Answers to Questions of Clarification for 'Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands' by Jane Luiten (Wai 1750, #A12)

Mahony Horner Lawyers for Wai 339 and Wai 1865
Counsel Dr Bryan Gilling / Rox Soriano / Caitlin Fellowes

1. On page 187, you discuss how Huriana Tahawa of Te Ūpokorehe had her claim defeated in the Compensation Court by a 'deed put in evidence by Crown Agent to prove that the native title to this land was extinguished in 1840'. Is the 'Crown Agent' you are referring to here JA Wilson?

Yes.

2. On pages 187-188, you talk about an individual named 'Huriana' in quote marks. Is this 'Huriana' the same as "Huriana Tahawa of Te Ūpokorehe" that you name in an earlier paragraph on page 187 (as per above in question 1)?

The short answer is I don't know, it is a presumption on my part.
Here is a longer answer:

At the point government officials became aware that a Crown Grant for Lot 276 Parish of Waiotahi (the 25-acre parcel for 'Huriana' within Hiwarau Reserve) had never issued – in 1958 – they considered that the 'Huriana' owner of Lot 276 (as gazetted in 1874, p. 775) was one and the same as the 'Huriana' beneficiary in Hiwarau Reserve. That is, they wrote: 'Huriana the original grantee, has been succeeded to in the Hiwarau Block', pointing to the succession order in March 1898 which vested Huriana's interests in Hiwarau Reserve in Te Hapua Tapae (RDB vol. 68, p. 25946).

The 15 March 1898 minutes of the succession order referred to record Warana Mokomoko's sworn testimony that Huriana was also known as Huriana Moku. He gave her whakapapa from Te Ruapuia (f) – Te Huhu – Huriana. Having no children of her own, the order was made in favour of Te Hapua Tapae (16 OPO 324-325). The succession order occurred in the context of the definition of relative interests in Hiwarau Reserve. The week before, Warana Mokomoko had told the court that the beneficial owner Huriana Moku had lived with Hemi Kakitu and others on Hokianga, rather than Hiwarau (16 OPO 259).

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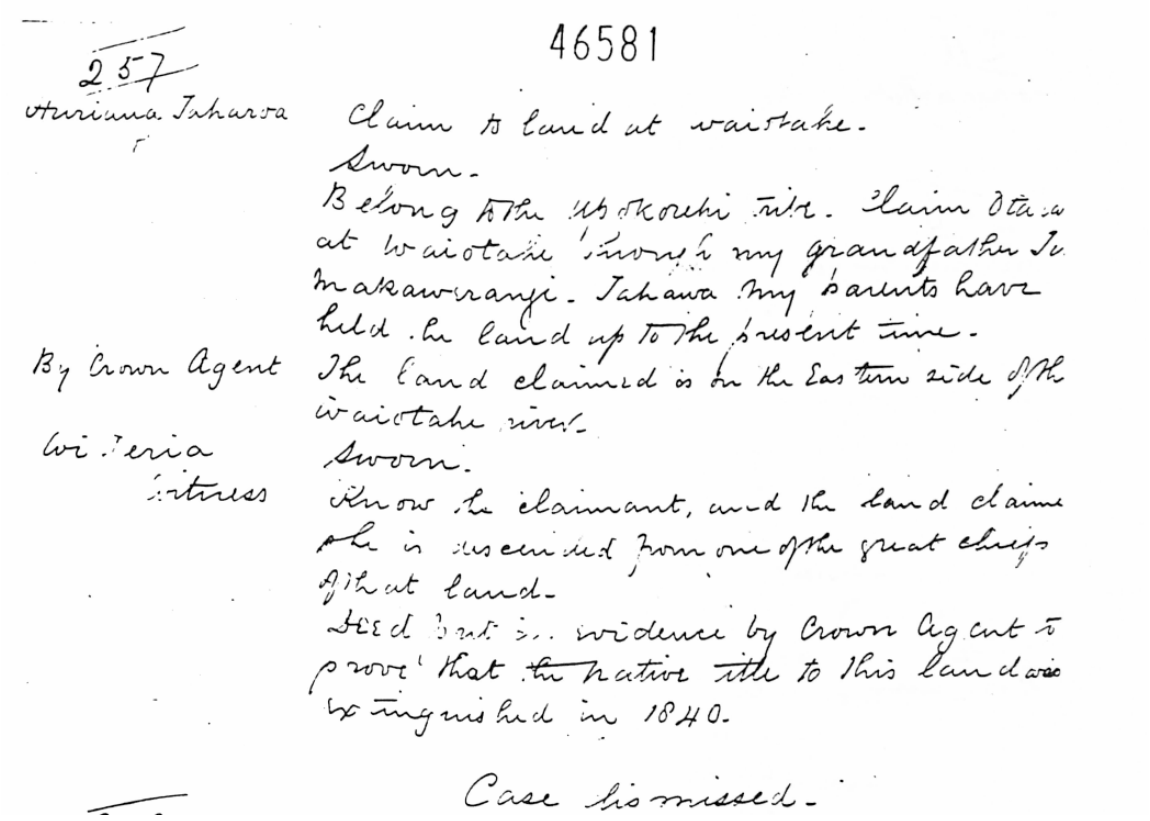
If, in fact, these two 'Hurianas' are one and the same, I have not discovered any evidence to illuminate why Wilson made an additional, separate, conditional, individual award of 25 acres for Huriana under Section 4 of the Confiscated Land Act 1867.

Turning now to the unsuccessful Te Ūpokorehe compensation claimant. The 'Huriana Tahawa' referred to in the report on p. 187 may be instead 'Huriana Taharoa' – a matter of deciphering the handwritten minutes. (Compare, for example the claimant's name with that of her grandfather in the September 1867 compensation court minutes below – RDB vol. 121, p. 46581).



46581

257

Huriana Taharoa — Claim to land at waitahe.
Sworn.
Belong to the Upokorehi tribe. Claim Otaia at Waiotahe known as my grandfather Te Makawaranji. Tahawa my parents have held the land up to the present time.

By Crown Agent — The land claimed is on the Eastern side of the Waiotahe river.

Wi Peria — Sworn.
witness — Know the claimant, and the land claimed she is descended from one of the great chiefs of that land.
Used but no evidence by Crown Agent to prove that the native title to this land was extinguished in 1840.

Case dismissed.

In Wilson's list of claims her name appears by Claim 257 as Huriana Tawhana, or even Tauhana (RDB vol. 19, p. 45796). As the DOSLI file in the Raupatu Document Bank only appears to include the claims of successful claimants, I was unable to check Huriana's compensation application for clarification. She does not feature in Wilson's early lists of claimants (RDB vol. 19, p. 45806-812), which suggests the claim may have been a belated one.

Conjecture that the 'Huriana' of Wilson's private individual arrangement (Lot 276 Parish of Waiotahi) was the same as the same unsuccessful compensation claimant for Claim 257 is circumstantial. 'Huriana' appears as a beneficiary of both Hiwarau and Hokianga reserves in Wilson's 1867 list, No. 31 of 32 wāhine. Significantly, No. 32 is Hira Te Okiwa, another 'belated' compensation claimant whose subsequent omission from the Hiwarau Reserve coincides with her success in obtaining compensation from the court (as related in the report). The defeat of 'Huriana Tahawa/Taharoa's' claim in court provides a rationale for the otherwise inexplicable individual award of Lot 276 Parish of Waiotahi to 'Huriana'.

The lack of certainty is problematic. There is the possibility that the Te Ūpokorehe compensation claimant was connected with Ngāti Awa: there is a 'Huriana' listed as a beneficiary of Ngati Awa's Lot 246 Reserve (No. 40 in Schedule 8 in *New Zealand Gazette* 1874, p. 779), and the interest of a 'Huriana Taharoa' in Rangitaiki Lot 28B was succeeded to in 1907 (9 WHK 149). In Wilson's early listing of the individual award (conditional on remaining 'loyal' until 1 January 1870), Huriana's address is given as 'Ohope' (Schedule 22, RDB vol. 119, p. 45903-4). But a Ngāti Awa connection does not fit well with Wi Teria's support in court (shown above).

3. On pages 187-188, you state "Unlike Hira Te Okiwa, 'Huriana' remained on the list of owners for Hiwarau Reserve in the 1872 revision, but she was omitted from any interest in Hokianga. The 25-acre award was gazetted in 1874. In 1958, 75 years later, it was established that a Crown grant had never issued." Can you clarify whether the Crown grant that was never issued is in relation to the 25-acre lot or is it in relation Huriana being on the list of owners for Hiwarau?

In relation to the 25-acre Lot 276 Parish of Waiotahi. Government correspondence in 1958 states that an enquiry had shown 'a Crown Grant was prepared in 1874 but no record is available as to its completion.' (RDB vol. 68, p. 25946).

4. On page 206, you discuss 'two petitions in the 1930s' with the first petition led by "Rahi Erana and nine others in July 1935". Following that, you state that the "second petition, that of Henare Rako and six others, called for the whole question of entitlement to be reopened, and was heard by the Native Land Court in July 1839". Is the correct date July 1839 or July 1939?

July 1939.

David Stone

At Page 281-282, you have a subheading which talks about exclusion from pastoralism…

1. Did other hapū attempt non-agricultural economic strategies (e.g. labouring, fishing etc.) following the collapse of sheep farming ventures? If so, what challenges did they face?

I have pointed to the 1903 establishment of a Māori labour union at Opape, setting down a minimum wage for harvesting maize, as indicative of a labour force engaged by this time in the agricultural business belonging to others (#A12, p. 281).

I am not sure what is meant by 'following the collapse of sheep farming ventures'. Ngāti Rua's tribal venture did not so much collapse, as transfer into nominally individual management. As set out below in response to Question 2, such 'individual' enterprises may well have been still farmed on behalf of collectives – the overall flock size did not substantially change.

Page 282. 'Ngāti Rua joined the business of sheep farming in 1893. For the next decade, the hapū at Omarumutu farmed between 300-400 sheep on Opape 3. The end of the tribal venture coincides with the 1904 partition of the block. After this date, Ngāti Rua individuals Heremia Te Iki and Te Riaki Amoamo feature in the annual returns, with flocks by 1909 of 270 sheep and 150 sheep respectively, but Ngāti Rua as such no longer does.'

2. Did any of your research determine any noticeable changes to the Ngāti Rua hapu dynamic from the shift of collective to individual farming?

No. I would observe that the 1904 subdivision of Opape 3 was achieved by Ngāti Rua by arrangement outside court. Raimona Papuni's testimony suggests that the partition reflected existing occupation, the court minutes that resolving disputed occupancy took some time (Wai 1750 #A12, p. 119). It is also the case that existing collective holdings were accommodated by the partition. For example, Opape 3W of some 187 acres for 22 owners was a reiteration of an earlier partition order Heremia Hoera Poaka (aka Heremia Te Iki, the sheep-farmer noted above) obtained in 1888 but that had since been overturned (Wai 1750 #A12, pp. 101-102; 107; 118). Te Riaki Amoamo, the other sheep farmer post-1904 partition, doubtless farmed the flock on Opape 3K, the largest holding of 224 acres, which he owned in common with five others, including Te Awanui Aporotanga and Tuakana Awanui.

The partition of Opape 3 between Ngāti Rua was not surveyed until 1910, which falls more properly into twentieth-century developments.

3. Were Heremia Te Iki and Te Riaki Amoamo able to sustain their ventures in the long term, or did they encounter challenges that further fragmented their efforts?

As above – the partition of Opape 3 between Ngāti Rua was not surveyed until 1910, the long-term sustainability of their sheep-farming ventures falling more properly into twentieth-century developments.

Page 290-291. On Opape Reserve hapū efforts to utilise their land were hampered by poor access. In July 1892, on behalf of Ngāti Rua, Whakatatare Te Iki appealed to Native Minister Cadman for expenditure on widening the Motu Road running from their coastal settlement of Omarumutu inland through Opape 3.

4. What specific activities are you aware of that Māori were seeking to engage in that required an improvement of the road?

The through-road to Motu provided access to the arable lands of Waiaua / Opape 3 which, from 1883, were gradually developed for pastoralism. Te Paku Eruera pioneered sheep farming from the early 1880s. The partition he subsequently secured in 1883 for Ngāti Muriwai – Opape 3A – lay along Motu Road (see route through Opape 3 in Figure 6, #A12, p. 80). Whakatatare Te Iki's 1892 request on behalf of Ngāti Rua to widen the road for cart traffic coincides with the tribal venture into sheep farming, recorded in the annual sheep returns from 1893.

Memorandum of Crown Counsel, 29 October 2024
Craig Linkhorn / Daniel Hunt

Questions in relation to main report (Wai 1750, #A12)

1. **Page 65**: The author writes:

   > Opape Reserve was intended by the government as the sole reservation for Te Whakatōhea within the Bay of Plenty confiscation district.

2. Was this intention a specific Government policy (and conveyed in instructions to Wilson), or was this "intention" developed by Wilson in carrying out his role as Special Commissioner? Has the author located any materials (whether contemporaneous or close in time) which record that the Government intended that the Ōpape Reserve was to be the only land reserved to Whakatōhea within the confiscation district?

I have not discovered any specific government policy with respect to the reservation of land within the Bay of Plenty for the people it dispossessed. The general instructions General Government Agent, Auckland Dr Pollen was given on his appointment at this time as Special Commissioner of the Waikato confiscation district together with Governor Grey's proclamation in September 1865 promising to at once restore 'considerable quantities' of confiscated land to those who submitted to Crown authority are set out in the report at pp. 26-28. Government policy on confiscation per se at the time was in flux – the confiscation of the Bay of Plenty occurring 21 months before any legislative provision for any such reserves. The 'resettlement' of the incumbent population seems to have been left to the discretion of the Special Commissioner, shaped by circumstances on the ground.

That said, Wilson was clearly working within parameters set by government officials – including the selection by Defence Minister Haultain and Dr Pollen, for the Auckland Province, of Ōpape on which to relocate Te Whakatōhea, in February 1866. Wilson's May 1866 report to Auckland Superintendent Whitaker about his arrangements, 'subject to your Honor's approbation', clearly sets out that the reservation of a coastal belt between Ōpape and the Waiaua River was to accommodate the entire Te Whakatōhea, including those yet to surrender, as well as Te Ūpokorehe and even 'rebellious' Ngāti Awa hapu (#A12, pp. 68-69). In the same report, Wilson related his dispute with Wiremu Kingi about the decision, which reiterates that Ōpape Reserve was to be the sole reserve for Te Whakatōhea, as directed by government:

> 7th. Had strong debate with W King about Opape, ignored me, accused me of mis-informing Government, and acting on my own responsibility – Shewed him my instructions, came down a little, parted on better terms.
>
> ….
>
> [re subsequent discussion] He accused me of misleading the Government and acting on my own responsibility, and seemed altogether so doubtful about my position – that at length I got out my instructions, and shewed him Opape in the margin against the Wakatoheas name. I also produced his own petition to Sir George Grey. These appeared to have some effect upon him. I told him I was only a servant of the Government, that I had no personal interest in the question, but that being a servant, it was my duty to obey my instructions, and to take care also the Government was not imposed upon.[1]

[1] Wilson to Superintendent Auckland, 16 May 1866, ACGO 8333 IA 1 279 [41] 1866/1690. Supporting Documents vol. 1, pp. 99-108.

3. **Page 67**: The author writes:

> Years later, Ngai Tamahaua rangatira Te Ranapia Waihuka recalled that exile to Wharekauri, the punishment meted out to the defeated people of Tūranga, was touted to Te Whakatōhea rangatira at Ōpōtiki at this time.

4. Did the author locate any contemporaneous records that refer to Wilson or other Crown officials considering exiling Whakatōhea to Wharekauri, or records of Wilson communicating this to Whakatōhea rangatira?

As related by Tony Walzl, by March 1866, Commanding Officer at Camp Opotiki Colonel Lyon was advocating the deportation of Te Whakatōhea to the Chatham Islands (#A30, p. 848).

Wilson's contemporaneous description of the way he informed Te Whakatōhea of the government decision also points to the prospect of a more distant deportation:

> Having arrived at this place in the 'Sturt' on the morning of the 12 Inst. ... On the same day I suffered the intelligence to disseminate that the Whakatoheas were about to be removed, leaving the subject of their future location a doubtful point. On the following morning I convened a meeting of the Wakatohea natives and informed them they were to move from Opotiki; and to their evident relief, told them that their future country would be Opape.[2]

5. **Page 68**: The author writes:

> … suggesting the forced relocation was imposed on the entire tribe.

6. Did the author locate any records that address how the process of relocating Whakatōhea members to Ōpape Reserve was carried out?

Special Commissioner Wilson's report on the deportation is set out in #A12, pp. 67-71.

Walzl's research provides further insight about the plight of the community there amid ongoing unrest, beginning with Te Rangimatanuku's July 1867 request for guns for self-defence at Ōpape; another request for arms after a visit from Pai Marire resistance in February 1868; and Te Kooti's abduction of women and children from Ōpape, in March 1870 (Wai 1750, #A30, pp. 910, 919, 958-960).

[2] Wilson to Auckland Superintendent, 17 April 1866, ACGO 8333 IA 1 279 [38] 1866/1659

7. **Page 147**: The author writes:

> Ngāti Ira's industry in growing food on this 'fine land' under the noses of their Pākehā neighbours was remarked on …

8. Could the author clarify the intended meaning of "under the noses of their Pākehā neighbours" in the context of this statement?

The intended meaning is elaborated two sentences on, with Resident Magistrate Clarke's report that Hira Te Popo's cultivation of crops at Ōpōtiki as early as February 1871 were 'the admiration of the European settlers of the place.'[3] The point being that Ngāti Ira were not deported to 'the confines of their country' as earlier Te Whakatōhea 'surrendered rebels' had been, but instead secured reserves within the military settlement at Ōpōtiki, among the military settlers.

9. **Page 166**: The author writes:

> For reasons which are unfathomable, Lot 311 was not included among the parcels Under Secretary Fisher referred to the Native Minister to have dealt with under this provision.

10. What were the "reasons" given by the Under Secretary?

There are no reasons: Lot 311 was simply omitted from the list. A better way to express this may have been: 'Inexplicably, Lot 311 was not included …'

On further reflection, the omission is comprehensible. The gazetted list (*New Zealand Gazette* 1910, p. 3673) was based on a schedule of 'Lands Set Apart for Natives … ['but for which no Crown Grants have issued']' compiled by Under Secretary of Lands William Kensington and forwarded to the Native Department on 1 June 1910, with the view of having title finally issued (discussed with respect to Lot 335 at #A12, pp. 153-154). Given that Kensington had endorsed the title investigation into Lot 311 the previous year, (which went ahead in November 1909), the Under Secretary doubtless considered that title to Lot 311 had been dealt with already, and excluded it for this reason.

[3] Clarke to Halse, 3 February 1871, AJHR 1871 F-6A, p. 8.

What remains inexplicable is why Under Secretary of Native Affairs Thomas Fisher decided, on 24 December 1910, that the draft Order in Council referring the question of title to Lot 311 back to the Native Land Court should be 'held over'. The Native Department was aware by this time of the Native Land Court's lack of jurisdiction to determine title to such reserved land without the requisite Order in Council.

Note that the reference in footnotes 500 and 501 at #A12, pp. 166-167 should be MA 1 Box 1036 1910/4887 and not MA-MLP1 Box 75g 1905/91 as given.

11. **Page 176**: The author writes (emphasis in the original):

> Te Ūpokorehe mana at Ōhiwa and Waiōtahe rested on widely recognised ancestral *take*.

12. Can the author clarify the use of "widely recognised" here—is it intended to refer to recognition by specific groups? What is the time period referred to—at the time Wilson arranged for the reserves at Hiwarau and Hokianga?

Wilson's reservation of land for Te Ūpokorehe at Hiwarau and Hokianga certainly reflected the widespread recognition of their mana at Ōhiwa.

Te Ūpokorehe ancestral mana at Ōhiwa and Waiōtahe was also corroborated by 1867 Compensation Court testimony from witnesses from a range of tribal groups. In addition to compensation claimants Ritihia Ropiha, Huriana Tahawa/Taharoa and Joseph Kennedy who claimed as Te `Ūpokorehe, witnesses attesting to Te Ūpokorehe mana included Anania Rakuraku, Hirini, Rewiri Te Rangimatanuku, Kepa Toihau, Te Ranapia, Wi Teria, Tiwai Piahana and an 'Ihaia'.

Widespread recognition of Te Ūpokorehe ancestral mana also underlies the litigation over succession and relative interests in the confiscation reserves from 1881 onwards.

13. **Page 178**: The author writes:

> Te Whakatōhea opposition in court to Rakuraku's claim to Ōhiwa serves as a useful introduction to their pre-war presence at Ohiwa and the increasing hegemony the tribal confederation wielded over the eastern Ōhiwa district from the late 1830s.

14. Is the author referring to Te Whakatōhea when using "tribal confederation"?

Yes.

15. **Page 209**: The author refers to 173 beneficiaries of the Awaawakino reserve and 150 beneficiaries of the Waiohoata Hakuranui reserve.

16. Are these figures based on the gazetting of the reserves in "Schedule No 15, 1872" and "Schedule No 28, 1872" in the *Supplement to the New Zealand Gazette* (No 60), dated 12 November 1874 (see 782–783 and 788)? If so, is the author aware that:

> 16.1 There is no number "55" in the Schedule 15 numbering of women grantees in the Awaawakino Reserve—recorded as "Anawakino" (see page 782 of the 1874 *Gazette* referred to above)? Is the author aware this error also appeared in the Schedule 15 numbering in the 1872 AJHR (see AJHR, 1872 Session 1, C4 at 15)?
>
> 16.2 There is no number "40" in the Schedule 28 numbering of women grantees in the Waiohoata Hakuranui Reserve (see page 788 of the 1874 *Gazette*)?

Yes. And no, I missed this, or did not accord significance to it. In the case of Waiohoata Reserve, the published schedule is considerably altered from Wilson's handwritten 'Schedule 13', in which the Compensation Court award has only 64 beneficiaries (in RDB vol. 19, p. 45891-92), making it impossible to work out the identity of the missing no. 40. In this early iteration, the number of beneficiaries is also incorrectly totalled by Wilson at 65, not 64.

17. **Page 252**: The author writes:

> In court, the Crown agent was confronted by counsel for claimant Hohi Ngapuhi …

18. Is this referring to the following part of Wilson's memorandum to Pollen, dated 25 July 1867 (RBD vol 123 at page 47434)?

> In the mean time, a European claimant appeared, who said that having consulted Mr Russell of the firm of Whitaker and Russell, he was well aware that the Govt could not touch the land of one Hohi Ngapuhi, who he represented – with this person I had a good deal of difficulty …

Yes, in part. Hohi Ngapuhi aka Mrs McGregor was the widow of Alexander McGregor of Kennedys Bay. Her deceased husband's trustees Cruikshank and Smart had arranged to have her compensation claims surveyed (plan at RDB vol. 120, p. 46172). Auckland surveyor FH Burslem appeared in court in April 1867 when her claim, estimated at 249 acres, was heard

(RDB vol. 120, pp. 46137-140). Ngapuhi's 'representative' that Wilson referred to in his subsequent correspondence above, does not appear to have amounted to 'counsel' in court. Under questioning from Judge Smith, Hohi Ngapuhi responded that she did not want monetary compensation 'but the land itself', adding that she wished to have the case conducted by an agent (RDB vol. 120, p. 46138).

Ngapuhi's claim to a specific, surveyed area threatened to upset Wilson's settlement scheme. The letter cited above goes on to relate how, when Wilson raised the issue with Judge Smith (before Ngapuhi's claim was heard), he was told:

> The proceedings of the Government at Opotiki in surveying and allotting the country are quite illegal, and the Compensation Court which sits here simply to administer the law cannot regard them. Under the circumstances the best thing the Crown Agent can do is to make arrangements with the claimant relative to the localities they shall have – The court will now award their various amounts of land to them without specifying where those lands shall be taken, and will thus afford the Crown Agent an opportunity to settle this with them. But if any Claimant holds out, and after a lapse of six months from the time of his award, requests the Court to name his locality, the Government may be sure the Court will give his own land to that Claimant even though it may be in the possession of a military settler: in in which event the Government would of course be obliged to compensate the latter. But the Government can place military settlers on loyal claimants land by granting them compensation in money. (RDB vol. 123, pp. 47435-36)

19. **Page 253**: The author writes:

> Wilson's preference was to avoid court if he could, and to 'settle' claims directly.

20. Is this statement based on a record of a statement by Wilson, expressing this preference?

As Special Commissioner, Wilson had predetermined the allotments to be used as compensation by November 1866 which, as he complained to Pollen after the close of the first hearing in April 1867, 'would have been sufficient for that purpose, had not many claims been received after the 1st December the day on which it became optional with the Government to accept them.' Wilson's entire modus operandi was to steer the confiscation settlement in accordance with his preordained plans.

Evidence of the Crown Agent's preference to settle directly is referred to further on in the paragraph at #A12, p. 253. In the same letter detailing his progress, Wilson told Pollen: 'at the very last moment, as I stepped on board the vessel to come away, Tiwai and his wife Te Aira consented to my terms, which are better for the Government than taking their 10 claims into Court.'

Of the approximate 193 compensation claims within the inquiry district, Wilson directly settled at least 52 of them, involving 11 claimants, either before they got to court, or after the claimants' first appearance, particularly if their case proved a strong one. If the claims 'abandoned by the Crown' (9), or 'withdrawn' (3), or 'dismissed' (34) (through failure to appear or for being a rebel or on other grounds) are subtracted from the total, Wilson's preference is reflected in the fact that he directly settled more than one-third of the viable claims.

As the ratio above (11 claimants with 52 claims between them) suggests, the Crown Agent was particularly motivated to directly settle with those, like Tiwai Piahana and Te Aira, making multiple claims. Ngahiraka of Ngai Tama, for example, lodged at least 12 different claims for lands at Ōpōtiki and Ōhiwa, both on her own and others' behalf. In this case, the Crown Agent's direct settlement of 100 'country' acres and a quarter-acre town section to Ngahiraka and two family members not only consolidated the multiple claims but also the multiple claimants. Similarly, Wilson's direct settlement with Miriama Makawa for two parcels (of 48 acres and 12 acres respectively) was in satisfaction of 21 claims to specific lands.

Questions in relation to report summary (Wai 1750, #A12(c))

21. **Page 5**: The author writes:

> Wi Kingi of Ngai Tai was an important ally in the Crown's military campaign of 1865 …

22. In relation to this statement, has the author considered the statement of A Agassiz recorded in "Papers Relative to the Murder of the Rev Carl Sylvius Volkner" [1865] 1 AJHR E-5 at 19, which states: "The Chief Wiremu Kingi, of Tumapahore [sic], says he will not interfere with the landing of soldiers. He and all his men will be neutral. He will not allow any soldiers to travel towards the East Coast, nor will he permit any Natives to proceed towards Opotiki …"?

I did consider that statement in my recent reading of Walzl's research (cited at #A30, p. 607).

Walzl relates that Ngai Tai's assessor had not joined the 1864 taua to reinforce the Waikato front but rather had informed Volkner of the impending taua (#A30, p. 345). After news of Volkner's killing in March 1865, the *HMS Eclipse* stopped off at Tunapahore to enlist Kingi's support (#A30, p. 560) and he was present at Opotiki when Thomas Grace was 'rescued' at the end of March, boarding the *HMS Eclipse* on this occasion (#A30, 561).

Wiremu Kingi was also on board the *HMS Eclipse* two months later, when Commander Freemantle attempted to capture Eparaima at Te Kaha, at the end of May 1865 (#A30, p. 588).

Agassiz' statement above with respect to Wi Kingi's position continues: 'He does not object to the soldiers coming to Opotiki, as they will not take land the same as at Waikato, but merely intend to arrest the murderers who have brought evil to this district.' (#A30, p. 607). Kingi was evidently seeking to keep Ngai Tai out of the conflict, but in the circumstances of the sovereignty war, endorsing the landing of government troops at Ōpōtiki scarcely amounts to neutrality. Post-invasion, Colonel Lyon professed the Ngai Tai chief 'a good and useful man to me.' (#A30, p. 802). Wiremu Kingi continued to participate in the government's military operations in the district from 1866 to 1871.

Wi Kingi was regarded by the government as an ally, the government initially 'abandoning' its land confiscation beyond Tarakeha for precisely this reason.

23. **Page 21**: The author writes:

> … to have Bishop Pompallier prepare another 'deed' banning land trade altogether.

24. Is the author saying that Bishop Pompallier's deed would have affected in some way Church Missionary Society missionaries, or that Church Missionary Society missionaries would have considered themselves in any way bound by the Bishop's deed? Does the author consider that Te Whakatohea who were not Roman Catholic would have considered this deed applied to them?

I have only recently become aware of the anti-trading deed, and indeed the 1898 petition of Rangihaerepō and others relating to the Pakihi purchase, from Walzl's research. The significance of Pompallier's retrospective account relates to the general opposition to land

trading it represents, which resonates with later objections that Wilson transacted with a small number of rangatira without the mandate of hapū.

The CMS missionaries would not have considered themselves bound by Whakatōhea's deed: they did not even consider themselves bound by Governor Gipp's proclamation prohibiting such trade after 14 January 1840. The missionaries involved were aware of the proclamation before Wilson returned with the March payment (#A12, p. 45).

The anti-trading deed was Te Whakatōhea's initiative, and Pompallier's account suggests widespread public endorsement. It is worth pointing out that in March 1840, religious sectarianism was yet to come. In his same account of the deed, Pompallier registered 660 of the 'nearly seven hundred' residents of Ōpōtiki on his 'list of converts' (#A30, p. 57), the CMS 'presence' at this point amounting to Wilson's fleeting visit in January and his even briefer return in March bearing 'payment'.

Perhaps the most conclusive evidence of how Te Whakatōhea regarded the deed they asked Pompallier to commit to writing is the total absence of any further land trading within their rohe.