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WHITAKER AND RUSSELL IN TAURANGA MOANA

A scoping report

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Introduction

This scoping report is organised in two main parts. In the first part I will address the sources, main research questions and preliminary findings for each of the three matters identified in my research commission (attached as Appendix I). I have titled these (a) Whitaker and Russell in 1863 confiscation legislation; (b) Whitaker and Russell on military intervention and confiscation in Tauranga, and (c) Whitaker and Russell on the Katikati Te Puna purchase 1864-1871. In the second part I will briefly summarise my findings and make recommendations for further investigation of specific questions.

The Waitangi Tribunal commissioned this report because Frederick Whitaker and Thomas Russell feature as elusive figures in the history of confiscation, and in the history of Tauranga during the New Zealand Wars. In his *Origins of the Maori Wars*, first published in 1957, Keith Sinclair argued that these two Auckland businessmen dominated successive colonial ministries from 1862 until late 1864. According to Sinclair, they were instrumental in abolishing the Crown's monopoly over native land purchase, and in introducing confiscation, 'thus blatantly demonstrating what the war was about . . .'.¹ Evelyn Stokes and Hazel Riseborough referred to Whitaker and Russell in similar terms in their historical evidence presented to the Tauranga Tribunal early in the inquiry.² Whitaker and Russell also loomed large in claimant evidence and submissions presented to the same Tribunal in December 2000.³

In view of the scoping nature of this report, I have not presented detailed historical background. I hope that my readers will be able to obtain this background information from the sources I list that are available on the record of the Tauranga inquiry.

At this point I should preview my recommendations by stating that I find no compelling grounds for further investigation into Whitaker and Russell's involvement in confiscation legislation and military intervention in Tauranga. On the other hand, I recommend that

¹ Keith Sinclair, *The Origin of the Maori Wars*, New Zealand University Press, Auckland, 1957, pp 256-257

² Evelyn Stokes, 'Te Raupatu o Tauranga Moana', report commissioned by the Waitangi Tribunal, 1990 (Wai 215 record of documents, doc A2), pp 15, 17; Hazel Riseborough, 'The Crown and Tauranga Moana', Wai 215, A23, pp 2, 6, 8, 12, 22, 48, 55; 'Ngai Tamarawaho', Wai 215, F3, pp 44-45, 63

³ Richard Boast, 'Confiscation and Regrant', Wai 215, J1, pp 2, 23, 26; Taiawa Kuka evidence, Wai 215, J21, pp 12, 14-15; Claimant counsel submissions on behalf of the Matakana hapu, Wai 215, J35, pp 17, 18, 22

further research regarding Whitaker's complex and confusing role in the Katikati Te Puna purchase may well prove to be germane to the Tauranga inquiry.

PART I

(a) Whitaker and Russell in the 1863 confiscation legislation

Sources

Appendices to the Journals of the House of Representatives [AJHR] 1863 A-8; A-8a
(Formation of Military Settlements; and Premier Domett's 5 October 1863 Settlements plan)
AJHR 1864 E-2 (Intensive exchanges between Governor and Ministers on both confiscation policy and Tauranga)
Executive Council Minutes 1863
New Zealand Parliamentary Debates 1862-1863
New Zealand Statutes 1863
Ann Parsonson, 'The New Zealand Settlements Act 1863', report commissioned by the Waitangi Tribunal, 1993 (Wai 143 record of documents, doc I22)
Bryan Gilling, 'The Policy and Practice of Raupatu in New Zealand', report commissioned by the Waitangi Tribunal, 1997 (Wai 201 ROD, J27)
Hazel Riseborough, 'The Crown and Tauranga Moana 1864-1868', report commissioned by the Crown Forestry Rental Trust, 1994 (Wai 215 ROD, A23); 'Ngai Tamarawaho', report commissioned by CFRT, 1999 (Wai 215 ROD, F3)
Evelyn Stokes, 'Te Raupatu o Tauranga Moana', report commissioned by the Waitangi Tribunal, 1990 (Wai 215 ROD, A2)
Russell Stone, Whitaker and Russell entries in *Dictionary of New Zealand Biography* Vol. I
Waitangi Tribunal, *Taranaki Report* (Wellington 1996)
Waitangi Tribunal, *Raupatu Document Bank* Vols. 1,3,7, 132
Personal communications: Edmund Bohan; Cathy Marr; Vincent O'Malley; Ann Parsonson; Hazel Riseborough; Russell Stone

Main research questions

- 1 Did Whitaker draft the 1863 legislation, and, if he did, was this something that made the legislation more detrimental to Maori Treaty rights than may otherwise have been the case?

- 2 Who was responsible for implementing the New Zealand Settlements Act and the Suppression of Rebellion Act? Was it Whitaker and Russell, the two men who served as Attorney-General and Minister of Colonial Defence during 1863-1864?
- 3 As Premier from October 1863 until November 1864, to what degree was Whitaker able to influence the actions of Governor George Grey in implementing the key confiscation legislation?

Preliminary findings

- 1 Although conclusive evidence is lacking, preliminary indications are that Whitaker may have drafted the New Zealand Settlements Act and Suppression of Rebellion Act. If he drafted the legislation, he would have done so in a very hurried fashion. Whitaker became Premier and Attorney-General on 30 October 1863. Both bills then received their first readings together five days later on 4 November.⁴ They were rushed through both the House of Representatives and the Legislative Council in less than a month before receiving Grey's assent on 3 December 1863.⁵ This rushed process may have been detrimental to proper protection of Maori Treaty rights, but the legislation cannot be laid solely at Whitaker's door. Grey fully supported these measures, and had done so since the invasion of the Waikato in July 1863.⁶ If there was any key individual architect of confiscation, it was Grey, not Whitaker or Russell.
- 2 The crucial question is not who drafted the legislation, but who inspired and implemented it. The answer on both counts appears to be the man who in most respects controlled confiscation in 1863-1864, Governor George Grey. Most historians have taken full note of the extent to which Grey found himself in contention with his ministers over both the terms of surrender and of confiscation, especially after May 1864. During this period of intense debate between the Governor and his ministers, Whitaker and Russell found that he followed their advice only very

⁴ Executive Council Minutes 30 October 1863 [EC] Vol 2, p 552; NZPD 1861-1863 pp 749, 769; Parsonson, 'New Zealand Settlements Act 1863', Wai 143, I22, p 27

⁵ NZ Statutes 1863, Nos. 7 & 8, pp 15-23

⁶ In forwarding the first major Ministerial confiscation plan to London, Grey stated that it was 'based upon that which I adopted in British Kaffraria . . .' Grey to Newcastle 29 August 1863, AJHR 1863, A-8, pp 1-2. On the basis of this plan and Grey's support of it, the New Zealand government began recruiting military settlers well before December 1863. Entry on 'Military Settlers' in Ian McGibbon ed., *The Oxford Companion to New Zealand Military History*, Oxford University Press, Auckland, 2000, pp 325-326.

occasionally.⁷ By late September 1864, when he offered Grey his resignation as Premier, Whitaker concluded ‘that Responsible Government in New Zealand can never be satisfactorily worked under His Excellency Sir George Grey’.⁸

- 3 Whitaker and his ministerial colleagues undoubtedly tried to influence the implementation of the 1863 Acts by proposing harsh surrender terms and ambitious military settlement plans. Since the Whitaker ministry accepted responsibility for the administration of Native Affairs in late 1863 (at the behest of the Imperial government), they initially believed that Grey was constitutionally obliged to accept their advice on these matters. Grey, however, was able to use instructions from respective Secretaries of State on surrender and confiscation to keep his ministers at bay. Secretary of State Edward Cardwell’s 26 May 1864 instructions (received just prior to the early August surrender in Tauranga) encouraged Grey to assert imperial restraint upon ministerial action. Those instructions, which confirmed the ‘legality’ of the Settlements and Suppression of Rebellion Acts, also called upon Grey to ensure ‘a just and temperate policy’ with regard to both surrender and confiscation.⁹ Cardwell later instructed Grey that, while the war continued, his ministers could not expect to control native policy. Grey, not his ministers, had the primary responsibility ‘to put down rebellion, to restore peace and order, and to stop the expenditure of blood and treasure’.¹⁰ This all points to how Whitaker and Russell could influence, but not control, implementation of the 1863 legislation.

(b) Whitaker and Russell on military intervention and confiscation in Tauranga

Sources

AJHR 1863 A-8a (Premier Domett’s 5 October 1863 Military Settlements plan)

AJHR 1864 D5; D6 (Grey’s instructions from, and despatches to, the Secretary of State for the Colonies)

⁷ On the background to this conflict, see William Fox, *The War in New Zealand*, Smith Elder & Co., London 1866, pp 146-157, and; Edmund Bohan, *To be a Hero: Sir George Grey*, Harper Collins, Auckland, 1998, pp 223-224.

⁸ Whitaker memo 30 September 1864, AJHR 1864, E-2, p 100

⁹ Cardwell to Grey 26 May 1864, No. 24, AJHR 1864, D-5, p 7; Grey to Cardwell 26 August 1864, AJHR 1864, E-5, pp 8-9

AJHR 1864 E-2 (Intensive exchanges between Governor and Ministers on both confiscation policy and Tauranga)

Executive Council Minutes 1863-1865

NZPD 1863

Hazel Riseborough, 'The Crown and Tauranga Moana 1864-1868', Wai 215, A23; 'Ngai Tamarawaho', Wai 215, F3

Evelyn Stokes, 'Te Raupatu o Tauranga Moana', Wai 215, A2

MA 4/ 5-7 (Native Department Outwards letters 1862-1865)

G 36/4 (Governor's Outwards letters 1864)

Grey papers (Auckland Public Library)

Main research questions

- 1 Did Whitaker and Russell initiate military intervention in Tauranga in 1864 by applying political pressure to Grey and General Duncan Cameron?
- 2 To what extent were ministers able to advance a hard-line on surrender and confiscation in Tauranga during 1864?
- 3 Who controlled the deployment of the military units selected for settlement at Tauranga?

Preliminary findings

- 1 Whitaker certainly lobbied for the 'military expedition' to Tauranga in January 1864.¹¹ Grey appears to have approved of the expedition, but with considerable reluctance.¹² This military intervention also led, almost inevitably, to the major battles at Pukehinahina (Gate Pa) in April, and at Te Ranga in June, 1864. Nonetheless, Grey and Cameron remained in full control of all imperial and colonial forces in Tauranga throughout 1864. Cameron wished to consult ministers about major military operations, but Grey wished to consult them only when he could be assured of their

¹⁰ Cardwell to Grey 26 July 1864, No. 38, AJHR 1864, D-5, pp 14-16

¹¹ '... Mr Whitaker tells me that the plan of an expedition to Tauranga was in part his—and that he did his best to press it on your notice when you were in Auckland'. Grey to Cameron 19 January 1864, G36/4, pp 45-46. See also Colonial Secretary Fox and his views on this subject. He believed that Cameron called for Grey to order the expedition on 13 January. William Fox, *The War in New Zealand*, p 109

¹² 'I do not feel satisfied that our occupying Tauranga will effect an important diversion in your favour. [It] . . . may bring more tribes into the field, and greater numbers of enemies against you. But you have expressed such strong wishes on the subject, that I have thought it right after consultation with the Colonial Ministers to try the experiment'. (Grey to Cameron 14 January 1864, G 36/4, p 43). Six days later, Grey stated that he had 'only

full support.¹³ When Cameron proposed a more regular form of consultation with ministers over military matters in Executive Council, Grey rejected the idea.¹⁴ By then Grey was in contention with them over both the terms of surrender, and the establishment of military settlements. He was not prepared to allow them to influence his actions in a sphere that he could conveniently label ‘imperial’.

2 Grey’s 1864 dispute with ministers over surrender terms and military settlements served to increase imperial control over both the conduct of the war, and its consequences for Maori in ‘rebel’ areas. Both the Duke of Newcastle and (his successor as Secretary of State) Cardwell expressed grave reservations about the apparent severity of ministerial advice on surrender and confiscation. Despite the fact that Grey inspired the hard-line implicit in Premier Domett’s 1863 plans, imperial policy makers counselled restraint. Newcastle called for ‘wise and just limits’ to confiscation in November 1863.¹⁵ Cardwell instructed Grey to pursue ‘a just and temperate policy’ in April 1864.¹⁶ By October 1864 Grey was able to announce surrender terms (in accordance with the moderate tone of his imperial instructions) that emphasised the ‘cession’ rather than the seizure of Maori land.¹⁷ Grey, of course, had already accepted the ‘pacification’ of Tauranga Maori on these terms in early August of 1864. He was therefore able to control the situation there with regard to the post-war settlement.

3 As Minister of Colonial Defence, Russell questioned whether Grey should control the deployment of military settlers. Ministers apparently believed they had a better

reluctantly yielded’ to ministerial pressure to order the expedition. ‘I cannot convince myself that it is a wise plan’. (Grey to Cameron 20 January 1864, G36/4, pp 47-49).

¹³ Grey appointed Cameron to the Executive Council in December 1861. Cameron briefed Whitaker’s ministers on the military situation at the council meetings on 7 November 1863 and on 14 December 1863. EC minutes Vol. I, pp 412-414; 552-553; 559.

¹⁴ ‘... I do not think that my Instructions from the Crown would justify me under the present form of Govt. in holding such meetings [on military matters] in the Executive Council, and that I feel certain I could not do so, without greatly incurring the political difficulties against which I have from time to time [had] to contend’. (Grey to Cameron 29 May 1864, G36/4, pp 105-106). On the other hand, Grey was prepared to continue to meet with Cameron and one or two ministers informally at Cameron’s request. (Grey to Cameron 5 June 1864, G 36/4 pp 106-107).

¹⁵ Newcastle to Grey 26 November 1863, HH Turton ed., *Epitome of Official Documents*. . . Government Printer, Wellington, 1883, A-1, p 86. Grey apparently published this instruction in the *New Zealand Gazette* in April 1864, but it was not published in the *Appendices to the Journals of the House of Representatives* in either 1863 or 1864.

¹⁶ Cardwell to Grey 26 May 1864, No. 24, AJHR 1864, D-5, p 7

¹⁷ Proclamation, 25 October 1864, Turton’s *Epitome* A-1, p 97

understanding with Cameron than they had with Grey on this question. Grey, however, was able to keep ministers at bay with regard to the crucial selection of sites for military settlements.¹⁸ Grey was able to write to Cameron in late August 1864 stating:

I have seen Mr Russell, and the Col. Govt. perfectly understand the terms on wh[ich] the remaining portion of the 1st Waikato Regt. are now to go to Tauranga.¹⁹

Again, ministers appear to have had little say in the final decision on the location of military settlements. This decision remained within the imperial sphere of control.

(c) **Whitaker and Russell on the Katikati Te Puna purchase 1864-1871**

Sources

AJHR 1867, A-20 (Crown actions following the August 1864 Tauranga 'surrender')

Appendices to the Journals of the Auckland Provincial Council [AJAPC] 1863-1866 (Provincial administration of 'confiscated lands')

Hazel Riseborough, 'The Crown and Tauranga Moana 1864-1868', Wai 215, A23; 'Ngai Tamarawaho', Wai 215, F3

Evelyn Stokes, 'Te Raupatu o Tauranga Moana', Wai 215, A2

Suzanne Woodley, 'Matakana Island', a report commissioned by the Waitangi Tribunal, 1993 (Wai 215 ROD, A8)

Waitangi Tribunal, *Raupatu Document Bank* Vols. 7, 124 (Mackay's 1867 'Report . . . on the Katikati Purchase'; and Whitaker's 1866 'Tauranga Papers')

Auckland Agent of the General Government [AGG-A] papers 3/1 (Whitaker's 1865-1866 correspondence with the Colonial Secretary re. 'confiscated land')

Executive Council minutes [EC] Vol. 2 1865-1866

For the location of the boundaries of the Katikati Te Puna purchase, see Figure 1, 'Confiscated Land at Tauranga', in Evelyn Stokes's report entitled 'Te Raupatu o Tauranga Moana'.²⁰ The purchase extended along the western shores of Tauranga Moana.

¹⁸ Grey to Cameron 28 June 1864, G36/4, p 116

¹⁹ Grey and Cameron earlier selected the 1st Waikato Regiment as the militia unit to form a military settlement in the Tauranga area. Grey to Cameron 26 August 1864 G 36/4, pp 123-124

Main research questions

- 1 Was the Katikati Te Puna purchase consistent with Grey's 'cession' strategy contained in his 25 October 1864 proclamation, or was it Whitaker's way of negating Grey's decision to return three quarters of Tauranga lands to Maori?
- 2 How instrumental was Whitaker in negotiating the initial terms of the purchase in August 1864, and what was his role in ensuring a completion of the transaction subsequently?
- 3 Was Whitaker a key figure in the general Government's transfer of responsibility for the administration of Tauranga lands (including Katikati Te Puna) to Auckland province during 1865-1866?

Preliminary findings

- 1 Grey's 'cession' strategy appears to have been, at least in part, a response to his conflict with the increasingly disenchanted Whitaker ministry during May-November 1864. This may well have formed the essential political context within which ministers (particularly Whitaker and Fox) decided to initiate the Katikati Te Puna purchase while they were in Tauranga to witness the 5-6 August 1864 'Pacification' hui.²¹ The purchase may therefore have been a ministerial attempt both to exploit the goodwill created by Grey's generous 'pacification' terms. It may also have served to allow colonial (rather than imperial) subsequent control over a substantial portion (approximately 80,000 acres) of the area eventually proclaimed as the Tauranga District within the terms of the 1863 New Zealand Settlements Act.
- 2 Hazel Riseborough in her Ngai Tamarawaho report refers to Whitaker and Fox's purchase activity on 7-8 August 1864 immediately after Grey and Cameron departed from Tauranga.²² Very seldom were ministers personally involved in the negotiation of a Crown purchase in this way, but their direct involvement continued when they paid out £1000 to 'leading Ngaiterangi chiefs' later that month in Auckland.²³ Thus,

²⁰ Stokes, Raupatu o Tauranga, p 2

²¹ Mackay reported in 1867 that 'Messrs Fox and Whitaker agreed to purchase the land for the Government' in August 1864. This certainly implies that ministers, not Grey, initiated the transaction. Mackay, 'Report . . . on the Katikati [Te Puna] Purchase . . .' RDB 7: 2319-2320. On the other hand, Whitaker reported in 1866 that Grey had purchased Katikati Te Puna. Whitaker to Col. Sec. 26 November 1866, No. 628, AGG-A 3/1

²² Riseborough, Ngai Tamarawaho, Wai 215, F3, pp 62-63

²³ Mackay, Report, RDB 7: 2319-2320

the purchase became a ministerial project, and the subsequent surveying of purchase boundaries, selection of lands to be reserved for Maori within these boundaries, and even the eventual location of military settlers at Te Puna came under ministerial and, later, provincial control. Although Whitaker's involvement in much of this appears to be poorly documented, he crops up in the purchase history in several different capacities.

Initially, Whitaker helped initiate the purchase as Premier and Attorney-General in August 1864. He also participated in the allocation of reserves in March and April 1866 as both Superintendent of Auckland province and Agent for the General Government in Auckland.²⁴ According to Suzanne Woodley, Whitaker and Russell in 1868 and 1869 privately purchased 7919 acres of Matakana Island land adjacent to the Katikati Te Puna area.²⁵ This all suggests that their role in the complicated history of the 1864-1871 purchase is worthy of further investigation.

- 3 The role of Auckland provincial authorities in the administration of confiscated lands has hitherto escaped the attention of most historians. Although, again, specific documentation of Tauranga activity may be hard to find, this avenue of inquiry may prove productive. The fact that Whitaker was acting in dual central government and provincial role when the transition occurred helps explain why he was so determined to complete the Katikati Te Puna purchase.²⁶

²⁴ Whitaker's 1866 Tauranga papers, RDB 124: 47622-47678. Whitaker reported later that year '... I have been compelled to pay the Tauranga Natives the balance of the Land purchased from them by the Governor in 1864'. Whitaker to Col. Sec. 26 November 1866, No. 628, AGG-A 3/1

²⁵ Suzanne Woodley, 'Matakana Island', Wai 215, A8, pp 14-17

²⁶ EW Stafford (Premier) to Whitaker 15 February 1866, AJAPC 1866, A-1, p 3

PART II

Recommendations for further investigation

From my preliminary research it appears that Grey, not his ministers, remained in executive control of war and confiscation during the crucial years of 1863-1864. Whitaker, as indicated above, may have drafted the key 1863 legislation, but it remained within Grey's power to implement this or not. In effect, Grey's 'cession' strategy contained in his 25 October 1864 proclamation obviated the necessity for enforcing the harsh terms of the Suppression of Rebellion Act. As foreshadowed in his 'pacification' terms stated at Tauranga in early August, Grey's actions reflected the moderate tone of his imperial instructions rather than the draconian tone of the colonial legislation.

In view of this imperial control and responsibility for major Crown actions in Tauranga during 1863-1864, there can be little purpose served in exploring further the first two matters in my commission. This is not to say that ministers failed to influence Grey and Cameron with regard to both military action and confiscation in Tauranga. Grey seems to have thought that Whitaker was the author of the January 1864 intervention. If indeed that was the case, Grey ensured that this same sort of ministerial influence did not feature at all later in the year. I have seen no evidence that suggests major ministerial influence on the events that led to overt military clashes at Pukehinahina (Gate Pa) and Te Ranga in April and June.²⁷ Similarly, Grey and Cameron appear to have been completely in control of the 'pacification' situation at Tauranga on 5-6 August.²⁸ Responsibility for these actions remains with the Crown, whether in its colonial or in its imperial form. Historically, however, it is important to identify agency with as much precision as possible. In my view, Grey was primarily responsible for both the implementation of the 1863 legislation, and for military intervention in Tauranga.

²⁷ The only evidence remotely resembling ministerial influence on Tauranga military action in April- August 1864 was the HE Rice mission. Fox, as Native Minister, sent Rice to Tauranga and Maketu in March to monitor the military situation. Fox to Rice 1 March 1864 No. 123, MA 4/6. The nature of Rice's activities in the area during 1864-1865 may warrant further investigation.

²⁸ There was a brief and confused conflict between colonial civil and imperial military authorities in the lead up to the 'pacification' hui at Tauranga. Grey defended the conduct of Colonel Greer, and convinced himself that ministers accepted the 'judicious' nature of Greer's conduct. Grey to Cameron 29 July, 18 August 1864, G36/4, pp 118, 120

While matters detailed in 1 (a) and (b) of my commission may not be worth pursuing, the Katikati Te Puna purchase (and the political context in which it was negotiated) may be a different proposition. First of all, the purchase looks to have been an extraordinary transaction. It was negotiated in the aftermath of what appeared to be Grey's magnanimity, and then renegotiated with respect to boundaries, payments and reserves with several additional parties over seven years.²⁹ Frederick Whitaker, although not Thomas Russell, appears to have been a key figure in both the original August 1864 negotiations, and in subsequent renegotiation with regard to both reserves and payments during 1866.³⁰

The extent of Whitaker's personal involvement in the negotiation and renegotiation of the purchase would require further research using private papers. My sampling of the standard Grey and McLean collections during the preparation of this report proved to be relatively disappointing. Hazel Riseborough has alerted me to intriguing local detail in the AN Brown papers at the Tauranga Public Library. She thinks that a search of other private papers would reveal much more than has hitherto come to light. Likewise, a more painstaking search of the voluminous Maori Affairs series 4 (outwards correspondence) records and the Governors' records at National Archives, Wellington is bound to be rewarding.

In the limited time available, I would not recommend research into the bulky Colonial Office and War Office records (held on microfilm at the National Archives in Wellington). They would be germane to an examination of confiscation and military intervention, but they would probably not offer much information on the Katikati Te Puna purchase.

In my view, a sharply focused Katikati Te Puna report should investigate further my preliminary finding that Grey's 'cession' strategy tested at Tauranga forms part of the essential political context. Grey's skilful 'cession' strategy appears to have served him well in his conflict with increasingly truculent ministers between May and November 1864. On the other hand, the ostensibly voluntary Katikati Te Puna purchase may have enabled his ministers to influence the outcome in Tauranga. Even though Fox complained about how

²⁹ Evelyn Stokes lists five separate Katikati Te Puna deeds signed between 1866 and 1871. Stokes, 'Te Raupatu o Tauranga Moana', Wai 215, A2, pp 242-246.

³⁰ Mackay, 1867 Report, RDB 7: 2319-2320; Whitaker's Tauranga papers, RDB 124: 47623-47678; Whitaker to Col. Sec. 26 November 1866, No. 628, AGG-G 3/1

purchases invited subsequent claims, purchases were civil matters over which ministers could exert control.³¹

Conclusion

In sum, I recommend a brief, sharply focused, report. This could be completed in time to be heard at the final hearing of Tauranga raupatu evidence, prior to the filing of Crown evidence. I estimate that I could devote 20 working days on research for such a report, which would allow me a further 10 days on the writing of it. This report could seek to answer the following questions:

- (a) What was the extent of Whitaker's involvement in the negotiation and renegotiation of the Katikati Te Puna purchase?
- (b) Was Whitaker's involvement prejudicial to Maori interests? If so, how was it prejudicial?
- (c) To what extent did the Katikati Te Puna purchase allow ministers and, later, provincial authorities to assume control over the administration of lands subject to the terms of the New Zealand Settlements Act 1863?
- (d) Was the apparent transfer of control over these lands (including Katikati Te Puna) prejudicial to Maori interests? If so, how was it prejudicial?

³¹ Fox expected 'unlimited claims . . . wherever the "Cession" principle may be attempted . . .' He said he preferred outright confiscation to 'what is after all a forced acquisition of Native lands under colour of a voluntary sale [at Katikati Te Puna]'. Fox to Grey 24 September 1864, G17/3. Cited in Riseborough, 'The Crown and Tauranga Moana', Wai 215, A23, p 32