

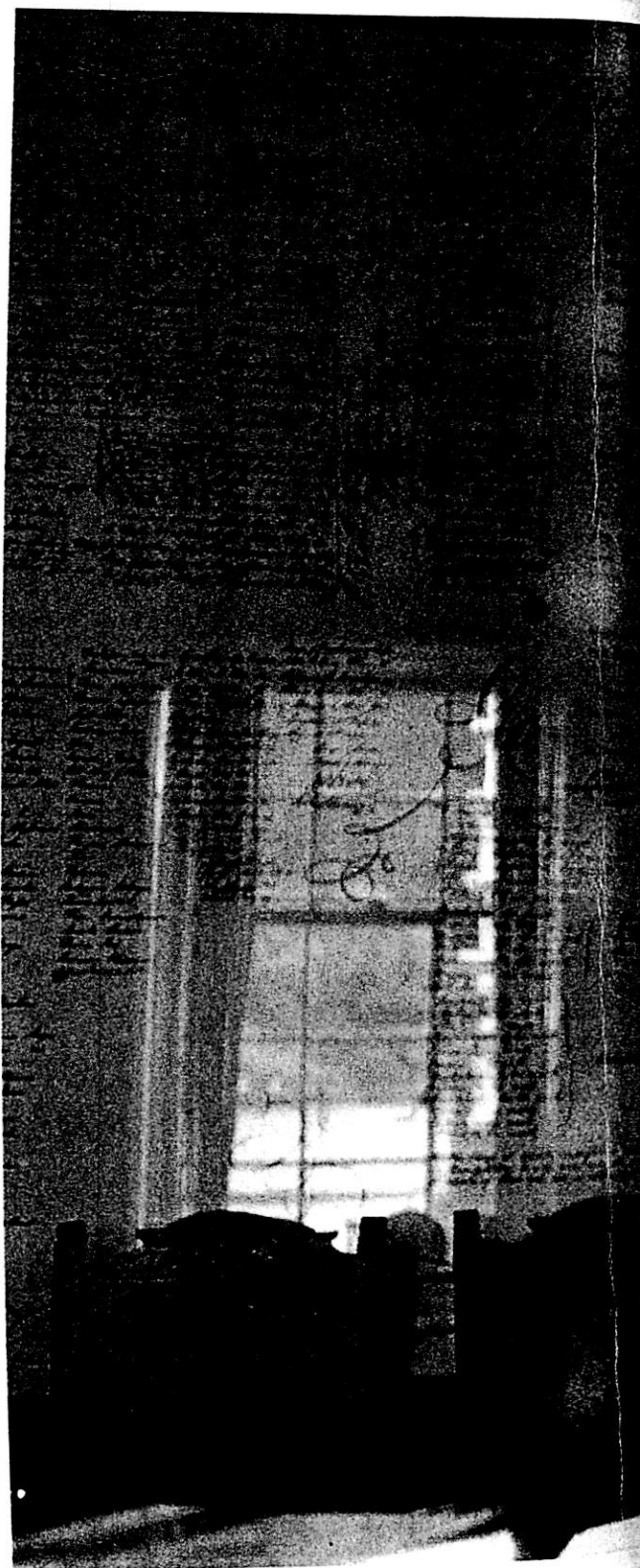
# claudia Orange

## and the treaty of waitangi industry

When Claudia Orange's *The Treaty Of Waitangi* was first published in 1987 the print run was 3000. Two years, a Goodman Fielder Wattie Book Award and several reprints later, sales figures are expected to reach 25,000. **Nicola Legat** talks to Claudia Orange about her 10-year investment in the book and the busy career which has followed.

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Nicola Legat is a *Metro* senior writer. Her last story was about Rakino.





photograph **susanna burton**

**Claudia Orange** remembers swinging on her front gate in Ponsonby as a child, watching her father Monty Bell loading his gear into his car in preparation for an extended trip up north to work on land incorporation with Tai Tokerau.

At age 18, Monty Bell had been recruited into the Department of Maori Affairs in Gisborne by Apirana Ngata. Later he was sent to Auckland to work on land incorporation in Northland, a job he kept till he retired. He became a fluent speaker of Maori, and Claudia, growing up at home alone since she was 17 years younger than her elder sister, recalls Maori issues being a frequent topic of discussion in the house.

"My strongest recollection was of the terrible upset Dad felt at the Orakei clearance [in 1953 when the Ngati Whatua village at Okahu Bay was cleared and torched by the Auckland City Council]. When he heard about it he decided, with some trepidation, to get in the car and go down. He asked me to come with him. My recollection is of a terribly muddled, fiery scene. Dad just broke down when he saw it. I was a young teenager and to me it was just brutal."

This incident aside, hers was a quiet childhood in Ponsonby in the 1940s and early 50s. Predominantly Pakeha and working class, the neighbourhood was a close, friendly one where the butcher and the baker delivered meat and bread door to door. The Bells lived on Selby Square, facing the harbour above St Mary's Bay. "I can remember how during the war they didn't cut the grass in the square much and it grew very tall, much taller than I was. We would play in the paspalum making tunnels and houses."

When she turned five, Claudia trotted off each day to the local Catholic girls' school, St Mary's in New Street off College Hill. By the time she started high school there her mother, Alma (a Scholium from the large Bohemian German clan at Puhoi), had gone back to work as a milliner's assistant. Later she would work in the showroom at Rendells and then at George Court's.

The Catholic church on the corner of O'Neill Street and Ponsonby Road, since demolished, was the centre of Claudia's social life. There were dances at St Benedict's in Newton, tramping with the Catholic Tramping Club and tennis at the courts next to the bishop's house in Ponsonby. In summer she swam off the end of the old St Mary's Bay wharf and at the original Point Erin baths which stood right on the foreshore at Shelly Beach (now the approach to the harbour bridge).

She was not, she acknowledges, highly academic or ambitious as a young woman. On leaving school after the sixth form she

was confronted with the options of teaching, nursing, secretarial work or school dental nursing. The latter seemed the easiest course to take.

Through her involvement with the Catholic Youth Movement, which she says was a formative period which nurtured a strong streak of idealism, Claudia met Rod Orange, a young secondary teachers' college student who was boarding in Ponsonby. She was soon to fulfill her father's prediction that she'd be married at 20.

**By 1964** Rod and Claudia had three children aged under five and Rod was teaching at Westlake Boys' High School.

When a job offer with the Colombo Plan to establish a language institute in Bangkok came through, they took it up enthusiastically. The following three years in Thailand were a kind of awakening for Claudia. "We were propelled into the whole business of the post-colonial shambles in Asia. What struck me most was the confidence of the Thais. They had never been subjected to colonial rule, compared with Cambodia which even then seemed to be a land of suspicion. While we were there the build-up to the Tet offensive was on. We had a cottage on the beach near Pattaya and every five minutes the 707's converted to fuel carriers would take off from the airport nearby to refuel the B52 bombers."

While in Bangkok, the Oranges continued their activist work for the church. They ran a successful fundraising campaign, approaching American servicemen, expatriate businessmen and diplomats, to establish two high schools — one international school, the other for Thai children.

At the same time they organised study groups so Catholics, both Thai and English-speaking, could review and discuss the documents then coming out of the Vatican Council.

For all this dedicated work, Rod Orange received a Vatican knighthood, the hand-lettered certificate of which hangs on his office wall at St Dominic's, the Catholic girls' school in Henderson where he is principal. He acknowledges that the rare and ancient honour was as much Claudia's.

"Thailand gave us an opportunity to look at New Zealand with new eyes and with a different perspective," Claudia Orange recalls. "It carried me into university. When we came back [in 1967] I was devastated by going back into suburbia. We settled in Forrest Hill and it was abysmally lonely. In Bangkok we'd lived surrounded by people. Every morning at six a Buddhist monk would call at the next-door house for food offerings and we'd hear his little bell. But New Zealand sub-

urbia in the 60s was deathly quiet — there wasn't a soul on the East Coast Bays Road during the day.

"The South East Asian experience had challenged me. I wanted to find out more. I enrolled at Auckland University in 1969."

**Claudia Orange** was then 30 and one of only a very few older students. She was aware of younger students staring at her. Student radicalism and Tim Shadbolt were active on campus and she remembers finding the whole place intimidating. For support she joined a newly formed association of older students who met after hours to discuss their courses.

"At that stage I had a young family and my first requirement in going to university was that it wouldn't upset the family unduly. I picked convenient lecture times and I'm grateful to all the women who helped me in various ways with caring for my children and in the house. A lot of my peers were critical of me for pursuing my own interests — they drew the conclusion that I was neglecting my family. One had to be hard-nosed about that."

She pursued her incipient interest in South East Asian affairs by enrolling in South East Asian history courses, followed by papers in Chinese and Japanese politics and Indonesian language, which she continued to master's level. By that time she was a fluent reader of Indonesian, but it was clear that postgraduate research was impractical in New Zealand.

Claudia Orange enrolled in her first paper in New Zealand history in the last year of her bachelor's degree. "I found it fascinating. By the time I decided to do an MA, which took me from 1974 to 1977, I was committed to doing as many papers in colonial history as I could."

Papers in Indonesian, Malaysian, Australian, New Zealand, African and Pacific history gave her a comparative base. "The patterns of colonialism had an underlying basis of dominance, with the wish to extract resources at the expense of the local people," she notes.

Her master's thesis topic was suggested by Keith Sinclair who was at that time concluding his own work on Walter Nash which had not touched much on the area of the first (1939-1945) Labour Government's policy on Maori Affairs. Sinclair knew Claudia Orange's father had worked for the Department of Maori Affairs and thought she'd be interested in investigating that area.

"No one had looked hard at that period and it was a fascinating experience," she recalls. "Labour was looking for Maori votes and during that time had made promises to Maori which it had failed to

deliver. Maori had got more out of Labour's general social welfare policies than it did out of its special policies.

"Sinclair's challenge to us as students was that it was the mark of a researcher if you uncovered a trunk of papers in someone's garage. With not much to go on I managed to track down a descendant of Rangi Moffatt, who'd stood as Maori candidate in the 1920s. He did indeed have a trunkful of papers! I discovered among them a policy statement written in 1925 and signed by Nash. It was Labour's first statement on Maori Affairs."

By the time she had finished her MA thesis, Claudia Orange was becoming increasingly intrigued, as she puts it, by moves taking place in relationship to the Treaty of Waitangi. "One of the policies Labour had made in 1925 was to investigate grievances arising from the treaty and set up an advisory council. I wanted to know why that had never happened.

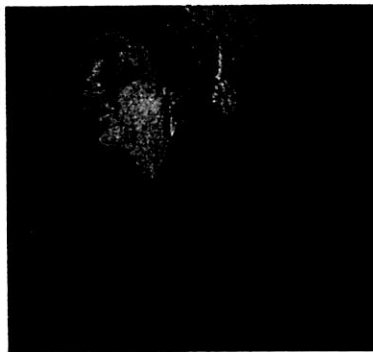
"In 1975 I was doing my research when the Treaty of Waitangi Act was passed, 50 years since Labour had first made its promise. Some time later Mat Rata generously talked to me at length, and from that a PhD on the treaty seemed the logical thing to do. My supervisors, Keith Sinclair and Keith Sorrenson, were sceptical whether there was much more to find on the treaty. That's hard to believe now!"

To prepare herself, Claudia Orange enrolled in language courses in the Maori studies department. "A lot of research had been done in New Zealand history, but almost no one working in New Zealand history had Maori language skills. So a large area was never researched."

She started her PhD in 1977 and was offered a junior lectureship in the same year. "That first year nearly killed me. I was tutoring in four areas as well as starting work on my PhD and trying to cope with my family. I was also nursing my elderly mother who had arthritis; she later died in our house. I'd gone straight from one research project into another. At the end of that year I contracted glandular fever."

That level of pressure would probably have surprised the fellow student in the history department at Auckland University who remembers Claudia Orange as a friendly, charming, elegant woman who appeared to come from a background of some affluence and seemed almost anachronistic in the context of university life.

In 1978 Rod and Claudia Orange took their family overseas again, this time to London for a year where they each had postgraduate fellowships to fulfill. There she had access to public records and material from the Aborigines' Protection Society, the one British organisation to



**"Thailand gave us an opportunity to look at New Zealand with new eyes and with a different perspective."**

remain a voice of humanitarian restraint in the pressured climate in which New Zealand colonists laid siege to the British government, urging it to abandon the last vestiges of recognition of the Treaty of Waitangi and make the way clear for settlers to get hold of land from the Maori for farming.

At the same time she was able to examine Canadian Government papers which showed that Canadian Indians were struggling with the government there to achieve their identity vis-a-vis the state in a way similar to Maori struggles from 1850 on.

But Claudia Orange concluded that the real material on the treaty was on the ground in New Zealand. "I came back to settle into several years of hard slog. Almost any document you touch in New Zealand can relate to the treaty.

"But I had breakthroughs too. I remember one time giving a seminar in the Maori studies department at Auckland University. There was an old man there named Peta Wairua. I mentioned that there had been major conferences based at the Te Tii marae at Waitangi which had developed as a place for talking about the treaty, but that I'd not been able to find much out.

"He said, 'I'm the one who knows.' He told me he'd worked with my father. He said, 'There's a time to give knowledge and a time to hold it back and now is a time to give it.' He invited me to see the minutes of the meetings and to understand the concerns of Maori meeting at that time."

It was access to that sort of material that gave Claudia Orange insights into Maori thinking, debate and action on the treaty

which no other New Zealand historian had gleaned.

**By 1983** the 160,000-word thesis was complete and Claudia Orange was looking for work. By then 45 and considered too old to embark on a permanent university teaching career, she wondered whether she had worked for six years only to make herself redundant. Then an offer to become deputy editor of the *New Zealand Dictionary Of Biography* was made by its editor, Professor Bill Oliver.

The job was based in Wellington. After much thought she and Rod agreed that, with the children gone from home, they could carry on their careers by running a commuter marriage. So, every Friday evening since March 1984, Claudia Orange has travelled out to Wellington airport after work to fly home to Auckland, coming back on the early morning flight the following Monday.

During 1985 Claudia Orange had been talking with Bridget Williams at Allen and Unwin about the possibility of turning her doctoral thesis into a book. By September 1985 she had signed with Allen and Unwin, and after the usual revision and editing the *Treaty Of Waitangi* was published in November 1987. The print-run of 3000 sold out almost immediately and Allen and Unwin ordered the first of several subsequent reprints before Christmas that year.

During this time Claudia Orange was sharing week-time accommodation in an old Wellington house, but when she won the Goodman Fielder Wattie Award for *The Treaty Of Waitangi* in 1988 she put the \$17,000 prize money towards a flat in Haitaitai, where she has room to work.

The weekends in Auckland are precious. The Orange home in Castor Bay is 100 paces from the water and is consequently a big part of the reason why Claudia can't imagine severing ties with Auckland. Rod's commitment to his job at St Dominic's, where he's been for 10 years after a six-year stint as principal lecturer in charge of teaching practice at Auckland Secondary Teachers' College, is another.

As well as attending Sunday church services in Takapuna, weekends are largely devoted to time as a couple, something the industrious Oranges have had to force themselves to do during the almost 20 years that they've both, at one time or another, been studying. At one stage Rod went back to university to do a second master's, this time in education, and during the 16 years they had shares in a house at Piha they made a conscious effort not to study or write or read when they were at the beach with the children.

But Claudia Orange is clearly driven to work. The hard slog of her doctoral re-

search over, she is currently putting in 10-hour days at the *Dictionary* in order to meet the strict schedule of publishing deadlines for the six volumes which will take the staff through to 1996. Around 5.30, after a short break to catch her breath from her *Dictionary* work, she sits down behind her word processor and puts in three or four hours on a general pictorial history of the treaty which she is preparing for publication by Allen and Unwin later in the year.

This new book will fall somewhere in the middle ground between the more academic *Treaty Of Waitangi* and the little 80-page *The Story Of A Treaty* Allen and Unwin published for use in schools earlier this year. Work on that book was also done in her own time over three months.

Claudia Orange also finds time to work as a consultant on television programmes concerning the treaty to be screened during 1990, her work with the National Oral History Association of New Zealand, guest lectures, and the writing of occasional papers for publication in historical journals. In the same way, she managed to find time when her children were young to sing in the Auckland Choral Society and to serve as chairman of the North Shore Youth Orchestra, in which her children played.

The flights between Auckland and Wellington are reserved for reading, which sometimes stretches to detective fiction. "I've always been a tremendous lover of detective fiction, particularly Agatha Christie," she says. "It's a short hop from whodunnits to the questions historians ask — who did it and why?"

**After coming to** Wellington, Claudia Orange felt she might miss university teaching, but her work at the *Dictionary* has compensated for the lack of contact with students. "Our work here is breaking new ground across a wide range of people who've never been heard about. And we're also encouraging the writing of history by people who wouldn't necessarily have expected to be published."

Bill Oliver explains that in any other country such a massive work would have been undertaken by academic historians working out of the universities, but that the small number of historians working in New Zealand history has meant that the editors have had to cast their net wider, drawing on people who might best be described as amateur regional and local historians. Carefully guided, edited and checked, their work stands alongside that of James Belich, Michael King, Judith Binney, Erik Olssen and Keith Sinclair.

The publication of dual Maori volumes also necessitated spreading the net wide to find Maori researchers, writers and trans-

lators. The team that has been brought together will be responsible, with volume one alone, for producing the largest Maori-language publication since the translation of the *Bible* into Maori last century.

The first volume, in English, covers 692 pages and includes the biographies of Maori and Pakeha from the period 1769-1869. Due for release in July, and jointly published by Allen and Unwin and the

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Department of Internal Affairs, it will be followed shortly after by the volume in Maori on Maori subjects for the same period.

Funded in part by the Lottery Grants Board, the *Dictionary* staff in Wellington averages 15 full-time workers, a number of part-timers and working parties in the regions. Every care has been taken to make the publication as broad in range as possible. In the past, such publications in other countries have been a catalogue of the activities and exploits of white men — politicians, bureaucrats, business leaders. This New Zealand effort has looked beyond that narrow range to seek out the ordinary people who had an impact too — the bullock drivers, midwives, storekeepers, criminals and rebels.

The Maori volumes are being approached as sensitively as is possible within the constraints of publishing an historical text. The biographies will be listed in tribal groupings and appendices will carry extensive hapu indices.

Claudia Orange sees the importance of the *Dictionary Of New Zealand Biography* thus: "... it's much more than a reference text. It's a document of the 1980s and 1990s. It makes and will continue to make, at least implicitly, statements which have a political and ideological significance within those decades.

"The 1980s has been a decade sometimes anxiously concerned with a range of issues related to race, gender, class, age, environment, economic and international security. If the *Dictionary* is to be faithful to the present, as well as the past, both the selection and treatment of entries will be

influenced by current concern with such issues. It wouldn't [and doesn't] reflect particular positions on the issues, but rather a belief that they matter. If this sounds like the present discovering itself in the past and so shaping a picture of the past, that's just what it is and what all good history has always been."

**That serves** as well as any as a definition of the role of the historian. Perhaps more than any other of her colleagues, Claudia Orange has been drawn out of the secluded corridors of academia and into the public arena because her speciality touches at every point on contemporary concerns.

But these are dangerous waters for an historian. Rod Orange has discussed the hazards with his wife. "Since she became a public figure I've encouraged her to stick to the history and leave the polemic and interpretation to others," he says. "Most of the time she manages to avoid taking sides in the debate. It's a matter of heat and light. There are hundreds out there generating heat about the treaty; she's needed to generate light.

"Anyone can argue about the Treaty of Waitangi, but not everyone has the determination and the skills to actually find out what happened according to the actual records."

Rod Orange is as stunned as his wife at the huge success of *The Treaty of Waitangi*. "The book came out within weeks of major developments in the field [the Muriwhenua fisheries claim and the Court of Appeal's finding in favour of the New Zealand Maori Council for a stay of proceedings under the State Owned Enterprises Act] — it couldn't have been planned better. It came out at a time when it was most needed. Young New Zealanders are showing a real interest in their understanding and attitude to race relations questions. That's good.

"Without Claudia's book, we'd be clawing each other's faces instead of sitting down calmly discussing what was intended and what was meant [at the time of the signing]."

However, there are those who seem determined not to hear the calm voice of the author which filters through the tale of dashed aspirations and perverted humanitarian goals as the years tracked down from February 1840. The One New Zealand Foundation, for example, always quick with the rhetoric, fumed in its May 1989 newsletter that "*The Treaty Of Waitangi* has been seized by 'sickly white liberals' and Maori specialists alike as an academic lever to increase racial polarisation... It is so easy for us in this small country to bow to our bureaucrats and media personalities and be cowed into

silence by strident extremists who wish us to accept their oft-repeated message of guilt and oppression."

Claudia Orange expresses amazement that anyone would accuse her of being a strident extremist. "That's not what academic writing is about. The baseline for me was to express what I saw as the history of the treaty and what people thought was happening. There's no need to become highly politically charged when the material itself is so telling.

"Also I feel strongly that those who write with an agenda of attempting to change attitudes and with a strong tone of admonition are highly unlikely to be listened to."

Thus far in her career, she has not encountered any hostility from Maori who might see her as an academic poaching in Maori territory. "That's because I am not dealing with Maori history *per se* but with the relationship between the two races. As one of the parties to the treaty I'm trying to make sense of it from both points of view, acknowledging that I can't cover the Maori point of view adequately. That's for Maori to do. I would never set myself up as an authority there.

"I've also steered clear of what some modern writers do in suggesting outcomes or possible policies. I don't see that as my area. My ground rule is that my work is only a foundation. So much more can be said; it's a framework on which others can build. I'm very conscious of feeding back resources to tribal groups so they can do their own work."

In laying that framework, Claudia Orange made discoveries herself which gave her understanding of Maori struggles a great jolt.

"I'd known of the New Zealand moral situation in regard to the treaty — so that many things I learned came as no great surprise. But some things made tears come to my eyes, and my family could hardly believe it when I told them. My children said to me, 'That couldn't be true. The New Zealand government wouldn't have done that.'

"One example was when Wiremu Tamihana [a leader in the King movement] went to Wellington to appeal the confiscations in the Waikato for the second time. His appeal was heart-rending. 'You may well say there's been a war. But what do you think we will do with the women and children? Where will we go?' he asked.

"The government officials took him out to dinner and sent him home empty-handed. That just knocked me.

"What also made me want to cry was the expense and trouble deputations went to in the 1880s to appeal directly to the monarch in England, touring the country

## treaty treatises — a growth industry

Since the publication of Claudia Orange's *The Treaty Of Waitangi*, there has been a flood of treaty-related titles. All have sold exceptionally well, with most going into reprint within six months, but publishers are divided about whether the interest will continue.

Karen Ferns, marketing manager at Penguin, says, "There's a growing interest rather than a tremendous interest."

At Oxford University Press, Anne French says that the original print-run of 1500 for *Waitangi: Maori And Pakeha Perspectives Of The Treaty Of Waitangi*, edited by Professor Hugh Kawharu, had sold out six weeks after its Christmas 1988 launch. "It has slightly taken us by surprise," she admits.

French began work on the book in 1984 after receiving a thesis on native customary rights from lawyer Frederika Hackshaw. She could see that as a starting point for a collection of academic essays by lawyers and historians.

From there she approached Hugh Kawharu and agreed to his stipulation that the collection of treaty-related essays must be written half by Maori and half by Pakeha. Written mostly by lawyers, academics and historians, OUP's book is aimed specifically at an academic, legal and reasonably learned general audience, but its sales success is evidence that its variety of pieces are readily accessible.

French says she'd be surprised if treaty publishing activity continued at the pace of the last three years. "More subtle and complex things will take over, for example books looking specifically at bicultural issues like Richard Mulgan's recent collection of essays *Maori, Pakeha And Democracy* and a new work by Andrew Sharp on justice and the Maori. But there will be no room for poor books in this area; some quick and not very well thought-out books have been published."

French pays tribute to Claudia Orange's work: "Her success is unbelievable. It's a landmark like *the bone people*. I can't think of many works of serious historical scholarship that could sell that amount.

"She had, in fact, talked to me about her thesis and who she should publish with. We weren't interested — it seemed too specialised. I didn't think it would sell and told her that she should take it to Allen and Unwin or Auckland University Press!"

French says that she was more apprehensive about the Pakeha backlash last year than she is now. "Because of what's been happening, all of us have been pushed into new things. We've all shifted our views markedly in the last five years."

Gerard Reid of the Book Publishers' Association can't quantify the impact of the

treaty books on the local market, but says the dramatic growth of local publishing reveals a cyclical relationship between books and a national consciousness. "As New Zealanders become more confident in books published in New Zealand, they seek more of them," he says.

At Allen and Unwin, publisher Bridget Williams must still be smiling at the success of *The Treaty Of Waitangi*. "After our first print-run of 3000, which is large for an academic work but not for a general work, we kept reprinting at 2000 expecting it had peaked each time, but we're now routinely reprinting 3000-5000. Large booksellers always have the book on reorder, and even smaller stores keep five copies on the shelves.

"That will go on," says Williams. "That's a change in my opinion from 18 months ago. We see a shift in the public's understanding from seeing the treaty as a hassle to seeing it as an opportunity for problem solving and a key to some of the difficulties we face. People know they have to know about it.

"There'll be more treaty publications and I hope they'll build on Claudia's work. There're some important areas still not covered. There could well be something more, for example, that would give readers an understanding of contemporary issues, for example fisheries and land claims. But it's terribly complex — such books are so difficult to write.

"The other big one we'd love to publish that we should be looking for is the Maori viewpoint on what the treaty means. A really clear statement: that's not yet come through."

Allen and Unwin also published Jane Kelsey's *A Question Of Honour?* in February this year. A partisan but persuasively argued look at the inevitable clash between the call for Maori sovereignty and Labour's free-market policies, Kelsey's book is an example of the more specific focus of future treaty-related titles. It too is selling well, report the publishers.

At Penguin, *Honouring The Treaty*, edited by Helen Yensen, Kevin Hague and Tim McCreanor and launched in July 1989, has sold over 4000 copies. Later this year Penguin will be publishing a new book by Ranginui Walker, looking at the last 150 years.

Random Century entered the treaty publishing arena in February this year with the launch of lawyer Paul Temm's *The Waitangi Tribunal: The Conscience Of The Nation*. Eminently readable, aimed at the general reader and drawing on Temm's deep knowledge of Maori issues first as a former member of the Waitangi Tribunal and now as counsel to the Ngai Tahu in their South Island land claim, it quickly sold its original print run of 3000 and will go into reprint. ●

to raise money. A three-man Ngapuhi delegation went in 1882 and Tawhiao [the second Maori king] in 1884. But before they'd even left the country, the government had sent telegraph messages to London saying that the deputations were not representative of New Zealand Maori and not the business of the London government who should have nothing to do with receiving them."

The deputations were disappointed not to be given an audience with the monarch with whom Maori believed their ancestors had directly signed the treaty.

"Queen Victoria's personal act of love' — that's how the missionary Henry Williams had explained it to the Maori at Waitangi. They were given the run-around and sent back home either empty-handed or clutching at straws that would come to nothing."

If Claudia Orange's teenage children began to wake up to injustice and shabby treatment as they discussed her research with her, Rod Orange had fewer illusions. He recalls discovering how in the late 1930s, when Labour's social welfare system meant that Maori would be admitted to public hospitals for the first time, health authorities gave serious consideration to whether they should build separate

**"There's a large body of Pakeha support that a settlement of a just and equitable nature should be worked out. When I started my research in 1975 that attitude seemed impossible."**

wards for Pakeha and Maori. "That shows us where we've been in terms of race relations."

**Orange believes** that the difference between her study of the treaty and those preceding it is that hers is one of the few, building on the work of Ruth Ross in the early 70s, to have looked at treaty issues from the Maori point of view, uncovering what Maori at the time were saying.

"From the British point of view, there's no doubt it was a treaty of annexation, as treaties made with native peoples are.

"I've tried to say that there was more

than one party to the treaty and there was more than one text. The version the Maori signed was the Maori text. That's unchallengeable.

"We've now recognised the treaty's importance by building it into legislation beginning with the 1975 Treaty of Waitangi Act and the establishment of the [Waitangi] Tribunal. We're beginning to come to grips with our history, and an idea of nationhood which hasn't in the past stood up to close scrutiny.

"Geoffrey Palmer wouldn't have his streak of idealism, nor would there be the feeling now coming through in New Zealand history — despite unfortunate events and failures — if there wasn't an ongoing notion that 1840 and its events did create something special and unique. We're still tussling with that and we're being called on to give it substance.

"Some of the anger over the treaty arises because of resentment and allegations made that the country's history and treatment of Maori is not as good as we might like to think."

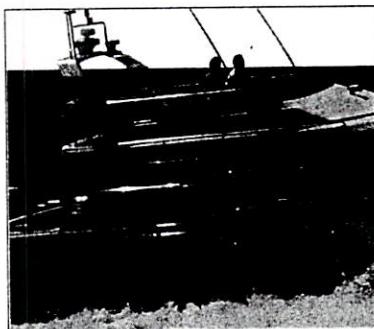
Orange believes that some have over-emphasised the humanitarian aspect of the treaty rather than looking at the real nature of government and settler interest. That their actions amounted to little more than land grabbing is not a discovery many Pakeha are happy to acknowledge.

"I don't feel for one minute that we should have a feeling of guilt about that," she says. "That's unproductive. You can have a sense of regret without feeling guilt. You're not responsible for the deeds of early settlers and more recent politicians, but every citizen should have a degree of responsibility to see that a just society should evolve, and to inform themselves and come to their own conclusions."

For many, Orange's book has been a place to start. "I didn't know the extent to which my book could fire the general community," she says. "Taxi drivers and little old ladies have written to thank me for putting it all together, saying before that they had only part of the jigsaw. That makes it worth all the late nights!

"There's a large body of Pakeha support that a settlement of a just and equitable nature should be worked out. When I started my research in 1975, that attitude seemed impossible. People said to me then, 'Surely everything that could be said about the treaty has been said?' To have travelled that far in that time is remarkable.

"But there's still a tremendous amount of work to be done, in particular in studying events from 1890-1950. People say my history is definitive. But that's not a claim I've ever made. There are always areas to be opened up."



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*Journal of Pacific Hist.*

*Te Wananga*

*W2 JH 1980.*  
*Maori Messenger*

# The Treaty of WAITANGI

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1987

Allen & Unwin  
Port Nicholson Press  
with assistance from the  
Historical Publications Branch  
Department of Internal Affairs, Wellington

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## Chapter Five

## EARLY YEARS OF DOUBT AND DEBATE

The Waitangi treaty gave Britain only a partial entitlement to the country. This is evident from official moves to consolidate sovereignty. The first was to secure the country against the potential claims of other nations; the second was to assert effective power and authority within New Zealand.

International recognition of British sovereignty was achieved during 1840, partly through official publicity given the treaty, which the Colonial Office saw as important in justifying claims, and partly through other government actions to establish a British colony. Early in 1840 the jurisdiction of New South Wales had been extended to New Zealand in anticipation of the success of Hobson's mission,<sup>1</sup> but Hobson remained anxious to secure Britain's position in New Zealand by excluding other claimants. Despite the proclamation of sovereignty over the whole country on 21 May, in July, fearing a French conspiracy to annex the South Island, he swiftly dispatched government officers to Akaroa, where they made a show of authority and occupation just before the arrival of French settlers intent on forming a small colony.<sup>2</sup> With greater confidence, then, he was able to assume the title of Lieutenant Governor, having initially signed as 'Lieutenant-Governor of the British Settlements in progress in New Zealand'.<sup>3</sup> Late in 1840, the imperial government separated New Zealand from the temporary jurisdiction of New South Wales. By Royal Charter, the country became a fully fledged British colony; Hobson was commissioned as Governor and instructed to establish the machinery of state, a small Executive Council and a Legislative Council. The instructions came into operation in New Zealand in May 1841.

Asserting effective power and authority within New Zealand was more difficult. Because of Colonial Office frugality, Hobson's initial group of officials was small, and lacked ability or dedication. Young men recruited mostly from missionary families provided immediate assistance, but only when Hobson urgently requested adequate 'judicial and legal functionaries' did the Colonial Office send William Swainson as Attorney-General and William Martin as Judge of the Supreme Court, two able men who reached New Zealand in September 1841. The arrival of Bunbury and his troops in April 1840 had strengthened the government, but Hobson remained acutely aware of the weakness of British

authority.<sup>4</sup> In dealing with the Maori, he had been forced to rely on the assistance of the missionaries from the very first, but there was a limit to their willingness to be associated with government. While missionary mediation between Maori and non-Maori was to continue informally for some time, it was given formal status in April 1840 when Hobson appointed George Clarke, a missionary with twenty-three years' experience in New Zealand, as Protector of Aborigines.<sup>5</sup>

The Protector's appointment, fulfilling a recommendation of the Aborigines Report, was an admirable, humanitarian shift in colonial policy, but Clarke soon became aware of the ambiguity of his position. The government expected him to be not only an impartial guardian of Maori welfare, but also the government's main negotiator for purchases of land, even initiating moves for lands not voluntarily offered by Maori owners. Clarke repeatedly drew government attention to his anomalous position, but the dual responsibility remained until the Protectorate Department was abolished in 1846. The Protector, as a government agent, could not be truly neutral in supporting Maori interests. Moreover, the treaty's promise to treat Maori as British subjects, with the goal of amalgamation implicitly understood, was contradicted by the creation of a separate institution for Maori business outside the central machinery of state.<sup>6</sup>

Some Maori were uneasy from the outset. Many Pakeha provocatively flaunted Britain's newly acquired status; they used 'such ... infamous language' at Whangaroa that local Maori threatened to 'knock them on the head'.<sup>7</sup> In early April 1840, several chiefs from the Kaikohe, Waimate and Waitangi districts laid complaints with Hobson: 'Our hearts are dark and gloomy from what the Pakeha have told us, they say that the missionaries first came to pave the way for the English who have sent the Governor here, that soldiers will follow and then he will take away our lands.' Nene, confirming that similar remarks had been made to him, sketched a circle on the ground to demonstrate how Pakeha would encircle the Maori and finally sweep them away. Deputations from Kaikohe and Hokianga told Hobson that they knew of the extermination of natives by the English in every other country, particularly in Australia. Faced with allegations that he could not deny, Hobson assured the Maori that in New Zealand British might would be used to protect, not to destroy or dispossess, them.<sup>8</sup> Since rumours were widespread, an official circular in Maori was sent to chiefs at the end of April, rebutting the charge that the government intended to seize any Maori land and blaming ill-disposed Pakeha for such notions.<sup>9</sup>

He was able to turn one criticism to lasting effect. Tuhaere of Ngati Whatua, complaining that the Waitangi meeting had been unrepresentative, concluded that 'this [alluding to the conference] is more like it; this is the real treaty upon which the sovereignty of the Queen will hang because here are assembled Chiefs from every quarter and even from the other Island, to discuss questions and to seek out a path'. McLean was in complete accord with this idea, even referring to the conference as 'a fuller ratification', a notion first voiced by Tamihana Te Rauparaha.<sup>43</sup> Other chiefs agreed and the idea was reflected in a major resolution passed unanimously at the last session: "That this Conference takes cognizance of the fact that the several Chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the union of the two races, also to discountenance all proceedings tending to a breach of the covenant here solemnly entered into by them."<sup>44</sup>

The pledge was the endorsement the government had been seeking. For some tribes it confirmed their agreement to the treaty; in other cases it committed tribal groups, such as Te Arawa, who had not signed and whose allegiance to the Crown had been slow to emerge. To some extent this general commitment compensated for a lack of unanimous support for two other resolutions, one endorsing government policy on Waitara, the other condemning the King movement.<sup>45</sup> Many chiefs were quite critical of government failure to investigate Kingi's case with due care. There was a general feeling that Waitara could have been avoided if the government had sought the co-operation of the chiefs as mediators. And the question of the King movement obviously presented a problem to some chiefs. While willing to accept the Queen's authority, they were reluctant to admit that the movement was incompatible with the Queen's sovereignty.

The Kohimarama conference came to serve quite different functions for the officials and for the Maori people. From the government point of view, the conference was just one more attempt to deal with the Maori problem. While it sounded out Maori opinion more comprehensively than before, the gathering was not fully representative in that it excluded chiefs in open opposition to the government, particularly Taranaki and Waikato, the latter receiving invitations after proceedings had started.<sup>46</sup> It was also criticised as being merely a counter-demonstration to the large King movement meetings which were attracting many Maori supporters.<sup>47</sup>

As a response to the Waitangi treaty, however, the 1860 conference was undoubtedly one of the most influential Maori gather-

ings ever held. This became apparent when Maori treaty rights, understood to be confirmed by the Kohimarama conference, became a point of reference for the expression of organised Maori protest later in the century. Chiefs took away from the conference distinct understandings. The entire conference proceedings (in Maori and English) were also circulated to most chiefs of consequence.<sup>48</sup>

The most important idea retained by Maori from the 1860 conference was that Maori mana had been guaranteed. The recapitulation of the treaty had been influential, as had the official recognition given chieftainship by the government's convening such a meeting. The government's acceptance of a conference petition, that the meeting be made a permanent institution, may have further confirmed the impression of mana guaranteed.<sup>49</sup> Conference chiefs did not see this mana as in any way conflicting with that of the Queen, which they acknowledged. The Queen's mana was protective, the term *maru* (protect) being used as often as the term *mana* in reference to Crown influence; chiefly mana related to those situations over which chiefs had traditionally exerted authority. Indeed, speakers could see no conflict in the co-existence of several mana, or spheres of influence.<sup>50</sup> It was hardly surprising that the meeting was reluctant to condemn the King movement, for the concept of a shared authority, which the treaty seemed to allow for, was applicable to all chiefs and not merely to the King movement.

As a result of the conference also Maori were fully acquainted (possibly for the first time) with all the treaty guarantees. While the land guarantee had always been a critical point of discussion, forests and fisheries had not previously attracted the same attention. They were included in the English text but were not specifically referred to in the Maori text which most chiefs had signed. McLean's translation of Browne's opening speech expanded on the guarantee of the treaty's second article (the Maori text) to include lands (*whenua*, oneone), forests (*ngaherehere*), fishing places (*wai mahinga ika*) and all other possessions (*taonga*). Their inclusion may have always been assumed, but these explanations were explicit. The lack of comment when McLean later read the Maori text (which omitted these details)<sup>51</sup> showed that the chiefs now understood article two to cover all these areas. Clarification of these guarantees was important, for fisheries in particular were soon to become a cause of much tension as settlement expanded.

The final resolution of the conference, in effect a ratification of the treaty, came to be known as the Kohimarama covenant. The idea of a covenant, a solemn religious pledge, uniting Maori and

too were the drainage works in areas such as the Wairarapa Lake where Maori understood that their rights had been settled with the government in various negotiations.<sup>11</sup> Fishing and food-gathering were affected by the importation of foreign fish and by the introduction of game birds – pheasants, quail, swan, geese and other species – mainly in the 1860s. Protective legislation was an additional irritant to Maori people.<sup>12</sup> With these developments, Maori naturally looked to the treaty and scrutinised its terms with a new interest. Questions of sovereignty and land rights had been the most critical issues but now fisheries and forests were to figure in Maori protest.

In 1872, the treaty's fishing guarantee was further eroded when Prendergast, the Attorney-General, ruled that title to the lands below high-water mark rested with the Crown.<sup>13</sup> The decision emerged from a conflict of interest between companies seeking gold-mining rights on the Thames foreshore and Maori owners of adjacent land. Certain Ngati Maru hapu had rights to fish the mud-flats which were famous flounder grounds. As a government agent observed, Maori fishing rights to mud-flats and offshore had not been seriously questioned before. At Katikati Harbour, for instance, one tribe fished within the line of tide-rip, another outside it.<sup>14</sup> In the Thames case, the Shortland Beach Act provided for purchase below high-water mark, but payment was presented as compensation; it was not to be construed as a precedent for any further Maori claims to tidal land.<sup>15</sup> The Act, however, related to a specific piece of land and did not assert Crown prerogative to foreshore rights throughout New Zealand. Prendergast's 1872 ruling spelt this out.

From then on, the best that Maori could obtain was a special, though seldom exclusive, usage right to fisheries in specific instances. This was allowed for in the 1877 Fisheries Act and its later amendments and re-enactments. The Act dealt with salt and fresh water fisheries. Section eight referred to the treaty: 'Nothing in this Act contained shall be deemed to repeal, alter, or affect any of the provisions of the Treaty of Waitangi, or to take away, annul, or abridge any of the rights of the aboriginal natives to any fishery secured to them thereunder.'<sup>16</sup> In practice, this meant very little; unless some special enactment or provision was made, no fishing right could rest secure on the 'provisions' of the treaty alone. From time to time some allowance was made for Maori fishing rights, but this was small compensation for the loss of extensive rights understood to derive from the second article of the treaty. It was a policy of compromise. Customary Maori

fishing needs could be tolerated, because they were destined to fall into disuse; amalgamation and a declining Maori population would carry New Zealand closer towards the attainment of that other Waitangi promise of one people under one law.

Maori also perceived dangers to their rights from government and local body works, the steady encroachment of settlement and the law. Seemingly innocent adjuncts to settlement, such works were a real or at least an imagined threat to Maori. They considered themselves penalised by local body rates, and seldom participated in local body elections or administration. Rates on roads were seen as contraventions of treaty rights, although Governor Bowen, on a 'progress' of the North Island in 1872, assured chiefs that their mana was not affected either by new roads or by the taxes.<sup>17</sup> The Public Works Acts of 1864 and 1876, with their provisions for taking land compulsorily for public development, were seen as in direct contravention of Maori rights.<sup>18</sup> And the building of the main trunk rail link through the centre of the North Island encountered strong Maori opposition that was only gradually whittled away by the government.<sup>19</sup> The 1880 Dog Tax Registration Act, designed to reduce the packs of uncontrolled, Maori-owned dogs that threatened sheep flocks, was resented by Maori as infringing individual rights, especially when dog tax inspectors attempted to collect fees in Maori villages.<sup>20</sup>

By the 1870s it was becoming clear to Maori that the extent of the treaty's protection was limited by court decisions, by various shady dealings and by legislation. Maori such as Wi Tako, who were well versed in Pakeha methods, quickly drew the lesson that Pakeha kept 'the body of the law' and gave Maori only 'the ghost of it'.<sup>21</sup> This was a conclusion that many Maori formed as their experience of settlement broadened. Sometimes Maori rights were infringed by sheer official incompetence, while in other cases there was official manipulation of administrative and judicial systems to Pakeha advantage. Sometimes the executive and administrative arms of government were in conflict over Maori issues, to the detriment of Maori welfare. Even under McLean, possibly the most sympathetic of the Native Ministers after the wars, there was an ambivalence, a disconcerting compromise of Pakeha and Maori interests, that inevitably disadvantaged Maori.<sup>22</sup>

Above all, it gradually became apparent that the treaty was being interpreted in a way that increasingly restricted the autonomous rights of the Maori. By the 1880s Maori were saying that their mana was passing away or had already been lost. This conclusion was arrived at only after a great deal of soul-searching

in all measures affecting them. Three other proposals followed: that the confiscated lands should be restored to the tribes 'on the ground that the Treaty made no provision for the forfeiture of the lands in case of rebellion'; that the question of rights to the foreshores be opened up, because sovereignty over those areas had not been forfeited and indeed had been guaranteed by the treaty; and finally, that the dog tax be waived. Kawiti took up the appeal, expounding on these points at some length, drawing on the resolutions framed earlier and reading the treaty aloud. He argued that a parliament was necessary to weld Maori into a united and strong body to fight for treaty rights, for the government of New Zealand had disregarded it. It had 'milked the cow that was sent by Queen Victoria as a covenant to the tribes of New Zealand'. Other chiefs expressed the general disillusionment with government and its record on the treaty, and supported the parliament proposal. Among these were Tuhaere (whose own runanga at Orakei had only just closed), and two senior Wanganui chiefs, Mete Kingi and Kawana Paipai.<sup>66</sup> The meeting made it clear that the parliament proposal was not a gesture of disloyalty to the Crown. On the contrary, the Union Jack flew over the marae.<sup>67</sup> Association with government on Maori terms was sought, not a separation of the Maori people from government.

The size of the Waitangi meeting and the presence of representatives from further afield ensured that the parliament proposal and its relationship to the treaty received wide publicity. The meeting was believed to be the largest gathering in the area since February 1840. An estimated 3,000 Maori were present, together with a large number of Pakeha including Mrs Busby and members of the old missionary families. The hospitality provided was lavish: a wall of 2,756 kits of potatoes, topped with 500 dried sharks, stretched for nearly a quarter of a mile, with several hundred pigs and other items. Ihaka Te Tai and a committee were the organisers; Kawiti took care of press publicity. Even the local Kawakawa newspaper, often scathing about Maori grievances and shortcomings, was impressed.<sup>68</sup>

The government's response was disappointing. Sir Arthur Gordon, the governor, had been invited and his attendance at such an important meeting was fully expected. Expectations ran high, until the appearance of the Native Minister, William Rolleston, confirmed that the governor would not be present. Gordon, sympathetic with Maori grievances to the point of alienating the ministry of the day and a good deal of public opinion as well, was not likely to absent himself deliberately. He had already committed himself to a tour of the South Island, but it is possible that the

government exerted pressure on him to prevent his attendance.<sup>69</sup> His non-attendance was taken as a deliberate slight. Plans to unveil the monument on which the treaty was inscribed were apparently cancelled. Taonui had designed a ceremony to symbolise Maori and Pakeha uniting in the treaty. The monument was first to be covered by a Maori cloak, then with a Union Jack, laid by Hariata (Heke's widow) and by Kawiti; finally there was to be a scripture reading on the theme of Christians as servants of the New Covenant.<sup>70</sup> The commemoration of the 1840 covenant was to set the seal on the new campaign to have the treaty implemented, but without the governor much of its significance was lost.<sup>71</sup>

Although Rolleston had served for only a few weeks as Native Minister, he was fully aware of the sensitive nature of contemporary Maori issues, especially the Parihaka affair and its relationship to the meeting's demand for the return of confiscated lands. His response to the meeting's demands was irritatingly evasive. He brushed aside the Maori proposals and lauded the very ideal which the meeting claimed was not being achieved, that Maori and Pakeha through the treaty were 'as one people under the Queen'. He told the meeting plainly that there could be only one parliament, that its law on confiscation was a *fait accompli* and that the foreshores, 'by the law of nations', were for the use of everyone. The only concession was on the dog tax, which he thought might be modified. Maori at Waitangi responded civilly but coolly, reaffirming their eagerness to have a parliament and airing a variety of grievances by way of justification.

From the point of view of even well-disposed politicians such as Rolleston, the Maori population of less than 50,000 did not seem to justify the requests for separate political bodies. At most, such runanga were tolerated by the government as safety valves for Maori grievances. Occasionally they might serve useful political ends, such as dealings with the King movement or the investigation of land problems. The government would not encourage any Maori political organisation outside its control. When Ngati Whatua assistance in Waikato peace-making was sought, Tuhaere's 1879 conference had been recognised, but recognition was withheld in the following year.<sup>72</sup> And with only half-hearted commitment, the government allowed a Native Committees Act to pass in 1883, whereby the Maori committees operating all over New Zealand might be given some government support. The legislation proved an unsatisfactory solution to Maori demands and the government deliberately frustrated the Act's intent.<sup>73</sup> According to the 1891 government-appointed commission on na-

much-hated Native Minister Bryce. Maori found Bryce unapproachable, ruthless and insensitive to their values and customs. By contrast, his successor Ballance appeared to be well-meaning, was more tactful and was prepared to hold meetings in most tribal areas. This consultation was appreciated, although Ballance was just as determined to advance unacceptable government policies. His methods also fostered Maori unity, partly because of the opportunities he provided for sharing information, and partly because of legislation he introduced, especially the Native Lands Administration Act of 1886.

The Act was a great disappointment. Many Maori had hoped that it would restore the mana of the land by giving them full control, unencumbered by official restriction – in effect, fulfilment of the second treaty article. Hopes had been raised by the extent of consultation: in draft form, the Bill had been considered by a major meeting, called by Ngati Kahungunu, which had brought representatives from all parts of New Zealand to Hastings in January 1886.<sup>56</sup> The new measure stopped individual dealings with Maori lands. It preserved the principle of Maori communal ownership by allowing for an incorporation of owners of a block into one legal entity; an elected block committee, holding executive powers, would determine terms of sale or lease. The land, however, had to be entrusted to a government commissioner. The Act was made optional and Maori, objecting to loss of control over their lands, refused to bring land under the legislation. Committee powers, although extended as Maori had long requested, were a far cry from the independent control that they demanded in a Maori parliament.<sup>57</sup> Consultation had had little effect, and the Bill in its final form was received by Maori as yet one more government attempt to take the land.

By the end of Ballance's term, Maori had strengthened their resolve to act independently. Ballance had not fundamentally revised Bryce's policy of reducing expenditure and curtailing the special machinery for Maori administration. Although patient in public, privately he expressed a cynicism about Maori grievances; he also overrode divisions in Maori society, ignoring dissenting voices in the matter of the 1886 Act, claiming that the government was 'carrying out the principles of the Treaty of Waitangi' in seeking to consult at all.<sup>58</sup> The logic of such justification is difficult to see.

While the Ballance period was a disappointment to those hoping for Maori self-government, worse was to follow. When Edwin Mitchelson became Native Minister after a change of ministry in 1887, the temporary respite in land sales came to an

end; the Native Land Act of 1888 restored direct purchase and in the next three years Maori land holdings diminished further. Maori expenses relating to the Land Court increased. At the same time Maori received less from the Native Department as expenditure decreased in pursuance of the policy of finally abolishing this branch of government (carried out in 1893). This direction in policy, coupled with a spate of legislation that ignored Maori rights to a hearing from government, was to lead to the final formation of the Kotahitanga, or union under the treaty movement.

Tuhaere of Orakei, Auckland, played an important part in the last stages of this process. For some years he had acted as a bridgehead between Ngapuhi and Waikato without achieving the unity of action he desired. He had also sought consensus, unsuccessfully, at several Ngati Whatua parliaments held at Kaipara in the mid-1880s.<sup>59</sup> Then in 1887 senior chiefs and tribes from the lower part of the North Island asked Tuhaere to take responsibility in the north for initiating discussions on the government's legislation and to encourage moves to union. Four meetings were held in 1888 – at Waitangi, Waioamatani, Omaahu and Putiki – representing Maori interests in the north, east, south and west.<sup>60</sup> Tuhaere's mandate was to be exercised at the Waitangi meeting in March 1888, when he acted as chairman.

His involvement injected new vigour into the northern movement. Although Ngapuhi had long recognised that other areas were looking to them to take up the cause of the treaty with the government, participants at the annual meetings at the Waitangi marae from 1881 onwards had not been prepared to act in a concerted way beyond the Ngapuhi area itself. Nor was opinion united on what action should be taken in the north. In fact, some influential chiefs held aloof from the whole idea of a treaty of Waitangi movement.<sup>61</sup> By 1888, however, Maori MPs and government office-holders, both current and past, were prepared to participate in Maori moves to unite. The support of such men was needed, not only for the expertise they brought to tribal gatherings, but also because many of the initiators of action on the treaty were ageing.

The main work of the Waitangi meeting was to revise the 1886 Act so that it would provide for Maori control of their affairs.<sup>62</sup> But Tuhaere proposed to build the assembly up into a body capable of reviewing all proposed legislation and able to submit its own proposals to government. Once worked out in the north, the scheme could be applied to the rest of the country. Tuhaere reasoned that the progressive extension of Maori government

*Chapter Eleven*

A RESIDUE OF GUILT: 1890–1987

From 1890 to the present, the treaty has continued to play an important part in Maori and Pakeha thinking about New Zealand's past. It has been a touchstone for both races, Maori at first but from the 1930s increasing numbers of Pakeha. Both have used the treaty in identifying their present concerns and expressing their hopes for the future. Most typically, those concerns and hopes have diverged, but there are also convergences. In the last ninety odd years, there has been continuity with the trends and interpretations evident in the pre-1890 period, but at the same time new aspirations have given the treaty fresh meanings.

Maori struggles to secure rights and a measure of control over their affairs have continued since 1890, but the government has been reluctant to make concessions or to relinquish control of Maori affairs. To accede to Maori demands for autonomy would indeed be proof that the goal of 'one people' has not been achieved. And for many New Zealanders that remains the most significant aspect of the treaty, the ideological base for the claim that New Zealand has treated its indigenous race well. Maori protest, therefore, has been regarded as a challenge to the nation's special identity. Yet continuing Pakeha sensitivity over Maori claims suggests that a residue of guilt remains. This gives New Zealand a 'moral imperative' to make the practice in race relationships fit the 'one people' ideal<sup>1</sup> – paradoxically the very position which many Maori have continued to challenge since the nineteenth century.

The Kotahitanga movement of the 1890s was the most comprehensive nineteenth-century effort to secure the autonomy guaranteed by the treaty. To most Kotahitanga followers, the treaty had cemented a reciprocal agreement: the Crown would hold the mana of government while chiefs were confirmed in their authority. This understanding allowed for a sharing of authority, a partnership within the new nation. The movement's leaders hoped to secure legislative recognition of the Kotahitanga parliaments and allow full Maori participation in the functions of the state, as equals of the Pakeha. Another train of thought within Kotahitanga argued for an independent Maori authority, recognised by Britain before 1840 and confirmed by the treaty, which

could exercise autonomous rights quite independently of government. In both attitudes, the treaty was crucial.<sup>2</sup>

In the 1890s, several attempts by the Kotahitanga to secure government sanction failed and the movement began to falter. Its last formal gathering was at Waiomatatini in 1902. Some Liberal measures had initially given grounds for hope. The Native Land Laws Commission of 1891 had condemned the legislation of the previous thirty years and the record of past land transactions. The Commission's Report seemed to promise a radical change, comparable with other Liberal measures, but in practice little was done. The Maori Lands Administration Act and the Maori Councils Act, both passed in 1900, allowed a small degree of local control rather than the wide powers requested. Restrictions on land alienation proved temporary and any resolve to assist Maori welfare gave way to pressure of Pakeha needs. By the end of the Liberal period, just before World War One, another 3 million acres of Maori land had passed out of Maori ownership.<sup>3</sup>

While the Kotahitanga declined from around 1900, the Kauhanganui (the King's parliament) continued with regular meetings at which Maori autonomy (mana motuhake), treaty rights and government failure to fulfil them were aired. In 1907, disillusionment with the Liberals' record prompted members of the King movement to draft an appeal to the British monarch. The petition was part of a renewed effort at a comprehensive kotahitanga that would embrace all Maoridom. A meeting of 3,000 people at Waahi (Huntly) made a pledge 'to maintain and uphold all the rights and privileges enjoyed by our race in the year 1834, signalled by the flag of 1836 [*sic*] and maintained until the enactment of the New Zealand Constitution Act of 1852.'<sup>4</sup>

This attempt at union under the treaty foundered on divisions within Kingitanga (a term increasingly used for the movement), and on differences with tribes outside it, but in 1909 the idea was picked up again by Tana Taingakawa, one of Wiremu Tamihana Te Waharoa's sons. Taingakawa drafted a new petition, for the governor to forward to England. It complained that the mana granted the Maori people by the second and third articles of the treaty had been nullified by the New Zealand government's enactment of a 'systematic series of laws', which were listed. In the Kotahitanga tradition, it sought absolute autonomy and control of all lands that had not been alienated. Taingakawa was bidding for the 'mana of absolute chieftainship'. Twenty years before, such an appeal might have gained the backing of the majority of Kotahitanga leaders who found their strength of purpose in chiefly mana,

specifically for a Maori-reading public. One, called simply *Ko te tiriti i tuhia ki Waitangi, 1840*, gave a brief exposition of the benefits and disadvantages of the treaty to the Maori race since 1840.<sup>12</sup> Like almost every Maori writing that dealt with contraventions of the treaty, it traced the legislative steps by which problems had been created. The second pamphlet reprinted the correspondence (in Maori and English) between Te Wherowhero, the Queen and the governor in 1847–48, concerning Earl Grey's instructions which had seemed to overturn the land guarantee.<sup>13</sup> It had no commentary. Possibly the extracts were intended to speak for themselves, for Governor Grey had used the occasion to prove to the Maori people that the Queen paid heed to Maori complaints. The reply from the Queen, moreover, was the oft-cited justification for Maori claims that the government had no right to confiscate land: 'it was never intended that the Treaty of Waitangi should be violated by dispossessing the tribes which are parties to it, of any portion of the land secured to them by the Treaty without their consent.'<sup>14</sup> The third publication was a comprehensive collection of documents and extracts relating to the treaty, among them the 1835 Declaration of Independence, petitions based on the treaty, Hansard speeches and writings referring to the treaty.<sup>15</sup>

This burst of publication coincided with a quickening of Maori interest in the Waitangi compact. By Ngata's account, it was 'widely discussed on all maraes'; it was 'on the lips of the humble and the great, of the ignorant and of the thoughtful'.<sup>16</sup> The revival of activity related to the treaty at this time arose from several developments – the Arawa tribe's success in having their lake rights recognised by the government, the opening of a new building at Te Tii marae, Waitangi, and two political parties – Ratana and Labour – adopting the treaty as part of their platforms. In the Arawa case, the government finally conceded Maori fishing and burial rights in the tribe's fresh water lakes, making an offer of compensation and setting up special arrangements to put the agreement into effect. It enabled Arawa to form the Arawa Trust Board to administer the newly recognised interests and the compensation payments.<sup>17</sup>

These events naturally stimulated much discussion of Maori rights and the treaty among Maori everywhere. Whether as individuals or as tribal groups, they had previously received no real satisfaction from various attempts to secure fishing rights. Government agents, too, had drawn attention to the problem, one report in 1885 noting that the 'constant gathering and wholesale destruction by the Europeans of the oysters on the foreshore of

the Bay of Islands is causing a considerable amount of uneasiness; the Natives asserting a claim to the shell-fish under the Treaty of Waitangi'. At best, a claim to rights in a specified tidal fishing ground might be recognised by special provision. In general, however, such rights were not admitted in law as deriving from the treaty, a point spelt out by Chief Justice Robert Stout in a 1914 case: 'until there is some legislative proviso as to the carrying out of the Treaty, the Court is helpless to give effect to its provisions. . . . Even if the Treaty of Waitangi is to be assumed to have the effect of a statute it would be very difficult to spell out of its second clause the creation or recognition of territorial or extra-territorial fishing rights in tidal waters.' Securing rights in lakes and rivers had posed similar difficulties. The Arawa case, therefore, was encouraging. By the end of the 1920s the government had made a similar agreement with Ngati Tuwharetoa over their rights to Lake Taupo and adjoining streams.<sup>18</sup> These advances were conceded only after considerable Maori effort; they were not granted readily, as of right. This pattern would continue, with Maori grievances usually based upon treaty rights that were being ignored or inadequately acknowledged by the government.

Within a day of the government's offer to Arawa in late March 1922, the Prime Minister, William Massey, accompanied by Ngata, Sir James Carroll and other MPs, opened a new meeting hall at Te Tii marae, Waitangi. The last big meeting at Te Tii had been the Kotahitanga parliament of 1899 when the governor, the premier and other officials had been present. As Kotahitanga support had subsequently fallen away, activity at the marae had declined and the hall, erected for the first Waitangi parliament of 1881, had gradually fallen into disrepair. Plans to restore it gave way to a full-scale rebuilding scheme when, in 1917, the shaky structure collapsed in a gale. The stone monument, with the treaty's words inscribed on it, survived intact for the 1922 opening. (It still stands.) Massey expressed the hope that the new building 'would . . . be held sacred by both races'. He also promised to grant any measure that would put the Maori people 'on a footing of equality' with Pakeha, a promise made too late in the day for many Maori: the government had not included Maori returned servicemen in rehabilitation schemes after World War One.<sup>19</sup>

Perhaps for that reason, three of the Maori MPs had forwarded a copy of the treaty to the British government in 1919. It had been received with some puzzlement because a copy was 'already on careful record', but was added to the 'archives' and acknowledged. Massey had assured Maori that the treaty remained sacred, and his attendance at the Waitangi marae appears to have

growing sense of identity that had led to 6 February becoming a public holiday from 1974 had encouraged a reassessment of the past which 'questioned the appropriateness of the treaty as cause for celebration'. And he added: 'We are not the poorer for the questioning. We are stronger in our understanding of ourselves and the way we live here.'<sup>79</sup> Since the Wellington-based Waitangi Day function had not been entirely satisfactory, the government, having consulted with Maori members of the Waitangi Trust Board, decided that a dual commemoration on Waitangi Day would be more appropriate. On 6 February 1987, therefore, there was an official commemoration once again at Waitangi, as well as the ceremony in Wellington. The latter, as in 1986, involved the diplomatic corps and was directed at recognition of the country's multi-national character, but this time Maori were fittingly acknowledged as the *tangata whenua*.<sup>80</sup> The two ceremonies, essentially a compromise, seemed generally acceptable to both Maori and Pakeha, although whether they continue to meet the varying aspirations of the two peoples remains to be seen.

Meanwhile, events in 1986 were leading to greater recognition of the status of the treaty. One implication of this was the assertion of Maori right to a stronger voice in government circles. This was apparent in June 1986 when *Puao-Te-Ata-Tu (Day break)*, drafted in the main by Maori, was released. Known also as the *Report of the Ministerial Committee on a Maori Perspective for the Department of Social Welfare*, it not only suggested changes to that department; it also recommended that a comprehensive approach be adopted in all government dealings with Maori business and that the initiatives of the Maori people and the community at large be harnessed to help address problems.<sup>81</sup>

That Maori were not prepared to accept long-standing government paternalism was also demonstrated by widespread Maori irritation over a loan 'scandal' which first became public in December 1986. Maori were generally reluctant to accept allegations of incompetence in top Maori administrators. They repeated their long-standing call for a 'new-look' Department of Maori Affairs, one geared to better co-ordination of government agencies and a greater participation of the Maori community at all levels of government administration. Not surprisingly, some Maori saw the loan affair as part of the wider struggle to secure *mana Maori motuhake* (now referred to more often as self-determination than as autonomy).<sup>82</sup>

In the latter half of 1986, other issues drew public attention to the treaty, in particular to fishing rights. In a reserve decision

from the Christchurch High Court in August, Mr Justice Williamson upheld traditional Maori fishing rights based on custom in quashing a conviction against a Maori fisherman, Tom Te Weehi, caught with under-sized paua in January 1984. Williamson noted that the point at issue was section 88(2) of the Fisheries Act 1983 which stated that 'Nothing in this Act shall affect any Maori fishing rights.' In reaching his decision he reviewed both fisheries legislation and other Acts that had referred to Maori fishing rights as well as the history of legal cases involving such rights. Drawing comparisons with the latter, he observed that the case before him was not based on ownership of land, or on an exclusive right to a foreshore or river bank; the claim was a 'non-territorial' one, and the right limited to the Ngai Tahu tribe and its authorised relatives for personal food.<sup>83</sup> The decision, nevertheless, was seen by disconcerted fishing industry officials as a 'landmark ... judgment [which] may put Maori fishermen outside fishing controls and make industry management pointless'.<sup>84</sup>

The issue of fishery management and treaty rights re-emerged in a claim before the Waitangi Tribunal early in 1987. The claim, brought on behalf of the five tribes of the Far North of the North Island, covers customary fishing rights in the area from Whangape Harbour on the West Coast up the Aupouri Peninsula (including Ninety Mile Beach) and down the east coast as far as the Mangonui River. The claimants maintain that they are entitled to recognition, enforcement and relief of their customary rights under the treaty. Since the claim also includes traditional fishing grounds within twenty-five miles of the mainland coast, regulation of commercial fishing is a major point at issue, involving several government departments. Like a claim brought by the northern Ngati Kahu and heard by the Tribunal a few months earlier, the Muriwhenua claim (as it is called) has brought the Tribunal into the public spotlight. More significantly, it has called government departments and local bodies to account for their actions.<sup>85</sup>

With the passage of the State Owned Enterprises Act in December 1986, the possibility of conflict between government departments and Maori interests was heightened. The Act's object was to create in the place of a number of government departments a group of state-owned commercial enterprises on 1 April 1987. This required the transfer of certain Crown assets to the enterprises, including extensive land holdings. The Act took Maori interests into account to the extent of making provision for lands that were the subject of a claim before the Waitangi Tribunal.



meaning of these words: they are taken and consented to altogether by us. Therefore are affixed our names and our marks.

This is done at Waitangi, on the sixth day of February, in the year one thousand eight hundred and forty, of our Lord.

†He kaiwhakarite. ‡Kawanatanga. §Whakaminenga.

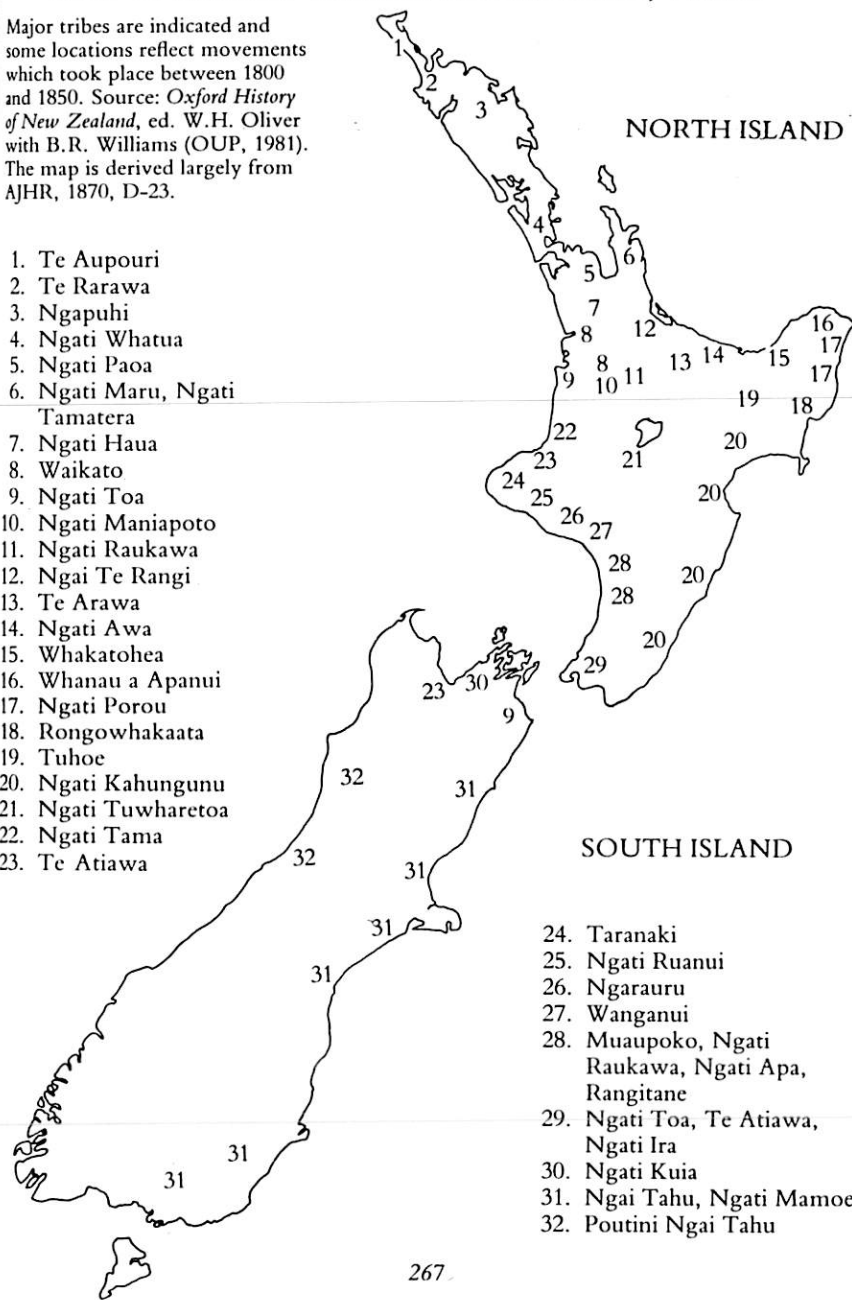
||Tino Rangatiratanga.

MAP 2: MAORI TRIBAL LOCATIONS, c. 1870

Major tribes are indicated and some locations reflect movements which took place between 1800 and 1850. Source: *Oxford History of New Zealand*, ed. W.H. Oliver with B.R. Williams (OUP, 1981). The map is derived largely from AJHR, 1870, D-23.

1. Te Aupouri
2. Te Rarawa
3. Ngapuhi
4. Ngati Whatua
5. Ngati Paoa
6. Ngati Maru, Ngati Tamatera
7. Ngati Haua
8. Waikato
9. Ngati Toa
10. Ngati Maniapoto
11. Ngati Raukawa
12. Ngai Te Rangi
13. Te Arawa
14. Ngati Awa
15. Whakatohea
16. Whanau a Apanui
17. Ngati Porou
18. Rongowhakaata
19. Tuhoe
20. Ngati Kahungunu
21. Ngati Tuwharetoa
22. Ngati Tama
23. Te Atiawa

24. Taranaki
25. Ngati Ruanui
26. Ngarauru
27. Wanganui
28. Muaupoko, Ngati Raukawa, Ngati Apa, Rangitane
29. Ngati Toa, Te Atiawa, Ngati Ira
30. Ngati Kuia
31. Ngai Tahu, Ngati Mamoe
32. Poutini Ngai Tahu



## GLOSSARY

Note: Because the Maori plural does not have 's', it has not been used where Maori plurals occur.

In the nineteenth century 'wh' was often written as 'w'. Where this occurs, the 'w' has not been altered.

ariki	senior or paramount chief
haeremai	welcome
haka	fierce dance accompanied by a chant
hapu	sub-tribe
hongiri	to greet by pressing noses together
hui	meeting or gathering
kaiwhakahaere	organiser or facilitator
kainga	settlement
kainga tautohe	disputed land plots
kaituki	the person keeping the time for the canoe paddlers – the stroke
kaiwhakarite	intermediary
kaumatua	elder
kawanatanga	government, or governance
kotahitanga	unity of purpose
makutu	witchcraft
mana	authority or prestige
mere	club
marae	village meeting-place or surrounds
moko	tattoo
pa	fortified village, or more recently any village
Pakeha	European
powhiri	to welcome or beckon someone to come in
rahui	a mark to warn against trespass, a prohibition
rangatira	chief
runanga	meeting or council, assembly
rangatiratanga	chieftainship
taiaha	long club
taonga	highly prized possessions
tangi	weeping, lamenting for the dead
tinihanga	tricky nonsense
tohunga	an expert, especially in spiritual matters
tupuna	ancestor
utu	revenge, recompense, reciprocity
wahi tapu	sacred spot
whare	house or building
whenua	land

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56. Adams, *Fatal Necessity*, pp.124-5, 136ff., discusses the various groups and their negotiations with government.
57. Stephen to Labouchere, 15 March 1839, CO 209/4, 326-31; Adams, *Fatal Necessity*, pp.147ff.
58. Stephen minute to Labouchere, 18 May 1839, CO 209/4, 243-4; Draft instructions, n.d. [May?] 1839, CO 209/4, pp.221ff. Adams, *Fatal Necessity*, pp.148-9, believes that these were drawn up in May but there is no positive evidence to confirm this. Since they do not favour colonisation, they could have been a version drawn up when Glenelg was still in office. Either Adams's date is incorrect or Normanby was still wavering on the matter.
59. Draft instructions, n.d. [May?] 1839, CO 209/4, pp.221ff.
60. Adams, *Fatal Necessity*, p.155.
61. Normanby to Hobson, 14, 15 August 1839, CO 209/4, 251-82, 157-63.
62. E.g. Bourke to Glenelg, 9 September 1837, GBPP, 1840 [238].

#### CHAPTER 3: THE TREATY AT WAITANGI

1. M.F. Lindley, *The Acquisition and Government of Backward Territory in International Law*, London, 1926, especially Chs.18, 19; see also John Ward, *British Policy in the South Pacific (1786-1893)*, Sydney, 1948, p.31, fn.11.
2. E.g. Coates's evidence before the 1838 House of Lords Committee, GBPP, 1837-38 (680), p.243.
3. The term Pakeha is commonly used for a non-Maori New Zealander of whatever origin including those of mixed Maori-European ancestry who do not consider themselves Maori.
4. Guy Scholefield, *Captain William Hobson*, London, 1934, pp.80-81; Gipps to Russell, 9 February 1840, GBPP, 1840 (560), p.4.
5. Edward Sweetman, *The Unsigned New Zealand Treaty*, Melbourne, 1939, Ch.2; W. Williams to Colonial Secretary, 8 May 1840, GBPP, 1841 (311), p.101; Alexander Busby evidence, GBPP, 1840 (582), pp.129ff.; *Extracts ... Aborigines Protection Society*, II, January 1841, pp.17-18, letter from New Zealand (anon.) 19 December 1839; see also J.R. Lee, 'Historical Maps of the Bay of Islands', t.s., 1972, AUL.
6. John Miller, *Early Victorian New Zealand*, London, 1958, Ch.2.
7. Sweetman, *Unsigned New Zealand Treaty*, pp.55-59.
8. Gipps to Hobson, 15 January 1840, encl. in Gipps to Russell, 9 February 1840, CO 209/6, 24-27. Hobson to Gipps, 4 February 1840,

- with Hobson's proclamations, encl. in Gipps to Russell, 19 February 1840, GBPP, 1840 (560), pp.6-9.
9. GBPP, 1840 [238], nos.16,17,18, cover Normanby's instructions, Hobson's queries and his supplementary instructions in reply.
10. Sweetman, *Unsigned New Zealand Treaty*, pp.59-60; and see below, p.95.
11. GBPP, 1840 (582), paras.256-75.
12. Scholefield, *Hobson*, pp.82-83; cf. T. Lindsay Buick, *The Treaty of Waitangi*, 3rd ed., New Plymouth, 1936, pp.703-5.
13. James Busby, 'Occupation of New Zealand, 1833-43', p.84, Busby Letters and Papers, MS 46, AML; Buller Journal, 3 February 1840, q MS [1838-44], ATL; Hobbs Diary, 25 January 1840, MS 144, AML.
14. Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol.2, p.11; Taylor Journal, 30 January 1840, MS 302, AML.
15. Taylor Journal, 30 January 1840, MS 302, AML; Mathew Journal, 30 January, 1, 3 February 1840, NZ MS, APL; Scholefield, *Hobson*, pp.81-82, 101, 104-7.
16. Colenso Journal, 29 January 1840, Hawke's Bay Museum. Busby boarded the *Herald* as it anchored off Kororareka about 11 a.m. 29 January.
17. Hobson to [Baker?], 29 January 1840, Hobson Letters, MS 802, AML; Buick, *Treaty*, p.100.
18. Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, Wellington, 1890 (Capper reprint, 1971), p.11; W. Colenso, 'Day and Waste Book', MS 76, AML; Busby to Colenso, 29 January 1840, encl. draft invitation, Colenso Papers, MS Col. 1833-63, IV, pp.57,58, ATL, and cf., Waka Nene's invitation in facsimile, Buick, *Treaty*, facing p.112.
19. For Hobson's queries to the Undersecretary, Colonial Office, and Normanby's reply, see GBPP, 1840 [238], nos.17, 18.
20. Second set of draft treaty notes [by Freeman?] in *Facsimiles of the Declaration of Independence and the Treaty of Waitangi*, Wellington, 1877 (reprint Government Printer, 1976); R.M. Ross, 'Te Tiriti o Waitangi, texts and translations', *NZJH*, VI, 2 (1972), pp.132-3 and fn.24; Hobson to Gipps, 5 February 1840, GBPP, 1841 (311), p.8; Busby to Colenso, 'Friday morning' [31 January?], Colenso Papers, MS Col. 1833-63, IV, p.59, ATL; J.B.F. Pompallier, *Early History of the Catholic Church in Oceania*, Auckland, 1888, p.62.
21. James Busby, *Remarks upon a Pamphlet entitled 'The Taranaki Question, by Sir William Martin'*, Auckland, 1860, pp.3-4; Busby, 'Occupation of New Zealand 1833-43', p.87, Busby Letters and Papers, MS 46, AML.
22. See Ross, 'Te Tiriti o Waitangi', pp.132-3 and fn.24, where she identifies the writers. In all discussions of the treaty and its various copies, reference has been made to the Facsimile edition. The original treaty sheets are held by National Archives.
23. Another copy of the draft, evidently a first effort but identical in wording, has survived in

- Busby Letters and Papers, MS 46, f.6, AML. It has an annotation on it, 'Draft of the Articles of a Treaty with the Native chiefs submitted to Capt. Hobson, 3 Feb'y. 1840'.
24. Busby, *Remarks upon a Pamphlet*, pp.3-4; Busby, 'Occupation of New Zealand, 1833-43', p.87, Busby Letters and Papers, MS 46, AML.
25. Cf., Ross, 'Te Tiriti o Waitangi', p.132.
26. Draft instructions, [May?] 1839, CO 209/4, 238; cf. Draft instructions, August 1839 at pp.260-1, where these comments are deleted with a marginal note by W.L. [Labouchere?].
27. Busby to NSW, 31 October 1835; Busby Dispatches, q MS 1833-39, ATL; see also Robert FitzRoy et al., *Narrative of the Surveying Voyages of His Majesty's Ships Adventure and Beagle*, London, 1839, vol.2, p.585.
28. See Appendix 3.
29. Normanby to Hobson, 14 August 1839, GBPP, 1840 [238].
30. J.M.R. Owens, 'Missionaries and the Treaty of Waitangi', *Wesley Historical Society Journal*, (NZ), 1986, pp.17-40; Carleton, *Henry Williams*, vol.2, pp.7-8.
31. Buick, *Treaty*, pp.98-100; Colenso Journal, 29 January 1840, Hawke's Bay Museum; Mathew Journal, 30 January 1840, NZ MS, APL; Taylor Journal, 29, 30 January, 3 February 1840, GNZ MS, APL; Buller Journal, 3 February 1840, q MS [1838-44], ATL; J. Buller, *Forty Years in New Zealand*, London, 1878, p.78; Hobson to Baker, 29 January 1840, in Buick, *Treaty*, p.100. Fedarb Diary, 2 February 1840, NZ MS 375, APL, notes that Henry Williams preached at Paikia the Sunday preceding the treaty signing - a text suitable to the times: John 1:5: 'And the light shineth in darkness; and the darkness comprehended it not.'
32. See Ross, 'Te Tiriti o Waitangi', p.133 and fn.27.
33. Carleton, *Henry Williams*, vol.2, p.12 and note.
34. *Ibid.*, pp.viii-xiv. Colenso Journal has no entry for 4 February 1840, and he does not mention giving assistance in his history of the signing.
35. Cf. Carleton, *Henry Williams*, vol.2, p.12.
36. For the sake of clarity, the text is given as it was at the time. It was usual to render the 'whi', as in whenua, as 'w'.
37. Ross, 'Te Tiriti o Waitangi', pp.133, 142 and fn.27.
38. Ross, 'Te Tiriti o Waitangi', p.137 and fn.48; Charles Terry, *New Zealand: Its Advantages and Prospects as a British Colony*, London, 1842, p.181; William Yate, *An Account of New Zealand*, 2nd ed., London, 1835, pp.228-31.
39. Early publications were checked. With few exceptions the translations available before 1840 were made by the CMS and WMS missionaries.
40. E.g. Ross, 'Te Tiriti o Waitangi', p.141.
41. John Hobbs to the editor, *Southern Cross*, 5 June 1860. It was Hobbs's emphasis. Carleton, *Henry Williams*, vol.1, p.244, noted

- that the meaning of mana had altered over the years. The change in meaning or use, especially with regard to the land, has been noted also by A.R. Parsonson, 'He Whenua Te Utu (The Payment will be land)', PhD thesis, Canterbury (1978), p.70 and fn.23.
42. Normanby to Hobson, 14 August 1839, and supplementary instructions, 15 August 1839, CO 209/4, 251-81; *Southern Cross*, 25 June 1858; and see Ross, 'Te Tiriti o Waitangi', p.144, for a discussion of pre-emption; also Busby, 'Occupation of New Zealand, 1833-43', p.97, Busby Letters and Papers, MS 46, AML.
43. Apart from particular references that are noted, the account of the Waitangi proceedings that follows has drawn upon the records of several participants or onlookers: Colenso, *History*; Mathew Journal, 5, 6 February 1840, NZ MS, APL; Taylor Journal, 5, 6 February 1840, GNZ MS, APL; John Bright, *Handbook for Emigrants and others*, London, 1841, pp.136-42; Hobson to Gipps, 5, 6 February 1840, GBPP 1841 (311), pp.8-9; Carleton, *Henry Williams*, vol.2, pp.11-15. Colenso's account was checked by Busby seven weeks after the events of early February and several small notes added. The original manuscript has been checked against Colenso's *History*: W. Colenso, 'Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand 1840', MS Papers 1611, ATL.
44. Fedarb Diary, entries for February 1840, NZ MS 375, APL.
45. Colenso, *History*, pp.12-13.
46. Carleton, *Henry Williams*, vol.2, p.12.
47. Busby to Hobson, 19 February 1840, transmitting the original Declaration, IA, 40/42, NA.
48. Mathew Journal, 29 January 1840, NZ MS, APL.
49. Colenso, *History*, pp.15-16.
50. Mathew Journal, 5 February 1840, NZ MS, APL.
51. The account in Colenso's *History*, pp.16-17, is taken almost verbatim from pencil notes made during the meeting: 'Notebook', in Colenso Papers, X, Hawke's Bay Museum.
52. Carleton, *Henry Williams*, vol.2, p.12; Hobson to Gipps, 5 February 1840, GBPP, 1841 (311), p.8.
53. Colenso, *History*, pp.17, 19; see below, p.97.
54. Colenso, *History*, p.19. There is no evidence to support Moka's allegation.
55. *The Founding of New Zealand: The Journals of Felton Mathew and his wife, 1840-1847*, ed. J. Rutherford, Auckland, 1940, entry of 30 January 1840; for the Memorial, see encl.2 in Hobson to Gipps, 3 February 1840, GBPP, 1840 (560), pp.6-9.
56. Colenso, *History*, p.24, notes that Hakiro was Tareha's son, but that he spoke for Titore who had died in 1837. Hobson to Gipps, 5 February 1840, GBPP, 1841 (311), p.8, refers to 'Revewah' [Rewa?], 'Jakahra' [Hakiro?] and 'Kitigi' [Kaitieke?] a name by which Te Kemara was also known.
57. Busby held the greater part of the Waita-

- ngi peninsula from Te Kemara and other chiefs; Williams lived on the Church Mission land at Pahiia originally known as Waitangi; the claim extended along towards the southern point of the Waitangi River mouth; Davis and Clarke had bought at Waimate where Rewa had held land; and Baker had land holdings on the Waikare River.
58. Colenso, *History*, p.20, note and p.23; see also Orton Journal, February 1840, Micro MS 90, ATL.
59. Colenso, *History*, p.18, note. The following section is drawn from Colenso.
60. *Ibid.*, pp.18-19.
61. *Ibid.*, pp.23-25.
62. Colenso, *History*, p.26; cf. Buick, *Treaty*, p.140, note, for a discussion on Heke and the conflicting accounts of his role at the treaty meetings. Colenso's account has been accepted for this information.
63. Bright, *Handbook for Emigrants*, p.141; Hobson to Gipps, 5 February 1840, GBPP, 1841 (311), p.8.
64. Mathew Journal, 5 February 1840, NZ MS, APL, notes that, on 4 February, Hobson had agreed to rent Busby's home for £200 per annum. Hobson did not follow the agreement up, but purchased Clendon's property at Okiato on the Kororarakea side of the bay.
65. Carleton, *Henry Williams*, vol.2, p.14.
66. Colenso, *History*, p.30.
67. See above, pp.43-44; cf. Ross, 'Te Tiriti o Waitangi', p.133. In discussing this point, she suggests that the treaty considered at the meeting of 5 February differed from the treaty signed on 6 February. As evidence, she cites Carleton, Williams's son-in-law, who gave this explanation in NZPDI 1864-66, p.292: 'An alteration was made while the draft was under consideration, and Mr. Taylor volunteered to write out the whole afresh.' Colenso confirmed this. But apart from the correction made at Busby's house on the morning of 5 February, there is no evidence to support Ross's line of argument that there may have been another alteration.
68. Taylor Journal, 5 February 1840, GNZ MS, APL; Ross, 'Te Tiriti o Waitangi', p.133, fn.28.
69. Colenso Journal, 6 February 1840, Hawke's Bay Museum.
70. *Loc.cit.*; Colenso, *History*, p.30; Ramsden, *Busby of Waitangi*, Wellington, 1942, pp.143ff., 166. In his Journal, Colenso noted that 'the great body of the Natives had dispersed', but his *History* makes reference to 'several' only, possibly the chiefs Waikato and Wharepoaka who had been involved in a land dispute at Whananaki some months before; and Kawiti who took exception to the distribution of tobacco in which he had missed out. None of these appears to have signed on 6 February. If they absented themselves, their followers also would have been absent - a possible explanation for the apparent discrepancy in Colenso's accounts. For Kawiti's attitude to the treaty, see *The Journal of Ensign Best 1837-1842*, ed. Nancy Taylor, Wellington, 1966, p.221.
71. Colenso's Journal and *History*, together with Taylor's account, all concur in this.
72. Buick, *Treaty*, p.116, mentions 1,500 Maoris but gives no reference.
73. Mathew is the only observer who recorded this.
74. Cf. Colenso, *History*, pp.31-32, and the Williams account in Carleton, *Henry Williams*, vol.2, pp.14-15; also J.B.F. Pompallier, *Early History of the Catholic Church in Oceania*, Auckland, 1888, pp.62-63.
75. Colenso translated 'te ritenga Maori' as 'the Maori custom, or usage'. Williams's account spoke of 'Maori practices', but the contemporary attitude was probably best captured by Busby's 'heathen practices'.
76. Colenso, *History* pp.32-34; Mathew Journal, 6 February 1840, NZ MS, APL.
77. For this and subsequent sections see Colenso Journal, 6 February 1840, Hawke's Bay Museum; and Colenso, *History*, pp.32-33.
78. Colenso Journal, 6 February 1840, Hawke's Bay Museum. The correct rendering would have been: Sic transit gloria Novae Zealandiae.
79. Colenso, *History*, p.35.
80. A comparison of the 1835 Confederation document and the Waitangi treaty sheet indicates that a substantial number of signatories were from the Confederation as Hobson claimed. In this first treaty signing and in all subsequent ones, Maori agreement was given either by a signature, a moko or a mark, but various expressions have been used here to indicate Maori assent.
81. Hobson to Bunbury, 25 April 1840, GBPP, 1841 (311), p.17.
82. Hobson to Gipps, 6 February 1840, GBPP, 1841 (311), p.9.
83. Mathew Journal, 6 February 1840, NZ MS, APL.
84. *Missionary Register*, London, November 1840, p.509, cites a letter from Williams dated 13 February 1840.
85. Mathew Journal, 3, 4, 8 February 1840, NZ MS, APL.
86. Colenso, *History*, pp.34-35.
87. While Colenso records these words as 'He iwi tahi tatou', they are often said to be 'He iwi kotahi tatou'.
88. Colenso, *History*, p.34; Mathew Journal, 6 February 1840, NZ MS, APL.
89. Hobson to Gipps, 17 February 1840, GBPP, 1841 (311), p.10.
90. W. Colenso, 'Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand 1840', MS Papers 1611, f.1, ATL; Colenso, *History*, p.34.
91. Busby, 'Occupation of New Zealand, 1833-44', p.91, Busby Letters and Papers, MS 46, AML.
92. Pompallier, *Early History of the Catholic Church*, p.62; Pompallier to Colin, 14 May 1840, Micro MS 669, r.3, ATL; Philip Turner, 'The Politics of Neutrality: The Catholic Mission and the Maori, 1838-1870', MA thesis, Auckland (1986), Ch.4.
93. E.g. R.G. Jameson, *New Zealand, South*

- Australia and New South Wales: A Record of Recent Travels in these Colonies*, London, 1841, pp.196-7.
94. Before 1840, Maori were becoming increasingly aware of the importance of documentation. They were cautious of signing land sales deeds, for example, because they were aware of the importance attached to them by Europeans. Certificates were sometimes sought by Maori as guarantees for their trustworthiness or to validate purchases of various items.
95. Carleton, *Henry Williams*, vol.2, pp.xliii-xliv; Peter Adams, *Fatal Necessity*, Auckland, 1977, pp.33-35; Hobbs Diary, 7, 16 January 1840, MS 144, AML.
96. E.g. Carleton, *Henry Williams*, vol.1, pp.232-5 for various Anglican opinion, and Ironside Diary, 10 February 1840, Micro, MS 474, ATL; also Davis to Coleman, 13 February 1840, in J. Noble Coleman, *A Memoir of the Rev. Richard Davis*, London, 1865, pp.250-51; Hobbs Diary, 28 March 1840, MS 144, AML. For a good evaluation of the land sale situation in early 1840: Hobson to Normanby, 20 February 1840, CO 209/7, 27-33.
- CHAPTER 4: EXTENDING THE TREATY
1. Normanby to Hobson, 14 August 1839, GBPP, 1840 [238].
2. Hobson to Bunbury, 25 April 1840, GBPP, 1841 (311), pp.17-18.
3. Discussions on the draft instructions, 24 January 1840, CO 209/4, 208ff.
4. Mathew Journal, (various entries), NZ MS, APL, and Taylor Journal, 9-10 February 1840, MS 302, AML.
5. Davis to Coleman, 8 February 1840, in J. Noble Coleman, *A Memoir of the Rev. Richard Davis*, London, 1865, pp.247ff; see map, p.62, and cf. T. Lindsay Buick, *The Treaty of Waitangi*, 3rd ed., New Plymouth, 1936, p.259.
6. Hobbs Diaries, 28 March 1840, MS 144, AML; Hobson to Gipps, 17 February 1840, GBPP, 1841 (311), p.11; Ironside Diary, 27 October 1839, Micro MS 474, ATL; Orton Journal, February 1840 entry, Micro MS 90, ATL.
7. Hobbs to Martin, 22 October 1847, in William Martin, *England and the New Zealanders*, Auckland, 1847, pp.73-74.
8. Speeches at the Hokianga meeting, encl. 2 in Shortland to Stanley, 18 January 1845, GBPP, 1845 (108), pp.10-11; Taylor Journal, vol.2, pp.361-66, MS 302, AML. Apart from the treaty sheet and the odd mention of chiefs' names in Hobson's report, these two sets of notes are the only sources which indicate the speakers at the meeting. Since the speeches lasted many hours, Shortland and Taylor evidently recorded only the most significant speeches.
9. Taonui cited the amount allowed for this; see encl. 2 in Shortland to Stanley, 18 January 1845, GBPP, 1845 (108), pp.10-11.
10. Hobbs to Martin, 22 October 1847, in Martin, *England and the New Zealanders*, pp.73-74.
11. Taylor Journal, 12 February 1840, MS 302, AML.
12. Hobson to Gipps, 17 February 1840, GBPP, 1841 (311), pp.10-12; Hobbs to Martin, 22 October 1847, in Martin, *England and the New Zealanders*, pp.73-74; Letter to J. Bumby, 29 May 1840, Hobson letters, MS Papers 813, ATL.
13. Hobson to Gipps, 17 February 1840, GBPP, 1841 (311), pp.10-12, talks of fifty-six Hokianga signatures but on the treaty sheet the number witnessed is forty-three.
14. The Journals of Taylor and Mathew, and Hobson's official report describe the events.
15. *The Founding of New Zealand: The Journals of Felton Mathew and his wife, 1840-47*, ed. J. Rutherford, Auckland, 1940, p.53; Taylor Journal, 14 February 1840, MS 302, AML. The chiefs and tribes involved were not identified.
16. Hobson to Gipps, 17 February 1840, GBPP, 1841 (311), pp.10-12.
17. *Journals of Felton Mathew*, p.55; Taylor Journal, entries 14-17 February 1840, MS 302, AML.
18. Herbert W. Williams, *A Bibliography of Printed Maori to 1900 and Supplement*, Wellington, 1975 (reprint), listed as no.52, whereas it is probably 52a; see R.M. Ross, 'Te Tiriti o Waitangi, texts and translations', *NZJH*, VI, 2 (1972), pp.129-57; W. Colenso, 'Day and Waste Book', 17 February 1840, MS 76, AML; Colenso Journal, 17 February 1840, Hawke's Bay Museum. W. Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, Wellington, 1890, p.35, records that on 8 February he was 'busy in the printing office with ... two treaties', but there is no record of their printing.
19. Pomare's name appears above that of Hone Heke but J.R. Clendon, the witness, dated it 17 February 1840.
20. Charles Wilkes, *Narrative of the United States Exploring Expedition During the Years 1838-1842*, vol.2, pp.375-6.
21. Mathew Journal entries from 21 February to 4 March 1840, NZ MS, APL.
22. No indication was given of the exact site of this, but a memorial has been erected at Karaka Bay where a second Waitemata signing was held in July. The chiefs supposed to have signed there on 4 March are listed on the memorial. See map, p.62.
23. H.J. Ryburn, *Te Hemara, James Hamlin, 1803-1865: Friend of Maoris*, Dunedin, 1979, p.61.
24. S.P. Smith, *Maori Wars of the Nineteenth Century ... prior to the colonization of New Zealand in 1840*, 2nd ed., Christchurch, 1910, p.478.
25. Lane to Gipps, 28 March 1840, and Hobson to Secretary of State for Colonies, 25 May 1840, GBPP, 1841 (311), pp.14-15.
26. Symonds to Colonial Secretary, 12 May 1840, GBPP, 1841 (311), pp.101-2.
27. Mathew Journal, 4 March 1840, NZ MS, APL.
28. Symonds does not say where the meetings were held [Awहितu?].

29. Brown Journal, 1 April 1840, AUL; Hobson to H. Williams, 23 March 1840 and note, 23 May 1840, and W. Williams to Shortland, 8 May 1840; GBPP, 1841 (311), pp.17, 101.
30. Symonds to Colonial Secretary, 12 May 1840, GBPP, 1841 (311), p.101; Ryburn, *Te Hemara: James Hamlin*, pp.45ff.
31. H. Wily and H. Maunsell, *Robert Maunsell, L.L.D. A New Zealand Pioneer: His Life and Times*, Dunedin, 1938, p.69, where reference is made to Maunsell's visit to Awhitu in 1840, accompanied by Tipene Tahiata, to obtain Te Wherowhero's signature.
32. FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), pp.13-14.
33. Symonds to Colonial Secretary, 12 May 1840, GBPP, 1841 (311), pp.101-2.
34. Symonds to Whiteley, 8 April 1840, GBPP, 1841 (311), p.102.
35. Brown Journal, 10 April 1840, AUL.
36. Hobson to H. Williams, 23 March 1840, GBPP, 1841 (311), p.17.
37. *The Turanga Journals 1840-1850: Letters and Journals of William and Jane Williams*, ed. Frances Porter, Wellington, 1974, 5 May 1840, and entries from 17 February to March 1840; W. Williams to Shortland, 8 May 1840, GBPP, 1841 (311), p.101.
38. *Turanga Journals*, pp.85-86, 24 February 1840.
39. *Ibid.*, 12, 20 February 1840. Details of the purchases are given at pp.149-50. W. Williams to Shortland, 8 May 1840, GBPP, 1841 (311), p.101.
40. G. Clarke, [Inr.], *Notes on early life in New Zealand*, Hobart 1903, pp.28-33; *Turanga Journals*, 16 May 1840.
41. Jane Williams, 13, 15 April 1840, *Turanga Journals*; H. Williams to Hobson, 11 June 1840, GBPP, 1841 (311), p.105.
42. Hobson to Bunbury, 25 April 1840, GBPP, 1841 (311), p.18; H. Williams to Hobson, 15 May 1840, Official Correspondence relating to the . . . Treaty, q MS 1840, ATL.
43. Hadfield to 'My dear George' [?], 6 July 1840, Hadfield Papers, q MS 1833-1902, ATL.
44. Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol.1, pp.233, 239-40; *The Early Journals of Henry Williams, 1826-40*, ed. L.M. Rogers, Christchurch, 1961, pp.465-6, 16 December 1839; H. Williams to Hobson, 11 June 1840, GBPP, 1841 (311), p.105.
45. Gipps to Russell, 5 April 1840, GBPP, 1841 (311), p.4.
46. Hobson to Bunbury, 25 April 1840, GBPP, 1841 (311), pp.17-18, outlined Hobson's instructions.
47. For this and the following meetings, see Bunbury to Hobson, 6, 15 May, 28 June 1840, GBPP, 1841 (311), pp.100, 103-12; T. Bunbury, *Reminiscences of a Veteran*, London, 1861, vol.3; E.M. Williams, *Journal of a Voyage in H.M.S. Herald*, entries for April to July 1840, MS 1840, ATL. The *Herald* anchored at Coronandel, 29-30 April.
48. Stewart to Bunbury, 3 May 1840, Official Correspondence . . . Treaty, q MS 1840, ATL; Williams Journal of a Voyage, 7, 9 May 1840, MS 1840, ATL.
49. Hobson to Bunbury, 25 April 1840, and Bunbury to Hobson, 15 May 1840, GBPP, 1841 (311), pp.17-18, 103-4. Bunbury went inshore on the *Trent* and had to return to Mercury Bay to the *Herald*, before continuing southwards.
50. J.B.F. Pompallier, *Early History of the Catholic Church in Oceania*, Auckland, 1888, p.62.
51. Bunbury to Hobson, 15 May 1840, GBPP, 1841 (311), p.104.
52. Williams Journal of a Voyage, 19-20 May 1840, MS 1840, ATL; Morgan Journal, AUL, entries for February-April 1840; J.C. Bidwill, *Rambles in New Zealand*, London, 1841, [Capper reprint 1974], p.40.
53. Stack to Shortland, 23 May 1840, GBPP, 1841 (311), p.104; Brown Journal, 9 May 1840, AUL; Colenso to Hobson, 27 June 1840, Official Correspondence . . . Treaty, q MS 1840, ATL; Fedarb Diary, NZ MS 375, APL.
54. 'How Te Heuheu rejected the treaty', Best Papers, MS papers 72, f.73, ATL, (dictated on 26 May 1913 for Buick's publication, *The Treaty of Waitangi*). The information that follows relies on this account. An alternative account appears in J. Grace, *Tuwharetoa: The History of the Maori People of the Taupo district*, Wellington, 1959, pp.238, 437, but the facts given are contradictory. The Chapman and Morgan Journals and Diaries do not mention any meeting, but the entries in this period are not comprehensive in either instance.
55. *The New Zealand Journal, 1842-1844*, of J.B. Williams, ed. R.W. Kenny, Salem, [Mass.], 1956, pp.42-44. See also Pompallier, *Early History of the Catholic Church*, pp.66-67.
56. Colenso to Hobson, 27 June 1840, Official correspondence . . . Treaty', q MS 1840, ATL.
57. Freeman to Colenso, 1 July 1840, Colenso Papers, MS Col. 1833-63, IV, p.83, ATL.
58. Shortland to Brown, 7 May 1840, enclosing 'copies' of the treaty, 1A, 4/1, no.35, NA.
59. Tupaea had been offered the treaty on 10 April, 12 May, and Buick, *Treaty of Waitangi*, p.229, makes reference to a further occasion at Manukau.
60. Bunbury to Hobson, 5 May 1840, GBPP, 1841 (311), p.100; Normanby to Hobson, 15 August 1839, GBPP, 1840 [238], pp.44-45; Hobson to Bunbury, 25 April 1840, GBPP, 1841 (311), pp.17-18.
61. Clarke, *Notes on early life*, pp.63-64.
62. Bunbury to Nias, 12 May 1840, Official correspondence . . . Treaty, q MS 1840, ATL. The Edward Williams diary entries date the *Herald's* movements.
63. Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), p.106. See also E. Shortland, *The Southern Districts of New Zealand*, London, 1851, pp.252-3, 256, 303.

64. Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), p.100; Williams Diary of a Voyage, MS 1840, ATL, entries from 30 May to 9 June 1840; cf. B. Howard, *Rakiura: A History of Stewart Island*, Wellington, 1940, p.106, and Edward's entry for 3 June 1840.
65. The site of the proclamation is unsure. See Howard, *Rakiura* pp.106-12; Buick, *Treaty of Waitangi*, p.233.
66. Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), p.107; Williams Diary of a Voyage, 9-11 June 1840, MS 1840, ATL.
67. Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), p.108.
68. This section and the following is drawn from E. M. Williams Diary and Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), pp.108-9.
69. Proclamations enclosed in Bunbury to Hobson, 28 June 1840, Bunbury to Parker, 4 July 1840, GBPP, 1841 (311), pp.112-3.
70. E.g. Harris to Busby, 21 January 1838, and Busby to Hapuku, 30 January 1838, British Resident Papers, 1/2 nos.101, 103, NA, and also Clayton to Busby, 8 October 1838.
71. Williams Diary of a Voyage, MS 1840, ATL; cf. Buick, *Treaty of Waitangi* p.262, who gives 23 June.
72. The circumstances of this signing have been collated from the several sources following: Taylor Journal, MS 302, AML; Johnson Journal, 23-28 April 1840, NZ MS 27, APL; Puckey Letters and Journals, AUL, various entries; Hobson to Gipps, 5 May 1840, and Shortland to Hobson, 4 May 1840, encl. Nopera's speech, GBPP, 1841 (311), pp.57-59; Shortland to Stanley, 18 January 1845, encl. the speeches of Kaitaia chiefs, GBPP, 1845 (108), pp.5-10.
73. Puckey Journal, 7 April 1837, 21 September 1839 and 12 June 1840, has comments on Nopera. The chief had a 'neat little weatherboard cottage' furnished in English style. The official party supped there at Nopera's invitation on the night of the Kaitaia signing; Johnson Journal, 28 April 1840, NZ MS 27, APL.
74. George Clarke [Sen.], *Remarks upon a pamphlet . . . by James Busby*, Auckland, 1861 (reprint 1923), p.9; Johnson Journal, 27, 28 April 1840, NZ MS 27, APL. Nopera's words, well known in New Zealand from the 1840s and often cited, were given by Johnson verbatim from the translation rendered by Puckey. No source has been found for Nopera's words in Maori, as spoken by Nopera. For the word 'shadow', writers have suggested wairua, atarangi and atakau.
75. Johnson Journal, 28 April 1840, NZ MS 27, APL; Taylor Journal, 28 May 1840, MS 302, AML.
76. *The Journal of Ensign Best, 1837-1842*, ed. Nancy Taylor, Wellington, 1966, pp.219-222, records this and the subsequent meeting. Since Bunbury was at the first meeting it must have been held between the time of his arrival in New Zealand on 16 April and his departure
- of 28-29 April on his treaty trip to the south.
77. Shortland to Tirarau, n.d. 1840, (Maori), MS Papers 2493, ATL; Buller Journal, 9 April 1840, q MS [1838-44], ATL, records the receipt of letters from Shortland to Tirarau, Parore and Mate, whom Buller was to persuade to go to the Bay. Colenso Papers, MS Col. 1833-63, IV, p.106, ATL, gives a copy of Tirarau's letter undated.
78. D. Rough, 'Early Days of Auckland', articles from the *NZ Herald*, 11-25 January 1896, AML.
79. The flag is held by the National Museum, Wellington. One of Hobson's proclamations of sovereignty dated the Waitangi signing as 5 February; in the other, which proclaimed sovereignty over all New Zealand, the latitudinal limits were erroneously defined as from 34°30' north to 47°10' south. Hobson to Secretary of State for Colonies, 25 May 1840, GBPP, 1841 (311), p.15.
80. *Ibid.*, p.18.
81. Hobson to Gipps, 5-6 February 1840, CO 209/6, 46-54, which includes the English copy; and Hobson to Gipps, 16 February 1840, CO 209/7, 13-14, which includes the copy certified by H.W. Williams; cf. Hobson to Russell, 15 October 1840, CO 209/7, 178, where the two copies were enclosed; and the printed copies in GBPP, 1841 (311), pp.98-99. See also Ross, 'Te Tiriti o Waitangi', p.134, which notes the copies sent to Hobson's superiors as well as the various duplicates held in New Zealand. In one instance, a copy is said to have been included in Hobson to Russell, 25 May 1840, but this seems to be an error made by Ross when interpreting the text of an enclosure in the dispatch. Ross also notes the minor differences in the English texts which are of no great importance except for one text that omits forests and fisheries.
82. Russell to Hobson, 10 November 1840, CO 209/7, 53-54. The reports of individual treaty negotiators were enclosed in Hobson to Russell, 15 October 1840, and printed in GBPP, 1841 (311); cf. CO 209/7, 102ff, for marginal comments about how much should be published. This dispatch enclosed the Maori and English text of the treaty with copies of chiefs' moko and signatures. The names were removed.
83. Shortland to Hobson, 6 May 1840, encl. in Hobson to Secretary of State for Colonies, 10 November 1840, CO 209/7, marginal comment [Russell?], p.259.
84. Buick, *Treaty of Waitangi*, p.256.
85. The incident involved HMS *Pelorus*. Correspondence is in British Resident 1/2, nos.119-121, 123, NA.
86. Wilkes, *Narrative of the United States Exploring Expedition*, vol.2, pp.375, 380.
87. Maunsell to Hobson, 14 April 1840, encl. in Hobson to Russell, 15 October 1840, GBPP, 1841 (311), p.99.
88. Hadfield to Mrs H. [Hadfield?], 17 January 1842, Hadfield Papers, q MS, ATL.

89. Wilson to Brown, 24 April 1840, *Turanga Journals*, p.157, fn.40.
90. See GBPP, 1841 (311), pp.100, 101, 111; and Colenso to Hobson, 27 June 1840, Official Correspondence ... Treaty, q MS 1840, ATL.
91. E.g. Johnson, Journal, 28 April 1840, NZ MS 27, APL.
92. Carleton, *Life of Henry Williams*, vol.2, p.17; Colenso Journal, 13 June 1840, Hawke's Bay Museum.
93. The name appears on the Waitangi sheet close to Rawiri [Taiwhanga?]. Like Rawiri she had lived at the Paihia station since 1831.
94. H. Williams to Hobson, 15 May 1840, Official Correspondence ... Treaty, q MS, 1840, ATL.
95. The name appears on the Williams sheet simply as Rere. Rere's son was Rangihiwiniui, better known as Major Kemp. A section of the Wanganui River near the present town is named after her.
96. See Bunbury to Hobson, 28 June 1840, GBPP, 1841 (311), p.108, where Bunbury included it in his report.
97. Taylor Journal, 28 April 1840, MS 302, AML. The speaker was given as 'Wartona Wera'.
98. *Bay of Islands Observer*, 7 July 1842.

## CHAPTER 5: EARLY YEARS OF DOUBT AND DEBATE

1. A.H. McLintock, *Crown Colony Government in New Zealand*, Wellington, 1958, pp.49-50.
2. Hobson to Stanley, 22 July 1840, Hobson Papers, MS Papers 46, ATL; Stanley to Hobson, 17 September 1840, GBPP, 1841 (311), pp.81-82; Philip Turner, 'The Politics of Neutrality: The Catholic Mission and the Maori 1838-1870', MA, Auckland, (1986), pp.92-93.
3. Proclamation, 30 January 1840, in Hobson to Gipps, 4 February 1840, CO 209/6, 24-27.
4. McLintock, *Crown Colony Government*, pp.120-21, 130-32.
5. Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol.2, pp.20-29, for some of the early missionary feeling. Clarke's letter of acceptance, April 1840, IA 1/106, NA.
6. For Clarke's assessment of the Protectorate and his work, with Grey's comments appended, see Clarke in Grey to Stanley, 12 June 1846, and Grey to Earl Grey, 4 February 1846, GBPP, 1847 [837], pp.13ff.; C.H. Wake, 'George Clarke and the Government of the Maoris, 1840-45', *Historical Studies Australia and New Zealand*, X, 39 (1962), pp.339-56.
7. Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), pp.97-100; Carleton, *Henry Williams*, vol.2, pp.28-29.
8. Johnson Journal, 7, 8 April 1840, NZ MS 27, APL; Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), p.96.
9. Proclamation, 27 April 1840, (Maori copy), held at APL.
10. Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), pp.94-98.

11. See Gipps's Speech in Council, 9 July 1840, in Gipps to Russell, 16 August 1840, GBPP, 1841 (311), pp.63ff.; E. Sweetman, *The Unsigned New Zealand Treaty*, Melbourne, 1939, Chs. 4-6.
12. Claims had to be lodged within six months; a schedule was provided whereby values could be computed: before 1824, land was to be valued at 6d an acre; between 1825 and 1829, from 6d to 8d; in 1835, from 1/- to 2/-; and in 1839, from 4/- to 8/- an acre. Goods given for land were to be valued at three times their Sydney prices. Absentee purchasers were more heavily charged than residents.
13. Gipps referred to Chancellor Kent, Justices Storey and Marshall, and the judgement in *Johnson v. McIntosh*.
14. Sweetman, *Unsigned New Zealand Treaty*, Chs. 4, 6, cover Wentworth's case in detail.
15. *NZ Advertiser and Bay of Islands Gazette*, 13 August 1840. Debates on the Bill covered the period 28 May to 9 July, the Bill passing on 3 August 1840.
16. Busby to Hope, 17 January 1845, GBPP, 1845 (108), p.15.
17. Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), pp.94-98.
18. For a history of the land claims problems see Surplus Lands Commission, AJHR, 1948, G-8, esp. pp.25, 48ff., which trace the legislation affecting the issue; also Rosemarie V. Tonk, 'The First New Zealand Land Commissions, 1840-1845', MA, Canterbury (1986). Gipps's Land Bill of August 1840 became inoperative when New Zealand became a separate colony, but Hobson re-enacted the measure with few changes on 9 June 1841. There was further legislation in 1842, 1844, 1846, 1849 and 1856. See also Sweetman, *Unsigned New Zealand Treaty*, Ch.2; and Report of the Land Claims Commissioner, AJHR, 1862, F-1.
19. E.g. *NZ Herald and Auckland Gazette*, 24 July (suppl.), 4 September, 23 October 1841, and 19 January, 22 January 1842.
20. *Bay of Islands Observer*, 13 January, 24 February, 3 March, 14 April, 5, 12 May 1842. Hobson had anticipated that settlers would take this line of reasoning: Hobson to Under-Secretary, Colonial Office, August 1839, GBPP, 1840 [238], p.42.
21. AJHR, 1948, G-8, p.42; see also *Southern Cross*, 16 September 1848, where a Maori is reported as having returned the purchase money.
22. See above, p.47. Nopera may have been given the same idea: *Southern Cross*, 28 April 1849; H.T. Kemp to Clarke, 10 February 1843, GBPP, 1844 (556), Appendix 4, p.125 and Godfrey to Col. Sec., 10 February 1843, in FitzRoy to Stanley, 18 December 1844, GBPP, 1845 (369), p.73.
23. *Auckland Chronicle and NZ Colonist*, 27 December 1843; *Southern Cross*, 30 December 1843; Waimate meeting, MS 430, AML.
24. *NZ Herald and Auckland Gazette*, 29 December 1841, 29 January, 2, 5, 12 February 1842.

25. Surplus Lands Commission, AJHR, 1948, G-8, pp.60-62; Peter Adams, *Fatal Necessity*, Auckland, 1977, p.192.
26. *Te Karete*, February 1842. Referred to hereafter as the *Maori Messenger*, the paper was published under government auspices from 1842 to 1863 with a few interruptions. It had a print run of only 1,000 copies in 1842-43 but a very wide circulation. Kemp Report, 2 March 1843, MA-2, 43/24, NA; G. Clarke Jnr to Col. Sec., 28 December 1842, MA 4/58, NA.
27. For a detailed analysis, see Adams, *Fatal Necessity*, pp.176-87.
28. See Gipps to Russell, 5 March 1841 and correspondence enclosed, GBPP, 1842 (569).
29. G.W. Hope, Permanent Under-Secretary Colonial Office, cit. Adams, *Fatal Necessity*, p.180.
30. *Ibid.*, pp.189-92, and Appendix 4; for comment, see F.M. Brookfield, 'The Constitution in 1985: The Search for Legitimacy', unpublished paper, Auckland, 1985, p.16 and fn.48.
31. Stanley to FitzRoy, 13 August 1844, GBPP, 1845 (1); Stanley to Grey, 27 June 1845; GBPP, 1846 (337), p.72.
32. GBPD, 81, 17 June 1845; Stanley to Grey, 27 June 1845, GBPP, 1846 (337), p.75.
33. Normanby to Hobson, 14 August 1839, GBPP, 1840 [238], pp.41, 44; Hobson to Under-Secretary of State for Colonies, August 1839, where he states that the explanation was 'very clear and satisfactory'.
34. Selwyn to Williams, 30 June 1847, Ross, 'Te Tiriti o Waitangi, texts and translations', *NZJH*, XIV, 1 (1980), p.149; Williams to Selwyn, 12 July 1847, Carleton, *Henry Williams*, vol.2, p.157; see Adams, *Fatal Necessity*, p.198 where he refers to an anonymous letter which might have been penned by Henry Williams in 1861, where the writer explained that pre-emption was described at Waitangi as follows: 'The Queen is to have the first offer of the land you may wish to sell, and in the event of its being refused by the Crown, the land is yours to sell it to whom you please.' Adams doubts the reliability of this evidence. Colenso queried Maori understanding, not the accuracy of the explanation given.
35. Colenso to CMS, begun 24 January 1840, CN M11, 715-16, AUL; Report of Select Committee on New Zealand, GBPP, 1844 (556), Minutes, p.39.
36. Colenso to CMS, begun 24 January 1840, CN, M11, 715-16, AUL; Ross, 'Te Tiriti o Waitangi', pp.145-6; Buller Journal, 30 May 1840, q MS [1838-44], ATL; J. Whiteley, 18 April 1856, in GBPP, 1860 [2719], p.274.
37. Bunbury to Hobson, 6, 15 May 1840, encls. 3 and 6 in Hobson to Russell, 15 October 1840, GBPP, 1841 (311), pp.100, 103.
38. H. Williams to Hobson, 11 June 1840, encl. 8, in Hobson to Russell, 15 October 1840, GBPP, 1841 (311), p.105.
39. E.g. W. Williams's petition in Coates to Russell, 9 March 1841, GBPP, 1841 (311), p.139; Morgan to CMS, 26 October 1840, Morgan Letters and Journals, AUL.
40. Busby to Hope, 17 January 1845, GBPP, 1845 (108), p.15, where Busby states that neither he nor H. Williams really grasped the full significance of pre-emption. A notice from the London Land and Emigration Commissioners, announcing the passage to New Zealand of several shiploads of emigrants, had taken them by surprise.
41. E.g. Entry Island letter, April 1840, MA-2, NA; Clarke Report in Hobson to Stanley, 13 November 1841, GBPP, 1842 (569), p.171; encls. A and B in FitzRoy to Stanley, 15 April 1844, GBPP, 1845 (131); Clarke to Col. Sec., 21 December 1843, encl. 2 in FitzRoy to Stanley, 20 August 1845, GBPP, 1846 (337), p.115.
42. Adams, *Fatal Necessity*, p.201; and see Register of inwards letters for 1840, MA-2, NA.
43. Petition of Kororareka residents, 15 December 1841, CO 209/14, 312-21.
44. Adams, *Fatal Necessity*, p.205: 'By 1841, the Colonial Government had paid £1,445 for land which it sold at £25,431; by 1844, £4,054 had been paid for land sold for £40,263. William Martin, *England and the New Zealanders*, Auckland, 1847, p.64, calculated that the average price per acre paid for land purchased by the Crown to the end of 1844 was 4/2d. For prices in the 1841 Auckland sales, see encls. 1 and 2 in Hobson to Russell, 5 August 1841, GBPP, 1842 (569), p.511.
45. *Southern Cross*, 30 December 1843: Ngati Whaturia letter, translation into English by G. Clarke, and Waikato letter, translation into English by Thos. Forsaith, each certified 'true copy'. These translations suggest that Maori understood at Waitangi that by pre-emption they gave the Crown the first offer only, but the original Maori letters are not so explicit: see *Maori Messenger*, January 1844, where Waikato seem to reject the sole right interpretation as unfair, rather than as an inaccurate rendering of the original agreement.
46. FitzRoy to Stanley, 15 April 1844, GBPP, 1845 (131), p.24; FitzRoy to Stanley, 14 October 1844, GBPP, 1845 (369), p.20.
47. *Southern Cross*, 3 June 1843, p.3.
48. *Ibid.*, 26 August 1843. S.M.D. Martin, the editor, appended these two translations to the following publication: S.M.D. Martin, *New Zealand in a series of letters*, London, 1845.
49. See encl. 1 in FitzRoy to Stanley, 14 July 1844, GBPP, 1845 (247), pp.21-23; FitzRoy to Stanley, 14 October 1844, GBPP, 1845 (369), pp.20ff; and encl. 1 in Grey to Gladstone, 29 September 1846, GBPP, 1847 [837]; cf. Stanley to Grey, 13 June 1845, GBPP, 1846 (337), p.72.
50. FitzRoy to Stanley, 15 April 1844, GBPP, 1845 (131), p.22; and for an earlier comment see Johnson Journal, April 1840, NZ MS 27, APL.
51. FitzRoy to Stanley, 15 April 1844 and encl. 0, GBPP, 1845 (131), pp.18, 44-45;

- FitzRoy to Stanley, 14 October 1844, GBPP, 1845 (369), pp.20-21, 25ff.
52. Encl. 0 in FitzRoy to Stanley, 15 April 1844, GBPP, 1845 (131), pp.43-44; Memorial to Stanley, 10 October 1844, GBPP, 1845 (378), pp.13-19.
53. Stanley to FitzRoy, 30 November 1844, GBPP, 1845 (131); Stanley to Grey, 14 August 1845, GBPP, 1846 (337); Grey to Stanley, 14 April 1846, GBPP, 1847 [837], p.1; Hope to Ingestre, 7 August 1845, GBPP, 1845 (661), p.3.
54. Selwyn to FitzRoy, November 1845, G19/1, NA; Martin, *England and the New Zealanders*, p.53; Ashworth Journal, n.d. [December?] 1843, MS 1841-45P, ATL; Encl. 0 in FitzRoy to Stanley, 15 April 1844, GBPP 1845 (131), pp.43-44.
55. Official thinking on the utilisation of 'waste land' as a colony's resource had been evolving for some years, but when the Australian Colonies Waste Lands Act was passed in 1842 it was criticised in New Zealand as being unsuitable for local conditions where lands were not 'waste' as in Australia: Minutes and Proceedings of Legislative Council, 17 July 1844, encl. in FitzRoy to Stanley, 20 August 1844, GBPP, 1845 (247).
56. *New-Zealander*, 21 November 1846, and 28 November 1846 which reported a public meeting concerning a petition to the Throne against the Ordinance.
57. J.S. Molloy, 'The era of civilization: British policy for the Indians of Canada, 1830-1860', D Phil. thesis, Oxford, (1978), p.11.
58. Russell to Hobson, 9 December 1840, GBPP, 1841 (311), p.27. For a criticism of the 'airy speculation' of the imperial government, see McLintock, *Crown Colony Government*, pp.110, 125-9; for a contemporary criticism, Morgan to CMS, 26 October 1840, Morgan Letters and Journals, AUL.
59. Hobson was sent Grey's writings on the Australian Aborigines but there is no record of the effect, if any, that these made on Hobson: GBPP, 1841 (311), p.43.
60. Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, 1973, p.48. Ward gives a detailed treatment of the law and its application to the Maori throughout the nineteenth century. For 1840-1847, see Adams, *Fatal Necessity*, Ch.7.
61. E.g. Ward, *Show of Justice*, pp.45-50; Brown Journal, 16 February 1847, AUL.
62. A.D.W. Best, *The Journal of Ensign Best, 1837-1842*, ed. N. Taylor, Wellington, 1966, pp.227-8; E. Shortland, *Traditions and Superstitions of the New Zealanders*, London, 1856, pp.237-40.
63. *Journal of Ensign Best*, pp.294-6.
64. *Ibid.*, pp.287, 350.
65. Ward, *Show of Justice*, p.54; Brown Journal, 24-29 July 1843, AUL.
66. Hobson to Russell, 16 December 1841, GBPP, 1842 (569), p.191.
67. Johnson Journal, 20-23 April 1840, NZ MS 27, APL; Ward, *Show of Justice*, p.47; Carleton, *Henry Williams*, vol.2, pp.21-22.
68. Carleton, *Henry Williams*, vol.2, p.35; *NZ Herald and Auckland Gazette*, 19 January 1842, printed letters from chiefs; see also *Maori Messenger*, 1 January 1842.
69. E.g. Brown Journal, 24-29 July 1843, AUL; *Maori Messenger*, 31 October 1859.
70. Clarke to Col. Sec., 1 July 1845, in FitzRoy to Stanley, 17 September 1845, GBPP, 1846 (337), p.134.
71. Register for 1840s, MA-2, NA; Chapman Journal, 2 February 1846, and 30 November 1845, AUL, where he observed the use of a genealogical rod.
72. FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), p.8.
73. *Journal of Ensign Best*, p.394.
74. Carleton, *Henry Williams*, vol.2, p.61; A.R. Parsonson, 'The Expansion of a Competitive Society', *NZJH*, XIV, 1 (1980), pp.45-60.
75. Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), p.96; Clarke to Col. Sec., 1 June 1843, encl. in FitzRoy to Stanley, 20 August 1845, GBPP, 1846 (337), p.113; and see Ward, *Show of Justice*, pp.49-50.
76. Stanley to Grey, 28 November 1845, transmitting a letter from W. Brown, GBPP, 1846 (337), p.101; Selwyn to FitzRoy, November 1845, G 19/1, NA; Martin, *England and the New Zealanders*, p.49.
77. Nopera began to stir in May 1840: *NZ Advertiser and Bay of Islands Gazette*, 22 July 1840; May letter and others in 1840 from Nopera, Register, MA-2, NA; Godfrey to Col. Sec., 10 February 1843, in FitzRoy to Stanley, 18 December 1844, GBPP, 1845 (369), p.73; *Southern Cross*, 10 June 1843.
78. A.R. Parsonson, 'The Expansion of a Competitive Society', *NZJH*, XIV, 1 (1980), pp.57-58; Chapman to CMS, 26 January 1848, Chapman Letters and Journals, AUL.
79. Clarke Report in Gipps to Russell, 7 March 1841, GBPP, 1842 (569), pp.95-96.
80. For various discussions of this affair see Adams, *Fatal Necessity*, p.219; Ward, *Show of Justice*, p.58; Ian Wards, *The Shadow of the Land*, Wellington, 1968, pp.60-62; Report, GBPP, 1844 (556), Appendix, pp.192ff.
81. *Journal of Ensign Best*, p.364.
82. Cit. Wards, *Shadow of the Land*, p.61, fn.4; Taraia and Takanini to government, June 1842, Register, MA-2, 42/81-82, NA. Another letter, 22 June 1842, 'numerously signed', protested against the Queen's sovereignty, MA-2, 42/67, NA.
83. *Journal of Ensign Best*, pp.380-400, various entries December 1842-February 1843, and a reconstruction of the affair, pp.63-67 and Appendix 20; Adams, *Fatal Necessity*, pp.220-22; Ward, *Show of Justice*, pp.58-59; Wards, *Shadow of the Land*, pp.64-68; and Report, GBPP, 1844 (556), Appendix, pp.456ff.
84. Report, GBPP, 1844 (556), p.458, and p.469 for translation.

85. Ward, *Show of Justice*, pp.61ff. discusses the fact that Native Districts were later allowed for in both the 1846 Charter for self-government and the 1852 Constitution.
86. E.g. Martin, *England and the New Zealanders*, pp.22-28, where he refers to the American experience in his analysis of the New Zealand case. The *Bay of Islands Observer*, 7 April 1842, suggested that the government distinguish between territories ceded and those not ceded, so presumably the idea had some currency.
87. *Journal of Ensign Best*, Appendix 20; Adams, *Fatal Necessity*, pp.220-22.
88. E.g. 'Notes of the Treaty of Waitangi Movement', Wairua Papers (private collection); *Nga Kaupapa i Whakaotia e te Hui i tu ki te Kauhanganui i te 26 o nga ra o Hune 1948*, Hamilton, n.d. [1948?].
89. Adams, *Fatal Necessity*, p.222.
90. Robert FitzRoy, *Remarks on New Zealand*, London, 1846, pp.45, 60.
91. FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), p.13; cf. Clarke Report, GBPP, 1842 (569), p.94, where Clarke had reassured Maori that prisons were to protect Maori from 'bad' Pakeha.
92. See *Southern Cross*, 4 May 1844, for comment.
93. William Martin, *Ko Nga Tikanga a te Pakeha*, Auckland, 1845; FitzRoy to Earl Grey, 20 March 1847, GBPP, 1847 [837], p.74.
94. Clarke to Earl Grey, 30 March 1846, in Grey to Stanley, 12 June 1846, GBPP, 1847 [837], p.17.

## CHAPTER 6: CHALLENGES TO SOVEREIGNTY AND THE TREATY

1. Clarke Report, 1 July 1845, in FitzRoy to Stanley, 17 September 1845, GBPP, 1846 (337), p.132.
2. H. Williams to Busby, 20 April 1842, in Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol.2, pp.xxi-xxii.
3. *NZ Government Gazette*, 3 November 1841; and 26 January 1842 where it was withdrawn; Peter Adams, *Fatal Necessity*, Auckland, 1977, p.201; Carleton, *Henry Williams*, vol.2, pp.66-67. For contemporary observations on the need for restrictions, see Clarke Report, GBPP, 1842 (569), p.98; Chapman Journal, vol.1, pp.176,208-9, and Morgan Journal, vol.1, p.141, AUL.
4. Carleton, *Henry Williams*, vol.2, pp.xx-xxi, 41.
5. The most notable cases were those of Edward Meurant and a Mr Marshall.
6. Ashworth Journal, 28 January 1844, MS 1841-45P, ATL; Chapman Journal, 14 December 1845, and vol.1, p.438, (1852), AUL.
7. E.g. *The Journal of Ensign Best, 1837-1842*, ed. N. Taylor, Wellington, 1966, Appendix 14.
8. For a full discussion of this see R. Parsonson, 'He Whenua Te Utu (The Payment will be land)', PhD thesis, Canterbury (1978), Part 2, Ch.7.
9. Buller Journal, 19 November 1840, q MS [1838-44], ATL; Register, MA-2, 42/98, NA.
10. H.T. Kemp to Clarke, 10 February 1843, Report, Appendix 4, p.125, GBPP, 1844 (556); also Godfrey to Col. Sec., 10 February 1843, in FitzRoy to Stanley, 18 December 1844, GBPP, 1845 (369), p.73; Shortland to Stanley, 18 January 1845, GBPP, 1845 (108), p.7, where Shortland expressed his concern about Maori reluctance to sell.
11. E.g. Clarke Report in Hobson to Russell, 13 November 1841, GBPP, 1842 (569), p.172.
12. Cit. FitzRoy to Stanley, 25 May 1844, GBPP, 1845 (247), p.14.
13. Robert FitzRoy, *Remarks on New Zealand*, London, 1846, pp.29-30.
14. Letter of Police Magistrate, 14 September 1841, in Hobson to Russell, 13 November 1841, GBPP, 1842 (569), p.173.
15. See *Journal of Ensign Best*, p.243, where Best commented on this.
16. *Wellington Spectator*, 10 July 1844, cit. R.A.A. Sherrin and J.H. Wallace, *Early History of New Zealand*, ed. T.W. Leys, Auckland, 1890, p.690.
17. E.g. Hobson to Russell, 13 November 1841 and encls., GBPP, 1842 (569), p.170; Buller Journal, 24 January 1840, q MS [1838-44], ATL; FitzRoy, *Remarks on New Zealand*, p.17.
18. See Ian Wards, *The Shadow of the Land*, Wellington, 1968, pp.74-78, 88-89.
19. Clarke Jr to Clarke Snr, 29 June 1844, in FitzRoy to Stanley, 18 December 1844, GBPP, 1845 (369), p.73.
20. George Clarke [jun.], *Notes on early life in New Zealand*, Hobart, 1903, p.62.
21. Cit. Richmond to FitzRoy, 23 May 1844, in FitzRoy to Stanley, 10 December 1844, GBPP, 1845 (369), p.60, and for the deed of sale and map, see pp.54-56.
22. J. Rutherford, *Hone Heke's Rebellion, 1844-46*, Auckland, 1947; Wards, *Shadow of the Land*, Ch.4. Various printings of British parliamentary papers carried reports of the war: GBPP, 1845 (131), (517-II), and 1846 (337), (448), (690).
23. FitzRoy to Stanley, 14 September 1844, GBPP, 1845 (247), p.138; FitzRoy to Stanley, 29 September 1844, GBPP, 1845 (369), p.11; Clarke to Col. Sec., 1 January 1845 in FitzRoy to Stanley, 24 February 1845, GBPP, 1846 (377), p.8; Hone Kingi and Noa Kiroa to Governor, 24 February 1844, Register, MA-2, NA.
24. Carleton, *Henry Williams*, vol.2, p.269.
25. Heke to the Governor, 2 December 1845, encl. in Grey to Stanley, 9 February 1846 (690), p.11, and also Heke to FitzRoy, 19 July 1845, in FitzRoy to Stanley, 25 October 1845, p.148.
26. Brown Journal, 8 March 1845, AUL.
27. After 1840, Heke often stayed at Te Tii, on the Paikia side of the Waitangi River mouth where he had a village: W. Colenso, *Fifty Years Ago in New Zealand*, Napier, 1888, p.39.
28. See T. Lindsay Buick, *New Zealand's First*





- United States Exploring Expedition, London, 1845, vol. 1, pp. 474-6; Hobbs Diaries, March 1842, MS 144, AML.
94. *Maori Messenger*, February 1842; and see above, p. 121.
95. E.g. *New-Zealander*, 10 July 1847.
96. Martin to Grey, 20 October 1848, GBPP, 1849 [1120], p. 55, said he had regularly been questioned by Maori about the safety of their lands and that he had 'always given one answer: the words of the first Governor were the words of the Queen, they will never be broken'.
97. E.g. *Maori Messenger*, January and February 1844; FitzRoy to Ngati Whatua, 9 March 1844, GBPP, 1845 (131), p. 40.
98. E.g. Ngati Raukawa, Ngati Toa and others to the Queen, 5 May 1849, encl. in Grey to Earl Grey, 3 August 1849, GBPP, 1850 [1280], p. 18; Morgan Letters and Journals, 1850 Report, AUL, notes a gift of four from Rangiaohia Maori, accompanied by a letter, subsequently published in the *Maori Messenger*, 1850: 'We trust in you, on account of your letter [to Te Wherohero] saying that the lands should not be taken away from us, but that the treaty of Waitangi should be scrupulously observed.'
99. *New-Zealander*, 1, 18 September 1847, 10 July 1850.
100. *Ibid.*, 25 October 1843; *Southern Cross*, 17 February 1849; T.H. FitzGerald to the Superintendent, Wellington, 1 July 1847, in Grey to Earl Grey, 31 July 1847, GBPP, 1847-48 [899], p. 4.
101. *Southern Cross*, 28 October 1843.
102. *New-Zealander*, 15 April 1848.
103. *Southern Cross*, 12 August, 28 October 1843; return of flour mills in Grey to Earl Grey, 22 August 1849; and Morgan to Grey, 20 November 1849, in Grey to Earl Grey, 1 December 1849, GBPP, 1850 [1280], pp. 24, 106. Morgan Letters and Journals, 1850 Report, AUL.
104. Eyre to Grey, 26 August 1847, in Grey to Earl Grey, 3 September 1847, GBPP, 1847-48 [899], p. 18.
105. E.g. *New-Zealander*, 30 January 1847, 27 May 1848, 26 May 1849.
106. *Auckland Times*, 15 September 1842.
107. E.g. *Bay of Islands Observer*, 30 June 1842; *New-Zealander*, 28 February, 4 July 1846; *Southern Cross*, 31 August, 4, 11 September 1849.
108. *Maori Messenger*, 22 November 1849, describes the Auckland hostel, called Waipawa, sited at Mechanics Bay (now Stanley Street) Auckland.
109. *New-Zealander*, 10 July 1847, 19, 25 March 1848; *Southern Cross*, 27 January 1849.
110. E.g. Chapman to CMS, January 1844 and 'Memoranda', 9 February 1845, Chapman Letters and Journals, AUL.
111. Ngapora to Grey, 19 February 1848, in Grey to Earl Grey, 3 April 1848, GBPP, 1849 [1120], p. 18; McLintock, *Crown Colony Government*, pp. 393-5. Similar comments had been made a few years earlier by Selwyn and Clarke: Clarke to Col. Sec., 1 January 1845 in
- FitzRoy to Stanley, 24 February 1845, GBPP, 1846 (337), pp. 10-12.
112. *Southern Cross*, 19 April, 16 July 1850.
113. *Maori Messenger*, 19 January 1849. The colonial press often discussed amalgamation, advancing various schemes for Maori 'advancement'.

## CHAPTER 7: A MATTER OF MANA

1. *Maori Messenger*, 3 December 1853. The idea was repeated in other issues, e.g. 1 February 1855.
2. W. Swainson, *New Zealand: Lectures on the Colonization of New Zealand*, London, 1856, pp. 8-10.
3. Domett's speech to the Legislative Council of New Munster, *NZ Spectator*, 2 August 1851.
4. J.C. Richmond to J.M. Richmond, 13 August 1851, *The Richmond-Atkinson Papers* ed. G.H. Scholefield, Wellington, 1960, vol. 1, p. 103.
5. GBPD, 1852, 122, p. 46; see also GBPD, 1852, 121, pp. 102-36, 922-82, and 122, pp. 17-66.
6. A.H. McLintock, *Crown Colony Government in New Zealand*, Wellington, 1958, pp. 344-5.
7. GBPD, 1852, 122, p. 1135. Sir Edward Buxton of the Aborigines Protection Society was an exception.
8. W.L. Renwick, 'Self-government and protection: A study of Stephen's two cardinal points of policy in their bearing upon constitutional development in New Zealand in the years 1837-1867', MA thesis, Victoria University of Wellington (1962), pp. 154ff.; *New Zealand Government Bill*, a reprint from *Aborigines' Friend*, IV (June/July 1852).
9. *Aborigines' Friend*, II, April 1850, pp. 410-12.
10. *Correspondence between the Wesleyan Missionary Committee and Sir James Pakington* ..., London, 1852.
11. *Aborigines' Friend*, IV, nos. I & II, April, May 1852, p. 55.
12. A.F. Madden, 'The Attitudes of the Evangelicals to the Empire and Imperial Problems', D Phil. thesis, Oxford (1950), p. 614.
13. P. Knaplund, *Gladstone and Britain's Imperial Policy*, London, 1927, pp. 40-70, in particular; GBPD, 1852, 121, pp. 951ff.; C.C. Eldridge, 'The Colonial Policy of the Fifth Duke of Newcastle', D Phil. thesis, Nottingham (1966), pp. 72-74; Gladstone to Selwyn, 20 September 1860, Gladstone Papers, 44531, f. 48, British Museum Library.
14. W.L. Renwick, 'Self-government and protection', MA thesis, Victoria University of Wellington (1962), Chs. 4.5, discuss this and subsequent points in detail. The *Maori Messenger*, 1 January 1855, p. 28, printed an elementary explanation of the constitution.
15. Apart from individual correspondence with the governor evidence was collected by a Board of Native Affairs, 1856. G 51, NA, has a series of reports and submissions.
16. *Maori Messenger*, I, no. 7, July 1855,

- pp. 11-12, 18-20, 29-31, and III, no. 4, 30 April 1857.
17. *Ibid.*, I, no. 6, 1 July 1855; Mathias Tiramorehu on behalf of Ngai Tahu, 23 September 1857, and Mantell to Ngai Tahu, 16 September 1858, Mantell Papers, MS Papers 83, ff. 166, 166a, ATL.
18. Chapman Diary, 1852, pp. 434-5, AUL. Chapman is conveying the meaning in this quote; the literal translation of 'to tatou' is 'ours' in the inclusive sense, i.e. both Maori and Pakeha, whereas 'to matou' is 'ours' in the exclusive sense, in this case meaning a queen for the Pakeha and not for the Maori.
19. *Maori Messenger*, I, no. 8, 1 November 1855, p. 45.
20. *Ibid.*, III, no. 4, 30 April 1857, pp. 4-5.
21. For various analyses of the movement, see Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, 1973, especially Chs. 7, 8; B.J. Dalton, *War and Politics in New Zealand, 1855-1870*, Sydney, 1967, Ch. 3; Keith Sinclair, *The Origins of the Maori Wars*, 2nd ed. Wellington, 1961, Ch. 6; M.P.K. Sorrenson, 'The Maori King Movement, 1858-1885', *Studies of a Small Democracy*, ed. Robert Chapman and Keith Sinclair, Auckland, 1963, pp. 33-55; and for contemporary accounts, J. Gorst, *The Maori King*, London, 1864; and T. Buddle, *The Maori King Movement in New Zealand*, Auckland, 1860.
22. The 'King Maker', Wiremu Tamihana Tarapipi Te Waharoa, is sometimes spelt with an 'e' in Tamehana, but a letter in his own hand indicates that he spelt his name Tamihana (Thompson); Wiremu Tamihana to Morgan, 14 January 1860, IA 1860/678, NA.
23. For a King movement statement on the major steps leading to the movement's formation, see *Te Hokiioi*, 15 June 1862, p. 3. See J. Grace, *Tuwaharetua: The History of the Maori People of the Taupo district*, Wellington, 1959, Ch. 57, for a Ngati Tuwaharetua view of the meeting and for the role of missionary Thomas Grace in the proceedings. For another Ngati Tuwaharetua explanation, see Tureiti Te Heuheu's evidence in AJHR, 1898, I-3A, pp. 26, 30. According to *Te Hokiioi*, it was Te Moananui from Hawke's Bay who suggested the name 'king' since it would distinguish the bearer from among the many rangatira; this was at the final meeting at Ngaruawahia.
24. D. Stafford, *Te Arawa: A history of the Arawa people*, Wellington, 1967, pp. 347-8; Grace, *Tuwaharetua*, p. 450, notes the Arawa stand at the Paetai meeting; and see above, p. 141.
25. Sinclair, *Origins of the Maori Wars*, p. 75.
26. Ward, *Show of Justice*, pp. 101, 123. Ashwell to CMS, 1 May 1861, Ashwell Letters and Journals, pp. 377-8, AUL, has a diagram which represents something akin to this.
27. Sinclair, *Origins of the Maori Wars*, p. 69.
28. Ward, *Show of Justice*, pp. 100-101.
29. J. Cowan, *The New Zealand Wars: A history of the Maori campaigns and the pioneering period*, Wellington, 1922-23, vol. 1, pp. 147-8;
- Buddle, *Maori King Movement*, p. 8. See also Stafford, *Te Arawa*, p. 348.
30. Buddle, *Maori King Movement*, pp. 17-18; Gorst, *Maori King*, p. 8.
31. Browne's attitude to the King is discussed by Ward, *Show of Justice*, pp. 104, 121-22, 124.
32. Responsibility for the Waitara outbreak has been assessed elsewhere; e.g. Sinclair, *Origins of the Maori Wars*, Ch. 12; Dalton, *War and Politics*, pp. 93-107.
33. For a record of the conference see 'Kohimarama Conference', AJHR, 1860, E-9; and Register of Proceedings of conference of Native chiefs at Kohimarama, MA 23/10, NA. A list of chiefs is given in AJHR, 1860, E-9, pp. 4, 25; on the opening day 112 chiefs were present, but a further 40 arrived later. The proceedings of the conference were also printed in English and Maori by the *Maori Messenger*, 1860, nos. 13-18, edited by Walter Buller, secretary of the conference. The record in the first two references is in English only.
34. At about the same time Browne was sounding out other opinions: Memo to ministers, 21 April 1860, McLean Papers, MS Papers 32, f. 10; and Browne to Selwyn, Martin and Swainson, [n.d.], but reply acknowledged, 6 June 1860, G36/3, pp. 240, 253, NA.
35. For a detailed assessment of this subject see Claudia Orange, 'The Covenant of Kohimarama: A ratification of the Treaty of Waitangi', *NZJH*, XIV, 1 (1980), pp. 61-82. The Kohimarama site is now known as Mission Bay.
36. 'Kohimarama Conference', AJHR, 1860, E-9, pp. 4-5.
37. *Maori Messenger*, 24 July 1860, p. 17, 26 July 1860, p. 32, 27 July 1860, p. 43.
38. *Maori Messenger*, 27 July 1860, p. 44, 10 July 1860, p. 15, and 13 July, p. 41.
39. See *Maori Messenger*, 11 July 1860, pp. 18ff., for examples of Ngapuhi attitudes.
40. *Ibid.*, 3 August 1860, p. 71. In early 1858, Maithi Paraone Kawiti, son of Heke's ally, Kawiti, together with a group of northern Maori selected on the basis of their opposition to the government in the 1840s war, re-erected the flagstaff. Nene had erected a flagstaff some years before but the forces occupying Kororareka at the time had insisted that he site it on the beachfront. In 1858 a piece of land for a township was also offered to the government. Kawiti appears to have taken an oath of allegiance, receiving in return the rongomai seal which is held in trust at Waitangi. M.P. Kawiti to Grey, 15 November 1861, *Maori Messenger*, II, 2, 15 January 1862.
41. *Ibid.*, 13 July 1860, p. 38.
42. *Ibid.*, 13, 26 July 1860.
43. *Ibid.*, pp. 32, 35, 36.
44. AJHR, 1860, E-9, p. 24.
45. E.g. Register of proceedings at Kohimarama, MA 23/10, NA. The report printed in AJHR, 1860, does not indicate this. See also Sinclair, *Origins of the Maori Wars*, p. 231. A European present at the conference observed that only one-third of the chiefs supported the

- resolution endorsing government policy in Taranaki.
46. The absence of these two tribal groupings was noted by the *Maori Messenger*. Ngati Tuwharetoa and Tuhoi also appear to have had no representatives present. Sewell Journal, 15 July 1860, MS 459, AML, notes the late invitations to Waikato.
47. William Martin, *The Taranaki Question*, Auckland, 1860, pp.117–18; and see NZPD, 1860, pp.249ff.
48. The relevant issues of *Maori Messenger* were bound, together with letters from various chiefs and tribal groups. Chiefs had an opportunity of checking their speeches before the conference ended to ensure accuracy, that is, in the Maori language; the English translation did not always convey the same meaning. For a list of the recipients see MA 24/16, NA. The governor's opening speech was also printed and distributed at the conference: 'Ko ta te Kawana Korero', NZM 315, APL.
49. Kohimarama Conference, AJHR, 1860, E-9, pp.21, 25; Browne to General Assembly, 7 August 1860, enclosing conference request of 3 August 1860, LE 1/1860/100, NA.
50. For further discussion on mana, see Claudia Orange, 'The Covenant of Kohimarama: A ratification of the Treaty of Waitangi', NZJH, XIV, 1 (1980), pp.74–76.
51. Cf. *Maori Messenger*, 10 July and 26 July 1860, and the Maori text of the treaty in Appendix 2.
52. *Maori Messenger*, 10 July 1860, pp.5–16, 13 July, 26 July, pp.36–37; cf. the Maori text with the English.
53. Sewell Journal, vol.1, pp.313–4, MS 459, AML; for the measures, see Dalton, *War and Politics*, pp.61, 76–81.
54. A draft of the Bill dated July 1859 can be found in Stafford Papers, MS Papers 28, f.2, ATL.
55. Dalton, *War and Politics*, pp.91, 119–21, 141–2.
56. J. FitzGerald, 'Memorandum relating to the conduct of Native Affairs in New Zealand as affected by a Bill now before Parliament', Newcastle Papers, no.11,078, Nottingham University Library. Colonists had voiced similar fears about Kohimarama-style conferences: see NZPD, 1858–60, pp.347–8.
57. GBPD, 1860, 160, pp.1317ff., and 1639.
58. Martin to McLean, 22, 29 November 1860; McLean to Browne, 1 December 1860, and a first draft, 8 November 1860; also a May letter [1860?]: McLean Papers, MS Papers 32, f.449, and for May letter, f.9, ATL; Browne to Bell and Browne to McLean, 30 November 1860, G 36/3, NA. McLean was opposed to responsibility for Maori affairs passing to the General Assembly. With regard to the proposed council, he stated that it would be ineffective unless given administrative powers, a budget of £35,000 p.a., and a representation of leading chiefs who would sit in council.
59. NZPD, 1858–60, pp.260, 323, 326.
60. *Ibid.*, pp.239–40.
61. *Ibid.*, p.361.
62. *Ibid.*, pp.358ff.
63. *Ibid.*, pp.349–50.
64. NZPD, 1858–60, p.501; W. Fox, *The Six Colonies of New Zealand*, London, 1851. The particular section of the work was not specified; it was possibly pp.98–108, on waste lands.
65. J. Martineau, *The Life of Henry Pelham, Fifth Duke of Newcastle, 1811–1864*, London, 1908, p.322, notes correspondence between Newcastle and George Grey, 5 June 1861. See also Chichester Fortescue to Earl Grey, 8 November 1860, (referring to correspondence of E. Grey to Gore Browne, 31 October 1860), Earl Grey papers, 180/11, Durham University Library.
66. O. Hadfield, *Recent Outbreak at Taranaki, [Otaki?] 1860*; O. Hadfield, *One of England's Little Wars*, Otaki, 1860. Hadfield produced two further pieces: *A Sequel to 'One of England's Little Wars'*, London, 1861, and *The Second Year of One of England's Little Wars*, London, 1861.
67. 'Remarks on an act', Newcastle Papers, no.11093b, Nottingham University Library; NZPD, 1858–60, p.479.
68. E.g. *Occasional Papers: The Treaty of Waitangi and its Interpreters*, 1 July 1861, [Melanesian Press] Auckland; *New Zealand Memorial to the Secretary of State for Colonies together with a Memorandum on New Zealand Affairs*, London, 1861. This originated with the CMS, signed by the Earl of Chichester, President, 4 January 1861.
69. E.g. Newcastle to Browne, 27 May 1861, in Martineau, *Life of Henry Pelham*, p.320; officials noted that the Wesleyans did not participate in criticisms of the government in the same way.
70. The book was reprinted twice in London and there was at least one more New Zealand edition in 1861. See also Appendix to the *Journals of the House of Lords*, 30 May 1864 when Martin's paper was tabled.
71. Martin, *Taranaki Question*, pp.9–10.
72. *Ibid.*, p.82.
73. [F.D. Bell, F. Whitaker, T. Gore Browne], *Notes on Sir William Martin's Pamphlet entitled 'The Taranaki Question'*, Auckland, 1861. The joint authors did not claim responsibility for the work which was usually attributed to C.W. Richmond. The work first appeared in 1860 and was revised for publication.
74. Justice Johnson, *Notes on Maori Matters*, [Auckland], July 1860.
75. Sewell Journal, vol.1, p.218, MS 459, AML.
76. [C.O. Torlesse], *The New Zealand War*, Christchurch, 1860; W. Fox, *The War in New Zealand*, London, 1860.
77. J. Busby, *Remarks upon a Pamphlet entitled 'The Taranaki Question, by Sir William Martin'*, Auckland, 1860. Busby, for a time, had his own paper, *The Auckland*.
78. Busby, *Remarks upon a Pamphlet*, p.5.
79. G. Clarke [Sen.], *Remarks upon a pamphlet by James Busby*, Auckland, 1861, (reprint Auckland, 1923), p.3.

80. From Te Puhipi [Busby] to the Kaumatua of the Maori nation, 22 June 1860, *Maori Messenger*, VII, 11, 30 June 1860.
81. E.g. NZPD, 1858–60, pp.184, 194, 206; *New-Zealander*, 18 July 1860, p.3; *Southern Cross*, 3 July 1860, 21 August 1860.
82. E.g. Te Rangikaheke to Ngati Whakaue chiefs, 3 December 1855, discussed in Ward, *Show of Justice*, pp.95–96.
83. *Maori Messenger*, VII, no.5, March 1860, p.8.
84. Declaration by the Governor to the natives assembled at Ngaruawahia, 21 May 1861, in AJHR, 1861, E-lb, pp.11–12; NZPD, 1861–63, p.23.
85. *Maori Messenger*, 15 March 1861.
86. AJHR, 1861, E-lb, pp.13–17.
87. Dalton, *War and Politics*, pp.135,145; NZPD, 1861–63, pp.10,40,143,314,365–6.
88. Grey to Newcastle, 30 November 1861, AJHR, 1862, Sec. II no.14, cit. Dalton, *War and Politics*, p.145. Browne had held out some hope of Maori self-government but only when British 'supremacy' had been established. See *Maori Messenger*, 15 August 1861, p.2, where a memo from Browne to the General Assembly is published.
- CHAPTER 8: A WAR OF SOVEREIGNTY
1. *The Times*, 16 December 1864.
2. NZPD, 1861–63, pp.67,94.
3. *Ibid.*, p.127.
4. Sewell Journal, 24 February 1861, MS 459, AML.
5. Mrs Martin to Mrs Owen, 17 October 1861, Owen Papers, 39954, f.400, British Museum Library.
6. *The Journal of Henry Sewell, 1853–57*, ed. W.D. McIntyre, Christchurch, 1980, vol.2, pp.314–5.
7. Sewell Journal, 5 May 1861, MS 459, AML.
8. NZPD, 1861–63, pp.103ff.
9. *Ibid.*, pp.120–21, but see above, p.152 for Fox's change of tactics on the treaty.
10. New Zealand's acceptance of full responsibility for Maori affairs has been a debatable point with some writers, e.g. B.J. Dalton, *War and Politics in New Zealand, 1855–1870*, Sydney, 1967, reprinted under (control of) Native Affairs, Auckland, 1967. See also thesis, 'Self-government and protection of Maori', Victoria University of Wellington, 1962, pp.15–73, 431–4; W. Fox, *New Zealand Independent*, 7 January 1865, noted in Sewell Journal, vol.2, p.47, MS 459, AML; NZPD, 1861–63, p.763; for the policies of Newcastle and Cardwell: Colin Eldridge, 'The Colonial Policy of the 5th Duke of Newcastle, 1859–64', PhD thesis, Nottingham (1966), pp.244ff. and 210–39; G. Sellers, 'Edward Cardwell at the Colonial Office, 1864–66: Some aspects of his policy and ideas', B Litt. thesis, Oxford (1958).
11. Dalton, *War and Politics*, p.22; Newcastle Papers, no.11,753, Nottingham University; J. Martineau, *The Life of Henry Pelham Fifth Duke of Newcastle, 1811–1864*, London, 1908, p.319.
12. Keith Sinclair, *The Origins of the Maori Wars*, 2nd ed., Wellington, 1961, p.238; Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, 1973, pp.130–31.
13. Sewell Journal, entries for October–December 1861, MS 459, AML. His assessment of Grey, rapidly arrived at, was of a man unfit for the task at hand, having no set opinion or policy, 'essentially an egotist, sees and judges everything only in reference to himself'.
14. Sinclair, *Origins of the Maori Wars*, pp.237–44; Sewell Journal, 20 October 1861, MS 459, AML; Fox to Mantell, 2 November 1861, Mantell Papers, MS Papers 83, f.281, ATL; for a comprehensive assessment, Ward, *Show of Justice*, Ch.9; *Maori Messenger*, 16 December 1861 and 13 March 1862, where Grey's policy and the 'new Institutions' were explained for Maori readers. The section that follows is based on these sources, in particular Ward.
15. Ward, *Show of Justice*, Ch.9, fn.2, differentiates between the government-sponsored Runanga and the Maori traditional runanga, which often co-existed, by using a capital in the former, a precedent followed in this discussion. For Sewell's criticism, see Sewell Journal, 25 October 1861, MS 459, AML.
16. Ward, *Show of Justice*, pp.125, 147–50.
17. Native Lands Act, 1862.
18. *NZ Herald*, 23 March 1881.
19. NZPD, 1861–63, pp.608–25, 627–38.
20. *Ibid.*, p.633; Sewell Journal, 17 August 1862, MS 459, AML.
21. Newcastle to Grey, 5 June 1861, cit. F.D. Bell, NZPD, 1861–63, p.610.
22. Sewell Journal, 6, 9 September 1862, MS 459, AML.
23. *Ibid.*, 3 September 1862. For the following discussion on government policy leading to war, the sources are Sinclair, *Origins of the Maori Wars*, Ch.16, and Ward, *Show of Justice*, Ch.10.
24. The Kingite paper, *Te Hokioi*, 10 February 1863, reported the meeting. Kingites had agreed on various points of policy at a meeting at Peria the previous October. See also *Te Hokioi*, 10 November 1862; and Morgan Journal, 4 September 1861, AUL, where he refutes any suggestion that Kingites plead treaty rights.
25. *Te Hokioi*, 26 April 1863.
26. Halse to Bell, from Mangere, 23 May 1863, Mantell Papers, MS Papers 83, f.218, ATL.
27. Ashwell Letters and Journals, 26 November 1863, AUL; *Te Hokioi*, 24 March 1863.
28. Proclamation to chiefs of Waikato, 11 July 1863, *NZ Gazette*, 15 July 1863; and see M.P.K. Sorrenson, 'Maori and Pakeha', *The Oxford History of New Zealand*, ed. W.H. Oliver with B.R. Williams, Oxford and Wellington, 1981, p.182, where this is discussed.
29. For the best recent study see James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, 1986.

30. P. Clark, 'Hauhau': *The Pai Marire search for Maori identity*, Auckland, 1975.
31. Sewell Journal, 9 August 1863, subsequent entries for that year, and see also September 1862, MS 459, AUL, where Sewell notes the absence of an Attorney-General in the ministry.
32. Sewell Journal, 17 November 1863; and see Sinclair, *Origins of the Maori Wars*, pp.256-7 and fn.24 for comments on Auckland speculators in the government.
33. See NZPD, 1861-63, pp.782-90, 869-74, for the debates on the New Zealand Settlements Act, pp.791-800, 855-60, for the Suppression of Rebellion Act, and pp.846-905, where the debates on the Loan Act are scattered through the session.
34. Sewell Journal, 17 November 1863, MS 459, AML.
35. NZPD, 1861-63, p.782.
36. Dr Pollen, who had witnessed the treaty signing on 6 February 1840, opposed the Act but voted in favour of it.
37. NZPD, 1861-63, pp.783-9.
38. Cit. Swainson, NZPD, 1861-63, p.870.
39. The experts cited were Blackstone's *Commentaries*, and Phillimore and Woolmer, the two legal experts who had presented opinions on behalf of the APS in the 1840s debate; see p.130 above.
40. NZPD, 1861-63, p.869.
41. Sewell Journal, 19 November 1863, MS 459, AML.
42. H. Sewell, *The New Zealand Native Rebellion. Letter to Lord Lyttelton*, Auckland, 1864.
43. *Ibid.*, pp.5, 9, 40-41, deal with the following argument although the entire work is an exposition of the theme.
44. Sewell Journal, 27 November 1863, MS 459, AML, discusses this fully.
45. Sewell, *New Zealand Native Rebellion*, pp.40ff. in particular for the following discussion. Sewell had previously expressed the opinion that New Zealand was a 'colony of occupation' notwithstanding the treaty. See NZPD, 1860, p.477.
46. Sewell Journal, 8, 17 November 1863, MS 459, AML.
47. Dalton, *War and Politics*, pp.195-6; G. Selers, 'Edward Cardwell at the Colonial Office, 1864-66', B Litt. thesis, Oxford (1958), pp.177-88. The Crown had the prerogative of disallowing New Zealand legislation within two years of its receipt by the Secretary of State, whether assented to by the governor or not.
48. *NZ Gazette*, 17 December 1864; Dalton, *War and Politics*, pp.188-216.
49. Sorrenson, 'Maori and Pakeha', *Oxford History*, pp.185-6.
50. Dalton, *War and Politics*, pp.195ff.; Sewell Journal, 27 November 1863, MS 459, AML, discusses the problem. Sewell looked to two ruling decisions, Cherokee Nation against the State of Georgia and Worcester and the State of Georgia, with which the dicta of esteemed American lawyers like Story were in accord. The cases were heard in the 1830s. Sewell likened Chief Judge Marshall's language to the
- New Zealand problem with the Maori, that is, that the indigenous race was a 'domestic dependent people', rather than a foreign nation, that they were not independent and yet still entitled to rights of self-government. See p.95 above where the cases are also noted. The tendency to seek precedents from elsewhere was also evident in the issue of compensation for plunder, e.g. Bell to Domett, [?] May 1863, in Mantell papers, MS Papers 83, f.218, ATL, which looked to the American experience; and in the confiscation issue, where Stafford, as early as 1861, noted the allocation of land for compensation purposes at the Cape Colony: NZPD, 1861-63, p.71.
51. Jeanine Williams, *Frederick Weld: A Political Biography*, Auckland, 1983, Ch.6; Sewell Journal, 21 November 1864, MS 459, AML.
52. NZPD, 1861-63, pp.925-6.
53. Williams, *Frederick Weld*, Ch.6.
54. NZPD, 1864-66, p.47.
55. New Zealand Settlements Amendment Act, 1864; New Zealand Settlements Amendment Act, 1865.
56. NZPD, 1864-66, pp.154.
57. Sewell Journal, MS 459, AML, entries in mid-1865.
58. Ward, *Show of Justice*, p.178.
59. Dalton, *War and Politics*, p.208; 'Petition of Auckland Provincial Council to the Queen, 31 December 1864', Gladstone Papers, 44798, British Museum Library; Sewell Journal, 20 December 1864, MS 459, AML. For a dissenting opinion on shifting the capital: John Hobbs to Grey, 9 December 1864, 64/2713, NA.
60. Sewell Journal, 29 January 1865, MS 459, AML.
61. *Ibid.*, 8, 19 January 1865, describes the Waikato meetings and approaches to the government.
62. NZPD, 1864-66, pp.621-5; Ward, *Show of Justice*, pp.189-90.
63. 'Copy of the Treaty of Waitangi ... and Mr Baker's annotations thereon', AJLC, 1869, pp.67-78. The list of chiefs was subsequently used by T. Lindsay Buick, *The Treaty of Waitangi*, 3rd edn, New Plymouth, 1936, pp.256-67, thus perpetuating various errors.
64. Notes on the treaty, [n.d. 1865?], Mantell Papers, MS Papers 83, f.129, ATL, suggest that the treaty would be made a 'nudum pactum'. D. Walker, *The Oxford Companion to Law*, Oxford, 1980, p.894, defines nudum pactum: 'In the Roman law, an informal bargain not amounting to a contract and not the basis for an action ... The term is sometimes used in common law in the quite different sense of an agreement lacking consideration and on which accordingly, unless made under seal, no action will lie; hence the maxim ex nudo pacto non oritur actio.'
65. NZPD, 1864-66, pp.197-8; Ward, *Show of Justice*, p.183.
66. 'Return to an order of the House, 1 August 1865', Le 1/1865/139, 3 August 1865, NA.
67. NZPD, 1864-66, pp.292-3; JHR, 11 August 1865, no.14 The question of an 'improper

- construction' being put on the treaty and the point of variance in Maori understanding had been raised in the General Assembly previously, but had not been pressed. Sewell had recommended postponement, NZPD, 1855, pp.524-5.
68. Ward, *Show of Justice*, pp.192-3.
69. For the resolutions and debate, see NZPD, 1862, pp.483ff., 510ff.
70. NZPD, 1865, pp.321-2, 325.
71. FitzGerald to J.C. Richmond, 25 August 1865, in *The Richmond-Atkinson Papers*, ed. G.H. Scholefield, Wellington, 1960, vol.2, pp.178-9.
72. NZPD, 1864-66, pp.17, 254-5; Sewell Journal, December 1864, MS 459, AML; Sewell, *New Zealand Native Rebellion*, p.46.
73. Ward, *Show of Justice*, pp.188-9; Sewell Journal, 20 August 1865, MS 459, AML; NZPD, 1865, pp.342ff.
74. See NZPD, 1864-66, pp.263-4, for Sewell's explanations.
75. NZPD, 1864-66, pp.259-63, 274, 346-51; Ward, *Show of Justice*, pp.187-8.
76. NZPD, 1864-66, p.337.
77. Sewell Journal, 20 August 1865, MS 459, AML; NZPD, 1864-66, p.348; Ward, *Show of Justice*, p.184.
78. See NZPD, 1864-66, p.325, for FitzGerald's introduction of the Bill.
79. Ward, *Show of Justice*, pp.180-87; Martin to Native Minister, 18 July 1865, and Notes, AJHR, 1866, A-1, pp.74-85; Martin to Mantell, 21 July 1865, Mantell Papers, MS Papers 83, f.348, ATL.
80. NZPD, 1864-66, p.629.
81. NZPD, 1864-66, pp.370-71.
82. M.P.K. Sorrenson, 'Land purchase methods and their effect on Maori population 1865-1901', JPS, LXV, 3 (1956), pp.183-99; NZPD, 1864-66, p.205.
83. The 1865 petition was printed in *The Press*, 7 July 1865, with an accompanying editorial.
84. NZPD, 1864-66, pp.279-81, 293-8, 303; Ward, *Show of Justice*, pp.190, 334 fn.56. For Tamihana's submissions before a House committee, see Le 1/1866/11, NA.
85. Williams, *Frederick Weld*, Ch.6.
86. Dalton, *War and Politics*, p.239.
87. Bowen to Gladstone, 4 November 1880, Gladstone Papers, 44466, British Museum Library.
88. Ward, *Show of Justice*, Chs.15, 16; Diary notes 1871, in Diaries, Box VI, and (on Maori status) see Maning to McLean, 20 May 1870, McLean Papers, MS Papers 32, f.311, ATL.
89. G. Hensley, 'The Withdrawal of the British troops from New Zealand, 1864-1870: A study in imperial relations', MA thesis, University of NZ, Canterbury (1957).
90. 'Copy of the Treaty of Waitangi ... and Mr Baker's annotations thereon', AJLC, 1869, pp.67-78. The treaty, 'English version', had been printed in 1840 in the British parliamentary papers. For the mining and foreshore issue, see a report, AJHR, 1869, F-7; also NZPD, 1869, 27 July, and 5 August; and JLC, 1869, 27 July and 5 August.
91. AJLC, 1869, p.67; see Appendix 5.
92. Thomas Edward Young had been employed as a translator in the Native Department since 1 March 1863 when he was sixteen. On such an important translation it is unlikely that his work evaded careful scrutiny by other staff.
93. Ward, *Show of Justice*, pp.228-9, where he notes that the sentence was 'hanging, drawing and quartering, the only penalty applicable according to the then state of the law of treason, before it was hastily amended'.
94. E.g. GBPD, 173, 26 April 1864. The British periodical press also published numerous articles on colonial events, sometimes indicating their relationship to the treaty; e.g. the *Saturday Review* ran a series of articles written by Lord Cecil (later the Marquis of Salisbury) who had experienced New Zealand first-hand, staying in the country for six months in the early 1850s. Many of these publications found their way to New Zealand readers. In the *Saturday Review*, XCVI, p.72, 19 January 1862, Cecil referred to 'colonies such as New Zealand, as "spendthrift" children who "sponged shamelessly" on Britain'.
95. [Aborigines Protection Society], *The New Zealand Government and the Maori War of 1863-1864*, London, 1864.
96. E. Morrison to Colonial Secretary, 19 October 1865, with two paper enclosures, IA 65/3568, NA. Other material is filed in IA 65/1192, 65/3568, 65/2897 and 65/356, NA.

## CHAPTER 9: THE QUEST FOR JUST RIGHTS

1. Eric Ramsden, *Bones of Waitangi*, Wellington, 1942, pp.347-66; 'Petition of Early Settlers of New Zealand', AJHR, 1875, J-1.
2. NZPD, 1858-60, p.477; Williams, 'Settler Society', *The Oxford History of New Zealand*, ed. W.H. Oliver, with B.R. Williams, Oxford and Wellington, 1981, p.117; D. Ian Pool, *The Early Colonisation of New Zealand*, Auckland, 1971, p.237; M.P.K. Sorrenson, 'Colonial Rule and Local Responses: Maori Responses to European Domination in New Zealand since 1860', *The Journal of Imperial and Commonwealth History*, V, 2 (1976), p.128.
3. M.P.K. Sorrenson, 'The Purchase of Maori Lands, 1865-1892', MA thesis, University of NZ, (Auckland 1955), pp.33, 124.
4. For files on the Princes Street Reserve, see MA 13/68, NA; G.W. Rusden, *Aurereanga: Groans of the Maoris*, London, 1888, pp.67-84; Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, 1973, pp.215-16, 251-2. Problems relating to government shortcomings were revealed in court action: e.g. Regina v. Fitzherbert, noted in Hugh Carleton, *The Life of Henry Williams*, Auckland, 1874, vol.1, p.242 and note; Mantell to Minister of Native Affairs, 20 August 1873, enclosing the Judgement of Court of Appeal in case of Regina v. Fitzherbert, AJHR, 1873, G-2c. Another question of trust, but of a different kind, was involved in Mangakahia v. New Zealand Tim-

- ber Co. Ltd. (1881-82), NZLR, 2 SC 345.
5. 1877 3 NZ Jur R (NS) SC 72. The Wi Parata case had come up first as a petition to the General Assembly, reported on in AJHR, 1876, I-4, p.1, by the Native Affairs Committee chaired by John Bryce.
6. Ward, *Show of Justice*, p.340, fn.5, notes that McLean, who took office as Native Minister soon after the 1869 judgement, thought it unjust, but was persuaded by Fox to accept it. There is extensive material on the Rangitikei-Manawatu case in MA 13/69-76, NA. The land had been excluded from the workings of the 1865 Native Lands Act.
7. T.C. Williams, *The Manawatu Purchase completed, the Treaty of Waitangi broken*, London, 1868. See also AJHR, 1874, A-1, no.12, where an address to Gladstone from T.C. Williams concerning the injustice done Ngati Raukawa was forwarded to Kimberley by Ferguson, 30 September 1873.
8. Such fishing rights were used to substantiate claims to land before the Native Land Court. There are many examples of early recognition of fishing rights. Clarke noted feasts in the Thames-Waikato where rights of proprietorship in 'eel preserves' were settled: GBPP, 1842 (569), p.96-1846 (337), p.135.
9. GBPP, 1845 (369), p.98. Harry Evison, *Ngati Tahu Land Rights*, Christchurch, 1986, pp.22-32. See also Ward, *Show of Justice*, p.258.
10. Internal Affairs files show the growing interest in harbour development from the late 1850s: IA 1858/713, 1860/2181, 1861/166, 1862/1570, 1864/1468, also G 36/3, NA. Before the abolition of provinces, a number of provincial enactments intruded on Maori rights, e.g., the Auckland Harbour Board Act, 1871, but the General Assembly passed a Harbours Act in 1878 that applied throughout the colony.
11. MA 13/92, NA, covers the Lake case. It was also reported upon in AJHR, 1891, Sess.II, G-4.
12. E.g. IA 63/449, 63/530, 64/1856, NA; *Maori Messenger*, 16 December 1861, p.19. There were various acts, e.g., The Salmon and Trout Act, 1867, The Protection of Animals Act, 1867, The Oyster Fisheries Act, 1866, and amendments, and the Fish Protection Act, 1877, and amendments.
13. 'Opinion of the Attorney General ...', AJLC, 1872, I no.1.
14. Report ... on the Thames Sea Beach Bill, AJHR, 1869, F-7; JHR, 1869, 18 August, no.2 (3 + 4), 24 August, no.3 (4 + 5) no.6, and 27 August, no.2.
15. See Ward, *Show of Justice*, p.342, fn.2, and the Shortland Beach Act 1869. In an earlier decision, on the Kawau Copper Mines, the Court had given the same ruling.
16. The Fish Protection Act, 1877.
17. See the Highway Boards Empowering Act, 1871, and the Native Districts Road Board Act, 1871. For complaints, see e.g. Mackay to Native Minister, 18 June 1875; memo from Undersecretary to Native Minister, 21 June 1875, AJHR, 1875, G-10, nos.1,2. For Bowen's tour, see AJHR, 1872, F-3A.
18. A provincial act in the 1860s had been disallowed. See Ward, *Show of Justice*, pp.169, 231. The Bay of Islands Settlement Act, 1858, had also allowed for the taking of land.
19. This is examined by A. Parsonson, 'Te Mana o te Kingitanga Maori: A study of Waikato-Maniapoto relations during the struggle for the King Country, 1878-1884', MA thesis, Canterbury (1975).
20. E.g. Bishop to Native Department, AJHR, 1884, Sess.II, G-1, no.2.
21. Evidence ... of Wi Tako and others, 15 July 1870, in 'Report ... on the petition', AJHR, 1870, F. no.7.
22. For an excellent, brief evaluation of McLean in the post-war period, see Ward, *Show of Justice*, p.257.
23. At Rotorua, e.g. the large house, Tamatekapua, was opened in the early 1870s; the Queen and the laws were said to be the ridge-pole of the house, an expression of unity and loyalty, AJHR, 1872, F. no.5.
24. Woon to Native Minister, 23 April 1872, AJHR, 1872, F-3A, no.1; Brabant to Native Minister, 25 May 1874, AJHR, 1874, G-2, no.8; Ward, *Show of Justice*, p.272; Brabant to Native Department, 15 May 1880, AJHR, 1880, G-4, no.8; Locke to Native Minister, 4 July 1872, AJHR, 1872, F-3A, no.36; Maunsell to Native Minister, 23 April 1880, AJHR, 1880, G-4, no.15.
25. S.M. Cole, 'The Hawke's Bay Repudiation Movement', MA thesis, Massey (1977).
26. Cit. Ward, *Show of Justice*, p.273.
27. E.g. 'Petition of Henare Matua', AJLC, 1873, no.22.
28. Rangitakaiwaho and others to the General Assembly, AJHR, 1876, J-6; see also Renata Kawepo, Piripi Ropata and others to the House of Representatives, AJHR, 1877, J-1.
29. *Te Wananga*, 22 January 1876, pp.37-39.
30. Ward, *Show of Justice*, p.173.
31. Tamihana Te Rauparaha to Fox and McLean, 20 July 1869, and Tuhaere to McLean, 13 December 1869, AJHR, 1870, A-21, nos. 1 and 31. Other chiefs were involved too, e.g. Matene Te Whiwhi and Hone Mohi Tawhai. They had all been participants in a large meeting of the King movement at Tokangamutu where they had hoped to engineer a reconciliation of King and government.
32. E.g. Report on the petition of Wi Hakiro and others, 26 July 1876, AJHR, 1876, I-4, p.3. Petitions of Te Ara, Katene and others, AJHR, 1878, I-3, p.5, nos.55 and 150.
33. Evidence ... on the petition of Wi Tako and others, 15 July 1870, in 'Report ... on the petition', AJHR, 1870, F. no.7.
34. E.g. McLean to Tirarau, 15 November 1869, and Tirarau and Aperahama Taonui to McLean, 2 December 1869, AJHR, 1870, A-21, nos.26 and 27.
35. Correspondence between Maning and McLean in early 1870, McLean Papers, MS Papers 32, ATL, seems to indicate this. See

- also Ward, *Show of Justice*, p.247; a Council Bill in the early 1870s was defeated.
36. Minutes of conference proceedings, MA 23/12, NA; and 'Paora Tuhaere's Parliament at Orakei', AJHR, 1879, Sess. II, G-8. There had been two earlier conferences at Kaipara: Nga Runanga i Aotea (1884-86), NZ MS 718, APL.
37. AJHR, 1879, Sess.II, G-8, p.8.
38. See AJHR, 1879, Sess. II, G-8, p.16, however, where an Arawa dated his commitment from the 1860 Kohimarama conference. There is a memorial at ohinemutu, Rotorua, which records Arawa participation at Kohimarama.
39. AJHR, 1879, Sess.II, G-8, e.g. pp.16-18.
40. *Ibid.*, p.13.
41. R.C.J. Stone, 'The Maori Lands Question and the Fall of the Grey Government, 1879', NZJH, I, 1 (1967), pp.51-74.
42. The minutes of the 1880 conference can be found in MA 23/12, NA. The conferences and their resolutions were also reported in *NZ Herald*, 20, 22, 26 March 1880, and 12, 14, 21, 22, 23 March 1881.
43. AJHR, 1879, Sess.II, G-8, p.28.
44. *Ibid.*, p.24.
45. See R.G. Scott, *Ask that mountain: The story of Parihaka*, Auckland, 1975.
46. Ward, *Show of Justice*, pp.281-3.
47. In pre-European times, the land where Te Tii is situated had been occupied by Te Kemara who is said to have had a pa there called Matai-whetu. At some stage, the land was purchased by Henry Williams and various Europeans lived on it. In the land title investigations following 1840, Henry Williams vested the land in the Maori [Ngairahiriri?] for their use and enjoyment. The block is also known as Tahunuanui.
48. AJHR, 1875, G-1, no.4. Te Tai Hakuene was connected to the Waitangi area through his marriage to the daughter of Te Kemara of Waitangi.
49. 'Meeting at the Treaty of Waitangi House, Ngapuhi, 1875', *Pukapuka-Tauria*, Auckland, 1922-23, pp.14-18, for this and following paragraphs.
50. Taonui letters (Maori), 1863-82, (Private), and e.g. Tirarau and Taonui to McLean, 2 December 1869, AJHR, 1870, A-21, no.27.
51. *Visit of His Excellency the Governor to the North, 1876*, (reprint from *The Daily Southern Cross*), Auckland, 1876.
52. Petition of Hare Hongi Hika and others, AJHR, 1878, I-3, no.139.
53. Williams to Native Department, 7 May 1880, AJHR, 1880, G-4, no.4. According to Taonui, the idea of searching into the treaty had arisen first at a tea party at Hare Hongi's house in 1873. Hare was a grandson of Hongi Hika.
54. *NZ Herald*, 27 August 1880. The monument, made by Messrs Buchanan of Auckland, had a foundation of blocks of Sydney freestone; the monument itself was of Oamaru stone. It is possible that the monument was erected on approximately the spot where the Confederation flag of 1834-35 stood. See a reference, made by Riwi of Whangarei, that might relate to this: *NZ Herald*, 25 March 1881, p.6.
55. Von Sturmer to Native Department, 7 May 1880, AJHR, 1880 G-4, no.3. For an assessment, see 'Report of the Commission ... Native Land Laws', AJHR, 1891, Sess. II, G-1.
56. MA 13/80, NA, has various letters on file: see also a petition from Kawiti and others against the Native Lands Acts: AJHR, 1876, I-4, p.27.
57. E.g. 'Visit of the Governor to the North', AJHR, 1870, A-7, p.7.
58. G.W. Rusden, *History of New Zealand*, London, 1883, vol.3, pp.301-3.
59. Von Sturmer to Native Department, 7 May 1880, AJHR, 1880, G-4, no.3.
60. *He Panui Tenei*, in MA 24/20, NA. The committee was chaired by H.K. Taiaroa, MLC, the secretary was Wi Parata, members were Wi Tako Ngatata, MLC, Mokena Kohere, MLC, Henare Tomoana, MHR, H.K. Tawhiti, MHR, M.P. Kawiti, Keopa Te Rangihiwini (Major Kemp) and Pети Te Aweawe.
61. Clendon to Native Minister, 23 May 1881, AJHR, G-8, no.4; *NZ Herald*, 24, 25, 26 March 1881; *Northern Luminary*, 12 February, 5, 12, 19, 26 March, 2, 23 April 1881. Reports relating to the meeting can be found in the above, but no record was kept by the government as with the Ngati Whatu meetings. Another useful source has been manuscripts in private possession, many in the Maori language, especially an outline headed 'Taonui's wishes, March 23, 1881', Wairua Papers.
62. 'Te Puareanga o te Tiriti o Waitangi, 23 Maehe 1881', Wairua Papers.
63. J.M. Henderson, *Ratana: The Man, the Church, the Political Movement*, Wellington, 1963, p.12, cites Taonui as saying in 1863: 'E nga rangatira o Ngapuhi whakarongo mai ki ahau. Kaua te Tiriti o Waitangi e uhia ki te kara o Ingarangi, engari me uhi ano ki te kahu Maori, ki te kahu ake o tenei motu.' ('O chiefs of the Ngapuhi, listen to me; let not the Treaty of Waitangi be covered by the flag but let it be enshrined in a cloak of this land.')
64. Taonui to Kawiti, 28 October 1878 in Taonui Letters, 1863-82. Taonui had been particularly annoyed by S. 147 in the Harbours Act of 1878 that asserted rights over the foreshore and effectively disregarded Maori claims.
65. *Northern Luminary*, 23 April 1881.
66. Woon to Native Department, 22 May 1880, AJHR, 1880, G-4, no.17.
67. *Northern Luminary*, 26 March 1881. Beneath the Union Jack flew a blue ensign with the word 'Waima' inscribed on it and three stars.
68. *Ibid.*; *NZ Herald*, 24 March, p.5.
69. J.K. Chapman, *The Career of Arthur Hamilton Gordon; First Lord Stanmore, 1829-1912*, Toronto, 1964, Ch.6.
70. 'Te Puareanga', Wairua Papers. The reading was II Corinthians, Ch.3, v.6.

71. The stone was finally unveiled though the date is unsure. In March 1884 there were complaints to the governor that the unveiling had not taken place: Kawiti, Kira and Hare Hongi to Governor, 6 March 1884, G 49/20, NA.
72. Mair to Native Department, 20 May 1880, AJHR, 1880, G-4a.
73. This assessment is made by P.J. McRae, 'Participation: Native Committees (1883) and Papatupu Block Committees (1900) in Tai Tokerau', MA thesis, Auckland (1982), by Ward, *Show of Justice*, p.290, and has been confirmed by further research of committee material: MA 23/13, NA.
74. 'Report of the Commission ... Native Land Laws', AJHR, 1891, Sess.II, G-1, p.XVI.
75. Chapman, *Career of Arthur Hamilton Gordon*, Ch.6, has been referred to for the following points.
76. *Ibid.*, p.235.
77. Gordon to Mantell, 6 September 1883, Mantell Papers, MS Papers 83, f.287, ATL.
78. Notes by William Fox [1881?], G 49/20, NA.
- CHAPTER 10: A STRUGGLE FOR AUTONOMY
1. Taiwhanga to Native Minister, 4 May 1881, MA 13/80, NA. Alan Ward, *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*, Auckland, 1973, pp.290-91, and see MA 23/1, NA, for correspondence concerning Taiwhanga.
2. Meeting at the Treaty of Waitangi House, 1875, in *Pikapakapa Taurua*, Auckland, 1922-23, p.15; Petition of Hirini Taiwhanga, AJHR, 1878, I-3, no.138; Minutes of Orakei conference, 1880 and 1881, MA 23/12, NA, for various references; Maning to Lewis, n.d. [September 1882?], New Zealand Land Court Papers, NZ MS 68, APL.
3. *Aborigines' Friend*, New Series, no.14, October 1882, p.511; AJHR, 1883, A-6, pp.1-3; Maning to Lewis, n.d. [September 1882?], NZ Native Land Court Papers, NZ MS 68, APL; Clendon to Native Department, 31 May 1882, MA 23/1, NA.
4. The petition and related correspondence are printed in AJHR 1883, A-6 and in GBPP 1882 [3382], p.287.
5. Correspondence on the Maori visit in Aborigines Protection Society Papers, G 98, 99, Rhodes House Library; *Aborigines' Friend*, October 1882, pp.505-19.
6. See minutes on APS for Kimberley, 6 July, 24 July, 1 August, 14 August 1882, CO 209/241; Agent-General to Colonial Secretary, 28 July 1882, IA 1, 82/4154, NA; Report in AJHR, 1883, A-6, pp.3-4. The section that follows is based on the report.
7. Weale to Chesson, n.d. [August?] 1882; Gorst to Chesson, 15 July 1882, APS Papers, G 98, 99, *Aborigines' Friend*, New Series, no.14, October 1882, p.507, notes that Gorst presented the petition on 3 August 1882.
8. Cropper and others to Kimberley, 2 August 1882, GBPP, 1883 [3689]; copy of a

scheme addressed 'To the chiefs of the Native Race in New Zealand', Tait Papers, Lambeth Palace Library; also 'Maori Lands and Perpetual Annuities Association (Limited)', AJHR, 1884, Sess.I, G-2. For a later version, see 'Proposals of Mr Sydney David Taiwhanga, M.H.R., for the Colonization and Settlement of Maori Lands', Wellington, 1888; Hone Mohi Tawhai to Native Minister, 10 January 1883, MA 23/1, NA, notes this.

9. *Aborigines' Friend*, New Series, no.14, October 1882, pp.509-13; various letters on file in APS Papers, G-98, 99; Weale to Chesson, 16 August 1882, APS Papers, Rhodes House Library.

10. Reports can be found in MA 23/1, NA; see Maning to Lewis, n.d. [September 1882?], NZ Native Land Court Papers, NZ MS 68, APL; and Maning to Webster, 3 September 1882, Maning Letters, NZ MS, APL.

11. For memo and the following document discussed, see AJHR, 1883, A-6.

12. *Ibid.*, p.6.

13. Gordon to Mantell, 10, 14 June 1882, Mantell Papers, MS Papers 83, f.287, ATL. Efforts to have it made public finally met with success. See Rusden to Hicks Beach, 7 July 1882, Hicks Beach to Rusden, 12 November 1882, Gorst to Rusden, 20, 27, 30 July 1882, Rusden Papers, Micro MS 758 ATL.

14. The speech and discussions were reported in the Institute's publication, *The Colonies and India*, 26 January, 2 February 1883, encl. in Bell to Premier, 9 February 1883, MA 23/1, 83/102, NA; Weale to Chesson, 29 January 1883, APS Papers.

15. H.M. Tawhai to Native Minister, 10 January 1883, MA 23/1, 83/204, NA. Taiwhanga to Chesson, 29 December 1882, APS Papers; 'Printed material relating to the English visit', Tait Papers, Lambeth Palace.

16. Clendon to Native Office, Auckland, 23 September 1882, MA 23/1, NA; Taiwhanga to Chesson, 29 December 1882, Weale to Chesson, 4 June 1884, APS Papers; H.M. Tawhai to Native Minister, 10 January 1883, MA 23/1, 83/204, NA. 'Ko te Pitihana a nga Iwi o Niu Tirenki Ingarangi, 7 April 1883', Grey Papers, no.667a, APL.

17. Clendon report, 23 May 1881, AJHR, 1881, G-8, no.4.

18. Taiwhanga to Weale, November 1882, APS Papers; Clendon to Native Department, 31 March 1884, MA 23/1, 84/1271, and 13 April 1884, MA 23/1, 84/1198, NA; copies of NZ Times filed MA 23/1, 82/1654, are most critical of Taiwhanga. For a more favourable view, Weale to Chesson, 2 October 1883, 15 March 1884, APS Papers.

19. Chesson to Weale, 19 February 1883, APS Papers; printed Maori text of the petition in Greenway to Lewis, 5 December 1883, MA 23/1, 83/3793, NA, together with two different translations of it. A copy in longhand and in English can also be found in APS Papers, but there is no record of how it came to be there nor why it should have been dated 7 April 1884, whereas the copy in the Grey Papers is dated 7 April 1883.

20. Maori MHRs to the Aborigines Protection Society, 16 July 1883 (and related correspondence), APS Papers, and GBPP, 1884-85 [c.4413]. See also *Transactions of the Aborigines Protection Society, 1883-89*, March 1884.
21. A. Parsonson, 'Te Mana o te Kingitanga Maori: A Study of Waikato-Maniapoto relations during the struggle for the King Country 1878-1884', MA thesis, Canterbury (1975). Files in MA 23/4, NA, trace the government's efforts from around 1870 to break down King movement resistance.
22. Parsonson, 'Te Mana o te Kingitanga Maori', pp.169-81; and records in MA 23/4, NA.
23. *Aborigines' Friend*, December 1884, and Memorial and related correspondence, GBPP, 1884-85 [c.4413] and [c.4492]. Parsonson, 'Te Mana o te Kingitanga Maori', pp.174, 181 discusses the memorial. Tawhai to Chesson, 22 March 1884, APS Papers, indicates that the draft memorial was written in NZ not England.
24. Derby to Jervois, 9 August 1884, GBPP, 1884-85 [c.4413].
25. E.g. Bell to Undersecretary of State for Colonies, 9 April 1884, CO 209/244/5975.
26. Correspondence on the King's visit, CO 209/243 and CO 209/244. See also telegram on file, rec'd 27 May 1884 from NZ government, CO 209/244/11376; and note in Meade memo, 15 August 1884, CO 209/244/13887.
27. Herbert to Derby, 18 July 1884, CO 209/244/12242; Fuller to Derby, 16 July 1884, Herbert to Derby, 17 July 1884, Derby minute, 19 July 1884, CO 209/244/12118.
28. Report of the interview, *Aborigines' Friend*, December 1884.
29. Bell to Fuller, 15 July 1884, CO 209/244/12118.
30. The Cetawayo affair had been reported in the NZ press before the King's trip; the similarity in the African and NZ situations had not gone unnoticed in government circles. For a full account of Cetawayo, see J.G. Guy, *The Destruction of the Zulu Kingdom: the Civil War in Zululand, 1879-1884*, London, 1979.
31. Tawhiao and chiefs to Derby, 13 August 1884, and Herbert memo, 16 August 1884, CO 209/244/13887. Derby was given fresh information about land court operations in the Waikato-Maniapoto district that exemplified Maori grievances.
32. 'Farewell to the Maori chiefs', *Aborigines' Friend*, December 1884.
33. Letters between Te Wheoro and Chesson, latter half of 1884, APS Papers; Bell to Herbert, 20 August 1884, encl. in Bell to Premier, 20 August 1884, no.383, PM 5/2, NA.
34. Te Wheoro to Chesson, 28 January, 28 March 1885, and Tangata to Weale, 24 January 1885, APS Papers; Te Wheoro to Gorst, 23 March 1885, GBPP, 1884-85 [c.4492].
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36. Notes of a meeting between Ballance and Wanganui Natives, 7 January 1885, in 'Notes of Native Meetings', AJHR, 1885, G-1, p.5,

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37. Stout memorandum, 12 March 1885, encl. in Jervois to Derby, 28 March 1885, GBPP, 1884-85 [c.4413].

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42. Ballance to Katene, 2 February 1885 (printed letter in Maori), APS Papers.

43. Taiwhanga to Chesson, 30 July, 26 November 1883; 19 February, 30 October 1884, APS Papers.

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45. P.J. McRae, 'Participation: Native Committees (1883) and Papatupu Block Committees (1900) in Tai Tokerau', MA thesis, Auckland (1981); 'Ko te Pitihana a Nga Iwi o Niu Tirenki Ingarangi, 7 April 1883', section 4, Grey Papers, no.667a, APL.

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48. Description of the meeting, Taumarere, 5 May 1885, Taonui Letters, Private Collection. The pact was recognised with various gifts from Kawiti.

49. Wilkinson to Native Department, 25 May 1886, AJHR, 1886, G-1, no.5; Correspondence between Tawhiao and the Native Minister on a Maori Council, May/June 1886, AJHR, 1886, G-14.

50. Apart from several letters to the APS, there was a petition from Tawhiao to Gorst, and a letter from Rewi Maniapoto seeking an answer to the 1884 appeal. Gorst to Chesson, 11 February 1886, Holland to APS, 26 May 1887, and other correspondence between the Colonial Office and APS in 'Correspondence', 1886, 1887, 1888, APS Papers.

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