

AN HISTORICAL SYNOPSIS

The following synopsis has been prepared as part of the proposed presentation to the Hon Doug Graham. While I have written the prose that is in normal type, its foundation is based on the report prepared for the Crown by Dr Bryan Gilling. The indented prose in italics are verbatim quotes from Dr Gilling's report and identified by page number.

My objective in this presentation is to use the Crown's own words to justify the Whakatohea claim and to 'convict' them, so to speak. It is also important that Pakeha from the local community hear these words.

John Delamere - 13 Jan 96

On 5 September 1865 in Wellington, the Governor, Sir George Grey, published his Proclamation of Peace in the Gazette. The Governor's proclamation pardoned all New Zealand natives who had participated in any of the so-called rebellious activities against the settler government. The only exceptions to the pardon were those natives who had participated in the murder of a number people throughout Aotearoa. One of the killings specified was that of the Reverend Carl Sylvius Volkner. 5 September is a very significant date as it was only 3 days later, on 8 September that Government troops started their invasion of the lands of Whakatohea.

However, more on that later. First, lets look at events prior to the invasion.

Although Whakatohea had, had minimal contact with the Pakeha prior to the raupatu of 1865, the tribe had adapted extremely well to the European capitalist culture. By the standards of the day, Whakatohea had become wealthy, even by European standards. While it is impossible to accurately quantify the extent of Whakatohea's possessions before the invasion, written records from the invading British soldiers give us some idea.

P13 *Whakatohea owned thirteen vessels, ten of which were in the river. For agriculture, they had more than 50 ploughs, 26 drays and carts and other implements in proportion, while their miles of good roads centred on a water mill for which they had paid £800. Some of the bridges, which they had constructed themselves, were equal to any European ones on the road south from Auckland.*

P15 *The extent of Whakatohea's pre-invasion wealth and industry was noted with admiration by a man who supervised its destruction, Major Charles Stapp, even as he did so:*

What a quantity of cultivations, corn in abundance, such fine potatoes, all their ploughing was done with horses, a bullock was never seen working here. I should say they were very rich. What blind fools they must be. Ploughs brand new, all sorts of

implements. I have a wash stand, iron bedstead, table, chair and so have lots of others...and (the force) have got thousands worth of property belonging to them (the Whakatohea). Those thousands worth had been acquired in just a couple of days after the soldiers landing. He also observed thousands upon thousands of peach trees all in blossom

... ..He later commented on the fine pigs and cattle (of which) we have taken thousands of pounds worth from the natives already.

Up until 1865 the Eastern Bay of Plenty was essentially isolated from the effects of colonisation. The first Civil Commissioner for the area did not arrive until the end of 1861 and even then he was based at Maketu, visiting the Eastern Bay of Plenty only once or twice a year. Visits from other Government officials were very rare. Consequently, Whakatohea pretty much maintained their own tino rangatiratanga, as authority from the settler Government was only nominal.

However, Whakatohea did not live in isolation from the events happening in other parts of Aotearoa. As a result of their travels through coastal trading, our tipuna were aware of the conflicts in Taranaki, Waikato and elsewhere. They were well aware of the insatiable desire for land by the Pakeha settlers. In April of 1864 a party from the Eastern Bay of Plenty, including Whakatohea, attempted to go to the assistance of the Waikato, who were being attacked by the British. They never reached their destination, as a combined force of Te Arawa and British soldiers turned them back at Te Kaokaoroa. It was here, that the Whakatohea chief Te Apоротanga was captured and executed while a prisoner of war.

This action in 1864 was the closest Whakatohea ever came to taking rebellious action against the settler Government.

P177 This prior involvement in "rebellion", such as it was, was, in any case, pardoned by Governor Grey's Proclamation of Peace of 3 September 1865. As was confirmed by the later Native Land Claims Commission and then the Sim Commission, these actions could not legally have been considered in January 1866 in justifying the confiscation.

A year later, on 2 March 1865 the Reverend Carl Sylvius Volkner was hung in Opotiki. The arrival in Opotiki in late February of 1865 by Kereopa of Ngati Rangiwewehi with his Taranaki Hauhau followers spelt the beginning of the end for Volkner. Also accompanying Kereopa was Wepiha Apanui of Ngati Awa. The exact events of that fateful day have been lost to history. However, it is generally agreed by all that Kereopa was the person primarily responsible for Volkner's death. That others were involved is undeniable. Was it solely Kereopa and his Taranaki Hauhau's? What role did Wepiha Apanui play? Who and how many Whakatohea were involved?

P177 It is, though, apparent from the variety of information now accessible that the actual level of involvement of Whakatohea in the killing is very uncertain... ..Various sources indicate, though, that

two major hapu, Ngati Rua and Ngati Ira, may not have been involved at all and may have even opposed the killing altogether... .. There is a wide variation in the numbers involved and even in the actions of the Pakeha concerned.

P178 It is, I think, clear that if Mokomoko was involved at all (which seems at best doubtful) he was peripheral to the actual murder and did not deserve his subsequent fate as a major participant. It is unclear how he came to be accused in the first place, but [¹the Supreme Court transcript shows] his conviction must have been based entirely on the dubious testimony of Jahus and that of his rival over Ohiwa, Wepiha Apanui - hardly a disinterested witness.

P84 In this scenario, perhaps, Mokomoko was seized upon as a substitute for all those who had eluded capture.

The murder of Volkner set in train the events that eventually led to the confiscation of nearly all of our land, the destruction of our wealth, the murder of dozens of our tipuna. The Government later uses the murder of Volkner to justify their actions.

P178 The killing of Volkner could not, though, legally be the basis of the confiscation either. It was a criminal matter, not an act of treason or rebellion, and this was recognised by the Government at the time in its nominal pursuit of his murderers and the (eventual) committal of the prisoners for trial in the Supreme Court for murder.

P178 The Proclamation of Peace of 3 September 1865 pardoned prior offences of rebellion. It declared the Government's use of force as being to protect European settlements and to punish those who used violence to settle the country's difficulties. Yet, apart from the killing of Volkner, Whakatohea had in no way threatened other Europeans, even protecting the traders among them.

P65 These instructions reveal that the Government, or at least the incumbent Weld Ministry, did not see Volkner's killing as an act of rebellion, but that it was a police matter, so that if any land was to be taken it would only be from those concealing murderers and only sufficient to establish a police force in the area... ..

On 6 September 1865 a large force set sail from Wellington to capture the murderers of Volkner and of James Fulloon, a half caste Crown agent, who had been killed at Whakatane.

P66 The invasion force under the overall command of Major Brassey, second in command Major Charles Stapp consisted of a total of 516 officers and men. The flotilla transporting and supporting them consisted of HMS Brisk, the steam transports

¹ Extract from 'Summary of 1994 Report Commissioned by TOWPU' - Dr Bryan Gilling: p5, s4.3

Stormbird, Ladybird and Ahuriri and the tender Huntress... ..The Brisk was a steam corvette with a crew of 190, and armed with one 68-pounder and fifteen 32-pounders, a heavy armament.

On 8 September 1865 the invasion force arrives at Opotiki. For the next three months the soldiers loot, pillage, rape and kill in response to the so called 'armed resistance'. It was at least ten days before anyone in the invasion force even took the trouble to explain to anyone of Whakatohea what was going on, why they had come. Until then our tipuna had, had absolutely no chance, no opportunity to comply with the provisions of the Proclamation of Peace. They couldn't. They knew nothing about it. The invasion force had left Wellington at the first opportunity following publication of the Proclamation of Peace. They sailed directly to Opotiki. It was not a police force, as it was supposed to be. It was, instead, your regular, every day, invasion. They had come to Opotiki for one purpose - to destroy Whakatohea - in breach of all legal and moral standards that supposedly existed at the time.

P64 I have found no evidence so far of any direct consultation or negotiation between the Government and Whakatohea in the period through mid-1865 between the killing of Volkner and the arrival of the Government's forces. If this was indeed the case, there was no meaningful opportunity provided for Whakatohea to rectify their 'sins', nor any way of clarifying the Government's exact requirements and demands. Nor could the threat of any potential loss of lands have been delivered...

It was Governor Grey himself who issued the expedition's instructions:

P68 I have determined in order to inflict immediate and signal punishment on the Natives concerned... ..

Thus, as you can see, the tone of the expedition was set by Governor Grey in his opening sentence.

P69 As the whole Whakatohea iwi was generally assumed to bear some responsibility, there was little discouragement here from inflicting that punishment more broadly than on just a handful of named individuals.

P69 Stapp's pre-existent animosity and his understanding of the vigour with which he was to prosecute the campaign was revealed in comments to his wife; "We shall have full power to try them, the 200 native wretches, by court martial and hand all we catch or all who have taken part in murders. I shall be the President of the court martial bench, and you may rest assured I will do my duty.

Day One - Friday 8 September

P69 Neither Stapp, Stoate, nor Cowan record any advance warning, attempt to negotiate, or even a statement of intent by the expedition. This was even though they were piloted by Captain Levy, who was

well known to Whakatohea. Stoa commented that all the troops on the *Huntress* were landed safely and that they got a position on shore without opposition from the Maoris.

P73 *The soldiers began landing at Opotiki before the Proclamation of Peace can have had a chance to arrive there. Whakatohea were faced with a surprise military invasion indistinguishable from any other. They can have had no chance to hear of, consider and respond to Governor Grey's demands of surrender of murderers made in the proclamations published on 5 September, only 3 days earlier.*

Day Two - Saturday 9 September

P70 *By this time, the force had been at Opotiki for a day and had done nothing but make two abortive attempts to take the village. Seemingly they neither communicated the Proclamation of Peace nor made any effort to explain that they were ostensibly there to apprehend Volkner's murderers.*

Day Three - Sunday 10 September

A lone Maori male stands on the banks of the Waioweka River mocking the British troops on board the *Huntress*. Stoa records in his diary that the man poses no threat, yet he was deliberately killed.

P71 *Two of our men fired and one of them knocked him over, the fellow was not killed but I suppose was shot through the thigh, so he commenced singing his war song and shouting for Maoris to come down; to quiet him, our fellows made him a target for the short space of five minutes.*

Day Four - Monday 11 September

The landing was not completed until the 4th day, Monday 11 September. Captain Newland's Patea Rangers had chased some Maori right around the estuary to the village which they captured, killing 5 of 6, but suffering no casualties themselves.

P72 *Being now 5 miles inland, presumably up the Otara flats, McDonnell returned to the village where the few Maori fled, apart from 'one man who was shot in a house before he could escape'. Whakatohea lost 12 dead and an unknown number wounded, but not one soldier was even wounded.*

P72 *Once again this all showed a remarkable lack of resolve by 'fanatic' defenders who were supposedly so well armed.*

Day 7 - Thursday 14 September

On 14 September after a party chasing horses and cattle were fired upon McDonnell, with the Native contingent and some of the Waikato militia, made a foray beyond the settlement, during which

they shot three Maori and drove Maori out of two villages which were burned.

For the next 3 weeks the troops continued their sporadic activity of looting and pillaging until 5 October when the major battle of the invasion took place and the invading Government troops attacked Te Tarata, the major pa of Ngati Ira.

P79 *Major Stapp then ordered the destruction of the pa, the Maori dead being buried in the trenches.....The soldier Smith, told his mother of 20 dead in the rifle pits and 12 more in the rush....*

P80 *This destruction Stapp described as a 'tremendous blow to them'. The Maori losses appear to have been heavy, some of the captives saying that of 65 who had taken part in the fight.. only five had escaped which was corroborated by the fact that 'every day we are finding dead bodies'.*

P80 *On the other hand, the broad scale destruction of the villages and tribal food supplies suggested tangibly, and visibly, a much larger and more punitive agenda. Presumably, the rationale behind such destruction was that it was exemplary, 'to encourage others' to give up the fugitives sought and lead to the killers' capitulation. It may though have been pure vindictiveness, a directly punitive scorched earth policy. The soldiers were not looting to provide themselves with food and supplies, they were destroying for the sake of what destruction would achieve, compliant fear or indiscriminate retribution....*

P81 *In fact, the taking of Maoris' personal property at Opotiki was expressly sanctioned by the Government... ..*

P74 *This period of several months' purely military occupation appears to have been when the economic base built up by Whakatohea was destroyed, as the troops pursued what can have been little different from a scorched earth policy, designed to do nothing more than be destructive and intimidatory. Not only were the consumables of Opotiki pillaged but so were many cultural artefacts from the moment the troops arrived.*

P82 *Thus not only did the soldiers on site benefit from looting the Whakatohea possessions, but the colonial Government actually gained some income from the deliberate capture and sale of Whakatohea livestock and other property a year after nearly all of the iwi had surrendered and were on the Opape reserve.*

P84 *Haultain received reports of these actions beginning with the landing, 'with much satisfaction'. He declared, 'A heavy blow has been inflicted on the hostile tribes by the death of so many of their*

party, the capture of others, & the destruction of their paks and so large a quantity of food etc... ..

p84 *Once again the language of a police action has been replaced with that of an all out campaign of control of aggressive rebels. There is no notice of the fact that no aggressive action at all had been taken by Whakatohea, that all of the fighting had taken place as a result of the soldiers' probing and surprise attacks, but there was rejoicing in the deaths of so many (they can not have all been murderers) and the destruction of the places in which they lived and the food upon which they depended. Again, this gives lie to the political statements that this was for the arrest of a few criminals, and not punitive or vindictive. This greater damage being wrought on Whakatohea was specifically and officially commended by the Defence Minister.*

P91 *St John, as leader of the military force deployed against Whakatohea, was undeniably of the impression that the expedition was not so much a police action as a punitive one, precisely to wreak vengeance and not just on those individuals who performed the killing as declared on the gazetted proclamation, but upon the whole of 'the murdering tribe'.*

Not every one supported the Government's actions. Many, in fact, were horrified and opposed the Government. Unfortunately, none of them had any power to do anything. One of those people was William Colenso the former missionary. In 1871, when MHR of Napier he attended Kereopa's trial and made known his objections to the level of punishment that was being handed out for Volkner's killing. He noted:

P112 *the lack of delay between the Proclamation of Peace and the martial law proclamation with the despatch of troops;*

the lack of any attempt by the expedition to parley with Whakatohea before commencing military operations

the killing of 41 Opotiki Maori in the first few days after landing and of an undetermined number in the following weeks totalling at least 50

the threat in the Peace Proclamation to seize lands only if the murderers were not given up

that although, unlike previous confiscations, the land was supposedly not to go to the Crown for its own use, but to provide for 'maintaining peace' and as compensation for the victims' relatives, yet this was never even attempted, nor even intended, as no Civil Magistrate accompanied the expedition and the proclamation of war was issued prior tot he expedition even leaving Wellington.....

In commenting on the attitude of the Government towards the killing of the Reverend Volkner Dr Gilling also commented that:

P111 The implication here is that the 3 executed for Volkner's killing were somehow less tractable than the others, posing more of a threat to the re-establishment of peace and without any European or Maori benefactors to sponsor them. I am presently unaware of any indication that this was so, and the description given above of the trial clearly showed that there was grave doubt about the involvement of several of them in the killing. The Government appears to have been less careful and less generous towards these Whakatohea than it was towards the dozens of Ngati Awa who suffered so much less for Fulloon's killing.

p113 As the 1921 Native Land Claims Commission would later say, in light of these other events it is apparent that Whakatohea paid disproportionately dearly for the one missionary's killing.