

**In the Waitangi Tribunal**

**Wai 207**

**Wai 785**

Under **The Treaty of Waitangi Act 1975**

In the Matter of **The Te Tau Ihu Inquiry (Wai 785)**

And

In the Matter of **The claim to the Waitangi Tribunal by Akuhata Wineera, Pirihira Hammond, Ariana Rene, Ruta Rene, Matuaiwi Solomon, Ramari Wineera, Hautonga te Hiko Love, Wikitoria Whatu, Ringi Horomona, Harata Solomon, Rangi Wereta, Tiratu Williams, Ruihi Horomona and Manu Katene for and on behalf of themselves and all descendants of the iwi and hapu of Ngati Toa Rangatira**

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**BRIEF OF EVIDENCE OF RICHARD PETER BOAST**

**Part Two: The Wairau, the Cook Strait Crisis of 1843 and the Crown's Coercion of Ngati Toa 1843 – 1847**

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## BRIEF OF EVIDENCE OF RICHARD PETER BOAST

### 1 The Imperial Background in the 1840s

1.1 **Introduction:** It is important to note the shifts in Crown policy in the 1830s and 1840s, as these shifts had very definite implications for Ngati Toa's fate. The British Empire was both liberal and coercive. The 1830s was a period when humanitarian concern played an important role in the formation of policy: as Raewyn Dalziel puts it, New Zealand "[came] within the Empire at a moment of liberal humanitarianism".<sup>1</sup> One key step was the abolition of slavery in 1833<sup>2</sup> (Britain had earlier abolished the slave *trade* in 1807).<sup>3</sup> Another key step was the parliamentary address to the Crown of July 1834 sponsored by the radical Liberal MP Thomas Fowell Buxton seeking an inquiry into the conditions of indigenous peoples in British possessions. In July 1835 a select committee of the House of Commons under Buxton's chairmanship began its inquiries into the conditions of the native peoples of the empire, which presented a major report on the subject to the House in June 1837.<sup>4</sup> The report, largely written by Buxton himself, stated that "it might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil; a plain and sacred right, however, which seems not to have been understood".<sup>5</sup> Furthermore, it "appears to be the moment for the nation to declare, that with all its desire to give encouragement to emigration, and to find a soil to which our surplus population may retreat, it will tolerate no scheme which implies violence or fraud in taking possession of such a territory".<sup>6</sup> This report was very influential. Sir George Gipps, a liberal and humane governor, tried to put it into practice as governor of New South Wales. It had impacts on colonial office policy and influenced Governor Fitzroy of New Zealand. In the

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<sup>1</sup> Raewyn Dalziel, "Southern Islands: New Zealand and Polynesia", in Andrew Porter (ed), *The Oxford History of the British Empire: The Nineteenth Century*, Oxford University Press, Oxford and New York, 1999, 573.

<sup>2</sup> On the political background to abolition see Robin Blackburn, *The Overthrow of Colonial Slavery*, Verso, London and New York, 1988, 452-459. Abolition was achieved by parliamentary enactment of the Abolition of Slavery Act 1833, which took effect in 1834.

<sup>3</sup> The Waitangi Tribunal has unfortunately confused the two in its Rekohu Report.

<sup>4</sup> For a full analysis of the report see Roger Milliss, *Waterloo Creek: The Australia Day Massacre of 1838, George Gipps and the British Conquest of New South Wales*, University of New South Wales Press, Sydney, 1992, 226-233.

<sup>5</sup> Cited Milliss, *op.cit.*, 227.

climate created by this report the New Zealand Company faced considerable difficulties in gaining support for its project from the Crown. But by the mid-1840s all had changed.

- 1.2 **Lord John Russell and the Nov 1840 agreement:** The New Zealand Company was formally established in London on 2 May 1839, constituted from the earlier New Zealand Association. Its preliminary expedition, led by Colonel William Wakefield, reached Port Nicholson on 20 September 1839, leading in turn to the three New Zealand Company deeds of 27 September, 25 October and 8 November 1839.<sup>7</sup> I have already stressed in my ‘generic’ issues evidence the vital interconnections between British politics, the position of the New Zealand Company, and government policy in New Zealand. For most of the 1830s the Company had faced the outright hostility of the Colonial Office and the Church Missionary Society. In 1840 the Company had a window of opportunity when Lord John Russell replaced Glenelg at the Colonial Office. Russell was much more sympathetic to the Company’s aspirations than his predecessor, and it was this sympathy which led to the all-important agreement of November 1840 by which the Crown guaranteed to the Company 4 acres of land in New Zealand for every pound spent – an agreement which decisively shifted the nature of the Company’s land claim from its very shaky foundation of the 1839-40 deeds to the much more secure one of an agreement with the Crown.<sup>8</sup> The agreement, however, “assumed that the Company’s original purchases were valid – an assumption that was accepted by the Company’s representatives in Great Britain and New Zealand”.<sup>9</sup> The Company’s expenditure was audited by James Pennington, an accountant, who on 28 April 1841 calculated that the Company was entitled to 531,929 acres, making a further award of 180,664 acres on 11 January 1843.
- 1.3 **Spain’s inquiries and the Nelson grant:** The Tribunal has now heard so much about Spain’s investigations and their various shortcomings that little needs to be said. (I have already covered the issue of Spain’s understanding of Ngati Toa land rights in the Nelson area.) I wish, however, to reiterate the point I made in the ‘generic’ hearings that it is a misconception to believe

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<sup>6</sup> Ibid, 229.

<sup>7</sup> The Waitangi Tribunal has already concluded that all three deeds “were flimsy transactions at best”: *Te Whanganui a Tara*, 59.

<sup>8</sup> See generally Tonk, “Difficult and complicated question”, 36-7.

that Spain was investigating the 1839 deeds. They had become largely irrelevant after November 1840. Spain saw his task as to determine whether the New Zealand Company was entitled to a Crown grant at a number of *particular* localities, including Wellington, Porirua, Nelson and New Plymouth. This explains why in his consideration of this issue with respect to Nelson Spain focused on the totality of the alleged compensation paid by the Company, not merely in consideration of the pre-Treaty deeds, but also regarding the ‘presents’ paid to local Maori at the time of the establishment of the Nelson colony and then with the separate ‘releases’ in 1844 – which Spain had of course taken an active role in arranging. His discussion of the Company’s entitlement to a grant at Wellington was in the same terms. At Wellington, just as at Nelson, there had been extra deeds of ‘release’ – essentially, additional payments to Maori – which Spain had also been instrumental in arranging.

- 1.4 **Subsequent developments: an overview:** The Company’s political problems were not over with, however, for in 1841 the Whig government fell and was replaced by a Tory government led by Sir Robert Peel. Peel’s government lasted until 1846, when Peel split his own party over the repeal of the Corn Laws, which led to Whigs (led by Russell) regaining office. The Tory Colonial Secretary, Lord Stanley, was no friend at all of the Wakefields and the Company, and for some years the Company’s political star dimmed considerably, at the same time as Commissioner Spain was undertaking his investigations in New Zealand. While it is often believed that the arrival of Governor Grey in late 1845 marked a turning point in New Zealand history, the actual position is a little more complicated. There is something of a trend in New Zealand historiography to indicate that the new policies reflected Grey’s personal views, but this is mistaken as Ian Wards has pointed out in a recent review,<sup>10</sup> and in any case over-emphasises the ability of colonial

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<sup>9</sup> Ibid.

<sup>10</sup> See Wards, Review of Bohan, *To be a Hero: Sir George Grey, 1812-1898*, in *Landfall*, No 197, Autumn 1999, 166-8, at 167: “In fact the Colonial Office had finally reached the conclusion [that is, *before* Grey’s appointment] that the apparent policy of moral suasion and the actual lack of provision of financial resources would not work. A policy more favourable to European settlement was to be put in place, in part advocating the same administrative acts for which Fitzroy had been reprimanded. The new policy would require a new governor, and Grey, so successful in South Australia, was first choice. But only first choice: should he not be available, the Governor of New South Wales was to appoint anyone that he thought suitable for the position. This *shifts the emphasis away from Grey to the new policy, and it follows that more attention should be given to that policy and less to the qualities of Grey.*” (emph. added).

governors to make policy. The decisive events were the Wairau incident of 1843 and the decision of Governor Fitzroy to take no action against Ngati Toa. The Wairau battle is thus pivotal, not only in Te Tau Ihu itself, but also as a key aspect of the shift to the Crown's coercive policies of 1845-8 of which Ngati Toa were the main victims. It was the pressure of events in New Zealand itself, skilfully exploited by the New Zealand Company's parliamentary supporters, which forced Stanley to make concessions to the Company. The Company's hand was of course further strengthened in 1846 with the return of the Whigs to power, with Lord John Russell, architect of the November 1840 agreement, now Prime Minister.

## 2 **Background to the Wairau**

2.1 **Establishment of Nelson, 1841:** While Land Claims Commissioner Spain was on his way to New Zealand, the New Zealand Company had moved on to its new project, the establishment of its second<sup>11</sup> colony in New Zealand. The Company set up a Committee in England which styled itself the "Second Colony of New Zealand" chaired by Brian Edward Duppa; other members of the Committee, some of whom were to die at Ngati Toa's hands in 1843, were Captain Arthur Wakefield, J.S. Cotterell, Alfred Domett, W.B. Patchett and Frederick Tuckett.<sup>12</sup> Nelson was a separate, fully-fledged planned settlement of the Wakefield type, like its sister colonies of South Australia (1836), Wellington (1840), New Plymouth (1841), Otago (1848) and Canterbury (1850). The Wakefields and their friends were radical Whigs, idealistic and well-educated, and their circle included many Dissenters: a number of the New Zealand Company Surveyors, including Tuckett and Cotterell, were Quakers, and the Wakefield clan itself had Quaker connections. Such people were completely antipathetic to colonial governors like Hobson and Fitzroy, former naval officers, and – in Fitzroy's case at least – Tory and Evangelical in outlook. Captain Arthur Wakefield was made the leader of the Nelson expedition on 15 February 1841. On the same day the Company issued a prospectus advertising the sale of 201,000 acres in the new settlement – it needs to be remembered that it had not been decided where it was going to be located – each allotment costing £300 and consisting of a rural section (150 acres), a suburban one (50 acres) and one

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<sup>11</sup> The New Plymouth colony was not technically established by the New Zealand Company, but by the separate, albeit associated, Plymouth Company.

town acre.<sup>13</sup> On 27 April 1841 the *Whitby* and the *Will Watch* sailed from Gravesend carrying the preliminary expedition for the new colony. Ironically, although it had already been decided to call the new colony ‘Nelson’ it was not clear where it was going to go. The Wakefields wanted to establish it at Port Cooper (Lyttelton), but after discussions with Governor Hobson it was decided instead to establish it in Blind Bay (Tasman Bay). The first fleet sailed into Nelson Haven on 4 November 1841.

2.2 **“Captain Wakefield distributed goods amongst the people”:** The NZ Company’s ‘presents’: In his report on the Nelson claim of 31 March 1845 Commissioner Spain laid heavy emphasis on the gifts or presents made by the leaders of the New Zealand Company expedition to local Maori.<sup>14</sup> Wakefield explained through his interpreter (Brook) that he was offering generous presents to local Maori even though his brother, Colonel William Wakefield, had already bought the land two years earlier from Te Rauparaha and Te Hiko. The local chiefs complained that they had at no stage received any of the payment and denied Te Rauparaha’s right to sell it. However, as Ruth Allan puts it, “they succumbed, accepted the presents, agreed to allow the pakeha to settle, and grudgingly recognised the sale by Rauparaha”.<sup>15</sup> Allan – following Arthur Wakefield’s diary – gives the names of the following chiefs as recipients, Ngake, Puaha, Tai, Iti, Maku, Po, Tanga, Porewa, and Tane. ‘Puaha’ is – presumably – Rawiri Puaha, the leading younger Ngati Toa chief in the South Island. In his report Spain praised Captain Wakefield’s “liberal and judicious policy”.<sup>16</sup> Captain Wakefield’s actions were one of the reasons why Spain concluded that the Company was entitled to receive a grant to the lands it had surveyed in the Nelson area. Ruth Allan notes that the value of the gift to each of the chiefs came to £24.19s.3d. In the Nelson Tenths case in 1892 the “presents” were mentioned by Paka Herewine Ngapiko of Ngati Rarua, who recalled that “Captain Wakefield distributed goods amongst the people after his arrival”. Perhaps separately referring to the releases he also remembered that “money

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<sup>12</sup> The formalities are covered thoroughly in Allan, *Nelson*, 50-51.

<sup>13</sup> Jellicoe, *New Zealand Company’s Native Reserves*, 33.

<sup>14</sup> For a detailed description, based on Arthur Wakefield’s Diary, see generally Allan, *Nelson*, 174.

<sup>15</sup> Ibid.

<sup>16</sup> Mackay, I, 56.

was paid to the Natives but I don't recollect the circumstances connected with the payment".<sup>17</sup>

2.3 **The Nelson Colony:** At the time of the Colony's establishment no grant at Nelson, or anywhere else for that matter, had actually been made to the New Zealand Company. This did not stop the Company from carrying out surveys. Those who had purchased interests from the Company received town, suburban and rural sections, the actual tenurial status of which, however, was extremely doubtful. As there had been no Crown grant to Nelson the Company's "grants" were in fact nothing but unofficial allocations of priority rights in unextinguished Maori customary land, inchoate with respect to the owners, nullities against the Crown and against Maori, but possibly creating some kind of contractual or equitable rights between the allottees and the Company. Almost immediately the new colony had a substantial social, economic and environmental impact on the area and on local Maori. Survey parties burned off the fern ("we set fire to the fern and consequently everything has been consumed for many miles"), shot pigeons and other birds for the pot ("they are very plentiful and easily shot"). The Company did take certain steps to attempt to extinguish Maori customary title, including the making of gifts to local Maori and subsequently drawing up deeds of release and making cash payments to local Maori. Until, however, there was a Crown grant these steps conferred no rights at all on the Company, since as a private body it had no authority in its own right to extinguish Native title, nor had it had been delegated or authorised to do so by the Crown. The Nelson Company was at first an economic failure. By the last quarter of 1842 it had been "almost overwhelmed" by economic depression.<sup>18</sup> It was very remote from the seat of the colonial government at Auckland. It was, however, not simply a New Zealand Company private venture as there was a colonial official there who was to play a key role in the events at the Wairau: this was the Police Magistrate, H.A. Thompson.

2.4 **The Land Problem at Nelson and the Massacre Bay coal affair:** The tenurial problems faced by the new settlement were not its only land problem. The Waimea plains were too small to accommodate all of the land

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<sup>17</sup> (1892) 2 Nelson MB 177.

<sup>18</sup> Allan, *Nelson*, 137.

already sold by the Company. The Company's chief Surveyor at Nelson, Frederick Tuckett, had to find enough land for 55,000 acres of suburban sections and 165,000 rural.<sup>19</sup> To make up for the shortfall the Company officials decided to survey land elsewhere. There were two possible areas, one being the Massacre Bay (Golden Bay) district, and the other the Wairau Valley. Golden Bay was surveyed first in October 1842. A group of Nelson settlers decided to begin exploiting coal in Golden Bay, leading to a campaign of obstruction by local Maori led by Puakawa of Ngati Rarua. This led to an expedition to the area led by Thompson and Wakefield, which went to Massacre Bay in November 1842. As with the later disastrous expedition to Wairau in the following year, this was not a punitive expedition to enforce the survey as such but in form a *criminal prosecution*.<sup>20</sup> Those who accompanied Thompson were sworn in as special constables by the Nelson Justices of the Peace. At Takaka a court was established, and Puakawa ordered to appear before it on charges of malicious damage – destroying a limekiln and casks. These were only misdemeanours in English law, unlike the indictable crime of arson which the Justices were later to try to enforce against the Ngati Toa chiefs at the Wairau. Puakawa refused to have anything to do with the proceedings, saying that ‘he was not a cookey’ (slave), and he was then forcibly arrested, brought before the impromptu Police Magistrate’s Court and fined 10s. and costs. His wife produced a gold sovereign and Puakawa was released. This action seems to have ended local Maori opposition to the Company’s actions in Golden Bay, but it was of course much too easy a success.

- 2.5 **“I rather anticipate some difficulty with the natives”:** The decision to survey the Wairau and Ngati Toa protest: That the Company was planning to also carry out a Wairau Survey must have become discussed fairly openly by as early as January 1843, as it was at that time that the Ngati Toa chief Nohorua, who lived at Cloudy Bay, went to Nelson to inform Wakefield that the Company could not have the Wairau.<sup>21</sup> In early March, however, Arthur Wakefield wrote to the New Zealand Company Secretary in London (John Ward) that Frederick Tuckett and Captain England had returned from a preliminary expedition to the Wairau and that they “both

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<sup>19</sup> See Allan, *op.cit.*, 193.

<sup>20</sup> On this see the detailed discussion by Allan, *Nelson*, 224-6; her account is based on the *Examiner* for 12, 19 and 26 November 1842.

<sup>21</sup> On Nohorua’s visit see Allan, *Nelson*, 246; Phillipson, *Northern South Island*, 63.



agree in the goodness of the soil and the extent of the district”.<sup>22</sup> “We have a fine plain containing more than 200,000 acres”. However, “I rather anticipate some difficulty with the natives”. Wakefield claimed that “the natives” had never occupied the Wairau but nevertheless they had an “exorbitant opinion of its value” and that he had heard that Te Hiko, Te Rauparaha and Te Rangihaeata were on their way to Nelson, as indeed they were. The three Ngati Toa chiefs met Wakefield, told him that the Wairau could not be surveyed, and suggested that the matter be referred to Commissioner Spain – but Wakefield said in reply that Commissioner Spain had no jurisdiction to deal with it,<sup>23</sup> meaning presumably that the Company was continuing to insist that it had an absolute right to the acreages in New Zealand agreed with Lord John Russell in the November 1840 agreement. Wakefield gave Te Rauparaha a shotgun as a gift, and offered another to Te Rangihaeata who “would not accept of it saying no no you will bye and bye say it is payment for Wairau”.<sup>24</sup> Te Rangihaeata happened to encounter Cotterell, another of the New Zealand Company surveyors, in the street, “accosted him (Cotterell) violently, abused him for having gone to the Wairau” and threatened to kill him if he saw him there again<sup>25</sup> (it was Cotterell who had discovered an inland route to the Wairau from Nelson via Tophouse, something the Ngati Toa chiefs had presumably found out about). “Rauparaha subsequently addressed to Mr Cotterell the same or similar threats”.<sup>26</sup> Despite the meeting, as Wards puts it, Wakefield “wrote the chiefs off as drunken rattles and carried on with his plans”.<sup>27</sup> Shortly after this three Christian Ngati Toa chiefs from Cloudy Bay, Rawiri Puaha and his two brothers, nephews of both Nohorua and Te Rauparaha, also visited Wakefield and Tuckett at Nelson (on 17 March), said that the original sale – meaning the 1839 deed – was a fraud and explained that the Wairau was not sold. Puaha was apparently offered a schooner as a gift – or bribe, perhaps – but declined the offer.<sup>28</sup> This visit similarly failed to deter Wakefield from

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<sup>22</sup> Arthur Wakefield, Nelson, to Ward, 7 March 1843, CO 208, Reel 626, DB 273-75.

<sup>23</sup> See A D McIntosh, *Marlborough: A Provincial History*, 74. See also on these discussions Allan, *Nelson*, 246-7; Burns, *Te Rauparaha*, 234-6; Phillipson, *Northern South Island*, 64; Wards, *Shadow*, 64.

<sup>24</sup> George Clarke jr to his father (Geo. Clarke sr), 8 August 1843, qMS-0469, Alexander Turnbull Library, original in Hocken Library, Dunedin.

<sup>25</sup> Frederick Tuckett to his brother, Jan 7 1844. Tuckett papers. Folder 1, MS 0246, Alexander Turnbull Library, Wellington.

<sup>26</sup> Ibid.

<sup>27</sup> Wards, *Shadow*, 76.

<sup>28</sup> Allan, *Nelson*, 248.

his plans. At the same time as the various discussions the Wesleyan missionary at Cloudy Bay, Samuel Ironside, detected growing concern and anxiety about current developments on the part of his Maori congregation and noted in his diary on 13 March that “the all-absorbing subject of the colonisation of their country...has a very unfavourable influence on their religion”.<sup>29</sup> His parishioners were “by no means so much in earnest about salvation as they were two or three months back”. Clearly tension was building.

- 2.6 **“A little disappointed with Mr Spain’s not going over”: Te Rauparaha and Te Rangihaeata, Commissioner Spain and the Wairau Surveys:** In May 1843 Spain was conducting a hearing at Porirua, and on the evening of 12 May Te Rauparaha and Te Rangihaeata came into the courtroom and spoke to Meurant, Spain’s interpreter. They wanted Spain to intervene at the Wairau, and asked him to cross over to Cloudy Bay “to settle the land claims at Wairau, as they wished the surveyors to be withdrawn”.<sup>30</sup> Spain, who can be criticised for not grasping the urgency of the situation, asked the chiefs to come back the next morning, when he told them he could not accompany them as he had to preside over his Court at Wellington. He asked them to refrain from crossing Cook Strait themselves, but the chiefs declined to agree to this, saying they intended to go over the strait in Captain Thoms’ ship *The Three Brothers*. Spain promised to cross over Cook Strait as soon as he could. According to Meurant the chiefs “seemed particularly pleased” at Spain’s promise, and when they left they said repeatedly to Spain “Be quick! Be quick!”.<sup>31</sup> George Clarke was also present. He recorded in a letter to his father that Spain said “he would go over if possible in four weeks” and that the chiefs “were a little disappointed with Mr Spain’s not going over”.<sup>32</sup> The chiefs asked Clarke to write to Captain Wakefield in his capacity as Native Protector to make it clear that the Wairau had not been sold, but Spain advised Clarke not to do so as the Wairau was not part of his district – a typically pedantic and long-winded approach on Spain’s behalf. The Native

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<sup>29</sup> Ironside Journal, MS 3817/2, Alexander Turnbull Library, Wellington, (entry for 13 March 1843).

<sup>30</sup> Meurant statement of evidence, 26 June 1843, CO 209/22, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 151-2; DB 892-3.

<sup>31</sup> Ibid.

<sup>32</sup> George Clarke jr to his father (Geo. Clarke sr), 8 August 1843, qMS-0469, Alexander Turnbull Library, original in Hocken Library, Dunedin.

Protector at Nelson was none other than Thompson, whose actions were to play a major role in the forthcoming disaster.

- 2.7 **“You want the Wairau too, but you will not get it”: The Wairau Surveys, April-June 1843:**<sup>33</sup> The lead-up to the Wairau is very well-documented. The main sources I have relied on are the statements of a number of witnesses at the two post-Wairau magistrate’s enquiries, and the journals of the Reverend Samuel Ironside and especially of John Barnicoat, leader of one of the survey teams and who was also present at the Battle of the Wairau (he, like Frederick Tuckett, had a lucky escape). There were three survey parties in all, each under contract to the New Zealand Company. The three teams were led by Barnicoat, Cotterell and Parkinson. They arrived at Ocean Bay on 22 April. The surveyors had tea at Ironsides’ house with Mrs Ironside and the Ngati Toa chief Nohorua, a friend of the Ironside family. When Nohorua heard that “we were surveyors and on our way to survey the Wairau” he became very angry and “began to stamp and scold and walk up and down in the usual Maori way when angry”. He refused to shake hands with Barnicoat and his colleagues and “at teatime he came into the room and resumed his scolding”.<sup>34</sup>

He reckoned up the places the white people had already possessed themselves of and now said he “You want the Wairoo too, but you will not get it.”

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<sup>33</sup> It may be helpful to set out here the precise chronology of events leading up to the ‘battle’:

<b>April 15 (1843)</b>	Wakefield arranges contracts for the Wairau surveys;
<b>April 22</b>	Survey parties led by Cotterell etc. arrive at Cloudy Bay.
<b>May 12</b>	Te Rauparaha and Te Rangihaeata raise the issue with Spain.
<b>May 13</b>	Spain advises that he cannot go to Wairau immediately.
<b>May 23</b>	Spain recommences his enquiry into the Wellington grant.
<b>May 28</b>	Te Rauparaha and Te Rangihaeata cross Cook Strait.
<b>May 29</b>	Ngati Toa go ashore at Cloudy Bay.
<b>June 1</b>	Te Rauparaha and about 100 followers arrive at the Wairau.
<b>June 2</b>	The chiefs find Cotterell, burn his hut etc and escort him away.
<b>June 3</b>	The chiefs find Barnicoat; Tuckett arrives from Nelson.
<b>June 4</b>	Barnicoat’s hut burned etc; Ngati Toa find Parkinson.
<b>June 5</b>	The chiefs learn of Tuckett’s arrival.
<b>June 6</b>	Barnicoat is taken to the Wairau river mouth.
<b>June 7</b>	Parkinson, Tuckett and the chiefs come back downriver.
<b>June 11</b>	Cotterell reaches Nelson; Tuckett leaves Wairau.
<b>June 12</b>	Ngati Toa go upriver; warrants issued in Nelson.
<b>June 13</b>	The <i>Victoria</i> leaves Nelson.
<b>June 15</b>	Nelson expedition lands at the Wairau.
<b>June 16</b>	The expedition goes upriver and encounters Rawiri Puaha.
<b>June 17</b>	‘Battle’ of the Wairau.

<sup>34</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, entry for 22 April 1843.

The survey parties went on from Port Underwood to the Wairau on the 24<sup>th</sup>, staying at the abandoned Ngati Toa fortified pa site at the river mouth overnight and moving upriver the following day. Cotterell's and Parkinson's parties worked on one side of the river and Barnicoat on the other. Local Maori made some sporadic attempts to interfere with the surveys. On or about 1 May some of the local people pulled out Cotterell's ringing rods and destroyed Parkinson's saw pit.<sup>35</sup> On 5 May a different group who included Rawiri Puaha's brother ('Charlie') called on Parkinson, took the tarpaulin off the structure he had built, and damaged some of the temporary buildings. They "then followed us into our lines and destroyed our flags and marks".<sup>36</sup> After a few days they left. Barnicoat and Cotterell sent a message to Arthur Wakefield on 2 May informing him of what had happened, and a reply came back from Nelson to the Wairau on 13 May instructing the survey teams to proceed with their work. Wakefield advised that "in the case of any actual injury to property the Magistrates would take immediate measures" but that "in the meantime we were to make our peace with the Natives in the best way we could and he would indemnify us".<sup>37</sup> By this time Maori obstruction had ceased. The surveys went on and by the end of May they were nearly completed. The surveyors were on the verge of packing up when Te Rauparaha, Te Rangihaeata and Ngati Toa arrived in force.

- 2.8 **Ngati Toa arrive at the Wairau (1 June 1843):** On 28 May 1843 Joseph Thoms took his schooner *The Three Brothers* across Cook Strait. Thoms picked up Te Rauparaha and his followers first, and then stopped at Mana Island to collect Te Rangihaeata and about ten others. The Ngati Toa on board numbered about fifty in all, and included a number of women and children.<sup>38</sup> Thoms, of course, was married to a daughter of Nohorua and through her had interests in land in Queen Charlotte Sound. Thoms stopped first in the Sound, and then went on to Ocean Bay where the chiefs and their people disembarked, and then took Nohorua back in the opposite direction to give evidence in Commissioner Spain's court.<sup>39</sup> There they stayed for a few

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<sup>35</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, entry for 1 May 1843.

<sup>36</sup> Parkinson statement of evidence, 24 June 1843, CO 209/22, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 146-7; DB 887.

<sup>37</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, entry for 13 May 1843.

<sup>38</sup> Two members of Thoms' crew, George Tod and John Lloyd later gave evidence describing the trip over to the Nelson magistrates on 28 June 1843.

<sup>39</sup> George Clarke jr to his father (Geo Clarke sr), 8 August 1842, qMS-0469, Alexander Turnbull Library, Wellington.

days waiting for Commissioner Spain. Then Te Rangihaeata suggested that they should move on to the Wairau: “Rangihaeata said it is no use our staying here let us go on with our cultivations at Wairau”.<sup>40</sup> The group then moved on to the Wairau. The Ngati Toa group was made up partly of the people who had crossed the Strait and partly of Nohorua’s and Rawiri Puaha’s people at Port Underwood. The Reverend Ironside was concerned by the fact that many of his parishioners had moved from Port Underwood to the Wairau, leaving him unsure what he should do: if he moved down there himself he would be at too great a distance from the rest of his flock in Queen Charlotte Sound.<sup>41</sup> Two of the leading Ngati Toa chiefs, Tamihana Te Rauparaha and Matene Te Whiwhi were not present: both firm Anglicans, they were in Murihiku visiting Ngai Tahu on a kind of Christian mission, “inspired”, as Stack puts it, “with the noble desire to repair as far as they could the injuries inflicted on Ngai Tahu by their relatives”.<sup>42</sup> They were away for nearly two years and missed the whole Wairau affair.<sup>43</sup>

2.9 **“We parted excellently pleased with one another”: Ngati Toa encounters the New Zealand Company survey parties:** On 1 June Cotterell noticed “eight canoes and a whale boat” coming from Cloudy Bay, about a hundred people in all.<sup>44</sup> Barnicoat’s group saw them arrive as well.<sup>45</sup> The next morning the chiefs and about thirty of their followers went to see Cotterell, told him he had to leave, and then set fire to a hut he had built, his wooden survey poles and the wooden frames of his tent.<sup>46</sup> Cotterell was not sure exactly who set the items on fire, but was in no doubt that it was done under the direction of the chiefs. Cotterell and his party were taken by boat down to the river mouth. The Ngati Toa people helped them carry their things to the boats. The survey party was not harmed, nor were their possessions. The

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<sup>40</sup> Ibid.

<sup>41</sup> Ironside Journal, MS 3817/2, Alexander Turnbull Library, entry for 16 June 1843.

<sup>42</sup> Stack, *Kaiapohia*, 91.

<sup>43</sup> In February 1844 Edward Shortland met Tamihana Te Rauparaha at Akaroa. At this time Tamihana was with travelling with Bishop Selwyn: see Shortland, *Southern Districts of New Zealand*, 273.

<sup>44</sup> Information and complaint of J S Cotterell, 12 June 1843, copy on CO 209; DB 1020-22. Cotterell was later killed after the battle.

<sup>45</sup> Barnicoat journal, qMS-0139, Alexander Turnbull Library, entry for 1 June 1843. It is clear from this entry that the arrival of the chiefs was not a surprise: “We were on the beach today giving the last finishing to our survey by driving in the big stakes when we saw a large fleet of canoes making for the mouth of the river. We put it down of course to the long talked of arrival of Raupaoro [sic] and Rangiharta [sic].”

<sup>46</sup> Information and complaint of J S Cotterell, 12 June 1843, copy on CO 209; DB 1020-22.

next day, 3 June, the chiefs found Barnicoat and his party.<sup>47</sup> Barnicoat has left a very full record of this encounter, which was obviously friendly and cordial: in fact it is clear that Barnicoat enjoyed meeting the chiefs. He describes in his journal how he shook hands with Te Rauparaha “which he did very cordially” although Te Rangihaeata would not do so: “I then offered my hand to Rangiharta [sic] which he refused with a kind of growl”.<sup>48</sup> Barnicoat then made tea for his guests. He gave the chiefs tobacco and Te Rauparaha presented him with a fish: “there is a great kaupai-ing” and “afterwards we parted excellently pleased with one another”.<sup>49</sup> The two groups, Maori and European, camped together overnight. Barnicoat noticed that Te Rangihaeata “encamped quite apart from Rauparo and had a separate Court and establishment altogether”.<sup>50</sup> The next day Barnicoat and his group were taken downriver after the wooden survey poles had been burned. The persons and property of the surveyors were unharmed. As the canoes came near the river mouth there was a race between Te Rangihaeata’s canoe and Te Rauparaha’s: “the crews (consisting of both men and women) were shouting and singing and paddling with the greatest enthusiasm.” Barnicoat joined in the race but soon had to give up. Te Rauparaha tried on Barnicoat’s spectacles “which seemed to amuse him as well as the rest of the Maoris”.<sup>51</sup> At the Wairau river mouth Barnicoat and the surveyors were given back all their possessions. That night the survey parties and Ngati Toa again camped together and once again Te Rauparaha again joined Barnicoat and his men for a cup of tea. The last group to be escorted downriver was Parkinson’s group. This encounter was somewhat less friendly, mainly as a result of Parkinson’s decision to pat one of his visitors on the head, “a deadly offence”.<sup>52</sup> But once again no harm was done to the surveyors or their belongings.

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<sup>47</sup> Rawiri Puaha and his people visited Barnicoat first, then left, at which point Te Rauparaha and Te Rangihaeata arrived in three canoes: see Barnicoat journal, qMS-0139, Alexander Turnbull Library, entry for 3 June 1843.

<sup>48</sup> Barnicoat, *ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*, entry for 4 June 1843.

<sup>52</sup> Statement of evidence of Samuel Parkinson, 24 June 1843, CO 209/22, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 146-7; DB 887.

### 3 The Wairau

- 3.1 **“They are busy planting and are going to build a pa there”:** Ngati Toa at the Wairau: Once they had been escorted from the Wairau the surveyors were allowed to go where they wished. Cotterell got back to Nelson first. Frederick Tuckett, the Company Surveyor at Nelson, had himself arrived at the Wairau at the same time as the chiefs and Ngati Toa, and he took some of the men back with him. Te Rauparaha agreed that Barnicoat and one other (Crawford) could stay behind at the Wairau bar to guard the survey equipment until it could be collected by sea. Barnicoat passed the time by observing by what Ngati Toa were doing and writing in his journal. On June 12 he observed the people go back upriver. What they were doing, in fact, was laying down cultivations and gathering pipis from the river.<sup>53</sup> The Ngati Toa party was, by Barnicoat’s count, made up of 92 people of whom 20 or 25 were women. On 14 June two canoes arrived from Cloudy Bay loaded with potatoes and went upriver: “their party swelled the Maori census to 116”.<sup>54</sup> By establishing cultivations Ngati Toa were demonstrating their ownership of the area and dispelling any impression that it was uncultivated in case this should be held against them later. Ironside at Port Underwood was aware that Ngati Toa at the Wairau “are busy planting and are going to build a pa there to make that their residence”.<sup>55</sup> They were also expecting Commissioner Spain to come and see them, of course, as he had promised to do. The group who went upriver to join the main party on 14 June told Barnicoat that “news had arrived at Port Underwood that Mr Spain was coming over to Cloudy Bay in a fortnight’s time to settle the Wairoo land question”. Barnicoat was “very much pleased” to “see the entire confidence they appeared to feel in the Government Commissioner and the satisfaction with which they seemed to look forward to his settlement”.<sup>56</sup>
- 3.2 **“They had no idea of meeting any resistance”:** The expedition sets out: Meanwhile at Nelson Cotterell swore a formal information or deposition before the Nelson magistrates, who then issued an arrest warrant for the apprehension of the two Ngati Toa chiefs. On the evening of the 12<sup>th</sup> the expedition was put together. The party included the police constables at

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<sup>53</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, entry for 12 June 1843.

<sup>54</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, entry for 14 June 1843.

<sup>55</sup> Ironside Journal, MS 3817/2, Alexander Turnbull Library, entry for 16 June 1843.

<sup>56</sup> Ibid.

Nelson, all the leading New Zealand Company officials of the settlement, including Wakefield himself, Howard, the storekeeper, and John Brooke, the Company interpreter, and anyone else who could be persuaded or who was interested in going. John Bamforth testified that that two people called Smith and Lyon visited him on Monday night, 12 June, and asked him if “I had any objection to go down to Cloudy Bay with Captain Wakefield, to assist the surveyors”, to which he agreed.<sup>57</sup> It was not a military force of any kind, more a party of special constables, mostly ordinary labouring men. The government brig, the *Victoria*, happened to be in port, and the expedition left on 13 June. On the way to the Wairau they met Tuckett and the remaining members of the survey party travelling in the opposite direction and took them on board. The mood on board the *Victoria* as it sailed round through the Sounds and over to Cloudy Bay was confident and cheerful. One Captain J.H. Wilson of the East India Company, a visitor to the country who was on board the *Victoria* at the time, later told the House of Commons Select Committee that “a discussion took place jocularly, but the impression generally, on the part of the party I should say, and I know it was so, that they had no idea of meeting any resistance”.<sup>58</sup>

- 3.3 **“An army of Pakehas”:** **Friday 16 June 1844:** When the *Victoria* arrived at Cloudy Bay it was assumed at first that it had brought Commissioner Spain. Te Rauparaha told George Clarke jr that when Ngati Toa first saw the government brig “he was fully under the impression that it was Mr Spain and myself [i.e. Clarke] who had come to enquire about the land”.<sup>59</sup> When the Reverend Ironside heard that in fact it contained a party of Nelson magistrates who planned to arrest the chiefs and take them into custody he was incredulous, and wrote in his journal:

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<sup>57</sup> Bamforth deposition, CO 209/22, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 143; DB 884.

<sup>58</sup> Evidence of Captain J H Wilson to the House of Commons Select Committee, *Report of the Select Committee on New Zealand*, BPP (NZ), Irish University Press ed, vol 2, pp 211. Wilson thought this confidence utterly misplaced: “I did not think that those chiefs, Raupero and Rangiaiaata, would surrender themselves; that had always been my opinion...From my general course of experience, as a servant of the Company in India, I thought that they would not surrender or submit to the degradation before their followers, of giving themselves up; I did not think they had sufficient knowledge or respect for our law to do that”.

<sup>59</sup> George Clarke jr to his father (George Clarke sr.), 8 August 1843, qMS-0469, Alexander Turnbull Library.



Surely not, this will be the height of madness, but I cannot believe it. They will never suffer themselves to be made prisoners: besides the ownership of Wairau is settled such a step would be premature to say the least.

Some of the party on board came onshore on Thursday evening and the rest the following morning, Friday 16 June. It was made up, as Tuckett put it, of “36 men and 10 gentlemen”, 46 in all, of whom 35 had firearms. At least two of the party, Tuckett and Cotterell, were Quakers and so refused to bear arms of any kind. The rest of the party were equipped with a motley collection of “firelocks and bayonets or fowling-pieces and cutlasses”; moreover “very few were aware they were on a hostile service”.<sup>60</sup> The party made their way upriver in search of the chiefs, towing a boat full of supplies up the Wairau as they went. Three miles upriver they ran into a party of Ngati Toa coming in the opposite direction, a group made up of Rawiri Puaha and his people from Port Underwood. He had had some sort of quarrel with Te Rauparaha. Puaha was of course known to be a Christian chief and a peaceable man, although according to some accounts some members of the Nelson party threatened to shoot him.<sup>61</sup> Puaha “seemed extremely concerned”<sup>62</sup> when Thompson explained to him that the party had come to arrest the chiefs. Rawiri Puaha soon managed to escape (“the Europeans were calling out Puaha, e Pu e Pu, Yes he said call me E Pu as long as you like but you shall not get me again”<sup>63</sup>) and returned to Te Rauparaha and the others to warn them about what was coming. The Nelsonians carried on further upriver until they reached the site of Barnicoat’s “old landing place” at which place they saw some Maori people on the other side of the river. The Europeans then crossed the river to find a Maori individual well known to Barnicoat and the others as “Piggi Wallah”<sup>64</sup> (sic) who told them that Te Rauparaha and Te Rangihaeata were further up the valley. It was now late in the day and so Thompson, the Police Magistrate, decided to camp at this spot for the night. The boat was sent downriver to bring up further supplies

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<sup>60</sup> Evidence of Constable Bernard Gapper, 24 June 1843, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 144-45; DB 885-6.

<sup>61</sup> Rawiri Puaha told George Clarke jr. that “some of the party threatened to shoot him and kept calling out “Let’s shoot the D-d Maori” Puaha “appeased them by pointing out where Rauparaha was they were however very abusive and Puaha watching his opportunity slipped into the wood and ran away”.

<sup>62</sup> Barnicoat Journal, qMS-0139, Alexander Turnbull Library, Wellington, entry for 16 June 1843.

<sup>63</sup> George Clarke to his father, *ibid*.

<sup>64</sup> Presumably the Nelson chief Te Pikiwhara (who may have been Ngati Toa).

and bedding and later the New Zealand Company boat returned bringing the total strength of the party to 49 of whom 33 had firearms. Pikiwhara and the other Maori now left and went upriver.

3.4 **Saturday 17 June 1843:** The ‘battle’ of the Wairau has been so much written about and described that it has become something of a historical cliché. The events of the day need not be described in unnecessary detail. The party set out again in the morning while it was still dark, and then encountered a group of boys or young men probably at the point where the Tuamarina stream runs into the Wairau. This group of boys seemed to have been thunderstruck by the sight of this large group of armed Pakehas, but a couple of them held their courage and walked through the Pakeha force, cheekily wishing them all good morning as they did so, and then running ahead to find Te Rauparaha. When finally the magistrates reached the main Ngati Toa party they found themselves on the opposite side of the Tuamarina. Quite who or what was visible when the Nelson force came up to Ngati Toa is not clear. One survivor claimed that the Ngati Toa party “appeared to be about 200 strong and seemed all armed”<sup>65</sup> but this is an exaggeration.<sup>66</sup> Some witnesses say that they saw Rangihaeata as well at this point, but others say that they did not see him until later on and that until then he was in fact sitting out of sight behind some shrubbery. Probably the only persons visible were Te Rauparaha himself and a small group of armed men next to him.

3.5 **Thompson tries to arrest the chiefs:** To get to the chiefs Thompson had to cross over the creek. He and a number of others crossed over “by means of a canoe that lay across the stream”.<sup>67</sup> Those who crossed were Thompson, Captain Wakefield, Tuckett, Patchett, Brook – the interpreter – and two or perhaps three of the constables. This group seems to have left their firearms behind them. The armed men of the Nelson party on the opposite side were split into two groups. The discussions went on for about twenty to thirty

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<sup>65</sup> Evidence of Constable Bernard Gapper, 24 June 1843, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, pp 144-45; DB 885.

<sup>66</sup> George Bampton said that when they first came upon Ngati Toa they at first saw no more than 12 Maori, and says nothing about whether they were armed or not: statement of George Bampton on board the government brig *Victoria*, 26 June 1843, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, p 145; DB 885. James Grant (ibid, 145 and 886) says that “we came to the place where we saw Rauparaha and Rangiaiaata, and about thirteen Maoris armed with muskets”.

<sup>67</sup> Barnicoat Journal, entry for 17 June 1843.

minutes. After crossing over the Pakehas were courteously greeted by Ngati Toa who “repeated the usual salutation of welcome”.<sup>68</sup> Thompson spoke first and said (according to George Clarke) “Where is Rauparaha?” Te Rauparaha replied: “Tenei au tenei. He aha ke i au”<sup>69</sup> which Clarke renders in English as “Here am I; what do you want with me?”. The old chief then “held out his hand to Mr Thompson, who pushed it away, but Messrs Tuckett and Cotterell shook hands with them all”.<sup>70</sup> To the puzzlement of the chiefs Thompson then said that the chiefs had to go on board the ship and produced the arrest warrant. The exact order of the discussions is not altogether clear, but it seems that the group were talking at cross-purposes, and that the interpreter, Brook, found it very difficult to keep up. Te Rauparaha said he was prepared to discuss the matter: “I care not if we talk all night and all day tomorrow”. But he was not prepared to be arrested and go to the ship. Thompson tried to make it clear that the matter was not about ownership of the Wairau but about the supposed arson and this was nothing to do with Commissioner Spain: “there was a great deal of repetition and every kind of explanation used to make the Maoris sensible to the distinction between this which was a mere question of the destruction of property and the question of the ownership of the Wairau”. Thompson “produced a paper, saying that he had not come to talk about the land, but the burning of the house; that that was the ‘book-a-book’ (pukapuka: document) of the Queen and that he [Thompson] was the Queen” – a statement which must have puzzled the chiefs further. At some point others became involved in the discussion, Rawiri Puaha, who desperately tried to calm things down, and Te Rangihaeata, who likewise refused to go on board the ship and who became very angry and argumentative (Te Rauparaha told him to sit down and “let him and Puaha settle the matter”.<sup>71</sup>) Faced with the refusal of the chiefs to do what he wanted it seems that Thompson then disastrously lost control of himself. The chiefs were startled by his behaviour: Thompson, said Te Rauparaha later, “was in a great passion; his eyes rolled about, and he

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<sup>68</sup> Official report of George Clarke jr., 16 August 1843, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, p 337.

<sup>69</sup> George Clarke jr. to George Clarke sr., 8 August 1843, qMS-0469, Alexander Turnbull Library, Wellington.

<sup>70</sup> Official report of George Clarke jr., 16 August 1843, *Appendix to Report of Select Committee on New Zealand*, BPP (NZ), Irish University Press ed., vol 2, p 337.

<sup>71</sup> George Clarke jr. to George Clarke sr., 8 August 1843, qMS-0469, Alexander Turnbull Library, Wellington.

stamped his foot”.<sup>72</sup> George Clarke heard that Thompson called on one of the constables to touch Te Rauparaha’s hand – to indicate arrest – but Rauparaha, aware of this, “instantly withdrew it, at which Mr Thompson got into a terrible passion and stamped about foaming at the mouth”.<sup>73</sup> Thompson’s behaviour was worrisome to the Pakeha party as well: one his colleagues – Richardson – had called across the creek: “For God’s sake Thompson, mind what you are about”. Finally Thompson, who had already threatened Ngati Toa once and perhaps twice that they would be fired on gave up trying to bully the chiefs and called on Captain England to bring on the men to forcibly arrest the chiefs.

- 3.6 **“Friends, stand up and shoot some of them”:** The ‘battle’: Survivors (Barnicoat, Bamforth) recalled that Thompson called on Captain England to bring on the men.<sup>74</sup> It seems one half of the armed party moved down the bank while the remaining part remained in position on the bank above the Tuamarina. There was a confused scene at the canoe, with Tuckett and the others crossing back over and the party of armed Europeans coming the other way. Exactly what happened next will never be known for certain, as it all happened very quickly. The accounts conflict as to whether there was an order to fire, and whether the first shot was fired deliberately or by accident, and whether this was before or after any order to fire, and whether the first shot was fired by Ngati Toa or by the Nelsonians. The received version of what happened appears to be that the first shot went off accidentally, but this may not in fact be the case.<sup>75</sup> This is important, in that if it was indeed the case that Thompson simply ordered the men to fire on a group of Maori who simply were declining to be arrested the consequences would have been very serious in all kinds of ways, to say nothing of being a very reckless and

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<sup>72</sup> Minutes of the proceedings at Waikanae, 12 Feb 1844, Enclosure (E) in Fitzroy to Stanley, 15 April 1844, GBPP 1845/131, 30-33 (IUP(NZ), vol 4, 184-7).

<sup>73</sup> George Clarke jr. to George Clarke sr., 8 August 1843, qMS-0469, Alexander Turnbull Library, Wellington.

<sup>74</sup> Barnicoat wrote in his journal that Mr Thompson ordered Captain England to bring on the men: Barnicoat Journal, entry for 17 June 1843. Bamforth remembered Thompson saying “Bring down your men”.

<sup>75</sup> There is some evidence from the European side to this effect. Constable Gapper said that shortly after the men were ordered to cross someone on the European side fired, which *may* have been accidental and which happened “before any order was given to fire”: Gapper evidence, 24 June 1843, DB 893. James Ferguson said that a gun went off “which from its deadened sound *appeared* to have gone off by accident”: Ferguson evidence, 26 June 1843, DB 893. Others were non-committal (“a general fire then commenced”); Barnicoat, who was higher up the hill with the second party, stated both in his journal and in his deposition (25 June 1843, DB 889) that he could not tell.

legally questionable action. Maori evidence<sup>76</sup> is definite, and unanimous, that there was an order to fire, that the first shots were fired in response to this, and Maori were the first to die.<sup>77</sup> It is often assumed that Ngati Toa, a group with plenty of military experience to say the least, were well-armed, but according to Clarke Ngati Toa had only nine guns between them “and so unexpected was the fray that it was afterwards found that some of [their guns] were loaded with pebbles”. Te Rauparaha said that as the Europeans crossed over they fired one gun, and then fired a volley into the Ngati Toa party, killing one, and then another, wounding three more. At this point both Te Rauparaha and Rawiri Puaha both called out: “Friends, stand up and shoot some of them in payment” (or in Clarke’s account Rawiri said “Stand up for your lives and seek a payment”). Ngati Toa fired, says Te Rauparaha, then the Europeans fired back “and killed Rongo, the wife of Rangihaeata”. George Clarke, in his report to his father, wrote:

...and old Rauparaha “poroporo kina te ao marama” and they charged the Europeans – all this could not have occupied a minute for the Europeans had not crossed over. The natives pursued them and so unexpected was the attack that many of the natives had nothing but sticks, one man I know had nothing but an axe handle in his hand.

3.7 **Utū:** That Maori would shoot back and counter-attack was more than the Nelsonians had bargained for. They broke and fled up the hill with Ngati Toa chasing them. It may be that Ngati Toa, however, refrained from firing at the unarmed magistrates and allowed them to recross the river in safety. Barnicoat was further up the hill and could not see what was going on. Then suddenly bullets were whistling around and some in his group were hit. Patchett, standing next to Barnicoat, fell and “shrieked shockingly as he lay on the ground...in great agony” before he fainted. There was a general retreat up the hill. Finally the decision was made to surrender and Wakefield and the others laid down their arms but “by some mistake” firing became general again. Wakefield “saw the only chance of safety [was] for all to throw away their arms and lie down”. Bullets continued to fly past however. Barnicoat and Tuckett and another concluded there was no reason to stay and be shot and they left. They left the remainder on the hill – “perhaps 15 or 20

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<sup>76</sup> Evidence of Parua, 25 June 1843, DB 149; Te Rama, 24 June 1843, DB 898 (Te Rama was himself shot); statement of Te Rauparaha to Fitzroy, 12 Feb 1844. I also include George Clarke’s two reports here, as they were based principally on Maori testimony.

altogether”. A few shots were fired after them. This was the best decision Barnicoat and Tuckett ever made. Others escaped in other directions. As everyone knows, those who remained behind were killed. Tamihana Te Rauparaha wrote that his father was willing to spare the prisoners, but Te Rangihaeata was not. Some of the killing may have been done by the son of a man named Te Ahuta, who had been shot dead by the Nelsonians. Others may have been involved. The view in Wellington was that Captain Wakefield was killed by one “Charlie”, described in 1846 as the owner of *The Three Brothers*<sup>78</sup>.

- 3.8 **“Why did you kill the gentlemen?”: Immediate aftermath:** More Europeans escaped than were killed. Tuckett, Barnicoat and their companions fled for their lives down one of the survey lines cut earlier. They found another seven survivors, one of whom was wounded. Others escaped in Cotterell’s whaleboat. They all struggled back to the *Victoria*, still moored at Cloudy Bay. The ship left for Wellington that night, after searching the beach for further survivors, but finding none. (However Thomas Houman, cut off during the retreat, had hidden himself in the fern and tried to make his way overland to Nelson: he was in the bush for nearly a week before someone found him.) Meanwhile Ngati Toa then left en masse for the North Island. Things could never be the same again. The Reverend Samuel Ironside, not lacking in courage clearly, went to see the chiefs in Port Underwood. Rangihaeata had apparently proposed making “a clean sweep” of the European population of the area, but Rawiri Puaha had prevented this. Ironside found the chiefs “sullen, and evidently in dread of the action of the authorities”. But “they justified their conduct” on the grounds that “the magistrates had begun it”. Ironside asked them “why did you kill Captain Wakefield and the other gentlemen, when they had given up their pistols and surrendered?”<sup>79</sup>.

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<sup>78</sup> *New Zealand Spectator and Cook’s Straits Guardian*, Saturday March 7 1846: “It is said that the Governor [Grey] has ordered the *Three Brothers*, belonging to *Charlie*, Rangihaeata’s henchman, to be refitted with new sails &c., as a recompense to the said *Charlie* for having been the medium of communication between his Excellency and Rangihaeata. Surely His Excellency cannot have been informed that this man was notoriously one of the most active at the Wairau Massacre, and as is believed, was the murderer of the lamented Captain Wakefield”.

<sup>79</sup> Ironside in *NZ Methodist*, 1892, quoted in Chambers, *Samuel Ironside in New Zealand*, 137-8.

“Well,” said Rangihaeata, “they had killed my wife, Te Rongo, and they did not punish the murder of Kuika,” etc.

Ironside told the chiefs he intended to go and bury the dead, which he did the next day.

#### 4 **Aftermath of the Wairau**

##### 4.1 **“A state of extreme agitation and fear”: Investigations and reactions:**

The Police Magistrate in Wellington/Port Nicholson conducted an inquiry into the matter, taking a number of depositions from survivors and others, and then reported to Acting Governor Shortland on 27 June. By this time 19 men on the European side were known to have died (the final tally was 22). To say that the news caused consternation at Nelson is to put it mildly. On the 28 June Tuckett, a lucky survivor and now the Nelson Colony’s most senior surviving New Zealand Company official, arrived back in Nelson to find the people “in a state of extreme agitation and fear”.<sup>80</sup> Most of the leading citizens of the town were now dead. People at Nelson were further devastated and embarrassed to learn that so many Englishmen had been wiped out “by a party of natives of not more than 80 or 100 including women and children against about forty on our side”.<sup>81</sup> The Nelson settlers conducted their own enquiry into the Wairau affair, also taking depositions, one of their particular targets being Joseph Thoms, whom the Nelsonians clearly had a grudge against for transporting the chiefs across Cook Strait in the first place.<sup>82</sup> There was equal concern and alarm at Port Nicholson.<sup>83</sup> At this time, of course, the centre of government was at Auckland, and the settler communities at Wellington and Nelson suddenly felt themselves to be very vulnerable to Ngati Toa attack. They asked for protection from Acting-Governor Shortland and wrote directly to Governor Gipps at Sydney. Gipps in turn wrote to Lieutenant-Governor La Trobe at Port Phillip (Melbourne) asking him to mention the matter to Sir Everard Home, commander of HMS

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<sup>80</sup> Report by Tuckett (to Wakefield?), 3 July 1843, CO 208/593, pp 149-64, BD 97-11, at p 149/97.

<sup>81</sup> Saxton Diary, qMS-1758, Alexander Turnbull Library, entry for Monday June 26.

<sup>82</sup> At Nelson evidence was taken from four members of Thoms’ crew, Seth Howland, Alexander McClure, George Tod, and John Lloyd. This evidence was clearly intended for the purpose of conducting a criminal prosecution against Thoms, but the witnesses were uncertain, or evasive maybe, as to his exact role or whether he had received payment for taking the chiefs across the strait. In the end no charges were made against him.

<sup>83</sup> Barnicoat recorded on 29 June that the people at Wellington were “in a state of alarm and excitement”: Barnicoat diary, entry for 29 June 1843.

*North Star*.<sup>84</sup> Home was to play an important role in events as they unfolded over the next six months. Home left for New Zealand on 1 August, taking with him 53 men from the 80<sup>th</sup> regiment, and arrived at Port Nicholson on August 31<sup>st</sup>. Shortland's response to the crisis in the Cook Strait region had been to appoint Major Matthew Richmond as Police Magistrate and Chief Government Agent for the southern districts. He had arrived in Port Nicholson at the end of July. He and Sir Everard Home worked closely together.

- 4.2 **“The natives have gone away from here”: Abandonment of Te Tau Ihu:** Following the Wairau the thriving Ngati Toa community at Cloudy Bay broke up and the people fled to the North Island. The Reverend Ironside sadly noted the departure of nearly all of his parishioners. By June 24 “the natives have gone away from here afraid of the Europeans, taking with them ammunition and all their property”.<sup>85</sup> Ironside was deeply saddened by the drift of events. On July 2<sup>nd</sup> he noted that “this Sabbath and the last are very unlike those it has been my pleasure to spend in times past”.<sup>86</sup> There were only 9 or 10 Maori to address, and the Pakeha whalers did not bother going to church. Ironside learned that the authorities at Wellington had no plans to take any immediate action and planned “to leave the settlement of this unhappy affair entirely to Government and they wish to assure the natives of their pacific intentions”.<sup>87</sup> Ironside went looking for his parishioners to try to persuade them to stay. He found them hiding in a secluded area in Queen Charlotte Sound where they were waiting for “people from the Pelorus River and D’Urville Island (referring presumably to Ngati Toa at the Pelorus and their Ngati Koata kin on Rangitoto). All intended “crossing the straits and joining Te Rauparaha”: “they are fully determined to defend their chief even to the death”.<sup>88</sup> Ironside begged them all to stay, but it was no use. With the loss of his parishioners Ironside could see no point in remaining at Port Underwood and on 29 July he and his wife Sarah moved to Port Nicholson where the couple remained for the next six years. Ironside was able however to remain in contact with the Ngati Toa chief Rawiri Puaha, who had brought his people from Port Underwood and Cloudy Bay to Plimmerton.

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<sup>84</sup> Gipps to La Trobe, 1 July 1843, in A.G.L. Shaw (ed), *Gipps-La Trobe Correspondence, 1839-1846*, Melbourne University Press, 1989.

<sup>85</sup> Ironside Journal, MS 3817/2, Alexander Turnbull Library, entry for 24 June 1843.

<sup>86</sup> *Ibid*, entry for 2 July.



- 4.3 **“Mistaking my functions as a Captain of a Man of War”:** **Richmond and Sir Everard Home, late 1843:** In October Home and Richmond sailed to Mana from Port Nicholson on board HMS *North Star*. They eventually found Te Rauparaha at Waikanae, where they met him and Rere Tawhangawhanga of Ngati Awa. These discussions were enough to convince Home and Richmond that settler fears of a Ngati Toa attack were misplaced.<sup>89</sup> Te Rauparaha agreed to return the New Zealand Company’s whaleboat, left in Ngati Toa hands after the Wairau. Home then took the *North Star* across to Nelson. Home was dumbfounded to be handed an arrest warrant by the Nelson Justices of the Police, purportedly arresting Te Rauparaha and Te Rangihacata for murder. Home declined to be ordered around by mere civilian JPs. “It appears that mistaking my functions as a Captain of a Man of War, they imagined that I was bound by law to enforce any act authorised by warrant from two Magistrates”, he wrote to Shortland. He told them that the troops were not to be landed except on strict conditions and that “I should on no account do any thing which was contrary to what my own judgment told me was right”.<sup>90</sup> Home somewhat disgustedly concluded that the Nelson magistrates wanted British soldiers mainly to serve as strike-breakers: they wanted a force “to restrain and keep in subjection the English labourers brought over by the New Zealand Company, who have I believe been in open rebellion against their employers more than once”.<sup>91</sup> Richmond was no less astonished to find that the survey of the Wairau had actually been resumed, and ordered that the men return to Nelson.
- 4.4 **“He speaks to us as if we were little middies”:** **Governor Fitzroy:** The new Governor, Fitzroy, arrived in New Zealand on 9 December. The redoubtable Sir Everard Home had returned to Sydney by that time and Fitzroy discussed the Wairau affair with both Home and with Governor Gipps, neither of whom would have been very sympathetic to the Nelson and

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<sup>87</sup> Ibid, entry for 8 July.

<sup>88</sup> Ibid.

<sup>89</sup> Sir Everard Home to Shortland, 12 November 1843, IA 1/44/1656, National Archives, Wellington [DB 2086-2099]; Richmond to Colonial Secretary, 7 November 1843, IA 1/43/2024, National Archives, Wellington [DB 2025-32].

<sup>90</sup> Sir Everard Home to Shortland, 12 November 1843.

<sup>91</sup> Ibid.

Port Nicholson settlers. The Nelson settlers prepared a fulsome address<sup>92</sup> to the new governor which expressed their pleasure at his appointment, which asked him to investigate the “dreadful affair” of the Wairau and inflict the “just penalty of the Laws” on the guilty – hang them, in other words. Any good feeling between the New Zealand Company settlers and their new Governor, however, did not last long. It would be no exaggeration to say they quickly came to loathe each other. Fitzroy publicly reprimanded and lectured the Port Nicholson and Nelson settlers for their various shortcomings and general recklessness,<sup>93</sup> and also removed the remaining Nelson J.P.s from their commissions. Constantine Dillon, a prominent Nelson settler, complained in a letter to his mother that “he speaks to *us* as if we were little middies on board his ship that he can bully as he likes”.<sup>94</sup> Mark Francis has memorably written that “on the whole, the Governor and the settlers were correct in their view of each other”.<sup>95</sup>

The Governor’s mental balance was a trifle unstable, and they were greedy and unjust.

Fitzroy was given few resources with which to govern and administer New Zealand. He was in no position to launch an attack against Ngati Toa even if he had wanted to, and it may have been this reality as much as any other factor which dictated his actions in early 1844.

- 4.5 **“I saw how much you had been provoked”:** **The hui at Waikanae, 11 February 1844:** One of the first steps the new Governor took was to hold a meeting with Ngati Toa at Waikanae in early 1844 at which many people were present.<sup>96</sup> Fitzroy was accompanied by Major Richmond, Commissioner Spain, Forsaith, and Sir Everard Home, and was greeted at Waikanae by Octavius Hadfield, the CMS missionary, and about 300 Maori people. New Zealand Company people do not seem to have been on the guest list, which they cannot have liked much. Fitzroy made a brief

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<sup>92</sup> Address of Nelson settlers to Governor Fitzroy, n.d., but forwarded to Fitzroy by George White, Police Magistrate at Nelson, 13 December 1843, IA 1/44/38, National Archives, Wellington [DB 2079-85].

<sup>93</sup> See Philip Temple, *A Sort of Conscience: The Wakefields*, Auckland University Press, 2002, 357-9.

<sup>94</sup> Constantine Dillon to Lady Dillon, 11 Feb 1844, in Sharp (ed), *Dillon Letters*, 30.

<sup>95</sup> Francis, *Governors and Settlers: Images of Authority in the British Colonies*, Canterbury University Press, Christchurch, 1992, 214.

introductory speech, generally to the effect that he had at first been very angry when had learned about what had happened. However, he said, after considering the whole affair carefully, he had heard “that the Pakehas had been very much to blame, and I saw how much you had been provoked”. He then asked for Ngati Toa’s side of the story. Te Rauparaha stood up to speak, and “several voices from among the crowd of his countrymen urged him to speak that they all might hear. Te Rauparaha gave a detailed account of what had happened. No one else spoke. There was then half an hour’s silence while Fitzroy deliberated, or pretended to. He then got up and announced his decision. “In the first place”, said Fitzroy, “the Pakehas were wrong – they had no right to build houses upon land to which they had not established their claim, upon the sale of which you disputed, and on which Mr Spain had not decided”. They were “wrong in trying to apprehend you”. They “were wrong in marking and measuring your land”. However, had you been Pakehas “you would have known that it was wrong to resist a magistrate”. Where, however, where Ngati Toa was “so very wrong”, he said, “was the killing of men who had surrendered, who trusted to your honour as chiefs”. But said, Fitzroy, he knew also “how difficult it is to restrain angry men when their passions are roused”. The Pakehas were greatly to blame, “and as you were hurried into crime by their misconduct, I will not avenge their deaths”. This stance naturally did not please the settler community, and the Wakefields were incensed by the government’s failure to exact retribution for the death of their kinsman. But Fitzroy did not, arguably, handle the situation well with regard to Maori either. Te Rauparaha had not been greeted with adequate ceremony.<sup>97</sup> Reverend Richard Taylor thought that Fitzroy should have “claimed the district as having been paid for with blood” and that this was what the chiefs were expecting.<sup>98</sup>

4.6 **“You will take such measures for the relief of the Company as it may be in your power to adopt”**: Policy shifts 1844-46: While the complicated drama of the escalating conflict in the Hutt Valley was playing out in the Cook Strait region, there were a series of important developments in

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<sup>96</sup> See Minutes of the Proceedings at Waikanae, 12 Feb 1844, Enclosure (E) in Fitzroy to Stanley, 15 April 1844, GBPP 1845/131, 30-33, BPP(NZ), Irish University Press, vol 4, 184-7.

<sup>97</sup> Temple, *A Sort of Conscience*, 361

<sup>98</sup> Taylor, *Te Ika a Maui*, 538, cited Temple op.cit., 362.

London, which I have already traversed in my evidence on the ‘generic’ issues. These were, in brief:

- a. The House of Commons Select Committee Report on New Zealand (29 July 1844). This took a strongly pro-New Zealand Company stance.<sup>99</sup> With respect to the Wairau the report stated that “it appears that the expedition in question was undertaken for a purpose believed by the parties to be lawful and desirable, and which also, example in analogous cases had unfortunately led them to expect might be effected without resistance from the Natives”.
- b. The three-day debate on New Zealand affairs held by the House of Commons on Charles Buller’s motion in June 1845. The debate focused attention on the NZ Company and its affairs, and following it Lord Stanley commenced negotiations with the Company for *another* New Zealand Company Settlement (Otago).
- c. Stanley’s decision to replace Fitzroy with Grey and also to send Major McCleverty to New Zealand to assist the Company with the selection of its land at Wellington. Grey arrived in New Zealand on 14 November 1845.
- d. Following Fitzroy’s decisions to issue grants validating the New Zealand Company’s Wellington and Nelson purchases (29 July 1845), the Company, unhappy about the terms of the grant, complained to the Tory<sup>100</sup> politician W E Gladstone.<sup>101</sup> Essentially the Company believed that Fitzroy was wrong to exclude the tenths reserves *and* pas, cultivations and so forth from the terms of the grant.

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<sup>99</sup> *Report from the Select Committee on New Zealand*, 29 July 1844 (BPP(NZ), IUP ed., vol 2).

<sup>100</sup> At that time, Gladstone of course switched to the Whigs and became the ‘Grand Old Man’ of the Liberal party.

<sup>101</sup> T C Harrington to Gladstone, 28 February 1846, Mackay, I, 69-70. I am not certain what Gladstone’s ministerial position was at this time. The Secretary of State for the Colonies was Lord Stanley. Gladstone may have been parliamentary under-secretary.

- e. In a key memorandum of 21 March 1846 Gladstone then directed Grey to assist the New Zealand Company.<sup>102</sup> This memorandum is, I believe, a crucial document. Gladstone stated:

I have to request that you will inquire and ascertain whether the reports which have been made by the Company's Agent afford such a representation of the whole state of the case as to leave you no cause either to controversy or qualify any part of it: and should you find that representation complete and accurate, you will take such much measures for the relief of the Company as it may be in your power to adopt.

- f. The collapse of the Tory government in July 1846 over the Corn Laws (in turn a product of famine in Ireland) and the return of the Whigs to power. Lord John Russell became Prime Minister and Charles Buller influential in Colonial Affairs; both were strongly pro-New Zealand Company.

- g. On 14 September 1846 Grey replied to Gladstone – who had in the meantime lost office – stating:

i. That the same complaints – i.e. about the Nelson grants – had been made to him by the Company's agent in New Zealand;

ii. That the Law Officers had advised him “that the exceptions were such as to afford them reasonable grounds of complaint”; and

iii. Enclosing a copy of his instructions to Lt-Col McCleverty.<sup>103</sup>

## 5 Coercion

- 5.1 **“Porirua is the key to the Wellington district”: Coercion takes shape, February-July 1846:** Grey began a substantial military build-up in the Cook Strait region in February 1846, with Ngati Toa as his target. A flotilla of navy ships came to Wellington, including the naval steamer H.M.S. *Driver*. Grey was in no doubt that the military buildup had transformed the political

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<sup>102</sup> Gladstone to Grey, 21 March 1846, Mackay I, 69.

and military situation in the region. In February 1846 Grey came to Port Nicholson himself, and by April had formulated a specific plan of military conquest and settlement.<sup>104</sup> The first and immediate step, was to secure “military possession of the country round Port Nicholson”. Grey saw that “Porirua is the key to the Wellington district, being the place through which the roads from all the other settlements pass to that place.” Grey favoured a complete reduction of the whole of the country to the authority of the Crown. He also had decided that it had become essential to acquire land at Porirua and at the Wairau in order to make certain that the New Zealand Company would be in a position to place settlers on sections it had already sold there. Commissioner Spain had not, however, been prepared to recommend any grants either at Porirua or at the Wairau, and the Company had no possibility of obtaining a Crown grant there unless the Crown itself was to take separate steps to independently extinguish Maori – that is to say, Ngati Toa’s – title at both places. This Grey did the following year with the Wairau and Porirua purchases. It appears that by about April 1846 Grey had discussed the matter of the Porirua sections with Wakefield and had promised him that he would acquire land there for the New Zealand Company.<sup>105</sup> This becomes very clear in a key report sent by Grey to Earl Grey in 1847. Here Governor Grey explained that it had been essential to obtain both the Porirua and Wairau blocks, as “in both of these districts the Company *had actually disposed of land to European settlers, whom, of course, it was desirable to place in possession of the sections they had purchased*”.<sup>106</sup> Moreover “the possession of a great part of the Porirua district, and its occupation by British subjects, were necessary to secure the town of Wellington and its vicinity from evil-disposed Natives”.<sup>107</sup>

## 5.2 **The Hutt Valley, February-March 1846:** The complex events in the Hutt Valley in the first half of 1846 are set out in detail in my report on *Ngati Toa*

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<sup>103</sup> Grey to Gladstone, 14 September 1846, Mackay I, 71.

<sup>104</sup> Grey to Stanley, 22 April 1846, enclosure No 3, BPP (NZ).

<sup>105</sup> This can be seen from the diary of on F. Bradley, a small farmer and bootmaker at Port Nicholson.

This contains the following rather interesting entry for May 4 1846: “I met in with Colnl Wakefield & he told me that the governor has promised to get them Porirua but he said he believed all the land would be got very shortly as the new commissioner [McCleverty] was coming out, and I said Mr Spain (our late commissioner) had acted the Part of a very bad man and he [Wakefield] said he had”.

<sup>106</sup> Governor Grey to Earl Grey, 26 March 1847, Mackay, *Compendium*, I, 202

(emphasis added).

<sup>107</sup> Ibid.

*and the Colonial State..* There is no need to cover this in detail here. Briefly, first Ngati Tama and then Ngati Rangatahi, essentially a client group of Ngati Maniapoto people under the protection and control of the Ngati Toa chief Te Rangihaeata, were forced out of the Hutt by the British army. Ngati Tama, led by Taringa Kuri, left in February.<sup>108</sup> Ngati Rangatahi under their chief Kaparatehau proved much more difficult to dislodge. Grey managed to extort from them an agreement to depart, following which their chapel, homes and cultivations were looted and burned by the soldiers, but Te Rangihaeata then ordered them to return. On 3<sup>rd</sup> March Grey proclaimed martial law. Slowly a shooting war developed in the Hutt Valley, culminating in the major engagement at Boulcott Farm on 16 May 1846. In June-July 1846, Grey became (he claimed) increasingly suspicious of Te Rauparaha's intentions, although the evidence indicates that Te Rauparaha was doing his best to keep the peace. It should be recalled that Grey had *already* decided to place the New Zealand Company settlers on to their Porirua and Wairau sections and to take control of Porirua for strategic reasons. On 18 July Grey made a further proclamation of martial law, extending the proclaimed area northward from Wainui to Wanganui.<sup>109</sup> In July Grey formulated a risky and audacious plan to simply kidnap Te Rauparaha. This plan is first mentioned, as far as I am aware, in a report sent by Grey to Gladstone on 21 July 1846. Provided that he could find "fresh cause to confirm my suspicions", Grey intended, he told Gladstone, to "attempt to seize Te Rauparaha and these chiefs, and disarm the disaffected portion of the tribe".<sup>110</sup>

- 5.3 **"He roared most lustily "Ngati Toa! Ngati Toa!": The Kidnapping of Te Rauparaha:** On 23 July 1846 Grey struck his first major blow against Ngati Toa by making a surprise attack on Taupo pa on Porirua harbour and capturing and detaining Te Rauparaha and four other Ngati Toa chiefs. HMS *Driver*, the government armed steamer, steamed round from Port Nicholson to Porirua overnight. The force reached Porirua at daybreak. According to Major White of the Wellington militia he and one Major Durie were ordered "to enter the Pa and capture the six natives who were known to us"<sup>111</sup> while Lieutenant H.F. McKillop was ordered with 12 sailors to capture Te

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<sup>108</sup> Grey to Stanley, 12 February 1847, PP 1846/48, GBPP(NZ), IUP edition, vol 5, 413.

<sup>109</sup> See Cowan, *New Zealand Wars*, 1, 115.

<sup>110</sup> Grey to Gladstone, 21 July 1846, GBPP (NZ), IUP ed., vol 5, 497.

<sup>111</sup> Highlights in the life of William B. White, MS 4542, Alexander Turnbull Library.

Rauparaha. White wrote that “we entered the pa taking the natives completely by surprise”.<sup>112</sup> We “had no difficulty capturing our men”.<sup>113</sup> McKillop and his group had the task of kidnapping Te Rauparaha personally. McKillop proudly described the scene in his book published in 1849.<sup>114</sup>

Upon informing him that he was my prisoner, he immediately threw himself (being in a sitting posture) back into the hut, and seized a tomahawk, with which he made a blow at his wife’s head, thinking she had betrayed him. I warded the blow with my pistol, and seized him by the throat; my four men immediately rushing in on him, securing him by his arms and legs, started off as fast as his violent struggles would allow of, which for a man of his age (upwards of seventy), were almost super-human. He roared most lustily – “Ngati Toa! Ngati Toa!”, the name of his tribe. Endeavouring to bring them to the rescue; and in a few seconds every man was on his legs, and came rushing over to see what was the matter with their chief; but the troops and bluejackets coming up at the same time, and surrounding the pa, prevented any attempt at a rescue as he was already in the boat.

Te Rauparaha was told that he would be shot if he tried to escape. Grey and Major Last then came ashore and supervised the seizure and destruction of Ngati Toa’s arms and ammunition. As the ships were leaving Porirua a large group of Te Rangihaeata’s people came towards Taupo in a rescue attempt. Roundshot was fired at them from the gunboat, “which only had the effect of producing a straggling fire of musketry, at far too great a range to do any execution”.<sup>115</sup> Grey’s prisoners were locked into the engine room of the *Driver* and the ship steamed back to Wellington that night. At one point something went wrong with the engines causing Te Rauparaha and his fellow prisoners to be nearly asphyxiated by the hot escaping steam. At Wellington Te Rauparaha was placed on board HMS *Calliope* and taken to Auckland where he was “put under Te Wherowhero’s care in a hut in the domain at the place where the Chinamen’s garden was afterwards situated”.<sup>116</sup> This is where Te Rauparaha was when the Wairau and Porirua deeds were executed the following year. At no stage was Te Rauparaha put

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<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> H. F. McKillop, *Reminiscence of Twelve Months’ Service in New Zealand*, London, 1849, p. 200.

<sup>115</sup> McKillop, 203.

<sup>116</sup> Ibid.



on trial and the only basis for the legality of Grey's action was the proclamation of martial law.

5.4 **The campaign against Te Rangihaeata:** The next step was the government's campaign against Te Rangihaeata. Grey gave instructions for a two-pronged attack on Pauatahanui. One force made up of militia and Ngati Awa from Wellington was to cross the ranges from the Hutt Valley, while the main force was to move up the harbour from the Paremata barracks under the command of Major Last. One Lieutenant White of the militia has left a valuable account of the bush part of the campaign, describing the arduous struggle across the ranges from the Hutt Valley to Pauatahanui, a "terrible march, three days in the rain through the bush".<sup>117</sup> It was this force which captured an unfortunate man named Matini Ruta. White wrote that he heard "a clear distant voice" shouting "Ka mau, ka mau" (I am taken). White moved forward to witness an extraordinary scene:

I started at the double with about fifty men and the sight I beheld on reaching our party I shall never forget. The Maoris, our allies, were all on one knee, the butts of their guns on the ground, the right hand gripping the barrel, each man's head bowed on his left hand in prayer. Macdonogh and Middleton with their swords drawn stood beside the prisoner who lay on the beach, tied hand and foot. This was the unhappy man who had shouted "Ka mau".

This man, Matini Ruta (Martin Luther) Te Wareaitu was later publicly hanged at Paremata as an example, mainly for the crime, it seems, of getting caught. The planned pincer attack on Te Rangihaeata's pa at Pauatahanui was foiled by the bad weather which delayed the *Calliope* from bringing up the main force.<sup>118</sup> Te Rangihaeata and his people got away in the nick of time. The main force arrived on Sunday 2 August to find the pa at Pauatahanui "occupied by the militia, armed police and native allies", and Te Rangihaeata gone.<sup>119</sup> The pa was turned into a British army military post. The pursuit of Te Rangihaeata began the next day. The pursuing force of regulars, sailors, military police and Maori allies included a section of Ngati Toa as well, led by Rawiri Puaha – although there were some who thought

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<sup>117</sup> Highlights in the life of William B. White, typescript, MS 4542, Alexander Turnbull Library, 21.

<sup>118</sup> Last to Grey, 4 August 1846, GBPP (NZ), IUP ed., vol 5, 501; McKillop, *Reminiscences*, 209.

that Rawiri's participation in the campaign somewhat half-hearted (clearly he was in a very difficult situation).<sup>120</sup>

- 5.5 **“Regret at being at variance with his children”:** **Horokiwi:** The main battle took place at Horokiwi on 6<sup>th</sup> August. At daylight, just before the battle, Rawiri Puaha met with Te Rangihaeata. The discussions have been described by McKillop:

[H]e [Te Rangihaeata] expressed his regret at a portion of his own tribe being in arms against him, and begged them to return to their pah or join him. Puaha, however, told him that he had already suffered from the misconduct of that portion of the tribe who were now with Rangy, and begged him to give up the murderers, which would at once have put an end to the proceedings. This, however, was declined, and the interview ended by the two chiefs rubbing noses, Rangy expressing his regret at being at variance with his children.

Following a haka, in which some of the British soldiers apparently joined, the force then climbed the mountain to attack Te Rangihaeata and his section of Ngati Toa ensconced at the top. This is the place now known as Battle Hill, not far from the present road between Pauatahanui and Paekakariki. There was full-scale battle. Firing went on all day and casualties were heavy on both sides. On the 10<sup>th</sup> of August the main British force was withdrawn from the ridge at Horokiwi and returned to Pauatahanui and Paremata. Ngati Awa under their chiefs Te Puni and Wi Tako and Rawiri Puaha and his people, remained in position on the ridge, but they were very disappointed by the withdrawal of the main force. The Ngati Awa were in fact rather suspicious of Rawiri Puaha's Ngati Toa, and there is evidence in fact that Rawiri gave food and ammunition at night to Te Rangihaeata's people.<sup>121</sup> The inconclusive battle at Horokiwi was then followed by a long pursuit. Te Rangihaeata withdrew north, retreating along the high ridge line above the coast, and Ngati Awa and Puaha's Ngati Toa continued to chase them.

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<sup>119</sup> Last to Grey, *ibid.*

<sup>120</sup> See Crawford diary, MS 1001/5, Alexander Turnbull Library, Wellington: “The Ngati Awa with the friendly (soi disant) Ngati Toa under Puaha promised to pursue Rangy and did follow him and on one occasion lost three men in an ambush but they nevertheless did not show any great anxiety to come to close quarters”.

<sup>121</sup> Wards, *Shadow*, 284.

5.6 **The end of the campaign:** What ended the campaign was the decision by Ngati Awa at Waikanae – now led by Wiremu Kingi – and by Ngati Raukawa to remain neutral, despite efforts by the Crown to persuade them to become involved. Wiremu Kingi said he would attack Te Rangihaeata if he made an appearance near Waikanae, but was not otherwise prepared to join in the pursuit.<sup>122</sup> Ngati Raukawa said that they would not act without hearing directly from Te Rauparaha himself:<sup>123</sup>

Mr Deighton had returned from Otaki, and reported the determination of the natives of that place to remain neutral, saying that had Te Rauparaha spoken to them personally, they would rise to a man, but would not attend to the letter, insinuating that it might have been written at the dictation of the Europeans.

The Crown's Maori allies were not prepared to carry on the campaign in the face of the neutrality of Wiremu Kingi and Ngati Raukawa. While the discussions were going on, Te Rangihaeata and his force made good their escape. Wi Tako's and Te Puni's Ngati Awa were not interested in fighting a campaign in the territory of Ngati Raukawa, their erstwhile enemies. They believed that Ngati Raukawa would give Te Rangihaeata shelter, as indeed they did. Safely in Ngati Raukawa territory, Te Rangihaeata ensconced himself at Poroutawhao, a swamp pa belonging to Ngati Huia. Ngati Huia was Te Rauparaha's and Te Rangihaeata's own Ngati Raukawa hapu and they were both chiefs of it in their own right. Poroutawhao was a place where Te Rangihaeata confidently expected, and received, support and aid. When the fighting was over Te Rangihaeata remained at Poroutawhao, where Richard Taylor and others sometimes came to visit him, and from where he continued to oppose land sales to the Crown.<sup>124</sup> Grey took no further action to dislodge him, and indeed had no need to, as his objectives had been achieved. As far as Grey was concerned the campaign was over by the end of August. On 31 August he reported to Gladstone that "he did not think that a more gratifying and useful series of results could have been obtained".<sup>125</sup> In February 1847 martial law was ended.

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<sup>122</sup> Scott, Narrative, 21 August 1846.

<sup>123</sup> Ibid.

<sup>124</sup> Taylor, *Te Ika a Maui*, 339-40.

<sup>125</sup> Grey to Gladstone, 31 August 1846.

## 6 **Conclusion**

- 6.1 **Summary: Ngati Toa's position:** As a result of Crown action, then, by the start of 1847 Ngati Toa had been effectively crushed. Their great chief languished in captivity in his hut in the Auckland domain, honoured and looked after by Te Wherowhero and others but cut off from his people and unable to influence events. Te Rangihaeata and a section of the iwi had been forced into exile at Poroutawhao. Ngati Toa had had a dramatic and bruising series of encounters with the Crown in the critical period from 1843-6, involving battles and loss of life at the Wairau, the Hutt Valley and in the Horokiwi campaign. The tribe's weapons and ammunition had been taken from them, and the centres of commerce and trade in the Cook Strait region were in the process of shifting from Port Underwood and Kapiti to the new New Zealand Company towns at Port Nicholson and Nelson. Leadership of Ngati Toa and Ngati Raukawa now largely fell to three younger chiefs, Matene Te Whiwhi, Tamihana Te Rauparaha and Rawiri Puaha. It was at this juncture that Governor Grey now turned his sights on acquiring Ngati Toa's lands at the Wairau and Porirua.