

# THE DALDY McWILLIAMS 'OUTRAGE' OF 1879

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## THE DALDY McWILLIAMS 'OUTRAGE' OF 1879

**Abstract:** *In the later 1870s, conflicts developed near Paeroa between a small hapu, Ngati Hako, and other hapu over land sales and surveys. In 1879, after some members of Ngati Koi offered to sell the Pukehanga Block, at Rotokohu, between Paeroa and Te Aroha, to the Crown, surveyors were sent to determine the boundaries despite threats of violence from Ngati Hako. These threats became a reality with shots being fired, wounding a surveyor's assistant, 'Daldy' McWilliams, who survived by playing dead. Despite Pakeha fury about a 'weak' response, officials reacted cautiously, fearing to provoke a wider conflict.*

*Instead of trying to arrest the two men accused of the attempted murder, which would have been difficult, because Ngati Hako claimed their action was justified the Native Minister encouraged senior Hauraki rangatira to convene a rununga to examine their claim. Ngati Hako said that the block of land was theirs, and as previously other land had been surveyed without their permission they had taken this action. The government was criticized for paying advances on a block that had not been through the land court, and the rununga determined that although Ngati Hako had acted wrongfully, their action could be justified. When Ngati Hako refused to hand over the two accused to the authorities, the rununga claimed not to have the power to hand them over; Ngati Hako then constructed two pa to defend themselves.*

*Such actions provoked much frustration and criticisms of the government amongst Pakeha, but officials who investigated Ngati Hako's complaints agreed that they had indeed lost land unjustly. Once the owners of a large domain, they had lost their land to the invading Marutuahu, whose slaves they became. When the two accused were arrested in 1882 one was found not guilty and the other was amnestied after eight months in prison because it was believed that, as rangatira, they probably had not fired the shots but had taken the responsibility for the actions of their hapu. As for McWilliams, he received what he considered inadequate compensation.*

*This 'outrage' was the first and only time in Hauraki that a Maori had shot a Pakeha, and the government's cautious but firm response meant that the 'peace of Hauraki', although disturbed for a while, was maintained.*

## PREPARING TO SURVEY THE PUKEHANGA BLOCK

Ngati Hako, a hapu living near Paeroa, created difficulties for officials on several occasions in the 1870s. In 1877, James Mackay in his report on land purchases mentioned that consideration of the Waihou West No. 2 Block had had to be withdrawn from the land court 'on account of a very serious dispute as to a boundary' between Ngati Hako, assisted by Ngati Paoa, and Ngati Tamatera. 'The survey was stopped by an armed party of Ngatihako'.<sup>1</sup> Ngati Hako also stopped the snagging of the Waihou River at this time.<sup>2</sup>

In March 1879, some members of the Ngati Koi (often recorded, incorrectly, as Ngati Koe) hapu went to Thames offering to sell the Pukehanga Block, at Rotokohu, between Paeroa and Te Aroha, as Edwin Walter Puckey, the native agent, reported:

The Land Purchase Officers declined to make any payment unless they were assured that the rest of the owners concurred in the proposed sale. The Natives referred to then went back, returning in a few days to the Thames, accompanied by one or two more, with a note from the rest of the Ngatikoi hapu agreeing to the proposed sale, though objecting to the price. Upon receiving an assurance that there would be no difficulty about the matter, a deposit was paid, all arrangements being at the same time made for surveying the land and passing it through the Native Lands Court in the usual manner. The price agreed to was 5s per acre, the cost of survey being borne by the Government.

The first payment on the purchase was made on 14 March.<sup>3</sup> At the beginning of June, Puckey and George Thomas Wilkinson,<sup>4</sup> then a land purchase officer, went to Ohinemuri, 'where the question was again fully gone into and some other payments made'. Although the chief surveyor did not consider a survey was required because most of the surrounding land had been surveyed, Wilkinson was concerned that possible overlaps on the southern boundary could cause disputes and that 'it would be fairer for all

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<sup>1</sup> James Mackay to Minister of Public Works, 31 July 1877, *AJHR*, 1877, G-7, p. 8.

<sup>2</sup> William Hammond, 'Daldy MacWilliams', *Ohinemuri Regional History Journal*, vol. 2 no. 1 (May 1965), p. 8.

<sup>3</sup> 'Extract from Report of Mr E.W. Puckey dated the 17th September 1879', Legislative Department, LE 1, 1879/132, ANZ-W; printed in E.W. Puckey to Under-Secretary, Native Department, 17 December 1879, 'Native Disturbance at Ohinemuri (Reports by Mr E.W. Puckey, Native Agent, Thames, Relative to)', *AJHR*, 1879, Session II, G-6, p. 1.

<sup>4</sup> See paper on Merea Wikiriwhi and George Thomas Wilkinson.

parties' if one was made. Accordingly, after 'ample time for any objection had been allowed', surveying started in late August.<sup>5</sup>

### SURVEYING COMMENCES

So far, so straightforward, and surveyors Daniel Henry Bayldon<sup>6</sup> and Henry Crump,<sup>7</sup> were sent there, assisted by two chain men, William Francis McWilliams,<sup>8</sup> later MacWilliams, commonly known as 'Daldy',<sup>9</sup> and Thomas Powdrell.<sup>10</sup> According to a close friend of McWilliams, the latter had suggested to his friend Himiona Haira<sup>11</sup> that he join the party, but Himiona responded, 'No fear, the Ngatihako will shoot you'.<sup>12</sup> Much later, McWilliams recalled starting work:

We had barely reached our camp when an accident happened which seemed to be an omen of disaster. A bill-hook attached to a pack-horse worked loose, and when the animal lashed out the sharp blade gashed the fetlock, leaving the hoof hanging. The animal had to be destroyed. That night we were under canvas, and just as we were about to retire, Maori voices could be heard on the ridge above our camp. As I understood Maori a little, Bayldon asked me to get as close as possible and ascertain the object of the visit. However by the time I got to the vicinity the party had left. Next day we went on with our work of line-cutting, and at sunset we again heard the voices of Maoris. Once more I worked my way silently through the fern until I had almost reached the ridge, and again the Maoris had disappeared. We came to the conclusion that they were a party of pig-hunters

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<sup>5</sup> 'Native Disturbance at Ohinemuri', p. 1.

<sup>6</sup> See *Cyclopedia of New Zealand*, vol. 7, pp. 36, 49.

<sup>7</sup> See 'Thames Gossip', *Observer*, 1 September 1894, p. 23.

<sup>8</sup> For photograph of him in later life, see *Ohinemuri Regional History Journal*, no. 20 (June 1976), facing p. 38.

<sup>9</sup> For the change to the spelling of his name, and summary of his life, see G.C. Staples, 'William Francis MacWilliams', *Dictionary of New Zealand Biography: vol. 2: 1870-1900* (Wellington, 1993), p. 302.

<sup>10</sup> See Magistrate's Court, *Thames Star*, 22 January 1892, p. 2, 18 April 1898, p. 2; his name recorded as Powderell in *Thames Electoral Roll, 1879*, p. 66.

<sup>11</sup> Later to be murdered at Te Aroha; see paper on this murder.

<sup>12</sup> Hammond, p. 8.

returning. I noticed, however, that Bayldon examined his revolver and placed it carefully within reach when retiring for the night.<sup>13</sup>

### THE 'OUTRAGE'

On 30 August a report in the *Thames Advertiser* was headlined 'Hostile Natives near Ohinemuri: A Survey Party Fired At: One Wounded – Others Believed to be Killed'. A Paeroa resident had arrived in Thames the previous evening with 'the painful intelligence' that a survey party cutting lines 'about five miles' from Paeroa had been fired on and 'it was feared two of their number had been killed'. They had been 'interrupted by a party of armed Maoris, who appeared in the scrub and pointed their weapons towards them'. When Powdrell and McWilliams fled, the latter was shot in

the fleshy part of the thigh, wounding several fingers at the same time. Another volley was fired in the direction of that part of the bush where the surveyors were engaged. McWilliams evaded the firing party, and got away into the bush, but was dangerously wounded. Several shots were afterwards fired, but with what result is not known.

Powdrell raised the alarm at Paeroa, and some residents, including members of the recently formed Volunteer corps, hastened to the spot, while the newspaper's informant hurried to Thames to obtain medical assistance and to inform the authorities.

The natives who had been guilty of this cold-blooded act are of the Ngatihako tribe, and occupy a settlement on the banks of the Waihou River about half a dozen miles above the junction of the Waihou and Ohinemuri Rivers, and are the natives who stopped snagging operations on that river, and detained the boats and gear of the County Council a few months ago. The block in question is near the Waitoki, and is a disputed one, but it is difficult to account for the motive which has induced them to adopt such a course of action. They can scarcely be acting on the impulse of the moment, and there is no possibility of any quarrel between them and the surveyors, who are most respectable and inoffensive, and are capable of doing their work in the quietest and most unobtrusive manner. The inference is, therefore, that the aggressors have been acting under instructions from the King Country, and that the matter may assume a very serious aspect.

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<sup>13</sup> Recollections of Daldy McWilliams, in Hammond, p. 8.

The tribe is limited in number, but they are easily reinforced by the more turbulent spirits from Waikato.

Readers were assured that the cause would be discovered and the matter dealt 'with a firm hand'. The Thames Volunteers offered their services, and John Sheehan, the Native Minister, would personally visit Ohinemuri to investigate. A report sent to Sheehan by the police superintendent for the Auckland district, clarifying some of the details, was then printed. Powdrell, reportedly a half-caste (he immediately clarified that he was a quarter-caste),<sup>14</sup> said that he and McWilliams were halfway through the Rotokohu bush when he heard some Maori, 'whom he could not see, exclaim, "Look out, you will be shot."' The natives instantly fired, and Powdrell ran until he got outside the bush on to the road, where he halted, and was almost immediately joined by McWilliams', who was bleeding. After running 'a short distance they heard more firing in the bush', and feared the surveyors had been shot.

The newspaper concluded its report with the latest news. A steamer had arrived carrying McWilliams, now revealed to be 'wounded in the thigh and chest, although the latter wound is not serious, and had the tips of several fingers badly wounded. He was unconscious from loss of blood at the time of the steamer's arrival, and was at once conveyed to the hospital'. A message from the newspaper's Ohinemuri correspondent that came by this steamer quoted Bayldon hearing: 'Pakeha look out, or you will be shot', shouted in Maori, with six or seven shots fired 'at the same instant'. On arriving in Thames, Bayldon explained that he and Crump ran in different directions, and, 'hearing no cries', did not know that anyone had been injured. 'The Maoris came upon the party so stealthily that not even a cattle dog belonging to one of the party gave any indication of their approach'.<sup>15</sup>

The following day, the same correspondent described the attack as 'clearly a tribal land dispute', and praised the rescuers. In his first statement, McWilliams said that, at about one o'clock on the 29th, he had been working

at a place known as the big hill of Rotokohu. I saw about 15 Natives. They were within ten yards of us before I saw them. One of them said, "Pakeha, you must die." He immediately fired a shot

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<sup>14</sup> *Thames Advertiser*, 1 September 1879, p. 3; confirmed in his evidence in Police Court, *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>15</sup> *Thames Advertiser*, 30 August 1879, p. 3.

out of a double-barreled gun. The bullet took off the tops of two of my fingers. I was then facing them. I then turned to run away, when he again fired, the bullet entering my hip and coming out at the groin, which caused me to fall on the ground, with my face downwards. The same native that fired the shot came up to me, took off my hat, took a knife from his pocket, cut some of my hair off, and put it in his mouth, which I was told meant revenge. I pretended to be dead, and lay in a motionless state for ten minutes, during which time I suffered great bodily pain and mental agony. My mate ran away, and they all fired a volley after him. I then heard them reload the guns. They followed in the direction of my mate. I am convinced they thought I was dead. I then crawled up, but was barely able to walk. When I got out of the bush I saw my mate at a distance, and I called him to go and get some people to help me home.<sup>16</sup>

He was 'confident that it was by this means only that he escaped with his life. The Maoris, thinking he was a dead man, ran after the others'.<sup>17</sup> McWilliams later recalled that, as he lay shamming death, about nine Ngati Hako surrounded him, one of whom seized him by his hair and threw him on his back.

"What a pity to kill the young fellow," he exclaimed. "He's not the Rangatira of the party." The white trousers and shirt that Daldy had donned had caused the Maoris to think he must be the boss. Daldy thought, "Shall I tell them I am alive and ask them to spare my life?" However he remained still. Then came the order, "Load up." "Ah," he thought, "they are going to finish me off." But no. One of them, taking a tomahawk, cut off a lock of Daldy's hair, for he was the mata-ika, the first killed in battle, and the hair was a trophy. Away the party went in the direction of the camp.<sup>18</sup>

When giving evidence against his assailants, McWilliams explained that Himiona Haira had taken them onto the ground 'to show them where to pitch their camp'. During the two days spent cutting survey lines he 'was felling big trees, and anyone in the scrub could hear him. The others were not making much noise, for Powdrell was only cutting the under scrub' about five yards from him. He 'noticed his dog growling', and then 'heard a

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<sup>16</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>17</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>18</sup> Hammond, pp. 8-9.

Maori call out, “Ka mate<sup>19</sup> keo, pakeha.” Witness understood a little Maori, and knew its meaning: “You die, pakeha.” He looked in the direction the voice came from, and saw two gun barrels pointed at him through the scrub, but could not see who held them, the bush being too dense’. He ‘threw himself back in a leaning position, with his hands on a line with his shoulders’, to ‘throw himself out of the line of fire’. A big slug or bullet ‘passed his breast’, tearing his clothes and striking the top of his finger and thumb. Turning to face the barrels, he received ‘another shot in the centre of his chest, consisting of slugs and small shot’. When two other shots passed by his head, he ‘thought it was time to go then, and turned round, and started to run away, but he was struck with a ball from behind, in the right hip, which passed right through and came out at the groin’, causing him to fall forward.<sup>20</sup> (According to a later account by a personal friend, the second bullet went ‘through the lower part of his body in front, exposing his entrails, so he stripped off his shirt to tie round his wound’,<sup>21</sup> but this was not suggested at the time by any source.)

Witness lay for a few minutes after he fell, and the Maoris came up to him. He reckoned, as they stood around him and loaded their guns, that there were seven or eight of them. One of them took off witness’s hat and cut a piece of his hair off. Witness did not look to see who they were, for he was afraid to look up. They stood awhile, and he heard them calling out “Epera, Epera,” but did not know what that meant, but thought they were calling for a native whom they may have thought was working on the line.

(‘Epera’ is not a Maori word. Had they been calling for Epiha Taha to join them, thereby either proving that he had not been directly involved in the shooting or that he had been but had become separated from the rest?)

They then went away, in the direction of the Ngatihako settlement. Witness lay there for eight or ten minutes, and after he was satisfied they were gone, he got up, and found his right leg powerless, but he got hold of one of the survey poles and went towards the camp. It took him two hours to get a mile along the line, and he heard the natives firing again about the place where they shot him, so he crawled off the line into the scrub, thinking they would soon be after him. About ten or twelve shots were

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<sup>19</sup> Printed as kaumate.

<sup>20</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>21</sup> Hammond, p. 9.



fired at that time. Witness waiting about a quarter of an hour in the scrub, and hearing nothing more, he came out on the line, and made towards the camp, and got out on a clearing on the hill, and saw Powdrell about 400 yards ahead, hiding behind a rock. He waved his hat to Powdrell to come to his assistance, but he seemed frightened to come towards him; but he finally came. Powdrell seemed scared, and witness asked him what was wrong with him. Witness told him he was riddled all over, and asked him to go to Rotokohu for assistance. Powdrell wanted to stop and help witness, but witness told him the natives would be after them, and he had better go on, and he then went. Witness followed slowly, and kept crawling and walking until he got to Rotokohu Creek. He could see some people at the farm houses, but, although he cooeed, no one came, and he fell there, and could not get up again. He must have lain there for some time.

McWilliams estimated that he had been shot at about 1.30 and had collapsed at Rotokohu at 5.30, and that it was another hour and a half before his brother, John,<sup>22</sup> and others found him.<sup>23</sup> In his friend's later, very dramatic, account, this creek was at the bottom of the hill, where he lay for hours.

He felt very thirsty but was afraid to put his mouth down to drink lest he would not have strength to lift his head again. The sandflies commenced to attack him in thousands but he was too weak to brush them off. All sounds of human beings had gone. There he lay through the afternoon till the sun sank, and darkness came on.

Daldy said that his one wish was that he might live to see his mother again. The full moon rose and still he lay there. Higher and higher rose the moon. Then came the noiseless flight of the morepork. Watching it, he fancied he could hear faint sounds as of human voices. They came nearer – he tried to call out. His tongue was swollen, his throat dry, and no sound came from his lips. Would they find him?

By good luck they did, and at once set out to carry his now unconscious body home.<sup>24</sup>

Powdrell made a statement about what happened at 'about 2 o'clock':

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<sup>22</sup> See *Thames Star*, Warden's Court, 20 October 1881, p. 3, 4 February 1896, p. 2; Magistrate's Court, *Thames Advertiser*, 7 January 1882, p. 3.

<sup>23</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>24</sup> Hammond, p. 9.

We heard a Maori call out “Ka mate koe, Pakeha” – which means “You will be killed, Pakeha.” We did not see the Maori who cried out, owing to the dense bush with which we were surrounded. The words were instantly followed by the firing of seven shots upon us. I immediately ran away on to the open ground, and waited to see if any of the others would come out. I waited on top of a hill about two hours, and then I saw William McWilliams come out of the bush, and wave his hat at me. I called to him, “What was the matter?” and he replied that he was shot. I went up to him, and asked where he was shot, and he told me in the right thigh, in the right hand, and that his breast was grazed.... He wanted to lie down, but I told him he had better go as far down the hill as possible, or the natives might come on him again. We went down the hill together some distance, and then I said I would go on to Mackaytown to get assistance. I left McWilliams in a safe place. He was very much exhausted with loss of blood.

It took Powdrell about half an hour to reach Mackaytown, and while John McWilliams and others went to fetch the wounded man, he rode to Paeroa to inform the police. He thought ‘about ten’ Ngati Hako had attacked them.<sup>25</sup> Later, in giving evidence in court, he said that when he could not see McWilliams he ran away; ‘a bullet passed his head, and struck a tree in front of him’. On the hill, he ‘hid behind some big stones’ for about two hours before McWilliams appeared.<sup>26</sup>

John McWilliams, along with another miner, Clem Cornes,<sup>27</sup> and Kate Watson (otherwise Watene), a half-caste,<sup>28</sup> carried McWilliams to a settler’s house, from whence a horse took him to Paeroa. Cornes stopped the steamer sailing until he was taken on board, where the captain dressed his wounds.<sup>29</sup> It was later reported that McWilliams was accompanied on the boat by the Paeroa schoolteacher’s wife, who ‘left her own large family’ and attended to his wounds ‘in a kind and skilful manner, at a moment when care and skill was most required’.<sup>30</sup> John McWilliams stated that they found him ‘lying on his face, alongside a small creek at the bottom of the hill’. He

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<sup>25</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>26</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>27</sup> See paper on Clement Augustus Cornes.

<sup>28</sup> See *Thames Advertiser*, editorial, 6 April 1876, p. 2, letter from ‘Mackaytown’, 13 April 1876, p. 3, Ohinemuri Correspondent, 22 May 1876, p. 3, Magistrate’s Court, 7 January 1882, p. 3; Magistrate’s Court, *Thames Star*, 9 January 1880, p. 2.

<sup>29</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>30</sup> *Thames Advertiser*, 29 October 1879, p. 3.

was ‘moaning greatly, and the greater portion of his body and clothes was covered with blood. He asked us to get him on as quickly as possible’, which was done ‘because we were afraid the Maoris would come upon us’.<sup>31</sup> In 1938, his brother Henry (there were four McWilliams brothers) would take credit for the rescue, claiming that he had found him ‘where he’d crawled into a swamp to die’. Equally dramatically, he and the other rescuers had carried him on a stretcher across a swamp ‘so deep in the mud it was almost to our mouths, and it was all we could do to breathe’.<sup>32</sup>

At the hospital, it was found that a spherical ball had been deflected from the femoral artery by the ‘cup of the hip joint’; had it ‘been severed, certain and immediate death must have ensued’. This wound ‘was dangerous to life, irrespective of the danger to the artery’.<sup>33</sup> The shooting had been ‘quite unexpected’:

Even in the old days, before Ohinemuri was opened, the Maoris were stronger than they are now, and when only a few Europeans were in the district, not a shot was fired. The natives used to take away swags from diggers prospecting in the hills, but these were always returned. Surveyors had their instruments taken away and pegs pulled up, but no violence was ever shewn.<sup>34</sup>

Although there had been ‘some rumour afloat’ that the surveyors’ work would be stopped, this rumour ‘was very vague, and apparently no notice was taken of it’.<sup>35</sup> But Powdrell stated that Himiona Haira had warned the surveyors ‘to look out for’ Ngati Hako, for ‘they might come to stop them, and take away their tools’.<sup>36</sup> The *Thames Star*’s comment that the ‘wholesale murder of surveyors was a favorable pastime of our unsophisticated coloured brethren some years ago’<sup>37</sup> indicated that violence had always been seen as a possibility. In 1892, the other Thames newspaper wrote that the survey had been made ‘against all warnings from the Maoris’.<sup>38</sup>

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<sup>31</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>32</sup> J. Gifford Male, ‘Memories of Mackaytown Rush’, *Observer*, 10 February 1938, p. 6.

<sup>33</sup> Evidence of Dr Martin Payne, *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>34</sup> Editorial, *Auckland Weekly News*, 6 September 1879, p. 12.

<sup>35</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>36</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>37</sup> *Thames Star*, 30 August 1879, p. 2.

<sup>38</sup> *Thames Advertiser*, 29 August 1894, p. 2.

## ATTEMPTS TO ARREST THOSE RESPONSIBLE

News of the 'outrage' caused 'most intense and painful excitement' in Thames.<sup>39</sup> John Sheehan, the Native Minister, stopped the survey of a road on the block because 'we could not tell whether that outrage was a solitary assault, or whether there was a determination by the natives to get up a row over the survey'.<sup>40</sup> Several settlers in the Rotokohu district brought their families into Paeroa and even Thames.<sup>41</sup> In the Te Aroha district, both settlers and Maori feared further shootings.<sup>42</sup> For a short time, steamers ceased to travel up the river because of fears of being fired upon, resulting in farmers' supplies not being delivered.<sup>43</sup> A settler who walked from Te Aroha to Paeroa carrying the mail was regarded as having done 'a very plucky thing', as the steamers and settlers were 'frightened to pass in the vicinity of the Ngatihako settlement'.<sup>44</sup> It was suggested that some Pakeha men be placed at Te Aroha to prevent those responsible for the shooting fleeing to the King Country.<sup>45</sup>

Upon arriving in Ohinemuri, Sheehan in addressing a meeting of Maori stated he intended to go to the Ngati Hako settlement to arrest those who had shot McWilliams. 'If they were gone he would do the next best thing – he would take land, and hold it until the matter was settled'.<sup>46</sup> But Tukukino Huhuriri,<sup>47</sup> Haora Tareranui,<sup>48</sup> 'and in fact, all of the old chiefs', feared that if Sheehan went to the Ngati Hako pa at Okahukura 'he would be fired upon, as the chance then offered would be too good for the

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<sup>39</sup> *Thames Star*, 30 August 1879, p. 2; Thames Correspondent, *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>40</sup> Evidence of John Sheehan, 20 June 1882, Petition no. 86, Public Petitions, Legislative Department, LE 1, 1882/7, ANZ-W.

<sup>41</sup> *Thames Advertiser*, 4 September 1879, p. 3.

<sup>42</sup> *Thames Advertiser*, 2 September 1879, p. 3, 5 September 1879, p. 3.

<sup>43</sup> *Thames Advertiser*, 8 September 1879, p. 3, Thames Correspondent, 4 October 1879, p. 18.

<sup>44</sup> *Thames Advertiser*, 5 September 1879, p. 3.

<sup>45</sup> *Thames Advertiser*, 2 September 1879, p. 2.

<sup>46</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>47</sup> See *Thames Star*, 27 September 1892, p. 2; *Auckland Star*, 10 October 1892, p. 3, 21 December 1926, p. 22.

<sup>48</sup> See *New Zealand Herald*, 13 August 1932, p. 2.

Ngatihako to lose'. Acceding to their wishes, Sheehan asked Puckey and Wilkinson to go there, 'accompanied by a number of the younger chiefs' as well as Tukukino and others from Komata. After Puckey sent a special messenger to announce their arrival, they found Epiha Taha, Pakara Te Paora,<sup>49</sup> three other men, and five women awaiting them.<sup>50</sup>

The Komata natives had a long *korero* with them and asked that those who had been engaged in the shooting should be given up. This they refused to do, urging that they were justified in doing the act, as the land which was being surveyed had been stolen from them. Mr Puckey then stated that he had come up to demand the surrender of these natives, and that he wished them to be given up. On this, two natives, named Epiha and Pakara stepped forward, and said they were the natives referred to, and they refused to be given up. They were quite right in what they had done. It was their intention to have killed the Maori, but not finding him, they shot the pakeha. Mr Puckey states that the natives are very determined.<sup>51</sup>

Presumably 'the Maori' was Powdrell; Sheehan later stated that McWilliams was shot 'under the impression, I believe, that he was a half-caste'.<sup>52</sup> Maori explained that McWilliams' complexion was so dark that he was taken for one of the opposing hapu: it had not been intended to shoot a Pakeha.<sup>53</sup> Pakara Te Paoro<sup>54</sup> was the son of the deceased Wiremu Te Paero, 'principal chief' of Ngati Hako, whose half-brother was Epiha Taha.<sup>55</sup> Pakara was about 37 years old, and Epiha about 47; rangatira to Maori, they were merely labourers to Pakeha.<sup>56</sup> Epiha had participated in mining at Ohinemuri in 1875,<sup>57</sup> but, like Pakara, would not do so at Te Aroha. It was reported that Pakara, who boasting of his involvement, was the leader

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<sup>49</sup> For sketch of him, see *Observer*, 17 June 1882, p. 211.

<sup>50</sup> 'Native Disturbance at Ohinemuri', p. 2.

<sup>51</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>52</sup> Evidence by John Sheehan, 20 June 1882, Petition no. 86, Public Petitions, Legislative Department, LE 1 1882/7, ANZ-W.

<sup>53</sup> *Thames Advertiser*, 5 September 1879, p. 3.

<sup>54</sup> Not an investor in Te Aroha mining.

<sup>55</sup> *Auckland Weekly News*, 1 November 1879, p. 14.

<sup>56</sup> *New Zealand Police Gazette*, 26 July 1882, p. 122, 7 March 1883, p. 44.

<sup>57</sup> Thames Warden's Court, Ohinemuri Warden's Court Judgment Book 1873-1876, 77/1875, BACL 14565/1a, ANZ-A.

in the affray and Epiha his second in command.<sup>58</sup> When Puckey asked who had shot McWilliams, Epiha replied, 'I myself, who am standing before you, did it'; Pakara neither denied being 'implicated in the matter' nor admitted having fired.<sup>59</sup> Epiha said 'he was willing to be tried by the runanga of Hauraki, but not by the pakeha law'.<sup>60</sup> Another account had Pakara admitting 'that he was the first to fire. His weapon was loaded with small shot. They crept stealthily up to the surveyors, and as he fired he uttered the word "die." The other shot fired ... was by Epiha, and was a bullet'. Thinking they had killed McWilliams, 'Pakara cut away some of his hair to exhibit to the tribe as proof of the shooting'.<sup>61</sup>

When Puckey was returning to Paeroa, one of the younger men of Ngati Hako, Paora Tiunga,<sup>62</sup> told him that these two men were the perpetrators:

The shooting party consisted of three, Pakara, Epiha, and Kahutaiwa,<sup>63</sup> son of Kaama, a celebrated Maori doctor – these three proceeded from Okahukura towards the survey party, the latter remaining behind at the edge of the bush in which the line was being cut; that Pakara fired the first shot, his gun being charged with small shot, the discharge taking effect on McWilliams's hand and breast; immediately afterwards Epiha fired his gun, which was loaded with ball-cartridge, the ball passing through the young fellow's thigh.<sup>64</sup>

Plans were made to raid Okahukura that evening to capture the two men, but at the last moment the Maori who offered to be a pilot on the river and the other who was to guide the party across the swamps thought better of it. The latter, a Ngati Koi, was 'taken possession of by his friends, who refused to let him go with the party', and as another Maori had warned Ngati Hako of the raid it was called off.<sup>65</sup> An additional reason was that the 'Paeroa Volunteers, although as brave men as could be got together, were

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<sup>58</sup> *Thames Star*, 1 September 1879, p. 2.

<sup>59</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>60</sup> 'Native Disturbance at Ohinemuri', p. 2.

<sup>61</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>62</sup> See paper on Maori land in Hauraki.

<sup>63</sup> He did not invest in Te Aroha mining.

<sup>64</sup> 'Native Disturbance at Ohinemuri', p. 2.

<sup>65</sup> *Thames Advertiser*, 2 September 1879, p. 3; *Auckland Weekly News*, 6 September 1879, p. 7; 'Native Disturbance at Ohinemuri', p. 2.

quite unacquainted with drill, and did not know the use of the rifle', and the police superintendent 'hesitated to take them on a hazardous and dangerous night expedition'. Thames Volunteers were impatient to be sent, and expressed 'considerable indignation' when told they could not be used unless first sworn in as special constables. Then came reports that 'Pakara had been reinforced by a number of discontented Piako natives, and that they were prepared to fight'.<sup>66</sup> Puckey warned that, as surprise was now impossible, any attempt to arrest the men 'would be resisted to the death' by Ngati Hako; any plan 'should be well matured, and carried out by a sufficient body of trained men'.<sup>67</sup>

When reinforcements came, it was evident that any attempt to capture the men was attended with considerable danger. The village is well situated for the Maoris. At this place, between the Thames [Waihou River] and the Piako [River], lies an extensive swamp, which only the Maoris can cross. A straight line of five miles brings the Maoris to Piako, where there is an extensive native settlement, with the people ready to turn out to assist in any opposition to surveyors. It would be very difficult to get these natives in a corner, and almost impossible to stop them from receiving aid from different quarters.<sup>68</sup>

For the moment, therefore, it was decided not to arrest the perpetrators.<sup>69</sup> Sheehan was told that Ngati Hako 'were in considerable strength in a place very difficult of access'.<sup>70</sup> Puckey had discovered that there had been 'a reinforcement concealed in the bush' when he visited Okahukura, along with 'scouts stationed at places along the river-bank, and that they carefully observed that none of the Ngatikoi were on board the steam-launch, otherwise they would have been shot'. He feared that several lives would be lost if an arrest was attempted, 'besides possible complications in which surrounding tribes might take part'.<sup>71</sup> A reporter described Ngati Hako as numbering 'about 25 persons all told, and are a

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<sup>66</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>67</sup> 'Native Disturbance at Ohinemuri', p. 2.

<sup>68</sup> Editorial, *Auckland Weekly News*, 6 September 1879, p. 12.

<sup>69</sup> *Thames Advertiser*, 2 September 1879, p. 3.

<sup>70</sup> Evidence of John Sheehan, 20 June 1882, Petition no. 86, Public Petitions, Legislative Department, LE 1, 1882/7, ANZ-W.

<sup>71</sup> E.W. Puckey to John Sheehan, 1 September 1879, printed in 'Native Disturbance at Ohinemuri', pp. 2-3.

miserable looking lot of natives, whose people are said to have been conquered in older days by the ancestors of the other tribes', who disputed their claim to this land. A 'serf tribe', they were referred to contemptuously by other hapu as 'eel catchers'; although 'connected distantly with Tukukino, who countenances them to some extent', they had 'no influence whatever'.<sup>72</sup> In contrast, Puckey wrote that, although the hapu consisted of only 23 men and 17 women, there were 'many amongst the Hauraki tribes' who were 'more or less connected with them, and whose sympathy they could readily command were hasty action taken'.<sup>73</sup>

#### TRIED BY A RUNANGA

With Taipari and other rangatira trying to resolve the crisis, Sheehan agreed that the two men should first be tried by the rangatira of Hauraki and, if found guilty, given up.<sup>74</sup> Puckey believed that the council of rangatira would produce this result, 'as the Natives feel very strongly at this disturbance of the peace of this district, and as they are very anxious to assist us to the utmost in order to show their cordial feelings towards us'. By complying with the wishes of the rangatira 'we shall enlist them on our side, and we shall have their sympathy in the event of our having to employ force to compel those who shelter those people to give them up'.<sup>75</sup> Sheehan warned the rangatira that if the runanga 'found that Pakara and Epiha were justified in a Maori point of view in shooting, he could not accept that as final', and wanted it to investigate who had shot the surveyors and whether the survey encroached on Ngati Hako land. Sheehan said he believed

they would do what was right, and that they would ensure the surrender of the culprits to the law. He had already told them what the consequence would be if that was not done. Should they surrender, however, he would take the findings of the runanga, and the peace which had so long continued in Hauraki, into

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<sup>72</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>73</sup> 'Native Disturbance at Ohinemuri', p. 3.

<sup>74</sup> *Thames Advertiser*, 5 September 1879, p. 3; *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>75</sup> E.W. Puckey to John Sheehan, 1 September 1879, printed in 'Native Disturbance at Ohinemuri', p. 3.



consideration, and deal as leniently with the offenders as possible.

Tukukino 'expressed himself very much pleased' at this course of action.<sup>76</sup> Epiha and Pakara were to be held by the rangatira, and, if judged to have done wrong, would be 'handed over to the law'. A warrant for their arrest, already issued, would be executed 'whenever opportunity offers'. Rangatira 'generally' expressed 'great annoyance at what has occurred', and professed to be 'most willing to assist the Government in every way possible'.<sup>77</sup>

'Considerable difficulties' occurred to one editorial writer:

The council of chiefs may come to the conclusion that as the Ngatihako were only asserting a title to land, which the Government had no right to survey against their wish, nothing ought to be done. They are as likely as not, with their Maori leanings and prejudices, to take it in this way. Having agreed to the council, having sanctioned its assembly and deliberation, having obtained the surrender of the natives on the faith of its being appointed to judge the case, we could not do anything else than let them go free, after the council had exonerated them. It is a very dangerous affair to set up a tribunal to judge offences that ought to be tried by the ordinary law Court, and if we once begin, all native offenders will claim to be tried in the same way.

However, he admitted that Sheehan was wise to be 'very cautious'. Ngati Hako were 'fortifying their place, and, with their well-known skill in such work, in a few hours they would make it absolutely impregnable to any assault by a few half-drilled Volunteers. Assaulting a pa is not to be rashly thought of'. Should 20 men be killed in an unsuccessful assault, as was 'quite possible', the effect would be 'most disastrous for the colony' by causing the failure of the government's attempt to raise a loan.<sup>78</sup>

Despite Ngati Hako being viewed as 'only a small tribe' with 'very little influence',<sup>79</sup> the wider implications were worrying. A Wellington newspaper considered it was 'very questionable' a war could be averted. As, should the 'rebel assassins' escape into the King Country, 'nothing short of a miracle

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<sup>76</sup> 'Native Disturbance at Ohinemuri', p. 3.

<sup>77</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>78</sup> Editorial, *Auckland Weekly News*, 6 September 1879, p. 12.

<sup>79</sup> Thames Correspondent, *Auckland Weekly News*, 6 September 1879, p. 7.

can save the colony from another war', it preferred 'a desperate effort' to arrest them immediately unless they could be 'securely hemmed in, and cut off from all communication with the King natives', which would permit 'a little time' for consideration and chiefs of other tribes 'to pass an opinion upon their crimes'.<sup>80</sup> In contrast, an Auckland newspaper considered that

throwing the onus on peacefully settling the disturbance on the natives themselves is good policy in many respects, and if further troubles rise through the men not being handed over to justice, the Maoris cannot accuse the Government of having brought about a war. Had force been used at the onset, it would have been repelled, and it is thought by men acquainted with the circumstances of the case that the country would now have been suffering the ill effects of such action. The attempt to capture would have been attended with loss of native life, and those escaping would have been on the war path for revenge. As a capital offence has not been committed, it is believed the culprits will be handed over to the European authorities to be dealt with according to law. The natives as a body do not want war, as one of the Hauraki chiefs remarked: "The idea of these few individuals (the Ngatihako) threatening Europeans, who are like the sand on the seashore."<sup>81</sup>

Ngati Hako did seek support from Maori living in Piako, who, after a long debate, decided 'to let the matter alone'.<sup>82</sup> Rewi Maniapoto and other King Country rangatira, when interviewed by a Pakeha correspondent, stated that instead of protecting Epiha and Pakara they would hand them over. Rewi sent men to watch the places where they might try to enter the King Country and said Ngati Hako had 'no claim whatever to the disputed land', which had been taken from them 'many years ago by conquest'.<sup>83</sup>

Hoani Nahe, then a member of Sir George Grey's government,<sup>84</sup> along with Taipari attended an inspection of the Volunteers who might be called

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<sup>80</sup> *Times* (Wellington), reprinted in *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>81</sup> *Auckland Star*, 8 September 1879, p. 3.

<sup>82</sup> 'Native Disturbance at Ohinemuri', p. 3.

<sup>83</sup> Kihikihi Correspondent, *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>84</sup> *New Zealand Parliamentary Record 1840-1949*, ed. Guy H. Scholefield (Wellington, 1950), p. 37.

upon to arrest the culprits.<sup>85</sup> In 1892, he recalled the large meeting, which commenced at Opakura, near Paeroa, on 5 September:<sup>86</sup>

The hapus there were N'Tamatera, N'Maru, N'Whanaunga, N'Paoa, N'Hako, N'Koi, N'Paro, and Te Horoawetea and some other small hapus – there were certain persons selected from these various tribes to settle this matter. The Native Minister Mr Sheehan agreed to this & Mr Puckey was Native Agent but that which was arranged, was arranged openly before the people outside of the building – Mr Wilkinson was also present he was Native Land Purchase Agent – I was appointed to take down the proceedings and I made a copy of the proceedings for the Govt, we retained one copy and I sent one to the Govt – I thus acted as clerk for both sides Govt and Natives.

Asked whether the object was 'to save' Ngati Hako, he answered that it was to prove whether they had shot McWilliams and therefore should be tried and whether the land belonged to them.<sup>87</sup> When Ngati Hako arrived at this preliminary runanga, the culprits were attended by '15 armed men of their tribe in war-paint and a body-guard of 30 or 40 others'.<sup>88</sup> Pineaha, otherwise Tamati Te Wharekohai,<sup>89</sup> a cousin of Pakara, and the 'leading chief' of Ngati Hako, was described by Puckey as 'a very good stamp of the old Maori gentleman, and one whose word is as good any day as his bond'.<sup>90</sup> After the shooting, he was 'very much down-cast, believing he would undoubtedly be sent to gaol for the crimes which his people were guilty of'.<sup>91</sup> Although at first it had been agreed that Pineaha should not attend 'so that he should not hear what was said about his people', he did lead his hapu to the runanga.<sup>92</sup> A reporter wrote that most rangatira, 'fine intelligent looking men', were upset at this first spilling of Pakeha blood in Hauraki.<sup>93</sup>

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<sup>85</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>86</sup> Maori Land Court, Hauraki Minute Book no. 29, p. 66; *Auckland Weekly News*, 13 September 1879, p. 16; 'Native Disturbance at Ohinemuri', p. 3.

<sup>87</sup> Maori Land Court, Hauraki Minute Book no. 29, p. 66.

<sup>88</sup> *Auckland Star*, 8 September 1879, p. 3.

<sup>89</sup> *Thames Advertiser*, 23 March 1882, p. 3.

<sup>90</sup> *Auckland Weekly News*, 6 September 1879, p. 7; 'Maori Disturbance at Ohinemuri', p. 3.

<sup>91</sup> 'Native Disturbance at Ohinemuri', p. 3.

<sup>92</sup> *Auckland Weekly News*, 6 September 1879, p. 7; 'Native Disturbance at Ohinemuri', p. 3.

<sup>93</sup> *Thames Star*, 8 September 1879, p. 2.

When the main meeting 'was held on the river bank, about a mile below the township, this spot having been selected by the belligerent tribe', only officials and 'a few leading' Pakeha were permitted to attend. When Ngati Hako arrived, two hours late, they were met by Wilkinson, Tukukino, and 'several others' after they crossed the river on canoes without paddles. There were about 15 of them, ten of whom were women, 'mostly past the bloom of life'.

Fifteen of them were in fighting costume, round their heads being a band of red material in which were stuck a number of white feathers, whilst their clothing consisted of a shirt and a mat, the latter article being fastened round the lower limbs. Each warrior was armed with a double-barrelled gun, which appeared of recent make, and in good condition. The Ngatihakos came up to the camp, their head chief Pineaha leading, with their heads bound, but when about three hundred yards off the fighting men fired three pieces with a precision which would have done credit to a well-trained Volunteer Corps, after which they placed them across their backs, holding them by the muzzle and stock. They were received by cries of "Welcome," and the waving of shawls by the women and of hats by the men, after which both sides indulged in a cry on account of the evil which had been brought upon the district by the spilling of blood at Pukehanga. The lamentations lasted several minutes. When it had finished, the Ngatihako hanted a portion of the Hauhau psalms, and then sat down at a distance of about twenty yards from the Runanga. They appeared to be suspicious of something, and the warriors never for a moment took their hands off their weapons.

Then came lunch and 'all the afternoon' was 'taken up in the ceremonial talking so usual at native gatherings'.<sup>94</sup> One reporter was unimpressed with the 'nonsensical procrastination' of the addresses of welcome. 'After the usual cries of welcome and salutations, the natives of both sides relieved their feelings by a good weep over the shedding of blood. There succeeded a most doleful wailing chant by the Ngatihako', a Hauhau hymn he described as 'pious caterwauling'.<sup>95</sup> Most of the first day 'was spent weeping over what might affect the future peace of Hauraki', but on the five subsequent days evidence was taken.<sup>96</sup> Reporters soon complained that the discussion was 'degenerating into a debate upon the title to the land, and

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<sup>94</sup> *Auckland Star*, 8 September 1879, p. 3.

<sup>95</sup> *Thames Star*, 8 September 1879, p. 2.

<sup>96</sup> 'Native Disturbance at Ohinemuri', p. 3.

questions of ancestry, going back three hundred years, are being brought up. The question of the shooting is being forgotten altogether', and the proceedings were taking far too long.<sup>97</sup> One accepted that 'no doubt to the Maori mind' the shooting was 'of secondary importance' to determining the title, and regretted that Sheehan had not nominated an efficient chairman to stop 'the council from wandering off to side issues'.<sup>98</sup>

When the runanga commenced,

The natives were assembled in three groups of about thirty each, forming a sort of triangle. At the apex were to be seen the two disturbers of the peace, surrounded by thirty of their tribe as a body guard, all in war costume, fully armed with guns, &c, with huia feathers on their heads. The aspect of these was not an indication of peace and good will, nor was there any indication among them of regret or shame for the occurrence. The two parties at the base of the triangle were conversing one with the other, while the armed Ngatihako were quietly listening to the debate going on.<sup>99</sup>

Epiha, the first offender to give evidence, 'stated that the cause of the trouble was the survey', for the land belonged to all of Ngati Hako 'and some people of other tribes who were connected with them'.

He further stated that a great many of his lands had been surveyed by the Europeans without his concurrence, and that in every case he had ordered the survey parties away, but they would not go. He referred to the stoppage of the snagging operations on the Waihou, and mentioned that it was only after taking the tools away that this work was stopped. All these actions of the Europeans were trampling on their (Maori) laws, and that was why he had resorted to the shooting. He was not aware that there was any dispute in connection with the land among the natives. In answer to a question, Why the people snagging had only their property taken from them, while the surveyors had been shot at? he replied, somewhat evasively, "My reason was because the pakehas, after being turned back in the first instance, did not attempt any of these works for a long time, but after stopping the snagging they only waited five months before they commenced the survey."

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<sup>97</sup> *Thames Star*, 10 September 1879, p. 2; Thames Correspondent, *Auckland Weekly News*, 13 September 1879, p. 8.

<sup>98</sup> Thames Correspondent, *Auckland Weekly News*, 13 September 1879, p. 8.

<sup>99</sup> *Auckland Star*, 8 September 1879, p. 3.

He claimed nobody had told him the land had been sold. 'I am the person who gives forth the word in connection with these matters, and I have said if the pakehas go to survey our land they will be shot'.<sup>100</sup>

Timiuha Taiwhakaea,<sup>101</sup> a 'young man' of Ngati Koi, admitted ordering the survey, and said his hapu would not shoot a surveyor over a land dispute.<sup>102</sup> He had pointed out the boundaries to the surveyors, and said Ngati Koi were sole owners of the Pukehanga Block.

He had informed some of the Ngatihako that his tribe intended to have the land surveyed, and they replied – "You are quite right." In reply to a question, he said that the Ngatikoi always gained the cases against the Ngatihakos when they were tried in the Native Lands Court, but sometimes some of the latter went into the Crown grants with the former.<sup>103</sup>

The runanga determined that Timiuha's explanations of the ownership of the land and its boundaries were incorrect.<sup>104</sup> Some rangatira criticized Ngati Koi bringing in surveyors 'knowing that trouble would arise', and the runanga required Ngati Koi to give up 200 acres for surveying land adjoining Pukehanga owned by Ngati Hako.<sup>105</sup> Responding to this decision, Timiuha and another Ngati Koi rangatira said they were willing to submit their claims to the courts, 'as they knew they had a good title to the land'.<sup>106</sup> The runanga criticized the government for paying advances on land which had not been through the court; had it not done so, Timiuha would have been unable to pay for the survey.<sup>107</sup> As for the shooting, the runanga considered Ngati Hako had 'done wrong, as blood had been shed'; according to the laws of Hauraki 'no blood should be shed' within the district.

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<sup>100</sup> *Auckland Weekly News*, 13 September 1879, p. 16.

<sup>101</sup> See Maori Land Court, Hauraki Minute Books, no. 10, pp. 62-63; no. 13, pp. 101-102; no. 14, 239-240; no. 16, pp. 69-70; no. 22, pp. 186-188; no. 23, pp. 292-293; no. 36, pp. 88, 132-133, 153-157, 246-250; no. 45, p. 261A; no. 63, p. 49.

<sup>102</sup> *Thames Advertiser*, 10 September 1879, p. 3.

<sup>103</sup> *Auckland Weekly News*, 13 September 1879, p. 8.

<sup>104</sup> 'Native Disturbance at Ohinemuri', p. 6.

<sup>105</sup> *Thames Star*, 12 September 1879, p. 2; 'Native Disturbance at Ohinemuri', p. 6.

<sup>106</sup> 'Native Disturbance at Ohinemuri', p. 4.

<sup>107</sup> *Thames Advertiser*, 15 September 1879, p. 3; 'Native Disturbance at Ohinemuri', p. 6.

But the Committee, on looking at the matter, consider that there was a reason for shooting the European, which was the surveying by the Ngatikoi and the Government of a portion of the Ngatihako's land without their consent. Many survey parties had been turned off previously by Ngatihako without their discontinuing to survey; but they at last got tired of turning them off, and although they used to take the surveyors' instruments they still persisted in surveying the land; and the reason why they shot a person in this case was in order to stop the system of surveying. The Committee consider that the act would have been justifiable had the person who was shot been a Maori, but as it was a pakeha the Committee consider the act was wrong.<sup>108</sup>

The runanga decided that 'there must be no more shooting, on penalty of the offenders being handed over to the Supreme Court', which would determine the ownership.<sup>109</sup> Puckey recorded that, when Ngati Hako was asked to respond to the judgment,

Pineaha said that he wanted three things handed to him, in order that his course might be clear, which were the roads, surveys, and Courts. The prospect of an immediate surrender appeared at this moment singularly bright, and everyone thought the matter could be easily settled by a little diplomacy. It was thought the roads were roads passing over Ngatihako land, and that the surveys and hearings before the Court affected Ngatihako land; but it turned out that Pineaha wanted the matter affecting all roads, surveys, and hearings of land claims in Hauraki handed over to him. This the runanga of course could not grant, and it now appeared evident that Pineaha had asked for things which he knew the runanga could not possibly grant, in order that he might say, "Well, then, I will not give my young men up."

Becoming 'wearied from constantly replying to' Pineaha's arguments, the runanga referred his requests to Puckey and Wilkinson.<sup>110</sup> When Puckey then demanded that the men be handed over, 'the *runanga* declared they had not the power to hand them over'. A newspaper considered its decision indicated that the rangatira felt Ngati Hako had done wrong but were 'afraid to accept the serious responsibility of handing them over to the authorities to be dealt with according to European law'.<sup>111</sup> Puckey said he

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<sup>108</sup> 'Native Disturbance at Ohinemuri', p. 6.

<sup>109</sup> *Thames Star*, 13 September 1879, p. 2, 15 September 1879, p. 2.

<sup>110</sup> 'Native Disturbance at Ohinemuri', p. 4.

<sup>111</sup> *Auckland Weekly News*, 20 September 1879, p. 18.

regretted Ngati Hako would not yield up the offenders, warning the runanga that as the law ‘must be enforced at any cost’ they must not interfere ‘in any way, lest they bring trouble on themselves’:

Pineaha, in a very dignified way, hurled back defiance. His children, he said, were not little pigs, which one might tie up and carry away to be roasted. The Supreme Court was a deep pool of blood. That the only reason he asked for the roads, surveys, and Courts was so that his way might be clear, as he was determined to bring trouble in the district, and would shoot any one interfering with his right; but he begged that I would not be hasty.<sup>112</sup>

Another version of Pineaha’s final statement was published:

His people had not transgressed the law under the circumstances. He said they would now return to their settlements on the banks of the Waihou, and if the Europeans wanted them they could go and take them by force. He advised them not to take only Pakara and Epiha, but the whole tribe – men, women, and children – and make away with them, thereby blotting out the name Ngatihako. He warned them that if the two men were lodged in gaol, the whole tribe, when they were released, would take up arms and devastate the country.<sup>113</sup>

With that, the runanga ended and most rangatira departed. According to a reporter, although Maori throughout Hauraki were ‘very “dark” over the affair’ and ‘anxious that the offenders should be brought to justice’, they would not assist ‘to attain that end, preferring to remain passive observers’.<sup>114</sup> There had been a brief expectation that, through the auspices of Tukukino, the two men would be ‘given up, lest the peace of Hauraki be disturbed’,<sup>115</sup> but this had come to nothing.

#### AFTER THE RUNANGA

This failure to hand over the offenders did not surprise one editorial writer. He considered that calling the runanga had been a mistake because

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<sup>112</sup> ‘Native Disturbance at Ohinemuri’, p. 4.

<sup>113</sup> *Thames Advertiser*, 15 September 1879, p. 3.

<sup>114</sup> *Thames Advertiser*, 22 September 1879, p. 3.

<sup>115</sup> *Thames Advertiser*, 15 September 1879, p. 3.



the opportunity was lost of making ‘manifest to the native race that we were able to carry out the law, and could apprehend all offenders against it’. He wanted the government to capture Epiha and Pakara, pointing out that they were supported by only about 12 or 15 men and could not easily flee to the King Country.<sup>116</sup> Puckey did continue to attempt to obtain their surrender, and for a while was optimistic of success.<sup>117</sup> According to one newspaper, the alternative, assaulting the Ngati Hako settlement, had an ‘exceedingly small’ chance of success:

There is no chance of surprising the settlement, and, in all probability, if it were closely pressed, the guilty men would escape. If they remained, and if the place were fortified and defended, an attack would be a serious matter. Difficulties arise from bush, and swamp, and river, and the attack might fail through panic. Even success might not be very pleasant for us. A successful attack by Constabulary and Volunteers would in all probability mean the destruction of every individual in the settlement – men, women, and children.<sup>118</sup>

A Thames correspondent, in contrast, argued that this ‘very small’ hapu was ‘quite isolated’ from the rest of Hauraki opinion, and others would not assist them for fear of being accused of supporting the shooting and being ‘liable to receive punishment along with the others’. Accordingly, ‘a little firmness’ would ‘tend greatly to settle the native difficulty around Ohinemuri, and will considerably assist in opening up the rich and fertile lands of the Upper Thames’.<sup>119</sup>

Puckey held discussions with some rangatira immediately after the runanga ended.<sup>120</sup> Tukukino visited Ngati Hako, who refused ‘to give up the culprits. They say, “Let the pakeha come and take us.” Tukukino has decided to call in all the peaceful Maoris, and let the pakehas go and take the belligerents’.<sup>121</sup> When Tukukino, a Hauhau who was half Ngati Hako, warned Pineaha that he would not support him against the government because the latter had ‘acted with so much consideration for the peace of

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<sup>116</sup> Editorial, *Auckland Weekly News*, 20 September 1879, p. 12.

<sup>117</sup> *Auckland Weekly News*, 20 September 1879, p. 14.

<sup>118</sup> *Auckland Weekly News*, 20 September 1879, p. 18.

<sup>119</sup> Thames Correspondent, *Auckland Weekly News*, 20 September 1879, p. 18.

<sup>120</sup> ‘Native Disturbance at Ohinemuri’, p. 4.

<sup>121</sup> *Auckland Weekly News*, 20 September 1879, p. 18.

Hauraki', Pineaha agreed to surrender the two men in one week's time.<sup>122</sup> After Tukurino's visit failed to get their immediate surrender, Puckey had 'a most satisfactory meeting with the whole of Ngati Tamatera. 'They resolved unanimously to let the pakeha have a clear road, and not interfere with or hamper them in any way in their efforts to capture' them.<sup>123</sup>

A meeting called by Tukurino of all Ohinemuri hapu apart from Ngati Hako was held at Paeroa on 21 September to work out 'a plan for their guidance when active operations are taken to bring the belligerents to their senses'. Rapata Te Pokiha spoke first, suggesting that they should put themselves under Pakeha protection because their korero made them 'liable to be attacked by the Ngatihako who had done what they had with the view of getting Ngatitamatera into trouble'. Other speakers worried about encouraging splits within Maori ranks and feared Pakeha soldiers would occupy Paeroa. Taipari said he would 'occupy a position at Kerepehi on the Piako River, for the purpose of preventing outsiders' from supporting Ngati Hako by warning them their land would be confiscated.<sup>124</sup> He then visited all Piako hapu, warning them not to support Ngati Hako,<sup>125</sup> returning with the news that the latter would resist the capture of the two men and were

busily erecting two pas, one near Pakara's settlement, on the banks of the Waihou, called Ohahakura, and the other at a place named Awaiti, at the head of a tributary of the Piako River, the distance between the two places being about three miles. The first-mentioned pa is being built on a spot very very difficult of access, and is rapidly approaching completion. The other one is about half finished. From the forward nature of these works, it is supposed that the Ngatihakos must have been reinforced by a number of the disaffected natives of the district.<sup>126</sup>

A correspondent assumed Pineaha was aware of the pa being constructed,

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<sup>122</sup> 'Native Disturbance at Ohinemuri', p. 4; see also *Auckland Weekly News*, 27 September 1879, p. 16.

<sup>123</sup> E.W. Puckey to John Sheehan, 20 September 1879, printed in 'Native Disturbance at Ohinemuri', p. 6.

<sup>124</sup> *Thames Advertiser*, 22 September 1879, p. 3.

<sup>125</sup> Ohinemuri Correspondent, *Thames Advertiser*, 24 September 1879, p. 3.

<sup>126</sup> E.W. Puckey to Under-Secretary, Native Department, 27 September 1879, printed in 'Native Disturbance at Ohinemuri', p. 7; *Auckland Weekly News*, 27 September 1879, p. 17.

although at the same time he was professing to give all the assistance he could to the Government. It was he who asked and obtained a week's time, in which to urge Epiha and Pakara to give themselves up, well knowing that they would never agree to do so, and that the respite would afford time in which to strengthen their position. The affair is becoming more and more serious every day, and the out-settlers of the district are placed in a very precarious situation.<sup>127</sup>

Rapata Te Pokiha visited the Ngati Hako settlement and announced himself willing to go there every day for a week, if necessary, to get the men to surrender.<sup>128</sup> When he failed, a leading Ohinemuri settler, Charles Featherstone Mitchell,<sup>129</sup> went there, accompanied by several Maori,<sup>130</sup> but also failed. Ngati Hako showed no intention of leaving the district, instead building whare. 'Tawhiao has sent them word that they must remain at their settlement, and be killed there, if necessary'. It was rumoured that they intended to stop all steamer traffic on the river and were preparing to defend themselves.<sup>131</sup> There were also reports of 'large quantities of provisions' being 'accumulated at a pa between the Piako and Waihou rivers'.<sup>132</sup>

### PAKEHA FRUSTRATION

The stalemate over the surrender of the perpetrators frustrated settlers, some of whom were preparing to fight, as a Paeroa correspondent explained in mid-September:

The settlers are becoming more and more dissatisfied at the way things are going on. Many of them live miles away from the township, and are in dread of a raid being made upon their homes some night, and themselves and their families butchered. They are not inclined to plant crops for fear they will not be able to gather them in, and as many of them are engaged at drill the best

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<sup>127</sup> Thames Correspondent, *Auckland Weekly News*, 27 September 1879, p. 17.

<sup>128</sup> *Thames Advertiser*, 19 September 1879, p. 3.

<sup>129</sup> See paper on the Thames Miners Union.

<sup>130</sup> *Thames Advertiser*, 20 September 1879, p. 3.

<sup>131</sup> Thames Correspondent, *Auckland Weekly News*, 27 September 1879, p. 16.

<sup>132</sup> *Auckland Weekly News*, 4 October 1879, p. 18.

part of the day their cattle are unattended to, and are consequently running wild.<sup>133</sup>

A Te Aroha correspondent believed the failure to arrest Epiha and Pakara was delaying the settlement of that district. 'All this trouble is owing to the vacillating policy of the head of the Native Department, who ought at once not to have demanded the surrender of a would-be murderer but have given orders for his immediate apprehension'.<sup>134</sup> Government inaction was condemned, with talk of holding an 'indignation meeting' at Thames and of settlers taking 'the law into their own hands' to 'root out this nest of malcontents who do nothing but retard the advancement of the district'.<sup>135</sup> Reuben Parr,<sup>136</sup> a farmer at Waitoa, where settlers had been provided with arms for self-protection, stated that Maori there smiled 'derisively when they learn that as yet nothing has been done' to arrest the men. Rumours of threats made to settlers at Miranda reinforced the feeling that Maori were 'becoming emboldened by the do-nothing policy of the Government' and would 'very probably commit further outrages'. Settlers in Ohinemuri and Piako, 'although not seriously alarmed for the safety of their lives', were 'very uneasy' because of 'their scattered and unprotected condition', and many were thinking of sending their families to safer locations.<sup>137</sup> Rifles were distributed to settlers but would not be used for their original purpose, instead proving to be 'very useful for pig hunting'.<sup>138</sup>

In early October, an excursion party travelling by river to Te Aroha twice stopped at the Ngati Hako settlement, hoping to meet Pakara. On their second stop, Ngati Hako 'expressed considerable anxiety' about what the government would do.

They are very anxious that the Government should hold a court of inquiry at their settlement, and they are confident if this was done they would be able to shew that right was on their side in so

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<sup>133</sup> Paeroa Correspondent, *Thames Advertiser*, 19 September 1879, p. 3.

<sup>134</sup> Te Aroha Correspondent, *Thames Advertiser*, 29 September 1879, p. 3.

<sup>135</sup> Thames Correspondent, *Auckland Weekly News*, 27 September 1879, p. 16, 4 October 1879, p. 18.

<sup>136</sup> See *Descriptive Handbook to the Waikato* (Hamilton, 1880), p. 69; *Thames Advertiser*, 3 July 1880, p. 4; Travelling Reporter, 'The Piako County', *Waikato Times*, 3 May 1881, p. 2; *Te Aroha News*, 21 May 1887, p. 2, 30 December 1925, p. 1.

<sup>137</sup> Thames Correspondent, *Auckland Weekly News*, 4 October 1879, p. 18.

<sup>138</sup> Reminiscences of Frederick Marychurch Strange, *Te Aroha News*, 30 April 1948, p. 2.

far as stopping the survey was concerned. For the injury they have done the pakeha, they express a willingness to make reparation. They are, however, determined not to give themselves up, and if any attempt is made to take them by force they will resist it. They allege that they are acting with the concurrence of the King, and claim to be under his protection. They aver that the facts of the land dispute are not properly known.

The rumour of two pa being constructed was incorrect, and a visitor to Piako discovered Maori were 'very quiet and free from excitement', being 'busily engaged planting their crops'.<sup>139</sup> Not only were there no pa, but their settlement, on the western side of the Waihou 'nearly opposite the old settlement of Okahukura', had 'no fortification of any kind'; however, it was surrounded on three sides by 'high and dense' manuka, behind which was 'a large and impracticable swamp extending to the Piako River'.<sup>140</sup> One of those on the excursion, land speculator Samuel Stephenson,<sup>141</sup> who claimed to be 'personally known to' Ngati Hako, described their being invited to land at their settlement 'by the women and children'.

Plenty of fish, brought from the Thames, sugar, biscuits, &c, having ben distributed, the korero commenced, Epiha saying he was glad to see us; that it was very thoughtful and kind to visit them, and that he was sure when we knew the history of the affair, we would see that they had no wish to injure any person, but would not, under any circumstances, submit to be deprived of their lands by an opposing tribe, whether authorized by Government or not. They will not submit to European law courts in this case, but will offer no resistance to a Court of Inquiry being held on the ground, when they will substantiate their claim to the land; that they warned officials on several occasions not to survey the land lest trouble should arise, as they could not obtain any hearing to uphold their claims, the only course left them was that of open resistance. It appears that a previous survey had taken place, and that some European had advanced some £60 on the land, but this survey did not satisfy some persons in authority who authorized another, which encroached on the boundaries of the Ngatihako, and the disagreement ended in the shooting of one of the survey party. Had they shot the native or half-caste who directed the survey for his own ends, the affair would have assumed the position the same as that of the Bay of Islands, and

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<sup>139</sup> Thames Correspondent, *Thames Advertiser*, 11 October 1879, p. 17.

<sup>140</sup> *Auckland Weekly News*, 1 November 1879, p. 14.

<sup>141</sup> See papers on the Aroha Block.

no further notice than that of tribal rights, to be settled amongst themselves, need have occurred. Unfortunately, it was a European who knew nothing of the dispute, and was simply working for him, and as he was not killed they offer to make what compensation they are able to do for the injury inflicted. Surely the white man can afford to be generous, and even admire the natives standing undaunted on their native heath, not knowing one moment from another, but that the first whistle of a steamer conveys to them their funeral knell, preferring death rather than flinch or yield to what they term dishonour. I await with some anxiety the arrival of Mr Mackay, hoping that he may be made thoroughly acquainted with such facts as will direct him to a right solution.<sup>142</sup>

(Part-way through this letter, Stephenson's quoting of Epiha became his own summary of the position: certainly the last two sentences seem to be Stephenson's.)

#### WHAT PROVOKED THE SHOOTING?

In October, 'a party of gentlemen' visiting on business, perhaps the same party that included Stephenson, met Epiha, who appeared to be dying of tuberculosis, and Pakara, 'a powerful, truculent-looking fellow'.

The natives state that the whole story about the survey of the disputed block has not come out, and that when it does some curious disclosures and revelations will be made. Some of the native people, they allege, sell without the consent of the co-proprietors of the soil; the survey is the initiatory public stage of the wrong; and that the dissentients, feeling the land slipping away from them, and that they were becoming nobodies, are then driven to the desperate deeds which their better judgment condemns.<sup>143</sup>

At the end of October, after the fall of Grey's government, James Mackay was sent to resolve the crisis. Ngati Hako 'received him very well' and he hoped for a peaceful solution, but the two men refused to surrender, 'as they consider an injustice has been done to them about their lands'.<sup>144</sup> Their actions reportedly encouraged a hapu at Hikutaia to revive their

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<sup>142</sup> Letter from Samuel Stephenson, *Thames Advertiser*, 13 October 1879, p. 3.

<sup>143</sup> James Burt, of Auckland, cited in *Auckland Weekly News*, 18 October 1879, p. 8.

<sup>144</sup> *Auckland Weekly News*, 1 November 1879, p. 14.

conflict with a settler over disputed land, threatening ‘to do as the Ngatihako had done’.<sup>145</sup>

When first informed of the shooting, Puckey had told the government that ‘the outrage has no political significance’, meaning that it was a dispute between hapu over selling the land.<sup>146</sup> Investigations quickly discovered it was the result of Ngati Hako grievances over losing land to other hapu.<sup>147</sup> Mackay considered that incorrect court decisions had caused it.<sup>148</sup> A Paeroa correspondent explained that, although the method used to stop the survey was wrong under Pakeha law, under Maori custom it was ‘quite admissable’, and explained how earlier land dealings had prompted the reaction:

Capitalists have got the best of the land, and the Government enter the field when too late to satisfy the people’s craving, and the only line of business that can be done is a few hundred acres of hilly country, not fit to support many families, but to the native owners – being their last – it is precious, hence their objection to it being taken.<sup>149</sup>

According to initial reports, Ngati Hako ‘were conquered some years ago, but were allowed to live on the land as slaves. They have long smarted under this degradation, and now appear to be taking some kind of revenge’.<sup>150</sup> Puckey explained that Ngati Hako, ‘the original owners of the country’, were conquered by ‘the Marutuahu tribes, who reduced them to a state of slavery, allowing them only to occupy an insignificant portion of the fine country which they at one time owned’. They were enslaved by Marutuahu as ‘hewers of wood and drawers of water, these occupations being diversified by occasional employment in eel-catching and bird-snaring, and, doubtless, when they were unable to find flesh in other ways for the refectation of their masters, frequently had to furnish their own’. After the arrival of Pakeha, ‘they gradually ascended the social scale’ and had

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<sup>145</sup> *Auckland Weekly News*, 8 November 1879, p. 14.

<sup>146</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

<sup>147</sup> *Thames Advertiser*, 1 September 1879, p. 3.

<sup>148</sup> Under-Secretary, Native Department, to Native Minister, 20 October 1879; James Mackay to Under-Secretary, Native Department, 3 November 1879, Maori Land Court, Memoranda Book 1879-1892, p. 51, 79/4134, BAIE 4307/1b, ANZ-A.

<sup>149</sup> Paeroa Correspondent, *Thames Star*, 9 October 1879, p. 2.

<sup>150</sup> *Auckland Weekly News*, 6 September 1879, p. 7.

become 'very nearly equal with their masters'. When the land court met in Ohinemuri in May 1870, Ngati Koi, 'another serf tribe occupying a somewhat better condition' than Ngati Hako, claimed the Owharoa Block and wanted Ohinemuri opened for mining. Most of the dominant tribe in the district, Ngati Tamatera, opposed opening the land, and Ngati Hako sided with it, and in the hearing

divested themselves of their right, as a serf tribe, disclaiming to own any land without the permission of the Ngatitamatera. This had, as much as the conquest and occupation of their lands by Ngatitamatera, reduced their holdings to a minimum, as whenever they set up a claim to land in the Court, unless by special act of grace on the part of Ngatitamatera, they are awarded none. Discontent, after repeated failures, has given place to a firm desire to prove their right and regain their lost prestige at any cost, and, without in any way regarding the consequence, they have, I am led to believe, as a last resort to cause the discontinuance of encroachment on their rights, with a hope that their conquerors might take sides with them and become themselves involved in the troubles bound to follow such a step, fired on our survey party.<sup>151</sup>

An Auckland newspaper gave more details of the history of Ngati Hako:

As far back as can be descried in the traditions which constitute New Zealand history, the peninsula was held by two tribes – from Te Aroha to Shortland the Ngatihako were the owners, and from Shortland to Cape Colville the Ngatihuarere. About four hundred years ago, the Marutuahu came over from Kawhia, conquered the original owners, and took possession of the country. It is said, however, by those acquainted with Maori title, that the claim of the original owners never disappears as long as any remain to assert it, and it has usually been the custom of conquerors to intermarry with the conquered people, so as to unite the two titles. A Maori, even if one of the conquerors, is always proud to found his claims partly at least upon descent from the original owners. Thus Ngatihako are connected with Tukukino and with Pineaha of Piako, and have considerable influence. At recent Land Courts, however, their claims have been ousted, and they have felt very sore, and disposed to cling firmly to what remains. The Government land purchase agents at the Thames paid a deposit upon the Pukehanga block to Ngatikoi, and forthwith

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<sup>151</sup> 'Native Disturbance at Ohinemuri', p. 5.



proceeded to survey, the land having been duly proclaimed. To the particular spot called Pukehanga the Ngatikoi have a good claim, but the block was made to include a piece called Okahukura, upon which Ngatihako have been living, and to which it is said they have a right. Hence the attack on the survey party.<sup>152</sup>

Two months later, after more research, this newspaper published more details of past conflicts:

1. The Ngatihako were the original owners of all the lands commencing to the north at Shortland and extending south to the neighbourhood of the Aroha block.
2. The Ngatikoi, who are connected with the Ngatiraukawa, arrived in the district and fought with Ngatihako, and succeeded in obtaining a footing in the Ohinemuri district. Ngatikoi then endeavoured to conquer the Ngamarama tribe, but were outnumbered and ruthlessly slaughtered, only two or three men escaping to Ohinemuri.
3. Ngatitamatera, another division of Ngatiraukawa, then appeared on the scene and protected the Ngatikoi fugitives. They then commenced in their turn to fight the Ngatihako. Ngatikoi, on account of the Ngatitamatera protection, then became vassals of that tribe.
4. The Ngatimaru tribe, who now occupy the Grahamstown and Shortland district, then came and fought with the Ngatihako, wresting from them all the country extending from Shortland River to Te Matai.
5. The Ngatihako had, long before the advent of Ngatikoi, Ngatitamatera, and Ngatimaru, allied themselves to the Ngatipaoa, the great ancestor of whom (Paoa) had married Tukutuku, a chief woman of Ngatihako. When the Ngatihako were hard pressed by Ngatitamatera and Ngatimaru, they fled to the Turua forest, and were sheltered and aided by the Ngatipaoa.
6. After a time Ngatihako were permitted to return and occupy some of the lands at Ohinemuri, which had been conquered by the Ngatitamatera. [They never went on to those which had been taken by the Ngatimaru.] They then became the vassals of the Ngatitamatera tribe, as far as their tenure of those lands were concerned. With respect to their claims in the Ngatipaoa portion of the Thames district, they were admitted to equal rights with that tribe.

The Pukehanga block proper belongs to the Ngatitamatera tribe as feudal lords, and to the Ngatikoi as their vassals. Had the survey operations been confined to it only, no difficulty would have arisen, as the land comprised in it is a portion of that

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<sup>152</sup> Editorial, *Auckland Weekly News*, 6 September 1879, p. 12.

originally conquered from the Ngatihako. The survey was not confined within the limits of the Pukehanga block, but encroached on the Okahukura block, which has from time immemorial been the property of Ngatihako, and has never gone out of their possession and occupation. Hence arose the difficulty; the Ngatihako were exasperated at some decisions of the Native Land Court which were unfavourable to their claims, and, imagining all their lands were to be taken from them, they adopted the extreme measure of shooting the surveyors, in order to bring the question of their title to an issue.<sup>153</sup>

Epiha, who admitted firing the shot that struck McWilliams, said that Alfred Joshua Thorp,<sup>154</sup> an early settler in the district and a surveyor, had earlier surveyed his land without his permission.<sup>155</sup> Renata Tamati<sup>156</sup> told the land court, in 1894, that at the time of the shooting Epiha was ‘a great king’s man and did not approve of surveys, hence the shooting’.<sup>157</sup> Four years later, when he was an elder of Ngati Hako, Epiha rebutted this statement: ‘It was not because of Tawhiao’s policy that I shot the European. It was because the Government persisted in surveying my land. I had previously objected to the survey of Waihou No. 4’. He admitted sending a messenger to Tawhiao after the shooting. He had told a meeting of Maori that ‘I should not have shot him had the survey been taken along the proper’ boundaries.<sup>158</sup> The following day, Mereia Wikiriwhi<sup>159</sup> said that Timiuha Taiwhakaea, who had ordered the survey, had, along with Ngati Tara, sold the land to the government; ‘no other hapu joined in the sale’. At the runanga held after the shooting, ‘the people were all trying to shield Ep. Taha. And to lay the blame on myself and Timiuha, as he had had the survey made’.<sup>160</sup> She admitted having received £10 and giving it to Timiuha, who was to arrange the survey. ‘Timiuha has no right to the land.

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<sup>153</sup> *Auckland Weekly News*, 1 November 1879, p. 14.

<sup>154</sup> See *Ohinemuri Gazette*, 3 October 1912, p. 3; J.A. Thorp, ‘Paeroa’s First Settlers: The Thorp Family’, *Ohinemuri Regional History Journal*, vol. 4 no. 2 (October 1967), p. 15.

<sup>155</sup> *Thames Advertiser*, 8 September 1879, p. 3.

<sup>156</sup> See Maori Land Court, Hauraki Minute Books, no. 15, p. 312; no. 16, p. 346; no. 31, p. 268; no. 36, pp. 80-82, 86-88, 103, 118, 133-134, 136-137, 141, 157, 163; no. 45, pp. 261-262, 265-268, 270-273, 293-294; no. 49, pp. 185-186, 190.

<sup>157</sup> Maori Land Court, Hauraki Minute Book no. 36, p. 83.

<sup>158</sup> Maori Land Court, Hauraki Minute Book no. 49, pp. 242-243, 249.

<sup>159</sup> See paper on her life.

<sup>160</sup> Maori Land Court, Hauraki Minute Book no. 49, pp. 255, 268.

It was simply thro' our native ideas that he was joined with me in having the survey made'.<sup>161</sup> In contrast, fifteen years after the shooting the *Thames Advertiser* stated that McWilliams had been shot in mistake for Bayldon, who had surveyed Ngati Hako land earlier. 'The survey was pushed on by men who had bought interests in the land, not from the owners, and were using the machinery of the then Government to force the survey'.<sup>162</sup>

### NGATI HAKO AVOIDS FURTHER RUCTIONS

Because Ngati Koi and Ngati Hako 'fell out' because of the shooting, 'a little piece of land and a patu were given as a peace offering', by which hapu it was not said.<sup>163</sup> By mid-1880, as there had been 'no favourable opportunity' to arrest the perpetrators, the excitement had 'died out' but those Ngati Hako 'more immediately connected with Epiha and Pakara' kept 'very much to themselves'.<sup>164</sup> In January 1881, when travelling by boat to Te Aroha, once 'abreast of the Ngatihako settlement' passengers 'had a splendid view of the would-be murderer, Pakara, who, assisted by several other natives, assailed us with a volley – not of bullets – of peaches'.<sup>165</sup> The following month, when McWilliams was mining at Te Aroha,<sup>166</sup> it was reported that one of the two men could 'be seen any day' there, 'not far from the young man whose life he sought to take'.<sup>167</sup> The *Te Aroha Miner* complained that Epiha and Pakara were free to 'strut about in broad daylight'.<sup>168</sup>

In May 1881, Wilkinson gave a detailed analysis of Ngati Hako's 'disposition'. Then living 'principally on the banks of the Waihou and Piako Rivers', they had once owned 'nearly all the land' in Ohinemuri:

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<sup>161</sup> Maori Land Court, Hauraki Minute Book no. 49, pp. 271, 272.

<sup>162</sup> *Thames Advertiser*, 29 August 1894, p. 2.

<sup>163</sup> Maori Land Court, Hauraki Minute Book no. 36, p. 83.

<sup>164</sup> E.W. Puckey to Under-Secretary, Native Department, 29 May 1880, *AJHR*, 1880, G-4, p. 4.

<sup>165</sup> Te Aroha Correspondent, *Auckland Weekly News*, 22 January 1881, p. 21.

<sup>166</sup> Te Aroha Warden's Court, Register of Te Aroha Claims 1880-1888, folio 167, BBAV 11567/1a, ANZ-A; *Thames Advertiser*, 26 November 1880, p. 3, 6 December 1880, p. 3; *Thames Star*, 22 December 1880, p. 2, 27 January 1881, p. 2, 24 February 1881, p. 2.

<sup>167</sup> *Auckland Weekly News*, 19 February 1881, p. 17.

<sup>168</sup> *Te Aroha Miner*, 19 February 1881, reprinted in *Thames Star*, 21 February 1881, p. 2.

Unfortunately, their rank and possessions did not give them immunity from the attacks of their enemies, and they have, therefore, through successive defeats (long before the advent of Europeans), had to succumb to the stronger arms and overwhelming numbers of their adversaries. But although defeated, they were not entirely dispossessed of their territory; and this fact, coupled with their having intermarried with their conquerors, causes them at the present time to take up a social position that they are not entitled to assume, and which is continually being resented by the Ngatitamatera Tribe, who are the present owners of the land originally owned by Ngatihako. Their claims to land are, with few exceptions, successfully opposed in Native Land Courts by Ngatitamatera, and this has caused them to assume a morose and apparently unfriendly attitude to everybody, and especially to the Pakeha. I do not mean that it is to be inferred that these people are in the habit of molesting Europeans on any pretence whatever; but their having to take up a subservient position amongst other tribes in this district – they who were formerly lords and masters of the whole country – is particularly galling to them, and has caused them to eschew not only the Pakeha, but also those Natives who, through having plenty of land to dispose of, are on good terms with their European neighbours; and, as might be expected of a dissatisfied people, they have fully adopted all the laws and doctrines (religious or otherwise) of king Tawhiao, especially as regards opposition to roads, telegraphs, surveys, and leasing or selling of land, and even to the removing of the snags in the Waihou River, near their settlement, which are at present an obstacle to navigation. They seem to have chosen for themselves a policy of sullen opposition to anything that would further the advancement of the district from a European point of view, and are ready at any time to resent by force, if necessary, any encroachment (whether by Natives or Europeans) upon their self-adopted laws and regulations – instance the shooting at and wounding one of the party engaged in surveying the Pukehanga Block, in August, 1879, merely on the pretext that false boundaries had been given by the Natives who sold the Pukehanga Block to the Government, and, therefore, a portion of their land adjoining was being wrongfully included in the survey – a mere question of dispute which could easily have been settled when the case was brought before the Native Land Court. They have, also, since ordered off with threats Europeans who were sent to remove snags from out of the Waihou River. Notwithstanding these bad traits in their character, which I consider, it behoves me to mention in a report of this kind, they are, if left entirely alone, an unoffending people, and, on account of the rigidity with which they carry out their kingite and semi-religious principles, are seldom found offending against our laws, however trivial may be the offence: and I must

say that, during the few days when they were much exercised in mind through one of their relatives [Hamiona Haira] being foully murdered at Te Aroha, in February last,<sup>169</sup> their principal chiefs ... behaved remarkably well all through the trying time, and were the first to accede to my request to leave the matter for the law to decide, and it was mainly through their exertions that some of the more turbulent spirits were restrained from taking immediate revenge upon one or two Europeans who were suspected by them of being guilty of the outrage. Action of this sort, which shows that, by allowing the matter to be decided by our laws, they have no wish to pick a quarrel with us, is, I think, deserving of praise, and should go a great way towards softening any hard feelings that we may have harboured against them on account of their persistent opposition to our progressive and go-a-head policy, whenever the same has been brought into contact with themselves, or sought to be carried out on land over which they have control.<sup>170</sup>

The following year, Wilkinson reported that they were 'on their good behaviour', although earlier they had shot a settler's bullock on their land and threatened to shoot all Pakeha horses and cattle found on it. They did not carry out the threat, and seemed to be 'beginning to see the error of their ways, or at least are fearful that they may go too far'. As evidence, he referred to their permitting snags to be removed from the river after four years of opposition.<sup>171</sup> In 1883, he reported that they had been 'exceptionally quiet' during the previous 12 months. 'Not naturally a bad people', they had shot McWilliams 'through their having been unsuccessful in proving titles to land which they had looked upon as their own, and their seeing this land sold over their heads, and also their having been more or less what is commonly called "sat upon" by other tribes'. Since then, they had seen the snagging of the river 'done literally "under their very noses," for they were living on the banks of the river', and also the sudden decline in Tawhiao's power. What 'most of all caused them to cause and consider was the arrest and trial of their two leading men', Pakara and Epiha.

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<sup>169</sup> See paper entitled 'Revolted Murder at Te Aroha'.

<sup>170</sup> G.T. Wilkinson to Under-Secretary, Native Department, 28 May 1881, *AJHR*, 1881, G-8, p. 8.

<sup>171</sup> G.T. Wilkinson to Under-Secretary, Native Department, 17 May 1882, *AJHR*, 1882, G-1, p. 4.

For a long time after the crime was committed no attempt was made to arrest the culprits, and in all probability they began to think they were safe, but unfortunately for them their case was another proof ... that the law is patient and has a long and powerful arm. Their arrest by a party of constables when coming down the Waipa River in a canoe, within only a few miles of Tawhiao's settlement, must have considerably lessened their estimate of the power of Tawhiao and of the gods, under whose protection they used to boast they were, to protect them. This exhibition of power and firmness evidently "staggered" them.<sup>172</sup>

### CAPTURE AND TRIAL OF THE ASSAILANTS

Epiha and Pakara were captured in May 1882. When earlier recognized at a meeting held at Tawhiao's settlement of Whatiwhatihoe on the edge of the King Country, no attempt was made to arrest them because of the numbers present. Discovering that they were to return to Hauraki by way of Waikato, all the police of the latter district were mobilized to capture them. Both men came down the Waipa River on canoes, accompanied by about 30 friends, stopping at Maori settlements on the way, and were surprised by police hidden on a steamer. There was a 'rough and tumble scrimmage' to secure Pakara, as others, including his wife, tried to defend him; he 'let out an unearthly yell of terror' when arrested, but Epiha was captured 'with little trouble'. None of the Maori were armed, 'otherwise there would probably have been loss of life'. After the police announced they would take the prisoners to Thames via Te Aroha, Maori congregated at settlements on that route, intent on rescuing the prisoners. Instead, they were taken to Auckland by 'the late goods train', again fooling Maori who had congregated in large numbers at Waikato railway stations. Both men were 'very sullen since their arrest, and partook of no refreshment, save a little tea, till they arrived at Auckland'.<sup>173</sup>

At the preliminary trial in the police court, Wilkinson said that, at the runanga of Hauraki rangatira, 'Epiha admitted that he fired the shot, and that the survey was the cause. On another occasion both prisoners admitted that they were the perpetrators of the outrage'. Under cross-examination, Wilkinson admitted that it was 'possible that the expression made use of by Pakara, that he had committed the crime, might mean, for the Maori

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<sup>172</sup> G.T. Wilkinson to Under-Secretary, Native Department, 11 June 1883, *AJHR*, 1883, G-1, p. 8.

<sup>173</sup> *Thames Advertiser*, 20 May 1882, p. 2; *Auckland Weekly News*, 27 May 1882, p. 9..

language was very ambiguous, that he had sanctioned it, but had not himself committed it'. Both men were sentenced for trial in the Supreme Court.<sup>174</sup>

There was much interest in the trial, a sketch of Pakara being published in the *Observer*.<sup>175</sup> The second trial, held in July, produced no new information, and the jury took only 20 minutes to find Pakara not guilty and Epiha guilty. 'Epiha, in reply to the usual challenge why the sentence of the Court should not be passed upon him, asked, What offences have I committed? If they were those written in the Scriptures, the Scripture says all sins were atoned for by Christ. That is all I have to say'. His counsel argued for 'mitigation of punishment, and tendered the evidence of Paora Tiunga for the character of the prisoner'. The judge then passed sentence in a manner implying that some facts were unclear and that the prerogative of mercy could be invoked:

You have been found guilty of having been engaged in shooting at this survey party. Whether you were actively engaged in it or not is best known to yourself. There is no doubt that you consented to it, and approved of it. Our European law allows no one to shoot another with a gun except in defence of his own life. A man has no right to shoot another in defence of his land. If land is wrongly taken, the law protects the land. The law looks on this offence as such a serious one that I cannot give a light sentence. If the representative of the Queen wishes to mitigate the sentence that will be his right. I can only administer the law. I can inflict no less a sentence upon you than three years' penal servitude.<sup>176</sup>

A petition seeking his pardon immediately drawn up by 'the native chiefs of the Upper Thames District' and signed 'by a large number of natives' contained an 'alternative prayer for a mitigation of punishment, should the pardon be refused'. The petition argued that Epiha did not confess his guilt 'and that a mistaken interpretation was put on his words by the witnesses for the prosecution'.<sup>177</sup> Although this petition was unsuccessful, eight months later Epiha was released under the terms of the Amnesty Act.<sup>178</sup> The justification for his pardon was that his hapu had

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<sup>174</sup> *Auckland Weekly News*, 10 June 1882, p. 13.

<sup>175</sup> Sketch of 'Pikiha Te Paora', *Observer*, 17 June 1882, p. 211.

<sup>176</sup> Supreme Court, *Auckland Weekly News*, 15 July 1882, p. 21.

<sup>177</sup> *Auckland Weekly News*, 22 July 1882, p. 18.

<sup>178</sup> *Thames Star*, 14 February 1883, p. 2.

committed the crime, Epiha simply taking some of the responsibility.<sup>179</sup> According to Wilkinson, the Native Minister's 'act of mercy' in releasing him amazed Ngati Hako, or 'brought them down', in his phrase.

I am of opinion that these people will not cause any further trouble by breaking the law out of objection and opposition to it, and that, by a little good management and recognition of their position as a tribe in cases where surveys and other matters emanating from the progress of civilization are concerned, there should be no difficulty in getting them to live as a peaceable and law-abiding people.<sup>180</sup>

They did retain some of their opposition to Pakeha; for instance, in 1886 stopping for a time the surveyors for the railway to Thames from getting to the block on which McWilliams was shot.<sup>181</sup>

#### THE CONSEQUENCES FOR McWILLIAMS

McWilliams was aged 19 when shot.<sup>182</sup> A month later, he was 'able to go about for a few hours a day with the aid of crutches',<sup>183</sup> and another two weeks later he could walk with two sticks. The government had agreed to pay for his hospital treatment.<sup>184</sup> For some months he remained weak, until a visiting doctor extracted a fragment of clothing from his wound.<sup>185</sup> By late 1880, he was sufficiently fit to join the Paeroa volunteer corps.<sup>186</sup> From December that year he was a member of one of the most enthusiastic parties, called Our Boys, mining at Te Aroha.<sup>187</sup> When he died, it was recalled that 'for years the small boys of Thames counted it a privilege if

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<sup>179</sup> *Thames Advertiser*, 15 March 1883, p. 3.

<sup>180</sup> G.T. Wilkinson to Under-Secretary, Native Department, 11 June 1883, *AJHR*, 1883, G-1, p. 8.

<sup>181</sup> *Thames Advertiser*, 15 March 1886, p. 3; Te Aroha Correspondent, *Waikato Times*, 24 June 1886, p. 2 [mistakenly referred to Ngati Rahiri when Ngati Hako was meant].

<sup>182</sup> Birth Certificate of William [Francis] McWilliams, June 1860, 1860/5905; Marriage Certificate of William Francis McWilliams, 16 November 1893, 1893/3058, BDM.

<sup>183</sup> *Thames Advertiser*, 30 September 1879, p. 3.

<sup>184</sup> *Thames Advertiser*, 15 October 1879, p. 2.

<sup>185</sup> Staples, p. 302.

<sup>186</sup> *Thames Advertiser*, 14 December 1880, p. 3.

<sup>187</sup> *Thames Advertiser*, 6 December 1880, p. 3; *Thames Star*, 24 February 1881, p. 2.



“Daldy” allowed them a private view of his scars’.<sup>188</sup> A friend recalled that, years after being attacked, ‘he and I actually met some members of the shooting party, and it was remarkable that there were no signs of enmity on either side’.<sup>189</sup>

In December 1879, McWilliams’ father obtained the support of the county council for his petition seeking compensation for injuries and ‘loss of time incurred’.<sup>190</sup> In April 1881, after McWilliams met William Rolleston, the Native Minister, at the latter’s request, Rolleston agreed to ask his colleagues to give ‘suitable compensation’.<sup>191</sup> Two months later, McWilliams asked him to recommend ‘something substantial’; he received £50.<sup>192</sup> At the time, he made no public comment on this amount, but in 1899 he petitioned parliament for further compensation.<sup>193</sup> The parliamentarians who considered his petition decided that, ‘as such a lengthy period’ had elapsed, it had no recommendation to make.<sup>194</sup> Two years later, a similar petition received the same response.<sup>195</sup>

## CONCLUSION

This shooting was the first, and only, time that Maori had shot a Pakeha in Hauraki; and not a government official but a man assisting to survey land who found himself entangled in rivalry between two hapu. Although the government was condemned for not quickly arresting the perpetrators, its caution paid off, and justice combined with mercy meant that one man was found not guilty because he was seen as taking on the responsibility for the hapu’s action and the other, although found guilty, received the prerogative of mercy for the same reason. And the fabled ‘peace of Hauraki’ remained intact.

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<sup>188</sup> *Observer*, 22 January 1931, p. 8.

<sup>189</sup> Hammond, p. 10.

<sup>190</sup> Thames County Council, *Thames Advertiser*, 5 December 1879, p. 3.

<sup>191</sup> *Thames Advertiser*, 5 April 1881, p. 3, 13 April 1881, p. 3; *New Zealand Herald*, 15 April 1881, p. 5.

<sup>192</sup> W.F. McWilliams to William Rolleston, 11 June 1881, Rolleston Papers, 1881 Inward Correspondence, MS 77-248, box 3, Alexander Turnbull Library; *Thames Advertiser*, 5 October 1881, p. 3.

<sup>193</sup> *Observer*, 26 August 1899, p. 20.

<sup>194</sup> ‘Reports of Public Petitions M to Z Committee’, *AJHR*, 1899, I-2, p. 6.

<sup>195</sup> ‘Reports of Public Petitions M to Z Committee’, *AJHR*, 1901, I-2, p. 8.

*Appendix*

*Figure 1: Sketch of Pikara Te Paora, Observer, 17 June 1882, p. 211.*



PIKARA TE PAORA.

This native, with Epiha Taha, was cleverly captured in the Waikato by a party of constables under the command of Sergt. McGovern, on a charge of attempting to murder W. D. McWilliams, at Rotukohu on the 29th August, 1879. He has since been committed for trial, with his coadjutor in the crime.