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BACKGROUND PAPERS TO THE RAUPATU CLAIMS (TARANAKI)

THE WAITARA PURCHASE AND WAR IN TARANAKI

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Report No.2 to the Waitangi Tribunal

THE WAITARA PURCHASE, AND WAR IN TARANAKI

INTRODUCTION

In 1859 the New Zealand Government embarked on the purchase of a small block of land at Waitara, north of the town of New Plymouth. Despite considerable Te Ati Awa opposition to the completion of the purchase, the Government persisted with it, and sent surveyors onto the land in February 1860. When the surveyors were challenged, martial law was declared. In March 1860 fighting broke out between British troops and Te Ati Awa. Thus began the New Zealand Wars, which would spread to many parts of the North Island during the next twelve years.

This Report will examine the background to the Government decision to purchase the Waitara land, the circumstances in which war broke out in 1860, and the Government's offer of peace terms in April 1861 to the various Taranaki iwi who fought against the British. It will also outline the grounds on which Governor Gore Browne and his responsible ministers justified the purchase, and those on which Governor Grey decided to abandon the purchase in 1863. The Report should be read in conjunction with Report No.1, "The Purchase of Maori Land in Taranaki, 1839-59 ".

BACKGROUND TO THE GOVERNMENT DECISION TO PURCHASE WAITARA

Settler enthusiasm for the Waitara district dated from the earliest days of New Plymouth. It was seen as being important on two counts : both for the river, which could take small vessels, and for the land, which the surveyor F.A. Carrington had identified at the outset as the "most valuable" land of the settlement. There were no hills, the timber could be easily cleared, and it was obvious from the "luxuriant vegetation" that the soil must be extremely fertile.1

Carrington was appalled in fact when in September 1841 Governor Hobson's announcement of a Crown waiver of pre-emption in favour of the Company in Taranaki excluded the Waitara district, which he saw as crucial to the early prosperity of the settlement. He wrote:

> "Forest timber comes within a quarter of a mile of the town, runs parallel with the shore for a few miles, then gradually bears away inland and opens out the district of

1. See Report No 1, pp.20, 23; and Journal of R.H. Aubrey, 2 February 1841, cited in B. Wells, The History of Taranaki, p.55.

> Country round the Wai-tara where I intended to lay out the majority of the Sections,in fact I am now cutting a base line, from this place to that river for the express purpose of so doing."

Much of the forest land was "contorted and broken", and could hardly be made available to settlers, and he thought it would be very hard to compel the pioneers to take up such land when there was "such an immense District of available land" at Waitara.In a few years, when the settlement was established,it would be much easier to induce farmers to clear the difficult land. And he concluded:

> "If we are deprived of the Waitara district and are obliged to cultivate the almost impenetrable forest, I in this case see no hope for this Settlement. If on the other hand we are permitted to retain the Waitara land we shall flourish."2

In time, the settler opinion of "bush land" mellowed to some extent; Charles Hursthouse, in his Account of the Settlement of New Plymouth, published for the benefit of prospective settlers in 1849, spoke warmly of its virtues: the rich soil,the saving in seed, the greater crop yields, the later planting times.3 But the British view that Waitara was essential to the well-being of the settlement remained, and its loss in 1844 (when Governor FitzRoy overturned Commissioner Spain's award) contributed greatly to the bitterness of the Company settlers.

Captain FitzRoy, wrote Hursthouse, in his section on the "Land Question":

> "blinded by maudlin sentimentality for 'oppressed slaves' - spurred on by the missionary clique...came to judgment in a spirit which soon stripped the unfortunate settlers of their land, and which virtually dispossessed the Company of the finest territory they had ever acquired."4

William Halse, in 1850, wrote that the settlers had increasingly taken up land in the Omata Block, overcoming their "natural prejudice" against:

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2. Carrington to Liardet, 15 October 1841, copy in Donald McLean Papers, MS Papers 32, Folder 209.

3. Charles Hursthouse, An account of the settlement of New Plymouth in New Zealand, pp.96-100.

4. ibid.,p.43.

> "any permanent diversion of capital and labour from the Waitara, and the other districts between that river and the Waiwakaiho,where nearly the whole of their land was situated."5

Jane Maria Richmond (who belonged to a newer generation of British Taranaki settlers,of the early 1850s),described a large family picnic at Waitara early in 1854, adding:

> "When the English possess and cultivate the Waitera [sic] plains it will assume a more English aspect than any tract I have yet seen in N.Z. The wide placid river and beautiful groups of karaka trees...on the banks are the attraction to pleasure parties... There are Maori pas and cultivated fields where we walked and the natives were at work bringing in their harvest."6

Jane Maria was the sister of Christopher W. Richmond, who became the minister responsible for Native Affairs in 1858. And Richmond, too (whose whole extended family were Taranaki settlers) was well aware of settler anxieties about Waitara.

> "I do not believe a man in New Zealand wants to see the Waitera [sic](or at least one bank of it) in the hands of Government [more] than I do"

He wrote to Isaac Watt in May 1857:

> "You may rely on the cash being found if the native demands are anything in reason."7

And again, in July 1857, he wrote to the newly appointed Land Purchase Agent for Taranaki, Robert Parris, that:

> "a site for a town on the Waitera must be secured";

and suggested that some town sections might be reserved for "particular Natives". But it would be preferable not to intermix European and Native sections. Instead, wrote Richmond - harking

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5. W. Halse to Fox, 13 August 1850, NZC 105/10, No. 59/50. See Report No.1, pp. 52-3.

6. Jane Maria Richmond, general letter 1, 24 February 1854, The Richmond-Atkinson Papers, ed. G.H.Scholefield, Vol.1, p.143.

7. C.W. Richmond to I.N. Watt, 25 May 1857, The Richmond-Atkinson Papers, ed. Scholefield, Vol.1, pp.286-269.

back to Governor Grey's idea - there should be a "Native village on the north side with free use of the river bank on each side for both races."8

THE ORIGINS OF THE 1859 OFFER

While the Pakeha continued to hope that they would one day be able to "resume" the land at Waitara, there had been, from time to time, offers by small groups of Te Ati Awa to sell some land there.9 (McLean had identified a number of different settlements in the Waitara area in the mid-1840s, before the return of the heke: at Mahoi ("Manukorihi tribe"), Te Kuikui pa, Te Mamaku pa ("Otaraua tribe"), Pukerangiora, Taniwha, and Titirangi.)10 Ihaia Te Kirikumara of Otaraua had taken the initiative in these offers, but the Government, though still hopeful in 1854 that something might come of them, was very aware of the extent of opposition to sales at Waitara. In particular, Wiremu Kingi Te Rangitake of Ngati Kura, generally regarded as a chief of great importance, wished to hold the land 11. Henry Halse, for instance, wrote to Donald McLean (evidently in the early 1850s) that:

> "In a conversation with Ihaia last week he told me he was continually agitating the old question & that friend W. King had made an admission - the impt. of which you can best determine - to this effect, that when he saw Ihaia in possession of a portion of the payment for Waitara, his opposition would cease,but until then he should remain inflexible."12

G.S. Cooper offered to buy land offered by Ihaia in May 1854 if he would point out the boundaries, and if he could show that the opposition to the sale had disappeared.13 But nothing more was heard of this offer before the troubles which began at Tarurutangi in August that year.

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8. C.W. Richmond to R. Parris, 6 July 1857, The Richmond-Atkinson Papers, ed.G.H.Scholefield, Vol.1, p.282.

9. See Report No.1,pp. 44-52, 65.

10. See McLean Papers, MS Papers 32, Folder 127.

11. Kingi had led the Te Ati Awa heke back from Waikanae - where the missionary Hadfield had described him in 1839 as "the principal chief". Another name taken by Ngati Kura (perhaps including other Waitara hapu too) was Manukorihi - originally a pa name.

12. H. Halse to D. McLean, 19 January (no year given), McLean Papers, MS Papers 32, Folder 317.

13. Cooper to McLean, 16 May 1854, McLean Papers, MS Papers 32, Folder 227 (22).

The matter does not appear to have been raised again until early in 1857,in the wake of the Puketapu peace made between Rawiri's and Katatore's people.Ihaia, as has been noted before,was still in possession of Ikamoana pa (on Puketapu land), and claimed it as utu for his tupapaku.14 In March he wrote to the Government offering Ikamoana for sale, and in April he came into New Plymouth with a hundred people to make the offer publicly. The following month he and several others (among them Nikorima - of Ngati Rahiri?) wrote to the Provincial Council. Once payment for the Ikamoana had been received, they said:

> "we will offer you the Waitara which was so strenuously opposed formerly, but I am now strong to sell it. Should we receive the money for the Waitara, then we will offer Turangi to you."

(Henry Halse complained that he believed Ihaia "was induced to write this letter to the Provl.[sic] Council by Mr Hulke", and objected to such "interference" - by which he meant the public promotion and discussion of Ihaia's claims, which he evidently considered counter-productive. He does not appear to have doubted Ihaia's right to sell.)15

Then, later in the year, there was a new initiative. At the end of November 1857 a meeting was held at Kuhikuhi pa. According to Halse's account written a few days later, it was convened by Te Teira "and others favourable to the sale of a portion of the southern side of that river." And he added:

> "W. Kingi was in opposition but owing to the silence of the majority of the natives present, it is difficult to say what, if any, advance was made in that direction."16

In a letter written to McLean nearly three years later, well after the outbreak of the war, Parris, who had also attended the meeting, added further details about it. According to him there was evidence of discord among the Waitara people. Rawiri Raupongo and Patukakariki had both indicated to Parris before the meeting that they wished to sell the land on the south bank of the river; Patukakariki's son had told Parris that his father decided to sell the land:

> "on account of a dispute they had had with some of W King's people about the occupation of it..."17

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14. See Report No.1, p.69.

15. H. Halse to McLean, 23 May 1857, McLean Papers, MS Papers 32, Folder 315. See also Report No.1, pp. 81-84.

16. H.Halse to McLean (postscript dated 1 December 1857), McLean Papers, MS Papers 32, Folder 315.

17. Parris to McLean, 12 September 1860, MA/MLP/NP 1, p.250.

But at the meeting Rawiri Raupongo "appeared undecided". Teira, Retimana and Hemi Pataka spoke and declared that they intended to sell their land. They also publicly warned Raupongo and Patukakariki "not to betray them"; which Parris took to mean that the two elders had been expected to speak, but had evidently changed their minds. He added:

> "William King was the only man who spoke in opposition. He said nothing about claims to the land, but threatened War if any land was sold..." 18

Shortly afterwards, Patukakariki's son Horima(?) Kamukamu died. Parris, writing in 1860, considered that had he lived he and his father would both have supported the sale.

In January 1858, however, Katatore was killed, and for some time afterwards no more was heard of the Waitara sale. It was the end of 1858 before Parris reported that Te Teira was "working hard" for the sale of the land. And from this time on, he continued to do so.

Te Teira himself has not, as far as I am aware, left a written explanation of his reasons for wishing to sell the Waitara land. The written accounts that we have come from other sources. Three of them are Pakeha accounts, which draw on Maori sources. One of them is by Edward Shortland, who discussed the Waitara dispute in his Maori Religion and Mythology, published in 1882, in a chapter which he added on "land tenure":

> "It is a recognised mode of action among the Maori, if a chief has been treated with indignity by others of his own tribe, and no ready means of redress can be obtained, for the former to do some act which will bring trouble on the whole tribe. This mode of obtaining redress is termed "whakahe," and means putting the other in the wrong. Strange to say, this very dangerous principle action, by whatever great evils it may be followed, obtains the respect and not the censure of the whole tribe for the person who adopts it.
>
> Being in the neighbourhood of Matamata some years ago, not long before the war broke out in Waikato, I heard in conversation with a chief [Paora Te Ahuru] of Ngatihaua, who had taken part in the war at Taranaki, that the reason why Teira proposed to sell Waitara was to obtain satisfaction for a slight put upon him by Wi Kingi in connection with a private quarrel. ["Hei whakahe mo Wiremu Kingi" was the expression used.] I never had an opportunity to verify the facts narrated, but there was in them nothing improbable, and according to Maori usage they accounted for Teira having acted as he did."19

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18. ibid.

19. Edward Shortland, Maori Religion and Mythology, p.101.

Some details of the "slight" to which Shortland referred were given in a much earlier account by Archdeacon Hadfield, written in 1860:

> "Not long since a girl, who was affianced to Teira's brother, preferred William King's son and married him. It is well known here that Teira immediately meditated revenge for this slight put upon his brother. He was well aware of William King's promise to his father [not to sell Waitara].
>
> He knew the district land commissioner wished to obtain land. He made an offer of the land, hoping to do, what he has succeeded in - make use of the Governor to avenge the insult he had received."20

A different version of this dispute was recorded by W.T. Williams, in Pioneering in New Zealand, a life of Archdeacon Samuel Williams, quoting an account published by Samuel Williams many years after the war:

> "The first cause of the Waitara War is simply told. A young woman had been betrothed to a nephew of Te Teira (Taylor) in her childhood, but when she grew up, she avowed her determination not to marry the young man. Te Teira was determined to enforce the marriage,and on two occasions carried her off. Each time she effected her escape,and returned to William King. Te Teira came the third time to assert his claim to the girl, and, upon her refusing to go with him, he demanded compensation, in accordance with Maori custom. A sum of about thirty sovereigns and a horse were offered to him. This was refused, and upon being told that no more would be paid, he declared that he would have his revenge by selling to the Government the very land upon which William King's hapu was living."21

These accounts are not sourced directly to Te Ati Awa (though Hadfield's, and probably Williams's as well, probably derived from Te Ati Awa people), and they must therefore be treated with caution. They are recorded here because they are evidently independent accounts which have certain elements in common. They agree on the point that Te Teira proceeded with the Waitara sale not because he had a particular desire to sell land to the Government, but because he was impelled by other considerations. They agree that Te Teira considered he had a grievance against Wiremu Kingi. Evidently he also considered the honour of his family was at stake, because his attempts to obtain what he

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20. O.Hadfield, One of England's Little Wars, p.7.

21. W.T. Williams (ed.), Pioneering in New Zealand, Life of the Venerable Archdeacon Samuel Williams, pp.143-4. Samuel Williams published his account of the outbreak of the war in a Napier newspaper some years before his death in 1907.

regarded as adequate satisfaction had not met with success. All the accounts record that he decided to offer the land in order to gain redress. According to Shortland, Teira's decision to "whakahe" his people was in accordance with traditional custom. (All the people, in other words, were held responsible for the fact that the injured man had not received adequate compensation for the slight he had sustained.)

There are two other accounts of the origins of the Waitara dispute - both Maori - which emphasise the role of Ihaia Te Kirikumara rather than that of Te Teira. They were both recorded by James Cowan from "survivors" of the Wars. One is evidently a Taranaki (Te Ati Awa?) account:

> "Our troubles which led to war began when our people lived in their pa called Karaponia (California), on the left (west) side of the Waitara River, at the mouth. A woman, Hariata, was the cause. She was the wife of Ihaia te Kiri-kumara, and because of her unfaithfulness Ihaia had her seducer, Rimene, killed... Because of the wrong done to him Ihaia sought for further revenge and sought compensation in land. The tribe would not agree to this, inasmuch as the offence had already been paid for sufficiently by the death of the man Rimene. Ihaia, however, would not listen to this agreement, and he joined with Teira and sold some of the land of Te Rangitaake [Wiremu Kingi] to the Government in order to obtain compensation for the adultery of his wife. Hence this <u>haka</u> song of the Atiawa:-
>
> "The land was seized upon because of the woman, at Karaponia it all began. <u>E Mau na wa!</u>" " 22

The other statement recorded by Cowan came from a Ngati Maniapoto elder:

> "Te Huia Raureti, of Ngati-Maniapoto, one of the few survivors of the Orakau defence, gave me an account of his tribe's first participation in the Waitara war. He said that when the news of the quarrel over the Waitara reached the Upper Waikato the <u>runanga</u> (council of chiefs) of Ngati-Maniapoto discussed the question of assisting Wiremu Kingi [at Kihikihi]...The conclave of chiefs did not act hastily. Two delegates, Raureti te Huia Paiaka (father of the narrator) and Pahata te Kiore, were despatched to Taranaki by the <u>runanga</u> to investigate the dispute and its causes. Their inquiries satisfied them that Wiremu Kingi's cause was just. "My father and Pahata,"said Te Huia Raureti, "came to a decision adverse to Ihaia te Kiri-kumara, the Government adherent,because he had taken sufficient <u>utu</u> for his personal wrongs (the seduction of his wife) by killing

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22. James Cowan, <u>The New Zealand Wars</u>, Vol.1, p.157. Cowan identifies the person who gave him this account only as "a Kingite survivor of the wars".

> the offender,and there was no just cause (take) for parting with tribal lands in order further to involve Wiremu Kingi's people."23

According to these two accounts the roots of the Waitara sale lay deeper than is often thought to be the case. One of them is not very clear about the connection between Ihaia, his wish to bring trouble on Kingi's people, and land sales. The other explicitly links Ihaia with Te Teira and his offer of Waitara, and traces the cause to Ihaia's long-standing grievance.

Contemporary evidence confirms that Ihaia supported Te Teira. At the end of 1859, after Ihaia had been in hospital at New Plymouth for some time, Robert Parris reported his discharge to McLean, adding that he was now staying with Teira and his people.

> "The pleasure of the old fellow's [Ihaia's] life seems to be centred in the sale of land. Wm. King's people have been using every stratagem to draw him off from Teira, but he is now just beginning to speak out."24

It is interesting that Parris never commented on these alleged grievances of Te Teira or Ihaia as motives for their determination to sell land. When he did discuss their motives it was - as will be mentioned below - in quite different terms. Did this mean that he was ignorant of such grievances, or simply that he chose not to refer to them? In February 1860 he wrote an account of a speech he had made to Kingi's people explaining the history of the Government's troubled dealings with the Waitara people:

> "That 16 years ago there were Europeans on the land, who were removed by the Government. That soon afterwards Ihaia and Matiu (Wm Kings brother) offered to sell Waitara to the Government - That in consequence of the Government declining to purchase of them, Ihaia had sold some of the land to a European which the Government also disallowed - That a bad feeling arose with them and Ihaia's people in consequence of their continued opposition - That both parties had been drawn into the quarrels of the Puketapus, which had recoiled upon themselves at Waitara - That this state of things had induced Teira and party to sell their land, in order to be under the Government -"25

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23. ibid., p.184.

24. Parris to McLean, 12 December 1859, Private, McLean Papers, MS Papers 32, Folder 9.

25. Parris to C.W.Richmond, 16 February 1860, MA/MLP/NP 1.

But was this really the aim of Te Teira and his people? Or, for that matter, of Ihaia? It is important, at least, to be aware that Maori sources provide different explanations for the origins of the Waitara dispute, that Te Teira and Ihaia may have been less concerned with being "under the Government" than with upholding the mana of their respective hapu, and that in the context of the ceaseless settler pressure for land at Waitara, their choice of land offers as a means to an end was not a surprising one. Such explanations also seem to contribute to an understanding of the determination with which both Ihaia and Te Teira urged their sales upon the Government.

TE TEIRA'S OFFER, MARCH 1859

By the beginning of 1859, as has already been noted, Te Ati Awa appear to have been preoccupied with moves of reconciliation. In January the various Puketapu groups agreed on the sale of Tarurutangi.26 The settlers were not noticeably grateful. According to the Taranaki Herald:

> "The unanimity attending the sale, shews the wickedness and folly they have been guilty of in fighting for land, which for purposes of cultivation was absolutely worthless to them, and was only of benefit for the price it commanded in the market."27

But Robert Parris, the local Land Purchase Commissioner, was hopeful about the future of land sales. At the end of January he wrote to McLean:

> "I hope you will be so kind as to do as much as you can for me in the way of Native presents for I think it may be well bestowed just at present while things are looking favourable & their inclinations strong for selling."

And he referred particularly to Mahau's intentions as to Waiongona, and to the "Taranaki question".28 This was a reference to a move among some Taranaki people to sell the land between the Omata and Tataraimaka blocks, which Henry Halse reported optimistically about the same time as "giving hope of

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26. See Report No.1, pp.88-89.

27. Taranaki Herald, 8 January 1859.

28. Parris to McLean, 24 January 1859, McLean Papers, MS Papers 32, Folder 493 (14).

land in a new quarter", despite evident opposition to the sale.29 And there was also Ihaia's offer of land north of Waitara.

This was the background against which Wiremu Kingi wrote to the Governor on behalf of "our Runanga" on 11 February 1859, setting out the boundaries of the land they wished to keep. And he named all the places from the mouth of the Waitaha north to Mohakatino.

> "Kei Mokau te rohe mai o te whenua mo matou ake, ko enei whenua ekore e hoatu e matou ki a korua ringaringa ko te Kawana, kei rite matou ki nga manu o te moana e noho ana i runga i te kowhatu, ka pari te tai ka ngaromia taua kowhatu e te moana, ka rere nga manu, no te mea kaore he nohoanga mo ratou ... e hara taku kupu,i te kupu, hou he kupu tawhito ... e mohio ana koe e Te Makarini ki taua kupu aku,i to taenga tuatahi mai i kite ai koe i a au,ko taua kupu ano ki a koe; ekore e hoatu e au te whenua ki a koe.
>
> No konei i tuhituhi atu ai e au ki a korua ko Te Kawana kia rongo korua i te Runanga o tenei tau hou,kia purutia ano te whenua, no te mea ko etahi o nga tangata Maori e hiahia tonu ana ki te utu whenua, no konei ka tata mai te mate, na reira i hurihia mai ai,naku i mate ai, kaore na te tohe tangata,kua rongo mai ano,tohe mai ano. Ki te mea ka rongo korua ki te whakaaro o tetahi tangata, e hiahia ana ki te hoko i tetahi wahi whenua i roto o enei rohe, kua whakaaturia atu nei kia korua, kaua e manaakitia mai e korua, no te mea kaore e pai ki taua tikanga ki te utu whenua...."

The official contemporary translation of this extract read:

> "The boundary of the land which is for ourselves is at Mokau. These lands will not be given by us into the Governor's and your hands, lest we resemble the sea-birds which perch upon a rock, when the tide flows the rock is covered by the sea, and the birds take flight, for they have no resting place ... My word is not a new word, it is an old one ... You, Mr McLean, are aware of that word of mine when you first came here and saw me, you heard the same word from me, "I will not give the land to you."
>
> I have therefore written to the Governor and you to tell you of the Runanga of this new year, which is for withholding the land because some of the Maories still desire to sell land, which causes the approach of death; it is said that I am the cause,but it is not so, it is the men who persist; they have heard, yet they still persist. If you hear of any one desiring to sell land within these

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29. Henry Halse to McLean, 23 January 1859, McLean Papers, MS Papers 32, Folder 316 (18).

> boundaries which we have here pointed out to you, do not pay any attention to it, because that land-selling system is not approved of."30

Clearly there was some considerable tension in the New Plymouth region early in 1859. The Taranaki Herald was full of news about the formation of the Taranaki Volunteers. Taranaki was one of four Militia Districts proclaimed by the Governor in Council in January ,and at the same time regulations were issued for the service of Volunteers in the District.31 The Herald commented approvingly that the Governor had met the wishes of the settlers "by providing the coveted rifle".32 At the end of January a public meeting was held to adopt the regulations, to organise the Taranaki Volunteer Rifle Corps, and to oversee the administering of the oath to the first Volunteers.33

Soon afterwards a party of Waikato supporters of the newly raised-up Maori king, Potatau Te Wherowhero, arrived at Waitara. According to Henry Halse, they were on an expedition "for ascertaining their strength"; they passed quickly through Te Ati Awa territory on their way to visit Ngati Ruanui.

> "...[T]hey spoke triumphantly of having exacted Land taxes from European residents at Kawhia, which was accomplished by planting a flag on the land, after which the English were told that as the land belonged to Potatau, a tax was demanded for his support, and in some instances given..."

They also reported (according to Halse) that a large party of Waikato people might be expected before long:

> "to reconcile W. Kingi and Ihaia, and that if Kingi refuses to comply, an attack will be immediately made upon him...".34

By February it was known that the Governor and the Chief Land Purchase Commissioner were shortly to visit New Plymouth, and the Taranaki Herald was hopeful that it might be possible to learn something definite about Government intentions in

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30. Wiremu Kingi Whiti to the Governor, 11 February 1859, printed in AJHR, 1860, E No. 3A, pp.5-6.

31. Government Gazette, Province of Taranaki, 22 January 1859.

32. Taranaki Herald, 22 January 1859.

33. Taranaki Herald, 5 February 1859.

34. H. Halse to McLean, 12 February 1859, McLean Papers, MS Papers 32, Folder 316(19).

respect of the "welfare and progress" of the province, the "land question" and the "present state of the native mind upon it".35

The following week the Herald printed a long letter from W.K. Hulke, Ihaia's supporter, addressed to his "Fellow Settlers". Hulke suggested that a deputation be got up to see the Governor to impress upon him "that we have waited years for land". In the last ten years, he complained, the Government had bought only some 3000 acres of fern land - and that land was all selected under old land orders, and never came onto the open market. There were Maori who wanted to sell, he said; perhaps the Government had to pay higher prices for their land.

> "Let a Commission be demanded to inquire into the native title, and call on the Government to protect those who are desirous of selling if they prove their ownership."

Or perhaps land must be leased, for:

> "however objectionable leasing may be land must be had."

The Herald took up these themes in its editorial:

> "The want of land - open, available, accessible land - when hundreds of thousands of acres lie waste and unprofitable around, is the great misfortune under which we labor, and the source of all our ills, and it would be well if the county could be brought to ... unite in the effort to induce the government to try some method other than that which hitherto, after years trial, has only resulted in failure to bring about a better state of things ... beyond a paltry block here and there acquired, of back forest land,nothing to advance the best interests of the community is done, or, apparently, attempted. The system must surely be faulty which fails to induce the Maori to part with his spare land ...
>
> Bush or forest land forms the chief proportion of the land purchased by the government, and in so little favor is it held that no sales are effected, even for scrip, at the Regulation upset price of 10s. per acre." 36

(The New Plymouth Provincial Council, it may be noted, had suggested an alternative method of land purchase in its Memorial to the House of Representatives the previous year, complaining:

> "That the system heretofore adopted by the Government, of requiring the assent of every claimant to any piece of land, before a purchase is made, has been found to operate

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35. Taranaki Herald, 19 February 1859.

36. Taranaki Herald, 26 February 1859.

most injuriously in this Province, on account of the conflicting interests of the claimants ...

Your Memorialists are therefore of opinion that such of the Natives as are willing to dispose of their proportion of any common land to the Government, should be permitted to do so, whether such Natives form a majority or only a large minority of the claimants; and that the Government should compel an equitable division of such common land among the respective claimants, on the petition of a certain proportion of them."37)

On 6 March 1859 Governor Gore Browne arrived at New Plymouth on board the H.M.S. Iris. On 8 March, in a paddock in town, he met numbers of Te Ati Awa people from the various pa of the district. The Herald noted that fewer people than was usual on such occasions were present, and that Waitara was particularly poorly represented. The Chief Land Purchase Commissioner, Donald McLean, spoke on behalf of the Governor, and emphasised the Queen's concern for the welfare of all her subjects, regardless of race. The Governor, said McLean, wished to speak on two subjects particularly: criminal offences and land. The Taranaki tribes should give up quarrelling, and cultivate their lands peacefully. He explained why Katatore had not been arrested for the killing of Rawiri, and why Ihaia had not been arrested for the murder of Katatore. But, in future, this sort of thing would not happen. Any person who committed "any violence or outrage within the European boundaries" would be arrested and would be dealt with by the law.

"In reference to the second subject, the Governor thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he would never consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent."38

(This last paragraph was translated in the contemporary Te Karere Maori (The Maori Messenger) as follows:

"Ko te tuarua o nga kupu a Te Kawana, ko te Whenua; ki tana whakaaro, engari me hoko nga whenua takoto kau ekore nei e taea te ngaki e te Maori; he mahi mohio rawa tenei, inahoki katahi ka hira ake te pai o nga whenua e toe ana ki a ratou, otiia ekore ia e whakaae kia hokona he whenua tautohe. Ekore ano hoki e tukua tetahi tangata poka noa te tupeke ki runga ki to te tangata whenua,ki te kahore ona

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37. Memorial of the Provincial Council of the Province of New Plymouth, 19 May 1858, AJHR, 1858.

38. Taranaki Herald, 12 March 1859.

wahi ki taua whenua. Ekore ano hoki e hokona te whenua o tetahi tangata me he mea kahore ano taua tangata i whakaae."39

Soon afterwards Te Teira rose to speak. He stated:

"that he was anxious to sell land belonging to him, that he had heard with satisfaction the declaration of the Governor referring to individual claims, and the assurance of protection that would be afforded by his Excellency. He minutely defined the boundaries of his claim, repeated that he was anxious to sell, and that he was the owner of the land he offered for sale. He then repeatedly asked if the Governor would buy this land. Mr McLean on behalf of his Excellency replied that he would. Te Teira then placed a parawai (bordered mat), at the Governor's feet, which his Excellency accepted. This ceremony, according to Native custom, virtually places Teira's land at Waitara in the hands of the Governor."40

Two further offers of land were then made,one at Onaero, and one at Waitara by Piripi, a relative of Ihaia. Both were challenged on the spot (Piripi's offer, notably, by Te Teira himself); and neither was proceeded with. A man named Paora then told the Governor that Te Teira could not sell the land he had offered without his own consent and that of Weteriki, as they had a joint interest in a portion of it.

Te Teira replied to him, and was immediately followed by William King, who, before addressing the Governor, said to his people:

"I will only say a few words and then we will depart",

to which they assented. He then said:

"Listen, Governor. Notwithstanding Teira's offer I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands, I will not give it up; ekore, ekore, ekore," (i.e., I will not, I will not, I will not). "I have spoken!" and turning to his tribe added, "Arise, let us go" - whereupon he and his followers abruptly withdrew."

That night Governor Gore Browne was taken ill, so that his plans for the rest of his journey were later changed. As a result, he "was unable to attend several meetings of the Natives". He did not, it seems, fulfil any further engagements until Friday 11 March, when he met a deputation of the settlers.

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39. Te Karere Maori, 31 March 1859.

40. Taranaki Herald, 12 March 1859. Unfortunately Te Karere did not provide the original Maori of this speech.

The settlers, for their part, had attended a public meeting on 10 March, called by the Superintendent in response to a requisition addressed to him by thirty five people. The Superintendent told the meeting "that he had already officially represented the state of the Province and the urgent want of land to the Governor"; the meeting went on to adopt several resolutions. The first was

> "That in the opinion of this meeting a further supply of open land is indispensable to the prosperity of the Province."

Others called for a deputation to wait upon the Governor, and for the early return to the province of the Chief Land Purchase Commissioner, to promote "the early acquisition of new blocks of land".

The deputation duly met the Governor the following day, and reported back to the public meeting on 12 March. Individual members of the deputation spoke in turn. William Cutfield King, the chairman, stated that he had urged the settlement's shortage of open land on the Governor. Richard Brown had pointed out that their pasture lands were overstocked, that it was difficult to grow grain crops on heavily timbered bush land, and that the old wheat lands of the province were exhausted. Why could they not lease land from the Maori, some of whom had repeatedly offered to lease runs to settlers, 60 -70 miles away from New Plymouth? Surely lands leased so far away from the settlement would not impede the attempts of the land purchase department to buy land? And he complained about the actions of Henry Puni, who had occupied 800 acres of open land in the Waiwakaiho block, and withheld it quite wrongly from the settlers. (Donald McLean confirmed that Puni had "no claim whatever to the land", and promised to see Te Puni in Wellington to prevail upon him to get his son to shift.)

The deputation then reported that the Governor,in reply, had informed them

> "that since his first arrival in the Colony, the settlers of Taranaki had been a source of unceasing anxiety to himself and responsible advisers; that they were fully alive [to] the wants of, and sympathised with the settlers, but could not avert the difficulties arising out of the unwillingness of the natives to sell their land ...
>
> That special instructions from Her Majesty precluded his Excellency from coercing a minority of the Natives into selling their lands,that he felt such a proceeding would be impolitic and unjust, and that therefore he could never sanction it ...
>
> That the surest remedy for existing evils was to prevail upon the Natives to individualise their claims and obtain Crown Grants for their lands; that the feasibility of this was questioned by those best informed on Native matters...

> The land purchase Commissioner would be directed to extinguish the claims of Natives offering their individual lands for sale whenever he was satisfied that they were the undisputed and sole owners of the land offered."

And the Governor promised that he would instruct the Chief Land Purchase Commissioner to return to New Plymouth as soon as possible (probably within two months). Moreover,since there was some force in the settlers' arguments about leasing runs, he would consider the matter and see if the restrictions on leasing could be removed. In answer to a statement made by Richard Brown about the substantial debts of Wiremu Kingi's people to townspeople (which, said Brown, Kingi and others had repeatedly asked him not to mention to the Governor, "lest His Excellency might ask them to sell their land"), McLean suggested that a word from the Governor might have "a good effect". And Governor Gore Browne said Kingi would be requested at once to pay the debts.

One final matter was raised. William King asked the Governor:

> "whether the resident land purchase Commissioner would be instructed to buy land from Native owners who could prove a clear right to sell, although parties having no interest in the land offered,might object to the sale. That his Excellency had replied "most distinctly Yes. If you allude to William King's interference, I will not permit him to exercise his right of chieftainship for the purpose of deterring the rightful owners from selling their land, but if he should have a joint interest in any land offered for sale, his claim will receive due attention, and the land will not be purchased without his consent." "

The public meeting then unanimously adopted an address to the Governor which had been prepared by a member of the delegation, thanking him for his decision to ensure McLean's prompt return to the province, and for his "expressed anxiety to promote the further acquisition of land from the natives...". Gore Browne's reply (dated 15 March) assured the settlers of his "constant and earnest desire to meet their wishes, and emphasised his instructions to the Land Purchase Department to "spare no exertion to purchase land when they can do so on equitable terms." 41

A copy of the address was sent to Te Teira and Retimana, who wrote to thank the Governor and his officials on 15 March:

> "Friend, it is true I have given up Waitara to you; you were pleased with my words,I was pleased with your words. It is a piece of land belonging to Retimana and myself, if

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41. Taranaki Herald, 19 March 1859.

you are disposed to buy it never mind if it is only sufficient for three or four tents to stand upon, let your authority settle on it..."42

THE AFTERMATH OF THE OFFER

In the wake of Te Teira's offer of land there was considerable correspondence between the Government, Wiremu Kingi Te Rangitake, and Te Teira Manuka. On 18 March Donald McLean wrote a letter to Wiremu Kingi, Wiremu Ngawaka Patukakariki, and "nga tangata katoa o Waitara". He referred to it later as an "invitation given to the chiefs" to put in claims to the block of land offered by Te Teira. It read:

"He kupu atu tenei kia koutou, kia wakamaramatia e koutou, o koutou pihi whenua e takoto i roto te wahi [sic] kua oti i a te Teira te tuku mai ki a Te Kawana. Kua mohio ano koutou, ma tena tangata ano te tikanga mo tana pihi, waihoki kia Te Teira te tikanga mo tana pihi, e kore e ahei kia rere noa te tangata ki runga ki ona wahi arai ai i tona tikanga, no te mea,kei a ia ano te whakaaro mo tona ake ano, he kupu atu tenei kia koutou, kei tere kau koutou ki runga ki to Te Teira raua ko Te Ritimana wahi, no te mea, kua whakaaetia a raua wahi kia hokona i te aroaro o te iwi, i te tino awatea, a meake ka whakaotia nga ritenga ki a ia mo tona; ekore hoki matou e tohe ki to tetahi atu tangata, no te mea, kei a ia ano tona whakaaro mo tona pihi. Ko tenei kei pouri kau koutou ki a ia, no te mea, he tikanga wakamarama hoki tana."

The translation of this read as follows:

"This is a word to you to request you to make clear(point out) your pieces of land which lie in the portion given up by Te Teira to the Governor. You are aware that with each individual lies the arrangement as regards his own piece;in like manner Te Teira has the arrangement of his piece. Another cannot interfere with his portions to obstruct his arrangements, for he has the thought for what belongs to himself. This is a word to you. Do not you, without cause, interfere with Te Teira's and Te Retimana's part, for they have consented to the sale of their part, in the presence of the tribe, in broad daylight, and the terms with him for his piece will soon be settled. We will not urge for what belongs to another man, as with him is the thought as regards his own piece. And now, do not you be dark towards him, as his proceedings give light."43

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42. Te Teira and Retimana to the Governor... 15 March 1859, printed in AJHR, 1860, E No.3, p.4.

43. McLean to Wiremu Kingi Whiti, Wiremu Ngawaka Patukakariki, to "all the men of Waitara", 18 March 1859, printed in

This letter drew a response from Te Teira and Retimana,dated 20 March:

> "I am endeavouring" [they wrote to the Governor, his officials, and the Superintendent]" to find out the justice of the interference of the people with our...love to you. Your word advising them to mark off their own pieces of land within our line (boundary of the block offered by Teira) they have received, but they do not consent. I consent because it is correct...
>
> If they continue to oppose us, how will you act; if they persist, adopt a safe plan for finishing it, and for us. You see their interference with other men's rights...
>
> This word of mine is a sign for the living: my thoughts are,that they think by their anger to prevent marriage, and to reject the food prepared by God... Be mild and collected;if they use bad language pay them with the Word of God."44

When this letter reached Auckland T.H. Smith, the Assistant Native Secretary, wrote to Parris asking him to visit Te Teira and deliver the reply:

> "The Governor consents to your word, that is, as regards your own individual piece,but be careful that your boundary does not encroach upon the land of any person who objects to sell, that is, let it not be included within the boundaries of that land which you publicly offered to the Governor...on the 8th day of March;but consent will be given to the purchase of land that belongs to yourself."45

At the same time Smith wrote another letter addressed to Kingi:

> "The Governor has consented to his [Te Teira's] word, that is, as regards his own individual piece, not that which belongs to any other persons. The Governor's rule is, for each man to have the word (or say) as regards his own land; that of a man who has no claim will not be listened to."46

AJHR, 1860, E No.3A, p.12. For a note on this letter, see Footnote 52 below.

44. Te Teira and Retimana to the Governor ... 20 March 1859, printed in AJHR, 1860, E No.3, p.4. The original Maori of this letter has not been located.

45. Te Mete (T.H.Smith) to Te Teira, 2 April 1859, AJHR, 1860, E No.3, p.5.

46. Te Mete (T.H.Smith) to Wiremu Kingi, 2 April 1859, AJHR, 1860, E No.3, p.5.

Kingi and Te Teira replied separately to these letters. Te Teira wrote to the Governor on 20 April:

> "The land that I and Richmond consented for you to have, belongs to myself, Richmond, Hemi Watakingi, Paranihi, Rawiri, my father Thomas, and Nopera. It belongs to all of us, the land that we two consented to, the seven consent to our offering it to you, it is land from our ancestors,and therefore we consent rightly for you to have it. I am not rashly interfering with other people's land, the land is ours..."

And he went on to urge that the Governor settle for the land at once, rather than waiting till Kingi and Ihaia had made peace, as Parris was urging on him. What, he asked, if no peace was made? "...[T]herefore I say pay us." 47

Kingi's reply was written a few days later, and he was evidently aware that Te Teira had asked for a payment to be made.

> "I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs to the whole of us;and do not you be in haste to give the money...If you give the money secretly, you will get no land for it. You may insist,but I will never agree to it...it is an old word;and now I have no new proposal to make, either as regards selling or anything else. All I have to say to you, O Governor, is that none of this land will be given to you, never, never, not till I die. I have heard it said that I am to be imprisoned because of this land. I am very sad because of this word. Why is it? You should remember that the Maories and Pakehas are living quietly upon their pieces of land, and therefore do not you disturb them...."48

Governor Gore Browne, meanwhile, had left New Plymouth on 25 March for Auckland; C.W. Richmond travelled with him. Before he left he issued a circular to the officers of the Native Department at Taranaki, and wrote to the officer commanding the troops at New Plymouth. The circular, dated 23 March, emphasised that the Governor wished to "maintain a strict neutrality"; the law was to be enforced within the European boundaries,whatever the "race" of the offender. Maori claiming British protection should be granted it, but should not be helped to "elude or overawe their opponents" so that they could reach the settlement. Armed individuals should not be allowed to pass through the town;armed bodies would be prevented from doing so by the officer commanding the troops. But:

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47. Teira and others to the Governor, 20 April 1859, AJHR, 1860, E No.3, p.6.

48. Wiremu Kingi Whiti to the Governor, 25 April 1859, AJHR, 1860, E No.3, p.6.

> "it must be clearly understood that no force must ever be used against the natives or any party of them,unless in order to punish some direct and distinct outrage on their part."49

And the Officer Commanding the Troops was requested to provide a memorandum of what assistance he might need in the event of any "disturbance",and to submit it to his superior officer with the comment that there was "no immediate probability" of any outbreak,but that if there were one he would need the reinforcements.

> "The strictest secrecy should be maintained in reference to any military operations contemplated in this province."50

How, then, did Gore Browne view the events of his visit to New Plymouth? He reported the visit officially to the Colonial Office on 29 March. And it appears from his despatch that he had already reached some conclusions about the matter. He wrote:

> "I found the settlers dissatisfied with the Government, and ill pleased with the Maoris, who, though they possess large tracts of land which they cannot occupy, refuse to sell any portion of it."

He described Te Teira's offer of the land, and Kingi's reaction to it:

> "William King then rose, and, while asserting no claim to it, said he would never permit that land to be sold; then, waving his hand to his people, he and they left the meeting with some want of courtesy to myself."

And he went on:

> "Since then progress has been made in ascertaining Teira's right to dispose of the land (of which there seems to be little doubt), and, if proved, the purchase will be completed. Should this be the case it will probably lead to the acquisition of all the land south of the Waitara river, which is essentially necessary for the consolidation of the province, as well as for the use of the settlers.
>
> It is also most important to vindicate our right to purchase from those who have both the right and the desire to sell.

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49. T. Steward, Private Secretary, to Officers of the Native Department, 23 March 1859, IUP/BPP, Vol.12, p.4.

50. T. Steward to Lieut.-Colonel Murray, 21 March 1859, IUP/BPP, Vol.12, p.4.

> The right to sell land belonging to themselves without interference on the part of other chiefs (not having a claim to share in it) is fully admitted by Maori custom; any recognition of such a power as that assumed by William King would therefore be unjust to both races, because it would be the means of keeping millions of acres waste and out of cultivation. I have, however, little fear that William King will venture to resort to violence to maintain his assumed right; but I have made every preparation to enforce obedience should he presume to do so...."51

As early as the end of March 1859, then, Governor Gore Browne believed that there seemed to be little doubt of Te Teira's right to sell the land; and he had already concluded that Kingi was objecting to the sale not because he had a "claim" to the land, but because he was attempting to exercise chiefly authority over land which did not "belong" to him. He had also concluded that if chiefs could be prevented from exercising their authority in this way against the sale of land, the difficulties which had arisen about land - especially in Taranaki - could be overcome. Those Maori who wished to sell would be able to do so; and this would bring land onto the market which would relieve the economic pressures on the British settlers. In particular, he was evidently anxious to see the land between Waitaha and Waitara in the hands of the settlers , not only because it would benefit them,but because it was "necessary for the consolidation of the province..."

But how was the Government to proceed with the purchase of Te Teira's land in the face of the expressed opposition of Wiremu Kingi? The first indication came in McLean's letter of 18 March to Kingi and Patukakariki. Those who wanted to exclude their land from the sale were to point out their "pieces" ("pihi whenua") within the block ceded to the Governor. But there must be no interference with the rights of those who wished to sell their "part" ("wahi"). "You are aware that with each individual lies the arrangement as regards his own piece..." ("Kua mohio ano koutou, ma tena tangata ano te tikanga mo tana pihi"). 52

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51. Gore Browne to Lytton, 29 March 1859, IUP/BPP, Vol.12, pp.1-2.

52. This letter, with the translation from which the above extracts are taken, was printed in AJHR, 1860, E No.3A, p.12. (Papers presented to the House on 3 August 1860.) Donald McLean read the same letter to the House on 14 August 1860, and supplied a slightly different translation. He translated both "pihi" and "wahi" as "portion", and translated the phrase given above as: "You know that every man has a right (of doing as he pleases) with his portion". AJHR, 1860, E No.4, p.17.

    Peter Cleave, in The Sovereignty Game, pp.9-12, has drawn attention to the style of this letter: the use of the transliteration "pihi" for "piece", "as there is no traditional Maori notion of individual land ownership"; and

Such a policy had never been stated before in Taranaki in this form. Henceforth, apparently, the very act of an offer being made by an individual Maori, or small group of individuals, would be construed by the Government as conferring on itself certain rights over the land of those who had made no offer at all. The Government now assumed the right to oblige Maori to depart from the method by which they normally protected the land from such offers.

Henceforth, opponents of a sale must take immediate action to defend their own claims to the land involved.The Government defined the steps which such claimants must take: they must "point out their pieces". They must do so, moreover, as individuals, to save their individual "pieces". In its communications with the Waitara people subsequently, the Government continued to stress the rights of "individual" Maori to dispose of land.

This, then, was a new Government policy which challenged the rights of Maori in respect of their customary land. It was not the first time, of course, that the Government had made decisions respecting the rights of Maori over land to which their aboriginal title had not been extinguished. It had done so when it introduced a policy of Crown pre-emption (though it was believed that the Maori had been consulted on this, and had agreed to it in the Treaty of Waitangi). It had done so again when it prohibited settlers from leasing land directly from the Maori. And in 1858 the General Assembly had passed the Native Territorial Rights Bill, which provided for the "ascertainment and registry" of the title of any "tribe,community, or individuals", and for the issue of Crown grants to individual Maori of lands which the tribes might cede to the Crown for the purpose. The Governor might impose restrictions on the alienation of such lands, or they might then become available for purchase by settlers. The purpose of the bill, the Native Minister explained in a memorandum, was to hasten the process of "civilising" the Maori:

> "It is notorious that the most frequent and bloody Maori feuds arise, and have always arisen, from disputed title to land... It is equally indisputable that the communistic habits of the Aborigines are the chief bar to their advancement. Separate landed holdings are indispensable to the further progress of this people. Chastity, decency, and thrift cannot exist amidst the waste, filth, and moral contamination of the Pas."53

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the use of the word "tikanga" for "arrangement". "Tikanga", he points out,"is more usually used for an arrangement made in accordance with custom"; the word seems incongruous in this particular context.

53. C.W. Richmond, Memorandum, 29 September 1858, AJHR, 1860, E No.1, p.7.

Governor Gore Browne opposed the bill for a variety of reasons, and it did not receive the royal assent; but it is evidence of settler thinking on the matter of Maori land titles and land purchase at this time.

Now, in 1859, the Government was trying to introduce a policy which in effect would deny the right of Maori kinship groups to make collective decisions about the sale of land.

But what would the Government do if other individuals would not point out their "pieces" within the block? This was the dilemma it grappled with during the rest of 1859. For those Te Ati Awa at Waitara who opposed the sale refused to take this step.

Over the next few months there was something of a stalemate. Donald McLean decided that his next step would be to visit the "absentees" in the south.In the past he had always been careful to extinguish absentee claims - and on occasion, he had paid the absentees first to put pressure on the tangata whenua. Now (at the beginning of April) he went first to Queen Charlotte's Sound - with the expressed aim of influencing the people in favour of the sale before Wiremu Kingi should send messengers to put the case against it. On 25 April 1859 he wrote to C.W. Richmond that he had succeeded in getting the people there and in "other parts" of Nelson Province "to dispose of their claims to the Waitara and to the land offered by Nikorima[of Ngati Rahiri] ". This, he said, would "very much weaken the opposition of Wm King and others". It is not clear whether he got any written agreement at this point, for he said that no payment had been agreed on as yet. He would wait until Parris had made "further progress with the resident Natives".54

(McLean was evidently wrote to Parris at the same time, enclosing a letter from Ropoama Te One to Teira. Parris read the latter out to Teira's people - and reported that it had not gone down very well. Rawiri Raupongo had expressed some dissatisfaction and asked "if they were to get the fat of Arapawa and Waitara also" ("mo ratou te momonatanga a Arapawa,me Waitara hoki").55

THE WAITOTARA PURCHASE

McLean then returned to Wellington at the end of April, and consulted some Te Ati Awa there. But he did not go to the Kapiti coast,where Ngati Kura were. Instead he went with the Governor to Whanganui to try and achieve the purchase of a new block of land at Waitotara. Henry Halse had been there late in April to prepare the ground, and had reported that Nga Rauru were ready

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54. McLean to C.W. Richmond, 25 April 1859, The Richmond-Atkinson Papers, ed. G.H. Scholefield, Vol.1, p.455.

55. Parris to Chief Commissioner, 9 May 1859, MA/MLP/NP 1.

to sell, and that all that was needed was his own presence. But McLean must hurry, for Ngati Ruanui were entirely opposed to the sale, and any delay would probably be "fatal". Halse reported, in fact, that Ngati Ruanui had handed over the land as far south as Kai Iwi to the Maori king . Whether they had actually done so, or whether they were simply contemplating such a move,is not clear ; either way it might help explain why Nga Rauru wished to enter into negotiations with the Government about Waitotara at this time. Wi Tako, said Halse, had been at Waitotara; he was utterly supportive of the king, and was going on to New Plymouth "to do all the mischief he can".56

According to a later account written by H.C. Field there were other reasons too why Nga Rauru wished to sell the land at this time. The four principal chiefs were all childless (Field thought they were therefore anxious to "get their share of the proceeds";but the concerns of chiefs in this position generally lay deeper than this).And above all Nga Rauru were influenced by the passing of the Native Reserves Act,which for the first time appeared to offer them the option of gaining a reasonable income from the land by leasing the large reserves which they intended to have granted within the purchased block. For they had not been opposed to selling land as such,but rather to selling it at the low price the Government offered,which bore little relation to the market price of the land.57

McLean responded to Halse's appeal, and arrived with the Governor at Whanganui on 7 May. Nga Rauru ,subsequently, made a formal offer of their land to the Governor. An agreement was signed on 11 May by 14 Nga Rauru, who received 500 pounds as "the first instalment for Waitotara" - a block which McLean described as containing about 30,000 acres.The first names to the agreement were those of Aperahama Parea and Hare Tipene. No detailed boundaries were recorded;nor had any survey been done.The agreement merely stated that when one was done, the boundary from Kai-iwi, inland to Waitotara, would be marked off. And the English version of the agreement contained an interesting clause:

> "Our having received the money is a guarantee of the cession of this land to the government of New Zealand."

McLean,reporting the agreement to the Colonial Treasurer, explained his rather hasty payment to Nga Rauru by reference to the:

> "great exertions...being made by the Ngatiruanui Natives to resist the sale, and have the land handed over to Potatau."58

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56. H. Halse to McLean, 20 April and 28 April 1859, McLean Papers, MS Papers 32, Folder 316 (21 and 22).

57. H.C. Field to Lieut Genl. Sir D.A. Cameron, 7 September 1865, HB 3, no. 66/90.

McLean borrowed a Provincial Government surveyor to begin the survey of the external boundary, and by May it had been agreed to commence the inland boundary at Okiore,and carry it on to Wainui.The Government was offered the land seaward of this line. Halse had hoped to secure more land than this, but Nga Rauru said they could not extend it further in the face of opposition from others. (A party of Ngati Porua people staked out a boundary at Wainui, stretched a rope across, and placed three loaded guns along and outside the boundary,to ensure that the boundary was taken no further in that direction.) At the same time Henry Halse reported that Ngati Ruanui and Taranaki were:

> "quite reconciled to the purchase, proving the soundness of action taken by you in closing the negotiation regardless of the threatened opposition from those tribes."

But he also reported a private conversation between two chiefs which seems to indicate considerable Ngati Ruanui confusion as to how best to act in difficult circumstances.They did not want the land to be sold,but they did not want trouble with Ngarauru either.59 In any case, after Halse had left Waitotara, Samuel Deighton -who had been employed to act as an interpreter in his absence - apparently succeeded in extending the inland boundary (in line with McLean's wishes),"holding out" until he overcame Ngati Porua opposition.60 According to Field McLean had conducted his negotiations in a Whanganui hotel, and had never been out onto the land;he was unaware of the impact of the windings of the Waitotara River on the size and shape of the block,and it turned out to be much smaller than he had expected.(This was later to lead to considerable difficulty over the purchase between Nga Rauru and the Government.)61

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58. Chief Land Purchase Commissioner to the Colonial Treasurer, 25 May 1859 (enclosing text of the agreement about Waitotara), printed in AJHR;, 1866, A 1, pp.5-6.

59. H. Halse to McLean, 2 May 1859,Private, McLean Papers, MS Papers 32, Folder 316(25). See also ibid, no.26.

60. H. Halse to McLean, 20 June 1859, McLean Papers, MS Papers 32, Folder 316 (26); and S. Deighton to McLean, 18 July 1859, McLean Papers, MS Papers 32, Folder 243(1).

61. Field to Cameron, 7 September 1865, HB 3, no.66/90. The purchase was finalised on 4 July 1863, when Isaac Featherston, Superintendent of Wellington Province, paid over 2000 pounds, and all the land between "the Okehu stream and the Waitotara River" passed to the Crown. According to a report written by General Cameron in July 1865,there was considerable opposition to the transaction. See AJHR, 1866, A No.1, pp.4-9.

ROBERT PARRIS AND THE WAITARA PAYMENT

Donald McLean had left Whanganui with the Governor and accompanied him to Napier. Gore Browne had already publicly outlined his programme for McLean: he was to negotiate for land first in Hawke's Bay,and then in the Wairarapa; then to return to Whanganui (via Manawatu) in several weeks' time to conclude the Waitotara purchase, before going on to Taranaki to "settle some purchases in that province".62 But McLean simply stayed at Napier,for months, buying land in the Hawke's Bay region. Pleas from his staff at Whanganui, New Plymouth, and Auckland - even a "private hint" dropped in mid-July by his friend T.H. Smith (the Assistant Native Secretary) that the Governor was "getting a little fidgetty about your remaining so long at Hawkes Bay" - failed to shift him from the east coast.63

Parris, meanwhile, was biding his time in Taranaki. On 11 April he wrote to McLean that the Puketapu were discussing a general peace among Te Ati Awa,and that he would keep Te Teira's question "in abeyance" for a time.64

Two weeks later the peace moves were continuing,and it was hoped that Ihaia might soon be involved in them. Parris was still doing nothing with respect to Te Teira's offer, but reported that they were "getting anxious and restless".65 And by the end of May they were "very restless", particularly since they had heard of the new purchase at Waitotara.(Indeed Te Teira and his people wrote again to the Governor at this time,asking for payment.66) The peace talks had made considerable progress,but Kingi still resisted extending the peace to Ihaia and Nikorima.67 By June Ihaia himself was apparently most anxious for a reconciliation with Kingi; but he was also supporting Te Teira's "tikanga". He was however received at Werohia pa in mid-July, though Kingi was not there at the time.

Kingi, indeed, wrote two letters to Archdeacon Hadfield in July. In the first he asked him to discuss the Waitara sale with Governor Gore Browne and McLean:

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62. Taranaki Herald, 4 June 1859.

63. T.H. Smith to McLean, 13 July 1859, McLean Papers, MS Papers 32, Folder 581(18.)

64. Parris to McLean, 11 April 1859, Private, McLean Papers, MS Papers 32, Folder 493(16).

65. Parris to McLean, 25 April 1859, Private, McLean Papers, MS Papers 32, Folder 493(17).

66. Te Teira and others to the Governor, 23 May 1859, AJHR, 1860, E No.3, p.7.

67. Parris to Chief Commissioner, 28 May 1859, MA/MLP/NP 1.

"ta te mea e tohe tonu mai ana raua ki te whakaaro o te tangata e tuku ana i Waitara nei...Inaianei kua puta mai ta raua kupu ko Hare kia hopukia au mo toku purutanga i te whenua,no te mea, he mea kino rawa kia raua te pupuru i te oneone...."

("for they persist in following the thoughts of the man who is offering Waitara....At the present time,he [Mr Parris] and Mr. Halse have talked about taking (apprehending me) me because of my holding the land,for holding the ground is a very bad thing in their estimation.")

And perhaps Hadfield could also talk to Parris, who had evidently settled the price for the land at Waitara.

"...ko etahi kupu hoki ana,kaore ratou nga Pakeha e whakarongo mai ki aku kupu.Ko ta ratou inaianei, ahakoa tangata kotahi mana e hoatu te whenua, ka pai tonu mai nga Pakeha, kia rongo mai koe, ko tenei ka he, he rawa, he rawa, ki taku ka rite ano te rohe mo nga Pakeha ko Waitaha. Heoti ano ka noho atu i reira; kia kaha atu to kupu ki a Te Kawana raua ko Te Makarini, kia whakamutua ta raua tohe mai ki Waitara nei, kia noho pai ai matou, nga Pakeha. Mau e tuhi mai ki au kia rongo mai".

("Another word of his was, that they, the Pakehas, would not listen to my words. At present they say, that though but one man offers the land, the Pakehas will accept it. Hearken. This will be wrong, very wrong, very wrong. According to me the boundary of the Pakehas is settled, it is Waitaha. Enough. Let them remain there. Let your word be strong to the Governor and Mr. McLean to cease their importunity regarding Waitara, so that we and the Pakehas may sit quiet. You write to me, that I may hear.")68

Kingi wrote to Hadfield again on 27 July,complaining about Parris's persistence; Parris would like to see him dead,so that he could get the land. Yet had not Hadfield and Williams both heard the words of Reretawhangawhanga, that Waitara should be held? 69

(The Governor was later to complain that he was not told of the existence of these two letters (and another written in December) until after the war had broken out, and that he knew nothing more of them until August 1860,when they were brought forward in the House of Representatives.He considered that they should have been communicated to him after Hadfield had received them.)70

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68. Wiremu Kingi Whiti to Hadfield, 2 Hurae (July) 1859, printed with translation in AJHR, 1860, E. No.3A, pp 6-7.

69. Wiremu Kingi Whiti to Hadfield, 27 Hurae (July) 1859, printed with translation in AJHR, 1860, E No.3A, p.7.

Time passed, and still McLean did not come. In August the missionary John Whiteley (long a supporter of Ihaia's) wrote to the Governor urging him to send McLean back to Taranaki,lest Te Teira's patience be overtaxed and he should finally "desert the interest of the Government". The need for land in Taranaki was being felt more and more, and there was no part of New Zealand,Whiteley suggested, where the "powerful influence of this respected and successful officer is needed more than in the Province". The "proud and haughty Chiefs" liked to be treated with by superiors,

> "and, if by meeting and gratifying this vain conceit Mr McLean could relieve them of some of their useless lands he would confer an incalculable blessing both upon them and the Province of Taranaki."71

The Governor, however,seems to have needed little encouragement; by the end of the month he was urging completion of the sale on both C.W. Richmond and McLean.

On 26 August T.H.Smith wrote to McLean that the Governor thought Te Teira's offer "should be followed up", and that they were writing to Teira to tell him the Governor would not forget his promise to buy the land.And the following day Richmond wrote to Parris to convey the Governor's anxieties. The Governor, he added, "feels that he is pledged to effect the purchase". 72

But this was written a month before Parris reported to C.W. Richmond about his investigations at Waitara.Wiremu Kingi,wrote Parris, was

> "full of dogged obstinacy,assuming the right to dictate authority over land offered by the rightful owners to the Government. He takes this ground, not being able to refute the claims of Teira and his supporters,who, from all I can gather from disinterested natives, are the rightful owners."

Tamati Raru, he added, had told Kingi only the previous week that he was only being stubborn about the land on the south bank of the river;that his own land was on the north bank. Kingi's reaction had been one of "violent opposition". Teira however had also been less than mild; Parris had to "restrain him in many of his propositions" to keep the peace, for he was "emboldened by the justice of his claims." The general view among the Maori was that the Government's handling of Teira's offer was crucial; as Parris worded it:

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70. Gore Browne to the Duke of Newcastle, 29 August 1860, IUP/BPP, Vol.12, p.122.

71. Whiteley to T.G. Browne, 22 August 1859, McLean Papers, MS 32, Folder 634 (41).

72. K. Sinclair, The Origins of the Maori Wars, p.165.

> "if purchased, more will immediately follow; if not purchased, those who want to sell will be afraid to move in the matter."73

It was perhaps not surprising that Governor Gore Browne minuted this letter (on 27 September) as follows:

> "If Mr Parris is satisfied that Teira and the others who offer to sell have an indisputable title to the land, an advance should be made to them at once in part payment for it. They should, however, be told that the purchase will not be completed until Mr McLean reaches Taranaki...."74

And T.H. Smith, Assistant Native Secretary, wrote to Parris the same day, conveying the Governor's authority to make an "immediate advance" on the land, "should you be able to satisfy yourself that the parties offering it, have an indisputable title."

The Taranaki settlers, meanwhile, held a public meeting on 3 September, chaired by J.C. Richmond, and decided to memorialise the Governor to take further steps to acquire land in the Province. For at last there was a general Te Ati Awa peace - indeed it was reported in the Herald on the very day the meeting took place - and whereas negotiations for land might have been difficult previously (one speaker thought) , now it was high time to seek McLean's return to Taranaki to bring the negotiations to a close.

But it was the end of October before the settlers got any sort of satisfaction from the Government.By then the Herald was getting restive. McLean was reported to have left Hawke's Bay on 8 September,having "extinguished" the native title over some 1,700,000 acres. The Herald complained:

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73. Parris to C.W. Richmond, 21 September 1859, AJHR, 1860, E No.4, p.25.

74. See Gore Browne to C.W.Richmond, 19 July 1861, The Richmond-Atkinson Papers, ed. G.H. Scholefield, Vol.1, p.716.

75. T.H. Smith to Parris, 27 September 1859, AJHR, 1860, E No.3, p.8.

76. T.H.Smith to McLean, 26 August 1859, McLean Papers, MS Papers 32, Folder 581(22); Taranaki Herald, 10 September 1859.

77. ibid. See also Taranaki Herald, 3 September 1859.

> "...the weakest goes to the wall, and provinces which already count their acres by millions can command the services of the Chief Commissioner without an effort... Could not the influence which Mr McLean possesses over the native mind be gradually extended to the subordinate local affairs of his department?... Upon the completion of the purchase of Teira's land many important questions are involved,and we repeat that the Governor is bound to pursue this land purchase to a conclusion. It is true that in the present instance there is an opposition,but is land ever purchased without one, real or fictitious?...
>
> The opposition in the present instance is influenced by factious motives alone, not from any legitimate claim to the land which they have dared the Governor to pay for, and their opposition can only become dangerous from the extraordinary delay that is taking place..."78

The Herald was however somewhat cheered by the Governor's reply to the Memorial to him,which reached New Plymouth on 27 October,and was published two days later. The letter itself was not especially encouraging - which was perhaps not surprising in view of Gore Browne's private opinion that:

> "The good people at Taranaki are getting impatient and very bumptious and I am rather anxious to give them a rebuff - It is not to please them I would hasten Teira's purchase but because it ought to be completed. Their impatience is the chief obstacle to the attainment of their wishes".79

The Governor's public reply referred to the Resident Commissioner (Parris) as being "well able to take advantage of any favorable opportunity...which might occur." But it warned that "continual agitation" of the matter of land purchases might be counter-productive in a province where the Maori had for a long time "refused" to sell .The progress of land purchase in Taranaki, therefore, could hardly be fairly compared with that in a province where the Maori were willing to sell.80

Given the Herald's enthusiastic reaction to this letter, it would appear that it might also have learned that Parris had been authorised by the Governor "to make a payment to Teira ma" on account of Waitara. Parris had in fact received the authorisation at the end of September, as he reported privately to McLean soon afterwards ; but it seems likely that he kept this to himself at the time. As he explained in a later letter, he did not think it a good time to make a payment - with all the excitement that would produce -because it was planting season;nor did he think it worth while to pay over such a small

78. Taranaki Herald, 15 and 22 October 1859.

79. Cited in K. Sinclair, The Origins of the Maori Wars, p.166.

80. Taranaki Herald, 29 October 1859.

amount.81 It is quite clear, in fact, that Parris did not want to move without McLean. He wrote: "...I shall do nothing until you arrive, unless things are more favourable than at present-".

And at present, things did not look favourable at all.Kingi, Parris reiterated to McLean, was as "doggedly opposed as ever",and had attempted to tie the cessation of land sales to the peace negotiations,making the one dependent on the other. Parris however "had agents employed to counteract this,and the majority of those present declared they would not "interfere with Teira's question",

> "so that the question is now confined to the people at the mouth of the river who oppose it on the ground, that if they allow Teira to sell his, others will do the same (quite true)."

(It would not appear that this decision on the part of the groups whom Parris mentioned was a very surprising one,since they were hapu who do not appear ever to have claimed land in this area.)

It was in this letter also that Parris gave a written opinion on the claims of Teira and his relatives to the Waitara block:

> "I believe Teira & his supporters are the principal claimants to the land on the South bank of the river,the best argument in their favour is,that when they came from Waikanae, Wm. King asked Tamati Raru's (Teira's Father) leave to build their Pa's on the South side,thereby admitting that the land was theirs -".82

A month later Parris was sounding slightly desperate.He had learned that McLean had been very ill (with rheumatic fever),but his sympathy was tempered by anxiety about his own dilemma, and McLean's failure to help him out of it.There seemed no prospect of an "amicable arrangement" at Waitara.Kingi was being encouraged in his "obstinacy" by others in the district. Teira had received two very encouraging letters from the Governor,"couched in such terms, as scarcely to admit of a retraction, since when they have been pressing the question rather earnestly upon me." And though Parris had asked Henry Halse to explain to the Governor in person why he had not paid Teira's people their instalment, Gore Browne had not been moved from his plan. He wrote privately to Parris, evidently urging the payment on him;and Parris, therefore, was about to make it. Ihaia, he added, was out of hospital,and looking forward to the settlement of Te Teira's sale.83

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81. Parris to McLean, 7 November 1859, Private, McLean Papers, MS Papers 32, Folder 493(21).

82. Parris to McLean, 3 October 1859, Private, McLean Papers, MS 32, Folder 493(20).

The weeks passed, and still Parris held off making the payment; he was still waiting to hear from McLean.

> "I assure you Mr McLean this matter gives me great anxiety of mind, least we should have a repetition of Rawiri ma's massacre - The justice of Teira & others claims emboldens them to propositions which I find it necessary to restrain, lest evil should come of it"84

But Parris had finally set a date for the payment, on 29 November. The payment, one hundred pounds, was duly made on that date, and Parris reported the matter officially to McLean on 4 December. He had informed Kingi about the payment several days before, and on the 29th Kingi had come into New Plymouth with thirty people to express his opposition. His people and Te Teira's had sat down and discussed the payment quietly,while numbers of settlers looked on.Parris then read out the boundaries of the block,and reiterated the Government's policy in respect of those who did not wish to sell:

> "E mea ana Te Kawana,mehemea ka tika te kupu o tetahi tangata e ki nei he pihi whenua tana i roto i nga rohe kua tuhituhia nei ki tenei pukapuka,kahore i a ia te pai kia hokona taua pihi (ara tona taupa) me rohe marire me waiho tana pihi ki a ia."

Thus the Government clarified its definition of "he pihi":

> "And the Governor declares that if the assertion of any man is true who states that he has a portion of land situated within the boundaries recited in this document,and he does not wish his portion to be sold (that is his own strip of cultivation ground), it may be distinctly marked off and his portion left to him."85

The next stage in the process of purchase was also described:

> "When the boundary lines have been cut and the price fixed for this land,the whole of the payment for the said land described in this document shall be handed over."

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83. Parris to McLean, 7 November 1859, Private, McLean Papers, MS Papers 32, Folder 493(21).

84. Parris to McLean, 28 November 1859, Private, McLean Papers, MS Papers 32, Folder 493 (22).

85. Document setting forth the boundaries of the block purchased by the Government at Waitara...(29 November 1859), and Translation, AJHR, 1861, C No 1, pp.224-5.

In the wake of this statement Parris then put a series of questions to Kingi, and carefully recorded his answers:

"Q. Does the land belong to Teira and party?

A. Yes, the land is theirs, but I will not let them sell it.

Q. Why will you oppose their selling that which is their own?

A. Because I do not wish for the land to be disturbed; and although they have floated it, I will not let them sell it.

Q. Shew me the justice or correctness of your opposition?

A. It is enough, Parris, their bellies are full with the sight of the money you have promised them, but don't give it to them; if you do, I won't let you have the land, but will take it and cultivate it myself."

Since the payment had been made, Parris reported to McLean, Te Teira had stayed in town, considering it not safe to be at Waitara.86

Parris's private account to McLean was couched in similar terms,though he added one significant phrase which was not in his official account.He had paid the instalment for Waitara to Teira and party, he wrote:

"in accordance with the recommendation of the Governor-".87

A week later Parris wrote to McLean again. In the interim he had at last heard from McLean,who reported his convalescence and evidently gave Parris no hope at all of his imminent return to Taranaki. Parris was "sadly disappointed"; there were more problems than Waitara which he needed McLean's help with.The Waitara question,he reported, was "quiet". Kingi was offended with him for having made the payment,"being afraid of the consequences". And Parris tried an appeal to McLean's vanity:

"You may now Sir immortalize your name in New Plymouth - come & conclude the purchase of Teira's and I believe the question is then settled -...[and he added] I do most sincerely trust that your health will enable you soon to come for I verily believe that now is the time for turning

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86. Parris to Chief Land Purchase Commissioner, 4 December 1859, AJHR, 1861, C No.1, p.231.

87. Parris to McLean, 5 December 1859, Private, McLean Papers, MS Papers 32, Folder 493(23).

> the tables - a little show of determination with the present favourable change, will settle the whole question if some liberal provisions of land is made for all-"

(Parris had been further encouraged by the apparent "conversion" of an Onaero chief to the sale of land, and by requests from several pa for Queen's flags, after a "small party" had sent away for King's flags.)88

Meanwhile, on 5 December, Wiremu Kingi wrote once more to Archdeacon Hadfield:

> "E pa kia rongo mai koe,he patai atu tenei naku ki a koe, kia whakaaturia mai e koe nga tikanga hou a Te Kawana, i rongo au kia Parete, i taku haerenga atu ki te taone ki te tutaki i nga moni a Te Kawana hei utu mo Waitara, kotahi rau pauna...Ka ki atu au ki taua Pakeha. E hoa waiho atu o moni,ka ki mai taua Pakeha. Kahore, ka ki atu au kahore he whenua hei taunga mo ho [sic] moni, katahi ka ki mai a Parete ki au. Ka he, ki te tae mai e Te Kawana ko te he rawa tenei. Ka ki atu au, e pai ana, mau e homai te he; kati ano maku ko te whenua. Ka ki atu ano au ki a Te Parete, ko te whenua Pakeke ekore a Te Kawana e pai. Ka ki mai taua Pakeha, i mua ia, inaianei, he tikanga hou tenei a Te Kawana. Kei taku mohio he kimi whawhai ana a Te Kawana mana, inahoki kua whakaaturia rawatia mai te mate, no konei i uia atu ai ki a koe, kia whakamaramatia mai e koe, tena pea kua rongo koe ki nga ritenga hou a Te Kawana inaianei, mo te riri noa me te tohe tonu ki te whenua pakeke, a pokanoa iho te utu i te whenua pakeke, kaore i tiinitia. Kia rongo mai koe,ekore e hoatu e au te oneone, ma Te Kawana ano e pokanoa ki te patu,ka mate,hei reira kaore ona tikanga, no te mea he kupu tawhito. Ko te tangata ki mua, muri iho ko te oneone, koia i puta atu ai taku kupu, kia ata rongo marire mai koe i taku he,ki te he o nga Pakeha katoa, o Parete, o te Waitere, o Te Kawana, e ki ana ratou, no Te Teira anake tona piihi whenua, kaore no matou katoa, no te wahi pouaru taua piihi whenua. Ki te tae atu a Kawana ki kona, mau tetahi kupu ki a ia, ki te kore ia e whakarongo mai e pai ana..."

> ("Father, hearken, this is to ask you to explain to me the new system of the Governor; I heard of it from Mr. Parris when I went to town to close (stop the payment of) the money of the Governor, the payment for Waitara,one hundred pounds...I said to that Pakeha, "Friend, keep away your money." That Pakeha said, "No". I said, there is no land for your money to light upon. Mr. Parris then said to me, it is wrong, if the Governor comes, this will be the real wrong. I said, it is well, you give (be the cause of) the wrong, sufficient for me is the land. I also said to Mr. Parris, disputed land the Governor does not desire. That

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88. Parris to McLean, 12 December 1859, Private, McLean Papers, MS Papers 32, Folder 9(14A).

> Pakeha replied, "That was some time ago: now this is a new system of the Governor's." From what I know (in my opinion) the Governor is seeking a quarrel for himself, for he has fully exhibited death. I therefore ask you to explain it to me,perhaps you have heard of the Governor's new system of the present time, relative to causeless anger, insisting upon disputed land and unwarrantably paying for disputed land,which has not been surveyed. Do you hearken. I will not give the ground. If the Governor strikes without cause, then death, then he will have no line of action (tikanga) for this is an old word, "man first, the land next." My word was therefore spoken, that you might distinctly hear what my offence is, and also the error of all the Pakehas, of Mr. Parris, Mr. Whitely, and the Governor. They say that to Te Teira only belongs that piece of land. No, it belongs to us all : to the orphan and to the widow, belongs that piece of land. If the Governor goes there (to where you are) you speak a word to him, and if he does not listen, it will be well..."89

THE OUTBREAK OF WAR AT WAITARA

In the wake of the payment of the first instalment for Waitara, events moved quickly. Te Teira and nine of his party sent a letter to the Governor on 19 January 1860 urging the completion of the purchase on him. Parris,evidently, had indicated to them that he would take no further steps until he had heard from the Governor; they now asked the Governor to write, or to come himself to Taranaki.

> "We are sad, because of our marriage with this woman being deferred so long. This woman that we gave to you in the face of day is now lying cold.You had better turn her towards you and warm her, that she may sleep comfortably in the middle of the bed."90

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89. Wiremu Kingi Whiti to Hadfield, 5 Tihema (December) 1859, printed with translation in AJHR, 1860, E No. 3A, p.8. While it is interesting to read the contemporary translation (which most Pakeha would have relied on), obviously a better translation of this letter is needed. The Governor later complained that he had not heard of the existence of this letter,or the two July ones written by Kingi, until after the war had broken out;nor were they brought forward until the debate in the House in August 1860. (Gore Browne to Newcastle, 29 August 1860, IUP/BPP, Vol.12, p.122.)

90. Te Teira ma to Gore Browne, 19 January 1860, AJHR, 1861, C No 1, p.232.

On 25 January (whether as a result of the receipt of this letter is not clear) the Governor brought the Waitara purchase before the Executive Council. In particular,he drew to their attention the fact that a survey was now necessary before the purchase could be completed. The advice of the Council that day was crucial. Parris was to proceed with the survey, and to let Kingi know, "indirectly,but not officially",the day he meant to start. If Kingi or any others tried to prevent the survey, or interfered with it, then:

> "the surveying party [should] be protected during the whole performance of their work by an adequate Military Force,under the Command of the Senior Military Officer; with which view, power to call out the Taranaki Militia, and Volunteers, and to proclaim Martial Law be transmitted to the Commanding Officer at New Plymouth."

And once the survey had been completed, the Commanding Officer should:

> "until further instructed,keep possession, by force if necessary,of the said land so as to prevent the occupation of,or any act or trespass upon it by any Natives."

The civil authorities were to be instructed to assist the military authorities to the utmost of their power; and Colonel Gold and C.W. Richmond (both members of the Council) were to give the necessary directions accordingly.

Richmond (Minister of Native Affairs) wrote to Parris the same day,stressing that the initial survey was to be commenced by an ordinary survey party,unarmed,after Kingi and his party had been made aware that it was imminent, and that the Governor was determined to complete the purchase. Should the survey be resisted,however, the survey party was to retire, and the troops were then to take possession of the block and protect the surveyors while they worked. Parris was to use his discretion as to when he paid the rest of the purchase money to Te Teira.Richmond concluded:

> "The Governor relies upon your tact and firmness in the execution of the difficult service entrusted to you;hoping that matters may be so conducted as to obviate the necessity of resorting to force;but feeling at the same time that it is impossible for himself, as Her Majesty's representative, to withdraw from the position which he has deliberately assumed in reference to this affair."91

And at the same time the Governor wrote officially to the Officer Commanding the Troops asking him to communicate with the commanding officer at New Plymouth,and informing him that a

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91. C.W. Richmond to Parris, 25 January 1860,IUP/BPP, Vol. 12,p.5.

proclamation enabling Colonel Murray to declare martial law would be sent to him direct. E.W. Stafford, Colonial Secretary,sent the proclamation (dated 25 January) to Murray on 26 January along with an instrument enabling him to call out the Taranaki militia, and informed him that he should only publish it under such circumstances "as in your opinion render it impossible to carry out the wishes of the Government without resorting to the powers conferred by these documents."92

The Governor then reported the proceedings of the Executive Council to the Secretary of State for the Colonies.The terms in which he did so are worth quoting at length.He reminded the Duke of Newcastle of his previous despatch reporting his acceptance of Te Teiras's offer of the land,"provided he could prove an indisputable title to it", and that he:

> "would not permit any chief to interfere with that engagement unless he could show some claim to the land in question;a decision which your Grace has been pleased to approve. The title of Teira and the other proprietors having since then been proved and extinguished, and a large instalment of the purchase money having been paid,I have directed the land to be surveyed in the usual manner.
>
> Rumours have reached me that the survey will be interrupted by the chief William King (who has evidently been advised by some disaffected persons),and that difficulties may ensue. I do not put much faith in these rumours, or anticipate resistance, when the natives see that, though always ready to consider every reasonable objection, I am not the less determined to enforce Her Majesty's right to deal with her own subjects without hindrance from any one not having a legitimate interest in the transaction."

He was however prepared for every contingency. But he wrote on the subject "only as a matter of information", trusting that "it may not be necessary to refer to it again".93

Gore Browne thus gave the Colonial Office to understand that Kingi had no claim to the land, that the proper owners received payment for it, and that he anticipated no difficulty with the survey - though the documents he enclosed in the despatch (most of which have been quoted above) did not entirely reinforce this matter-of-fact view of the situation. (Perhaps put CO minutes at this point).

In Taranaki the missionary John Whiteley, to whom Parris showed his instructions from Richmond, clearly thought that a crisis was imminent.

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92. Stafford to Murray, 26 January 1860, IUP/BPP, Vol.12, p.6.

93. Gore Browne to Newcastle, 25 January 1860, IUP/BPP, Vol.12, pp.4-5.

> "This is a decisive step and viewed in connection with the past career of Wiremu King and the probable results which may arise from it, it seems to be in every respect retributive and solemn. May God interpose and save the people."94

On 11 February Colonel Murray acknowledged receipt of his instructions to afford the surveyors of the Waitara land military protection if necessary. He stated that Wiremu Kingi was still determined to resist the sale:

> "and I anticipate that it will be necessary to carry out my instructions during the ensuing week."

He considered that he would need to take a force of 200 men (regular troops and militia) to effectively occupy the block,and asked for 50 extra men so that he would still be able to protect the town as well.He also drew attention to the "very unserviceable state" of his field guns and artillery.

From this time on tension in New Plymouth was clearly mounting. There was a general expectation that confrontation was imminent. J.C. Richmond wrote to C.W. Richmond on 9 February,expressing some misgivings about the British officers,so that he was neither confident nor despondent about the approaching conflict.Above all, he hoped it would achieve something tangible, and "read a real lesson to the Maori".

> "...order must be asserted, and...it is better at once than later when it may become more purely a battle of races & when more unscrupulous people may have the reins & the rifles than the present. I want to effect something by fighting."95

Harry Atkinson wrote to C.W. Richmond at the same time,outlining his own views on how the conflict should be managed. His great fear was that it would be mismanaged, and that the military occupation of the block would simply result in the Maori taking to the bush until they were ready to mount their own attack. This, he thought, should be avoided at all costs. Much better - once the survey had been interrupted, as he expected it would be - to do nothing until the troops were ready to mount a surprise attack.

> "When every thing is ready I would march my force down one night and surround the Pa (every inch of the ground may be known before hand),in the morning I would give them an hour to come out and lay down their arms and ammunition, all of

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94. John Whiteley, Journal, 31 January 1860.

95. J.C.Richmond to C.W.Richmond, 9 February 1860, The Richmond-Atkinson Papers, ed. G.H. Scholefield, Vol.1, p.515.

> which I would destroy.W. Kingi should be deported at least. If they fired a shot I would hang W. Kingi and all the leading men, the rest should be deported....The great end to be gained is to let them feel and see our power without the loss of a single life."96

Parris reported to Richmond on 11 February that the whole of his time was being spent preparing to carry out his official instructions of 25 January (namely,to begin and publicise the survey,and to prepare for military occupation of the block if necessary) -"which from the publicity given to them have thrown the Natives into a state of excitement." The settlers had exaggerated the facts, as they always did, and the Maori were always ready to believe them. He was spending a lot of his time among the Maori to assure them that the Government did not wish "to hurt them"; but was merely determined to conclude the purchase of Te Teira's land. He had had a long talk with Kingi during the week, which he could not report as favourable.97 He had tried (he explained in a later letter) to "work upon" the people, explaining how the Government had been troubled by the Waitara question for years. But Kingi had interrupted another speaker,had stood up and said:

> "I will not consent to divide the land, because my Fathers dying words, and instructions were, to hold it."98

The Taranaki Herald also commented on the "excitement observable among the natives", and commented on the best military approach to the situation, adding:

> "So far to the time of writing Taranaki which has been peculiarly the victim of a false and cruel native policy. The last and greatest trial awaits us..."99

And Charles Brown wrote to Richmond on 19 February:

> "We seem to be fast approaching a settlement of the point,whether Her Fair Majesty or His Dark Majesty shall reign in New Zealand...I feel satisfied that the question of who shall have the sovereign power,now raised at the Waitara,cannot fail to draw the Maori King movement into it, or the Maori King movement will cease to be..."100

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96. H.A. Atkinson to C.W.Richmond, 10 February 1860, The Richmond-Atkinson Papers, ed.G.H.Scholefield, Vol.1, p.519.

97. Parris to C.W.Richmond, 11 February 1860, The Richmond-Atkinson Papers, Vol.1, p.520.

98. Parris to C.W. Richmond, 16 February 1860, MA/MLP/NP1, p.240.

99. Taranaki Herald, 18 February 1860.

The same day (a Sunday) Whiteley recorded in his Journal that at Waitara Heads he had met Wiremu Kingi:

> "who was full of the subject of the contemplated survey of Te Teiras land and his determination to resist it. Of course I advised him to yield but he is too arrogant and self-conceited for that so he appears likely to follow his own heart's desire."101

It was the day before Parris was to begin the survey of the Waitara land.

On the morning of 20 February he took a survey party of three men,led by Octavius Carrington the Provincial Surveyor, out to the land "sold to the Government" ,to survey the external boundaries. Sixty to eighty of Kingi's people met them,unarmed, and "refused to allow us to proceed with the work." When the surveyors' instruments were placed on the ground, they were seized,and a scuffle took place in which one of Teira's party who had accompanied Parris struck another man to the ground. Parris at once intervened and asked the surveyors to retire.102 Parris wrote a brief report to Colonel Murray that same day, pointing out that, in accordance with his instructions:

> "the assistance of a Military force has become necessary".103

Colonel Murray wrote immediately to Kingi, giving him what amounted to an ultimatum. The language of this letter was crucial:

> "William King, It has given me much pain to hear from Mr.Parris that the Government surveyors sent down to survey the land purchased from Te Teira were stopped by your people. This is rebellion against the Queen. I am most anxious that no harm should come to any Maories caused by your conduct; but I must tell you plainly that the Governor has ordered me to take possession of the land with soldiers, and I must obey him if you continue in opposition. As I wish to keep everything peaceable between

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100. C. Brown to C.W. Richmond, 19 February 1860, Richmond-Atkinson Papers, Vol.1, p.522.

101. John Whiteley,Journal,19 February 1860.

102. The survey was ultimately completed in September 1860; the size of the block was 980 acres. See Map attached, from AJHR, 1863, E No.2.

103. Parris to Murray, 20 February 1860, AJHR, 1860, E No.3, p.13; Parris to C.W. Richmond, 20 February 1860, MA/MLP/NP 1, p.241; Taranaki Herald, 25 February 1860.

> the Europeans and the natives, I will wait till 4 o'clock to-morrow afternoon, for your answer, whether I am to go or not."

Kingi replied the following day,explaining that the letter had arrived at two in the afternoon, but that they had all been away and had not seen it till the evening. His answer, too, is of great importance; it clearly summarised his position:

> "Friend Colonel Murray,Salutation to you in the love of our Lord Jesus Christ....You say that we have been guilty of rebellion against the Queen,but we consider we have not, because the Governor has said he will not entertain offers of land which are disputed. The Governor has also said,that it is not right for one man to sell the land to the Europeans,but that all the people should consent. You are now disregarding the good law of the Governor,and adopting a bad law. This is my word to you.I have no desire for evil, but, on the contrary,have great love for the Europeans and Maories. Listen; my love is this, you and Parris put a stop to your proceedings, that your love for the Europeans and the Maories may be true. I have heard that you are coming to Waitara with soldiers,and therefore I know that you are angry with me.Is this your love for me, to bring soldiers to Waitara? This is not love; it is anger. I do not wish for anger;all that I want is the land. All the Governors and the Europeans have heard my word, which is, that I will hold the land. That is all. Write to me. Peace be with you."104

Murray, meanwhile, had also written to the Major of Brigade on 20 February,informing him of his intention to take military possession of the block - unless Kingi promised to abandon his opposition - and of the fears of the out-settlers. He urged that reinforcements be sent, so that any conflict might be confined to the troops and the Maori,and that the militia would not need to be involved.105 Parris in fact had urged this upon him.On 14 February he had heard that orders had been issued to the Volunteers to hold themselves ready to march to Waitara, and he wrote to Murray suggesting that the Waitara force be confined to regular troops, in accordance with the Government's wish that no action be taken which would "alarm and excite the natives generally who are not interested in the block of land in question..." He feared that the use of a settler force might "be considered as a declaration of general hostilities, apart from the question of the block of land."106

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104. Murray to King, 20 February 1860 and William King Whiti to Murray, 21 February 1860, IUP/BPP, Vol. 12, p.9.

105. Murray to Major of Brigade, 20 February, IUP/BPP, Vol.12, pp.8-9.

106. Parris to Murray, 15 February 1860, MA/MLP/NP1, p.237.

The Superintendent of the Province, George Cutfield, wrote to the Governor at the same time,reiterating the request for reinforcements,and asking the Governor to come in person if possible. Those who knew most about "native affairs" were unable to agree on what might happen next;and he considered that the Province should therefore be ready for the worst, a "protracted state of hostility on the part of the rebellious natives" which might ultimately unite "the body of the Maori population" in opposition to the Government.107

Once Lieutenant-Colonel Murray had received Kingi's reply of 21 February, he decided that,in terms of his instructions from the Government of 26 January, the time had come to proclaim martial law, and to call out the militia. He published the proclamation of martial law on 22 February. The Maori translation read:

> "HE PANUITANGA. Na Te Kawana, Colonel Thomas Gore Browne, Tino Rangatira, aha, aha, na te Kawana o tenei Koroni o Niu Tireni tenei Panuitanga. Ko te mea, meake ka timata nga Hoia o Te Kuini ta ratou mahi ki nga Maori i Taranaki, e tutu ana, e whawhai ana ki to te Kuini mana - Na, ko ahau tenei ko Te Kawana, te panui te whakapuaki nui nei i tenei kupu, Ko te Ture whawai [sic] kia puta inaianei ki Taranaki, hei Ture tuturu tae noa ki te wa ka panuitia te whakarerenga."

The English Proclamation read:

> "... Whereas Active Military operations are about to be undertaken by the Queen's Forces against Natives in the Province of Taranaki, in arms against Her Majesty's Sovereign Authority, Now I, the Governor, do hereby PROCLAIM and DECLARE that MARTIAL LAW will be exercised throughout the said Province from publication hereof...until the relief of the said district from Martial Law by public Proclamation."108

That same day John Whiteley went to Waitara with Archdeacon Govett to visit Kingi, and found that he had evacuated the women and children and taken all the movable property to Mataitawa,some ten miles away in the bush. The two ministers had a long conversation with some of the young men of Kingi's party,and tried to impress upon them the consequences of trying to resist the survey if troops were sent to protect the surveyors.

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107. Cutfield to Gore Browne, 21 February 1860, IUP/BPP, Vol.12, pp.8-10.

108. Published in Government Gazette, Province of Taranaki, 5 March 1860.

> "They were attentive and respectful but would not accede to our wishes. They seem determined to hold on by [sic?] the land even at the sacrifice of life."109

The outsettlers meanwhile had been bringing their movable property into New Plymouth, trying to save as much of the harvest as possible, and collecting the materials to build blockhouses.110

The deed of purchase of the Waitara land is dated 24 February 1860.It states that the "Native Chiefs and People of New Zealand,whose names are written hereunder" sell "all that block of land called Pekapeka" to the Queen, for 600 pounds "paid to us by Mr. Parris".The boundaries of the block are given;there is no mention of reserves. There are twenty names at the foot of the deed;several are those of women.The first names are those of Tamati Raru,Rawiri Raupongo and Te Teira Manuka.The deed was witnessed by Parris, John Newman (a settler) and E.W. Stockman. 111 There is no copy of any letter reporting this transaction in the official Land Purchase Letterbook for Taranaki.

When news of the proclamation of martial law in Taranaki reached Auckland the Executive Council met at once, on Sunday 26 February. The Governor had already asked Captain Cracroft to take the H.M.S. Niger there,and the Council approved his suggestions that troops be sent from Auckland, and that he himself accompany them.112 Gore Browne reported to the Secretary of State on 27 February that:

> "Contrary to...expectations, the chief William King has resisted the survey of the land purchased from the chief Teira at Waitara."

Outlining his military preparations,he stressed that they were "a precaution" designed to prevent bloodshed, and that he did not really expect any opposition once the chief William King realised that "I am determined not to permit him to defy Her Majesty's Government."113

The Governor arrived at New Plymouth on 1 March in the Royal Mail Steamer,which also brought Colonel Gold and over 200 troops of the 65th Regiment. The Niger arrived at the same time.The

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109. John Whiteley, Journal, 22 February 1860.

110. Taranaki Herald, 25 February 1860.

111. Deed in H.H. Turton, Province of Taranaki, p.61.

112. EC 1/2, 26 February 1860, p.283.

113. Gore Browne to Newcastle, 27 February 1860, IUP/BPP, Vol.12, p.7.

Taranaki Herald hoped that the arrival of the two vessels would "show the natives the folly of persisting in their misconduct".114

Gore Browne's first move on arriving at New Plymouth was to send Parris and Rogan,accompanied by John Whiteley, to ask Wiremu Kingi to come and see him.They found him inland-after considerable difficulty- gave him the Governor's safe conduct, and urged him to accept the Governor's invitation. Kingi, however, was clearly nervous of putting himself in the Governor's power. He replied to the invitation on 2 March:

> "Days gone by things were different to what they are now.I could then have gone to town to see you,but now I am afraid of your force,because you have brought soldiers with you to the town,and therefore I think you are angry with me...I do not wish for evil; all that I wish for is friendship with Europeans and Maories...."

And he asked the Governor to meet him half way, at Kaipakopako.Gore Browne described this letter to the Secretary of State as " a mockery and a subterfuge to obtain time until he can get assistance".115 The following day, 3 March, he requested Colonel Gold to take "military possession of the land purchased from the Chief Teira", and Captain Cracroft to take the Niger to the mouth of the river in readiness to land men if required. A blockhouse was to be erected on the land at once,capable of holding a company of soldiers,and of being held safely by twenty men, "to be permanently occupied by troops,regular or irregular."

> "Finally, I beg to observe that it is very desirable that collision should be avoided as long as it is possible to do so.The first blood shed is a matter to which the natives attach great weight,and other tribes would join William King in a demand for utu if he could satisfy them that he had not been the first aggressor."116

At this time the Governor also made and prepared for distribution public statements of the Government's position. He spoke to a gathering of Maori at New Plymouth on 1 March,reminding them of the Treaty,which secured their rights and property to them; of the Queen's power and her many soldiers, and her disinterested love of the Maori,"such as the Good and the Powerful feel towards the ignorant and the weak. ("Na,ko tona whakaaro aroha e aroha nei ia ki tona Iwi Maori, he

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114. Taranaki Herald, 3 March 1860.

115. William King-Whiti to the Governor, 2 March 1860, encl. in Gore Browne to Newcastle, 2 March 1860, IUP/BPP, Vol.12, pp.11-12.

116. Gore Browne to Gold, 3 March 1860, IUP/BPP, Vol.12, p.13.

aroha noa ake, na tona Pai na tona Kaha koia ia i aroha ai ki te iwi kuare, ki te iwi iti."The Queen wished to protect her Maori subjects in their "just and lawful rights".

> "Tena, pokanoa ana te kupu hikaka a Wiremu Kingi, hei aha mana ta Te Kuini kupu ki ona tangata. Ko ta Te Kuini, me waiho ma tera tangata ma tera tangata te whakaaro mo tona rawa, mo tona rawa, kia puritia ranei kia hokona ranei. Ko ta Wiremu Kingi, e kore e tukua kia hoko a Te Teira i tona rawa, i runga i tona whakaaro kua pai te hoko. He mahi tohunga ranei tenei? He mahi tika ranei tenei?...Ko to Te Teira take, he take tika, nona ano tona whenua, e mohio ana koutou katoa ki te tika o Te Teira, me Wiremu Kingi hoki e mohio ana....Ko taku mea pai, he rangimarie; ko taku mea kino, he whawhai. Kei a Wiremu Kingi te tikanga, mana e kowhiti, ko te rangimarie ranei ko te whawhai ranei. Ki te painga e ia ko te whawhai, na ka rapua i ona ringa te toto e kahekea, e kore e rapua i oku ringa; na, mana te ata tirotiro,te ata hurihuri, i te mea e whai taanga ana ano.
>
> ("Yet William King presumes to say that he will not respect the Queen's promise to her subjects. The Queen says each man shall keep his property if he pleases,and sell his property if he pleases. William King says, Teira shall not sell his property as he pleases. Is this wise? Is it right? ...Teira's title to the land is a good title, and William King and you all know that it is so.... I desire peace and hate war. It is with William King to choose between peace and war. If he chooses war the blood will be required at his hands, and not at mine,and it is for him to consider the consequences while there is yet time.")117

Gore Browne also had translated into Maori a Manifesto,which he had "widely circulated by special agents amongst all the Tribes in the Northern Island". It comprised fifteen points; part of it read as follows:

> "5. Whakauaua mai ana a Wiremu Kingi, mea ana, kaua tetahi whenua i Waitara e hokona. Tena, kahore i a Wiremu te mana o te whenua na, kahore he tikanga mo tana ki kaua e hokona tetahi whenua e hara nei i a ia ake.
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> 6. Kua puta te kupu a Te Kuini kia waiho ma nga tangata Maori anake te whakaaro mo a ratou whenua, ki te hoko atu ki a ia ranei,ki te pupuri ranei, nana ka pai ki te hoko, e pai ana, nana ka pai ki te pupuri, e pai ana. Na,

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117. These are the versions of the speech printed in Te Karere Maori (The Maori Messenger) , 1860. Whiteley,who was not present at the meeting, translated the speech several days later-probably from English into Maori,rather than the other way.The speech may therefore have been translated into Maori impromptu at the meeting,perhaps by Parris.

kahore he kaha kianga atu ma tetahi ki nga iwi Maori, kia hokona nga whenua, kahore hoki he kaha kianga atu ma tetahi kai kaua e hokona.

7. Ko ta Wiremu Kingi he whakaikeike i tana kupu kia teitei ake ki runga i ta Te Kuini, e mea ana hoki ia, ahakoa pai te hunga nona ake te whenua ki te hoko i tona whenua, e kore e tukua e ia....

10. I whakaae a Te Kawana ki ta Te Teira homaitanga,ara, ma te mea ia kia ata kitea nona pu ake taua wahi, i a ia anake te take.

11. Kua ata kimihia mariretia to te Teira take ekenga ki taua wahi, kua kitea hoki, he tika tonu. Kahore kau he tangata i kitea he whakahe i tona take. Na, ekore a Wiremu Kingi e tukua e Te Kawana kia peke ki runga ki to Te Teira whenua, e meatia nei e ia kia hokona.

12. Kua riro i a Te Teira he utu mo te whenua. No te Kuini taua whenua inaianei.

13. Kua peke mai a Wiremu Kingi ki te pana atu i te kai ruri a te Kuini i haere atu ki te ruri i tona whenua. E kore e ahei te waiho kia penei noa iho he mahi pokanoa." 118

In the English version, these clauses of the Manifesto read:

"5. William King opposed this [Teira's] offer, and said that no land at the Waitara should be sold. But the "mana" of the land was not with William King,and he had no right to forbid the sale of any land which did not belong to him personally.

6. The Queen has said that all the Natives shall be free to sell their lands to her, or to keep them, as they may think best. None may compel the Maori people to sell their lands,nor may any forbid their doing so.

7. William King sets his word above the Queen's,and says, though the rightful owners of the land may wish to sell, he will not allow them to do so...

10. The Governor accepted Te Teira's title conditionally on its being shown that he had an undisputed title.

11. Te Teira's title has been carefully investigated, and found to be good. It is not disputed by anyone. The Governor cannot therefore allow William King to interfere with Te Teira in the sale of his own land.

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118. Printed version filed in MA 24/24.

12. Payment for the land has been received by Te Teira. It now belongs to the Queen.

13.William King has interfered to prevent the survey of the Queen's land by her own surveyors.This interference will not be permitted."

And it reiterated the point that it now depended on Kingi whether there was peace or war.119

This,then, was the summary of the Government position just before troops occupied the Pekapeka block. Kingi's right to oppose Te Teira's offer of land was denied on the ground that he had no mana over the land, and the land did not belong to him personally. (It is not entirely clear from the way this statement is phrased in English whether the Government considered these were two separate grounds for denying Kingi's right,or whether it considered his lack of "personal" rights followed from the fact that the mana of the land "was not with" him.) The Government did not explain in this document how it reached the view that Kingi had no mana over the land, or how it defined the "rightful owners" of land ,or what it meant by the "personal" ownership of land. It did make it clear,however, that it did not consider Kingi's opposition to the sale as equivalent to "disputing the title" to the land. The title, the Government stated, was not disputed by anyone.

The Manifesto also made one other important statement about the Government's position. Te Teira has received payment, it said; the land now belongs to the Queen; the Queen is sending her surveyors onto her own land.But this meant that opponents of the sale were being denied the normal opportunity of expressing their opposition to it.In Taranaki, the cutting of a boundary line had always been regarded - by both Maori and Government agent - as the crucial test of the rights of the sellers. The confrontations at the cutting of the Bell Block boundary in 1848 had convinced McLean that he should not proceed to finalise the purchase; surveyors were not sent onto the land until the opponents of the sale agreed to accept payment four years later.When Tarurutangi was disputed in 1854,Cooper asked Rawiri Waiaua to prove his claim to the land by successfully cutting a boundary; in other words he gave the opponents of the sale the opportunity of disputing the boundary before any payment was made. (In fact the dispute over the sale led to bloodshed among the hapu; ultimately the Government did not make a payment for the land until all the Puketapu hapu were agreed on sale.) When Ngati Tu made a unilateral offer of land at Waiongana in 1854, Cooper had paid them a deposit of one hundred pounds, which they had handed back to him to keep until such time as the purchase might be completed.120 But by 1860 he had still made no attempt to send surveyors onto the land.

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119. Manifesto,printed in AJHR, 1860,E No.3,pp.21-22.

120. On these transactions, see Report No.1.

This was the first occasion,then,on which the Government could be seen to have handled a disputed sale by assuming the right to decide whether opponents of the sale had the sorts of claims to the land it was prepared to recognise, by then ignoring such opponents, by making a payment to those who wished to sell, and by finally announcing that the Crown had thus acquired the title to the land. The transaction, in the Government's view, had been completed; those who opposed it were henceforth trespassers on the land.

In an article published in The Maori Messenger/Te Karere Maori at this time the Government publicised its official view of the position for Maori readers:

> "If William King had owned part of the land,and he had not been willing that it should be sold, the Governor would not have directed that it should be bought. If again, he had really possessed any authority over Te Teira and had been able to prevent his offering his land to the Government, the Governor would not have interfered and the land would not have been bought. Even after the offer of the land,if William King had succeeded in preventing Te Teira from applying for and receiving the payment, no attempt would have been made to take possession."

The Maori version of this statement in Te Karere read:

> "Mehemea no Wiremu Kingi tetahi wahi o taua whenua, a kahore ia i pai kia hokona, penei, kahore i puta ta Te Kawana kia hokona. Mehemea ranei he tangata nona a Te Teira,hei kianga iho mana kia kaua te whenua ra e tukua ki te Kawanatanga, penei, kahore a Te Kawana e whai tikanga ki taua whenua, a ekore ano e hokona. A, muri iho i te homaitanga a Te Teira, mehemea i rongo a Te Teira ki ta Wiremu Kingi, a kahore i tonoa e ia nga utu, kahore hoki i tango i nga moni utu, penei, ekore e puta te kupu kia tangohia taua whenua...."121

This was a remarkable statement. Previously the Government had complained that Kingi was interfering with Te Teira's right to "sell his own land". Now it alleged that he had failed to intervene forcibly enough to convince the Government that his own rights to the land were being infringed - that he had failed to exercise his chiefly authority in ways which would have satisfied the Government that he had the right to exercise it. It then went on to specify two steps that Kingi might have taken if he wished to prove his point. Yet the Government knew very well that if a hapu or part of a hapu decided to offer land for sale,nobody could stop them from doing so; nor could anybody prevent the Government agent (unless by force) from making a payment for land. Had Kingi attempted to stop the payment, in

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121. The Maori Messenger/Te Karere Maori ,29 February 1860.

fact, it would doubtless have been seen by the Government as a hostile act, since the payment was only made (according to the Government) after careful investigation had shown that Te Teira was the "rightful owner".

Kingi himself, of course, had never been encouraged to think that stopping the transference of payment was a means of stopping the purchase. The Government had given him only one route to protection of the Waitara land. He could not stop the purchase,he had been told;he could only reduce the amount of land the Government was buying. The people were told, it will be remembered, to point out their "pieces", so that they could be excluded from the purchase.

And this they refused to do. To do so would have been to admit that the Government had acquired jurisdiction over the land by virtue of the offer of a group of those who had rights to it . But the majority of those who lived on the land and who exercised various rights upon it had not reached any consensus about the sale; and it appears to have been Kingi's view that the Government could not rightfully purchase the land until the various inter-related hapu at Waitara had made such a decision in accordance with their own processes, and conveyed that decision to the land purchase agent.The Government,in other words, was trying to interfere with the rights of the hapū over their customary land, and with his own responsibility as chief of those people to voice their concerns and disapproval of an offer of land which would affect the interests of all of them. Wiremu Kingi consistently expressed that disapproval,and he took the view that the Government must listen to it because it came from the people.

THE OUTBREAK OF WAR, MARCH 1860

Once Governor Gore Browne had "requested" Colonel Gold to take possession of the land at Waitara, the Colonel made immediate preparations to do so. During Sunday 4 March the troops were paraded and inspected, and a Captain of Militia was appointed to lead a small mounted escort of Volunteers with the troops.The Governor,meanwhile, placed Parris under Colonel Gold's orders (as his interpreter), and instructed Parris to tell the people of Kawau Pa (within the Town) to vacate the pa the next day,so that it could be placed at the disposal of the Commanding Officer. He was also to arrange to give papers to Maori coming into town. The Governor also wrote a memorandum to Richmond the same day about the security of the Settlement ;he wanted plans drawn up and costings prepared for erecting five blockhouses in various districts.Such blockhouses might deter any chief who contemplated mounting raids from the bush upon "the settled lands".For Gore Browne thought that:

> "even when the difficulty with William King is finally concluded, it will be necessary to make the settlement more secure than it can be while it is liable to the caprices of a discontented savage."122

The force, some 400 strong, left New Plymouth at 4 a.m. on Monday 5 March; the column (including baggage) stretched for about half a mile. It reached Waitara without any "obstruction", and the men began to fortify a position. H.M.S. Niger, with the Governor aboard, had steamed to Waitara the same morning and occupied "Wi Kingi's pa" near the mouth, the "natives having retired precipitately at the sight of the blue jackets and marines". The men landed stores and raised the Union Jack.

On 6 March the British found that the Maori had thrown up a stockade during the night, commanding the road. An escort taking provision carts from Town to the Camp was stopped near Waitara by a man named Hohaia,who ordered them to return, and when hustled by an officer (according to the special correspondent of the Taranaki Herald) laid his head down in the road and requested the British officer to cut it off. Eventually the carts were allowed to pass after the sergeant applied to the nearby pa (where there were 40-50 men under Hapurona and Kingi's two brothers), and word was sent to Hohaia to desist. The escort moved on, and reported the incident to the Governor and Colonel Gold at Waitara. It was decided to give Te Ati Awa 20 minutes to evacuate the pa, and a notice bearing the Governor's name was sent to them accordingly:

> "To the Chief who obstructs the Queen's road. You have presumed to block up the Queens road, to build on the Queen's land and to stop the free passage of persons going & coming. This is levying war against the Queen-destroy the places who have built: ask my forgiveness & you shall receive it - If you refuse, the blood of your people be on your own head."

Within 10 minutes the pa was evacuated; Gold's forces then rushed it and destroyed the palisade, though they found it much more challenging to level the "embankment" of fern and earth. The pa, wrote Gore Browne, was "found...to be extraordinarily well designed".123 That same day, according to the Herald reporter, Wiremu Kingi's "place of residence", Kuhikuhi pa, was burnt by Te Teira's people;it was totally destroyed. Passes with the Royal Arms were issued to Maori wishing to enter the Settlement.

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122. Gore Browne, Memo on Blockhouses to Colonial Treasurer, 4 March 1860, and Memo for Mr Parris, 4 March 1860, G 36/3. See also Taranaki Herald, 10 March 1860.

123. Gore Browne to Newcastle, 12 March 1860, AJHR, 1860,E No.3,p.15.

On 7 March Gore Browne returned in the Niger to New Plymouth. All was quiet at Waitara. At New Plymouth strong pickets of militia were posted. There were rumours everywhere, of reinforcements which might go to Kingi's aid,of Kingi's people building pa in the bush. The Governor ordered the Commanding Officer of the Troops at Wellington to come at once to New Plymouth with all his men, and alerted the Commanding Officer at Wanganui to take "all proper Military precautions". By now he was concerned that the "Taranaki tribes" might join Kingi; if they did, he wrote in a memorandum to Richmond and Colonel Murray:

> "it will be desireable [sic] to make preparation for a prolonged & troublesome affair - if they do not, W. King will hardly hold out."124

Meanwhile he continued to take precautions, recommending the Tataraimaka settlers to come into town with their families,preparing a declaration of allegiance which Maori were to sign if they wished to gain a pass to enter the Town.

By 10 March the British were preparing to survey the Waitara block; Kingi was preparing to build a pa on it.

Gore Browne suggested to Colonel Gold that Kingi be allowed to complete his pa and, when all his men were inside, it should be invested and (if they would not surrender) stormed and taken. The survey began on 13 March and was finished by the evening of 14 March,without any sign of opposition. The Taranaki Herald began to think of a "bloodless campaign",heralding the Government's acquisition of "the greater part of Waitara and the adjoining district".

But Kingi's people continued to cart timber to a spot near the Devon line, and on the night of 15-16 March threw up a pa on the Waitara block, an L-shaped pa with a double palisade and "covered galleries, musket proof", as a correspondent of the Herald described them. It was said to be occupied by some 70 men under Hapurona. On 16 March they set fire to the fern,pulled up the surveyors' stakes, and tried to erase the boundary lines on the ground. Te Teira burnt to the ground Kingi's pa at the mouth of the Waitara. Colonel Gold prepared to attack the new pa,and his 24 pound howitzers and ammunition were shipped from New Plymouth. About midday on Saturday 17 March he marched from his Camp to take up positions near the pa, sent a note to Kingi and his followers demanding their surrender (which they refused to read), and then opened fire. The Te Ati Awa toa did their haka, raised their fighting flag, and returned the fire. Firing continued all day,the British having failed to make a breach in the palisades as easily as they had expected.As

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124. Memo by Governor on Defence, 7 March 1860, G 36/3. See also Gore Browne to the Officer Commanding at Wellington, 7 March 1860, G 36/3, and Taranaki Herald, 10 March 1860.

125. Gore Browne to Gold, 11 March 1860, G 36/3.

it grew dark they were pulled back, and dug themselves in.Firing from the pa continued nearly all night. The British reopened their attack at daybreak on Sunday 18 March, but when they finally fought their way in several hours later they discovered that the pa had been evacuated; two men had been left to keep up a fire, to mislead the enemy. It took 150 men four hours to destroy the pa, which was found to be "very strong", with "large caves" inside worked out of solid red earth.126

The British forces thus failed to overcome Te Ati Awa in their first engagement. The Taranaki Herald was somewhat incredulous, and made no secret of of its disappointment."Everything" it considered," gave indication of a short and decisive struggle". But things turned out very differently; and the engagement marked the outbreak of war in Taranaki. Strangely enough, on the morning of 17 March, Donald McLean disembarked at New Plymouth; he had at last arrived on the Wellington steamer.

THE COURSE OF THE WAR

It is not proposed to deal in detail with the course of the First Taranaki War (March 1860-March 1861). But it is important to understand the general course of the war because (as James Belich has stressed in his recent book The New Zealand Wars) events in the field were of crucial importance in shaping the Government's decision to make peace a year later.

The war was characterised by two major developments:

1) The involvement on the side of those who fought against the British troops of iwi other than Te Ati Awa.

   Taranaki and Ngati Ruanui joined the conflict before the end of March 1860. And taua from Ngati Maniapoto came south to fight the troops by early June . The British,nevertheless, always had more men in the field. In March 1860 there were 423 regular troops and 300 militia and volunteers.It was estimated by the British that Wiremu Kingi could call on not more than 300 men. By September that year there were over 2300 troops in Taranaki (reinforcements had been brought over from Australia). There may have been 600 men of Waikato/Ngati Maniapoto there by October; and the "effective" southern Taranaki warriors were estimated by the British at about 800.127

126. Taranaki Herald, 17 and 24 March 1860; Gold to the Governor, 19 March 1860, IUP/BPP, Vol. 12, p.16.

127. See for instance Belich, The New Zealand Wars, pp.102-3; Donald McLean, Memorandum,31 August 1860, IUP/BPP, Vol.12, pp.126-7; Gore Browne to Newcastle, 2 October 1860, ibid.,p.143.

2) The failure of British troops (as Belich has pointed out) to achieve the victory the Government sought. Belich has emphasised the role of Maori strategy and tactics in producing this result. First, the Maori maintained a war on two fronts (north and south of New Plymouth),and a credible threat to the town itself; though the town was not attacked, the possibility was a constant worry to the British. Secondly,they raided settler property.And thirdly , they built a cordon of pa around the British positions, to serve either as depots or - if the circumstances were right- as targets for British attack where the troops could be met on terms of Maori choosing. The pa were quickly thrown up, and could evidently be abandoned without qualm; the British troops expended considerable energy in their destruction.128

Once war broke out,it soon became obvious that the Maori were not going to be easy to defeat. Their pa were discovered to be very strong. By July 1860 Governor Gore Browne was already restive at the failure of his troops to gain a substantial victory, and was expressing thinly veiled criticism of the operations of Colonel Gold.In August Major General Pratt arrived from Australia to take over command of the forces, and before long he was reporting to the Governor that his position was "one of great difficulty". He did not consider he had enough troops,and the strategy adopted by the "enemy" made it hard for his troops to "punish" them as he would have wished. Indeed, he found his efforts to engage with the "enemy" constantly frustrated.

By September Gore Browne's patience was wearing thin; he urged on Pratt the adoption during the Maori planting season of a "system of guerilla warfare" by parties unencumbered by baggage. For, he stressed, if the "natives" were not forced into submission during the next season "the war may be continued indefinitely". Pratt was stung to reply that guerilla warfare,in his view, was impracticable, as the effectiveness of "enemy" scouts would always militate against his mounting a successful surprise attack .129

In November the British were heartened by an engagement with a Waikato taua at Mahoetahi, in which the latter were defeated.Gore Browne thought the success timely, "as the insurgents were beginning to think themselves quite able to contend with us, and were much elated". On the other hand, he feared that Waikato might now contemplate an attack on Auckland, and requested the General to send part of his force there to strengthen its defences.130

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128. James Belich, The New Zealand Wars,pp.104-7.

129. Gore Browne to Pratt,18 September 1860,and Pratt to Gore Browne, 29 September 1860,IUP/BPP, Vol.12, pp.145-7.

130. Gore Browne to Newcastle, 8 November 1860, IUP/BPP, Vol. 12,pp.167-8.

But by the beginning of 1861 it appeared that Waikato were much more interested in peace; a group of chiefs led by Tamati Ngapora met the Governor at Auckland to discuss a peace,suggesting that the Waitara land be investigated, and that neither side hold the events of the war against the other. The chiefs felt that matters had gone too far, that the dispute between the Governor and Wiremu Kingi ought to be resolved, and that bloodshed should stop so that discussion of peace could begin. But Gore Browne would not agree to these proposals; he had, he said, to have some guarantee that if hostilities ceased the peace would be a permanent one. There could not be an unconditional peace after Waikato had joined in an "insurrection", spilt so much blood, and desolated an English settlement. (The desolation of the Maori settlements was not mentioned.) The chiefs however were welcome to return with "reasonable" proposals.131

General Pratt, meanwhile, continued to destroy pa in Taranaki,sapping up to them in order to reduce his losses. The "very great strength" of the pa was a constant theme in his reports;but he found that the Maori abandoned them and retired inland to further lines of defence. In October the Commander of the Royal Engineers had written that:

> "Capture of the Pah may be in all cases calculated upon confidently, with little loss, but capture of the defenders, with the experience already gained, will never be effected."132

Gore Browne continued to believe that his own plan of action would have been better, and was well aware of the stalemate that had been reached in the field. General Pratt, he reported to Newcastle,might have stormed the pa rather than sapping up to them, but in that case

> "there can be no doubt that each position would have cost many valuable lives, and as the enemy could have retired with ease, they would have continued to dispute the ground,ile after mile, at great expense of life to us, and with little loss to themselves."133

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131. Gore Browne to Newcastle,19 February 1861 and Enclosure, IUP/BPP, Vol.13, pp.28-31.

132. Mould to Deputy Adjutant General,15 October 1860, AJHR, 1860, E No.3C, p.23.

133. Gore Browne to Newcastle, 4 April 1861, IUP/BPP, Vol.13, pp.47-8.

PEACE TALKS, AND PEACE TERMS

In these circumstances,the Governor was prepared to be responsive to Maori overtures for peace. In March 1861 Wiremu Tamihana Te Waharoa of the Kingitanga arrived in Taranaki to try to bring about a peace. After discussions with Wiremu Kingi he proposed to the British(in the person of G. Drummond Hay, Native Commissioner) that the Waikato return home, that the British troops withdraw to Waitaki (Waitaha?), and that the Waitara land remain undisturbed "until some final decision was arrived at". General Pratt however rejected these proposals, stating that his forces would remain in possession of Te Arei and Pukerangiora for the present.But he offered to send Tamihana in a naval vessel to Auckland with Mr Hay, to negotiate directly with the Governor.

Tamihana did not wish to go to Auckland;doubtless because he thought peace must be made in Taranaki where the war had started, and because he needed to be in close communication with Te Ati Awa.But he was clearly in earnest about the negotiations. He sent the General letters for the Governor, the Bishop and Sir W. Martin, and prepared to wait for their replies.134 Initially, the Governor sent Donald McLean,the Native Secretary, to begin negotiations.McLean met Wiremu Tamihana and a large group of Waikato on 19 March, and Wiremu Kingi, Hapurona and about 300 Taranaki people on 21 March. Both groups, he discovered, were anxious for peace,though Tamihana was obviously anxious about the general policies and intentions of the Government.He wished however that the issue of Waitara, which had led to the present war, be settled.Somewhat to McLean's surprise, Tamihana and Waikato then set out for home the following day.

In the wake of McLean's reports (and his recommendation that peace be made), Governor Gore Browne himself went to Taranaki at the end of March. With him were Tamati Ngapora and two other Waikato chiefs, and Tamati Waka Nene. These chiefs opened the negotiations. Kingi and the Governor did not meet, since the Governor would not go to Kingi's camp, and Kingi would not come to the British camp. But the Governor did meet Hapurona, Kingi's nephew, and other Te Ati Awa representatives.

At first Kingi was reported to be "content" with the Governor's terms of peace;in the end,however, he did not sign them. Te Ati Awa asked for more time to consider them,but Gore Browne tried to get a quick response. The formal terms themselves were dated 3 April 1861,and were evidently delivered in a speech that day to Hapurona and other Te Ati Awa emissaries. They were also written down and apparently sent to Kingi about the same time. They were certainly sent to Kingi on 7 April, accompanied by a warning that if matters were not settled within a few days the Governor "would have nothing more to say" to him.The terms were addressed to the "Ngatiawa insurgents", and began with a preamble which stated that the people had been "carrying arms

134. Gore Browne to Pratt, 23 March 1861,plus enclosures, IUP/BPP, Vol.13, pp. 40-47.

against Her Majesty the Queen, and the authority of the law" for twelve months. The terms on which "Her Majesty's gracious pardon and protection" would be extended to them were :

> "1. The investigation of the title to, and the survey of the land at Waitara to be continued and completed without interruption.
>
> 2. Every man to be permitted to state his claims without interference,and my decision, or the decision of such persons as I shall appoint, to be conclusive.
>
> 3. All the land in possession of Her Majesty's forces belonging to those who have borne arms against Her Majesty to be disposed of by me as I may think fit.
>
> 4. All arms belonging to the Government to be returned.
>
> 5. All plunder taken from the settlers to be forthwith restored.
>
> 6. The Ngatiawa who have borne arms against the Government must submit to the Queen,and to the authority of the law, and not resort to force for the redress of grievances real or imaginary."

Then followed a crucial sentence:

> "As I did not use force for the acquisition of land,but for the vindication of the law, and for the protection of Her Majesty's native subjects in the exercise of their just rights, I shall divide the land (which I have stated my intention to dispose of) amongst its former owners,but I shall reserve the sites of the blockhouses and redoubts, and a small piece of land round each,for the public use,and shall exercise the right of making roads through the Waitara district."

The Governor went on to state that once the "insurgents" submitted to the terms they would come under the protection of the law, and would "enjoy [their] property, both lands and goods, without molestation". And he added:

> "In conformity with the declaration made on the 29th November 1859,the rights of those who prove their title to any part of the piece of land at Waitara will be respected."135

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135. Gore Browne to William King, 7 April 1861, and Enclosure, IUP/BPP, Vol. 13, p.52.

The Governor's view of the position at this time thus appears to have been as follows:

1) The investigation of the title to the Waitara block was still being proceeded with.

2) The Government nevertheless had clearly acquired rights over the land.

3) Thus those who wished to protect their rights at Waitara could still do so only by submitting them to, and proving them before the Governor or his appointees.

4) The Government had also acquired rights over the lands of those who had fought alongside Kingi, which had since been occupied by the troops. It would exercise these rights not by proceeding to hand the land over to the provincial authorities for disposal,but by subdividing it among "its former owners". It would moreover reserve military sites on these lands, and would make roads through the Waitara district.

The Government also sought the submission of Te Ati Awa to the Crown. And it insisted on the return of "plunder" to the settlers - but made no mention of restitution of Te Ati Awa property.

Hapurona Pukerimu put his name to the terms on 8 April,speaking for himself and for 64 men,women and children whose names were listed,headed by that of Whatitiri.136 According to the Governor, Hapurona also "asked permission to live near Pukerangiora". Thus had the war changed the position of those Te Ati Awa who had fought alongside Kingi to defend Waitara.On 15 April Wiremu Ngawaka Patukakariki also agreed to the terms "on behalf of myself and people".

Wiremu Kingi did not sign the terms - which perhaps was not surprising,since the Government offered no concession to his views on the Waitara sale at all.He had recently made it clear to Wiremu Tamihana what he wanted: "...when Waitara comes back to me then only will I make peace...and leave Waitara open in the care of the law." But he wrote to the Governor on 8 April to confirm the peace:

> "Yes,I have consented to the peace."

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136. Copy of the Declaration of Hapurona, AJHR, 1861, E No.1B, p.5.

137. Copy of the Declaration of Patukakariki, AJHR, 1861, E No.1B,p.5.

138. Quoted in Wi Tamihana to the Commander of the Forces,13 March 1861, AJHR, 1861, E. No.1B, p.10.

Clearly,though, he did not want to stay at Waitara thereafter. He told the Governor that he was going to Waikato to discuss matters; afterwards he and Gore Browne could meet at Mangere to come to some agreement about Waitara.In his view, then,that agreement had not yet been reached; only an agreement that there would be no more fighting.

The Governor,for his part,hoped that Kingi's agreement would not be necessary to secure the peace. He wrote to the Secretary of State for the Colonies:

> "[Kingi's] object [has] been to make peace without any terms. I have, therefore, determined to ignore W.King and the few people who still adhere to him, and I have reason to believe that he will sink into complete insignificance."139

At the same time the Governor was contemplating how best to secure:

> "the submission of the tribes that have lately been in arms against Her Majesty's forces, and to secure the pacification of the country."

Should he send the troops against Taranaki and Ngati Ruanui; should he open negotiations with Waikato at once, or "settle with" the Taranaki tribes first? If his negotiations with Waikato failed, would it be practicable to invade the Waikato? After taking advice he decided against a further expedition against Taranaki and Ngati Ruanui,thinking it unlikely that there was much chance of a "decided success" against them. (He was, in fact, preoccupied by now with the Waikato, and the necessity of mounting a successful attack against the Kingitanga. He would,however, try negotiations first.)140

At about this same time (mid April) the Governor drew up his "Terms for Southern Tribes".One copy was sent to "the Chief of Taranaki"; one to "the Chief of Ngatiruanui";they were given a few days only to reply. The tone of these terms was more severe than that of the Te Ati Awa terms. "In dictating these terms" [wrote the Governor] I cannot overlook the outrages that you have committed. Without even pretence of quarrel with the Queen's Government or her European subjects,you have taken advantage of the disturbances caused by another tribe to set the authority of

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139. Gore Browne to Newcastle, 12 April 1861 and Enclosure,IUP/BPP, Vol. 13,p. 53.

140. See the Governor to the Native Secretary,13 April 1861,Gore Browne to Newcastle, 3 May 1861, Gore Browne to Newcastle, 13 April 1861 and Enclosure 1, AJHR, 1862, E No.1,pp.10-19.

the Queen and the law at defiance..." They had attacked the troops,burned property, treacherously killed settlers and driven them off their land.141

> "However much I may condemn the offences committed by the Ngatiawa, I look upon those perpetrated by you to be of a far more serious nature,and before I can consent to grant you peace I shall require restitution and compensation for the past... I require -
>
> 1. Entire submission to the Queen and the law.
>
> 2. All plunder now in your possession to be forthwith given up,and compensation made for that which is not returned,and for property destroyed and injured."

Moreover people, goods, and the mails were to be permitted to pass freely through southern Taranaki territory;and those who had killed "unarmed settlers and children" were to be tried whenever they were apprehended.142

McLean ,the Native Secretary,reported to the Governor on 1 May that the Taranaki people had sent a representative to see him, who had indicated that they wished to accept the terms of peace. Ngati Ruanui,however, had made no similar move, and had in fact destroyed some settlers' houses before they retreated south. In McLean's view Ngati Ruanui's behaviour indicated

> "that they require further chastisement before they yield submission to English rule and authority."143

Meanwhile the Government went ahead with its plans for the Waitara block. On 29 April Gore Browne wrote a memorandum, stating that he considered the Land Purchase Commissioner should be directed to carry out the investigation of the title to the block "sold by Te Teira" and others, "commencing exactly where it was broken off". Notices were to be posted calling on claimants to come forward, and a day fixed, after which no new claimants would be admitted. He further suggested that F.D. Bell and three chiefs (one named by the Ngatiawa chiefs) be appointed to divide the land occupied by the troops among "its former owners", and make such reserves as seemed proper.The lands were to be surveyed and subdivided, and Crown-granted,before any of them were purchased. Thus the Government had at last gained its point in respect of some at least of the Te Ati Awa lands; now that it felt itself in a position to exercise power over them,it insisted on subdivision and the granting of title from the Crown.

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141. On 27 March 1860 three settlers and two boys were killed near Omata.

142. Gore Browne to Newcastle,12 April 1861, and Enclosures 3 and 4,IUP/BPP, Vol.13,pp.53-4.

143. McLean to the Governor, 1 May 1861, IUP/BPP, Vol.13,p.59.

Enclosing a copy of this memorandum to the Secretary of State,the Governor explained that before the fighting broke out at Waitara, Kingi had interrupted the survey

> "which I desired to make, in order to see how much or how little land Te Teira (and the other chiefs who joined him in the sale) owned; and that he would still resist inquiry,if it were in his power to do so,knowing that it will show the hollowness of his claim."

This was the first official statement that indicated that the point of the survey might have been to test the extent of the claims of Te Teira and his relatives, rather than to survey land which the Government had purchased. Gore Browne went on to quote the promise attached to the purchase deed of November 1859, that the claims of those who proved them would be respected. He now took the view that that opportunity had yet to be given claimants;hence his instruction to the Chief Land Purchase Commissioner to "continue" with the investigation.144

On 11 May the Governor wrote to Judge Alexander Johnston (a Supreme Court judge) asking him to accept appointment as Commissioner to head an independent tribunal so that certain provisions of the terms of submission might be carried out - namely the division of the land occupied by the troops. The Commissioner would be assisted by Native Assessors, and would determine differences which might arise "amongst claimants as to the extent of their ownership and their boundaries". The tribunal would not deal with questions as to the title of the "Ngatiawa tribe,collectively", for the Commissioner's power

> "will be confined to questions as to the extent of the boundary,rights of members and sections of the Ngatiawa Tribe,and the boundaries of the lands over which those rights extend."145

Judge Johnston accepted the proposal after considerable deliberation, so long as his acceptance did not involve his "coming to a definite opinion as to the policy of your Excellency respecting the war,or the propriety of the terms of peace...".146

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144. Gore Browne to Newcastle, 1 May 1861, and Enclosure 1, IUP/BPP, Vol.13, pp.57-8.

145. Gore Browne to Johnston, 11 May 1861, AJHR, 1861,E No.1B,p.3.

146. Johnston to the Governor, 13 May 1861,AJHR, 1861,E No.1B,p.4.

His commission was issued on 28 May 1861.It specified the boundaries of the land in possession of British forces:

> "...bounded by a line commencing at the mouth of the Waitara River, and proceeding thence along the South Bank of the said River to Te Arei Pa, thence by a line from Te Arei Pa to the southernmost of two roads leading from the said Pa to Huirangi Redoubt,thence by a line following the edge of the forest till it strikes the Waiongona River, thence by the Waiongona River to the sea, and thence by the sea to the commencing point..."

Within these boundaries the Commissioner (assisted by up to three Native Chiefs) was to determine all matters of difference arising as to

> "the extent,position and boundaries of the proprietary rights subsisting,prior to the said insurrection,pf any individual,family or section of the Ngatiawa tribe who has, or have been in arms as aforesaid..."

But he was not to investigate the block known as "Teira's block". The Governor had decided "to retain in his own hands the final decision upon any claims which may be preferred to any part thereof, and also to determine the extent of the Reserves so to be made for the public use..." The Waitara land therefore was not to be referred to the independent tribunal; instead the claims were to be subject to an executive decision.

At the same time John Rogan was appointed to mark out the boundaries and to make the necessary surveys and plans. He was to issue a general notice to members of the Ngatiawa tribe calling upon them to come in and point out their claims to land within the specified boundaries, "either as individuals, families or sections of the said Tribe",and was to refer any disputes to the Commissioner.147

Rogan accordingly went to Taranaki in June, and ran into immediate difficulties. Regarding Hapurona as "the key to the amicable settlement of the Waitara question" he spoke to him first. Hapurona-clearly anxious that the peace should hold - gave Rogan to understand that he wished to be helpful, but tried to warn him that the subdivision of the land should not be pressed so soon,"before the wounds of the people were healed...". Rogan had a successful meeting with a group which included Te Teira and his relatives and Ihaia Te Kirikumara and his brother; but Te Patukakariki refused to see him.

After some days he arranged another meeting with the Waitara people,notably those of Huirangi and Pukerangiora pa. About twenty of the "principal natives" were present,whose names were signed to the terms of peace. And they told Rogan in no

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147. See AJHR, 1861, E. No.1B,pp.6-8.

uncertain terms that they had made payment to the Governor "for the wrong which has been done to the pakeha" -namely, Onukukaitara. Beyond that, they would not allow any interference:

> "We are satisfied with our own title to our lands,which we inherited from our fathers, and we shall have no interference with our property by the Governor;and remember,if you should come hereafter with your chain to measure, that is a path to death."

Rogan talked with them at length, but concluded that they meant what they said. The Mataitawa people,moreover (who had not signed the terms of peace) were said to be ready to resist any attempted survey by force. Rogan decided therefore that it would be "hopeless" to try and carry out the job that the Government had sent him to do.148

From this time on the Governor's attention shifted to the Waikato and to negotiations with the chiefs of the Kingitanga,from whom he sought submission to the Queen's sovereignty and the authority of the law, restoration of plunder wrongfully taken ,and compensation for that destroyed.149 Then, late in July 1861, news came from England that he was to be replaced by Sir George Grey.

THE PAKEHA DEBATE ON THE WAITARA PURCHASE

The Government's decision to proceed with the Waitara Purchase did not go unchallenged, and there was considerable debate within the Colony on the Purchase itself and on the Government's justification of it.In this section of the Report, both the Government position and some of the challenges mounted to it during 1860-61 will be sketched.

On 22 March 1860 Governor Gore Browne wrote to the Secretary of State for the Colonies to inform him that hostilities had broken out at Waitara,and explained his position as follows:

> "It is now clear to me that William King has been encouraged in his opposition by an assurance of formidable support,and that the question of the purchase of an

148. Nor did Judge Johnston exercise his functions as Commissioner. On 5 September 1862 F.D. Bell, Native Minister, reported to the House that "no communication had been addressed by Mr. Justice Johnson[sic] to the late or present Governor relating to the execution of his functions as Commissioner" since his appointment in May 1861. AJHR, 1862,E No.14. See also Rogan to the Native Secretary, 28 June 1861, and 15 July 1861, AJHR, 1862, E No.1,Sec.II.

149. See AJHR,1861, E No.1B, pp.11-12.

insignificant piece of land is merged in the far greater one of nationality.

I have insisted on this comparatively valueless purchase,because if I had admitted the right of a chief to interfere between me and the lawful proprietors of the soil I should soon have found further acquisition of territory impossible in any part of New Zealand.

Even if the right of "mana" (viz)., a feudal superiority without proprietary interest in the land,) exists at all,William King could neither possess nor exercise it,Potatau, the chief of the Waikatos,having obtained it by conquest,and sold all his claims at New Plymouth to the New Zealand Company.

Without admitting this right (which is the only one asserted by William King), I could not with reason have rejected the offer made to me by Teira and his party,because that was the only obstacle to their selling their land...

It follows that I must either have purchased this land, or recognized a right which would have made William King virtual sovereign of this part of New Zealand, which is the object of his avowed ambition...."150

These statements embodied some of the main planks of the Government position in respect of Waitara:

1) That Kingi had no claims to the land, but was intervening solely because he assumed the right to exercise chiefly "mana";

2) That the "mana" over the land had in any case been gained by Potatau of Waikato,by conquest, and he had since sold his claims to the Company.

(This was an interesting argument. Potatau had indeed been paid for his claims to Taranaki land in 1842 -not by the Company, but by the New Zealand Government. He was,in fact, only one of several Waikato/Ngati Maniapoto chiefs who had led taua south to Taranaki in the 1820s-30s). Since the payment made to Potatau,however, Government land purchase agents in Taranaki had dealt only with Te Ati Awa people for the purchase of their land,and had never considered making payments to any northerners for their claims. Nor had any Waikato/Ngati Maniapoto chiefs arrived at New Plymouth in 1844 to bring claims before Commissioner Spain's court.)

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150. Gore Browne to Newcastle,22 March 1860, IUP/BPP, Vol. 12, p.17.

3) That the recognition of the right of a chief to exercise mana over land would amount to recognition of a kind of authority which was incompatible with the Queen's sovereignty.

4) That the exercise of such chiefly authority to deter those who were the "lawful proprietors" of land from selling it would in fact ultimately prevent the Government from buying any land at all.

Thus the Governor had two distinct concerns at this time: the nature of chiefly authority,and the way in which it was exercised when land sales were mooted; and the ability of his Government to buy land as it needed it. From the Government's point of view the two problems were seen however as being closely related. The first (chiefly authority) had to be tackled, so that the second (land purchases) might be solved.

In Gore Browne's view these were general problems. But Waitara was a clear example of the difficulties the Government faced - clear because the Governor was so certain that Wiremu Kingi had no claims to the land of the sort that he (the Governor) was prepared to recognise; and clear because he was so certain that he knew who the "lawful proprietors" of the land were. Moreover he was quite certain in his own mind that it was the Government's job to make decisions as to who were the rightful claimants to land, and enforce them.

In the following months these views were elaborated on by the Government. At the end of April (after war had broken out) C.W. Richmond, the Colonial Treasurer, prepared a lengthy and considered memorandum embodying the views of Government ministers on Maori affairs in Taranaki and the Waikato. This paper dwelt at length on another plank in the Government's Waitara policy: that Kingi's defiance of the Government could not be understood except in the context of the "agitation" carried on by the "Waikato King party":

> "The contest in Taranaki between the British Government and the chief Wiremu Kingi and his followers derives all its importance from its connexion with this movement,for without the sympathy and expected support of the Waikato league the Taranaki natives would never have ventured upon armed resistance to the British Government."

Despite the "good elements" in the King movement, the agitation had now entered a "dangerous phase"; the objects of the "league" were:

> "first,the subversion of the Queen's sovereignty over the northern island of New Zealand, and,secondly, the prohibition of all further alienation of territory to the Crown."

The King party "would assert a national property in or sovereign right over the remaining native territory", and would support all opposition to land sales. William King was now looking to them for support, and if he succeeded the British Government would "come openly to an issue with the King party" before the latter were ready for a confrontation.

Richmond went on to give an account of the history of land "difficulties" in Taranaki.He described William King as a "well-born chief", whose land claims however were "not considerable, and lie chiefly,if not wholly, to the north of Waitara." The Government's view of the relative positions of Kingi and Te Teira at Waitara was as follows:

> "On his return from Taranaki,being still in fear of the Waikatos,he applied to Tamati Raru,Teira's father,for permission to build a pa on the south bank,which was granted. He put up his pa accordingly close to open occupied by Teira's party;but his cultivations are on the north side of the river. Rawiri Raupongo,Tamati Raru,Retimana,and the other members of Teira's party, have cultivated the block sold to the Governor. But King has been joined by a number of natives who have gathered about him since his settlement at Waitara, and these men have encroached with their cultivations upon the proper owners. This has been a source of dissension, and one reason determining the sellers to part with their land. King's particular followers,who have been enjoying the use of the land without any claim to share in the proceeds of its sale, naturally support him in his opposition."

Kingi did "not assert a right of property" in the block; his stand was "really taken upon his position as a chief.And indeed his birth was such (wrote Richmond) that had the recent history of Ngatiawa been less tumultuous,it might have given him "the command over the tribe which he pretends to exercise". The right however was not recognised by "the principal men of the Ngatiawa in Taranaki" ,and its "attempted exercise" was the real cause of the disturbances there.151

By this time influential opponents of the Government's stand at Waitara were already making their voices heard.

The Bishop of New Zealand was one of the first to comment publicly, in response to a published resolution of the Hawke's Bay Provincial Government which expressed its sympathy with Taranaki province, then under martial law owing to the "meddling of disaffected aborigines". It congratulated both the Taranaki settlers and the Governor who had gone so promptly to their aid.

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151. C.W. Richmond, Memorandum,27 April 1860, IUP/BPP. Vol.12, pp.40-44.

Bishop Selwyn objected to the term "disaffected aborigines"; the persons thus labelled, he said, were considered faithful allies of Government in the 1840s,and " the most peaceable and industrious" of the tribes till they had got "entangled in the land questions raised by the English settlers at Taranaki." He claimed for the Maori the right to an investigation of all questions relating to their land titles before a "regular tribunal" where evidence might be given on oath and claimants represented by lawyers. Military force should not be used until "the civil power shall have been tried and shall have been found insufficient to carry out the judgment of the Court...". And the interests of the Maori should not be sacrificed to the "aggrandisement of the English provinces".152

In reply to this challenge C.W. Richmond wrote another lengthy memorandum on behalf of his colleagues in the ministry. He cited ministers'previous memorandum of 27 April to show that Kingi's right to Waitara had been carefully investigated,that the negotiations for the block were prolonged, and that Kingi had never put forward a "proprietary or other claim, of a nature that could be recognised by the British Government..." (emphasis added). Kingi had defied Governor Grey to return to Waitara from the South in 1848,gained the permission of Te Teira's father to build his pa on the south bank of the river, and "now pretends to claim Waitara in virtue of a species of conquest achieved by his defiant return."

The question of Kingi's rights at Waitara was not to be confused,according to Richmond, with the different and vexed question "of the right of Maori chiefs over the lands of the tribe...It may be true,as is alleged, that where a tribe has a recognised head, such head has, according to Maori usage, a power distinct from any right of ownership of prohibiting the alienation of any part of the lands occupied by members of the tribe." But this question did not arise at Waitara. Richmond did not directly explain why not. He implied however that it was because the Ngatiawa tribe had dispersed in the 1820s and 30s,by migration and by conquest.

Kingi, argued Richmond, would never have brought his case before such a tribunal as the Bishop suggested; and he went on to argue that precisely such an investigation had been held by Commissioner Spain in 1844, and its results had been disregarded by the Taranaki Maori. Nor should Kingi be extolled as a "faithful ally"; his services in the war against Te Rangihaeata had been "questionable", and at Waitara his position had been "one of pure hostility to the interests of the settlement,of which he has been occupying a part of the destined site...". Finally, it was quite wrong to argue that the war was one of aggrandisement. The proceedings which led to it were "under the immediate superintendence and control of the Governor ", who could hardly be accused of such a motive.153

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152. Resolution of Hawke's Bay Provincial Government,20 March 1860; Bishop Selwyn to John Tancred, 28 April 1860,IUP/BPP, Vol.12,pp.48-9.

In June Bishop Selwyn followed up his first letter with another,written jointly with Archdeacon Octavius Hadfield and addressed directly to the Duke of Newcastle.154 It was an appeal to the British Government "on behalf of the native rights" , which stressed:

1) that the outbreak of war had taken the colony by surprise,before the public were well informed about it;

2) that the Maori were denied equal rights with Englishmen in a dispute about land ownership,in that the Government had had recourse to arms before it had turned to the Supreme Court or to some tribunal which might have arbitrated in the matter;

3) that the Government had also ,despite its concern about the Maori King movement, dealt a blow against the one "great southern chief" who had "effectually set his face against that league" before the war;

4) that Kingi,despite being a firm ally of the British in the wars of the 1840s, had been attacked because " he refused to let another sell land which he (W. Kingi) claimed for himself and other members of his tribe, though he allowed that Te Teira...had a certain (usufructary) title to a part of it..."

The two clergymen asked that the Governor be directed to act:

> "in accordance with the letter and spirit of the treaty of Waitangi, which guaranteed to them their rights of property as original owners and as British subjects...".155

The Governor, answering these comments in his covering despatch to the Secretary of State, stressed that the survey of the Waitara land had been well publicised in advance; but he criticised the way in which the officer commanding the troops at Taranaki had dealt with the proclamation of martial law. It had been alleged, he wrote, that his giving the power to declare martial law was a proof that he had long intended secretly to make war with William King.But the commanding officer at Taranaki had not carried out his instructions in the manner intended;he had proclaimed martial law when the surveying party was interfered with, but had not provided military support for them.

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153. C.W. Richmond,25 May 1860, IUP/BPP.Vol.12,pp.49-53.

154. Archdeacon Hadfield also published a pamphlet, One of England's Little Wars: a Letter to the Right Honourable the Duke of Newcastle in May 1860, attacking the Governor's Waitara policy.

155. Bishop Selwyn and Octavius Hadfield to Newcastle, 1 June 1860, IUP/BPP, Vol. 12,pp.76-7.

> "I certainly did not contemplate war,and it was not Her Majesty's troops but Wm. King who commenced it... For the last seven years he has been a turbulent chief,constantly engaged in bloody feuds, and although not choosing to submit his independence to King Potatau, avowing determined hostility to the settlers and disaffection to the Queen's Government...
>
> I have used every possible forbearance towards him,and...he commenced the attack upon the troops by building a pah on the land purchased,to interrupt the road between the camp and the town;dancing a war dance in face of the troops, and refusing to receive the message sent to him by Colonel Gold."

The purchase had been made only after careful investigation,and every attempt had been made to induce Kingi to withdraw his "improper interference with the rights of a chief his equal in rank". (This appears to have been the first occasion on which this assertion as to the relative rank of Kingi and Te Teira was made in a Government statement.)156

The Governor also enclosed another (brief) memorandum written by C.W. Richmond on behalf of the minstry which emphasised that the Governor had accepted Te Teira's offer to sell on the advice of the Chief Land Purchase Commissioner, and that the "whole negotiations were subject to the control of the Chief Commissioner...".Richmond agreed that Wiremu Kingi had never adhered to the Waikato King movement,but stated:

> "he is as steadfastly opposed to the Queen's supremacy as the Waikato party. In Taranaki he has always been the centre of the land league,the ultimate object of which is identical with that of the proper king party."157

These latter statements,in effect, completed the Government case against Kingi.158

On 30 July 1860 the General Assembly met, and for the first time discussed the Waitara question and the outbreak of war. The Governor, completing documents to be printed for parliament, wrote a memorandum to McLean on 20 July,asking him to answer two questions:

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152. Gore Browne to Newcastle, 28 June 1860, IUP/BPP, Vol.12,pp.74-6.

157. C.W. Richmond, 26 June 1860, IUP/BPP, Vol. 12, pp.78-9.

158. The Government case was stated publicly in Notes on Sir William Martin's Pamphlet, a detailed reply to the substantial pamphlet The Taranaki Question written by the former Chief Justice.

> "First, - Had Tamati Raru, Rawiri Raupongo, and their people, such a title to the block of land recently purchased at Waitara, as justified them in selling it to the Queen?
>
> Second, - Had William King any right to interfere to prevent the sale of the above block of land at the Waitara to the Queen?"

(McLean, according to his own testimony, had made no report on the progress of the purchase before the war began.)159

McLean replied to the memorandum on 23 July, as follows:

> "[First],I believe that the above Chiefs, conjointly with others at the South associated with them in the sale, had an undoubted right of disposal to the land in question.
>
> [Second]...The question of Title has been carefully investigated.All the evidence that has come before me,including Wm.King's own testimony that the land belonged to the above parties, goes to prove that he had no right to interfere;the interference assumed by him has been obviously based upon opposition to land sales in the Taranaki Province generally, as a prominent member of an anti-land-selling league."160

The late Professor Morrell,in his book British Colonial Policy in the Mid-Victorian Age , described the events which followed when the General Assembly met: "When the General Assembly met on 30 July, the regular Opposition -the Wellington party led by Fox and Featherston with Carleton and others from Auckland -strongly criticised the Waitara purchase and pressed for a committee of inquiry into the circumstances of the war. The inspiration,however, came from Hadfield. He had won over Featherston, and then Fox, who in a letter to Godley had admitted his suspicions of Hadfield's bias, allowed his doubts to be swept away. Carleton, as the son-in-law of Henry Williams and the brother-in-law of Hadfield,was a natural adherent of the missionary party. Fox strongly criticized the Governor personally." In the wake of the debate,Henry Sewell suggested as a compromise that Hadfield and McLean be asked to attend at the bar of the House and give evidence as to the causes of the War.161

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159. McLean, Evidence before the House of Representatives, 14 August 1860, IUP/BPP, Vol.12,p.344.

160. Memorandum by the Governor, 20 July 1860, and McLean to Gore Browne, 23 July 1860, AJHR, 1860, E No.4,p.28.

161. W.P. Morrell, British Colonial Policy in the Mid-Victorian Age,pp.247-8.

On 14 August 1860 Archdeacon Hadfield appeared first before a Committee of the whole House,and answered a series of questions put to him. He gave evidence of his friendship with Wiremu Kingi since 1839 (when he had gone to live at Waikanae),of Kingi's role in the 1840s wars in the Wellington area,of his views on the "native tenure of land", and on the various hapu of Ngatiawa at Waitara.

He argued that the right of the tribe extended "over the whole of the tribal territory" and that the rights of individual members of the tribes were limited to those portions of tribal land which they had either cultivated or occupied; their right was a "good holding title" as against other tribal members. He then spoke about rights of alienation,citing some notes he had written for Grey in 1845 on land tenure. The chief "of the tribe", he said, had "no absolute right over the territory of the various hapu", and thus could not sell any lands but "his own"; nor could the chief of a hapu independently alienate any part of the tribal territory -even if the hapu agreed- since such an act would impinge on the strength of the whole tribe. Decidedly, therefore, "ordinary freemen" - tutua- could not alienate land which might be their own "for all practical purposes" but which nevertheless was part of the tribal estate, and deemed necessary to the interests of the tribe.

The chief of a tribe,said Hadfield, was the "representative of the territorial right of the tribe",not because of his ancestry,

> "but because he has been acknowledged as such on account of his personal qualifications and influence,and has, in fact, been recognized as the guardian as well as the mouth-piece of the rights of the tribe."

Kingi, he stated, was the acknowledged chief of "that portion of the Ngatiawa at Waitara". Te Teira was a "freeman" of the tribe (tutua),belonging to the Ngatihinga and Ngatituaho hapu, of which Te Patukakariki was the chief.162 Asked who were the owners of the Waitara block before the dispute, Hadfield said his information came directly from people who stated they were claimants to the land.

> "I have no hesitation in saying that the land belongs to that portion of the Ngatiawa tribe,of which William King is the chief. This portion of Ngatiawa is divided into four hapus,namely - Ngati- kura,Ngatiuenuku,Ngatihinga, and Ngatituaho, who have principally resided at Waitara since 1848 under William King."

Within the block of 600 acres - "apart from the tribal right as represented by Wm. King" - there were a hundred claimants to the land,many of whose names he could give,who lived at

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162. C.W.Richmond stated in the House on 3 August that these two hapu belonged to the "Manukorihi section of the Ngatiawa tribe." IUP/BPP,Vol.12, p.362.

Waikanae, Port Nicholson, Queen Charlotte's Sound, and Massacre Bay.The great majority of these had not consented to the sale.

Hadfield did not elaborate on what he meant by the "tribal right". And in the light of his previous statements, his meaning was not clear. On the one hand he had said that the right of the tribe extended over all the tribal territory, and had spoken of "the chief of a tribe" as representing its "territorial right".On the other, he had spoken of Wiremu Kingi as being "chief of that portion of the Ngatiawa at Waitara"(emphasis added).

On this crucial point,therefore,Hadfield must have left the House confused: was Kingi expressing his opposition to the purchase as chief of all Ngatiawa,or as chief of only part of the tribe?

It appears that Hadfield's information about the Waitara hapu came from Riwai Te Ahu (of Ngati Kura and Ngati Hinga),whom he had known at Waikanae for many years, and of whom he spoke very warmly at the hearing. A long letter was produced - which Hadfield confirmed was in Te Ahu's handwriting - along with a translation; it was dated Otaki, 23 June 1860, and was addressed to the Superintendent (presumably of Wellington Province). The letter was critical of Te Teira, and supportive of Wiremu Kingi. The land, wrote Te Ahu, was not divided into different portions for the different hapu; rather, they were all intermingled. The boundaries of each individual's land had been marked by stone-posts by the ancestors;and all the different portions of land had names which the ancestors had given them. (Note: the word "individual" was used in the translation,but the Maori read: "Kaore, i whakauruuru noa iho, na nga pou paenga ano a nga tupuna i wehewehe nga mara, ehara hoki enei hapu i te wehenga ketanga i a ratou,no te iwi kotahi tonu." Te Ahu continued:

> "All the portions of land belonging to us and those who opposed the sale -Ngatikura and Ngateuenuku[sic] and some of Ngatihinga and Ngatituaho,besides portions which belong to the hapu, have all been included in the block of land which the Land Commissioner of Taranaki asserts to belong to Teira alone."
>
> ("Ko a matou mara katoa ko era kahore ra i whakaae, ara, o Ngatikura, o Ngatiuenuku, me etahi o Ngatihinga, o Ngatituaho, o tena hapu, o tena hapu, kua huia katoatia atu enei mara e te kai hoko whenua o Taranaki,no te Teira anake.")

This was why Wiremu Kingi and his party had objected so strongly when the land was offered for sale. Teira's title was good to "his own pieces within the boundaries of that land; two or three pieces . Our title is equally good to our own pieces; some have one, or two,or three, or four within that block." ("Ae, e tika ana,ki ana mara ano tono ekenga i roto i taua whenua,E rua taupa,e toru, he penei tahi ano hoki te tika o matou ko era kua

pana atu ra i runga i taua whenua, e rua taupa, kotahi, e toru e wha, a tena tangata, a tena tangata i roto i taua whenua.") 163

Two other letters were produced.One was signed by Hohepa Ngapaki and ten others, and was written at Waikanae on 29 June 1860 . The land, they said, never belonged to Ngatituaho and Ngatihinga only; it was "an ancient possession transmitted from our ancestors" ("...he whenua tawhito tera no nga tupuna") . But Parris had never come to make enquiries about the land at Waikanae. The other letter was from Ropata Nutana Whitikau and Wiremu Te Hono and complained that Ropoama Te One had added a number of people's names to his letter to McLean about the sale of Waitara,without their consent.164

Hadfield commented at length on the proclamation of martial law,as it was published in the Maori language."All the natives", he said, who had "come under [his] notice" had interpreted it the same way; they had all got very excited when it was issued.

> "They looked upon it as a declaration of war,on the part of the Government,against all the natives of Taranaki. The proclamation conveyed even more than that,for the impression it left on the natives was, that it was lawful to take up arms. That was the impression in my part of the country."

When the proclamations had been published in the Wellington newspaper, and the Maori in his area had rushed to show him, he had told them that the English proclamation was "all right", but that the translation into Maori was very bad.165

Hadfield was then questioned by C.W.Richmond as to his knowledge of the hapu at Waitara. He did not profess, he said, to know anything about the different "ancestral stock" of Ngatiawa; nor of the territorial boundaries of the four hapu he had named. He believed that the four hapu had an equal right to the south bank of the Waitara;the various hapu, from previous intermarriages, were "so mixed up with one another that it would be impossible to distinguish among them". It was "unintelligible and irrelevant" to ask about the respective rights of the four hapu to the south bank.In the past he had known Te Patukakariki well, but he had not seen him for 16 years; he had known Ropoama Te One for the last 20 years, who "might possibly rank as a chief, but most certainly under Te Patukakariki." He had heard many contradictory statements about Ropoama's view of the sale,but

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163. Riwai Te Ahu to the Superintendent,23 June 1860, IUP/BPP, Vol.12, pp.329-331.Also printed in AJHR, 1860,E No.4,pp.6-8, which gives the original letter in Maori as well.

164. See IUP/BPP, Vol. 12, pp.331-2. Also printed in AJHR, 1860, E No.4, pp.8-10.

165. For the terms of the proclamation, see p.43 above.

never that he approved of the sale;on the contrary,he had it on very good authority that he had refused to be a party to the sale.

Asked if he had heard whether Kingi had asked the permission of Tamati Raru to build a pa on the south bank when he returned from the South, Hadfield said he had.All the people preferred to be on the south bank, in case Waikato should return; Tamati Raru (who was particularly concerned) thought that Kingi might as well occupy their side of the river.Kingi could have built the pa on the land of his brother in law nearby, but as he wished to build it a little closer to the river,he made the request of Tamati Raru. Hadfield believed that Reretawhangawhanga (Kingi's father) lived principally at Manukorihi before the migration.He was not aware whether Kingi or any of Ngatikura ever cultivated on the disputed land since their return, but they had in former times. When Hadfield had been at Waitara,his cultivations were "almost exclusively" on the north bank.

Questioned by C.H. Brown, Hadfield agreed that there was personal enmity between Te Teira and Kingi before the disputed land was offered for sale.He had been told that Te Teira was offended because " a girl who was affianced to his brother, having been married to William King's son".

After Hadfield had withdrawn, the Committee heard a statement from Donald McLean , Chief Land Purchase Commissioner. McLean began by recounting a tour he had made in the Waitara district in 1847, when "the respective claims of the different hapus or subdivisions of the Waitara tribes" were pointed out to him by a party which included Kingi's own brother. Kingi's own claims and those of his close relatives were stated to be "almost exclusively on the north bank" of the river. According to McLean's version Kingi would have settled on the north bank,but because of a dispute between one of his brothers and Ropoama he wished to take over some of Ropoama's land. About three years before Teira offered the block to the Government Kingi's "encroachments" had been extended so far that Te Teira, one of the "rightful owners" of the land became alarmed and decided to dispose of his land altogether by selling it to the Government. Many people had tried to persuade him not to sell,but noone disputed his right to do so.

McLean recounted the offer of the land made to the Government, stating that Teira had said the land was the property of "two tribes, the Ngatituaho and the Ngatihinga". He then went on to lay great emphasis on the Waikato "conquest" of Taranaki,stating that the Ngatiawa title was "superseded by the right of the conquerors", who had divided the land among them and made it clear to Ngatiawa that they were not to return. (He did not say that Waikato had occupied the land.) Secondly, in his historical account,McLean stressed the New Zealand Company purchases and Kingi's role in "disposing" of the rights of the tribe at that time. McLean cited Grey's 1847 instructions to himself, as demonstrating the Government's view at that time of the "Taranaki question"; they embodied Grey's wish that all those Ngatiawa with claims to land between Ngamotu and Waitara

relinquish "all pretensions" to the lands south of the Waitara,in return for which he would recognise their rights to the lands on the north bank.166

The Government, said McLean,had gone so far as to say

> "that where the parties concerned did not agree to a reasonable arrangement for the cession of rights which they had almost entirely forfeited, their claims of ownership to the soil should not be recognized. "

McLean said nothing at this point about the failure of Grey's policy.The purpose of his account thus far was evidently to stress that Te Ati Awa had lost all rights to their land south of the Waitara by the 1840s: by conquest, by sale to the New Zealand Company, and by the refusal of the Government to recognise that they had any.He said nothing about the Government land purchases made after that, but jumped straight to the 1859 purchase.

McLean denied that there were 80 persons at Waitara with claims to the land in question; if they did have claims, he argued, they would have come forward to point them out. But no such claims were ever asserted:

> "except the general claim of an anti-land-selling league,which grapsed at the mana of the whole extensive territory between Waitaha and Mokau..."

He had great confidence in Parris, who had visited every part of the district to make sure that no substantial claims should be overlooked.McLean himself had been to Waikawa to meet the Queen Charlotte's Sound people, whom he knew were "the real claimants" to the block; they agreed to sell their own interest in the land, and more besides that already offered; no payment or promise of payment was made to them at that time. The chief Ropoama,he said, "was recognized as the head of the hapus or subdivisions of the Ngatiawa tribe, who owned the land and sold it." McLean had then gone on to Wellington,where he consulted those whose names he had obtained as claimants to the land. The more he enquired into the purchase, the more he became satisfied that it was a good one.

In the final part of his statement, McLean returned to the theme of the damaging influence of the "land league".

> "I believe that most of the difficulties and opposition which has been met with in pursuing this purchase have originated entirely with the anti-land-selling league."

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166. See Report No. 1, pp.34-37.

Tracing the history of the Manawapou "league", he held it responsible for the murders of Rawiri and Katatore and others;and added:

> "there is very little doubt that the settlement of New Plymouth,since the formation of this land league,has been in a very perilous position."

Questioned by C.W. Richmond, McLean agreed that Ngatituaho and Ngatihinga had a right to the disputed block "independent of the hapus of the Ngatiawa", that the sellers properly represented the two hapu (though Patukakariki might have a claim), and that Kingi decidedly had no right to interfere with the sale by another hapu of their lands.

Questioned by William Fox, McLean admitted that despite his statements about the Waikato title to Taranaki land, the claims of the Ngatiawa had subsequently been readmitted by the Government. Nor had the people south of the Waitara ever been induced to settle on the north bank. Asked about Patukakariki, he said he had never recognised him as the head of the hapu to which Teira belonged,but agreed he was a chief of some importance.Since the death of the principal chief of these hapu some years ago, Ropoama represented them. McLean would not commit himself as to his understanding of the term "tribal right" in relation to the alienation of land; it varied greatly in different parts of the country. Asked what the rules of alienation in the Ngatiawa tribe were, he answered:

> "In the Ngatiawa a family of three or four people has been regarded as empowered to dispose of its common property."

And this had been the case for the past 18 years.167

McLean was not asked to comment on, and did not offer to comment on, the relationship between the four Waitara hapu which Hadfield had referred to, or indeed, on the relationship between Kingi and Te Teira. (He denied that Te Teira was "tutua" but said nothing further about him.) Nor did he refer to the number of people living on the Waitara block ,nor explain directly why the consent of the great majority of those resident on the land was not required. He was not asked to explain further his statement about rights of alienation among Ngatiawa,or to discuss Ngatiawa purchase deeds of the 1840s and 1850s in the light of his statement.

The House thus lost an opportunity of gaining McLean's answers on several important points. If we compare his recorded statements on the crucial matter of the sale of Waitara with those of Hadfield,however, it would seem that the major difference between them was this: McLean recognised the rights of only two hapu (Ngatituaho and Ngatihinga) to sell;considered

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167. See IUP/BPP, Vol. 12, pp.336-345. Also printed in AJHR,1860, E No.4, pp.14-24.

that the sellers, along with the absentees at Queen Charlotte Sound,properly represented these hapu; considered Ropoama the principal representative of the two hapu; denied that Kingi had any right to interfere with the wishes of the hapu; and attributed Kingi's opposition to the influence of the "land league". (Nowhere,however, did he actually state that Kingi was an adherent of the "league".)

Hadfield,on the other hand,believed that the rights of four intermarried hapu were involved (Ngatikura and Ngati Uenuku as well as the other two); that Te Patukakariki,who had not agreed to the sale, was in any case the chief of the two hapu to which Te Teira belonged; that Wiremu Kingi was the acknowledged chief of those Te Ati Awa who lived at Waitara ,both because of his whakapapa and because of his force of character and influence - hence he was the guardian and the mouthpiece of the rights of those people. Though he did not say so directly,it was clearly Hadfield's view that Kingi, as chief, had the right to oppose the sale ;moreover,of those with "individual rights" to the land, most had not agreed to sell. What was not clear, was Hadfield's view of the nature and extent of Kingi's chiefly authority.

And because he was not questioned further on the matter,the House lost an opportunity to come to grips with an issue which was at the heart of the controversy over the Waitara purchase.

On 16 August 1860 the House of Representatives passed the following motion:

> "That in the opinion of this House the interference of Wiremu Kingi at Waitara, and his resort to force to prevent the survey of land there, rendered the measures adopted by his Excellency the Governor indispensable for the due maintenance of Her Majesty's sovereignty,and that the welfare of both races of Her Majesty's subjects peremptorily requires a vigorous prosecution of the war to a successful termination."168

In the words of Professor Morrell: "The motion was carried with only four dissentients,the Foxites abstaining; but Sewell noted in his journal that 'the House was so thin at last that the vote though carried was too shabby to be worth anything'. (It was carried by 19 to 4).

Gore Browne reported the result of the debates in the House to the Duke of Newcastle in a despatch of 29 August.With some satisfaction he noted that despite efforts to prove a case in favour of William King,

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168. IUP/BPP, Vol.12,p.123.

169. W.P. Morrell, British Colonial Policy in the Mid-Victorian Age, pp.248-9.

> "it was distinctly proved that there was good reason to believe that the purchase of the Waitara would be the most effectual means of quieting the district by putting an end to the feuds by which it has been so long harrassed...that the title of the vendors had been carefully investigated,and proved good..."

The House had approved the course adopted at Waitara, "and I am well satisfied that all dispassionate persons will do the same".170

Two days later the Governor forwarded to the Colonial Office an address from the Legislative Council, which assured him of their "cordial support" in carrying on the war, and of their conviction that:

> "your Excellency has been forced into this course by circumstances beyond your Excellency's control."171

GORE BROWNE, WAITARA, AND CHIEFLY RIGHTS

After Governor Gore Browne's despatch of 25 May 1860 (enclosing Bishop Selwyn's protest against the Resolution of the Hawke's Bay Provincial Government) was received in Britain, the Colonial Office decided that more information was needed on the rights (or alleged rights) of chiefs in relation to the alienation of land. Chichester Fortescue,in the absence of the Secretary of State, wrote to the Governor on 27 August in a somewhat guarded tone:

> "I see no reason, as at present advised, to question the justice or propriety of your proceedings towards the Chief William King; and the course which you have pursued under very anxious and difficult circumstances..."

But he sought a full report:

> "upon the important question which that case has prominently brought forward; the question, namely, of an alleged right, distinct from one of property, existing in the Chief of a Tribe to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell; and how far such a right has been or ought to be recognised by the Crown.

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170. Gore Browne to Newcastle,29 August 1860,IUP/BPP, Vol. 12, pp.121-2.

171. Copy of Address from the Legislative Council...to Governor Gore Browne, 30 August 1860, IUP/BPP, Vol.12, p.125.

> I need hardly tell you that it is the full intention and earnest desire of Her Majesty's Government...that the Treaty of Waitangi shall be faithfully observed, both in its letter and its spirit. But without more information than the Secretary of State possesses upon this point, it would not appear that the claim in question is consistent with the cession by the New Zealand Chiefs to the Queen, of their respective rights of sovereignty under Article 1, or of pre-emption under Article 2.
>
> Whether there are reasons apart from the Treaty in favor generally of the recognition of such a right, and whether, as appears to be the truth, they do not justify the claims of William King upon the present occasion, are further questions upon which you will be good enough to give me your own views, and all the information in your power."172

Two points emerge from this despatch:

1) The Colonial Office had appreciated that chiefly rights might be at stake, but had already framed its question about them in a way which showed that it did not necessarily appreciate the nature of those rights.

2) The Colonial Office invoked the Treaty, but cited only Article 1 and the second part of Article 2. It did not cite the guarantee given by the Crown in the first part of Article 2. Its view of the significance of the Treaty to the Waitara dispute was therefore a limited one.

Governor Gore Browne took the questions raised in this despatch very seriously. He replied on 4 December 1860 in a despatch which occupies 27 printed pages,and contained 5 appendices,occupying another 58 printed pages.173 To answer the questions raised, he said, it was necessary to examine native land tenure, the Ngatiawa title to Taranaki, the status of the chiefs before and since the establishment of British sovereignty, the principles which had guided successive governors in dealing with the "Taranaki question", the proceedings connected with the Waitara purchase, the relations between Kingi's "insurrection" and the "Native King movement and Land League", and lastly the "present aspect of the subject".

At the end of his despatch the Governor listed his conclusions. The crucial ones were as follows:

> "1st. That there is reason to doubt whether any "seignorial right",distinct from the right of property in a chief of a tribe to assent to or forbid the sale of land by the

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172. Fortescue to Gore Browne, 27 August 1860, AJHR, 1861, E No.1.

173. Printed in IUP/BPP, Vol. 12,pp. 169- 255.

separate hapus or subdivisions of the tribe had any existence at all among the Natives of these islands prior to the Treaty of Waitangi."

2nd. That while the proprietary rights of chiefs, families, and people were guaranteed by the Treaty, no right in the chiefs distinct from a right of property was thought of in the original interpretation of the Treaty.

3rd. That no such right has been admitted to exist in any chief of the Ngatiawa tribe at Taranaki throughought successive acts and decisions of every Governor of New Zealand.

[Clauses 4-6 referred to the policies of Governors Hobson, FitzRoy and Grey in respect of land purchase in Taranaki]

7th. That the right of the respective hapus and subdivisions of the Ngatiawa to cede their proprietary rights to Her Majesty has been repeatedly and expressly recognised in the acquisition of various blocks of land at Taranaki during a period of more than 16 years,and has been the basis of every cession of territory there to Her Majesty since 1844.

8th. That the acceptance by me of the land offered for sale by two hapus or sections of the Ngatiawa,representing the Ngatituaho and Ngatihinga, as well as a portion of the Puketapu branches of that tribe, whose act was confirmed and ratified by a large number of absentee owners at other places,was in accordance with the precedents upon which the acquisition of land from the Ngatiawa at Taranaki had invariably proceeded.

9th. That the proprietary rights of any owner who may not have assented to this sale have been expressly saved,and any one who has a valid claim of ownership may retain his land or cede it to Her Majesty, as he pleases.

10th.That the insurrection of W. King is not a legitimate resistance to an attempt forcibly to eject him from an acre of land to which he has a just right,but is the result of a league which exists among certain tribes forcibly to prevent any further alienation of territory to the Crown, even by the rightful owners thereof, who may be willing to sell."174

Several points may be made about these conclusions:

1) Despite the amount of detail recorded in the body of the despatch on the topics Gore Browne had raised at the outset, no information was supplied on a few basic matters which might have assisted the Colonial Office in its deliberations:

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174. ibid., p. 195.

a) The number of people living on the land offered for sale

b) The names of the various hapu that they belonged to

c) The names of the leaders of those hapu

d) The names of the hapu generally associated with the land along the Waitara river near its mouth, and the nature of the rights exercised in the area by the members of those hapu; 175

e) The proportion of those living on the land known to support the sale, compared with the proportion of those living on the land known to oppose the sale

In the absence of this information it was not easy for the Colonial Office to decide what the relationship was between Wiremu Kingi and his hapu, and the hapu whom Gore Browne identified as the sellers of the land; or what the relationship was between the occupiers of the land, and those whom the Colonial Office identified as "the owners of the land". It was therefore not easy to ascertain what sort of "chiefly right" Kingi was exercising when he opposed the sale; or how far his opposition might be considered "legitimate".

2) In his conclusions the Governor stressed that the Waitara purchase was made in accordance with the precedents established in previous purchases of Te Ati Awa land by the Government, and that no "seignorial right" had ever been admitted to exist in any Ngatiawa chief by any Governor. In the body of his despatch he developed this argument as follows:

a) Ngatiawa were a "conquered, broken, and scattered tribe" at the time British colonisation began, and from the outset

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175. One of the few detailed pieces of information which came to light about this time was a whakapapa showing lines of descent of Te Teira, Te Retimana, Rawiri Raupongo and others; it was published in Te Karere Maori (The Maori Messenger) of Aperira 30 (30 April) 1860, after the war had broken out. Richmond referred to it in the House in August, stating that it contrasted the descent of these people with that of Wi Kingi. (IUP/BPP, Vol.12, p.362). More detailed whakapapa were compiled several years later by Judge Fenton, from evidence given in the Compensation Court by Tamati Tiraurau, Te Teira and others; these show some lines of descent within the "family of Uenuku" (Uenuku married Kura). Fenton added a note stating that "Ngatikura, Ngatiuenuku and Ngatituiti seem to be identical". (See AJHR, 1867, A No.23). As these whakapapa show only selected lines of descent, no attempt is made here to draw any conclusions from them.

therefore the British Government did not recognise the "tribal right in case of alienation" , nor "permit" the exercise of a veto on alienation by the chiefs.

b) Thus Governor Hobson did not recognise the Ngatiawa title to the country "they had abandoned"; he "claimed to have extinguished the aboriginal title by his purchase from the Waikatos".

c) Governor FitzRoy, speaking to Te Ati Awa in 1844, was quoted to show that he had directed the people each to point out their own property to the Protector, and each would receive the payment if he wished to sell "his place".

d) Governor Grey's speech to Te Ati Awa in 1847 was quoted to show that he intended to resume for the Crown the land within Spain's award, and to make reserves for the Maori; he did not recognise any tribal right in the Ngatiawa nor any "seignorial rights".

e) All the purchases of Ngatiawa land from 1847 on were made under the immediate supervision of McLean,whom the Governor then quoted on the subject:

> "The whole of the purchases previously made at Taranaki had been effected on the same principle as the present one from Te Teira,namely, that of acquiring the land from the different clans and subdivisions of clans which came in from time to time to offer it."

The Governor added:

> "No such thing as a seignorial right was ever recognised either in W. Kingi or anybody else. No general "tribal right," or right of chieftainship was allowed to interfere with the rights of the several Hapus, or families,to dispose of their lands to the British Government."

These two sentences were hardly an adequate summary of the history of disputed land sales,and of land purchase in Taranaki since 1844.

3) Several comments may be made on the above points:

a) The Governor did not comment on the nature of chiefly authority within Te Ati Awa,either before or after their heke of the 1820s-40s. He assumed that because of these heke the influence of the chiefs had been undermined- hence the decisions of the early governors about Te Ati Awa land rights.

b) But if "no such thing as a seignorial right was ever recognised" , it was perhaps because such a right was not

(as far as I am aware) claimed within Te Ati Awa - if this phrase is taken to mean the right of a single chief to exercise a veto over the sale of any tribal lands,wherever they might be. This need not mean that the rights of the chiefs had been undermined; it may simply indicate something about chiefly authority and about hapu land rights within Te Ati Awa.

c) The Governor said nothing about the basis on which the rights of the "different clans" offering land had been accepted or rejected in the past, whether(for instance) ancestral title or present occupation and exercise of use rights or both had been considered important.Nor did he explain how disputed offers had been treated,or resolved, up until the time of Waitara. The Colonial Office was thus given little information from which to make even general comparisons between previous purchases from Te Ati Awa, and the Waitara purchase.

4) Gore Browne thus argued himself to a position where he could conclude that:

> "...for the British Government now for the first time to announce that a right would be admitted in any chief whatever,distinct from his right of property in the soil, to prohibit the cession of territory to Her Majesty by the real owners of the land would be as unjust as it would be impolitic.It would sanction the objects of the Land League...it would strengthen the confederacy,which (based upon the League) aims at the subversion of the Queen's authority and the establishment of an independent nationality; it would effectually discourage those loyal subjects of Her Majesty of the native race,who rest upon the guarantee of their proprietary rights in the Treaty of Waitangi; and it would render all but impossible any success in the efforts which have been made during so many years to induce the Natives to convert their tribal tenure into individual property secured by a grant from the Crown."176

It is interesting, perhaps, that the Governor saved the last point for the culmination of his argument; he himself saw no discrepancy between the Treaty and Government policy in respect of individualising Maori land titles.

Professor Morrell noted that the despatch convinced the Duke of Newcastle and Chichester Fortescue, at least, of the "substantial justice" of the Governor's case. But those in New Zealand who were not so convinced were increasingly making their voices heard in England. The tone of a debate in the House of Commons in April 1861 was critical of the

176. ibid., p.196.

Governor - though he was not without his defenders - and Chichester Fortescue told the House that the object of Government policy henceforth:

> "would be in co-operation with the local authorities to improve the administration of native affairs,and above all, to endeavour to introduce some system under which native titles to land should be subject to the decision of regular tribunals".177

The Colonial Office, wrote Morrell, "was, however, increasingly coming to doubt whether Gore Browne was quite the man for the crisis." And at the end of May 1861 Newcastle instructed Sir George Grey to proceed back to New Zealand to succeed Gore Browne as Governor.178

SIR GEORGE GREY AND THE ABANDONMENT OF THE WAITARA PURCHASE

When Grey arrived in New Zealand the Fox Ministry advised him to negotiate in the Waikato but take active measures in Taranaki to "bring the southern tribes to heel". They hoped to keep further fighting within the Province where it had started.179

William Fox outlined the ministry's position in a minute of 8 October 1861. In Taranaki, he reported, the main body of the troops had been withdrawn; the settlement was garrisoned by a single regiment, with a small party in a blockhouse at Waitara; the militia was on actual service under proclamation of martial law; a small efficient volunteer corps was available. Many settlers had left Taranaki; those who remained were unable to carry on their normal occupations;the farmland was "returning to a state of nature".

Ngati Ruanui and Taranaki, Fox wrote, were "in a state of passive insurrectionary sullenness"; they had refused submission to the peace terms,retained possession of a quantity of settlers' stock, "threaten[ed] death to all Europeans who centured beyond certain lines", and were practically in possession of the Tatraimaka block.

The ministry believed this state of things must not be allowed to continue. Active measures must be taken against Ngati Ruanui and Taranaki (Te Ati Awa were not mentioned) so that they were brought to submission, and the settlement of Taranaki might be re-established on a safer basis.

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177. W.P. Morrell, British Colonial Policy in the Mid-Victorian Age, pp.258-267.

178. ibid., pp.268-9.

179. K. Sinclair, The Origins of the Maori Wars, p. 254.

Meanwhile it was hoped that the Governor might be able to re-establish friendly communication with the Waikato, and endeavour "by all legitimate means to recall and attach them to us".180

After his arrival, Grey concentrated on his Waikato policy, and paid little attention to Taranaki. He took the view (as he later explained to the Secretary of State) that if he began a war at Taranaki there might be general Maori resistance, and very likely an attack on Auckland.He therefore concentrated on measures which would secure the security of Auckland (notably the construction of a military road into the Waikato), and would ensure that the Government could "strike a blow" at the Waikato tribes if they "deserved punishment". Only when these measures were in place, did he feel he could speak to the people of Taranaki.

His first priority in Taranaki was to reoccupy the Omata and Tataraimaka blocks to the south of New Plymouth,which before the war had been purchased by the Crown and occupied by settlers. Grey arrived in Taranaki on 4 March 1863, with General Cameron, Alfred Domett, the Premier, and F.D. Bell, the Native Minister. The Omata block was immediately occupied by British troops, and after reinforcements were sent for from Auckland, the Tataraimaka block was occupied on 4 April.181

Grey then turned his attention to the Waitara block. According to Professor Sir Keith Sinclair, he began his enquiries two days later:

> "This "investigation" proved to be as haphazard as the last one; but its conclusions were very different."182

Professor Dalton, in his book War and Politics in New Zealand, wrote that the Domett ministry was committed to an independent investigation of the Waitara purchase, but considered that Gore Browne's policy had been just. In April 1863, with the Tataraimaka difficulty disposed of, Grey:

> "determined to get rid of the Waitara difficulty as well. The method he chose was to abandon the land without the promised investigation,but with the formal advice of his Ministers."183

Grey delegated the job of gathering information about the Waitara purchase to Lieutenant Henry Bates, and Bates reported on 10 April that he had discovered from the surveyor Octavius

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180. Minute by Ministers ... 8 October 1861, AJHR, 1862, E No.2.

181. Grey to Newcastle, 6 April 1863, AJHR, 1863, E No.3, Sec.1, pp.22-3.

182. Sinclair, The Origins of the Maori Was, p.261.

183. B.J. Dalton, War and Politics in New Zealand 1855-1870, pp.167-8.

Carrington that there were three pa on the block: "Te Kuikui", occupied by Kingi and 200 of his "followers", "Wherohia", occupied by 35 of Kingi's "followers", and "Te Huriarapa", still occupied by Te Teira and his "adherents". The first two pa were burnt by "natives in the Queen's pay" assisted by marines and sailors at the time the Government took possession of the block, and the extensive cultivations around the pa were destroyed. (Carrington later wrote that he considered between 60 and 120 acres were under cultivation near the three pa.) Grey forwarded this information to Bell, and he and Bell exchanged written comments on it on 12 April.

Subsequently on 16 April Bell himself, by chance, met Te Teira and Ihaia at New Plymouth, and asked them about the occupation of the block, and the purchase. If, as Teira said, all the people had agreed to live together for their mutual protection, why had he offered the land for sale? Teira said that at first they had lived together in peace, but that "the incessant feuds [since 1854]... had cut up the tribe, and darkened the whole land." He then went on to say that he had never intended to include the sites of the pa when he made the original offer to Governor Gore Browne in 1859. He also claimed there was to be another Native Reserve of 200 acres within the block, and complained that he had never received the balance of the purchase money,namely 500 pounds. Bell pointed out that there was no mention of a reserve in the deed.

Bell then spoke to Parris, who denied that Te Teira had said anything at the time of the original offer to indicate that he intended to except the pa from it; nor had he heard of an intended reserve of 200 acres. But he did say that:

> "the Government had certainly promised that reserves should be made-that the object of the Government was to form a township at the mouth of the river - and that they contemplated making an arrangement by which certain portions of water frontage should be secured to the Natives within the town (besides other reserves outside), whereby the sites of the pas would have been exchanged for town allotments,sure to rise rapidly in value; and that all this would have been done if hostilities had not broken out,- but that the war had prevented any plan for the benefit of the Natives being carried out."

On the basis of Bell's memorandum, and his own information "from other sources" which confirmed that there was "great reason to believe" that a reserve was to be made around the pa at Waitara, Grey recommended on 19 April that the Government should at once make a reserve of 200 acres around the pa, "and

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184. Bates to the Governor,10 April 1863, and Carrington to Bulkeley, 20 April 1863, AJHR, 1863, E No.2,pp.3-4,and 11.

185. Bell,Memorandum to the Governor, 17 April 1863, AJHR, 1863, E No.2,pp.4-5.

publicly and clearly renounce all right and title, direct or indirect, to such land."

On 20 April Domett replied to Grey's earlier minutes,challenging his view that the land had been acquired against the will of 200 of Her Majesty's subjects who had been occupying it in "peace and happiness for years" by referring to the fighting among Te Ati Awa since 1854. But he agreed that it now appeared that there were "facts [which] ... had been overlooked throughout the discussions on the Waitara purchase": namely, that the three pa on the block were occupied, by general agreement, by a large number of people; that these people were living there at the time of the sale; that there had been an agreement of some kind as to a reserve, which Teira appears to have thought would include the pa.

Ministers therefore agreed that a reserve of 200 acres should at once be proclaimed, and that the intended investigation be confined to the rest of the block.187

This, however, was not what Grey wanted. On 22 April he thus wrote a lengthy memorandum explaining why the Waitara Purchase should be abandoned. He argued:

1) That the "natives" did not take up arms to prevent land being sold to the Crown, or to maintain "seignorial rights", but saw themselves as struggling "for house and home" in the face of a new Government system for taking their lands.

2) That the most important statements contained in the Government manifesto of February 1860 about Waitara were incorrect; that many "leading natives" had told him that a great crime had been committed against the people of Waitara, and that if the Government should engage in further war on account of the land, the "whole native race" would rise up and attack various European settlements.

3) That "the natives" would not agree to a mere investigation of the title at Waitara,because there had been too much suffering as a result of the purchase; what was wanted was an enquiry into the "whole affair" (the war itself). In the face of their "doggedness", the Governor had completely given up his attempts to persuade them that an investigation into the title would be adequate.

4) That the "new facts" which he had discovered about Waitara altered the "whole character" of the transaction; that he had only discovered these since coming to Taranaki and making personal enquiries; that it was therefore "excessively improbable" that his predecessor should have

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186. Grey, Memorandum, 19 April 1863, AJHR, 1863, E No.2,pp.6-7.

187. Domett, Minute to the Governor, 20 April 1863, AJHR, 1863, E No. 2, p.7.

known of them; and that therefore there was no good reason to persist with his predecssor's policy.

5) That since the Omata and Tataraimaka blocks had been reoccupied, it could not be argued that Waitara was being abandoned as a sort of bribe to the Maori to persuade them to give up those lands.

6) He therefore wished to proclaim his intention of abandoning the purchase and forfeiting the 100 pound "deposit" which the Government had paid on the land.188

Domett replied to Grey on 30 April, and clearly was not happy with his proposal. While admitting that the "new facts" were important, and that a purchase should not have been completed until satisfactory arrangements had been made with all the people living on the block, Domett insisted that:

> "...the real quarrel between the Government and the natives concerned in the late insurrection, was not whether the title to a particular piece of land was good or bad,- but whether any natives, in case of a dispute between them and the Government, might resort to arms to resist the course the Government pursued."

But, he went on, if the purchase of the land beyond the 200 acres around the pa were now given up, this was also to give up one of the principal objects for which the war was undertaken, namely," that one native should not by force prevent another from selling land belonging to the latter." The Native Minister still believed that the "proprietary rights" of the sellers to most of the block would be found to be valid.

Ministers therefore recommended that the Governor should at once renounce all claim on the part of the Crown to the site of the pa occupied by Wi Kingi and his people. Having registered their objections to his renouncing the rest of the land, they left the decision on that matter entirely up to the Governor.189

Grey, in reply, stressed the "imperfect information" on which previous decisions of the Government had been based:

> "It is a very unusual circumstance,in reference to so important a subject as turning more than two hundred of the Queen's subjects out of their houses and homes, and deciding that the right of property in these was in another subject,not in themselves, that not a line of written evidence exists to show the grounds on which the Officer deciding this question came to such a conclusion.... [the

188. Grey, Memorandum, 22 April 1863, AJHR, 1863, E No.2, pp.8-10.

189. Domett, Minute to the Governor, 30 April 1863, AJHR, 1863, E No.2, pp.13-15.

> Governor] asks in vain for the Evidence taken at the investigation of the title, and none can be produced for his guidance..."190

(Before writing his memorandum Grey had requested that any evidence on the Waitara investigations be forwarded to him; Bell had replied that Parris stated the only evidence was to be found in his letters and reports published in the Reports of the Land Purchase Department. A copy was sent to Grey.)191

Historians have been cyncial about Grey's "new facts". Sinclair says that one of them - namely, that Kingi and many of his people were living on the block - was not new even to Grey,who had known of it when he was living in Cape Town. The "facts", he suggests, "should be regarded essentially as the arguments used by Grey to justify him in returning the Waitara to the Maoris."192 Dalton says that only one of the "facts" (the promise of a 200-acre reserve) had not appeared in print before, and argues that Grey was intent on abandoning the Waitara purchase so that he could "confront the Waikato tribes unencumbered by Waitara, an issue on which there had been much bitter controversy."193 But if Grey's "facts" were not "new", the use which he,as Governor, made of them to argue against the Government purchase of Waitara, certainly was.

It was, however, at this point that an attack was made on a detachment of British soldiers at Oakura,between Omata and Tataraimaka;nine of them were killed. "I fear that I cannot now prevent a war" wrote Grey to the Secretary of State, "by acting in the manner I think justice required, in regard to the land at the Waitara."194 That night, 4 May 1863, the Governor and the two Ministers with him at New Plymouth (Domett and Bell) considered the two matters of the Oakura attack and the Waitara purchase together. It was agreed that the troops should be withdrawn from the Waitara, and that a Maori force defend the "frontier on the North";and that the land between Omata and Tataraimaka "belonging to Parenga Kingi and the Natives engaged in the murders yesterday" should be forfeit to the Crown, and a military settlement formed there. And the Ministers advised the Governor that a general meeting of the Ngatiawa people should be held at once, and an announcement made that the Government now deemed it unadvisable to complete the purchase:

> "the Government are willing and ready to restore the Waitara to its former owners, and to publish a general amnesty for all former offences;on the condition that those

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190. Grey, Memorandum, 4 May 1863, AJHR, 1863, E No.2,pp.15-16.

191. AJHR, 1863, E No.2,p.20.

192. Sinclair, The Origins of the Maori Wars, pp.261-2.

193. Dalton, War and Politics in New Zealand 1855-1870, pp.168-9.

194. Grey to Newcastle, 5 May 1863, AJHR, 1863, E No.2,pp.12-13.

> engaged in the late insurrection should absolutely separate themselves from the Southern tribes and leave the punishment of the late murders entirely in the hands of the Governor.
>
> "Further, the declaration should be made, that if they refuse to comply with this condition and any assistance of any kind whatever is given by them to the Southern tribes, the whole of their own land at Waitara will be declared forfeited in like manner as the territory between Omata and Tataraimaka."195

Governor Grey and Bell, with an interpreter, met a small group of Te Ati Awa people from Mataitawa on 6 May. Horiana, Kingi's daughter, was present. The people thought that the Governor wished to speak to them about Oakura. It was explained that the Governor had met Teira the day before and had asked him if there were not some way by which the Ngatiawa could be united. The Governor wished to see Horiana and her people living at peace at Waitara, but that was for her to decide. He had no desire to take any land from them. He wished the people to consult among themselves.

On 8 May Grey wrote a minute to his advisers stating that he considered the Government should at once announce that it would not proceed further with the Waitara purchase; Ministers agreed (given that a large body of troops must now be employed south of New Plymouth) that this should be done.

The same day the Governor and the Native Minister met another group of Te Ati Awa leaders,including Mahau, who had been acting as an intermediary between Kingi's people and Teira's. At this meeting the Governor explained the difficulties the "new facts" had placed the Government in. He said he would not proceed further with the purchase, but would resign all claim over the block. He gave no judgment on the question of title. But since the deed stated that 600 pounds had been received by the sellers, he thought it fair that they should receive the rest of that sum (500 pounds). This sum was not the price of the land, however, but was "a fulfilment of the engagment originally entered into, as to the money to be paid."

> "...Teira and his friends would receive the money stipulated for. While he [the Governor], freed from any claims from them on that point, would let the land lie as it was before that purchase, according to whatever rights of ownership then existed, and so no difficulty would occur if they were content to live again in peace upon it as they did when they came up from the South."196

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195. Domett, Minute to the Governor, 5 May 1863, AJHR, 1863, E No.2, pp.20-21.

196. Memorandum of an interview between the Governor and chiefs of several tribes, 8 May 1863, AJHR, 1863, E No.2, pp.25-27.

(Privately, the Governor suggested to ministers that the 500 pounds not be paid for "a month or two", "until it is seen how affairs turn out". It was possible that the money, as it passed about, might in part be used "against the European race".197

On 11 May the Governor, the Lieutenant-General, and the Ministers met and agreed that the troops ought to be withdrawn from Waitara. The Ministers then wrote a minute recommending that they be withdrawn the following day. This,however, was not practicable, and so it was 13 May before the troops were marched into town.

The Governor, meanwhile, had issued a proclamation on 11 May, at New Plymouth:

> "Whereas an engagment for the purchase of a certain tract of land at the Waitara...was entered into by the Government of New Zealand in the year One thousand eight hundred and fifty-nine, but the said purchase has never been completed:
>
> And whereas circumstances connected with the said purchase unknown to the Government at the time of the sale of the said land have lately transpired which make it advisable that the said purchase should not be further proceeded with:
>
> Now, therefore, the Governor, with the advice and consent of the Executive Council, doth hereby declare that the purchase of the said block of land is abandoned, and all claim to the same on the part of the Government is henceforth renounced."198

The Proclamation was gazetted in English and Maori in the Gazette of 15 May 1863. In Maori, the final paragraph read:

> "Na, tenei a te Kawana te mea nei, me te uru ano me te whakaae ano tona runanga; Ko te tikanga mo te hoko i taua wahi kua mutu. Ko nga tikanga mo taua wahi i te taha o te Kawanatanga tenei te karanga nei, kua whakarerea."199

Two years later, in the wake of further fighting in Taranaki, Waitara was included in the Taranaki lands confiscated by the Crown.

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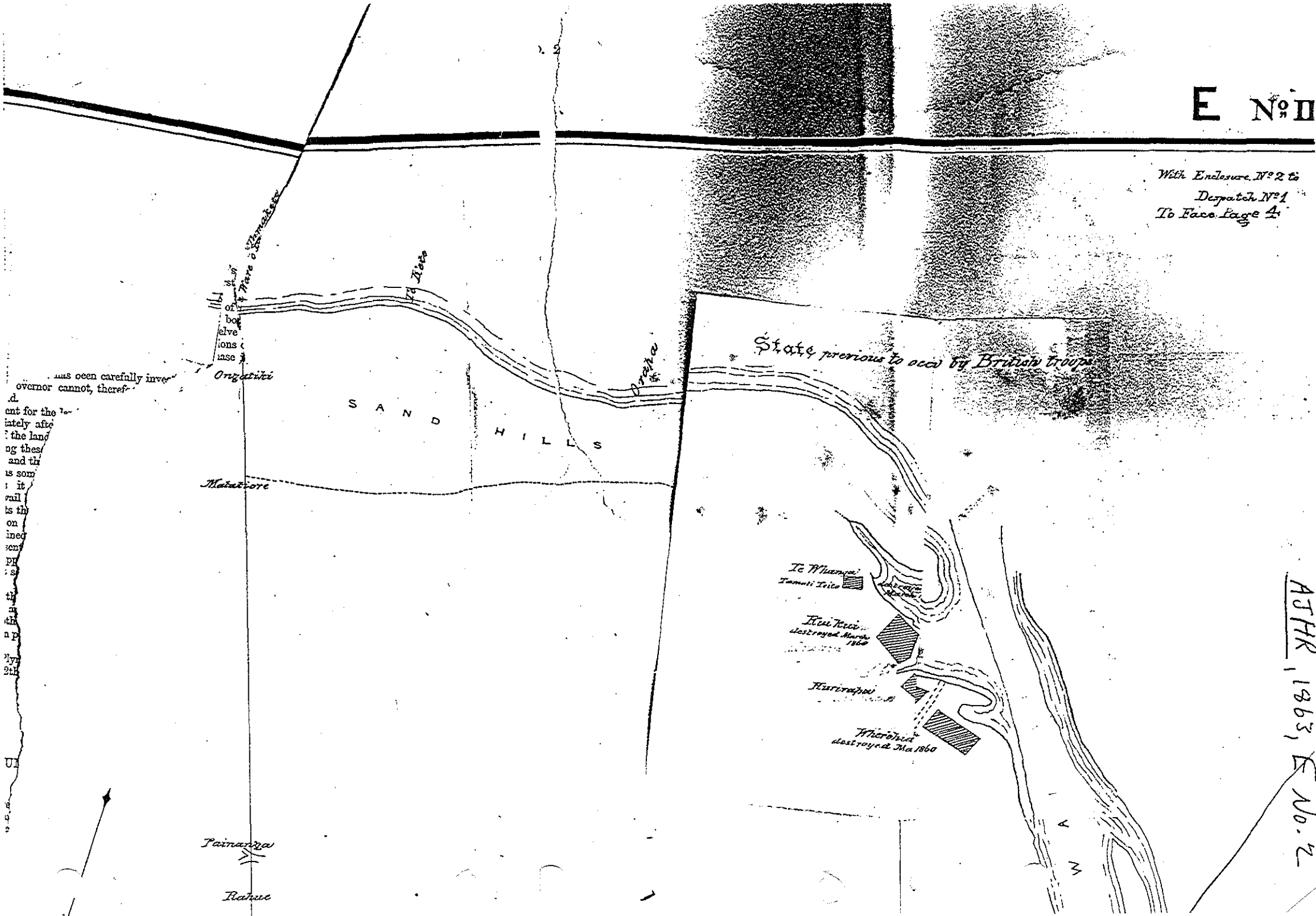
197. AJHR, 1863, E No.2, p.27.

198. Printed in AJHR, 1863, E No.2, p.36.

199. The New Zealand Gazette, 15 May 1863.


E No. II
With Enclosure No. 2 to
Despatch No. 1
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Omaketa
Te Ahuahu
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State previous to occn by British troops
Onzatiki
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Matatiore
Te Whanga
Tamati Teira
Kaitake Range
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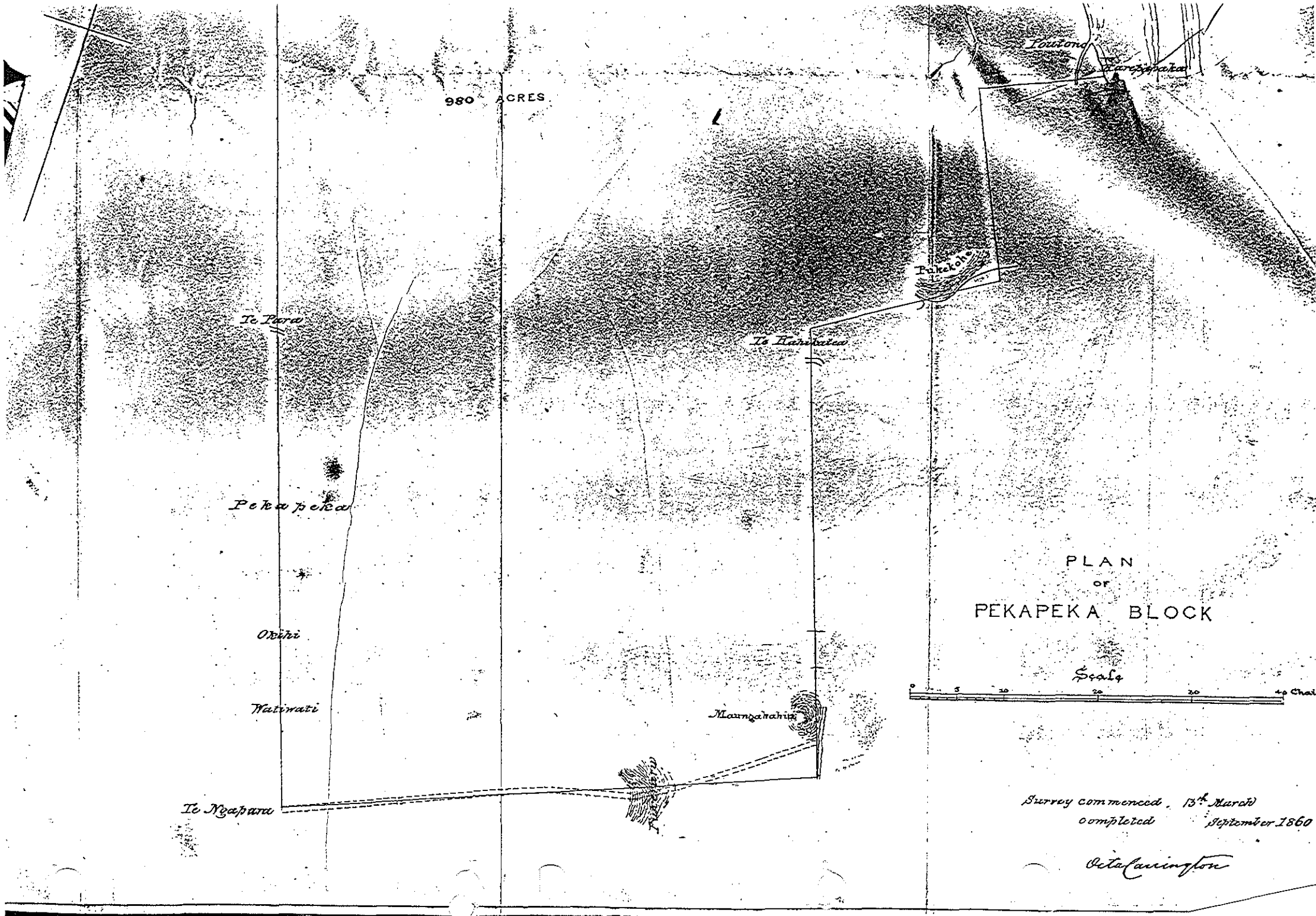
Kaitake
Kaitake
Whareahia
destroyed Mar 1860
Tainarua
Ratuae
AJHR, 1863, E No. 2


980 ACRES
Te Para
Pekapeka
Otiiri
Waiwiri
Te Ngapara
Te Hauhauteo
Maungahahia
Pukekohe
Toutoro
Waingaroa
PLAN
OF
PEKAPEKA BLOCK
Scale
0 5 10 20 30 40 Chai
Survey commenced 13th March
completed September 1860
Octa Carrington