OFFICIAL

Northland Research Programme

THE NORTHERN WAR 1844 - 1846

An overview report commissioned by the Crown Forestry Rental Trust

Ralph Johnson

July 2006

CONTENTS

Contents **2**

Abbreviations **8**

Acknowledgments **9**

Introduction **11**

The Report 12

Structure 13

Sources 16

The author 18

SECTION ONE: ORIGINS OF THE NORTHERN WAR **20**

CHAPTER ONE: ORIGINS 1834 – 1844 ..... **21**

1. 1 Introduction 21

1.2 Previous interpretations of the origins 24

1.3 Te Tino Rangatiratanga 28

1.4 Early acknowledgment of Ngapuhi authority 29

1.5 The 1834 Flag 30

1.6 Declaration of Independence/ He Whakaputanga o te Rangatiratanga o Nu Tirene 31

1.7 The Treaty of Waitangi / Te Tiriti o Waitangi 35

1.8 The Treaty Signings in the north 36

1.10 He papa pounamu tapu 43

1.13 Reactions From Maori About Te Tiriti 48

1.14 Proclamation of Sovereignty 52

1.15 The Gradual assertion of Kawanatanga after 1840 53

1.16 Arrival of British Laws 53

1.17 First Court case 54

1.18 Maketu 56

1.19 Heke's requests for respect of tapu 62

1.20 The impact of other laws 64

1.21 Customs dues & anchorage fees 65

1.22 Removal of the capital from the Bay of Islands to Auckland 67

1.23 Loss of trade and economic depression 70

1.24 Land issues....73
1.25 Pre-Treaty Land Transactions (Old Land Claims)....76
1.26 The Crown's 'Surplus lands' policy....77
1.27 Crown Pre-Emption in Land Transactions....79
1.28 The Crown waiver of Pre-emption....81
1.29 Growing Tensions between Maori and Pakeha settlers in the North....83
1.30 Taua muru....86
1.31 FitzRoy's arrival....88
1.32 Escalation of conflict....89
1.33 Lord/ Kotiro incident....90
1.34 Heke's first attack on the flagstaff: 8 July 1844....92
1.35 Conclusions....94

CHAPTER TWO: THE FLAGSTAFF (JULY 1844 – MARCH 1845)....98

2.1 Introduction....98
2.2 British reactions to the fall of the flagstaff....99
2.3 Ngapuhi reactions to the fall of the flagstaff....100
2.4 Waimate Meeting, 18 July 1844....101
2.5 Ngapuhi letters to the Governor....103
2.6 The first flag pole....109
2.7 Ngapuhi await the Governor....109
2.8 Arrival of British soldiers....110
2.9 FitzRoy's arrival in the Bay of Islands....113
2.10 Second Waimate Hui, 2-3 September 1844....117
2.13 The Visit of the Chief Protector to Bay of Islands....129
2.14 Heke's hui at Waimate....130
2.15 Letters to the Governor....131
2.16 Governor's actions in late 1844....135
2.18 Kawakawa Muru: September 1844....141
2.19 Other Taua Muru: October – December 1844....145
2.20 Treaty re-printing....149
2.21 Closure of Schools....150
2.22 Ngapuhi politics....152
2.23 Muru at Kawau and Matakana: January 1845....154
2.24 Proclamations of January 1845....155

2.25 Second Attack on flagstaff, 10 January 1845 157
2.26 Third Attack on flagstaff: 19 January 1845 163
2.27 Ngapuhi Political divisions widen 166
2.28 Paroa Bay Hui 168
2.29 House of Commons' Select Committee Report (1844) 170
2.30 Heke's alliance with Kawiti 176
2.31 Escalation of Tension in the North 177
2.32 Conclusions 183

CHAPTER THREE: THE ATTACK ON KORORAREKA 185
3.1 Introduction 185
3.2 Armed Disputes in Early March 1845 186
3.4 The 11 March 1845 Attack: Events 188
3.5 Truce called 192
3.6 Destruction of the Magazine and Polack's Stockade 193
3.7 Lower Blockhouse spiked 196
3.8 The Evacuation of Kororareka 196
3.9 The Destruction of Kororareka 198
3.10 The 11 March 1845 Attack: Analysis 200
3.11 Casualties from the Attack 205
3.12 Impact of the loss of Kororareka on Ngapuhi 207
3.13 Conclusions 208

SECTION TWO: THE NORTHERN WAR (APRIL 1845 – JANUARY 1846) 210

CHAPTER FOUR: PUKETUTU 211
4.1 Introduction 211
4.2 Governor requests military assistance 211
4.3 Political divisions within Ngapuhi 213
4.4 The British Army Arrives 220
4.5 New Laws passed 221
4.6 Naval Blockade of the Bay of Islands 222
4.7 Martial Law 224
4.8 Fighting between Heke and Nene, April 1845 227
4.9 Military Campaign begins 231
4.10 Attack on Otuihu pa 232

4.14 The British advance inland 244
4.15 Te Kahika pa 244
4.16 Te Hira Pure 245
4.17 Attack on Te Kahika pa 248
4.18 Casualties 252
4.19 The British retire 255
4.20 Villages and waka destroyed 255
4.21 Peace overtures 257
4.22 Conclusions 260

CHAPTER FIVE: OHAEAWAI 263
5.1 Introduction 263
5.2 Attack on Te Kapotai: May 1845 263
5.3 Heke's peacemaking: May – June 1845 271
5.4 The peace terms' document 273
5.5 Peace terms from Clendon Journal 275
5.6 Foreign influences 277
5.7 Naval Blockade extended to Whangaroa 283
5.8 Economic Impacts 285
5.9 British decision to attack Heke again 286
5.10 Fighting between Heke and Nene resumed 287
5.11 Battle of Te Ahuahu: 12 June 1845 289
5.12 The Advance on Ohaeawai 291
5.13 Instructions to the Military 292
5.14 Te Waimate 296
5.15 The British Attack: 1 July 1845 302
5.16 Casualties 307
5.17 Accounts of Torture 308
5.18 Aftermath 309
5.19 Evacuation of the pa 310
5.20 Attack on Te Haratua 311
5.21 Conclusions 314

CHAPTER SIX: RUAPEKAPEKA 317
6.1 Introduction 317

6.2 British forces at Waimate 317
6.3 Peace negotiations....319
6.4 Governor's Letter to Heke: 6 August 1845....320
6.5 Heke's letter to the Governor: 29 August 1845 323
6.6 FitzRoy's peace terms:....328
6.7 Proclamation: 20 September 1845 329
6.8 Kawiti's letter to the Governor: 24 September 1845 330
6.9 FitzRoy's replies to Heke and Kawiti 332
6.10 Land confiscation/ Raupatu 333
6.11 FitzRoy's Recall 336
6.12 Continued Negotiations 337
6.13 Arrival of the new Governor....340
6.14 Grey's instructions....340
6.15 Grey's policy 343
6.16 Ngapuhi political alliances....352
6.24 The Advance on Ruapekapeka 360
6.25 The Attack 363
6.26 Capture of Ruapekapeka: 11 January 1846 370
6.27 Casualties....377
6.28 Departure of the soldiers....385
6.29 Conclusion 385

CHAPTER 7: PEACEMAKING 390

7.1 Introduction....390
7.2 Kawiti's prophecy at Pukepoto....390
7.3 Peace initiatives from Kawiti and Heke....392
7.4 Formal proclamation of peace: 23 January 1846....394
7.5 Peace concluded....397
7.6 British force remained in the north....398
7.7 Attempt to Re-erect Flagstaff 1847....399
7.8 Heke's letter to Queen Victoria 401
7.9 Kororareka Hui 1849 404
7.10 Flagstaff re-erected 1857 404
7.11 Rongomau seal....406

CONCLUSIONS **407**

REPORT BIBLIOGRAPHY **415**

PRIMARY SOURCES 415

Unpublished Manuscripts and Archives 415

Published Manuscripts, Archives and Newspapers 419

SECONDARY SOURCES 421

Published Books 421

Reports, Articles and Theses 424

ABBREVIATIONS

ACL	Auckland City Library (formerly Auckland Public Library)
AML	Auckland Museum Library
ANZ	Archives New Zealand (formerly National Archives)
ANZW	Archives New Zealand Head Office in Wellington
ANZA	Archives New Zealand Auckland Office
ATL	Alexander Turnbull Library
AUL	Auckland University Library
DNZB	Dictionary of New Zealand Biography (1990)
GBPP	British Parliamentary Papers – Colonies New Zealand (Irish University Press)
HL	Hocken Library, University of Otago
ibid	Same as previous reference
JPS	Journal of the Polynesian Society
NLNZ	National Library of New Zealand
NZJH	New Zealand Journal of History
OS	Oral Source
Pers. Corres.	Personal Correspondence
SLNSW	State Library of New South Wales

ACKNOWLEDGMENTS

Tena Koutou katoa. He repoata tenei e pa ana nga pakanga i waenganui i oo koutou tupuna me te karauna i nga ra o mua, ara, ‘Te Pakanga o Te Taitokerau’. Ki nga iwi, ki nga hapu, ki nga tangata katoa hurinoa i te Taitokerau, kei te mihi. No reira, tena koutou, tena koutou, tena koutou katoa.

This report could not have been completed without the generous assistance of a large number of people. I wish to acknowledge the information, help and manaaki kindly provided by the following people and groups:

Nuki Aldridge and Te Riina Aldridge, John Alexander, David Armstrong, Robin Bedggood, Mihi Harris-Brown, Rod Burke, Leah Campbell, Paeata Clarke, Ben Dalton Greg Davis, Samuel Davis, Rima Edwards, Dr Bryan Gilling, Bishop Ben Te Haara, Hakopa Hakaraia, Arapeta Hamilton, Stephanie Hampton, Erima Henare, Dr Manuka Henare, Raumoa Kawiti, Kirsti Luke, Kene Martin, Kate Martin, Peter McBurney, Dr Jane McRae, Dun Mihaka, Himiona Munro, Te Ra Nehua, Dr Vincent O’Malley, Robin Paratene, Stuart Park, Gill Parker, Bosey Peihopa, Hazel Petrie, Dr Grant Phillipson, Pereme Porter, David Rankin, Dr Barry Rigby, Kerei Theodore, Verity Smith, Bruce Stirling, Erimana Taniora, Claire Tanner and Duane Wilkins, and others.

Members of the Ngati Hine alliance

Members of the Waimate-Taiamai alliance

Members of the Hokianga Claims alliance

Members of the Nga Papa Hapu o Whaingaroa

Members of the Whangarei claims collective

Members of the Mahurangi claims collective

Members of Ngati Manu

Waikare Marae Committee

Te Roopu Whakapiripiri

The staff of the following libraries and institutions are also gratefully acknowledged:

David Colquhoun and the staff of the Alexander Turnbull Library and the Drawings and Prints section of the National Library; The staff of the Special Collections and the New Zealand & Pacific sections in the Auckland City Library; Staff of the Auckland Museum Library; Staff of the Special Collections section of Auckland University Library; Staff of Archives New Zealand in Wellington; the Documentary Research Centre at Canterbury Museum; Claire Nodder and Delwyn Walker at the Waitangi National Trust.

In particular, I wish to thank Professor Judith Binney for her ongoing guidance and support with the project and for her expertise in providing reviews of draft chapters.

While the above people have provided essential information for the purposes of this report, the views expressed in this report are those of the author and all errors remain mine alone.

INTRODUCTION

> Rapua e koe te take o te hara, otira me te komiti e rapu, ki te kahore e rapua – e te komiti e kore te he e takoto nei e kitea ake ake - kake tonu ki te he – ki te kitea katahi ka oti ki te ritenga o te ture tika a Hingi Hori kia Hongi…[1]
>
> search for the cause of the trouble, but it ought to be searched for in a general assembly; if it is not inquired into in this way the cause of trouble which at present exists will not be seen for ever and ever, but will go on progressing towards perplexity. Should it be discovered, then it can be settled according to the just rule of King George to Hongi…[2]
>
> *Letter from Hone Heke Pokai to Queen Victoria, 10 July 1849*

This report presents a historical overview of the Northern War conflict fought between Ngapuhi groups and the British Crown from 1844 to 1846. It examines the causes of the war and appraises the impacts of the British military attacks on Ngapuhi in the 1840s. The report is one of a series of overview research projects, commissioned by the Crown Forestry Rental Trust, to investigate past events and issues for the purposes of all Waitangi Treaty claimants in Taitokerau.

The War had its origins in the attempt by the Crown and the Colonial Government to subsume Ngapuhi chiefly authority within the authority of the British Crown. Ngapuhi rangatira, led by Hone Heke and Kawiti, responded by protesting against the actions of the Colonial Government. The war is often referred to as Hone Heke's War, however, this is misleading. Heke signalled his resistance to the extension of British kawanatanga

---

[1] Hone Wiremu Heke ki Kuini Wikitoria, 10 Hurae 1849, G 30/16, p. 701. Cited in G. Phillipson, 'Bay of Islands Ngapuhi and the Crown 1793 – 1853', CFRT draft report, appendices

[2] Hone Wiremu Heke to Queen Victoria, 10 July 1849, enclosure in Grey to Earl Grey, 28 July 1849, *GBPP*, 1849 [1120], p. 17 [Translation by John G. Johnson – Colonial Government translator]

by cutting down the flagstaff. Heke's position was based on his understanding of the Te Tiriti o Waitangi (the Maori text of the Treaty of Waitangi). And, as will be examined in the report, it was the Colonial Government who declared war on Ngapuhi and not the other way around. The Northern War is a singularly important event. Although sometimes viewed as a limited series of battles, it represents the earliest and clearest example of the forcible imposition of British colonial power (kawanatanga) over Ngapuhi chiefly authority (tino rangatiratanga).

In his letter to Queen Victoria after the War, Heke continued to appeal for a full and proper investigation into the Northern War. He referred to the word given by the earlier British monarch, King George, to Heke's forbear Hongi Hika: 'I will not consent to send soldiers to New Zealand lest you should be deprived of your country, which I wish should be left for your children and your people, for they would not act properly.'[3] Hone Heke's request for a parliamentary investigation into the causes of the Northern War has never been granted.

The Report

The project brief for the report was 'to examine the circumstances surrounding the conflict between sections of Nga Puhi under Hone Heke and the Crown during the mid-1840s'. It also identified a series of specific questions to be covered in the report.

- What were the factors which led to the crisis in relations between the Crown and northern Maori in the 1840s?
- What were the possible motivations of those northern Maori who supported Hone Heke and those who did not?
- What actions or efforts were made by the Crown during the 1840s to repair their relationship with northern Maori leadership? How successful were these efforts?

[3] Hone Wiremu Heke to Queen Victoria, 10 July 1849, enclosure in Grey to Earl Grey, 28 July 1849, *GBPP*, 1849 [1120], p. 17; 'ka mea, kahore e kore ahau e pai kia tukua atu nga hoia ki Nui Tireni kei riro to kainga Waiho mo au tamariki- mo tou iwi – e kore to ratou mahi e tika…' Hone Wiremu Heke ki Kuini Wikitoria, 10 Hurae 1849, G 30/16, pp. 693-4

- Why did some sections of Nga Puhi and other Northern Maori support the Crown in the mid-1840s?
- To what extent did the northern economy decline or change when the capital was moved south to Auckland and as a result of the new customs regime?
- What were the consequences of the war in political and social terms?
- The destruction of Otuihu by the Crown in 1845;
- How was the war brought to a close, the peace agreements negotiated between Grey and the chiefs (and between Hokianga and Bay chiefs), and the political situation in the north following the war.

The contract was originally for a period of 6 months, although this has been subsequently extended by an additional month.

Structure

Most historians of the Northern War have maintained that the Northern War comprised four principal battles, Kororareka, Puketutu, Ohaeawai and Ruapekapeka, fought during 1845-46. It is important, however, to separate the fellings of the flagstaff from the actual war. The four attacks on the flagstaffs on Maiki Hill are more accurately understood as precursors to the war, rather than part of the Northern War itself. This includes the final attack on the flagstaff in March 1845, which, although it involved fighting between British and Maori and has since been known as the 'Battle of Kororareka', was, above all, an attack on the flagstaff and not an attack against the British or the town. The sustained conflict, known as the Northern War, commenced after, and as a result of, the 11 March attack and not before.

The report is therefore structured in two sections. Section one comprising the first three chapters addresses the origins of the conflict from 1834 through to the March 1845 attack. The second section, and remaining chapters, will examine the course of the three major encounters (Puketutu, Ohaeawai and Ruapekapeka) between the British and

Ngapuhi. The final chapter addresses the eventual peacemaking. The report is organised in a series of chronological chapters as outlined below:

Chapter 1: 1840 – July 1844

The first chapter covers events from the Treaty of Waitangi through to the first cutting down of the flagstaff at Kororareka. In trying to understand Ngapuhi expectations with regard to the retention of chiefly authority, the chapter looks at Te Tiriti o Waitangi and earlier agreements between the British Crown and Ngapuhi chiefs, such as the 1835 Declaration of Independence. The first chapter then analyses the extent to which the Treaty guarantees came under pressure in the years following 1840, leading up to the decision of Hone Heke to make a symbolic protest of his loss of authority and cut down the flagstaff.

Chapter 2: July 1844 – March 1845

This chapter examines the course of events from the cutting down of the flagstaff through to the subsequent fellings of the flagstaff in January 1845. It examines the statements and attempts made by Hone Heke to seek resolution of his concerns. It then looks at the responses of Governor FitzRoy and the Colonial Government and appraises the efficacy of the Government actions. The chapter also provides a detailed background of the causes leading up to the final attack on the Kororareka flagstaff in March 1845, although the details of this attack are covered in the following chapter.

Chapter 3: Attack on Kororareka: March 1845

Chapter three focuses on the final attack on the flagstaff by Heke, Kawiti and Te Kapotai and the ensuing armed conflict that resulted. It analyses the events of the day and questions whether the destruction of the town was a result of Ngapuhi planning or British reaction. This question of who was responsible for destroying Kororareka is crucial as it was the destruction of the town that subsequently served as the principal justification for the British authorities to make war on Ngapuhi. The destruction of Kororareka had a series of long-term negative social and economic consequences and this and later chapters will discuss these impacts.

Chapter 4: The Battle of Te Kahika: March 1845 – June 1845

Chapter four investigates the decision of the Colonial Government to attack Ngapuhi chiefs and details the first part of the military campaign. Governor FitzRoy issued two proclamations that laid the basis for a military attack against Ngapuhi. The first was the declaration of martial law over an area of the eastern Bay of Islands. This proclamation removed existing laws and laid the basis for 'rule by force'. This was followed by the imposition of an economic blockade enforced by Royal Navy. Both measures remained in force until the end of the war in January 1846. The chapter examines these measures and discusses their impacts.

The British began their attack in April 1845 by threatening Ngati Manu chief Pomare at Otuihu and destroying the pa. Pomare was taken and imprisoned in Auckland without trial and the chapter details the circumstances surrounding his imprisonment and eventual release. The main focus of the chapter is the attack on Hone Heke and Te Hira Pure's inland pa, Te Kahika, also known as Puketutu.

Chapter 5: Ohaeawai: June – August 1845

This covers the events from the end of the Puketutu offensive through to the second stage of the British campaign and the British attack on Ohaeawai in July 1845. The British forces, under orders from the Governor, adopted a punitive approach to the military campaign. They attacked a series of unarmed or undefended settlements. The chapter details the British destruction of Ngapuhi property, cultivations, food stores, and settlements and the impact of such losses for Ngapuhi.

Internal divisions within Ngapuhi are an important aspect of the Northern War. The report, though focused on Crown-Maori relations includes some discussion of internal Ngapuhi politics as it formed a factor in the conflict with the Crown. The Ngapuhi political landscape shifted during the war and it is discussed in different places in the report. In particular, the report questions what the role of the Crown was in the

appearance and growth of divisions within Ngapuhi and whether the Crown sought to exploit rather than resolve these divisions.

Chapter 6: Ruapekapeka: September 1845 – February 1846

The final stage of the British campaign in the Northern War was the attack on Kawiti's fortress pa, Ruapekapeka. This chapter covers the lead-up to the attack and in particular the extensive peace negotiations conducted by Heke and Kawiti with Governors FitzRoy and Grey. It is argued that Ngapuhi chiefs continued to show their willingness to make peace with the Government. But in the face of their initiative, the Governors proved unwilling to compromise and the peace negotiations eventually foundered. In place of peace, Grey renewed the military campaign. Although the outcome is claimed by many as a draw, the attack inflicted serious casualties on Ngapuhi and the impacts of the attack will be examined.

Chapter 7: Peacemaking 1846 -1857

The last chapter covers the subsequent making of peace and the resolution of the conflict. Grey responded to the requests by both Kawiti and Heke to cease the conflict and as a result in February 1846 Grey published a proclamation declaring peace. The chapter also discusses subsequent events in the late 1840s, leading up to the eventual meeting of the chiefs and the governor face to face in 1849, and the cementing of peace. Despite earlier attempts, the final act of re-erecting the flagstaff was not accomplished until 1857, when Maihi Paraone Kawiti and other Ngapuhi erected a new pole on Maiki Hill.

Sources

This report is based on the historical analysis of surviving written documentary sources. While there exists a significant secondary literature on the Northern War, the author has attempted to refer to primary sources where at all possible.

Written Archival Sources

The bulk of the source material used in this report has been drawn from public archives in Wellington and Auckland. It is noted that, by contrast with later events in the nineteenth century for which a paucity of material has survived, there remains a relatively large quantity of written material covering the 1840s and 1850s period within the public domain. Having said this, not all important information has survived and there were many cases, particularly in the Internal Affairs Series Files, where documents simply could not be located in the time available.

The most important sources for the present report were the Internal Affairs, Governors and War Office papers in Archives New Zealand in Wellington. These provided detailed accounts of all correspondence sent to and from the Governor and later in the war, all correspondence concerned with military matters. The task of consulting the Internal Affairs (IA) files was greatly assisted by the index prepared by David Armstrong. The British Colonial Office papers at Archives New Zealand were also consulted.

Supplementing the official train of correspondence and reports were manuscript journals, letters and diaries maintained by individuals involved in the conflict. Once again there is a large quantity of material, rather too large to be fathomed in 6 months. Diaries and journals kept by soldiers and missionaries provided a great deal of relevant material. Primary source documents were located in the Alexander Turnbull Library, the Auckland Central Library and the Auckland Museum Library. A full list of the archives and sources used in the report is listed in the bibliography at the end of the report.

I must make special mention of certain Maori language documents that were made available to me for the report. The Kawiti whanau generously provided access to two important contemporary documents linked to Kawiti. These documents are 'Te Tapahanga Tuatahi o Maiki' cited at the end of chapter 1, and his ohaki delivered at Pukepoto, included in Chapter 7. These are telling documents, that have been carefully

preserved by the Kawiti whanau and I feel extremely grateful for the opportunity to refer to them in this report.

I also wish to acknowledge the valuable assistance provided by Dr Jane McRae and CFRT in making available a compendium of written Maori language documents drawn from the public archives and for Dr McRae's work in translating many of the relevant texts. The documents used in this report include a number of important letters and correspondence. They also include a number of waiata.

Oral sources

It is important to recognise that alongside the written records of the Northern War, there exists a series of significant Ngapuhi oral histories of the Northern War. Initially it was hoped that the present report might be able to undertake and incorporate some of the oral histories. Unfortunately it was discovered that it was beyond the scope and timeframes available for the present report. As a result, it is necessary to note that individuals and groups may wish to compile their own histories of the Northern War and the impacts of the British attacks and present these direct to the Waitangi Tribunal.

In some places I have referred to oral information that has been passed to me via personal correspondence with individuals. In these cases, I have tried to identify the material as such. In all cases, I am extremely grateful and indeed indebted to those people who have provided such information for the purpose of this report.

The author

My name is Ralph Johnson. I am a professional historical researcher based in Auckland. I hold an MA in history (Auckland) and a DEA in history (Paris). I have completed several reports as part of Waitangi Tribunal inquiries. These include reports on the Kaikohe aerodrome and Hauturu as well as reports for the Whanganui and Wellington tenths

inquiries. I have previously worked as a claims facilitator for the Waitangi Tribunal for a number of years.

SECTION ONE: ORIGINS OF THE NORTHERN WAR

CHAPTER ONE: ORIGINS 1834 – 1844

1. 1 Introduction

This first chapter looks at the earlier events and relationships dating from 1834 that led to the Northern War and shaped the course of the conflict. Hone Heke Pokai cut down the flagstaff for the first time in July 1844. He did so for a variety of reasons, but foremost among these were his concern about the usurpation of Ngapuhi chiefly authority by the Government, and, his concern that the Crown was not giving sufficient respect to the Treaty of Waitangi (Te Tiriti o Waitangi).

Ngapuhi had longstanding understandings and expectations about their relationship with the British Crown. While the topics of pre-treaty relations and the Treaty of Waitangi are covered elsewhere in other reports, it is nonetheless important, for an accurate sense of the origins of the Northern War, to examine some of the key understandings held by Ngapuhi with respect to the British and how these shaped events leading up to and during the Northern War.

Dating from 1820 with Hongi Hika, relations between Ngapuhi and the British Crown forged an expectation that Ngapuhi chiefly authority would be respected and protected. The idea that the British Crown respected chiefly authority was reinforced, in Ngapuhi eyes at least, by the appointment of James Busby as 'British Resident' and Busby's subsequent initiatives. Working with the Ngapuhi chiefs, he importantly had a 'national' flag chosen to represent the chiefs of the north. This was followed in 1835 with the Declaration of Independence of the United Tribes of New Zealand / He Whakaputanga o te Rangatiratanga o Nu Tirene.

The signing of Te Tiriti o Waitangi (the Maori text of the Treaty of Waitangi) in 1840 served to reinforce Ngapuhi understandings they would maintain their te tino rangatiratanga. This chapter looks at what certain chiefs said about the agreement at the

time and introduces some of the chiefs who later played key roles in the conflict fighting either against, or alongside, the Crown. The chapter also traces the important period of four years from 1840 to 1844. During this time, the imposition of the governor's authority into realms of Ngapuhi chieftainship generated increasing concerns about the loss of chiefly authority. The extension of kawanatanga also raised fears among Ngapuhi that the Crown was acting in disregard of both Te Tiriti and the chiefs who had attached their marks to the agreement.

The arrival of British colonial government heralded a series of impacts on northern Maori. These included the introduction of British laws and judicial system over Maori. Governor Hobson early on prohibited a long-standing right of chiefs in the Bay of Islands and Hokianga to charge anchorage fees on shipping in the Bay of Islands. Such measures were instead replaced with customs charges levied by the Government on all goods brought ashore. This measure discouraged trade in what had previously been a free-market-style economy in the north, and all revenue from the taxes passed to the government, rather than the chiefs. The northern economy suffered a much greater impact from the government decision to remove the capital from Okiato (Russell) to Auckland. This shift left a severe impact on the people as trading opportunities in the north dwindled. Finally, government policies in respect of land, such as pre-emption and the retention of surplus land from pre-treaty land transactions also impacted heavily on Ngapuhi, and their landscape. By 1844, while their economy and former economic fortunes had dwindled, largely as a result of Crown intervention, Ngapuhi faced a growing realization that large tracts of their former lands had been alienated to European Pakeha settlers.

The accumulated effect of these experiences and changes powered a series of protests and attempts to raise issues with the Government. Ngapuhi were not passive victims. and the cutting of the flagstaff was not Ngapuhi's first attempt to raise their concerns with the governor. The attempts made by Ngapuhi chiefs to have the governor recognise and address their concerns, between 1840 and 1844, form another part of the discussion of the origins of the conflict.

Existing histories identify a range of factors as individual 'causes' of the Northern War. Prior to the studies by Claudia Orange and James Belich however, surprisingly few historians made the clear connection between Heke's actions and the Treaty of Waitangi and loss of chiefly authority. It is extremely important to understand that the Northern War was no haphazard event caused by an unlikely combination of individual events, as some early historians made it out. The Northern War was a conflict caused by British colonization; the imposition of a system of British sovereignty over the top of the tangata whenua and a pre-existing system of Maori rangatiratanga and authority. The origins of the war lie in the friction between Ngapuhi belief that they maintained their own presence and authority, and the British attempts to impose their own sovereignty to the exclusion of that of Ngapuhi.

The Northern War was also about a deteriorating relationship. Maori believed that they had established a relationship with the British Crown and that the Crown had accepted their chiefly authority and respected it. After 1840, Ngapuhi rangatira perceived in the actions of the British Crown a gradual change in attitudes and policy, and in response to these changes Ngapuhi began to express discontent and react. While contemporary records described Hone Heke as a 'rebel', it was the British government that acted first to contravene the previous agreements and understandings, including the Treaty of Waitangi.

There were, of course, other factors that influenced the shape and nature of the Northern War. One of these was the traditional rivalries and enmities between key individuals and groups, such as those between Heke and Nene. But it is important to recognise that these internal politics did not influence the original reasons why Heke chose to attack the flagstaff. Rather, the internal Ngapuhi political sphere remained quite separate and only later became involved after the British had expressed their determination to introduce British soldiers into the North.

1.2 Previous interpretations of the origins

There are a number of existing published secondary sources that already examine the origins of the Northern War. The most prominent of these studies are: James Belich, *The New Zealand Wars* (1986); Ian Wards, *The Shadow of the Land* (1968), James Rutherford, *Hone Heke's Rebellion* (1947); James Cowan, The New Zealand Wars (1922) and Lindsay (T.L.) Buick, *New Zealand's First War or The Rebellion of Hone Heke* (1926). Claudia Orange in *The Treaty of Waitangi* also included an important discussion of the Northern War. Most recently, Grant Phillipson, in his overview report for CFRT, 'Bay of Islands Maori and the Crown 1793-1853', provides a re-evaluation of the origins of the Northern War.

Despite the number of studies, historians have struggled to locate a single explicit cause for the war.[1] Most historians, as a result, ascribe the origins of the conflict to a broad collection of factors that together led to a sense of discontent within Ngapuhi. These factors included: the removal of the capital from the Bay of Islands to Auckland, the government's imposition of customs dues, the arrest, trial and execution of the Ngapuhi youth, Maketu, land issues and the 1844 report of the House of Commons Select Committee on New Zealand. Buick, Cowan, Wards and Rutherford all examine the origins in this way.

James Cowan studied the Northern War as part of a larger history of the New Zealand Wars. In doing so, he looked at official British records and Maori interpretations of events and interviewed a number of the surviving veterans. His account refers to a range of factors such as the down-turn in trade and the imposition of customs dues by the government as factors that influenced Heke to cut down the flagstaff. He also stressed the impact on Ngapuhi chiefs of the 1844 House of Commons' Select Committee Report on New Zealand.[2] For the most part, however, earlier histories have inevitably emphasised

[1] Ian Wards, *The Shadow of the Land*, 1968, p. 100
[2] James Cowan, *The New Zealand Wars*, 1922, vol. 1, p. 16

Ngapuhi, and Hone Heke in particular, as the transgressors of 'the law' and colonial authority.

Cowan, Buick, Rutherford and others refer to the conflict as Hone Heke's 'rebellion', emphasizing the actions of a lone individual. The use of the term 'rebellion' (against established government) points to an underlying assumption that there was a single form of government in operation at the time, the British governor, against whom Hone Heke chose to rebel. It demonstrates that at the time these histories were written there was not a strong Pakeha understanding of the importance of the different texts of the Treaty and how these allowed for parallel systems of authority. They did not examine the actions of Heke and later, Kawiti, in the context of Ngapuhi understandings of Te Tiriti.

Wards is perhaps the most thorough of this earlier group of historians. He outlines, in some detail, the individual events and issues arising between Maori and Crown in the 1830s and 1840s as a function of British colonial policy. Despite his thorough treatment of many individual issues, Wards does not put forward a thematic argument as to the origins, but prefers to explain the origins as a combination of individual issues that raised the ire of Heke and other chiefs. He, like Buick, settles upon the economic depression as the 'basic cause' of the conflict.[3] Wards' focus then is directed towards British policy and while he covers the events and policy that led to the Treaty of Waitangi, he does not draw the connections between the chiefs' understanding of the Treaty guarantees and the subsequent war. Instead, he traces both the governors' correspondence and spends some time explaining the involvement of the French and American influences on Heke as well as the character of Heke himself. He also refers to the conflict as a 'rebellion'.[4]

More recent historians, such as James Belich and Claudia Orange, have written 'new' interpretations of the Northern War with an emphasis on the primacy of the understandings of the Treaty of Waitangi. In his ground-breaking book, Belich studied the manner in which previous historians had viewed the New Zealand Wars (including

[3] Wards, p. 100
[4] Wards, p. 101

the Northern War) and set out to provide a revisionist analysis of the events. While his main focus was the actual battles and their subsequent interpretations, Belich examines Heke's motivations for fighting against the British. He sees the source of the conflict in the ambiguities in the different texts of the Treaty of Waitangi. He also made the significant point that, while Heke opposed British imperialism, it was a limited resistance. Heke's resistance was not designed to remove British from New Zealand but rather to maintain a 'status quo' with British trade and Maori authority.[5] Belich includes the following passage:

> He [Heke] fought less to overturn the Treaty of Waitangi than to ensure the application of its Maori version. He wished to safeguard order, stability and peace, through the energetic application of traditional law. He wished to preserve Maori local independence and the chiefly authority which protected it. He wished to regulate, not reject, European contact and settlement. [6]

Claudia Orange reached a similar conclusion on the importance of the different texts and understandings of the Treaty of Waitangi as a cause for the Northern War. Although her focus was the Treaty itself she also examines how, after 1840, Maori continued to seek the fulfillment of Te Tiriti (the Maori text of the Treaty of Waitangi). For an understanding of the origins and course of the Northern War this point is crucial. Orange makes concrete the importance of the different texts of the treaty and the understandings that the texts represented, as the foundations for subsequent major events, such as the Northern War. Her thematic focus on the Treaty of Waitangi leads her to argue that Hone Heke and many Ngapuhi reacted against what they saw as breaches of the compact of te Tiriti. The origins of the Northern War conflict need to be understood in this context.[7]

Orange also introduces additional factors that help explain the eventual conflict. These include, concern over land issues and the influence of foreign nationals such as the

---

[5] James Belich, *The New Zealand Wars*, AUP, 1986, pp. 33-34
[6] James Belich, *The New Zealand Wars*, p. 34
[7] Orange, refer Chapter 6

Americans. Another important issue raised by Orange is the extent to which the missionaries and government officials continued to try and reassure Maori that the government understood and adhered to the Treaty and in particular the Maori text, papering over the differences between the texts. As an example, she cites the activities of the missionaries who reprinted and circulated copies of te Tiriti in the 1840s. Orange points out that 'much of the promotion involved a deliberate blurring of the meaning of the sovereignty'.[8] This 'blurring' of the texts served to raise further Ngapuhi beliefs that Te Tiriti was being adhered to, and accentuate the points of friction where the government appeared to act in contravention to the compact.

Grant Phillipson in his recent report devotes considerable space to the origins of the Northern War. He builds on interpretations offered by Belich, Orange and others and adds another level of analysis, particularly with regard to land issues. His explanation of the origins draws on a range of factors spanning several decades. Phillipson describes the long-standing relationships and alliances between important Ngapuhi rangatira and leading officials of the British Crown and indeed the monarchs. These relationships were important not only in shaping the early contact between the British Crown and Ngapuhi, but also in influencing subsequent events, such as the Treaty of Waitangi.

In considering the immediate factors which led to the Northern War Phillipson emphasises four central 'themes'. These are: the removal of the capital, the role of the government in the economic decline, land issues, and authority and independence.[9] Of these, the most important for Phillipson appears to be land issues. He builds on his detailed analysis of the Old Land Claims process and scrip and pre-emption waivers to assess in some detail the extent to which land concerns represented one of the key reasons for the Northern War.[10]

---

[8] Orange, p. 122
[9] Grant Phillipson, 'Bay of Islands Maori and the Crown, 1793 – 1853', Exploratory Overview Report for the CFRT, August 2005, pp. 305 - 328
[10] Phillipson, p. 319

1.3 Te Tino Rangatiratanga

It is necessary that a discussion of the origins of the Northern War starts by referring to Ngapuhi chiefly authority (te tino rangatiratanga). Although this is something that is better discussed by kaumatua and other tribal experts, it is nonetheless important to emphasise at the outset that, Ngapuhi held an undisputed rangatiratanga over their tribal domain. Historians have been at lengths to appraise the extent to which the post-contact encounter, land transactions and cultural exchange between Maori and Pakeha had altered Maori society and politics. The fact remains that until the British Crown arrived in 1840, Maori and Ngapuhi, in particular, held undisputed independent authority over their lands, resources and themselves.

The roots of Ngapuhi independence and authority do not derive from Te Tiriti. Ngapuhi are tangata whenua. Their view of independence, authority, mana and tino rangatiratanga cannot be separated from the land, its resources or its people. It is a holistic relationship. And this is where the story of the Northern War has its origins. According to Ngapuhi, the recognition of Ngapuhi authority and rangatiratanga – as tangata whenua – can be found in the Declaration of Independence (He Whakaputanga) and the Maori text of the Treaty (Te Tiriti). This is what Hone Heke and others continued to appeal and refer to in their discussions and correspondence with the governor.

Other historians have already discussed the early relationships forged between the British Crown and particular Northern rangatira.[11] These agreements enabled trading relationships to begin and allowed for the limited settlement of Church Missionary Society missionaries. Another key point in the relationship between Northern Maori and the Crown was the 1831 letter written by rangatira assembled at Kerikeri to King William IV.[12] It is worth mentioning that Hone Heke held a close connection to such agreements. He was the son in law of Hongi Hika and it had been Hika who had personally traveled to

[11] Grant Phillipson, 'Bay of Islands Maori and the Crown, 1793 – 1853', Exploratory Overview Report for the CFRT, August 2005

[12] Refer Manuka Henare, 'The Changing Images of Nineteenth Century Maori Society', PHD Thesis, Victoria University, 2003

England in 1820 and met with King George. Such events, although beyond the immediate scope of this report, are important background and help explain why Ngapuhi held certain expectations that they would retain their rangatiratanga after 1840.

1.4 Early acknowledgment of Ngapuhi authority

The first step towards a formal British presence in New Zealand was the decision to appoint James Busby as a British 'Resident' to New Zealand in 1832. The decision derived from Governor Darling in New South Wales and arose principally from his concern over the *Elizabeth* affair of 1831.[13] Still, colonial office policy in the early 1830s recognised New Zealand as a country that did not belong to the Crown, nor part of British dominions.[14]

Busby was based at Waitangi, where he was given land to occupy. Historians have often lamented Busby as a 'man'o'war without guns'. Yet to Maori, he was not expected to operate as such. Rather, he was described as a 'kaiwhakarite', which was likely to have meant intermediary between the tangata whenua and newly arrived settlers. Busby's role, was not that of chief or someone who exercised governance. Indeed, as Orange has noted, chiefs who gathered at Paihia on 17 May 1833 to hear Busby's opening 'might well have seen the event as indicating British recognition of the Maori people as their equals.'[15]

Busby's instructions further emphasised the continuity and strengthening of Maori authority. The New South Wales governor, Richard Bourke, directed Busby to 'encourage a more settled form of orderly rule and law so that the chiefs might eventually accept responsibility for controlling European behaviour'.[16] The instructions given to Busby help suggest an early Ngapuhi understanding of relations between themselves and the British Crown. Specifically, Bourke instructed Busby to 'try to influence the Maori

---

[13] Te Rauparaha hired the use of an English trading vessel, *Elizabeth*, to transport a war party to Kaiapoi and attack the pa there. See Adams for a fuller explanation.
[14] Peter Adams, *Fatal Necessity: British Intervention in New Zealand 1830 – 1847*, 1977, pp. 60-61
[15] Orange, *Treaty of Waitangi*, 1987, p. 13
[16] Orange, p. 14

chiefs "towards some form of settled government" and "some system of jurisprudence" by which Maori Courts "may be made to claim the cognizance of all crimes committed within their territory".'[17]

Although this is only a brief discussion of events that have been discussed elsewhere in greater detail, the essential point is that the early relations between the British Crown and Ngapuhi created an expectation that Ngapuhi authority was respected and, as the relationship developed through the 1830s to 1840, that it would be protected.

1.5 The 1834 Flag

In 1834, Busby organised a meeting to select a flag that would represent a confederation of united tribes. The meeting was held for two reasons: to assist Ngapuhi towards settled government, and to meet some of the trading difficulties facing Maori in exporting trade items overseas. Behind Busby's idea to arrange for a flag was a desire to see independent Maori tribes confederate in order that they stand as an 'established government', without the need for further intervention. The decision to adopt a flag was Busby's, and it served as a potent symbol. With the flag came the right for vessels constructed in New Zealand to trade overseas. Three potential designs were offered by Busby and the assembled group of chiefs chose one flag, which was immediately hoisted alongside British flag. The raising of the flag was accorded the recognition of a 21-gun salute fired from the man-o-war *HMS Alligator*.[18]

The flag was gazetted at Sydney and formally acknowledged by the British Admiralty as that of an independent sovereign state.[19] As Orange has noted, 'its significance lay in Maori understanding of the event: the belief that the mana of New Zealand, closely associated with the mana of chiefs, had been recognized by the British Crown.'[20]

---

[17] Alan Ward, *National Overview*, Volume II, p. 18
[18] This was the recognition given to royalty or international heads of state. In the United States, the presidential salute was formally established at 21 guns in 1842.
[19] Ian Wards, *Shadow of the Land*, 1968, pp.10-11; Orange, p. 20
[20] Orange, p.20

The 1834 flag was flown from a flagpole placed at Waitangi outside Busby's residence from 1834 until 1840. In 1840, after the signing of the Treaty, the 1834 flag was replaced by the British flag.[21] The Waitangi flagpole had been provided by Hone Heke for the purpose of flying the 1834 flag. However, after 1840, this (Heke's) flagpole was shifted with the seat of government from Waitangi across to Kororareka. The pole was re-erected on Maiki Hill overlooking the town of Kororareka and, while it served as a naval signal staff as well as a flagpole, it continued to fly only the British colours. The absence of the 1834 flag from the Maiki Hill flagpole was a later cause of complaint for Hone Heke.

The meeting, decision and formal recognition of the Confederation of United Tribes under their own independent flag was an important precursor to the Northern War. It demonstrated to Ngapuhi that their authority and rangatiratanga had been recognised by the British Crown. There were a number of other nations and smaller 'states', such as Tahiti and Hawaii, that also possessed their own flags at about this time.

1.6 Declaration of Independence/ He Whakaputanga o te Rangatiratanga o Nu Tirene

In 1835 Busby proposed a Declaration of Independence (He Whakaputanga o te Rangatiratanga o Nu Tirene) for the chiefs. This was a further attempt to assist Maori to form a self-governing union of tribes to prevent other nations and individuals from claiming authority. Again, the Declaration of Indpendence is a substantial topic in its own right. Its relevance for the present study of the Northern War lies in the fact that the Declaration of Independence served, at least in Ngapuhi eyes, as a further acknowledgement of Ngapuhi authority and part of an ongoing relationship between the British Crown and Ngapuhi chiefs.

---

[21] Judith Binney, 'The Maori and the Signing of the Treaty' in *Towards 2000*, p. 24

Busby drafted the Declaration of Independence in English; it was then translated into te reo Maori by Henry Williams. The original handwritten Maori text of the Te Whakaputanga is reproduced in the *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*.[22] The chiefs signed a hand-written copy of the document in te reo. Later in 1836 and again in 1837, Busby had copies of the Whakaputanga and printed and circulated around Te Taitokerau.[23] The English version of the Whakaputanga was never signed by any rangatira, though Busby appears to have sent only the English text to the Colonial Office for approval, without the Maori text.[24]

He Whakaputanga o Te Rangatiratanga o Nu Tirene contains four articles. It has been translated and discussed in numerous studies. It is important to recognize that there are different translations of the Te Whakaputanga o te Rangatiratanga o Nu Tirene.[25] Phillipson's report quotes both Busby's English text and the Maori version in full, and refers to the recent doctoral thesis by Manuka Henare, which provides an alternative translation of the Maori text into English. For the purposes of this report I will simply summarise the key features of the Whakaputanga which had a bearing on the Northern War.

Firstly, the Whakaputanga recognised that an independent chieftainship ('rangatiratanga') existed in the lands of 'Te Whakaminenga' (the Confederation of United Tribes).[26] It further asserted that the sovereign authority and mana ('ko te kingitanga, ko te mana') of their lands, rests with these rangatira of Te Whakaminenga. The document concludes by asking the King of England to continue to be a parent to their infant state and to become a protector of its independence.[27]

---

[22] *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*, Government Printer, 1976. The original signed document is in Archives New Zealand, IA 9/1
[23] Phil Parkinson and Penny Griffith, *Books in Maori 1815 – 1900 Nga Tanga Reo Maori*, 2004, p. 48
[24] Busby to Hay, 2 November 1835, reproduced in *Facsimiles*, I
[25] This is something that groups may wish to present material on themselves.
[26] Judith Binney, *The People and the Land*, 1990, p. 31
[27] Orange, p. 21

Having drawn up the document, Busby arranged a hui at Waitangi on 28 October 1835 to endorse the document. He Whakaputanga was signed by a large number of the important rangatira in Te Taitokerau. All the major chiefs of the Bay of Islands and many of those from the Hokianga were included. And while it is unclear the extent to which the rangatira operated as Te Whakaminenga (or the Confederation of United Tribes), it is significant that several of those who assented to the 1835 agreement later refused to sign Te Tiriti o Waitangi. It is also notable that some of those who signed included men who later chose to oppose the Crown in the Northern War, such as Hone Heke, Kawiti, Pumuka and others. The following rangatira signed the document on 28 October 1835:

> Paerata, Ururoa, Hare Hongi, Hemi Kepa Tupe, Wharepoaka, Titore, Moka, Warerahi, Rewa, Wai, Reweti Taua Haere, Awa, Wiremu Taunui, Tenana, Pi, Kaua, Tareha, Kawiti, Pumuka, Te Kekeao, Te Kamara, Pomare, Wiwia, Te Tao, Marupo, Te Kopiri, Warau, Te Ngere, Moetara, Te Hiamoe, Tamati Pukututu, Te Peha, Hoane Wiremu Heke[*]

A second, hand-written sheet was later added to the first and this contained the names and marks of those rangatira who did not attend the October 1835 hui but who subsequently gave their assent to He Whakaputanga. This included the following names:

> Nene, Huhu, Tona [Toua?], Panakareao, Kiwi kiwi, Tirarau, Hamiona Pita Matangi, Tawai, Mate, Patuone, Parore, Kaha, Timorenga, Mahia, Te Taonui, Papahia, Hapuku, Te Wherowhero.[28]

In forwarding the English translation on to the Colonial Office, Busby referred to the document as 'a Declaration by the chiefs of the Northern Part of New Zealand, of the Independence of their Country, and of their having united their tribes into one State,

[*] Note, in one of the printed versions the names of Te Peha and Hoane Wiremu Heke have been omitted.
[28] Note, the names are written as they were listed on the document.

under the designation of "The United Tribes of New Zealand". The following year, the Colonial Office formally acknowledged the Declaration of Independence.[29]

It should be noted that in the formal acknowledgement, the Declaration of Independence received only a limited and conditional acceptance from the Secretary of the Colonial Office in London.[30] Lord Glenelg's reply to Governor Bourke in New South Wales stated:

> 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.[31]

In what Alan Ward refers to as a 'guarded reply', Glenelg accepted the document and affirmed the support and protection of the independence of the chiefs so long as it did not impinge on the interests of British subjects.[32] Certainly, Felton Mathew, who accompanied Hobson to the Treaty signings at Waitangi and the Hokianga in 1840, noted in his private correspondence at that time that the Treaty was rendered necessary 'by the British government having some years ago formally recognised the independence of the country.'[33]

Ngapuhi most likely understood He Whakaputanga as further acknowledgement of their mana and their rights as tangata whenua. The document was in keeping with the earlier oral discussions between Hongi and King George. And following on from these earlier actions and statements of the British Crown, Maori, who signed saw the document as acknowledging and securing their autonomy, as well as renewing a preferential

---

[29] Orange, pp.21-2
[30] Alan Ward, *National Overview*, p. 20
[31] Glenelg to Bourke, 25 May 1836, in *Facsimiles*, 1976
[32] Ward, *National Overview*, p. 20
[33] Felton Mathew to Sarah Mathew, 21 January 1840, NZMSS 88/1, ACL

relationship with the British Crown. The document was a statement of their collective rangatiratanga, though the authority to exercise such dominion, as with the Treaty of Waitangi later, did not reside in the document. chiefly authority and rangatiratanga was theirs to exercise as tangata whenua.

Whether the British Colonial Office saw the Declaration of Independence document as either a formal acceptance of complete independence, or of an 'informal empire',[34] two points need to be noted. First, Maori understood British to have agreed and acknowledged their independent chieftainship. This was the message that Busby himself delivered to Ngapuhi via the circulation of a printed version of He Whakaputanga. Secondly, from a British perspective, the terms of the Declaration of Independence created a legal dilemma, as it recognised both independence and a protectorate relationship.[35]

He Whakaputanga/ Declaration of Independence created different and potentially conflicting understandings and, in so doing, laid the foundations for future difficulties. The gap between Ngapuhi and British understandings implicit in the 1835 document was a major factor in the gulfs of understanding that re-surfaced in 1840 with the different texts of the Treaty, and which ultimately led to conflict in the Northern War.

1.7 The Treaty of Waitangi / Te Tiriti o Waitangi

This section looks at Te Tiriti o Waitangi/ Treaty of Waitangi in terms of the origins of the Northern War. The understandings conveyed by the different texts of the Treaty of Waitangi, and in particular the Maori text, Te Tiriti, lay at the centre of the conflict which erupted in 1845. Following from the Whakaputanga/ Declaration of Independence, Ngapuhi understood that the terms of Te Tiriti explicitly protected and enshrined their rights of 'te tino rangatiratanga'. This principle lay behind subsequent expectations with

[34] Belich, *Making Peoples*, p. 181
[35] Binney, *The People and the Land*, p.31

regard to the actions of the Crown. It was a central reference point to which Ngapuhi constantly returned during the 1840s.

As there has been a great deal written about Te Tiriti, what is presented here is an overview of Te Tiriti in relation to the Northern War. A report is also being prepared by Merata Kawharu and Paul Tapsell on Te Tiriti o Waitangi in its northern context. The present report focuses on two aspects of Te Tiriti o Waitangi. First, did Maori who signed the Te Tiriti believe they had maintained, or ceded, te tino rangatiratanga? Second, what did individual rangatira and, specifically, those who would later choose either to oppose or to fight alongside of the Crown forces in the Northern War say about their authority and Te Tiriti at the time of the signings?

It is now widely accepted that the Maori and English texts of the Treaty of Waitangi state different things and that the two texts consequently created different understandings about rights and authority.[36] Ngapuhi signed the Maori language text of the Treaty ('Te Tiriti'). In doing so, they were guaranteed their ongoing possession of 'te tino rangatiratanga' and, in return, ceded 'kawanatanga'. Previous scholars have looked at different and competing meanings of te tino rangatiratanga and kawanatanga. This is the first important point to recognise with regard to the Northern War, that Ngapuhi understood that they had been guaranteed by Te Tiriti the ongoing exercise of te tino rangatiratanga and all that it implied. Ngapuhi continued to believe that through the Treaty they had: (a) safeguarded their highest chiefly authority, and (b) secured the status quo through their agreement for laws of protection and goodwill from the British governor.

1.8 The Treaty Signings in the north

[36] Refer Claudia Orange, Chapter 3; For more information, refer to Ruth Ross, 'Te Tiriti o Waitangi', *New Zealand Journal of History*, Vol. 6, No. 2, 1972; Bruce Biggs, 'Humpty Dumpty and the Meaning of the Treaty of Waitangi in IH Kawharu, *Waitangi*, 1989, pp. 300- 313;

At each of the signings in the north, the rangatira present, many of whom were later involved in the Northern War, made important statements about their understandings of Te Tiriti. Te Taitokerau signings occurred at Waitangi, Mangungu (Hokianga), Waimate and Kaitaia. Many of the speeches of the key Ngapuhi rangatira are accessible through accounts recorded in English by Hobson, Shortland, Colenso and Taylor. In addition, Grant Phillipson, Claudia Orange and Anne Salmond have analysed who signed Te Tiriti and what was said at the time; this report is based to a degree on these existing reports.

1.9 The signing at Waitangi

Te Tiriti was first signed at Waitangi on 6 February 1840 by about 41 rangatira, including Hone Heke, Patuone, Tamati Waka Nene, and many others who later took important roles in the Northern War. This however, was not the largest signing and many Te Taitokerau rangatira waited to sign the document in their own areas. Consequently, the signings at Mangunu on the Hokianga and at Kaitaia both received larger numbers of signatures.

There has been some confusion in accounts of the Waitangi signing as to whether Ngapuhi initially supported or opposed signing the Maori text of the Treaty. Sir James Henare provided an explanation of Ngapuhi motivations on the day, which helps us to clarify the chiefs' understandings and the signing. Henare explained that, after a full evening of intense discussion on 5 February, the chiefs finally reached a consensus to sign Te Tiriti on 6 February. He also noted, however, that in the course of normal debate 'these influential chiefs were to get up and to offer token opposition to the Treaty.'[37] He further explained that although many historians had interpreted the Ngapuhi opposition to the Treaty as genuine, it was, in actual fact, only 'token' opposition. As further evidence Henare highlighted that it had been the chiefs who had signaled to Hobson to come ashore and sign the Treaty on 6 February, and not the other way around.[38]

---

[37] Sir James Henare in Jane Kelsey, *Labour and the Question of the Treaty 1984-1989*, 1990, pp.8-9
[38] ibid, p. 9

Claudia Orange has suggested that the majority of the discussion at Waitangi opposed the signing of Te Tiriti.[39] From the surviving evidence of the chiefs' speeches in English, it appears that rangatira such as Rewa, Moka, Te Wharerahi, Kawiti, Tareha and others ostensibly spoke in opposition to signing Te Tiriti. Rewa, in his speech, opposed the governor remaining in New Zealand and remarked that he already felt dispossessed of his lands.[40] He asked: 'Let the governor return to his own country. Let my lands be returned to me which have been taken by the missionaries.'[41] Hobson's dispatch to Gipps declared that Rewa was a follower of the French Catholics at Kororareka and reported that Rewa had further warned that if chiefs signed Te Tiriti they would be 'reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed.'[42] Rewa had seen the plight of Australian Aborigines when he had traveled to Port Jackson (Sydney) in 1831, and this was something he warned would occur to Ngapuhi if they signed Te Tiriti.[43]

The chief Moka also lived at Kororareka. He was the younger brother of Rewa also with connections to Ngare Raumati and Te Rawhiti. As Salmond notes, Rewa and Moka had both signed he Whakaputanga.[44] Moka opposed the signing of Te Tiriti, though on different grounds from Rewa. He did not voice concerns that the kawana might have greater power than the chiefs. Instead his entire concern was focused on …whether the kawana would actually have enough authority to enforce pre-emption with Europeans.'[45] During his korero Moka referred to the land proclamation made by the governor and hinted that it would not stop the land hungry interests of Pakeha, such as Busby, from

---

[39] Orange, pp. 49-50
[40] Rewa was a key leader in the coastal Bay of Islands including Kerikeri, though by the 1840s he was one of the resident rangatira at Kororareka. Colenso identified his affiliations as 'Nga[i] Tawake' among others. He also shared connections with Ngare Raumati and Patukeha. Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, 1890, p. 18. Colenso's published account was based on verbatim notes he (and others) had taken at the time of the Waitangi signing.
[41] Colenso, p. 18
[42] Hobson to Gipps, 5 February 1840, *Great Britain Parliamentary Papers (GBPP)*, IUP, vol 3, p. 45 in Phillipson, August 2005, p. 286
[43] Salmond, p. 23
[44] Anne Salmond, 'Treaty Transactions: Waitangi, Mangunu and Kaitaia, 1840', Wai 45, F-19, p. 22
[45] Phillipson, August 2005, p. 288

acquiring their [Maori] land.[46] Hobson however, immediately interrupted the speaker and emphasised 'that lands unjustly held would be returned'.[47] Tamati Pukututu of Te Uri o Hawato in the Kawakawa area was a figure who would later ally himself with the Crown during the Northern War. During the Treaty discussions, Pukututu reiterated Moka's concern over the land sharks, and entreated that both the governor and Busby should remain, 'that our lands may remain with us'.[48]

Kawiti was present at Waitangi on 5 February, and he spoke immediately after Pukututu. He, however, was opposed to the signing of Te Tiriti and the arrival of the governor. He referred to the fact that he did not want to lose his lands as he had suffered at Opua.[49] He also spoke about the dangers of the arrival of British soldiers to back up the governors' authority. 'What! To be fired at in our boats and our canoes by night! What! To be fired at when quietly paddling our canoes by night… "No"- because of the governor, his soldiers and his guns!'[50] These appear to have been strongly-felt fears of the arrival of a European military force that would supplant the chiefs' own power and authority. Kawiti did not sign Te Tiriti at Waitangi. He was one of the few rangatira present on the day who did not. He later changed his mind and in mid-May 1840, Kawiti, in the company of Pomare and Tirarau, visited Hobson at Paihia and signed Te Tiriti there.[51]

Te Wharerahi (Ngai Tawake) and Pumuka (Te Roroa) both supported Te Tiriti in the interests of peace. Pumuka was later to fight against the Crown in the Northern War. But at the signing in 1840, he was explicit: 'let us have two fathers' the governor and Busby on one side and the missionaries on the other. [52]

Orange notes that there was a critical point in the debate where a small group of important rangatira, including Hone Heke, Tamati Waka Nene and Patuone, intervened

---

[46] Colenso, p. 19; T. L. Buick, *The Treaty of Waitangi: How New Zealand Became a British Colony*, 3rd ed., 1936, p. 129
[47] Colenso, p. 19; Buick, p. 129
[48] Colenso, p. 22
[49] Kene Hine Te Uira Martin, 'Kawiti, Te Ruki', *DNZB*, I, 1990, p. 220
[50] Colenso, p. 22
[51] Nancy Taylor, *Journal of Ensign Best*, 1966, p. 221
[52] Colenso, p. 23

and swung the majority towards signing Te Tiriti.[53] Each of these three rangatira spoke of the need for the Tiriti and some of the substance of their speeches, as it was recorded in English at the time, is outlined below. Hone Heke spoke as a leader and articulated reasons for signing Te Tiriti and some reasons against.[54] Colenso, in his manuscript account, records Heke as saying: 'To raise up or to bring down? To raise up or to bring down? which? which? If you return we are gone – ruined – what shall we do? Who are we? We don't know? Remain, a father for us – this is a good thing….'[55]

Salmond mentions that Heke's speech, as recorded in Colenso's manuscript account, differs considerably from Colenso's later published version [1890].[56] She also refers to comments made by Wesleyan missionaries, who arrived late to the Waitangi signing. The Wesleyans recorded that 'Heke was violent in his harangue against Captain Hobson, vociferating repeatedly in his native style "Haere e hoki" ("Go, return")'[57] Salmond further suggests that Heke could possibly be counted amongst those who spoke against the governor, and not for him.[58]

Although it is hard to be certain about the text of what Heke said at Waitangi, [59] it seems clear that he expressed sentiments of both support and opposition to the treaty. Furthermore, a speech of this nature was in keeping with Sir James Henare's oral history of the event. CMS Missionary, Richard Taylor, one of the most skilled in te reo Maori among the Pakeha present at the event, remarked that Heke was the first to speak in favour of the governor, and he was followed by the Hokianga chiefs.[60]

---

[53] Orange, pp. 49-50
[54] Freda Rankin Kawharu, 'Hone Wiremu Heke Pokai', in *DONZB*, I, p. 184
[55] William Colenso, 'Memoranda of the arrival of Lieutenant Governor Hobson in New Zealand; and of subsequent assembling of the Native chiefs at Waitangi, the residence of James Busby Esquire, on Wednesday February 5 1840, for the purpose of meeting His Excellency.' Colenso MS ATL, referred to in Salmond, p. 30
[56] Salmond, p. 30
[57] Buick, rep. 1936, p. 140, referred to in Salmond, p. 30
[58] ibid., p. 30
[59] We have only limited records of the speech and no Maori language sources
[60] Richard Taylor, 'Journal', Volume 2, January 1st 1838 - July 7th 1844, MS 302, Typescript, AML, pp.188-189

> the first speeches were hostile to the governor, some reflected on the Missionaries and Mr Busby buying land, others said they did not want a governor they were satisfied with the Missionaries. Old Taria especially said this and Rivers, John Heke our chief of Mawe was the first to speak in favour of the governor and he was followed by the Hokianga chiefs afterwards.[61]

Putting the issue of exactly what Heke said to one side, Heke was probably the first to sign Te Tiriti. In any case, his signature appeared above all other chiefs, until later signings, and in doing so, he gave a clear signal of support for Te Tiriti and the retention of rangatiratanga.

Tamati Waka Nene was the other chief who was credited by Pakeha witnesses as convincing other chiefs to sign Te Tiriti at Waitangi. Nene spoke soon after Heke. There are different surviving translations of Nene's speech, although there are no surviving Maori texts of the speech. Phillipson has analysed the different recorded versions of Nene's speech and concluded that the versions all 'reversed' opposition expressed by other chiefs.[62] Whereas CMS missionaries Taylor and Williams credited Heke with turning the tide of debate in favour of Te Tiriti, Phillipson quotes Hobson and Mathew as saying it was Nene who 'reversed the growing opposition'.[63] In any case, Nene's speech appears less enigmatic than Heke's and consequently much clearer in its support of Te Tiriti.[64] Colenso records Nene as saying:

> Is not the land already gone? Is it not covered, all covered, with men, with strangers…over whom we have no power? We, the chiefs and Natives of this land, are down low; they are up high, exalted. What, what do you say? The governor to go back? … . Had you spoken thus in the old time, when the traders and grog sellers came – had you turned them away, then you could well say to the

---

[61] Richard Taylor, 'Journal', Volume 2, January 1st 1838 - July 7th 1844, MS 302, Typescript, AML, pp.188-189
[62] Phillipson, August 2005, p. 294
[63] Phillipson, p. 294
[64] However, Salmond notes that there are significant divergences between the versions of Nene's speech as recorded in Colenso's published account and Hobson's dispatch to Governor Gipps. Salmond, p. 32

> governor, 'Go back,' and it would have been correct, straight; and I would also have said with you "Go back"; – yes we together as one man, one voice. But now, as things are, no, no, no.[65]

During his speech Nene emphasised that the clock could not be turned back.[66] He pointed to foreign clothes worn by Maori and to the number of children from mixed parents as evidence of the long standing and inextricable connections between Maori and Europeans.[67] And he felt that the time as to whether or not to have the European in New Zealand had well and truly passed. Still the question remained: what was the extent of the power to be exercised by the governor? On this point, Nene, in line with other speakers, asked that the governor 'remain for us – a father, a judge, a peacemaker'.[68]

Nene's elder brother, Patuone of Ngati Hao, spoke next and also gave his support for Te Tiriti. Though again Phillipson indicates that Patuone was concerned to ensure that the new governor was an equal and not a superior to the chiefs.[69] Patuone had long been looked upon as a senior peacemaker among Ngapuhi. After the signing was completed on 6 February, Patuone made an important gesture to further cement the agreement and as a formal bond between himself and the Queen as equals. Patuone presented his mere pounamu to Captain Hobson with the specific instructions that it was for 'Wikitoria'. This was a significant act and recorded at the time by Felton Mathew.[70] In recognition of the act, Patuone dined that evening on board *HMS Herald* with Hobson and the governor's party.

Three important leaders, Kawiti, Pomare and Te Tirarau, all of whom played key parts in the Northern War, were either absent from Waitangi on 6 February, or refused to sign it on that day. As already mentioned, Kawiti had been present on 5 February, but did not

---

[65] Colenso, p. 27
[66] Phillipson, p. 295
[67] Orange, p. 50
[68] Colenso, p. 27. See also references in Heke's and Pumuka's speeches to the Governor which referred to his as a father and foster-father (like the missionaries). Colenso, p.26 and p.23
[69] Phillipson, p. 296
[70] Felton Mathew to Sarah Mathew, Journal 6 February 1840, p. 25, NZMS 78, ACL

return on 6 February. There is no record of the others having been present. However, all three later signed the document. It appears that Pomare signed the document on 17 February, witnessed by James Clendon.[71] The others signed later in May. An account of this event is recorded in the journal of Ensign Best. Best noted that Pomare accompanied Kawiti, Te Tirarau and Tirarau's son and brother to a meeting with Hobson [at Okaiato?] in mid-May 1840, where they signed Te Tiriti. There, Kawiti remained very critical of the terms of te Tiriti. Kawiti reasoned that: 'the Mauri [Maori] will soon cease to exist when I was young all our houses were full now they are empty let the Pachia [Pakeha] wait a short time and then the land will be theirs for we shall have passed away.'[72] Despite his concerns or perhaps because of them, Kawiti and Te Tirarau both signed Te Tiriti and added their tohu together with Pomare, above that of Hone Heke.

1.10 He papa pounamu tapu

Another important oral account of the signing at Waitangi recounts how the terms used in Te Tiriti were agreed upon and the fact that the document, once signed, became a solemn and tapu compact. Rima Edwards suggests that the original version of Te Tiriti o Waitangi drawn up by Busby included the word 'mana' throughout the document. On the evening of 5 February Busby and Henry Williams consulted the Maori who were staying at Te Tii, they took the draft version down to them and consulted them. That was when the word mana was removed and changed to tino rangatiratanga and kawanatanga.[73] According to Edwards, the chiefs 'were not giving up their mana - they were allowing the Queen to build her house alongside. They were enhancing their position, not reducing it.'[74] The mihi (or welcoming speech) and karakia delivered by Nga Manu at Waitangi after the signing on 6 February both reflected this understanding.[75]

---

[71] They added their signatures on the same text, Te Tiriti, as the other chiefs had signed on 6 February 1840 at Waitangi. Kawiti was reputedly angry that Heke Pokai, his nephew, had placed his name at the top of the list, and Kawiti wrote his name above Heke's. Te Tiriti o Waitangi in *Facsimiles of the Treaty of Waitangi*
[72] Nancy Taylor, *Journal of Ensign Best*, 1966, p. 221
[73] Rima Edwards, pers corresp., 9 June 2006
[74] ibid.
[75] ibid.

By placing their marks on Te Tiriti, the document became a tapu compact. As Rima Edwards records: 'They [the chiefs] gave their oaths to her [the Queen] (& those oaths were tapu); and she gave her oaths to them (and they were also tapu).'[76] This is an important point. It was this notion of Te Tiriti as an agreement that carried the sacred marks of the chiefs and the Queen, and which consequently could not be compromised, that powered later decisions by Ngapuhi chiefs to protest the actions of the colonial government. It was also this understanding that lay behind the decisions of chiefs, such as Te Taonui Patuone and Nene, who, while they agreed with Heke that the Crown had breached the tapu of Te Tiriti, were themselves unwilling to act against the Crown.

1.11 Hokianga signing (Mangunu)

After the hui at Waitangi, Hobson traveled across to the Hokianga. On the way, he stopped at Waimate and there, on 10 February, 6 chiefs signed the Maori text - Te Tiriti – signed at Waitangi.[77] Unfortunately, no speeches were recorded from this signing. The Hokianga hui to discuss Te Tiriti occurred two days later, on 12 February 1840, at Mangunu mission station. We have two versions of the discussions - published and unpublished. Shortland's published account of the signing is the more well-known and was included in the despatch to the Colonial Office and subsequently published as part of the *GBPP*. The unpublished notes were recorded by the Reverend Richard Taylor as part of his report to the CMS Secretary.[78] There are some notable differences between the published and unpublished versions. The present report relies on the unpublished notes as they appear to be the more thorough.

Taylor's account described Hobson's opening address to the chiefs.

---

[76] Rima Edwards, pers corresp., 9 June 2006
[77] Te Tiriti o Waitangi
[78] Richard Taylor, 'Notes of Two Meetings of chiefs and Governor Hobson on the resignation of their country to the Sovereignty of the Queen of England, by Rev R Taylor.' In Taylor to CMS Secretary, CN/M, 1840, p. 475

> He then addressed the natives explaining the intentions of Her Majesty reminding them that they had often applied to the British government for assistance and that Queen Victoria had now sent it to them that in order to enable him to render that assistance it was necessary for them to enter into a Treaty with Great Britain without which he could not bestow on them the benefit of English laws and institutions.

The Treaty was then read by John Hobbs of the Wesleyan Mission, who acted as interpreter.[79] Taylor recorded the chiefs' speeches in English only. The first speaker at the Hokianga signing was Makoare Te Taonui ('Tainui'), who spoke first due to his seniority and mana at Mangunu. Te Taonui was later one of principal rangatira who chose to oppose Heke. He asked the governor to write down his (the governor's) opening address.[80]

Another chief who was later to play an important role in the Northern War, in opposition to Heke, was Mohi Tawhai. Tawhai stated that some Europeans had suggested to him that the governor deceived Maori. When Hobson asked who the source was, the redoubtable Frederick Maning stepped forward and explained that 'he had told them [Maori] to govern themselves and stated that it would be best for them to do so but it would be good for them to allow the governor to govern the Whites.'[81] Tawhai continued to question the source of the governor's authority:- 'Is it from the Queen? Whence is it, if it be from the Queen what power has he?' [82] The chief also complained about the extent of land loss to the Pakeha and asked that the governor prevent this and enquire about the alienations that had already occurred.

It is notable that neither Waka Nene nor Patuone made significant speeches at the Hokianga signing, although both were present. Both had previously spoken at Waitangi and signed the document there, and it is assumed that it was for that reason they refrained

---

[79] Taylor, p. 479
[80] ibid.
[81] Taylor, p. 480. Maning also includes a mention of the signing of the Treaty at Mangunu in his account, but does not mention this incident. Maning, *Heke's War in the North*, Viking ed., 1987, p. 248-249.
[82] Taylor, p. 481

from speaking at Mangunu. Nene gave only a short speech at Mangunu referring to a specific land issue between him and Baron de Thierry, and Patuone did not speak at all.

Hone Kingi was the son of the great rangatira Muriwai.[83] Kingi spoke near the end of the discussions and hearkened back to his father Muriwai who instructed him 'to behave well to the Pakeha'. He went further to draw line of distinction between the Bay of Islands and the Hokianga.'We; on this side say stay, sit here, we say welcome, let those on the other side say what they like. This is ours to you stay in peace great has been your trade with our land. What else do you come for but to trade?'[84]

Later on 12 February, following the speeches, the chiefs moved down to Te Horeke where they signed Te Tiriti.

1.12 Kaitaia signing

The hui and signing at Kaitaia took place on 28 May 1840. Although it occurred outside of the area, covered by this report, it is discussed briefly because Te Rarawa and in particular Nopera Panakareao took an important role in the Northern War. Again we have two records of the speeches given that day. The Kaitaia signing, like the Hokianga hui, was recorded in the notes of Reverend Richard Taylor. Taylor estimated that the Kaitaia hui was attended by 400 people.[85]

There were again a number of references to a fear that British soldiers might accompany the Arrival of the governor. Only one of these references appears in the published account of the signing. Matiu, part of whose speech is recorded in the published account, noted 'I am afraid of that soldier, the governor according to reports comes to kill all the Maori

[83] Kingi state in his speech (recorded in Taylor) that he was the son of Muriwai, although Salmond has him listed as the nephew of Muriwai. Salmond, pp. 44-45
[84] Taylor, p. 482
[85] Taylor, p. 475 Taylor also noted that he had been present at the Bay of Islands' Treaty meeting, 'but Mr H Williams their [sic] interpreted so low that I could not take a correct account of the speeches.'[85] However he noted that his notes of the Kaitaia and Hokianga meetings were 'nearly verbatim'.

natives and take their land to himself.'[86] He went on to say 'the report is the soldiers have come to shoot the Maori.'[87] Wiremu Wiriana Kupa also stated, 'I fear the soldiers I am afraid of that man (pointing to the soldiers)'.[88]

Nopera Panakareao spoke after others and in favour of the Treaty. Taylor recorded Panakareao's famous speech as follows:

> the shadow of the land will go to him [the governor?] but the substance will remain with us he will not deprive us of our potatoes by force it will be as it is now, we shall bring our produce for sale and receive a just and equitable price for it.[89]

Panakareao effectively closed the discussion and after his speech the majority of others assented to sign the Treaty.

In conclusion then, despite the fact that there was some debate and outward dissent shown to Te Tiriti, the majority of the major rangatira of the north signed Te Tiriti. Certainly, most if not all of the key rangatira who were later protagonists in the Northern war signed Te Tiriti. By signing they had agreed to their understanding of Te Tiriti. It is important to realise that Ngapuhi, in signing Te Tiriti, were seeking to renew their former arrangements and alliance with the British monarch. These they had traced to Hongi Hika and others and to others who had made 'alliances' with King William. The 1831 letter from the Northern chiefs to King William is a notable example. Those following Hongi renewed arrangements with King William's niece, Victoria, who had ascended the British throne in 1837. Whereas the British were motivated to sign the Treaty in order to rewrite and replace previous agreements - expressly the Declaration of Independence - Ngapuhi probably saw the Treaty rather as a renewal of existing arrangements. This was the tikanga that was handed down from the previous generation.

---

[86] The speech of Matiu is partially recorded in the published version in the *GBPP*. However in the published account he is simply referred to as "a native".
[87] Taylor, p. 476
[88] Taylor, p. 476
[89] Richard Taylor, p. 478. Note, in the published version there are some differences. Notably the reference to 'potatoes' has been changed to land in general: 'the Governor will not take our land; we will get payment as before'. Shortland to Stanley, 18 January 1845, *GBPP*, 1845 (108), p. 512

1.13 Reactions From Maori About Te Tiriti

Almost immediately and certainly within a month or two of the signing of Te Tiriti at Waitangi there were expressions of concern among Maori about the meaning and implications of Te Tiriti. The day after the signing at Mangunu, Felton Mathew noted that a group of chiefs sought out Hobson and asked to remove their signatures from the document. 'We were followed by a war canoe the chief of which brought back his present of blankets together with a letter signed by fifty of his tribe, in which they disavowed the act of the preceding day, and refused to acknowledge allegiance to the Queen.'[90]

From the outset Kawiti had signalled opposition, even before he signed Te Tiriti. Evidence suggests he may have discussed with various Taitokerau chiefs the idea of attacking the governor. He canvassed the idea with Panakareao, who referred to it in his korero at the Kaitaia signing.[91] Although this proposed attack never came to fruition, it sent a clear message to the governor. Northern hapu still continued to exercise their rangatiratanga and would challenge any who sought to circumscribe their authority.

In April 1840, several Ngapuhi leaders held urgent meetings with Hobson to discuss the Treaty and issues of authority. The only record I have found of these important hui is the diary of John Johnston who was staying with Hobson at that time.[92] On 7 April 1840, Johnston recorded the following account:

> Several chiefs from CaiCoi [Kaikohe], Tyami [Taiamai], Waitangi and the vicinity of Waimati [sic] waited on the governor to tell him 'Our hearts are dark and gloomy from what Pakehas have told us, they say "that the Missionaries first

[90] Felton Mathew to Sarah Mathew, 9 February 1840, NZ MSS 88/2, ACL, p. 9 This account tallies surprisingly closely with a version recorded by Maning in his 'fictitious' *History of the War in the North*, rep.1987, pp. 247-8

[91] Taylor, p. 478. It is also referred to in other sources such as Ensign Best and John Johnston, 'Occasional Diary on New Zealand', 17 March 1840 to 28 April 1840, NZMSS 27, ACL

[92] John Johnston, 'Occasional Diary on New Zealand', 17 March 1840 to 28 April 1840, NZMSS 27, ACL

> come to pave the way for the English who have sent the governor here, that Soldiers will follow and then he will take away your lands and shoot you, which is easy as the Missionaries by making you Christian have unfitted you for defending yourselves.'
>
> The governor in answer pointed out the reasons for these men so speaking - He told them that he was commanded by the Queen to prevent them from selling all their lands to White men, instead of coming to take them away the Queen would only buy such lands from them as they did not require and that they would see that what he said was true.
>
> They [the chiefs] listened with great attention and one chief rising expressed his belief in what the governor said in a grave and impressive manner and ended by saying that 'Our hearts are made light by the words of the "Kawana".' [93]

At the meeting, chiefs expressed their deep concerns about Te Tiriti. In an attempt to reassure Maori of the benificent intent of the British Crown, Hobson re-emphasised the protective nature of Crown pre-emption. Of particular note was Hobson's explicit assurance that the Queen would only buy from Ngapuhi the lands 'they did not require'.

Tamati Waka Nene visited the governor in the evening after the meeting. Nene reported that 'wicked Pakehas' were attempting to enflame the minds of Ngapuhi with regard to the intentions of the Crown. As a way of demonstrating for the governor the nefarious arguments of certain Pakeha, Nene sketched a circle in the ground.

> he made marks on the ground with his finger and said they [Pakeha] tell [Ngapuhi] the English will plant themselves around the native thus, pointing to the marks and then sweep us away, venting [?] the action to the word by passing his hand in a sweeping motion. But he said 'I believe your words. I have found truth in the English gentlemen (Rangatira's) and I will, if you wish so, seize these

[93] John Johnston, Journal, 7 April 1840, NZMSS 27, pp. 35-36

> wicked men and paddle them up the river in my own canoe and bring them here' he continued 'all mouths are open against me, accusing me of having brought the English here, but I care not, I know they are come for our own good'. [94]

Orange has suggested that Nene himself believed that Northern Maori would become encircled.[95] Whether it was the argument of conspiratorial Pakeha or Nene himself, it is important to note that Ngapuhi were coming to the governor with their concerns about the Treaty at an early date (before cession had been proclaimed). In reply, Hobson strongly re-emphasised the positive terms of Te Tiriti.

Further meetings were held on 8 April. These hui appear to have followed the same pattern as the day previous: chiefs raised their concerns, the governor sought to answer the doubts, and the chiefs finished by restating their adherence to Te Tiriti and te Kawana. Johnston noted that the chiefs came to 'open their hearts to the governor'.[96]

> They [the chiefs] alleged that it was the intention of the English to exterminate them all.
>
> The governor in answer said that if that were the wish of the English, they had ships and men enough to kill them all and take the islands, and to prove that such was not the intention had he not come amongst them with only one servant and a friend….
>
> They expressed themselves satisfied with the speech of the "Kawana".[97]

At that point, Hone Heke who together with Waka Nene was among the group of rangatira meeting with the governor, made an important statement of support for the governor.

---

[94] John Johnston, Journal, 7 April 1840, NZMSS 27, p. 36
[95] Orange, p. 93.
[96] John Johnston, Journal, 8 April 1840, NZMSS 27, p. 37
[97] John Johnston, Journal, 8 April 1840, NZMSS 27, p. 37

> John Heki a chief of Carcoi [Kaikohe] slipped forward and said he and tribe would be dead on the green before a hair on the governor's head should be touched. Neni said "My father the governor need not have a dark heart," he and his tribe would come and surround him and who dared to attack him.[98]

Before the governor had even begun to act, Ngapuhi chiefs were raising concerns about Te Tiriti. Heke and Nene, the two chiefs who would later become adversaries during the Northern War, were both concerned about what might occur as a result of Te Tiriti. Yet, as a result of the governor's reassurances of the good intentions of the British Crown not to exterminate them, Heke and Nene were united in their support and protection of British kawanatanga and Te Tiriti.

Hobson appears to have followed up these meetings with a circular letter sent to chiefs in the north and elsewhere. This printed document, dated 27 April 1840, advised Maori not to believe the words of 'Pakeha kino'.[99] The document went further to reinforce the words spoken at the Waitangi and Hokianga hui, and gave Maori an express assurance that their lands would not be taken from them.[100] A copy of the full text of the letter is included in the document bank. Strikingly, the term used to denote the Queen's authority in this official letter from Hobson and translated by the CMS missionaries (prior to the Kaitaia signing) was 'te Rangatiratanga o te KUINI' [emphasis in original].[101] It is little surprise then that Northern Maori saw the guarantee of "te tino Rangatiratanga" in Te Tiriti at the same time as a confirmation of their own chiefly authority and sovereignty.

Ngapuhi raised concerns about what they had seen as different understandings of the agreement they had signed. They sought reassurance about the nature of the relationship. It was inevitably, a changing relationship, but one that that allowed Ngapuhi to continue to operate according to their rules and systems and understandings.

---

[98] John Johnston, Journal, 8 April 1840, NZMSS 27, p. 38
[99] Phil Parkinson and Penny Griffith, *Books in Maori 1815 – 1900*, p. 80
[100] ibid., pp. 79-80
[101] ibid., p. 80

1.14 Proclamation of Sovereignty

The next step in the advent of British authority onshore was Hobson's proclamation of sovereignty. Certainly, northern Maori did not have to wait long to witness the effective imposition of Crown authority over Maori rangatiratanga. Hobson declared the cession of New Zealand to the Queen in May 1840. This legal situation is already covered in other reports; it is mentioned here simply as one point at which Ngapuhi must have begun to feel that the relationship that they had previously shared with the British Crown had irrevocably changed. Peter Adams notes that Hobson's assertion of sovereignty totally denied 'the whole basis of Britain's attitude to New Zealand over the previous decade : that the Maori were sovereign and that Britain had no automatic right to exercise dominion over her nationals residing in a foreign country. It also invalidates the whole point of negotiating the Treaty of Waitangi and reduces it to no more than a shallow artifice…. [102]

It is difficult to know exactly when Maori in the north became aware of this event. Owing to concerns about the New Zealand Company in Cook's Strait, the proclamation was, , publicly read out in Port Nicholson. However, word would inevitably have filtered back to the north. Hobson sent the proclamation to the Colonial Office in London and the Colonial Office approved it by publishing it in the London *Gazette* on 2 October 1840.[103] So, certainly by early 1841 news would have reached Aotearoa of the cession of sovereignty. Curiously, it does not appear that this document, the proclamation of the cession of sovereignty, was ever translated into te reo Maori.[104] Also surprising is the fact that a proclamation issued a few days earlier, prohibiting the ownership of army stores and ammunition was translated and circulated.[105] What did Ngapuhi make of this sudden

---

[102] Peter Adams, *Fatal Necessity: British Intervention in New Zealand*, 1977, p. 161
[103] Orange, p. 85
[104] Hobson to Sec of State for Colonies, 25 May 1840, *GBPP,* 1841 (311), pp.130-1
[105] Proclamation 2 May 1840. The proclamation applied to 'e nga tangata katoa o Nu Tirani' – Maori and Pakeha. As such it was an attempt to pass a law that affected all inhabitants, yet it was issued before Britain had formally assumed sovereignty over New Zealand. Cited in Parkinson (et al.), p. 81

change? Ngapuhi kaumatua Kerei Theodore maintains that Ngapuhi attitudes to Te Tiriti shifted markedly after Hobson's proclamation of sovereignty.[106]

1.15 The Gradual assertion of Kawanatanga after 1840

The chapter moves on to examine the gradual application of British authority over Ngapuhi between 1840 and 1844. The assertion of kawanatanga over Ngapuhi led to a growing sense of resentment and opposition among Ngapuhi. This was expressed to the governor in different ways. This process also led certain Ngapuhi chiefs to further question the intent and meanings in Te Tiriti and the Treaty of Waitangi.

After the Treaty understandings had been made and renewed, Ngapuhi began to watch for the impact of British colonisation in New Zealand. In particular, they were concerned about the extent to which British kawanatanga impinged on their own rangatiratanga. Early on there had been an implied belief that kawanatanga would only apply to Pakeha, or in situations of dispute between Maori and Pakeha, but that it would not apply to Maori themselves. That was the proper realm of rangatiratanga. With the arrival of laws and with the governor beginning to issue proclamations under the belief that he exercised complete sovereignty, Ngapuhi began to feel that terms of Te Tiriti were being transgressed and they began to express their disquiet.

1.16 Arrival of British Laws

One of the first issues around which the different expectations held by Maori and Pakeha came into conflict was law-making. According to the Maori text of the Treaty (Te Tiriti), Maori retained the rights to govern themselves under rangatiratanga and their own laws. In Te Tiriti, there was a division in authority: European laws applied to Europeans, Maori maintained their own local laws and governance. Yet despite this, and much to Ngapuhi concern, the British swiftly established the writ of law; something the Colonial

[106] Kerei Theodore, Pers comm., 1 September 2005

government assumed would apply to everyone - Maori and European - under article three of the English text. Moreover, the British colonial authorities equated law with authority – the power to make and enforce laws was the fundamental expression of sovereign authority.

The first laws were passed in the form of ordinances and proclamations. They provided the first indication to Maori of the Crown Colony government's intention to assume sovereign authority for Maori and Pakeha. Consequently, the imposition of laws became something that was appealed against and ultimately opposed by Maori. This opposition to European law-making remained an issue throughout the early 1840s and a cause of Heke's decision to fell the flagstaff in 1844.

1.17 First Court case

A first indication of the friction in the north between Maori and Pakeha systems of law and authority occurred while the Treaty was still being circulated around the country. At Puketona, a Pakeha man was murdered. Willoughby Shortland who was Police magistrate in Russell located a suspect 'Kihi', and made arrangements for him to be tried at Kororareka according to British law. The case was heard late in April 1840 and, as the 'first British Court of Justice in New Zealand',[107] attracted great attention among Ngapuhi. Ngapuhi chiefs, 'Maupiri, Riti and Campbell [Te Kemara], initially sought to mete out their own justice against Kihi, however they eventually relented and agreed to him being tried under European justice.[108] The hearing demonstrated that Ngapuhi and the Crown had different understandings about how justice was to operate in a post-Treaty Aotearoa. Kihi was found guilty and sentenced to death, although he died of natural causes before the sentence was carried out.[109]

---

[107] John Johnston, Journal, NZMSS, ACL, p. 46.
[108] Johnston and Ensign Best wrote eye-witness accounts of the event and the following discussion is based on these accounts.
[109] Jack Lee, *The Bay of Islands*, p. 247

The incident appears to have been amicably resolved, still there remained a strong issue of concern about the application of one system of law and authority over the top of another. It is also significant that the imposition of British law was upheld by recourse to military force. Questions remain and more research is needed on this issue. It is not clear, for instance, whether the chiefs' eventual decision to have Kihe tried by British law, rather than according to tikanga, owed to the fact that the victim was Pakeha. Whereas, if the perpetrator and the victim were both Maori, then the take would certainly have been delat with according to tikanga. There appears to have been a good deal of confusion in cases of inter-cultural 'crimes', which involved both Maori and Pakeha, as to whether matters should be dealt under British law or tikanga Maori.

In June 1840, CMS Missionary James Shepherd expressed his alarm at the change of events since the Treaty of Waitangi.

> We cannot conjecture what will be the end of these things…. A governor has arrived. The New Zealand Company has arrived. Soldiers have arrived, prisoners are taken, murders and thefts have been committed and what was never before witnessed by the poor heathen [Maori] they have seen their own countrymen tried and condemned to death.[110]

Shepherd's concern was the change in relations between Maori and Pakeha since the signing of Te Tiriti. He also noted that Maori had already expressed a desire for the governor to return to England. But that such ideas had been instilled into their minds by other 'wicked' Europeans.[111]

Believing that they had retained authority to dispense justice, most Northern Maori continued to operate according to their own systems of muru and retributive justice. In late 1840 Hone Heke showed that this was the case with a ritual muru claim against

[110] Shepherd to CMS, 12 June 1840, CN/M, 1840, p. 161
[111] ibid.

Pakeha settler, George Black. However governor Hobson intervened and reprimanded Heke for his action.[112] In a letter to Heke, Hobson concluded by saying:

> 'Na te mea kei au kei te kawana te ritenga mo nga tuturanga o te Pakeha o te tangata Maori ano hoki.'
> 'because I, the governor (I am the person), having the power for the wrongs of both of Europeans and natives.'[113]

Hobson sent a clear message to Heke that the Pakeha governor claimed sole authority for all justice whether over Pakeha or Maori. As such, it may have been understood as a usurpation of Ngapuhi authority and rights guaranteed under Te Tiriti. There is no record of what the original crime was on Black's part that he had incurred the wrath of Heke, nor is there any mention of Heke's reaction to Hobson's intervention. At the very least, however, the governor's strong response must have rankled with Heke. The occurrence of taua muru as mechanism of retributive justice is a recurring theme through the early 1840s, and will be discussed in more detail below. George Black was plundered again in 1845.

1.18 Maketu

The same questions about the extent of the Crown's authority under the terms of Te Tiriti arose again in late 1841 and early 1842 with the arrest and trial of Maketu. Maketu was a young man of about 16 years and the son of senior Waimate chief Ruhe. Maketu had been employed by a Pakeha woman Mrs Roberton on Motuarohia (Roberton's) Island. Provoked by a farm helper, Thomas Bull, Maketu attacked and killed Bull and then murdered all other members of the family including Mrs Roberton. While the majority of Maketu's victims were Pakeha, one was the grand-daughter of Rewa. The issue of Maketu's guilt was never in doubt, the question that arose, however, was whether he should be dealt with according to Maori or Pakeha law. The decision to hand over

[112] Hobson to Heke, 24 August 1840, CO 209/7, p.191
[113] ibid., translation by the Northern Protector of Aborigines HT Kemp

Maketu to be dealt with under British justice, and his eventual trial stirred up a great deal of feeling among Ngapuhi and is recognised as one of the important factors leading to Heke's decision to cut down the flagstaff and eventually to war.

The origins and details of the crime have been covered elsewhere.[114] What is relevant for this report is the way in which this event generated a strong local resentment against the government and to the intervention of Pakeha authority. The murder of Rewa's mokopuna, Isabella Brind, had storng customary repercussions. Both Rewa's granddaughter and Maketu were from important Waimate descent lines. This fact led to much discussion about the need for Rewa and his family to seek utu as the appropriate way to resolve the crime. There appear to be two important questions at stake. The first was the question of whether to hand over Maketu to British justice. The second was the question of diffusing the danger of inter-tribal conflict that had arisen as a result of Maketu having killed Rewa's grandchild. It seems that Maori chose to hand over Maketu to the British at least partly in order to assuage any fears of a major outbreak of inter-tribal conflict, as had occurred in the earlier 'Girls' war' of 1830.

Yet the decision to hand Maketu over to Pakeha justice continued to be hotly debated. Several hui were organised. The first was on Motuarohia Island on 22 November 1841. Running parallel with this process, the European authorities had begun their own search for justice. On 22 November, two European officials arrived in the middle of the first meeting on the island, and offered the assembled Maori money, tobacco and rum in exchange for Maketu.[115] Over the following days, tension increased between Maori who wished to mete out their own form of justice, and the European authorities, who sought to have the case heard through the British Court system.

On 23 November, Marianne Williams noted that Ruhe had refused to hand over his son and that many Pakeha feared 'an outbreak'.[116] However it appears that Ruhe and a group

[114] Refer, Maurice Lennard, *Motuarohia: An Island in the Bay of Islands*, Auckland, 1959
[115] Lennard, p. 19
[116] Marianne Williams, cited in Lennard, p. 20

of Maori traveled to Kororareka and eventually agreed to the detention of Maketu.[117] Hobson wrote to Ngapuhi chiefs on 30 November 1841 to thank them for the cooperation; this letter was subsequently printed in Te Karere Maori.[118]

However report of tensions continued to circulate. The police magistrate who replaced Shortland, Thomas Beckham, wrote to the governor on 3 December to inform him about a large meeting held at Kawakawa about Maketu and asked whether he should be committed for trial and sent to Auckland.[119] Beckham also noted that 'they [Ngapuhi?] would revenge themselves, and wage war with the Europeans. And that they have been for some time past in a state of excitement and this affair has tended greatly to increase it.' Henry Williams played a major part in trying to defuse the situation. He, together with significant rangatira, among them Pomare, Waikato, Rewa, Waka Nene and Ruhe organised a hui at Paihia on 16 December 1841. As a result of the hui, the chiefs issued a statement to the governor 'dissociating themselves from Maketu's crime' and reinforcing that they had no intention of making war.[120] It is recorded, however, that Hone Heke spoke at the hui and demanded that Maketu not be handed over to the British.[121]

Only two days after the hui at Paihia, locals in Kororareka, many of whom were long-time residents, voiced their concern about relations between Maori and the Crown.

> It is now no longer to be concealed that the present general excitement is by no means caused by the late atrocious murder; a case in which we feel assured the natives themselves would have inflicted due punishment; but that it has been a means of bringing into operation the general disaffection caused by the Proclamation prohibiting to cutting [sic] Kauri timber and the claim of preemption of land. We are perfectly aware that although these acts of the government seem not to affect Native Populations, the Natives know and feel, through the

---

[117] Lennard, p. 21
[118] *Te Karere o Nui Tirene*, vol. 1, no. 1 January 1842, pp. 1-2; Phil Parkinson (et al.), *Books in Maori*, p. 89;
[119] Beckham to Hobson, 3 Dec 1841, IA 1/ 1841/ 1556
[120] S Oliver, 'Maketu', *DONZB*, vol. 1, p. 262
[121] Marianne Williams cited in Lennard, p.22

> depression of trade, the full extent of the evil done to private Europeans, and consequently perceive the future [?] injury which will be inflicted on themselves in the total cessation of that trade, followed by the prospect of a deprivation of their rights and property by the assumption of power which neither they nor the Europeans who desired and seconded the introduction of a civilized government could possibly contemplate; and we feel afraid unless these measures be totally and entirely rescinded, they [Ngapuhi] will shortly make a strong and general effort to destroy or repel the European population with a view to recover their independence.[122]

This long petition sent to the governor highlights local feelings and concerns at the time. It is noteworthy for its tone and the manner in which it draws different factors together to argue against the mode of implementing British sovereignty. However, it was clearly written to manipulate a response from the governor.

Interestingly, Henry Williams echoed their concerns. He noted that, despite the apparent resolution of the issue of handing over Maketu, great distrust of the British government remained. He cautioned that the Pakeha government had been fortunate only because one of the victims had been Rewa's kin and therefore the whole of Ngapuhi had effectively joined the same side of the government in seeking justice. According to Williams, it would otherwise have been very different. He also criticised the Colonial Secretary's opinion that Maori and Ngapuhi exhibited no distrust towards the government. Williams replied that 'it [the distrust] is a fact too palpable to be refuted.' [123] Williams had been directly involved in the negotiations with Ruhe, Rewa and the other Ngapuhi rangatira and was well placed to assess the situation. He made the significant comment:

---

[122] Residents of Kororareka to Governor, 18 December 1841, CO 209/ 14, facing p. 313 and p. 313

[123] Henry Williams to James Busby, 20 April 1842, in Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol. 2, pp. xxi – xxii; also cited in Lennard, p. 24. Note, it was during this climate of heightened concern in the wake of the Maketu incident, that the government took the decision following the advice of the Protector George Clarke to begin the publication of the government Maori language gazette Te Karere o Nui Tireni.

> Frequently are expressions of distrust expressed to me of their fears as to the ultimate intention of the government towards the natives themselves and their possessions, which will require every care to correct…. In regard to British law, the natives do not yet consider that it applies to them.[124]

Hone Heke felt strongly about the arrest and execution of Maketu as sidelining Maori law and rangatiratanga in favour of Pakeha authority. There are a number of references to Heke in the hui held to discuss Maketu's case. Protector George Clarke later noted that Heke had been extremely angry at the decision to hand Maketu over to Pakeha law. He recorded that: '[Heke] thought that to hand him over for trial by an English jury and not by his own people, was simply to efface the standing law of the Maori Blood Bond, which makes a man's own tribesman the judges of his crime, and the executioners of his sentence.'[125]

The issue of concern for Ngapuhi appears to have been that Maketu had committed a crime against a Ngapuhi person and therefore it needed to be dealt with through the mechanisms of Ngapuhi law and justice. At the same time, what made the Maketu 'case' so conflicted was that it also involved Pakeha victims, and therefore the pakeha authorities also wished to try Maketu according to their justice system. In one sense, Ngapuhi and Pakeha authorities vied for the right to treat Maketu according to their own system of justice. Issues of dispute among Pakeha or between Maori and Pakeha might be dealt with according to British law. However, it appears that Ngapuhi chiefs felt that where the crime was between one Maori and another, then the issue needed to be dealt with exclusively under the domain of chiefly authority and law.

Clarke in his mid-year report for 1842 noted:

---

[124] Henry Williams to James Busby, 20 April 1842, in Carleton, *Henry Williams*, vol. 2, pp. xxi – xxii; also cited in Lennard, p. 24
[125] George Clarke, *Early Life in New Zealand*, p. 68

> During my late tour to the Northern part of the Island I had to correct as far as possible a general notion prevalent among the chiefs who signed the Treaty, viz that in ceding the Sovereignty they reserved to themselves the right of adjudicating according to Native custom in matters purely native, while they ceded the right of government in matters not only of the White but between the White and the Native, and have received severe remonstrances to this effect from parties inimical to the government.[126]

Protector Clarke was clearly aware of Ngapuhi understandings on the issue of the application of British law. He stated that he made attempts to 'correct' Ngapuhi ideas that they retained the rights to adjudicate on their own issues (exclusively involving Maori). But, based on the surviving evidence, it is unclear what attempts were made to advise Maori they had to adhere to British laws instead of their own. Clarke, in the same report, suggested that British law 'can scarcely be expected to operate among them….' [127]

Lord Stanley, the Colonial Office Secretary, in a follow-up to Clarke's report, demonstrated an awareness of how British laws were applied within northern New Zealand. He wrote: 'though they [Maori] recognise the authority of British Laws as between themselves and Europeans, they do not as among themselves alone.'[128] From this discussion two points emerge. First, Heke and other chiefs probably accepted the European laws on some matters, but wished to keep other areas under the sole sphere of chiefly authority. Secondly, the Colonial Office, through its officials, appears to be cognizant of this fact in 1842, and yet despite this, the Colonial Office and the governor continued to push for a single adherence to European law and sovereignty.

---

[126] George Clarke, 'The Chief Protector's Report for the Half-year ending 30 April 1842', CO 209/ 16, facing p. 115 and p. 115
[127] ibid., p. 113
[128] Stanley's comments on 'The Chief Protector's Report for the Half-year ending 30 April 1842', CO 209/ 16, facing p. 108

1.19 Heke's requests for respect of tapu

After the execution of Maketu, Heke wrote to Bishop Selwyn in February 1842 expressing his frustration at the continued infringement of Maori laws by Pakeha. He complained of the shooting of birds at Omapere by three Pakeha missionaries (he named them: Richard Taylor, William Cotton and Richard Davis) in contravention of Ngapuhi mana and regulations about when and where birds were to be taken. Heke noted that this was the third time this had occurred, that he had raised this issue in the past, and he requested that action be taken to curb this breach of tikanga. It is notable that he approached the Bishop as the rangatira of the missionaries concerned, rather than the colonial authorities. While the letter appeared to be raising a local subject, at its heart there is a strong statement of the enduring authority of Maori to continue to make laws that needed to be adhered to and respected by Maori and Pakeha alike. The failure of Pakeha to respect Maori authority was the issue.

> Mau e titiro iho te haerenga mai o nga Pakeha ki te pupuhi i nga manu o taku kainga, Omapere, no te mea, he mana kei runga i aua manu no to matou kingi i mua hei ingoa no to matou matua aua manu. He mea tapatapa. Tahae ake ano te tangata i aua manu, maru ake te tukituki.[129]
>
> This is another letter for you [asking] you to consider the Pakeha who came to shoot the birds in my settlement of Omapere, because there is authority [mana] over those birds from our previous king and those birds are in the name of our elder so they are sacred, and if a person steals those birds again, there will be killing.[130]

[129] Hone Heke ki te Pihopa Selwyn, 6 Pepuere 1842, George Selwyn papers, MSS MP 90/ 5, Auckland University Library
[130] Translation by Dr Jane McRae

Heke complained that the birds were killed despite the fact that they had been protected by tapu and named after one of the local leaders. He declared this to be 'he mea tapatapa'.[131] Heke also made the important statement that Ngapuhi authority and mana had already been acknowledged by King William IV. This was a reference to the British monarch's support of the Declaration of Independence and points to an enduring Ngapuhi understanding that their authority had received the support of the British Crown. This was the reference to 'our previous king' 'to matou kingi'.

Heke further emphasised that that the authority established by King William IV, the upholder of the Declaration of Independence, lay over the Queen's authority.

> Ina hoki koutou e whakahonore ana ki to koutou kuini wahine, ki o koutou kawana, no te mea kei runga i a koutou te mana o koutou rangatira. Ahakoa mate a Kingi Wiremu, ko tana mana kei runga i te kuini, pahi katoa o koutou, matou.
>
> Now you honour your queen and your governors because the authority [mana] of [those of] your chiefs lies over you. Although dead – King William has died – his authority is over the queen, and passes over you [and] us overseas.

The letter also expressed Heke's view that, while Pakeha written law and 'prohibitions' were to be adhered to, Maori also continued to adhere to their own laws, 'to matou tikanga'.

> I tawahi ko ta koutou nei rahui he mea tuhituhi ki te reta koutou nei rahui. Tahae kau te Pakeha, Ka mau te ture ko to matou tikanga. He mea tapatapa tahae kau ka maru te tukituki.[132]

---

[131] Williams' dictionary translates this as: 'call an article by the name of anyone, for the purpose of conferring some sanctity upon it'.
[132] Hone Heke ki te Pihopa Selwyn, 6 Pepuere 1842, George Selwyn papers, MSS MP 90/ 5, Auckland University Library

> Your prohibition is written in letters, and [with] your prohibitions if a Pakeha just steals, the law binds him. Our custom is from naming some things as sacred, and if there is stealing, there is killing. [133]

Heke emphasised that he sought a peaceful solution to the issues. The letter is important in its insight into the pressures and tensions that Ngapuhi were faced with, and the extent to which, while Pakeha systems of authority were applied to Maori, Ngapuhi's own tikanga was not being respected by Pakeha. This notably included the missionaries, those whom it might be expected would be cognizant of Ngapuhi tikanga and tapu.

1.20 The impact of other laws

While Maketu was the prominent case which reflected an emerging tension between rangatiratanga and kawanatanga, other laws and regulations were soon to impact on in the chiefs' sense of their rangatiratanga. In November 1841, Hobson issued a notice that prohibited the felling of kauri timber.[134] The measure was intended to prevent clandestine operators removing valuable kauri from land they did not own. As such, it was partly a protective measure. However, this was not how the act was viewed by Northern Maori, who saw the act as government interference and as a direct threat to their income. Waka Nene was strongly opposed to the proclamation. And, as Henry Williams noted, 'Waka particularly declared that if the governor were present he would cut down a Kauri tree before him and see how he would act.'[135]

Hobson later reacted by trying to 'correct' what he saw as 'misunderstandings' about the notice. He stated that the regulation was never intended to prevent Maori from 'cutting timber from lands they had not alienated, nor to interrupt persons who had preferred

---

[133] Translation by Dr Jane McRae
[134] *New Zealand Government Gazette*, 3 November 1841, Number 16
[135] H Williams to CMS, 1 May 1847, CN/ O 94(b) cited in Phillipson, p. 325

claims before the Commissioners from cutting timber'.[136] Yet, in some senses it was immaterial whether the timber regulations applied to Maori or not. The fact was that the governor's proclamation was perceived as another law or act seen to be impinging on rangatiratanga, supposedly protected by Te Tiriti. While from a British perspective, these laws might have seemed necessary for the foundation of a colony, to Maori, and Ngapuhi in particular, they directly conflicted with rangatiratanga and economic survival.

1.21 Customs dues & anchorage fees

The colonial government's decision to impose customs duties and prohibit the anchorage fees formerly controlled by Maori chiefs marked a major change in relations between Northern Maori and the Crown. From this act it became abundantly clear that the British kawana intended to make laws that supplanted the authority of rangatira.

Maori rangatira, such as Heke, Kawiti, Pomare, Te Wharerahi and others had, through the 1830s, maintained a system of anchorage fees. These fees, recorded in some sources as 5 pounds per vessel, were charged by individual rangatira to vessels who anchored within their area. For example, if a vessel chose to anchor at Kororareka it paid Te Wharerahi or Rewa, if it lay at anchor at Otuihu, the master of a vessel had to pay Pomare. Hone Heke held rights to extract fees from vessels anchored at Paihia and Waitangi. This was a well-established system administered by the leading rangatira in the Bay of Islands and represented a tangible extension of rangatiratanga. Ngapuhi were mindful of the importance of the total quantity of trade and for this reason, levied a flat fee on each vessel, rather than separate customs fees on the amount or type of produce imported or exported. The fee also recognised the value of trade to Maori in the Bay of Islands.

On 17 June 1841, the government intervened and passed the Customs Ordinance. This repealed the existing New South Wales' ordinance, which had apparently been applied to New Zealand for the purposes of customs duties. The 1841 ordinance applied to the

[136] Governor Hobson, 'The Governor's Reply to the address by the Residents of Kororareka, 15 December 1842', *The Bay of Islands Observer*, 24 February 1842, p. 1

range of imported trade goods, with particular figures listed for different forms of alcohol and tobacco.[137] It prohibited chiefs from charging anchorage fees and imposed certain customs charges in the name of the government.

As a result of the Act, 'ports of entry' were designated. Traders and importers were only meant to enter New Zealand through the official ports. Official ports were Bay of Islands, Whangarei and Hokianga. Whangaroa, it seems, was not deemed to be an official port. Customs officials were appointed to operate at each of the official ports and the rates as specified in the table were applied to all imports of goods, based on the quantity imported.

Ngapuhi reacted strongly to what was perceived as a dual blow of kawanatanga: anchorage dues had been prohibited and the governor had imposed his own customs dues over Maori and European. The effect of the customs dues is hard to isolate in its own right, as against other economic factors, such as the removal of the capital to Auckland and economic depression. Still it is clear that Ngapuhi felt the dues to be a severe encumbrance. Over time, as the economic situation in the north worsened, resentment deepened about the continued imposition of government customs' dues.

Two witnesses later recalled the importance of customs in raising tensions and problems with poverty in the Bay of Islands. George Clarke wrote:

> The Bay of Islands was at the time of the cession of New Zealand, the great resort of whaling ships, French, English and especially American. There were often as many as twenty whalers anchored at Kororareka at the same time, And of course there was large trade between them and the natives. The proclamation of British sovereignty changed it all. The immediate result of imposing Customs

[137] Customs Regulation Ordinance, 17 June 1841, Session 1, No. 3, 4th Victoria, IA 12/2

> regulations, was to destroy this local commerce, and the Ngapuhi tribe, from being the richest and most prosperous in the country, sunk rapidly into poverty.[138]

The whaling trade appears to have been based on principles of free trade. Kororareka survived, and indeed had flourished as the largest of the port towns in the southern Pacific, based on these economic principles, under the watchful eyes of the chiefs. But the trade and commerce were vulnerable. There were a number of other towns on the whaling routes, such as Apia, Levuka, Honolulu, Valparaiso and Papeete, all competing with Kororareka. It appears that, upon the imposition of the government regulations, that whaling captains and other traders simply packed up and shipped off to another port town that supported free trade. The downturn that the departure of the whalers caused, hit Kororareka and the north hard. The economic depression is discussed in further detail below.

The Customs Ordinance 1841 was amended in early June 1844. This amendment included a revised table of duties.[139] These new customs duties did not remain in force for very long, however. They were removed by governor FitzRoy in September, after his meeting with Ngapuhi chiefs in Waimate that month. This meeting and the subsequent removal of customs will be discussed in the next chapter.

The overall effect was two-fold. First, the prohibition of anchorage fees and the imposition of customs dues were strong statements about the pre-eminence of Crown authority over local Maori rangatiratanga. Secondly, the dues deprived Maori of a real source of income. The issue negatively impacted on the essence of the free-trading nature of the Bay of Islands. Then, the government left the Bay of Islands, but left Maori with the painful legacy of the customs dues.

1.22 Removal of the capital from the Bay of Islands to Auckland

---

[138] Clarke, *Early Life in New Zealand*, 1903, p. 68
[139] Refer to Customs Amendment Ordinance Session 3, No. 6, 8 Victoria, in Bluebook 1844, IA 12/6, p. 3

Historians have identified the shift of the Colony's capital from the Bay of Islands to Waitemata or Auckland (as it became known) as another important source of discontent for Bay of Islands' Maori.[140] The departure from the North was seen as spurning the former relationship between Ngapuhi and the British Crown. The removal of the capital also had the effect of drawing trade and shipping away from the Bay of Islands and in so doing helped create the conditions of economic depression that affected the Bay of Islands for a number of years to follow.

When Te Tiriti was signed, the governor was briefly based at Paihia before acquiring land from James Clendon at Okiato point (who had earlier acquired it from Ngati Manu chief Pomare), and which the government renamed Russell. Russell served as the seat of government for the first six months of the colony. Early on, however, the government surveyor, Felton Mathew, started looking for alternative sites for the capital. And, on 17 September 1840, the choice of Auckland as a new capital was made public.[141] After the capital was shifted, Okiato was destroyed by fire in the early 1840s. But the port continued to be known as Russell and this name (Russell) was gradually applied to Kororareka. In January 1844 the change was ratified when FitzRoy decreed that Kororareka should be included as part of the township of 'Russell'.[142]

After the removal of the capital from the Bay of Islands in the early 1840s, Kororareka's prosperity declined. It is evident that the shifting of the capital had a considerable negative impact on the economic well-being of the Kororareka community and the greater Bay of Islands. What is not so clear, however, is the extent to which the removal of the capital was singularly responsible for the economic decline that afflicted the Bay of Islands. There is evidence in some sources that, for example, the fall in the price of whale oil, and therefore the number of whaling ships visiting the port, also had an important influence. John Hobbs of the Wesleyan Mission also noted that there was a

---

[140] See for example, Ian Wards, p. 100.
[141] M.F. Lloyd Pritchard, *An Economic History of New Zealand to 1839*, 1970, p. 32; A. H. McLintock, *Crown Colony Government* in New Zealand, p. 127
[142] *Government Gazette*, No. 1, 13 January 1844, p. 1903 [copy included in CO 209/ 27, p. 221]

considerable decline in the timber trade with the Australian colonies during the early 1840s, which had some impact on the depression felt in the Bay of Islands.[143]

Questions as to the relative impact of different economic factors on the depression suffered in the Bay of Islands are beyond the scope of the present report and need further research. What is demonstrable, however, is that there was a notable exodus of people and economic industry from the Bay of Islands as a result of the decision to shift the capital to Waitemata. This depletion left the Bay of Islands susceptible to the vicissitudes of wider economic factors. The subsequent implementation of customs duties further damaged Kororareka's economic viability. As one settler noted in 1846,

> government were so determined upon sacrificing the old settlement of Kororarika for the sake of the new one, (Auckland), that they drove the whaling ships entirely away by their obnoxious measures, and as they were the staple support of the place, the inhabitants began to remove themselves.[144]

Ngapuhi had worked for at least two generations to establish a relationship with British arrivals in the Bay of Islands and to foster a relationship and alliance with the British Crown. It is suggested here that the removal of the capital from the north was in some ways a breach of the long-standing relationship between Ngapuhi and the Crown – - a relationship that reached back before the signing of Te Tiriti. Certainly the founding of an important town and the arrival of Europeans and trade would have been powerful motivating factors for Ngapuhi to have signed Te Tiriti o Waitangi. As a result, land transactions had taken place and settlements formed. Ngapuhi had cultivated a reciprocal relationship between themselves and the British Crown. This was part of the reason why Hobson first chose the Bay of Islands to establish the capital. The departure of the government from the Bay of Islands needs to be looked at carefully in this light. Maori had perhaps expected the Crown to continue to live among them and from that

[143] John Hobbs, cited in Ian Wards, *Shadow of the Land*, p. 96
[144] John Weavell to Alfred Wilson (brother in law), 25 January 1846, Auckland, MS Papers 1277, ATL

association their protection and prosperity would continue to grow. Instead, the message to Ngapuhi was that the Crown would find its own place, after its initial assistance, and that place would be in the territory of Ngapuhi's neighbour and sometime enemy, Ngati Whatua. It is notable that after the Crown departed the North, it did not return until 1844, after the flagstaff had been cut down.

If the departure of the Crown had been a bitter pill to swallow in terms of former relationships, the ill feeling was no doubt exacerbated by the fact that the government was implementing more and more regulations, and that these laws were 'governance from afar'. The former close relationship between the Crown and Ngapuhi became increasingly distant.

A further point to be noted was the untimely death of governor Hobson. Hobson had been the central figure in political negotiations and the establishment of the British government. After his death from illness in September 1842, he was replaced by Willoughby Shortland, who acted as governor (though was only appointed administrator) until Robert FitzRoy arrived in late December 1843.[145] Shortland was not of the same stature or mana as Hobson; he had previously been the police magistrate at Kororareka during the arrest and trial of Kihi. The British government's appointment of Shortland must have been viewed with some doubt and scepticism by Maori leaders who had known other governors. What was the calibre of leadership and protection to be offered by the British under the leadership of such a man? Northern Chiefs had been used to the closeness of the British authority, but with the shift of the capital such authority was removed to Auckland and FitzRoy began his governorship from there.

1.23 Loss of trade and economic depression

Maori had signed the Treaty not only to maintain their authority. There had been the promise that, by signing Te Tiriti, 'the governor would bring settlers, trade and prosperity' in increasing amounts to the Bay of Islands. Yet the combined effect of the

[145] A. H. McLintock, *Crown Colony Government in New Zealand*, 1958, p. 411

shift of capital, the implementation of customs duties, and shifts in international trade and commerce had a sharp deleterious effect on the town of Kororareka and the wider north. It appears that the effects of the downturn were cumulative and began to be most noticeable in late 1843 and early 1844. Chief Protector Clarke in his half-yearly report ending 30 June 1844, made direct reference to the signs of poverty apparent in the north and the needs of the northern chiefs for a market for their produce. [146]

> their great complaint is their inability to procure European clothing, and other manufactured articles, which they require; their resources arising from land sales have entirely ceased, the timber trade has also failed; from which causes great poverty and destitution prevail [sic]. In those early settlements some of the chiefs who once made a respectable appearance, and had wealth at command, have fallen back to the use of the blanket and the mat.[147]

While it was felt by some missionaries that, if Maori continued to grow crops, they could resurrect their own economy, Clarke noted that supply outstripped demand and prices remained low. The 'quantity of produce which they have brought into the market has so completely kept down exhorbitant prices, that, generally speaking, pigs and potatoes have been procured at as low a rate as they were 15 years ago. This circumstance though highly advantageous to the Europeans, has been felt otherwise by the natives'.[148]

There are numerous references to the economic plight of northern Maori in 1844. In particular, the period after July 1844, when Heke first cut down the flagpole, led a lot of Europeans to focus on economic depression as a key cause for Ngapuhi dissatisfaction.[149] In April FitzRoy had written to Stanley,

---

[146] (Although it is dated 31 July 1844, it appears to have been written without any knowledge or reference to the felling of the flagstaff.)
[147] Clarke to Colonial Secretary, 31 July 1844, *GBPP*, 1844 (369), p. 457
[148] Clarke to Colonial Secretary, 31 July 1844, *GBPP*, 1844 (369), p. 459
[149] Phillipson, p. 312

> In the Bay of Islands there is a considerable trade: now again on the increase, after having been much checked subsequent to the removal of the Local Government to Auckland….
>
> At this time there are about 10 sail of Whaling Ships, besides other vessels, lying there: and were it not for the Customs regulations, probably thirty or forty sail of vessels would be seen there, at one time – as was the case formerly.[150]

Economic pressures were of course not only felt by Ngapuhi; the Colonial government itself was strapped for cash and the broader economy had stalled, as will be discussed in a later chapter. As Vaggioli noted in his later history, 'Government employees remained unpaid…. Because the people had no money, titles for land could not be paid for'.[151] Still, a considerable amount of shipping and trade moved with the capital. This constant trade and commerce might sustain the settlements in general through difficult times. Whether the removal of the capital was the cause of economic decline or not, it was perceived at the time to be a major cause. It is evident that the new poverty and depressed economic conditions made Maori feel deprived of a former wealth. Ngapuhi were sensible of a shift in real terms, and it in some ways reflected actual changes and loss of authority.

These comments were repeated by chiefs who spoke at the Waimate hui with the governor in September 1844, after the flagstaff had been cut down. The chiefs reported that:

> they were now extremely poor; a few years ago they were able to procure not only necessaries, but luxuries; now they were reduced as I might see, to an old thread-worn blanket; and they had been given to understand that this was in consequence of their having signed the Treaty of Waitangi…. They confessed they felt these remarks, especially as they (from a conviction that their approval of the late governor, and signing the treaty would lead to prosperity) had taken such as active

[150] FitzRoy to Stanley, 10 April 1844, Dispatch 1844/ 7, CO 209/ 27, facing p. 219
[151] Vaggioli, p. 118

part in getting the treaty signed; and after having taken such an active part in welcoming the governor, and then to see him removing from them to Auckland was to much for them, and not treating them well.[152]

1.24 Land issues

Land issues were a major factor in the escalation of tension that led to the Northern War. Ngapuhi had witnessed the largest influx of Pakeha settlers and early land transactions; consequently they had a heightened awareness and fear of land dispossession. There were three main areas of concern or issues relating to land:

- Pre-treaty land transactions (Old Land Claims) and the Crown's investigation of these early transactions
- the question of the return of 'surplus lands' from pre-treaty transactions
- the impact of Crown pre-emption on the rights of chiefs to transact land;

Issues of land regulation and alienation are substantially covered in three separate reports: covered Bruce Stirling on pre-Treaty transactions; Vincent O'Malley on the Crown purchasing of Maori land from 1840 to 1865. Grant Phillipson has also devoted attention to the discussion of land issues as a key factor in the Northern War. Land issues are covered in the present report only so far as to examine their role in the escalation of tension and the origins of the Northern War. It is clear that land issues were an important influence on Heke's decision to cut down the flagstaff in July 1844.

It is important to recognise that much of the concern with land stemmed from the central concerns of authority and rangatiratanga. While Europeans and the English text of the Treaty sought to draw a distinction between chiefly authority and land ownership, for many Ngapuhi, the concept of land ownership was not something that could be separated from rangatiratanga. Therefore it is important to recognise when that when Ngapuhi chiefs made references to land ownership in the 1840s, they often implicitly referred to

[152] Clarke to Colonial Secretary, 30 September 1844, *GBPP*, 1844 (369), p. 419

chieftainship and authority over the land. The two were inextricably bound together. As the Hokianga rangatira Makoare Te Taonui explained: 'We are not good (or willing) to give up our land; it is from the earth we obtain all things; the land is our father; the land is our chieftainship; we will not give it up.'[153]

From 1840 through into 1844, Ngapuhi voiced concerns that they would be rendered landless as a result of colonisation and the Treaty of Waitangi. This concern arose from what they had seen of Australian Aboriginals, and the fear that they themselves might acquire the status of slaves. It was also a question of Maori power and authority. At the signing of Te Tiriti, and afterwards, many Ngapuhi chiefs referred to the loss of lands. East-coast chiefs, such as Te Kemara and Rewa, complained of the lands that they had apparently lost to the missionaries.[154] During his speech at Waitangi, Moka referred to the land proclamation of the government and hinted that it would not stop the land hungry interests of Pakeha such as Busby from acquiring Maori land.[155] As Phillipson noted, Kawiti was particularly concerned to ensure that lands were not alienated. Such concerns were also expressed by Hokianga chiefs.

Crown officials, notably Hobson, were aware of Maori concerns about the loss of lands. From the outset, Hobson sought to reassure Maori that they would not be dispossessed of their lands. On 29 January 1840 he came ashore for the first time and read three proclamations. One declared that title to New Zealand land would be valid only if derived from or confirmed by the Crown, that commissioners would be appointed to investigate land purchased, and that any further purchases would be 'null and void'.[156] Even before to the Treaty signings, then, Hobson stressed the protective nature of Crown pre-emption and emphasised that the existing land claims would be fully investigated.

At the Waitangi signing of Te Tiriti, Hobson intervened in the discussions and sought to reassure Maori that previous land transactions would be investigated. Maori were further

---

[153] Shortland to Stanley, 18 January 1845, *GBPP*, 1844 (108), p. 512
[154] Colenso, pp. 18-19
[155] Buick, 3rd ed., 1936, p. 129
[156] *GBPP* 1840 (560), pp. 8-9; Orange, p. 34

reassured by the terms of Te Tiriti which guaranteed Maori 'te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa.'[157] Te Tiriti recognised Maori chiefly authority over their land and settlements. Maori in the north received direct assurances that the Crown would protect their lands from land-sharks, and that the transactions that had already taken place (pre-treaty) would be duly and properly investigated. After the Treaty, the governor and Crown officials continued to reassure Maori about land ownership. The governor issued a printed letter to Maori about the ownership of their land. Dated 27 April 1840 this circular letter reinforced the earlier statements that Maori would not have their lands taken from them.[158]

Despite the reassurances however, concerns remained. Richard Davis, a CMS missionary stationed at Te Waimate, wrote in August 1841 expressing his own fears that Maori might lose their 'country'. 'It is but too evident that the Europeans will possess themselves of their [the Natives] country – of this some of them are pretty well aware.'[159] Davis's comment echoing the concerns of Te Taonui and others, drew an important connection between the loss of land and the loss of country and rangatiratanga. Later, in 1842, Davis mentioned Maori opposition to government plans for surveying and building a road between the Bay of Islands and Hokianga. He noted that, although the object was desirable, the road was to pass through

> 'a part of the Country which is in possession of the Natives. To this they decidedly object and serious threats have been again held out against us, should the government attempt to enforce its measures. They are determined to retain their possessions and only to give them up with their lives.'[160]

The government chose not to continue with the planned road. However, the example is illustrative of a broader desire expressed by Ngapuhi to avoid lands being broken up and of the indivisibility of land and rangatiratanga. Writing to the governor in May 1845,

---

[157] Ko te tuarua, 'Te Tiriti o Waitangi', Orange, p. 257
[158] Phil Parkinson et al., *Books in Maori 1815 – 1900*, pp. 79-80
[159] Davis to CMS Secretary, 30 August 1841, CN/M, 13, AUL, p. 105
[160] Davis to CMS Secretary, 18 August 1842, CN/M, 13, p. 576

after cutting down the flagstaff for the fourth time, Heke drew the connections together: 'kia mate matou ki runga ki to matou wenua i tukua mai e te Atua'.[161] Thomas Forsaith translated the statement as: 'we would die upon our land which was delivered to us by God'.[162] H T Kemp gave an alternative translation, however, which emphaised the connection between land and authority: 'We determined to die for the country [nation?] provided for us by the Almighty'.[163]

1.25 Pre-Treaty Land Transactions (Old Land Claims)

Te Taitokerau and the Bay of Islands was the site for the earliest and largest number of pre-treaty transactions and the issue loomed large for Ngapuhi. The government asserted its authority on land matters from early on with its arrangements to investigate pre-treaty transactions. From mid-1841, Commissioners Godfrey and Richmond began investigations into the pre-treaty transactions. The first hearing was held in Kororareka, with subsequent hearings in different locations throughout the north. While the history of the pre-treaty transactions is dealt elsewhere, it is necessary to highlight two factors that impacted upon Northern Maori as a result of the Old Land Claims' investigations

Firstly, the Crown's process sought to formalise land transactions, according to Pakeha concepts of land tenure. In other words, land title would only be considered valid if granted or confirmed by the Crown. This last fact was something that undercut rangatiratanga, though there is no evidence to suggest that Maori in 1845 had reacted in response to this. Certainly Pakeha residents at the Bay, many of who had already forged land arrangements with local Maori, questioned the imposition of Crown title and referred to 'the very ambiguous suspension of native title'.[164]

A second issue was the governor's decision to 'grant' lands away from the Bay of Islands and the site of the original transaction. The policy, adopted by Willoughby Shortland in

---

[161] Hone Wiremu Pokai to the Governor, 21 May 1845, G 30/ 7, p. 979
[162] Translation by Thomas Forsaith, ibid. p. 987
[163] Translation by H T Kemp Senior, ibid., p.998
[164] Quaife et al. Address to Governor FitzRoy, 9 January 1843, *GBPP* (247), p. 244

particular, encouraged the award of land orders in close proximity to Auckland.[165] This must have seemed to Northern Maori that they were being further penalized by the removal of the capital from the Bay of Islands to Auckland.

There were notable delays and difficulties in investigating the Old Land Claims. There were also fees to be paid to the government in settling the transactions. These fees, as FitzRoy observed, delayed the effective award of lands. The delay meant that, by 1844, when the first attack on the flagstaff was made, many of the Old Land Claims were still unsettled. Maori may have witnessed and participated in the investigation process, but that they were still in the dark as to the final impact of the Crown's final decision. FitzRoy noted in 1844, that a large number of the investigations and awards had not been taken up because of the cost of fees to formalize the award: 'near 400 deeds of grant, which I have signed since my arrival, are now lying in office, because those in whose favour they are made out are too poor to pay the fees required by law.'[166] He attributed this delay to the overall economic difficulties that many potential Pakeha grantees had found themselves in by 1843 and 1844.[167]

1.26 The Crown's 'Surplus lands' policy

Maori concerns over land loss were further compounded by the colonial government's approach to dealing with 'surplus lands'. The Muriwhenua Tribunal has observed, 'Surplus land is the balance of a pre-Treaty land transaction which was not granted to a putative purchaser. It is land which the government presumed to own.'[168] Hobson's 1841 Land Claim Ordinance established a system for the investigation of pre-Treaty transactions in New Zealand and it was based around the underlying idea that all lands not awarded to Pakeha claimants were deemed to be 'surplus' and automatically vested in the Crown, rather than returned to Maori. However, when investigations of the alleged land transactions began, there was a sense of expectation among Maori that if the claims

[165] Alan Ward, *National Overview*, Vol. 2, pp. 39 & 45
[166] FitzRoy to Stanley, 16 September 1844, *GBPP* (247), p. 356
[167] FitzRoy to Stanley, 16 September 1844, *GBPP* (247), p. 356
[168] Muriwhenua report, p. 124

were proven either to be excessive or illegitimate, then the lands not required for the settlement of the claim would be returned to the original Maori owners. Given the preponderance of Old Land Claims in the North, it was potentially an important issue that involved large tracts of land and affected a number of northern hapu.

Phillipson identifies 'surplus lands' as a central cause of resentment among Ngapuhi that led to the Northern War. He provides a detailed assessment of the policy framework produced by the Colonial Office and the application of the policy by FitzRoy.[169] Phillipson also highlights the Maori concern about 'surplus lands', and refers to a written petition from Maori to FitzRoy on the issue. He also importantly records a number of situations where FitzRoy made promises to Maori and to European settlers that the government would not acquire the 'surplus lands'. These are 'promises' which appeared to fly in the face of the Colonial Policy on surplus lands. This policy, while it admittedly allowed for some latitude in particular cases, specifically required that the Crown took possession of any lands in Old Land Claims deemed 'surplus'.[170] Phillipson concludes that tensions resulted not only as a result of the surplus lands' policy, but also as a result of FitzRoy's failure to act on his 'promises' to Ngapuhi and other groups and his inconsistent application of the policy.[171]

The clearest statement of the importance of the surplus lands issue for northern Maori came during the Waimate hui with the governor on 3 - 4 September 1844. This hui was called in the wake of the first cutting of the flagstaff, and will be covered in detail in Chapter 2. Phillipson cites two accounts of the meeting, one recorded by Reverend William Cotton and the other published in the *Southern Cross* newspaper. These accounts noted that Ngapuhi chiefs had met with FitzRoy and tabled specific concerns, one of which was the government's claim to surplus lands.[172]

---

[169] Refer to Phillipson, pp. 339-42
[170] Phillipson, p. 341
[171] ibid., p. 340
[172] ibid., p. 339

The surplus lands' policy envisaged by the Crown was an undoubted concern for Ngapuhi. Maori knew of the policy and disapproved of it. But it is difficult to know the extent of Ngapuhi objection towards the policy between 1840 and 1844. Many Ngapuhi chiefs had been involved across a number of investigations and had, as a result, a heightened awareness of the extent of early transactions. As already noted, however, the final awards hadn't been granted and issued on the ground and this may have stalled any criticism or protest. Commentators such as George Clarke junior reported that the issue was not as important as some suggested, [173] although, as Phillipson notes, the Clarke family were themselves land claimants, and therefore hardly neutral observers.[174] Surplus lands were barely mentioned as cause of grievance in Clarke's half-year reports, for example, reports which often contained numerous other issues, such as the imposition of customs' duties, and indeed the removal of pre-emption.

Throughout this period FitzRoy appears to have decided not to implement the policy – as his correspondence with Stanley (cited by Phillipson) suggests. His approach to the issue was characterised by expedient statements and ad hoc promises not to implement the surplus lands policy. He wrote to Stanley in October 1844 and explained the difficulties relating to any attempt to enforce the policy of the government taking and selling the surplus lands: 'such a step as selling those "excess lands" was happily never attempted, however generally contemplated'.[175] As the Muriwhenua Tribunal has noted, 'FitzRoy was not denying the right of English law [to assume ownership of 'surplus lands'], but was warning against exercising it.' And, as a result, 'nothing was done about the Surplus land for over a decade…'.[176]

1.27 Crown Pre-Emption in Land Transactions

[173] George Clarke junior, *Notes on Early Life in New Zealand*, 1903, p. 69
[174] Phillipson, p. 339
[175] FitzRoy to Stanley, 15 October 1844, *GBPP* (369), p. 409. Cited in Phillipson, p. 340 and Muriwhenua Report, p. 176
[176] Muriwhenua Report, p. 176

Another concern for Northern Maori was the Crown's policy of pre-emption.[177] It was one of the explicit terms in the Treaty of Waitangi and was represented as one of the protective features of the 1840 agreement. During the years after 1840, however, Maori came to see some of the disadvantages as well as the initial advantages of Crown pre-emption. In particular Maori sellers were constrained to sell their land to the Crown and accept the price offered by the Crown agents. Certainly, Maori were very aware of the fact that lands which they had initially parted with to the Crown, or pre-treaty transactions, had been on-sold for higher prices not only in Auckland but also in the Bay of Islands, such as the individual allotments in Kororareka.[178] The power of making decisions over land had diminished and Maori voiced their concerns to the governor about Crown pre-emption.

The other issue of concern for Maori, stemming from Crown pre-emption, was paradoxically the Crown's inability to purchase land owing to its extremely limited financial resources. Because the Colonial government was cash-strapped – it was unable to purchase land, even if Maori approached them to accept a lower price. The anticipated scheme of controlled land transactions slowed to a standstill. As one historian notes, Maori in the north continued to try to transact land with Hobson, however he was financially constrained and 'had to turn down these offers, disappointing Maori who consequently resented Crown pre-emption.'[179]

The inability to sell land began to bite, as economic depression set in the North in the wake of the removal of the capital. The decision to shift the capital had an impact on the demand for land in the Bay of Islands. Further, under Crown pre-emption, the only possible buyer had effectively moved away. Maori were frozen out of the land market. This situation exacerbated the already sharply felt depression. And it may have generated further resentment that the Crown was complicit in or at least unable to prevent Maori falling from relative prosperity after 1840. This experience was significantly different

---

[177] For a detailed discussion of pre-emption, refer to Rose Daamen, *Rangahaua Whanui National Theme D: The Crown's Right of Pre-Emption and FitzRoy's Waiver Purchases*, Waitangi Tribunal, August 1998
[178] Ward, *National Overview*, Vol. 2, p. 108
[179] Ward, p. 108

from the 'protective benefits' of pre-emption that Maori had understood would derive from the Treaty.

1.28 The Crown waiver of Pre-emption

In early 1844, the newly arrived governor FitzRoy waived Crown pre-emption. He introduced three sets of waivers. The first allowed settlers to purchase lands directly from Maori. FitzRoy acted at least partly in response to Maori concerns. He explained to the Colonial Office that Maori had wanted to transact land.

> They [Maori] called on the government to buy, or let others buy; and great discontent has been caused among them by the inability of the government to do either. But while they called on the government to buy from them, it was at a nice price wholly out of the question. They said: Let the government give us as much as it receives from others, or let them buy from us. By the treaty of Waitangi, we agreed to let the Queen have first choice (the refusal) of our lands, but we never thought we should be prevented from selling to others if the Queen would not buy. Is it just to us that you will neither buy at a fair price, nor let others buy, who will give us as large a price as they give to you, after you have bought from us for a trifle.[180]

Other waivers were subsequently introduced, including for the New Zealand Company. Richard Davis, by then based in Kaikohe, declared that the 'Treaty has been violated by the Charter granted by Her Majesty's government to the New Zealand Company – because thereby they possess the prerogative of making land purchases from the Natives.'[181]

The waivers introduced a series of other regulations on transactions, including fees on the cost of each waiver purchase and contributions to the Crown in order to fund further

---

[180] FitzRoy to Stanley, 15 April 1844, *GBPP*, vol 4, pp. 178-179 cited in Ward, p. 110
[181] Davis to CMS Secretary, 7 February 1842, CN/M, 13, AUL, p. 334

emigration. Some of the fees were also to pay for the Crown's careful examination of each waiver purchase to ensure Maori had not been treated unfairly.[182] The rates of fees charged on the pre-emption waivers led the Protector of Aborigines to speculate as to the relative advantages and disadvantages of the pre-emption waivers.

> The advantages of the measures are obvious; it gives the Europeans an opportunity of selecting land in the most favourable situations, and will tend to concentrate them around the capital. The pressing wants of the natives living at a distance from Auckland will make them eager to sell their lands, but when they find that the government restrictions of 10s. per acre to be paid by the purchaser to the Crown act as a bar to prevent settlers from purchasing land at such a distance from the capital, that its value for some years to come would not be equal to the outlay of capital necessary to acquire it, I am apprehensive they will be dissatisfied.[183]

However, by late 1844, and in the wake of Heke's first attack on the flagstaff, the governor further changed the regime of payments on pre-emption waivers, reducing the fees down to the nominal charge of 1 penny an acre.[184] During the Executive Committee discussions over whether to make the changes, the governor noted the 'very great dissatisfaction of the Natives with respect to the restrictions placed on the sale of their Land and proposed an alteration he was anxious to introduce in the existing regulation.' FitzRoy further explained to the Colonial Office that Maori felt a sense of grievance over the issue of pre-emption.

> the natives have been repeatedly told that they gave to the Queen of England 'te nokonga,' [hokonga] the 'option of purchase,' but that they did not, in their own language, give her Majesty the sole and exclusive right of purchase; that the

---

[182] 'Fees on Waiving the Crown's Right of Preemption', Proclamation, 26 March 1844, Clause 8, in IA 12/6, 1844, p. 14, ANZW
[183] Clarke to Colonial Secretary, 31 July 1844, *GBPP*, 1845 (369), p. 458
[184] 'Notifying revised conditions under which the governor could consent to waive the Right of Premption; substituting for the payments required by the Proclamation of the 26 March 1844 a fee at the rate of one penny per acre, on the issue of a Crown grant.' Proclamation, 10 October 1844, IA 12/6, p. 56

> words of 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.[185]

The chief Protector of Aborigines, Clarke, also referred to 'the very great dissatisfaction existing in the minds of the natives in consequence of the restrictions placed on the disposal of their lands'.[186]

Rose Daamen identifies that, despite a relatively high number of land transactions in and around the settlement of Auckland, only two pre-emption waiver purchases occurred in the Bay of Islands.[187] It is important to recognise that, although there were relatively few pre-emption waiver transactions completed in the north, as contrasted with the large number of earlier pre-treaty transactions, many of the concerns registered by the government were felt by Northern Maori. Specifically, (a) Maori wanted to sell transact land but until 1844 had been prevented from obtaining an open market price for it, and (b), the Crown had chosen not to purchase land as it did not have the financial resources. However in the North there was a further factor which significantly intensified feelings, and that was that the removal of the capital and the subsequent economic depression. The depressed state of the north after 1841 meant that no-one wanted to purchase land in the north (when pre-emption waivers actually eventuated). There was no demand for Northland land and this only intensified the depressed economic conditions.

1.29 Growing Tensions between Maori and Pakeha settlers in the North

While much of the chapter has focused on the relationship between the Crown and Maori between 1840 and 1844, the relations between settlers and Maori were another important dimension to understand the origins of the war. This final section examines the rise of

---

[185] FitzRoy to Stanley, 14 October 1845, *GBPP*, vol. 4, p. 400 (20)
[186] Thursday 10 October 1844, Minutes of the Executive Council, EC 1/1, ANZ
[187] Daamen, 1998, p.99

tensions between Maori and Pakeha in the north by 1844. In particular, it examines the series of events that immediately led to Heke's attack on the flagstaff on 8 July 1844.
Hobson and others had foreseen difficulties from the outset of colonisation. '[W]e can scarcely hope to preserve such harmony when the settlers become more numerous. I have proposed that sub-protectors should be appointed generally throughout the country, to prevent collision with the white population, by adjudicating disputes before recourse is had to arms.'[188] Protectors of Aborigines were appointed and proved of some use in resolving disputes between Maori and Pakeha in the early 1840s.

As population dynamics began to shift in the early 1840s, so too did the attitude of some European settlers and the work of the Protectors increased. Although the shift was less noticeable in the Bay of Islands, still similar attitudes began to emerge among the newer European settlers. In 1842, George Clarke senior warned that the European settlers were more likely to cause conflict than Maori.

> [We] have reason to apprehend more difficulty from Her Majesty's British subjects than from the Aboriginals, and I think it is equally conclusive that we have to attribute our peace with the Natives more to the good sense which actuates them than to the prudence and forbearance of the Europeans.[189]

Northern Maori experienced changes in the behaviour of Pakeha settlers. Phillipson has described how early land transactions connected pakeha settlers were to particular groups through reciprocal responsibilities and kinship connections.[190] He also discusses the change from such early arrangements between settlers and Ngapuhi which were characterised by reciprocal and gift-giving. In many ways, this change in behaviour represented a further denigration of local chiefly authority. It is hard to know how Crown officials could have assisted to prevent this. But it is necessary to recognise that such

[188] Hobson to Secretary of State, 15 October 1840, CO 209/7, p. 189
[189] Clarke, Chief Protector's Report for the half year ending 30 April 1842, CO 209/ 16, p.111
[190] See Phillipson, p. 151

shifts occurred as a result of British colonisation, and that the Crown officials did little in the way to ensure settlers continued to respect Maori chiefly authority.

Significantly, some of the changes in attitudes began to find expression in new laws that appeared to favour the interest of Europeans over Maori. Laws such as the 'Raupo Houses ordinance,'[191] and restrictions on dogs and pigs,[192] seemed designed to protect European interests over Maori interests. Regulations such as these only served to build a sense of resentment among Maori that they were being forced to accept a Pakeha authority which did not respect Maori tikanga and way of life.

An example of changing attitudes occurred in 1842, when a prominent settler, Thomas Forsythe, interfered with a wahi tapu in the northern Kaipara area. Although outside the Taitokerau area, it involved neighbouring groups who held interests in the north such as the principal rangatira of Te Parawhau, Te Tirarau. As a result of the settler's actions, Te Tirarau, subjected Forsythe to ritual muru or stripping of certain possessions in recompense for the injury caused. However, the matter however did not stop there as has already been discussed in Bruce Stirling's report for the Kaipara inquiry. The government approached Te Tirarau through the Chief Protector, Clarke, and asked for some of restitution of Forsythe's property or compensation to be paid, for what they considered an 'unlawful' act. Te Tirarau responded by 'giving' to the Crown an area estimated to be 19,000 acres.[193] Hobson commented at the time that, had he tried to arrest Te Tirarau, he would have created a war. He went on to recommend that the particular method 'of supporting the rights and privileges of British subjects which are frequently invaded, must soon cease, I am sure your Lordship will admit of the necessity that exists for placing a stronger force of military in this country.'[194]

---

[191] Raupo Houses Ordinance, 3 March 1842, Session 2, No. 17, 5 Victoria, Bluebook 1842, IA 12/4, p. 5
[192] Refer to George Clarke senior, 'The Chief Protector's Report for the Half-year ending 30 April 1842', CO 209/ 27, p. 114
[193] Hobson to Stanley, 29 March 1842, CO 209/ 14, p. 342
[194] Hobson to Stanley, 29 March 1842, CO 209/ 14, p. 343 and facing p. 344

It is worth noting that Hobson sent numerous requests for armed forces. Eventually a group of the 80th regiment under Major Bunbury were sent from Sydney and stationed in Auckland from 1842. The 80th regiment, which included the military engineer George Bennett, commenced building a fort in Auckland.[195]

1.30 Taua muru

It is useful here to discuss the use of taua muru (stripping parties). Through the early 1840s there were a number of incidences of muru in the north. O'Malley discusses the important example of the 1842 muru conducted on the settler Caruth and others at Whangarei.[196] The increasing number of muru can be used as a manifestation of the increase in friction between local settlers and Maori as the pakeha population grew and began to operate according to rules and laws in competition with those of local chiefly authority. Yet it is important to understand the intention and purpose of taua muru. Angela Ballara describes taua muru in the following terms:

> Another formal method of dispute resolution between groups punished offences, but was not intended to provoke war. This was the institution of the taua muru, a hostile expedition to take payment for crimes by plundering or destroying property, so wiping out offences. In taua muru, killing either did not occur or was confined to one or two persons, often slaves.[197]

In the northern context, the frequent recourse to taua muru as a customary institution for dispensing justice, even after 1840, was significant. It is logical that where slights occurred that they were addressed and rectified through such customary means. Despite the often confusing appearance of such actions to contemporary Pakeha observers, taua muru were frequently relied upon throughout the lead-up and even the course of the

---

[195] Shortland to Bunbury, 22 September 1842, WO 1/431, p. 119 (233). Lists a total of 102 soldiers stationed in New Zealand in 1842.
[196] O'Malley, 'Northland Crown Purchases, 1840 - 1865', Draft Report, May 2006, p. 66
[197] Angela Ballara, *Taua: Warfare in Maori Society in the Early Nineteenth Century*, 2003, p. 103

Northern War as an alternative to physical violence. As Ballara again notes, '[taua muru] were essential tools for the non-violent co-existence of independent groups who as groups, or whose individual members, often infringed eachother's property or other rights, or committed religious or social wrongs.'[198]

As incidences of taua muru increased however, particularly in 1844, pakeha witnesses, usually themselves victims, described the events in vivid terms that encouraged the belief that taua muru were incidences of free-ranging violence and lawlessness. Taua Muru were not examples of 'lawlessness', but quite the reverse. The recourse to taua muru was used as a customary institution for dispensing justice without recourse to bloodshed. Ballara compares taua muru as an equivalent to the later British court-imposed fines.[199] But it is notable that as settlers and Crown officials increasingly saw groups of armed warriors stripping pakeha settlers, in payment for perceived wrongs, they perceived this to represent an increase in militancy from Maori. Moreover, they felt pressured, I believe, to guarantee the security of settlers with their own reliance on military force. There is a further discussion of individual taua muru in chapter 2.

In the early 1840s, Missionaries began to comment on deteriorating relationships. They were particularly concerned by Maori expressions of doubt or distrust about the intentions of Pakeha. Nor were such feelings of resentment restricted to the Bay of Islands. In Auckland, Te Tawa of Ngati Whatua wrote to George Clarke in February 1844, stating that 'the love of many [Maori] is growing cold [towards European].'[200] As a means of assuaging Ngapuhi and Maori doubts, the missionaries sought to re-emphasise and recirculate copies of the Maori text of the Treaty. As Richard Davis commented: 'While the Treaty is preserved inviolate we trust agitation will continue to be a vain effort - allow the Treaty violated … and we do not hesitate to say that agitation has already prepared [sic], the minds of the natives to act in the most resolute manner in defence of their rights.'[201]

---

[198] Ballara, p. 104
[199] Ballara, p. 103
[200] Te Tawa to George Clarke, 21 February 1844, CO 209/ 27, p. 201
[201] Richard Davis to Hobson, 1 February 1842, CN/M, 13, p. 343

The Wairau conflict in 1843, though not a taua muru, was sparked by similar factors to that of the later Northern War. These included: unresolved land claim issues, an increasingly impatient settler population, and breaches of the Treaty of Waitangi. The conflict was an example of tensions felt between Maori and Pakeha across the country. FitzRoy's response was to order an inquiry into the incident. As a result of the findings, he desisted from making criminal charges against the Ngati Toa leaders concerned.[202] It also formed part of a build-up of tension through the 1840s, although it probably assumed a greater significance for Pakeha, rather than Maori. 'The late Wairau affray still rankles in the minds of a large portion of the European population, many of whom breathe nothing but a desire of revenge; hence every trifling occurrence calculated in the least degree to prejudice the natives is apt to be magnified.' [203]

1.31 FitzRoy's arrival

FitzRoy arrived in the north for the first time in January 1844. A group of residents, led by Reverend Barzillai Quaife, presented an address to the new governor, FitzRoy, in the same manner as to the letter they had sent to governor Hobson. The address was a statement of the range of issues that affected the north, Maori and Pakeha. And the residents requested that the government intervene to improve the prospects in the north.

> Long we have had to deplore the universal decay of trade, and of every department of industry in New Zealand, through a variety of most unfortunate measures and omissions of the late government. The country has become, beyond example, one general scene of anxiety, distress and ruin….The causes of this fearful state of things have told most fearfully upon the Bay of Islands, so that by reason of them, shipping, once so numerous here, has almost entirely abandoned our port, money has nearly ceased to circulate among natives and Europeans, and

[202] Lord Stanley applauded FitzRoy for his stance, but the governor incurred a lot of criticism for the position, particularly from the NZ Company settlers.
[203] See for example, G Clarke to Governor, 31 July 1844, Half-Yearly Report, *GBPP*, 1845 (369), p. 400

> internal trade has consequently disappeared; and such is the state of this place at present, that if some speedy change [sic] do not take place, Kororarika, the oldest settlement in New Zealand, and situated in the finest harbour, must soon be deserted.[204]

1.32 Escalation of conflict

It is difficult to pin-point the precise course of events between January and July 1844, leading up to Heke's first attack on the flagstaff. There are several crucial events which led to a strengthening resolve in Heke's mind to communicate his dissatisfaction to the government. The first occurred in March 1844, when there was a repetition of the incident where some Europeans, including missionaries, took ducks from the tapu area of Lake Omapere. British Military Engineer, Lieutenant George Bennett, reported that a group of Europeans had shot several wild ducks at a tapu swamp, during which Hone Heke had arrived, with an armed group, and demanded utu and payment for the breach of tapu. Bennett recorded that the British involved, including missionaries, met with Heke and asked whether they wished to have the matter dealt with by the Magistrate at Kororareka, their own (Maori) laws, 'or by the new ritenga of the New Testament?'[205] Heke apparently chose the option of the New Testament, at which Bishop Selwyn immediately handed over payment for the four ducks shot. Bennett recorded that Heke's group 'were not well pleased but thinking the decision just they said no more.'[206]

Heke had moved from his earlier position of steadfast support for the British Crown, to a position where, by 1844, he seriously questioned the nature and extent of British influence in New Zealand. At the same time, as he and other Ngapuhi leaders grappled with the onset of colonial governance in Aotearoa, there were other comparisons and examples from overseas that influenced him. Tahiti was the most important example,

---

[204] B. Quaife, J. Norman and others (57 signatures) 'Address from the Inhabitants of Kororarika, in the Bay of Islands, to Governor FitzRoy', 9 January 1844, *GBPP*, 1845 (247), p. 244
[205] George Bennett, 'Journal, 1838 – 1845', MS- micro-323, ATL, p. 147
[206] George Bennett, 'Journal, 1838 – 1845', MS- micro-323, ATL, p. 147

although he was also aware of events in America and Europe. In the case of Tahiti, the French declared a protectorate over the island in September 1842 and the Tahitian flag had been taken down and replaced by French tricolour.[207] Claudia Orange notes that the Tahiti 'situation' received extensive coverage in the New Zealand press in early 1844.[208] The parallels must have been apparent to chiefs such as Heke. FitzRoy too was cognizant of the comparison with Tahiti and referred to it in a dispatch to Lord Stanley, soon after the felling of the flagstaff.[209]

1.33 Lord/ Kotiro incident

There appears to have been at least one further event that influenced Heke to attack the flagstaff. This was the insult offered to him by a woman, Kotiro, and the muddled attempts by Pakeha authorities at Kororareka to intervene to prevent him from exacting utu. In hindsight it is not certain whether this was a separate take (issue), or a ruse Heke used to justify his trip to Kororareka to fell the flagstaff. Still it was a significant event. The event was mentioned by Heke at the time, and subsequently recorded in different written sources and despatches to the Colonial Office.

It appears that Kotiro, previously a war slave from Taranaki, had left Heke's hapu and taken up residence with a European butcher by the name of Lord who lived in Kororareka.[210] Kotiro apparently cursed Heke, comparing him to a pig's head.[211] The action appears to have sparked a sense of outrage and a cause for taua muru. According to tikanga, just retribution was rightfully and personally Heke's to pursue.[212]

Heke and a large group of followers arrived at Kororareka on 5 July 1844 to conduct a taua muru on Lord's property as payment for the insult.[213] Cowan records that further

---

[207] Orange, p. 120
[208] Refer *Southern Cross*, 13 April 1844, cited in Claudia Orange, *The Treaty of Waitangi*, 1990, p. 120
[209] FitzRoy to Stanley, 16 September 1844, Confidential dispatch, CO 209/ 28, facing p. 312
[210] Ormond Wilson, p. 258. Wilson records that Kotiro was also the widow of Alexander Gray.
[211] James Cowan, p. 16
[212] Not enough is known about this event and further research may be required.
[213] Beckham to Colonial Secretary, 6 July 1844, IA 1844/ 1564

insult occurred when Lord attempted to deceive Heke by offering a full cask of tobacco in recompense, but then only providing half a cask.[214] At this point it appears that the muru intensified and Lord, being unable to pay the required damages, watched as Maori broke into the adjoining unoccupied house that belonged to a Mr Caffler.[215] Some contemporary accounts of the action suggest that some of the party then proceeded to break into other properties in Kororareka, to expose themselves to some of the local female inhabitants, and to threaten physical violence. [216]

This was not the first attack on Lord. A pakeha settler, Charles Hector, wrote to the governor explaining that there had been a previous episode where Lord had been stripped of 'everything' 8 weeks earlier.[217] There is, however, no further information that could be found to substantiate this earlier taua muru or to explain why this occurred. It is simply noted that it is not clear why this initial taua muru occurred and, though likely, it is not certain that the earlier muru was connected to the Kotiro insult.

By contrast, there were a variety of witnesses who provided accounts about the July muru. John Weavell, writing later to his brother-in-law, noted that Heke sat on beach with 50 followers waiting for Lord to return. They eventually carried away Kotiro. When Lord returned he promised Heke various goods, but when Heke visited Lord to collect the payment, there was none, perhaps because of the previous attack. As Weavell wrote:

> this enraged Heki and he began to destroy the house, this brought forth the police magistrate and his party, and Heki deliberately told the magistrate to go home and be quiet or else he would send him off the Beach altogether he had no business there, nor the Queen either and he intended pulling the flagstaff down, for it was that which drove all the shipping away and caused them (the natives) to have no trade now. [218]

---

[214] James Cowan, *The New Zealand War and the Pioneering Period*, Vol. 1, 1922, p. 17
[215] W. Clunie (et al.) to Governor, 8 July 1844, *GBPP*, 1845 (247), p. 305
[216] HT Kemp to chief Protector, 8 July 1844, IA 1844/ 1567
[217] C Hector to Governor, 8 July 1845, *GBPP*, 1845 (247), p.306
[218] John Weavell to Alfred Wilson (brother in law), 25 January 1846, MS Papers 1277, p.3

Although Weavell's account was written two years after the event, and therefore needs to be treated with caution, there is supporting evidence to suggest that Heke had announced his intention to fell the flagstaff before he carried out the act for the first time. Another settler and witness, William Clunie, also referred to the fact that when the flagstaff was cut down on 8 July, Heke and his party had 'carried into effect that which they had been threatening all along; viz the destruction of the government flagstaff.' [219]

On the evening of 6 July, the police magistrate at Kororareka, Thomas Beckham, together with missionaries Robert Maunsell, Henry Williams and Sub-Protector of Aborigines Henry Tacy Clarke met with Heke and his party to discuss Heke's intentions. No accounts of this meeting appear to have survived, although various sources note that no further action was taken on Sunday 7 July.

1.34 Heke's first attack on the flagstaff: 8 July 1844

Heke, with a group of other Ngapuhi, cut down the flagstaff on Maiki Hill for the first time at dawn on Monday 8 July 1844. The details of the attack are covered in at least four letters from Pakeha witnesses sent to the governor. The most detailed account is by Cornthwaite Hector, a local resident in Kororareka. His letter condemned the actions of the police magistrates and sought the governor's assistance with the formation of a local militia. Other accounts were provided by Thomas Beckham, H T Kemp, and finally a letter from a group of concerned residents, headed by Mr Clunie.

Hector began by outlining how, on 4 July, Heke and his group had 'taken away' the boat from Mr Fox, the boatman at Waitangi, in order to prevent others warning Lord in Kororareka that he was to be the subject of a further muru.[220] Heke came to Kororareka on 5 July where he occupied Lord's house. On Friday afternoon the group, according to Hector, performed a haka on the beach and then held a series of speeches, although it

[219] W. Clunie (et al.) to Governor, 8 July 1844, *GBPP*, 1845 (247), p. 305 (89)
[220] C Hector to Governor, 8 July 1844, *GBPP*, 1845 (247), p.306

appears that no further action was taken due to Lord's absence. On Saturday 6 July, Hector reported that some of the pigs that ran around the village had been slaughtered, and in particular a pig owned by Tobey [Lord] had been taken.[221] More seriously, it was reported that some of the group had 'commenced plundering several of the inhabitants, and entering houses, and threatening to violate the persons of one or two females, and exposing their persons indecently to others.'[222]

On the afternoon of 6 July, George Clarke (Senior), the Protector of Aborigines, arrived at Kororareka with Henry Williams to meet with Heke and the group. Hector, who was present at the meeting recorded that 'Heke related the grievances of the natives, from the death of Marion [Du Fresne] to the present time, and particularly mentioned the manner the chiefs had been entrapped into signing the treaty of Waitangi.'[223] Such statements were no doubt for the ears of Williams and Clarke, both of whom had played important roles in the signing of Te Tiriti. Nevertheless, the statement demonstrated Heke's abiding concerns about the loss of chiefly authority and mana. Heke promised Williams at the meeting that no action would be taken on Sunday, and nor would he personally cut down the flagstaff.[224]

Nothing appears to have taken place on the Sunday, to the surprise of some of the Pakeha witnesses. On Monday morning, 8 July 1844, Heke's party proceeded to the flagstaff to cut it down. Hector recorded that the party split into three, one group taking the waka around to Waihihi, a second acted as a covering party, while the third group proceeded to directly to the flagstaff. Before they left Kororareka, 'they proceeded in marching order to the point of the beach, opposite the Custom-house and gaol, and performed prayers with arms in hand'.[225] Heke appears to have either travelled straight to Waihihi or been part of the covering party. According to some, he was not present at the flagstaff at the

---

[221] C Hector to Governor, 8 July 1844, *GBPP*, 1845 (247), p.306
[222] William Clunie (and others) to Governor, 8 July 1844, *GBPP*, 1845 (247), p. 305 ; See also, Beckham to Colonial Secretary, 6 July 1844, IA 1844/1564
[223] C Hector to Governor, 8 July 1844, *GBPP*, 1845 (247), p.307
[224] HT Kemp to Chief Protector, 8 July 1844, IA 1844/ 1567, in IA 1849/ 158
[225] C Hector to Governor, 8 July 1844, *GBPP*, 1845 (247), p.307

time it was brought down,[226] and instead it was Te Haratua of Ngati Kawa who cut the flagstaff down.

Hector and other Pakeha watched as the act took place. Afterwards, Maori asked for means to burn the flagstaff, which, the signalman James Tapper provided. The staff was cut into pieces, then part of it was burnt and the Ngapuhi party carried away the ropes and signal balls.[227] It appears the group then left Maiki hill and the town 'without doing further violence.'[228]

Beckham later reported that the group had returned the 'passage boat' to Fox, the boatman at the Waitangi River. [229] In summing up the events, Beckham acknowledged that he had been powerless to intervene, but remarked that the acts had been accomplished with little violence. 'I know of only one instance of personal violence having been used, and I believe that to have originated more from misapprehension than from wantonness.[230] Similarly James Busby sought to emphasise that the 'insults offered to some English females' were most likely to have been as a result of the Nga Puhi custom of disrobing to perform the haka. And he noted that 'this proceeding could not properly be considered an outrage on modesty.'[231] Busby went on to note, by contrast, that at the time of the attack on Lord and the flagstaff, 'though the shops were filled with every article on which the natives set a value, no allegation is made of any attempt to rob them.'[232]

1.35 Conclusions

Heke's attack on the flagstaff, like taua muru, was carefully organised and controlled. It was not a military attack, nor did it inflict any violence against people. Heke, Te Haratua

---

[226] Freda Rankin Kawharu, 'Hone Wiremu Heke Pokai', *The Dictionary of New Zealand Biography*, I, p. 185.
[227] C Hector to Governor, 8 July 1845, *GBPP*, 1845 (247), p.307
[228] Beckham to Colonial Secretary 8 July 1844, IA 1844/ 1554 in IA 1849/ 158
[229] Beckham to Colonial Secretary 8 July 1844, IA 1844/ 1554 in IA 1849/ 158
[230] Beckham to Colonial Secretary 8 July 1844, IA 1844/ 1554 in IA 1849/ 158
[231] Busby to G.W. Hope, 17 January 1845, *GBPP*, 1845 (108), p. 516
[232] ibid. p. 516

and other Ngapuhi sought to make a peaceful protest to the governor in order to bring attention to the range of actions of the Crown and its agents that Ngapuhi saw as impinging on their chiefly authority. To make the protest Heke acted symbolically to remove the emblem of British kawanatanga.

Heke's act in cutting down the flagstaff in July 1844 was a challenge to the Crown's authority to fly a single British flag upon the flag pole, which he had given to fly the 1834 flag. Heke had tried other attempts to communicate his growing frustration about the constant transgressions of his and other chiefly authority by the authority and powers of governorship. Yet these had not succeeded and, in desperation, he chose to signal clearly to the Crown and the governor his malcontent with the weight of gubernatorial authority in the north.

Expectations that Ngapuhi authority would be acknowledged and respected can be traced back to the early meetings and agreements forged between British monarchs and Ngapuhi chiefs in the 1820s and 1830s. These expectations were carried through in the 1835 Declaration of Independence and ultimately the Maori text of the Treaty of Waitangi in 1840. These earlier political arrangements had signalled to Ngapuhi, a British regard for, and recognition of Maori chiefly authority.

Ngapuhi saw the Treaty of Waitangi in 1840 as a continuation or reiteration of previous agreements. Yet the Treaty of Waitangi marked a point of change. There were two texts of the Treaty, English and Maori, and these different texts carried different meanings and spawned contradictory understandings. The difference between those meanings laid the grounds for later conflict. The fact that there were two texts enabled the coexistence of conflicting realms of authority. On another level, however, Ngapuhi regarded the Maori text, Te Tiriti o Waitangi, as an important and almost sacrosanct agreement. A great number of the most important chiefs had placed their assent to the document and it had become inviolable. This fact alone influenced the nature of later conflict during the Northern War.

Over the years from 1840 to 1844, Ngapuhi watched as British authority and laws began to encroach first on their territory and later on their authority. Gradually they began to react and respond to what they saw as breaches of their earlier agreement. Ngapuhi leaders, including Hone Heke, sought meetings with the governor, wrote letters, undertook taua muru, and complained directly to settlers and officials but there was no apparent change in the attitudes shown by British authority in New Zealand. Crown officials expressed their awareness of Ngapuhi concerns, on different occasions, and yet little action was taken to rectify concerns.

It appears that fears over the loss of land and tino rangatiratanga (chiefly authority), both inextricably linked, were what ultimately prompted Heke to take action. Added to this was a growing tide of frustration and conflict over the imposition of British authority and laws, combined with the deleterious effects of the Crown's decision to remove the capital from the north, which all combined to compel Heke to make his protest. In the end, Heke made a symbolic act that hearkened back to the origin of the agreement. He cut down the single pole and in turn proposed to reinstall two flagpoles, standing side by side, one to fly the 1834 United Chiefs' flag, the other the British ensign.[233]

An important manuscript, kept in the archives of the Kawiti whanau, outlines the individual take (issues) that motivated Heke to cut down the flagstaff for the first time.
'Te Tapahanga Tuatahi o Maiki Pou Kara'

> He aha ke nga take i tapahia ai e Hone Heke?
> He take ano, koia enei ko etahi:
>
> Why did Hone Heke cut the Maiki Flagpole down?
> He had his reasons, and these are some of them:

[233] Refer to chapter 2 for Heke's later explanation of his actions in cutting down the flagstaff.

First and foremost, he was shocked and amazed at the lack of propriety in those who professed to know better, and whose actions caused great embarrassment to him, in the eyes of his people.

The ships were no longer making Kororareka their port of call, like they used to, before

Before the signing of the Treaty of Waitangi, the ships which came in, had to pay an anchorage fee of £5 to Heke. The payments ceased after the treaty was signed.

The capture of Maketu on 30.11.1841 for the murder of Mrs Robertson [sic] at Motu Arohia.

A number of ship's captains were fined by the government for inciting the locals to pull down the flagstaff so that they could resume their old ways without the interference of the Queen.

A woman servant was taken for a wife by a Pakeha, and would not return to Heke.

The government and the Treaty of Waitangi, had lowered his mana. He decided that the flagpole that was rightfully his, because he had not been paid for it, should be brought down.'[234]

[234] English translation of document provided by Kene Martin. My grateful thanks to the Kawiti whanau and Ngati Hine for kindly sharing this document and other information with the author.

CHAPTER TWO: THE FLAGSTAFF (JULY 1844 – MARCH 1845)

2.1 Introduction

This chapter builds on the discussion of the origins of the Northern War conflict. It covers the period from the first cutting down of the flagstaff in July 1844 through to the fourth and final attack on the flagstaff at Kororareka in March 1845. This period, though short, is important in terms of understanding how Hone Heke's action of protest was interpreted by the British colonial administration, and how the British response escalated into armed conflict, and eventually a military invasion of the North.

The chapter begins by discussing Heke's own communications with the governor and his requests for a meeting in the wake of the first felling of the flagstaff. FitzRoy, however, responded to the fall of the flagstaff, rather than to Heke's requests, and this failure to comprehend or to act on the source of the grievance, led to the gradual deepening of distrust and suspicion between Heke and the governor. The chapter traverses the subsequent attempts at meetings and communication between the parties from July through October 1844. From late-September, groups of Ngapuhi and Ngati Hine undertook a series of taua muru on particular settlers. These actions again signalled discontent, but they also raised concern in the British colonial government about an impending armed conflict. Finally, the chapter looks in detail at the series of local events that occurred between January and March 1845 that precipitated the final attack on the flagstaff in March and the attack on Kororareka town.

One of the important aspects of the period between the first and last fellings of the flagstaff, was the extent to which other groups of Ngapuhi sought to maintain peace in the north. There is a tendency to assume that after the first flagstaff there was an inexorable march to armed conflict. But this is incorrect. Throughout the period up to March 1845, and even once conflict had begun, Hone Heke and other rangatira of Ngapuhi made a number of attempts to explain to the governor the source of their

disagreements and to seek active means to resolve the issues of contention. This chapter examines these attempts to resolve the tensions and questions why the governor, despite these attempts, failed to adequately address Heke's concerns about the loss of authority.

2.2 British reactions to the fall of the flagstaff

The news of the cutting of flagstaff was received within the Pakeha community with shocked surprise. FitzRoy reacted to Heke's attack on the flagstaff by immediately planning a demonstration of military force. The governor did not attempt to communicate with Heke, instead FitzRoy immediately sent soldiers to the north to reinstall the flagstaff. On 10 July, FitzRoy wrote to both Lieutenant Colonel Hulme and Thomas Beckham. Hulme was the commander in charge of a small force of the 96th regiment based in Auckland. FitzRoy instructed Hulme to send a detachment of 30 men and officers to Kororareka to depart on 13 July on the civilian ship, the *Sydney*.[1] The Colonial Secretary, Dr Andrew Sinclair, advised Beckham that a small detachment of military would soon arrive in Kororareka from Auckland and, once they arrived, he was ordered to install a new flagstaff on Maiki hill.[2] Sinclair also reassured Beckham that a larger military force, 'sufficient to maintain British Authority', would arrive in due course from Sydney. In the meantime, Beckham was advised to behave carefully and with 'prudent perseverance, intemperate, and conciliatory measures'.[3]

The next day, 11 July, FitzRoy called a meeting of the Executive Council to discuss 'steps that should be adopted in connection with recent disturbances at the Bay of Islands'. At the meeting, the letters from Beckham and Hector were read and George Clarke (senior), present at the meeting, gave his account of the events. FitzRoy advised the Executive Council that,

---

[1] FitzRoy minute to Sinclair, 10 July 1844, IA 1844/1564; Colonial Secretary to Colonel Hulme, 11 July 1844, IA 4/2, p. 199
[2] Sinclair to Beckham, 10 July 1844, *GBPP*, 1844, p. 308 (92)
[3] FitzRoy minute to Sinclair, 10 July 1844, IA 1844/ 1554. See also FitzRoy to Beckham, 10 July 1844, *GBPP*, 1844, p. 308 (92)

> he had satisfied his own mind that this was a proper opportunity for demonstrating the force that could be brought to maintain order and support the Law when necessary and that he had consequently chartered the Barque Sydney to convey 1 officer and 30 men of the 96th to Russell. And then to proceed immediately to New South Wales for a considerable reinforcement. [4]

FitzRoy also hinted at a larger military intervention: '[T]he arrival of a ship of war might be expected and with the force then available, a demonstration might be made which would have the effect of proving to the natives that outrages cannot be committed with impunity.'[5] The governor further stated that 'if the Native chief "John Heke" would not make atonement for his conduct that compulsory measures would be employed to ~~compel~~ [sic] oblige him to do so.'[6] The members of the Council were unanimous in their support of the measures proposed by FitzRoy.

It appears that the focus of the British response to Heke's action was not to seek conciliation, but to buttress their claim to sovereign authority in the Bay of Islands and New Zealand as a whole. Such an action lent immediate weight to Heke's fears that British colonisation sought to overrun Ngapuhi and Maori.

2.3 Ngapuhi reactions to the fall of the flagstaff

Ngapuhi reacted to the felling of the flagstaff before FitzRoy had even learnt of the attack. Certain chiefs, in line with exercising their own chiefly authority, expressed their disapproval with Heke over the felling of the flagstaff. Beckham reported that within hours of the departure of Heke from Kororareka on 8 July, 'the neighbouring tribes amounting to nearly 400 men came into the town for the purpose of cooperating with the Europeans, and so highly incensed were they at Heke's conduct that they one and all

[4] Executive Council Minutes 11 July 1844, EC 1/1
[5] Executive Council Minutes 11 July 1844, EC 1/1
[6] ibid.

determined to punish him for the outrages that he had committed'.[7] The chiefs declared that it was under their authority, and not Heke's, that the flagstaff had been placed on Maiki hill.[8] They subsequently installed a replacement flagstaff.[9] Beckham includes no reference as to who was included in this group. It is likely to have been groups with connections to Kororareka, such as Patukeha, Ngai Te Wake and Ngare Raumati. Waka Nene had also earlier been recorded as trying to dissuade Heke from an attack on the flagstaff,[10] so it is possible that he was among the group, though this is not known for certain.

From 16 to 19 July 1844, reports indicated that groups of Ngapuhi gathered at Horotutu beach near Paihia. There, a large number of Ngapuhi, including several prominent rangatira among them Waikato and Tupe, met to discuss the issues relating to Heke's actions and the arrival of the soldiers. William Williams participated in the debate, but unfortunately recorded very little of what was said.[11]

2.4 Waimate Meeting, 18 July 1844

Ngapuhi chiefs, together with CMS missionaries and Bishop Selwyn, organised a formal hui at Te Waimate in mid-July to discuss the events at Kororareka and the matter of the flagstaff. The hui was attended by Hone Heke, Waka Nene and many other principal rangatira. A printed circular advertising the hui was prepared by Wiremu Hau and Wiremu Hoeti (Jowett) and sent out to at least 52 rangatira including Hone Heke and Waka Nene. A list of those who were sent the letter is included in William Cotton's journal; the list did not include Ngati Hine paramount chief Kawiti.[12] The hui was set for

[7] Beckham to Colonial Secretary, 10 July 1844, IA 1844/ 1619 in IA 1849/ 158
[8] Beckham to Colonial Secretary, 10 July 1844, IA 1844/ 1619 in IA 1849/ 158
[9] Busby to G.W. Hope, 17 January 1845, *GBPP*, vol. 4, p. 516 (14)
[10] W. Clunie (et al.) to Governor, 8 July 1844, *GBPP*, vol. 4, p. 304 (88)
[11] William Williams, 17 July 1844, 'Journal 1843 – 1844', Vol. 6, MS 91/75, box 10/ 34, AML, p. 751
[12] W C Cotton, Journal of a residence at St John's College, Te Waimate, 2 March 1844 – 25 August 1844, Micro, AML, p. 188. (Original is kept in Mitchell Library SLNSW); Parkinson (et al.), *Books in Maori*, discusses the importance of this circular letter as the first printed document to include the use of colloquial Maori and includes a copy of the letter, pp. 127-8.

Wednesday 18 July 1844, and chiefs arrived from Tuesday onwards. Rewa declined to attend and Cotton commented that 'they seem to have kept clear of the whole affair.'[13]

The hui was a large event and it was estimated that there were 300 Maori in attendance.[14] Bishop Selwyn's scribe, William Cotton, has left the fullest account of the hui. He recorded the order of the speakers, but unfortunately did not record anything of the content, with the exception of Hone Heke. Makoare Te Taonui spoke first and was followed by Paratene Kekeao, Waikato, Wiremu Hau 'and Rawiri of Kaikohe etc, etc….' Cotton noted each of these speakers were 'peaceably disposed', but that all were against 'the sending for the [British] soldiers.'[15] Waka Nene arrived late at the hui, and there is no record of him having spoken.

Heke spoke at the hui and voiced two issues.[16] The first and main issue for Heke was the encroachment of Pakeha authority. 'His speech was a long account of the power of the Pakehas in the land, The gift of the New Zealand Flag to the chiefs by Mr Busby and the substitution of an English flag – This was made a great grievance – and upon this he laid the cutting down of the flagstaff at Kororareka. It was erected he said for the New Zealand flag & not for the Queen's.' [17]

The second matter raised by Heke was the absence or removal of references to Maori from the Anglican prayer. On this point the Bishop immediately interrupted Heke and remonstrated that there were references to Maori in Anglican liturgy and that Heke's unfamiliarity with this was due to his recent absence from Church.[18] Cotton pronounced this a victory for the Bishop. Yet the question of the change in the prayer was a sorely felt point for Ngapuhi and evidence of a change in the European sentiment towards Maori (as discussed in the previous chapter). Initially, there had been an Anglican prayer specifically for the Maori chiefs 'he inoi mo nga rangatira Maori'. However after 1840

[13] Cotton, p. 190
[14] Cotton, p. 192
[15] Cotton, p. 191
[16] Cotton, pp. 191-192; See also Ormond Wilson, p. 259
[17] Cotton, p. 193
[18] Cotton, p. 192.

this was changed, the reference to the chiefs was dropped out and the Queen and governor substituted. As FitzRoy himself noted, 'when the now notorious Heke first heard the Queen prayed for in Waimate church, instead of the chiefs (who were considered the principal authorities previous to 1840), he asked, indignantly why the Queen of England was exalted to the skies, and the chiefs of New Zealand were trodden underfoot'.[19] Heke implied that the chiefs had been replaced by the Queen and the governor in the same manner as the British flag had replaced the former 1834 flag.[20]

2.5 Ngapuhi letters to the Governor

Part of the reason Bishop Selwyn had agreed to the hui at Waimate was that he planned to visit FitzRoy the following week and sought to transmit some message or intelligence about the state of the north. At the start of the hui, William Williams informed Maori to be open and forthright with what they said in order that Bishop Selwyn who was to visit governor FitzRoy the following week, might be able to accurately relay the views of Ngapuhi chiefs. Evidently for this purpose, Robert Maunsell drafted a letter to the governor which included the substance of Heke's points and all of the chiefs signed it including Heke himself.[21] Selwyn, however, privately expressed to Cotton that he felt that the letter was 'very unsatisfactory' and Cotton noted that 'I do not think he [Bishop Selwyn] will present it to the governor.'[22] This appears to have been correct. The following morning Bishop Selwyn met with the 'principal Maori chiefs' in his study and drew up 'a more satisfactory letter' to send to the governor.[23] It is not known who among the Maori chiefs was present and whether Heke took a role in the re-writing. Nor is it known what the changes made were.

---

[19] FitzRoy, *Remarks on New Zealand 1846*, p. 12
[20] Indeed, the issue of the change in the prayer was raised again as an issue of contention at the September hui in Waimate. Despite Heke's absence from the later hui, the chiefs expressed their concern about the changes in the liturgy: 'prayers for the Queen, Queen's Dowager, Prince Albert, Albert Prince of Wales and others instead of the native chiefs…' Refer, Colenso to CMS, 19 November 1844, CN/M, 15, p.113
[21] Cotton, p. 192
[22] ibid.
[23] ibid., p. 193

The whereabouts of the revised letter(s) is difficult to trace with certainty, but it appears likely that it was the letter published later in the *Great Britain Parliamentary* Papers. The published letter was dated Waimate 19 July 1844, the day after the hui.

> Friend governor, this is my speech to you. My disobedience and rudeness is no new thing – I inherit it from my parents, from my ancestors, do not imagine that it is a new feature in my character - but I am thinking of leaving off my rude conduct towards the Europeans. Now I say that I will prepare another pole, inland at Waimate, & I will erect it at its proper place at Kororarika in order to put an end to our present quarrel. Let your soldiers remain beyond Seas, and at 'Waitemata', do not send them here. The pole that was cut down belonged to me. I made it for the Native flag and it was never paid for by the Europeans.
>
> From your friend,
> Hone Heki Pokai [24]

'Heke's' letter is an important document. The letter reiterated some of the points referred to in his speech at Waimate as recorded by Cotton. Heke emphasised that the flag pole that had been cut down had belonged to him and that he had never been paid for it. This is discussed in more detail below. We have only the English translations of the letter, the original Maori text could not be located or perhaps never existed if the letter was re-written by Selwyn or Cotton. Setting to one side the issue of translation, Heke communicated to the governor that he would replace the flagstaff and resolve the issue.[25] He sought to exercise his chiefly authority by installing the replacement flagstaff. It was no longer just a flag pole – it was also a rahui – or a marker of authority.[26] In taking this step, Heke also evinced a strong desire to avoid armed conflict. The act of cutting down

---

[24] Heke to Governor, 19 July 1844. The original letter was translated by Thomas Forsaith and the translated version appears in at least three separate locations: CO 209/28, pp. 261 and page facing 262; G30/6, pp. 37-38; and FitzRoy to Stanley, 16 September 1844, enclosure number 3 in 18/1844, *GBPP*, 1844 (140) p. 370. I have used the text from the CO 209 as it was the original translation; there are only minor differences.
[25] William Williams, 19 July 1844, 'Journal 1843 – 1844', Vol. 6, MS 91/75, box 10/ 34, AML, p. 748
[26] Anthropologist Marshall Sahlins first suggested this argument in his book: *Islands of History*, 1985, p. 61

the pole had not been a violent action. Indeed as mentioned earlier, Europeans actually witnessed the felling of the flagpole. Heke's desire to retain peace was also apparent in the final part of the letter, where he entreated FitzRoy to keep the soldiers away from the North.

The published version of the letter indicates that the letter was sent by Heke alone, yet the manuscript translation of the letter includes the signatures of three other rangatira as well as Heke: Kainga Tuanga, Wiremu Hau of Waimate and Te Hira Pure.[27] Each was a prominent chief of the central Waimate and Taiamai areas and their support of 'Heke's' statements is significant. Pure would later side with Heke, while Wiremu Hau played an important peacemaker role and remained 'kupapa' or independent in the later conflict.

Selwyn took the letter and proceeded to Auckland in order to deliver it to the governor, however, he missed FitzRoy at Auckland.[28] FitzRoy, it appears, left Auckland for Taranaki on 20 July. Increasingly concerned about not only the Bay of Islands but also a dispute at Taranaki, FitzRoy made the decision to capitalize on the chance arrival of *HMS Hazard* and visit both places. FitzRoy departed Auckland on 20 July and travelled first to the Bay of Islands. His presence at the Bay remained secret, however, and he chose not to leave the ship. Maori and Pakeha on shore remained ignorant of the fact the FitzRoy had even passed through the area. Instead, having assured himself that 'tranquility was restored there' he proceeded directly for Taranaki, where he remained for four days before then sailing to Wellington and eventually completing a circumnavigation of the North Island.[29] Selwyn meanwhile travelled overland to Taranaki to try and reach FitzRoy. It appears that Selwyn succeeded in meeting FitzRoy at Taranaki and handing over Heke's letter, having made the overland trip in only 7 days instead of the usual fortnight.[30]

---

[27] Heke (and others) to Governor, 19 July 1844, CO 209/ 28, pp. 260-1
[28] Ian Wards, *The Shadow of the Land*, 1968, p. 106; Helen Garrett, *Te Manihera: The Life and Times of the Pioneer Missionary Robert Maunsell*, Reed, 1991, p. 133; Phillipson, p. 331
[29] FitzRoy to Stanley, 20 August 1844, *GBPP*, vol. 4, p. 304 (88)
[30] FitzRoy, *Remarks on New Zealand*, 1846, p. 29

There is some discrepancy between the dates used in the published and manuscript versions. The published version of the letter was undated, and it was simply noted that 'His Excellency received the following letter from Heki' before the governor left Waimate after the later September 1844 hui – a hui which Heke did not attend.[31] Yet the manuscript translation of the letter by Forsaith, included in the Colonial Office dispatches from FitzRoy to Stanley, is dated 19 July 1844. This date appears to correlate with the evidence of Selwyn's expedition, and it seems that FitzRoy was in possession of the letter at least by the end of July.

This first Waimate hui was a crucial event in terms of the origins of the Northern War. It was a large meeting of Maori and European representatives. Heke attended, and he gave explanations as to why he cut down the flagstaff. He also made an important formal written proposal to the governor. In doing so he acted in his role as rangatira and expected the Kawana to recognise this authority. Finally, it is clear that all chiefs who attended the hui were united about the need to keep the British soldiers distant from the North.

FitzRoy received Heke's letter in Taranaki, but did not reply to it for sometime. Certainly, the first record of a letter from FitzRoy to Heke is not until after his attendance at the second Waimate hui in September 1844. During this period however, the soldiers re-installed the flagstaff, without consulting Ngapuhi or Heke.[32] Bishop Selwyn later wrote that had further communication between the governor and Heke been possible, before the flagstaff had bee re-erected then 'the peace of the area might have been secured'.[33]

Ngapuhi chiefs sent a second letter to the governor, dated four days after Heke's letter.[34] This letter echoed precisely the sentiments expressed by Heke. It reminded the governor of the earlier undertaking by King William IV to grant Maori a flag of their own. Here

---

[31] Heke to Governor, (undated in the published version), *GBPP*, vol. 4, p. 370 (154)
[32] Wards, p. 106
[33] Selwyn to FitzRoy, November 1845, G19/1, pp. 33-4, cited in Wards, p. 104
[34] Chiefs to Governor, 22 July 1844, MA 24/21, ANZW

the Chiefs made a clear reference and appeal to the understandings made between the chiefs and the British monarchy prior to the Treaty. The letter referred to the fact that the flag that had been agreed to by the British and had been raised at Waitangi and then subsequently shifted to Kororareka. It then asked that FitzRoy agree to the flag as representing the Maori chiefs 'nga rangatira Maori'. The signatories to the letter were rangatira of considerable mana: Te Hira Pure, Te Pakira, Hohaia Waikato, Anaru Aa, Tamati Waka Nene and Rapata Tahua. Te Hira Pure of Te Uri o Hua had in fact signed the first letter (alongside Heke). Waikato of Te Hikutu (at Rangihoua) had been the rangatira who had accompanied Hika to England in 1820 and met King George IV. The second letter, although it made no reference to the attack on the flagstaff, also sought a resolution of the issue through its request that the 1834 flag be respected and re-instated by the governor.

How this letter relates to the first [Heke's] letter is not clear. It is tempting to suggest that it might be the second revised letter referred to by Cotton, however it is not signed by Heke and the timing of the letters does not allow for this. Nevertheless, it is significant that there was a second group of influential chiefs, separate from Heke, who were again drawing the line of continuity from the agreements of the 1830s and asking that the governor recognise their existing flag. They were certainly concerned to see that peace was maintained, but in the letter they appear equally concerned to ensure that the governor accept a symbolic recognition of the mana of Maori chiefs.

The following is the original (Maori) text of the letter:

E mara e te kawana

Tenei ta matou kupu ki a kupu ki a koe.
E mahara ana matou ki te korero a Kingi Wiremu i mua. Tena ma te karaka e korero atu ki a koe. I te kainga o te Puhipa te Komiti.
I whakaetia i reira te tahi kara ma te tangata Maori Tae rawa mai te Kawana Tuatahi
Ka pehia ta matou kara i Waitangi, kawea ketia ana ki Kororareka

Heoi e mea ana matou kia whakaaetia e koe te tahi kara me matou ma nga rangatira Maori

Te Hira Pure
Na te Pakira
Hotoaia [Hohaia] Waikato
Anaru Aa [Ai?]
Tamati Waka Nene
Rapata Tahua [35]

English translation of July 1844 letter [36]

Dear governor,

These are our words to you.
We recall and remember the words of King William before.
Clarke will explain/ speak to you.
The Committee is [was] at Puhipi's [Busby's] home.
It was agreed there that the flag for the Maori people.
When the first governor arrived, our flag was denied at Waitangi.
It was instead taken to Kororareka.
We are saying [asking] that you agree to a flag for us, the Maori rangatira.

Signed
Te Hira Pure, Te Pakira, Hohaia Waikato, Anaru Aa, Tamati Waka Nene, Rapata Tahua

[35] Chiefs to Governor, 22 July 1844, MA 24/21, ANZW
[36] There is no surviving English translation for this letter. It was noted on the original that the letter was translated by Thomas Forsaith on 8 August 1844 and forwarded to the Governor. The following translation was done by kaumatua Rima Edwards.

2.6 The first flag pole

The first flagstaff cut down by Heke at Kororareka had previously stood at Waitangi. There is evidence to indicate Heke had originally provided the flagstaff for the purpose of a flagstaff at Waitangi to fly the new 1834 flag – which Heke later referred to as 'the Native flag'. Heke had provided the flagpole expressly for the purpose of flying the 1834 flag and he had never been paid for the pole (pou) and therefore he maintained it was his to destroy. [37] The pou had been specially cut the forest near Waitangi where Heke had rights and the flagpole was originally provided for and erected at Waitangi in front of Busby's house to fly the 1834 flag. The pou at Waitangi had flown this flag from the date of its erection, (presumably in 1834) until 1840.[38] Busby reputedly hoisted the 1834 flag on the pole in front of his house each day.[39] However it appears that upon Hobson's arrival and the signing of the Treaty of Waitangi, the pole was shifted from Waitangi to Maiki Hill, above Kororareka. Furthermore, after that date, the pole was used as a signal staff for shipping and flew the British ensign and not the 1834 flag.

2.7 Ngapuhi await the Governor

Hone Heke and the other Ngapuhi believed that their (first) letter had been transmitted to the governor, and he and other Ngapuhi rangatira waited for a response. The governor's reply, however, did not come until the follow-up hui at Te Waimate in September. And it was during the hiatus between Heke's proposal and the arrival of the governor in the Bay to discuss matters, that a crucial blow was struck: at the governor's order, British officials re-installed the flagstaff, without discussion with Heke or other Ngapuhi. Here, at a delicate time, an unfortunate act was made and it gave emphatic proof of the governor's intention to subsume Ngapuhi authority. William Williams reported in his diary on 16 August:

---

[37] Heke to Governor, (undated in the published version), *GBPP*, vol. 4, p. 370 (154); David Rankin, pers corresp.; Kawiti whanau, 'Te Tapahanga Tuatahi o Maiki Pou Kara' (as cited in previous chapter)
[38] Binney, *The People and the Land*, p. 30
[39] SMD Martin, *New Zealand*, p. 52, cited in O. Wilson, *Kororareka*, p. 107

> Heard from Paihia that the chiefs are assembling to meet the governor and are much disappointed that he is not there at the time appointed. Heke, according to one report, is shewing a more hostile spirit and is much incensed because a new flagstaff has been erected at Kororareka without waiting for his proposal to the governor.[40]

Heke must have interpreted the British act of re-installing the flagstaff, and the continued absence of the governor, as a rebuke to his authority and mana. Heke was later reported by Williams as saying: 'The Flag takes possession of the land. When first we touched the flagstaff, it was chopped that it might fall. After that it was put up again. We then said- it is true for they urge the point.'[41] This period of six weeks between Heke's letter and the arrival of the governor in the Bay of Islands was crucial in cementing Heke's concerns and reinforcing his determination to resist the heavy-handed imposition of British authority.

On 18 August 1844, a vessel arrived at the Bay of Islands direct from Sydney with 180 soldiers on board. Maori had been expecting the governor and they were surprised and alarmed by the sudden appearance of the soldiers. Three days later, Williams noted that the large group of Maori who had gathered at Horotutu beach were preparing to leave and return inland 'being tired of waiting for the governor'.[42] The arrival of the troops and the re-erection of the flag, all before the governor had replied to the letters, communicated an unequivocal message to Ngapuhi. There was to be no negotiation about the symbol of the Crown's authority in New Zealand.

2.8 Arrival of British soldiers

Maori deeply feared the introduction of British professional soldiers, about this there can be little doubt. There are numerous references from 1840 onwards to Maori fear of the

---

[40] William Williams, 16 August 1844, 'Journal 1843 – 1844', Vol. 6, MS 91/75, box 10/ 34, AML 'pp. 750-751

[41] Henry Williams to George Grey, 1 December 1847, cit. Wards, *The Shadow of the Land*, 1968, p.104

[42] William Williams, 21 August 1844, Journal, MS 91/75, Box 10/34, p. 752

British army and what it signified. Many had seen first-hand the way in which the army operated in New South Wales to exert power. The presence of the army there was equated with a loss of authority and the rendering of people into slaves, such as had occurred for the aboriginals of New South Wales. At the signings of Te Tiriti in the north there were statements made about the need to keep the soldiers away and outside of New Zealand. The Kaitaia signing, though outside the Taitokerau district, the chief Matiu noted: 'I am afraid of that soldier, the governor according to reports comes to kill all the Maori natives and take their land to himself.'[43] The continued absence of soldiers from the North was one of the explicit terms mentioned in Heke's July letter to the governor: 'Let your soldiers remain beyond Seas, and at 'Waitemata', do not send them here.' FitzRoy's reaction to Heke's symbolic challenge, however, was to bring a large contingent of soldiers to the Bay of Islands to over-awe Maori opposition.

Maori must have deduced that the mentality of the governor had changed. Both of the requests made by Heke in his July letter had been ignored. Not only had the flagstaff been re-installed, but the governor had sent a detachment of soldiers to the Bay of Islands. Another indication must have been that the British began to build military barracks and fortifications in Auckland – construction that took place through August and September 1844. James Kemp wrote from Kerikeri that '[W]e hear that a military force has been sent for and that the governor is determined to punish the chief for his contempt…I fear that if any severe measures are taken it will be attended with serious consequences.'[44]

As a side note, the larger contingents of military had been kept distant from New Zealand, although there had been small numbers serving in New Zealand from 1841. From the outset, British officials recognised and discussed how military force might be used to impose control and maintain order in the new colony. Major Bunbury remarked in 1842 that Maori throughout the country had a dread of the soldiers.[45] In the early 1840s, military personnel had also been busy gathering intelligence on Maori methods of

---

[43] The speech of Matiu is partially recorded in the published version in the *GBPP*. However there he is simply referred to as 'a native'. Taylor, p. 476
[44] James Kemp to CMS, 23 July 1844, CN/M 15, p. 36
[45] Thomas Bunbury to Major of Brigade (Sydney), 2 August 1842, WO 1/431, p. 113 (221)

fighting. In March 1844, Lieutenant George Bennett of the Royal Engineers produced a 'Report on the Pahs of New Zealand and the means necessary to attack them…'.[46]

FitzRoy looked to the military option as his first reaction after the flagstaff had been felled. On 13 July, he wrote to governor Gipps in Sydney to request military and naval assistance. This was before FitzRoy had received Heke's letters and in hindsight it appears to be very early to be contemplating armed intervention. He explained that he had tried to avoid hostilities, but that there was no longer any alternative.[47] It is notable that FitzRoy did not correspond with the Colonial Office in London until mid-September 1844. The measures were required, in FitzRoy's words, 'to restore respect for our flag, and ensure tranquility in the colony'.[48] He added that 'they ought to be employed in such a manner as to be overpowering'. In his letter he requested two companies of soldiers together with artillery, ammunition and provisions for three months. The soldiers, he hoped, would be supported by the Royal Navy ship, *HMS Hazard*.[49]

Gipps raised FitzRoy's request with the New South Wales Executive Council in early August. The Council agreed that troops should be sent to New Zealand, to assist in the Bay of Islands and Taranaki.[50] Gipps advised FitzRoy that 150 troops of the 99th Regiment were to be conveyed forthwith to New Zealand aboard the merchant vessel *Sydney*.[51] At the same time, Gipps wrote to Lord Stanley in the Colonial Office, advising him of the situation in New Zealand and the decision to send troops.[52] The first group of 30 soldiers arrived in the Bay of Islands from Auckland on 17 July 1844 on board the *Sydney*.[53] That vessel then traveled on to New South Wales where it embarked on board the reinforcements from the 99th Regiment under Lieutenant-Colonel Hulme. The larger

---

[46] Lieutenant Bennett, 'Report on the Pahs of New Zealand and the means necessary to attack them…', 10 March 1844, IA 1844/664
[47] FitzRoy to Gipps, 13 July 1844, *GBPP*, vol. 4, p. 309 (93)
[48] ibid.
[49] ibid.
[50] Minute of Proceedings of the Executive Council relative to an application from the Governor of New Zealand, 2 August 1844, *GBPP*, 1844, p. 310 (94)
[51] Gipps to FitzRoy, 3 August 1844, *GBPP*, 1844, p.310 (94)
[52] Gipps to Stanley, 5 August 1844, CO 209/ 28, p. 132
[53] Marianne Williams,17 July 1844, 'Journal Of Marianne Williams 1844 – 1850', MS 91/75, Box 9/ 11, AML, p. 14

force landed at the Bay of Islands on 18 August.[54] Following the landing of troops onshore at Bay of Islands, earnest debates began among Ngapuhi. Marianne Williams (the wife of the absent Henry Williams) recorded one of the debates that took place at Horotutu beach.[55]

As mentioned already, the Royal Navy ship *HMS Hazard* had arrived in Auckland earlier on 12 July, and had passed through the Bay of Islands and conveyed the governor to Taranaki and Wellington. FitzRoy arrived back in Auckland on 19 August and advised Stanley that he planned to travel to the Bay of Islands the following day. He anticipated a short and sharp attack on Ngapuhi: '[I] purpose to make an immediate demonstration of such a character, as will, I trust, overawe the ill-disposed, and encourage others who are friendly.'[56] The original instructions directed that the troops were to be dropped at Russell and to set up a camp there.[57] FitzRoy later reported to Stanley that the appearance of the camp near the town had made a 'great effect' on Maori – 'who had seen nothing of the kind before'.[58]

2.9 FitzRoy's arrival in the Bay of Islands

On 25 August, the governor arrived in the Bay of Islands accompanied by Lieutenant Colonel Hulme, Bishop Selwyn and Protector Clarke. According to Wards, plans had been made much earlier by several chiefs, the Protector and the missionaries to hold a combined peaceful meeting at Waitangi.[59] The Police magistrate at Hokianga, Robert St Aubyn, had earlier noted: 'natives anxiously awaiting the result of the "Waitangi" meeting which I have reason to believe will decide several of them in their intentions for good or evil.'[60] However, it is not known if a hui at Waitangi had been envisaged for the governor, or if it had been a Ngapuhi only affair. It seems likely that with the arrival of

---

[54] William Williams, 18 July 1844, 'Journal', p. 751
[55] Marianne Williams, 19 August 1844, 'Journal' p. 25
[56] FitzRoy to Stanley, 20 August 1844, *GBPP*, vol. 4, p. 304 (88)
[57] Colonial Secretary, 'Memorandum of an Agreement', 13 July 1844, *GBPP*, vol. 4, p. 535 (5)
[58] FitzRoy to Stanley, 14 September 1844, G 30/ 6, p. 33
[59] Ian Wards alludes to this meeting and cites as evidence a letter from Police Magistrate at Hokianga to the Governor, Wards, p. 107 (see reference below).
[60] Robert St Aubyn to Colonial Secretary, 20 August 1844, IA 44/1884, in IA 1849/158

the troops in the Bay, the chiefs and missionaries had sought to organise a hui to peacefully resolve the mounting tensions. In any case, FitzRoy determined to make a 'show of force' directed the troops under naval transport to Te Puna and planned to march from Kerikeri inland.[61] The next day, however, a group of chiefs, including Rewa, Moka, Te Kemara, Tareha and Tamati Waka Nene called on FitzRoy. Burrows noted that at the meeting, '[the chiefs] were anxious to know what compensation was required for the mischief done by Heke, as they were willing to do what was in their power to prevent bloodshed.'[62]

FitzRoy apparently discussed the terms he sought from Heke: 'He is to give up ten guns and the axe with which the flagstaff was cut down.'[63] According to Cotton, the chiefs were reassured with the governor's proposal and they noted that 'Now for the first time we are saved. An utu may be payed [sic] but had John Heke's person been demanded, very many natives would have joined him.'[64] The chiefs understood that the governor would act in accordance with tikanga and would not demand Heke's person, but would demand an appropriate utu payment. The chiefs therefore sought to assist the governor in the hope that by assisting they helped to keep the peace.

The Protector of Aborigines, George Clarke, accompanied by a couple of the chiefs, carried the governor's terms to Heke. William Williams visited Heke at Kerikeri on 26 August and Clarke visited him again on 27 August.[65] Heke, however, refused to make peace 'while the British flag was up'.[66] He also later explained that when he received the governor's demand for 10 muskets, he believed that iti referred to a confiscation of land.

---

[61] FitzRoy to Gipps, 4 September 1844, *GBPP*, 1845 (247), p. 311
[62] Burrows to CMS, 4 September 1844, CN/M , 15, p. 32
[63] W C Cotton, 26 August 1844, cited in Phillipson, p. 332; According to Marianne Williams, FitzRoy's initial plan was to request that 'Heke met with the Governor' and give him 10 muskets, his canoe and hatchets and make an apology all will be settled if not the troops are to march to Kaikohi 200 strong.' Marianne Williams, 26 August 1844, 'Journal', AML, p. 28
[64] W C Cotton, 26 August 1844, cited in Phillipson, p. 332
[65] William Williams, 26- 27 August 1844, 'Journal', AML, pp. 753- 754
[66] Marianne Williams, 27 August 1844, 'Journal', AML, p. 28

Heke had already made his terms in his letter to FitzRoy and given the non-adherence to these terms, Heke was unlikely to have simply acceded to a list of one-sided directions from the governor. Here was another challenge of kawanatanga over rangatiratanga.

At the same time as the discussions were taking place, FitzRoy continued with his plans for a possible landing of the troops.[67] Lieutenant George Bennett had been sent to reconnoitre the roads to check that they were passable for artillery.[68] Williams on his way to visit Heke actually came across Bennett at Waimate to trying to arrange for the use of the missionaries' prized bullocks and drays to transport the army equipage and artillery inland.[69] Heke was aware therefore, before he had received the governor's terms that FitzRoy was preparing for both war and peace. The missionaries were reluctant to lend assistance to the army, fearing Heke's reaction and a loss of influence with Maori generally.

On 28 August, after receiving Heke's refusal, FitzRoy brought into action his military plan to land at Kerikeri the following day and march inland. The Anglican clerics William Williams and Robert Burrows immediately tried to persuade FitzRoy against landing the troops at the Kerikeri mission. The group of chiefs returned, led by Tamati Waka Nene, and appealed to the governor to halt the planned invasion. Nene sent an important communication to the governor via a deputation of local Europeans, led by James Kemp, the missionary at Kerikeri, explaining the disastrous ramifications of a British invasion. Nene insisted that the troops must not enter Ngapuhi territory armed. Such a strategy, the deputation warned, would serve to confirm Ngapuhi suspicions and result in a general uprising. Nene instead proposed to the governor that he and the key officials should attend an organised peaceful hui, which the leading men must attend unarmed and without military accompaniment. According to one eye witness, probably Burrows, Nene and the other chiefs remarked that:

---

[67] FitzRoy to Stanley, 14 September 1844, G 30/ 6, p. 33; FitzRoy to Gipps, 4 September 1844, GBPP, 1845 (247), p. 311; In his 4 September dispatch FitzRoy listed the strength of the forces as 210 troops and 40 seamen.
[68] George Bennett, 'Journal, 1838 – 1845', MS- micro-323, ATL, p. 143
[69] William Williams, 26 August 1844, MS 91/75, Box 10/ 34, p. 753

> It is Heke's first open act of defiance to the government, and we natives do not look upon the cutting down of the flagstaff in the same light you do, we cannot regard it of so dreadful a nature as to call for the sacrifice of life. Let it be generally known that the cutting down of the flagstaff was an insult to the Queen - should Heke transgress again then there should be just cause.[70]

Nene and the chiefs made a final offer to FitzRoy in response to FitzRoy's threatened attack. A meeting was proposed at Waimate and the chiefs proposed to give the governor the required ten muskets as compensation for Heke's offence. The purpose of this was, as Williams recorded, whether Heke makes his appearance or not the business will thus be quietly settled as his friends have determined to take this step for him.' [71]

Nene had taken an important yet drastic step - he had extended his protection to the governor and assured to speak for the conduct of Heke. His motivations in acting thus were designed to avoid the entry of the soldiers into Ngapuhi lands, at any cost. It was a gamble, but the alternative was too terrible for him to contemplate. He saw the arrival of the soldiers as tantamount to the complete subordination of Ngapuhi authority. He no doubt reasoned that while there was some point of negotiation with the British, Ngapuhi rangatira continued to exercise and maintain the authority and rangatiratanga guaranteed them. If, on the other hand, the soldiers invaded all would be lost and conflict and severe deprivation would result. This is what Ngapuhi leaders probably feared with the arrival of the soldiers – and that is why they sought every means possible to keep Britain's military forces from the North.

FitzRoy and Hulme accepted the advice and removed the troops from the Kerikeri River back to Kororareka. FitzRoy instructed Clarke to call a meeting of the chiefs at Te Waimate. Clarke's letter was sent out to 'rangatira and kaumatua only'.[72] It is clear

---

[70] Robert Burrows [conjectured author], 'The War in the North 1845', MSS 948, ATL, p. 8
[71] William Williams, 28 August 1844, 'Journal', AML, p. 755
[72] Cotton, 30 August 1844, p. 17; See also, Parkinson(et al.), p. 135

therefore that FitzRoy's approach to the meeting was determined ahead of time and appears to have been strongly influenced by the advice he had been given by Nene and the other chiefs.

On 30 August, the governor, together with Lieutenant-Colonel Hulme of 96th Regiment and Captain Robertson of *HMS Hazard*, travelled to Waimate unarmed and without soldiers. In preparation for the hui, a large tent was erected on the lawn in front of the mission house. Chiefs started to arrive on the afternoon of 30 August. William Williams held discussions with FitzRoy on 30 and 31 August and planned for the hui on 2 September. He recorded in his diary that on one issue - of Maori having their own flags - 'his Excellency not only offers no objection, but proposes to distribute flags among some of the principal chiefs.'[73] FitzRoy had earlier discussed the issue of flags with Hulme, The fact that FitzRoy had rehearsed this concession and gone so far as to prepare new flags ready to distribute at the hui, tends to suggest that he had received the chiefs' letter prior to his arrival in the Bay of Islands. Moreover, it was likely he was apprised of both this and Heke's earlier letter. Williams also noted with some comfort that 'the governor…is not anxious to do everything for the natives benefit.'[74]

2.10 Second Waimate Hui, 2-3 September 1844

On Monday 2 September a large hui was held at Te Waimate mission station. The meeting was attended by the governor and his party, Bishop Selwyn and missionaries, together with approximately 300 Ngapuhi – about the same number as at the July hui. The meeting was a central event in the lead-up to the Northern War. Agreement was reached among some Ngapuhi chiefs to keep Heke in check in return for the removal of British soldiers and a demonstration of this commitment was made to the governor. Phillipson describes the September meeting as the Crown's renegotiation of an alliance with Ngapuhi.[75] Certainly, it appears that the decision of chiefs, such as Te Taonui, Waka

[73] William Williams, 31 August 1844, 'Journal', p. 757
[74] William Williams, 31 August 1844, Journal, p. 757
[75] Phillipson, p. 328

Nene and Mohi Tawhai, to counter Heke's actions dates from this hui. However as noted above, the chiefs' determination to act in this way had been decided in advance of the hui, and most likely in response to the appearance of the British soldiers. As Burrows recorded, on 28 August, FitzRoy 'received a communication from the most influential chiefs of the Waimate and Hokianga districts, entreating him not to take the soldiers inland, but to meet them alone and they would answer for the good conduct of Heke.'[76]

Two other factors also need to be considered. First, the meeting at Waimate occurred because Ngapuhi, Clarke and the missionaries pushed for the hui to occur. Secondly, if it was a re-negotiation of an alliance, it was only this in Crown eyes. For Ngapuhi the declaration of independence and Te Tiriti remained as the guiding tikanga to be followed – there was no renegotiation of Te Tiriti – it was rather a renewal or reinforcement of their existing commitment to Te Tiriti, and a discussion of events that had taken place and what should happen. Accounts and later references suggest that chiefs such as Te Taonui and Nene 'gave their word' to the governor that they would keep Heke quiet, and it is clear that the hui was a moment to which both sides returned throughout the conflict. Still, it is important to recognise that such commitments were based on Te Tiriti, and no other 'alliance'. Some chiefs were later reported as saying that the Waimate hui, and their assurance given to the governor, was the reason for their subsequent support of the governor during the war. This was certainly one of several factors influencing individual rangatira to support the soldier fighting against Heke and Kawiti, but the principal reason was the enduring commitment to Te Tiriti.

The hui was a key event in terms of understanding the origins of the Northern War. The governor travelled to Ngapuhi and demonstrated his willingness to discuss the issues face to face and without an armed force. In return, certain Ngapuhi paid utu for Heke's actions and pledged to maintain the peaceful status quo and to control Heke. As Phillipson states, 'The result was a consensus that the governor's military force would not be kept at the Bay of Islands – a major objective of Ngapuhi – but would be sent away'.[77] The hui

[76] Burrows to CMS, 4 September 1844, CN/M 15, p. 32
[77] Phillipson, p. 333

marked a point where certain Ngapuhi chiefs, in what might be seen as a final attempt to avoid armed invasion by soldiers, resolved to control Heke. Although Heke himself did not attend the hui, he had observers present, and soon after the Waimate hui he again approached the governor seeking a peaceful resolution.

The hui took place on the lawn in front of the large Waimate mission house. The hui commenced at 12 o'clock with 'a long address' by the governor. The governor's speech was then translated by James Puckey, CMS missionary from Kaitaia. After FitzRoy's speech many of the important chiefs then took it in turn to address the governor and the take (issues). The following day, a smaller group of rangatira met privately with the governor and further explained their concerns.

The main record of the hui on 2 September comes from the official versions of the speeches recorded in English, probably by John Hamilton, FitzRoy's Secretary, who attended the hui. This text was later reproduced in a dispatch to the Colonial Office, and in printed form, which found its way into the *Southern Cross* newspaper.[78] Given the large number of missionaries also present at the meeting there are other journal accounts of the hui. William Cotton also left a useful account of the hui, although it must be noted that he did not arrive until 1:30pm on 2 September, and by his own admission missed much of the introductory discussion and relied on hearsay accounts of the early speeches.[79]

The governor began his speech by referring to Heke's attack on the flagstaff. He then stated that it was necessary to talk openly and plainly about any doubts or concerns with the British government. He claimed that Heke had been led to the act by 'wicked Pakehas' and that he did not blame Heke and his party as much as certain those

---

[78] FitzRoy to Stanley, 14 September 1844, CO 209/ 28, pp.261-81; G 30/6, pp. 39-66; 'The Governor's Address to the assembled at Waimate on the 2nd of September, 1844 and the substance of their replies', printed sheet IA 2/2, 1845 Minutes from the Governor; 'Extracts from "The Southern Cross", of 7 September 1844', *GBPP*, Vol. 4, p. 366-70. The substance appears to be largely the same across all of these texts. But some words have been changed from the MS version (in the CO 209/28) in the printed text: I have therefore relied on the CO 209/28 version as far as possible.

[79] Cotton, p. 22

characters. FitzRoy then went on to chronicle the history of Crown presence in New Zealand as proof of the 'disinterested exertions' and protection of the Crown. He recalled the 1831 chiefs' letter and mentioned the act of sending Busby to New Zealand, although there was no mention of the 1834 flag, or 'He Whakaputanga'. There was a great deal of emphasis placed on the Crown's constant desire to protect Maori.

In referring to the Treaty, FitzRoy again stressed the protective nature of the agreement.

> In order to protect them [Maori] effectually, he [Hobson] offered to make them a part of the great British family – the greatest nation in the world: to give them all the advantages of English laws; but not to interfere with their own laws against their consent, while affecting only themselves… and the consequence has been, that noone injures or molests them; that their lands are secured to them; and that they are perfectly free.[80]

FitzRoy then carefully attached the notion of protection to the symbol of the British flag. 'The British flag is the signal of freedom, liberty and safety.'[81] He spoke about the symbolic significance of the flagstaff and flag in some detail. The flagstaff he declared was worth nothing – 'a mere stick, but as connected with the British flag, of very great importance.'[82]

The governor admitted that the government's customs regulation had caused injury to Maori and Pakeha in the Bay of Islands and he emphasised that, in order to 'promote the welfare' of Maori, he had removed the customs regulations. It appears that the customs regulations had been removed by a declaration the previous week.[83] There was also reference made to the beneficial nature of the pre-emption clause in the Treaty – something which, of course, had by then been waived by FitzRoy.

---

[80] FitzRoy 'The Governor's Address', IA 2/2
[81] ibid.
[82] FitzRoy 'The Governor's Address', IA 2/2
[83] 'Extracts from "The Southern Cross", of 7 September 1844', *GBPP*, Vol. 4, p. 366 (150)

Towards the end of his address, FitzRoy referred to Heke's letter (proof that he had received it in advance of 2 September). 'He [Heke] has written me a letter of apology about the flagstaff and offered to put up another.'[84] FitzRoy then stated that he wished 'for peaceable measures' and asked the chiefs for 10 guns to be handed over 'as atonement for the misconduct of Hone Heke'. He also stressed that the request for guns was not to be seen as an acquisition of property, but rather as a public acknowledgement. As many historians have already noted, Ngapuhi chiefs quickly handed over a larger number of muskets and tomahawks. The governor then returned all of the guns as a gesture of good faith.[85]

Following the governor's address a large number of chiefs then spoke.[86] Their speeches, or at least the surviving translations, were by and large those of welcome and they do not appear to have been either long or of much substance. As Cotton noted, the majority of the speeches were over within an hour and a half. Still, these introductory speeches posed difficulties for British comprehension, however, as FitzRoy later noted.[87] Those most likely to have understood the speeches were Robert Maunsell, Puckey, Burrows and Williams. In any case, it appears that the real discussion of the issues probably occurred later that evening away from the governor. Cotton remarked after the gathering that the chiefs were to sit around the tent all night 'talking over the events of the day and preparing for the private interview which the principal chiefs will have tomorrow with the governor.'[88]

Mohi Tawhai of Mahurehure (Hokianga) was among the first to speak on 2 September. He noted that, despite best efforts, not all troubles would cease, but he urged the governor 'to settle them this way, and not with guns and soldiers.'[89] Waikato (one of the letter writers) stated that he had little to say, though he remarked that he would not listen to

---

[84] FitzRoy, 2 September 1844, CO 209/28, facing p. 271
[85] FitzRoy, CO 209/28, p. 271
[86] Wiremu Hau, Kawiti, Te Hira Pure and Papahia were all notable absences from the list of chiefs who spoke at the hui.
[87] FitzRoy, *Remarks on New Zealand*, 1846, p. 24
[88] Cotton, 2 September 1844, Journal, p. 28
[89] Mohi Tawhai, CO 209/28, p. 272

those who simply raised issues to do with economic prosperity.[90] Nene and Patuone both welcomed and acknowledged the governor. Both, however, were at pains to encourage the governor to return to Auckland.[91] Te Taonui echoed the desire for peace above all: 'when I heard of the guns and soldiers being landed, my heart was dark…Ngapuhi live in peace! peace! peace!'[92]

Nene and other chiefs, such as Tuwakawa, made significant statements opposing Heke. Nene said, '[i]f that flagstaff is cut down again, we will fight for it….'[93] These were major political statements in a public hui such as this, and the statements would carry their own ramifications within an exclusively Ngapuhi political sphere.

Finally, Ruhe, the father of the late Maketu, sought to explain Heke's reasons for refusing the advances of the governor and his non-attendance at the hui. Heke, Ruhe explained, believed that the terms asked by the governor referred to land confiscation. 'He [Heke] understood, he said, the request for guns to mean land, the Ahuahu he thought was to be butts end of the gun, and Kaikohe the barrels, the distance ten miles. "Tell Waka I shall go and have a quarrel with him for the active part he has taken".'[94] Here we get a sense of the allegorical world inside which Ngapuhi operated, and the way in which meanings were interpreted very differently. There was a fear, and an expectation on Heke's part, that he would be required to pay utu in land. This was something Heke was unwilling to abide and therefore he refused the governor's terms.

Most of the Pakeha witnesses claimed that the speeches had all gone off well.[95] Colenso agreed that things had gone well, but cautioned:

---

[90] Waikato, CO 209/28, facing p. 273
[91] Nene, p. 276
[92] Taonui, CO 209/ 28, p. 275
[93] Nene, facing p. 276
[94] Ruhe, p. 280
[95] William Williams, 2 September 1844, 'Journal', p. 757; St Aubyn to Col Sec, 23 September 1844, IA 1844/ 1991

> it required little knowledge of the native character to discern much of dissatisfaction in the speeches of the Native chiefs made at this and other meetings. They compared the present and prospective state of things with the past, - praised several of their old missionaries and Mr Busby, - and spoke ill of the new missionaries, the Bishop, and the government, whom they always class together.[96]

After the chiefs had finished, it was noted that Bishop Selwyn, William Williams, Robert Maunsell and James Hamlin each spoke. Only Cotton refers to the substance of the missionary speeches and the detail is patchy. Maunsell referred to the imperative for maintaining Pakeha settlers and pointed out how Ngapuhi visitors to the Waikato used to be looked upon as of the best dressed. 'but now I come among the Ngapuhi and find them as ragged as my own people.' [97] As Phillipson mentioned, this statement may have had an ironic effect in highlighting the extent to which the relative position of northern chiefs had declined.

Selwyn explained to the hui that he and several of the missionaries were soon to depart from Waimate to set up a school (St Johns) in Auckland, but that they would often return to the north.[98] This to Maori eyes was further evidence of the flight of Pakeha enterprise from the north: the removal of St Johns was something about which Heke would also later express regret. Nothing is recorded about the substance of Williams' korero, nor does Williams himself mention anything of his own speech.

After the meeting, food was prepared and distributed, though the two groups did not eat together. The governor's party retired, while many of the chiefs remained through the afternoon and the evening to discuss the governor's speech, the take relating to the flagstaff and the meeting proposed for the following day.

---

[96] Colenso to CMS, 19 November 1844, CN/M, 15, p. 113
[97] Cotton, p. 23
[98] Cotton, p. 25

2.11 Hui on 3 September

The following morning, 3 September, a small group of leading rangatira met privately with the governor. As noted already, there are only limited surviving records of what was discussed and agreed to at the meeting. Cotton's journal contains the most detailed account of the meeting and from this we are able to discern some of the topics raised by Maori, and the governor's responses.

Wiremu Hau of Waimate was the principal speaker. It is not exactly clear, however, what particular issues Hau raised. Cotton simply recorded the points of agreement, or more correctly, the offers made by the governor.

> 1st, with regard to the flag, he will give the chiefs a flag for themselves – an English Ensign with the motto Hoa Tiaki o Nui Tireni – allied guardians of New Zealand. This seems to please them much and as Colonel Hulme says, in accordance with English policy towards the native princes of India. 2nd The land which has been sold to Pakehas, or rather that portion of it which is over and above the quantity granted to each claimant according to the established scale, is no longer taken possession of by the government but reverts to the original owners. This seems but just.[99]

The matter of the flag was a difficult issue for FitzRoy as well as the Crown. The British had formerly recognised the 1834 flag and Maori continued to refer to it as the 'Maori flag'. The governor, with advice from Colonel Hulme, sought to adopt an expedient measure that had been tried in other colonial environments and replace the existing flag of the United chiefs, associated with 'He Whakaputanga' with a new flag. The plans for the flag had been discussed before the hui, no doubt in response to the chiefs' letter mentioned earlier.[100] It is not known what the chiefs at the time understood by this new

[99] Cotton, 3 September 1844, p. 29
[100] William Williams, 31 August 1844, 'Journal', MS 91/75, box 10, p. 757. 'Occupied for some time with the Governor who is not anxious to do everything for the natives benefit. On one point, that of the natives

flag is not clear; Cotton simply records that they were happy with the flag. It appears that the flag was not actually issued at the hui, though it is possible that an example of the flag was shown to the chiefs at the time. Later, during the war, the governor sent out a series of flags to chiefs.

It is notable that FitzRoy discussed the 'surplus lands' issue at the 3 September hui. FitzRoy's pre-occupation with this issue and the lengths with which he sought to appease Maori by altering the terms of the Native Land laws and returning the so-called 'surplus lands' to Maori, have already been discussed in some detail by Phillipson.[101] The question remains, however, how important was this issue to Maori in terms of the cutting down of the flagstaff. Land issues do not appear to have been raised at the September hui, from the records that we have. We simply do not know whether the issue was raised by Wiremu Hau, or whether it was a premeditated gesture on the part of FitzRoy, like the offer of the flag, designed to win some support for the Crown. What Phillipson rightly identifies as surprising is FitzRoy's failure to inform the Colonial Office of his decision to return surplus lands to Maori. The Colonial Office was never advised of this important change of policy. And the consequences of this omission were that the governor raised Ngapuhi expectations that they would have lands returned to them, but in the long-term the Crown Colony government never actually enacted such a policy. It was a hollow promise that could only lead to further resentment.

Ngapuhi did raise concerns with the governor on 3 September over the slump in economic prosperity in the north. The 'Hokianga chiefs' (as Cotton referred to them) were particularly concerned about the much lower prices for their products and asked the governor if he could set minimum prices for certain items, such as wheat.[102] The governor replied that was he was unable to intervene. Cotton remarked that the chiefs

---

wishing to possess flags of their own, his Excellency not only offers no objection, but proposes to distribute flags among some of the principal chiefs.'

[101] Phillipson, pp. 339-41

[102] Cotton, p. 29

'think that they are cheated because they do not get the same price for these things as they did some time ago.'[103]

Not recorded by Cotton, but mentioned later by Burrows and no doubt of central importance to the chiefs, was FitzRoy's undertaking to remove the soldiers from the north. 'The governor promised the natives to send the Soldiers away, who are to return [to Sydney]….'[104] FitzRoy had already alluded to the removal of the troops during the first day of the meeting and it may have been that this was not mentioned on 3 September discussions. It was nonetheless a crucial issue for Ngapuhi.

Also important, but again not mentioned in Cotton's account, was FitzRoy's announcement from the previous day to remove the customs duties. As referred to above, FitzRoy had made a public declaration abolishing all customs duties. The declaration had been made at Kororareka the week before the September hui. William Cotton noted that 'the Kutamaoha (ie the customs house) has been done away with - tho the governor only made the declaration last Thursday at which there were bonfires, and all sorts of rejoicing at Kororareka.'[105] It appears that FitzRoy had taken this unilateral decision himself. Certainly, the matter was not discussed with the Executive Council until later in September, and the Bill was not even entered on the books until the end of September, possibly one month after FitzRoy had made the declaration.

The Waimate hui was an important gathering. FitzRoy followed Ngapuhi advice and attended the hui unarmed, and prepared to discuss issues of concern to Maori. This was a very significant action. It went a long way towards reassuring Ngapuhi of the intentions of the government to adhere to Te Tiriti, rather than to invade at the first sign of trouble. Some Ngapuhi chiefs, notably Nene, replied by encouraging the governor to remove the troops from the north and pledging, in return, to protect peace and settlers in the north.

---

[103] Cotton, p. 29
[104] Burrows to CMS, 4 September 1844, CN/M, 15, p. 32
[105] WC Cotton, 1 September 1844, Journal, pp. 21-22

This pledge can be seen as an act of rangatiratanga on the part of Nene, but also as an overwhelming desire to keep British troops away.

Phillipson has portrayed the Waimate hui as the re-negotiation of a formal alliance; [106] there were elements of alliance. From the British perspective it certainly appeared to be the forming of an alliance. For Ngapuhi, however, the hui was perhaps more likely a re-affirmation of Te Tiriti. The return of the governor to the north in person went a long-way towards reaffirming their faith in the relationship of Te Tiriti. It was notable that after the hui, chiefs such as Waikato who had previously sought reassurance about the role of the governor, renewed their support for the governor and 'his' recognition of Te Tiriti. If there was an alliance, it was Te Tiriti. What was re-affirmed by the governor was the continued adherence of the Crown to the terms and tikanga of Te Tiriti and 'He Whakaputanga'. This is what Maori sought, and this was what, in effect, FitzRoy demonstrated. After all, protection lay at the heart of many of the descriptions of the Treaty and pre-treaty agreements.

The private discussions on 3 September saw FitzRoy making concessions, but these were not made in reaction to concerns voiced at the meeting. It appears that the major concessions had been decided upon in advance, and in the case of the abolition of customs dues, announced prior to 2 September. These had been gestures on the part of the governor designed to reassure Maori and encourage peace. Even so, FitzRoy had acted with a sense of propriety and he had adhered to the wishes of Ngapuhi in attending the hui unarmed. In so doing, he reassured many Ngapuhi.

The *Southern Cross*, in its report on the Waimate hui, commented that by constantly adhering to the principles of justice, it was possible to govern 'without the actual interference or assistance of the military.'[107] The editor noted that while it would be good to see a military force in the colony, 'we should nevertheless feel extremely sorry that that power should ever be brought into actual contact and collision with the natives. The

---

[106] Phillipson, p. 328
[107] 'Extracts from "The Southern Cross", of 7 September 1844', *GBPP*, Vol. 4, p. 366 (150)

day that it shall become necessary to do so, would be the last day that we should wish to remain in this colony.'[108]

2.12 Heke's Hakari

Heke was absent from the September Waimate hui. He had staged a competitive hakari not far from Waimate. This looks to have been a symbolic challenge to the authority of the governor and perhaps even a parody of the occasion taking place at Waimate. Yet the intent behind the event was serious. The logic of Heke's actions lay in the fact that he had originally asked the governor to come and visit him, and the governor had spurned his offer (at least to Heke's eyes). The governor had then invited Heke to visit him, and similarly Heke had refused. Heke therefore thought it important to impress upon the governor and other Maori that the powers of the rangatira were still the equal of those of Te Kawana. This in part lay behind Heke's decision not to attend the Waimate hui and to instead erect a competitive hakari so close by to Waimate, but still within Heke's own Ngati Rangi territory.

Heke's feasting stage was itself designed deliberately as a visual and symbolic statement of his rangatiratanga. Unlike most hakari platforms of the 1840s, which possessed several high poles, each bedecked with coloured pennants (often red) and other emblems of local mana, this stage had one central pou, singularly higher than the rest, topped with a rudely carved head 'which the natives call "Te Kawana" and in insult put a rope around its neck'.[109] Nga Puhi resistance explicitly demonstrated their ultimate authority over their lands. The prerogative to hang criminals was gubernatorial and witnessed in New South Wales; Heke symbolised his rangatiratanga as the authority to hang unwanted Kawana (governors).

---

[108] 'Extracts from "The Southern Cross", of 7 September 1844', *GBPP*, Vol. 4, p. 366 (150)
[109] Cotton, 24 October 1844, 'Journal 1844-6', p.146

2.13 The Visit of the Chief Protector to Bay of Islands

The governor's party left Waimate at lunchtime on 3 September and returned to the vessels. The soldiers that had been deployed from Sydney returned to New South Wales. Meanwhile, FitzRoy returned to Auckland with the remaining contingent of troops stationed New Zealand. chief Protector Clarke remained in the North in order to meet with some of the chiefs. He held meetings with Hokianga chiefs at Waima on 6 September, and at Mangunu on 7 September.

At the Waima meeting Clarke found that there was some unrest owing to a local dispute between the Hokianga Police Magistrate, Robert St Aubyn, and a chief, Ngahu. According to Clarke, the magistrate together with several armed constables had attempted to recover a Ngapuhi woman, apparently also the wife of a European, from Ngahu. When Ngahu saw that the police were armed he reacted by getting his guns. It appears the police speedily departed by boat before the chief returned with his gun; in exasperation, Ngahu fired a shot at a cow belonging to a local European, Kelly - 'the shot passing through the neck of the animal and causing no real injury'.[110] Clarke noted that Ngahu had subsequently been the subject of a muru party, being plundered by local Maori in reprisal for his act of shooting the cow and had lost all his 'food, pigs and houses'. He also recorded, that all chiefs at the hui 'promised to use their influence in keeping the peace and expressed a wish that the governor should pay them a visit.'[111]

St Aubyn himself later sent a letter to the Colonial Secretary recording that he had been apprised of Clarke's instructions 'as to the treatment of the cases in which Natives may be concerned and shall in future act accordingly.' He also noted that the district had been quiet since the Waimate meeting and expressed a hope that the governor may visit the area, as was 'much wished by the Natives'.[112]

---

[110] Chief Protector to Colonial Secretary, 30 September 1844, IA 44/2055
[111] ibid.
[112] St Aubyn to Colonial Secretary, 23/9/ 1844, IA 1844/ 1991

The second hui held the next day at the Mangunu mission station involved the northern Hokianga rangatira of Mangamuka, Utakura and Waihou, as well as some local Pakeha. Clarke addressed the chiefs, saying that he had been sent by the governor to enquire the grievances of northern Maori and that he (Clarke) would report back to the governor 'that he might take steps to remove any grievances'. A number of important chiefs spoke at the hui, including Te Taonui, Patuone, Hira [Pure], Turau, Rawiri, Noa and Repa. Clarke recorded the general sentiment of the chiefs' korero in the following terms:

> they denied having injured the Europeans, and said if disaffected to the government they had been made so by the Europeans who were continually telling them that they were enslaved and the government were their oppressors. They said they were now extremely poor a few years ago they were all able to procure not only necessaries but luxuries now they were reduced, as I might see, to an old thread worn Blanket and they had been given to understand that this was in consequence of their having signed the treaty of Waitangi. They were now obliged to carry their produce from one end of the River to the another [sic] in order to get a fig of tobacco and after spending a whole day often returned disappointed.[113]

2.14 Heke's hui at Waimate

Heke travelled to Waimate on 7 September 1844. Various reports indicate that he travelled into the settlement with a group numbering between 150 and 250.[114] Other Kaikohe Maori had also been through Waimate the day before on their way to a hui at Pateretere, the Hokianga kainga of the rangatira Noa.[115] On Heke's arrival, Bishop Selwyn asked him to come inside for a private chat; however Heke stated that he preferred to stay outside, despite the 'pelting showers', so that all could hear what was

---

[113] ibid.
[114] See: Cotton, 7 September 1844; Colenso to CMS, 19 November 1844, CN/M, 13, p. 113; William Williams, 7 September 1844, 'Journal', p. 759
[115] William Williams, 6 September 1844, Journal, MS 91/75, Box 10/34, p. 759

discussed. In particular, Heke wanted to know the substance of the governor's speech from 2 September. James Puckey was called on to provide a summary, but he could not recall the speech in detail, so the Bishop provided a series of notes that Puckey then read out..[116]

During the discussion, Heke delivered a very important statement about how he saw the relationship between chiefly authority and the governor in the north. 'He said he wanted the governor to come and visit him and take down the present flag staff and then erect two, side by side, one for the English and one for the Maori flag.'[117] For Heke, the two flagstaffs - each flying different flags - represented the dual authority that he saw existing in New Zealand following Te Tiriti. Heke also sought to explain what needed to happen in order to achieve a reconciliation of the two authorities. The governor had re-erected the flagstaff as a unilateral act of the governor's authority and therefore it was the governor's responsibility to come and remove it, and then to act in concert with the chiefs or re-erect poles to embody a partnership and dual authority.

On his return from Pateretere, Heke stopped at Waimate and wrote two further letters to the governor. Colenso noted, however, that the letters were of such a nature that the Bishop would not receive them, 'nor…allow any one from the Mission to write one for him.'[118] Heke remained at Waimate until William Williams returned, 'when he [Heke?] was induced to write letters of a better description.'[119] Williams didn't actually refer to any letters from Heke, but he did note that he spoke with Heke for two hours and found him quiet. During the conversation Heke repeated his earlier requests that Williams and St Johns College remain at Waimate, rather than shift south to Auckland.[120]

2.15 Letters to the Governor

---

[116] The Bishop's brief bullet points of the Governor's Waimate speech are inserted in Cotton's journal. Phillipson includes a full list of the 9 points of the Governor's speech as read to Heke. Phillipson, p. 342
[117] Cotton, 7 September 1844, p. 36
[118] Colenso to CMS, 19 November 1844, CN/M, 15, p. 113
[119] ibid.
[120] Williams, 9 September 1844, 'Journal', p. 759

Hone Heke and Te Hira Pure each wrote to the governor a second time in the wake of the September Waimate hui. Both letters expressed sought to describe the grievances they flet and the causes of action that needed to be taken to rectify the relationship between the chiefs and the governor. It is likely that FitzRoy received both letters at the same time, sometime in September, although in the surviving transcriptions of the letters neither is dated.

Te Hira Pure in his letter asked FitzRoy to return to the north in order to meet with the chiefs and Heke. Echoing Heke's comments at Waimate, Pure explained that the increase in tension (and by implication the non-attendance by Heke on 2 September) had come about as a result of the governor's decision to deploy troops to reinstall the flagstaff before meeting with the chiefs to discuss the issues. This they interpreted as a hostile action.

> Ko ta matou tirohanga atu ki o wakaaro i te motunga o te kara, kua aho to wakaaro ki nga Hoia o Poihakena, kua ahu mai koe ki te wakaara i te kara. Kaanea [sic] matou he karanga riri tenei….
>
> According to our estimation, your thoughts were hasty, in that your thoughts were for the soldiers of Port Jackson, and immediately proceeded to put up the flag-staff; in our estimation this was hostile….[121]

Pure went on to state that if the Waimate meeting had taken place before the flagstaff had been re-erected at Kororareka then 'peace would have been established' ('kua mai te rongo i reira').[122] However the implication was that a grievance remained, because of the governor's initial action, and that this injury needed to be remedied before the tension could be rectified. He explained to the governor that the way forward to peace was for him to come north take down the flagstaff and then meet with the chiefs.

---

[121] Te Hira Pure to Governor FitzRoy, undated [September 1844, Maori text cited in CO 209/ 29, facing p. 140; English translation by George Clarke in *GBPP*, 1845 (369), p. 418
[122] ibid.

Heke also wrote to the governor. It reinforced the statement he had made at Waimate on 7 September regarding the existence of dual authority and the re-emphasised the need for the governor to return to the north to rectify the lingering cause of the dispute.

> E hoa e te Kawana,
>
> Ka karangatia atu ana a koe e au. Kia haere mai ne? ae , haere mai, kei riri koe, na nga ngutu o te tangata o te pakeha, na i riri [nui?] ai tenei kino e takoto ake nei, me aha ranei ka pirau ai tenei mea , koia ahau ka mea atu nei ki a koe. kia haere mai koe, ki konei; tana ata korero ai, kia tika ai a tana korero, ki te mea e kore koe e tae mai; heoi ra ka mea atu ahau e kore e oti tenei mea. e werewere ana taku, e werewere ana tau, e werewere ana ta Ngapuhi. E karanga anata Ngapuhi ki te poka, e karanga ana ta matou ki te poka, e karanga ana tau ki te poka. Koia matou ka mea atu nei, ma wai ranei Wakaoti e tanu? na, ke kai wakarite koe no nga he nunui [?] Mau ano hoki tenei e wakaoti, haere mai koe kia korero taua ki te ritenga o te rakau: e kore ahau e mohio, engari kia tae mai koe , kia korero taua; ki te mea e kore koe e tae mai, ka mau tonu tenei pouraru [?] ki te ao, ake tonu atu, mehemea e kore koe e tae mai ka piri te namunamu nei he tangata maori, he tangata maori a nga ra e takoto ake nei. Mehemea ka oti tenei mea, ka mea ahau he aroha tau, he atawai tou . Ki te mea e whai aroha ana koe, ka whai aroha ano hoki matou ki a koe, ki te mea e whai atawai ana koe, ka whai atawhai ano hoki matou ki a koe ki nga Mihanare katoa kaua ki nga pakeha kino kaua ki nga tangata kino.. Ki te whakaae koe ki te haere mai tika tonu mai ki te Waimate korero ai, ka mutu ka haere atu taua ki Kororareka. Ma ka oti i konei ki te mea e kore [?] koe e tae mai, heoi ano, ka mutu aku whakaaro titiro atu ki tau kupu pai. katahi ano ahau ka mea hiahia nga tatau o raro. kia pakaru mai te pouritanga ki konei ki te ao. Ki te pai koe, ki te haere mai, tuhituhia mai tetahi pukapuka ki au , kia matau ai ahau e kore koe e tae mai, kia matau ai raneie ta e mai koe.
>
> Ta [?] te mea hoki ahau te tae atu ai ki to huihuinga i te Waimate e tupato ana ahau, kei whawhai matou te tangata Maori

Signed , Na H. H. Pokai[123]

Friend governor,

I write to you to come to me; will you come? Do come, and do not be angry. It is by the lips of the Europeans that the late proceedings were increased and aggravated; in what way [how] can we extinguish this evil? In order that it may be extinguished, I ask you to come here, that we two may quietly and equitably adjust this offence; **but if you do not come I say it will not be extinguished**; we shall all remain in doubt without confidence. The Ngapuhi are calling out to have this evil buried; you and I are calling out the same. I say, who is to adjust and bury it? You are appointed to adjust these affairs, and bring to nothing great evils (or crimes) You only [only you] can adjust and bring to a conclusion this affair about the flag-staff, the evil of which I do not yet know; do therefore come, that we may talk these matters over; but if you will not come this confusion will remain in the world for ever; if you will not come this evil will adhere like a blister-plaster, and the end of it will be native (fighting) native; but if the affair is amicably adjusted, it will be a mark of your love and peaceable feeling towards us; and if you thus show your love to us, we will show our peace and love to you, and to the missionaries, but not to bad Europeans and mad natives. If you will consent to come, do come direct to Waimate, and there let us talk, and when we have finished our talk let us go to Kororarika, and there let the matter end; but if you will not come, I have nothing more to say than this, that I shall cease to look and think favourably of your good words; then I shall call to the infernal gates to burst and deluge the world with darkness; but if you will be pleased to come, write me a letter, and if you decide on not coming, write in order that I may know that you will not come.

---

[123] The original Maori text is enclosure 6 in FitzRoy to Lord Stanley, 19 October 1844, CO 209/29, pp. 131-2. I apologise for any errors in the transcription of the letter, the original version exists on microfilm and is very difficult to read clearly. The English translation was published in *GBPP*, see reference below.

> The reason I did not attend the meeting at Waimate was for fear of a collision (or quarrel) with the natives.[124]

The letter expressed a request for a meeting and peace. It was a message of reconciliation, not a message of rebellion. In the Maori text, Heke referred to the role of the governor as a kaiwhakarite or adjudicator, something equated with Busby's role as mentioned in the Declaration of Independence. Like Pure, Heke explained that the governor needed to return to the north to rectify matters in person. He indicated that they needed to meet first and then travel to Kororareka where presumably they would together install poles side by side. Throughout the letter Heke expressed a strong desire to make peace, but he saw that it was the government's responsibility to make peace, as much as it was Ngapuhi's responsibility. The two letters from Heke and Pure were sent through to the governor, and the chiefs waited for FitzRoy's reply.

2.16 Governor's actions in late 1844

FitzRoy returned to Auckland reassured by the result of the Waimate hui. He wrote to Gipps on 4 September reporting the successful outcome of the dispute. He also notified Gipps of his decision to remove the customs regulations from the north at least. He declared that the dispute had arisen due to three factors: 'the false assertions of bad and designing men…; the land questions; and above all by customs regulations, which have almost destroyed the traffic of the Bay, without producing any very considerable amount of revenue.'[125] In the governor's estimation, the principal issue had been the impact of the customs regulations, and he sought to resolve the situation by removing them. Nowhere was there a mention of the conflicting ideas of authority. FitzRoy notified the Colonial Office on 16 September that he 'had long contemplated the abolition of customs' and that the Executive Council was to meet to consider a Bill for the complete removal of the Custom's ordinance effective from 1 October 1844.[126] The Executive Council met and

---

[124] Hone Heke Pokai to Governor FitzRoy, undated [September 1844], *GBPP*, 1845 (369), pp. 416-417
[125] FitzRoy to Gipps, 4 September, *GBPP*, 1845 (247), p. 311
[126] FitzRoy to Stanley, 16 September 1844, *GBPP*, 1845 (247), p. 355; Governor to Colonial Secretary, 16 September 1844, M44/ 134, IA 2/1

duly approved the Bill, which was implemented by the governor without waiting for approval from Britain.

By late 1844, economic problems and a lack of funds began to press heavily on the ability of the Colonial Government. In a confidential dispatch to Stanley on 16 September, FitzRoy warned that New Zealand was in an 'unprecedented' and parlous financial state, which threatened the survival of the colony. He went on to detail that the colony had no money, except the land debentures, and as a result, fees on land grants could not be paid, nor could people afford lawyers to prosecute legal actions.[127] The salaries of all government employees had been severely reduced since June 1844. FitzRoy had earlier warned the Colonial Office that 'until assistance is given by the Home government – or an extensive reduction in the Colonial Establishment is effected-' only part of the salaries payable by local government will be paid punctually, the remainder will be paid as soon after the end of this year as the circumstances of the colony will allow.'[128]

Economic issues impacted directly on the efficacy of the colonial government and on its ability to fulfil its responsibilities to Maori and Pakeha. The governor had informed the Colonial Office that he and the Colonial government had insufficient resources to fulfil their responsibilities. And in this way, the consequences of the economic short-fall hit both Pakeha and Maori. FitzRoy's September dispatch reiterated to the British Crown that the Colonial government had insufficient funds to continue to operate in a satisfactory capacity. FitzRoy felt hamstrung and his decision to remove economic barriers and customs and to issue debentures and were ways by which he hoped to kick-start a free-market economy. An awareness of the economic problems facing the governor helps give insight into the increasingly uneven nature of British governance in New Zealand at this time.

FitzRoy made a series of attempts to change what he saw as some of the issues of greatest concern to Maori. Yet, in so doing, he ushered in some unusual changes that further

---

[127] FitzRoy to Stanley, 16 September 1844, 1845 (247), p. 356
[128] FitzRoy to Colonial Secretary, 19 June 1844, IA 2/1

complicated relations between Maori and Pakeha without effectively addressing the underlying issues of respect and the loss of authority. The Legislative Council, led to a large degree by FitzRoy, implemented two legal changes in the wake of the felling of the flagstaff, which had a notable effect on Maori. These were the Native Exemption Ordinance and the proclamation to waive the fees on the Preemption waiver land transactions.

2.17 Native Exemption Ordinance

The Protector of Aborigines, George Clarke, had appealed to FitzRoy and members of the Executive Council about the increasing friction caused by the imposition of European laws over Maori. In response to this advice, and within days of the flagstaff attack, the Legislative Council passed the Native Exemption Ordinance.[129] This ordinance exempted Maori in certain cases 'from the ordinary process and operation of the law'. Clarke in his July report supported the move and alluded to the 'inapplicability of the English law to the present condition of the natives'.[130] Clarke further noted in reference to the ordinance that: 'While the tardy operation of British law is inapplicable to them in cases where they are the plaintiffs seeking redress, it is also quite unsuitable to them when they appear as offenders, especially in serious cases, when not only justice, but the general benefit of the natives, require an example to be made'. He went on to caution that 'it must, from the nature of things, be a long time ere the natives yield to the duty of quiet submission to a mere constabulary force.'[131]

The Naïve Exemption Ordinance was an unusual piece of legislation and one that ostensibly recognised Maori needs to be governed separately from Pakeha laws. In order to understand the rationale and purpose of the legislation in British eyes, it is necessary to look at the preamble to the ordinance.

---

[129] Native Exemption Ordinance, 16 July 1844, *GBPP*, 1845 (247), p. 345
[130] Clarke to Colonial Secretary, 31 July 1844, *GBPP*, 1845 (369), p. 462
[131] Clarke to Colonial Secretary, 31 July 1844, *GBPP*, 1845 (369), p. 462

> Whereas it is greatly to be desired that the whole aboriginal population of these islands, in their relations and dealings amongst themselves, be brought to yield a ready obedience to the laws and customs of England: And whereas this end may more speedily and peaceably be attained by the gradual than by the immediate and indiscriminate enforcement of the said laws, so that in course of time, the force of ancient usages being weakened, and the nature and administration of our laws being understood, the native population may in all cases seek and willingly submit to the application of the same….[132]

The issue of the jurisdiction of British authority and laws had been an ongoing issue of friction between Ngapuhi and the government since 1840. As discussed in the previous chapter, Clarke had warned the government of this situation in 1842, and the Colonial Office had acknowledged the issue. Under the new law, disputes solely involving Maori were not to be investigated by Pakeha authorities, until the approval of two principal rangatira had been given. Here was an example of how a law might pay attention to the authority of rangatiratanga, albeit with a limited frame of reference. Yet the ordinance appears to have been designed with longer-term goals in mind. The Preamble to the ordinance specifically mentioned the eventual desire that Maori 'in their relations and dealings amongst themselves be brought to yield a ready obedience to the laws and customs of England'. 'Obedience to the laws and customs of England' was of course something expected as a British subject under article three of the English text of the Treaty. However, the preamble also spoke of the weakening of 'the force of ancient usages' and this combined with the aim of long-term obedience to English laws suggests a colonial project designed to gradually uproot Maori customary tikanga and chiefly authority. Such an idea conflicted with the Te Tiriti that Maori would continue to exercise their tino rangatiratanga.

Out of all these post-Waimate legal changes, Ngapuhi could have been forgiven for thinking that the Crown intended to pay due adherence to their laws – that is to protect their laws – as this was the message that was coming through some channels and

[132] Native Exemption Ordinance, Preamble, *GBPP*, 1845 (247), p. 345

officials. On the other hand, the sudden, abrupt changes from British officials were probably extremely confusing to Ngapuhi chiefs who had spent time coming up to speed the previous British legal codes and laws, only to hear that these had now changed. This 'confusion' is perhaps most clearly illustrated in the case of the pre-emption waiver issue.

In the Treaty of Waitangi, the Crown had insisted on the right of Crown pre-emption. Then, on FitzRoy's arrival, the decision was made to provide for pre-emption waivers. In March 1844, FitzRoy introduced a system for applying for waivers involving government charges (as discussed by Rose Daamen and Bruce Stirling).[133] Finally in October 1844, convinced that the need to pay for pre-emption waivers remained a hurdle for Europeans buying Maori land, and for Maori selling it, FitzRoy made a further proclamation that removed the cost of applications for pre-emption waivers.[134]

Clarke had alerted FitzRoy to this issue. He wrote to the governor on 9 October 1844 urging that the high cost of purchasing pre-emptive waivers and Crown Grants was causing considerable unease among Maori. At a meeting of the Executive Council the following day, FitzRoy read Clarke's letter and urged the need to take action. The other members agreed, although there were dissenting views about the amount of the reduction and the need to wait for direction from the British government before taking action. In the end, FitzRoy took the unilateral decision that the amount of the waiver would be removed entirely and that the step would be taken forthwith without waiting for approval from the Colonial Office, 'as he himself was aware of the current "state of feeling"'.[135] Later in 1845, when the Colonial Office finally heard of the proclamation, Stanley disapproved of it strongly and advised Grey to withdraw the regulations immediately.[136]

---

[133] Clause 8 of Proclamation dated 26 March 1844. IA 12/6, p. 14; Refer Rose Daamen, *The Crown's Right of Pre-emption and FitzRoy's Waiver Purchases*, Waitangi Tribunal Rangahaua Whanui Series, 1998; Bruce Stirling, 'Old Land Claims Report' , Northland Research Series, forthcoming

[134] 'By a proclamation bearing the date 10 October 1844 it is declared that from and after that date no fees would be demanded on consenting to waive the right of Pre-emption and that the fees payable on the issue of Crown Grants would be at the rate of one penny per acre.', Proclamation concerning 'Fees on Waiving the Crown's Right of Pre-emption', 10 October 1844, IA 12/6, p. 56; *New Zealand Gazette*, 10 October 1844 in *GBPP*, 1845 (369), p. 401

[135] Executive Council Minutes, 10 October 1844, EC 1/1, ANZW

[136] Stanley to Grey, 14 August 1845 (23/45), G 1/14

Here is evidence that FitzRoy was willing to act quickly to resolve what he perceived to be a cause of dissent. Above all, the governor was convinced that it was essential to help curb Maori antipathy towards the government. In so doing, however, he overlooked the more fundamental issues of the Treaty guarantees. Instead, FitzRoy continued to act frenetically in pursuit of single grievances, sometimes against the opinions of the Executive Council, and this pursuit gradually hardened into a desire to silence Heke as someone whom the governor saw as a single cause of the unrest in the north.

It is notable that, as earlier, FitzRoy delayed his reply to Heke. He did not reply to the letter from Heke and Hira Pure until 5 October. When he did, the governor acknowledged Heke's letter as 'expressing good thoughts'. FitzRoy conveyed his willingness to meet and talk things over with Heke, but warned that this would not happen for a few months, until he next visited the north, as he planned, over summer.[137] FitzRoy went on to recount to Heke the benefits of the protections offered by the Queen to Maori under the Treaty of Waitangi. In particular, he highlighted the benefit of Crown pre-emption as a protection for Maori to retain their land and illustrative of the Crown intentions generally. Yet this was a strange example to choose, given that it had been FitzRoy who had provided for pre-emption waivers, something of which Heke was doubtless aware. In making his explanations, FitzRoy restated some of the benefits of the Treaty in rather broad terms and continued to stress the threat of other nations. And he ended his letter saying, 'Your safety, your freedom, your preservation as a nation, depend on your union, not only together, but with a powerful European nation, not only able to protect you, but willing to acknowledge and defend your rights.'

FitzRoy replied to Te Hira Pure at the same time, although his reply was shorter and less diplomatic. He sent Pure a copy of the letter he had written to Heke and this was accompanied by a short covering letter. the governor took issue with 'several objectionable things' in Hira Pure's letter, which, 'does not read so well as Heke's'.[138] He restated that he was willing to meet, but he stopped short of saying that he would

[137] FitzRoy to Heke, 5 October 1844, *GBPP*, 1845 (369), p. 417
[138] FitzRoy to Pure, 5 October 1844, *GBPP*, 1845 (369), p. 418

come up specifically for the purpose of meeting. Instead the governor's letter made it sound as though he was coming up anyway, and he seems to have tried not to give Heke and Hira Pure the benefit of knowing that FitzRoy had responded to their invitation. 'I will talk over the whole affair when I next go to the Waimate. There is much to talk about leisurely.'[139]

2.18 Kawakawa Muru: September 1844

Isolated events, coupled with FitzRoy's refusal to visit the Bay again until summer, quickly renewed tensions Nga Puhi, Ngati Hine and the government. On 21 September, the Police Magistrate, Thomas Beckham, issued a warrant to arrest a Pakeha, Joseph Bryars, for larceny. Bryars had originally eluded police and a group of constables who sought to surprise him at his house in the Kawakawa valley at 3 o'clock in the morning. In attempting to apprehend the man, the fingers of his wife, Kohu, were cut by a police cutlass. Kohu (Ngati Manu and Ngati Hine) was a wahine of senior birth right. Though the extent of the wound differs from account to account,[140] the fact remained that the police had shed the blood of a wahine rangatira. Kohu was was a grand-daughter of Kawiti, and a niece of the late Te Whareumu (also known as Hori Kingi). Her brother, the chief Hori Kingi Tahua, approached Beckham and sub-protector Henry Tacy Kemp at Kororareka the following day requesting utu and payment for the injury suffered.[141] Beckham and Kemp, however, declared the matter 'trifling' and dismissed the idea of payment.[142] Kemp in his account said that as the injury was only a scratch it did not deserve payment, yet he acknowledged that 'they would according to native custom have become entitled to some compensation.'[143]

---

[139] ibid.
[140] Compare Beckham's account of a 'slight scratch' with a cutlass to Williams' reference to Kohu who 'received a cut in the hand from the sword'. H. Williams to G. Clarke, 4 October 1844, *GBPP*, 1845 (369), p. 414
[141] Beckham to Colonial Secretary, 4 October 1844, IA 1844/2090 in IA 1849/ 158, ANZW
[142] H. Williams to G. Clarke, 4 October 1844, *GBPP*, 1845 (369), p. 414
[143] Kemp to Clarke, 4 October 1844, IA 1844/ 2155 in IA 1849/158

In the politically charged atmosphere of the north, the injury and the refusal of the Government officials generated further repercussions. A small group of leading chiefs, after hearing the response of Beckham and Kemp acted quickly in an attempt to resolve the dispute. The group, including Pomare and Nene, travelled to Auckland to meet with the governor. They travelled in 'a small boat' and arrived on 23 September 1844. The following day, they met with governor FitzRoy and sought an immediate solution to the incident.[144]

In the north, the incident escalated. A Ngati Manu/ Ngati Hine woman of rank had been wrongly injured by a Pakeha police constable and the Police Magistrate refused to intervene. Henry Williams (who had at that stage returned to Paihia from Turanga) recorded that Hori Kingi Tahua came to Kororareka a second time to ask the Police Magistrate for a single horse in payment for the injury, but that the request was again refused.[145] In the wake of the refusal, Hori Kingi Tahua took matters into his own hands and plundered a nearby settler of 8 horses. This was no ordinary muru, however. Captain John Wright, who suffered the loss of the horses, appears to have been an innocent Pakeha settler who happened to have horses and live nearby.[146] Kingi explained 'that he seized upon Mr Wright's horses merely to bring the Police Magistrate to terms; had a young horse been given him, as at first demanded, the matter would have ended'.[147] He further explained to Wright that he would keep the horses 'until Mr Beckham or Henry pay us for the blood that has been shed'. Wright remonstrated with the group leading his horses away, at which point one of the group reassured him 'that we were all English, and that his horses should not be hurt, but that they must take all, and would return them when they were paid.'[148]

---

[144] JW Hamilton, 23 September 1844, Journal, MS-Papers-2302, p. 8
[145] H. Williams to G. Clarke, 4 October 1844, *GBPP*, 1845 (369), p. 414; Clarke to Colonial Secretary, 19 October 1844, *GBPP*, 1845 (369), p. 416
[146] Although Beckham did note that: 'It would appear, that they seized Mr Wright's horses more particularly as they had been seen frequently running on one of their wahi tapus', Beckham to Colonial Secretary, 4 October 1844, IA 1844/2090 in IA 1849/158
[147] Te Wharerahi reported in Clarke to Colonial Secretary, 19 October 1844, *GBPP*, 1845 (369), p. 416
[148] Affadavit of John Wright, 8 October 1844, *GBPP*, 1845 (369), p. 414

On 2 October 1844 Beckham and Kemp visited the group up the Kawakawa River. According to Kemp, they discussed the issue and the group promised to return the horses, once they received compensation. Beckham and Kemp then offered a single horse as payment, however the group refused the payment saying that they sought in fact payment of two horses, one each for separate issues. The first and most important *take* was the injury to Kohu, the second was payment for the loss or desecration (it is not clear which) of a wahi tapu at Okiato. Okiato had been land over which Ngati Manu had exercised mana o te whenua and it had been Pomare who had arranged the transfer of the land to Clendon, who in turn sold the land to Hobson as the site for the first capital. It was likely, therefore, that Ngati Manu and Ngati Hine wahi tapu remained in the vicinity of Okiato. Kemp and Beckham simply refused the second take on the understanding that Clendon had already paid for the same 'some time since'.[149] Henry Williams visited the group on 4 October, and noted the presence of the Ngati Hine Ariki Kawiti. Williams recorded that some of the group took the horses further inland and he believed that Kawiti had given his consent for this to occur.[150] Williams recorded at the same time that 'George King had always been regarded as a quiet youth'.[151]

There was a standoff between the Kawakawa group (led by Hori Kingi Tahua) and the British authorities in the Bay of Islands throughout early October. During this time, a second muru group was again sent to Okiato, this time to the prison.[152] A later statement by the gaoler, Johnston Brothers, a seemingly unreliable witness, outlined that he and the gaol had been 'stripped' of goods on four separate occasions. On 3 October a pig had been taken, on 14 October a group entered his house and threatened his wife when she sought to stop them from taking objects. The following two days the group returned for more items.[153] FitzRoy, upon receiving Brothers' testimony was immediately suspicious. FitzRoy had been informed that there had been an escape from the gaol, and he felt that

---

[149] Kemp to Clarke, 4 October 1844, IA 44/ 2155 in IA 1849/158
[150] H. Williams to G. Clarke, 4 October 1844, *GBPP*, 1845 (369), p. 414
[151] Henry Williams, 'Letters', MS 91/ 75 , Box 5/ 4, AML, p.104
[152] It is not known if there was any connection between the site of the prison and the location of the wahi tapu at Okiato.
[153] Affidavit of Johnston Brothers, 19 October 1844, in Beckham to Governor, 19 October 1844, IA 1844/ 2227

Brothers was trying to cover up for this lapse. The governor replied by instructing Beckham to sack Brothers immediately and it appears that no further action was taken in respect of the purported muru.[154]

The governor meanwhile had taken other steps to send the *Hazard* to the Bay of Islands together with the chief Protector to help resolve matters. The *Hazard* arrived on 15 October and the sight of the warship together with the arrival of the Chief Protector and the resulting discussions finally resolved the dispute. The chiefs, including Hori Kingi and Kawiti, met with Clarke and Williams and a deed was drawn up setting out the compensation to be paid and signed by the chiefs.[155] Beckham explained the arrangements that had been made whereby he would travel first to Paihia to receive the horses, then payment was to be made for the injury to Kohu, and finally, 'I believe that payment will then be given by the Natives to Mr Wright for the injury he has received.' [156] Six of the eight horses were returned on 16 October.[157] The remaining two horses were brought to Paihia for final payment; however the payment of tobacco that was to be given for them had already been handed to other people and, as a result, the horses were not handed over.[158] It is not known if the horses were returned at a later date. FitzRoy's private secretary, J W Hamilton, reported that the *Hazard* left the Bay of Islands on 17 October and that the affair had been 'amicably settled'.[159]

This action, although short-lived, appears to have seriously eroded the mutual respect and trust felt between Bay of Islands Maori, especially in the Kawakawa area, and certain settlers. After the event had been resolved there were other isolated attacks.[160] Each of these subsequent taua muru appears to have had discrete local motivations, yet when put

---

[154] FitzRoy to Beckham, 21 October 1844, GNZ MSS 245 (2), p. 59. It is noted that there was subsequently an exchange of correspondence between Brothers, Beckham and the Colonial Secretary on the matter of his dismissal with the outcome that Brothers was reinstated. Refer, IA 1844/ 2295
[155] FitzRoy to Beckham, 21 October 1844, GNZ MSS 245 (2), p. 61
[156] Beckham to Governor, 15 October 1844, IA 1844/ 2176, in IA 1849/ 158
[157] William Williams, 16 October 1844, Journal, MS 91/ 75, Box 10/34 p. 768
[158] Beckham to Governor, 19 October 1844, IA 1844/ 2227 in IA 1849/ 158
[159] JW Hamilton, 17 October 1844, Journal, MS-papers-2302
[160] See for example dispute between Tareha and settler, Thomas Sheering, over the ownership of dolphins that had washed up ashore near Te Tii. Affadavit of Thomas Sheering, 21 October 1844 in Beckham to Governor 21 October 1844, IA 44/2234, in IA 1849/ 158

together they demonstrate a growing climate of mistrust. The Protector of Aborigines noted this feeling and made the following comments:

> The present distressed state of trade in the Bay drive many upon mad plans, to return their lost trade, and lead them to adopt plans and raise alarms in the hope that Her Majesty's government will augment the naval and military force in the country; and not a few [Pakeha]…are raising the alarm of danger to frighten their less experienced neighbours from their places, thereby enabling them to monopolize the trade. On the other hand, many of the old chiefs, the staunch friends of Europeans, are losing their influence; the young men have held out threats to the Europeans; they have become impatient of restraint, and in several instances have alarmed them [the chiefs] by seeking compensation in their own way, instead of quietly adjusting their difficulties.[161]

Clarke had heard rumours that Heke was planning to attack the flagstaff again, but these turned out to be unsubstantiated.[162]

2.19 Other Taua Muru: October – December 1844

The increase in taua muru on particular settlers is difficult to explain. Clarke put it down to young men acting for their own reasons without restraint. Yet, it is unlikely to have been indiscriminate. Certainly incidents involving the Ngati Rehia chief Tareha, such as his muru of the Te Puna settler Potter in early December, demonstrate that chiefs were involved in the decision to undertake taua muru and that the reasons for muru were real and not concocted.[163] The Wright incident was perhaps an exception as it did involve young toa, however, Hori Kingi gave a clear explanation for the action and no physical violence occurred. The failure of the Crown officials to act on the injury to Kohu, officials who were expected to resolve the issue, further exacerbated the initial take. The

---

[161] Clarke to Colonial Secretary, 19 October 1844, *GBPP*, 1845 (369), p. 416
[162] Clarke to Colonial Secretary, 19 October 1844, *GBPP*, 1845 (369), p. 416
[163] Affadavit of Thomas Potter, dated 5 December 1844, IA 1844/ 2590, in Beckham to Colonial Secretary, 7 December 1844, IA 1844/ 2518

reports we have of other muru in late October 1844 are sketchy and there is insufficient surviving documentation to know whether there were any prior existing grounds for the muru, what the extent of the muru was and whether there was any restitution of effects.[164] For this reason, these events are noted, but cannot be examined in any detail.

One possible explanation for the increase in muru might be that whereas such slights or infringements by an ignorant settler population might have been tolerated previously, in the politically charged climate of late 1844, chiefs were no longer willing to simply 'turn the other cheek' to constant and in some cases, deliberate, injuries. It is also possible that the taua muru represented the growth of a feeling among some Ngapuhi that the British system of justice was not capable of addressing their needs, and they sought a conscious return to their own customary means of settling disputes. It is important to remember that muru parties were the principal customary means used to settle grievances without recourse to warfare. [165] They were not random attacks, even if painted as such by settlers themselves. At no time during any of the raids on settlers was there any violence perpetrated against people – except by a police constable – the start of it all.

Despite having heard of the peaceful resolution of the affair, FitzRoy expressed his own feelings of fear about Maori in the north. He asked Beckham to warn the settlers at the Bay of Islands. He instructed that:

> if they continue to be alarmed, or should be molested by the Natives, it will be advisable for them to remove to some other part of New Zealand; previous to a total withdrawal by the government establishment from that part, and the commencement of ulterior measures which it may become necessary to adopt.[166] [emphasis mine]

[164] See for example Beckham to Governor, 21 October 1844, IA 2234
[165] Angela Ballara, 'Warfare and Government in Nga Puhi Tribal Society', MA Thesis, p. 124
[166] FitzRoy to Beckham, 21 October 1844, GNZ MSS 245 (2), p. 62

FitzRoy's reference to 'ulterior measures' is striking and suggests that even already this early stage the governor was contemplating the use of military force, or other far-reaching measures, to re-impose British control of the north. Only one or two months after the Waimate hui, FitzRoy talked about a complete withdrawal of all Pakeha settlers from the north and the introduction of repressive measures upon Maori. These were not just private fears. The governor had taken the extraordinary step of notifying the settler population through the Police Magistrate, thereby raising general levels of alarm and also indirectly perhaps notifying Maori of the Government's intended course of action.

Kororareka settlers replied to FitzRoy by sending a petition on 25 October. The petition recounted the muru of Johnston Brothers at the prison and others in the Waikare area. It then alleged that a group with Hori Kingi Tahua had arrived in Kororareka and 'committed sundry depredations upon the inhabitants'. Among these were Kingi's request to buy a cap for 2 shillings, rather than the usual 8 shillings, Kingi's request from Mr Clunie of a loan of 6 pence. Most serious was an allegation that Kingi and his group entered the house of Mrs Bennett and 'knocked her about and exposed their persons to her, and finally stole a loaf'.[167]As no affidavit or any further evidence was brought about this particular action, in contrast with the other earlier muru, it is difficult to ascertain the veracity of the allegations. The petition also mentioned that Kotiro, Lord's wife, had escaped from Heke and returned to Kororareka and the local settlers feared a return from Heke.

The petition signed by 69 men (no women) urged FitzRoy to send military 'protection', threatening that there would be loss of life as 'we are determined no longer to submit to our Houses being robbed, our wives insulted, and ourselves treated as inferiors by the Aboriginals.' FitzRoy perceived a crisis and he responded to the settlers' requests by dispatching a warship, HMS *North Star*, which was passing through Auckland. It arrived at Russell on 28 October 1844 and again the visit showed FitzRoy's willingness to deploy military force as a means to reassure the settlers and intimidate Maori.[168]

---

[167] Petition from the inhabitants of Kororareka to FitzRoy, 25 October 1844, IA 44/2236 in IA 1849/158
[168] Colonial Secretary to William Martin, 28 October 1844, IA 4/2, pp. 240-41

There was one further muru incident. The rangatira Ruku (Te Uri Ngongoi) visited as settler Hingston who had been staying with Wright, Ruku referred to an earlier arrangement about a foal from a horse that formerly belonged to Taua. It appears that Hingston disputed the arrangement, and as a result Ruku took two horses from him. Ruku's son, Peru, returned the following day (30 October) and took a further four horses.[169] Despite Hingston's appeals, the horses were not returned to him and he continued to write to the governor for a number of years, seeking restitution for his losses, apparently without success. Ruku was later killed at the battle of Puketutu, and in May 1845, FitzRoy ordered his settlement, along with others, should be destroyed by the Royal Navy. This decision to single out Ruku's settlement appears to have been decided, at least in part, due to his involvement in the late 1844 muru.[170]

Pomare II (Whiria) of Ngati Manu was a key peace-maker and had been absent from the Bay of Islands since travelling to Auckland in late September. The chief arrived back in late October and immediately called a hui of chiefs to resolve matters.[171] Leading figures from the surrounding tribes attended, together with a handful of Europeans. Henry Williams along with Sir Everard Home, the commander of the *North Star*, came to the hui.[172] After considerable discussion, Williams recorded that the situation was resolved and 'Pomare and other chiefs up the river, made peace with Hoani Kingi'.[173] Kingi was not finished however. On 4 November he again plundered the gaol, this time taking several firearms.[174] Pomare intervened immediately and on 7 December 1844, Beckham reported to the governor that the objects taken from the gaol by Kingi were delivered up to me this morning by "Pomare".[175] Despite the fears of settlers, the senior Ngapuhi

---

[169] Mr Hingston to Gov FitzRoy, 2 November 1844, IA 44/2293, IA 1849/158
[170] Refer Chapter 4
[171] Marianne Williams, 31 October 1844, Journal, MS 91/75, Box 9/ 11, p. 54
[172] Henry Williams, *Plain Facts Relative to the Late War in New Zealand*, 1847, p. 11.
[173] Henry Williams (A.L.S) to George Clarke, 1 November 1844, 'Letter concerning the Northern War', MSS 309, APL.
[174] Joseph Dixon to Colonial Secretary, 4 November 1844, *GBPP*, Vol. 4, p. 484 (104)
[175] Beckham to Colonial Secretary, 7 December 1844, IA 44/2518 and IA 1844 2517. It appears that one bayonet was not returned.

chiefs had asserted their rangatiratanga and the sanctity of Te Tiriti and for the time no further muru raids occurred.

Despite this FitzRoy remained in an alarmed state. Early in November 1844, Reverend Richard Davis, then based in Kaikohe, noted that the governor had sent a message to the Pakeha settlers in the Bay of Islands that 'all government protection will be withdrawn from them on the 31st December 1844'.[176] This was a further development from his earlier message in October. FitzRoy presumably sought to encourage the settlers to gather around the defences being constructed at Auckland. Yet once again, FitzRoy's decision to announce publicly that the British were preparing to depart from the north en masse, suggests that FitzRoy had abandoned the possibility of conciliatory measures and negotiation. The measure adopted by the governor must have served to heighten fears among settlers as well as to unsettle Ngapuhi.

2.20 Treaty re-printing

Some Ngapuhi chiefs were anxious to remind themselves of the undertakings of the Crown in the Treaty of Waitangi and wrote to George Clarke requesting copies of Te Tiriti.[177] Clarke appears to have immediately organised the reprinting of fifty copies of the Maori text of the Treaty. As Parkinson and Griffith note, this was first separate printing of Te Tiriti (the Maori text of the Treaty), without the English text.[178] The governor had earlier written and had printed a circular letter addressed to Maori people of New Zealand and the chiefs of the Bay of Islands. The letter warned of the influence of bad people ('nga tangata kino') on trade and peaceful settlement. [179] Copies of the newly printed Treaty were then sent out to chiefs together with a copy of the governor's letter.

The act of reprinting the Treaty sought to satisfy Ngapuhi that the Crown still adhered to Te Tiriti. As Orange notes, the promotion of the Treaty in late 1844, 'involved a

[176] Davis to CMS, 5 November 1844, CN/M, 15, p. 122
[177] Chiefs to Chief Protector, 7 November 1844, MA 4/58, cited in Orange, p. 122
[178] Parkinson & Griffiths, p. 134
[179] ibid., p. 132

deliberate blurring of the meaning of sovereignty. That the cession would ultimately mean a significant loss of Maori power was played down in 1844, as in 1840, by emphasizing rangatiratanga.'[180] By distributing the Maori text at such a critical point, the government renewed Ngapuhi expectations that their text and understanding of the Treaty would be adhered to. The action of redistributing Te Tiriti almost certainly reassured Ngapuhi that the significance and tapu of Te Tiriti were being respected by the Queen and the governor.

Interestingly at about the same time, Henry Williams also arranged for the reprinting and distribution of the treaty. It is not known whether Williams' decision to reprint the Treaty was linked to Clarke's reprinting, but the coincidence of timing suggests some communication on the issue. Williams explained in a letter that on his return on 16 September many Ngapuhi were strongly debating the meaning and intentions of the Treaty. 'The Treaty of Waitangi having been declared the origin of all existing mischief by which the chiefs had given up their Rank, rights and privileges as chiefs, with their lands and all their possessions.' In order to convince the chiefs, Williams had 400 copies of Te Tiriti printed and distributed. He subsequently visited different groups to explain the Treaty, 'shewing to the chiefs that the treaty indeed was their "Magna Charta" whereby their Lands, Rights and Privileges were secured to them.'[181]

2.21 Closure of Schools

This period was also a time of change for one of the original Pakeha institutions in the Bay of Islands. St John's College and Bishop Selwyn together with many of the early missionaries left the Bay of Islands to re-establish themselves further south. The loss of St John's Theological College from Te Waimate was a notable blow to Ngapuhi of the place, many of whom would have gone to school there. Missionaries William Colenso and William Williams departed between September and December 1844. William

[180] Orange, p. 122
[181] Henry Williams, MS 91/ 75, Box 5/ 4: 'Letters. 1783 - 1844 Vol. G', p.104. It is not known which text of the Treaty Williams had reprinted.

Williams left on 21 October 1844. This was something Heke himself had entreated should not happen. Missionaries such as Williams and Colenso and Bishop Selwyn had all played important roles in bridging the relations between Maori and settlers and more importantly the signing and subsequent explanations of Te Tiriti. Their departure was significant and must have appeared to mission-educated Maori (in particular), such as Hone Heke, as a further major loss, linked to the Government's withdrawal from the north.

A second major impact of the departure of St John's College was the closure of the agriculture school. This was a significant blow to Ngapuhi hopes and aspirations to train in agriculture and acquire the ability to develop their own agricultural lands. Te Waimate had, up until the time of the removal of St John's College and the Bishop's residence to Auckland in October 1844, operated an important agricultural school, instructing young Maori in the skills and practice of agriculture, preparing them to harness and develop their own lands. The school had proved a considerable benefit to Ngapuhi and probably one of the tangible benefits of having the Church Mission station based at Te Waimate. Certainly instruction in agricultural practices and knowledge was one of the promises made by Marsden to Hongi Hika and Ngapuhi at the foundation of the Mission station at Kerikeri. Yet, the CMS in late 1844 took the decision to close the agricultural school, at the same time, as the Government was also signaling its withdrawal from the north. This closure was a major disappointment for northern chiefs. Furthermore, the large area of cultivated land attached to and used by the agricultural school was instead transferred to one of the missionaries' sons who ran it as a private farm. Colonel Despard, later based at Waimate with the British army, admired the 300 acres of carefully cleared and farmed land surrounding the settlement and observed that: 'The discontinuance of this establishment as a place of agricultural instruction for the natives, gave great offence to the Chief Heki.'[182]

[182] Henry Despard, 'Narrative of an Expedition into the Interior of New Zealand, During the months of June and July, 1845', in *Colburn's United Service Magazine,* August 1846, p. 577

Heke expressed to William Williams his opposition to the idea that St John's and the key missionaries should remove from the Bay of Islands to Auckland. Heke had been educated as a mission pupil under Henry Williams at Paihia and recognised the benefit of continued education and instruction through the missionary schools. Despite the requests of Heke and other Ngapuhi chiefs however, both educational institutions, St John's College and the agricultural school, were closed and removed from Te Waimate. This represented a significant loss of future opportunity for Ngapuhi.

2.22 Ngapuhi politics

The Northern War, both in its origins and the eventual shape of the conflict, was strongly influenced by Ngapuhi internal politics. Heke and Nene began 1844 very much in alliance with one another. However as the year progressed, the former agreement between the rangatira was tested and eventually broke down. Heke and Nene made attempts at rapprochement after Heke's first attack on the flagstaff in July. However the most significant political moment was the September hui with the governor at Waimate. This event had a long-term impact on Ngapuhi politics. At the hui there had been a condemnation of Heke's actions, and there was a claim by Nene to speak for Heke and to control his activities. This was a very public assertion of control over that of another (albeit younger) rangatira and a usurpation of authority. Moreover, such a statement was politically loaded and hearked back to traditional *take* and disputes. While he sought peace on one front with the British soldiers, Nene, in making such statements, unknowingly or otherwise, unleashed a round of internecine dispute. Hone Heke most likely saw Waka Nene's statements and actions as a political challenge to his (Heke's) mana.

Other rangatira felt themselves bound to maintain the peace agreement they had made with the governor at Waimate. This was the sentiment expressed to Hobbs in January. 'Tamati Waka Nene is determined to go and see the other chiefs at the Bay who pledged themselves to the governor that they would try to keep the peace if he would send back

the soldiers who came from Sydney when the staff was cut down before.'[183] Phillipson highlights how this agreement was hearkened back to later important hui, such as the hui held on 3 March 1845.[184] The governor had sought to maintain peace in the Bay of Islands by garnering a group of chiefs who would support the government in opposition to the other chiefs, and he had succeeded. In so doing, he had begun to drive a wedge into some of the customary divisions within Ngapuhi.

There is another important understanding however that underpinned both the decision of chiefs to participate in the September hui and their consistent attempts to control Heke throughout the war. As mentioned in the previous chapter, Te Tiriti was a 'sacred compact'. Te Tiriti was (and is) viewed by Ngapuhi as tapu. The document carried not only the marks of a great many chiefs, but those rangatira had also given their oaths to the Queen (& those oaths were tapu), and she had given her oaths to them (and they were also tapu). This is known in the oral traditions of Ngapuhi.[185] There was general agreement among the chiefs of Ngapuhi that the actions of the governor since 1840 had breached the sanctity of Te Tiriti (this will be discussed in more detail later). The point on which the chiefs differed, and where the division in Ngapuhi leadership would eventually appear, was over the question of how to address the British breaches of Te Tiriti. On one hand, Heke adopted a confrontational approach to raise British awareness of Ngapuhi discontent. Other rangatira, however, such as Patuone and Te Taonui, preferred that Ngapuhi continue a more circumspect dialogue with the Crown.

FitzRoy, however, did not communicate again with the chiefs until December. He was away from Auckland for a large period of time in November visiting Port Nicholson. In mid-December, probably in response to the news of the gaol break-in, the governor sent a reassurance that he still planned to come north and instructed the chiefs to prevent the evil actions of the 'young people', and 'children' from stealing the objects of the Pakeha - 'kia pehia nga kino o nga taitamariki ki raro, nga tamariki e tahae ana i nga taonga a nga

---

[183] John Hobbs, 17 January 1845, Journal, Micro-MS-612, ATL
[184] Phillipson, p. 353
[185] This information was shared with the author by Rima Edwards, pers comm., 9 June 2006

Pakeha.'[186] The printed letter was dated 17 December. But it is likely that most Maori in the north did not see it until it was printed in the *Karere o Nui Tirene* on 1 January 1845, reaching Ngapuhi sometime in January 1845, and possibly not before the first of the governor's punitive proclamations, following new muru raids, in early January 1845.[187]

2.23 Muru at Kawau and Matakana: January 1845

Early in January 1845, reports reached Auckland of muru raids on Kawau Island and at Matakana. In the 1840s Kawau Island was a much prized place and there were contested Old Land Claims on the island. The stripping party was led by Parehoro,[188] though from the surviving written sources, there is no mention of the cause for the muru. The governor replied to the Pakeha settler J.L. Heydon, presumably the victim, 'that the matter will be dealt with very seriously by the government.'[189] There were later disagreements between Parihoro and Heydon in 1851 and these have been discussed by Barry Rigby in his report on Mahurangi.[190]

At the same time, there appears to have been muru conducted at Matakana on the mainland across from Kawau. Historians Barry Rigby and Vincent O'Malley have already looked at this muru in some detail and the present report relies on the material presented in their reports.[191] The Auckland Police magistrate took a deposition from another settler and old land claimant, J. Millon, relating to the Matakana incident,[192] although little information is available about the nature of the attack, or what was taken, or a relationship with the Kawau attack. Rigby has identified 'Parihoro, Tauwhitu and Koukou' as sharing Te Parawhau, Ngati Hine, Ngati Manuwhiri and Kawerau interests. Both Rigby and O'Malley identify the important connection between the Matakana muru

---

[186] Kawana ki nga rangatira o Tokerau, o Hokianga, 17 Tihema 1844, cited in Parkinson & Griffith, pp. 132-133
[187] *Karere o Nui* Tirene, 1 January 1845, vol. 4, no. 1, p. 4, referred to in Parkinson & Griffith, p. 132
[188] Government correspondence refers to the tupuna 'Parehoro' and I have therefore used this spelling, however, I note that this may not be the correct version.
[189] Colonial Secretary to J.L. Heydon, 7 January 1845, IA 4/2, p. 262
[190] Barry Rigby, 'Crown, Maori and Mahurangi 1840 – 1881', Wai 674, #F 1, pp. 33-4
[191] Barry Rigby, 'Crown, Maori and Mahurangi 1840 – 1881', Wai 674, #F 1; Vincent O'Malley, 'Northland Crown Purchases 1840 - 1865', Draft Report, May 2006
[192] Col. Secretary to J. Millon, 7 January 1845, IA 4/2, p. 262

and the unresolved problems with the Crown investigation of Millon's Old Land Claim at Matakana. O'Malley cites A.S. Thompson as saying that Millon was subject to muru 'for occupying lands which the natives considered their own'.[193]

Matakana and Kawau, although distant from the Bay of Islands, shared important kinship connections with Ngati Hine and Ngapuhi. As Jane Hotere maintains, the people who conducted the muru at Matakana 'were Hone Heke's kin'.[194] These muru led to later demands for compensation. This later history of the muru and the subsequent Takahiwai cession is covered in the Rigby and O'Malley reports in detail.[195] As O'Malley notes, FitzRoy associated the muru in Matakana with events in the Southern Bay of Islands and Kawakawa.[196] His reaction to the muru demonstrated a growing impatience on the part of the governor and he responded by preparing further measures to be introduced to the Executive Council.

2.24 Proclamations of January 1845

The Executive Council met on 7 January and considered the reports of the muru raids at Matakana and Kawau. The Council adjourned until 8 January when they called in George Clarke to discuss the approach to be taken.[197] Ultimately it was agreed that the governor would issue a proclamation condemning the actions and exacting punishment by refusing to waive the Crown's right of pre-emption over all tribes involved in the recent murus. The proclamation went to the unprecedented lengths of issuing bounties for the capture of three chiefs: Parehoro, Mate and Koukou.

> I the governor do hereby proclaim and declare, that until all the property taken away from Mr Hingston, at the Bay of Islands, and from Mr Millon and others, at

---

[193] A.S. Thompson, *The Story of New Zealand*, Vol. 2, p. 101, cited in Vincent O'Malley, 'Northland Crown Purchases 1840 - 1865', Draft Report, May 2006, p. 70
[194] Jane Hotere to author, pers comm., 2 September 2005
[195] Rigby, pp. 33 and 90-91; O'Malley, pp. 69-76. Rigby notes that the Takahiwai acquisiton was not documented until 1854.
[196] O'Malley, p. 69
[197] Minutes of the Executive Council, 8 January 1845, EC 2/1, 1845

> Matakana, is restored to them, until sufficient compensation is made for the injuries sustained, and until the chiefs Parehoro, Mate and Kokou [Koukou] are delivered up to justice, I will not consent to waive the government's right of pre-emption over any land belonging to the Kawakawa or Wangarei tribes, or to any tribe which may assist or harbour the said chiefs.[198]

In a private note from FitzRoy to the Colonial Secretary Sinclair, written during the adjournment between 7 and 8 January, the governor retreated from his plan of the previous day for taking action against a wider group, possibly a larger group of the Bay of Islands chiefs, perhaps including Hori Kingi Tahua and Kawiti. FitzRoy changed his mind, however, and stated his preference to Sinclair 'to act against the Whangarei Maori only as a blockade might be easily effected'.[199] The rest of his note threatened other punitive actions against the chiefs concerned: 'Canoes might be taken away, if not destroyed, and further punishment inflicted if necessary.... Meanwhile a person might be sent to warn the settlers and demand compensation from the Natives'.[200] FitzRoy's proposed actions showed no inclination to further investigate the basis of the original muru. Moreover they referred to a need to inflict punishment and seek compensation from Maori. What is also important to note is that FitzRoy was already proposing an economic blockade of Maori trade as early as January 1845.

At the end of the Executive Council meeting, it was minuted that, 'The Council further decided that in their opinion it is absolutely necessary that the governor should apply for additional Military Force, in order to support the law, and prevent a repetition of such outrages...'. It appears that the initial proclamation wrongly attributed Mate as one of the perpetrators of the muru. And later, on 31 January 1845, the governor issued a statement releasing Mate from blame.[201]

---

[198] Proclamation, 8 January 1845, *GBPP*, 1845 (517-II), p. 542
[199] FitzRoy to Sinclair, 8 January 1845, MS 1947, ATL
[200] ibid. Emphasis in original
[201] Proclamation, 31 January 1845, 'Concerning the chief Mate', *GBPP*, 1846 (337), p. 184

The 8 January proclamation, issued in English and Maori, was a strong measure, and something that had not occurred previously in the colony. The governor had in a sense hardened in his policies and there were to be no further attempts at compromise from FitzRoy, such as the Native Exemption ordinance. Instead he sent a threatening message to Maori and Pakeha.

> I also hereby warn all persons, European or Native, that their assisting or harbouring the said chiefs, or other persons concerned in committing outrages, will render themselves liable to be proceeded against according to law. And I further proclaim that the strongest measures will be adopted ultimately, in the event of these methods being found insufficient.[202]

FitzRoy may well have believed that he was acting with a measure of constraint, however it is likely that Heke saw the proclamation as the governor flexing his muscles, and as a kind of ultimatum from te Kawana. Heke was still waiting for the governor to visit him, yet the proclamation made it clear that there the governor was not willing to negotiate nor even discuss the issues of concern. The governor had gone back on his earlier word to Heke and had instead imposed a stronger form of control over chiefly authority.

2.25 Second Attack on flagstaff, 10 January 1845

Two days after the issue of the proclamation, and when word of it had reached the Bay, Heke went to Kororareka and cut down the flagstaff for the second time. Reports of the felling stressed that no violence occurred and that the group 'returned inland immediately after committing the outrage, without entering this settlement [of Kororareka].'[203] The signalman, James Tapper and his son Joseph, who were permanently stationed on Maiki Hill, both gave testimony to the Police Magistrate. James Tapper reported that he had been locked in the signal house while he heard the flagstaff being cut down. Heke then came to the door and shook hands with Tapper, 'and told him that he had not come to

[202] Proclamation, 8 January 1845, *GBPP*, 1845 (517-II), p. 542
[203] Beckham to Col. Sec, 10 January 1845, IA 1845/119

hurt him, but only to cut the Flag Staff down'.[204] When Tapper and his son emerged outside they found that the flagstaff had been hewn into pieces and burnt. Heke's party had also carried away the rigging for the flagstaff. The flag was not flying, it being night time.

In his report to FitzRoy, Beckham referred to Heke's reasons as to why he had again chopped the flagstaff. In the published version of the letter, the reasons were edited down to a single line: 'a general dislike to the British government'. However, in the unpublished version of the letter, a more detailed explanation was given, including reference to the fact that Heke had met with the American Consul the previous day, 'when the merits of the treaty of Waitangi, and other political subjects connected with this colony were discussed; after which he obtained an American Ensign, which was hoisted on board his canoe immediately after our Flag staff was destroyed.'[205] The Wesleyan missionary, John Hobbs, living at Mangunu on the upper Hokianga harbour, heard a different account:

> They say his [Heke's] motives for doing it is the same as caused him to cut the other one down [July 1844], that is, that the Mana of te Whenua, [sic] the power of the country might not be vested in the government, but partly in him (Heke), although he was one of the first to sign the Treaty of Waitangi ceding the sovereignty of the country to the Queen.[206]

This is an important statement revealing a desire to retain authority and mana over the land, clearly something Heke saw as under threat. Hobbs went on to quote Heke as saying that, as a compromise, he would 'put up the lower part of the staff, and the governor may have the top part of the Flagstaff & flag.' The meaning of this, according to Maori with

---

[204] James Tapper, Sworn affidavit, 10 January 1845, IA 1845/119

[205] Beckham to Governor FitzRoy, 10 January 1845, enclosed in FitzRoy to Gipps, 21 January 1845, 'New South Wales Governor Transcript Copies of Despatches to Secretary of State for the Colonies', 1845, ML A1267-22, p. 3201. An extract of the letter was published in the *GBPP*, Beckham to FitzRoy, 10 January 1845, *GBPP*, 1845 (517-II), p. 542

[206] John Hobbs, 15 January 1845, 'Journals in Methodist Church Archives', Micro-Ms-612, ATL, unnumbered

whom Hobbs spoke, was that 'the Lower part stands in the earth, so Heke is determined to show that he claims a right to the Mana (chieftainship) of the country'.[207]

The other important influence on Heke's decision to cut the flagstaff down was undoubtedly FitzRoy's decision to issue the January proclamations. Yet even after the second felling of the flagstaff, there was no attempt to communicate directly with Heke. Instead, the governor issued a new proclamation on 15 January 1845.[208] This time, it placed a 100 pound bounty for the capture of Heke and, as with the previous proclamation, threatened all those who assisted or sheltered him. The proclamation condemned Heke's actions as being 'in defiance of the Queen's authority and in opposition to Her majesty's laws'.[209] It is notable that Heke, on learning of the proclamation, replied in kind, offering a portion of land as reward for the capture of the Kawana. [210] Although seemingly humorous, the message was serious: rangatira retained their authority separate from that of the Kawana.

Accompanying the proclamation was a direction by FitzRoy to arrest Heke. The governor wrote to Beckham and gave his written authorisation for Beckham to 'issue a Warrant against the Native chief Heke in the manner usual, according to usual English law and not through the intervention of the Protector of the District', as per the Native exemption ordinance.[211] A second dispatch to Beckham suggested that FitzRoy's mood had changed and that he now saw armed conflict as inevitable. Fifty special constables were to be sworn in. In addition FitzRoy granted Beckham the authority to arm the citizens of Kororareka as a militia, something the governor had previously warned against and steadfastly resisted. Finally, FitzRoy intimated to Beckham that a naval blockade of commerce and supplies might be enforced to bring Ngapuhi into submission: 'Warn the settlers that a strict blockade of the Bay of Islands may become inevitable, and that they

---

[207] ibid.
[208] Minutes of the Executive Council, 15 January 1845, EC 1/2
[209] Proclamation, 15 January 1845, *GBPP*, 1845 (517-II), p. 542
[210] John Webster records Heke's offer as a large tract of land for the head of the Governor, John Webster, *Reminiscences of an Old Settler, in Australia and New Zealand*, (undated 1908?), p. 252.
[211] Governor to Beckham, 15 January 1845, GNZ MSS 245 (3), p. 63

had better prepare in time for so disastrous a measure.'[212] Again it is clear that from January onwards, FitzRoy, himself a former Naval captain, actively contemplated the naval blockade of northern ports as a means of forcing Maori into submission. Such measures were strongly indicative of the uncompromising approach to shared authority that FitzRoy seems to have decided on by 1845.

The day before issuing this proclamation, FitzRoy wrote to Lieutenant Colonel Hulme, who was residing at Auckland, and requested him to send a detachment of 30 soldiers and an officer to the Bay of Islands.[213] The small military force departed Auckland on 16 January aboard the *Victoria* and arrived at Kororareka the following day. Beckham was advised by FitzRoy that the detachment of military would remain at Kororareka for support and protection. The governor then instructed Beckham to construct and erect a new flagstaff 'without delay'.

The combined message to Heke and Ngapuhi was unequivocal. The governor sought to restate the primacy of the Queen's sovereignty in New Zealand, and, in so doing, to threaten Ngapuhi into a 'peaceful submission'. It seems that FitzRoy had reached the limit of his patience. He announced: 'that I have gone to the utmost limit of forbearance and moderation; that I shall now take a different course; that I have written to Sydney and England; and that Heke and those that who assist or countenance him, must prepare for the consequences.'[214] Certainly there was no hint that dialogue or the promised meeting would now occur. This message arrived in the Bay of Islands with the soldiers on 17 January.

Whatever fears or doubts Heke had harboured with regard to the actions of the British government, they must have been confirmed by the actions and announcements of FitzRoy and the arrival of the soldiers. The soldiers landed and established a camp at Kororareka, while the government brig *Victoria* under the command of Robert Richards, anchored off-shore. The *Victoria*'s log book recorded that big guns were mounted and

[212] FitzRoy to Beckham, 15 January 1845, *GBPP*, 1845 (517-II), p. 547
[213] FitzRoy to Hulme, 14 January 1845, *GBPP*, 1845 (517-II), p. 547
[214] FitzRoy to Beckham, 15 January 1845, *GBPP*, 1845 (517-II), p. 547

cleaned and small arms disbursed.[215] It also appears that the rangatira Rewa, who lived at Kororareka, took the opportunity to demonstrate continued peace and goodwill by re-erecting a temporary flagstaff himself on 17 January.[216] Sources suggest Ngapuhi chiefs quickly intervened to quieten the escalating conflict. Once the troops had re-erected the permanent flagstaff on Saturday 18 January, Rewa, Nene and other leaders from Te Rawhiti undertook to protect it. This appears to have been a complex political gesture. On one hand, it reassured the Europeans that things were under control. On the other hand it set up a confrontation with Heke over who had the rights and mana to cut down the flagstaff.

Heke's axing of the flagstaff for the second time caught many Ngapuhi by surprise and provoked a hardening of their stance towards his actions. Some chiefs maintained their attempts to avoid armed conflict with British soldiers and to seek a restoration of peace. In the wake of the September 1844 hui, they had continued to work peacefully with the governor to maintain order and keep the soldiers distant from Taitokerau. Heke, on the other hand, acting quickly to fell the flagstaff and without discussing his actions with the other chiefs, appears to have generated a sense of mis-trust about his motives. Some began to fear that he was attempting to claim authority at Kororareka - in areas other than his own.

As John Hobbs commented,

> This, the other natives consider a great insult to them, as wishing to raise himself above them who are in all respects his equals. Tamati Waka Nene (Thomas Walker) Nene, has sent letters to several of the chiefs of Hokianga to request them to join him in attempting to punish Heke, but whether they will be induced to leave their work to commence a broil with Heke's party I don't know. [217]

---

[215] Log book of the Government Brig "Victoria", 17 January 1845, GNZMSS 20, ACL
[216] ibid.
[217] John Hobbs, 15 January 1845, 'Journals in Methodist Church Archives', Micro-Ms-612, ATL, unnumbered

Hobbs noted that some Ngapuhi rangatira considered Heke's actions in cutting the flagstaff a second time, and his grandiloquent statements of authority over the land on which the staff stood, was a direct insult to their own mana. It appears that the actions of Heke on one level started to overlap other dimensions of contested Ngapuhi politics. In other words, Heke's statements and actions about overall authority versus the governor started to spill over into the domain of contested rights of mana whenua. Was Heke, in choosing to attack the flagstaff, acting to claim mana o te whenua? That is what some rangatira, such as Rewa, must have begun to ask. If Heke represented a threat to the governor, he also represented a threat to local claims of mana whenua for some Ngapuhi leaders. It was this aspect, it appears, that they were reacting against – as well as the fact that many had promised to control Heke and sought to keep the British soldiers distant from the north.

Despite siding against Heke, Ngapuhi chiefs agreed with his stance about the dual authority of rangatiratanga and kawanatanga as guaranteed in the Treaty. Indeed, by acting in opposition they in reinforced the fact that rangatiratanga still strongly existed. They sought rather to react against the actions of a single chief, one who, like Hongi Hika, threatened to rise up and swamp their own mana. The chiefs also sought to adhere to the promises that they had made to the governor about keeping peace and protecting the flagstaff in return for the removal of soldiers.

Heke, on hearing that the troops had arrived at the Bay, came from Kaikohe to the coast and based himself at Te Wahapu, the trading settlement largely controlled by Pomare, where the Mair family also lived. Beckham wrote to FitzRoy on 14 January saying that Heke was still at the Bay of Islands and threatening to pull down the gaol and the government buildings. [218] He reported with some alarm that Heke had attempted to do this the previous evening (13 January), but had been deterred by the presence of people from Te Rawhiti (under Rewa). Heke together with 6 waka and a whaleboat landed at Kororareka on 15 January and remained at Kororareka until 16 January when they removed to Te Wahapu, without causing any damage to the town, although many of the

[218] Beckham to FitzRoy, 14 January 1844, *GBPP*, 1845 (517-II), p. 543

European residents were in a high state of alarm. Beckham again wrote to the governor, reporting that Heke had arrived at Kororareka with the intention of destroying all the government buildings. But according to Beckham, Heke had been thwarted by the 'presence of the tribes of the "Kawiti" [Rawhiti], about 200 strong.'[219]

By returning to Kororareka, Heke had defied the governor and his proclamation. He also acted in defiance of some of the chiefs, in particular Nene, who had made defamatory remarks and threats against him. A messenger from the Bay of Islands to the Hokianga reported this to Hobbs.[220] Charles Dudley, a CMS missionary at Kororareka, stated that a large group of Pomare's supporters also travelled to Kororareka on Saturday (18 January 1845). He reported Pomare as saying 'he will be neutral in the affair, tho' he cannot promise that all his people will remain so'.[221] Dudley also noted that the arrival of Pomare's group at Kororareka was met with some hostility by Rewa and Te Rawhiti Maori, who performed a haka, which in turn was in turn answered by Pomare's group. This exchange of haka was recorded in the logbook on board the government Brig *Victoria*, where it was also noted that Heke's group responded to these haka from where he was stationed at Te Wahapu.[222]

2.26 Third Attack on flagstaff: 19 January 1845

The flagstaff re-erected by the British soldiers stood for less than a day. Early on the morning of 19 January 1845, Heke, accompanied by two others, walked up Maiki Hill and cut down the flagstaff for the third time. Dudley reported second hand that, after the flagstaff had been cut down, there had been an encounter between Heke's small group and the Rawhiti 'sentinels'. One account said that Wiremu Pahi fired a gun at Heke, but the gun mis-fired and Heke's brother removed the gun from his hands and there was a

---

[219] Beckham to FitzRoy, 16 January 1845, *GBPP*, 1845 (517-II), p. 543. It is likely that the name "Kawiti" in this context was a printing error. The letter should have read Rawhiti.
[220] John Hobbs, 17 January 1845, 'Journals in Methodist Church Archives', Micro-Ms-612, ATL, unnumbered
[221] W.C. Dudley to Cotton, 20 January 1845, 'Bishop Selwyn Papers', doc # 5.14, p.3
[222] Log book of the Government Brig "Victoria", GNZMSS 20, ACL

general 'scuffle'.[223] Heke and his small band reached their waka and paddled across to Waitangi, during which, according to one report, they fired off their guns. The *Victoria* recorded that 'At 2am John Heki was heard to cut the flagstaff down, it was found afterwards to have been done by only 3 men with that redoubtable chief - under the protection however I believe of our faithful allies Rewarewa's party they committed no other outrage.'[224] The quote is a little ambiguous, however, it appears that according to the officer on watch, Heke's small party were 'protected' while they cut down the flagstaff. It must be remembered that to cut down a flagstaff took some time. The Colonial Secretary, Andrew Sinclair, who was on board the *Victoria*, wisely instructed Beckham that no other flag staff was to be erected on Maiki Hill. This settled the matter for the present.

By 20 January 1845, FitzRoy stood convinced of the need for military intervention in the Bay of Islands, even before it appears that he had heard that the flagstaff had been attacked for the third time. This shows a hardening resolve in the governor's determination to use armed force to put down Ngapuhi challenges to British authority. The governor saw that British authority had been challenged, and the challenge must be responded to with force. FitzRoy however also had other concerns. He had learnt in late 1844 of the publication of the House of Commons Select Committee Report on New Zealand (discussed in more detail later). He and his officials knew that it contained inflammatory findings and feared a backlash from Maori once they learnt of the report. Therefore FitzRoy's request for troops must also be viewed in this context. Yet, he singularly failed to stop and seek alternative explanations for the events in the north. More than this, FitzRoy neglected to approach Ngapuhi and to address some of the previously expressed concerns of Heke and other chiefs.

FitzRoy informed Lieutenant Colonel Hulme of his conviction that the army was required in both the Bay of Islands and Wellington. 'There is no longer any doubt as to the necessity of employing the military in active operations at Port Nicholson, and at the Bay

---

[223] ibid.; Dudley, p. 4
[224] Sunday 19 January 1845, Log book of the Government Brig "Victoria", GNZMSS 20

of Islands or Wangarei.'[225] The governor requested that blockhouses be immediately prepared at Auckland, ready to be transported where required. At the same time, he also replied to Beckham's correspondence reassuring the Magistrate that the *North Star* and *Hazard* were soon to arrive and that troops would be sent shortly from Sydney. A third prong of FitzRoy's strategy appears to have been to contact Rewa's group at Kororareka and those of Ngapuhi who had shown support of the governor. FitzRoy mentioned that he had written to 'the chiefs at Russell'.[226] Unfortunately no copy of the letter was included in the published Parliamentary papers. In any case, the letter to Beckham arrived after the flagstaff was cut down for the third time.

On 21 January 1845, FitzRoy wrote to governor Gipps in New South Wales to formally request troops and naval support.[227] This was the action that had been agreed upon by the Executive Council meeting on 8 January. FitzRoy sought a body of troops 'at least 200 strong', together with armaments to be sent to Auckland. He stated to Gipps that militia could not be relied upon in the situation. FitzRoy also claimed that 'There is no other safe course left for Government to follow.' [228] It is unclear whether FitzRoy had received news of the third felling of the flagstaff at Kororareka beforehand, although it is likely that he had. FitzRoy stressed that he sought 'not only immediate help but permanent assistance.' Here, in late January 1845, was the trigger for the arrival of the troops, and not the later attack on Kororareka.

The Executive Council of New South Wales received FitzRoy's letter of 21 January and met to consider it on 12 February 1845. As a result of the meeting, the Australian authorities agreed to send a deployment of 'not more than 200' soldiers of 96th regiment to New Zealand.[229] The

---

[225] FitzRoy to Hulme, 20 January 1845, *GBPP*, 1845 (517-II), p 548
[226] FitzRoy to Beckham, 20 January 1845, *GBPP*, 1845 (517-II), p. 548
[227] FitzRoy to Gipps, 21 January 1845, *GBPP*, 1846 (337), pp. 175-6
[228] ibid., p. 175
[229] Extract from 'Proceedings of the Executive Council Relative to an application from the Governor of New Zealand for military assistance', 12 February 1845, No. 4, Enclosure 2 in Gipps to Stanley, 17 February 1845, in *GBPP*, 1845 (517-II), p. 543

chief reason given for the Council's agreement, in contrast to their denial of FitzRoy's earlier request after the July 1844 attack, was that FitzRoy's January 1845 request 'was not founded like the former, on a single act of violence, but on the general state of the colony'.[230] While the New South Wales Executive Council gave a guarantee of assistance and initially planned to send the 96th regiment, it appears that, in fact, the decision was taken to wait for the arrival of the 58th regiment from England and then ship the 58th regiment on to New Zealand.[231] The delay meant that the soldiers did not arrive in the Bay of Islands until late April, well after the March conflict and the destruction of Kororareka. Moreover, because of the delay it is often assumed that the soldiers arrived as a result of the final attack on the flagstaff, when in actual fact the request for the soldiers and the decision to send the troops came well in advance of the Kororareka conflict.

The move to fortify Kororareka began in earnest with the erection of a blockhouse. At the same time, Heke and others started seeking alliances. We know this because George Clarke and some of the missionaries started to notice these earnest discussions and to take notes about them from mid-January.[232] There were reports of Heke travelling to different areas seeking support and alliances with different hapu within Ngapuhi and in particular with Ururoa and Whangaroa groups.[233]

2.27 Ngapuhi Political divisions widen

After Heke cut down the flagstaff for the second time, the political divisions within Ngapuhi began to widen. Patuone, Nene, Rewa and other Ngapuhi felt that Heke's actions compromised their own agreement made with the governor to keep the soldiers distant and to retain peace. It is at this point, in mid January, that Nene, Rewa and others took the decision to protect the flagstaff and oppose Heke's attempts to remove it again.

---

[230] ibid.
[231] Cowan, p. 20
[232] H. Williams to CMS, 24 January 1845, 'Williams Miscellaneous Letters and Papers', Vol. 2, qMS-2237, ATL, p. 88; Hobbs, 15 January 1845;
[233] Hobbs, 15 January 1845

Their motives in taking this step should not be misunderstood. By taking on the protection of the flagstaff they were not valuing the authority of kawanatanga over rangatiratanga. Rather, they hoped to use their own authority as rangatira to maintain peace and order, and to resolve the disagreement internally within Ngapuhi. The chiefs acted to preserve peace. They also sought to ensure that no further actions were taken by Heke and his followers that might interfere with the tapu of Te Tiriti and the mana of the chiefs who had placed their marks on it.

Waka Nene, however, appears to have taken the situation further than most. There are comments recorded in European sources to suggest that Nene challenged Heke to cut down the flagstaff again. Certainly, some of Nene's men were reputed to have said they would put him (Heke) in their pipes and smoke him (claim the reward money and use it to buy tobacco).[234] Such statements were as much a challenge to Heke's authority and mana as the governor's actions. Heke, sensible to any loss of real authority, perceived Nene's actions as opportunistic, designed to expand his authority in north, and possibly to seek retribution for earlier *take*.[235]

Heke had felt provoked to attack the flagstaff on 19 January for two reasons: first, the British had again re-erected the flagstaff using soldiers, without the discussion Heke had sought. Second, on a Ngapuhi political level, Waka Nene and other chiefs had challenged and sought to diminish Heke's mana. Heke saw Nene as a political challenge within Ngapuhi. It is important, therefore, to recognise that there were at least two distinct layers in Heke's decision to fell the flagstaff, the conflict between rangatira and Kawana on one hand, and the contest among Ngapuhi rangatira on the other. Although both of these factors were linked, it is important that they should be recognised as distinct. From January 1845, there was thus a three-way conflict in the north – Heke, Nene and the governor – something common to many colonial encounters.

---

[234] Phillipson, p. 348

[235] There were traditional grievances or causes for utu that existed between Heke and Nene, and these will be discussed later in the report.

FitzRoy, seeing the inevitability of conflict in the north, began to communicate more closely with other Ngapuhi groups whom he considered to be 'loyal'. Among these groups were the people of Kororareka, whom Beckham had already referred to earlier in January, including Patukeha, Ngai Tawake, Ngare Raumati. He wrote a letter to these 'Russell' chiefs.[236] These groups, together with Nene organised a hui at Paroa Bay in late January to discuss Hone Heke and the rising tensions.

2.28 Paroa Bay Hui

On 27 January 1845, an important hui was called at Paroa Bay on the eastern side of the Kororareka headland. It was hosted by Rewa and Ngai Tawake. Nene was married to Rewa's sister, Tari, and therefore Nene also had connections to the area. The hui looks to have been intended to resolve what course to adopt in respect of Heke. Participants in the hui were already aware that the governor had requested the troops. And as a result, groups of Ngapuhi met to decide what they could do to control the threat that Heke represented, maintain peace, and keep the soldiers at a distance.

Henry Williams was invited to attend, although there were Ngapuhi peacemakers also present. Unfortunately, little is recorded about the actual event and the absence of a comprehensive journal by Henry Williams means that is difficult to trace exactly what occurred at the hui. It appears to have been significant; Williams credits the meeting as being the turning point where the groups from Whangaroa and Matauri, headed by the chief Ururoa, made the decision not to follow Heke and to remain neutral.[237] George Clarke junior, though not present at the hui, later reported that Ngapuhi who had attended 'had expressed their determination to remain neutral', though Rewa and Nene had been 'excited'.[238] Clarke also noted that some time in early February, Heke and Nene had met 'near Waiaruhi'. He stated that it nearly ended in serious results, but it appears that no

[236] FitzRoy to Beckham, 20 January 1845, *GBPP*, 1845 (517-II), p. 548
[237] Hugh Carleton, *Life of Henry Williams*, vol. 2, 1877, p. xli
[238] George Clarke junior to George Clarke senior, 7 February1845, 'Clarke Letters 1843 – 59', Vol. 7, qMS-0469, ATL, p. 449

fighting occurred and noone was injured. No other details were mentioned.[239] It is clear from these various reports, however, that Ngapuhi made concerted efforts in early 1845 to resolve their own internal differences.

A side effect of the British support for Nene and other chiefs was the fuel added to Heke's sense of grievance. While the government refused to countenance Heke's authority after he cut down the flagstaff, it recognised Nene's authority. Recognition came in the form of meetings with Nene, payments and other statements of support. By doing so, the British bolstered and continued to refer to his chieftainship and authority, reinforcing the fact that they effectively denied Heke's.

The number of soldiers was increased in late January 1845. FitzRoy wrote to Beckham advising him that a blockhouse was being prepared in Auckland and that this would be transported to the Bay of Islands ready to be erected in situ. He sent instructions detailing how Kororareka, and the flagstaff in particular, was to be fortified.[240] At this point, the flagstaff was once again re-erected by soldiers. This time, however, FitzRoy directed that 8 feet of the pole were to be sheathed in iron, 'to resist any axe'. The blockhouse was situated close by the flagstaff and a deep ditch and palisade encircled both the staff and the blockhouse. 'No person, except on duty, should be allowed to go within the palisade of the blockhouse, either by night or in day.'[241] The flagstaff had been fenced off from Ngapuhi.

Of greater concern for FitzRoy, however, were the reports of seditious behaviour on the part of certain American residents, in particular the American acting consul, Smith, and trader Waitford. There had been numerous reports of Heke's fraternising with the consul and with Heke's deliberate flying of the United States flag on board his waka. In an attempt to counter a perceived threat that United States citizens were influencing Maori to

---

[239] George Clarke junior to George Clarke senior, 7 February1845, 'Clarke Letters 1843 – 59', Vol. 7, qMS-0469, p. 451

[240] FitzRoy had already discussed this aspect with Hulme on 20 January 1845. *GBPP*, 1845 (517-II), p. 548

[241] FitzRoy to Beckham, 25 January 1845, GNZMSS 245 (7), pp. 76-77 & 12 February 1845, GNZ MSS 245 (8), pp. 80A-81

attack and remove the British from New Zealand, FitzRoy banned the raising of any flag other than the British colours at the Bay of Islands.[242] The following day, however, the governor sent a further urgent communication to Beckham advising him not to announce the prohibition until further notice, at the risk of provoking an international incident.[243]

On FitzRoy's orders George Clarke junior, himself a protector of aborigines,[244] was sent to Waimate for a fortnight to gather information.[245] Arriving in the Bay of Islands on 27 January 1845, Clarke reported that 'the state of the native disaffection is by no means general'. He also expressed his concern about the governor's 15 January proclamation and its effect on Ngapuhi, but noted that it would be difficult to retract.[246]

2.29 House of Commons' Select Committee Report (1844)

The British Parliament's House of Commons appointed a Select Committee to investigate into the 'state of the Colony of New Zealand'. This Select Committee produced its report in mid 1844, but the report did not reach New Zealand until early 1845. Much of the Committee's investigation focused on the New Zealand Company, and it is notable that the majority of those interviewed were of or connected to the Company (by then in receivership). What is significant for the origins of the Northern War is that the Select Committee report expressed strong views about Maori and in particular about their claim to land. Such opinions, when published in New Zealand, provoked a strong reaction – from Maori and some Pakeha. The arrival of the report in New Zealand marked a significant change in relations between Ngapuhi and the Crown, strongly eroding Ngapuhi faith and trust.

---

[242] FitzRoy to Beckham, 20 January 1845, GNZMSS 245 (3), p. 66
[243] FitzRoy to Beckham, 21 January 1845, GNZMSS 245 (2), pp. 69-72. It is not known if the prohibition was ever brought into force.
[244] Not to be confused with his Father, George Clarke senior, who was Chief Protector of Aborigines, or his brother, Henry Tacy Clarke, who was clerk and interpreter also in the Office of the Protectorate of Aborigines. HT Clarke joined the British forces as interpreter later in 1845 and he was wounded at the battle of Ohaeawai. HT Kemp, son of James Kemp, was also a Protector of Aborigines and based in the north.
[245] George Clarke junior to FitzRoy, 18 February 1845, *GBPP*, 1845 (517-II), p. 550
[246] Clarke junior to Clarke senior, 29 January 1845, Clarke Letters 1843-1859, qMS-0469, ATL, p. 446

The Secretary for the Colonies, Lord Stanley, summarised the most important sections of the report in his despatch to FitzRoy. Above all, the report expressed the fundamental assumption that

> uncivilised inhabitants of any country have but a qualified dominion over it, or a right of occupancy only, and that until they establish amongst themselves a settled form of government, and subjugate the ground to their own uses by the cultivation of it they cannot grant to individuals, not of their own Tribe, any portion of it, for the simple reason that they have not themselves any individual property in it.[247]

Stanley himself was concerned about the findings of the Select Committee. He disagreed with the comparison drawn in the report, between Maori and Aboriginal Australians. While he (and the report) denied the rights of the Aboriginal peoples in Australia to permanent land rights, he maintained that the position of Maori (in the North Island) was very different. Maori, he declared, possessed continuous property rights. Stanley also made some acknowledgement of the responsibility of the British Crown in New Zealand, in the face of the House of Commons' Report:

> Up to 1839 this country recognised the chiefs of New Zealand as the head of an independent community; and when in that year the unauthorised settlement of the country had rendered it necessary for the interposition of some higher authority, the Marquis of Normanby, then Secretary of State, expressed his concurrence in the view taken by committee on the House of Commons 1836, '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 too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and the Sovereignty of New Zealand was indisputable, and had solemnly been recognised by the British government.' He repeated on the part of the government the acknowledgement, of New Zealand 'as a sovereign and

[247] Stanley to FitzRoy, 13 August 1844, G 1/12, (no. 31), pp. 515-47

> independent state, so far at least as it was possible to make that acknowledgement in favour of a people composed of numerous, dispersed and petty tribes, who possessed few political relations to each other, and were incompetent to act, or even to deliberate in concert, but that the admission of their rights thus qualified was binding on the faith of the British Crown.['][248]

The *Southern Cross* noted that the report declared that the Treaty of Waitangi was 'little more than a legal fiction',[249] and that the terms of the Treaty were 'ambiguous' and 'highly inconvenient'. Again the report was most concerned with Maori rights to property and in particular the 'surplus lands'. One of the principal recommendations of the report was 'forthwith to establish the Title of the Crown to all unoccupied lands except indeed under the extensive qualification of the following words of the report – "as soon as this can be safely accomplished."'[250] Stanley resisted this recommendation. He explained to FitzRoy that to restrict Maori property rights simply to the lands occupied by Maori was, 'wholly irreconcilable with the large words of the Treaty of Waitangi, – "lands, and estates, forests, fisheries, and other properties –"'.[251] Not only that, but Stanley also acknowledged such a recommendation appeared 'inconsistent with the practice of the tribes, who after cultivating and of course exhausting a given spot for a series of years, desert it for another within the limits of the recognised property of the tribe.'[252]

There were other resolutions in the reportwhich also appeared to run counter to both Maori customary law and to the terms of the Treaty. Stanley highlighted the recommendation that the Colonial government charge a property tax in order partly to divest Maori further of 'surplus lands'.[253] Overall, the report was critical of British and Colonial government policy up to 1844 and it recommended drastic new policies to achieve its outcomes, including the acquisition of large areas of Maori land. Although in many places the report left the question of 'when' or 'how' to the Colonial authorities, it

---

[248] Stanley to FitzRoy, 13 August 1844, G 1/12, (no. 31), pp. 515-47
[249] *Southern Cross*, 15 February 1845, Vol. 2, No. 96
[250] Stanley to FitzRoy, 13 August 1844, G 1/12, (no. 31), pp. 515-47
[251] ibid.
[252] ibid.
[253] Stanley to FitzRoy, 13 August 1844, G 1/12, (no. 31), p. 547

marked a change in the direction of Colonial policy in New Zealand – an approach that would eventually lead to Early Grey's 'Waste Lands' policy in 1846.[254]

Both Stanley and, ultimately, FitzRoy were deeply concerned about the ramifications of the report. While it was noted that the report had been only narrowly sustained within the Committee, it nonetheless carried the authority of the Committee of House of Commons. Stanley reminded FitzRoy of this and admitted that the report would make FitzRoy's job more difficult.

FitzRoy first received word of the report in Stanley's dispatch, which although written in August 1844 did not arrive until the late December. The first mention of the report in New Zealand was FitzRoy's secretary, Hamilton, who saw the report on New Years' Eve 1844 and made the comment that it was 'most unsatisfactory to all but the Company'.[255] FitzRoy later commented on the report and the difficulty of keeping its findings from Maori.[256]

George Clarke (Sr) was distinctly worried about it, as was another long-time resident in the north, Reverend Robert Maunsell. Clarke first expressed his fears of the report to FitzRoy in a confidential memorandum.[257] Speaking of the resolutions in the report, Clarke asked:

'Do they not substantiate the justices of Heke's fears respecting this country, and tend to confirm all that agitators have said with reference to the ultimate intentions of Her Majesty's government towards the natives?'

He went on:

> Are they not contradictory to all assurances given them by the Secretaries of State; by Your Excellency's predecessor; by Your Excellency; by the

[254] It is also notable that the House of Commons' report referred in some detail to the benefit of implementing some of the 'civilisation' policies being adopted by Captain George Grey, at that time the Governor of South Australia. See, ibid., p. 563

[255] J W Hamilton, 31 December 1844, 'Journal', MS 2302, ATL, p. 14

[256] FitzRoy, *Remarks*, p. 37

[257] Clarke to FitzRoy, 24 February 1845, *GBPP*, 1846 (337), p. 182

> Missionaries; by all friends of the natives; and more especially by the Treaty of Waitangi?... The circulation of these resolutions (and they are sure to be circulated among the natives) will tend greatly to embarrass Your Excellency's proceedings, to disturb the peace of the country, and to destroy confidence in the government.[258]

Clarke closed his letter by saying: 'I need not add that your Excellency (to secure you from the effect of such publications) has need of both steamers and an army to ensure the peace of the country.'[259]

Robert Maunsell was equally concerned about the resolutions of the House of Commons and saw them as breaching earlier Treaty guarantees. 'Whether the treaty was a fiction or not, this is no fiction that the government stands pledged to secure certain rights to the aborigines and that the aborigines were fully informed of that promise… The being "uncivilised" is a very convenient cloak to shield the aggression of the civilized man.'[260] The Europeans long resident in New Zealand, including the governor himself, expressed major concern about the report and its inevitable impact on Maori perceptions of the Colonial government. Indeed, it is necessary to view the actions and policies of the governor and the Executive Council in January 1844 with a degree of hindsight. FitzRoy and the other members of the Executive had received advance notice of the House of Commons' Report and held a deep-seated fear of Maori reaction to its contents and the clearly identified breaches of the Treaty. In sending for the troops early in January 1845 therefore, they were bracing themselves for what Clarke and others foresaw as an inevitable uprising by Maori. Their actions might be seen as an attempt to get on top of trouble before the contents of the report became publicly known.

It is hard to know with certainty when Ngapuhi first learnt of the report. However it appears that the findings of the Report were first published in New Zealand in *The*

---

[258] Clarke to FitzRoy, 24 February 1845, *GBPP*, 1846 (337), p. 182
[259] ibid.,p. 92
[260] Maunsell to CMS, 23 April 1845, in Garrett, p. 140

Southern Cross newspaper in mid-February 1845.[261] The article explained that the results of the report had been published in English newspapers, and these newspapers had just arrived in New Zealand aboard the *Hazard*. Spread across two issues, the *Southern Cross* listed all the resolutions, and quoted sections of the report. [262] While the editor expressed his support for some sections of the report, he manifestly criticised other resolutions, such as those relating to Maori ownership of land and the Treaty of Waitangi. On the terms of the Treaty he wrote,

> 'the natives have had but one view and understanding of that treaty, as originally explained to them, and which was the same meaning as intended by lord Normanby. – To discuss it four years afterwards, and to split straws on words on which the natives have not a doubt, and to recommend, indirectly, measures which now would be unjust and arbitrary, and which could not be enforced, in the slightest degree, without the whole Colony becoming a scene of war and bloodshed,-evinces little wisdom and discretion, and less knowledge of the real circumstances of New Zealand….'[263]

The essential point here was that, from mid February, the report was publicly known and that Ngapuhi reacted strongly against it. It is hard to overstate the significance of the report's findings and their impact on the subsequent conflict. Here, after all, was the British Parliament stating that it believed the Treaty to be little more than a 'legal fiction'. Gone was the sanctity and security of the agreement or at least the idea that the British parliament regarded it with respect. Moreover, it was the British vascillation about the Treaty that led to Heke starting to voice his doubt and distrust of the Treaty. In other words, it was not the Treaty texts themselves, but rather the British change of position about the Treaty, that altered Heke's view of the agreement. The House of Commons' Report must be seen as a catalyst for the March attack on the flagstaff.

---

[261] *Southern Cross*, 15 February 1845, Vol. 2, No. 96
[262] ibid.
[263] *The Southern Cross*, 22 February 1845, Vol. 2, No. 97, ATL

2.30 Heke's alliance with Kawiti

In the midst of the increase in tension, following the House of Commons' Report, that Heke approached Kawiti of Ngati Hine to join him in fighting the British and felling the flagstaff again. The event is remembered in Ngati Hine oral tradition and was recorded by Kawiti's great grandson, Tawai Kawiti, in *Te Ao Hou*.[264] It is recorded that Heke travelled especially to Te Wahapu to meet Kawiti. Once there, he presented Kawiti with a mere pounamu. This was no ordinary weapon it was a known and named taonga of great mana: 'Ko Hongi Hika Ko Te Muramura Tanuku Poto'. It had been given to Hongi Hika and had passed to Hone Heke.[265] Yet Heke presented the mere to Kawiti smeared in human excrement. According to Riri Maihi Kawiti, the gift or 'ngakau' required no explanation: 'the meaning was obvious. Someone had defiled the mana of Ngapuhi and such a challenge must be met!'[266]

Kawiti agreed to join Heke. The groups traced their common whakapapa connections through Rahiri and Hineamaru. This drew together a number of related hapu including in Tawai Kawiti's words: 'Ngatihine, Ngatitautahi, Te Kapotai, Ngatimanu, Te Waiariki and many others.'[267] All of these groups were drawn into the conflict. Ngati Manu and Te Kapotai joined the alliance through their whakapapa connections with Ngati Hine and Kawiti. As has been noted, once the cause was considered just, then the alliances of groups were drawn together in the net of whakapapa lines. Further back, Ngati Hine shared important kinship connections with Ngati Rangi and other groups through Hineamaru and her parents Torongare and Hauhaua and it were these connections that helped bind Ngati Rangi, Ngati Hine, Ngati Manu, Te Kapotai and other groups together.[268] Kawiti himself had fought alongside Hongi Hika. And this was another of the

---

[264] Tawai Kawiti, 'Heke's War in the North', *Te Ao Hou*, No. 16 (October 1956), p.39. Tawai Kawiti mentions examples of particular ngakau used to seek in his words, 'the mobilization of fighting men'. It appears that Heke's gesture of the mere smeared with tutae was a similar request: a fighting alliance. Further on, he stated that 'Heke had come to ask Kawiti to join forces with him to fight the Pakeha.'
[265] David Rankin, Pers. corresp., 23 May 2006
[266] Tawai Kawiti, 'Heke's War in the North', *Te Ao Hou*, No. 16 (October 1956), pp.38-39
[267] ibid. p. 39
[268] Erima Henare, pers comm., 5 March 2006

important connections through which the aliiance between Heke and Kawiti was rekindled.

Ngati Hine and their ariki, Kawiti, had seen at first hand the changing impact of British kawanatanga in the Kawakawa area. They had suffered the injury to Kohu, Kawiti's close relative. Kawiti was of a senior lineage to many of the other Ngapuhi chiefs alive at the time. Kawiti had declared his own rangatiratanga in the Treaty debates at Waitangi on 6 February and had initially refused to sign it (as discussed earlier). After detailed discussions, Kawiti forged an alliance with Heke and plans were devised for the next attack on the Kororareka flagstaff.

2.31 Escalation of Tension in the North

After the recommendations became publicly known, tensions in the north escalated. There are a number of references to the rise in hostility towards the British among some Ngapuhi. Clarke junior expressed fears of a hostile clash in his despatches to the Chief Protector in February. He also provided detailed accounts of which chiefs were supporting Heke and how many toa (warriors) each group possessed. This appears to have been a form of military intelligence. He listed the following chiefs as 'the most disaffected': Heke, Huia, Haurangi, Kawiti, Ruku,* Marupo, Tawai. Those publicly opposed to Heke were, according to Clarke, Nene, Wiremu Hau, Paratene, Pukututu and Repa: Whilst Pomare, Ruhe and Tareha he described as 'wavering'.[269] Clarke ended by noting that there was in the north a 'general feeling of dislike and contempt for the authority of Her Majesty's government which I fear must increase daily.'[270] He also advised FitzRoy that the target of the anger appeared to be the government and not the Pakeha settlers.[271]

---

[269] Clarke junior to Chief Protector, 18 February 1845, *GBPP*, 1845 (517-II), p. 550
* Marianne Williams noted that Ruku was of Te Roroa, Carleton, vol. 2, p. 96
[270] ibid.
[271] ibid

While the tension in the Bay of Islands increased, in February 1845, the groups in Whangarei and Matakana sought to make restitution and pay compensation for the muru against the settlers committed earlier in January. This was an unexpected event and served to demonstrate to the government that groups still continued to act on the basis of their own independent rangatiratanga. The details of the compensation paid and the Takahiwai cession are covered by Vincent O'Malley in his report 'Northland Crown Purchases 1840 - 1865'. The governor issued a proclamation on 3 March 1845 stating that as Parehoro, Koukou and others had paid 'restitution – atonement- compensation', the earlier 8 January proclamation was cancelled.[272] The loss of this land was significant and the threat of further of further land loss and confiscation remained a key concern for Ngapuhi throughout the later Northern War.

The *Hazard* returned to the Bay of Islands on 15 February with the blockhouse aboard and ready to be installed. The efforts of the government to fortify Kororareka and the presence of the warship and more soldiers further raised tensions. FitzRoy still had not communicated directly with Heke since his letter in October 1844, with the exception of his 15 January Proclamation putting a bounty of Heke's capture. Rather than seeking a reconciliation, the governor appears to have panicked and assumed that a full-scale attack on Pakeha settlers was imminent. Despite Clarke's continuing advice, FitzRoy feared that Pakeha out-settlers would be attacked. He advised the Police Magistrate to inform the Settlers that,

> the flagstaff and blockhouse <u>will be defended</u>, and that <u>loss of life</u> will certainly be the consequence of an attack. It will be for the settlers to decide for themselves as to removal. Government cannot hold out any propsect of assistance or protection now _ except at the town of Russell….Warn the settlers, at the same time, that a blockade of the Bay of Islands, and adjoining coasts, is in

[272] Proclamation 3 March 1845, 'cancelling that of 8 January 1845', Parkinson (et al.), p. 147

contemplation; but that aggressive measures against Heke and his adherents will not be undertaken, by me, without further warning.'[273]

FitzRoy's actions of garrisoning the flagstaff and issuing warnings served to raise tension and fears throughout the north including among the settlers. There were a number of reports after this date of settlers leaving their homes and burying their valuables.[274]

Beckham himself sent almost daily correspondence to FitzRoy throughout late February. The Police Magistrate was still very much focused on trying to apprehend Heke. Writing on 22 February, he advised FitzRoy that Heke was travelling to Te Wahapu. It is likely that this was the meeting with Kawiti where they forged their alliance. Beckham noted that he had contemplated trying to seize Heke at Te Wahapu, but that Henry Williams had advised him against it as it would have made the police the aggressors. At the same time, Beckham commented that, if Heke approached Kororareka, the Police might attempt to capture him without this same consequence. From this brief dialogue it appears that the British were already contemplating the capture of Heke in late February. However, Henry Williams also continued to advise the governor to travel to the Bay of Islands and that his presence there would be 'extremely beneficial'.[275] FitzRoy meanwhile wrote again to governor Gipps in New South Wales repeating his request for military reinforcements.[276] He later commented to Beckham that he ought not to leave Auckland for the time being.[277]

Over the next few days, Beckham kept up a steady correspondence advising the governor on the movements of various groups of Ngapuhi. He reported that Heke had been joined by 200 from Mangamuka and that they planned to march from Kaikohe through to

---

[273] FitzRoy to Beckham, 22 February 1845, GNZMSS 245 (9), pp. 83-4. The emphasis is in the original, version and it is noted that the published version of the letter did not print the underlinings. See FitzRoy to Beckham, 22 February 1845, *GBPP*, 1845 (517-II), p. 551.
[274] See account in Marianne William's diary of settlers delivering valuables to her for protection. Carleton, vol. 2, p. 96
[275] Beckham to FitzRoy, 22 February 1845, *GBPP*, 1845 (517-II), p. 551
[276] FitzRoy to Gipps, 25 February 1845, *GBPP*, 1845 (517-II), p. 551
[277] FitzRoy to Beckham, 6 March 1845, *GBPP*, 1845 (517-II), p. 555

Kawakawa to meet with Kawiti.[278] On 27 February a practice alarm and drill was organised in Kororareka. Beckham advised that, further to the fortifications on Maiki hill, he had organised Joel Polack's store and the jail to operate as safe refuges for the townsfolk in the case of attack. He chose these buildings because they were both 'out of the range of the Hazard's guns, should it be necessary for her to act.'[279] Clearly the main form of defence against a Maori attack, as envisaged by Beckham, was a naval bombardment and he made early plans to protect the townsfolk from such an attack. Military patrols were also instated around the town demonstrating the sense of fear and the heightened expectation of an attack.

Muru raids and attacks began again in late February and continued through to early March. This time, Beckham sought to intervene with force to halt the plundering. HT Kemp explained that most of the muru were conducted by Kawiti's group who had arrived at Pomare's pa and were waiting for Heke's arrival.[280] The first incidents occurred in the Okiato area, where, according to Beckham's report, houses belonging to Green and Black were robbed and burnt by groups from Kawakawa, though the details were sketchy.[281] The reports of the muru are remarkable for certain features: first none of the settlers was injured in any way, and second, it does not appear that Heke participated in any of the attacks. Heke, according to HT Kemp, had made it expressly clear that it was forbidden to injure any of the settlers.[282] It is also notable that almost the same people as before were subject to muru: Hingston and Wright, with the addition of Benjamin Turner, who was generally regarded as a dubious character.

On 3 March 1845, Wright's property at Te Uruti was subject to plundering from a group identified by the British as 'Kawiti's tribe', but in likelihood Hori Kingi Tahua. Beckham, hearing about the muru as it was underway, sought to intervene and asked Captain Robertson of *HMS Hazard* for military assistance. An armed force was sent

---

[278] Beckham to FitzRoy, 27 February 1845, *GBPP*, 1845 (517-II), p. 552
[279] Beckham to FitzRoy, 27 February 1845, *GBPP*, 1845 (517-II), p. 552
[280] HT Kemp to Chief Protector, 13 March 1845, CO 209/ 34, p. 39
[281] Beckham to FitzRoy, 26 February 1845 & 28 February 1845, *GBPP*, 1845 (517-II), pp. 552-553
[282] HT Kemp to Chief Protector, 13 March 1845, CO 209/ 34, p. 40

overland and the pinnace sent around the coast to Te Uruti to cut off the group; however, the taua muru had already left for Okiato. The boat followed and it was there, in the stretch of water between Okiato and Opua, that the first shots were fired. The pinnace proceeded up the Kawakawa river to almost opposite Otuihu, Pomare's settlement, where the pinnace recorded seeing the group that had robbed Wright's property heading up the hill. At this point Lieutenant Morgan recorded that 'they immediately opened fire upon us from both sides of the river, which I returned with grape [shot] and musketry.'[283] The pinnace and its crew soon retired, with one sailor injured. Beckham wrote to FitzRoy immediately: 'It is now clearly shown that the natives are determined to have war…the most stringent measures are now absolutely necessary.'[284] He also urged FitzRoy to embargo all waka within the Bay, 'except those who have obtained passports' from the government. FitzRoy approved the measure and instructed the magistrate to issue passports to those 'who may apply for them', and to embargo all waka, except those with passports.[285] The idea that Ngapuhi rangatira might require 'passports', as proof of their loyalty and identity to the Crown, seems extraordinary. Such steps must only have served to confirm Heke's fears of the all-controlling nature of British authority within the north and elsewhere.

It is significant that the fourth and final attack on the flagstaff on 10 March was heralded by a series of muru on a set of out-lying Pakeha settlers, in similar fashion as preceded the first attack on the flagstaff. In many cases, the victims were the same. This corollary adds to the likelihood that other motives and issues lay behind the muru raids. In any case, the muru acted to coral Europeans into the town and for them to seek to protect their possessions.

By early March, the combined forces of Heke and Kawiti had gathered at Te Uruti Bay and made preparations for the attack on the flagstaff. Heke, in his march to join Kawiti, had reportedly been joined by a further 200 from the Hokianga and Mangamuka on 26

---

[283] Lieutenant E. Morgan to Captain Robertson, 3 March 1845, in Robertson to FitzRoy, 3 March 1845, *GBPP*, 1845 (517-II), p. 553
[284] Beckham to FitzRoy, 4 March 1845, *GBPP*, 1845 (517-II), p. 554
[285] FitzRoy to Beckham, 6 March 1845, *GBPP*, 1845 (517-II), p. pp.554-555

February.[286] When Heke's party passed through Waimate, on 3 March, they met a congregation of opposing chiefs, including Ruhe and Paratene. Ruhe warned that if Heke attempted to fell the flagstaff again, he would find his return inland blocked. Heke replied: '…the snake whose head has thrice been cut off is come to life again, [and] that he had grown to a taniwha and has many mouths (alluding to the loopholes in the blockhouse). I am desirous to go and see this strange sight.'[287] When accosted by the missionaries as to his purpose for travelling to the Bay, Heke replied he was sick for some fish, and that he was going to the sea to cast his net.[288]

The French Catholic Bishop, Jean-Baptiste François Pompallier, met with Kawiti and his sons and supporters as they prepared to leave Kawakawa and head across to Te Uruti. Pomapallier recorded the discussion in his diary. Pompallier began by asking them why they wished to attack Kororareka, to which they replied that they did not wish to harm anyone: 'that they wanted only to cut down the flagpole; and that if no-one fired on them, they would do no further injury and would return home.'[289] Pompallier then asked why they wished to attack the flagstaff as the flag was planted on 'land that had been sold'. Kawiti replied: '"If the flag were only for the whites and the land we have sold them, we would not take up arms; we would not attack it; we would say nothing; but this flag takes away the authority of our chiefs and all our lands."'[290]

There are numerous reports that demonstrate that Kawiti and Heke's intention to attack the flagstaff was well-known. The Police Magistrate and another settler, Parrott, were caught spying by members of Kawiti's taua, and told to leave or else they would be

---

[286] This figure was taken from Beckham's report to FitzRoy, 27 February G 30/7, p. 471. However Burrows estimated Heke's force to number only 150 when it arrived at Waimate (see *Extracts*, p. 9). Burrows' manuscript account records the number to be 300 at point of departure from Waimate (3 March 1845, 'The War in the North 1845', MSS 948, ATL). Taking into account that the final figure involved at Kororareka on 11 March was between 450-600 Maori (Belich, p. 38), it seems reasonable to assume that both Heke's party, and the group assembled under Kawiti's direction, each numbered between 200 and 300.

[287] Burrows, 'The War in the North 1845', MSS 948, p. 10

[288] Burrows, 'Journal 3 March- 31 July 1845', CN/ M 15, p.404

[289] Bishop Pompallier, 'Diary 1 January 1845 – 3 August 1845', published excerpts in Peter McKeefrey (ed.), *Fishers of Men*, Wellington, 1938, p. 126

[290] Pompallier, p. 126

harmed. Beckham reported to FitzRoy that Ngapuhi were 'determined to have war.'[291] Certainly it must have appeared as such to European observers. Yet it must not be mistaken that when Heke ultimately did mount an attack on 11 March 1845, his principal objective remained the flagstaff, and not the town of Kororareka or its Pakeha and Maori inhabitants.[292]

2.32 Conclusions

In tracing events from 1840 through to 1845, there is a discernible consistency in Hone Heke's actions and statements. There is a clear line of logic that harks back to the earlier understandings of Te Tiriti and Te Whakaputanga. It is visible in his letters to the governor, in his statement to the missionaries in September 1844, in his actions in felling the flagstaffs, and in the explanations that he proferred. Heke and other Ngapuhi sought to maintain their chiefly authority in the face of the steady imposition of British colonisation. Much confusion has surrounded Heke's repeated attacks on the flagstaff at Maiki hill. Yet, it represented both a limited and symbolic protest against the loss of authority and the desire to recognise dual authority.

After the flagstaff had been cut down for the first time, there were several important opportunities and efforts made to resolve issues and to broker agreements. These attempts ultimately failed and opportunities were either missed or ignored by British authorities. The significant hui held between the governor and Ngapuhi at Waimate in September 1844 succeeded in producing an agreement to keep the British soldiers away from the North. Yet in the long-term it simply added another dimension to the conflict rather than address the underlying causes. The hui failed to achieve resolution due to the fact that the governor had already acted pre-emptorially to reinstall the object of concern, the British flagstaff, before meeting with Ngapuhi. Other opportunities were also missed because the

[291] Beckham to FitzRoy, 4 March 1845, *GBPP*, 1845 (517-II), p. 553 (13)
[292] The events surrounding the attack on Kororareka are covered in the next chapter.

governor was either unable or unwilling to meet with Heke and to acknowledge his rangatiratanga.

In early 1845, FitzRoy looks to have been preparing for an inevitable conflict with Ngapuhi and Maori in general. He and other government officials feared the public release of the findings of the House of Commons on New Zealand. And the governor appears to have used his advance warning of the report to ready a military force. It is notable that by mid-January, before the flagstaff had been attacked for third time, FitzRoy had applied to New South Wales for a large force of soldiers and naval support sufficient to defend against or attack Ngapuhi. Having said this, the actions he took, while lawful, were ill-considered and served to exacerbate rather than resolve the growing distrust and tension exhibited between Ngapuhi and the Crown. This is most apparent in his January proclamations that issued rewards for the apprehension of particular chiefs.

When the House of Commons' report finally reached New Zealand in February 1845, anger and opposition to British colonisation reached fever pitch. It was this reaction that George Clarke noted in February 1845 and which in essence led to the decision to attack the flagstaff and the soldiers at Kororareka in March 1845. Yet, it is important to recognise that this level of anger was a result of the findings of the House of Commons, combined with the continued failure of the Colonial government over 5 years to recognise Ngapuhi authority. And it should not be assumed that the level of anger expressed in March 1845 was constant from 1840 through to 1845. The release of the House of Commons report in 1845 marked the high water mark of Maori resentment and a genuine fear for their future under British Colonial rule.

CHAPTER THREE: THE ATTACK ON KORORAREKA

3.1 Introduction

On 11 March 1845, a combined force of Ngapuhi and Ngati Hine made a coordinated attack on Kororareka and the Maiki flagstaff. The result of the attack was that Heke and his supporters were able to cut down the flagstaff for the fourth and final time. The attack also precipitated the destruction of the township itself. While the previous two chapters looked at the origins of the Northern War and the first three Ngapuhi attacks on the Kororareka flagstaff, this chapter covers the fourth attack on the flagstaff and the battle that resulted from the attack on the flagstaff. The chapter covers the planning and nature of the Ngapuhi attack on the flagstaff, the British plans to defend it, and the course of events that led to the British decision to abandon the town and its eventual destruction. The central argument advanced here is that Ngapuhi attacked the flagstaff only. The planning and manner in which the attack was conducted point to the fact that the flagstaff was the principal objective of the attack. The British on the other hand, in their defensive planning and their response to the Ngapuhi attack, assumed that Ngapuhi sought to attack both the flagstaff and the town. This belief powered the decisions of the British military officers to evacuate the residents and later to shell the town.

Kororareka was destroyed in the ensuing melee, now often referred to as 'the battle of Kororareka'. Yet it was not a battle for the town, but rather a show-down over the flagstaff. The attack at Kororareka needs to be treated as part of the origins of the Northern War, rather than as one of the key battles. Certainly, there was sustained fighting between Ngapuhi and British forces at Kororareka on 11 March, however, the attack on the town was a diversion and designed simply to provide Heke with enough time to gain entry to the heavily fortified flagstaff and accomplish the deed of cutting it down. British officials at the time refused to believe that this had been the sole objective and they assumed that Ngapuhi had sought to destroy the town and all in it. The idea that Ngapuhi would deliberately destroy Kororareka, their principal trading port, was never

contemplated by the chiefs. The British, however, continued to believe that the destruction of the town had been planned and this assumption provoked FitzRoy into ordering a military invasion of the north. The final attack on the Kororareka flagstaff marked the turning point for the government and sparked the Northern War.

3.2 Armed Disputes in Early March 1845

Up until March 1845, there had been a number of minor disputes between local groups, mostly in the Kawakawa area, and British authorities (these are discussed in the previous chapter). Few if any of these disputes involved firearms. This situation began to change in early March with the presence of the soldiers at Kororareka. On 7 March 1845, there was a further armed engagement between Heke's group and British soldiers and sailors. The Police Magistrate, Thomas Beckham, reported that he had gone to Te Uruti, the site of the 3 March alarm and the residence of trader Benjamin Turner, where he had heard some of Heke's followers were burning houses. There, he found that a single house in a distant bay had been burned. Later the same day Beckham travelled to Matauwhi Bay apparently in response to a second report that a group was trying to enter the town of Kororareka from Matauwhi Bay. Beckham arrived to find that, in actuality, a large group was plundering some of Captain Brind's horses. When the group ignored Beckham's requests to desist, the Magistrate sent for an armed party (marines presumably) from HMS *Hazard*. Beckham reported the action in the following terms: 'as they still persisted in taking the horses a collision took place, and a smart fire was kept up on both sides for several minutes, when the natives (about 300) retreated, having three wounded, one severely.'[1] No European soldiers were injured in the altercation, though there was an obvious build-up of arms and tension.

There were a number of reports by worried settlers that Heke was trying to attack the town. Beckham reported the build-up of a Ngapuhi force surrounding Kororareka. He wrote to the governor in a tone of anguish that the 'town is now completely besieged,

[1] Beckham to FitzRoy, 9 March 1845, *GBPP*, 1845 (517-II), p. 556

being surrounded by armed parties of natives.'[2] Kawiti's force he reported had been joined Heke's group and further groups led by Mauperaha [Mauparaoa of Ngati Kahungunu],[3] and the greatest portion of Pomare's followers'. It is not known whether Pomare II himself was part of the group, though it is unlikely as Beckham does not mention him. Those members of Ngati Manu under Mauparaoa joined the attack as utu for the earlier injury inflicted on Kohu.[4]

Among settlers and officials at Kororareka there were rising fears about the build-up of such a large armed Ngapuhi force in proximity to Kororareka. On 8 March, it was again reported that Heke's party was trying to enter the town via Matauwhi Bay in broad daylight. Beckham claimed that he had kept the would-be attackers at bay and no casualties were sustained on either side.[5] The likelihood was that Ngapuhi were, in actuality, probing defences and trying to give the impression to the British defenders that they would attack from Matauwhi Bay.

On Sunday 9 March, Archdeacon Brown held church service with 300 members of Heke's group at Te Uruti. The gathered groups said aloud the responses in every part of the service 'except in the prayer for the Queen'[6] The same day, two members of the British forces were caught trying to spy on Heke's forces. Lieutenant Philpotts and midshipman Parrott, both of HMS *Hazard*, were caught on the hill overlooking Te Uruti. Yet, Ngapuhi were not interested in killing residents of the town, even those engaged in spying; Parrott and Philpotts were disarmed and detained for 10 minutes before being released unharmed, much to Philpotts' amazement.[7]

---

[2] ibid.
[3] Mauparaoa had travelled north from Te Mahia as a young man when he and a group of Ngati Kahungunu accompanied Pomare I (Whetoi) back to the Bay of Islands after the musket wars. There was a close relationship between Mauparaoa and other Ngati Kahungunu and Ngati Manu. They later settled with Pomare II at Otuihu. Mauparaoa became a leading fighting chief or ringakaha for Ngati Manu. Source: Ngati Manu, pers.corresp. 24 June 2006; Also Angela Ballara, 'Pomare I', in *DONZB*, I, p. 345
[4] A. Hamilton, pers.corresp. 24 June 2006
[5] ibid.
[6] *Victoria*, Logbook, 9 March 1845, GNZMS 20, ACL, p. 94
[7] Philpotts to FitzRoy, 15 March 1845, *GBPP*, 1845 (517-II), p. 559

3.4 The 11 March 1845 Attack: Events

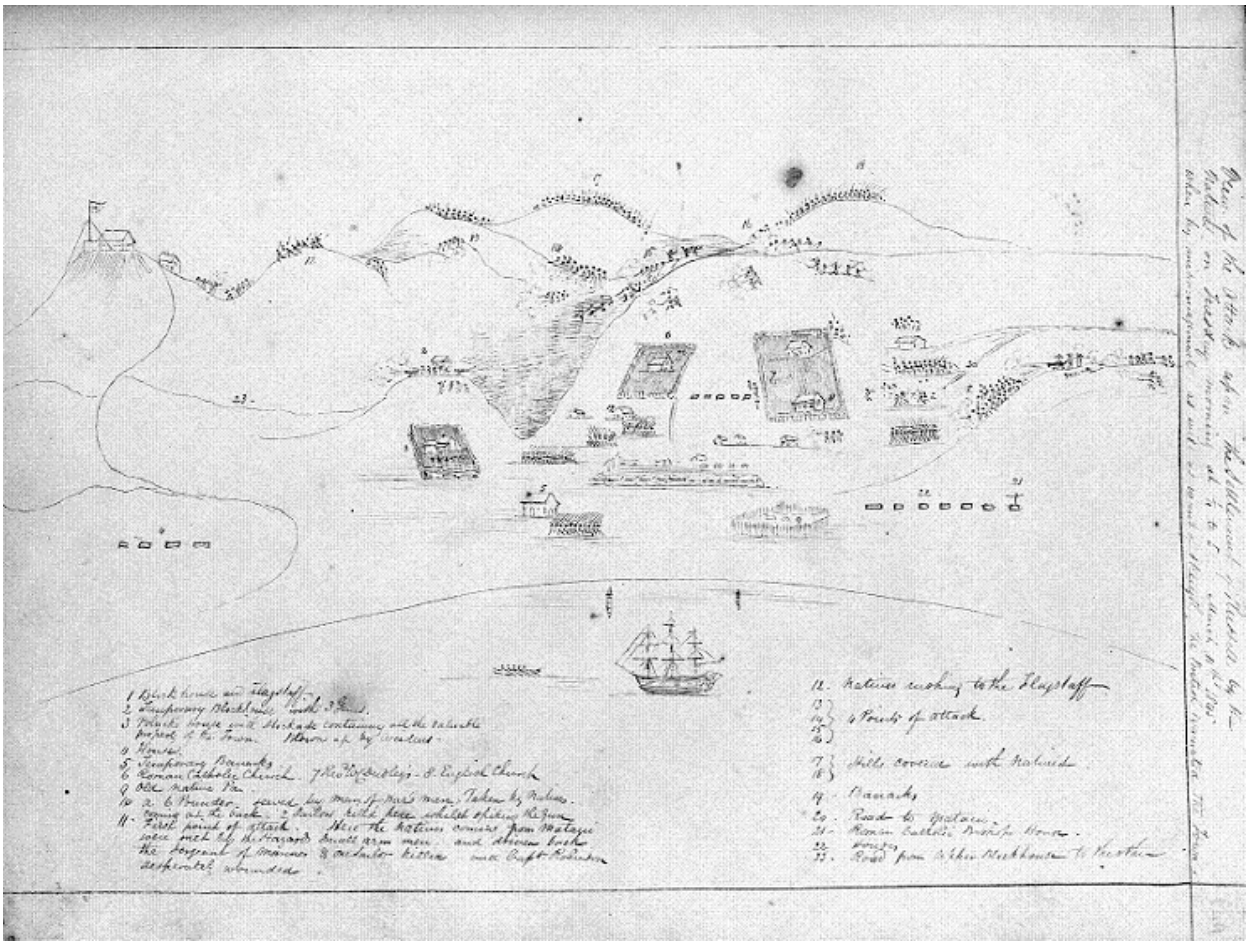
Heke, Kawiti, and a third combined group of Ngati Manu and Te Kapotai under Hikitene and Mauparaoa, began their attack on the flagstaff just before dawn on 11 March 1845. The plan was for Kawiti to attack from the south and draw defences away from the flagstaff. Heke would then attack the flagstaff. The third party of Ngati Manu and Te Kapotai were to provide cover for Kawiti and Heke. The crucial point was that the attack was designed to last only as long as Heke needed to fell the flagstaff. The nearest surviving account we have of the attack are the published reports of Lieutenants Barclay and Campbell of 96th Regiment.[8] Barclay reported that at between 4 and 5 o'clock in the morning, Captain Robertson of HMS *Hazard*, together with a group of 45 armed marines and sailors, left the barracks and proceeded across to the hill on the right hand side of the road leading to Matauwhi Bay, near the single gun battery, to dig a further entrenchment.[9] The morning was thick with mist and visibility was hazy. Meanwhile, Lieutenant Campbell, who commanded the blockhouse, led a small group of five armed soldiers out from the blockhouse to dig a trench on the heights overlooking Oneroa beach.[10]

The attack began when the taua commanded by Kawiti first attacked Robertson and the group of sailors at the southern end of the bay, to draw them off. Robertson and the sailors immediately engaged Kawiti and Ngati Hine and close fighting ensued. Up at the flagstaff on Maiki Hill, the group digging trenches moved away from the blockhouse to investigate the attack and fired a series of volleys to raise the alarm.[11] At that moment, Heke and his taua rushed the blockhouse defences and captured the flagstaff, locking the majority of British soldiers outside of their own blockhouse defences. It was a carefully worked diversion with the result that Heke gained access through to the flagstaff.

---

[8] Barclay was the commanding officer of the detachment based at the Bay of Islands, while Lieutenant Colonel Hulme remained at Auckland.
[9] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 561
[10] Campbell to Hulme, 16 March 1845, *GBPP*, 1845 (517-II), p. 563
[11] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p. 94

The remainder of the soldiers, hearing the alarm, formed up at the barracks in the town. They were about to proceed towards the battle between Robertson and Kawiti, when they were attacked by the third taua, led by Te Kapotai. Barclay recorded that scattered groups appeared on the hill leading over to Oneroa and there were others on neighbouring hills as well. William Bambridge drew an image of the attack showing hills bristling with Ngapuhi (see below).[12] The reality was that the three divisions of Ngapuhi attackers were deployed in such a way as to first surprise the flagstaff defences, and then to engage each of the three British military positions (the Blockhouse, the lower blockhouse and the single gun battery). There was no attempt made at this or at any later stage to attack the town or residents.[13]



[12] William Bambridge, 'View of the attack upon the settlement of Russell by the natives on Tuesday morning at ¼ to 5, March 11 1845', MS-0130-249, ATL, p. 249

[13] Barclay recorded one exception, when a group of armed residents sallied out of the lower blockhouse and attacked Maori firing from a hill nearby. Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 562

William Bambridge, 'View of the attack upon the Settlement of Russell by the Natives on Tuesday morning at 1/4 to 5 March 11th 1845', MSS 130, ATL, p. 249.

Inside the Flagstaff blockhouse, Heke's forces killed the four remaining soldiers of 96th regiment. They also wounded signalman Tapper. Tapper's wife and child were left unharmed. At the same time, however, it appears that a young girl - a daughter of Captain Wing – may have been accidentally shot in the storming of the blockhouse.[14] However, this is not clear. Heke and his followers immediately got to work to fell the flagstaff. They dug underneath the iron sheathing surrounding the pole and began slowly cutting at the thickest part of the flagstaff.

There were three separate attacks or armed engagements taking place simultaneously. At the south end of the bay, Captain Robertson and his force of 30 fought with Kawiti's Ngati Hine force. In the middle of the Bay, Te Kapotai and Ngati Manu exchanged fire with the soldiers and the lower blockhouse. At the upper blockhouse and the flagstaff, Ngapuhi inside the flagstaff compound fired at the soldiers locked outside and forced them to retire down to the lower blockhouse.

Captain Robertson and a force of forty-odd soldiers and marines fought with the Ngati Hine group in close hand to hand fighting in the early morning haze. There are several accounts of individual fights from this melee and the fighting exacted a heavy toll in casualties. Te Roroa chief Pumuka, who had his pa at the mouth of the Whangaii River* and had signed Te Tiriti in 1840, was one of the first, if not the first (mataika) to be killed in the encounter.[15] Captain Robertson himself was seriously wounded. William Lovell, who manned the single gun battery, was killed, but not before he had spiked the gun, rendering it unusable. One of Kawiti's sons, Maihi, was also severely wounded.

---

[14] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p.95. There is only one reference referring to the death of the daughter and this is from the government brig *Victoria*'s log book.

[*] Te Whangaii was the original and correct spelling of the river and locality now referred to as Te Whangae. Kene Martin, pers corresp., 9 July 2006

[15] Pumuka's coastal pa at head of the Te Whangaii (Whangae) Inlet would later be attacked and destroyed.

Lieutenant Barclay noted in his official report that, after attacking Captain Robertson and the Marines, the group of Ngati Hine immediately retired 'in a body' back to Matauwhi Bay, taking their dead and wounded with them.[16] Military historian Chris Pugsley concluded that 'Kawiti had the numbers to outflank the soldiers and advance into the Kororareka had that been his intention. It was not. His was the feint to Heke's thrust and having achieved it Kawiti pulled back to Matauwhi Bay.'[17]

The Waikare groups continued firing from the hills in the direction of the lower blockhouse. One account suggests that the Waikare group sought to advance towards the town, but were driven back by the firing from the Blockhouse and consequently retired to the heights.[18] Yet, it is unlikely that the Waikare force sought to attack the town. Throughout the exchange of fire they remained in the hills. '[O]ther than desultory shots from Kapotai warriors from the hills above the town, there was no serious attempt to attack Kororareka.'[19]

After it was known that the upper blockhouse had been taken, HMS *Hazard* was positioned broad-side to the Bay, and commenced firing with the ship's cannons loaded with shot and shell at the Te Kapotai and Ngati Manu group positioned at the top of the hills.[20] As the log book from the *Victoria* noted, 'when the day had so far dawned as to distinguish objects the "Hazard" opened her fire and the fire of the natives was kept up sharply from the hills.'[21] One of the missionary eye-witnesses to the attack, initially thought that the flagstaff had been felled by a cannon-ball from the *Hazard*.[22]

The log book of the *Victoria* also recorded that Heke captured the flagstaff and blockhouse about 6am. [23] The flagstaff itself did not fall until 10am. To cut down such a

---

[16] Barclay to Hulme, 15 March 1845, *GBPP*, vol. 4, p. 562 (22)
[17] Chris Pugsley, 'The Sack of Kororareka, 11 March 1845', *New Zealand Defence Quarterly*, Number 1, 1993, p. 14
[18] Barclay to Hulme, 15 March 1845, *GBPP*, vol. 4, p. 563 (23)
[19] Pugsley, p. 14
[20] *HMS Hazard*, Captain's Log, 11 March 1845, ADM 51/3613
[21] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p.95
[22] Alfred Brown to CMS, 24 March 1845, CN/M, 15, p. 192
[23] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p.95

heavily protected flagstaff required a significant period of time and the attacks on the town continued long enough to provide the time to fell the flagstaff, but no longer. As the Master of the *Victoria* noted: 'The Flagstaff was cut down at 10 o'clock, after which the firing ceased and at 12 a white flag was displayed on the flagstaff peak – this as no more firing from natives occurred, was taken as an intimation that they wished to cease hostilities…'[24]

Here is strong evidence that the goal of the 3-pronged attack had been the flagstaff alone. The attacks on the other positions had continued sufficiently long to allow Heke to fell the flagstaff , and once this had been achieved the three groups simply withdrew.

After felling the British flagstaff, Heke erected his own flagstaff on a neighbouring height – possibly the dual peak on Maiki Hill, where the sun-dial is now located. Alfred Brown recorded that he raised his own flag on the new flagstaff, but he omitted to say what it looked like.[25] George Clarke later noted that 'Heke put a soldier's jacket on one arm of the new flagstaff and a hat on the other and rahui'd the place',[26] meaning that the protection of the town was under Heke's control.

At 11 o'clock a limited skirmish occurred when a group of civilians left Polack's stockade and marched up a hill on the northern side of the Bay and engaged a group of Ngapuhi hidden there.[27] This appears to have been an attack by the civilians on Ngapuhi and not the other way around. But after this brief encounter, the firing again ceased.[28]

3.5 Truce called

At 12 o'clock, Heke and Ngapuhi raised white flags at both ends of the beach to signal the end of the armed hostilities. The ceasefire was initiated by Heke, who had the wife

---

[24] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p.95
[25] Brown to CMS, 24 March 1845, CN/M, 15, p. 192
[26] George Clarke junior to Father, 21 March 1845, qMS -0469, p. 473
[27] Barclay to Hulme, 15 March 1845, *GBPP*, vol. 4, p. 562 (22)
[28] Beckham to Governor, 17 March 1845, *GBPP*, vol. 4, p. 557 (17)

and daughter of the signalman Tapper escorted down from the flagstaff to the stockade unharmed. Soldiers and Maori then began gathering the fallen and injured. Henry Williams and Bishop Selwyn were both involved in the burial of the dead and escorting people out to the ships.

During the ceasefire, the British officers discussed plans. They had lost the flagstaff blockhouse and, as a result, felt vulnerable. There was an assumption among the British military that Ngapuhi intended to continue to attack the town. And while Ngapuhi attended to the burial of their fallen and the removal of wounded, the British began to make plans to remove British settlers from the town. Barclay discussed with Robertson (severely injured) the need to evacuate the women and children from the Polack compound.[29] Shortly afterwards, all the unarmed civilians were evacuated aboard the four ships anchored in the Bay: HMS *Hazard*, the government brig *Victoria*, the whaler *Matilda Lane* and the American frigate USS *St Louis*. This decision was the first step in a chain of events that led to the evacuation of all British settlers and officials from Kororareka and the eventual destruction of the town.

At 1pm, once the women and children had been removed from shore, the powder magazine mysteriously exploded, and with it the stockade and refuge. From this point on the British decision to evacuate Kororareka appeared inevitable. The fourth and final British defensive position, the lower blockhouse and the three-gun battery, was abandoned soon afterwards– and each of the guns spiked. The British appeared to have conducted a staged withdrawal from the town, destroying the different armaments and guns as they departed.

3.6 Destruction of the Magazine and Polack's Stockade

There is a good deal of confusing and contradictory information surrounding the destruction of Polack's stockade and the ammunition magazine. Barclay, Philpotts and other military witnesses described the event as an accident, and commented that it had

[29] Barclay to Hulme, 15 March 1845, *GBPP*, vol. 4, p. 562 (22)

been the unforeseen destruction of the stockade and the loss of ammunition that provoked them into a full-scale evacuation of the town.[30] However, it appears from another eyewitness account that the British decision to evacuate Kororareka was made before the magazine exploded, and the fact of the explosion was used in hindsight by Beckham and Philpotts to justify their decision. What is certain is that, at approximately 1pm, after the majority of the civilians had been removed aboard ships in the Bay, the magazine suddenly exploded. When the smoke cleared, Polack's house had been destroyed and some of the neighbouring houses were on fire.[31]

Joel Polack, a prominent Kororareka settler/trader, was perhaps the closest of the surviving witnesses to the explosion. He later wrote to the governor with an important account of the destruction of his store, together with a claim for compensation. In his letter, he said that prior to the explosion, his servant had advised him 'that it was decided by the officers to quit the town'.[32] Polack, however, doubted the accuracy of the information as he perceived the danger to be passed and therefore a decision to evacuate the town seemed unnecessary. He wrote: 'Though confident in his [Polack's servant's] veracity, I doubted his information, as every native had disappeared, but as the valises of Mr Beckham and Lieutenant Barclay had been taken from my premises some time before, and conveyed on board ship. I judged it best to do so…'[33] This account appears to significantly change the order of events linked with the evacuation and destruction of Kororareka. According to Polack, the military officials had already made the decision to evacuate the town prior to the explosion of the ammunition.

Other 'official' witnesses to the event, Philpotts, Beckham, Barclay all denied knowing how the stockade exploded.[34] One possible explanation was that the ammunition was detonated by the British to make sure none of it fell into Maori hands. Certainly this seems plausible when we think of the danger and difficulty of conveying the ammunition

---

[30] See Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 562; Philpotts to Governor, 15 March 1845, *GBPP*, 1845 (517-II), p. 559; Beckham to Governor, 17 March 1845, *GBPP*, 1845 (517-II), p. 557
[31] HMS *Hazard*, Captain's Log, 11 March 1845, ADM 51/3613
[32] Polack to FitzRoy, 24 March 1845, CO 209/ 33, facing p. 468
[33] Polack to FitzRoy, 24 March 1845, CO 209/ 33, p. 468
[34] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 562

out to the ships as part of an evacuation. A deliberate detonation also appears in keeping with actions the British had made in first removing the women and children from shore and then spiking all guns as they left the various batteries. Despite this, we simply do not know how the stockade caught alight.

What is important however, is not how the stockade caught fire, as this appears to be a matter that will never be fully resolved, but rather whether the evacuation of the town had been ordered before the stockade exploded. Based on Polack's evidence, it appears that the British decision to evacuate the town may have been made before the explosion of the stockade

One of the facts used to point to an accidental detonation were the numbers of casualties. Yet the estimates of the casualties varied considerably. Beckham reported that 'several inhabitants [of the building] were severely hurt and contused'.[35] Philpotts said that 'many casualties occurred', but did not record any as having been killed.[36] Barclay reported that none of the soldiers or sailors were injured in the explosion of the Polack stockade, though Lieutenant Morgan had received a splinter.[37] In contrast with many of the casualties elsewhere in the attack, there were no clear numbers given, no names of those killed or injured in the explosion of the stockade were recorded, and some doubt remains over the extent of the casualties sustained.

The military reports maintained that the decision to evacuate the town was taken, immediately after the destruction of the stockade, at a meeting on board the *Hazard*.[38] A key factor given was the apparent exhaustion of the available ammunition. Historian James Belich has questioned this. He highlights the fact that, after the event, Beckham, Philpotts and Barclay came under criticism for their decision to evacuate the town prematurely. And in order to justify their decision, the officers argued that the explosion of the magazine had left them without ammunition to continue the fight. Belich views this

[35] Beckham to Governor, 11 March 1845, *GBPP*, 1845 (517-II), p.556
[36] Philpotts to Governor, 11 March 1845, *GBPP*, 1845 (517-II), p. 557
[37] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 562
[38] Barclay to Hulme, p. 562 (22)

explanation as disingenuous, and points out that there were stores of ammunition aboard the *Hazard* and at the lower blockhouse.[39]

3.7 Lower Blockhouse spiked

The final stage in the evacuation of the town was the abandonment of the lower blockhouse and the spiking of the three-gun battery. The abandoning of the lower blockhouse appears to have happened soon after the destruction of the Polack stockade. Once again, the military reports admit of no order being given to depart the blockhouse, and they provide no clear explanations about either who ordered the action, or who carried it out. Beckham declared the spiking of the guns a mistake, while Philpotts simply noted that the order had been given to spike the guns 'by whom, I know not'. Although the decision to relinquish the blockhouse was an important decision, none of the military commanders at the time admitted to giving the order to abandon the final military position.[40] The blockhouse does not appear to have been under any immediate danger, yet the British abandoned the blockhouse and the town and took to the ships.

3.8 The Evacuation of Kororareka

The British officials, without any immediate threat to their position, made the decision to evacuate all Pakeha settlers from Kororareka in the afternoon of 11 March 1845. Gradually all the remaining civilians, the casualties and then the military personnel were loaded aboard small boats and rowed out to the vessels anchored in the Bay. While this evacuation occurred, Ngapuhi stood back and watched with surprise, but took no active part.[41] Lieutenant Barclay reported that, while the embarkation occurred, Maori remained distant watching from the heights, 'without making any movement; occasionally a random shot was fired.'[42] The initially controlled conduct of Ngapuhi surprised many European observers. Bishop Selwyn remarked that 'there is no evidence of any general or

---

[39] Belich, pp. 40 & 342
[40] Beckham to Governor, 17 March 1845, GBPP, 1845 (517-II), p. 557
[41] Brown to CMS, 24 March 1845, CN/M, 15, p. 192
[42] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p.562

indiscriminate hatred of the natives towards the English settlers, or any disposition to bloodthirsty or savage acts of violence.'[43] As evidence of this fact he cited the examples of the British force being allowed to retreat without a shot being fired, and that a single soldier, who had been inadvertently left behind after the abandonment, remained unharmed while he waited for a boat to return and collect him.

Once Kororareka had been abandoned, then some Ngapuhi slowly made their way into the town. It was at this point that it appears some plundering of the houses began. Kororareka settlers had been forcibly evacuated to the ships and they watched as some groups of Ngapuhi began to plunder shops and houses.[44] governor FitzRoy, in his report to governor Gipps in New South Wales, remarked that Ngapuhi did not rush down upon the town as the British had expected and that those who sought plunder were only one part of Ngapuhi force, 'the rest remained on the heights'.[45] Meanwhile, Henry Williams and Bishop Selwyn remained on shore helping to remove and bury the dead.[46]

Settlers were allowed to return to the town and recover possessions that had been left behind in the rush to evacuate. There were a number of accounts of Ngapuhi assisting them to gather their possessions and take them to the boats.[47] The master of the whaler *Matilda*, Andrew Bliss, who was closely involved in evacuating settlers from the shore, reported that he met with some people at 3pm and they advised him 'the Natives were not hostile to the settlers, but only warred with the Government as a flag of truce was flying in different directions.'[48] He also was informed that Maori were willing to allow the settlers to return to their homes on shore unmolested.[49] One of the settlers, Clayton, went across to the *Hazard* to discuss with Philpotts to cease hostilities. Philpotts apparently

---

[43] Selwyn to his father, 28 March 1845, 'Selwyn Letterbook', qMS 1774, ATL

[44] *Victoria*, Logbook, 11 March 1845, GNZMS 20, p. 96
[45] FitzRoy to Gipps, 20 March 1845, *GBPP*, 1845 (517-II), p. 555
[46] Some are interred in the Christ Church grounds in Russell.
[47] Barclay to Hulme, 15 March 1845, *GBPP*, vol.4, p.562 (22); Williams to FitzRoy, 20 March 1845, MS 91/75, Algar Williams Collection, box 3, item 519, p.3; Selwyn to his father, 28 March 1845, 'Selwyn Letterbook', qMS 1774
[48] Andrew Bliss, 'Remarks on board the Matilda, 11 March 1845', CO 209/41, p. 588
[49] ibid.

promised to hold off hostilities until their return and with that the settlers returned to their houses.

Bliss described that, on the settlers' arrival ashore, they were met 'with every demonstration of respect and good will and they assumed as they were desirous the settlers should return to their homes unmolested.'[50] The settlers then sent a messenger to Heke to confirm this. However in the middle of these discussions, Philpotts, for some unknown reason, ordered the *Hazard* to fire shots into the town. This act of violence, during a period of truce and discussion, is hard to explain and instantly changed relations between Ngapuhi and the settlers on shore. Bliss gave the following account, which is worth quoting in full:

> Scarcely had the messenger left us, when two shot were fired from the Hazard, which wounded one of the Natives slightly with a splinter: this immediately broke up all further intercourse. They sprang to their feet, and pointing their muskets at us, ordered us down to the beach, 'saying we came on shore to deceive them, and saying that we had broken faith with them: surrounding us on all sides, they would not hear a word we had to say, but vociferated, our Government was very bad…they then followed us down to the boat directing us to be off, and I thought myself very fortunate, in being allowed to effect my escape unmolested after such a breach of faith on our side.[51]

3.9 The Destruction of Kororareka

What angered Maori and Kororareka settlers was the decision of Lieutenant Philpotts, in charge of HMS *Hazard* to fire the ship's guns on Ngapuhi, who were plundering the town. This action precipitated the destruction of the town. As Bliss reported: 'It is my decided opinion, that had those shots not been fired, the Town might have been saved from plunder and destruction: for shortly after our arrival [back] on board, they

[50] ibid., pp. 588- facing p. 589
[51] ibid., facing p. 589

commenced plundering in every direction, and fired the town.' [52] Philpott's action appears to have been the decisive turning point that led to the destruction of the town.

Henry Williams' account also supports the argument that the destruction of Kororareka and the settlers' property was caused by the actions of Philpotts in ordering the shelling of the town.

> The greater part of the property might have been saved, but the Commanding Officer gave the orders to fire upon the Town from time to time during the remainder of the same day and following day – though many of the settlers had landed for the purpose of securing what they might be able- the natives behaved very well considering the circumstances under which they were.[53]

There was no attack on the town until after the British had all left. Indeed, the town stood largely intact until the British commenced firing at Maori, who were advancing into the town. Philpotts himself reported: 'the ship was constantly employed in shelling the town when deemed requisite.'[54] Whereas earlier the ship's guns had fired at the hill-tops, now they were purposefully aimed into the town. Since the peace flag had been raised there had been scarcely any fire or hostilities shown. However the renewal of heavy fire from the British changed this. Philpotts recorded that the 'firing from the ship under Lieutenant Clarke and Mr Parker was most admirable, and did great execution.'[55]

By late on 11 March, Philpotts recorded in the Captain's log that the town was on fire.[56] This is supported by the master of the Matilda.[57] Other accounts suggest that the town was not burnt until the following day.[58] In any case, the majority of the houses and buildings either caught fire from the bombardment, or were deliberately torched by Ngapuhi angered by the ongoing attack from the sea. The net result was the destruction of

---

[52] ibid., facing p. 589
[53] Henry Williams to CMS, 17 March 1845, MS 91/75, A (i) b 19, p. 95
[54] Philpotts to Governor, 15 March 1845, *GBPP*, vol. 4, p. 559 (19)
[55] Philpotts to Governor, 15 March 1845, *GBPP*, vol. 4, p. 559 (19)
[56] HMS *Hazard*, Captain's Log, 11 March 1845, ADM 51/3613
[57] Andrew Bliss, 'Remarks on board the Matilda, 11 March 1845', CO 209/41, facing p. 589
[58] Barclay to Hulme, 15 March 1845, *GBPP*, vol. 4, p. 562 (22)

the town of Kororareka and with it the remaining economic prospects of northern Maori. The only buildings to survive were church buildings belonging to the CMS and the Roman Catholic missions, which Heke had declared were not to be plundered.

3.10 The 11 March 1845 Attack: Analysis

Having examined the course of events, it is the view of this report that the principal object of the Ngapuhi attack on Kororareka was the symbol of British authority – the flagstaff. Although the soldiers were attacked in order to draw them away from defending the flagstaff, it was not an assault on either the town of Kororareka or the residents. Moreover, the eventual destruction of the town came as a result of an unforeseen chain of events in which British forces shared as much, if not most of the responsibility.

A further point to note about the fourth and final attack on the flagstaff was that it was a continuation of Ngapuhi protest against what they saw as their subjection to British authority. The difference was that, by March 1845, Ngapuhi had adopted armed opposition. This was in response to the serial failure of the previous attempts to raise the issue with the governor and to halt the imposition of British authority. Mostly, however, the decision to take up arms was made in response to the presence of the British soldiers – the means the Colonial Government had increasingly relied upon to reinforce their authority. The governor had re-erected the flagstaff, fortified the hill, and then sought to protect it with an armed garrison of soldiers. If this was the position of the governor, and the Government's authority, then it was clear to Heke he would need armed supporters in order to fell the flagstaff. It should also be noted that from early March, the Magistrate had sought armed intervention against the muru of nearby settlers' property. In this context the recourse to arms was neither unexpected nor unprovoked.

A number of historians including Cowan, Belich, Buick, Wards, Wilson, Lee, Moon and Pugsley have looked at the events and outcome of the Kororareka attack. Existing historical interpretations broadly fall into two camps: those who argue that the attack of 11 March 1845 was designed solely to gain the flagstaff; and those who argue that

Ngapuhi sought to destroy both the flagstaff and the township. This question of the intention behind the attack is made more difficult due to a relative lack of Ngapuhi documentary evidence on tactics and motives. It is also complicated by the fact that the town was destroyed in the attack. Certainly some historians have made the assumption that because the town was destroyed by fires lit by Ngapuhi that, therefore, it had been the plan of Ngapuhi to destroy the town from the outset. We must be careful, however, not to leap to conclusions without first carefully examining the course of events.

Some other important issues also arise. The attack on the flagstaff was carefully planned by the chiefs Heke, Kawiti and Te Kapotai. The assault was tightly focused on the flagstaff and the defences. If the attack had been an attempt at wholesale destruction of the town and the slaughter of residents, a different strategy would have been adopted. James Belich has noted that the attack on Kororareka involved a high degree of planning by the chiefs, and that it was 'highly unlikely that the plan involved an assault on the town'.[59] Cowan similarly assessed that the felling of the flagstaff was 'all that he [Heke] had intended or expected.'[60] To appraise the accuracy of these statements we need to examine the nature of the attack undertaken and the response of the British armed forces.

There is strong evidence to suggest that Ngapuhi carried out detailed planning before the attack. The attack was organised in three groups (waka toru).[61] The Ngati Hine group under Kawiti, was to advance to Kororareka via Matauwhi Bay and create a diversion or feint that would draw defenders away from the upper blockhouse. The second group, under Heke, would then advance and attempt to secure the blockhouse and flagstaff. The final group, composed of Te Kapotai and Ngati Manu under the chiefs Te Kapotai, Hikitene and Mauparaoa,[62] was to engage the troops on a third front, prevent the two groups of soliders from reinforcing each other, and provide covering fire.

---

[59] Belich, p. 38
[60] Cowan, vol. 1, p. 28
[61] Tawai Kawiti, 'Heke's War in the North', p. 39
[62] Bérard, p. 4; also, HT Kemp to Chief Protector, 13 March 1845, CO 209/34, facing p. 45

The fact that the residents were not an intended target was born out in several different pieces of evidence, including comments by Heke, the missionaries, and even several of the settlers themselves. One settler, John Smith, wrote a signed declaration after the event stating in explicit terms that the settlers had not been a target in the attack on the flagstaff. He also provided testimony that Beckham and others had been warned in advance of the planned attack. Smith recalled a meeting on 7 March at Matauwhi Bay, between Heke's envoy and Beckham: 'the messenger from Heke stated that he [Heke] had no wish to hurt the Merchants or Inhabitants of the Bay of Islands – but that he would have the flag down – and if the inhabitants fought against him – he might fight back also.'[63] Heke reiterated to Smith after the event that 'it was not against the "Pakeha Maories" (white settlers) that he was fighting – but only against the British Government'.[64]

Under orders from the governor to protect the flagstaff and the township, the British had planned for the defence of Kororareka. There were three key armed defensive positions in Kororareka and, fearing that Ngapuhi would also try and attack the town, a stockade had been constructed for the inhabitants. The strongest defensive position was the blockhouse installed alongside the re-erected flagstaff on Maiki Hill. It was guarded by 20 soldiers of the 96th Regiment and two officers, and had a ditch and palisade with loopholes built around both the blockhouse and the flagstaff.[65] Many contemporary witnesses considered the blockhouse on Maiki Hill to be the key defensive position in the town and the loss of the blockhouse a major contributing factor to the later British decision to abandon the town.

Below Maiki Hill on a lower height was a second and 'lower blockhouse'. This position was armed with three ships' guns and manned by a group of armed residents known as the 'civic guard'. The third defensive position was a single-gun 'battery' on the southern side of the Bay leading through to Matauwhi Bay. In addition there was the large stockade designed as a refuge for the Pakeha residents of Kororareka. This was Joel

---

[63] J.Smith to M.Whytlaw, 24 September 1845, 'M.Whytlaw Correspondence and Papers 1844 – 51', MS-Papers-1095, ATL
[64] ibid.
[65] George Bennett, 'Journal', MS 323, p. 118; The ditch is still visible at the site of the flagstaff today.

Polack's converted store and warehouse. The 'Polack stockade' also served as the armoury where arms and ammunition were stored. The bulk of the British soldiers and marines were stationed in existing buildings designated as barracks, located on the flat near to the lower blockhouse and stockade.

British forces in the Bay comprised 50 soldiers of the 96th regiment, 2 officers and 2 sergeants. The HMS *Hazard* had a compliment of 90 sailors and marines, including officers.[66] The British officers, notably Captain Robertson and Lieutenant Barclay, had worked in concert with Thomas Beckham, who was in charge of the flagstaff and township, to plan for the defence of the Pakeha residents. The location of the stockade had been chosen because it was beyond the sweep of the ships' guns, suggesting that the British had planned on the possible reliance on ships' guns if required. There is other evidence to suggest that the British had planned to use the navy ships to shell the town as part of their plan of defence. One of the French Marist missionaries stationed at Kororareka reported that Bishop Pompallier had been informed ahead of the attack that 'the English artillery intended to set the town on fire from the roadstead and destroy it rather than let it fall into the hands of the natives.'[67] Planning and preparations also included the mounting of nightly patrols and the construction of further palisades and ditches. Bennett noted that there were 'patroles of the army, navy and civilians out every night.'[68] The British expected an attack and readied their defences.

British authorities had received intelligence about the likelihood of an attack on 11 March. Gilbert Mair (Sr) had advised Beckham of the expected attack in no uncertain terms. As his son and war-veteran Captain Gilbert Mair later recalled: 'It was my own father who gave the Government authorities notice that the town would be attacked on a certain night, meriting plan of attack at the very hour - He was absolutely certain as with Hawiti's [Kawiti's] & Heke's forms had been assembling at Father's place at Wahapu for

---

[66] Also anchored at Kororareka was the American frigate USS St Louis, a larger and considerably better armed vessel than the HMS Hazard. But the American vessel refused to assist the British forces. Bennett, p.119

[67] J. Rorke, (ed.), Fr J.A.M. Chouvet, *A Marist Missionary in New Zealand 1843 -1846*, transl. Patrick Barry, p. 78

[68] Bennett, MS 323, p. 118

several days previously.'[69] More reliably, the Northern Protector of Aborigines, HT Kemp, had been apprised of the nature and date of the attack and had advised Beckham of this information in two separate letters, as well as verbally.[70] There were therefore strong indications that the British forces were expecting an imminent attack. On the evening of 10 March a large party of sailors and Captain Robertson slept on shore. The sailors slept 'armed and accoutred, arms loaded'.[71] The next morning both the marines and soldiers were up at 4am to erect further defensive works.

Having looked at the extent of Ngapuhi and British planning in advance of the attack, another issue which needs to be considered is the importance of Kororareka to Ngapuhi. Kororareka was the principal trading settlement and entrepôt for the north. As such it was an immensely important township to Ngapuhi and highly unlikely to have been a target for destruction. Ngapuhi had already observed the dramatic rise of poverty associated with the drop-off in trade at the Bay. And they, perhaps more than any other iwi understood the importance of trade. Ngapuhi therefore would have been unwilling to countenance the destruction of their trading base. To do so flew in the face of all logic and experience. Ngapuhi had seen first-hand the impact of the loss of a trading base on the Whangaroa groups as traders avoided Whangaroa after the *Boyd* attack – and this they would not have repeated deliberately.

Another important factor against Heke and Kawiti attacking Kororareka was the fact that the town was controlled by another Ngapuhi rangatira, Rewa. This fact is often overlooked, as it is assumed that Kororareka was simply a Pakeha trading settlement. Yet it must be understood the mantle of Rewa's rangatiratanga lay across Kororareka and the Tapeka headland. His residence and pa lay at the centre of the township and his authority was still central to the affairs and control of the port even in the 1840s.

---

[69] Captain Gilbert Mair to James Cowan, 24 June 1919, Cowan Papers, 0039/41C, ATL
[70] HT Kemp to Chief Protector, 13 March 1845, CO 209/ 34, facing p. 41; Kemp to Beckham, 6 March 1845, CO 209/34, p. 47
[71] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 561

There had been a brutal war in 1830 for the control of this peninsula and the trade opportunities. In the battles, Rawhiti, Waimate and Whangaroa groups (Patukeha, Ngai Tawake and Ngare Raumati)[72] defeated Ngati Manu under Kiwikiwi and acquired te mana o te whenua. To attack Kororareka in 1845, would have reignited this civil war and this was something Heke did not seek. There is further evidence to suggest that Heke and Rewa had an agreement about the attack.

Captain André Bérard, the captain of the French naval station in New Zealand, alluded to a likely arrangement between Rewa and Heke about the flagstaff.

> The tribe which resided at Kororareka had left town. Its chief, Resva [sic], had proposed to help in the defence of the town, although he would have nothing to do with the matter of the flagpole. He only wished, he said, to defend his "whites", for it is thus that these chiefs call the European who have established themselves on the territory. And let judgment be passed in the light of this fact, as to whether the natives are willing to yield sovereignty or not.[73]

3.11 Casualties from the Attack

The casualties and losses in the Kororareka battle were significant. The British initially estimated that Ngapuhi lost 34 killed and 68 wounded.[74] However it seems this early estimate may have been an attempt to over-exaggerate the losses of their enemy. A more reliable estimate came from HT Kemp who estimated that Ngapuhi forces had lost 13 killed and 28 wounded.[75] Belich also favours Kemp's figure. As already stated, the dead included the rangatira Pumuka. Kawiti's son, Te Kuhanga, was shot in the stomach, though he later recovered. (He was eventually baptised Maihi Paraone Kawiti.)[76] George Clarke junior noted that it was hard to learn the final figure of Ngapuhi losses, but 'that

---

[72] Rewa's hapu later became known as Te Patukeha.
[73] Captain Bérard to Minister of Naval Affairs, qMS 0160, No. 2, p.6, ATL (Note, this is a translated typescript – the author of the translation is unknown)
[74] Belich, p. 38
[75] HT Kemp to G Clarke senior, 13 March 1845, CO 209/ 34, facing p. 45
[76] Kirihi Te Riri Maihi Kawiti to Editor of JPS, in *JPS*, Vol. 62, No. 1, March 1953, p. 87

thirty is not wide of the mark'.[77] Clarke junior also later reported that a number of Ngapuhi died from the wounds they received at Kororareka, 'and several of their women have committed suicide on account of the death of their husbands.'[78]

The British lost four soldiers of the 96th regiment in the initial attack on the blockhouse and a further six other Marines and seamen of HMS *Hazard* were killed in the hand to hand fighting with Kawiti's group.[79] Apart from these early casualties, no further soldiers were killed on 11 March.[80] Cowan corroborates this figure.[81] Some of those injured subsequently passed away and the final death toll rose to 13 as governor FitzRoy reported on 20 March.[82]

Belich listed the final British casualties as nineteen or twenty killed and twenty-three wounded.[83] Included in this number were six of the armed civilian corps, whom Belich listed as having been killed after the town was evacuated. Yet, this figure of six civilians dead is difficult to substantiate, based on a lack of evidence of these civilian casualties. Perhaps the clearest evidence comes from George Clarke (Sr), Chief Protector of Aborigines, who while not present at the attack, noted soon after the event that when Philpotts had opened fire on the town in the evening and renewed the hostilities, Kawiti and his forces had killed four or five of the civilians on shore, something which reputedly angered Heke.[84] There remains a question mark over this allegation and there is little available material with which to compare the accuracy of these accounts. Pugsley cited the English casualties as two marines and four seamen from the *Hazard*, four privates from the 96th regiment, and two civilians.[85]

---

[77] George Clarke junior to Father, 21 March 1845, qMS -0469, p. 472
[78] George Clarke junior to Father, April 1845[n.d], qMS -0469, pp. 493-4
[79] Thomas Veitch, 'List of Casualties of HMS Hazard', in Philpotts to Governor, 11 March 1845, *GBPP*, 1845 (517-II), p. 558
[80] Barclay to Hulme, 15 March 1845, *GBPP*, 1845 (517-II), p. 562
[81] Cowan, vol.1, pp.30-1
[82] FitzRoy to Gipps, 20 March 1845, CO 209/ 33, facing p. 405
[83] Belich, p. 38
[84] George Clarke junior to Father, 19 March 1845, 'Clarke Letters 1843 – 59', Vol. 7, qMS-0469, p. 464
[85] Pugsley, p. 17

It is notable that all the serious casualties occurred at the start when the flagstaff was taken. During the remainder of the attack, there were no fatalities apart from the stockade explosion. Sub Protector Kemp noted that the British dead were delivered by Heke and Ngapuhi to Henry Williams for interment, complete with all their articles of value and weapons.[86]

3.12 Impact of the loss of Kororareka on Ngapuhi

The loss of the town had a significant and long-term impact on Ngapuhi and was something that they had not wanted. While there are accounts of some Ngapuhi individuals carrying away plunder from the town over the next couple of days, as the town burnt, it is important that these actions are not confused with a desire, on Ngapuhi part, to destroy the town. As the principal economic trading port in the north, Kororareka was worth a lot more to Ngapuhi intact, and they understood this very well. The destruction of Kororareka meant not just the loss of the settlers, but the loss of remaining trade and economic opportunity. After the destruction of the town, traders would avoid the north and the Bay of Islands, as they had done earlier, after the attack on the *Boyd*. And although already severely depressed, this ultimate loss of the principal port and economic potential was devastating to northern Maori. George Clarke recorded immediately after the attack that, 'the Natives are already beginning to feel the want of a Kororareka to which they can take their produce. Thus winter will try them most severely.'[87]

Greatly affected were Rewa, the Patukeha hapu and the Rawhiti people – the tangata whenua of Kororareka. Though not present during the attack, they suffered from the loss of the town and their pa. They had carefully sustained and protected Kororareka over a generation. However, after a request from British officials, they vacated the Bay, only to

---

[86] Kemp to G. Clarke, 13 March 1845, CO 209/34, p. 45

[87] George Clarke (Junior) to George Clarke (Senior), 19 March 1845 (?), 'Clarke Letters 1843 – 59', Vol. 7, qMS-0469, p. 463. Note, this is a second letter that appears to have been written on 19 March 1845 and different from the letter referred to on the previous page. Hence the date is included here with a questions mark.

return after the event to find the town destroyed. Whilst the English settlers were all embarked on ships and ferried to Auckland, where they were accommodated and some received poor relief and lands on which to re-settle,[88] no government assistance was offered to Maori similarly displaced and affected by the attack. Instead it was left to their kin in Whangaroa to take in the refugees from Kororareka and to provide them with land at Wainui near Whangaroa that might sustain them. This is one of the current grievances still held today by members of the Patukeha and Whangaroa hapu.[89]

3.13 Conclusions

Most of the recent histories of the attack on Kororareka, emphasise that the Ngapuhi attack was solely focused on the flagstaff and did not seek to attack the town, except as a diversion to allow for the destruction of the flagstaff.[90] This is the interpretation advanced in this report. Other European versions recounted that it had been Heke's principal goal to loot Kororareka and that the British force would have succeeded in thwarting their efforts had it not been for the explosion of the artillery battery caused by a careless European pipe-smoker. Yet, as Lieutenant George Bennett, an officer of the Royal Engineers, noted, the event was distorted in the official reports.[91]

There is strong evidence to suggest that the shock induced by the loss of control over the blockhouse and town, in European eyes, led directly to their evacuation of Kororareka. 'Heke was heard to say countless times, his target was the flagstaff, not the town - Kororareka was given up to them, and that had not the inhabitants deserted, it would not have been pillaged or burnt.'[92]

It appears, therefore, that the British officials made a voluntary decision to evacuate the town. In effect, the town was scuttled. More significantly, it was the British armed forces

---

[88] On 26 April 1845, the Executive Council passed a proclamation 'Declaring that all Pakeha rights of property and claims to land at Kororareka would be fully recognized.'
[89] Nga Papahapu o Whangaroa, pers comm.
[90] See for example, Binney, 1990, p. 81
[91] ibid., p. 118.
[92] Burrows, 'The War in the North 1845', MSS 948, p. 18.

who attacked the town of Kororareka itself, when they fired on the town with the naval guns and, in so doing, led directly to the town's destruction at the hands of incensed Ngapuhi.

Henry Williams was one of the central figures present at Kororareka on 11 March. He spent considerable time talking with Heke and other Ngapuhi. After the attack he wrote to FitzRoy, quoting statements from the chiefs that they had not sought to attack the town of Kororareka. Williams stated to the governor: 'I use their own words for they say they did not fight for it [the town]. The British also fled before them, and the Town was given into their hands, for they did not take it. Nor did they contemplate such a termination to the day'.[93]

The destruction of Kororareka represented a significant loss to all concerned. It was a major economic loss to Ngapuhi. It was also a symbolic loss of authority to the British. Ironically, it was the British military who were largely responsible for the destruction of Kororareka, yet the loss was used by the colonial government subsequently to justify a full-scale military campaign against Ngapuhi.

[93] Henry Williams to Governor, 20 March 1845, CN/M, 15, pp.226-7

SECTION TWO: THE NORTHERN WAR (APRIL 1845 – JANUARY 1846)

CHAPTER FOUR: PUKETUTU

4.1 Introduction

Following the destruction of Kororareka township, the colonial government ordered a military offensive against Heke, Kawiti and their Ngapuhi supporters. British soldiers were quickly shipped to the Bay of Islands and they were deployed in two attacks against Ngapuhi. The first was an attack on Pomare at his pa, Otuihu, in the southern coastal Bay of Islands. This was followed by a second and more sustained inland campaign against Hone Heke at Puketutu on the northern side of Lake Omapere. This chapter examines the government's decision to order a punitive attack and details the events. Accompanying the use of force, FitzRoy implemented legal measures that were designed to render legal the use of military means.

4.2 Governor requests military assistance

The governor and the colonial government reacted to the destruction of Kororareka by ordering a large military force and planning for a possible military action in the north. The first action of the governor after learning of Kororareka was to request immediate military assistance from both England and the neighbouring colonies.[1] The governor had already sent a string of earlier requests for military assistance from late 1844 through to February 1845. Gipps and the New South Wales Executive had promised him reinforcements from the 58th Regiment but these troops were not sent to New Zealand until after the attack on Kororareka. FitzRoy knew his reinforcements had already been granted and yet after the March attack he continued to ask for more troops and firepower.

FitzRoy, by then anxious of mind, also wrote to the governor of Van Diemen's Land (Tasmania) and the naval commanders in the Indian and Pacific oceans requesting

[1] FitzRoy to Gipps, 20 March 1845, CO 209/33, pp. 406-7. Only the extracts of this letter appear to have been published in *GBPP*, 1845 (517-II), p. 555

immediate military assistance.[2] He declared that the consequence of failing to send further forces would lead to the extinction of local government and the abandonment of the colony.[3] FitzRoy specified that he required at least two army regiments of the line, supported by several naval vessels of war.[4] It is clear from such requests that he anticipated a large-scale military presence and action in New Zealand.

Government decisions and policy towards Ngapuhi seem driven, at least initially, by a fear of further attacks from Ngapuhi coupled with an intention to mete out punishment against Heke and Kawiti. Many Pakeha residents believed that Auckland was to be attacked next, failing to comprehend that Heke had only sought to attack the flagstaff. This fear had been fuelled by the arrival in Auckland of a large number of distressed refugees from the north, spreading stories and speculation. It was widely expected that Auckland was Heke's next, and many believed, main target.[5] The government's priorities immediately focused on protecting Auckland. However, once Te Wherowhero and other chiefs offered their protection to Auckland against any possible raid from Ngapuhi, and, importantly, with the arrival of the new troops in town, the government's priorities shifted towards punishing Ngapuhi.

While waiting for the military reinforcements to arrive, the colonial government passed an ordinance which established an armed civilian militia. This drastic measure was something FitzRoy himself had previously opposed. Some concerned residents of Auckland prepared a memorial opposing the Militia Ordinance. They expressed their opposition to the idea of the compulsory membership of the militia envisaged by the Ordinance, they also expressed that it was 'quite unnecessary', due to various factors such as the arrival of troops, and the support offered by Nene and others.[6] Despite this opposition, the Legislative Council passed the ordinance on 25 March 1845 providing for

---

[2] See, FitzRoy to Sir Thomas Cochrane, 22 March 1845, CO 209/33, pp. 459-60
[3] FitzRoy to Gipps, 20 March 1845, CO 209/33, p. 407
[4] ibid., p. 407
[5] 'It was Heke's intention, in the event of all the troops leaving, to make feigned attacks on Russell, while his main body attacked government House in Auckland.' FitzRoy to Stanley, 25 March 1845, G 30/7, p. 412.
[6] 'Memorial to His Excellency Captain FitzRoy', 25 March 1845, Enclosure in FitzRoy to Stanley, 19 May 1845, *GBPP*, 1845 (131), p. 189

the formation of civilian militia forces in each town of a population larger than 1000 people.[7]

4.3 Political divisions within Ngapuhi

The destruction of Kororareka in March 1845 also led to the widening of the internal divisions within Ngapuhi. As with the earlier attacks on the flagstaff, different political groups within Ngapuhi moved quickly to control Heke and to reassure the British authorities that Heke was under control. Chiefs organised themselves politically to either support Heke and Kawiti, oppose them, or to remain neutral (kupapa). Ngapuhi internal politics exerted an increasingly important influence on the direction of the Northern War.

Many Ngapuhi chiefs chose to oppose Kawiti and Heke. They acted in this way for a series of reasons. Principal among which, and as alluded to already, the chiefs saw that Heke's action in cutting down the flagstaff contravened the tapu surrounding Te Tiriti.[8] Another key reason they acted in opposition to Heke and Kawiti was to retain the status quo and peace in the north, which they saw threatened by Heke's actions and more directly by the arrival of British soldiers. By acting to fore-shorten Heke's actions, they sought to avoid the dangerous and destructive consequences of possible war. The leading chiefs that sought to control Heke from the outset were: Patuone, Makoare Te Taonui, Waka Nene, Mohi Tawhai, Arama Karaka Pi among others. It is incorrect to refer to them as 'loyalists' to the Crown, as some government officials labelled them at the time.

Many agreed with Heke and Kawiti that the Crown, however they differed over how this matter should be taken forward and they disagreed with the actions adopted by Heke and Kawiti to raise the issue of the Crown's broken promises using forceful means.

The majority of Ngapuhi felt that the Crown and the governor had contravened Te Tiriti. The consequences of the 'contraventions' were serious for Ngapuhi. Evidence of their

---

[7] Militia Ordinance, *GBPP*, 1845 (661), p. 592
[8] Rima Edwards, pers. corresp., 9 June 2006

widely-felt nature can be seen in the speeches and letters of different chiefs to the governor since 1840. But while Ngapuhi genuinely supported the issue (*take*), they did not condone the cutting down the flagstaff and the show of force staged by Heke and Kawiti. These 'protests' were rejected by other chiefs, such as Patuone and Te Taonui, as they felt the actions breached the tapu of Te Tiriti and the marks of all the chiefs that rested upon the document. The opponents of Heke also reacted to what they saw as the danger of resorting to fighting against the British Imperial Army. Te Taonui, Patuone and others continued to believe that the best option for Ngapuhi was to continue to discuss and negotiate with the Crown about the breaches of Te Tiriti. The following famous passage, spoken by Te Taonui to Heke, is remembered among Ngapuhi:

> E whakaae ana ahau i takahia to tatou tapu e te Pakeha, Engari kaua e patua te pakeha. Me korero e tatou, kia puta.
>
> I agree that the Pakeha has trampled on the treaty however do not kill the Pakeha. Let us dialogue as a way out.[9]

The evacuation and destruction of Kororareka marked a new stage and deepening of the tensions between Ngapuhi chiefs. A line had been crossed and what had begun as a disagreement between chiefs over the method of protest, had become a much more serious conflict involving mana and utu. As discussed in the previous chapter, the loss of the port of Kororareka was crippling for Ngapuhi. It appears Heke and Kawiti were saddled with the blame for the destruction of the township, by other Ngapuhi as much as by the British. The destruction of the settlement also had made armed intervention by the British soldiers much more likely. Whereas Ngapuhi might have previously been able to maintain dialogue with the Crown, in the wake of Kororareka, they had to struggle to avoid being attacked. Under tikanga, such consequences demanded utu. Rewa, the chief of Kororareka, had more right to demand utu than most and we see his desire to pursue utu in his attack alongside the Crown on Waikare Maori, later in May 1845.

---

[9] The whakatauaki and the accompanying translation were provided by Rima Edwards, pers. corresp., 9 June 2006

From the Crown's point of view, with an insufficient military force, the division between Heke and Nene was crucial, and the government sought to exploit this division as much as possible for its own protection. An example of the Crown acting to secure Nene's adherence (and opposition to Heke), was the letter sent by Captain Johnson on 15 April 1845, thanking Nene for his support and promising that the governor would send him gifts:

> E taku hoa e Te Waka ma
> Tenei a hau kua a nei i Akerana [sic] i taku Manuwa ki te wakarongo korero a e hari ana a hau kia rongo ki ta koutou toa mo to Kuini mo nga Pakeha.
> Ka hoki a hau ki Akerana a ka korerotia atu e ahau ki te Kawana to kautau [sic] mahi toa a maku e mea atu ki a ia kia tukua tukua mai he mea mo koutou.
> Na ta koutou Hoa
> Na, George Johnson
>
> Friend Waka
> I arrived from Auckland in a Ship of War to leave the news, and I am glad to hear that you stand bravely for the Queen and Europeans. I return to Auckland and shall acquaint the governor of your proceedings and will request him to send you some things.[10]

Both Clarke and Clendon, the Crown agents in the Bay of Islands in April, advised the governor of the value of sending goods, especially tobacco, to Nene and his supporters.[11] It is difficult in this context to label the Crown policy 'divide and conquer', however, the Crown certainly benefited from the division among Ngapuhi. It also did nothing to assist the peaceful rapprochement between Heke and Nene, and continued to pay retainers and gifts to Nene and his forces throughout the conflict, something which caused considerable

---

[10] Captain Johnson to Tamati Waka Nene, Aperira 15th 1845, HM Ship *Hazard*, in Clendon, 'Journal', 'Section B', MS 476, p.54
[11] Clendon to FitzRoy, 15 April 1845, Clendon Journal, 'Section C', p.1

resentment and anger with Heke and added to the division between Heke and Nene. Henry Williams noted to William Cotton that, 'many of the natives are becoming very angry at the report of a supply of powder &c &c &c to Waka'.[12]

The Colonial Secretary advised the replacement Police Magistrate in Bay of Islands, John Reddy Clendon, that the governor would recompense all chiefs who supported the Crown with gifts: 'I am desired to inform you that it is the intention of H EX The Governor to make Presents to all the Loyal chiefs who have taken part or may take part in putting down disturbances – as soon as the affair is ended by the suppression of the Rebellion.'[13] On 5 May, just prior to that attack on Heke's pa, the Colonial Secretary advised Colonel Hulme that the following provisions had been supplied for Tamati Waka Nene: 'For the Chief Walker: (100) One hundred blankets, (3000) Three thousand percussion caps, (1) One bag of Flints'.[14]

There was another aspect to the growing political division between Heke and Nene. Nene and several other rangatira perceived Heke's actions, and in particular his raising of a large group of armed young men, as a potential threat to their mana whenua and mana tangata. There was, it seems, a residual fear that Heke sought to follow in the footsteps of his uncle Hongi Hika and raise a large force through which he might become a paramount power in Ngapuhi. Many Ngapuhi chiefs, and their neighbours Te Rarawa, sought to oppose what they maybe saw as the return to the centralization of rangatiratanga in a single chief, such as had occurred briefly with Hongi, and for that reason they also fought for their independent chiefly authority.

So it was that, when Heke turned inland, he found Nene and groups of Ngapuhi preparing to oppose him with force. When Rewa and Rawhiti Maori returned to visit Kororareka, it was reported that they immediately cut down the flagstaff that Heke had raised on Maiki

---

[12] Williams to Cotton, 21 April 1845, 'Henry Williams Correspondence and Papers', Algar Williams Collection, MS 91/75, box 3, folder 76, Item 527, AML
[13] Colonial Secretary to J.R. Clendon, 19 May 1845, 45/127, IA 4/2, p. 320
[14] Colonial Secretary to Hulme, 5 May 1845, 45/ 114, IA 4/2, p. 313

Hill 'and declared war against him' [Heke].[15] On 21 March 1845, George Clarke junior, still in the north and gathering intelligence for the government, heard that Nene was busy raising a force in order to attack Kawiti 'and perhaps Heke'.[16] Tamati Pukututu of Ngare Hauata (and kin of Kawiti) had taken up a military position against Kawiti and Ngati Hine. He camped at Paihia and proposed to defend the missionary settlement against possible attack. A similar group of would-be defenders had also established themselves near Waimate under Wiremu Hau, Repa and Nene. Arama Karaka Pi arrived at Waimate on 19 March with a large group of followers.[17] Having already lost the principal European settlement, the defenders made a pubic display to reassure settlers that no further Pakeha settlements would be destroyed.

The groups under Nene and Repa immediately sought to oppose Heke and his supporters. The basis of their determination appears to have been a determination to resolve the escalating conflict as quickly as possible and before the arrival of the soldiers. They also sought to honour the pledge to the governor given at Waimate in September 1844. As the division within Ngapuhi reached the point at which armed conflict was inevitable, other, older take (connected to much earlier battles) began to re-emerge. Nene declared that he had been insulted by Kawiti and that his mokopuna had been killed.[18] What had begun with a difference over the flagstaff had spiralled into the realm of chiefly politics and mana.

Heke had much earlier erected a 'morea' [sic] or 'swinging pole' named "Pakeke" located on the rising ground near Te Waimate.[19] Henry Williams' son Edward referred to the pole as one of 'Heke's boundary markers'.[20] Soon after the felling of the flagstaff at Kororareka, when Repa and Nene moved into the Waimate area on 19 March, Repa went out and cut down Heke's pole, using it as firewood to cook food and thus denigrating its

---

[15] George Clarke junior to Father, 21 March 1845, qMS -0469, pp. 462 & 473
[16] George Clarke to Father, 19 March 1845 (?), qMS -0469, p. 465
[17] Burrows, MS-Papers-0948, p. 19
[18] George Clarke junior to Father, 21 March 1845, qMS -0469, p. 471
[19] ibid., p. 469
[20] E Williams to H Williams, 19 March 1845, HL 53/63, cited in Ormond Wilson, p. 271

tapu.[21] This was a challenge and insult to Heke's mana. Next, a large party of Nene's men went to 'Te Ahu' where they burnt a kainga of Tahuahi, one of Heke's principal supporters.[22] It was there that armed skirmishing began between the groups supporting Heke and Nene, though no one was apparently injured.

Both Heke and Nene's forces began to gather supporters in anticipation of conflict. George Clarke junior, based at Waimate, reported that in late March the rangatira Ruhe, Papahia, Tareha's son and Mohi Tawhai all joined to support Nene in opposition to Heke.[23] The hapu at Kaikohe were divided about whether to support Heke or Nene. Heke received support from a group of approximately 130 people under Ururoa from Whangaroa at Haruru two days after the Kororareka attack.[24] Many of the Whangaroa people who joined Heke were relatives of Hariata Rongo (Heke's wife and daughter of Hongi Hika).[25] Yet, it appears that their motives for joining Heke at this point were to fight with Waka Nene, rather than to oppose the British.

Still, despite the divisions supporting Heke and Nene, the majority of Ngapuhi remained neutral or kupapa,[26] and they remained neutral throughout the Northern War. That is, they chose not to fight. By taking such a stance it is likely they sought their own path to retain the status quo and their rangatiratanga Respected leaders such as Paratene Kekeao (Te Uri Taniwha) and Pomare II had long acted as peacemakers, or whakarite in disputes, and their decision to abstain from the Northern War was part of that role. It should be noted that some of the chiefs that began in support of or opposition to Heke in the internal Ngapuhi conflict later adopted neutrality when the British army became involved. These included: Ruhe, Rewa, and Paratene Kekeao. Ruhe and Kekeao made consistent attempts as peacemakers later in 1845 to dampen conflict. Following FitzRoy's proclamation of 26

---

[21] George Clarke to Father, 21 March 1845, qMS -0469, p. 470
[22] ibid. p. 470
[23] George Clarke to Father, 21 March 1845, qMS -0469, p. 474
[24] George Clarke to Father, 19 March 1845, qMS -0469, p. 461
[25] Robert Burrows, *Extracts from a Diary Kept by the Reverend Robert Burrows During Heke's War in the North, in 1845*, Auckland, 1886, p. 19
[26] During the 1860s wars further south, the term 'kupapa' acquired a meaning of a 'turn-coat' or Maori who fought for the Crown, but in the north in the 1840s, a kupapa was 'one who is sitting still taking no part with either side'. Robert Burrows, *Extracts from a Diary*, 1886, p. 24

April (discussed below), many neutral chiefs shifted to congregate around Te Waimate, the site of the inland Bay of Islands' CMS mission station.

Other northern Maori groups and rangatira were anxious to reassure the governor they were not involved in the attack on Kororareka. Te Tirarau of Te Parawhau wrote to the governor stating that the reports that Wairoa Maori were involved in the attack on Kororareka had been incorrect.[27] Tirarau's group (and those under Paikea and Parore), situated on the Wairoa River, explained to the governor that they would not follow Heke and wished to remain neutral. For this reason Te Tirarau asked the governor to send him a flag or colour 'kara' as a symbol for his kainga. His principal concern was that 'our Europeans' 'o matou Pakiha' would depart and this he wished to prevent at all costs.

> E kore matou e pai kia mahue matou i o matou pakiha [sic] otira, kia noho pai ratou, kahore ano hoki i poka te tahi kino i tenei kainga i enei ra, E, ka mate o matou pakiha [sic], ka mate ngatahi ano me matou katoa.[28]
>
> We are not willing that our Europeans should leave us, but that they dwell safely, No bad thing has taken place here in these days. If our Europeans die, they will die together with all of us.[29]

Meanwhile Heke had written his own letter to some of the groups allied with his cause, notably those in the southern Bay of Islands. He reminded them that their sole focus of hostility were the soldiers: 'let our thoughts be one to the soldiers only – who are enemies to our power, to our authority over the land, also to our authority over our people'.[30] ('…kia kotahi whakaaro ki te hoia ana ake ka tika he hoa wawai ia ki to tatou Mana ki te

---

[27] Te Tirarau ki Te Kawana, 2 Aperira 1845; Te Tirarau to Governor, 2 April 1845, 'Wesleyan Missionary Society Letters', MS 2624, folder 8, ATL
[28] Te Tirarau ki Te Kawana, 2 Aperira 1845, 'Wesleyan Missionary Society Letters', MS 2624, folder 8
[29] Translation of Te Tirarau to Governor, 2 April 1845, 'Wesleyan Missionary Society Letters', MS 2624, folder 8. It is assumed, though not stated, that the translation was made by James Buller, the Wesleyan Missionary at Te Wairoa.
[30] Hone Wiremu Pokai to chiefs (undated) in Bishop Pompallier to Colonial Secretary, 4 April 1845, CO 209/34, facing p.72

mana hoki o te Whenua me to Mana hoki o nga tangata.')[31] The message, which was issued as 'he ture' or a law, instructed groups to respect all other Europeans and Americans, whom he referred to as 'our loving friends' ('o tatou hoa aroha') and to desist from burning houses at Kororareka.[32]

4.4 The British Army Arrives

New detachments of the 58th regiment arrived in New Zealand on 22 April 1845. The arrival of the British soldiers heralded the change in the governor's policy towards Ngapuhi. FitzRoy immediately ordered a punitive campaign against Ngapuhi in the Bay of Islands. On 22 March 1845, a second ship of war, HMS *North Star*, commanded by Captain Sir Everard Home, arrived in Auckland to join HMS *Hazard*. On board the *North Star* was the first contingent of British soldiers from Sydney – 162 members of the 58th Regiment. Two days later another 55 officers and men arrived on board the schooner *Velocity*. The final complement of the 58th Regiment arrived on 22 April on board *Slain's Castle*. The total number of soldiers of the newly arrived 58th regiment amounted to 215 soldiers and officers.[33] Some were sent to Wellington, while others remained in Auckland for the protection of the town. By late April, the force gathered for the purpose of attacking Heke and Kawiti numbered about 400.[34]

The Colonial government does not appear to have considered any form of negotiation, or even discussion or meeting, with Heke or Ngapuhi. This would have been difficult to arrange, as all government officials had fled the north in the wake of the Kororareka attack. It also meant that until the Sub Protector of Aborigines, George Clarke junior, was asked to travel to the Bay of Islands to gather intelligence for the government, the government was without current information about Heke and his intentions. The absence of any government attempts to resolve the mounting conflict with Heke and Kawiti remains striking.

---

[31] ibid., facing p. 69
[32] ibid.
[33] Belich, p. 41
[34] Wards, p. 134

The Crown Colony government were smarting from the loss of Kororareka. The loss of the town, in British eyes, represented a loss of authority and a defeat. FitzRoy immediately embarked upon punitive measures to restore what he saw as lost prestige. His early instructions to the military commanders bear this out. He ordered a war against Ngapuhi and began making military preparations for an attack. The governor and the Legislative Council, at the same time, instituted a series of legal measures that strengthened the Crown position and impacted negatively on Ngapuhi and other northern groups.

4.5 New Laws passed

Through April the government instituted a series of legal mechanisms that tightened the screws on Ngapuhi and demonstrated the shift in government approach towards Ngapuhi. The first measure was the re-institution of customs charges.[35] Though arguably, with the destruction of Kororareka, this measure had little additional impact on Ngapuhi, it represented a significant back-pedalling on the part of the Crown. It also represented the abandonment of the one of the key promises delivered at the Waimate conference in September 1844. The other legal measures directly targetted Ngapuhi and laid a legislative framework for the military invasion of Ngapuhi territory.

The following list of proclamations relating to Ngapuhi and the north were announced by the Colonial government between April and June 1845:

- 17 April 1845: Naval blockade of Bay of Islands
- 26 April 1845: Declaration of martial law throughout the Bay of Islands.
- 26 April 1845: Declaring that all Pakeha rights of property and claims to land in Kororareka would be recognised.
- 26 April 1845: Calling on the 'loyal natives' to gather round the British flag.

[35] 'An ordinance to repeal an ordinance for imposing a rate upon property and for repealing the customs ordinance', 8 April 1845, 'Government Bluebook', 1845, IA 12/7, p. 57

- 19 May 1845: Extension of the naval blockade to the north and south of the Bay of Islands
- 2 June 1845: Further extension of the blockade to the north

4.6 Naval Blockade of the Bay of Islands

On 17 April 1845, the colonial government invoked a military blockade on all shipping into the Bay of Islands.[36] The naval ships *North Star* and *Hazard*, were ordered to enforce a complete economic blockade of all shipping around the Bay of Islands. That is, they were to prevent all ships from landing in the Bay of Islands. The aim of the blockade was to deprive Ngapuhi of stores, supplies and trade and therefore bring about a capitulation of Ngapuhi resistance.

The proclamation stated: 'that no Merchant vessel will be allowed to remain in, or have any intercourse with the Bay of Islands during the continuance of such blockade.' It further explained that such measures were necessary 'in order to prevent intercourse with the Natives who are in arms against Her Majesty-and, as a measure of precaution for the safety of vessels which might be surprised.'[37] The proclamation was printed in a *Government Gazette Extraordinary*, dated 17 April 1845. The proclamation, in contrast with other proclamations issued at about the same time, does not appear to have been published in Maori. Neither was it included in the *Karere o Nui Tireni*. Copies of the English language text, however, were distributed to the government offices. The following day, 18 April 1845, the *Hazard* sailed from Auckland to the Bay of Islands to begin enforcing the blockade.[38]

The area encompassed by the initial blockade was referred to as 'the Bay of Islands'. FitzRoy, however, made the decision to subsequently extend the blockaded area two further times. On 19 May 1845, the governor enlarged the blockade to cover the 'whole

[36] *New Zealand Government Gazette Extraordinary*, 17 April 1845, Vol. 5, No. 8, IA 2/2, ANZW
[37] ibid.
[38] J W Hamilton, 18 April 1845, 'Journal', MS 2302, ATL

line of Coast from Wangarei to Wangaroa'. [39] This was then further amended on 3 June 1845 to cover the sea area north of Whangaroa right up to Mongonui and Doubtless Bay.[40] By June, the blockade covered a large swathe of northland's eastern coastline and affected a number of iwi and hapu, from Ngati Wai in the south to Muriwhenua groups in the north.

This had long been contemplated and there are numerous references to a blockade being implemented in earlier government correspondence.[41] George Clarke junior had earlier referred to the likely imposition of an economic blockade and commented on the probable impact on Ngapuhi, and also on the necessity of writing to Nene and his allies to explain the measure to them.[42] FitzRoy adopted this advice and printed a circular letter dated 9 April. He expressed his good wishes to the chiefs and regret at the shortages of certain products (clothing and medicine), the result of the destruction of Kororareka. The letter also conveyed an offer of 'protection' (?) during the planned blockade of Bay of Islands.[43] This letter followed on from a circular letter FitzRoy had sent to Patuone, Nene and Te Taonui a fortnight earlier. This earlier letter expressed the governor's appreciation of their 'loyalty' and reassured them that they would be protected by the soldiers.[44]

Clarke remained aware of the economic suffering of Ngapuhi. He wrote to the governor several times describing the impact of the loss of Kororareka and the effect of the blockade. In a later letter, he advised the governor that it was possible to capitalise the economic difficulties being felt by Ngapuhi in order to shore up their support for him: 'it is now in the power of the government if they are careful to make these friendly natives really attached to them and the contrast of their state (should the government allow them

---

[39] *New Zealand Government Gazette Extraordinary*, 19 May 1845, Vol. 5, No. 11, IA 2/2, ANZW
[40] *New Zealand Government Gazette Extraordinary*, 3 June 1845, Vol. 5, No. 13, IA 2/2, ANZW
[41] Refer to Chapter 2 and 3. See for example, FitzRoy to Sinclair, 8 January 1845, MS 1947, ATL; FitzRoy to Beckham, 15 January 1845, *GBPP*, 1845 (517-II), p. 547; FitzRoy to Beckham, 22 February 1845, GBPP, 1845 (517-II), p. 551; Hulme to H. Williams, 31 March 1845, published in Carleton, II, p.102.
[42] George Clarke to Father, 4 April 1845, qMS 0469, p. 487
[43] Governor FitzRoy, Printed Letter, 9 April 1845, cited in Parkinson & Griffith, p. 148
[44] Governor FitzRoy, Printed Letter, 24 March 1845, cited in Parkinson & Griffith, p. 148

supplies) with that of Heke's party would do wonders.'[45] Clarke recommended that the governor send ammunition and tobacco to the 'friendly chiefs'.

4.7 Martial Law

On 26 April 1845, one week after the naval blockade was imposed, FitzRoy declared martial law. Martial law was applied to an area of 60 miles around Kororareka. It was imposed on Ngapuhi only. Even then, the area of martial law touched only the Bay of Islands and the eastern coast of northland. It seems likely to have been carefully calculated to avoid the west coast and the majority of Hokianga groups.[46] The declaration stated the following:

> Whereas certain disaffected Natives in the Northern District of the Colony have taken up Arms, and are now in Rebellion against the Queen's Sovereign authority, and for the suppression of such Rebellion active Military operations are about to be immediately undertaken by Her Majesty's Forces. Now, I, the governor, do hereby proclaim and declare, that MARTIAL LAW will be exercised throughout that part of the said District which lies around the Bay of Islands (including the said Bay), and within a circle of sixty miles in any direction from Russell, in the Bay of Islands ---- from this twenty-sixth day of April, 1845, until the said District shall be relieved from the jurisdiction of Martial Law by public Proclamation.[47]

The government, in response to the loss of Kororareka relinquished the normal administration of justice and replaced it with martial or military law. This effectively transferred all authority and responsibility across to the military authorities. Legal questions about the applicability and extent of martial law are beyond the expertise of the

---

[45] Clarke to Father, April 1845 (no specific date is given), qMS 0469, p. 493
[46] When the boundaries of the blockade were subsequently extended after the battle at Puketutu, to include all the coastline between Whangarei and Whangaroa, the Hokianga was kept free from martial law.
[47] Proclamation, 26 April 1845, *New Zealand Government Gazette*, Vol. 5, No. 11; Copy in WO 1/433, p. 256, micro-z-338, ANZW

author. Still, it is relevant to include that one nineteenth-century definition of martial law stated that, rather than based on a 'settled principle', martial law was 'entirely arbitrary, and, in truth, no law'.[48] The imposition of martial law had not been used in New Zealand before. It was to remain in force for the duration of the Northern War and was not removed until 28 January 1846.

There are few references or opinions about the implementation of martial law in April or May 1845. There are no minutes from the Executive Council or Legislative Council discussing the measure. It is also difficult to locate the views of the Colonial Office on martial law, as it appears that FitzRoy may have delayed sending through the proclamations, as he did with other proclamations. There is evidence that FitzRoy sought a legal opinion from the Attorney General on martial law, which he later communicated to Colonel Despard:

> Martial Law - The law of War, and such as is administered in Courts Martial. It consists of no settled code, but of the will and pleasure of the Crown; and, according to Sir Mathew Hale, is something rather tolerated than established."[49]

Despard had had concerns about the application of martial law, concerns which the governor sought to assuage by stating that 'the Attorney General has consulted with the Chief Justice on this subject - not only now - but frequently.[50]

The imposition of martial law signified two things: First: it demonstrated a decision by the colonial government to use military force against Ngapuhi. Second, the logic behind the decision to apply martial law was based on an understanding of only the English text of the Treaty; the Maori text was disregarded.

---

[48] Benjamin Vincent, *Haydyn's Dictionary of Dates*, 13th edition, London, 1868, p. 486
[49] FitzRoy to Despard, 9 September 1845, 'Letterbook of Governor FitzRoy 30 August - 11 November 1845', NZMSS 227, vol. 1, p. 4, ACL
[50] ibid.

The declaration invoking martial law referred to the fact that 'certain disaffected Natives in the Northern District of the Colony have taken up Arms, and are now in Rebellion against the Queen's Sovereign Authority.' Hone Heke, Kawiti and others were declared as 'rebels' for the fact that they sought to oppose the sovereign authority of the Queen. Such a view was based entirely on the English text of the Treaty, which referred in the preamble to the Queen's 'sovereign authority' and, in article one, ceded to Queen Victoria 'all the rights and powers of sovereignty'. Te Tiriti, the text signed by all Ngapuhi leaders, was disregarded by the colonial government. Nowhere was there a mention of te tino rangatiratanga (the chiefly authority) that, under the texts of the Treaty, stood in its own right protected by the Queen. Martial law came about as a result of a denial of Ngapuhi authority and rights as guaranteed under the Maori text of the Treaty. The queen's protection had been removed. The declaration of martial law then further branded them as 'rebels' – a stigma that has been attached to sections of Ngapuhi and Ngati Hine since that time.

The proclamation of 26 April 1845 justified military operations in order to suppress the 'rebellion'. The British believed they held sovereign authority, and perceived Maori resistance to their sole or supreme authority to be 'rebellion'; they sought to crush the rebellion using military force. This was the awful logic that lay behind the subsequent British military invasion of Ngapuhi territory. Finally, the imposition of martial law sent an unequivocal message to Ngapuhi that the British authorities would act with military force, rather than seek a negotiated peaceful outcome. The proclamation of martial law was does not appear to have been translated into Maori.

Two other related proclamations were also issued on 26 April 1845. The first, issued in Maori and English, warned all Maori of 'Tokerau' and 'Pewairangi', who wished to retain 'peace, commerce and friendship with Europeans; - and the maintenance of the Queen's just authority', to separate themselves from their relations who opposed the Queen. The proclamation instructed such groups to 'gather round their own chiefs – under the British Flag - either at their own places: - or round the Mission Stations, which

will be secure places of refuge.'[51] The proclamation further informed Maori that all the property taken from Kororareka must be handed over to people authorised by the governor. It also warned that, during 'the continuance of war', no Maori could approach the ships or soldiers' camps without being accompanied by a protector or missionary.

The third and final proclamation gave formal assurances that all rights of property and claims to land would be fully recognised and respected as they had existed prior to 11 March.[52] Though it was not spelt out, the proclamation applied to all Europeans of non-British nationality, principally the French and Americans, who were threatened with the dispossession of their rights to land and property. The proclamation does not appear to have applied to Maori in the north. It was not translated into Maori.

All proclamations were read aloud when the troops arrived in the Bay of Islands and re-erected the flagstaff. They were printed in the *New Zealand Government Gazette* 3 May 1845.[53]

4.8 Fighting between Heke and Nene, April 1845

It is important to recognise that within the broader conflict known as the Northern War, there were two separate, though connected, conflicts. The principal conflict was of course fought between Ngapuhi and the Crown: however, there was a second internal conflict fought within Ngapuhi and principally, between Heke and Nene. While this report is focused on the Crown-Maori conflict, it is also necessary to relate some of the details of the internal politics within Ngapuhi and the conflict between Heke, Nene and others, as this internal Ngapuhi struggle exerted a considerable influence on the conflict with the Crown.

---

[51] Proclamation, 26 April 1845, IA 2/2
[52] Proclamation, 26 April 1845, IA 2/2
[53] *New Zealand Government Gazette*, 2 May 1845, Vol. V, No. 9, pp.1-2

Through late March and April 1845, both Hone Heke Pokai and Tamati Waka Nene gathered supporters in anticipation of an armed clash with one another. Nene of Ngati Hao and Makoare Te Taonui of Te Popoto were joined by Mohi Tawhai and Arama Karaka Pi of Te Mahurehure, and three separate pa were built on the western margins of Lake Omapere to oppose Heke's return inland.

Heke's supporters meanwhile, constructed pa along the northern reaches of Lake Omapere, (the area commonly referred to as Mawe or Mawhe) and in relative proximity to Nene's pa. Heke's group under the invitation of chief Hira Te Pure had initially shifted back to Te Ahuahu, where, according to the missionary Robert Burrows, they had erected a lightly defended pa on the volcanic hill. However, once news was received that the soldiers were being sent north, a new pa (Te Kahika) was commenced on the flat nearer to Nene's position. It was from these positions close by each other that a series of armed skirmishes were fought between the supporters of Heke and Nene.

There was an attempt at peacemaking between the factions under Heke and Nene on Easter Sunday 1845, Hariata Rongo, the high ranking wahine rangatira, daughter of Hongi Hika and wife of Hone Heke, arrived at Waimate on 23 March to meet with Nene.[54] Reverend Robert Burrows reported that Nene expressed his opposition to making peace with Heke.[55] However, as a result of the korero, Heke and his party moved to Waimate to meet with Nene on or about 31 March. Clarke reported that the two groups met and parted quietly, although it was apparent that peace had not been cemented.[56]

Armed fights between the followers of Heke and Nene began immediately afterwards and continued to be fought across the Omapere landscape throughout the month of April 1845 until the arrival of the troops. It should be noted that no government troops or officials

---

[54] George Clarke to Father, 21 March 1845, qMS -0469 p. 475. Although dated 21 March, the letter covers events up until 25 March 1845 and including Easter.
[55] Burrows, *Extracts*, p. 16
[56] George Clarke to Father, 31 March 1845, qMS -0469, p. 478. It appears from Clarke's notes that Ururoa was present with Heke at this stage and sought to act as a peacemaker as well.

were involved in the skirmishes, although a few 'Pakeha-Maori', such as Frederick Maning, Jackie Marmon, and John Webster did participate.

A detailed discussion of these internal Ngapuhi skirmishes is beyond the scope of the present report. However, it is important to point out some of the salient features of the skirmishes conducted by Heke and Nene so that they are not confused with the battles between the Crown and Heke. Firstly, the internal skirmishes were conducted strictly according to Ngapuhi rules of encounter. The fact that the members of both sides were closely related by kinship appears to have exerted a major influence on how the skirmishes were fought. According to some of the few European witnesses present, they were more like 'staged fights': often thousands of shots were fired, with only a very a few casualties on either side and seldom any fatalities. They were designed as competitive, but not destructive, shows of force. These internal fights, therefore, were markedly different from the later fighting conducted between Maori and Crown. Indeed when the troops arrived, the internal skirmishes ceased and did not recommence until after the departure of the troops.

After the destruction of Kororareka, Nene's attitudes and determination to oppose Heke appears to have hardened. Nene spoke with different Pakeha officials and observers during March and April, prior to the arrival of the troops. At a hui of Hokianga and Waimate groups on 19 March 1845, witnessed by Burrows, Nene reported that he had chosen to oppose Heke in order to adhere to his word given to the governor. He also claimed that if left unopposed, Heke would 'tyrannize over those who have fed and nourished him and we shall have no peace.'[57]

Unlike previous attempts, where Nene had sought non-violent means to contain Heke and avoid the intervention of the British soldiers, after the attack on Kororareka and the armed engagement between Heke and the soldiers, Nene had no such qualms. It appears that, with the soldiers present in New Zealand, Nene and the other (mostly Hokianga) chiefs had taken the decision to attack Heke, and to work with the governor and the

[57] Burrows, MS-Papers-0948, p. 20

soldiers to ensure Heke's capture as quickly as possible. The military presence in the Bay could not be prevented, but it could be minimized by working to capture Heke as soon as possible, and this was probably the strategy Nene adopted.

Later in April, Nene, knowing he was speaking to the government officials, laid out in some detail his support for the government. He stated that he would not make peace with Heke until Heke had first made peace with the Crown.[58] Nene also advised Clarke that he would 'keep Heke employed' until the soldiers arrived, for which purpose he requested ammunition. Nene explained that, whereas earlier he was not prepared to fight with his own relations, after the destruction of Kororareka and the arrival of the soldiers, it was different.[59] And perhaps mindful of the consequences if he himself acted to depose Heke, Nene instructed Clarke that it was the job of the soldiers to 'crush Heke'.[60]

Finally, it is important to recognise there was also a traditional dimension to the fighting between Heke and Nene. Rewa, the rangatira formerly based at Kororareka and earlier opposed to Heke, sent a group of people from his new home in Whangaroa to support Heke's forces against Waka Nene in the internal skirmishes. Rewa explained to missionary Robert Burrows that his sympathies were with Heke, 'because he believed Waka had not taken up the quarrel on account of the government, but to revenge a grudge he had against Heke.'[61] The Whangaroa group, according to Burrows, in fact fought on both sides, but as soon as they learnt the British troops were coming, they departed back to Whangaroa as they considered themselves neutral and had had nothing to do with the sacking of Kororareka.[62]

From these various reports, it appears that Nene chose to oppose Heke for more than one reason. Furthermore, on all sides of the growing conflict, it appears that the destruction

---

[58] Clarke to Father, April 1845 [n.d.], qMS-0469, p. 490
[59] ibid., p. 491
[60] ibid., pp. 491-2
[61] Burrows, *Extracts*, p. 22
[62] ibid.

of Kororareka triggered a significant escalation in the conflict between Ngapuhi and Crown and between Ngapuhi and Ngapuhi.

4.9 Military Campaign begins

The governor issued a series of military orders to the officer in charge of the army, Lieutenant Colonel Hulme, on 26 April 1845. The first instruction was the re-establishment of the town of Russell. By that was meant that the Queen's authority was reinstated over the former township. Hulme was told to read aloud the three proclamations (listed above), the British colours were to be raised 'with all due formality' and a royal salute presented. There were no instructions that the township was to be rebuilt.

FitzRoy ordered Hulme to attack all Ngapuhi who, had opposed the Queen's authority, or what he referred to as the 'signal chastisement of, the rebel natives within your reach'.[63] He instructed Hulme to 'spare no rebel, in arms against lawful British authority.'[64] In ordering such extreme measures, FitzRoy expressed his regret and he reminded Hulme that 'no life be taken except in actual hostilities' and that children, the unarmed, 'the unresisting', elderly and women were not be harmed.[65] The orders then went into some detail about how the attacks might be undertaken. The governor emphasised that no attacks should be undertaken unless there was a certainty of victory, and that the military force should not stray too far into the interior unless properly reinforced. For that reason, he advised Hulme that Kawiti might be attacked first, as Heke was busy fighting with Nene.

Special instructions were given with regard to the capture of leading rangatira. FitzRoy ordered that 'the principal chiefs, who have been actually engaged in the insurrection, or who may be covertly assisting the rebels should be taken alive, if possible, and kept as

---

[63] FitzRoy to Hulme, 26 April 1845, WO 1/ 433, ANZW, p. 250
[64] FitzRoy to Hulme, 26 April 1845, WO 1/ 433, facing p. 253
[65] ibid., p. 252

hostages.'[66] He warned Hulme that the chiefs should not be put in irons, 'or receive any indignity beyond being disarmed'. In order to avoid any dangers of mass uprisings, the governor intended to quietly transport the chiefs away from New Zealand to a penal settlement. These were the instructions that directed Hulme to attack Otuihu and imprison Pomare.

Alongside the orders given to Hulme, the naval officers in charge of the *North Star* and *Hazard* were also issued orders requesting them 'to aid and assist in quelling insurrection'.[67]

4.10 Attack on Otuihu pa

On 28 April 1845, a British force totalling 470 officers and men of the 96th and 58th regiments arrived at the Bay of Islands to attack Ngapuhi. The *North Star* was already present at the Bay of Islands enforcing the blockade. Upon arrival the British forces landed at Kororareka and performed the ceremonies re-establishing British authority over the area. The commanding officers, Colonel Hulme (96th regiment), Major Bridge (58th regiment) and Captain Home (of *North Star*), made immediate plans to begin the attack. Major Bridge recorded that, after dining with Home and Hulme, 'it was arranged we should sail at break of day up to Pomare's Pa and knock it about his ears and raze it to the ground.'[68] It is clear from Bridge's account that there was a pre-meditated plan to destroy Otuihu pa, but in addition to try and secure the capture of the Ngati Manu chief Pomare.

4.11 Pomare II & Ngati Manu

[66] FitzRoy to Hulme, 26 April 1845, WO 1/ 433, p. 253
[67] FitzRoy to Senior Naval Officer, 26 April 1845, WO 1/433, micro-z-338, ANZW, p. 258; FitzRoy to Captain Sir Everard Home Bart, 22 April 1845, CO 209/34, p. 311
[68] Bridge, 28 April 1845, 'Copy of Journal of Events on an Expedition to New Zealand 4 April – 25 December 1845', MS-Copy- Micro-0718, pp.5-6

Pomare II of Ngati Manu was the nephew of Pomare I and a rangatira of considerable mana, as will be discussed in evidence provided by Ngati Manu.[69] Although he had relinquished his mana over Kororareka as a result of the defeat at the hands of Ururoa and others in 1830, Pomare II nonetheless was a leader of considerable mana and influence as shown by his role as a peacemaker in the discussions over the 1844 muru and thefts of the horses.

Pomare II and the majority of Ngati Manu lived at Otuihu pa, which was a large settlement and trading centre in the southern Bay of Islands. Otuihu was located on a prominent point on the southern coast of the Bay of Islands, adjacent to Opua. It was long established papa kainga of great significance to both Ngati Manu and Ngati Hine. The Ngati Hine ancestress Hineamaru had lived at Otuihu generations earlier and over time it had been transferred from Ngati Hine to Ngati Manu.[70] Otuihu had been occupied by Ngati Manu for many generations and Pomare II had moved to Otuihu as permanent residence in 1830 and constructed a gun-fighter pa there in wake of the Girls' War .[71]

Throughout the 1830s and the 1840s Otuihu had been the second most important trading settlement in the north and, in some ways, a rival to Kororareka. Otuihu had maintained a large population of Maori and European. In 1837, Samuel Marsden had estimated that a European population of 131 men resided at Otuihu,[72] although it is not known how many remained by 1845. Pomare had supplied water to the ships, he was also a major dealer in spirits as well as trading in food stuffs and prostitution for ships. He had levied anchorage fees for a decade and had been hit hard by the governor's prohibition of such in 1840. By 1845, the settlement consisted of a cluster of European-style buildings and businesses down on the beach-level with a large fortified pa and kainga built on the point above the beach.

---

[69] Pomare II was earlier known as Whiria, although Ballara notes that after the death of uncle, he was given his uncle's names, Pomare and Whetoi, as well. Ballara, Pomare II, *DNZB*, I, p. 346
[70] Erima Henare, pers. comm., 5 March 2006
[71] Dan Munn, 'Ngati Manu: An Ethnohistorical Account', p. 206
[72] Jack Lee, *Bay of Islands*, p. 185

Pomare was ostensibly neutral. Although he himself had taken no active part in the attack on Kororareka, Ngati Manu and Ngati Kahungunu warriors were involved in the attack as utu for the wounding of Kohu. British observers also reported that Pomare had received some of the plunder from the destroyed town. George Clarke in collecting intelligence for the governor was emphatic that Pomare 'had nothing to do with the attack upon Kororareka', but, he reported that the chief had received a cloak as part of the plunder and reported that he would make no distinction between friend or foe.'[73] James Clendon, who had formerly been a longstanding trader and competitor with Pomare in the Bay, had returned to Kororareka as the new police magistrate. Clendon reported to FitzRoy that 'Pomare wishes to be thought neutral, but is exceedingly sore at not having received a circular from you'.[74] Clendon also reported that Pomare had acted as a go-between and received gunpowder from American traders on behalf of Heke. Clarke confirmed Clendon's report on 22 April; 'The natives tell me (so repeatedly that I have no room to doubt it) that Mr Waitford and the Pakehas of the Wahapu have supplied Pomare with a great quantity of ammunition so that Heke's stock is easily replenished.' [75] This, together with the fact that FitzRoy had obtained apparently treasonous letters hailing from Pomare's pa at Otuihu, [76] appear to be crucial pieces of intelligence that led to the decision to attack Pomare's pa.

It appears Pomare had divided loyalties and was caught between supporting Heke and supporting the British. Clendon visited Pomare on 17 April, when Pomare explained openly that he had near relatives fighting both with and against Heke, and, as a result, he would be obliged to divide his group and allow his followers to join different sides in the war. [77] At the same time, Pomare was anxious to maintain his communication with the governor. Notably, he sent his own vessel down to Auckland loaded with some of the

[73] George Clarke to Father, 21 March 1845, qMS -0469, ATL, p. 474
[74] Clendon to FitzRoy, 15 April 1845, Clendon Journal, MS 476, ACL, 'Section C', p.1
[75] Clarke to Father, 21 April 1845, , qMS -0469, p. 498
[76] FitzRoy to Hulme, 4 May 1845, WO 1/433, micro-z-338, ANZW, p. 270
[77] Clendon to Governor, 18 April 1845, MS 476

possessions from Kororareka to be returned to the former settlers, such as the furniture of Mr Greenway.[78]

There are three main accounts of the attack on Otuihu and these are: Colonel Hulme's report to FitzRoy, Major Cyprian Bridge's diary of events and an account left by the interpreter Edward Meurant. In addition, the logbook from *HMS North Star* provide some detail and order of the attack. There are also a number of other shorter references recorded by soldiers who participated in the attack. Ngati Manu have their own oral traditions and history relating to the attack on Otuihu and the capture of Pomare and Ngati Manu expert witnesses may present separate evidence based on this information..

Having planned to attack and destroy Otuihu, the British forces proceeded up the Kawakawa River, on board the *North Star* and the troop ships *Slains Castle* and *Velocity*, arriving off Otuihu pa at midnight on 29 April 1845. The next morning at first light, the Captain of the *North Star* reported seeing a 'Flag of Truce flying upon Pomare's Pah'.[79] This is corroborated in other accounts.[80] The *North Star* then itself raised a white flag on the bow of the vessel, presumably signalling that they came in peace. With the white flag raised, soldiers and marines began disembarking from the ships and before 8am, the entire force had landed ashore.

Colonel Hulme was in charge of the combined force. He sent Edward Meurant, the acting as interpreter for the soldiers, to speak with Pomare and 'get him to come and speak on the beach where the force was assembled'. Pomare refused.[81] The Colonel then sent Meurant a second time to ask that Pomare come down for an 'interview'. This time, after some discussion, Pomare returned with Meurant to the shoreline to talk. Meurant noted that Pomare was accompanied by another person. Ngati Manu sources record that Pomare was accompanied by his eldest daughter Iritana. Nowhere in the European sources is it

---

[78] Clendon to Governor, 18 April 1845, MS 476
[79] Master's Log, *HMS North Star*, 30 April 1845, ADM 54/190, ATL, p. 244
[80] See C. Bridge, 30 April 1845, 'Copy of Journal; of Events', MS 0257, p. 6
[81] E. Meurant, 30 April 1845, 'Diary of Edward Meurant 17 April 1845 – 24 December 1845', NZMS 56, p. 2 ACL

mentioned what the identity of the other person was. Pomare and Hulme met and talked. The outcome of the 'talk' was that Pomare and his daughter were conveyed on board the *North Star* as prisoners.

According to some European accounts, Pomare had 'no objections' to being taken aboard the North Star. However, Hulme's own account contradicts this. Hulme wrote that during the discussions between Pomare and himself, Pomare complained he was surrounded and asked to know why, as he was 'the friend of the governor'.[82] Pomare then sought to return to his people. Hulme reported to the governor that, as he had been ordered to seize Pomare, 'I would not of course permit him and he was told that he must go on board the North Star for the purpose of being conveyed to Auckland'. It appears that Hulme was carrying out part of his orders and had a pre-conceived plan to capture Pomare if possible. Hulme, noticing that Pomare was about to flee back to the pa, 'caused him to be gently put into a boat, and he is now in the frigate, a Prisoner.'[83]

There are gaps in the written record surrounding the manner in which Pomare was restrained and his and Iritana's fate during the period of incarceration. The European sources make no mention of any restraint being used, certainly not on shore in view of the pa. Ngati Manu sources however refer to that fact that Pomare was bound like a prisoner once on board the North Star and lashed to the mast. The name Pomare 'Herehere tiini' (bound in chains) was used by Ngati Manu to describe Pomare after his release.[84] Furthermore, this name was subsequently given to descendants as a record of the event for later generations of Ngati Manu.

Despite Pomare's removal, an armed stand-off remained. A line of armed soldiers encircled the brow of the hill between the pa and the landing place.[85] On the other side of the palisades there was a line of Ngati Manu, who lay ready to oppose the British

[82] Hulme to Governor, 1 May 1845, WO 1/433, micro-z-339, ANZW, facing p. 262
[83] Hulme to Governor, 1 May 1845, WO 1/433, p. 262
[84] A. Hamilton, pers comm. 24 June 2006
[85] Bridge, p. 7

soldiers. Meurant recorded that the British had 'about 500 armed, Pomare 200'.[86] Hulme conveyed an ultimatum to the Ngati Manu rangatira 'Awarre' (Tawaewae),[87] demanding that Ngati Manu defenders relinquish their arms, or else the pa and all property would be destroyed. Meurant conveyed the message to Tawaewae, who returned with three stand of arms.[88] Meurant, however, reported to Bridge that he had seen 'at least 21 men' evacuating the pa with their arms. Bridge responded to this information and asked Meurant to return to Tawaewae and deliver the ultimatum that 'unless they [the evacuees] returned we would proceed against them as rebels and destroy their pa.'[89]

At this point, and on the threat of the destruction of the pa by such a large massed force, the remainder of Ngati Manu appear to have fled the pa, despite the urgings of Tawaewae for them to return.[90] Bridge reported to Hulme about 3pm what had transpired regarding the arms: 'and it was then finally decided that the pa should be burned.'[91] The decision to burn the pa was later justified by both Bridge and Hulme, though each gave different reasons. Hulme stated that the pa was burnt because they had found looted property inside the pa.[92] However, at this stage, according to other accounts, the pa had not been entered nor examined. The more plausible justification came from Bridge,[93] the commanding officer ashore, who stated that the pa was burnt in response to the failure of Ngati Manu to disarm. The fact that the two leading officers gave different explanations for the decision, however, tends to suggest that the British decision to destroy the pa was pre-meditated, and it was only afterwards that there was an attempt to justify the action.

Once Ngati Manu had fled, and before the pa was burned, however, the British soldiers entered the pa to locate any ammunition or gunpowder. None was found and the soldiers

---

[86] Meurant, p.1
[87] I am grateful to Arapeta Hamilton for identifying Tawaewae, who was an elder uncle of Pomare II. A.Hamilton, pers corresp., 24 June 2006
[88] Bridge, p. 8
[89] Bridge, pp. 8-9
[90] Bridge, p. 9
[91] Bridge, p. 9
[92] Hulme to Governor, 1 May 1845, WO 1/433, facing p. 263
[93] This is supported by the Master's log of the *North Star*.

were then 'allowed to take whatever they found of use'.[94] Otuihu had been a valuable trading settlement and a great store of items were taken or consumed by the soldiers. Bridge reported that 'a most laughable scene took place, officers and men running after pigs, turkeys, ducks and goats and shooting or cutting off their heads with their swords.'[95] Other British soldiers, such as Sergeant John Mitchell and Private Alexander Whisker, also referred to the scale of plunder that the soldiers took from the pa. Whisker noted simply: 'we took all'.[96] Bridge reported that within the pa the soldiers 'found a good deal of the plunder of Kororareka, some of which we managed to preserve and bring off.'[97] It is presumed the remainder of the Kororareka plunder was in fact burnt by the British soldiers when they set fire to the pa. Back on board the ships, the soldiers 'had a fine time of it feasting on the spoil we had sent off giving no thought to those on duty.'[98]

This incident also raises further questions about the extent to which the soldiers recovered, as opposed to destroyed, the plunder they located at Otuihu. Another question is how did the soldiers distinguish between what belonged to Ngati Manu (presumably there was a large quantity of objects and belongings within the pa that were the property of Ngati Manu) and what was in fact plunder from Kororareka? Finally, did the soldiers themselves keep plunder from Kororareka, as part of the spoils of war? As these actions took place under the mantle of martial law and there are no accounts to substantiate what took place, we simply do not know what took place and how much was taken and destroyed by the soldiers at Otuihu.

In early evening, after the plundering was complete, the pioneer company, consisting largely of militia volunteers including former residents of Kororareka, set fire to all buildings and palisades. Otuihu pa was destroyed and its former inhabitants scattered.

---

[94] Bridge, p. 9
[95] Bridge, 30 April 1845, p. 10
[96] Alexander Whisker, 30 April 1845, 'Memorandum Book', MS 327, AML, p.4
[97] ibid.
[98] J.R. Mitchell, 30 April 1845, 'Diary of Service', MS 1060, AML, (n.p.)

Serjeant John Williams, 'H.M.S. North Star, destroying Pomare's pa, Otuihu, Bay of Islands (1845)', A-079-032, ATL

Ngati Manu leadership had sought to follow the British demands, but in doing so, Pomare and his daughter had been imprisoned. Therefore, it is little surprise that when the later requests came to disarm that Ngati Manu, despite the efforts of Tawaewae, Ngati Manu evacuated the pa. With no certainty of protection, or options, Ngati Manu fled taking only what they could carry. The surprise arrival of such a large military force on the doorstep of Ngati Manu was designed to intimidate Maori into submission. And the British forces destroyed all possessions and waka belonging to Ngati Manu at the pa.[99] The British acted with heavy force in imprisoning Pomare and destroying Otuihu. It is important to note that HMS *North Star* fired several shells at groups of Ngati Manu departing the

[99] Master's Log, *HMS North Star*, 30 April 1845, ADM 54/190, ATL, p. 244

pa.[100] The loss of the pa and the supplies severely damaged Ngati Manu's economic position. As a member of Ngati Manu recalls; 'It was their base, not just a temporary kainga'.[101] They were forced into exile. They eventually resettled at Karetu, an area traditionally occupied by their Te Kapotai neighbours, and where they remained for the duration of the War.[102]

4.12 Pomare's imprisonment

Pomare, like Ngati Manu, suffered a loss of mana. Other chiefs from the Wairoa area, including Te Tirarau, told the Wesleyan Missionary James Buller that Pomare was 'greatly degraded' by having been made a prisoner.[103] After having been captured on 30 April, Pomare and Iritana were held on the *North Star* until the vessel returned to Auckland on 14 May – a period of two weeks. Ian Wards refers to Pomare being 'virtually a prisoner', yet he gives no explanation of the conditions of his imprisonment, nor does he mention Pomare's daughter. Iritana remained with her father for the duration of the period of captivity, though it is not known if she was tied up or free to attend to her father. When she eventually returned to Ngati Manu, Iritana was given a new name: 'Te Noota' (North Star), a name once again designed to ensure that the British attack and imprisonment would be remembered.[104]

FitzRoy sent further orders to Hulme on 4 May saying that Pomare was to be detained, although he was not to be killed.[105] We have few surviving documents and so it is difficult to know what transpired during this period of imprisonment either to Pomare or his daughter. The evidence and the directive to capture Pomare had come from FitzRoy himself. He referred on two occasions to having obtained treasonous letters hailing from Otuihu, and that this had been one of the principal reasons he had ordered the attack on

[100] Master's Log, HMS North Star, 30 April 1845, ADM 54/ 190, ATL, p. 244
[101] Ngati Manu, pers. corresp., 24 June 2006
[102] Munn, p. 253
[103] Buller to George Clarke junior, 7 June 1845, Wesleyan Missionary Society Letters, MS-Papers-2624-08, ATL
[104] Ngati Manu, pers. corresp. 24 June 2006
[105] FitzRoy to Hulme, 4 May 1845, WO 1/433, p. 270

Pomare and his pa.[106] I have been unable to locate copies of 'the treasonous letters' apparently sent from Otuihu. It appears, however, that at least one of the letters was written by Ngati Manu chief, Matiu Te Whareongo, to Te Wherowhero further south, suggesting that the different tribes unite together for a combined attack against the British.[107]

4.13 Pomare's release

While Pomare remained on board the *North Star* in Auckland, an important deputation of Ngapuhi chiefs, led by Patuone, had travelled down to meet with the governor to discuss Pomare's release. The group met with FitzRoy and members of the Executive Council on 17 May 1845. Ian Wards has covered the discussions in some detail. Wards wrote that the deputation pushed for the release of Pomare having 'admitted the justice of his capture'.[108] In fact there are two different statements made by the chiefs and recorded in the published notes of the meeting. In the first part of the meeting, the chiefs gave explanations and argued against Pomare's involvement with Heke and Kawiti. FitzRoy stated: 'I attach great weight to the arguments and statements of Patuone, Rangatira and the other chiefs now present, in explanation and extenuation of the circumstances affecting Pomare, to whom I attached so much guilt.'[109] In the second part of the meeting, FitzRoy produced a letter that had been written by George Clarke the day before the meeting, which summarized the views of Patuone and the rest of the deputation. In the letter, the chiefs accepted that the 'evidence' in FitzRoy's possession meant Pomare 'is open to much suspicion, and fully justifies the measures adopted towards him'.[110]

On the strength of the arguments made by the chiefs, and with his desire to stay on-side with Patuone, FitzRoy proposed to pardon Pomare on five conditions. The first two conditions of his pardon set out the background to the decision and, in so doing, appear

[106] FitzRoy to Hulme, 4 May 1845, WO 1/433, p. 270
[107] A.Hamilton, pers. corresp. 24 June 2006
[108] Wards, p. 137
[109] 'Minutes of the Conference respecting the Capture and Liberation of the Chief Pomare', 17 May 1845, *GBPP*, 1845 (247), p. 266
[110] ibid., p. 267

almost contradictory on the matter of Pomare's guilt or otherwise. The first condition stated:

> 1. Pomare and the deputation of chiefs in his favour acknowledge that the governor has had just cause for suspicion and displeasure on account of Pomare's conduct in not taking active measures for suppressing the rebellion of the north, and in not preventing plunder from Kororarika being landed at his pah.

The evidence used to justify the government's attack on Otuihu was Pomare's failure to actively oppose Heke and Kawiti, and his failure to stop the landing of plunder from Kororareka. The second condition, however, suggested that the letters that had propelled the governor to order Pomare's capture were not, in fact, all written by Pomare:

> 2. Pomare the chiefs above mentioned acknowledge that many of the letters written at his pah, and now in the possession of the governor, are very bad; but he knew nothing about them, and had no control over the writers. The letter written by himself to the governor might be construed to bear an unfavourable meaning; but Pomare intended nothing offensive, either to His Excellency or the Europeans generally.

The remaining terms for the pardon stated that Pomare (and others) would seek to punish Heke and Kawiti and to return any remaining stolen property from Kororareka. It might be added that a great deal of which had been plundered, consumed and destroyed by the soldiers. Pomare was also required to cede to the Crown his land interests at Te Wahapu, the former property of the Mair family, which he had acquired from the Americans Smith and Waitford. The Maori text of the condition for the taking of Pomare's land interests at te Wahapu is listed below:

> E kore a Pomare e mea kia tangohia eia [?] etahi o nga mea o te Mete rana ko te Wetiwha i waiho iho mana i te Wahapu, ara nga taonga me te kainga o te mea, e

whakaae ana a Pomare, kia waiho ki a te Kawana, te tikanga mana e hoatu ki a te mea e noho nei i Akarana.[111]

In return, the governor agreed to send Pomare back to the Bay of Islands where he would be given a free pardon.[112] Pomare was subsequently returned to the north and released. His period of imprisonment had lasted from 30 April 1845 until .

The entire process of attacking Otuihu, imprisoning Pomare and his subsequent release showed inconsistencies in government approach and policy. It is difficult to see clearly the government's reasons for acting against Pomare. Although Ngati Manu had been among those who attacked the flsgtaff at Kororareka on 11 March 1845, Pomare himself had not, moreover, he had attempted to maintain a position of neutrality with respect to the British. Wards concludes that the episode established a principle that only those in arms against the Crown would be treated as 'rebels'.[113] Yet Pomare, under condition 1 of his pardon, was declared guilty of remaining neutral and not showing sufficient opposition to Heke. And, in the end, FitzRoy appears to have accepted that the principal evidence against Pomare, the 'treasonous letters', were not in fact written by Pomare himself.

The attack on Otuihu had been premeditated and carefully planned. Suggestions made in military accounts to suggest that the British destroyed the pa in response to events on the day, seek to draw attention away from the fact that the British force had been given orders to attack Ngapuhi. Furthermore, the commanding officers had planned from the outset to attack Otuihu and destroy it. The capture of leading chiefs was also something ordered by FitzRoy and it appears that, in taking Pomare prisoner, the British were not seeking to defuse the situation, but rather to capture the leader as an accompaniment to a complete destruction of Ngati Manu at Otuihu.

---

[111] 'Conditions of Pomare's pardon', 17 Mei 1845, Wesley Mission Society Letters from 2 April 1845 to 1 July 1845, MS-papers 2624-08, ATL, p. 55
[112] ibid., p. 267
[113] Wards, p. 138

4.14 The British advance inland

After the attack on Otuihu, FitzRoy directed the forces to continue up the Kawakawa River to attack groups of Ngapuhi and Ngati Hine. He restated his orders to Colonel Hulme on 4 May – where he stated that:

> it is my sad duty to state my conviction that till the principal Pahs on the Kawakawa are destroyed, and till the majority of their rebellious inhabitants are killed, there will be no peace at the Bay of Islands, no security for other settlements.
>
> The Pahs to which I refer are (besides Pomare's) those of Kawiti, of Hori Kingi, of Ruku, of Waikadi, and of Marupo.
>
> Besides which every canoe belonging to Rebels should be destroyed. There are many concealed near the falls of Waitangi, belonging to Heke, and his adherents.[114]

On 1 May, Hulme and the other officers returned to Kororareka where they met with Tamati Waka Nene. Nene informed the British that he had Heke pinned down at Omapere, and advised the British forces that it was a good time to proceed inland to attack Heke.[115] Hulme had earlier discussed the plan to proceed up the Kawakawa River with Henry Williams, who had strongly advised against advancing against Kawiti and Hori Kingi Tahua because of the maze of waterways and bush in the Kawakawa area.[116] On the basis of the advice from Nene and Williams, Hulme decided to proceed with an inland attack on Hone Heke at at Omapere.

4.15 Te Kahika pa

---

[114] FitzRoy to Hulme, 4 May 1845, WO 1/433, pp.269-70
[115] Hulme to Governor, 1 May 1845, WO 1/433, p. 264
[116] Carleton, II, p. 109

Since word of the return of the troops, Te Hira Pure, Hone Heke and their supporters had been busy constructing a new pa. The name of the new pa was Te Kahika (the ancestor).[117] It was located on the north-eastern shores of Lake Omapere and lay close to Tamati Waka Nene's pa, built at the head of the Okaihau valley. The site of the new pa was deliberately chosen. The area was known for its connection to an earlier pa 'Mawe Kairanga',[118] a place of extremely strong mauri (life force), and it was on this basis that it was chosen as the best place from which to defend against the British soldiers.[119] According to Maning, as it was also the closest suitable site to Hongi Hika's former pa Taumatatutu. Hika's pa was situated on the point sticking out into the lake, and in 1845 was long abandoned.[120] Te Kahika was situated on open level ground, like may other pa built to defend against firearms, as it allowed the defenders a clean field of view.

The battle fought over Te Kahika is known by a variety of names. The most commonly used is Puketutu, which appears to the name of a low hill in the vicinity. Other names also used for the battle are Mawe (or Mawhe), Omapere and Okaihau. A veteran of the battle, Rihara Kou, gave the name of two battles as Puketutu and Taumatatutu.[121] It is likely that Puketutu was the name of the battle fought against the British, whereas Taumatatutu was the name of the place where some of the skirmishes took place between Heke and Nene's forces. Today the Te Kahika pa site has been completely destroyed. The site is bisected by the main highway running to Okaihau.[122]

4.16 Te Hira Pure

---

[117] Maning, p. 266
[118] Also known as 'Mawhe Kairanga'
[119] Wallace Wihongi, pers corresp., 25 May 2006
[120] Maning, p. 266
[121] Rihara Kou, 'Narrative of Rihara Pou [Kou]', recorded by James Cowan, Cowan Papers, MS-Papers-0039-41D, ATL, p. 3
[122] Aidan Challis and Chris Pugsley have established the precise position of the pa. Pugsley notes that the site today is marked by a single pile of stones in the corner of a lakeside paddock next to a fence junction by the highway, 4.8 kilometres south of Okaihau, where the highway is as its nearest point to the lake. Chris Pugsley, 'Walking Heke's War: The Battle of Puketutu, 8 May 1845', in *New Zealand Defence Quarterly*, no.2, 1993, p. 26

The rangatira Te Hira Pure of Te Uri o Hua, played an important role in the construction of Te Kahika pa and the subsequent battle fought against the British. It was on Te Uri o Hua lands that the pa was built. Pure had been one of the chiefs who had written to the governor in the wake of the attack on the flagstaff in July 1844, to request their own flag, and his name sits alongside those of Waikato and Waka Nene.[123] But by late 1844, after the September 1844 hui, 1845, Pure, like Heke, was increasingly concerned about the lack of response from the governor. He wrote a letter to FitzRoy which accompanied Heke's letter in late 1845.[124] As outlined in a previous chapter, Pure's was a long letter, but it received only a curt response from the governor. FitzRoy's reply criticised the chief and simply enclosed a copy of the letter FitzRoy had written to Heke. Te Hira Pure was an important figure who had sought to stay on-side with the government and, at the same time, attempted to raise reasonable concerns with the colonial authorities. Yet, as a result of the failure of the governor (in Pure's eyes) to provide a satisfactory response to his concerns, and the governor's decision to send troops to the Bay of Islands, Pure shifted to join with Heke in opposing the British.

On 3 May 1845, the British landed a force of 300 soldiers of the 58th and 96th regiments and 140 Royal marines and seamen at Onewhero Bay, on the southern side of the Kerikeri River, and began their march inland to attack Heke. They had originally planned to boat up the River, but it was too shallow in places for the *North Star* and *Hazard* to safely navigate, so the force was required to march the nine miles to reach the Kerikeri mission station.

Hulme noted with some satisfaction that Nene would guide the British along a direct route from Kerikeri to Okaihau and thereby skip Waimate, where it was presumed Heke was lying in ambush for them. In actual fact it took the British four days' march from the coast to reach Okaihau. This gave Heke every opportunity to move and ambush the British had that been the intention. Yet it is clear that Heke did not intend to ambush the

[123] Letter to Governor from Bay of Islands chiefs requesting to have a flag of their own.', 22 July 1844, MA 24/21
[124] Te Hira Pure to the Governor, in FitzRoy to Stanley, 19 October 1844, CO 209/29, pp.139-40

British. Moreover Ngapuhi did not once employ ambushes against the British at any stage during the course of the Northern War. Even so, the march inland was a difficult one. The British were without sufficient transport arrangements and encumbered with their equipage, food and ammunition.

The British troops began the long march to Okaihau, but after two nights of rain, without tents or cooking utensils, the troops were left with spoiled rations and unserviceable arms and they were forced to back-track to the Kerikeri mission station until the weather cleared.[125] The final stretch of the track took the British troops through dense bush close to Heke's position, where it became obvious Heke was not employing ambuscades. Bridge registered in his diary to the potential threat:

> towards evening came to a dense wood through which we had to cut our way, the pioneers going on in front with some natives soon made us a good broad path through it. This would have been a fine position for Heki to have attacked. He might have done us much mischief if he had, but we were not molested, although we heard that he had sent men down to watch our movements.[126]

Again, it is notable that Ngapuhi chose not to either deploy ambushes or to attack at night time. The British were not attacked until began their assault on Heke's pa. John Webster recorded that during the internal fights between Heke and Nene: 'A compact had been made between Nene and Heke that there should be no torohe on the roads (ambush) and when they fought it should be during daylight only, and this was carried out most faithfully in a most chivalrous manner.[127]

Nene and his supporters assisted the British troops in their march inland – this is the support that Nene had promised to the governor. After a request from Colonel Hulme, Nene and his supporters also set about providing lodgings.[128] When the soldiers' rations

---

[125] Edward Meurant, Sunday 4 May 1845, 'Diary', p.2.
[126] Bridge, 6 May 1845, 'Diary'
[127] Webster, *Reminiscences,* p. 259
[128] Hulme to FitzRoy, 7 May 1845, WO 1/433, p. 274

were spoiled by the rain they fed the British troops.[129] For all the support or assistance provided, it is important to recognise that, during the battle, Nene's supporters took no active part in the fighting. And while Nene was anxious to show his support for the British, he fought his own battles at different places and for different reasons. Nene and Heke fought separately from the major battles with the British.

4.17 Attack on Te Kahika pa

On 6 May 1845, the British arrived at Nene's pa at Okaihau. The governor's instructions had directed Hulme to attack Heke, to kill all 'rebels' who had taken up arms against the Crown, but to bring back the leading chiefs alive as hostages, if possible.[130] Hulme was in command of the British force, and Hulme initially planned to attack Heke's pa by frontal assault and pulling down the palisades. However, after discussing the plan with Nene, Hulme changed his plan of attack in view of the strength of Heke's pa.[131]

After reconnoitering the pa on 7 May and discussing its design with Pakeha Maori such as Maning, White and Webster, the British realised the strength of the pa. It had two or three rows of palisades on each side. Between the first and second lines, a deep trench was dug, which was lined with large boulders. The outside palisade wall was lined with flax to make it musket proof. Along its length, small loopholes had been cut at ground level to allow Heke's force standing in the trench behind to fire out, while remaining relatively protected.[132] Hulme recognised that he needed artillery to attack such a strong pa, but he felt there were still chances and persevered with the attack. The British had not chosen to bring artillery with them, due in part to a lack of heavy transportation and also to a belief they would not need them. Instead, they placed their reliance on a battery of 3-pounder Congreve rockets, which they had brought to fire at the pa and its inhabitants.

---

[129] Edward Meurant, Wednesday 7 May, 'Diary', p. 3.
[130] FitzRoy to Hulme, 1 May 1845, WO 1/433, facing p. 253
[131] Hulme to FitzRoy, 7 May 1845, WO 1/433, p. 276
[132] Bridge, 7 May 1845, 'Diary', p. 16

The attack began on 8 May. At about 10am, the British force, 460 strong advanced on Te Kahika. The British force was divided into three attacking parties (58th, 96th Regiments and seamen),[133] and a reserve. James Belich notes there was also a pioneer party of militia armed with axes and ropes to cut down the palisades.[134] A group of 300 Nga Puhi allies Maori under Tawhai, Taonui and Nene, sporting white headbands, so as to avoid confusion in European eyes, established themselves a safe distance away, intending only to observe. They remained seated on the hill throughout the battle, until the end when they assisted the British in gathering up the wounded.

The missionary Robert Burrows had visited Heke at the pa two days before the attack, when Heke informed him that he would wait for an attack from the soldiers and that he would not fire the first shot.[135] He also promised to allow any messengers from the troops to pass through. Heke asked Burrows to return the following day.[136] Burrows returned and noted on his journey from Te Waimate that a large group under Kawiti were hidden behind a small rise in the rear of the pa. Marupo of Ngati Kawa was also present.[137] Inside the pa, Burrows found all the men at arms and the women working hard to strengthen the pa. Burrows asked Heke if he had a message for Colonel Hulme. Heke, according to Burrows, stated that, 'I presume nothing short of a surrender would satisfy him and I am not prepared for that. No; let him come and attack us.'[138]

Lieutenant Egerton (*North Star*) and an eight man 'Rocket Brigade', located on a rise at a distance of about 150 yards from the pa, fired the first shot in the attack. The first rocket fired flew straight towards the pa and then veered away at the last minute, as if deflected. This prompted Heke to advance out in front of his pa in defiance and, as the other rockets

---

[133] According to Maning, pp. 270-1, Ngapuhi referred to navy seamen as the 'blue tribe', as distinct from the soldiers, or 'red tribe'.
[134] Belich, p. 43
[135] Burrows, *Extracts*, p. 25
[136] Burrows records this incorrectly as 8 May, it was in fact 7 May.
[137] ibid., p. 26
[138] Burrows, *Extracts*, p. 26

flew by, he called out 'What prize can be won by such a gun?'[139] Of the twelve Congreve rockets all but one missed the pa and the small hole that was made was quickly repaired.

Serjeant John Williams 'Okaihou', A79/29, ATL

The British force then shifted to a direct infantry assault on the pa. The main body of the force faced the front wall of the pa while Hulme sent the three British attacking parties across the narrow gap between the pa and Lake Omapere in order to attack the weaker rear walls. Halfway across the gap, they found that they were being fired upon from a small breastwork built on the hillside behind the pa designed to provide enfilading fire

[139] Reported by Maning, this saying 'E aha te kai e pahure i aia', became a repeated whakataukii (proverb) describing boastful claims. See Maning, p. 276.

into the gap. The British attacked the small group manning the position and drove them back into the surrounding scrub further in the rear. Burrows and Bridge maintain that two Ngapuhi, referred to as Hetaraka (Repa's brother) and Hone Ropiha (or John Hobbs) guided the British. In the account left by John White, however, he indicated that the two Ngapuhi were sent out simply to collect the body of a dead soldier from the field.[140] C.O Davis, the biographer of Patuone, noted that 'John Hobbs' was from Ngati Maniapoto and had been given as a slave to Patuone when Patuone was living with Ngati Paoa.[141] Neither fired nor fought, but Ropiha was recorded as having guided the British detachment to the back of the pa, where they also discovered some of Kawiti's concealed taua waiting to attack the British in the rear as they turned to fire upon the pa.[142]

The discovery allowed the troops an immediate advantage, and they attacked Kawiti's taua. There was a terrible hand-to-hand clash and Kawiti's force was driven back into the the bush with heavy losses. Heke's defenders inside the pa had meanwhile observed the British attack on Kawiti; a small group, under the leadership of Haratua, moved out from the pa and sought to attack the British detachment from behind in order to protect Kawiti from further attack. White suggested that, in order to trick the British, the defenders raised the British flag inside the pa, which led the British to stop attacking Kawiti and to move towards the pa, thinking that it had been captured by the British main reserve. [143] At that point, the pa again opened fire on the British detachments. Meurant, the interpreter for the troops noted that he and Kemp asked Waka Nene and his party to get involved at this point and intercept Kawiti's retreat, but Waka declined.[144]

The key to Heke's strategy was to focus the attention of the British on the pa, and then to try to outflank and surprise the troops with sallies and sorties from protected positions. As the soldiers chased Kawiti, the pa opened fire from behind. The interplay of firepower from the pa and surprise attacks was orchestrated by using pre-arranged signals, in this

---

[140] John White, 'Recollections of Okaihau Fight', John White Papers, fMS-Papers-0075-125A, ATL, p. 7
[141] C.O. Davis, *The Life and Times of Patuone*, Auckland, 1876, p. 63
[142] Meurant, 8 April 1845, 'Diary', p. 4.
[143] John White, 'Recollections of Okaihau Fight', John White Papers, fMS-Papers-0075-125A, ATL, p. 10
[144] Edward Meurant, 8 May 1845,'Diary', AM, MS 205, p. 4

case flags. As Hulme noted, the actions of Heke and Kawiti were orchestrated by the raising and lowering of flags on the two flagpoles inside Te Kahika pa.[145]

By late afternoon, the British soldiers found themselves in a difficult position. Squeezed between two enemy lines, with no chance of gaining access to the pa, Hulme ordered a retreat. Major Bridge supervised the return of wounded and weary soldiers across the swampy lake edge, exposed to attack from the rear and side flanks. The Grenadier company was sent out to protect the retreat along the swamp edge and by about 4pm all remaining soldiers had returned to the main group. [146] The British continued to fire at the pa from the main position for another hour, expecting a possible sortie from the pa, but none eventuated. The British then retired from the battle field at about 5pm, and headed back to their camp at Nene's pa. On the way back, Nene's supporters protected the soldiers' again from possible attack from Heke, though no further attack or fighting took place.[147] White recorded that some of the walking wounded were finally helped into camp by the elderly Ngapuhi women from Okaihau pa.[148]

The following day, the British, suffering from a lack of food and with forty wounded, chose to abandon their position and depart for the coast rather than resume fighting.

4.18 Casualties

The British forces had inflicted considerable losses on Heke and Kawiti's forces. Burrows initially estimated that the Maori fighters had lost 16 killed and 30 wounded.[149] Belich maintains that the overall number of dead and wounded for Maori and the British were 'probably similar'. He notes however that Maori suffered a higher number of killed. According to Belich, Maori lost a total of 28 killed – Heke had five killed inside the pa,

---

[145] Hulme to FitzRoy, 9 May 1845, W.O. 1/ 433, p. 282 (565).
[146] Bridge, 8 May 1845, p. 20
[147] Bridge, 8 May 1845, p. 21
[148] White, p. 12
[149] Burrows, MS-0948, p. 38

and Kawiti lost twenty-three killed outside the pa.[150] Belich explains this discrepancy as due to the fact that the British soldiers 'slew some of Kawiti's warriors as they lay injured – not an uncommon practice on either side'.[151] It seems that the number of Maori dead was corroborated by a French missionary, who noted: 'Each side suffered about 50 casualties, with Maori dead outnumbering British by 28 to 13.'[152]

Several rangatira were killed at Te Kahika, including the chief Ruku and his son [Peru?].[153] Edward Meurant later reported returning to the battle site with Hone Ropiha who, 'pointed out where one of there principal chiefs fell (Ruku)…a small hole dug and a stone set up with a letter R, marked on it.'[154] Kawiti lost one of his sons (Taura) and 2 nephews.[155] Henry Williams included a short list of the dead which he listed as follows: 'Taura (Kawiti's second son); Kuiapo, Raewera, Puroto (all relatives); Ruku (Roroa); Pouri (nephew of Haki Taipa); Ngawhitu (chief of Ngare Hauata); Parata Koti; Heki Tapua.'[156] George Clarke junior was not present at the battle, but he noted after the attack that 'a great number of natives have died since the battle from the wounds received. From the native accounts nearly all who were wounded will not recover.'[157] The final death toll is not known.

Burrows estimated that the British lost 14 killed and more or less 40 wounded.[158] The official army list, kept by Captain McLerie was lower: 13 killed and 30 wounded.[159] The majority of the British dead were left behind, lying where they had fallen. The following day Burrows, helped by a group of Heke's supporters from Te Kahika pa, gathered up the

---

[150] F E Maning, cited in Belich, p. 43
[151] Belich, p. 43
[152] Brother Emery to Brother Francois, 14 September 1845, Lo 55, Marist Missionary Archives, Auckland (English translation by Br Edward Clisby) My thanks to Kate Martin for alerting me to this source
[153] Bridge, p.22; Hulme to Governor, 9 May 1845, WO 1/433, facing p. 285
[154] Edward Meurant, 3 August 1845, 'Diary of E. Meurant from 17th April to 24 December 1845', NZMS 56, ACL, p. 17
[155] Burrows, MS-0948, p. 40
[156] Apologies are made for any errors, the list is taken straight from Williams' notes. Refer, H.Williams in Carleton, II, p. 109
[157] Clarke to Father, 19 May 1845, Letters, p. 510
[158] Burrows, MS-0948, p. 44
[159] Captain John McLerie, 'Return of Killed and wounded in action against the Rebels chiefs Heke and Kawiti at the Bay of Islands New Zealand, from May to July 1845', MS F38, DL, p. 27

bodies of 11 soldiers and buried them in a mass grave in the trench excavated in the slope rising up to Taumatatutu.[160] Two further British bodies were located a third of a mile from Te Kahika pa and were buried nearby, though the actual location is unclear. It appears that the British troops may have been subsequently shifted. George Clarke later recalled that, as the soldiers had been hurriedly buried, Heke, a few days later, ordered that the soldiers be 'more decently laid to their rest and then he himself read over them the Maori version of the burial service'.[161]

The following waiata was sung by Ngati Hine wahine Pirangi, lamenting the loss of her husband in the battle:

Tera Tawera, karere o te ata,
Heingia pouri, tenei kaora mai,
Me peheatia, te hapae o te pu
Taha mauitia, ka he i reira,
Haere ra e karu, i te riri hunuhunu,
I te riri tuku tahi, i te nui a Te Hine, [Ngati Hine]
Tenei taku toto, te paheke i raro ra,
He wai waka matara, nou e te Hoia,
Ka whati ra e te tihi, ki te maunga,
Unuhia atu ra, te Taniwha i te rua,
Tere aneni ana ki roto O mapere,
Ka hari ra, te wahine a te hau, [Ngati Hau]
Ka riro ia ia, taku totara haemata ra. [162]

There Tawera rises in the morning

---

[160] Robert Burrows, 14 May 1845, 'Journal 3 March- 31 July 1845', in Burrows to CMS, 14 May 1845, CN/ M, 15, p. 288

[161] George Clarke, *Early Life in New Zealand*, p. 81 One likelihood is that the soldiers were shifted from the battle field and conveyed a short distance to the urupa sited below Heke's pa at Maungakawakawa.

[162] 'A lament by Pirangi for her husband killed at Taumatatutu on 10th May, '45', GNZMMSS 62, ACL, p.303. Also published in Grey (1853:341).

Mistakenly in the dark [I thought] he lived.
What was it in carrying the gun?
Was it on the left side [side of ill omen] and there it went wrong?
Farewell, Karu, in the plunder of war,
In the war together with the many of 'Ati-Hine.
There my blood flows below [refers to menses, dangerous to men],
To keep you away, O soldier.
The peak of the mountain has broken,
The taniwha is drawn out from its lair
And swims distractedly in [O]mapere.
The woman of Ngati Hau rejoices
She has taken my strong-growing totara.[163]

4.19 The British retire

The sailors left Okaihau and marched back to Kerikeri on 11 May. They were all eventually loaded on board the ships. The following day, the *North Star* departed for Auckland with Colonel Hulme on board. Meanwhile the remainder of the forces and HMS *Hazard* shifted back to Kororareka.

Heke's forces deserted Te Kahika pa. Heke returned to his nearby pa of Maungakawakawa.[164] Others of his supporters returned through to Kaikohe and Ohaeawai, some paddling themselves and their dead across Lake Omapere. Kawiti and his followers travelled to Paheke, carrying their fallen, where they stayed the night, before travelling on to Kawakawa and Waiomio.

4.20 Villages and waka destroyed

[163] The translation is by Dr Jane McRae.
[164] Gill Parker, pers. corresp., 24 August 2005

While the British forces had attacked Ngapuhi inland, the naval ships and crew followed the governor's other orders and destroyed several coastal villages in the vicinity of Waitangi and a significant number of waka.[165] George Clarke junior accompanied the sailors and James Clendon to Waitangi and Kaipatiki 'to point out the houses which belonged to the friendly natives the rest were destroyed.'[166] Clarke also found all the boats and waka which were hid in the Waitangi mangrove swamp 'near Heke's old encampment' and these were all taken away and destroyed.[167] We have few details about this series of attacks based on the limited information. James Clendon recorded one of the few descriptions of the attack on Kaipatiki in a letter to the Governor.

> all the natives in the neighbourhood of the BOI, in every village they are pleading for protection and requesting that their property may be spared. For the purpose I accompanied a part of seamen from HM Ships North Star and Hazard to Waitangi and Kaipatiki the latter an extensive settlement belonging to Heke's principal men, the whole of which was destroyed, excepting the Chapel and four houses the property of a friendly Native- at Waitangi a small patch of property of the same native only was spared.[168]

It appears that the British force carried out a systematic plan to destroy coastal habitation sites in the vicinity of Waitangi, while the occupants were absent. Clendon referred to the fact that Kaipatiki was a settlement connected to Heke, however, no mention or explanation was given as justification for the attack on the the kainga at 'Waitangi'. Clarke listed the following kainga as having been destroyed in the sea-born raids: Kaipatiki, Waitangi, Kaihera[?] and Pumuka's pa [at Te Whangaii].[169]

---

[165] Hulme to Governor, 12 May 1845, WO 1/433, p. 291
[166] Clarke to Father, 19 May 1845, p. 511
[167] ibid.
[168] Clendon to FitzRoy, 12 May 1845, Copy of letter sent recorded in Clendon's 'Journal', NZMS 476, ACL, p.7
[169] George Clarke to Father, 16 July 1845, p. 544

The reasons for these actions are also somewhat unclear. FitzRoy had ordered for the destruction of the villages of particular chiefs, however, the villages (above) were not among the list given by FitzRoy. Rather, it appears that the British force, operating with 'local' intelligence from Clendon and Clarke, took the decision to destroy these kainga as they had been dwelling places of those Ngapuhi who were presumed to be supporting Heke. FitzRoy had expressly ordered the destruction of waka, ostensibly to prevent any more groups travelling to Kororareka to cut down the flagstaff. However, with the arrival of the British army, the flagstaff was no longer under threat, and the wholesale destruction of waka, the principal means of transportation around the Bay of Islands, inflicted a heavy economic blow.

4.21 Peace overtures

Soon after the battle, on 14 May, Heke spoke to the missionary Robert Burrows saying 'he should like to know upon what terms the governor would make peace.'[170] Heke made further attempts at securing peace with the governor. Meetings were held between Heke and Burrows and Henry Williams on 20 and 21 May. Again, Burrows recorded that Heke enquired about making peace with the governor. Heke followed this up with a long letter to FitzRoy.[171] In his letter, dated 21 May, he dispelled the idea that he was going to simply surrender. 'Kahore aku whakaaro no tenei mahi no te mea kua puara te tatau o te riri o te mate…' James Kemp translated this as: 'I have no terms to offer on this subject, because the doors of Anger and of Death have been formally opened.'[172] Instead, Heke indicated that he would be willing to cease hostilities, if the governor did so. 'Mau e mea kia whakamatea he pai ano – mau e mea kia whakaorangia he pai ano'. Heke approached FitzRoy wanting to know if the government was willing to suspend hostilities.

---

[170] Robert Burrows, 14 May 1845, 'Journal 3 March- 31 July 1845', in Burrows to CMS, 14 May 1845, CN/ M, 15, p. 288

[171] The Maori text of the letter exists in two forms. A copy in the Governors' duplicate dispatches at Archives New Zealand, Wellington (G 30/7, pp. 977-83), and a copy located in the Edward Shortland Papers at the Hocken Library (MS-0489-01). In addition there are two contemporary translations by Thomas Forsaith and James Kemp. These are located in G 30/7, in the pages following the Maori text. I have, where possible, included references to both the English and Maori texts of the letter. Full copies of the letter and the two translations are reproduced in the document bank.

[172] Kemp, translation of letter, 21 May 1845 , G 30/7, p. 995

His letter criticised a number of government actions adopted towards Ngapuhi. Heke asked rhetorically: 'Kei hea te tikanga o te atawai a ingarangi?'[173] Forsaith translated this as: 'Where is the kind policy of England?'[174] Heke recounted what he saw as some of the destructive actions for which the Crown was responsible: the publication of a bounty on his head in the *Gazette*, firing at Ngapuhi with cannons and rockets, the curses of the Europeans, the desecration of wahi tapu, and the 'enslaving' of Maori people.[175]

The letter also sought to dispel the reasons given for the governor's action in attacking Heke. Heke stressed that his sole object in the attack on Kororareka had been the pole, and not the town. He also pointed out that the distinction made between those who had touched the plunder among Ngapuhi and those who had not was an artificial difference maintained by the Crown. As Heke said, 100 had been involved in the attack, but 500 in the plunder.

> I muru ano nga tangata o Manu. I muru ano nga tangata o te Warerahi o te Kaingamata nga tanagata katoa o te motu o te rawiti o te puna o aroha me nga tangata o Paratene Kekeao, me nga tangata o te waka o Makoare Taonui e pa katoa nga mano ki nga taonga o Kororareka, kotahi rau i te whakamatenga o Kororareka e rima rau i te murunga o te Taone o Kororareka, he wawai noa ano te wawai a Te Waka [Nene] he wakapati taonga i a koe i tana hoa. Kia mea ai koe he pono i roto. E kore au e penei kihai mahara ko aua tangata [Te Waka] i te muru i te taone.[176]
>
> The men of Manu were engaged in the plunder, the men of Warerahi, of 'Kainga-mata', all the men for Te Motu, and Te Rawhiti, and Te Puna, and Aroha, and also Paratene Kekeao's men, and the men of Waka [Nene] and Makoare Taonui, all the multitude were implicated and touched the wealth of Kororareka – One

[173] Hone Wirimu Pokai ki te Kawana, 21 Mei 1845, G 30/7, p. 977
[174] Forsaith translation, G 30/7, p. 985
[175] Forsaith translation, G 30/7, p. 985
[176] Hone Wirimu Pokai ki te Kawana, 21 Mei 1845, G 30/7, pp. 980-1

> hundred captured Kororareka, but five hundred were at the sacking of the Town of Kororareka. Waka's taking up arms is only a deception to obtain riches from you his friend and that you may esteem him true inwardly. I would not do this, It is not remembered that his [Nene's] men were at the sacking of the town.[177]

Nene's quarrel with Heke had been identified as an old dispute. Heke explained this in the letter and he requested for the governor to allow him and Nene to 'resolve' internal conflict privately, away from the Crown.[178]

In an important statement, Heke explained that his only crime was the destruction of the flagstaff.

> Kia rongo koe i enei. Ko te rakau anake ano taku hara. Kahore ahau me oku tangata i tahu i nga whare. Kahore i muru hoiho, kahore i poka noa, heoi anake no te ra kotahi i pa atu ai ki Kororareka - E kore pea e rite to ture i au Kahore nei he hoiho i au, kahore he poti i au takitahi nga Taonga i aku tangata kua pakaru - erangi aku whare kua toro. Ko aku waka kua pakaru kua murua atu. Ko aku kai kua pau atu Nga kupenga kua tahuna e nga hoia e nga tangata Maori Me aha ra enei. E mea ana ahau ka rite enei. Ko nga poaka hoki.[179]
>
> Listen to me. The flagstaff is my only crime. Neither I nor my men burnt the houses or stole horses, they did not commit themselves being engaged only one day at Kororareka. I will not obey your law, as I have never received a horse , I have never received a boat, very few of the goods were broken into by my men, whereas my houses have been burnt, my canoes have been broken, my food plundered and consumed, and my fishing nets destroyed by the soldiers and by the

[177] Forsaith translation, G 30/7, pp. 990- 2
[178] Heke does not explain what the cause or *take* was however.
[179] Hone Wiremu Paki ki te Kawana, 21 Mei 1845, copy in Edward Shortland Papers, MS-0489-01, HL, p.2

> Natives. What do you say to this? I say these shall be reckoned. And my pigs also.[180]

Heke listed his losses to FitzRoy and reckoned them to be equivalent to the damage his group inflicted in the sacking of Kororareka. This was not simply a statement of losses, however, Heke presented this information as proof that no further utu (payment) would be required and as a basis upon which peace might be restored.

Heke ended by again repeating his central point: if the governor wanted to make peace, then Heke would accept – and he asked the governor to come north and talk with him. 'Houhia te rongo ki to hoa wawai. Ki te whakaae koe ki tenei ture haere mai kia korero. Ka mau te rongo au ki au.'[181] However he also noted that the governor had not replied to his first letter and he doubted whether he would reply to his second letter.

Here is further important evidence of Heke's continued willingness to communicate with the Crown to explain his position and to actively seek a platform from which further peaceful discussions and negotiations might occur between Ngapuhi and the Crown. The letter was passed to Burrows and Henry Williams who was to convey it to the governor. Burrows noted that Heke had said '"it was for the governor to decide whether there should be further war or not, as he was on his own land"'.[182] Burrows explained that this statement meant that Heke would 'not seek for further hostilities, but wait for the soldiers to come to him if the governor wanted more fighting'.[183] Henry Williams carried the letter to FitzRoy in Auckland together with terms for peace.[184]

4.22 Conclusions

---

[180] Forsaith translation, G 30/7, pp. 988-90. Note , there is a question over the Forsaith's translation of 'the statement 'E kore pea e rite to ture i au', which he rendered as 'I will not obey your law'. Dr Jane McRae offers the alternative translation of: 'Perhaps your law is not fair to me'.
[181] Hone Wirimu Pokai ki te Kawana, 21 Mei 1845, G 30/7, p. 982
[182] Burrows, 23 May 1845, *Extracts*, p.32
[183] Burrows, 23 May 1845, *Extracts*, p.32
[184] Burrows, 28 May 1845, *Extracts*, p. 32

This chapter has covered the two attacks by the British military forces on Ngapuhi and Ngati Manu at Otuihu and Omapere. In the wake of the destruction of Kororareka and based on the erroneous idea that Ngapuhi had caused and sought the destruction of the town, the governor ordered the armed forces to attack Ngapuhi and to kill those in considered to be 'rebels'. Martial law was declared over the Bay of Islands and an economic blockade imposed.

Ngati Manu were attacked by the British, based on intelligence that they had shared in the plunder of Kororareka and that they had acted as go-betweens in a trade of gunpowder between Heke and an American trader, Maythew. As punishment, the British launched a pre-emptory raid on their pa at Otuihu. The Ngati Manu rangatira Pomare was taken prisoner, despite having taken no part in the attack on Kororareka. He was held as a prisoner without trial. The British demanded that the pa hand over all guns and plunder, and when some of the inhabitants sought to escape, shots were fired and eventually the British moved into the pa and destroyed it, taking or destroying all property within. The British orders had been to attack Pomare and destroy his pa and its inhabitants.[185] While Ngati Manu had sought peaceful terms and had flown a white flag from the pa, the British drove Ngati Manu out from their pa and destroyed it.

Two weeks later the governor pardoned Pomare, indicating that his initial grounds for the action had been mistaken. In compensation for his imprisonment, Pomare was given a small boat. However, no apology or compensation was given to Ngati Manu people of Otuihu, who had their homes and livelihood destroyed. They were forced to leave their traditional pa and kainga and move to a new area. Ngati Manu have lived with the legacy and pain of the attack and losses since that time. Generations of Ngati Manu women have carried the name 'Te Noota', (the North Star) in memory of the pain of the British attack.

After the attack on Otuihu, the British undertook the first inland attack against Maori in New Zealand. The British entered Ngapuhi territory with force, under instructions to seek and destroy all those whom they had declared to be in 'rebellion'. It was an armed

[185] Bridge, 28 April 1845, p. 5

invasion of the territory of Te Uri o Hua, Te Uri Taniwha, Ngati Hineira and Ngati Korohue and the rangatira Hira Te Pure among others. The British marched to Okaihau where they attacked Heke's pa, Te Kahika.

The British were guided and assisted by followers of Patuone, Waka Nene, Te Taonui, Mohi Tawhai and Pi. But these men never took part in the attack on Heke's pa. There is strong evidence to suggest that the earlier fighting that took place between Heke and Nene rested on traditional take, was conducted by traditional tikanga, and took place separate from, though connected with the conflict with the colonial government.

Irrespective of the view of some historians that the British lost the battle,[186] the fact remains that it had been the British who attacked Ngapuhi in an attempt to destroy their opposition to British sovereign authority. Ngapuhi, though frequently labelled as the instigators of the conflict, had sought to defend their own territory, their mana and their authority – authority that they had had guaranteed to them in the Maori text of the Treaty of Waitangi. In so doing, Ngapuhi lost more than thirty killed in the Te Kahika battle.

[186] Belich, p. 43

CHAPTER FIVE: OHAEAWAI

5.1 Introduction

FitzRoy did not reply to Heke's letter after the Te Kahika battle and the opportunity for peace negotiations was missed. Instead, the government planned for the continuation of the military campaign. The attack was renewed in late May 1845 when the British military forces led an expedition against Te Kapotai in the Waikare inlet. Preparations then began for a large-scale attack on the new pa being built at Ngawha in the inland Bay of Islands. This chapter examines the course and impacts of both attacks made by the British forces. It also covers the changing political divisions within Ngapuhi that led to the armed clash between Heke and Nene at Te Ahuahu in June 1845.

5.2 Attack on Te Kapotai: May 1845

After the battle of Te Kahika, Lieutenant Colonel Hulme instructed Major Bridge of 58th Regiment to remain in the Bay of Islands and to continue with attacks on villages and pa in May 1845. Te Kapotai living up the Waikare River were singled out as a target. Hulme returned back to Auckland on the *North Star* with the wounded from Puketutu. Bridge and the remaining armed forces based at Kororareka made plans to attack Te Kapotai.

Te Kapotai resided in the south-eastern Bay of Islands, principally around the Waikare River. Like Ngati Hine and Ngati Manu, their southern Bay of Islands' kin, Te Kapotai had had extensive early contact with Europeans and had been involved in milling timber and trading from the 1820s. There were a large number of Old Land Claims located in the Waikare inlet.[1] By the 1840s, they had constructed hotels at their principal settlement at

[1] B. Rigby (et al.), *Rangahaua Whanui District One: Auckland*, I, Waitangi Tribunal, July 1996, pp. 104-113

Waikare for the accommodation of European families as part of an economic enterprise.[2] Waikare had originally been an Anglican CMS settlement, but with the arrival of the Marist misson, had converted to Catholicism.

Te Kapotai were signatories to the Treaty of Waitangi in February 1840. The Kapotai rangatira Hikitene (a transliteration of the settler's name: Hingstone) had signed the Treaty on behalf of Te Kapotai. Other prominent chiefs of Te Kapotai were: Kokowai, Te Kapotai and Haumene. Hikitene, like many other rangatira, had become increasingly disillusioned about the manner in which kawanatanga had impacted negatively on the mana of him and his hapu. In particular, the impact of the loss of the trading capital and commerce in the Bay of Islands after 1840 must have been sharply felt by Te Kapotai.

The motivation for the British attack on Waikare had come from intelligence that Waikare had received plunder from Kororareka. This had been the same motivation that had led to the British attack on Ngati Manu. It was also known by the British that Te Kapotai had taken part in the attack on Kororareka, and this undoubtedly reinforced the decision to attack the group. Although, as discussed in Chapter 3, they had not at any point actually attacked the town,
their role had been to provide covering fire and support for Heke's and Kawiti's parties. Nevertheless the Police Magistrate urged the governor and the military authorities to attack Kapotai:

> 'I am not aware of Your exc's orders to Col Hulme, but beg to suggest that after he returns from Heke the pahs of Kawiti and Copatai [Kapotai] should be visited with the severist punishment they have still the greatest portion of the plunder and horses by them.'[3]

And it appears that on the strength of this advice, Hulme advised Major Bridge to attack Te Kapotai.

---

[2] The hotels were advertised in the Bay of Islands newspapers prior to the war. K.Martin, pers. comm. The buildings can be seen in the watercolour image of the attack, below.
[3] Clendon to FitzRoy, 5 May 1845, NZMS 476, ACL

It is unclear if Te Kapotai had been present at the battle of Te Kahika in early May. If so, it must have only been a small proportion, with the reminder staying at their kainga situated at the head of the Waikare inlet. The British did not have a firm idea of how much supposed 'plunder' from Kororareka that Te Kapotai possessed, but they persevered with a plan to attack the pa. Major Bridge visited the Police Magistrate, Clendon, and Henry Williams on 13 May in order to gather intelligence about the Waikare people, 'and how we could best surprise them'.[4] Clendon, in turn, sent a settler, Cook, up the Waikare River to reconnoiter Te Kapotai and report back. In the meantime, Clendon proposed to obtain a collection of small boats to transport the troops up the shallow estuaries leading to the pa.

On 15 May, Bridge again met with Clendon, Cook and the chief Repa (of Mahurehure) to discuss their strategy for attacking Waikare. The plan was to send the troops up the river in small boats at night with the tide in a surprise attempt to take the pa and its inhabitants. Particularly important was the need to 'prevent the escape of the natives'.[5] Having been confronted with empty pa at Otuihu and Te Kahika, one of the goals was to attack the people themselves. The British force was not satisfied simply to receive the empty pa and its abandoned contents. With this in mind, the commander of HMS *Hazard*, Captain Johnson, provided one of the small boats with a 12 pounder carronade for use in the attack. Major Bridge was in command of the expedition and the total force comprised 192 soldiers of the 58th regiment, 8 marines from *HMS Hazard*, 4 volunteers as guides and 1 seamen as a pilot for each boat.

Accompanying the British was a force of 100 gathered from Te Hikutu at Te Puna led by Hauraki, some of Te Mahurehure under Mohi Tawhai and Repa, and finally Ngai Tawake under the leadership of Rewa. All of these three groups actively sought utu against Te Kapotai for the earlier defeat and losses at the battle of Waikerepuru 20 or 30 years earlier.[6] In that battle, Ngati Hine, Ngati Manu and Te Kapotai defended Otuihu against

[4] Bridge, 'Journal', p. 27
[5] Bridge, 15 May 1845, p. 28
[6] Erima Henare, pers. comm., 5 March 2006

an attack from Tawhai and Pi (the fathers of the 1840s chiefs Mohi Tawhai and Arama Karaka Pi).[7] They therefore joined the British attack with this sole purpose in mind. Without this understanding, Rewa's inclusion in the attack in Te Kapotai seems surprising, given his earlier refusals to participate in the war. It also serves to underline the fact that Ngapuhi involvement alongside British forces in this battle, and other battles, occurred for different reasons than those of the British. While, the British sought to destroy Te Kapotai for opposing the Crown, Te Hikutu and Ngai Tawake attacked Te Kapotai as utu for traditional *take*. One author has noted that the Te Hikutu rangatira 'Hauraki was killed in 1845 when he and Hikutu with the Hokianga division of Ngapuhi took the field against Hone Heke, ostensibly in support of the Pakeha governor; actually in retribution for ancient slights.'[8]

It is important to recognise that although certain Ngapuhi groups allied themselves with the British at different times throughout the Northern War, these political decisions were made mostly in order to exact retribution or to enhance mana. Such reasons however were obviously seldom explained to British observers and therefore it is often difficult to identify the exact cause or motivation behind Ngapuhi involvement in each of the attacks. At the same time, by acting alongside the British, chiefs could also ensure that they avoided attack by the British and benefited from some form of monetary reward offered by the British. As mentioned in the previsou chapter, Ngapuhi limited the assistance they gave to the British and did not, with the exception of the attack on Waikare, fight against their kin in the presence of the British. These more traditional rivalries were fought separately, away from the major battles staged between Heke and Kawiti and the British.

At midnight on 15 May, the flotilla of small craft set off from Otuihu, where the ships had anchored. Bridge was in command of the troops and Lieutenant Philpotts, of Kororareka infamy, was in charge of the boats and seamen. Accompanying the British force was a group of 100 Ngapuhi who traveled separately in their own waka. The British used waka paddles and muffled oars which made considerably less noise in an

[7] Erima Henare, pers. comm., 5 March 2006
[8] Barry Mitcalfe, *Maori Poetry*, p. 93

attempt to surprise the pa. However, there were precious few guides included among the fleet, which caused immediate problems for navigation up the maze of snaking tidal estuaries at the end of the inlet. In the darkness and amongst the mangroves, many of the boats became grounded on mudflats and separated. When Bridge made landfall below the pa, a large proportion of the force were still to arrive.[9]

The British soldiers gathered on the open flats below the pa a little after sunrise on 16 May. The British formed up and advanced towards the pa, followed in the rear by Repa and the group of Ngapuhi. The British plan of attack had been to land one body of troops in front of the pa, while a second group, led by Captain Grant, traveled up a creek on the left hand side of the pa and then disembarked, moving around to cut off the retreat of the pa inhabitants.[10] Again, it was clear that the British wanted to attack Te Kapotai residents and not just regain the plunder from Kororareka. In the mix-up with the boats, however, Bridge could not tell whether the other British group had managed to manouvere around behind the pa. As a result, Bridge had to ask the Ngapuhi group under Repa and Rewa to move around behind the pa, to cut try and off any retreat: 'I had therefore to send the friendly natives under Ripa and Rivers [Rewa] round to the left of the Pa to flank it'.[11]

Despite British efforts at trying to surprise the pa, Te Kapotai had been warned of their arrival. There is oral history which records that the inhabitants of the pa were alerted to the soldiers' approach by the large numbers of ducks, rakiraki and parera, which suddenly took flight.[12] When he arrived, Bridge heard voices from the pa, which convinced him that it was still fully occupied. It was more likely, however, that the majority of the inhabitants had already evacuated the pa, leaving just a small group to engage the British and protect the Te Kapotai retreat before escaping themselves.

Another soldier, Alexander Whisker, described the soldiers' advance: 'we concealed ourselves behind some ferin [fern] & heard these horns & bells going every minute they

---

[9] Major Bridge, 15 May 1845, p. 30
[10] Bridge, 16 May 1845, p.30
[11] ibid., Bridge, p. 30
[12] Waikare Marae committee, 4 March 2006, pers. comm.

rung their bells just after us lyeing down and they went to prayers.'[13] Bridge also recorded that Te Kapotai were initially at prayers. He then noted that a few shots had been fired from the pa at Repa and Rewa's groups as they sought to move along the side of the pa. '[I]n about half an hour an hour we heard a few shots at intervals, and then a shout and down rush'd the Maori's towards the Pa, crying out that the enemy [Te Kapotai] were running away, and before we could follow and get into it they had already set a hut on fire and proceeded through it after the flying Waikare's.'[14]

Major Cyprian Bridge: 'View of the attack on the pah of the Waikadi tribe on the morn of the 16th May, 1845', A-079-004, ATL

The battle moved quickly into a pursuit of Te Kapotai into the bush behind the pa. The Ngapuhi forces were closest to the action and chased Te Kapotai, firing at them as they

[13] Alexander Whisker, 'Memorandum Book', MS 327, AML, p. 6
[14] Bridge, p. 31

went. Bridge recorded that: 'this sort of fighting continued for some hours between the natives while we were plundering and burning down the Pa.'[15] In the bush, Te Kapotai appears to have got the upper hand. Mohi Tawhai retreated and returned to Bridge for more ammunition and reinforcements from the soldiers. Bridge rearmed Tawhai and his taua with ammunition and sent the Grenadier Company into the bush. During the bush fighting the Te Hikutu leader Hauraki was shot by Te Kapotai.

There are only limited written records of the Waikare attack. Major Bridge's diary is the principal source.[16] Some details can also be gleaned from other soldiers' diaries. F. E. Maning's account of 'Heke's War in The North', includes a detailed description of the fighting between Te Hikutu and Te Kapotai that occurred as part of the Waikare overall attack, though it cannot be wholly relied upon. Maning was related by marriage to the Te Hikutu rangatira Hauraki, and Maning's account centers around his death as a result of a wound sustained at Waikare. He recounted that as the force moved near to the pa, Te Kapotai called out: 'If you are Maori warriors who come in the night, come on, we will give you battle; but if you are soldiers, here is our pa, we give it you.'[17] Maning, in adopting the fictional persona of 'an old Maori chief', reasoned that the pa was abandoned to the British as payment for Kororareka, 'which was very right'.[18] Some of the details in the account given by Maning are questionable: Maning claims that Waka Nene was present, but none of the first-hand accounts mention him: rather it was Repa who was the leading rangatira in the attack on Te Kapotai. The fighting in the bush between the two Ngapuhi parties culminated in a fight between Hauraki, who was identified by Maning as of Te Hikutu, Te Rarawa and Ngati Kuri, and Hari of Te Kapotai. Hari shot Hauraki, but was himself mortally injured in return.[19]

The remainder of the British not fighting in the bush, plundered the pa, as they had Otuihu. Although one of the principal reasons for the attack had been the recovery of

---

[15] Bridge, p. 32
[16] Bridge wrote an official despatch to Hulme providing details of the attack, however could not be located during research for the report.
[17] Maning, p. 283
[18] ibid., Maning.
[19] Maning, p. 285

plunder from Kororareka, there was little, if any, plunder located in the pa. Bridge noted: 'that there was little of any value found',[20] in contrast to what they had found at Otuihu. Instead, the British plundered significant quantities of food supplies, including potatoes and pigs.[21] Robert Burrows noted that the 'soldiers found good employment in hunting and killing a number of pigs they found in and about the Pah, and then setting fire to the huts. After plundering the pa, it and all the surrounding buildings, including the hostels and European buildings, were burnt: 'we then set their place on fire and burned it to the ground.'[22] Bridge concluded the fighting by sending a line of British skirmishers into the bush up to the ridge of the hill and continued to fire at Te Kapotai, until Te Kapotai withdrew. At this point the British and Ngapuhi forces ceased to fight and returned to the boats, as it was high tide: 'The whole party returned laden with pigs and potatoes etc.'[23] The force then re-embarked and travelled back down the river with the tide to the ships at Otuihu.

The accounts of casualties from the attack varied. Bridge reported that 'Our Maories lost 2 killed and 6 or 7 wounded', and he had heard that Te Kapotai had lost 9 or 10 wounded, but none killed.[24] George Clarke reported that Repa, Rewa and Tawhai had two men killed and five wounded, while Te Kapotai had one killed and nine wounded.[25] Edward Meurant later reported that Te Mahurehure had lost 3 killed and 5 wounded, but that the British did not know the casualties of Te Kapotai.[26]

The attack on Te Kapotai had been planned and orchestrated by the British to punish them for their involvement in the attack on Kororareka. Although one of the reasons for the expedition was to recover plunder, little was recovered. Moreover, the manner of attack appears to have suggested that the British were seeking to punish the inhabitants with a direct surprise assault. A group of Ngapuhi accompanied the British and, at the

---

[20] Bridge, p. 32
[21] Bridge, p. 32
[22] Whisker, p.7
[23] Burrows, MS-0948, p. 45
[24] Bridge, p. 34
[25] George Clarke to Father, 19 May 1845, qMS -0469, p. 510
[26] Meurant, 16 May 1845, 'Diary', MS 205, AML, p. 4

request of Bridge, the Ngapuhi group had been placed in a position where they engaged Te Kapotai before the British. Te Kapotai had seen what had happened to Ngati Manu, where white flags had been used as a ruse to capture the chief and destroy the pa. Once they had been alerted to the attack, Te Kapotai were not going to remain in the pa.

Despite the fact that the British attack was poorly coordinated, Te Kapotai had suffered significant losses as a result of the attack. They had been assaulted in their own pa. They had lost all of their food reserves. Moreover, their pa and principal residences and sources of revenue had been destroyed and several of their people had been either killed or injured. Rewa met with the troops' interpreter, Meurant, on 21 May and proposed a follow-up attack on Hikitene and Te Kapotai. Rewa also wrote a letter to the governor to this effect, which was received by Meurant; it does not appear to have been officially recorded, and could not be traced.[27]

After the Kapotai attack, all soldiers returned to Auckland. George Clarke remained in the Bay of Islands at Paihia where he continued to collect information. Once the troops had departed, Rewa and Ngai Tawake returned to attack Te Kapotai in recompense for the traditional *take*. Clendon reported that on 26 May 1845, Rewa and Repa returned to attack Te Kapotai.[28] Clendon noted that they, 'destroyed all the canoes belonging to the rebels in that district – they returned this evening and brought away all their food – a small vessel belonging to Heketene [sic] and Mr Beckham's boat'.[29]

5.3 Heke's peacemaking: May – June 1845

After the battle at Te Kahika, Heke sought to initiate peace discussions with the government. He presented formal peace terms and then later wrote to the governor seeking to open a dialogue for peace. The governor however chose not to reply.

---

[27] Meurant, 21 May 1845, 'Diary', p. 5
[28] Clendon to FitzRoy, 27 May 1845, 'Clendon Journal', NZMS 476, ACL, p. 14,
[29] ibid.

Henry Williams, Robert Burrows, and Protector Clarke (junior) all mention the fact that Heke met with missionaries and communicated a series of peace terms to be relayed to the governor between 21 and 25 May 1845. Heke initially requested to see Henry Williams to discuss peace terms.[30] Williams and Burrows met with Heke on 21 May and the next day Williams returned to Paihia bearing a set of peace terms from Heke. On 22 May, George Clarke recorded the fact that Williams had returned from meeting with Heke with terms: 'Heke has proposed articles [for peace]', but he added, 'I don't myself approve of them because I feel he would not stick to the terms.'[31]

Despite these concrete references to the existence of Heke's peace terms, no such terms of peace, dated prior to Ohaeawai, have survived. Heke also wrote a separate letter to the governor dated 21 May 1845, which (as discussed in the previous chapter) has survived.[32] This has led to some confusion over the existence of Heke's peace terms and the order in which correspondence from Heke was received by FitzRoy. It is clear, however, that there were, two separate pieces of information: a set of peace terms, either conveyed orally or in written form from Heke to Williams and intended for the governor, and, second, a formal letter from Heke to the governor. The failure of the governor either to formally record the receipt of the peace terms, or, more importantly, to respond to either the peace terms or the 21 May letter, makes it difficult to establish when the documents were received, and the governor's reasons for not responding. These administrative omissions have also meant that historians have tended to overlook the fact that Heke offered peace terms to the governor before the battle of Ohaeawai.

Heke's letter to the governor dated 21 May 1845 was brought later on 23 May from Heke to Waimate and then passed to Williams, who was back at Paihia.[33] The letter was given to Major Bridge who travelled back to Auckland and handed it to the governor on 29

---

[30] Clarke to Father, 21 May 1845, qMS -0469, p. 515
[31] Clarke to Father, 21 May 1845, p. 517. Note, although the letter is dated 21 May, Clarke added a postscript to the letter dated 22 May 1845.
[32] Heke to Governor, 21 May 1845, Williams Miscellaneous Letters and Papers, Vol. 2, 1841-45, qMS-2237, p. 107, ATL
[33] Burrows, Extracts, p. 32; Hone Wirimu Pokai ki te Kawana, 21 Mei 1845, Shortland Papers, MS 0489-1, HL

May.[34] It might be assumed that, if one document was faithfully transmitted to the governor, that the second, the peace terms, was also transmitted to the governor at the same time. But there is no evidence to substantiate this. The governor did not respond to Heke's letter, as he was determined to continue with military plans to punish Heke. But there is no doubt that he received the letter in late May or early June, well before the Ohaeawai attack, and the newspaper *New Zealander* published sections of the letter in English translation in early June.[35]

5.4 The peace terms' document

There is no government record of the receipt of Heke's peace terms' document in May or June. There was, however, a peace terms' document that suddenly appeared in the abandoned pa at Ohaeawai in July, and which FitzRoy attributed to Heke, despite the fact that the document was unsigned and undated. After the ill-fated attack on Ohaeawai, the British began to consider peace negotiations, and the coincidental appearance of a written document of peace terms, inscribed 'from Heke's Pah', and left in the abandoned Ohaeawai pa, raises serious questions.

The document was said to have been found in the abandoned pa, but there were no accompanying explanations. It is suggested here (though ultimately it cannot be proved) that it is likely that this document conveyed the same terms that Heke had sought to transmit to the governor in late May. In suggesting this, there are several factors to consider. First, the document containing the peace terms and forwarded to the Secretary of Colonies, Lord Stanley, by FitzRoy as an enclosure in his despatch dated 16 August 1845, is only an English translation.[36] This was unusual as almost all other correspondence from Heke, was in Maori, and Maori texts themselves were often included as the versions forwarded to the colonial Office. Second, the translated document was undated; this meant it was untraceable, and this also differed from almost

[34] Bridge, 24 & 29 May 1845, Journal, p. 38 & 40
[35] New Zealander, 7 June 1845
[36] Enclosure 4 in FitzRoy to Stanley, 16 August 1845, CO 209/ 35, pp. 101-103

all other correspondence from Heke, or other sources. Third, there was no involvement in, or reference to this document by Church Missionary Society missionaries, who had played a part in almost all correspondence from Heke and others to that time. Finally, Heke himself was not present at Ohaeawai pa during the battle with the British. The terms were unsigned, yet FitzRoy insinuated that the document was from Heke with a heavy involvement from French priests: 'a letter was found in Heke's Pah at Ohaeaohae in French handwriting, and not in the Native idiom, though worded in Maori, addressed to myself from Heke'.[37] FitzRoy identified the document as from Heke's Pah, despite the fact that he was well aware by August that Heke had not been present at Ohaeawai.

FitzRoy wrote to Heke on 6 August 1845 and the letter was published in the *Parliamentary Papers*. In the letter, FitzRoy noted he was responding to what he called Heke's 'second letter', dated 19 July 1845 (discussed later). FitzRoy also explicitly stated that he had refused to respond to Heke's earlier letter dated 21 May, because it was not a 'proper letter'.[38] In trying to highlight this, FitzRoy attached an incomplete excerpt taken from the peace terms' document, which he had told Stanley had been found after Ohaeawai. In so doing, he in effect identified Heke as the author of the terms, and that the document was dated 21 May, prior to Ohaeawai.[39]

It is clear, therefore, that there was some deliberate mis-leading about the order of communications between Heke and the government, perhaps in an attempt to cover up for the fact that FitzRoy had failed to respond to Heke in the first place. This, of course, cannot be proven in the absence of the original peace terms' documents, but enough questions and contradictions exist to cast serious doubt on the version of events suggested by the governor. And in any case, it is apparent that Heke transmitted both a letter and separate terms of peace to the governor in May 1845, and that the governor ignored these attempts at peace-making in preference to a renewed military attack.

---

[37] FitzRoy to Stanley, 16 August 1845, CO 209/ 35, p. 45
[38] FitzRoy to Heke, 6 August 1845, *GBPP*, 1846 (337), p.309
[39] FitzRoy to Heke, 6 August 1845, *GBPP*, 1846 (337), pp. 298-312

There are other references to possible peace terms being devised in May 1845, this time from the government side. Police Magistrate Clendon recorded in his journal a series of peace terms, suggested either by himself or perhaps another government official. These terms are recorded in Maori and English, and although undated, occur in the bound volume between 19 and 25 May, suggesting a possible date that might be in keeping with a response to Heke's terms?

5.5 Peace terms from Clendon Journal

> 'Na ka wakaritea enei ture ka mutu te wawai a nga hoia ki te hunga tutu i haere ki Kororarika ki hea ranei, ki te patu pakiha ki te muru kainga
>
> ---
>
> Ko nga rakau o te kara kia wakarite he rakau mo te rakau . Kia waru
>
> Ko nga hoiho. Kia wakahokia ki te Kawana
>
> Ko nga Pote kia wakahokiaki te Kawana
>
> Ko te taonga a te Pakiha kia wakahokia ki te Kawana
>
> Ko Hone Heke kia wati ki Wangaroa ki hea ranei mo nga tau e rua kia hoki mai ki te Kawana
>
> Ko Haruru kia atea hia kahore he tangata maori e noho ki reira
>
> Ko Pukitono kia atea hia kahore he tangata maori e noho ki reira
>
> Ko Kaipatiki kia atea hia kahore he tangata maori e noho ki reira
>
> Ko Waikare kia atea hia kahore he tangata maori e noho ki reira
>
> Ko Waiomio kia atea hia kahore he tangata maori e noho ki reira
>
> Ko Waingai kia atea hia kahore he tangata maori e noho ki reira
>
> Ka riro enei kainga i te Kawana he utu mo nga ware i wahia i tahuna mana ano tana wakaaro ki enei mahi kia wai ranei.[40]

[40] James Clendon, Journal, NZMS 476, ACL, pp. 11-2

These terms are proposed if the soldiers cease to fight with the Rebels who went to Kororarika and other places to kill Europeans and plunder stations.

The flagstaff shall be paid for staff for staff - eight
The horses are to be returned to the government
The boats to be returned to the government
The property of the Europeans to be restored to the government
John Heke to retire to Wangaroa or other place for two years _ if he remains quiet those two years_to return to the governor
The Haruru to be vacated by the Natives
Kaipatiki to be vacated by the Natives
Pukitona to be vacated by the Natives
Waikari to be vacated by the Natives
Waiomio to be vacated by the Natives
Wangai to be vacated by the Natives

These places to be given over to the government in payment for the houses which have been destroyed and burnt to be disposed of in any way the government may please.[41]

No further information has been located in relation to the peace terms recorded by Clendon. It is not known, for instance, whether Clendon himself was responsible for these terms or whether the authority came from elsewhere. It is notable, however, that the terms involved the forfeiting (or confiscation) of considerable tracts of country, something that drew a strong opposition from Heke and Kawiti, when attempted later by the governor.

In May 1845, Protector of Aborigines, George Clarke (junior), while he referred to Heke's peace terms, continued to push for the war to continue: 'we shall never have peace so long as Heke, Kawiti and the principal ringleaders are alive – it is of no use

[41] ibid., p. 12

entering into terms with them for it would be construed by the Friendly natives as well as the rebels into nothing more or less than fear.[42] George Clarke (Sr), however, was more hopeful of achieving peace. He wrote to the CMS stating that 'I hope by the next opportunity I shall have the pleasure of telling you that peace – a more permanent peace than ever has been established.'[43] It is not known whether the Clendon peace terms were ever circulated to Heke and Kawiti although, it is possible that Clarke (Sr), in his letter to the CMS, in fact referred to a future peace negotiation process involving the terms recorded by Clendon.

In early June, the newspaper *The New Zealander* reported the contents of Heke's 21 May letter to the governor with the comment that: 'The latest accounts from the Bay of Islands state, that Hone Heke has intimated to the government that he is anxious for peace; but not less inclined to carry on the war, if His Excellency the governor prefers fighting'.[44] The newspaper declared that, 'Heke displays a nobleness of character, with feelings that, under other circumstances, would be deemed patriotic'.[45]

Ultimately, the governor's decision not to reply to Heke's letter, or the terms of peace, seems a definite indication of the colonial government's determination to continue with the military attack against Ngapuhi and to ignore a possible peace settlement. FitzRoy's behaviour and the failure to give an adequate explanation, remains surprising, and it appears to have been an act of omission in terms of his duty. It was perhaps for this reason that FitzRoy went to lengths to try and cover up his failure to reply to Heke when he forwarded the documents to the colonial Office and Lord Stanley.

5.6 Foreign influences

---

[42] Clarke junior to Father, 21 May 1845, p. 515
[43] Clarke senior to Dandeson Coates (Secretary of CMS), 23 May 1845, 'Clarke Letters', qMS -0469, p. 250
[44] *New Zealander*, 7 June 1845
[45] *New Zealander*, 7 June 1845

Government officials and other Pakeha settlers consistently blamed Heke's actions on the influence of 'evil and designing' foreigners. In his letter to Stanley bearing Heke's terms of peace, the governor alluded to allegations and rumours that a French priest had been present in Heke's pa at Ohaeawai. He went as far as to suggest that it had been the priest, and not Heke, who had drafted the peace terms.[46] It was consistently reported that the Pakeha foreigners, the Americans and the French (those with competing geo-political ambitions in New Zealand), had convinced Ngapuhi of the need to take action, and had instructed them about how to go about cutting down the flagstaff. Heke himself credited certain American residents with some of the ideas that led him to take action.[47] Yet, this was only some of the advice Heke received. European observers, governed by prejudices of the time, were often quick to deny Maori an active and intelligent role. European witnesses preferred instead to view the actions – and Maori victories – to be the result of European advice and not Maori strategy. Consequently, we must be cautious about the extent to which we ascribe the political motives and actions of Ngapuhi to a group of self-interested American traders and French missionaries in the Bay of Islands.

James Belich in his study of the later New Zealand Wars has noted similar tendencies for the European officials and correspondents to try and explain Maori agency and victories in battles as due in part to the involvement and advice from nefarious Europeans. Such explanations were often attempts to try and explain away the success of technologically inferior Maori over technologically superior Europeans. This was a significant constituent of what Belich named 'the Victorian interpretation' of racial conflict. He mentioned that, in the case of the battles, such attitudes were based on British stereotypes of Maori military ability.[48] Interestingly, we see exactly this sort of comment being made about both the Ohaeawai and Ruapekapeka pa, the construction of which, some British claimed had been significantly guided by French Catholic priests and/or Americans.[49]

---

[46] FitzRoy to Stanley, 16 August 1845, CO 209/ 35, facing p. 46
[47] William Williams, 8 July 1844, 'Journal 1843 - 1844, Vol. 6, Box 10/34, AML, p. 746-7
[48] Belich, p. 316
[49] Belich, pp. 315-6

This is not to suggest that certain European individuals did not advise Heke to take action. American residents undoubtedly gave Heke a good deal of advice during 1844 and early 1845. 'Heke stated that the Americans have urged them to cut down the flagstaff, saying that no ships would come into the Bay as long as it was allowed to remain.'[50] American residents at the Bay of Islands, such as the alleged American traders, William Maythew and Charles Waitford, had spoken with Heke about felling the flagstaff. In his letter of 21 May 1845, Heke also referred to a stream of advice from Europeans urging Heke to take action.

> No te rima o nga tau ka whakaetia aua korerotanga maha a te Pakeha ki a matou. Na katahi matou kapa atu ki taua rakau ka poutoa kia hinga muri iho ka whakarahia ano – katahi matou ka mea he pono ina hoki ka totohe. Ka mea matou kia mate matou ki runga ki to matou wenua i tukua mai e te Atua me matou e kore au e pai me kohuru matou .[51]

> on the fifth year these frequent speeches of the Europeans to us were believed, and we at once approached that Flagstaff and cut it asunder that it might fall. after which it was erected again, Then indeed we concluded it was true insomuch as it was persisted on. We agreed that we would not die upon our Land, which was delivered to us by God, but I will never be taken*[52]

In the passage, it refers to the fact that it was the British decision to re-erect the flagstaff (without consultation) building on the advice from the 'foreigners' that served to confirm Ngapuhi fears and to trigger the eventual encounter at Kororareka.

---

[50] William Williams, 8 July 1844, 'Journal 1843 - 1844, Vol. 6', Box 10/34, p. 746-7

[51] Hone Wirimu Pokai ki te Kawana, 21 Mei 1845, Shortland Papers, MS 0489-1, HL, pp.1-2. I have relied on the copy made in the Shortland papers as it is more legible than the other version in G 30/7, pp.978-79

[52] Heke to governor, 21 May 1845, G 30/7, pp. 987-8 (Forsaith translation). Forsaith adds in a side note that the original meaning of Kohuru 'is murdered', but that the word carried a range of codified meanings, 'and I think means here taken, subdued, conquered etc or treated like Maketu.'. HT Kemp offers an alternative translation : 'In the fifth year I cut down the flagstaff , it was again erected. This at once convinced me of the truth of their statement, and we determined to die for the country provided for us by the Almighty. Believe me, I have no desire that we should be subdued…' Heke to governor, 21 May 1845, G 30/7, pp. 997-8 (HT Kemp translation).

Yet, despite these frequent references to European advice, it is important to remember that Heke's actions were his own. Heke and his supporters, chose to fell the flagstaff as a symbolic challenge to British authority and an expression of his opposition to the supplanting of tino rangatiratanga. Heke was aware of the liberation movements elsewhere, such as in Tahiti, but there is no suggestion he contemplated swapping one set of colonial masters for another. Moreover, his focus and the focus of those who supported him was the protest against the loss of their authority. Heke continued throughout the war to seek a dialogue with the British governor.

On another level, British references to the threat and influence of other foreign nationals indicated the deep fears and suspicions of the British colonial government at this time. There was still considerable geo-political competition for new lands and resources in the Southern Pacific in the 1840s. British officials were pre-occupied with the potential threat that France or America might seek to expand their interests in the colony. FitzRoy himself was worried about the American threat and in a series of confidential dispatches sent to the colonial Office in 1845, he referred to the considerable influence of the French priests and American settlers in exciting Ngapuhi to oppose the British.[53] He also postulated that as well as fighting against Ngapuhi, the colonial government might also end up in hostilities against France or America.[54]

The Chief Protector of Aborigines, George Clarke senior, in his six-monthly report to the governor gave a detailed examination of the causes of the conflict. Clarke's account is a long chronicle of events and issues from first colonisation onwards and the causes of discontent between Maori and Pakeha. He concluded that the main reason for the conflict was the involvement of other Europeans in raising Maori fears: 'the misrepresentations and intrigues of certain foreigners have been the principal cause of the present rebellion.'[55] Notably, however, by apportioning blame to other uncontrollable interests, Clarke had found a scapegoat in terms of his own role as Chief Protector of Aborigines. On one hand, by blaming other foreigners, he was not putting the blame on Maori, whom

[53] FitzRoy to Stanley 9 April 1845, referred to in Stanley to Grey 15 October 1845 (1845/ 38), G1/15
[54] FitzRoy to Stanley, 16 September 1844, G 30/ 28, facing p. 310
[55] Protector of Aborigines to Colonial Secretary, 1 July 1845, *GBPP*, 1845 (247), p. 291 (131)

he was there to protect. On the other hand, he was not blaming British policy towards Maori, for which he, as Chief Protector, was chiefly responsible.

Looking at Clarke's 1845 report, while he accentuated the role of foreigners, he also discussed a number of other factors which he considered led to the crisis in relations. Remarkably, the Chief Protector of Aborigines, was ready to admit in 1845 that Ngapuhi and Europeans had different understandings of the Treaty of Waitangi and that this had led to some of the tensions and conflict:

> I am quite ready to admit that they [Maori] had not a correct and comprehensive idea of all that was implied in ceding the sovereignty of their land; and that there was a constant discrepancy between their intentions in the act, and our views and interpretations of it…. [56]

This was a significant acknowledgment by the government of the existence of different expectations under the Treaty. It also raises the important question why, given this level of awareness, more subsequent action was not undertaken by the government to work with the different expectations engendered by the Treaty. Instead, the government in its militant policy towards Ngapuhi, continued to force Ngapuhi to accept the British view of the Treaty as having transferred sovereignty.

Clarke also spent some time identifying the danger of the 1844 Select Committee Report on New Zealand - the damage it had caused and the future danger it was likely to cause, if adopted.[57] Among other issues, such as the constant abuse exhibited by the colonial newspapers towards Maori,[58] Clarke singled out the failure of the British colonial justice system for providing effective treatment and redress of disputes. He recommended (as discussed in an earlier chapter) that if the colonial government had legalized particular Maori customs, and invested chiefs with the authority of magistrates, 'many, if not all of our difficulties would have been prevented'.[59] Clarke therefore identified a host of

---

[56] Protector of Aborigines to Colonial Secretary, 1 July 1845, *GBPP*, 1845 (247), p. 293 (133)
[57] ibid.
[58] ibid.,p. 293
[59] ibid., p. 294 (134)

issues, many of which he had earlier signalled to the government, which, he concluded, had led to the cause of the conflict.

Clarke's report was sent to the Colonial Office in August 1845 and the Colonial Office officials received the report in February 1846 (after the Northern War conflict had ceased). In his comments on Clarke's report, James Stephens summarised the key causes of the conflict as identified by Clarke. Stephens noted 'that the Native Chiefs did not understand the Treaty as we understood it'.[60] He also acknowledged the following conclusions made by Clarke:

> The practical evils pointed out are that there is no effectual provisions for the administration of Justice among the Natives, and nor for the maintenance of such native customs as ought to be tolerated. He therefore advises that those customs should be legalized – that the Natives should enjoy much more self-government – that the Chiefs should be invested with Magisterial Authority – and (more ambiguously) that Protectors should be multiplied and attached to all the tribes.[61]

After commenting on Clarke's findings, Stephens made his own recommendations.

> The great practical conclusion deducible from it [Clarke's report] is, I think, that it was great error to set aside the Native Customs, or to attempt to govern these people, in their relations with each other, excepting only so far as might be necessary for the prevention of War and of inhuman practices. This is an opinion maintained on the first foundation of the Colony by Lord John Russell, and afterwards maintained by Lord Stanley. It has been opposed in practice by that spirit of legal pedantry from which no English society is ever emancipated and by the contempt and the aversion [?] with which the European race every where regard the black races. I am not aware that any benefit would result from insisting

[60] James Stephens notes on FitzRoy to Stanley, 16 August 1845, CO 209/ 35, facing p.47. It should be noted that by the time the dispatch arrived in London, both FitzRoy and Lord Stanley had been replaced. Lord Stanley had been succeeded by Gladstone as Principal Secretary of State for the Colonies.
[61] ibid.

> again on this principle. The time is not now very distant when intelligence may be expected from the new Governor [Grey] of the opinions formed and the measures adopted by him for the conciliation of these disputes, and for the avoidance of these dangers.[62]

Despite Stephen's acknowledgement that the setting aside of native customs had been a 'great error', the Colonial Office officials did not send further instructions to Grey. This was due to the fact that Grey had only recently been issued with detailed instructions. These instructions were signed and dated in London on 23 December 1846 and were not received by Grey until after the Northern War.[63] Although openly acknowledging the shortcomings of earlier colonial office policy, officials held off making any changes or additions to policy until they had received the first reports from Grey himself. Lord Lyttleton noted that there was nothing in Clarke's report 'to require fresh instructions to the Governor beyond what he has received since his appointment.'[64]

5.7 Naval Blockade extended to Whangaroa

The government appeared determined to continue to punish Ngapuhi rather than seek a peaceful compromise. On 19 May 1845 the governor extended the naval blockade from the Bay of Islands to cover the entire east coast between (and including) Whangaroa and Whangarei.[65] The proclamation declared that 'no merchant vessel will be allowed to remain in, or have any intercourse with the above-mentioned places during the continuance of such a blockade.'[66] The governor had been informed that there were several American vessels trading at Whangaroa, and that one had landed gunpowder.[67] This appears to have been the catalyst for extending the blockade. However, the blockade significantly impacted on Whangaroa hapu, the vast majority of which remained neutral and sought only to continue trading as part of their livelihood. It must be remembered

---

[62] ibid., p. 47
[63] 'Instructions to the Governor of New Zealand', 23 December 1845, GNZMS 103, ACL, p. 1
[64] Lord Lyttleton notes on FitzRoy to Stanley, 16 August 1845, CO 209/ 35, p. 47
[65] *New Zealand Government Gazette Extraordinary*, 19 May 1845, Vol. V, No. 11
[66] ibid.
[67] Colonial Secretary to Captain Johnson (HMS *Hazard*), 19 May 1845, 45/128, IA 4/2, p. 321

that Whangaroa groups were a harbour people and depended on the harbour to a large extent for their commerce and survival. The blockade of the harbour destroyed their economic base, despite the fact that Whangaroa was not directly involved in the Northern War.[68]

The colonial Secretary sent copies of the proclamation to the police magistrate James Clendon in the Bay of Islands. Accompanying the proclamation were directions from the governor stating that the blockade would remain in place until the end of the conflict. The proclamation also stated that presents would be given to all loyal chiefs. It seems that the colonial authorities were mindful of the impact the blockade would have on all chiefs, and by promising rewards, sought to ameliorate the destructive impact and encourage a widening of divisions within Ngapuhi.

> I am desired to inform you that it is the intention of H EX The governor to make Presents to <u>all</u> the Loyal Chiefs who have taken part or may take part in putting down disturbances – as soon as the affair is ended by the suppression of the Rebellion – and I am further to acquaint you that that the Blockade will cease when such a result is obtained. [69]

The inclusion of both measures to extend the economic blockade, and at the same time 'reward' or exempt those Ngapuhi who allied with the British, tends to suggest that the colonial government were deliberately trying to drive Ngapuhi into a corner where they had little choice but to help attack their fellow kin.

The blockade was also extended to Whangarei though it is less clear on what basis the colonial government decided to blockade that port. There were no references to any deviant American vessels entering the area. Chiefs living at Whangarei included Te Tirarau and Te Parawhau chiefs who, like Whangaroa, had remained largely neutral or supportive of the Crown. It is assumed therefore that negative economic impacts were felt

---

[68] Nga Papa hapu o Whangaroa, pers comm., 13/12/2005
[69] Colonial Secretary to J R Clendon, 19 May 1845, 45/127, IA 4/2, p. 320

by Whangarei hapu as a result of the blockade as well. HMS *Hazard* remained in the north to enforce the blockade.[70]

5.8 Economic Impacts

Ngapuhi were not only suffering from the impacts of a destructive civil war brought about, at least in part, by the presence of the British forces. There is also evidence highlighting the fact that, prior to the Ohaeawai campaign, groups within Ngapuhi were suffering the economic and social losses as a result of the war. George Clarke (Sr), in his report for the first half of 1845, made the following comment:

> The destruction of the rebel pahs, the consumption of their crops, the loss or disabling of their canoes, fishing nets, and other valuable property, has reduced them to a state of great privation and misery; and it is to be regretted that the loyal natives are more or less afflicted by these calamities, the unavoidable accompaniment of war.'[71]

Clarke Sr had received first hand information of this from his son who was still in the north. Clarke junior had noted that the consequences of the military campaign and economic sanctions affected all Ngapuhi. 'Heke's people are suffering daily – from the absence of any means of procuring articles to which they have been accustomed for so long a period.'[72] He declared the destructive consequences, however, to be 'the unavoidable accompaniment of war'.

The impact of the economic blockade was also seen to affect some of the few remaining Pakeha settlers situated on the Hokianga River. But in cases where Pakeha were affected, the governor intervened to assist. One settler, P Jonlay, was caught importing goods into Hokianga without paying customs dues and was threatened with legal proceedings. Jonlay appealed against the threat of legal action on the grounds that he was suffering under conditions of economic hardship as a result of the war and the blockade. In

---

[70] Wards, p. 147
[71] Protector of Aborigines to Colonial Secretary, 1 July 1845, *GBPP*, 1845 (247), p. 293 (133)
[72] G. Clarke junior to Father, 9 June 1845, 'Clarke Letters, vol. 7, qms-0469, p. 518

response, the government agreed to make an exception for the settler, and waived the threat of punishment. '[T]he case being one of extreme individual hardship and not likely to occur again he [the governor] has been pleased to direct that no legal proceedings shall take place against you.'[73]

5.9 British decision to attack Heke again

After the attack on Waikare, Major Bridge delivered Heke's letter to the governor.[74] As already stated, FitzRoy chose not to reply. Instead, he and the Executive Council made immediate plans to renew the attack on Ngapuhi in the Bay of Islands. Underlying this decision, FitzRoy remained fixed in his view that an overwhelming victory was needed against Heke. There was a corresponding fear that if a decisive victory was not achieved then the balance of power would be easily upset again and Maori from different parts of New Zealand might feel encouraged to try and attack the British. Such views were the product of a deep-seated colonial fear of being overwhelmed and they powered a British desire to mete out a salutary lesson to Ngapuhi, as a warning to other Maori groups.

On 29 May, there was a meeting of the Executive Council to discuss the next step. Lieutenant Colonel Hulme, Major Bridge and George Clarke (Sr) all attended the Council meeting and were questioned 'as to the expediency of forthwith recommencing operations against the rebellious natives at the Bay of Islands.'[75] Bridge and Hulme replied that 'there was nothing to prevent our going back and proceeding to Waimate'.[76] Some British soldiers needed a short period of recuperation, but in the meantime a smaller force was to be sent ahead, to be followed soon by the remainder of the attacking force. At the end of the meeting, the Council passed the following resolutions:

> As the Council have agreed unanimously, in the propriety of detaching a small force <u>now</u> to the Bay of Islands and a large force as soon as possible afterwards…'

[73] Colonial Secretary to P. Jonlay, 7 July 1845, 45/ 199, IA 4/2, p. 861
[74] Bridge, 29 May 1845, p. 40
[75] Executive Council Minutes 1845, Thursday 29 May 1845, EC 1/1, ANZ
[76] Bridge, 29 May 1845, p. 40

> Resolved: That in the present state of the colony, it is absolutely necessary that all the resources, which can be made available should be employed in quelling the rebellion in the North and restoring tranquility as speedily as possible.[77]

Hulme, together with FitzRoy, devised a plan of attack against Ngapuhi. However Hulme was subsequently replaced as commander by Colonel Henry Despard, who arrived with new reinforcements from Sydney.[78] These reinforcements had earlier been requested by FitzRoy, and in response, Governor Gipps had sent two divisions of the 99th Regiment under Despard's command.

It should be noted that, while stationed in Auckland, the British soldiers of the 96th Regiment employed in 'suppressing Heke's rebellion', staged their own unlawful riot. Bridge, who, with the 58th regiment, was responsible for quelling the riot, recorded that it was a 'disgraceful business and 40 or 50 96th men were taken up with their side arms rioting and breaking windows etc.'[79] Subsequently two of the soldiers were found guilty by court-martial of rioting. But the governor formally pardoned the soldiers, despite their having been found guilty.[80] This incident is mentioned as it contrasts sharply with the action meted out against Heke and Kawiti in the wake of Kororareka.

5.10 Fighting between Heke and Nene resumed

Between the British departure in mid-May and their return in mid-June, there were renewed tensions and conflict between the supporters of Heke and Nene. Heke and Kawiti together with the Ngati Rangi chief, Pene Taui, had decided, in late May, to construct a new purpose-built pa to face the British military at Ohaeawai, if necessary. While Heke contacted the government and sought channels for peace negotiations, the Ohaeawai pa was proceeded with in the possibility that peace was not achieved. During

---

[77] Executive Council Minutes 1845, Thursday 29 May 1845, EC 1/1, ANZ
[78] Bridge, 31 May 1845, p. 42
[79] Bridge, cited in Barthorp, p. 83
[80] Colonial Secretary to Despard, 7 June 1845, 45/ 150, Miscellaneous Outwards Minute Book, IA 4/ 2, p. 335

this period of concerted activity in late May, Heke and his supporters were based at a hill-top pa on Te Ahuahu (also known as Pukenui) and Maungakawakawa (refer map below) on the eastern side of Lake Omapere.[81]

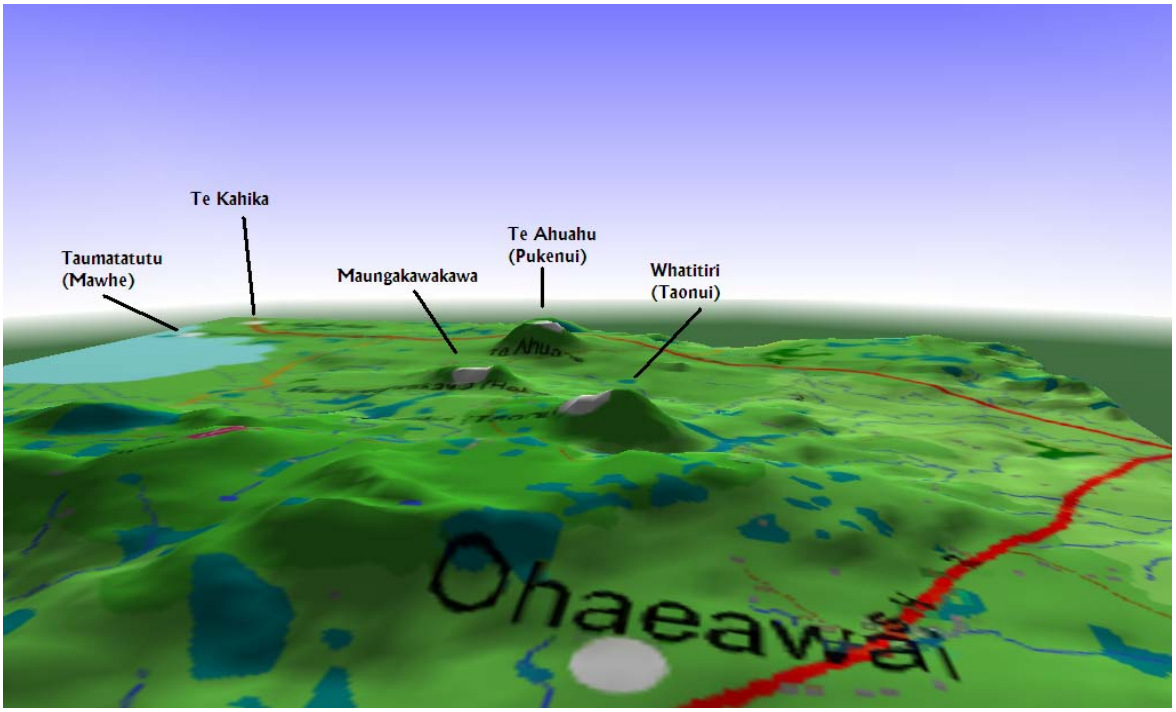
A new round of fighting between the supporters of Heke and Nene appears to have erupted in early June, following Nene's gradual encroachment eastwards from Okaihau into Heke's territory. In the wake of the battle against the British at Te Kahika, Heke had withdrawn from the northern side of Omapere around towards the east to Te Ahuahu, Maungakawakawa and Ohaeawai. Makoare Te Taonui who had earlier advised Heke to leave Te Kahika, had subsequently moved into the pa and plundered all the remaining food and possessions from the area.[82] About 29 May, Nene then moved from his pa at Okaihau, at the limits of Ngati Hao territory, into the Taiamai area. Using the opportunity of the power vacuum after the British departure, Nene sought to expand his claim to te mana o te whenua into the central Bay of Islands lands. This was a daring advance and signified a direct challenge to the customary mana of Te Uri Taniwha, Te Uri o Hua, Ngati Hineira and Ngati Korohue, among other central Taiamai groups. Nene chose to take over Hongi Hika's own former pa Taumatatutu, located on the Mawhe point on the Lake, itself an act designed to make a political statement.

The British presence in the interior Bay of Islands led to some shifts in the political balance of power among Ngapuhi. The likelihood of the return of the troops heightened tensions, and created a demand to gather economic resources necessary to sustain further fighting, in particular, food. The internal Ngapuhi economy, already under some considerable pressure and suffering from an ongoing economic blockade, was placed under further pressure to sustain a war. The missionary Burrows, based at Waimate, referred to a series of incidents where Nene's supporters and then Heke's supporters, in

[81] Gill Parker, pers. comm., 30/11/2005
[82] Burrows, MS-0948, pp. 45-6

turn, were moving around the areas of the inland Bay of Islands gathering and often taking food belonging to other groups in a bid to stockpile resources.[83]

Map of locality:



5.11 Battle of Te Ahuahu: 12 June 1845

The first group of British soldiers returned to the Bay of Islands on 6 June. Knowing this, Nene, Taonui and others pressed with an attack against Heke. Through early June, Heke and his supporters were busy working to strengthen their defensive pa at Ohaeawai, as well as hunting and stockpiling supplies. On 10 or 11 June, Heke and some supporters left their pa at Te Ahuahu for Ohaeawai to gather food. The pa was only lightly fortified

[83] Refer to reports of plundering food: R. Burrows, 24, 26 & 27 May, *Extracts*, p.32, also Heke gathering food on 9 June, p. 34; Clarke to Father, 9 June 1845, 'Clarke Letters, vol. 7, qMS-0469, p. 518. In his letter Clarke refers to the term 'takahi kai' (treading down food or foraging).

and had been left virtually unguarded. Makoare Te Taonui led a small group who captured the pa on Te Ahuahu – a place of strong significance to Taiamai people – and garrisoned it.[84]

Heke had lost an important pa and lands to Taonui and Nene. He had also lost significant food reserves that had been stockpiled there. These losses drove him to attack and try and regain the pa – something he sought to do before the British soldiers returned inland. On 12 June 1845, Heke gathered a large force and headed out from Ohaeawai to regain Te Ahuahu. The estimates of how many were involved in the battle vary widely. John Webster estimated Heke had nearly a thousand men and Nene half that number.[85] The missionary Richard Davis offered a more realistic estimate of 500 men in Heke's party and 100 men with Nene and Taonui.[86] However in all references, Nene was outnumbered. Both groups met on the lands below Te Ahuahu pa and the battle raged all day over the lower slopes of the three maunga: Whatitiri, Maungakawakawa and Te Ahuahu. The battle is referred to variously as Te Ahuahu or Whatitiri.

The events within the battle are beyond the scope of the present report as there was no direct involvement of the Crown's forces. Still, the occurrence and the timing of the battle was connected to the actions of the British colonial government. It is also important to note that the battle inflicted serious casualties for both sides, but particularly Heke's supporters. Among Heke's group, three rangatira were killed, including the renowned Ngati Tautahi rangatira, Te Kahakaha. Heke himself was seriously wounded in the upper thigh, and Haratua of Pakaraka was so seriously wounded in the stomach that the missionaries did not expect him to recover – although he eventually did and participated in the later defence of Ohaeawai.[87] Burrows dressed some of the wounded on 13 June and

[84] Maning, p. 294
[85] Webster, p. 281
[86] Davis to Coleman, 28 June 1845, in Coleman, *Memoir of the Rev. Richard Davis*, p. 293
[87] Burrows, 13 June 1845, *Extracts*, p. 36 Note, Burrows incorrectly recorded the date as 12 June in his published account.

spoke with Heke.[88] George Clarke (junior) later reported that 7 had been killed and 27 wounded among Heke's taua, while Nene suffered five killed and 7 wounded.[89]

Heke was moved first to Ohaeawai, where he was visited by Burrows and Williams. He was bathed at the healing waters of Ngawha, before he was moved on to Kaikohe.[90] Finally, he was taken further south to Hikurangi and Tautoro under the protection of the senior chief Kuao of Ngati Rangi. Heke, as the leading protagonist, was transported to safety and took no further active part against the Crown for six months, until the closing stages of Ruapekapeka in early 1846.

Te Ahuahu was a single battle but the severe nature of the encounter was shown by the fact that chiefs accounted for the majority of the casualties killed. This was much more serious that the earlier skirmishes which had occurred earlier. It was a battle fought between Ngapuhi chiefs as a struggle for mana over the central Ompaere and upper Waimate lands. Although the British forces were not involved in this battle, their presence and later removal from the Bay of Islands and return had shaken the power balance in the north. Te Taonui had acted opportunistically in the vacuum created by the British departure, and Taonui and Nene then sought to encroach directly into Heke's territory while he was busy building a pa to defend himself against the British. Ngapuhi acted against their own, in response to traditional and more recent *take*, and they had harnessed the opportunity arising out of the presence of the British military in the north.

5.12 The Advance on Ohaeawai

The British troops had returned to the Bay of Islands in early June. The first group, comprising Colonel Despard and the 99th regiment, arrived on 6 June. The second group

---

[88] Burrows, 12 June 1845, *Extracts*, p. 36
[89] Clarke junior to Father, 19 June 1845, qMS-0469, p. 522
[90] There are different accounts as to where Heke was taken to recover. One tradition records that Heke was taken to Mangamuka where his blood spilt in the soil and stained the earth and the kumara from the district. Freda Rankin Kawharu explains Heke was taken first to his kainga at Kaikohe and then later shifted to Tautoro: Rankin Kawharu, 'Hone Heke Pokai', *Dictionary of New Zealand Biography (DNZB)*, I, p.186. Missionaries Burrows and Davis simply refer to Heke's destination as Hikurangi (which is also Tautoru).

(most of 58th regiment) arrived in the Bay of Islands on 10 June, and a third group (58th and 96th regiments) arrived the following day. The final two vessels carrying troops and supplies arrived on 13 June.[91] The combined British force amounted to 520, with an added contingent of naval seamen and marines, as well as a colonial militia force.[92] The militia force were referred to as the 'colonial Volunteers', yet they were paid by the colonial government to fight against Ngapuhi.[93] Colonel Despard listed the British force as follows:

> 31 serjeants, 14 drummers, and 458 rank and file regular troops , 25 volunteers from Auckland as artillery men and 50 as pioneers, 12 seamen and 6 marines these were under the charge of Lieutenant Philpotts for the purpose of working the guns.[94]

The total number of the British force involved in the attack on Ohaeawai was between 500 and 600 strong.

5.13 Instructions to the Military

The colonial government having made the decision to continue the war against Heke, lost no time in directing Despard to proceed to the Bay of Islands and attack Heke. The governor had issued instructions to Despard on 6 June 1845 under the terms of the British colonial Service Regulations (ch.1, s.2, art.3).[95] Despard's orders were explicit: 'The principal object of your expedition is the capture or destruction of the rebel Chief Heke and his principal supporters.'[96] The governor further advised Despard not to accept any

---

[91] Logbook government brig 'Victoria', 13 June 1845, GNZMS 20, p. 114
[92] Barthorp, p. 87
[93] Governor to Colonial Secretary, 7 June 1845, IA 2/2 'Minutes from Governor 1845'
[94] Henry Despard, 'Narrative of an Expedition into the Interior of New Zealand, during the months of June and July, 1845, with some account of the attack on the Native fortress of O Haiowai, on the 1st of July, by the Troops under the command of Lieutenant Colonel Henry Despard, 99th Regiment, acting as Colonel on the staff', pp. 567-582, in *Colburn's United Service Magazine and Naval and Military Journal*, August 1846, p. 577
[95] FitzRoy to Despard, 6 June 1845, WO 1/433, p. 47
[96] FitzRoy to Despard, 6 June 1845, WO 1/433, p. 48

terms of peace that did not secure Heke and his 'adherents' as prisoners. FitzRoy wanted (at the least) to imprison and transport Heke away from New Zealand.

The instructions identified a series of chiefs as targets for military attack.

> Those chiefs who have become most notorious as supporters and advisers of Heke are, Kawiti, Hira Pure, Hori Kingi, Haratua and Marapo; who, with their followers, should share the fate which their destruction of the settlement of Russell (or Kororarika) has rendered inevitable.[97]

These instructions mirrored those given to Hulme on 4 May, prior to Te Kahika, and again reflected the extent to which the government blamed certain Ngapuhi for the destruction of Kororareka, without acknowledging the British role in the destruction. FitzRoy used this as rationale for the ongoing military attacks: 'I should demand an exemplary chastisement of the rebellious natives who took part in the destruction of Russell.' [98]

The instructions also dwelt on the issue of punishment and the taking of land as compensation. Ian Wards noted that the proclamation of April 1845 was the first to establish that 'those who opposed the government might lose their lands', on the basis that rights to property and claims to land were not guaranteed to all except those who acted in opposition to the government.[99] In Despard's instructions, the governor asked the Colonel to notify Maori that those in rebellion against the Crown would forfeit land and that it would be given to those Ngapuhi who fought alongside the British.

> I am desirous that you should assure the Natives generally that land forfeited by the rebellious will be divided among the loyal Natives, and that no land will be taken by the government.[100]

---

[97] FitzRoy to Despard, 6 June 1845, WO 1/433, micro-z-338, ANZW, pp. 364-5
[98] ibid., p.365
[99] Wards, p. 182
[100] FitzRoy to Despard, 6 June 1845, WO 1/433, micro-z-339, ANZW, facing p. 49

Though at pains to reassure Maori that the government itself would not retain the land, the government's plan to dole out 'forfeited' or raupatu land to other Ngapuhi appears to have been a strategy of 'divide and conquer'. By offering land to Nene's alliance, FitzRoy sought to strengthen the basis of their support, yet the strategy undoubtedly deepened divisions and resentment between the supporters of Heke and Nene. Heke's supporters viewed those of Ngapuhi who fought against them as fortune-fighters or mercenaries. The strategy also had the likely side-effect of ensuring that Heke would not voluntarily 'forfeit' any land for peace purposes. The issue of confiscated lands as 'compensation' to other chiefs arose again later in the war.

FitzRoy warned Despard that the British soldiers had attracted a reputation that they 'give no quarter', that is, that they had killed indiscriminately and had not respected the wounded at Te Kahika. FitzRoy was at pains to ensure that the British forces did not repeat these actions and he reminded Despard that the British must 'spare and protect the old, the helpless, the women, the children and the unresisting.'[101] FitzRoy had earlier instructed Hulme to respect the elderly and wounded, and these instructions were not followed by the British troops. FitzRoy was concerned to ensure that there was no repeat and that the reputation of the British did not suffer further.

Aware that the British were back in the Bay of Islands, Nene sent a letter to the British commander, immediately after Te Ahuahu. A small deputation took the letter to Despard.[102] Henry Williams had seen Heke after he was wounded and he also had rushed back to the Bay of Islands to pass this information on to the British. Williams corroborated the reports of the battle at Te Ahuahu and Heke's serious injury. He, together with Nene, advised the British to hurry up and travel to Waimate in order to attack Heke at Ohaeawai. It has been argued that Nene exhorted the British to attack Heke after having wounded him, and that this was the principal reason that the British advanced to Ohaeawai. Yet, it must be recognised that the British were already in the Bay

[101] ibid., facing p. 49
[102] Bridge, 13 June 1845, p. 46

of Islands readying for an attack on Heke. Nene's letter stated that Heke had attacked him, not the other way around, and insisted that Nene had not planned to attack Heke – rather, he was waiting for the arrival of the troops. Henry Williams was present at the meeting with the British on 13 June (which Nene was not) and it was Williams, who gave the advice to the British force to attack Heke 'without any delay'.[103]

As a result of this information, Despard informed the governor, that the force would proceed immediately to Kerikeri. Ironically, however, one of the transport vessels, *British Sovereign*, ran aground on Brampton reef, and delayed the troops' landing.[104] On 16 June, the force finally landed on the banks of the Kerikeri River and marched through to Kerikeri on 16 June. The armed force then moved inland to Waimate. They were severely handicapped by the small number of drays and carts for carrying the heavy artillery and ammunition and, as a consequence, moved very slowly.[105]

Ngapuhi did not seek to attack or ambush the British on their slow march to Te Waimate despite the absence of guides or protection from Waka Nene. Furthermore, Heke chose not to destroy the important bridge over the Waitangi River, as to do so would have crippled the supplies to the Waimate mission station.[106] Despard himself was mystified by Heke's forbearance in not destroying the bridge.[107] Indeed the British soldiers and officials struggled to explain this and the earlier acts of what they saw as 'chivalry'. Henry Williams recorded a significant observation referring to particular rules of encounter used by Ngapuhi:

> It is remarkable that, notwithstanding the natives were perfectly well aware of the formidable preparations which were made for attacking their stronghold, and had frequent opportunities of interrupting the wagons conveying supplies &c. to the camp, they never took advantage of this circumstance. On one occasion, two

---

[103] Despard to FitzRoy, 13 June 1845, WO 1/433, micro-z-339, ANZW, p. 51; Bridge, 13 June 1845, p. 47
[104] Despard to FitzRoy, 14 June 1845, WO 1/433, micro-z-339, ANZW, p. 52
[105] Bridge, 17 June 1845, pp. 50-1
[106] Robert Burrows, 10 June 1845, *Extracts*, p. 34.
[107] Colonel Despard, 'Narrative of an Expedition into the Interior of New Zealand, During the months of June and July, 1845', in *Colburn's United Service Magazine,* October 1846, p. 256

> drays under feeble escort, were met by the Rev. R. Burrows on the road between Waimate and the Kerikeri. he had not proceeded far, after parting with the drays, when a party of armed natives started up from the bushes. They spoke of the drays, and said, 'they did not wish to use treachery, but he riri awatea, (fighting in broad daylight).' In fact, the drays passed day and night without a guard, and without interruption, and the roads were always clear.[108]

This form of engagement was steadfastly adhered to by Heke throughout the Northern War. Fighting was only conducted in 'broad daylight', and once the British had initiated the attack.

5.14 Te Waimate

The troops gradually arrived at Waimate on 17 and 18 June. Pomare, anxious to demonstrate his support of the soldiers and the British government, also arrived at Waimate on 18 June carrying a large white flag to join Nene and, in Bridge's words, 'to show their allegiance to the government'.[109] Pomare had assisted in rescuing the vessel stuck on the reef and had left a detachment to protect the vessel and those working on it at Te Wahapu.

The British camped at Waimate. The presence of the British forces at the religious settlement, a place which had previously been respected as a place of peace, reduced its status and sanctity. Te Waimate had long represented a wahi tapu to Ngapuhi eyes, and all attempts had been made by Maori to keep the aspect of war distant from the settlement. [110] The actions of the British force changed all this and led ultimately to the destruction of the settlement. The soldiers also plundered the stores and resources of the

---

[108] Henry Williams, *Plain Facts* , p. 20.
[109] Bridge, 18 June 1845, p. 52
[110] On 30 May, a group from Heke's alliance led by Haki Tara, dragged two small guns to be installed in Ohaeawai pa around the settlement rather than through it. Burrows, *Extracts*, 30 May 1845, p. 33. See also Burrows, 10 June 1845, 'Journal', CN/M, 15, p. 424. 'He [Heke] remarked that the troops taking up their quarters in this place [Waimate] would remove its sacredness and that afterwards if an opportunity offered he could not answer for its safety.'

community and ate large quantities of food. The translator, Edward Meurant, recorded that one resident, 'Piripo' had lodged a formal complaint stating that soldiers had stolen 43 kits of potatoes and 24 fowl and he sought compensation.[111] When Burrows caught a couple of soldiers stealing chickens out of his backyard, the soldiers replied that 'they thought all was fair sport in war time'.[112]

Colonel Despard, while based at Waimate had an opportunity to admire the 300 acres of carefully cleared and farmed land surrounding the settlement and reflected on another cause of resentment expressed by Heke in 1844 – something not recorded by the CMS missionaries. Waimate had, up until the time of the removal of St John's College and the Bishop's residence to Auckland – after the October 1844 conference – operated as an important agricultural school, instructing young Maori in the skills and practice of agriculture, preparing them to harness and develop their own lands. The school had proved a considerable benefit to Ngapuhi and probably one of the tangible benefits of having the Church Mission station based at Waimate. Certainly instruction in agricultural practices and knowledge was one of the promises made by Marsden to Hongi Hika and Ngapuhi at the foundation of the Mission station at Kerikeri. Yet, the CMS in late 1844 took the decision to close the agricultural school, at the same time as the government was also signaling its withdrawal from the north. This closure was a major disappointment for northern chiefs and a loss of crucial vocational education. Furthermore, the large area of cultivated land attached to and used by the agricultural school was instead transferred to one of the missionaries' sons who ran it as a private farm. Despard observed that: 'The discontinuance of this establishment as a place of agricultural instruction for the natives, gave great offence to the Chief Heki.'[113]

Although only six miles from Ohaeawai pa, the British remained at Te Waimate until 23 June. Waka Nene visited Colonel Despard on 19 June to offer formally the service of his warriors and to sell provisions to the soldiery. Despard replied to Nene's offer of

---

[111] Edward Meurant, 18 June 1845, 'Diary', MS 205
[112] Burrows, 19 June 1845, *Extracts*, p. 38
[113] Henry Despard, 'Narrative of an Expedition into the Interior of New Zealand, During the months of June and July, 1845', in *Colburn's United Service Magazine,* August 1846, p. 577

assistance by saying: 'When I want the help of savages, I will ask for it.'[114] According to Burrows, however, Despard's comment was not translated back to Waka Nene for fear that the insult would have ended the alliance between the British and Nene.

The British force reconnoitered the road on 22 June and the following day departed Waimate to march the final distance to Ohaeawai pa. Ngapuhi had watched the British arrival closely from the hills. During the final march to the pa, Waka Nene and his warriors flanked the British troop column.[115] 'Three tribes of the friendly natives were moving in the same direction in our rear, and one tribe on our right flank (Waka's), about a mile distant, along the crest of a range of hills which led directly to the pah. This route was merely a footpath, and totally impassable for guns.'[116] One of the groups led by Nene skirmished with a group from Ohaeawai, before the British arrival.[117] Bridge described this as an attempt at an ambush.[118] However, this seems unlikely, it was more probably a skirmish between the followers of Kawiti and those of Nene. As Despard noted, the encounter did not involve any British:

> When within a mile of the pah, a smart fire of musketry was heard in front to our right. I moved rapidly, in consequence, forward, with the advanced guard, to ascertain the cause, but before I reached the ground the firing had cease; and the Chief Waka met me just as I got sight of the Pah. He said that the firing was caused by his people driving in one of the enemy's outposts, and that he had taken post on an eminence on the right, which he called the key of the position.[119]

There were no other attempts to surprise the soldiers, nor any attempts to fire at the British, until they had arrived, set up their positions, and then first begun to fire at the pa.

---

[114] Burrows, 19 June 1845, *Extracts*, p. 38
[115] Burrows, 23 June 1845, *Extracts,* p. 38
[116] Henry Despard, 'Narrative of an Expedition into the Interior of New Zealand, During the months of June and July, 1845', in *Colburn's United Service Magazine,* August 1846, pp. 579-80
[117] Despard to FitzRoy, 26 June 1845, WO 1/433, micro-z-339, ANZW, facing p. 58
[118] Bridge, 23 June 1845, p. 55
[119] Henry Despard, 'Narrative', August 1846, p. 580

The British established their camp 400 yards from pa, on the rise of a low hill. Throughout this process, 'the enemy did not fire a shot'. The pioneer militia erected a defensive wall and a battery for the four large artillery guns, which the British had dragged inland. Nene had already established his camp on the summit of the prominent hill to the immediate right of the British camp.

John Williams, 'Ohaiawai, N.Z., at the moment of retaking the hill on the morning of 1st July, 1845', National Library of Australia, Rex Nan Kivell Collection NK1265

Ohaeawai Pa

The delays to the British arrival had allowed Te Haara, Kawiti, and Pene Taui a few more days to strengthen the pa defences. The pa at Ohaeawai was a strong fortification. The site had been purposely chosen by Heke and Te Haara as a good position from which to defend against the British attack. Kawiti had preferred to fight the British at a pa site at Ruapekapeka, but he had been convinced to fight first at Ohaeawai. Located deep inland in an effort to discourage the British from bringing their artillery, the pa was safely

distant from the sites of key kainga and food resources. Ngapuhi sought to distance their places of occupation from the sites of fighting against the British.

Pene Taui's original pa had been carefully enlarged and strengthened under the direction of Kawiti and others.[120] By the time the British arrived it possessed two parallel lines of palisades and trenches, dug at enfilading angles.[121] The outside palisades were constructed of large puriri logs taken from the nearby forest, specially chosen for their ability to absorb artillery without sending dangerous splinters into the air. Ngapuhi had had extensive experience of artillery bombardment, mostly from ships, over two or more generations and had carefully devised a defensive system that could withstand such an attack. Inside the double row of defences, Taui and Kawiti had constructed subterranean bomb-proof bunkers and tunnels which afforded some protection from heavy artillery. This technology was new to European eyes, though it is possible that Burrows, who had visited the pa several times, had in fact passed on information to Despard [122]

Ohaeawai shared many similar features to Te Kahika, such as the use of a pekerangi or thick bundles of flax to shield the base of the pa walls and the defenders from musket fire. At regular intervals, small loopholes had been cut along the front wall to allow the defenders to fire out at ground level, while remaining relatively protected behind a trench and the pekerangi. Unlike Te Kahika, which had only been partly complete, Ohaeawai was in a more advanced state of completion. The pa also was equipped with four cannon – two elderly cannon retrieved from the Waimate mill, and two others recommissioned from Kororareka.

The Ohaeawai pa was located in Ngati Rangi territory. The chief Pene Taui had originally built a small, lightly defended pa. Taui had connections to Ngati Kiriahi of Pipiwai and also Ngati Rangi of Tautoro. Despite this, Taui was not looked upon as a leading

---

[120] John Webster noted part of Te Ohutai [Ihutai] helping Heke and Kawiti at Ohaeawai, under their chief Te Wharepapa, who was helping superintend the work. Webster, p. 275

[121] Bridge, 23 June 1845.

[122] Burrows had earlier been a witness to the process of construction until asked to leave. See Burrows, 12 June 1845, 'Journal', CN/M, p. 425 and Burrows, *Extracts*, p. 35. In his entry on 30 June, before the pa had been taken, Burrows described the bunkers in some detail. Burrows, 30 June 1845, *Extracts*, p. 39

rangatira, until his pa was chosen by Heke and Kawiti. Kawiti then appears to have taken over authority for reconstructing the pa. Other chiefs also played an important role in this process, including Te Wharepapa of Te Ihutai.

Heke was not at Ohaeawai. The defence was led by Kawiti, Te Haara, Te Wharepapa, associated with Pene Taui. Other important fighting leaders within the pa were Ruatara Tauramoko and Te Haara of Ngati Rangi, Hone Heke's elder brother Tahirangi, and Hare Puataata (Puhikura).[123] Hone Ngapua informed Cowan that Riwitete Pokoi and Wi Piri-Hongi, both from Kaikohe, were important fighters at Ohaeawai.[124]

The defenders were greatly outnumbered by their enemy. Since the high point of support for Heke, following success at Te Kahika, the number of active supporters had more than halved as a result of Heke's defeat at Te Ahuahu. Facing the British inside Ohaeawai were forty Ngati Rangi, led by Pene Taui,[125] and the remainder, an alliance of Ngati Hine under Kawiti, together with some Ngati Tautahi (of Kaikohe), Ngati Kawa (of Oromahoe) and Te Uri Taniwha (of Te Ahuahu and elsewhere).[126] The total number of defenders at Ohaeawai was no more than 100 warriors. This number also included many women who joined the ranks and performed a range of battlefield activities, such as collecting ammunition and maintaining supply lines. Overall, however, the anti-government Maori were outnumbered by as many as five to one.

It is recorded that a large group under Waka Nene guided the soldiers from Waimate to Ohaeawai, though there is no mention in the written sources as to which specific groups and leaders were included. Mohi Tawhai and Makoare Te Taonui were certainly present with their respective groups and it is also assumed that Wi Repa and Arama Karaka Pi

---

[123] Rihara Kou, 21 March 1919, 'Narrative of Rihara Kou', recorded by James Cowan, Cowan Papers, MS-Papers-0039-41, ATL, p. 3. Note, in the types MS the name is misspelt as Rihara Pou, however in the *New Zealand Wars*, the name is correctly as Rihara Kou.
[124] ibid.
[125] Ngati Rangi had maintained neutrality in an attempt to avoid involvement, during earlier actions. However the rangatira believed, particularly after Te Kahika, that it was impossible to remain detached from the conflict. See P.L.B.Williams, 'The Ohaeawai Story', 1979, pp. 2-3, 6.
[126] Hohaia Tango, 17 March 1919, Account recorded by James Cowan, Cowan Papers, MS-Papers-0039-410, p. 3

were also at Ohaeawai. George Clarke (junior) maintained that there were about 250 supporters of Nene and others at Ohaeawai.[127]

On their arrival at Ohaeawai, Nene and his supporters built a small village on the ridge leading up to Puketapu and erected a flagstaff from which they flew Nene's own flag, which was later replaced with the Union Jack. This position looked down into the pa from a height and because of this the British installed a 9 pounder swivel gun on top of the hill to fire down into the pa.[128]

5.15 The British Attack: 1 July 1845

The British planned to attack the pa, destroying it and as many of their Ngapuhi opponents as possible. There was little ambiguity about the British intentions, as Ensign Blackburn of the 99th regiment recorded:

> We came here with the expectation of doing wonders, thinking that we should march up to the pa one day; attack, take and burn the Pah and slaughter all its inhabitants the next: and pack up our traps and march back victorious to Waimate on the third.[129]

Although Blackburn was remarking ruefully in hindsight about what did not occur because of the strength of the pa, nonetheless, this is what the British military force sought to achieve from the outset.

The British strategy centered on the use of artillery. On 24 June 1845, the battery of artillery opened fire on the pa and continued firing constantly for 7 days. There were two

---

[127] Clarke, *Early Life in New Zealand*, p. 83
[128] Burrows, 24 June 1845, *Extracts*, p. 39
[129] Ensign Blackburn, quoted in C. Pugsley, 'Walking Heke's War', *New Zealand Defence Quarterly*, No.3. Summer 1993, p. 35. Blackburn continues: 'this was the Colonel's idea and I believe and have no doubt was what everybody fancied we should do, but as it has proved we were disappointed and found that our enemies were not the sort of people we anticipated to find, who would allow themselves to be taken with little or no resistance and be frightened into submission at the sight of our little 'big guns' and our 400 red coats.'

brass 6 pounders and two twelve pounder carronades that fired shells, ball and grape shot at and inside the pa.[130] As Belich notes 'The object of the British bombardment all along had been not only to breach Ohaeawai's palisade, but to pulverize its garrison. The gunners used grape, shell, and canister – all primarily anti-personnel ammunition – as well as roundshot.'[131] Despard commented during the bombardment that, while it was hard to know the losses inside the pa, 'it must have been very severe, as several shells were thrown in, and burst inside'.[132]

While the British noted that the bombardment was inflicting casualties,[133] little impact was made on the strong defences of the pa. As a result, the British began moving their battery progressively closer to the palisades. By 27 June the front battery was positioned only 80 yards from the pa. Yet, in spite of the constant barrage, few or no breaches were made to the walls of the pa. The British then began to try other attempts to attack the pa. Having moved the guns closer, they shifted another gun up the hill to fire into the pa. At the same time, they brought inland a much larger 32 pounder ship's cannon. This was the largest gun yet used in New Zealand. It was installed a few yards up the same hill as the other two guns, though at a lower elevation, and began firing at the pa on 1 July 1845.

When it was noted that little impact was being made on the pa walls, the British also manufactured shells with a variety of poisonous substances in an attempt to injure and debilitate the defenders as part of the bombardment. Robert Hattaway recorded: 'The shells contained some poisonous substance, the effect of which was expected to deprive the rebels of all animation, and leave them an easy prey to the European victors.'[134] Although one reference calls these 'stench bombs', and talked about filling up shells with excrement to be fired into the pa, there is evidence to suggest that more toxic chemical-type weapons were also employed against the pa inhabitants. Ngapuhi had their own

---

[130] Colonel Despard, 'Narrative of an Expedition into the Interior of New Zealand, During the months of June and July, 1845', in *Colburn's United Service Magazine,* August 1846, p. 573; Bridge, 24 June 1845, p. 56
[131] Belich, *New Zealand Wars*, p. 51
[132] Despard to governor, 26 June 1845, WO 1/433, micro-z-339, ANZW, facing p. 61
[133] 'I fancy they must have lost many men.' Bridge, 24 June 1845, p. 57
[134] Robert Hattaway, 'Reminiscences of the Northern War', GNZ 995.32 H36, p. 6

artillery inside the pa, however, but there were no reports of any damage to the British caused by artillery fire.[135]

From 24 June through to 31 June there was a constant artillery and musket fire directed at the pa and its inhabitants. In reply, Ngapuhi fired back from the pa at the various positions occupied by the British. The British suffered some casualties during this lead-up to the attack.[136] It is assumed Ngapuhi also suffered casualties, though no figures are recorded. On Sunday 29 June, Ngapuhi ceased fire; the British, however, continued to fire at the pa regardless. As Major Bridge noted, Ngapuhi 'showed more respect to the Sabbath day than did our soldiery'.[137]

The arrival of the 32 pound breeching gun on 30 June meant that the British finally had the means for breaking down the formidable palisades of the pa. The gun was installed on the hill with the other artillery, protected by a small group of soldiers. During the night, a group of Ngapuhi secretly left the pa and hid near the soldiers' picquet on the hill. The following day, at 11 o'clock, the 32 pound gun began to fire at the pa. Soon afterwards, the Ngapuhi group attacked the defences on the hill. They killed the sentry and captured the position, driving off the small number of soldiers present. Ngapuhi sought to spike the guns, using wooden rather than iron spikes, and they carried away the Union Jack that had been flying on the flagpole over the position. The soldiers quickly regrouped and attacked the hill, recapturing it as the small group of Ngapuhi retired back to the pa.[138] In the attack one of the Ngapuhi group was killed, and also a woman from Nene's group. Waka Nene himself had been absent at the time of attack.[139]

The audacious nature of the attack on the hill led Despard to immediately order an attack on the pa. Ngapuhi had returned to the pa with the Union Jack and had hoisted the British flag on the flagpole inside the pa, underneath their own flag, a red ensign or cloak (it is

---

[135] Despard to governor, 26 June 1845, WO 1/433, p. 61
[136] Despard included a casualty list in his correspondence with the governor listing 2 killed and 12 wounded. Despard to governor, 28 June 1845, WO 1/433, facing p. 64
[137] Bridge, 29 June 1845, p. 64
[138] Bridge, 1 July 1845. pp. 67-8
[139] ibid.

not clear which), that Heke had flown previously at both Te Kahika and Kororareka. The sight of the British flag flying underneath a Ngapuhi flag was a powerful metaphor; it incensed Despard further and at 3 o'clock, he ordered the British troops to prepare for an assault against the pa.

The British planned for a frontal assault on the pa, using three separate attacking parties to try and create a breach in the pa and force an entrance.[140] The Ngapuhi defenders under Kawiti, seeing that the British were preparing for an attack, ceased firing. Bridge described how, when the three British attacking groups were ready, the order was given to attack and the parties charged at the pa across open ground. Despard had hoped, in the absence of any breaches created by the artillery, that the soldiers would force their way into the pa by cutting down supports to the palisades and then pulling them over with ropes. To many of the soldiers, however, this idea seemed foolhardy.[141]

Ngapuhi, knowing they were outnumbered, had carefully built a series of roofed-over tunnels running right around the inside perimeter of the pa. Rihara Kou later described how the defenders travelled all around the pa under this protection: 'haere kopikopiko ana'.[142] At spaced intervals along the length of the walls of the pa, holes were made in the roof of the tunnel so that the defenders could fire out through the pa walls at the attacking British, all the while remaining protected from incoming fire. Even so, Ngapuhi also withheld fire until the last minute, after the British soldiers had charged and reached the walls of the pa and begun cutting at the palisades. At that point the defenders fired at point-blank range at the massed groups of British soldiers standing before them. Because of the tunnels, the British could not see the Ngapuhi defenders, all they could see were small gaps in the tunnels, behind the first row of palisades, from which the defenders fired. The results were catastrophic for the British attack.

---

[140] The official order for attack was included in Despard's 'public' letter to FitzRoy, 2 July 1845, which was published in *New Zealand Government Gazette*, 7 July 1845, vol. 5, no. 18, p. 91. A copy of the Gazette is included in WO 1/433, p. 65

[141] Bridge, 1 July 1845, p. 71

[142] Rihara Kou, 21 March 1919, 'Narrative of Rihara Kou', recorded by James Cowan, Cowan Papers, MS-Papers-0039-41, p. 3

> The enemy reserved their fire until the leading sections got within 5 paces of their outwork, we were then met with such a fusillade, I can only describe it as the opening of the doors of a monster furnace.[143]

Within ten minutes, over 100 British soldiers – nearly one third of the attacking force – lay dead or wounded in front of Ohaeawai pa. The British signalled a retreat, though few of the casualties were able to be removed from the battle-field. Bridge, having participated in the attack, was unequivocal in his opinion: 'the attack (which with the small force he [Despard] had ought not to have been made at all) was directed at the strongest part of the stockade.'[144] The attack on Ohaeawai on 1 July was a terrible confrontation. The British had hopelessly underestimated the strength of the pa and the military genius of Kawiti and those under him. And the result had been a sickening loss of life as the British military had pushed on to attack Ngapuhi at all costs. Throughout the campaign, the British commander had shown a hasty desire to attack the pa and had had to be dissuaded on several occasions prior to 1 July, before the final attack was made.

As the gloom set over the battlefield, no further fighting took place. Henry Williams approached the pa under a white flag of truce in order to recover the bodies; however, the pa did not reciprocate and advised him to return the following day.[145] The defenders of the pa then sang the evening hymn and afterwards performed a haka.

Henry Williams and Burrows approached Kawiti and the defenders in Ohaeawai the following day for permission to remove the casualties. After some discussion with Pene Taui and Haratua, among others, the missionaries were able to inspect the bodies and were given assurances to return the following day to collect them. On 3 July, the missionaries and Nene's followers removed the soldiers from the field back to the British camp.[146]

---

[143] John Mitchell, 'Diary of Service', MS 1060, p. 7
[144] Bridge, 1 July 1845, p. 72
[145] Burrows, 1 July 1845, 'Journal', p. 429; Bridge, 1 July 1845, p. 74
[146] Burrows, *Extracts*, pp. 40-1

The British meanwhile contemplated retiring from Ohaeawai back to Waimate. However they eventually decided to remain at the pa and send the wounded to Waimate and the coast. Part of this decision included a meeting with Waka Nene, Mohi Tawhai and other chiefs on 1 July. At one point during this discussion, Despard criticised the chiefs as not having provided any support to the soldiers. Mohi Tawhai apparently acknowledged the fact and indicated he might try and assist in future: '"It is true what the Pakeha rangatira (stranger chief) has said. The fighting has all been carried on by the Pakehas (strangers). They may well laugh at us, for we have done nothing."'[147] Despard was under pressure as he did not have sufficient forces to convey all the injured men back to Waimate and remain in position at Ohaeawai. He had also found to his chagrin that Nene would only assist in transporting the British wounded, if paid a high price of four blankets for each injured soldier.[148] Nene's assistance of the British did not come free, particularly in such economically depressed circumstances. In the end, the British were forced to convey their own wounded.

5.16 Casualties

As a result of the British attack on Ohaeawai, the British casualties were higher than those of Ngapuhi. Yet, we cannot overlook the fact that the Ngapuhi defenders suffered notable casualties from the attack. Belich states that, because of the anti-artillery rua and bunkers constructed in the pa, the bombardment cost the defenders few casualties. He later notes that the accepted figure for the number of Ngapuhi defenders killed in the Ohaeawai campaign was ten.[149] However, Burrows wrote to the CMS stating that it was difficult to learn the number of Ngapuhi casualties. He had been told that had been about 20 killed and wounded, 'but we believe there are more'.[150]

---

[147] Despard, 'Narrative', October 1846, p. 36
[148] Despard to governor, 6 July 1845, WO 1/433, p. 74
[149] Belich, *New Zealand Wars*, p. 344
[150] Burrows to CMS, 16 July 1845, CN/M, 15, p. 36

When Ohaeawai was finally evacuated, Burrows found two dead inside the pa and an old lady still alive.[151] The missionary had earlier tried to find out how many had been killed or wounded within the pa, 'but could not'. He noted however, that the survivors were digging three holes 'in which they acknowledged they had six to bury, but as they generally carry away the chiefs to their own burying places, these graves were probably for slaves only.'[152] The Ngapuhi wounded were quickly removed from Ohaeawai pa and taken back to their kainga to recover. Little information was given to the missionaries present, and as a result we have no accurate way of estimating the number of casualties caused by the British bombardment and subsequent attack.

British casualties, on the other hand, were recorded and are precisely known. According to the official list kept by Serjeant McLerie, there were 34 killed and 70 wounded.[153] Included among this list were two officers: Captain Grant of the 58th Regiment and Lieutenant Philpotts of HMS *Hazard*. The British dwelt on the fact that the two officers who fell had subsequently had sections of their flesh removed. Toby Philpotts had been scalped, and Captain Grant had had a section of his thigh taken off.

5.17 Accounts of Torture

There are several soldier accounts relating to the purported torture and incineration of soldier prisoners by the inhabitants of the pa. One soldier, Robert Hattaway, recounted in some detail that a British soldier had been captured while trying to steal potatoes from a house close to the pa. The soldier, it was claimed, was bound and laid on a bed of kauri gum which was then ignited and the soldier slowly burnt to death, leaving no remains but a few brass buttons.[154] Similar variants of this fearful torture story circulated among other soldiers, many involving the use of burning kauri gum; yet these were unsubstantiated. George Clarke later wrote to his Father that the claims of torture and of

---

[151] Burrows, 11 July 1845, 'Journal March to July 1845', CN/M, 15, p. 431
[152] Burrows, 2 July 1845, 'Journal', CN/M, 15, p. 429
[153] John McLerie, 'Return of Killed and Wounded in the actions with the enemy in New Zealand', May 1845 – June 1846, DL: MS F38, p. 27
[154] Robert Hattaway, *Reminiscences*, p. 7

mutilation of soldiers bodies were 'fanciful' and incorrect.[155] Clarke declared that no such torture had taken place and that the mutilation of the soldiers bodies was due to the fact that they had lain prone on the field of battle and been prey to wandering pigs for two days, something remarked on by both Burrows and Williams.[156] Clarke did however later record that the bodies of Grant and Philpotts, the officers, had been mutilated, and the pieces taken had been sent to Te Atua Wera.[157]

One soldier was listed as missing from the camp and appears to have been the basis for all the subsequent stories. This soldier, identified as Heaton of the Light Company, had gone missing on 1 July, prior to the attack, while 'foraging for potatoes'.[158] His body was later recovered by the troops among the other British dead from the attack. The nature of the wounds and the fact that the soldier's body had been recovered with hands and feet bound led some British soldiers to conclude that the soldier had been shot, injured and captured alive and then subsequently tortured and killed inside the pa.[159] It is difficult to ascertain if the soldier was tortured while alive or the wounds inflicted after death, despite the British assumptions of torture. The fact remains that the soldier was captured on the day of the final attack, while out stealing potatoes from the stockpile of supplies for the pa, and was killed. In contrast it should also be remembered that Lieutenant Philpotts had, a couple of days earlier, sought to sneak down to the pa fence by himself in broad daylight and had begun to slash his way through the flax pekerangi with his sword. In response, the defenders simply warned him to go away and he left, unharmed.[160]

5.18 Aftermath

Initially Kawiti, Pene Taui and the other chiefs inside Ohaeawai tried to get the British to agree to peace for a period of a month in return for the return of the British bodies.[161] The

---

[155] George Clarke to Father, 16 July 1845, p. 542
[156] George Clarke to Father, 16 July 1845, p. 541
[157] Clarke to Father, 28 July 1845, p. 545
[158] See, Bridge, 1 July 1845, p. 68; Blackburn, Journal, 3 July 1845, MS-0218, ATL
[159] Blackburn, ibid; See also, Bridge, 3 July 1845, p. 78
[160] Account of J.P. DuMoulin cited in Carleton, II, p. 112
[161] Bridge, 2 July 1845, p. 76

British refused the terms. Ngapuhi then signalled the British to come and collect the bodies the next day. Over the following days, Ngapuhi remained in the pa, and the British soldiers continued to lay siege to the pa.

The British considered whether to depart from the battlefield on or about 5 July in order to escort their wounded to safety and to regroup.[162] However, after some discussion, they resolved to remain at the pa. On 7 July the 32 pounder fired off its remaining shells at the pa. The following day, a group of Nene's supporters moved around behind the pa in an attempt to try and cut off the supply route into the pa, and a brief skirmish ensued.[163] The British commander, meanwhile, resolved to recommence the artillery barrage and sent for more shells. Another gun was installed on the hill and on 10 July, the British once again began to fire artillery at the pa. Despard stated that his plan was to focus on worrying the inhabitants and force them to leave the pa, rather than trying to force a breach. Despard informed the governor that 'We are all ready, natives and all, to attack them in their retreat, if they attempt it.'[164] Despite these plans, the inhabitants silently evacuated the pa that night and were not attacked.[165]

5.19 Evacuation of the pa

The Ngapuhi defenders evacuated the pa on 10 July, during the evening. Bridge noted that, in the early hours of the morning, some of Nene's group heard dogs howling, entered the pa and begun plundering it. The British entered the pa the following morning and found a great deal of possessions and food stores. The defenders had made a hasty retreat and, as a result, they had been forced to leave behind a great deal of their supplies, food and arms which the British together with Nene's supporters carried away. Once all the food and plunder had been removed, the British set the pa alight, and it burned for two days.

---

[162] Bridge, 5 July 1845, p. 81
[163] Burrows, *Extracts*, p. 44; Bridge, 8 July 1845, p. 84
[164] Despard to FitzRoy, 10 July 1845, WO 1/433, p. 87
[165] Despard to FitzRoy, 11 July 1845, WO 1/433, p. 88

The quantities of provisions held by the Ngapuhi defenders and captured at Ohaeawai amazed the British. Major Bridge commented that inside the pa, the British had captured 'potatoes and Indian corn enough for six months consumption'.[166] This was a considerable stockpile of food that had been gathered and grown over a period of time and its loss represented a further economic blow to the Ngapuhi defenders. Colonel Despard remarked that: 'The quantity of provisions stored in the captured fortress (Potatoes) exceeds anything I could form an idea of.' [167] He wrote to FitzRoy stating that 'all the winter's supplies of the people in the pah, have been nearly consumed by us and our allies.'[168]

The defenders from the pa made their way back towards Kaikohe, where many of them stopped at Heke's pa there. Others headed back to their respective kainga, such as Tautoro and the group under Haratua, who traveled back to their pa at Pakaraka. The government-allied groups under Nene, Taonui and Tawhai all departed back to their own areas in Hokianga.

5.20 Attack on Te Haratua

The soldiers finally left Ohaeawai on 14 July. They traveled back only as far as Waimate, where they began garrisoning the small missionary settlement. But the attacks had not finished. On 16 July, a group of 200 soldiers under Despard and Hulme marched through to Pakaraka to attack Haratua's pa. The inhabitants of the pa watched the soldiers approach their pa, and the last members departed the pa as the soldiers came into sight.[169]

Despard reported that once again the pa possessed a large store of provisions, which the soldiers destroyed.

---

[166] Bridge, 11 July 1845, p. 86
[167] Despard to FitzRoy, 11 July 1845, WO 1/433, p. 91
[168] Despard to FitzRoy, 9 July 1845, WO 1/433, p. 85
[169] Despard to FitzRoy, 16 July 1845, WO 1/433, p. 528

> A very large supply of provisions of different sorts, was found in the place, the greater part of which was destroyed, or carried away, and the place itself was burned to the ground.[170]

The interpreter Edward Meurant noted simply that the force returned to Waimate after 'burning and destroying all that we could.'[171]

After learning of the British defeat at Ohaeawai, the governor sent new orders to Despard. The orders authorised him to ignore previous instructions not to make peace unless securing 'the persons of Heke and his principal adherents.' Instead, FitzRoy now instructed Despard 'to make terms of temporary peace':

> You will be pleased and you are hereby fully authorised to make such terms of temporary peace, or cessation from hostilities, as may be adapted to the present exigency, and enable you to gain time to obtain reinforcements – without compromising our National character.[172]

The governor sought a temporary peace and respite, but this appears to have been a pragmatic response to allow the British to re-gather strength for a later confrontation. Notably, FitzRoy still represented the actions of Heke and Kawiti in terms of a challenge against the British 'National character'.

Protector Clarke, still at the Bay of Islands, also remained adamant that the government needed to continue to attack. He wrote: 'Until a complete overthrow is given to Heke, the British possessions in New Zealand are not worth having.'[173] And he reminded the governor of the spectre that 'the whole Island is drawn to this struggle, and the future state of the Colony depends on the result'. Certainly, Clarke himself had not left the north for a period of at least four months and was simply repeating what he believed to be

---

[170] Despard to FitzRoy, 16 July 1845, WO 1/433, p. 528
[171] Edward Meurant, 'Diary of E. Meurant from 17th April to 24 December 1845', NZMS 56, ACL, p. 14
[172] FitzRoy to Despard, 7 July 1845, WO 1/433, p. 68
[173] George Clarke, Memorandum, 9 July 1845, WO 1/433, p. 419. This is also enclosed in FitzRoy to Gipps, 9 July 1845, WO 1/433, facing p. 78

true. Comments like those of Clarke and FitzRoy are more revealing of their mindset and fears rather than providing an accurate picture of how different Maori groups saw the Northern War. The British, however, continued to fear a serial uprising, and Clarke was shortly afterwards dispatched further south. Curiously, Despard expressed a contrasting view that other settlements, were perhaps not under such danger: 'I now consider Auckland has nothing to fear from an attack, even if we were not here.'[174]

In early July, FitzRoy wrote to both governor Gipps and the military commander in New South Wales, Sir Maurice O'Connell, explaining the defeat of the British at Ohaeawai and once again asked for military reinforcements.[175] As a way of impressing the importance of the continued military requests, he included Clarke's memorandum (mentioned above).[176] In hindsight, it appears as though FitzRoy requested Clarke to write the memorandum for the specific purpose of emphasizing the need for more military. Ian Wards considers that Clarke's memorandum was most likely to have been drawn up in FitzRoy's office.[177]

colonial government policy appeared to change little in the wake of the Ohaeawai campaign. Throughout the campaign, FitzRoy continued to emphasise that it was important that Heke and Kawiti should be punished by military force, and that the fate of the rest of the British colony in New Zealand depended upon a salutary 'chastisement' being meted out to Ngapuhi. FitzRoy remained convinced that all other areas and tribes in New Zealand were watching the events in the north and would take up arms against the British should Heke succeed in his resistance. This belief ran counter to assurances he had already received from other important rangatira, such as Te Wherowhero in Auckland, and Patuone in the north, yet the colonial government and FitzRoy, in particular, continued to act in response to this perceived threat of mass uprising.

---

[174] Despard to FitzRoy, 9 July 1845, WO 1/433, p. 84
[175] FitzRoy to O'Connell, 8 July 1845, WO 1/433, pp. 406-7; FitzRoy to Gipps, 9 July 1845, WO 1/433, pp. 408-9
[176] FitzRoy to Gipps, 9 July 1845, WO 1/433, p. 409
[177] Wards, p. 164

Ian Wards argued that the loss and evacuation of Ohaeawai made no difference to FitzRoy's plans.[178] Immediately after the battle, FitzRoy ordered Despard to remove back to Waimate, warning 'with positive orders to undertake no offensive operations'. This instruction was simply an attempt to buy time, while the government gathered further troops and equipment and, above all, to ensure that the British military force did not suffer a further defeat, or loss of face. What was more telling in terms of FitzRoy's policy was his correspondence to the Colonial Office, to Sir Maurice O'Connell, and to Governor Gipps requesting urgent military assistance. The governor ordered Despard and Hulme to return to Auckland with a small detachment of troops to receive, and no doubt devise, further military plans. At the same time, the vast majority of the military force was ordered to remain in garrison at Waimate under Major Bridge. FitzRoy was concerned to ensure that the military was not seen to be withdrawing from the north. Rather the force was entrenching ready for the next stage of the campaign against Ngapuhi. FitzRoy declared to Despard: 'I have not a doubt as to the course to be now pursued.'[179]

5.21 Conclusions

This chapter has examined the events from the attack on Te Kahika, through late May June and July 1845, culminating in the British military campaign fought at Ohaeawai on 1 July 1845. Throughout this period the colonial government continued unabated to pursue a military campaign in an attempt to punish Ngapuhi (and Hone Heke in particular) for their continued resistance to the imposition of a sole British sovereignty. The governor ignored attempts by Heke and others to negotiate a peace. While conscious of the destructive consequences of the militant approach taken, FitzRoy and the government continued to advocate a 'signal' punishment of Heke, Kawiti and their supporters.

---

[178] Wards, p. 162

[179] FitzRoy to Despard 14 July 1845, WO 1/433, facing p. 95. Ironically, two days later and in contravention (and most likely in ignorance) of FitzRoy's instructions, the British attacked and destroyed Haratua's pa at Pakaraka.

Behind the policy, and serving to justify such militaristic methods and ends, FitRoy continued to refer to the destructive nature of Heke's resistance, citing the Ngapuhi destruction of Kororareka as the principal example. Indeed, the 'loss of Kororareka' was portrayed as the product of Heke's resistance movement. In so doing, the actual causes of the destruction of the town were overlooked or obscured. The idea that Ngapuhi had already attacked and sacked a 'European' town fed colonialist fears that Heke's resistance would attack other European towns. This rising tide of aggression evinced by the colonial authorities grew out of another conviction (again colonial in origin), that Heke's resistance had to be put down for fear that it would act as a catalyst to ignite other Maori groups to similarly oppose their colonial master.

Conversely the government failed to see Heke's consistent attempts to raise the issues of dual or joint authority. They were also unable to respond to his consistent attempts to meet with the governor in person and to seek a peaceful negotiated solution to the issues and conflict. In his letter to the governor after Te Kahika, Heke reiterated that his only crime had been the flagstaff, that neither he nor his supporters had been responsible for the destruction of Kororareka. But, as a result, he had been attacked by the Queen with guns and rockets.

The presence of the British military in the north and the conflict between Heke and the Crown continued to feed the parallel conflict between Heke and other Hokianga chiefs, notably Waka Nene and Makoare Te Taonui. The conflict between these chiefs remained, at its heart, a largely traditional dispute, fuelled by traditional rivalries and competing claims to mana and resources. This conflict, which culminated in the battle of Te Ahuahu on 12 June 1845, cast a significant influence over the remainder of the Northern War.

Ultimately the British forces acting under orders from the government conducted a punitive campaign – attacking and destroying all pa, settlements and property that they associated with the resistance movement. This included Te Kapotai people at Waikare, and Haratua and his people at Pakaraka, among others. George Clarke reported that nine villages and Pahs had been destroyed by the British during the war and listed them as:

'Mawe [Te Kahika], Kaipatiki, Otuihu, Waitangi, Pumuka's pa [at Te Whangaii], Waikare, Ohaeawae, Haratua's pa [at Pakaraka], and Kaihera'.[180] These sustained attacks left a trail of severe social and economic impacts. Ngapuhi suffered the losses of crucial food stores, and property in the middle of winter. Perhaps most damaging of all, wherever the troops attacked, Ngapuhi were forced to leave their long-established settlements and accommodation and find safety elsewhere: they were forced to disperse. The social and economic dislocation, together with the political reverberations as a result of the presence of the British military force, wrought significant damage to Ngapuhi through the middle months of 1845.

[180] George Clarke to Father, 16 July 1845, p. 544

CHAPTER SIX: RUAPEKAPEKA

6.1 Introduction

This chapter covers the final battle between the British and Ngapuhi defenders fought at Kawiti's Ruapekapeka pa during December and January 1846. After the previous battle at Ohaeawai, the British forces had withdrawn first to Ohaeawai and then eventually back to Te Wahapu in the Bay of Islands. During the period between the two battles, Heke and Kawiti each approached the governor seeking to open discussions for peace. From July through to August there was a period of dialogue between the chiefs and FitzRoy. However, the peace negotiations consistently stalled over the issue of FitzRoy's insistence on land confiscation. This was something to which Kawiti and the still-recovering Heke could not accept. In the midst of the continuing negotiations, FitzRoy received notice that he was to be rapidly replaced by George Grey, and from that point until his departure, FitzRoy largely withdrew from negotiations. His successor, Grey, sought a quick resolution. Having received additional resources and troops, Grey offered an ultimatum to the chiefs to accept land confiscation or suffer further attack. He then proceeded to the Bay of Islands at the head of the combined military attack on Ruapekapeka.

6.2 British forces at Waimate

After the attack on Te Haratua's pa at Pakaraka, Colonel Despard, Lieutenant Colonel Hulme and the 96th regiment returned to Auckland in accordance with FitzRoy's orders. The rest of the military force (approximately 420 in number) remained in the Bay of Islands under the command of Major Bridge. The British force was under strict instruction not to undertake any further attacks without orders from Auckland.[1] Bridge and the British troops in the meantime garrisoned and fortified the Waimate turning it from a small missionary settlement it into a sizeable military outpost and stripping it of its

[1] Despard to FitzRoy, 23 July 1845, WO 1/433, p. 529

sanctity. Henry Williams complained that the 'the troops have been engaged in forming the place into a fortress with ramparts etc' and that in doing so, the soldiers had forged a connection between the missionaries and the military and removed the sense of neutrality from the missionaries themselves.[2]

From July through to mid-September, the British remained at Waimate. There were no further attacks from the British or by Ngapuhi during this time. There were, however, a number of incidents of crime perpetrated by soldiers against Maori in the Waimate area.[3] Williams and Burrows made several references to the behaviour of the soldiers. Williams noted that European forces,

> …steal all they can put their hands upon, to say nothing of their dreadful destruction wherever they move. The former [Maori] however numerous, attend to the wishes of their Chiefs and have done us no mischief. The latter [soldiers] take advantage of the martial law and act more as an enemy than a protector and are a scourge and a curse wherever they turn.[4]

Throughout this time, neither Heke, nor Kawiti, nor any other Ngapuhi chief sought to attack the British or their vulnerable supply lines. As Burrows remarked: 'during the whole of this time Bullock drays were continually passing to and fro from the Waimate to the Kerikeri for provisions without an escort, but the native warriors never attempted to molest them, although they might have done so if they had wished.'[5]

---

[2] H. Williams to CMS, 21 August 1845, CN/M, 15, p. 370

[3] Meurant, 18 August 1845, 'Diary of E. Meurant from 17th April to 24th December 1845', NZMS 56, ACL

[4] Williams to CMS, 7 November 1845, CN/M, 15, p. 562

[5] Robert Burrows, MS Diary – Part 2, located in R. Taylor, 'Papers', folder 2 'Letters and notes regarding Northern War', MS-0953, ATL, p. 3. I am grateful to Grant Phillipson for bringing this source to my attention.

6.3 Peace negotiations

Soon after the battle of Ohaeawai, on 19 July 1845, Heke wrote to the governor. Only an English text of the letter appears to have survived. Heke started by referring back to previous unsuccessful attempts he had made to discuss issues with Henry Williams and the former police magistrate Thomas Beckham. Heke also highlighted that the injuries to the bodies of the British soldiers had only occurred at Ohaeawai, where he had not been present, and that such actions had not otherwise occurred. The main purpose of the July letter, however, was a renewed request for peace, expressed in less ambiguous terms than his previous letter.

> O Friend the governor,
> This is my good news to you. I call upon you to make peace. Would it not be well for us to make peace? – to seek a reconciliation with God on account of our sins, as we have defied his presence by human blood?
> The Scriptures tell us to pray to God, who will give us a knowledge of his laws.
> I felt a regard for the soldiers, although they came with their heavy things (shells etc.) to destroy me. I did not burn the bridges on the Kerikeri road; this was my act of great kindness to the soldiers.
> If you think well of these sentences, write to me quickly, in order that I may learn your sentiments. This is my second letter to you, and I now known that there is anger within you, because you have not sent me one letter. I also know that it is Walker [Waka Nene] who kills the soldiers, for he lets the soldiers fight, but runs away into the bush himself.
> What are the reflections respecting this affair? I say, do you look into this affair both for yourself and me.[6]

[6] Heke to FitzRoy, 19 July 1845, *GBPP*, 1846 (337), p. 309; Copies also in Heke to Governor, 19 July 1845, 'Williams Miscellaneous Letters and Papers', Vol. 2, 1841-45, qms-2237, p. 124, ATL; MS version of the letter appears in G 30/8, 'Duplicate Dispatches', p. 818

Here was a clear and direct appeal for peace. Burrows recorded that the letter, once completed, was read aloud to his people and then passed to Burrows who transferred it to Henry Williams and then on to Auckland.[7]

6.4 Governor's Letter to Heke: 6 August 1845

The governor replied to Heke's July letter. He began (as mentioned already) by acknowledging that Heke had written two letters – one in May and one in July – but that he had not replied to the first (May) letter 'because it was not a proper letter'.[8] FitzRoy then made reference to the Treaty of Waitangi and the British flag. The flag, he recalled, 'is the emblem of security and freedom, which defends and protects half the world, which secures the lives, the rights and the property of all men who live under it, and fully guarantees their freedom and their privileges.'[9] When it came time to refer to the Treaty, however, the governor deliberately fudged the meaning of the English text of the Treaty and made it sound something more akin to what Heke and other Ngapuhi understood from the Maori text.

> You signed the Treaty of Waitangi, by which the Sovereign of Great Britain is bound equally with yourself.[10]

The fact that the governor himself sought to understate the import of the Treaty of Waitangi provides us with an indication of the extent to which Colonial Government officials (and the missionaries) varied the meanings and the texts to meet the contemporary political needs.

The governor's letter made allusion to what was required for peace to be made, but it stopped short of either suggesting that the governor was interested in peace or providing terms for peace. Rather, the letter directed responsibility towards Heke and FitzRoy

---

[7] Burrows, 22 July 1845, *Extracts*, p. 47
[8] FitzRoy to Heke, 6 August 1845, *GBPP*, 1846 (337), p. 309
[9] FitzRoy to Heke, 6 August 1845, *GBPP*, 1846 (337), p. 309
[10] ibid.

demanded atonement for Heke's actions. In doing so, the governor sought to exert his power over Heke. The letter adopted a domineering and righteous tone. FitzRoy sought to impress on Heke that he was not going to back down and that further offensive operations would continue unless Heke agreed to pay atonement.

> I bear the sword of justice, but I will use it with mercy.
> I am obliged to put down those who cause tumult and war.
> Many ships and a great many soldiers are coming, but at my word they will stop, or they will act.
> It is for you to reflect on the town destroyed, and the lives lost, and then to offer an atonement to the utmost of your ability.[11]

Still central in FitzRoy's mind was the loss of Kororareka and he demanded that Heke pay atonement for these losses and therefore accept responsibility. This was no olive branch. FitzRoy sought to exact a hefty payment from Heke, and threatened him with renewed military attack, if suitable payment failed to occur. In the letter, FitzRoy does not specify what specific atonement was sought, although the implication is that he sought land to be forfeited as payment. There had been earlier references to land confiscation as covered in previous chapters, and FitzRoy, in his instructions to Despard prior to the attack on Ohaeawai, had referred to the taking of lands of Heke and Kawiti.[12]

Robert Burrows conveyed the governor's letter to Heke at Hikurangi (Tautoro) in mid-late August 1845. The letter was accompanied by a reprinted copy of the Treaty of Waitangi. When presented with the Treaty and the letter, Heke quickly recognised the governor's comment about the Treaty for what it was – and he astutely remarked, in Burrows' company, that the Treaty was 'soft soap'.[13] This oft-quoted phrase suggests Heke felt that the meanings of the Treaty were being moulded, and he made the comment in response to the governor's letter. Burrows recorded more information about Heke's

---

[11] ibid. (Emphasis mine).
[12] Governor to Despard, 6 June 1845, WO 1/433, facing p. 49
[13] Robert Burrows, MS Diary – Part 2, located in R. Taylor, 'Papers', folder 2 'Letters and notes regarding Northern War', MS-0953, ATL, p. 7

view of the Treaty in his manuscript diary sent to the CMS: 'His Excellency had enclosed a copy of the Treaty of Waitangi, which he [Heke] put on one side without reading it, saying he was well acquainted with that which was in itself good, but that there was something intended by the Treaty which it did not express, and which would hereafter discover itself, but of which we missionaries are ignorant.'[14]

Heke read the governor's letter and then asked that Burrows to read it aloud to Heke's group. Heke then gave the following interpretation of the Treaty and the governor's letter, (as reported by Burrows):

> Heke afterward took it [the Treaty] up and after reading aloud that part of it which secures to them the right of their lands forests fisheries etc. he said the right interpretation of this is 'I hereby secure to you in the name of the Queen of England[,] big guns rockets shells and muskets, but your lands, your forests and fisheries I mean to take as soon as I can, and is not this a proof,['] he added holding up the governors terms for peace.
>
> ['']We have already had the guns etc and now we have to forfeit our lands, no let them destroy us first and then they can have our lands. Kawiti will never agree to give up his. My people will never quietly give up theirs.['].[15]

Allowing for some variations made by Burrows, this account nonetheless recorded the strong resentment felt by Heke towards his treatment by the Government, under the purported terms of the Treaty. The account also illustrates that Heke understood the governor's request for atonement to mean land confiscation, and outwardly opposed the idea of forfeiting lands as payment.

While the correspondence continued, both sides also continued to make preparations in case of further armed hostilities. Burrows noted that Kawiti 'has built a very strong pa upon a hill in the centre of a wood about 8 miles from the head of the Kawakawa River

---

[14] Burrows, 12 August 1845, 'Journal', CN/M, 15, p. 580
[15] Robert Burrows, MS Diary – Part 2, located in R. Taylor, 'Papers', folder 2 'Letters and notes regarding Northern War', MS-0953, p. 7

and Heke has fortified himself upon a mountain in the centre of a large forest.'[16] governor George Gipps of New South Wales notified the Colonial Office that a further reinforcement of 200 soldiers under Colonel Wynyard was to be sent to New Zealand in response to FitzRoy's request.[17]

6.5 Heke's letter to the Governor: 29 August 1845

Heke wrote a reply to the governor that further discussed the issue of peace. In response to FitzRoy's request for atonement, Heke ennumerated the losses he had already sustained as a result of the conflict. To Heke, these losses already represented sufficient payment or atonement. He stated that he had lost 9,846 [pounds] burnt in a fire lit by Moka and Tawhai.[18] He also stated that a further 546 pounds was consumed when his own house was destroyed by fire, again lit by Hokianga groups. Heke also asked that FitzRoy take into consideration the fact that he and his supporters had also suffered the loss of other possessions and livestock.[19]

As he had in his May letter to the governor, Heke sought disabuse FitzRoy of the idea that he had profited from the sacking of Kororareka. Heke wrote: 'Do not suppose that my hand touched the smallest thing from Kororareka.'[20] Heke denied that there were either horses or plunder at any of his settlements: 'the plunder from inland was not brought here by (my) people; it was all left at Ohaeawai.'[21] By contrast, the letter alleged that Hokianga groups continued to possess plunder from Kororareka (allegations supported in some of the CMS missionary correspondence). Heke was at pains to remind FitzRoy that he (Heke) was not solely responsible for the conflict, as implied in FitzRoy's letter.[22]

---

[16] Burrows to CMS, 10 September 1845, CN/M, 15, p. 375
[17] Gipps to Stanley, 4 August 1845, 'Transcripts of missing despatches from the Governor of New South Wales 1844-46', ML A 1267-8, CY Reel 696, SLNSW
[18] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[19] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[20] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[21] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[22] ibid.

> You have said, that my sin was the sole cause which produced so much evil in the world: that may be; but let it not be said that it was solely my fault. You raised it (flag) up; I cut it down. (So that) we are both alike. [23]

In the letter, Heke again explained that Nene and other Hokianga chiefs fought against him for opportunistic reasons, quite separate from the motives of the British. He emphasised that each Hokianga chief, ostensibly fighting on the side of the British, in fact fought to seek atonement for long-standing *take* or injuries. Heke gave a detailed list of some of the 'traditional' *take* for particular chiefs.

> Listen to the cause of Waka's [Waka Nene] taking up arms. It is a native war waged on account (waged) on account of his ancestor Hao (who was killed) a long time ago. I never saw him; And Manu's (taking up arms) is on account of his grand-daughter Pera (Isabella?) who was killed by Maketu; and (on account) of Te "Apuaro" of olden time. Tawhai's and Moka's (taking up arms) is on account of Pi, who was killed at Otuihu. These are the real causes of the work of the natives, which they wish you to consider, and acknowledge as a war on behalf of the Europeans; that the multitude may be deceived as well as you; and that they may obtain powder…that thus they may obtain satisfaction for their dead.[24]

The most important issue for Heke and for Kawiti, from the governor's letter, was the question of forfeiting or 'raupatu' of lands. Since the discussion with Burrows, Heke appears to have decided with regard to the control of his lands that it was all or nothing. That is, he would either remain in control of all of his lands – without forfeiting any land – or that he pass over all lands and immediately depart for another area where he could re-establish his authority and mana o te whenua. Heke put the issue to the governor and suggested that either he (Heke) remain on his lands, or alternatively that the governor take all the land and provide Heke with a ship, by which he might travel to another place.

---

[23] ibid.
[24] ibid.

> The thing I put most value upon is land; because it was given by God for a dwelling-place for man in this world, a resting place for the soles of his feet, a burial place for the strangers of the world; Amen. But, friend governor, you must take into your consideration the providing of a ship for me; a ship to convey me in search of some other dwelling place. I am not content to remain here, because my holding back the land has ceased.[25]

This extreme measure sounds far-fetched, but it signalled the importance of the relationship between land and authority for Heke. In the letter, Heke sought to make the governor aware of the indivisibility of his tribal lands.

It should be noted that Heke's letter is full of metaphors drawn from different cultural worlds, yet, in examining the meaning of his letter we are reliant on a single English translation. This reliance on a single translated text makes it difficult to talk with certainty about what Heke intended by his letter and the request for a ship. On one level, the translation makes it sound as though Heke's mind is already made up to leave. Yet, this is a simplistic and literal understanding of a translated letter. Some of the context surrounding the letter makes it clear that the terms of the negotiations were still to be decided upon and that Heke sought to emphasise the importance of his lands to him, rather than actually propose that he would depart his country. In other words, Heke's ship was an allegory for the loss of his land.

In the letter Heke also emphasised that the peace negotiations would depend on how Kawiti responded to the governor's request for land. And that no peace could be made with one and without the other: 'If you intend to make peace with me; make peace also with Kawiti. If peace is not made with Kawiti, it cannot be made with me.'[26] Furthermore, both Heke and Kawiti had been busy building fortifications from which to defend their lands from further attacks. So, while the translated letter sounds as though Heke was reconciled to depart form his lands, there were considerable discussions still to

[25] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[26] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310

occur. What we do get from the letter is a marked sense of the overwhelming importance of lands and whenua to Heke and his supporters – as something they could not divide or forfeit.

Heke's August letter was a long and thoughtful reply to FitzRoy. Above all, Heke repeated his constant request for the governor to come north and to meet with him face to face. In two separate places in the letter, the need for a meeting was emphasised.

> Friend governor, if you are satisfied with this communication, come here that I may see you, and that you may see me; that our conference may be satisfactory; communicating with ink is not satisfactory. Let us converse orally. I am not able to converse satisfactorily with you at a distance. When you come hither yourself, then we can adjust both the things that are right, and the things that are wrong.[27]

There was a significant delay before the governor received Heke's August letter. FitzRoy did not receive the letter until 25 September – almost 6 weeks after it was written. In his correspondence with the governor Despard noted that this was due to the fact that Henry Williams had not forwarded Heke's letter.

> It is much to be regretted that Archdeacon Williams should have taken upon himself to prevent Heke's letter from being forwarded to Your Excellency, after the other two persons to whom Heke had also applied had given their opinion that it ought to be forwarded. Had Your Excellency received that letter, much delay would have been avoided, and perhaps it might then have been considered advisable, that a communication should have been made to Heke, bearing your Excellency's signature, and conveyed to him personally by Mr Burrows, telling him at once the terms on which a treaty of peace will be granted him. I am quite sure that he will never make peace without Kawiti being included, and I do not see how he can be asked to do so, if we require him to make peace with our allies.[28]

---

[27] Heke to FitzRoy, 29 August 1845, *GBPP*, 1846 (337), p. 310
[28] Despard to FitzRoy, 14 September 1845, *GBPP*, 1846 (337), p. 304

In the absence of any surviving journal or correspondence left by Henry Williams covering the war period, it is not known why the missionary chose to withhold Heke's letter. It is apparent, however, that by September 1845, the governor was aware that a letter had been written by Heke and that it had been withheld by Williams. George Clarke had written to his father noting, 'I will consult with Mr Burrows respecting Heke's letter if it can be hastened this afternoon.'[29] The governor in a despatch to Lord Stanley on 13 September noted that 'It is expected that terms of peace will be asked for by the Chiefs Heke and Kawiti.'[30] FitzRoy followed this up with a further communication with Despard where he noted: 'The expected letter from the Chief Heke has not yet arrived.'[31]

While waiting for Heke's letter to arrive in Auckland, FitzRoy continued preparations for further military attacks against Heke and Kawiti. The HMS *North Star* had returned to New Zealand and an additional ship the HMS *Daphne* had also arrived. Additional army reinforcements from the 58th regiment under Colonel Wynyard had also arrived from Sydney, and some soldiers had been sent through to the Bay of Islands. Yet, FitzRoy instructed Despard to hold-off further operations, initially until the further reinforcements arrived and then later until he received a response from Heke and Kawiti.[32]

On 20 September, without having received Heke's August letter, FitzRoy wrote a list of conditions on which he would consent to peace and sent the terms to Despard, who had returned to Waimate. FitzRoy emphasised to Despard that he would make peace, 'if asked to do so'; the onus was placed on Ngapuhi to sue for peace. As the letter stated: 'These conditions should be used, or communicated with the utmost circumspection, in order that we may not be the party asking for Peace, however willing to grant it on proper terms.'[33] Unfortunately, the peace conditions were attached to the letter as a note, and a copy of the terms does not appear in either the Colonial Office Papers nor the published

[29] Clarke to Father, 21 August 1845, 'Letters', qMS -0469, Volume 7, ATL, p. 550
[30] FitzRoy to Stanley, 13 September 1845, *GBPP*, 1846 (337), p. 288
[31] FitzRoy to Despard, 20 September 1845, *GBPP*, 1846 (337), p. 303
[32] FitzRoy to Despard, 9 September 1845, *GBPP*, 1846 (337), p. 302; FitzRoy to Despard, 20 September 1845, ibid., p. 303
[33] FitzRoy to Despard, 20 September 1845, 'FitzRoy/Grey Letterbook', NZ MSS 227, ACL, p. 9

Parliamentary Papers. However, a copy of FitzRoy's peace terms was recorded by Robert Burrows in his correspondence with the CMS.[34] The terms recorded by Burrows were significantly, the same as those terms sent to Heke and Kawiti in later correspondence of which copies survive (refer below). It is important to note that these peace terms sent to Despard for Heke were issued without having seen Heke's August letter and his stated opposition to raupatu.

6.6 FitzRoy's peace terms:

Conditions on which the Governor will consent to a general Peace.

1. The Treaty of Waitangi to be binding.
2. The British Colours to be sacred.
3. All plunder now in the possession of Natives to be forthwith restored.
4. The following places to be given up to the Queen: and to remain unoccupied by anyone until the decision of Her Majesty be signified.

Namely:- Parts of Mawe, Ohaeawai, Taiamai, Te Aute, Wangai, Waikare, Kotore and Kaipatiki.

5. Hostilities to cease entirely between all Chiefs and tribes now in arms with or against the Government.

Signed Robert FitzRoy. Governor.
Auckland September 20th 1845 [35]

FitzRoy's conditions of peace terms appeared similar to his previous letter of 6 August 1845. The difference was that whereas previously he had left the issue of atonement open for Heke and Kawiti (presumably) to decide, in late September, FitzRoy named the pieces

[34] Burrows to CMS, 30 October 1845, CN/M, 15, p. 565
[35] Burrows to CMS, 30 October 1845, p. 565; See also FitzRoy to Heke, 29 September 1845, *GBPP*, 1846 (337), p. 311

of land that were to be forfeited. There is also an interestingly overlap between the places named in the September peace terms' document and those mentioned in the earlier Clendon list in May 1845.[36] This overlap suggests that there may have been some continuity in the approach adopted by British towards peace negotiations, however, in the absence of additional information, it is difficult to verify.

6.7 Proclamation: 20 September 1845

Accompanying the 20 September letter was an official proclamation. Printed in English and Maori, it offered a pardon to all supporters of Heke or Kawiti who ceased to resist the British and adopted a peaceful stance.

> Proclamation
> Whereas several chiefs have asked me to let them take their relatives away from Kawiti and Heke: and have asked me to pardon those who return peaceably to their own places: – I – the governor – do proclaim and declare that every native so retiring from the Rebel Chiefs shall be pardoned on condition of remaining at peace.[37]
>
> Wakarongo
> No te mea, kua puta mai te kupu a etahi Rangatira Maori ki au; kia tukua ratou e a hau ki te tiki i o ratou whanaunga, i roto i a Kawiti, raua ko Heke: – a kua mea mai hoki ratou, kia murua nga hara o te hunga e hoki marie ana ki o ratou kainga. Na; Ko Ahau, Ko te Kawana, ka karanga nei, ka whakapuaki i enei kupu. – Ko nga tanagata katoa, e whakahaere ana i nga Rangatira tutu;- a, ka hoki atu ki o ratou kainga noho rawa ai; – ka murua katoatia a ratou kino, e ahau.[38]

---

[36] James Clendon, Journal, NZMS 476, ACL, pp. 11-2. . The 'Clendon' peace terms' document sought the removal of Maori from: Haruru, Puketona, Kaipatiki, Waikare, Waiomio and 'Waingai' [Te Whangaii].
[37] FitzRoy to Colonial Secretary, 20 September 1845, 'Minutes for the Governor 1845', IA 2/2
[38] 'Wakaraongo', 20 Hepetema 1845, Akarana, NZ:R, 995.31, N5, ACL

It appears that Despard had advised FitzRoy to undertake the measure, probably following advice from the Anglican missionaries. Such a measure, while inclined towards peace, sought to undercut the channels of support for Heke and Kawiti. FitzRoy was conscious that the measure was potentially provocative and would exacerbate his relations with Heke and Kawiti. For this reason, Despard was instructed that the proclamation 'should not be circulated until it may appear unlikely that acceptable terms of Peace will be asked for by the rebel Chiefs.'[39] As a result, the proclamation was held over for some time, and was not formally registered by the Colonial Secretary until 30 October 1845.[40] Moreover, the formal confirmation of the proclamation provides an indication of the date from which the governor abandoned peace negotiations in favour of a renewed military offensive against Ngapuhi (covered in more detail later).

6.8 Kawiti's letter to the Governor: 24 September 1845

Kawiti wrote jointly to the governor and Henry Williams on 24 September. Again, his letter survives only in a translated version. He commenced by acknowledging the governor's letter and the suggestion of peace – 'I am willing to make peace, or that peace shall be made; many Europeans have died (or been killed) and also many natives'.[41] Although only short, the letter demonstrated that both Heke and Kawiti were seriously considering peace. Kawiti closed by agreeing with FitzRoy that it was Kawiti's responsibility to make the first gesture towards peace: 'it is for me to make the first proposals for peace; this [the letter] is it. I do now consent to peace.'[42] The letter was sent down to Auckland on 29 September on board the HMS *Hazard* and arrived the next day.[43]

At the same time, George Clarke junior wrote a letter back to his father, with information intended for the governor's eyes. Clarke warned against agreeing to peace with Heke and

---

[39] FitzRoy to Despard, 20 September 1845, 'FitzRoy/Grey Letterbook', NZ MSS 227, ACL, p. 9
[40] Wards, p. 185; Parkinson and Griffith, *Books in Maori*, p. 149
[41] Kawiti to FitzRoy, 24 September 1845, *GBPP*, 1846 (337), p. 311
[42] Kawiti to FitzRoy, 24 September 1845, *GBPP*, 1846 (337), p. 311
[43] Meurant, 29 September 1845, 'Diary', p. 24

Kawiti as he felt that peace was unlikely to be long-lasting.[44] He also repeated his view that any move towards making peace by the British would be interpreted by Heke and Kawiti as an act of weakness and that, as such, this would not lead to secure foundations for future relations. Instead, Clarke advised that peace initiatives should follow a successful show of force.

> It appears to me to be necessary that we convince the natives of the utter fruitlessness of their attempts to oppose a British force, of our ability and determination to put down any rebellion, and of our willingness to show mercy when it is compatible with justice.[45]

The British appeared to be trapped by their own failure to 'defeat' Kawiti and Heke. Having been unable to achieve the overwhelming victory or demonstration of force, they felt driven to keep fighting and to overwhelm Ngapuhi before allowing for peace. Anything less than this was perceived as a weakness and an unstable position, which would ultimately lead to later difficulties.[46] In many ways, the Colonial Government officials, notably FitzRoy and Clarke junior, continued to see the Northern War as the crucial opportunity to teach northern and indeed all Maori a salutary lesson.

Despard, based at Waimate with Clarke junior, gave very similar advice to FitzRoy in a letter written the same day.

> I apprehend that unless a strong demonstration of force is made whenever terms are offered, and that demonstration followed immediately by a movement of the troops in the direction of Kawiti's pah, he (Kawiti) will endeavour to prevent the peace, and look upon us as being afraid of him.[47]

---

[44]Clarke to Father, 24 September 1845, 'Letters', qMS -0469, Volume 7, ATL, p. 567; Clarke had earlier written to his father, on 4 September, doubting Heke's intentions to make peace. Clarke to Father, 4 September 1845, p.561

[45] Clarke to Father, 24 September 1845, qMS -0469, p. 565

[46] ibid., p. 565

[47] Despard to FitzRoy, 24 September 1845, *GBPP*, 1846 (337), p. 304

Despard added that such an action could not be taken until further reinforcements arrived, but that once the army had been strengthened, 'not a day should be lost'.

George Clarke junior meanwhile had not seen the terms of peace, but he had heard about the giving up of lands in different areas.[48] The lands, were to be given over and thereafter to remain uninhabited. Yet, one area, Te Mawe (Te Ahuahu), raised immediate difficulties. Clarke noted that Waka Nene and other Hokianga people had moved in and were cultivating the Te Mawe area, planting large quantities of crops, for which they would depend over the coming year. He therefore advised the governor that the peace conditions would, in effect, need to be altered.[49]

6.9 FitzRoy's replies to Heke and Kawiti

After having finally received Heke's August letter on 25 September, FitzRoy replied to Heke on 29 September. The letter set out the governor's terms of peace, the identical terms which he had earlier sent to Despard, prior to having seen Heke's letter (refer earlier). It also meant that despite having subsequently read Heke's opposition to the loss of land, FitzRoy had not altered the proposed conditions of peace.

On the issue of land confiscation, the governor tried to reassure Heke that he did not want all of his land. But he misunderstood Heke's message that, as regards land confiscation, it was all or nothing. Instead, FitzRoy described his peace terms as 'moderate'. At the same time, he refused to acknowledge any of the losses that Heke had sustained in the war and about which Heke had talked in his earlier correspondence: 'I cannot take into consideration the property which you say you have lost, because all of your losses, your own as well as others, were caused by your own commencement at Maiki.'[50] Blame continued to be laid at the feet of Heke for the attack and destruction of Kororareka.

---

[48] Clarke to Father, 24 September 1845, qMS -0469-07, ATL, p. 567
[49] ibid., p. 568
[50] FitzRoy to Heke, 29 September 1845, *GBPP*, 1846 (337), p. 312

FitzRoy also refused to meet face to face with Heke. The governor stated he could not meet with Heke (to discuss peace terms) until after peace had been made from a distance. 'I may see you when peace is made.' This meant that, despite continued requests by Heke for a meeting, the governor had either ignored or refused all opportunities of meeting with Heke to resolve issues.

At the same time, FitzRoyreplied to Kawiti's letter on 1 October and the letters to the two chiefs were sent to the Bay of Islands on 3 October. In his letter to Kawiti, FitzRoy reiterated that the blame for the conflict lay entirely with Kawiti and Heke. And while he agreed with Kawiti's statement that the peace offer had to come from him (Kawiti) first, FitzRoy went further to assert that 'neither the Queen not the governor have done you any injustice; therefore proposals of peace could not proceed from the governor, but the war must have continued until either you were destroyed or had submitted to the Government'.[51] These were strongly-worded statements of intention from the governor. And without the Maori language text of the letter, we can only imagine how this passage, once translated, was received by Kawiti.

There were other hints of threat in the letter to Kawiti. FitzRoy stated that there were thousands of soldiers ready 'to fill the places of those who are killed'.[52] He also wrote that 'the English could continue the war until you were all destroyed, but neither the Queen, nor the governor, nor the English people wish to destroy you.'[53] FitzRoy sent Kawiti a copy of the same terms of peace he sent to Heke. With regard to the issue of land confiscation he tried to reassure Kawiti that only 'parts of the lands…and not the whole, must be given up to the Queen before peace can be made'. However, he did not specify the size of the parts he wished to confiscate.

6.10 Land confiscation/ Raupatu

[51] FitzRoy to Kawiti, 1 October 1845, *GBPP*, 1846 (337), p. 312
[52] ibid.
[53] ibid.

The notion of using land confiscation as a punishment against Heke and Kawiti and others in the north appears at different times throughout the Northern War. Yet, there was little written by Government officials explaining this preference for or 'policy' of land confiscation as a means of punishment. Ian Wards highlights the fact that the proclamation issued on 26 April 1845 suggested that rights to land might be taken away.[54] However, as discussed earlier in Chapter 4, this proclamation, while it sought to restrict the land rights of those hostile to the Queen, appeared only to apply to non-British Pakeha, and did not apply to Maori. The first definite reference to the confiscation of Ngapuhi land rights came in Pomare's conditions of pardon and release. One of the terms of Pomare's release required the chief to cede to the Crown his land interests at Te Wahapu.[55] There are other references, in the peace terms after Puketutu, and again in FitzRoy's instructions to Despard prior to the attack on Ohaeawai.[56] As discussed in the previous chapter, the governor warned Maori that those 'in rebellion' against the Crown would 'forfeit' land, to be divided among other Ngapuhi who supported the Government, rather than kept by the Government itself.[57] Heke had expressed himself opposed to this policy. [58]

FitzRoy's peace terms (theoretically) replaced the previous instruction, and noted that particular lands would be 'given up to the Queen, and to remain unoccupied by any one until the decision of her Majesty be signified'.[59] The ultimate fate of the land was left ambiguous and all power to decide lay in the hands of the Queen. This ambiguity was most likely a deliberate attempt to exploit both groups of Ngapuhi. It hinted to Heke and Kawiti that they might receive their lands back, if the Queen so decided. At the same time however, it sought to retain Waka Nene's support, by not ruling out the existing arrangement whereby he and his fellow supporters received the 'forfeited' lands of Heke

---

[54] Wards, p. 182. Note, Wards lists the date of the proclamation as April 1844, instead of 1845.
[55] 'Conditions of Pomare's pardon', 17 Mei 1845, Wesley Mission Society Letters from 2 April 1845 to 1 July 1845, MS-papers 2624-08, ATL, p. 55; Refer Chapter 4.
[56] Governor to Despard, 6 June 1845, WO 1/433, facing p. 49
[57] ibid.
[58] Burrows, 10 September 1845, 'Journal', CN/M, 15, p.564. His 'people would not quietly submit to their [Nene's supporters] occupying it….If land is to be forfeited, let it be forfeited to the Governor.'
[59] Fitzroy to Heke, 29 September 1845, *GBPP*, 1846 (337), p. 311

and Kawiti. As such, it did little however to reassure Heke and Kawiti or to change their perception of the demand to forfeit their land.

Many northern Maori continued to fear that lands given to the Crown were to be passed to Waka Nene and their traditional rivals, as they had previously been told. Heke remained defiant of the notion that land be confiscated and delivered to Nene's allies. Burrows commented that Heke's 'people would not quietly submit to their [Nene's supporters] occupying it….If land is to be forfeited, let it be forfeited to the governor.'[60] It must be remembered that Waka Nene had already effectively acquired a right over the land at Te Mawe (one of the areas listed in FitzRoy's terms)[61] and on that spot Nene had built a new pa and cultivations as a way of cementing his claim to the land.

There was another difficulty with FitzRoy's condition of land confiscation. None of the specific sites selected by FitzRoy – parts of Mawe, Ohaeawai, Taiamai, Te Aute, Whangae (Te Whangaii), Waikare, Kotore and Kaipatiki were lands in which Heke himself held direct interests. Though FitzRoy was guided in his selection by Henry Williams and Robert Burrows, it is hard to say whether this outcome was intentional or not. It can be argued that FitzRoy sought out lands in which Heke held no interests in order to facilitate Heke's acquiescence to the peace terms. However such an approach presupposed an extremely detailed knowledge of customary tenure. Moreover, this strategy also overlooked the important principle that a rangatira who held no rights in lands had no authority to make decisions affecting the cession of particular lands. Finally, it is important to note that lands in which Kawiti, and other chiefs allied to Heke, held interests were included in the lands to be forfeited. The upshot was that the selection of lands, whether by accident or on purpose, treated Heke and Kawiti differently. It also

[60] Burrows, 10 September 1845, 'Journal', CN/M, 15, p.564

[61] As mentioned in the chapter on the Puketutu battle, Te Mawe or Te Mawhe is the area on the north-eastern edge of Lake Omapere. It covers the lands on which the pa Te Kahika and Taumatatutu were situated. Lake Omapere is also referred to sometimes as Lake Mawe or Mawhe. It is also suggested that Mawe might be applied as a name to the land in the vicinity of Te Ahuahu.

meant that Heke was required to consult with all owners of the lands mentioned before he could definitively respond to the governor. [62]

> [Heke] evinced and so did his principal men a desire for peace, but as the terms involved the forfeiture of certain lands, he said he could not give an answer until those who had an interest in the lands were consulted, but promised to assemble his people for that purpose. A copy of the terms were at the same time forwarded to Kawiti who without consulting Heke, immediately replied that as the governor wished to take away their lands, he would not agree to the terms. [63]

Land confiscation was the crucial issue for Ngapuhi in the peace negotiations. And the governor's continued demand for land was ultimately the reason why the peace negotiations failed. To understand this, it is necessary to realise that land was one of the principal motivations for warfare and the loss or raupatu of land was considered the consequence of losing battles. The loss of land entailed the consequent loss of identity, mana and long-term ancestral connections with certain lands. In other words, the loss of land was tantamount to surrender and subjugation. Why would the Ngapuhi leaders such as Heke and Kawiti, who had fought against the British to protect their lands and identity, then agree as a term of peace to relinquish their land? It was unrealistic for the Government to expect Ngapuhi to surrender under terms that included the raupatu of land. Certainly George Grey would not make the same mistake when he came to negotiate for the termination of the conflict after Ruapekapeka.

6.11 FitzRoy's Recall

In early October FitzRoy received official word from the Colonial Office that he was to be replaced by George Grey, then governor of South Australia.[64] FitzRoy wrote to

---

[62] Burrows to CMS, 30 October 1845, CN/M, 15, p. 564
[63] Burrows to CMS, 30 October 1845, CN/M, 15, p. 564. 'Heke according to promise consulted with the parties interested in the lands to be forfeited, some are agreeable to the terms others are not.'
[64] FitzRoy, *Remarks*, p. 50

Andrew Sinclair on 1 October, notifying him that he was being recalled and that the new governor was expected before the end of the year.[65] Although one of the reasons for FitzRoy's departure was his perceived failure to resolve the Northern War, the reasons for FitzRoy's recall were many and varied. A detailed discussion of the reasons for FitzRoy's replacement is beyond the scope of the present report. It is simply noted that Grey adopted a different approach towards relations with Ngapuhi and this is discussed in more detail below.

6.12 Continued Negotiations

Despite news of his recall, governor FitzRoy remained outwardly optimistic about the chances of Heke and Kawiti agreeing to his peace terms. On 2 October, FitzRoy advised Despard to convey his letter north to Heke. In so doing, he instructed Despard to wait before beginning any march towards Kawiti's pa at Ruapekapeka: 'further delay is advisable, in order to give those chiefs time to accept or decline the terms to which I have offered to accede.'[66] This optimism and willingness to pursue peace negotiations on his terms continued until mid-October. On 11 October, FitzRoy wrote to Despard authorising the colonel to act on his behalf in 'negotiating and concluding any terms with the chiefs Heke and Kawiti'.[67]

The issue of land confiscation remained the stumbling block in the peace discussions. Kawiti replied to FitzRoy on 7 October 1845.[68] His letter reminded FitzRoy that the chief had followed FitzRoy's request and had first proposed peace. Kawiti emphasised he was willing to make peace on condition that the governor also sought peace, but that if the governor sought to continue hostilities, then Kawiti would fight. Above all, Kawiti stated categorically that he was not willing to surrender any land as part of the conditions for peace.

---

[65] FitzRoy to Sinclair, 1 October 1845, 'Andrew Sinclair, Letters and Journals 1844 – 1856', MS 1947, ATL
[66] FitzRoy to Despard, 2 October 1845, *GBPP*, 1846 (337), p. 304
[67] FitzRoy to Despard, 11 October 1845, *GBPP*, 1846 (337), p. 305
[68] Again we only have the English translation of the letter.

> If you say, let peace be made, it is agreeable; but as regards this you shall not have my land; no, never, never!
> I have been fighting for my land; if you had said that my land should be retained by myself I should have been pleased.
> Sir, if you are very desirous to get my land, I shall be equally desirous to retain it for myself.[69]

Kawiti opposed FitzRoy's demand for land confiscation. However, Kawiti's letter was not an end to peace negotiations. The letter also sent a message to the governor that if no confiscation was included in the peace terms, then Kawiti – and presumably Heke as well – would be willing to accept the remainder of terms and make peace.

FitzRoy, however, interpreted this as a rebuke to his peace plans. And, in the wake of receiving his recall, he made no attempts either to communicate with the chiefs or to amend the peace terms by withdrawing the requirement for land confiscation. Kawiti had sought to present a real opportunity for peace. This opportunity was ignored by FitzRoy. By mid-October, and in an increasingly defensive mode, FitzRoy notified Despard that 'it does not now look likely that any pacific arrangement will be soon made with the chiefs Heke and Kawiti'.[70]

The responsibility for this inaction lay principally with FitzRoy. At this time, FitzRoy directed Despard to move the military force and camp from Waimate back to the coastal Bay of Islands. As a result, the soldiers shifted to Russell (Okiato) and constructed a military camp and fortifications there. Despard's reason for choosing Okiato as the site of the new military camp was to stop Kawiti's 'communication with the sea, and prevent his coming down with his people to fish'.[71] This action, taken in the midst of peace

---

[69] Kawiti to FitzRoy, 7 October 1845, *GBPP*, 1846 (337), p. 312
[70] FitzRoy to Despard, 17 October 1845, *GBPP*, 1846 (337), p. 306
[71] FitzRoy to Despard, 17 October 1845, *GBPP*, 1846 (337), p. 306 & Despard to FitzRoy, 23 October 1845, *GBPP*, 1846, vol. 5, p. 307

negotiations, though not openly hostile, sought to restrict Kawiti's rights and preparations.

Through October, until the arrival of the new governor in November, the peace negotiations stalled. FitzRoy did not reply to Kawiti's letter and put little further effort into advancing negotiations. Despard, charged by FitzRoy to look into negotiations, continued to send information back which suggested that Heke and Kawiti were still willing to negotiate – 'I am informed that they have not entirely given up the idea of peace.'[72] The final communication from FitzRoy, prior to his replacement, was a message sent to Henry Williams via Despard asking Williams to impress on Kawiti the dire consequences if the chief continued to disregard the governor's offer of peace and pardon.[73]

Heke and Kawiti had not given up on the idea of peace. They had sent their reply to the Government and waited for the response. In the meantime they continued to discuss the terms amongst their followers and also with other Europeans in the north. In early November, Heke asked Henry Williams to come and discuss the peace terms with him and Kawiti.[74] Another CMS missionary, Burrows, talked with different groups about the issue and heard that Kawiti was strongly opposed to the taking of land. Kawiti reputedly said: 'No, let us fight on if they want our lands, and when we are killed they can take them.'[75] Williams attended a hui with Heke and Kawiti alone, on 3 November at Kawakawa, but left no record of the event. However he reported the discussions to Everard Home, the captain of the *North Star*, who made the following report:

> Mr Williams states that after a discussion, which occupied the greater part of the night, Kawiti was determined to give up no land whatever; he declared that they had received it from their fathers, and that they would never tamely part with it. If

[72] Despard to FitzRoy, 23 October 1845, *GBPP*, 1846 (337), p. 307
[73] FitzRoy to Despard, 11 November 1845, FitzRoy/ Grey Letterbook, NZ MSS 227, p. 44
[74] Heke to Williams, 1 November 1845, CO 209/ 38, p. 37
[75] Burrows, *Extracts*, 2 November 1845, p. 49

> the governor wanted the land he must take it from them; they were ready to fight for it. They all wished for peace.[76]

After the meeting, Burrows spoke with Williams and also recorded Williams' account of the strong opposition of Kawiti and Heke to land being taken.[77] Despite the continued opposition to land confiscation, it is notable that the chiefs remained open to the idea of peace negotiations.

6.13 Arrival of the new Governor

George Grey arrived in New Zealand on 14 November 1845. [78] The Colonial Office had appointed him as a replacement governor back in mid-June 1845.[79] He was publicly proclaimed governor of the colony on 18 November 1845. Grey adopted a different approach to the conflict in the north from FitzRoy. He wrote to Colonel Despard on 17 November, as Lieutenant Governor, and instructed Despard to disregard FitzRoy's previous advice for Despard to conclude 'an honourable peace'.[80] He then directed the colonel to forthwith obtain any military advantage possible, though he warned against commencing hostilities, 'unless certain of success'.[81] Finally, Grey advised Despard that he would come north to the Bay of Islands to meet with Despard in 10 days.

6.14 Grey's instructions

Grey's instructions from the Colonial Office were sent to him in South Australia.[82] In them, Lord Stanley reminded him of the importance of avoiding conflict and adhering to the Treaty of Waitangi:

---

[76] J Everard Home to Rear Admiral Cochrane, [Commander of the Royal Navy's Pacific Station], 13 November 1845, in 'Williams Misc Letters', Vol. 2, 1841-45, qMS 2237, ATL, p.134
[77] Burrows, *Extracts*, 4 November 1845, p. 49
[78] George Grey, 14 November 1845, 'Diary', GNZMSS 3, ACL
[79] Official Appointment of Grey as Governor of New Zealand, 21 June 1845, GNZ MSS 102, ACL, pp. 102-5
[80] Grey to Despard, 17 November 1845, FitzRoy/ Grey Letterbook, NZ MSS 227, p.74
[81] ibid., p. 75
[82] Stanley to Grey, 13 June 1845, no. 1, pp. 99-136, G 1/13 (Inwards from the Secretary of State - 1845), ANZW

From the commencement of the colonisation of New Zealand to the present time, has been anxious and unremitting desire of her Majesty's government to avoid if possible any actual conflict with the native tribes.

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 made in the spirit thus disingenuous or for a purpose thus unworthy. You will honourably and scrupulously fulfill the conditions of the Treaty of Waitangi. [emphasis mine]

Further as representing the person and authority of your sovereign, you will omit no measure within the reach of prudent legislation, or of a wise administration of the law for securing to the aborigines the personal freedom and safety to which they are entitled, and the …access to all the means of religious knowledge, and of civilisation provided for them by the pious seal which has been established, and which principally maintains an Episcopal Lee and Christian missionaries for their instruction.

It will also be your duty to take care that in the government of this class of her Majesty's subjects every possible respect be shown, both in the structure of the Law and in the administration of it, for the opinions, the feelings, and prejudices by which they may be possessed, and from which they cannot be rudely or abruptly divorced.

Subject to these general rules, you will of course require from the people an implicit subjection to the Law, and you will of necessity enforce the submission by the use of all powers, civil and military at your command.[83]

[83] ibid., pp. 116-9

The Colonial Office stressed the significance of the Treaty of Waitangi. The instructions also required the new governor to pay due attention to the 'personal freedom and safety of Maori'. The final paragraph then noted that subject to the Treaty of Waitangi and other requirements, the governor was to enforce Maori subjection to the law.

Grey received several items of inwards correspondence respecting New Zealand and his role as governor before he arrived in the colony. Included among the correspondence from the Colonial Office was a significant letter written by James Busby from England that discussed the causes of conflict and policy to be adopted. Above all, Busby urged the Colonial Office not to attempt to persevere with the Select Committee report recommendations.[84] He highlighted the importance of land to (Northern) Maori and how the threats of land dispossession had led to the conflict. He specifically advised Stanley not to attempt to impose either Land confiscation or land tax.

> I am confident my Lord that I speak the truth when I affirm that not only did the Missionaries and myself consider that the Lands and possessions which were guaranteed to the Natives of New Zealand by the Treaty, extended <u>to the whole Soil of New Zealand</u>, but that there was not an individual of either race amongst the large assemblage, which was present, who held for a moment a different opinion. I know that the Natives would have rejected with scorn and indignation any proposition which recognised or implied a right on the part of the Queen, or of any foreign power whatever to any portion of their lands, on the ground of discovery, or any other ground.
>
> They [Maori] have always had an extreme jealousy on the subject of their land, and they have often declared in various forms of expression, that they would only resign it with their lives. Akin to this feeling was the dread of seeing foreigners arrive in such numbers as to threaten their independence. When they understood it was intended to make a traffic in the lands of their country the means of filling it with Emigrants, they considered themselves as over-reached by the Government,

[84] Busby to Stanley, 1 July 1845 in Stanley to Grey, 7 July 1845, G 1/13 (unnumbered), ANZW

> and it is to this feeling, joined to the indignation and distrust excited by the conduct of the Government towards our own countrymen during the administration of Sir George Gipps and Captain Hobson, the present disturbances are to be exclusively attributed. The Natives considered the proceedings of the Government in these matters as a violation of the spirit of the Treaty which was proposed to them as a measure of protection to themselves, and not as a measure of realizing a profit to the Government, or settling its subjects on their Lands. Aware of the unjust and oppressive measures of the Government towards the Queen's natural born subjects, they said that it was only because the Government was not yet strong enough that it did not seize their lands also. I am persuaded that the Acts of defiance and rebellion to which Heke and his party have resorted have no other object than to testify their indignation at what they consider a violation of faith, and their determination to resist further encroachment.

Grey then was well-apprised of not only the substance of the Treaty of Waitangi, but also the central importance of land retention and the need to respect Maori perspectives regarding land, if peace was to be achieved in the north.

6.15 Grey's policy

From the outset, Grey sought to demonstrate the overwhelming authority of the British Crown. He explained that he would carry out his own enquiries in the north and ascertain 'what possibility exists of enforcing the submission of the rebel chiefs.'[85] Interestingly, Grey, without having communicated with the chiefs himself, was quick to inform the Colonial office that the existing peace terms 'have been scornfully rejected by these chiefs'.[86]

---

[85] Grey to Stanley, 22 November 1845, *GBPP*, 1846 (712), p. 344
[86] ibid., p. 344

Grey arrived in the Bay of Islands on 23 November.[87] There he met and held discussions with the military officials. After discussing with Colonels Wynyard and Despard, the strength of the available force and intelligence about Ruapekapeka, Grey met with the George Clarke junior and the CMS missionaries. Burrows, in response to Grey's questions, advised him that the chiefs still considered the peace terms open for acceptance, but that as the terms stood, the chiefs were unlikely to agree to them.[88] In fact, Grey had already learnt that the chiefs still considered the peace negotiations open, noting this in his letter to the Colonial Office of 24 November.[89] And although he again criticised the terms offered, he declared that he was bound to complete the agreement if the chiefs accepted the terms as they had been offered.

Clarke drafted a letter for Grey issuing an ultimatum to Heke and Kawiti: the chiefs were given five days to accept the existing peace terms, including land confiscation, or the governor would renew hostilities:[90]

> the new Governor says, that if he does not hear from you by Tuesday next that you have agreed to the conditions offered to you by Governor FitzRoy, that he shall consider that you have refused these conditions, and he will hold no further communications with you.[91]

Copies of the ultimatum were sent on 28 November (Friday) by Burrows and Williams, and the chiefs were given until 2 December (Tuesday evening) a period described by Belich as 'an unreasonably short time' to reply.[92] Grey explained that the short period of time had been allotted so 'as to prevent them from communicating with each other in order that they might determine on some common line of policy.'[93]

---

[87] Bridge, 23 November 1845, 'Diary', p. 95
[88] Burrows, Thursday [27] November 1845, *Extracts*, p. 51. Once again Burrows' dates are in a muddle; the date 27 November has been worked out using a calendar for that year.
[89] Grey to Stanley, 24 November 1845, *GBPP*, 1846 (712), p. 350
[90] Clarke to Kawiti, 27 November 1845, in Grey to Stanley, 9 February 1846, *GBPP*, 1846 (690), p. 411
[91] Clarke to Kawiti, 27 November 1845, in Grey to Stanley, 9 February 1846, *GBPP*, 1846 (690), p. 411
[92] Bridge, 28 November 1845, p. 95; Burrows, Friday [28 November] 1845, *Extracts*, p. 51; Belich, p. 58
[93] Grey to Stanley, 8 December 1845, *GBPP*, 1846 (712), p. 352

Grey hosted a large meeting of chiefs on 28 November at Kororareka. The meeting was delayed from the previous day to enable the group of Ngare Raumati from Rawhiti to attend. Burrows noted that 300 northern Maori came and most of the chiefs supporting the Government came to hear the new governor's address. The text of Grey's speech to the chiefs and their replies was later published in the *Parliamentary Papers*. Grey emphasised the Government's continued adherence to the Treaty of Waitangi. '[I]t is the intention of the Government, most punctually and scrupulously to fulfil the terms and promises of the treaty which was signed at Waitangi on the arrival of governor Hobson.' Grey stepped carefully past the issue of sovereignty and focused instead on the issue of land ownership.

> I have heard that some persons evilly disposed, both towards the Queen of England, and the Chiefs of this country, have told you that by your signing that paper, you lost your lands. This I deny. By that treaty you have the protection of the Queen, and your possessions are made sure to you.[94]

He was anxious to reassure Ngapuhi. He had earlier noted Maori suspicions and distrust of the Government's intentions to appropriate 'surplus lands'.

> They [Maori] are tolerably well acquainted with the details of the discussion which took place in the House of Commons at the end of June last regarding the state of New Zealand; and their apprehensions are avowedly based upon what transpired during the debate to which I am alluding.[95]

He reported back to the Colonial Office of the disquiet regarding the House of Commons Report that continued to concern Northern Maori. According to Burrows, Grey spoke to the chiefs and '"assured them that he had been sent by Her Majesty the Queen not to set aside the 'Treaty of Waitangi, but to uphold it".'[96]

---

[94] Enclosure 1, 28 November 1845, in Grey to Stanley, 10 December 1845, GBPP, 1846 (712), p. 354
[95] Grey to Stanley, 24 November 1845, *GBPP*, 1846 (712), p. 344
[96] Burrows, Friday [28 November 1845], *Extracts*, p. 51

The second major message delivered by Grey was that Heke and Kawiti had only a short time to accept the existing peace terms before hostilities would be renewed. Cyprian Bridge recorded Grey as saying to the chiefs that 'he hoped to make peace, but as the rebellious chiefs Heki and Kawiti did not give a favourable answer to the terms that had been already proposed to them by his predecessor Captain FitzRoy, and that by Tuesday night next he would have nothing more to say to them.'[97] Grey also railed against the chiefs who had remained neutral and warned them not to let any of their supporters fight against the Crown, otherwise they would be attacked as well. [98] In response, the chiefs spoke in support of Grey's position on both the Treaty and the stance adopted towards Heke and Nene.[99]

At the end of November, Grey wrote to Despard and noted that while the missionaries believed the peace negotiations still to be open, he had delivered an ultimatum to the chiefs – either they accepted the peace negotiations or else all communication ceased.[100] Grey also withdrew FitzRoy's earlier authorisation for CMS missionaries to communicate and potentially negotiate with the chiefs on behalf of the governor.

Heke summoned Burrows to Hikurangi to receive the reply to Grey's ultimatum. Burrows has left an interesting account of the meeting and discussions between Heke and his supporters during the evening of 1 December. It appears that even at that late stage the groups were still closely debating whether to agree to the terms. The issue of land confiscation remained the focus of opposition. Heke was reported as saying: '"No we will not give up our lands. If the pakeha (foreigner) wants our country, he will have to fight for it, for we will die upon our lands."'[101] The written response was read aloud to the group at Hikurangi and assented to before it was sent back with Burrows.

---

[97] Bridge, 28 November 1845, p. 96
[98] Enclosure 1, 28 November 1845, in Grey to Stanley, 10 December 1845, *GBPP*, 1846 (712), p. 354
[99] The replies of the chiefs were transcribed in English. See ibid., pp. 355-7
[100] Grey to Despard, 30 November 1845, FitzRoy/ Grey Letterbook, NZ MSS 227, pp. 80-1
[101] Burrows, Monday [1 December 1845], *Extracts*, p. 52

Both Kawiti and Heke replied to the governor's ultimatum by 2 December. The chiefs each expressed a continued willingness for peace. However they repeated their refusal to accept land taking as part of the peace terms. Kawiti asked that Grey amend the issue (of land confiscation), which he, Kawiti, had already alluded to in his previous letter. Kawiti stated to Grey: 'This also is my word to you, that peace may be made; that this evil may cease.'[102] Heke's letter focused on the issue of land:

> Land? Not by any means, because God made this country for us; it cannot be sliced, if it were a whale it might be sliced; but as for this, do you return to your own country, to England, which was made by God for you. God has made this land for us, and not for any stranger or foreign nation to touch (or meddle with) this sacred country.[103]

Both letters intimated to the governor that if he insisted on confiscating land, then Heke and Kawiti would fight. The letters of Heke and Kawiti again exist only in English translation. This significantly affects our understanding of what was said in the original Maori texts. Kawiti's letter is relatively short and the terms used in translation somewhat ambiguous. In the case of Heke's letter it is notable, for example, that the translation made no mention of the loss of Heke's settlements and plantation, statements which, Burrows asserted, were present in the original text. Burrows also noted with a wry humour that, as the governor had addressed Heke and Kawiti speaking as "Kawana Hou" (the new governor), 'Heke in his reply, signed himself "Hone Heke Pokai *Hou*" (the *new* John Heke Pokai)'.[104] In the translated text of the letter this has been changed to 'Little John Pokai' (perhaps to equate with a British view of Heke as a 'rebel'?).[105]

A further attempt at securing peace was suggested by Heke, who asked the governor to communicate with him by 4 December. It appears there was an attempt to arrange a hasty

---

[102] Kawiti to Grey, 2 December 1845, in Grey to Stanley, 12 February 1846, *GBPP*, 1846 (690), p. 412; also in 'Williams Misc Letters', Vol. 2, 1841-45, qMS-2237, ATL, p.135
[103] Heke to Grey, 2 December 1845, in Grey to Stanley, 12 February 1846, *GBPP*, 1846 (690), p. 413
[104] Burrows, Wednesday [3 December 1845], *Extracts*, p. 53
[105] Heke to Grey, 2 December 1845, in Grey to Stanley, 12 February 1846, *GBPP*, 1846 (690), p. 413

last-minute meeting between the chiefs and the governor, most likely by Henry Williams. On 4 December Grey and Despard sailed up to the site of Pomare's old pa, Otuihu, where they waited to meet with the chiefs, flanked by the naval ships North Star and Elphinstone. Kawiti wrote to Henry Williams and the governor the same day advising them that he was still waiting for Heke to arrive from Hikurangi and that once they had met up at Ruapekapeka they would then come down to meet with the governor.[106] Somewhere the message went awry. Grey and the British waited until 5 December and then sailed away without meeting the chiefs. Major Bridge thought that 'the chiefs were afraid to come down and meet him';[107] however, it appears more likely that the governor simply did not wait a sufficient time.

In effect Governor Grey had an answer to his ultimatum. On 5 December 1845, as he prepared to return to Auckland, he ordered Despard to commence the attack on Kawiti's pa.[108] In a letter to the Colonial Office, Grey explained his decision to abandon peace and proceed to war. Firstly, he sought to typify Heke as a turbulent and untrustworthy character who had attracted a large number of lawless and reckless young men. The young men, he declared, had committed crimes 'which were of such a nature as to shut them out of…any general pardon.' [109] There were no specific instances of crimes mentioned. Secondly, it was highlighted that both Heke and Kawiti were busy erecting fortifications and planting crops. Grey insinuated that as soon as the crops were ready, a period of time he estimated at 6 weeks, Heke and Kawiti would attack the British. He went further to allege that the chiefs' involvement in the peace negotiations were really 'acts of deception', and that their real motive was to gain a delay so as to allow them to better prepare their supplies ahead of an attack.[110] Grey, then, was keen to push ahead with the attack. He described Heke's 2 December letter as 'of such a character, as to show that he [Heke] felt it was useless any longer to disguise his real sentiments, as no further delay would be permitted, he therefore spoke in the language of open and

[106] Kawiti to Henry Williams, 4 December 1845, in Grey to Stanley, 12 February 1846, *GBPP*, 1846 (690), p. 413
[107] Bridge, 4 December 1845, p. 97
[108] Grey to Despard, 5 December 1845, FitzRoy/ Grey Letterbook, NZ MSS 227, p. 81
[109] Grey to Stanley, 8 December 1845, *GBPP*, 1846 (712), p. 352
[110] Grey to Stanley, 8 December 1845, *GBPP*, 1846 (712), p. 352

undisguised hostility.[111] He declared that, because the chiefs were undertaking their own preparations for battle, no other course was left open to him and the Government.[112] Grey also saw an opportunity to attack before the crops were ready: 'if operations are at once actively pushed against the rebel chiefs, that they will, from the fact of their potatoes not yet being ripe, be soon severely pressed for supplies'.[113]

The most striking omission by Grey in his letter to the Colonial Office, was any mention of the crucial issue of land confiscation. Grey deliberately hid the fact that the chiefs were willing to accept peace provided it included no land confiscation. Instead, he made the patently false statement to Lord Stanley that: 'I have to assure your Lordship that I cannot discover that the rebels have any single grievance to complain of which could in any degree extenuate their present conduct'. Grey's policy, while it purported to safeguard the Treaty of Waitangi and welfare of Maori, exhibited a cold steel behind the rhetoric. Examples of this were Grey's adoption of divide and conquer tactics and the deliberate targeting of crops and supply lines.

There is a suggestion that Kawiti in particular was still struggling to adhere to the peace terms including confiscation, by trying to arrange the hand-over of Kotore, which according to Whareumu was 'the only piece of land (the Kotore) with which he [Kawiti] had anything to do'. It appears that other several chiefs and groups held interests in Kotore and that Kawiti had eventually assented to parting with the land on the basis that other chiefs had also agreed and that it was not to be acquired by other Ngapuhi allied with the Crown.

> by giving up the Kotore, the piece of land he had always professed himself unable to part with; for that Pomare and the other principal chiefs who had joint claims with Kawiti in this piece of land, had agreed to relinquish their claims upon it in favour of the Government; and that they would also compel by force, if necessary,

---

[111] Grey to Stanley, 'Memorandum of correspondence' in Grey to Stanley, 9 February 1846, *GBPP*, 1846 (690), p. 411
[112] Grey to Stanley, 8 December 1845, *GBPP*, 1846 (712), p. 352
[113] ibid., p. 352

> those of the friendly natives and others who were interested in it, in the same manner to relinquish their claims in this piece of land.[114]

Grey however noted that the 'British Government' could not allow groups who had 'committed no crime to relinquish or be deprived of their joint share in the land required from Kawiti.' He re-emphaised that that 'Kawiti and all others who had been in arms against the Government should relinquish any claims which they might individually have to the lands named by Governor FitzRoy, without any reference to the claims of others', and this had to occur by the day appointed.[115] Such a demand appears to have been predicated on an unrealistic British assumption that interests of individual chiefs could be easily isolated and confiscated out of lands where others held rights.

Grey wrote to the Colonial Office again a week later, this time setting out in more detail the motivations behind his decision to terminate the peace negotiations. Grey stated that, from the outset, he had been resolved to break off the peace negotiations, unless Heke and Nene were willing to accept the existing terms.[116] He based his decision ostensibly on four issues. The first and most important for Grey was the fact that to negotiate for peace with Heke and Nene appeared to grant those chiefs a status and authority commensurate with that of the Colonial Government – something that Grey refused to acknowledge.

> I object altogether to entering into entering into any new treaty with rebels; more especially into one which places them somewhat in the position of sovereign princes, and requires them to treat for, and to bind others whom they have no authority or right whatever to control. Such a proceeding on the part of the Government, gives to these two chiefs an importance and influence which they did not previously possess, and which it should be our object neither to recognize, nor to confer upon them.

---

[114] Grey to Stanley, 'Memorandum of Correspondence', in Grey to Stanley, 9 February 1846, *GBPP*, 1846 (690), p. 410
[115] ibid., p. 410
[116] Grey to Stanley, 15 December 1845, *GBPP*, 1846 (712), p. 371

Here we are again made aware of the British reluctance to share authority with Ngapuhi, despite earlier Treaty pledges. Yet Grey went further and declared it his 'object' not to recognise Maori chiefs' authority on an equal footing with British kawanatanga.

Having declared his position with regards to the authority of Heke and Kawiti, he ventured that, instead of peace negotiations, and if the chiefs were not to be punished, then the Government might bestow individual pardons on Heke and Kawiti. In doing so, Grey appeared determined to ensure that Heke and Kawiti were deprived of any authority or agency, and that instead they were viewed as subject to and subjects of the Crown.[117]

As well as the issue of authority, Grey raised the issue of land confiscations as another factor that precluded peace negotiations. Grey took the view that the lands listed in FitzRoy's peace terms had been faulty as little if any of the land had belonged to either Heke or Kawiti. As discussed earlier, this was the case for Heke, though it was not altogether accurate for Kawiti or other chiefs. FitzRoy, subsequent to his departure, wrote to Grey and advised him that little of the land belonged to the chiefs and that it was necessary to add new lands to rectify the omissions.[118] Grey capitalised on the apparent omission by FitzRoy. And, he simply refused to countenance adding new lands or, in response to the requests of the chiefs, remove the requirement of land confiscation altogether. To make any changes, was, in Grey's view, an admission of fear and weakness.[119]

Grey included in his explanation to Stanley a further argument that it had been the British who had first asked for peace and that this was an expression of weakness, which undermined durable relations between Ngapuhi and the Crown. Grey ignored the fact that the formal negotiations had all been conducted by written correspondence. Instead he based his argument on the strength of the fact that Maori had been orally advised by

---

[117] 'we cannot too carefully guard against, in any way, creating the belief that the influence, of either Heke or Kawiti, led to the conclusion of a treaty and general peace, in which all were included, however guilty.' Grey to Stanley, 15 December 1845, *GBPP*, 1846 (712), p. 372

[118] See FitzRoy to Grey, 22 November 1845, enclosure 2 in Grey to Stanley, 15 December 1845, *GBPP*, 1846 (712), p. 373

[119] Grey to Stanley, 15 December 1845, *GBPP*, 1846 (712), p. 372

British officials and missionaries to sue for peace. This, he declared, had been an admission of weakness and anxiety on the part of the British and had left an impression on Maori of British weakness. Grey maintained that as the British had proposed peace, the terms had to be abandoned as, in the long run, they were unlikely to be adhered to by Ngapuhi. Grey appears driven by a desire to make a show of strength against Maori, and he rejected any position of negotiation that diminished the appearance of strength. In many ways, he appeared resolved to force Ngapuhi into submission.

6.16 Ngapuhi political alliances

Grey was very keen to maintain definitive lists of chiefs who, in his view, opposed the presence of the British Crown in New Zealand. He sent one such list of chiefs back to the Colonial Office in early December.[120] Grey listed the following chiefs as 'in rebellion' (the spellings are those used by Grey):

> <u>Chiefs of the Ngati Hine tribe also live on the Kawa kawa river-</u>
> Kawiti
> Hara
> Tahua (or King George)
> Maru [Marupo?]
>
> <u>Chiefs of the Kapotai Tribe who live on the River Waikare-</u>
> Kapotai
> Hingston [Hikitene]
> Pokerehu
> Ko-ko-uri
> Haumere
>
> <u>Chiefs of Heke's tribe-</u>
> Heke
> Whey [Whe]
> Hirapure [Te Hira Pure]
> Awa
> Haratua
> Hautungia
> Kueao [Kuao]

[120] Grey to Lord Stanley, 8 December 1845, enclosure 1, G 30/ 8, p. 1292; also in CO 209/38, p.88

Pene Taui (or Bing Taui).[121]

Grey divided the groups into three 'tribes', those of Ngati Hine, those of Kapotai and those of 'Heke'. These were groupings devised by the British, rather than a reflection of actual affiliations. Those grouped under Heke, shared connections to Ngati Rangi, Te Uri o Hua and Ngati Kawa among other groups. The names in some cases also appear to be incorrect, for example Ko-ko-uri, which was probably Kokowai. The list appears to have accurately identified the chiefs as supporters of Kawiti, Heke or Te Kapotai, however there were undoubtedly others who have been omitted.

Ngati Manu sent warriors up to Ruapekapeka and were involved in the defence of the pa, although Pomare himself was not involved and remained at Karetu. Ngati Manu had also worked to construct an additional pa, known as 'Pa-tatari' or the 'pa-in-waiting' in case it was required as a later defensive position against further British attacks.[122] Ngati Manu however did not appear on Grey's list.

A week later Grey wrote to the Colonial Office enclosing an additional list of Ngapuhi chiefs.[123] In this case, he listed chiefs according to whether they were considered 'loyal', 'neutral', or 'disaffected. This list appears to have been based, at least in part, on information gathered by John White. The list is reproduced below:[124]

Names of Chiefs	Names of Tribes	Disposition		
		Loyal	Neutral	Disaffected
Tamati Waka	Ngati Hao	loyal		
Makoare Taonui	Te Popoto	"		
Mohi Tawhai	Mahurehure	"		

[121] Grey to Lord Stanley, 8 December 1845, enclosure 1, G 30/ 8, p. 1292
[122] Arapeta Hamilton, pers corresp, 24 June 2006
[123] 'A List of the Principal Chiefs in the Northern District, and the names of their respective Tribes, showing the character of their Dispositions towards Her Majesty's Government', Enclosure 2 in Grey to Stanley, 14 December 1845, GBPP, 1846 (690), p.402
[124] Where there were obvious errors in spelling used in the English text, these have been corrected. However, where doubt existed, such as the identity of Hone of Ngatihau, the names have been reproduced as they appear in the original list.

Wiremu Repa	Ngati Hao			
Paratene Kekeao	Ngati Matakite			
Rewa	Ngai Tawake		neutral	
Moka	Ngai Tawake		"	
Tareha	Ngati Rehia		"	
Waikato	Ngati Manu		"	
Pomare	Ngati Manu		"	
Hikitene	Te Kapotai			disaffected
Pukututu	Uringonga	loyal		
Arama Karaka	Mahurehure	"		
Kawiti	Ngati Hine			disaffected
Heke Pokai	Ngati Rahiri			"
Rangatira	Ngati Korokoro	loyal		
Papahia	Te Rarawa		neutral	
Moehau	Te Hikutu	loyal		
John [?]	Ngati Hau [?]			disaffected
Ururoa	Tahawai		neutral	
Hongi	Tahawai		"	
Tupe	Ngati Kawau		"	
Hautungia	Uri Kapana			disaffected
Te Hira Pure	Uri o Hua			disaffected
Nopera Panakareao	Te Paatu	loyal		

While the peace negotiations took place between Heke, Kawiti and the government, there were important discussions among the different groups in Ngapuhi about political alliances.

6.17 Whangaroa

George Clarke junior noted that the chief Ururoa and the 'Wangaroa people' continued to refrain from 'direct opposition to the Government'; they remained neutral. By late November, once the British had begun their move to attack Ruapekapeka, Heke and other chiefs dispatched emissaries to recruit further support. Ururoa and the Whangaroa forces,

although they had fought at Te Ahuahu, refused to fight against the Crown, hoping for peace. Heke, however, warned of the damage to internal Ngapuhi politics: 'Think not that we shall have permanent peace [within Ngapuhi], the wound is too deep to be healed without more bloodshed.'[125] Clarke echoed this concern and warned that Ururoa, among others, felt angry about the actions of Waka Nene. Clarke also counselled that the government might need to continue to support Nene for fear that he would be overwhelmed: 'such is their bitter feeling against Waka, that if he is not ably supported by the Government until the war is at an end I should expect him to be attacked by an overwhelming force.'[126] In Clarke's understanding, Nene had used the British presence to pursue his own motives. But as a result, over time he became increasingly reliant on this alliance for protection against the retribution of other Ngapuhi groups.

6.18 Ngati Whatua

Another group contacted by Heke were Ngati Whatua, including the chiefs Tirarau and Parore. Again reports from Clarke indicated that the chiefs declined to give their assistance to Heke or Kawiti and that they remained neutral.[127]

6.19 Ngare Raumati

The Ngai Tawake chiefs Wharerahi, Rewa and Moka continued to exercise an alliance with Waka Nene, Ngati Hao and Mahurehure. Clarke noted that in the months after Ohaeawai, the Ngai Tawake and Te Patukeha chiefs returned from Rawhiti to tend cultivations around Te Ahuahu and Waimate. They had also been engaged 'catching fish for a month for Walker [Nene] and his friends.'128

6.20 Panakareao and Te Rarawa

The most significant change in the tribal politics was the arrival of Panakareao and his supporters from Te Rarawa. This represented the first tribal involvement in the war from

[125] Heke in Burrows, 1 December 1845, 'Journal', CN/M, 16, p.24.
[126] Clarke to Father, 28 August 1845, qMS -0469-07, ATL, p. 554
[127] ibid., p. 555
[128] Clarke to Father, 4 September 1845, qMS -0469-07, ATL, p. 562

outside Nga Puhi. Panakareao's group, numbering between 100 and 150,[129] arrived at Te Ahuahu on 27 September.[130] It is important to recognise that they represented only one part of Te Rarawa. While those from Kaitea, followed Panakareao and chose to fight alongside Nene,[131] another group from Te Rarawa, of a similar size and led by the chief Papahia, soon travelled down and joined up to fight in support of Kawiti.[132] It is also notable that a third section of Te Rarawa remained behind and declared themselves to be neutral or kupapa, as Joseph Mathews, a CMS missionary at Kaitaia, noted: 'They consider themselves good friends by sitting still.'[133]

Rima Edwards has explained that during the Northern War an important tikanga, tikanga whakauruuru, was applied by groups in their decision to participate. Tikanga whakaururu dictated that forces entering a conflict needed to be balanced. 'If there's a battle, the rangatira decide which side they're going to join. The battle would not commence until the strength was equal on both sides. This is the tikanga of battles.'[134] This tikanga was adhered to by a number of groups throughout the Northern War and it is important to recognise that this tikanga governed the decisions of chiefs, such as Pomare of Ngati Manu and Ururoa, who early on in the fighting with Nene, also apportioned his forces either side of the conflict.[135] We see the tikanga also being applied in the internal battles between Heke and Nene's forces in April and May 1845, prior to the arrival of the British forces and the attack on Te Kahika.

Panakareao's motives for joining Nene's alliance against Heke derived from his genealogical connections with Patuone and Nene. Panakareao also sought utu for the actions of Hongi Hika in an earlier battle against his whanau in the northern Hokianga,[136] and the actions of Heke who, allied with the Mangonui chief Pororua, defeated

---

[129] Clarke to Father, 30 September 1845, qMS -0469-07, ATL, p. 569
[130] Edward Meurant, 27 September 1845, 'Diary', NZMS 56, p. 23
[131] Meurant, 29 September 1845, p. 23
[132] Meurant, 8 October 1845, p. 25;
[133] Matthews to CMS, 24 January 1846, CN/M, 16, p. 64
[134] Rima Edwards, pers. corresp., 9 June 2006.
[135] Pomare's position changed significantly after his attack and capture by the British.
[136] Rima Edwards, pers. corresp., 9 June 2006

Panakareao in the Oruru conflict in 1843.[137] Therefore his principal reasons for joining the fight against Heke were based largely on a need to exact utu for earlier *take*. However he was also concerned to ensure that the tapu of Te Tiriti was respected both by Heke and the Crown. Panakareao had even erected and guarded a flagstaff and British ensign on the hill at the Mangonui heads, only to have Pororua cut it down. It should be noted that there was a strong similarity between this event and events at Kororareka, both in the details of the act/re-enactment and the competitive nature of the traditional intra-tribal divisions.[138]

On 29 September, a hui (or perhaps a powhiri) was held for Panakareao by Nene at Te Ahuahu. Edward Meurant and Protectors Clarke and Shortland were all present. Shortland gave a detailed report of some of the speeches made during the encounter.[139] It began with a series of formal speeches welcoming Panakareao and Te Rarawa. Many of the chiefs, such as Taonui and Ruhe, emphasised that they did not trust Heke and that they still continued to seek payment for previous take. By contrast Kawiti was held to be trustworthy. The chiefs criticised pakeha accounts that described Kawiti as 'a bad man', these accounts, they declared 'were mistaken'.[140] Nene was at pains to argue that he was not simply acting as a mercenary, as was being alleged, and that he had often acted to protect Europeans before and during the conflict. Panakareao then spoke and stated that he had joined to demonstrate his support for Nene and his distrust of Heke. Finally, other chiefs from Te Rarawa identified 'former causes of quarrels and deaths they had not yet avenged.'[141]

6.21 Tamati Pukututu

The chief Tamati Wiremu Pukututu of Ngare Hauata (also identified as 'Uriongonga') lived in a pa situated near the location of modern-day Kawakawa. Though related to Kawiti, he appears to have been in dispute with the chief over certain lands near Opua. In

---

137 Clarke to FitzRoy, 'Protector's Report 1843', G 30/ 7, pp.1277-96

138 Clarke to FitzRoy, 20 August 1845, 'Protector's Report', G 30/ 7, pp.1293-6.

139 Edward Shortland, 'Memorandum of information for Colonel Despard', MS 86B, HL, pp. 45-7; Copies of the meeting also in Shortland to Despard, 30 September 1845, G30/8, pp. 773-9; Published version of the account in *GBPP*, 1846 (337), pp. 306-7

140 Edward Shortland, 'Memorandum of information for Colonel Despard', 'Shortland Papers', MS 86B, HL, pp. 45

141 Shortland, p. 45; *GBPP*, 1846 (337), p. 307

early August, as the British reconnoitred the lands around the Kawakawa river and the location of Kawiti's pa, Pukututu made an approach offering assistance to the British forces. Edward Meurant returned from a trip to Kawakawa bearing a note from Pukututu to Despard 'offerring his assistance to the Troops in taking care of there [sic] stores when [sic] march to Kawiti.'[142] Kawiti learnt of Pukututu's offer to assist the British, and followers of Kawiti and Pukututu exchanged fire on one occasion.[143] In mid-September, Pukututu approached Nene for assistance as he feared an attack from Kawiti.[144] Despard reported to FitzRoy that Pukututu had promised protection to the British supply lines by securing both banks of the Kawakawa River to allow the boats' safe passage.[145] It was later noted by Henry Williams' biographer, Hugh Carleton, that Pukututu had destroyed his previous pa and constructed a new one at the landing place of the expedition against Ruapekapeka 'for the protection of the stores…and to cover the retreat'.[146]

6.23 Payments continued

Payments to Waka Nene and the other chiefs who supported the Crown had continued throughout the latter half of 1845. George Clarke junior recorded the distribution of blankets and other presents in late July.[147] At the time, he warned that gifts should not be given too freely lest they lose their value: 'if they know they can obtain it so easily, they do not value it…' [148] It was important to keep Maori attached to the Crown by the careful doling out of gifts. Clarke specifically noted that Nene required more muskets and asked whether the Government could provide them.[149] The governor listed specific items that had been gifted to Maori. These included:

Flour supplied to natives in 1844 (4 pounds)
Tobacco and blankets (102.3.6d)

---

[142] Edward Meurant, 7 August 1845, NZMS 56, p. 17
[143] Clarke to Father, 21 August 1845, qMS -0469-07, ATL, p. 549
[144] Meurant, 16 September 1845, p. 22
[145] See Despard to FitzRoy, 24 September 1845, *GBPP*, 1845 (337), p. 304
[146] Carleton, *Life of Henry Williams*, II, p. xli
[147] Clarke to Father, 28 July 1845, qMS -0469-07, ATL, p. 545
[148] Ibid., p. 546
[149] Ibid., p. 546

Flags for Chiefs (4.11.6d)

Blankets and Tobacco sent to BOI (267.7.3d)

Calico for distinguishing badges (1.16.10d)[150]

It was also noted that such gifts were 'in lieu of payment – and without which good feeling might have been compromised.'[151]

Grey continued the policy of payment of gifts to chiefs supporting the Crown. He justified the practice in terms of a need to secure the allegiance of Nene and others. 'The only means by which I can hope to secure the allegiance of the chiefs who have naturally no abstract sentiments of loyalty, is to attach them to the Crown by permanent benefits…'[152] He also wrote to Stanley and outlined his plan to provide each member of Ngapuhi who fought against Heke with a daily ration of flour and sugar. [153] By doing this, Grey hoped that Nene and others would be able to bring into the field a much larger number of men and that they would be 'more under the influence and control of the officer in command of the forces' than previously.[154] Grey instructed Despard on 5 December to commence the issuing of rations to Ngapuhi.[155]

Grey had other ideas also about bringing Maori soldiers to fight against other Maori. Borrowing tactics used in other colonies, Grey sought to create a small permanent army of Maori soldiers who would serve the Colonial Government.[156] The soldiers were to be paid professionals and controlled by British officers. This idea was modelled after the Cape and Ceylon Rifle Corps. Grey now authorised Despard to form a small 'native

---

[150] Governor to Colonial Secretary, 'Return of payment of an unusual or special description…for the quarter ended 30 September 1845', Minutes from Governor to Colonial Secretary, IA 2/2, ANZW
[151] ibid.
[152] Grey to Stanley, 22 November 1845, *GBPP*, 1846 (712), p. 343
[153] Grey to Stanley, 10 December 1845, *GBPP*, 1846 (712), p. 358
[154] Grey to Stanley, 11 December 1845, number 14, *GBPP*, 1846 (712), p. 362. It is noted that Grey in fact wrote three despatches to Stanley dated 11 December, (despatch no.12, no.13 and no.14) all of which advert to the need to provide rations or 'rewards' to chiefs supporting the Crown.
[155] Grey to Despard, 5 December 1845 in Grey to Stanley, 11 December, ibid
[156] Grey to Stanley, 10 December 1845, *GBPP*, 1846 (712), p. 358

corps' of 60 Ngapuhi, who were to be provided with food and ammunition, as well as paid in the manner of regular soldiers.[157]

In December 1845, Grey contemplated other legal means to control the actions of Maori. Having established an armed force and sought to secure Nene's 'continued allegiance', he wanted to introduce legal measures to prohibit the importation of arms and gunpowder. He also advised the Colonial Office that it was unwise to waive the right of pre-emption. In Grey's view: 'no more certain means of controlling the natives could be found than refusing to purchase any lands from those who conducted themselves improperly.'[158] So, as well as military strategies, Grey devised a raft of policies all designed to force Maori to accept the predominance of kawanatanga.

6.24 The Advance on Ruapekapeka

Once the peace negotiations had been terminated, the governor pursued his policy of military attack against Heke and Kawiti. On 5 December, Grey directed Despard to proceed with the attack on Kawiti's pa at Ruapekapeka.[159] Grey stated to Stanley 'it would be absolutely requisite to crush either Kawiti or Heke before tranquillity could be restored to the country.'[160] At this stage, there were two pa to attack. Heke and Kawiti had each separately constructed fortified pa for the purpose of defence against a British attack. The British, therefore, had to decide which pa they were going to attack. Kawiti's pa, 'Ruapekapeka', was located high on the prominent Tapuaeharuru ridgeline. The pa was built strategically on almost the highest point and on the bottleneck along the ridge. The countryside was heavily forested, with steeply ravined sides, which prevented attackers from outflanking the position. The landscape also guaranteed Kawiti and Ngati Hine a path of retreat from the pa. Heke's pa on Hikurangi mountain, near Tautoro, was even more inaccessible. Built high on the forested mountain, military advisers declared it

[157] Grey to Despard, 5 December 1845, in Grey to Stanley, 11 December 1845, *GBPP*, 1846 (712), p. 361
[158] Grey to Stanley, 10 December 1845, *GBPP*, 1846 (712), p. 358
[159] Grey to Despard, 5 December 1845, FitzRoy/ Grey Letterbook, NZMSS 227, pp. 81-3
[160] Grey to Stanley, 10 December 1845, *GBPP*, 1846 (712), p. 374

inaccessible to artillery. It was therefore decided that Kawiti and Ruapekapeka should be the target of the attack.

The British assembled the largest military force yet used in New Zealand for the purpose of attacking Kawiti. Grey had benefited from the earlier requests of reinforcements from FitzRoy. Reinforcements from the 58th regiment, led by Lieutenant Colonel Wynyard, had arrived on 6 October 1845.[161] The total land force grew during the campaign, and totalled 1300 soldiers, sailors and volunteers.[162] Added to the force was a large complement of artillery – the culmination of British experience against Maori pa. Included in the arsenal were three 32-pounders, one 18-pounder, two 12-pounder howitzers, four Coehorn mortars and three lighter cannon.[163]

By mid-December there were also a number of naval vessels located in the Bay of Islands. These were HMS *North Star*, HMS *Racehorse*, HM *Brig Osprey*, HMS *Elphinstone*, and the largest vessel, the 36 gun HMS *Castor*.[164] Grey, after a short period in Auckland, returned to the Bay of Islands on 18 December on board the *Elphinstone* to lead the campaign against Kawiti from the front.

The governor had instructed Despard to move the troops from Kororareka and begin conveying them up the Kawakawa River (as they referred to it) to a disembarkation point ready for the march to Ruapekapeka.[165] The first group of troops left Kororareka on 8 December and camped at Otuihu. The remainder followed the next day and the troops gradually moved up the Kawakawa River.[166] By 12 December, the majority of the British force had assembled at the mouth of the River next to Pukututu's pa.

The forces began constructing a bullock track leading from their Kawakawa encampment up to Ruapekapeka. The onerous task of carving a path through 16 kilometres of steep

[161] Bridge, 6 October 1845, 'Journal', MS-copy-micro-0718, ATL, p. 93
[162] Belich, p. 59; Wards lists a lower number of 1069, refer Ian Wards, p. 201
[163] Despard to Grey, 12 December 1845, W.O 1/433, pp.593-95
[164] Grey to Stanley, 19 December 1845, *GBPP*, 1846 (712), p. 375
[165] Grey to Stanley, 10 December 1845, WO 1/433, facing p. 589
[166] Despard to Grey, 12 December 1845, W.O 1/433, p.595

undulating terrain and dense bush took them twenty days to complete. During this time, there were many opportunities fro Maori to attack the British force during the construction of the path: however, Kawiti's supporters did not attack the British troops until the British had arrived at Ruapekapeka and fired the first shot. It is also important to note that as with the previous battles, there were no ambushes or attacks made on the army supply lines. This was something remarked on by Henry McKillop, a soldier fresh off the boat: 'Had the natives been so disposed, a small party might have proved very troublesome to our people going back and forwards.'[167] Kawiti's forces did however offer a symbolic challenge to the British, as noted by another soldier: 'While the men was at work on the 16th making a Road to Kowate Pah his Maories came in sight of our men and Danced the war dance and fired and then took to there heels Waka's men chased them but could not catch them.'[168]

The British sent their forward party of soldiers via a different path through to the Ngati Hine settlement of Waiomio on 22 December.[169] There were no reports of damage to the settlement, and the British appear to have used the short path to ascend the ridge line and join the main track being constructed to transport the artillery. By 23 December, they had established a camp with the first echelon of 700 troops within a mile of Ruapekapeka. The following day, the British fired the first shots at the pa using rockets and a couple of shells.[170]

Kawiti's forces at Ruapekapeka pa totalled approximately three to four hundred. The Ruapekapeka garrison was probably roughly equivalent in size to the Ngapuhi alliance against them, led by Nene, Tawhai and Panakareao. Already Nene's alliance had been weakened after a dispute between Repa and Nene on 17 December, after which Repa's

---

[167] McKillop, p. 91

[168] Alexander Whisker, 'Memorandum Book', MS 327, AM, p. 15. It is noteworthy that Whisker uses the term 'Maories' to refer to his adversaries in the field, rather than the apellation 'Natives'.

[169] Bridge, 22 December 1845, 'Diary', p.102; See also Robert Wynyard, 'Copy of Rough Notes of Lieutenant-Colonel Robert Wynyard while investing Ruapekapeka, December 45- January 46', GNZMS12, p. 5

[170] Wynyard, 24 December 1845, 'Rough Notes', p. 6

party departed.[171] Even so, the size of force amassed by the British and the Ngapuhi allies outnumbered the defenders of Ruapekapeka by as much as four to one.

It is important to note that in addition to those at the pa, there were others from the surrounding communities and kin that helped support and feed those at Ruapekapeka. There are many accounts of individuals and groups as far away as Whangarei and Ngati Wai,[172] as well as those closer in other parts of Ngati Hine, and Ngati Manu at Karetu,[173] who maintained supply networks and kept the pa provisioned.

During this time, Heke was not present at Ruapekapeka. He had remained at Hikurangi tending food crops. He had pre-arranged with Kawiti to transfer across to Ruapekapeka when the troops finally attacked. The British were aware of the fact Heke was at Tautoro and Grey wrote to Makoare Te Taonui requesting his assistance to prevent Heke from joining Kawiti. [174] Grey explained that: 'As my desire was at once to crush the rebels by combined operations, I also determined if possible, by a prompt and unexpected movement, to prevent Heke and Kawiti from effecting a junction…I also determined to attempt to effect this object by employing the friendly natives to execute the movements…'[175] Taonui cooperated with Grey's request and sought to pin down Heke, however, Heke and his taua were able to elude him and eventually reached Ruapekapeka on 9 January. Taonui returned to Pukututu's pa and joined up with Nene and Repa.[176]

6.25 The Attack

The British attacked Ruapekapeka as soon as the first echelon of troops had established camp. Musket shots and some lighter artillery, including Congreve rockets, were fired on

---

[171] Bridge, 17 December 1845, 'Journal', p. 100
[172] Himiona Munro, pers corresp., 23 May 2006;
[173] Ngati Manu, pers corresp., 24 June 2006
[174] Grey to Macquarie, 19 December 1845 enclosure 1 in Grey to Stanley, 19 December 1845, *GBPP*, 1846 (448), p. 382
[175] Grey to Stanley, 29 December 1845,WO 1/433, p. 603
[176] Grey to Stanley, 6 January 1845, *GBPP*, 1846 (448), p. 385

24 December.[177] Colonel Despard and Lieutenant Colonel Wynyard ordered an advance closer towards the pa for the following day – Christmas Day. However, the weather intervened and after a torrential Christmas Day downpour, the order was abandoned. Over the next few days the British proceeded to transport up more artillery, including the two large 32 pounder guns. As each gun arrived at the British camp it was installed and began firing at the pa.

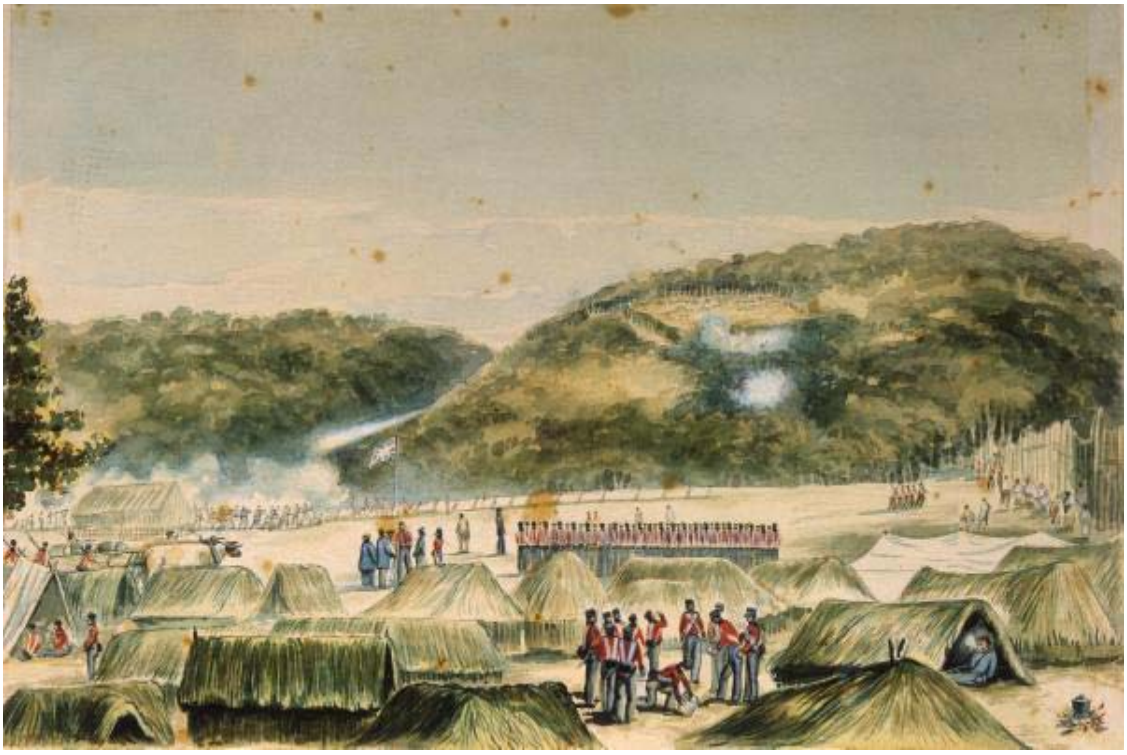
Ruapekapeka was a remarkable fortress and a masterpiece of military engineering. Its design has been described in many contemporary and secondary accounts.[178] Defences included palisade and trenches in double and, in some places, triple lines, angled to allow enfilading fire. There was a strong outer palisade of thick puriri palisade posts 3-5 metres high that ran the perimeter of the pa. Behind this outer line there was a deep inner ditch, which was designed (like Ohaeawai) to allow the defenders to remain protected while firing out at ground level. Bastions and two cannon were also utilised, though the cannon were quickly disabled by British artillery. The principal defensive features of Ruapekapeka were the extensive underground pihareinga (bunkers) and bomb proof rua (pits), many inter-connected by a maze of covered passages. The pa was known as the 'Bats' Nest', Ruapekapeka derived its name from the subterranean pits. Rima Edwards records that the instruction from the Tohunga was: "Hanga to pa kia rite ki te whare o te Kiore me te Pekapeka" "Build your pa to resemble the home of the Kiore and the Pekapeka" that is the home of the Rat and the Bat.'[179] These subterranean pits were connected by passages that 'twisted and turned'.[180] Tawai Kawiti described the defences as follows: 'These caves looked like calabashes buried underground, the narrow end uppermost. The bowl, spacious enough to accommodate 15 to 20 men, provided shelter from the weather.'[181] Despite its impressive defensive capabilities, Ruapekapeka – like any pa constructed of wooden palisades – was vulnerable to sustained artillery bombardment.

---

[177] Alexander Whisker, 24 December 1845, 'Memorandum Book', MS 327, AM, p. 16
[178] Refer to Tawai Kawiti, p. 42; Ian Wards, p. 199; James Cowan, p. 75
[179] Rima Edwards, pers. corresp., 9 June 2006
[180] Bosey Peihopa, personal corresp., 26 August 2005
[181] Tawai Kawiti, p.42

The British established their main camp and first battery at a distance of about 750 yards from the pa. They built three main firing positions: the main camp and two forward batteries. At the main camp, there were three guns: a 32-pounder, a brass 12-pounder howitzer, and a 6-pounder gun (see image below). Ahead of the main camp, the second position comprised the main battery and stockade and was situated 400 yards from the pa. This housed the four mortars and two 32-pounders.[182] The third and most advanced position was a forward battery erected within 250 yards of the north-west corner of the pa, holding an 18 and 12-pound howitzer. Whisker noted on 29 December that 'the great guns and rockets was kept going on the pa every hour.'[183] Although it took until 10 January for the British to complete all three batteries and bring all available firepower to bear on the pa, Ruapekapeka had in effect suffered under a constant rain of artillery day and night since 31 December 1845.[184]

View from main camp looking towards pa during the bombardment



[182] Despard to Grey, 9 January 1846 in Grey to Stanley, 9 January 1846, *GBPP*, 1846 (448), p. 385
[183] Whisker, 29 December 1845, p. 17
[184] Despard to Grey, 5 January 1846 in Grey to Stanley, 6 January 1846, *GBPP*, 1846 (448), p. 384

John Williams, 'Ruapekapeka, N.Z. [January, 1846]', Watercolour, A-079-030, ATL

On 1 January 1846, a member of the militia from Auckland, acting as a pioneer was shot as he wandered near the pa in search for water. A group from the pa, led by Te Aho, one of Kawiti's lieutenants, or ringakaha, sought to recover the body and there was an exchange of fire between them and a party led by Repa. During the skirmish Te Aho sustained a grievous wound from which he eventually died, another of his group was also killed.[185] Repa himself was wounded losing three fingers.[186] The following day, 2 January 1846, there was a second skirmish between the pa defenders who sallied out from the pa and sought to dislodge those in the main battery and stockade. Lieutenant Balneavis of the 58th regiment noted in his account that the skirmish had been as a result from a challenge issued by Nene's group.[187] This open fighting involved only Ngapuhi toa as the British soldiers were advised to wait in reserve in fear that they might not be able to differentiate between those under Nene and those under Kawiti. Despard estimated Kawiti's losses in this skirmish as 8 to 10 killed and 15 to 20 wounded, though this figure may have been exaggerated.[188] Bridge reported that the Kawiti lost 7 killed and 13 wounded in the fight outside the pa,[189] and Balneavis recorded 5 killed and 13 wounded.[190]

The underground rua served to keep many of the occupants relatively safe during the early stages of the British artillery bombardment. There was evidence to show that the bunkers, built with puriri roofs and covered over with earth, protected the defenders and allowed them to keep occupying the pa. However as the strength and number of the artillery gradually increased, the pa defenders were placed greater threat and strain. In the

---

[185] Erima Henare, pers. corresp., 5 March 2006
[186] Despard to Grey, 5 January 1846 in Grey to Stanley, 6 January 1846, *GBPP*, 1846 (448), p. 384; See also Whisker, p. 18
[187] Lieutenant H.C. Balneavis, 2 January 1846, cited in Carleton, II, p. 123
[188] Despard to Grey, 5 January 1846, *GBPP*, 1846 (448), p. 384
[189] Bridge, 4 January, 'Journal of Events on Expedition to New Zealand', MS-copy-micro-0041, ATL, p.13
[190] Lieutenant H.C. Balneavis, 2 January 1846, cited in Carleton, II, p. 123

latter stages of the bombardment it seems probable that at least some of the defenders must have sought shelter from the bombardment by staying immediately behind the pa.[191]

Despard described the bombardment on the pa in his despatch dated 9 January 1845. He noted that shells and rockets had been fired into the pa 'and much execution must have been done by them as they were well directed.'[192] On 31 December, a shot from one of the 32-pound guns knocked down the flagstaff inside Kawiti's pa. Bridge noted that the same shot also had killed 'a woman with a child in her arms' and another man. The child was identified as a grandchild of Kawiti.[193]

There were two moments where the two groups communicated during the bombardment. On Sunday 4 January, no firing occurred and several groups of soldiers headed out to reconnoitre the pa. Private Alexander Whisker and a small group of soldiers and sailors got within 50 yards of the pa at which point one of the defenders came up to the palisade and told them to go back.[194] On 8 January, the pa flew a flag of peace and allowed a female relative of Hara and Waka Nene to leave the pa and come across to either discuss peace terms, or simply to leave the pa, it is not clear which. The woman did not return to the pa.[195] There is also a reference to the fact that Nene and Kawiti met and discussed matters through the palisade line of Ruapekapeka. When the woman reached the British army camp she asked what the attackers wanted and made the statement, '"You have been a month here washing us with iron"'.[196]

The constant bombardment took its toll on the mettle of the remaining defenders. Participants later identified themselves from the experience: 'We are the people who have

---

[191] See, Burrows to CMS, 14 January 1846, CN/M, 16, p.19. 'They are said to have been out of the Pah on Saturday during the firing from the cannons, and to have concealed themselves under a hill at the back of the fortification.'
[192] Despard to Grey, 9 January 1846, *GBPP*, 1846 (448), p. 385
[193] Bridge, 4 January 1846, p.13
[194] Whisker, 4 January 1846, p. 19
[195] The British sources do not record the woman's identity or motives. She must have been of significant mana.
[196] Bridge, 8 January 1846, p. 18. Bridge did not identify the woman.

been bitten by Iron'.[197] As well as the physical danger, the constant din of exploding shells fired from mortars made it impossible for the occupants to rest and generated anguish and, most likely, a form of shell shock among the pa defenders. [198] Although the bunkers shielded them to a certain degree, the sheer concentration of fire poured upon the pa quickly eroded the psychological resolve of the human lines of defence. Leaders such as Kawiti continued to exhort the warriors to remain brave and steadfast, but in the face of a seemingly inexhaustible supply of British ammunition, plans were made to retreat from Ruapekapeka.

After the earlier British attacks on unarmed settlements, Ngapuhi and Ngati Hine remained ever fearful that further attacks on settlements and woman and children might occur. As a warning system against such attacks, Ngati Hine had organised a series of pre-arranged signals whereby those remaining down in the settlements of Ngati Hine could signal the fighters up at the pa, to let them know if they were safe or not. Kene Martin recounts that, during this time of the British attack on Ruapekapeka, a group from Motatau comprised of women and children climbed a prominent hill in view of the pa. When the group reached near the summit they turned their cloaks and coats inside out to expose the white inner lining. They then all flapped their arms slowly in imitation of seagulls. This was the pre-appointed signal to the pa and their men-folk, that those remaining in the settlements were safe.[199] The hill was subsequently known as Okaroro to remember the event.[200]

Bridge recorded on 8 January suggesting that there was a lot of action inside the pa and that the defenders were making preparations to evacuate the pa. 'I fancy they are leaving the pa by parties, but I hope not….'[201] Hone Heke and his force finally arrived at

---

[197] Davis to CMS, 22 January 1846, CN/M, 16, p. 192. 'Yes, we are the people who have been exposed. Yes said another, my face is now getting well but it is black with powder from the explosion of a shell where I was sitting.'
[198] Refer Maning, p. 340.
[199] Kene Martin, personal correspondence, 30 April 2005 and 9 July 2006
[200] ibid.
[201] Bridge, 8 January 1846, p. 18

Ruapekapeka on 9 January, but they chose not to enter the pa and remained camped outside.

The British completed all batteries and opened up a massed barrage of all guns on 10 January. Bridge noted that 'much execution must have been done by the shot and shells. Bridge also remarked that groups of Maori 'were seen running out of the pa with loads on their backs returning for more [loads].'[202] This observation of the process of evacuation was corroborated by Lieutenant Balneavis.[203] The defenders also returned fire at the soldiers in the bush near the pa and the closest battery.[204]

During the day two large breaches were made in the walls of the pa: one in the north-western bastion, closest to the third battery, and another mid-way along the south-western angle. The bombardment ceased at 2pm, at which point Colonel Despard ordered an armed charge on the pa.[205] It appears likely that he was prompted to take this action upon seeing Maori groups evacuating the pa. One soldier recorded that 'Colonel Desport [sic] was very anxious to have it charged and told the governor that the Maories was out of the pa.'[206] A storming party of 450 troops headed by Lieutenant Colonel Wynyard was hastily formed up, ready to attack. At this point, Mohi Tawhai and other chiefs, including Nene, intervened and tried to convince Despard against attacking the pa. Both Major Bridge and Private Whisker recorded the fact that the chiefs sought to halt the attack and in the end, by appealing to the governor, succeeded in doing so.[207] Notably, Bridge recorded the chiefs' predictions that if he attacked the pa, he would lose as many as he had at Ohaeawai, 'but if he waited until tomorrow he would get the pa.'[208]

The attack was countermanded. Wynyard wrote that the decision to abandon the 10 January attack had nothing to do with the advice of chiefs but was based on his own

---

[202] Bridge, 10 January 1846, p. 18
[203] Balneavis, 10 January 1846, in Carleton, II, p. 123
[204] Whisker, 10 January 1846, p. 21
[205] Wynyard, 10 January 1846, p. 12
[206] Whisker, 10 January 1846, p. 21.
[207] Bridge, 10 January 1846, p. 18; Whisker, 10 January 1846, p. 21
[208] Bridge, 10 January 1846, p. 19

observations of the strength of the defenders still within the pa. Nevertheless, the weight of evidence suggests that the chiefs' advice was crucial. Moreover, looking at the event in hindsight, the intervention by Nene and Tawhai avoided a needless and bloody encounter and allowed the defenders to continue with their preparations for the evacuation of the pa. The fact that Nene and Tawhai advised Despard to wait just one day, suggests that they were aware that the pa might be abandoned by 11 January. Nene and Tawhai, it can be argued, assisted the inhabitants of the pa to make their retreat.

6.26 Capture of Ruapekapeka: 11 January 1846

On the morning of Sunday 11 January, Ruapekapeka lay breached. The holes made the previous day had not been able to be repaired. The British had increased the frequency of their fire on 10 January – and had continued firing once every ten minutes throughout the night – to prevent the occupants from mending the damage to the pa.[209] Early in the morning, a small group of Nene's supporters, led by Nene's younger brother, Wiremu Waka Turau, entered the pa through one of the gaping holes in the palisades. They entered silently and surprised the remaining inhabitants.[210] Turau was quickly followed by a large number of soldiers and sailors, totalling over a hundred men, who all entered the pa before any shots were fired.[211]

The group of British soldiers and Nene's supporters, once inside the pa, were then fired upon by a group of Kawiti's men, who were at the other end of the pa nearest the bush.[212] From Bridge's account it appears that one of Nene's followers rang the bell inside the pa, which had alerted the pa defenders. However, Whisker, who was among those first into the pa, wrote that one of the first soldiers shot a pig inside the pa and that had been the cause of the alarm.[213] In any case, it appears that the defenders were surprised. During the

---

[209] Whisker, 10 January 1846, p. 21; Despard to Grey, 12 January 1846, enclosure 2 in Grey to Stanley 13 January 1846, *GBPP*, 1846 (448), p. 387
[210] Despard to Grey, 12 January 1846, *GBPP*, 1846 (448), p. 388
[211] Bridge, 11 January 1846, p. 19
[212] Bridge ibid., p. 20
[213] Whisker, 11 January 1846, p. 22

course of the attack the British wounded and then detained as prisoner a member of Kawiti's followers, known as Kihe.[214]

There followed a heated battle between the British troops inside the pa and the group of pa defenders, led by Kawiti's lieutenants Ruatara Tauramoko and Mataroria, at the back of the pa. Once it was apparent that the soldiers had gained entry to the pa, Kawiti himself departed quietly in the company of one other, as Ngati Hine were determined to ensure that their leader and ariki was not captured.[215] They had worked out the plan ahead of time and Kawiti's two lieutenants led the defence of the pa and continued the fight long enough to ensure that the remaining inhabitants were able to make their retreat in relative safety.

The British were quickly reinforced and slowly during the day the defenders drew back into the bush behind the pa. Serjeant Robert Hattaway of the 58th regiment described how the initial fight had been a 'soldier's skirmish' fought between Kawiti's defenders and a number of individual soldiers.[216] This quickly changed as the reinforcements and officers arrived. At that point Hattaway estimated that there had been between six and seven hundred soldiers fighting against the group of Kawiti's defenders.[217]

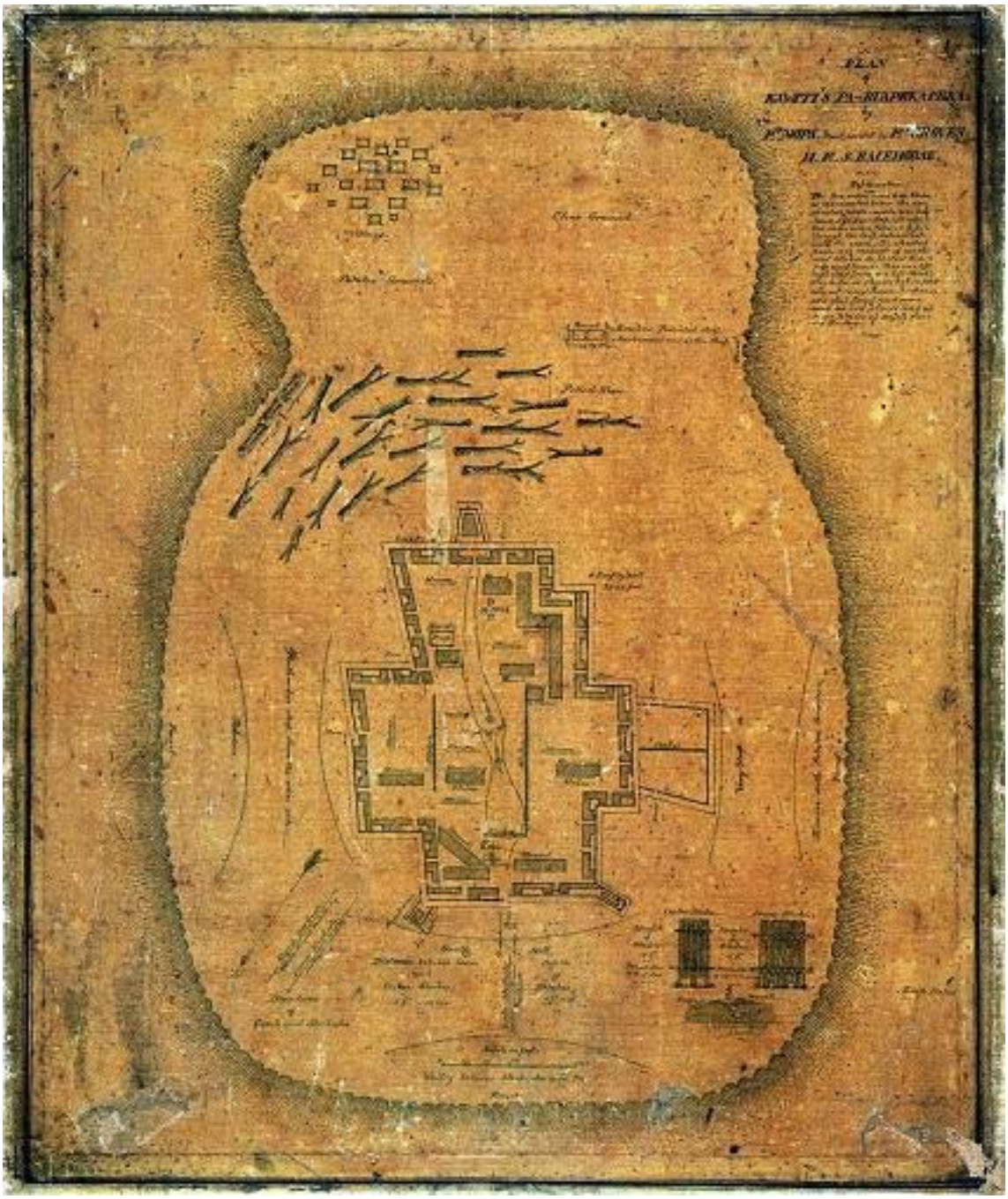
Most accounts generally agree that it was inside the bush where the most active fighting occurred. British soldiers, rushing to attack Kawiti's retreating group in the rear, were themselves attacked from carefully constructed ambush positions in the bush. 'As we advanced we noticed a number of trees fallen directly in our front, and which was a natural barricade to our further progress. They were on the margin of the standing forest, to which we thought the natives had retreated. Suddenly they appeared behind these large trees, and delivered a volley amongst us.'[218] Hattaway recalled that many of the British soldiers ceased to pursue, however one group of newly arrived sailors from HMS *Castor*,

---

[214] Colonial Secretary to family of Kihe, 23 January 1846, *GBPP*, 1846 (448), p. 395
[215] Kene Martin, pers corresp. 9 July 2006
[216] Robert Hattaway, 'Reminiscences of the Northern War', 1899, GNZ 995.32 W36, ACL, p. 15
[217] ibid.
[218] ibid.

had charged forward into the bush and had suffered heavy casualties as they were fired upon from fixed positions by Kawiti's defenders. Having gained the pa and after losing a number of soldiers in the bush fighting, the British pulled back and occupied the pa. As Lieutenant Balneavis recorded: 'had our men not gone out to the back of the pa, exposing themselves without necessity to the enemy, who were in and behind trees, very little [British] loss would have occurred.' [219]

[219] Balneavis, 11 January 1846 in Carleton, II, p. 124



Plan of Kawiti's Pa at Ruapekapeka by Mr Nops, assisted by Mr Groves, H.M.S *Racehorse*, S.I, n.p., 1846, D 995.122 ece, ACL

The above plan was drawn after the capture of the pa by sailors from HMS Racehorse. It illustrates several important features of the pa. First, the pa contains a number of doors

built all the way around the perimeter. Second, there is a separate village and potato gardens marked in the rear of the pa. This may have been where others (Heke perhaps?) sheltered during the attack so as to avoid some of the bombardment levelled at the pa. Gardens had been planted on two separate sides of the pa to sustain the inhabitants. Finally, there was a large area of deliberately felled trees immediately behind the pa, which is identified as 'breastwork of trees', which was positioned strategically to protect the retreat from the pa.

The fighting appears to have lasted for about three hours.[220] Kawiti's group, under Mataroria and Tauramoko eventually completely withdrew. This is not to say that they or Kawiti simply or easily abandoned Ruapekapeka, the fighting between Ngati Hine and the British had been intense and lasted a considerable period of time. The fighting also inflicted significant casualties on the defenders. One account noted that the pa inhabitants had been 'completely driven away, carrying their dead and wounded with them, as we found by the traces of blood.'[221] Kawiti and the other defenders withdrew southwards through the bush away from the advancing British forces and then the different groups separated and headed to different localities. Ngati Manu had earlier prepared a further pa, Puketohunoa, at Karetu to shelter the survivors, however the decision was taken to travel south, rather than north back to the Bay of Islands.[222]

Also important is the fact that after entering the pa, Nene's supporters quickly withdrew.[223] For the most part they appear to have left the British to fight against Kawiti, as they had done previously at both Te Kahika and Ohaeawai. However there are some references to the fact that Nene's forces helped prevent a potential ambush of the British soldiers, made from the rear.[224]

---

[220] Despard to Grey, 11 January 1846, enclosure 1 in Grey to Stanley, 13 January 1846, *GBPP*, 1846 (448), p. 386
[221] Balneavis *op cit.*
[222] Ngati Manu pers. corresp., 24 June 2006
[223] Bridge, 11 January 1846, p. 20
[224] Andre Berard to Minister of Naval Affairs, 'Report of Captain Berard…', qMS-0160, ATL , p. 12 It should be noted that Berard himself was not present in the Bay of Islands at the time of the attack, but arrived shortly afterwards in late January.

There are different explanations as to how and why the British managed to gain entrance to Ruapekapeka, although the details of the fighting are largely accepted. The first explanation is that held among the Kawiti whanau and Ngati Hine. This view maintains that the majority of the pa defenders were outside at the rear of the pa engaged in prayers at the time of the British attack.[225] Being Sunday, Kawiti and his followers had not expected the British to mount an attack on the Sabbath, and they were undertaking prayers outside of the pa safely out of the way from the previous night's bombardment. As a result the pa had been taken by surprise. However, once the British had gained the pa, Kawiti and his followers had fought valiantly to regain it – something remarked upon in different soldiers' accounts.[226]

James Belich suggests an alternative interpretation. In questioning whether the Northern War was an overwhelming victory for the British, Belich looks at the explanation that the pa was gained because the defenders were busy attending prayers on Sunday. This was an explanation reported by the British at the time according to Belich.[227] He suggests that, rather than a complete surprise, there was evidence of a more tactical retreat by Kawiti over the preceding days. He highlights evidence of groups leaving the pa gradually over the two days prior to the attack. He also notes that previous battles during the Northern War had occurred on Sunday and, therefore, it was unlikely that Kawiti had been completely surprised.[228] Belich goes on to suggest that Kawiti had established a trap for the British soldiers in the bush outside. He refers to Frederick Maning's account and a survivor of the battle interviewed by Cowan. The 'idea was that the British would be allowed to occupy Ruapekapeka. Under the impression that they had surprised the garrison, they would then pursue the fleeing Maori into the bush, only to be ambushed from prepared positions among the trees.'[229]

---

[225] Belich, p. 60
[226] Refer Balneavis, 11 January 1846 in Carleton, II, p. 124
[227] Belich, p. 60
[228] Belich, p. 61; Belich also cites Ian Wards, p. 202
[229] Belich, p. 62

But a military historian, Chris Pugsley, has challenged Belich's interpretation of the battle. Pugsley disputes Belich's claim of a trap, returning to the idea that the British attackers effectively surprised Kawiti's defence:

> British losses from the fight in the clearing outside the pa have given rise to a contemporary "trap" theory which suggests that the pa was deliberately abandoned to draw the soldiers into ambush….This is myth making. The fall of Ruapekapeka surprised both sides.[230]

Pugsley misrepresents Belich's argument in places, but he is clear on two points: firstly Kawiti's defenders were surprised, and secondly, that the battle was a defeat for Kawiti and Heke.[231]

Most likely there are elements of truth in each of these interpretations. It seems clear that the inhabitants of Ruapekapeka were surprised by the British attack with Nene's group in support. It is clear, too, that the majority of the inhabitants were outside the pa at the time of the attack and that some of the group were engaged in prayers. It must also be recognised that an evacuation process had already begun. In the face of the British bombardment, Kawiti's followers had had little choice but to evacuate. Finally, special positions had been prepared in the bush behind the pa along the path taken by the groups in retreat. These positions were constructed not as a 'trap' for the British, but for a specific purpose: to protect the rear of Kawiti's party in retreat. The bush positions served as a bastion to provide sufficient time for the evacuees to make a safe escape without the danger of being followed. This is precisely the purpose for which they served in the battle and Colonel Despard reported as much in his account to Grey. '[Kawiti] continued to keep up a fire from the woods; but more with a view to cover his retreat and

---

[230] Chris Pugsley, 'Walking Heke's War: The Battle for Ruapekapeka - Victory or Defeat?', *New Zealand Defence Quarterly*, 4, Autumn 1994, p.32

[231] Chris Pugsley, 'Walking Heke's War: The Battle for Ruapekapeka - Victory or Defeat?', *New Zealand Defence Quarterly*, 4, Autumn 1994, p.32

to enable him to carry away his wounded men, than with any expectation of renewing the contest.'[232]

In any case, the reason why the majority of the defenders had been outside the pa is secondary to the fact that the pa had been surprise-attacked on Sunday by the British and had been taken. Belich has described the battle of Ruapekapeka as 'a tactical draw', and in considering that Ruapekapeka had been 'strategically' designed to be abandoned, he credited Kawiti with a strategic success.[233]

6.27 Casualties

In discussing the casualties suffered by Kawiti's followers at Ruapekapeka, Tawai Kawiti made the following comment:

> no complete count of casualties was ever kept, as Maori were never under one commander….Neither was the loss of slaves recorded in the 'wananga' (recitals by tohungas relating tribal history) which refer only to those of some consequence. The 'tangis' or funeral dirges, usually composed by the widow or some female relative, are the only records handed down…. [234]

There were, as a result, widely varying estimates of the killed and wounded among Kawiti's followers. Belich estimated that the number of Kawiti's casualties lay between nine and twelve killed and roughly 30 wounded.[235] Frederick Maning, on the other hand, noted that Heke kept a book of the casualty figures which included 23 dead.[236] And Captain Berard indicated that Kawiti had lost 25 killed.[237] Marianne Williams reported that Captain Graham of HMS *Castor* had counted 20 bodies 'after many had been carried

---

[232] Despard to Grey, 12 January 1846, *GBPP*, 1846 (448), p. 388
[233] Belich, pp. 63-4
[234] Tawai Kawiti, p. 43
[235] Belich, p. 61
[236] Maning, p. 347
[237] Andre Berard to Minister of Naval Affairs, 'Report of Captain Berard…', qms-0160, ATL , p.12

away'.[238] Mrs Williams gave the following list of 'rangatira' known to have been killed in the battle:

> **Te Whau**, of Ngatitu, Ohaeawai, old chief – a brave, a matua of Heke's
> **Houmatua**, a chief- a brave; son of Te Atua Haere, of Ngati Tautahi, and cousin of Heke's
> **Rewiri Nohe**, a chief, a brave of Ngatitu, Ohaeawai, a nephew of Te Whau's
> **Piripi Te Pae**, a chief of Ngatiwaiharo, Mataraua, a cousin of Heke's
> **Rimi Piheora**, a chief of Te Roroa, nephew of Pumuka's
> **Ripiro**, a chief of Kapotai, Waikare
> **Wharepapa**, son of Ripiro, of Kapotai
> **Te Horo**, of Kapotai
> **Huarahi**, a chief of Ngatihine, relative of Kawiti's
> **Te Maunga**, of Ngatihine, Waiomio
> **Tuhaia**, a chief of Ngunguru
> **Te Aoro**, a chief of Kapotai, Waikare [239]

Marianne William's list (above) appears the most accurate of the existing lists for the information that it records about the identities of each of the killed. James Clendon also recorded a list of casualties in his journal (see below).[240] He forwarded a copy of this list through to Grey.[241] Clendon's list is notable for the fact that it includes some who were not of chiefly rank. In comparing the two lists it is possible to identify several names that occur in both lists, but with some slight differences. It appears that 'Ripiro', may also have been known as Ripiro Te Kapotai (referred to in earlier lists as simply 'Te Kapotai'). His son was Wharepapa. Piripi Te Pae appears as Piripi Pai in Clendon's list. It is also possible that Te Aoro noted by Williams as belonging to Te Kapotai, was the person identified by Clendon as Te Ao from Roturua [sic].

Killed	Wounded	Tribe	Remarks
	Aho (Dangerously)	Kawiti	Nearly as related to Kawiti, and his principal general

[238] Marianne Williams quoting Captain Graham, 12 January 1846, in Carleton, II, pp. 124-5
[239] Marianne Williams, 14 January 1846, 'Journal', cited in Carleton, II, p. 125
[240] James Clendon, 'Journal', MZMS 476, ACL
[241] Clendon to Grey, 18 January 1845, in Clendon, 'Journal', NZMS 476, pp. 32-3

Ripiro		Kapotai	A chief
Warepapa		Kapotai	Kopitai's son
Hone Konihoni ([?])		Kawiti	
Emma Kopati (woman and Kawiti's grandchild)		Kawiti (cousin to George Kink[?])	Killed in the pa by a shell
Ellen		Kawakawa	Child at a woman's back the woman only burnt
Piripi Pai			Kaikohe chief killed by a rocket
Taura's son			Killed by a shell
			A boy found in the pa dead
	Te Tau		Haratua's nephew lost 2 fingers and thumb
Urai		Kawiti	
Haumatua		Heki	
Pirihanga		Ururoa	Doubtful
Ruatara		Heki	
Wau		Pene Taui's relation	
Pene Haimona		Wangai	Pumuka's brother
Waihere		Matarawea chief near Kaikohe	
	Haratua	Wangaruru	
Te Ao		Roturua [sic]	
William Jacob or Muraia		Taiamai chief	Lowlace cap [?]
	Hakipi	Heki	Prisoner on North Star
	Jonah	Waikino	Pene Ruke's tribe (shot through the hips cannot stand)

Casualties were suffered during both the British bombardment and the final attack. For this reason also it is difficult to learn of the figures from British sources, as some had been carried off and buried before the final attack. Whisker reported that five of Kawiti's men, were buried by the British outside the pa, though Whisker did not state where.[242] The plan of Ruapekapeka pa drawn by Nops and Groves and included earlier, clearly shows a small rectangular burial plot behind the pa and close to the right hand side of the

[242] Whisker, 11 January 1846, p. 23

felled trees. The caption on the map reads: 'Burial Ground of Native Chiefs. x Kotuihau Principal Chief, x Kotehuaraui and 4 other Chiefs'. [243]

A Ngapuhi priest, referred to as 'E whare' read the funeral service over the grave.[244] The total number of dead appears to have been about twenty, although, as Whisker mentioned, only a small number were actually buried on the pa. It is extremely difficult to identify the number of wounded at Ruapekapeka, due to the fact that the defenders evacuated the pa, and ferried the wounded away to safety. The final number of casualties (dead and wounded) as a result of the British attack on Ruapekapeka remains unknown.

The British lost 12 killed and 29 wounded.[245] In actuality, this represented a smaller number of dead, but probably a higher number of wounded than the Ngapuhi defenders. Belich states that, citing soldier accounts at the time, the number of British wounded would have remained relatively low if the soldiers had not proceeded to follow the Ngapuhi defenders beyond the pa and into the maze of felled trees and deliberate ambush sites.[246] The British buried their dead, altogether in a single mass-grave. Whisker noted that the grave was dug 'just' in front of the 32-pounder in the main battery.[247] Later on 14 January, a rough paling fence was erected around the British grave and some young trees were planted on top of the grave.[248] Since then, however, the location of the two graves, Maori and British, has been lost and remains unknown.

The pain of the losses from Ruapekapeka was strongly felt by Ngati Hine and Ngapuhi. Numerous 'waiata' were composed after the battle of Ruapekapeka remembering the event and lamenting those who had fallen. Three such waiata composed by Nehurere, Nawemata and Tarahu are listed below with translations.

---

[243] 'Plan of Kawiti's Pa at Ruapekapeka by Mr Nops, assisted by Mr Groves, H.M.S Racehorse, S.I, n.p., 1846', D 995.122 ece, ACL
[244] Wynyard, 12 January 1846, p. 14
[245] Despard, 'Return of Killed and Wounded of the Force under the Command of Colonel Despard, 99th Regiment, Acting Colonel on the Staff, during the assault of Kawiti's Pah, on the 11 January 1846', in Despard to Grey, 11 January 1846, *GBPP*, 1846 (448), p. 387
[246] Belich, p. 62
[247] Whisker, 12 January 1846, p. 23
[248] Whisker, 14 January 1846, p. 25

‘He Tau na te Nehurere mo tana tane i mate i te Ruapekapeka’

Na wai, na wai te ranga o te taua
Na te Nehurere, na te Nehurere
Rua ka tu to inati na
Hamama to waha e te Kawana
Kia Waka hireretia te waiwhero
O taku hika maungi nei a pi
E Kawiti ka tu to inati na
E Hori Kingi ka tu to inati na
Te Haratua ka tu to inati na
I a koe ra e wakakaitoa mai nei
Ki taku mate taurereka
Ukuia ou pu to tehe ra, to tehe ra
E Hikitene ki te enoaro o te Kawana to tehe ra. [249]

Translation:
‘A chant by Te Nehurere for her husband who died at Ruapekapeka’

Whose, whose is the [avenging] charge of the war-party?
It is Te Nehurere’s, Te Nehurere’s.
Rua, your portion stands there
Open your mouth, o Governor,
So that the red blood [menses] can gush forth
From my vulva [‘maungi nei a pi’]
O Kawiti, your portion stands here.

[249] ‘Twenty songs of the Ngapuhi tribe, principally sung during the War in the north; collected by Mr Duncan Interpreter’, GNZMMSS 62, ACL, p. 315

O Hori Kingi, your portion stands there.
Te Haratua, your portion stands there.
With you there will be satisfaction
For my captive dead.
Wipe (or 'You wiped') your guns [on] your penis there, your penis there,
O Hikitene, in the presence of the governor, your penis there.[250]

'He tangi na Nawemata mo tana tane i mate ki Te Ruapekapeka'

Te ra te whetu, e kapohia ana mai
Ka rumaki matariki. ka rere Tawera
Kapohia e Hine te atarao o te rangi
Kapua whakatu i runga o tapuae
To tupuna ra e, e moe waka urunga
Ka tena ki te mana, haere noa koe ki te riri Tawhai
Te whana kawhaki ki mua ki te upoko
Arangia a koe te ahi a te tupua
I ta te mamae ra, ka kai ki te kiri
E Rewa to toto e, i nga one taitea
I runga te Pekapeka e he paenga Rangatira
Te pito kauika i te ipo i au e
Ma wai e ranga i to mate i te ao
Ma kahore noa iho, e whakamutua te riri
To ana te marino i muri o to tuara
E hine e tu tane koa
Tikina takahia nga ware korero. [251]

[250] Translation by Dr Jane McRae. A printed version of the waiata occurs in Grey (1853:346).
[251] ibid., GNZMMSS 62, p.318

Translation:

A lament by Nawemata for her husband who died at Ruapekapeka

There the star sparkles
As Matariki sets and Tawera rises.
Sparkle, O girl, light of the sky.
A cloud stands on Tapuae,
Your ancestor there, sleeps as on death's pillow.
Enough with authority, you went off to the rival war,
In the driving charge at the front, at the head,
And you were burnt in the fire of the demon (or, foreigner).
By that pain which bit into your skin
Your blood was shed, on the white sands,
On 'Pekapeka e, a stranding of chiefs
The precious noble slain with the lover of mine, e.
Who will avenge your death in the world?
Will the war not be ended
And peace reign in future after you?
O girl, stand as a man,
Seek out and trample on the houses of talk.[252]

He tangi na Tarahu, mo Te Aho i hinga i te Ruapekapeka

Tera te marama, ka whakawhenua i te pae
Ko te Atua pea, te nei ka ora mai,
Tenei to kahu, e puta ki waho ra,
Kia whakarongo koe, ki te korero o te riri,
Kihai koe i riro, i te pu huri mai, i runga i te tere.
I riro pea a koe, i te pu mau mai ki te ringa,

[252] The translation is by Dr Jane McRae. She notes that the waiata is also printed in Grey (1853:346).

Kihea hoki ra, to tapu ae nui,
E horo i te riri, ki te taha tu o te rangi,
Ka whati ra i a, taku mahuri totara,
Taku noho-anga waka nui i te ranga awatea,
He hinganga whare nui, ka moe i te kino e,
Ma wai e ranga, i te mate i te ao,
Ma Hone Heke, e te uru te hinga
Takahia te kara i te puke i Maiki
Kei raro tataiho, Ko Mohi Tawhai
Ko te tangata ra i a, i tupu ai te riri i ngawai te iwi
Ekore hoki mai, te makau ki te whare
I a Kawiti ra ia, ka pua iti i te ao.[253]

Translation:

A lament by Tarehu for Te Aho who fell at Ruapekapeka

There the moon sinks down the horizon,
God, perhaps, is the one who survives now.
Here is your cloak which came from out there
Where you listened to the talk of war.
You were not taken by the gun which swung over the company,
You were perhaps taken by the hand-held gun.
Where was your great spell
For success in war?
On the horizon of the sky,
There my young totara sapling was broken.
My champion in the time of peace.

[253] GNZMMSS 62, p. 297. Note the composer's name was incorrectly recorded as Tarehu in the original text.

The fall of a great house, [he] sleeps because of the evil.
Who will avenge your death in this world?
Hone Heke, the chief who acted
And trampled the flag on the hill at Maiki,
And nearby there is Mohi Tawhai,
The man from whom grew the war that destroyed the people.
My beloved will not return home.
He was with Kawiti there, and flourished a short time in the world.[254]

6.28 Departure of the soldiers

The British soldiers destroyed the pa, as they had done previously at Ohaeawai, and prepared for their return to Kawakawa. They viewed the attack on the pa as a victory and there was no suggestion that they would pursue any further chase or attack on Ngapuhi. On 14 January the combined force departed Ruapekapeka. In their wake they destroyed the camps and removed all remaining property from the pa that could be carried. Major Bridge noted in his diary that on the way back through Waiomio that he 'went into a burying place of Kawiti's and picked up a skull which I brought away with me.'[255] The troops re-embarked aboard the vessels including the newly arrived HMS *Driver* the first steamship to visit New Zealand. Grey departed immediately for Auckland, however he had remained in the Bay of Islands, and at the head of the military force, for the duration of the attack on Ruapekapeka.

6.29 Conclusion

Previous historians writing about the Ruapekapeka battle tended to echo Grey's claims that the battle of Ruapekapeka had been a victory for the British and a defeat for Kawiti

[254] The translation was made by Dr Jane McRae. She notes that the waiata is also printed in (1853:309).
[255] Bridge, 13 January 1846, p. 24

and Heke.[256] More recent historians, led by James Belich, have re-examined the nature and course of the battle, and concluded that the battle was more evenly matched. Belich suggests that Ruapekapeka was in some regards 'a tactical draw'.[257] He later goes on to state that, given the fact the pa had been strategically built far away from settlements and designed so as to be evacuated if necessary, the battle of Ruapekapeka represented 'a strategic success' for Ngapuhi.[258]

These previous historical interpretations of the battle have been based around considerations of military strategy, tactics and casualties. In particular Belich relies on evidence that the pa defenders suffered 'lighter casualties' than the British, as one of the key points around which he sought to re-appraise the results of the battle and the Northern War.[259] Yet, as we have seen, the lists of those killed in the battle suggest that Ngapuhi lost as many as a third more killed than the British. The difference was that the British were likely to have had more wounded. But this is difficult to verify as we have little in the way of surviving evidence of the numbers of defenders wounded at Ruapekapeka.

The present report also considers the overall effects and impact of the battle on Ngapuhi in light of the principals and promises inherent in Te Tiriti and the Treaty of Waitangi. Such considerations were beyond the scope of previous histories of the battle and the Northern War and they reveal other important aspects that need to be weighed up when considering who won or lost the battle of Ruapekapeka.

Ngati Hine and Ngapuhi were forced to defend against the invasion of a foreign army. Much has been made of the skill and genius of Kawiti in masterminding the construction of Ruapekapeka pa and the military tactics that accompanied it, however, such 'achievements', should not blind us to the fact that Ngapuhi were forced into this position by the aggressive actions of the colonial government and Grey in particular. Second, that the defenders managed to guide how and where the British attack was directed was over

[256] Belich, p. 60; Cowan, I, p. 82
[257] Belich, p. 63
[258] Belich, p. 64
[259] Belich, p. 63

to skilful management and a desperate need to keep fighting away from populated areas. But it does not lessen the impact of those who suffered the bombardment seeking only to defend what they saw as their rights and chiefly authority as guaranteed by Te Tiriti. In this context, it is difficult to talk of who 'won' or 'lost' Ruapekapeka. It is enough to conclude that Ngati Hine and Ngapuhi survived the aggressions of the British Crown.

After the previous battle of Ohaeawai, both Ngapuhi and Governor FitzRoy had engaged in peace negotiations. Kawiti and Heke each wrote letters to the governor demonstrating their willingness to cease fighting and to resolve the conflict peacefully. However the peace terms dictated by the governor demanded the confiscation of Ngapuhi land by the Queen. The chiefs remained opposed to land confiscation. FitzRoy, however, continued to demand that the chiefs forfeit certain lands and this issue became the stumbling block for the peace negotiations.

When FitzRoy was replaced by Grey in November 1845, the peace negotiations were still open. Grey sought to resolve matters swiftly with a show of government force. He openly disputed the idea of negotiating with the chiefs as it underlined and acknowledged their chiefly authority. Instead, he sought to undermine such authority by imposing an ultimatum on both Kawiti and Heke to accept the Government's terms and land confiscation. Grey also instituted a calculated policy of threatening other previously 'neutral' chiefs in the Bay of Islands, and paying an indigenous force of fighters, together with supplying all other Ngapuhi who fought alongside the Government with food rations. Grey applied a type of divide and conquer approach.

The governor amassed a large military force of over one thousand soldiers and sailors and attacked Kawiti on a scale not previously seen. Ruapekapeka pa was bombarded with a heavy rain of artillery, which inflicted significant casualties among the defenders and eventually drove Kawiti and his followers from their pa. Although historians have debated how the pa was gained, and the veracity of the British claims of victory, the fact remained that Kawiti had been forced from his pa and suffered losses. Ruapekapeka was the scene of a heavy British military assault against chiefs who had asked for peace and

sought only to maintain their chiefly authority and their lands, both guaranteed to them under the Treaty of Waitangi.

Kawiti composed the following takuate (sigh) at the time of Ruapekapeka. It was subsequently published by Tawai Kawiti in the 1950s.[260]

Te Takuate a Kawiti

Kahore te mamae e waahi ake nei
E whakapatu ana te tau o Takuate e
Ki te iwi ra ia kua hurihia atu nei
Ki raro i te maru o te Kuini ee
Hei hapai mai i te patu a ware ee
Ki runga ki taku kiri ngarahu e
Te ngu o taku ihu e whakamaua mai ra.

E tini e te hoa kia waiho ko ahau
Hei matangohi mo roto i te pakanga
I mahara hoki au ee hei riri kotahi ee
Hei riri pupu te riri a Ngapuhi, te riri a Rahiri ee
    Te riri a Kaharau.
Kai tohia iho ana ki te tohi o te riri ee
Ki te tohi nei Karakawhati ee
    Ki runga ki te kauae o te riri ee
Hei huna i te tangata ee ki te po nui o Rehua eei.

Tenei ka whakaohirangi te tapu i te tinana
    Te tapu i te whenua ee

[260] Note there are a number of typographic errors as it was published in *Te Ao Hou*. An attempt has been made to rectify some of these, however some errors may remain.

E titiro ana au e nga hau e wha ee
Onunga [O runga?] o te rangi ee
Tenei ka tuku mai ko Ngaitai ko te mere
Whakakopa ee
I te hauauru he tai tama taane e
Ko te maroharanui, ko te ripoharanui i waho o Mapuna,
E tangi ana ia he mumutaihe waa whenua ei

Kia too te marino ki roto o Hokianga
I tupu mai i Panguru i Papata eei
Nga puke iringa korero o te hauauru ee
Katere-te-Taitapu te kauanga o te rangi
He au maunutanga-toroa, he hurihanga-waka-taua
Ki te riri tauaki, ki te riri horahora ee
Ki te riri whanannga [whananga] ki roto o Ngapuhi

Kaati kawea mai te riri a te manu waitai
Ki roto o Ngapuhi ko wahaorau eei
E kore au e mutu te tu ki roto a te pakanga
Kia kai rano au i te rereua o te po,
Katahi ano au ka mutu te tu ki te pakanga
Ka hinga hoki ra te-wao-nui-o-tane
ki raro na ai.[261]

[261] An English translation of the takuate will be provided later at the time of the hearings.

CHAPTER 7: PEACEMAKING

7.1 Introduction

After Ruapekapeka, Kawiti and his supporters made their retreat south to the Whangarei area. The groups under Heke and those of Te Kapotai withdrew to their respective settlements. Although another pa had been prepared by Heke for continuing the fight with the British, Kawiti and Heke recommenced attempts at making peace. The final chapter looks at the cessation of the war and the making of peace between Ngapuhi leaders and the Colonial Government after the battle of Ruapekapeka. This peacemaking process was commenced and conducted by Ngapuhi with limited involvement from Grey and government officials. After peace had been made, however the British retained a section of the 58th regiment as an army of occupation in the north. The chapter also examines the later actions of chiefs in organising a hui at Kororareka in 1849 and the decision taken by Kawiti's son, Maihi Paraone Kawiti, to re-erect a new flagstaff on Maiki hill in 1856.

7.2 Kawiti's prophecy at Pukepoto

Kawiti and the group of Ngati Hine survivors made their way back slowly from Ruapekapeka towards Whangarei bearing their dead and wounded. They stopped en route at Touwai to bathe the wounds of some of the injured, several of whom later died from their wounds, such as Te Aho.[1] They eventually reached Pukepoto pa in the Maruata area (now known as Pehiawiri or Glenbervie).[2] While sheltering and recovering at this place, Kawiti made a significant prophecy and statement to his followers. The ōhākī remains well-known among his descendents and Ngati Hine today.[3]

> E te whanau, i pakanga ahau i te Atua i te po, heoi, kihai ahau i mate,
> Takahia te riri ki raro i o koutou waewae, kia u ki te whakapono,

[1] Erima Henare, pers corresp., 5 March 2006
[2] Raumoa Kawiti, pers corresp., 9 July 2006
[3] Kene Martin, 'Kawiti, Te Ruki' in *The People of Many Peaks*, 1990, p. 36

He poai pakeha koutou a muri nei.
Waiho, kia kakati te namu i te wharangi o te pukapuka,
hei kona ka tahuri atu ai.
Kei takahia e koutou nga papapounamu a o koutou Tupuna e takoto nei.
Titiro atu ki nga Taumata o te Moana![4]

My illustrious warriors, I fought with God last night, but, I did not die.
Trample anger beneath your feet, hold fast to your beliefs
Learn the ways of the Pakeha / You shall be made slaves of the Pakeha henceforth[5]
You must wait until the sandfly nips the pages of the book (the Treaty)
Only then will you stand to challenge what has happened
Lest you desecrate the sacred signatures [marks] of your ancestors placed upon the book
Look to the horizons of the sea (the transformation of the future)[6]

In this statement, Kawiti reflected that the time to fight had ended. At the same time he cautioned Ngati Hine and Ngapuhi that they must not relinquish their faith and beliefs. Most importantly he hearkened back to the importance of the Treaty of Waitangi (te pukapuka). He instructed his people that they must wait, before they could again stand and challenge what was not right and what they had been fighting against. To attempt to rise and pursue this before the appropriate time was to risk desecrating the sacred marks and the mana (he papapounamu) of the tupuna who had signed Te Tiriti. And he ended by urging his people to look to the horizon and the future (Nga Taumata o te Moana: the place where the sea and the sky meet), where this transformation would occur.

The recorded statement was significant for the emphasis he placed on the treaty. Here was a reaffirmation of one of the reasons why Ngapuhi and Ngati Hine commenced their

[4] Original document provided by Raumoa Kawiti, copy in Yorke/Clark whanau collection
[5] Alternative meanings of this line have been given. Sources: Kawiti whanau, pers corresp. 9 July 2006; Rima Edwards, pers corresp., 9 June 2006
[6] Translation of text provided by Kawiti whanau and Rima Edwards.

protest, namely, the lack of acknowledgment shown by the colonial government to Maori chiefly authority and Te Tiriti. However, Kawiti now warned, as others such as Te Taonui had done previously, that to act with force in pursuit of this outcome, would have the reverse effect of further desecrating Te Tiriti.

7.3 Peace initiatives from Kawiti and Heke

Kawiti had sought to make peace before Ruapekapeka and he stated his desire for peace after the battle of Ruapekapeka. The chiefs Kawiti, Hikitene and Heke initiated attempts to broker peace with the British. They approached Pomare and Te Whareumu at Karetu to act as peacemakers on two levels – externally with the British, and, internally with Nene, Tawhai and others. As Kawiti was later reported as saying, '"Peace shall be made with the governor, and peace shall also be made with Waka"'.[7] On 19 January, Kawiti and Pomare each wrote letters to the governor expressing the desire to make peace and end the conflict. Kawiti's letter stated the following passage: 'friend governor, I say let peace be made between you and I. I am filled (satisfied or have had enough) of your riches (cannon balls); therefore, I say, let you and I make peace.'[8] The letter from peacemakers, Whareumu and Pomare, confirmed that Kawiti, Heke and Hikitene all sought formal peace with the governor and with Nene. Peace had to be made face to face (kanohi ki kanohi). The Pomare and Whareumu's letter stated that had the governor still been in the Bay of Islands peace could have been made then and there, however because he had returned to Auckland, they were required to travel to meet with the governor and bring him back north.[9] Heke stated to Kawiti: 'You and I will wait (here) for the Governor'.[10] The peacemakers' letter also reported that peace was sought both with the Government and within Ngapuhi. Kawiti was reported as saying: '"Peace shall be made with the governor, and peace shall also be made with Waka."'[11]

---

[7] Whareumu and Pomare to Governor, 19 January 1846, *GBPP*, 1846 (448), p. 394
[8] Kawiti to Governor, 19 January 1846, *GBPP*, 1846 (448), p. 394. These letters were published as English translations and the original Maori texts do not appear to have survived.
[9] Whareumu and Pomare to Governor, 19 January 1846, *GBPP*, 1846 (448), p. 394
[10] ibid.
[11] Whareumu and Pomare to Governor, 19 January 1846, *GBPP*, 1846 (448), p. 394

A formal hohou rongo (peace-making) process was undertaken and three important hui were held.[12] The first meeting addressed the conflict with the Crown. The two later hui were held to settle peace within Ngapuhi, and the Crown was not involved. The second hui was held at Te Raupo, near Rawene, and the third hui was held back among Ngati Hine.[13]

The first peace-making hui was held at Pomare's pa at Karetu on 21 January 1846. Kawiti, Heke, Hikitene and Nene were all present at the hui.[14] From the references to the meeting it appears that there was general agreement among the chiefs to cement peace between the factions.[15] There was an important connection through Ngati Kahungunu that helped forge the peace between the groups.[16] Waka Nene (possibly with Whareumu and Pomare) traveled south on board the HMS *Racehorse* to communicate with Grey the outcome of the meeting and the desire of the Ngapuhi chiefs to cease fighting and make peace.

On 22 January, Nene (and the peacemakers) arrived in Auckland and met with the governor and the Chief Protector of Aborigines. George Clarke senior's official record of the meeting noted that Nene was convinced of the sincerity of the offer of peace. Nene reported that the chiefs (including Hikitene, Te Hira Pure as well as Heke and Kawiti) 'were willing to procure peace on any terms connected with giving up lands, and would take no denial for peace.'[17] The views and position of Heke and Kawiti, as reported by Nene, appear to suggest a submission to the Crown. Certainly it is likely, after Ruapekapeka, that the chiefs felt like they had no option but to sue for peace. Nene transmitted the message that even if the governor 'would not give them peace and pardon' that Heke and Kawiti would not fight any more, 'they must become wanderers in the bush, but they had no thoughts of continuing the struggle any longer.'[18]

---

[12] Rima Edwards, pers corrsp.
[13] ibid.
[14] Commander Hay to Captain Graham, 22 January 1846, *GBPP*, 1846 (448), p. 394
[15] Commander Hay to Captain Graham, 22 January 1846, *GBPP*, 1846 (448), p. 394
[16] Arapeta Hamilton, pers corresp., 24 June 2006
[17] George Clarke, 'Memorandum for His Excellency', 22 January 1846, *GBPP*, 1846 (448), p. 393
[18] George Clarke, 'Memorandum for His Excellency', 22 January 1846, *GBPP*, 1846 (448), p. 393

7.4 Formal proclamation of peace: 23 January 1846

Having been presented with terms for peace by Kawiti and Heke, Grey seized on the opportunity. And, on the following day (23 January 1846), the Colonial Government issued a formal proclamation granting a full pardon to all people involved in what was referred to as 'the rebellion'.[19] This was, as far as Grey was concerned, a declaration of peace by the Government. Grey was keen to ensure that it was the government that was seen to be offering peace, despite the fact that the pardon followed the peace initiative from the chiefs.

The proclamation pardoning Ngapuhi was published in the *New Zealand Government Gazette* on 24 January 1846.[20] The proclamation referred to the fact that the 'rebel Chiefs had been defeated and dispersed'. The document also stated that Heke and Kawiti had 'made their complete submission to the Government by letter and through Tamati Waka Nene'; and that, as a result, 'the governor had thought it proper to give effect to Her Majesty's earnest desire for the happiness and welfare of Her native subjects'.[21]

In the discussions between Nene and the governor on 22 January, Nene had emphasised the 'willingness' of Kawiti and Heke to cede lands to the Crown in order to procure peace. Clarke recorded Nene as saying that the Kawiti and Heke had 'named the country they were willing to give up to the Government, and should, they said, consider it an indulgence to have returned to them the smallest corner of the land for the support of their children'.[22] The idea that Kawiti and Heke freely offered up areas of land for cession in order to make peace, after earlier steadfastly opposing such measures, raises questions about Nene's role as intermediary. We have no first-hand statements from

---

[19] Notice, 23 January 1846, published in *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 8. A published version of the proclamation is accessible as enclosure 3 in Grey to Stanley, 22 January 1846, *GBPP*, 1846 (448), p. 394. For a copy of the proclamation, please refer to the Document bank.
[20] Notice, 23 January 1846, published in *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 8
[21] *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 7
[22] George Clarke, 'Memorandum for His Excellency', 22 January 1846, *GBPP*, 1846 (448), p. 393

either Heke or Kawiti stating that they permitted the taking of land as part of the peace-making. The only references we have are those reported by Nene. Moreover, Nene himself and his supporters stood to gain directly from any forfeiture of land. FitzRoy had earlier advised Nene, Tawhai and others that they would ultimately receive any of the lands forfeited by Heke and Kawiti. This policy or understanding remained in force for the duration of the conflict and must have led to an expectation among those allied with the Crown that they would receive the lands of the defeated. We must therefore treat with caution statements about land cession received from the party that stood to gain directly from such cessions.

Grey may well have recognised that there were serious problems with the issue of land confiscation or cessions. By early 1846 he was increasingly concerned with conflicts with Te Rauparaha and Te Rangihaeata in the Hutt Valley. He had been offered an opportunity to resolve the conflict in the north and quickly responded to it. Grey offered a 'full pardon' and did not demand either land confiscation or cessions. His decision to avoid confiscations he presented as the actions of a magnanimous and caring governor and Crown. However, it is necessary to see such decisions in light of a larger context. It served his purposes and his concerns to avoid uniting northern and southern Maori against the Crown, and his refusal to press for confiscation was an important part of his attempts to shore up support for the Crown among Maori generally. Aware as he was of the defeated state of Heke and Kawiti, and their unwillingness to continue to resist the Crown, Grey crafted the wording of his proclamation to make it appear that the Crown was generously granting leniency towards 'Her native subjects'. As Grey himself wrote to Lord Stanley: 'The effect also upon the whole island of a generous and liberal line of policy towards the rebels, after the severe defeat and punishment they had received, was likely to be very beneficial.'[23]

In a later dispatch to Stanley, Grey further explained his reasons behind the free pardon and the avoidance of land confiscation. He claimed that he had already contemplated offering a full pardon to the chiefs, before his meeting with Nene. He added that he was

[23] Grey to Stanley, 22 January 1846, *GBPP*, 1846 (448), p. 393

planning to leave the matter of land confiscation to be decided in England. However, he then proceeded to explain his decision to avoid confiscation and he outlined the disadvantages of confiscation both for the 'loyal' Maori who were to receive confiscated land, and the Crown generally. He wasted no time in declaring his own high-sounding objections to it and labelled FitzRoy's instructions regarding confiscation as 'impolitic' and 'in no way connected with a line of policy which I felt to be inconsistent with the course which I felt Great Britain ought to pursue.'[24] On the issue of a free pardon, Grey commented that:

> I was anxious that the gracious act of a free and unconditional pardon should have proceeded directly from the Queen. The effect of it would then have been greater, and her Majesty would have been placed in a position in reference to the chiefs generally, which would have been extremely advantageous to Her Majesty's honour, and the interests of Her Majesty's subjects.[25]

Grey communicated with Nene and explained his reasons for not pursuing land confiscation. In the place of confiscated land, Grey promised Nene that he was leaving it to Queen Victoria 'to determine in what manner the services of the loyal natives should be rewarded…'[26] Payments and presents from the governor to the chiefs continued unchecked. Grey minuted Sinclair asking for the purchase of a coat for the chief Repa and a quantity of sugar expressly for 'loyal Native chiefs'.[27] The return of 'Special Payments for the half year ending 30 June 1846 showed that Grey had continued to reward those chiefs that had fought along side the British and against their own kin. The return included the following payments:

> Presents to native chiefs at Hokianga (80 pounds)
> Building house for Patuone (12 pounds)
> Presents to chiefs of Waka's party (15 pounds)[28]

---

[24] Grey to Stanley, 26 January 1846, *GBPP*, 1846 (690), p. 403
[25] ibid., p. 403
[26] Grey to Stanley, 26 January 1846, *GBPP*, 1846 (690), p. 404
[27] Grey to Sinclair, 24 January 1846 (M 46/88), IA 2/2, ANZW
[28] 'Return of Special Payments', 30 June 1846 (M47/ 22), IA 2/2, ANZW

In the same volume of the *Gazette* as the proclamation offering a pardon, there were two further proclamations which relaxed the terms of war imposed on Ngapuhi. The economic blockade of the northern coast, which had stretched from Whangarei to Mangonui harbours, was removed from 1 February 1846.[29] Grey also proclaimed the removal of the exercise of martial law from the Bay of Islands and surrounding areas.[30] Martial law was lifted on 1 February 1846. The effect of these two proclamations, together with the general pardon, removed the punitive military measures that had been imposed by the Crown on Ngapuhi for the duration of the Northern War.

The governor also published a notice informing Ngapuhi that (Kihe) the person wounded and taken prisoner at Ruapekapeka was still in the care of the British and would be released as soon as he had recovered.[31] The notice was addressed to the family and appeared to suggest that the prisoner was recovering and soon to be released. However, only a week or so later the doctor of the 58th regiment, Dr Price, notified the Colonial Secretary that Kihe had died in the army hospital.[32] No further details were recorded.

7.5 Peace concluded

The publication of the proclamations, after the chiefs' initial approach, sealed peace between Ngapuhi and the Crown. The chiefs Heke and Kawiti formally responded to the governor's proclamation. Kawiti wrote to Grey on 29 January confirming that he consented to make peace.[33] Heke had made his acceptance of peace to Kawiti, as the senior figure, and Kawiti communicated it to the governor. However Heke wrote to Grey asking that he, together with FitzRoy, come north to resolve matters and make peace in

---

[29] Proclamation, 21 January 1846, published in *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 7
[30] Proclamation, 21 January 1846, published in *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 6
[31] Notice, 23 January 1846, published in *New Zealand Government Gazette*, 24 January 1846, Vol. VI, No. 2, p. 8
[32] Dr Price to Colonial Secretary, 1 February 1846, IA 1 1846/165, IA Register 1846, ANZW
[33] Kawiti to Grey, 29 January 1846, enclosure in Grey to Stanley, 4 February 1846, *GBPP*, 1846 (690), p. 407

person.[34] In particular, he was concerned about the proposed re-erection of the flagstaff, which had been mooted by Waka Nene and Rewa. He urged: 'come that we may set aright your misunderstandings and mine also, and Walker's too; then it will be right; then we two (you and I) will erect our flagstaff; then shall New Zealand be made one with England.'[35] Grey signalled to Stanley in early February that he was planning to return to the north, but this did not happen and once again Heke's requests to resolve matters were ignored or overlooked by the governor.

7.6 British force remained in the north

The Government permanently stationed a garrison force of British soldiers at the Bay of Islands on land at Waitangi (land known as 'Victoria' and earlier acquired by Busby). In February 1846, Grey appointed Colonel Wynyard and Major Bridge as 'Justices of the Peace'.[36] Bridge later became Resident Magistrate for Russell (the renamed Kororareka). As well as the soldiers, two naval vessels, the *Osprey* and *Racehorse,* were also stationed in the north. The customs office was re-established at Kororareka on 7 February 1846 and a new customs collector appointed.[37]

Heke continued to seek a meeting face to face with the governor. Grey traveled to the Bay of Islands on 7 January 1847 on board a naval ship, but remarkably would not leave the vessel to meet Heke on shore at Kororareka. Heke desired to meet, but was worried that he might be captured in the same manner as Te Rauparaha, and he refused to go aboard. As a result, the meeting of Heke and the governor did not occur. Heke sang a song at the time that is recorded below:

Speaker: Haere atu ki te pai a te Kawana

---

[34] John William Heke Pokai to governor, undated, Enclosure in Grey to Stanley, 4 February 1846, *GBPP*, 1846 (690), p. 407. It is notable that Heke invited both Grey and FitzRoy, the former governor who was still resident in Auckland at the time.
[35] John William Heke Pokai to Governor, undated, enclosure in Grey to Stanley, 4 February 1846, *GBPP*, 1846 (690), p. 407
[36] Grey to Colonial Secretary, 4 February 1846, (M46/20), IA 2/2, ANZW
[37] Colonial Secretary to Thoms Bateman, 7 February 1846, 1846/24, IA 4/2, p. 468

	He pai ranei
All:	He kahore ranei
Speaker:	He pai ranei
All:	He kahore ranei
	He whakanewhanewha i aku mata
	Kia ware ai au
	Kia ware. [38]

Speaker:	Go off to the peace of the governor. Is it peace?
All:	Or not?
Speaker:	Is it peace?
All:	Or not?
	Causing me to doze
	So that I am off my guard
	So I am careless.[39]

Grey published a version of this song in 1853. In the published version the note accompanying the song reads: 'In January, 1847, Heke came to Kororareka to meet the governor, who refused to receive him except on board a man-of-war. Heke and his tribe then sang this song to show their distrust; and that he would not venture on board a man-of-war.'[40]

7.7 Attempt to Re-erect Flagstaff 1847

It appears that Kawiti also communicated with Grey while the governor was briefly at the Bay of Islands in January 1847, on the subject of re-erecting the flagstaff. Later in 1847,

---

[38] GNZMMSS 69, No.6, pp.11-12, ACL. Handwritten notes accompanying the MS state that Heke used the name te Kawana in the song, but that different names of chiefs were often used in the song, and that the scribe substituted the name of Te Wherowhero instead of the Governor. The above version uses the word 'te Kawana' as it was sung by Heke.
[39] Translation by Dr Jane McRae
[40] Grey, *Nga Mahi a Nga Tupuna*, 1853, p. 73. I am grateful to Jane McRae for this information.

Kawiti went and cut three spars for the purpose of replacing the pou kara or flagstaff. Major Bridge, by then Resident Magistrate in the Bay of Islands, wrote to the Colonial Secretary reporting that:

> The native chief "Kawiti" tells me that when His Excellency was last at the Bay of Islands, he desired him to have the flagstaff put up again. - "Kawiti" has accordingly cut down three spars for that purpose, and has been with me to request that I would give him sixty fathoms of strong rope and two double blocks to enable his people to drag the spars out of the wood and to have them conveyed to the beach at Russell. - I told him that the articles which he wanted could not be procured at Russell, but that I would write to you.[41]

In November, Bridge wrote again to the Colonial Secretary noting that he had passed on the governor's communication that 'Kawiti may re-erect the flagstaff if he wishes and that the Governor would approve the rope and the blocks'.[42] Bridge also noted that Kawiti and others had transported the would-be flagstaff spars to Kororareka beach, where they lay, but that 'they' could not get them up the hill without the requested rope.[43] There appears to have been no further action or response from the governor and, in early 1848, Bridge wrote to Sinclair again stating that:

> The Chiefs Waka, Kawiti and Pomare have expressed much disappointment that the flagstaff which they have provided should remain so long on the beach instead of being put up on the hill at Russell for want of ropes, blocks etc. which His Excellency (they say) promised them he would bring with him when he came to the Bay. [44]

---

[41] Resident Magistrate (Russell) to Colonial Secretary, 25 September 1847, IA 1847/1843 in IA 1848/243, ANZW
[42] Resident Magistrate to Colonial Secretary, 2 November 1847 (Wahapu), IA 47/2136 in 1848/243, ANZW
[43] ibid.
[44] Bridge to Colonial Secretary, 29 January 1848, IA 1848/243, ANZW

Despite apparent encouragement and promises to assist, the Crown did not assist Ngapuhi to re-erect the flagstaff and, as a result, the flagstaff remained protrate. The flagstaff was not re-erected while either Heke or Kawiti remained alive, despite the fact that both appeared willing and motivated to re-erect the flagstaff as a sign of reconciliation. It is not known why Grey failed to respond to the chiefs' requests for assistance.

7.8 Heke's letter to Queen Victoria

In 1849, still without having met with the governor to settle the conflict in person and with continuing concerns, Hone Heke wrote to Queen Victoria. It is an important document. In it, Heke expressed some of the causes of the conflict and some of his concerns. The letter drew a line of continuity from the earliest meeting and entente between King George III of England Hongi Hika through to the 1840s. Heke recounted that at that first meeting, King George made the following statement to Hika:

> I will not consent to send soldiers to New Zealand lest you should be deprived of your country, which I wish should be left for your children and your people, for they would not act properly.[45]
>
> ka mea, kahore e kore ahau e pai kia tukua atu nga hoia ki Niu Tireni kei riro to kainga, Waiho mo au tamariki- mo tou iwi – e kore to ratou mahi e tika.[46]

This meeting between Hongi Hika and King George established an expectation of ongoing recognition and protection, according to Heke. He went on to identify how subsequent events and changes – the arrival of large numbers of settlers and the overwhelming of Maori chiefly authority – led to the outbreak of the Northern War.

---

[45] Heke to Queen Victoria, 10 July 1849, enclosure in Grey to Earl Grey, 28 July 1849, *GBPP*, 1849 [1120], p. 17
[46] Hone Wiremu Heke ki Te Kuini o Ingarangi, 10 Hurae 1849, G 30/16, pp. 693-4

E hua matou ko ratou anake kei noho mo te takiwa nei – kahore, he mano tini – otira i to matou kuwharetanga i te tini onga huihuinga, no reira ka puta mai te ra o te rarurarau, rite tonu ki te kupu kotahi a Kingi Hori i tuku mai ki a Hongi. Muri iho kua he, kua puta mai ko Puhipi, he tikanga ke, ka puta mai ko Wiremu Hopihana, te Kawana tuatahi, he tikanga ke, ko te kara o Niu Tireni whakarerea ana ka whakatarea ko ta Ingarangi anake. kahore e puare i aia te Whakaminenga ki Waitangi kia rangona e te tokomaha, ko te rakau te mea nui hei tiaki i te motu nei koia ahau i pohe he ai i huna e ia. no te mea naku raua i whakaae kia noho ki uta, a Puhipi me te kawana Tuatahi. E hua he mahi tika; ka puta mai ko Pitiroi te kawana tuarua - he tikanga ke. te matau au ki te tikanga a nga Kawana, whakaae kuwhare matou, ka tohe ahau ki a ia, kia haere mai kia korero maua mo taua rakau, kahore i tai mai. Whakaarahia mai ana e ia e noa [?] ngatatau tino – he mea pani ki te ta – No reira te whawhai – no te pakeketanga o ana whakaaro no konei ahau ka hara kia koe….Na kei mea mai koe naku te hara, kahore, koia ahau ka mea atu nei ki a koe. Mau te whakaaro ki takaea o toku motu o Niu Tireni kia tukua mai – me te mana o te whenua o nga tangata.[47]

The immense congregations of people that took place here, was what brought forth the day of trouble, which exactly agreed with what King George had said to Hongi. After trouble had ensued, Mr Busby arrived with a different arrangement, and then the first governor, William Hobson, with a different one again; the flag of New Zealand was abandoned, and that of England alone displayed. He [Hobson] did not state this at the meeting at Waitangi, in order that everybody might know that the flag-staff was the great protection of these islands; and his concealing it was the cause of my error, for I was the person who consented that both Mr Busby and the first governor should live on shore, thinking that they would act rightly; then came FitzRoy, the second governor, with a different arrangement again. Not understanding the authority which accompanied the

[47] Hone Wiremu Heke ki Te Kuini o Ingarangi, 10 Hurae 1849, G 30/16, pp. 695-8 (Emphasis is mine.)

> appointment of governors, and to which in our folly consented, I urged him to come here, in order that we might talk on the subject of the flag-staff; he did not come, but re-erected it, having four iron bars and covered with tar. The obstinacy of his thoughts was the cause of the war, and of my transgressing against you…. Don't suppose that the fault was mine, for it was not, which is my reason for saying that it rests with you to restore the flag of my island of New Zealand, and the authority of the land of the people.[48]

Here Heke once again repeated his underlying grievance that the 1834 flag should be flown on the Maiki hill flagstaff and that the chiefly authority, te tino rangatiratanga, should be respected. Heke demonstrated his sophisticated understanding of the relationship between the Queen's assumption of sovereignty and the flag as the metaphor for the power and authority over the land. As such it was not too far from the idea of a pou rahui, which some commentators have suggested, yet it was not the same. By 1849, Heke referred to the relationship and intentions of the British Crown and asked repeatedly whether there had been deliberate deception involved. He asked Queen Victoria to reveal what the true intentions of Britain were towards New Zealand. He asked for a guarantee of the certainty of peace between Britain and Ngapuhi. Heke closed his letter by reaffirming his chiefly authority, without reference to the Treaty of Waitangi:

> But I say to you, that although they are living on this island and I also, still the management of my island remains with me, and although they have obtained possession of part of it, still the adjustment of the pieces which they have acquired remains with me….[49]
>
> ka mea atu nei ahau ki a koe, ahakoa e noho ana ratou ki runga ki tenei motu me ahau hoki koia ahau ka mea atu nei, hei ahau ano te whakaaro mo toku motu

---

[48] Heke to Queen Victoria, 10 July 1849, enclosure in Grey to Earl Grey, 28 July 1849, *GBPP*, 1849 [1120], p. 17 (Emphasis is mine.)
[49] Heke to Queen Victoria, 10 July 1849, enclosure in Grey to Earl Grey, 28 July 1849, *GBPP*, 1849 [1120], p. 17

ahakoa kua riro ia ratou titoki [?] wahi maku te whakaaro ki nga Pakiha [?] riro ia ratou, no te mea rohe [?] kau paunatia….[50]

7.9 Kororareka Hui 1849

Heke's letter to Queen Victoria had the immediate effect of prompting Grey to travel north to the Bay of Islands to finally meet with the chiefs, something he had long promised. Grey travelled to the Bay in the vessel HMS *Fly*. He landed at Kororareka and attended a large hakari encompassing many of the different groups that had been engaged in the Northern War. The hakari was held during the first week of September and was hosted by Ngati Manu.[51] Grey declared that it was the largest hui he had attended and that it had passed off in the 'the most friendly and gratifying manner.'[52] Grey attended only one day, 7 September 1849, and it was here that peace was finally achieved with the governor meeting with Heke and Kawiti face to face. Kawiti marked the cementing of peace by placing a prized kotuku feather ('hou kotuku') in Governor Grey's cap.[53] Heke later referred to Kororareka as the place where the war was formally ended.[54]

7.10 Flagstaff re-erected 1857

The flagstaff on Maiki Hill above Kororareka was not re-erected until 1857. In the end, the act of replacing the flagstaff came not from the Government but an initiative of Ngati Hine, and in particular Kawiti's son - Maihi Kawiti. A new pole was selected from Te Whangaii bush then transported to Kororareka where it was prepared. [55] There were a number of significant expenses involved in the re-erection of the flagstaff and yet none of these were apparently paid for by the Government. The full cost of constructing and

---

[50] Hone Wiremu Heke ki Te Kuini o Ingarangi, 10 Hurae 1849, G 30/16, p. 702. Please note, the last two lines are very hard to decipher on the original document and for that reason the above quotation may contain errors.
[51] Judith Binney, pers corresp.
[52] Governor Grey to Earl Grey, 13 October 1849, *GBPP*, 1849 [1136], p. 91
[53] Kene Martin, 'Kawiti, Te Ruki', *DNZB*, I, p. 221
[54] Hone Heke to John Irving, 11 January 1849, IA 1 1849/353, ANZW (only available in translation)
[55] Kene Martin, pers corresp.

erecting the new flagstaff was paid for by the groups who had fought alongside Kawiti.[56] Three hundred members of those groups who had fought against the Government carried the pole up Maiki hill and re-erected it on 4 December 1857.

At the unveiling of the flagstaff, Maihi Kawiti made the following statement:

> Ka korero a Maihi ki te iwi katoa Maori me nga pakeha mo te Pou kua ara nei na Heke na Kawiti i turaki, na matou i whakaara inaianei, e kore tetahi o matou a tae a muri nei kite tapahi i tenei pou
> Ka tapaia te ingoa mo te Pou
> Ko te whakakotahitanga
> Ka tukua atu te kara ki te kawanatanga ka tukua atu he whenua hei whariki mo te kara oti atu
> Kei te kawanatanga anake te tikanga mo tena kara inaianei, kahore i te maori.[57]
>
> "The Pole which stood before this one, was felled by both Kawiti and Heke. The one which we have raised today, will not ever be touched by an axe by any of us.
> The Pole shall be named whakakotahitanga.
> The flag belongs to the government. Some land will be given as a mat for the flag.
> The flag belongs to the government and not to the Maori."[58]

Later, on 25 August 1877, Maihi 'gifted' land to the Government to serve as the whariki or mat upon which the flag would rest. 'Ka tae a Maihi ka tukua ko Pakaru me Taikumikumi hei hipoki mo te kara. Maihi gifted the lands of Pakaru and Taikumikumi as a cloth for the flag.'[59] Te Whakakotahitanga is the flagpole that still stands above Russell today.

---

[56] Raumoa Kawiti, pers.corresp.,
[57] Riri Maihi Kawiti, Minutes of Te Nohoanga o te Tribal Executive Committee o te Kawakawa, Friday 20/12/1957, p. 3, document from York/Clark collection
[58] ibid. Translation by Mr Sam Maioha.
[59] Riri Maihi Kawiti, Minutes of Te Nohoanga o te Tribal Executive Committee o te Kawakawa Friday 20/12/1957, Documents from York/Clark collection

7.11 Rongomau seal

In 1860, Governor Gore Browne visited the Bay of Islands and gifted Kawiti's son, Maihi Kawiti, a special seal representing the continued peace between Ngati Hine and the Crown. As an acknowledgment of the special relationship with the government and governor, Maihi Kawiti adopted the name – Browne or Paraone – to his own: Maihi Paraone Kawiti. This was a significant re-affirmation of the continued binding relationship between the northern tribes and the Crown. The seal is known as the rongomau seal – the seal of 'lasting peace'.[60] On Waitangi day 1964, Kirihi Te Riri Maihi Kawiti wrote to the Governor General and asked him to nominate a custodian for the rongomau. It was Te Riri's son, Tawai Kawiti, who eventually agreed that the Rongomau seal should be held at the Waitangi Treaty house on behalf of Ngati Hine.

[60] James Henare to Governor General, 20 November 1964, G 48/44, Waitangi 4 file, Jan 1965 - May 1966, ANZW

CONCLUSIONS

This report has sought to provide an historical overview of the Northern War conflict, its origins and impacts over the period from 1840 to 1846. It has been compiled using primary historical research based on surviving documentary sources available to the author. The following conclusions are based on the material advanced in the preceding chapters.

The Northern War was a conflict fought over the imposition of British sovereignty. It was the first such conflict fought in New Zealand and foreshadowed the later conflicts over rangatiratanga and kawanatanga fought in Taranaki and the Waikato in the 1860s. The colonial government resorted to the use of military force in order to break Ngapuhi resistance to the imposition of British sovereignty. As a result, Ngapuhi suffered a military invasion of their lands and estates by the British colonial government. The government used its power to deliberately undermine and attack Ngapuhi chiefly authority. It is the view of this report that the Northern War was a war of attempted control, of subjection and for sovereignty.

The origins of the Northern War lay in the competing understandings contained within the Maori and English texts of the Treaty of Waitangi. Ngapuhi understandings and expectations of their own position and authority were based on the Maori text of the Treaty and a long history of relationships with the British Crown prior to 1840. These relationships had provided an ongoing recognition of Maori chiefly authority or tino rangatiratanga. In the Maori text of the Treaty – 'Te Tiriti' - the British Crown again re-stated its recognition and acceptance of Maori chiefly authority. Ngapuhi chiefs such as Hone Heke had been among the first and strongest proponents of signing the Maori text of the treaty of Waitangi, believing that it established two systems of authority. Heke and other chiefs understood that the treaty allowed for the governance of the white people by the governor, and, at the same time, endorsed the existing political realm of tino rangatiratanga or chiefly authority. After the signings of the Treaty in the north, Ngapuhi

understood that they had maintained their tino rangatiratanga over their lands and resources and they looked to the new governor to help safeguard this.

The colonial government however, viewed the Treaty differently, based on the English text in which sovereignty was ceded to the Queen. As a result they gradually extended colonial authority above chiefly mana and rangatiratanga. After 1840, Ngapuhi became aware of policies and actions of the British Crown and colonial government that impinged on their chiefly authority. As these occurred, Ngapuhi chiefs, including both Hone Heke Pokai and Tamati Waka Nene, raised their concerns with government officials. They consistently sought to resolve the issues of conflict through a variety of peaceful avenues. However, many of the issues remained unaddressed and chiefs grew increasingly concerned. The failure of the government to respond to Heke's concerns over the loss of authority and failure to adhere to Te Tiriti, eventually led him, in July 1844, to protest by cutting down the flagstaff overlooking Kororareka.

The cutting of the flagstaff was a peaceful protest at the loss of mana and authority. It was a symbolic action. It was also a statement of resistance against the further diminution of chiefly authority. The colonial authorities however chose to interpret the action as rebellion against the Queen's assumed sovereignty. Subsequent cuttings simply hardened the view of the government officials, who responded by labeling Heke and other Ngapuhi as 'rebels'. In doing so, the government appearred not to have undertaken adequate investigation into (a) the underlying issues of concern and, (b) other courses for redress. Instead the government responded with increasing force. Such a reaction was viewed by Heke and others as a clear verification of their underlying concerns with the government.

Ngapuhi were not 'rebels', nor did not seek to make war against the British. Ngapuhi continued to seek peaceful resolution to the growing conflict. Heke wrote numerous letters to governor FitzRoy asking him to come north and discuss the issues, before and during the war. The governor consistently failed to adequately respond to the correspondence. FitzRoy did travel to the Bay of Islands in September 1844, however he did not meet with Heke. Instead the governor met only with Heke's rival whanaunga or

kin at Waimate. From this meeting, the governor forged an alliance between one part of Ngapuhi under some Hokianga chiefs, including Tamati Waka Nene and the British Crown. The government did not however meet with all of Ngapuhi and in particular Hone Heke. And as a result further doubt and conflict grew not only between Heke and the Crown, but also internally between Heke and other Ngapuhi chiefs, who had pledged to the government.

Although not the main subject of this report, the report has discussed some of the motives of Waka Nene and other chiefs who chose to assist the Crown. It is concluded that their motivations were in many senses the same as Heke's. An important factor was due regard for the sanctity of Te Tiriti. Heke and other chiefs, such as Te Taonui, agreed that the British had contravened the idea of Te Tiriti, however they the chiefs disagreed over the propriety of Ngapuhi chiefs taking action to oppose the British Crown. All Ngapuhi were concerned to safeguard the future survival of Ngapuhi authority. Ngapuhi chiefs, such as Waka Nene and Taonui, having already witnessed the drop-off in trade and economic activity after 1840, were determined to avoid the introduction of soldiers and what they feared as the total destruction of the Ngapuhi economy. The governor in effect threatened Ngapuhi with the use of military force, and it was under these conditions that Nene and others had assented to try and prevent Heke and others from further acts of protest. One of the problems was that, within a Ngapuhi world, the act of one set of chiefs seeking to intervene and control another chief was very similar to that of the imposition of the government: both threatened the loss of mana. And as a consequence, the governor, by intervening in tino rangatiratanga and asking chiefs such as Nene to control Heke, detonated cycles of internal conflict between Heke and Nene – conflicts that had devastating impacts on the Ngapuhi social and political landscape.

Later attacks on the flagstaff in January 1845 were made as further protest against the failure of the governor to address Heke's concerns and the deepening influence of the governor's and British control over Ngapuhi. FitzRoy responded not by communicating with Heke, but by increasing the threats and punishments. He also gradually increased the military defences around the flagstaff, until the pole resembled a fortress.

The final attack on the Kororareka flagstaff was sparked by the publication of the British House of Commons Select Committee report on New Zealand. This British parliamentary report proposed detailed and wide-sweeping changes to the British colonial policy adopted in New Zealand. It declared that the Treaty of Waitangi was little more than a legal fiction. The arrival of the report in New Zealand marked a significant change in relations between Ngapuhi and the Crown, eroding Ngapuhi faith and trust. Not enough attention has been given by historians to the nature of the Report's recommendations and the impact these proposals had on Maori and Pakeha within New Zealand. Hone Heke's decision to attack the flagstaff on 20 March 1845 was triggered by the report.

The report has dealt in some detail with the attack on Kororareka. I conclude that the sole objective of the attack by Heke and Kawiti was the destruction of the flagstaff. Although the Ngapuhi raid was planned in three parts and involved an initial raid on different parts of town where the British soldiers had been stationed, the effect was to create a diversion and allow Heke sufficient time to fell the flagstaff. Once the flagstaff had been felled, all Ngapuhi forces withdrew and the town itself was never under attack. It is important to recognise that Ngapuhi had neither motive nor desire to attack Kororareka, their principal trading port in the north. The town was destroyed as a result of the British decision first to evacuate the town and then to fire large guns at the buildings and Maori.

The second important point was that colonial government and governor FitzRoy failed to adequately investigate the actions that led to the destruction of Kororareka. In contrast to their approach in investigating the Wairau attack in 1843, the colonial government simply accepted military reports and consequently attributed the destruction of the town to the actions of Heke and Kawiti. This in turn drove a desire to launch a full-scale military campaign against Ngapuhi. Moreover, the erroneous assumption that the loss of Kororareka had been as a result of Ngapuhi action was used as a continuous justification for military attacks on Ngapuhi throughout the Northern War. There was another consequence of the destruction of the town. Once Kororareka had been destroyed and

with it the final trading fortunes of the north, Tamati Waka Nene turned towards outright opposition of Heke. Rewa and other chiefs also followed.

Following Kororareka, the colonial government led a military invasion and attack on Ngapuhi chiefs Heke and Kawiti. The attack was conducted by imperial armed forces and was directed against the chiefs and groups in the eastern Bay of Islands. The governor imposed the rule of martial of law over an area within a 60 mile radius of Kororareka. Within this defined area, Ngapuhi supporters of Heke and Kawiti were stripped of their rights and privileges under the Treaty of Waitangi and were made subject to the force of military law. This unilateral action laid the legal basis for the military invasion that followed. This was accompanied by another action usually employed against hostile enemy states, the imposition of a total economic blockade. This blockade had a devastating impact on all Ngapuhi whether supporters of Heke and Kawiti or not, afflicting large numbers of Ngapuhi who had sought to remain neutral from the conflict. Furthermore the blockade allowed the government to exploit the increasing desperation of Ngapuhi to demand collusion. In effect Ngapuhi were starved into submission and support of the government against their own kin.

Military attacks began in April 1845 and continued through until January 1846. During this time the British forces, acting under orders from the government, conducted a punitive campaign – attacking and destroying all pa, settlements and property they associated with the Ngapuhi resistance movement. Ngapuhi suffered serious social and economic consequences from the loss of a number of important kainga and settlement sites. George Clarke junior reported that at least nine villages and Pahs had been destroyed by the British during the war and listed them as: 'Mawe [Te Kahika], Kaipatiki, Otuihu, Waitangi, Pumuka's pa [at Te Whangae], Waikare, Ohaeawae, Haratua's pa [at Pakaraka], and Kaihera [?].'[1] At the same time, Ngapuhi suffered the serious impacts of social and economic dislocation as groups were forced to disperse and flee their long-established settlements and accommodation to find refuge in new locations.

[1] George Clarke to Father, 16 July 1845, qMS -0469-07, ATL, p. 544

Ngapuhi suffered significant impacts and losses as a result of the British attacks during the Northern War. As well as the settlements, the British military force destroyed and removed important food crops and stores. Such punitive tactics drove Ngapuhi into desperate struggle for survival. While colonial authorities railed against the perceived plundering of Kororareka, they empowered soldiers to steal and destroy large quantities of Ngapuhi property, none of which was ever compensated. The soldiers also destroyed many waka – the essential means for communication and transportation, further handicapping Ngapuhi and forcing them into a state of extreme deprivation.

Remarkably, despite the military force used against them, Ngapuhi chiefs such as Heke proved reluctant to use military force in response. Throughout the Northern War, the chiefs never once organised an ambush or sought to attack the British, except until after the battle had begun. The Ngapuhi chiefs chose a place to fortify themselves and waited for the British to come and attack. Ngapuhi never sought to attack the British soldiers first, with the exception of Kororareka, which was intended as a temporary diversion. And alhough the government consistently portrayed Heke as the rebel instigator of the conflict, it was the British who consistently fired the first shot in each battle and whom sought to prolong the war.

Throughout late 1845 and the battles at Te Kahika and Ohaeawai, Heke wrote to the governor seeking a peaceful resolution to the conflict. These approaches were either denied or simply ignored by the governor. It was not until after the British loss at Ohaeawai that the governor finally engaged in peace negotiations with Heke and Kawiti. These final negotiations were ultimately doomed to failure due to the insistence by the colonial government on land confiscation or raupatu. The replacement of FitzRoy with Grey did not alter the colonial government view of the peace negotiations and Grey simply presented Ngapuhi with an ultimatum to either accept raupatu or suffer further military attack. For Heke and Kawiti, resisting the British in order to preserve their chiefly authority over their lands, there was no option to accept land confiscation.

At Ruapekapeka, Kawiti's supporters were subjected to a fearsome artillery attack and a number were killed and wounded. As a result of this and other losses sustained, Heke and Kawiti with the other chiefs such as Hikitene and Te Hira Pure, were driven into the position of submission to the government. Ngapuhi casualties throughout the war had been significant and the impact of these losses should not be overlooked in examining the long-term consequences of the Northern War. As noted in the individual chapters, ascertaining the final numbers of Ngapuhi casualties is difficult due to the paucity of contemporary source material. The following table provides a conservative estimate of casualties suffered during the four principal battles, and it does not account for deaths that occurred later as a result of wounds.[2]

Table of Ngapuhi Casualties during the Northern War

Battle	**Killed**	**Wounded**
Kororareka	13+	28
Te Kahika	28+	22
Ohaeawai	10+	10+
Ruapekapeka	23	30
TOTAL	**74+ killed**	**90+ wounded**

Questions of who or ultimately lost the Northern War have been debated by historians. James Belich recently concluded that with regard to the question of who 'won' the war: 'The least inaccurate [answer] is that Heke and Kawiti did.'[3] Yet Belich's conclusion were based on a comparison of casualties and matters of military tactics adopted during the war. The focus for the present report is the larger question of Ngapuhi attempts to exercise their own chiefly authority in line with a string of agreements with the British Crown. In this context, the Northern War represents a profound defeat for Ngapuhi understandings. That Kawiti and his followers were able to defend their territory and

[2] This table only covers Heke's and Kawiti's followers. The casualties of Waka Nene, Taonui, Tawhai and Repa are not included in this list.
[3] Belich, p. 70

people using brilliant and 'winning' military strategies becomes secondary to the fact that they were forced into fighting a defensive war against a numerically and technologically superior invading army. The impacts and losses for Ngapuhi were real and sustained.

The question of the peace-making process has also been used by Belich to argue that Maori did not lose the Northern War. Belich examines Grey's willingness to grant a free pardon to all involved in the war, and his corresponding unwillingness to push for land confiscation, as further evidence that Ngapuhi may not have lost the war, as Grey and deliberately claimed.[4] Again, however, such questions sit above the actual consideration of the justifications for, and impacts suffered in consequence of, the British attack on Ngapuhi dealt with in the present report. The fact remains that Grey's preference to conclude a northern peace which involved no punishment of Heke or Kawiti, had more to do with his much greater concerns to avoid a national Maori uprising, than it had to do with his concerns over the local balance of power in the north.

Ngapuhi suffered a full-scale attack against its people who had been accorded all the rights of British citizens under the Treaty of Waitangi. Ngapuhi have never received any acknowledgement that the war against them was wrong. They have received neither apology nor compensation for the wrongs committed against them. At the re-erection of the flagstaff in 1857, Maihi Te Kuhanga Kawiti, on behalf of Ngati Hine and Ngapuhi, made compensation gifts of the pole and land. The government on the other hand paid nothing. Yet, Ngapuhi lived with the consequences and impacts of the war under the shadow of an army of occupation. And the families of those chiefs who were involved in the conflict, have continued to live with a stigma that has been inflicted upon them first by the Crown and then by subsequent official histories that have failed to acknowledge the wrongful actions of the Crown in attacking Kororareka and attacking Ngapuhi.

[4] Belich, p. 65

REPORT BIBLIOGRAPHY

PRIMARY SOURCES

Unpublished Manuscripts and Archives

Alexander Turnbull Library, Wellington (ATL)

Admiralty Files (ADM)

Bennett, George, 'Journal 1838-45', MSS 1838, ATL

Bérard, Capt. André, 'Report of Captain Bérard Commanding the Station in New Zealand. Concerning the events which occurred in the Northern Districts of that Island between 4 July 1844, 31 January 1846', Translated Transcript, qMS 160, ATL

Blackburn, Henry, 'Journal', MS-0218, ATL

Bridge, Major Cyprian, 'Journal of Events of an Expedition to New Zealand Commencing 4 April 1845', MSS - Micro- 41, ATL

Burrows, Rev. Robert [Conjectured author], 'The War in the North 1845', MSS 948, ATL

'Journal Kept during Heke's War 3 March - 31 July 1845', Microfilm, MSS 425, ATL

Cotton, Rev. W.C., 'Journal 1841- June 1846', MSS 43-4, Microfilm, Dixson Library, copies in possession of Historic Places Trust, Waimate North, also AML & ATL

Cowan, James, 'Papers', Ms-papers-0039-41, ATL

Clarke Family, 'Letters', qMS-0469, Volume 7, ATL

Hamilton, J.W., 'Copy of a Memoranda Belonging to JW Hamilton, dated 6 June 1844 to 22 April 1845', MS-2302, ATL

Hobbs, John, 'Journal 1841 -48', Micro-MS-612-15, ATL

Selwyn, Bishop Augustus, 'Letterbook of Bishop Selwyn', qMS 1774, ATL

Sinclair, Andrew, Letters and Journals 1844 - 1856, MS 1947, ATL

Taylor, Richard, 'Papers', folder 2 'Letters and notes regarding Northern War', MS-0953, ATL

Weavell, John, 'Papers', MS-papers -1277, ATL

Wesleyan Missionary Society, ‘Letters’, MS 2624, folder 8, ATL

Williams Family, ‘Miscellaneous Letters and Journals 1822 -64’, Volume 2, qMS 226, ATL

Archives New Zealand, Wellington (ANZW)

Colonial Office Files (CO 209) relating to New Zealand

Executive Council Minutes (EXEC)

EXEC 1844 -46

Governor's (G) File Series

G 1 Inwards Dispatches

G 3 Inwards Dispatches (Military)

G 4 Inwards Dispatches (Circular)

G 16 Inwards Letters on Naval and Military subjects

G 19 Inwards Letters from Clergy

G 22 Register of Inwards correspondence

G 25 Outwards dispatches (Military)

G 30 Duplicate Outwards Dispatches

G 33 Outwards Letters to Military personnel

G 36 Miscellaneous Outwards correspondence

G 37 Outwards Letterbook of Governor’s Private Secretary

G 48 Classified Office Files

G 48/ 44 Waitangi File

Internal Affairs (IA) File Series

IA 1 General Inwards Correspondence

IA 2 Governor’s Memoranda

IA 3 Registers of Inwards Correspondence

IA 4 Outwards Letterbooks

IA 12 Bluebooks

Maori Affairs (MA) File Series

MA 13/ 80 Ruapekapeka Special File

MA 24/ 21 Miscellaneous Official Correspondence 1863 - 64

War Office (WO) File Series

WO 1/ 433-435 Despatches and Miscellaneous – Operations against Maori in New Zealand 1841 -45

Auckland City Library (ACL)

Anonymous [John White conjectured author]. 'An Account of Hone Heke's War in the North 1845-6', MSS 131, ACL

Clendon, James Reddy, 'Journal 1839-72', MSS 476, ACL

FitzRoy, Robert - Beckham, Thomas, 'Correspondence 1844-5', GNZ MSS 240 ACL

FitzRoy, Robert - Beckham, Thomas, 'Despatches 1844-5', GNZ MSS 245 ACL

FitzRoy - Grey, 'Letterbook, 30 August-11 November 1845', NZMSS 227, ACL

FitzRoy to Nene, 5 May 1845, NZMSS 290, ACL

Grey, George, 'Diary', GNZMSS 3, ACL

Grey, George,

Grey, George, Printed Collection, (GNZM)

Ko Nga Moteatea, Me Nga Hakirara o Nga Maori, Robert Stokes , Wellington, 1851, GNZM 32

Ko Nga Moteatea, Me Nga Hakirara o Nga Maori, Robert Stokes , Wellington, 1851, GNZM 231

Ko Nga Moteatea, Me Nga Hakirara o Nga Maori, Robert Stokes , Wellington, 1851, GNZM 235

Ko Nga Moteatea, Me Nga Hakirara o Nga Maori, (William Swainson's copy), Robert Stokes , Wellington, 1851, GNZM 252

Hattaway, Robert, 'Reminiscences of the Northern War', GNZ 995.32 H36, ACL

Johnston, John, 'Occasional Diary on New Zealand, 17 March 1840 to 28 April 1840', NZMSS 27, ACL

Mathew, Felton, ‘Papers 1840-1848’, NZMSS 88, ACL

Meurant, Edward, ‘Diary and Letters, 1 October 1842-23 July 1847’,Transcript, ACL.

‘Copy of Diary kept between 1st-9th October 1846’, MSS 205, AMLL.

‘Twenty Songs by the Nga Puhi tribe principally sung during the War in the North’, GNZMSS 62, also MSS 636, ACL.

Victoria, ‘Logbook of the Government Brig *Victoria*’, GNZMSS 20, ACL

Williams, Henry., 'Letter concerning the Northern War' A.L.S to George Clarke, 1 November 1844, MSS 309, ACL

Auckland Museum Library (AML)

Cotton, Rev. W.C., ‘Journal 1841- June 1846’, MSS 43-4, Microfilm, Dixson Library, AML

Mitchell, Cpl. John Richardson, ‘Diary of service, New Zealand (Northern) War, 1845’, MSS 1060, AML

Puckey, William, ‘Journals and Letters of the Rev William Gilbert Puckey 1831 – 1868’, MS 250, vol. 1, AML

Taylor, Richard, ‘Journal of Richard Taylor’, January 1st 1838 - July 7th 1844, Volume 2 (1 in MS), MS 302, AML

Whisker, Alexander, ‘Memorandum Book’, MSS 327, AML

Williams Algar, Collection, MS 91/75, Boxes, 1, 2, 3, 5, 6, 9, 10, 11, AML

Williams, Phillip L. B. "The Ohaeawai Story", Unpublished Manuscript, August 1979, MSS 1116, AML.

Williams, Marianne, ‘Journal’, MS 93/130, AML.

Auckland University Library (AUL)

Burrows, Rev. Robert, ‘Journal 1845’, CN/ M, 15, Microfilm, AUL

Church Mission Society, ‘Mission Books, Inwards Correspondence 1844-6’, CN/ M, vol. 13-16, CMS Microfilm, AUL

Kemp, James, ‘Journal 14 June - 31 August 1845’, CN/M, 15, AUL

Selwyn, George Augustus, 'Papers 1831 – 1909', AJCP, Original in SLNSW, Copy in AUL

Other Archives

Colonial Office, 'Transcripts of missing despatches from the Governor of New South Wales 1844-46', ML A 1267^{-8}, CY Reel 696, SLNSW

'Transcripts of despatches to the Secretary of State for Colonies', ML 1267 $^{-22}$, CY Reel 1550, SLNSW

McLerie, John, 'Return of Killed and Wounded in the actions with the enemy in New Zealand', May 1845 – June 1846, DL: MS F38, SLNSW

Shortland, Edward, 'Papers', MS 0489-1, HL

Shortland, Edward, 'Papers', MS-86B, HL

Published Manuscripts, Archives and Newspapers

Burrows, Robert, *Extracts from a Diary Kept by the Rev. R. Burrows During Heke's War in the North in 1845*, Auckland, 1886

Carleton, Hugh, *The Life of Henry Williams, Archdeacon of Waimate*, 2v., Auckland, 1874, 1877

Clarke, George [junior], *Notes on Early Life in New Zealand* , Hobart, J. Walch and Sons, 1903, pp. 67 - 70

Clisby, Br. Edward, *Letters From Oceania: Letters of the First Marist Brothers in Oceania, 1844 - 1846*, Auckland 1996

Brother Emery To Brother Francois, Bay of Islands, 14 September 1845, Lo 55

Coleman, James Noble, *Memoir to Reverend Richard Davis*, London, 1865

Davis, C.O., *The Life and Times of Patuone, the Celebrated Nga Puhi Chief*, Auckland, 1876

Despard, Henry, 'Narrative of an Expedition into the Interior of New Zealand, during the months of June and July, 1845, with some account of the attack on the Native fortress of OHaiowai, on the 1st of July, by the Troops under the command of Lieutenant Colonel Henry Despard, 99th Regiment, acting as Colonel on the staff', pp. 567-582, in *Colburn's United Service Magazine and Naval and Military Journal*, No. 213-6, August - November 1846, ATL

FitzRoy, Robert, *Remarks on New Zealand*, London, 1846

Great Britain Parliamentary Papers (GBPP), Parliamentary Papers relating to the Colony of New Zealand, Irish Univeristy Press (IUP), v. 1-7, 1968

Hattaway, Robert, *Reminiscences of the Northern War*, (appeared first as extracts in the *New Zealand Herald*, later published), Auckland, 1889

Maning, F.E., *Old New Zealand: A Tale of the Good Old Times and a History of the War in the North told by an old Chief of the Nga Puhi Tribe*, [1862] reprinted Auckland, 1987

Martin, S.M., *New Zealand; in a Series of Letters*, 1845

McKillop, Henry F., *Reminiscences of Twelve Months' Service in New Zealand, as a Midshipman, During the Late Disturbances in that Colony*, London, 1849 (Capper reprint 1973)

The Ordinances of New Zealand, Printed for the Colonial Government, Wellington, 1850

The New Zealand Advertiser and Bay of Islands Gazette, newspaper, ATL

The Southern Cross, newspaper, ATL
The New Zealander, newspaper, ATL

Thompson, A.S., *The Story of New Zealand. Past and Present- Savage and Civilized*, 2v., London, 1859

Webster, John, *Reminiscences of an Old Settler in Australia and New Zealand*, Southern Reprints, (undated)

Willliams, Henry, *Plain Facts Relative to the Late War in the Northern District of New Zealand*, Auckland, 1847

SECONDARY SOURCES

Published Books

Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830 – 1847*, Auckland University Press, Auckland, 1977

Barthorp, Michael, *To face the Daring Maoris: Soldiers' Impressions of the First Maori War 1845-7*, London, 1979

Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, 1986

Binney, Judith (et. al.), *Te Tangata me te Whenua. The People and the Land: An Illustrated History of New Zealand, 1820- 1920*, Wellington, 1990

Buick, T.L., *New Zealand's First War, or The Rebellion of Hone Heke*, Wellington, 1926

Cowan, James. *The New Zealand Wars. A History of the Maori Campaigns and the Pioneering Period*, 2v., Wellington, 1922

Garrett, Helen, *Te Manihera: The Life and Times of the Pioneer Missionary Robert Maunsell*, Auckland, 1991

Grey, George, *Ko Nga Whakapepeha me Nga Whakahuareka a Nga Tipuna o Aotearoa*, Cape Town, 1857

Kawharu, I.H. (ed.), *Waitangi. Maori and Pakeha Perspectives of the Treaty of Waitangi*, Auckland, 1989

King, Marie, *A Most Notable Anchorage: A Story of Russell and the Bay of Islands*, Kerikeri, 1992

Kennett, Peter, *Unsung Hero: Barzillai Quaife*, Dunmore Press, Palmerston North, 1991

Kenny, Robert, W. (ed.), *The New Zealand Journal 1842 – 1844 of John B. Williams of Salem Massachusetts*, Peabody Museum of Salem, Maine, 1956

Lee, Jack, *Hokianga*, Auckland, 1987

Lee, Jack, *I have named it Bay of Islands*, Auckland, 1983

Lloyd Pritchard, M.F., *An Economic History of New Zealand to 1839*, Collins, Auckland, 1970

McKeefry, Peter (ed.), *Fishers of Men*, Wellington 1938

Moon, Paul, *Hone Heke: Ngapuhi Warrior*, Auckland, 2001

Oliver, W.H (ed.), *The Oxford History of New Zealand*, Auckland, 1981

(ed.). *The Dictionary of New Zealand Biography Volume One, 1769-1869*, Wellington, 1990

Orange, Claudia, *The Treaty of Waitangi*, Wellington, 1987

Rutherford, John, *Hone Heke's Rebellion 1845-6. An Episode in the Establishment of British Rule in New Zealand*, Auckland, 1947

Ryan, Tim and Parham, W.H., *The Colonial New Zealand Wars*, Wellington, 1986

Sahlins, Marshall, *Islands of History*, Chicago, 1985.

Sissons, J (et. al.), *The Puriri Trees are Laughing. A Political history of Nga Puhi in the Inland Bay of Islands,* Auckland, 1985.

Vincent, Benjamin (et al.), *Haydyn's Dictionary of Dates*, 13th edition, London, 1868

Walker, Ranginui, *Ka Whawhai Tonu Matou. Struggle Without End*, Auckland, 1990

Ward, Alan, *A Show of Justice. Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1973

Wards, Ian, *The Shadow of the Land, A Study of British Policy and Racial Conflict in New Zealand*, Department of Internal Affairs, Wellington, 1968

Wilson, Ormond, *From Hongi Hika to Hone Heke: a quarter century of upheaval*, John McIndoe, Dunedin, 1985

Kororareka and Other Essays, Dunedin, 1990

Reports, Articles and Theses

Ashcroft, K.A.R., 'The Northern Account of the Flagstaff War: Another Account', Unpublished Research paper, Waiouru, 1992

Ballara, Angela, 'Warfare and Government in Nga Puhi Tribal Society: 1814 – 1833', MA Thesis, Auckland, 1973

Binney, Judith, 'The Maori and the Signing of the Treaty' in *Towards 2000*, Wellington, 1990

Challis, Aidan J., 'The location of Heke's Pa, Te Kahika, Okaihau, New Zealand: a field analysis', *New Zealand Journal of Archaeology*, 12, 1990, pp. 5-27

Colquhoun, David, '"Pakeha Maori" The Early Life and Times of Frederick Edward Maning', MA Thesis, Auckland, 1984

Cowie, Dean, '"To Do All the Good I Can." Robert FitzRoy: Governor of New Zealand, 1843-45', MA Thesis, Auckland, 1994

Daamen, Rose, Hamer, Paul, and Rigby, Barry, *Rangahaua Whanui District One: Auckland*, Volume 1, Waitangi Tribunal, July 1996

Davidson, Janet (et.al.), 'Ruapekapeka Pa: Management Report', 1986, Department of Lands and Survey

Daamen, Rose, *Rangahaua Whanui National Theme D: The Crown's Right of Pre-Emption and FitzRoy's Waiver Purchases*, Waitangi Tribunal, August 1998

Every, Annette Julia. 'The War in the North 1844-6', MA Thesis, Auckland, 1940

Henare, Manuka, 'The Changing Images of Nineteenth Century Maori Society - From Tribes to Nation', PHD Thesis, Victoria University, 2003

Kawiti, Kirihi Te Riri Maihi, to Editor of Journal of Polynesian Society (JPS), *Journal of Polynesian Society*, Vol. 62, No. 1, March 1953, pp. 85-7

Kawiti, Tawai, 'Heke's War in the North', *Te Ao Hou*, 16 October 1956, pp. 38-46

Martin, Kene Hine Te Uira, 'Kawiti, Te Ruki' in *The Dictionary of New Zealand Biography*, I, Wellington, 1990, pp. 219-221

O'Malley, Vincent, 'Northland Crown Purchases, 1840 – 1865', Draft Report, May 2006

Phillipson, Grant, 'Bay of Islands Maori and the Crown, 1793 – 1853', Exploratory Overview Report for the CFRT, August 2005

Pugsley, Chris, 'Walking Heke's War: The Sack of Kororareka, 11 March 1845', *New Zealand Defence Quarterly*, 1, Winter 1993, pp. 12- 17

'Walking Heke's War: The Battle of Puketutu, 8 May 1845', *New Zealand Defence Quarterly*, 2, Spring 1993, pp. 26- 31

'Walking Heke's War: The Attack on Heke's "much dreaded Pah" at Ohaeawai, 1 July 1845', *New Zealand Defence Quarterly*, 3, Summer 1993, pp. 34- 8

Pugsley, 'Walking Heke's War: The Battle for Ruapekapeka - Victory or Defeat?', *New Zealand Defence Quarterly*, 4, Autumn 1994, pp. 28-33

Shawcross, K., 'Maoris of the Bay of Islands, 1769 – 1840', MA Thesis, Auckland, 1967

Wyatt, Philippa, ‘The Old Land Claims and the Concept of "Sale": A Case Study’, MA Thesis, Auckland, 1991