

**WAI-1750  
North-Eastern Bay of Plenty District Inquiry**

**WAR AND RAUPATU  
1840-1871 REPORT**

**Responses to  
Questions of Clarification**

**7 November 2024**

**Tony Walzl  
WALGHAN PARTNERS**

<b>RECEIVED</b> Waitangi Tribunal
<b>7 Nov 24</b>
Ministry of Justice WELLINGTON

## *Responses to Questions from Te Mata Law*

Source	Quote from report	Question(s)
Para 3.57, page 334.	<p>The [New Zealand Settlements] Act provided for a four-stage process as described by the Taranaki Tribunal:</p> <ol style="list-style-type: none"> <li>i. To declare, before 4 December 1867, districts where land could be taken on account of the rebellions. The declaration was to be effected by executive discretion without the need for an independent inquiry. More particularly, the Governor, once satisfied that ‘any Native Tribe or Section of a Tribe or any considerable number therefore’ had ben ‘engaged in rebellion against Her Majesty’s authority’ since 1 January 1863, could declare their land a district under the Act.</li> </ol>	<ol style="list-style-type: none"> <li>1. What evidence was required for the Crown (whether by way of executive or Governor) to declare a hapū or other group as having been in rebellion?</li> </ol>

The information presented at para 3.57 on the New Zealand Settlements Act appears in a subsection of the report entitled “The Context of Confiscation.” As the name suggests the aim of this subsection is to provide contextual information on confiscation law and policy as it emerged from 1861 and before the time that land was taken within the Inquiry District. To provide this context a desktop review was done of authorities that had provided information on the history of confiscation. As indicated in the footnote referencing, it is the findings of various panels of the Waitangi Tribunal that have been relied on to provide this information. The subject of confiscation law and its development from 1861 was not the focus of primary research. Instead, primary research in the report on confiscation legislation focused on the way it developed and was applied in relation to the Inquiry District during the 1865 to 1866 period. Therefore, the following answer is based only on my further supplementary reading undertaken to answer this question. Given the timeframe, it is, at best, only preliminary.

The requirement for the Governor to be satisfied that a group had been in rebellion was contained within Section 2 of the Act. The Tauranga panel of the Waitangi Tribunal considered the definition of rebellion. During the hearing it had been proposed that Section 5 (the purpose of which was to identify those who were not entitled to receive compensation for the taking of their land under other provisions of the Act) also effectively provided a definition of rebellion. The Tribunal accepted this proposition.<sup>1</sup> Section 5 identified the following groups of people:

- (1) Who shall since the 1st January 1863 have been engaged in levying or making war or carrying arms against Her Majesty the Queen or Her Majesty’s Forces in New Zealand or—
  
- (2) Who shall have adhered to aided assisted or comforted any such persons as aforesaid or—
  
- (3) Who shall have counselled advised induced enticed persuaded or conspired with any person to make or levy war against Her Majesty or to carry arms against Her Majesty’s Forces in New Zealand or to join with or assist any such persons as are before mentioned in Sub-Sections (1) and (2) or—

---

<sup>1</sup> Waitangi Tribunal, *Te Raupatu o Tauranga Moana: Report on the Tauranga Confiscation Claims*, (Wai 215) Wellington, Legislation Direct, 2004, p.110

(4) Who in furtherance or in execution of the designs of any such persons as aforesaid shall have been either as principal or accessory concerned in any outrage against person or property or—

(5) Who on being required by the Governor by proclamation to that effect in the Government Gazette to deliver up the arms in their possession shall refuse or neglect to comply with such demand after a certain day to be specified in such proclamation.

The Waitangi Tribunal also has recorded an expectation that for the Governor to be satisfied that a group was in rebellion, (and therefore, the provisions of the Act be applied), there did need to be specific evidence showing that this was the case. In Taranaki, for example, the Tribunal panel recorded the following view:

By section 2, the Governor was to be satisfied that the tribes of an area or a considerable number of them were in rebellion before their land was included in a confiscation district. We would expect some evidence of the information the Governor had before him and on which he relied in order to apply his mind to the facts. We can find no evidence that he ever had such information. It appears that any inquiry was fleeting and that the Governor was not aware of the true position. The lands of several northern hapu were included - Ngati Tama, Ngati Mutunga, and various hapu of Te Atiawa, for example - but the war had not reached their areas....

The evidence suggests that the Governor simply defined an area, being all the land for several miles inland from the whole coast... In brief, the confiscation districts bore no relationship to the theatre of the second war or to tribal aggregations according to appropriate geographic divisions.<sup>2</sup>

Therefore, it appears that the Tribunal has held that the type of evidence needed to put the Act into effect was that which shows the presence of behaviours and activities listed in Section 5. It also appears, that rather than a broad assumption being held that these behaviours and activities had taken place, there needed to be specific inquiry and actual information that such was the case. Furthermore, the information needed to be sufficiently specific in relation to the people and area involved to ensure its accuracy.

---

<sup>2</sup> Waitangi Tribunal, *The Taranaki Report Kaupapa Tuatahi*, (Wai 143), Wellington: Legislation Direct, 1996, pp.127-128

Para 3.104, page 355.	Increasingly, therefore, in the press, Ōpōtiki Māori were being labelled and associated with ‘rebellion’.	2. Did your research discover any evidence of impacts on Ōpōtiki Māori — for example, with regard to their reputation, trade, economic activity, etc. — at the time, as a result of the misinformation printed in the press? 3. Is there any indication that this characterisation was perceived at the time as a stigma by those Ōpōtiki Māori whom it was applied to?
Para 3.105, pages 355–356.  (See also paras 3.106–3.109)	Rumours swelled to such a level that in an editorial of the <i>New Zealand Herald</i> of 8 April 1864, it was proposed that a firing incident that had taken place upon Durham redoubt in Tauranga six days earlier on 2 April from the range of a mile and a half did not actually come from local Māori but from Ōpōtiki Māori. Having recorded the view provided the editor with an opportunity to present a diatribe of half-truths and hyperbole. The significance of this editorial, is that Ōpōtiki were firmly labelled as being a centre for ‘rebellion’.  Of course, the editorial was reprinted around the country.	

These paragraph references [3.104-3.109] all refer to a period from March to April 1864. Throughout this year, having received the letter from Waikato on Christmas Day 1863 asking for assistance and reinforcements, there had been turmoil at Ōpōtiki as the people debated and considered whether to comply with the request.

During this time, traders were “detained” for a fortnight [3.136] after which they left Ōpōtiki thereby bringing trade to an end. [3.138] Before this, in February 1864, within the context of making preparations for war, Ōpōtiki Māori had sold all their vessels [3.96].

So it appears that it was not the labelling of Ōpōtiki Māori as ‘rebels’ that impacted on trade and economic activity but instead the effects arising from the ongoing onset of war.

As for whether Ōpōtiki Māori being characterised as ‘rebels’ was seen by them as a stigma, there is little or no information at this time coming out from Ōpōtiki Māori that could be used as a guide to their views on being so labelled.

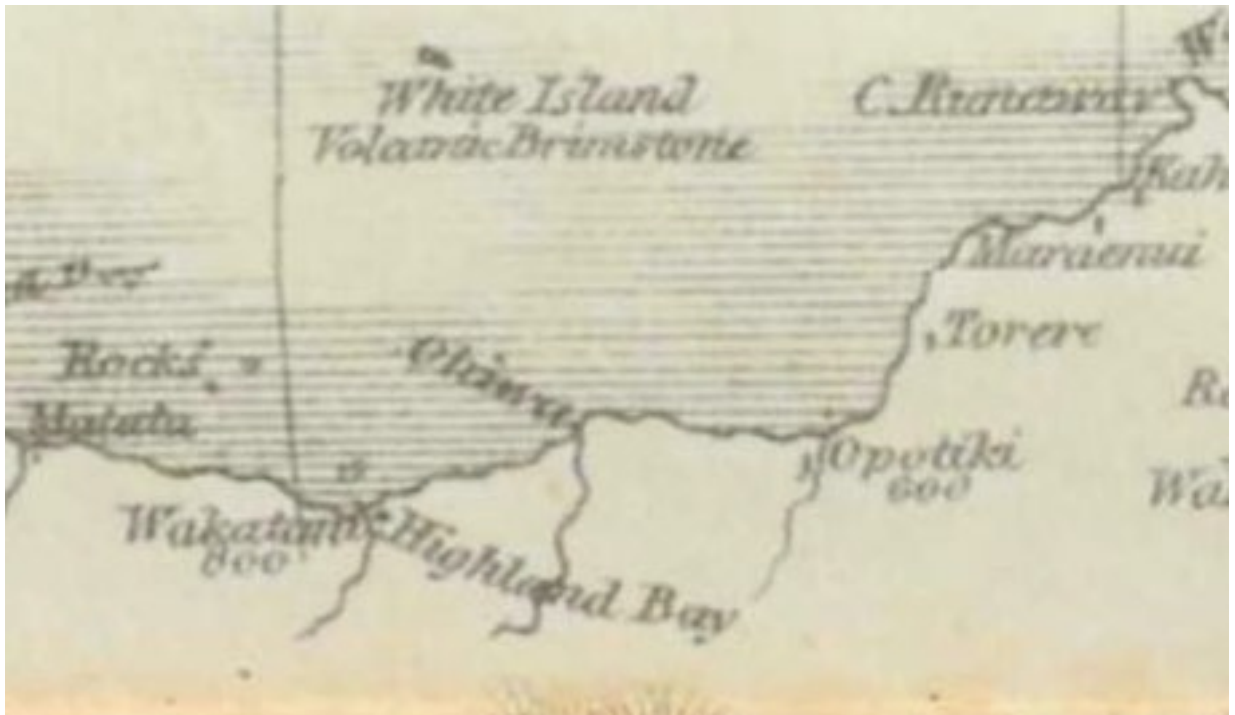
*Responses to Questions from Crown Counsel*

1. **Paragraph 1.30 on page 41:** *The author writes:*  
  
... Wilson produced the following map indicating that a larger population resided in the district.  
  
2. *Is the author able to provide a copy of the map referred to?*

Here is the map in full:



Here is close up of the map where it records 600 at Ōpōtiki and 800 at Whakatane:



3. **Paragraph 1.78 on page 57:** *The author writes:*

*... the request to draw up the deed came from Whakatōhea at Ōpōtiki.*

4. *Can the author please clarify, did Bishop Pompallier record that the request came from “Whakatōhea at Ōpōtiki”?*

In the record of Pompallier’s visit to Ōpōtiki in March 1840, the words “Whakatōhea at Ōpōtiki” are not recorded. “Whakatōhea at Ōpōtiki” at para.1.78 is a summary phrase used by me to describe the people with whom the Bishop interacted during his visit.

The two quotes in the report of Pompallier’s record of his visit appear after paras. 1.72 and 1.73 respectively as follows:

As soon as I arrived at this place I commenced to instruct the people in the principal truths of religion and the morning and evening prayers, and they learnt them and the sign of the cross with much diligence and promptness. The tribe of Opotiki consists of nearly seven hundred natives, and I registered on my list of converts to the Catholic Church about six hundred and sixty of them. Before leaving Opotiki I celebrated Holy Mass in the church made of reeds, and I baptized a little child of one of the greatest chiefs, giving her the name of Mary.<sup>3</sup>

Before my departure from their tribe these people asked me to draw up a written deed, by virtue of which the possession of their lands would be made common to them all, and in such a manner that it would be unlawful for any one, no matter who, to sell the smallest portion. This deed further provided that they should furnish sufficient land for the necessities of the Catholic worship.<sup>4</sup>

These passages indicate:

- that Pompallier is at Ōpōtiki.
- that “The tribe of Opotiki consists of nearly seven hundred natives”
- that the request to draw up a deed came from that tribe and was recorded as follows: “Before my departure from their tribe these people asked me to draw up a written deed”

---

<sup>3</sup> Jean Baptiste Pompallier, *Early History of the Catholic Church in Oceania*, Auckland, H.Brett, 1888, p.66

<sup>4</sup> Ibid

5. **Paragraphs 1.43 and 1.48 on pages 47 and 48:** *The author excerpts passages of the journal of Wilson in which Wilson refers to “the river”. Can the author please clarify whether Wilson records the name of “the river” he was referring to?*

There are three versions of journal documenting the events that occurred at Ōpōtiki when Wilson visited there in December 1839 to January 1840. One of these is a version of the journal that Wilson presented to the Old Land Claims Commission covering the period 1<sup>st</sup> to 17<sup>th</sup> January and in the four entries there is no mention of the word “river”. [See p.127] The other two versions of the journal which do mention “river” are those produced in my supporting papers:

- 1839-1840 Journal (MSS 5512-02)
- Letters of the Reverend Wilson, (qMS-2276)

The following are all the reference where “river” is mentioned by Wilson during his visit:

- **1839-1840 Journal (MSS 5512-02)**

Jan 1: “Left with the principal chief, and others to see the land on the western side of the river.”<sup>5</sup>

Jan 2: “Went with a second party to the eastern side of the river.”<sup>6</sup>

Jan 8: “Today made choice of a place for the station. It is on the western side of the river, and about three quarters of a mile from the great Pa. It is a healthy and fine position gradually elevated above the river two hundred feet, and some four hundred yards from it. It has a fine view of the Bay...”<sup>7</sup>

- **Letters of the Reverend Wilson, (qMS-2276)**

Jan 1: “Left in a canoe with the principal chief and a number of others to inspect a piece of land on the Oiwa [sic] side of the river.”<sup>8</sup>

Jan 2: “Went with a second party to see the opposite side of the river.”<sup>9</sup>

Therefore, in answer to the question, Wilson does not name the river he is referring to.

---

<sup>5</sup> 1 Jan 1840, Journal, John Alexander Wilson, ATL, MSS 5512-02, Supporting Papers p.858

<sup>6</sup> 2 Jan 1840, Journal, John Alexander Wilson, ATL, MSS 5512-02, Supporting Papers p.858

<sup>7</sup> 8 Jan 1840, Journal, John Alexander Wilson, ATL, MSS 5512-02, Supporting Papers pp.864-865

<sup>8</sup> 1 Jan 1840, Journal, Letters of the Reverend Wilson, ATL qMS-2276, p.178, Supporting Papers p.924

<sup>9</sup> 2 Jan 1840, Journal, Letters of the Reverend Wilson, ATL qMS-2276, p.178, Supporting Papers p.925



6. **Paragraph 1.157 on page 91:** *The author writes:*
- ... and subsequent deeds signed sometime in the first half of March 1865.
7. *Should “1865” be “1840”?*

Yes. “1865” should be “1840”

8. **Paragraph 1.223 on page 124:** *The author refers to “consideration of available online dictionary information”.*
9. *Which online dictionary sources were consulted by the author?*

The exact online dictionary sources that were consulted can not be recalled. However, I present the following online dictionary definitions to show why I made the statement at para 1.223 “when used in the context of documentation, the words “filled up” and “filled in” are near synonymous in common usage although they had some nuanced differences.”

- ***Filled Up***

- (*transitive*) to complete (a form, application, etc)  
[<https://www.collinsdictionary.com/dictionary/english/fill-up>]
- to become completely full; to make something completely full  
[[https://www.oxfordlearnersdictionaries.com/definition/english/fill-up\\_1](https://www.oxfordlearnersdictionaries.com/definition/english/fill-up_1)]

- ***Filled In***

- To write information in (a blank space, as on a form)  
[<https://www.thefreedictionary.com/filled+up>]

10. **Paragraph 2.43 on page 183:** *The author writes:*

*... Wilson's words indicate the incident occurred in November. If this is the case, then he would not have been an eyewitness to events as he arrived back at Ōpōtiki only after the middle of December.*

11. *In paragraph 2.33 on page 180 the author states that "In December 1841, Wilson visited Tauranga and returned to Ōpōtiki on 18 December 1841". Could the author clarify where they understand Wilson was in November 1841?*

Having reviewed the evidence for Wilson's movements in 1841, I find the following:

*From Wilson:*

- Wilson wrote that he was in Ōpōtiki on 9 March making payments for land
- 20 March, Wilson went from Tauranga to the Bay of Islands having heard his sister had arrived there
- Wilson waited in the Bay of Islands until August when his sister arrived "shortly after which I returned to Tauranga"
- "In the beginning of Novr. Again left for Opotiki"<sup>10</sup>
- "On the 12<sup>th</sup> of Jany/ I returned to Tauranga."<sup>11</sup>

*From Brown:*

- "18th. — Messrs Wilson & Stack left - the former for Opotiki, the latter for Poverty Bay."<sup>12</sup>  
[There is no other mention by Brown of Wilson being in Tauranga during November or December. Brown was away much of the time, however, at Rotorua, Thames and Auckland. He returned to Tauranga on 11 December]

Considering the above, it appears that I missed that Wilson left Tauranga for Ōpōtiki in the beginning of November. On the other hand, Wilson's journal noted above does not record that he made a trip back to Tauranga at some time. This must have occurred for Brown to subsequently record Wilson again leaving Tauranga for Ōpōtiki on 18<sup>th</sup> December.

In summary, then:

- Wilson went from Tauranga to Ōpōtiki in the beginning of November 1841
- At some point, either in November or December, he returned to Tauranga
- On 18 December Wilson again went from Tauranga to Ōpōtiki

---

<sup>10</sup> [No date], Journal, Letters of the Reverend Wilson, ATL qMS-2276, p.178, Supporting Papers p.916

<sup>11</sup> [No date], Journal, Letters of the Reverend Wilson, ATL qMS-2276, p.178, Supporting Papers p.917

<sup>12</sup> 18 Dec 1841, Journal entry, Alfred Nesbitt Brown, *The Journals of A.N. Brown, C.M.S. Missionary Tauranga*, Tauranga, Elms Trust, 1990 p.4

In my report, without having picked up the early November trip from Tauranga to Ōpōtiki, I concluded that Wilson was not an eyewitness to the serious dispute that took in Ōpōtiki between CMS and Roman Catholic adherents. With this new information having become available, this statement needs to be revised.

We do not have a date for the dispute other than “Toward the close of the spring” which in my report led me to broadly assume it was a reference to November, the final month of spring. Making this assumption was safe as I believed at the time that Wilson was only in Ōpōtiki in March and then from December. With the new information, it is clear that he also was there at some time early in November too. If the dispute occurred before November, then Wilson was not an eyewitness. If it occurred in November, then possibly Wilson was an eyewitness. Nevertheless, it is still possible the dispute could have occurred during the time that Wilson was back in Tauranga and before he returned on 18<sup>th</sup> December.

12. **Paragraph 2.60 on page 190:** *The author writes:*

*... a 10 November 1846 letter ... In the same letter, Wilson also reported that the mission for which he had been responsible for 11 years ...*

13. *Can the author clarify if the figure of “11 years” is accurate, given the CMS mission in Ōpōtiki was established in March 1840? In relation to this, it is also noted that the 6 January 1846 letter of Brother Claude Marie quoted by the author in paragraph 2.69 on page 193 of the report states: “... an Anglican named Wilson. He has been here for more than 12 years”.*

To answer this question, I began by reviewing the original sources. I found that the date of the 6 January 1846 letter of Brother Claude Marie is accurately recorded.<sup>13</sup> In relation to Wilson’s letter, however, there is some ambivalence about the date which I had already dealt with in my report.

As noted in the report, there are several questions in relation to the source material that has survived for Wilson. In some cases there are different versions of letters or journal entries where the date is the same but the wording of the records can differ to some extent. In the case of the 10 November 1846 letter from Wilson, which is noted in the question above, there is another companion letter that deals with the same subject matter (with some degree of different wording) but which carries a date “Jan 1850”.

At footnote 527 of my report I consider the two letters. The 10 November 1846 is a typed letter from the qMS collection of Wilson material. The “Jan 1850” is a manuscript version. The subject matter of the two letters relates to the way in which Whakatōhea were viewing the Northern War. The quote from Wilson that is used at para 2.293 is as follows: “In this district (the Bay of Plenty) the people are perfectly quiet and the war at the Bay of Islands (as yet) has uninfluenced them to join either side.” As explained in footnote 527, this quote comes from the manuscript “Jan 1850” letter.<sup>14</sup> As also noted in the footnote, there is a problem with this dating of the letter at it is five years after the Northern War occurred (which was fought between 11 March 1845 and 11 January 1846) and yet Wilson is writing of the war as a current event. Given this, I concluded the “Jan 1850” date was incorrect and that the alternate 10 November 1846 date was the correct date for the “Jan 1850” letter.

The question that is now being asked raises the issue again about which date is correct for the two versions of the letter about the Northern War but it is coming from another point of reference – the year in which the CMS mission at Ōpōtiki was founded and whether it could be 11 years prior to the letters that had been written. Coming from this point of reference, the choice of a date of ‘Jan 1850’ as the correct date for the letter would make sense of Wilson’s record that he had been responsible for the station for 11 years at it was founded in 1839. This dating, however, would then be out of kilter with the content of the letter providing current information about the Northern War.

---

<sup>13</sup> 6 Jan 1846, Claude Marie to the Hermitage, Clisby 061, located at [mariststudies.org](http://mariststudies.org)

<sup>14</sup> The qMS 10 November 1846 letter has the following version of this statement: “You will be glad to find that the natives of this district are perfectly quiet and that the turmoil at the Bay of Islands has had no evil influence on their conduct.” The 1850 version was chosen to be included in the report as it is only in this version that Wilson specifically writes about the question of Whakatōhea not picking a side to join.

There is a possible explanation. In my report, (para 2.18), I note that, within the context of an autobiography that was being compiled, there is evidence that rather than provide documents that were contemporary to the events they described, Wilson undertook a project of recreating documents based on his memory of events. Wilson therefore may have been recreating his 10 November 1846 letter about the events of the Northern War. Possibly, he was doing this during January 1850 and got confused. This may explain the use of the non-specific date of “Jan 1850” for the letter as well as a possible slip of the pen reflecting that he had been at the Ōpōtiki mission for 11 years which would be correct in 1850.

There is a problem, however. While the speculation above may offer some sort of possible explanation for Wilson’s record of the time spent at the station, it does not account for Brother Claude Marie’s 6 January 1846 record that put Wilson at his mission for “more than 12 years”.

Is there instead a possibility Wilson was in fact associated with Ōpōtiki that long? If both letters (Wilson’s and Claude Marie’s) are from 1846, and they record an 11-12 year mission at Ōpōtiki, a date of 1834 or 1835 would need to be considered. The CMS Ōpōtiki station was not set up until 1839 but is it possible that Wilson was visiting Ōpōtiki before he set up the station?

As noted at para 1.31 of the report, Wilson arrived at the Bay of Islands from England in April 1833. It was later in that year that Wilson opened a mission station at Puriri on the Hauraki plains. The following year, Wilson, with Rev. Alfred Nesbitt Brown established a mission station at Matamata. It was not until 1836 Wilson and William Wade went to Te Papa Mission, in Tauranga. Later in the year, Wilson and Thomas Chapman established a mission station in Rotorua. Local inter-iwi troubles led to both the Rotorua and Matamata stations being abandoned with the missionaries moving to Tauranga. By March 1837 they had left that station as well and returned to the Bay of Islands.

Given that Wilson was at Tauranga and Rotorua in 1836, and then at Tauranga from 1837 it is possible that he visited Ōpōtiki from this time and that he was regarded as responsible for the people there. If so, no specific record has been located of this occurring.

14. **Paragraph 2.158 on page 229:** *The author writes:*

*... who made up 27% of the population both at Ōpōtiki and across the Inquiry District.*

15. *This percentage appears to be derived from the figures recorded in paragraph 2.218 on page 213, is that correct?*

It is correct that the percentage is derived from the figures as follows:

Total population:	1,127	(viz: 84 @ Waiotahi; 809 @ Ōpōtiki; 234 @ Tunapahore)
Non-Christian:	304	(viz: 13 @ Waiotahi; 220 @ Ōpōtiki; 71 @ Tunapahore)

16. **Paragraph 2.348 on page 312:** *Should the final word of this paragraph be “gunpowder”?*

Apologies for the glitch that appears at the end of the paragraph. Yes, the final words of this paragraph would be “gunpowder.”

17. **Paragraph 3.71 on page 340:** *The author quotes Reverend Völkner’s report in which he wrote:*

*... the different tribes of this district have each written to the Governor and two of them have sent deputations to His Excellency to assure him they have no intention of joining in the present war.*

18. *Has the author located copies of the letters referred to by Reverend Völkner or records of the meetings with the Governor?*

No, unfortunately, the letters or records of deputations as mentioned by Völkner were not discovered by me in the time period available for this research project.

19. **Paragraph 3.154 on page 380:** *The author writes:*

*These letters, and the preparedness of Völkner to communicate with the Government ... were one of the reasons cited to explain Völkner's later killing.*

20. *Could the author clarify who is referred to here as giving reasons to explain Völkner's killing, and when this explanation was given?*

After Völkner's killing, on 5 March 1865, while Grace and Levy were still being held captive, Patara held a public "enquiry" (according to Levy) or "trial". Partly this was to justify the killing, partly it was to be used as a basis to determine the future of the prisoners.

According to Grace, one of charges brought against Völkner was "His going to Auckland as a spy for the Government." The witness who spoke to this was "Timothy". As noted in the report:

The witness for the first charge was named Timothy, formerly a native teacher. He said that Karawera (Father Garavel)<sup>15</sup> I conclude he meant had told them that they would all be "mate"<sup>16</sup> (dead) through Mr. Volkner's going to and fro from Auckland to take "korero" (talk) to the Governor.<sup>17</sup>

The other two reasons given at the trial were recorded by Grace as being:

2nd. A cross had been found in his house, and therefore he was a Romanist and a deceiver.

3rd. He returned to Opotiki, after having been told to remain away.

Grace noted the second charge "broke down" suggesting that witnesses did not come forward to substantiate the charge. In relation to the third charge, Grace recorded:

3rd. Several witnesses said, that they had told Mr. Volkner not to return. I was able, from their own remarks, to show that no committee had been held to tell him to stay away, but only a few separate individuals. Patara very cleverly, in winding up, tried to make it appear that he should have stayed away, because he knew we were at war; but he did not say he justified the murder. I think he regretted it.

Reasons for the killing of Völkner were also recorded in an 11 March article in the *Daily Southern Cross*:

The natives give two reasons for Mr. Volkner's murder. One of these is a special reason, and one is general. The special reason is that the Opotiki

---

<sup>15</sup> In the AJHR and MSS account the name is spelt correctly. In the published account a typographical error is made "Galavel"

<sup>16</sup> "Mate" is the word in the AJHR and MSS account. In the published account an error is made with the word being recorded as "endte"

<sup>17</sup> Quotation following para 3.381 at p.488

natives had been told that Mr. Volkner reported to the Governor that they were carrying on a secret correspondence with the rebels, through an agency which, for the present, we refrain from mentioning. The general reason is this: that they attribute the war to the missionaries. They say they came first to the country and bought land; that the Government came next, and the missionaries used their influence to buy land for the Government; and that from this cause the present war sprang. The fanatics declare, therefore, that they will murder all missionaries.<sup>18</sup>

A further article from the *Daily Southern Cross* appeared two days later:

We have already informed our readers that the reason given by the Opotiki natives for the murder of Mr. Volkner was that he had informed the Government that they were in secret correspondence with the rebels. We do not know whether such a correspondence took place, or if it did whether the information of it was so given;<sup>19</sup>

In my report, it is suggested that the belief that Völkner's spying was a reason for his killing became widely held. This is referred to in a statement made in Parliament by the Native Minister: [para 4.385]

It appears that the accusation of Völkner being a spy was well known of. During debates in the 1865 session of Parliament the Native Minister Fitzgerald noted: "In the case of the Rev. Mr. Volkner, it was not to be denied that, in the opinion of the Natives, Mr. Volkner had been doing things which made him a partisan to the operations of the troops". Although the Minister acknowledged that this meant Māori saw Völkner as a legitimate target within their view of warfare, Fitzgerald still chose to see Völkner as an "unarmed men not on military service".

Aside from spying, as noted in the 11 March article quoted above, one of the reasons given for Völkner's killing was the general view held within Pai Mārire that missionaries were in league with the Crown to acquire land and that this was part of "the deception practised upon our Island by the Church". This information was communicated to the Government in a 6 March letter from "The Committee of Ngatiawa, Whakatohea, Urewera, Taranaki".<sup>20</sup>

A further reason for Völkner's killing that emerged as a generally held belief was that Father Garavel had been deported (some believed killed) because of Völkner reporting to the Government on the letter that Garavel brought to Ōpōtiki on Christmas day 1864.<sup>21</sup>

---

<sup>18</sup> 11 Mar 1865, *Daily Southern Cross*, p.4 quoted in report at para 4.74, p.550

<sup>19</sup> 13 Mar 1865, *Daily Southern Cross*, p.4 quoted in report at para 4.76, p.551

<sup>20</sup> 6 Mar 1865, the Committee to the Government, Encl.2 to No.5, AJHR 1865 s.I E5, pp.9-10 quoted in report at para 3.395, p.494

<sup>21</sup> See para 4.233, pp.612-613 & para 4.386 p.673



21. **Paragraph 3.156 on page 381:** *The author writes:*

*There is no record of a reply and research to date has not found reference to the letters in a way that specifically reflects they affected events or decisions.*

22. *Could the author clarify whether they located any records of Governor Grey or officials referring to Reverend Völkner's letters?*

Again, unfortunately, within the time period available for this research project I was not able to locate records from Governor Grey or officials referring to Reverend Völkner's letters. I did make some attempt to do so, especially as the letters are sitting in the Governor's archival collection, but I was not successful. It is very possible, however, that there is some material located somewhere in the archives as the communication between Völkner and the Governor (as noted above) seems to be public knowledge.

23. **Page 460:** *Here and elsewhere in the report the author refers to the "arrest" and "execution" of Reverend Völkner. Could the author please clarify the intended meanings of "arrest" and "execution" in this context?*

I recall that during the writing of the report, I gave particular consideration to these two words and whether it was appropriate to use them given the available facts. I decided that it was. As part of this process I also recall considering dictionary definitions. I am a little surprised that I have not left a record in the report of the process of consideration I undertook and the dictionary definitions I relied on. Therefore I present the online dictionary definitions that would have informed my decision to use these words.

- **Arrest**

*Verb*

- to use the power of the law to take and keep (someone, such as a criminal) [<https://www.britannica.com/dictionary/arrest>]
- to deprive (a person) of liberty by taking him or her into custody, esp under lawful authority [<https://www.collinsdictionary.com/dictionary/english/arrest>]
- seize, capture. *specifically* : to take or keep in custody by authority of law [<https://www.merriam-webster.com/dictionary/arrest>]

*Noun*

- the act of legally taking and keeping someone (such as a criminal) : the act of arresting someone [<https://www.britannica.com/dictionary/arrest>]
- the act of taking a person into custody, esp under lawful authority [<https://www.collinsdictionary.com/dictionary/english/arrest>]

- the taking or detaining in custody by authority of law  
[<https://www.merriam-webster.com/dictionary/arrest>]
- **Execution**
- the act of killing someone especially as punishment for a crime  
[<https://www.britannica.com/dictionary/execution>]
- the carrying out or undergoing of a sentence of death  
[<https://www.collinsdictionary.com/dictionary/english/execution>]
- a putting to death especially as a legal penalty  
[<https://www.merriam-webster.com/dictionary/execution>]

In both the definitions for “arrest” and “execution” there is an association with the actions being done with a legal context and according to law. The use of these words in the report, therefore, is to reflect the laws that were put in place by Pai Mārire when they came to Ōpōtiki. These included an aukati that none were to come to Ōpōtiki. Völkner and those others on the *Eclipse* unwittingly broke this law when they arrived.

The word “arrest” was not used in contemporary source material. As for Völkner’s death, the words often used in source material simply were “murder” or “killing”. While this is how it would seem to many at the time, having considered the events that had occurred I felt these words were not accurate. Use of “murder” would reflect a subjective evaluation while “killing” gave the impression of an imposed death without cause.

There are a few examples in source material where “execution” was the word used to describe Völkner’s death.

- [p.467] “[Hautakuru: 1871 evidence] “Kereopa ordered him to be taken to the place of execution; the words used —"Come, some people, and lead Mr Volkner away to kill him." Kereopa and all the people led him away, (the Taranaki people).””<sup>22</sup>
- [para 4.72, p.550] [11 March, the *Daily Southern Cross* article] “His [Völkner’s] death had been determined on before his arrival and preparations made for his execution and although his congregation did not actually lay hands upon him, they were aiding and abetting.”
- [para 5.243, p.828] [7 April 1866, Graham to Colonial Secretary raising question about evidence given a Mokomoko’s trial] “Mokomoko was not present at the Execution, but unwillingly present at the trial of poor Volkner.”<sup>23</sup>

Interestingly, the last example also uses the word “trial” as the word for the 2 March hui where Völkner’s death was considered and then ordered by Kereopa. This mirrors the use of the word “trial” for the 5 March hui which was a post-facto consideration of Völkner’s ‘crimes’.

---

<sup>22</sup> “Resident Magistrate Court”, published on 12 Dec 1871 in *Hawkes Bay Times*, p.2

<sup>23</sup> 7 Apr 1866, Graham to Col Sec, p.316, ACGS 16221 J22/3.3C, ANZ-W, Supporting Papers (See Bibliography)

24. **Paragraph 3.358 on page 477:** *The author writes, in relation to Hakaraia Te Rahui (Te Akau): “possibly of Ngāti Ira”. Could the author clarify why the qualifier “possibly” is not used in paragraph 3.342 on page 467, in relation to the statement “Hakaraia Te Rahui ... has been identified as being of Ngāti Ira”, and also in paragraph 3.466 on page 517?*

It is correct that paragraphs 3.342 and 3.466 Hakaraia Te Rahui is identified as Ngāti Ira. There are reasons for this:

- at para 3.342: This paragraph deals with the escort party that came and led Völkner away to be hanged. The wording recorded here is that Hakaraia Te Rahui “has been identified as being of Ngāti Ira.” The footnote reference indicates that this identification is made by the Waitangi Tribunal in its *Ngati Awa Report*
- at para 3.466: Here the subject being dealt with again is the escort party where known members are listed including “Hakaraia Te Rahui (Te Akau): of Ngāti Ira.” This passage appears in a commentary section so there is no source recorded but presumably it is reflecting the source material noted for 3.342

At paragraph 3.358, in another commentary section, the escort party is again being discussed and a list of members given which includes “Hakaraia Te Rahui (Te Akau): possibly of Ngāti Ira”.

Therefore, while 3.342 can be explained as reflecting the source material, there is an inconsistency between 3.466 and 3.358 by the addition of “possibly” at paragraph 3.358.