

Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

HOW GOVERNOR GEORGE GREY FAILED TO BRING PEACE, 1861-1863

Simon Abbott

**Submitted in partial fulfilment of the requirements for the
degree of Master of Arts in History**

School of Humanities, Media and Creative Communication

Massey University, Albany

2020

Abstract

Sir George Grey in 1861 was appointed Governor of New Zealand, based on his reputation for effectiveness during his first governorship. Before the 1960s, Grey was praised by some historians, but since then his decisions and motives in ordering the invasion of the Waikato have been critically analysed and condemned. Rather than being portrayed as ‘Good Governor Grey’, he is now depicted as highly Machiavellian and even personally to blame for the invasion. This thesis seeks to re-examine the sequence of events leading up to the invasion of the Waikato. It explores the period between the truce negotiated by Wīremu Tāmihana Tarapīpipi Te Waharoa of Ngāti Hauā in Taranaki in March 1861 and Grey’s invasion of the Waikato in July 1863. Through a close reading of the primary sources, the thesis develops a narrative which sheds greater light on this key moment in New Zealand’s history.

This thesis argues that too much attention has been given to Grey as the instigator of the Waikato War, and that much more responsibility needs to be seen in other events, such as Thomas Gore Browne’s deteriorating relationship with Waikato following the end of hostilities in Taranaki, the conduct of the Colonial Office and of the politics of the colonial administration. Grey may have failed to make the best of the opportunities available for peace, but these opportunities were limited.

Table of Contents

Abstract	i
Table of Contents	ii
Acknowledgements	iv
Chapter 1: Introduction	5
Chapter 2: From Browne to Grey	13
2.1 Introduction	13
2.2 Brief Summary of the War In Taranaki	13
2.3 Peace Negotiations with Māori from Taranaki	15
2.4 Browne’s Ultimatum.....	16
2.5 Response from Kīngitanga Māori	17
2.6 The Parliamentary Session of 1861.....	18
2.7 Grey Makes the First Step.....	20
2.8 Newcastle Appoints Grey	21
2.9 Conclusion	22
Chapter 3: Grey’s Initial Policies and Crises – 1861-1862.....	25
3.1 Introduction.....	25
3.2 Grey’s Arrival	25
3.3 Newcastle’s Orders	26
3.4 Fox Ministry’s Initial Advice.....	30
3.5 Responsibility in Native Affairs.....	31
3.6 Was Grey Planning Peace or War?	32
3.7 The New Institutions	33
3.8 Establishment of Military Infrastructure	49
3.9 Crises over Land Disputes	54
3.10 Assembly of 1862 and the Fall of The Fox Ministry	55
3.11 Newcastle’s Failure to Support Grey	58
3.12 The Hui at Pēria	60
3.13 Grey’s Change of Attitude towards Māori.....	63
3.14 Conclusion	64
Chapter 4: War on the Horizon.....	69
4.1 Introduction.....	69
4.2 The Meeting at Taupiri	69
4.3 Grey Reoccupies Tātaraimaka	75
4.4 Disturbances in the Waikato	77

4.5	Grey’s Waitara Investigation	82
4.6	Grey had ignored Warnings.....	86
4.7	The Reasoning Behind Grey’s Actions	87
4.8	The Significance of the Change of Ministry.....	88
4.9	The Immediate Aftermath of the Ambush.....	89
4.10	The Militia	93
4.11	Rogan Delivers An Ultimatum	94
4.12	Reactions to the Ambush by Waikato Māori.....	97
4.13	Grey Manuscript GNZMS 200	98
4.14	Events of June 1863.....	102
4.15	Conclusion	110
Chapter 5: July 1863 – The Final Decision to Invade.....		113
5.1	Introduction	113
5.2	The Plan Is Put into Action.....	113
5.3	The ‘Eighteen Letters’	115
5.4	Analysis of the Enclosures.....	118
5.5	Waikato Māori Request an Investigation.....	132
5.6	Oath of Allegiance.....	133
5.7	Waikato in June and July.....	135
5.8	Conclusion.....	137
Chapter 6: Conclusion.....		141
6.1	Conclusion.....	141
Chapter 7: Bibliography.....		148
7.1	Archives and Manuscripts	148
7.2	Books, Articles and Reports	151
7.3	Newspapers and Niupepa	155
7.4	Websites.....	155

Acknowledgements

I would like to especially thank Professor Michael Belgrave for his mentoring, my father, Nicholas Abbott and others for their help in proof reading. I would also like to thank the librarians and archivists throughout New Zealand who have made my research for this thesis possible, and all my friends and family who have listened and encouraged me.

Chapter 1: Introduction

The reappointment of Governor George Grey was a result of the catastrophic Taranaki War, which had broken out on 17 March 1860, when British forces opened fire on the pā of Wīremu Kīngi Te Rangitāke of Te Āti Awa at Waitara.¹ On 26 September, 1861 when George Grey arrived in New Zealand to take up the position of Governor, there was an uneasy truce in the country, but on 12 July, 1863 British troops crossed the Rubicon of the Mangatāwhiri River, and invaded the Waikato. This thesis examines the conditions of the truce that Governor Thomas Gore Browne negotiated, his ultimatum to Waikato Māori, Grey's initial policies and attempts to reconcile the Kīngitanga, his military preparations, and the crises of 1862 and 1863 which resulted in the invasion of the Waikato.

Grey's failure to bring peace, and the causes of the invasion of the Waikato have been highly debated, and historians have divergent views on the factors that influenced Grey's thinking and decisions. The major contributors to this discussion are G. W. Rusden, William Pember Reeves, James Cowan, Keith Sinclair, J. Rutherford, B. J. Dalton, Alan Ward, James Belich, and Vincent O'Malley.

Much of this historiography is focused on Grey's responsibility for the invasion of the Waikato, with some historians, such as Vincent O'Malley, finding him primarily culpable for the invasion, determined from his arrival to confront the Kīngitanga militarily. Historians have also tended to divide the war, and responsibility for, between Thomas Gore Browne in the first Taranaki war and Grey's involvement in the invasion of the Waikato. They are often treated as to separate wars, each with their own set of distinct causes. This thesis uses narrative to place the invasion of the Waikato much more strongly in context of the earlier first Taranaki war. It also argues that far from diverting New Zealand into war, which otherwise may have been preventable, Grey was less in control of events that historians have assumed.

One of the main features of the historiography is the tendency to separate the fighting of the early 1860s into separate conflicts, the Taranaki Wars and the Waikato War, or

¹ Vincent O'Malley, *The Great War in New Zealand, The Great War for New Zealand, Waikato 1800-2000*, Wellington: Bridget University Books, 2016, p. 113

invasion of the Waikato.² In fact, they were not separate wars, but separate campaigns divided by a truce which lasted from March 1861 to 4 May 1863. Historians have ignored that when Grey arrived in New Zealand, there was no peace. As a result, there has been a tendency in the historiography to accuse Grey of starting a war, rather than failing to bring about peace.

Historians are divided about the initial plans that Grey made shortly after his arrival. Nineteenth century authors and early historians tended to agree that Grey initially brought peace.³ Later historians were more suspicious of Grey's motives, and thought Grey began to prepare for both peace and war.⁴ It has been recently suggested that Grey started planning his invasion shortly after he arrived in the Colony.⁵ The historiography has gradually shifted from the opinion that Grey initially desired peace, to a belief that Grey prepared for both peace and war, to the view that Grey had possibly decided on war with the Kīngitanga by his arrival in New Zealand.

Whether Grey was planning peace or war, in November 1861 he launched an attempt to provide Māori with a form of self-government that has become commonly known by historians as the 'New Institutions'. Earlier historians thought the New Institutions were accepted throughout New Zealand, with the exception of the Kīngitanga.⁶ It has been suggested the institutions may have succeeded.⁷ However, the majority of authors

² For example, G.W. Rusden, John Featon, James Cowan, Keith Sinclair, B.J. Dalton, Alan Ward, James Belich and Vincent O'Malley.

³ James Edward Alexander, Sir James Edward, *Incidents of the Maori War*, Christchurch: Capper Press, 1976. (1863 facsimile), p. 321; William Fox, *The War in New Zealand*, Christchurch: Capper Press, 1973, pp. 41-42, p.54; Rev. Richard Taylor, *The Past and Present of New Zealand; With its Prospects for the Future*, London: William Macintosh, 1868, pp. 130-131; J.E. Gorst, 'Our New Zealand Conquests', *MacMillan's Magazine*, No. 68, June, 1865, 168; G. W. Rusden, *History of New Zealand*, Volume II, London: Chapman and Hall, Limited, 1883, pp. 74-75; William Lee Rees and Lily Rees, *Life and Times of Sir George Grey, K.C.B.*, Auckland: H. Brett, 1892, p. 313; William Pember Reeves, *The Long White Cloud Ao Tea Roa*, 5th Impression, London: George Allen & Unwin Ltd., 1956, p. 205; James Cowan, *The New Zealand Wars and the Pioneering Period*, Volume I, Wellington: P. D. Hasselberg, Government Printer, 1983., p. 233

⁴ Keith Sinclair, *The Origins of The Maori Wars*, Wellington: NZ University Press, 1972, p. 240; J. Rutherford, *Sir George Grey, K.C.B. 1812-1898, A Study in Colonial Government*, London: Cassell, 1961 pp. 457-459; Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland: Auckland University Press, 1974, p. 126; B.J. Dalton, *War and Politics in New Zealand 1855-1870*, Sydney: Sydney University Press, 1967, p. 142; James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland: Penguin Books, 1998, pp. 119-122; O'Malley, *The Great War in New Zealand*, pp. 149-151

⁵ O'Malley, *The Great War in New Zealand*, pp. 149-151

⁶ Rusden, pp. 74-81; Rees and Rees, p. 313

⁷ Ward, *A Show of Justice*, p. 145; Henry Sewell, *The New Zealand Rebellion*, London and Cambridge: Macmillan and Co., 1864, p.14

have concluded that the institutions failed or Grey simply lacked interest in them.⁸ More recently, it has been proposed that the institutions were merely intended to undermine the Kīngitanga whilst Grey prepared for war.⁹ Whether they were intended to produce peace or merely buy time and allies, historians have agreed that the New Institutions failed to reconcile the Waikato Māori.

Shortly after the launch of the new institutions, Governor Grey ordered the completion of the military road to the Waikato along with the construction of strategic redoubts. Most writers have agreed that the completion this was counterproductive to any attempt to make peace with the Kīngitanga.¹⁰ Many authors believed that the road was vital for the defence of Auckland, while some saw the road entirely as a prelude to invasion.¹¹ Historians have generally agreed that the Kīngitanga saw the road as a threat, and its construction greatly hindered the prospects of peace.

As Governor of New Zealand, Grey was answerable to his superiors in the Colonial Office under Henry Pelham Fiennes Pelham-Clinton, 5th Duke of Newcastle-under-Lyne, Secretary of State for the Colonies. Many historians have noted that there was considerable friction between Grey and the Colonial Office.¹² In contrast however, Dalton thought that the Colonial Office gave Grey ‘unwavering support’ and had ‘complete confidence in him’.¹³ A major dispute during this period was the disagreement between the New Zealand government and the Colonial Office over funding Grey’s policies.¹⁴ Most historians agree Grey had little support from the Colonial Office, but Dalton offered a dissenting opinion that Grey had Newcastle’s full support.

⁸ J.E. Gorst, *The Maori King, Edited with an introduction by Keith Sinclair*, Hamilton: Paul’s Book Arcade, 1959, p. 261; Cowan, p. 233; Sinclair, p. 240, pp. 244-246; Rutherford, p. 469; Dalton, p. 150; Danny Kennan, *Wars Without End*, Auckland: Penguin Books, 2009, pp. 217-218; Edmund Bohan, *To Be a Hero, A biography of Sir George Grey*, Auckland: HarperCollinsPublishers, New Zealand Limited, 1998, p. 205; O’Malley, *The Great War in New Zealand*, p. 159

⁹ Belich, p. 120; O’Malley, *The Great War in New Zealand*, p. 151

¹⁰ Gorst, *The Maori King*, p. 232; John Featon, *The Waikato War 1863-1864*, Christchurch: Capper Press, 1971, p. 5; Taylor, p. 133; Rusden, p. 81; Reeves, p. 206; Cowan, p. 233; Sinclair, p. 246; Rutherford, pp. 463-479; Dalton, p. 148; Belich, p. 124; Bohan, p. 204; O’Malley, *The Great War in New Zealand*, p. 157

¹¹ Rusden, pp. 114-115; Sinclair, pp. 246-247; Rutherford, p. 460, p. 464, Dalton, p. 148; Belich, p. 124; Keenan, p. 219; O’Malley, *The Great War in New Zealand*, p. 162

¹² Rusden, p. 94, p. 101; Sinclair, p. 237, p. 243; Rutherford, pp. 470-472; Bohan, p. 207; Belich, pp. 123-125; O’Malley, *The Great War in New Zealand*, p. 166

¹³ Dalton, pp. 139-140

¹⁴ Sinclair, pp. 250-251; Bohan, p. 205; O’Malley, *The Great War in New Zealand*, p. 164; Dalton, pp. 151-155; Belich, pp. 122-124

Grey had to work with a Ministry selected by the New Zealand Assembly. Sinclair, Rutherford and Bohan all noted Governor Browne wrote that Grey had stated that he intended to make the Ministers responsible in Native Affairs, but then he would do what he wanted.¹⁵ Ward observed that power was ‘awkwardly divided between Governor and Ministers.... Both sides sought the substance of power while trying to saddle the other with theoretical responsibility’.¹⁶ O’Malley noted that the ‘Governor was no longer in sole charge of the colony but instead was expected to work alongside ministers answerable to the General Assembly in a system of ‘double government’’.¹⁷ Despite that historians agree that Grey was not in sole charge, historians have tended to hold Grey entirely responsible for his failure to bring peace.

At the time of Grey’s arrival, the Fox Ministry was in power. Most historians agreed that Grey and the Fox ministry were able to work together.¹⁸ However, Bohan provided a dissenting opinion.¹⁹ In October 1862, the Fox Ministry fell and was replaced by the Domett Ministry. Some historians believed this resulted in no significant change of policy.²⁰ Bohan suggested that Grey was even able to achieve ‘early and easy dominance over the new government’.²¹ However, Rutherford believed the Domett ministry which replaced the Fox ministry in 1862 was ‘less genuinely pacific and with which Grey found greater difficulty co-operating’.²² Belich commentated that the ministers finally ‘provided their full support’ only in late June 1863, ‘when Grey convincingly revealed his intention to invade Waikato’.²³ O’Malley made little mention of the change of ministry, but believed that Domett ‘keenly supported Governor Grey’s plan to invade Waikato’.²⁴ Most historians have thought that the change of ministry had little impact on Crown policy.

In 1863, events began to rapidly progress towards war. Historians are generally agreed that the meeting at Taupiri in January between Grey and Waikato rangatira was a

¹⁵ Sinclair, p. 238; Rutherford, p. 456; Bohan, p. 201

¹⁶ Ward, *A Show of Justice*, p. 131

¹⁷ O’Malley, *The Great War in New Zealand*, p. 151

¹⁸ Rusden, p. 75; Sinclair, p. 240; Dalton, p. 151; O’Malley, *The Great War in New Zealand*, p. 152

¹⁹ Bohan, p. 201

²⁰ Rusden, p. 91; Dalton, p. 157; Bohan, p. 207; Dalton, p. 157

²¹ Bohan, p. 207

²² Rutherford, p. 473

²³ Belich, p. 124

²⁴ O’Malley, *The Great War in New Zealand*, p. 194

disaster, and was a serious setback to achieving peace.²⁵ Historians are in agreement that after the British occupation of the Tātaramaka block, Grey's renunciation of the Waitara Purchase was delayed while he sought the backing of his ministers.²⁶ Many historians have thought that the Ōakura ambush was carried out under the orders of Rewi Maniapoto, a rangatira of Ngāti Maniapoto.²⁷ However, O'Malley thought it doubtful that Māori in Taranaki would have obeyed Rewi's instructions.²⁸ After the ambush, historians have generally agreed that the ministers finally agreed to give up the Waitara Purchase so the coming war would not be seen as being over land and the Waitara block.²⁹ Rusden, Reeves and Rutherford thought that the Ōakura ambush had effectively made war inevitable.³⁰ Ward however disagreed and wrote that it was 'not yet clear the war must spread to Waikato'.³¹ Sinclair believed Grey had already planned to invade the Waikato before he left for Taranaki.³² Belich thought Grey's conduct as Governor implied 'he planned the Waikato War well in advance'.³³ Dalton thought that the memorandum by Domett of 24 June 1863 settled the question if the Waikato would be invaded.³⁴ O'Malley stated that when 'Grey definitely decided to proceed with the invasion of Waikato is not clear, but he must have done so sometime before 24 June 1863', but also wrote 'Grey's mind had long been made up'.³⁵ Several historians have stated that after the ambush at Ōakura, the Ministry refused to mobilise the New Zealand militia.³⁶

Whilst Grey was in Taranaki, there was a series of serious incidents in the Waikato, including the prevention of building the courthouse at Te Kohekohe and the expulsion of John Eldon Gorst. Earlier historians generally agreed that they were pivotal events

²⁵ Rusden, p. 108; Cowan, p. 233; Sinclair, p. 259; Rutherford, pp. 480-481; Dalton, pp. 165-166; Ward, *A Show of Justice*, pp. 156-158; Bohan, pp. 204-210; O'Malley, *The Great War in New Zealand*, pp. 168-169

²⁶ Rusden, pp. 115-118; Sinclair, pp. 263-264; Rutherford, p. 484; Dalton, pp. 168-170; Ward, *A Show of Justice*, p. 158; Belich, p. 120; O'Malley, *The Great War in New Zealand*, pp. 171-176

²⁷ Rusden, p. 122; Sinclair, p. 261; Rutherford, p. 485; Dalton, p. 170; Ward, *A Show of Justice*, p. 158

²⁸ O'Malley, *The Great War in New Zealand*, p. 175

²⁹ Rusden, p. 121; Sinclair, p. 265; Dalton, p. 171; Bohan, p. 211; O'Malley, *The Great War in New Zealand*, p. 196

³⁰ Rusden, p. 118; Reeves, p. 205; Rutherford, p. 486

³¹ Ward, *A Show of Justice*, p. 158

³² Sinclair, p. 267

³³ Belich, p. 120

³⁴ Dalton, p. 175

³⁵ O'Malley, *The Great War in New Zealand*, p. 192

³⁶ Dalton, p. 174; Belich, p. 124; O'Malley, *The Great War in New Zealand*, p. 191

which contributed to the outbreak of war.³⁷ Several later historians reported on the events but placed little emphasis on them.³⁸ Belich and Keenan did not even mention these events.

After Grey returned from the Waikato to Auckland, the situation rapidly deteriorated and Grey sent a series of three despatches in early July to the Colonial Office that alleged that an attack on Auckland was imminent. Belich wrote: 'Historians have concentrated on a particular group of letters forwarded to the Colonial Office immediately before the invasion'.³⁹ Reeves believed the Crown had 'learned, beyond a doubt, that the Waikatos were planning a march on Auckland'.⁴⁰ Rutherford wrote that the 'evidence of Maori intentions to attack was alarming, if not conclusive'.⁴¹ Sinclair wrote that 'Grey asserted he was acting to prevent an attack on Auckland, which, according to plenty of warnings, was now imminent'.⁴² Sinclair thought that the question of whether Waikato would have attacked 'is impossible to answer conclusively', but the evidence provided by Grey was 'unconvincing'.⁴³ However, Sinclair concluded that by invading the Waikato Grey 'acted as any energetic Governor might have'.⁴⁴ Ward thought that 'Maori activists gave him [Grey] just sufficient provocation'.⁴⁵

Dalton's views were highly influential and have been cited by several later historians, including Belich, Bohan and O'Malley.⁴⁶ Dalton believed that after having 'deliberately resolved on invading the Waikato, Grey set out to show the Colonial Office that Auckland was threatened by a Waikato attack which compelled him to take defensive measures'.⁴⁷ O'Malley quoted Dalton's criticism of Grey's despatches of early July:

³⁷ Rusden, pp. 111-114; Reeves, p. 206; Cowan, p. 233-237; Rutherford, p. 487

³⁸ Dalton, pp. 166-167; Ward, *A Show of Justice*, p. 158; Bohan, p. 211; O'Malley, *The Great War in New Zealand*, pp. 180-183

³⁹ Belich, p. 124

⁴⁰ Reeves, p. 206

⁴¹ Rutherford, p. 488

⁴² Sinclair, p. 268

⁴³ *ibid.*, p. 268

⁴⁴ *ibid.*, p. 268

⁴⁵ Ward, *A Show of Justice*, p. 158

⁴⁶ Belich, p. 124; Bohan, p. 213; O'Malley, *The Great War in New Zealand*, p. 195

⁴⁷ Dalton, p. 176

Of the total of eighteen letters cited by Grey as evidence, only three were written, and only one can have been received, before 24 June when invasion of the Waikato became accepted policy. None gives details of any plot, bloodthirsty or otherwise: most merely retailed rumours of impending danger, rumours that were discounted by the author in three instances. The two weightiest letters did no more than report warlike talk throughout the Waikato district and warn that the peace party might yet be outvoted. Together the letters are evidence of widespread unrest, nothing more... If Grey really concluded from this or other evidence that an attack on Auckland was imminent, he did so after deciding to invade the Waikato district and after giving the initial orders to Cameron.⁴⁸

Belich referred to this passage when he wrote: 'Grey offered these [letters] as conclusive proof of the Maori intention to attack. Dalton has convincingly discounted this assertion, and one might add it was only part of a series dating back to December 1861'.⁴⁹

O'Malley went into much more depth about the Grey's justifications for the invasion of the Waikato than previous authors and was heavily influenced by the views of Dalton and Belich. O'Malley thought that Grey set out to 'frame the war as an unavoidable response to an imminent Kīngitanga threat', of which O'Malley thought there was 'no credible evidence'.⁵⁰ O'Malley wrote Grey provided 'just enough carefully selected material to give the Colonial Office and other observers the impression that the danger was sufficiently serious to justify a pre-emptive invasion of Waikato'.⁵¹ O'Malley also stated that 'Grey's supposed dossier of incriminating evidence against the Kīngitanga hardly provided sufficient justification for the subsequent invasion of the Waikato'.⁵² Additionally, O'Malley believed that 'Grey had fed the Colonial Office correspondence deliberately selected to emphasise the threat to Auckland, but there was plenty of evidence in circulation that pointed to the opposite conclusion'.⁵³ However, the 'plenty of evidence' that O'Malley produced consisted of just one newspaper article from an anonymous 'Raglan correspondent'.⁵⁴

⁴⁸ Dalton, pp. 176-177; O'Malley, *The Great War in New Zealand*, p. 195

⁴⁹ Belich, p. 124

⁵⁰ O'Malley, *The Great War in New Zealand*, p. 193

⁵¹ *ibid.*, p. 193

⁵² *ibid.*, p. 197

⁵³ *ibid.*, p. 197

⁵⁴ *ibid.*, p. 197

O'Malley concluded: 'While the Governor was entitled, and indeed expected, to take prudent steps for the defence of Auckland, ordering an all out assault of this kind went way beyond what could be justified in the circumstances'.⁵⁵ Prior to Dalton, several historians have thought that Grey's actions were justifiable, but Dalton's views caused a major shift in the historiography. After Dalton, most historians have been highly critical of Grey's invasion and have dismissed his justifications. Belich thought that Grey had waged a 'campaign of misinformation' against the Colonial Office, and O'Malley agreed with this view. O'Malley also implied that Grey had also deliberately suppressed evidence which countered the view that an invasion of Auckland was imminent.

This thesis argues that the situation was far more complex than traditionally presented. It will build a narrative beginning with the Taranaki war and exploring the events that link this conflict with the Waikato war three years later. It demonstrates the extent that Grey was provided with little freedom of action, particularly compared with his first governorship. In the 1880s, two Māori deputations, one in 1882 led by Hirini Taiwhanga of Ngāpuhi, and the other in 1884 led by the Māori King, visited London in a futile attempt to petition the British Government and Queen Victoria to return their lands.⁵⁶ In both cases, the petitioners were not granted an audience with the Queen, and the petitions were referred back to the New Zealand Government.⁵⁷ New Zealand Ministers claimed that the Colonial Government could not be blamed for events prior to 1865.⁵⁸ Both the British and the New Zealand Governments refused to accept responsibility for the invasion of the Waikato. The narrative presented in this thesis shows that both Governments were in fact responsible, and Grey's failure to secure peace was not his fault alone. The Colonial Office under Newcastle, the Domett Ministry, the Assembly, and Grey himself must all bear the blame for the invasion of the Waikato.

⁵⁵ *ibid.*, p. 197

⁵⁶ O'Malley, *The Great War in New Zealand*, pp. 543-555; Michael Belgrave, *Dancing with the King*, Auckland: Auckland University Press, 2017, pp. 294-338

⁵⁷ O'Malley, *The Great War in New Zealand*, pp. 544, 545, 554; Michael Belgrave, *Dancing with the King*, Auckland: Auckland University Press, 2017, pp. 329-337

⁵⁸ O'Malley, *The Great War in New Zealand*, pp. 544, 545, 554

Chapter 2: From Browne to Grey

2.1 INTRODUCTION

This chapter explores how Sir George Grey came to be appointed Governor of New Zealand for the second time, and it examines the state of relations between the Crown and the Kīngitanga on his arrival. War had broken out in Taranaki in March 1860, over the inept handling of the Waitara Purchase by Governor Thomas Robert Gore Browne. The war had prompted Grey to write to Newcastle criticising Browne's actions, and then volunteer to help. Newcastle decided to appoint Grey as Governor of New Zealand. Wīremu Tāmihana Tarapīpipi Te Waharoa of Ngāti Hauā initiated a truce in March 1861, which resulted in Waikato and Ngāti Maniapoto Māori returning home from Taranaki. This allowed Browne to hold separate peace negotiations with Māori in Taranaki, and then turn his attention to the Kīngitanga and attempt to enforce submission to the Queen's Sovereignty. Browne sent an ultimatum to the Kīngitanga, but Māori refused to acquiesce to the Governor's demands, whereupon Browne began preparing for an invasion of the Waikato. At this point, the New Zealand Parliament, also known as the Assembly, convened. The Ministry of Edward Stafford, which had backed Browne, was defeated in a no confidence vote in July 1861, resulting in the formation of the Ministry of William Fox. Shortly afterwards, a despatch from Newcastle arrived announcing that George Grey would replace Browne as Governor. Browne immediately halted all military plans and negotiations. Pākehā and Māori nervously waited for Grey to arrive.

2.2 BRIEF SUMMARY OF THE WAR IN TARANAKI

In March 1859, Governor Browne visited New Plymouth, and held a meeting with local Māori at which he announced that acts of violence committed on European settlements would be punished, and advised Māori to sell land they could not use.⁵⁹ Finally, Browne stated that he 'would not permit anyone to interfere in the sale of land unless he owned part of it; and on the other hand, he would buy no man's land without

⁵⁹ Sinclair, pp. 136-137; Dalton, pp. 93-94

his consent'.⁶⁰ Immediately after Browne had finished speaking, Te Teira Mānuka, a rangatira of Te Āti Awa, offered to sell a 600-acre block of land at Waitara, and Browne replied that if Teira had a clear title he would purchase the land.⁶¹ Wīremu Kīngi Te Rangitāke, also of Te Āti Awa had then announced he would not permit the sale, and left the meeting.⁶² Although purchasing land against the opposition of an important rangatira such as Kīngi was a break with earlier practice, Browne agreed to buy the land if Teira's title was good.⁶³ Robert Reid Parris, Assistant Native Secretary of Taranaki, was put in charge of determining the validity of Teira's title and in November 1859 paid Teira an advance of £100.⁶⁴ In February 1860 Browne ordered a survey of the Waitara Block.⁶⁵ Wīremu Kīngi resisted the survey by sending wāhine to pull up the survey pegs.⁶⁶ As a result, on 5 March, the Waitara Block was occupied by British troops, and on 15 March, Kīngi's followers built a pā on the Waitara Block and awaited an attack.⁶⁷ On 17 March 1860, British troops fired on the pā, beginning war in Taranaki.⁶⁸ Indecisive fighting continued for about a year, and in early 1861, Browne rejected a proposal by Waikato rangatira to make peace, on the condition there would be an investigation into the Waitara purchase.⁶⁹ The next development was that on 11 March 1861, Tāmihana arrived in Taranaki and requested a three-day truce, but negotiations stalled leading to a resumption of hostilities on 15 March.⁷⁰ It was reported that Tāmihana had stated that even if peace was made, the Kīngitanga would fight again if they believed land had been unfairly purchased.⁷¹ To restart negotiations Donald McLean was sent to Taranaki, and he met with Tāmihana on 19 March, and Tāmihana declared he desired peace.⁷² According to McLean, Tāmihana stated that

⁶⁰ Sinclair, p. 137; Dalton, p. 94; *Taranaki Herald*, 12 March 1859, p. 3

⁶¹ Sinclair, p. 137; Dalton, p. 94

⁶² Sinclair, pp. 137-138; Dalton, p. 94

⁶³ Sinclair, p. 139

⁶⁴ Dalton, p. 102

⁶⁵ Rutherford, p. 449; Dalton, p. 103

⁶⁶ Rutherford, p. 449; Dalton, p. 103

⁶⁷ Dalton, p. 104

⁶⁸ *ibid.*, p. 104

⁶⁹ *ibid.*, p. 123

⁷⁰ Evelyn Stokes, *Wiremu Tamihana, Rangatira*, Wellington: Huia Publishers, 2002, pp. 197-202; AJHR 1861, E-01b, pp. 8-10; O'Malley, *The Great War in New Zealand*, p. 135; Dalton, p. 123; Gorst, *The Maori King*, pp. 106-107

⁷¹ Hay to Browne, 15 March, 1861, P. Ford, and G. Ford, (Chief Editorial Advisors), *Irish University Press Series of British Parliamentary Papers, Correspondence and Other Papers Relating to New Zealand, 1862-184, Colonies, New Zealand, 13*, Shannon: Irish University Press, 1970, p. 42

⁷² O'Malley, *The Great War in New Zealand*, pp. 135-136; Browne to Pratt, 16 March 1861, CO 209/161, p. 323; McLean to Browne, 22 March 1861, P. Ford, and G. Ford, p. 49

the occupation of the Waitara was the sole cause of the war, and protested that the title to the Waitara had never been properly investigated.⁷³ On the next day Tāmihana and the Waikato Māori left Waitara for home, but there was no peace made between the Kīngitanga and the Crown.⁷⁴

2.3 PEACE NEGOTIATIONS WITH MĀORI FROM TARANAKI

The departure of Waikato Māori enabled Browne to negotiate a separate peace with the other Māori involved in the conflict.⁷⁵ On 21 March McLean met with Wīremu Kīngi and they agreed to a truce.⁷⁶ At this point, Browne proceeded to Taranaki, arriving on 27 March.⁷⁷ The terms that Browne demanded included the completion of the investigation into the Waitara block, the confiscation of land occupied by British troops which belonged to Māori who had taken up arms, the return of plunder, submission to the Queen's Sovereignty and her laws, and the concession of the right to build roads through the Waitara district.⁷⁸ Several representatives of Te Āti Awa signed the peace terms, but although Kīngi stated that he consented to the peace, he did not sign and departed for the Waikato.⁷⁹

This allowed Browne to turn his attention to Ngāti Ruanui and Taranaki Māori.⁸⁰ The terms demanded of them included that they should submit to the Queen and law, restore plunder, allow free passage of mail, people, goods and cattle to which the majority of Taranaki Māori agreed to.⁸¹ However, terms were not even sent to Ngāti Ruanui and they continued to claim the Tātaramaka block by right of conquest as security for the disputed block of land at Waitara.⁸² Furthermore, most of Browne's

⁷³ McLean to Browne, 22 March 1861, P. Ford, and G. Ford, p. 50; O'Malley, *The Great War in New Zealand*, p. 136

⁷⁴ McLean to Browne, 22 March 1861, P. Ford, and G. Ford, p. 51; J.E. Gorst, *New Zealand Revisited, Recollections of the Days of My Youth*, London: Sir Isaac Pitman and Sons, Ltd., 1908, p. 140

⁷⁵ Dalton, p. 125

⁷⁶ Browne to Newcastle, 7 April 1861, P. Ford, and G. Ford, pp. 48-49; McLean to Browne, 22 March 1861, P. Ford, and G. Ford, pp. 49-51

⁷⁷ Browne to Newcastle, 7 April 1861, P. Ford, and G. Ford, p. 48

⁷⁸ *Speech Containing Terms on which Submission would be accepted, addressed to the Ngatiawa Insurgents*, April 8, 1861, P. Ford, and G. Ford, p. 52

⁷⁹ Browne to Newcastle, 12 April 1861, P. Ford, and G. Ford, p. 53; Gorst, *New Zealand Revisited*, p. 148

⁸⁰ Browne to Newcastle, 12 April 1861, P. Ford, and G. Ford, p. 53

⁸¹ *Terms for Southern Tribes*, P. Ford, and G. Ford, p. 54; McLean to Browne, 1 May 1861, P. Ford, and G. Ford, p. 59

⁸² Dalton, p. 126; O'Malley, *The Great War in New Zealand*, p. 138; Gorst, *The Maori King*, pp. 121-122

terms were not enforced, and there was no investigation of the Waitara.⁸³ Browne removed the troops from Taranaki except for one regiment which occupied the Waitara.⁸⁴ Tāmihana's efforts to make peace had freed up the British troops, allowing Browne to threaten the Waikato.⁸⁵

2.4 BROWNE'S ULTIMATUM

Browne now wrote a letter to Tāmihana, accusing Waikato Māori of breaking the law, defying the Queen's authority, attacking the Queen's troops, plundering, theft and destruction of property.⁸⁶ The letter concluded with the demand that Waikato Māori make amends for the war, and provide guarantees they would keep the peace.⁸⁷ Browne's letter was highly insulting, threatening and undiplomatic. Without waiting for a reply, Browne wrote an ultimatum, or declaration, to the Kīngitanga.⁸⁸ He declared the Kīngitanga was 'inconsistent with allegiance to the Queen, and in violation of the Treaty of Waitangi'.⁸⁹ Browne charged them with illegally waging war, destroying property, and aiding others to commit similar crimes.⁹⁰ The Governor also accused Waikato of assembling a taua and advancing towards Auckland.⁹¹ Browne complained that they had stopped the mail and announced that Māori had to allow roads and bridges to be built on their land.⁹² Browne informed the Waikato Māori that he had been 'commanded by Her Majesty the Queen to suppress unlawful combinations' – by which he meant the Kīngitanga.⁹³ He threatened the Kīngitanga that if they set aside 'the authority of the Queen and the Law, the land will remain their own so long only as they are strong enough to keep it'.⁹⁴ Browne concluded the ultimatum by stating specifically his demands:

⁸³ Dalton, p. 126; Gorst, *The Maori King*, p. 121

⁸⁴ Gorst, *New Zealand Revisited*, p. 146

⁸⁵ Ward, *A Show of Justice*, p. 124

⁸⁶ Stokes, pp. 203-207; Browne to Tāmihana, 25 April 1861, AJHR 1861, E-01b, p.10; Gorst, *The Maori King*, p. 108

⁸⁷ Stokes, pp. 207-208; Browne to Tāmihana, 25 April 1861, AJHR 1861, E-01b, p.10

⁸⁸ *Copy of a Declaration by the Governor to the Natives Assembled at Ngaruawahia*, 21 May 1861, AJHR 1861, E-01b, pp. 11-12; O'Malley, *The Great War in New Zealand*, p. 141

⁸⁹ *Copy of a Declaration by the Governor to the Natives Assembled at Ngaruawahia*, 21 May 1861, AJHR, 1861, E-01b, p. 11

⁹⁰ *ibid.*, p. 11

⁹¹ *ibid.*, p. 11

⁹² *ibid.*, pp. 11-12

⁹³ *ibid.*, p. 11

⁹⁴ *ibid.*, pp. 10-11.

1. From all — submission without reserve to the Queen's Sovereignty, and the authority of the law.
2. From those who are in possession of plunder, taken from Her Majesty's European or Native subjects — restoration of that plunder.
3. From those who have destroyed or made away with property belonging to Her Majesty's subjects, European or Native — compensation for the losses sustained.⁹⁵

The Kīngitanga had been given the choice of submission or war.

2.5 RESPONSE FROM KĪNGITANGA MĀORI

The response to Browne's letters soon came in the form of letters from Tāmihana and the Waikato Rūnanga. Browne focused on two sentences written by Tāmihana, and according to the English translation, Tāmihana had written:

I do not desire to cast the Queen from this island, but, from my piece (of land.)
I am to be the person to overlook my piece.⁹⁶

In another letter, Tāmihana argued that Māori had a right to have a king, and requested the Crown to recognize the Māori King.⁹⁷ Tāmihana then criticized Browne for being too hasty to commence hostilities in Taranaki, questioned if it was a just war, and complained Browne had failed to put Kīngi on trial before attacking him.⁹⁸ Tāmihana also wrote that he did not think it was right that the Kīngitanga should restore plunder as Wīremu Kīngi's pā and church were burnt, his cattle eaten and his horses auctioned.⁹⁹ Browne viewed the letters as evidence of Tāmihana's defiance.¹⁰⁰

⁹⁵ *Copy of a Declaration by the Governor to the Natives assembled at Ngāruawahia*, 21 May 1861, AJHR, 1861, E-10b, p. 12

⁹⁶ *Copy of a Letter from William Thompson to His Excellency the Governor*, 7 June 1861, AJHR 1861, Session I, E-01b, p. 19

⁹⁷ *Translation of the Reply of Wiremu Tamehana Te Waharoa to the Declaration Addressed by His Excellency the Governor to the Natives*, AJHR 1861, 1861 Session I, E-01b, p. 16; O'Malley, *The Great War in New Zealand*, pp. 141-143

⁹⁸ *Translation of the Reply of Wiremu Tamehana Te Waharoa to the Declaration Addressed by His Excellency the Governor to the Natives*, AJHR 1861, 1861 Session I, E-01b, p. 16

⁹⁹ *ibid.*, p. 17

¹⁰⁰ Gorst, *The Maori King*, p. 117

The 'Runanga assembled at Ngaruawahia' also sent a letter to the Governor, dated 7 June 1861, in which they implored Browne not to begin hostilities.¹⁰¹ The letter was highly reconciliatory, and the Rūnanga could not have made it clearer that they desired further negotiations and peace.¹⁰² However, Browne's mind was made up, and he informed the Colonial Office that Tāmihana's letter meant that Waikato Māori desired a separate state and law.¹⁰³ Although Browne did not suspend negotiations, everyone realised that unless the Kīngitanga submitted, Waikato would be invaded.¹⁰⁴

2.6 THE PARLIAMENTARY SESSION OF 1861

2.6.1 Fox Criticises Browne's Policies

The Parliament met on 3 June 1861 for the first time since hostilities had broken out. Fox was highly critical of Browne's policies, and had even published a pamphlet in 1860 in Britain criticising the Governor.¹⁰⁵ William Fox later wrote that in 1861 the prospects of the colonists in the North Island were dire as the settlers were 'entirely unprepared, almost without arms, untrained, unorganized, and scattered over large tracts, with our families and properties exposed to attack on every side'.¹⁰⁶ Fox and a delegation¹⁰⁷ of the representatives of the Province of Wellington met with Browne to explain how their defences would be almost no protection if there was a Māori uprising.¹⁰⁸ They warned Browne that 'almost the whole Native population might be said to be preparing for a war which they deemed inevitable'.¹⁰⁹ The delegation informed Browne that if war was waged by the Government in the Waikato, Māori would 'regard it as a proof of the determination of the Government to attack and destroy them in detail... it would be the signal for a general rising'.¹¹⁰ Browne merely

¹⁰¹ *Translation of a Letter to His Excellency the Governor from the Runanga Assembled at Ngaruawahia*, AJHR 1861, Session I, E-01b, pp. 16-17

¹⁰² *ibid.*, p. 17

¹⁰³ Browne to Newcastle, 6 July 1861, AJHR 1862, E-01, p. 21; O'Malley, *The Great War in New Zealand*, p. 143

¹⁰⁴ Gorst, *The Maori King*, p. 117

¹⁰⁵ Dalton, p. 132

¹⁰⁶ Fox, *The War in New Zealand*, p. 39

¹⁰⁷ The delegation comprised of I. E. Featherston, W. Fox, W. Fitzherbert, C. B. Carter, A. Renall, and W. W. Taylor.

¹⁰⁸ *Memorandum of a Conversation Between a Deputation of Representatives of the Province of Wellington and His Excellency the Governor*, AJHR 1861, E-01d, pp. 3-5; Fox, *The War in New Zealand*, p. 39

¹⁰⁹ *Memorandum of a Conversation Between a Deputation of Representatives of the Province of Wellington and His Excellency the Governor*, AJHR 1861, E-01d, p. 3

¹¹⁰ *ibid.*, p. 3

replied that if warfare broke out, the outsettlers would have to seek refuge in the towns, build blockhouses and defend themselves, as happened in Taranaki.¹¹¹ Fox later wrote: ‘that settlement had been swept as bare as the floor, we thought this a poor prospect, and told him so’.¹¹² It was clear that the Colony was in a very perilous situation, and that if Browne had invaded the Waikato, it would have been a disaster for all involved.

2.6.2 Stafford Ministry support Browne’s War Policy

Nonetheless, the Stafford Ministry attempted to secure support in the House for Browne’s war policy.¹¹³ An important resolution was passed by the Assembly in support of the Declaration and policies of Governor Browne.¹¹⁴ It read:

That the establishment within these islands of a sovereign authority independent of the British Crown is incompatible with the security of the colonists, the civilization of the natives, and the welfare of both races.¹¹⁵

The Assembly had made it clear that it was opposed to the concept of a Māori King. Gorst later wrote: ‘There always was, and perhaps even now is, a way out of the native difficulty—I mean, the acknowledgment of the Maori King, as a Sovereign independent of the colonists, but under the Queen's protection—but to that the New Zealand Government had never been willing to listen’.¹¹⁶

2.6.3 No Confidence Vote

Fox then announced he was planning to propose a vote of no confidence in the Ministers, and circulated the information that if he and his supporters gained power, they would not feel bound by Browne’s Declaration.¹¹⁷ As Browne considered Fox might win the vote of no confidence, he requested the Assembly clarify the recent resolution.¹¹⁸ The House stated that British Sovereignty was ‘essential to the firm establishment of peace, and to the future security of life and property in this part of

¹¹¹ *Memorandum of a Conversation Between a Deputation of Representatives of the Province of Wellington and His Excellency the Governor*, AJHR 1861, E-01d, p. 4; Fox, *The War in New Zealand*, p. 39; Henry Sewell, 15 June 1861, *Sewell, Henry 1807-1879: Journal of Henry Sewell*, qMS-1783-1788, ATL.

¹¹² Fox, *The War in New Zealand*, p. 39-40

¹¹³ Dalton, p. 131

¹¹⁴ Browne to Newcastle, 4 July 1861, P. Ford and G. Ford, p. 78

¹¹⁵ *Copy of Resolutions passed by the House of Representatives*, June 19 1861, P. Ford, and G. Ford, p. 80

¹¹⁶ Gorst, *The Maori King*, p. 207

¹¹⁷ Browne to Newcastle, 4 July 1861, P. Ford and G. Ford, p. 78

¹¹⁸ *ibid.*, p. 78

Her Majesty's dominions'.¹¹⁹ On 3 July Fox moved his motion of no confidence, and in doing so gave a speech in which he stated that the conflict in Taranaki was 'a war rashly entered upon, disastrously conducted'.¹²⁰ The vote of no confidence passed by just one vote.¹²¹ The Fox Ministry that Grey would inherit emerged on 2 August, and its most influential members were William Fox, who was Premier and Colonial Secretary, and Henry Sewell as Attorney-General.¹²² The Ministry proposed to open fresh negotiations with the Kīngitanga, but they continued to refuse Browne's ultimatums.¹²³

2.7 GREY MAKES THE FIRST STEP

The first step towards Grey's appointment began on 21 November 1860 when he wrote to Newcastle to criticize what he described as Browne's disastrous policy.¹²⁴ Grey wrote that taking the Waitara Block was an unjust act, and suggested it should be returned.¹²⁵ Grey stated that war was the wrong strategy, as 'the true policy to pursue in New Zealand, was to remember how few in number the natives were, and that a few years of peaceful colonization would put the Europeans in such a position of numerical superiority that a war would have been impossible'.¹²⁶ On 17 January, 1861, Grey wrote to Newcastle again, and volunteered 'to go to N. Z. in any capacity – even under Coll. Browne'.¹²⁷ It was even reported to Browne that Grey had boasted he would go to Taranaki and 'settle it in a short time without any troops'.¹²⁸ However, on 20 March Newcastle informed Grey that his services were not required in the present circumstances.¹²⁹

¹¹⁹ *Address from New Zealand House of Representatives to his Excellency Colonel Gore Browne, C. B.*, P. Ford and G. Ford, p. 79

¹²⁰ Dalton, p. 132

¹²¹ Maurice, Fitzgerald (editor), *New Zealand Parliamentary Debates, Third Parliament, Legislative Council and House of Representatives, 1861 to 1863*, Wellington, Government Printer, 1886, pp. 105-107, 168

¹²² Fitzgerald, p. v

¹²³ Morgan to Church Missionary Society, 21 July, 1861, *Morgan, John 1810-1865: Letters and Journals of the Rev. John Morgan, missionary at Otawhao, Letters and Journals Vol. 3*, qMS-1392, ATL.

¹²⁴ Extract from Grey to Newcastle, 21 November 1860, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

¹²⁵ *ibid.*

¹²⁶ *ibid.*

¹²⁷ Dalton, p. 138; Bohan, p. 197, Rutherford p. 436

¹²⁸ Dalton, p. 138

¹²⁹ *ibid.*, p. 138.

2.8 NEWCASTLE APPOINTS GREY

On 26 April, Newcastle wrote a private letter to Governor Browne in which he stated that he disliked the peace terms offered to Māori, and he hoped the next mail would bring better news.¹³⁰ On 13 May, Newcastle received several despatches from Browne. One despatch revealed that Browne had rejected a peace proposal from Waikato rangatira.¹³¹ Another despatch related fears that Tāmihana was proceeding to Taranaki with an army, or even planning to attack Auckland.¹³² It was suggested in the Colonial Office that a new system of government be introduced, perhaps ‘George Grey’s system in Kaffaria’.¹³³ Newcastle noted that such a scheme required ‘an able man on the spot’.¹³⁴ It is obvious that Grey was being considered. A memorandum sent to Newcastle written by McLean reported the ‘great mass of the native population of the northern island of New Zealand may be considered to be in a state of disaffection’, and this opinion was supported by Frederick Weld, who added that the ‘want of any decided success in the field has led them to look upon our military power with contempt’.¹³⁵ On this despatch Newcastle wrote ‘A discouraging account’.¹³⁶ As a result of these despatches, Newcastle made the recommendation on 18 May 1861 to Queen Victoria that Grey be appointed Governor of New Zealand.¹³⁷ The Queen’s official approval followed on 22 May.¹³⁸ Newcastle then wrote to inform Grey of the decision on 5 June.¹³⁹ Newcastle hoped that Grey would be able to achieve peace given his previous successes and the belief that he was held in high regard by Māori rangatira.¹⁴⁰ The decision was partly due to the failures of Browne, but Grey’s self-promotion and his attacks on Browne’s policy evidently had an important influence on

¹³⁰ Newcastle to Browne, 4 April 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹³¹ Browne to Newcastle, 19 February 1861, CO 209/160, pp. 387-390.

¹³² Browne to Newcastle, 2 March 1861, CO 209/161, pp. 25-29

¹³³ Minute by Frederick Rogers, 15 [May 1861], on Browne to Newcastle, 1 March 1861, CO 209/161, p. 3

¹³⁴ Minute by Newcastle, 16 [May 1861], on Browne to Newcastle, 1 March 1861, CO 209/161, p. 3

¹³⁵ Memorandum by McLean, 5 February 1861, CO 209/161, p. 156; Memorandum by Weld, 5 March 1861, CO 209/161, pp. 160-161

¹³⁶ Minute by Newcastle, 14 [May 1861], on Browne to Newcastle, 6 March 1861, CO 209/161, p. 156.

¹³⁷ Queen Victoria to Newcastle, 22 May 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

¹³⁸ *ibid.*

¹³⁹ Newcastle to Grey, 5 June 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹⁴⁰ Dalton, p. 140; Rutherford, p. 451

Newcastle. Tragically for Māori, Grey would prove completely unable to achieve his boast that he could ‘settle it in a short time without troops’.¹⁴¹

A war at this stage might well have proved catastrophic for the Colony, but the arrival in New Zealand of the mail from England in late July 1861 changed everything, as it contained the news that Sir George Grey had been appointed Governor of New Zealand.¹⁴² Browne promptly informed Tāmāti Ngāpora of Ngāti Mahuta, who was the uncle of the Māori King, and ordered Lieutenant-General Duncan Cameron, commander of the British forces in New Zealand, to cease military expenditure and operations.¹⁴³ All negotiations with Māori were halted.¹⁴⁴

2.9 CONCLUSION

It was Grey himself who first suggested that he should be sent to New Zealand, and it appears that he believed that he would be easily able resolve the hostilities. Although Newcastle initially declined his help, the seed had been planted and Grey was appointed Governor in May 1861. By this time, Tāmihana made the first steps towards ending the hostilities in Taranaki, when he made a truce with Browne in March 1861. Following the truce, Ngāti Maniapoto and Waikato Māori left Taranaki, and this allowed Browne to impose separate peace settlements on Māori in Taranaki, but the terms were never enforced. Browne then sent an ultimatum, to Waikato Māori in which he demanded submission to Queen Victoria’s Sovereignty, and if they refused, the Kīngitanga would be suppressed by force. However, the appointment of Grey put a halt to military preparations for an invasion of the Waikato, and all negotiations. Far from exacerbating the situation, Grey was arriving at a time of already deepening crisis. British troops still held the Waitara, and Ngāti Ruanui claimed Tātaraimaka through right of conquest. Browne had done nothing to ease relations with the Kīngitanga, and the colonial administration was increasingly hostile to any accommodation.

The Assembly was extremely divided as to whether or not they should support Browne and his war policy, but an important resolution was passed. It stated that allowing the

¹⁴¹ Dalton, p. 138

¹⁴² Newcastle to Browne, 25 May 1861, *AJHR*, 1861, A-03, p. 2

¹⁴³ Dalton, p. 134, Browne to Newcastle, 5 August 1861, P. Ford, and G. Ford, p. 94; Browne to Cameron, 26 July 1861, *AJHR* 1862, E-01, Section II, p. 15

¹⁴⁴ Dalton, p. 135; Gorst, *The Maori King*, p. 118

establishment of a sovereign authority independent of the British Crown was incompatible with the security of the settlers, and the welfare of both races. Furthermore, the House ruled that British Sovereignty was essential to peace and security of life and property. This made it clear that the Assembly desired the submission of the Kīngitanga. However, Fox managed to pass a no confidence vote in the Stafford Ministry. The new Fox Ministry wished to avoid war and negotiate peace, as they believed that war would be disastrous for the settlers. In late July, a despatch from Newcastle arrived with the news that Grey had been appointed Governor of New Zealand. This put a sudden halt to all of Browne's plans, both diplomatic and military, preventing an earlier invasion of the Waikato. The Kīngitanga had successfully defied Browne's ultimatum. Grey had not been set an easy task.

Chapter 3: Grey's Initial Policies and Crises – 1861-1862.

3.1 INTRODUCTION

This chapter will explore the initial policies that Grey introduced, and the crises that he faced in 1862. Newcastle provided Grey with extensive instructions, which were easy to formulate in Britain, but hard to implement in New Zealand. Grey arranged with the Fox Ministry that he would consult with them on all matters, including Native Affairs. The Fox Ministry advised a peace policy, and the Government began introducing a system of limited self-government to Māori, which has become known to history as the 'New Institutions'. However, Grey also ordered the building of extensive military infrastructure, which included roads, redoubts, and steam-powered gunboats. Reconciling these two opposing policies provided a major challenge for the Governor. Additionally, during this time, Grey had to deal with crises of land disputes, the fall of the Fox Ministry and a lack of support from Newcastle. Following a major hui held at Pēria, it became clear that Grey's policies had completely failed to persuade Kīngitanga Māori to return to British Sovereignty or bring about peace.

3.2 GREY'S ARRIVAL

In August 1861, Grey received Newcastle's instructions to assume the Government of New Zealand.¹⁴⁵ He informed Newcastle that he felt the terms of peace offered by Browne made it 'probable that war must break out', and so he wanted to 'arrive at the scene of action as rapidly as possible'.¹⁴⁶ On 26 September 1861, Sir George Grey arrived in Auckland and was greeted by cheering crowds.¹⁴⁷ Unfortunately, Grey was in bad health, suffering from rheumatism and was even coughing up blood.¹⁴⁸ Rumours

¹⁴⁵ Grey to Newcastle, 15 August 1861, AJHR 1862, E-01, Section II, p. 3

¹⁴⁶ *ibid.*, p. 3

¹⁴⁷ Bohan, p. 200; Rutherford, p. 453; *Daily Southern Cross*, 27 September 1861, p. 3; *The New Zealander*, 28 September 1861, p. 2; Grey to Newcastle, 4 October 1861, AJHR 1862, E-01, Section II, p. 3; Guy H. Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, Wellington: Government Printer, 1960, p. 720

¹⁴⁸ Octavius Hadfield to Charles Hadfield, 10 February 1862, *Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters*, MS-Papers-10731, ATL.; *Otago Daily Times*, 3 February 1863, p. 6; *Hawke's Bay Herald*, 29 April 1862, p. 3; C.R. Carter, *Life and Recollections of a New Zealand Colonist, Vol. II*, London: R. Madley, 1866, p. 184

abounded whether his policy would bring peace or war.¹⁴⁹ Grey was sworn in as Governor on the 3 October 1861.¹⁵⁰ Although Grey received multiple letters of support from Māori across New Zealand, the leaders of the Kīngitanga waited for Grey to make the first move.¹⁵¹ Gorst was sent into the Waikato, ostensibly to report on the state of schools.¹⁵² He reported ‘there is a very strong feeling of distrust of anything that comes from Europeans, and whatever Sir George Grey may propose some sinister motive will be suspected’.¹⁵³ Gorst concluded:

Altogether, I must say, there is not the slightest appearance of an intention to submit to Sir G. Grey on the part of the Natives here; indeed, I have heard more than one ask, “Who fought Hone Heke and Rangihaeata?”¹⁵⁴

To convey a message of peace from Grey, Tāmāti Ngāpora went to Ngāruawāhia, where he organised a meeting to discuss the Kīngitanga policy towards Grey, but Rewi Maniapoto and many others refused to even attend.¹⁵⁵ As a result, a small deputation of Waikato Māori visited Grey, and ‘declared their resolution to be separate and independent, in a manner too distinct to be mistaken; and Sir George Grey could merely reply by expressing general disapproval of their sentiments’.¹⁵⁶

3.3 NEWCASTLE’S ORDERS

3.3.1 Newcastle’s Official Instructions

As Governor of New Zealand, Grey was subordinate to Newcastle and the Colonial Office, and was supposed to follow orders. On 5 June 1861, Newcastle sent a despatch to Grey which stated that his first object was to establish peace, and that he felt that Grey’s reputation amongst Māori would help him achieve this object.¹⁵⁷ In obtaining peace, Grey was instructed to make sure that he should not give Māori ‘any appearance of weakness or alarm’.¹⁵⁸ Newcastle’s reasoning for this was:

¹⁴⁹ Rutherford, p. 453

¹⁵⁰ Grey to Newcastle, 4 October 1861, AJHR 1862, E-01, Section II, p. 3; Sewell Journal, 3 October 1861; Rutherford, pp. 453-454

¹⁵¹ Gorst, *The Maori King*, p. 131

¹⁵² Grey to Newcastle, 2 November 1861, AJHR 1862, E-01, Section II, p. 12

¹⁵³ Gorst to Fox, 23 October 1861, AJHR 1862, E-01, Section II, p. 14

¹⁵⁴ *ibid.*, p. 14

¹⁵⁵ Gorst to Fox, 23 October 1861, AJHR 1862, E-01, Section II, p. 14; Gorst, *The Maori King*, p. 132-133

¹⁵⁶ Gorst, *The Maori King*, p. 133

¹⁵⁷ Newcastle to Grey, 5 June 1861, AJHR 1862, E-01, Section III, p. 3

¹⁵⁸ *ibid.*, p. 3

It would be better even to prolong the war, with all its evils, than to end it without producing in the native mind such a conviction of our strength as may render peace not temporary and precarious, but well-grounded and lasting.¹⁵⁹

Newcastle also ordered Grey improve the ‘administration of native affairs’, and wrote that he anticipated ‘the introduction by you of some institutions of Civil Government, and some rudiments of law and order, into those Native Districts whose inhabitants have hitherto been subjects of the Queen in little more than in name’.¹⁶⁰ Newcastle clarified these views:

I may add, that your experience in British Kaffraria would seem to recommend a system under which a certain number of the native chiefs should be attached to the Government, by the payment of salaries and the recognition of their dignity, and should at the same time be assisted by Resident Magistrates in administering justice within their respective districts or tribes.¹⁶¹

Newcastle noted to achieve this, Grey would require ‘sufficient power and sufficient funds’.¹⁶² Newcastle felt that some of the ‘power’ would come from ‘the co-operation of the natives themselves, in the temporary presence of a large military force’.¹⁶³ The rest of the ‘power’ and funding Grey would have to persuade the New Zealand Parliament to provide.¹⁶⁴ Newcastle also instructed Grey to reform the system of land purchase from Māori.¹⁶⁵ Newcastle stated the Crown would be willing to make three concessions: firstly, it would be willing to allow for direct purchase of Māori land by settlers, and approve of any plan for the individualisation of title to Māori land.¹⁶⁶ Secondly, the Crown would approve of ‘any Ministerial arrangement for the conduct of Native affairs which may appear safe to yourself and be acceptable to the colonists’.¹⁶⁷ Thirdly, Newcastle informed Grey that the Crown would ‘be ready to treat the Colony with as much indulgence as their duty will permit on the subject of the charges of military protection, and the number of troops to be maintained in New

¹⁵⁹ *ibid.*, p. 3

¹⁶⁰ *ibid.*, p. 3

¹⁶¹ *ibid.*, p. 3

¹⁶² *ibid.*, pp. 3-4

¹⁶³ *ibid.*, p. 4

¹⁶⁴ *ibid.*, p. 4

¹⁶⁵ *ibid.*, p. 4

¹⁶⁶ *ibid.*, p. 4

¹⁶⁷ *ibid.*, p. 4

Zealand'.¹⁶⁸ Newcastle stated that the proviso for these three concessions was that the Governor would not be authorized to employ Imperial troops against Māori unless he had the support of the New Zealand Government.¹⁶⁹ Newcastle also stated if the colonists did not cooperate with the Governor, it would be impossible to supply Imperial troops.¹⁷⁰

Newcastle wrote further instructions on 22 September.¹⁷¹ Newcastle pronounced that the troops in New Zealand should not be used to make the Kīngitanga submit, but suggested instead: 'We should endeavour, really to attain the same object by seizing the present opportunity to introduce into Native Districts the beginnings of law and order, and so to wean their minds from foolish and dangerous ideas'.¹⁷² Newcastle also informed Grey that he did not agree with the distinction drawn by Tāmihana between the authority of the Queen and the Governor.¹⁷³ The Government had previously been informed that Tāmihana had eloquently demonstrated how he saw the issue of sovereignty with the aid of three sticks.¹⁷⁴ Tāmihana had placed two sticks vertically in the ground, and a third stick horizontally upon them.¹⁷⁵ The vertical sticks represented the Governor and the Māori King, and the horizontal stick represented the law over both.¹⁷⁶ Tāmihana had drawn a circle around them, which represented the protection that Queen Victoria provided to both Pākehā and Māori.¹⁷⁷ The problem was that the vertical sticks were the same length, which indicated that Tāmihana saw the Governor and Māori King as equals. Newcastle made it clear that this was unacceptable as he stated:

Submission to the Royal authority is unmeaning unless it includes submission (at least provisional) to the Officer through whom alone that authority is exercised.¹⁷⁸

¹⁶⁸ *ibid.*, p. 4

¹⁶⁹ *ibid.*, p. 4

¹⁷⁰ *ibid.*, p. 4

¹⁷¹ Newcastle to Grey, 22 September 1861, AJHR 1862, E-01, section III, p. 6

¹⁷² *ibid.*, p. 6

¹⁷³ *ibid.*, p. 6

¹⁷⁴ *Memorandum on Our Relation with Waikato*, P. Ford, and G. Ford, p. 65

¹⁷⁵ *ibid.*, p. 65

¹⁷⁶ *ibid.*, p. 65

¹⁷⁷ *ibid.*, p. 65

¹⁷⁸ Newcastle to Grey, 22 September 1861, AJHR 1862, E-01, section III, p. 6

In other words, recognising the Māori King as anything but a subordinate to the Governor was not considered an option by the Imperial Government. Gorst later wrote: ‘The one point to which all the Waikato natives, including Tāmihana himself, firmly adhered, was the recognition of the Maori king and Maori nationality, and these we uniformly and firmly refused to recognize’.¹⁷⁹

3.3.2 Newcastle’s Private Instructions

Newcastle also wrote Grey private letters with additional instructions. He made it apparent that he did not approve of Grey’s view that the taking of Waitara by Browne was an unjust act, and hoped he would reform his opinion.¹⁸⁰ Newcastle pronounced that he felt ‘quite confident that you will not offer or accept terms of peace which do not completely re-establish the supremacy of the Queen and give some promise of being a permanent settlement’.¹⁸¹ In other words, Newcastle had ordered Grey to not make peace until the Kīngitanga had submitted to the Queen’s Sovereignty.¹⁸² Additionally, the peace established had to be of a permanent nature.¹⁸³ This had proved to be a stumbling block in the peace negotiations in Taranaki as it was reported that Tāmihana had stated that even if peace was made, the Kīngitanga would fight again if they believed land had been unfairly purchased.¹⁸⁴ Newcastle also expected Grey ‘to place the future management of “native affairs” upon such footing as may prevent the reoccurrence of their unhappy disputes about land, and lead to the eventual incorporation of the two races in one body politic; even though a more distinct separation by way of “Districts” may possibly be for a time the most practical mode of obtaining this ultimate result’.¹⁸⁵ In other words, allowing the Kīngitanga to permanently separate was not an option. The second letter briefly advised Grey that the policy of encouraging Māori to offer compensation for goods plundered from settlers ‘will no doubt receive your early attention’.¹⁸⁶

¹⁷⁹ Gorst, *New Zealand Revisited*, p. 142

¹⁸⁰ Newcastle to Grey, 5 June 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.; Dalton, p. 142

¹⁸¹ Newcastle to Grey, 5 June 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹⁸² *ibid.*

¹⁸³ *ibid.*

¹⁸⁴ Hay to Browne, 15 March, 1861, P. Ford, and G. Ford, p. 42

¹⁸⁵ Newcastle to Grey, 5 June 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹⁸⁶ Newcastle to Grey, 24 June 1861, CO 209/161, p. 292

In December 1861, Newcastle wrote a private letter to Grey in which he told him that he hoped making roads through Māori land would be a part of his policy, as he thought it ‘most important in the interests of peace, but also most valuable in the case of war’.¹⁸⁷ In May 1862, Newcastle wrote to Grey:

The great object should be to tide over the next few years without fighting, and in the mean time [sic] to intersect the Country as much as possible with roads, and then the increase of one Race and the diminution of the other will render war impossible.¹⁸⁸

This advice echoed the opinion that Grey himself had expressed in his private letter to Newcastle in November 1860.¹⁸⁹

3.4 FOX MINISTRY’S INITIAL ADVICE

Shortly after Grey was sworn in, the Ministers provided Grey with a memorandum on the current position of the Colony.¹⁹⁰ Its first point was a peaceful resolution to the current crisis should be made.¹⁹¹ The document stated that the majority of Waikato Māori were unwilling to give up the Kīngitanga but they would listen to what Grey had to say.¹⁹² However, it was pointed out a minority were attempting to persuade others to abandon the Kīngitanga.¹⁹³ It was stated that if war broke out, the bulk of the Māori population south of Auckland would probably take up arms.¹⁹⁴ The document stated that Waikato Māori were the backbone of the Kīngitanga, and that most who supported it wished to have independence and freedom from the New Zealand Government.¹⁹⁵ It declared that the cause of the movement could be summed up in a few words: ‘a desire for good Government, a conviction that our rule does not give it,

¹⁸⁷ Newcastle to Grey, 20 December 1861 (private), *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹⁸⁸ Newcastle to Grey, 26 May 1862 (private), *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

¹⁸⁹ Extract from Grey to Newcastle, 21 November 1860, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

¹⁹⁰ Grey to Newcastle, 9 October 1861, AJHR 1862, E-01, Section II, p. 3; *Minute by Ministers on the Position of the Colony at the Date of the Arrival of Sir George Grey: Chiefly in Relation to the Native Insurrection*, 8 October 1861, AHJR 1862, E-02, pp. 3-6; Dalton, p. 143

¹⁹¹ *Minute by Ministers on the Position of the Colony at the Date of the Arrival of Sir George Grey: Chiefly in Relation to the Native Insurrection*, 8 October 1861, AHJR 1862, E-02, p. 3

¹⁹² *ibid.*, p. 3

¹⁹³ *ibid.*, p. 3

¹⁹⁴ *ibid.*, p. 3

¹⁹⁵ *ibid.*, p. 3

jealously on the land question, and certain crude ideas of independence'.¹⁹⁶ As a result, it was believed that Māori would not abandon the Kīngitanga unless a better alternative was offered.¹⁹⁷

The memorandum recommended that Grey should neither demand unconditional surrender as proposed by Browne, nor should he condone past actions or yield to all demands of the Kīngitanga.¹⁹⁸ It warned that if fighting broke out, at least half the population of Pākehā south of Auckland could be at the mercy of Māori.¹⁹⁹ Additionally, it advised that the militia was insufficiently organized, and the volunteer corps were few.²⁰⁰ It was pointed out that in Taranaki, the Waitara Block was occupied by British troops, but the Tātaraimaka block was claimed by Māori by right of conquest, and this state of affairs could not be allowed to continue.²⁰¹ The memorandum stated the hostility of Māori in Taranaki justified military operations against them, even though this may risk drawing in Māori from other areas.²⁰² However, it was suggested the Crown should first 'win back the allegiance of the bulk of the Native people, and place the settlements in an effective position of defence'.²⁰³ In the despatch in which Grey forwarded the memorandum, he informed Newcastle that if peace were established, he would be able to 'introduce institutions which will satisfactorily solve the whole question, and establish Her Majesty firmly in the affections of Her Native subjects in New Zealand'.²⁰⁴

3.5 RESPONSIBILITY IN NATIVE AFFAIRS

In November, Grey addressed the question of responsibility in 'Native Affairs'.²⁰⁵ Grey pointed out that the Governor was in complete charge of Native Affairs, whereas in all other matters the Colonial Ministers were responsible.²⁰⁶ Grey wrote this had resulted in 'two Governments in the Colony, which not only would not always aid one

¹⁹⁶ *ibid.*, p. 4

¹⁹⁷ *ibid.*, p. 4

¹⁹⁸ *ibid.*, p. 4

¹⁹⁹ *ibid.*, p. 5

²⁰⁰ *ibid.*, p. 5

²⁰¹ *ibid.*, p. 6

²⁰² *ibid.*, p. 6

²⁰³ *ibid.*, p. 6

²⁰⁴ Grey to Newcastle, 9 October 1861, AJHR 1862, E-01, Section II, p. 4

²⁰⁵ Grey to Newcastle, 30 November 1861, AJHR 1862, E-01, Section II, p. 34

²⁰⁶ *ibid.*, p. 34

another, but which would sometimes act at cross purposes with each other'.²⁰⁷ Grey informed Newcastle he had resolved this issue by arranging to consult his Ministers on all matters, including Native Affairs.²⁰⁸ Grey felt that by making the Ministry, and hence the Assembly, responsible would mean they would be inclined towards peace as they be unable to blame the Governor for war or demand that the Imperial Government should pay.²⁰⁹ Grey argued making the Ministry responsible would help prevent war and also protect Māori.²¹⁰ According to Sewell, Grey professed his policy was to leave everything to the Responsible Ministers, but in practice he proclaimed his ideas, and expected the Ministers to adopt them and carry them out.²¹¹ Browne later commentated that Grey had told him 'that he intended to transfer all power to his Ministers, and make them responsible for every thing [sic], but he would take care they should only act as he pleased'.²¹² It was an obvious ploy – if the Government policies were successful, Grey would take the credit, whereas the Ministers would be responsible for the failures.

3.6 WAS GREY PLANNING PEACE OR WAR?

There is some debate amongst historians about whether Grey was planning peace or war, and it has been suggested that he started planning for war as soon he arrived in New Zealand.²¹³ Sewell provided an insight into Grey's behaviour, and wrote that Grey altered his opinions depending upon his company, talking peace to one and war to another.²¹⁴ Sewell thought he did this to try and entrap people into expressing their opinions.²¹⁵ Sewell commented 'Nobody seems to know his real mind. My own impression is, that he had no very clear notions himself'.²¹⁶ However in late 1861, Grey wrote a series of despatches arguing against war, and for peace. Grey sent a sketch of the Māori King's reed house in Ngāruawāhia to make the point that there was no strategic targets in Waikato for British troops to capture, and informed

²⁰⁷ *ibid.*, p. 35

²⁰⁸ *ibid.*, p. 35

²⁰⁹ *ibid.*, p. 35

²¹⁰ *ibid.*, p. 35

²¹¹ Sewell Journal, 20 October 1861

²¹² Rutherford, p. 456

²¹³ O'Malley, *The Great War in New Zealand*, p. 149

²¹⁴ Sewell Journal, 13 October 1861

²¹⁵ *ibid.*, 13 October 1861

²¹⁶ *ibid.*, 13 October 1861

Newcastle if war broke out, there would be ‘no brilliant or decisive victory’.²¹⁷ In his next despatch, Grey announced that he would not enforce Browne’s terms, as he thought doing so would lead to war throughout the North Island.²¹⁸ Furthermore, Grey wrote that demanding Māori comply with all of Browne’s terms was useless.²¹⁹ Grey stated that the Colony was unprepared, and the results of war would be disastrous.²²⁰ Grey also pointed to the fact that Waikato was inhabited by both allied Māori and those who had joined the Kīngitanga, and questioned: ‘How are we to separate them, or to attack one party without injuring the other?’²²¹ Another important reason that Grey wanted peace is he would have been aware of the criticism that Browne was receiving in the British press for his war policies.²²² Grey also pointed out that the Colony was unable to pay for further war from its revenues and such expenditure would result in its ruin.²²³ In a private letter to Newcastle, Grey wrote ‘I cannot think that so terrible a war ought to be entered on, if we can avoid it’.²²⁴ Grey concluded it was best to attempt a peace policy, the cornerstone of which was to provide limited self-government to Māori, in a plan that has become known to history as the ‘New Institutions’.²²⁵

3.7 THE NEW INSTITUTIONS

3.7.1 Financing the New Institutions

In order to gain finances for his New Institutions, Grey made the argument to Newcastle and the Colonial Office that they would be significantly cheaper than waging war.²²⁶ Grey arranged with his Ministry that the Colony would provide half of these funds required for the institutions, and he undertook that the remaining amount would be paid by the Imperial Government.²²⁷ Despite this, Grey felt that the New Institutions were not sufficient by themselves to prevent war, and thought it ‘necessary

²¹⁷ Grey to Newcastle, 28 November 1861, AJHR 1862, E-01, Section II, pp. 32-33

²¹⁸ *ibid.*, p. 33

²¹⁹ *ibid.*, p. 33

²²⁰ *ibid.*, p. 33

²²¹ *ibid.*, p. 33

²²² Sewell Journal, 3 November 1861, 24 November, 1861; Harriet Browne to C.W. Richmond, 27 November [1861], Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 730

²²³ Grey to Newcastle, 2 November 1861, AJHR 1862, E-01, Section II, p. 16

²²⁴ Grey to Newcastle, 9 December 1861, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

²²⁵ Grey to Newcastle, 30 November 1861, AJHR 1862, E-01, Section II, p. 33

²²⁶ Dalton, p. 144; *Minute by Governor Sir George Grey on the Subject of His Excellency’s Plan of Native Government*, October 1861, AJHR 1862, E-02, p. 12; Grey to Newcastle, 2 November 1861, AJHR 1862, E-01, Section II, pp. 15-16

²²⁷ Grey to Newcastle, 30 November 1861, E-01, Section II, p. 36

that a large military force should for some years be maintained in the country: in order that the Natives may see that our adoption of specific measures does not arise from a sense of weakness, and that we have the means and are prepared to compel those who rebel against our authority'.²²⁸ If Grey had been planning on invading the Waikato in 1861, he surely would not have put such a good case against war in writing.

3.7.2 Creating the New Institutions

During the week commencing on 14 October, Grey, Sewell and Fox hammered out the plans for the New Institutions.²²⁹ The New Institutions were designed to provide an alternative to the Kīngitanga, provide law and order, regain the allegiance of Māori, address the issue of land sales, and also to detach Māori from the Kīngitanga. On 2 November, Grey wrote to Newcastle and stated that he would not hurry into renewing military operations, but instead he would introduce his New Institutions wherever Māori were willing.²³⁰ Importantly, Grey declared that he planned to utilise the truce to secure as many Māori allies as possible by 'the establishment of law and order in Native districts'.²³¹ Additionally, in case of war being resumed, he had decided to place 'as many out-settlements as possible in a state of security'.²³² Fox wrote that Kīngitanga would not be abandoned, 'unless some more attractive and at the same time solid substitute is offered'.²³³ The New Institutions would provide this substitute.

The plan was to divide the Māori portions of the North Island into about twenty 'Districts', each of which would have a Civil Commissioner, a clerk, an interpreter and a doctor.²³⁴ Additionally, salaries would be provided for Māori clergymen and schoolmasters in each District.²³⁵ These Districts would be further divided into six Hundreds, or sub-districts, with their own rūnanga and two people who would represent each Hundred at a District Rūnanga.²³⁶ Each Hundred would have a Warden

²²⁸ *Minute by His Excellency Sir George Grey on the Cost of the Proposed Institutions for the Government of the Natives*, 29 November 1861, AJHR 1862, E-02, p. 17

²²⁹ Sewell Journal, 20 October 1861

²³⁰ Grey to Newcastle, 2 November 1861, AJHR 1862, E-01, Section II, p. 16

²³¹ *ibid.*, p. 16

²³² *ibid.*, p. 16

²³³ *Minute by Ministers on the Position of the Colony at the Date of the Arrival of Sir George Grey: Chiefly in Relation to the Native Insurrection*, AJHR 1862, E-02, p. 4

²³⁴ *Minute by Governor Sir George Grey on the Subject of His Excellency's Plan of Native Government*, October 1861, AJHR 1862, E-02, p. 10

²³⁵ *ibid.*, p. 11

²³⁶ *ibid.*, p. 10

or Chief Police Officer and five Constables.²³⁷ This plan would mean that the District Rūnanga would comprise of twelve members, and the Civil Commissioner.²³⁸ The District Rūnanga would be able to create laws, which would then be sent to the Governor for his approval.²³⁹ The rūnanga would also hold courts, and be able to rule on disputed land boundaries, decide who was the legal owner of Māori land, and even approve of purchases of land.²⁴⁰ The Ministers stated they were quite prepared to assist in implementing the policy.²⁴¹

3.7.3 Grey Launches His New Institutions

In November, Grey decided to introduce his policies among Ngāpuhi first, and so visited Northland, and successfully presented the New Institutions to them.²⁴² Grey reported to Newcastle on the success of his visit, and that he hoped that all northern Māori would adopt the New Institutions, as he felt this would induce other Māori to follow their example.²⁴³ The real test would be the reaction of the Kīngitanga.²⁴⁴ Tāmihana gave Grey a perfect opportunity.

In November, Tāmihana sent a letter to the Government reporting that he had seized spirits being smuggled into the Waikato.²⁴⁵ This was seen as providing a good opportunity to send a messenger into the Waikato to explain the way the New Institutions could legalise such an action.²⁴⁶ As a result, Gorst was promptly sent to the Waikato and on 28 November, he arrived at Pēria and met with Tāmihana.²⁴⁷ Gorst explained that if the Waikato adopted the New Institutions, they would be able to make their own laws, but Tāmihana only observed that accepting them was a very serious

²³⁷ *ibid.*, p. 10

²³⁸ *ibid.*, p. 10

²³⁹ *ibid.*, p. 11

²⁴⁰ *ibid.*, pp. 11-12

²⁴¹ *Minute by Ministers in Reference to His Excellency's Plan*, 16 October 1861, AJHR 1862, E-02, p. 13; *Further Minute by Ministers in Reference to His Excellency's Plan*, 31 October 1861, AJHR 1862, E-02, pp. 13-15; *Notes by His Excellency Sir George Grey on the preceding Minute*, AJHR 1862, E-02, p. 16; *Note by Ministers in reference to the preceding Notes*, 4 November 1861, AJHR 1862, E-02, p. 16; Sewell Journal, 20 October 1861

²⁴² Grey to Newcastle, 2 November 1861, AJHR 1862, E-01, Section II, p. 16; *Extract from the "New Zealander," Auckland, Saturday, November 16th, 1861*, E-01, Section II, p. 43; Gorst, *The Maori King*, pp. 136-137

²⁴³ Grey to Newcastle, 6 December 1861, AJHR 1862, E-01, Section II, p. 42

²⁴⁴ *Extract from the "New Zealander," Auckland, Saturday, November 16th, 1861, E-01, Section II*, pp. 43-44; pp. 136-137

²⁴⁵ Tāmihana to Smith, 9 November 1861, AJHR 1862, E-01, Section II, p. 30

²⁴⁶ Grey to Newcastle, 8 December 1861, AJHR 1862, E-01, Section II, p. 45, Dalton, p. 148; Sewell Journal, 24 November, 1861

²⁴⁷ Gorst to Fox, 2 December 1861, AJHR 1862, E-01, Section II, p. 45

matter, and the rangatira of Waikato would have to be involved in the decision.²⁴⁸ Following a discussion with other Māori, Tāmihana, a few days later, informed Gorst that they liked everything about Grey's institutions and policy, except for having to send their laws for the Governor's consent, and submitting to the Queen.²⁴⁹ Waikato Māori then held a rūnanga to discuss the institutions.²⁵⁰ Tāmihana spoke approvingly, but insisted that the laws would also need the consent of the Māori King, Tūkāroto Matutaera Pōtatau Te Wherowhero of Ngāti Mahuta, who was later known as Tāwhiao.²⁵¹ Tāmihana stated that if the King and the Flag were allowed to remain, Waikato would accept the New Institutions.²⁵² Following these discussions, a large meeting of Ngāti Hauā was then arranged to discuss matters further on 3 December.²⁵³ However, the speeches were generally unfavourable to adopting the Institutions and mostly concerned maintaining their King and Flag.²⁵⁴ Despite this, Gorst was told that if the laws made were consented to by both the Governor and the Māori King, then they would all agree to adopt the New Institutions.²⁵⁵ Following this, Gorst visited Ngāruawāhia, where the policy was discussed by the King's Rūnanga.²⁵⁶ Gorst reported the Rūnanga agreed unanimously that if Grey agreed to their King and Flag, they would adopt the Institutions.²⁵⁷ Despite this, the Rūnanga was divided on the issue of having a European officer in the Waikato, which was an essential part of Grey's plans.²⁵⁸

In early December, Grey reported to Newcastle that his belief was that Kīngitanga Māori had agreed amongst themselves:

That they will not directly or indirectly attack the Europeans: they will not permit the Europeans to be robbed or molested: but that upon all lands, the property of the Natives, justice shall only be administered by Natives, and laws shall be only made by Natives. That no more lands within such districts shall be for the present

²⁴⁸ *ibid.*, p. 45

²⁴⁹ *ibid.*, p. 45

²⁵⁰ *ibid.*, p. 46

²⁵¹ *ibid.*, p. 46

²⁵² *ibid.*, p. 46

²⁵³ *ibid.*, p. 47

²⁵⁴ *ibid.*, p. 47

²⁵⁵ Gorst to Fox, 5 December 1861, AJHR 1862, E-01, Section II, p. 47; Gorst, *The Maori King*, p. 138

²⁵⁶ Gorst, *The Maori King*, pp. 139-140; Gorst, *New Zealand Revisited*, pp. 173-174

²⁵⁷ Gorst, *The Maori King*, p. 140; Gorst, *New Zealand Revisited*, p. 175

²⁵⁸ Gorst, *The Maori King*, p. 140; Gorst, *New Zealand Revisited*, p. 175

sold to Europeans... any attempt by the Government to put down these proceedings by force shall be regarded as the signal for a general rising of the Native population.²⁵⁹

Despite this, Grey thought that 'large bodies of Natives are ready to side with the Government, and will adopt my plans'.²⁶⁰

3.7.4 Ministerial Advice on Waikato Meetings

In December, Grey decided to take up an invitation to visit the Lower Waikato, and the Fox Ministry advised Grey on how he should carry out these meetings.²⁶¹ They recommended Grey announce that the Crown had no intention to wage an aggressive war, and that the Government was not bound by Browne's declarations.²⁶² It was suggested that building roads or demanding Māori return plunder should not be made a cause of war, but instead be required before Māori received Government assistance.²⁶³ However, the minute recommended that Grey's language to the Kīngitanga representatives should show his disapproval of their actions.²⁶⁴ It would seem that Grey paid little attention to the advice, and in fact adopted a more conciliatory tone than advised.²⁶⁵

In an unpublished minute dated 7 December 1861, the Fox Ministry also gave their opinion on the question of recognising Matutaera.²⁶⁶ The biggest problem was that the Ministry thought 'The name of King is objectionable but some other may perhaps be found', and hoped that once Māori recognised the authority of Queen Victoria, they would abandon the term.²⁶⁷ The minute stated that if Māori agreed 'to obey laws made and enforced by Authority of the Queen, so placing themselves under British Rule, our object will have been substantially secured'.²⁶⁸ The Ministers advised they saw nothing

²⁵⁹ Grey to Newcastle, 6 December 1861, AJHR 1862, E-01, Section II, p. 37

²⁶⁰ *ibid.*, p. 37

²⁶¹ *Minute by Ministers in Reference to the Governor's Proposed Visit to Waikato*, 6 December 1861, AJHR 1862, E-02, pp. 19-20; Fox, *The War in New Zealand*, p. 45

²⁶² *Minute by Ministers in Reference to the Governor's Proposed Visit to Waikato*, 6 December 1861, AJHR 1862, E-02, p. 20

²⁶³ *ibid.*, p. 20

²⁶⁴ *ibid.*, p. 20

²⁶⁵ Dalton, p. 148

²⁶⁶ *Minute by Fox*, 7 December 1861, *Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry)*, R17588066, ANZ.

²⁶⁷ *ibid.*

²⁶⁸ *ibid.*

objectionable in allowing a rangatira chosen by Māori to assent to laws.²⁶⁹ The Ministers concluded that they saw no objection to recognising Matutaera in this way.²⁷⁰

3.7.5 Grey's Official Meetings in the Waikato

Grey's visit to the Waikato included three official meetings, at Kōhanga on 12 December, at Taupari on 16 December, and again at Kōhanga on 17 December. The following descriptions of these meetings is a summary of the official accounts. At Kōhanga, on 12 December, Grey announced he had come in peace and love, and asked what he could do for Māori.²⁷¹ Herewini of Ngāti Tamaoho, a Kīngitanga ambassador, replied that there were three things he thought of: the King, the flag, and the roads.²⁷² Further discussion ensued with another Kīngitanga representative, Tewhi Panawaka of Ngāti Hine.²⁷³ Grey informed him that he would not allow the Kīngitanga to impose their King upon others, and asked if they planned to attack those who had rejected him, and Tewhi replied that they would not.²⁷⁴ Grey proclaimed that this had set his mind at ease, and declared that he was not concerned if they called Matutaera a King or a chief, and he would work with those who helped him, but ignore those who did not.²⁷⁵ Grey announced that he would view each rangatira as the king of their own people, and informed Māori: 'kings who work with me shall be wealthy kings, and kings of wealthy peoples'.²⁷⁶ Wīremu Te Mōrehu Maipapa Te Whēoro, a rangatira of Ngāti Mahuta, concluded the meeting by announcing that Grey's word had already been heard, that he would not interfere with the King, and that he had come to bring peace.²⁷⁷ At the next meeting, at Taupari on 16 December, Grey informed Māori that he had come as a friend, not to punish Māori, but then in his next breath announced:

²⁶⁹ *ibid.*, ANZ.

²⁷⁰ *ibid.*, ANZ.

²⁷¹ *Speeches of Governor Sir G. Grey and the Waikato Chiefs at the Meeting held at Kohanga, December, 1861*, AJHR 1862, E-08, pp. 3-5

²⁷² *ibid.*, p. 3

²⁷³ *ibid.*, p. 4

²⁷⁴ *ibid.*, p. 4

²⁷⁵ *ibid.*, p. 4

²⁷⁶ *ibid.*, p. 4

²⁷⁷ *ibid.*, p. 5

I have been sent with a very large force at my disposal, to put an end to war and discord, and to establish law and order; and if the force now here is not sufficient, I can have as much more as I like.²⁷⁸

After making this threat, Grey then claimed that he would never attack first, which could hardly have reassured the Kīngitanga that he sought peace.²⁷⁹ Following Newcastle's instructions, Grey spoke about the Taranaki plunder, and reminded his audience that Browne had demanded it returned if they wished to avoid being attacked.²⁸⁰ Grey then informed Māori that he did not care if the plunder was returned or not, but then stated that if anyone was caught with the stolen property, he would be brought before a judge, and if found guilty of theft, he would be punished.²⁸¹ Grey recommended Māori should return the plunder, as it would help reconcile them with the Europeans.²⁸² The demand was ill-advised, and later Wīremu Kīngi and Ahuriri Māori both protested to Fox that it was unjust, and Fox concluded that there should have been an amnesty.²⁸³ Grey was making highly contradictory statements, and would not have won the trust of the assembled Māori.

Next, Grey turned his attention to the construction of roads, and argued that they would be of great benefit to Māori trade.²⁸⁴ Grey said that he had heard that the Māori King had been making rules to prevent travel, and stated if anyone blocked roads they would be tried and the guilty individuals punished.²⁸⁵ Whereas at the previous meeting, when Grey had stated he was not concerned if Matutaera was called a King, Grey now announced that he thought calling a rangatira a king, and putting up a flag, was foolish, and may lead to bad consequences, so he suggested another name should be found.²⁸⁶ Grey then turned to the land issue, and promised that he would not take land by force, or buy it unless all concerned were consulted.²⁸⁷ He discussed his Institutions, how they gave Māori the ability to make laws, especially in regard to land ownership, and

²⁷⁸ *ibid.*, p. 5

²⁷⁹ *ibid.*, p. 5

²⁸⁰ *ibid.*, p. 6

²⁸¹ *ibid.*, p. 6

²⁸² *ibid.*, p. 6

²⁸³ Fox Journal, 1 January 1862, AJHR 1863, E-13, p. 7; Karaitiana and others to Fox, 19 August 1861, AJHR 1863, E-13, p. 12; Ward, *A Show of Justice*, p. 128

²⁸⁴ *Speeches of Governor Sir G. Grey and the Waikato Chiefs at the Meeting held at Kohanga, December, 1861*, AJHR 1862, E-08, p. 6

²⁸⁵ *ibid.*, p. 6

²⁸⁶ *ibid.*, p. 6

²⁸⁷ *ibid.*, p. 7

also informed them that he would provide doctors, teachers and clergy.²⁸⁸ Grey again reiterated that he did not plan to use force, then concluded: ‘I have come to conquer and kill you too – with good’.²⁸⁹ Unfortunately, it would appear that Grey’s words were misreported, and the phrase ‘with good’ was initially omitted.²⁹⁰

A discussion then ensued about Grey’s policies. On the issue of land, Grey announced that an investigation would take place into the disputed land at Waitara.²⁹¹ In regard to the roads, Tipene of Ngāti Mahuta pointed out to Grey that the roads were not just for trade, and their fear was that the roads allowed artillery to travel along them, and this was the reason roads had not been allowed.²⁹² Tipene informed Grey that Waikato had not blocked any roads, but he had heard that Ngāti Ruanui had closed theirs against Pākehā, and Tipene said he would encourage Ngāti Ruanui to allow all to travel freely.²⁹³ Tipene advised Grey not to buy land that had been pledged to the King, as a quarrel would result and furthermore, once land was pledged to the King, it would not be allowed to be sold even if the owners changed their mind.²⁹⁴ Finally, Tipene asked Grey directly ‘Are you opposed to my king?’²⁹⁵ Grey however refused to give a straight answer, claimed he did not care, but said that he thought it would lead to trouble.²⁹⁶ He announced the Kīngitanga would be stopped by his Institutions, and advised Māori to abandon the idea.²⁹⁷ Tipene repeated his question, and eventually Grey admitted he thought it was a ‘very bad thing’, and that all Māori should come under the Governor, and work with him.²⁹⁸

The final public meeting was held on 17 December.²⁹⁹ Grey asked if Māori had any questions about the New Institutions, and Waata Kūkūtai of Ngāti Tīpā explained what he understood the duties of the District Rūnanga to be.³⁰⁰ Te Ao-o-te-rangi of Tainui then announced that he approved of a road to convey their produce for sale, but did

²⁸⁸ *ibid.*, p. 7

²⁸⁹ *ibid.*, p. 7

²⁹⁰ Rutherford, p. 463

²⁹¹ *Speeches of Governor Sir G. Grey and the Waikato Chiefs at the Meeting held at Kohanga, December, 1861*, AJHR 1862, E-08, p. 9

²⁹² *ibid.*, p. 8

²⁹³ *ibid.*, p. 8

²⁹⁴ *ibid.*, p. 8

²⁹⁵ *ibid.*, p. 9

²⁹⁶ *ibid.*, p. 9

²⁹⁷ *ibid.*, p. 9

²⁹⁸ *ibid.*, p. 10

²⁹⁹ *ibid.*, p. 10

³⁰⁰ *ibid.*, p. 10

not consent to having a rūnanga and magistrate.³⁰¹ Ruihana of Ngāti Karewa requested that the sale of guns and ammunition be allowed, and that he would not sell land unless he received them in exchange, but Grey refused this request.³⁰² Finally, Grey was informed that the only roads agreed to by the Kīngitanga in the Waikato were the rivers and waterways for the passage of small boats.³⁰³ Grey concluded the meeting by announcing if Māori worked with him, he would help them to the utmost.³⁰⁴ An important result of these meetings was that the New Institutions were accepted by the Lower Waikato, and ensured the loyalty of influential rangatira Waata Kūkūtai and Te Whēoro.³⁰⁵ However, the Kīngitanga had showed no real interest.

Omitted from the official account was that Grey recommended that Ngāti Ruanui should leave Tātaraimaka or they would be driven off.³⁰⁶ Also omitted was that Grey demanded that Ngāti Ruanui open the road between New Plymouth and Whanganui, or he would construct a line of forts to hold the road, and then he would decide who could travel that way.³⁰⁷ The road had been closed by Ngāti Ruanui since the Taranaki War, in response to Browne curtailing freedom of movement into New Plymouth, and had not been reopened.³⁰⁸ According to A.S. Atkinson, W. Kīngi and Tāmihana wrote to tell Ngāti Ruanui to open the road, but they refused.³⁰⁹

3.7.6 Grey's Unofficial Meetings in the Waikato

It appears that there were several meetings with Māori that did not make it into the official account. Reverend John Morgan of the Church Missionary Society, stationed at Ōtāwhao, wrote an account of Grey's private meeting with Māori from Waipā on

³⁰¹ *ibid.*, pp. 10-11

³⁰² *ibid.*, p. 11

³⁰³ *ibid.*, p. 11

³⁰⁴ *ibid.*, p. 11

³⁰⁵ *Reports of Officers, Section II, Lower Waikato*, AJHR 1862, E-09, Section II.

³⁰⁶ Morgan to Browne, December, 1861, [*Typescript*] *Typed by Miss Margaret Swarbrick, December 1964, Classified letters - Letters from Missionaries, Rev. J Morgan, 1 January 1861 - 12 June 1864, Rev. J Wilson, 17 June - 21 August 1861*, R20388460, ANZ.; H.R. Richmond to C.W. Richmond, 6 Jan 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 739;

³⁰⁷ H. R. Richmond to C. W. Richmond, 6 Jan 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 739; Sewell Journal, 25 December, 1861; Morgan to Browne, December, 1861, *Letters from Missionaries*, R20388460, ANZ.

³⁰⁸ *Memoranda re Statement of the Ngatiruanui people, forwarded to Defence Office Answers to accusations respecting Pouakai land, seizure of the mail and murders in Taranaki, 31 December 1861*, R22412245, ANZ.; Grey to Newcastle, 23 November 1861, AJHR 1862, E-01, Section II, p. 22; Riemenschneider to William Martin, 30 September 1861, AJHR 1862, E-01, Section II, pp. 22-28

³⁰⁹ A.S. Atkinson, journal, 26 February 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 747

13 December.³¹⁰ He reported Grey indicated to them that he planned to make a road between Drury and Mangatāwhiri, and cut a new line from Mangatāwhiri to Waiuku.³¹¹ Additionally, Grey informed them that troops would be stationed at Mangatāwhiri, Patumāhoe and Waiuku.³¹² This surprised the Waipā Māori at the meeting, and they requested that Grey not take such a step, but Grey informed them that it was his reply to their bringing Māori soldiers to Ngāruawāhia to serve as a bodyguard for the Māori King.³¹³ Grey later stated that it was also in consequence of the Patumāhoe affair, when a Māori taua from the Waikato had advanced towards Auckland in 1860, and because Matutaera was training Māori soldiers.³¹⁴

Additionally, Morgan reported that Grey met with Ngāti Tīpā and Ngāti Te Ata Māori who agreed to accept the Institutions.³¹⁵ On 18 December, Grey met with Aihepene Kaihau, a rangatira of Ngāti Te Ata, at Kōhanga and he urged Grey not to position troops near Mangatāwhiri.³¹⁶ On the same day, Grey, Ashwell and Morgan also debated positioning troops there.³¹⁷ Ashwell was opposed, and correctly predicted that it would destroy Māori confidence in the Crown, and lead to war.³¹⁸ Morgan disagreed, and said that it would not lead to war if the troops remained on Crown land, although he admitted that Māori would not like it.³¹⁹ Furthermore, Morgan thought that positioning troops at the Mangatāwhiri would discourage Waikato Māori from becoming involved in any future war in Taranaki.³²⁰ Grey agreed on the basis 'it would be the very depth of degradation to be subject to the natives and to allow them to say whether the Queen's troops should be placed there or not'.³²¹

³¹⁰ Morgan to Browne, December, 1861, *Letters from Missionaries*, R20388460, ANZ.

³¹¹ *ibid.*

³¹² *ibid.*

³¹³ *ibid.*

³¹⁴ Morgan to Browne, December, 1861, *Letters from Missionaries*, R20388460, ANZ.; Maunsell to Church Missionary Society, 25 December 1861, *Robert Maunsell and John Morgan – Papers*, Micro-MS-Coll-04-56, ATL.; Gorst, *The Maori King*, p. 151

³¹⁵ Morgan to Browne, December, 1861, *Letters from Missionaries*, R20388460, ANZ.

³¹⁶ *ibid.*

³¹⁷ *ibid.*

³¹⁸ *ibid.*

³¹⁹ *ibid.*

³²⁰ *ibid.*

³²¹ Morgan to Browne, December, 1861, *Letters from Missionaries*, R20388460, ANZ.; Ward, *A Show of Justice*, p. 129

3.7.7 Gorst's Failures in The Waikato

Although Kīngitanga Māori had not agreed to accept the New Institutions, on 14 January 1862, J. E. Gorst was appointed Resident Magistrate of Upper Waikato, and stationed at Ōtāwhao on the Queen's land.³²² Later on 4 February, a small army of Kīngitanga Māori led by Pātene Poutama of Ngāti Maniapoto attempted to expel Gorst from the Waikato.³²³ After learning of the incident, Tāmihana wrote to Gorst, and stated that Pātene was at fault, as Gorst was on the Queen's land.³²⁴ However, Tāmihana also informed Gorst if he performed his duties as magistrate and judged Māori, it would be considered an offence.³²⁵ By preventing Gorst from acting as a magistrate, the Kīngitanga would be able to reduce him to a nonentity, and this plan was initially highly successful.³²⁶

In April, Gorst had an opportunity to encourage desertion from the Kīngitanga when a small hapū, Ngāti Whauroa, which consisted of about fifty men, renounced its allegiance to the Māori King.³²⁷ Hona Te Kotuku, the leading rangatira of Ngāti Whauroa, returned the King's flag and invited Gorst to establish the New Institutions among them.³²⁸ Gorst met with Ngāti Whauroa on 7 April, but refused most of their requests, and even declined to give them a Union Jack so they could demonstrate their loyalty.³²⁹ The unfriendly and unhelpful attitude that Gorst had shown to a dissatisfied Kīngitanga rangatira would not have encouraged other Māori to leave the King movement, and it was an opportunity lost for the Government.

³²² *Report from J. E. Gorst, Esq., R.M., of Proceedings of Patene and Ngatimaniapoto Natives*, 5 February 1862, AJHR 1862, E-09, Section III, p. 3; Morgan to Browne, 6 February, 1862, *Letters from Missionaries*, R20388460, ANZ.; AJHR 1862, D-17, p. 4

³²³ *Report from J. E. Gorst, Esq., R.M., of Proceedings of Patene and Ngatimaniapoto Natives*, 5 February 1862, AJHR 1862, E-09, Section III, pp. 3-4; Morgan to Browne, 6 February, 1862, *Letters from Missionaries*, R20388460, ANZ.

³²⁴ Morgan to Browne, 4 March, 1862, *Letters from Missionaries*, R20388460, ANZ.

³²⁵ *ibid.*

³²⁶ *Memorandum by the Native Minister from His Excellency the Governor*, 30 April 1863, AJHR 1863, E-01, p. 1

³²⁷ *Report by J. E. Gorst, Esq., R.M., of a Native Meeting at Kahumatiku*, 9 April 1862, AJHR 1862, E-09, Section III, p. 6; Gorst, *The Maori King*, pp. 165-166

³²⁸ *Ibid.*, *Report by J. E. Gorst, Esq., R.M., of a Native Meeting at Kahumatiku*, 9 April 1862, AJHR 1862, E-09, Section III, p. 6; Gorst, *The Maori King*, p. 166

³²⁹ *Report by J. E. Gorst, Esq., R.M., of a Native Meeting at Kahumatiku*, 9 April 1862, AJHR 1862, E-09, Section III, pp. 6-7; Gorst, *The Maori King*, p. 166

Only one case was brought before Gorst in his function as a magistrate, and when Gorst attempted to imprison the defendant, he was rescued by Kīngitanga Māori.³³⁰ It was later discovered that on receiving the summons, the defendant had pledged allegiance to the Māori King, and the King's Rūnanga had decided that as his mother was Māori, they would not permit Gorst to judge him.³³¹ This left Gorst humiliated, and embarrassed the Crown.³³² Gorst's appointment as a magistrate was shown to be completely ineffective.

In May, the mail to Auckland was stopped by Māori at Ngāruawāhia, and the carrier was informed that only the King's soldiers would be allowed to carry the mail.³³³ Stopping the mail may seem like a minor protest, but it was one of the crimes that Māori were accused of in Browne's ultimatum.³³⁴ According to Gorst, he was told by a Māori from Kihikihi: 'We are much worse than we have ever been before, it is the exhibition of our independence'.³³⁵ Grey's policies were failing to reconcile Waikato Māori.³³⁶

That same month, Gorst returned to Auckland to report on what he saw as the lawless state of the Upper Waikato district, but he found that the Ministers were not interested.³³⁷ The Ministers informed him that the Institutions were working well in other districts, and he should not issue any more summons.³³⁸ The Ministers and Gorst suggested to Grey that all the Europeans should be withdrawn from the Waikato, and a trade embargo imposed, but Grey vetoed the idea as he thought 'It would appear as if we were driven out of the Waikato'.³³⁹ Francis Dillon Bell opposed the appointment

³³⁰ Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.; Gorst, *The Maori King*, p. 189

³³¹ Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.; Gorst, *The Maori King*, p. 189

³³² Gorst, *The Maori King*, p. 189

³³³ *Part of the Journal of J. E. Gorst, Esq.*, 28 May 1862, AJHR 1862, E-09, Section III, p. 8

³³⁴ Copy of a Declaration by the Governor to the Natives assembled at Ngāruawāhia, 21 May 1861, AJHR, 1861, E-1b, p. 11

³³⁵ *Part of the Journal of J. E. Gorst, Esq.*, 28 May 1862, AJHR 1862, E-09, Section III, p. 8

³³⁶ Copy of a Declaration by the Governor to the Natives assembled at Ngāruawāhia, 21 May 1861, AJHR, 1861, E-1b, p. 11

³³⁷ Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.

³³⁸ *ibid.*

³³⁹ Ward, *A Show of Justice*, p. 138; Morgan to Browne, 4 March, 2 April, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.

of the Ngāti Whāuroa officers, and so was dismissed from his position of Acting Native Secretary.³⁴⁰

Bell then urged Gorst to return to the Waikato, and encouraged him to write a report on the state of affairs in order to discredit the New Institutions.³⁴¹ As a result, in June, Gorst wrote an extensive and negative report on the state of the Upper Waikato.³⁴² Gorst reported that Māori believed that once the Government had bought their land, they would be ‘oppressed and despised’.³⁴³ According to Gorst’s report, Māori did not believe that peace could be permanent while there was a large force of Imperial troops in New Zealand, and furthermore, Māori knew that the troops would only be deployed against them.³⁴⁴ The military construction work was regarded with distrust and suspicion, and Māori saw no purpose to the Great South Road except to transport troops and artillery, and some had stated that if the roads encroached on Māori land, it would be a cause for war.³⁴⁵ Finally, Gorst reported that Māori felt the British had failed to conquer them, hence the British were trying to buy their allegiance, and this produced a strong feeling of contempt towards the Government.³⁴⁶ Gorst concluded that reconciliation and alliance between the New Zealand Government and the Kīngitanga was impossible.³⁴⁷ Nonetheless, in a separate memorandum, dated 28 June 1862³⁴⁸, Gorst suggested that the best policy to adopt in the Waikato, was to attach young men in the district to the Government, and thus provide a means of law enforcement.³⁴⁹ This policy would result in the attempt to build a courthouse and a school in Waikato, and prove a complete failure in 1863.

³⁴⁰ Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.

³⁴¹ Ward, *A Show of Justice*, p. 148

³⁴² *General Report, by J. E. Gorst, Esq., On the State of Upper Waikato; June 1862*, 5 June 1862, AJHR 1862, E-09, Section III, p. 13

³⁴³ *ibid.*, p. 14

³⁴⁴ *ibid.*, p. 14

³⁴⁵ *ibid.*, p. 14

³⁴⁶ *ibid.*, p. 14

³⁴⁷ *ibid.*, p. 19

³⁴⁸ The date printed on the memorandum in the AJHR of 1863 was incorrect, and should be 1862, not 1863; The memorandum was reprinted in 1865, where the correct date was printed – see AJHR 1865, E-01, p. 7 and AJHR 1863, E-04, p. 36

³⁴⁹ *Memorandum by J.E. Gorst, R.M., On the Establishment of a Police Station at Kohekohe, and an Industrial School at Otawhao*, 28 June 1862, AJHR 1863, E-04, pp. 35-36

3.7.8 Fox's Visit to Taupō, Hawke's Bay and Wellington

After the meetings in Waikato, plans had been made for Grey to visit Māori in Hawke's Bay and Wellington to introduce the New Institutions, but in early 1862, virtually all the naval forces were withdrawn from New Zealand, in case war broke out with the United States.³⁵⁰ As a result Grey was unable to keep appointments with Māori that relied on the use of naval ships for transport, meaning that Grey had to cancel his plans, and instead Fox made an overland journey, first to Taupō, from there to Napier, and finally travelling to Wellington to introduce the New Institutions.³⁵¹ Fox first travelled to Ōtāwhao, and left from there on 15 February for Taupō.³⁵² Over the next week, Fox had several meetings with rangatira who were supporters of the Queen and discussed the New Institutions.³⁵³ As a result, Māori on the north and east side of Lake Taupō agreed to adopt the New Institutions, and accept a magistrate.³⁵⁴ Fox reached Napier and meet with Ahuriri rangatira on 3 March.³⁵⁵ As a result of this meeting, Ahuriri Māori agreed to press Waikato to agree to an investigation of the Waitara.³⁵⁶ Colonel A. H. Russell was appointed Civil Commissioner and Resident Magistrate of Hawke's Bay.³⁵⁷

In January 1862, Grey had become aware that Te Mānihera Te Rangi-taka-i-waho of Ngāti Kahungunu, a leading rangatira of the Wairarapa district, had sold land in 1854 on the condition that he would receive a Crown Grant for 1,000 acres, but this promise had not been fulfilled.³⁵⁸ It was discovered that this problem was widespread.³⁵⁹ Grey advised his Ministers to settle these Crown Grants without delay.³⁶⁰ In April 1862, when Fox proceeded to Wellington, he spoke with Māori who had assembled to meet

³⁵⁰ Grey to Newcastle, 8 February 1862, AHJR 1862, A-06, p. 5

³⁵¹ Sewell Journal, 20 February, 1862; Morgan to Browne, 2 April, 1862, *Letters from Missionaries*, R20388460, ANZ.; *The New Zealander*, 5 April 1862, p. 2; Grey to Newcastle, 8 February 1862, AHJR 1862, A-06, p. 5; Grey to Jenkins, 31 January 1862, AJHR 1862, A-06, p. 6; Fox Memorandum, 6 February 1862, AHJR 1862, A-06, p. 7

³⁵² Fox Journal, 21 February, 1862, AJHR 1863, E-13, p. 9

³⁵³ *ibid.*, p. 9

³⁵⁴ Fox Journal, 21 February, 1862, AJHR 1863, E-13, p. 9; Morgan to Browne, 4 March, 1862, *Letters from Missionaries*, R20388460, ANZ.

³⁵⁵ Fox Journal, 5 March 1862, AJHR 1863, E-13, p. 10

³⁵⁶ *ibid.*, pp. 10-11

³⁵⁷ AJHR 1862, D-17, p. 4

³⁵⁸ Grey to Newcastle, 8 January, 1862, AJHR 1862, E-01, Section II, p. 50

³⁵⁹ *Minute by the Land Claims Commissioner, On the Subject of Crown Grants to Natives*, 11 November 1861, AJHR 1862, E-01, Section II, p. 56;

³⁶⁰ *Minute by the Governor on the Preceding Minute*, 16 November 1861, AJHR 1862, E-01, Section II, p. 57

Grey.³⁶¹ *The New Zealander* reported that although they were greatly disappointed that Grey had been unable to visit, Te Mānihera agreed to adopt the New Institutions.³⁶² This decision was attributed to the actions that Grey had taken to rectify the issues with the promises in the Land Grants not being fulfilled.³⁶³

3.7.9 Grey Offers the New Institutions to Māori in Wellington Province

As a result of all the delays, the New Institutions were not introduced to Māori on the south-west coast of the North Island until September 1862. The proceedings of these meetings were never published officially so the main source available of the events are newspapers.³⁶⁴ On 17 September, Grey met with Wīremu ‘Wī’ Tako Ngātata of Te Āti Awa and the local Kīngitanga Māori near Ōtaki, and repeatedly invited Wī Tako to join him and give the New Institutions a trial, but Wī Tako refused.³⁶⁵ Wī Tako had once been one of Grey’s allies, but this meeting showed Grey’s former reputation counted for nothing.³⁶⁶

On 22 September, Grey arrived at Putaki, and following a hui with local Māori, announced that the New Institutions would be introduced there as soon as possible.³⁶⁷ Although this meeting went well, Grey failed to even meet with the local Kīngitanga Māori.³⁶⁸ The Kīngitanga Māori had gathered near the borders of the pro-Crown Māori in Whanganui, and invited Grey to visit, but he refused their offer on the basis that he would not visit a district where the King’s flag was flying.³⁶⁹ Equally, the Kīngitanga Māori refused to come to Whanganui on the basis that the Whanganui Māori were their old enemies, and as a result, no meeting took place.³⁷⁰ Nonetheless, soon afterwards, John White was appointed Resident Magistrate to the district to introduce the New Institutions.³⁷¹

³⁶¹ *The New Zealander*, 5 April 1862, p. 2; Fox to Te Puni, 8 April 1862, AJHR 1863, E-13, p. 16

³⁶² *The New Zealander*, 5 April 1862, p. 2

³⁶³ *ibid.*, p. 2

³⁶⁴ *Otago Witness*, 18 October 1862, p. 5

³⁶⁵ *Wellington Independent*, 25 September 1862, p. 2; *Nelson Examiner and New Zealand Chronicle*, 10 October 1862, p. 3

³⁶⁶ *Otago Daily Times*, 7 October 1862, Page 4

³⁶⁷ *The New Zealander*, 22 October 1862, p. 5

³⁶⁸ *Otago Daily Times*, 15 October 1862, p. 5

³⁶⁹ *Otago Daily Times*, 15 October 1862, p. 5

³⁷⁰ *Otago Daily Times*, 15 October 1862, p. 5

³⁷¹ *Lyttelton Times*, 15 October 1862, p. 3

Grey returned to Wellington, where he had another meeting with Wī Tako on 9 October.³⁷² According to the *Herald*, Wī Tako again refused to join the New Institutions and abandon the Kīngitanga.³⁷³ After Wī Tako refused all of Grey's suggestions, Grey became angry, insulted Wī Tako and even threatened to confiscate his land.³⁷⁴ This meeting only widened the breach between Grey and the Kīngitanga, and Grey's much vaunted personal influence and diplomacy had utterly failed.

3.7.10 Some Results of the New Institutions

In May 1862, Morgan wrote that Grey had made no progress with Kīngitanga Māori, but despite the problems in the Waikato, he thought in other parts of the country, Grey's New Institutions were making progress.³⁷⁵ However, Sewell noted that although Waikato Māori and a few other tribes 'keep aloof', the majority of Māori were adopting the New Institutions, and as a result, if war broke out the disaffected Māori would be minimised.³⁷⁶ In April, Ashwell was of a similar opinion, and thought that Grey's policies were working well, and believed more Māori were now willing to adopt his institutions.³⁷⁷ Additionally, in July there were reports of Māori leaving the King movement in Whanganui and Manawatu, and the missionary Octavius Hadfield wrote that he heard almost daily of Māori splitting from the Kīngitanga.³⁷⁸

In late November 1862, the Civil Commissioner for Taupō, George Law, reported that Ngāti Te Rangīta had accepted the New Institutions.³⁷⁹ At this time, during a meeting with Kīngitanga Māori at Te Rapa, Law was told that if he remained in Taupō, the Kīngitanga would be destroyed, and so he should be driven away.³⁸⁰ However, Law also reported Ngāti Raukawa had gone back on their word to accept the Institutions,

³⁷² *Taranaki Herald*, 8 November 1862, p. 3

³⁷³ *ibid.*, p. 3

³⁷⁴ *ibid.*, p. 3

³⁷⁵ Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.; Morgan to C. W. Richmond, 15 May 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 758

³⁷⁶ Sewell Journal, 20 April, 1862

³⁷⁷ Ashwell to Church Missionary Society, 2 April, 1862, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

³⁷⁸ Octavius Hadfield to Charles Hadfield, 2 July 1862, *Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters*, MS-Papers-10731, ATL.; Sewell Journal, 15 July 1862; Buller to Native Minister, 14 July 1862, *Schedule of Accounts and Papers laid upon the table - Maori King Movement, Further papers relative to the Maori King Movement, reports of Mr Buller, RM*, R17684690, ANZ.

³⁷⁹ Report from Mr. Law, the Civil Commissioner of Taupō, 28 November 1862, P. Ford and G. Ford, pp. 223

³⁸⁰ *ibid.*, pp. 225

saying they had been threatened by Rewi Maniapoto.³⁸¹ Law felt that although Rewi had been successful in frightening off several hapū from joining the Crown, it had come at the cost of the reputation of the Kīngitanga, and he viewed some Māori were ‘beginning to see that a great deal of tyranny is contained in the King movement’.³⁸² At about the same time the Civil Commissioner of the Ahuriri district stated that the ‘measures which have been pursued, and are now in partial operation, seem to have produced an amount of confidence in the Government’.³⁸³ Overall however, the New Institutions were never completely implemented, as in some districts little more was achieved than the appointing of officials.³⁸⁴

3.8 ESTABLISHMENT OF MILITARY INFRASTRUCTURE

3.8.1 The Great South Road and redoubts

In December 1861, Grey thought the colony was entirely at the mercy of the Kīngitanga, and believed that although they had promised not to attack they had given no guarantees.³⁸⁵ Grey was also concerned that the last fifteen miles of the road from Ōtāhuhu to the Waikato River were impassable to British troops in unfavourable weather.³⁸⁶ Grey thought that as long as this situation continued, the Kīngitanga was less likely to make peace.³⁸⁷ Additionally, due to the perceived threat, settlers close to the Waikato River were abandoning their farms.³⁸⁸ Grey informed Newcastle:

The Waikato bounds, on its southern side, what may be called the Settlement of Auckland, for about 25 or 30 miles. The Natives, consequently, had the power of descending the Waikato River in large bodies at any moment, and of choosing any point of these 25 or 30 miles as that from which they would make an attack on this important and flourishing Settlement; whilst we had no line of

³⁸¹ *ibid.*, pp. 226

³⁸² *ibid.*, pp. 226

³⁸³ Report from Colonel Russel, the Civil Commissioner of the Ahuriri district, 24 November 1862, P. Ford and G. Ford, p. 227

³⁸⁴ Dalton, pp. 149-150

³⁸⁵ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48; Grey to Cameron, 19 December 1861, AJHR 1862, E-01, Section II, p. 49

³⁸⁶ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

³⁸⁷ *ibid.*, p. 48

³⁸⁸ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48; Grey to Cameron, 19 December 1861, AJHR 1862, E-01, Section II, p. 49

communication by which we could push Troops on to the Waikato River for the purpose of attack or defence.³⁸⁹

On 19 December 1861, Grey ordered Cameron to complete the Great South Road and its accompanying redoubts.³⁹⁰ The road would run all the way to the Waikato River, with a final redoubt on its northern bank which would control passage along the river.³⁹¹ The road could obviously be used to help transport troops to the frontier to launch an attack, but it has been argued that the road served no defensive function, as the road ran the wrong way – north-south rather than east-west.³⁹² However, another important function of the road was to enable supplies and reinforcements to quickly reach the redoubt on the northern bank of the Waikato River. As Grey reported to Newcastle – this redoubt was built to ‘command the river, and prevent, if necessary, the passage of canoes along that part of the river which lies between its mouth and the western boundary of our purchased land’.³⁹³ Grey viewed that the road and redoubt would make it much easier to protect the out-settlers by controlling the Waikato River, and prevent amphibious attacks by waka.³⁹⁴

However, the military construction came with a price, and it was reported to Grey that Waikato Māori perceived it as preparations for an invasion, which caused a feeling of alarm and distrust throughout the Kīngitanga.³⁹⁵ Sewell wrote in his journal that Grey had built the road for self-defence, not aggression, and he felt that placing troops to command the Waikato River would protect the entire frontier.³⁹⁶ Nonetheless, Sewell also wrote that it had opened up the Kīngitanga in case of war, and gave access to the Waikato.³⁹⁷ Grey himself told Newcastle that the road served a dual function, as it was ‘equally adapted for the purpose of attack or defence’.³⁹⁸ Grey claimed this military construction ‘had a very good effect upon the Natives’, but it is apparent that it

³⁸⁹ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

³⁹⁰ Grey to Cameron, 19 December 1861, AJHR 1862, E-01, Section II, p. 49; Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

³⁹¹ Grey to Cameron, 19 December 1861, AJHR 1862, E-01, Section II, p. 49

³⁹² Belich, p. 124

³⁹³ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

³⁹⁴ *ibid.*, p. 48

³⁹⁵ Armitage to Grey, 29 December, 1861, GLNZ A10.1, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries.

³⁹⁶ Sewell Journal, 25 December, 1861

³⁹⁷ Sewell Journal, 20 April, 1862, 10 May 1863

³⁹⁸ Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

completely destroyed any trust that might be remaining in the Government, and the Kīngitanga Māori became convinced that Grey meant to attack them.³⁹⁹

3.8.2 Gunboat for the Waikato River

An important part of Grey's plan to control the Waikato River was to place a gunboat on it. In a private letter to Newcastle Grey explained:

I am trying to get a small armed steamer placed on the river – If I succeed in getting one of a proper draught of water – the whole river will be completely in our hands – and there can never afterwards be any serious apprehension from that quarter – for the new road enables us to move men, guns, and stores to the river with the utmost facility and rapidity, and in a single night we can transport a force from the end of the road, to the Kings residence and do what we please.⁴⁰⁰

This letter makes it undeniable that Grey's military preparations had an offensive purpose in addition to defending the out-settlers. Grey had earlier argued that no military advantage could be gained by capturing the King's Residence, Ngāruawāhia, but now he was trying to place a small gunboat on the Waikato River in case he wished to accomplish precisely that. At about this time, Grey informed Waikato rangatira that he planned to introduce a gunboat into the Waikato River.⁴⁰¹ Aware of the danger, they promptly assured him that it would be fired on, but Grey replied that it would be bullet-proof.⁴⁰² This was seen as further proof by Māori that Grey intended to make war.⁴⁰³

On 25 June, Cameron reported that the Great South Road was completed to Pōkeno, and by September, there was serious concern in the Waikato.⁴⁰⁴ Alexander Reid informed Morgan that he felt the presence of a steamer on the Waikato River would be taken as a cause of war by the Kīngitanga.⁴⁰⁵ According to Morgan, a rūnanga was held in the Upper Waikato, where an attack was discussed but dismissed.⁴⁰⁶ Morgan believed that the proposed attack was likely a direct result of the completion of the

³⁹⁹ Sinclair, p. 247, Dalton p. 148; Sewell Journal, 25 December, 1861; Grey to Newcastle, 7 January 1862, AJHR 1862, E-01, Section II, p. 48

⁴⁰⁰ Grey to Newcastle, 9 June 1862 (private), *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

⁴⁰¹ Gorst, *The Maori King*, p. 196

⁴⁰² *ibid.*, p. 196

⁴⁰³ *ibid.*, p. 196

⁴⁰⁴ Cameron to Grey, 25 June 1862, P. Ford, and G. Ford, p. 156

⁴⁰⁵ Reid to Morgan, Tuesday Evening, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴⁰⁶ Morgan to Browne, 23 September, 1862, *Letters from Missionaries*, R20388460, ANZ.

Government forts at Mangatāwhiri and Pōkeno, and rumours of the imminent arrival of a steamer on the Waikato River.⁴⁰⁷ Ashwell wrote that Tāmihana visited him on 13 September and informed him Māori were aggrieved about the soldiers stationed at the Waikato River and the rumours of a steamer, but stated that if these were abandoned, there would be no obstacle to prevent peace with the Pākehā.⁴⁰⁸

3.8.3 Raglan Road

In May 1862, it was decided by the Government to go ahead with the proposed road from Whāingaroa to Waipā, which significantly, was to be built on Māori land.⁴⁰⁹ This was consistent with Newcastle's instructions in his private letter to Grey of December 1861. According to Fox, Wīremu Nēra Te Awa-i-taia of Ngāti Māhanga claimed the land on which the road was to be built, and urged for its construction.⁴¹⁰ Fox advised that Waikato Māori would not oppose its construction.⁴¹¹ However, Waikato Māori saw it as a clear threat, as this road would allow British troops to launch an attack directly into the Kīngitanga and threaten Ngāruawāhia.⁴¹² The Government offered high wages to employ Nēra's men in its construction.⁴¹³ There were negotiations between Nēra's people and other Māori over land claims where the road was planned to be, but eventually a day was fixed to begin cutting the line at Whatawhata.⁴¹⁴ This resulted in a Kīngitanga taua setting off from Kihikihi to Whatawhata.⁴¹⁵ They were warned by Tāmihana that they had no land rights there, whereas he did, and that anyone who attacked Nēra and his men would also have to fight Ngāti Hauā.⁴¹⁶ Furthermore, Tāmihana told them that negotiations about the road were between him and Nēra, and

⁴⁰⁷ *ibid.*

⁴⁰⁸ Ashwell to Church Missionary Society, 2 October, 1862, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁴⁰⁹ *Instructions for Mr. Rogan in Reference to the Proposed Road from Whaingaroa to Waipa*, 5 May 1862, AJHR 1863, E-04, p. 32

⁴¹⁰ *ibid.*, p. 32

⁴¹¹ *ibid.*, p. 32

⁴¹² Gorst, *The Maori King*, p. 186; O'Malley, *The Great War in New Zealand*, pp. 162-163; Ashwell to Church Missionary Society, 1 July, 1862, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁴¹³ Gorst, *The Maori King*, p. 186; O'Malley, *The Great War in New Zealand*, pp. 162-163

⁴¹⁴ Gorst, *The Maori King*, p. 186

⁴¹⁵ Gorst, *The Maori King*, pp. 186-187; Morgan to Browne, 27 August, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴¹⁶ Gorst, *The Maori King*, pp. 186-187; Morgan to Browne, 27 August, 1862, *Letters from Missionaries*, R20388460, ANZ.

they should return home.⁴¹⁷ The taua disbanded, but opposition to the road continued.⁴¹⁸

Morgan wrote to Grey to tell him that if the construction was continued, the Kīngitanga would fight to stop it.⁴¹⁹ In a letter dated 30 May 1862, Tāmihana wrote to Nēra, begging him to stop the roading, and pointing out that Nēra was destroying their defences against British troops: bad roads, mountains, swamps and thickets.⁴²⁰ Eventually, a compromise was reached that Nēra would begin building the road from Raglan on Crown land.⁴²¹ This arrangement allowed Nēra to still provide employment for his men, and maintained the Kīngitanga policy that they would allow the Government to build roads on Crown land, but not on Māori land.⁴²² This roading project almost caused an outbreak of war.

3.8.4 Taranaki Roads

At about the same time, the Government launched another roading project, to construct roads in Taranaki, but according to Morgan, this was greatly disapproved of by Wīremu Kīngi.⁴²³ In February, most of the volunteers and militia in Taranaki had been dismissed, but they had been offered work building roads.⁴²⁴ In March, Kīngi sent a letter to Mataitawa instructing Te Āti Awa that they should not allow roads, should keep their plunder, not sell land, and not surrender men accused of murder.⁴²⁵ Morgan reported that Kīngi had informed him that if the road was built on his land at Waitara, Māori would burn New Plymouth, Whanganui and Port Nicholson.⁴²⁶ Kīngi also declared that roads should not pass over the Māori land between New Plymouth and Tātaraimaka.⁴²⁷ In June and July, the Taranaki settlers concluded that the road being

⁴¹⁷ Gorst, *The Maori King*, p. 187; Morgan to Browne, 27 August, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴¹⁸ Gorst, *The Maori King*, p. 187; Morgan to Browne, 27 August, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴¹⁹ Morgan to Browne, 2 April, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴²⁰ Gorst, *The Maori King*, p. 187; Tāmihana to Nēra, 23 April 1862, GNZMA 208, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Stokes, pp. 282-283

⁴²¹ Gorst, *The Maori King*, p. 187

⁴²² *ibid.*, p. 187

⁴²³ Morgan to Browne, 2 April, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴²⁴ A.S. Atkinson Journal, 10 February 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 745; *Taranaki Herald*, 15 February 1862, p. 2

⁴²⁵ W. S. Atkinson to A. S. Atkinson, 16 Mar 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 752

⁴²⁶ Morgan to Browne, 2 April, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁴²⁷ Morgan to Browne, 2 April, 1862, *Letters from Missionaries*, R20388460, ANZ.

built towards Waireka would be opposed by Māori.⁴²⁸ The Government in this case wisely decided not to proceed.⁴²⁹

3.9 CRISES OVER LAND DISPUTES

In June, Grey was faced with two crises over land which could have resulted in the outbreak of war. In the Bay of Islands, two rangatira disagreed over ownership of a piece of land.⁴³⁰ Attempts to mediate between the two parties failed, and by the end of May, the two sides had built opposing pā and trenches, and it was reported that six Māori had been killed.⁴³¹ Grey arrived on 17 June, and managed to persuade the two rival groups to agree to arbitration over their dispute.⁴³² Grey successfully managed to resolve this conflict, which could have drawn in Māori throughout Northland and resulted in war.

Almost simultaneously, there was another crisis regarding land. It was reported in the press that gold had been found in a block of land that had been reserved in the Coromandel.⁴³³ The Auckland public pressured the Ministry to buy or lease the land. However, when the Māori owners refused to cooperate, the press advocated using force, and gold prospectors began to talk of fighting both Māori and the Government for the land.⁴³⁴ When news of the proceedings reached Waikato Māori, they made an offer to protect the Coromandel Māori and their land, if they joined the Kīngitanga.⁴³⁵ A hui was called at the mouth of the Piako River, which was attended by Matutaera and a bodyguard of his soldiers.⁴³⁶ In late May, Grey was informed that large numbers of prospectors were travelling to the land owned by Coromandel Māori, but were not

⁴²⁸ A.S. Atkinson to H.A. Atkinson, 30 Jun 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 765; W. Halse to H.A. Atkinson, 30 Jun 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 765; G.R. Burton to H.A. Atkinson, 10 Jul 1862 Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 767; A.S. Atkinson to H.A. Atkinson, 17 Jul 1862; Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 770

⁴²⁹ C. Brown to H.A. Atkinson, 2 Aug 1862, Scholefield (editor), *The Richmond-Atkinson Papers, Volume I*, p. 776

⁴³⁰ Clarke to Native Minister, 7 February 1862, AHJR 1863, E-04, p. 6; Williams to Clarke, 19 February 1862, AHJR 1863, E-04, p. 7

⁴³¹ Williams to Clarke, 19 February 1862, AHJR 1863, E-04, p. 7; Aubrey to Sewell, 10 May, 1862, AHJR 1863, E-04, p. 13-14; Clarke to The Honorable the Native Minister, 24 May 1862, AHJR 1863, E-04, p. 10

⁴³² Grey to Newcastle, 21 June 1862, P. Ford, and G. Ford, p. 153

⁴³³ Stokes, p. 286; Gorst, *The Maori King*, p. 190; *Daily Southern Cross*, 16 May 1862, p. 4

⁴³⁴ Gorst, *The Maori King*, p. 190

⁴³⁵ *ibid.*, p. 190

⁴³⁶ Gorst, *The Maori King*, p. 190; Stokes, p. 286

allowed to dig.⁴³⁷ It appeared war was imminent if Grey was unable to negotiate terms for Europeans to prospect on the land, but an agreement was made on 23 June to rent the goldfields in return for an annual payment.⁴³⁸ As a result, the Kīngitanga withdrew.⁴³⁹ In July 1862, Coromandel was peacefully opened for the gold miners, averting a potential conflict.⁴⁴⁰

However, during the dispute, Grey had written a threatening and undiplomatic letter to Matutaera.⁴⁴¹ Grey informed Matutaera that he had broken the law by raising and training soldiers, and then taking them to Coromandel.⁴⁴² Furthermore, Grey told Matutaera that he was in error for urging Coromandel Māori to drive away the Pākehā prospectors.⁴⁴³ Grey warned the Māori King that these acts were against the law, and that he would be punished.⁴⁴⁴ Grey's letter was later published by the Kīngitanga press, along with an article criticising Grey and his policy.⁴⁴⁵ According to Gorst, Matutaera later wrote in a letter dated 21 August 1863 that he believed Grey had determined to invade the Waikato as a result of this dispute.⁴⁴⁶ It would appear that the only result from Grey's impolitic letter was that it convinced Matutaera and Kīngitanga Māori that Grey was determined to topple their kingdom.⁴⁴⁷

3.10 ASSEMBLY OF 1862 AND THE FALL OF THE FOX MINISTRY

On 14 July 1862, Parliament met for the first time under Governor Grey and he gave the opening speech, summarising his policies.⁴⁴⁸ Grey announced he was attempting

⁴³⁷ Grey to Newcastle, 29 June 1862, P. Ford, and G. Ford, p. 155

⁴³⁸ Ashwell to Church Missionary Society, 1 July, 1862, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.; Grey to Newcastle, 29 June 1862, P. Ford, and G. Ford, p. 155; Gorst, *The Maori King*, p. 191; Stokes, p. 286; *Enclosure in No. 9*, P. Ford, and G. Ford, p. 155

⁴³⁹ Gorst, *The Maori King*, p. 191; Tāmihana to Rapata Te Arakai, 8 September 1862, GNZMA 124, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Stokes, pp. 286-287

⁴⁴⁰ Grey to Newcastle, 29 June 1862, P. Ford, and G. Ford, p. 155; Sewell Journal, 15 July 1862

⁴⁴¹ Gorst, *The Maori King*, p. 191; Grey to Matutaera, 9 June 1862, *Letters from Missionaries*, R20388460, ANZ., *Taranaki Herald*, 15 November 1862, p. 3 Grey to Matutaera, 9 June 1862, *Letters from Missionaries*, R20388460, ANZ.; *Taranaki Herald*, 15 November 1862, p. 3

⁴⁴² Grey to Matutaera, 9 June 1862, *Letters from Missionaries*, R20388460, ANZ.; *Taranaki Herald*, 15 November 1862, p. 3

⁴⁴³ Grey to Matutaera, 9 June 1862, *Letters from Missionaries*, R20388460, ANZ.; *Taranaki Herald*, 15 November 1862, p. 3

⁴⁴⁴ Grey to Matutaera, 9 June 1862, *Letters from Missionaries*, R20388460, ANZ.; *Taranaki Herald*, 15 November 1862, p. 3

⁴⁴⁵ Gorst, *The Maori King*, p. 191; Te Hokioi, 8 December 1862, pp.3-4

⁴⁴⁶ Gorst, *The Maori King*, p. 192

⁴⁴⁷ Gorst, *The Maori King*, pp. 191-192; Stokes, p. 287

⁴⁴⁸ Grey to Newcastle, 14 July 1862, P. Ford, and G. Ford, p. 157

to restore the friendly relations which once existed between Māori and Pākehā, and his Institutions would both attach friendly Māori to the Government and restore the confidence of the alienated.⁴⁴⁹ He pointed out that he had not employed military force, and said he hoped he would not have to.⁴⁵⁰ Grey announced that a metalled road was now almost complete to the Waikato River, and a military post had been established commanding the river, and these works formed a barrier to prevent attack.⁴⁵¹

On 23 July 1862, it was suggested that a resolution be passed defining whether or not the Ministers were responsible in Native Affairs.⁴⁵² As a result, on 25 July, Fox moved a resolution that included the words ‘the ordinary conduct of Native affairs should be placed under the administration of Responsible Ministers’.⁴⁵³ After much debate, on 28 July, the House divided and the result was a tie.⁴⁵⁴ The Speaker cast his deciding vote against the Government, handing them a disastrous defeat.⁴⁵⁵ On the next day, the Ministers resigned.⁴⁵⁶

After several politicians refused to form a government, Grey requested Domett to do so, and he agreed.⁴⁵⁷ On 5 August, a Newcastle’s despatch of 26 May 1862 arrived, which stated that Her Majesty’s Government had sanctioned Grey’s step of placing the management of Māori under the control of the Ministers and Assembly.⁴⁵⁸ However, on 19 August, the House passed three important resolutions, which stated that although the Ministers could advise the Governor in all affairs, he would make all decisions regarding Māori.⁴⁵⁹ Furthermore, the Colony would not be held responsible for any consequences of the Governor’s decisions.⁴⁶⁰ Grey consented to follow these resolutions until he received further instructions from Newcastle.⁴⁶¹ Although the

⁴⁴⁹ *Speech of His Excellency the Governor on open the Second Session of the Third Parliament at Wellington*, P. Ford, and G. Ford, p. 158

⁴⁵⁰ *ibid.*, p. 158

⁴⁵¹ *ibid.*, p. 158

⁴⁵² Sewell Journal, 27 July 1862, Fitzgerald, pp. 430-431

⁴⁵³ Fitzgerald, p. 436; Enclosure 1 in Grey to Newcastle, 9 August 1862, P. Ford and G. Ford, p. 163

⁴⁵⁴ Fitzgerald, p. 476; Sewell Journal, 30 July 1862

⁴⁵⁵ Fitzgerald, p. 476; Sewell Journal, 30 July 1862

⁴⁵⁶ Fitzgerald, p. 476; Sewell Journal, 30 July 1862; Fox and Ministers to Grey, 27 July 1862, P. Ford and G. Ford, p. 164

⁴⁵⁷ Sewell Journal, 30 July 1862; Grey to Newcastle, 9 August 1862, P. Ford and G. Ford, pp. 162-163

⁴⁵⁸ Grey to Newcastle, 9 August 1862, P. Ford and G. Ford, p. 163

⁴⁵⁹ *Extract from the Journals of the House of Representatives*, 19 August 1862, P. Ford and G. Ford, p. 165

⁴⁶⁰ *ibid.*, p. 165

⁴⁶¹ Grey to Newcastle, 26 August 1862, P. Ford and G. Ford, p. 162

Domett Ministry pledged to continue with the policies of the Fox Ministry, this new arrangement would lead to disaster in 1863.⁴⁶²

The new Ministry comprised of Alfred Domett as Colonial Secretary, Henry Sewell as Attorney General, Francis Dillon Bell as Minister for Native Affairs, Crosbie Ward as Postmaster General, Reader Wood as Colonial Treasurer, and finally Henry Tancred and Thomas Russell, both without office.⁴⁶³ Grey mistakenly thought the new Ministry was ‘exactly the same’ as the Fox Ministry.⁴⁶⁴ It is likely that Grey trusted both Bell and Domett as they had both served under him in his previous governorship.⁴⁶⁵ Sewell thought that Domett’s views and sympathies were entirely on the side of the war party, and although the new Government claimed it would follow the policies introduced during the Fox Ministry, Sewell thought it was not possible that a Ministry which did not believe in those policies could make them successful.⁴⁶⁶ Bell had been earlier dismissed from his position of Acting Native Secretary for opposing appointments of Māori officers, and had also slowed progress of requests made under the New Institutions for agricultural equipment, stock, mills and access roads.⁴⁶⁷ Unsurprisingly, the Domett Ministry administered the New Institutions in a ‘half-hearted fashion’.⁴⁶⁸

On 14 August 1862, Bell read his new budget as Treasurer.⁴⁶⁹ The greatest change was that Grey would borrow £1,000,000 to build roads and increase colonization of the North Island by importing 50,000 more settlers.⁴⁷⁰ This policy was clearly based on Grey’s view of immigration – that through bringing more settlers into New Zealand, Māori would be so outnumbered they would see that a war was untenable.⁴⁷¹

⁴⁶² Sewell Journal, 31 July 1862

⁴⁶³ Grey to Newcastle, 9 August 1862, P. Ford and G. Ford, p. 163; Grey to Newcastle, 4 September 1862, P. Ford and G. Ford, p. 163

⁴⁶⁴ Grey to Newcastle, 4 September 1862, P. Ford and G. Ford, p. 163

⁴⁶⁵ E. J., Wakefield, *What Will They Do in the General Assembly?*, Christchurch: Printed at the “Times” Office, 1863, p. 8

⁴⁶⁶ Henry Sewell, *The New Zealand Rebellion*, pp. 14-15

⁴⁶⁷ Ward, *A Show of Justice*, p. 147

⁴⁶⁸ *ibid.*, p. 154

⁴⁶⁹ Sewell Journal, 15 August 1862; Fitzgerald, pp. 336-552

⁴⁷⁰ Sewell Journal, 15 August 1862; Fitzgerald, p. 547

⁴⁷¹ Extract from Grey to Newcastle, 21 November 1860, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

After the collapse of the Fox Ministry, the Assembly passed the Native Lands Bill.⁴⁷² The Native Lands Act was written on the assumption that the Crown land purchasing methods had caused the Taranaki War.⁴⁷³ The Act was designed to establish legal titles to Māori land, and enable Māori to sell their land directly to settlers.⁴⁷⁴ It was not brought into operation prior to the outbreak of the Waikato War.⁴⁷⁵ Bell claimed that the Act was the best way to reconcile Māori to the Crown.⁴⁷⁶ Bell also asserted in a minute, discussing the Act, that it was through land sales that Māori would gain prosperity, and it was not through ‘the political activity of village runangas that the Natives are to be governed and civilised’.⁴⁷⁷ In other words, Bell did not support the New Institutions, a cornerstone of Grey’s peace policy. Later in September 1862, Sewell was removed from the Ministry by Domett at the insistence of Russell and Bell as he had criticised the Native Land Act, and he was replaced as Attorney-General by Whitaker.⁴⁷⁸ Now both Fox and Sewell, the two main authors and supporters of the peace policy of the New Institutions, were no longer Ministers.

3.11 NEWCASTLE’S FAILURE TO SUPPORT GREY

Newcastle’s despatch of 26 May 1862, which arrived on 5 August contained serious criticism of the policies of Grey and the Fox Ministry.⁴⁷⁹ Newcastle’s main criticism was that he thought that the Colonists were not making enough effort and sacrifices for their own defence, and suggested that taxation should be increased.⁴⁸⁰ Newcastle told Grey:

I cannot hold out to you any hopes that a large Military force will for any length of time be kept in New Zealand... You must therefore expect, though not an

⁴⁷² Grey to Newcastle, 5 November 1862, P. Ford and G. Ford, p. 213

⁴⁷³ M. P. K. Sorrenson, *Folkland to Bookland: F.D. Fenton and the Enclosure of the Maori ‘Commons’*, *New Zealand Journal of History*, Vol. 45, 2, 2011, pp. 156-157

⁴⁷⁴ *Minute upon the Native Lands Bill prepared by the Minister for Native Affairs*, 5 November 1862, P. Ford and G. Ford, pp. 213-216

⁴⁷⁵ Sorrenson, p. 157

⁴⁷⁶ *Minute upon the Native Lands Bill prepared by the Minister for Native Affairs*, 5 November 1862, P. Ford and G. Ford, p. 216

⁴⁷⁷ *ibid.*, p. 216

⁴⁷⁸ Ward, *A Show of Justice*, p. 152

⁴⁷⁹ Newcastle to Grey, 26 May 1862, AHJR 1862, E-01, Section III, p. 10

⁴⁸⁰ *ibid.*, p. 10

immediate, yet a speedy and considerable diminution of the force now employed.⁴⁸¹

Newcastle made it clear that the British Government was interested primarily in reducing expenditure and troop numbers in New Zealand.⁴⁸² The threat to withdraw forces from New Zealand greatly weakened Grey's hand, as he would no longer be able to threaten Māori that he could easily request more troops.⁴⁸³ On the other hand, Māori would have realised that eventually the British troops would be withdrawn, thereby putting them in a better position to negotiate peace on their terms. The despatch would have completely destroyed Grey's attempt to overawe Māori with a display of overwhelming military force, and simultaneously increased the temptation of the Colonial Government to attack Māori while they still had the British troops. Shortly later, Grey received a despatch from Newcastle which criticised the Government for its failure to maintain and train the militia.⁴⁸⁴

Grey in reply wrote 'to enrol a militia force of European settlers for the purpose of putting down the Native population, would, even if labourers and artizans could be induced to remain in the Colony under such a system, which I doubt, be simply to create war of races in this country, the losses arising from which could not be estimated, and the duration of which would be impossible to calculate'.⁴⁸⁵ The Ministers prepared a memorandum in which they explained why militia training had ceased in the winter of 1861 under Browne's Governorship.⁴⁸⁶ The most important reason they gave was that enforcing militia training would have 'depopulated the provinces of the Northern Island, causing a general exodus to the Middle Island and Australia, already offering the great attraction of unbounded gold fields, far from native disturbance or other trouble'.⁴⁸⁷ The Ministers pointed out that if training had been enforced, there would have soon been very few people available to train, and even mere preparation for training had caused labourers to quit their employment.⁴⁸⁸

⁴⁸¹ *ibid.*, p. 11

⁴⁸² *ibid.*, p. 11

⁴⁸³ *ibid.*, p. 11

⁴⁸⁴ Grey to Newcastle, 24 July 1862, P. Ford, and G. Ford, p. 161

⁴⁸⁵ *ibid.*, p. 161

⁴⁸⁶ *Memorandum for his Excellency the Governor in reference to the Despatch from his Grace the Duke of Newcastle (No. 37)*, 26 April 1862, 12 July 1862, P. Ford, and G. Ford, p.161

⁴⁸⁷ *ibid.*, p.161

⁴⁸⁸ *ibid.*, p.161

On 10 October, Grey was so despondent he wrote to Newcastle and pleaded that he required ‘all the aid and support, physical and moral, that can be given to me’.⁴⁸⁹ Hadfield believed that Grey was disgusted with the Duke of Newcastle’s attitude towards him, and that Grey was considering resigning the Governorship and leaving New Zealand, as he felt that Newcastle did not support him in Parliament or in his despatches.⁴⁹⁰ Sewell felt that Newcastle’s despatches were curt and uncivil, and Grey was bitterly hurt by their tone.⁴⁹¹ There were rumours in Auckland, and in the newspapers, that Grey would resign.⁴⁹² It seems there was a grain of truth in the rumour, for Grey wrote to Newcastle on 13 September, and complained that many people had told him that the treatment to which he had been subjected, should lead him to resign immediately.⁴⁹³ In his reply to Grey’s letter, Newcastle told him that his complaints were directed at the colonial Parliament, and not him.⁴⁹⁴

3.12 THE HUI AT PĒRIA

In October, there was an important hui held at Pēria. Tāmihana, who arranged the hui, acted as President throughout the hui, and serious discussions began on 24 October 1862 and continued until the 27 October.⁴⁹⁵ People from throughout New Zealand attended, including Kīngitanga Māori, Māori loyal to the Crown, and Bishop George Augustus Selwyn.⁴⁹⁶ During the hui, Selwyn told Tāmihana that Newcastle approved of Matutaera and his rūnanga making laws to be confirmed by the Governor.⁴⁹⁷ Selwyn thought this pleased Tāmihana, who announced it to the meeting.⁴⁹⁸ Selwyn reported

⁴⁸⁹ Grey to Newcastle, 10 October 1862, P. Ford, and G. Ford, p. 172; Grey to Newcastle, 10 October 1862, AJHR 1863, E-03, Section I, p. 1

⁴⁹⁰ Octavius Hadfield to Charles Hadfield, 2 July 1862 and 10 October 1862, *Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters*, MS-Papers-10731, ATL.

⁴⁹¹ Sewell Journal, 8 August 1862

⁴⁹² O’Malley, *The Great War in New Zealand*, p. 164; Rutherford, p. 472; *Otago Daily Times*, 17 October 1862, p. 5; *Hawke’s Bay Herald*, 8 November 1862, p. 6; *Taranaki Herald*, 8 November 1862, p. 3

⁴⁹³ Newcastle to Grey (private), 26 February 1863, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.

⁴⁹⁴ Newcastle to Grey (private), 26 February 1863, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.; Rutherford, p. 472

⁴⁹⁵ Letter by Rawiri Motutarata, 27 October 1862, AJHR 1863, E-12, pp. 2-4; *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, pp. 9-12; Hy. J. Falwasser to McGregor, 29 October 1862, AJHR 1863, E-12, p. 18

⁴⁹⁶ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 9; Hy. J. Falwasser to McGregor, 29 October 1862, AJHR 1863, E-12, p. 18

⁴⁹⁷ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 9; Newcastle to Grey, 16 March 1862, AJHR 1862, E-01, Section III, p. 9

⁴⁹⁸ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 9

that it was possible a compromise could be made on this basis, which may have led to peace, but nothing came of it.⁴⁹⁹ By the end of the hui, several important conclusions had been reached. It was agreed that no roads should be built on Māori land, including the road being built by Nēra at Whāingaroa which was forbidden from crossing the Waitetuna River.⁵⁰⁰ Furthermore, steamers were banned from the Waikato River.⁵⁰¹

Another important discussion was about the issue of Pākehā living in Māori districts, and it was decided they would be allowed to remain, with the caveat that Europeans who conducted themselves poorly would be sent away.⁵⁰² It was agreed that land disputes should be settled by the law, but whose law and how was left unstated.⁵⁰³ Leasing of land was forbidden.⁵⁰⁴ On the issue of debt, it was agreed that current debts should be paid, but new debt was prohibited.⁵⁰⁵ Tāmihana formally announced that peace should be kept until the Governor became the aggressor, and then all those who acknowledged the Māori King should rise up in arms.⁵⁰⁶

Also debated was the question of an investigation into the Waitara Purchase, the cause of war in Taranaki. Fox was convinced that before peace could be made, the issue of the Waitara Purchase needed to be settled.⁵⁰⁷ After Grey's visit to the Waikato, Fox

⁴⁹⁹ *ibid.*, p. 12

⁵⁰⁰ Hy. J. Falwasser to McGregor, 29 October 1862, AJHR 1863, E-12, p. 18; Hetaraka Nero to Halse, 5 November, 1862, AJHR 1863, E-12, p. 21; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19; Letter by Rawiri Motutarata, 27 October 1862, AJHR 1863, E-12, p. 4; *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 10; *Te Hokioi*, November 10 1862, AJHR 1863, E-12, pp. 14-15; *Memorandum by Mr. Clarke*, AJHR 1863, E-12, p. 16; Te Raihi to Grey, 28 October, 1862, AJHR 1863, E-12, p. 17; Hakariwhi Tirauoterangi to Halse, 29 October, 1862, AJHR 1863, E-12, p. 17; Hy. J. Falwasser to McGregor, 29 October 1862, AJHR 1863, E-12, p. 18; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19; Piripi Matewha to Grey, 3 November 1862, AJHR 1863, E-12, p. 20

⁵⁰¹ Letter by Rawiri Motutarata, 27 October 1862, AJHR 1863, E-12, p. 4; *Memorandum by Mr. Clarke*, AJHR 1863, E-12, p. 16; Te Raihi to Grey, 28 October, 1862, AJHR 1863, E-12, p. 17; Hakariwhi Tirauoterangi to Halse, 29 October, 1862, AJHR 1863, E-12, p. 17; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19; Piripi Matewha to Grey, 3 November 1862, AJHR 1863, E-12, p. 20

⁵⁰² *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 10; *Te Hokioi*, November 10 1862, AJHR 1863, E-12, p. 15; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19

⁵⁰³ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 10; *Te Hokioi*, November 10 1862, AJHR 1863, E-12, p. 15; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19

⁵⁰⁴ *Te Hokioi*, November 10 1862, AJHR 1863, E-12, p. 15

⁵⁰⁵ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 10; *Te Hokioi*, November 10 1862, AJHR 1863, E-12, p. 15; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19

⁵⁰⁶ T. H. Smith to Bell, 21 November, 1863, AJHR 1863, E-12, p. 21

⁵⁰⁷ Fox, *The War in New Zealand*, p. 47

proposed to Waikato Māori that the Waitara Purchase should be investigated, before a tribunal of Pākehā and Māori.⁵⁰⁸ Fox discovered that a great difficulty in discussions with Waikato Māori was their complete lack of trust in Europeans, and he found that ‘they do not believe a single promise we make’, and he wrote that they gave answers such as ‘Governor Browne promised us all that, but we never got it’.⁵⁰⁹ Fox discovered that Tāmihana had been put in charge of decisions about the Waitara Purchase, and as Tāmihana was not in Waikato, Fox wrote him a letter about the proposition to investigate the purchase.⁵¹⁰ In response, Tāmihana sent Fox a letter, and according to the translation, Tāmihana did not assent to an investigation of the Waitara Purchase, on the basis he was suspicious of Grey’s plans, and also that it would be a waste of effort to arrange for an investigation when war might break out again.⁵¹¹ Fox later expressed his opinion of the letter:

It was clear that Thompson was playing his friends false, and that he was not desirous of removing the great stumbling-block in the way of re-establishing friendly relations between the Natives and the Government.⁵¹²

When Fox had met with Ahuriri Māori in March 1862, he was told the first thing that required immediate redress was the Waitara Purchase, and it should be investigated.⁵¹³ Fox informed them that he had discussed an investigation with Waikato Māori, and they had rejected it, whereupon the rangatira told Fox that Waikato Māori were in the wrong, and they would press them to accept the investigation.⁵¹⁴ Fox felt that the failure of the Waikato Māori to accept the offer would shake the allegiance of other Māori to the King movement.⁵¹⁵ In July, Ahuriri Māori informed Fox that they would bring up the matter when they visited Waikato, and did so at the Pēria hui.⁵¹⁶

⁵⁰⁸ *ibid.*, p. 47

⁵⁰⁹ Fox Journal, 5 January 1862, AJHR 1863, E-13, pp. 8-9

⁵¹⁰ Fox, *The War in New Zealand*, pp. 47-48

⁵¹¹ Tāmihana to Fox, 21 January 1862, AJHR 1863, E-13, p. 14

⁵¹² Stokes, p. 268, William Fox, *The Revolt in New Zealand, A Series of Letters Addressed to the Rev. George Townsend Fox*, London: Seeley, Jackson and Halliday, 1865, p. 14

⁵¹³ Fox Journal, 5 March 1862, AJHR 1863, E-13, p. 10

⁵¹⁴ *ibid.*, p. 10

⁵¹⁵ *ibid.*, p. 10

⁵¹⁶ Karaitiana and others to Fox, 30 July 1862, AJHR 1863, E-13, p. 15

After the matter was discussed, the hui initially voted against the investigation taking place.⁵¹⁷ Tāmihana was among those who voted against an investigation, and Selwyn reported that Tāmihana said his opposition was due to the deception of the Ministers, the presence of troops at Te Ia, and Grey's offensive letter to Matutaera of 9 June 1862.⁵¹⁸ Tāmihana also stated he was wearied and questioned who could mind all the tricks of the Governor.⁵¹⁹ However, although the initial vote had been against an investigation of the Waitara Purchase, discussion on the matter continued after Selwyn left Pēria.⁵²⁰ Later reports indicated that the investigation might be agreed to.⁵²¹ On 1 November, Tāmihana's secretary wrote a letter to Bell which stated that Grey should be invited to Waikato and if the meeting went well, then the Waitara Purchase should be investigated.⁵²² Ahuriri Māori sent a letter to Fox dated 8 November which stated an investigation would go ahead, but Wīremu Kīngi wrote in a letter dated 10 December that he would not permit it.⁵²³ However, despite all the discussions, the investigation never went ahead.

3.13 GREY'S CHANGE OF ATTITUDE TOWARDS MĀORI

As early as January 1862, Grey complained to Newcastle 'I am often quite at my wits end what to do with them, and find this the most difficult duty I have ever had in my life'.⁵²⁴ Following his disastrous discussions with Wī Tako, by the end of October 1862, Morgan thought Grey was 'disgusted with the maoris'.⁵²⁵ Kīngitanga Māori had urged Grey not to bring a steamer onto the Waikato River, but Grey told them he as now going to have two, leading Bell to comment: 'He chaffs them well'.⁵²⁶ No doubt his complete diplomatic failure with Wī Tako contributed greatly to Grey's sense of

⁵¹⁷ Letter by Rawiri Motutarata, 27 October 1862, AJHR 1863, E-12, p. 4; *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 11; *Memorandum by Mr. Clarke*, AJHR 1863, E-12, p. 16

⁵¹⁸ *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 11

⁵¹⁹ Te Hokioi, 10 November 1862, AJHR 1863, E-13, pp. 14,16;

⁵²⁰ Karaitiana, Pāora and Te Wirihana to Fox, 8 November 1862, AHJR, 1863, E-13, p. 18

⁵²¹ Te Raihi to Grey, 28 October, 1862, AJHR 1863, E-12, p. 17; Te Hakariwhi Tirauoterangi to Halse, 29 October, 1862, AJHR 1863, E-12, p. 18; Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19

⁵²² Heta Tauranga to Bell, 1 November, 1862, AJHR 1863, E-12, p. 19

⁵²³ Karaitiana, Pāora and Te Wirihana to Fox, 8 November 1862, AHJR, 1863, E-13, p. 18; Wīremu Kīngi to Piri Kawau, 10 December 1862, AHJR, 1863, E-13, p. 19

⁵²⁴ Grey to Newcastle, 9 January 1861 [sic - 1862], *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1576, ATL.; O'Malley, *The Great War in New Zealand*, p. 160

⁵²⁵ Morgan to Browne, 22 October, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁵²⁶ Bell to Mantell, 22 November 1862, *Bell, Francis Dillon and others: Letters*, MS-0161, ATL.; O'Malley, *The Great War in New Zealand*, p. 166

frustration. After a meeting with Grey, Alexander Reid wrote to Morgan in November 1862, and informed him:

His [Grey's] views had undergone wonderful transformation since this time last year. Then he would believe nothing evil. Now it is difficult to persuade him that there is any good in maoris at all. Still no fighting is the watchword. His steamers may be expected in three months hence and "if the poor wretches will run their heads against my iron steamers who will be to blame for that".⁵²⁷

The setbacks Grey had experienced in his attempts to bring about peace in 1862 had transformed his view of Māori for the worse.

3.14 CONCLUSION

On Grey's arrival, Kīngitanga Māori showed no more sign that they would submit to Grey than Browne. By the second half of 1862, Grey had managed to offer the New Institutions to Māori throughout New Zealand, and had embarked on an extensive programme of constructing military infrastructure. As Governor of New Zealand, Grey did not have absolute power, was expected to implement Newcastle's policies and simultaneously work with the New Zealand Ministers and Assembly. There is some debate as to whether Grey was planning peace or war, but it is hard to imagine that Grey would have put forward a persuasive argument for peace if he was initially planning to subdue the Kīngitanga with military force. Although it has not been highlighted by most historians, Grey was given comprehensive orders by Newcastle, which by and large, he initially adhered to. Newcastle had instructed Grey to attempt to make peace and introduce some form of self-government for Māori. To further complicate matters, Newcastle had ordered that Grey could not recognise the Māori King as anything but subordinate to the Governor, instead of equals as Tāmihana desired. Additionally, Newcastle also instructed Grey to demand the return of plunder, when an amnesty would have helped achieve peace. To make peace, Grey had to create a policy which was supported by both the Ministry and Assembly. The Fox Ministry advised Grey his first priority would be to win the allegiance of the majority of the Māori population, but also improve the military defence of the settlements. The Ministry also advised that military operations were justified against Māori in Taranaki,

⁵²⁷ Reid to Morgan, 26 November, 1862, *Letters from Missionaries*, R20388460, ANZ.

although this risked other Māori being drawn into the war. The policies of Grey that was resulted was to offer Māori the New Institutions as a form of self-government under British Sovereignty and simultaneously to strengthen military infrastructure. The policies were not just Grey's creation, but were greatly influenced by the orders of Newcastle and the advice of his Ministry.

The New Institutions were designed to placate Māori with limited self-government, introduce British law and order, and provide a new method for Māori to sell land. The system included paying salaries to influential rangatira to attach them to the Crown. The hope was disaffected Māori would see the benefits of the New Institutions and agree to acknowledge British Sovereignty. Although the New Institutions never became fully functional in many places, they proved to be an excellent tool of the Crown to acquire Māori allies, thereby dividing and weakening the Kīngitanga. However, they were never adopted by the Kīngitanga, and in this respect were a failure. The development of military infrastructure was the other main plank of Grey's initial policy. Grey had been advised to put the settlements into a state of defence by his Ministry, and he believed that Auckland outsettlers were at risk of attack, especially by the passage of hostile waka along the Waikato River. In addition, Newcastle had also directed Grey to construct roads, stating that they would be valuable in both war and peace. As a result, Grey ordered the completion of the Great South Road and its redoubts, and later decided to acquire a steamer to patrol the Waikato River. Additionally, Grey attempted to build a road from Waipā across Māori land to Raglan. These actions greatly alarmed Kīngitanga Māori, who saw the construction of the roads as a direct threat and told Grey that they feared the roads would be used for the conveyance of artillery. Grey himself wrote to Newcastle that the military build-up could be used for attack as well as defence.

Grey also boasted to Māori that he had a very large force available to end war and establish peace, and if needed, he could have more troops sent. However, Grey's attempt to intimidate Māori would have been weakened by the failure of British troops to secure victory in the war in Taranaki. Furthermore, Browne had issued an ultimatum that the Kīngitanga should submit or be invaded, and he had been replaced by Grey who had withdrawn the ultimatum. Māori would have also been aware the withdrawal of the naval presence in New Zealand, and Newcastle's threat to withdraw troops, and likely would have concluded that if they held out, either the troops or Grey would be

removed. Grey no doubt thought that a display of military strength would weaken the Kīngitanga's resolve and intimidate them into submission, but instead it destroyed any trust that the Kīngitanga may have had remaining in the Crown, and was seen as convincing proof that Grey was planning an invasion.

1862 also saw several major crises. Amongst these were two land disputes, which could have led to war, but Grey managed to successfully defuse both situations. However, Grey foolishly wrote a threatening letter to Matutaera which convinced him that Grey intended war. The Fox Ministry resigned after the Assembly repudiated the arrangement Grey made to consult his Ministers on Native Affairs, and the new Domett Ministry was given clear instructions not to give advice or accept responsibility in Native Affairs. The change in Ministry was of critical importance, for the Domett Ministry did not support the New Institutions, which ensured the failure of Grey's main peace policy. Adding to Grey's difficulties, Newcastle did not support Grey's policies as he had promised.

Tāmihana organised a hui at Pēria, which came to several important conclusions, including banning roads from being built on Māori land and steamers from the Waikato. It was agreed that Europeans should be allowed to remain living in Māori districts, but the fact that this was discussed demonstrated how dissatisfied Kīngitanga Māori were with the Crown. Renting land to Europeans was rejected, demonstrating that Bell's belief that allowing direct land sales from Māori to settlers would reconcile the Kīngitanga was completely erroneous. Although an investigation into the Waitara purchase was discussed at the hui, it never went ahead. It was agreed that peace should be kept until the Governor made aggressive moves, and then the Kīngitanga should take up arms. There was no sign at the hui that Kīngitanga Māori were considering adopting the New Institutions or returning to British Sovereignty, but instead were unified in opposition to Grey's policies.

Finally, Grey had rejected an alternative peace policy of 'shutting up the Waikato', which would have involved a trade embargo and the removal of Europeans from the Waikato. The broken promises of Browne had ensured that Waikato Māori no longer trusted the Crown. Grey became frustrated with his lack of progress, had antagonised Matutaera, Tāmihana and Wī Tako, and even threatened resignation. His alleged high reputation amongst Māori had counted for nothing. At the end of 1862, it was clear

that Kīngitanga Māori had completely rejected Grey's policies, were convinced he planned war, and the likelihood of peace was less than in 1861.

Chapter 4: War on the Horizon

4.1 INTRODUCTION

This chapter discusses events from January the end of June of 1863, when the plan to invade Waikato was made. The first important event was the hui between Grey and Waikato Māori at Taupiri, which was a disaster as Grey fell ill, and one of the last chances to make peace with the Kīngitanga was lost. Following this meeting, Grey decided to take direct action, and occupy Tātaraimaka and investigate the Waitara in an effort to resolve the ongoing issues in Taranaki. Meanwhile, in the Waikato, Kīngitanga Māori blocked the construction of a courthouse, and expelled most Europeans from the Waikato, including Gorst and the missionaries. In Taranaki, Grey began an unofficial investigation into the Waitara Purchase, with the plan to withdraw from the disputed land. However, while Grey and his Ministers argued about abandoning the purchase, Ngāti Ruanui recommenced hostilities by ambushing and killing British soldiers. Blood had now been shed, and the consequences were war in Taranaki, an ultimatum issued to the Kīngitanga and plans by the New Zealand Government to invade the Waikato.

4.2 THE MEETING AT TAUPIRI

On New Year's Day 1863, Grey set out from Auckland to visit the Waikato.⁵²⁸ Grey was not accompanied by his Ministers, who had advised him in November 1862 not to meet with Waikato Māori.⁵²⁹ Grey's visit culminated in an important meeting with Kīngitanga rangatira on 8 January 1863 at Taupiri.⁵³⁰ This was the most important meeting Grey had with Waikato rangatira prior to the outbreak of war, but exactly what transpired is disputed, due to a paucity of records. According to his despatch on the meeting to Newcastle, Grey had decided to visit the Waikato after receiving information that 'a plot had been formed by some of the Natives of the Waikato District for the destruction of the European out-settlers' and so he had decided 'to proceed up

⁵²⁸ Grey to Newcastle, 6 February 1863, AJHR 1863, Section I, p. 7

⁵²⁹ Bell to Mantell, 22 November 1862, *Bell, Francis Dillon and others: Letters*, MS-0161, ATL.; Bell to Mantell, 6 December 1862, *Bell, Francis Dillon and others: Letters*, MS-0161, ATL.

⁵³⁰ *The New Zealander*, 14 January 1863, p. 3; *Extract from "New Zealander."*, AHJR 1863, E-03, Section I, p. 7

the Waikato River, and ascertain the state of matters for myself'.⁵³¹ Grey claimed this plot would be put into action if a steamer was placed on the Waikato River.⁵³² Instead of writing his own report of the meeting at Taupiri, Grey forwarded Newcastle an account of his trip from *The New Zealander*.⁵³³

According to the newspaper, Grey left Auckland early on 1 January 1863, and arrived at Ngāruawāhia on 3 January, where he received a warm welcome.⁵³⁴ On Thursday 8 January 1863, he met with assembled rangatira, headed by Tāmihana, at Taupiri.⁵³⁵ The rangatira protested against a steamer being allowed on the Waikato River, and Grey attempted to persuade them that 'nothing but good would result'.⁵³⁶ Grey was informed that the Kīngitanga planned to write laws, which would be sent by the Māori King to the Governor for approval.⁵³⁷ This idea had been brought up in discussions with Gorst in 1861.⁵³⁸ It had been approved by the Fox Ministry, and in 1862, Selwyn had informed the Kīngitanga that this concept had been approved by Newcastle.⁵³⁹ *The New Zealander* stated that Grey did not give a direct answer to this proposal, but offered to give them one, if they sent a deputation to Auckland.⁵⁴⁰ The meeting ended because Grey felt ill.⁵⁴¹ Unfortunately, Grey's health deteriorated, and he was forced to return to Auckland.⁵⁴²

⁵³¹ Grey to Newcastle, 6 February 1863, AHJR, 1863, E-03, Section I, p.7

⁵³² *ibid.*, p.7

⁵³³ *The New Zealander*, 14 January 1863, p. 3; Grey to Newcastle, 6 February 1863, AHJR 1863, E-03, Section I, p. 7

⁵³⁴ *The New Zealander*, 14 January 1863, p. 3; *Extract from "New Zealander."*, AHJR 1863, E-03, Section I, p. 7

⁵³⁵ *The New Zealander*, 14 January 1863, p. 3; *Extract from "New Zealander."*, AHJR 1863, E-03, Section I, p. 7

⁵³⁶ *The New Zealander*, 14 January 1863, p. 3; *Extract from "New Zealander."*, AHJR 1863, E-03, Section I, pp. 7-8

⁵³⁷ *The New Zealander*, 14 January 1863, p. 3; *Extract from "New Zealander."*, AHJR 1863, E-03, Section I, p. 8

⁵³⁸ Gorst to Fox, 2 December 1861, AJHR 1862, E-01, Section II, p. 46

⁵³⁹ Minute by Fox, 7 December 1861, *Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry)*, R17588066, ANZ.; *Report of the Meeting at Peria in October, 1862, By Bishop Selwyn*, AJHR 1863, E-12, p. 9; Newcastle to Grey, 16 March 1862, AJHR 1862, E-01, Section III, p. 9

⁵⁴⁰ *The New Zealander*, 14 January 1863, p. 3; Grey to Newcastle, 6 February 1863, AHJR, 1863, E-03, Section I, p. 8

⁵⁴¹ *The New Zealander*, 14 January 1863, p. 3; Grey to Newcastle, 6 February 1863, AHJR, 1863, E-03, Section I, p. 8

⁵⁴² *The New Zealander*, 14 January 1863, p. 3; Grey to Newcastle, 6 February 1863, AHJR, 1863, E-03, Section I, p. 8

The Aucklander stated they had received information from the Waikato, which did ‘not exactly tally’ with the article from *The New Zealander*.⁵⁴³ They reported:

Wi Tamehana did see him, although his communications were not of that cordial character which the New-Zealander represents. He firmly refused to give up his kingdom, taking much the same ground that Wi Tako did at the South. That the Governor was incompetent to govern the Maories; that his conduct shewed that he had no power to do so, and that therefore they must provide for their own government. He asked the Governor how he reconciled his friendly professions with the preparations which were making for war; and gave him to understand although he had followed him in times past, when he believed in him; now that his eyes were open, he would believe in him or follow him no longer. Such are the accounts which have reached us.⁵⁴⁴

Additionally, the *Taranaki Herald* stated that Tāmihana had told Grey that if he returned the Waitara Block, the settlers may return to Tātaraimaka.⁵⁴⁵ Another newspaper reported that Tāmihana had admitted that the Government had the right to occupy the Tātaraimaka block.⁵⁴⁶

Another account of the meeting at Taupiri was published in *Te Pihoihoi Mokemoke*, the Government press edited by Gorst which had been set up in the Waikato.⁵⁴⁷ This account was obviously official propaganda, but despite this, Grey’s published statements are evasive, and he avoided making direct answers to questions put to him by Māori.⁵⁴⁸ Grey conceded that if the Waitara Purchase had been properly investigated, and Kīngi’s title confirmed, it should have been returned to him.⁵⁴⁹ Grey informed the meeting he planned to occupy Tātaraimaka, and asked if the Waikato would support him or not.⁵⁵⁰ Tāmihana requested Grey to wait, stop the road building, and keep the steamer away.⁵⁵¹ Grey proposed that there should be a meeting of

⁵⁴³ *Hawke's Bay Herald*, 31 January 1863, p. 5

⁵⁴⁴ *ibid.*, p. 5

⁵⁴⁵ *Taranaki Herald*, 24 January 1863, p. 2

⁵⁴⁶ *Daily Southern Cross*, 21 January, 1863, p. 4

⁵⁴⁷ *Te Pihoihoi Mokemoke*, 10 February 1863, *Schedule of Accounts and papers laid upon the table – Accounts (see Finance) – “Hokioi” and “Pihoihoi” Newspapers, Files and translation of the*, R17684836, ANZ.; *The New Zealander*, 21 February 1863, p. 5

⁵⁴⁸ *ibid.*, p. 5

⁵⁴⁹ *ibid.*, p. 5

⁵⁵⁰ *ibid.*, p. 5

⁵⁵¹ *ibid.*, p. 5

rangatira with his Ministry in Auckland, to discuss matters, but this meeting did not occur.⁵⁵²

Gorst described the Taupiri meeting in *The Maori King*. This account agreed that Tāmihana acknowledged Grey had a right to occupy Tātaramaka, but added the detail that Tāmihana asked for Grey to delay so that he could persuade those in occupation of the land to surrender it.⁵⁵³ Grey stated he should retake it immediately, whereupon Tāmihana offered to accompany Grey, but Grey declined his offer.⁵⁵⁴ Nonetheless, Tāmihana and the assembled rangatira promised to write to Ngāti Ruanui in order to persuade them to return the land peacefully.⁵⁵⁵ According to Gorst's account, after the meeting, Tāmihana and Waikato Māori wrote letters to Ngāti Ruanui to persuade them to relinquish the Tātaramaka block, and implied that Waikato Māori would not support them if they decided to fight.⁵⁵⁶ However, Gorst claimed other Kīngitanga Māori, including Rewi Maniapoto, wrote opposing letters urging Ngāti Ruanui to defend the Tātaramaka block, and stating that Waikato would see an attempt to retake the land as an act of war.⁵⁵⁷

In his despatch to Newcastle of 6 February 1863, Grey claimed the account by *The New Zealander* had one important omission:

The Natives generally had at one time agreed at a meeting I held on the Waikato with them, that the so-called Maori King should be the head of a Native council, and that like the heads of the other Native councils he should send me the laws his council made, for my assent. But they subsequently withdrew from this arrangement, on the general plea that a grievous wrong had been done to them in the attempt that was made to take the land at the Waitara, that they had in vain sought for some redress for this wrong, and that they would therefore not again come under the authority of the Queen.⁵⁵⁸

⁵⁵² *ibid.*, p. 5

⁵⁵³ Gorst, *The Maori King*, p. 209

⁵⁵⁴ *ibid.*, p. 209

⁵⁵⁵ *ibid.*, p. 209

⁵⁵⁶ *ibid.*, p. 210

⁵⁵⁷ *ibid.*, p. 210

⁵⁵⁸ Grey to Newcastle, 6 February 1863, AHJR, 1863, E-03, Section I, p.7

In reference to this claim, Ward stated: ‘there is not a shred of contemporary evidence to support Grey’s claim to have made such an elaborate offer’.⁵⁵⁹ However, in a later work, Ward pointed to an article in the 27 December 1865 issue of the *Daily Southern Cross*, which gave some support to Grey’s version of events.⁵⁶⁰ This article reported that at a meeting in 1865 between James Mackay and Tāmihana, Mackay brought up the meeting at Taupiri and claimed:

The Governor had proposed that the natives should form a runanga, of which the King should be the head, but under another name. They were to make laws, and submit them to the Governor for approval. Thompson had rejected this offer and preferred war.⁵⁶¹

It was reported that Tāmihana repudiated this, and said ‘the Governor had never made any such offer’.⁵⁶² However, it was not just Tāmihana who did not accept that Grey had made this offer, as a rebuttal was promptly printed by the *New Zealand Herald*: ‘Thompson was quite right. The Governor never did make such an offer to him. It was Thompson who made the offer to the Governor’.⁵⁶³ Much later, in about 1889, Grey claimed:

the natives throughout refused to allow any veto to exist on any laws that might be made by their king, and they claimed the right of making laws which Europeans and Natives were alike subject, and which would be in force over the larger part, if not the whole of the North Island. They made a special point of the Queen having no right whatever, directly or indirectly to interfere with any laws that they might make.⁵⁶⁴

Given the contradictory accounts, it is now impossible to know exactly what offers and demands were made by either side regarding the framing of laws.

Although the newspaper accounts are highly contradictory, none of them reported Grey’s threat to ‘dig round’ the Māori King until he falls, the phrase that Gorst reported

⁵⁵⁹ Ward, *A Show of Justice*, p. 157; O’Malley, *The Great War in New Zealand*, p. 168

⁵⁶⁰ *Daily Southern Cross*, 27 December 1865, p. 4; Alan Ward, ‘A Savage War of Peace’? Motives for Government Policies Towards the Kingitanga, 1857-1863’, in *Raupatu: The Confiscation of Maori Land*, Richard Boast and Richard Hill (editors), Wellington: Victoria University Press, 2009, p. 100

⁵⁶¹ *Daily Southern Cross*, 27 December 1865, p. 4

⁵⁶² *ibid.*, p. 4

⁵⁶³ *New Zealand Herald*, 28 December 1865, p. 4

⁵⁶⁴ *Notes showing some [of] the errors in F J Moss’s “School history of New Zealand”*, GNZMS 88, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

was seen by Māori as ‘the special thing which the Governor had said at the meeting’.⁵⁶⁵ According to Gorst, in reply an inquiry from Tāmihana if Grey was still opposed to the Māori King, Grey had said: ‘I shall not... fight against him with the sword, but I shall dig round him till he falls of his own accord’.⁵⁶⁶ Confirmation that Grey used this phrase is provided by a letter written by the missionary, Reverend Robert Maunsell, in which he wrote that Kīngitanga Māori ‘laid upon an unfortunate remark casually dropped by Sir G. Grey to the effect that he would not wage war with the King party, but he would “dig around” it (by his institutions) till it fell’.⁵⁶⁷ However, according to several authors, including Grey himself, the words ‘with good deeds’ were omitted in reports of Grey’s statement that he would ‘dig round’ the Māori King.⁵⁶⁸ It has been claimed this omission completely changed the nature of the statement, but in fact it still remains a veiled threat.⁵⁶⁹ Grey himself later wrote on the infamous statement: ‘I do not think that the natives regarded the answer as hostile, but I think that the natives who wished a separate kingdom knew that the proposed course would put an end to all their hopes’.⁵⁷⁰ Regardless, the statement made it clear that Grey was opposed to the Kīngitanga. The damage that this phrase caused is illustrated in a later letter to Grey from Te Hāpuku of Ngāti Te Whatuiāpiti, which warned him:

O Friend, have a care to yourself; do not go forth to any distance to carry on your work of talking of justice, lest you be shot; because exceedingly great has been the anger of the Island towards you, on account of your having said that you would dig round it on all sides, and so the King movement would fall of itself.⁵⁷¹

Unless further evidence comes to light, it is impossible to know exactly what transpired at Taupiri. One of the most unfortunate aspects was that Grey fell ill at this critical moment. Sewell later pondered: ‘How this occasion was lost for turning the King movement to good use, and settling our native difficulties, at least with the Waikatos,

⁵⁶⁵ *ibid.*, p. 209

⁵⁶⁶ *ibid.*, p. 208

⁵⁶⁷ Maunsell to Church Missionary Society, 23 May 1863, *Robert Maunsell and John Morgan – Papers*, Micro-MS-Coll-04-56, ATL.

⁵⁶⁸ Rees and Rees, p. 315; Alfred Saunders, *History of New Zealand 1642-1893, Vol. II*, Christchurch: Whitcombe & Tombs Limited, 1899, p. 64; *Notes showing some [of] the errors in F J Moss’s “School history of New Zealand”*, GNZMS 88, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

⁵⁶⁹ Rees and Rees, p. 315; Saunders, pp. 64-65

⁵⁷⁰ *Notes showing some [of] the errors in F J Moss’s “School history of New Zealand”*, GNZMS 88, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

⁵⁷¹ Te Hāpuku to Grey, 16 April 1863, AJHR 1863, E-03, Section I, p. 28

has yet to be explained... But the golden opportunity went by'.⁵⁷² Morgan felt that the meeting was such a disaster he thought that Waikato Māori decided to renew the war as a result.⁵⁷³ It would appear that in this meeting, Grey destroyed all his diplomatic efforts to avoid war. Perhaps *Te Hokioi* summed up the meeting at Taupiri the best, as its brief account was translated: 'great obstinacy prevailed on both sides... and nothing pertaining to the King party was favourably received by the Governor, not in the least, none whatever'.⁵⁷⁴

4.3 GREY REOCCUPIES TĀTARAİMAKA

Following the Taupiri Conference, Grey turned his attention to Taranaki, to address the intertwined issues of the Waitara Purchase and the Tātaraïmaka Block.⁵⁷⁵ At the end of February 1863, Grey was informed that the military infrastructure of the Great South Road would be shortly completed, and decided that as a result he could now risk a confrontation with Māori in Taranaki.⁵⁷⁶ Grey forwarded reports to Newcastle on the prospects of occupying Tātaraïmaka.⁵⁷⁷ Included were reports by Parris, one of which stated that Māori in Taranaki would not oppose the reoccupation of Tātaraïmaka, but Parris also reported that Ngāti Ruanui still kept their land closed.⁵⁷⁸ Additionally, Grey also forwarded letters which he claimed illustrated:

1st. That we have enemies in the country actively engaged in forming plots. 2nd. That we have many friends who will not only refrain from joining in such plots, but will reveal them to us.⁵⁷⁹

However, none of the letters contained any details of a plot aside from a determination to prevent land alienation to Pākehā, and prevent steamers from entering the Waikato River.⁵⁸⁰ Grey also sent a copy of a letter which purported to be from 'all the runanga sitting here at Taranaki'.⁵⁸¹ This letter stated:

⁵⁷² Henry Sewell, *The New Zealand Rebellion*, p. 17

⁵⁷³ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.

⁵⁷⁴ *Te Hokioi*, 15 January 1863, *Schedule of Accounts and papers laid upon the table – Accounts (see Finance) – “Hokioi” and “Pihoihoi” Newspapers, Files and translation of the*, R17684836, Archives New Zealand

⁵⁷⁵ Grey to Newcastle, 6 April 1863, AJHR 1863, E-03, Section I, pp. 22-23

⁵⁷⁶ *ibid.*, p. 23

⁵⁷⁷ Grey to Newcastle, 6 February 1863, AJHR 1863, E-03, Section I, p. 8

⁵⁷⁸ Grey to Newcastle, 6 February 1863, AJHR 1863, E-03, Section I, p. 8

⁵⁷⁹ *ibid.*, p. 9

⁵⁸⁰ Enclosures 1,2 and 3 to No. 8, AJHR 1863, E-03, Section I, pp. 9-10

⁵⁸¹ Grey to Newcastle, 14 February 1863, AJHR 1863, E-03, Section I, p. 11

Listen, if the Governor and his steamer are seen here they will be attacked at once... If we see that the Governor takes forcible possession of Waireka and Tataraimaka, we will slay him at once.⁵⁸²

On 2 March Grey embarked along with Cameron, Domett and Bell for New Plymouth, where they arrived on 4 March 1863.⁵⁸³ Grey was not fully recovered, and several Taranaki settlers commented on how ill he was.⁵⁸⁴ After Grey and his entourage arrived, some time was spent in discussions with local Māori, who reassured them that there would be no opposition to the Government resuming possession of the Tātaraimaka block.⁵⁸⁵ On 12 March Cameron occupied the Ōmatā block, which was carried out without opposition by Māori.⁵⁸⁶ The Ōmatā block had been left unoccupied after the Waitara War because Europeans were afraid to return, but was never claimed by Māori by right of conquest, as was the case of Tātaraimaka.⁵⁸⁷ On the same day, A.S. Atkinson recorded in his journal that Grey was informed by Taranaki Māori that they would 'claim our land as theirs by right of conquest but offer to give up Tataraimaka if all the runangas north & south agree to it & if he gives them Waitara'.⁵⁸⁸ However, on 31 March, Grey was reassured by messengers from Taranaki Māori that there would be no opposition to reoccupying Tātaraimaka.⁵⁸⁹ On 4 April, the Tātaraimaka block was reoccupied without incident, and it appeared that Grey had achieved a great success.⁵⁹⁰

⁵⁸² Enclosures to No. 9, AJHR 1863, E-03, Section I, p. 12

⁵⁸³ Grey to Newcastle, 6 April 1863, AJHR 1863, E-03, Section I, p. 23; *Memoranda from Captain Bulkely, ADC to Mr Halse, forwarded to Defence Office, 7 May 1863*, R22412309, ANZ.

⁵⁸⁴ Guy H. Scholefield (editor), *The Richmond-Atkinson Papers, Volume II*, Wellington: Government Printer, 1960, p. 24, 26, 28

⁵⁸⁵ *Memoranda from Captain Bulkely, ADC to Mr Halse, forwarded to Defence Office, 7 May 1863*, R22412309, ANZ.

⁵⁸⁶ Grey to Newcastle, 6 April 1863, AJHR 1863, E-03, Section I, p. 23

⁵⁸⁷ Sinclair, p. 260

⁵⁸⁸ A.S. Atkinson Journal, 12 March 1863, Scholefield (editor), *The Richmond-Atkinson Papers, Volume II*, p. 30

⁵⁸⁹ *Memoranda from Captain Bulkely, ADC to Mr Halse, forwarded to Defence Office, 7 May 1863*, R22412309, ANZ.; *Memoranda from FD Bell, Taranaki, forwarded to Defence Office, 31 March 1863*, R22412294, ANZ.

⁵⁹⁰ Grey to Newcastle, 6 April 1863, AJHR 1863, E-03, Section I, p. 23; *Memoranda from Captain Bulkely, ADC to Mr Halse, forwarded to Defence Office, 7 May 1863*, R22412309, ANZ.

4.4 DISTURBANCES IN THE WAIKATO

4.4.1 Waikato Māori disrupt construction of courthouse

While Grey was busy in Taranaki, events were rapidly progressing in Waikato. In early March 1863, there was a major dispute in the Waikato over the attempt of the Government to build a courthouse. In 1862, Gorst had suggested a police force comprised of young Māori in Lower Waikato should be formed, and an industrial school established at Ōtāwhao.⁵⁹¹ This plan was intended to serve multiple purposes – demonstrate the benefits of the Queen’s Government, provide a means to enforce law and order, and produce young Māori who were loyal to the Crown.⁵⁹² Gorst had pointed out that Te Whēoro was planning to build a courthouse, and suggested adding a barracks to it to accommodate sixty policemen, and this plan was taken up by Grey.⁵⁹³ This was despite the fact that in May 1862 Kīngitanga Māori had threatened to pull down any courthouse built to the south of the Mangatāwhiri River.⁵⁹⁴ However, it was not until late February 1863 that construction finally began.⁵⁹⁵ Shortly afterwards, on 8 March 1863, Mohi Te Ahi-ā-Te-Ngū and Ihaka Te Tihi of Ngāti Tamaoho saw the timber at Te Kohekohe, realised the extent of the building, and informed Waikato rangatira of the threat.⁵⁹⁶ It was obvious that in the event of war, the building would be an almost impregnable fort and Kīngitanga Māori were greatly concerned.⁵⁹⁷

The next day, 9 March, an ope of about two hundred Māori came from Waikato to Te Kohekohe and told Te Whēoro to send the timber to Te Ia.⁵⁹⁸ Tāmāti Ngāpora and Aihepene Kaihau, who were receiving money from the Government, were present and

⁵⁹¹ Memorandum by J.E. Gorst, R.M., *On the Establishment of a Police Station at Kohekohe, and an Industrial School at Otawhao*, 28 June 1862, AJHR 1863, E-04, p. 35

⁵⁹² Gorst, *The Maori King*, pp. 194-195

⁵⁹³ Memorandum by J.E. Gorst, R.M., *On the Establishment of a Police Station at Kohekohe, and an Industrial School at Otawhao*, 28 June 1862, AJHR 1863, E-04, p. 35; *Specification of the Quantities and Dimension of Timber required for a Police Station*, 11 August 1862, AJHR 1865, E-01; p. 8, Gorst, *The Maori King*, p. 193

⁵⁹⁴ Armitage to Sewell, 22 May 1862, AJHR 1865, E-01, p. 6; Morgan to Browne, 20 May, 1862, *Letters from Missionaries*, R20388460, ANZ.; Gorst, *The Maori King*, p. 193

⁵⁹⁵ Gorst to Bell, 31 December 1862, AJHR 1865, E-01, p. 8; Halse to Hunter, 23 February 1863, AJHR 1865, E-01, p. 10

⁵⁹⁶ Te Whēoro to Halse, 11 March 1863, AJHR 1863, E-03, Section I, p. 17; *Report of a Disturbance at the Kohekohe*, 17 March 1863, AJHR 1863, E-03, Section I, p. 18; *Narrative of Occurrences in the Waikato during the Month of March, 1863*, AJHR 1865, E-01, p. 20

⁵⁹⁷ Purchas to Bell, 2 May 1863, AJHR 1863, E-03, Section I, p. 32

⁵⁹⁸ Te Whēoro to Halse, 11 March 1863, AJHR 1863, E-03, Section I, p. 17; *Report of a Disturbance at the Kohekohe*, 17 March 1863, AJHR 1863, E-03, Section I, p. 18; *Narrative of Occurrences in the Waikato during the Month of March, 1863*, AJHR 1865, E-01, p. 20

both spoke out against building the courthouse.⁵⁹⁹ On the following day, a struggle ensued between the ope and local Māori led by Te Whēoro, but after failing to achieve their object of rafting the timber to Te Ia, the ope departed threatening to return with a large force.⁶⁰⁰ After receiving a report on the incident, Henry Halse, Principal Officer for General Correspondence in the Native Minister's Department, told Te Whēoro he had a right to build on his own land, and promised him that the Crown would punish those who broke law and order.⁶⁰¹

The ope returned to Kohekohe on 20 March, and although Te Whēoro protested, they rafted the timber back to Te Ia.⁶⁰² James Fulloon, an interpreter who was also known as Hemi Te Mautaranui and was of Ngāti Awa and Ngāi Tūhoe descent on his mother's side, wrote that members of the ope declared that after they delivered the timber, they would take Gorst down the river too.⁶⁰³ On Grey's recommendation, Bell wrote to Tāmāti Ngāpora, Aihepene Kaihau, Ihaka Te Tihi and Mohi Te Ahi-ā-Te-Ngū to inform them that their conduct in regards to the incident at Te Kohekohe was a breach of their duty as subjects of the Queen, and as a result they would receive no further payments from the Crown.⁶⁰⁴ The letters blamed them for causing the trouble, and stated that if they desired, they could have an investigation into their conduct.⁶⁰⁵ At the same time, the salaries of Te Whēoro and Waata Kūkūtai were increased, and the Māori who had fought to keep the timber at Te Kohekohe were rewarded.⁶⁰⁶ Kīngitanga Māori had objected to the construction of the building as it was a clear threat, but additionally the ownership of the land was disputed by two Ngāti Mahuta

⁵⁹⁹ *Narrative of Occurrences in the Waikato during the Month of March, 1863*, AJHR 1865, E-01, p. 20

⁶⁰⁰ Te Whēoro to Halse, 11 March 1863, AJHR 1863, E-03, Section I, p. 17; *Report of a Disturbance at the Kohekohe*, 17 March 1863, AJHR 1863, E-03, Section I, p. 19

⁶⁰¹ Halse to Te Whēoro, [13 March 1863], AJHR 1865, E-01, p. 15

⁶⁰² *Narrative of Occurrences in the Waikato during the Month of March, 1863*, AJHR 1865, E-01, p. 20; Fulloon to Halse, 21 March 1863, AJHR 1865, E-01, p. 24; *Account of My Journey to Ngaruawahia*, undated, AJHR 1865, E-01, p.25

⁶⁰³ Fulloon to Halse, 21 March 1863, AJHR 1865, E-01, p. 24

⁶⁰⁴ *Memorandum by His Excellency Governor Grey*, 21 March 1863, AJHR 1865, E-01, p. 16; Bell to Tāmāti Ngāpora and others, 23 March 1863, AJHR 1865, E-01, p. 18

⁶⁰⁵ Bell to Tāmāti Ngāpora and others, 23 March 1863, AJHR 1865, E-01, p. 18

⁶⁰⁶ *Memorandum by His Excellency Governor Grey*, 21 March 1863, AJHR 1865, E-01, p. 16; Bell to Waata Kūkūtai, 23 March 1863, AJHR 1865, E-01, p. 18; Bell to Te Whēoro, 23 March 1863, AJHR 1865, E-01, p. 19; *Narrative of Occurrences in the Waikato during the Month of March, 1863*, AJHR 1865, E-01, p. 20

rangatira, Nehemia Te Area and Neri Te Ahu.⁶⁰⁷ They informed the Government in writing that they had a claim to the land, and did not agree to the construction of the courthouse.⁶⁰⁸ Both Ashwell and Gorst were aware of this claim.⁶⁰⁹ The dispute was not only about the courthouse, but also land rights.

4.4.2 Expulsion of Gorst

Whilst the courthouse was an obvious threat, Gorst's establishment of an industrial school at Ōtāwhao was initially tolerated, but it was also designed to attach young Māori to the Crown and demonstrate the advantages of British rule.⁶¹⁰ As early as March 1862, Gorst had reported to the Government that a law had been passed by the Kīngitanga that no Magistrates and no additional schoolteachers would be allowed in the Waikato.⁶¹¹ Nonetheless, in about July 1862, control of Morgan's school at Te Awamutu was handed over to Gorst to establish an industrial school.⁶¹² Waikato Māori boycotted the school and it failed to attract many students.⁶¹³ Another issue was that Rewi Maniapoto claimed the ownership of the land at Ōtāwhao.⁶¹⁴

In February 1863, Gorst began publishing a niupepa, *Te Pihoihoi*, printed at the school at Ōtāwhao, which was highly critical of Matutaera, and angered many Kīngitanga rangatira.⁶¹⁵ By late April, Gorst believed that there was a universal desire among the rangatira of the Kīngitanga to be rid of him and his school, and he received multiple

⁶⁰⁷ Gorst to Bell, 27 March 1863, AJHR 1865, E-01, p. 26; Nehemia Te Area to Grey, 24 March 1863, AJHR 1865, E-01, p. 23; Gorst to Bell, 27 March 1863, AJHR 1865, E-01, p. 26; Neri Te Ahu to Bell, 16 April 1863, AJHR 1865, E-01, p. 34

⁶⁰⁸ Gorst to Bell, 27 March 1863, AJHR 1865, E-01, p. 26; Nehemia Te Area to Grey, 24 March 1863, AJHR 1865, E-01, p. 23; Gorst to Bell, 27 March 1863, AJHR 1865, E-01, p. 26; Neri Te Ahu to Bell, 16 April 1863, AJHR 1865, E-01, p. 34

⁶⁰⁹ Ashwell to Church Missionary Society, 6 May 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.; Gorst, *The Maori King*, p. 193;

⁶¹⁰ *Memorandum by the Native Minister from His Excellency the Governor*, 30 April 1863, AJHR 1863, E-01, p. 2

⁶¹¹ *Report of the State of the Upper Waikato District*, March 1862, AJHR 1863, E-04, p. 34

⁶¹² Morgan to Browne, 24 July, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁶¹³ *Memorandum by the Native Minister from His Excellency the Governor*, 30 April 1863, AJHR 1863, E-01, p. 2; Morgan to Browne, 27 August, 1862, *Letters from Missionaries*, R20388460, ANZ.

⁶¹⁴ Morgan to Browne, 24 July, 1862, *Letters from Missionaries*, R20388460, ANZ.; Te Whiwhi, Henare Matene, aka Te Whiwhi-o-te-rangi to Tāmihana [Te Rauparaha], 30 March 1863, GNZMA 189, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; *General Report*, by J. E. Gorst, Esq., *On the State of Upper Waikato; June 1862*, 5 June 1862, AJHR 1862, E-09, Section III, p. 13

⁶¹⁵ *Memorandum by the Native Minister from His Excellency the Governor*, 30 April 1863, AJHR 1863, E-01, p. 2; Gorst, *The Maori King*, pp. 217-218

warnings that he would be driven out of the Waikato by Ngāti Maniapoto.⁶¹⁶ On 24 March, Ngāti Maniapoto came to Ōtāwhao, under the command of Āporo Taratutu and Rewi Maniapoto, both of Ngāti Maniapoto, and broke into the printing office and removed the press.⁶¹⁷ Gorst was ordered by Rewi Maniapoto to leave the Waikato, but he refused to do so unless recalled by the Government.⁶¹⁸ Rewi Maniapoto wrote to Grey and demanded that Gorst leave because he was trying to deceive Māori, and Grey had threatened to ‘dig round’ the Kīngitanga until it fell.⁶¹⁹ Rewi threatened that Gorst would be killed if he remained.⁶²⁰ Ashwell believed Rewi had another motive: to assert the claim of Ngāti Maniapoto to the land at Ōtāwhao.⁶²¹ On 26 March, Bell instructed Gorst that if he thought his life was at risk, he should leave at once, but Gorst elected to wait.⁶²² Gorst resolved to force Waikato Māori to openly condemn or condone Rewi’s actions, and so obtained a letter, signed by Matutaera, which confirmed that he must leave, thereby establishing that the Kīngitanga endorsed Rewi’s action.⁶²³ Gorst also met with Te Paea Tīaho of Ngāti Mahuta, the daughter of Pōtatau Te Wherowhero, who said that the real cause of Rewi’s actions was the occupation of Tātaramaka, and that Rewi was attempting to start a war.⁶²⁴

On 15 April, Fulloon who was stationed with Gorst, wrote to Halse from Te Awamutu, and informed him: ‘It is quite apparent that the Ngatimaniapoto and Lower Waikato are doing and will do their best to provoke hostilities; but the Ngaruawahia and Ngatihaua people are afraid of a war’.⁶²⁵ Fulloon also reported that he had been told by Wīremu Kīngi that there would be a ‘great war’.⁶²⁶ Fulloon wrote that there was a plan to wage war simultaneously at Taranaki, Whanganui and Wellington, and that Wīremu Kīngi hoped to incite Waikato and neighbouring iwi to attack Auckland.⁶²⁷

⁶¹⁶ Gorst to Bell, 25 March 1863, AJHR 1863, E-01, p.3; *Memorandum by the Native Minister from His Excellency the Governor*, 30 April 1863, AJHR 1863, E-01, p. 2

⁶¹⁷ Gorst to Bell, 25 March 1863, AJHR 1863, E-01, p.3

⁶¹⁸ Gorst to Wood, 25 March 1863, AJHR 1863, E-01, p.4

⁶¹⁹ Rewi Maniapoto to Grey, 25 March 1863, AJHR 1863, E-01, p.5

⁶²⁰ Rewi Maniapoto to Grey, 25 March 1863, AJHR 1863, E-01, p.5; Gorst to Bell, 25 March 1863, AJHR 1863, E-01, p.4

⁶²¹ Ashwell to Church Missionary Society, 6 May 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁶²² Gorst to Bell, 31 March 1863, AJHR 1863, E-01, p. 12; Bell to Gorst, 26 March 1863, AJHR 1863, E-01, p. 6

⁶²³ Gorst to Bell, 14 April 1863, AJHR 1863, E-01, pp. 15-17

⁶²⁴ Gorst to Bell, 14 April 1863, AJHR 1863, E-01, p. 15; Gorst, *The Maori King*, p. 226

⁶²⁵ Fulloon to Halse, 15 April 1863, AJHR 1863, E-03, Section I, p. 30

⁶²⁶ *ibid.*, p. 30

⁶²⁷ *ibid.*, p. 30

Although Fulloon was not convinced this would eventuate, he thought it would be best for everyone to be on their guard.⁶²⁸

On 16 April, Gorst obtained a copy of a circular letter sent from the rūnanga of Mataitawa to Waikato Māori, which was dated 8 April, and had arrived in Kihikihi the day before.⁶²⁹ According to the translation of the letter, Grey had reoccupied the Tātaraimaka block, and now Mataitawa Māori were waiting for advice from Waikato.⁶³⁰ Gorst wrote that the messenger had brought the letter from Taranaki to Hangatiki, and returned the same day with the answer “‘me ki ki tona taringa, me patu te pakeha” (say in his ear, kill the Pakehas)’.⁶³¹ Gorst attributed this message to Rewi.⁶³² The next day, Gorst met with Te Paea and Wīremu Pātara Te Tuhi, of Ngāti Mahuta, and reported they ‘did not seem to have any doubt that war would break out at Taranaki after the message Rewi had sent down’.⁶³³ Furthermore, Gorst stated that he was told that if conflict broke out at Taranaki, all Europeans in the Waikato would be murdered.⁶³⁴ Following this meeting, Gorst left the Waikato the next day on 18 April.⁶³⁵

Reverend Dr. Arthur Guyon Purchas, who was stationed with Gorst in the Waikato as Medical Commissioner, and Fulloon remained in the Waikato for several more days. Purchas reported that Rewi and his supporters were keen to make an immediate descent upon Te Ia, but this plan was strongly opposed by Te Paea and Pātara.⁶³⁶ Purchas acquired a copy of a letter which stated that Ngāti Maniapoto had told Pākehā that they would be expelled from the Waikato unless they acknowledged the sovereignty of the Māori King, even if they were on their own land.⁶³⁷ As a result, Morgan, Reid, Purchas, Fulloon and most Europeans left the Waikato, and Hōhaia

⁶²⁸ *ibid.*, p. 30

⁶²⁹ Gorst to Bell, 16 April 1863, AJHR 1863, E-01, p. 19

⁶³⁰ Rūnanga of Mataitawa to W. King, to Rewi Maniapoto, to Te Waru, to Porokoru, to Hone Papita, and to their districts (boundaries), 8 April 1863, AJHR 1863, E-01, p. 19

⁶³¹ Gorst to Bell, 16 April 1863, AJHR 1863, E-01, p. 20

⁶³² *Memorandum by the Civil Commissioner, Otawhao*, 16 April 1863, AJHR 1863, E-01, p. 20

⁶³³ Gorst to Bell, 17 April 1863, AJHR 1863, E-01, p. 20

⁶³⁴ *ibid.*, pp. 20-21

⁶³⁵ Gorst, *New Zealand Revisited*, p. 277

⁶³⁶ Purchas to Bell, 25 April 1863, AJHR 1863, E-01, p. 22

⁶³⁷ Pātara to Tāmāti, 27 April 1863, AJHR 1863, E-03, Section I, p. 30

Ngahiwi of Waikato was left in charge of the school and grounds.⁶³⁸ Additionally, a large number of settlers left Raglan in the ensuing panic.⁶³⁹

4.5 GREY'S WAITARA INVESTIGATION

Grey, meanwhile, had returned to New Plymouth on 6 April, and now commenced an unofficial investigation into the Waitara Purchase. In his despatch of 24 April, Grey stated Māori desired an 'open inquiry' to the Waitara Purchase, and that the 'great majority of them declare that if a war arises from this cause, they will rise and make a simultaneous attack upon the several European settlements in the Northern Island'.⁶⁴⁰ However, Grey did not conduct an open inquiry, but began his investigation by criticising the actions of the Crown in regards to the purchase.⁶⁴¹ According to Grey, an investigation of Teira's title had never been made, and moreover, Kīngi was merely protesting the sale of his people's homes.⁶⁴² Grey pointed out that full payment had not been made to Teira, so the land did not belong to the Queen, and furthermore in protesting the sale, Kīngi had emphasised his rights of possession and occupation, not his mana as a rangatira.⁶⁴³ To bolster his case, Grey commissioned a report which stated that Kīngi's followers had extensive cultivations which were all destroyed when Waitara was occupied.⁶⁴⁴ However, Parris informed Grey and Bell the report was completely false, and this resulted in Bell writing a memorandum on 12 April which initiated a series of exchanges of memoranda between Grey and his Ministers over the issue of abandoning the Waitara Block.⁶⁴⁵ In his memorandum, Bell pointed out that according to Parris, Kīngi had no extensive cultivations on the block, and the pā were not destroyed until later in the war.⁶⁴⁶ Faced with this, Grey promptly shifted the

⁶³⁸ Pātara to Tāmāti, 27 April 1863, AJHR 1863, E-03, Section I, p. 30; Purchas to Bell, 2 May 1863, AJHR 1863, E-01, p. 23; Purchas to Bell, 2 May 1863, AJHR 1863, E-01, p. 26; Featon, p. 5

⁶³⁹ *Daily Southern Cross*, 16 May 1863, p. 3, 18 May 1863, p. 3, 26 June 1863, p. 3; *Memoranda from FD Bell to the Governor, forwarded to Defence Office 18 May 1863 Describes measures taken for the evacuation of families from Raglan*, R22412322, ANZ.

⁶⁴⁰ Grey to Newcastle, 24 April 1863, AJHR 1863, E-02, p. 1

⁶⁴¹ *Memorandum setting forth the Replies of the Natives to the Government Manifesto of February and March, 1860*, AJHR 1863, E-02, p. 3

⁶⁴² *ibid.*, p. 3

⁶⁴³ *Ibid.*, p. 3

⁶⁴⁴ Bates to Grey, 10 April 1863, AJHR 1863, E-02, p. 4; *Memorandum addressed to His Excellency, by the Hon. Native Minister, on Lieutenant Bates' Report*, 12 April 1863, AJHR 1863, E-02, p. 4

⁶⁴⁵ Parris to McLean, 17 July 1863, *McLean Papers*, MS-Papers-0032-0494, ATL.; *Memorandum addressed to His Excellency, by the Hon. Native Minister, on Lieutenant Bates' Report*, 12 April 1863, AJHR 1863, E-02, pp. 4-5

⁶⁴⁶ *Memorandum addressed to His Excellency, by the Hon. Native Minister, on Lieutenant Bates' Report*, 12 April 1863, AJHR 1863, E-02, pp. 4-5

goalposts, and replied in a memorandum that he felt the main question was whether the Government should have risked war by purchasing land that contained the homes of more than two hundred Māori even if Teira's title was good.⁶⁴⁷

The next development was that Bell wrote a memorandum detailing a conversation he had with Teira on 16 April, and reported that Teira had claimed that Kīngi's pā and cultivations were intended to be excluded from the sale, and that there was supposed to be a two hundred acre reserve put aside for Māori.⁶⁴⁸ Again, Parris disputed this revelation, and stated that Teira had never mentioned excluding Kīngi's possessions from the sale, and denied any knowledge that there would be a reserve of two hundred acres made, but conceded that there were plans to make reserves for Māori.⁶⁴⁹ Despite Parris' protests, on 19 April, Grey penned a memorandum in which he stated that there was great reason to believe that such a reserve had been promised, and the Government should without delay create one.⁶⁵⁰ Grey claimed that these 'new facts' made it more difficult 'for the Government to attempt to insist that the purchase of the block of land at the Waitara was a proper purchase to be maintained at all risks'.⁶⁵¹ The next day, Domett wrote a reply, in which he stated that Ministers refused to enter into the question of whether or not the Crown had been justified to take military possession of the Waitara block, but they agreed that a reserve of 200 acres around the pā sites should be made immediately.⁶⁵²

Having won this concession, on 22 April Grey wrote another memorandum, in which he made a strong argument for abandoning the Waitara Purchase, and set out what he saw as the Māori viewpoint.⁶⁵³ Grey wrote that Māori viewed the occupation of the Waitara as a great crime, and stated many influential Māori had informed him 'that the whole native race will engage in a general and simultaneous war upon the several European settlements of the Northern Island, if any further war should be engaged in

⁶⁴⁷ *Minute by His Excellency*, 12 April 1863, AHJR 1863, E-02, p. 5

⁶⁴⁸ *Memorandum addressed to His Excellency, by the Hon. Native Minister, Detailing Conversation with Te Teira and Ihaia*, 17 April 1863, AJHR 1863, E-02, p. 6

⁶⁴⁹ *ibid.*, p. 6

⁶⁵⁰ *Memorandum by His Excellency as to Making a Reserve at the Waitara Villages*, 19 April 1863, AJHR 1863, E-02, pp. 6-7

⁶⁵¹ *ibid.*, p. 7

⁶⁵² *Minute addressed to His Excellency by Ministers as to Proposed Reserve at Waitara and as to Concluding the Investigation*, 20 April 1863, AJHR 1863, E-02, p. 7

⁶⁵³ *Memorandum by His Excellency Stating Reasons for Abandoning Waitara Purchase*, 22 April 1863, AJHR 1863, E-02, pp. 8-10

by the Government on account of the Waitara question'.⁶⁵⁴ The document pronounced that as a result of the botched purchase, Māori throughout the North Island were in 'a state of chronic discontent and revolt'.⁶⁵⁵ Grey pointed out that many Māori had renounced the Queen's Sovereignty, and many of them had declared the wrongs were so great they would never submit to it again.⁶⁵⁶ Grey was careful to point out that his only legal powers in reference to the Waitara block was to survey the land and decide the title.⁶⁵⁷ Grey emphasised that since he had arrived in Taranaki, he had discovered 'new facts' about the contested land, and as a result, the purchase of the Waitara block should not be continued.⁶⁵⁸ Amongst these so-called new facts were that Teira had not intended to sell the pā and cultivations of Kīngi at Waitara, and that Teira had acknowledged that Kīngi and his people had a legitimate right to veto selling this land.⁶⁵⁹ Furthermore, Teira stated he had been promised a 200-acre reserve.⁶⁶⁰ Grey claimed that if Governor Browne had been aware of these alleged new facts, the purchase would never have gone ahead.⁶⁶¹ However, only the claim of the promised reserve had not been published previously, and this alleged fact was denied by Parris.⁶⁶² Grey pronounced he was not confident the repudiation of the purchase would prevent hostilities, but felt it would win over many Māori, and would be seen by all involved that every effort had been made to avoid war.⁶⁶³ However, instead of acting, Grey sought the agreement and consent of the Ministers, which led to argument and delays, causing Grey frustration.⁶⁶⁴

On 29 April, Grey urged the Ministers to give him their advice as soon as possible, and on 30 April Domett wrote another memorandum in reply, and stated the Ministers had no objection to an investigation.⁶⁶⁵ The Ministers conceded that the purchase in

⁶⁵⁴ *ibid.*, p. 9

⁶⁵⁵ *ibid.*, p. 9

⁶⁵⁶ *ibid.*, p. 9

⁶⁵⁷ *ibid.*, p. 9

⁶⁵⁸ *ibid.*, pp. 9-10

⁶⁵⁹ *ibid.*, p. 10

⁶⁶⁰ *ibid.*, p. 10

⁶⁶¹ *ibid.*, p. 10

⁶⁶² Dalton, pp. 168-169; Parris to Bell, 28 April 1863, AJHR 1863, E-02, p. 12

⁶⁶³ *Memorandum by His Excellency Stating Reasons for Abandoning Waitara Purchase*, 22 April 1863, AJHR 1863, E-02, p. 10

⁶⁶⁴ *ibid.*, E-02, p. 10

⁶⁶⁵ *Minute by His Excellency*, 29 April 1863, AHJR 1863, E-02, p. 16; *Minute Addressed to His Excellency by Ministers on the Proposed Abandonment of the Waitara Purchase*, 30 April 1863, AJHR 1863, E-02, p. 14

regards to Kīngi's pā and cultivations should be abandoned, but not the purchase as a whole.⁶⁶⁶ The reason Domett gave was: 'the relinquishment of the purchase of the rest of the land undoubtedly implies the abandonment of one of the principal objects for which the war was undertaken, viz.: the maintenance of the principle that one native should not by force prevent another from selling land belonging to the latter'.⁶⁶⁷ The document stated that the Ministers refused to abandon this principle.⁶⁶⁸ In other words, the Ministers backed the policy of Browne, and did not accept that the alleged new fact made any difference. Furthermore, the memorandum added that in Bell's opinion, Teira's rights to the Waitara block would prove to be valid, with the exception of Kīngi's pā sites.⁶⁶⁹ Nonetheless, the memorandum concluded the decision would be left entirely to Grey.⁶⁷⁰ Domett wrote another memorandum on 2 May, which agreed with Grey's suggestion that a general amnesty be granted to Māori with the exception of those accused of murders.⁶⁷¹ Rather than acting, Grey next requested to examine the evidence of Teira's claim to the Waitara Block, as he wanted to contest Bell's conviction that an investigation would prove Teira's land rights at Waitara were valid.⁶⁷² This led to further delays, and Grey produced another memorandum, but Grey and his Ministry had argued too long.⁶⁷³

On 4 May, a small party of ten soldiers were travelling across Māori land from Tātaramaka to New Plymouth when they were ambushed by Māori at Ōakura and nine of the men were slain.⁶⁷⁴ The first shot had been fired, and war had been recommenced. The Coroner concluded that the soldiers were 'cruelly and barbarously murdered'.⁶⁷⁵ Had the Waitara Purchase been renounced earlier, the Ōakura ambush

⁶⁶⁶ *Minute Addressed to His Excellency by Ministers on the Proposed Abandonment of the Waitara Purchase*, 30 April 1863, AJHR 1863, E-02, p. 14

⁶⁶⁷ *ibid.*, p. 14

⁶⁶⁸ *ibid.*, p. 14

⁶⁶⁹ *ibid.*, p. 14

⁶⁷⁰ *ibid.*, p. 15

⁶⁷¹ *Memorandum addressed to His Excellency by Ministers as to a General Amnesty*, 2 May, AJHR 1863, E-02, p. 16

⁶⁷² *Minute by His Excellency Requesting that Notes of Evidence Taken by Mr. Parris May be Sent to Him*, 1 May 1863, AJHR 1863, E-02, p. 20

⁶⁷³ *Memorandum by His Excellency on Ministerial Minute of 30 April, 1863*, 4 May 1863, AJHR 1863, E-02, p. 16

⁶⁷⁴ *Copy of a Despatch from His Excellency Sir George Grey to His Grace the Duke of Newcastle*, 5 May 1863, AJHR 1863, E-02, p. 12

⁶⁷⁵ *Proceedings of Coroner's Inquest*, AJHR 1863, E-03, Section I, p. 41

may have been prevented, but tragically war in Taranaki had resumed, the only question was how far would it spread.

4.6 GREY HAD IGNORED WARNINGS

The news of the ambush shocked Grey and his Ministers. Reverend John Whiteley thought that Grey was completely astounded when he heard of the attack.⁶⁷⁶ Hadfield later wrote that neither Grey nor Bell had any suspicion an attack would occur, and they were completely taken by surprise by the ambush.⁶⁷⁷ However, several warning letters had been sent to Grey that Māori were planning ambushes to attack Europeans on the road between Tātaramaka and Ōmatā, and some of the letters warned that Māori were targeting Grey himself.⁶⁷⁸ Rev. Whiteley wrote in his journal on 26 April that a British Officer and Parris had both been warned of attacks, and that Māori expected hostilities would break out.⁶⁷⁹ A.S. Atkinson warned Domett of the danger, but Domett did not believe him.⁶⁸⁰ On top of this, Gorst had warned the Government of Rewi's instructions to Mataitawa Māori - "me ki ki tona taringa, me patu te pakeha" (say in his ear, kill the Pakehas).⁶⁸¹ However, Grey had believed 'that the Natives would not fire the first shot and bring on a war, for they have a superstitious feeling against doing so'.⁶⁸² On 6 May, Grey informed Newcastle that the ambush had shown that Māori were capable of murder, and of firing the first shot with the intention to start a war.⁶⁸³ It is clear that Grey felt he could no longer trust Māori, and this would have dire consequences.

⁶⁷⁶ Whiteley Journal, 4 May 1863, *Whiteley, John, 1806-1869: Journal of the Rev John Whiteley, missionary to New Zealand*, qMS-2212-2213, ATL.

⁶⁷⁷ Octavius Hadfield to Charles Hadfield, 4 June 1863, *Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters*, MS-Papers-10731, ATL.

⁶⁷⁸ Grey to Newcastle, 6 May 1863, AJHR 1863, E-03, Section I, p. 25; Bell to Grey, 28 April 1863, AJHR 1863, E-03, Section I, pp. 25-26; Ropata Ngarongomate to Bell, 27 April 1863, AJHR 1863, E-03, Section I, p. 26; Parris to Bell, 28 April 1863, AJHR 1863, E-03, Section I, p. 26; Good to Parris, 21 April 1863, AJHR 1863, E-03, Section I, p. 26; Te Hāpuku to Grey, 16 April 1863, AJHR 1863, E-03, Section I, p. 28

⁶⁷⁹ Whiteley Journal, 26 April 1863, *Whiteley, John, 1806-1869: Journal of the Rev John Whiteley, missionary to New Zealand*, qMS-2212-2213, ATL.

⁶⁸⁰ A.S. Atkinson, journal, 3 May 1863, Scholefield (editor), *The Richmond-Atkinson Papers, Volume II*, p. 40

⁶⁸¹ Gorst to Bell, 16 April 1863, AJHR 1863, E-01, p. 20

⁶⁸² Grey to Newcastle, 6 May 1863, AJHR 1863, E-03, Section I, p. 25

⁶⁸³ Grey to Newcastle, 6 May 1863, AJHR 1863, E-03, Section I, p. 25

4.7 THE REASONING BEHIND GREY'S ACTIONS

At this point, the question must be asked why Grey took the risk of occupying Tātaraimaka first, and then failed to return the Waitara immediately. As Newcastle later pointed out, 'it would have been better if the reoccupation of the Tataraimaka Block and the abandonment of the Waitara had been effected at one and the same time'.⁶⁸⁴ However, Grey gave a rare glimpse into his reasoning in his memorandum of 22 April, in which he wrote:

If we had not peaceably entered into possession of the European lands at Omata and Tataraimaka [first], it would have been difficult to have abandoned the intention of purchasing the lands at the Waitara, however objectionable in many respects it might have been to make that purchase, because it might have been said (however unjustly) that the abandonment of our intentions to make such a purchase, was a sort of bribe to the natives to induce them to allow us peaceably to occupy our own territories.⁶⁸⁵

While this explains why Grey felt that the Crown lands at Taranaki should be reoccupied before abandoning the Waitara Purchase, it does not explain the reason he delayed. One reason Grey gave was that if the entire Government agreed to withdraw, the action would carry greater weight with Māori, and he informed Newcastle that he had delayed 'to carry as much support with me as I could'.⁶⁸⁶ It also appears that Grey and his Ministers did not anticipate that Māori would attack. However, Grey also would have realised that the abandonment of the Waitara Purchase would be unpopular with the settlers, the Assembly, and Newcastle, and so it is likely he wanted the blame to be shared by the Ministry.

Māori also found fault in Grey's behaviour. Grey was accused of refusing help from Tāmihana in negotiating the reoccupation of Tātaraimaka, but the reason he did so is obvious – if Grey accepted his offer, it would mean that he had required assistance from the Kīngitanga to recover the Crown land, and this would greatly benefit the

⁶⁸⁴ Newcastle to Grey, 25 August 1863, AJHR 1863, E-02a, p. 2

⁶⁸⁵ Memorandum by His Excellency Stating Reasons for Abandoning Waitara Purchase, 22 April 1863, AJHR 1863, E-02, p. 10

⁶⁸⁶ Grey to Newcastle, 5 May 1863, AJHR 1863, E-02, pp. 12-13; Rutherford, p. 484

mana of both Tāmihana and the Kīngitanga, while diminishing the mana of the Crown.⁶⁸⁷ The opportunity to prevent war had been lost.

4.8 THE SIGNIFICANCE OF THE CHANGE OF MINISTRY

The change of Ministry was of critical importance. It is obvious that the inability of Grey, Domett and Bell to agree was the main cause of the delay in surrendering the Waitara Block. A crucial issue which has often been ignored was the fact that the Ministry in Taranaki was mainly represented only by Domett and Bell, and their memoranda were not shown to the other Ministers before they were sent to Grey.⁶⁸⁸ Additionally, Domett and Bell were following the instructions of the Assembly not to advise Grey on Native Affairs. The differences between Fox's views and those of Domett and Bell were considerable.

Fox had led the opposition against Browne's policies, and proposed the vote of no confidence in the Stafford Ministry in 1861, whereas Domett and Bell had voted against it.⁶⁸⁹ Gorst thought that Fox 'had constituted himself champion of Wīremu Kingi in the renowned Waitara controversy'.⁶⁹⁰ In December 1861, Fox had embarked on an unsuccessful trip to visit Kīngitanga rangatira in an attempt to gain support for an investigation into the Waitara Purchase, as Fox, in his own words, 'was so deeply impressed with the conviction that before any good could be done "Waitara" must be disposed of'.⁶⁹¹ At the time of his defeat in the Assembly, Fox was regarded as leading the 'Philo-Maori party' in Parliament.⁶⁹² Sewell later wrote that 'from the moment the Ministry of Mr Fox was displaced by that of Mr Domett, the hope of a peaceful settlement of our Native difficulties was at an end'.⁶⁹³ Hadfield went as far as to write that the objectives of Fox's opponents was to start a war at the expense of the British Government, and simultaneously avoid all responsibility and liability for its cost.⁶⁹⁴

⁶⁸⁷ Rogan to Bell, 18 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁶⁸⁸ AJHR 1863, E-02, p. 36

⁶⁸⁹ Fitzgerald, p. 168

⁶⁹⁰ Gorst, *The Maori King*, p. 150

⁶⁹¹ Fox, *The War in New Zealand*, p. 47; Fox, *The Revolt in New Zealand*, p. 11; Fox Journal, AJHR 1863, E-13, pp. 1-8

⁶⁹² Alfred Cox (ed.), *Men of Mark of New Zealand*, Christchurch, N.Z.: Whitcombe & Tombs Limited, 1886, p. 72

⁶⁹³ Henry Sewell, *The New Zealand Rebellion*, p. 15

⁶⁹⁴ Octavius Hadfield to Charles Hadfield, 7 August 1862, *Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters*, MS-Papers-10731, ATL.

Fox stated in the house that Domett ‘was one of the staunchest supporters of Governor Browne's policy and of the old war party, and who has been accustomed to speak of the Natives in this House in language the most opprobrious and offensive — language which must have reached their ears and created feelings of irritation not likely to be easily allayed’.⁶⁹⁵ Sewell thought the exchange of Fox for Domett created distrust amongst Māori, and pointed out that Domett’s views were exposed by a memorandum in which he wrote that in dealing with Māori, the axe and the fire were needed before the plough and the seed-corn.⁶⁹⁶ Sewell commented in his journal that Grey had been received coldly by the Kīngitanga Māori during his visits to Ōtaki and Whanganui, and they wondered why Fox had been replaced with Domett.⁶⁹⁷ Sewell stated Māori knew Fox to be an ally, but they didn’t trust anyone else and furthermore, amongst Māori Domett had a reputation of being for war.⁶⁹⁸ Additionally, Bell had been one of Browne’s chief advisers, and had defended the Waitara purchase.⁶⁹⁹ In a withdrawn memorandum dated 12 May 1863, Grey wrote that he did not realise that Bell did not concur with his policies towards Māori when he took office the previous year.⁷⁰⁰ If Fox had been making the decision instead of Domett and Bell, it is highly likely the Waitara would have been promptly returned, and hence the Ōakura ambush would not have occurred. The change of Ministry contributed greatly to the outbreak of war.

4.9 THE IMMEDIATE AFTERMATH OF THE AMBUSH

Immediately after the ambush, there was an emergency consultation between Grey, Bell and Domett at which it was agreed that the troops should be withdrawn from the Waitara Block, and the land where the ambush occurred should be confiscated, and that Grey should request three more regiments of troops.⁷⁰¹ The Ministers advised Grey that a meeting with Te Āti Awa should be held immediately at Waitara, at which it should be declared that the Crown would renounce the Waitara Purchase, restore it

⁶⁹⁵ Fitzgerald, p. 583; Saunders, p. 56

⁶⁹⁶ Henry Sewell, *The New Zealand Rebellion*, p. 15; *Memorandum on Roads and Military Settlements in the Northern Island of New Zealand*, AJHR 1863, A-08a, p. 11

⁶⁹⁷ Sewell Journal, 30 September 1862

⁶⁹⁸ *ibid.*

⁶⁹⁹ Raewyn Dalziel. 'Bell, Francis Dillon', *Dictionary of New Zealand Biography*, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1b16/bell-francis-dillon> (accessed 27 March 2020)

⁷⁰⁰ *Withdrawn Memorandum by Grey*, 12 May 1863, *Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry)*, R17588066, ANZ.

⁷⁰¹ *Minute Addressed to His Excellency Recording the Steps Proposed for Abandoning Waitara and in Regard to Reinforcements*, 5 May 1863, AJHR 1863, E-02, p. 20

to its former owners, and a general amnesty issued, provided Māori allowed those held responsible for the ambush to be punished by the Government.⁷⁰² However, the Ministers stated that a declaration should be made that if Te Āti Awa provided any assistance to those responsible for the ambush, their land at Waitara would be forfeit.⁷⁰³ Finally, the Ministers recommended ‘a Proclamation be issued to the Taranaki and Ngatiruanui tribes stating that it is the Governor's determination if the murderers are not given up within a month from this date to hold those tribes responsible as accessories to and participators in the crime’.⁷⁰⁴

Grey was left with the unenviable task of reporting the disaster to Newcastle. He began his despatch of 5 May by pointing out that he had hoped that the Ministers would adopt his opinion, and that he knew the Crown had to move quickly in the matter.⁷⁰⁵ Grey stated that he thought that Māori had encouraged the peaceable occupation of the Ōmatā and Tātaramaka blocks with the expectation that it would result in the abandonment of the Waitara Purchase.⁷⁰⁶ Grey reported he had thought that there was little time to make a decision, as he believed that some among Māori were attempting to start a war.⁷⁰⁷ Grey wrote that Ministers stated they would support his decision, but he delayed because he wanted the proclamation declaring a withdrawal from the purchase to include a general amnesty, except for those charged with murder.⁷⁰⁸ After a brief description of the ambush, Grey stated that he feared he would not be able to prevent a war.⁷⁰⁹ Grey wrote an out-of-character *mea culpa*:

I take great blame to myself for having spent so long a time in trying to get my responsible advisers to agree in some general plan of proceeding. I think, seeing the urgency of the case, I ought perhaps to have acted at once, without or even against their advice[.]⁷¹⁰

That Grey would write such a statement is perhaps the greatest illustration of the impact that the ambush had on his state of mind. It would appear that the incident took

⁷⁰² *ibid.*, p. 20

⁷⁰³ *ibid.*, pp. 20-21

⁷⁰⁴ *ibid.*, p. 21

⁷⁰⁵ Grey to Newcastle, 5 May 1863, AJHR 1863, E-02, p. 12

⁷⁰⁶ *ibid.*, p. 12

⁷⁰⁷ *ibid.*, p. 12

⁷⁰⁸ *ibid.*, p. 12

⁷⁰⁹ *ibid.*, p. 13

⁷¹⁰ *ibid.*, p. 14

a heavy toll on his mental health, and although he usually went unarmed, Grey soon ordered his firearms be sent to him from Kawau.⁷¹¹

On the days following the ambush, Grey and Government Officials met with the factions of Te Āti Awa in an effort to reconcile their differences, reunite the tribe, and live in peace.⁷¹² However, they could not agree if their allegiance should be to Queen Victoria or King Matutaera, so little progress was made.⁷¹³ During these meetings Grey promised that he would protect Te Āti Awa Māori and proceed no further with the land purchase, but he would seek retribution for the ambush.⁷¹⁴ According to an unpublished memorandum, after the meeting with Mataitawa Māori on 6 May, Grey had a private conversation with Hōriana Ngāraora, Wīremu Kīngi's daughter, in which she told him 'it was true that a general conspiracy had been entered into to make a combined attack upon all the European settlements in the North island south of Auckland'.⁷¹⁵ However, she also stated that the plot was opposed by many Māori and it would not be known until the end of the month if the plan was to be carried out, and promised she would give a warning.⁷¹⁶ Grey requested that this information not be put in a public document, as he thought that this may endanger Hōriana or her father.⁷¹⁷

At this critical point, a despatch from Newcastle arrived which announced that irrespective of the protests of the Assembly, the Ministry was now responsible for 'Native Affairs'.⁷¹⁸ Furthermore, the despatch made it clear that the Imperial Government viewed the Waitara War as the responsibility of the settlers.⁷¹⁹ Domett decided it was pointless for the Ministers to argue, and so stated in yet another memorandum that the Ministry had to ensure that the current outbreak of war could

⁷¹¹ Balneavis to Harris, 8 May [1863], GLNZ G1.H1b.ii, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries.

⁷¹² *Reports and Memoranda of Interviews between the Governor, Native Minister, and Native Interpreter, In Reference to a Proposed Reconciliation of the Waitara Tribes*, AJHR 1863, E-02, pp. 22-26

⁷¹³ *ibid.*, pp. 22-26

⁷¹⁴ *ibid.*, pp. 22-26

⁷¹⁵ *Memoranda from [R Parris], forwarded to Defence Office [May 1863]*, R22412315, ANZ.

⁷¹⁶ *ibid.*

⁷¹⁷ Minute by Grey, 8 May 1863, *Memoranda from [R Parris], forwarded to Defence Office [May 1863]*, R22412315, ANZ.

⁷¹⁸ Newcastle to Grey, 26 February 1863, AJHR 1863, E-07, pp. 2-7; *Memorandum Addressed to His Excellency by Ministers Stating Concurrence in Abandonment of Waitara*, 8 May 1863, AJHR 1863, E-02, p. 27

⁷¹⁹ Newcastle to Grey, 26 February 1863, AJHR 1863, E-07, pp. 2-7; *Memorandum Addressed to His Excellency by Ministers Stating Concurrence in Abandonment of Waitara*, 8 May 1863, AJHR 1863, E-02, p. 27

not be blamed on the settlers.⁷²⁰ As a result, the Ministers agreed to withdraw the troops from Waitara – not for any principle of justice, but so that it could not be said that the pending conflict had been fought over land.⁷²¹ The Ministry finally advised Grey to withdraw from the Waitara, handing Grey a pyrrhic victory.

In his despatch of 9 May 1863, Grey wrote ‘there is great reason to apprehend that a general rising of the native population may shortly take place, for the purpose of making a simultaneous attack upon the several centres of European population with a view to the total expulsion of the white race from this Island’.⁷²² Grey pronounced that he was ‘quite satisfied that such a plot has been formed by a large number of influential natives’ and officially requested the three regiments be sent to New Zealand.⁷²³ In another despatch of the same date, Grey sent to Newcastle copies of letters that he claimed showed ‘that a general rising of the Native people is contemplated, if a war takes place at Taranaki’.⁷²⁴ Grey also wrote that he believed a war in Taranaki was now unavoidable.⁷²⁵ Finally, on 11 May 1863, a proclamation was issued officially announcing that the Governor had renounced all claim to the Waitara, and the troops were withdrawn two days later.⁷²⁶ The fact that the Waitara was demilitarised only after the ambush made many Māori believe that its return was not motivated by a desire for justice to be done, but rather out of fear of attack.⁷²⁷ Due to the dysfunction of the Government, the Waitara had been returned too late.

⁷²⁰ *Memorandum Addressed to His Excellency by Ministers Stating Concurrence in Abandonment of Waitara*, 8 May 1863, AJHR 1863, E-02, p. 27

⁷²¹ *Memorandum Addressed to His Excellency by Ministers Stating Concurrence in Abandonment of Waitara*, 8 May 1863, AJHR 1863, E-02, p. 27; Rutherford, p. 486; Bell to McLean, 20 July 1863, *McLean Papers*, MS-Papers-0032-0158, ATL.

⁷²² Grey to Newcastle, 9 May 1863, AJHR 1863, E-03, Section I, p. 26

⁷²³ *ibid.*, pp. 26-27

⁷²⁴ *ibid.*, p. 27

⁷²⁵ *ibid.*, p. 27

⁷²⁶ *A Proclamation Declaring the Abandonment of the Waitara Purchase*, 11 May 1863, AJHR 1863, E-02, p. 36; *Minute by His Excellency as to Withdrawal of Troops*, 18 May 1863, AJHR 1863, E-02, p. 28

⁷²⁷ Sewell Journal, 17 May 1863; A.S. Atkinson, journal, 16 May 1863, Scholefield (editor), *The Richmond-Atkinson Papers, Volume II*, p. 43; All the Rūnanga of Mataitawa to W. Kīngi and Rewi Maniapoto, 12 May 1863, *Letter to Wiremu Kingi and Rewi Maniapoto re Maori War*, MS-Papers-3093, ATL.; Hokioi, 21 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) – “Hokioi” and “Pihohoi” Newspapers, Files and translations of the*, R17684836, ANZ.

4.10 THE MILITIA

After surrendering the Waitara Block, Grey and Domett once more began to exchange memoranda, this time on the issue of responsibility in ‘Native Affairs’ and what measures should be adopted in the current crisis.⁷²⁸ After failing to agree on the issue of responsibility, Domett recommended it was the wisest course to be prepared for the worst, namely a general insurrection, and so the British settlements should be placed into a state of defence.⁷²⁹ Domett suggested that to free up troops, Tātaramaka should be abandoned, allied Māori south of Auckland should be armed to help fight, and Militia and Volunteers throughout the North Island should be called out.⁷³⁰ Bell disagreed and thought that the question of calling out the militia depended on whether or not an offensive was to be carried out, or a defensive position maintained.⁷³¹ Bell suggested that if Cameron thought that with the forces available to him he would be able to ‘inflict sharp and present punishment on the Taranakis and Ngatiruanuis now in arms against us, this should be done’.⁷³² On the other hand, Bell stated if Cameron thought this was not possible, his advice was to withdraw from Tātaramaka and make no aggressive move during the winter.⁷³³ Bell stated that his belief was that the current forces in New Zealand were insufficient for an offensive, and furthermore campaigning in winter would be disastrous.⁷³⁴ Grey wrote in response the militia should be called out immediately, especially in the Province of Auckland as he felt that the settlers and positions on the Waikato River were at risk of attack.⁷³⁵ Domett in reply stated that he agreed with Grey that the militia should be called out, but felt that he needed to confer with the other Ministers in Auckland on the matter.⁷³⁶ It has been claimed by historians that after the Ōakura ambush, the colonial government ‘refused to call out the militia on the grounds that Auckland and Wellington were in no danger’⁷³⁷, but the militia in Taranaki was called out for active service immediately,

⁷²⁸ *Memorandum for the Governor*, 14 May 1863, AJHR 1863, E-07a, pp. 3-4; *Memorandum by the Governor*, 16 May 1863, AJHR 1863, E-07a, pp. 4-5; *Minute for His Excellency*, 18 May 1863, AJHR 1863, E-07a, pp. 5-6; *Minute by the Governor*, 20 May 1863, AJHR 1863, E-07a, p. 6

⁷²⁹ *Memorandum for Ministers*, 23 May 1863, AJHR 1863, E-07a, pp. 7-10

⁷³⁰ *ibid.*, pp. 7-8

⁷³¹ *Memorandum by the Native Minister*, 27 May 1863, AJHR 1863, E-07a, p. 10

⁷³² *ibid.*, p. 10

⁷³³ *ibid.*, p. 10

⁷³⁴ *ibid.*, p. 11

⁷³⁵ *Minute by the Governor*, 28 May 1863, AJHR 1863, E-07a, p. 11

⁷³⁶ *Minute by the Colonial Secretary*, 29 May 1863, AJHR 1863, E-07a, p. 12

⁷³⁷ Belich, p. 124; O’Malley, *The Great War in New Zealand*, p. 191

on the very day of the ambush.⁷³⁸ Furthermore, Domett promptly authorized the Superintendents of Auckland, Wellington and Hawke's Bay to call out the militia in case of an attack.⁷³⁹ It was reported from the Province of Auckland, which bordered with Waikato, that everything was in readiness for calling out the militia there, and about 5,000 men could be ready at any moment.⁷⁴⁰ However, the Superintendent of Wellington, Dr. Featherston, replied that there was no pressing danger.⁷⁴¹ In a letter to Domett dated 29 May, Featherston clarified that he had not called out the militia as he thought it would likely be interpreted by local Māori that the authorities and settlers did not trust them.⁷⁴² He was of the opinion that Māori would not be able to mobilise without the settlers receiving notice in sufficient time to guard against an attack, and the militia would not be able to prevent ambushes or murders.⁷⁴³ Another view was that Featherston and other prominent Wellingtonians were run-holders and did not want to call out the militia as they feared it would result in Māori killing their livestock.⁷⁴⁴ Nonetheless, Featherston stated that he would place the Province in the most efficient state of defence possible.⁷⁴⁵ It would appear that a similar view was taken in Hawke's Bay, where McLean was advised that calling out the militia would make Māori suspicious of the intentions of the settlers, which might then lead to further difficulties.⁷⁴⁶ It appears that the militia was not called out immediately because it was thought that doing so may have precipitated rather than prevented hostilities.

4.11 ROGAN DELIVERS AN ULTIMATUM

Shortly after the ambush, John Rogan, an officer in the Native Minister's Department, was instructed by Bell to make a trip to Ngāruawāhia with Mr. Fulloon to give

⁷³⁸ *The New Zealander*, 8 May 1863, p. 7; *Taranaki Herald*, 9 May 1863, p. 3

⁷³⁹ *Memorandum by the Native Minister*, AJHR 1863, E-07a, p. 10

⁷⁴⁰ *ibid.*, p. 10

⁷⁴¹ *ibid.*, p. 10

⁷⁴² Featherston to Domett, 29 May 1863, *From: I E Featherston, Superintendent, Wellington To: Colonial Secretary, Taranaki Date: 29 May 1863 Subject: Reports that everything remains quiet, does not think it advisable to call out the militia*, R24150525, ANZ.

⁷⁴³ Featherston to Domett, 29 May 1863, *From: I E Featherston, Superintendent, Wellington To: Colonial Secretary, Taranaki Date: 29 May 1863 Subject: Reports that everything remains quiet, does not think it advisable to call out the militia*, R24150525, ANZ.; Featherston to McLean, 13 June 1863, *McLean Papers*, MS-Papers-0032-0266, ATL.

⁷⁴⁴ E. J. Wakefield, *What Will They Do in the General Assembly?*, Christchurch: Printed at the Times Office, 1863, p. 19

⁷⁴⁵ Featherston to Domett, 29 May 1863, *From: I E Featherston, Superintendent, Wellington To: Colonial Secretary, Taranaki Date: 29 May 1863 Subject: Reports that everything remains quiet, does not think it advisable to call out the militia*, R24150525, ANZ.

⁷⁴⁶ Ormond to McLean, 27 May 1863, *McLean Papers*, MS-Papers-0032-048, ATL.

Kīngitanga Māori the Crown account of what had occurred at Ōakura.⁷⁴⁷ Bell wrote a letter which was to be translated, printed, and circulated amongst Māori.⁷⁴⁸ The epistle described the ambush at Ōakura, and stated it was claimed that the ambush had been carried out in the name of Matutaera, and called on the Kīngitanga to renounce the deed and those who carried it out.⁷⁴⁹ It pronounced that everyone who sided with those who had carried out the ambush would be treated as murderers, and that Māori must choose between them and the Government.⁷⁵⁰ Finally, it asked that the Kīngitanga should inform Rogan of their views quickly.⁷⁵¹ Bell had demanded that the Kīngitanga denounce the ambush, or they would be treated as murderers.⁷⁵² Once more, the Kīngitanga had been presented with an ultimatum.

According to one settler, Bell's letter was translated disgracefully, and he thought it puzzled all Māori who read it.⁷⁵³ A significant issue was that the ambush was described as kōhuru in the Te Reo translation, but the use of this word was problematic, as kōhuru implies treacherous murder with no just cause.⁷⁵⁴ According to Gorst, before Māori determined if an act was kōhuru, it was necessary to consider several criteria, including if warnings had been sent, and if there was just cause for the act.⁷⁵⁵ Indeed, multiple warnings had been sent, but they had been ignored.⁷⁵⁶ Additionally, it had been pointed out to Grey that Māori felt they had the right to fight in their own way, and it would appear that Tāmihana believed that Māori should not abandon ambushes as they were the only artillery they had.⁷⁵⁷ It could be argued it was not kōhuru, but a legitimate act of war.

⁷⁴⁷ Bell to Matutaera and others, 7 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁷⁴⁸ *ibid.*

⁷⁴⁹ *ibid.*

⁷⁵⁰ *ibid.*

⁷⁵¹ *ibid.*

⁷⁵² *ibid.*

⁷⁵³ George Sisson Cooper to McLean, 30 May 1863, *McLean Papers*, MS-Papers-0032-0228, ATL.

⁷⁵⁴ Bell to Matutaera and others, 7 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.; definition of kōhuru from <https://maoridictionary.co.nz>, retrieved 10/08/2019.

⁷⁵⁵ Gorst, *The Maori King*, p. 235

⁷⁵⁶ Gorst, *The Maori King*, p. 232

⁷⁵⁷ Anonymous to Grey, 29 April 1863, CO 209/173, p. 46; C. J. Wilson (editor), *Missionary Life and Work in New Zealand, Being the Private Journal of the Late Rev. John Alexander Wilson*, Auckland: Star Office, 1889, p. 100

After receiving Bell's instructions, Rogan set off to Ngāruawāhia.⁷⁵⁸ Gorst thought that Rogan's life was at risk, and furthermore he expected that Rewi would likely launch 'an immediate attack on the settlers'.⁷⁵⁹ As a result, a messenger was sent to warn Rogan, but he thought it his duty to complete his mission, and on 10 May he reached Rangiriri.⁷⁶⁰ There he was ordered by Māori that he should proceed no further.⁷⁶¹ Rogan was told that since the Governor had refused to accept Tāmihana's help in the reoccupation of Tātaraimaka, the Government was to blame for the ambush.⁷⁶² Rogan was informed that the Kīngitanga was waiting to receive their own report on the incident, but it was decided to allow Rogan to proceed to Ngāruawāhia, where he arrived on 11 May.⁷⁶³ While he was travelling to Ngāruawāhia, Rogan encountered Hona of Ngāti Whāuroa and he advised Rogan to warn the military of possible Māori attacks from Pōkeno to Papakura, and suggested that posts should be formed.⁷⁶⁴ In the evening, he met with Ngāruawāhia rangatira, but was unable to see Matutaera in person.⁷⁶⁵ During this meeting, an incidental remark was made that £4 was to be given to the messenger who brought the first report of an attack to the Kīngitanga which made Rogan believe a 'general understanding must have been arrived at between the natives of Waikato and Taranaki previous to the recent murder'.⁷⁶⁶ After Rogan delivered Bell's letter he was asked to wait whilst the rangatira considered matters.⁷⁶⁷ After their deliberations, Rogan was informed that they were unable as yet to come to any conclusions, and they would wait until they had heard the reports from their own sources before providing a definite reply.⁷⁶⁸ According to Rogan's report, as he was leaving, he was told that the only comment Matutaera had made was 'Waikato, takoto' – Waikato, lie down.⁷⁶⁹ However,

⁷⁵⁸ Rogan to Bell, 18 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁷⁵⁹ *Memoranda from JE Gorst, forwarded to Defence Office 8 May 1863*, R22412373, ANZ.

⁷⁶⁰ Rogan to Bell, 18 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁷⁶¹ *ibid.*

⁷⁶² *ibid.*

⁷⁶³ *ibid.*

⁷⁶⁴ *ibid.*

⁷⁶⁵ *ibid.*

⁷⁶⁶ *ibid.*

⁷⁶⁷ *ibid.*

⁷⁶⁸ *ibid.*

⁷⁶⁹ *ibid.*

newspapers published a lengthier version: ‘Waikato! takoto, ka haere tenei ki a Ngatimaniapoto kite whakamatau i tera’, which was translated as ‘Waikato! lie down, this is going to Ngatimaniapoto to make trial of them’.⁷⁷⁰ On his return journey to Auckland via Te Ia, Rogan called on a Māori identified only as Wirihana, but he was too afraid to tell Rogan anything except ‘Be on your guard’.⁷⁷¹ At Te Ia, Rogan found Te Whēoro planning to build a pā near the blockhouse as he felt Kohekohe was unsafe.⁷⁷² Finally, Rogan reported that Waata Kūkūtai, Hona and a large number of Māori were keeping watch and planning to defend the frontier.⁷⁷³

4.12 REACTIONS TO THE AMBUSH BY WAIKATO MĀORI

According to Gorst, opinions in the Kīngitanga were divided over the ambush, and he wrote that Rewi and his allies declared the ambush was not murder, but ‘the righteous recommencement of a just war’.⁷⁷⁴ On the other hand, Gorst wrote that Tāmihana and a few supporters declared the ambush to be murder, and believed that although it was wrong for the troops to occupy Waitara, this did not justify the actions of Ngāti Ruanui.⁷⁷⁵ Gorst reported that at about this time, there was a meeting at Rangiaowhia to discuss the impending war, at which Tāmihana condemned the actions of Rewi and declared that Ngāti Hauā would not fight.⁷⁷⁶ Gorst wrote that in response, Rewi announced he would go straight into the mouths of the Governor’s cannon.⁷⁷⁷ Gorst claimed that Rewi and his men wished to attack Te Ia, Mauku, Drury and Papakura, and even Auckland itself, but the opposition of Tāmihana prevented the attacks from being launched in May or early June while the British troops were in Taranaki.⁷⁷⁸

On 19 May, the Māori report of the ambush arrived in the Waikato, and Wīremu Karamoa of Ngāti Mahuta wrote to inform the Government that the ambush had been carried out because Māori in Taranaki had banned travel on their land between New

⁷⁷⁰ *The New Zealander*, 15 May 1863, p.2; *Taranaki Herald*, 23 May 1863, p. 2; *Colonist*, 29 May 1863, p. 3

⁷⁷¹ Rogan to Bell, 18 May 1863, Rogan to Bell, 18 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁷⁷² *ibid.*

⁷⁷³ *ibid.*

⁷⁷⁴ Gorst, *The Maori King*, p. 235

⁷⁷⁵ *ibid.*, p. 236

⁷⁷⁶ *ibid.*, p. 236

⁷⁷⁷ *ibid.*, p. 236

⁷⁷⁸ *ibid.*, p. 236

Plymouth and Tātaraimaka.⁷⁷⁹ According to the Māori account, British forces had fired the first shot, but Ashwell thought the report had been fabricated to make Māori believe that the killings were just.⁷⁸⁰ Both this account and the Government version were published in the *Hokioi* and circulated.⁷⁸¹

In Auckland, on 23 May, Fulloon and Purchas visited Māngere, where they meet with several Manukau Māori, and also Pātara.⁷⁸² Pātara informed them that the Ōakura ambush had been carried out because Ngāti Ruanui had prohibited Europeans from going into their territory, and he thought the murders were committed as a result.⁷⁸³ Fulloon derided this as a lame excuse, devised after the fact, and then Pātara speculated that as peace had never been made, Taranaki and Ngāti Ruanui probably thought that it was acceptable to attack at any time.⁷⁸⁴ Tāmāti Ngāpora stated that Karamoa's letter of 19 May should not be regarded as definitive, and that there would be a letter sent by Matutaera which would make things clear.⁷⁸⁵

4.13 GREY MANUSCRIPT GNZMS 200

At about this time, Grey wrote a manuscript containing his views on the current state of affairs.⁷⁸⁶ Grey backed up his opinions by quoting from letters received by the Government.⁷⁸⁷ The last report Grey quoted from was dated 18 May, so presumably, the manuscript was written shortly after this date.⁷⁸⁸ It offers a unique insight into Grey's views.

In the manuscript, Grey wrote that Mataitawa Māori had admitted they sent a letter to Kīngi and Rewi dated 8 April, and according to this letter, after Tātaraimaka had been occupied, they decided to wait for directions from Kīngi and Rewi, and also 'the

⁷⁷⁹ Wi Karamoa to Rogan and Fulloon, 19 May 1863, *Schedule of Accounts and papers laid upon the table - Accounts (see Finance) - Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863*, R17684844, ANZ.

⁷⁸⁰ Ashwell to Church Missionary Society, 29 June 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁷⁸¹ *ibid.*

⁷⁸² *Memorandum from James Fulloon, forwarded to Defence Office 24 May 1863*, R22412310, ANZ.

⁷⁸³ *ibid.*

⁷⁸⁴ *ibid.*

⁷⁸⁵ *ibid.*

⁷⁸⁶ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

⁷⁸⁷ *ibid.*

⁷⁸⁸ *ibid.*

Runanga of the Island'.⁷⁸⁹ Grey pointed out that Waikato Māori must have read this letter as they had given copies to Gorst and Purchas.⁷⁹⁰ Grey also wrote that Waikato Māori had admitted that murders should take place in Taranaki.⁷⁹¹

Grey copied out part of a memorandum written by Gorst on 8 May which pointed out that Gorst had informed the government that Europeans would be shot at Taranaki, following which there would be a general rising by Waikato Māori.⁷⁹² Furthermore, Grey wrote that Te Paea was not surprised about the ambush, so he concluded 'She had evidently heard of it talked of in Waikato', which Grey appears to have interpreted as supporting evidence for his view that Waikato Māori had prior knowledge of the attack at Ōakura.⁷⁹³ Grey then cited a letter dated 15 April by Te Hāpuku which warned Grey to leave Taranaki and return to Auckland, for if he remained he would 'fall into the hands of the Maoris'.⁷⁹⁴ Grey then wrote that Te Hāpuku in the same letter had warned him that although the Kīngitanga would not object to him occupying Tātaraimaka, if he committed any injustice or arrested anyone accused of murder or plundering in the Taranaki War, a general rising of Māori had been arranged to take place throughout the North Island.⁷⁹⁵ Grey cited a letter from Gorst to Bell dated 23 April, which stated Pātara had confirmed that a war at Taranaki would lead to a general rising throughout the North Island, and that he and Te Paea had no doubt that war would break out in Taranaki due to Rewi's message.⁷⁹⁶ Additionally, Grey noted Gorst

⁷⁸⁹ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 1; This letter was published in the AJHR: Rūnanga of Mataitawa and others to W. King, Rewi Maniapoto, Te Waru, Porokoru, Hone Papita and their districts, 8 April, AJHR 1863, E-01, pp. 18-19

⁷⁹⁰ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 1; Purchas to Bell, 16 April, AJHR 1863, E-01, p. 18; Gorst to Bell, 16 April, AJHR 1863, E-01, p. 19

⁷⁹¹ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 1

⁷⁹² *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 4; This memorandum can be found in the New Zealand Archives: *Memoranda from JE Gorst, forwarded to Defence Office 8 May 1863*, R22412373, NZA

⁷⁹³ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 4; This letter appears to have not been published in the AJHR.

⁷⁹⁴ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 5; This letter can be found in the AJHR: Hāpuku to Grey, 16 April 1863, AJHR 1863, E-03, Section I, p. 28. The date on the letter published in the AJHR is given as 16 April whereas Grey gives the date of the letter as 15 April.

⁷⁹⁵ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 5; Grey used very similar wording to the note at the end of Te Hāpuku's letter as published in the AJHR – see Te Hāpuku to Grey, 16 April 1863, AJHR 1863, E-03, Section I, p. 28

⁷⁹⁶ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, pp. 8-9; This letter can be found in AJHR: Gorst to Bell, 23 April 1863, AJHR 1863, E0-1, pp. 20-21

had written that Pātara and Te Paea ‘intimated in very plain language that if a shot was fired at Taranaki, all Europeans within reach would be murdered’.⁷⁹⁷ Grey concluded:

That the so called Native King felt he was committed to what had been done at Taranaki is shown by the evasive answers he returned to the messenger and to the letter sent to acquaint him & the Waikato Chiefs with the terrible murders which had been committed at Taranaki.⁷⁹⁸

Grey’s conclusion that Matutaera was committed to the Ōākura ambush was based on scant and inconclusive evidence, and the reply by Kīngitanga Māori that they were waiting to receive reports from Taranaki was confirmed by the letters of Ashwell and Karamoa. Nonetheless, it is apparent that Grey believed Kīngitanga Māori were complicit in the ambush, as they had not condemned the killings.

The manuscript continues, and Grey wrote that ‘the natives intend in the event of disturbances taking place at Taranaki to attempt a general rising – especially threatening the settlement of Auckland and Hawkes Bay’.⁷⁹⁹ Grey cited multiple extracts to support this view, many of which have not be found in any other source. Among these unique extracts, was a translation of a letter by Te Whēoro dated 4 May, which stated that ‘the word has gone forth that the lands belonging to Europeans should be taken, they also say that they should come to Te Ia, and turn upon the soldiers’.⁸⁰⁰ Grey next cited the English translation of a letter from Hepata Turingenge of Ngāti Te Wehi, dated 8 May which warned:

The followers of the King have taken an oath to keep a watch on all the towns in New Zealand. If a shot is fired by the Governor or his soldiers at Taranaki all the island will rise to exterminate the Europeans and friendly Maoris. In these days the Ngatimaniapoto are intended to go to Taranaki. The natives of the East coast have assembled at Hangatiki to watch Auckland, the Ia, Waiuku and Raglan. Be on your guard. We are now alarmed.⁸⁰¹

⁷⁹⁷ *Extracts from correspondence etc. relative to the Waikato war in 1863*, GNZMS 200, p. 9

⁷⁹⁸ *ibid.*, p. 7

⁷⁹⁹ *ibid.*, p. 10

⁸⁰⁰ *ibid.*, p. 12

⁸⁰¹ *ibid.*, p. 13

Another of Grey's extracts warned 'If there is a rising at Taranaki all will rise'.⁸⁰² An extract by Thomas R. Mould of the Royal Engineers written in 8 May 1863 concluded that:

The natives are now busily constructing earthworks at Rangiriri... I believe that if war breaks out at Taranaki, they will undoubtedly make a diversion by an attack on the troops at the Ia, or advance towards Auckland, I feel assured this is their present plan, and that these earthworks at Rangiriri are to secure a safe retreat in case of discomfiture.⁸⁰³

Grey cited a report from Thomas Skinner dated 8 May that claimed 'it has come out that the natives are waiting for the blow to be struck at Taranaki – when the Ngatimaniapoto are to go South and Waikato to Auckland disposing of the soldiers at Mangatawhiri on their way, sending however a small party to sack and destroy Raglan and the settlers in that district'.⁸⁰⁴ Furthermore, Skinner thought 'E. C. [East Coast] natives are to attack Hawkes Bay and to drive all Europeans from these parts'.⁸⁰⁵ Grey quoted from a letter by Waata Kūkūtai, dated 11 May, which related that he and allied rangatira had decided to guard Te Ia as it was thought that Waikato Māori may attack.⁸⁰⁶ Grey referenced several letters from W. B. Baker, Resident Magistrate of Waiapu and Tokomaru, who wrote on 4 April 1863 that he had been threatened by a taua from the Kīngitanga who had demanded that he return to Auckland, and furthermore he had been sent death threats.⁸⁰⁷ According to the manuscript, Baker reported on 8 April: 'If there is a row at Taranaki, it is all up with us here'.⁸⁰⁸ Baker concluded: 'the feeling of distrust in the measures of the Government, and suspicion of the real intentions is spreading throughout the whole of these districts'.⁸⁰⁹ It is notable these extracts are from letters that appear to have been never published, which demonstrates that Grey received more information than he sent to Newcastle.

As the manuscript was not intended for public consumption, it is likely that it reflects Grey's personal beliefs. The manuscript shows that Grey had concluded that

⁸⁰² *ibid.*, p. 13

⁸⁰³ *ibid.*, p. 14

⁸⁰⁴ *ibid.*, p. 15

⁸⁰⁵ *ibid.*, p. 15

⁸⁰⁶ *ibid.*, p. 16

⁸⁰⁷ *ibid.*, pp. 19-20

⁸⁰⁸ *ibid.*, p. 20

⁸⁰⁹ *ibid.*, p. 21

Kīngitanga Māori had prior knowledge of the Ōakura ambush, and some had encouraged it. The manuscript shows Grey thought that Matutaera had not only failed to prevent the ambush, but also refused to condemn those responsible, and a general rising was now being planned by Māori, and Auckland and Hawke's Bay especially were threatened.

4.14 EVENTS OF JUNE 1863

4.14.1 Battle of Katikare

The British troops were still concentrated in Taranaki, and on 4 June 1863 they engaged Māori at Katikare to avenge the Ōakura ambush.⁸¹⁰ Grey wrote of the battle: 'We gave them a good licking... I never saw such a rout; they ran for miles'.⁸¹¹ The battle greatly disheartened Māori in Taranaki, transformed the military situation, and restored Grey's self-confidence.⁸¹² Grey likely hoped that the victory would intimidate Waikato Māori into coming to terms, and would have made the New Zealand Government confident they could defeat Māori militarily. It also meant Grey could turn his attention to Waikato, and he returned to Auckland, arriving on 5 June.⁸¹³ In the *Case for New Zealand*, the author wrote:

On his [Grey's] return to Auckland, a change came over the spirit of his dream. The Herald of Peace had become the Apostle of War. Whether it was that he became better aware of the real intentions of the natives, or that he changed his mind as to what it was expedient for him to do, or that he merely threw off the mask which he had previously worn, no harlequin metamorphosis was ever more complete.⁸¹⁴

⁸¹⁰ Grey to Newcastle, 3 July 1863, AJHR, E-03, Section I, p. 46

⁸¹¹ Grey to Biddulph, 8 June 1863, NZMS 737, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries.

⁸¹² D. J. Gamble, [6] July 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 39, ANZ.

⁸¹³ *The New Zealander*, 6 June 1863, p. 4

⁸¹⁴ Anonymous, *The Case of New Zealand*, London: W. Clowes and Sons, 1865, pp. 3-4

4.14.2 Neri Te Ahu Meets with Grey

On 8 June, a critical meeting took place between Neri Te Ahu and Grey in Auckland.⁸¹⁵ Exactly what happened is a matter of speculation, and it appears that the meeting was never officially reported. Sewell wrote an account in his journal:

The other day a young gentleman presented himself at Government House, announcing himself an Ambassador from King Matutaere [sic]. He wished to see the Governor, and was ushered in. Then he propounded the object of his visit. "I am come to talk to you Governor about our River". Our river was the Waikato meaning thereby that the River was under a sort of joint sovereignty. "Well", said the Governor, and then the young gentleman went on to deliver his message. "You must send away your Magistrate from Taupo or there will be evil". "Have you anything more to say" said the Governor. "First let us settle about that, then we will talk of other things". "Get out of the room" said the Governor, "and (calling to the Orderly) "Orderly see that this man is out of Auckland in an hour from this time, or else put him in the Guard house". The discomfited Ambassador retreated crest-fallen.⁸¹⁶

Although Neri was described as an 'emissary of peace' by O'Malley, it is hard to see this description can be correct given Neri's demand that Grey remove the magistrate from Taupō.⁸¹⁷ However, Grey's threat to gaol Neri was completely unjustified, and reveals Grey's unsettled state of mind. The *Daily Southern Cross* reported:

The purpose of the Upper Waikato natives in sending the messenger referred to, seems to have been to apprise the Governor of the King's decision in favour of the propriety of the Taranaki murder. This, the herald was to justify upon the ground of native custom, which rendered such an attack entirely fair and proper as the prelude to a war... These measures they took at Oakura, and it was on these

⁸¹⁵ *Daily Southern Cross*, 9 June 1863, p.2, 10 June 1863, p. 2, 11 June 1863, p.2; O'Malley, *The Great War in New Zealand*, p. 190; *Memoranda from FD Bell, forwarded to Defence Office, 8 June 1863, States that he has given instructions to Neri te Ahu to leave Auckland, within an hour Attachment: H Halse to FD Bell, 8 June 1863, informs Bell that Neri te Ahu left town precipitately*, R22412314, ANZ.; Sewell Journal, 14 June 1863; *The New Zealander*, 9 June 1863, p.2; *The New Zealander*, 13 June 1863, p.5

⁸¹⁶ Sewell Journal, 14 June 1863; O'Malley, *The Great War in New Zealand*, p. 190

⁸¹⁷ O'Malley, *The Great War in New Zealand*, p. 190

grounds that the Council of King Potatau determined to uphold the justice of the act. It is not, the messenger said, murder, it was war.⁸¹⁸

If this report was correct, and this was the view taken by the Kīngitanga, it can indeed be seen that the use of the word *kōhuru* was in error, as the attack was seen as an act of war, and not treacherous murder. It is likely that Grey hoped that Neri was bringing a message that the Kīngitanga had denounced the ambush following the ultimatum delivered by Rogan, but instead Neri had made demands. Grey would now have realised that his policies had completely failed to reconcile Waikato Māori, and that the British military success at Katikare had not intimidated the Kīngitanga. Significantly, George Whitmore, commander of the Napier Militia, wrote the day after the meeting: ‘If the Govr. is to be trusted he means to prosecute the War with vigour & to carry it into the Waikato’.⁸¹⁹ The last word on the meeting goes to the *Southern Cross* – ‘The breach between Sir George Grey and the Upper Waikato’s must henceforth be considered all but an irreconcilable one’.⁸²⁰

4.14.3 Āporo Arrested

Soon afterwards, on Saturday 13 June, Āporo was in Auckland, and was arrested by order of Grey when he visited the Native Office, charged with the theft of Gorst’s press, and gaoled.⁸²¹ Why Āporo visited the Native Office is a mystery, but it is possible that he brought an unpalatable message to Grey, as Neri had done a few days previously. Rumours abounded that Ngāti Maniapoto would react to Āporo’s arrest with an attack.⁸²² According to Gorst, Rewi called for war, but this was successfully opposed by Tāmihana and Matutaera.⁸²³ On the day after Āporo’s arrest, a serious fire, described as an ‘extensive conflagration’ broke out on Queen Street in Auckland, and many panicked inhabitants thought it was a Māori attack.⁸²⁴ The combination of the

⁸¹⁸ *Daily Southern Cross*, 10 June 1863, p. 2

⁸¹⁹ O’Malley, *The Great War in New Zealand*, pp. 202-204

⁸²⁰ *Daily Southern Cross*, 9 June 1863, p. 2

⁸²¹ Gorst, *The Maori King*, p. 240; Sewell Journal, 21 June 1863; *The New Zealander*, 17 June 1863, p. 4

⁸²² Ashwell to Church Missionary Society, 29 June 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.; Sewell Journal, 21 June 1863; Rogan to Unknown, 26 June 1863, *McLean Papers*, MS-Papers-0032-0541, ATL.

⁸²³ Gorst, *The Maori King*, p. 241

⁸²⁴ *The New Zealander*, 15 June 1863, p. 2; Featon, p. 17

fire and Āporo's arrest caused rising tensions in Auckland, and Grey ordered the Auckland militia to be called out on 15 June.⁸²⁵

The Executive Council met on the same day, 15 June, and present were Grey, Domett, Bell, Ward and Russell.⁸²⁶ The Council considered a letter from Te Paea on the subject of moving ancestral bones.⁸²⁷ It was resolved that it would be best if the bones were left undisturbed until the country was in a more settled state, and it was pointedly stated that although Europeans had been expelled from the Waikato, Māori had not been expelled from Manukau.⁸²⁸ The Council decided it did not want large bodies of men in Māngere due to 'the Upper Waikato people having directed the murders at Taranaki and having since sanctioned them'.⁸²⁹ Importantly, this shows that by 15 June, the Colonial Government was convinced that Waikato Māori were responsible for and approved of the Ōakura ambush.

4.14.1 Several Letters Arrive

At about this time, the Government received several reports and letters, which had been written in mid-June. On 15 June Walter Buller, Resident Magistrate of Manawatu, reported that he had heard 'vague rumours... of sinister motives, secret meetings, and plans of organization against the Pakeha', and had received a letter 'intended as a warning to the settlers of an impending general "huake", or rising of the tribes', but he had paid no attention.⁸³⁰ Later he found a supply of bullets had been sent to Ngāti Ruanui.⁸³¹ Buller was told by a local Māori that 'while no designs had been matured, the desire to attack the Pakehas was fast gaining ground among the disaffected'.⁸³² Fox wrote to Buller and stated he thought it was 'no longer prudent to neglect precautions for our safety', and so it was decided to form a Volunteer Corp at Rangitūkei and arm the settlers.⁸³³ Nevertheless, Buller concluded that there was 'more

⁸²⁵ *The New Zealander*, 16 June 1863, p. 2; *Daily Southern Cross*, 16 June 1863, pp. 1, 3; Sewell Journal, 21 June 1863; Rogan to Unknown, 26 June 1863, *McLean Papers*, MS-Papers-0032-0541, ATL.; Featon, pp. 17-18

⁸²⁶ Executive Council Meeting Minutes for 15 June 1863, *Minutes - 24 July 1855 - 23 February 1866*, R14983890, ANZ.

⁸²⁷ *ibid.*

⁸²⁸ *ibid.*

⁸²⁹ *ibid.*

⁸³⁰ Buller to [Grey?], 15 June 1863, AJHR 1863, E-03, Section I, p. 49

⁸³¹ *ibid.*, p. 49

⁸³² *ibid.*, p. 49

⁸³³ Buller to [Grey?], 15 June 1863, AJHR 1863, E-03, Section I, pp. 49-50; Buller to Fox, 15 June 1863, AJHR 1863, E-03, Section I, p. 50

real danger at present from a panic among the settlers, than from any hostile disposition of the natives, for the former would most assuredly precipitate the latter'.⁸³⁴

Buller sent with his report a written English version of an oral report by Ihākara Tukumarū of Ngāti Ngarongo on a meeting of Kīngitanga Māori at Ōtaki which took place on 12 June 1863.⁸³⁵ According to the report, after many speeches, 'All agreed that Rewi had brought on this trouble'.⁸³⁶ Although the meeting was divided about going to Taranaki to fight, it was decided they would stay home, but it was stated that the decision could be reappraised in the future.⁸³⁷ The report finished with Ihākara Tukumarū advising Buller:

Let the Pakehas have plenty of guns and powder here and at Rangitikei. The thoughts of the people are stirred up, and we know not what direction they may take.⁸³⁸

On 15 June, Tāmihana wrote to Bell and stated that he had not decided if Bell's version of the Ōakura ambush or the Ngāti Ruanui account was correct, and as a result Tāmihana stated he had not decided if he should prepare for war.⁸³⁹ Tāmihana concluded that if it was established that it was kōhuru, that would put an end to it, but if there was just cause for the ambush, war would result.⁸⁴⁰ Bell's letter had demanded that Māori must choose between those responsible for the ambush or the Government, and although Tāmihana had not endorsed the perpetrators of the ambush, neither had he repudiated them. Gorst later pointed out that Tāmihana was not liked by members of the Government and no negotiations were entered into.⁸⁴¹ At this stage, it is likely that the Government would have seen anything short of a complete condemnation of perpetrators of the ambush as defiance to the Crown.

⁸³⁴ Buller to [Grey?], 15 June 1863, AJHR 1863, E-03, Section I, p. 49

⁸³⁵ *Ihakara Tukumarū's Oral Report of the "Tainui meeting" at Otaki on Friday the 12th June, 1863*, AJHR 1863, E-03, Section I, pp. 51-52

⁸³⁶ *ibid.*, p. 51

⁸³⁷ *ibid.*, p. 52

⁸³⁸ *ibid.*, p. 52

⁸³⁹ Tāmihana to Bell, 15 June 1863, AJHR 1865, E-11, p. 14

⁸⁴⁰ *ibid.*

⁸⁴¹ Gorst, *The Maori King*, p. 237, Stokes, p. 334

4.14.2 James Fulloon's Memorandum

Meanwhile, James Fulloon wrote a memorandum which he dated 20 June 1863, entitled 'Waikato plan of operations in the event of war'.⁸⁴² Fulloon claimed that Kīngitanga Māori would first occupy strategic positions near the Great South Road, and then would destroy bridges on the road, observe and oppose any military movement, maraud the Drury and Papatoetoe districts and attack settlers, especially at Patumāhoe and Waiuku.⁸⁴³ Fulloon's memorandum was likely believed, as he had established for himself an excellent reputation during the recent crisis in the Waikato, for both Purchas and Gorst had commended Fulloon's performance and Gorst described him as 'a clever and well-educated half-caste chief', who had 'skill and influence with his countrymen'.⁸⁴⁴ It is now impossible to discover what truth, if any, was behind Fulloon's memorandum of 20 June 1863, but regardless of its actual accuracy, it would have been seen as highly reliable by both Grey and his Ministry, reinforcing their belief that Māori were planning an attack.⁸⁴⁵

4.14.3 A Plan is Made

On 20 June, the Executive Council met again, and among other business, they approved a plan for allied Māori to defend and fortify the border with the Kīngitanga along the Waikato River, from Te Ia to Port Waikato by means of a series of pā, but there is no mention in the Council minutes of a plan to invade the Waikato itself.⁸⁴⁶ This was presumably due to the fact that Cameron had not yet arrived, and so was not present at the Executive Council meetings.⁸⁴⁷ On 19 June, the HMS Eclipse had left

⁸⁴² *Memorandum by Mr. Fulloon*, 20 June 1863, AJHR 1863, E-05b, pp. 4-5; *Memoranda from J Fulloon, forwarded to Defence Office, 20 June 1863, Describes plan of attack worked out in 1861 crisis and projects it will be used in current hostilities*, R22412391, ANZ.

⁸⁴³ *Memorandum by Mr. Fulloon*, 20 June 1863, AJHR 1863, E-05b, pp. 4-5; *Memoranda from J Fulloon, forwarded to Defence Office, 20 June 1863, Describes plan of attack worked out in 1861 crisis and projects it will be used in current hostilities*, R22412391, ANZ.

⁸⁴⁴ Gorst, *New Zealand Revisited*, p. 68; O'Malley, *The Great War in New Zealand*, p. 186; Gorst to Bell, 14 April 1863, AJHR 1863, E-01, p. 15; Purchas to Bell, 25 April 1863, AJHR 1863, E-01, p. 22; Purchas to Bell, 2 May 1863, AJHR 1863, E-01, p. 23; Purchas to Bell, 2 May 1863, AJHR 1863, E-01, p. 25

⁸⁴⁵ Barry Rigby, 'Hauraki and East Wairoa', *A Research Report commissioned by the Waitangi Tribunal*, Wai 686, T3, 2002, p. 12

⁸⁴⁶ Executive Council Meeting Minutes for 20 June 1863, *Minutes - 24 July 1855 - 23 February 1866*, R14983890, ANZ.

⁸⁴⁷ *Daily Southern Cross*, 23 June 1863, p. 3; Vincent O'Malley, 'Choosing Peace or War: The 1863 Invasion of Waikato', *The New Zealand Journal Of History*, Vol. 47, No. 1, April 2013, pp. 39-58., p. 47, 56; O'Malley, *The Great War in New Zealand*, p. 202; Vincent O'Malley, 'Assembling a case for invasion – the outbreak of the Waikato War', in *Tutu Te Puehu, New perspectives on the New Zealand Wars*, John Crawford and Ian McGibbon (editors), Wellington: Steele Brothers, 2018,

Manukau for Taranaki with orders to bring Cameron back to Auckland, and on 20 June Cameron embarked to Auckland ‘for the purpose of conferring with his Excellency the Governor’.⁸⁴⁸ On 22 June, Cameron arrived in Auckland, and was informed ‘by his Excellency and the Minister for Native Affairs, that from the intelligence recently received from Waikato they felt considerable alarm for the safety of Auckland and that therefore it was advisable to collect as large a force as possible for its protection’.⁸⁴⁹ On 23 June, Domett wrote a memorandum which recommended that the troops should not be withdrawn from Tātaraimaka until the ‘general plan proposed in respect to the Waikato is to be carried out and the troops are required for that purpose’.⁸⁵⁰ It can be concluded that the ‘general plan’ was to invade the Waikato, and was most likely devised soon after Cameron arrived back in Auckland.

On 24 June 1863, one of the most important memoranda in New Zealand History was written in which Domett detailed the plan to invade Waikato.⁸⁵¹ It began by stating that war with Māori appeared ‘inevitable and imminent’.⁸⁵² Domett first laid out the official grounds for complaint with the Kīngitanga:

Every effort to conciliate these tribes has failed, especially those on the Waikato. No known ground of complaint against Government, reasonable or unreasonable, has been left to them; yet their acts of aggression have been continually increasing in frequency and violence. The expulsion of the Civil Commissioner Mr. Gorst, and his scholars from Government land at Awamutu; the seizure of property; the driving away of all Europeans married to Maori women, and the kidnapping and abduction of their wives and half-caste children; the complicity of these tribes in the murders at Oakura, of which they were the prompters, and their adoption of the cause of the murderers; the abundant

pp. 168-193., p. 179, 191; Executive Council Meeting Minutes for 15 June 1863, *Minutes - 24 July 1855 - 23 February 1866*, R14983890, ANZ.; Executive Council Meeting Minutes for 20 June 1863, *Minutes - 24 July 1855 - 23 February 1866*, R14983890, ANZ.; Cameron to War Office, 3 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 108, ANZ.

⁸⁴⁸ *The New Zealander*, 19 June 1863, p. 2; D. J. Gamble, [6] July 1863, *Journals of the Deputy Quartermaster General in New Zealand, 1860-65*, WO 33/16, p. 41, ANZ.

⁸⁴⁹ Cameron to War Office, 3 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 108, ANZ.

⁸⁵⁰ *Memorandum by Domett, 23 June 1863, Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry)*, R17588066, ANZ.

⁸⁵¹ *Memorandum for the Governor, 24 June 1863*, AJHR 1863, E-07, pp. 8-9

⁸⁵² *ibid.*, p. 8

evidence of their attempts, to a considerable extent successful, to organize a general conspiracy to expel, or murder, the European population throughout the Northern Island; these things shew that it is no longer at the option of Government to choose between Peace and War—but that the Natives have determined to force the latter upon us. It is unquestionable that no chance is left for the establishment of any peace that is likely to be permanent, until the Natives have been taught that they cannot make aggressions on the lives and property of Europeans with impunity. The aggressions already committed by them really amount to a declaration of war—and the preparations they are making to meet it seem to prove that this is their own opinion.⁸⁵³

Domett also pointed out that Grey, ‘at a late meeting of the Executive Council, stated that it was impossible to settle the Taranaki question so long as the Waikato was the centre of disaffection, and the wealthy and prosperous settlement of Auckland was constantly threatened with invasion and destruction from that quarter’.⁸⁵⁴ According to the memorandum Grey had arranged with Cameron that he would attempt to settle the issues in Taranaki, and if the Kīngitanga interfered, he would not risk the safety of the Province of Auckland but return there with the troops to protect the settlement.⁸⁵⁵ The plan adopted and accepted by the Ministry involved fortifying the border with the Kīngitanga, and then capturing Paetai and Ngāruawāhia.⁸⁵⁶ Additionally, it was planned to remove all ‘hostile Natives’ inside the line of fortification, and their land would be confiscated.⁸⁵⁷ This appears to be an expansion of the plan discussed in the Executive Council Meeting of 20 June. It would seem that Grey was perhaps less enthusiastic for the plan than is frequently suggested, as Domett later wrote that ‘the difficulty of course was to get over Grey’s horror (by anticipation) of the possible condemnations and ululations of Exeter Hall and Co’.⁸⁵⁸ On 27 June, the HMS Eclipse returned to Taranaki with orders for the immediate transfer of Cameron’s headquarters and troops to Auckland.⁸⁵⁹ Taranaki was left on the defensive, and despite everything,

⁸⁵³ *ibid.*, p. 8

⁸⁵⁴ *ibid.*, p. 8

⁸⁵⁵ *ibid.*, p. 8

⁸⁵⁶ *ibid.*, p. 8

⁸⁵⁷ *ibid.*, p. 8

⁸⁵⁸ Ward, *A Show of Justice*, p. 159

⁸⁵⁹ D. J. Gamble, [6] July 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, pp. 41-42, ANZ.

Tātaraimaka was abandoned to save soldiers and resources.⁸⁶⁰ Troops continued to pour into Auckland for the rest of June and also July.⁸⁶¹ War now appeared inevitable.

4.15 CONCLUSION

In January 1863, Grey met with Waikato Māori at Taupiri, ignoring the advice of his Ministers. At this meeting Grey was unwell, and not at his best. One incidental remark by Grey during the kōrero that he would ‘dig round’ the Kīngitanga until it fell, was seized on by Māori as the most important statement he had made at the meeting. All the reports agreed that the meeting had been unsuccessful in bringing peace, and many thought the opportunity for peace had been lost. This meeting was a turning point in the relationship between Grey and the Kīngitanga, and the result was best summed up by *Te Hokioi*, in which it was stated Grey was unfavourable to everything that was suggested by the Kīngitanga rangatira.

After recovering sufficiently from his illness to allow him to travel, Grey decided to resolve the issue of the Waitara Purchase, and remove it as a cause of complaint by Māori. Grey travelled to Taranaki, and first occupied the Tātaraimaka block, after implying to Māori he would then return Waitara. Meanwhile in the Waikato, it became apparent to Māori that the courthouse being constructed was also intended to be a fortified barracks which could house a police force, and even British soldiers, so they prevented its construction. Following this incident, most of the Europeans in Waikato were expelled, including Gorst, his school and the missionaries. Just as the construction of military infrastructure had undermined the New Institutions, the attempt to construct the barracks led Māori to believe the school had a sinister purpose. The expulsion of Europeans ended all Crown influence in the Waikato, stopping Grey’s schemes to undermine the Kīngitanga, and cutting off the flow of intelligence to the Government. Grey’s attempt to ‘dig round’ the Kīngitanga had utterly failed.

In Taranaki, Grey decided to proceed with a personal investigation into the Waitara Purchase. In November 1860, Grey had informed Newcastle that he thought that taking

⁸⁶⁰ D. J. Gamble, [6] July 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 42, ANZ.; Cameron to War Office, 3 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 108, ANZ.

⁸⁶¹ D. J. Gamble, [6] July 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 42, ANZ.; Cameron to War Office, 3 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 108, ANZ.

the Waitara Block was an unjust act, so he had already made up his mind. Additionally, it had become clear to Grey that the ongoing occupation by British troops of the Waitara was a major stumbling block in the way of peace. However, the Ministry was represented in Taranaki by Domett and Bell, who had supported Browne, and they neither wanted the Government to withdraw from the Waitara Purchase, nor wanted to take any responsibility for this action. Grey did not want to act on his own authority to return the land, resulting in a delay while Grey argued with his Ministers. It appears that Grey did not anticipate that his Ministers would fail to back his plan. Grey's strategy was to pronounce that 'new facts' that he had discovered showed that Browne would not have gone ahead with the purchase if only these facts had been known. In this way, he could withdraw from the Waitara Purchase without blaming Browne or the New Zealand Government. The problem was, most so the so-called new facts were not new or unknown, and the Ministers refused to go along with his charade. The main reason given by Domett for refusing to abandon the purchase was that he believed this would imply the abandonment of the principle that one Māori should not by force prevent another Māori from selling their own land.

Whilst Grey argued with his Ministry, Ngāti Ruanui came to believe the Waitara would not be returned in exchange for Tātaraimaka, and the Ōakura ambush was launched which recommenced hostilities. This came as a shock to Grey and his Ministers, although several warnings had been received. The ambush convinced Grey that Māori could not be trusted and were capable of firing the first shot of a conflict. With hindsight, it is obvious that Grey should have investigated the Waitara Purchase prior to the reoccupation of Tātaraimaka, or returned the Waitara Block promptly. Whilst Grey could have acted sooner, the Domett Ministry must also take their share of the blame. Significantly, the delay and hence the ambush would likely have never occurred if Fox was still in office, as he had been a fervent opponent of the purchase, whereas Domett backed Browne's policy. The change of Ministry had created a dysfunctional Government, and the Ōakura ambush and war was the result.

Following the ambush, the Ministers finally agreed to abandon the Waitara Purchase, but not because they thought it wrong, but so that the upcoming war would not appear to be about land. The militia in Taranaki was immediately called out, and Domett authorized the Superintendents of Auckland, Wellington and Hawke's Bay to call out their militia. Rogan was despatched to take an ultimatum to Matutaera that Māori must

renounce the perpetrators of the Ōakura ambush or be held culpable. Kīngitanga Māori did not comply, as they believed the ambush was not kōhuru as claimed by the Government, but an acceptable act of war.

The British success at the Battle of Katikare, demonstrated that Māori could be defeated militarily. Grey probably hoped the British victory would bring Māori to terms. He returned to Auckland, and a few days later was visited by Neri Te Ahu. However, Neri did not condemn the killings at Ōakura as demanded by Bell's ultimatum, or make any concessions, but instead made demands of Grey. Grey lost his temper, ordered that Neri leave Auckland or be gaoled, and this meeting marked a serious rupture with the Kīngitanga. Following this, there was a significant fire in Auckland and Āporo was arrested. This marked the end of any negotiations with Kīngitanga Māori. These incidents raised tensions in Auckland, and the Auckland militia was called out. At about this time, Tāmihana sent a letter which stated he had not decided yet if the Taranaki ambush was kōhuru or not, which was likely interpreted as defiance by the Crown. Waikato Māori had not complied with the ultimatum contained in Bell's letter, and it would appear that the New Zealand Government viewed them as responsible for ordering the Ōakura ambush. General Cameron was sent for and a plan was made to fortify the border with the Kīngitanga, invade the Waikato, and capture Ngāruawāhia. Troops began to pour into Auckland in anticipation of hostilities.

Chapter 5: July 1863 – The Final Decision to Invade

5.1 INTRODUCTION

This chapter will discuss the reasons why Grey decided to implement the plan to invade the Waikato. It re-examines the so called ‘eighteen letters’, included in Grey’s despatches of 4, 7 and 11 July, and creates an alternative narrative based on these and other sources. It also investigates the events in the Waikato in June and July, and the request by Waikato Māori for an investigation into the incidents in the Waikato, from the sparse sources available. Finally, the demand for Māori to swear an oath of allegiance is examined.

5.2 THE PLAN IS PUT INTO ACTION

By this stage, both Pākehā and Māori thought an attack was imminent.⁸⁶² Tensions were heightened further by the celebrations of the Prince of Wales’ marriage on 1 July, which included the lighting of bonfires.⁸⁶³ According to Gorst, the bonfires were interpreted by Māori as a war signal, resulting in rūnanga being held to discuss the threat.⁸⁶⁴ It would appear Grey was not in the best of mental health, as he complained in a letter to England that ‘I do not think I shall ever again really enjoy anything’, a classic sign of depression and melancholia.⁸⁶⁵ Despite everything, it appears Grey and his Ministry were still squabbling over responsibility, for on 6 July, Grey signed a memorandum in which he protested that the Ministers had still not resolved the issue, although he praised them for ‘so heartily cooperating in a plan he [Grey] believes to be essential to the safety and welfare of this part of the Colony’.⁸⁶⁶ Presumably, Grey was referring to the plan to invade the Waikato. During this time, letters warning of

⁸⁶² Gorst, *The Maori King*, p. 241

⁸⁶³ *ibid.*, pp. 241-242

⁸⁶⁴ *ibid.*, p. 242

⁸⁶⁵ Grey to Biddulph, 4 July 1863, NZMS 737, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries.

⁸⁶⁶ *Memorandum by Grey*, 6 July 1863, *Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry)*, R17588066, ANZ.

attacks poured into the Government, and rumours began to spread in Auckland of plots to murder settlers.⁸⁶⁷

On 9 July, the troops began to march to the front, and it has been suggested this was because military preparations were complete.⁸⁶⁸ However, it was stated on 5 August by D.J. Gamble, Deputy Quartermaster General in New Zealand, that military preparations would have been complete on 16 July.⁸⁶⁹ It is nonsensical that Gamble would report on 5 August that the preparations would have been complete on 16 July if they were in fact completed by 9 July.⁸⁷⁰ Additionally, there is good evidence that preparations were not complete. On 8 July, Cameron had written that he was currently making preparations for an expedition up the Waikato River.⁸⁷¹ Cameron had proposed that the attack should be launched when his preparations were complete, and when the expected reinforcements arrived from Australia.⁸⁷² However, the reinforcements from Tasmania did not arrive until 2 September.⁸⁷³ In addition, on 15 July, Cameron informed Grey that he could not advance into the Kīngitanga until the steamer had entered the Waikato River, which did not occur until 25 July.⁸⁷⁴ In fact, this evidence shows that the military preparations would not even have been complete on 16 July. Another explanation is required as to why the troops were ordered to march on 9 July. Both Cameron and Gamble reported that the orders had been given because information had been received by Grey that Māori were planning to attack Auckland and the out-settlers.⁸⁷⁵ Gorst corroborated this in *New Zealand Revisited*, where he wrote:

⁸⁶⁷ Gorst, *The Maori King*, p. 242

⁸⁶⁸ O'Malley, *The Great War in New Zealand*, pp. 204-205; D. J. Gamble, 5 August 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 43, ANZ.

⁸⁶⁹ D. J. Gamble, 5 August 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 43, ANZ.

⁸⁷⁰ *ibid.*, p. 43

⁸⁷¹ Cameron to War Office, 8 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 109, ANZ.

⁸⁷² *ibid.*, p. 109

⁸⁷³ *Daily Southern Cross*, 3 September 1863, p. 2

⁸⁷⁴ *Telegrams from Lieutenant-General Cameron & Others*, AJHR 1863, E-05b, p. 3; *Report on the Passage of the Steamer "Avon" from the Manukau Harbour to the Waikato River*, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 51, ANZ.

⁸⁷⁵ D. J. Gamble, 5 August 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 43, ANZ.; Cameron to War Office, 30 July 1863, *Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65*, WO 33/16, p. 120, ANZ.

The decision to invade Waikato had been made in haste: it was agreed upon by Sir George Grey and the New Zealand Ministry only during the day which preceded the night in which the troops began their march. So many reports from the most varied quarters had come pouring in, all tending to show that there was a plan amongst the Waikatos to do some outrageous act like the fatal ambush at Tataraimaka to provoke an immediate war, that the Governor resolved to begin hostilities at once for the sake of the women and children in the outlying districts who might have been the first victims.⁸⁷⁶

The troops began to march on 9 July, so ‘the day which preceded the night in which the troops began their march’, was 8 July. Gorst’s account concurs with the reports of both Cameron and Gamble that the decision to invade the Waikato was made on 8 July 1863, as a result of multiple reports that Māori were about to attack.⁸⁷⁷ An essential detail is that the Governor and Ministry did not agree upon the attack until the 8 July. This was important as Newcastle had given orders that troops could not be deployed unless it was agreed to by both Grey and his Ministers.⁸⁷⁸

5.3 THE ‘EIGHTEEN LETTERS’

The Enclosures sent by Grey in his despatches of 4, 7 and 11 July 1863 contained reports warning of Māori attack, and have been regarded by many historians as his case for justifying the invasion of the Waikato.⁸⁷⁹ However, Grey himself did not present these enclosures as such, and it has been pointed out that they were part of a sequence which dated back to December 1861.⁸⁸⁰ The enclosures contained in these notorious despatches have been referred to as ‘eighteen letters’, although this is somewhat of a misnomer, as they were in fact enclosures which were comprised of a variety of single letters, multiple letters, extracts and statements.⁸⁸¹ It is noteworthy

⁸⁷⁶ Gorst, *New Zealand Revisited*, p. 323

⁸⁷⁷ D. J. Gamble, 5 August 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 43, ANZ.

⁸⁷⁸ Newcastle to Grey, 5 June 1861, AJHR 1862, E-01, section III, p. 4

⁸⁷⁹ Belich, p. 124; Dalton, p. 176; O’Malley, ‘Choosing Peace or War: The 1863 Invasion of Waikato’, p. 40; O’Malley, *The Great War in New Zealand*, p. 195; O’Malley, ‘Assembling a case for invasion – the outbreak of the Waikato War’, p. 170; Bohan, p. 213; Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, p. 54; Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, p. 58; Grey to Newcastle, 11 July 1863, AJHR 1863, E-03, Section I, p. 60

⁸⁸⁰ Belich, p. 124

⁸⁸¹ Enclosures to Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, pp. 54-56; Enclosures to Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, pp. 58-60; Enclosures to Grey to Newcastle, 11 July 1863, AJHR 1863, E-03, Section I, pp. 60-62; Dalton, p. 176; O’Malley,

that all of the enclosures to Grey's despatches are all dated 8 July 1863 or before, and if the final decision to invade was made on this date, it is possible a great majority of the enclosures could have been influential.⁸⁸²

In his despatch dated 4 July 1863, Grey wrote that the enclosures warned of the hostile intentions of Māori living near the Waikato River.⁸⁸³ Furthermore, Grey claimed:

It has now been clearly proved that some of the Chiefs of Waikato ordered the recent murders at Taranaki, and that being responsible for them, they have determined to support the people who carried out the orders which they issued. For this purpose, they are quite prepared to attack this populous district [Auckland], and even to commit similar murders here.⁸⁸⁴

Of these enclosures, three were written in June, one was dated merely Thursday, but the final one was dated 8 July, much later than the others, and four days after the date on the despatch.⁸⁸⁵ It has been suggested that an explanation for this anomaly was:

Grey was obviously eager to receive more compelling evidence of the imminent threat than he had hitherto managed to assemble, and appears to have delayed sending the letters for this reason, since the final disclosure to his despatch of 4 July 1863 was actually dated 8 July.⁸⁸⁶

However, another possibility is that the date on this letter was misprinted, and indeed, the date on this letter in the Colonial Office files in London is 1 July 1863.⁸⁸⁷ The letter noted that Tāmami Ngāpora left Waiuku on the day the letter was written.⁸⁸⁸ An article by the *Daily Southern Cross* stated that Māori arrived in Waiuku from Māngere on Friday 26 June, and the Māngere Māori, which would have included Tāmami Ngāpora, departed Waiuku on Wednesday 1 July, which concurs with the date of the Colonial

'Choosing Peace or War: The 1863 Invasion of Waikato', p. 40; O'Malley, *The Great War in New Zealand*, p. 195; O'Malley, 'Assembling a case for invasion – the outbreak of the Waikato War', p. 170

⁸⁸² Enclosures to Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, pp. 54-56; Enclosures to Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, pp. 58-60; Enclosures to Grey to Newcastle, 11 July 1863, AJHR 1863, E-03, Section I, pp. 60-62

⁸⁸³ Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, p. 54

⁸⁸⁴ *ibid.*, p. 54

⁸⁸⁵ Enclosures to Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, pp. 54-56

⁸⁸⁶ O'Malley, *The Great War in New Zealand*, p. 196; similar sentences also appear in O'Malley, 'Choosing Peace or War: The 1863 Invasion of Waikato', p. 42 and O'Malley, 'Assembling a case for invasion – the outbreak of the Waikato War', p. 172

⁸⁸⁷ CO 209/173, p. 434

⁸⁸⁸ Speedy to Bell, 8 July 1863, AHJR 1863, E-03, Section I, p. 56

Office version.⁸⁸⁹ All this evidence points to the actual date of the letter being 1 July, so there is no mystery as to why it was included in Grey's despatch of 4 July.

In his next despatch dated 7 July, Grey forwarded more enclosures which he claimed showed 'the turbulent disposition which prevails amongst the tribes of Waikato'.⁸⁹⁰ There are six enclosures printed in the *Appendices to the Journals of the House of Representatives* version, but the version in the Colonial Office records includes eight enclosures.⁸⁹¹ One of these extra enclosures is the statement by Purchas which appears in the AJHR despatch of 11 July, but the other is a letter by Hōri Tauroa of Ngāti Te Ata, dated 5 July, which was not printed in the AJHR.⁸⁹² Another major difference is that in place of the extract from a letter by Hōhaia Ngahiwi in the AJHR printing, in the Colonial Office records there is a different letter by Hōhaia Ngahiwi, dated 4 June 1863.⁸⁹³ Finally, on 11 July, Grey sent a further seven enclosures, which he claimed showed 'how completely this plan was matured, and how determined and blood-thirsty were the intentions of some of the most evil-disposed, amongst the leaders of the Waikato tribes'.⁸⁹⁴

Grey noted that he had 'received much additional information all to the same purport'.⁸⁹⁵ An example of this is an unpublished letter dated 3 July 1863 that was forwarded to Grey, which warned that there were five hundred armed Māori at Meremere.⁸⁹⁶ Additionally, he would have received oral information, and both Ashwell and Morgan had discussions with Grey which were never reported.⁸⁹⁷ The enclosures reference a confusing morass of plots, alleged plans of attacks, and threats without a cohesive explanation by Grey. However, the enclosures can be divided into two broad categories – those which convey general rumours and threats, and those which relate to a specific threat to Mauku and Waiuku.

⁸⁸⁹ *Daily Southern Cross*, 4 July 1863, p. 3

⁸⁹⁰ Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, p. 58; Enclosures to Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, pp. 58-60

⁸⁹¹ Enclosures to Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, pp. 58-60; Enclosures to Grey to Newcastle, 7 July 1863, CO 209/173, p. 469

⁸⁹² *ibid.*, p. 469

⁸⁹³ *ibid.*, p. 469

⁸⁹⁴ Grey to Newcastle, 7 July 1863, AJHR 1863, E-03, Section I, p. 58

⁸⁹⁵ Grey to Newcastle, 4 July 1863, AJHR 1863, E-03, Section I, p. 54

⁸⁹⁶ Rogan to Bell, 3 July 1863, GLNZ R17, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries.

⁸⁹⁷ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.; Ashwell to Church Missionary Society, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

5.4 ANALYSIS OF THE ENCLOSURES

5.4.1 Events in Waiuku and Mauku

Six of Grey's notorious enclosures reference an alleged plan to attack Waiuku and Mauku.⁸⁹⁸ From these enclosures, and other evidence, it is possible to construct a possible narrative of events that led to the decision to invade the Waikato. In the enclosure dated 1 July, James Speedy, Mauku Resident Magistrate, reported that on 28 June, at a meeting of Māori at Patumāhoe, it was proposed to 'massacre the Europeans of this District without delay'.⁸⁹⁹ According to Speedy's information, this proposal was agreed to by the majority, especially the Ngāti Ruanui present.⁹⁰⁰ The report noted that P.H. King, Speedy's interpreter, was warned by Pātara that 'hostilities were inevitable and the evil was near'.⁹⁰¹ The letter concluded with the information that Pātara, Te Paea and party, had left Waiuku for the Waikato on 1 July.⁹⁰²

Te Paea had been in Manukau to remove ancestral bones to safety during late June and early July.⁹⁰³ Grey had written a letter to Te Paea to ask that Māori bones should not be shifted, but she had not followed these orders.⁹⁰⁴ On 19 June, Tāmami Ngāpora had requested permission to use his waka to convey Māori with the ancestral bones to Waiuku.⁹⁰⁵ Concerns were brought by Bell that the waka would be taken to Waikato, allowing it to be used in the anticipated hostilities, but Grey decided to allow it as Tāmami had promised it would be returned to Māngere.⁹⁰⁶ However, Grey noted that if Tāmami did not return the waka, 'his character will be further revealed and we shall be

⁸⁹⁸ Speedy to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 56; Aihepene Kaihau to Grey, 4 July 1863, E-03, Section I, pp. 58-59; Aihepene Kaihau to Speedy, 4 July 1863, E-03, Section I, p. 59; Hōri Tauroa to Speedy, 5 July 1863, E-03, Section I, p. 59; Extract of a Letter from Aihepene Kaihau to Speedy, 6 July 1863, E-03, Section I, p. 59; *Statement of Hori Tauroa to Mr. King of 5 July*, CO 209/173, p. 479

⁸⁹⁹ Speedy to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 56

⁹⁰⁰ *ibid.*, p. 56

⁹⁰¹ *ibid.*, p. 56

⁹⁰² *ibid.*, p. 56

⁹⁰³ Featon, p. 15; Maunsell to Grey, 16 June 1863, AJHR 1863, E-03, Section I, p. 54; Heta Tarawhiti to Maunsell, 16 June 1863, AJHR 1863, E-03, Section I, p. 55; Speedy to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 56; *Daily Southern Cross*, 4 July 1863, p. 3

⁹⁰⁴ Purchas to Bell, 19 June 1863, *Memoranda re Request of Tamami Ngapora for permission to take his canoe to Waiuku, Correspondence between AG Purchase, FD Bell and G Grey, 19-22 June 1863*, R22412326, ANZ.

⁹⁰⁵ *ibid.*

⁹⁰⁶ Grey Minute, 22 June 1863, *Memoranda re Request of Tamami Ngapora for permission to take his canoe to Waiuku, Correspondence between AG Purchase, FD Bell and G Grey, 19-22 June 1863*, R22412326, ANZ.

justified in taking further action'.⁹⁰⁷ The Māori transporting the bones arrived in Waiuku on 26 June.⁹⁰⁸ According to Speedy, Tāmāti's waka was later taken to Purapura, southwest of the Waikato.⁹⁰⁹ This likely led Grey to conclude that Tāmāti was not to be trusted.

Morgan wrote he was at Mauku and Waiuku on Sunday 28 June 1863, and he believed a plot was made on that very day at Patumāhoe to attack Mauku settlers.⁹¹⁰ According to Morgan, Hākopa Te Whaharoa of Patumāhoe attempted to warn Speedy of the danger, but was unable to do so as he was being watched.⁹¹¹ This is corroborated by Speedy's diary, 30 June, as Speedy noted that his wife had been warned by Hākopa that Patumāhoe Māori along with several Ngāti Ruanui Māori, intended to murder the local settlers, and urged her to leave Mauku with her family.⁹¹² Morgan's letter stated that the canoes with the bones were delayed at Waiuku because of bad weather, and so a messenger was sent to Patumāhoe to tell them not to attack as it would endanger their safety.⁹¹³ Waikato Māori left with the bones on 1 July, and both Morgan and Speedy wrote Māori had planned to murder Mauku settlers during the night of the 1st – 2nd July.⁹¹⁴ However, on that night there were celebrations for the Prince of Wales's marriage, and both Morgan and Speedy concur that bonfires frightened the Māori who planned to attack, who believed their plan had been discovered so they remained quiet.⁹¹⁵ According to Morgan, Hākopa was able to meet with Speedy the next day and inform him of the whole plan, and Speedy wrote that Hākopa had sent his brother to prevent the attack.⁹¹⁶ Morgan thought that the Europeans had been in great danger, and wrote: 'The Governor on hearing of the Mauku affair determined to disarm or remove the natives'.⁹¹⁷

⁹⁰⁷ *ibid.*

⁹⁰⁸ *Daily Southern Cross*, 4 July 1863, p. 3

⁹⁰⁹ Speedy to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 56

⁹¹⁰ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.

⁹¹¹ *ibid.*

⁹¹² Speedy Diary, 30 June 1863, *Speedy family: Miscellaneous papers*, MS-Papers-2184, ATL.

⁹¹³ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.

⁹¹⁴ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.; *Daily Southern Cross*, 4 July 1863, p. 3; Speedy to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 56; Speedy Diary, 9 July 1863, *Speedy family: Miscellaneous papers*, MS-Papers-2184, ATL.

⁹¹⁵ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.; Speedy Diary, 9 July 1863, *Speedy family: Miscellaneous papers*, MS-Papers-2184, ATL.

⁹¹⁶ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.; Speedy Diary, 9 July 1863, *Speedy family: Miscellaneous papers*, MS-Papers-2184, ATL.

⁹¹⁷ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.

Further evidence of the incident can be found in Ashwell's diary, and he wrote that he arrived on 2 July in Waiuku, where he was told by King, that a plot had been made by the Ngāti Ruanui Māori living at Patumāhoe, to attack settlers at Mauku.⁹¹⁸ According to Ashwell, the plot had been prevented by Pāora Te Iwi of Ngāti Tamaoho.⁹¹⁹ Ashwell recorded that on 5 July, he met with Grey, who informed Ashwell that he had already heard of the plot and had in consequence removed the women and children from Mauku to Auckland.⁹²⁰

There are also newspaper reports about these events. According to the *Daily Southern Cross*, a meeting of Mauku settlers was held on Wednesday, 1 July, to discuss arming the settlers, and they sent a delegation on the 3 July to meet with Domett who promised to provide 'assistance to defend the settlement against any marauding parties of natives that may attack them'.⁹²¹ The *New Zealander* wrote that 'the movements of natives – strangers for the most part – now in the Mauku and Waiuku districts have caused so much uneasiness that some of the settlers have deemed it necessary to send their families into Auckland'.⁹²² It is likely that these 'strangers' were the Ngāti Ruanui Māori at Patumāhoe. The *Daily Southern Cross* also reported Speedy had stated on 7 July at a meeting at Waiuku:

Patumahoe natives had determined to go to Taranaki, but were detained some time, waiting for the recovery of one of their number, this man died, and they resolved that before going they would attack the Mauku settlers, and do as much mischief as possible. The day fixed for the attack was Wednesday last [1 July], but by some means they had altered their arrangements. He had been informed that they still contemplated the attack, having only postponed it.⁹²³

Returning to Grey's enclosures, among those which were sent on 7 July, there are five enclosures which all appear to refer to this incident.⁹²⁴ These enclosures contained two

⁹¹⁸ Ashwell to Church Missionary Society, 28 July 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁹¹⁹ *ibid.*

⁹²⁰ *ibid.*

⁹²¹ *Daily Southern Cross*, 4 July 1863, p. 3

⁹²² *The New Zealander*, 7 July 1863, Page 3

⁹²³ *Daily Southern Cross*, 10 July 1863, p. 3

⁹²⁴ Aihepene Kaihau to Grey, 4 July 1863, AHJR 1863, E-03, Section I, pp. 58-59; Aihepene Kaihau to Speedy, 4 July 1863, AHJR 1863, E-03, Section I, p. 59; Extract of a Letter from Aihepene Kaihau to Speedy, 6 July 1863, AHJR 1863, E-03, Section I, p. 59; Hōri Tauroa to Speedy, 5 July 1863,

similar letters from Aihepene Kaihau dated 4 July – one to Grey and one to Speedy.⁹²⁵ Both letters stated that forty Ngāti Te Ata were to protect Waiuku, as he did not want his Pākehā to be killed.⁹²⁶ The letters stated that Aihepene had heard ‘fresh news’ that an attack would soon be made.⁹²⁷ In the letter to Grey, Aihepene asked him to be ‘careful of us and our Pakeha friends who are living in the bush’.⁹²⁸ It stated that he had advised Speedy to build several pā ‘for the protection of my Pakehas, for I do not approve of letting my Pakeha die’.⁹²⁹ The letter to Speedy stated that the Governor should do something, that Grey should swiftly send guns so he could protect the Europeans, and suggested that the settlers should gather at Waiuku for protection.⁹³⁰ In an extract from a letter of 6 July, written at Mauku, Aihepene inquired what the arrangements had been made by Grey for Waiuku, and asked if what cautionary measures were to be taken before everyone was killed.⁹³¹ He stated that his people had no powder, and if the Governor did not assist, then they would suffer.⁹³² He again warned Speedy that an attack would be soon, and pointed out that this was the second time he had warned him.⁹³³ This concurred with Morgan who wrote that Aihepene had warned Major Speedy twice of danger.⁹³⁴

The other two enclosures in the 7 July despatch were both from Hōri Tauroa. One letter dated 5 July reported that Tauroa had received news that Pākehā were to be killed by the people of Patumāhoe, who were determined to carry it out.⁹³⁵ According to the translation, Tauroa stated that the letter had been sent to request Speedy to speak to the Governor about driving away the people who had planned the attack, or taking any other action he thought proper, or they would soon kill Europeans.⁹³⁶ Tauroa also

AJHR 1863, E-03, Section I, p. 59; *Statement of Hori Tauroa to Mr. King of 5 July 1863*, CO 209/173, pp. 479-480

⁹²⁵ Aihepene Kaihau to Grey, 4 July 1863, AHJR 1863, E-03, Section I, pp. 58-59; Aihepene Kaihau to Speedy, 4 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹²⁶ Aihepene Kaihau to Grey, 4 July 1863, AHJR 1863, E-03, Section I, pp. 58-59; Aihepene Kaihau to Speedy, 4 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹²⁷ Aihepene Kaihau to Grey, 4 July 1863, AHJR 1863, E-03, Section I, pp. 58-59; Aihepene Kaihau to Speedy, 4 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹²⁸ Aihepene Kaihau to Grey, 4 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹²⁹ *ibid.*, p. 59

⁹³⁰ *ibid.*, p. 59

⁹³¹ *Extract of a Letter from Aihepene Kaihau to Speedy*, 6 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹³² *ibid.*, p. 59

⁹³³ *ibid.*, p. 59

⁹³⁴ Morgan to Browne, 20 July 1863, *Letters from Missionaries*, R20388460, ANZ.

⁹³⁵ Hōri Tauroa to Speedy, 5 July 1863, AHJR 1863, E-03, Section I, p. 59

⁹³⁶ *ibid.*, p. 59

wished that the Europeans would be on their guard, and that soldiers should be sent to Waiuku to assist Ngāti Te Ata defend Waiuku.⁹³⁷ He finished the letter by exhorting Speedy and Grey to respond quickly and not delay.⁹³⁸ The final enclosure that pertains to the threat of attack on Waiuku and Mauku can be found in the Colonial Office records, and it consists of an English translation of a statement by Tauroa to King of 5 July.⁹³⁹ According to the statement, Tauroa was with Aihepene and Pāora Te Iwi on 1 July, when a messenger came and informed them that it had been arranged by Māori from Tūākau, Pōkeno, Waikato and Patumāhoe to simultaneously attack the settlers at Drury, Pukekohe, Mauku and Waiuku on 2 July.⁹⁴⁰ The document also reported that messengers had been sent to defer the attack as Te Paea had not yet passed up the Waikato River.⁹⁴¹

On 7 July, Bell wrote that Ashwell had brought news on 5 July of a ‘very dark character’.⁹⁴² Bell continued:

There is now no doubt that on last Wednesday [1 July] a plot had been brought almost to the point of execution for murdering a number of the Patumahoe settlers... The certainty of the existence of a conspiracy to commence the work of murder on our own frontier has determined the Governor to make the first move... The Governor’s mind has been very much influenced, as well as ours, in coming to the resolution that immediate action was necessary, by accounts similar to Ashwell’s relating to a general rise throughout the Country... the Governor has come to the same conclusion that we all did in 1860-61, that fighting at Taranaki did nothing, and that the real issue must be tried in Waikato.⁹⁴³

It appears that Grey and his Ministers were convinced there was an impending danger of attack, for on 9 July, the troops were marched towards Waikato, but additionally,

⁹³⁷ *ibid.*, p. 59

⁹³⁸ *ibid.*, p. 59

⁹³⁹ *Statement of Hori Tauroa to Mr. King of 5 July 1863*, CO 209/173, pp. 479-480

⁹⁴⁰ *ibid.*, pp. 479-480

⁹⁴¹ *ibid.*, pp. 480

⁹⁴² Ward, *A Show of Justice*, p. 159; O’Malley, ‘Choosing Peace or War: The 1863 Invasion of Waikato’, pp. 45-46; Bell to Mantell, 7 July 1863, *Inward correspondence - F D Bell*, MS-Papers-0083-245, ATL.

⁹⁴³ Ward, *A Show of Justice*, p. 159; O’Malley, ‘Choosing Peace or War: The 1863 Invasion of Waikato’, pp. 45-46; Bell to Mantell, 7 July 1863, *Inward correspondence - F D Bell*, MS-Papers-0083-245, ATL.

an officer and twenty-five men were ordered by telegraph to Mauku Church.⁹⁴⁴ On 11 July, Speedy wrote to the Government to request that boats be sent to take women and children to safety, and stated that he considered that a Māori attack was imminent.⁹⁴⁵ Additionally, he reported that a settler had received a warning from Māori to leave, as there would be an attack on Monday, which would have been 13 July.⁹⁴⁶ The settlers in Mauku were fortifying their church, but Speedy thought they were not in immediate danger unless attacked by overwhelming numbers.⁹⁴⁷ From all this evidence, it would appear that there was a plan discussed by Māori in Patumāhoe to attack settlers in early July in the Mauku district, but it was never acted on, and indeed may have prevented by Māori themselves.

5.4.2 Analysis of the Remaining Enclosures

Most of the remaining enclosures are those which describe general rumours and threats. The letter dated earliest, 4 June, was by Hōhaia Ngahiwi.⁹⁴⁸ According to the translation of his letter, Hōhaia Ngahiwi reported that there had been an assembly of Kīngitanga Māori at Rangiaowhia on 27 May.⁹⁴⁹ According to the document, Tāmihana proposed that no Waikato or Ngāti Maniapoto Māori should go to Taranaki, and Tātaraimaka should be given to Governor Grey.⁹⁵⁰ The translation stated this was agreed to by Ngāti Hauā, Ngāti Korokī, Ngāti Apakura, Ngāti Werokoko, and several individual Māori.⁹⁵¹ Furthermore, it was stated they acknowledged that the deaths of the Pākehā were wrong.⁹⁵² However, according to Hōhaia, Ngāti Maniapoto and Ngāti Paretekawa did not agree and insisted upon going to Taranaki, until Matutaera sent a letter to Rewi requesting him not to go, which he obeyed.⁹⁵³ The letter concluded with the statement that Rewi again proposed an attack on Te Ia, but the majority were still opposed.⁹⁵⁴ This letter agrees with the account given by Gorst of the meeting at

⁹⁴⁴ D. J. Gamble, 5 August 1863, *Journals of the Deputy Quartermaster General in New Zealand*, WO 33/16, p. 43, ANZ.

⁹⁴⁵ Speedy to unknown, 11 July 1863, *Speedy, James 1811-1868: Letter*, MS-Papers-10629, ATL.

⁹⁴⁶ *ibid.*

⁹⁴⁷ *ibid.*

⁹⁴⁸ Hōhaia Ngahiwi to Gorst, 4 June 1863, CO 209/173, pp. 482-483; *Extract of a Letter from Hohaia Ngaheui* [sic], 4 June 1863, AJHR 1863, E-03, Section I, pp. 59-60

⁹⁴⁹ Hōhaia Ngahiwi to Gorst, 4 June 1863, CO 209/173, p. 482

⁹⁵⁰ *ibid.*, p. 483

⁹⁵¹ *ibid.*, p. 483

⁹⁵² *ibid.*, p. 483

⁹⁵³ *ibid.*, p. 483

⁹⁵⁴ *ibid.*, p. 483

Rangiaowhia at about this time.⁹⁵⁵ This letter provides evidence that Tāmihana and Matutaera were actively trying to prevent Māori from becoming involved in the fighting at Taranaki. Presumably, Grey's intention in enclosing this letter was to show that Matutaera had little control, as despite his disapproval, the letter alleged that Rewi was still urging an attack on Te Ia. The letter extract of the same date by the same author in the AJHR appears to be of little relevance, and it is possible that this extract was printed by mistake in the AJHR instead of the letter which can be found in Colonial Office Records.⁹⁵⁶

By chronological date, the next enclosure contained two letters dated 16 June, which consisted of a warning letter received by Maunsell from Heta Tarawhiti of Ngāti Mahuta, and another letter by Maunsell himself giving his opinions on Tarawhiti's views.⁹⁵⁷ Tarawhiti reported that a letter signed by 'the Runanga of Te Atua' had arrived at Rangiriri claiming an attack would be made on nearby Europeans because of a feeling of sympathy for the cause of Māori in Taranaki.⁹⁵⁸ Tarawhiti also claimed that he had seen a letter from Ngāruawāhia, ordering the Rūnanga to assemble and convey Kīngi to Taranaki, meaning that he should be taken to Te Ia.⁹⁵⁹ Tarawhiti also thought that the disinterment of bones at Māngere, and purchasing of goods by Waikato Māori indicated that 'evil was likely to arise in Waikato'.⁹⁶⁰ Additionally, according to the translation, Tarawhiti believed that 'the feelings of the elders of Waikato have become evil'.⁹⁶¹

In his letter, Maunsell wrote that he did not agree with Tarawhiti's views, and he noted that at a recent rūnanga held at Tūākau and Onewhero the majority were not in favour of fighting.⁹⁶² Maunsell believed that the removal of the remains from Māngere was merely 'customary in all doubtful states of affairs'.⁹⁶³ However, Gorst thought that the removal of the bones showed that Māori were convinced that the Governor would

⁹⁵⁵ Gorst, *The Maori King*, pp. 235-236

⁹⁵⁶ *Extract of a Letter from Hohaia Ngaheui [sic]*, 4 June 1863, AJHR 1863, E-03, Section I, pp. 59-60

⁹⁵⁷ *Enclosure 1 to No. 26*, AHJR 1863, E-03, Section I, p. 54

⁹⁵⁸ Heta Tarawhiti to Maunsell, 16 June 1863, AHJR 1863, E-03, Section I, p. 55

⁹⁵⁹ *ibid.*, p. 55

⁹⁶⁰ *ibid.*, p. 55

⁹⁶¹ *ibid.*, p. 55

⁹⁶² Maunsell to Grey, 16 June 1863, AHJR 1863, E-03, Section I, p. 54

⁹⁶³ *ibid.*, p. 54

attack as soon as his preparations were complete.⁹⁶⁴ It should be pointed out that the bones were not removed earlier, even in 1861 after Browne issued his ultimatum. Maunsell felt that since he had heard of earlier reports of attacks which had been false, that these warnings would also prove to be mere rumour.⁹⁶⁵ Nonetheless, Maunsell advised Grey that the people of Tūākau should be reminded that Grey would hold them responsible for any ‘mischief’ caused to the local settlers.⁹⁶⁶ Maunsell pointed out that he had received several reports that Tāmihana and Matutaera desired peace.⁹⁶⁷

It has been suggested that this meant that ‘Tarawhiti’s report was thus more or less comprehensively rebutted even before it reached Grey’⁹⁶⁸, but there is no good reason to suppose that Grey and Ministers favoured the views of Maunsell over those of Tarawhiti.⁹⁶⁹ Indeed, in Gorst’s opinion, Tarawhiti’s advice was ‘always sound and good’.⁹⁷⁰ Ashwell thought that Maunsell did not believe in the plot ‘as he is among loyal Natives and does not hear of the proceedings of Upper and Middle Waikato’.⁹⁷¹ Finally, it is worth noting that when Maunsell visited Grey on 13 July, Grey showed him evidence that led Maunsell to change his mind and conclude that ‘the leading men of Waikato had for some time, ever since the murders at Taranaki, been laying plans for war, attacking Auckland’.⁹⁷² It is likely that rightly or wrongly, Grey and his Ministers gave more credit to the views of Tarawhiti than Maunsell.

A further enclosure was written by Rev. Schnackenberg on 23 June, and merely warned that if Āporo was not released from gaol, the result would be that Auckland would be attacked by Rewi.⁹⁷³ It would appear however, that Āporo’s arrest was not

⁹⁶⁴ Gorst, *The Maori King*, p. 241

⁹⁶⁵ Maunsell to Grey, 16 June 1863, AHJR 1863, E-03, Section I, p. 54

⁹⁶⁶ *ibid.*, p. 54

⁹⁶⁷ *ibid.*, p. 54

⁹⁶⁸ O’Malley, ‘Choosing Peace or War: The 1863 Invasion of Waikato’, p. 41; O’Malley, *The Great War in New Zealand*, p. 196; O’Malley, ‘Assembling a case for invasion – the outbreak of the Waikato War’, p. 171

⁹⁶⁹ O’Malley, ‘Choosing Peace or War: The 1863 Invasion of Waikato’, p. 41; O’Malley, *The Great War in New Zealand*, p. 196; O’Malley, ‘Assembling a case for invasion – the outbreak of the Waikato War’, p. 171

⁹⁷⁰ Gorst, *New Zealand Revisited*, p. 301

⁹⁷¹ Ashwell to Church Missionary Society, 29 June 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

⁹⁷² Maunsell to Church Missionary Society, 24 July 1863, *Robert Maunsell and John Morgan – Papers*, Micro-MS-Coll-04-56, ATL.

⁹⁷³ Schnackenberg to [Grey?], 23 June 1863, E-03, Section I, pp. 55-56

of sufficient concern among the Kīngitanga for them to attack Auckland, meaning that this letter was a false alarm.⁹⁷⁴

Several of the infamous enclosures were authored by Ashwell. The first of these was a letter dated 23 June which appears to be a second-hand account of Tarawhiti's views.⁹⁷⁵ The other enclosure by Ashwell was a letter to Selwyn that was written on 30 June.⁹⁷⁶ In it Ashwell wrote he feared an outbreak, although he concluded 'as far as we can judge nothing very immediate is likely to take place'.⁹⁷⁷ Ashwell noted that Tāmihana was determined to oppose any treacherous attacks, but had advised him and all isolated Europeans in the Waikato to leave 'in consequence of these secret plots'.⁹⁷⁸ Ashwell counselled that the troops should be on the alert, as he believed that messengers had been sent throughout the country to incite a general rise.⁹⁷⁹

Grey also enclosed a letter from Waata Kūkūtai, in which he requested that he be sent arms without delay, as he felt that evil was at hand.⁹⁸⁰ This letter was dated 7 July, and so could have been received on or by 8 July, but it contains only vague warnings.⁹⁸¹ The next enclosure included reported rumours, but nothing of substance.⁹⁸² The last two enclosures were both written statements. On 7 July, Purchas made a written statement about a meeting with Tāmāti Ngāpora, who had recently received information from the Waikato.⁹⁸³ Purchas wrote that Tāmāti had told him that the talk of Waikato was very bad, and that many people were proposing to kill the Europeans without delay, whereas others were trying to stop these plans, and persuade them to ask the Governor to whakawā them for their misdeeds at Kohekohe and Te Awamutu.⁹⁸⁴ Purchas stated that Tāmāti had said that there would be a 'large gathering' of Māori at Rangiriri or Ngāruawāhia, and he urged his messenger to ask

⁹⁷⁴ Gorst, *The Maori King*, p. 241; Renata Tamakihikurangi and others to Featherston, 19 October 1863, AJHR 1863, E-11, p. 4

⁹⁷⁵ Ashwell to Selwyn, 23 June 1863, AHJR 1863, E-03, Section I, p. 55; O'Malley, 'Choosing Peace or War: The 1863 Invasion of Waikato', p. 41; O'Malley, *The Great War in New Zealand*, p. 196; O'Malley, 'Assembling a case for invasion – the outbreak of the Waikato War', p. 171

⁹⁷⁶ Ashwell to Selwyn, 30 June 1863, AHJR 1863, E-03, Section I, p. 58

⁹⁷⁷ *ibid.*, p. 58

⁹⁷⁸ *ibid.*, p. 58

⁹⁷⁹ *ibid.*, p. 58

⁹⁸⁰ Kūkūtai to Fenton, 7 July 1863, AJHR 1863, E-03, Section I, p. 61

⁹⁸¹ *ibid.*, p. 61

⁹⁸² *Statement made by Anatipa at the Three Kings*, 8 July 1863, AJHR 1863, E-03, Section I, p. 61; Rogan to Bell, 8 July 1863, AJHR 1863, E-03, Section I, p. 61

⁹⁸³ *Statement made by the Rev. A.G. Purchas*, 7 July 1863, AJHR 1863, E-03, Section I, p. 61

⁹⁸⁴ *ibid.*, p. 61

Māori to think quietly before carrying out any acts of war, and to warn Europeans before any violence began.⁹⁸⁵ Purchas noted that Tāmāti told him that if no attack was committed before next Sunday, 12 July, he would be relieved as it would mean that ‘the advocates of peace had gained a hearing’.⁹⁸⁶ Nonetheless, Purchas was warned that Europeans should stay on their guard.⁹⁸⁷ This warning letter was consistent with many of the others, which indicate that meetings were being held to discuss how to respond to the obvious threat to Waikato Māori by the troop build-up in Auckland. However, the statement indicates that no decision had in fact been made, and no attack came.

Another enclosure also comprised of a statement, in this case by Mark Somerville, made on 8 July regarding a meeting he had on 7 July with a Māori from Ihumātao, whose name was redacted.⁹⁸⁸ Somerville testified that he was told that there was ‘dark work going on’, and there would be ‘one great fight’.⁹⁸⁹ Somerville stated that he had been told that there would be a ‘great Runanga’ held by Māori for the next three days – which would be 8 July to 10 July.⁹⁹⁰ According to the statement, he was warned that on the fourth day, which would be Saturday, 11 July, he should take his children on board a vessel in the harbour, and when the fight was over, he could come ashore again.⁹⁹¹ He reported he was told that all Māori south of Auckland were ‘going to make one big fight of it’.⁹⁹² This agrees with the statement of Purchas that there would be rūnanga held over the next few days. Unlike most of the enclosures, this statement includes a specific day on which an attack was to be made, Saturday 11 July. However, there was no attack launched. It is worth keeping in mind Tāmāti Ngāpora’s opinion that if nothing had occurred by Sunday 12 July, he would be greatly relieved as it would indicate that Māori advocating peace had been heard.

Several of the enclosures included warning letters that were sent to from Raglan. One of them was a letter from Reverend Thomas Buddle to Grey, which included a vague warning from Hamiora Ngaropi, who was a Māori minister at Raglan, that everyone

⁹⁸⁵ *ibid.*, p. 61

⁹⁸⁶ *ibid.*, p. 61

⁹⁸⁷ *ibid.*, p. 61

⁹⁸⁸ *Statement made by Mark Somerville*, 8 July 1863, AJHR 1863, E-03, Section I, p. 62

⁹⁸⁹ *ibid.*, p. 62

⁹⁹⁰ *ibid.*, p. 62

⁹⁹¹ *ibid.*, p. 62

⁹⁹² *ibid.*, p. 62

throughout the province of Auckland should be on guard.⁹⁹³ It did not mention any specifics, and the value of the letter is also reduced by the fact that it is dated merely ‘Thursday afternoon’.⁹⁹⁴ It is of note however, that there is a letter to Grey by Buddle in the Sir George Grey Special Collections Manuscripts, which is also dated similarly, in this case ‘Friday morning’.⁹⁹⁵ In this letter Buddle requested that Grey, Domett and Bell keep both his name and the authors of Māori letters he had forwarded a ‘profound secret’.⁹⁹⁶ The unusual dating of the letter and the combination of the names of Grey, Domett and Bell lead to the possibility that the letter was written during July 1863. Grey wrote on the envelope which contained Buddle’s missive:

These letters to be kept. They are native letters giving information but begging that the informants name may be kept secret.⁹⁹⁷

It is likely that the envelope once contained the three censored letters which comprised the first three enclosures of Grey’s despatch of 11 July.⁹⁹⁸ In fact, the originals of these three have also been preserved in the Grey collection – the translations of the first enclosure corresponds to GNZMA 102, the second to GNZMA 14, and the third to GNZMA 87.⁹⁹⁹ These letters all have creases consistent with having been folded to fit inside the envelope which contained Buddle’s letter. The dates of the first two enclosures correlate with the AJHR, but the third manuscript is dated 6 June, not 6 July.¹⁰⁰⁰ Interestingly, in the Colonial Office version of this letter, there is an indication

⁹⁹³ Buddle to Grey, Thursday Afternoon, AJHR 1863, E-03, Section I, p. 56

⁹⁹⁴ *ibid.*, p. 56

⁹⁹⁵ Buddle to Grey, Friday Morning, GLNZ B41.8, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

⁹⁹⁶ *ibid.*

⁹⁹⁷ *Instructions signed by Sir George Grey (written on envelope)*, GLNZ B41.8, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

⁹⁹⁸ Enclosure 1, 2, and 3 to No. 30, AJHR 1863, E-03, Section I, pp. 60-61

⁹⁹⁹ Enclosure 1, 2, and 3 to No. 30, AJHR 1863, E-03, Section I, pp. 60-61; Wīremu Pātene to Tara [Patara - Thomas Buddle], 3 July 1863, GNZMA 102, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Hakopa Kotuku to Te Patara [Thomas Buddle], 4 July 1863, GNZMA 14, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

¹⁰⁰⁰ Wīremu Pātene to Tara [Patara - Thomas Buddle], 3 July 1863, GNZMA 102, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Hakopa Kotuku to Te Patara [Thomas Buddle], 4 July 1863, GNZMA 14, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

that the month of this letter was changed from June to July.¹⁰⁰¹ These original letters are uncensored, and they reveal the anonymous letters were addressed to Buddle, and their authors.¹⁰⁰² The first censored letter was signed by Wīremu Pātene, a Methodist minister at Whāingaroa and dated 3 July; the second is signed Hokopa Kotuku, who was a rangatira at Whāingaroa, and dated 4 July; and the third by Wīremu Nēra, dated 6 June, arguably 6 July.¹⁰⁰³ If they were indeed in the envelope dated Friday morning, the likely date they were received by Grey would be Friday 10 July 1863, consistent with his sending the translations to Newcastle on 11 July 1863, but after the decision had been made on 8 July to move the troops towards the frontier.

The first letter, now identified as being from Wīremu Pātene, reported that Māori would attack Auckland, and that this had been decided across the North Island and consented to by all the rangatira.¹⁰⁰⁴ Pātene warned that all of the Auckland Province should be on the alert.¹⁰⁰⁵ He requested his name be kept secret, and warned to beware of Hauraki, of Kaipara, and of the Ngāpuhi.¹⁰⁰⁶ The translation of the second enclosure by Hokopa Kotuku claimed that Tāmihana had ‘consented to an attack up the Ia, and even to include the town of Auckland’.¹⁰⁰⁷ The translation stated that letters had been sent to Hauraki to instruct them to kill Pākehā, and the planned attack ‘was not on account of Āporo, but that the King may prevail, and not be altogether done away with’.¹⁰⁰⁸ The letter from Nēra advised Buddle and Reverend James Wallis to be on guard, as there was a disturbance in New Zealand, and that they should be careful at Auckland, Ōtāhuhu, Tauranga, Ramarama, Pukewhau, Pōkeno, Te Ia, and Waiuku.¹⁰⁰⁹ Nēra reported that the information was from rangatira of Manukau, and it had been

¹⁰⁰¹ Anonymous [Nēra to Buddle], 6 July [June] 1863, CO 209/173, pp. 491-492

¹⁰⁰² Wīremu Pātene to Tara [Patara - Thomas Buddle], 3 July 1863, GNZMA 102, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Hokopa Kotuku to Te Patara [Thomas Buddle], GNZMA 14, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

¹⁰⁰³ *ibid.*

¹⁰⁰⁴ Enclosure 1 to No. 30, 3 July 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰⁰⁵ *ibid.*, p. 60

¹⁰⁰⁶ *ibid.*, p. 60

¹⁰⁰⁷ Enclosure 2 to No. 30, 4 July 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰⁰⁸ *ibid.*, p. 60

¹⁰⁰⁹ *Abstract of Record Information*, Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Enclosure 3 to No. 30, 6 July [June?] 1863, AJHR 1863, E-03, Section I, p. 60

arranged at Waikato, with Ngāti Maniapoto at Rangiaowhia, with Tioriori of Ngāti Hauā at Maungatautari, with Tāmihana and Ngāti Hauā at Tamahere, and also with Matutaera at Ngāruawāhia.¹⁰¹⁰ According to the translation, Nēra also commented that all of these tribes ‘are determined on evil’.¹⁰¹¹ The official translation stated that an attack was to be organised against Auckland or Raglan, and Ngāti Te Ata and Ngāti Tamaoho would attack Waiuku.¹⁰¹² Nēra’s letter agreed that the plan was not on account of Āporo, but to prevent the King from being humbled.¹⁰¹³ New translations of these letters should now be made, which may shed more light on the matter, but according to the translations available, these three letters give strong warnings that attacks were being planned, but they were likely received by Grey after the decision to invade had been made.

These three letters were subsequently printed, again anonymously, in the final edition of the *Maori Messenger: Te Karere Maori* which was dated 28 September 1863.¹⁰¹⁴ The letters in the *Messenger* have been edited, and in some cases are extracts of the original letters.¹⁰¹⁵ They appear in an article which claimed to give the reasons why the Governor ordered the soldiers to cross the Mangatāwhiri.¹⁰¹⁶ The niupepa blamed Waikato Māori, and stated that they had rejected the Governor’s efforts for peace and law, and instead had planned to murder Pākehā.¹⁰¹⁷ The newspaper held Waikato Māori were responsible for inciting the European deaths in Taranaki, and accused them of planning to kill Europeans in the Province of Auckland, and this was the reason why the troops crossed the Mangatāwhiri.¹⁰¹⁸ The article claimed that this was not a fabrication, but was based on letters that had been written to the Governor by Māori, warning him of the danger.¹⁰¹⁹ Of the four letters printed as examples of these letters,

¹⁰¹⁰ Enclosure 3 to No. 30, 6 July [June?] 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰¹¹ *Abstract of Record Information*, Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Enclosure 3 to No. 30, 6 July [June?] 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰¹² *Abstract of Record Information*, Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Enclosure 3 to No. 30, 6 July [June?] 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰¹³ Enclosure 3 to No. 30, 6 July [June?] 1863, AJHR 1863, E-03, Section I, p. 60

¹⁰¹⁴ *Maori Messenger: Te Karere Maori*, 28 September 1863, pp. 13-14

¹⁰¹⁵ *ibid*, pp. 13-14

¹⁰¹⁶ *ibid*, pp. 11-14

¹⁰¹⁷ *ibid*, pp. 11-12

¹⁰¹⁸ *ibid*, p. 12

¹⁰¹⁹ *ibid*, p. 12

three of them were the letters written to Buddle, not Grey, and were likely received by Grey on 10 July, after the troops had already begun to march.¹⁰²⁰ The author and recipient of the other letter is also redacted, and it is dated merely July.¹⁰²¹ This letter claimed an army had set out to attack Auckland, warned the Governor should be on his guard, and also claimed that Ngāti Maniapoto were on their way to Te Ia.¹⁰²² However, the letter concluded that they were only plans, and if nothing happened, all would be well.¹⁰²³ The English version of this letter is very similar to the English translation of a letter sent by Morgan to Browne.¹⁰²⁴ Morgan's version reveals that the letter was from Hōhaia Ngahiwi to Morgan himself, and moreover is dated 18 July 1863, well after the invasion took place.¹⁰²⁵ In no way can it be true that these letters were the reason for the crossing of the Mangatāwhiri, as it would appear that they all arrived after the decision had been made. This shows the article to be dishonest Government propaganda.

Interestingly, some of the letters appear in the 1865 book by William Fox, *The Revolt in New Zealand, A Series of Letters Addressed to the Rev. George Townsend Fox*. In Letter VI, Fox included extracts Grey's despatches of the 4 and 11 July 1863, the letter from Ashwell to the Bishop of New Zealand dated 30 June 1863, the three censored letters from Raglan, and also Fulloon's Memorandum of 20 June 1863.¹⁰²⁶ Fox claimed that these letters 'shew what was the character of the threatened invasion, and how imminent it became immediately after the outbreak at Taranaki'.¹⁰²⁷ Fox concluded his letter with the claim: 'Many other similar warnings from friendly natives and Missionaries were received at the same period, all proving beyond it doubt that the threatened advance upon Auckland by the Waikato tribes was imminent, and that not an hour was to be lost in taking steps to repel it'.¹⁰²⁸

¹⁰²⁰ *ibid*, pp. 12-14

¹⁰²¹ *ibid*, pp. 12-13

¹⁰²² *ibid*, pp. 12-13

¹⁰²³ *ibid*, p. 13

¹⁰²⁴ *ibid*, pp. 12-13; Hōhaia Ngahiwi to Morgan, 18 July 1863, *Letters from Missionaries*, R20388460, ANZ.

¹⁰²⁵ Hōhaia Ngahiwi to Morgan, 18 July 1863, *Letters from Missionaries*, R20388460, ANZ.

¹⁰²⁶ Fox, *The Revolt in New Zealand*, pp. 26-29

¹⁰²⁷ Fox, *The Revolt in New Zealand*, p. 26

¹⁰²⁸ Fox, *The Revolt in New Zealand*, p. 32

Overall, taken as a group, the ‘eighteen letters’ show that although it was highly likely that some Māori were contemplating and advocating an attack on Pākehā, there was also an important faction, led by Tāmihana and Matutaera, advocating for peace. However, these despatches show that no definitive plan had been agreed to, and indeed, no attack was made. The problem faced by Grey and the New Zealand Government was that if they failed to act, and Māori did attack, they would be held accountable for failing in their duty to protect the settlers. As Gorst later pointed out:

It was of course impossible to say then, and it is impossible to say now, whether the fear of attack was well grounded; in my opinion both then and now it was not; but after the fatal consequence of incredulity at Taranaki, the Government were reluctant to discredit native reports a second time.¹⁰²⁹

5.5 WAIKATO MĀORI REQUEST AN INVESTIGATION

It would appear that there may have been discussions between the New Zealand Government and Waikato Māori for an investigation into the incidents in the Waikato. One of Tāmihana’s criticisms of Browne was that he had not put Kīngi on trial before launching attacks.¹⁰³⁰ Following the incident with the timber at Kohekohe, Bell had written letters to Tāmami Ngāpora, Aihepene Kaihau, Ihaka Te Tihi and Mohi Te Ahi-ā-Te-Ngū which stated that if they requested it, there would be an investigation into their conduct.¹⁰³¹ In his enclosures dated 4 July, Aihepene suggested to both Grey and Speedy that an investigation should be held at Waiuku on 15 July.¹⁰³² According to the statement by Purchas of 7 July, Tāmami Ngāpora had informed him that discussions were underway in the Waikato, in which peacefully disposed Māori were attempting to persuade others to request that the Governor whakawā them, for their actions at Kohekohe and Te Awamutu.¹⁰³³ After Halse read the proclamation of 9 July to Tāmami, Tāmami inquired as to why Grey had not ordered an investigation to be made into the

¹⁰²⁹ Gorst, *New Zealand Revisited*, pp. 324-325

¹⁰³⁰ *Translation of the Reply of Wiremu Tamehana Te Waharoa to the Declaration Addressed by His Excellency the Governor to the Natives*, AJHR 1861, 1861 Session I, E-01b, p. 16

¹⁰³¹ Bell to Tāmami Ngāpora and others, 23 March 1863, AJHR 1863, E-01, p. 18

¹⁰³² Aihepene Kaihau to Grey, 4 July 1863, AJHR 1863, E-03, Section I, p. 58; Aihepene Kaihau to Speedy, 4 July 1863, AJHR 1863, E-03, Section I, p. 59

¹⁰³³ *Statement by the Rev. A.G. Purchas*, 7 July 1863, AJHR 1863, E-03, Section I, p. 61

wrongs of Waikato Māori before the troops were moved.¹⁰³⁴ Halse wrote that he informed Tāmāti he would not discuss that question, told him that the troops had been moved to prevent an attack by Waikato Māori on Auckland, and stated it was the first he had heard of an investigation, but nonetheless, Tāmāti ‘would not cease to urge for the investigation’.¹⁰³⁵ According to Gorst, on 14 July, Mohi Te Ahi-ā-Te-Ngū complained to Bell that there had been no investigation into the alleged misdeeds of Waikato Māori before Cameron crossed the Waikato.¹⁰³⁶ It is possible that if an investigation was held, Waikato Māori would have brought up their land claims to both Kohekohe and Te Awamutu, which would have been something that Grey and the Ministry would have wanted to avoid at all costs. The Domett Ministry had abandoned the Waitara Block so that the upcoming war would not be portrayed as being over land ownership, and they would not have wanted to risk land issues being raised during the course of an investigation. It would appear possible that there were discussions between the Government and Waikato Māori to hold an investigation into the incidents at Kohekohe and Te Awamutu. However, before any investigation was agreed to, Cameron crossed the Mangatāwhiri, and invaded the Waikato.

5.6 OATH OF ALLEGIANCE

A proclamation was issued by Grey on 9 July which announced that all Māori living in the Manukau and on the Waikato frontier had to take an oath of allegiance to Queen Victoria and surrender their arms – if they refused to do so, they would be required to depart for the Waikato.¹⁰³⁷ The Crown made no offer of compensation to Māori for the confiscation of their firearms. Although the ringleaders of the plot to attack Mauku settlers appear to have been Ngāti Ruanui living at Patumāhoe, Government Officers were sent out to all Māori in Manukau with Grey’s ultimatum. The result was most Māori refused to take the oath of allegiance or give up their firearms and instead left

¹⁰³⁴ Halse to Bell, 13 July 1863, *Received: 11 July 1863 From: H. Halse, Onehunga. Subject: Natives of Ihumatao and Pukaki refuse to take the oath of allegiance [Includes 63/856 and 63/867a]*, R22423548, ANZ.; Gorst, *The Maori King*, p. 246; Gorst, *New Zealand Revisited*, p. 42

¹⁰³⁵ Halse to Bell, 13 July 1863, *Received: 11 July 1863 From: H. Halse, Onehunga. Subject: Natives of Ihumatao and Pukaki refuse to take the oath of allegiance [Includes 63/856 and 63/867a]*, R22423548, ANZ.

¹⁰³⁶ Gorst, *The Maori King*, p. 248; Gorst, *New Zealand Revisited*, pp. 312-313

¹⁰³⁷ Featon, p. 18; *The New Zealander*, 11 July 1863; *Memoranda from Oath of Allegiance, forwarded to Defence Office Drafts of proclamation requiring oath of allegiance to be given by natives of Mangere, Pukaki, Ihumatao, Te Kirikiri, Patumahoe, Pokeno and Tuakau; authority for JE Gorst, H Halse, TA White and Major Speedy to administer the oath, 9-14 July 1863. Copies of “Te Waka Maori o Ahuriri”, Nepia, Haterei, dated 11 July 1863 and 25 July 1863, R22412338, ANZ.*

their homes and belongings and departed for the Waikato.¹⁰³⁸ Selwyn wrote to Grey to inform him that he saw the necessity of the proclamation, but Gorst described it as ‘a proceeding both unjust and impolitic’.¹⁰³⁹

Demanding that Manukau Māori swear an Oath of Allegiance to the Queen contained several serious issues. A major problem was that the Oath of Allegiance had been extremely poorly translated, and conveyed a different meaning and connotation in Te Reo Māori.¹⁰⁴⁰ The Government should have been more aware of the issues, because in May 1862, Aihepene Kaihau had refused to sign the oath.¹⁰⁴¹ Speedy described the oath, but when he handed Aihepene the form, allowing him to read it, Aihepene declined to sign it.¹⁰⁴² Speedy reported he ‘manifested great displeasure, saying “what have I to do with that murderous thing, what more do you require of me,” do you wish me to turn upon and—when, by gesture, he implied to kill or fight against his own people’.¹⁰⁴³ Aihepene later explained that he did not want to take the oath publicly, as it would cause him to lose influence with Waikato Māori.¹⁰⁴⁴ Following the proclamation of 9 July 1863, most Waikato Māori also refused to take the oath of allegiance.¹⁰⁴⁵ Later, Sewell asked Bell to tell him the literal meaning of the Te Reo version of the oath, and Sewell noted in his journal:

The material words are “to be faithful and bear true allegiance”. That, with us means to be quiet and loyal subjects and to obey the laws. In the Maori the words are “te piri pono”. Pono is faith. What is the meaning of piri, I said to Bell. “Oh, he said, it is difficult to find a word in Maori to signify to be faithful. Piri, means to adhere to, to cling to – it would be used by a tribe at war to express the readiness of others to fight as allies on their side”. So in fact when the Oath (so called) of Allegiance was tendered to the Natives, it was interpreted by them as a demand that they should take up arms, and fight on our side.¹⁰⁴⁶

¹⁰³⁸ Gorst, *The Maori King*, pp. 246-249; Gorst, *New Zealand Revisited*, p. 324

¹⁰³⁹ Selwyn to Grey, 10 July 1863, GLNZ S16.29, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Gorst, *New Zealand Revisited*, p. 324

¹⁰⁴⁰ Sewell Journal, 17 November 1863

¹⁰⁴¹ Speedy to Sewell, 7 June 1862, AJHR 1863, E-04, p. 21

¹⁰⁴² *ibid.*, p. 21

¹⁰⁴³ *ibid.*, p. 21

¹⁰⁴⁴ *ibid.*, p. 21

¹⁰⁴⁵ Gorst, *The Maori King*, pp. 246-249; Gorst, *New Zealand Revisited*, p. 324

¹⁰⁴⁶ Sewell Journal, 17 November 1863

It was little wonder that so few Waikato Māori took the oath, and instead chose to abandon their homes. The inherent problem of demanding such an oath had in fact been acknowledged by the Fox Ministry in 1861, when they had advised Grey that to apply to Māori ‘principles of allegiance and treason drawn from our own jurisprudence, is simply preposterous’.¹⁰⁴⁷ In a speech given in the Assembly of 1863, Sewell questioned if it was even legal to demand that Māori take an oath of allegiance.¹⁰⁴⁸ A grave miscarriage of justice had occurred. Shortly afterwards, on 12 July 1863, Cameron crossed the Mangatāwhiri River, and the invasion of the Waikato had begun.

5.7 WAIKATO IN JUNE AND JULY

Although there is a great deal of information and historical discussion about the proceedings of Pākehā in June and July, it is much harder to determine what was happening in the Kīngitanga, especially as most Europeans by this stage had been driven out of the Waikato. There are only a few hints and clues which allow some speculation into what was occurring south of the Mangatāwhiri at this critical juncture. In the letter from Maunsell of the 16 June, he wrote that he had recently received ‘several indisputable reports’ that Matutaera and Tāmihana wanted peace.¹⁰⁴⁹ According to Sewell, Matutaera prevented an attack by Ngāti Maniapoto on the settlers by stopping them from passing through the Waikato placing a tapu on the Waikato River.¹⁰⁵⁰ Some evidence to support this can be found in a letter by Hōhaia Ngahiwi, in which he mentions that the Waikato River had been blockaded by Māori.¹⁰⁵¹ A report in the *Daily Southern Cross* written on 29 June pronounced that ‘Tāmihana has no thoughts of war in his head’, and he was busily grinding his wheat at a mill near Pōkeno.¹⁰⁵² That Tāmihana was actively trying to prevent war was confirmed by Ashwell, who was one of the last Europeans to leave the Waikato. More details can be found in Ashwell’s Diary and he wrote that on 28 June, Tāmihana informed him:

¹⁰⁴⁷ *Minute by Ministers in Reference to the Governor’s Proposed Visit to Waikato*, 6 December 1861, AJHR 1862, E-02, p. 20

¹⁰⁴⁸ Fitzgerald, p. 801, 954

¹⁰⁴⁹ Maunsell to Grey, 16 June 1863, AJHR 1863, E-03, Section I, p. 54

¹⁰⁵⁰ Sewell Journal, 19 July 1863

¹⁰⁵¹ Hōhaia Ngahiwi to Morgan, 18 July 1863, *Letters from Missionaries*, R20388460, ANZ.

¹⁰⁵² *Daily Southern Cross*, 6 July 1863, p. 3

There is a “Tikanga kino” an Evil design Among the Tribes, and the work of Taranake will be again acted... The false friends of the Governor abt. Auckland have laid a plot. Different Tribes are asked to join in it. The Messengers are already sent to hear the desire of the Tribes – and then fearful evil will follow.¹⁰⁵³

Tāmihana did not give Ashwell the names of the plotters, but warned him that although the time for carrying out the attacks was not fixed, it may be soon.¹⁰⁵⁴ Finally, Tāmihana informed Ashwell he would oppose the plot.¹⁰⁵⁵ In early July, it would appear that Rewi Maniapoto, far from planning an invasion, was in Taupō attending a tangi, and did not return until after Cameron had crossed the Mangatāwhiri.¹⁰⁵⁶ Thus, in July 1863 those who have been traditionally identified as the three main leaders of the Kīngitanga – namely Matutaera, Tāmihana and Rewi Maniapoto were not plotting to attack Auckland.

On 9 July, Speedy noted in his diary he had been informed that Waikato Māori were gathered at Rangiriri, and Tāmihana was building two large sheds at Pēria for expected southern Māori.¹⁰⁵⁷ As previously mentioned, two of the ‘eighteen letters’ contained statements that there was to a ‘large gathering’ or ‘great Runanga’ held in Waikato.¹⁰⁵⁸ According to Purchas, Tāmāti Ngāpora had informed him that the Waikato Māori were discussing if they should launch an attack, or allow Grey to investigate their alleged misdeeds at Kohekohe and Te Awamutu, and if no attack occurred before the next Sunday, 12 July, Tāmāti thought this would mean that advocates of peace had prevailed.¹⁰⁵⁹ No attack came, and according to Sewell, Ahuriri rangatira had found out there was indeed a proposal to attack the settlers, but after Waikato held discussions

¹⁰⁵³ Ashwell to Church Missionary Society, 28 July 1863, *Letters to Church Missionary Society*, MS-Papers-8676-3, ATL.

¹⁰⁵⁴ *ibid.*

¹⁰⁵⁵ *ibid.*

¹⁰⁵⁶ O’ Malley, pp. 200-202; Isaac Shepherd to C. Law, 2 July 1863, 6 July 1863, NZMS 1064, Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries; Renata Tamakihikurangi and others to Featherston, 19 October 1863, AJHR 1863, E-11, p. 4; Gorst, *The Maori King*, p. 253

¹⁰⁵⁷ O’Malley, *The Great War in New Zealand*, p. 202; Speedy Diary, 9 July 1863, *Speedy family: Miscellaneous papers*, MS-Papers-2184, ATL.

¹⁰⁵⁸ *Statement made by the Rev. A.G. Purchas*, 7 July 1863, AJHR 1863, E-03, Section I, p. 61; *Statement made by Mark Somerville*, 8 July 1863, AJHR 1863, E-03, Section I, p. 62

¹⁰⁵⁹ *Statement made by the Rev. A.G. Purchas*, 7 July 1863, AJHR 1863, E-03, Section I, p. 61; *Statement made by Mark Somerville*, 8 July 1863, AJHR 1863, E-03, Section I, p. 62

in their rūnanga, it was decided on Sunday 12 July to maintain the peace, the very day that Cameron invaded their territory.¹⁰⁶⁰ Gorst commented:

It is, without doubt, highly probable that an attack on Auckland was proposed and discussed at war meetings. It would be strange had it been otherwise. We had often proposed and discussed an attack upon Waikato ourselves. But that the Waikatos would have crossed Mangatawhiri to assail us, I utterly disbelieve. Such an act was contrary to their principles, and could not have been carried out without a serious division amongst themselves. As a matter of fact, Tamihana and others kept Rewi from attacking Auckland, for a period of two months and a half, while the town was comparatively defenceless; and there is no reason to suppose they would have failed to restrain him when the town was under the protection of ten thousand soldiers.¹⁰⁶¹

A pamphlet produced by the Aborigines' Protection Society agreed with Gorst's view and stated:

A valued correspondent, who is a member of the House of Representatives, and who, for nearly a quarter of a century, has had an intimate personal acquaintance with the natives in every part of the island, writes:— "I have known all the principal Waikato chiefs for years. Many of them are old and sincere friends; and I assure you that it is untrue to say *that they ever intended* to attack Auckland."¹⁰⁶²

As Sewell concluded, the Crown had indeed committed a 'terrible blunder'.¹⁰⁶³

5.8 CONCLUSION

Although the plan to invade the Waikato was made on 24 June, the decision to implement it was made on 8 July, in agreement between Grey and his Ministers, and this resulted in British troops marching on 9 July. This was the point of no return, and on 12 July, the troops crossed the Mangatāwhiri, launching the invasion of the Waikato. It would appear the decision to implement the plan of invasion was largely

¹⁰⁶⁰ Sewell Journal, 13 September 1863; Fitzgerald, p. 801

¹⁰⁶¹ Gorst, *The Maori King*, p. 243

¹⁰⁶² Aborigines' Protection Society, *The New-Zealand Government and the Maori war of 1863-64, with especial reference to the confiscation of native lands, and the colonial ministry's defence of their war policy*, London: William Tweedie, 1864, p. 8

¹⁰⁶³ Sewell Journal, 13 September 1863

made due to the belief that Waiuku and Mauku were under imminent threat of attack. However, there was no attack launched, and even if Māori at Patumāhoe were plotting to attack settlers, this does not come close to providing justification for the expulsion of Māori from Manukau and the invasion of the Waikato.

The term used by Dalton to describe Grey's enclosures of 4, 7 and 11 July, the 'eighteen letters' is a complete misnomer, and these enclosures vary in date and number between the AJHR and the Colonial Office records. The enclosures have been presented by historians as Grey's entire case for the invasion of Waikato, but this is inaccurate as it ignores much of Grey's prior justifications which he had already sent to Newcastle. Another presumption was that Grey sent all his evidence to Newcastle, but this was not the case, as several documents were never sent. Additionally, Grey and his Ministers would have received oral warnings and advice, much of which never became part of any official record, for example, the advice of Ashwell and Morgan. Grey was in questionable mental health, and did a poor job of explaining the enclosures to Newcastle, but close analysis reveals that a proportion of them referred to an alleged plot to attack Waiuku and Mauku, and the remainder consist chiefly of general warnings and plans to attack Auckland Province. Of the enclosures, a majority of them could have reached the Government before the decision to invade on 8 July, but the three letters sent from Raglan to Buddle likely did not. The *Maori Messenger* reprinted these letters from Raglan, along with another letter without the correct date of 18 July, and falsely claimed that they were amongst letters which led to the invasion of the Waikato. This appears to be a clear act of Government propaganda. Additionally, Fox used several of the 'eighteen letters', including those from Raglan to make the case for invasion in 1865. Whilst these letters have been considered as insufficient evidence by many people, it does appear that as a result of reports of alleged plots reaching Grey and his Ministry, it was decided to initiate the invasion plan early. It is important to remember that Newcastle had ordered that the troops could not be used without agreement between the Governor and the Ministry, so the responsibility to invade the Waikato lies with both Grey and his Ministers. It would appear the majority of Pākehā were convinced that war was inevitable, including Grey, the Ministry, Cameron and the British Officers, the missionaries and even Bishop Selwyn. However, despite all the warnings and letters, no attack was ever made.

There is also some evidence that Waikato Māori had requested an investigation into their actions in the Waikato, namely the prevention of the construction of the courthouse and the expulsion of Gorst. However, it is likely that the Crown did not desire an investigation as it is probable that Waikato Māori would have defended their actions on the basis that the title of the land was disputed. The last thing at this time that the Crown would have desired was for Waikato Māori to be able to portray the invasion of the Waikato as being over land ownership.

After initiating the invasion plan, a proclamation was issued that demanded that Māori swear allegiance to Queen Victoria and give up their arms, or leave for the Waikato. The oath was mistranslated and it implied that Māori would have to fight against their own people, and furthermore, even to demand Māori swear an oath of allegiance at all was of questionable legality. Nor was there any mention of compensation for the surrender of their firearms. The demands in the proclamation were a miscarriage of justice.

It has been often claimed that Matutaera, Tāmihana and Rewi Maniapoto were planning to attack Auckland. The knowledge of the events in Waikato at this time is scant, due to the expulsion of most Europeans from the Waikato, but what little evidence there is, shows that Matutaera and Tāmihana were attempting to prevent an attack on Auckland and were advocating for peace. In addition, Rewi Maniapoto was not even in the Waikato. According to Sewell, the peaceful views of Matutaera and Tāmihana prevailed, but on the same day General Cameron crossed the Mangatāwhiri. It was indeed a terrible blunder by the Crown.

Chapter 6: Conclusion

6.1 CONCLUSION

On 12 July 1863, British troops crossed the Rubicon of the Mangatāwhiri, signalling the start of the invasion of the Waikato. The invasion did not mark the beginning of a new war, but the recommencement of hostilities in a war which had begun in March 1860, when British soldiers fired upon Wīremu Kīngi's pā at Waitara. The indecisive fighting in Taranaki did not end in peace, but a truce. Grey was appointed Governor of New Zealand in 1861, with the hope that he would be able to bring peace, but he had received a poisoned chalice. The news of Grey's appointment halted Browne's diplomatic and military preparations and it is probable that his appointment prevented immediate war with the Waikato. However, Grey's attempts to bring peace failed, culminating in his launching the invasion of the Waikato, but the blame does not rest with Grey alone, but also with the British Government, represented by the Duke of Newcastle, and the New Zealand Government, comprised of the Ministers and Assembly.

Grey arrived in New Zealand in September 1861, the leaders of the Kīngitanga were so disillusioned with British rule, they did not even try to contact the new Governor. There was no peace, but a tense stand-off between the settlers and the Kīngitanga. An important reason for the alienation of the Kīngitanga, was that after Tāmihana had made a truce, Browne had sent Waikato Māori an insulting ultimatum, which demanded that they submit to the Queen's Sovereignty, restore plunder taken, and provide compensation for the losses sustained in the war by both Māori and Pākehā. Browne threatened the Waikato would be invaded if Māori did not comply. The Kīngitanga had defied Browne, and he had been replaced. After this victory, they saw no reason to submit to a new Governor, regardless of his prior reputation.

As the new Governor of New Zealand, Grey was not an autocrat, nor did he have the same freedom of action as he had in 1845 and 1846. He was meant to obey orders from Newcastle, who represented the wishes of the British Government, and also work with his Ministers and the Assembly, who represented the New Zealand Government. This left Grey less room to manoeuvre than has been supposed. Newcastle in fact provided

Grey with detailed orders. Newcastle informed Grey that his main task was achieve peace. Newcastle also ordered Grey to introduce to Māori institutes of civil government, and law and order. Grey was also instructed to reform the land purchase system. Newcastle also promised that the Crown would provide British troops, but stipulated that the Governor would not be authorised to use them against Māori without the support of the New Zealand Government. Newcastle also advised Grey to make as many roads as possible, as they served a valuable purpose for both peace and war. Importantly, Newcastle ordered Grey not to recognise the Māori King except as a subordinate to the Governor. This contradicted the desire of the Kīngitanga, as expressed by Tāmihana, that the Māori King and the Governor should be equals. Additionally, the Assembly had already banned recognising the Māori King as an independent monarch, meaning this solution was not an option for Grey. Newcastle's orders were easier to compose in England than implement in New Zealand.

Grey also had to work with the New Zealand Ministers. Soon after he arrived, Grey declared he would also rely on Ministerial Advice in Native Affairs, as was the practice in other matters. In many ways this was essential, as the help of the Ministry would be necessary in providing funding for his policies. Additionally, Grey thought that he would be able to persuade the Ministers to endorse his policies, meaning that if he was successful in bringing peace, he could take credit, whereas if he failed, the blame, responsibility and payment for war would rest with the New Zealand Government. On 8 October 1861, the Fox Ministry produced a memorandum for Grey's consideration. It recommended Grey adopt a peaceful policy, and that Browne's ultimatum should be abandoned. The memorandum stated that Māori should be offered an alternative to the Kīngitanga in order to entice them back to supporting the Crown. It was also suggested after that the settlements should be placed in a state of defence, and as many Māori allies secured as possible, the Government should take appropriate military action to resolve the difficulties in Taranaki surrounding the Tātaraimaka and Waitara Blocks. In many ways, Grey followed the advice of this initial document, by implementing policies designed to win over allies and finally attempting a military solution to the problems in Taranaki in 1863.

From the instructions and advice of the British and New Zealand Government, Grey constructed his policy. It has been suggested that Grey may have been planning war from his arrival, and merely making a pretence at peace, but this is most unlikely as

shortly after his arrival, Grey wrote a series of despatches arguing cogently against war, due to its expense and likely lack of success. Additionally, Browne was facing criticism in Britain for his warmongering, and Grey likely believed his own boast that he would be able to achieve peace quickly and easily with fighting. In November 1860, Grey had written to Newcastle to criticise Browne's disastrous policy which had led to war in Taranaki. His epistle stated that war was the wrong strategy, as 'the true policy to pursue in New Zealand, was to remember how few in number the natives were, and that a few years peaceful colonization would put the Europeans in such a position of numerical superiority that a war would have been impossible'.¹⁰⁶⁴ It is probable that this was the overarching policy that Grey would have preferred to implement. At this stage, Newcastle, the Ministry and Grey were all in agreement that peace should be sought.

The initial policies of Grey followed closely the recommendations of both Newcastle, the Ministry, and no doubt also his own views. Grey's policy was to offer local self-government and salaries to Māori, which has become known as the New Institutions, whilst simultaneously strengthening the Colony's military position through building roads, redoubts, and acquiring steamers to control the Waikato River. Grey was offering the olive branch or the sword. The New Institutions were never fully implemented, and were rejected by Kīngitanga Māori, but were successful in gaining for the Crown valuable allies, such as the Lower Waikato Māori. There can be no doubt that Grey and both the Imperial and Colonial Government would have been delighted if the New Institutions managed to reconcile the Kīngitanga and bring about peace, but they did not fulfil the desire of the Kīngitanga that the Māori King should be the equal of the Governor. Grey had also miscalculated that Kīngitanga Māori would be intimidated by British forces into coming to terms, and instead Kīngitanga Māori saw Grey's military build-up as a direct threat of invasion, and it destroyed any trust that may have remained in the Crown. Grey's initial policies were a complete failure.

In late 1862, Grey's attempts to reconcile Kīngitanga Māori ran into major difficulties. His policies also failed to find favour with both the Colonial Office and the Assembly. Newcastle failed to support Grey, and threatened to withdraw the troops. When the

¹⁰⁶⁴ Extract from Grey to Newcastle, 21 November 1860, *Duke of Newcastle: Papers*, Micro-MS-Coll-20-1577, ATL.

Assembly met, the Fox Ministry was defeated over the agreement Grey had made with his Ministers that he would consult with the Ministry on Native Affairs, which led to disaster in 1863. Another major result was that the new Domett Ministry, and especially Bell, the new Native Minister, did not support the New Institutions, which doomed them to failure. New policies were adopted, which included an attempt to introduce 40,000 more settlers into New Zealand, and to allow Māori to sell land directly. Plans were made to build a school and a courthouse, which doubled as a barracks, in the Waikato in order to entice young Māori men into the influence of the Crown. These new policies failed to avert war, and helped bring about disaster in 1863. The hui at Pēria demonstrated that Grey's policies had completely failed to reconcile the Kīngitanga, and furthermore by the end of 1862 he had alienated influential rangatira, including Wī Tako, Tāmihana and Matutaera.

On New Year's Day 1863, Grey set off for the Waikato in a final attempt at personal negotiation with Kīngitanga rangatira. The meeting at Taupiri was a complete disaster, as Grey became sick, and by uttering an unfortunate phrase that he would 'dig round' the Māori King until he fell convinced many Kīngitanga Māori there would be no concessions made by Grey. Following this diplomatic failure, Grey decided to attempt to resolve the issues in Taranaki, and in March 1863 uneventfully occupied the Tātaraimaka Block. Meanwhile, in the Waikato, Kīngitanga Māori prevented the construction the courthouse that was designed to also function as a barracks, expelled Gorst, closing his school and most Europeans fled from the Waikato. This ended Crown influence in the Waikato, and ended Grey's schemes to 'dig round' the Kīngitanga. Although the Europeans had now been expelled from the Kīngitanga, it appears that a trade embargo, as had been previously suggested by the Fox Ministry was not considered. Meanwhile in Taranaki, Grey argued with his Ministers, namely Domett and Bell, over abandoning the Waitara Purchase. Both Domett and Bell had supported the Stafford Ministry, and Browne's policies. As a result of the delay caused by Grey and his Ministry quarrelling, Ngāti Ruanui became convinced that the Waitara would not be returned, and so launched the Ōakura ambush which restarted hostilities in Taranaki. Only after the ambush did the Domett Ministry finally agree to return the Waitara, but not out of a sense of justice, but so the resulting war would not look like it began over land. However, if the Fox Ministry had still been in office, it is highly probable that Fox, who had been the leading critic of Browne, would have supported

Grey in rapidly returning the Waitara Block, and this would have prevented the outbreak of war in Taranaki. It has been often been claimed that there was little difference between the Fox Ministry and the Domett Ministry, but this change of Ministry may in fact be one of the most significant in New Zealand history.

By this time, events were beginning to spiral out of control and Grey saw war as the only possible outcome. Following the Ōakura ambush, an ultimatum was sent to the Māori King and which demanded that the Kīngitanga had to choose between the perpetrators of the ambush and the Crown. However, the Kīngitanga had ignored an ultimatum from a Governor before, and the result had been that the Governor had been recalled and the ultimatum withdrawn. The British victory at the Battle of Katikare likely convinced Grey that successful military action against Māori would be easily achievable and also allowed Grey to remove troops from Taranaki and concentrate them in Auckland to threaten the Kīngitanga directly with invasion. By this time, it would appear that Grey was convinced that the Kīngitanga was responsible for ordering the Ōakura ambush, and furthermore a general uprising was planned. On 8 June, Grey likely hoped Neri Te Ahu would submit to the ultimatum, denounce the ambush and its perpetrators and offer concessions, but instead Neri demanded the withdrawal of the magistrate from Taupō. Grey lost his temper and threatened to imprison Neri, and this meeting marked the end of diplomacy to resolve the difficulties. Shortly afterwards, there was a devastating fire in Auckland, and Āporo was arrested. At about this time, Tāmihana sent a letter stating that he was undecided if the Ōakura Ambush was kōhuru or not, which would have been seen as defiance by Grey and the New Zealand Government. General Cameron was sent for, and James Fulloon wrote a memorandum describing an alleged plan of attack by the Kīngitanga. On 24 June, the New Zealand Government adopted a plan to invade the Waikato, and the British troops were concentrated in Auckland.

As troop numbers increased in Auckland, so did the tensions. According to the Deputy Quartermaster General, the military preparations would have been complete on 16 July, yet the troops began to march to the front on 9 July. It has been claimed that this was because preparations were completed early, but on 8 July Cameron had proposed that an attack should be launched when reinforcements arrived from Australia, and these troops did not arrive until 2 September. There is no evidence to suggest that the military preparations were complete, but on the contrary, Cameron, Gamble and Gorst

all recorded that the decision was made due to multiple reports coming in that Māori were planning to attack.

Some of these reports were sent by Grey to Newcastle, and have become known by to historians by the misnomer the 'Eighteen Letters'. They consist of the enclosures to three despatches sent in early July prior to the invasion of the Waikato. However, it is important to bear in mind that these despatches would not have contained all the evidence received by Grey and his Ministry, and the New Zealand Government also received oral warnings, importantly from Morgan and Ashwell. Grey's accompanying despatches to the 'Eighteen Letters' did little to clarify the contents of the enclosures, but analysis reveals that the enclosures can be divided into two main categories, those that warned of general attacks, especially on the Province of Auckland, but also enclosures that refer to a more specific plot to attack Mauku and Waiuku. Although the plots to never went ahead, it seems that Grey and the Ministry were convinced that an attack would soon occur.

Tragically, rather than investigate the village of Patumāhoe where it was believed the ringleaders of the plot to attack Waiuku and Mauku were, Grey gave orders that the entire Māori population of Manukau should swear an oath of allegiance to the Queen and give up their arms or depart to the Waikato. The oath was mistranslated which resulted in Manukau Māori believing that the oath required them to fight on the side of the Crown against their fellow Waikato Māori, and so the majority of Manukau Māori sought refuge in the Waikato. On top of this, it was questionable if the Oath of Allegiance was even legal. This was an act of great injustice by the Crown.

Whilst the Crown was preparing for war, it would seem that in that the Waikato, rangatira were still debating if the Governor should be allowed to investigate their conduct at Kohekohe and Te Awamutu. It is likely that Waikato Māori would have defended their actions on the basis that they disputed that the land ownership at both locales. However, having finally abandoned the Waitara block so that the impending war could not be seen as being about land, the last thing that the Crown would have wanted was to give Kīngitanga Māori a forum to protest land ownership. Furthermore, at this time, Rewi Maniapoto was not organising an attack, as he was absent from the Waikato attending a tangi at Taupō. In addition, there is evidence that Matutaera and Tāmihana during early July were advocating for peace. According to Sewell, at a large rūnanga held in the Waikato, it was agreed on 12 July 1863 not attack. Disastrously

for Waikato Māori, on the very same day, Cameron crossed the Mangatāwhiri, commencing the invasion of the Waikato.

One of most important conclusions that is demonstrated by this thesis is that Grey was not acting alone. Historians have analysed Grey's policies as if he had complete control of decision making, but he had to work with Newcastle and his New Zealand Ministry, who in turn were responsible to the Assembly. His boasts that he would decide policy and get his Ministry to agree proved unachievable, and led to disaster in Taranaki where there was a serious rupture between Grey and his Ministers. It is also important to remember that Newcastle had ordered that troops could not be used without Ministerial approval, so there could be have been no invasion of the Waikato without an agreement between Grey and his Ministers. Perhaps the only way peace could have been achieved was the recognition of the Māori King, but even if Grey himself had desired to do, this course of action would have been opposed by the Assembly and was also against the orders of the Duke of Newcastle. Whilst Grey planned ahead for hostilities, it is obvious his preferred solution to the difficulties was to achieve a peaceful solution which would enable colonisation and 'amalgamation' of Māori into the new Pākehā population. Grey did not start the war, but he failed to bring peace. Although Grey must bear his share of the responsibility for his failure, it is simplistic to blame one man for the invasion of the Waikato. The responsibility also lies with Browne's Governorship, the British Government represented by Newcastle, and the New Zealand Government, especially the Domett Ministry.

Chapter 7: Bibliography

7.1 ARCHIVES AND MANUSCRIPTS

7.1.1 Alexander Turnbull Library (ATL.)

Bell, Francis Dillon and others: Letters, MS-0161

Duke of Newcastle: Papers, Micro-MS-Coll-20-1576

Duke of Newcastle: Papers, Micro-MS-Coll-20-1577

Hadfield, Octavius (Rev), 1814-194: Transcripts of Letters, MS-Papers-10731

Inward correspondence - F D Bell, MS-Papers-0083-245

Letter to Wiremu Kingi and Rewi Maniapoto re Maori War, MS-Papers-3093

Letters to Church Missionary Society, MS-Papers-8676-3

Ormond to McLean, 27 May 1863, *McLean Papers*, MS-Papers-0032-048

George Sisson Cooper to McLean, 30 May 1863, *McLean Papers*, MS-Papers-0032-0228

Featherston to McLean, 13 June 1863, *McLean Papers*, MS-Papers-0032-0266

Rogan to Unknown, 26 June 1863, *McLean Papers*, MS-Papers-0032-0541

Parris to McLean, 17 July 1863, *McLean Papers*, MS-Papers-0032-0494

Bell to McLean, 20 July 1863, *McLean Papers*, MS-Papers-0032-0158

Morgan, John 1810-1865: Letters and Journals of the Rev. John Morgan, missionary at Otawhao, Letters and Journals Vol. 3, qMS-1392

Robert Maunsell and John Morgan – Papers, Micro-MS-Coll-04-56

Sewell, Henry 1807-1879: Journal of Henry Sewell, qMS-1783-1788

Speedy family: Miscellaneous papers, MS-Papers-2184

Speedy, James 1811-1868: Letter, MS-Papers-10629

Whiteley, John, 1806-1869: Journal of the Rev John Whiteley, missionary to New Zealand, qMS-2212-2213

7.1.2 Archives New Zealand (ANZ.)

Answers to accusations respecting Pouakai land, seizure of the mail and murders in Taranaki, 31 December 1861, R22412245

Draft replies, Miscellaneous minutes, notes, etc - 23 July 1861 - May 1862 (Fox Ministry), R17588066

*From: I E Featherston, Superintendent, Wellington To: Colonial Secretary, Taranaki
Date: 29 May 1863 Subject: Reports that everything remains quiet, does not
think it advisable to call out the militia, R24150525*

*Memoranda from Captain Bulkely, ADC to Mr Halse, forwarded to Defence Office, 7
May 1863, R22412309*

*Memoranda from FD Bell, forwarded to Defence Office, 8 June 1863, States that he
has given instructions to Neri te Ahu to leave Auckland, within an hour
Attachment: H Halse to FD Bell, 8 June 1863, informs Bell that Neri te Ahu left
town precipitately, R22412314*

*Memoranda from FD Bell, Taranaki, forwarded to Defence Office, 31 March 1863,
R22412294*

*Memoranda from FD Bell to the Governor, forwarded to Defence Office 18 May
1863 Describes measures taken for the evacuation of families from Raglan,
R22412322*

*Memoranda from J Fulloon, forwarded to Defence Office, 20 June 1863, Describes
plan of attack worked out in 1861 crisis and projects it will be used in current
hostilities, R22412391*

*Memorandum from James Fulloon, forwarded to Defence Office 24 May 1863,
R22412310*

Memoranda from JE Gorst, forwarded to Defence Office 8 May 1863, R22412373

*Memoranda from Oath of Allegiance, forwarded to Defence Office Drafts of
proclamation requiring oath of allegiance to be given by natives of Mangere,
Pukaki, Ihumatao, Te Kirikiri, Patumahoe, Pokeno and Tuakau; authority for
JE Gorst, H Halse, TA White and Major Speedy to administer the oath, 9-14
July 1863. Copies of "Te Waka Maori o Ahuriri", Nepia, Haterei, dated 11 July
1863 and 25 July 1863, R22412338*

Memoranda from [R Parris], forwarded to Defence Office [May 1863], R22412315

*Memoranda re Request of Tamati Ngapora for permission to take his canoe to
Waiuku, Correspondence between AG Purchase, FD Bell and G Grey, 19-22
June 1863, R22412326*

*Memoranda re Statement of the Ngatiruanui people, forwarded to Defence Office
Schedule of Accounts and papers laid upon the table – Accounts (see Finance) –
"Hokioi" and "Pihohoi" Newspapers, Files and translation of the, R17684836*

Minutes - 24 July 1855 - 23 February 1866, R14983890

*Received: 11 July 1863 From: H. Halse, Onehunga. Subject: Natives of Ihumatao
and Pukaki refuse to take the oath of allegiance [Includes 63/856 and 63/867a],
R22423548*

*Schedule of Accounts and papers laid upon the table - Accounts (see Finance) -
Native Affairs, Letter from Mr Dillon Bell to Waikato Chiefs dated 7 May 1863,
R17684844*

Schedule of Accounts and Papers laid upon the table - Maori King Movement, Further papers relative to the Maori King Movement, reports of Mr Buller, RM, R17684690

[Typescript] Typed by Miss Margaret Swarbrick, December 1964, Classified letters - Letters from Missionaries, Rev. J Morgan, 1 January 1861 - 12 June 1864, Rev. J Wilson, 17 June - 21 August 1861, R20388460

Gamble, D.J., Journals of the Deputy Quartermaster General in New Zealand, WO 33/16 (microfilm)

Selections from Despatches and Letters Relative to the Conduct of Military Operation in New Zealand, 1860-65, WO 33/16, (microfilm)

7.1.3 Sir George Grey Collection, Central City Library Tāmaki Pātaka Kōrero, Auckland Council Libraries

Armitage to Grey, 29 December, 1861, GLNZ A10.1

Balneavis to Harris, 8 May [1863], GLNZ G1.H1b.ii

Buddle to Grey, Friday Morning, GLNZ B41.8

Extracts from correspondence etc. relative to the Waikato war in 1863, GNZMS 200

Grey to Biddulph, 8 June 1863, NZMS 737.

Grey to Biddulph, 4 July 1863, NZMS 737

Hakopa Kotuku to Te Patara [Thomas Buddle], 4 July 1863, GNZMA 14

Isaac Shepherd to C. Law, 2 July 1863, 6 July 1863, NZMS 1064

Notes showing some [of] the errors in F J Moss's "School history of New Zealand", GNZMS 88

Nēra to Patara [Thomas Buddle] and Te Warihi [James Wallis], 6 June 1863, GNZMA 87

Selwyn to Grey, 10 July 1863, GLNZ S16.29

Tāmihana to Nēra, 23 April 1862, GNZMA 208

Tāmihana to Rapata Tearakai, 8 September 1862, GNZMA 124

Te Whiwhi, Henare Matene, aka Te Whiwhi-o-te-rangi to Tāmihana [Te Rauparaha], 30 March 1863, GNZMA 189

Wīremu Pātene to Tara [Patara - Thomas Buddle], 3 July 1863, GNZMA 102

7.1.4 The National Archives, Kew

CO 209 files imaged by Professor Michael Belgrave

7.2 BOOKS, ARTICLES AND REPORTS

Aborigines' Protection Society, *The New-Zealand Government and the Maori war of 1863-64, with especial reference to the confiscation of native lands, and the colonial ministry's defence of their war policy*, London: William Tweedie, 1864

Anonymous, *The Case of New Zealand*, London: W. Clowes and Sons, 1865

Ashwell, Benjamin Y., *Benjamin Ashwell Papers*, MSS & Archives A-172, Special Collections, University of Auckland Libraries and Learning Services.

Alexander, Sir James Edward, *Bush Fighting, Illustrated By Remarkable Actions and Incidents of The Maori War In New Zealand*, Christchurch: Capper Press, 1973. (1873 facsimile)

Alexander, Sir James Edward, *Incidents of the Maori War*, Christchurch: Capper Press, 1976. (1863 facsimile)

Belgrave, Michael, *Dancing with the King*, Auckland: Auckland University Press, 2017.

Belgrave, Michael, Kawharu, Merata, and Williams, David (editors), *Waitangi Revisited, Perspectives on the Treaty of Waitangi*, 2nd edition, Melbourne: Oxford University Press, 2011.

Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland: Penguin Books, 1998.

Best, Eldon, *The Pa Maori*, Wellington: Museum of New Zealand Te Papa Tongarewa, 1995.

Boast, Richard and Hill, Richard S. (editors), *Raupatu: The Confiscation of Maori Land*, Wellington: Victoria University Press, 2009.

Bohan, Edmund, *To Be a Hero, A biography of Sir George Grey*, Auckland: HarperCollinsPublishers, New Zealand Limited, 1998.

Carter, C. R., *Life and Recollections of a New Zealand Colonist*, Vol. II, London: R. Madley, 1866.

Collier, James, *Life of Sir George Grey*, Christchurch: Whitcombe and Tombs, 1909.

Chappell, N.M., *New Zealand Banker's Hundred, A History of the Bank of New Zealand 1861-1961*, Wellington: Bank of New Zealand, 1961.

Condliffe, J.B. and Airey, Willis T.G., *Short History of New Zealand*, Sixth Edition, Auckland: Whitcombe and Tombs Limited, 1938.

Cowan, James, *The New Zealand Wars and the Pioneering Period, Volume I*, Wellington: P. D. Hasselberg, Government Printer, 1983.

Cox, Alfred (ed.), *Men of Mark of New Zealand*, Christchurch, N.Z.: Whitcombe & Tombs Limited, 1886.

- Dalton, B. J. *War and Politics in New Zealand 1855-1870*, Sydney: Sydney University Press, 1967.
- Fargher, Ray, *The best man who ever served the Crown? A Life of Donald McLean*, Wellington: Victoria University Press: 2007.
- Featon, John, *The Waikato War 1863-1864*, Christchurch: Capper Press, 1971. (1879 facsimile)
- Fitzgerald, Maurice (editor), *New Zealand Parliamentary Debates, Third Parliament, Legislative Council and House of Representatives, 1861 to 1863*, Wellington, Government Printer, 1886.
- Foljambe, C.G.S., *Three Years on the Australian Station*, London: Hatchard & Co, 1868.
- Ford, P. and Ford, G. (Chief Editorial Advisors), *Irish University Press Series of British Parliamentary Papers, Correspondence and Other Papers Relating to New Zealand, 1862-184, Colonies, New Zealand, 13*, Shannon: Irish University Press, 1970.
- Fox, William, *The Revolt in New Zealand, A Series of Letters Addressed to the Rev. George Townsend Fox*, London: Seeley, Jackson and Halliday, 1865
- Fox, William, *The War in New Zealand*, Christchurch: Capper Press, 1973.
- Gibson, Tom, *The Maori Wars*, Wellington: A. H. & A. W. Reed, 1974.
- Gorst, J.E., 'Our New Zealand Conquests', *MacMillan's Magazine*, No. 68, June, 1865
- Gorst, J.E., *The Maori King*, Edited with an introduction by Keith Sinclair, Hamilton: Paul's Book Arcade, 1959.
- Gorst, J.E., *New Zealand Revisited, Recollections of the Days of My Youth*, London: Sir Isaac Pitman and Sons, Ltd., 1908.
- Grace, David, *A Driven Man*, Wellington: Ngaio Press, 2004.
- Holt, Edgar, *The Strangest War*, London: Putnam, 1962.
- Keenan, Danny, *Wars Without End*, Auckland: Penguin Books, 2009.
- King, Michael, *The Penguin History of New Zealand*, Auckland: Penguin Books, 2003.
- Harrop, A. J., *England and New Zealand*, London: Methuen & Co. Ltd., 1926.
- Harrop, A. J., *England and the Maori Wars*, London: Whitcombe & Tombs Ltd., 1937.
- Hastings, David, *Extra! Extra!, How the people made the news*, Auckland: Auckland University Press, 2013.
- Lennard, Maurice, *The Road to War: The Great South Road 1862-64*, Whakatane: Whakatane & District Historical Society, 1986.

- McCan, David, *Whatiwhatihoe, The Waikato Raupatu Claim*, Wellington: Huia Publishers, 2001.
- Mein Smith, Phillipa, *A Concise History of New Zealand*, Cambridge: Cambridge University Press, 2005.
- Miller, Harold, *The Invasion of Waikato*, Dunedin: John McIndoe Ltd, 1964.
- Miller, Harold, *New Zealand*, London: Hutchinson University Library, 1957.
- Monin, Paul, *This Is My Place: Hauraki Contested 1769-1875*, Wellington: Bridget Williams Books, 2001.
- O'Malley, Vincent, 'Choosing Peace or War: The 1863 Invasion of Waikato', *The New Zealand Journal Of History*, Vol. 47, No. 1, April 2013, p. 39-58.
- O'Malley, Vincent, *The Great War for New Zealand, Waikato 1800-2000*, Wellington: Bridget University Books, 2016.
- O'Malley, Vincent, 'Assembling a case for invasion – the outbreak of the Waikato War', in *Tutu Te Puehu, New perspectives on the New Zealand Wars*, John Crawford and Ian McGibbon (editors), Wellington: Steele Brothers, 2018, pp. 168-193.
- Oliver, W. H., *The Story of New Zealand*, London: Faber and Faber, 1960.
- Paterson, Latchy, *Colonial Discourse, Niupepa Māori 1855-1863*, Dunedin: Otago University Press, 2006.
- Petrie, Hazel, *Chiefs of Industry, Maori Tribal Enterprise in Early Colonial New Zealand*, Auckland: Auckland University Press, 2006.
- Rees, William Lee and Rees, Lily, *Life and Times of Sir George Grey, K.C.B.*, Auckland: H. Brett, 1892
- Reeves, William Pember, *The Long White Cloud Ao Tea Roa*, 5th Impression, London: George Allen & Unwin Ltd., 1956.
- Rice, Geoffrey W. (ed), *The Oxford History of New Zealand*, Auckland: Oxford University Press, 2000.
- Rickard, L.S., *Tamihana the Kingmaker*, 2nd Ed., Christchurch: Cadsonbury Publications, 1996.
- Rigby, Barry 'Hauraki and East Wairoa', A Research Report commissioned by the Waitangi Tribunal, Wai 686, T3, 2002.
- Robinson, John, *The Kingite Rebellion*, Wellington: Tross Publishing, 2016.
- Rusden, G. W., *History of New Zealand, Volume II*, London: Chapman and Hall, Limited, 1883.
- Rutherford, J., *Sir George Grey, K.C.B. 1812-1898, A Study in Colonial Government*, London: Cassell, 1961.
- Saunders, Alfred, *History of New Zealand 1642-1861*, Christchurch: Whitcombe & Tombs Limited, 1896.

- Saunders, Alfred, *History of New Zealand 1642-1893, Vol. II*, Christchurch: Whitcombe & Tombs Limited, 1899.
- Scholefield, Guy H. (editor), *The Richmond-Atkinson Papers, Volume I*, Wellington: Government Printer, 1960.
- Scholefield, Guy H. (editor), *The Richmond-Atkinson Papers, Volume II*, Wellington: Government Printer, 1960.
- Sewell, Henry, *The New Zealand Rebellion*, London and Cambridge: Macmillan and Co., 1864.
- Shrimpton, A.W., & Mulgan, Alan E., *Maori and Pakeha*, 2nd Ed., Auckland: Whitcombe & Tombs Ltd., 1930.
- Simpson, Tony, *Te Riri Pakeha, The White Man's Anger*, Auckland: Hodder and Stoughton, 1986.
- Sinclair, Keith, *A History of New Zealand*, Auckland: Penguin Books, 1984.
- Sinclair, Keith, *The Origins of The Maori Wars*, Wellington: NZ University Press, 1972.
- Sorrenson, M. P. K., Folkland to Bookland: F.D. Fenton and the Enclosure of the Maori 'Commons', *New Zealand Journal of History*, Vol. 45, 2, 2011, pp. 156-157
- Stokes, Evelyn, *Wiremu Tamihana, Rangatira*, Wellington: Huia Publishers, 2002.
- Stone, R. C. J., *Logan Campbell's Auckland, Tales from the Early Years*, Auckland: Auckland University Press, 2007.
- Swainson, W., *New Zealand and the War*, Christchurch: Capper Press Ltd, 1984.
- Tagg, M. A., *Te Ahiwera, A Man of Faith, The Life of Benjamin Y. Ashwell*, Missionary to the Waikato, Auckland: Anglican Historical Society, 2003.
- Taylor, Rev. Richard, *The Past and Present of New Zealand; With its Prospects for the Future*, London: William Macintosh, 1868.
- Wakefield, E. J., *What Will They Do in the General Assembly?*, Christchurch: Printed at the "Times" Office, 1863.
- Ward, Alan, 'The Origins of the Anglo-Maori Wars, A Reconsideration', *The New Zealand Journal Of History*, Vol. 1, No. 2, 1967, pp. 148-170
- Ward, Alan, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand*, Auckland: Auckland University Press, 1974.
- Ward, Alan, *An Unsettled History, Treaty Claims in New Zealand Today*, Wellington: Bridget Williams Books, 1999.
- Wilson, C.J. (editor), *Missionary Life and Work in New Zealand, Being the Private Journal of the Late Rev. John Alexander Wilson*, Auckland: Star Office, 1889,

7.3 NEWSPAPERS AND NIUPEPA

Colonist

Daily Southern Cross

Hawke's Bay Herald

Lyttelton Times

Nelson Examiner and New Zealand Chronicle

The New Zealander

Maori Messenger: Te Karere Maori

New Zealand Herald

Otago Daily Times

Otago Witness

Taranaki Herald

Te Hokioi

Te Pihoihoi Mokemoke

Wanganui Chronicle

Wellington Independent

7.4 WEBSITES

<https://archive.org/>

<http://atojs.natlib.govt.nz>

<http://nzetc.victoria.ac.nz>

<http://paperspast.natlib.govt.nz>

<http://www.enzb.auckland.ac.nz>

<https://maoridictionary.co.nz>

<https://teara.govt.nz/en>