between them. I also heard from several authentic sources that the Waikato, looking upon these people as slaves, were continually threatening to come to Taranaki, and take them back into a state of slavery.²⁴³

²⁴² Extracts from Final Report of Commissioner Spain, 31 March 1845, GBPP, 1861 [2798], pp.302-303.

²⁴³ *ibid.*, p.304.

Spain went on to note that at the time the Company's initial purchase was conducted, absentees had 'utterly deserted' Taranaki in the wake of Pukerangiora, and neither they nor former captives returned to the district until after both the Company's deed and Hobson's later payment to Waikato.

Spain had received similar advice from the Wesleyan missionary Samuel Ironside, who informed him that:

With reference to the settlement of the land claim question in the New Plymouth district, I have no hesitation in stating my sincere conviction that to compensate the Natives residing in the neighbourhood for the lands claimed by the New Plymouth Company would be very injudicious, and might lead to disastrous results, which we should all deprecate.

The Waikato Chiefs who conquered Taranaki have not acknowledged, and do not acknowledge, the right of the Taranaki people to sell the land, on which they reside merely on sufferance; they look with jealousy on the proceedings of the returned slaves, still call the country their own, and I fear that compensating them – the Taranaki natives – would foster the jealousy and suspicion of their former masters, rouse their ire, and lead to an open rupture between the tribes.²⁴⁴

George Clarke Junior meanwhile had his own views on the question of Waikato occupation. He informed his father, the Chief Protector of Aborigines, that:

nearly 14 years ago...Te Rauparaha persuaded a large force of the Ngatiawa and other tribes to assist him in his wars with the original inhabitants of the northern and southern shores of Cook's Straits. The Waikato natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukerangiora, a large pah on the Waitara River, capturing or destroying nearly 2,000 of the inhabitants; they then attacked Ngamotie [sic] near the present

²⁴⁴ Ironside to Spain, 30 October 1844, AJHR, 1861, E-1, p.17. Elsewhere Ironside described a journey he had made in 1842 to escort a group of freed slaves on their trip from Waikato back home to Taranaki. Wells, *History of Taranaki*, pp.90-91.

settlement of New Plymouth, but without success, and were compelled to return to their own country. They afterwards cultivated a small portion of land formerly occupied by the Ngatimutunga, to the north of the Waitara River, but if the accounts of the natives now resident at New Plymouth are to be credited, they never cultivated any other part of the district. I believe a small party of them attempted to occupy land on the Waitara, but met with so much opposition from the original claimants, that they were compelled to retire. On these circumstances the Waikato natives formed their claims, but I believe they never took possession of or exercised acts of ownership upon the land generally.²⁴⁵

Clarke based these conclusions solely on the testimony of Taranaki Maori. At no point, it seems, was there any comprehensive inquiry into the Waikato claims based on evidence taken from their own chiefs. But even Taranaki Maori admitted that there had been some occupation by the Waikato tribes. The extent of that occupation is further considered below.

Other issues with respect to the movements of Taranaki Maori were highlighted by Clarke. He claimed that although the Waikato tribes never repeated their attack, frequent threats to do so were enough to persuade many Taranaki Maori to migrate south to Kapiti or the South Island. He added that:

After the introduction of Christianity into the district of Waikato, many of the natives who had been taken prisoners at Taranaki, and reduced to slavery, were released by their masters, and permitted to return to their own country. These freed men first arrived there some months after the date of the purchase, and took possession of the lands they respectively occupied before their migration to the southward. On the other hand, that portion of the Waikato tribes who are not more immediately under the influence of Te Wero Wero [sic], and particularly the natives of Mokau and the adjacent country, have expressed their determination to renew the contest with the Taranaki tribes, if

²⁴⁵ George Clarke Junior to George Clarke Senior, 29 June 1844, GBPP, 1845 (369), pp.86-87.

they persist in a general re-occupation of the district, or accept of any payment from the Europeans.²⁴⁶

Octavius Hadfield later claimed that a portion of Te Atiawa had left Taranaki *prior to* the Pukerangiora defeat not because they had been conquered or pushed out of the district, but simply in order to pursue trading opportunities or to provide military support for Te Rauparaha in the Cook Strait region. Others had remained behind to keep the home fires burning and Waikato or Ngati Maniapoto occupation, according to this version of events, was no more than fleeing at best. Hadfield, for example, told the House of Representatives in 1860 that:

After William King and nearly all the principal chiefs residing at Waitara had left to assist Te Rauparaha in his war in Cook's Straits [sic], the Waikato came down and attacked the remnant of that portion of the Ngatiawa who remained at Waitara in their pah Pukerangiora, they besieged and took the pah, also a number of prisoners, and dispersed the remnant of the tribe. The Waikatos subsequently proceeded to attack Ngamotu, they were resisted by Te Puni and other of their Chiefs, they were then repulsed at Moturoa. The Waikatos never held possession of Waitara and never acquired any right to it. A few members of the Ngatiawa remained on the land and cultivated. There was only one Waikato (Pekitahi) who ever cultivated, he had married into the Ngatiawa and cultivated by virtue of that marriage.²⁴⁷

Hadfield added the interesting information that when Wiremu Kingi returned to Waitara in 1848 he took his guns and ammunition with him, despite opposition from Crown officials, 'as a necessity for he expected that he might be engaged in war with the Waikato.'²⁴⁸ An earlier (1845) report from H.T. Kemp noted that it was at that time uncertain whether the whole of Te Atiawa living at Waikane would return 'as it is uncertain whether the Ngatimaniapoto at Waikato will allow them to resume the

²⁴⁶ *ibid.*, p.87.

²⁴⁷ Minutes of Evidence, 14 August 1860, AJHR, 1860, E-4, p.1.

²⁴⁸ *ibid.*

territories they were many years ago obliged to surrender'.²⁴⁹ In the event, some Te Atiawa remained at Waikanae.

Hadfield, of course, had spent much time in the company of Te Atiawa and other iwi in the Cook Strait region, and no doubt was greatly influenced in his views by what he learnt from their chiefs.²⁵⁰ Riwai Te Ahu of Te Atiawa, in particular, appears to have been an important informant, and Hadfield read out a long letter from that chief when appearing before the General Assembly in 1860, in which it was stated that:

When Te Reretawhangawhanga and the other chiefs at Waikanae heard that Nuitone Te Pakaru chief of Ngatimaniapoto had come to clear a place for cultivation on the south bank of the Waitara, (Wharonui was the name of the piece of land) they said that he must return to his own place, and leave Waitara for us. I heard them say this (in 1842-3). Nobody belonging to Waikato or Ngatimaniapoto lived at Waitara before the pakehas went to settle at Ngamotu. Nuitone Te Pakaru was the first who attempted to live there, and this induced one of those chiefs – Ngaraurekau to go there from Waikanae, to hold possession, and prevent any Ngatimaniapoto men from returning to Waitara. Ngatimaniapoto now returning to Waitara during the interval between that and William King's return there. I make no mention of Peketahi, he was allowed to remain there because of his wife (who was a Ngatiawa).²⁵¹

According to this version of events, Ngati Maniapoto cannot have occupied land at Waitara for more than a handful of years in the mid-1840s. However, the suggestion that they were more or less warned off the land by Te Atiawa stands in marked contrast to other evidence that the Taranaki tribes continued to live in fear of an invasion from the Waikato. There was probably every incentive to avoid provocative gestures or actions in such circumstances. Moreover, John Morgan hinted at even earlier occupation of parts of Taranaki when he told Browne that:

²⁴⁹ Kemp to the Superintendent of the Southern Division, 17 September 1845, AJHR, 1861, E-1, p.25.

²⁵⁰ Including Wiremu Kingi, who in an 1844 letter also claimed that the exodus south had happened prior to Pukerangiora and who denied that the Waikato tribes had ever settled or occupied lands at Taranaki. William Kingi Whiti to FitzRoy, 8 June 1844, AJHR, 1861, E-1, p.19.

²⁵¹ Riwai Te Ahu to the Superintendent, 23 June 1860, AJHR, 1860, E-4, p.8.

When I first settled on the Waipa in 1834 the war between the Waikatos and Taranaki tribes was still being carried on. I have seen the war parties leave for and return from Taranaki. Not only had Ngatimaniapoto their plantations there, but Ngatiapakura and Ngatihinehi [sic – Ngati Hinetu?] also felled the forest timber and grew provisions there.²⁵²

Further, Donald McLean, who also presented evidence to the House of Representatives in 1860 on the Taranaki question, painted quite a different picture to that portrayed by Hadfield. According to the Native Secretary:

The Waikato title to Taranaki was universally admitted by the natives at the time of the conquest, many acts of ownership over the soil had been exercised by them. The land was divided among the conquering chiefs, the usual custom of putting up flags, and posts to mark the boundaries of the portions claimed by each chief had been gone through. Any occupation of the land by the Ngatiawa at that period was entirely out of the question, but those natives who were released from slavery from time to time were permitted by Waikato to occupy, but those who had fled to the South were not allowed to return, and they were distinctly warned that if a return were attempted it would be the cause for fresh war against Ngatiawa. The Waikato right was thus established as a right of conquest, and was fully admitted by the Ngatiawa themselves. Who, on each occasion when they sold a portion of land at Taranaki sent a part of the payment to Waikato as an acknowledgement of conquest or of the right of *Mana* possessed by the Waikato chiefs as their conquerors.²⁵³

McLean claimed that it was fully evident that the title of Te Atiawa had been superseded by the rights of their conquerors. He added that:

And though, in course of time, the parties who fled to the shores of Kapiti, and those who were taken captive were gradually permitted by Waikato to return, it was generally on the understanding that they were to recognize the superior rights of the Waikatoes [sic] over the territory. The natives who first returned

²⁵² Morgan to Browne, 29 January 1861, Gore Browne 1/2D, Archives NZ.

²⁵³ Minutes of Evidence, 14 August 1860, AJHR, 1860, E-4, p.15.

were from the Ngatimaniapoto country. They were permitted to return and did so, with this injunction from the Waikato chiefs, who released them, to go and occupy the land but to take care and send them some of the fruits of it, which was accordingly done.²⁵⁴

Although McLean may have again been making a reference to the requirement to share a portion of land-sale proceeds with the Waikato tribes, it would seem more likely that he was hinting at a broader requirement to pay some kind of tribute. The 1860 comments of both McLean and Hadfield took place in the context of the Waitara dispute and first Taranaki War. These are matters discussed in a later chapter. Suffice it to state here that the dispute turned in part on whether the Crown had effected a valid purchase of the Waitara lands by virtue of the 1842 deed with Te Wherowhero and Kati. While Hadfield and other opponents of the Waitara purchase were inclined to downplay Waikato interests in the cause of proving Wiremu Kingi's claims over the land, McLean and others therefore had every incentive to go in the other direction. But Waikato claims in respect of the Taranaki district were rarely advanced to the exclusion of those of Te Atiawa and other local iwi. Moreover, much as nineteenth century Pakeha were tempted to simplify such matters, customary rights were rarely as straightforward as a binary either/or choice between two different groups. Maori custom was instead capable of accommodating multiple overlapping layers of interest or claim. And it should not be forgotten that when the Crown sought to take forcible possession of the land in March 1860, members of Waikato and Ngati Maniapoto subsequently fought in defence of Kingi's rights to Waitara.

Sir William Martin was another of those who suggested that the Waikato tribes had been warned off the Waitara lands. In his 1860 pamphlet on the Taranaki question, Martin wrote that:

Another instance occurred about the year 1842, when Te Pakaru, one of the Waikato invaders, proceeded to the Waitara for the purpose of taking possession, and commenced felling timber. William King sent a deputation

²⁵⁴ *ibid.*

from Waikanae to warn him off; upon which, Te Pakaru withdrew and returned to Waikato.²⁵⁵

F.D. Bell, in seeking to rebut the suggestion that Waikato had left in response to Te Atiawa warnings, pointed to a September 1842 despatch from the Acting Governor Willoughby Shortland. In it, Shortland referred to Hobson's visit to Kawhia in April of that year, writing with respect to it that:

At Kawia [sic] several chiefs were introduced to his Excellency, among whom were the leaders of a recent expedition to Taranaki (New Plymouth), at which place their presence had created some alarm. On being asked what were their object and intentions, they explained that reports had reached them, and that, considering the country theirs by conquest, they had resolved to settle in the neighbourhood of the Europeans; but that, since Te-where-where had sold the land to the Queen, and they understood the Governor was not willing that they should remain, they had returned.²⁵⁶

But as we saw earlier, that was not strictly correct. Hobson had, in fact, recognised the right of Ngati Maniapoto to occupy lands as far south as Urenui, in return for promises not to interfere with the settlers. Actual Ngati Maniapoto occupation, at least until around 1848, appears to have extended even further south than this, at least as far as Waitara, though the evidence on this point is sometimes conflicting. In an 1848 memorandum, for example, McLean drew a distinction between Taranaki Maori who had been held captive in the Waikato and were subsequently permitted to return home and others believed to have fled south to Kapiti and elsewhere and whose return to Taranaki was thought likely to be fiercely resisted by the Waikato tribes. The Mokau chief Taonui was said to be particularly emphatic on this point, declaring that 'when the bird once deserts its nest, it never again returns to it.'²⁵⁷

Moreover, McLean claimed that such was the present state of the Waikato claim over Taranaki at that time that when advanced or spoken of, it was only mentioned in

²⁵⁵ William Martin, *The Taranaki Question*, London: W.H. Dalton, 1861, p.12.

²⁵⁶ Shortland to Stanley, 24 September 1842, GBPP, 1844 (556), p.189 (appendices).

²⁵⁷ Donald McLean, [Draft letter], 22 January 1848, McLean Papers, MS-Papers-0032-0123, ATL.

relation to dead relatives killed during the former wars – something which, according to custom, substantiated a claim that frequently had to be recognised and paid for by Europeans hoping to purchase the land. There were, he claimed, many Waikato men living at Taranaki with Te Atiawa women, but they freely admitted than any claims to the land came through their wives and had never applied to him for compensation for their interests in their own right. Indeed, he stated that when land was about to be disposed of, and he made a point of inquiring if the Waikato men had any claim to urge, they ‘invariably replied in the negative’, stating that any claims descended to their children through their female connections.²⁵⁸

However, just a few months earlier, in September 1847, McLean (writing from New Plymouth) informed the Colonial Secretary that Te Kanawa of Kawhia was ‘anxious to obtain His Excellency the Governor’s sanction to reside in this district.’²⁵⁹ The rangatira requested a small piece of land for him and his followers to cultivate upon, but McLean added that he was not in a position to report on ‘what effect this migration would have in the district.’²⁶⁰

Notes dated 8 January 1848 indicate that McLean examined the Te Atiawa chief Ihaia as to the Taranaki land question at this time. According to these notes, the chief informed him that:

The Ngatiawa’s [sic] formerly claimed land as far north as the Awakino a small river about three miles north of the Mokau, this must have been some long time ago. A branch of the tribe known as the Ngatitama were the occupants of these northern territories and their claim till within the last twenty years has extended to the south bank of the Mokau, this they were however obliged to abandon in consequence of the repeated aggressions of the Ngatimaniapoto and Waikato tribes the former now occupying and cultivating the line of coast as far south of Mokau as Tongaporutu 7 miles and even to Urenui about 39 miles this side of Mokau [;] their claim to the latter part of the country is contested by the Ngatiawas who consider it an unfair encroachment

²⁵⁸ *ibid.*

²⁵⁹ McLean to Colonial Secretary, 2 September 1847, IA 1/1847/1807, Archives NZ.

²⁶⁰ *ibid.*

which the Maniapotos will not persist in maintaining unless the large body of the Ngatiawa to the south return to Waitara which would excite in all probability another war between the tribes especially if the expelled Ngatitamas presently at Chatham Islands should also return with them.²⁶¹

The notes of this interview went on to state that ‘The Waikatos by the admission of the Ngatiawas themselves had conquered the district and the Ngatimaniapoto tribe intended to occupy portions of it.’²⁶² In what appears more likely to have been a comment originating with McLean rather than Ihaia, it was added that the Waikato tribe had intended, as far as could be ascertained, to let the conquered lands lie waste or to occupy them at a future time. Wiremu Nera Te Awaitaia of Ngati Mahanga was to occupy Waitara, and had marked with a gun the boundaries of the land claimed by him (‘termed Te Rahui of Te Awaitaia’), though the weapon was later said to have been pulled up by Te Atiawa in obvious defiance of such a claim. Te Wherowhero was meanwhile to have Urenui, which had been rendered tapu by the killing of Hiakai there, and Te Roto was to have the Puketapu and Nga Motu country. But ‘Waitara it seems was the land on which they were principally bent as they do not appear to have expressed a desire to occupy the land south of the Sugar loaves.’²⁶³ McLean added that the missionaries ‘no doubt modified the intention of the Waikatos’ so that Te Atiawa were able to return to the land of their fathers ‘till at length they assumed the exclusive right to the soil of it forgetful of the clemency of their conquerors and the benevolence of those instrumental agents who caused their return’.²⁶⁴

A few months later, in April 1848, McLean travelled to Waikanae in accordance with instructions from Grey to negotiate with the Te Atiawa community there for the purchase of the south bank of the Waitara River and other lands at New Plymouth deemed essential to acquire on behalf of the settlers. McLean reported that he found upon reaching Waikanae that Wiremu Kingi and his party were ‘not only firmly opposed to an arrangement respecting their land at Waitara but were even inducing the natives of the several other tribes who purpose leaving for Taranaki, to unite in building a large Pah at “Aorangi”, the site of one of their original fortifications on the

²⁶¹ ‘Ngatiawa Land Claims’, 8 January 1848, McLean Papers, MS-Papers-0032-0123, ATL.

²⁶² *ibid.*

²⁶³ *ibid.*

²⁶⁴ *ibid.*

Southern banks of the Waitara where Wm. King proposed to have lands allotted to them for cultivations.²⁶⁵ Those proposals were favourably received, McLean added, even among tribes which had no customary interests at Waitara:

It was therefore obvious that these natives, especially those of the Ngatiruanui and Taranaki tribe whose district lies between Wanganui and New Plymouth could have no other object in passing their own lands to join Wm. King than that of assisting him in preventing the Europeans from occupying any part of the Waitara, as Te Wherowhero on his late visit assured them all they had nothing to fear from their former enemies the Waikatos and that he should see Taonui the chief of Mokau to persuade him against molesting them. In these assurances the Ngatiawa's [sic] appear to have every confidence.²⁶⁶

In other words, according to McLean, writing in 1848, Wiremu Kingi had invited other tribes to come and occupy part of Waitara not to bolster his defences against a potential attack from Waikato but in order to increase the chances of the land staying in Maori ownership. He added that:

The only parties who anticipate any disturbance in asserting their original claims are two small sections of the Ngatimutunga and Ngatitama tribes whose land extends from about 14 miles north of Waitara to Mokau and is at present possessed by the natives of that River who are a branch of the Waikato tribes.²⁶⁷

Fourteen miles north of Waitara was the approximate distance to Urenui, which was the southern limit of the area Hobson had in 1842 recognised the right of Ngati Maniapoto to occupy. As we have already seen, however, the evidence of actual occupation is incomplete and sometimes conflicting. The missionary Schnackenberg informed McLean in 1846, for example, of supposed plans by the Mokau rangatira Taonui to 'wrest Urenui [sic] from the Ngatiawa' before selling the area to the

²⁶⁵ McLean to Lieutenant-Governor Eyre, 6 April 1848, McLean Papers, MS-Papers-0032-0123, ATL.

²⁶⁶ *ibid.*

²⁶⁷ *ibid.*

Pakeha.²⁶⁸ The clear implication of such a statement was that Te Atiawa were in occupation and control of this area at the time of Schnackenberg's letter. And yet, as we have seen, other evidence points to limited Ngati Maniapoto occupation of parts of Taranaki for a time in the 1840s.

In a detailed report on the Taranaki land question prepared in 1854, George Sisson Cooper, the New Plymouth Inspector of Police and land buyer for the Crown, made no mention of any Ngati Maniapoto presence as far south as Urenui. He instead wrote that 'Ngatiawa' were in occupation of the lands between Parininihi and the Sugarloaf islands, while:

The coast between Mokau and the Pari Ninihi is at present inhabited by a few Natives (numbering probably about 60) belonging chiefly to Ngatimaniapoto, but who are also so much mixed up with Ngatiawa that it is difficult to assign to them any distinctive name. The land on which they reside is debateable ground, having originally belonged to Ngatimutunga, a section of Ngatiawa, who still assert their right to the soil, upon which they are gradually encroaching.²⁶⁹

Others suggested that the return of Te Atiawa to Waitara, and Ngati Maniapoto's removal from the district, were both linked to Te Wherowhero's decision to return the land to Wiremu Kingi. One unnamed but apparently well-placed correspondent informed the *Southern Cross* newspaper in 1860 that:

It must be borne in mind that the Waikato took possession of Taranaki when they conquered it, and they assert that when they sold the land upon which the present town of New Plymouth is built, with adjoining places, Waitara was not included in the purchase; but they retained it, and continued to cultivate it, up to the very time that Te Wherowhero gave it back to William King. In consequence of this grant to William King of Te Wherowhero, who held the "nominal right" as principal chief of Waikato, the Ngatimaniapoto tribes cultivating Waitara, and living thereon, removed to other localities in Waikato,

²⁶⁸ Schnackenberg to McLean, 26 May 1846, McLean Papers, MS-Papers-0032-0561, ATL.

²⁶⁹ Cooper to Colonial Secretary, 29 April 1854 (draft), McLean Papers, MS-Papers-0032-0126, ATL.

so that William King might take possession of the territory from which he had been driven.²⁷⁰

This particular correspondent quoted from an extract of a letter from Rewi Maniapoto, in which the chief referred to a joint visit to Wellington by Te Wherowhero and Governor Hobson. According to Rewi, it was during this trip that Hobson had requested that the Taranaki tribes should be permitted to return home. During his time in Wellington, Te Wherowhero was said to have met with some of the Te Atiawa chiefs resident there, telling them they were free to return to Taranaki. The same message, it was added, had later been conveyed to Wiremu Kingi.

Yet according to one 1855 report from Josiah Flight, the New Plymouth Resident Magistrate, the Waikato tribes continued to perceive themselves as having a strong interest in events at Taranaki. He informed McLean that:

The Waikatos have...never relinquished their sovereignty (if I may use such an expression) to this District; for when through the interference of the Wesleyan Missionaries the Puketapus had their freedom given them, and they were allowed to return again to their former homes it was on condition, that the latter should do so for the purpose of cultivating the land and living on peaceable and friendly terms with the Europeans. I believe up to this day the Waikatos look on the occupation of this land more as a permissive one than any other.²⁷¹

Waikato interests in the Taranaki district continued to be evident through the 1850s. In 1853, for example, G.S. Cooper informed the missionary John Whiteley of unrest in the Taranaki province as a result of an unspecified 'gross insult' directed against Wiremu Tamihana in response to the Ngati Haua chief's derisive description of Te Atiawa as a 'toenga kainga' (remnant people).²⁷² Although Te Atiawa had determined to make a stand against any Waikato party that came to exact utu for the insult to

²⁷⁰ *Southern Cross*, 25 May 1860.

²⁷¹ Flight to McLean, 19 August 1855, McLean Papers, MS-Papers-0032-0276, ATL.

²⁷² Williams defines this phrase as meaning 'a contemptuous expression for one saved when the rest of the tribe was eaten', a slave. H.W. Williams, *Dictionary of the Maori Language*, 7th edition, Wellington: Legislation Direct, 2003, p.429.

Tamihana, he believed that this was little more than ‘bounce’, describing the Taranaki tribes as being ‘in as great a state of alarm as they can possibly be.’²⁷³ Even if a taua did come from Waikato, Cooper added, ‘I firmly believe that every man of Ngatiawa would fly instantly, for Pukerangiora is yet fresh in their memory and the very name of Waikato is sufficient to make the boldest of them tremble up to this day.’²⁷⁴

Cooper had even reported that earlier rumours of a Waikato invasion of Taranaki (this time in 1850), were ‘likely to have a very beneficial effect on the negotiations now in progress’ for the purchase of lands in the district. Takerei of Mokau had reassured him that, ‘whatever the Waikato Chiefs might do to the slaves in this neighbourhood, the Europeans had no cause to fear them.’²⁷⁵ Urgent applications had been made to him for immediate payments to be made, and Cooper was ‘convinced that the Natives were urged by the dread of having the lands once more taken from them and sold by their conquerors to the Europeans, from which they believe they would be safe if the lands were made over to the Government.’²⁷⁶ It appears that Cooper anticipated being able to take advantage of these periodic scares in order to be able to obtain valuable lands at Taranaki ‘at a very much cheaper rate’ than what they might otherwise have cost the government.²⁷⁷

In 1860 Crown officials would complain of the Waikato tribes’ supposedly brazen and unwarranted interference in Taranaki affairs. Yet just a few years prior to this, those same officials were themselves actively encouraging such involvement. In the wake of the Puketapu conflict (a clash between rival factions of Te Atiawa triggered by opposition to Crown land purchases) breaking out in 1854, for example, McLean travelled to Taranaki with Wiremu Nera Te Awaitaia and other Waikato chiefs, attending various meetings with Taranaki Maori in their company. McLean subsequently reported that:

²⁷³ Cooper to Whiteley, 24 January 1853, Wesleyan Missionary Society Letters, MS-Papers-2625, ATL.

²⁷⁴ *ibid.* The missionary John Whiteley subsequently reassured Cooper that there was no cause for alarm. Whiteley to Cooper, 12 February 1853, IA 1/1853/543, Archives NZ.

²⁷⁵ Cooper to Civil Secretary, 17 January 1850, IA 1/1853/543, Archives NZ.

²⁷⁶ *ibid.*

²⁷⁷ Cooper to Civil Secretary, 17 January 1853, IA 1/1853/543, Archives NZ.

The presence of “Wiremu Nero,” [sic] and the other Waikato chiefs, was most opportune, as they gave the natives generally to understand that so long as the quarrel was confined to themselves they would not interfere, but that should the Europeans be unhappily by any means molested, they were willing and prepared to come to their defence; this assurance emanating from the leading men of the powerful “Waikatos” had a wonderful effect in subduing the partially disguised, but not less certain opposition, of some of the most troublesome Taranaki tribes towards the English.²⁷⁸

The following year a group of Mokau Maori once again intervened in the Taranaki land dispute, preventing an attack on a pa and thereby earning the gratitude of local officials.²⁷⁹ Ngati Maniapoto were spoken of as a ‘friendly tribe’, whose assistance the government and settlers had gratefully accepted.²⁸⁰ Repeated interventions of this kind led many Taranaki settlers to think that they were largely reliant upon Ngati Maniapoto and the Waikato tribes for their own ongoing security.²⁸¹ Hanson Turton observed, for example, that:

the true policy of the Government in the safe and final settlement of this district, seems to be pointed out, that is, as to the kind of agency to be employed, should circumstances require its use, Besides [sic] the fact, that by the appointment of the Waikatos as the original conquerors of the soil, and as having received part-payment in the sale of it; to act as referee, and then to return the question to the Government, when only settled by themselves, the whole case would be divested of danger as to other parts of the Island, and receive a sanction in the opinion of surrounding Tribes, which it would be very adviseable [sic] to obtain. And there are many reasons, well appreciated by the Natives, why the employment of the Waikatos on a mission like the present, would be as honourable to the Government and the military, as it would be reputable to themselves.²⁸²

²⁷⁸ McLean to the Colonial Secretary, 27 October 1854, GBPP, 1860 [2719], p.59.

²⁷⁹ H. Halse to Taranaki Superintendent, 1 September 1855, GBPP, 1860 [2719], p.141.

²⁸⁰ Turton to Wynyard, 5 August 1855, quoted in *Southern Cross*, 5 August 1855.

²⁸¹ *Taranaki Herald*, 7 March 1855, 8 August 1855.

²⁸² *Taranaki Herald*, 22 August 1855. Mokau Maori again intervened at Taranaki in 1858, refusing to take sides in the dispute between rival Te Atiawa factions but instead insisting that their intention was to restore peace to the area. Robert Parris to McLean, 26 April 1858, enclosure in Browne to

Yet when it was the government's own actions at Waitara under scrutiny some five years later, Waikato intervention was rejected as completely unjustified.

3.5 Economic Expansion

European visitors to the Upper Waikato and Waipa districts from the late 1840s were frequently stunned and pleasantly surprised by the 'English' appearance of the scenery. Churches, schools, neat wheat fields stretching as far as the eye could see, horses, carts and cattle, peach trees and wild blossoms conveyed a vivid picture of the kind of rural Arcadia many had longed to recreate in New Zealand. That Maori, with the help of missionaries such as John Morgan at Otawhao, were responsible for this seemed to indicate that they were well on the path to 'civilisation'. Even as early as 1842 Edward Shortland, having walked through cornfields more than a mile long, described the country around Orakau as 'the most lovely I have yet seen in N.Z.'²⁸³ Grey himself, following an 1849 tour through the Otawhao area, wrote that he had 'never seen a more thriving or contented population in any part of the world'. He informed Earl Grey that:

during my journey through the extensive and fertile districts of the Waikato and Waipa I was both surprised and gratified at the rapid advances in civilization which the natives of that part of New Zealand have made during the last two years. Two flour-mills have already been constructed at their sole cost, and another water-mill is in course of erection. The natives of that district also grow wheat very extensively; at one place alone the estimated extent of land under wheat is a thousand acres. They have also good orchards, with fruit-trees of the best kind grafted and budded by themselves. They have extensive cultivations of Indian corn, potatoes, &c., and they have acquired a considerable number of horses and horned stock.²⁸⁴

Labouchere, 17 May 1858, no.38, CO 209/145, pp.381-383, Archives NZ; *Southern Cross*, 11 June 1858.

²⁸³ Edward Shortland, Journal, 18 April 1842, Micro-MS-0354, ATL.

²⁸⁴ Governor Grey to Earl Grey, 7 March 1849, GBPP, 1849 [1120], p.27.

Existing mills soon proved incapable of grinding the quantity of wheat being produced, and by the height of the gold rushes in California and Victoria produce from Rangiaowhia, Otawhao and other settlements was being shipped as far as San Francisco and Melbourne.²⁸⁵

A smaller quantity was exported all the way to London in 1849, when two young chiefs from Rangiaowhia sent Queen Victoria a bag of flour produced from wheat grown by themselves and ground at their own water-mill, the first of its kind in New Zealand.²⁸⁶ Though Governor Grey was mildly rebuked for his break with convention in forwarding this unsolicited gift on to London without first asking permission, thus entailing the burden of some kind of response from the Colonial Office, the two paintings of Queen Victoria with Prince Albert and their children which were sent to the chiefs in return created something of a sensation when they arrived in the colony. Crowds flocked to view them, firstly in Auckland and later at Rangiaowhia, and (despite the initial suspicions encountered by Clarke and others) many rangatira considered the paintings positive affirmation of their special relationship with the Queen. That was a view which did not fundamentally alter even after the emergence of the Kingitanga. The paintings themselves were, however, looted by troops during their attack on Rangiaowhia early in 1864.²⁸⁷ Hoani Papita Kahawai, one of the young men who had proudly sent the gift of flour to Queen Victoria, was killed in the same British attack, falling dead 'on a battlefield ringed by flourmills and churches.'²⁸⁸

An 1849 return of Maori-owned flour mills within the province of New Ulster revealed that of the six mills then in existence, all but one of these were located within a 50-mile radius of Otawhao, while most of the further nine mills under construction were also located in the Waikato to Mokau district.²⁸⁹ By 1853 there were ten mills extant within the same radius, erected at a total cost to their owners of £2720, with a

²⁸⁵ James Cowan, *The Old Frontier: Te Awamutu, The Story of the Waipa Valley*, Te Awamutu: Waipa Post & Publishing Co., 1922, p.17.

²⁸⁶ Governor Grey to Earl Grey, 18 June 1849 (and enclosures), GBPP, 1849 [1120], pp.166-168.

²⁸⁷ 'A Gift of Flour to the Queen', *Journal of the Te Awamutu Historical Society*, vol.6, no.1, June 1971, pp.19-20. When William Fox travelled to the district in 1861 the pictures were evenly distributed between the local Protestant and Catholic missionaries, John Morgan and Father Garavel. Fox, 23 December 1861, Notes by the Colonial Secretary During His Visit to the Waikato, AJHR, 1863, E-13, p.2.

²⁸⁸ Hazel Petrie, *Chiefs of Industry: Maori Tribal Enterprise in Early Colonial New Zealand*, Auckland: Auckland University Press, 2006, p.270.

²⁸⁹ Enclosures to Governor Grey to Earl Grey, 22 August 1849, GBPP, 1850 [1136], p.25.

further eight under construction.²⁹⁰ While government loans under Grey were obviously an important contributing factor, and claimants have also pointed to lands sold to raise funds for these purposes,²⁹¹ it is also clear that surpluses generated from trade were subject to significant re-investment in capital infrastructure. An early example of this comes from one 1846 report, which noted that:

The Natives of the Mahoi, a Pa on the Waiharakeke, Kawhia, have been in Town this week with a great number of pigs, which they have sold in order to raise funds for erecting a Water Power Flour Mill on the above river. Having realized the sum of £50, they have deposited the money in the hands of a gentleman in Auckland, who is to cash the orders they may draw from time to time in favour of the millwright as the work proceeds. Mr. Waldron, of Kawhia, has engaged to construct the Mill, and has been busily employed, procuring the necessary iron work, &c. These spirited and praiseworthy Natives expect to return again in the course of two or three months, with more pigs for sale, the proceeds of which are to be devoted to the same object.²⁹²

It is sometimes suggested that Maori enthusiasm for ships, mills and other assets outstripped actual demand for these, reflecting a dysfunctional approach in which each hapu or iwi determined to acquire its own status symbol, rather than pooling their investments with rival groups to invest in only what was required. Something of this view was reflected in the 1859 comments of the Taupiri-based missionary Benjamin Ashwell, who wrote that Maori in his district were at last becoming more interested in schools:

but I rejoice with trembling for it is characteristic that the New Zealander will for a time devote his energies to anything which may strike his fancy. Thus Ships, Flour Mills, etc are or were for a season quite the rage. Each little petty Tribe must have a Mill [.] Even now it is very much the case. Two good Mills

²⁹⁰ Grey to Newcastle, 10 June 1853, GBPP, 1854 [1779], pp.249-250. See also Grey to Newcastle, 24 December 1853, GBPP, 1860 [2719], p.11.

²⁹¹ Kaye Turner, Te Rohe Potae, Oral and Traditional Hui 3, Poihakena Marae, Raglan, 12-13 April 2010, p.57.

²⁹² *New Zealander*, 31 October 1846.

would grind all the Wheat on the Waipa and Waikato rivers and there are now Six already erected and another to be built in a few months.²⁹³

Of the very substantial economic progress being made by the Waikato tribes by the early 1850s there can, however, be little doubt. In the village of Otawhao alone, for example, local Maori had some 1317 acres of land in cultivation in 1850, producing crops with an estimated value of £11,151, besides owning a number of horses, cows, ploughs, drays and carts, and of course their own flour mill.²⁹⁴ That was a truly impressive level of economic activity and engagement. As Te Ra Wright told the first Na Korero Tuku Iho o Te Rohe Potae hui:

we were actually building an empire in Rangiaowhia and due to the missionaries who taught them how to use the plough, how to do the gardens, they provided all the produce and the food for Auckland for the settlers in those days. And so there was a future for our old people to look forward, to the extent where they then started to trade with overseas people, they had their own ships. And then suddenly in the swoop of one or two/three days [during the Waikato War] all those things were gone.²⁹⁵

Just how quickly the Maori economy was developing in this part of the world was obvious to many visitors. The Surveyor General Charles Ligar, who travelled through the Waikato district en route to Whaingaroa in 1852, observed in his subsequent report on the trip that:

All speculative theories are thrown aside, and they seem to have started with an energy quite surprising in the pursuit of gain, bidding fair to outstrip many of their early European instructors. They have now dispensed with the formerly all-important European character, once so indispensable among them, and to be seen in every village, “the Native Trader.” He has been for the last three or four years unknown among them, being unable to make a profit

²⁹³ Ashwell to CMS, 21 July 1859, Ashwell Letters and Journals, qMS-0089, ATL.

²⁹⁴ Thomas Power, Return of Stock, Farming Implements, and Produce at Rangiaowhia, 21 October 1850, GBPP, 1851 [1420], p.95; Grey to Earl Grey, 24 December 1850, GBPP, 1851 [1420], p.85.

²⁹⁵ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.22.

by his trading transactions. They have all obtained some knowledge of arithmetic, and delight in exhibiting their skill. Often is a slate presented to the traveller covered with long rows of figures in addition, subtraction, &c., to the imposing looking and correctly worked questions of “Rule of Three.” They have now wise men among themselves to calculate the cubic contents of a heap of firewood, the area of a plot of ground, so as to sow two bushels of wheat to the acre, the live weight of a pig, and the value at 3*d.* per pound, sinking one fifth as offal.²⁹⁶

Ligar added that any recently arrived visitor to the district was likely to be subjected to close questioning as to the prevailing price of pork, wheat, flour and flax, especially if he had recently been in one of the large settlements. He also noted that:

The old persons may be seen in groups round the evening fire, chatting about the appearance of crops, and all subjects relating to them; the women being busily employed in making baskets to carry grain and potatoes, or in plaiting leg ropes for driving their pigs to market. All other pursuits seemed merged into habits of thrift; and the most engrossing subject that can be broached, is the relative merits of two mill sites, over or undershot wheels, and the best means of raising 200*l.* or 300*l.* for the purpose of building a mill which shall grind more than one erected by a rival tribe.²⁹⁷

A stand-alone economic history report has been commissioned as part of the Waitangi Tribunal’s Rohe Potae research programme, in consequence of which it is unnecessary to take the present discussion much further. The important point to remember here is that issues of political engagement between the hapu and iwi of Te Rohe Potae and the Crown cannot be separated from the wider economic developments which were concurrently taking place, even if (as Keith Sinclair demonstrated as early as the 1950s), the subsequent reversal of Maori economic

²⁹⁶ Ligar to the Colonial Secretary, 15 April 1852, GBPP, 1854 [1779], p.110.

²⁹⁷ *ibid.* Just a few years after this, Ngati Hikairo raised more than £162 through subscriptions to build a flour mill of their own at Kawhia. *Te Karere Maori/Maori Messenger*, 1 February 1855.

fortunes after 1856 could not be regarded as a direct causal factor behind the emergence of the Kingitanga and proto-nationalist sentiments among many tribes.²⁹⁸

The impact of that downturn, especially in the Waikato, has in any event probably been exaggerated. New flour mills were still constructed after 1856, including one at Mokau and another at Tuhua that had yet to be completed by the following year.²⁹⁹ As late as November 1859 the missionary Benjamin Ashwell continued to depict a thriving local Maori economy,³⁰⁰ while the descriptions of Rangiaowhia, Kihikihi, Orakau and other settlements attacked by British troops in 1864 (see the Te Rohe Potae war and raupatu report) indicate that these were still a hive of economic activity right up until the point of invasion. Imperial troops returning to their base camps were in some instances overwhelmed by the sheer volume of loot acquired during their raids.

3.6 Missionary Influences

Further missionary stations continued to be established in and around the Rohe Potae district throughout the 1840s. These included the CMS station at Otawhao under Morgan from 1841, Schnackenberg at Mokau from 1844, a Catholic base at Rangiaowhia under Father John Pezant from 1844, a short-lived Lutheran presence at Motukaramu under Riemenschneider between 1844 and 1846, and the Wesleyan outposts at Whakatumutumu (Frederick Miller) between 1843 and 1848, and under Thomas Buddle at Te Kopua after 1841 (see figure 5). Given just how few Europeans had settled in or even visited the interior of the Rohe Potae district by the 1840s, in many cases these missionaries were likely to be the main point of regular Pakeha contact with local hapu, besides providing some of the best documentary sources for this early period.

²⁹⁸ Keith Sinclair, 'Maori Nationalism and the European Economy, 1850-60', *Historical Studies Australia and New Zealand*, vol.5, no.18, May 1952, pp.119-134.

²⁹⁹ *Te Karere Maori/Maori Messenger*, 31 August 1857.

³⁰⁰ Ashwell to Browne, 7 November 1859, GBPP, 1860 (492), pp.162-163.

Indeed, the relationship between the host hapu and their missionaries can often be revealing. Schnackenberg, for example, complained of the ‘many difficulties’ he endured at Mokau:

If I cut down a Manuka tree that may be in my way or any other of no value to the natives, I am often reminded that I ought to have got the consent of the owner of the land or in other words ought to pay for it. Such is the covetousness and ingratitude of New Zealanders as you well know, that even those whose conduct is unblameable are very trying in this respect! If they bring me firewood for sale & I refuse to come to their terms, “then you shall have none” is the answering, the wood belongs to us. If they come to my house, perhaps for no other purpose than to look about or beg, or light their pipes...and I tell them not to sit in my way as I am busy, but to go to their work or else spend their idle time in their own places, “we are in our own place” is the reply.³⁰¹

Missionary involvement in securing signatures to the Treaty of Waitangi also proved something of a burden, as hapu and iwi later made it clear that they held those involved personally responsible for any negative consequences that might follow. Meanwhile, periodic reports of the revival of cultural practices presumed to have been abolished or at least dormant, or uniquely Maori takes on the Christian religion, also cast doubt on the extent of supposed missionary triumph when it came to their ‘civilising’ mission. The Waikato missionary Benjamin Ashwell believed there were but few local Maori who were ‘really changed characters’ as a consequence of their conversion to Christianity.³⁰² He attributed the declining influence of the new faith to the increased worldliness of the Waikato tribes as a result of their trading activities, writing that ‘The principal question now, was – What is the price of wheat? and not what is the meaning of such and such a passage of Scripture.’³⁰³

³⁰¹ Schnackenberg to Whiteley, 28 September 1846, Schnackenberg Papers, 82-174, Series A, Folder 1, ATL.

³⁰² B.Y. Ashwell, *Recollections of a Waikato Missionary*, Auckland: William Atkin, Church Printer, 1878, p.16.

³⁰³ *ibid.*, p.22.

In 1852 Whiteley claimed to have successfully intervened in a Kawhia land dispute between Ngati Hikairo and Ngati Mahuta, the latter of whom were supported by a 250-strong taua of Waikato kin who had visited the district in an attempt to force the issue.³⁰⁴ Grey pointed to this instance as demonstrating that ‘missionaries scattered amongst a barbarous population, at no cost to the Government, are often more efficient than any force which a Government could maintain.’³⁰⁵

As will become apparent later in the report, officials certainly had cause to be grateful for the efforts of Otawhao missionary John Morgan, whose duties by the early 1860s had extended to acting as a regular (and often secret) informant on behalf of the government with regard to the movements and activities of the upper Waikato tribes (besides drawing up a detailed map of all access ways into the district and advising Crown officials as to the preferred route for troops to take on the eve of the July 1863 invasion).³⁰⁶ The Church Missionary Society, many of whose missionaries turned against Maori after 1863, felt sufficiently compromised by Morgan’s actions as to offer him money to leave the country, before accepting his resignation from the CMS with alacrity when Morgan refused to countenance their original offer.³⁰⁷ Yet although Morgan had lost much influence over the local tribes by the early 1860s in consequence of his actions, prior to that he had been an important advocate of Maori economic development as part of a broader strategy aimed at ‘civilising’ (or in other words, Europeanising) his flock. That process of ‘civilisation’, as Kerry Howe has shown in his detailed study of Morgan’s activities, was intended to go hand in hand with the process of Christianization, with both predicated on the suppression and eventual eradication of customs and practices deemed barbarous or merely backward.³⁰⁸

As Howe has shown, Morgan and many of the other missionaries tended to have an idealised view of English agriculture. In this conception the height of Maori civilisation would be when each Maori family had become ‘happy and civilized cottagers’, each working on their own individual plot of land, living in European

³⁰⁴ Whiteley to Nugent, 17 August 1852, GBPP, 1854 [1779], p.163.

³⁰⁵ Grey to Pakington, 9 October 1852, GBPP, 1854 [1779], pp.162-163.

³⁰⁶ Morgan to Browne, 20 July 1863, Gore Browne 1/2D, Archives NZ.

³⁰⁷ K.R. Howe, ‘Morgan, John, 1806/7?-1865’, DNZB, vol.1, pp.299-300.

³⁰⁸ Howe, ‘Missionaries, Maoris, and “Civilization” in the Upper-Waikato’, p.81.

houses and tending to European crops or animals.³⁰⁹ Furthermore, there was also a political aspect to this: Morgan believed that once Maori lived in this way they would gradually ‘find peace with the British indispensable to their own prosperity’ and that ‘with such a state of affairs they would cheerfully submit, even in extreme cases, to the authority of law, and become dutiful and loyal subjects of our beloved Queen.’³¹⁰

But Morgan’s vision was embraced more selectively than he might have cared for. While he had certainly played a role in encouraging agricultural developments and investments in mills and other infrastructure, much of that activity continued to be organised and funded on a communal basis. Tribal structures and ways of working were not supplanted so much as adapted to the new economic environment. As Howe concluded:

apart from using European crops and a selective use of European techniques, the economic life of the Maoris in Morgan’s district still remained largely traditional in that production and distribution were communal affairs and in that the economic system was still very much concerned with providing hospitality, reputation, and social power.³¹¹

And meanwhile, English-style agricultural pursuits did not necessarily lead to a desire for English law to be applied within Maori communities. The ‘civilisation’ strategies of the missionaries were thus subtly subverted by Maori communities for their own ends while Christianity was given a distinctly Maori flavour and feel.³¹²

3.7 Maori and Settler Relations

A small trickle of settlers continued to make their way into the Rohe Potae district after 1840. They did so, it would appear, largely if not entirely on the same basis as pre-1840 arrivals, their presence essentially being on Maori sufferance. Rather than

³⁰⁹ *ibid.*, pp.86-87.

³¹⁰ Morgan to Grey, 3 January 1853, cited in Howe, ‘Missionaries, Maoris, and “Civilization” in the Upper-Waikato’, p.89.

³¹¹ Howe, ‘Missionaries, Maoris, and “Civilization” in the Upper-Waikato’, p.131.

³¹² *ibid.*, ch.8; James Belich, *Making Peoples: A History of the New Zealanders from Polynesian Settlement to the End of the Nineteenth Century*, Auckland: Penguin, 1996, pp.219-223.

being bulwarks of an independent Pakeha power base in the district, they continued to be closely incorporated into local hapu, and indeed the offspring of some of the marriage alliances with local women would result in a number of 'bilingual and bicultural' leaders in future, among them Ormsbys, Hughes, Edwards, Searanckes, and Hetets, to name but a few.³¹³ In fact, the Otawhao missionary John Morgan had placed great emphasis on these children of mixed marriages, rightly calculating that as many of them were the offspring of chiefs' daughters they might be expected to one day wield considerable influence within their hapu.³¹⁴ He established an industrial school exclusively for their education, partly in the expectation that if such children could be encouraged to lead a European way of life this might further encourage the 'amalgamation' of their people into colonial society.³¹⁵ But such hopes were quickly dashed, as were Morgan's efforts to teach solely in English (which four-fifths of the mixed race children could not speak). His scheme for such children proved a failure as they 'in no way differed socially or intellectually from the Maoris they lived with and by the mid 1850's Morgan was admitting Maoris as well as half-castes.'³¹⁶

Multiple old land claims in respect of pre-1840 transactions within the Rohe Potae district were received by the Land Claims Commission after 1840. Although the figures are incomplete, in all some 41 claims were registered encompassing an area of 148,481 acres in respect of those claims for which an acreage was estimated but with many more that gave no information as to the quantity claimed.³¹⁷ Many of the claims were not actively pursued before the Land Claims Commission, instead being allowed to lapse. In all, the original commissioners considered just five old land claims within the Rohe Potae district (two of them lodged on behalf of the Wesleyan Missionary Society), recommending Crown grants in respect to a mere 326 acres, though two

³¹³ Ann Parsonson, 'Stories for Land: Oral Narratives in the Maori Land Court', in Bain Attwood and Fiona Magowan (eds), *Telling Stories: Indigenous History and Memory in Australia and New Zealand*, Wellington: Bridget Williams Books, 2001, pp.24-25.

³¹⁴ Howe, 'Missionaries, Maoris, and "Civilization" in the Upper-Waikato', p.94.

³¹⁵ *ibid.*, pp.94-97. It seems Morgan had other concerns regarding the well-being of such children. In 1852 he petitioned Grey, informing him that between 1849 and 1851 many Europeans living in the Waikato with Maori women had abandoned their wives and children for the Californian gold fields. Morgan to Grey, 1 June 1852, IA 1/1852/2261, Archives NZ.

³¹⁶ Howe, 'Missionaries, Maoris, and "Civilization" in the Upper-Waikato', p.142.

³¹⁷ Leanne Boulton, 'Hapu and Iwi Land Transactions with the Crown and Europeans in Te Rohe Potae Inquiry District, c.1840-1865: Preliminary Report', (report commissioned by the Waitangi Tribunal), September 2009, Appendix One, pp.372-373.

further small claims were subsequently considered by Francis Dillon Bell after 1858.³¹⁸

It would therefore appear that the old land claims had little real practical effect on the ground. The vast majority of settlers in the Rohe Potae district continued to occupy lands on Maori sufferance, without any kind of legal title from the Crown. Local hapu and iwi continued to remain firmly in control, as Chief Land Purchase Commissioner Donald McLean implicitly acknowledged in 1856 when he observed that:

In the Waipa and other districts which I have visited in the Auckland Province, there are persons residing on lands which they obtained from the Natives upwards of twenty years ago. On these lands some of them have made considerable improvements, but they have not as yet any legal title to it. I am aware that the Government incur a certain amount of responsibility in issuing such grants, as the Europeans might, in the event of any difference with the Natives, expect the Government to maintain them in possession. In most cases, however, where Europeans have resided a long period of years on their homesteads they have married Native wives, and their chief object in obtaining a title would be to enable them to leave the land with an undisputed title to their children; so that difficulties with this class of occupants need not be so much apprehended as if they obtained a grant with a view of disposing of the land afterwards to other Europeans, who might in many instances be strangers to Native habits and customs, and might therefore have frequent quarrels and disputes with the Natives, which in remote districts beyond the protection of British law would probably embarrass the Government.³¹⁹

In circumstances such as those he had encountered in the Waipa district, McLean appeared to be suggesting, European men in practice held lands in trust for their Maori families and were not at liberty to dispose of these to whomever they wished. Indeed, to attempt to alienate lands held in this way outside of the kin group would violate the terms upon which particular Pakeha men and their families were permitted

³¹⁸ *ibid.*, pp.35-36.

³¹⁹ Donald McLean, Memorandum on legal acquisition of their homesteads by Europeans, 23 June 1856, in Turton (comp.), *Epitome*, A.1 Part I, pp.55-56.

to occupy such areas, especially if it resulted in strangers coming into the community without invitation. That is consistent with Leanne Boulton's finding that 'at least some members of some [Te Rohe Potae] hapu considered that the European husband's right of occupation was dependent on his continued marriage to a Maori woman in whom the ancestral customary rights were vested.'³²⁰

While the hapu and iwi of Te Rohe Potae evidently sought to retain control over the affairs of the district, their increasingly vocal dissatisfaction with matters from the early to mid 1850s never appears to have been based on hostility towards Europeans in general. Indeed, although most settler homes were abandoned in the months prior to the invasion of the Waikato in July 1863 they lay largely untouched by local Maori, neither plundered nor destroyed in any way despite the opportunities for mischief free from potential reprisals that presented themselves. Europeans who chose to settle in the Rohe Potae district prior to that time did not just enter a Maori world but became in a very real sense incorporated into it in many ways. Because their numbers were never very great, they never posed any kind of fundamental challenge to ongoing Maori authority. Instead, as the experiences of the mixed race children strongly suggested, they rather ran the risk of becoming to some extent assimilated into the dominant culture.³²¹ Yet Rohe Potae leaders did not need to look very far to see that significant Pakeha migration might at any time undermine that control, marginalising Maori in the process. In the 1850s they would therefore begin to look for new ways to hold on to and preserve their dominance.

3.8 Conclusion

This chapter has examined the evolving relationship of Rohe Potae hapu and iwi with the Crown and settlers in the years following 1840. It began, though, with consideration of developments in the northern part of New Zealand prior to that time. The establishment of a penal colony in New South Wales in 1788 invited much greater interest in the resource-rich islands of New Zealand. Links with British

³²⁰ Boulton, 'Hapu and Iwi Land Transactions with the Crown and Europeans', p.23.

³²¹ In some cases local Maori were even called upon to mediate in disputes between the settlers. See, for example, John Whiteley, *Journal*, 18 May 1841, p.127, MS-Copy-Micro-0769, ATL.

officials forged through these channels were strengthened in various ways, including the 1833 appointment of an official British Resident at the Bay of Islands. James Busby facilitated the selection by northern rangatira of a national flag at Waitangi in March 1834 (a flag that was later flown at a number of Kingitanga gatherings in the Waikato). The following year some 35 chiefs signed He Whakaputanga o te Rangatiratanga o Nu Tirene, otherwise known as the Declaration of Independence of New Zealand. Several other important rangatira (including Te Wherowhero of Waikato) subsequently signed the same document, which came to be viewed as an increasingly important acknowledgement of the rights of all hapu and iwi. Moreover, British acceptance of the Declaration helped to persuade the British government, when it determined to annex New Zealand itself by 1839, that it would be necessary to seek a formal cession of sovereignty from the chiefs. Whether the Treaty of Waitangi had that effect has been a matter long debated, while the refusal of some of the signatories to the Declaration to give their assent to the Treaty raises some interesting issues.

Further issues are raised by the English-language version of the Treaty with which many of the Waikato signatories were presented. However, as we saw, there are good grounds for believing that the text of the te reo Maori version was probably read in explanation, and those verbal statements are likely to have counted for more than the actual wording of a document drafted in a language the chiefs were unable to read. A relatively small number of Ngati Maniapoto rangatira signed the Treaty, which was perhaps attributable to the failure to take copies of the agreement to any of the inland settlements.

Subsequent interactions between Crown representatives and the hapu and iwi of Te Rohe Potae cast doubt on the extent to which both parties shared a common understanding of the Treaty and its implications. Crown claims to unqualified dominion or sovereignty over all of New Zealand were at first little more than nominal. But later assertions of Crown authority increasingly came up against ongoing Maori expectations of continued control over their own affairs. While those tensions were hardly unique to the Waikato district, instead reflecting the tensions between Article One of the English version and Article Two of the Maori text of the

Treaty, they came into more stark relief there than elsewhere, especially from the 1850s onwards.

Te Rohe Potae hapu and iwi sought to maintain positive relations with Crown officials, whose presence in the district remained light, but guarded against unsolicited interference in their own affairs. Events such as the huge Remuera hakari of 1844 meanwhile served as a telling reminder of the immense power and prestige of the Waikato tribes generally. Their response to events such as the Northern War was carefully monitored, while Te Wherowhero and other Waikato chiefs protested against plans to seize Maori lands deemed 'waste'. Those proposals were eventually dropped in favour of an expanded programme of Crown purchasing.

In the Taranaki district tensions over land remained high throughout the early years of the colony. Disputed New Zealand Company land purchases saw settlers confined to a narrow coastal strip centred on New Plymouth. Waikato and Ngati Maniapoto claims over the district arising out of their earlier clashes with the local tribes, and the return of absentee owners from the Cook Strait region – and others freed from captivity in the Waikato – made for a volatile situation. Waikato claims over Taranaki were recognised in an 1842 deed signed by Te Wherowhero and his brother. However, the right of Ngati Maniapoto to occupy northern Taranaki as far south as Urenui was subsequently recognised by Governor Hobson. Evidence as to actual Ngati Maniapoto occupation of the Taranaki lands is incomplete and sometimes conflicting. But it appears that some members of Ngati Maniapoto were in occupation of selected sites as far south as Waitara, at least for a time in the 1840s. Members of Ngati Maniapoto and Waikato did not appear before the 1844 Spain Commission inquiry into the New Zealand Company's Taranaki dealings. Spain upheld the purchases, declining to recommend additional payments (in part out of concerns that the Waikato tribes would likely claim the money as their own). Governor FitzRoy in any case rejected Spain's findings, instead arranging for further payments to be made to the Taranaki tribes in respect of a much smaller area of land in and around the New Plymouth settlement.

Subsequent attempts to purchase further land at Taranaki for the settlers proved contentious, provoking conflicts between different Te Atiawa hapu. But the Ngati

Maniapoto and Waikato tribes continued to take a keen interest in events at Taranaki, and Crown officials sometimes found it convenient to call upon their assistance in the district. Ngati Maniapoto had (with the full support and blessing of the government) played such a role as late as 1858, though when they did so again two years later at Waitara they were accused of brazenly interfering in a district and a matter that was of no concern to them. The apparent double standard in this instance arose from the fact that they had aligned themselves with those disputing the government's purported purchase of Waitara lands.

Matters appeared more positive in the Waikato district in the early years of the colony. Indeed, visitors to places such as Rangiaowhia or Otawhao were often amazed at the transformation of the local landscape and Maori economy. The appearance of churches and schools, along with wheat fields, horses, cattle, peach trees and other crops, seemed to some European observers irrefutable evidence that the tribes of the district were well along the path to supposed 'civilisation'. But despite expectations to the contrary, much of that economic activity was organised communally, with groups pooling their resources in order to invest in items such as flour mills and ships. Notwithstanding the collapse of the Australian wheat market in 1856, the Waikato continued to remain a hive of Maori economic activity right up until the time of British invasion in the 1860s.

Missionaries such as John Morgan had provided practical assistance and advice in respect of a number of these economic ventures as part of their broader goal of 'civilising' Maori. But the efforts of Morgan and other missionaries to eradicate Maori customs and practices deemed inconsistent with a Christian lifestyle met with limited success. The messages of the missionaries were instead embraced more selectively, as their 'civilisation' strategies were in some instances subtly subverted by Maori communities for their own ends. In the process, a distinctly Maori form of Christianity emerged over time.

European settlement of the Rohe Potae district in the two decades after 1840 meanwhile continued to be limited in scale. Most Europeans who settled in the district continued to do so largely on Maori terms. Many of them occupied lands on Maori sufferance, without any kind of legal title from the Crown. Any claims on the land

they occupied were instead often understood to be held by their Maori families. Te Rohe Potae hapu and iwi remained firmly in control of their own affairs, and Europeans who settled in the district entered a distinctly Maori world.

4. The Crisis in Relations and the Emergence of the Kingitanga

4.1 New Zealand Constitution Act

Keith Sinclair noted in the 1950s that the first signs of emerging Maori unrest came not during the economic slump of the late 1850s, but at a time of relative prosperity earlier in the decade.³²² This shift in attitude has often been pinpointed to the New Zealand Constitution Act of 1852, which though granting Europeans representative self-government, effectively denied the overwhelming majority of Maori the right to vote for or be represented in the new settler assemblies. Grey had, however, at least professed to detect similar feelings of disenchantment among some Maori in 1847, when successfully arguing against the introduction of an earlier constitution which again denied Maori equal rights alongside the settlers to participate in the political and administrative processes of the colony.

Grey pointed out that the 1846 constitution would not, as intended, ‘confer...the inestimable advantages of self-government, but...will give to a small fraction of her [the Queen’s] subjects of one race the power of governing the large majority of her subjects of a differing race.’ Nor (since Maori contributed very substantially to the colonial treasury through customs duties and other levies) would it allow those who paid taxes to decide how these should be spent, so much as giving ‘a small majority of one race the power of appropriating as they think proper a large revenue raised by taxation from the greater majority of her subjects of another race.’ The problem, Grey contended, was obvious:

the race which is in the majority is much the more powerful of the two; the people belonging to it are well armed, proud, and independent; and there is no reason...to think that they would be satisfied with and submit to the rule of the

³²² Sinclair, ‘Maori Nationalism and the European Economy’, p.132.

minority, while there are many reasons to believe that they will resist it to the utmost.³²³

Grey also pointed out that the majority of Maori were by this time able to read and write in their own language, were jealous and suspicious and owned ‘many vessels, horses, and cattle, and are altogether possessed of a great amount of wealth and property in the country, of the value of which they are fully aware’. He observed that:

there is no nation in the world more sensitive upon the subject of money matters, or the disposal of their property, and no people that I am acquainted with less likely to sit down quietly under what they may regard as injustice. A great change has also recently taken place in their position: the mutual jealousies and animosities of the tribes have greatly disappeared, and a feeling of class or race is rapidly springing up, and has been greatly fomented by the efforts which have been made by designing Europeans to obtain their lands from them for a merely nominal consideration. This feeling of nationality has been extended by many other causes. Some of their young chiefs of the highest birth, and of great personal ambition, have now received good educations; they have acquired the habit of letter-writing, which is a favourite custom with them, and they are in a constant state of movement; so that their intercourse, and power of forming extensive conspiracies, and of executing combined and simultaneous movements upon different points, is daily increasing.³²⁴

While Grey was a masterly despatch writer, and could twist the facts to suit whatever argument he deemed it convenient to make at the time, there was nevertheless still much force in what he had outlined on this occasion. And although Maori in the South Island were soon dwarfed by incoming settlers, in the North Island it was a different story. Maori there remained in the majority and, with their thriving economy, were contributing substantially to government revenues. Yet with the 1852 Constitution Act those revenues were to be appropriated by a settler assembly and various provincial councils from which Maori were effectively excluded.

³²³ Governor Grey to Earl Grey, 3 May 1847, Turton (comp.), *Epitome*, A.1 Part I, p.45.

³²⁴ *ibid.*

That effective exclusion was not as simple or as crude as a provision banning Maori from voting. There was nothing in the Constitution Act that explicitly excluded Maori from being eligible to vote (and, indeed, the new constitution removed the requirement in the 1846 document for potential electors to be able to read and write in English, which would have been the primary impediment to potential Maori enrolment in the event that that constitution had been implemented).³²⁵ In fact some figures later attributed the failure of Maori to register as voters under the 1852 constitution to little more than their own apathy. William Fox, for example, argued that:

If the natives generally have not exercised the privileges conferred by the Constitution Act on both races, it has been because they did not value them, nor care to exercise them. What they have habitually done for years all over the Province of Wellington, they could have done in every part of the colony.³²⁶

Yet just as many of the Jim Crow laws which served to disenfranchise African-Americans prior to the 1960s often did so in indirect ways (through literacy tests or poll taxes that were in theory colour blind), so too worked the Constitution Act. The franchise for provincial councils and the House of Representatives was extended to all men over the age of 21 with a freehold estate within the electorate valued at £50, or a leasehold or tenement with an annual value of £10 in a town and £5 in rural areas.³²⁷ Fox had made much of the fact that some Maori in the Wellington province had managed to enrol through the tenement qualification. But according to B.J. Dalton, Fox's reference to large numbers of Wellington Maori enfranchised by these means was 'characteristically and grossly misleading'.³²⁸ In fact, there were no more than 35

³²⁵ A.H. McLintock, *Crown Colony Government in New Zealand*, Wellington: Government Printer, 1958, p.328.

³²⁶ William Fox, *The War in New Zealand*, London: Smith, Elder & Co., 1866 (Capper Press reprint, 1973), p.10.

³²⁷ M.P.K. Sorrenson, 'A History of Maori Representation in Parliament', in *Report of the Royal Commission in the Electoral System: Towards a Better Democracy*, Wellington: Government Printer, 1986, p.13; W. David McIntyre and W.J. Gardner (eds), *Speeches and Documents on New Zealand History*, London: Oxford University Press, 1971, p.75.

³²⁸ B.J. Dalton, *War and Politics in New Zealand 1855-1870*, Sydney: Sydney University Press, 1967, p.80, fn.74.

Maori registered to vote in the whole of Wellington province by 1858, ‘and unsuccessful applications by forty-nine others at Otaki led I.E. Featherston, the Superintendent, to write hysterically of systematic attempts to swamp the electoral roll.’³²⁹ The colonial government moved in that same year to include a clause in the Qualifications of Electors Bill before the General Assembly that would have had the effect of disenfranchising the tiny number of Maori already eligible to vote. Although Browne refused to sanction such an explicitly discriminatory measure, advice received from Crown Law Officers in England the following year had much the same effect. They ruled that the property qualifications outlined in the Constitution Act were confined to such rights as were clearly cognisable in an English court of law, something which was not deemed to apply to customary Maori lands.³³⁰ Since almost no lands were held under European tenure, that left Maori effectively disenfranchised under the Constitution Act, even if on paper there was no explicit discrimination.

Governor Thomas Gore Browne, following an 1856 visit to the Waikato, reported that although Maori there gave ‘the strongest assurances of unalterable attachment to Her Majesty, and to myself as her representative, they declared in the most emphatic terms, that they never would recognize the Assembly in any way, speaking of it in contemptuous terms, and calling it the “English Committee.”’³³¹ Wi Hikairo, of Ngati Hikairo, in response to a query as to who he looked to as the head of the government, was said to have replied ‘the Governor’. He was unwilling that the administration of affairs should be put into other hands, and especially those of a responsible ministry, declaring that ‘it must remain with us and the Governor.’³³² Hone Wetere also believed that ‘the ruling power of New Zealand’ was vested in the chiefs in conjunction with the governor, and rejected any change to that arrangement, as did Hone Te Waru of Ngati Apakura.³³³

In 1854 the all-Pakeha Parliament, elected by an almost entirely European electorate, met for the first time, and although responsible government was not initially bestowed

³²⁹ Dalton, *War and Politics in New Zealand*, p.80. See Browne to Labouchere, 6 January 1857 (and enclosures), GBPP, 1860 [2719], pp.426-428.

³³⁰ Dalton, *War and Politics in New Zealand*, p.80; Law Officers of the Crown, 7 December 1859, cited in Miller, *Race Conflict in New Zealand*, p.165.

³³¹ Browne to Labouchere, 9 December 1856, GBPP, 1860 [2747], p.409.

³³² Thomas Skinner to Browne, 30 August 1856, GBPP, 1860 [2719], p.385.

³³³ *ibid.*

on an executive comprised of elected MPs, it was widely seen as merely a matter of time. Precisely who would control Maori affairs under such a regime remained a matter of considerable concern and debate, however, and in 1856 Browne solicited answers from 38 prominent settlers, missionaries and officials on the wisdom of devolving responsibility for Maori affairs to a ministry of elected politicians, and the likely Maori response to such a move. The respondents were nearly unanimous in viewing such a step as a very unwise one with potentially unfortunate if not disastrous consequences. While the reasons proffered for holding such views were varied, at least some of the respondents believed leaving Maori to the mercy of ministers would be seen as a serious infraction of solemn Crown commitments. J. Wilson of New Plymouth, for example, wrote in response that:

I apprehend there would be a serious objection on the part of the Maori...to the adoption of any system or plan of combined governance or interference, as most undoubtedly it would be jealously viewed as a violation of the covenant signed and sealed at Waitangi in 1840; the Maori, according to that magna charta, having submitted to the Queen's sovereignty and to her immediate representatives, and not to ministers elected to legislatorship, not by Maori participation, but by the votes only of his white fellow-subjects.³³⁴

Former Chief Protector of Aborigines George Clarke Snr. was of the same view. He informed Browne that:

The management of native affairs by the Governor's responsible advisers was never contemplated in the treaty of Waitangi with the aborigines, and would now be considered by them a breach of that treaty; in fact, they cannot comprehend such a proposed administration; and the probable changes arising from change of ministers and measures would, I fear, create confusion and distrust in the native mind.³³⁵

³³⁴ Wilson to Browne, 22 August 1856, GBPP, 1860 [2719], p.368.

³³⁵ Clarke to Browne, 30 August 1856, GBPP, 1860 [2719], p.369.

The Hawke's Bay missionary Samuel Williams also made reference to the Treaty in his consideration of the issue, though evidently more with reference to its likely fate under a settler-controlled administration. According to Williams:

the "Treaty of Waitangi", by which Her Majesty's representatives have hitherto considered themselves to be strictly bound, is looked upon by many of the English settlers to be a hindrance to the progress of the colony, and any attempt to set it aside would justly excite great ill-feeling on the part of the natives towards the colonists, and the most lamentable consequences would probably ensue.³³⁶

Under the terms of Browne's 1856 arrangement with ministers, the governor was to be guided by the advice of a ministry answerable to the General Assembly, regardless of whether this was in accordance with his own views or not. However, on matters affecting the Queen's prerogative and Imperial interests generally, the governor would happily receive advice but reserved the right to refer any matters where his own views differed to the British government for answer, with his own opinion to prevail in the meantime. Among those matters specifically deemed to involve Imperial interests were 'all dealings with the native tribes, more especially in the negotiation of the purchase of land.'³³⁷ That arrangement thus failed to prevent ministers from meddling in Maori affairs, instead merely not guaranteeing that their interventions would always be upheld by the Colonial Office. And meanwhile, given that Browne was, with the exception of the £7000 sum Grey had placed on the Civil List, entirely at the mercy of the General Assembly for any additional funds for 'native purposes', ministers were in practice left with considerable room for manoeuvre.

If the government was not going to allow Maori equal standing with Europeans in the administration of the affairs of the colony, then the least it might do was to formally recognise and provide for Maori to administer their own affairs under the aegis of the Crown. In fact, the Constitution Act made provision for this to occur, with section 71

³³⁶ Williams to Browne, 19 September 1856, GBPP, 1860 [2719], p.412.

³³⁷ Frederick Whitaker and others, Minute on Native Affairs for the consideration of His Excellency the Governor, 22 August 1856, GBPP, 1860 [2719], p.361.

allowing for the proclamation of ‘native districts’ within which Maori custom would prevail. But regardless of the intentions of the Colonial Office in drafting this clause, among officials in New Zealand there was almost no support for bringing it into effect in any part of the country. In the 134 years that section 71 remained on the statute books before finally being repealed in 1986, not once was it ever implemented. Browne later claimed, in defence of his failure to implement the provision, that the ‘races’ were ‘thoroughly intermixed’, which made it difficult to define any distinct district.³³⁸ That was hardly accurate, however, since distinct districts were somehow found easily enough when the government set out to punish so-called ‘rebels’ in the 1860s. Colonial Office representatives certainly appear to have been at a loss to explain the failure to act on this provision. Herman Merivale, the Permanent Under Secretary, commented in 1857, for example, that ‘It never has been clear to me why the Governor has not used the power left him by the Constitution of proclaiming native districts.’³³⁹

Chichester Fortescue, the Under Secretary of State for the Colonies, famously told the House of Commons in 1861 that, as a result of the 1852 Act, the governor was ‘[o]bliged to act under a Constitution which appeared to have been framed in forgetfulness of the existence of large native tribes within the dominions to which it was intended to apply’.³⁴⁰ Close consideration of the debates in the House of Commons leading up to the passage of the New Zealand Constitution Act in 1852 suggest, though, that while this may have been the net outcome of the legislation, the impact of the move towards responsible government upon the Maori population was not entirely overlooked. Sir John Pakington, who sought leave to introduce the Bill on 3 May 1852, explained that the move had been necessitated by the suspension of the New Zealand Constitution Act for five years, until March 1853. This was the Act ‘which imposed on Parliament the necessity of doing something in the present Session, and the House would of necessity perceive that, if they did not, the Act of

³³⁸ J.E. Gorst, *The Maori King, or The Story of Our Quarrel with the Natives of New Zealand*, London: Macmillan & Co., 1864 [with annotations by Thomas Gore Browne], p.403, MS-0860, ATL. See also Browne to Labouchere, 9 May 1857, AJHR, 1860, F-3, p.112.

³³⁹ Marginal note on Browne to Colonial Secretary, 12 June 1857, no.50, CO 209/141, pp.691-692, Archives NZ.

³⁴⁰ <http://hansard.millbanksystems.com/commons/1861/april/11/resolution> (accessed 14 May 2010).

1846 would of itself come into operation.’³⁴¹ Among the many reasons he advanced for suggesting that New Zealand was now ready for responsible government was ‘the high character of the native population’ and ‘their extraordinary advance in civilisation and national prosperity since 1847’. In particular, drawing upon a recent despatch from Grey, he noted that:

Nearly the whole nation has now been converted to Christianity. They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; have now many coasting vessels of their own, manned with Maori crews; are attached to Europeans, and admire their customs and manners; are extremely ambitious of rising in civilisation and becoming skilled in European arts; they are apt at learning; in many respects conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world.³⁴²

All of this led naturally to the assumption that Maori could be and were gradually and inevitably being drawn into colonial society and its body politic, and in proof of this Pakington pointed to the valuable property by this time owned by a number of chiefs, property which gave them a large stake in the future welfare of the colony. For these reasons, Pakington believed that ‘our legislation should be so shaped as to draw as little distinction as possible between the European and native inhabitants of the Colony.’³⁴³ He therefore announced that:

in consequence of the great advance of the natives in civilisation, the Government proposed to draw no distinction between the natives and Europeans with regard to the franchise; but that whenever a native should be residing within the limits of any of the provinces, and should be possessed of the requisite qualification, he should be regarded as a British subject, and should be as free to exercise the franchise as any of his Europeans neighbours.³⁴⁴

³⁴¹ <http://hansard.millbanksystems.com/commons/1852/may/03/new-zealand-government> (accessed 14 May 2010).

³⁴² *ibid.*

³⁴³ *ibid.*

³⁴⁴ *ibid.*

Pakington's comments here call to mind the observations of Montagu Hawtrey some years earlier that nominal equality before the law without regard to the actual circumstances of the parties risked 'destroy[ing] the weaker under a show of justice'.³⁴⁵

It was all very well to talk of the supposed 'advances' in 'civilisation' that Maori were making, but the real question in 1852 was what would be the effect of the New Zealand Constitution Bill? Would Maori be subjected to the rule of an all-white settler assembly or would sufficient numbers be eligible to vote in order to have some input into the administration of the colony's affairs? Pakington clearly envisaged that significant numbers of Maori would not immediately be eligible to vote, since he cited this in support of the decision to include in the Bill provision for the sum of £7000 to be reserved on the Civil List exclusively for expenditure on 'native purposes'. He stated that:

where natives were within the limits of a province, they would have the right to vote, and to exercise the same franchise and privileges as Europeans; but still there would remain a vast number of intelligent natives, contributing largely to the revenue of the country by the consumption of imported goods, who would not have a voice, at all events for the present, in the election of representatives. Therefore they proposed that 7,000l. a year should be reserved for the benefit of the native tribes, and that this 7,000l. a year should be appropriated for the construction and maintenance of hospitals – for the establishment and maintenance of schools – for the payment of the resident magistrates – for presents for the native chiefs, in acknowledgement of their services, and for other objects that would promote the happiness and prosperity of the natives.³⁴⁶

³⁴⁵ Quoted in Ward, *Show of Justice*, p.34.

³⁴⁶ <http://hansard.millbanksystems.com/commons/1852/may/03/new-zealand-government> (accessed 14 May 2010).

That was stretching £7000 an awfully long way – much further, in fact, than it could actually go, and in practice most of the sum came to be devoted to subsidising missionary-run schools.

While many subsequent speakers ignored the impact of the new constitution on Maori, Sir Edward Buxton was an exception to this trend. He told the House of Commons that:

If he remembered right, in the Bill of Earl Grey the franchise for the natives was different from that of the colonists. He...rose, however, for the purpose of asking the right hon. Gentleman whether he could inform the House how many, or what proportion, of the natives were likely to have votes under the proposed franchise; and whether he had provided that not only in the provincial Chambers, but in the Central Legislature, they should have no right to enact that any different franchise should be enforced on the natives, to that which was to be enacted for the European colonists? He trusted that provision would be made in the Bill by which the colonists hereafter would have no power to make one franchise for themselves, and another for the natives.³⁴⁷

While Buxton's apparent concern was to avoid a situation in which discriminatory legislation was introduced by the colonists to disenfranchise Maori, the fact was that a standard franchise qualification based upon holding lands individually and under grant from the Crown had the same effect anyway.

An indication that the British government had possibly failed to understand this fact came from Pilkington's response that 'It would appear that at all events a very large proportion of the native population was entitled to the same privileges as the British settlers, though what that number might be he could not state with any degree of exactness.'³⁴⁸

While Pakington again stressed that there would likely be a 'large number' of Maori who were not at that point eligible to vote, it appears to have been assumed that there

³⁴⁷ *ibid.*
³⁴⁸ *ibid.*

would be substantial Maori involvement in the electoral and parliamentary processes. In fact, another speaker, Lord John Russell, expressed his own concerns on this very point, declaring that:

The grand obstacle to the due working of representative institutions in the Colony of New Zealand was found to be the great disproportion between the number of British settlers and natives fitted to undertake the working of these institutions. Now, the right. hon. Colonial Secretary proposed, if he understood him rightly, that when a native should hold a qualification the same as a British settler, he should have the same right of voting, and the same franchise. That might be a very convenient arrangement within a restricted settlement; but if the settlement were considerably extended, it was obvious that they would then come to large bodies of natives who would have no conception of the mode of carrying out such institutions, or of the persons whom they ought to send as their representatives. Upon the other hand, these natives would consider it a great grievance if they were altogether excluded from having a voice in that Assembly. This was the great difficulty which the Governor (Sir George Grey), a very able man, felt – the difficulty of providing for the due representation of 100,000 of the native population.³⁴⁹

Reference to restricted or expanded ‘settlements’ pointed to another key assumption underpinning the 1852 legislation. It was, in fact, envisaged that a substantial portion of the Maori population would live outside the jurisdiction of the central and provincial assemblies, at least until such time as they had sufficiently ‘advanced’ in ‘civilisation’ as to be incorporated into the body politic, at which time Maori would take a full place alongside the Pakeha population in the administration of the colony’s affairs. For these purposes, section 71 of the Constitution Act was included, allowing for the creation of ‘native districts’ in which Maori customs and laws could be maintained. As Walpole explained in committee:

by Clause 71, power was given to the Governor to cause the laws, customs, and usages of the aboriginal inhabitants to be observed, so far as they were not

³⁴⁹ *ibid.*

repugnant to the general principles of humanity. The reason for the clause was, that there were portions of New Zealand where it would be advisable to maintain the customs and laws of the natives until the whole Colony had become more or less incorporated with the European inhabitants. It was not advisable to say at once that the General Assembly should make no laws except as were consonant with the laws of England, and so at once destroy all the usages and laws which the native inhabitants might think it desirable to retain.³⁵⁰

That concept was explained even more simply during the second reading of the Bill, when Sir William Molesworth stated that:

It appeared from this Bill that, first, New Zealand was to be divided into two parts, an English part, and a native part. Within the English pale, English laws were to be enforced; without the pale, in the native part, native laws and customs were to be maintained by the Governor-in-Chief of New Zealand, notwithstanding the repugnancy of any such laws to the laws of England, or of New Zealand, provided they were not repugnant to the laws of humanity.³⁵¹

It thus appears to have been a clear British understanding that there would be substantial Maori involvement in the election of representatives to the new General Assembly, especially in those areas of most extensive contact where Maori had sufficiently 'advanced' to this point, but that many Maori communities would be left to administer their own affairs under the governor's supervision in accordance with section 71 of the Constitution Act. In such circumstances there would be little obvious injustice provided both provisions were enforced in tandem (that is, section 71 and enfranchisement based on European-style land holdings). The difficulty arose from the fact that, while all but a handful of Maori were ineligible to vote for the new Parliament, no steps were taken to implement the section 71 provisions. Maori were thus increasingly subjected to the arbitrary control of a (in practice, racially selected) body from which they were excluded. That does not appear to have been what the

³⁵⁰ <http://hansard.millbanksystems.com/commons/1852/jun/04/new-zealand-government-bill> (accessed 14 May 2010).

³⁵¹ www.hansard.millbanksystems.com/commons/1852/may/21/new-zealand-government-bill (accessed 14 May 2010).

British government had in mind, but although Colonial Office recommendations that section 71 be used were occasionally forthcoming it required more definite instructions on this point to go down that path – and such instructions were never issued.

Thomas Gore Browne, who arrived as governor in September 1855, reported following his first meeting with a number of the most influential North Island rangatira that they ‘do not view the Assembly very favourably, partly because they do not understand its power and dignity, and partly because they believe it is less scrupulous in its desire to obtain land than the Governor, whom they look on as a protector, and for whom, as being the Queen’s deputy, they have the greatest respect.’³⁵²

Over the following months he forwarded the Colonial Office a number of reports suggesting a deepening crisis with respect to relations with the tribes. Although the move towards so-called responsible government in 1856 nominally reserved Maori affairs from the province of ministers, other tensions existed. Browne wrote that:

If the management and control of the natives were not complicated by their intercourse with Europeans, little or no difficulty would be felt; but unfortunately the interests of the two races are antagonistic; nor can I disguise from myself that elements of discord between them are in existence, and that imprudent legislation or interference with the rights of the Maoris would fan them into a flame not easily extinguished.³⁵³

He believed that sufficient troops were required to protect the main settlements from attack from the interior. But the British government, reassured by the glowing reports received from Grey during his governorship as to the state of things, had come to the view that it should no longer be bound to provide European settlers in New Zealand with military defence against possible attack from the tribes. Browne took issue with Grey’s assessment, arguing that Maori were not ‘as advanced in civilization or as

³⁵² Browne to Lord John Russell, 20 September 1855, GBPP, 1860 [2719], p.151.

³⁵³ Browne to Sir William Molesworth, 14 February 1856, GBPP, 1860 [2719], p.187.

inclined to conform to European laws and usages' as he had been led to believe. He considered that:

differences will be of frequent occurrence until the natives have advanced in civilization much more than they have yet done; that the most judicious management is required when such cases do arise; that the consequences of our failing to settle amicably any such disputes would probably be the burning of some small settlement, or even Auckland itself (which being built of wood could be fired with ease, as has been more than once threatened), an enormous destruction of property, a cessation of immigration, and the consequent ruin of a colony which resembles England more than any other belonging to the Crown.³⁵⁴

Wiremu Tamihana Tarapipipi's plea for Maori to be allowed representation in the General Assembly meanwhile fell on deaf ears,³⁵⁵ and later proposals for a 'Maori General Assembly' to be convened under the mantle of the governor fared no better.³⁵⁶ Tamihana later informed the Waikato missionary Benjamin Ashwell of his efforts to visit Governor Browne in Auckland to discuss this in person. Ashwell wrote in 1861 that Tamihana had told him that:

Between Three and four Years ago – We the Rangatiras (Chiefs) of Ngatihaua and other Chiefs had a runanga (a council) to consider how we might have laws etc. like the Europeans [;] at last we thought we ought to have a runanga in Auckland and have one Tikanga (Law Govt.) for all – we drew up a paper signed by the Chiefs which I took to Auckland. I called at the Native Office for an Answer to my paper on a Monday abt. 10 o'clock [;] I waited till one, and was then told by a late Interpreter that I could not be attended to, but to come again in the Morning – I went on the Tuesday and waited till after Twelve when I was again told that I could not be attended to, and to come again. Now, all this time, I saw Europeans attended to, who came after me.

³⁵⁴ Browne to Labouchere, 15 April 1856, 1860 [2719], p.194.

³⁵⁵ Influential missionaries such as Richard Taylor also advocated allowing a number of the most senior chiefs to take their place in the General Assembly. Richard Taylor, *Te Ika a Maui, or New Zealand and its Inhabitants*, London: Wertheim & Macintosh, 1855, pp.275-276.

³⁵⁶ C.W. Richmond to H. Sewell, 16 June 1857, in G.H. Scholefield (ed.), *The Richmond-Atkinson Papers*, 2 vols, Wellington: Government Printer, 1960, vol.1, p.276.

Then I said to myself – We are treated as dogs – I will not go again. I then went to Mangere and I said to Potatau – go back to Waikato and let us consider some Tikanga for ourselves....³⁵⁷

The former Waikato Civil Commissioner John Gorst also mentioned this incident in his 1864 book, writing that:

At the beginning of 1857, while affairs were in this crisis in Waikato, Wiremu Tamihana paid his last (I believe his only) visit to Auckland. He has said that his chief object in going was to see the Governor, and lay before him the lawless condition of the country, in order that some plan might be arranged to cure the existing evils. He was also anxious to have a European magistrate stationed at his own village. He was, however, received coldly, and his requests were slighted, although nobody can now recollect how or why. He complains of some subordinate officer having treated him with great rudeness when he tried to obtain access to the Governor. It is quite certain that somebody took upon himself to refuse the Chief admission to the Governor's presence.³⁵⁸

The identity of that 'subordinate officer' or 'late Interpreter' seems clear enough. Charles Oliver Bond Davis had resigned from his position as a clerk and interpreter in the Native Department in 1857, and was subsequently suspected of harbouring sympathies for the Kingitanga.³⁵⁹ Browne, who made extensive annotations on his own copy of Gorst's book, wrote with respect to the passage quote above that:

This date is incorrect. It was in 1855. Thompson saw Davis who was always a traitor. Davis told him it was useless for him to see the Govr. unless he was prepared "to pass under his, Davis', thigh." Referring to a custom among

³⁵⁷ Ashwell to CMS, 1 May 1861, Ashwell Letters and Journals, qMS-0089, ATL. See also Alan Ward, 'Tamihana's Visit to Auckland', *Journal of the Polynesian Society*, vol.73, no.3, 1964, p.325. While Ward suggests that the experience was a formative one in Tamihana's subsequent support for the Kingitanga, B.J. Dalton has queried its significance. See B.J. Dalton, 'Tamihana's Visit to Auckland', *Journal of the Polynesian Society*, vol.72, no.3, 1963, pp.193-205.

³⁵⁸ J.E. Gorst, *The Maori King, or The Story of Our Quarrel with the Natives of New Zealand*, London: Macmillan & Co., 1864, p.81.

³⁵⁹ Alan Ward, 'Davis, Charles Oliver Bond, 1817/18?-1887', DNZB, vol.1, pp.99-100

Maories when a man has been taken prisoner & is about to be enslaved or slain.³⁶⁰

In a confidential report to the Colonial Office prepared in 1858 Browne claimed that ‘This [King] movement, if not originated is fostered by a man named Davis, lately first interpreter in the Native Office, whose correspondence with the Maoris is very extensive...He opposes the Government in every way he can do with safety to himself, persuading the Natives not to sell land, and to assert their independence of the British Government.’³⁶¹ Browne claimed that Davis was the son of a convict, an indirect reference perhaps to his Irish (and therefore somewhat suspect) heritage, a background that might have been seen as a possible cause of his alleged sympathy with the King movement.³⁶²

The incident in question involving Tamihana was also referred to in Thomas Buddle’s account of the King movement, albeit without Davis being named. In this version it was said that:

Thompson, in conversation with a friend, expressed his great admiration of some of our usages and especially of the manner in which justice is administered in our courts. His friend replied “E tomo koe i raro i aku huha.” (Your path is through underneath my thighs). He enquired the meaning of this strong figure, and received for reply “me rapu koe?” (Search it out). He thought, he pondered, and at length arrived at the conclusion that it must point to oppression and slavery. “That path,” he reasoned, “is the path of dogs only, then, are we to be treated like dogs? Does the pakeha intend to put us beneath his feet? But he shall not be permitted.” And he resolved on devising some means to preserve himself and countrymen from the degradation thus

³⁶⁰ Gorst, *The Maori King* [with annotations by Thomas Gore Browne], p.81, MS-0860, ATL.

³⁶¹ Browne to Labouchere, 18 February 1858, n.13 (confidential), CO 209/145, p.126, Archives NZ.

³⁶² However, the available biographies of Davis make no mention of any convict connections. Alan Ward, ‘Davis, Charles Oliver Bond, 1817/18?-1887’, DNZB, vol.1, pp.99-100; <http://www.teara.govt.nz/en/1966/davis-charles-oliver-bond/1> (accessed 21 September 2010).

figuratively indicated. The statement is given as it is commonly related in Maori circles.³⁶³

Buddle's account was put to Davis when the latter testified before the Waikato Committee in 1860. Davis denied making use of the statement in question but did admit that he had spoken with Tamihana. He claimed that Tamihana had come to Auckland in about 1857 to apply for a loan for a mill, which was referred to McLean and refused. Tamihana complained about this, and according to Davis he had had a further conversation with the chief some two or three days later, during which he stated that 'your application has been thrown under the table: therefore, if you wish to erect a mill, or raise your own social condition, you must set about it yourself in earnest.'³⁶⁴

Tamihana himself might also have been referring to the same incident when he told H.T. Clarke in January 1861 that:

we thought it highly necessary that we should have native magistrates and a native council. There were constant quarrels springing up amongst ourselves, often resulting in the loss of many lives; our Pakeha friends looked on with unconcern. We also required many rules and regulations adapted to the present state of the Maori people, this runanga to be under the direction of the Governor. I visited Auckland for the purpose of laying my suggestions before the Governor (Sir G. Grey). At the native office I saw Mr. Charles Davis, I told him our wishes; he put me off with this reply, 'It is of no use your applying to the Governor, he will not accede to your proposals, he will tell you that you are but children and require teaching. When he sees that you are sufficiently advanced he then perhaps will entertain your suggestions.' I returned home without seeing the Governor, disappointed at the result of my mission; I determined to undertake at my own risk what my Pakeha friends denied me. The King had not then entered into my speculations; I thought that a number of magistrates, together with a runanga composed of members from

³⁶³ Thomas Buddle, *The Maori King Movement in New Zealand, with a Full Report of the Native Meetings Held at Waikato, April and May, 1860*, Christchurch: Kiwi Publishers, 1998 (original ed. 1860), p.9.

³⁶⁴ Minutes of Evidence, 6 October 1860, AJHR, 1860, F-3, p.20.

all the tribes of New Zealand, would meet all our requirements. It was not till after the Waikato chiefs had received a letter from Matene te Whiwhi, suggesting a King, that we took it into serious consideration and finally adopted Matene's advice. This King was to be in close connexion with the Governor, to stand in the same relation to the Maories as the Governor does to the Pakeha.³⁶⁵

The reference to Grey's governorship may have been wrongly inserted by Clarke or someone else. On the other hand, Tamihana's reference to Matene Te Whiwhi, who was generally believed to have first started promoting the idea of a kingship in around 1853, points to a much earlier narrative of events – or perhaps even an entirely separate incident again involving Davis.³⁶⁶ Certainly Browne was left in little doubt that his own relationship with Tamihana had been destroyed by Davis. He informed Newcastle that 'I have always wished to communicate with him [Tamihana], but owing to the conduct of C.O. Davis, as described by himself to Mr. Clarke, I have never been able to do so.'³⁶⁷

But while the incident involving Tamihana's visit to Auckland may or may not have been a crucial one in terms of his decision to support the King movement, the concerns expressed by him were becoming increasingly common across many Maori communities in the years after 1852. As Gorst noted:

the Maories were shut out from all share in the assemblies to which, as they well knew, many of their friends, including the Bishop of New Zealand, declared they had a right to be admitted. The native race has never been unwilling to accept guidance and instruction from white men, whose superior knowledge in mechanical arts and in the science of law-making they admit and admire; but to become a subject race, and accept the whites as dominant over them, was felt to be a degradation to which their savage independence could not stoop. They will never submit to the Colonial Government of New

³⁶⁵ H.T. Clarke, Extract from Journal, 14 January 1861, GBPP, 1862 [3040], p.20.

³⁶⁶ Browne recalled in his diary that Clarke had called to tell him the results of his interview with Tamihana, among whose four grievances was mentioned that 'he asked C.O. Davis in Sir George Grey's time for a Magistrate and Runangas & was answered in the negative'. Browne, Diary, 25 February 1861, ADCZ 17006 W5431/4, Archives NZ.

³⁶⁷ Browne to Newcastle, 1 March 1861, GBPP, 1862 [3040], p.19.

Zealand until the colonists alone, without help from England or Australia, shall prove themselves masters in the field. In imitation and rivalry of the colonial assemblies, meetings were held in various parts of the country, at which their own interests and their relations to the white race, were discussed. They wished to remind the framers of the New Zealand Constitution of their existence, and they did so by setting up an independent King.³⁶⁸

As was noted above, with the formation of the first responsible government in 1856 the administration of 'native affairs' had been expressly reserved to the governor, meaning Maori had not, in fact, been forced to submit to the colonial government. This decision was deemed necessary in order to ensure that the British government was able to continue to meet its obligations towards Maori, as well as reflecting ongoing gubernatorial control of any British troops stationed in New Zealand. In reality, however, the distinction was a fine one: beyond a £7000 sum provided for in the Civil List, the governor was entirely dependent on the General Assembly for any additional funds for Maori purposes, while ministers were also free to enact their own legislation and have this referred to the Colonial Office for decision in the event that the governor disagreed. Members of the all-settler General Assembly were soon taking an active role in Maori matters, and this development did not escape the attention of perceptive rangatira such as Wiremu Tamihana.³⁶⁹

Nor was the situation one which the governor relished. Browne had argued strongly in favour of removing Maori from the jurisdiction of the prospective settler government, informing one official in the Colonial Office that:

If my view of the case is correct they [i.e., ministers] will not find it easy to control those who cast longing eyes on native land nor will the fear of war have that effect for many would profit by it largely in the way of trade and to the unscrupulous it holds out hope of acquiring the lands they covet...The great numerical preponderance of the natives, their large contribution to the Customs, their being in no way represented in the Assembly, the impossibility

³⁶⁸ Gorst, *The Maori King* (2001), p.30.

³⁶⁹ Dalton, *War and Politics in New Zealand*, pp.17-18, 35-45; W.P. Morrell, *British Colonial Policy in the Mid-Victorian Age*, Oxford: Clarendon Press, 1969, pp.213-223.

of inducing them to recognise any other authority than that of the Govr to whom they pay but a doubtful obedience, all suggest the necessity of their being withdrawn from the uncertainty which must necessarily follow from the changes in a constitutional government.³⁷⁰

He further deplored the 'large portion of revenue contributed by the natives & required for their improvement, but hitherto spent by & on the English settlers. This the latter have hitherto considered their own, & funds for native purposes have been doled out with the cold hand of charity & with great self laudation.'³⁷¹ In fact, Browne remained scathing even after responsible government had been conceded in respect of non-Maori affairs, writing that:

members of the Assembly...know as little of the New Zealanders as they do of the Japanese. They...talk utter rubbish on the subject & what is worse, refuse or grudge the smallest supplies. What is to be done if they are not more liberal for the future remains to be seen. Sir George Grey was unfettered in his dealings with the natives & obtained great influence over them. He had no Assembly to consult & he had funds...

A constitution almost Republican, an Assembly of one race determined to govern all after its own fashion, a race of savages too proud to be governed by them & too strong to be coerced, well-affected to the Queen & her Representative but distrustful & suspicious of the English as a race.³⁷²

In a confidential despatch to the Colonial Office penned in 1858 the governor gave his view that Maori were 'as a body...not sufficiently civilized to be able to make proper use of the franchise. On the other hand the obligation to provide for the improvement of the Native race is viewed by the Assembly in a very different light from that in which it would be seen if the Maoris were represented in it.'³⁷³ On another occasion the governor was even more explicit, observing that:

³⁷⁰ Browne to Merivale, 29 April [1856], Gore Browne 2/3, Archives NZ.

³⁷¹ Browne to Merivale, 15 October 1856, Gore Browne 2/3, Archives NZ.

³⁷² Browne to Gairdner, 18 October 1856, Gore Browne 2/3, Archives NZ.

³⁷³ Browne to Labouchere, 18 February 1858, no.13 (confidential), CO 209/145, p.125, Archives NZ.

Promises were made in the treaty of Waitangi & have been amplified & explained by each successive Govr & it has been my constant boast to the Maories that faith has been most religiously kept with them. I doubt the right to delegate to settlers, having adverse interests, the performance of pledges made in H.M.'s name & I cannot deceive myself or you by supposing they will not be broken, sooner or later, if it is ever in the settlers power to do so.³⁷⁴

He went on to note that:

The natives have learnt that the right of the Assembly to govern rests on its being a representative body & that they form no part of its constituents: that the Europeans dare not admit them to an equal share in the govt. of the Country. They therefore refuse to acknowledge an Assembly in which the members are elected from a constituency whose interests are directly opposed to that of the native race.³⁷⁵

Browne thus seemed to be suggesting that the Crown was not entitled to delegate to the settlers the fulfilment of its obligations under the Treaty of Waitangi to Maori, besides believing that, if such a path was pursued, it was merely a question of when and not if those promises were broken.³⁷⁶ Those really were quite remarkable statements coming from the Crown's most senior representative in New Zealand.

4.2 Crown Purchases

Crown purchases within the Rohe Potae inquiry district in the period to 1865 have been considered at length in the report of Leanne Boulton, while those pertaining to the Mokau district will no doubt also be closely examined in the report on that area currently being prepared by Paul Thomas. It is not the intention to replicate that material here. A detailed exposition of the individual purchases and their technical

³⁷⁴ Browne to Gairdner, 27 September 1857, Gore Browne 2/3, Archives NZ.

³⁷⁵ *ibid.*

³⁷⁶ On another occasion Browne wrote that 'H.M. Govt. assumed the guardianship of the Maori nation & made the contract signed at Waitangi: they cannot therefore transfer their duty to an Assembly representing a race whose interests are often opposed to those of the Maori & in which the latter are not represented.' Browne to Fortescue, 3 November 1860, Gore Browne 2/3, Archives NZ.

aspects are therefore not provided below. Instead, the primary focus of this section is to explore what might be described as the broader political dimension to the Crown purchases and what these land transactions may or may not reveal about the wider relationships with the Crown and settlers at this time.

In the previous section, John Gorst's comments concerning the impact of Maori exclusion from the institutions of government were noted. Yet Gorst was too astute an observer to ascribe deepening Maori disillusionment during the 1850s solely to their political disenfranchisement and prospective marginalisation. Indeed, he further attributed this in part to deepening fears as to the implications of ongoing land selling. As he explained:

By sale to Europeans, while Europeans were few and weak, no power or territorial dominion was parted with. The purchaser became one of the most valuable possessions of the tribe: the chief called him 'my Pakeha,' and the tribe called him 'our Pakeha.' He traded with them, procured them guns, helped them in their wars, promoted their importance, and was at the same time dependent on them for protection, and completely at their mercy...But as the number of Europeans increased, these relations were altered; a sale involved parting with the dominion of the soil; towns sprang up, inhabited by strange and powerful white men, who neither knew nor cared for the original proprietors. If the native visited the spot where he was once lord and master, he found himself insignificant and despised in the midst of a civilization in which he did not share. The hopes of social advancement which the natives had formed when they first consented to share their country with the stranger, were disappointed.³⁷⁷

Many Maori, Gorst added, could not have failed to contrast the rapid alienation of their lands with the much slower improvement in their own condition:

and they feared that at this rate their lands would be gone before they had attained the desired equality with their white neighbours. Every function of

³⁷⁷ Gorst, *The Maori King* (2001), pp.28-29.

Government seemed paralysed in comparison with the Land Purchasing Department. They were willing to sell their land for civilization and equality, but at no other price. Despairing of obtaining these boons from Government, the desire to withhold land altogether became nearly universal, in order to check the aggrandizement of that power which might hurt them as an enemy, but did not much benefit them as a friend.³⁷⁸

Land transactions which were at one time seen as augmenting the hapu or iwi were thus now increasingly viewed as weakening its influence, prompting critical reflection in many communities as to the wisdom of continuing to sell land.

There were also more specific objections raised, including the low prices paid for Maori lands by comparison with the much higher rate at which these were resold to settlers – in itself a result of the Crown’s widely resented monopoly on purchasing. Governor FitzRoy understood in 1844 that ‘the words in the English treaty, “exclusive right of pre-emption,” were not translated correctly, and have a meaning not generally understood by the Natives, who never would have agreed to debar themselves from selling to private persons if the Government, on behalf of Her Majesty, declined to purchase.’³⁷⁹

Yet following a period in which the direct private purchase by settlers of Maori lands was briefly permitted under FitzRoy, the rigorous enforcement of pre-emption became the bedrock of government policy, especially under Grey after 1846. And as resistance to selling began to stiffen from the early 1850s, Crown land purchase agents, led by Donald McLean, resorted to more underhand purchase tactics, including purchases completed with only minority support, deals done in secret with a few compliant chiefs in Auckland or Wellington, and the purchase of lands claimed by numerous hapu or iwi from just one group of claimants, forcing others to accept belated compensation for their interests or risk losing out altogether.³⁸⁰ The result, not surprisingly, was to heighten even further growing Maori concerns over the sale of land. As Premier William Fox admitted in 1861, many Maori had ‘learned to look

³⁷⁸ *ibid.*, p.29.

³⁷⁹ FitzRoy to Stanley, 14 October 1844, Turton (comp.), *Epitome*, A.1 Part I, p.33.

³⁸⁰ See, for example, Waitangi Tribunal, *Te Tau Ihu o Te Waka a Maui: Report on Northern South Island Claims*, Wellington: Legislation Direct, 2008, vol.1.

upon the Government as a gigantic landbroker, and every attempt made by it either to improve their social condition or to control them by the necessary restriction of law is supposed to have for its ultimate object the acquisition of territory.’³⁸¹

Nowhere were these concerns more deep-seated nor more widespread than in the Waikato district. Indeed, although land purchase commissioners were despatched to Waikato in the early 1850s they met with limited success. The failure of efforts to purchase large areas of land in the Waikato occurred notwithstanding widespread evidence of a desire among local hapu to have some Europeans settled in the district. The artist George French Angas, who travelled extensively through the Waikato in the mid-1840s, encountered this attitude among many of the rangatira he met with. Te Wherowhero had reportedly asked the governor to allow Europeans to settle on the banks of the Waikato River, ‘being anxious to have *pakehas* amongst his people, to purchase their produce, and give them European articles in exchange’ and had offered lands for these purposes.³⁸² Meanwhile, the existence of substantial coal fields on the Waikato River and further south at Mokau was widely known among Europeans by this time, heightening the potential value of such lands.³⁸³

At Whaingaroa, meanwhile, the local chiefs were also ‘exceedingly desirous for Europeans to come amongst them’ and had again offered to make land available upon which the newcomers might settle.³⁸⁴ The Archdeacon of Waitemata, C.J. Abraham, reported similar attitudes at Whaingaroa nearly a decade later, during an overland journey from Auckland to Taranaki in August 1855, including one chief (Kiwi) who was ‘most anxious to sell parts of his land to the English, and to get them to settle amongst his people, and become one with them’.³⁸⁵ Such was the anxiety of this particular chief that he took the Archdeacon and his travelling companion, Bishop Selwyn, along the coast by canoe, exhorting them all the while ‘to write down certain words he had used about the two races *dove-tailing* into one another like [sic], that he might show them to his own people and the neighbouring chiefs that oppose him.’³⁸⁶

³⁸¹ Minute by Ministers, 8 October 1861, Turton (comp.), *Epitome*, A.1 Part I, p.78.

³⁸² Angas, *Savage Life and Scenes*, p.50.

³⁸³ *New Zealander*, 25 April 1846, 23 February 1850.

³⁸⁴ Angas, *Savage Life and Scenes*, p.59.

³⁸⁵ C.J. Abraham, *Journal of a Walk with the Bishop of New Zealand, From Auckland to Taranaki, in August 1855*, London: Society for the Propagation of the Gospel, 1856, p.15.

³⁸⁶ *ibid.*

Grey, having visited the area around Otawhao in 1849, informed the British Secretary of State for the Colonies that:

The district...is of the most fertile character, and the quantity of land cultivated or used by the natives is quite insignificant compared with the extent of fertile country. There would also be no difficulty whatever in acquiring any quantity of waste land that might be required there, as the chiefs were most earnest in their entreaties to have Europeans settled amongst them, and offered to give up any portions of the country to the Government for the purpose of locating European settlers upon.³⁸⁷

He believed that a great cause of the anxiety of the tribes to have Europeans amongst them was 'to secure a market for their large supplies of surplus wheat, &c., which they cannot consume, and which, on account of the difficulty of crossing Manukau harbour in canoes, which must in the first instance be dragged a considerable distance overland, it is hardly worth the while of the natives to bring to the Auckland market.'³⁸⁸ Improved roading and other infrastructure would soon render communications somewhat easier (Grey, for example, organised a shipping service across the Manukau to Onehunga)³⁸⁹ and the existence of a very substantial market for their goods within close proximity probably reduced the incentive to sell lands. If the tribes could reap the benefits of having Europeans nearby yet retain ownership of their lands then all the better.

On the other hand, there were other advantages to be gained from transacting lands, including the access to capital which this provided, and a degree of security with respect to the ownership of any reserves which might be set aside, as well as the enhanced value of these in consequence of the influx of settlers. Ligar, who travelled to Whaingaroa in 1852 to pay an instalment owing to Wiremu Nera and other owners on lands previously sold to the Crown, noted, for example, that:

³⁸⁷ Governor Grey to Earl Grey, 7 March 1849, GBPP, 1849 [1120], p.27.

³⁸⁸ *ibid.*

³⁸⁹ Paul Monin, 'Maori Economies and Colonial Capitalism', in Giselle Byrnes (ed), *The New Oxford History of New Zealand*, Melbourne: Oxford University Press, 2009, p.129; Hazel Petrie, 'Bitter Recollections? Thomas Chapman and Benjamin Ashwell on Maori Flourmills and Ships in the Mid-Nineteenth Century', *New Zealand Journal of History*, vol.39, no.1, April 2005, pp.12-14.

I found that the natives who sold the land have, with a part of the purchase money, bought implements of agriculture and horses, and have otherwise placed themselves in circumstances to commence the cultivation of wheat on a large scale, and there is every prospect of their deriving more advantage from the ample reserves they have retained, than they could have done with the whole of the land heretofore in their possession. To these reserves they have a stronger individual claim than they appeared to have to any portion of the large block previous to the sale, and much of the first and second instalments was given by them to distant tribes, to satisfy their demands and claims generally in the district.³⁹⁰

Ligar added that just two years earlier the Whaingaroa people ‘were in a wretched state from want of food; they are now speculating upon the quantity of wheat they will be able to produce, and enjoying by anticipation the golden harvest.’³⁹¹ At a time when the Maori economy was expanding rapidly land was an obvious asset which could be transacted selectively to provide a capital injection. After all, there was only so much money the governor was prepared to lend the chiefs, and assets such as ships and flour mills did not pay for themselves.

Grey, as we saw earlier, had successfully argued against implementing Earl Grey’s 1846 wasteland instructions, partly on the basis that many Maori would willingly and cheerfully agree to make lands available for European settlement for a ‘trifling’ consideration. They would do so, Grey had argued, provided pre-emption was strictly enforced, because the chiefs understood that:

the real payment which they receive for their waste lands is not the sum given to them by the Government, but the security which is afforded, that themselves and their children shall for ever occupy the reserves assured to them, to which a great value is given by the vicinity of a dense European population. They are also gradually becoming aware that the Government spend all the money realized by the sale of lands in introducing Europeans into the country, or in the execution of

³⁹⁰ C.W. Ligar (Surveyor General) to Colonial Secretary, 15 April 1852, GBPP, 1854 [1779], p.109.

³⁹¹ *ibid.*, p.110.

public works, which give employment to the Natives, and a value to their property, whilst the payment they receive for their land enables them to purchase stock and agricultural implements.³⁹²

These and other so-called ‘collateral benefits’ from agreeing to transact lands with the Crown were repeatedly emphasised by Crown purchase agents during the course of negotiations with Maori at Waikato and elsewhere.³⁹³ The ‘real payment’, Crown officials time and again declared, was not the small cash sum paid over for the land but the myriad of direct and indirect advantages which would accrue over the longer term (which sometimes included explicit promises of facilities such as schools and hospitals).³⁹⁴

But those kinds of arguments did not wash with all of the chiefs. The Rangiaowhia rangatira Hori Te Waru met with Acting Governor R.H. Wynyard on a visit to Auckland in January 1855, taking advantage of the opportunity to make known his views on the land question:

“O Governor,” said he with considerable emphasis, “Hearken. I have come hither to talk to you upon one subject, only one subject, and that is the land question. Hearken, I have a great aversion to sell land; and this is not a recent feeling. I have long cherished it; when the first Governor visited Aotea I stamped my foot upon the soil, as you now see me do, and I said, Governor, you shall never have New Zealand. Auckland is yours, and you shall be kept in possession of it; but the natives shall retain New Zealand in their own hands! O Governor, these are my feelings still. When quietly sitting at my own place I hear of one and another offering the lands of Kawhia and Aotea for sale, but it shall not be. I will openly confront them, and destroy in their own presence the documents they have written. Do you see this arm?” (The speaker here drew forth his arm from beneath the folds of his garment and held it up, saying,) “This arm has slain its hundreds, and it has not yet lost its power. I do not blame you, O Governor, nor the Europeans, I blame my

³⁹² Governor Grey to Earl Grey, 15 May 1848, *Epitome*, A.1 Part I, p.50.

³⁹³ For a Waikato example see J.G. Johnson, *Diary*, 15 February 1851, John White Papers, MS-Papers-0075-001, ATL.

³⁹⁴ O'Malley, ‘Northland Crown Purchases’, pp.50-58.

own countrymen in making false statements and deceiving you. Why will they rob me of my lands and you of your money? If they must needs have money, let them erect mills as I am doing, then their gains will be sweet.” (Here the speaker was interrupted by Taonui, a chief of Mokau, but the old warrior gently pushed him aside, saying,) “All I wish to utter must be made known to the Governor now.”³⁹⁵

Those sentiments were evidently shared by others and Te Waru was followed by Te Haratua, who added:

I am wishful that you should tell your friend Mr. M’Lean to be very careful in his transactions with the natives as regards buying land. Troubles will arise if you are not cautious, as many natives, who have little or no claim to land, offer them for sale. Do not allow yourselves to be deceived, men may take your money; but as to my land, I will hold that firmly in my grasp.³⁹⁶

Wynyard promised to write to McLean in reference to the land question, and at the same time promised that ‘no land would be purchased by the Government without the full consent of all parties concerned.’³⁹⁷ But later that same year the Otawhau missionary John Morgan told the government of ‘considerable excitement’ among the tribes of Kawhia, Rangiaowhia, Mokau and elsewhere, ‘in consequence of a report current amongst the Aborigines that it is the intention of H.M. Government to purchase the Kawhia district *from the Waikato tribes*, a purchase which the Ngatimaniapoto and other tribes have determined to resist.’³⁹⁸ Already the Ngati Hikairo rangatira Kikikoi had informed Governor Browne that they would never give up their land at Kawhia to the Europeans, and others urged caution in the government’s dealings in respect of the region.³⁹⁹

³⁹⁵ Enclosure in Wynyard to Sir George Grey (Secretary of State for the Colonies), 13 January 1855, GBPP, 1860 [2719], p.69. See also *Te Karere Maori/Maori Messenger*, 1 September 1855.

³⁹⁶ Enclosure in Wynyard to Sir George Grey (Secretary of State for the Colonies), 13 January 1855, GBPP, 1860 [2719], p.70.

³⁹⁷ *ibid.*

³⁹⁸ Morgan to Colonial Secretary, 5 December 1855, IA 1/1855/4008, Archives NZ.

³⁹⁹ Kikikoi to Browne, 29 October 1855, IA 1/1856/671, Archives NZ. See the further correspondence of Morgan and J.G. Johnson on the subject of Kawhia negotiations contained in the same file.

In the relatively densely populated Waikato district, with its complex overlay of customary rights, clearly identifying or separating the lands of those who wished to enter transactions with the Crown from those who did not was often an impossible task. In some cases chiefs might be tempted to offer disputed lands to the Crown as a way of asserting their own claims over these, or a rangatira might just as equally attempt to veto a transaction if he felt his own interests had been overlooked. Thus, for example, Takerei's 1850 offer of lands at Mokau provoked a wave of protest, at least some of it from other rangatira such as Taonui Hikaka who appear to have believed that their own mana had been slighted through not having been consulted on the matter before the offer was made.⁴⁰⁰ While that was clearly in the realm of a dispute between two Ngati Maniapoto rangatira, it soon took on another dimension when Taonui countered by offering lands between Awakino and Urenui to the Crown.⁴⁰¹ Those lands were, of course, within the area in respect of which Ngati Maniapoto claims overlapped with those of Taranaki groups such as Ngati Tama and Te Atiawa, and McLean in this instance seems to have declined to proceed with such a transaction.⁴⁰²

Support for further European settlement thus does not appear to have been by any means unanimous. More importantly, perhaps, local Maori views upon the quantity of lands that would need to be set aside for European settlement, and indeed the number of Europeans who might be invited to live amongst them, both appear to have been significantly more modest than Crown expectations. This is summed up, perhaps, in the comments of one unnamed Kawhia man in 1854 who suggested that they 'should only give a *small* piece of land for the "pakeha" & leave the bulk for the natives, as...although a few Europeans might be advantageous & useful a great many might be dangerous'.⁴⁰³ Even in the more remote Mokau district, where the local tribes were reported in 1850 as having 'a desire for the settlement of Europeans among them', that desire was eventually translated into a willingness to transact just 2500 acres of the Mokau block, minus 500 acres in reserves, along with 16,000 acres of the broken

⁴⁰⁰ Boulton, 'Hapu and Iwi Land Transaction with the Crown and Europeans', pp.135-136.

⁴⁰¹ *ibid.*, pp.137-139

⁴⁰² Louis Hetet to McLean, 9 May 1850, McLean Papers, MS-Papers-0032-0338, ATL.

⁴⁰³ R.A. Joseph to McLean, 6 May 1854, McLean Papers, MS-Papers-0032-0361, ATL.

and rugged Awakino block in 1854 (with two other blocks following after 1855) (see figure 7).⁴⁰⁴

McLean had confidently predicted that the desire for Europeans to settle with them would see the Mokau tribes quickly agree to part with the much larger area the Crown sought, but such was not to be the case (despite his best efforts to secure the support of local missionaries for such land sales).⁴⁰⁵ By 1854, meanwhile, the district land purchase commissioner John Grant Johnson was reporting that opposition to land-selling was so widespread that a tapu had been placed over an area stretching from the ‘whole of the South bank of the Waikato from Taupo and the North bank, from its confluence with the Whangamarino and up that river to its source’ in order to prevent the alienation of any part of it.⁴⁰⁶ Johnson reported that he had been prevented by a party of some 150 men from crossing any part of these boundaries during one attempted journey through the Waikato to finalise arrangements in respect of various land negotiations. Any attempt to take possession of the lands was likely to end seriously, he believed, but the tapu was ‘nothing new’, one having been in place over the area from Mangatawhiri across to the Firth of Thames as early as June 1853. At that time Johnson had reported that he had come across a large gathering of Waikato Maori called to discuss recent land disputes and that:

The chiefs had at this meeting unanimously agreed to lay a *tapu* on this district, extending from the Mangatawhiri on the West to the frith [sic] of Thames, for the purpose of preventing any individual members of the tribes selling any portion of this country, as they think that individual members make unjust claims to lands for the purpose of obtaining them for sale; they assembled to meet us to the number of two or three hundred men, and appeared very firm to their purpose, so much so, that I think any attempt at present to acquire this tract would not be attended with success, and only tend

⁴⁰⁴ McLean to Colonial Secretary, 27 March 1850, Turton (comp.), *Epitome*, A.1 Part I, pp.358-359; Stokes, *Mokau*, pp.133-135; Boulton, ‘Hapu and Iwi Land Transactions with the Crown and Europeans’, chs 2-3.

⁴⁰⁵ McLean [to Schnackenberg], 24 August 1852, McLean Letterbook, qMS-1209, ATL; Whiteley to McLean, 31 August 1852, McLean Papers, MS-Papers-0032-0634, ATL.

⁴⁰⁶ Johnson to McLean, 6 October 1854, AJHR, 1861, C-1, p.106. See also Charles Marshall to McLean, 3 October 1854, McLean Papers, MS-Papers-0032-0447, ATL.

to foment their quarrels among themselves, which are now assuming a serious aspect.⁴⁰⁷

The fact that a wide-ranging tapu was still in place over much of the Waikato district more than a year after this first report suggests a widespread and deeply-ingrained desire to prevent further land sales. Indeed, many European observers believed that the King movement contained strong elements of a land league, and perhaps ‘the *tapu* of the country by the Waikato chiefs’ formed some kind of basis or at least precedent for the lands of the King’s supporters to later be made tapu in the name of a single chief (Te Wherowhero).⁴⁰⁸ In fact, somewhat ironically Johnson attributed tensions between the Waikato resident chiefs and those he termed the ‘*tangata o waho*’ – that is, those, like Te Wherowhero, who had taken up residence at Manukau or Waitemata – as being the true cause of the tapu movement. He claimed that:

Nga tangata owaho [sic], or the men living at the sea, in contra-distinction to those residing up the river, have not all their claims in Waikato in one block, or in one district, but they are scattered over the length and breadth of the river banks, and the Waikato chiefs, independently of the sacred feeling with which they view their native stream, are also afraid that if they allow Auckland natives to sell their claims, they will also sell those of the Waikato chiefs with them, in the same manner as is alleged has been done with the Waikato’s property in the region of Auckland.

They also see that to separate the claims of those who wish to sell, from those of the party who wish to retain, their land, is a task which they cannot carry out, and their claims are so intermixed that they could hardly do so even with the assistance of Europeans; and the only alternative they have of securing their rights is to prevent the natives living near Auckland selling any land at all in the Waikato.⁴⁰⁹

⁴⁰⁷ Johnson, Extract from Report, 14 June 1853, AJHR, 1861, C-1, p.107.

⁴⁰⁸ Johnson to McLean, 6 October 1854, AJHR, 1861, C-1, p.106.

⁴⁰⁹ *ibid.*

Johnson painted a picture of a district with an inherently complex matrix of land rights which had been further complicated by the onset of colonisation. He was less willing to admit that genuine concern at government land purchase activities was at the root of the tapu movement, but his own comments concerning the impossibility of clearly distinguishing between the lands of sellers and non-sellers highlighted an obvious source of tension and potential conflict.

As we have already seen, similar sorts of tensions were also apparent within what would become the Rohe Potae district, as well as in the area immediately to the north of it (what would become the Waikato confiscated lands) in which iwi such as Ngati Maniapoto and Ngati Raukawa claimed customary interests.

Subsequent District Commissioner for the Waikato, John Rogan, was in July 1855 assigned responsibility for completing a number of purchases for which advances had earlier been paid.⁴¹⁰ Stiffening resistance to land sales made his task a difficult one. It was easier, it would seem, to initiate purchases or to secure offers to transact land than it was to complete such transactions.⁴¹¹

But such opposition did not discourage Crown officials from continuing to deploy Rogan to push through purchases at Whaingaroa up until almost the eve of the invasion in 1863, even in the face of determined Kingitanga opposition.⁴¹² Benjamin Ashwell encountered him at Whaingaroa in March 1863, ‘trying to treat for the land between Waitetuna and Waipa Rivers.’⁴¹³ He noted that ‘Part of the Tribe opposed to it and nearly all the Tribes of Waikato have protested against any land being sold’, and believed that the government would relent and abandon the attempted purchase.⁴¹⁴ But the strong reaction to the negotiations had been fully anticipated. Bell had earlier noted that:

Wiremu Nero has renewed in urgent terms his offer to cede the large tract (50000 acres) between the Govt. land at Raglan and Waipa – that tract which

⁴¹⁰ McLean to Rogan, 13 July 1855, AJHR, 1861, C-1, pp.153-154.

⁴¹¹ Among the latter were lands at Kawhia offered for sale by Kihirini Kawana and Potatau Te Wherowhero in 1856. *Te Karere Maori/Maori Messenger*, 30 August 1856.

⁴¹² F.D. Bell (Native Minister) to Rogan, February 1863, Turton (comp.), *Epitome*, C, p.355.

⁴¹³ Ashwell, Journal, 8 May 1863, qMS-0090, ATL.

⁴¹⁴ *ibid.*

you remember was offered in 1858 and 1859 but refused on a/c of conflicting proprietary rights. After full deliberation we have advised the Governor to accept the offer so far as regards the acquisition of the claims of Nero and his people over the land so as to let the Govt. stand on the natives [sic] shoes as part owners. There is no doubt whatever (nor ever was) about Nero and his followers being *principal* proprietors, indeed I don't think beyond the general tribal right of Pupuri Whenua there are many claims over the land except theirs. The Kingites will of course violently bounce against the sale even to this extent, and oppose any attempt to survey the boundaries, [sic] No one will be such a hass [sic] as to try after Waitara. But it will be a lever wherewith to poke up the naughty, and will help the prosecution of Raglan Road which I hear is getting on well.⁴¹⁵

In the event, the Waipa-Waitetuna purchase was finally completed in 1864,⁴¹⁶ by which time, it was argued in the war and raupatu report, it had become somewhat mixed up with the process of compensating 'loyalists' for lands included in the confiscated district.

⁴¹⁵ Bell to [Mantell?], n.d. [c.6 December 1862], Bell Letters, MS-0161, ATL.

⁴¹⁶ See Boulton, 'Hapu and Iwi Land Transactions with the Crown and Europeans', ch.6.

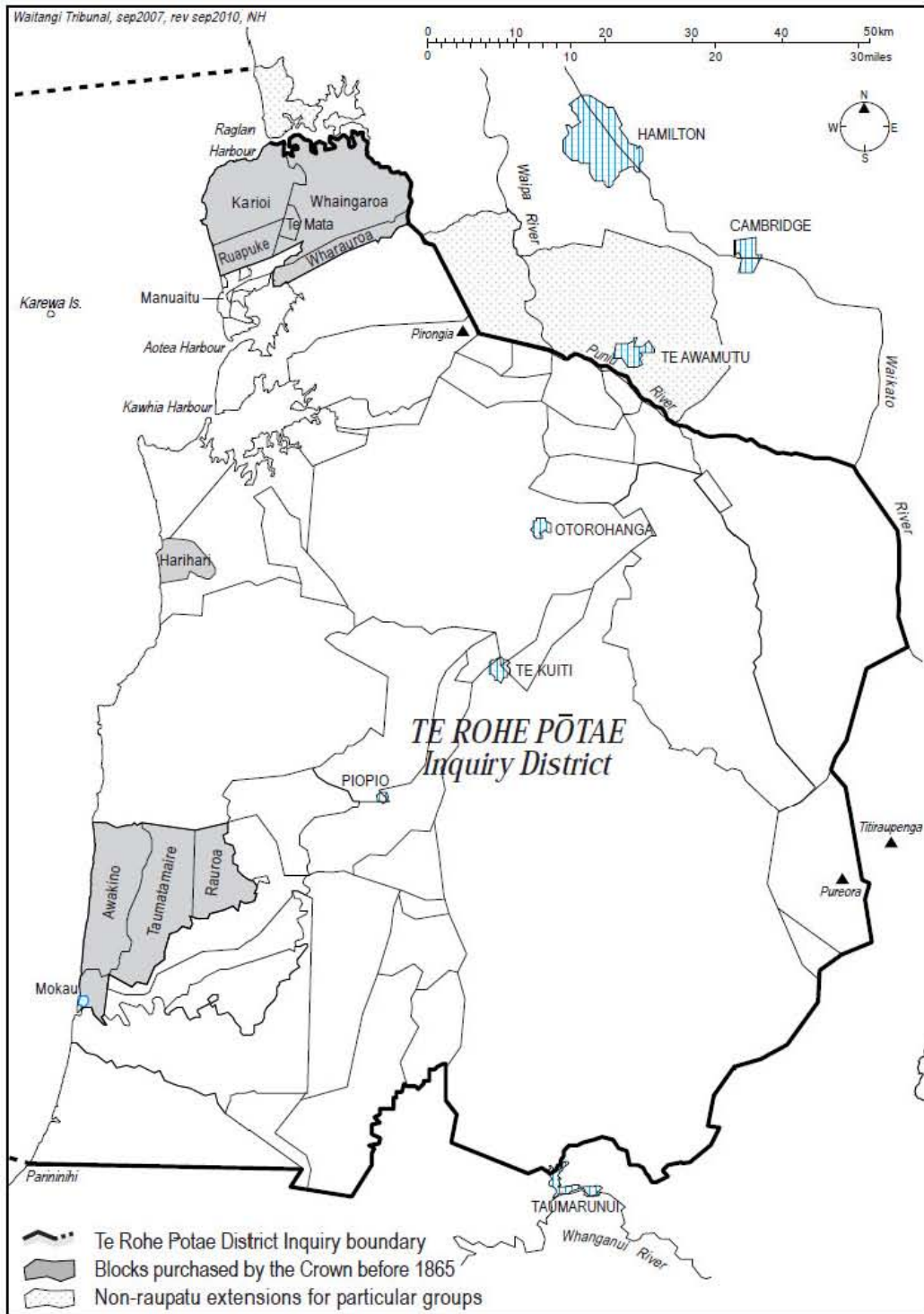


Figure 7 Te Rohe Potae Crown Purchases 1840-1865

(Source: Waitangi Tribunal)

4.3 Emergence of the Kingitanga

The full story behind the emergence of the Kingitanga is more properly a matter for Rohe Potae claimants to tell from their own perspective, and has also been traversed at some length in a number of published histories. What follows is therefore more of an overview of this topic, largely based on published primary and secondary sources. It should be remembered that Rohe Potae hapu and iwi will doubtless have their own sources of information and perspectives on the matters covered here.

In Waikato tradition the story of the King movement begins with the 1845 visit to England of the Ngati Toa and Te Atiawa chief Pirikawau.⁴¹⁷ According to Pei Te Hurinui Jones, upon his return, Pirikawau related that Queen Victoria had asked George Grey ‘To your knowledge which chief has the greatest power in Aotearoa?’. To this Grey is said to have replied without hesitation ‘Te Wherowhero of Waikato’.⁴¹⁸ However, another version has it that Pirikawau ‘observed the prestige and importance attached to the British Monarchy, and became filled with the desire of holding such a position among his own people, but beyond introducing the idea, his ambitions came to nought.’⁴¹⁹ That is broadly consistent with the account given by Tame (Tom) Roa.⁴²⁰ A third story has it that Pirikawau was credited by the Whanganui chief Topine Te Mamaku with having originated the Kingitanga ‘through circular letters which he sent to the chiefs describing what he had seen abroad of the enslavement of native races by the pakeha.’⁴²¹

⁴¹⁷ Many nineteenth century Europeans, supported by some later historians, believed that Hongi Hika, following his famous meeting with King George IV in London in 1820, had returned home determined to make himself king of all of New Zealand. Yet Hongi scoffed at the idea, sometimes complaining to the missionaries that even members of his own hapu frequently disobeyed his wishes, and took few steps to permanently occupy lands conquered from rival tribes – surely a fairly important first step in any supposed effort to establish a newly united kingdom. See Buddle, *The Maori King Movement*, p.5; Harrison M. Wright, *New Zealand, 1769-1840: Early Years of Western Contact*, Cambridge, MA.: Harvard University Press, 1959, p.119; O’Malley and Hutton, ‘The Nature and Extent of Contact and Adaptation in Northland’, p.226.

⁴¹⁸ Pei Te Hurinui Jones, ‘Maori Kings’, Pei Te Hurinui Jones Papers, MS-Copy-Micro-0698-02, ATL; Pei Te Hurinui Jones, ‘Maori Kings’ in Erik Schwimmer (ed.), *The Maori People in the Nineteen-Sixties: A Symposium*, Auckland: Blackwood & Janet Paul, 1968, p.132; .

⁴¹⁹ Kelly, *Tainui*, p.430. Jones also states that Pirikawau ‘had an ambition to set himself up as King’ in one short history of the Kingitanga prepared by him. Pei Te Hurinui Jones, ‘The Maori King Movement’, Eric Ramsden Papers, MS-Papers-0188-56, ATL.

⁴²⁰ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.218.

⁴²¹ G.H. Scholefield, *A Dictionary of New Zealand Biography*, Wellington: Department of Internal Affairs, 1940, vol.2, p.169.

Other evidence validates the story of the chief's time in London. Indeed, Pirikawau, it would seem, was no ordinary chief. According to one brief biographical sketch:

Pirikawau (d.1875) was a rangatira of Ngatitōa and Te Atiawa, descended from Te Pehi Kūpe and Te Hiko o te Rangi, and a star pupil of Octavius Hadfield at Otaki. A handwritten whakapapa by Pirikawau is in Sir George Grey's Papers at the Auckland Public Library. He went to England with Beauchamp Halswell in 1843 and lived with his family for some time, during which he travelled in Europe. On his return to New Zealand in 1847, Pirikawau became interpreter to Governor Grey. In fact, much more than an interpreter, he was a major initiating contributor to Grey's work of understanding and recording Māori culture. The original manuscripts from which Grey's published works emerged are in many cases in Pirikawau's handwriting. Subsequently, he accompanied Grey on his posting to South Africa in 1854, and Sir John Grace states that he wrote to Wi Tako reporting on the predicament of African tribes there and warning of the 'need to be united under a King.'⁴²²

It is said that once Pirikawau's ambitions on the Kingship were abandoned Tamihana Te Rauparaha of Ngati Toa took up the idea, and confided in his father, Te Rauparaha, that he proposed to set himself up as King. According to Pei Te Hurinui Jones, 'Te Rauparaha immediately dampened his son's ambitions by pointing out to him that his ancestral home, Kawhia, was then in the possession of other tribes. Tamihana [sic] abandoned the idea.'⁴²³ Matene Te Whiwhi, who belonged to the same tribe, then took it upon himself to approach various leading chiefs in the North Island with a view to persuading one of them to accept the position of King, while seeking to reconcile them with the concept of such a position. In one version told by Tame (Tom) Roa this followed a visit to Sydney by the Ngati Hikairo rangatira Rautangi, who had returned home imbued with the notion that a pathway had to be found whereby Māori could unite and retain their lands. After consultation with his

⁴²² Alex Frame, *Grey and Iwikau: A Journey into Custom*, Wellington: Victoria University Press, 2002, pp.19-20. Pirikawau later went on to edit the newspaper *Māori Messenger*, but according to Frame his relationship with Grey appears to have cooled after he returned from the Cape Colony. Ironically, while he appears in Scholefield's much berated *Dictionary of New Zealand Biography* (vol.2, p.169), he appears to be a surprising omission from its more modern equivalent.

⁴²³ Pei Te Hurinui Jones, 'The Māori King Movement', Ramsden Papers, MS-Papers-0188-56, ATL.

tribe, it was determined that the matter should be referred to Matene Te Whiwhi.⁴²⁴ Ngati Hikairo traditions have it that it was the New South Wales governor who suggested to Te Akerautangi that he should be made a king. Though the rangatira declined to adopt this suggestion, nevertheless the notion had been planted, and many members of Ngati Hikairo later became staunch supporters of the King movement.⁴²⁵

According to Thomas Buddle, Tamihana Te Rauparaha and Matene Te Whiwhi between them visited a number of Maori communities in the centre of the island, ‘ostensibly for the purpose of exhorting the chiefs of the interior of the Island to submit to the authority of the Governor, but really on a mission of King-making.’⁴²⁶ Whakakotahitanga, or unity, was their watchword, but:

They returned from Rotorua and Maketu, having met with no sympathy from the chiefs of those districts, who addressed a letter to the chiefs of Wanganui and Taranaki expressive of their desire to live in peace with all, in substance as follows: - “We salute you all. This is our word to you, New Zealand is the house, the Europeans are the rafters on one side, the Maories are the rafters on the other side, God is the ridgepole against which all lean, and the house is one.”⁴²⁷

Ironically, the metaphor was not that dissimilar from later Kingitanga statements that the Queen should be on her side, the King on his and God above all.

It was said that the kingship had been variously offered to Topia Peehi Turoa of Te Atihaunui-a-Paparangi, Iwikau Te Heuheu of Ngati Tuwharetoa, Te Amohau of Ngati Whakaue (Te Arawa), Te Hapuku of Ngati Te Whatu-i-Apiti, and Te Kani-a-Takirau of Te Aitanga-a-Hauiti.⁴²⁸ A number of other rangatira, such as Tupaea of Ngai Te Rangi, or Tamati Waka Nene of Ngapuhi, are also sometimes said to have been

⁴²⁴ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, pp.218-219.

⁴²⁵ Frank Kingi Thorpe, Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 2nd Oral Traditions Hui, Waipapa Marae, Kawhia, 29-30 March 2010, p.241.

⁴²⁶ Buddle, *The Maori King Movement*, p.5.

⁴²⁷ *ibid.*, p.6.

⁴²⁸ Jones, *King Potatau*, pp.184-185.

offered the title.⁴²⁹ All rejected the position, however, in consequence of which attentions turned again to one rangatira, Potatau Te Wherowhero, whose whakapapa was such that he was said to be connected to the senior lines of descent of most major tribal groupings in the country.⁴³⁰

Rewi Maniapoto referred briefly to the origins of the Kingitanga during a meeting with the Native Minister Daniel Pollen in February 1877. Referring to some lands in the Tokoroa district which he claimed alongside Ngati Raukawa, Maniapoto declared:

It was not the King-maker [Wiremu Tamihana]; it was these very Kapiti people who originated it. Matene te Whiwhi and Nepia Taratoa requested Te Heuheu to take the matter in hand. He laid the subject before the Arawa, who were to elect a King from amongst them. They declined, and then Te Heuheu brought the matter to Waikato, and I took it in hand (*i.e.* I became an advocate of the movement).⁴³¹

Some observers also believed that the Kingitanga partially had its origins in a distinct though overlapping land league. Early land transactions in the southern North Island, from Taranaki south, including the large Rangitikei-Turakina purchase of 1849, were a source of concern for those who believed that Maori were receiving poor value for their lands or who worried about the impact of large-scale European immigration on their own communities. Buddle argued that a number of Ngati Ruanui chiefs proposed that no individual or family should be permitted to sell land without the general consent of the entire tribe:

These opponents pushed their views, and sought to make it “Te Tikanga o te Iwi,” (the Law of the Tribe) that no individual or family should alienate land without the consent of the whole tribe. To make the law popular and binding, they determined on a more general meeting, and to invite all the tribes along the coast to join them in this measure. Tamati Reinga, a zealous opponent of

⁴²⁹ Tame (Tom) Roa, Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, pp.218-219; Jones, ‘Maori Kings’ in Schwimmer (ed.), *Maori People in the Nineteen-Sixties*, p.133.

⁴³⁰ Jones, ‘Maori Kings’ in Schwimmer (ed.), *Maori People in the Nineteen-Sixties*, p.132.

⁴³¹ *Te Waka Maori o Niu Tirani*, 17 April 1877.

land sales, made a tour along the coast from New Plymouth to Wellington, soliciting the cooperation of the principal chiefs. The proposal was, that a League be formed that should be both defensive and offensive in its operations, not merely binding its members not to sell, but also prohibiting others from selling, and which should employ any amount of force they might be able to command, in carrying out their measures.⁴³²

It was said that Tamati met with a favourable reception to his proposals at Waitara, Otaki and among some of the Wellington chiefs. Preparations were then made for a great meeting to be held at Manawapou, in south Taranaki, where what was said to be the largest whare runanga ever built had been constructed especially for the occasion. Matene Te Whiwhi, who attended the 1854 gathering, named the building ‘Taiporohenui’, a word used as a symbol of union. Buddle claimed that the 1000 or so people in attendance at the gathering resolved:

1st. That from this time forward no more land shall be alienated to Europeans without the general consent of this confederation.

2nd. That in reference to the Ngatiruanui and Taranaki tribes, the boundaries of the pakeha shall be Kai Iwi on the South side, and a place within a short distance of New Plymouth on the North.

3rd. That no European Magistrate shall have jurisdiction within native boundaries, but all disputes shall be settled by the runanga.⁴³³

As Buddle described it, this ‘was the origin of the notorious Taranaki land league’.⁴³⁴ The existence of such a league affronted colonial elites and their liberal sentiments. They compared it with a trade union or some other kind of ‘combination’, ‘a highly emotive word charged with associations of secrecy, violence, illegality.’⁴³⁵ Indeed, it was the supposed existence of such a land league that convinced the Colonial Office

⁴³² Buddle, *The Maori King Movement*, p.7.

⁴³³ *ibid.*

⁴³⁴ *ibid.*

⁴³⁵ Sinclair, *The Origins of the Maori Wars*, 2nd edition, Auckland: Auckland University Press/Oxford University Press, 1961, p.215.

and others of the justice of Governor Browne's actions at Waitara in 1859-60. The only problem, as Keith Sinclair pointed out in his first published work in 1950, was that there was no credible evidence for the existence of such a league.⁴³⁶ That there were Ngati Ruanui chiefs who went to the meeting determined to bring a halt to land sales was beyond doubt. But the Manawapou meeting appears to have ended without any clear consensus, as moderate chiefs rejected the proposals advanced by the more radical wing for Pakeha to be ejected from disputed lands.⁴³⁷ Concerns over land loss apparent at that time were shared by proponents of the King movement, but the latter could hardly trace descent from the non-existent Taranaki land league.

That is not to say, however, that the loss of land and the loss of authority seen to go with it was not a major concern for proponents of the King movement. The Taupiri-based missionary Benjamin Ashwell told the Waikato Committee in 1860 of his understanding of the origins of the Kingitanga. According to Ashwell:

In 1850, peace was made between Waikato and Ngatiwakaue [sic] by Mokero. Soon after, E Kairo, a Chief of Ngatiwhakaue, proposed to the Waikato Chiefs that Potatau should be King, which was rejected. In 1852, a meeting of the Waikato Natives was held, to forbid the Europeans purchasing land in Waikato. Maungatawhiri [sic] was to be the boundary. Soon after, some Waikato Chiefs proposed that Potatau should be King. Thompson (Tarapipipi) had a conversation with an European in Auckland [;] I believe this was in 1856. I understood it to be Charles O. Davis. Wiremu Tarapipipi immediately went to Mangere, to see Potatau, and told him to return to Waikato. I believe that at the latter end of that year, or beginning of [the] next, a meeting was held at Taupo, to propose that Potatau should be King. Another was held at Paetai, on the Waikato, in 1857, and another at Ngaruawahia, where he was installed King, and the last merely to receive the allegiance of the tribes at Rangiaowhia.⁴³⁸

⁴³⁶ Keith Sinclair, *The Maori Land League: An Examination into the Source of a New Zealand Myth*, Auckland: Auckland University College, 1950. See also Keith Sinclair, 'Te Tikanga Pakeke: The Maori Anti-Landselling Movements in Taranaki', in Peter Munz (ed.), *The Feel of Truth: Essays in New Zealand and Pacific History*, Wellington: A.H. & A.W. Reed for Victoria University of Wellington, 1969, pp.79-92.

⁴³⁷ Sinclair, *Origins of the Maori Wars*, p.71.

⁴³⁸ Minutes of Evidence, 13 October 1860, AJHR, 1860, F-3, pp.45-46.

The Otaki missionary Octavius Hadfield wrote to Governor Browne in April 1856, declaring that, while there was at that time no overtly hostile feeling towards either Europeans or the government on the part of the tribes:

There is, however, a certain kind of restlessness among some of the Chief[s] and leading men, which has manifested itself within the last three or four years by efforts to get up meetings in various places. And I now understand that there is a secret intention of assembling if possible most of the leading Chiefs of the centre & southern parts of this island in the ensuing summer for the purpose of raising the authority of the Chiefs. The very vagueness of the object renders the movement worthy of notice, as it implies some feeling of dissatisfaction apart from any special grievance.⁴³⁹

Hadfield further warned that if, as a consequence of some untoward event, there was a further war with Maori, its consequences would be so much more serious than was formerly the case, in large part since ‘the communication between the distant tribes has become much more frequent of late years, [and] there would be more unanimity of purpose, than there was before: there would be more unity of action.’⁴⁴⁰

The hui to be held in the ensuing summer appears to have been a reference to a large gathering held at Pukawa, on the western shores of Lake Taupo, later that same year. It had been convened by Ngati Tuwharetoa ariki Iwikau Te Heuheu, ostensibly to mark the opening of an impressive new pataka (storehouse) named Hinana, which had been built over four years to replace an earlier one destroyed by fire.⁴⁴¹ But there was more to the hui than that. Government official G.S. Cooper reported on the Pukawa hui in November 1856. Every tribe of any importance was in attendance, he informed McLean, while the object of the gathering, in so far as he was able to ascertain this, seemed to be the inauguration of a Maori parliament to be composed of deputies from all of the tribes who agreed to join the confederation.⁴⁴² The parliament was to have

⁴³⁹ Hadfield to Browne, 15 April 1856, G 13/2, Archives NZ.

⁴⁴⁰ *ibid.*

⁴⁴¹ Elizabeth Hura, ‘Te Heuheu Tukino III, Iwikau, ?-1862’, DNZB, vol.1, pp.448-449; Waitangi Tribunal, *The Pouakani Report*, Wellington: Brooker and Friend, 1993, sec.4.2.

⁴⁴² Cooper to McLean, 29 November 1856, GBPP, 1860 [2719], p.420.

regular sessions at specified times and was to be presided over by a chief to be named at the present meeting, with Te Heuheu generally supposed to be the likely candidate. Cooper added that:

The principal subject proposed for discussion in this Parliament is the devising [of] some plan by which, by a united action on the part of the Maoris as a nation, some check may be applied to the growing influence of the colonists whilst the power of the native chiefs, which they perceive to be waning in proportion as that of the colonists increases, shall be restored as far as possible to its former status.

As a principal means towards this end, it is to be proposed to put an immediate stop to all sales of land to the Government, and to use every possible means to induce squatters to settle with flocks and herds upon the extensive plains in the interior; such squatters to occupy the position of vassals to the chiefs under whose protection they may live, whose orders they are to obey in all matters, and to whom they are to afford a revenue by way of rent for their runs, to assist in maintaining the power and influence of their landlords.⁴⁴³

If Cooper's report is any kind of reliable guide those in attendance at Pukawa thus do not seem to have been opposed to European settlement per se but rather wished to reassert some control over the pace of this, besides searching for ways to reconcile such settlement with ongoing Maori ownership of their lands.⁴⁴⁴

Cooper noted that the gathering had also discussed the need to enter into some kind of treaty with the government by which to place criminal law on a more satisfactory footing with respect to their own communities. The chiefs, he noted, complained of the tardiness and uncertainty of English law, and proposed to deal with certain matters affecting their own countrymen by themselves. But the obvious implication was that there was a natural expectation that they were prepared to work in tandem with the

⁴⁴³ *ibid.*, p.421.

⁴⁴⁴ Browne later claimed that with the 'exception of a declaration made by certain tribes that they would not permit land to be sold to the Europeans, little was effected' at Pukawa. This he attributed to 'a want of food [which] seems to have hastened the conclusion.' Browne to Labouchere, 2 March 1857, no.24, CO 209/141, p.364, Archives NZ.

governor in matters affecting both peoples, and other live issues such as cattle trespass and the sale of spirits were also discussed at the meeting.

Whatever its different adherents understood it to stand for, at no point was the Kingitanga opposed to the Crown (though settler governments were another matter), and nor for the most part was it anti-Pakeha. Classic Maori symbolism again demonstrated this point when, following a violent outburst against Europeans during the course of the Pukawa meeting, one of those in the whare quietly got up and, without a word, went round and blew out all the candles, plunging the meeting house into total darkness as a stark reminder to all in attendance of what returning to a world without Pakeha would be like.⁴⁴⁵ Thomas Buddle described the scene:

In December 1856, the first public meeting held to deliberate on the subject and to prepare some plan, was held at Taupo, at which several influential chiefs from various districts were present. Many proposals were made to adopt extreme measures, – the most violent party advocated a clear sweep of all the pakehas, Governor, Missionaries, pakeha maories, (settlers) – all. At one of the evening meetings which was held in a large house lighted up for the occasion, one of the advocates for a general dealing out was very eloquently pressing his views upon his audience, when Tarahawaiki of Ngaruawahia walked quietly round and one after the other put out the lights, till the place was in total darkness and the speaker in possession of the house was brought to a full stop. ‘Don't you think you had better light up the candles again?’ he said. ‘Most certainly,’ replied Tarahawaiki, ‘it was very foolish to extinguish them!’ The meeting at once apprehended the meaning of this symbolical act, and the orator sat down amid roars of laughter enjoyed at his expense. Tarahawaiki is now a leading man in Potatau's councils at Ngaruawahia, and exhibits a spirit of moderation and friendliness towards Europeans which induces the hope that he still considers it would be foolish to extinguish all the lights.⁴⁴⁶

⁴⁴⁵ F.D. Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.2. There are a number of differing accounts of this incident. See also *Daily Southern Cross*, 23 March 1867, in MA 24/26, Archives NZ, Raupatu Document Bank (RDB), vol.89, p.34365; Buddle, *The Maori King Movement*, pp.9-10.

⁴⁴⁶ Buddle, *The Maori King Movement*, pp.9-10.

Some Pakeha in particular were believed to have a special hold over the tribes. The Taupo missionary Thomas Samuel Grace was widely suspected in official circles of encouraging Maori to withhold their lands from sale, besides supposedly encouraging gatherings such as that which had taken place at Pukawa. McLean urged Browne to consider approaching the Church Missionary Society to have Grace withdrawn from the colony on the basis that it was 'beyond doubt that he is using every means in his power to oppose the measures of the Government by instigating the natives not only to withhold their land from occupation by English colonists, but also of representing to them that the whole of the Europeans are impostors against whom he feels it his duty to preach most inflammable sermons and discourses.'⁴⁴⁷

Grace had first gained notoriety among the settlers and, indeed his own more conservative missionary colleagues, when he advised Turanga Maori that local settlers were exploiting their ignorance of prevailing market rates for various items.⁴⁴⁸ Thereafter his practical advice to the tribes in relation to such matters won the missionary many grateful Maori friends, besides any number of powerful European enemies, and the prevalent Pakeha view was perhaps summed up in Browne's all-too-revealing comment to the Colonial Office that Grace was 'opposing the interests of his fellow countrymen.'⁴⁴⁹ The missionary might well have retorted that various Imperial government rulings had made it clear that Maori were to be regarded as his fellow countrymen, but that was not what Browne was referring to: Grace, he implied, had betrayed the interests of the colonists.

Grace, though, defended his actions in a later letter to the Church Missionary Society. He informed his London superiors that he had had nothing to do with calling the Pukawa meeting. Moreover, the moment he had heard that it was intended to discuss the propriety of appointing a Maori King he had 'sent them a printed copy of the

⁴⁴⁷ McLean, Memorandum, 17 December 1856, GBPP, 1860 [2719], p.423.

⁴⁴⁸ Vincent O'Malley, "'An Entangled Web": Te Aitanga-a-Mahaki Land and Politics, 1840-1873, and their Aftermath', report commissioned by the Te Aitanga-a-Mahaki Claims Committee, September 2000, pp.52-58.

⁴⁴⁹ Browne to Labouchere, 17 December 1856, GBPP, 1860 [2719], p.420.

Treaty of Waitangi in Maori, and used all my influence to crush their project.⁴⁵⁰ Although at the time he believed he had succeeded in his goal, he had since learnt that such success was only partial. Grace believed it was ironic that he had been accused of being the author of the meeting and a key promoter of the King movement when he was supposedly ‘notorious’ among Maori for being hostile to the movement. Yet Grace showed few signs of such hostility in adding:

I have not been able to discover anything hostile to British rule in the minds of the Maoris who desire a King, but rather that, by having a King, they will be imitating us. They also appear to think that through the medium of a King they may be able to check the present lawless state of things and to promote peace. The idea of anything like a rebellion, so far as I have seen, does not seem to have entered their minds, and they are not able to understand why such a step should give offence to us.⁴⁵¹

Pakeha offence at Maori efforts to improve and reform their own communities was thus a cause of perplexity among many proponents of the King movement. By contrast, Grace believed that Maori were not without their own legitimate grievances, writing that:

In this movement for a King one thing is most evident, namely this, that the Maoris feel their absolute need of protection!

The constitution, which has been given to the country, has placed the Maoris in a far worse position than they were, seeing they have no share in any way in the representation.

Here in New Zealand we have about four-fifths of the population, British subjects and lords of the soil, and paying the greatest portion of the revenue, cut off from all share in the representation of the Country, either in person, or by proxy.

⁴⁵⁰ Grace to Venn, 24 March 1858, cited in T.S. Grace, *A Pioneer Missionary Among the Maoris, 1850-1879: Being Letters and Journals of Thomas Samuel Grace* (S.J. Brittan et. al. eds), Palmerston North: G.H. Bennett, 1928, p.75.

⁴⁵¹ *ibid.*, p.76.

Surely this is a strange state of things to exist. If a separate house were formed for Maori representatives, there is little doubt but that, with a few official leaders appointed direct from Home as protectors, the Maori Chiefs would be found quite able to take their full share in the representation.

If we deny to them the right of British subjects, and thereby ourselves break the Treaty of Waitangi, we should not be astonished if they seek protection from themselves!⁴⁵²

Given Grace's forthright description of the Kingitanga as an effort to seek protection from the settlers, it was hardly surprising that his own sympathies should be considered somewhat suspect. And indeed, Stephenson Percy Smith many decades later informed James Cowan that at the time of the Pukawa gathering Grace had confessed to him having first suggested the appointment of a Maori King.⁴⁵³ But that suggestion is hard to reconcile with the fact that Grace was not even in New Zealand at the time that Pirikawau and others were said to have first begun promoting the concept.

There was little doubt, however, that the Pukawa gathering was a significant boost to such efforts. Further momentum was soon provided with Wiremu Tamihana's decision to throw his weight behind the movement to select a King. Firstly, though, there were some old tribal take to resolve. It was said that one reason why Potatau Te Wherowhero was reluctant to accept the Kingship was his enmity towards Tamihana in consequence of the killing of his aunt Rangianewa of Ngati Apakura at the hands of Ngati Haua many years earlier. That killing had been unavenged, and according to Pei Te Hurinui Jones, Te Wherowhero 'suspected the Ngati Haua chieftain of duplicity and suggested that Wiremu's support of the King Movement was inspired more because of his fear that Potatau if he did not accept the Kingship would seek payment for the death of Rangianewa, rather than out of any conviction that the institution of a

⁴⁵² *ibid.*, p.77.

⁴⁵³ Smith to Cowan, 16 September 1920, James Cowan Papers, MS-Papers-0039-002, ATL.

Maori King would be beneficial to the Maori people.’⁴⁵⁴ That breach, which had existed for more than 30 years,⁴⁵⁵ was only healed when Tamihana visited Rangiaowhia (probably in 1857, since it was said that he was en route to the Paetai gathering discussed below), and handed over his favourite daughter Te Raumako as a peace offering.⁴⁵⁶

Tamihana, it would seem, had already determined that Te Wherowhero was the appropriate person for the Kingship. According to a letter reproduced in a March 1857 report from Fenton, Wiremu Tamihana had written to all of the Waikato tribes on 21 February of that year, on behalf of his own people. The letter declared:

This is the agreement of Ngatihaua for Potatau to be King of New Zealand.

FRIENDS, - Our eagerness is great that Potatau should be constituted this year. Do not procrastinate. Hasten the assembling of the Councils. Hasten the establishment of the arrangement, and when it is completed the documents will be collected, and a day will be named when he will be instituted. Be quick. Write to the remote tribes that they may hear.⁴⁵⁷

Fenton claimed that copies of the letter had been sent to every eminent chief in the district but that the replies were generally unfavourable to Tamihana’s view. Though some chiefs had expressed themselves as anxious to co-operate with Tamihana, others were concerned that the appointment of a King would be taken as a matter of offence to the Queen and Europeans generally.⁴⁵⁸ Meanwhile, Potatau Te Wherowhero, who had fallen from his horse en route to the Pukawa gathering and had been forced to turn back, was for a time rumoured to have died.⁴⁵⁹

⁴⁵⁴ Pei Te Hurinui Jones, *King Potatau: an Account of the Life of Potatau Te Wherowhero, the First Maori King*, Wellington: Polynesian Society, 1960, p.213.

⁴⁵⁵ It is said that Rangianewa was killed in 1825. Evelyn Stokes, ‘Te Waharoa, Wiremu Tamihana Tarapipipi, ?-1866’, DNZB, vol.1, p.515.

⁴⁵⁶ Jones, *King Potatau*, p.215.

⁴⁵⁷ Tamihana to ‘all Waikato’, in Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.3.

⁴⁵⁸ Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.3.

⁴⁵⁹ *New Zealander*, 7 January 1857.

Following the Pukawa hui in 1856, the next large gathering of tribes to discuss the proposed kingship was held at Paetai, on the banks of the Waikato River, in May 1857. According to some reports the meeting had been specially convened by Ngati Haua ‘for the purpose of instituting Te Whero Whero into his office, as Maori King.’⁴⁶⁰ In this respect, it may be have been regarded as a favourable omen that the hui was being held on the thirteenth anniversary of the great Remuera feast of 1844, arguably the most important assertion of Waikato power and prestige in the post-Treaty era prior to 1857.⁴⁶¹ Wiremu Tamihana was supported by Rewi Maniapoto and others, including Te Heuheu of Ngati Tuwharetoa, while Wiremu Nera Te Awaitaia was said to be the leader of a mostly lower Waikato grouping intent on opposing the Ngati Haua plans. According to the missionary Thomas Buddle, flags were an important part of these assertions: ‘The flag given by William IV. to the united tribes at the Bay of Islands, was hoisted by one party with the inscription, “Potatau, King of New Zealand,” and the Union Jack by the other.’⁴⁶² Another version has it that two Union Jacks were planted directly opposite the King’s flag (a white ensign with red border and two red crosses on it), while nearly all of the subsequent discussion involved what should be done with the flags.

Wiremu Nera Te Awaitaia told the gathering that he had determined to honour the undertakings he had previously made. According to one reporter’s account, the chief told the gathering:

I promised the first Governor, when he came to see me, and I promised all the rest, that I would stick (piri) to him, and be a subject of the Queen. I intend to keep my promise, for they have kept theirs. They have taken no land. Mine was the desire to sell, and they gave me money. Why do you bring that new flag here? There is bother (rarururu) in it. I can’t see my way clear. But I know that there is trouble in that flag. I am content with the old one. It is seen all over the world, and it belongs to me. I get some of its honor! What honor can I get from your flag? It is like a fountain without water. Don’t trouble me. You say we are slaves. If acknowledging that flag makes me a slave, I am a slave.

⁴⁶⁰ *Southern Cross*, 5 June 1857.

⁴⁶¹ *ibid.*

⁴⁶² Buddle, *The Maori King Movement*, p.10.

Let me alone. Don't bring your bother here. Go back to the mountains. Let us alone in peace. I and the Governor will take our own course.⁴⁶³

The Ngati Mahanga rangatira thus saw his relationship with the Crown as one which raised rather than undermined his own mana and standing. On the other hand, the King's flag could only result in trouble, and that was something which he could do without. Te Awaitaia's speech made such a profound impression that it was followed by silence for half an hour. Finally, Wiremu Tamihana rose to speak. He told the assembly that he was sorry his 'father' (though it was more likely to have been 'matua' in its original te reo rendition) had spoken so strongly:

He has killed me. I love New Zealand. I want order and laws. The king could give us these better than the Governor; for the Governor has never done anything except when a *pakeha* is killed: he lets us kill each other and fight. A king would stop these evils. However, if you don't like the king, pull down the flag. Let Rewi pull it down if you wish it.⁴⁶⁴

Tamihana thus sought to portray the King movement not as a source of trouble or a challenge to the authority of the Queen, but as a genuine attempt to find solutions to the problems plaguing Maori communities.

At the conclusion of Tamihana's speech, Rewi Maniapoto stepped forward, saying nothing, 'but in anger took the king's flag and threw it down at the foot of the Jack, and sat down without speaking', evidently intending 'to show the Maories the state of utter subjugation to which they were consenting.'⁴⁶⁵ Considerable excitement ensued, and one chief, Tarahawaiki, took the prostrate flag and re-hoisted it, at the same time declaring his love for his country.

When the gathering resumed the following day with Potatau Te Wherowhero in attendance, Te Heuheu gave a provocative speech, outlining his by now familiar list of grievances, including 'the indignities shown to the chiefs by the lower order of

⁴⁶³ *Southern Cross*, 5 June 1857.

⁴⁶⁴ *ibid.*

⁴⁶⁵ *ibid.*

Europeans, when they visited the town; their women debauched; the men made drunk; the chiefs called “bloody Maories,” &c., &c.’ Te Heuheu went on to advocate ‘the total separation of the races, and the ultimate expulsion, by force, of the Europeans’, but was stopped mid-speech by Te Awaitaia and Waata Kukutai and made to sit down – an extraordinary occurrence for a chief of such high standing. A nephew of Te Awaitaia then asked that Potatau Te Wherowhero, whose only contribution to date had been a cryptic speech in which he spoke of the kotuku swooping upon the small fish, to declare himself concerning the flags. A chief named Paora moved the King’s flag close to the Union Jack and marked a ring in the ground around each, before Rewi Maniapoto stepped forward and deepened the ring. Kukena, an uncle of Potatau, then stepped forward amidst a deadly silence, lowering the flag to half mast and tying it to the English flag. A chief named Tipene then enjoined the King party not to be sad nor the ‘loyal’ party to be joyful, for though the flag was down the writing remained. Following some apparently non-contentious speeches regarding the importance of retaining their lands, Waata Kukutai paraded the Union Jack, ringing a bell as he went and announcing that all who acknowledged allegiance to and intended to support that flag should follow him. At this point, all of the lower Waikato hapu in attendance, along with the coastal tribes as far south as Kawhia, left the gathering, moving off in procession, and subsequently penning a series of resolutions for conveyance to the governor. Meanwhile, the King’s flag was despatched to the south, and preparations made for an even larger gathering at which it was hoped that Te Wherowhero would finally accept office as King.⁴⁶⁶

A large gathering of chiefs at Ihumatao a short while later in May 1857, though principally called to tangi for Epiha Putini (Jabez Bunting), who had died at Mangere the previous year, was also made the occasion for some references to the need to have a King.⁴⁶⁷ According to Thomas Buddle:

At Ihumatao, William Naylor referred to the great changes that had taken place in the country, contrasted their present with their former condition, and ascribed the improved state of the people to the teaching of Christian

⁴⁶⁶ For another eyewitness account of the Paetai gathering see ‘Native Report of the Meeting at Paetai’, 12 May 1857, AJHR, 1860, F-3, pp.143-145.

⁴⁶⁷ *New Zealander*, 13 June 1857, 17 June 1857.

Missionaries. He congratulated the people on the protection they enjoyed and the advantages they possessed under the Queen's Government, and spoke of the kind consideration they had always received from Her Majesty's representatives. This was too much for the mercurial temperament of Te Heuheu, who suddenly sprang into the arena, and skipping to and fro like a merry-andrew, good temper excepted, abruptly interrupted Naylor, and denied the truth of his statements. He evidently considered that William was aiming a quiet blow at the king movement; and said, "It is true the Gospel has done much for us; but the Gospel has not done all we want. The Queen has done something. And the Governor too has done something. But there is [a] great deal yet to be done. We must have a king to do it."⁴⁶⁸

As for the selection of Potatau Te Wherowhero as King, it was widely acknowledged that the Ngati Mahuta rangatira had few peers. Buddle noted that:

Perhaps no man could have been found who is so generally popular as this old and renowned Warrior. His rank by birth gave him a prestige beyond that of many. His connexion by blood with several important tribes secured him extensive influence. His conquests in different parts of the island had rendered him famous in Maori history. His wisdom in council, his eloquence in debate, and his knows [sic] sagacity, recommended him as a man most likely to attract the largest number of tribes to the standard about to be erected. It may be questioned whether any other chief in these Islands could have drawn around him, or brought to one common centre, so many distant and independent tribes.⁴⁶⁹

On 14 July 1857 Potatau Te Wherowhero was said to have written to the chiefs of Waikato indicating his acceptance of the proposals advanced by Tamihana and others. Though Browne claimed this as proof that Potatau was 'accepting the Sovereignty offered to him,'⁴⁷⁰ nowhere in the letter was there any mention of sovereignty, or even

⁴⁶⁸ Buddle, *The Maori King Movement*, p.12.

⁴⁶⁹ *ibid.*, pp.12-13.

⁴⁷⁰ Browne to Labouchere, 23 September 1857, AJHR, 1860, F-3, p.124.

mana or rangatiratanga – and for that matter, nor was any reference made to a kingship. Instead Potatau simply wrote:

Salutations to you. Your word has reached me, and I have considered your proposition. Formerly I did not approve of your word; now I will abide upon your's, Tamati's, and Wiremu Tamihana's. If wrong, it will be well; and, if right, it will be well: the plan is yours. There is no consideration. But guide aright the plough; let the line be straight.

A love song of mine:

Let daylight dawn, that I may weep;
The resemblance has in secret gone,
A sacred mark at my side to stand.
Soon shall I fly beyond Haunui.
I am breaking up, and therefore cannot climb.
Come, thou O wind, and bear me to my love.
I am leaning towards thee now, O friend.
Let what I have be given to thee: 'Tis now in the water swimming.

Tena koutou, kua tae mai ta koutou kupu ki au, kua whakaaro au ki ta koutou; i mua kaore au i pai ki ta koutou kupu, inaianei me noho au ki runga ki ta korua ko to Tamaiti. Ko Wiremu Tamihana nana ka he, e pai ana, ka tika, e pai ana, na koutou te tikanga; kaore hoki he whakaaro aranga, engari kia tika te hapia i te parau, kia tika te raina.

He waiata aroha:

Te ao paraki kia mihi ai au;
Koio te ahua i te kaiapo;
Mai he rahui ki taku tahe nei tu ai.
Whano au ka rere te ripa ki te Haunui.
Kai wakapakaru te hei au te kakekake.
Koe hau kawē nui ki te tau ia.

Ka te turaki ianei, e te hoa.
Me tuku atu ki a koe te mea ia ua.
Kei te mai e kau ana.⁴⁷¹

Browne forwarded this letter to the Secretary of State for the Colonies, along with one from Rangiaowhia rangatira Hoani Papita urging the chiefs of Waikato to ‘lift up our King’,⁴⁷² and another from C.O. Davis written in highly allegorical language capable of various constructions.⁴⁷³

For his part, Browne perceived ‘no immediate danger’ from these developments and determined to take no action.⁴⁷⁴ In reaching this decision he had been heavily influenced by the assessment of Native Secretary Donald McLean, who wrote that:

The present movement on the part of the Waikato tribes to elect a King of their own is not likely to be attended with any important or serious consequences, if the Government abstain from interfering in the matter.

The course which I would recommend for the adoption of the Government, in reference to the “King question,” is decidedly one of non-interference, unless the movement assume more of a hostile character and tendency than it does at present.⁴⁷⁵

McLean believed that, although it was true that Maori felt that their chieftainship and distinctive nationality were under threat and were looking to devise some temporary means of preserving their independence of English power and authority, the chiefs most active in devising such schemes of self-government:

have advocated them more with a view to their own personal aggrandizement and power, than from any higher or more disinterested ideas of patriotism that might be engendered from a feeling either that their race was suffering

⁴⁷¹ Potatau to ‘E hoa ma’, 14 July 1857, AJHR, 1860, F-3, p.124.

⁴⁷² Hoani Papita to the Runanga at Te Iaia, 5 August 1857, AJHR, 1860, F-3, p.125.

⁴⁷³ Davis to Poihipi Tukairangi, 23 June 1857, AJHR, 1860, F-3, p.125.

⁴⁷⁴ Browne to Labouchere, 23 September 1857, AJHR, 1860, F-3, p.124.

⁴⁷⁵ McLean, Memorandum, 7 September 1857, AJHR, 1860, F-3, p.125.

oppression, or that, as the English increased in numbers, they stood in danger of being subjected to slavery or entire extinction: a fate which they are aware has already befallen other aboriginal races.

The ambitious projects of those Chiefs, however plausibly advanced, could not long escape the keen scrutiny of their own jealous and discerning countrymen: their professions were viewed with that distrust which forms such a marked feature in the Maori character: their ancient rivalries would not admit of any individual of their own race being placed in a position to hold predominant sway over the rest; and indeed I may say that it has been to a great extent already practically discovered by the Natives themselves, that they do not possess those elements of combination that are essential to the construction of an independent Government.

I therefore submit that the “King movement,” like the “Anti Land-selling League” and other similar confederations that have come to nothing, should be allowed to undergo its experimental stages, in order that its failure, when it does take place, may be the more signal, and that it may act as a warning against the periodical revival of future combinations of a similar tendency.⁴⁷⁶

McLean, then, was dismissive of the King movement, believing that it would fall victim of its own accord to the chiefly and tribal rivalries that existed in Maori society. He believed the movement was, in any case, less borne out of hostility of Europeans so much as imitation of their customs, and recommended that no action be taken in the meanwhile, though adding that:

In the process of time, and as circumstances may suggest, it may be found requisite to advise Te Whero Whero, that the adoption of any title beyond that of being the principal Chief and representative of the several tribes who may unanimously express a desire to confer additional dignity upon him, cannot be recognised by the Government; and that the erection of a separate flag would be construed as evincing a disposition on his part to withdraw from his loyalty

⁴⁷⁶ *ibid.*, p.126.

and frequently expressed attachment to Her Majesty the Queen, and her Representative in these Islands: none of whom have ever given him cause for such a course of proceeding.⁴⁷⁷

Browne, though, continued to maintain a policy of ignoring the King movement as much as possible, informing the Secretary of State for the Colonies in August 1858 that he trusted that ‘time and absolute indifference and neglect on the part of the Government will teach the Natives the folly of proceedings undertaken only at the promptings of vanity, and instigated by disaffected advisers.’⁴⁷⁸

By September 1857 Ngaruawahia had been named as the ‘place of residence for the King of New Zealand’. That prompted complaints from chiefs who had remained aloof from the King movement but maintained customary claims over the proposed settlement.⁴⁷⁹

While the Pukawa and Paetai hui are often mentioned as decisive steps along the path to the kingship, less often referred to is the gathering held at Haurua, just along the road from what is now the turnoff to the Waitomo Golf Club within the Rohe Potae inquiry district. It was at this hui, probably held sometime late in 1857 or early the following year, that Potatau sought the guidance of local rangatira as to whether to accept the kingship. According to Pei Te Hurinui Jones, Te Wherowhero had told a gathering of Ngati Te Ata at Waiuku:

Waiou ake au kia haere ki aku matua i te Nehenehenui. Mo ratou tenei taonga, te Kingitanga.

Let me go to my elders of the Nehenehenui. This treasured thing, the kingship, is for them.⁴⁸⁰

According to the version told by Jones (who besides being an adviser to the Kingitanga was also an expert on Ngati Maniapoto traditions) Te Wherowhero’s

⁴⁷⁷ *ibid.*

⁴⁷⁸ Browne to Lord Stanley, 19 August 1858, AJHR, 1860, F-3, p.128.

⁴⁷⁹ Hetaraka to Browne, September 1857, AJHR, 1860, F-3, p.160.

⁴⁸⁰ Jones, *King Potatau*, p.203.

answer reached Ngati Maniapoto (the people of the Nehenehenui) and they decided to call a meeting at Haurua. Several Ngati Maniapoto relatives of Te Wherowhero, including Te Kanawa, Tuhoro and Hauauru, were said to be responsible for calling the meeting, at which Ngati Maniapoto endorsed Te Wherowhero for King and he finally agreed to accept the position.⁴⁸¹ It was said that during the course of this meeting, those assembled hailed Te Wherowhero as the King. Te Wherowhero pointed to Tanirau of Ngati Maniapoto as the proper candidate:

Tanirau, however, saluted Potatau as King, who replied ‘the sun will set’ – meaning that he was too old and would soon die. But Tanirau said, ‘He ra e to, he ra e puta mai ano’ (the sun may set, but it soon rises again). These words were crucial to Potatau’s acceptance of the kingship, and determined its ongoing and hereditary nature.⁴⁸²

Jones stated that according to Ngati Maniapoto tribal sources a hat symbolising the Kingship which had originally been brought to Waikato by Te Heuheu and which Te Wherowhero had previously rejected had been brought to the Haurua meeting. On Te Wherowhero’s arrival he was presented with the hat, which was by turns presented to several of the chiefs present. The Ngati Maniapoto chiefs deliberated on the matter before confirming that Te Wherowhero should be King, a decision they agreed Tanirau should announce because of his lineage. Jones wrote that:

The tribes were assembled on the *marae* at Haurua when Tanirau came forward wearing the hat and accompanied by a company of singers. A verse from the songs they sang was:-

“Na Tuhoro, Te Kanawa,
Na Hauauru!
I tu ai te Kiingi
Ki Haurua e i!”

⁴⁸¹ *ibid.*

⁴⁸² Angela Ballara, ‘Introduction’, in *Te Kingitanga: The People of the Maori King Movement: Essays from the Dictionary of New Zealand Biography*, Auckland/Wellington: Auckland University Press with Bridget Williams Books/Department of Internal Affairs, 1966, p.2.

(It was Tuhoro, Te Kanawa,
It was Hauauru!
Who raised-up the King
At Haurua!)

After announcing to the assembly the decision of the Maniapoto chiefs, Tanirau advanced across the *marae* to the place where Potatau was seated. Pausing in front of Potatau, Tanirau took off the hat and, in a loud voice, called out:-

“Ko koe hei Kingi! Hei Kingi! Hei Kingi!”
(You are to be King! Be King! Be King!)

As he pronounced “King” for the third time, Tanirau placed the hat on the head of Potatau. Looking up at Tanirau Potatau said wearily:

“E Ta’; kua to te ra...”
(O Ta’ – Tanirau – the sun is about to set...)

Potatau meant that he himself was too old to worry about being made the King. To this remark Tanirau replied: -

*“E to ana i te ahiahi;
E ara ana i te ata:
E tu koe hei Kingi.”*

(It setteth in the evening;
To rise again in the morning:
Thou art raised-up as King!)⁴⁸³

Te Wherowhero at last agreed, replying simply ‘E pai ana’ (It is good), before reciting a long lament.

⁴⁸³ Jones, *King Potatau*, p.207.

Perhaps portending trouble ahead in consequence of the meeting and its outcome, however, the gathering was known as ‘Te Puna o te Roimata’ (the well-spring of tears).⁴⁸⁴ Claimants will no doubt be able to provide the Tribunal with a great deal more information as to this hui than appears available from the meagre documentary references to it.

Fortunately the written records are rather fuller for the meeting held at Ngaruawahia on 2 June 1858 at which Potatau Te Wherowhero was (at least according to some accounts) formally installed as King. One narrative of this gathering published in the *Southern Cross* newspaper was penned by Wiremu Tamihana.⁴⁸⁵ In the letter, only an English translation of which is available, Tamihana noted that:

We...wrote letters to the leading chiefs to say that on Wednesday at 8 o'clock on the 2nd of June, the proceedings would commence, and the [1834] flag of New Zealand would be hoisted. The people who reside at the place (Waikato) were up while it was yet dark at four o'clock in the morning, and food having been prepared and all parties in readiness, the flag was hoisted at 8 o'clock and the guard of honour moved forward. It consisted of the following tribes: - Ngatihaua, Ngatikoroki, Ngatiruru, Ngatimahuta, and Ngatimaniapoto. When the guard had reached the tent of Potatau, it stood, and presented arms. The women also in a body moved forward and ranged themselves on the other side. No person sat down, - all stood motionless, and not one word was uttered, nor could even the rustling of any ones garment be heard. I then stepped forward holding in my hand the Old Testament, the Psalms, and the New Testament of our Lord. Potatau was in his tent, which I entered and said, "Peace be to this house, and to him who is within it." I then sat down by his (Potatau's) side and presented to him the Old Testament open at the 20th chapter of Exodus from 1st verse to the 17th - the Commandments. I presented the Psalms also pointing the xxxiii - 56; also the New Testament, pointing out Matthew xi - 28, John xiv - 15, John x-!!.

⁴⁸⁴ *ibid.*, p.203.

⁴⁸⁵ See Keith Sinclair, 'Appendix: The Election of the Maori King' in J.E. Gorst, *The Maori King* (Keith Sinclair ed.), Hamilton: Paul's Book Arcade, 1959, p.264.

“Now,” said I, “let me ask you which of these two titles do you prefer, that of *Chieftain* or that of *King*.”

He replied, “I prefer the title of *King*.”

I then said, “Who is to be your protector?”

“Jehovah,” was the reply.⁴⁸⁶

Following prayer, Tamihana asked Te Wherowhero to accompany him outside, that the people could see him. He recalled that:

He came forth therefore, and all the men, women, and children saw him, and they all uncovered their heads and did obeisance to him.

I then addressed the flag which had been hoisted, saying unto it, “Potatau has consented to become King.”

Paora Te Ahuru immediately proceeded to an eminence, and addressing the mark that was put up [i.e., the flag] called in a loud voice “Are you willing that this man should be your King?”

All cried out “Yes,” – both great and small, women and children.

Paora said secondly, “are you willing that this King should put down that which is evil, and stay the hand of him who persists in doing wrong?”

“Yes” was the reply of them all.⁴⁸⁷

Following this, Te Katipa Te Awarahi of Ngati Te Ata and Ihaka from Pukaki stepped forward, the former asking:

⁴⁸⁶ *Southern Cross*, 3 August 1858.

⁴⁸⁷ *ibid.*

“O Potatau, you will be a father to us, will you not?”

“Yes,” was Potatau’s reply, which was greeted by great cheering; and a salute was fired the noise of which, together with the cheering, was like the roaring of the sea on the ocean shore.

When the firing was over, the people sat down, and I addressed the meeting. I said, -

“Hearken, O my fathers and my friends. This is the basis (I here held up in my hand the scriptures). We have not regarded the word of God, which saith, ‘Come unto me all ye that are weary and heavy laden, and I will give you rest;’ we have not obeyed the call. The apostle says, ‘Mortify your members which are on the earth;’ but we hearken not, therefore it is deemed proper that the chiefs should be of one mind, and select a person who shall be intrusted with these treasures for the earth [that is, the protection of our property, the management of our lands, etc.]⁴⁸⁸ We have seen that the wars arise from disputations about land, wherefore we seek out him, that he may be a depository for our lands. He will restrain the father who is badly disposed towards his son, and the elder brother who would take advantage of the younger brother. He will manifest his displeasure in regard to that which is evil; he will do away with the works of confusion or disorder, and he will be a covering for the lands of New Zealand which still remain in our possession.”⁴⁸⁹

According to a second account of the meeting, this time attributed to the missionary Robert Burrows,⁴⁹⁰ at this point a heavy shower of rain began to fall and the meeting was adjourned until the following day. Burrows wrote that the meeting was an adjourned one from that held at Paetai the previous May (when efforts had been made to have Te Wherowhero installed as King). While invitations had been sent to all of

⁴⁸⁸ Interpolation included in the original article.

⁴⁸⁹ *Southern Cross*, 3 August 1858.

⁴⁹⁰ Sinclair, ‘The Election of the Maori King’, in Gorst, *The Maori King* (1959), pp.263-264.

the tribes of the island, Te Moananui from Ahuriri was the only ‘stranger’ present for the occasion, which according to Burrows was preceded by a runanga called on 1 June in response to the arrival at Ngaruawahia of a Ngati Haua deputation asking for consent to enthrone Potatau Te Wherowhero at Ngaruawahia.⁴⁹¹ According to this account, a number of animated speeches were delivered by lower Waikato rangatira such as Waata Kukutai and Katipa, who declared ‘that they were willing to give Potatau the “Mana Maori,” but not the dignity or power of King’:

Ihaka emphatically remarking that he held his own land independent, and would not give it up to any one. The result was that the meeting as a body resolutely refused to recognize Potatau as King, or to allow him to be enthroned.⁴⁹²

This is consistent with further information contained in Tamihana’s account, in which he noted that an initial meeting ‘did not consent’ to Potatau being elected as King, in consequence of which ‘we decided to leave the matter in abeyance on Tuesday [1 June] and endeavour to effect our object on the Wednesday [2 June].’⁴⁹³

According to Burrows, a procession of 14 large waka taua and numerous smaller ones departed Taupiri for Ngaruawahia on 1 June, the Union Jack flying at the head of many of the war canoes. Potatau landed without any formal reception and large quantities of food were distributed among the arriving guests. He further noted that:

The house intended for the Palace is built on an eminence commanding a beautiful view of the confluence of the Waipa and Waikato. It is a miserable building of Raupo, not lined, and without windows, or chimney, or any ornament whatever, 40 feet long by 20 broad. A Flagstaff stands alongside of it, the flag was a white ground with red borders, and the words “NUI TIRENI”

⁴⁹¹ *Southern Cross*, 11 June 1858.

⁴⁹² *ibid.*

⁴⁹³ *Southern Cross*, 3 August 1858. Sinclair confuses the 1 June runanga with the close of the meeting on 2 June when he writes that ‘On 1 June, Tamihana says, the meeting disagreed, while Burrows reported that the meeting was interrupted by rain’. Sinclair, ‘The Election of the Maori King’, in Gorst, *The Maori King* (1959), p.264. In fact, Burrows clearly states that the meeting on 2 June was broken up by rain, while Tamihana simply explained that they broke up to get refreshments and therefore ended for the day.

(New Zealand) in the centre, a black cross in one corner denoting the deserted settlement of Kororareka, and three other decorations supposed to represent the three principal settlements of this Island.⁴⁹⁴

On the morning of 3 June 1858, Burrows wrote:

the King's party arranged themselves as before, but the procession of the Queen's party consisted only of the Manukau Tribes acting as a Guard of Honor for Potatau. The Lower Waikato, though on the ground and watching the proceedings, not taking any active part therein, having fully stated their views at Taupiri, and considering that they had accomplished their object by obtaining Potatau's consent to be a "Matua" to them, and by having prevented the King's party from enthroning him.

Paora te Ahuru then addressed the meeting, -

"Ko te tikanga o te korero, ko te take i mahia tenei. (the meaning of this discussion, the reason of this work we are doing). Every nation has a King of its own, therefore let us have one also. Let all the Chiefs be hands to this, our King. Let him do away with quarrels about our land. The numerous Chiefs have lost their influence, therefore let one amongst us be head over all."

Wiremu Tamehana,⁴⁹⁵ I asked Potatau yesterday which he preferred Native Mana (power) or the Kingship, he declared the latter, this our King, his Parliament and Magistrates will terminate all disputes about land, he will carry out the laws of God and man. Let us live in peace with everybody. Let us give much consideration to the things of this world.⁴⁹⁶

According to Burrows, Tamihana concluded by handing over to the officer of the guard of honour a document which he requested should be handed to Potatau, but the

⁴⁹⁴ *Southern Cross*, 11 June 1858.

⁴⁹⁵ It is clear from the description of the previous day's events provided that Tamihana is the speaker here, rather than being addressed as the somewhat wayward punctuation might tend to suggest.

⁴⁹⁶ *Southern Cross*, 11 June 1858.

officer declined instead placing this in his own pocket. The document in question was said to have stated:

“Nga ture ma te Kingi, koia te nei. Ko tona mana ki runga i nga tangata i te wenua [sic], hei tiaki ia mo te tautohe mo te pakanga mo te kohuru ona hoa, ko nga rangatira, ko nga runanga o ia iwi o ia iwi.

“Ko rua. Ko te tangata nona te wenua ki ranga [sic] i tona wenua ko te Kingi hei arai i te kino mo the [sic] wenua mo te tangata hoki.”

The laws for the King are these. His power over the owners of the land is to protect them against quarrels, wars, and murders. All the Chiefs, and Meetings (Runangas) of all the Tribes.

2nd. Every man is to live upon his own land. The King is to put a stop to all evils to the land, and to all men.”⁴⁹⁷

It is clear that at this point something of a struggle was taking place to win over the lower Waikato tribes (by this time dubbed ‘the Queen’s party’), who had consented to acknowledge Potatau Te Wherowhero merely as their ‘matua’. A number of King supporters at this point gave speeches, the purpose of which was to persuade their lower Waikato kin to accompany them to Rangiaowhia, where it was intended that the new King would be formally enthroned. Te Wetini of Ngati Haua (probably Te Wetini Taiporutu, later killed at Taranaki) was among their number, declaring ‘Let us adhere to Potatau and the Queen – and God over both – that the land may not be all swallowed up by the Governor.’⁴⁹⁸ But those pleas (including one from Hoani Papita of Ngati Hinetu) were not enough to persuade a number of the lower Waikato chiefs, who indicated that they would be returning home rather than carrying on to Rangiaowhia. One of their number concluded matters with an address to the ‘Queen’s party’ Maori in attendance in which he reminded them that they had ‘all heard how Katipa asked Potatau to be a “Matua” to us, and how he consented; and we must abide

⁴⁹⁷ *ibid.*
⁴⁹⁸ *ibid.*

by it', prompting positive acclamation before the speaker added, 'Let them have a King. We have a "Matua." Never forget it.'⁴⁹⁹

Tamihana's own report did not mention most of these developments on the second day, though he did note that a subscription was subsequently raised for the King.⁵⁰⁰ Burrows, meanwhile, editorialised somewhat in concluding that the meeting ended by 'leaving the kingship in *statu quo*.'⁵⁰¹ He believed that much dissatisfaction had been expressed at the private interview Tamihana conducted with Te Wherowhero in the tent, compared with the 'open and manly way' in which Katipa had asked him to be a matua to them, and considered the gathering as a whole 'may be fairly regarded as a great triumph to the Queen's party, and in favour of the present proposed system of legislation of our Colonial Government, inasmuch as the King's party have signally failed in their attempt to confer regal honours and power on Potatau.'⁵⁰²

But the fact was that although the lower Waikato representatives at the meeting had refused to go further than calling Te Wherowhero their matua, the remainder of those present had accepted him as their King, a title which the rangatira himself now declared that he preferred (following a long period of ambivalence and reluctance to assume such an office). If the former group had achieved anything, it appears to have been to prevent his actual enthronement, though King party supporters seem to have made it clear that they intended travelling on to Rangiaowhia for that purpose in any case. Various dates are often noted in terms of Potatau Te Wherowhero's actual ascension to the throne, including 2 May 1858, in some cases followed by final confirmation of his mana at a large gathering held at Ngaruawahia on 2 May 1859.⁵⁰³ But while it appears that there are few contemporary written records in relation to either of these dates, what we do know is that following the Ngaruawahia hui a further large gathering was held at Rangiaowhia in June 1858, by which time Potatau Te Wherowhero was being openly described and addressed by his supporters as their King, and his flag soon thereafter was being flown at Kawhia and elsewhere.⁵⁰⁴

⁴⁹⁹ *ibid.*

⁵⁰⁰ *Southern Cross*, 3 August 1858.

⁵⁰¹ *Southern Cross*, 11 June 1858.

⁵⁰² *ibid.*

⁵⁰³ Jones, *King Potatau*, p.223.

⁵⁰⁴ Schnackenberg to Henry Halse (Assistant Native Secretary), 29 July 1858, enclosure in Browne to Stanley, 19 August 1858, no.70, CO 209/146, pp.133-135, Archives NZ. The missionary also noted

Tamihana wrote a further report on this gathering at Rangiaowhia, the date of which (according to Sinclair) was likely to have been 18-19 June 1858.⁵⁰⁵ According to Tamihana's account, those in attendance included members of Ngati Haua, Ngati Koroki, Waikato, Ngati Maniapoto, Ngati Tuwharetoa, Ngati Hau, Ngati Hinetu and Ngati Apakura. When the tribes had assembled, he noted, the King emerged with his guard of honour, while each tribe went forward to pay their obeisance. Addresses were read and volleys fired in salute of the King, before the people arranged themselves in a procession and the 1834 flag of New Zealand was borne aloft by the host tribes. Once the procession had reached their camp, Te Tapihana, a Ngati Hikairo tohunga, stood up and said 'Name the king, O Io, O Io!', meaning, the report added, 'Name the king, O William, O William.'⁵⁰⁶ The King was once more acknowledged by those in attendance and the 23rd Psalm was then read out (which included the statement that 'though I walk through the valley of the shadow of death, I will fear no evil'). Tamihana added that Te Heuheu gave a speech of little consequence, before the meeting ended for the day.

An unidentified European observer who signed himself as 'Curiosus' was also in attendance at the Rangiaowhia meeting. He noted that 'His "Majesty" and *cortège*' had made a slow progression through the various Maori settlements en route to their final destination. Once there, he noted:

At the entrance to the settlement, Potatau was met by a procession of the inhabitants, one of the leading men of whom read an address of welcome to his Majesty. A volley of musketry announced the conclusion of this part of the ce[re]mony. This was fired by a body of about 150 young men, whose dress and discipline certainly did credit to their drill sergeant. Having fired off their pieces they marched backwards and fell into lines, so as to form an avenue through which the Maori King passed, while they saluted him with a second discharge. The procession now moved forwards to the rendezvous – a kind of square formed by the ranges of low raupo huts and tents. There was no

that the Kingitanga were intending to appoint a 'customs officer' at Kawhia, something which he attributed to the influence of Maori who had recently returned from the Victorian gold fields.

⁵⁰⁵ Sinclair, 'The Election of the Maori King', in Gorst, *The Maori King* (1959), p.268, fn.2.

⁵⁰⁶ *Southern Cross*, 6 August 1858.

barbaric pomp, no royal pavilion; no trump nor timbrel broke the stillnes[s], but silently and steadily the different tribes to the number of about 1800 persons, moved to the places assigned them. At a given signal a profound obeisance was simultaneously made to the King, rather more than an English bow, not quite so much as an Indian salaam. One of the Native teachers then stood up and read a portion of a chapter of the New Testament, gave out a few verses of a hymn, which were sung, and engaged in prayer. So far as I could observe, all joined in these devotional exercises. A minute or two of silence ensued, when a song of welcome was chanted by Te Heuheu, another volley of musketry was fired, and after another obeisance was made *a la mode*, the proceedings terminated.⁵⁰⁷

While this particular observer claimed that nothing of significance happened the following day, Tamihana recorded a number of important addresses, which, when subsequently published in the *Southern Cross* newspaper, were accompanied by several explanatory interpolations from an unknown individual. According to Tamihana, the beginnings of a Kingitanga infrastructure were put in place at the meeting with the appointment of a number of policemen to keep order under the superintendency of Aihepene Kaihau. Then:

When all was arranged, Kiwa, the brother of Hoani Papita stood up and said, -

“Welcome, O son, welcome, welcome, to your people. Hold the authority of your ancestors and your fathers. You shall be king.”

Wiremu Te Akerautangi stood up and said, -

“Welcome O King; welcome to Waikato.

“The shame I feel is great

For thou hast made a hapless exit.

And now thou art as fish caught from the sea

And placed upon the stalls to dry.

⁵⁰⁷ *Southern Cross*, 9 July 1858.

Are we to feed upon the things that came
From lands far distant?
O son, thou gavest this to me
And caused these lips to be polluted
Which once were sacred. Lo, I'll lop it off
Lest it should lead me to adopt its measures.”

[The Poet feels shame that the sun of the Maori nation should have gone down. The present social condition of his countrymen is compared to fish once healthful swimming at ease in its native water, but now ruthlessly cast upon the stalls no longer to be admired, but simply looked upon as an article of food. He asks whether the New Zealanders should be satisfied with the systems of foreign people which they have been called upon to adopt. He then censures the natives who were so credulous as to take for granted that the foreigner sought only the benefit of the New Zealanders by coming to this land and introducing other customs that came into collision with their own sacred usages; and concludes with a determination to maintain the national independence of the Maories.]⁵⁰⁸

Further speeches of welcome followed before Te Katipa Te Awarahi, who had previously proposed the title of ‘matua’ for Te Wherowhero, addressed the gathering. According to Tamihana’s account, he stated:

“O my elder brethren and my children, you have given us [a hearty] welcome.

“O this deafening noise and dread confusion
How am I pained for thee O wife
Gone from me to another!”

[*O wife gone from me, &c.* – i.e., the lands sold to the Government. He bitterly regrets that his *wife* – i.e., Maori lands – should have been sold, and now that he is anxious to raise the Maori standard, and organize a Maori system,

⁵⁰⁸ *Southern Cross*, 6 August 1858.

impediments will arise from the fact that many valuable native lands are in the possession of a power they are not prepared to either respect or obey.]⁵⁰⁹

Further speeches were given, some from chiefs from outside the Waikato, and collections once again made, one for King Potatau, as he was now known, and a second for a printing press. Tamihana added that:

It was now determined that the kingship should be abiding, - that it should stand henceforward. The Moananui [sic] of Ahuriri has consented thereto; also Te Mutumutu and Wi Pakau of Whanganui; Te Heuheu and Te Poihipi of Taupo; Pakira, Te Paerata, and Pakake of the Ngatiraukawa; and all the conversation was about the King.⁵¹⁰

On the following day further appointments to office were made, with Ngati Haua appointing Te Wetini Taiporutu as one of their representatives on the King's council at Ngaruawahia, along with Te Area of Ngati Koroki, Epiha Hihipa of Patukoko, Rewi Maniapoto (presumably as the Ngati Maniapoto representative, though Tamihana failed to note this) and Te Manu Waitai.

'Curiosus' meanwhile reported that King Potatau had also addressed the gathering during its later stages, his speech being described as 'anything but rebellious':

"Let the other Chiefs be kings, said he; "as for me, I am only a cook for the Pakehas; and the work for my children is to wash the plates of the Pakeha."⁵¹¹

He also noted that a subsequent day was set aside for the younger men to speak, but the expectation that this was to be a great day were doomed to disappointment, since:

the burden of their addresses was the constant repetition of the sentiment –
"The King on his piece; the Queen on her piece; God over both; and Love binding them to each other."

⁵⁰⁹ *ibid.*

⁵¹⁰ *ibid.*

⁵¹¹ *Southern Cross*, 9 July 1858.

The only point of debate was whether the British Queen was to be allowed a road through the Native King's territory. The "ay" and "nay" of this were keenly contested, the weight of intelligence being decidedly on the "ay" side – one Chief of Rangiawhia declaring that if aught were done unfriendly to the Queen, he would hew down the King's flag.⁵¹²

It seems clear then that many of those who spoke at gathering such as this one, including Potatau Te Wherowhero himself, went out of the way to emphasise that the King movement was not intended to be antagonistic to either the Queen or settlers generally. That message fell on deaf ears, however, as figures such as Browne chose to interpret the use of the label 'King' as some kind of direct challenge to the British Crown. The unnamed European observer at the Rangiaowhia gathering noted that:

I had gone to the meeting expecting to hear some reasons assigned for transferring their allegiance from VICTORIA to POTATAU, and to learn something about the form of government to be adopted by the new monarch. Nothing of the kind was even hinted at, and it was only in private conversation with some of the leading men, that I could learn what "The King Movement" really means. The impression I received is that the King Movement is simply a great Land League formed to prevent the sale of any more land to the Pakehas. Of this league, Potatau has been chosen the head, and all who become members of the Union concede to him the veto upon the alienation of any portion of their estates.

Not a disrespectful word was uttered against the British Government. The Natives simply think that to part with any more of their lands is the road to certain ruin, and to avert such a catastrophe, are adopting the expedient of a *Kingi* or Land *Protector*. Every other question is of importance to them only as it affects this. The fears which some of them entertain respecting the road for the Mail, are caused by the vague idea that this road may ultimately lead to the alienation of the lands through which it passes.

⁵¹² *ibid.*

Not the slightest hostility was hinted at, nor, I believe, felt towards Europeans by any one of the numerous speakers.

We debated the question of king-making with them, and assailed them both with argument and ridicule; yet we were treated with the utmost respect, and at the conclusion of our contest were invited to dine with Potatau.⁵¹³

According to Pei Te Hurinui Jones at some point in 1859 a second meeting was held at Rangiaowhia. It was at this meeting, Jones states, where Potatau Te Wherowhero 'was made King, and was raised-up by Te Tapihana.'⁵¹⁴ He outlines the ritual of this ceremony:

Te Tapihana: E io! e Rangi!

Tapa mai ra ia

Ta Taua tama

I whaka-tama ai taua,

I o taua nonoketanga

I nonoke ai taua;

I o taua momoetanga

I momoe ai taua i te po:

E Io! e Rangi!

Tapa mai ra ia,

Ko wai?

Rangatira Tuatahi (Te Awarahi) Hei Ariki Taungaroa!

Te Tapihana: (Ka karakia ano).

Rangatira Tuarua: Hei Toi-hau! (Ka karakia ano a Te Tapihana).

Rangatira Tuatoru: Hei Kahu-tarara! (Ka karakia ano).

⁵¹³ *ibid.*

⁵¹⁴ Jones, *King Potatau*, p.221.

Rangatira Tuawha: Hei Kingi! Wiremu Tamehana: Ae, hei Kingi!

Te Tapihana: (Katahi ka whakatutukiria te karakia ki enei kupu)

E Io! e Rangi!

Tapa mai ra ia,

Hei Kingi!

Te Iwi: Hei Kingi! Hei Kingi!

High Priest (Te Tapihana): “O Io! Heavenly One!

Name him,

This son of ours,

A son, indeed, he was to us;

When You and I

Strove manfully in our striving.

He guarded our peaceful

slumbers

And we slept soundly through

the night.

O Io! Thou Heavenly One!

Name him,

Name him – what?”

First Chieftain (Te Awarahi, of Waikato) responding:

“Name him Ariki Taungaroa!” (Chief of Chiefs).

No voice was heard to repeat this name. Te Tapihana remained standing. And then repeated the concluding lines of the invocation.

High Priest: “O Io! Thou Heavenly One!

Name him,
Name him – what?”

Second Chieftain (not named): “Name him Toihau!” (the Supreme Head).

Again there was silence.

High Priest: “ O Io! Thou Heavenly One!

Name him,
Name him – what?”

Third Chieftain (not named): “Name him Kahu-taratara!” (the High Chief of Scattered Tribes).

And again there was silence.

High Priest: “ O Io! Thou Heavenly One!

Name him,
Name him – what?”

Fourth Chieftain (Hori te Waru, of Waikato): “Name him the King!”

Wiremu Tamehana (the so-called King-maker): “Yes, name him King!”

High Priest: “Yes, name him King!

O Io! Thou Heavenly One

Name him,

This son of ours.

A son, indeed, he was to us;

When you and I

Strove manfully in our

striving

He guarded our peaceful

slumbers
And we slept soundly through
the night

O Io! Thou Heavenly One!
Name him, name him,
Name him O King!”

Chorus from Assembled Tribes: “Name him King! Name him King!”⁵¹⁵

According to Jones, the biggest and final gathering in connection with setting up the King was then held at Ngaruawahia on 2 May 1859, when chiefs from all over the island came together and Wiremu Tamihana told those assembled:

Commencing at Pukawa (lake Taupo) the words were these: Firstly, the King be set up to hold the *mana* or prestige over the land; secondly, *mana* over man; thirdly, to stop the flow of blood. The Maori King and the Queen of England to be joined in concord. God be over them both.⁵¹⁶

Following this, according to Jones, Wiremu Tamihana stepped forward and placed a Bible on the head of Potatau, ending the raising up ceremony at which he was proclaimed as King.

According to Angela Ballara, Potatau Te Wherowhero was crowned at Rangiaowhia, and again at Paetai or Rangiriri. She adds that:

Ngaruawahia was the last crowning; there all the leading chiefs of the North Island came to lay at Potatau’s feet their lands and service. Many mountains, the pou (boundary markers) of the Rohe Potae (the King movement territory), were named as the guardians of the territory under Potatau’s dominion. They included Karioi, between Whaingaroa (Raglan) and Aotea; Taranaki (Mt Egmont); Kaiiwi, a hill in Nga Rauru territory in Taranaki; Tararua, between

⁵¹⁵ *ibid.*, pp.221-222, 224-225.

⁵¹⁶ *ibid.*, p.223.

Wairarapa and the Kapiti coast; Titikura, between Hawke's Bay and Taupo; Putauaki (Mt Edgecumbe) in the Bay of Plenty; Ngongotaha, near the western side of Rotorua; and Te Aroha, between the Ohinemuri and Piako rivers.⁵¹⁷

Further information concerning the origins of the Kingitanga was documented in the early 1880s, as reporters began to enter the Rohe Potae district (and rangatira from there travelled to Auckland and elsewhere) in anticipation of its 'opening up' to European settlement. Under the headlines of 'Story of the King Movement. Told by a Maori Chief', in 1882 one wide-ranging account of the Kingitanga was published in a number of colonial newspapers. Although lengthy it is quoted in full below since it appears to provide a unique insight into many important developments. The report states:

On the occasion of the recent visit of the Kingites to Auckland, a reporter from the *Herald* interviewed Honana te Maioha – one of Tawhiao's near relatives, who took an active part in the commencement of the King's movement – with the view of having recorded facts respecting that singular series of events.

Honana states that the people of Kawhia were the first, so far as he knows, to entertain the idea of a King for the Maoris. Those who first spoke about the subject were the Ngatihikairo, the chiefs being Waikawau and Pikia. This was before Te Rauparaha was taken by Sir George Grey [in 1846]. The objects of the King movement were these: - 1. To form a bond amongst all the tribes of New Zealand. 2. The desire to form a land league, to stop the reckless alienation of land. 3. To prevent fighting and bloodshed among the Maoris. Honana continued: Potatau, when spoken to by the people of Kawhia, said, "It would not be right for you to call me to be a king, because I am simply a connection of Waikato, and a great many other tribes are interested in a matter of that kind." At that time Potatau was living at Awhitu, on the Manukau. He would not consent to be made a king. Afterwards, Tamehana te Rauparaha and Matene te Whiwhi, of Ngatiraukawa, at Otaki, went to Rotorua. Their action was quite separate from that of the people of Kawhia. At the great meeting at

⁵¹⁷ Ballara, 'Introduction', in *Te Kingitanga*, pp.3-4.

Rotorua, the speaking was to this effect: - Ko Rotorua he moana kopuapua – Rotorua is a place of ponds, meaning that the sun would soon cause them to evaporate; ki Taupo, he moana papaku – Taupo is a shallow sea, meaning that the people were not many, and more scattered; ko Waikato, he awa taniwha – Waikato is a giant river. The meaning of all this was that the king should be selected from Waikato. This was during the first Governorship of Sir George Grey. Hikairo had then been spoken of as king. Then was the time that Heuheu te Iwikau built the great pataka (storehouse), which he called “Hinana ki uta, hinana ki tai” – staring inland and staring to the sea. Potatau was invited to the meeting. He was then living at Whatawhata. He started to go to Taupo, but when he had got to Orakau, he had a fall from his horse, and was in consequence unable to proceed. Tawhiao (the present king) went, Honana te Maioha, Paratene te Maioha, Takerei, Te Huirama, Waikawau, Pungarehu, Hikuroa. The name of Tawhiao was then Tapuke (not Te Pupuke, as we have already printed it). There was present the Roman Catholic priest who resided at Rangiawhia, Father Garavel, and the Rev. Mr Grace, who was the resident minister of Taupo. Representatives of the Ngatiraukawa, the Ngatikahungunu, the Arawa, the Ngatituwharetoa, and other tribes attended. A post was erected by order of Te Heuheu, and ropes fastened to the post. One rope pointed to Taupiri, in Waikato, one to Hawke’s Bay, and so on. Tongariro was the post itself, and the various ropes represented numerous tribes, including the Waikatos. Rewi was at that meeting. Te Heuheu ordered the ropes to be placed in the hands of different men, and before they did so, said “Potatau is King.” Patara te Tuhi said, “Why do you ask your son to stand as king? You should be the king.” Rewi rushed forward and took one of the ropes, and Matuahū took one and called out the chorus, “Toia te waka” (Drag the canoe). Hawrua [sic], one of the Ngatimaniapoto, spoke on that occasion and said he desired that Potatau should be king. He came forward with a sovereign in his hand and presented it to Potatau, in order to declare to him that our own native feuds were at an end.⁵¹⁸ The Whanganuis joined, and there was perfect unanimity. Turoa was the representative of Whanganui, and Tareha and Paora Kaiwhata

⁵¹⁸ It seems apparent that Honana Te Maioha is still discussing the Pukawa hui here, in which case there is an obvious discrepancy since Te Wherowhero had fallen from his horse and returned home before reaching the meeting.

of Ngatikahungunu. The arguments of Te Heuheu for establishing a king were that the Maoris might hold the land, and that the shedding of blood by native quarrels might be avoided. Te Rangikaharua came forward and sung the ngeri, “Tenei te tangata puhuruhuru.” That referred to Potatau. We were unanimous at that meeting that Potatau should be elected. [An extract from the Rev Mr Buddle’s book was here read by Honana, where the author states that at the Taupo meeting “the most violent party advocated a clear sweep of all the pakehas, governor, missionaries, pakeha maories (settlers) – all.”]⁵¹⁹ That is not true. Mr Buddle was not present at the Taupo meeting. There was no such thing advocated. We did not want to interfere with the Europeans. The movement was for our own people only. It was not till after this that someone said that the Europeans would be angry if we elected a king. It was replied, “Why should they, seeing that we in no way interfere with them?” Another meeting was held at Patea, between Hawke’s Bay and Tongariro. It was decided that the whole of the Rangitikei river should be offered to the king to be protected. Potatau had not agreed to accept at that time. Then a meeting was called at Rangiawhia, and there it was unanimously agreed that Potatau should be king. By this time he had gone to reside at Mangere. Up to this point William Thompson had not taken any part in the king movement. Potatau did not consent as he was not sure of the opinions of the whole people. He never desired the office, thinking that his own dignity as a chief was sufficient. Tawhiao was then living with him at Mangere. This next thing was the meeting at Waiuku. Potatau made a speech, saying “Adhere to Christianity, and to love, and to the law. Formerly the God of the Maoris was the man-eating Uenuku, but now our God is the Great King of Heaven. These treasures are not purchased, but are given freely. Adhere to Christianity, love, and the law.” There were many Europeans present at that meeting. From there Potatau was taken to Ngaruawahia. Before he left Mangere he communicated with Governor Browne regarding his visit to Waikato, and the Governor assented to his going. After the return to Waikato, the tree for the king flagstaff was cut at Taupiri mountain. It was a kauri. The whole of Ngaruawahia was once a kauri forest. We floated the tree up to Ngaruawahia. It there began to be rumored

⁵¹⁹ This interpolation appeared in the original article.

[sic] amongst the Maoris that the pakehas would be angry on account of erecting this flag as a symbol of kingship. The Maoris said, “Why should they be angry? We do not interfere with them. It is a matter which concerns ourselves only.” The staff was then erected, where the public-house now stands on the banks of the Waipa. The lower Waikatos thought that the title Potatau should assume should be “Matua” (Patriarch), but the others did not agree to that. It was then decided that he should be called “King,” as that name was in the Bible. William Thompson brought out the Bible, and put it on Potatau’s head, and certain quotations were uttered at the same time. While this was being done, minor flags were hoisted, and after the anointing, the great flag was pulled up. I hoisted the main flag. I went up on the stays, and said, “This represents the North, the South, the East, and the West, and all the people.”⁵²⁰

Honana Te Maioha therefore identified three crucial aims of the King movement, the first of these essentially being to promote a collective Maori identity and unity (or what might be described as a nationalist aim), the second, though not unrelated, having a more specific goal of preventing further land loss, and the third could be seen as part of the movement to promote law and order within Maori communities. Yet at no point in the 1850s was there a monolithic attitude towards the evolving Kingitanga movement on the part of the different hapu and iwi of Te Rohe Potae or the broader Waikato district, nor even a commonly agreed understanding of its aims and objectives, let alone shared motivations for supporting the development. Gorst noted this when he wrote that:

The cause of what is called ‘the king-movement’ has been much disputed among New Zealand politicians. The fact is, that there has been no single cause. Different sentiments attracted adherents, who joined the scheme with different views; and as one set of motives after another was in the ascendant, the character of the movement itself was continually changing.⁵²¹

⁵²⁰ *Timaru Herald*, 1 March 1882 [reproduced from the *New Zealand Herald*].

⁵²¹ Gorst, *The Maori King* (2001), pp.25-26.

Nor (as we have seen) was there ever unanimous support for the Kingitanga on the part of all local hapu and iwi. A further important point emphasised by claimants at recent research hui in relation to this project is that the Kingitanga was not, as many Europeans at the time claimed it was, a mere aping of Pakeha political structures and institutions. In fact, it was deeply grounded in Maori tikanga and custom, as a number of historians have recognised. As Keith Sorrenson noted, ‘The King party gained its cohesion and strength not by imitating European institutions and techniques but by a revival and extension of traditional Maori systems.’⁵²² That could be seen in many ways, including the process by which a king was selected and the ultimate bestowal of the title on Te Wherowhero, as well as in the subsequent manner in which the Kingitanga evolved. Customary relationships and alliances were also crucial in determining support for the Kingitanga. The comments of noted scholar Maharaia Winiata are pertinent here. As he observed, ‘New titles were borrowed from the European but the old relationships remained.’⁵²³

4.4 Contemporary Explanations of the Kingitanga

Whatever the failings, biases and self-interest involved in contemporary Pakeha perceptions and understandings of the Kingitanga, it was their viewpoint which shaped Crown responses. And as we shall see below, the explanations offered by European observers for the origins of the Kingitanga ranged from the logical to the downright loopy. One of the most popular explanations had it that the Kingitanga was part of a search for law and order or improved mechanisms of governance. Discussion of this particular issue is, however, held over until the next chapter since it elicited a significant government response.

⁵²² M.P.K. Sorrenson, ‘The Maori King Movement, 1858-1885’, in Robert Chapman and Keith Sinclair (eds), *Studies of a Small Democracy: Essays in Honour of Willis Airey*, [Hamilton]: Paul’s Book Arcade for University of Auckland, 1963, p.44.

⁵²³ Maharaia Winiata, ‘Souvenir Booklet on the *Poukai* Celebrations and the Visit of the Prime Minister to Tamatepokaiwhenua Meeting House (Judea, Tauranga), 1958, p11, cited in Sorrenson, ‘The Maori King Movement’, in Chapman and Sinclair (eds), *Studies of a Small Democracy*, p.44.

Nationalism

One very useful source of insight into Browne's thinking comes from the extensive annotations he made on a copy of Gorst's *The Maori King* after it was first published in 1864. While some of Browne's statements can be seen very clearly as attempts to retrospectively justify his course of actions, there was also more to it than that. In response to Gorst's allegation that 'land leagues' and 'King movements' would not have arisen if Maori had been properly 'educated...in civilization', for example, the former governor spelled out his view that:

The land league & King movement were the result of a yearning for separate nationality but it was not less the duty of the English to have used every effort to educate & civilize the Maoris. The Queen's govt., however, never contemplated such an expense and the colonist for *many years* could not afford it, nor were they inclined to do so.⁵²⁴

In response to Gorst's statement that 'It may be questioned whether it was good economy to undertake the sovereignty of the Maories at all', Browne wrote that:

There can be no doubt that we should have limited the exercise of sovereignty to the lands over which native title had been extinguished by purchases and all purchases should have been contiguous instead of being scattered about promiscuously according to the wishes of individuals.⁵²⁵

He further seized on Gorst's comment that 'Even in the streets of Auckland itself the natives have generally been able to defy the majesty of the law', noting in response that this was 'Quite true: yet Mr. Gorst wonders why I did not establish law and protect the natives & settlers alike in Maori districts.'⁵²⁶ Though Browne had been widely criticised for being slow to respond to the emergence of the King movement, he endeavoured to rebut such a line of argument, suggesting that:

⁵²⁴ Gorst, *The Maori King* [annotations by Thomas Gore Browne], p.39, MS-0860, ATL.

⁵²⁵ *ibid.*, p.41.

⁵²⁶ *ibid.*, p.49.

I was from the first moment alarmed at the King movement, though laughed at by the Missionary party & assured by McLean. I was however powerless in every way and the Home Government was indifferent to what I wrote.⁵²⁷

McLean was thus among those fingered by Browne, who recalled his former Native Secretary's frequent assurances that the Kingitanga 'would die out'.⁵²⁸

Browne, though, was also prone to underestimate the potential of Maori for political and military cooperation and unification, besides failing to fully appreciate the depth of their grievances. Although he commented in one 1856 memorandum that 'Auckland exists on the forbearance of a race of savages',⁵²⁹ he informed the Colonial Office that:

In any real trial of strength between the natives and Europeans, there can be no possible doubt as to the result; but it is not less certain that pending its duration a vast amount of life and property would be destroyed, numbers of thriving settlers would abandon their homes, immigration would entirely cease, and a great expense would be entailed on the mother country. In other words, the prosperity of the colony would be annihilated for years after the termination of a struggle as successful as could be desired.⁵³⁰

That was a heavy price to pay, and not something that Browne would entertain lightly. Nevertheless, his assumption that success was practically guaranteed in any military conflict with Maori goes a long way to explaining his potentially disastrous decision to invade the Waikato district in 1861. At the time of these comments, though, rumours were in circulation of a possible Maori attack on Auckland, and Browne was equally dismissive of these reports, writing that:

Discussions as to the feasibility of burning Auckland and destroying the Europeans have been held at meetings of more than one of the tribes, on a plea that the natives of all other countries have been "eaten up" by Europeans

⁵²⁷ *ibid.*, p.96.

⁵²⁸ *ibid.*, p.129.

⁵²⁹ Browne, Minute, 25 September 1856, GBPP, 1860 [2719], p.401.

⁵³⁰ Browne to Labouchere, 18 October 1856, GBPP, 1860 [2719], p.399.

sooner or later whenever they have come in contact; an idea suggested and encouraged by strangers and ill-disposed persons. The proposal has invariably been negated by the influence of wise and friendly chiefs, and is likely always to be so.⁵³¹

There seemed little doubt as to the emergence of a sentiment by this time that would today be regarded as a form of nationalism. It was largely driven by fears and concerns for the future, and in particular the fear that settlers would soon overrun the country, dominating it numerically and subjugating Maori in the process. A sharp increase in settler numbers and the continuing decline in the Maori population both contributed to this concern. According to John Morgan:

The aborigines feared, as their own numbers were being so rapidly diminished by death, that, unless European colonization could be arrested, that the white settlers would in a few years greatly outnumber them, and that then the Treaty of Waitangi would be set aside, and their lands seized by the English Government.⁵³²

Others believed that Maori at the time of the Treaty signing were simply unable to comprehend the sheer number of settlers likely to migrate to New Zealand in its wake and the pressure this would place on their way of life. The Native Minister C.W. Richmond wrote, for example, that:

When the first emigrant ships arrived at Port Nicholson, and landed their hundreds of colonists, the Natives are said to have wept at the sight. They had been told, but had not believed, that the foreigners were coming to settle in great numbers upon the land which the agent of the Colonizing Company had just acquired. They had not realized to themselves that their country was about to be occupied by a civilized race in such force as to be able to hold its ground in spite of Native resistance. The New Zealanders have always been fond of having amongst them a few Europeans, dependent on their good will. But they

⁵³¹ *ibid.*

⁵³² Minutes of Evidence (quoting letter from Morgan, 9 October 1860), 24 October 1860, AJHR, 1860, F-3, p.105.

love to remain masters. It is the notion of the King party that the settlers in New Zealand should be placed much on the same footing as the European squatter in a Native village, whose knowledge and mechanical skill procure for him a certain amount of respect and influence, but whose homestead is held on sufferance, and who is obliged to comport himself accordingly. 'Send away the Governor and the soldiers,' they say, 'and we will take care of the Pakehas.'⁵³³

The Waikato Resident Magistrate Henry Halse made a similar point. Halse, who (contrary to his title) in fact resided in Auckland before being shifted sideways to become the Assistant Native Secretary in 1861,⁵³⁴ wrote that:

The principal question which has occupied and agitated the Natives during the past few years, and occasioned so much jealousy, is the influx of Europeans into the country. They have seen large ships crowded with passengers enter this and other harbours with regularity and apparently without restriction, conveying an impression that the Pakehas must be numberless; and as they attach very great importance to numbers, an idea got rooted in their minds that the Pakehas would overrun their country, and finally drive them to the mountains. This filled them with distrust, and likely enough suggested the formation of a Land League, in the expectation of checking immigration and maintaining their numerical superiority. This League afterwards merged into the King movement; which was first adopted by some Chiefs of great ability and leading position among the race, in the hope of conferring on their countrymen the benefits of Government, but which founds its life and support among the Maories in general from the jealousy and fear of losing their independence....⁵³⁵

A nationalist urge or instinct on the part of Maori communities to preserve and protect themselves against the threat posed by incoming settlers emerged partly in response to specific concerns. As further discussed below, a fear of the impact of ongoing land

⁵³³ C.W. Richmond, Memorandum, 27 April 1860, AJHR, 1860, E-3, p.32.

⁵³⁴ Ward, *Show of Justice*, pp.112, 130.

⁵³⁵ Henry Halse (Waikato Resident Magistrate) to Native Secretary, 16 October 1861, AJHR, 1862, E-7, p.10.

loss was one obviously important (and by some accounts, overriding) motive. But there were also other even more basic factors, including the prejudice and mistreatment that Maori sometimes experienced at the hands of settlers in their day to day contacts. This was something that even rangatira of great mana were sometimes unfortunate enough to encounter, and a factor that Crown officials readily acknowledged. Browne wrote in 1861, for example, that:

Te Heu Heu said to me soon after I arrived in the Colony [in 1855], that when an English serf visited the Maories, he was treated like a Chief; but if a Maori Chief of the highest rank visited Auckland, he was treated like a slave by all except the Governor and a few officials. To prevent this is impossible. The middle class of Englishmen will not recognise as an equal – still less as a superior – a Maori Chief, who may without loss of caste sell fish or fruit, or perhaps even beg for a shilling, as Potatau has done more than once.⁵³⁶

If anything, attitudes towards Maori hardened in the wake of the Taranaki War, helping to reinforce an atmosphere of mutual suspicion and mistrust. Even ‘friendly’ chiefs walking the streets of Auckland were at risk of being abused or directly assaulted,⁵³⁷ prompting officials to draft a government warning to the public in July 1863 as to ‘the great embarrassment to the Government caused by the indiscriminate suspicion with which all classes of Her Majesty’s native subjects are regarded by portions of the European population.’⁵³⁸ However, in the days preceding the invasion of the Waikato Grey had issued orders that ‘no natives are allowed to come into the Town for the present.’⁵³⁹ A ban on the sale of any food and clothing to Maori was also contemplated.⁵⁴⁰ Matters were evidently not helped by reports circulated by settlers that ‘after His Excellency has subdued the hostile natives he will then transport the

⁵³⁶ Governor Browne to Duke of Newcastle, 13 July 1861, AJHR, 1862, E-1, p.24. Elsewhere Browne observed that ‘They see that if amalgamated with the English they must take their place only among the lower ranks, and they observe that a chief, however great his rank may be among themselves, is made of no account when he visits the English towns.’ Browne to Labouchere, 18 February 1858, no.13 (confidential), CO 209/145, p.131, Archives NZ.

⁵³⁷ See, for example, Henry Munro (Native Office), Memorandum, 3 June 1863, IA 1/1863/1712, Archives NZ.

⁵³⁸ T. Russell, Draft public notice, 30 July 1863, J 1/1863/769, Archives NZ. It is not clear whether the notice was subsequently issued.

⁵³⁹ Grey, Memorandum to Ministers, 9 July 1863, G 35/1, Archives NZ.

⁵⁴⁰ Grey, Memorandum to Ministers, 24 August 1863, G 35/1, Archives NZ.

friendly natives to some Island and brand them.⁵⁴¹ A nightly curfew was imposed on all Maori in the settlement, many of whom were encouraged to reside elsewhere,⁵⁴² and it would seem that at some point 'loyal' Maori living in Auckland were issued with badges for their own protection in order to help to clearly identify them.⁵⁴³ Gorst wrote that:

the ignorant mass of townspeople judge of the natives from their not very prepossessing exteriors, and never having had experience of the good qualities which...lie concealed beneath, give free vent to their arrogance and contempt, and speak of the Maories, both publicly and privately, with disgust and dislike. Men habitually told that they emit a disagreeable smell, are not likely to feel a very strong affection towards the race that smells them. I know that the petty rudeness of Europeans is so disagreeable to many chiefs in Waikato, that they dislike going into Auckland, or any of the English villages, and are very shy of visiting at English houses. Their own behaviour to strangers affords a striking contrast, not very creditable to ourselves; a chief of the highest rank will unsaddle the horse of his guest with his own hands, and either pitch his tent or give him the best house in the village to sleep in, covering the floor with freshly gathered fern and new flax mats.⁵⁴⁴

Crude settler prejudices against Maori, once solidified, became difficult to shake, and did little to convince Kingitanga leaders that their fears for their people were without foundation, especially when their future was increasingly being left in the hands of an assembly composed solely of representatives of the settlers. While those intolerant and chauvinistic feelings towards Maori were apparent in the 1850s (and were obviously a cause of major concern for figures such as Iwikau Te Heuheu at that time), it seems clear that matters had only got worse by the first few years of the following decade. Grey wrote in March 1862 that:

⁵⁴¹ James Armitage to F.D. Fenton, 1 August 1863, J 1/1863/769, Archives NZ.

⁵⁴² Gorst, *The Maori King* (1959), p.243.

⁵⁴³ 'Auckland: Lament for the Lost', http://www.nzherald.co.nz/auckland-tale-of-a-supercity/news/article.cfm?c_id=1502974&objectid=10666730 (accessed 25 August 2010).

⁵⁴⁴ Gorst, *The Maori King* (1864), pp.75-76.

The great difficulty is the hatred of race which prevails in some portion of the European community against the Natives, who on the other hand knowing this, regard themselves as a doomed race, believe that any Governor will at last give way to the influences brought to bear on him, to force him into war with the natives, and therefore plainly tell me that they have little confidence in any Government. The violent tone of some portions of the press, against the native race, keeps the feeling continually alive, and the violent and evil disposed amongst the natives avail themselves of this, to keep their countrymen in a continual state of excitement. I hope that patience will at length overcome these difficulties, but the task before me is a most trying and wearisome one.⁵⁴⁵

Donald McLean was another who shared these concerns, highlighting some of the terms of abuse sometimes levelled at Maori when they came into contact with the settlers:

The threats, curses, and opprobrious epithets used by Europeans towards them confirm their worst suspicions. The offensive terms “bloody Maori,” “black nigger,” “treacherous savage,” are frequently applied to them, and though uniformly kind and hospitable to all strangers, they are themselves often treated with cold indifference, and sometimes with contempt when they visit the English towns.⁵⁴⁶

For a society which still took matters such as curses very seriously, and whose relations with the settlers had been fundamentally different within living memory (Pakeha being more or less entirely at the mercy of their host tribes) these kinds of taunts and humiliations were felt deeply. Maori were concerned not just at being outnumbered and overwhelmed by an incoming tide of settlers, but also by the jaundiced and bigoted views towards Maori that those Europeans sometimes brought with them. And for tribes such as those living within the Rohe Potae district, where the power relationship with settlers was still tilted heavily in their own favour, it was

⁵⁴⁵ Grey to Newcastle, 8 March 1862, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

⁵⁴⁶ McLean, Memorandum, 5 February 1860 [sic – 1861], GBPP, 1862 [3040], p.25.

surely a harbinger of the future ahead if they did not do something to reverse the trend.

Land

There is a sense in which it is somewhat misleading to single out land as a factor behind the Kingitanga. That is because land was intrinsic to an identity and way of life, and thus fears over the rate at which it was passing out of Maori ownership fed into the broader nationalist instincts discussed above. There was, in other words, usually something deeper behind concerns over the loss of land, sometimes including an appreciation of the political authority over a particular area which passed to the Crown and settlers with each sale. And yet, to many Europeans the Kingitanga was tantamount to a land league. As noted in an earlier section that helped to shape settler attitudes towards the movement, especially among those elite figures for whom similar ‘illegal combinations’ such as trade unions prompted an almost visceral urge to wipe them out.⁵⁴⁷

Otawhao missionary John Morgan was among those who, initially at least, viewed the King movement as little more than a glorified land league. He informed McLean in 1858 that ‘its chief object is to prevent the sale of land & the settlement of Europeans upon maori [sic] lands. The King’s power is not to extend to the sale of land, but he is to keep the land for their children & prevent any tribe who may join them selling to Europeans.’⁵⁴⁸ Land ownership was equated with political authority: on Maori-owned lands, only the King was to be recognised as supreme, though even here opinions were divided. According to Morgan, the question of whether Europeans living within Maori districts should be judged and punished by them or instead should be handed over to the Queen’s laws was a continuing cause of debate, as was the converse situation (jurisdiction over Maori living on European lands).⁵⁴⁹ He added that ‘I do

⁵⁴⁷ A series of Combination Acts passed by the British Parliament after 1799 declared trade unions and any form of collective bargaining illegal. Unions were legally permitted after 1825, but only under a strict set of rules narrowly defining their permitted activities. E.P. Thompson, *The Making of the English Working Class*, Harmondsworth: Penguin, 1968, pp.543-569.

⁵⁴⁸ Morgan to McLean, 12 October 1858, McLean Papers, MS-Papers-0032-0459, ATL.

⁵⁴⁹ However, just a few years later an unnamed European resident at Rangiaowhia wrote in highly complimentary terms as to the work of the King’s runanga in the district in resolving disputes between settlers and local Maori. Citing numerous examples of runanga decisions that had gone in his favour, the writer observed that ‘whenever they find that a European has been wronged by a Maori, they lean

not think that they contemplate for a moment any opposition to the Queen, that is what they would call opposition, but they consider...that it is necessary in order to preserve their own rangatiratanga that they should preserve their lands and exercise Magisterial power in maori [sic] districts without reference to the Queen.⁵⁵⁰

The land question was among the various grievances Wiremu Tamihana raised during a January 1861 meeting with the Bay of Plenty Resident Magistrate H.T. Clarke. Responding to a query as to the origins of the King movement, Tamihana told the official:

I complain of the manner in which the land sales were conducted. The natives sold their lands blindfolded (“matapo.”) They were ignorant as to quantity, they received only a nominal price from the Government. It was then surveyed and cut up into smaller blocks, it was then sold, and realized its full value. The question suggested itself, ‘Have we not a better right to this advanced price than the Pakeha?’⁵⁵¹

Beyond particular grievances over the Crown’s purchase methods, and especially its ‘buy cheap, sell dear’ strategy, Tamihana also confirmed that earlier proposals to seize the so-called ‘wastelands’ had seriously dented Maori confidence. He told Clarke that:

an European (who shall be nameless) told me that it had been proposed by the Queen’s Council that all the waste lands of the natives should be claimed as demesne lands of the Crown, and that only those portions which were actually under cultivation should be secured to us. This statement was confirmed by a Roman Catholic priest. I reasoned with myself, ‘This land was given to my ancestors by Providence. We have retained it from generation to generation. Surely because it is unoccupied now it is no reason why it should always remain so. I hope the day will yet come when our descendants will not have more than they really require. If I have been correctly informed even a few

more to the European than to their own side.’ Anon, Rangiaowhia, 5 August 1861, G 13/2, Archives NZ.

⁵⁵⁰ Morgan to McLean, 12 October 1858, McLean Papers, MS-Papers-0032-0459, ATL.

⁵⁵¹ H.T. Clarke, Extract from Journal, 14 January 1861, GBPP, 1862 [3040], p.20.

years ago there were in England large tracts of unoccupied lands. No other nation on that account attempted to seize them. Why then should they attempt to claim our unoccupied lands?' This confirmed us in our determination to form a land league, the members of which should bind themselves to assist each other in resisting any attempt to take forcible possession of our lands.⁵⁵²

The Chief Land Purchase Commissioner and Native Secretary Donald McLean had arguably done more than any other figure to stoke fears over the loss of lands, given his central role in acquiring these on behalf of the Crown since 1848. As resistance to selling stiffened, he had resorted to more underhand purchase tactics from the mid-1850s. McLean had also (as we shall see) played a crucial role in failing to intervene to prevent the disastrous Waitara purchase in 1859. Some three months after the Crown's insistence on completing that flawed transaction had led to the outbreak of the first Taranaki War, McLean wrote that:

Land is used as a powerful lever for the maintenance of the king party; and constant appeals are made to the people to preserve the lands of their ancestors. It is not to be wondered at, that an imaginative and poetic race like the New Zealanders, whose memories live so much in the past, should have a strong attachment to the land of their forefathers. Almost every mountain, hillock, forest, valley, river, or stream has its particular history of wars, defeats, conquests, or secret repositories of their dead. Some spots are famous as being productive of the various kinds of food upon which they formerly subsisted; and while the Europeans are too apt to believe that the land is a mere article of commercial exchange, of little consideration beyond its monetary value, the natives, on the other hand, from motives not easily understood or appreciated, deem the alienation of certain spots which they regard with romantic veneration as a species of desecration.

I have heard an old chief rebuke his relatives, who offered to sell land, in the following words: "Why, my children, will you sell land for money that perishes before the bones of your grandfather have grown cold in his grave." It

⁵⁵² *ibid.*

is common with them to weep when passing the haunts of a departed friend. A Waipa native, who had been absent from the district for years, shed tears while eating potatoes at Auckland that were grown at his birthplace. Potatau's welcome to the Lower Waikatos, as they approached Ngaruawahia, was, "Welcome, my fathers and brothers, welcome! come pull up in the water of your ancestors and fathers in the Waikato."⁵⁵³

On the other hand, it was noted in an earlier section that relatively little land was alienated in the Rohe Potae inquiry district prior to 1864, and Charles Heaphy sought to argue in an 1861 memorandum that there was no causal connection between European encroachment and Maori discontent, since as he observed some of the most disaffected areas were among those which had experienced relatively moderate levels of European settlement. Heaphy noted by way of example that:

Few tribes in New Zealand had less cause to fear the encroachment of the Pakeha than those at Kawhia. Out of a territory of 954,000 acres not more than 53,605 acres had been alienated, leaving 900,395 acres, with a good harbour, and fifty miles of coast, to a Maori population of 2,585 persons. The European population of Kawhia amounted to only about 47 persons, and was not fast increasing, and the Government blocks of land at Awakino had not yet settlers located on them.⁵⁵⁴

But Maori at Kawhia and elsewhere in the Rohe Potae district were not unaware of developments in other parts of the country at this time, and indeed only needed to look south to Taranaki, where a bitter struggle for control of the province's lands was developing. That contest, though partly the legacy of a bungled New Zealand Company purchase, was being repeated elsewhere in the North Island in different ways as an influx of settlers placed pressure on the government to find lands for them to settle upon. The need to acquire lands for re-sale to the settlers had been accentuated after 1853, when Grey had halved the price of most lands purchased from the Crown (from £1 per acre to just ten shillings), and was further underlined when

⁵⁵³ McLean to Browne, 31 May 1860, GBPP, 1861 [2798], p.73.

⁵⁵⁴ Charles Heaphy, Statistical Notes relating to the Maories and their Territory, n.d., enclosure in Browne to Newcastle, 12 April 1861, GBPP, 1862 [3040], p.42.

the Auckland provincial government sought to lure new settlers to the colony with the offer of free lands just five years later.⁵⁵⁵

Moreover, not all lands were equal. In an important recent article, 'Pastoralism and Politics: Reinterpreting Contests for Territory in Auckland Province, New Zealand, 1853-1864', the authors challenge the tendency of historians in recent decades to downplay the competition for land as a key factor in the drift towards war at this time. The fact that there were 'many thousands of Crown acres available for settlement', as Belich has stated,⁵⁵⁶ hardly undermines the land hunger factor, the authors argue, since the quality of those lands also needs to be taken into account.⁵⁵⁷ What was wanted, especially in the wake of the economic downturn after 1856, were lands suitable for pastoralism. But most of those purchased in Auckland province by this time were located in Northland, where the 'gumland' soils proved unfit for sowing in grass until advances in agricultural science in the 1930s.⁵⁵⁸ By contrast the suitability of the Waikato district for grazing purposes was well-known, the authors argue, and the supposed need to open it up for these purposes so that Auckland could compete with the southern provinces had been advocated with increased force from the time of the steep dip in the arable market after 1856.⁵⁵⁹

Local iwi can hardly have been unaware of these calls for their lands to be opened up to Pakeha pastoralists, and indeed the sharp reaction provoked by subsequent government efforts to encourage Waikato Maori to sow grasses on their lands (discussed below) may well have been directly linked to their knowledge of such developments. Sir Frederick Rogers of the Colonial Office likened the sense of opposition and concern engendered among interior tribes such as Waikato to 'the aversion of country gentlemen to manufactories or railroads. It is a hostility of sentiment and apprehension – in many cases very real – and founded *inter alia* on a well grounded fear that their own consequence may be diminished by their powerful

⁵⁵⁵ O'Malley, 'Northland Crown Purchases', pp.130-131, 179.

⁵⁵⁶ Belich, *Making Peoples*, p.230.

⁵⁵⁷ Vaughan Wood, Tom Brooking and Peter Perry, 'Pastoralism and Politics: Reinterpreting Contests for Territory in Auckland Province, New Zealand, 1853-1864', *Journal of Historical Geography*, vol.34, 2008, p.222.

⁵⁵⁸ *ibid.*, p.233.

⁵⁵⁹ *ibid.*, pp.227-229.

neighbours.’⁵⁶⁰ But if a British comparison was to be drawn, the recent Scottish Highland Clearances might have been more apt. In that case large numbers of Highlanders were forcibly evicted from their formerly communally-owned clan lands in order to make way for mostly English-owned sheep.⁵⁶¹

Economic Factors

In a 1952 article Keith Sinclair noted that the origins of the Kingitanga could not be sheeted home to economic factors, since the notion of a King was first advocated in earnest in the early 1850s, at a time when the Maori economy was booming thanks to high prices for wheat and other crops and a flourishing export trade.⁵⁶² Despite this, a number of writers have highlighted the fact that the most concerted efforts towards the instalment of a King came in the period from 1856 onwards when the Victorian wheat market collapsed, bringing an end to the boom years for Maori traders.⁵⁶³ F.D. Fenton, for one, was convinced of the importance of economic factors, writing that ‘In times of poverty and distress all peoples are prone to disaffection. A speedy return of high prices of agricultural produce would do much to extirpate [the] King.’⁵⁶⁴

An undated document among the papers of William Searancke also points to economic factors at least contributing to the timing of the Kingitanga’s emergence. The author (who may or may not have been Searancke himself) wrote:

That the establishment of a Maori King with a distinct form of Government is looked upon favourably by far the majority of Natives no one can doubt. The first occasion on which this subject was mentioned was I believe at a disturbance that took place in Auckland about 6 years ago between the Europeans and some Natives of the Ngatiwakaue [sic] Tribe, the cause I am unacquainted with,⁵⁶⁵ but the necessity of a distinct Government and a Maori

⁵⁶⁰ Minute on Browne to Newcastle, 12 April 1861, CO 209/161, cited in Sinclair, ‘Maori Nationalism and the European Economy’, p.126.

⁵⁶¹ John Prebble, *The Highland Clearances*, Harmondsworth: Penguin Books, 1969.

⁵⁶² Sinclair, ‘Maori Nationalism and the European Economy’, *passim*.

⁵⁶³ *ibid.*, pp.126-127.

⁵⁶⁴ Journal of F.D. Fenton, 11 August 1857, AJHR, 1860, E-1C, p.24.

⁵⁶⁵ The author was probably referring to one of several disputes involving members of Ngati Whakaue which broke out in Auckland in the early to mid-1850s. See O’Malley and Armstrong, *The Beating Heart*, pp.32-36.

King was even at that time acknowledged by the Natives, but the feeling was crushed by their covetousness. Money was plentiful, produce a high price & Native labour in demand, the wish for a King I may say lay dormant to revive when prices fell & money scarce.⁵⁶⁶

In the wake of the collapse of the wheat market, Maori were frequently accused of withholding produce from sale in the hope of holding out for higher prices.⁵⁶⁷ And yet, although a period of hardship undoubtedly followed, as Sinclair notes despite occasional complaints from Crown officials that Waikato Maori were neglecting their crops in favour of attendance at King meetings, there is no hard evidence of a sustained decline in economic activity.⁵⁶⁸ In fact, as was noted in an earlier section, Imperial troops profited handsomely from their pillaging of settlements between Rangiaowhia and Kihikihi in 1864, and it was only the Waikato War as a whole that crippled the local Maori economy.⁵⁶⁹ However, one indirect impact of the downturn has already been alluded to, namely that Europeans in Auckland province sought to switch from arable to pastoral farming, which required not just larger areas of land, but also land specifically suitable for grazing purposes. The Waikato district fitted the bill perfectly in this respect. Ironically even in the late 1850s Maori trade continued to be regarded as the lifeblood of the Auckland economy,⁵⁷⁰ but many settlers wished to seize or somehow secure the very lands vital to that position.

It has recently been argued that there was a correlation between ‘explosive colonization’ – massive European economic and demographic expansion over a short period of time – and periods of heightened conflict with indigenous peoples. James Belich cites as an example of this a New Zealand boom between 1855-1867 which ‘provoked the astonishing Maori resistance of the 1860s.’⁵⁷¹ But that thesis only holds good in the New Zealand context if one applies a colony-wide approach. In the years leading up to the first Taranaki War in 1860, for example, that province’s economy

⁵⁶⁶ [Unsigned and undated document], W.N. Searancke Papers, MS-Papers-0879, ATL.

⁵⁶⁷ Lachy Paterson, *Colonial Discourses: Niupepa Maori, 1855-1863*, Dunedin: Otago University Press, 2006, pp.125-127.

⁵⁶⁸ Sinclair, ‘Maori Nationalism and the European Economy’, p.127.

⁵⁶⁹ See the Te Rohe Potae war and raupatu report.

⁵⁷⁰ Sinclair, ‘Maori Nationalism and the European Economy’, p.129.

⁵⁷¹ James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939*, Oxford: Oxford University Press, 2009, p.361.

was at best stagnant (as was its population), while Auckland province showed only modest growth. The ‘boom’ came mainly in Otago and to a lesser extent other parts of the South Island far distant from the theatres of conflict and tension in the north.⁵⁷² One could well turn Belich’s argument on its head therefore and suggest that it was the very absence of such a ‘boom’ in the north, as settlers there looked on enviously at the prosperous southern provinces (not to mention their closer land-rich Maori neighbours), that created ideal breeding grounds for war.

The French Connection

While the most common explanations offered by nineteenth-century officials and observers for the emergence of the Kingitanga viewed it variously as a land league, a proto-nationalist movement to defend the Maori way of life, or a simple search for law and order, there were also some rather more colourful interpretations occasionally advanced. Whenever nineteenth-century Maori did anything suggestive of discontent or displeasure with the actions of the government, it was commonly suggested that designing Europeans had put them up to it.⁵⁷³ The implication was usually that Maori did not have any genuine or heartfelt grievances of their own, but had merely been put up to lodge petitions or protests or such like by Europeans with an ulterior motive. In the case of the origins of the Kingitanga we have already seen the roles attributed to Davis and Grace in this respect. But another even more ambitious variation on this scenario fed into deeper xenophobic and sectarian outlooks. Thus the Kingitanga became either a generic French conspiracy to topple British power in New Zealand or (depending on your perspective) a specifically French Jesuit one.

It was hardly surprising perhaps that many of the Protestant clergymen and missionaries (including John Morgan) were keen to point the finger at their bitter rivals for the souls of Maoridom.⁵⁷⁴ But even the otherwise normally sensible Donald McLean was prone to see a French conspiracy behind the Kingitanga. He wrote that:

⁵⁷² See the tables in M.F. Lloyd Prichard, *An Economic History of New Zealand to 1939*, Auckland: Collins, 1970, ch.4; and ‘Table showing Population, Imports and Exports in 1853 and 1861’, Rutherford, *Sir George Grey*, p.444.

⁵⁷³ See, for example, Vincent O’Malley, *Agents of Autonomy: Maori Committees in the Nineteenth Century*, Wellington: Huia Publishers, 1998, pp.146-147.

⁵⁷⁴ Morgan to Browne, 23 September 1862, Gore Browne 1/2D, Archives NZ.

They rely to a certain degree upon receiving the sympathy and aid of the French nation; this delusion being kept up by the assurance to that effect of a few reckless persons of no social standing from that country, by Portuguese, and other foreigners, and even by some English subjects, including deserters from the army, who excite the natives by tales of imaginary and unheard-of cruelties practised upon all the dark races who have yielded to British authority.⁵⁷⁵

The irony is that Father Garavel, who was based at Rangiaowhia, was among those confidentially supplying Crown officials such as McLean with information concerning developments in his district (though hardly on the same scale as Morgan)⁵⁷⁶ before being removed from the Waikato district and subsequently departing for Australia in 1864 under suspicion of aiding the Kingitanga. This suspicion arose because he had carried a letter from Wiremu Tamihana to the Opotiki tribes during a visit to the Bay of Plenty and was accused of disloyal conduct by the Protestant missionary there, Carl Sylvius Volkner.⁵⁷⁷

In March 1861 one rumour in circulation had it that Bishop Pompallier and Father Garavel were in constant contact with a group of Waikato conspirators plotting to attack Auckland. Pompallier was said to have advised the group to ‘clear off’ all the English and invite the French to take possession of New Zealand.⁵⁷⁸ Grey forwarded a copy of the letter advising of this plot to the Colonial Office some nine months later, at the same time advising that the allegations levelled against Pompallier were ‘mere nonsense’.⁵⁷⁹ But Francophobia and anti-Catholicism were a potent mix in the circumstances, and similar rumours persisted throughout the war years. In 1864 Grey forwarded the Secretary of State for the Colonies a confidential letter from Colonel Warre in which it was stated that ‘there is very little doubt that the Maori insurrection has been encouraged and fostered by foreign Priests, meaning I assume some of the Roman Catholic clergy.’⁵⁸⁰ A supposed Jesuit conspiracy to light the flames of war in

⁵⁷⁵ McLean, Memorandum, 5 February 1860 [sic – 1861], GBPP, 1862 [3040], p.25.

⁵⁷⁶ See, for example, Garavel to McLean, 17 September 1857, McLean Papers, MS-Papers-0032-0286, ATL.

⁵⁷⁷ E.R. Simmons, ‘Garavel, Joseph Marie 1823/24?-1885’, DNZB, vol.1, pp.143-144.

⁵⁷⁸ Henry Monro to Native Secretary, 1 March 1861, AJHR, 1862, E-1, Sec.II, pp.44-45.

⁵⁷⁹ Grey to Newcastle, 7 December 1861, AJHR, 1862, E-1, Sec.II, p.44.

⁵⁸⁰ Cardwell to Grey, 26 July 1864, G1/59, Archives NZ.

New Zealand was even debated in the British House of Commons in 1864, with one member, a Mr. Whalley, declaring that:

He had seen it stated in a New Zealand paper, that wherever Sir George Grey went he traced the war to the machinations of the Roman Catholic priests...A writer in a New Zealand newspaper stated that certain flags were captured from the rebels after an engagement, and every one of those flags had upon it a Roman Catholic cross. He looked upon it as a most remarkable circumstance, which ought to be inquired into. Two years ago the head of the Roman Catholics in New Zealand visited France, and took back with him twenty-five of the most advanced pupils of the Jesuit College.⁵⁸¹

But if the Kingitanga really was a French/French Jesuit conspiracy then why had so many of its leaders been baptised and converted to either the Anglican or Wesleyan faiths, besides being educated by British (or sometimes German Protestant) missionaries? Perhaps in the minds of Whalley and his ilk that was part of some even deeper conspiracy.

4.5 Conclusion

This chapter has considered the crisis in Maori relations with the Crown that began to develop from the early 1850s onwards and the emergence of the Kingitanga in response. We saw that the New Zealand Constitution Act, which was passed into law by the British Parliament in 1852, appeared to mark an important turning point. Governor George Grey had argued against the implementation of an 1846 constitution for the colony that would have debarred virtually all Maori from voting through an English literacy test for potential electors. But the 1852 version achieved a similar result by different means, especially in the wake of legal advice that customary Maori lands did not meet the property threshold it imposed for enrolment. Since few Maori held land under Crown grant, this effectively denied most the opportunity to vote for, or be represented in, the new central and provincial assemblies established under the

⁵⁸¹ <http://hansard.millbanksystems.com/commons/1864/jul/21/new-zealand-guarantee-of-loan-bill> (accessed 9 July 2009).

Constitution Act. When responsible government was bestowed upon an executive drawn from the all-Pakeha Parliament in 1856, the administration of Maori affairs was reserved to the governor. But settler politicians controlled the purse strings and did not hesitate to meddle in Maori matters. And, meanwhile, many Maori felt keenly their exclusion from the new governing bodies, appealing to Crown representatives in vain either to be admitted to these on equal terms or to have some parallel institutions established for themselves. The seeds of conflict were well and truly sown by virtue of these acts and omissions of the Crown.

But the problem was less the Constitution Act per se than the way in which it was implemented. Analysis of the debates surrounding the legislation reveal that the British government believed a substantial portion of the Maori population would live beyond the jurisdiction of the central and provincial governments to be established, at least until such time as they were deemed sufficiently 'civilised' to take a full part in the body politic. Until that point had been reached, it was considered preferable for the tribes to continue to administer their own affairs, and for these purposes section 71 of the Constitution Act provided for the creation of native districts in which Maori custom and law would generally continue to prevail. But this provision was never implemented. And so, while the settlers were effectively granted self-government, Maori were not. They were instead increasingly subjected to the arbitrary intervention of what was in practice a racially selected body from which they were excluded. The problem was not so much that the settlers were granted self-government but that the tandem measure that would have achieved a similar outcome for many Maori communities was not. That led to a situation that many Maori found increasingly intolerable.

There were other causes of concern, including Crown land purchase activity in and around the fringes of the Rohe Potae district. By the mid-1850s many Maori communities had become increasingly troubled by the implications of transacting land. Transactions that might at one time have been seen as beneficial to the tribe began to be viewed as instead weakening overall Maori political and economic strength. That prompted some tribal leaders to reflect on the wisdom of continuing to transact lands. And although some rangatira remained keen to reap the perceived benefits of having Pakeha live amongst them, it would seem that in many instances

they harboured much more limited expectations as to the area of land that might be required for these purposes than did Crown land purchase commissioners.

Opponents of further transactions sometimes sought to block these through making the lands tapu, and that concept was further carried forward into the Kingitanga. We saw that, although there are different accounts of the origins of this movement, the 1845 visit to England of Pirikawau was sometimes said to have planted the idea of a Maori King in the minds of many chiefs. That concept was then taken up by the young Otaki chiefs Matene Te Whiwhi and Tamihana Te Rauparaha from the early 1850s. Further strides towards turning this idea into a reality were taken at the Pukawa hui in 1856, and those that followed at Paetai and Ihumatao the next year. But it was the hui held at Haurua and later known as 'Te Puna o te Roimata' at which Potatau Te Wherowhero was said to have been endorsed as King by Ngati Maniapoto and to have finally agreed to accept the position. Subsequent hui at Ngaruawahia and Rangiaowhia in June 1858, and a final meeting at the former location in May 1859, confirmed the installation of the new Maori King.

European observers attributed the emergence of the Kingitanga to a range of causes, and their understandings of the movement helped to shape the nature of official government responses. Some observers saw the Kingitanga as essentially as nationalist movement, prompted by concerns that Maori would soon become a small (and persecuted) minority in their own country. As officials acknowledged, crude settler prejudices against Maori, and occasional mistreatment of chiefs visiting the European towns, fed into such fears. It was not just that the chiefs feared being overrun by a vast tide of incoming settlers (while their own population continued to dwindle to the point that the future survival of Maori was often considered doubtful) but also that many of the newcomers appeared to look down upon and despise Maori.

Other observers considered the Kingitanga little more than a land league intended to block and prevent the further sale of Maori lands. Concerns over the loss of lands were widely voiced by many Maori and arose in part out of the increasing realisation that political authority and control over particular areas also passed to the Pakeha with each transaction. Fears for their land thus helped to give rise to the nationalist instincts noted above. Increasingly underhand Crown purchase tactics from the mid-

1850s also helped to stoke Maori fears. And, meanwhile, the collapse in crop prices after 1856 saw an increasing focus on pastoralism, which required more extensive areas of land. Unlike an area such as Northland, the Waikato was widely known to be highly suited for conversion to grasslands, and its 'opening up' to European settlement became a matter of much attention. On the other hand, broader economic factors do not appear to have been major contributing causes behind the emergence of the Kingitanga, since calls for a Maori King to be appointed had first emerged at a time of relative economic prosperity in the early 1850s. But even less credible were crude xenophobic and sectarian prejudices, given full vent in the view that the Kingitanga was little more than a French (and especially French Jesuit) conspiracy. The notion that designing Europeans were behind the movement helped to downplay the existence of genuine Maori concerns and grievances. But as is discussed in the next chapter, a key concern for many Maori in the 1850s was the search for greater law and order.

5. The Development of the Runanga System and Initial Crown Responses to the Kingitanga

5.1 Nationalism or the Search for Good Governance?

If we can describe what the Kingitanga was not with reasonable confidence (namely, a French Jesuit conspiracy), is it possible to provide a firmer indication of what, at heart, the King movement stood for? Alan Ward provided a succinct summary of the key issues in his seminal 1973 work, *A Show of Justice*, and although much additional research has been done since that time, the key questions remain largely the same today. As Ward noted:

The question was hotly debated among officials and settlers in the 1850s as to whether the King movement was basically a quest for law and order, or an assertion of Maori independence, 'national' in character. More recently historians have debated whether the term 'nationalism' properly applies to the King movement and *runanga* movement. The discussion is bedevilled by disagreement about the minimum definition of 'nationalism' but the practical import of the debate was and is very serious. If the Maori people wanted more law and government then the sending of more magistrates to Maori districts would presumably be appreciated and would allay discontent; but if Maori discontent were nationalistic in character the intrusion of more magistrates, asserting British authority, would only aggravate it. A related question, which quickly excited settlers, was whether it was possible in fact to co-exist peacefully in the same island with a developing national movement.⁵⁸²

Those who thought not ironically shared much in common with Iwikau Te Heuheu, though undoubtedly neither would have fully appreciated the point at the time. Yet as Ward concluded:

⁵⁸² Ward, *Show of Justice*, p.98.

The King and *runanga* movements were far too complex to admit of an easy answer to these questions, but certainly the Maori were concerned with much more than the control of petty crime. Their real concern was that they were losing control of their own destinies, and being subordinated to the political and economic power of the settlers. The official rhetoric of Waitangi, that Maori and settlers were one people, was increasingly considered false.⁵⁸³

In 1856 the recently-appointed governor, Thomas Gore Browne, established a Board of Inquiry on Native Matters to report on the system of land purchasing and other aspects pertaining to the governance of Maori communities. It, too, noted the widespread opposition of hapu and iwi in the Waikato to the sale of their lands, reporting that Maori south of Auckland:

have formed a league to prevent the spread of European influence, and refuse to sell their lands with that avowed object in view. This league, commencing, as before stated, south of Auckland, at about fifty miles from the town, at a branch of the Waikato River called Maramarua, embraces nearly the whole of the interior of the island, and extends to the east coast and to the west coast, south of Kawhia.⁵⁸⁴

Members of the Board of Inquiry concluded that this supposed ‘league’ was unlikely to hold together for long, but at the same time urged that ‘the present transition state of the native population requires the greatest caution and solicitude on the part of the Government.’⁵⁸⁵ It noted that:

as many antagonistical elements are at work among them, it will be the cause of much restlessness. The advocates of their old customs and laws will not be slow to turn every temporary cause of dissatisfaction to their own views and purposes, and attempts to create a general bad impression, both to the Europeans and Government, may in future be expected. Hitherto a combination among the tribes was thought impossible, but it is seen that the

⁵⁸³ *ibid.*

⁵⁸⁴ Report of the Board of Inquiry on Native Matters, 9 July 1856, GBPP, 1860 [2747], p.240.

⁵⁸⁵ *ibid.*, p.245.

peace and security afforded by the presence of the Europeans has had the effect of doing away with much of the jealousy and distrust existing formerly between them, by affording them more frequent opportunities of intercourse. They now seem capable of acting more in concert.⁵⁸⁶

How then should the government respond to this rising tide: by demanding strict adherence to British law or through a more flexible approach aimed at gradually bringing the various tribes around to a more favourable view of the merits of adopting this of their own accord? On this point the report of the Board noted that:

There cannot be anything more desirable than to bring the two races under exactly similar laws, but it is not altogether practicable at present, every step of the Government, however, should have this ultimate object in view. At present their governancy and guidance must partake of the parental authority, rather than being based entirely upon a strict adherence to the requirements of the British laws, the nice distinctions of which they do not at present comprehend.⁵⁸⁷

Beneath the language of ‘parental authority’ lay a more sober message: Maori were never going to be governed without some modification of British laws, at least for a time, and without further corresponding concessions to their own governance and leadership structures.

Yet as Native Minister C.W. Richmond observed in 1857, when noting that ‘aspirations for the maintenance of a separate nationality...have lately taken the shape of an agitation for a Maori King’:

Mixed up with these vague desires there is amongst the younger men trained by the missionaries a strong desire to imitate our social arrangements. Self constituted native magistrates are administering justice after European fashion in several of the Waikato villages. They are also desirous of trying their hands at legislation both in village assemblies and in even a larger meeting – a Maori

⁵⁸⁶ *ibid.*
⁵⁸⁷ *ibid.*

General Assembly – which they desire the Governor to convene...I hear in it the voice of a people crying out to be governed – a people wary of anarchy and desiring guidance in the right way. I believe it is a movement which we may take possession of and turn to great uses but which if neglected will become dangerous. The Governor is inclined to shy at the name of ‘*King*’. All his advisers agree that there is nothing in this name – that what is really of importance are these two things – the plainly asserted claim of national independence, and the plainly expressed desire for better government. We shall extinguish the first if we can satisfy the second.⁵⁸⁸

Proto-nationalist sentiments could, from this perspective, be smothered provided mechanisms were established to provide for the aspirations towards improved governance. Those new mechanisms would, at least outwardly, satisfy Maori demands for their right to administer their own affairs to be recognised, even while they helped to provide a platform for indirect Crown rule of Maori communities.

The former Chief Justice Sir William Martin was one of those who consistently held that the King movement was capable of being turned to the government’s advantage if only there existed a willingness to embrace the opportunity. Even after the first Taranaki War, he maintained that ‘the Maories do not aim at a system wholly separate or independent. Their great desire is to be governed by the same laws with ourselves, and to have similar powers of local self-government.’⁵⁸⁹ He believed that:

the so-called King movement has been, and is even now, a movement which the Government should rather welcome as a godsend than attempt to crush as an enemy. Any fusion of the two races into one system of government and administration is not at present possible. The establishment of separate institutions for the native race is the only alternative. And this is the very thing which they crave at our hands.⁵⁹⁰

⁵⁸⁸ Richmond to Sewell, 16 June 1857, in Scholefield (ed.), *Richmond-Atkinson Papers*, vol.1, pp.276-277.

⁵⁸⁹ Martin, Memorandum on our Relations with Waikato, 3 May 1861, GBPP, 1862 [3040], p.51.

⁵⁹⁰ *ibid.*

Others were less charitably disposed towards the Kingitanga, or at least believed that over time its nationalist aspects had strengthened at the expense of those based around improved governance, making it more difficult for the government to come to terms with the movement. The Assistant Native Secretary, T.H. Smith, for example, declared that ‘However the king movement may have been regarded in time past it appears to me that the time has gone by for making use of it as a means of governing the natives.’⁵⁹¹ C.W. Richmond likewise asserted in 1861 that:

It is scarcely credible that at the present time any person in New Zealand should be found to affirm so foolish a proposition as that the object of the Maori King movement is simply the establishment of law and order amongst the native tribes of New Zealand. On the slightest examination of the subject it will appear that such a notion must be abandoned, and that the movement really aims at nothing less than the assertion and maintenance of the separate and independent nationality of the Maori race.⁵⁹²

Much of that debate had a second level to it, as we shall see below, specifically concerning whether Crown efforts to encourage improved systems of governance and law enforcement among the Waikato tribes had either gone horribly wrong, instead polarising Maori there into King’s and Queen’s parties that led irrevocably to the installation of Potatau Te Wherowhero as Maori monarch in 1858, or alternatively had been effectively kneecapped at the most inopportune moment, leaving those bereft of any Crown support to instead look to the King movement for inspiration.

5.2 The Runanga Movement in the Waikato

It was in 1856 that the potential vehicle for improved systems of governance within Maori communities first began to capture the attentions of European observers. In that year Native Office interpreter C.O. Davis reported that ‘the natives in various districts are getting into the habit of organizing themselves into bodies which they call “runanga”, or assemblies, and various political matters are warmly discussed when

⁵⁹¹ Smith, Memorandum, 7 May 1861, GBPP, 1862 [3040], p.50. See also MA 1/1861/65, Archives NZ, in RDB, vol.54, p.20727.

⁵⁹² Richmond, Memorandum, 8 August 1861, GBPP, 1862 [3040], p.81.

these bodies meet'.⁵⁹³ As Alan Ward noted, notwithstanding the lengthy queue of Europeans who would claim some variation of the 'runanga system' as having its origins in their own schemes for the governance of the tribes, it is pertinent to note that the genesis of the 1850s runanga lay entirely with Maori themselves.⁵⁹⁴ That point is easily downplayed, if not entirely overlooked, in any study which focuses almost entirely on European policies or initiatives in relation to the governance of Maori communities while virtually ignoring contemporaneous developments within the Maori world.⁵⁹⁵ Unless we are to regard Maori as entirely passive recipients of European benevolence (or treachery) it seems necessary to consider both European and Maori developments with respect to the emergence of runanga.

Runanga were not, of course, new, but were 'an institution of very ancient date'.⁵⁹⁶ They had, however, fallen into disuse from the 1830s as komiti, initially based on the committees held by the missionaries but increasingly independent of these over time, gained in favour.⁵⁹⁷ The former missionary Hanson Turton ascribed the revival of the term 'runanga' after 1856 to its 'thoroughly Native origin'.⁵⁹⁸ In a report on the widespread emergence of revived runanga from the late 1850s, Turton observed that:

In the Runanga Maori we observe an institution of very ancient date; and in its revival at the present day is easily to be seen an ill-assorted mixture of European with Native customs, though generally asserted by the Maoris to be of purely Aboriginal origin.

In old times the term *Runanga* seems to have been chiefly used for Councils of a grave and political character, to which all men, women, and children, except slaves and their offspring, were frequently admitted. Meetings of a more private and select nature, and generally held in the night time, were used by the head Chiefs for the discussion of the more important questions, especially

⁵⁹³ C.O. Davis, memorandum, 24 September 1856, GBPP, 1860 [2719], p.400.

⁵⁹⁴ Ward, *Show of Justice*, p.104.

⁵⁹⁵ See, for example, Donald M. Loveridge, 'The Development and Introduction of Institutions for the Governance of Maori, 1852-1865', (report commissioned by the Crown Law Office), September 2007.

⁵⁹⁶ H. Turton, Report Respecting the Runanga Maori, 20 November 1861, AJHR, 1862, E-5A, p.3.

⁵⁹⁷ Vincent M. O'Malley, 'Runanga and Komiti: Maori Institutions of Self-Government in the Nineteenth Century', PhD thesis, Victoria University of Wellington, 2004, ch.2.

⁵⁹⁸ Turton, Report Respecting the Maori Runanga, 20 November 1861, AJHR, 1862, E-5A, p.3.

such as related to peace or war. In 1832 we find the term “Council” in the prayer book, translated by the word “Runanga,” and so on since; but in ordinary use it speedily became absorbed in the more diluted form of *komiti*, to which even slaves were admissible, but which from the Natives’ incomplete notions of Christian duty, became very irregular in its proceedings, and very undecisive [sic] in its action. The term *komiti* was taken from the “Committee” meetings of the Missionaries, which were held periodically at the various stations, the terms “whare-hui-hui,” or assembling-house, and “whare-korero” or talking-house, were also sometimes heard, and the word “runanga” fell into general disuse. Even in 1846, in Sir W. Martin’s short paper on law, the term does not occur once: but “Court” and “Supreme Court” are rendered by the words “komiti,” “komiti-whakawa”, and “komiti-nui.” It was in the following year that the expression was revived amongst the Natives, by the publication of the “Rongo Mau” (a treatise on peace by the Rev. J. Whiteley), in which they were strongly recommended to establish general and local “Runangas” under the superintendence of the Government, for the better management of their internal affairs, in preference to arbitrament by the sword. But it was not till 1856, that the term *Runanga* became common in Waikato and the word *komiti* disused; and since then its thoroughly Native origin has caused it to be extensively adopted, both North and South, though some of the tribes (such as the Arawa of Rotorua, and the Lower Whanganuis) seem to think that the Runanga is somehow or other connected with disloyalty, and so continue in the use of the word komiti.⁵⁹⁹

This assertion of an indigenous basis to the runanga could be seen as part of the broader nationalist sentiments perceived as gaining ground within Maori communities. In this respect it was perhaps more than coincidental that it was the Waikato district where the revival of runanga first began to be noticed or that the attendees of the hui at which Potatau Te Wherowhero was installed as Maori King had declared themselves as a body to be for ‘[t]he Queen, the King and the Runanga’.⁶⁰⁰ John Gorst claimed that:

⁵⁹⁹ *ibid.*

⁶⁰⁰ J. Morgan to C.W. Richmond, 21 June 1858, in Scholefield (ed.), *Richmond-Atkinson Papers*, vol.1, p.410.

The Runanga was a sort of council of war, held in war time to discuss war questions. It was formed of the highest chiefs, but inferior men were not excluded, though the reverence then paid to the chiefs forbade the rest to take any prominent part in the discussions. As time went on the Runanga began to take notice of other matters, and to grow more and more democratic, until it degenerated into a promiscuous gathering of men, women, and children, which usurped the whole legislative and judicial function of government.⁶⁰¹

While Turton and others believed that runanga reflected the essentially democratic nature of Maori society, Gorst thus held that such bodies had come to assume functions of governance formerly exercised by the rangatira.⁶⁰² Either way, it is clear that the range of matters runanga were called upon to intervene in was much expanded in the colonial era.⁶⁰³ The ability to alienate land outside the kin group for monetary gain was an altogether novel scenario, for example, while new forms of economic activity also provided plenty of potential for disputes to arise. Runanga became a vital mechanism for ensuring that rangatira did not part with the tribal lands of their people, especially as Crown purchase agents increasingly sought to resort to these kinds of surreptitious purchases from compliant chiefs in the face of growing Maori opposition to land sales.⁶⁰⁴

5.3 Fenton's Mission

The runanga to emerge after 1856 were, then, in many respects quite different to those of the pre-Waitangi era. In fact, the extent to which Maori communities were themselves experimenting with quite radical changes to their own institutions of governance only began to become apparent following the appointment of Francis Dart Fenton as Resident Magistrate for the Whaingaroa district early in 1857.⁶⁰⁵ Fenton

⁶⁰¹ Gorst, *The Maori King* (2001), pp.48-49.

⁶⁰² O'Malley, 'Runanga and Komiti', pp.10-11.

⁶⁰³ Vincent O'Malley, 'Reinventing Tribal Mechanisms of Governance: The Emergence of Maori Runanga and Komiti in New Zealand Before 1900', *Ethnohistory*, vol.56, no.1, 2009, p.73.

⁶⁰⁴ O'Malley, 'Runanga and Komiti', p.23.

⁶⁰⁵ That followed various requests for a Resident Magistrate to be appointed for the district, including one from 'Te Runanga o Nga Rangatira o Whaingaroa' forward to the government by Te Awaitaia.

was the new Crown representative in the upper Waikato district, replacing the ineffectual Dr Harsant, who had been based at Rangiaowhia since 1854 but ‘had scarcely attempted to act as magistrate’.⁶⁰⁶ Fenton wrote a lengthy report on political affairs in the Waikato district in March 1857, observing that:

the numerous tribes comprehended under the general name of “Waikato”...have already advanced in their desires for the establishment of law, beyond a mere provision for the internal Government of each tribe, and are now actively engaged in devising some means by which the whole of the extensive district peopled by them may be brought under the control of a number of officers of their own race, whose duty it shall be to administer the few simple laws which they, as a people, propose to make for the protection of their persons and property.⁶⁰⁷

He believed that the movement was ‘not a fugitive desire, the result of temporary excitement, but a fixed determination to discover and establish among themselves, a system of order and combination, which may enable them to advance in the social scale, and preserve them from the ultimate fate of total subserviency to their European brethren.’⁶⁰⁸ Such a sentiment, the Whaingaroa Resident Magistrate added, had originated at least in part from the observation that:

the Government of the country is more anxious to obtain possession of their lands for the augmentation of the intruding body, than to elevate the present possessors, and admit them amongst themselves as a component part of one people, and they desire therefore to devise measures which shall tend to advance them in civilization, and entitle them, at some future period, to demand the rights of citizenship on terms of equality. They perceive that Government is unable or unwilling to elaborate and prosecute any scheme by which law and order may be introduced and *enforced* in their villages, and

Wiremu Nera Te Awaitaia to Browne, 10 May 1856, IA 1/1856/1170, Archives NZ. See also IA 1/1856/3202, Archives NZ.

⁶⁰⁶ Ward, *Show of Justice*, p.105.

⁶⁰⁷ Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.1.

⁶⁰⁸ *ibid.*

they now seek, by their own intelligence and activity, to discover some means by which these desirable objects may be attained.⁶⁰⁹

While these sentiments were generally held, Fenton further reported that three principal plans had emerged in the Waikato district in respect of practical actions. For the first of these, proposals to elect Te Wherowhero as Maori King and to form an assembly or parliament composed of representatives of each tribe, Fenton noted far from unanimous support. Although promoted by Wiremu Tamihana and others of Ngati Haua, their February 1857 letter to the other chiefs of Waikato, cited in an earlier section, had met with a generally unfavourable response from the other chiefs. According to Fenton:

They are of opinion that the appointment of a King would be a matter of offence to the Queen and to the Europeans generally – that, if appointed, Potatau would have no funds, either to support his own dignity, or to pay his officers – that they could furnish no men of sufficient education and intelligence to act as his secretaries – and that he himself is perfectly incompetent to discharge the duties of the proposed office – that the use of the term “King of New Zealand” is futile and injudicious, inasmuch as although the tribes in the South had consented to recognize Potatau as their lord, yet the Northern tribes, the proud and victorious Ngapuhi, would never submit to the authority of a man who had often fled before them, but would on the contrary be highly irritated at any such proposal – that, therefore, at the most Potatau could only be King of Waikato; and that, in fine, a union founded on a scheme of this nature, would not be strength, but, on the contrary, a source of weakness.⁶¹⁰

Fenton was therefore inclined from the outset to downplay the potential threat from the Kingitanga, something which his arch-enemy Donald McLean was also accused of by critics. In Fenton’s view:

⁶⁰⁹ *ibid.*, p.3.

⁶¹⁰ *ibid.*

the whole design, instead of being viewed as a treasonable act demonstrative of infidelity to the Crown, should be regarded simply as a crude expedient devised by a body of ignorant men who, feeling discontented and unhappy at their position and prospects, have caught at the first plan which suggested any possibility of relief.⁶¹¹

Fenton was perhaps on safer ground in dismissing as of little consequence a second proposal to substitute the title 'governor' for that of 'King' in order to avoid giving offence to Europeans or their authorities.⁶¹² He reserved most of his comments for the emerging runanga system, which was already supported by the 'great bulk' of the Waikato community. This was principally being driven by the younger chiefs, he reported, and had reached an advanced stage:

The plan is, to establish in each large village, by popular election, a "runanga," or council, consisting of about 12 men, the duties of which council shall be to make laws for the government of the village. These laws will touch the Maori race only, and will deal with such subjects as women, cattle, trespass, fencing, growth of noxious weeds, adultery, theft, slander, pigs, canoes, tauas, taumau [marriage betrothal], and spirituous liquors. When some simple regulations are made by the "runanga," the whole village is to be assembled, the laws explained, and their sanction obtained. In case any individual refuses to consent to the regulations, he is to be denied the benefit of their interference in case he suffers an injury. The "runanga" then select two or three of their own number to act as magistrates or wardens, whose duty it will be to assess damages by trespass, &c., to make awards between litigant parties, and generally to settle disputes, and direct the internal economy of the village.⁶¹³

Obedience to awards made was to be enforced 'after the European fashion' and the assistance of European magistrates was to be solicited in especially difficult cases. In the case of inter-tribal matters, an Assessor or warden from each tribe would sit alongside the European magistrate. A representative from each village was also to

⁶¹¹ *ibid.*

⁶¹² *ibid.*, p.4.

⁶¹³ *ibid.*

attend an annual meeting at which the laws in place in each kainga would be discussed and reviewed and an attempt made to standardise these as much as possible, except in the case of purely local issues. Over and above this 'general assembly' was to preside one man, whose title and functions had yet to be fully decided.⁶¹⁴ Fenton observed that he was constantly encountering horsemen on the road, who, when asked their destination, replied 'I am going to the runanga.' Such assemblies were being held constantly: 'to-day at this settlement, to-morrow at another, and the union of both at a fresh village on the third.'⁶¹⁵

To fully appreciate the extent of innovation involved here we need to briefly consider the pre-contact institution of runanga. Far from being standing bodies, the term was simply applied to ad hoc meetings of villages, open to all-comers and with no fixed membership, operating without a codified set of 'laws' as such and with no particular mechanisms in place to enforce decisions.⁶¹⁶

The runanga movement of the 1850s was not simply a subset of the Kingitanga, however, and indeed subsequently spread to hapu and iwi which rejected the King (though some of these communities, as was seen above, preferred to continue to use the term 'komiti').⁶¹⁷ Even in the Waikato district, though, the movement towards revamped runanga did not imply outright rejection of a legitimate role for the Crown. Fenton in fact noted that proponents of the scheme sought the assistance of a European magistrate to assist and advise them in cases of difficulty, but wished the official to do a circuit of the district and visit each village on a regular basis rather than remaining stationary. He also observed that during a visit to one Waikato settlement those assembled there stated:

that they were acquainted with the meetings of the General Assembly, and that the speakers there made laws for the whole country, why were they not admitted? That interpreters were abundant; that the Maories generally were talking about this; and that many were beginning to entertain evil thoughts, and if any one said they were not, none but a 'kuare,' a stupid person, would

⁶¹⁴ *ibid.*

⁶¹⁵ *ibid.*

⁶¹⁶ O'Malley, 'Runanga and Komiti', ch.2.

⁶¹⁷ Turton, Report Respecting the Runanga Maori, 20 November 1861, AJHR, 1862, E-5A, p.3.

believe them; that they themselves were only engaged in seeking law; that the promise was made to the Maories that they should not be treated as an inferior people, but that they should walk on a parallel road with the Europeans (illustrating the idea.) When the Governor allowed the Europeans to deliberate for their good, why did he not allow the Maories; that they had lately begun to assist themselves, but hoped that the Governor would come, and shew them the road, for it was difficult, and they were blind, &c., &c.⁶¹⁸

References to a promised ‘parallel road with the Europeans’ sound dangerously close to the concept of a meaningful ‘partnership’ that we are sometimes told is no more than a late twentieth century construct born out of presentism or political correctness. Fenton viewed it differently from those Maori he spoke with in any case. To him it was a matter of establishing a ‘peaceful supremacy’ over the tribes.⁶¹⁹ Quoting Blackstone’s statement that between the sovereign and his people existed mutual duties of protection and subjection, Fenton observed that:

The Maories have been for 16 years British subjects, and perhaps one-fourth of them are natural-born British subjects, and they yet know as little of their rights as they do of their obligations. This contract of subjection and protection has been, by tacit consent, allowed to lie dormant. The Crown has not exacted obedience, nor has it rendered protection.⁶²⁰

Not that Fenton had any time for arguments advanced by some observers that Maori should be ‘at once admitted to the exercise of their full privileges even before they are qualified to undertake the corresponding obligations’.⁶²¹ Indeed, Fenton viewed with concern the recent move to enfranchise Maori in the Wellington province, the ultimate result of which he believed ‘may be that the civilized portion of the community shall be overwhelmed in the elections by an ignorant majority, who render no actual allegiance to the laws whose privileges they are exercising’.⁶²² He instead assumed that though Maori might be ‘theoretically’ entitled to exercise the same

⁶¹⁸ Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.5.

⁶¹⁹ *ibid.*, p.6.

⁶²⁰ *ibid.*, p.7.

⁶²¹ *ibid.*

⁶²² *ibid.*

rights as other British subjects, they were ‘actually’ not qualified to do so, and should therefore ‘be induced to forgo the exercise of them’ and meanwhile ‘be suffered to exercise political privileges of a more primary character’:

that is, that they should be encouraged to undertake the institution of law in their own villages, assisted to make such bye-laws as their peculiar wants require, allowed to nominate men to carry these laws into execution, and permitted to assemble periodically for the purpose of discussing the actions of the past, and providing for the needs of the future.⁶²³

Such an approach would not only ensure the ongoing exclusion of Maori from the General Assembly, at least until such time as they were deemed sufficiently ‘civilised’ to participate, but would also allow the Crown to indirectly control and rule those Maori communities who participated in the scheme, perhaps resulting in a kind of partial or disguised subjection. And best of all, the Waikato tribes were themselves spontaneously establishing the very institutions through which such a goal could be achieved. It was thus simply a case of appropriating the runanga system for the Crown’s own ends. And whereas, left to their own devices, such unofficial bodies were seen as a potential threat by Crown officials, bringing them under the aegis of the Crown was seen as having an additional advantage. Some officials argued that state-sanctioned runanga might be employed to counter the proto-nationalist threat posed by the King movement. As former Attorney-General Henry Sewell described it in 1864, ‘By offering the King natives institutions under our own law, it was thought possible that they might be induced to abandon the King Movement.’⁶²⁴

Fenton may not have been responsible for the revival of runanga, but he did have a well-developed appreciation of the benefits of such a co-option and containment strategy (that is, co-opting unofficial runanga for Crown ends in order to contain bigger perceived threats). As he wrote:

⁶²³ *ibid.*

⁶²⁴ Henry Sewell, *The New Zealand Native Rebellion. Letter to Lord Lyttelton*, Auckland, 1864 (Hocken Library facsimile, 1974), p.16.

The English power, having failed to induce the adoption of law in a *direct manner*, through the means of English magistrates, is now offered the opportunity of thoroughly instituting all the ordinary laws, as far as they can be made applicable, by the simple and constitutional plan of initiating them through the intervention of the people themselves. For, in fact, the movement will if properly guided, result in nothing more than the permanent establishment of a powerful machine, the motive power and *the direction of which will remain with the Government*.⁶²⁵

That would necessarily require some modification of the laws to be enforced, since it was ‘impossible that the laws of an ancient and most elaborate civilization...can be applicable to the conditions of the moral and social position of a people recently removed from the lowest grade of barbarism.’⁶²⁶ Drawing upon an earlier minute in which Fenton had highlighted fixed residence and a concentration of the population in fewer settlements as keys in the advancement of the Maori population,⁶²⁷ he now saw the establishment of law and order as central to attain such goals. An additional benefit, Fenton believed, was that the ‘waste land’ over which Maori had formerly been widely scattered would ‘cease to be regarded as the bulwark of independence’, making further purchases easier to achieve.⁶²⁸

From the very outset, therefore, Fenton had linked his proposals with the objective of facilitating land alienation. But it was precisely the fear of this kind of ulterior motive that made many Maori wary of embracing such a scheme when it was eventually trialled. And in an early indication of the high-handed and dismissive approach that he would subsequently adopt towards the King party, Fenton added that ‘The co-operation of Potatau, if considered of any importance, can be easily obtained, and any foreseen difficulties smoothed away.’⁶²⁹ Previously, there would have been no doubt amongst Crown officials of the importance of securing Te Wherowhero’s agreement (and that of the other senior chiefs) in advance of such a scheme being implemented.

⁶²⁵ Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.8.

⁶²⁶ *ibid.*

⁶²⁷ Minute by Mr. Fenton in Reference to Native Affairs, 13 October 1856, AJHR, 1860, F-3, pp.133-140.

⁶²⁸ Fenton, Report as to Native Affairs in the Waikato District, March 1857, AJHR, 1860, E-1C, p.10.

⁶²⁹ *ibid.*

It was now raised almost as an afterthought, and a possibility rather than necessity. Fenton nevertheless set out his recommendations to the governor, writing that:

I propose the advisability of His Excellency calling a meeting of the tribes of Waikato, and personally attending such meeting, and expressing his desire to cooperate with them in their endeavours to secure the establishment of law; that he should tell them that, as this is a great and difficult work, it cannot be brought to a successful result by persons acting in haste, and without much previous reflection; - that as the Maories are at present unfit to undertake the proper solution of this momentous question, it would be advisable for them not to enter into details at that first meeting, but simply to regard it as a sanction by him of the principle of the labours which they had undertaken, and a pledge of assistance in overcoming the difficulties; - that a second meeting will be called at the expiration of a year, and that in the meantime, each village numbering 100 people or upwards, might select a number of men to lay down and institute, subject to his approval, simple rules for securing the good order of such village, and might select, and present to him for sanction, the names of two or three men of known talent and integrity to act as magistrates or wardens in carrying such bye laws into force; that on their application, officers should be despatched to render assistance in their work, and to explain the practice and principle of law; - that for the purpose of rendering the plan as perfect as possible, it would be advisable for the population that is thinly scattered over the country to resort to some of the large villages, and permanently settle there; - and that at the expiration of a year, when some insight had been gained into the nature of law, and the difficulties attending its introduction, another meeting should be called, when further steps could be taken.⁶³⁰

Governor Browne himself visited Waikato in April 1857, evidently in response to Fenton's suggestion that he should call a meeting of the tribes and express his desire to co-operate with the chiefs in their endeavours to secure the establishment of law

⁶³⁰ *ibid.*

and order within their communities. Following meetings with the assembled tribes,⁶³¹ he came away convinced that if the government supported the emergent runanga movement Te Wherowhero and others could be persuaded to drop the King movement. He told ministers that there was ‘every reason to believe that the determination to elect a King...will now be given up.’⁶³² However, the tribes required a code of laws specially adapted to their circumstances, which ought to be made binding on all those resident in ‘native districts.’⁶³³ To this end Browne had instructed Fenton to prepare a draft code of laws covering a range of matters likely to lead to disputes within Maori communities.⁶³⁴

Browne, in response to the ‘earnest request’ of the tribes, also promised to send a European magistrate to Waikato to do a circuit of the district in conjunction with the Assessors.⁶³⁵ He initially nominated Robert Parris as an eligible person for the post, with Fenton as an acceptable substitute in the event Parris was not available.⁶³⁶ Allied to this, Browne envisaged a boost in the number of Assessors, to take in ‘persons who would otherwise use their influence in opposition to the Government.’⁶³⁷

Premier E.W. Stafford indicated the general concurrence of ministers to these proposals. It was obvious to all those who had any acquaintance with Maori affairs that an ‘important crisis’ was occurring, and one ‘peculiar feature’ of the time was the ‘tendency to self-organization, now being exhibited by a large section of the Maori people.’⁶³⁸ Stafford added that:

With some amongst the Natives there is reason to think that social organization is sought chiefly, if not wholly, as a means to the ulterior end of counteracting the growing predominance of the European, of preventing the further alienation of territory, and of maintaining the national independence. Another class appears purely to desire the establishment of law and order, and

⁶³¹ See *Te Karere Maori/Maori Messenger*, 30 April 1857; *New Zealander*, 23 May 1857.

⁶³² Browne, Memorandum, 28 April 1857, AJHR, 1860, F-3, p.114.

⁶³³ *ibid.*, p.113.

⁶³⁴ *ibid.*, pp.113-114.

⁶³⁵ *ibid.*, p.114; Browne to Labouchere, 9 May 1857, AJHR, 1860, F-3, pp.111-112.

⁶³⁶ Browne later told Fenton that if he had read the latter’s ‘able minute’ on Waikato affairs first then he would not have suggested Parris. Browne to Fenton, 9 May 1857, Gore Browne 2/3, Archives NZ.

⁶³⁷ Browne, Memorandum, 28 April 1857, AJHR, 1860, F-3, p.114.

⁶³⁸ Stafford, Minute by Ministers, 6 May 1857, AJHR, 1860, F-3, p.114.

to be at the same time sensible that this benefit is only to be attained by the co-operation of the British Government. Between these extremes there are probably many shades of opinion.⁶³⁹

He professed to have little doubt that if the government were to afford its support to the establishment of civil institutions within Maori communities in a timely and prudent fashion the 'more loyal and intelligent opinion' would soon become prevalent. Moreover, Stafford asserted that:

There is great reason to believe that the Maories are fully capable of institutions of the character above described; of institutions, that is, containing the germ of British freedom. They are, to an extent surprising in an uncivilised people, habitually influenced by reason rather than by passion; are naturally venerator of law, and uneasy when contravening recognised obligations; are without the spirit of caste, there being no sharp line of demarkation between chiefs and people; and have at all times been used to the free discussion of their affairs in public assemblies of the tribes. To these essential qualities are joined an enterprising spirit, a strong passion for gain, and a growing taste for European comforts and luxuries. Such a people, impossible to govern by any external force, promise to become readily amenable to laws enacted with their own consent.⁶⁴⁰

Ministers envisaged that, amongst other things, the Circuit Courts might eventually be given jurisdiction over land disputes, including inter-tribal ones, besides nominating Fenton as their preferred person to trial the scheme in the Waikato.⁶⁴¹ Browne concurred in that appointment, at the same time urging that no time should be lost in issuing instructions for his guidance.⁶⁴² In a despatch to the Secretary of State for the Colonies soon after, the governor described his recent visit to the Waikato in glowing terms. At Otawhao he had encountered the Ngati Tuwharetoa chief Te Heuheu, who had complained at length of the ill-treatment meted out to Maori at the hands of the out-settlers and advised that, for these reasons, 'they were determined to have a King

⁶³⁹ *ibid.*, pp.114-115.

⁶⁴⁰ *ibid.*, p.115.

⁶⁴¹ *ibid.*, pp.116-117.

⁶⁴² Browne, Memorandum, 9 May 1857, AJHR, 1860, F-3, p.117.

of their own and assemblies of their own'.⁶⁴³ Browne was informed that these would not interfere with the English in their own settlements but that the laws they intended to make would be binding on all those who chose to reside among the tribes. The governor stated in reply that he could not countenance the election of any such King but as Potatau Te Wherowhero had been alluded to as the likely candidate he would be glad to consult with him, and was sure the chief would not consent to any such arrangement. It had become apparent to him during the course of his journey, the governor later wrote, that the tribes from Otaki through to Mangere were united in their views and opinions and all had the subject of the King uppermost in mind. Browne added that:

It was, however, clear that they did not understand the term "King" in the sense we use it; but though they constantly professed loyalty to the Queen, attachment to myself, and a desire for the amalgamation of the races, they did mean to maintain their separate nationality, and desired to have a Chief of their own election, who should protect them from any possible encroachment on their rights, and uphold such of their customs as they were disinclined to relinquish. This was impressed upon me everywhere; but only on one occasion, at Waipa, did any one presume to speak of their intended King as a Sovereign, having similar rank and power with Her Majesty; and this speaker I cut short, leaving him in the midst of his oration.⁶⁴⁴

Browne added that on his return to Rangiriri he had had two long discussions with Te Wherowhero, and in a speech directed at those present the chief had declared that he was a dying man and would be guided entirely by the governor as to the course of action to follow, bequeathing his people to Browne's care. The governor 'promised to send an European Magistrate to reside on the Waikato, who should visit the Native settlements, and, in conjunction with the Assessors, administer justice periodically.'⁶⁴⁵

Following receipt of reports of a further hui of the Waikato tribes in May (the Rangiriri gathering discussed earlier), Browne felt he had been deceived over

⁶⁴³ Browne to Labouchere, 9 May 1857, AJHR, 1860 F-3, p.111.

⁶⁴⁴ *ibid.*

⁶⁴⁵ *ibid.*, p.112.

intentions to abandon the Kingitanga,⁶⁴⁶ though more likely he had misinterpreted polite deference as outright concession.⁶⁴⁷ Already, however, the wheels of motion had been set in place with the appointment of Fenton as roving magistrate for the Waikato district.

What followed was a contentious and contested fulfilment of that office (many of the details of which are discussed below in relation to the 1860 Waikato Committee). Browne signed off on Fenton's appointment on 9 May 1857,⁶⁴⁸ and he commenced his first circuit of the Waikato district just over two months later, on 12 July, arriving back in Auckland on 27 August.⁶⁴⁹ A second circuit followed in February and March the following year, and although Fenton nominally retained the office of Waikato Resident Magistrate until August 1858,⁶⁵⁰ he made no further circuits. Fenton was instead unofficially withdrawn from the Waikato district in March 1858, just as relations with key rangatira such as Te Wherowhero were reaching a critical phase, thus bring a close to the 'Waikato experiment'.⁶⁵¹ It appears that the dispute over Fenton's activities first came to a head in September 1857, when he was summoned to a meeting with Browne at which McLean was also present. The latter alleged that Te Wherowhero had been greatly displeased by the Resident Magistrate's activities, and in particular Fenton's distribution of grass seed to some of the chiefs without prior consultation. McLean wrote subsequent to this meeting that:

Te Wherowhero was much annoyed at the recent proceedings of the Government Agent up the Waikato: not only in reference to the grass seed in question, but in offering to send sheep to some of the Chiefs of Waikato, more especially to those opposed to the King movement up that river.

⁶⁴⁶ Browne, Minute, 2 June 1857, AJHR, 1860, F-3, p.123.

⁶⁴⁷ Ward, *Show of Justice*, p.103.

⁶⁴⁸ Browne, Memorandum, 9 May 1857, AJHR, 1860, F-3, p.117.

⁶⁴⁹ Fenton, Minutes of Evidence, 16 October 1860, AJHR, 1860, F-3, p.58; Fenton, Journal, 27 August 1857, AJHR, 1860, E-1C, p.29.

⁶⁵⁰ Fenton, Minutes of Evidence, 27 September 1860, AJHR, 1860, F-3, p.1.

⁶⁵¹ Ward, *Show of Justice*, p.106; Loveridge, 'Institutions for the Governance of Maori', p.50, fn.118. T.H. Smith, writing privately to McLean a month earlier, observed that 'Fenton is back from the Waikato and has succeeded in disturbing the mind of the Governor on the King business. Fenton describes affairs in Waikato as all gone to the dogs & lays it to his detention in Auckland after he wished to return.' Smith to McLean, 6 February 1858, McLean Papers, MS-Papers-0032-0581, ATL.

Te Wherowhero and his people complained that this was a new course of proceeding on the part of the Government. Hitherto, he had invariably been consulted as the head Chief of Waikato, on all subjects relating to that district; now, the Government were adopting a different policy, and were attempting to destroy his influence by breaking up his tribe into political parties; that his confidence in the Government, which was hitherto great, was recently, in consequence of these proceedings, becoming very much shaken.⁶⁵²

Potatau Te Wherowhero finally agreed to accept the kingship soon after the second circuit, and to Fenton's critics such as Donald McLean, the Resident Magistrate's actions in failing to consult with the chief and other King party leaders, and other questionable actions such as involvement in land disputes, had done much to cause this development.

His own writings revealed much about Fenton's attitudes towards the Waikato tribes and their rangatira, and in particular a level of antipathy and contempt towards the Maori King that was unusual even among Crown officials at this time. In one undated draft memorandum, for example, probably written in 1858, Fenton dismissed the notion that Potatau Te Wherowhero was chief of Waikato, declaring:

He is not. There is, as any other knows except the N.D. [Native Department], no chief of Waikato. He is more influential than any chief in Waikato district & the recognition of him by the European Governors' has contributed as much to this as his own descent.⁶⁵³

Fenton further asserted that Potatau was 'one of the smallest of landowners' in the district, 'possessing an insignificant ancestral territory at Moerangi up the Mangawara, and a little piece on the Horotiu.'⁶⁵⁴ In any contest within Waikato, Fenton added, more had arrayed against Potatau than for him, besides which, he

⁶⁵² McLean, Memorandum, 16 September 1857, AJHR, 1860, F-3, p.99.

⁶⁵³ Fenton, undated draft memorandum on the King movement, in Scholefield (ed.), *The Richmond-Atkinson Papers*, vol.1, p.434.

⁶⁵⁴ *ibid.*, pp.434-435.

acerbically declared, 'Potatau is old, effete, & a dotard, has no mind of his own & merely reflects the thoughts of those with whom he is at the time talking.'⁶⁵⁵

Support for Potatau as King could be divided into a number of different categories, Fenton believed, including those who gave their support out of regard for their relation, and from a sense of ambition, those who professed support but in reality took no interest in the matter, a small but dangerous group who were motivated by their hatred of Europeans, and a fourth category consisting of:

Other tribes (as Ngatihaua formerly, but now lukewarm) who want organization & law, who want to stop fighting among themselves & think as the Europ. Got. [sic – the Europeans' government] have failed & indeed have not attempted, it is time to try for themselves. These are the most intelligent & hopeful of the population. From these I have been constantly gaining numerous converts.⁶⁵⁶

He further commented upon the various attitudes towards the Crown displayed by the different Waikato tribes, including a number of those with interests in the Rohe Potae inquiry district:

Ngatimahanga – living at Whaingaroa & Waipa – principal chief William Naylor. From their villages on Waipa, I sent Raharuhi, who had bolted from Auckland – stealing – to prison, in presence of the whole tribe – rejecting their offer of money compensation. To a man they are with us.⁶⁵⁷

However, Fenton's assessment of the position of other groups was less positive, and especially so in the case of those resident in the upper Waikato district. He wrote that:

Ngatimaniapoto – Upper Waipa, Mokau down to Taranaki. Almost all against us. Still a considerable part have joined in during my last trip. They have built a court house. Hopa chief of N. wera a hapu was nominated by me a

⁶⁵⁵ *ibid.*, p.435.

⁶⁵⁶ *ibid.*

⁶⁵⁷ *ibid.*, p.436.

probationer...However, this tribe is the chief supporter of King. They live also at Kawhia...These people are ignorant hillmen, & could easily be brought into order, but the Mag. (Europ.) could not regularly go so far. They had better be left alone at present. Takerei has great influence among this tribe – more than any one else. N. Rora are the largest hapu & loyal Taonui the chief stopped the K's flag in its passage south.

Ngatimahuta – Potatau's tribe – lower Waipa – Whaingaroa &c. more divided than any tribe in Waikato. Takerei is the most influential among them & his sentiments are known...

N. Apakura – Rangiaohia. Apparently in favour of King, but care nothing about it. Hori Te Waru said that as soon as Po went away they should give up the bother...Dr Harsant's inactivity & weakness much lowered the character of English law here. It will take time & energy to repair the mischief he did.

N. Raukawa – want law. In fact they all want law. If the nat. dep. would not foster the K. movemt. it would be of no importance.⁶⁵⁸

Fenton's contempt was thus directed not solely at the Maori King but also extended to his great rival at this time, Donald McLean, the Native Secretary and Chief Land Purchase Commissioner. Their mutual antagonism is fully apparent in many of the primary sources from this period and such documents require careful handling as a consequence in order to more fully appreciate the true state of affairs during this critical time in the history of relations with the Crown. It has to be said, however, that historians have, on the whole, not been kind to Fenton. Sorrenson, for example, cites a small but telling incident from Fenton's first circuit as indicative of his outlook. As Fenton recorded in his journal, at Taupari (not to be confused with Taupiri) he received a complaint from a Maori called Hohepa concerning a European squatter who was refusing to pay for his use of land. Fenton recorded that he had:

⁶⁵⁸ *ibid.*, p.437.

Told Hohepa that as the dispute concerned a Maori title, I could not interfere; that the law could afford him no protection until he held by a legal tenure. It is a hardship, but I think that not only law but policy requires a constant assertion by practical experience of the unmanageable nature of the Maori tenure, contrasted with the easy remedy of evils arising about land held on legal tenure.⁶⁵⁹

As Sorrenson notes, Fenton's strong objections to the 'evil' of lands held under customary title saw him refuse to interfere in the case, but he also overlooked the fact that the settler was illegally squatting on Maori lands. Perhaps that was not surprising since Fenton himself had in the early 1850s also leased lands directly from Waikato Maori without legal sanction, and had been a consistent advocate for direct private purchasing and leasing.⁶⁶⁰ According to Sorrenson, 'It was not Fenton's withdrawal but the very nature of his activities that stirred up the King Maoris, incurred their distrust of any system of courts administered by Europeans and encouraged them to set up a king of their own.'⁶⁶¹ That conclusion is echoed by Alan Ward, who wrote that 'Fenton's mission had had the effect of stimulating not undermining the King movement, and this was largely because he had been so manifestly setting out to build a Queen party.'⁶⁶²

Fenton's Waikato 'experiment' nevertheless provided the spur for a range of legislative measures adopted by the General Assembly in its 1858 session. The Native Districts Regulation Act provided for the governor-in-council to make regulations for specified 'Native Districts' on a range of matters. As Native Minister C.W. Richmond explained:

It is intended that the Natives in their several Villages should themselves initiate legislation upon the different subjects to which the Act extends – the Government practically confining itself to suggestion, and to reducing to shape and consistency the propositions of the irregular Native Meetings

⁶⁵⁹ Journal of F.D. Fenton, Resident Magistrate of Waikato, 20 July 1857, AJHR, 1860. E-1C, p.15.

⁶⁶⁰ Sorrenson, 'Maori King Movement', p.41. Fenton had also sought permission to purchase 180 acres, informing the government that Te Wherowhero had expressed a willingness to sell. Fenton to Colonial Secretary, 27 November 1850, IA 1/1850/2151, Archives NZ.

⁶⁶¹ Sorrenson, 'Maori King Movement', p.42.

⁶⁶² Ward, *Show of Justice*, p.106.

known as Runangas, which are already being held in many parts of the country.⁶⁶³

For these purposes, the Act enabled by-laws to be passed on a range of matters, including cattle trespass, fencing, the suppression of nuisances, the sale of spirits and sundry other matters. Richmond revealed something of the agenda behind the legislation when he explained that:

The Act under consideration also enables the enactment of Regulations “for the suppression of injurious Native customs, and for the substitution of legal remedies and punishments for injuries in cases in which compensation is now sought by means of such customs.” Under this clause it is hoped that the Native Tauga or robbing party, which is constantly resorted to for the redress of real or fancied injuries, more particularly in the case of dispute respecting women, and which pillages indiscriminately the supposed offender and his innocent relations, may be superseded, and fall into disuse...

It will be at once apparent how essential to any advancement in civilization it is, that some suitable law should exist upon many of the subjects just enumerated. A Native has no inducement to raise his condition by erecting a house, by cultivation of the land, or by acquiring property in live stock, if the customs of his people afford him no protection; if his neighbours’ horses and pigs consume his growing corn, and the half-wild dogs, which swarm in every Pa, worry his sheep; or, what is by far the worst evil, if a Native Tauga, under the pretext of some real or pretended injury committed by some of his relations, is allowed, at one swoop, to dispoil [sic] him of all his acquisitions.⁶⁶⁴

Enhanced judicial arrangements were provided for under the Native Circuit Courts Act, which established itinerant Courts within ‘Native Districts’, the Pakeha Judges of which were to work alongside local Maori Assessors and juries in enforcing both the

⁶⁶³ Richmond, Memorandum, 29 September 1858, AJHR, 1860, E-1, p.6.

⁶⁶⁴ *ibid.*

common law and by-laws passed pursuant to the Native Districts Regulations Act.⁶⁶⁵ Browne informed the British government that he considered this to be ‘the first step towards the introduction of British Law among the Maories and the assimilation of the two races.’⁶⁶⁶

It was, however, the third measure which proved most contentious. The Native Territorial Rights Bill envisaged the Judges, assisted by juries, investigating customary Maori land claims and awarding title either to individuals or named tribes, with up to 50,000 acres per annum permitted to be sold directly to the settlers, subject to a ten shillings per acre tax.⁶⁶⁷ Richmond claimed that ‘The purpose of the measure is...to place in the hands of the Government a new and powerful instrument for the civilization of the Natives, and by no means to increase the immediate facilities for the acquisition of land by Europeans.’⁶⁶⁸ In his view, it was ‘indisputable that the communistic habits of the Aborigines are the chief bar to their advancement. Separate landed holdings are indispensable to the further progress of this people. Chastity, decency, and thrift cannot exist amidst the waste, filth, and moral contamination of the Pas.’⁶⁶⁹ And yet, though an assimilative aim was undeniable, critics could not help also discerning a baser agenda, driven by the euphemistically known movement for the ‘enfranchisement’ of Maori lands, which sought to open these up to direct purchase by private settlers. Resentful of further parliamentary incursion into matters reserved for his own administration, Browne refused to sanction the Bill,⁶⁷⁰ a decision subsequently upheld by the Colonial Office.⁶⁷¹

5.4 The Waikato Committee 1860

While Fenton’s initial mission to the Waikato was considered promising enough to encourage the government to pass a range of measures in 1858 which later provided the legislative basis for Grey’s scheme of ‘new institutions’, it also generated sufficient concern to prompt a major parliamentary inquiry in 1860. However, the

⁶⁶⁵ O’Malley, ‘Runanga and Komiti’, p.40.

⁶⁶⁶ Browne to Secretary of State for the Colonies, 23 February 1859, Gore Browne 2/2, Archives NZ.

⁶⁶⁷ Ward, *Show of Justice*, p.107; Dalton, *War and Politics in New Zealand*, p.79.

⁶⁶⁸ Richmond, Memorandum, 29 September 1858, AJHR, 1860, E-1, p.7.

⁶⁶⁹ *ibid.*

⁶⁷⁰ Browne to E.N. Lytton, 14 October 1858, GBPP, 1860 (492), pp.17-20.

⁶⁷¹ Lord Carnarvon to Browne, 18 May 1859, GBPP, 1860 (492), pp.171-173.

appointment of the committee was closely linked to the bitter personal rivalry that had developed between Fenton and McLean, besides reflecting deeper concerns among some officials as to the strong influence the latter was able to exercise over the governor. For his part, Browne remained firmly in the McLean camp, describing the Waikato Committee to Newcastle as 'in reality a Court assembled for the purpose of trying the Native Department in general & Mr. McLean, its able Chief in particular.'⁶⁷² But for all of the political manoeuvring behind its establishment, the Waikato Committee heard extensive evidence on the experiment trialled by Fenton, providing invaluable insights into the state of the district in the late 1850s.

Fenton himself was the first to be examined by the committee. He explained that he had arrived in the colony in 1850, and had soon thereafter taken up the lease of lands on the south bank of the Waikato River, where he lived for more than two years, learning the Maori language and having frequent contact with the local tribes. Grey had offered him a government post in the Deeds Office and that was followed by a stint as Resident Magistrate at Kaipara, and subsequently as Native Secretary to Governor Browne. Late in 1856 he had been appointed Resident Magistrate for Whaingaroa, in which capacity he had forwarded his March 1857 report on the Waikato district discussed previously, which led to his appointment as Waikato Resident Magistrate in May 1857 before his subsequent withdrawal from the district the following year. The committee quizzed Fenton about various documents that might be of use to them and when asked for suggestions as to witnesses that might be called he proceeded to offer the names of a number of Europeans and Maori considered sympathetic to his cause, thus setting the tone for the remainder of the inquiry.⁶⁷³

The first of those witnesses, James Armitage, had arrived in New Zealand on the same ship as Fenton, and went on to become his business partner in the Waikato lands (though that information was not disclosed to the committee). He told the committee members that he had attended many of the runanga convened in the Waikato and had watched with considerable interest the development of the movement. What he described as 'the surprising development of the native mind for powers of self-

⁶⁷² Browne to Newcastle, 4 December 1860, Gore Browne 2/3, Archives NZ.

⁶⁷³ Minutes of Evidence, 27 September 1860, AJHR, 1860, F-3, pp.1-2.

government' emanated principally, in Armitage's view, from a fear of being placed in subjection by the European race. The government had a duty to direct such a development, which was an imitative one in which the ture (law) was replacing the taua as the principal mode of redress.⁶⁷⁴ He attributed the introduction of whakawa among the tribes to the time of Fenton's appointment and derided prior Native Department involvement with the Waikato tribes as largely limited to dispensing gifts and loans. Moreover, the previous Resident Magistrate, Harsant, 'could not speak a word of Maori, and was perfectly ignorant of Native customs, habits, and laws.'⁶⁷⁵

Armitage conceded under questioning that the upper Waikato tribes opposed Fenton's proceedings, but denied that conflict was the likely outcome if he had not eventually been withdrawn from the district.⁶⁷⁶ During his ten years' residence in the Waikato, Armitage added, McLean had visited the district just three times and T.H. Smith, the Assistant Native Secretary, once. Maori complaints as to the failure to fully implement Fenton's proposed system of laws were dealt with brusquely, resulting in some tribes determining to join the King party in consequence of their treatment.⁶⁷⁷

McLean and Smith followed, both not surprisingly presenting an altogether different version of events. According to McLean, Browne had told the Paetai gathering in 1857 that if the tribes were sincere in their desire for the introduction of law then a magistrate would be sent to the Waikato but that he did not wish to force such things on the people. Subsequent to this:

Mr. Fenton, who was then at Waikato, was appointed to the office of Magistrate, and commenced the introduction of a new system of laws for Native districts. Many of the old chiefs, particularly Potatau, who had himself asked for a Magistrate, felt very much annoyed that he was not consulted in the matter. I was absent from Auckland for some considerable time in the Hawke's Bay Province, and on my return I found there was very considerable commotion among the Waikato tribes, and that they were divided into two parties under the designation of King's and Queen's parties...I went to see

⁶⁷⁴ Minutes of Evidence, 28 September 1860, AJHR, 1860, F-3, p.2.

⁶⁷⁵ *ibid.*, p.3.

⁶⁷⁶ *ibid.*, p.4.

⁶⁷⁷ *ibid.*, p.5.

Potatau at Mangere, and I discovered from him that he was very sore on the subject of a Magistrate being appointed without any information having been given to him of what was going to be done. He remarked that he had always been consulted as the principal chief of Waikato on other occasions, respecting any matters connected with his district or his tribe; that there were proposals being made of subdividing the land, and other matters, which had not his concurrence. He was then wavering about the King movement, but had always previously declined to take any active steps in the matter. Each deputation he put off by telling them he was not in favour of accepting the office. But I believe that, finding the Government were carrying measures independently of him, he was induced to go up to the Waikato and look after the affairs of his district.⁶⁷⁸

Believing it unwise to encourage strong ‘party feeling’ between the tribes, McLean had recommended Fenton’s withdrawal from the district. But in attempting to sheet home responsibility for the emergence of a King party on to Fenton, McLean overplayed his hand. Asked as to Fenton’s knowledge of the Maori language, McLean replied that as far as he was aware ‘he has little or no knowledge of it: he can talk a few words of it, I believe.’⁶⁷⁹ That was clearly wrong, and did much to undermine the credibility of McLean’s other testimony before the committee. Browne told him as much confidentially after speaking to members of the committee, and advised McLean not to let his dislike of Fenton appear in what he said in future.⁶⁸⁰ The governor was hardly a neutral bystander. In despatches to the Colonial Office he had also been critical of Fenton’s ‘indiscretion’ in ‘unwisely’ aligning himself with the Queen party faction at the expense of ‘old and important’ chiefs such as Potatau.⁶⁸¹

Others took a contrary view. The missionary John Hobbs and former government interpreter C.O. Davis followed McLean, both broadly testifying in Fenton’s favour. They were followed by the influential Ngati Rangiwewehi (Te Arawa) rangatira, Wiremu Maihi Te Rangikaheke, who proceeded to get to the heart of the matter when he declared that:

⁶⁷⁸ Minutes of Evidence, 29 September 1860, AJHR, 1860, F-3, p.8.

⁶⁷⁹ *ibid.*, p.9.

⁶⁸⁰ Browne to McLean, 1 October [1860], McLean Papers, MS-Papers-0032-0183, ATL.

⁶⁸¹ Browne to Lytton, 13 June 1859, no.41, CO 209/150, pp.353-354, Archives NZ.

I know why the thoughts of the Maori Chiefs have turned away from the system of the Pakeha; the *mana* of this island is trampled upon by the Pakeha system; the Pakeha system is taught to the tribes; the Maories therefore consider that it is taking the *mana* and enslaving this island. This is the principal cause of the present darkness of the Maories, they are not admitted to share in the Government administration of justice. The Pakehas say that their regulations alone should be law for both races; the Maori Chiefs say that the two should be joined, so that the bodies of the Pakeha and Maori may be joined (or united), and also the thoughts of their hearts. If the bodies only of the Pakeha and Maori are joined, but there is no joining of systems, what is the good of there being one *mana*, one law, one system of administering justice, and one King? These are the things which have caused the hearts of the Maori Chiefs of this island to turn in a contrary direction.⁶⁸²

Waata Kukutai of Ngati Tipa linked those concerns with the emergence of the Kingitanga, informing the committee that ‘The cause was, it was following our “mana,” lest it should be taken away by the Pakehas, lest the “mana,” should be completely trampled upon by that of the Pakehas.’⁶⁸³ He stated that the Waikato chiefs, including Potatau, were well disposed towards Fenton and had been greatly disappointed by his withdrawal from the district.⁶⁸⁴

McLean was then recalled to answer allegations that he had prevented a message from the committee to Wiremu Tamihana inviting the chief to come to Auckland and give evidence from being delivered, but denied any wrongdoing.⁶⁸⁵ That was followed by the evidence of Kohanga missionary Archdeacon Robert Maunsell, who, although generally speaking in support of Fenton’s efforts, dated the renewed runanga movement to before the Resident Magistrate’s introduction to the district. According to Maunsell, it was in about 1856 that he first became aware that Waikato Maori had commenced convening what they called ‘Christmases’ – large gatherings for the purpose of arranging various local matters that eventually became known as runanga.

⁶⁸² Minutes of Evidence, 6 October 1860, AJHR, 1860, F-3, p.24.

⁶⁸³ Minutes of Evidence, 10 October 1860, AJHR, 1860, F-3, p.35.

⁶⁸⁴ *ibid.*, pp.36-37.

⁶⁸⁵ *ibid.*, pp.37-38.

The latter term, he explained, was an old Maori word. But whereas in pre-contact times the runanga 'chiefly met in questions of war' and was 'a sort of war Council', the new form of runanga was more distinctively judicial in its focus. Maunsell told the committee that 'The people of certain localities began about two or three years ago to meet together and discuss all minor questions, such as trespass, fencing, the drinking of spirits, and any such matters.'⁶⁸⁶ Maunsell attributed this development to a deeply rooted desire on the part of the tribes to establish a more settled form of law amongst themselves, and went on to lament the withdrawal of Fenton from the district. He claimed that a King party had existed prior to Fenton's arrival, and was distinct from the 'Christmas party' (which later went on to become the runanga movement).⁶⁸⁷

Tamati Ngapora, by contrast, told the committee that the division between a Queen party and a King party was one which followed Fenton's arrival in the district. Fenton, he claimed, had created major dissension among the tribes. To begin with, only a few persons were favourable to Fenton, and their numbers soon 'dwindled away', leaving the bulk of Waikato opposed to him.⁶⁸⁸

The missionary Benjamin Yate Ashwell was more flattering in his assessment. Asked about Ngapora's evidence, Ashwell suggested that the chief may have been biased because of his connections with Potatau, besides being supposedly ill-informed of Waikato developments because of his residence at Manukau.⁶⁸⁹ The movement for law was 'second only to the establishment of Christianity' and its good effects continued to be felt even after Fenton's departure from the district. Moreover, referring to the Kingitanga, Ashwell reiterated his firm belief that 'there was nothing antagonistic in the movement to the Queen's sovereignty.'⁶⁹⁰ It was not an attempt to usurp the Queen's supremacy but merely to provide law where there was none. He was convinced that, had Fenton not been withdrawn from the district when he had, that objective might over time have been harnessed by the government and the King movement 'absorbed' into the system Fenton had been promoting.⁶⁹¹

⁶⁸⁶ Minutes of Evidence, 11 October 1860, AJHR, 1860, F-3, p.39.

⁶⁸⁷ *ibid.*, p.40.

⁶⁸⁸ Minutes of Evidence, 12 October 1860, AJHR, 1860, F-3, p.44.

⁶⁸⁹ Minutes of Evidence, 13 October 1860, AJHR, 1860, F-3, p.45.

⁶⁹⁰ *ibid.*, p.46.

⁶⁹¹ *ibid.*, p.50.

Heta Tarawhiti, an ordained minister also based at Taupiri with Ashwell, gave a more mixed report on Fenton's reception. He admitted that the tribes were divided in their response to the Resident Magistrate, with some strongly opposed to Fenton's proceedings.⁶⁹² He was followed by the Native Minister, C.W. Richmond, who outlined the way in which the bitter personal rivalry between Fenton and McLean had made itself felt in official circles, as well as the background to the eventual decision to remove the former from Waikato; and by Reihana of Te Ngaungau, who spoke in generally favourable terms of the former Resident Magistrate.⁶⁹³ They were followed the next day by more questions for Fenton, who had to fend off various lines of enquiry regarding his views on the relative status of Potatau amongst the Waikato tribes and his treatment of the King party.⁶⁹⁴

Bishop Selwyn, while generally favourable to Fenton's efforts, also expressed some reservations as to his 'animus' towards the Native Department, along with 'a slight indication of a disregard to hereditary rank among the Natives.'⁶⁹⁵ He believed the Taranaki War was a barrier to the reintroduction of such a system, as did Hone Wetere, who described himself as belonging to Ngati Hikairo,⁶⁹⁶ and Sir William Martin.⁶⁹⁷

Some of the anti-Fenton (or perhaps pro-McLean) faction followed, starting with long-time Waikato settler Charles Marshall. He denounced Fenton's proceedings as 'injudicious' and pointed the finger directly at the former Resident Magistrate for creating dissension among the tribes and boosting support for the King party. Fenton had dealt with young men of no standing, who were attracted by 'a love of novelty and probable gain', while shunning chiefs of standing such as Potatau.⁶⁹⁸ John Campbell Johnstone testified to similar effect,⁶⁹⁹ while Te Horohua of Ngati Hine told the committee that Browne's 1857 undertaking at the Paetai meeting to introduce kaiwhakawa into the district had been understood at the time to refer to Maori

⁶⁹² *ibid.*, pp.50-51.

⁶⁹³ Minutes of Evidence, 15 October 1860, AJHR, 1860, F-3, pp.52-56.

⁶⁹⁴ Minutes of Evidence, 16 October 1860, AJHR, 1860, F-3, pp.56-59.

⁶⁹⁵ Minutes of Evidence, 17 October 1860, AJHR, 1860, F-3, p.60.

⁶⁹⁶ Minutes of Evidence, 18 October 1860, AJHR, 1860, F-3, pp.67-68.

⁶⁹⁷ Minutes of Evidence, 20 October 1860, AJHR, 1860, F-3, pp.70-74.

⁶⁹⁸ Minutes of Evidence, 22 October 1860, AJHR, 1860, F-3, p.75.

⁶⁹⁹ *ibid.*, pp.79-82.

magistrates. Instead, Fenton had been sent there with only very limited support from the chiefs.⁷⁰⁰

The scene was set for McLean to make a lengthy reappearance before the committee, commencing with the reading onto the record of earlier memoranda in which Fenton's proceedings were criticised. In the first of these McLean and his assistant T.H. Smith observed that Fenton had been appointed Waikato Resident Magistrate subsequent to Browne's visit to the district in April 1857, and made his first official visit in July of the same year:

Mr. Fenton went from Auckland *via* Manukau, but omitted to call on the principal Chief, Potatau, at Mangere, on his way. This was looked upon as a slight by the old Chief, which he did not forget. After Mr. Fenton's return from a circuit in the Waikato, occupying six weeks, it was found that considerable excitement prevailed in the district; that the people were becoming divided into two parties, as Queen's men and Maori King's men; that the Magistrate was regarded as the counsellor and prompter of the former; that a spirit of bitter opposition had sprung up between these two parties, which threatened sooner or later to bring them into mutual collision; that while one built court-houses, the other was preparing to build a house for the Maori King; that a further cause of dissension had arisen out of the proceedings of some of the so-called Queen's party, who proposed, with the assistance of the Government, to sow certain waste lands with grass seed, and to introduce sheep into the District, contrary to the wishes of many of the influential Chiefs; that the Government was supposed to identify itself with this party; and that the latter claimed the support, and exclusive consideration of the Government. The Chief Tamati Ngapora and others, stated their opinion that Mr. Fenton's proceedings in the Waikato had been productive of much harm, and that the King movement had been greatly strengthened thereby; that much dissension and animosity had been produced in the district, and that they

⁷⁰⁰ *ibid.*, p.83.

considered it advisable that a Magistrate should not return there for the present.⁷⁰¹

The memorandum went on to state that although the excitement generated by Fenton's visit subsequently subsided, it was revived again early in 1858 with his return. Fenton had, the pair alleged, taken it upon himself to organise an opposition, when the path of diplomatic conciliation was the preferable one to follow.

In his evidence, McLean went on to outline the gist of a conversation he had had with Te Wherowhero not long after Fenton had been introduced to the district in which the chief complained that he had not been consulted and that the government was acting with younger members of the tribe. He had been further upset by the subdivision of lands, the distribution of grass seed and the importation of sheep into the district. The interference with his rights included plans to sow grass seed on land claimed as his own and which was a wahi tapu.⁷⁰²

Fenton, who was also recalled, denied suggestions that he had deliberately snubbed Te Wherowhero. He tried to distance himself from his own journal of his time in the Waikato, and especially its descriptions of the division between King and Queen parties in the district at the time of his official duties there.⁷⁰³ Takerei Te Rau and a few other chiefs concluded proceedings by speaking positively as to Fenton's time in the Waikato.⁷⁰⁴

The committee's subsequent report was released just one day after the final witness had been heard, a remarkable turnaround considering the volume of evidence taken. While the impending termination of the General Assembly session for the year meant that it was unable to engage with the mass of evidence presented in any kind of detailed way, the committee's report nevertheless proved influential in shaping attitudes among officials and politicians in the early 1860s. Far from viewing Fenton's presence in the Waikato as helping to stir up support for the Kingitanga, the

⁷⁰¹ Minutes of Evidence (quoting undated memorandum), 22 October 1860, AJHR, 1860, F-3, p.85.

⁷⁰² Minutes of Evidence, 22 October 1860, AJHR, 1860, F-3, p.89.

⁷⁰³ Minutes of Evidence, 24 October 1860, AJHR, 1860, F-3, p.103.

⁷⁰⁴ Minutes of Evidence, 30 October 1860, AJHR, 1860, F-3, pp.107-109.

committee concluded that it was his removal that had achieved precisely this outcome. In a serious blow to McLean and his supporters, the committee found that:

Without in any degree mitigating the real causes of agitation in the Native mind, his withdrawal disheartened a large and influential body of the Natives, especially in the Lower Waikato, including many influential Chiefs who had associated themselves with him, and were actively engaged on the side of the Government. They were disappointed and humiliated at the sudden abandonment of their undertaking. In the Maori phrase, they felt *tinihangatia*; in plain English, “humbled.” Many of them joined the King party, and this, amongst other causes, has tended to irritate and give a more malign aspect to the King movement itself.⁷⁰⁵

The committee perceived a ‘great movement’ amongst Maori of recent years which had as its main object the establishment of some settled authority amongst themselves. Although not identical with the King movement, it had become so closely connected with this that it had become virtually impossible to make the two the subject of separate political treatment. Referring back to April 1857, when Browne had visited Waikato and heard first-hand of these developments, the committee asserted that:

Such a movement need not have been the subject of alarm. One of its principal aims undoubtedly was to assert the distinct nationality of the Maori race, and another to establish, by their own efforts, some organization on which to base a system of law and order. These objects are not necessarily inconsistent with the recognition of the Queen’s supreme authority, or antagonistic to the European race or the progress of colonization.⁷⁰⁶

Although the movement had assumed a ‘new and more dangerous character’ since that time, in the committee’s view it remained unwise to attempt to counter it by positive resistance and unsafe to neglect and ignore such a movement without

⁷⁰⁵ Report of the Waikato Committee, 31 October 1860, AJHR, 1860, F-3, pp.3-4.

⁷⁰⁶ *ibid.*, p.2.

attempting to guide it in a positive direction. In this regard the committee observed that:

One prominent objection urged by the Native Secretary, Mr. McLean, to Mr. Fenton's system is to that essential feature of it, the Runangas or popular assemblies of the Natives. Mr. McLean apprehends from them danger to the peace of the Colony and social mischief to the Natives; at least from their distinct organization and too frequent use. But, apart from all general theories on the subject, this sort of popular meeting is perfectly familiar to the Native mind is, in fact, an old Maori custom; has been and is, at this time, in constant and universal use, though in irregular forms and sometimes turned to dangerous purposes. It is, besides, the only mode by which an improved system of social institutions can be introduced amongst the Natives for their voluntary acceptance. Properly organized and placed under the control of Government Your Committee believe that the Runanga would become a great instrument of civilization, a powerful means of securing order, and a machinery for facilitating the administration and disseminating the principles of law.⁷⁰⁷

It was this view that the runanga system had to be co-opted by the Crown and directed towards its own ends of indirect rule whilst it still remained possible that underpinned the scheme of 'new institutions' developed at the end of 1861. The question was being asked, however, as to whether it was not already too late to re-direct this movement, especially given the Taranaki War of 1860-61 and substantial Waikato involvement in that conflict. And meanwhile, according to Browne, one member of the committee (Alfred Domett) had confided in him that the report had been a hurried one and ought not to be taken as infallible. While there was undoubtedly a great deal of useful information contained in the report, Domett warned that 'it goes too far if it attributes the King movement solely to a desire for law & order.'⁷⁰⁸ Moreover, additional Maori evidence that might have favoured the decision to remove Fenton was not heard as Kingitanga supporters had either refused to attend the hearings or else were fighting Crown troops in Taranaki.

⁷⁰⁷ *ibid.*, p.4.

⁷⁰⁸ Browne to 'My dearest Brother', 12 March 1864, Gore Browne 2/3A, Archives NZ.

The whole process of inquiry was, of course, caught up in and to some extent was driven by the personal rifts and mutual animosity between Fenton and McLean, along with their respective backers, in consequence of which the report had a highly political edge to it. There were many prominent figures who resented the influence which McLean was able to exert over policy through his close ties with Browne, and who harboured deeper resentment over the governor's continuing control over Maori affairs. In this respect, the inquiry had provided his critics with ample opportunity to expose perceived weaknesses in McLean's handling of Maori matters (and, by implication, to highlight the governor's fatal reliance upon his advice, as opposed to that of members of the General Assembly and settler government). McLean wrote privately soon after the committee had ceased hearing evidence that:

There has been a good deal of time occupied by some of the members of the general assembly, in an investigation of circumstances connected with the introduction of civil institutions into the Waikato district, and some blame imputed to me for the withdrawal of Mr. Fenton who was sent there as Resident Magistrate; the facts of the case can be summed up in a few words: I was quite favourable to the introduction of such institutions if properly and judiciously initiated not by mere spasmodic efforts which aimed at the breaking up of the influence of the old chiefs, and disturbing the present social organisation of the tribes however defective, without being prepared to substitute something permanent and reliable to replace those institutions of chieftainship, and tribal relations recognised by the people; moreover I did not wish the Maori to be made the subject of untried experiments subservient to the ends of party politics while unprepared to introduce and support a large and comprehensive scheme for their better government, which the circumstances of the colony very much require, but which the Assembly until now has never showed an earnest willingness to supply. The so called friends of the Maories of the present day would not grant £1000, for native purposes two years ago although they contribute at least £25,000 to the yearly customs revenue, independent of their contributions in selling us land at a cheap rate which which [sic] we retail at a handsome profit, when it suits a party or political purpose, the natives or the native office is found a very convenient

stalking horse, but experience proves to me that professions of unbounded generosity in times of war or danger are not to be relied on as the sincere promptings of the minds of the present Maori sympathisers, however every well wisher of the Maori race must hail with satisfaction a spirit of enquiry among the Europeans as to the Maori question which must lead to a more full appreciation and just recognition of their social, and political rights.⁷⁰⁹

McLean had sought to round up witnesses in defence of his actions, including the long-time Waikato settler Charles Marshall, to whom McLean wrote that he found Fenton's proceedings 'were not calculated to promote peace in the Waikato and I suggested his removal. You must know more of the Waikatos than most people, and you will be able to state whether causing division such as dividing the people into King and Queen parties was at all judicious.'⁷¹⁰ McLean was 'very anxious' that Marshall should come in to town to testify before the committee, and had promised that all his expenses would be taken care of if he agreed to do so. As was seen above, Marshall duly testified before the committee, condemning Fenton's actions in the Waikato.

On the other side of the divide, Fenton was also intimately involved in lining up witnesses considered favourable to his position. Just days after Benjamin Ashwell was invited to present evidence to the committee, either in writing or in person,⁷¹¹ Fenton also wrote to him to request that he attend in person and bring with him a number of Waikato chiefs (including Wiremu Tamihana, if he would consent and provided he approved of their proceedings – that is, that he would give favourable testimony).⁷¹² All the chiefs' expenses would be taken care of, and Fenton urged that time was of the essence. The House had only another 16 days to sit, and the strategy of the

⁷⁰⁹ McLean to 'My dear Judge' [Sir William Martin?], 3 November 1860, McLean Papers, MS-Papers-0032-010, ATL.

⁷¹⁰ McLean [to Marshall], n.d. [c. October 1860], McLean Papers, MS-Papers-0032-010, ATL.

⁷¹¹ Henry Sewell (chairman) to Ashwell, 28 September 1860, Ashwell Letters and Journals, qMS-0089, ATL.

⁷¹² In the event, Tamihana received an invitation to give evidence from the committee's chairman, but wrote to decline this in January 1861, explaining that 'Had you written indeed when the evil was small, it would have been well, and I should have gone; but now that the evil has attained full growth, what is the good?' Tamihana to Chairman, 24 January 1861, AJHR, 1860, F-3, p.166. He subsequently told H.T. Clarke that Fenton 'did us great mischief. He widened the breach which then existed amongst us. He separated us into two parties. He set up assessors without any reference to the wishes of the people, and altogether I was dissatisfied with him.' H.T. Clarke, Extract from Journal, 14 January 1861, GBPP, 1862 [3040], p.20.

obstructionists was to delay matters sufficiently in order to prevent the production of a report that session.⁷¹³ The evidence of Ashwell and fellow missionary Robert Maunsell would largely determine the outcome of the committee's inquiry, he added, and if it reported against his efforts and schemes in the Waikato 'there is no hope for the Maoris for *years to come*.'⁷¹⁴

Fenton was anxious to secure Ashwell's testimony precisely because there was little doubt as to whose camp the missionary aligned most closely with. Indeed, just a few weeks later Ashwell forwarded the CMS a copy of the recently printed report of Fenton's original circuit of the Waikato district, adding that:

This paper has been pronounced by the House of Representatives to be the most clever and interesting document on the subject of Civil Institutions for the Natives ever produced in New Zealand. If the plan so successfully commenced had been persevered in, I do not hesitate to say that the whole of Waikato and in all probability other Districts would have now been covered with Court houses and machinery for the gradual introduction of British law.⁷¹⁵

Assessors had been appointed and runanga assisted in carrying out the decisions of the Court, their moral influence rendering physical force unnecessary, and in no single case had the decision of the magistrate been resisted. Ashwell added that:

This hopeful movement was suffered to die out from a groundless fear on the part of the Government that it would widen the breach already existing between the Queens [sic] party and the Native King party. Never was there a more mistaken policy on the part of the Governnt. as the party for the Tare [sic] (law) or the Queenites were gradually giving ground – the Kingites were becoming more and more reconciled to the movement and there is not the shadow of doubt – that had Mr. Fenton continued his judicious and concilitaroy [sic] plan the two parties would have coalesed [sic] and the

⁷¹³ Fenton to Ashwell, 1 October 1860, Ashwell Letters and Journals, qMS-0089, ATL.

⁷¹⁴ *ibid.* Emphasis in original.

⁷¹⁵ Ashwell to CMS, 23 October 1860, Ashwell Letters and Journals, qMS-0089, ATL.

King movement under some less objectionable name would have become a most powerful instrument for the spread of law and order. Mr. Fenton's removal from Waikato to be an assistant to the Colonial secretary against his desire and request was the *first great blow* to this hopeful movement. His place as Resident Magistrate was unsupplied – and the Natives believed themselves to have been deceived by the Government and gradually lost all confidence in it and all heart to proceed on their onward march to law and order. Yet even now altho more than two years have elapsed since his removal in some villages summon's [sic] are still issued by the Native Assessors and damages awarded.⁷¹⁶

Government neglect meant in many cases tribes favourable to the new 'ture' had instead thrown their support behind the King movement. War was now raging in the Taranaki district, not only without any prospect of a speedy peace but with the involvement of the upper Waikato tribes, and Ashwell feared that it would not be long before others joined them. Meanwhile, the body of a murdered Maori had recently been found at Patumahoe and reports were rife that if the rumour that the act had been committed by a Pakeha turned out to be true the Waikato tribes would attack Auckland in revenge.⁷¹⁷ He believed that if Fenton's Courts and runanga were still in existence the difficulty might have been entirely overcome through careful inquiry, and a similar approach might also have been adopted with respect to the Waitara dispute.

A week later Ashwell noted that a European man had been taken into custody, though not yet tried, and a crisis was looming in the Waikato. While the recent murder was a catalyst for this unrest, there were deeper issues at play. As the missionary wrote:

The many fiery Spirits in the different Tribes of Waikato are trying to overwhelm and bear down the well disposed (who are not a few) – Many Chiefs are very anxious for peace – but there is now such a feeling with the majority of Waikato – That [sic] the Government has so insulted them in the matter of their Maori King calling it child's [sic] play – and the bitter feeling

⁷¹⁶ *ibid.*
⁷¹⁷ *ibid.*

manifested some little time ago by the Europeans in Auckland and other places – as a chief told me making them dogs (Wakakure) [sic] that a National spirit has been evoked which it will be difficult to controul [sic].⁷¹⁸

While a war party was assembled to advance on Patumahoe, it was later found that the rumour of European involvement in the man's death was false, helping to defuse a tense situation.⁷¹⁹ It was precisely this kind of situation that runanga working in tandem with a trusted Resident Magistrate might have been expected to head off earlier, provided Fenton's initial experiment had borne fruit. But notwithstanding initial indications that Waikato Maori were willing to embrace such a system, the way that Fenton had approached his task only made matters worse. In the wake of the Waikato Committee's report similar schemes would be proposed, while Browne explored other ways to win over the confidence of the chiefs. A large inter-tribal gathering of rangatira from across the islands figured prominently in his plans, as we explore in the following section.

5.5 The Kohimarama Conference and its Aftermath

As is discussed more fully in the next chapter, in March 1860 war had broken out at Taranaki in consequence of government efforts to forcibly survey disputed lands at Waitara. Subsequent fighting assistance rendered the Taranaki tribes by at least a portion of the Maori King's Waikato supporters later that year raised the stakes considerably, elevating a localised land dispute into a more fundamental battle of wills. While the question of whether the Kingitanga or the Crown would prevail at Taranaki was fought out in the field, officials sought to win over the support of 'loyalist', neutral or wavering tribes from elsewhere. A major plank in this approach was the convening of a large conference of chiefs to be held at Kohimarama, near Auckland, in July 1860, where officials hoped to secure endorsement for the Crown's

⁷¹⁸ Ashwell to CMS, 30 October 1860, Ashwell Letters and Journals, qMS-0089, ATL.

⁷¹⁹ Ashwell to CMS, 3 November 1869, Ashwell Letters and Journals, qMS-0089, ATL.

position at Taranaki, thereby isolating the Waitara ‘rebels’ and their Kingitanga allies.⁷²⁰

McLean claimed to have first proposed such a conference some two years earlier.⁷²¹ Browne informed the Secretary of State for the Colonies that he had invited ‘all the chiefs of importance in New Zealand...excepting only some few who openly refuse to recognize Her Majesty’s sovereignty’.⁷²² It seems to have been assumed from this and similar statements on Browne’s part that no Kingitanga leaders were invited to the conference. But in fact the official list of those invited reveals that Wiremu Tamihana was one of a number of such chiefs to be sent invitations. According to this list, those invited and not present included from the Waikato tribes:

- Aihepene Kaihau
- Ruihana
- Waata Kukutai
- Wiremu Te Wheoro
- Wiremu Tamihana
- Pene Pukewhau
- Taati Te Waru
- Takerei Te Rau
- Reihana Te Huatare
- Tioriori⁷²³

In addition, Kiwi Huatahi of Raglan, described as belonging to the Tainui tribe, and Hone Wetere of Kawhia (Ngati Hikairo) were listed under the same category, in addition to a number of Mokau rangatira for whom no presumed iwi affiliation was provided:

- Takerei Waitara
- Ngatawa

⁷²⁰ Claudia Orange, ‘The Covenant of Kohimarama: A Ratification of the Treaty of Waitangi’, *New Zealand Journal of History*, vol.14, no.1, April 1980, p.64.

⁷²¹ Minutes of Evidence, 22 October 1860, AJHR, 1860, F-3, p.91.

⁷²² Browne to Newcastle, 27 April 1860, GBPP, 1861 [2798], pp.33-34.

⁷²³ ‘Kohimarama Conference’ [undated schedule of invitees], MA 1/1861/190, Archives NZ.

- Hikaka Taonui
- Tikaokao
- Kaharoa
- Wetini Kahawai⁷²⁴

Thus it can readily be seen that a number of prominent Ngati Maniapoto rangatira were in fact invited to the conference, though there were also some obvious omissions, the most glaring one being Rewi Maniapoto. He presumably fell under Browne's caveat that 'none [of the leading chiefs] have been excluded on account of their opinions, except those in arms against Her Majesty, and a very few of the most violent agitators or supporters of the King movement.'⁷²⁵ But while it is impossible to say whether Rewi Maniapoto would have accepted an invitation if sent one, the fact that he had been so obviously snubbed in this way may have inclined other Ngati Maniapoto leaders who had been invited to stay away themselves. The conference came too late to prevent war from breaking out at Taranaki, and in any event from the Crown's perspective was largely about selling its case to the assembled rangatira rather than with a view to opening up any kind of genuine dialogue with the disaffected tribes.

When the conference opened at Kohimarama on 10 July 1860, of the 112 chiefs in attendance just six were listed as coming from Waikato.⁷²⁶ No Ngati Maniapoto representatives were listed as being present, though one, Hone Ropiha Tamaha of Ngati Kinohaku at Kawhia, addressed the gathering a number of times. There was a substantial Ngati Raukawa presence on the part of hapu resident at Otaki and elsewhere. Many of this group had migrated south from Waikato not so many years before this and retained a strong interest in developments in the region. But the relative absence of any substantial contingent of representatives from the Waikato

⁷²⁴ *ibid.*

⁷²⁵ Browne to Newcastle, 6 July 1860, GBPP, 1861 [2798], p.84.

⁷²⁶ They were Hemi Matene and Te Waka of Ngati Mahanga (Whaingaroa); Rihari of Manukau; Manihera and Hira Kingi of Ngati Hine (Aotea); and Horohau of Ngati Hine (Waikato). *Te Karere Maori/Maori Messenger*, 14 July 1860. The list of invitees cited above listed eight Maori from Waikato and Raglan as in attendance. As noted below, at least two Whaingaroa representatives (Wiremu Nera Te Awaitaia and Hetaraka Nera) reached Kohimarama after the conference had started.

itself inevitably led to allegations that the government had stacked the conference in its own favour.⁷²⁷ F.D. Bell wrote shortly after the conference commenced that:

When I first heard at Otago that such a meeting was going to take place, I thought of course it was to be a convention of all the chiefs including the leaders of the King movement, but Makarini had got his plan (I found on getting up here) merely to have his own men, and proceed on the old game of ahuareka [sweet appearances].⁷²⁸

Browne informed the Secretary of State for the Colonies that influenza had 'prevented many of the most friendly and influential chiefs from attending, but all the tribes will be represented', excepting (as noted above) those deemed 'violent agitators' or rebels.⁷²⁹ However, there also appear to have been more localised reasons for the absence of some rangatira from the conference. For example, in a letter written to the governor a week before the conference opened, Kikikoi, Nuitone Te Pakaru, Takerei Ngamotu, Matiu and Hone Te One wrote to Browne that although they had received the governor's letter they could not attend the meeting because they were 'depressed and ashamed' over a recent incident involving the theft of some guns from a European (an affair in which the chiefs also denied any involvement).⁷³⁰

The conference opened on 10 July 1860 with an address by Browne in English, which was subsequently read to the chiefs in te reo Maori by McLean. In it, Browne set out clearly the government's position with respect to the Treaty of Waitangi as an instrument by which sovereignty had been ceded to the Crown. That sovereignty was now under challenge, and Browne declared that:

For some time past certain persons belonging to the tribes dwelling to the south of Auckland have been endeavouring to mature a project, which, if carried into effect, could only bring evil upon the heads of all concerned in it. The framers of it are said to desire that the Maori tribes in New Zealand should combine together and throw off their allegiance to the Sovereign whose

⁷²⁷ Orange, 'The Covenant of Kohimarama', p.64.

⁷²⁸ F.D. Bell to Walter Mantell, 11 July 1860, F.D. Bell Letters, MS-0161, ATL.

⁷²⁹ Browne to Newcastle, 6 July 1860, GBPP, 1861 [2798], p.84.

⁷³⁰ *Te Karere Maori/Maori Messenger*, 15 December 1860.

protection they have enjoyed for more than twenty years, and that they should set up a Maori King and declare themselves to be an independent Nation. Such ideas could only be entertained by men completely ignorant of the evils they would bring upon the whole Native Race if carried into effect.⁷³¹

The governor added that so long as the promoters of such a scheme had confined themselves to mere talk he did not think it necessary to take notice of their proceedings, believing that, if allowed time to consider, they would abandon such a 'futile and dangerous' undertaking. However, that expectation had not been fulfilled and at a recent Waikato meeting some of the leading men had proposed taking up arms in support of Wiremu Kingi, and armed parties had subsequently gone to Taranaki for these purposes. Those men, he alleged, 'desire to assume an authority over other New Zealand tribes in their relations with the Government, and contemplate the forcible subjection of those tribes who refuse to recognise their authority.'⁷³² Under these circumstances he wished to know the views of the assembled chiefs that he might pass this information to the Queen. He considered it unnecessary, however, to remind them that:

Her Majesty's engagements to Her Native subjects in New Zealand have been faithfully observed. No foreign enemy has visited your shores. Your lands have remained in your possession, or have been bought by the Government at your own desire. Your people have availed themselves of their privileges as British subjects, seeking and obtaining in the Courts of Law that protection and redress which they afford to all Her Majesty's subjects. But it is right you should know and understand that in return for these advantages you must prove yourselves to be loyal and faithful subjects, and that the establishment of a Maori King would be an act of disobedience and defiance to Her Majesty which cannot be tolerated. It is necessary for the preservation of peace in every country that the inhabitants should acknowledge one Head.⁷³³

⁷³¹ *Te Karere Maori/Maori Messenger*, 14 July 1860.

⁷³² *ibid.*

⁷³³ *ibid.*

Was Browne's discussion of the Kingitanga in future tense reflective of some kind of strange state of denial or rather a pointed warning to tribes which may have been contemplating passing over their allegiance to it? Either way, it was odd, but in any case he left the chiefs in little doubt that dire consequences would follow from any transfer of allegiance:

I may frankly tell you that New Zealand is the only Colony where the aborigines have been treated with unvarying kindness. It is the only Colony where they have been invited to unite with the Colonists and to become one people under one law. In other colonies the people of the land have remained separate and distinct, from which many evil consequences have ensued. Quarrels have arisen; blood has been shed; and finally the aboriginal people of the country have been driven away or destroyed. Wise and good men in England considered that such treatment of aborigines was unjust and contrary to the principles of Christianity. They brought the subject before the British Parliament, and the Queen's Ministers advised a change of policy towards the aborigines of all English Colonies. New Zealand is the first country colonised on this new and humane system. It will be the wisdom of the Maori people to avail themselves of this generous policy, and thus save their race from the evils which have befallen others less favored. It is your adoption by Her Majesty as her subjects which makes it impossible that the Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow subject; and it is because you are regarded by the Queen as a part of her own especial people that you have heard from the lips of each successive Governor the same words of peace and goodwill. It is therefore the height of folly for the New Zealand tribes to allow themselves to be seduced into the commission of any act which, by violating their allegiance to the Queen, would render them liable to forfeit the rights and privileges which their position as British subjects confers upon them, and which must necessarily entail upon them evils ending only in their ruin as a race.⁷³⁴

⁷³⁴ *ibid.*

Browne claimed that the treatment Maori had received from the Crown from the time of the Treaty onwards had been ‘invariably marked by kindness’; hospitals had been founded for the benefit of the sick and schools to educate their children, while encouragement and assistance had been given to the tribes to acquire vessels, cultivate wheat, build mills and generally ‘adopt the civilized habits’ of their ‘white brethren’. The Queen could protect Maori from all foreign enemies, Browne added, but she could not protect them from themselves.⁷³⁵

Beneath all the bluster lay a serious point. As Claudia Orange suggests, Browne was essentially threatening to renounce any Crown obligations under the Treaty if Maori would not accept government authority.⁷³⁶ Yet given that, in other contexts, the governor freely admitted that ‘English law has always prevailed in the English settlements, but remains a dead-letter beyond them’,⁷³⁷ what he was demanding on this occasion was not so much ongoing adherence and allegiance so much as a greater degree of actual subjection to governmental control. In essence Browne was threatening to change the rules of the game by requiring something more than mere nominal sovereignty over the tribes and their territories.

Over the following four weeks in which the conference continued, a range of responses were received from those rangatira in attendance. In many cases written replies to the governor’s address were received from the tribal representatives in attendance. These included one from Te Waka Te Ruki of Ngati Mahanga. He wrote that:

These are my thoughts which I have made known to all the tribes in the South and in the North, concerning the sin of those people who are seeking evil. I now say to you: Hold fast the word of our friend, Potatau. Hold fast kindness. Wherefore I say, be strong to suppress evil among the people, that every tribe may rejoice, and that the words of the Scriptures may be fulfilled, “Thou shalt love thy neighbour as thyself.” This is one of my thoughts. The oyster cleaves to the rock in the midst of the sea: though it be dashed by the waves it does not

⁷³⁵ *ibid.*

⁷³⁶ Orange, ‘The Covenant of Kohimarama’, p.65.

⁷³⁷ Browne to Newcastle, 1 November 1860, GBPP, 1861 [2798], p.160.

fall off. By the rock is meant the Queen, and by the oyster the people of Whaingaroa and Aotea.⁷³⁸

In addition, Hemi Matene Te Awaitaia was among the various chiefs to respond verbally on 11 July. Te Awaitaia told the conference that the 1840 agreement ‘was the union of races at Waitangi’ (‘Ko te whakakotahitanga tena o nga iwi ki Waitangi’). He had listened to the love of the Queen for the Maori people and heard of the advantages of the Treaty. In his view, the greatest blessings bestowed had been Christianity and law, both of which were his greatest concerns.⁷³⁹

On 12 July McLean read a letter from Tamati Ngapora, the uncle of, and senior advisor to, Matutaera (who later took the name Tawhiao). In it Ngapora indicated his great desire to attend the conference and his regret at being unable to do so due to sickness. He reconfirmed his commitment to the cause of peace and referred to proposals promoted by him for Maori and Pakeha arbitrators to be appointed to investigate the disputed land at Waitara.⁷⁴⁰ McLean made no further reference to the letter, but on the following day he returned to Browne’s opening address, explaining its meaning and significance. He claimed that the British government had honoured its obligation to protect the Maori people from all aggressions on the part of foreign powers. People of many nations had come to New Zealand, but their mission had been a friendly one, whether it was to trade or to settle in the country. It was true, he admitted, that the laws for Maori were not the same as those which applied to Pakeha, but children could not have what belongs to persons of a mature age, ‘and a child does not grow to be a man in a day.’⁷⁴¹ Referring to Article 2 of the Treaty, with its land guarantee, the Native Secretary claimed that this had been ‘strictly observed’:

In no single instance has your land been taken from you. It is only when you are disposed to sell, and not before, that the Governor gets possession of your lands. Where is the man who has been deprived of any of his land?⁷⁴²

⁷³⁸ *Te Karere Maori/Maori Messenger*, 3 November 1860.

⁷³⁹ *Te Karere Maori/Maori Messenger*, 14 July 1860.

⁷⁴⁰ *ibid.*

⁷⁴¹ *ibid.*

⁷⁴² *ibid.*

Presumably, he was not expecting anyone to reply ‘at Waitara’, though that thought doubtless crossed the minds of more than a few conference attendees. While McLean was forced to justify the government’s actions at Waitara, he also needed to combat a number of perceptions of the Treaty itself. As he told the gathering:

Some have said that this treaty was confined to the Ngapuhi. I maintain that it was not a treaty with Ngapuhi only, but a general one. It certainly commenced with the Ngapuhi. The treaty is binding on the whole. And, further, I believe that it has been a great boon to you; and one, therefore, which you should not lose sight of nor disregard.⁷⁴³

If anyone was of the opinion that the governor had violated the Treaty, McLean added, then they would have an opportunity at the conference of telling him so. Meanwhile, he proceeded to explain the government’s views with respect to the Kingitanga. He declared that:

The movement did not possibly originate in any evil desire. With some the motive may have been a good one, but it involved the idea of establishing a national independence. The old chief, Potatau, (who has just died) professed no feeling but that of kindness and good will to the Pakeha. Therefore it would not, perhaps, be just to treat the matter with great severity. But this I may say to you, that while this movement lasts it will prove a great hindrance to the establishment of peace and the success of beneficial measures for the two races.⁷⁴⁴

Wiremu Nera Te Awaitaia and his nephew Hetaraka Nera were among those who reached Kohimarama subsequent to the opening of the conference, as was Te Ao-o-te-Rangi of Tainui.⁷⁴⁵ Prior to the arrival of Wiremu Nera, Te Waka Te Ruki addressed the gathering on behalf of his tribe. He referred to Wiremu Nera’s adoption of Christianity, in consequence of which, following a long period of fighting at Taranaki, Rotorua and elsewhere, ‘peace was made on the Maori side’:

⁷⁴³ *ibid.*

⁷⁴⁴ *ibid.*

⁷⁴⁵ *Te Karere Maori/Maori Messenger*, 31 July 1860.

Then he directed his attention to the Pakehas. The thought with reference to the first Governor was Wiremu Nero. They two were married: to the second Governor they were married: to the third Governor they were married: to the fourth Governor they were married.

Katahi a ka huri te aroaro ki te Pakeha. No Wiremu Nero tena whakaaro ki te Kawana tuatahi, marena rawa, - ki te Kawana tuarua, marena rawa, - ki te Kawana tuatoru, marena rawa, - ki te Kawana tuawha, marena rawa.⁷⁴⁶

Te Waka Te Ruki added that the thoughts of Potatau had also been closely united to those of the governor, even until his death. Evidently referring to the alleged statements of C.O. Davis to Wiremu Tamihana on that chief's visit to Auckland some years earlier, Te Ruki added that:

Some Europeans speak well, others speak evil, some speak proudly; one of them said to Tamihana Tarapipipi, "The Sovereignty of the land has been taken by the Queen; your path is under my thighs." Potatau is dead. Tarapipipi lives, and the parent, Te Heuheu. It is my opinion that this evil is with me, with Waikato. There is no Waikato now to Wiremu Nero, because Waikato has gone to Te Rangitake. I will return to my previous words, that is the impertinence of the Europeans to Tarapipipi The Pakehas say "The Maori men are as dirt under the feet of the white men." These are the words which grieved the heart of Tamihana.

[K]o etahi Pakeha e korero pai ana, ko etahi e korero kino ana, ko etahi e korero whakahihi ana. Homai ana te kupu ki a Tamihana Tarapipipi, ka ki "Kua riro te mana o te whenua i a te Kuini, ko koutou kei raro i o matou waewae." Kua mate a Potatau, ora atu ko Tarapipipi. Ko te matua ko Te Heuheu. Ka mea taku whakaaro kei au tenei kino kei Waikato. Kahore he Waikato i runga i a Wiremu Nero, ta te mea ki Waikato kua tae ki a Te Rangitake. Ka hoki taku korero. Ko nga whakahihi a te Pakeha ki a Tarapipipi.

⁷⁴⁶ *ibid.*

E ki ana te Pakeha, “He paru nga tangata i raro i nga waewae o te Pakeha.” Ko nga korero ra tenei i pouri ai a Tamihana.⁷⁴⁷

He was immediately followed by Hoani Ropiha Tamaha of Ngati Kinohaku, who told the gathering:

Now, as to the Treaty of Waitangi: it was in Governor Hobson’s time. In the days of Governor FitzRoy it was violated, because it was misunderstood. One hand was crooked, the other was straight. The crooked or left hand stirred up evils; I mean wars. Thus came the war at Kororareka. The crooked hand was Hone Heke; the straight hand was Te Waaka [Nene]. You, the Southern tribes, said that Te Waaka was foolish and that Heke was right, and you said so to the very end. Let me say to you, Te Waaka was right, and Heke was wrong, even to the present time.

Na ko te Tiriti o Waitangi, no nga ra i a Kawana Hopihona; no nga ra i a Kawana Pitiroi ka timata te he, ka pohehe te Tiriti nei. Kotahi ringa i piko, kotahi i maro. Na tenei ringa, na te ringa mau i piko, ka tupu te kino, ara te whawhai. Koia te whainga ki Kororareka. Ko te ringa i piko, ko Hone Heke; ko te ringa i maro, ko Te Waaka. I mea koutou nga iwi o runga nei ko Te Waaka i kuware, ko Heke i tika, tae noa ki tona mutunga. Maku e ki atu ki a koutou ko Heke i he, ko Te Waaka i tika, taea noatia tenei taima....⁷⁴⁸

He thus enunciated a position that, though it was likely to be very much a minority one within Ngati Maniapoto (or even Ngati Kinohaku), nevertheless demonstrated the folly of tarring the entire tribe with an ‘extremist’ tag, as some officials had hitherto attempted to do.

But besides seeking to discredit the Kingitanga and Wiremu Kingi, the government had some other objectives for the conference. On 18 July McLean read a second message to the conference from the governor, this time inviting the assembled chiefs to consider the difficulties and complications attending the ownership of land, and the

⁷⁴⁷ *ibid.*
⁷⁴⁸ *ibid.*

need for some plan to remove or simplify such problems as existed. According to Browne's message:

It is well known that nearly all the feuds and wars between different tribes in New Zealand have originated in the uncertain tenure by which land is now held. Very many disagreements would in future be avoided if the possession of land from any fixed date – say, 20 years – were recognised as giving the possessor a good title.⁷⁴⁹

It was very desirable, in the governor's view, for general principles of land tenure to be devised, and for any disputes within or between different tribes to be referred to a committee of disinterested and influential chiefs or to a panel of arbitrators selected by each party. While the interest in such proposals was presented simply as a response to the kinds of problems encountered at Waitara and elsewhere, there was another agenda at work. Figures such as Browne did not merely wish to see a system introduced for adjudicating upon or deciding the titles to lands, but also sought to transform communal or collective tenure under customary title into individual grants held from the Crown. As Browne's message went on to note:

The Governor earnestly desires to see the chiefs and people of New Zealand in secure possession of land, which they can transmit to their children, and about which there could be no dispute. Some land might be held in common for tribal purposes; but he would like to see every chief and every member of his tribe in possession of a Crown Grant, for as much land as they could possibly desire or use. When a dispute arises about a Crown Grant, the proprietor [sic] need neither go to war nor appeal to the Government: he can go at once to the proper Court, and, if he is right, the Judge will give him possession, and the Law will protect him in it.⁷⁵⁰

McLean followed the governor's message up by stressing to those in attendance Browne's great anxiety to ensure some means should be devised at the conference by which tribal boundaries could be defined and the lands within these subdivided among

⁷⁴⁹ *ibid.*
⁷⁵⁰ *ibid.*

the tribes, families and individuals, securing to them their landed rights on a more sound footing than would otherwise be the case. Contradicting all that he had told the 1856 Board of Inquiry into Native Matters, the Native Secretary now claimed that there was no fixed law on the subject of customary tenure, ‘except the “Law of Might.”’⁷⁵¹

But Browne’s message met with a muted response from the chiefs, and the following day attention turned to the events at Taranaki. McLean commenced by giving the usual version trotted out in defence of the Waitara purchase, stretching back to the time of the New Zealand Company’s initial dealings. According to him, at some point Wiremu Kingi had visited Ngapuhi in the north of the island, during which time he had encountered Te Wherowhero’s brother, Kati:

they had a difference about that land. Kati said to William King, “That land will be sold to the Governor.” William King replied, “Then I will sell the Waipa Valley as a payment for my slain.” (Alluding to a encounter which took place between the...Ngatiawa of Taranaki and the people of Waipa.) On Kati’s return from the North he repeated what had passed between himself and Wi Kingi to the old Chief Potatau, just now deceased. Soon after, Potatau went to Kapiti with Governor Hobson. Afterwards, he said to the Governor, “Friend, listen to me, Taranaki is mine: my hand holds it. I wish to sell it to you.” The window of the room in which this conversation took place happened to be open, and some papers which had been lying on the table were scattered by the wind. The old Chief collected them and, replacing them on the table, put a weight upon them and addressing the Governor, said, “This is like Taranaki: if I press the Taranaki people, they will remain quiet. See, O Governor, when I put a weight upon them they are still: they cannot move.” Time passed on, Governor Hobson considered the matter, and after having done so, consented to the purchase from Waikato.⁷⁵²

Following this transaction, which had been triggered, McLean added, by the fact that neither Te Wherowhero nor his brother received any share of the New Zealand

⁷⁵¹ *ibid.*
⁷⁵² *ibid.*

Company payment previously brought up from Kapiti to Waikato, the Europeans supposed that the land had finally passed into their possession. But former slaves permitted to return to their homes from the Waikato at once began to interfere with the settlers, despite being admonished by their former masters to dwell in peace and to treat the Pakeha with kindness, or risk a further invasion if they refused to heed these words.

There followed the Spain inquiry and FitzRoy's subsequent decision to offer further payment for the land. In 1847 lands at Waitara had been offered for sale, but the matter had not been pressed and the following year Kingi and his followers were allowed to return to the district. According to McLean, at the time the land was offered, Kingi had said, 'Let me return thither, and I will then consider the matter. When I get there, one side of the river shall be yours and the North side shall be mine, whence I can look out for the Waikatos, in case that tribe should meditate an attack upon us.'"⁷⁵³ It was McLean's contention that the Taranaki people were 'now asserting a claim to territory which has become the property of the Government', while 'Waikato has taken up arms to hold that which their own Chiefs gave to the Europeans'. The land had already been consumed and could no more be returned to its original estate than the ashes of a dead fire could be rekindled. Wiremu Kingi's efforts to block the sale of Waitara without (so McLean claimed) impugning the title of Te Teira was evidence of a league encouraged by the King movement, which aimed to forbid the sale of land regardless of the rights of the legitimate owners. The governor had never refused to listen to anyone who held just claims provided these were brought forward through the proper channels and would never take land from a legitimate owner without his consent.

All this was the prelude to a much shorter message from Browne in which he declared simply that 'it was not the Governor who commenced the war, or desired it, but William King'.⁷⁵⁴ But the response to these bold assertions was less than overwhelming support for the government's position. Te Ao-o-te-Rangi of Tainui, for example, told the conference:

⁷⁵³ *ibid.*
⁷⁵⁴ *ibid.*

As for me, I know nothing about this work at Waikato; I am in ignorance respecting it. I have not understood the object of that work. I should say that this name of Waikato is merely a name...It came from the interior and from the South. Potatau's wish was, that the name of parent should be adopted. You have heard what I said, that this name of Waikato is but a name. I now, for the first time, see what has been going on in the South. Waikato has only come in at the completion of the design. You say, the King must be put down because Potatau is dead. I say, the intentions of the Waikato cannot be stolen from them. I cannot pretend to state them. I live on the sea coast; Waikato is inland. I was left by you in ignorance respecting this matter, and therefore I do not understand it. Listen, the Pakeha is not of to-day; it is long since he came here. The ministers came; this was one great benefit. Afterwards came another system, and I continued to observe. This is what I have to say to you Mr. McLean and Te Waka [Nene]. Be kind to the Maories of New Zealand, to the dark-skins. If I (the Maori) turn upon you to injure you, then you and I will act in concert. If the Governor becomes the aggressor and does wrong to me (the Maori), then I shall turn away. The main thing which we are told to regard is the law. As to Te Rangitake's affair; it is not understood, nor do we know the thoughts of Te Rangitake. Waikato is the only independent tribe now existing. As to the intentions of Waikato, who knows what they may be?⁷⁵⁵

Ko au e kore au e mohio ki nga mahi a Waikato. He kuware au, kihai au i matau ki te tikanga o taua mahi. E mea ana au ko te ingoa o Waikato he ingoa kau...No waenganui ia, na runga ke tena mahi me tena tikanga. Ko ta Potatau tikanga ia kia waiho i runga i te matua. Kua rongo koe i taku kupu ko te ingoa o Waikato he ingoa kau, ka tahi au ka kite inaianei i nga mahi o runga, no te whakaotinga ta Waikato. E karanga ana koe, Me whakakahore te Kingi, kua mate hoki a Potatau. E mea ana au, e kore e tahaetia nga tikanga o Waikato. No tai au, no uta Waikato. Na koutou i waiho i au kia kuware ana, na konei au i kore ai e matau. Kia rongo mai koe, ehara inaianei te Pakeha, no mua, no mua. Tae mai ana ko nga Minita, ko tetahi pai tena. Muri iho he tikanga ke tenei me te titiro tonu ahau. Ko taku korero tenei, e Te Makarini, e Te Waka,

⁷⁵⁵ ibid.

me atawhai e korua nga tangata Maori o Niu Tirani, ara, ki te kiri mangu. Maku te he e rere ki runga ki a koe, ma taua ta taua. Ma Kawana te he e rere mai ki au, ka tahuri ke au. Heoti ano te mea i karangatia te ture. Ko te korero ki a Te Rangitake e kore e matauria, me te whakaaro ano hoki o Te Rangitake. Kahore he iwi rangatira o te ao ko Waikato anake. Ko wai taua ka kite i te whakaaro o Waikato?⁷⁵⁶

At least some of those in attendance at the conference were therefore aware that they were receiving only one side of the story with respect to Waitara in the absence of Wiremu Kingi and were consequently reluctant to rush to judgment on the actions of the Te Atiawa chief. Te Ao-o-te-Rangi's comments suggested an equally nuanced position with respect to the bigger confrontation between the government and the Kingitanga. If either party adopted the role of aggressor he would turn away from them, but he did not know the intentions of Waikato. It was hardly a resounding declaration in favour of the Crown.

A spirited defence of Wiremu Kingi on the part of Wiremu Tamihana Te Neke of Te Atiawa a few days later at least partly redressed the imbalance, and meanwhile Te Ao-o-te-Rangi grew more forthright in his comments. In a second speech on 24 July he told the conference that 'Waikato is at peace! The hand of Waikato is unstained. The hand of Waikato is not polluted,' at the same time threatening to break into the governor's house so that he could speak to Browne in person.⁷⁵⁷

Amidst a variety of responses with respect to the situation at Taranaki, attention periodically turned to the Treaty of Waitangi itself and to the need for a more permanent forum for Maori to air their grievances. The Ngati Whatua chief Paora Tuhaere told the gathering on 26 July:

The Treaty is right, but it came in the time of ignorance and was not understood. The assent of the Ngapuhi was given in ignorance, otherwise why did they not consider that they had acknowledged the Queen, instead of turning round and striving with their own chief? for it is not well that the

⁷⁵⁶ *ibid.*

⁷⁵⁷ *Te Karere Maori/Maori Messenger*, 3 August 1860.

servant should rise up and strike his master. As to the blankets brought up here by Mr. Williams, the chiefs did not fully understand. But this (alluding to the conference) is more like it; this is the real Treaty upon which the sovereignty of the Queen will hang, because here are assembled chiefs from every quarter, and even from the other Island, to discuss various questions and to seek out a path. As to this King of ours, of whom we have been talking, he is a relation of mine. Of what concern to us is that thing of falsehood Let us treat it with contempt and leave it in the Waikato. If many of the tribes had joined that work, then it would be right (for us to take some action). But all the chiefs of this island are here assembled and are under the Queen.⁷⁵⁸

McLean was dismissive of any suggestion that Ngapuhi had acted foolishly or rashly in signing the Treaty. But he did agree with Tuhaere that ‘what is done here may be considered as a fuller ratification of that Treaty on your part.’⁷⁵⁹

Tuhaere, along with Tamihana Te Rauparaha, had played a prominent part in the conference proceedings, but on 1 August, and with the gathering nearly at an end, McLean urged that those who had yet to speak should be allowed the opportunity to do so, specifically mentioning Wiremu Nera Te Awaitaia in this context. The Ngati Mahanga rangatira’s subsequent speech to the conference was heavily loaded with religious messages. The government had not come to the islands as an intruder to take possession of New Zealand, he stated, but rather this had been a thing ordained and indeed prophesied by Noah. All of the tribes had consented to receive the Pakeha and had provided lands for these purposes. There would now be ‘a rendering asunder of the Pakeha and the Maori’, he predicted, but the Pakeha would not pass away and in fact was a ‘living spring’ for the tribes.⁷⁶⁰

Te Awaitaia was followed by a number of different Waikato speakers the following day. Wiremu Te Wheoro of Ngati Naho was critical of the failure to fully explain the laws to the chiefs, but also found fault with the tribes for seeking to withhold land that had been sold to the Pakeha. That provoked a fiery response from Te Waaka Te Ruki

⁷⁵⁸ *ibid.*

⁷⁵⁹ *ibid.*

⁷⁶⁰ *ibid.*

of Ngati Mahanga, who referred to Te Wheoro derisively as a 'boy' (tamaiti) and implied that Waikato should be left to attend to their own affairs. 'Where', he asked, 'is there a pool of pakeha blood at Waikato?',⁷⁶¹ Hetaraka Nera was meanwhile critical of the failure to convene a conference similar to the Kohimarama one many years earlier, suggesting that a great many evils might have been averted had the government chosen to do so.

In a further speech, Te Awaitaia told a parable about the man with seven sticks: tied together in a bundle they could not be broken, but once separated could easily be snapped in two. It was the same for Maori and Pakeha, he suggested: if they were separated they would easily be broken up and would not endure but be torn to pieces.⁷⁶²

At the conclusion of the conference a number of resolutions were moved. In the first of these the chiefs 'pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty ['mana'], and of the union of the two races; also to discountenance all proceedings leading to a breach of the covenant here solemnly entered into by them.'⁷⁶³ That was followed by a resolution proposed by Wiremu Nera that the conference was 'of opinion that the project of setting up a Maori King in New Zealand is a cause of strife and division, and is fraught with trouble to the country.' A third resolution condemned Wiremu Kingi's proceedings at Taranaki as 'indefensible.'⁷⁶⁴

On paper at least this was all that the government might have wanted, and indeed, Browne claimed that the result of the conference had far surpassed his own expectations. Wavering chiefs had been won over to the Crown's side and 'loyalist' sentiments renewed. As Browne informed Newcastle:

The meeting lasted for more than a month, during which some went away, and others come. The invitations were very general, but a few of those who belong to the Waikato King party did not accept them. The result may be summed up

⁷⁶¹ *ibid.*

⁷⁶² *Te Karere Maori/Maori Messenger*, 1 September 1860.

⁷⁶³ *Te Karere Maori/The Maori Messenger*, 15 August 1860.

⁷⁶⁴ *ibid.*

in a few words. The great chiefs Tamati Waka Nene, Wiremu Nera, Teiroa [sic], and others, declared their attachment to the Queen, and their disapproval of the King party, in the most unequivocal terms. This, and my own declarations, reassured many who had been led by disaffected Europeans to believe that the Government and the settlers were preparing to seize their lands and enslave themselves, and that all the tribes in New Zealand were ready to unite and join the King party.⁷⁶⁵

At the conclusion of the conference the chiefs had unanimously petitioned Browne for such gatherings to be 'established and made permanent.'⁷⁶⁶ Donald McLean, for one, believed that there were strong grounds for acceding to the wishes of the chiefs. As he informed the governor:

It is abundantly manifest that in the present state of the Colony the Natives can only be governed through themselves. A conference like the present would prove a powerful lever in the hands of the Government for effecting this object.⁷⁶⁷

Browne agreed, informing one Colonial Office official that 'it is clear to me that this conference must be repeated at least once in two years & that it is the only means by which we can hope to govern the Maoris in peace.'⁷⁶⁸ He claimed to have first suggested such a gathering in 1857, but admitted that 'it would not have succeeded then: the Settlers had not been frightened: they would have turned it into ridicule & it would have been a failure.'⁷⁶⁹ Circumstances had changed, however, and members of the General Assembly were so impressed by the Kohimarama gathering that they promptly agreed to guarantee funding for annual conferences of the same kind so that the announcement could be made before the chiefs returned to their homes.⁷⁷⁰

Not everyone believed the conference had gone quite so well for the government. The missionary Robert Burrows subsequently queried suggestions that the resolutions

⁷⁶⁵ Browne to Newcastle, 28 August 1860, GBPP, 1861 [2798], p.96.

⁷⁶⁶ Tamihana Te Rauparaha and 70 others to Browne, 3 August 1860, Le 1/1860/100, Archives NZ.

⁷⁶⁷ McLean, Memorandum, 6 August 1860, Le 1/1860/100, Archives NZ.

⁷⁶⁸ Browne to Gairdner, 1 August 1860, Gore Browne 2/3, Archives NZ.

⁷⁶⁹ *ibid.*

⁷⁷⁰ O'Malley, 'Northland Crown Purchases', p.152.

concerning the King movement and origins of the Taranaki War had been proposed and adopted by the conference of chiefs. In particular, he noted that when the second resolution condemning the King movement was proposed some confusion arose, though a majority of those in attendance held up their hands to indicate their agreement. That was far from the unanimous agreement implied in official correspondence, and according to Burrows the third resolution blaming Wiremu Kingi for the outbreak of the Taranaki War failed to even muster a bare majority. He wrote that:

On the chairman putting the resolution about one-third held up their hands – considerable confusion – chairman called attention to the fact that in the earlier part of the conference they had blamed (whakahe) the Governor for the war at Taranaki, but that he having enlightened them on the question at issue, he understood they were now convinced to the contrary. Some irregular talk among the natives; private conversation between chairman and Assistant Native Secretary. Chairman again put resolution 3; about the same number, one third, held up their hands – further confusion – some little talking.⁷⁷¹

The Bay of Plenty Resident Magistrate H.T. Clarke, who was present at the conference, acknowledged that confusion had arisen, but claimed that this was occasioned not by opposition to the resolution but out of ‘temporary misunderstanding as to the full scope of its wording.’⁷⁷² In the light of this controversy, subsequent to the conference closing on 11 August a printed copy of the resolutions was circulated among the chiefs, more than a hundred of whom were prevailed upon to indicate their agreement by signing the form, though the suspicion remained that they had done so under considerable pressure. As Burrows noted, it was obvious to anyone who had spent some time at the conference that the government’s actions at Taranaki had created considerable unease among the assembled chiefs, who were by no means unanimously willing to throw the blame for the Taranaki War on to the shoulders of Wiremu Kingi.⁷⁷³ Indeed, there are some indications that the official

⁷⁷¹ Burrows to Editor, *New Zealander*, n.d., enclosure in Browne to Newcastle, 7 September 1860, GBPP, 1861 [2798], p.128.

⁷⁷² Clarke, to Editor, *New Zealander*, n.d., enclosure in Browne to Newcastle, 7 September 1860, GBPP, 1816 [2798], p.128.

⁷⁷³ Burrow to Editor, *Southern Cross*, 22 August 1860, GBPP, 1861 [2798], p.131.

record of the conference carried in the government's Maori-language newspaper over several months may have omitted some of the harsher criticisms of Crown policies vented by some chiefs at the conference.⁷⁷⁴

That issue took on even more significance given events happening elsewhere at that time, including the crushing defeat inflicted by a largely Waikato fighting contingent on British troops at Puketakauere in Taranaki less than a fortnight before the conference opened (discussed in the next chapter). Two days prior to that battle, on 25 June 1860, the first Maori King, Potatau Te Wherowhero, had died at Ngaruawahia. The Kingitanga had been established on an elective rather than hereditary basis, and the question of succession was therefore very much open. Some officials believed that the opportunity would be taken to end the experiment in kingship without the loss of face that necessarily would have been involved if government demands for Te Wherowhero to renounce the title of King had been acceded to, and apparent uncertainty over precisely who should succeed to the throne only made such a prospect appear more likely.⁷⁷⁵ Instead, in what appears to have been a straightforward process, Potatau Te Wherowhero's son Matutaera was installed as the second Maori King, with Wiremu Tamihana once again placing a Bible on his head as part of the ceremony. Browne had initially contemplated issuing a warning that 'the election of any one to succeed Potatau would be viewed as an act of defiance to the British Government', opting against such a course only due to the inadequate troop numbers available to him within Auckland province in the event that a 'collision' with the Waikato tribes resulted.⁷⁷⁶ The governor later blamed Sir William Martin for the installation of a successor to Potatau. He recalled that:

Tamati Ngapora (uncle to the present King) was then willing to be guided by my advice but he visited Sir W. Martin who said "who is going to succeed

⁷⁷⁴ The governor's wife wrote in her private diary, for example, that 'a Poverty Bay native said they were speaking under restraint, that it was no use them speaking, they were still slaves to the Europeans. Another pat John Bull looking fellow said he did not like the Governor's speech [:] he ought not to have spoken against the King movement.' Harriet Browne, Diary, 10 July 1860, ADCZ 17006 W5431/3, Archives NZ.

⁷⁷⁵ Various contemporary European sources suggested that Matutaera's sister Te Paea, his uncle Tamati Ngapora, and even Wiremu Tamihana, were in contention for the title. However, in Kingitanga tradition, 'the elevation of the son and heir to his deceased father's rank was performed on the day of the funeral' (5 July 1860). Jones, 'Maori Kings', p.134.

⁷⁷⁶ Browne to Newcastle, 31 July 1860, no.78, CO 209/154, p.426, Archives NZ.

Potatau as King?" Ngapora made no reply. But considering the question to be advice couched in that form [he] wrote to the Waikato desiring the installation of Matutaera at once.⁷⁷⁷

While Browne's attempts in various contexts to point the finger of responsibility for the emergence and survival of the Kingitanga at the British government, the New Zealand General Assembly, McLean, Martin and others was perhaps not surprising, if his subsequent statement, quoting Grey, was at all accurate then it was certainly significant. Browne wrote that:

Tamati Ngapora was I believe really a friend of mine [;] he said he always trusted me. I wrote to him to come to see Grey but he remained aloof for some time. I told Grey I did not think this looked well. He replied I think it is well for I want an excuse to take the Waikato.⁷⁷⁸

Browne made these comments in relation to that period of a week or so immediately after Grey's arrival in September 1861, during which Browne nominally remained governor until such time as he left the colony.⁷⁷⁹ Browne thus appears to be suggesting that Grey had confided in him at this time of his intention to provoke a confrontation with the Waikato tribes. The statement that Grey wanted 'an excuse to take the Waikato' might also give plenty of cause to reconsider the standard assumption of most historians in recent times that taking land was not a dominant motivation in Grey's thinking at this time. If Browne is to be believed, then it may well have been.

Grey, as noted below, rejected calls for a conference of chiefs to be convened annually, as well as dismissing proposals for a Native Council to oversee the management of Maori matters. The latter proposal had been kicked around for at least four years in different guises, but despite the name was primarily intended to be a mechanism by which Maori would be ruled, rather than the means by which they

⁷⁷⁷ Gorst, *The Maori King* [with annotations by Thomas Gore Browne], p.149, MS-0860, ATL.

⁷⁷⁸ *ibid.*, p.203.

⁷⁷⁹ Grey's formal commission had not arrived, and his warrant only empowered him to assume the governorship in the event of the death, incapacity or absence of the former governor. He had arrived in New Zealand on 26 September 1861, but did not assume office until Browne departed for Australia at short notice on 3 October 1861. Rutherford, *Sir George Grey*, pp.453-454.

might rule themselves. While different proposals had been formulated with respect to who might actually be represented on such a body, none of these envisaged more than token Maori representation, with the council instead to be dominated by Europeans. The real debate among officials was who would control the council, the governor or his responsible ministers.⁷⁸⁰

News received during 1860 that draft legislation had been introduced into the British Parliament that would have effectively placed such a council under Browne prompted colonial ministers to hurriedly introduce a watered-down version of their own into the General Assembly. By the time that the latter Bill – described by Dalton as a ‘palpable sham’ – passed its final vote in November 1860, news had already reached New Zealand of the failure of its British equivalent.⁷⁸¹ That left Browne with the dilemma of whether to approve the New Zealand measure as the best that could be achieved under the circumstances. Although he reserved the Bill for the royal assent, at the same time he recommended that it be granted.⁷⁸² But the Colonial Office was equally equivocal as to the merits of the measure and in April 1861 the Duke of Newcastle wrote privately to Browne, observing that ‘whilst war continues I am sure I should be running a great risk of complicating the already serious difficulties of the Colony if I attempted to regulate affairs by didactic Despatches which require more than two months for their transmission.’ Despite this, Newcastle felt compelled to add with reference to the Native Councils Act that:

I am sorry to find you consider it is the utmost the Assembly will be induced to concede, and still more that they will not part with the administration of funds. Unless they will vote some £20000 for the Governor to apply at his discretion for native purposes I do not see how future and instant Insurrections are to be avoided. It may be a vulgar alternative, but I believe they must either pay the Chiefs or exterminate them, and I need hardly point out what will be the course of action here if ever a suspicion arises that the Colonists or any

⁷⁸⁰ Ward, *Show of Justice*, p.108.

⁷⁸¹ Dalton, *War and Politics in New Zealand*, p.120.

⁷⁸² *ibid.*, p.121.

considerable portion of them look upon the latter as advisable or to be thought of except with horror.⁷⁸³

He further warned Browne that the ‘splendid courage’ demonstrated by Maori in the Taranaki War had ‘naturally created a strong admiration for them in England’ and in these circumstances a vote to recall Imperial troops from New Zealand was not beyond the realms of possibility.⁷⁸⁴ No final decision had been reached on the Native Council Act prior to news of Browne’s replacement.⁷⁸⁵

5.6 Conclusion

A key question for many European observers in the 1850s was whether the Kingitanga was essentially a nationalist movement or had instead been driven by the search for good governance within Maori communities. On the answer to this question turned the appropriate Crown response. While at first many key government figures were inclined to ignore the Kingitanga, calculating that it would die a natural death if neglected, that began to change, especially as evidence emerged of an allied movement at Waikato and elsewhere involving the revival of runanga for social control purposes. That appeared to vindicate the view of the Kingitanga as part of a deeper drive for law and order. Officials hoped to capitalise on this perceived desire for improved mechanisms of governance by providing magistrates to work alongside rangatira and their communities, thereby meeting a demand that the Kingitanga might otherwise fill, as well as providing a form of indirect rule or influence over hitherto largely autonomous hapu and iwi.

In 1857 Francis Dart Fenton was tasked with the first experimental effort to apply such an approach on the ground, when he was appointed as the Waikato Resident

⁷⁸³ Newcastle to Browne, 26 April 1861, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

⁷⁸⁴ *ibid.*

⁷⁸⁵ Loveridge, ‘Institutions for the Governance of Maori’, p.116. However, it appears unlikely Newcastle would have allowed the measure, given that he had written in respect of it that ‘In the face of the Treaty of Waitangi this Ordinance [sic] cannot be sanctioned without injustice and bad faith to the Natives. They have never been consulted as to its provisions, and those provisions deprive them of that which they believe is their best security as given by the Treaty – the direct protection of the Sovereign of England.’ Minute on Browne to Newcastle, 26 November 1860, no.120, CO 209/156, pp.135-136, Archives NZ.

Magistrate. Fenton was expected to work in cooperation with the many village runanga that had sprung up in the district in order to further facilitate the spread of law and order across the Waikato. He completed two circuits before being withdrawn from the district early the following year. The decision to remove Fenton from Waikato was to prove a contentious one. Some observers believed that Fenton had been withdrawn from the district just as he was beginning to make real progress with his mission, leaving a vacuum and a level of dissatisfaction with the government that would subsequently be filled by the Kingitanga. Other figures alleged that Fenton himself, through his interference in tribal land disputes and his refusal to consult with senior rangatira such as Potatau Te Wherowhero, had done much to polarise Waikato Maori into King's and Queen's parties. As critics noted, Te Wherowhero had finally agreed to accept the title of King following Fenton's second circuit and the outcry this had created among some Waikato Maori.

These were matters considered at some length by a Parliamentary select committee in 1860. The establishment of that inquiry was mired in wider political disputes. In particular, critics of Donald McLean, Fenton's great rival, perceived it as a favourable opportunity to attack his handling of Maori matters and, by extension, to bring into question the continued monopoly on decision-making in this area which the governor retained. The Waikato Committee duly condemned the decision to remove Fenton from the Waikato as a serious mistake and one which had given great impetus to the Kingitanga. However, it failed to examine any of the chiefs who might have testified against their former Resident Magistrate, and who had gone on to become leading figures in the King movement.

The dispute over Fenton's time in the Waikato nevertheless helped to reignite debate among colonial politicians and officials as to the most appropriate way in which to manage Maori communities. In 1858 a range of legislative measures were passed by the General Assembly to enable Pakeha magistrates and officials to work alongside rangatira and their runanga in passing and enforcing local by-laws. Colonial politicians meanwhile jockeyed with the governor and the Imperial government for control of a proposed Native Council that was intended to oversee the administration of Maori affairs.

But with the first Taranaki War already underway, in July 1860 Governor Browne convened a conference of chiefs from around the country at Kohimarama, close to central Auckland. Although it is often assumed that Kingitanga supporters were not invited to attend the conference, Wiremu Tamihana and others were invited, though others such as Rewi Maniapoto were not. In the event only a small number of rangatira from the Rohe Potae district attended. But from the government's perspective, the conference was not intended as an opportunity for open dialogue, leading to the prospect of reconciliation with the Kingitanga, but rather had been called in the expectation that those present would condemn the movement and uphold the government's handling of the Waitara dispute. Browne and his ministers failed to secure the kind of glowing endorsement of their position hoped for. But many of the rangatira in attendance welcomed the opportunity to engage directly with the governor and his officials on the important issues of the day. They unanimously called for the conference to be repeated annually. Although Browne agreed to this (and the General Assembly voted to guarantee the necessary funds for these purposes), Grey cancelled plans for future conferences. He also kicked into touch plans for a possible Native Council that had been in circulation for some time, returning instead to a more localised model of administration based on the runanga model.

6. The Background to the Taranaki War and Rohe Potae Interests in the District

6.1 Background to the Waitara Purchase and First Taranaki War

The story of the Crown's fateful Waitara purchase has been told many times, and in this section an overview is provided by way of context to the more detailed exploration of Rohe Potae interests in Taranaki, and more generally Waikato involvement in the Taranaki War, which follows.

From the outset, Waitara was regarded as an essential component of any British settlement in Taranaki, both for its navigable river and its flat and fertile lands.⁷⁸⁶ The surveyor F.A. Carrington wrote in 1841, for example, that 'If we are deprived of the Waitara district and are obliged to cultivate the almost impenetrable forest, I in this case see no hope for this Settlement. If on the other hand we are permitted to retain the Waitara land we shall flourish.'⁷⁸⁷ R.H. Aubrey likewise believed that 'if brought into cultivation the banks of the Waitara might become the garden of the Pacific.'⁷⁸⁸ Governor FitzRoy's 1844 decision to overturn Spain's extensive award to the New Zealand Company of some 60,000 acres at New Plymouth (discussed earlier) effectively restored the Waitara lands to Maori ownership, placing the onus on the Crown to negotiate anew the purchase of this and other spots deemed desirable or essential for the purposes of colonisation and settlement in the district.

As we saw in an earlier chapter, in 1848 Donald McLean was instructed to purchase the south bank of the Waitara River from Wiremu Kingi and the Te Atiawa community living at Waikanae, ahead of their anticipated return to Taranaki.⁷⁸⁹ He subsequently reported that at a meeting attended by some 500 Maori:

⁷⁸⁶ Ann Parsonson, 'The Waitara Purchase and War in Taranaki', (report commissioned by the Waitangi Tribunal), 1990, p.1; Miller, *Race Conflict in New Zealand*, pp.167-168.

⁷⁸⁷ Carrington to Liardet, 15 October 1841, quoted in Parsonson, 'The Waitara Purchase', p.2.

⁷⁸⁸ Journal of R.H. Aubrey, 12 February 1841, cited in Wells, *History of Taranaki*, p.55.

⁷⁸⁹ Opposition to any sale of the Waitara lands had been made clear sometime before McLean's 1848 visit to Waikanae. See Kingi to FitzRoy, 8 June 1844, cited in Wells, *History of Taranaki*, pp.111-112; Kingi to McLean, 9 December 1846, McLean Papers, qMS-1206, ATL.

the sentiments expressed by Wm. King's party were to the effect that they would sooner lose their lives than part with their land, that food would not grow on the payment they would receive for it, Europeans were not strong to take it, and they should rather have their throats cut than let the "Pakeha's [sic]" or white men have the favoured land of their ancestors.⁷⁹⁰

Wiremu Kingi told McLean 'I will not give up my land, till I am first dragged by the hair and put in gaol!'⁷⁹¹ He subsequently pleaded with McLean not to make any purchases until there was unanimous support among the owners as otherwise disputes would inevitably occur. But Crown officials remained unyielding. Grey had met with Kingi himself in February 1847, at which time he threatened to recognise the Waikato tribes as owners of the Taranaki lands unless Te Atiawa proved more amenable to making further territory available for European settlement.⁷⁹²

Intermittent offers were subsequently received from some of those with customary interests at Waitara to part with these to the Crown, but the ongoing opposition of other owners such as Kingi meant that, prior to March 1859, these were not actively pursued. Ihaia Te Kirikumara was informed in 1854, for example, that the government would buy his lands at Waitara only if he was able to point out the distinct boundaries of these and could demonstrate that the earlier opposition to any land sale in the area had disappeared.⁷⁹³ Since the latter pre-condition was one that could hardly be complied with, it appears that nothing further was heard of any proposed purchase for a few years.⁷⁹⁴ Instead, the Crown, following the failure of McLean's 1848 negotiations in respect of Waitara, concentrated its efforts elsewhere in the district. But although moderately successful in securing further lands for the New Plymouth settlers, the government's Taranaki acquisitions came at a significant cost in terms of relations within and between local hapu and their rangatira. Many of those who transacted land were former captives of the Waikato tribes who were subsequently permitted to return home, while opponents of such land deals were

⁷⁹⁰ McLean to Lieutenant-Governor Eyre, 6 April 1848, McLean Papers, MS-Papers-0032-0123, ATL.

⁷⁹¹ *ibid.*

⁷⁹² Wells, *History of Taranaki*, p.140.

⁷⁹³ Parsonson, 'The Waitara Purchase', p.4.

⁷⁹⁴ *ibid.*, pp.4-5.

generally among the group of those people who had migrated south to the Cook Strait region.⁷⁹⁵ While the latter group had remained at liberty, according to the analysis of the Taranaki Tribunal (drawing upon the work of Dr Ann Parsonson) a prime reason for the land sales which occurred was that the former war captives:

customarily seen to have lost status, sought to reinstate their pre-eminence through sales. Selling land was thought to prove their competence to do so and thus affirmed their status. It also carried favour with the Government, which might support them in their position.⁷⁹⁶

There were other factors at play as well. In a few cases the lands of others might be offered for sale as *utu* for a previous slight or wrong against the would-be vendors, while there were also ‘sales to “whakahe” one’s own people (to put all the hapu at risk on account of some injury or slight to the seller).’⁷⁹⁷ While it is not the purpose of the present chapter to provide a comprehensive outline of Taranaki history in the 1850s, it should be readily apparent from the above that this was a potentially explosive situation. In 1854 what became known as the ‘Puketapu feud’ was ignited in response to one disputed purchase.⁷⁹⁸ It lasted for several years, resulting in a number of killings, and drawing in hapu and iwi from beyond (including, as was seen earlier, the Waikato and Ngati Maniapoto tribes, as mediators and potential protectors of Pakeha should they become caught up in the conflict). Wiremu Kingi, though, at first sought to avoid becoming entangled in the feud, despite which ‘Maori opposed to sales, including Kingi, were regularly portrayed as the instigators of trouble and as murderers, and it was often demanded that they should be arrested for their offences.’⁷⁹⁹ Nevertheless, whether fair or not, according to the Taranaki Tribunal ‘the image of Kingi as the leading figure in a murderous league determined to stop honest persons from exercising their right to sell was conveyed to a new Governor fresh from Britain and influenced his eventual decision to launch an attack on Kingi’s pa.’⁸⁰⁰

⁷⁹⁵ Waitangi Tribunal, *The Taranaki Report: Kaupapa Tuatahi*, Wellington: GP Publications, 1996, p.51.

⁷⁹⁶ *ibid.*

⁷⁹⁷ *ibid.*, p.49.

⁷⁹⁸ *ibid.*, p.61.

⁷⁹⁹ *ibid.*

⁸⁰⁰ *ibid.*, pp.61-62.

That governor, Thomas Gore Browne, travelled to Taranaki in March 1859. During the course of a meeting with Taranaki Maori it was made clear, according to one contemporary account of the gathering, that:

the Governor thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he never would consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent.⁸⁰¹

That followed further comments from Browne concerning the feuding that had taken place and his determination to enforce English law should further murders occur. Soon after this Te Teira of Waitara:

stated that he was anxious to sell land belonging to him, that he had heard with satisfaction the declaration of the Governor referring to individual claims, and the assurance of protection that would be afforded by his Excellency. He minutely defined the boundaries of his claim, repeated that he was anxious to sell, and that he was the owner of the land he offered for sale. He then repeatedly asked if the Governor would buy this land. Mr McLean on behalf of his Excellency replied that he would. Te Teira then placed a parawai (bordered mat), at the Governor's feet, which his Excellency accepted. This ceremony, according to Native custom, virtually places Teira's land at Waitara in the hands of the Governor.⁸⁰²

This was not the first time Te Teira had offered the Waitara lands for sale. According to Henry Halse, he had made a similar offer late in 1857, meeting with strong opposition from Wiremu Kingi and other owners.⁸⁰³ And although various explanations have been advanced for his interest in selling the lands, the most commonly accepted one has it that a young woman betrothed to a nephew of Te Teira

⁸⁰¹ *Taranaki Herald*, 12 March 1859.

⁸⁰² *ibid.*

⁸⁰³ Halse to McLean, 1 December 1857, cited in Parsonson, 'The Waitara Purchase', p.5.

had instead married a relative of Kingi. Considering the compensation offered for this slight insufficient, Te Teira, it is said, had determined to obtain redress through a ‘whakaha’, that is, through bringing trouble upon the tribe.⁸⁰⁴ Yet as Ann Parsonson has observed, Crown agents involved in completing the purchase were later remarkably silent on this background to the transaction.⁸⁰⁵

Te Teira’s move at the March 1859 meeting elicited an instant response, and the *Taranaki Herald* noted that, following acceptance of his offer:

Paora then informed the Governor that Te Teira could not sell the land he had offered without the consent of Weteriki and himself, as they had a joint interest in a portion of it.

Te Teira replied to him, and was immediately followed by William King, who, before addressing the Governor, said to his people ‘I will only say a few words and then we will depart,’ to which they assented. He then said ‘Listen, Governor. Notwithstanding Teira’s offer I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands, I will not give it up; *ekore, ekore, ekore* (i.e., I will not, I will not, I will not. ‘I have spoken!’ and turning to his tribe added ‘Arise, let us go’ – whereupon he and his followers abruptly withdrew.⁸⁰⁶

Although Browne consistently maintained that Wiremu Kingi had not asserted a proprietary interest in the land,⁸⁰⁷ the weight of evidence suggested otherwise. Kingi had, in fact, made those customary claims to the Waitara lands clear to the government shortly before the fateful March 1859 meeting with Browne. In a letter to the governor dated 11 February 1859, he wrote that:

The boundary of the land which is for ourselves is at Mokau. These lands will not be given by us into the Governor’s and your hands, lest we resemble the

⁸⁰⁴ Parsonson, ‘The Waitara Purchase’, pp.6-7.

⁸⁰⁵ *ibid.*, p.9.

⁸⁰⁶ *Taranaki Herald*, 12 March 1859.

⁸⁰⁷ Browne to Lytton, 29 March 1859, AJHR, 1860, E-3, pp.2-3.

sea-birds which perch upon a rock, when the tide flows the rock is covered by the sea, and the birds take flight, for they have no resting place.

Kei Mokau te rohe mai o te whenua mo matou ake, ko enei whenua ekore e hoatu e matou ki a korua ringaringa ko te Kanawa, kei rite matou ki nga manu o te moana e noho ana i runga i te kowhatu, ka pari te tai ka ngaromia taua kowhatu e te moana, ka rere nga manu, no te mea kaore he nohoanga mo ratou.⁸⁰⁸

Kingi's claim over Waitara should hardly have come as a surprise, since he had informed Crown officials as early as 1844 of his determination not to part with those lands (and reminded them of the fact at regular intervals thereafter).⁸⁰⁹ But the settler pressure for land locally was unrelenting. In 1858 the New Plymouth Provincial Council had even petitioned for the system of Crown land purchasing to be changed to accommodate sales by individuals or minority owners where the full consent of all customary right holders could not be obtained.⁸¹⁰ While this was clearly intended to facilitate the easier acquisition of Maori lands, there was perhaps another reason why such an approach was favoured, summed up in the comments of Taranaki settler and colonial politician C.W. Richmond, who told the General Assembly in 1860 that:

It is not just that the minority should condemn the majority, who wish to escape from it, to the tribal life, to the beastly communism of the Pah, to the slough of barbarism from which they are striving to emerge.⁸¹¹

Kingi was not alone in his complaint that, through his acceptance of Te Teira's offer, the governor had indeed adopted a new system of land purchasing in which disputed lands were purchased from only a portion of the owners and the supposed right of the individual was trumpeted over that of the tribe.⁸¹² McLean, for one, knew better than to implicate himself in such a disaster more than was strictly necessary. Following his presence at the March 1859 meeting, he did not return to Taranaki for more than a

⁸⁰⁸ Wiremu Kingi Te Rangitake to Governor Browne, 11 February 1859, AJHR, 1860, E-3A, p.5.

⁸⁰⁹ Ann Parsonson, 'Te Rangitake, Wiremu Kingi, ?-1882', DNZB, vol.1, p.500.

⁸¹⁰ Parsonson, 'The Waitara Purchase', pp.13-14; Miller, *Race Conflict in New Zealand*, p.168. The name of the New Plymouth province was officially changed to Taranaki in 1859.

⁸¹¹ *Nelson Examiner and New Zealand Chronicle*, 15 August 1860.

⁸¹² Waitangi Tribunal, *Taranaki Report*, p.74.

year, ignoring all entreaties to come back and complete the Waitara purchase, and instead leaving Robert Parris – ‘clearly uncomfortable and feeling out of his depth at having sole responsibility’ for the affair – to finalise the transaction.⁸¹³

But McLean’s fingerprints remained all over the crime scene, including a letter sent from him to Wiremu Kingi and other Waitara chiefs on 18 March 1859 in which they were clearly invited to define their individual claims. McLean stated:

This is a word to you to request you to make clear (point out) your pieces of land which lie in the portion given up by Te Teira to the Governor. You are aware that with each individual lies the arrangement as regards his own piece; in like manner Te Teira has the arrangement of his piece. Another cannot interfere with his portions to obstruct his arrangements, for he has the thought for what belongs to himself.⁸¹⁴

Ann Parsonson notes that such a policy formulation was entirely new in the Taranaki context, having never previously been stated. Henceforth, she notes, ‘the very act of an offer being made by an individual Maori, or small group of individuals, would be construed by the Government as conferring on itself certain rights over the land of those who had made no offer at all.’⁸¹⁵ While Wiremu Kingi had made clear his interest in the Waitara lands, he had not, would not – and indeed could not – stake an individual claim to a defined portion of the whole as Browne required. As a senior rangatira of the Waitara community, Kingi’s interest was not in pointing out his individual portion of the tribal patrimony (even if that were possible) but in representing the entire community of owners. It was ‘not possible for him to countenance a division of the land or to accept that one person could take unilateral action to the detriment of any others.’⁸¹⁶ And on a more practical level, it was difficult to point to any individual piece of land that could be sold in this way without reference to the rest of the community. Indeed, the word ‘pihi’ used in the original te

⁸¹³ Ray Fargher, *The Best Man Who Ever Served the Crown? A Life of Donald McLean*, Wellington: Victoria University Press, 2007, p.193.

⁸¹⁴ McLean to Wiremu Kingi and others, 18 March 1859, AJHR, 1860, E-3A, p.12.

⁸¹⁵ Parsonson, ‘The Waitara Purchase’, p.23.

⁸¹⁶ Waitangi Tribunal, *Taranaki Report*, p.73.

reo text to Kingi was a straight transliteration of the English 'piece' since there was no equivalent term in the Maori language.⁸¹⁷

With McLean largely missing in action after March 1859, Browne pressed on with the purchase, which increasingly became not merely a question about the fate of less than 1000 acres at Taranaki, but a broader question of honour, and even of sovereignty and rangatiratanga. The governor maintained, despite all of the evidence to the contrary, that Kingi had not asserted any claim to the land and was instead merely attempting to exercise an unwarranted chiefly veto on behalf of the Taranaki 'land league'. A few days after his decision to push on with the survey of the block under armed guard had led to open warfare between British troops and the people of Waitara in March 1860, Browne wrote to the Secretary of State for the Colonies to defend his actions. It was, the governor declared:

now clear to me that W. King has been encouraged in his opposition by an assurance of formidable support, and that the question of the purchase of an insignificant piece of land is merged in the far greater one of nationality.

I have insisted on this comparatively valueless purchase, because if I had admitted the right of a Chief to interfere between me and the lawful proprietors of the soil, I should soon have found further acquisition of territory impossible in any part of New Zealand.

Even if the right of 'mana' (viz., a feudal superiority without proprietary right in the land) exists at all, W. King could neither possess nor exercise it, Potatau; the Chief of the Waikatos, having obtained it by conquest, and sold all his claims at New Plymouth to the New Zealand Company.

Without admitting this right, (which is the only one asserted by W. King) I could not with reason have rejected the offer made to me by Teira and his party, because that was the only obstacle to their selling the land, and (by the

⁸¹⁷ Parsonson, 'The Waitara Purchase', p.22.

Treaty of Waitangi) they are prevented from selling to any one but the Government.

It follows that I must either have purchased this land, or recognized a right which would have made W. King virtual sovereign of this part of New Zealand, which is the object of his avowed ambition.⁸¹⁸

The Native Minister C.W. Richmond meanwhile suggested that Waitara was less a crisis that had been stumbled into than an issue deliberately selected as a trial of strength. According to Richmond:

The leading promoters of the Maori King movement in Waikato and elsewhere, assert the National independence of their race, and oppose the further extension of European settlement. They sympathise profoundly with armed resistance to the British Government, more especially with armed resistance to the further cession of territory to the Crown.

It has long been manifest that the first attempt to enforce obedience to the Governor's decision in any question affecting Natives, might bring the disaffected tribes to the point of open rebellion...

An occasion has now arisen on which it has become necessary to support the Governor's authority by a Military Force. The issue has been carefully chosen – the particular question being as favourable a one of its class as could have been selected.⁸¹⁹

Once Browne had determined to proceed with the purchase, the real issue at stake was whether the Crown's real and effective authority (or substantive sovereignty) would prove sufficient to complete the transaction in the face of determined opposition from Kingi and other customary owners. For Kingi and his party it was a question of mana and rangatiratanga; for Browne a matter of sovereignty and face. Fundamental issues that had remained in contention since the time of the Treaty would thus be brought to

⁸¹⁸ Browne to the Duke of Newcastle, 22 March 1860, AJHR, 1860, E-3, p.18.

⁸¹⁹ C.W. Richmond, Memorandum, 20 March 1860, AJHR, 1860, E-3, p.24.

a head, especially once supporters of the Kingitanga appeared in Taranaki in support of Kingi and the other owners. In September 1860 Browne sought once again to justify his stance in a private letter to the Secretary of State for the Colonies. Browne declared that:

I might rest the justice of my proceedings with William King upon the advice of Mr. McLean, the Native Secretary (whose experience in the extinction of native title is unequalled) and upon that of my executive Council, confirmed and approved by large majorities of the Legislative Council, the House of Representatives and of the Chiefs assembled at the conference, but, my Lord Duke, I do not shrink from any responsibility which attaches to my office: The war was forced upon me by W. King and could only have been avoided by humiliating concessions, which might have delayed but could never have averted it.⁸²⁰

Former governor Sir George Grey took an entirely different view of matters, however, telling Newcastle that:

New Zealand I feel very sad about. I am quite satisfied that in the land affair in Taranaki, that is, in taking the particular piece of land we took from Wm. King, we committed an unjust act, and one which future times and other places will with all reason disapprove of.⁸²¹

Grey had his own ideas as to what ought to happen next, which he was not afraid of sharing with Newcastle. He wrote that:

Every man forms his own opinions upon such subjects, but I have never varied from the belief that the true policy to pursue in New Zealand, was to remember how few in number the natives were, and that in a few years peaceful colonization would put the Europeans in such a position of numerical superiority that a war would have been impossible. That in the New Zealand

⁸²⁰ Browne to Newcastle, 7 September 1860, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

⁸²¹ Grey to Newcastle, 21 November 1860, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

race were to be found many excellent men and devoted subjects of the Queen, and that for Great Britain to regard in any way, silly boasts of a few impertinent uneducated young half savage men, was an unworthy absurdity, unbecoming her true greatness and power, and which could inflict a great stain on her honor. She should in my belief (as become[s] the greatest power the world has ever seen) have pursued unmoved the just and even tenor of her way in regard to the New Zealanders. No desire for a particular piece of land, no wish to shew she was not afraid of a paltry handful of natives, should have led her to do what was wrong, and then to persist in a wrong act. If she had done what was wrong, the course of true greatness would have been, the moment this was made manifest, to have stayed her hand in the wrong act, and to have retraced her steps. It is a mistake to think that the natives would have attributed this to weakness. They know our strength as well as we do, and are now fighting against us, not because they think us weak, but because they think they are struggling for existence.⁸²²

Browne, though, had already backed himself into a corner through his insistence that the issue was one in which the Queen's supremacy was at stake. There could hardly be any gentle or dignified climb-down from such a lofty position, which of itself did much to draw in others in support of Kingi. Once Browne had raised the stakes, the question to be determined was no longer merely the fate of 600 acres at Taranaki but a more fundamental issue as to whose will would prevail. And that was especially magnified once elements of the Kingitanga began to take an interest in the Waitara dispute. As early as April 1859 reports were in circulation in Taranaki that an anonymous letter had been sent to Waikato purporting to offer the Waitara lands to the Maori King, whose response was eagerly anticipated.⁸²³ Kingi, meanwhile, had again reiterated his opposition to the proposed transaction, writing to the governor that 'I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs to the whole of us'.⁸²⁴

⁸²² *ibid.*

⁸²³ Robert Parris to T.H. Smith, 23 April 1859, AJHR, 1860, E-3, pp.5-6. Kingi had been informed of the instalment of Potatau Te Wherowhero as King soon after this had taken place, and arrangements appear to have been made for representatives of the Kingitanga to visit Waitara to solicit support for the movement. Native Chiefs of Rangiaowhia to Wiremu Kingi, 21 June 1858, enclosure in Browne to Stanley, 19 August 1858, no.70, CO 209/146, p.132, Archives NZ.

⁸²⁴ Kingi to Browne, 25 April 1859, AJHR, 1860, E-3, p.6.

Then, in November 1859, District Commissioner Robert Parris was instructed to pay an instalment of £100 to Te Teira on the land, following an interview with Kingi which Crown officials chose to interpret as proof that the chief had not advanced any customary claims on the land.⁸²⁵ An altogether different version of that encounter, subsequently published in the government's own Maori-language newspaper *Te Manuhiri Tuarangi*, presented quite a different picture. Rather than translating the reply to Parris' question as to whether the land belonged to Teira and party as 'Yes; the land is theirs', as had previously been suggested, in this version Wiremu Kingi was recorded as saying that 'It belongs to Taylor and all of us, but as he is setting it adrift to sea, I shall seize upon it and drag it ashore again.'⁸²⁶ If this version was accurate then there was no room for doubt that Kingi had – not for the first time, it might be added – asserted ownership rights over Waitara. And as George Grey would later note, the sense of collective or communal ownership was even stronger in the original Maori-language document, with its use of 'no matou katoa'.⁸²⁷

In January 1860 Te Teira and other sellers urged the governor to complete the purchase speedily, declaring that 'This woman that we gave to you in the face of day is now lying cold.'⁸²⁸ Browne accordingly ordered the survey of the land to be commenced. If any attempt was made to prevent the survey, Imperial troops were to be called out and martial law proclaimed in the province.⁸²⁹ Browne, though, had evidently calculated that such brinksmanship would prove unnecessary, writing to the Secretary of State for the Colonies on the same day these instructions were issued that:

Rumours have reached me that the survey will be interrupted by the Chief William King (who has evidently been advised by some disaffected person)

⁸²⁵ Parris to McLean, 4 December 1859, AJHR, 1860, E-3, p.9.

⁸²⁶ Grey to Newcastle, 11 August 186, AJHR, 1863, E-2, p.37.

⁸²⁷ *ibid.* Elsewhere Grey noted that 'several misunderstandings connected with the whole of this subject have arisen from the difficulty of the Natives making themselves thoroughly understood by foreign authorities, from the figurative nature of their language, from the few persons who understand it well, and from the consequent misinterpretations, omissions, or misprints, which from time to time take place in even the most important documents.' Grey to Newcastle, 26 October 1863, AJHR, 1863, E-2A, p.3.

⁸²⁸ Te Teira and others to Browne, 19 January 1860, E-3, pp.9-10.

⁸²⁹ Extract from Minutes of the Executive Council, 25 January 1860, AJHR, 1860, E-3, p.11.

and that difficulties may ensue. I do not put much faith in these rumours, or anticipate resistance when the Natives see that, though always ready to consider every reasonable objection, I am not the less determined to enforce Her Majesty's right to deal with her own subjects without hindrance from any one not having a legitimate interest in the transaction.⁸³⁰

Kingi did indeed desire to avoid fighting and that was seen clearly in his decision to send out a group of mostly elderly and unarmed women to peacefully prevent the survey on 20 February.⁸³¹ Lieutenant-Colonel Murray wrote to the chief on the same date to declare that such actions constituted 'rebellion against the Queen.'⁸³² The land would be seized by the troops if such opposition was not immediately brought to an end, it was added. To this Kingi replied a day later that:

You say that we have been guilty of rebellion against the Queen, but we consider we have not, because the Governor has said he will not entertain offers of land which are disputed.

The Governor has also said, that it is not right for one man to sell the land to Europeans, but that all the people should consent. You are now disregarding the good law of the Governor, and adopting a bad law.

This is my word to you. I have no desire for evil, but, on the contrary, have great love for the Europeans and Maories. Listen; my love is this, you and Parris put a stop to your proceedings, that your love for the Europeans and the Maories may be true.

I have heard that you are coming to Waitara with soldiers, and therefore I know that you are angry with me. Is this your love for me, to bring soldiers to Waitara? This is not love; it is anger. I do not wish for anger; all that I want is the land.

⁸³⁰ Browne to Newcastle, 25 January 1860, AJHR, 1860, E-3, p.10.

⁸³¹ Waitangi Tribunal, *Taranaki Report*, p.75.

⁸³² Murray to Kingi, 20 February 1860, GBPP, 1861[2798], p.9.

All the Governors and the Europeans have heard my word, which is, that I will hold the land.⁸³³

Murray responded one day later by proclaiming martial law in the province, in readiness for an imminent confrontation.⁸³⁴ The Taranaki Tribunal concluded that the language of that proclamation, especially rendered in te reo Maori (in which martial law was given as ‘Ko te Ture whawhai kia puta inaianei ki Taranaki’) read more like a declaration of war on the part of the government.⁸³⁵

Coming hard on the heels of Kingi’s much more conciliatory sounding letter to Murray, the proclamation must surely have painted an image of the government as adopting an uncompromising and aggressive stance in the minds of many Maori. And yet, ironically, even on the eve of war, it was still not too late to pull back from the brink. For one thing, a deed of purchase for the Pekapeka block had still not been executed, finally being signed days later, on 24 February 1860.⁸³⁶ While Browne remained confident that Kingi would back down, John Whiteley and another minister who visited Waitara at this time found the chief busily making arrangements to evacuate the women and children at the settlement. Whiteley and his colleague tried to impress upon some of the young men at the pa the consequences that were likely to follow if they continued to resist the survey once British troops were sent to protect the work, with the former recording in his journal that ‘They were attentive and respectful but would not accede to our wishes. They seem determined to hold...the land even at the sacrifice of life.’⁸³⁷

Browne, though, informed the Secretary of State for the Colonies that private letters were ‘full of surmises and alarms, and talk of a war of races, but I do not put faith in them, or anticipate any real opposition, when the chief William King sees that I am determined not to permit him to defy Her Majesty’s Government.’⁸³⁸ He indicated an intention to travel to New Plymouth in order to once again warn Kingi of the consequences of continued interference in the survey. Browne reached Taranaki on 1

⁸³³ Kingi to Murray, 21 February 1860, GBPP, 1861 [2798], p.9.

⁸³⁴ Murray to Major of Brigade, 22 February 1860, GBPP, 1861 [2798], p.9.

⁸³⁵ Waitangi Tribunal, *Taranaki Report*, p.76.

⁸³⁶ *ibid.*

⁸³⁷ Whiteley, Journal, 22 February 1860, cited in Parsonson, ‘The Waitara Purchase’, p.44.

⁸³⁸ Browne to Newcastle, 27 February 1860, GBPP, 1861 [2798], p.7.

March and immediately dispatched Parris and Rogan to find Kingi and bring him back to the governor under written promise of safe return. But the same vessel by which Browne had arrived also carried more than 200 British troops, and Kingi took to the bush.⁸³⁹ When the Te Atiawa rangatira was eventually located with the assistance of John Whiteley he confirmed, by way of a letter addressed to the governor, his desire for peace and friendship and requested that Browne meet him at a location midway between Waitara and New Plymouth.⁸⁴⁰ Browne, though, rejected Kingi's letter as nothing but 'a mockery and a subterfuge to obtain time until he can get assistance.'⁸⁴¹

Instead, the governor issued orders to the newly arrived commander of the Imperial troops, Colonel Gold, 'to take military possession of the land purchased from the Chief Teira at the Waitara river.'⁸⁴² And in preparation for the forthcoming conflict he addressed a gathering of Maori at New Plymouth, reminding them that the Treaty of Waitangi secured their rights and property to them, despite which Kingi (he claimed) was acting in defiance of such a guarantee by preventing Te Teira from dealing with his own property as he saw fit.⁸⁴³ A manifesto circulated to all of the tribes in the North Island formed a further plank in the governor's efforts to portray the supposed justness of the Crown's position.⁸⁴⁴

On the morning of 5 March, Gold marched on Waitara with 400 troops, setting up camp on the disputed land, while Browne arrived on the scene onboard HMS *Niger*.⁸⁴⁵ While Browne observed that Maori were lying in ambush upon arrival, no resistance was offered. But by the following morning a stockade had been thrown up on the road between New Plymouth and Waitara, and a British party attempting to

⁸³⁹ Browne to Newcastle, 2 March 1860, GBPP, 1861 [2798], p.11.

⁸⁴⁰ Kingi to Browne, 2 March 1860, GBPP, 1861 [2798], pp.11-12.

⁸⁴¹ Browne to Newcastle, 2 March 1860, GBPP [2798], p.11.

⁸⁴² Browne to Gold, 3 March 1860, GBPP, 1861 [2798], p.13.

⁸⁴³ Parsonson, 'The Waitara Purchase', pp.45-46; John Whiteley, Journal, 8 March 1860, pp.152-153, MS-Copy-Micro-0769, ATL. Browne went on to warn that the Queen had many troops and had recently suppressed a mutiny in India involving a much larger population than Maori could even begin to count.

⁸⁴⁴ Parsonson, 'The Waitara Purchase', pp.46-47.

⁸⁴⁵ Browne to Newcastle, 12 March 1860, GBPP, 1861 [2798], p.12; James Cowan, *The New Zealand Wars: A History of the Maori Campaigns and the Pioneering Period*, 2 vols, Wellington: Government Printer, 1983 (original edition 1922), vol.1, p.163.

take provisions to the latter place was prevented from passing.⁸⁴⁶ They were eventually permitted through and an ultimatum to abandon the pa within 20 minutes was issued and complied with in less than half of that time. The pa was then torched by British troops.⁸⁴⁷ It was also reported that Te Teira had totally destroyed Kingi's own pa at the mouth of the Waitara River.⁸⁴⁸ Within days of this, however, Kingi was making preparations to erect a new pa at Waitara, while the British were preparing to recommence the Pekapeka survey under heavy armed guard.⁸⁴⁹

That survey was begun on 13 March and finished the following day. Observers, including the *Taranaki Herald*, were baffled by the absence of any effort on the part of Kingi's followers to obstruct the survey. Perhaps, the newspaper speculated, it might prove to be a 'bloodless campaign' after all.⁸⁵⁰ But by 15 March Kingi's people had erected a new L-shaped pa on the south-western corner of the block, and the following day they set fire to the fern, pulled up the surveyor's stakes, and endeavoured to physically erase all boundary lines marked on the ground.⁸⁵¹ Gold and his troops took up a position near the new pa on 17 March, dispatching a messenger to issue an ultimatum to surrender at once or be fired upon.⁸⁵² He soon returned with the news that those inside the pa would neither read the message nor receive it.⁸⁵³

Browne had earlier advised Gold that it was 'very desirable that collision should be avoided as long as it is possible to do so' and that 'The first blood shed is a matter to which the natives attach great weight, and other tribes would join William King in a demand for *utu* if he could satisfy them that he had not been the first aggressor.'⁸⁵⁴ As it turned out the British were first to open fire, fixing their artillery and guns on the pa from a mound some 750 yards away. At this point, according to the correspondent for the *Taranaki Herald*, 'the natives danced a war dance, hoisted their fighting flag, and

⁸⁴⁶ *Taranaki Herald*, 10 March 1860.

⁸⁴⁷ Browne to Newcastle, 12 March 1860, GBPP, 1861 [2798], p.12.

⁸⁴⁸ *Taranaki Herald*, 10 March 1860.

⁸⁴⁹ Browne to Gold, 11 March 1860, GBPP, 1861 [2798], pp.16-17; Parsonson, 'The Waitara Purchase', p.52.

⁸⁵⁰ *Taranaki Herald*, 17 March 1860.

⁸⁵¹ *ibid.*

⁸⁵² Gold to Kingi, 17 March 1860, GBPP, 1861 [2798], p.16.

⁸⁵³ Gold to Browne, 19 March 1860, GBPP, 1861 [2798], p.16.

⁸⁵⁴ Browne to Gold, 3 March 1860, GBPP, 1861 [2798], p.13.

returned the fire from three faces of the pa.⁸⁵⁵ Firing from inside the pa then ceased for more than a hour, at which point two or three of the Volunteer cavalrymen, assuming that Kingi and his followers had evacuated the site, galloped up to the position, only to be confronted with a renewed volley of fire.⁸⁵⁶ One of this group, a young cavalryman named Sarten, in this way became the first person to be killed in the Taranaki War.⁸⁵⁷ At dawn the following morning a further advance was made on the pa, which this time was found to be empty.⁸⁵⁸ Having expected a ‘short and decisive struggle’, the *Taranaki Herald* found such an outcome ‘inexplicable’,⁸⁵⁹ and the longer that Kingi’s forces survived to fight another day, the more feasible it became for their ranks to be bolstered by reinforcements from other iwi. Ngati Ruanui and Taranaki were on hand before the end of March,⁸⁶⁰ but already attention had turned to the likely response of the Waikato tribes.

6.2 Waikato Involvement in the Taranaki War

As matters in the Taranaki district rapidly headed towards full-blown war in March 1860, some Waikato settlers became fearful for their own position. A letter signed by a number of leading Ngati Maniapoto rangatira, including Takerei Waitara, Tikaokao and others, offered reassurance. They wrote with reference to affairs at Taranaki:

Do not listen to what people may say about hundreds of the Waikatos going there. Listen, McLean, we, the Ngatimaniapoto and Waikato, will not be foolish, as we are a great tribe and a tribe of chiefs, which you have seen and know; you know also that this tribe is a peaceable one. Let William King work out his own work of error. Listen, both the Governor and you, we shall sit down and be content with good works; we shall not madly interfere with that evil.⁸⁶¹

⁸⁵⁵ *Taranaki Herald*, 24 March 1860.

⁸⁵⁶ *ibid.*

⁸⁵⁷ Cowan, *New Zealand Wars*, vol.1, p.164.

⁸⁵⁸ Gold to Browne, 19 March 1860, GBPP, 1861 [2798], p.16.

⁸⁵⁹ *Taranaki Herald*, 24 March 1860. A number of similar letters from the chiefs of Mokau were also published in the government’s Maori-language newspaper. *Te Karere Maori/Maori Messenger*, 31 May 1860.

⁸⁶⁰ Parsonson, ‘The Waitara Purchase’, p.53.

⁸⁶¹ *Taranaki Herald*, 31 March 1860.

The same letter advised that Ngati Maniapoto had sent a representative to Taranaki to advise Wiremu Kingi to give up his 'wrongful works'. Significantly, however, the letter was not signed by Rewi Maniapoto. Within weeks of this, Ngati Maniapoto were reportedly advocating armed intervention at Taranaki in aid of Kingi.⁸⁶²

Despite such reports, Henry Halse, the ineffectual Resident Magistrate for the Waikato district, was said in early April 1860 to be of the view that there was 'no probability of a movement amongst the Waikatos. They do not sympathise with W. King at present, and have no intention of assisting him in his rebellious conduct.'⁸⁶³ The missionary Benjamin Ashwell also remained unconcerned. In fact, he informed the Secretaries of the Church Missionary Society in the same month that:

The Maori King requested me to assure them [the Waikato settlers] he pledged his safety for their safety and should there be any difference between him and the Govt. he had no wish to resort to war – but would settle it otherwise [;] I think the feeling of the Natives to the Europeans is very good [;] I wish I could say that this was the case with the Europeans to the Maori – on the contrary a most bitter feeling especially in the Towns prevails agt. the Natives.⁸⁶⁴

T.H. Smith, the Assistant Native Secretary, who travelled to Ngaruawahia in April 1860 to meet with Potatau, Rewi Maniapoto and other Kingitanga leaders in reference to the situation at Taranaki, reported that the Maori King had delivered a wide-ranging address:

With reference to William King's position at Waitara, he said that he, William King, had been invited by him to return to the land owned by his ancestors, in consequence of what Governor Hobson had said to him on the subject. He stated that William King had removed to the south a short time before the conquest by the Waikato, and the destruction of the Ngatiawa at Pukerangiora. He also stated, that immediately previous to William King's return the

⁸⁶² *Taranaki Herald*, 21 April 1860.

⁸⁶³ *Southern Cross*, 20 April 1860.

⁸⁶⁴ Ashwell to CMS, 25 April 1860, Ashwell Letters and Journals, qMS-0089, ATL.

Ngatimaniapoto were occupying the Waitara, but abandoned it at his request. Reference was made by me to the purchase by the Government of the whole district between Tongaporutu and Waito tara [sic], for which payment was received by himself and his brother. He replied by saying, that a payment having been made to the original owners of the soil, he had considered himself entitled by right of conquest to a share of any such payment, and that as he did not get anything from the parties who had received the payment he applied to the Government for satisfaction of his claim. The conversation was here taken up by some of the younger chiefs, and the question of the acquisition by the Government, by virtue of the deed of cession signed by Potatau and his brother on behalf of the Waikato chiefs of all rights possessed by the latter over the territory included within the boundaries named in the deed, was discussed at some length; but I failed to obtain an admission that anything more than the Waikato claim over such territory as had been alienated by the original owners had been acquired by the Government, and the fact that William King had returned on the invitation of Potatau, subject to the assent of the other chiefs, was dwelt upon. It was evident to me that this specious line of argument had been devised for a special object, that of saving William King's right or mana as a chief over the land, and I stated distinctly the view taken by the Government, founded on the unmistakeable language of the deed referred to.⁸⁶⁵

But whatever the government's view as to the supposedly 'unmistakeable' language of the 1842 deed signed by Potatau and Kati, the fact remained that a transaction to which just two rangatira were parties could hardly be held up as a full and final transfer of all Maori claims over Taranaki – especially as the Maori King made it clear that he had never asserted an exclusive claim to the lands, but merely considered himself entitled to a share of any payment made.

At a second gathering held at Ngaruawahia a few days later a sketch of the Waitara lands was produced, accompanied by a statement which appeared to endorse the proprietary claims of Wiremu Kingi to lands in the area. Both were the subject of

⁸⁶⁵ T.H. Smith, Narrative of a Visit to Waikato, n.d., enclosure in Browne to Newcastle, 27 April 1860, GBPP, 1861 [2798], p.35.

considerable interest, and it was reported that ‘the Waikato Runanga...had determined on sending some of their party to Taranaki to test its accuracy on the spot, and that according to the result of the inquiry they should condemn or justify William King.’⁸⁶⁶ This version of events accords with what Te Huia Raureti of Ngati Maniapoto, a veteran of the wars of the 1860s, many years later told James Cowan.⁸⁶⁷ According to Raureti, as soon as news of the quarrel over Waitara reached the upper Waikato, the Ngati Maniapoto runanga was convened at *Hui Te Rangiora*, Rewi Maniapoto’s famed whare at Kihikihi which was torched by British troops when they later invaded the settlement in February 1864. As Cowan recorded it:

The conclave of chiefs did not act hastily. Two delegates, Raureti te Huia Paiaka (father of the narrator) and Pahata te Kiore, were despatched to Taranaki by the *runanga* to investigate the dispute and its causes. Their inquiries satisfied them that Wiremu Kingi’s cause was just. “My father and Pahata”, said Te Huia Raureti, “came to a decision adverse to Ihaia te Kirikumara, the Government adherent, because he had taken sufficient *utu* for his personal wrongs (the seduction of his wife) by killing the offender, and there was no just cause (*take*) for parting with tribal lands in order further to involve Wiremu Kingi’s people.”⁸⁶⁸ On the return of this deputation to Kihikihi the *runanga* considered their report, and Rewi Maniapoto then went down to Ngaruawahia to lay the matter before King Potatau and his council. He requested the King to consent to a war-party of Ngati-Maniapoto marching to Taranaki in order to assist the Atiawa. The proposal was assented to. The old King delivered his command to the assembly of chiefs in these words: ‘*Ngati-Maniapoto, haere hei kai ma nga manu o te rangi. Ko koe, e Waikato, ko Pkehawani taku rohe, kaula e takahia.*’ (‘Ngati-Maniapoto, go you as food for

⁸⁶⁶ *ibid.*

⁸⁶⁷ However, Thomas Buddle claimed that ‘A great many speeches were made and arguments used by the Ngatimaniapoto tribe to induce the Waikatos to send an expedition to help William King against the Govt. but they would not move’. Buddle to Rabone, 21 April 1860, Wesleyan Mission, Papers Relating to New Zealand, qMS-2174, ATL.

⁸⁶⁸ Ihaia Te Kirikumara, who had previously lived as a captive in the Waikato before being released, supported Te Teira’s sale of the Waitara lands, and according to the information given the Ngati Maniapoto emissaries may have been pursuing his own act of whakahe.

the birds of the air. As for you, Waikato, Pekehawani is my boundary, do not trespass upon it!’⁸⁶⁹

Pekehawani, according to Cowan, was an ancient term passed down from Hawaiki, but used in this context to refer to the Puniu River. But any check on Waikato proper involvement in the war was no more than temporary, while it was believed that Rewi would have gone to Taranaki with or without the King’s sanction.⁸⁷⁰ Nevertheless, the fact that an investigation had been conducted, a runanga held to discuss the findings and a request put before the King all suggest that there was no impetuous or fanatical rush to join the fight.⁸⁷¹ Ngati Maniapoto carefully investigated the matter, weighing up and deliberating on the evidence available to them before determining the justice of Wiremu Kingi’s position. Moreover, the matter was one in which Ngati Maniapoto were vitally interested in on a number of levels, including the long history of involvement at Taranaki, shared whakapapa and other connections. But geographical proximity and other strategic considerations were also, it has been argued, of importance. As Morehu McDonald writes:

If Te Atiawa lands were allowed to fall under the advancing plough of the Pakeha, then the southern-most Ngati Maniapoto lands would also immediately be placed in danger; and if not halted there, soon Ngati Maniapoto lands would likewise be consumed by encroaching European settlement.⁸⁷²

Contemporary European observers were not slow to recognise the importance of such fears. Smith, for example, drew some wider lessons from his April visit to the Waikato, recording that:

As the result of my observation during my late visit to the Waikato, I am impressed with the conviction that what is called the Maori king movement, so far from dying out, is assuming proportions which make it an object worthy of

⁸⁶⁹ Cowan, *New Zealand Wars*, vol.1, pp.184-185. See also the account given by Rovina Maniapoto. Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.198.

⁸⁷⁰ Cowan, *New Zealand Wars*, vol.1, p.185.

⁸⁷¹ McDonald, ‘Rewi Manga Maniapoto’, p.86.

⁸⁷² *ibid.*, pp.87-88.

the most serious attention on the part of the Government. There can be no doubt that it numbers among its supporters some of the most intelligent and able men in the country; and I believe that its leaders perfectly understand the task they have set themselves to accomplish, the achievement of a national independence. That they are already assuming a position whence to dictate to the Government on questions considered to affect the Maori race is most apparent. The truth of the maxim, that union is strength, is appreciated, and is sought to be realized. Among a large majority, and those who at present control it, there is I believe a good feeling; certainly no animosity towards the Europeans; and it is believed by them that a separate nationality may exist without any disagreement between the two races. On the other hand, the idea of preserving Maori independence attracts many of the evil-disposed, who have little in common with the superior class of men just referred to, beyond the unwillingness to submit to English rule, and who would be glad of a pretext to rise up in arms against, and, if possible, drive the Pakeha out of the country.⁸⁷³

Smith believed that the ‘justness’ of the Crown’s case in Taranaki would deter all but a few Ngati Maniapoto from lending their support to Wiremu Kingi. There were, in his view, elements of weakness in the Kingitanga confederation which would ultimately ensure its destruction, but in the interim the potential for wholesale confusion and bloodshed was great.⁸⁷⁴

But there were other factors contributing towards the decision as to whether or not to offer support to Wiremu Kingi. According to Thomas Buddle:

The Taranaki people, not by W. King’s direction but at the instigation of a man named Erueti, came to Waikato for the Kings flag [sic] and handed over Waitara to the league – no doubt in order to draw Waikato into the quarrel and secure their powerful aid against the Governor. This is the reason assigned by the party who have gone to aid W. Kingi, for their having taken up arms in his

⁸⁷³ T.H. Smith, Narrative of a Visit to Waikato, n.d., enclosure in Browne to Newcastle, 27 April 1860, GBPP, 1861 [2798], p.36.

⁸⁷⁴ *ibid.*, pp.36-37. See also Smith to McLean, 10 April 1860, McLean Papers, MS-Papers-0032-0581, ATL.

defence; “Our flag is there,” they say. Others of the extreme King party only wait to ascertain whether their flag reached Waitara before the Queen’s money was paid or after, declaring, that if the flag was first there the land shall not be given up, but that they shall go and take it. They do not profess to claim the land for W. King on the ground either of hereditary or manorial right, but because Potatau gave it to him, because it now belongs to the land league, and because they consider he is engaged in fighting for the principles of that confederation.⁸⁷⁵

A Waikato and Ngati Maniapoto party initially estimated at up to 1000 strong but later found to consist of no more than about 100 men had arrived at Mokau by late April en route for Taranaki, where it was said that it was ‘the intention of their tribe to take possession of Te Teira’s piece of land at Waitara and hoist the king’s standard on it.’⁸⁷⁶ However, as we will see below, there were other quite different reports in circulation as to the intention of the travelling party. A group of Ngati Ruanui and other Taranaki Maori had previously made their way to Ngaruawahia, reportedly with the intention of ‘tendering the allegiance of their respective tribes to the “Maori king”’.⁸⁷⁷ Their presence at Ngaruawahia overlapped with that of T.H. Smith and Thomas Buddle. And although there were reports that Ngati Maniapoto had urged the Waikato tribes to take up Kingi’s cause after meeting with the deputation from Taranaki,⁸⁷⁸ it is not apparent that the primary intention of Ngati Maniapoto rangatira was necessarily to provide military support to Te Atiawa (though it would seem that they were prepared to do so should fighting occur while they were in the district). The party that went to Taranaki at this time may therefore have included those rangatira charged with further inquiring into the circumstances of the Waitara dispute, as alluded to above in relation to the Ngati Maniapoto runanga.

Rewi Maniapoto told Smith during the Ngaruawahia gathering that nothing had yet been decided.⁸⁷⁹ According to one source, following the Ngaruawahia hui,

⁸⁷⁵ Extract from a pamphlet on the King Movement by the Rev. T. Buddle, 1860, AJHR, 1861, E-1, p.52.

⁸⁷⁶ *Taranaki Herald*, 5 May 1860.

⁸⁷⁷ T.H. Smith, Narrative of a Visit to Waikato, n.d., enclosure in Browne to Newcastle, 27 April 1860, GBPP, 1861 [2798], p.36.

⁸⁷⁸ *ibid.*

⁸⁷⁹ *ibid.*

‘Ngatimaniapoto went to conduct Ngatiruanui on their way home, but without guns.’⁸⁸⁰ That stood in contrast to Buddle’s report that, after meeting with the group from Taranaki, the Ngati Maniapoto chiefs had evinced ‘an earnest wish to get up an army to go and help’ Wiremu Kingi.⁸⁸¹ However, Buddle subsequently told an Auckland meeting that, the day after he had left the Ngaruawahia gathering, Te Wherowhero had expressed himself decidedly against any hostile movement towards Taranaki, telling the Ngati Maniapoto escort that he did not wish them to carry guns.⁸⁸² Another report (based on intelligence received from a Mokau Maori who had carried the mail to New Plymouth) suggested that ‘the principal portion’ of the escort was composed of members of Ngati Hikairo from Kawhia.⁸⁸³

Other evidence suggests that the group was indeed armed, and though evidently not intending to take aggressive measures while in Taranaki, were prepared to assist Wiremu Kingi if any fighting should take place while they were with him. The *Southern Cross* newspaper reported on 1 May 1860 that an initial group had departed Kihikihi on 23 April, and were intending to rendezvous with other parties at Mokau. It added that:

The party now on the move are all well armed, not, as they say, with the intention of fighting; but they very candidly admit that should any fighting take place while they are there, they will take a part in it.⁸⁸⁴

According to this report, the reasons assigned for the movement to Taranaki were the desire to escort Ngati Ruanui safely home, along with a wish to show their sympathy for Wiremu Kingi, besides the earlier invitation issued by the Waikato tribes to join the King movement. As Kingitanga flags had been made and sent to Kingi, it was noted, ‘they feel bound to shew their love to him.’⁸⁸⁵

Meanwhile, the *New Zealander* reported some two weeks later that, although alarm had been raised in Taranaki by rumours that a party of more than 1000 Waikato Maori

⁸⁸⁰ Seth [Heta] Tarawhiti to [Browne?], 16 April 1860, GBPP, 1861 [2798], p.40.

⁸⁸¹ Buddle to Browne, 25 April 1860, GBPP, 1861 [2798], p.37.

⁸⁸² *Taranaki Herald*, 12 May 1860.

⁸⁸³ *Taranaki Herald*, 12 May 1860 [report dated ‘Thursday’, ie., 10 May 1860].

⁸⁸⁴ *Southern Cross*, 1 May 1860.

⁸⁸⁵ *ibid.*

had arrived at Mokau with the intention of taking possession of the Waitara lands and planting the King's flag on these:

It proved, however, that it was the escort of the Ngatiruanui deputation that had given rise to this alarm, that their number did not exceed one hundred, and that they had no intention of doing more than "korero" with William King. This is the same party...who declared, on setting out, that they were not going to fight, but that if any fighting should take place whilst they were with Wi Kingi, they would certainly lend him their aid.⁸⁸⁶

War at Taranaki created uncertainty closer to home. While matters remained 'perfectly tranquil' at Whaingaroa, at Kawhia there was talk of various Pakeha threatened with expulsion and that in future a customs house would not be permitted to operate out of the harbour.⁸⁸⁷ McLean wrote from Whaingaroa that although some settlers had left, those remaining had determined for the time being not to abandon the settlement and were vowing to continue about their normal business. Wiremu Nera was annoyed at the fact that some settlers had already departed for Auckland (no doubt seeing this as a slight on his own ability or intention to offer them protection) and had determined to consult with supporters from throughout the district as to the course to be pursued should any Waikato attack take place against either themselves or the settlers. Nera warned McLean that although Potatau remained friendly in his sentiments there was a widespread feeling of disaffection among the tribes which the King might not be able to control.⁸⁸⁸ At a meeting attended by about 200 Maori friendly to the government held at Whaingaroa late in April, Nera declared that the Europeans were there at his invitation and would be protected and taken care of by him.⁸⁸⁹

It was a different story at Kawhia, however, where the decision was quickly taken to charter two vessels in the port on behalf of the government to evacuate the European

⁸⁸⁶ *New Zealander*, 16 May 1860.

⁸⁸⁷ Hone Wetere to McLean, 24 April 1860, McLean Papers, MS-Papers-0032-012, ATL; H.N. Brewer (Sub Collector of Customs, Kawhia) to McLean, 24 April 1860, McLean Papers, MS-Papers-0032-012, ATL.

⁸⁸⁸ McLean to Browne, 25 April 1860, McLean Papers, MS-Papers-0032-012, ATL.

⁸⁸⁹ McLean to Browne, 30 April 1860, McLean Papers, MS-Papers-0032-012, ATL.

residents north to Manukau.⁸⁹⁰ A few days later two Kawhia chiefs arrived at Whaingaroa, bringing with them a request that some of the Europeans should not be removed. McLean informed the governor that it was 'evident they wished to make Kawhia a King port, to levy duty on all vessels entering it, and to submit the Europeans there to Maori law and outrage.'⁸⁹¹ He informed Browne that:

I told the chiefs that their conduct was such that I had advised your Excellency that all the Europeans should be removed from Kawhia that I felt certain Your Excellency would not permit British subjects to be under Maori dominion that their late conduct fully justified their being deprived of the advantages of trade, and that as they could offer no guarantee for the safety of the Europeans that my advice to the latter was that they should abandon the place.⁸⁹²

John Morgan informed Browne in May that the Waikato tribes and their close relations were divided into three parties:

1st, the Queen's party; 2d, the extreme Maori King party; 3d, the moderate Maori king party. There are very few tribes undivided amongst themselves but yet as the leading men of each tribe belong to one or the other party the majority of such tribes follow their leaders. The Queen's party feel the advantages of British rule, and would soon, if unrestrained by the Maori king party open up all the country by the sale of land. The moderate Maori king party are decidedly averse to the sale of land, but for the sake of peace they would willingly give up to your Excellency the disputed land at Waitara, but at the same time they expect that in future the Government will not purchase any more land from any chief resident within the boundaries of the Maori king land league. The extreme Maori King party are opposed to any land at Waitara or at any other place (however clear Teira's title or the title of any other chief may be to his land) being sold to the Government.⁸⁹³

⁸⁹⁰ [John Rogan] to European Residents of Kawhia, 28 April 1860, McLean Papers, MS-Papers-0032-012, ATL.

⁸⁹¹ McLean to Browne, 5 May 1860, McLean Papers, MS-Papers-0032-012, ATL.

⁸⁹² *ibid.*

⁸⁹³ Morgan to Browne, 8 May 1860, GBPP, 1861 [2798], p.64.

McLean, who attended a further meeting at Ngaruawahia later that same month, discerned a similar division among the Waikato tribes. He reported that the upper Waikato tribes had:

expressed discontent with the Governor for not consulting Potatau and the Waikato native assessors before he declared war; and said the land sold at Waitara would be held by them, conjointly with Wiremu Kingi, if the sale had taken place since the king's flag was sent there, or if he could establish a title; but if not, and his title proved defective, it should be handed over to the Governor.⁸⁹⁴

During the course of the meeting McLean delivered a lengthy address on the situation in Taranaki, reminding all of those present, amongst other things, 'of the release of the Ngatiawa slaves by Waikato chiefs, and the consequent transfer of *mana* to those so released over the several districts occupied by them, as well as the transfer of the right of the Waikato, acquired by conquest, to the Government.'⁸⁹⁵ McLean claimed that his speech had had a telling affect on all of those present, and yet he was still forced to depart hurriedly the next morning to avoid being present for the erection of a King's flagstaff. He discerned no intention to attack Auckland, or to otherwise molest European settlers, and noted Potatau's injunction to the tribes not to seek revenge for those who might be slain at Taranaki.⁸⁹⁶ Privately, though, McLean confessed to Browne his fear that it would be 'impossible to direct the present movement into any channel that would be productive of good, even if Potatau agreed to relinquish his present position & form a fresh alliance with the Government on a different basis; he would soon be replaced by a less scrupulous and much more violent agitation for national independence.'⁸⁹⁷ The man who had at first professed not to care about the emergence of the Kingitanga now appeared to be genuinely unnerved.

While it is possible (and perhaps even probable given the strong whakapapa links with Waitara) that some individuals with Ngati Maniapoto or other Waikato

⁸⁹⁴ McLean to Browne, 31 May 1860, GBPP, 1861 [2798], p.69.

⁸⁹⁵ *ibid.*, p.71.

⁸⁹⁶ *ibid.*, p.72.

⁸⁹⁷ McLean to Browne, 24 May 1860, enclosure in Browne to Newcastle, 29 May 1860, no.56, CO 209/154, p.216, Archives NZ.

connections had participated in the Taranaki War prior to then, the first significant engagement in which they were involved was at Puketakauere in June 1860. On the morning of 23 June 1860 Major Nelson of the 40th Regiment observed a fire burning to the rear of a belt of fern south east of the British encampment at Waitara, and Maori there engaged in cutting wood and carrying it off to Puketakauere. A reconnaissance party sent to inspect these activities was fired upon on their return to camp. They returned fire until safely back at their base, and Nelson believed that there were some casualties among the Maori group, but was unable to say how many.⁸⁹⁸ Browne had previously issued instructions to suspend active operations against Kingi (firstly on 20 April and again on 17 May) in the hope that in the absence of any active provocation the Kingitanga might be persuaded to remain at home, and Belich speculates that this latest incident may have been manufactured by the British as a basis for resuming the attack.⁸⁹⁹

⁸⁹⁸ Nelson to Major of Brigade, 23 June 1860, AJHR, 1860, E-3, pp.47-48.

⁸⁹⁹ Belich, *New Zealand Wars*, pp.90-92.

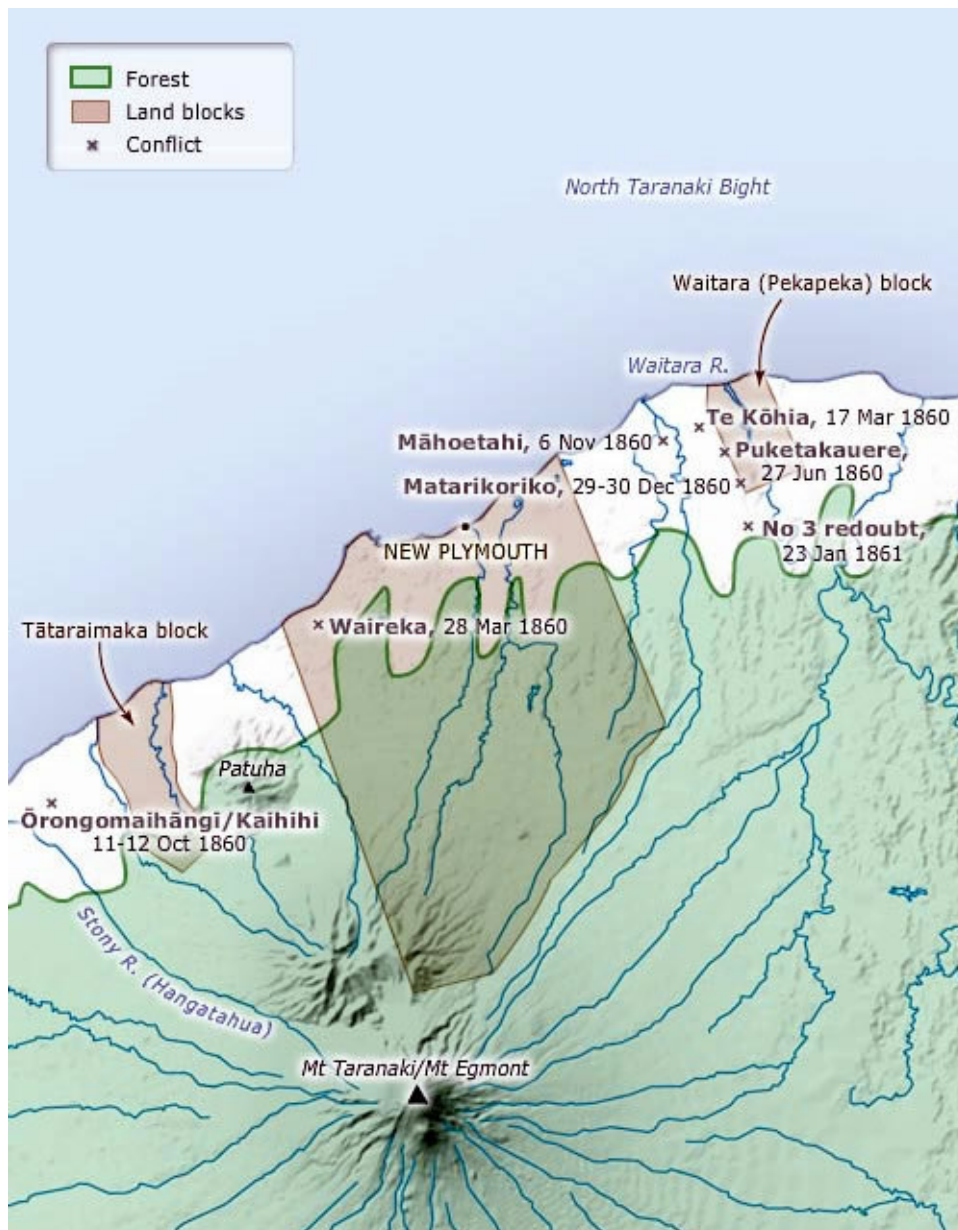


Figure 8 Taranaki War 1860-61

(Source: www.nzhistory.net.nz)

If that was the intention, then the plan worked, since Nelson and 350 officers and men set out a few days later, on 27 June, to attack the Puketakauere pa. What followed was, from the British perspective, an unmitigated disaster. Nelson divided up his force in an effort to block any route of retreat from the pa. Artillery fire opened up from a range of 400 yards failed to create a breach in the defences of the large pa sufficient to justify an assault, but during the period in which heavy fire was directed at the pa,

'large bodies of Maories were seen advancing from the rear and occupying in extended order a ditch and bank, about 400 yards in advance of our right flank, from which they kept up a constant fire.'⁹⁰⁰ Nelson reported that:

Seeing there was no means of entering the Pah, I immediately ordered an advance towards the ditch and bank just mentioned, which was made in a most continued and gallant manner until the men reached a deep ravine with an entrenchment behind, and which they found it impossible to pass, it being defended by two, if not even three large bodies of Maories, who were almost entirely concealed behind it, and another entrenchment in rear; as well as the very high fern.

Here a desperate and destructive fire was opened upon us, and most gallantly returned.

Our skirmishers being far fewer in number and exposed in a much greater degree than the enemy, I deemed it desirable to direct them to join the main body; and our ammunition being nearly expended, I withdrew the whole of the men, and returned to Camp in regular order.⁹⁰¹

Nelson had been informed a day earlier that Colonel Gold trusted he would 'teach the troublesome Natives a lesson they will not easily forget.'⁹⁰² Instead, as Belich describes it, his force had been effectively ambushed, and forced into a humiliating retreat.⁹⁰³ That was better, however, than the fate of the second main body of British troops under the command of Captain Messenger, to the rear of the entrenchments, many of whom did not make it back to camp at all. Instead, large numbers were killed in the swampy terrain, and according to one Maori veteran of the conflict, the swamp there subsequently came to be known as 'Te Wai-Kotero' (after a pool in which maize and potatoes were steeped until they became putrid) on account of the many corpses which lay there after the battle.⁹⁰⁴ Total British casualties were reported immediately

⁹⁰⁰ Nelson to Major of the Brigade, 27 June 1860, AJHR, 1860, E-3, p.48.

⁹⁰¹ *ibid.*

⁹⁰² James Paul (Acting Major of Brigade), 26 June 1860, AJHR, 1860, E-3, p.48.

⁹⁰³ Belich, *New Zealand Wars*, pp.93-94.

⁹⁰⁴ Cowan, *New Zealand Wars*, vol.1, p.188.

after the battle at 30 killed and 34 wounded, or just over 18% of the total attacking force, though at least five of the wounded were described as being in a dangerous condition, two of whom later died.⁹⁰⁵ Total losses on the Maori side are harder to establish. One newspaper report speculated that as many as 200 may have been killed or wounded, but Belich notes no less than five reports from independent Maori sources, two of which named the dead, putting the Maori loss at five killed.⁹⁰⁶

Whichever way it is looked at, Puketakauere was a crushing and humiliating defeat for the British and a great morale boost for Kingi and other defenders of Waitara. But although there were some Te Atiawa present, it was also significant because many of those involved on the Maori side belonged to Ngati Maniapoto or other Waikato iwi. They appear to have been comprised of the same group who had initially gone to Taranaki as escorts for the Ngati Ruanui party returning home from Ngaruawahia. According to Belich, at some point between May and June 1860 at least part of this group, led by Epiha Tokohihi of Ngati Maniapoto, had determined to take up the fight, though it appears that others did not.⁹⁰⁷ One of those killed at Puketakauere was Pahata Te Kiore, who (as noted earlier) was described as one of two special investigators sent to Taranaki by the Ngati Maniapoto runanga to investigate the justness of Wiremu Kingi's grievances.⁹⁰⁸ Epiha Tokohihi was also a member of the Kihikihi runanga,⁹⁰⁹ and Puketakauere may be said to be the point at which Ngati Maniapoto began to be widely branded as notorious and obstinate 'rebels'.

That may have had something to do with the serious blow to British morale inflicted at Puketakauere. The fact was that the first time that Kingitanga-aligned iwi had intervened in the Taranaki War Imperial troops had suffered a decisive defeat. That resulted in a crisis of confidence among the troops, whose commander, Colonel Gold, though not even present at Puketakauere, was replaced by Major-General Thomas Pratt just over a month later as a direct result of the defeat.⁹¹⁰ Maori returning from

⁹⁰⁵ Nelson to Major of Brigade, 27 June 1860, AJHR, 1860, E-3, p.49; Edmund Bohan, *Climates of War: New Zealand in Conflict, 1859-69*, Christchurch: Hazard Press, 2005, p.64.

⁹⁰⁶ Belich, *New Zealand Wars*, p.95; *Taranaki Herald*, 7 July 1860.

⁹⁰⁷ Belich, *New Zealand Wars*, p.91.

⁹⁰⁸ Cowan, *New Zealand Wars*, vol.1, pp.184, 189.

⁹⁰⁹ *ibid.*, p.189.

⁹¹⁰ Belich, *New Zealand Wars*, p.97; Matthew Wright, *Two Peoples, One Land: The New Zealand Wars*, Auckland: Reed Books, 2006, pp.100-101.

the fight at Taranaki were meanwhile said to have expressed great astonishment at the failure of British troops to adjust to Maori warfare, saying that they would continue to get beaten 'if they continue to fight as if their antagonists were Pakehas.'⁹¹¹ Widespread fear now gripped the settlers of New Plymouth,⁹¹² and Ngati Maniapoto, as the primary presumed tormentors of the troops at Puketakauere, were a logical source of such concern. Belich describes the battle as 'the most important action of the Taranaki War, with profound strategic and political effects on its course.'⁹¹³ But it arguably also had a major negative impact upon settler and government perceptions of Ngati Maniapoto.

Those fears were evident in a variety of ways. In September 1860 yet more rumours were in circulation of a planned attack on Auckland, this time said to have been promoted by Ngati Maniapoto and Ngati Hikairo chiefs at Aotea and Whaingaroa.⁹¹⁴ Attention switched briefly to the lower Waikato tribes the following month as a Maori at Patumahoe was initially believed to have been murdered by a European, prompting further talk of a rumoured invasion of Auckland or massacre of local settlers in retaliation.⁹¹⁵ Nerves had been greatly frayed by the time all were reassured that there had been no Pakeha involvement in the death, which was subsequently found to have been accidental. However, the apparent arrest of a group of visiting Ngati Maniapoto men in Auckland on suspicion of having fought in Taranaki again raised tensions, and when Grey met with Takerei Te Rau in October 1860 he evidently agreed that 'the Ngatimaniapoto, Ngatiawa, Ngatiruanui, and Taranaki should be free to come, that the murderers only should not come to Auckland.'⁹¹⁶

In the same month the Otawhao missionary John Morgan wrote to Browne that Rewi Maniapoto and others had started for Taranaki. He believed that reinforcements numbering in excess of 500 men (and as high as 1000 according to some estimates)

⁹¹¹ Arthur Purchas, Memorandum of an interview with Tamati Ngapora, 27 September 1860, CO 209/155, p.405, Archives NZ.

⁹¹² Danny Keenan, *Wars Without End: The Land Wars in Nineteenth Century New Zealand*, 1st edition, Auckland: Penguin Books, 2009, p.201.

⁹¹³ Belich, *New Zealand Wars*, p.92.

⁹¹⁴ Browne to General Pratt, 24 September 1860 (and enclosures), GBPP, 1861 [2798], pp.149-150; Browne to Newcastle, 2 October 1860, no.161 (and enclosures), CO 209/155, pp.389-405, Archives NZ; Minutes of the Executive Council, 29 September 1860, EC 1/2, pp.308-309, Archives NZ.

⁹¹⁵ Browne to Newcastle, 3 November 1860 (and enclosures), GBPP, 1861 [2798], pp.162-164.

⁹¹⁶ Takerei Te Rau and others, Notes of an interview of Waikato Chiefs with His Excellency the Governor, 28 October 1860, MA 1/1860/134, Archives NZ, in RDB, vol.54, p.20667.

would be shortly sent south, including portions of Ngati Maniapoto, Ngati Hikairo, Ngati Hinetu, Ngati Apakura, Te Patuhoko, Ngati Ruru, Ngati Haua and Ngati Ngamuri.⁹¹⁷ Unconfirmed reports also had some Ngati Raukawa and Te Heuheu and others from Ngati Tuwharetoa also heading for the Taranaki front, and Morgan noted that there were also numerous rumours in circulation concerning the governor's intention to carry the war into Waikato and 'take away the land'.⁹¹⁸ Any movement of troops towards Waikato, he warned, 'would cause an immediate and general rise.'⁹¹⁹

In the wake of the battle of Puketakauere the settlement of New Plymouth was effectively under a state of siege. But that had been suddenly lifted at the end of August, when many of the Maori fighters abandoned their positions and returned home for the planting season.⁹²⁰ According to Cowan, Ngati Maniapoto's exploits had 'fired all the Waikato tribes with ardour for the field.'⁹²¹ With the new season's potatoes planted, Cowan wrote:

Nearly every village from Ngaruawahia southward sent its squad to join the war-parties in reinforcement of Wiremu Kingi. Ngati-Maniapoto provided the larger part of the force; but Ngati-Haua sent a company....The other tribes which swelled the strength of the columns marching southward were Ngati-Raukawa and Ngati-Koroki, and these subtribes of Waikato: Ngati-Apakura (from Rangiaowhia), Ngati-Ruru (Te Awamutu), Ngati-Koura (Orakau), Ngati-Kahukura, and Ngati-Mahuta.⁹²²

Rewi Maniapoto headed the Ngati Maniapoto party. He was a veteran of the Waitara trail, according to Cowan, having accompanied the large taua to Pukerangiora in 1832 when just 12 years of age, though other sources suggest he was in his mid-twenties at the time.⁹²³

⁹¹⁷ Morgan to Browne, 2 October 1860, MA 1/1860/142A, Archives NZ.

⁹¹⁸ *ibid.*

⁹¹⁹ *ibid.*

⁹²⁰ Belich, *New Zealand Wars*, p.100.

⁹²¹ Cowan, *New Zealand Wars*, vol.1, p.193.

⁹²² *ibid.*, pp.193-194.

⁹²³ *ibid.*, p.194; McDonald, 'Rewi Manga Maniapoto', pp.16, 47.

Rewi Maniapoto and the other chiefs had agreed to rendezvous at Kairau, but it is said that a party of Ngati Haua under the leadership of Te Wetini Taiporutu pushed on to Mahoetahi, supposedly being anxious to distinguish themselves in battle.⁹²⁴ As will be seen below, however, the actual composition of this group appears to have been rather more mixed. Te Wetini had sent Robert Parris ‘an insulting letter’ on 1 November 1860, and it was feared that his taua may have been intent on marching on New Plymouth itself.⁹²⁵ When reports reached Pratt on the afternoon of 5 November that the party had crossed the Waitara and were possibly heading to Mahoetahi to join forces with Wiremu Kingi, he determined to attempt to intercept them at the latter location. A column of some 600 troops left New Plymouth early the following morning for these purposes and Pratt reported that ‘after an action which lasted about two hours, they were defeated and fled, with very considerable loss.’⁹²⁶ Parris, who accompanied the expedition, reported that:

On approaching the pa they opened fire upon us, which was warmly returned, and the seaward end of the pa soon taken. They at last went out of the pa into the swamp the inland side of the pa, and there remained until Colonel Mould arrived with his party from Waitara, when they were betwixt two fires, which cross-firing wounded some of our own men; after they had lost about 12 men they ran away under very heavy fire along the road leading to Huirangi and before they got to Waiongona ford, 10 or 12 more fell, and among them Wetini Taiporutu.⁹²⁷

Parris therefore estimated that something like 22 Maori had been killed in the battle, compared with four on the British side. One newspaper report noted that 28 or 29 Maori had been buried following the battle, while other reports were typically much higher.⁹²⁸ Belich does not dwell overly long on this battle, dismissing it in less than

⁹²⁴ Cowan, *New Zealand Wars*, vol.1, p.194

⁹²⁵ *ibid.*; Wetini Taiporutu, Porokoru and ‘all the Chiefs of Ngatihaua and Waikato’ to Parris, 1 November 1860, *New Zealand Gazette*, no.33, 7 November 1860, p.190; Major-General Pratt to Browne, 6 November 1860, *New Zealand Gazette*, no.33, 7 November 1860, p.189.

⁹²⁶ Pratt to Browne, 6 November 1860, *New Zealand Gazette*, no.33, 7 November 1860, p.189. See also Pratt to Browne, 10 November 1860, GBPP, 1860 [2747], pp.256-257.

⁹²⁷ Parris to Native Secretary, 6 November 1860, *New Zealand Gazette*, no.33, 7 November 1860, p.190.

⁹²⁸ *Taranaki Herald*, 10 November 1860; Wells, *History of Taranaki*, p.216.

half a page as being of little strategic or other significance.⁹²⁹ In this case, though, it would seem that there are good grounds for thinking that a figure of around 30 killed may be the most accurate. According to one report, the bodies of those slain were laid out in a row and one of those taken prisoner following the engagement was ordered to name them all, which he managed in all but one out of 24 cases (a further three prisoners subsequently died of their wounds).⁹³⁰ Out of those killed, just one-third or eight of the men were described as Ngati Haua. Of the others, some belonged to Ngati Apakura, Ngati Ruru, Ngati Kahukura, Ngati Koroki and other groups.⁹³¹ It is clear, then, that the taua was a more diverse one than is usually assumed and the process of identification highlights the fallacy of describing this as a Ngati Haua war party.⁹³² Those killed left behind relatives located in many Waikato settlements. Te Huia Raureti many years later told James Cowan that ‘When the survivors returned to the Waikato the grief of our people was intense, and it was felt that the defeat could never be avenged in full.’⁹³³

Ashwell informed the CMS in December 1860 that following the recent losses suffered at Mahoetahi, when (according to him) 39 Waikato and Ngati Haua had lost their lives, a meeting of tribes from Tauranga, Taupo, Maungatautari, Patetere and upper Waikato had been called for 10 December, when the advisability of more men going to Taranaki would be discussed. He stated that:

I have reason to believe That [sic] Wiremu Tamahana [sic] the Ngatihaua Chief...is secretly inclined for peace, but it is not yet known...Some of the Young Men are determined to go to fight at Taranaki and most likely will start this week. Wiremu Tamehana is a sensible intelligent Chief and professes great respect for the Scriptures, he is in a difficult position [;] the majority of his people are I think for war, but he *feels* that they have no business at Taranaki.⁹³⁴

⁹²⁹ Belich, *New Zealand Wars*, p.101.

⁹³⁰ *Taranaki Herald*, 10 November 1860.

⁹³¹ *ibid.*

⁹³² Though describing it as a ‘Ngati Maniapoto taua’ as Keenan does is hardly any more accurate. Keenan, *Wars Without End*, p.201.

⁹³³ Cowan, *New Zealand Wars*, vol.1, p.199.

⁹³⁴ Ashwell to CMS, 3 December 1860, Ashwell Letters and Journals, qMS-0089, ATL.

Other evidence indicated that it was less a case of Tamihana considering the Waitara affair none of their business, so much as hoping that it could be settled through peaceful diplomatic channels. In fact, in the same letter Ashwell informed the CMS that Waitara had been given to Tamihana, along with the rest of Ngati Haua and Waikato, in consideration for those of their tribe who had fallen in battle. A Ngati Maniapoto woman composed a special song of lamentation in remembrance of those slain at Mahoetahi and a memorial was later erected at St Mary's vicarage in New Plymouth, where Te Wetini and some of the other chiefs killed in the battle were subsequently laid to rest.⁹³⁵

Reinforcements continued to head south over the summer months, and by December a series of substantial pa had been erected at Kairau, Huirangi, Te Arei and Matarikoriko to the south of the Waitara River. Through an extensive sapping operation the last of these was captured late in December 1860, but only after being abandoned by its defenders, who had meanwhile managed to inflict casualties of three killed and 22 wounded on the British side. It was believed that at least five Maori were killed in the exchange, including Karira of Ngati Maniapoto.⁹³⁶ Subsequent to this, Pratt constructed a series of redoubts towards Huirangi. A daring counter-attack on one of these, the No.3 Redoubt, before dawn on the morning of 23 January 1861 did not go to plan. Of the 140 strong fighting contingent (said to consist of members of Ngati Haua, Ngati Maniapoto including Rewi Maniapoto and Epiha Tokohihi, Waikato and Te Atiawa) at least one-quarter of this number were killed, though the actual number may have been as high as 50 dead.⁹³⁷ Of the British troops, five were killed and 11 wounded.⁹³⁸ Morehu McDonald cites this unsuccessful and high-risk assault on the British position in support of his argument that, although the leader of the war party (Rewi Maniapoto) was admired for his valour in battle, as a military strategist he had some shortcomings.⁹³⁹

⁹³⁵ Cowan, *New Zealand Wars*, vol.1, pp.199-200;
<http://www.nzhistory.net.nz/media/photo/mahoetahi-memorial-grave> (accessed 13 July 2010)

⁹³⁶ Pratt to Browne, 31 December 1860, AJHR, 1861, E-1A, pp.8-9.

⁹³⁷ *Taranaki Herald*, 26 January 1861; Lieutenant-Colonel Leslie to Deputy-Adjutant-General, 23 January 1861, AJHR, 1861, E-1A, pp.11-12; Cowan, *New Zealand Wars*, vol.1, p.210; Wright, *Two Peoples, One Land*, p.107.

⁹³⁸ Return of killed, wounded, and injuries received in action at Kairau, 23 January 1861, AJHR, 1861, E-1A, pp.12-13.

⁹³⁹ McDonald, 'Rewi Manga Maniapoto', pp.94-95.

Sapping operations pushed on in the direction of Te Arei through February.⁹⁴⁰ It was said that the Waikato tribes had determined to defend the site at all costs because it was the final defence before Pukerangiora, where they had gained their famous victory in 1832 and whose loss would effectively render them a conquered people.⁹⁴¹ But as the number of Ngati Maniapoto and other Waikato fighters to fall at Taranaki climbed, rumours of an imminent Waikato attack upon Auckland continued to circulate in the early months of 1861, and were even given credence by McLean.⁹⁴² But despite growing casualties, a decisive military victory seemed no closer than before, and according to Belich it was not military success at Taranaki but the lack of it that made the British inclined to look to negotiate peace terms there,⁹⁴³ even while Browne increasingly came to the view that the fundamental issues in contention would ultimately need to be decided at Waikato.

In February 1861 Browne met with Tamati Ngapora and various other leading chiefs from around the North Island to discuss the situation at Taranaki. The governor was presented with a document outlining the wishes of the chiefs, including that the land at Waitara should be set apart for the time being, to be afterwards arranged or settled by a court or inquiry, and secondly that Browne should 'not hold to or bear in remembrance the causes of evil, whether as regards men, the land, or murder or property; let these all be unloosened, all forgiven, now at the present time.'⁹⁴⁴ Browne though flatly rejected the request of the assembled chiefs, declaring that:

nothing was easier than to stop the flow of blood as far as Waikato was concerned. Waikato had struck him without a cause, let Waikato come back forthwith from the scene of war, and then no one would have to lament the continued shedding of either the Governor's or Waikato's blood. But if peace were made on the terms now offered, what was there to prevent Waikato from causing the blood which would only be stanchd from recommencing its flow?

It was impossible to listen to such terms. The chiefs must work again at their

⁹⁴⁰ Cowan, *New Zealand Wars*, vol.1, ch.24; Wright, *Two Peoples, One Land*, pp.108-109.

⁹⁴¹ John Whiteley, *Journal*, 18 January 1863, pp.191-192, MS-Copy-Micro-0769, ATL.

⁹⁴² McLean to Browne, 23 January 1861, McLean Papers, MS-Papers-0032-013, ATL.

⁹⁴³ Belich, *New Zealand Wars*, p.113. This is a view challenged by Wright. *Two Peoples, One Land*, p.110.

⁹⁴⁴ Notes of Interviews between his Excellency Governor Gore Browne and certain Native Chiefs on the Subject of the Restoration of Peace, February 1861, GBPP, 1862 [3040], p.15.

own thoughts and those which he had indicated to them. While he was away at the north they must consult their various tribes, and be prepared on his return to meet him with reasonable proposals, to which they would be ready to sign their names, as well as to whatever was finally arranged, in order that their people might know for certain what their chiefs proposed. The moment that his own signature was to such an arrangement, the word of peace would go forth, and military operations would be ordered to cease, but not till then.⁹⁴⁵

While Browne had not been explicit as to the terms he expected, he had said enough to suggest that anything less than the unconditional surrender of Wiremu Kingi and his supporters (including the Waikato tribes) would be considered unacceptable. T.H. Smith had during the course of an interview with Tamati Ngapora at Mangere the previous month already indicated that any settlement would, from the government's perspective, now need to deal with much more than merely the immediate issues in dispute at Waitara. According to the minutes of this:

Reference was made to the fact that the promoters of the Maori King movement had long since declared their views and intentions plainly; that they claimed for their sovereign an independent authority, that he should maintain a friendly alliance with the Queen of England but be supreme in his own territory comprising all the unalienated lands of those tribes who joined him. It was true it had been said by some that the suppression of the Maori King was the Governor's object in the present war but the Governor had not himself stated this. I replied that the war was not commenced with that object: that the Governor had acted on the advice of their late chief Potatau and refrained from making the Maori King movement a cause of quarrel while no positive mischief came of it. He had therefore confined himself to an intimation of his disapproval and to warning its promoters. That it was the Waikato & not the Governor who had connected it with the war at Taranaki by making it their pretext for interference and by declaring that they were fighting for the 'Mana' or sovereignty of New Zealand, so that even were the Governor disposed to ignore the movement, it had been so forced upon his notice that I did not see

⁹⁴⁵ *ibid.*, p.17.

how a peace could be concluded which did not embrace a final settlement of the question of H.M. supremacy.⁹⁴⁶

Smith also told Tamati Ngapora that there was likely to be ‘some difficulty’ in the way of re-establishing peace so long as the King’s flag continued to fly, a point eagerly seized upon by the chief:

Tamati replied that the natives had not looked upon the question of the Maori King as standing in the way of peace. They did not assume that it would by itself be made a ground of quarrel with the pakeha: that if the Governor intended to make the submission of the King’s flag a condition of peace it would be well that this intention should be declared as if it were understood that the suppression of the Maori King were insisted on his supporters would know what they were to prepare for. He believed that it would by them be regarded as closing the door to peace and that the only course open to them was to die in the struggle which they would prefer to the disgrace attaching to submission or the shame of having to give up their point.⁹⁴⁷

The government’s initial insistence on using the Waitara dispute to demand fundamental sacrifices on the part of the Kingitanga, including in all likelihood its own dissolution, was always going to make it difficult, if not impossible, to reach a durable peace settlement.⁹⁴⁸ William Searancke, who travelled through Waikato a few months later, reported that although Maori at the Ngati Haua settlement of Tamahere ‘dreaded the idea of a war in the Waikato’:

I casually remarked how easy it would be to avoid another further troubles [sic] by putting away the King & the Flag. They hardly allowed me to conclude before they all almost in one breath declared that they would never,

⁹⁴⁶ T.H. Smith, Notes of a conversation with Tamati Ngapora and Patera at Mangere, 23 January 1861, MA 1/1861/13, Archives NZ, in RDB, vol.54, pp.20708-20709.

⁹⁴⁷ *ibid.*, p.20708.

⁹⁴⁸ Browne informed one British official at this time that ‘Some leading Waikato Chiefs declared to one of our people very recently that the question of the Queen’s Supremacy over the Maoris had been brought prominently forward & that every one of them would die rather than recognise it any where except on English land. This you will see is & always has been the question really at issue.’ Browne to Fortescue, 1 February 1861, Gore Browne 2/3, Archives NZ.

never allow their Flag to be lowered [and] that an attack by the Governor on the King or his Flag would be a signal for a general rise in New Zealand...that we had no cause to attack them [and] that our evident determination was to exterminate them, but that we would find that New Zealand was now one and that they were determined to die rather than see its nationality destroyed....⁹⁴⁹

Searancke believed that 'all the Natives living between the Awamutu & Auckland will be sincerely glad to be assured of peace.'⁹⁵⁰ But before mutually agreed terms of peace could be settled, a cessation to the fighting first needed to be negotiated, and it was the intervention of Wiremu Tamihana that was largely responsible for bringing a truce about. According to Evelyn Stokes, in the wake of the disaster at Mahoetahi, many Ngati Haua:

felt resentment that Rewi and his people had not provided sufficient support to Wetini's party in the fight. Ngati Maniapoto blamed Ngati Haua for not heeding wiser counsel. All of Ngati Haua lamented the death of Wetini Taiporutu and a good deal of pressure was put on Tamihana to go to Taranaki and fight to avenge this death.⁹⁵¹

Tamihana, though 'satisfied of the justice of Wiremu Kingi's cause',⁹⁵² was set upon seeking a peaceful solution to the Waitara dispute. In February 1861 he announced his intention to travel to Taranaki in order to obtain Wiremu Kingi's consent to the land dispute being referred to the British government for investigation, with all fighting to cease while they awaited its word.⁹⁵³

Immediately upon arriving at the scene of the conflict, Tamihana wrote to General Pratt, seeking an immediate three-day cessation to the fighting in order that he might

⁹⁴⁹ William Searancke to McLean, 8 May 1861, G 13/2, Archives NZ.

⁹⁵⁰ *ibid.*

⁹⁵¹ Evelyn Stokes, *Wiremu Tamihana: Rangatira*, Wellington: Huia Publishers, 2002, p.195.

⁹⁵² Gorst, *The Maori King* (1864), p.148.

⁹⁵³ Stokes, *Wiremu Tamihana*, p.196; Ashwell to Selwyn, 15 February 1861, MA 1/1861/21A, Archives NZ, in RDB, vol.54, pp.20718-20719. Other reports wrongly claimed that Tamihana was leading a huge body of reinforcements (some 2400 men) to the Taranaki front. T.H. Smith, Précis of a communication made to His Excellency by the Ngapuhi chief Eruera Patuone in the presence of Taraia, a principal Thames chief, 19 February 1861, MA 1/1861/23, Archives NZ.

ascertain the intentions of Kingi and his party.⁹⁵⁴ Pratt agreed to the requested cessation on 11 March 1861,⁹⁵⁵ and during this time a meeting of Te Atiawa and their Waikato supporters was held. It was during the course of that meeting that Wiremu Kingi placed the disposal of Waitara in Tamihana's hands, a decision confirmed by Hapurona and backed up by Rewi Maniapoto and Epiha Tokohihi.⁹⁵⁶

Meanwhile, the interpreter George Drummond Hay negotiated with Tamihana on behalf of the government. He subsequently reported that during the course of one meeting:

Wm. Thompson stated that he had come to make peace; that he had seen Te Rangitake; that the following conditions were what he proposed: -

Waikatos return to their own country.

Wm. King to Mataitawa.

The troops withdraw to Waitaki.

Waitara land to remain undisturbed until some final decision was arrived at.

I stopped his entering into the question of Maori title, reminding him that that would form an after consideration, and that though the land sold by Te Teira was originally the cause of the war wilfully entered into by Te Rangitake, yet so many other tribes had joined since the commencement, that there was much more to be taken into consideration than the mere title to the Waitara land. I told him that I considered him to blame personally as the prime mover in the land league. He replied in much the same way, saying that he wished to make peace, that I imposed harsh terms, that I wanted to drive them away like dogs, and that if the Governor would not give them peace, they must all fight, young and old; that if peace were made here, and a similar case occurred elsewhere

⁹⁵⁴ Tamihana to the Officer commanding all the forces, 11 March 1861, GBPP, 1862 [3040], p.29.

⁹⁵⁵ Pratt to Tamihana, 11 March 1861, AJHR, 1861, E-1B, p.9.

⁹⁵⁶ Gorst, *The Maori King* (1864), pp.162-163.

in the purchase of land, he would fight there, and wherever land was sold by the wrong people, he would fight.

I told him that the Government were not disposed to make peace and have war elsewhere in a few months; that peace, if made, must be a lasting one, and that the Governor would look for some guarantee that it would be kept by the Maories.⁹⁵⁷

Pratt informed Tamihana that his proposals were not acceptable and instead demanded that the rangatira proceed to Auckland in the company of Hay to negotiate with Browne in person.⁹⁵⁸ Tamihana, recalling the fate of Te Rauparaha, refused to go on board a British vessel, instead offering to travel overland to Tuakau or Ngaruawahia.⁹⁵⁹ But Pratt would not yield, and on 14 March Tamihana complained that although he had modified his offer several times still his proposals were not accepted. He further indicated that, since neither Pratt nor Hay seemed inclined to treat with him on the terms he proposed, he therefore intended to write to Browne and Bishop Selwyn. Pratt agreed to forward Tamihana's proposals to the governor, but would not accept his call for the truce to remain in place while they awaited a response.⁹⁶⁰ Instead, deeming Tamihana's communications to be 'untenable, vague, and unsatisfactory', he ordered the resumption of active operations at the expiry of the three-day truce on the morning of 15 March 1861.⁹⁶¹

It was only Browne's decision to immediately despatch McLean to the scene that brought about a breakthrough. After two days of fighting in which Tamihana took no part, the Native Secretary arrived on 18 March and immediately wrote to Tamihana, stating that he had been deputed by the governor to conduct an interview with him and would be pleased to do so as soon as a flag of truce was once more raised. Early the next morning a flag was raised from the pa and arrangements made to meet at an

⁹⁵⁷ Hay to Browne, 15 March 1861, GBPP, 1862 [3040], pp.28-29.

⁹⁵⁸ Pratt to Tamihana, 13 March 1861, GBPP, 1862 [3040], p.31.

⁹⁵⁹ Gorst, *The Maori King* (1864), pp.163-164; Stokes, *Wiremu Tamihana*, p.202.

⁹⁶⁰ Hay, Minute, 15 March 1861, GBPP, 1862 [3040], p.33. Curiously, Tamihana's letter to the governor, if it was indeed sent, does not appear to have entered the official record, not being published among the voluminous government papers on Waitara and the Taranaki War. Nor is there any listing of such a letter in Stokes' inventory of Tamihana's correspondence. See Stokes, *Wiremu Tamihana*, Appendix 2, p.542.

⁹⁶¹ Pratt to Browne, 15 March 1861, GBPP, 1862 [3040], p.29.

agreed venue. McLean encountered about 100 mostly Waikato Maori at the meeting, which commenced with Tamihana repeating the proposals he had previously made to Pratt and Drummond Hay. McLean, in reply, asked whether Tamihana and the other chiefs would agree to be bound by the decision of the Secretary of State for the Colonies in the event that the Waitara matter was referred to the Imperial government as the rangatira had proposed.⁹⁶² He rehearsed the familiar government arguments with respect to Kingi's failure to assert a claim to ownership of Waitara and asked Tamihana why his tribes, Ngati Haua and Waikato, had taken up arms against the Crown. According to McLean:

He [Tamihana] replied that the occupation of Waitara was the sole cause in the present instance of their taking up arms, though he was not prepared to say what might originate any future disturbance, or where another cause might arise. That he knew where the wind blew from to-day, but he could not say whence it would come to-morrow; that to-day it blew from Waitara, at another time evil might arise in another quarter, in which case he would feel bound to interfere.⁹⁶³

Tamihana went on to allege that the government had not properly inquired into the situation at Waitara before allowing itself to be led into the quarrel and again rejected proposals to travel to Auckland out of fear for his own safety, but once more proposed a compromise venue somewhere in the vicinity of the settlement. After some further questions from other chiefs present, McLean asked Tamihana for another meeting, but met with a non-committal response. In answer to the statement of Tikaokao of Ngati Maniapoto that 'they had asked for peace, and if it was not granted...the war should be carried elsewhere', Tamihana declared that he desired peace and would be prepared to wait patiently for a month or two to afford the governor an opportunity to conclude peace.⁹⁶⁴ According to John Gorst, Tamihana was much annoyed that McLean had not been authorised to withdraw the troops from Waitara and asked what he had come to Taranaki for; he thought the governor very foolish but would have no more to do with the matter, as he had told all the Maori to disperse and he intended to return to

⁹⁶² McLean to Browne, 22 March 1861, GBPP, 1862 [3040], pp.35-36.

⁹⁶³ *ibid.*, p.36.

⁹⁶⁴ *ibid.*, p.37.

Waikato forthwith.⁹⁶⁵ McLean was said to have replied that if the various tribes ceased hostilities and dispersed, the government would deal with each of them separately.⁹⁶⁶

Early the following morning, and without any further communications with McLean, Wiremu Tamihana and the whole of the Waikato tribes packed up their belongings and started the long journey home. While McLean believed that Tamihana may not have felt justified in committing himself to any more definite course without first conferring with other Waikato leaders at home, he might equally have considered it necessary to engage with Browne directly.⁹⁶⁷ In any case, with the Waikato tribes gone, on 21 March McLean met with Kingi and the other Te Atiawa chiefs. Learning from Kingi that he had been ‘empowered by the Waikatos (under whose protection he had placed himself) to make terms on his own account’, McLean determined to swiftly return to Auckland to submit the matter before Browne. But before the meeting ended, he informed Kingi ‘that hostilities should cease for the present; that his people could have free access to their cultivations, peach groves, and graves; that during the truce the white flag should be kept flying from his fortified places to prevent mistakes’.⁹⁶⁸

With an indefinite truce in place, the focus now shifted to the likely peace terms that would be offered by the governor to bring a permanent end to the war. In the event, Browne determined on issuing three quite distinct terms of peace, directed respectively at Wiremu Kingi and other Te Atiawa, at the Ngati Ruanui and Taranaki tribespeople who had gone to the aid of their Waitara neighbours, and the third addressed to the Waikato tribes. Browne explained to the Duke of Newcastle that he had:

insisted on treating with each party separately, because the Waikatos have repeatedly announced both in public and private interviews with myself that they interfered in King’s quarrel, not on account of any special sympathy with him, but because he had acknowledged the sovereignty of their king. It was,

⁹⁶⁵ Gorst, *The Maori King* (1864), p.165.

⁹⁶⁶ *ibid.*

⁹⁶⁷ McLean to Browne, 22 March 1861, GBPP, 1862 [3040], p.37.

⁹⁶⁸ *ibid.*

therefore, most important that I should not admit their interference in any transactions between myself and Her Majesty's native subjects. The matter in dispute is also different in each case. W. King, as a prominent member of an anti-land selling league, upheld by force his expressed determination to prevent Teira and others from alienating their land at Waitara to Her Majesty. The Taranakis and Ngatiruanuis seized the opportunity to carry into effect a long-cherished determination to drive the Europeans into the sea, and commenced by the commission of barbarous murders, which were disapproved even by W. King. The Waikatos seized upon the same moment for extending and giving effect to the authority of their king over the Ngatiawa tribe.⁹⁶⁹

In written terms of peace to the Taranaki and Ngati Ruanui tribes dated 15 April 1861 they were warned that:

Whatever may have been the dispute in reference to the land at Waitara it was a matter with which you had no concern. Without even pretence of quarrel with the Queen's Government, or her European subjects, you have taken advantage of the disturbances caused by another tribe to set the authority of the Queen and the law at defiance; to attack her Majesty's troops; to burn, destroy, and steal property; and treacherously kill without provocation Her Majesty's subjects while engaged in their peaceful occupations. Moreover, you have driven off the settlers from land which, years ago, you had sold and been fully paid for, and have avowed your intention of re-possessing yourselves of it and retaining it by force. However much I may condemn the offences committed by the Ngatiawa, I look on those perpetrated by you to be of a far more serious nature, and before I can consent to grant you peace I shall require restitution and compensation for the past, and explicit declaration of your intention to conduct yourself as peaceable and orderly subjects of Her Majesty for the future.⁹⁷⁰

⁹⁶⁹ Browne to Newcastle, 12 April 1861, GBPP, 1862 [3040], p.39.

⁹⁷⁰ Terms Offered by the Governor to the Taranaki and Ngatiruanui, 15 April 1861, AJHR, 1861, E-1B, p.6.

But beyond submission to the law, the return of all plunder, and guarantees as to the free passage of all mail, goods and people over their territories, the two tribes were also warned that all those guilty of killing unarmed settlers or children would be handed over to the law to be tried and punished. If they complied with all of the terms demanded of them, in other words, members of the Ngati Ruanui and Taranaki iwi might still end up on the scaffolds, based on the assumption that a clear distinction could be drawn between murders and other killings committed in the heat of battle.

McLean subsequently reported that the Taranaki tribe were keen to accept these terms, and with the exception of one small hapu, also sought to renounce their alliance with Waikato, which they described as the main cause of their having remained involved in the war for so long.⁹⁷¹ By contrast, Ngati Ruanui had shown no interest in submitting to any terms, had plundered some settler homes on their way south from Waitara and continued to occupy Tataraimaka, a block purchased in 1847 but seized by Maori during the most recent conflict as an equivalent for Waitara.⁹⁷² In fact, the portrait of Ngati Ruanui painted by Browne and his officials, and echoed in much popular opinion in the settler press, shared marked similarities with the way Ngati Maniapoto were commonly perceived at this time. Both iwi were often viewed as somewhat wild ‘mountain’ tribes, less cultured and ‘civilised’ than neighbouring groups such as Waikato or Te Atiawa, and more prone to involve themselves in conflicts that did not concern them, supposedly with little more motivation than simple blood lust. That view of Ngati Maniapoto is critiqued elsewhere in this report but was no more accurately applied to their South Taranaki equivalent.⁹⁷³

The same arguments could not be made with respect to Te Atiawa: they ‘had fought honourably in a cause which many Europeans had encouraged them to think just’.⁹⁷⁴ The terms offered them were therefore different. Dated 3 April 1861, and said to have

⁹⁷¹ McLean to Browne, 1 May 1861, GBPP, 1862 [3040], p.45.

⁹⁷² *ibid.*; Dalton, *War and Politics in New Zealand*, p.126.

⁹⁷³ The Taranaki missionary J.F. Riemenschneider was one prominent exception to the usual depiction of Ngati Ruanui (and Taranaki). He argued that the war had been forced on them through the actions of the government. Heather Bauchop, ‘The Wars and Iwi Losses: Taranaki 1860-70: A Summary’, (report commissioned by the Waitangi Tribunal), June 1992, p.14. On Ngati Ruanui generally see Tony Sole, *Ngati Ruanui: A History*, Wellington: Huia Publishers, 2005.

⁹⁷⁴ Dalton, *War and Politics in New Zealand*, p.126.

been delivered in a speech to the military leader Hapurona and other Te Atiawa ‘insurgents’, these stipulated that:

1. The investigation of the title to, and the survey of land at Waitara to be continued and completed without interruption.
2. Every man to be permitted to state his claims without interference, and my decision, or the decision of such persons as I shall appoint, to be conclusive.
3. All the land in possession of Her Majesty’s forces belonging to those who have borne arms against Her Majesty to be disposed of by me as I may think fit.
4. All arms belonging to the Government to be returned.
5. All plunder taken from the settlers to be forthwith restored.
6. The Ngatiawa who have borne arms against the Government must submit to the Queen, and to the authority of the law, and not resort to force for the redress of grievances real or imaginary.

As I did not use force for the acquisition of land, but for the vindication of the law, and for the protection of Her Majesty’s native subjects in the exercise of their just rights, I shall divide the land (which I have stated my intention to dispose of) amongst its former owners, but I shall reserve the sites of the blockhouses and redoubts, and a small piece of land round each, for the public use, and shall exercise the right of making roads through the Waitara district.⁹⁷⁵

This latter gesture was a particularly empty one, since there were few people around who believed that Browne had literally gone to war simply to seize less than 1000 acres of land at Taranaki. Hapurona and other members of Te Atiawa signed the terms

⁹⁷⁵ Terms on which Submission would be accepted, addressed to the Ngatiawa Insurgents, 3 April 1861, GBPP, 1862 [3040], p.38.

on 8 April.⁹⁷⁶ A copy of the terms had been sent to Wiremu Kingi one day earlier,⁹⁷⁷ and although he was not a signatory to these, he wrote to Browne that he ‘consented to the peace.’⁹⁷⁸ Kingi and his remaining band of supporters departed for Waikato soon after, the Te Atiawa chief not returning to Taranaki for the better part of two years.⁹⁷⁹ John Gorst claimed that when Wiremu Tamihana and the rest of the Waikato tribes had departed Taranaki in March, Rewi Maniapoto ‘stayed behind to hatch mischief if he could, and succeeded at last in carrying off Wiremu Kingi, who might, he feared, patch up his quarrel with the Governor, to a sort of honourable captivity at Kihikihi.’⁹⁸⁰ But Rewi Maniapoto’s timing was off if that was the case, since Kingi did not head for Waikato until after a peace deal had been brokered at Taranaki and after he had indicated his consent to this; and Kingi wrote more than once that he expected to see the governor at Mangere, which was being spoken of as a possible location for the expected meeting involving Tamihana.⁹⁸¹ In fact, Rewi Maniapoto met with the governor at this time, apparently indicating his approval of the Te Atiawa arrangements and indicating a willingness to enter into substantive talks concerning the wider unresolved issues. Browne informed Walter Mantell in July 1861 that:

Rewi (Ngatimaniapoto) promised me, when we parted at the Waitara, that the Waikato Chiefs would meet, first at Ngaruawahia & afterwards come on to Mangare [sic] to hold a conference with me. W. King wrote that he wished to come also. Since then they have changed their minds but I trust they may do so again.⁹⁸²

Browne, in any event, decided to ignore Kingi, who he believed was bent on making peace without any terms, and was instead increasingly preoccupied with his own

⁹⁷⁶ Copy of the Declaration of Hapurona, 8 April 1861, AJHR, 1861, E-1B, p.5.

⁹⁷⁷ Browne to Kingi, 7 April 1861, GBPP, 1862 [3040], p.38.

⁹⁷⁸ Kingi to Browne, 8 April 1861, GBPP, 1862 [3040], p.39.

⁹⁷⁹ Waitangi Tribunal, *Taranaki Report*, p.87.

⁹⁸⁰ Gorst, *The Maori King* (1864), pp.165-166.

⁹⁸¹ Kingi to Browne, 5 April 1861, 8 April 1861, GBPP, 1862 [3040], pp.38-39. However, Tamihana rejected Mangere as a proposed venue, insisting that Taranaki matters should be resolved at Taranaki and those pertaining to Waikato in that district. Tamihana to McLean, 16 April 1861, AJHR, 1865, E-11, p.3.

⁹⁸² Browne to Mantell, 17 July 1861, Mantell Family Papers, MS-Papers-0083-252, ATL.

approach to the Waikato tribes.⁹⁸³ And as we shall see below, though Rewi Maniapoto continued to indicate his willingness to meet with Browne, the governor had seemingly determined to adopt more drastic action towards the Waikato tribes by that time.

Title to the Waitara lands remained to be resolved, though Waikato involvement in the Taranaki War had by some accounts further complicated the already convoluted question of rights to alienate land in the province. District Commissioner Robert Parris informed McLean in June 1861 that:

The late insurgents of the district are generally waiting for the result of the Waikato negotiations [sic] with the Government for peace, and therefore say but little about individual claims to land in the district at present. Another reason for their disinclination to talk of the subject of claims to land at present, is that the Waikatos, on leaving the district, reminded them of their dead who had fallen for the land, intimating that the land was *tapued*.⁹⁸⁴

Meanwhile, as we saw earlier, the Waitara dispute stirred up once again the question of Waikato and Ngati Maniapoto land rights at Taranaki. McLean wrote sometime later that Wiremu Kingi's 'attitude throughout...was evidently based upon an assumption of jurisdiction over the whole country from Mokau to Waitaha including districts belonging to and in possession of the Ngatimaniapoto a separate and distinct tribe from his own although united with him for the purpose of upholding the land league in that part of the Island, and of resisting the Queens authority [sic].'⁹⁸⁵

Sir William Martin was among those critics dismissive of Waikato claims over Taranaki on the basis that supposed conquest had never been followed up by occupation. He wrote with reference to the disputed lands that 'The Waikato invaders

⁹⁸³ Browne to Newcastle, 12 April 1861, GBPP, 1862 [3040], p.39; Parsonson, 'The Waitara Purchase', p.59.

⁹⁸⁴ Parris to McLean, 6 June 1861, AJHR, 1861, C-1, p.244.

⁹⁸⁵ [Undated memorandum in McLean's handwriting], n.d. [28 December 1863?], McLean Papers, MS-Papers-0032-014, ATL.

did not occupy or cultivate the Waitara valley.⁹⁸⁶ Drawing upon a variety of sources, Francis Dillon Bell wrote in response that:

It is not said on what authority Sir William Martin makes this statement. There is reason to doubt its accuracy. “At the time of the conquest,” says Chief Commissioner McLean, “many acts of ownership over the soil had been exercised by the Waikato. The land was divided among the conquering chiefs, the usual customs of putting up flags and posts to mark the boundaries of the portions claimed by each Chief had been gone through.”⁹⁸⁷ – “I know,” says the Rev. Mr. Buddle, “that a large party of the Waikato people belonging to the Ngatimaniapoto tribe under Niutone Te Pakaru, went to Waitara several years ago, and cleared a large piece of land there for cultivation in order to exercise their rights.” – “I am decidedly of opinion,” says the Rev. Mr. Whiteley, “that Archdeacon Hadfield is wrong and that Mr. McLean is right.”⁹⁸⁸ Certainly the Ngatimaniapoto came to Waitara and had a *kainga* and cultivations there.” “The titles of the Waikatos [to Taranaki,]” said Chief Protector Clarke in 1844, “is good so far as they have taken possession.” “The land is ours,” said the Waikato Chiefs in 1844; “we claim it by right of conquest, and some part of it by possession.” – “But as some of the Waikato,” says Mr. White, “under Rewi and others, were still cultivating in the vicinity (for the crops then in the ground) this was given as an excuse by Wiremu Kingi (1848) for asking Teira and Ihaia to be allowed to come over to the South side of Waitara river.”⁹⁸⁹

⁹⁸⁶ Martin, *The Taranaki Question*, p.11.

⁹⁸⁷ The original is quoted in chapter 2. See Minutes of Evidence, 14 August 1860, AJHR, 1860, E-4, p.15.

⁹⁸⁸ Hadfield wrote that ‘Waikato never took possession of Waitara, or cultivated any portion of it. This is vaguely denied by Mr. M’Lean and others; but until they can mention the names of the persons who did take possession and cultivate, as well as point out the particular portions of land asserted to have been cultivated by them, and specify the time when such occupation took place, their mere denial of notorious facts is not to the purpose.’ Octavius Hadfield, *One of England’s Little Wars*, London: Williams & Norgate, 1860, p.5. For the comments of Buddle and Whiteley see Buddle to Browne, November 1860, AJHR, 1861, E-1, p.55.

⁹⁸⁹ F.D. Bell, *Notes by the Governor on Sir William Martin’s Pamphlet Entitled The Taranaki Question*, Auckland: New Zealand Government, 1861, p.11. [The pagination provided mirrors the extracts from Martin’s work being critiqued.] Bell added that ‘Wiremu Nera Te Awaitaia, one of the greatest Waikato warriors, and next in rank as a Chief to Potatau Te Wherowhero, was one of the conquering party who made a partition of the land at Waitara, and struck a musket into the ground to denote the boundary of what he intended to claim.’

Evidence unearthed at the time of the Waitara controversy thus placed Rewi Maniapoto at Waitara at the time of Wiremu Kingi's return in 1848. It is difficult to imagine that he would have meekly complied with Te Atiawa demands to vacate the district as some versions had it with reference to unspecified Waikato in residence at Waitara in the 1840s (see the earlier discussion on this contained in chapter 2). According to the paper drafted by John White of the Native Department and relied upon in evidence by Bell:

just before the Pukerangiora pa was besieged by the Waikatos, William King went to Kapiti and put himself under the protection of Rauparaha at Mana. This act, also, had a reason, as Rauparaha is descended from the Tainui migration, and as Wi Kingi was related to them he was safe; hence, therefore, on the intended attack on Pukerangiora word was sent to Wi Kingi to leave; he did so, and saved himself among his relations; but, after the [New Zealand Company's] purchase of the Taranaki district, including the Waitara, Wi Kingi returned to Waitara, and again lived on the North bank near Manukorihi. But as some of the Waikato, under Rewi and others, were still cultivating in the vicinity (but only for the crops then in the ground), this was given as an excuse by Wi Kingi for asking Teira and Ihaia to be allowed to come over to the south side to the Kuhikuhi...as he was afraid of the Waikatos attacking him.⁹⁹⁰

But although Browne and McLean were happy to highlight Waikato interests in Taranaki when it came to suit their purposes, especially with reference to the Waitara purchase, as we saw previously they sought to argue (contrary to all evidence) that those claims had been extinguished by virtue of the 1842 deed signed by Te Wherowhero and his brother. That made it easier to maintain the fiction that the Waikato tribes had intervened in 1860 in a matter which was of no relevance to them. Such a viewpoint proved crucial in the longer run, providing the initial basis for branding the tribes (and especially Ngati Maniapoto, who were perceived to have played a disproportionate role in the Taranaki conflict) as obstinate and notorious 'rebels'. And yet, as we have seen previously, the irony is that the Crown had actively solicited the intervention of Ngati Maniapoto and the Waikato tribes at Taranaki on

⁹⁹⁰ Extract from Paper by Mr. White, June 1860, AJHR, 1861, E-1, p.54.

many previous occasions, including as recently as 1858. There was a certain double-standard therefore involved in telling those tribes that Taranaki was none of their business, simply because this time their involvement was not seen as favourable to the Crown's cause. Thus while Wiremu Tamihana desperately sought to restore peace, Browne rejected his overtures, writing to the rangatira in April 1861 that:

Last month you wrote to me stating that you wished for peace. The Queen and every Governor whom she has sent to New Zealand have always wished that there should be peace between the Europeans and the Maories, and that they should both be governed by (live or sit under) the same law.

The Queen, or her Officers, or European subjects have never injured any Maories of Waikato, of Ngatihaua, or of Ngatimaniapoto. But some men of these tribes have defied the authority of the Queen, have broken the law, and have gone to fight against the Queen's troop's at Waitara, where they have no land or property: those men have there, at Waitara, on several occasions attacked the Troops of the Queen, have plundered her subjects, and have destroyed and stolen the property of those who have never done them any harm. Now after all this wrong has been done contrary to law – after the peace has been broken by those men – you say that you wish for peace.

I am waiting to hear what amends those men will make for breaking the peace, and trampling on the law, and what guarantees they will give that there may be peace in future between the Queen and those men, and between the Queen's subjects, both European and Maori.⁹⁹¹

William Searancke believed that there would be 'considerable excitement' among the Waikato tribes once the contents of Browne's letter became known. He also claimed that:

The Ngatimaniapoto Tribe are now most violent and are the leading war party, protesting in strong language against making any peace strongly denouncing

⁹⁹¹ Browne to Tamihana, 25 April 1861, AJHR, 1861, E-1B, p.10.

His Excellency and all the Europeans and are urgent to drive all those resident in this District into Auckland, accusing them of acting as spies among the Maories, to report proceedings to Auckland but to this proposal none of the other Tribes have as yet consented, this subject is to be a subject of discussion at Ngaruawahia at the great meeting to take place next week.⁹⁹²

Browne, it seems, had anticipated the likely response to his demands, writing from Camp Waitara earlier in April that he intended returning to Auckland to ask the Waikato tribes whether they were willing to accept the Queen's 'mana' but feared they would not do so.⁹⁹³ But before Tamihana could even reply to the questions asked by Browne, the governor had issued a direct ultimatum to the Waikato tribes.⁹⁹⁴ Kingitanga supporters in the Waikato would, so it appeared, either have to submit or suffer the consequences.

6.3 The Taranaki War and Preparations for the Invasion of Waikato

Although the Waikato district was not invaded until July 1863, Governor Browne had made advance preparations for such an attack up until news of his removal from New Zealand was received in July 1861.⁹⁹⁵ Indeed, he had openly contemplated such an invasion as early as April 1861. Lieutenant-General Cameron was known to be eager to proceed at that time.⁹⁹⁶ But Browne had his doubts. In particular, faced with the prospect of a tricky winter offensive, he queried whether the available force at hand was sufficient to guarantee success whilst simultaneously protecting the main European settlements from reprisal raids.⁹⁹⁷ Attorney General Frederick Whitaker had also advised caution. He wrote in April 1861 that:

The reduction of the Waikatos to submission by force would be an undertaking of magnitude, and involve consequences which cannot at present be wholly foreseen. It is to be feared that an attack on Waikato would place

⁹⁹² Searancke to McLean, 8 May 1861, G 13/2, Archives NZ.

⁹⁹³ Browne [to Newcastle?], 6 April [1861], Gore Browne 2/3, Archives NZ.

⁹⁹⁴ Gorst, *The Maori King* (1864), p.167.

⁹⁹⁵ Browne to Newcastle, 13 April 1861, AJHR, 1862, E-1, p.16; Browne to Newcastle, 6 July 1861, Turton (comp.), *Epitome*, A.1 Part I, pp.72-73.

⁹⁹⁶ Cameron to Browne, 15 April 1861, CO 209/162, pp.70-72, Archives NZ.

⁹⁹⁷ Browne, minute, 13 April 1861, AJHR, 1862, E-1, pp.16-17.

every settlement in the Northern Island in danger, and some provision should be made against this very probable contingency...

An attack on Waikato must not be an invasion only. An occupation of the country for at least some months would be absolutely essential. Anything short of this would afford no hope of securing their submission. A mere raid into the country would merely enrage without subduing them, and would no doubt produce a great amount of mischief; and little or no advantage would result.

Keeping in view this object, it is a question for the General whether he possesses sufficient force for the purpose, and whether this time of year is suitable for the commencement of such operations.⁹⁹⁸

According to William Fox, Browne (perhaps swayed by doubts as to the wisdom of a winter offensive)⁹⁹⁹ was prepared to wait it out until September before commencing operations,¹⁰⁰⁰ notwithstanding ongoing concerns as to the inadequacy of the force at hand for a planned invasion.¹⁰⁰¹ Those plans were put on hold when the latest English mail arrived in New Zealand on 27 July 1861, bringing news of Browne's imminent replacement as governor by Sir George Grey.¹⁰⁰² As Fox later wrote, if with nearly 15,000 soldiers and two years' of preparations, the commander of the British forces in New Zealand 'was barely able to drive back the invading Waikatos from Auckland in 1863', one could only wonder what would have been the outcome if the invasion of their country 'had been attempted by us with a force of barely 3,000 men, and the colony altogether unprepared'.¹⁰⁰³ Henry Sewell, for one, later wondered whether

⁹⁹⁸ Minute by the Attorney General, 13 April 1861, AJHR, 1862, E-1, p.18.

⁹⁹⁹ McLean was another to advise against invading Waikato at that time, predicting that poor roads and the difficulties of communication would result in heavy losses and much inconvenience. Memorandum, n.d. [c. 13 April 1861], AJHR, 1862, E-1, p.19.

¹⁰⁰⁰ A likely September date for the invasion was confirmed elsewhere. Commodore Beauchamp Seymour to Secretary of the Admiralty, 1 July 1861, CO 209/166, p.106, Archives NZ.

¹⁰⁰¹ Fox, *The War in New Zealand*, pp.39-40. Cameron was meanwhile at a loss to explain the failure of local officials to call out the militia, other than for no more than about 100 men fit for duty in Taranaki. See Cameron to Browne, 1 July 1861, AJHR, 1862, A-6B, p.4.

¹⁰⁰² Browne to Newcastle, 26 September 1861, GBPP, 1862 [3040], p.86; Dalton, *War and Politics in New Zealand*, p.134. One day earlier Browne had received false reports from the English press announcing that he was to be reappointed as governor. Browne, Diary, 26 July 1861, ADCZ 17006 W5431/4, Archives NZ.

¹⁰⁰³ Fox, *The War in New Zealand*, p.40. Others were of the same opinion. See, for example, Henry Sewell, *The New Zealand Native Rebellion*, p.11.

Browne had merely been playing a game of brinkmanship, with no real intention to invade Waikato. He recorded in his journal some months later that:

That unfortunate proposal to commence aggressive war upon the Waikatos, has been the turning point, which has upset Colonel Browne in English opinion. I cannot make out the facts of the case. From all Colonel Browne's talk to me it seemed that he meant nothing more than demonstration, relying on that for producing a decisive and favourable result. He never meant to move actually into the Waikato. On the other hand, the language of his despatches, and the indications of military preparations had led to a contrary opinion. He seems to have been halting between two opinions.¹⁰⁰⁴

But while Sewell's statement provides an interesting insight into Browne's state of mind at this time, it is impossible to verify his speculation that the governor was merely bluffing. We can only assume that when Browne ordered preparations to be made for the invasion of the Waikato he fully intended to follow through on this threat if necessary. And, indeed, even if he hoped or expected to avoid such an outcome, having made various statements to the Colonial Office, he may have been left with little choice but to make that call, having backed himself into a corner with his intransigent approach.

Meanwhile, some sceptics, both then and now, believed that Grey had commenced planning his own invasion almost from the moment he stepped off the boat back at Auckland in September 1861.¹⁰⁰⁵ It was Waikato and Ngati Maniapoto involvement in the first Taranaki War of 1860-61 that had led to such preparations and heightened speculation that the invasion of the Waikato was now a question of when and not if. Both Browne and Grey, it has been suggested, realised following the intervention of the Kingitanga in Taranaki that a showdown with the Waikato tribes – the very heartland of the King movement – was inevitable if New Zealand was to continue to be colonised on terms acceptable to Europeans. This was not solely a question of land, and much less so of the particular fate of the Pekapeka block at Waitara, so much as

¹⁰⁰⁴ Sewell, Journal, 24 November 1861, pp.6-7, qMS-1787, ATL.

¹⁰⁰⁵ Grey arrived in New Zealand on 26 September 1861, but was unable to formally assume the governorship until Browne departed for Australia more than a week later. Grey to Newcastle, 4 October 1861, AJHR, 1862, E-1, Sec.II, p.3.

the fundamental question of whose will was to prevail in the future, summed up in Belich's description of this as a question of substantive sovereignty.¹⁰⁰⁶ Perhaps that was why, as cited earlier, Grey had reportedly confided in Browne soon after arriving in New Zealand that he intended to 'take the Waikato'.

6.4 Moderates versus Extremists? or Idealists versus Realists?

Yet the question of precisely which Waikato groups became involved in the Taranaki War and on what basis remains a matter of contention. The predominant viewpoint has it that Rewi Maniapoto and other 'extremists', mostly belonging to Ngati Maniapoto, ignored all injunctions to the contrary from the King and other moderates such as Wiremu Tamihana and immersed themselves in the conflict, whether out of pure hatred of the Pakeha or in hopes of provoking an even bigger showdown. There have been multiple variations on this argument, many of which depict Ngati Maniapoto as almost fanatical in their obsession to become involved at Waitara. Perhaps the most influential commentator from this school, however, was John Gorst. He portrayed Ngati Maniapoto not only as a large and powerful tribe, but also as 'the most inveterate in hostility to the white race'.¹⁰⁰⁷ He claimed that while many young men were animated solely by a fondness for adventure and mischief, 'it was not so with Rewi Maniapoto, who having seen the war mania fairly progressing in Waikato, threw off all disguise, and went down in person to Taranaki, to pursue his design of involving the whole Maori people in a contest for supremacy with their European rivals.'¹⁰⁰⁸

In fact, Gorst went further than this, comparing and contrasting Ngati Maniapoto and their most prominent rangatira with Ngati Haua and their leader. He wrote in 1862 that:

though all disaffected, two very distinct phases of disaffection are exhibited, of which the Ngatimaniapoto and Ngatihaua tribes may be looked upon as the types. Between these tribes there is a strong and bitter rivalry. One cause of

¹⁰⁰⁶ Belich, *New Zealand Wars*, pp.76-80.

¹⁰⁰⁷ Gorst, *The Maori King* (2001), p.11.

¹⁰⁰⁸ *ibid.*, p.52.

this is the personal emulation of Rewi Maniapoto and William Thompson, each of whom is desirous of being the head of this King Movement, and labours to increase his own influence, and undermine that of his rival. Several serious misunderstandings arose between the two tribes in the Waitara war; the Ngatihaua loss was heavy, the Ngatimaniapoto slight; the former charge the latter with holding aloof from several fights from cowardice and treachery, and they retort by saying that the Ngatihaua were fools. Besides this, the two tribes are at present striving to direct the King Movement in diametrically opposite directions. The Ngati Maniapoto are gone mad after soldiering and warlike demonstrations. They do not care for friendship with Europeans; they do not desire law and order, and they are afraid of the introduction of English Magistrates, lest they should prove too successful in the suppression of disorder, and in the control of individual liberty. The Ngatihaua, on the other hand, are labouring to perfect their own administrations of law, and to suppress misdeeds of every kind. They gladly accept our advice, and profess a desire for our friendship. Their opposition to Sir George Grey's plans arises partly from temper, because they are mortified at having been so long overlooked, and from a distrust of the ability of English administration, and partly from losing their own independence, of which they have tasted the sweets.¹⁰⁰⁹

Gorst gave as an example of this supposed division the drilled soldiers sent by the various tribes to mount guard over the King at Ngaruawahia. This was entirely an institution of Ngati Maniapoto, he claimed, and although Wiremu Tamihana did not oppose the plan, when the time came for Ngati Haua to furnish a contingent, he instead took down a group of men with ploughs and proceeded to plant potatoes, insisting that this was the only soldiering his tribe could do.¹⁰¹⁰ According to Gorst, a law had not long ago been passed by the Kingite tribes banning magistrates and additional schoolmasters from their lands, and although it was a practical reality in respect of Ngati Maniapoto, Wiremu Tamihana had confessed that he only agreed to such a rule through his frequent past disappointments at being unable to secure a teacher and minister for his school. Moreover, Tamihana, Gorst believed, had

¹⁰⁰⁹ Gorst, Report on the State of the Upper Waikato District, March 1862, AJHR, 1863, E-4, pp.33-34.

¹⁰¹⁰ *ibid.*, p.34.

proposed that they should agree to proposals for Waitara to be investigated, but Wiremu Kingi, who was said to be entirely under the sway of Rewi Maniapoto, had refused to contemplate such a course. Gorst added that ‘strong ill-feeling is growing up between the two parties: the evidence of it consists of tones, gestures, and trifling remarks, which, though sufficient to produce belief in those who witness them, cannot be so put in writing as to produce the same belief in others.’¹⁰¹¹ He believed that both parties were making assiduous efforts to strengthen their positions, and though Rewi was in the ascendant position at Ngaruawahia, Tamihana was seeking to bolster his support at Tauranga and elsewhere in the east. Gorst added that:

In the meanwhile, the one thing which keeps the two tribes from open rupture, is their joint fear of the Government; and as long as this lasts, they will outwardly hang together. It is for this reason that any attempt on our part to promote division would probably end in postponing it, and the only plan seems to be to wait and watch.¹⁰¹²

The depiction of Ngati Maniapoto generally and Rewi Maniapoto in particular as extremists with an almost fanatical determination to fight the British runs deep in the historiography of the New Zealand Wars, all the way from John Featon to G.W. Rusden, James Cowan to Keith Sinclair and Alan Ward.¹⁰¹³ And a corollary argument is that Ngati Maniapoto, through their actions and gestures, provoked the Crown (whether justly or unjustly) into launching an invasion of the Waikato district in July 1863, and then escaped virtually scot-free from the subsequent confiscation of lands (the latter issue being extensively considered in my report on Te Rohe Potae war and raupatu). Even fierce critics of the government’s actions in the 1860s thus end up at least partly legitimising or justifying war and confiscation by reference to the supposed partial provocation of Ngati Maniapoto and their leader.

Even otherwise sympathetic accounts of the Kingitanga have sometimes followed this line. David McCan’s recent history of the Waikato raupatu claim, for example, declares that:

¹⁰¹¹ *ibid.*

¹⁰¹² *ibid.*

¹⁰¹³ See some of the examples cited in McDonald, ‘Rewi Manga Maniapoto’, pp.5-8.

Although it was generally [Ngati] Maniapoto who threatened violence against Paakehaa in Taranaki, the impression was created that the three distinct entities of Raukawa, Maniapoto and Waikato were really all one people under the designation of 'Waikato tribes'. This association of Waikato with all disharmonious incidents was to be used as a justification for the invasion and confiscation of Waikato lands.¹⁰¹⁴

The alternative viewpoint, albeit perhaps a minority one, is, however, worthy of serious consideration. Articulated most fully amongst historians perhaps only by Ann Parsonson, James Belich and Morehu McDonald (whose thesis charts and critiques the demonization of the Ngati Maniapoto rangatira), this view depicts Rewi Maniapoto as a realist rather than extremist and notes substantial non-Maniapoto involvement in the Taranaki War. Belich, for example, states that:

The contemporary misnomers, 'moderates' and 'extremists' have stuck to the two major [Kingitanga] parties, represented by Wiremu Tamehana ('The Kingmaker') and Rewi Maniapoto respectively. But all the Kingites were united in their opposition to the sale of land.¹⁰¹⁵

The above point would appear obvious at first. But the way in which the Kingitanga has been depicted, emphasising tribal differences and 'factions', has downplayed the extent to which it was driven by shared objectives and concerns.

The depiction of Rewi as realist rather than extremist sees him as an astute reader of the contemporary political scene. As Belich again put it:

At an early point in Grey's governorship, Rewi had concluded that the British intended to invade Waikato in any circumstances short of a voluntary abandonment of the King Movement. It is possible that he was quite right.¹⁰¹⁶

¹⁰¹⁴ David McCan, *Whatiwhatihoe: The Waikato Raupatu Claim*, Wellington: Huia Publishers, 2001, p.37.

¹⁰¹⁵ Belich, *New Zealand Wars*, p.76.

¹⁰¹⁶ *ibid.*, p.131.

Given the public pronouncements of Governor Browne quoted earlier it may not be unreasonable to conclude that Rewi had adopted this view of the Crown's intentions at an even earlier date. If Rewi is reconsidered as realist rather than extremist, then perhaps Wiremu Tamihana might also need to be rethought as idealist rather than moderate, his view that the Kingitanga might be allowed to co-exist with the Crown being based more on hope and abstract principles than anything more concrete.¹⁰¹⁷ As Morehu McDonald has argued:

Rewi was a *political realist*. He understood better than most of his contemporaries the uncompromising power and ambitions of European colonialism. Certainly the Maori King Movement had been inaugurated in 1858 as a defensive innovation to halt the advancing tide of European settlement, and was a focus for Maori nationalism and distrust of European Government. However, its moderate and somewhat idealistic leaders preferred to adopt the traditional 'taihoa' (wait-and-see) policy which left them basically unprepared, politically, psychologically and militarily for the turn of events which led to the invasion of the Waikato in July 1863. What Rewi attempted to confer on Maori political leaders in this period was the realistic course of facing European aggression and preparing for the inevitability of war in defence of their homelands.¹⁰¹⁸

McDonald argues that Rewi Maniapoto's skills as a military leader have if anything been overrated by most historians, who had conversely ignored or underplayed his political foresight and ability.¹⁰¹⁹ The rangatira's political strategy, he argues, was a relatively straightforward one:

preserve both Waikato and Ngati Maniapoto tribal lands from European encroachment by giving support, politically and militarily to the King

¹⁰¹⁷ Although, to be fair to Tamihana, there were a number of prominent Europeans who did believe that it was possible for some form of co-existence to be found, and their views found some sympathy within the Colonial Office, which was open to the possibility of declaring Waikato a 'native district' under section 71 of the Constitution Act, for example. The problem was that both Browne and Grey (with the support of colonial ministers) proved more interested in demanding submission to the Crown than in reaching out for some kind of reconciliation.

¹⁰¹⁸ McDonald, 'Rewi Manga Maniapoto', pp.10-11.

¹⁰¹⁹ *ibid.*, p.11.

Movement; and military assistance to their Taranaki allies. If Taranaki and Waikato survived European pressure, Ngati Maniapoto lands would also be secure. If, however, these two tribal ‘buffer zones’ were successfully invaded and occupied by Europeans, Ngati Maniapoto would find itself fighting on two fronts – a grave strategical error – without support from the defeated Waikato and Taranaki tribes. Survival of these two tribal territories meant survival for Ngati Maniapoto, while on the other hand, the defeat of the Waikato and Taranaki ‘buffer zones’ would also mean the ultimate defeat, politically and militarily, of Ngati Maniapoto.¹⁰²⁰

Once he had become resigned to the inevitability of a showdown, McDonald adds, Rewi Maniapoto sought to unite all Maori in defence of a common homeland where they might all continue to live under their own laws and leaders. But old fears, rivalries and factionalism undermined the success of such an approach, and some older chiefs suspected Rewi was simply looking to boost his own standing.¹⁰²¹

But if those matters are perhaps debateable, the question of which groups were involved in the Taranaki War seems more clear-cut, at least in a general sense. As Belich notes, Ngati Maniapoto were ‘the colonists’ favourite bogeymen’,¹⁰²² but even the Crown’s own contemporary records make it abundantly clear that they were far from the only Waikato tribe to become involved in the Taranaki War.¹⁰²³ As was seen in the earlier discussion of Puketakauere and later battles, Ngati Haua, Ngati Raukawa, Ngati Mahuta and other groups appear to have been liberally represented among the defenders of Waitara besides Ngati Maniapoto after June 1860.

Nevertheless, substantial involvement from groups residing within what would become the Rohe Potae district is beyond dispute. John Rogan’s September 1861 report on the state of Maori at the time of Grey’s arrival provided a detailed account of the stance adopted by different groups, at least in respect of those communities located along the coastal stretch from Mokau north to Whaingaroa. Mokau Maori, he

¹⁰²⁰ *ibid.*, pp.11-12.

¹⁰²¹ *ibid.*, p.12.

¹⁰²² Belich, *New Zealand Wars*, p.145.

¹⁰²³ See, for example, the various reports of ‘rebel’ Maori killed or wounded and their tribal affiliations: *New Zealand Gazette*, 7 November 1860, no.33, p.190; *New Zealand Gazette*, no.5, 28 January 1861, p.23.

noted, were divided into three principal hapu of Ngati Maniapoto and had been about as equally divided as to the merits of selling land to the government. He added that:

these people wrote to the Chief Commissioner at Taranaki after hostilities commenced, stating that they would take no part against the Government. Notwithstanding this assurance, Tikaokao, with a number of the Mokau Natives, joined the Waikatos: they were at the attack on No. 3 Redoubt, and afterwards held the rifle pits at Te Arei pah most tenaciously. I have been informed by Hapurona, that, had it not been for Tikaokao, the Natives would have fled to the bush long before peace was made with Te Ngatiawa [sic].¹⁰²⁴

Further north at Waikawau, a section of the Ngati Kinohaku tribe resided. According to Rogan, they 'were well disposed towards the Government until the late insurrection, when they took arms and joined the Waikato party at Waitara', since which time they had abandoned their coastal settlements and retired inland for fear of being attacked.¹⁰²⁵ The stretch of coast between Waikawau and Te Taharoa had also been abandoned for the same reason. At Taharoa, meanwhile, the Ngati Mahuta community had long been regarded by the traders as 'the most straightforward and well conducted' people in their neighbourhood, but many had taken part in and been killed in the Taranaki War. One chief had declared that they had been compelled to go to Taranaki in self-defence, lest they should otherwise be attacked by the taua on its return to Waikato. By contrast, according to Rogan Ngati Maniapoto living on the south side of Kawhia had taken up Kingi's cause promptly, while:

The North side of Kawhia is occupied by a branch of the Waikatos, called Ngatihikairo; who...have, for several years past, always been prone to quarrel, even with their neighbours. They have repeatedly threatened me, if I should attempt the survey of a block of land offered for sale by Te Kanewa Kihirini, who was then desirous of having European neighbours, but who now is one of the pillars of the Maori King at Ngaruawahia. Kikikoi is the Chief of Ngatihikairo, and his son Hone Wetere is the Native Assessor. I believe their near relations did not go to Taranaki, but the tribe was the first war party that

¹⁰²⁴ Rogan to T.H. Smith, 28 September 1861, AJHR, 1862, E-7, p.4.

¹⁰²⁵ *ibid.*

moved for the South. I have no hesitation in saying that I believe the Kawhia Natives are the most disaffected people in the country, and I think it will be seen that they will be amongst the first to join in any rebellion against the Government.¹⁰²⁶

At Aotea, meanwhile, some chiefs had remained firm friends of the government and others had not committed themselves in Taranaki, though whakapapa connections made their future allegiances very uncertain in the event of a war with Waikato, while Wiremu Nera and other Ngati Mahanga of Whaingaroa were ‘unquestionably the most staunch on the side of the Government’ of any of the tribes Rogan was acquainted with in the district.¹⁰²⁷

A variation on the usual argument was Grey’s November 1861 suggestion that Ngati Maniapoto were one of a number of different groups engaged in the Taranaki War (Waikato proper and Ngati Haua being named by him as the others) but that the former tribe ‘under Rewi...lost very few men; did all the house-burning business, and...possess lots of plunder, which they will not give up.’¹⁰²⁸ He believed that through their determination not to return any plunder or to attend a great meeting to consider this, Rewi and his tribe ‘set all the rest of the Waikato Chiefs at defiance; being in an inaccessible part of the country, and evidently determined to hold the booty they have.’¹⁰²⁹ Similar statements were being repeated by ministers in May 1863, shortly before the Oakura ambush, in reference to a possible general amnesty and peace proclamation at Taranaki. Alfred Domett alleged that ‘The Ngatimaniapoto were the rebels who took and retained most of the plunder, and burnt the greater part of the houses.’¹⁰³⁰ Compensation could not – ‘except after a general and successful war’ – be successfully demanded from Ngati Maniapoto, who in Domett’s view had

¹⁰²⁶ *ibid.* In fact, there appears to have been a sizeable group within Ngati Hikairo that remained aloof from the King movement and opposed involvement in the Taranaki War. See, for example, *Te Manuhiri Tuarangi and Maori Intelligencer*, 15 August 1861, which reported a large gathering of ‘loyalist’ Ngati Hikairo, Te Patupo and Ngati Te Wehi held at Kawhia in May 1861.

¹⁰²⁷ Rogan to T.H. Smith, 28 September 1861, AJHR, 1862, E-7, p.4. Rogan nevertheless remained convinced that they would join forces with their countrymen in the event of an attack on Waikato.

¹⁰²⁸ Grey to Newcastle, 2 November 1861, AJHR, 1862, E-1, Sec.II, p.13.

¹⁰²⁹ *ibid.*

¹⁰³⁰ Domett, Memorandum Addressed to His Excellency as to a General Amnesty, 2 May 1863, AJHR, 1863, E-2 p.17.

'less excuse to take up arms' in Wiremu Kingi's cause than many of the chief's Taranaki allies.¹⁰³¹

Belich has argued that the involvement of tribes from the Waikato district in the Taranaki War was not the actions of a few renegade Ngati Maniapoto from the 'extremist' faction so much as a deliberately and carefully limited intervention. As he writes:

There is no question that, throughout the war, the Kingites were concerned to limit the scope of the conflict. They were careful to prevent the extension of fighting to other provinces, and their warriors in Taranaki were never more than a minority of the total number available. Together with the equally unquestionable fact that many Kingites were very reluctant to go to war with the British at all, this has led to the assumption that only a relatively small group of extremists fought in Taranaki, and even that the Movement as such could not really be considered a combatant. Such thinking is unsound, first because the Kingite commitment to the Taranaki War was not so limited, and second because there were very good military reasons for the limits which did exist.¹⁰³²

According to Belich's calculations, at any one time up to one-quarter of the total potential military force available to the various Waikato tribes fought in Taranaki, with between one-third and half of Waikato men of fighting age likely to have taken to the battlefields at some point during the first Taranaki War.¹⁰³³ By thus limiting their involvement, the tribes were able to supply a continuous series of reinforcements for the conflict without jeopardising their ability to continue cultivating crops with which to feed their fighters and from which cash could be earned for the purchase of arms and ammunition.¹⁰³⁴ As Belich concludes:

Thus there is no need to over-emphasize political divisions, or lack of widespread commitment, within the King Movement to explain the limited

¹⁰³¹ *ibid.*

¹⁰³² Belich, *New Zealand Wars*, p.102.

¹⁰³³ *ibid.*, p.103.

¹⁰³⁴ *ibid.*

nature of its war against the British. Nor should these limits be exaggerated. A third or a half of the warriors of Waikato can scarcely be considered an extremist minority, and the rest did not necessarily remain at home because they were unwilling to fight. They may equally well have done so because greater numbers could not be maintained.¹⁰³⁵

Waikato involvement in the Taranaki War was thus not confined to a few renegade extremists, and those who rely on a false dichotomy for their depiction of the Kingitanga risk losing sight of the extent to which its supporters shared common concerns.

6.5 Negotiations with the Waikato Tribes

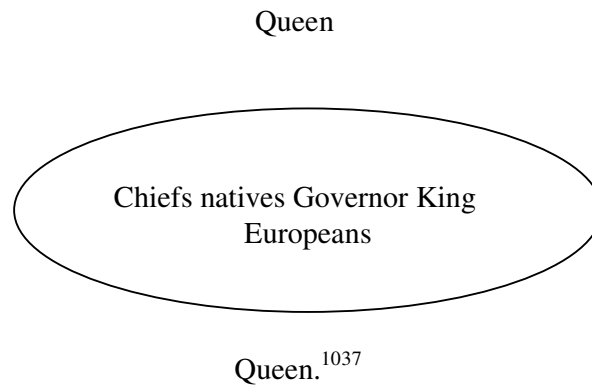
Moreover, Governor Browne's ultimatum to the Waikato tribes following the cessation of fighting in Taranaki in March 1861 prompted what Ann Parsonson has described as 'an unprecedented outburst' from Wiremu Tamihana,¹⁰³⁶ which saw the different Kingitanga groups united in their refusal to abandon the movement. Ashwell recorded early in May that Waitara was now but a 'secondary consideration', and that:

The great subject of Contention is The [sic] Maori King and Flag – I believe the Government make it a sine qua non of Peace with Waikato – All the missionaries are using their influence to induce the Natives to remove the flag and abolish the name Maori King (under God) [;] *all* will depend upon the decision of Wiremu Tamahana [sic]...a Chief of Ngatihaua he has far more influence than the so called Maori King. Last Saturday week while I was shewing him the advantages of being under British rule, that they would rise as a Nation – and that social Institutions would be immediately granted to them, his reply was – all this is very good, we are willing to accept Magistrates tomorrow – we will have but one Tikanga (rule) one Ture (law) and the Queen is a Fence for us all (Maoris and Pakehas, i.e. Europeans) “ohia

¹⁰³⁵ *ibid.*, p.104.

¹⁰³⁶ Ann Parsonson, 'Tainui Claims to Onewhero and Maramarua Forests: Historical Overview', (research report commissioned by the Tainui Maori Trust Board in association with the Crown Forestry Rental Trust), 1995, Wai-686, #A2, p.58.

me waiho te Kingi kia tu” i.e. “but leave the King, let him stand” “na me he mea he mahi he tana ki te Kuino [sic] me turaki ki raro” (i.e If he does any wrong against the Queen – then thrust him down) (inaianei – he ingoa kau) – It is only a name – but let that name stand – he then drew a line and said the line is the Queen a Fence for all – thus



Tamihana’s drawing once again made it all too clear that the Kingitanga did not see itself in opposition to the Crown. The unilateral assumption of authority by the settlers and their provincial and general assemblies was another matter, however, as was the failure of successive governors to fully involve the chiefs in the administration of affairs. That was reinforced in a further letter from Ashwell in which he noted that:

A Chief called upon me to say They [sic] were most anxious to have a good system of law introduced saying his own Brother had been deeply injured (a case of adultery) and he did not wish to have resource [sic – recourse] to their old Tikanga, Custom, his word to me was We must have law – never mind the flag it is only a sign that we will not sell our land, it is *not* opposition to the Queen.¹⁰³⁸

¹⁰³⁷ Ashwell to CMS, 1 May 1861, Ashwell Letters and Journals, qMS-0089, ATL.

¹⁰³⁸ Ashwell to CMS, 30 May 1861, Ashwell Letters and Journals, qMS-0089, ATL.

Ashwell further noted that Tamihana had told him the object of his earlier mission to Taranaki was to separate the combatants so that the Queen could decide the dispute. While Tamihana was the chief supporter of the King, he had always professed his loyalty to the Queen, Ashwell added, and he had done all in his power to dissuade members of his own tribe from joining the fight at Taranaki, before eventually intervening himself as peace maker.¹⁰³⁹

For his part, Browne claimed that although he had at first been inclined towards a favourable view of the Kingitanga as no more than an effort to provide order among its adherents, he had subsequently revised his opinion of the movement, instead considering it altogether dangerous. The governor's declaration to the Waikato tribes, delivered to an assembly of Kingitanga supporters at Ngaruawahia on 21 May 1861, insisted on unconditional submission as the price of peace. The declaration stated that:

In order to avoid misapprehension, the Governor directs the attention of the chiefs and people, assembled at Ngaruawahia, to the present condition of affairs in New Zealand, and states distinctly the course necessary to be taken in order to avert the calamities that threaten the country.

In the year 1858 a portion of the Maori people, resident in Waikato, pretended to set up a Maori King, and Potatau was chosen for the office. He was installed at Rangiaowhia in the month of June in that year. On Potatau's death, in 1860, Matutaera his son was nominated his successor.

Diversity of opinion existed from the commencement as to what would result from this movement. Some were led to believe that its supporters desired only the establishment of order, and a governing authority amongst themselves; while others viewed with apprehension a confederacy which they deemed fraught with danger to the peace of the colony. The Governor at first inclined towards the more favourable view of the movement, but soon felt misgivings, which have been justified by the event.

¹⁰³⁹ *ibid.*

The Governor however has not interfered to put down the Maori King by force. He has been unwilling to relinquish the hope that the Maoris themselves, seeing the danger of the course they were pursuing, and that the institution of an independent authority must prove inefficient for all purposes of good, would of their own accord abandon that course.

The Governor can now only look with sorrow and displeasure on what has been done in the name, and by the adherents, of the native King:-

1. An authority has been set up inconsistent with allegiance to the Queen, and in violation of the Treaty of Waitangi.
2. A large number of the adherents of the native King have interfered between the Governor and other native tribes in matters with which they had no concern; have levied war against the Queen, fought against her troops, and burnt and destroyed the property of her peaceful subjects.
3. Other adherents of the King have assisted, encouraged, and harboured the men who have committed these outrages.
4. A war party of several hundred men some time since assembled, and advanced to within forty miles of Auckland, for the purpose of interfering with the due course of the administration of justice.¹⁰⁴⁰
5. Her Majesty's mail has been stopped; jurisdiction has been usurped over Her Majesty's European subjects; and other offences have been committed to the subversion of Her Majesty's sovereignty, and of the authority of the law.¹⁰⁴¹

Browne went on to claim that, at that very time, strenuous efforts were being made on the part of the King's adherents to acquire arms and ammunition (perhaps a quite

¹⁰⁴⁰ This is a reference to the Patumahoe scare of November 1860, discussed previously.

¹⁰⁴¹ Copy of a Declaration by the Governor to the Natives Assembled at Ngaruawahia, 21 May 1861, GBPP, 1862 [3040], p.71.

understandable response given that the timing of the probable Crown invasion of their homes was now being openly debated).¹⁰⁴² He added that:

The Governor cannot permit the present state of things to continue. No option now rests with him; he had been commanded by Her Majesty the Queen to suppress unlawful combinations, and to maintain Her Majesty's sovereignty in New Zealand.

Submission to Her Majesty's sovereignty requires –

1. That every man yield implicit obedience to what the law (which is the same for all) prescribes for the public welfare. But while the law exacts what is essential for this object, it confers great benefits and guarantees freedom and security to the weak as well as to the strong.

2. That rights be sought and protected through the law, and not by a man's own will and strength. No man in the Queen's dominions is permitted to enforce rights or redress wrongs by force; he must appeal to the law.

3. That men do not enter into combinations for the purpose of preventing other men from acting, or from dealing with their own property as they think fit. This is against the law.

4. That every man, European or native, under the Queen's sovereignty, submit to have roads and bridges made on his land, wherever the public convenience requires them. But land can only be taken for these purposes under lawful authority, and on payment of reasonable compensation.¹⁰⁴³

These statements were later subject to a withering critique from the pen of Gorst, who pointed out that the governor's conduct in taking armed possession of the Waitara lands had been condemned as unlawful by none other than the former Chief Justice

¹⁰⁴² *Colonist*, 12 April 1861; *Daily Southern Cross*, 16 April 1861; *Hawke's Bay Herald*, 4 May 1861; *Lyttelton Times*, 15 May 1861.

¹⁰⁴³ Copy of a Declaration by the Governor to the Natives Assembled at Ngaruawahia, 21 May 1861, GBPP, 1862 [3040], p.71.

Sir William Martin. Either the governor did not obey the law therefore or it did not guarantee equal protection to the weak as well as the strong.¹⁰⁴⁴

Browne, though, denied accusations that he had introduced a new system in dealing in Maori lands with his Waitara purchase. The Treaty of Waitangi had ‘never been violated’ by the Crown, he maintained. On the contrary:

By that treaty, the Queen’s name has become a protecting shade for the Maori’s land, and will remain such so long as the Maoris yield allegiance to Her Majesty and live under Her sovereignty, but no longer. Whenever the Maoris forfeit this protection, by setting aside the authority of the Queen and the law, the land will remain their own so long only as they are strong enough to keep it; - might and not right will become their sole title to possession.¹⁰⁴⁵

The threat first issued at Kohimarama the previous July that the Crown’s commitment to the Treaty of Waitangi was dependent on Maori yielding allegiance to it was thus restated in even more stark language. This ominous warning was followed by the governor’s specific demands:

- 1, From all, - Submission without reserve to the Queen’s sovereignty, and the authority of the law.
2. From those who are in possession of plunder, taken from Her Majesty’s European or native subjects,- Restoration of that plunder.
3. From those who have destroyed or made away with property belonging to Her Majesty’s subjects, European or native, - Compensation for the losses sustained.¹⁰⁴⁶

To some observers it appeared that the governor was by this time more interested in demanding submission than in securing peace.¹⁰⁴⁷ Such was the unequivocal nature of

¹⁰⁴⁴ Gorst, *The Maori King* (1864), p.169.

¹⁰⁴⁵ Copy of a Declaration by the Governor to the Natives Assembled at Ngaruawahia, 21 May 1861, GBPP, 1862 [3040], p.72.

¹⁰⁴⁶ *ibid.*

this ultimatum that both Native Secretary Donald McLean and his assistant T.H. Smith had urged the governor to soften the language. They rightly noted that the reference to land remaining in Maori ownership so long as they were able to keep it sounded like a threat and predicted the demands would be rejected by a 'great majority of the tribes'.¹⁰⁴⁸ An undated draft document in McLean's handwriting appeared to provide the basis for a somewhat less relentless message in which the governor called upon the chiefs and people of Ngati Haua, Waikato, Ngati Maniapoto and associated tribes to 'consider the folly of pursuing a course so fatal to their own present and future welfare and desires them to submit to the Queen's sovereignty and law and make full amends for the unprovoked injuries they have inflicted.'¹⁰⁴⁹ The message went on to note that:

The governor desires to be informed at an early period of the intentions of the Waikato chiefs with reference to a settlement of existing differences and hopes they will not be deterred from shame or other feelings from coming forward in a frank and open manner to acknowledge their error and to satisfy the governor of their sincere desire to atone for the past and conduct themselves in future as good and faithful subjects of the Queen.¹⁰⁵⁰

McLean and Smith received an official censure from the Executive Council for their comments, and the only change to the original ultimatum was the omission of a specific demand for the flag of the 'pretended Maori King at Ngaruawahia' to be hauled down.¹⁰⁵¹ This modification to the original ultimatum was made not on the basis that it was acceptable for the flag to remain but because it was believed the requirement was covered by the demand for a general submission to the Queen's authority.¹⁰⁵²

If Rewi Maniapoto had not already decided that an attack on the Kingitanga was a matter of when and not if, then Browne's ultimatum may have convinced him of it. In effect, the governor had declared that those who continued to give their allegiance to

¹⁰⁴⁷ Ward, *Show of Justice*, p.123.

¹⁰⁴⁸ CO 209/162, pp.228-230, cited in Parsonson, 'Tainui Claims', p.57, fn.97.

¹⁰⁴⁹ [Undated draft document in McLean's handwriting], McLean Papers, MS-Papers-0032-014, ATL.

¹⁰⁵⁰ *ibid.*

¹⁰⁵¹ Minutes of the Executive Council, 24 May 1861, EC 1/2, p.369, Archives NZ.

¹⁰⁵² *ibid.*

the King could expect to hold their lands only for so long as they could defend them. Wiremu Tamihana, meanwhile, was indignant, declaring that:

If all the kings of the different islands (countries) were from Rome only, from thence also might come one for here; but is not the Queen a native of England, Nicholas of Russia, Buonaparte [sic] of France, and Pomare of Tahiti – each from his own people? Then why am I or these tribes rebuked by you and told that we and you must unite together under the Queen? How was it that the Americans were permitted to separate themselves? why are they not brought under the protecting shade (sovereignty) of the Queen? – for that people are of the same race as the English. Whereas I, of this island, am of a different race, not nearly connected. My only connexion with you is through Christ: Ephesians 2 c., 13v.¹⁰⁵³ Were all the different islands (countries) under one sovereignty – that of the Queen – it would be quite right; no one would differ; all this island would also be united with the rest. Instead of which, each nation is separate, and I also, standing here in my own thought, which is this, that I must have a king for myself. Friends, do not be offended; leave me to make known my thoughts with respect to this great matter which has furnished us with a cause of dispute. Is it on account of the Treaty of Waitangi that you are angry with us? Was it then we were taken possession of by you? If so, it is wrong...What harm is there in this name that you are angry about?¹⁰⁵⁴

If it were the case that God objected to the King, Tamihana added, then it would be given up, ‘but it is not he who forbids; and while it is only our fellow-men who are angry it will not be relinquished.’ He urged the governor to ‘leave this King to stand upon his own place, and let it rest with our Maker as to whether he shall stand or fall.’¹⁰⁵⁵

Browne asserted that Tamihana’s reply ‘must convince the most sceptical that the purchase of land at the Waitara was the excuse and not the cause of the war; that its

¹⁰⁵³ ‘But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ’ (King James Bible).

¹⁰⁵⁴ Wiremu Tamihana, Reply to the Declaration Addressed by the Governor to the Natives Assembled at Ngaruawahia, n.d. [May 1861], GBPP, 1862 [3040], p.73.

¹⁰⁵⁵ *ibid.*

real cause was a deep-rooted longing for separate nationality, which has been growing for years and could never have been stifled by palliative of any sort'.¹⁰⁵⁶ He further declared that:

All doubt, therefore, is now at an end, and it is evident that if the Maoris will not submit this part of the colony must be abandoned by all who will not yield obedience to Maori law, of which the aptest symbol is the tomahawk.¹⁰⁵⁷

Tamihana had not in fact demanded the submission of Pakeha to Maori law, but had queried the governor's demand that Maori should submit to the Queen's law, their exclusion from the law-making bodies of which he had previously contested. And as Alan Ward notes, although Tamihana asserted a theoretical right to a full and separate sovereignty by way of countering Browne's arguments, in practice he did not seek or demand one. In a memorandum on relations with the King movement drafted in May 1861, Sir William Martin noted that Gorst had recently seen Tamihana:

In conversing with him Mr. Gorst assumed that the Maori King was intended to be independent of the Queen, and he endeavoured to point out the evils which would arise from any attempt to set up a separate and independent power in this Island. William Thompson answered him promptly by act and word. He stuck in the ground two sticks, "One (he said) is the Maori King, the other is the Governor." He then laid on the top of the sticks a third horizontally. "This (he said) is the law of God and the Queen." Then he traced on the ground a circle enclosing the two sticks. "That circle is the Queen, the fence to protect all."¹⁰⁵⁸

In Martin's view the Kingitanga did not pose any kind of challenge to British sovereignty, instead merely aiming to have similar powers of self-government to those already available to the settlers. He added that:

¹⁰⁵⁶ Browne to Newcastle, 6 July 1861, GBPP, 1862 [3040], pp.69-70.

¹⁰⁵⁷ *ibid.*, p.70.

¹⁰⁵⁸ Martin, Memorandum on Our Relations with Waikato, 3 May 1861, GBPP, 1862 [3040], p.51.

I am convinced that the so-called King movement has been, and is even now, a movement which the Government should rather welcome as a godsend than attempt to crush as an enemy. Any fusion of the two races into one system of government and administration is not at present possible. The establishment of separate institutions for the native race is the only alternative. And this is the very thing which they crave at our hands.¹⁰⁵⁹

But Browne's mind was made up: he rejected Martin's belief that the Kingitanga did not pose a fundamental challenge to Crown sovereignty,¹⁰⁶⁰ prompting the Colonial Office to wonder whether he had become rather too fixated with the name 'King.' The Duke of Newcastle's minute on Martin's memorandum observed, for example, that:

None of the Governor's despatches render very clear the exact present state of this question of the "Maori King," but so far as we know no act of violence or insurrection is threatened by the Natives in support of this "*idea*." On the other hand it would appear that we are preparing to attack them in vengeance for a *name*. I say this *appears*, for I cannot believe that such is really Govr. Browne's intention, and must suppose that he expects an appeal to arms by the Natives under cover of this *name*.

If they merely honor their King, whether his name be Potato [sic] or Brian Boru¹⁰⁶¹ and commit no breach of the Queen's peace I agree with Sir W. Martin that such folly should be left to the influence of time, - but if war be commenced, even though in a "cabbage-garden," then there can be no mistake and force must be met by force.¹⁰⁶²

The governor, though, was not merely looking to respond to a 'breach of the Queen's peace' so much as evidently intent on initiating a showdown with the Kingitanga and the invasion of Waikato almost certainly would have come much sooner than July 1863 had Browne not been replaced by Grey.

¹⁰⁵⁹ *ibid.*

¹⁰⁶⁰ Browne to Newcastle, 16 May 1861, GBPP, 1862 [3040], p.49.

¹⁰⁶¹ A medieval Irish king.

¹⁰⁶² Newcastle, Minute on Browne to Newcastle, 16 May 1861, no.74, CO 209/162, pp.140-141, Archives NZ.

Upon receipt of Browne's ultimatum a runanga had been convened at Ngaruawahia to consider how best to respond. It met for the first time on 3 June 1861, and according to Gorst it spent the next three days considering several matters:

- (1) The taking of the King's flag, and breaking up the league into which they had entered to keep their land.
- (2) The restoration of plunder, and payment for what had been destroyed.
- (3) What should be regarded as a re-commencement of hostilities on the part of the troops.¹⁰⁶³

According to Gorst, the first question was almost entirely disposed of by Tamihana, 'who commenced by denying that the flag had ever been intended to do away with the supremacy of the Queen, as the protector of their rights and privileges: it was the badge of an agreement, made amongst themselves, to part with no land, and to hold meetings which should take cognizance of and suppress evil among themselves.'¹⁰⁶⁴ Tamihana went on to note a number of positive examples of the influence of the King movement, including the resolution of a number of long-standing land disputes, as well as successful interventions in other problem areas such as drunkenness and adultery. Gorst added that:

He denied that the flag had ever been the cause of the Waikatos going to Taranaki, but maintained that blood relationship would have driven them to it, had there been no flag. He particularized the relationship between some of the leading Waikatos who had gone to Taranaki and Wi Kingi. He expressed his good will to Europeans generally, declaring that he had never yet fought against them, but had been the means of stopping hostilities at Waitara; but he intimated that, in the event of war being recommenced, he could remain neutral no longer. He ended by saying that when the flag was set up upon any

¹⁰⁶³ Gorst, *The Maori King* (1864), pp.173-174.

¹⁰⁶⁴ *ibid.*, p.174.

land fairly sold to the Queen, when it otherwise interfered with the rights of the colonists, then would be the time for the Governor to interfere.¹⁰⁶⁵

On the question of the return of the plunder, there was general agreement that, as Imperial troops had commenced the war with their attack on Wiremu Kingi's pa, which had been destroyed along with all of its former possessions not actually looted, it was unfair to demand restitution and compensation from them without saying a word about compensating Kingi and his people.¹⁰⁶⁶ On the third head, 'it was resolved that the survey of any of the lands of Wi Kingi and his tribe, or the movement of troops to Mangatawhiri, or to any point which would clearly threaten a hostile movement against them, would be, as they expressed it, "a call to them to awake out of sleep."¹⁰⁶⁷

In addition to Tamihana's personal response to the governor quoted previously, the runanga as a whole also drafted a letter (dated 7 June 1861), in which the chiefs urged Browne not to repeat the mistakes of Taranaki:

Let not the proceeding be like that in the case of Taranaki, which we and you worked at in the dark: we did not understand what was the good of that quarrel. Let you and me deliberate carefully this time. These are our thoughts at the present time. We hear talk, the report of which is going about Waikato, and comes from where you are: that the General insists upon (urges) a war with Waikato. If this report is correct write to us; let the talk come first, and do you carefully weigh the matter (turn the matter over in your mind). Let this be the result of reflection, even the withdrawal of the troops who we hear are clearing the roads. If a stockade is made for the soldiers at Te Iia [sic] (Mangatawhiri), and at other places, our opinion is this: - Be not in haste to begin hostilities; let us duly remember the words of St. James, "slow to wrath,

¹⁰⁶⁵ *ibid.*, pp.174-175.

¹⁰⁶⁶ According to Buddle, Tamihana had asked 'How could the Governor ask them to restore plunder when his own soldiers had first set the example of destroying property? They had taken 100 horses and 200 cows belonging to Wm. King, had burnt his houses, his chapel, and a box of Testaments.' Buddle to Rev. Egglestone, 5 July 1861, Wesleyan Mission, Papers Relating to New Zealand, qMS-2174, ATL. That view won some support among officials. See Bell to Domett, 1 May 1863, Mantell Family Papers, MS-Papers-0083-218, ATL.

¹⁰⁶⁷ Gorst, *The Maori King* (1864), p.175.

swift to hear.” This, O Governor, is what we think; do you look to these things even fighting with words against the error or offences of the Maori, and let it (the offence) be clearly laid down, that the eyes of the great and of the small may clearly perceive it, ere you be swift to wrath. This is our intention. We are not going to rise up to fight; rather will we wait until the eyes have seen, the ears heard, and understanding has entered into the heart: then shall we see what is the good of fighting, and whether there be a just cause for the chastisement inflicted on evil men, that is upon us Maoris.

But now, oh Friend! restrain your angry feelings against all parts of New Zealand. Let our warfare be that of the lips alone. If such be the course pursued by us it will be a long path, our days will be many while engaged in fighting that battle. Let it not be transferred to the battle (fought) with hands. That is a bad road, a short path; our days will not be many while engaged with the edge of the sword. But do you, the first-born son of God’s sons, consider these things. Let not you and me be committed to the short path; let us take the circuitous one; though circuitous its windings are upon firm land.¹⁰⁶⁸

That was followed up by a second letter from members of the King’s runanga addressed to supporters at Otaki and elsewhere in which it was stated that ‘the Waikato and Ngatimaniapoto say, that, they will not give up their ‘mana’ to be trampled upon by the Governor.’¹⁰⁶⁹

Browne’s ultimatum had been a brusque, menacing and threatening one. By contrast, short of compliance with his demands for full and unconditional submission, he could hardly have received a more conciliatory one than that penned in the name of the runanga. Their plea for ongoing dialogue stood in marked contrast to the war talk which prevailed in official circles.

¹⁰⁶⁸ The ‘Runanga Maori’ to Browne, 7 June 1861, GBPP, 1862 [3040], pp.74-75.

¹⁰⁶⁹ The King’s Runanga to ‘all the chiefs residing at Otaki’, 12 June 1861, MA 1/1861/86A, Archives NZ, in RDB, vol.54, p.20768.

6.6 From Browne to Grey: *The Interregnum Period*

But Browne's days were numbered, and the first indication of this came in a private letter from the Duke of Newcastle to Grey on 1 May 1861. In it the Secretary of State for the Colonies wrote that 'you must not be surprised if by the next mail you receive a request from me to go on to New Zealand for a time.'¹⁰⁷⁰ All depended on the latest news from the colony, he advised, though within a few weeks of this Browne's fate had been sealed. Newcastle wrote to him privately on 27 May 1861 to advise that he was to be relieved of the governorship. This was not intended as a reflection on Browne, Newcastle somewhat feebly added, since, although the Waitara dispute might have been settled without recourse to arms, 'opposition to British supremacy was really at the bottom of their proceedings' as a result of which another cause of dispute would likely have been found.¹⁰⁷¹ The news could hardly have come as a complete surprise. Indeed, Harriet Browne wrote in her diary as early as August 1860 that she and her husband had sat up late one evening discussing what they would do if he was recalled.¹⁰⁷² Upon receiving the news they had long dreaded nearly a year later, the governor wrote privately in his diary that:

Sir George Grey is to succeed us here and will no doubt establish peace as soon as he appears. The natives are ready and anxious for peace *now* but their pride prevents them from submitting, added to which their friends have blackened my character & assured them I should be removed. My removal will therefore be a concession to their pride & they will gladly seize on it as an excuse to put an end to a war of which they are heartily wary. Sir George Grey will have ample funds & complete power & will no doubt make a satisfactory peace. Whether his successor may be able to keep the peace is another question and depends on the extent of the desire for distinct nationality which I believe has taken very deep root in their hearts.¹⁰⁷³

¹⁰⁷⁰ Newcastle to Grey, 1 May 1861, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

¹⁰⁷¹ Newcastle to Browne, 27 May 1861, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

¹⁰⁷² Harriet Browne, Diary, 8 August 1860, ADCZ 17006 W5431/3, Archives NZ.

¹⁰⁷³ Browne, Diary, 27 July 1861, ADCZ 17006 W5431/4, Archives NZ.

Newcastle wrote privately to Grey on 5 June, when he appealed to Grey's 'Patriotism and Public Spirit' to accept the governorship of New Zealand for a second time. Grey was, he added, to:

place the future management of "Native Affairs" upon such a footing as may prevent the recurrence of these unhappy disputes about land, and lead to the eventual incorporation of the two Races in one body politic, even though a more distinct separation by way of "Districts" may possibly be for a time the most practical mode of obtaining this ultimate result.¹⁰⁷⁴

Not for the first time, then, the Secretary of State for the Colonies appeared to be suggesting that section 71 of the Constitution Act be implemented, at least until such time as a need for separate institutions was no longer apparent. But Grey was also handed an out card with Newcastle's additional statement that he was to be left with 'the utmost latitude of action.' The British government favoured some kind of Native Council along the lines of what had been considered the previous year, and Grey was also authorised to enter into arrangements with the colonial government for funds and legislation to implement 'the introduction of your Kaffraria policy into the Colony, as soon as the rebellion is at an end.'¹⁰⁷⁵

Official instructions forwarded to Grey on the same date contained similar suggestions. In particular, Grey was advised that:

the most important of the Crown's powers, not hitherto exercised, is that of declaring Native Districts, with the effect of withdrawing them, for purely native purposes, from the jurisdiction of the General Assembly, or Provincial Councils, or both. It will be for you and your Ministers, aided probably by the proposed Council, to consider whether a colonial law might not with advantage be passed, withdrawing such districts, for all purposes, from the Provinces within which they are nominally included: and whether a distinct

¹⁰⁷⁴ Newcastle to Grey, 5 June 1861, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

¹⁰⁷⁵ *ibid.* The missionary Thomas Buddle later wrote that 'His Excellency is about to give them [Maori] new institutions with a considerable amount of local self-government as he did in Africa for the Kaffirs. He hopes by this means to bring down the Maori flag and he thinks it will be cheaper and more effectual than war.' Buddle to Rev. Egglestone, 5 November 1861, Wesleyan Mission, Papers Relating to New Zealand, qMS-2174, ATL.

legislation and administration, in which the natives themselves should take a part, would not better promote the present harmony and future union of the two races, than the fictitious uniformity of law which now prevails, or than any attempt to introduce the natives (in their present condition) into the electoral body of the colony, either provincial or general.¹⁰⁷⁶

But the returning governor was no more inclined than his predecessor to go down such a path by using section 71 of the Constitution Act. It was Grey himself who had volunteered to return to New Zealand, offering his services to the Duke of Newcastle in January 1861, and even claiming to be willing to serve as some kind of special commissioner under the continuing governorship of Browne.¹⁰⁷⁷ On one level it was easy enough, once the decision had been made to replace Browne, to see why Grey would have appeared an attractive alternative to the Colonial Office. After all, when he arrived in 1845 for his first governorship war with Maori was raging in the north and threatening to break out elsewhere and the colony was practically bankrupted. By the time he departed in 1853 peace had been well and truly restored, relations with Maori seemed on an even keel again and the colony's future prospects once again seemed bright. Yet Grey had been granted the military and financial resources denied his predecessors that enabled him to achieve such an outcome, and left just as the colony was on the verge of major changes with the implementation of the Constitution Act of 1852. Much had changed since his first governorship, not least in the establishment of general and provincial assemblies and the need to work alongside a responsible government. Moreover, the old flour and sugar policies would no longer cut it on their own.

While hindsight can be a fine thing, historians have on the whole been critical of the decision to re-appoint Grey to the New Zealand governorship. In an essay published in 1967, Alan Ward wrote that:

In the sense that his view of the place of the Maoris was as respectful subjects, submissive and grateful for his kindnesses, a vision that made no room for any show of Maori independence and little for their self-respect, Grey was, not the

¹⁰⁷⁶ Newcastle to Grey, 5 June 1861, AJHR, 1862, E-1, Sec.III, p.4.

¹⁰⁷⁷ Rutherford, *Sir George Grey*, pp.435-436; Sinclair, *Origins of the Maori Wars*, p.237.

best, but the worst possible Governor to have sent back to New Zealand in 1861. The warm glow he had experienced as the patron of leading Maoris in his first governorship was denied him in his second, the chiefs having in the meantime discerned the weakness and indignity of their position and discovered a more satisfying goal. Grey's resentment of their rejection of him was not the least among the causes of war in 1863.¹⁰⁷⁸

Grey, according to Keith Sinclair, came to New Zealand in 1861 with an ingrained set of views as to what needed to happen, based on his experiences the first time around. But much had changed since then, and in some respects it was more difficult for him to grasp this than it may have been for a new governor with no pre-conceived ideas.¹⁰⁷⁹ As Loveridge puts it:

Although Gore Browne had definitely overstayed his welcome, and a replacement was the best option at this juncture, it must be considered unfortunate that George Grey was the Colonial Office's choice. A Governor with less baggage where Maori were concerned, and with less of an [sic] penchant for self-promotion and self-justification might well have been preferable.¹⁰⁸⁰

It was not to be, however, and a kind of interregnum followed until Grey's arrival in the colony in September 1861.

But various reports on the state of Waikato continued to be received. Ashwell informed the governor in July of what he believed to be the 'real feeling' towards the government on the part of the middle and lower Waikato tribes. According to the missionary the tribes he was most acquainted with were anxious to maintain cordial and peaceful relations with the Crown and settlers. Specifically he noted that:

1. Their expression with regard to the Queen is that she is our Whaea, i.e. Mother and we do not wish to forsake her.

¹⁰⁷⁸ Alan Ward, 'The Origins of the Anglo-Maori Wars: A Reconsideration', *New Zealand Journal of History*, vol.1, no.2, October 1967, p.157.

¹⁰⁷⁹ Sinclair, *Origins of the Maori Wars*, p.241.

¹⁰⁸⁰ Loveridge, 'Institutions for the Governance of Maori', p.294.

2nd. That they wish to live peaceably with the Pakeha as they ever have done [;] as a proof of their sincerity Middle and lower Waikato did not join the war party at Taranaki.

3rd. They object to the term Peace with Waikato as Waikato has never been at War with the British Government and they consider themselves still at peace. It is incorrect to identify Middle and Lower Waikato with Mokau, Ngatimaniapoto, Ngatihaua, Ngatikoroke [sic] and other inland tribes. Strictly speaking the Tribes of Waikato are those only living on the River, and these are at peace with the Government.

4th. That the Natives of Waikato are not aware of having committed any aggression against the Queens [sic] supremacy. No mails have been stopped or taxes levied etc.

5th. That as proof of their desire to continue in peace with their Elder brother as they term the Europeans they have instituted the 10th day of every Month as a day of fasting [and] prayer, 1st, that all enmity between the two races may be destroyed that a cordial feeling may exist and that war may be averted and the Gospel progress: if their conduct were inconsistent with their professions I should attach no importance to their religious feelings, but the fact that they are not aware that the flag and name King was an act of aggression against the supremacy of the Queen and Waikato generally having treated the Europeans living among them with kindness and cordiality prove that they are sincere.¹⁰⁸¹

Ashwell was not the first – and would not be the last – to attempt to draw this kind of distinction between the ‘good’ people of Waikato proper and the ‘bad’ people of Ngati Maniapoto. And yet many of the attitudes towards the Queen and towards Europeans generally which he had outlined were not confined to the tribes of lower and middle Waikato. Ashwell later partly acknowledged that the views of particular tribal groupings could not be considered monolithic, when he wrote that:

¹⁰⁸¹ Ashwell to Governor Browne, 11 July 1861, Ashwell Letters and Journals, qMS-0089, ATL.

The Ngatimaniapoto at Mokau and Kawhia are the most opposed to the Government. These allies of Taranake [sic] during the late war obtained most of the spoil and suffered the least of any of the Tribes who were engaged in the war, but some of even these are anxious to join the Govt.¹⁰⁸²

In fact, fellow missionary J.A. Wilson also wrote to Browne in July that Rewi Maniapoto had called to see him at Otawhao, where he had spent several hours discussing the cause and circumstances of the Taranaki War, before declaring that he would agree to visit Auckland if invited to do so by the governor. Wilson added that ‘He said he had seen you at Waitara, when peace was made with the Ngati Awa, and would not distrust your word.’¹⁰⁸³ As we saw earlier, Rewi, the supposedly implacable warrior, had not only approved of the Te Atiawa peace concluded with Browne in April but was also willing to enter into a dialogue of his own with the governor. And whereas Wiremu Tamihana had earlier rejected proposals to travel to Auckland out of fear that he might suffer the same fate as Te Rauparaha, the Ngati Maniapoto leader seemingly was prepared to make the journey.¹⁰⁸⁴ Browne, in any case, rejected Ashwell’s view of things, leading the missionary to conclude that ‘the feeling of the war party has a great influence with him – and I much doubt whether he will meet the Natives half way’.¹⁰⁸⁵

Ashwell later claimed that great jealousy existed between Ngati Maniapoto and Ngati Haua with respect to Grey’s proposals for Waitara to be settled by arbitrators appointed by each side, with the latter tribe supporting this plan and the former determinedly opposed to it.¹⁰⁸⁶ The great fear, he believed, was the ‘lawless state’ of Ngati Maniapoto, over whom the King’s officials had insufficient influence to protect the life and property of Europeans residing among them.¹⁰⁸⁷

¹⁰⁸² Ashwell to CMS, 2 April 1862, Ashwell Letters and Journals, qMS-0089, ATL.

¹⁰⁸³ Quoted in McDonald, ‘Rewi Manga Maniapoto’, p.94.

¹⁰⁸⁴ See also J.A. Wilson to Browne, 1 July 1861, in C.J. Wilson (ed.), *Missionary Life and Work in New Zealand: Being the Private Journal of the Late Rev. John Alexander Wilson*, Auckland: Star Office, 1889, p.101.

¹⁰⁸⁵ Ashwell to CMS, 25 July 1861, Ashwell Letters and Journals, qMS-0089, ATL.

¹⁰⁸⁶ Ashwell to CMS, 1 May 1862, Ashwell Letters and Journals, qMS-0089, ATL.

¹⁰⁸⁷ *ibid.*

In any case, Wiremu Tamihana had written a conciliatory letter to Browne in July 1861, suggesting that he come to Auckland at the time of the next Kohimarama conference ‘so that there may be persons to look to my faults, and also to yours.’¹⁰⁸⁸ In a second letter, drafted days later, he again expressed a desire to see the governor in Auckland, this time asking that there should be ‘a second meeting called by the Governor like the Kohimarama, that I may attend.’¹⁰⁸⁹ Yet even if Browne was not a lame-duck governor at this time, it seems unlikely that he would have agreed to such a proposal, especially given the less than ringing endorsement the government had received for its handling of the Waitara dispute at the first Kohimarama meeting.

Nor did news of Grey’s appointment as the replacement for Browne prove much of a game-changer. Writing shortly before Grey arrived in New Zealand, the missionary John Morgan informed McLean that:

The kingites do not at all appear disposed to yield to Sir G. Grey the points required by Governor Browne. They say that they will not give up their king or flag, or the plunder, or make compensation, they will not allow roads to be made, land to be sold, or the murderers to be given up. A few, but only a few, are favourable to the plunder being given up, but on all other points they are agreed. They have not manifested any joy at Sir George’s appointment. Many are pleased at the change of Governors, & say if Sir George is coming to allow them their king & flag it will be very good, but if he requests them to give them up they will not do so. Governor Grey will find some hard work before him, with little or no desire to look up to him any more than to any other Governor.¹⁰⁹⁰

On the other hand, various reports prepared at the time of Grey’s arrival indicated that, while full compliance with the terms laid down by Browne remained unlikely,

¹⁰⁸⁸ Tamihana to Browne, 9 July 1861, AJHR, 1861, E-1B, p.20. The influential Ngati Rangiwewehi (Te Arawa) chief Wiremu Maihi Te Rangikaheke appears to have played an important intermediary role at this time. See Te Rangikaheke to Browne, 9 July 1861, AJHR, 1861, E-1B, p.21.

¹⁰⁸⁹ Tamihana to Bell and Fox, 13 July 1861, Le 1/1861/242, Archives NZ. See also AJHR, 1861, E-1B, p.23.

¹⁰⁹⁰ Morgan to McLean, 10 September 1861, McLean Papers, MS-Papers-0032-0459, ATL.

the Waikato tribes remained anxious to avoid a renewal of hostilities.¹⁰⁹¹ While Matutaera was said to deprecate the notion of taking up arms under any other circumstances than that of an attack on themselves,¹⁰⁹² Rewi Maniapoto was also said to be anxious for peace.¹⁰⁹³ A new governor offered fresh hope, but had he too determined on war?

6.7 Conclusion

Ever since FitzRoy had overturned William Spain's 1844 award in favour of the New Zealand Company, the government had found itself under immense pressure to purchase more land for the settler community confined to a small and narrow coastal strip in and around New Plymouth. Waitara, with its flat and fertile lands and navigable river, had been an obvious target from an early date, notwithstanding significant opposition to any land sale in the area from many of the Te Atiawa owners. In March 1859 the government accepted an offer to sell land at Waitara from Te Teira, a customary owner who had evidently been motivated to take such an action as a result of a dispute with senior rangatira Wiremu Kingi over a young female relative. Governor Browne maintained that Kingi had not asserted a customary claim over the Waitara lands in defence of his decision to press on with the purchase despite protests but that he was merely trying to uphold a chiefly veto on behalf of a Taranaki 'land league'. That flew in the face of overwhelming evidence to the contrary. While Kingi would not, and perhaps could not, advance an individual claim to a defined portion of the tribal lands of his community, he had unquestionably made clear the opposition of the broader collective of owners he represented to any sale of their lands going ahead. But once Browne had determined to override the collective wishes of Kingi and the other owners, the question soon became a more fundamental one as to whose will would prevail. That brought into focus issues of sovereignty versus rangatiratanga left unresolved since the time of the Treaty.

¹⁰⁹¹ Smith, Memorandum on the state of Native Policy, 26 September 1861, MA 1/1861/136, Archives NZ, in RDB, vol.54, pp.20790-20794.

¹⁰⁹² Memorandum [Notes of an interview between Governor Browne and Ahipene Kaihau, 25 September 1861], MA 1/1861/136, Archives NZ, in RDB, vol.54, pp.20795-20796.

¹⁰⁹³ Memorandum of an interview between His Excellency the Governor and Piripi Matewha of Ngati Haua, 24 September 1861, MA 1/1861/136, Archives NZ, in RDB, vol.54, p.20800.

While Kingi and his followers appeared keen to avoid escalating the dispute, the government took the opposite tack. When a group of mostly elderly and unarmed Te Atiawa women sought to prevent the survey of the land in February 1860, the commander of the troops responded by proclaiming martial law over the province and by describing the actions of the kuia as a form of rebellion against the Queen. Fighting broke out the following month when Maori in occupation of a pa on the disputed lands were fired upon by British troops.

Initial reports suggested that Ngati Maniapoto and other Waikato tribes would take no part in the conflict at Taranaki. But that began to change when their support was solicited by a deputation from Taranaki, and from June 1860 onwards substantial numbers of Waikato Maori fought alongside the Te Atiawa defenders of Waitara. In the case of Ngati Maniapoto, at least, there is an indication that the decision to provide assistance was made only after carefully investigating and weighing up all of the evidence to determine the justice of Wiremu Kingi's position. Whakapapa links and strategic concerns that their lands might be next on the list of those to be seized also played a part. But contrary to some popular misconceptions, that assistance came not just from Ngati Maniapoto, but from a substantial cross-section of the Waikato tribes generally. Their intervention brought about almost immediate results, when the British suffered a serious defeat at Puketakauere in June 1860. That was reversed at Mahoetahi in November of the same year, before a series of further engagements early in 1861 saw something of a military stalemate develop.

It required the personal intervention of Wiremu Tamihana to broker a halt to the fighting in March 1861. Browne thereafter insisted on issuing three separate terms of peace to different groups of Maori who fought at Taranaki. The terms demanded of the Waikato tribes essentially required them to disband the Kingitanga as the price of lasting peace. And while Kingitanga leaders called for ongoing dialogue, Browne was willing to accept nothing less than unconditional submission. By July 1861 his plans for the invasion of Waikato, timed to commence the following September, were well advanced. It was only the news that reached New Zealand towards the end of the month of Browne's imminent replacement as governor by Sir George Grey which saw those plans put on hold. Had the 1861 invasion proceeded, with only a fraction of the

force available to Grey two years later, no Great South Road and no armed steamers to patrol the Waikato River, then the results would likely have been catastrophic for future British settlement of New Zealand.

Browne's personal hubris, and his obvious underestimation of the military strength of core Kingitanga supporters in the Waikato, had led him to the edge of a dangerous precipice. But a further factor in his determination to confront the Kingitanga was his perception that a hardcore element existed within the movement that posed a serious threat to the Crown and settlers. Observers then and since have identified this 'extremist' faction as being headed by Rewi Maniapoto and backed by the solid support of many other Ngati Maniapoto tribal members. The implication advanced by a number of contemporary observers and later historians has often been that it was through the actions of Ngati Maniapoto and their leader that Waikato was invaded by British troops in 1863 and the district confiscated. That argument comes dangerously close to legitimising the Crown's actions at Waikato as having been at least in part provoked by Ngati Maniapoto. But it is also a viewpoint that fails to stack up on closer scrutiny. For one thing, the depiction of the Kingitanga as a deeply divided movement loses sight of the fact that figures such as Rewi Maniapoto and Wiremu Tamihana had more in common than divided them. Moreover, as we have seen, at various times Rewi Maniapoto demonstrated a genuine interest in negotiating mutually agreeable terms with the Crown, even while making it clear that he was prepared to fight in defence of the Kingitanga should this prove necessary.

The threatening and uncompromising stance adopted by Browne, and his demands for full and unconditional surrender, were ones that none of the senior Kingitanga leaders could comply with. But whether Grey had cancelled the intended invasion of Waikato, or merely delayed this while troop numbers and the necessary infrastructure were put in place, seems a somewhat moot point, especially in view of his apparent determination to 'take the Waikato'. Would it be peace or war? That was the question on everyone's lips as they awaited the arrival of the new governor. And yet, though there is little doubt that Browne had overstayed his welcome in New Zealand by 1861, in many respects Grey was the worst possible replacement that could have been sent. Not only had times moved on, but as we explore in the following chapters, ultimately

he proved no more willing than his predecessor to work towards genuine reconciliation with leaders of the Kingitanga.

7. New Institutions

7.1 *Developing the Proposals*

Technically, Browne was not recalled as governor as is commonly assumed, but did not have his term extended after serving out six years.¹⁰⁹⁴ In reality, however, the distinction was a fine one: the Taranaki War, combined with the damning report of the Waikato Committee and other developments, saw the Colonial Office rapidly lose confidence in Browne. Officials pined for a governor of ‘commanding ability and energy’.¹⁰⁹⁵ They appeared to have a ready-made one on tap in the form of Sir George Grey, who had returned the colony to peace and relative prosperity during his first governorship and had been actively volunteering to return to New Zealand from early in 1861. He received official instructions to return to New Zealand in June 1861 and was informed that although the Imperial government wished to restore peace to the colony, it did not wish to do so from a position of weakness. In this respect Grey was instructed that:

It would be better even to prolong the war, with all its evils, than to end it without producing in the native mind such a conviction of our strength as may render peace not temporary and precarious, but well-grounded and lasting.¹⁰⁹⁶

Grey believed that any attempt to enforce Browne’s ultimatum against the Waikato tribes would inevitably lead to war, and was anxious to return to New Zealand as quickly as possible in order to prevent such an outcome.¹⁰⁹⁷ He arrived in Auckland on 26 September 1861, but was unable to assume the governorship until Browne’s departure for Australia a week later.¹⁰⁹⁸

¹⁰⁹⁴ B.J. Dalton, ‘Browne, Thomas Robert Gore 1807-1887’, DNZB, vol.1, p.48; Newcastle to Browne, 25 May 1861, AJHR, 1861, A-3, p.1.

¹⁰⁹⁵ Fortescue, minute, 12 March 1861, CO 209/156, cited in Dalton, *War and Politics in New Zealand*, p.138.

¹⁰⁹⁶ Newcastle to Grey, 5 June 1861, AJHR, 1862, E-2, Sec.III, p.3.

¹⁰⁹⁷ Grey to Newcastle, 15 August 1861, Turton (comp.), *Epitome*, A.1 Part I, p.73.

¹⁰⁹⁸ Grey to Newcastle, 4 October 1861, AJHR, 1862, E-1, Sec.II, p.3; Rutherford, *Sir George Grey*, pp.453-454. On board the ship to Sydney Browne reflected on his time in New Zealand, observing in his diary ‘I regret that I did not send a message to the Assembly indicating a Native policy & asking for large supplies in spite of ministers. The demand would have been laughed at in 1858 but would have been very advantageous to me in 1860 & 1861...I regret the mental elation I felt in 1860 when I hoped

As was noted in the previous chapter, Grey returned to a radically different New Zealand from the one he had left in 1853. For one thing the governor was no longer in sole charge of the colony, but instead was expected to work alongside ministers answerable to the General Assembly in a system of ‘double government’ – a huge challenge for someone of Grey’s autocratic instincts. In this respect there had been a significant development in July 1861, when the ministry which had been led by Edward Stafford since 1856 lost a vote of confidence in the General Assembly by a solitary vote. Grey was informed of the views of the so-called ‘peace ministry’ led by William Fox, which followed the Stafford government, in a memorandum dated 8 October 1861. Ministers observed that:

The attitude of the Waikatos is at present one of suspense. They say that they will not give up the King movement, that the appointment of Sir George Grey as Governor will not induce them to succumb; they must hear what he has to say. They will remain quiescent. They do not wish to fight; but if they are attacked, they will fight to the last man. These are probably the statements of a majority of the tribe: but there is a considerable section of them who are opposed to the King movement, and other tribes elsewhere, particularly the Ngapuhis and Northern Natives; and some of them are reported to be exerting themselves to induce others to abandon it. It is probable, however, that if war should ensue, the bulk of the native population to the Southward of Auckland would gradually drift into it.¹⁰⁹⁹

Grey was also informed of their view as to the foundations of the Kingitanga, which they summed up as ‘a desire for good Government, a conviction that our rule does not give it, jealousy on the land question, and certain crude ideas of independence.’ In a clear endorsement of the views of the Waikato Committee, ministers further declared their view that if the task of ‘patiently framing and embodying suitable institutions’ commenced four or five years previously had been persevered with ‘shape might have been given to the natives’ confused ideas, and their acquiescence secured in some

& expected to put an end to many Maori difficulties by a vigorous and decisive act. I was not supported.’ Browne, Diary, 12 October 1861, ADCZ 17006 W5431/4, Archives NZ.

¹⁰⁹⁹ Fox, Memorandum, 8 October 1861, AJHR, 1862, E-2, p.3.

general system of government which might have strengthened the bonds of union between the two races.’ The lapse of time, and the Taranaki War, had ‘not only rendered this task much more difficult in itself, but created or developed an inflammable and dangerous temperament in the native mind which a very small spark may at any moment cause so to break out into a blaze.’¹¹⁰⁰ This rendered the task ‘more difficult, not altogether hopeless’, however, and the course required was now clear:

The Natives of New Zealand are...a deliberative people. Deeply impressed with the value of the King movement, which embodies at present the one political idea of the race, they are not likely to abandon it, unless some more attractive and at the same time solid substitute is offered. To give practical effect to what is good in that movement, by institutions adapted to their habits and capacities, while at the same time we persuade the natives to reject whatever in it may be antagonistic to the authority of the British Government, ought to be our aim.¹¹⁰¹

Ministers thus recommended stepping back from the edge of the abyss by withdrawing the demand for unconditional submission previously issued by Browne and making a further attempt to positively engage with members of the Kingitanga, while at the same time taking ‘firm and decisive’ military action in Taranaki.¹¹⁰² If there was to be further war, it was, in their view, ‘far better that it should be at Taranaki than elsewhere.’¹¹⁰³

Grey rejected the idea of resuming military operations in Taranaki but otherwise concurred with the principles set out by his ministers.¹¹⁰⁴ Indeed, his predecessor, Gore Browne, had himself suggested something very similar, and contemplated a trial scheme in the Far North. He had selected the Muriwhenua region for such a pilot on the basis that the loyalty of the tribes there was ‘undoubted’, in consequence of which

¹¹⁰⁰ *ibid.*, p.4.

¹¹⁰¹ *ibid.*

¹¹⁰² *ibid.*, p.6.

¹¹⁰³ *ibid.*

¹¹⁰⁴ Rutherford, *Sir George Grey*, p.457.

the government's moves could not be read as a sign of weakness.¹¹⁰⁵ But Grey did not share Browne's enthusiasm for a repeat of the Kohimarama conference. Although (as we saw earlier) ministers had been impressed enough to guarantee funding for further such gatherings, Grey queried the success of the first conference. In justifying his decision to cancel a repeat conference, Grey informed the Secretary of State for the Colonies that 'it also admits of question, as a point of policy, whether it would be wise to call a number of semi-barbarous Natives together to frame a Constitution for themselves.'¹¹⁰⁶

The new governor instead concentrated his efforts on more localised mechanisms through which he hoped to gain some influence and control over the tribes. And whereas Browne believed that a comprehensive scheme of 'new institutions' would necessarily have to await the suppression of the King movement, Grey saw the introduction of such a system as a vital tool in efforts to undermine the Kingitanga. His 'Plan of Native Government' envisaged the North Island being divided into 20 districts, each of which would have its own district runanga under the supervision of a Civil Commissioner. Each district would in turn be divided into about six smaller 'Hundreds', whose own runanga would elect two members to represent them at district level as well as making recommendations for appointments to a range of salaried government positions under the scheme.¹¹⁰⁷ Fox wrote privately that this was 'Fentons [sic] Waikato plan on a larger and more developed scale extended to all the island.'¹¹⁰⁸ He had earlier informed Benjamin Ashwell that 'The present issue is whether they are to be exterminated, or to become a civilized people; and with the elements by which we are surrounded a hair may turn the scale.'¹¹⁰⁹

Under Grey's proposals, district runanga would have wide-ranging powers to make by-laws on matters of local concern, subject to confirmation by the governor-in-council, and would also have authority to inspect native schools, construct and administer hospitals, jails, roads and other services, as well as being accorded a

¹¹⁰⁵ Vincent O'Malley, 'English Law and the Maori Response: A Case Study from the Runanga System in Northland, 1861-65', *Journal of the Polynesian Society*, vol.116, no.1, March 2007, p.16.

¹¹⁰⁶ Grey to Newcastle, 30 November 1861, AJHR, 1862, E-1, Sec.II, p.34.

¹¹⁰⁷ Grey, Minute on the Subject of His Excellency's Plan of Native Government, October 1861, AJHR, 1862, E-2, pp.10-12.

¹¹⁰⁸ Fox to Mantell, 2 November 1861, Bell Letters, MS-0161, ATL.

¹¹⁰⁹ Fox [to Ashwell]. 20 January 1861, Ashwell Letters and Journals, qMS-0089, ATL.

decisive role in resolving land disputes and approving future sales. In a notice circulated to the tribes it was explained that:

This...is what the Governor intends to do, to assist the Maori in the good work of establishing law and order. These are the first things:- the Runangas, the Assessors, the Policemen, the Schools, the Doctors, the Civil Commissioners to assist the Maories to govern themselves, to make good laws, and to protect the weak against the strong. There will be many more things to be planned and to be decided; but about such things the Runangas and the Commissioners will consult. This work will be a work of time, like the growing of a large tree – at first there is the seed, then there is one trunk, then there are branches innumerable, and very many leaves: by and bye, perhaps, there will be fruit also. But the growth of the tree is slow – the branches, the leaves, and fruit did not appear all at once, when the seed was put in the ground: and so will it be with the good laws of the Runanga. This is the seed which the Governor desires to sow: - the Runangas, the Assessors, the Commissioners, and the rest. By and bye, perhaps, this seed will grow into a very great tree, which will bear good fruit on all its branches. The Maories, then, must assist in the planting of this tree, in the training of its branches, in cultivating the ground about its roots; and, as the tree grows, the children of the Maori, also, will grow to be a rich, wise, and prosperous people, like the English and those other Nations which long ago began the work of making good laws, and obeying them. This will be the Work of Peace, on which the blessing of Providence will rest, - which will make the storms to pass away from the sky,- and all things will become light between the Maori and the Pakeha; and the heart of the Queen will then be glad when she hears that the two races are living quietly together, as brothers, in the good and prosperous land of New Zealand.¹¹¹⁰

But it was not just a work that would take time. All of this would require very substantial investment and the apparent concession of significant powers of self-government to Maori communities. Although more or less entirely conceived as a

¹¹¹⁰ Notification circulated among the Native Tribes, just before the Governor's Visit to Waikato, December 1861, AJHR, 1862, E-2, p.22.

response to the specific threat perceived as being posed by the Kingitanga, Grey, however, chose not to go directly to Waikato to explain the proposals. Instead, he first put these to the Northland tribes in a series of hui held in November 1861, receiving an enthusiastic response, driven in large part by the governor's explanations that the runanga would provide for all of the wants of the different hapu and would provide the key to future prosperity.¹¹¹¹

7.2 Grey's December 1861 Visit to the Waikato

Having secured the northern flank, Grey travelled to Waikato the following month to outline the proposals to King supporters. Shortly before doing so he informed the Colonial Office of his decision not to enforce Browne's ultimatum, which would only have resulted in a 'general war' breaking out.¹¹¹² Such a war, fought at that time, would be 'attended with results most disastrous to us', Grey informed the Colonial Office at the end of November 1861, especially given that 'no adequate preparation' had been made for such a conflict.¹¹¹³ The Attorney General, Henry Sewell, was meanwhile among those who saw no need for such a showdown. He dismissed the positive response Grey's proposals had received from the Northland tribes as being of little consequence, since the real problems lay elsewhere. In this respect, he wrote that:

The Upper Waikatos and interior tribes still shew signs of a sullen independence and I do not fancy from what I hear, that they will make submission in any overt form. For my own part I am indifferent on that point. I think the treatment of the King movement as overt treason was a great mistake. Treason and allegiance are mere abstract ideas quite unintelligible to the Maori mind. We shall accomplish what we want, not by pulling down the King flag, but by getting the natives to submit their quarrels to the arbitrament of law, instead of the Taua.¹¹¹⁴

¹¹¹¹ O'Malley, 'English Law and the Maori Response', pp.19-21.

¹¹¹² Grey to Newcastle, 30 November 1861, AJHR, 1862, E-1, Sec.II, pp.33-34.

¹¹¹³ *ibid.*

¹¹¹⁴ Sewell, Journal, 17 November 1861, p.2, qMS-1787, ATL.

He believed that patience and time were the keys. While the upper Waikato tribes, and especially Ngati Maniapoto, would not make a distinct submission, they would 'remain passive and sullen till by degrees they find themselves...isolated from the rest of the Natives and incapable of doing mischief.'¹¹¹⁵

To this effect, even before Grey had met with the Waikato tribes the services of John Gorst had been secured by the government to act as Civil Commissioner for the Upper Waikato district. According to Sewell it had been rumoured that Wiremu Tamihana had previously offered Gorst £300 a year to go and teach his people. Instead, Sewell wrote that:

We have given Gorst instructions to point out to William Thompson the futility of his proceedings and the consequences of setting up the lawless authority of Native Runangas and self constituted Magistrates. At the same time to shew him that the Government really sympathizes with him in their desire to mend their condition and he is therefore sent with authority to enforce lawfully what they seek to do by unlawful means.¹¹¹⁶

Gorst reached the Ngati Haua settlement of Peria by 2 December, where he attempted to persuade Wiremu Tamihana and the other chiefs to attend the forthcoming meeting with Grey, besides seeking to win them over to the governor's proposed 'new institutions'. As discussed more fully below, Tamihana explained the desire of the people to control the importation of spirits into the district and outlined the efforts they had gone to in this direction, as well as their past attempts to solicit government assistance in this direction. Gorst told the chief that their actions were unlawful, but if they agreed to co-operate with the governor's plans they would receive all the support they needed. Tamihana replied with a parable concerning the weka, which once escaped from the snare was not easily caught again.¹¹¹⁷ Despite this, Gorst reported a generally positive response to the proposed runanga system. The chiefs liked everything, he noted, 'except the idea of submitting to the Queen, and sending their

¹¹¹⁵ Sewell, Journal, 24 November 1861, p.5, qMS-1787, ATL.

¹¹¹⁶ *ibid.*, p.6.

¹¹¹⁷ Gorst to Fox, 2 December 1861, AJHR, 1862, E-1, Sec.II, p.46.

laws for the Governor's assent.¹¹¹⁸ Yet even on this point, Gorst noted that after more discussion with Tamihana, 'they agree to the laws being made by the Runanga Maori, and assented to by [both] the Governor and Matutaera', though he was not prepared to say more on the subject until Grey's visit.¹¹¹⁹ This compromise, it should be noted, was also acceptable to the British government. The Secretary of State for the Colonies informed Grey in March 1862 that he saw 'no difficulty, if they desire it, in requiring the assent of one of their Chiefs, whether Matutaera or any other person, to the laws passed by the Runanga.' It would be, he added, 'no more inconsistent with the sovereignty of Her Majesty, than the assent of the Superintendent of a Province to laws passed by the Provincial Council.'¹¹²⁰

A further meeting of the Ngati Haua held the next day did not go so well. Gorst was berated for all the past acts of the British government from the time of the Treaty of Waitangi onwards and asked whose mana they would be under if they agreed to the scheme of the governor. It was suggested that the settlers should come under the mana of the Maori King and submit their laws to him for approval. Gorst, in turn, demanded to know what was unjust about Grey's plans, but noted that: 'They would not argue: they only cried out, like the Assembly at Ephesus, for the space of two hours, "great is King Matutaera of the Maoris."' ¹¹²¹ But privately many chiefs told Gorst that Tamihana approved of the proposal that the governor and Maori King should together agree to the laws of the runanga, and if Grey could only bring such a scheme to fruition all would agree.

Yet in his first meeting with the Waikato chiefs at Kohanga on 12 December 1861, the new governor adopted an aggressive tone. He demanded an assurance that the King would not be imposed on tribes who did not accept him, and declared:

I don't care what you call him; King or Chief, I do not mind him. What I shall now do is to set to work with all the Chiefs who will help me, and do all the good I can; and those who will not aid me, I shall not care for. I shall look upon each Chief as the King of his own tribe; and if two or more tribes come

¹¹¹⁸ *ibid.*

¹¹¹⁹ *ibid.*

¹¹²⁰ Newcastle to Grey, 16 March 1862, AJHR, 1862, E-1, Sec.III, p.9.

¹¹²¹ Gorst to Fox, 5 December 1861, AJHR, 1862, E-1, Sec.II, p.47.

and say, “Well, if you like to give up your chieftainship to another man, well and good, I shall not care.” I shall have twenty kings in New Zealand before long; and those kings who work with me shall be wealthy kings, and kings of wealthy peoples.¹¹²²

At a further hui at Taupiri a few days later, Grey boasted that he had been sent to New Zealand with a large force at his disposal, and could have as many more troops as he needed to establish law and order. At the same he promised the people of the Waikato district that:

I know I shall have to answer for the way in which I may use that force; not to Europeans, not to Maories, but at the Judgement Seat where I shall have to stand hereafter: and knowing that as I do, you may depend that I shall use the means at my disposal to the best of my ability, for the good of those under me. The people of Waikato may therefore rest assured, and I give them my word, that I shall never attack them first, and that they may rest in peace and quietness.¹¹²³

This curious mixture of thinly veiled threat and pacific promises perhaps reflected the fact that Grey was not simply preparing for peace but was also simultaneously planning for war. His further statements at this latest hui were just as confused. On the one hand he again declared that ‘If a tribe, or two or three, or more, call their Chief a king and stick up a flag, I think it nonsense, and don’t mind it’. But at the same time Grey stated that ‘as the name of king has been mixed with many troubles and is much disliked by many people, I would get rid of it, and find some other name’.¹¹²⁴ On the most basic question as to whether he was prepared to tolerate the survival of the Kingitanga, Grey therefore gave at best vacillating responses. And his further statement that he was going to ‘conquer and kill’ the King’s supporters with good, left

¹¹²² Speeches of Governor Sir George Grey and the Waikato Chiefs at the Meeting Held at Kohanga, 12 December 1861, AJHR, 1862, E-8, p.3. For an unofficial account of Grey’s meetings in the Waikato see Morgan to Browne, December 1861, Gore Browne 1/2D, Archives NZ.

¹¹²³ Speeches at Taupiri, 16 December 1861, AJHR, 1862, E-8, p.5.

¹¹²⁴ *ibid.*, p.6.

open the question of what exactly would be the result if they failed to buy into his plans.¹¹²⁵

When asked directly by a Kingitanga speaker named Tipene whether he was opposed to the King, Grey professed not to care, but then qualified this by declaring that the movement should be stopped, and would be through the plans he had explained.¹¹²⁶ Thus from the very outset Grey premised the scheme of 'New Institutions' not on an attempt to address the concerns of the Kingitanga so much as being a means to undermine support for the movement. As he explained to the Secretary of State for the Colonies:

Thus by degrees I hope the King movement will be eaten out, and, when the inferiority of their form of government is seen side by side with the superior one which will be given to them, that the whole will at last readily embrace offers which are so advantageous to them.¹¹²⁷

While Browne's ultimatum had been withdrawn, Grey thus gave mixed messages as to whether or not he shared his predecessor's hardline stance towards the Kingitanga. John Gorst later recalled that at the Taupiri meeting:

The Waikatos had expected to get a distinct pledge from Sir George Grey, in answer to the question which Tipene had been sent down to put. It was not possible, however, to elicit from him such a plain declaration of his intentions with regard to the King as they desired. The language he had used convinced them that he was at heart opposed to the King; but they remained in perplexity as to whether he would, or would not, use that large army which he had at his disposal, and which he could increase indefinitely, to put down the obnoxious King by force.¹¹²⁸

¹¹²⁵ *ibid.*, p.7.

¹¹²⁶ According to Gorst, Tipene Tahatika had been selected to attend the meeting as a Kingitanga representative, along with a man named Herewini, not because of their rank or seniority but owing to their talents as orators. Gorst, *The Maori King* (2001), p.85. John Morgan described Tipene's demeanour during the meeting as being 'open and friendly, but firm as a rock to the maori [sic] king.' Morgan to Browne, December 1861, Gore Browne 1/2D, Archives NZ.

¹¹²⁷ Grey to Newcastle, 6 December 1861, Turton (comp.), *Epitome*, A.1 Part I, pp.80-1.

¹¹²⁸ Gorst, *The Maori King* (2001), p.92.

Gorst, who had been despatched to the upper Waikato district ahead of the great meeting at Taupiri, in fact recorded significant interest in the governor's proposals. After at first having to argue down intense suspicion of Grey's motives, Gorst found that there was widespread support for the proposals, provided the King was given a right of veto over any laws made by their runanga, which could then be forwarded to the governor for final approval.¹¹²⁹ Following the Taupiri meeting it was clear that Grey was not prepared to countenance any such role for the King, while according to Gorst his decision to press on with the construction of a military road through the Hunua forest confirmed the worst fears of Kingitanga supporters as to the governor's intentions.¹¹³⁰ Sewell believed that Grey had employed precisely the kind of language required under the circumstances, 'holding out to them in one hand the Olive branch Institutions and all sorts of provisions for their welfare and progress and in the other hand showing, I will not call it a sword, but a baton of authority.'¹¹³¹ He noted that Grey's announcement of his intention to complete the road, and to place troops on the Waikato River, 'startled and alarmed them, and when he left there was a general gloom over them at the prospect of this military movement.'¹¹³² Settlers fearful of a return to the old days of 'flour and sugar' policies were, on the other hand, said to be greatly cheered by these signs of vigour on the governor's part.¹¹³³ Ministers, meanwhile, had also approved a hardline stance that would distinctly mark the governor's 'disapprobation' of the Kingitanga, despite evidently being amenable to allowing Matutaera some kind of role in the process of approving laws.¹¹³⁴

That there was a need for action on issues of particular concern to the Waikato tribes was beyond doubt. And one concern had been raised repeatedly over a number of years. Prior to the December meetings, Wiremu Tamihana sent a letter to the Native Secretary, T.H. Smith, in which he stated that their own unofficial runanga had recently made a law preventing the sale of spirits in their district. A Frenchman had subsequently broken the law, as a consequence of which three kegs of spirits had been

¹¹²⁹ *ibid.*, p.83; Parsonson, 'Tainui Claims', p.70.

¹¹³⁰ Gorst, *The Maori King* (2001), pp.92-93.

¹¹³¹ Sewell, *Journal*, 25 December 1861, p.14, qMS-1787, ATL.

¹¹³² *ibid.*, p.15.

¹¹³³ *ibid.*, p.17.

¹¹³⁴ Ward, *Show of Justice*, pp.127-128.

seized.¹¹³⁵ Gorst, though, when he met with Tamihana informed the chief that he had acted illegally in seizing the spirits, a message which was met with indignation at first. When the Frenchman was initially allowed into the district, Tamihana told Gorst, he had made a covenant to pay a fine should he ever bring spirits into the area. Gorst then took the opportunity to explain that this object could be attained legally through adopting the ‘new institutions’. The Native Districts Regulation Act of 1858 authorised the governor to approve regulations recommended by legally-constituted runanga, he told Tamihana. That met with an almost instantaneous response:

“Ah,” but they said, “we have no faith in you, nor your Governor. We have been praying for a law to be made of this kind for years past. We have appealed in vain to Governor after Governor now we have taken the law into our own hands.” “But,” said Gorst, “if you have written letters to the Governor, you have had answers to them.” “No,” they said. “Well,” said Gorst, “I will undertake at all events as you wish such a regulation made, that the Governor shall make one.” “We have no faith,” they rejoined, “in your promises. We have had too many and have been too often disappointed.”¹¹³⁶

Gorst eventually undertook that the governor would make regulations prohibiting the introduction of spirits into the Waikato, and left for Tuakau, where Grey and Fox issued instructions for his promise to be given effect to as soon as possible. Waikato was soon after this declared a district under the 1858 Act but Sewell noted that what Gorst had been told was entirely correct:

We found on looking back at the Papers in the Native Department that in 1859, the Natives of this District in number between 4 and 500 including all their principal chiefs had prayed that such a Regulation might be made. It is inconceivable why it was not done. The omission appears to have thoroughly disgusted and worn them out and so they sit up and fight for the King flag. Who is to blame in such a case?¹¹³⁷

¹¹³⁵ Sewell, Journal, 24 November 1861, p.5, qMS-1787, ATL.

¹¹³⁶ Sewell, Journal, 15 December 1861, pp.9-10, qMS-1787, ATL.

¹¹³⁷ *ibid.*, p.11.

Bell also referred to this case, noting that:

When Gorst got here I was curious to see what it was the natives referred to by their vain petitions so I had a search made and lo! we found petitions addressed to the Governor in 1859 by all the tribes of Waikato, signatures nearly 500, with advice from Native Department to create District and make regulations, concurrence by CWR [C.W. Richmond], and approved by Governor, but there the coach stuck fast.¹¹³⁸

Now that the necessary regulations had been rushed through, Bell noted that this would leave the Kingitanga leaders in a quandary:

It'll be rather a fix for them, as if they reject the law when made, notwithstanding what passed between them and Gorst, they will be absolutely refusing law even for what they most want while if they agree to it it will undoubtedly be the *thin edge*.¹¹³⁹

In fact, however, the Waikato chiefs had been calling for a ban on importing spirits into the Waikato district for many more years than government officials realised. Benjamin Ashwell, for example, noted in 1855 that:

The attempt to introduce Spirits has excited the indignation of many of the Waikato Chiefs, who have petitioned the Government to forbid the bringing of Spirituous liquors into the Waikato District.¹¹⁴⁰

Three years earlier, in 1852 Hori Te Waru had written to Grey that there was 'great trouble in this place of Rangiaowhia because the good customs are made void by means of rum.'¹¹⁴¹ He urged that steps be taken to prevent the importation of spirits into the district, and that was backed up by a separate petition from John Morgan on the matter. He stated that Maori in the area were 'decidedly opposed' to the

¹¹³⁸ [Bell] to Matara [i.e. Mantell], 7 December [1861], Bell Letters, MS-0161, ATL.

¹¹³⁹ *ibid*.

¹¹⁴⁰ Ashwell to CMS, Annual Letter for the Year Ending 31 December 1855, qMS-0088, ATL. See also H.W. Milner, 'Temperance Among Maoris', New Zealand Alliance Records, 77-206-03/19, ATL.

¹¹⁴¹ Hori Te Waru to Grey, 4 June 1852, IA 1/1852/2261, Archives NZ.

introduction of wine and spirits and sought protection from the evils to which they were exposed.¹¹⁴²

Nearly a decade later, the governor could perhaps be forgiven if he had forgotten these earlier requests. While Grey returned to Auckland in December 1861 after meeting with mostly lower Waikato representatives deemed friendly or sympathetic towards the government, Premier William Fox pushed on overland towards upper Waikato.¹¹⁴³ At Tamahere, where he had travelled in the hope of finding Wiremu Tamihana (who proved to be absent), Fox was instead asked why Grey had not come to personally tell them his thoughts. Fox replied that the upper Waikato runanga had sent no invitation, but the speaker, Heta Tuawaiki, pointed out that he had personally drafted one. Although some queried the extent of support for the letter, Fox noted that Heta had ‘very properly’ asked why, if there had been doubts as to its authenticity, there had been no inquiry into this matter.¹¹⁴⁴ At Taupiri, Fox was asked about reports that Imperial troops were about to be despatched to Te Ia, at the junction of the Mangatawhiri and Waikato rivers. The premier confirmed the rumour, pointing to the Patumahoe scare of the previous year (when false reports that a Maori had been killed by a Pakeha led to fears that Auckland would be attacked in retaliation) and the fact that Te Ia was on the Queen’s land in justification for such a move. He noted that:

The former ground is one which they cannot deny affords a good reason, though they say as no harm came from it, and it was not in Governor Grey’s time, he ought not to notice it. The latter they admit is “Tika,” that we have the right to move troops on the Queen’s land where we like. But they say it makes them suspicious that we mean to attack them. I replied that wise Kings and Governors use their soldiers not to attack people, but to prevent war by locating them in places where they may stop fighting; that the soldiers would be like the policemen, whom they might have seen in Auckland, who do not

¹¹⁴² Morgan to Grey, 1 June 1852, IA 1/1852/2261, Archives NZ.

¹¹⁴³ However, Grey subsequently wrote that ‘it should be remembered that the most important meetings were those between the Governor, Ta Kerei and Ratani [?], of which no record was kept, and between the Governor and Chiefs of the Ngatimahuta Tribe, at which it is believed that from the accidental absence of persons no European was present but Archdeacon Maunsell, who kept no notes of it.’ Grey, Memorandum to Ministers, 21 December 1861, G 35/1, Archives NZ.

¹¹⁴⁴ Fox, 23 December 1861, Notes by the Colonial Secretary During His Visit to the Waikato, AJHR, 1863, E-13, p.3.

seize every man by the throat, but only such as they see doing wrong, and that the fact of their being ready to seize wrong doers prevents wrong being done. “well,” said they, “that may be true; but when a man builds a gaol, he means to put somebody into it; and it is seldom long till he has some one there. So it will be with the soldiers, if they are put convenient for fighting, there will soon be fighting.”¹¹⁴⁵

Fox tried to calm concerns by again declaring that Grey’s intention in bringing the troops to Te Ia was to prevent fighting, rather than to start it, but was reminded in response that Browne had made similar statements in respect of the troops at Taranaki.

The premier believed that the only real obstacle ahead was the Waitara difficulty. His aim was to secure agreement to proposals that arbitrators chosen by the Crown and Wiremu Kingi investigate ownership of the disputed block. But at Hangatiki, where a large gathering of Ngati Maniapoto and other tribes was being held, Matutaera went out of his way to avoid meeting Fox, and those who did rejected the offer of an investigation on the basis that one ought to have been held before Browne had resorted to sending in the troops, and the wounds of the Maori were too recent to be quickly forgotten. At another meeting held at Kihikihi a few days later, Rewi Maniapoto offered another reason for their stance. If the proposal had been made earlier, he told Fox, it would have been well, but now that the soldiers had been brought to Te Ia the way ahead was not clear, and they could not talk about Waitara until the troops had been removed. Once again the right to move troops on the Queen’s land was not denied: but ‘they said it manifested distrust and they would not treat about anything else till they were taken back to the camp.’¹¹⁴⁶

Fox, though, was privately scathing of his hosts, writing that there was ‘no doubt that the overbearing conduct of the Ngatimaniapotos is tending to create divisions in the King party’, and adding that ‘but for this tribe I believe we should have but little

¹¹⁴⁵ Fox, 25 December 1861, Notes by the Colonial Secretary During His Visit to the Waikato, AJHR, 1863, E-13, p.3.

¹¹⁴⁶ Fox, 1 January 1862, Notes by the Colonial Secretary During His Visit to the Waikato, AJHR, 1863, E-13, p.7. See also Morgan to Browne, 25 January 1862, Gore Browne 1/2D, Archives NZ.

trouble with any of them.’¹¹⁴⁷ Yet he also believed that, despite the great ferment going on among the tribes, it was ‘clear they will not fight unless we strike the first blow.’¹¹⁴⁸

7.3 Implementing the New Institutions

Privately Grey was evidently still able to joke about the need for the Queen’s sovereignty to be recognised, responding to a reported statement from Donald McLean that the King party should be made to acknowledge this by asking how many of McLean’s own Scottish Highland ancestors had done so. As Mrs Browne (the former governor’s wife) observed, ‘I suppose the sequitur was that what the Highlanders had not done the Maoris need not do.’¹¹⁴⁹ In public, however, it was a different story, and between Grey’s adamant refusal to allow the King a place in the machinery of the runanga system, and the equally strong refusal of the followers of Matutaera to support the plans unless such a role was acknowledged, the whole system of ‘New Institutions’ was more or less condemned to outright failure in core Kingitanga districts from the outset. Moreover, the increasingly coercive context in which these developments took place, accompanied as they were by the construction of roads and military posts pointing the way to the Waikato tribes, hardly assisted matters.

Sewell detected what he considered more decided ‘symptoms of submission’ by January 1862. Matutaera had even written to Grey to tell him that he was greatly pleased at much that was being done, except about the soldiers: ‘He did not like their movement towards the Waikato.’¹¹⁵⁰ And yet Grey remained cautious in his overall assessment of the situation, informing Newcastle that:

I have still every hope that a war of races may be prevented, but every day we yet tremble in the balance, and the most constant exertion and foresight are

¹¹⁴⁷ Fox, 1 January 1862, Notes by the Colonial Secretary During His Visit to the Waikato, AJHR, 1863, E-13, p.7.

¹¹⁴⁸ *ibid.*

¹¹⁴⁹ Mrs H. Gore Browne to J.C. Richmond, 16 November 1861, Scholefield (ed.), *The Richmond-Atkinson Papers*, vol.1, p.726.

¹¹⁵⁰ Sewell, Journal, 19 January 1862, p.25, qMS-1787, ATL.

necessary. The natives have lost all confidence in the government, they are well armed, proud of their imagined successes, well organised, and are furnished with grievances which they display with considerable ability. I cannot doubt that their interests have been really neglected, I think that their power was not known, and that they were looked upon as a troublesome grasping set of fellows, who it was well to keep at a distance, and to have as little as possible to do with, perhaps also there have been personal dislikes to their appearance &c. The result was, that when they had real wrongs to complain of, there was no means of bringing these forward, and now their vanity and pride are wounded, their confidence in us is wholly gone, they laugh at me kindly but seriously when I ask them to believe my promises, and act sore [?] but it was after I left formerly. I am often quite at my wits end what to do with them, and find this the most difficult duty I ever had in my life.¹¹⁵¹

The confident Grey who had arrived for his second governorship in September 1861 was quickly giving way to a much more troubled individual. If he had expected to win over the tribes by sheer force of personality, combined with an updated version of the flour and sugar policy, then it was already becoming apparent that this would not work.

Publicly, however, much faith was placed in the success of the New Institutions scheme. Because legislative arrangements for a similar scheme had been put in place in 1858, implementation of the runanga system was able to be commenced at an early date, and more than a dozen districts were proclaimed under the Native Districts Regulation Act of 1858 between December 1861 and April 1862.¹¹⁵² Responses were, however, at best mixed. Sewell wrote in April that ‘The Waikatos and a few other tribes still keep aloof, but by degrees the mass of the Native people are adopting the new Institutions. So that in case of outbreak, the disaffected portion will be reduced to

¹¹⁵¹ Grey to Newcastle, 9 January 1861 [sic – 1862], Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL. Elsewhere, Grey also accused the British government of showing a fear of the party which made the greatest noise in the colony, something which ‘did not become the Government of a great nation, such as England is – I think the future historians will pass a judgment on all this which will be unfavourable to us as a people who profess so much.’ Grey to Ormus Biddulph, 7 February 1863, NZMS 737, Auckland City Library.

¹¹⁵² O’Malley, ‘Runanga and Komiti’, p.47.

a minimum.’¹¹⁵³ According to Ashwell, a general want of confidence arising from the Taranaki conflict constituted a serious hindrance to the introduction of the scheme in Waikato. He added that:

The mischief has been done, Confidence destroyed and it is only *Time* and good Govert. that possibly may restore the good feeling which once existed between the two races. The Waitara question is not yet settled...and the feeling of upper Waikato, Mokau, and other places, is, it would be well for the Pakeha and the white face to withdraw from us, altogether – we do not want Magistrates Missionaries or School Masters, all we ask is to be left to ourselves....¹¹⁵⁴

Some of the settlers living amongst Ngati Maniapoto of the upper Waipa had been ‘much annoyed’, he added, and clouds seemed to be gathering on the horizon. Even so, the tribes remained anxious to preserve peace and some were just as keen on law and order – but simply preferred this to proceed from their own King and their own laws, magistrates and runanga.

But John Morgan was sceptical as to the supposed desire for law and order, pointing to what he saw as numerous examples of the failure of the King’s runanga to successfully resolve dispute. He maintained that the Kingitanga was little more than a land league established to check further European colonisation.¹¹⁵⁵ Morgan was also doubtful as to the merits of Grey’s scheme of ‘new institutions’, believing that it would do little to win over opponents. He told Browne that:

Reports say that in some parts of New Zealand Sir G. Grey’s policy is working very well but may we not truly say that any Governor expending the same amount of money in those districts would have succeeded equally well? Sir George has been working the quiet districts but he has not yet reached the disturbed parts. While Taranaki and Waikato remain unsettled in open defiance of the Government, their only feelings towards the Government being

¹¹⁵³ Sewell, Journal, 20 April 1862, p.28, qMS-1787, ATL.

¹¹⁵⁴ Ashwell to CMS, 1 July 1862, Ashwell Letters and Journals, qMS-0089, ATL.

¹¹⁵⁵ Morgan to Browne, 23 September 1862, Gore Browne 1/2D, Archives NZ.

that of thorough contempt, we cannot consider that Sir George has done much, if anything, towards the settlement of the real question. There is not the slightest sign of any movement amongst the kings [sic] party towards receiving Sir G. Grey's policy.¹¹⁵⁶

He was also inclined to doubt whether those Maori who did agree to accept Grey's scheme would prove truly 'loyal' when the real test came.¹¹⁵⁷ Instead, Morgan believed that many would return to King, and concluded that:

with all their large expenditure and offers of salary, very little real progress has been made and none whatever amongst the real kingites, i.e. the natives of Ngaruawahia, Kihikihi, Rangiawhia, Wm. Thompson's tribe and Ngatimaniapoto. Amongst these tribes everything is as unsettled and as far from peace as when you [Browne] left.¹¹⁵⁸

If anything, Morgan believed that, if Grey's policy had made a little progress in some districts, albeit at heavy expense and with doubtful longer term results, the King movement had been making equal progress in other parts, and especially (he implied) in those areas of most strategic significance.¹¹⁵⁹

In many respects, Grey's approach confirmed the worst fears of the King's supporters, helping to solidify support for the movement. As Ward notes, 'the main Kingite tribes regarded the belated display of salaries and offices as a thinly disguised attempt to deceive the Maori people and reduce them to subservience.'¹¹⁶⁰ John Gorst, appointed to the crucial post of Civil Commissioner for the upper Waikato district, successfully resisted an initial attempt to eject him from the King's territory, and was thereafter permitted to remain as an emissary of the Pakeha state, but was unable to exercise any judicial powers or to progress the runanga system at all in the face of fierce suspicion

¹¹⁵⁶ Morgan to Browne, 27 June 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁵⁷ Morgan to Browne, 4 March 1862, 5 May 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁵⁸ Morgan to Browne, 20 May 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁵⁹ Morgan to Browne, 23 September 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁶⁰ Ward, *Show of Justice*, p.132.

and mistrust.¹¹⁶¹ Even he suspected the motives of those who professed to support Grey's proposals. In a March 1862 report on the state of the upper Waikato district, he wrote that:

the whole of the district is disaffected to the Government. It is true that in almost every village there are to be found some who make a profession of loyalty; but they are few in number, and feeble in influence, and in almost every case it is open to suspicion that love to Government is a love of presents and salaries only.

It is possible to nominate and pay Assessors in this district, but not to use them as instruments for executing the law. Nor do I think it possible through the influence of money to organise a "Queen Party," of sufficient number and influence to cope with and finally absorb the King party. On the contrary, a very large part of the Government money would find its way (as is the case at present with money spent in the Post Office service) into the King's impoverished exchequer.¹¹⁶²

Gorst's colleague James Armitage was appointed to the lower Waikato post, which included responsibility for the coastal settlements at Kawhia, Aotea and Whaingaroa. Although he was able to persuade a number of communities which had remained aloof from the Kingitanga to accept salaried positions, he met with stern resistance at Kawhia (though some sections of Ngati Hikairo favoured the scheme), while Aotea hapu were more divided in their allegiances and those at Whaingaroa more receptive to the runanga system.¹¹⁶³ Such, however, was the overall reception across Waikato as a whole that no district runanga was ever convened. Gorst later described the scheme of 'New Institutions' as 'in every place a total failure'.¹¹⁶⁴ While such a conclusion appears harsh in respect of other parts of the North Island, there seems little doubt that it was entirely justified in the case of the Waikato district, especially if the purpose of

¹¹⁶¹ *ibid.*, p.133; Gorst, *The Maori King* (2001), pp.101-102; AJHR, 1862, E-9, Sec.III, *passim*; *Te Karere Maori/Maori Messenger*, 25 February 1862; Morgan to Browne, 5 February 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁶² Gorst, Report on the State of the Upper Waikato District, March 1862, AJHR, 1863, E-4, p.33.

¹¹⁶³ AJHR, 1862, E-9, Sec.II, *passim*; *Te Karere Maori/Maori Messenger*, 1 July 1862, 20 August 1862.

¹¹⁶⁴ Gorst, *The Maori King* (2001), p.105.

the scheme was to avert war and to undermine support for the Maori King. Grey had made it clear from the outset that this latter objective was his primary motivation, and in that respect the runanga system probably served to intensify increasingly profound distrust of the Crown. And yet as Gorst, writing in 1864, observed:

There always was, and perhaps even now is, a way out of the native difficulty – I mean, the acknowledgement of the Maori King, as a Sovereign independent of the colonists, but under the Queen’s protection – but to that the New Zealand Government had never been willing to listen.¹¹⁶⁵

Antagonism towards the Kingitanga rather than any attempt at reconciliation with it consistently drove Grey and his predecessor, helping to ensure that an eventual showdown with it was merely a question of time.

Gorst’s own detailed report on the state of upper Waikato, penned in June 1862, highlighted the difficulty of effecting such a reconciliation at this time. Whether it was already too late for this to take place, the point is that the effort was never made. Gorst wrote that:

The Maori King is kept up by a feeling of distrust and opposition to the English Government; but it is the existence of this distrust, not its manifestation in the form of the Maori King, that is dangerous. Even if the Maori King had never been thought of, the moment that a question arose which brought the interests of one race into prominent antagonism with those of the other, some sort of organization must have been invented to give unity to the Maori side: it is hardly possible that anything could have been invented weaker than the King. As it was, the King, being already in existence, was seized upon for the purpose, and has grown to his present dimensions and formidable aspect subsequently to, and I believe in consequence of, the Taranaki war. This danger is a formidable one, but would not be removed by the destruction of the King, though his being voluntarily abandoned by the Maoris would be a sign that it had ceased to exist. To secure safety, we must

¹¹⁶⁵ *ibid.*, p.129.

cure the disease, not stop its symptoms; we must remove the distrust, not Matutaera. To attempt to restore peace and fellowship to the two races by putting down the King by force, would be as absurd as the conduct of the captain who broke his weather-glass that he might escape the storm.¹¹⁶⁶

In Gorst's view there was a greater threat to the future well-being of the colony than the Maori King, namely 'the utter lawlessness and anarchy of the Native population of New Zealand.' As he memorably declared, 'The great mischief of all is not that the Natives choose to be governed by a King instead of by us, but that they are not in any real sense governed at all.'¹¹⁶⁷ It was not the absence of law that was the problem, Gorst believed, but the inability of any party, whether it be the government or the King, to enforce those laws which were in existence. But the Kingitanga had long since evolved from merely a movement for law and order, and Gorst admitted that he had revised his own views on the movement since the time of his first arrival in the upper Waikato district. He wrote that:

I confess that when first sent into the district...I entertained the hope and expectation that a reconciliation and alliance might be effected between the English Government and the leaders of the King party, and that all the King's officers might be employed in the organization and government of the district. It appears to me now that the fulfilment of this hope was from the first impossible, for two reasons:-

(1.) Because the King subsists entirely upon the feeling of opposition to our Government. It is possible that the King Movement originally may have been a movement for law and order; it has altogether lost that character now. Nothing keeps the alliance together but a feeling of common danger, and as soon as this feeling has passed, which must happen before we regain the confidence of the Natives, the influence of the King and his Runanga will melt away.

¹¹⁶⁶ Gorst, General Report on the State of Upper Waikato, June 1862, AJHR, 1862, E-9, Sec.III, p.18.

¹¹⁶⁷ *ibid.*, p.19.

(2.) Because the King and his Council have not the slightest power to enforce obedience to the law. As a scheme for creating a Government, the King Movement has failed long ago.

But though alliance with the King is impossible, and if possible useless, still the removal of the King would bring us very little on our way towards the end of Native difficulties. The King's system is an obstacle to good government, so far as it fills the place of a better; but were the former extinct the latter would still have to be constructed.¹¹⁶⁸

Gorst had been planted at Te Awamutu contrary to requests that a Queen's magistrate not be located within the King's territory.¹¹⁶⁹ Such an uncompromising approach could hardly fail to be seen as anything other than a provocation under the circumstances, and as Alan Ward writes:

There never was any real 'negotiation' with the King movement, with a view to finding it a role in governing the district under the Crown: there was only an attempt to secure Kingite submission, by a refurbished version of Grey's old policy – a mixture of browbeating, 'flour and sugar' and, before long, flattering personal diplomacy with some of the key men.¹¹⁷⁰

Those policies were tragically inadequate under the circumstances and more likely to aggravate rather than calm the situation, especially given the way in which Grey's runanga system was explicitly framed as a challenge to the Kingitanga rather than any kind of genuine attempt to act on its concerns. Grey and his predecessor's overriding obsession with toppling the King could have only one possible outcome in the absence of any willingness on the part of the Waikato tribes to voluntarily abandon the movement. That alternative approaches were possible that might have allowed for some form of recognition of an autonomous or semi-autonomous Maori district under the jurisdiction of Matutaera was highlighted not just by the usual 'philo-Maori' humanitarian suspects, but had also been openly envisaged in section 71 of the

¹¹⁶⁸ *ibid.*

¹¹⁶⁹ Ward, *Show of Justice*, p.129.

¹¹⁷⁰ *ibid.*

Constitution Act of 1852, as well as being periodically suggested by the Colonial Office, while similar proposals had also been advanced by the New South Wales governor Sir William Denison.¹¹⁷¹ But the ulterior motives which blighted Grey's runanga system condemned it to failure where it mattered most.

7.4 The 'Loyalist' Stance

Grey's New Institutions may not have won over Kingitanga supporters – and indeed may have actually further antagonised them – but they did arguably serve a purpose in shoring up the support of those who increasingly came to be deemed 'loyalists', 'friendlies' or kupapa, or those who might otherwise have been viewed as adopting a neutral stance. The extent to which such groups could be relied upon either to actively assist the Crown in the event of a major conflict with the King movement, or at least to remain neutral, was an ongoing source of debate among officials. Some settlers were inclined to doubt that there was any such thing as a genuinely 'loyal' Maori, instead believing that those who professed such feelings were merely biding their time, or using their position to acquire arms or ammunition that would be turned on British troops sooner or later. Meanwhile, the extent to which whakapapa connections to 'rebel' kin might, when it came to the pinch, override any feelings of 'attachment' towards the Crown was also a matter for keen debate. But among officials at least, there was a view that self-interest and tribal imperatives could be safely relied upon and even exploited for government ends. Donald McLean observed in 1861 that:

A few of the tribes incorporated with the English, and residing within the limits of Crown territory, have so far conformed to European usages that, though not lacking grievances to resent, they prefer to observe a neutral course, neither taking an active part with nor against the Europeans. Others there are who, living remote from English settlements, and having no immediate connexion with the insurgent tribes, take a more calm and impartial view of existing differences, and abstain from any interference. Even these, however, feel elated when they hear of any reverse on the part of the troops

¹¹⁷¹ Alan Ward, 'A "Savage War of Peace"? Motives for Government Policies Towards the Kingitanga, 1857-1863', in Richard Boast and Richard S. Hill (eds), *Raupatu: The Confiscation of Maori Land*, Wellington: Victoria University Press, 2009, pp.91-93.

engaged against their countrymen, of which the most exaggerated statements are industriously circulated by the insurgents in order to excite the national pride of the neutral tribes, and thus to gain more adherents to their cause.¹¹⁷²

Alfred Domett, though, believed that tribal imperatives would ultimately triumph above all others, and what is more, that these could be cynically exploited by the Crown for its own purposes. He wrote that:

many of them may be safely relied on, especially those who have proved their fidelity to us, or which is nearly as satisfactory, their hostility to our foes, in past wars. Natives who have been generally considered as our friends, and who have a blood-feud or a land-feud of long standing with our enemies, may probably be relied on with much security, especially if they happen also to be the weaker of the two parties. Such is the case with the people of Mahau and Te Teira at Taranaki, of William Nero at Raglan, Hapuku at Hawke's Bay, and probably others in different parts of the country, whom the Native Minister can point out. It is perfectly true that persons acquainted with some even of these Natives may be found who entertain suspicions of them, and can cite circumstances enough to give colour to their suspicions. But we cannot look for any very hearty or zealous support from the Natives of our cause *for its own sake*.¹¹⁷³

Essentially, then, the premier held that even those tribes considered 'loyalists' did not adopt such a stance because they happened to embrace or espouse the government's cause, but because it suited their own interests to do so. Under these circumstances, Domett believed that it was not surprising that even within tribes where the majority of chiefs and their people were well disposed towards the government a few malcontents were sometimes nevertheless still to be found. He added that:

It has been accordingly proposed sometimes, as the safest course, to reject the assistance of the friendly Natives altogether, to expel them from our towns, shut them out beyond our lines, and treat them and our open foes with the

¹¹⁷² McLean, Memorandum, 5 February 1860 [sic – 1861], GBPP, 1862 [3040], p.25.

¹¹⁷³ Domett, Memorandum for Ministers, 23 May 1863, AJHR, 1863, E-7A, pp.7-8.

same rigour, distrust, and enmity. This seems to the Colonial Secretary neither just nor expedient. Some men who have freely and generously exposed their lives in our battles, or on other occasions, to save the lives of individuals among our countrymen, would have to be classed among these enemies, and treated accordingly. Naturally this treatment would turn them and their followers into our bitterest foes, and give disaffected Natives a good handle for their taunts against all who were weak enough to put faith in us.¹¹⁷⁴

Domett specifically identified Waikato chiefs Waata Kukutai and Wiremu Te Wheoro as among those whose advocacy of the government had been so open, active and continued that it had become a matter of pride with them to carry their point against their opponents, even if it necessitated taking up arms against them. It was much better ‘that men like these should be regarded as friends and trusted in as allies, than by neglect or ingratitude turned into foes.’¹¹⁷⁵

Domett moved on to address proposals previously advanced for Ngapuhi to be brought down to Taranaki to fight on behalf of the Crown, perhaps in return for any lands conquered and confiscated from the tribes there. While he believed that this plan had much to recommend it, Domett added that:

as it is probable that hostilities may before long break out in Waikato, it appears to the Colonial Secretary that it would be better to hold in reserve the employment of these powerful allies until that occasion arises. Their jealousy of the usurpation of a sort of sovereignty over the other tribes by the Waikato in setting up their king, is a feeling probably easy to be worked upon, and one which may fairly be taken advantage of.¹¹⁷⁶

Government ministers were thus fully aware of the extent to which tribal rivalries could be used to advance the Crown’s own ends, even if a Ngapuhi contingent was not unleashed in the subsequent Waikato War. And meanwhile, as the prospect of a major conflict loomed, for some tribes avoiding the possible confiscation of their own

¹¹⁷⁴ *ibid.*, p.8.

¹¹⁷⁵ *ibid.*

¹¹⁷⁶ *ibid.*

lands proved a compelling reason for declaring their hand on the Crown side. It was, overall, less a case of collaboration than of selective alliance. As Belich writes:

The motives of *kupapa* groups varied enormously, as did their degree of commitment to the British cause. The one common factor was that this commitment was never complete. The *kupapa* did not share British aims; they had their own, which seemed to them to be honourable and in their best interests. It was a matter of their aims intersecting with the British at certain points.¹¹⁷⁷

In many cases those aims were as simple as self-preservation. This was a matter touched upon by Shane Te Ruki at the first Nga Korero Tuku Iho o Te Rohe Potae hui, when he stated that:

The government came with their guns and they attacked with their guns, and so Te Poupatete and [his sibling] Tuapokai thought of a strategy to protect the people, and one said to the other, “Tuapokai, you go onto the Pakeha [side]” – their father was a Pakeha. And so Tuapokai went to the Pakeha [side] to assist the soldiers. But Tamati [Te Poupatete] joined the war parties of Rewi and the other war leaders. They did that because they said to each other, “if you live, I live”....I weep for Tuapokai because he was called a kupapa. No, no, and that was an outcome of the guns, separating, dividing families.¹¹⁷⁸

Meanwhile, according to Henare Kerei, some sections of Ngati Mahanga, angered by the close association of their kin and rangatira Wiremu Nera Te Awaitaia with the Pakeha, deliberately aligned themselves with the Kingitanga in response.¹¹⁷⁹ But Te Awaitaia, according to Te Awarutu Samuels, was above all else a man of his word and would not have lightly gone back on his longstanding relationship with successive governors.¹¹⁸⁰ Moreover, as Heather Thompson has noted, in many respects the objectives of those rangatira and their people who aligned their fortunes with the

¹¹⁷⁷ Belich, *New Zealand Wars*, pp.211-212.

¹¹⁷⁸ Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010, p.204.

¹¹⁷⁹ Te Rohe Potae, Oral and Traditional Hui 3, Poihakena Marae, Raglan, 12-13 April 2010, pp.21-22.

¹¹⁸⁰ *ibid.*, p.63.

Crown were the same as those who supported the Kingitanga, except that they chose different ways of achieving those goals.¹¹⁸¹ And although Te Awaitaia came to be identified as a ‘loyalist’, he in fact told Browne ‘that he & his men will be neutral.’¹¹⁸²

As is discussed in the war and raupatu report, in the Waikato War the involvement of ‘loyalist’ chiefs and their followers was largely restricted to non-combat roles, particularly providing logistical support in ferrying supplies for the British. Some of these rangatira were (as noted above) undoubtedly seeking to protect their own tribal lands from confiscation through alliance with the Crown – as well as seeking to limit the overall damage sustained through their efforts to broker an early end to the war. Yet ironically indiscriminate confiscations applied contrary to explicit promises that the lands of ‘loyalists’ would be assured to them pushed some former government allies into the arms of the Kingitanga. And as the next chapter discusses, in the period preceding the Crown’s invasion of the Waikato many Maori living north of the Mangatawhiri River were almost literally pushed into the arms of the Kingitanga.

7.5 Conclusion

Grey’s scheme of ‘new institutions’ was based partly on policies developed during his governorship of the Cape Colony and in part on earlier legislation inspired by Fenton’s Waikato experiment. But the new governor was less interested in providing a genuine mechanism whereby Maori might be enabled to control their own affairs more effectively than in establishing a form of indirect rule that would, especially through the many salaried government positions on offer to chiefs who agreed to the system, help to lure Kingitanga supporters over to the government side. These kinds of ulterior motives saw the scheme met with suspicion and concern in core Kingitanga centres of support such as the upper Waikato.

¹¹⁸¹ *ibid.*, p.109.

¹¹⁸² Browne, Diary, 19 June 1861, ADCZ 17006 W5431/4, Archives NZ. For their part, many Raglan settlers, though not doubting Te Awaitaia’s personal commitment to a friendly relationship, queried the extent to which he would be capable of rallying the local tribes in defence of the settlers if called upon to do so. R.O. Stewart to Colonel Haultain and R. Graham, 25 August 1860, IA 1/1860/1802, Archives NZ.

Nor did Grey's visit to Waikato in December 1861 assist matters. Indeed, the threatening and aggressive tone he adopted in meetings with Maori, along with his failure to give a clear answer to questions as to whether he was willing to tolerate the existence of the Kingitanga, left some Maori concerned that Grey was preparing to go down the same path as his predecessor. The construction of the Great South Road, and other developments that hinted at active military preparations, also caused concern. Meanwhile, the deployment of John Gorst as Civil Commissioner for the upper Waikato district was fiercely resisted by many local Maori. While Grey's runanga system was moderately successful in regions such as Northland, it made little headway in the Rohe Potae district. Indeed, in such areas attempts to implement the 'new institutions' against the will of many rangatira probably helped to further deepen already increasingly profound mistrust and suspicion of the Crown. And although, even in such areas, some 'Queen party' rangatira did embrace the system, many officials doubted the extent of their genuine loyalty or attachment to the Crown.

As observers noted, rejection of the Kingitanga often reflected longstanding tribal rivalries and alliances. In these circumstances, rangatira did not so much embrace the Crown's cause, as find it useful to pursue their own objectives in alliance with the government. The stance of many of those deemed 'loyalists' was sometimes more nuanced than the term itself implies. And indiscriminate government actions in the days preceding the invasion of the Waikato on 12 July 1863 helped to almost literally push some 'loyalist' communities living north of the Mangatawhiri River into the arms of the Kingitanga.

8. The Final Breakdown in Relations

8.1 Preparations for War

Grey's preparations for war with the Waikato tribes got underway in earnest almost as quickly as his runanga system. By December 1861 Imperial troops were already preparing a military road through to the Waikato River.¹¹⁸³ A large fort called the Queen's Redoubt ('equally adapted for the purpose of attack or defence') and capable of holding more than 1000 soldiers was subsequently erected at Pokeno, about a mile and a half distant from the Mangatawhiri River border with the lands of the Waikato tribes via (once it was eventually completed in March 1863) the Great South Road.¹¹⁸⁴ By these means, Grey explained to the Secretary of State for the Colonies in January 1862, 'the Waikato River will lie quite open to our attacks at any moment'.¹¹⁸⁵ As historian B.J. Dalton noted:

The road's strategic importance was obvious. Hitherto Auckland's vulnerability to attack from the Waikato had been a constant embarrassment, and fears for its safety had repeatedly interrupted operations in Taranaki. When the Great South Road was completed the position would be reversed; the Waikato would be exposed to the constant threat of invasion. However, a heavy price was paid for this military advantage. Nothing done or said thereafter could persuade the Waikato of Grey's good faith or weaken the conviction that he planned to attack them. If there had ever been hope of an early peaceful agreement with the King party, it had been irretrievably lost.¹¹⁸⁶

The Great South Road would enable large numbers of troops and their guns to descend upon the perimeter of the King's territory from Auckland at quick notice. But a second proposed road running between Whaingaroa and the Waipa district, which

¹¹⁸³ Grey to Cameron, 19 December 1861, AJHR, 1862, E-1, Sec.II, p.49.

¹¹⁸⁴ The first Imperial troops began to occupy the new fort from June 1862. See 'Queen's Redoubt in New Zealand History', <http://www.queensredoubt.co.nz/main.cfm?id=2> (accessed 1 August 2010).

¹¹⁸⁵ Grey to Newcastle, 7 January 1862, Turton (comp), *Epitome*, A.1 Part I, p.86. See also Grey to Newcastle, 9 June 1862, Duke of Newcastle Papers, Micro-MS-Coll-20-1577, ATL.

¹¹⁸⁶ Dalton, *War and Politics in New Zealand*, p.148.

had been mooted in November 1861, struck at the very heartland of the Kingitanga and, according to Gorst, almost resulted in war:

Wiremu Nera and his tribe had been persuaded to consent to a road being made from Raglan, through the forest ranges, to Whatawhata on the Waipa: the Government eagerly offered to supply money and employ Nera's natives at high wages in its construction. When the project became known to the Waikatos, they were greatly concerned: the peril was extreme: the intended road, if made, would place Ngaruawahia at the mercy of troops landed at Raglan.¹¹⁸⁷

The construction of the road, along with the organisation of an efficient local police force, had been made one of the two primary objectives of the newly-appointed Resident Magistrate at Raglan, Captain McGregor.¹¹⁸⁸ Wiremu Nera Te Awaitaia refused to abandon the project, while Kingitanga supporters were equally adamant that it would not be allowed to proceed. Even Nera's own iwi became deeply divided over the issue.¹¹⁸⁹ A tense situation threatened to get out of control until eventually it was agreed that the road would be taken to the limit of the Crown's land at Whaingaroa, thus allowing both parties to satisfy their honour.¹¹⁹⁰ But while this incident helped to solidify relations between Nera and the Crown, it did little to avert growing Kingitanga expectations of an imminent attack on them by government forces.

Rumours of bullet-proof steamers which would soon be patrolling the waters of the Waikato River, along with speculation that a landing port being constructed at the Queen's Redoubt was in fact the first phase of a planned bridge across to the King's territory, created considerable alarm and panic among the Waikato tribes in the middle months of 1862. This prompted speculation of a pre-emptive attack on Imperial troops or even Auckland. Grey did little to dampen the excitement,

¹¹⁸⁷ Gorst, *The Maori King* (2001), p.114. See also *Te Karere Maori/Maori Messenger*, 13 March 1862; Morgan to Browne, 2 April 1862, Gore Browne 1/2D, Archives NZ.

¹¹⁸⁸ Henry Halse (Acting Native Secretary) to MacGregor, 25 June 1862, MA 4/5, Archives NZ.

¹¹⁸⁹ Kaye Turner, *Te Rohe Potae*, Oral and Traditional Hui 3, Poihakena Marae, Raglan, 12-13 April 2010, p.67.

¹¹⁹⁰ Halse to MacGregor, 16 August 1862, MA 4/5, Archives NZ.

declaring, for example, that the bridge would not be built until the following year.¹¹⁹¹ Meanwhile, the pressure was beginning to be felt from other quarters. In May 1862 Newcastle privately warned Grey that the British Treasury and House of Commons were both growing 'very impatient' of the very heavy military expenses incurred in New Zealand, whose own government was expected to contribute more to its defence. Beyond this Newcastle added that:

I view however with still more concern the hatred of race which seems to actuate no inconsiderable portion of the community against the Natives. Such feelings render good and just government all but impossible and the conduct of a portion of the men is intolerable.¹¹⁹²

If we assume for the sake of argument that Grey had determined to 'take' Waikato from the time of his arrival in New Zealand in September 1861 (as he was said to have admitted to Browne) then there was clearly a fine balance to be had here. The British government would not allow large numbers of troops to be stationed in the colony indefinitely, and yet Grey's military preparations were in 1862 still some way from completion. Evasion, deception, bluster and exaggeration would all therefore be required in different doses in the governor's communications with the Colonial Office, a situation which quickly began to frustrate Grey's superiors in London. According to Sinclair, although Newcastle had decided to send Grey back for a second term as governor, he did not enjoy the full confidence of the Secretary of State for the Colonies.¹¹⁹³ While colonial politicians adopted increasingly belligerent stances, Newcastle believed that the British assertion of supremacy would come naturally given time. He advised Grey that:

The object should be to tide over the next few years without fighting, and in the mean time to intersect the country as much as possible with roads, and then the increase of one Race and the diminution of the other will render war impossible.¹¹⁹⁴

¹¹⁹¹ Rutherford, *Sir George Grey*, p.479.

¹¹⁹² Newcastle to Grey, 26 May 1862, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

¹¹⁹³ Sinclair, *Origins of the Maori Wars*, p.237.

¹¹⁹⁴ Newcastle to Grey, 26 May 1862, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

Grey's ability to mislead the British government was undermined by the presence of Cameron, whose separate reports to the War Office, many of which complained of the lack of military preparedness for any conflict and inadequate colonial ministry contributions, helped to bring a more accurate overall picture to light.¹¹⁹⁵ In a somewhat withering despatch to Grey in August 1862, the Secretary of State for the Colonies complained that:

So long as the colonists who are most concerned in the matter, neglect the ordinary and obvious means of securing their own lives and property, it is very difficult for Her Majesty's Government to call upon the people of this country to take any extraordinary measures for their defence, or even to continue the expenses which are now annually accruing on the account; or, indeed, to believe that the persons who shew so much indisposition to endure inconvenience imagine themselves to be seriously in danger.¹¹⁹⁶

As Grey's own health and mental state deteriorated, rumours circulated Auckland of his intention to resign office.¹¹⁹⁷ Meanwhile, his predecessor, now installed as the governor of Tasmania, was freely offering his own commentary on the state of affairs in New Zealand (ironically much as Grey had earlier done from South Africa when deploring Browne's handling of the Waitara dispute). As Browne told Frederick Weld in June 1862:

Sir G. Grey may buy off their hostility during his term of office, and I doubt not that he will do so, but I am satisfied that sooner or later they will fight for a separate and distinct nationality, and we must either thrash them, or submit to Maori supremacy.¹¹⁹⁸

As far as both Browne and Grey were concerned, it was a zero-sum situation. Peaceful co-existence with the Kingitanga was not an option, even if it seemed the

¹¹⁹⁵ Rutherford, *Sir George Grey*, p.471.

¹¹⁹⁶ Newcastle to Grey, 26 August 1862, AJHR, 1863, E-3, Sec.II, p.68.

¹¹⁹⁷ Rutherford, *Sir George Grey*, p.472.

¹¹⁹⁸ Browne to Weld, 8 June 1863, Gore Browne 2/3A, Archives NZ.

obvious path to pursue in so far as some observers were concerned.¹¹⁹⁹ And as the military build-up continued, many now believed war with the Waikato tribes was merely a matter of time.

8.2 Final Meetings

For their part, some Waikato Maori, observing the Crown's military preparations, also became convinced that a British attack on their settlements was inevitable. Many of these concerns came to a head at a large hui held at the Ngati Haua settlement of Peria in October 1862. Attended by representatives of hapu and iwi from throughout the central North Island, the Peria hui had originally been called to discuss the Waitara situation, but instead heard much about roads and steamers in the Waikato. Native Minister F.D. Bell wrote privately to Walter Mantell that:

Wi Tamehana has a great meeting at Peria going on now. Its object is avowedly to decide whether it is worth while holding on any longer. Matutaera is sick of it and has told a good many people he intends to give up the name of King immediately. Whether it will be so or not I yet can't tell. I have taken what you will think a rather queer course about the meeting – that of sending Gorst there dumb. The chiefs wanted me to go – but on the whole after all kinds of whiri [twists] I decided (and Grey quite concurred) that we should puzzle them and do best by saying nothing at the present moment.¹²⁰⁰

Grey was also not present at the hui (and does not appear to have been invited), but Bishop Selwyn (who was in attendance) did his best to assuage many of the concerns expressed there. He evidently excited Wiremu Tamihana's interest by informing him of the Imperial government's willingness to allow the Maori King a role in approving

¹¹⁹⁹ Even the hardline Morgan had observed to Browne that 'If...the Government consider it necessary that the king movement should be formally abandoned by them, it will become with them a question of peace or war and many will urge the latter. The question revolving in my mind is, could the Government allow them the shadow, while they deprive them of the substance'. Morgan to Browne, 17 April 1861, Gore Browne 1/2D, Archives NZ. He later set out proposals for a 'middle line of policy' involving a 'Kawana Maori', with an executive council and Maori House of Representatives that would sit at the same time as the existing General Assembly. Morgan to Browne, 15 August 1861, Gore Browne 1/2D, Archives NZ.

¹²⁰⁰ Bell to Mantell, 23 October 1862, Bell Letters, MS-0161, ATL.

laws passed by the district runanga.¹²⁰¹ However, Bell wrote that Selwyn had left Peria 'awfully disgusted': 'they refused all he offered and told him that parsons speaking disrespectfully about the King were to have their tongues snipped.'¹²⁰²

Selwyn's own account of the gathering noted that one chief from Ngati Porou had made such a statement.¹²⁰³ But others present had opposed anything which they perceived as likely to further divide Maori and Pakeha, and Selwyn himself concluded overall that his general impression were:

1. That the meeting was much more orderly, temperate, and friendly than heretofore.
2. That there was no perceptible abatement of tenaciousness as to the King.
3. That the most noisy and rigorous opposition came from new members from the East Coast.
4. That among all the Tribes there is an acknowledgement of the necessity of one law for both races.
5. That the difficulty is to reconcile the Unity of Law with the Duality of Mana.
6. That it will not be impossible to bring about a compromise on the basis proposed by the Duke of Newcastle.
7. That there is absolutely no trace of an hostility of Race: and no unanimity even on the subject of a division of races.¹²⁰⁴

As alluded to in his sixth point above, Selwyn noted that Wiremu Tamihana was much interested in news that the Duke of Newcastle, the Secretary of State for the

¹²⁰¹ Parsonson, 'Tainui Claims', p.79.

¹²⁰² Bell to Mantell, 6 November 1862, Bell Letters, MS-0161, ATL.

¹²⁰³ Selwyn, Report of the Meeting at Peria, 26 October 1862, AJHR, 1863, E-12, p.11.

¹²⁰⁴ Selwyn, Report of the Meeting at Peria, 27 October 1862, AJHR, 1863, E-12, p.12.

Colonies, had written to say that he saw no objection to the King and his council making laws and presenting them to the governor for confirmation.¹²⁰⁵ But whereas Selwyn had hoped to steer the meeting towards consideration of such matters, those present were more concerned with the roads and steamers. A climate of distrust had been fomented in consequence of the extended military preparations made by Grey and his predecessor, while settler speculation on the likelihood or necessity for British troops to cross the Mangatawhiri – circulated in the Auckland newspapers and in everyday conversations – no doubt also reached the tribes there.

Suspicious and fears having been aroused by these developments, iwi and hapu leaders reacted defensively. Marsden Clarke, who was also in attendance for part of the four-day hui at Peria reported that those present had been ‘almost unanimous’ in their desire to close the Waikato to any communication by road or steamer.¹²⁰⁶ Wiremu Tamihana had also spoken in support of this, comparing it with the government’s laws banning the sale of ammunition to Maori – the clear implication being that if the governor was entitled to take purely defensive and protective steps such as this, then so too were the Waikato tribes right to adopt their own precautions. While nearly all of the speakers were anxious to maintain friendly relations with the government and settlers, at the same time ‘a kind of quiet determination’ was evident in their unwillingness to yield on the main points in contention.¹²⁰⁷

Under such circumstances, some kind of meaningful reassurance from senior government officials, along with a great deal of patience and a willingness to seriously address the concerns expressed by Waikato and Kingitanga leaders, was called for. Grey, though, avoided all direct dealings with the Kingitanga for the remainder of the year. In November, for example, Bell reported that the Waikato tribes had invited Grey to visit them. He thought it unlikely that Grey would accept the invitation, adding that ‘Domett and I concur in the opinion that he had better let it alone for the present.’¹²⁰⁸ If the decision to shun approaches from the Kingitanga was questionable enough, even more unfortunate were deliberately provocative statements

¹²⁰⁵ Selwyn, Report of the Meeting at Peria, 24 October 1862, AJHR, 1863, E-12, p.9.

¹²⁰⁶ Clarke to Native Minister, n.d. [c. October 1862], AJHR, 1863, E-12, p.16.

¹²⁰⁷ Morgan to Browne, 27 October 1862 [postscript to letter of 22 October 1862], Gore Browne 1/2D, Archives NZ.

¹²⁰⁸ Bell to Mantell, 22 November 1862, Bell Letters, MS-0161, ATL.

and gestures. In the same letter, for example, Bell noted that ‘A heap of natives have been to Grey to urge a steamer not to go into Waikato, but Grey told them that in consequence of their pakeke he had changed his mind and was going to have *two*. He chaffs them well.’¹²⁰⁹ Grey’s statement was subsequently reproduced in the Kingitanga newspaper, *Te Hokioi*, which further noted that appeals to the governor that the Waikato River belonged to the tribes had failed to make any impression upon him.¹²¹⁰

That intransigent and somewhat menacing approach was all the more unfortunate considering that a subsequent letter from Bell indicated that an invitation to Grey had been followed up by a personal one delivered by a messenger, whose plea for Grey to travel to the Waikato was issued on behalf of both the Maori King and Rewi Maniapoto, the supposed ‘extremist’. Bell noted that:

Whaitere of Maniapoto came in the other day with John Hobbs, sent by Matutaera and Rewi to invite the Governor to go to Waikato. So that as Tamehana & Tioriori had already joined in a written invitation, the Governor had a karere tangata as well as pukapuka. Domett & I were with him & advised him to be cautious. He asked Whaitere whether if he went up to Waikato the Kingites would do as he wished. Whaitere said he couldn’t answer for that, but at any rate it was better to come. In the end Sir George said that if he saw things quiet & so forth up to March, he would go – & there it rests.¹²¹¹

Instead, the governor absorbed himself in a lengthy series of hyper-sensitive and indignant exchanges with the Colonial Office over perceived slights.¹²¹² Amongst other matters, Grey complained of the absence of a more powerful naval vessel,

¹²⁰⁹ *ibid.* ‘Loyalist’ chiefs had also warned Grey that his determination to introduce steamers and roads would likely result in conflict. AJHR, 1863, E-3, Sec.I, p.5.

¹²¹⁰ *Daily Southern Cross*, 9 January 1863.

¹²¹¹ Bell to McLean, 5 December 1862, McLean Papers, MS-Papers-0032-0158, ATL. Elsewhere Bell wrote that ‘All Waikato wants Grey to go up and he is going I think.’ Bell to Mantell, 23 December [1862], Mantell Family Papers, MS-Papers-0083-019, ATL.

¹²¹² Prompting the Duke of Newcastle to privately wonder whether Grey by this time felt ‘less confident than you did in the success of your measures and...are preparing the ground for laying the blame upon the Home Govt.’ Newcastle to Grey, 27 April 1863, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

though as the Duke of Newcastle pointed out, he was hardly to blame for the loss of HMS *Orpheus*, which had sank off the entrance to Manukau Harbour on 7 February 1863 with the loss of 189 lives (New Zealand's worst maritime disaster), and a replacement ship had been sent out soon after.¹²¹³ As Dalton observed, Grey's 'exaggerated, almost hysterical, tone' was not that of a person firmly in control of events, but surely marked 'a sense of impending crisis.'¹²¹⁴

That crisis now appeared to many contemporary observers to be fast approaching. Yet on New Year's Day 1863, Grey made a dramatic, unscheduled and unannounced appearance in Waikato, reaching as far as Ngaruawahia a few day's later. Here he visited the grave of Potatau Te Wherowhero, inspected the King's flagstaff, and conversed with the women of the village while frantic messages were sent to the various chiefs to come quickly. At the subsequent hui held at Taupiri, Grey was greeted like an old friend, and although Tawhiao was ultimately unable to attend, Tamihana and other leading rangatira were present to hear what the governor had to say to them.

What followed next remains a matter of some speculation. According to one contemporary newspaper report:

With respect to the King movement, the natives said that hitherto they had employed all their energies to establish the institution, and had no time to devote to the making of laws; that now the thing had obtained a position among the people, they would elect from amongst their chiefs those who were most learned, to frame rules and laws for the good government of the people; these laws will be handed by Matutaera to the Governor for his sanction, and, if assented to the by the Governor, they should become law.¹²¹⁵

If this report was accurate, then Kingitanga leaders were prepared to accept the arrangements previously agreed to by the Colonial Office and put to them by Selwyn

¹²¹³ Newcastle to Grey, 27 April 1863, Duke of Newcastle Papers, Micro-MS-Coll-20-1576, ATL.

¹²¹⁴ Dalton, *War and Politics in New Zealand*, p.161.

¹²¹⁵ *New Zealander*, 14 January 1863, enclosure in GBPP, 1863 (467), p.103. The *Daily Southern Cross* (15 January 1863) carried the same report from the *New Zealander*. It does not seem that any other detailed reports of Grey's visit were published.

at the Peria hui a few months earlier. Grey reportedly gave a non-committal response to this request, observing that ‘so far as he understood their King movement, as they were now conducting it, nothing but evil would result.’ However, if they would send a deputation of the principal chiefs to Auckland to provide a fuller explanation of their proposals to Grey and his ministers, he would then be in a position to give a definite answer.¹²¹⁶

Grey, though, provided quite a different version of the meeting and its aftermath. He claimed that an agreement had been reached with the Kingitanga leaders at this time but that they had subsequently reneged on the deal. In forwarding an account of the meeting to the Secretary of State for the Colonies in February 1863, Grey added that:

The natives, generally, had at one time agreed, at a meeting I held on the Waikato with them, that the so-called Maori King should be the head of a native council, and that like the heads of other native councils, he should send on the laws his council made, for my assent; but they subsequently withdrew from this arrangement, on the general plea that a grievous wrong had been done to them in the attempt that was made to take the land at the Waitara; that they had in vain sought for some redress for this wrong, and that they would not therefore again come under the authority of the Queen.¹²¹⁷

As Henry Sewell later pointed out, if Waitara was indeed the supposed sticking point then this was entirely within Grey’s power to control, as his subsequent decision to abandon the purchase fully showed. Instead, ‘the golden opportunity went by. Sir George Grey returned to his place, and the Natives relapsed into their state of distrust.’¹²¹⁸ Sewell himself later proposed a motion in the Legislative Council calling for the tabling of:

copies of all letters, papers, and documents referring to the withdrawal by the Waikato chiefs from the arrangement proposed by them to the Governor at the Ngaruawahia meeting in January last – namely, that the Maori king should be

¹²¹⁶ *ibid.*

¹²¹⁷ Grey to Newcastle, 6 February 1863, GBPP, 1863 (467), p.101.

¹²¹⁸ Sewell, *The New Zealand Native Rebellion*, p.15.

the head of a Native Council, and that he should send the laws his Council made, for the Governor's assent.¹²¹⁹

Unfortunately, the tabled return of this correspondence has not been located. *Appendices to the Journals of the Legislative Council* were not compiled at this time, and nor does anything matching the return appear in the *Appendices to the Journals of the House of Representatives*. This suggests the tabled correspondence remained unpublished. The records of the Legislative Department held at Archives New Zealand was therefore the other obvious place in which these papers might be held, but nothing matching the return has been identified to date. In all likelihood, therefore, the return is among those former Legislative Department archives which are no longer extant.

Some years later Grey painted an even more elaborate picture of what had been supposedly agreed at the Taupiri meeting. In 1869 he informed the Secretary of State for the Colonies that:

whilst large bodies of troops were in the country, and before the Waikato war commenced, I paid a visit to the Waikato Tribes, who I believe were resolved upon a formidable outbreak. The whole of their principal chiefs met me, with the exception of the Maori King, who was ill, and I, to those chiefs, with the full assent of my Responsible Advisers, offered to constitute all the Waikato and Ngatimaniapoto country a separate Province, which would have had the right of electing its own Superintendent, its own Legislature, and of choosing its own Executive Government, and in fact would have had practically the same powers and rights as any State of the United States now has. There could hardly have been a more ample and complete recognition of Maori authority, as the Waikato Tribes would, within their own district, - a very large one, - have had the exclusive control and management of their own affairs. This offer was, however, after full discussion and consideration, resolutely and deliberately refused, on the ground that they would accept no offer that did not involve an absolute recognition of the Maori King, and his and their entire

¹²¹⁹ NZPD, 30 November 1863, 1861-1863, p.954. See also IA 1/1863/3265, Archives NZ.

independence from the Crown of England, - terms which no subject had power to grant, and which could not have been granted without creating worse evils than those which their refusal involved.¹²²⁰

In another letter Grey even claimed that the offer ‘was not only once but repeatedly made to create all the upper Waikato and Ngatimaniapoto districts into a separate native Province.’¹²²¹ He maintained that he would not have retained a ministry that would not let him make the offer, and though he had no records to hand in proof of this having been made, added that:

At the time I made the offer I alluded to, I was ill, and got much worse shortly afterwards – so that I could scarcely attend to business.¹²²² I think I remember some year or two subsequently to that date, seeing in the parliamentary papers a printed copy of my dispatch from which the word Provincial was once or twice omitted accidentally so that the sentences stood, “Native Council” instead of “Provincial Native Council” – when I saw this I wondered whether the mistake had taken place in copying my dispatch, and how I could have overlooked it in signing it, if such was the case, of course to myself and those well acquainted with the country -, it was no mistake, we thoroughly understood what the terms meant.¹²²³

Grey further claimed that:

I also remember that on the occasion I alluded to, Thompson and some chiefs accepted my offer in the morning and came back in the afternoon and declined it – saying they had misunderstood me to mean that the offer had been a recognition of the entire independence of their King, as a separate and independent monarch for the Maori race.

¹²²⁰ Grey to Granville, 27 October 1869, AJHR, 1870, A-1B, pp.81-82.

¹²²¹ Grey to Dealtry, 4 November 1869, IA 1/1870/555, Archives NZ, in RDB, vol.134, p.51482.

¹²²² Rogan wrote at the time to his friend McLean that ‘The Governor you know is back from Waikato and has been unwell ever since. I think you will agree with me that if truth were known Wi Tamehana and others said something so very indigestible to him that he has not been able to overcome it yet.’

Rogan to McLean, 24 January 1863, McLean Papers, MS-Papers-0032-0541, ATL.

¹²²³ Grey to Dealtry, 4 November 1869, IA 1/1870/555, Archives NZ, in RDB, vol.134, p.51484.

One or two Europeans who were present in the morning left under the belief that a native Province similar to a European Province had been created, and I think that a report to that effect was printed in one of the local newspapers. The words in which the natives finally refused my offer, I can remember. They were, that in the war at Taranaki they had made themselves an independent people, and would never return under the Sovereignty of the Queen – the excuse they made, was, that they had suffered a great wrong in the case of the Waitara, but they positively refused to have anything to do with an enquiry into that case and thus to permit a rectification of any wrong.¹²²⁴

In Grey's view all this went to show that 'when the country was full of Troops; when war had not broken out; before an acre of land had been confiscated – myself and my advisers offered to recognise in the fullest and amplest manner a native Province, and that being only subjects ourselves we were unable to offer more.'¹²²⁵

Ward states that 'there is not a shred of contemporary evidence to support Grey's claim to have made such an elaborate offer.'¹²²⁶ He further notes that if the Waikato leaders had indeed reneged on such a deal then we might expect to find greater reference to this at the time of the invasion in July 1863 given this might suggest Kingitanga rather than Crown intransigence was to blame after all.¹²²⁷ On the other hand, Ward also points to a December 1865 account of a meeting between the government official James Mackay and Wiremu Tamihana held at the latter's residence at Matamata, in which it was reported that Mackay had told the chief that:

As to Thompson's desire to maintain law and order, the Governor had given him an opportunity to do so at the great meeting at Taupiri. The Governor had proposed that the natives should form a runanga, of which the King should be the head, but under another name. They were to make laws and submit them to the Governor for approval. Thompson had rejected the offer and preferred war.¹²²⁸

¹²²⁴ *ibid.*, pp.51484-51485.

¹²²⁵ *ibid.*, p.51486.

¹²²⁶ Ward, *Show of Justice*, p.157.

¹²²⁷ Ward, 'A "Savage War of Peace"?' in Boast and Hill (eds), *Raupatu*, p.100.

¹²²⁸ *ibid.*; *Daily Southern Cross*, 27 December 1865.

Tamihana at this point denied that such an offer had ever been made, but according to the *Daily Southern Cross* account, Mackay rejected such an assertion, calling upon two men present at the Taupiri gathering to vouch for the truth of what he said. The two chiefs, Raihi and Hakiriwhi, gave ‘a very circumstantial account of all that took place’ at the Taupiri meeting, though none of what they said was included in the report.¹²²⁹

But while this account from some two years after the Taupiri gathering might give some pause for thought, the cumulative weight of evidence against an offer of the kind being made seems strong. Above all, it would seem most surprising that such a radical, potentially game-changing, proposal – if it was indeed made – would not have been reported in one of the various newspaper accounts of the hui, or that the supposed consultation with ministers did not leave behind a documentary trail. More than likely, therefore, this was little more than yet another one of Grey’s many fanciful attempts to rewrite history after the event. All that can be clearly established, from the contemporary newspaper account of the hui, is that Kingitanga leaders offered to accept the compromise raised at Peria – the governor should have the power to assent to laws made by the King and his runanga – and that Grey refused to commit himself on the spot, calling for future negotiations in Auckland on the question.

Far from making a generous offer of the kind described by himself alone (and much later), other accounts of the hui in fact attribute to Grey utterances on this occasion that were viewed as final proof in the minds of many King party members that the government’s intention towards them was uniformly hostile. He remained resolute with respect to the right of steamers to travel up the Waikato River, declared his intention of taking possession of the Tataraimaka block (which had been occupied by Maori in response to the seizure of Waitara), and spurned offers from Wiremu Tamihana to travel to Taranaki with the governor to try and prevent the further shedding of blood. Asked once more whether he opposed the King, Grey told the gathering that (as Gorst’s version went):

¹²²⁹ *Daily Southern Cross*, 27 December 1865.

he never went to bed at night without thinking what he could do to put down the Maori King. 'I shall not,' he said, 'fight against him with the sword, but I shall dig round him till he falls of his own accord.'¹²³⁰

While this was in some respects little more than a reformulation of Grey's previous statements at Taupiri in December 1861, Grey's clear and open acknowledgement of his overriding obsession with toppling the King (which rather ran contrary to suggestions he was prepared to more or less grant provincial status to the Kingitanga) left a profound impression on the Waikato tribes. If Grey's first governorship of New Zealand had been brilliant, his second was now teetering perilously close to disaster.

8.3 Resumption of the Taranaki War

Grey had agreed to attend further meetings at Rangiaowhia and Horotiu following the hui at Taupiri in January 1863, but was taken ill and instead had to return to Auckland. Gorst stated that 'Even after he had left Taupiri, riders galloped down the river bank after him, as far as Paetai, begging that he would return.'¹²³¹ But Grey did not return to the Waikato prior to its invasion in July. Instead, early in March he travelled to Taranaki, where some weeks later Imperial troops reoccupied the Tataraimaka block. Though Grey had determined to abandon the Waitara purchase, neither he (on the one hand) nor his ministers (on the other) wished to take responsibility for such a decision.¹²³² By the time that news of the return of Waitara was finally announced in May,¹²³³ war had already resumed in Taranaki as a party of Imperial troops were ambushed and nine of their number killed at Oakura earlier that month.¹²³⁴ Rewi Maniapoto and other Kingite 'extremists' were held responsible for inciting the Oakura ambush, which, as Gorst noted, though it was widely condemned by settlers as 'treacherous', was entirely consistent with the understanding that Tataraimaka had been seized by supporters of Wiremu Kingi 'as a material guarantee

¹²³⁰ Gorst, *The Maori King* (2001), pp.130-131.

¹²³¹ *ibid.*, p.131.

¹²³² Grey to Newcastle, 24 April 1863, AJHR, 1863, E-2, pp.1-2; Ward, *Show of Justice*, p.158; Dalton, *War and Politics in New Zealand*, pp.168-170.

¹²³³ *New Zealand Gazette*, 15 May 1863, no.18, p.179.

¹²³⁴ Cowan, *New Zealand Wars*, vol.1, pp.222-223.

for Waitara; and...that an attempt to take the one without surrendering the other, would be resisted by war.'¹²³⁵ Divided governmental responsibility at a time when some bold gesture of reconciliation was desperately called for thus reignited the Taranaki conflict.

However, another viewpoint espoused by Morehu McDonald, is that Grey's delay in returning Tataraimaka was designed to distract attention from the major military thrust he planned towards Waikato. Despite this, Rewi Maniapoto and other Ngati Maniapoto and Waikato leaders did not fall for the plan by rushing off to Taranaki to join the war there, instead continuing to concentrate their defences on their northern frontier.¹²³⁶

Such restraint contrasts with reports suggesting that the initial intention was indeed to descend upon Taranaki en masse. On 16 April the Reverend Arthur Purchas, the parish priest at Onehunga, forwarded Native Minister F.D. Bell a copy of a letter recently received by the Waikato chiefs. Addressed from the runanga at Mataitawa to Rewi Maniapoto, Te Waru, Porokoru, Hone Papita and Wiremu Kingi Te Rangitake (who was still living in exile at Kihikihi), the letter stated that:

On the 4th day of April the Governor went to Tataraimaka with his soldiers; his barrack has been finished and stands at Tataraimaka. The thought of these tribes is to wait for the word from you and from the runangas of this island. Enough of that.

This is also a word. These five tribes – the Atiawa, Taranaki, Ngatiruanui, Ngarauru, and Whanganui, have taken up quarters at Tataraimaka. The red earth has dried on the surface, the work of the tribe (*i.e.*, trenches have been dug). The gun will in a short time be firing constantly. Enough of that.

This is another word. William, what is your mind regarding your tribes who are unsettled here? Friend, if it were merely a canoe of wood we should know

¹²³⁵ Gorst, *The Maori King* (2001), p.151. Even Ashwell found it impossible to persuade Waikato Maori he considered sympathetic to him in general that what had happened at Oakura was murder rather than merely an acceptable stratagem of war. Ashwell to CMS, 29 June 1863, qMS-0090, ATL.

¹²³⁶ McDonald, 'Rewi Manga Maniapoto', pp.135-136.

how to act; but for a canoe of men where should we search (*i.e.*, a wooden canoe can be easily repaired, but lost men cannot be replaced).¹²³⁷

According to the Ngati Whatu-i-apiti chief Te Hapuku of Heretaunga, who was visiting Waikato at this time and who wrote to Grey on 16 April, 'Waitara...and Tataraimaka: these are the causes why the tribes here have become really angry with you.'¹²³⁸ That ought to have come as little surprise to officials, since earlier letters had made it clear that any attempt to forcibly reoccupy Tataraimaka would be interpreted as a resumption of the Taranaki conflict.¹²³⁹

Now that Tataraimaka had indeed been seized, it was widely believed that the Taranaki War was once more active. According to Purchas, in consequence of the letter from the Mataitawa runanga, Rewi Maniapoto and 600 men were expected to leave for Taranaki within days.¹²⁴⁰ It was also said that the messenger who had brought news of the Tataraimaka seizure to Hanganui had returned to Taranaki the same day, having received the reply 'me ki ki tona taringa, me patu te pakeha (say in his ear, kill the Pakehas.)'¹²⁴¹ That reply was said to have come from Rewi Maniapoto, who was reported by Gorst to have sent the messenger straight back to Taranaki without waiting to consult any other chiefs.¹²⁴² Despite further reports that Rewi was preparing to lead Ngati Maniapoto down the coast,¹²⁴³ a subsequent report noted that this plan had been revised, with only about 200 men to travel to Taranaki under the leadership of Takerei, Tikaokao, Hikaka and Te Kaharoa. They were to travel not to Tataraimaka but to Waitara, where it was said that they would drive any settlers they found off the land.¹²⁴⁴ It would appear that, in the event, no party from Ngati Maniapoto or any other group in the Waikato sent support to Taranaki. When James Fulloon met with Te Paea at Mangere on 21 and 22 May, she had predicted that Ngati Maniapoto would not now travel to Taranaki in consequence of the news that

¹²³⁷ Hare Te Paia and others to Wiremu Kingi and others, 8 April 1863, AJHR, 1863, E-1, p.19.

¹²³⁸ Hapuku Ikanuiotemoana to Grey, 16 April 1863, AJHR, 1863, E-3, Sec.I, p.28.

¹²³⁹ Hemi Tehu and others [to supporters of the King], 8 December 1862, AJHR, 1863, E-3, Sec.I, pp.11-12.

¹²⁴⁰ Purchas to Bell, 16 April 1863, AJHR, 1863, E-1, p.18.

¹²⁴¹ Gorst to Bell, 16 April 1863, AJHR, 1863, E-1, p.20.

¹²⁴² Gorst, *The Maori King* (2001), p.148.

¹²⁴³ Gorst to Bell, 23 April 1863, AJHR, 1863, E-1, p.20.

¹²⁴⁴ Purchas to Bell, 25 April 1863, AJHR, 1863, E-1, p.22. See also Wiremu Patara Te Maioha to Tamati Ngapora, 27 April 1863, G 13/2, Archives NZ.

Waitara had been returned to Te Atiawa. Te Paea also informed Fulloon that the report that 200 Ngati Maniapoto had already departed under Tikaokao and others was no more than a ruse designed to get Matutaera's consent to an expedition.¹²⁴⁵

Instead, it would seem that attention quickly turned to preparing for the coming conflict in the Waikato. On 25 April Purchas reported a large meeting held at Kihikihi at which Rewi Maniapoto and his followers were gathered, along with Matutaera, Te Paea, Patara Te Tuhi and others. Purchas reported that 'Rewi's side are urgent for an immediate descent upon the Ia (with the view, as I am told, not of attacking the troops, but of making a raid against the settlers), while Te Paea and Patara strenuously oppose the plan.'¹²⁴⁶ He believed that if Patara and Te Paea succeeded in dissuading Rewi from launching such an attack, then it was likely that Raglan would instead be targeted. Wiremu Tamihana and Tioriori had 'expressed their entire disapprobation of the proceedings of Rewi and his people', and Purchas believed that it would not be a very difficult matter to detach Ngati Haua and a considerable portion of the Ngati Apakura from the 'violent men' who were being accused by some of 'bringing ruin and destruction on their people.'¹²⁴⁷ The King's family were meanwhile said to be 'deeply mortified' by developments, and in a subsequent report Purchas noted that Rewi had urged Te Paea and Patara Te Tuhi 'to assent to his proposal that Mangatawhiri should be handed over to him to do what he liked with, but they strongly refused and came away with the belief that Rewi had given up all thought of doing anything in that quarter.'¹²⁴⁸ But Purchas discovered a day later that Rewi was still anxious that Mangatawhiri should be handed over to him, and wished for the King to go and reside at Hanganiki (while a third demand for mixed race children to be taken from their European families had been at least partially carried out).¹²⁴⁹ According to Gorst, at some point:

A great meeting took place at Rangiaowhia, to determine what part Waikato should take in the new Taranaki war. The first speaker was Wi Tamihana, who, after condemning, in the strongest terms, the whole of those proceedings

¹²⁴⁵ Fulloon, Memorandum reporting visits to Mangere on 21 and 22 inst., 24 May 1863, MA

1/1863/144, Archives NZ, in RDB, vol.55, p.21023.

¹²⁴⁶ *ibid.*

¹²⁴⁷ *ibid.*

¹²⁴⁸ Purchas to Bell, 2 May 1863, AJHR, 1863, E-1, p.25.

¹²⁴⁹ *ibid.*, p.26.

of Rewi which had led to war, declared his opinion, that the Maories were in the wrong, and announced that the Ngatihaua would take no part in the war. As soon as he sat down, Rewi rose, and, without speaking, thrust out his tongue, and made horrible grimaces at the rival chief. Tamihana asked what this meant, 'It means,' replied Rewi, that I shall go.' 'Where?' 'Right on into the mouths of the Governor's cannon.' He was asked if he paid no regard to the words of the King. 'I care nothing,' he said, 'about your King. I have anointed my sword and my spear to be kings over me.'¹²⁵⁰

When news of the Oakura ambush reached Waikato later in May, Wiremu Tamihana and many of the other chiefs refused to reach a hasty judgment as to whether the attack had been justified or not, instead seeking further information from Taranaki into the circumstances.¹²⁵¹ According to some accounts, though, Rewi and the rest of Ngati Maniapoto were blamed for encouraging Ngati Ruanui to commit such an act (though there were also reports that Maori at Aotea and Kawhia had condemned the killings).¹²⁵² But meanwhile, Rewi, having been prevented from launching a pre-emptive strike against the British frontier positions, was reportedly busy preparing earthworks at Rangiriri just days after news of the Oakura killings had reached Waikato.¹²⁵³

Rewi Maniapoto could hardly be held responsible for the Oakura ambush given that it came in response to Grey's unilateral seizure of Tataraimaka, whilst it also seems doubtful whether he had such a hold over the Taranaki tribes that they would have dutifully obeyed his instructions. But whatever the motivation behind it may have been, Grey's decision to seize Tataraimaka without first returning Waitara to its customary owners was a contentious one. Years later, one Maori source observed

¹²⁵⁰ Gorst, *The Maori King* (2001), pp.154-155.

¹²⁵¹ *ibid.*, p.154; Tamihana to F.D. Bell, 15 June 1863, AJHR, 1865, E-11, p.14; Halse, Memorandum for Mr. Bell on various subjects, 24 May 1863, MA 1/1863/145, Archives NZ, in RDB, vol.55, p.21030.

¹²⁵² [Tamihana] to Waata Kukutai, 16 May 1863, AJHR, 1865, E-11, p.13; *Daily Southern Cross*, 19 May 1863; Halse, Memorandum for Mr. Bell on various subjects, 24 May 1863, MA 1/1863/145, Archives NZ, in RDB, vol.55, p.21032. Grey much later sought to argue that Rewi Maniapoto's message to the Taranaki tribes had been sent on behalf of 'a number of Waikato Chiefs.' Grey to Cardwell, 30 August 1864, GBPP, 1864 [3425], p.110.

¹²⁵³ *Daily Southern Cross*, 19 May 1863; Bell to Mantell, 10 May 1863, Mantell Family Papers, MS-Papers-0083-218, ATL; Bell to Mantell, 17 May 1863, Mantell Family Papers, MS-Papers-0083-244, ATL; Miller, *Race Conflict in New Zealand*, pp.99-100.

bitterly that Grey had ‘made a number of frivolous excuses’ for failing to act on Kingi’s grievances with respect to Waitara:

and went off to Taranaki, where, instead of proceeding to investigate the matter, he ordered the soldiers to advance upon Tataraimaka. Then, at length, the Maories saw to their astonishment that there was to be no investigation; the Pakehas were then fired on by the Maories, and some of them were killed. Governor Grey, instead of looking upon himself as the cause of this trouble, threw the blame upon Rewi, and forthwith advanced on Waikato.¹²⁵⁴

The outspoken Canterbury politician J.E. FitzGerald was one observer highly critical of the sequence of events at Taranaki. He believed that:

There is not the slightest question that had the Waitara question been honestly grappled with at once, the restitution of Tataraimaka would have followed, and that, in the view of a Governor who had expressed such strong opinions as to the cruel wrongs done at Waitara, whose language, if it meant anything, fully justified the resistance, of the Native tribes to that act of aggression, the settlement of the Waitara question was the *sine qua non* of peace; certain it is, that William Thompson and the chiefs of Waikato offered to go down to Taranaki and effect the restitution of Tataraimaka by peaceful means, and the Governor deliberately refused their offer.¹²⁵⁵

Grey, though, sought to justify the actions adopted by him at Taranaki by arguing that to have first abandoned Waitara without taking prior possession of the Tataraimaka lands would have been viewed by the tribes as a sign of weakness. In a memorandum seeking to justify the course pursued, he declared that:

If we had not peaceably entered into possession of the European lands at Omata and Tataraimaka, it would have been difficult to have abandoned the intention of purchasing the lands at the Waitara, however objectionable in many respects it might have been to make that purchase, because it might have

¹²⁵⁴ *Te Waka Maori o Niu Tirani*, 25 January 1879.

¹²⁵⁵ FitzGerald to Edward Cardwell, 15 April 1865, AJHR, 1865, A-5, p.38.

been said (however unjustly) that the abandonment of our intentions to make such a purchase, was a sort of bribe to the natives to induce them to allow us peaceably to occupy our own territories. Now that we have taken peaceable possession of the Omata and Tataraimaka blocks, this objection to abandoning the intended purchase of lands at the Waitara no longer exists.¹²⁵⁶

In the same memorandum Grey had noted that Maori denied taking up arms to prohibit the alienation of territory. Instead, the tribes viewed it as ‘a struggle for house and home.’¹²⁵⁷ A ‘near universal’ belief had taken root among the tribes that the government had adopted a new system for taking lands at Waitara, and one which, if it was not successfully resisted at Taranaki, would inevitably lead to the loss of their own homes and lands.¹²⁵⁸ Moreover, as Grey informed the Secretary of State for the Colonies:

A great part of the Native race may be stated to be at the present moment in arms, in a state of chronic discontent, watching our proceedings in reference to this Waitara question. Large numbers of them have renounced the Queen’s authority, and many of them declare openly they have been so wronged, that they will never return under it. Other most influential men state that they will not aid the Government in any war that may arise out of this Waitara question. The great majority of them declare that if a war arises from this cause, they will rise and make a simultaneous attack upon the several European settlements in the Northern Island.¹²⁵⁹

If the North Island really was on the edge of a dangerous precipice as Grey suggested, then concerns over the possible perception created by returning Waitara first before taking steps to regain Tataraimaka would surely not have prevailed. But while it might be suggested that Grey, having already determined to invade Waikato, was simply looking for a catalyst for further conflict, it seems most unlikely that he would have chosen to make Waitara the focus. As Grey had previously observed, any further

¹²⁵⁶ Grey, Memorandum by His Excellency Stating Reasons for Abandoning Waitara Purchase, 22 April 1863, AJHR, 1863, E-2, p.10.

¹²⁵⁷ *ibid.*, p.8.

¹²⁵⁸ *ibid.*

¹²⁵⁹ Grey to Newcastle, 24 April 1863, AJHR, 1863, E-2, p.1.

fighting over Waitara had the potential to draw in a large number of supporting tribes from around the country – including potentially some that opposed the Kingitanga but remained concerned their own lands might similarly be seized. And in an unusually contrite despatch penned a day after the Oakura ambush, Grey admonished himself for failing to take more timely steps to return Waitara.¹²⁶⁰

Ironically, ministers had finally given formal approval to the abandonment of Waitara the day after a despatch from Newcastle had been received in the colony concerning responsibility for native affairs.¹²⁶¹ It instructed the governor to generally accept the policies of the colonial ministry with the exception of any decisions which were ‘at variance with the pledges on the faith of which Her Majesty’s Government acquired the Sovereignty of New Zealand, or in any other way marked by evident injustice towards Her Majesty’s subjects of the native race.’¹²⁶² Premier Alfred Domett had finally agreed to abandon the Waitara purchase a day after this despatch arrived in the colony, it has been suggested, because he did not wish to leave the British government with the impression that any future war would be merely a naked settler land grab.¹²⁶³ Sewell believed that a similar desire to disconnect the coming conflict over supremacy from the Waitara land dispute drove Grey. He observed that:

From what I can gather my impression is that the surrender of the Waitara is an act of policy on the part of Sir George Grey. He probably feels that we are about to embark in a war of races, perhaps a death struggle for the native race, and he will not allow his position to be embarrassed by the old quarrel about the Land. So he throws it back to them...The abandonment of this old bone of contention will at least embarrass the Natives. They can have no pretence of

¹²⁶⁰ Grey to Newcastle, 5 May 1863, AJHR, 1863, E-2, pp.12-13.

¹²⁶¹ Domett, Minute, 5 May 1863, AJHR, 1863, E-2, pp.20-21; *New Zealand Gazette*, no.18, 15 May 1863, p.179.

¹²⁶² Newcastle to Grey, 26 February 1863, AJHR, 1863, E-7, p.7. The despatch arrived in New Zealand on 7 May 1863. Ministers agreed to abandon the Waitara purchase the following day.

¹²⁶³ Rutherford, *Sir George Grey*, p.486. Domett had written with reference to the supposed Colonial Office impression that Waitara had been a ‘settler’s war’ that it was ‘in vain for Ministers any longer...to contend against this view, it only remains for them to avoid the possibility of any war being renewed on any grounds that would admit of that assumption as to its character and origin, which would be the case were war to be renewed at Waitara.’ Domett Memorandum, 8 May 1863, AJHR, 1863, E-2, p.27.

quarrel with us now and if they attack us it will be from simple unqualified motives of hostility.¹²⁶⁴

Not that this let Grey off the hook either: so long as British troops remained in New Zealand the Colonial Office continued to insist on a reasonable right of control over their deployment, meaning Grey was still largely responsible for approving any future war (and other policies such as land confiscations which required military backing).¹²⁶⁵ It was only with the gradual withdrawal of Imperial regiments after 1865 and acceptance of a new 'self-reliant' regime that full control over the colony's affairs was formally recognised as belonging to the colonial administration. That would later become a source of ongoing frustration for Maori, whose periodic efforts to appeal to the British monarch to intervene on their behalf to ensure compliance with the Treaty of Waitangi were invariably referred back to the New Zealand government for a response.

Meanwhile, McLean, no doubt fully conscious of his own dubious role in the Pekapeka purchase, was among those who took the opportunity to argue that because the return of Waitara had failed to prevent further fighting, it could not have been the main catalyst for this in the first place. In a draft memorandum penned late in 1863 but never evidently published (since it took aim squarely at Grey), McLean wrote that 'The state of the natives prior to the war of March 1860 might be compared to a slumbering volcano ready at any moment to burst out':

They had their secret Runangas throughout the Island, they elected a King and hoisted his flag as an emblem of defiance, they threatened when the adherence of all tribes was obtained, and their plans more fully matured, [to invade the English settlements and reduce the Europeans to submission]¹²⁶⁶ to resist by every means the extension of English settlement, and if necessary to reduce either the Europeans or tribes who did not join them to submission to or recognition of the Kings rule [sic]. [...]

¹²⁶⁴ Sewell, Journal, 17 May 1862, p.153, qMS-1787, ATL.

¹²⁶⁵ Dalton, *War and Politics in New Zealand*, p.242.

¹²⁶⁶ A line runs from the text before the section enclosed in square brackets to that following it, though there is no strike through.

All these facts notorious as they are, and well known as they must have been to His Excellency Sir George Grey are entirely lost sight of in the despatches to His Grace the Duke of Newcastle and the whole of this spirit of insurrection is persistently attributed more to the action taken with reference to the paltry spot of land at Waitara than to any of the real and more remote causes which led to it. If the Waitara alone was the only cause of this insurrection the natives had every opportunity afforded to them of having the question enquired into and decided in a peaceable manner, but this was resisted not only by Wm. King but also by the Waikatos and it is now fully proved that the giving up of that land if it formed the real cause of grievance has not in any way altered or diminished the hostility of the Natives.¹²⁶⁷

On one level McLean's argument was disingenuous, if not downright spurious. The government's decision to push through with the purchase against opposition from Kingi and other owners had triggered the first Taranaki War, while there would have been no resumption of fighting in the province if the lands had been restored to their owners earlier. And without the Waitara dispute there would have been nothing for the Waikato tribes to intervene in. But McLean was right in the sense that that intervention, once it came about, was not fundamentally a matter of the fate of the particular lands in dispute so much as being concerned with the broader issues surrounding the respective rights and powers of the Kingitanga and the Crown. Those issues were not resolved at Taranaki, prompting further impetus for a showdown in the Waikato.

8.4 The Growing Crisis in the Waikato

Events in the Waikato district had meanwhile greatly increased the likelihood of conflict breaking out there also. By the end of March 1863 the road to Mangatawhiri was finally completed.¹²⁶⁸ In August 1862 the former mission school at Te Awamutu had been taken over by the government and was converted into an industrial school for young men. But while sold to Maori as a better way of providing practical

¹²⁶⁷ [Draft memorandum in McLean's handwriting], n.d. [28 December 1863?], McLean Papers, MS-Papers-0032-014, ATL.

¹²⁶⁸ Parsonson, 'Tainui Claims', p.84.

training, officials openly acknowledged an altogether different agenda behind the move. According to F.D. Bell:

The School at the Awamutu was founded at his Excellency's suggestion; and has been most anxiously watched and supported by the Government since its first establishment. The objects which it was hoped might be attained by means of this school were, -

(1) The exhibition before the eyes of the Waikato natives of the advantages to be derived from the British Government. That it might be clearly seen, especially by the young men who are the most dangerous class in the native community, that the queens [sic] Government was able and willing to give physical comfort and civilization in exchange for the barbarous independence which is cherished by them in spite of the misery and lawlessness which it involves.

(2) The training of a class of men upon whose fidelity and ability the government could rely and out of whose ranks native officers could hereafter be selected.

(3) The increase of the power of the Civil Commissioner who as head of a large establishment carrying on extensive dealings with the neighbouring natives would necessarily acquire an influence which he might use to the great advantage of the Queen's Service.

(4) The organization of a Body of disciplined young men, accustomed to obey who might be used as a police force and furnish the Government with an instrument for accomplishing that much wished for object the establishment of Law and order in native districts.¹²⁶⁹

According to Gorst, who was to take charge of the school in his capacity as Civil Commissioner for the district, Grey had originally planned simply to build barracks

¹²⁶⁹ Bell, Memorandum, 30 April 1862, McLean Papers, MS-Papers-0032-0011, ATL. Compare with the explanation provided in Gorst, *The Maori King* (2001), p.121, in which the third reason is omitted.

for a Maori police force at Te Awamutu, before being persuaded that such a provocative gesture was likely to encounter a great deal of resistance on the part of the local tribes.¹²⁷⁰ It was Gorst himself who pointed this out in a June 1862 letter, observing that:

In the Upper Waikato it is not possible to organise a Police force, without provoking the hostility of the King's adherents, before it would be strong enough to resist it with success; neither do I see any possibility at present of obtaining the command of any of the numerous bodies of armed Police which already exist in that District. I propose to establish in that District an industrial school for big lads and young men which may grow into a Police Station hereafter.¹²⁷¹

Gorst claimed that the proposed industrial school at Te Awamutu 'appeared to the natives, at first sight, an act of pure benevolence, free from any sinister motives', and that many youths 'at once made application for admission and others said they only hesitated because they could not believe Government promises, until they saw them fulfilled with their own eyes.'¹²⁷² The facts tend to paint a different story, however: in the nine months in which the school was operational the staggering sum of £3360 was spent on it despite an average monthly attendance of just 12 boys.¹²⁷³ The missionary Robert Maunsell was not alone in believing the school was a 'sad failure',¹²⁷⁴ and it seems likely that Maori in the district withheld their young men from the school for the very reason that they could see through the ulterior motives behind its establishment.

For his part, Gorst claimed that the initial confidence in the government's intentions behind the school soon eroded due to other developments in the district, including concern over roads and steamers, along with events further north at Te Kohekohe.¹²⁷⁵ The Ngati Naho rangatira Wiremu Te Wheoro, who had remained aloof from the

¹²⁷⁰ Gorst, *The Maori King* (2001), p.120.

¹²⁷¹ Gorst, Memorandum on the Establishment of a Police Station at Kohekohe and an Industrial School at Otawhao, 28 June 1863 [sic – 1862], AJHR, 1863, E-4, p.36.

¹²⁷² Gorst, *The Maori King* (2001), p.122.

¹²⁷³ *ibid.*, p.182.

¹²⁷⁴ Garrett, *Te Manihera*, p.268.

¹²⁷⁵ Gorst, *The Maori King* (2001), p.122.

Kingitanga, had since early 1862 persisted with plans for the construction of a courthouse at Te Kohekohe, despite persistent warnings from Kingitanga supporters. Grey, though, decided that police barracks should also be added to the plans, confiding in General Cameron that this site might then be 'at any time turned into a military post the possession of which might prove of very great advantage to us in a military point of view'.¹²⁷⁶ That much was also readily apparent to local Kingitanga supporters, however, especially once a large quantity of planks of wood were unloaded at Te Kohekohe early in March 1863. News of this development was reportedly accompanied by the message 'Kua tutata te mate, ka puta te kino, he mate, he mate' ('Death is at hand, evil has appeared, death, death').¹²⁷⁷

A party variously estimated at between 60 and 200 strong descended upon Te Kohekohe and commenced throwing the timber in the river, the efforts of Te Wheoro and his supporters to prevent them from doing so leaving both sides very much bruised and besmeared with blood.¹²⁷⁸ Just over a week later, another large group arrived at Te Kohekohe and during Te Wheoro's absence managed to float the remainder of the timber down river to Te Ia. James Fulloon of the Native Office reported one day later that the group 'manifests a very hostile state of feeling, and consequently talk in the war strain, and use very defiant language.'¹²⁷⁹ Ashwell, though, depicted a rather calmer scene. He noted that:

The Timber was brought down the river in 14 large rafts with white flags flying and landed at Maungatawhiri [sic] Beach. The Soldiers did not offer in any way to molest them and they the Natives appointed Chiefs to act as a police to prevent any of the Young men going to the Stores to get spirits [;] all was conducted in a most orderly manner no *bounce* or bad feeling manifested by either party – It must be remember[ed] that the Land at the Kohekohe where the Court House was to be erected partly belonged to Natives who called themselves Kingites.¹²⁸⁰

¹²⁷⁶ Grey to Cameron, 30 June 1862, Archives NZ, cited in Dalton, *War and Politics in New Zealand*, p.163.

¹²⁷⁷ T.A. White to H. Halse, 12 March 1863, GBPP, 1863 (467), p.110.

¹²⁷⁸ Wi Te Wheoro to Halse, 11 March 1863, AJHR, 1863, E-3, Sec.I, p.17.

¹²⁷⁹ Fulloon to Halse, 21 March 1863, GBPP, 1863 (467), p.115.

¹²⁸⁰ Ashwell, Journal, 23 March 1863, qMS-0090, ATL.

It had evidently been a close run thing, however: just one day later the local commanding officer, Colonel Murray, received orders from Cameron to prevent the King party from landing the timber if they came armed. Ashwell, in whom he confided these orders, considered that they had had a lucky escape.¹²⁸¹ But despite some false reports to the contrary, Ngati Maniapoto appear to have had nothing to do with the events at Kohekohe, which were carried out solely by members of Waikato proper.¹²⁸²

According to John Hobbs, who met with some of those involved after the second successful effort to float the timber down the river, the tribes remained firm in their determination to resist the construction efforts. Hetaraka Muru told Hobbs:

the Governor and you say that Tataraimaka is your boundary, and I say that the Ia here is my boundary; this belongs to the Queen, and therefore it is that I have sent back your property to the Ia, on to the Queen's land. Listen. On this we are determined. If any other Maori chief attempts to take this timber back to the Kohekohe, I shall go and bring it down again to the Ia. If your pakeha friends attempt to take back this timber, I shall send it back again to the Ia. This is the fixed resolve of Waikato, and of the whole tribe, throughout all its boundaries. Let the termination be at the Ia; cease to disturb us. When this is finished I shall erect a post as my boundary.¹²⁸³

While the construction activities at Te Kohekohe had greatly inflamed tensions, Gorst's continuing residence at Te Awamutu was by this time considered untenable, and members of the group announced their intention to ensure that he departed the Waikato. At a time when above all else ongoing dialogue was required, the government had instead resorted to name-calling, responding to the Kingitanga newspaper *Te Hokioi* (named after an unseen mythical bird with supernatural powers) with *Te Pihoihoi Mokemoke i Runanga i te Tuanui* ('the sparrow alone upon the house top', reflecting Gorst's isolated position), the mocking and contemptuous tone of

¹²⁸¹ Ashwell, Journal, 24 March 1863, qMS-0090, ATL.

¹²⁸² *Taranaki Herald*, 25 April 1863; Draft Narrative of facts regarding Kohekohe house, n.d. [March 1863], MA 1/1863/96, Archives NZ, in RDB, vol.55, pp.20978-20979.

¹²⁸³ John Hobbs, [Account of journey to Waikato], n.d., [c.March 1863], AJHR, 1863, E-3, Sec.I, p.21.

which greatly angered Kingitanga supporters.¹²⁸⁴ While much effort went into discrediting the Kingitanga newspaper, its contents were also eagerly lapped up by officials and ordinary settlers alike, with translations of its contents often appearing in the European newspapers soon after publication. Translations of the February 1863 edition completed by officials indicated that the issue of armed steamers travelling up the Waikato River was very much a live one. Readers of *Te Hokioi* were reminded that:

The Waikato river does not belong to the Queen, it belongs to the Maoris only: and the things that we are suspicious of in regard to the steamer being sent to Waikato are,

First. The bringing of great guns, Second, the sending those terrible things here and the things that are known are, the covering that steamer with iron, persisting in sending her here in defiance of the word of the Maoris. And the word spoken by the Governor to Wi Tako, Heremia and others, telling them to throw down the flag, and put an end to the King movement.¹²⁸⁵

The paper went on to assert that it was ‘a falsehood for any one to say that it was agreed to, that Waikato [River] should be a highway for Pakeha and Maori.’¹²⁸⁶ Turning to the Treaty of Waitangi, the same story went on to note that Queen Victorian had said to the chiefs long ago:

“If the men of New Zealand are not willing to cede (yield, or give up) the *mana* of their lands, rivers & fisheries to me, well and good, let them retain the *mana* themselves.” This is one of the rivers which we wish to retain. Now friends. Why is this plain word of our Mother the Queen not acted upon? It has been altogether trampled under your feet.¹²⁸⁷

Another article queried the governor’s love for the Maori people, expressed most recently on the occasion of his visit to Taupiri, while a separate piece warned readers

¹²⁸⁴ Paterson, *Colonial Discourses*, pp.26-28, 183-185.

¹²⁸⁵ ‘Translation of the Hokioi – Flying Towards You’, [February 1863], MA 1/1863/69, Archives NZ, in RDB, vol.55, pp.20916-20917.

¹²⁸⁶ *ibid.*, p.20918.

¹²⁸⁷ *ibid.*, pp.20922-20923.

against selling land, comparing the prohibition on this imposed by the Kingitanga with the Queen's law against the sale of powder and guns.¹²⁸⁸ Meanwhile, a further section was addressed to 'our pakeha friends' on the same topic. Pakeha readers were advised:

Now o friends, do you give heed – turn your ear round that you may hear the word which is now being written. It is this, cease annoying us. Allow us to do our work, to discover which is right and which is wrong. Withdraw your hand from purchasing land. That is, from those things which create confusion and which are pressing heavily upon us.¹²⁸⁹

In another article in the same edition of the Kingitanga newspaper, the Treaty of Waitangi was described as having been entered into at a time of ignorance (or during 'foolish days'). Describing the time before the Treaty when produce was sold cheaply, it noted that:

Then the Europeans began to buy land, they gave for it, scissors, fish hooks, combs, knives and tobacco; the land was nearly all swallowed up by these trifling goods. Our eyes were turned upwards, and the eyes of the Ministers [of religion] were turned towards our land. Alas, o land, you were foolishly parcelled out! After that the Governors came and took into their hands the land buying system, the payment was then one shilling per acre, and the Governors confirmed this arrangement for the land; and tried to appear pleasant or to conciliate the people, these were all tricks of the Europeans. After that came the treaty at the Waikato Heads, where one blanket was given for one man, then the chiefs came like a flock of birds to (sign) this conciliatory arrangement, and rashly told their thoughts, not seeing the hook which was concealed. Then some of the chiefs commenced to nibble (at the bait) and found a hook with a sharp point.¹²⁹⁰

¹²⁸⁸ *ibid.*, pp.20924-20925.

¹²⁸⁹ *ibid.*, pp.20930-20931.

¹²⁹⁰ *ibid.*, pp.20938-20939.

While governors had said in the time before the King movement that Maori and Pakeha should become one people, *Te Hokioi* reminded its readers that different rules applied to the purchase of guns and powder, while the Maori people had sold their lands to the governor for a small price. Moreover, the governor's attempt to 'bring us under your rule (mana) without authority is different from what you asserted.'¹²⁹¹ Amidst various correspondence received from Kingitanga supporters around the country, the same paper also carried a warning to the tribes not to set fire to the forests and bush lest none remain for their descendants.¹²⁹² It appears to have been intended as a literal message but could possibly have been a metaphorical reference to land selling.

On 24 March a large group of Ngati Maniapoto headed at first by Rewi Maniapoto descended upon Te Awamutu, where they loaded Gorst's printing press on to bullock drays for removal to the Queen's land at Te Ia. Gorst was himself given three weeks to leave the district, notwithstanding requests from the King for Pakeha to be left alone. But in an indication of the deep feelings stirred up by Gorst's newspaper, it also directly addressed *Te Pihoihoi*, asking that it cease finding fault with them and instead look to come to some arrangement or understanding.¹²⁹³

Gorst, though, showed no inclination to adopt a more moderate and conciliatory editorial line. According to Lachy Paterson, *Te Pihoihoi* did not seek to engage with its rival newspaper's arguments about the Treaty of Waitangi or other such matters, instead attacking the validity and efficacy of the Maori King, including a piece in its inaugural edition entitled 'The Evil of King Activity.'¹²⁹⁴ Producing such inflammatory text would have been unwise in most contexts, but doing so on a press located within the heartland of the King's supporters at Te Awamutu was nothing short of 'foolhardy.'¹²⁹⁵ Gorst would not be given an opportunity to release many more editions of his newspaper. According to a later account published in *Te Hokioi*, on the same night that a party returned from Kohekohe:

¹²⁹¹ *ibid.*, p.20940.

¹²⁹² *ibid.*, p.20943.

¹²⁹³ *ibid.*, pp.20929-20930.

¹²⁹⁴ Paterson, *Colonial Discourses*, p.185.

¹²⁹⁵ Ward, 'A "Savage War of Peace"?' in Boast and Hill (eds), *Raupatu*, p.102.

the errors of Mr Gorst were considered. His pulling up Neri's port at Mangatawhiri. His attacks on the Hokioi, that is, his unwarrantable words against the King. His persisting in erecting a house to provoke a disturbance at the Kohekohe and among the people, and his refusing to send back the carpenters and timber to the Ia. The Runanga said therefore that it was we who sent the timber back to the Ia not Mr Gorst, and therefore that he should be served as his timber was, sent back, he and his timber, to the Ia, there to remain. What the Runanga and all the Chiefs of Waikato desired, was, to send Mr Gorst and all his things back to the Ia, let him not be deaf, obstinate, or defiant.¹²⁹⁶

The first intimation that proposals had been revived to drive Gorst out of the district came in February 1863, when the Civil Commissioner was made aware of the contents of a letter written by various Mokau chiefs in which it was urged that 'the school at the Awamutu, the Magistrate, and the printing press, should be driven away at once, for the work was like the work of Satan, who tempted men to their ruin; the establishment here being only a prelude to the arrival of soldiers.'¹²⁹⁷ Other rumours had it that Rewi Maniapoto had been behind the proposed eviction, writing to the King and Tamihana to solicit their support.¹²⁹⁸ But Rewi had led the armed party to within 300 yards of Gorst's establishment at Te Awamutu, before remaining behind to observe the Hanganaki party under the leadership of Hone Ropuha and Aporo carry out the mission.¹²⁹⁹

That mission was one which clearly received less than unanimous support from local Maori. In fact, while Aporo and party sought to load the drays with the contents of the printing office, others remonstrated with them, and according to Gorst:

After some time had elapsed, during which it was expected that the house would be attacked every moment, Taati William Toetoe and Tioriori came down from Rangiaohia without men or arms, and vehemently objected to what

¹²⁹⁶ *Te Hokioi* no.4 translation, 26 April 1863, MA 1/1863/163, Archives NZ, in RDB, vol.55, pp.21087-21088.

¹²⁹⁷ Gorst to Native Minister, 25 February 1863, AJHR, 1863, E-1, p.3.

¹²⁹⁸ Gorst to Native Minister, 28 March 1863, AJHR, 1863, E-1, p.8.

¹²⁹⁹ *ibid.*

had been done. Taati asked if they had forgotten Potatau's word – "kia aroha ki te pakeha," (be kind to the pakehas,) – and if they did not know that Matutaera's words were the same. Hone Ropeha [sic] replied that he would trample the King's words under his feet. This he repeated twice, and Taati called for paper and took down in writing what he said.¹³⁰⁰

A tense stand-off prevailed until the following morning, when further lengthy remonstrations followed. Gorst was brought before the assembled chiefs and invited by Aporo to leave the district but refused, instead asking why the chief had disobeyed Matutaera's injunction against molesting Europeans. Gorst then went away into his house while the gathering discussed what should be done. Gorst later learnt that 'all the persons present agreed that I should go, and differed only as to the mode in which it should be brought about. The Rangiaohia natives wished a letter to be written asking the Governor to recall me, and Rewi and his friends insisted on expelling me by force.'¹³⁰¹ Following the meeting Rewi remained on the ground, declaring that he would not leave the spot until he had seen Gorst off, while other chiefs stood guard around the Civil Commissioner's house. Subsequent to this the missionary Reid arrived at the scene with a proposal from Rewi agreeing to withdraw his men if Gorst would write to Governor Grey to explain the circumstances he found himself in and to ask permission to leave the district. Gorst agreed to these terms provided he was allowed to remain at Te Awamutu for three weeks while they awaited a reply from the governor.¹³⁰²

While Gorst had concluded that there was no prospect of his being allowed to remain in the district permanently, and that any delay in his removal would only endanger the lives of other Europeans, Rewi Maniapoto also wrote to Grey with regard to these matters. He informed the governor that:

Mr. Gorst has suffered (*mate*) through me. The press has been taken by me. These are my men who took it – eighty armed with guns; the reason whereof is to turn off (*pana*) Mr. Gorst, in order that he may return to the town; it is on

¹³⁰⁰ *ibid*, p.9.

¹³⁰¹ *ibid*.

¹³⁰² Gorst to Rewi Maniapoto, 25 March 1863, AJHR, 1863, E-1, p.4.

account of the darkness occasioned by his being sent here to stay and deceive us, and also on account of your word, “by digging at the sides, your King movement will fail.”

Friend, take Mr. Gorst back to town; do not let him stay with me at Te Awamutu. Enough; if you say that he is to stay, he will die (*ka mate*). Enough; send speedily your letter to fetch him in three weeks.

Kua mate a Te Kohi i au. Kua riro i au te Perehi. Ko aku tangata enei nana i tango, e waru te kau takitahi; tu tonu i te pu enei tangata. Ko te take he pana ia Te Kohi kia hoki ki te taone, na te nui hoki o te pouri ki tana tukunga mai ki konei noho ai, whakawai ai, na to kupu hoki tetahi, mau e kerī i nga taha ka hinga to kingitanga. E hoa whakahokia a Te Koti [sic] ki te taone. Kua e waiho ki au kia noho i te Awamutu: heioano, ka ki keo ki te waiho, ka mate. Heioano, kia tere mai to pukapuka tiki mai i nga wiki e toru.¹³⁰³

Gorst received prompt permission from the Native Minister F.D. Bell to leave Te Awamutu if he perceived any danger to his life.¹³⁰⁴ Bell appeared to hope or believe that the incidents at Te Awamutu might prompt some of the Waikato chiefs who disapproved of the ‘outrage’ to request that Gorst should remain where he was while they dealt with ‘the violence of the Ngatimaniapoto.’¹³⁰⁵ But Gorst had a better fix on the prospects for fostering such a breach. On 31 March he wrote to the Native Minister that:

This morning, Wiremu Karamoa and Eruera Poutama arrived from Ngaruawahia, and proceeded to Kihikihi. I gathered from their conversation that Matutaera and his friends are much offended at what the Ngatimaniapotos have done, that he has sent orders to Rewi to send back the press, and to pay both for the damages and the outrage he has committed, and to leave all questions about my removal from the district to be settled by Matutaera himself. At the same time I was given to understand that there exists on the

¹³⁰³ Rewi Maniapoto to Grey, 25 March 1863, AJHR, 1863, E-1, p.5.

¹³⁰⁴ Bell to Gorst, 26 March 1863, AJHR, 1863, E-1, p.6.

¹³⁰⁵ Bell to Gorst, 28 March 1863, AJHR, 1863, E-1, p.7.

part of all the Maories a strong wish to get rid of me from the district, and that they are only perplexed, as to how their desire can be lawfully accomplished.¹³⁰⁶

Once again, then, any differences which existed concerned the means rather than ultimate end. Kingitanga supporters were agreed that Gorst's ongoing presence at Te Awamutu was intolerable. The only real question for debate was the best way of ensuring his removal from the district.

That message was reinforced by the arrival on the scene a short while later of Wiremu Tamihana and about 20 followers. Although meetings attended by Ngati Haua and Waikato proper were said to have unanimously condemned the actions of Ngati Maniapoto, Gorst summarised his own discussion with the Ngati Haua chief:

He told me plainly that no one liked my being in the district. He had no fault to find with the school; everything about it was excellent. But Sir George Grey had said at Taupiri that he would dig round the King until he fell of his own accord; and, when he looked round to see where the digging was going on, he thought I and my school were some of the spades. He had, therefore, done his best to prevent cases being brought before my court, or boys into the school. But he never had, and never would, consent to any attempt to drive me from my place. It was the Queen's land, and no one had a right to disturb me there. He had gone to Rewi, and told him all this; and Wi Karamoa had carried the King's commands to let me alone; but Rewi was obstinate, and would not listen to them, and he now had come in a friendly spirit to warn me. He said he had a proverb to tell me: - "Ko te whenua he whenua ora, ko te tangata he tangata mate." (Land will live, but man is mortal). Rewi had made up his mind to send me away by force, and therefore he said "me haere ano koe." (You must go). This he repeated several times. He begged me not to think that he had driven me away, or approved of what was done; he merely came to warn me of Rewi's intentions.¹³⁰⁷

¹³⁰⁶ Gorst to Bell, 31 March 1863, AJHR, 1863, E-1, pp.11-12.

¹³⁰⁷ Gorst to Bell, 1 April 1863, AJHR, 1863, E-1, pp.13-14.

The plain meaning of this talk was clear, Gorst believed: there was nothing that could be done for him, either by Tamihana, by the King or by any other chief. A fortnight later, after travelling down the Waikato River to gauge reactions further afield, Gorst reported that ‘the rapidity and violence of Rewi had frightened everybody, and that the Waikatos were in a state of great perplexity as to what was to be done.’¹³⁰⁸ Attempts to oppose the chief in earnest had been rejected for fear that Rewi might abandon his allegiance to the King in consequence, while at the same time there continued to be universal agreement among the tribes that Gorst should not be allowed to remain at Te Awamutu.¹³⁰⁹

For his part, Rewi Maniapoto defended his conduct in conversation with James Fulloon. He told Fulloon that:

It was well for all the Runangas to find fault with him; it was settled by all the Runangas that you [Gorst] should go out of the district; but none of them would take upon themselves the duty of getting you to leave. He and his people waited patiently, until they saw that instead of seeing any likelihood of your leaving, you were becoming more firmly established, and that the school was becoming full of boys...He then proceeded to carry out his determination, when he was surprised to find all the Runangas turn round and find fault with him for his “ringa kino” (bad hand, *i.e.*, violent conduct.) It was not right to blame him for what has been done – the idea did not originate with him, it originated with all the Runangas; they all approved of it, and he only carried it out upon the urgent request of his people. Besides, he said, that he dreaded the Governor having a position in Waikato, after what he had said that he would not go to war with them, but that he would dig round them. This was one of the holes he was digging, and he would therefore stop it.¹³¹⁰

According to this account, when Wiremu Tamihana had found fault with him for ordering Gorst out of the district, Rewi had replied that it was Tamihana that had first disapproved of his staying there. It ought to have been up to Tamihana to see to it that

¹³⁰⁸ Gorst to Bell, 14 April 1863, AJHR, 1863, E-1, p.14.

¹³⁰⁹ *ibid.*, p.15.

¹³¹⁰ James Fulloon, Memorandum, 11 April 1863, AJHR, 1863, E-1, p.16.

Gorst left, but Rewi had tired of waiting to see whether their gentle measures would have any effect and instead determined to force the issue.

Moreover, for all of the talk of Rewi's supposedly violent behaviour, the chief told Fulloon that he had never had any intention of harming Gorst and his reference to 'mate' was not a threat to kill the civil commissioner, but merely to have him forcibly sent from the district.¹³¹¹ That was matched by deed, as throughout Gorst's remaining time at Te Awamutu he was neither harmed nor interfered with in any way, and indeed was received with great politeness and courtesy. As even the Native Minister acknowledged, it was never a case of personal animosity or of an intention to inflict violence, but of a more principled stance against the presence in their midst of an officer of the Queen's government.¹³¹²

If final confirmation of Gorst's fate was needed, it came in a letter from the King dated 15 April in which he replied to Gorst's demand to know whether his own eviction from the district was supported. Matutaera wrote that 'I said to Rewi, O Rewi, leave these days to me; bring back all the property; let none be lost. I do not say that Mr. Gorst shall stay; he must go.'¹³¹³ Rewi had also agreed to Wiremu Tamihana's proposal to return the printing press and other items seized, despite opposition from other Ngati Maniapoto chiefs who wished to keep hold of the press.¹³¹⁴

News that British troops had occupied Tataraimaka began to put a different complexion on things, however, as Rewi and the other chiefs were said to be preparing for a second war in the province. This time it was rumoured that any fighting would not be confined to Taranaki but would instead be the signal for a general rising throughout the island. Gorst was warned by Patara Te Tuhi and Te Paea Tiaho that he should leave Te Awamutu as soon as possible.¹³¹⁵ Talk of an attack on Te Ia or the settlement of Raglan was once more resumed, leading to rumours of a more ambitious assault on Auckland itself which later formed a key part of Grey's

¹³¹¹ *ibid.*

¹³¹² Bell, Memorandum for the Governor, 30 April 1863, AJHR, 1863, E-1, p.2.

¹³¹³ Matutaera Potatau, 15 April 1863, quoted in Gorst to Bell, 15 April 1863, AJHR, 1863, E-1, p.17.

¹³¹⁴ Fulloon, Memorandum, 11 April 1863, AJHR, 1863, E-1, pp.16-17; Gorst to Bell, 16 April 1863, AJHR, 1863, E-1, p.19.

¹³¹⁵ Gorst to Bell, 23 April 1863, AJHR, 1863, E-1, p.20.

justification for launching a supposedly pre-emptive attack on Waikato (to be discussed in the next section). Meanwhile, it was also rumoured that Grey's own life was in grave danger. An abandoned ambush attempt at Taranaki late in April was said to have specifically targeted either the governor or Cameron,¹³¹⁶ while it was also said that similar plans were afoot at Waikato 'because exceedingly great has been the anger of the Island towards you, on account of your having said that you would dig round it on all sides, and so the King movement would fall of itself.'¹³¹⁷ According to this report, Grey had only narrowly escaped such a fate during his January visit to the district on account of there being so few people present.

While the events at Te Awamutu have often been construed as indicative of the wide breach between the so-called 'extremist' and 'moderate' factions of the Kingitanga, other factors also appear to have been in play. In particular, as noted in Chapter Two, a localised land dispute in an area where numerous tribal rights intersected and overlapped was also an import factor. Benjamin Ashwell noted that:

The events that have lately transpired at Otawhao and neighbourhood are connected with much jealousy between different Tribes – residing there and not entirely – from hatred to the British Govert [sic]. The facts are – that the Land at Otawhao originally belonged to the Ngatimaniapoto Tribe[.] The Ngatiruru and the Werokoko – altho only slightly connected with the Ngatimaniapoto – sold part of the land to the Europeans – and They [sic] the Ngatiruru with their friends The [sic] Werokoko having left Otawhao The [sic] Ngatimaniapoto think this therefore a good opportunity to assert their claims to the land at Otawhao – There are wheels within wheels – and not political opinions only that have influenced their conduct in their behaviour to the Europeans.¹³¹⁸

According to Ashwell, 'Reihana' (Te Wahanui) had sent a message to the Ngaruawahia runanga to the effect that "as soon as Mr. Gorst had removed to Auckland he would clear out the broken bottles – lest his feet should be cut" (i.e. all

¹³¹⁶ Ropata Ngarongomate to Bell, 27 April 1863, AJHR, 1863, E-3, Sec.I, p.26.

¹³¹⁷ Hapuku Ikanuiotemoana to Grey, 16 April 1863, AJHR, 1863, E-3, Sec.I, p.28.

¹³¹⁸ Ashwell, Journal, 13 April 1863, qMS-0090, ATL.

the Pakeha Maoris or Europeans of no consequence, lest he shd. quarrel with them)', and most of the settlers at Otawhao and Waipa had since removed themselves from the district.¹³¹⁹ Later, in May 1863, Ashwell encountered on the road 'several Families who had been sent away from their homesteads at Otawhao and Upper Waipa by the Ngatimaniapoto'.¹³²⁰

James Fulloon also emphasised the tribal aspects of the dispute in a report to the Native Minister at the end of March 1863. He reported that:

I heard a great many of the Ngatihaua, and one or two of the Ngatiapakura say that they disapproved of the Ngatimaniapoto's conduct, saying that they did not wish to be killed for such a bad 'take' (cause); if the Governor gave them a 'take', then they would willingly die, but for such a 'take' as Rewi's, they loved their wives, children, and bodies too much to be sacrificed for such a cause...This is one of the probable reasons for their being so divided on this question. But the real one is a question of propriety to the land, to Te Awamutu. By what I can make out, the district was taken from the Ngatiraukawa; the conquest was commenced by the Ngatimaniapoto, under Tukorehu, who gave it over to Paewaku (?) (Potatau's uncle) who completed the conquest, when Te Awamutu was sold, the Ngatimaniapoto did not share in the proceeds, they say now, that Potatau having died, so has his gift to the Church Missionary Society died also; therefore that part of the estate that was given by Potatau should revert to them...This is the real *ngakau* (heart) of the question, and explains why the Ngatiapakura, Ngatihaua, and Te Werokoko have taken such a decided stand against Rewi, because the question really affects them in a very important matter.¹³²¹

In fact, the dispute appears to have been even more complicated than Fulloon understood it, highlighting the extent to which the thoroughly novel King movement continued to be strongly influenced by customary considerations and local hapu and iwi politics. According to Gorst, for example, a Rangiaowhia chief named Manuka

¹³¹⁹ *ibid.*

¹³²⁰ Ashwell, Journal, 9 May 1863, qMS-0090, ATL.

¹³²¹ Fulloon to Native Minister, 30 March 1863, AJHR, 1863, E-1, p.13.

had ‘objected in the very strongest terms to the acts of the Ngatimaniapoto: he said Rewi had crossed his boundary line, and had insulted the whole of Waikato.’¹³²²

Rewi Maniapoto’s ultimatum stood, however, and Gorst departed the district three weeks later. In the interim he had participated fully in various discussions as to his fate, and had been treated with great personal kindness. His situation became untenable, however, following receipt of news of the occupation of Tataraimaka by Imperial troops, and warnings that ‘if a shot was fired at Taranaki, all Europeans within reach would be murdered.’ That warning was said to apply to all settlers, missionaries and government officers, who were urged to return to Auckland as quickly as possible.¹³²³ Ashwell recorded in May that, on travelling to Waipa:

I was exceedingly grieved to find so many families on their way to Auckland – We met several Canoes loaded with furniture etc. and I felt deeply to see my fellow Countrymen obliged to leave their homesteads where for Years they had lived on terms of friendship with the Natives – The Waikato Tribes are exceedingly angry with the Ngatimaniapoto, and have said “Do not pokonoa with our Pakehas” Do not interfere with our Europeans – You have only Mana i.e. Authority on your own land.¹³²⁴

A second correspondent placed a slightly different construction on the message being communicated to Pakeha resident in the Waikato. Arthur Purchas informed the Native Minister in late April that:

All the Europeans in this District have been warned by their Native friends to leave, or else that they will be compelled to put themselves openly under the protection of the king, and to pay tribute. I regret to be obliged to say that it is likely that some of the white men will take the latter course. They say they have only the choice of two evils, becoming either rebels or beggars.¹³²⁵

¹³²² Gorst to Native Minister, 28 March 1863, AJHR, 1863, E-1, p.9. Another report stated that he had asked, ‘Is this your place, O Aporo? No, it is ours, and it should be for us to spoil our place. You have degraded us.’ R.C. Mainwaring, Narrative of the Attack upon the Awamutu Station, n.d., AJHR, 1863, E-1, p.6.

¹³²³ Gorst to Native Minister, 23 April 1863, AJHR, 1863, E-1, pp.20-21.

¹³²⁴ Ashwell, Journal, 11 May 1863, qMS-0090, ATL.

¹³²⁵ Purchas to Native Minister, 25 April 1863, AJHR, 1863, E-1, p.23.

Ashwell subsequently declared that if he was to stay in the district he would pay no tribute to the King and nor would he agree to omit the names of the Queen and governor in his prayers, as had also evidently been demanded.¹³²⁶ Rumours that Ngati Maniapoto were gathering in force later in May 1863 prompted Ashwell to send a message – via Wiremu Tamihana – to outlying settlers at Waitetuna and elsewhere to remove themselves to Raglan, where Wiremu Nera would protect them.¹³²⁷ It turned out to be just one of many unfounded rumours concerning the intentions of Ngati Maniapoto in particular, and Ashwell was soon reporting another story that they were intending to attack the soldiers at Mangatawhiri but that Waikato proper would not let them pass down the river.¹³²⁸

While nearly all Europeans had left the Waikato district by May 1863 (some according to Ashwell, following warning from Te Paea (Sophia) Tiaho, who had told the settlers that Matutaera could not protect them from Ngati Maniapoto),¹³²⁹ it seems likely that some few remained behind.¹³³⁰ A European named Lewis Stibert, having returned from a trip to Auckland, found a deputation waiting for him on arrival:

no time was lost in questioning him of his views, whether he would prefer remaining there under the Sovereignty of the “Maori King”, or return to Auckland? L. Stibert answered, I will rather remain under the shadow of the “King”! What sign will you give us of your “loyalty to the King”? I will give 10£ per annum! The natives were satisfied with the *sum*, but were *doubtful* of *his sincerity*. “The scruple was overcome, and he was allowed to stay.”¹³³¹

¹³²⁶ Ashwell, Journal, 12 May 1863, qMS-0090, ATL.

¹³²⁷ Ashwell, Journal, 28 May 1863, qMS-0090, ATL.

¹³²⁸ Ashwell Journal, ‘Tuesday 19th’ [June?, 1863], qMS-0090, ATL.

¹³²⁹ Ashwell to CMS, 29 June 1863, qMS-0090, ATL.

¹³³⁰ Trevor Bentley, *Pakeha Maori: The Extraordinary Story of the Europeans Who Lived as Maori in Early New Zealand*, Auckland: Penguin Books, 1999, p.134. In November 1863 the General Assembly ordered that a return should be tabled giving ‘any information in the possession of Government relating to the continued residence in the midst of the rebels Tribes of Waikato, of several Europeans with their families, and the terms upon which they have been permitted to retain their property and to remain where they are.’ Extract from *Journals of the House of Representatives*, 9 November 1863, in IA 1/1863/3082, Archives NZ. The return itself has not been located.

¹³³¹ Isaac Shepherd (Oruanui) to C. Law, 23 May 1863, NZMS 1064, Auckland City Library. Stibert lived a short distance below the junction of the Waipa and Mangapa rivers.

This was unlikely to have proven an isolated case in which tribute had been demanded and handed over, while there were also allegations in circulation that others permitted to remain at Rangiaowhia and elsewhere in the Waikato were supplying gunpowder to the tribes.¹³³² One report from late June observed that:

Even amongst the Ngatimaniapoto, several Europeans are now living in peace and quietness, with none to make them afraid. Messrs. Power, Borell, Lewis, Ormsby, and the Roman Catholic Priest may be cited; and there may be more.¹³³³

In fact, the government refused to comply with a May 1863 request from the Raglan settlers to assist in removing them to Auckland on the grounds that ‘no special danger threatens Raglan’ and there was no reason to apprehend any threat to the settlement.¹³³⁴ That decision was subsequently reversed, and on 7 July the local Resident Magistrate was forewarned that ‘certain Military operations may shortly take place in the Waikato District in which case the settlers at Raglan may be exposed to Native Attack.’¹³³⁵ By that time a number of the settlers had already taken advantage of the free passages to Auckland offered.

War was now virtually certain barring a major backdown by either side, but was primarily a question of political supremacy as between the Kingitanga and the Crown rather than a more racialised conflict. Moreover, as noted previously, European property remained virtually untouched during the war years, while some Waikato tribes, including some members of Ngati Apakura, pleaded in vain to be allowed ‘asylum’ with the Europeans in the weeks leading up to the invasion.¹³³⁶

At about this time, John Rogan was sent to the Waikato along with James Fulloon with a message for the Maori King. That message, addressed from the Native Minister F.D. Bell and dated 7 May 1863, stated that the governor had quietly occupied his own piece of land at Tataraimaka with the prior knowledge and agreement of Te

¹³³² Isaac Shepherd (Oruanui) to C. Law, 2 July 1863, NZMS 1064, Auckland City Library.

¹³³³ *Daily Southern Cross*, 6 July 1863 [report dated 29 June 1863].

¹³³⁴ Reader Wood to William Gisborne, 29 May 1863, IA 1/1866/3450, Archives NZ.

¹³³⁵ Gisborne to Major MacGregor, 7 July 1863, IA 1/1866/3450, Archives NZ.

¹³³⁶ Purchas to Native Minister, 2 May 1863, AJHR, 1863, E-1, p.26.

Atiawa. Despite this, plots had been hatched to ambush or capture the governor or the general, and though those plans had been foiled, the ‘murderous work’ of the Oakura ambush had followed.¹³³⁷ The letter urged the King to:

Consider now this work of murder committed upon unoffending men and without the slightest provocation and after the Governor had been welcomed when he went in peace upon his land. Consider also that this work is professed to be done in the name of Matutaera. Consider that the Governor was not at war with any tribe, and had told the Southern people that he did not wish to touch their land. Consider that the whole world will look with horror upon this crime, which is the second that these people have committed. Now is the time for you to shew [sic] the truth of your words of peace and to declare in the face of all the world that you will not participate in this course of secret murder. The Governor knows that you tried to prevent violence at the Awamutu and he knows how your words were trampled upon at first, but that in the end you allowed it to take place. But today a dark and treacherous act has been done and the Governor solemnly calls upon you his old friends, and the children of his old & tried friend Potatau, as men and christians to separate yourselves now once for all from the people who have committed it, and leave them to the just retribution which will assuredly visit them.¹³³⁸

The government thus offered the Kingitanga leaders a stark choice. Failure to condemn those who had taken part in the Oakura ambush would be taken as condoning those actions, and Matutaera and the others would have to choose between the two paths. At the same time it was added that the governor had not given up his commitment to return Waitara to those Te Atiawa willing to peacefully return to the district, so that ‘There is no more any real quarrel about Waitara if the Ngatiawa consent to be reunited there.’¹³³⁹

Rogan and Fulloon set out for Waikato immediately upon receipt of Bell’s letter on 8 May 1863, reaching Rangiriri a few days later. Here their luggage was carefully

¹³³⁷ Bell to Matutaera, Te Paea, Wiremu Tamihana, Patara and ‘all the tribe’, 7 May 1863, Le 1/1865/137, Archives NZ.

¹³³⁸ *ibid.*

¹³³⁹ *ibid.*

searched, and Rogan observed that the tribes were busily constructing parapets.¹³⁴⁰ When they approached the settlement, Rogan was warned that he should not proceed to Ngaruawahia. When he explained the purpose of his journey, a meeting was called and the issue further debated. Some speakers pointedly noted that Wiremu Tamihana had previously offered to assist the government to occupy Tataraimaka, an offer which had been rejected, in consequence of which the government had no one to blame but itself for the recent events at Taranaki. Despite this, Rogan and Fulloon were permitted to continue on their way, subject to a messenger going on ahead of them to Ngaruawahia to communicate with the chiefs there. Once there, the chiefs refused to allow Rogan to deliver the message to Matutaera, though it was eventually agreed that the letter would be passed on and any response communicated through one of the King's representatives. Once the message had been delivered the chiefs went into their own private committee for a lengthy period in order to consider a response, but eventually told Rogan that they would wait until overland messengers from Taranaki had brought further news of the events there before reaching a conclusion on the events at Oakura.¹³⁴¹

Clearly the chiefs preferred to obtain more independent accounts of what precisely had happened before they came to any judgment. However, it was said that 'Tuta' (seemingly another name for Matutaera)¹³⁴² had urged Waikato to remain still ('Waikato, takato'), and Rogan noted that:

The natives appear to attach much importance to this speech, but from the short time I had an opportunity of watching events at Ngaruawahia it seemed to me the King is a mere non entity, and is entirely in the hands of the Chiefs by whom he is surrounded.¹³⁴³

Rogan observed that Hona, a chief who had earlier seceded from the Kingitanga in consequence of a dispute over an eel weir (a useful reminder of the importance of customary imperatives in local tribal dynamics), gave an alarming account of the state

¹³⁴⁰ Rogan to Bell, 18 May 1863, Le 1/1865/137, Archives NZ.

¹³⁴¹ *ibid.*

¹³⁴² This is Ward's conclusion as well. Ward, *Show of Justice*, p.138; Ward, 'A "Savage War of Peace"?' in Boast and Hill (eds), *Raupatu*, p.103.

¹³⁴³ Rogan to Bell, 18 May 1863, Le 1/1865/137, Archives NZ.

of the lower Waikato people, besides expressing fears for his own highly compromised position in the event of hostilities breaking out. At the Ngaruawahia meeting, Rogan added:

there were a number of Natives who occupied the principal part of the time in defending the conduct of the natives at Taranaki, but it is due to the principal Chiefs to say that they requested me to take no notice of these people and that I was not to convey anything which might be construed into impertinence to the Government.¹³⁴⁴

Yet notwithstanding those assurances, Rogan cited an apparent arrangement that the first messenger to bring intelligence of the recent attack at Taranaki would receive the sum of £4 as pointing to the likelihood that there had been ‘some general understanding...arrived at between the Natives of Waikato & Taranaki previous to the recent murder.’¹³⁴⁵ There were, however, other possible constructions that might have been placed on such an arrangement.

For one thing, in a climate of mutual suspicion and crisis everyone was concerned to receive the latest intelligence as quickly as possible. Indeed, Rogan’s own report from the Waikato was no exception. Henry Sewell noted with respect to this that:

Rogan’s impression is that there is an influential party amongst them, the old and better disposed Chiefs, who are against war, but they have little real influence over the younger men. The great bulk of them are violent and ill-disposed, bent upon mischief, and the prevailing opinion is that there will be an outbreak of these, which the older men will not be able to repress. A number of them are gone to Taranaki. Preparations are being made quietly to meet an attack. Here in Auckland, we need be under no apprehension but the outsettlers are coming in. Very few Europeans remain in the Waikato. A very bad feature is that the natives have been taking away from the Europeans their Native wives and half caste children.¹³⁴⁶

¹³⁴⁴ *ibid.*

¹³⁴⁵ *ibid.*

¹³⁴⁶ Sewell, *Journal*, 17 May 1863, p.155, qMS-1787, ATL.

Those preparations to meet an attack included measures such as exhuming the bodies of their dead from their graves near to Auckland, along with reports of arms and ammunition being acquired on a significant scale.¹³⁴⁷ While Grey and other officials might choose to interpret such steps as evidence of an aggressive intent on the part of the Waikato tribes, they might just as well have highlighted Kingitanga fears of an imminent Crown invasion. Meanwhile, it appears that Kingitanga leaders did attempt to keep some lines of communication open. Sewell noted in mid-June that:

The other day a young gentleman presented himself at Government House, announcing himself an Ambassador from King Matutaere [sic]. He wished to see the Governor, and was ushered in. Then he propounded the object of his visit. "I am come to talk to you Governor about *our* River." Our river was the Waikato meaning thereby that the River was under a sort of joint sovereignty. "Well," said the Governor, and then the young gentleman went on to deliver his message. "You must send away your Magistrate from Taupo or there will be evil." "Have you anything more to say" said the Governor. "First let us settle about that, then we will talk of other things." "Get out of the room" said the Governor, and (calling to the Orderly) "Orderly see that this man is out of Auckland in an hour from this time, or else put him in the Guard house." The discomfited Ambassador retreated crest-fallen.¹³⁴⁸

Neri Te Ahu, the visitor in question, was duly warned under the direction of F.D. Bell to be gone from Auckland within the hour or face arrest.¹³⁴⁹

Throughout this period of heightened tensions rumours of an attack on European outposts in the Waikato, and perhaps even on Auckland itself, abounded. Rewi Maniapoto, for one, was known to favour a pre-emptive action against the troops at Te Ia, believing that war was now inevitable and wishing to strike at an advantage.¹³⁵⁰ While the arrest of Aporo in Auckland early in June in connection with the attack on Gorst's printing press was widely viewed as likely to result in a Ngati Maniapoto

¹³⁴⁷ Ward, *Show of Justice*, p.158.

¹³⁴⁸ Sewell, Journal, 14 June 1863, pp.162-163, qMS-1787, ATL.

¹³⁴⁹ Bell to Halse, 8 June 1863, MA 1/1863/156, Archives NZ.

¹³⁵⁰ Gorst, *The Maori King* (2001), p.155.

attempt to free him or to seek more general revenge for the move, Sewell, writing later that same month, reported that things remained quiet. He added that ‘Perhaps the great bulk of the Ngatimaniapoto having gone off to Taranaki, there are not enough left to make an attack upon us. The fear is, lest they should commit outrages upon our outsettlers.’¹³⁵¹ Ashwell, meanwhile, wrote that it was ‘generally supposed that the Ngatimaniapoto will retaliate by some murderous attack on the few isolated Europeans in this District or the Waipa, but I am happy to say that I am nearly the last.’¹³⁵² Notwithstanding this, he believed that ‘several *secret* runangas (Councils) are now being held in many parts of the Country, which have for their object a general rise of the Natives upon the Europeans.’¹³⁵³

Yet it was widely known and reported that support for a pre-emptive attack was a minority position within the Kingitanga, with the majority favouring Tamihana’s view that if they must fight a war it should at least be a just and righteous one, carried out purely in a spirit of self-defence. Sewell claimed that it was:

undoubtedly true that a party of the Ngatimaniapoto had come down with an intention of passing through the centre of Waikato and proceeding on to attack the settlers, but they had been stopped by King Matutaere [sic], who would not allow them to proceed and tapued the River to prevent their attacking us from that side.¹³⁵⁴

Quite what he based this statement on is unclear, especially since elsewhere in his journal he complained that the government was suppressing the true state of things, and that he had heard so many rumours of projected attacks that he had no faith in them.¹³⁵⁵ He considered that although the government could not afford simply to dismiss the many rumours, ‘Whether it would have been sufficient to remove the women and children of the settlers into Auckland and to put the able-bodied population into a state of defense’ was the real question. On this point he declared:

¹³⁵¹ Sewell, Journal, 21 June 1863, p.164, qMS-1787, ATL.

¹³⁵² Ashwell to CMS, 29 June 1863, qMS-0090, ATL.

¹³⁵³ *ibid.*

¹³⁵⁴ Sewell, Journal, 19 July 1863, p.168, qMS-1787, ATL.

¹³⁵⁵ *ibid.*, pp.166-167.

I cannot but think that it would at any rate for a time, at all events until some distant indications had been given of an intention on the part of the natives to do mischief and until the Government was fully prepared to enforce obedience to its orders.¹³⁵⁶

Indeed, even following the Oakura ambush in early May 1863, the colonial government had refused to call out the militia on the grounds that Auckland and Wellington were in no danger.¹³⁵⁷ Grey, writing to the Secretary of State for the Colonies a few days after the Oakura killings, made no mention of this fact. Instead, he claimed that ‘there is great reason to apprehend that a general rising of the native population may shortly take place, for the purpose of making simultaneous attack upon the several centres of European population, with a view to the total expulsion of the white race from this island.’¹³⁵⁸ Grey claimed that the danger was of ‘a very serious and alarming kind’ in justification for his request that, in addition to those Imperial troops either already in New Zealand or *en route* there, a further 3000 men should be sent without delay.

Faced with this alarming news, the British government had little choice but to comply with Grey’s request for more troops. It was more than a month later before British authorities finally received the earlier correspondence concerning the failure of local authorities to call out the militia, prompting Newcastle to observe that:

This important and most unsatisfactory correspondence ought clearly to have been sent to the Secretary of State for the Colonies by Sir George Grey. He did not do so, for fear he should prevent compliance with his applications for more troops....I must say, I think if he had sent it, the reinforcements ought to have been refused. The question – a very difficult one – now is whether the order should be recalled by next mail.¹³⁵⁹

¹³⁵⁶ *ibid.*, p.171.

¹³⁵⁷ Belich, *New Zealand Wars*, p.124; Domett, Memorandum for Ministers, 23 May 1863, AJHR, 1863, E-7A, pp.7-10.

¹³⁵⁸ Grey to Newcastle, 9 May 1863, GBPP, 1863 [3277], p.17.

¹³⁵⁹ Belich, *New Zealand Wars*, pp.124-125.

The Secretary of State ultimately decided that it was too late to reverse the earlier decision to send the extra troops.¹³⁶⁰ Thus, as Belich writes, ‘the Imperial Government had been tricked into providing 3,000 men for the invasion of Waikato.’ Indeed, by the end of the Waikato War there were more Imperial troops in New Zealand – some 12,000 men in total – than there were available for the defence of England.¹³⁶¹

Morehu McDonald notes that periodic panics, ‘resulting from threatened descents upon Auckland by hostile Maori, real or imaginary, were a feature of the early life of the Auckland settlement.’¹³⁶² It was said that an attack on Auckland by Hone Heke had been prevented in 1845 only through the actions of the formidable Te Parawhau chief Te Tirarau, who, when asked for permission for a taua to pass over his lands, was said to have responded that Heke would first have to travel over his head.¹³⁶³ Subsequent to this, in 1848, a 21-acre complex with 12-foot high walls known as the Albert Barracks and located in the area now occupied by the University of Auckland was completed, with a further fortification not far away at Britomart, and a chain of blockhouses guarding the entranceways to the settlement.¹³⁶⁴ Beyond that, the Fencibles Settlements at Onehunga, Otahuhu, Panmure and Howick added a further layer of protection against the township itself coming under attack.¹³⁶⁵ To attack Auckland, McDonald suggests, would have been to ‘invite certain destruction.’¹³⁶⁶ Instead, such rumours as were circulated were all part of Grey’s elaborate propaganda machine ‘designed to condition the settlers for the imminent invasion of the Waikato, which he had already prepared for, to harden racial anti-feeling against Maori, and to bring the humanitarians into line behind him.’¹³⁶⁷

¹³⁶⁰ Grey, already under great strain by this time, reacted angrily when officially censured by the British government for his failure to inform them of these developments. Grey to Newcastle, 27 November 1862 [sic – 1863], AJHR, 1863, E-3, Sec.I, p.3.

¹³⁶¹ Belich, *New Zealand Wars*, p.125. Bell had concluded in May 1863 that ‘an aggressive movement against Waikato’ was ‘out of the question’ on the basis of the troop numbers then available. Bell, Memorandum by the Native Minister, 27 May 1863, AJHR, 1863, E-7A, p.10.

¹³⁶² McDonald, ‘Rewi Manga Maniapoto’, p.121.

¹³⁶³ Rogan to T.H. Smith, 28 September 1861, AJHR, 1862, E-7, p.5; O’Malley, ‘Northland Crown Purchases’, p.81.

¹³⁶⁴ McDonald, ‘Rewi Manga Maniapoto’, pp.120-122.

¹³⁶⁵ *ibid.*, pp.122-123.

¹³⁶⁶ *ibid.*, p.123.

¹³⁶⁷ *ibid.*, p.124.

8.5 *The Decision to Invade*

At what point Grey had definitely decided on the invasion of the Waikato is not clear, but occurred sometime before 24 June 1863. On that date, the Premier and Colonial Secretary Alfred Domett drafted a memorandum outlining the proposals agreed at a recent Executive Council meeting at which ministers and Grey had finalised their plans for war and confiscation.¹³⁶⁸ According to Domett, Grey had explained that it was:

impossible to settle the Taranaki question so long as the Waikato was the centre of disaffection, and the wealthy and prosperous settlement of Auckland was constantly threatened with invasion and destruction from that quarter; that he had arranged with the Lieut.-General when he went to Taranaki, only to try if the Waikato tribes would allow the difficulties in that Province to be settled without their interference, and that if they would not, then not to run the risk of the destruction of the Auckland settlement, but immediately to return there, and after bringing the Waikato tribes to terms, then conclusively to settle the difficulties at Taranaki.¹³⁶⁹

To these ends, a ‘temporary line of defence’ was to be established across the Waikato, extending from the west coast right across to the Hauraki district, before throwing forward military posts as far south as Paetai and Ngaruawahia, taking permanent possession of these places and stationing a steamer permanently at the latter. At the same time the plan called for the clearing out of:

all hostile Natives at present residing between the Auckland isthmus, and the line of the River and fortified posts first above mentioned, which together cross the island. Lastly to confiscate the lands of the hostile Natives, part of which lands would be given away and settled on military tenure to provide for

¹³⁶⁸ The Executive Council had met most recently on 15 and 20 June 1863, making the latter date the latest at which the plans could have been finalised and agreed upon. Morrell, *British Colonial Policy in the Mid-Victorian Age*, p.295, fn.2.

¹³⁶⁹ Domett to Grey, 24 June 1863, AJHR, 1863, E-7, p.8.

the future security of the districts nearer Auckland, and the remainder sold to defray the expenses of the War.¹³⁷⁰

Yet it was not just Tamihana who was concerned to fight a just war, or at least in the case of Grey and his ministers, the appearance of a just war. Domett set out the familiar charges against the Waikato tribes, writing that:

At the present moment...war with some of the most powerful tribes appears inevitable and imminent. Every effort to conciliate these tribes has failed, especially those on the Waikato. No known grounds of complaint against Government, reasonable or unreasonable, has been left to them; yet their acts of aggression have been continually increasing in frequency and violence. The expulsion of the Civil Commissioner Mr. Gorst, and his scholars from Government land at Awamutu; the seizure of property; the driving away of all Europeans married to Maori women, and the kidnapping and abduction of their wives and half-caste children; the complicity of these tribes in the murders at Oakura, of which they were the prompters, and their adoption of the cause of the murderers; the abundant evidence of their attempts, to a considerable extent successful, to organize a general conspiracy to expel, or murder, the European population throughout the Northern Island; these things shew that it is no longer at the option of Government to choose between Peace and War – but that the Natives have determined to force the latter upon us. It is unquestionable that no chance is left for the establishment of any peace that is likely to be permanent, until the Natives have been taught that they cannot make aggressions on the lives and property of Europeans with impunity. The aggressions already committed by them really amount to a declaration of war – and the preparations they are making to meet it seem to prove that this is their own opinion.¹³⁷¹

It was, however, left to Grey to assemble for Colonial Office consumption the main case for a supposedly defensive (or pre-emptive) war waged by Crown forces. Hence on 4 July 1863 Grey forwarded the Colonial Office a number of letters purporting to

¹³⁷⁰ *ibid.*
¹³⁷¹ *ibid.*

demonstrate that Auckland was under very real threat of an imminent Kingitanga attack, followed by yet more correspondence to this effect a week later. As Dalton observed with respect to this correspondence:

Of the total of eighteen letters cited by Grey as evidence, only three were written, and only one can have been received, before 24 June when invasion of the Waikato became accepted policy. None gives details of any plot, bloodthirsty or otherwise: most merely retailed rumours of impending danger, rumours that were discounted by the writer in three instances. The two weightiest letters did no more than report warlike talk throughout the Waikato district and warn that the peace party might yet be outvoted. Together the letters are evidence of widespread unrest, nothing more – unrest which had been present since Grey went to Taranaki at the beginning of March, and which had received fresh stimulus from the massing of troops in Auckland and the arrest in that city of one Aporo for his part in the seizure of Gorst's press. If Grey really concluded from this or other evidence that an attack on Auckland was imminent, he did so after deciding to invade the Waikato district and after giving the initial orders to Cameron.¹³⁷²

As Dalton further noted, no 'temporary line of defence' was ever established, the whole notion probably being intended as little more than window dressing designed to mask an outright act of aggression.

Let us consider firstly the letters accompanying Grey's despatch of 4 July 1863. Grey claimed in his covering letter to the Secretary of State for the Colonies that it had 'now been clearly proved that some of the Chiefs of Waikato ordered the recent murders at Taranaki, and that being thus responsible for them, they have determined to support the people who carried out the orders which they issued. For this purpose, they are quite prepared to attack this populous district, and even to commit similar murders here.'¹³⁷³ Hinting at the already confirmed arrangements for the imminent invasion of the Waikato district, Grey added that he had confirmed with Cameron a plan of operations which would 'not only effectually protect the Auckland district and

¹³⁷² Dalton, *War and Politics in New Zealand*, p.176.

¹³⁷³ Grey to Newcastle, 4 July 1863, AJHR, 1863, E-3, Sec.I, p.54.

its inhabitants from the dangers which threaten at this moment, but will also have the effect of placing this part of New Zealand in a state of permanent security.’¹³⁷⁴

What, then, were the alarming reports that had supposedly compelled Grey to adopt firm and decisive measures in response? The first of these was a letter from the Te Kohanga missionary Robert Maunsell which itself had been written chiefly to convey to Grey a further message from Rev. Heta Tarawhiti, who was attached to the mission station at Taupiri. Maunsell observed in forwarding Heta’s letter that:

I should perhaps, at the same time, state that I do not coincide with his views, and do not think that the grounds that he states are sufficient to bear his conclusions. Heta seems to be of an anxious despondent mind, and in the former war his dismal statements frightened some of our friends out of their propriety.¹³⁷⁵

Heta Tarawhiti claimed that a runanga recently held at Ngaruawahia had resolved to attack the British position at Te Ia.¹³⁷⁶ Maunsell noted that ‘They *did* hold a runanga about three weeks ago, but from the enquiries that I made at the time, I did not infer that the majority were in favor of hostilities.’¹³⁷⁷ He went on to point out that the removal of the bones of the dead from their graves at Mangere, which had again been raised by Tarawhiti as evidence of hostile intent, was ‘customary in all doubtful states of affairs.’¹³⁷⁸ Moreover, Maunsell noted that, although he had heard of no less than six different proposals to attack Te Ia over the previous twelve months, ‘The opinion of the Maoris seems clear that at least up to a late date it was assailable. Their not having attacked that post heretofore, I have regarded as a strong proof of the friendly disposition of the majority.’¹³⁷⁹ Added to this, Maunsell noted with respect to Matutaera and Wiremu Tamihana that he had received ‘of late several indisputable reports that confirm me in my belief that they desire peace.’¹³⁸⁰

¹³⁷⁴ *ibid.*

¹³⁷⁵ Maunsell to Grey, 16 June 1863, AJHR, 1863, E-3, Sec.I, p-.54.

¹³⁷⁶ Heta Tarawhiti to Maunsell, 16 June 1863, AJHR, 1863, E-3, p.55.

¹³⁷⁷ Maunsell to Grey, 16 June 1863, AJHR, 1863, E-3, Sec.I, p.54.

¹³⁷⁸ *ibid.*

¹³⁷⁹ *ibid.*

¹³⁸⁰ *ibid.*

Heta Tarawhiti's report was thus more or less comprehensively rebutted even before it had reached Grey. And a third letter from fellow missionary Benjamin Ashwell, dated 23 June 1863, consisted of little more than a second-hand account of the fears already expressed by Heta. The intentions of Ngati Maniapoto were, it was said, 'kept secret', though there was reason to suspect that they might be planning something in retaliation for the arrest of Aporo.¹³⁸¹ A short message from the missionary Schnackenberg (who appears to have been writing from Kawhia) observed that Anatipa and party had arrived. They were very friendly to Schnackenberg, declaring that he would be permitted to remain in the district without paying tribute and reassuring him that all Pakeha should live without fear, 'but if Aporo be not given up we are all to leave, and Anatipa and party join Rewi against Auckland.'¹³⁸² However, in a separate and apparently unpublished letter from Schnackenberg written on the same date he defended Aporo as someone who had demonstrated kindness and moderation to the settlers in the past, and added that it was Gorst's newspaper which had created anger against the printing press: 'Had the Hokioi spoken thus in the town of Auckland, Natives say, it would have been seized and the owner sent to jail, whereas we gave Notice by letter and messenger to Mr. Gorst to go away and take the press with him, before any force was resorted to.'¹³⁸³

Another short message from yet another missionary, this time Thomas Buddle, conveyed a warning from a Maori minister at Raglan, Hamiora Ngaropi, who declared 'be on your guard with respect to Auckland by night, and by day, throughout all its boundaries (be on the alert) every day and every night; whether for a long or a short space of time. This is all I have to say to you on that subject, that is to you all. If nothing happens it will be well.'¹³⁸⁴ Whether it was intended as a specific warning or a more general caution to be on guard was less than clear.

Grey, though, was clearly eager to receive somewhat more compelling evidence of the supposedly imminent threat than he had hitherto managed to assemble, and appears to have kept the mail open for these purposes, since the final enclosure to his letter of 4

¹³⁸¹ Ashwell to Bishop Selwyn, 23 June 1863, AJHR, 1863, E-3, Sec.I, p.55.

¹³⁸² Schnackenberg [to Grey?], 23 June 1863, AJHR, 1863, E-3, Sec.I, pp.55-56.

¹³⁸³ Schnackenberg to Grey, 23 June 1863, Schnackenberg Papers, John Kinder Theological Library, Auckland.

¹³⁸⁴ Buddle to Grey, 'Thursday afternoon', AJHR, 1863, E-3, Sec.I, p.56.

July 1863 was actually dated four days later (8 July). This time it came not from one of the missionaries, but from one of Grey's own officials, the Mauku Resident Magistrate James Speedy. He claimed that at a recent meeting 'strange Maori, connected with the disaffected Natives of Ngatiraukawa and Ngatiwakane [sic], from the neighbourhood of Maungatautari, [proposed] that they should massacre the Europeans of this District without delay.'¹³⁸⁵ That proposal had supposedly been carried by the majority of the meeting, though many wished to obtain the prior sanction of Wiremu Tamihana first. In any case, according to Speedy the meeting had taken place on 28 June, and some 10 days later, when he drafted his letter, no such 'massacre' had taken place, notwithstanding the apparent desire of many not to wait for Tamihana's reply. Speedy added that:

My interpreter, Mr. King, was speaking to Tamati Ngapora this morning, previous to his leaving Waiuku for Mangere, when he told him that the Europeans should leave Waiuku as soon as it was known that he had left for the Waikato. He was ready to go when called upon by the Waikato or ordered to leave by the Government.

Patara a near relative of Matutaera also told Mr. King in the presence of the previous mentioned native, that if any were killed now, it would not be called murder, as hostilities were inevitable and the evil was near.¹³⁸⁶

Yet neither reported conversation was evidence of any kind of plot to attack settlers, whether it was in Auckland or elsewhere, while the letter came much too late to have influenced Grey's decision to invade Waikato anyway.

The same consideration applied with respect to the two subsequent batches of letters forwarded to the Colonial Office, the first lot by covering letter dated 7 July and the second 11 July. Yet even if Grey had made the decision to invade without a sufficiently convincing body of evidence in favour of his claims that Auckland was under imminent threat, that call might have been belatedly justified by subsequent evidence in support of such claims. A closer consideration of this later evidence

¹³⁸⁵ Speedy to Native Minister, 8 July 1863, AJHR, 1863, E-3, Sec.I, p.56.

¹³⁸⁶ *ibid.*

demonstrates, however, that this was not the case. As Ward notes, ‘Most were merely rumours of impending danger, reports of warlike talk and warnings that the moderate Kingites might not always prevail over the hotheads.’¹³⁸⁷

Ashwell, for example, passed on vague rumours of plots, though even Wiremu Tamihana was said to be unaware of any details and Ashwell himself admitted that ‘as far as we can judge nothing very immediate is likely to take place’.¹³⁸⁸ Ahipene Kaihau wrote a number of letters warning that the settlers of Waiuku were not safe but appears to have been at least in part motivated by a desire to obtain further arms and ammunition from the government, vowing to protect ‘his’ Pakeha if provided with the necessary supplies.¹³⁸⁹ Possibly, however, Ngati Te Ata were also anxious as to their own defences, since a further letter from Hori Tauroa asked that soldiers be stationed at Waiuku to assist them in protecting the place.¹³⁹⁰

The final group of letters, all dated between 3 and 8 July 1863, ramped up the rhetoric in some cases, but without much more in the way of solid evidence. In one letter it was claimed that Wiremu Tamihana had consented to attack Auckland,¹³⁹¹ another suggested that the tribes of Hauraki, Kaipara and Northland might be party to the assault,¹³⁹² while a third suggested Raglan was also under threat of attack.¹³⁹³ Waata Kukutai meanwhile asked that Ngati Tipa be provided with arms and ammunition,¹³⁹⁴ while John Rogan (writing on 8 July) passed on further rumours to the effect that Wiremu Tamihana had given Maori resident at Manukau six days to retire to the Waikato.¹³⁹⁵ One Ihumatao settler was told on 7 July that there would be a great runanga for the next three days and on the fourth day he should leave for Sydney, implying that Waikato would rise up on 10 or 11 July.¹³⁹⁶ The final piece of proof of the supposedly ‘blood-thirsty’ designs of the Waikato tribes Grey forwarded to the

¹³⁸⁷ Ward, ‘A “Savage War of Peace”’, in Boast and Hill (eds), *Raupatu*, pp.104-105.

¹³⁸⁸ Ashwell to Bishop Selwyn, 30 June 1863, AJHR, 1863, E-3, Sec.I, p.58.

¹³⁸⁹ Ahipene Kaihau to Speedy, 4 July 1863, 6 July 1863, AJHR, 1863, E-3, Sec.I, pp.58-59.

¹³⁹⁰ Hori Tauroa to Speedy, 5 July 1863, AJHR, 1863, E-3, Sec.I, p.59.

¹³⁹¹ Anon., ‘Letter from Raglan’, 4 July 1863, AJHR, 1863, E-3, Sec.I, p.60.

¹³⁹² Anon., ‘Letter from Raglan’, 3 July 1863, AJHR, 1863, E-3, Sec.I, p.60.

¹³⁹³ Anon., ‘Letter from Raglan’, 6 July 1863, AJHR, 1863, E-3, Sec.I, pp.60-61.

¹³⁹⁴ Kukutai to Fenton, 7 July 1863, AJHR, 1863, E-3, Sec.I, p.61.

¹³⁹⁵ Rogan, Statement made by Anatipa at the Three Kings, 8 July 1863, AJHR, 1863, E-3, Sec.I, p.61.

¹³⁹⁶ Mark Somerville, statement before the Native Minister, 8 July 1863, AJHR, 1863, E-3, Sec.I, p.62.

Colonial Office was a statement from the Rev. A.G. Purchas reporting a conversation with Matutaera's uncle. According to Purchas:

He found that the talk of Waikato was very bad, and that many of the people were proposing to kill the Europeans without delay, while the peaceably disposed were doing their best to defeat these murderous designs, and to persuade the people to ask the Governor to "whakawa" them for their misdeeds at the Kohekohe and the Awamutu.

Tamati [Ngapora] told me that there is to be a large gathering of the tribes either at Rangiriri or Ngaruawahia to-morrow or the next day, and that the special messenger who returned early this morning on his way up the river was charged by him with a message, urging the people to think quietly before they rushed into war, and whatever decision they came to, to take care to let the Europeans know before any acts of violence were committed. He added that he hoped they would act on his advice, but he did not feel sure that they would. He said that formerly, regard to his safety would have ensured their giving notice of their intentions, but now he was no better than a *kuri* (dog), and it was quite possible that they might disregard him and leave him to his fate.

I asked Tamati what he thought about any persons who might be travelling quietly along the roads; his answer was "ko whai, ka mohio ki ta te tangata whakahihi?" He said that if no murder was committed, nor any attack made before next Sunday, then his mind would be greatly relieved, as he would feel sure that the advocates of peace had gained a hearing, and that the people were quietly considering the matter....¹³⁹⁷

There were no murders or attacks before the following Sunday (12 July). But the government's decision had long been made, and at dawn on that morning the British

¹³⁹⁷ Statement by the Rev. A.G. Purchas, 7 July 1863, AJHR, 1863, E-3, Sec.I, p.61.

invasion of the Waikato commenced when Lieutenant-General Cameron led 380 Imperial troops across the Mangatawhiri River.¹³⁹⁸

Considered as a whole, the letters provided a flimsy pretext for such an invasion. While the governor was entitled and indeed expected to take prudent steps for the defence of Auckland, ordering an all-out assault of this kind went way beyond what could be justified under the circumstances. Moreover, although Grey had selectively fed the Colonial Office correspondence designed to talk up the supposed threat to Auckland, there was plenty of other information in circulation that tended towards a completely contrary conclusion. Writing at the end of June, for example, the Raglan correspondent for the *Daily Southern Cross* (an avowedly pro-war publication), observed that:

William Thompson has no thoughts of war in his head, if one may judge from his daily occupations. He is at present down with some of his companions at the mill near Pokeno, superintending the grinding of his wheat, with a view of supplying these sinews of war to the [British] troops there stationed. The Ngatimaniapoto tribe were down also selling pigs at Pokeno, and the peaceable natives of Lower Waikato were astonished that they escaped being apprehended, and wondered what the extensive civil and military government staff had to think about.¹³⁹⁹

According to the correspondent, about three weeks earlier Tamihana had gone up to Otawhao 'to reason with the Ngatimaniapoto chiefs and William King of Waitara':

He found them all ready prepared to go to Pokeno and attack the troops. He remonstrated with them on their folly in thus rushing upon destruction, but finding them unreasonable and obstinate, he told them to go, but to take a long and last farewell of their homes, as they would never come back to them. He left them, and they determined not to go, being in doubt, from the oracular talk of Thompson, whether if they escaped extermination by the soldierly [sic] while on their mad proposed enterprise, their own fellow countrymen would

¹³⁹⁸ Cameron to Grey, 13 July 1863, GBPP, 1864 [3277], p.38.

¹³⁹⁹ *Daily Southern Cross*, 6 July 1863 [report of 29 June 1863].

not make short work of them while attempting a return home through the Lower Waikato district.¹⁴⁰⁰

The same story went on to explain that there were some solid reasons why the Waikato tribes were anxious to avoid further war, including the heavy losses inflicted during the previous conflict at Taranaki:

The disinclination to go to war with the troops which now exists throughout Waikato, is greatly owing to the losses the tribes of that district sustained during the Taranaki war three years ago. The Ngatihaua lost the greatest number, and are now the most peaceably inclined. One can scarcely find a village in the Waikato without a cripple in it; one has got his lower jaw shot away, and has since subsisted on spoon diet; a second is lame, and great numbers are disfigured more or less. Another reason of the aforesaid disinclination is that the Maoris consider that they have no quarrel with the Government, and they do not intend to make one; therefore Auckland people need have no fear whatever of attack by the Waikato Maoris, as these are all well employed cultivating their soil, the Ngatimaniapoto being the only disaffected tribe, and they being well convinced that they have no chance of success in an attack upon either the troops or the European villages near Auckland. In fact the Waikatos are more afraid of the Governor than Europeans are of the Maoris....Auckland was never more safe than it is at present from an attack by the Waikato Maoris.¹⁴⁰¹

While there was no threat of any attack on Auckland or the outlying settlers, the same correspondent also cautioned that the Waikato tribes ‘would not, however, tamely submit to an invasion “to put down the king movement,” or any such fools errand.’¹⁴⁰²

Grey’s supposed dossier of incriminating evidence against the Kingitanga hardly provided sufficient justification for the subsequent invasion of Waikato. And nor were

¹⁴⁰⁰ *ibid.*

¹⁴⁰¹ *ibid.*

¹⁴⁰² *ibid.*

Grey's retrospective justifications any more convincing.¹⁴⁰³ In January 1864 he asked the Secretary of State for the Colonies rhetorically:

Was it to be expected that a civilized people, who knew that the question of whether they were to be attacked or not was discussed in runangas (which anyone could enter then vote), and was only decided in the negative by a small majority, which any night might have become a minority, should delay for a day to take the requisite measures for the protection of their families and properties; and what would have been said of the Government which, having the then recent and lamentable example at New Plymouth before its eyes, had hesitated to provide for the safety of the Queen's subjects?¹⁴⁰⁴

As Dalton notes, the same question might equally well have been asked of the Waikato tribes, 'who saw military preparations being matured against them and their subjugation advocated almost daily in the public press'.¹⁴⁰⁵ The difference, as he observes, is that the Kingitanga had Auckland almost entirely at its mercy when the city was denuded of its Imperial troops between March and June. To attack it at the end of that period, just as troop numbers were surging, would have been not just illogical, but in military terms close to suicidal. As John Gorst noted:

It is, without doubt, highly probable that an attack on Auckland was proposed and discussed at war meetings. It would be strange had it been otherwise. We had often proposed and discussed an attack upon Waikato ourselves. But that the Waikatos would have crossed Mangatawhiri to assail us, I utterly

¹⁴⁰³ Officials sometimes sought to point to a letter penned by Wiremu Tamihana on 26 July 1863 in justification of their actions. In it Tamihana warned the Tauranga missionary Archdeacon Brown that unarmed people would not be spared and that the towns were vulnerable to attack, statements said to have proven that even moderate leaders of the Kingitanga had been caught up in the war fervour. However, as Brown and others pointed out at the time, Tamihana's letter was clearly intended as a friendly word of warning and not a statement of intent. And despite being misdated in some official publications, it had also been penned two weeks after the British invasion of Waikato had commenced. Tamihana to Brown, 26 July 1863, AJHR, 1863, E-3A, p.7; Stokes, *Wiremu Tamihana*, pp.345-349.

¹⁴⁰⁴ Grey to Newcastle, 6 January 1864, AJHR, 1864, E-2 (appendix), p.3. Grey went on to ask whether, 'Under such circumstances, must it not be held that Her Majesty's forces may be moved into any part of her possessions, for the protection of the quiet and peaceable against the armed and turbulent who are plotting their destruction; and that the mere fact of their having marched across a certain stream to attain this object cannot be regarded as an act which justifies the turbulent in entering an European settlement, and in murdering inoffensive and unarmed settlers, or in attacking Her Majesty's forces?'

¹⁴⁰⁵ Dalton, *War and Politics in New Zealand*, p.178.

disbelieve. Such an act was contrary to their principles, and could not have been carried out without a serious division amongst themselves. As a matter of fact, Tamihana and others kept Rewi from attacking Auckland, for a period of two months and a half, while the town was comparatively defenceless; and there is no reason to suppose they would have failed to restrain him when the town was under the protection of ten thousand soldiers.¹⁴⁰⁶

By early July 1863 massive movements of troops, horses, weapons and other military supplies in Auckland and further south caused widespread fear and alarm amongst many tribes. According to Gorst, bonfires lit to celebrate the Prince of Wales' marriage on 1 July 1863 were interpreted as war signals marking the start of the march upon Waikato.¹⁴⁰⁷ Rumours abounded, but the only confirmed preparations for war being made at this time were those of the British. F.D. Bell wrote to Walter Mantell on 7 July that:

If any doubt had existed...as to the state of the natives in Waikato it would have been dispelled by the accounts received in the last day or two. The news which Ashwell brought down on Sunday is of a very dark character. There is now no doubt that on last Wednesday a plot had been brought almost to the point of execution for murdering a number of the Patumahoe settlers, & if it had not been for the discovery of the plot by one of the 30 engaged in it, I might have had to tell you of a more horrible tragedy than the Oakura one. The certainty of the existence of a conspiracy to commence the work of murder upon our own frontier has determined the governor to make the first move, & it may not be another fortnight before some advance takes place...The governor's mind has been very much influenced, as well as ours, in coming to the resolution that immediate action was necessary, by accounts similar to Ashwell's relating to a general rise throughout the Country....¹⁴⁰⁸

¹⁴⁰⁶ Gorst, *The Maori King* (2001), p.160.

¹⁴⁰⁷ *ibid.*, p.159.

¹⁴⁰⁸ Bell to Mantell, 7 July 1863, Mantell Family Papers, MS-Papers-0083-245, ATL.

Those rumours and scares very conveniently happened to relate to the very same tribes whose military defeat officials had now deemed necessary if substantive British sovereignty was finally to be enforced over all of New Zealand. Bell added that:

if, choosing our military ground, we can compel Waikato to make a stand & show fight, we hope to be able to divert the danger from the Southern settlements & to concentrate it upon the battle ground which must now, as we have always hitherto believed, be that upon which the question of the Queen's authority in New Zealand must be settled. You will see by the minute that the governor has come to the same conclusion that we all did in 1860-61, that fighting at Taranaki did nothing & that the real issue must be tried in Waikato.¹⁴⁰⁹

Yet Rewi Maniapoto, whose supposedly imminent attack on Auckland was to justify the British move south of the Mangatawhiri, was reportedly attending a tangi at Taupo at the time of the invasion of Waikato.¹⁴¹⁰ That was just once piece of information to emerge from a special investigation into the causes of the Waikato War conducted by the chiefs of Ahuriri. They wrote in October 1863 that:

The war we hear of, but the cause we do not know. The Pakehas tell us that the causes were ambuscades, and murders on the part of the Maoris. We have not heard of those ambuscades and murders. This was what we heard of. Rewi's demand for war, after Aporo had been apprehended and imprisoned. Rewi proposed then to fight, but it was disapproved by Matutaera, by Tamehana, by Te Paea, and the Chiefs of Waikato. In consequence of their strong opposition, Rewi desisted, and he came to Taupo to the *tangi* for (the death of) Te Heuheu.¹⁴¹¹

According to a letter dated 6 July 1863 from Isaac Shepherd, a government clerk stationed at Oruanui who appears to have had well-placed informants regularly update him on developments in Waikato, a party of some 300 Ngati Maniapoto had arrived at

¹⁴⁰⁹ *ibid.*

¹⁴¹⁰ Isaac Shepherd (Oruanui) to C. Law, 2 July 1863, 6 July 1863, NZMS 1064, Auckland City Library; McDonald, 'Rewi Manga Maniapoto', p.139.

¹⁴¹¹ Renata Tamakihikurangi and others to Featherston, 19 October 1863, AJHR, 1863, E-11, p.4.

Kihikihi some time prior to this, intent on escorting Wiremu Kingi back to Taranaki. Rewi Maniapoto had inspected them on parade, even climbing on to the roof of *Hui Te Rangiora* in order to get a better view of their manoeuvres, before declaring that they should abandon all thought of going to Taranaki, at least until after he returned from Taupo, lest none of them should come back alive. However, according to Shepherd, Rewi was also planning to travel to Ahuriri at some point.¹⁴¹² Whether or not he intended going to Taranaki at some point in the future, it does not appear that any movement in the direction of Auckland was imminent at this time.

On 20 June 1863 Cameron had returned to Auckland from New Plymouth for talks with Grey. It was sometime between then and 24 June that final confirmation of plans for the invasion of the Waikato district were agreed. Nonetheless, George Whitmore, who had recently been appointed commander of the Napier militia,¹⁴¹³ had confided in Walter Mantell as early as 9 June that 'If the Govr. is to be trusted he means to prosecute the War with vigour & to carry it into the Waikato.'¹⁴¹⁴ Frederick Whitaker, who was Attorney-General outside Cabinet, also hinted at things to come in a letter to former Native Minister C.W. Richmond on 25 June. He observed that:

Things here are coming to a crisis. I see nothing for it, but a campaign into Waikato, and I don't think, however we may try, that the Maoris will let us out of it unless we prefer fighting in Auckland Park. Nothing can exceed their insolence and the contempt they shew towards us. I am disposed to think that the Governor's patience is exhausted, and that we are on the eve of great events.¹⁴¹⁵

Already, troops had been removed from the Taranaki district and returned to Auckland for the planned attack.¹⁴¹⁶ By 6 July plans were well advanced for an invasion timed to commence ten days later, on 16 July. Military records confirm that the plan formulated between Grey and Cameron was:

¹⁴¹² Isaac Shepherd (Oruanui) to C. Law, 6 July 1863, NZMS 1064, Auckland City Library.

¹⁴¹³ James Belich, 'Whitmore, George Stoddart, 1829-1903', DNZB, vol.1, p.591.

¹⁴¹⁴ Whitmore to Mantell, 9 June 1863, Mantell Family Papers, MS-Papers-0083-402, ATL.

¹⁴¹⁵ Whitaker to Richmond, 25 June 1863, in Scholefield (ed.), *Richmond-Atkinson Papers*, vol.2, p.52.

¹⁴¹⁶ Parsonson, 'Tainui Claims', p.97.

intended to clear the country north of the Waikato River of all disaffected natives, by surprising their settlements, making prisoners of the inhabitants, or driving them into the interior, simultaneously with which boats, already purchased, were to be conveyed overland to the Mangatawhiri River (35 miles) for the transport of troops; and the colonial steamer “Avon” (made defensible with iron plating, &c.) was to enter and work up the Waikato to our stockade near the mouth of the Mangatawhiri.¹⁴¹⁷

The Mangatawhiri was then to be crossed, Maori lands on the opposite banks occupied and a vigorous push made southwards by both land and water.¹⁴¹⁸ But on 8 July Grey and Cameron decided to bring forward the date of the planned invasion and orders were given for the immediate movement of troops ‘to the front’.¹⁴¹⁹ Cameron later claimed that this had been done in response to the latest reports of an imminent Maori uprising, while other evidence indicates it may simply have been a result of military preparations being completed slightly earlier than originally anticipated.¹⁴²⁰

8.6 Grey’s Ultimatums

A day later, on 9 July 1863, a proclamation was issued consistent with earlier instructions to clear out the area between the Waikato River and Auckland of all potentially hostile tribes. Addressed to ‘the natives of Mangere, Pukaki, Thirmatao [sic], Te Kirikiri, Patumahoe, Pokeno, and Tuakau’, it warned that:

All persons of the native race living in the Manukau district and the Waikato frontier are hereby required immediately to take the oath of allegiance to Her Majesty the Queen, and to give up their arms to an officer appointed by Government for that purpose. Natives who comply with this order will be protected.

¹⁴¹⁷ D.J. Gamble, 5 August 1863, Journals of the Deputy Quartermaster General in New Zealand, 5 August 1863, p.43, WO 33/16, Archives NZ.

¹⁴¹⁸ *ibid.*

¹⁴¹⁹ Parsonson, ‘Tainui Claims’, p.107.

¹⁴²⁰ *ibid.*; Gorst, *The Maori King* (2001), p.163.

Natives refusing to do so are hereby warned forthwith to leave the district aforesaid, and retire to Waikato beyond Mangatawhiri.

In case of their not complying with this order they will be ejected.¹⁴²¹

On the same date some 1500 troops marched from Auckland for Drury, while magistrates were despatched to the various south Auckland settlements to deliver the demand for submission or withdrawal behind the 'frontier' line at Mangatawhiri. Gorst later wrote that most of the residents of these villages were 'old and infirm', besides being totally surrounded by Europeans with whom they had long lived cordially and without the slightest suggestion of 'harbouring dangerous characters', far less rising up in rebellion. But as he noted, these facts hardly mattered:

They were Maories and relatives of Potatau. Underlings of the Native Office were despatched in haste to call upon them to give up their weapons and take the oath of allegiance to the Queen, or, in default, to retire beyond Mangatawhiri under pain of ejection. The first native to whom this cruel decree was made known was Tamati Ngapora, the uncle of the Maori King, who lived at Mangere, in European fashion, receiving a large income from letting his lands as grazing grounds to the neighbouring farmers. After a short silence, Tamati asked – 'Is the day of reaping, then, at hand?' Being told that it was, he observed – 'Why has not the Governor put Waikato on her trial, before stretching forth the strong hand?' Tamati and the other Mangere natives quite understood the alternatives. They must submit to what they regarded as an ignominious test, or lose the whole of their property. And yet, to their honour be it said, they did not hesitate for a moment.

They all thanked the Pakeha for this last act of kindness in giving them timely warning of the evil that was to come upon Waikato, and an opportunity of themselves escaping; but they could not forget that they were part of Waikato, and they must go and die with their fathers and friends...All the old people

¹⁴²¹ Notice, 9 July 1863, GBPP, 1864 [3277], p.36.

showed the most intense grief at leaving a place where they had so long lived in peace and happiness, but they resolutely tore themselves away.¹⁴²²

At Mauku, James Speedy found just one man willing to take the oath of allegiance.¹⁴²³ Henry Halse reported from Mangere that ‘the answer of all the people, when I read the notice was, why does not the Governor ‘*whakawa*’ (investigate) the ‘he’ (misconduct) of Waikato before he puts forth the ‘*rninga kaha*’ [sic] (strong hand).’¹⁴²⁴ In a more detailed report drafted a few days later, Halse explained that immediately upon receipt of the ultimatum on 9 July he had departed for Mangere, Ihumatao and Pukaki for the purpose of administering the oath of allegiance to those Maori resident there. On his way he came across the Rev. Purchas in the company of Tamati Ngapora, and it was agreed that the object of his mission should first be explained to the chief before seeing his people. Halse reported that:

after tea the notice was read to Tamati Ngapora. He listened attentively, and requested that it might be read a second time. His request was complied with. After the customary Maori silence, Tamati put the following question to Mr. Purchas – “*Kua tata ranei te ra o te kotinga witi?*” [“Is the day of harvest close at hand?”] “Yes;” Mr. Purchas replied. Tamati then asked why the Governor had not caused an investigation to be made into the wrongs of Waikato before moving the troops? I said it was not my business to discuss that question; ample time had been given, and now that the troops had been moved forward to prevent Waikato Natives making an attack on Auckland, I heard of the desired investigation for the first time. Tamati then asked why the natives could not have their king as well as the pakehas? I replied that I had come to read the notice, and not to talk about the Maori king. Tamati, in a thoughtful mood, said that, if he had influence, there should be no fighting. He had dear friends living in the midst of the English, and dear friends living with the

¹⁴²² Gorst, *The Maori King* (2001), pp.162-163. See also Sewell, *The New Zealand Native Rebellion*, pp.27-29.

¹⁴²³ Speedy to Native Minister, 10 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, pp.26-27.

¹⁴²⁴ Halse to Native Minister, 10 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, p.27.

Maoris, and would like to know why they were to be killed. He would not cease to urge for the investigation.¹⁴²⁵

Halse gave Tamati Ngapora a copy of the ultimatum, the chief departing for Mangere soon after. When Halse reached the settlement the next day about 20 men were assembled in Ngapora's whare. Halse read the notice to them, and asked if they wished to read it again. He reported that:

Two men said there was no occasion, because they all understood it. In the course of a few minutes a native, whose name I did not obtain for the reason that his friends objected to give it, jumped up and said "I belong to Waikato; I am going to Waikato[.]" He then sat down.

Rihari then s[a]id, "Hearken. My fathers and my friends are in Waikato; I am going to them." An elderly native then rose, and looking at several natives who had not spoken, asked me whether I understood the meaning of their silence. I asked him to explain. He said their thoughts were the same as the previous speakers', and all would go to Waikato. Tamati Ngapora, who had been reclining, sat up and said, "When I arrived here last night I gave the 'Panuitanga to the people for their consideration, without attempting to influence them either one way or the other. You have now heard their decision. I have nothing to say in addition to what took place between us last night. We are one tribe, and cannot be separated."¹⁴²⁶

A small group of women and men, some of whom were visitors from Ngapuhi, did agree to take the oath of allegiance, though when called upon to surrender up their arms and ammunition they denied that they had any. At the same time the group asked for some distinguishing mark so that Pakeha might recognise them, and Halse added that 'The women expressed great fear of the sailors belonging to the vessels of war, and hoped the Governor would protect them.'¹⁴²⁷

¹⁴²⁵ Halse to the Native Minister, 13 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, pp.27-28.

¹⁴²⁶ *ibid.*, p.28.

¹⁴²⁷ *ibid.*

When Halse reached Ihumatao a short while later, he discovered that many of the residents had gone to Onehunga to sell poultry, having previously disposed of some of their cattle.¹⁴²⁸ Clearly they had decided to lighten their load, since those who were at the settlement told Halse that they had also decided that they would all return to Waikato. One speaker told Halse that there were some infirm people amongst their number who would not be able to travel, and that the governor would be expected to look after them. But before Halse had a chance to reply, others said that they would take the ‘turoro’ (sick people) with them.¹⁴²⁹

At Pukaki people were also making hasty arrangements in anticipation of the impending war. Halse discovered that Mohi, the chief of the settlement, had gone off with Bishop Selwyn to point out a burial ground which (together with a village church) was to be handed over to the care of the Anglican Church during their absence. The people of the settlement had all packed up their possessions, ready to make a start, and when Mohi returned he also told Halse that all of the people were going to Waikato.¹⁴³⁰

While those communities visited by Halse appear to have been resigned to their fate at the hands of the Crown, James Armitage encountered a more defiant response to the ultimatum on the part of the Tuakau community. Armitage reached the settlement on 10 July 1863 and later reported that:

I communicated to them the purport of my mission, and was informed by Te Atua, for himself and others – except Hira Kerei and te Atua, who dissented from same – that they would not take the Oath of Allegiance, nor give up their

¹⁴²⁸ Fulloon had also reported late in May that, when visiting Onehunga, he found ‘the natives of Manukau have been unusually busy in selling pigs, Fowls, produce &c, even chickens, taking whatever they could get for them. Fulloon, Memorandum reporting visits to Mangere on 21 and 22 inst., 24 May 1863, MA 1/1863/144, Archives NZ, in RDB, vol.55, p.21025.

¹⁴²⁹ Halse to the Native Minister, 13 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, p.29. One settler later observed that ‘The Ihumatau [sic] natives...were good neighbours and very much respected by the settlers around; nearly all their houses and fences have been destroyed; their church gutted, the bell, sashes, door and Communion Tables stolen and the floor even torn up and taken away; and now their land is to be occupied by Mr. [Thomas] Russell’s brother-in-law.’ *New Zealander*, 18 February 1864, cited in Miller, *Race Conflict in New Zealand*, p.220.

¹⁴³⁰ Halse to the Native Minister, 13 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, p.29.

arms, &c., nor leave their lands, unless driven away by force, which they would resist.¹⁴³¹

Just two days later, on 12 July 1863, Colonel Wyatt and 300 men of the 65th Regiment marched on Tuakau. As Featon described the scene:

The village was situated on the edge of the river, and justly considered one of the prettiest and most flourishing in the lower Waikato. The land was good. Potatoes, kumeras [sic], and corn grew luxuriantly, and each year filled the storehouses of the Natives to overflowing. A water mill close by ground their wheat into flour, and their fruit trees were loaded with apples and peaches, whilst the branches of the vine bending under their juicy weight trailed in the swift running stream. No wonder the Natives were loth [sic] to leave their beloved home. The 65th debouched suddenly from the bush in the rear of the settlement, and surprised the Natives, who hastily collecting their lares and penates,¹⁴³² moved mournfully down to the canoes, and with many tears and deep sighs paddled away.¹⁴³³

Thus the first supposed ‘rebels’ of the Waikato War were created at Tuakau and elsewhere between Waikato and Auckland through the enforced expulsion of peaceful communities of Maori from their own lands. As Henry Sewell wrote, ‘this expatriation of the whole families and tribes was prematurely to drive them into open rebellion.’¹⁴³⁴ He believed, in fact, that no more than about six people north of Waikato had agreed to take the oath of allegiance, but added a few weeks later (after a few settlers had been attacked in the early stages of the war):

Upon the whole, I am surprised at their moderation. What would have been said or done by a mob of Englishmen and their wives and families turned out of house and home without warning and set adrift *with arms in their hands* to starve. Such has been the course of dealing with the natives, and I am bound to

¹⁴³¹ Armitage to Native Minister, 12 July 1863, cited in Sewell, *The New Zealand Native Rebellion*, p.30.

¹⁴³² Latin for household gods or deities.

¹⁴³³ John Featon, *The Waikato War*, Auckland: J.H. Field, 1879, p.20.

¹⁴³⁴ Sewell, *Journal*, 19 July 1863, pp.171-172, qMS-1787, ATL.

say that beyond rumour and suspicion nothing has yet come to my knowledge to justify such severe measures.¹⁴³⁵

Grey claimed in defence of such a blatantly unjust and discriminatory approach that the Waikato chiefs:

had considerable numbers of their relatives and adherents living on different tracts of land in the midst of the most prosperous European settlements in this district, and these people had amongst them some of the most turbulent natives in this part of the country, who were the instigators of the proceedings which were being taken against the European race.¹⁴³⁶

Grey provided no evidence in support of this assertion, probably because none existed.¹⁴³⁷ Tamati Ngapora, after all, had proven a true and consistent friend of the settlers, maintaining the approach of his late relative Potatau Te Wherowhero, who had originally agreed to live at Mangere as a token of that friendship. He had told the Reverend Purchas in May 1863 that he remained at Mangere as a 'hostage for peace', and that if any sudden attack was made upon Auckland without notice his own life would justly be forfeited.¹⁴³⁸ There was little to suggest than any of the other chiefs or their communities were any more 'turbulent' than this. To be sure, many fought against the British after being driven from their homes, though that hardly constituted evidence that they had been a threat to the settlers all along. Grey, though, claimed that:

¹⁴³⁵ Sewell, Journal, 2 August 1863, p.184, qMS-1787, ATL. Emphasis in original.

¹⁴³⁶ Grey to Newcastle, 1 August 1863, GBPP, 1864 [3277], p.39.

¹⁴³⁷ However, Grey subsequently accused the Te Akitai chief Ihaka Takanini of plotting a wholesale 'massacre of a part of the European population.' The rangatira and twelve men, along with seven women and three children, were seized by a combined force of Imperial and colonial troops at their village at Kirikiri on the morning of 16 July 1863. Ministers later admitted that there was no legal basis for their subsequent imprisonment, and the Attorney General 'twice advised that there was not evidence to establish any criminal charge against them.' A number of the group died during their captivity, including Ihaka himself, who passed away soon after the group were confined to the island of Rakino in the Hauraki Gulf. It was said that he had died of 'homesickness and a broken heart'. Sewell, *The New Zealand Native Rebellion*, pp.31-32; William Fox, Statement of all Native Prisoners who have been permitted to go at large by or under the advice of Ministers, 1 July 1864, AJHR, 1864, E-1, Part II, p.34.

¹⁴³⁸ Halse, Memorandum for Mr. Bell on various subjects, 24 May 1863, MA 1/1863/145, Archives NZ, in RDB, vol.55, p.21031.

It was impossible to leave a strong disaffected population, well armed (many of whom were known to be bent on plans of violence and murder), in rear of the General and of the troops, when they occupied the frontier for the purpose of preventing armed bands from falling upon the out-settlements.¹⁴³⁹

He had hoped that a large number of the south Auckland residents might have been persuaded to abstain from taking part against the government forces, in consequence of which he had had the ultimatum (euphemistically described as merely a 'notice') printed. But despite this it had been found that many of the communities had gone over to 'the enemy' or were preparing to do so when visited by officials. No doubt the forcible removal from their own lands, combined with a crescendo of public speculation as to the imminent invasion, had done much to bring about this situation. Hanging about in the path of an invading army was never a smart move, especially when there was the very real prospect of being branded an enemy. Moreover, according to James Fulloon some of those who read the ultimatum of 9 July understood it as 'a positive order to leave',¹⁴⁴⁰ while there are also suggestions that others believed that the oath of allegiance required them to fight for the Crown, along with fears that the demand to surrender up all arms was no more than a prelude to their own destruction.¹⁴⁴¹

Matutaera also appears to have interpreted the 9 July ultimatum as an order to Maori resident north of the Mangatawhiri to leave, since he wrote to the chiefs of Ahuriri later in August that:

On the 9th July, a letter from the Governor to the people of Manukau arrived, telling them to go to the other side (*i.e.*, South side) of Mangatawhiri, in Waikato. They left their land at Mangere, Pukaki, Patumahoe, and Te Kirikiri, which was occupied by the soldiers on the 10th. On the 11th July the soldiers arrived at Pokeno and Tuakau. The property at those places was consumed by fire. Some of the people were driven off those lands.

¹⁴³⁹ Grey to Newcastle, 1 August 1863, GBPP, 1864 [3277], p.39.

¹⁴⁴⁰ Fulloon to Native Secretary, 2 September 1863, cited in Sewell, *The New Zealand Native Rebellion*, p.30.

¹⁴⁴¹ Henry Sewell, Journal, 19 July 1863, qMS-1787, ATL; Rutherford, *Sir George Grey*, p.488.

I te 9 o nga ra o Hurae ka tae mai te reta a te Kawana ki nga tangata o Manukau. Ko te kupu tenei, kia whakatika atu ratou ki Waikato, ki tera taha o Mangatawhiri. Whakatika ana ratou, waiho ana o ratou ake pihi. 10 o Hurae kua tae nga hoia ki runga i aua pihi, ka mahue a Mangere, a Pukaki, a Patumahoe, a te Kirikiri. 11 o Hurae ka tae nga hoia ki Pokeno, ki Tuakau. Ko nga taonga o enei wahi pau katoa atu i te ahi. Ko etahi o nga tangata i peipei atu i runga i aua wahi.¹⁴⁴²

The Maori King's letter appears to have given the Hawke's Bay chiefs grounds for querying the official explanation as to the background of the Waikato War promoted by the government. The Wellington provincial superintendent, Isaac Featherston, had recently visited the settlement of Otaki, where formerly staunch Kingite Wi Tako Ngatata and the other chiefs had revealed the existence of a letter from the King which appeared to solicit their assistance in the coming war.¹⁴⁴³ But the Ahuriri chiefs did not believe that Matutaera had asked Wi Tako to rise up and murder Europeans, as had been alleged. They pointed to his letter of caution to them, and told Featherston:

Sir, we have been searching in vain to make out why our pakeha friends say that murders were the cause of the war in Auckland. Not being able to satisfy ourselves, we sent an express messenger to the seat of war to make enquiries, and he returned last Saturday evening. His report was that the Governor's war had not been caused by murders as the Pakehas alleged. Murders could not be heard of (*i.e.*, preceding the war.) The only ground that could be alleged were – first, the expulsion of the Maoris from Auckland, from their own lands, and the burning of their properties and houses; and secondly, the crossing of Mangatawhiri.¹⁴⁴⁴

It was in the early hours of 12 July 1863 that Cameron and his troops crossed the Mangatawhiri. The invasion of the Waikato district had begun and was recognised as such by all concerned. An official Imperial army report observed that 'The passage of

¹⁴⁴² Matutaera Potatau to Karaitiana, Renata, Paora, and Tareha, 21 August 1863, AJHR, 1863, E-11,

p.1.

¹⁴⁴³ Porokoru Titipa and Taati Te Waru to Heremia Te Tihi and Wi Tako Ngatata, 29 June 1863, AJHR, 1863, E-3A, p.12.

¹⁴⁴⁴ Renata Tamakihikurangi and others to Featherston, 7 September 1863, AJHR, 1863, E-11, p.2.

this stream by an European force has been always regarded by the natives of the Waikato as tantamount to a declaration of war.¹⁴⁴⁵ It was said that Rewi Maniapoto was returning from Taupo when he was met on the road by a messenger who told him that British troops had crossed Mangatawhiri. Rewi and others of Ngati Maniapoto then went to Meremere to assist in the defensive effort.¹⁴⁴⁶ Remarkably, however, Grey remained silent on the movements of Imperial troops for more than a fortnight, finally advising the Colonial Office of the crossing of the Mangatawhiri in a despatch dated 28 July 1863. Even then, he described this in such low key terms that the momentous nature of the decision was scarcely apparent.¹⁴⁴⁷ Undoubtedly, he sought to portray the movement as essentially a defensive one, taken with the utmost reluctance and only after receiving credible reports of a real and imminent threat to settlers.

For these purposes a second proclamation was also issued, this time addressed directly to the 'Chiefs of Waikato', and dated 11 July 1863, that is one day before the crossing of the Mangatawhiri. It declared that:

Europeans quietly living on their own lands in Waikato have been driven away; their property has been plundered; their wives and children have been taken from them. By the instigation of some of you, officers and soldiers were murdered at Taranaki. Others of you have since expressed approval of these murders. Crimes have been committed in other parts of the island, and the criminals have been rescued, or sheltered under the color [sic] of your authority.

¹⁴⁴⁵ D.J. Gamble, 5 August 1863, Journals of the Deputy Quartermaster General, p.44, WO 33/16, Archives NZ. See also Cameron to Secretary of State for War, 8 March 1862, CO 209/171, p.447, Archives NZ.

¹⁴⁴⁶ Renata Tamakihikurangi and others to Featherston, 19 October 1863, AJHR, 1863, E-11, p.4.

¹⁴⁴⁷ The full text of Grey's letter reads: 'I have the honour to enclose for your Grace's information the copy of a letter I have received from Lieut.-General Cameron, C.B., reporting that he had crossed the Mangatawhiri stream, and had occupied a position on its left bank which would enable him to secure the communication between our two posts in that direction, an attack upon which formed a leading part of the plan of operations which the chiefs of Waikato proposed to undertake with a view of invading this settlement. I beg to call your Grace's attention to the high terms in which Lieut.-General Cameron speaks of the valuable assistance rendered to him on this occasion by Captain Sullivan, R.N.' Grey to Newcastle, 28 July 1863, GBPP, 1864 [3277], p.38.

You are now assembling in armed bands; you are constantly threatening to come down the river to ravage the settlement of Auckland, and to murder peaceable settlers. Some of you offered a safe passage through your territories to armed parties contemplating such outrages.

The well-disposed among you are either unable or unwilling to prevent these evil acts.

I am therefore compelled, for the protection of all, to establish posts at several points on the Waikato River, and to take necessary measures for the future security of persons inhabiting that district. The lives and property of all well-disposed people living on the river will be protected, and armed and evil-disposed people will be stopped from passing down the river to rob and murder the Europeans.

I now call on all well-disposed Natives to aid the Lieutenant-General to establish and maintain these posts, and to preserve peace and order.

Those who remain peaceably at their own villages in Waikato or move into such districts as may be pointed out by the Government, will be protected in their persons, property, and land.

Those who wage war against Her Majesty, or remain in arms, threatening the lives of Her peaceable subjects, must take the consequences of their acts, and they must understand that they will forfeit the right to the possession of their lands guaranteed to them by the Treaty of Waitangi, which lands will be occupied by a population capable of protecting for the future the quiet and unoffending from the violence with which they are now so constantly threatened.¹⁴⁴⁸

While this notice was not published in the *Government Gazette* until 15 July 1863, that was hardly unusual. Grey and ministers later consistently referred to the notice

¹⁴⁴⁸ Notice to Chiefs of Waikato, 11 July 1863, *New Zealand Gazette*, 15 July 1863, no.29, pp.277-278.

having been issued on 11 July, though historians have often referred to Gorst's comments about the timing by which Waikato Maori received the warning. Gorst was scathing of the contents of the proclamation, describing it as produced 'not so much with the view of producing an effect on the Maories themselves, as of justifying the war in the eyes of the British public.'¹⁴⁴⁹ He was equally adamant that Waikato Maori did not receive the notice until after the Mangatawhiri had been crossed, writing with respect to its 11 July 1863 date that:

This date is fallacious. I met the messenger, carrying the first copies printed in the native language, on the evening of July 14th, at dusk. He was then on the road between Auckland and Otahuhu, and did not reach Waikato until after the battle of Koheroa, which was fought on the 15th.¹⁴⁵⁰

On the basis of this evidence the Waitangi Tribunal, mirroring the conclusions of various historians to have written on the subject over the years, concluded in its *Hauraki Report* that 'few Maori would have received the 11 July proclamation until after the troops had moved, on 12 July.'¹⁴⁵¹

In fact, it can now be stated with little doubt that *no* Maori would have received the proclamation prior to the crossing of the Mangatawhiri Stream on 12 July 1863. Hitherto neglected evidence has been found during the course of research for this project that clearly shows that the notice to the Waikato chiefs was still being drafted one day later, on 13 July 1863.¹⁴⁵² Among the miscellaneous correspondence files of the former Native Department is one that includes multiple drafts of the proclamation, each with various revisions. These include one with a minute initialled by 'FDB', (Francis Dillon Bell, the then Native Minister) with the statement 'This Revise submitted to His Excellency.' The minute is dated 13 July 1863.¹⁴⁵³ While it might perhaps be suggested that Bell was retrospectively describing an action taken a few days before, this would not be consistent with contemporary practice. Countless files

¹⁴⁴⁹ Gorst, *The Maori King* (2001), p.160.

¹⁴⁵⁰ *ibid.*, p.162. In fact, the Koheroa engagement was fought on 17 July 1863.

¹⁴⁵¹ Waitangi Tribunal, *The Hauraki Report*, 3 vols, Wellington: Legislation Direct, 2006, vol.1, p.205.

¹⁴⁵² Although it would appear that the first handwritten version was drafted on 11 July 1863, and the first proofs printed that same day. See Notice from Grey to Chiefs of Waikato, 11 July 1863, MA 1/1863/201, Archives NZ, in Raupatu Document Bank, vol.55, pp.21133-21136.

¹⁴⁵³ Draft notice to the Waikato tribes, 13 July 1863, MA 24/22, Archives NZ, RDB, vol.89, p.34131.

passed between officials and politicians in the nineteenth century, most of them with scribbled minutes, usually recommending, instructing or explaining actions taken, and nearly always dated contemporaneously with the event described. Indeed, it was often vital that this was the case to ensure that the sequence of instructions and actions remained clear. There is no reason to believe Bell's minute was any different.

Clearly, then, not only did the various hapu and iwi of Waikato never have any opportunity to comply with the demands set out in the proclamation, thereby protecting their own lives and lands, but – rather more strikingly perhaps – it was never intended that they should be given such an opportunity. The notice to the 'Chiefs of Waikato' was little more than cosmetic window dressing designed (as Gorst suggested) more with a view to the court of British public (and Colonial Office) opinion than with any real concern as to what Waikato Maori might make of it or how they might respond. It was probably preferable, in fact, not to allow the hapu and iwi of the Waikato an opportunity to respond, lest they seek to comply with the terms demanded, thereby complicating the pre-determined decision to invade their district, establishing military settlements and confiscating the lands of its inhabitants. A retrospective ultimatum would deny the tribes any opportunity to comply. The invasion was thus perhaps even more cynical than has previously been described by historians. The actual course of the war and subsequent confiscations remain, however, the topic of the war and raupatu report.

8.7 The Origins of the Waikato War: A Brief Historiographical Overview

At various points in this report the views of different historians have been noted with respect to particular events. It would seem useful, however, before concluding the report to also take a step back to consider how historians have addressed the more fundamental questions surrounding the origins of the Waikato War. In doing so the intention is not to provide a detailed or comprehensive discussion or critique of all of the arguments ever advanced on this subject, but rather to offer a more selective survey of some of the more influential viewpoints expressed over time. And while the focus is on more recent histories, James Cowan's history of the New Zealand Wars (first published in 1922) would seem a useful starting point. It has been stated that this

‘does not explore the causes of the wars, and to modern readers it can appear uncritical of the imperial process’.¹⁴⁵⁴ While there is an element of truth in this statement it requires some qualification. Cowan’s work reflected the values and prejudices of its times (as all histories do), and was relatively light on the causes of the wars compared with the detailed narrative of its course provided. It did, though, include a chapter entitled ‘The Waikato War and its Causes’, within which Cowan at least revealed an awareness of some of the grievances which Maori harboured in the mid-nineteenth century. He wrote that:

In the beginning of the King movement...there was no desire to force a war. The great meetings at which the selection of Potatau as King was confirmed were attended by numerous Europeans. Government officials, missionaries, and traders were alike welcome guests at Ngaruawahia, Rangiaowhia, and the other centres of the home-rulers. The more intelligent of the Maoris saw clearly that there was nothing to be gained by a rupture of relations with the *pakeha*. But the irritation caused by the inevitable friction over European encroachment, the treatment of the natives by the lower class of whites, the reluctance of the authorities to grant the tribes a reasonable measure of self-government, and, lastly, the sympathy with Taranaki and the bitterness engendered by the loss of so many men in the Waitara campaign, all went to mould the Waikato and their kinsmen into a powerful foe of the Colonial Government.¹⁴⁵⁵

A number of the causes of Maori disaffection listed by Cowan would not look out of place in a more recent history. And yet, his statement that ‘[i]n the beginning’ there was no desire on the part of Kingitanga leaders to force a war implied that such a wish later took root, which is precisely what Cowan went on to argue. Not that this meant his work was uncritical of the actions of the colonial government: far from it. He wrote, for example, that: ‘In the beginning the natural desire of the natives for a better system of government could have been turned to beneficial account by a prescient Administration.’¹⁴⁵⁶ But Fenton’s experiment in the Waikato was not allowed

¹⁴⁵⁴ David Colquhoun, ‘Cowan, James, 1870-1943’, DNZB, vol.3, p.120.

¹⁴⁵⁵ Cowan, *New Zealand Wars*, vol.1, pp.231-232.

¹⁴⁵⁶ *ibid.*, p.232.

sufficient time to prove its worth prior to his recall, Cowan believed, and Browne and his ministers had ‘consistently declined to recognize the Maori King or Maori nationality’ and had made no efforts to conciliate Waikato.¹⁴⁵⁷ By the time that Grey returned and introduced his runanga system ‘it was too late to entice the Kingites into the Government fold with such devices’, and Grey’s ‘ominous’ promise to dig around the King movement until it fell ‘combined with the always suspicious presence of a Government agent in the heart of the King’s country, and, finally, the commencement of the military road from Drury through the forest to the Waikato River, fostered the Maori disbelief in the friendly intention of the *pakeha*.’¹⁴⁵⁸ Those suspicions were further aggravated by the attempt to establish a police station at Te Kohekohe and other developments. In particular, the ‘pungent tone’ of Gorst’s Maori-language newspaper *Te Pihoihoi Mokemoke i te Tuanui* had incensed Rewi Maniapoto, and the forcible eviction of the Civil Commissioner marked an abrupt end to Grey efforts to wean Waikato away from ‘the charms of kingism.’¹⁴⁵⁹

Evidently accepting at face value the reports of government officials outlining supposed plots to wage war against the settlers, Cowan claimed that 1 September 1861 had been selected to attack Auckland and other towns throughout the North Island. It was only news that Grey had been appointed to a second governorship that saw this attack called off, but ‘when after all it was seen that war was inevitable, and when Governor Grey and his Ministers began an aggressive movement towards Waikato, the original plan of campaign discussed in 1861 was taken up’.¹⁴⁶⁰ While much of Cowan’s information derived from a later report prepared by James Fulloon, what he failed to mention was that the Waikato tribes had become convinced that Browne was intending to invade their district on 1 September 1861, and had therefore (according to Fulloon’s report) drawn up plans of counter-attack timed to coincide with the invasion.¹⁴⁶¹ As we saw earlier, there is considerable evidence to suggest that Browne was indeed intending to launch an invasion of the Waikato district timed for September 1861. Unless the tribes intended to comply with Browne’s demands for the Kingitanga to be dismantled (which they clearly did not), it was probably quite

¹⁴⁵⁷ *ibid.*, p.233.

¹⁴⁵⁸ *ibid.*

¹⁴⁵⁹ *ibid.*, p.237.

¹⁴⁶⁰ *ibid.*, p.240.

¹⁴⁶¹ Fulloon, Waikato plan of operations in the event of war, 20 June 1863, MA 1/1863/280, Archives NZ, in RDB, vol.55, pp.21143-21144.

prudent under the circumstances to have a contingency plan in the event of a Crown invasion of their own lands, though even if the existence of such a plan could be confirmed this could hardly be taken as evidence of an aggressive intention on the part of the Waikato tribes.

In any event, Cowan claimed that the war subsequently waged was much different to Hone Heke's 'chivalrous tournament of 1845': 'It was a racial war; the Maori aim was to sweep the *pakeha* to the sea, as the *pakeha* Government's object was to teach the Maori his subjection to British authority.'¹⁴⁶² Cowan may have been a masterful story teller, but he was not a great analyst, especially when it came to explaining the causes of the Waikato War, his coverage of which hinted at an awareness of deeper issues even while ultimately proving quite superficial.¹⁴⁶³

We take it as a given today that the Waikato War was the most dramatic turning point in the early history of the colony, and yet such has not always been the case. Indeed, the next really important work on the war period, Keith Sinclair's *Origins of the Maori Wars*, first published in 1957, was chiefly concerned with the Waitara dispute, and devoted a mere six pages to specific consideration of the causes of the Waikato conflict. And yet Sinclair's overriding arguments were all too clear. As I have written elsewhere:

In Sinclair's view, the war "began in the minds of many men of both races long before it occurred in the fields and bush". Settler prejudice, along with the waning influence of the humanitarian lobby, led by the missionaries, tended towards a war that "native" policy could not reverse. Yet beyond all else, in Sinclair's estimation, was the conflict over land. In short, Maori had it, and the settlers coveted their territory, particularly after the collapse in

¹⁴⁶² Cowan, *New Zealand Wars*, vol.1, p.241.

¹⁴⁶³ However, in a draft chapter on the Waikato War prepared for a later publication, *Settlers and Pioneers*, Cowan was unflinching in his condemnation of successive colonial administrations. He wrote that 'The New Zealand Government of the early 'sixties – *one administration after another* – treated the Maoris of Waikato more cynically and brusquely than the Italians treated the Abyssinians. Italy at least left their surviving opponents on the land. But the revenge for acts of so-called rebellion in Waikato was wholesale dispossession and eviction.' Internal Affairs officials deleted the chapter from the book prior to its publication as part of the centennial series of histories released in 1940. Chris Hilliard, *The Bookmen's Dominion: Cultural Life in New Zealand, 1920-1950*, Auckland: Auckland University Press, 2006, pp.77-79.

agricultural prices in the mid-1850s, prompting a shift in emphasis over to pastoralism, which required even more extensive tracts on which sheep could graze. Increasing Maori mistrust and suspicion of settler motives, giving rise to a new Maori nationalism as embodied in the King movement, saw land sales in the 1850s fail to satisfy settler demand. Something had to give or the two worlds were headed for what, Sinclair implied, was a near inevitable collision.¹⁴⁶⁴

A range of factors made Taranaki a likely location at which these tensions and issues would come to a head, and Sinclair believed that the Waikato War and subsequent conflicts elsewhere in the North Island ‘were essentially campaigns in the same war, a product of colonization in New Zealand, a war for dominion, for land.’¹⁴⁶⁵ While Grey might have been able to secure a temporary truce through acceptance of the terms demanded by ‘Maori extremists’, Sinclair believed that the fundamental issues would remain to be resolved:

Nothing less than the defeat of the Maoris, and the acquisition of a great deal of good land by the North Island settlers, could end the war, by removing the basic situation from which it arose. The settlers, increasingly predominant in numbers as well as superior in technology, had to be satisfied. There was no chance in the foreseeable future of general agreement among the Taranaki and Waikato Maoris to sell land.¹⁴⁶⁶

It was all about land, in other words and ironically, once the settlers had it thanks to confiscation and the Native Land Court, Sinclair believed the main source of tension between Maori and Pakeha had been removed, allowing for a big upswing in race relations, a theme explored in a later notorious essay.¹⁴⁶⁷

¹⁴⁶⁴ Vincent O’Malley, ‘Unsettling New Zealand History: The Revisionism of Sinclair and Ward’, in Doug Munro and Brij V. Lal (eds), *Texts and Contexts: Reflections in Pacific Islands Historiography*, Honolulu: University of Hawai’i Press, 2006, pp.156-157.

¹⁴⁶⁵ Sinclair, *Origins of the Maori Wars*, p.271.

¹⁴⁶⁶ *ibid.*

¹⁴⁶⁷ Keith Sinclair, ‘Why Are Race Relations in New Zealand Better than in South Africa, South Australia or South Dakota?’, *New Zealand Journal of History*, vol.5, no.2, 1971, pp.121-127.

But the problem was that in focusing almost entirely on the origins of the Taranaki War, Sinclair had singled out a province with acute, and in some respects, quite exceptional land difficulties.¹⁴⁶⁸ And as later historians recognised, the involvement of Waikato supporters of the King at Taranaki highlighted issues beyond mere settler hunger for land that would eventually have to be decided in some way. Two important publications which appeared in 1967 successfully shifted the focus on to the origins of the Waikato War. In Alan Ward's essay, 'The Origins of the Anglo-Maori Wars', which was published in the *New Zealand Journal of History* in that year, the author described the invasion of Waikato in 1863 as 'the climactic event in New Zealand race relations', adding:

it was an event of much greater significance than the Taranaki wars, which, despite Governor Browne's arguments, arose more specifically from the desire to acquire land. The invasion of the Waikato expressed the determination of Europeans to resolve the ultimate question of which race and which society was going to prevail and admit the other on sufferance. This was a question that had to be resolved in any colonial situation, whether or not the centre of resistance of the indigenous people was itself coveted for purposes of exploitation.¹⁴⁶⁹

Cowan had been ahead of his time in his use of the label 'New Zealand Wars'. Many historians had preferred to label them the 'Maori Wars', and although this was (for obvious reasons) beginning to fall out of favour in the 1960s there remained a real debate as to what term might instead be employed. Some writers, viewing the wars as solely motivated by settler land hunger and greed, had proposed that they should henceforth be described as the 'Land Wars'.¹⁴⁷⁰ Ward did not deny that land hunger was an important factor but rejected a simple mono-causal explanation for the wars which overlooked other contributing factors. For one thing, as he noted:

The decision to send imperial troops into the Waikato rested squarely with Grey and it is not sufficient to show that the settlers were pressing for Waikato

¹⁴⁶⁸ O'Malley, 'Unsettling New Zealand History', in Munro and Lal (eds), *Texts and Contexts*, p.158.

¹⁴⁶⁹ Ward, 'Origins of the Anglo-Maori Wars', p.165.

¹⁴⁷⁰ A notion recently revived by at least one historian. See Kennan, *Wars Without End*, pp.29-43.

lands (as, indeed, they had been doing for several years); it is necessary also to show that Grey, in ordering the invasion of the Waikato, was moved by such pressure rather than by other considerations.¹⁴⁷¹

While other historians such as M.P. K. Sorrenson had pointed out that Waikato proper had lost most of their lands and Ngati Maniapoto (often dubbed 'extremists') had not, Ward argued that this was largely 'the result of accident rather than design'. As he noted:

The Whitaker ministry wished to confiscate as much land as Grey would allow north of a line from Raglan or Kawhia to Tauranga, in the district of the more moderate King tribes. But they also sought to include Ngatimaniapoto land as far as Hanganiki, some twenty miles south of the Kawhia-Tauranga line, if Cameron and the imperial troops made it possible. The fact that none of the extremists' land had been brought within the scope of confiscation by Grey and Cameron's advance to Ngaruawahia was an important reason for ministers' wanting the advance to continue. However, the advance halted before it had engulfed much Ngatimaniapoto territory because Cameron objected to taking his troops into increasingly difficult country, and because the southern Provinces, which until 1868 paid more towards the cost of the war than Auckland, Taranaki and Hawkes Bay combined, began to protest at its continuance. Ministers then accepted the frontier established by Cameron in mid-1864 was, at least for the time being, the practical limit of confiscation in the Waikato and, in December 1864, Grey, Cameron and the Weld government agreed upon a confiscation up to Cameron's lines. The Ngatimaniapoto escaped lightly but settlers regretted that this was so and tended to look upon the question as something that could be reopened at a later time.¹⁴⁷²

The assumption that Ngati Maniapoto 'escaped lightly' is one that is critiqued in the war and raupatu report. But the detailed discussion of raupatu on the ground contained in that report is consistent with Ward's arguments above. While it was originally

¹⁴⁷¹ Ward, 'Origins of the Anglo-Maori Wars', p.150.

¹⁴⁷² *ibid.*, pp.150-151.

expected that Imperial troops would push deeper south into their territory, effectively conquering more land to make available for confiscation as they went, Cameron believed the military resources available to him were barely sufficient to hold what territory had already been won. Put simply, the lands confiscated were those conquered. If more Ngati Maniapoto territory had been conquered then it would have been confiscated.

But while Ward readily conceded the land hunger of ministers such as Frederick Whitaker, he also argued that the decision to push on south of Ngaruawahia in December 1863 (a crucial decision, again discussed at some length in the war and raupatu report) had also been driven by a deeper desire to ensure that the independent power of the King movement and its Waikato supporters was destroyed and their total submission secured. As Ward wrote:

Much more was involved in this ‘submission’ than the facility to acquire Maori land. This is not to say that the invasion of Waikato was not largely to facilitate the acquisition of Maori land. It certainly was, but land (and Waikato land in particular) was not by any means what the invasion was *all* about.¹⁴⁷³

While some of these additional factors were also broad ones, Ward identified a range of personal motives likely to have been held by Grey. The governor was, like Browne before him, Ward wrote, ‘beset by a fatal tendency to believe that the Queen’s government must be demonstrably exercised over all those who, since the Treaty of Waitangi, had been regarded as British subjects.’¹⁴⁷⁴ A natural autocrat, Grey was not disposed to share power with anyone, much less the King movement. Moreover, Grey’s egotism ‘wedded him to the idea of being the fond and wise father of the Maoris, a role he imagined he had played with success in his first governorship. He still regarded the chiefs as essentially childlike people responsive to a mixture of chiding and candy.’¹⁴⁷⁵ Contrary to views of Grey as the great protector of Maori interests ‘who might have averted war but for the intransigence of Maori extremists

¹⁴⁷³ *ibid.*, p.151.

¹⁴⁷⁴ *ibid.*, p.152.

¹⁴⁷⁵ *ibid.*, p.154.

and land-hungry settlers, Grey himself advanced policies that led inexorably to war.¹⁴⁷⁶

But war was likely regardless of the particular actions of Grey, not least because large numbers of the settler community demanded that ‘the supremacy of the white race’ should finally be demonstrated and Maori made subject to the rule of English law.¹⁴⁷⁷

Identifying additional factors, Ward concluded that:

In 1863 the greed of land sharks and the genuine distress and fear of frontier families, the cultural snobbery of the educated settler elite and the brutish racial superiority of ignorant whites, the desire of the Governor and the magistrates to end the humiliation of not being able to rule in the outdistricts and of the humanitarians to carry the policy of ‘amalgamation’ to a conclusion – all these found common expression in the impulse to end Maori resistance by force of arms.¹⁴⁷⁸

The second significant work to be published in 1967 was B.J. Dalton’s *War and Politics in New Zealand, 1855-1870*. While its handling of Taranaki matters was weak and unconvincing (most especially with regard to the author’s claims that Wiremu Kingi had no rights at Waitara), Dalton also argued that the Waikato conflict was more significant. And here he was less interested in delving into causes than in placing responsibility for the war squarely on the shoulders of Grey. It was Grey who, in Dalton’s view, had deliberately planned an aggressive and unprovoked war of conquest, despite his best efforts to portray this as a defensive response to Waikato provocations.¹⁴⁷⁹ Dalton wrote that:

In Taranaki Grey had inherited an extremely awkward situation, one from which it would have been difficult for any man to emerge with credit. This fact mitigates his personal responsibility, even though the outbreak was directly occasioned by his errors of judgement. The Waikato campaign, on the other hand, was calculated aggression. By avidly endorsing the proposal,

¹⁴⁷⁶ *ibid.*, p.156.

¹⁴⁷⁷ *ibid.*, p.164.

¹⁴⁷⁸ *ibid.*, p.170.

¹⁴⁷⁹ Dalton, *War and Politics in New Zealand*, p.176.

Domett and his Cabinet share, but do not mitigate, Grey's direct personal responsibility. Every argument he had advanced against the justice and expediency of enforcing Browne's Waikato terms in 1861 applied with still greater force against his own policy in 1863.¹⁴⁸⁰

As Dalton noted, in 1863 not a single Maori from the Waikato had gone off to fight in Taranaki. By contrast substantial Waikato and Ngati Maniapoto involvement in the first Taranaki War had been the main rationale for Browne's uncompromising terms of peace – terms which Grey had quickly renounced as overly harsh. But invading the Waikato in 1863 'not only punished the peaceful majority along with the turbulent minority – itself guilty of no act of war – but also welded the discordant factions into unity.'¹⁴⁸¹ Dalton's work thus highlighted the Machiavellian nature of Grey's character, especially with regard to what the author implied was a planned act of aggression in the Waikato.

While many more works were published on these issues through the 1970s and 1980s, and Ward's own analysis was further deepened and expanded in his 1974 work *A Show of Justice*, the next (and final) really important work that needs to be mentioned here is, of course, James Belich's 1986 book, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*. While this was a seminal work in many respects, its relatively brief coverage of the causes of the Taranaki and Waikato conflicts is the area of interest here. Belich argued that a convincing explanation for these wars had yet to be advanced. Drawing upon the longstanding debate over the origins of the English Civil War, Belich noted that the lessons from this were that mono-causal models should be treated with a great deal of caution, while an unweighted lists of causal factors was not an explanation. At the same time he noted that the English debate 'also suggests that historians face a standing temptation to use the concept of inevitability much as medieval cartographers used the term *terra incognita*.'¹⁴⁸²

¹⁴⁸⁰ *ibid.*, p.178.

¹⁴⁸¹ *ibid.*

¹⁴⁸² Belich, *New Zealand Wars*, p.77.

In his view, tendencies of this kind could be seen in the theory that settler hunger for land inevitably resulted in war. Repeating a point Ward had made in his 1967 essay, Belich observed that although the settlers may have been motivated by land, it was Grey (and before him Browne) who were primarily responsible for the decision to go to war. Both made their own decisions on this, while Belich also pointed out that many supporters of the war had little or no interest in Maori lands.¹⁴⁸³

In Belich's view, Ward's 1967 essay was less an explanation for the outbreak of war than a list of contributing factors, and though some of these, such as the desire to impose the rule of law and British government, were especially important, they might also be seen as part of a greater whole. Belich argued that the wars 'can be seen as a series of British attempts to impose substantive, as against nominal, sovereignty' over Maori. This could be viewed 'not simply as one of a dozen equal factors, but an overarching cause, a way of understanding the origins of the New Zealand Wars as a whole':

Substantive sovereignty would allow the relatively easy purchase of Maori land, and the imposition of British administration, law, and civilization on the Maoris. But the British desire for substantive sovereignty was also influenced by less tangible factors: the complicated body of beliefs and attitudes which led them to expect to rule their new colony in practice as well as theory, and to resent the fact that they did not.¹⁴⁸⁴

Belich posited the notion of separate Maori and Pakeha spheres or zones of influence and control, the boundaries between which were generally defined by the area of land alienated to the settlers. Substantive British sovereignty was expanded through the acquisition and settlement of large land blocks contiguous to existing settlements. As Belich wrote, 'This process had more in common with the Louisiana Purchase than the sale of a farm in England.'¹⁴⁸⁵ But in the period before 1860 Maori retained control over much of the interior of the North Island, and although to oppose further

¹⁴⁸³ *ibid.*

¹⁴⁸⁴ *ibid.*, p.78.

¹⁴⁸⁵ *ibid.*

land sales was to oppose the extension of effective British sovereignty, Belich added that:

In one respect, the emergence of the King Movement did not constitute a radical change in the North Island situation. It was not a declaration of Maori independence – this already existed – and it added no new territory to the Maori sphere. It sought merely to unite pre-existing independent polities. But in other ways the Movement was an important change. Together with the rise in anti-land-selling feeling generally, it raised the profile of Maori independence from a level which the British disliked but tolerated, to a level which many found entirely unacceptable.¹⁴⁸⁶

While the settlers had never liked Maori control of the interior they were content to tolerate it as a transitional phase so long as lands continued to pass to the British. But land sales came to a virtual halt in the mid-1850s, and with the rise of the Kingitanga a kind of virtual alternative government emerged. After a period in which officials considered that the Kingitanga would fold of its own accord if ignored, many came to believe that a show of strength was required, and although there were particular factors contributing to the initial Taranaki location of the first war, Belich argued that:

The Kingites of Waikato fought less to secure Kingi in the peaceful enjoyment of his Waitara acres, than to repel a British foray across the tacitly agreed boundaries of control and so protect Maori independence, just as Heke and Kawiti had fought before them. The wide range of British opinion which supported the war did so less to expand the farms of a few hundred New Plymouth settlers, than to bring the reality of Maori control of the hinterland into conformity with the expectation of substantive British sovereignty.¹⁴⁸⁷

While contemporary critics of the Taranaki War rejected assertions by Browne and others that it was a question of sovereignty, seeking to portray it solely as a land quarrel, Belich argued that:

¹⁴⁸⁶ *ibid.*

¹⁴⁸⁷ *ibid.*, p.79.

we can accept the colonists' assertion that they were fighting for substantive sovereignty...without accepting its premise: that this was a just, legitimate, and necessary act. For one thing, it can be argued that the real Treaty of Waitangi was the Maori version, and that under its provisions the Maoris retained local autonomy of the kind Kingi was exercising at Waitara. More importantly, whatever the Treaty said or did not say, the British had tacitly accepted the practical independence of Maori districts for twenty years. In effect, Wiremu Kingi was a British ally, not a subject. Perhaps the Taranaki and Waikato conflicts were more akin to classic wars of conquest than we would like to believe.¹⁴⁸⁸

At Taranaki, Belich argued, Browne had hoped to inflict a short, sharp lesson sufficient to demonstrate to all that British authority would henceforth need to be taken seriously, even beyond the previously understood boundaries of government control. Kingitanga intervention ensured that this was a failure, as a consequence of which the British method became more comprehensive, even whilst the objective remained much the same: 'In this respect, a main cause of the Waikato War was the failure of the British attempt to assert their sovereignty over the Maoris through victory in Taranaki.'¹⁴⁸⁹

Belich's view that the Waikato War was essentially a classic war of conquest in which the British attempted to impose substantive sovereignty over hitherto more or less autonomous Maori communities remains the dominant causal explanation favoured today. And in the sense that this was a British effort to bring an end to the status quo, it could potentially be viewed as part of the Crown's revolutionary seizure of power above and beyond that secured through the Treaty of Waitangi (as described in Professor Brookfield's 1999 book).¹⁴⁹⁰

¹⁴⁸⁸ *ibid.*, p.80.

¹⁴⁸⁹ *ibid.*

¹⁴⁹⁰ F.M. Brookfield, *Waitangi and Indigenous Rights: Revolution, Law and Legitimation*, Auckland: Auckland University Press, 1999.

8.8 Conclusion

This chapter has examined the final breakdown in relations leading up to the invasion of the Waikato in July 1863. While Grey had cancelled his predecessor's plans for an 1861 invasion of the Waikato district, he commenced almost immediate preparations for a future confrontation. Those preparations, including the construction of the Great South Road, the erection of a large fort just north of the Mangatawhiri River, plans for a further road intended to run from Whaingaroa across to the Waipa district, and the introduction of armed steamers on the Waikato River, together contributed greatly to the rapid breakdown in relations between the Kingitanga and the Crown in the early 1860s. Once the Waikato tribes lost confidence in the government, and began to seriously question its intentions, it was always going to be difficult to regain their trust. Grey and his ministers demonstrated little inclination to even attempt such a task. Peaceful co-existence required not provocation but patience and a willingness to find a place for the Kingitanga in the governance of the tribes. That was something notably lacking on Grey's part.

Kingitanga leaders gave vent to their concerns over the military preparations being undertaken by the Crown during a hui held at Peria in October 1862, fearing that it was just a matter of time before they became the target for a British attack. During the course of that meeting, leaders such as Wiremu Tamihana also showed a real interest in a solution previously approved by the Colonial Office whereby the Maori King and his runanga would forward laws passed by them on to the governor for final approval. While this demonstrated the very real possibility of achieving some kind of breakthrough provided the willingness existed to pursue a peaceful path, Grey spurned invitations to meet with the Kingitanga leaders.

Then, in January 1863, he made one final unscheduled appearance in the district. A meeting with the chiefs was hastily convened, and Grey himself later claimed that during the course of this he had offered to constitute Waikato as a separate province under its own administration. According to Grey, the assembled chiefs initially accepted this bold offer, before subsequently withdrawing from the arrangement on the basis that they would agree to nothing less than the full and unconditional

recognition of their King. By contrast, the available contemporary evidence suggests that the chiefs once again expressed some interest in the proposal to pass laws made by them under the mantle of their own King on to Grey for ultimate approval, a suggestion to which the governor was at best non-committal in his response. In fact, Kingitanga leaders later recalled this meeting with Grey chiefly for the governor's statement that he intended to dig around their King until he fell of his own accord – a threat that seemed to confirm the worst fears of many that Grey, like his predecessor, was not prepared to tolerate the survival of the Kingitanga.

The government's seizure and possession of Waitara remained a ready source of tension. Grey, who had been highly critical of the Waitara purchase, delayed returning the land as he had long promised to do. Meanwhile, in April 1863, he travelled to Taranaki and took possession of Tataraimaka, a block of land held by local Maori as an equivalent for Waitara, despite previous indications that this would be interpreted as the signal for a resumption of warfare in the district. Early the following month, a group of British soldiers were subsequently ambushed and killed at Oakura in retaliation. Among many European observers, the finger of blame for that action was pointed not at Grey and his ministers for their delay in returning Waitara (and the decision to seize Tataraimaka before doing so), but, somewhat perversely, at Rewi Maniapoto, who was supposed to have incited the attack from his home at Kihikihi. This provided a further pretext for the forthcoming invasion of Waikato that many now feared was fast approaching.

That developing crisis was further intensified by the appointment of John Gorst as Civil Commissioner for the upper Waikato district, in defiance of the wishes of most Maori living in the area. Gorst did not help his own cause with the publication of a Maori-language newspaper that was full of derogatory statements towards the Maori King, prompting his eviction from Te Awamutu in April 1863. Suspicions had previously been raised by the government's takeover of a former mission school in the same district that was converted into an industrial school but could also double as a police barracks if necessary. And at Te Kohekohe the construction of a courthouse that was actually intended as a front for police barracks saw the timber intended for this seized by Kingitanga supporters and sent back up river.

By the middle months of 1863, many settlers had left the district, though it appears that a few remained behind the Kingitanga lines even throughout the war period. Waikato Maori actions, such as exhuming the bodies of their dead from graves near to Auckland, though undertaken in anticipation of an expected British invasion, were twisted by Crown officials into evidence of a supposedly aggressive intention on the part of the Kingitanga. Yet even after the Oakura ambush, the government declined to call out local militia on the basis that Auckland and the other towns were in no danger, information that Grey attempted to suppress from the British government in the interests of securing additional Imperial troops with which to launch his invasion of the Waikato. Rewi Maniapoto, meanwhile, the supposed leader of the 'extremist' wing of the Kingitanga, was attending a tangi at Taupo at the very moment he was said to have been on the verge of attacking Auckland.

Grey and his ministers decided sometime before 24 June 1863 to launch a full-scale invasion of the Waikato, to be followed up with the confiscation of the lands of all 'hostile Natives', and the construction of a chain of fortified posts stretching from Raglan or Kawhia across to Tauranga. Grey claimed that Auckland was in serious danger of an imminent attack from the Waikato tribes in justification of what he sought to portray as a reluctant pre-emptive strike intended to eliminate such a threat. He subsequently forwarded the Colonial Office a number of letters, mostly penned by a handful of Waikato missionaries, in support of his claim that the Kingitanga had determined on attacking Auckland. Yet most of those letters were received by him after the decision to invade Waikato had already been made, so cannot have influenced that decision. Concrete evidence was missing from the letters, most of which consisted of little more than vague warnings to be on the alert and some of which were contradicted by other information received by Grey. One letter, for example, told the governor that a meeting of Waikato Maori held weeks earlier had debated whether to strike against the British military post at Te Ia, but that the proposal had been rejected by the majority of those present.

None of this is to suggest that Grey should have simply ignored the rumours. He was obliged to treat them seriously and take action commensurate with the level of threat that existed. He might, for example, have called in the outlying settlers while officials were sent to investigate the situation in Waikato and to reassure the tribes there that

they had nothing to fear from the Crown. Between doing nothing and sending 10,000 Imperial troops into the Waikato there were any number of prudent measures that the governor might have adopted in response to a perceived threat.

But the Waikato tribes did, in fact, have every reason to fear the Crown, since the decision to invade had already been made. Grey ordered a massive movement of troops to the Waikato front. Then, on 9 July 1863, all Maori living between South Auckland and the Mangatawhiri River were ordered to either swear an oath of allegiance to the Crown or retire beyond the Waikato frontier. Many of those who received the ultimatum seem to have interpreted it as a positive order to leave, while there were also suggestions that others believed they would be required to fight for the Crown against their own relations if they remained behind. In these circumstances very few Maori opted to take the oath. Instead, with much sorrow and some anger, nearly all of those confronted with the ultimatum joined their relatives in the Waikato.

Just three days later, on 12 July 1863, Imperial troops advanced over the Mangatawhiri River, as the invasion of Waikato got underway. A further ultimatum was issued to the tribes, this time nominally dated 11 July, which called upon them to remain peaceably in their own villages, move to districts pointed out by the government, or, if they remained in arms against the Crown, to be prepared to lose all rights to their lands guaranteed them under the Treaty of Waitangi. It has often been said that few Waikato Maori would have received this latest ultimatum prior to the commencement of the British invasion. In fact, none would have, since the document was still being drafted one day after Cameron and his soldiers had crossed the Mangatawhiri. Not only, therefore, did the hapu and iwi of the Waikato district (including Te Rohe Potae) not have an opportunity to comply with the demands set out prior to coming under attack, but it was never intended that they should be offered such a chance. As contemporaries had alleged, the ultimatum had been prepared more with a view to what the British public and the Colonial Office would make of it than with any serious concern as to how Waikato Maori might choose to respond. It was probably better, in fact, not to give them the opportunity to comply with the terms set out in the ultimatum, lest they seek to comply with these, something which would have complicated the pre-determined decision to proceed with the invasion. A retrospective ultimatum eliminated that possibility, but would go down well at the

Colonial Office provided the timing of its delivered could be obscured. In this respect, the invasion of Waikato was perhaps even more cynical than has previously been described by historians.

In the final part of the chapter, the historiographical debate concerning the origins of the Waikato War was briefly surveyed, with a focus on the most influential viewpoints on this topic. Without repeating at length the various contributions to that debate here, it was seen that thinking has moved on considerably from the time of Cowan's fairly superficial analysis in the 1920s, and even from Keith Sinclair's 1957 work, which essentially viewed the Waikato conflict as an extension of the contest for land commenced at Taranaki in 1860. Later analyses focused not just on land, but also on the broader quest for dominion or supremacy, along with other factors such as settler resentment that the writ of English law did not run through many Maori communities, and Grey's personal failings and defects as a governor. James Belich, while not denying these other factors, emphasised the British desire to convert nominal or merely paper sovereignty over many tribes into more substantive control as the overarching cause. The Waikato War, from this perspective, was a classic war of conquest. It was not a question of Waikato Maori seeking to escape the yoke of British rule, but of the government seeking to enforce this for the first time in previously more or less autonomous Maori communities.

9. Conclusion

While current thinking tends to favour Belich's conclusion that the overarching cause of the Waikato War can be seen as the Crown's determination to replace merely nominal sovereignty over the Waikato tribes with more substantive actual control over this centre of resistance to colonisation in New Zealand, a number of factors contributed to that goal and need to be fully understood. What is fully apparent is that the invasion of the Waikato was (to quote the *Hauraki Report*) 'not merely a recent, reluctant response to the actions and plans of Maori militants.'¹⁴⁹¹ It instead reflected long-standing Crown antagonism towards the aims and aspirations of the Kingitanga and a consistent preference for dealing with that movement through demands for submission rather than any effort at serious negotiation or reconciliation.¹⁴⁹²

This report has traversed a number of large and complex issues. It has sought to show that developments such as the emergence of the Kingitanga and the path to war in the Waikato cannot be viewed in simple monocausal terms but raise a number of multi-layered issues which go to the heart of political, economic, military and socio-cultural relations between Maori and the Crown in the mid-nineteenth century. Although a reasonably substantial body of research already exists into such matters, the events leading up to the Waikato War have not previously been the focus of sustained research for the Waitangi Tribunal, and nor has this been specifically considered from the perspective of hapu and iwi from the Rohe Potae inquiry district. On the contrary, as this report has highlighted, the assumptions and assertions of contemporary observers appear to have been accepted uncritically by many historians when it comes to Ngati Maniapoto, in particular, with very few attempts to critically understand and assess their motivations, actions and aspirations. And yet a crude, binary comparison of 'good Wiremu Tamihana' against 'bad Rewi Maniapoto' is no substitute for genuine understanding of the respective positions of these two great Kingitanga leaders.

¹⁴⁹¹ Waitangi Tribunal, *Hauraki Report*, vol.1, p.204.

¹⁴⁹² *ibid.*

Both rangatira lived in districts which had been lightly touched by European settlement in the period prior to the 1860s. Early European residents of what later became the Rohe Potae district were mostly incorporated into tribal communities and were expected to contribute towards its overall well-being. European missionaries came to subvert and destroy that world but were only partly successful in their efforts. While many Maori embraced Christianity it too was largely incorporated into existing belief systems rather than replacing these entirely, and early European visitors to the Waikato encountered a vibrant and evolving society.

In the northern part of New Zealand especially the British government had taken an increasing interest in developments. Following the appointment of a formal British Resident at Waitangi in 1833, a Declaration of Independence was signed by a number of northern chiefs two years later (and subsequently by others, including Te Wherowhero). British acceptance of the Declaration made it more likely that, once officials had determined in 1839 to annex the country itself, a formal cession of sovereignty from the signatories to the 1835 document would be pursued. But Te Wherowhero was among those who refused to sign the Treaty when more than once presented with the opportunity to do so, and many other Waikato leaders signed an English-language version which they could not comprehend. It seems quite likely, however, that the text of the te reo Maori version was read to them in explanation, and such verbal statements were, in any event, likely to have been of greater significance to Maori than the written document. Only a handful of Ngati Maniapoto rangatira signed the Treaty, which was at least in part probably attributable to the failure to take copies of it to some of their major inland settlements.

Subsequent interactions between Crown officials and Rohe Potae hapu and iwi cast doubt on the extent to which both parties shared a common understanding of the Treaty and its meaning and significance. In particular, while governments envisaged having unqualified dominion over all of New Zealand, rangatira and their communities expected to continue to control their own affairs as they always had. Those tensions could be sheeted home to the Treaty itself, reflecting the dichotomy between Article One of the English version and Article Two of the te reo Maori text of the agreement. Whether British claims to full and exclusive sovereignty could be

reconciled with and co-exist alongside the 'te tino rangatiratanga' promised the chiefs was central to the evolving debate over the later fate of the Kingitanga.

The chiefs of Te Rohe Potae and the broader Waikato district jealously guarded against unsolicited Crown interference in their internal affairs, even while maintaining generally positive (if fairly limited) relations in the period through until the early 1850s. A massive hakari hosted by the Waikato tribes at Remuera in 1844 was an early reminder to Crown officials and other tribes of their enduring power, though an ongoing decline in the Waikato Maori population fed into broader fears that Maori would soon end up a small and oppressed minority in their own country, unless measures were taken to improve their plight.

Further tensions were also apparent in respect of Taranaki land dealings. New Zealand Company transactions with Taranaki Maori that ignored broader Waikato claims arising out of the earlier defeat of Te Atiawa at Pukerangiora and elsewhere prompted complaints to the governor and eventually saw a deed signed with Te Wherowhero and his brother Kati in 1842. But Crown officials appeared to acknowledge ongoing Ngati Maniapoto claims. The right of members of the iwi to settle in and occupy parts of northern Taranaki were subsequently recognised by Hobson. There was minimal recognition of such rights at the time of the Spain Commission's inquiry in 1844, though one reason William Spain cited for failing to recommend additional compensation in respect of the Company's transactions was the fear that Waikato would likely come down and take this away. Governor FitzRoy in any event refused to uphold Spain's findings, instead arranging for further payments to be made in respect of a much smaller area of land in the immediate vicinity of New Plymouth. At no point does there appear to have been any comprehensive inquiry into Waikato and Ngati Maniapoto claims at Taranaki and there is conflicting evidence on a number of points, including whether those Te Atiawa who went south to the Cook Strait region in the 'musket wars' era had fled Taranaki in fear of Waikato or had simply gone to pursue economic opportunities elsewhere, whether the Waikato tribes had restored the Taranaki lands to the local tribes there as part of their overall peace making, and the extent to which Waikato and Ngati Maniapoto followed up conquest with actual occupation. Critics argued that such occupation was either non-existent or at best fleeting, though others pointed to Ngati Maniapoto occupation as far south as

Waitara in the 1840s. In some versions Ngati Maniapoto were then 'chased off' these lands by returning Te Atiawa, though other accounts have it that they agreed to depart north in order to make way for Wiremu Kingi and other groups returning home to Waitara from Waikanae and elsewhere. But officials acknowledged that the Waikato tribes generally maintained a strong interest in Taranaki affairs, and they were sometimes actively encouraged to become involved in disputes there when this was perceived to be favourable to the Crown's interests, including, for example, following the outbreak of the Puketapu conflict in 1854. That contrasted greatly with the situation just a few years later, in 1860, when Waikato intervention at Taranaki was held to be wholly without justification.

Meanwhile, the rapid transformation and expansion of the Waikato Maori economy after 1840 was a source of great delight for many European observers, who equated the appearance of churches, schools, neat wheat fields and so on with evidence that the tribes were well on their way to becoming 'civilised'. But despite expectations to the contrary, economic transformation did not necessarily undermine the communal nature of Waikato Maori society, especially as the heavy investments necessary for the purchase of mills, ships and other capital intensive items required entire communities to pool their resources for the greater good. In this respect, though some of the missionaries provided useful practical advice on agricultural developments and other matters, they were less successful at using this as a platform for eradicating those aspects of Maori custom and practice deemed inconsistent with a Christian lifestyle. And meanwhile those few Europeans who made their way into the Rohe Potae district after 1840 appear to have largely done so on Maori sufferance. While many mixed race children were born out of marriages into the tribes, efforts by the missionaries to encourage them to lead a European way of life were also doomed to failure in these early years. Growing and increasingly vocal discontent on the part of the Waikato tribes from the early to mid 1850s onwards never, though, appears to have been based on hostility towards Europeans in general.

It was the fear of being completely subsumed by and assimilated into settler society that instead lay at the heart of many Maori concerns at this time. And as a number of historians have previously pointed out, the New Zealand Constitution Act of 1852 appeared to mark an important turning point. It was that legislation, passed through

the British Parliament, that effectively granted the settlers self-government but excluded Maori from any share in the administration of the colony's affairs, heralding the more or less complete marginalisation of the tribes in the handling of important political events impacting on the entire community. Grey had successfully argued against implementing an earlier 1846 constitution which crudely extended the franchise only to those potential electors able to read and write in English on the grounds that Maori would never submit to being ruled by another people. The 1852 version achieved a similar result by different means, especially following legal advice that the property threshold for voting rights required lands to be held under a title cognisable in an English court of law, something which did not apply to customary Maori land. While the administration of Maori affairs was at first reserved to the governor, many rangatira nevertheless felt keenly their exclusion from the new general and provincial assemblies, and proposals for some kind of parallel runanga of the chiefs met with little sympathy from Crown officials.

Yet analysis of the British Parliamentary debates concerning the new constitution make it clear that most politicians envisaged that a substantial portion of the Maori population would live outside the jurisdiction of the central and provincial assemblies, at least until such time as they were deemed to have sufficiently 'advanced' in 'civilisation' in order to take a full place alongside the settlers in the body politic and in the administration of the colony's affairs. Until such a time had been reached, it was instead deemed preferable for the tribes to continue to administer their own affairs under the supervision of the governor, and for these purposes section 71 of the Constitution Act was inserted, providing for the creation of native districts in which Maori custom and law would generally continue to prevail. The problem was less the fact that the settlers were granted self-government per se than the ongoing reluctance of successive governors to implement this tandem measure that removed Maori and their lands from such a jurisdiction (as had been originally envisaged by the lawmakers). There was nothing inherently unjust about allowing the settlers to govern their own affairs if Maori were granted the same right. Instead, with the failure to use section 71, Maori communities were increasingly subjected to the arbitrary control of what was in practice a racially selected body from which they were excluded, a situation which virtually any ethnic group in the world would find intolerable. It was perhaps no coincidence therefore that the first reports of a deepening crisis with the

tribes happened to coincide with the move towards so-called responsible government in 1856.

Crown purchase activities in and around the fringes of the Rohe Potae and wider Waikato district were also a cause of concern. By the mid-1850s, land sales which were at one time seen as beneficial to overall hapu and iwi welfare were increasingly being viewed as instead weakening overall Maori political and economic strength, prompting many community leaders to reflect on the wisdom of continuing to sell land. While some communities therefore remained anxious for further European settlement (albeit on a far more limited scale than generally envisaged by Crown officials), others sought to tapu lands to prevent them from being sold, an initiative later adopted by the Kingitanga.

Concerns such as these fed into the movement for the election of a Maori King. According to some versions it was the 1845 visit to England of the Ngati Toa and Te Atiawa chief Pirikawau that first planted the idea in the minds of many chiefs, though others point to Hongi Hika's 1820 meeting with King George IV. More generally agreed is that the concept was later promoted by the young Otaki chiefs Matene Te Whiwhi and Tamihana Te Rauparaha, before subsequently being taken up by Waikato, Ngati Tuwharetoa and other tribes. It was at hui such as those held at Pukawa in 1856, and Paetai and Ihumatao the following year that this cause was further promoted. But it was a Ngati Maniapoto hui held at Haurua and later called 'Te Puna o te Roimata' (the wellspring of tears) at which Potatau Te Wherowhero was said to have been endorsed by the tribe for the position, following which he for the first time agreed to accept the title. Subsequent hui at Ngaruawahia and Rangiaowhia in June 1858 and a final meeting, also at Ngaruawahia on 2 May 1859, constituted further confirmation of these arrangements.

Whatever else its different adherents understood it to stand for, at no point was the Kingitanga opposed to the Crown (though settlers governments and even governors were a different matter), and nor for the most part was it anti-Pakeha. Browne and his key advisor Donald McLean were at first inclined to be dismissive towards the King movement, not readily viewing it as posing any kind of threat. That quickly changed, especially on the governor's part, critics of whom were inclined to believe that he

read rather too much into the title 'King', wrongly viewing it as a fundamental challenge to the authority of the Crown. Maori figures involved in the movement instead generally identified its primary purpose as being to improve the situation of the tribes, through encouraging greater unity of action, regulating the further loss of lands and enhancing law and order within Maori communities. Different individuals and groups brought their own motivations and understandings of what the movement stood for into the mix, while the Kingitanga was never simply a mere aping of Pakeha political structures and institutions. Customary relationships and alliances remained crucial throughout the early history of the Kingitanga. Pakeha looked in vain for a king who ruled or governed in the sense implied by the English word.

But for Crown officials and other observers the issue of how they viewed the movement was crucial in formulating responses to it. Some observers believed that it was essentially a nationalist movement, born out of fears that Maori would soon be reduced to a tiny and persecuted remnant of their former selves, or coming in response to the ill-treatment they received at the hands of some sections of the settler community. For others the movement was little more than a 'land league', though concerns over the rate of land alienation were also seen as feeding into deeper fears about the loss of political authority and control over their own lives, increasingly understood to pass with the lands. Economic factors were also sometimes cited. But although the King movement emerged at a time of relative prosperity, in consequence of which it is difficult to argue a direct causal connection, there were some indirect links. In particular, the collapse in agricultural prices after 1856 saw many settlers seek to turn to pastoralism instead. That required not just substantially larger areas of land, but also lands specifically suited for grazing. Waikato fitted the bill perfectly in this respect, creating greater pressure for it to be opened up to European graziers. At the more ludicrous end of the spectrum, some Pakeha were inclined to see the Kingitanga as a French Catholic plot to undermine British (Protestant) control of the country.

The big question, though, was whether the Kingitanga was essentially driven by nationalist ends or by the search for greater law and order. Following an allied movement involving the revival of runanga across Waikato (and elsewhere) for social control purposes, many officials were inclined to see it as the latter. They hoped to be

able to capitalise on this desire for improved mechanisms of governance through providing magistrates to work alongside the communities, thus meeting a demand that the Kingitanga might otherwise fill, besides providing a form of indirect rule or influence over hitherto largely autonomous hapu and iwi. In 1857 F.D. Fenton was tasked with the first experimental effort to apply such an approach on the ground, when he was appointed Waikato Resident Magistrate. Following an outcry from some sections of the local Maori population he was withdrawn from the district early the following year. While some officials and observers believed that he had been withdrawn just as he was beginning to make progress, thus leaving a vacuum that was thereafter filled by the Kingitanga, others accused Fenton of polarising the tribes into King's and Queen's parties. A Parliamentary committee appointed in 1860 to investigate these issues appears to have been at least in part also intended to undermine the standing of Fenton's great rival Donald McLean, who had been a fierce critic of the former's actions at Waikato. While the committee duly found in Fenton's favour, it failed to hear from the many Waikato Maori (such as Wiremu Tamihana) who were also damning in their view of Fenton's dealings.

But Browne had already opted for another approach by this time, calling a national conference of chiefs at Kohimarama in Auckland in July 1860. Contrary to what is generally assumed many leading figures in the Kingitanga (such as Tamihana) were invited to the conference but did not attend, though there were notable omissions (such as Rewi Maniapoto) who did not receive an invitation. The conference was, however, intended less as an opportunity for genuine dialogue with Kingitanga leaders than as the chance for the government to gain endorsement for its handling of affairs at Taranaki, where Browne's determination to proceed with the Waitara purchase in the face of significant opposition had already led to the outbreak of the first Taranaki War. The government failed to secure the overwhelming support it hoped for its position, but many of the chiefs in attendance (including a handful of Ngati Maniapoto representatives) welcomed the opportunity for meaningful engagement with the governor and his officials and called for the conference to be made an annual event. Though Browne agreed to this, Grey cancelled plans for future conferences, considering it unwise to allow a 'semi-barbarous' people to 'frame a Constitution for themselves'.

Grey was also highly critical of his predecessor's handling of affairs in Taranaki, where, ever since FitzRoy had overturned Spain's award in favour of the New Zealand Company, the government had been under acute pressure to find more land for the settler community at New Plymouth. Waitara had been an obvious target from early on, notwithstanding the repeated opposition of Wiremu Kingi and other owners to any land sale in the area. In March 1859 Browne, during a meeting with the tribes in Taranaki, accepted an offer to sell part of the Waitara lands from Te Teira, a customary owner who was evidently motivated by a dispute with Kingi over a young female relative. Although Browne consistently maintained that Kingi had not asserted a customary claim over Waitara but was merely attempting to exercise an unwarranted chiefly veto on behalf of a Taranaki 'land league', that flew in the face of overwhelming evidence to the contrary. What Kingi would not do is assert an individual claim to a portion of the lands of his community. Once Browne determined to push through with the purchase, though, the whole issue became less about the fate of a few hundred acres of land at Taranaki, so much as broader issues of sovereignty versus rangatiratanga left unresolved since the time of the Treaty.

That was doubly so once sections of Ngati Maniapoto, Waikato and other tribes provided military assistance to Kingi and the other defenders of Waitara pa. There is evidence that, in the case of Ngati Maniapoto at least, the decision to provide assistance was made only after weighing up all of the evidence and determining the justice of Wiremu Kingi's position. Whakapapa links and strategic concerns also came into play, and the first significant military intervention at Puketakauere in June 1860 saw the British suffer a serious defeat. That was reversed at Mahoetahi in November of that year, and following further engagements early the following year it was apparent that a decisive military victory for the Crown was no closer.

It was Wiremu Tamihana who brokered a halt to the fighting in March 1861. But Browne's insistence on issuing separate draft terms to the Waikato tribes that essentially required them to disband the Kingitanga as the price of a lasting peace ensured this could never be achieved. Browne instead proceeded with arrangements for an invasion of the Waikato scheduled to take place the following spring. That invasion was only called off when news reached the colony in July 1861 that Browne was to be replaced as governor by Grey as soon as possible. Had that not been the

case then the British forces, fighting with only a fraction of the numbers available to them in 1863 (and no Great South Road or armed steamers), would likely have suffered a massive defeat.

That Browne was prepared to proceed with an invasion under such circumstances rested in part on a vast and obvious underestimation of the military prowess of the Waikato tribes but also partly stemmed from his view that a fanatical core of Kingitanga supporters posed a serious challenge to the Crown. Observers then and since have identified this 'extremist' faction with Rewi Maniapoto specifically and Ngati Maniapoto more generally, often suggesting that it was through their actions that Waikato lands were subsequently confiscated. That argument comes dangerously close to legitimising the Crown's invasion and confiscation of Waikato but is a viewpoint that has been critiqued throughout this report. For one thing, the depiction of the Kingitanga not as a coherent whole but instead as a factionalised and deeply divided movement loses sight of the extent to which it was driven by shared objectives and concerns. Rewi Maniapoto and Wiremu Tamihana had more in common than divided them. Moreover, the former rangatira undoubtedly had a greater appreciation of the realpolitik of 1860s New Zealand than did Tamihana, great Christian idealist of his age that he was.

Perhaps, too, Rewi Maniapoto had a better appreciation of the Machiavellian nature of Browne's replacement. As a number of historians have concluded, while there was little doubt that Browne needed to go, in many respects George Grey was the worst possible replacement. Grey devised a scheme of 'new institutions' based partly on his time in South Africa and partly on earlier New Zealand legislation inspired by Fenton's Waikato experiment. But he also made significant military preparations for a confrontation with the Waikato tribes, besides reportedly confiding in Browne soon after his arrival in the colony that he intended to 'take the Waikato', and those actions, combined with the confrontational language he used towards the Kingitanga and his failure to engage with or negotiate with the movement, hardly reassured the tribes. Grey had withdrawn Browne's unwise ultimatum but proved no more willing than his predecessor to work towards reconciliation with the Kingitanga leaders. Though the Colonial Office was perfectly willing to sanction a recognised role for the Maori King in administering the affairs of his followers, and prominent figures such as Denison

and Martin also urged the governor to adopt such an approach, Grey was unwilling to go down that path. His runanga system was aimed more at providing a form of indirect rule that would, especially through the many salaried positions on offer, potentially lure supporters of the Maori King over to the government's side than at providing a platform for any kind of real recognition of the right of Maori communities to administer their own affairs. And those ulterior motives were only too apparent to supporters of the King movement, further intensifying an atmosphere of suspicion and distrust of the Crown and its officials.

Kingitanga leaders gave vent to their concerns over roads, armed steamers and other developments at the Peria hui held in October 1862. Then, in January 1863, Grey made a surprise appearance at Ngaruawahia. He later claimed to have offered to establish Waikato as a separate province with its own superintendent and assembly, but there is little contemporary evidence of such a sweeping offer having been made. Indeed, Kingitanga leaders recalled the gathering chiefly for his threat to dig around the King until he fell of his own accord, a statement which for many confirmed their worst fears that Grey, like Browne before him, would not tolerate the survival of the Kingitanga. By contrast, there is some evidence that Kingitanga leaders had indicated during the meeting a willingness to accept the compromise solution whereby laws passed by the King and his runanga would have been submitted to Grey for his approval. But according to a contemporary newspaper account of the gathering, the governor was non-committal.

Further provocations followed at Taranaki in April 1863, where Grey seized possession of the Tataraimaka block (which had been held by local Maori as an equivalent for Waitara), despite earlier messages that such an action would be interpreted as a resumption of the war there. When a party of British troops was subsequently ambushed at Oakura early the following month the finger was pointed not at Grey himself (who had yet to return Waitara to its former owners, despite being outspoken in his condemnation of the purchase) but at Rewi Maniapoto for supposedly inciting the attack. That provided another pretext for the invasion of Waikato that was by this time fast approaching.

In Waikato itself the appointment of John Gorst as Civil Commissioner for upper Waikato, in defiance of the wishes of most Maori living in the district, had been yet another source of annoyance. It was Gorst's derogatory statements concerning the Maori King, printed in *Te Pihoihoi Mokemoke i Runanga o te Tuanui* published out of Te Awamutu, that prompted his eviction from the district in April 1863. That followed earlier concerns over an industrial school doubling as a potential police station in the same district and a planned courthouse at Te Kohekohe that was actually intended as a front for police barracks (the timber for which had been seized and sent back up river by Kingitanga supporters). Many settlers now left the district, though a few probably remained where they were. Waikato Maori began exhuming the bodies of their dead from graves near to Auckland, in preparation for the expected British invasion. But actions such as these were twisted into evidence of a supposedly aggressive intent on the part of Kingitanga leaders. Rewi Maniapoto, it appears, had indeed argued in favour of a pre-emptive strike against the soldiers at Mangatawhiri but had gone off to a tangi at Taupo when he lost that argument, and only became aware of the subsequent British invasion as he was journeying home. Yet according to Grey, he was the ringleader of a general conspiracy to attack Auckland and the outsettlers, a threat so imminent and so serious, the governor claimed, that he had been forced to launch a full-scale invasion of the Waikato in response.

That decision, along with plans to establish a line of fortified posts across the North Island from Kawhia or Raglan to Tauranga and to confiscate lands north of the line, had been made sometime before 24 June 1863. Grey subsequently forwarded the Colonial Office various letters, mostly penned by a handful of Waikato missionaries, as supposed evidence of the plot to attack Auckland. Yet most of those letters were actually penned after the decision to invade had already been made, while none provided anything like conclusive proof of such a conspiracy. On the contrary, in at least one case Grey was informed that a hui had been called some weeks earlier to decide whether to attack the British military post at Te Ia but that this proposal had been rejected by the majority of those present. This is not to suggest that Grey should have simply ignored the rumours. But between doing nothing and sending 10,000 troops into the Waikato there were any number of prudent actions he might have taken. In all, Grey's pretext for the invasion was a flimsy one indeed.

The decision had been made, however, and just days before Imperial troops crossed the Mangatawhiri River, orders were issued for all Maori living between Auckland and Waikato to either take an oath of allegiance to the Crown or leave their homes and retire beyond the Mangatawhiri. Many of those who received the ultimatum reportedly interpreted it as a positive order to leave, while others were evidently under the impression that if they stayed behind they would also be required to fight for the Crown against their own kin. Under these circumstances few Maori opted to swear allegiance to the Crown. But while most were resigned to the enforced eviction from their lands, at Tuakau government officials encountered a more defiant response, with local rangatira insisting that they would neither take the oath nor leave until driven off by force, something which followed just two days later as more than 300 British troops marched on their reportedly flourishing settlement.

On the same day, 12 July 1863, Imperial troops crossed the Mangatawhiri, commencing the invasion of Waikato. Grey and his officials had penned an ultimatum to the Waikato tribes to either remain peaceably in their villages, move to such districts as would be pointed out to them, or, if they waged war against Her Majesty, be prepared to suffer the consequences, including forfeiting all rights to their lands guaranteed them under the Treaty of Waitangi. It has often been said that few Maori would have received Grey's warning prior to the invasion commencing, but in fact none would have, since new evidence reveals that it was still being drafted one day later, on 13 July 1863. In other words, not only did the hapu and iwi of the Waikato district (including Te Rohe Potae) never have any opportunity to comply with the demands set out in the proclamation, thereby protecting their own lives and lands, but it was also never intended that they should be given such an opportunity. As Gorst had suggested, the ultimatum had been drafted more with an eye to what the Colonial Office and wider British public might make of it than with any real concern as to how it might be read by the Waikato tribes. In fact, it was probably preferable that they not be allowed to respond, lest they seek to comply with the terms demanded of them, thereby complicating the pre-determined decision to invade their district and confiscate its lands. A retrospective ultimatum denied them any opportunity to comply but would go down well at the Colonial Office provided its actual date of delivery was obscured.

The invasion of Waikato was therefore perhaps even more cynical than has previously been described by historians. And as the war and raupatu report makes clear, the toll taken on Waikato, Ngati Maniapoto and the other tribes forced to defend themselves from this attack was horrendous in many respects. While Ngati Maniapoto may have been the colonists' favourite 'bogeymen', as Belich says, nothing that they did could be said to have even remotely warranted such a savage response from the Crown.

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X. Transcripts

Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 1st Oral Traditions Hui, Te Kotahitanga Marae, Otorohanga, 1-2 March 2010

Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 2nd Oral Traditions Hui, Waipapa Marae, Kawhia, 29-30 March 2010

Te Rohe Potae, Oral and Traditional Hui 3, Poihakena Marae, Raglan, 12-13 April 2010

Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 4th Oral Traditions Hui,
Ngapuwaiwaha Marae, Taumarunui, 26-27 April 2010

Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 5th Oral Traditions Hui,
Maniaroa Marae, Mokau, 17-18 May 2010

Te Rohe Potae, Nga Korero Tuku Iho o Te Rohe Potae, 6th Oral Traditions Hui, Te
Tokanganui-a-Noho Marae, Te Kuiti, 9-11 June 2010

Appendix One: Timeline of Relevant Events

1770

January – The *Endeavour* sails between Karewa Island and the entrance to Kawhia Harbour, naming this Albatross Point, but does not make any contact with local Maori.

1805

Captain Felix Tapsell believed by some to be the first known Pakeha visitor to Kawhia.

1807

Hingakaka battle – a combined Waikato and Ngati Maniapoto force defeat a massive taua representing iwi from many parts of the North Island.

1821

Following a long period of conflict with Ngati Maniapoto and Waikato, many Ngati Toa led by Te Rauparaha migrate from Kawhia to the Cook Strait region.

1822

Ngapuhi assault on Matakītiki pa results in many deaths, prompting rapid acceleration in acquisition of muskets among the Waikato tribes.

1828

Captain John Rodolphus Kent, also known as Amos Kent, a mariner and trader, believed to have established a flax trading post at Kawhia. He married Te Wherowhero's daughter Amohia.

1831

John Cowell Snr, a former lay member of the Church Missionary Society (CMS), settles permanently at Kawhia, along with his European family.

December 1831-January 1832 Taranaki tribes defeated by a combined Waikato taua at Pukerangiora.

1834

26 September – John Morgan arrives at Mangapouri, at the mouth of the Puniu River, where the first temporary mission base is constructed.

William White, of the Wesleyan Missionary Society (WMS), believed to be the first missionary to visit Kawhia.

1835

Rev. John Whiteley of the WMS takes up residence at the Ahuahu Mission Station, Kawhia.

1840

28 January – William White signs a deed with various Waikato and Ngati Maniapoto chiefs in respect of lands between Whanganui and Mokau. The purchase is never completed.

15 February – William Wakefield, on behalf of the New Zealand Company, signs two deeds with resident Te Atiawa in respect of Taranaki lands.

March-September – Various Rohe Potae rangatira sign copies of the Treaty of Waitangi at Kawhia and elsewhere.

1841

2 January – John Morgan takes up permanent residence at the Otawhao (Te Awamutu) CMS Mission Station.

December 1840-January 1841 – George Clarke Snr, Chief Protector of Aborigines, visits the Waikato district.

1842

31 January – Te Wherowhero and his brother Kati sign a deed of cession in respect of their interests in the Taranaki district, receiving £150 and various goods ‘on behalf of the tribes of Waikato’. Governor Hobson subsequently grants Ngati Maniapoto the right to occupy lands as far south as Urenui.

Ngati Maniapoto and Waikato allow many of their former Taranaki captives to return home.

1844

May – The Waikato tribes host a huge hakari at Remuera.

June – Land Claims Commissioner William Spain recommends that an area of 60,500 acres be granted the New Zealand Company at Taranaki. FitzRoy subsequently rejects the recommendation, requiring the Crown to enter into new transactions in respect of lands required by the settlers.

1845

The Ngati Toa and Te Atiawa chief Pirikawau visits England. According to some accounts, he returned convinced of the need to establish a Maori kingship.

1848

Wiremu Kingi Te Rangitake and other Te Atiawa at Waikanae return to Waitara, which had been partly occupied by Ngati Maniapoto.

1852

New Zealand Constitution Act passed by British Parliament. Imperial officials envisage that self-government would be mostly restricted to those areas occupied by the settlers, with Maori left to administer their own affairs under section 71. But the latter provision is never implemented and almost no Maori are eligible to vote.

1853

Ten flour mills in existence within a 50-mile radius of Otawhao (Te Awamutu), having been erected at a total cost to their owners of £2720, and with a further eight under construction.

1854

28 March – Deed of cession signed for the Awakino block, estimated at 16,000 acres, the first Crown purchase within the Rohe Potae inquiry district.

1856

November – Te Heuheu holds a large hui at Pukawa, on the shores of Lake Taupo, to discuss the selection of a king.

1857

May – Rangiriri hui further discusses Kingitanga.

May – F.D. Fenton appointed Waikato Resident Magistrate.

Haurua hui – a meeting of the Ngati Maniapoto tribe agree Potatau Te Wherowhero should accept the kingship. The hui is later known as ‘Te Puna o te Roimata’ (‘the well-spring of tears’) in acknowledgement of the trouble that followed on from this decision.

1858

March – Fenton is unofficially withdrawn from the Waikato following complaints over his mode of proceedings.

2 June – Potatau Te Wherowhero installed as first Maori King at a gathering held at Ngaruawahia.

18-19 June – A further larger gathering of the tribes at Rangiaowhia hails Te Wherowhero as their King.

1859

Visit of Austrian geographer Ferdinand von Hochstetter to the district.

March – Governor Browne provisionally agrees to purchase land at Waitara offered by Te Teira, despite opposition from other owners.

2 May – Final crowning ceremony held at Ngaruawahia.

1860

17 March – First shots fired in the Taranaki War as Te Atiawa resist the forcible survey of disputed Waitara lands.

25 June – Potatau Te Wherowhero dies at Ngaruawahia. He is succeeded to the kingship by his son Matutaera, later known as Tawhiao.

27 June – Battle of Puketakauere: substantial Kingitanga involvement in the Taranaki War for the first time.

July-August – More than 200 mainly 'loyalist' or neutral Maori attend a conference convened by the government at Kohimarama, near Auckland

6 November – A taua from the Waikato districts suffers heavy casualties at the battle of Mahoetahi.

1861

23 January – Assault on the No.3 Redoubt by a contingent with substantial Ngati Maniapoto involvement is repulsed with heavy losses. Further inconclusive engagements follow through February and March.

March – Wiremu Tamihana travels to Taranaki, where he successfully negotiates a truce, prompting Waikato forces to return home.

May – Browne issues an ultimatum to the Waikato tribes requiring 'Submission without reserve to the Queen's sovereignty'. They indicate a desire to remain at peace

but refuse to abandon the King movement, leading Browne to contemplate a full-scale invasion of the Waikato district.

12 July – William Fox installed as the head of a new ‘peace ministry’, replacing the administration of Edward Stafford, which had held office since 1856.

27 July – News reaches New Zealand that Grey is to replace Browne as governor as soon as possible.

1 September – The rumoured date upon which Browne had intended to launch an invasion of the Waikato, plans interrupted by news of his imminent replacement.

26 September – Grey arrives in Auckland, assuming the governorship when Browne departs for Australia a week later.

9-17 December – Grey visits Waikato to promote his scheme of ‘new institutions’.

1862

6 August – The hardline Alfred Domett forms a new ministry, replacing the Fox administration, which had been in power for just over a year.

October – A meeting of tribes from across the North Island held at the Ngati Haua settlement of Peria hears concerns over the construction of roads into the Waikato and the deployment of armed steamers on the Waikato River.

1863

1-10 January – Grey makes a surprise visit to the Waikato. He later claims to have unsuccessfully offered to constitute Waikato as a separate province, but those in attendance at the Taupiri hui remember it for the governor’s threat to dig around the King until he fell of his own accord.

March – Timber delivered to Te Kohekohe for a courthouse secretly intended to double as police barracks is floated back upriver to Te Ia following tussling between local King and Queen party supporters.

4 April – Grey travels to Taranaki and seizes possession of the Tataraimaka block, previously held by Maori as an equivalent for Waitara, causing many Maori to believe that the Taranaki War had been resumed.

17 April – John Gorst forced to leave Te Awamutu, having been given three weeks' notice of the intention to otherwise evict him.

4 May – British troops are ambushed and nine killed at Oakura. Rewi Maniapoto is subsequently blamed for supposedly inciting the attack, but many Maori refuse to condemn it, considering the ambush an acceptable war tactic. Ministers formally approve the return of Waitara to its former owners days later.

June – Aporo of Ngati Maniapoto is arrested in Auckland in connection with the seizure of Gorst's printing press, sparking rumours of a possible retaliatory raid. Rewi Maniapoto goes to Taupo for a tangi following reports that the Waikato tribes had met and decided against launching any offensive operation against British positions. Grey and ministers confirm plans to invade Waikato, establishing a chain of fortified posts across the island and confiscating the lands of those deemed 'rebels'.

9 July – All Maori living between Auckland and Waikato required to take the oath of allegiance or retire beyond the Mangatawhiri River. Many evidently interpret the ultimatum as a positive order to leave, prompting a mass exodus south.

11 July – Nominal date of ultimatum to the Waikato tribes.

12 July – British troops led by General Cameron cross the Mangatawhiri River, commencing the invasion of the Waikato.

13 July – The draft ultimatum to the Waikato tribes is still being revised by Grey and his ministers. According to Gorst, the first copies of it did not reach the Waikato until 15 July.

Appendix Two: Research Commission

OFFICIAL

Wai 898, # 2.3.22

WAITANGI TRIBUNAL

CONCERNING: The Treaty of Waitangi Act 1975

AND: The Te Rohe Pōtae Inquiry

DIRECTION COMMISSIONING RESEARCH

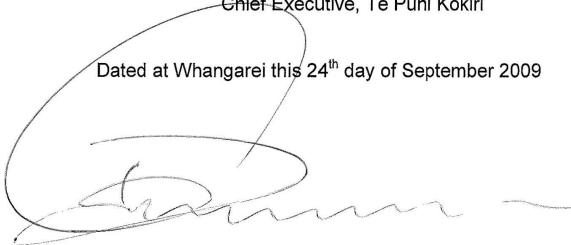
1. Pursuant to clause 5A of the second schedule of the Treaty of Waitangi Act 1975, the Tribunal commissions Dr Vincent O'Malley to prepare a research report examining the beginnings of political engagement between the hapū and iwi of the Te Rohe Pōtae inquiry district and the Crown from 1840 up to the start of the Waikato Wars of the 1860s. This project is the first in a series of general thematic reports on political engagement and autonomy for the Te Rohe Pōtae district inquiry and is project 5 in its agreed casebook programme (Wai 898 #6.2.7).
2. The report will address the following research issues:
 - a) The extent of Te Rohe Pōtae district hapū and iwi participation in signing the Treaty, Crown and hapū and iwi understandings and expectations of the Treaty relationship in the district over the period 1840-63 and how this may have been provided for in the district during this time;
 - b) The development and provision of forms of authority in the district to meet new challenges and to mediate between Māori and Pakeha before war broke out, including the development of komiti and rūnanga, the system of resident magistrates, Governor Grey's 'new institutions' and provision for Māori representation in forms of government;
 - c) An overview of pre-war Crown land settlement policies and the political impact of these on relationships between hapū and iwi of the district and the Crown;
 - d) An overview of relevant political relationships among hapū and iwi of this inquiry district and their neighbours in the period and the impact of the exercise of Crown policies on those relationships;
 - e) The nature and extent of hapū and iwi support for the Kingitanga in the district;
 - f) The impact of the Crown's evolving understandings of and responses to the Kingitanga in the district;
3. The commission commenced on 17 November 2008. It is to run in parallel with the commission for project 5a. A complete draft of the report is to be submitted by 7 May 2010 and will be circulated to claimants and the Crown for comment.
4. The commission ends on 25 June 2010, at which time a copy of the final report must be submitted for filing in unbound form, together with indexed copies of any supporting documents or transcripts. An electronic copy of the report should also be provided in Word or Adobe Acrobat format, together with any data tables in Excel or

Page 1

Access format and maps in a standard graphics file format. The report and any subsequent evidential material based on it must be filed through the Registrar.

5. At the discretion of the Presiding Officer the commission may be extended if one or more of the following conditions apply:
 - a) The terms of the commission are changed so as to increase the scope of work;
 - b) More time is required for completing one or more project components owing to unforeseeable circumstances, such as illness or denial of access to primary sources;
 - c) The Presiding Officer directs that the services of the commissionee be temporarily reassigned to a higher priority task for the inquiry; or
 - d) The commissionee is required to prepare for and/or give evidence in another inquiry during the commission period.
5. The report may be received as evidence and the author may be cross-examined on it.
6. The Registrar is to send copies of this direction to:
 - Dr Vincent O'Malley
 - Claimant counsel and unrepresented claimants in the Te Rohe Pōtae inquiry
 - Chief Historian, Waitangi Tribunal Unit
 - Manager – Research/Report Writing Services, Waitangi Tribunal Unit
 - Inquiry Supervisor, Waitangi Tribunal Unit
 - Inquiry Facilitator, Waitangi Tribunal Unit
 - Solicitor General, Crown Law Office
 - Director, Office of Treaty Settlements
 - Chief Executive, Crown Forestry Rental Trust
 - Chief Executive, Te Puni Kōkiri

Dated at Whangarei this 24th day of September 2009



Judge D J Ambler
Presiding Officer
WAITANGI TRIBUNAL