

HOERA TE MIMIHA

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HOERA TE MIMIHA

Abstract: *Hoera Te Mimiha was a rangatira of Ngati Koi, an inferior hapu to Ngati Tamatera, and had affiliations to other hapu. Although to Pakeha he was a mere labourer, in Maori society in Ohinemuri in the 1870s and 1880s he was a leading figure. Details have been traced of his whakapapa, his wider family, and especially his children, one of whom married Hone Werahiko.*

Mimiha spent much time in the Maori Land Court trying to prove his entitlement to be included as an owner of several blocks of land, not always successfully, for he could not prove some of his cases either through ancestry or occupation. Other rangatira with superior whakapapa were able to show the weaknesses of some of his claims, forcing him into giving evasive answers to cross-examination. His evidence did reveal what land he had occupied and farmed.

Mimiha willingly sold land, including his interest in the Ohinemuri goldfield (the boundaries of which he had pointed out to surveyors), and obtained a good income, for a time. Being interested in mining from the early 1870s onwards, he was one of the few Maori willing to descend a shaft at Thames, an experience that encouraged him to push for opening Ohinemuri to mining, even, it seemed, if that endangered Maori control of their land. Having prospected at Karangahake before it was opened to mining in 1875, he participated in this rush and subsequently in the Te Aroha one of 1880, having interests in claims at all three portions of the latter field. When his daughter's partner was murdered at Te Aroha, he calmed Maori anger, once again winning the gratitude of Pakeha.

Because of selling much of his land, he struggled financially, although unlike some Maori he did not drink his money away. Cutting off part of the ear of a Pakeha accused of raping his wife resulted in several court cases marked by dubious evidence presented by both sides. After being imprisoned for perjury, efforts by Pakeha to have his conviction reviewed resulted in his being judged to have been the only witness not to have lied to the court, but this sordid affair blackened his character.

AGE AND WHAKAPAPA

In 1877, Hoera Te Mimiha told the land court ‘I was born on Waihou above Hikutaia’, but did not provide a date.¹ Three years later, when asked whether he recalled Taraia’s expedition to Ongare in 1842,² he replied that he ‘was a boy then’.³ In 1892, when referring to this same battle, he described himself as then being ‘old enough to know what was going on, and about land also’.⁴ According to what he told the court in 1882 and the police five years later, he had been born in 1842 (at Onehunga, the police recorded incorrectly).⁵ This date cannot have been correct, and when he successfully applied for the old age pension in 1901, he stated that he was born ‘Taumatawiwi fight time 1836’,⁶ a confused reference to the famous battle near Maungatautari in 1830.⁷ Presumably he meant he was born at that time rather than at that place. In December 1912, he estimated his age as 74, which would mean he was born in 1838.⁸

In 1888 he was recorded as being five feet five and a half inches tall, with a flat nose and large mouth. ‘Right ear pierced, and speaks English well’.⁹

His father, Te Mimiha, was a rangatira of Ngati Koi.¹⁰ His mother was Rauwharangi, her name being taken from a burial site.¹¹ Her mother was Whaowaki.¹² When applying to be an owner of the Taumatawahuia Block in Ohinemuri, he stated that it ‘belonged to my ancestor Powha’, and gave his whakapapa:

Poha (f) = Maioro (M)
Tikitearoha

¹ Maori Land Court, Hauraki Minute Book no. 9, p. 415.

² See paper on Mokena Hou.

³ Maori Land Court, Hauraki Minute Book no. 13, p. 117.

⁴ Maori Land Court, Hauraki Minute Book no. 28B, p. 67.

⁵ Maori Land Court, Hauraki Minute Book no. 16, p. 75; *New Zealand Police Gazette*, 1 August 1888, p. 148.

⁶ Paeroa Magistrate’s Court, Old Age Pensions Minute Book 1899-1906, folio 65, ZAAP 13788/1a, ANZ-A.

⁷ See papers on the Aroha Block to 1879 and on Mokena Hou.

⁸ Maori Land Court, Hauraki Minute Book no. 62, p. 184.

⁹ *New Zealand Police Gazette*, 1 August 1888, p. 148.

¹⁰ Maori Land Court, Hauraki Minute Book no. 5, p. 42.

¹¹ Maori Land Court, Hauraki Minute Book no. 28B, p. 54.

¹² Maori Land Court, Hauraki Minute Book no. 28B, p. 55.

married Hirawani, of Ngati Te Kiko.²¹ In 1892, he referred to an unnamed sister, who had married Wi Te Paora and lived at Tikirahi in the early 1860s, where he visited her on many occasions.²² Wi or Wiremu Te Paora died before 1892.²³ Another half-sister, Whari, died young, and was buried at Pukemokemoke.²⁴

STATUS

The native agent in Hauraki, George Thomas Wilkinson,²⁵ in 1881 described Hoera Te Mimiha as the principal chief of Ngati Koi.²⁶ This hapu originated at Maungatautari, as part of Ngati Raukawa.²⁷ As an example of his status, he spoke at one meeting with James Mackay late in 1874 about debts owed to the government, agreeing with his hapu that they must 'give up the gold as the payment for the trouble the tribe is in now'.²⁸ Shortly afterwards, he was one of three Ngati Koi appointed to a 'native committee' to decide about Ohinemuri land.²⁹ The following day, when the meeting decided that only one person should speak for each hapu, he was removed.³⁰ Later at this meeting, Ngati Koi stated that they had sold their interests in Ohinemuri to the government. 'Hoera Te Mimiha then started to speak, but Te Moananui, Mere Titia, and Tareranui tried to put him down'.³¹ These senior rangatira did so because they considered Ngati Koi to have been their slaves in the past. In 1870, the court was told by other rangatira that Mimiha and his hapu were serfs or servants (rahi) of Ngati Tamatera.³² In

²¹ Maori Land Court, Hauraki Minute Books no. 11, p. 324; no. 12, p. 224; no. 28B, pp. 61-62, 73; Ohinemuri Goldfields, Notes and Memoranda by R.J. Gill, May-June 1882, entry for 3 June 1883, p. 71, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

²² Maori Land Court, Hauraki Minute Book no. 28B, p. 76.

²³ Maori Land Court, Hauraki Minute Book no. 28B, p. 79.

²⁴ Maori Land Court, Hauraki Minute Book no. 28B, p. 54.

²⁵ See paper on Mereia Wikiriwhi and George Thomas Wilkinson.

²⁶ G.T. Wilkinson to Under-Secretary, Native Department, 28 May 1881, *AJHR*, 1881, G-8, p. 8.

²⁷ Maori Land Court, Hauraki Minute Book no. 5, p. 70.

²⁸ *Thames Advertiser*, 22 November 1874, p. 3.

²⁹ Ohinemuri Correspondent, *Thames Advertiser*, 27 November 1874, p. 3.

³⁰ *Thames Advertiser*, 28 November 1874, p. 3.

³¹ Ohinemuri Correspondent, *Thames Advertiser*, 3 December 1874, p. 3.

³² Maori Land Court, Hauraki Minute Book no. 5, pp. 8, 42, 45, 70.

1877, Wiremu Hopihana described him as ‘a slave of mine’, clarifying that ‘I do not mean to say that you were taken prisoner by me – but you were subject to my orders’.³³ One Pakeha settler with close contacts with Maori, Henry Dunbar Johnson,³⁴ told the same hearing that he knew ‘that Hoera’s people are an inferior tribe’.³⁵ In 1884, Mimiha claimed not to have heard that the senior rangatira in Ohinemuri, Te Hira, regarded Ngati Koi ‘as serfs’, adding that his hapu ‘was the first tribe who occupied’ land near Karangahake.³⁶

In 1877, when making a claim to be an owner of part of Te Puninga, Mimiha told the court that ‘I belong to N’tamatera, but they don’t admit me.... I also belong to N’tawhaki and N’rangi.... I have always resided at Ohinemuri among the N’tamatera’.³⁷ The following year, he stated that he belonged to the Ngati Taharue hapu of Ngati Tamatera.³⁸ In 1884 he introduced his evidence by stating ‘Ngatitaia is my hapu of N’Koi tribe’.³⁹ However, in 1892, when describing another hapu as belonging to Ngati Tamatera, he claimed that Ngati Koi was ‘a tribe of itself’.⁴⁰ He described Ngati Koi was the same as Ngati Tokanui.⁴¹

Despite being treated by some rangatira as a descendant of slaves, he was a leading figure in Ohinemuri. When 300 members of Ngati Paoa and other hapu arrived for a large feast at Paeroa in 1875, ‘Hoera Te Mimiha acted as M.C.’ He provided a heap of cooked potatoes and kumera 20 feet long, three feet wide, and two feet high, capped with ten pigs cooked in halves.⁴² When a runanga was held in 1879 to discuss the shooting of Daldy McWilliams,⁴³ Mimiha was one of the two spokesmen for Ngati Hako.⁴⁴

³³ Maori Land Court, Hauraki Minute Book no. 10, p. 65.

³⁴ See paper on Lavinia and Henry Dunbar Johnson.

³⁵ Maori Land Court, Hauraki Minute Book no. 10, p. 63.

³⁶ Maori Land Court, Hauraki Minute book no. 15, p. 289.

³⁷ Maori Land Court, Hauraki Minute Book no. 9, pp. 415, 416.

³⁸ Maori Land Court, Hauraki Minute Book no. 11, p. 32.

³⁹ Maori Land Court, Hauraki Minute Book no. 13, p. 283.

⁴⁰ Maori Land Court, Hauraki Minute Book no. 28B, p. 65.

⁴¹ Maori Land Court, Hauraki Minute Book no. 28B, pp. 65-66.

⁴² Ohinemuri Correspondent, *Thames Advertiser*, 14 August 1875, p. 3.

⁴³ See paper on the Daldy McWilliams ‘outrage’.

⁴⁴ E.W. Puckey to Under-Secretary, Native Department, 17 September 1879, *AJHR*, Session 2, 1879, G-6, p. 4.

Whereas in Maori society he was regarded as a rangatira, though of an inferior hapu, in Pakeha society he was merely a labourer.⁴⁵

HIS WIFE AND FAMILY

Mimiha married Hariata Marakei, at an unknown date.⁴⁶ Of Ngati Tokanui, she was related to many of the leading rangatira of Ohinemuri.⁴⁷ Her father was Marukautuawarahia and her mother was Rihia Te Poho, sister of Raharuhi, the leading rangatira of Ngati Koi and father of Te Kepa (or Te Keepa) Raharuhi.⁴⁸ She did not know the year of her birth.⁴⁹ In 1887, when a grandmother, she was described as being ‘apparently’ middle-aged.⁵⁰

Hariata stated in 1887 that she had 12 children.⁵¹ Their son Rangi was born in about 1864, but died young.⁵² Another son, Otimira or Otinura Haira, was born in 1872, dying at his father’s home at Rotokohu in 1891, aged 19.⁵³ Five years later, another son Tame Hoera and a daughter Rauwharangi Hoera died, their ages being unrecorded.⁵⁴ When Hariata was a grandmother twice over, in 1887, she had another baby, name and sex unrecorded.⁵⁵ In 1898, another son, Tuarawheti Hoera, was aged eight; he died ten years later. Also in 1898, another son, Koroneho Hoera, whose age was not recorded, was living at Te Aroha; he had died by 1911.⁵⁶ Nothing is

⁴⁵ Death Certificate of Hone Hoera, 4 September 1912, 1912/5741, BDM.

⁴⁶ Marriage Certificate of Hare Arokura and Mera Werahiko, 18 October 1883, 1883/3377, BDM; Register of Thames Marriages 1880-1884, no. 43, Anglican Archives, Auckland [Hare’s first name recorded as Harietta].

⁴⁷ Maori Land Court, Hauraki Minute Book no. 28B, p. 58; *Ohinemuri Gazette*, 2 August 1899, p. 2.

⁴⁸ Maori Land Court, Hauraki Minute Book no. 28B, p. 52.

⁴⁹ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

⁵⁰ *Auckland Weekly News*, 7 May 1887, p. 20.

⁵¹ *Auckland Weekly News*, 7 May 1887, p. 20.

⁵² Maori Land Court, Hauraki Minute Book no. 15, p. 285.

⁵³ Maori Land Court, Hauraki Minute Book no. 36, p. 281; R.J. Gill, Memorandum re Purchase of Ohinemuri, 1882, Appendix H, Lands and Survey Department, LS 36/25a, ANZ-W.

⁵⁴ Maori Land Court, Hauraki Minute Book no. 49, p. 152.

⁵⁵ Supreme Court, *Auckland Star*, 20 June 1887, p. 2, 10 September 1887, p. 5.

⁵⁶ Maori Land Court, Hauraki Minute Books, no. 49, p. 152; no. 61, p. 17.

known about these children apart from the fact of their existence, but more is known about another daughter and another son.

His daughter Mera Hoera, otherwise Mi Mera, or Memere, or Mihi, or Mihi Mera, or Mihimera, was born in either 1860 or 1864.⁵⁷ In 1881, she stated that she knew Himiona Haera, murdered at Te Aroha early that year,⁵⁸ ‘intimately’.⁵⁹ At the end of that year, she married Hone Werahiko;⁶⁰ according to their marriage certificate, she was 21 and he was 42.⁶¹ The Thames newspapers reported ‘a large number of influential citizens’ attending their wedding in the Parawai Maori Church. They included a former Native Minister, the county chairman, and leading mine managers and investors. The bride was ‘tastefully attired in pale blue silk’ according to one account, in ‘blue figured silk’ according to another. ‘A large number’ attended the ‘sumptuous wedding breakfast’ at a leading hotel, chaired by one of the senior legal managers and with a prominent lawyer as ‘the vice-chair’. After the ‘excellent repast’, the ‘usual local and patriotic toasts were proposed and duly honoured’.⁶² Six months after Werahiko’s death in April 1883, she remarried.⁶³ The *Thames Advertiser*, describing her as ‘the dusky belle, Memera, daughter of the well-known chieftain, Hoera Te Mimiha’, reported that she had been ‘again led to the matrimonial altar’ by Hone Arokura, nephew of the native assessor, Wikiriwhi Hautonga’. There was a ‘large and varied assemblage, largely composed of natives, though the fashionable and other classes of the Thames were well represented’. The ceremony was in English,⁶⁴ indicating that she and others of her family

⁵⁷ Maori Land Court, Hauraki Minute Book no. 12, p. 224; Marriage Certificate of Mihi to Hone Werahiko, 22 December 1881, Register no. 1090; Marriage Certificate of Hare Arokura and Mera Werahiko, 18 October 1883, Church of England, Register of Thames Marriages 1880-1885, no. 43, Anglican Archives, Auckland; *Thames Star*, 3 March 1881, p. 2, 22 December 1881, p. 2; *Thames Advertiser*, 23 December 1881, p. 2.

⁵⁸ See paper on the Te Aroha murder.

⁵⁹ *Thames Star*, 3 March 1881, p. 2.

⁶⁰ See paper on his life.

⁶¹ Marriage Certificate of Hone Werahiko and Mihi, 22 December 1881, Register no. 1090, Anglican Archives, Auckland.

⁶² *Thames Star*, 22 December 1881, p. 2; *Thames Advertiser*, 23 December 1881, p. 2.

⁶³ Marriage Certificate of Hare Arokura and Mera Werahiko, 18 October 1883, 1883/3377, BDM; Church of England, Register of Thames Marriages 1880-1995, no. 43, Anglican Archives, Auckland.

⁶⁴ *Thames Advertiser*, 19 October 1883, p. 2.

were fluent in that language. Still alive in 1914,⁶⁵ her date of death is unknown.

In 1880, 1882, or 1883, Hone Hoera⁶⁶ was born at Paeroa.⁶⁷ In 1908, when married and a seaman living at Paeroa, he was admitted to the asylum because of an attack of 'Sub-Acute Mania' lasting for one week. The cause was unknown, and he was in 'good health & condition'.⁶⁸ A doctor and a brother-in-law agreed that he had been 'rambling' and for the past two years had claimed to be Jesus. 'The Jews killed Jesus & his spirit entered into him. He is sent to give love to black & white. Says he is a European'. A constable stated that he had been wandering the streets of Paeroa telling people that he was Jesus. On admission, the doctor described him as 'excited & excitable, talks & laughs a great deal. Says he is married but does not like his wife because she drinks and swears'. Had delusions about Jesus 'but I cannot understand what he means. He wants to get away where all is bright & there is no "Kai" & no work'. The diagnosis: 'Not Epileptic; Suicidal not dangerous'. Put to work on the farm, he worked well and calmed down, though still 'foolish and restless' and talking nonsense and laughing without cause. On 10 May he was recorded simply as 'Simple', and eight days later was 'liberated for 1 month's probation on application of father'. On 3 July he was discharged as recovered.⁶⁹ Four years later, when working as a ferryman, he died at Waihi; the cause of death was not recorded.⁷⁰ This left Mihimera as Mimiha's only surviving child.⁷¹

LANDOWNER

⁶⁵ Maori Land Court, Hauraki Minute Book no. 63, p. 76.

⁶⁶ For photograph, see Avondale Asylum, Casebook 1908-1910, p. 79, no. 3773, YCAA 1048/11, ANZ-A.

⁶⁷ Maori Land Court, Hauraki Minute Book no. 49, p. 152; Avondale Asylum, Register of Admissions 1906-1912, no. 3773, YCAA 1021/5, ANZ-A; Death Certificate of Hone Hoera, 4 September 1912, 1912/5741, BDM.

⁶⁸ Avondale Asylum, Register of Admissions 1906-1912, no. 3773, YCAA 1021/5, ANZ-A.

⁶⁹ Avondale Asylum, Casebook 1908-1910, p. 79, no. 3773, YCAA 1048/1; Register of Patients Absent on Trial 1879-1918, no. 3773, YCAA 1024/1, ANZ-A.

⁷⁰ Death Certificate of Hone Hoera, 4 September 1912, 1912/5741, BDM.

⁷¹ Maori Land Court, Hauraki Minute Book no. 61, p. 17.

Mimiha had interests in several Ohinemuri blocks of land, sufficient for him to be included in electoral rolls.⁷² In mid-1870, he was one of the successful claimants for the Owharoa Block; he did not attend the hearing to give evidence.⁷³ Later in the year, he was also accepted as an owner of the Waihi No. 4 Block.⁷⁴ At an 1874 meeting to discuss debts owed to the government, he said that his debt ‘was very small, and he could easily pay in wheat if he felt inclined’; or he might give up some land.⁷⁵ In June 1877, he argued that he should be included as an owner of Te Puninga No. 3, although he was vague on some details and admitted that Ngati Tamatera opposed him:

I have a claim on this land I belong to N'tamatera, but they don't admit me. I claim as a N'tamatera by right of conquest. I also belong to N'tawhaki and N'rangi - I have never been on this land.... Tumaro stole a Green stone weapon and came to Te Puninga with it – The land had not belonged to him before. He came and occupied a Pa called Mirimirarau I don't know who built that Pa – N'rangi and N'tawhaki came after him – I don't know whether these two tribes were the owners of the Greenstone. Tumaro and his tribe were beaten and the remnants fled to Waikato and to N'raukawa – some went to Oaranga a Pa at Matamata – Two of Tumara's daughters were taken to wife, one by Paehu and the other by Te Oro – Puehu [the same person, with a different spelling] was my Ancestor. Puehu belonged to N'hinemarama. N'tawhaki and N'rangi had a fight at Te Pae-o-turawaru after this – about a tree for catching kaka. – At the time of the fight about Te Apa-o-terangi – My people joined the N'tamatera. The N'kopirinau, Ngatitu, N'tumaro, N'paeahi and all the people residing on or near this land were defeated and driven away – The N'tamatera and N'paoa then turned to and divided the land amongst themselves. Those of the N'tumaro and Ngatitu and N'Kopirinau that came back were brought back I believe by the N'tamatera and N'paoa.

He was then cross-examined:

⁷² Thames Electoral Roll 1873-1874, Auckland Provincial Government Papers, ACFM 8180, 3015/73, ANZ-A; *Thames Electoral Roll, 1879*, p. 35.

⁷³ *Auckland Provincial Government Gazette*, 5 April 1870, p. 144; Maori Land Court, Hauraki Minute Book no. 5, p. 167.

⁷⁴ Maori Land Court, Hauraki Minute Book no. 5, p. 341.

⁷⁵ Ohinemuri Correspondent, *Thames Advertiser*, 27 November 1874, p. 3.

Do you know Te Puninga? From report I do from my Grandfather
Te Whaingā.
What did Te Whaingā do on this land? Catch eels
Where? At Te Puninga
Had he any Ancestral Claim? He had
Did you ever hear that Te Tiwha lived and worked on this land?
I never heard
Where did Tumaro come from? I think from the N'raukawa, I
don't know for certain
You heard that he stole a Green stone weapon? Yes
Who owned the Pa called Mirimirāu?
Tumaro, he was killed there
Did you hear that Tumaro was killed in that Pa?
Yes, a remnant of his tribe escaped
Did he not escape to Waikato and die there?
I don't know, I never heard.⁷⁶

The land was awarded to Ngāti Tamatera and Ngāti Paoa, Mimiha not being included as an owner in any of the subdivisions.⁷⁷ Later that month, he applied to be included as an owner of the Otara Block:

I belong to N'Koi. I live at Kohauti – I know the land before the Court I lived on this land previous to the opening of the Gold field here. I had a house and cultivations there then. I left it on account of Europeans squatting on it. No one consented to their squatting there – I left there on account of the trouble arising through the Pakehas' cows & horses running there – When the Europeans left and went to dig for Gold the land was let to Mr [William] Marsh⁷⁸ by Hopihona – I never received any part of the rent – neither did Hopihona say anything by which he recognised my claim – I occupied about five acres of it. It was Mere Titia's mother who told my father the land was to be for him – I understood this as a Gift to my father of the whole block – no one ever objected to my living there – I never gave any part of the produce of the land to Titia or anyone else – I always look upon the land as belonging to myself although I was not living on it – The land was given to my father simply through affection – The Gift constitutes my only claim to the land.

He was cross-examined by Hoera Tararanui:

⁷⁶ Maori Land Court, Hauraki Minute Book no. 9, pp. 415-416.

⁷⁷ Maori Land Court, Hauraki Minute Book no. 9, pp. 417, 442-448.

⁷⁸ Marsh later purchased and farmed the Otara Block: *Cyclopedia of New Zealand*, vol. 2, p. 855.

I say that the land was given to me by Titia. I am willing that the descendants of Titia should have an interest with me on the land. I am not able to object to you now as you are too strong for me – It is simply affection on my part that I say so they have no claim on it as it was given to me. The Gift of land is an important transaction. I am not aware that you have not heard of this Gift – I believe you have heard of it – Meha and others in the Court are the principal men about that part – My father did not tell me that these chiefs heard of the Gift. It was given to my father in an open way – If three people deny having heard of the Gift I shall dissent from what they say – I never saw Taraia cultivating on it. Had I seen Taraia⁷⁹ working there I should not have been able to turn him off. I have said my father and Te Popo were friends – My father was a person who came here and was reckoned as a strong man of the District therefore the Chiefs at that time made friends with him – My father came from the Paeraturawaru at Matamata – Ongare⁸⁰ was one of the Pa's taken by my father [in 1842] – he and Taraia were equal in position in the taking of that Pa. The gift of the land to my father was long before the taking of the Ongare Pa. My father name was not the Great name over that land after the taking of the Ongare Pa. I know that the killing of Whanake at the Ongare Pa was the reason of the passing of the land to Taraia and Moananui.

In reply to the judge, he explained that the land 'was given to my father before the taking of the Ongare pa but we did not live on it till afterwards'.⁸¹

Timiuha Taiwhakaaea supported his claim that the land had been gifted to Te Mimiha, who had objected to its being surveyed.⁸² Henry Dunbar Johnson, an early Ohinemuri settler, confirmed that Hoera Te Mimiha had lived on the land between 1866 and 1869 but had left by 1871 because it was 'simply unfit for cultivation'.⁸³ Another early settler stated that Mimiha's cultivation covered three acres.⁸⁴ Mere Titia and Wiremu Hopihana both denied the gift, the latter saying, 'Hoera came to me and

⁷⁹ See Angela Ballara, 'Taraia Ngakuti Te Tumuhuia', *The Dictionary of New Zealand Biography: Te Ara: The Encyclopedia of New Zealand*, updated 30 October 2012.

⁸⁰ Recorded as Ongarei; for details of this battle see paper on Mokena Hou.

⁸¹ Maori Land Court, Hauraki Minute Book no. 10, pp. 60-62.

⁸² Maori Land Court, Hauraki Minute Book no. 10, pp. 62, 63.

⁸³ Maori Land Court, Hauraki Minute Book no. 10, p. 63.

⁸⁴ Maori Land Court, Hauraki Minute Book no. 10, p. 64.

asked me to allow him to go on that land to cultivate which I did, I consented because he was a slave of mine', meaning a subordinate. Mimiha planted peach trees and worked there for two years.⁸⁵ After hearing all this evidence, the court ruled against Mimiha, and others, because their claims of occupation and cultivation was 'merely ... temporary and by the permission of the owners'.⁸⁶

The following month, Mimiha was successful in his application to be included as an owner of Te Koutu No. 2 and Piraurahi Nos. 4 and 10.⁸⁷ He next appeared in court in 1878, at the hearing of the Te Wakaotiki Te Aroha Block of 367 acres. He stated that he cultivated land at Kuaoiti and had a house just outside the block.

It was a matter of arrangement in the tribe that this piece of land should be given to me to pay my debts to Mr Tetley.⁸⁸ I had it surveyed in consequence of this and no objection was made except by my own Sisters who were angry at my selling it. And I sold the land to Mr Tetley and I acquainted the tribe with the fact and they agreed to it.

He had sold the land after being summonsed for a debt of £50.⁸⁹ He and his sisters were granted shares.⁹⁰ Three days later, he was made an owner of the Okorako Block, just over eight acres.⁹¹ In September, with his sisters he was made an owner of Takapou.⁹²

Early in June 1880, Mimiha claimed part ownership of Taumatawahuia through genealogy and his father's burial on it. By agreement, it was subdivided, with his wife being one of three owners of No. 1, his wife and sisters being included in No. 2, and Mimiha and one other

⁸⁵ Maori Land Court, Hauraki Minute Book no. 10, pp. 64-65.

⁸⁶ *Thames Advertiser*, 29 June 1877, p. 3.

⁸⁷ Maori Land Court, Hauraki Minute Book no. 10, pp. 196, 205, 207.

⁸⁸ Presumably William Tetley of Paeroa, architect and farmer: see *Cyclopedia of New Zealand*, vol. 2, pp. 846-847, which gives his year of arriving in the colony as 1880.

⁸⁹ Maori Land Court, Hauraki Minute Book no. 11, p. 5.

⁹⁰ Maori Land Court, Hauraki Minute Book no. 11, p. 9.

⁹¹ Maori Land Court, Hauraki Minute Book no. 11, p. 32.

⁹² Maori Land Court, Hauraki Minute Book no. 11, p. 324.

owning No. 4, of 69 acres.⁹³ Later in the month, he gave detailed evidence of his claim to Owharoa No. 2:

I belong to Ngatikoi. I have a claim on the land now before the Court. Our case was fully stated at the Court at the investigation of our claim to Owharoa. This is a portion of the same land. All the land shown on the tracing is Owharoa, Ngatitamatera have no claim on this land. The Ngatiaukaroa have that is the descendants of Tehao, Tehao was related to the Ngatikoi. Te Poho gave him a piece of land Te Poho was the father of Paharuhi. Hauwahine was the name of the land which was given. At the first Court we invited the descendant[s] of Tihao to come and reoccupy it. They were living at Kapiti. They came to Ohinemuri and there they were told that we were serfs and had no land. They thereupon went over to the Ngatitamatera. Kepa Raharuhi said to them, Remain and wait the issue of the investigation if we gain the case you can have your land. They would not listen to us but went over to the Ngatitamatera. We gained the case. We sold the Ngatiraukau [land] to pay the lawyer, when old Raharuhi heard of it he said he would give the Ngatiraukau another piece. We have had another piece surveyed for them. We had it surveyed openly. No one interfered. This land is all one piece from Mackeytown to Waitekauri. The only other piece in it is Pakauri which belonged to Te Akatawhia. His descendants own that now whoever they are. We had apa [spirit]⁹⁴ on this land and occupied it in force. We have a large tapu on it and we had large cultivations on it. We ceased to cultivate on it in 1869. We leased it as goldfield. No one but ourselves ever cultivated on this land, the place said to have an cultivations by Taraia is a gum field, it had never been cultivated. Pereki Whakaputaia is not in our land at all, it is outside a long way outside. We did not claim it. It belonged to Tokanui, Tinipoaka would have a claim on the Ngatiraukau a portion of this land as a descendant of Tehao. Kakuwhitiki was an ancestor of mine, she was a daughter of Te Poporo.

Ngatitamatera have no claim through her husband [who] was of Ngatikoi, she lived and died among our people. I never heard that Te Poho had set up a Rahui [reserve]⁹⁵ on this land. That Rahui was set up by Te Poho the ancestor of Te Kepa and was between Mackeytown and Opatu nearly outside the boundary, if the

⁹³ Maori Land Court, Hauraki Minute Book no. 12, pp. 334 [the second p. 334, correctly p. 336], 340-344.

⁹⁴ P.M. Ryan, *The New Dictionary of Modern Maori* (Auckland, 1974), p. 9.

⁹⁵ Ryan, p. 36.

Ngatitamatera had any land within this block, I would admit it at once.⁹⁶

He was cross-examined by Tinipoaka of Ngati Tamatera about place names, ancestors, and ancient battles.⁹⁷ Near the end of his evidence, the following exchanges took place:

You say you made a canoe at Te Kahakaha? Yes
 Did not Taraia find fault with you? No. I made and sold four canoes, and got the money no one interfered
 Did not Taraia claim the Kahakaha? Not ever I heard.
 Is there not a canoe of your[s] lying now at the Kahakaha which was never got out? Yes she was broken in making and abandoned.
 Would you have dared to call this land your own in the days when Taraia was alive? Yes my father and Taraia were equal and were always together in Battle.
 Had they the same mana? Yes and my fathers voice was always heard.
 Did he join Taraia against Whanake? Yes and took a prisoner in the fight
 Who was head of the war party? Taraia⁹⁸

Asked by Kepa Te Raharuhi, the leading rangatira of Ngati Koi,⁹⁹ whether he agreed that Ngati Koi had been 'protected by' Ngati Tamatera, Mimiha denied this.¹⁰⁰ He was then further cross-examined by Kepa and the court:

I am quite certain that Taraia had no cultivations on this land I never heard of one I have constantly seen this land since I was a boy. Had Taraia had one my father would have mentioned. The fern patch is not an old clearing Kauri gum is dug from it now which shows it is bad land and not fit for cultivation. The Rahui post mentioned by Ngatitamatera was set by a¹⁰¹ grandfather [of] Te Poho and not by Te Popo. My grandfather set it up as a boundary mark between Ngatimaru, Te Awapu and Rihitoto's people. Te Poho had given a piece of land to Mawhatu of Ngatitokanui, the piece was called Opatu and is within the land

⁹⁶ Maori Land Court, Hauraki Minute Book no. 13, pp. 112-113.

⁹⁷ Maori Land Court, Hauraki Minute Book no. 13, pp. 113-115.

⁹⁸ Maori Land Court, Hauraki Minute Book no. 13, p. 115.

⁹⁹ See Maori Land Court, Hauraki Minute Book no. 13, p. 118.

¹⁰⁰ Maori Land Court, Hauraki Minute Book no. 13, p. 115.

¹⁰¹ Written as 'and'.

we now claim. We do not claim that piece. It will be cut out. Tara did not own Pereki Whakapataia it is outside the land we now claim. I have a claim on it but not from Tara. It is true that the Ngatitamatera lived there they fled there from Raupa for fear of Ngapuhi. Kahuwitiki is an ancestor of ours, she lived with us and died with us.¹⁰²

After further cross-examination by Tinipoaka about ancestry, what his father had told him, and the ownership of particular portions of land, judgement was given in favour of Ngati Koi, and Mimiha and his two sisters were recorded as owners.¹⁰³ The following month, he became an owner of Owharoa No. 5, otherwise Mackaytown, and he, his sisters, and his wife were amongst the 12 people granted Ohinemuri No. 12, of 200 acres.¹⁰⁴ During July, he was the first to give evidence in support of Ngati Koi's case for ownership of the Ohinemuri Goldfield, meaning Karangahake, otherwise Ohinemuri No. 17. He gave the early history of fighting over this land between Ngati Koi, also known as Ngati Tara, and the Ngamarama tribe.¹⁰⁵ Under cross-examination by Haora Tareranui, he revealed the gaps in his knowledge, replying 'I don't know', 'I can't say', 'I never heard', and 'I never heard so' to 11 of the 41 questions.¹⁰⁶ No answer was recorded to one question.¹⁰⁷ In particular, he expressed ignorance on whakapapa, and when asked who Tokanui was, who he claimed had owned much of the land, he replied, 'I don't know', although he did know that Keepa Raharuhi, a more senior Ngati Koi rangatira, was descended from him.¹⁰⁸

Did the taking of Onepa cause the loss of all the land. I never heard so

Did not Taraia and Moananui take the land South of this? Yes they took Ongare that has nothing to do with this Te Mimiha took part in the affair & I got 10£ as my share when the land was sold.

Did not Moananui give money to many who had no share in the land? He gave it to those who went to the war party....

Did you ever hear of a meeting at Pukerahui about this land? Yes I was there

¹⁰² Maori Land Court, Hauraki Minute Book no. 13, pp. 115-116.

¹⁰³ Maori Land Court, Hauraki Minute Book no. 13, pp. 116-118.

¹⁰⁴ Maori Land Court, Hauraki Minute Book no. 13, pp. 158, 224.

¹⁰⁵ Maori Land Court, Hauraki Minute Book no. 13, pp. 175-177.

¹⁰⁶ Maori Land Court, Hauraki Minute Book no. 13, pp. 177-179.

¹⁰⁷ Maori Land Court, Hauraki Minute Book no. 13, p. 178.

¹⁰⁸ Maori Land Court, Hauraki Minute Book no. 13, p. 177.

Did not Moananui say that Tokanui were in a bottle and that he was the cork? Yes
 Did Te Keepa contradict him? I don't know.¹⁰⁹

Asked whether Tokanui was 'a section of Ngamarama', he replied that he did not know.¹¹⁰ Emati Aouru then asked 47 questions, mostly about ancestors and their land, to which 14 of his responses were that he did not know, could not say, or had never heard of it.¹¹¹ He explained that he claimed land at Taumatawahine, near Rotokohu, through his ancestor Marutuahuiti. 'How did he get it, by conquest? I don't know'. After stating that his ancestor Tokanui had owned Rotokohu, he was again asked, 'Who was Tokanui?' and again replied, 'I don't know'.¹¹²

Were you not working at Rotokohu when the goldfield was opened? Yes
 Had you lived there before that? Yes 3 times
 Did I not send you away? No you disputed with Keepa not with me.
 You were Mahi noa iho? [merely working the land]¹¹³ Yes I have no claim on that land, my wife had.
 Te Tuiri and I pulled up your crops? Yes
 Did I not sow 3 bags grass seed on the land? I can't say. I took no part in your quarrel with Keepa as you and I were from same ancestors
 Did not Te Kiriwera ask Tuiri and I to let them hold the land to prevent a fight? Yes
 Did I not consent and say that if Ngatitokauni attempted to go on the land I would interfere? I don't know.¹¹⁴

Questioned again about Tokanui, he did not know whether he was a descendant of Tuawehea or a member of Ngati Hako.¹¹⁵ 'Had the Ngatitamatera not defeated the Ngamarama could Ngatikoi have had any

¹⁰⁹ Maori Land Court, Hauraki Minute Book no. 18, p. 178.

¹¹⁰ Maori Land Court, Hauraki Minute Book no. 13, p. 179.

¹¹¹ Maori Land Court, Hauraki Minute Book no. 13, pp. 179-182.

¹¹² Maori Land Court, Hauraki Minute Book no. 13, p. 179.

¹¹³ Ryan, p. 28, and translation provided by Tom Roa, University of Waikato.

¹¹⁴ Maori Land Court, Hauraki Minute Book no. 13, p. 180.

¹¹⁵ Maori Land Court, Hauraki Minute Book no. 13, p. 180.

mana over these lands? Yes because of their connection through Hinewoha'.¹¹⁶

When briefly cross-examined by Te Keepa Raharuhi, he denied their land was conquered by rival hapu, and supported Ngati Koi claims. For example:

Do you know Tapuiwerekehu? Yes
 Who owned that land? Tokanui
 Did not Poho give that land to Paora? Yes my ancestors used to work on this land catching eels for Riria [his mother-in-law] & for myself
 Do you know Raratu? Yes I have worked there it is part of Ngatitokauni land
 Did they not give that land to Maruwhenua? Yes
 Do you know Paakauri? Yes Tuhoro of Ngatitokauni gave that land to Ngatihako
 Do you know a piece called Pakauri in the centre of the land? Yes I have worked on it 30 of my people died of a pestilence and have dead buried on it.¹¹⁷

He was then questioned briefly by three more rangatira. Asked whether 'Ngatitamatera fire ever burn[t] on this land?' he replied, 'Only when they were hiding from Ngapuhi'. Ngati Tamatera had 'neither cultivations not boundaries'. He concluded by providing more details of boundaries and previous conflicts and deaths.¹¹⁸ At the conclusion of this long hearing, the court awarded the block to Ngati Tamatera, Ngati Tokanui, and Ngati Koi, Mimiha and his two daughters being listed amongst the owners.¹¹⁹

In June 1882, he was made one of the owners of Te Iringaopirori or Te Iangaopiroi (both spellings were recorded) and an absolutely inalienable reserve of ten acres at Rauwharangi was granted to him and his two sisters, as promised by land purchase officer James Mackay.¹²⁰ Nearly two years later, he sought to become an owner of Hararahi No. 3:

I have a claim to this land through the conquest made by my ancestor Tara from N'Hako this land has been occupied by my

¹¹⁶ Maori Land Court, Hauraki Minute Book no. 13, p. 181.

¹¹⁷ Maori Land Court, Hauraki Minute Book no. 13, p. 182.

¹¹⁸ Maori Land Court, Hauraki Minute Book no. 13, p. 183.

¹¹⁹ Maori Land Court, Hauraki Minute Book no. 13, pp. 231, 274.

¹²⁰ Maori Land Court, Hauraki Minute Book no. 14, pp. 221, 309.

ancestors down to myself and children. I know all about this land, no one has ever interfered or attempted to divide the land and no conquests have been made since the time of Tara.

He provided details of earlier conflicts and the role of his ancestors.¹²¹ 'My occupation began in 1866, I have never seen the remains of houses said to have belonged to' other hapu 'nor yet any graves'.

Taraia did not live on this land but on Te Pakira adjoining. N'Koi occupied it. Why did not Taraia at the time raise an objection to our occupation, he never asked me to remove off this land, this subdivision made by Haora originated with himself these are not Taraia's boundaries. Taraia was a just and good man if he had acted the same as Haora is not doing his actions would not be acknowledged by his people. I have lived with Taraia up to the time of his death, and never heard him say what Haora states in reference to N'Koi tribe.¹²²

After he continued to deny that Haora Tareranui had any claim, he was cross-examined by this rival:

I put Waihi through the Court. I was not present at that Court. I left Shortland the day that Waihi case came on, on account of the sickness of my child. I have stated that my ancestors occupied this land down to myself. My son Kingi born on this land if he had lived would be about twenty years old. My occupation ceased some time after the Waikato war.¹²³

Later, he explained that he 'was living at Kuaiti' at the time Ngati Koi lived on Hararahi, and was vague on some details.¹²⁴ Referring to Owharoa, he said he had surveyed this block, of which a portion 'was set apart for Emate Houru in consequence of my misbehaviour with her', the nature of which he did not elaborate but which can easily be surmised.¹²⁵

Cross-examined by Hone Ngatoneo, he repeated that he based his claim to an interest on Tara's conquest of it from its former owner, Hako.¹²⁶

¹²¹ Maori Land Court, Hauraki Minute Book no. 15, p. 283.

¹²² Maori Land Court, Hauraki Minute Book no. 15, p. 284.

¹²³ Maori Land Court, Hauraki Minute Book no. 15, p. 285 [punctuation added].

¹²⁴ Maori Land Court, Hauraki Minute Book no. 15, pp. 286-287.

¹²⁵ Maori Land Court, Hauraki Minute Book no. 15, p. 286.

¹²⁶ Maori Land Court, Hauraki Minute Book no. 15, p. 287.

Once again, some of his evidence was vague. For instance, ‘I know Pakara Te Paora he is descended from a number of ancestors, I cannot trace his genealogy’. And ‘I cannot explain why Tara conquered the land now before the Court and left the adjoining lands to the South East unconquered’. Some of his evidence did not strengthen his case, as in another example:

Toiwhare was one of the ancestors who lived on Te Waipuroro he was of N’Raukawa. This man married Wairohi. She had the mana of this land. Her connection with Tara was through Toiwhare who came to this district I believe about the same time as Tara. I cannot explain Tara’s relationship to Toiwhare.¹²⁷

Questioned further about Toiwhare and his wife, he stated that

Toiwhare made no conquests or took part in them. His claim to the land was through his wife. His claim would be in his own right and not through Wairohi. Tara never gave any lands to Toiwhare. Hairohi may have had claims to the land, I do not know, I again assert [he] had a claim in his own right.¹²⁸

He did not ‘know any thing about Hapi & Hoera’s dispute, for the last three years I have been at Te Aroha goldmining this dispute may have occurred during my stay there’. He knew that Hapi’s house had been built in 1878, but Hapi did not cultivate the land after that, ‘as he was a little touched in the head.¹²⁹ I do not know if it was because he was mad that he built the house upon this land’.¹³⁰ He denied that Raharuhi had permission from Mere Kuru or Te Hira to live on Horomimiti; he lived there ‘because he had a claim to it’.¹³¹

Next to cross-examine him was Hapi Rewi, to whom he repeated that Tara had conquered this land.

I know Te Puketeawainui Block. There is a pa called Kawaunui and I don’t know the name of the house there. At the time Haora was living on the Ohinemuri riverbank I was living at Kuawiti, but had crops up on the land now before the Court. I was just

¹²⁷ Maori Land Court, Hauraki Minute Book no. 15, p. 288 [punctuation added].

¹²⁸ Maori Land Court, Hauraki Minute Book no. 15, p. 289 [punctuation added].

¹²⁹ For Hapi Rewi and his alleged madness, see section on a disputed will in the paper on Mere Wikiriwhi and George Thomas Wilkinson.

¹³⁰ Maori Land Court, Hauraki Minute Book no. 15, pp. 288-289.

¹³¹ Maori Land Court, Hauraki Minute Book no. 15, p. 289.

about leaving it at that time.... I cannot remember the year when Hau-hauism was first introduced. I saw Te Rikiriki's flag at Okahukura,¹³² he was the minister of the Hauhau religion. The Hauhaus had a wooden house erected and a flag placed. I myself took a great part in the introduction of Hauhauism.¹³³

He told Hapi Rewi that he knew when the latter had built his house.

I never heard of you being disturbed or turned off this land. I had ceased to live there when you arrived. In your madness you did not burn houses down, you talked to fowls. I was engaged splitting rails on the Koraparaupu. About four years ago I ceased cutting timber there. Mr [William] Tetley¹³⁴ was drawing the rails with a crippled horse.... I do not remember Te Koroneho telling me that your fence had been destroyed. I know Parahaumati Block. You had a cultivation on that block set apart as a reserve. You did not plant properly on account of your madness. There is a wire fence erected by you. You planted corn there which was destroyed by my pigs. I have never seen a mad man erect a barbed fence.¹³⁵

Prompted, he denied seeing Mere Kuru living on the land or Haora Tareranui building a house or cultivating it. 'I have seen Mere Kuru and Haora Tareranui on Warawaro Block when they came to cry over my mother and children'. This land belonging to Ngati Koi. 'When I was living at Kuawiti my occupation was never disturbed by N'Hako'.¹³⁶ However, 'on the day my plough was broken we had a dispute with N'Hako'.¹³⁷ 'I never heard of Taraia's protecting the N'Koi tribe, I never heard of N'Tamatera plundering our tribe, I heard of N Hako tribe being plundered, I heard of a war song connected with this plunder'.¹³⁸

The judge cross-examined him about the boundary and earlier inter-tribal conflicts, information Mimiha had obtained from his mother.¹³⁹ 'In 1857 Hapi Rewi and myself were living at Opukeko. I deny that the

¹³² See paper on the Daldy McWilliams 'outrage'.

¹³³ Maori Land Court, Hauraki Minute Book no. 15, pp. 290-291 [punctuation added].

¹³⁴ See *Ohinemuri Gazette*, 19 November 1906, p. 2.

¹³⁵ Maori Land Court, Hauraki Minute Book no. 15, p. 291 [punctuation added].

¹³⁶ Maori Land Court, Hauraki Minute Book no. 15, p. 292.

¹³⁷ Maori Land Court, Hauraki Minute Book no. 15, p. 293.

¹³⁸ Maori Land Court, Hauraki Minute Book no. 15, p. 293.

¹³⁹ Maori Land Court, Hauraki Minute Book no. 15, pp. 293-294.

occupation of this land (Hararahi) commenced in 1848'. Hapi's home was erected while he was living at Kuawiti; 'I did not see the erection or destruction of his fence'.¹⁴⁰

Mere Kuru denied he had a valid claim. 'If he had a claim to this land he would have gone and planted without asking permission, the land on which Hoera now lives was purchased by his son-in-law Hone Werahiko and willed by him to his wife'.¹⁴¹ The court ruled that his evidence in support of Watene Taiwhakaaea's case 'failed to show that either of them ever occupied this land, their only claim being their descent from the ancestor Tara':

Haora at one time destroyed a fence which Hapi had erected on the disputed ground, but neither of them volunteered any assistance to Hapi in his trouble, though now they are ready enough to claim a share of the land.

The Court is of opinion that their case has utterly failed and dismisses the same.¹⁴²

One month later, he unsuccessfully sought to be an owner of Kohukuwhakatore.¹⁴³ He stated that 'the reason why I had this land surveyed after Pereniki's death' was because Patrick Sheehy,¹⁴⁴ the lessee, did not pay him any of the rent. 'I turned the European off because I was receiving no rent'.¹⁴⁵ Despite thereby implying that he had arranged this lease, he was not involved in either the leasing or the eventual sale to Sheehy.¹⁴⁶

In 1889, with Paora Tiunga, with whom he had lived 'occasionally', he sought a share of Te Arawhakapekapeka, of 760 acres. Despite a relative stating that Mimiha had received money from a timber company for trees cut on it, his claim was rejected.¹⁴⁷ In 1892, he gave detailed evidence to

¹⁴⁰ Maori Land Court, Hauraki Minute Book no. 15, p. 294.

¹⁴¹ Maori Land Court, Hauraki Minute Book no. 15, p. 297.

¹⁴² Maori Land Court, Hauraki Minute Book no. 15, p. 355.

¹⁴³ Maori Land Court, Hauraki Minute Book no. 16, p. 125.

¹⁴⁴ See *Thames Advertiser*, 15 December 1876, p. 2, 8 April 1881, p. 3, 3 September 1885, p. 3, 12 November 1886, p. 3, 14 June 1894, p. 2; *Waikato Times*, 4 August 1887, p. 2.

¹⁴⁵ Maori Land Court, Hauraki Minute Book no. 16, pp. 74-75, 77.

¹⁴⁶ Maori Land Court, Hauraki Minute Books, no. 16, pp. 74-75; no. 17, p. 200; no. 35, p. 244; *New Zealand Gazette*, 17 November 1893, p. 1651.

¹⁴⁷ Maori Land Court, Hauraki Minute Books, no. 23, pp. 263, 296; no. 24, pp. 3-4.

support the case of Te Keepa Raharuhi to ownership by Ngati Koi of Pukemokemoke, a block on the hills between Paeroa and Te Aroha. Then living at Rotokohu, he claimed as Ngati Koi, stating that Ngati Tara was 'another name for' Ngati Koi. He had laid off the boundaries of the Ohinemuri goldfield, and described the boundaries of Pukemokemoke and the adjoining block, Te Whanga, to the north.

The persons who told me these boundaries were Te Kepa's father (Raharuhi). Marukautuawarahia, my wife's father – Rihia Te Poho, she was a sister of Raharuhi's – and my mother in law.... These boundaries were told me by Raharuhi and others at Opukeko, they told me on many occasions Opukeko is not within this block and also when we were working at Te Whanga, planting potatoes and rearing pigs there, living permanently on the land.

The road running to the Aroha is near Rauwharangi a burying place – Te Whanga where we cultivated was N. West of Te Aroha road pretty close to it. The people living at Te Whanga with me were Raharuhi and his life and his little children, Te Keepa and his wife, Te Wirihana and his wife, and their children, Marakai and Rihia his wife, Harawira and his wife Peti – and their children – Kereopa and his wife Rehara, myself and my wife – and others –

I went frequently to the stone [a boundary marker] at Otara, I first saw it when it was pointed out to me by my mother in law, she told me it was a boundary. That is the only place on Te Whanga we resided but we also lived in Pukemokemoke.

Tahuamataroa was a settlement of ours near this block, is N.E. of Block. We cultivated wheat there – potatoes, pigs, had cattle there also – our wheat we sold to Europeans. We also made two canoes there, and sold them, one to Hona Te Taiawa, and one to Mr John Thorp¹⁴⁸ – he paid £7 for his – the other one we exchanged for goods – we had peach trees growing there. Te Waimurupuha was another settlement of ours, I have not been on this survey line from where it leaves the Gold Fields boundary to the North of boundary of this block, this Survey was made by stealth. Waimurupuha is about 3/4 of a mile from the Gold Fields boundary – north of it outside this block. We cultivated wheat there, and had cows there, pigs, grew potatoes, and made two canoes there, which we sold, mine to Mr [Edward] Wood,¹⁴⁹ Te

¹⁴⁸ See paper on Lavinia and Henry Dunbar Johnson.

¹⁴⁹ One of the first settlers of Ohinemuri, living there between 1868 and 1875: see *Auckland Weekly News*, 28 March 1868, p. 19, letter from Edward Wood, 14 November 1868, p. 22, 21 November 1868, p. 22, 20 February 1869, p. 22, 22 January 1870, p. 9, 12

Keepa Raharuhi owned the other – he sold it to Te Hira Te Tuiri – for two horses – That canoe is still in existence – The Court would see proofs of occupation at Waimurupuha now viz Peach & Plum Trees, & Tihore [‘to peel’]¹⁵⁰ flax which was planted there – I have pigs there now – also horses – and cows – Rotokohu was our principal settlement – While we were occupying the lands I have named no one interfered with us, or said anything against it – in 1885 instructions came from the King that each tribe should build a town on their own land which they had inherited from their ancestors – N’Koi & N’Tokanui built there at Rotokohu, a meeting was called after the houses were built here, to tell the people this was the town of N’Koi & N’Tokanui, Tareranui Haora’s father went to that meeting also Haora himself – Hirawa Te Moananui, Mere Kuru, and the whole Ngati Tamatera – and the Agents of the King. I did not hear anyone make any objections to this town – We have dead buried at Pukemokemoke on land belonging to N’Hako, my half sister Whari is buried there, also dead buried at Rauwharangi. My mothers name was Rauwharangi taken from this burial place....

We have not lived at Rauwharangi ourselves because the place became Tapu – I applied to the Govt to give me back 10 acres of that portion of the Tapu included in the Gold Fields – and the grant has been made out in my name – Lately a canoe has been made at Te Whanga – it belonged to Rihitoto Mataia¹⁵¹ – she is a descendant of Tokanui – that was the reason why it was given to her – The person who made the canoe was a N’Tamatera his name was Turiki. I have seen the stump of that tree, I put the first mark on it – it is at Te Kaniuwhi, Although N’Tamatera heard of the making of this canoe no one objected – because they had no right to do so. This canoe was made last year – my younger relatives cut Totara posts on this land and sold them to Europeans, they lay alongside of Te Aroha road for 4 months, no one made any objection....

After listing the land that had been ‘given away’ and ‘passed through the Court’, he described the boundaries of the Ohinemuri goldfield:

Poarua was the ending of the line of N’Tamatera that is below Mackaytown – N’Tamatera had that line laid off – at Poarua I commenced to lay it off. N’Koi were living at Mackaytown that year. My survey was prevented [by] Timi Wha, Watene, and Hone

February 1870, p. 16, 20 February 1875, p. 8, 22 July 1876, p. 23, 14 September 1905, p. 22.

¹⁵⁰ Ryan, p. 44,

¹⁵¹ Wife of William Grey Nicholls; see paper on their lives.

Raharuhi of N’Koi, they said that the line was to go along the mountain in order that Mackaytown might be excluded – Mr [James] Mackay said if this town was not given as a town for the G.F. he would have nothing to do with it – I said to him if you will agree to what I propose I will give this as a town so he said “what do you propose” – I said, let the line turn at Orongomaimauki and go along on Pukemokemoke, east of Pukemokemoke – Mr Mackay said there was probably gold in the hills I was excluding. I told him I had never seen any quartz there. The surveyor objected to have the boundary turn there because he would not see the station at Te Aroha from there, so he brought it on to Te Ruaakohe, then he came down along the present gold fields boundary – and this land before the Court was excluded. I had this line laid off as far as Hinirangi and the N’Hako had the line laid off to Tikirahi, I never saw any N Tamatera there while having this survey made....

This land was excluded as a settlement for N’Tokanui & N’Koi – Commencing at Kurere and going on to Patuhau there was no other Mountain or bush cut out save this –

There have been no fights between N’Tamatera & N’Tokanui and N’Koi – Had I heard of any I should have stated it – I remember something said at Pukerahui about the Gold Field. Meha Te Moananui, he held his hand like a bottle and said N’Tokanui is in this bottle and Te Tahiwī is the Cork – I objected to this cork mentioned by Te Moananui, (Te Keepa did so also). I asked him in which fight this took place – as Te Tahiwī pa had been taken by Te Kawerau – I know of the arrival of Parker¹⁵² here, something was said about Tokanui’s land at that time – There was a large Xmas feast held at Opukeko, in order to gather money for erection of a flour mill.

He listed the leading people present with him at this gathering, which he dated as 1859. At it, ‘Raharuhi mentioned the boundaries of Tokanui’s lands, the reason being the European being brought to Opukeko by Ngatai, his name was Parker’. All the land now ‘before the Court was included in those boundaries – No one made any objection to these boundaries – they were written down; one copy remained with Parker, we retained the other. Document handed into Court dated 8th April 1859’. Mimiha believed that ‘no other such document as this has been left by any people in Ohinemuri’. His claim in the land was ‘through my occupation of the land and through my wife who is a N’Tokanui. At the time we lived on the land Rauwharangi was pointed out to me as the place occupied by our ancestors – also the Kaauiaimaikuku – and Pukemokemoke also’. He explained the significance

¹⁵² Not traced.

of two kauri tress near the road to Te Aroha and that some cabbage trees revealed the site of an ancestor's settlement.¹⁵³

Under cross-examination by Hone Ngatara, he repeated that he 'knew this land as well as the palm of my hand'. Some of the boundaries delineated on the map being used by the court were 'not the real boundaries', meaning the 'old ancestral' ones. He claimed 'about the same' knowledge of the land as Te Keepa Raharuhi. He gave more details of the boundaries of particular parcels of land and the basis on which hapu owned them. Occasionally he did not know the answer to questions, or gave apparently conflicting answers. For example:

To what tribe do N'Paeahi belong? I cannot say –
 To what people did Tokanui belong? Ngatihako –
 Was he not Ngamarama? Yes –
 Have you heard the origin of the name Tokanui? No....
 Can you say how Tokanui was a Ngamarama?
 No, I can only say so, I cannot give the genealogy
 Then what Te Kepa said is wrong that Tokanui was a true
 Ngatihako? Question is written down....¹⁵⁴
 In what way did Tokanui get his claim to this land? He always
 had this land.
 As a Ngatihako? I don't know –
 How do you know he is a Ngatihako?
 I have heard my father & Mother in Law say Tokanui is from
 Hako –
 Is this the same N Hako who were defeated from Hauraki to
 Matau? I have only heard of one N'Hako –
 Are not N'Paiahi from N'Hako? I don't know.¹⁵⁵

He denied seeing rival claimants living on this land, or that he was 'living there under the Mana of Te Kiko'.¹⁵⁶

From Tokanui 1st down to this time he and his descendants have
 always lived at Rotokohu -
 What were you afraid of that you invited people to see the town at
 Rotokohu established?
 Of nothing, but in consequence of the King's word that a town
 should be established on every one's own proper possessions –

¹⁵³ Maori Land Court, Hauraki Minute Book no. 28B, pp. 52-58 [some punctuation added].

¹⁵⁴ The last two words are uncertain because of the handwriting.

¹⁵⁵ Maori Land Court, Hauraki Minute Book no. 28B, pp. 59-60.

¹⁵⁶ Maori Land Court, Hauraki Minute Book no. 28B, pp. 60-61.

Did you not meet there in order that N'Tamatera might confirm the establishment of the town? No that was not the reason.¹⁵⁷

He continued to deflect questions designed to undermine his version of past conflicts and occupation of land:

I did hear of Ngatihaua having Te Aroha block extending on to this, passed through the Court but was not present –

Were you not afraid your land would go from you if you did not go? No.

You told Court you made canoes. Is it not Native Custom, you can go on any land and make canoes? No – I made a canoe of a Kauri tree off land belonging to N Tamatera. Wikiriwhi was the name of the person who applied to me for payment, and I gave two bullocks as payment, for the tree “putake” [base]¹⁵⁸

Did you not make one at Waipahake?

Yes, on Govt Land – I took out a miner’s right, the duplicate is in Grahamstown. Canoe was made on Pukemokemoke quite recently – by a N Tamatera man – Rihitoto ordered her canoe to be made and paid the man for making it –

If you heard of anyone making a canoe would you not prevent it? Yes.

Did you neither hear or see us getting Totara timber off the land before the Court? You did cut timber there, the sister of Te Keepa married Hoara Tupaea, her name was Te Meraeiti, this was the reason why timber was allowed to be cut for the house of that woman – she was a N'Tokanui – If I had known that would have been brought before this Court, I would not have allowed it....

Who of you gave this timber to the woman? Te Keepa Raharuhi

Did he write his consent? He gave it freely to his sister.

She will know at this time of this timber being given to her? Yes it is not a year past – what I have said is true even if she denies this – I only heard this Timber was given by Te Keepa from my wife.¹⁵⁹

He was not present at the hearings of Paeroa Nos. 1 and 2, but understood the latter was granted to Ngati Tokanui. ‘Was it not through affection of Te Kemara who owned the land that it was given to N Tokanui? It was not so’.¹⁶⁰

¹⁵⁷ Maori Land Court, Hauraki Minute Book no. 28B, p. 61.

¹⁵⁸ Ryan, p. 36.

¹⁵⁹ Maori Land Court, Hauraki Minute Book no. 28B, pp. 62-63 [punctuation added].

¹⁶⁰ Maori Land Court, Hauraki Minute Book no. 28B, p. 63.

When cross-examined by Haora Tareranui, he stated that ‘as far as I have heard’ Tokanui was a member of Ngati Hako. His father and mother-in-law had pointed out the boundaries and told him that Tokanui was Ngati Hako ‘before the Waikato war’.

Is it not a fact you never knew it before this present Court? It is not so.

Did you not say at hearing of Ohinemuri No. 17 that you did not know what tribe Tokanui belonged to? I don’t know – Evidence read. “Who was Tokanui? I don’t know”¹⁶¹

He then listed the names of the blocks of land belonging to Ngati Tokanui, some of which, Haora Tareranui pointed out, were included in Ohinemuri No. 17. When that was considered by the court, Ngati Tamatera received ‘the largest portion of the land – because they were very strong in disputing the case’.¹⁶² Asked about the acquisition of some of the east coast land in ‘the last battle’ between Taraia and Te Whanake, at Ongare in 1842, he admitted there had been ‘a conquest by Te Kiko and Taraia’.

In 1842 Taraia and Te Mimiha went to a fight at Tauranga. Te Moananui got the land at Katikati through that fight – and in my opinion that was the only land taken in that conquest – Have you ever produced this document dated 8 April 1859, in Court before? No – I have only just seen it. Raharuhi had it, after his death it was found in his bible.¹⁶³

On the following day, Haora Tareranui pointed out that ‘some woman from Tauranga who was learned in genealogies’ had written a document stating that Te Moananui was not related to Tokanui. Mimiha responded,

I have not the document that was passed over to that woman – How then will the Court know what you state is true? Because of the evidence I give, the same as your evidence is accepted – Then the Court ought to believe Te Moananui’s statement that Tokanui was in the bottle, & Tahaiwi was the cork? Yes. Did not the descendents of Tokanui live with Tahaiwi? I never heard so –

¹⁶¹ Maori Land Court, Hauraki Minute Book no. 28B, p. 64 [incorrect page number given for his evidence at hearing of Ohinemuri No. 17: correctly pp. 177 and 179].

¹⁶² Maori Land Court, Hauraki Minute Book no. 28B, pp. 64-65.

¹⁶³ Maori Land Court, Hauraki Minute Book no. 28B, p. 65.

If Te Keepa stated [this] in hearings of Otamaurunganui block would you admit it? If he made such a statement I shall not deny it -

Have they always lived together up to the time this Block went through the Court did not Te Keepa say this? I did not hear this statement made but if it is found in the evidence I shall not deny it....

You said you & Te Keepa both objected to Te Moananui's statement about the battle at Pukerahui? Yes.

Did you ever hear Te Keepa state in Court that he had so objected? I never did –

How shall the Court know for a certainty that you & Keepa did object to this statement at Pukerahui? I have no proof but the evidence I have given.¹⁶⁴

Asked about some hapu, he explained that he had 'not heard' that they were part of Ngati Hako, but would accept the word of someone skilled in whakapapa.¹⁶⁵ He also denied knowledge of some deaths and battles, in response to one question explaining that it was 'because I am not connected with Te Rakiteuru that I never heard of his death' and that he would accept the statement of this rangatira's grandchildren.¹⁶⁶ Once again he was forced to agree with the evidence of his superior: 'Was Keepa's statement incorrect that N'Tokanui was living at Rotokohu during the time of Te Kiko's wars? If he made that statement I can't deny it'.¹⁶⁷ Asked whether Tareranui was present when this land was surveyed, he replied, 'I did not see you – I was present when Gold Field boundary was laid off, not the rest of the block', and then admitted giving incorrect evidence:

I made a mistake when I said the Eastern boundary ran on the old Ancestral boundary, that is simply a boundary of the Gold Fields –

That statement you made yesterday is incorrect, what about your other statements? That is the only mistake that I made.¹⁶⁸

After denying knowledge of other points, he was bluntly asked 'Were you not sent to prison for perjury'. He replied that he had been imprisoned

¹⁶⁴ Maori Land Court, Hauraki Minute Book no. 28B, pp. 66-67.

¹⁶⁵ Maori Land Court, Hauraki Minute Book no. 28B, pp. 67-68.

¹⁶⁶ Maori Land Court, Hauraki Minute Book no. 28B, p. 68.

¹⁶⁷ Maori Land Court, Hauraki Minute Book no. 28B, p. 69.

¹⁶⁸ Maori Land Court, Hauraki Minute Book no. 28B, p. 70.

‘for cutting a man’s ear’,¹⁶⁹ a reference to a notorious court case described below.

Don’t you know that Pepene Paopao, descendant of Te Ipu, lived on this block? No – I was living on this land when Pepene came from Mangataua to Te Pehanga – I never saw him living on this land nor heard of him doing so –

Did you not hear at the investigation of Ohinemuri No. 17 that he said he had been living at Pukemokemoke? I don’t know he said that, I am certain he did not live on the land –

Did he not say he had dead buried at Pukemokemoke -? No I did not hear so

You appeared as a witness there and had a case? Yes

If he said so what do you say? I believe it is a false statement, I never saw him or heard of him there.¹⁷⁰

After denying knowledge of various people and their deaths, he stated that he ‘heard from my elder relatives of N’Paoa of death of Tahiwī when I lived at Taupo, near Matarakara, from Hoera Te Whareponga and others’.¹⁷¹ Once again, the evidence of Te Keepa Raharuhi was used against him. ‘Was Te Keepa wrong in Otamaurunganui in saying that it was through relationship that Te Moananui got Ahutoatoa and Tapuariki? If Te Keepa said so, he said so, but I heard it spoken of as a gift’. He again stated that it was on Tawhiao’s instructions that ‘the town at Rotokohu’ was erected, not because Ngati Tamatera ‘gave permission to’ Ngati Koi.¹⁷²

Cross-examined by Hare Taimana, he stated that only ‘some’ of Te Keepa Raharuhi’s evidence was correct, objecting to ‘the boundary he laid off – because it runs through Tokanui’s land’.¹⁷³ He described visiting settlements on the Waitoki Stream, between Paeroa and Te Aroha, ‘perhaps 10 times a year’, to visit a sister and her husband; his first visit was ‘at the time of the war at Taranaki’.¹⁷⁴ Asked ‘Which of these two lines is the Court to accept – yours or Te Keepa’s?’, he responded: ‘Te Keepa who owns the land has pointed out his boundary, my father & mother in law pointed out the one I named, but Te Keepa’s should be the boundary, as he owns the

¹⁶⁹ Maori Land Court, Hauraki Minute Book no. 28B, p. 71.

¹⁷⁰ Maori Land Court, Hauraki Minute Book no. 28B, p. 71.

¹⁷¹ Maori Land Court, Hauraki Minute Book no. 28B, p. 73.

¹⁷² Maori Land Court, Hauraki Minute Book no. 28B, p. 75.

¹⁷³ Maori Land Court, Hauraki Minute Book no. 28B, p. 75.

¹⁷⁴ Maori Land Court, Hauraki Minute Book no. 28B, p. 76.

land'.¹⁷⁵ Once again, in his final cross-examination, conducted by the judge, he was vague on the details of events in the past that his mother-in-law had told him about.¹⁷⁶

Te Keepa & I laid off the Gold Fields boundary from Poarua to Hinurangi of ourselves.... All N'Koi assembled at Poarua to discuss the question of excluding Mackaytown from the boundary and all N'Koi agreed that Te Keepa and I should conduct this survey – Te Keepa did not go the whole way and I myself went on with the survey.¹⁷⁷

Despite saying 'I don't think I can give the boundaries of Tokanui's lands', he proceeded to do so, in considerable detail.¹⁷⁸ 'I don't know who laid off Tokanui's boundary. I don't know Tokanui's right to this land, he had been on it a long time, before Tara came – I did not hear Tokanui claimed this land from Hako. If Te Keepa said so it is right, because he is a descendant of Tokanui, but I never heard it'.¹⁷⁹ The outcome of this hearing was a subdivision, with Mimiha and his wife being made two of the 100 owners of Pukemokemoke No. 1.¹⁸⁰ Two years later, he was made one of 51 owners of Mangamutu No. 3.¹⁸¹

When the Tairahi No. 2 block was before the court in 1908, he stated that, with his sister Mihireana and her husband he had cultivated this land after first clearing the bush. At the 'time of the war', Haora Tareranui had arrived (in 1865, the latter recalled), whereupon Mimiha went to live at Kanihekaea and Kuaoitī.¹⁸² At the end of the hearing, the court stated that the only way to make a judgement was 'to judge the truthfulness of one side or the other'. The judges decided 'that the evidence given on the side of Haora is to be preferred. The demeanour of the witnesses' on the other side, one of whom was Mimiha, 'did not impress the Court with their truthfulness'.¹⁸³

¹⁷⁵ Maori Land Court, Hauraki Minute Book no. 28B, p. 77.

¹⁷⁶ Maori Land Court, Hauraki Minute Book no. 28B, p. 78.

¹⁷⁷ Maori Land Court, Hauraki Minute Book no. 28B, p. 78.

¹⁷⁸ Maori Land Court, Hauraki Minute Book no. 28B, pp. 78-79.

¹⁷⁹ Maori Land Court, Hauraki Minute Book no. 28B, p. 79.

¹⁸⁰ Maori Land Court, Hauraki Minute Book no. 29, p. 84.

¹⁸¹ Maori Land Court, Hauraki Minute Book no. 36A, p. 20.

¹⁸² Maori Land Court, Hauraki Minute Book no. 58, pp. 184-185.

¹⁸³ Maori Land Court, Hauraki Minute Book no. 58, p. 190.

In 1912, when applying for Hangaweka through ancestry, he described it as his kainga. Originally, this land was part of Taumatawahine. ‘I have ploughed the whole of the block. I have dead buried at the “maioro” [fortification]¹⁸⁴ of the pa. I do not live on the block at present. It was about 1864 that we left this land. No one lived on that block at that time excepting ourselves’.¹⁸⁵ In later evidence, he stated that he had occupied it ‘long before war’, and that his occupation had ceased ‘abt 1886’.¹⁸⁶ He had received the land as a gift from Pineaha, and opposed others who lived there selling firewood to Pakeha.¹⁸⁷ ‘I am speaking the truth – the other witnesses are not’. He had lived at Te Hora and this block ‘at the same time. I had a kainga on this blk as well as a landing place’. He had started living at Paeroa when the Ohinemuri goldfield opened, meaning 1875. ‘I then ceased to live on this blk. I lived on many blocks but never on one at any particular time. This is since the goldfields opened’.¹⁸⁸

SELLING LAND

Mimiha, like other owners, signed the deed of conveyance leasing the Ohinemuri goldfield to the Crown before their interests were determined.¹⁸⁹ He was paid in instalments as the government advanced money that was charged against their land. In November 1874, he was advanced £74.¹⁹⁰ At that time, he told a meeting held with James Mackay to discuss their indebtedness that his debt ‘was very small, and he could easily pay in wheat if he felt inclined’, although he might give up some land.¹⁹¹ Three months later, he received £130, which was not regarded as given on account for the

¹⁸⁴ Ryan, p. 23.

¹⁸⁵ Maori Land Court, Hauraki Minute Book no. 62, pp. 147-148.

¹⁸⁶ Maori Land Court, Hauraki Minute Book no. 62, p. 184.

¹⁸⁷ Maori Land Court, Hauraki Minute Book no. 62, p. 183.

¹⁸⁸ Maori Land Court, Hauraki Minute Book no. 62, p. 185.

¹⁸⁹ R.J. Gill (Under-Secretary, Land Purchase Department), Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, Appendix I, Lands and Survey Department, LS 36/25a, ANZ-W.

¹⁹⁰ Register of Payments to Individuals for Purchase of Land 1873-1880, Ohinemuri, entry for 13 November 1874, Maori Affairs Department, MA-MLP 7/7; R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, Appendices G, H, Lands and Survey Department, LS 36/25a, ANZ-W.

¹⁹¹ Ohinemuri Correspondent, *Thames Advertiser*, 27 November 1874, p. 3.

purchase of Ohinemuri.¹⁹² In August 1878 he received £70 and in the following month £65.¹⁹³

Because of confusion caused by over-paying some owners and under-paying others, Richard John Gill, Under-Secretary of the Land Purchase Department, visited Paeroa in 1882 to clarify what should have been paid. According to one calculation, Mimiha was paid £265, but as the court later awarded him only 191 1/2 acres it was realized that he had been overpaid by £217 2s 6d, which the Native Minister wanted charged against his other lands.¹⁹⁴ When Mimiha and his wife met Gill in May, the latter recorded that Mimiha had received

large advances prior to Lease and £135 since – On behalf of his wife Hariata Marakai he claimed – balance on her Ohinemuri share admitted having received £4. Balance found to be due to her £30.15.0 her balance would have been larger only that her husband had been overpaid and she must help him to pay off some of his indebtedness to the Government. This she agreed to and Mr Gill said he would pay her the £30:15:0 before he left.¹⁹⁵

Although all her interests went to the Crown, she would participate in the reserves created. 'This woman allowed £30 to go towards payment of part of her husband's ... debt'.¹⁹⁶ Her total share was £64 15s, in 259 acres, for which she had received an initial payment of £4 in September 1878.¹⁹⁷

In June, Gill interviewed his daughter, Ngahuka Te Mimiha:

Said she thought there was some money due to her on the Ohinemuri Blocks, was interested in 4 Blocks, found there was money due to her but on going into her husband's (Hirawani's)

¹⁹² R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, p. 24, Appendices G, H, Lands and Survey Department, LS 36/25a, ANZ-W.

¹⁹³ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, Appendix H, Lands and Survey Department, LS 36/25a, ANZ-W.

¹⁹⁴ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, entry for 7 June 1882, p. 84, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

¹⁹⁵ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, entry for 27 May 1882, p. 53, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

¹⁹⁶ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, entry for 7 June 1882, p. 84, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

¹⁹⁷ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, p. 233, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

accounts, he was found to have received £142.18.0 on Ohinemuri since the Lease and £60.0.0 also on Waihou East & West, questioned upon these matters did not deny them and Ngahuka said she was willing to give up the money due to her to pay her husband's debt. Mr Gill said he was pleased that she had shewn such a right spirit (thought the women of Ohinemuri had more honor than the men) and would accept the balance due to her as a settlement in full of her husband's debts to the Government on Ohinemuri and Waihou East & West. She had asked him for food for her children, let her come to him whilst the Court was sitting and he would not refuse her request. –

Memo: A cheque for £5 to be given to her.¹⁹⁸

Four days later, the balance of £45 19s 6d was paid to his other daughter, Mihireana Te Mimiha, to complete the purchase of her interests in the same blocks; she would also share in the reserves.¹⁹⁹

Mimiha sold his interest in other blocks from the 1870s onwards. In March 1876, he received £175 15s for his interests in the approximately 60,000 acres of Waihou and Waitoa East, and in November received £27 for his share of Waihou East and West, about 50,000 acres.²⁰⁰ The following year, he was one of 12 owners who sold Piraurahi No. 10, of 504 acres, for £200.²⁰¹ Two years later, he was paid £8 and his wife was paid £3 for their interests in Pukehanga, approximately 2,000 acres.²⁰² Also in 1879, he was one of 11 owners who sold Okoreko, just over eight acres bordering the Waihou River, for £25.²⁰³ The following year, with one other owner he sold Taumatawahine No. 4, of 80 acres, for £105.²⁰⁴ In 1881, he and Hariata

¹⁹⁸ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, entry for 3 June 1882, p. 71, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

¹⁹⁹ R.J. Gill, Memoranda on purchasing of Ohinemuri Goldfields, May-June 1882, entry for 7 June 1882, p. 84, Maori Affairs Department, MA 1, 13/54b, ANZ-W.

²⁰⁰ Register of Payments to Individuals for Purchase of Land 1873-1880, pp. 144, 148, 149, Maori Affairs Department, MA-MLP 7/7, ANZ-W.

²⁰¹ Maori Affairs Department, Hamilton, BACS A806, box 2, no. 90, ANZ-A.

²⁰² Register of Payments to Individuals for Purchase of Land 1873-1880, p. 139, Maori Affairs Department, MA-MLP 7/7, ANZ-W.

²⁰³ Maori Affairs Department, Hamilton, BACS A806, box 2, no. 63, ANZ-A.

²⁰⁴ Maori Affairs Department, Hamilton BACS A806, box 3, no. 133, ANZ-A.

both received £4 for Owharoa No. 5, otherwise Mackaytown.²⁰⁵ Hariata received 10s for her interest in Ohinemuri No. 19 in 1884.²⁰⁶

No further sales were recorded until 1894, when Mimiha sold his interest in Ohinemuri Nos. 4, 8, 17, the latter being the Ngati Koi Reserve.²⁰⁷ In the late 1890s, with Merea Wikiriwhi, he sold Waihi No. 4, of 15 acres, for £13,²⁰⁸

RELATIONS WITH PAKEHA

Although he claimed to have had ‘a great part in the introduction of Hauhauism’ into Ohinemuri,²⁰⁹ his relations with Pakeha were always amiable; for instance, he was appointed to the Ohinemuri sports committee for 1876-1877.²¹⁰ In 1881, he reported to officials about a meeting that discussed opening the Komata Block because he supported their efforts to reach an agreement with the rangatira who was keeping it closed.²¹¹ A son, and presumably other members of the family, was an Anglican.²¹²

INVOLVEMENT IN MINING

In November 1874, James McCutchen Beeche, a miner,²¹³ reported that he, William Logan,²¹⁴ John Clarke,²¹⁵ and Mimiha had been

²⁰⁵ G.T. Wilkinson, diary, entry for 13 December 1881, University of Waikato Library; Register of Payments to Individuals for Purchase of Land 1873-1880, p. 231, Maori Affairs Department, MA-MLP 7/7, ANZ-W.

²⁰⁶ Register of Payments to Individuals for Purchase of Land 1873-1880, p. 246, Maori Affairs Department, MA-MLP 7/7, ANZ-W.

²⁰⁷ Memoranda on purchasing of Ohinemuri Goldfields, Appendix H, Lands and Survey Department, LS 36/25a, ANZ-W.

²⁰⁸ Maori Land Court, Hauraki Minute Books no. 45, p. 18; no. 49, p. 100.

²⁰⁹ Maori Land Court, Hauraki Minute Book no. 15, p. 291.

²¹⁰ *Thames Advertiser*, 8 December 1876, p. 2.

²¹¹ Memorandum by E.W. Puckey concerning Komata, 10 April 1881, Maori Affairs Department, MA 1, 13/44, ANZ-W.

²¹² Death Certificate of Hone Hoera, 4 September 1912, 1912/5741, BDM.

²¹³ See *Thames Advertiser*, 18 June 1874, p. 3, 15 March 1875, p. 3, 17 March 1875, p. 2, 16 June 1875, p. 3, 19 January 1876, p. 3; *New Zealand Herald*, 9 March 1881, p. 6, 14 June 1916, p. 11.

prospecting the Karangahake area (in defiance of the ban imposed both by the government and other rangatira on prospecting there) and had found a payable reef.²¹⁶ The following month, when hapu were discussing government pressure to open Ohinemuri for mining, 'Hoera Te Mimiha said he would give up the gold and keep the land. Perhaps by-and-by the pakeha would get it all',²¹⁷ a prospect he seemed to view with equanimity. Less than a week later, he was the unnamed 'native' who ventured underground into a Thames mine managed by Beeche's brother, John Blennerhasset Beeche:²¹⁸

On Saturday, Haora, son of Tareranui, of the Ngatitamatera tribe, and another native, expressed a wish to examine for themselves the workings of a mine, to observe the process by which the pakeha extracted gold from underground. They were taken down the Crown Prince shaft and workings by Mr Beeche, the manager. Haora, a man of very considerable intelligence, expressed the utmost astonishment. He said the Maoris would never have pluck enough to work in that way, and they must have the pakehas to Ohinemuri to work out the gold that was there. They were subsequently taken to the battery, and the mode of crushing the quartz and extracting the gold still further astonished them, but their surprise was unbounded with they were taken to the bank and saw the gold in bars. We believe this is the first time a Maori has ever had the courage to descend a shaft. They will stroll into a drive, but they do not like to descend into the bowels of the earth.²¹⁹

²¹⁴ See *Thames Star*, letter from William Logan, 21 January 1875, p. 3, 6 March 1875, p. 3, Ohinemuri Correspondent, 16 March 1875, p. 3, 22 October 1875, p. 3, 10 April 1876, p. 2..

²¹⁵ See Ohinemuri Correspondent, *Thames Advertiser*, 16 March 1875, p. 3.

²¹⁶ James Beeche to Superintendent, Auckland Province, 4 November 1874; memorandum by D.A. Tole, 13 January 1875, Auckland Provincial Government Papers, ACFM 8180, 3835/74, ANZ-A.

²¹⁷ Ohinemuri Correspondent, *Thames Advertiser*, 9 December 1874, p. 3.

²¹⁸ See *Thames Advertiser*, 5 December 1873, p. 3, 10 March 1875, p. 3, 10 April 1875, p. 3, 16 April 1875, p. 3, 3 May 1875, p. 3, 16 June 1875, p. 3, 19 June 1875, p. 3. 15 November 1875, p. 3, 11 December 1875, p. 3, 15 December 1875, p. 2, 15 January 1876, p. 3, 19 January 1876, p. 3, 18 July 1876, p. 3, 14 December 1876, p. 2, 5 April 1895, p. 2; *Auckland Weekly News*, 13 April 1895, p. 21.

²¹⁹ *Thames Advertiser*, 14 December 1874, p. 2.

(Despite their rivalry in the land court, clearly these rangatira were on good terms. Tareranui had also assisted Beeche and others to prospect Karangahake.)²²⁰ Two days after this visit, this ‘adventurous’ Maori, as the newspaper described him, wrote to the press:

December 15, 1874. At three o’clock in the day, I went to a claim where they mine for gold, the Crown Prince. That claim is a good one. The name of the Captain [mine manager] is John Beeche. There was the reef carrying the gold plain enough, but what would put the Maori all wrong was its great depth below the surface. If the Maori had good brains, it would be all right. Well, indeed, how the thing has been lying unused. Our ancestors were ignorant, and we are so also, and we continue mistakes. The man who is right amongst the Maoris is the man who had money in the bank. – HOERA TE MIMIHA, of Ohinemuri.²²¹

Some of the meaning may have been changed in the translation (the original letter, written in Maori, was not printed), but it is clear that he supported mining and obtaining, and retaining, income from it. For these reasons, and because of the scale of Maori indebtedness, he supported opening Ohinemuri to mining. He told the meeting still debating this issue in late December that ‘I have to say the same as the whole of the tribe, to give up the gold as payment for the trouble the tribe is in now’.²²² At the meeting that finally agreed, in the following February, to open Ohinemuri, ‘Hoera’ spoke:

The reserves are in the hands of Te Hira, but we, the younger men in the tribe, go to sell parts to the Europeans, and so cause difficulty. I would like all the younger men of the tribe to have a meeting on the subject.

Other natives here expressed their approval of the proposal.²²³

His statement to one of the final meetings was recorded in more detail:

Hoera [Te] Mimiha wanted all the young people of Ngatitamatera to consult together. All the Europeans must go back to Shortland, for they have been telling a lot of lies, saying there is no gold, to keep others away. Let all the Europeans come in a lot, and thus

²²⁰ *Ohinemuri County Diamond Jubilee 1885-1945: Souvenir* (Paeroa, 1945), p. 53.

²²¹ Letter from Hoera Te Mimiha, *Thames Advertiser*, 16 December 1874, p. 2.

²²² Ohinemuri Correspondent, *Thames Advertiser*, 22 December 1874, p. 3.

²²³ *Auckland Weekly News*, 27 February 1875, p. 6.

our debt will be cleared. Let the Government bring out exactly as many Europeans as our debt amounts to, 26,000, and then our debt will be paid. Let each receive the money for his own bush. If I see the Government agent does not do what is proper, I will let the Government know, and he must be discharged. As for saying that after the debt is paid the land will come back, it is all nonsense.

Mr Mackay said the Europeans were not like dogs, to be drawn by a string.

Hoera: I will not sign the deed unless the Government consent to bring all the Europeans at once. Tell these Europeans to go home; 300 of them will not pay my debt unless they pay about £100 apiece.²²⁴

He clearly understood that their having to pay the debt meant their land was lost, was not concerned about being swamped by settlers, and that good gold was to be found. His statement in court about determining the Ngati Koi section of the goldfield boundary implied some geological knowledge of the area. 'Mr Mackay said there was probably gold in the hills I was excluding, I told him I had never seen any quartz there'.²²⁵ According to Mackay's recollection, in 1869 James Beeche told him 'he had found gold at a place pointed out to him by Hoera' on the fern spur at Karangahake.²²⁶ Mimiha assisted the surveyor determining the goldfield boundary at the beginning of 1875.²²⁷ In January, just over a month before the goldfield opened, a Karangahake correspondent reported that 'Logan's party and Johnny Beeche are said to have a good show on the reef, having been laid on by a Maori'.²²⁸ Six days later, the *Thames Advertiser* identified him as this unnamed Maori:

We hear that a native – Hoera Te Mimiha – has received a positive assurance that a piece of ground in which he claims to have found gold will be given to him “by arrangement.” Of course there are pakehas behind the native, who are pulling strings, and from what we have heard there are certain matters which will not bear the light of publicity. The native was certainly not the first to find gold in the piece of ground he now claims, and has no claim whatever to a prospecting license. His interest has been

²²⁴ *Thames Advertiser*, 19 February 1875, p. 3.

²²⁵ Maori Land Court, Hauraki Minute Book no. 28B, p. 56.

²²⁶ *Thames Advertiser*, 15 March 1875, p. 3.

²²⁷ Maori Land Court, Hauraki Minute Book no. 29, p. 67.

²²⁸ Karangahake Correspondent, *Thames Advertiser*, 20 January 1875, p. 3.

sold to pakehas, who have “bought” sufficient influence to enable them to extract a promise from some quarter.²²⁹

This hint of corruption was not aimed at Mimiha but at the warden’s staff, who would soon be investigated because of a scandal over the issue of miner’s rights.²³⁰ The report that Mimiha would be granted a prospecting claim caused ‘surprise, and not a little indignation’.²³¹ On opening day, Mimiha and his party pegged out a claim and also sought a prospectors’ claim.²³² When these applications were considered, William Logan stated that the three Pakeha prospectors along with Mimiha had found payable gold in October 1874. ‘We agreed on the ground to stand equal in the discovery, and went to the Thames to get a prospecting license.... The native got on the beer, and told [Thomas Edmund] Arnold²³³ and a native that he had got gold there. I heard also that the native told Mr Mackay’. Once Logan had gone to Auckland to put their case for a prospectors’ claim to the Superintendent, he ‘returned to Ohinemuri, and told Beeche and the Maori what I had done on behalf of them and myself’. They later came to an arrangement whereby ‘the Maori and Beeche were to have one-half’.²³⁴ Mackay informed the warden that ‘Beeche said he found gold at a place pointed out to him by Hoera that he found it on fern Reserve Spur at Karangahake’.²³⁵ Their right to a prospectors’ claim was conceded, and when, late in March, share trading commenced, a miner purchased part of

²²⁹ *Thames Advertiser*, 26 February 1875, p. 2.

²³⁰ See ‘Ohinemuri Miners’ Rights Inquiries Committee’, *AJHR*, 1875, I-3.

²³¹ *Thames Advertiser*, 27 February 1875, p. 3.

²³² *Thames Advertiser*, 4 March 1875, p. 3, 10 March 1875, p. 2.

²³³ An early prospector of Karangahake: see Thames Warden’s Court, Warden’s Notes, Ohinemuri 1875-1877, entry for 12 March 1875, BACL 14566/1a, ANZ-A; *Thames Advertiser*, 15 March 1875, p. 3, 17 May 1875, p. 3, 6 July 1875, p. 3; H.E. Kenny to Under-Secretary, Mines Department, 10 August 1894, Legislative Department, LE 1, 1894/5, ANZ-W.

²³⁴ Thames Warden’s Court, Warden’s Notes, Ohinemuri 1875-1877, entry for 12 March 1875, BACL 14566/1a, ANZ-A; *Thames Advertiser*, 13 March 1875, p. 3.

²³⁵ Thames Warden’s Court, Warden’s Notes, Ohinemuri 1875-1877, entry for 12 March 1875, BACL 14566/1a, ANZ-A.

Mimiha's interest for £45.²³⁶ A week later, the remainder of his interest was purchased by a Paeroa merchant for £53.²³⁷

Before he sold his interest, a correspondent reported a rush to Rotokohu, adjacent to the Karangahake field:

I should say there are about 70 men out there now who own shares in claims, and amongst others I noticed Hoera, an enterprising native, who, although already the possessor of more than one miner's right, came to the Government office for another to secure a share in one of the claims.... Hoera is no fool. He quite understands how to secure his interest, and does not choose to risk his share when there are such good prospects.²³⁸

As was so common, the 'good prospects' came to nothing. In April, he became one of eight owners of the Golden Spur at Karangahake.²³⁹ Two months later, he bought an abandoned share in Just in Time, giving him one-sixth of the interests, selling half of this to another Maori three months later.²⁴⁰

Mimiha arrived at Te Aroha shortly after the initial rush, taking out a miner's right on 7 December 1880.²⁴¹ The previous day, he was one of ten Maori who marked out the Ohinemuri claim.²⁴² Like the Pihikete, marked out ten days later by Mimiha and 12 other Maori,²⁴³ it was never registered. With other Maori, in January 1881 he became part owner of three claims in the Tui portion of the field, in one, Omahu No. 1, having two shares

²³⁶ Ohinemuri Correspondent, *Thames Advertiser*, 25 March 1875, p. 3.

²³⁷ *Thames Advertiser*, 3 April 1875, p. 2.

²³⁸ Ohinemuri Correspondent, *Thames Advertiser*, 22 March 1875, p. 3.

²³⁹ Te Aroha Warden's Court, Register of Ohinemuri Claims 1875, folio 54, BBAV 11568/1a, ANZ-A.

²⁴⁰ Te Aroha Warden's Court, Register of Ohinemuri Claims 1875, folio 35, BBAV 11568/1a, ANZ-A.

²⁴¹ Te Aroha Warden's Court, Miner's Right no. 706, issued 7 December 1880, Miners' Rights Butt Book 1880, BBAV 11533/1f, ANZ-A.

²⁴² Te Aroha Warden's Court, Notices of Marking Out Claims 1880, no. 76, BBAV 11557/1a, ANZ-A.

²⁴³ Te Aroha Warden's Court, Notices of Marking Out Claims 1880, no. 99, BBAV 11557/1a, ANZ-A.

whereas the other 14 owners had one each.²⁴⁴ No payable gold was found on any of these claims. In February, he collected money from other Maori for the protection of their Harbour View.²⁴⁵

Shortly after gold was discovered at Waiorongomai, in late October 1881 he was a member of the party that applied, unsuccessfully, for the Queen of Beauty.²⁴⁶ In April 1884, he claimed that ‘for the last three years I have been at Te Aroha goldmining’.²⁴⁷ Nothing has been discovered to indicate what he meant. As his only other miner’s right was taken out early in December 1881,²⁴⁸ it is unlikely that he either prospected or mined after 1882. That he did prospect later on was revealed eight years later by a correspondent who believed he had been an early prospector assisting Hone Werahiko. Early in 1890, Mimiha

unbosomed himself of a secret, namely, the existence of a rich gold reef in the neighbourhood of the New Find ground.... Has lately been showing rich specimens, said to have been taken from the reef quite recently, and all he requires is a modest £2,000, to place his friends in possession of this future Eldorado. It would be risky to state that he is to get this sum, but certain preliminaries have been gone through, and a well-equipped party, headed by Mimiha, intend to start ... on the track of this payable gold reef.²⁴⁹

The correspondent’s scepticism was proved correct when nothing further was heard of yet another exaggerated claim supported by the usual ‘rich specimens’ of uncertain provenance.

Whilst he lived at Te Aroha, the principal potential cause of conflict between Maori and Pakeha was the murder in February 1881 of Himiona

²⁴⁴ Te Aroha Warden’s Court, Register of Te Aroha Claims 1880-1888, folios 204, 211, 216, BBAV 11567/1a, ANZ-A.

²⁴⁵ *Thames Star*, 2 March 1881, p. 2.

²⁴⁶ Te Aroha Warden’s Court, Register of Applications 1880-1882, folio 109, BBAV 11505/3a, ANZ-A.

²⁴⁷ Maori Land Court, Hauraki Minute Book no. 15, pp. 288-289.

²⁴⁸ Te Aroha Warden’s Court, Miner’s Right no. 1838, issued 7 December 1881, Miners’ Rights Butt Book 1881-1882, BBAV 11533/1i, ANZ-A.

²⁴⁹ Waiorongomai Correspondent, *Waikato Times*, 11 February 1890, p. 2.

Haira.²⁵⁰ He belonged ‘partly to the Ngatikoi and partly to the Ngatihako Tribes’, the native agent, George Thomas Wilkinson, reported.²⁵¹

Their principal chiefs – notably Pineaha Te Wharekowhai, and Hoera Te Mimiha, of Ngatikoi – 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 influence and 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.²⁵²

Nine days after the murder, Mimiha ‘came in from Tuitahi’ to see Wilkinson at Thames ‘to enquire about the day the murder trial comes on’.²⁵³ At the trial of the alleged murderer, he was a principal witness:

I live at Ohinemuri, near Paeroa. I knew deceased, Himiona; I knew him well; we lived in the same house. The house belonged to me. I last saw Himiona alive on Thursday, Feb. 10th, about 3 o’clock. I saw him at Morgantown in the billiard room; I saw he had a purse on that very morning; to the best of my knowledge, it was made of leather with an iron clasp; it was about 9 o’clock that morning that I saw him with the purse; I went to ask him for some money for the protection of our claim, the Harbour View; he gave me one shilling; he took it out of his purse; he had a note and three shillings in the purse. I have seen Himiona with rings on his fingers, two silver ones and a brass one, before and since Christmas.

He described the rings; ‘the new silver one’ he saw ‘being made by Himiona from a shilling’.

I have seen one of the three rings in the possession of my daughter; she had the new one on her hand. Himiona made it for her; the shilling belonged to her.... I cut with a knife the word

²⁵⁰ See paper on this murder.

²⁵¹ G.T. Wilkinson to Under-Secretary, Native Department, 28 May 1881, *AJHR*, 1881, G-8, p. 10.

²⁵² G.T. Wilkinson to Under-Secretary, Native Department, 28 May 1881, *AJHR*, 1881, G-8, p. 8.

²⁵³ G.T. Wilkinson, Diaries, entry for 19 February 1881, University of Waikato Library, Hamilton.

“Mihi” inside the larger silver ring worn by Himiona; it was on when it was in my daughter’s possession; I took it off her hand.

He identified it and the other rings that had been discovered in the accused’s burnt whare. ‘Himiona’s mother was my sister’, implying that she was dead. ‘It is a very strong custom amongst native relatives to wear each other’s jewellery. I am quite positive the name Mihi cut in the larger silver ring was cut by myself. The clasp produced is similar to the clasp I have seen on Himiona’s purse’.

Cross-examined by the accused’s counsel, Mimiha accused Joseph Harris Smallman²⁵⁴ ‘of the murder because he was released from the police tent at twelve o’clock’ (having been incarcerated for drunkenness). ‘Smallman passed by the body of deceased, and, as he did not say anything to him about it (having met him shortly afterwards), he concluded that Smallman must have had something to do with the murder’.²⁵⁵

His daughter Mihi Mera deposed that she also ‘resided near Paeroa. She knew the deceased intimately’. She had had the rings in her possession, and confirmed that her father had carved her name in one. ‘The ring she wore she gave back to deceased before Christmas’, and she confirmed that it was a Maori custom ‘to wear each other’s rings and jewellery’. Under cross-examination, she insisted that the rings given in evidence were Himiona’s, and that he was wearing them ‘on the day of the murder because they were the only ones he wore. Himiona was the only native who made rings with a ridge running round the centre of the outside’.²⁵⁶

FINANCIAL DIFFICULTIES

Despite selling land and mining shares, Mimiha had some difficulty in meeting his debts and was sued several times, although far less often than some rangatira. In November 1876, a Thames merchant, Joshua Walter Adlam,²⁵⁷ sued for two amounts, £80 6s 2d and £81, but settled out of

²⁵⁴ See paper on his life.

²⁵⁵ Magistrate’s Court, *Thames Star*, 2 March 1881, p. 2.

²⁵⁶ Magistrate’s Court, *Thames Star*, 3 March 1881, p. 2.

²⁵⁷ See advertisement, *Thames Guardian and Mining Record*, 13 March 1872, p. 2; *Thames Advertiser*, Magistrate’s Court, 3 March 1877, p. 3, 29 July 1879, p. 2, 3 February 1899, p. 2.

court.²⁵⁸ The following month, a carpenter sued for a dishonoured cheque for £50, a debt Mimiha admitted and which he was ordered to pay.²⁵⁹ In May 1878, Haora Tareranui sued him and two other Maori for unspecified damages amounting to £55, but also settled out of court.²⁶⁰ Two years later, he was again sued by Adlam for £30 10s, for goods supplied to him and a now-deceased Maori. Mimiha admitted liability for half the amount, had several times promised to pay something on account, and was ordered to pay £15 5s.²⁶¹ In 1881, a possible indication of his financial state was his borrowing of £1 from Wilkinson, ‘promising to pay me with a pig’.²⁶² Shortly afterwards, a Paeroa hotelkeeper sued, for an unpaid promissary note, £14 13s 6d. As Mimiha did not appear at the adjourned hearing, he lost by default. When he did not pay, a judgment summons was issued and then settled out of court.²⁶³ The following year, James McGimpsey Robson, a Paeroa merchant,²⁶⁴ sued for goods amounting to £29 7s 10d, but was non-suited.²⁶⁵ Fourteen months later, Robson sued for £33 16s 2d; Mimiha was ordered to pay £32 1s 2d and costs.²⁶⁶ Also in 1883, the estate of a bankrupt Te Aroha merchant successfully sued him for £6 16s 4d.²⁶⁷

Mimiha was not sued again until 1894, but his financial state in the intervening years was indicated by his writing in 1889 to another rangatira

²⁵⁸ Thames Magistrate’s Court, Shortland Plaintiff Book 1870-1884, 23, 24/1876, 13818/1a; Grahamstown District Court, Minute Book 1870-1884, entry for 14 December 1876, BACL 13818/1a, ANZ-A.

²⁵⁹ Thames Magistrate’s Court, Plaintiff Book 1875-1880, 644/1876, BACL 13737/15b, ANZ-A; Magistrate’s Court, *Thames Advertiser*, 20 December 1876, p. 3.

²⁶⁰ Thames Magistrate’s Court, Plaintiff Book 1875-1880, 234/1878, BACL 13737/15b, ANZ-A.

²⁶¹ Thames Magistrate’s Court, Plaintiff Book 1880-1881, 3223/1880, BACL 13737/11b, ANZ-A; Magistrate’s Court, *Thames Advertiser*, 18 September 1880, p. 3.

²⁶² G.T. Wilkinson, diary, entry for 28 February 1881, University of Waikato Library, Hamilton.

²⁶³ Thames Magistrate’s Court, Plaintiff Book 1880-1881, 99/1881, BACL 13737/11b; Civil Record Book 1881-1883, nos. 99 (8 April 1881), 18 (21 October 1881), BACL 13735/1b, ANZ-A; Magistrate’s Court, *Thames Advertiser*, 16 July 1881, p. 3.

²⁶⁴ See *Cyclopedia of New Zealand*, vol. 2, p. 856.

²⁶⁵ Paeroa Magistrate’s Court, Plaintiff Book 1881-1896, 21/1882, BACL 13745/1a, ANZ-A.

²⁶⁶ Paeroa Magistrate’s Court, Plaintiff Book 1881-1896, 36/1883, BACL 13745/1a, ANZ-A.

²⁶⁷ Te Aroha Magistrate’s Court, Civil Record Book 1881-1884, 190/1883, BCDG 11221/1a, ANZ-A.

asking that the flax at Patuhiku 'be given to me to get myself some food'.²⁶⁸ He earned money as a labourer, working for farmers and on the railway line being constructed between Te Aroha and Paeroa.²⁶⁹ In 1894, a Thames draper sued for goods amounting to £2 13s.²⁷⁰ Also in that year, Robson was granted a judgment summons against him for £35 12s 2d.²⁷¹

In November 1901, Mimiha applied for and was granted an old age pension of £18.²⁷² When this was renewed a year later, he stated that he had no earnings.²⁷³ Another year later, his application for renewal was adjourned whilst his land was valued. As it amounted to only £45, he had no life insurance, and the police report was favourable (meaning that he did not waste his money on strong drink), the pension was renewed.²⁷⁴ When it came up for renewal in 1904, he informed the magistrate that he had 'interests in following lands Ngahutoitoi²⁷⁵ 12 acres – Koronae 10 acres – Wairahaki Rotokohu – Pukemokemoke – Receive nothing from Goldfields Revenue Have no other property or money I earn nothing'. Almost 11 acres was leased to a Pakeha farmer named Cook for £5 13s.²⁷⁶ In November 1905, he stated that he had 'not earned any money during the last 12 months. The only amount I have received was 8/- from Mr Cook being out of my share in a block of land leased by him.... I own 1 horse and cart valued at £7, have nothing else'. Accordingly, his pension was increased to £26.²⁷⁷

²⁶⁸ Hoera Te Mimiha to Meha [Te Moananui], 19 December 1889, recorded in Maori Land Court, Hauraki Minute Book no. 30, p. 231.

²⁶⁹ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

²⁷⁰ Thames Magistrate's Court, *Plaint Book 1890-1895*, entry for 19 February 1895, BACL 13737/2a, ANZ-A.

²⁷¹ Paeroa Magistrate's Court, *Judgment Summonses Issued 1895-1926*, 23/1894, BACL 13747/1a, ANZ-A.

²⁷² Paeroa Magistrate's Court, *Old Age Pensions Minute Book 1899-1906*, folio 65, ZAAP 13788/1a, ANZ-A.

²⁷³ Paeroa Magistrate's Court, *Old Age Pensions Minute Book 1899-1906*, folio 79, ZAAP 13788/1a, ANZ-A.

²⁷⁴ Paeroa Magistrate's Court, *Old Age Pensions Minute Book 1899-1906*, folios 110, 114, ZAAP 13788/1a, ANZ-A.

²⁷⁵ Later recorded as Ngatoitoi.

²⁷⁶ Paeroa Magistrate's Court, *Old Age Pensions Minute Book 1899-1906*, folio 145, ZAAP 13788/1a, ANZ-A.

²⁷⁷ Paeroa Magistrate's Court, *Old Age Pensions Minute Book 1899-1906*, folio 178, ZAAP 13788/1a, ANZ-A.

The last time he was sued was in 1912, when a Paeroa merchant applied for a distress warrant to obtain £2 15s.²⁷⁸

THIEVES

The first time that Mimiha was involved in a theft case was in July 1877, when he gave evidence in the first trial for housebreaking at Paeroa, by three Maori.²⁷⁹ This evidence revealed how Maori participated in this new settlement, frequenting both stores and hotels, with Mimiha disapproving of heavy drinking (of which he was never accused):

Hoera Te Mimiha deposed that he was resident at Ohinemuri. He knew the prisoners. Witness recollected the 19th instant. He was in [James Might] Coote's Hotel²⁸⁰ on that evening. Himiona wanted to borrow a pound off him, but he refused his request. Witness left the three prisoners at Coote's Hotel, and went to another place to get his supper. Witness saw Himiona again between half-past six and seven going in the direction of Mr Mahoney's house. The three prisoners were together and Himiona was shaking a bundle of notes in his hand. He said that he had got them from [James Ponui] Nicholls.²⁸¹ Witness asked Himiona how much money he had, and he said eight pounds. Witness advised him to get clothes with the money, and not to spend the rest in drink. At [John] Phillips' shop²⁸² Himiona bought a blue shirt, for which he paid 9s 6d in silver. Witness noticed some threepenny pieces among the loose silver Himiona had. Witness and Himiona then went to the bank of the river, and called out to Pepene's wife [Matahera]²⁸³ to bring over the canoe. Himiona sent over to [Phillip] Bennett's²⁸⁴ and procured a small bottle of

²⁷⁸ Paeroa Magistrate's Court, Judgment Summonses Issued 1895-1926, 4/1912, BACL 13747/1a, ANZ-A.

²⁷⁹ Ohinemuri Correspondent, *Thames Advertiser*, 23 July 1877, p. 3.

²⁸⁰ See *Thames Electoral Rolls, 1875*, p. 13, 1877, p. 16; *Thames Advertiser*, 6 September 1876, p. 3; *Auckland Star*, advertisement, 11 May 1895, p. 2, 5 August 1914, p. 8; *Ohinemuri Gazette*, 2 May 1906, p. 2.

²⁸¹ See paper on William Nicholls and his children.

²⁸² See *Thames Advertiser*, Ohinemuri Correspondent, 10 July 1876, p. 3, 7 October 1876, p. 3; *Ohinemuri Gazette*, 12 August 1903, p. 3, 14 September 1903, p. 2.

²⁸³ See paper on Aihe Pepene.

²⁸⁴ Storekeeper and publican in partnership with Asher Cassrels: see *Thames Advertiser*, 14 May 1873, p. 3, 19 December 1878, p. 3; *Thames Star*, 2 September 1881, p. 3; *New*

brandy. They proceeded to Pepene's tent, and Himiona laid outside the tent drunk. The witness told Pepene and his wife to let him lie there all night as he had some money in his possession. They struck a match, and felt in Himiona's pocket and found five one-pound notes. In another they found six threepenny pieces. The noted (produced) are the ones he took from Himiona's pocket. Witness afterwards gave the money to Constable Day. Witness did not see Whango and Mohata after he went with Himiona to buy the blue shirt.²⁸⁵

Almost immediately after giving evidence, Mimiha was charged with stealing a pig, value £5, from Matthew Kinsella, a farmer in the Waitekauri valley,²⁸⁶ but was discharged with a caution.²⁸⁷ The Ohinemuri correspondent of the *Thames Advertiser*, Henry Dunbar Johnson,²⁸⁸ disapproved of the comments of William Fraser²⁸⁹, the magistrate:

As the prosecution was single-handed, and the defendant called a native named Te Watene (who had been working at Mr Kinsella's) to support his version of the affair, the case fell through. - Captain Fraser said that he had very little doubt as to the defendant's guilt, and discharged him with a caution, but most people here who know the native think that he had no intention of stealing the pig, as he was bringing it in alive and squealing to the vicinity of the prosecutor's farm. Hoera says that his dogs caught it, and as there was no brand he was bringing it in to find the owner, thinking it might have belonged to another settler who had lost some pigs. However, the verdict is "not proven," and so the matter ends – doubtless unsatisfactory to both parties.²⁹⁰

Zealand Herald, 14 October 1901, p. 4; Naki [Nahi on contents page] Swainson, 'The Cassrels Family of Paeroa', *Ohinemuri Regional History Journal*, no. 15 (June 1971), p. 31.

²⁸⁵ Police Court, *Thames Advertiser*, 25 July 1877, p. 3.

²⁸⁶ See *Thames Advertiser*, advertisement, 19 March 1875, p. 2, 26 January 1887, p. 2; *Ohinemuri Gazette*, Ohinemuri County Council, 13 February 1892, p. 2, advertisement, 9 May 1896, p. 4.

²⁸⁷ Mackaytown Police Station Diary, entries for 28 July 1877, 31 July 1877, BAVA 4898/1a; Mackaytown Magistrate's Court, Daily Reports for 1875, entry for 31 July 1877, BACL 14444/1a, ANZ-A.

²⁸⁸ See paper on Lavinia and Henry Dunbar Johnson.

²⁸⁹ See paper on Harry Kenrick.

²⁹⁰ Ohinemuri Correspondent, *Thames Advertiser*, 3 August 1877, p. 3.

The following year, a Maori was fined 40s for stealing one tent fly, one large stick of tobacco, and one and a half bars of soap, value 12s, from Mimiha's property at Hikurangi Road, Ohinemuri.²⁹¹

‘THE DISGUSTING SCANDAL NEAR HIKUTAIA’²⁹²

On the last day of April 1887, Charles Henry Wight was charged with a rape committed on that day at Komata.²⁹³ (He will be referred to as Wight, as he was usually named in the press reports, but members of his family will be referred to under their first names.) Wight was the second son of Robert Allen Wight, who had settled in New Zealand in 1854; his birth in the 1850s was not registered.²⁹⁴ The family settled on a farm at Komata in 1884, and in 1887 Robert was aged in his mid-sixties.²⁹⁵ Robert was ‘well known as a journalist and entomologist’, who had brought up his six sons ‘to country pursuits’.²⁹⁶ In 1882, when Robert was farming at Paeroa, he owned 676 acres in the Thames County valued at £3,000 as well as 53 acres in Manukau County worth £400.²⁹⁷ Over a year before this rape was alleged, a correspondent extolled his farm:

Leaving Hikutaia one is surprised at the scarcity of cultivation. There is only one farm worthy of the name for the seven or eight miles between there and Paeroa, that of Mr R.A. Wight at the Komata. Wight's farm is as familiar to Thames people, as the tinker's donkey to the folk of olden times. And as everybody will tell you that Wight's farm is a good one, and, worked in a

²⁹¹ *Thames Advertiser*, 10 July 1878, p. 3, 13 July 1878, p. 3.

²⁹² *Thames Advertiser*, 12 October 1887, p. 2.

²⁹³ Thames Magistrate's Court, Criminal Record Book 1887-1889, 108/1887, BACL 13736/1a, ANZ-A.

²⁹⁴ Bernard Wight, ‘The Wight Family of Paeroa (1884-)', *Ohinemuri Regional History Journal*, no. 11 (May 1969), p. 10.

²⁹⁵ Death Certificate of Robert Allan Wight, 2 December 1896, 1897/1180, BDM; Death Notice, *Thames Advertiser*, 4 December 1896, p. 2; ‘Addresses Presented to Sir George Grey on his 74th Birthday, 14 April 1886, by European and Maori Residents of the Auckland Province’, p. 39, Grey New Zealand MS 275, Auckland Public Library.

²⁹⁶ Death Certificate of Robert Allan Wight, 2 December 1896, 1897/1180, BDM; ‘Albert Edward Wight’, *Cyclopedia of New Zealand*, vol. 2, p. 907; Wight, p. 10.

²⁹⁷ *A Return of the Freeholders of New Zealand ...* (Wellington, 1884), p. W 46.

practical business like way, possibly on scientific principles, I bow to the vox populi. With its neat white gates, and fine roomy handsome cottage, surrounded by [hay] stacks and offices, it looks every inch a farm. A person who professed to know something about it, informed me that it consists of 700 acres, of which 250 acres are under cultivation, some 100 acres being planted with potatoes, sixty acres under oats, besides paddocks of excellent clover. The farm is said to furnish first-class grazing for cattle and horses. My informant volunteered the information that the potato yield was an average of ten tons to the acre, and of oats two to two and a-half tons per acre. Mr Wight has also an extensive orchard, at present twelve acres, but which he intends to enlarge to twenty acres, in which plums, peaches, apples, and other fruits are reared, and tended to with a connoisseur's care.²⁹⁸

This image of a respectable farming family was to be shattered by the rape allegation, which led to revelations about Mimiha and his wife as well. Four days after being charged with rape, Wight charged Mimiha, Hone Koroneho²⁹⁹ (who had been born in Waikato in 1859),³⁰⁰ his wife Maraaiti Rota (otherwise Te Mariata),³⁰¹ and Tita or Teta (married to Rewi Te Manaroa)³⁰² with 'assault with intent to do grievous bodily harm'. As he

²⁹⁸ 'Thames to Ohinemuri by Coach', *Auckland Weekly News*, 2 January 1886, p. 6.

²⁹⁹ Recorded as Koronoho and given variant spellings in future; for his full name and correct spelling, see Constable A.J. Mitchell to Inspector Samuel Goodall, 1 October 1887, Police Department, P 1, 88/1210, ANZ-W; Supreme Court, *Auckland Weekly News*, 1 October 1887, p. 19. 'Koroneho' used consistently in this account.

³⁰⁰ *New Zealand Police Gazette*, 1 August 1888, p. 148.

³⁰¹ Her name was given variant spellings almost every time her names was published; for her correct name, see letter from Maraaiti Rota, *Auckland Weekly News*, 1 October 1887, p. 9, although Constable A.J. Mitchell, of Paeroa, a very accurate policeman, gave her name as Te Mariata: A.J. Mitchell to Inspector Samuel Goodall, 1 October 1887, Police Department, P 1, 88/1210, ANZ-W. For her relationship to Hone Koroneho, see Supreme Court, *Auckland Weekly News*, 17 September 1887, p. 15. Correct spelling used in this account

³⁰² Supreme Court, *Auckland Weekly News*, 17 September 1887, p. 15; see his evidence given on 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

offered no evidence, they were discharged,³⁰³ whereupon the police took up the case.

THE TRIALS IN THAMES

As the accusations created considerable public interest, the hearings were reported in detail. The rape charge was the first case to be heard by the Thames magistrate. A reporter described Wight as ‘a powerfully-built young man’, who appeared ‘with his head bandaged up, and his arm in a sling’.³⁰⁴ When the magistrate announced that the case would be heard behind closed doors, ‘the very large number of persons who had assembled in the Court room were obliged to retire’.³⁰⁵

Drummond Hay, the interpreter in all Thames court cases, interpreted the evidence provided by Maori. Hariata Marakai, the first witness, stated that she knew the accused and had seen him ‘on Saturday morning last in a manuka bush near Komata’, near her sister’s whare.³⁰⁶

He was on horseback. He beckoned to me to go into the bush. I did not go. I turned back. He then caught me by the shoulders, having previously got off his horse and tried to knock me down. I then shouted out to Rewi and others. My husband was looking in the manuka scrub for a pig. I did not know how far my husband was away at the time that I shouted out. After accused had caught me by the shoulders he forced me down by tripping me, and forced a hat into my mouth and committed the offence. It was a sort of grey hat. The hat was produced and identified. The witness then gave details, which are unfit for publication. When witness assaulted me he did not speak to me. I did not speak to accused. I was crying and shouting out. My husband came and pulled the accused away, and I got up. My husband got accused down and beat him.³⁰⁷

At this point, Thomas Mace Humphreys, Wight’s counsel, interjected that ‘he had been informed by the accused, who was a Maori scholar, that the interpreter had not interpreted the last answer correctly’. The

³⁰³ Thames Magistrate’s Court, Criminal Record Book 1887-1889, 109/1887, BACL 13736/1a, ANZ-A.

³⁰⁴ *Auckland Weekly News*, 7 May 1887, p. 20.

³⁰⁵ *Thames Star*, 2 May 1887, p. 2.

³⁰⁶ *Thames Star*, 2 May 1887, p. 2; Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³⁰⁷ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

magistrate responded that ‘the answer had not yet been written down’.³⁰⁸
Her evidence continued:

The act was not done with my consent. I resisted as well as I could. Three other natives besides my husband came up at the same time while I was down. Accused was a great friend of my husband’s, and gave him a contract about 3 years ago. – To Mr Humphreys: I do not know my age, but I have grandchildren. I have known accused about 3 years. I have been living at Komata for about two weeks lately. I do not know whether my husband worked for accused before the contract. I did not dig potatoes for Wight. I was at Paeroa when my daughter’s husband [Hone Werahiko] died in 1882 [correctly 1883]; I have not worked for accused at any time since my husband did a contract for him 3 years ago. I worked with my husband, also some of the Ngatitamatera at the contract.³⁰⁹

For her work in picking up potatoes, she was paid one shilling for each bag.³¹⁰

There was no dispute between the accused and myself regarding payment for the contract. I remember last Monday. I was in a potato field belonging to accused about two weeks ago. I saw Wight there on that occasion. He did not speak to me. There were several people there at the time. Wight was the only European in the field. I was picking up potatoes as payment for a dead cow sold to us by Wight as beef. It was about 6 o’clock a.m. last Saturday when the assault took place.³¹¹

The sun had not yet risen. ‘We were in search of a pig that morning. I was as far off my whare as this Court-house is from the sea (about 300 yards) when I saw the accused’, and was ‘then by myself, my husband having left me not very long previously. When I first saw accused he was coming through the bush’. At this point Humphreys again complained

that the answers were not being fully interpreted.

The Interpreter explained that it was necessary to put several questions to the witness, as she wandered from the subject.

³⁰⁸ *Thames Star*, 2 May 1887, p. 2.

³⁰⁹ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³¹⁰ *Thames Star*, 2 May 1887, p. 2.

³¹¹ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

His Worship said he did not see that the interpreter was to blame if the witness gave a crooked answer. She should answer the questions straightforwardly. He instructed the interpreter to inform the witness that she must answer the questions, and not ramble away from the subject.³¹²

Hariata then described Wight going away from his house, riding through manuka about five and a half feet high, 'about as high as myself'. The assault took place near her sister's whare, 'about 100 yards away, in our own potato field'.³¹³

There were no natives working there at the time of the assault. I did not go to my sister's whare before I saw Wight. I did not see any natives where I was standing in the manuka. The reason I shouted out to Rewi and others was because I knew they were living in a whare near. When accused beckoned to me I began running away towards my sister's whare. I had run about 10 yards when the accused caught me and knocked me down.³¹⁴

Once again Humphreys stated that Wight had told him

that the answers were not being correctly interpreted.

The interpreter said a direct answer had not been given.

Mr Humphreys replied that it had.

The witness was then informed that if she did not give a direct answer she would be imprisoned for contempt of Court.³¹⁵

Her evidence then continued, with no further complaints. Wight had 'held me with his right hand, and forced the hat in my mouth. I struggled while accused was kneeling on me, and shouted out before he tripped me'.³¹⁶

My husband was the first to come to my help. He beat the accused, and also used a knife with which he cut off a piece of his right ear so that he might know him again. I did not assist my husband to assault the accused. I was frightened and ran away.

³¹² *Thames Star*, 2 May 1887, p. 2.

³¹³ *Thames Star*, 2 May 1887, p. 2; Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³¹⁴ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³¹⁵ *Thames Star*, 2 May 1887, p. 2.

³¹⁶ *Thames Star*, 2 May 1887, p. 2.

Hone was present when my husband cut Wight's ear, also Turuhira and Hohereto.³¹⁷

The latter was her sister. After going home, she went 'about 8 or 10 a.m. to Constable Mitchell'.³¹⁸ Alfred James Mitchell, the Paeroa policeman, was a very competent officer who would rise swiftly in the force.³¹⁹ She denied being at Paeroa on the day that John Dean was tried.³²⁰ Dean had been charged at the beginning of April with raping a 15 year-old half-caste, who had become pregnant, but was discharged because 'there was not sufficient evidence to go before a grand jury'.³²¹ In response to further questioning, Hariata admitted that she 'sometimes' drank alcohol, but did 'not like it much. I am not in the habit of getting drunk. I did not put mud into Wight's eyes and mouth'. In answer to a question from Sergeant Murphy, the prosecutor, she explained that when she 'complained to Constable Mitchell I found that Hoera and others had been there before me. I was not drunk on Saturday last'.

Mimiha, the next witness, deposed that he lived at Komata and had been 'working on the railway'.³²²

About 6.30 last Saturday morning my wife and I left home to search for a pig, but after reaching a gate at Tukurino's farm I left her on the main road, while I went off by a side-path. About ten minutes after we parted, I heard my wife shout three times, and I ran towards her, thinking that a bull was goring her. I could not see my wife from where I was. While I was running towards her I picked up a piece of stick, and as I got near her I heard her groaning. I caught him in the act of assaulting my wife. He was also forcing a hat in her mouth.³²³

³¹⁷ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³¹⁸ *Thames Star*, 2 May 1887, p. 2.

³¹⁹ See Sherwood Young, 'Alfred James Mitchell', *Dictionary of New Zealand Biography: vol. 3: 1901-1920* (Wellington, 1996), pp. 344-345; R.S. Hill, *The Iron Hand in the Velvet Glove: The modernisation of policing in New Zealand 1886-1917* (Wellington, 1995), pp. 145-147, 182, 209, 234, 239, 257, 258, 267, 281, 297-299, 304-305, 314-315, 317, 328, 362, 425.

³²⁰ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³²¹ *Thames Advertiser*, 5 April 1887, p. 2; name given as Deam in this report.

³²² Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³²³ *Thames Star*, 2 May 1887, p. 2.

Mimiha immediately

began beating him. Wight then sprung up, but I struck him again. I then turned him round, and told him I would kill him for assaulting my wife. I dropped my stick, and struck him a blow on the face with my fist. I told him I should cut his ear off. I put my hand in my pocket, and got my knife,³²⁴

put the blade 'between my teeth, and opened it in this manner'.³²⁵

When Wight saw the knife he said: "Don't cut my ear off and I will give you £50." I replied, "Where is it?" He said it was in the house. I knew it was a falsehood, so I cut his ear off. I then tore the accused's shirt and flannel: I also tore his trousers and drawers. I got frightened fearing I would kill the accused. I asked him if he would quarrel with me if I would let him go. I meant would he fight with me. Accused said no. I then let him go. When first I beat accused I saw Hone standing by. When my wife got away she came back and assisted me in assaulting the accused, who then got on his horse and rode away. The occurrence took place near the main road leading to the Komata settlement. I took the hat to Constable Mitchell, and told the accused I should tell the police. I know the hat (produced) is the one that was in my wife's mouth.³²⁶

While he was assaulting Wight, 'there were two other native women sitting by. I had not noticed them coming'.³²⁷

To Mr Humphreys: I knew accused since he settled at Komata. He gave me a contract to dig up potatoes for £100 about three years ago. There was no dispute *re* the payment. I got the £100 from the accused. I did not get stores in other natives' names, and make use of them myself. Wight never made any accusation against me. I owed the accused money at one time, but not at the completion of the contract. I do not owe him any money now. I worked for accused, my wife helped me; and if she states she did not, she states a falsehood. My wife and accused were about 5 chains from the fence when I saw them first. It is about 150 yards

³²⁴ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³²⁵ *Thames Star*, 2 May 1887, p. 2.

³²⁶ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³²⁷ *Thames Star*, 2 May 1887, p. 2.

from Tita's³²⁸ whare where I saw my wife. I knew my wife's voice shouting. After parting from my wife I went in the direction of the Maori settlement. I do not know how hard I struck Wight, as I was excited; I did not notice any wounds in his back. I did not allow him to get up. I prevented him by striking him and jumping on him. If my wife says she did not help me in assaulting Wight she again tells an untruth. When I took out my knife to cut off accused's ear my wife was frightened and did not interfere, but ran away. While I was beating the accused he was struggling. No one assisted me to cut off accused's ear. He laid on his back, and I was on top of him. I am not strong enough for him, but he got weak from my repeated blows. He has never struck me. If I had got the £50 I would not have cut his ear off, but I would have reported it to the police in any case. I had a talk with the natives before I told Constable Mitchell. I do not know whether my wife was turned out of the potato field by Mr Wight. I sent two men to work to Mr Wight last Monday in payment for some beef that we had off him, and did not accuse Mr Wight of stealing my pigs. The people in my sister-in-law's whare could hear my wife's cries unless they were asleep.³²⁹

Hone Koroneho was next to give evidence:

At an early hour last Saturday morning I was coming out of my hut when I heard Hariata Marakai calling out, and I ran towards the place where I heard her voice. The words she called out were the names of Rewi and others. Hoera³³⁰ was standing over the accused beating him. Accused called to me to come to his help, but I did not go. I got frightened at the accused, and went away when I saw that his ear was cut off.

Cross-examined by Humphreys, he described the location and added that Maraeti³³¹ and Tita were also present. He had been present at a meeting of Maori held at Paeroa later in the morning, where Mimiha told him he would be required to give evidence.

I saw Hariata beat accused with a stick upon his back, hands, and legs, while Hoera held him down. It was after accused's ear was cut off that Hariata assaulted him. I saw Hariata pulling

³²⁸ Her name recorded variously as Tita and Teta; consistently given in this account as Tita, as this was Constable Mitchell's spelling.

³²⁹ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³³⁰ 'Hohera' in this report.

³³¹ Several variants of her name were recorded; Maraeti consistently used in this account.

accused's hair and putting mud into his eyes. I was turned away lately from cutting chaff for accused, as he was on bad terms with me. I have been beaten by one of accused's brothers. I have no grudge against the Wight family, but they have against me.³³²

Te Maraeiti deposed that she was a married woman living at Komata. 'Last Saturday morning I was in my own whare, when I heard Hariata Marakai shouting out, and ran towards her. Saw both Hariata and her husband assault accused. When I saw Hoera take a knife out of his pocket I ran away, because I was frightened'. She told Humphreys that to reach Hariata she had had to climb a fence. 'Hone and Tita were with me in my whare at the time – Hone went first, Tita and I afterwards'.³³³ She added that 'if Hoera says that I sat down it is false. I drink, but do not get drunk. I never saw Hariata drunk'.³³⁴

Constable Mitchell described receiving the complaint and obtaining a warrant for Wight's arrest, which he executed on Saturday evening at his brother Robert's house in Thames, where Wight had gone to see a doctor. 'I read the warrant to him; he made no reply. Shortly afterwards he stated that he disliked the woman – that they were not friendly. That the other week he had ordered her out of the potato field, and he supposed that was why she had done this'. In reply to Humphreys, he said that Mimiha, speaking in English, had handed over the knife and described the assault 'in detail'. He had struck Wight 'across the loins and back with a stick; struck him with his fist between the two eyes; and knocked him down and sat upon him'. The ear was cut off 'so that he should not be able afterwards to say that he was not known'. Mitchell added that he had known Mimiha 'since I have been at Paeroa – about two years – and he has never been in trouble before to my knowledge. I have never seen Hariata misbehave, nor under the influence of liquor'.

After the evidence had been 'formally read over, and accused cautioned in the usual manner', Wight replied, 'I am not guilty. I will reserve my defence'.³³⁵ The magistrate 'said the offence was of so grave a nature he would not take upon himself the responsibility of dealing with it, as it required more searching treatment than he could give it'. Humphreys

³³² *Thames Star*, 3 May 1887, p. 2.

³³³ *Thames Star*, 3 May 1887, p. 2.

³³⁴ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³³⁵ *Thames Star*, 3 May 1887, p. 2.

replied that, as this conclusion had been reached ‘without hearing any evidence for the defence – and he had eight or nine witnesses – the defence would be reserved’.³³⁶ Wight was ‘committed to take his trial at the June sessions of the Supreme Court at Auckland, bail being allowed in two sureties of £50 each, and his own recognisances of £100’.³³⁷ Outside the court, his friends made ‘light of the charge’, calling it ‘a conspiracy, originating from ill-feeling’, which they could ‘easily controvert ... by overwhelming evidence’.³³⁸

Wight reportedly dropped the charges of assault because of the rape accusation, ‘the two cases being so mixed up’; nevertheless, the senior police officer at Thames stated he would charge them with unlawful wounding.³³⁹ At the hearing of *The Queen v. Hoera Te Mimiha*, the sole accused, Wight gave a very different description of events:

I know the prisoner, who resides at Paeroa, but lately at Komata. I remember last Saturday, 30th April, I saw the accused in the potato paddock at about 7.30 a.m., which paddock is about 150 yards from my home at Komata. I spoke to him, and he spoke to me; I asked him for some money that he owed me. I said that I had heard he was going to buy horses, and that he might pay what he owed to me. He replied that he would not pay me. I swore at him, he swore at me, and we had a row abusing one another. I called him a dog and other names. I went away to catch my horse; the prisoner followed me, and struck me on the head with a stick. I had caught my horse and was in the act of mounting when he struck me. I fell down from the effects of the blow; he sprang on to me and struck me again with the stick. I wrenched the stick from him and threw him off. There were three other natives, Hariata Marakai (wife of the accused), Hone, and Koroneho; all three joined in the assault. When I was rising after throwing the accused off me, he called out to the others “Hold him.” The woman seized me by the hair, pulling me backwards; the other two caught me by the arms, and held me down on my back, Hoera the accused, sprang on to me again, and struck me in the face with his fists several times. He said he would gouge out my eyes; and tried to do so; he also tore my clothes; he then took a pocket knife from his trousers pocket, flourished it about my face, and said he would stick the knife into me; he said “give me £50 or I will kill you.” I cooed for help. All this time the other natives were

³³⁶ *Auckland Weekly News*, 7 May 1887, p. 20.

³³⁷ Police Court, *Thames Advertiser*, 3 May 1887, p. 2.

³³⁸ *Auckland Weekly News*, 7 May 1887, p. 20.

³³⁹ Police Court, *Thames Advertiser*, 5 May 1887, p. 2.

holding me down. I once freed my right arm from Koroneho, and tried to get the knife away, but only got my hand cut. Then some one of them put mud into my eyes; I do not know who it was; I then felt my ear cut off. I could not see who did it, as my eyes were full of mud. I did not see the knife with anyone else except Hoera; Hariata said to the accused, "We will suffer for this; you have done wrong." They all then ran away, I got up, and got on to my horse and went home. I came to the Thames as quickly as possible to get medical treatment. The knife was a short bladed pocket knife, like the one produced, but I could not swear to it.

To the prisoner: I saw Koroneho then. Where we spoke about the horse, there were three natives present along with the accused. The accused here said, "I deny all that the witness has said. I have no other questions to ask him."

To the Bench: I am sure about the hour being about 7.30 a.m., as I had looked at the clock when I left my house. I was walking and had left the house only a short time; all our conversation was in the Maori language; I had a bridle in my hand. About an inch was cut off my ear.³⁴⁰

In another report of his questioning by the magistrate, Wight said that when he met Mimiha 'the other three natives were with him'. He explained that part of the top portion of his right ear had been cut off.³⁴¹

Hone, being sworn, deposed: I reside at Komata and remember last Saturday morning. I know the accused and saw him that morning; I know Chas. H. Wight, and also saw him at the same time; it was very early in the morning when I saw them, the sun was not up. I was by myself when I saw Hariata, the accused's wife, and C.H. Wight, and no others; he was outside my fence near the big road leading to the native settlement at Komata.

Wight was assaulting the accused's wife, and the latter was assaulting Wight, he was beating Wight with a small stick; he had a knife also in his hand, and cut Wight's ear off with it. It was a pocket knife, which the accused took out of his trousers' pocket; when this happened Wight was lying down, the accused was standing over him keeping him down with his foot, he was not kneeling on Wight; the knife produced is the one used on that occasion. There was no one else holding Wight down besides the accused. I did not see the piece of ear that had been cut off.

To Hoera Te Mimiha: I did not see you holding Wight's horse. Koroneho was not present.³⁴² I did not come to help you when you and Wight were struggling.³⁴³

³⁴⁰ Police Court, *Thames Advertiser*, 7 May 1887, p. 3.

³⁴¹ *Thames Star*, 6 May 1887, p. 2.

He also repeated that 'I saw Wight assaulting your wife'.³⁴⁴ Mitchell described Mimiha 'with about 25 other natives' arriving at the Paeroa police station at about 11 o'clock last Saturday.

He seemed very excited and made a complaint, and afterwards told me that he had beaten Chas. Wight with a stick, early that morning; that he had also used a knife on him, and that he had cut off the top of Wight's ear; that he was very angry at the time he had done this, and was afraid that he would have killed him if he had not gone away. That a talk had taken place about £50; Wight had said he would give him (Hoera) £50 if he would not cut his (C.H. Wight's) ear off, but he knew that Wight's statement was false, so he cut off his ear. Accused stated that the reason he took Wight's ear off, was so that Wight could not say he had not been there. He seemed unusually anxious to tell me the whole of the affair. He took the knife (produced) from his pocket and handed it to me, saying that it was the knife that he had used. I opened the blade and found the blood stains on it, and they are there now; the knife has remained in my possession since then. The prisoner: I have no questions to ask the witness, but I agree with what he has stated.

That ended the case for the prosecution. After Mimiha was committed for trial before the Supreme Court, he made a statement:

The first time I saw Wight on the Saturday he was trying to force a felt hat into my wife's mouth, who was groaning as if half choked; I ran towards him and picked up a stick, and I beat him with it. I struck him several times; I jumped on him and told him I would kill him for assaulting my wife. From the time I arrived I held him down, and struck him, I then saw Hone standing by with his blanket round him. This is the first time I saw Wight that morning; I did not go into the Maori potato fields. I came out of the bush when I saw him; I was searching for a pig that was lost; I did not see Koroneho. A man who had committed a crime always says what Wight has said.³⁴⁵

³⁴² The way this was recorded implied that Hone and Koroneho were two people, not one.

³⁴³ Police Court, *Thames Advertiser*, 7 May 1887, p. 3.

³⁴⁴ *Thames Star*, 6 May 1887, p. 2.

³⁴⁵ Police Court, *Thames Advertiser*, 7 May 1887, p. 3.

He told that if he wished 'to be free in the meanwhile, and not kept a prisoner', he must sign a bond for £100 and find two sureties of £50. 'Bail was immediately forthcoming, the bondsmen being [Wiropo Hoterene] Taipari³⁴⁶ and [Paraku] Rapana.³⁴⁷ The accused was therefore liberated'.³⁴⁸ Wiropo Hoterene Taipari, a senior rangatira at Thames, and Paraku Rapana, a rangatira of Ngati Tamatera living near Komata, were related.³⁴⁹ Rapana was either a cousin or half-brother of Haora Tareranui.³⁵⁰ The previous year, Rapana had sued Thomas Logan, one of Wight's witnesses, for 'timber cut',³⁵¹ and had charged Gilbert Wight with assault. The details of the latter case revealed the relations between the Wight family and some Maori, and the violence involved, as Rapana explained:

I went to dig up potatoes at Komata work finished – went to Wight's place to receive payment – In course of conversation Def[endant] asked me to pay £1 for a bet I owed him - I said I could not pay it I wrote down & signed a receipt for monies due to me showing a balance of 3.6.5 I rec money Charles Wight³⁵² went away – Albert Wight [indecipherable word] down he got up after C Wight left he caught me by the beard threatening to strike me if I did not give up the money. He struck me when I refused in the face. I turned round to run away he struck me in the back then I turned round to defend myself. Def continued to assault me – I backed warding off blows and then he gave it up – and I sd I would summons him - He said he would strike me whenever he met me. Hone came up - after Charles Wight had gone he saw the assault - only defendant present C Wight was only a few yards off when it began. I believe C Wight saw what took place – he spoke to Hone.

Hone confirmed the assault, and under cross-examination insisted that he 'was not told by any one what to say Paraku did not challenge you to

³⁴⁶ See paper on Maori and goldfields revenue.

³⁴⁷ See Maori Land Court, Hauraki Minute Books, no. 25, p. 161; no. 28A, p. 114; no. 28B, p. 46; no. 29, pp. 163, 165; no. 31, pp. 129, 131, 220-223; no. 56, pp. 187, 271, 274; no. 60, p. 186; no. 64, p. 300; *Thames Advertiser*, 8 December 1876, p. 2, 11 May 1882, p. 3, 8 March 1884, p. 2, 7 April 1885, p. 3; *Ohinemuri Gazette*, 14 November 1902, p. 2.

³⁴⁸ *Thames Star*, 6 May 1887, p. 3.

³⁴⁹ Maori Land Court, Hauraki Minute Books, no. 11, p. 17; no. 31, p. 223.

³⁵⁰ Maori Land Court, Hauraki Minute Books, no. 29, p. 165; no. 40, p. 31.

³⁵¹ Paeroa Magistrate's Court, Plaintiff Book 1881-1896, 58/1886, BACL 13745/1a, ANZ-A.

³⁵² Here and elsewhere in this report, Wight was recorded as White.

fight. I was close by – Paraku did not tell you he would fight for the pound he owed'. Albert Wight then gave contradictory evidence:

Paraku owed me a bet of 10/- in the paddock, I asked him about the bet & he would not pay me again. He said if I wanted a pound I would have to take it out of him & I sd I would not do that but would sue³⁵³ him. He sd he would fight me – he pulled off his coat & shirt & went at me and I hit him when he could not get hold of me. He wanted to stop when I struck him I told him he could not summons me he tackled me first. Def is a well known fighter & has offered to fight me over & over again for a pound. I can say if my brother was walking from me when it commenced - He and Hone together when it was going on.

Under cross-examination, he told Rapana 'You have always been wanting to fight me I can't say if you have assaulted other Pakehas'. In his evidence, Charles Wight said he was some distance away talking to Hone with his back to the fighters and saw only 'a little bit of a skirmish – can't say how it began or ended - can't say if any blows were struck - Hands were up in a fighting position'. He then gave Rapana the money owed. Gilbert Wight was convicted and fined 5s.³⁵⁴

THE FIRST SUPREME COURT TRIALS

The rape case was heard first, in mid-June. The Crown Prosecutor, Hudson Williamson,

pointed out that the question would arise as to whether or not this was a case of conspiracy, and it was only fair that he should tell them that the suggestion would be raised that the whole object of this prosecution was to punish the accused for other transactions. The prisoner was one of a family who had been in the habit of employing natives, and disputes had arisen.

He 'pointed out to the jury that medical evidence as to the actual perpetration of the crime could not be produced, but if they were not satisfied that the crime had been committed, they could convict him of attempted rape'. Now it was stated that Hariata had 'assisted her husband'

³⁵³ Because of Harry Kenrick's handwriting, is uncertain if this word is 'sue'.

³⁵⁴ Paeroa Magistrate's Court, Notes of Evidence 1884-1892, entry for 13 April 1886, ZAAP 13790/1a, ANZ-A.

in assaulting Wight, who, when examined at Thames hospital, was found to have ‘the top of his ear cut off, and a number of bruises over his body’.³⁵⁵

Hariata repeated her evidence, with some additional information. ‘While alone the prisoner rode up and made improper proposals to her, speaking in the Maori language. She ran away, whereupon the prisoner pursued her, and seized her and committed the offence’. When she ‘called out for assistance’, Wight ‘rammed his hat in her mouth and effected his purpose. She objected to such action. It was treating her like a beast’. Mimiha had then arrived along with ‘a man named Hone,³⁵⁶ and two women’. When Wight was thrown to the ground, she had told him ‘that she would give him in charge of the police’, and then ‘described the manner in which she had maltreated the prisoner, but it was unfit for publication’.³⁵⁷

When cross-examined by the defence counsel, Thomas Cotter,³⁵⁸ Hariata stated that Wight ‘had not previously assaulted her’. She admitted that, about two years previously, when Mimiha had worked for Wight, ‘there had been a dispute about the money’. Two weeks before the offence, she and her sister had gone to Wight’s farm to pick potatoes.³⁵⁹ She

denied that Charles Wight turned her out of a potato paddock, where she was picking potatoes, and that she then swore at him in English, and added in Maori a threat “I’ll make you suffer for this; wait.” This she absolutely denied. She was then examined on a plan of the locality, and recognised the various houses and positions. She heard Wight offer her husband £50 not to cut his ear off. This was while her husband was astride of Wight, and holding his ear. Her husband asked where was the £50, and prisoner said it was at his house, but her husband said he did not care for that, that accused had ill used his wife. The cross-examination was of a most searching nature.³⁶⁰

Cotter examined her ‘exhaustively as to all the details of the offence, but he did not shake the evidence very much’.³⁶¹ During ‘a little over four hours’ of cross-examination, she added some additional information. She

³⁵⁵ Supreme Court, *New Zealand Herald*, 17 June 1887, p. 3.

³⁵⁶ Recorded as ‘Honi’.

³⁵⁷ Supreme Court, *Auckland Star*, 17 June 1887, p. 8.

³⁵⁸ See *Cyclopedia of New Zealand*, vol. 2, p. 122.

³⁵⁹ Supreme Court, *Auckland Star*, 17 June 1887, p. 8.

³⁶⁰ Supreme Court, *New Zealand Herald*, 17 June 1887, p. 3.

³⁶¹ Supreme Court, *Auckland Star*, 17 June 1887, p. 8.

described Mimiha calling out to ‘Charley Kanaka’, otherwise Charles Maunsell, a half-caste, ‘that Wight had insulted his wife, and that he had beaten him. Charley made no reply, but she saw his teeth glisten as if he was laughing’. She had taken Wight’s coat and hat and given them to Mimiha to give to the police. When she denied that she and her husband had been talking with Wight ten minutes prior to the assault, McKee³⁶² ‘was then called in, and witness stated that she did not know him’. Nor did she know ‘the man Sampson, present in Court’, but then admitted that he ‘had been in her canoe once or twice when going to Paeroa. He had given her beer’. She denied that Mimiha had ever ‘offered her to Sampson and his mates for improper purposes for £2. These statements were falsely made only to get money’, and she reminded the court that she had two grandchildren. ‘The charge preferred against the prisoner was not a conspiracy on the part of herself and her husband. She had never had any misunderstanding with the prisoner before’. At the conclusion of her cross-examination, the judge asked what had happened to the pig they had been hunting; she replied that ‘they had lost it’.³⁶³

Mimiha ‘corroborated her testimony, and was subjected to a lengthy and searching cross-examination’, which took most of one day, but which the *New Zealand Herald* did not record, just as it did not record Hone Koroneho’s cross-examination.³⁶⁴ The *Auckland Star* recorded that, when Mimiha came upon the two after hearing his wife scream, ‘the back part of the prisoner’s body was quite uncovered’, and that Hariata ‘was uncovered’ and was resisting. He struck Wight ‘repeatedly on the back part of the body and across the arms’. After rejecting the offer of £50 because it was ‘all humbug’, he ‘described the manner in which he had maltreated the prisoner, but owing to its nature it is not fit for publication’.³⁶⁵ In a two-hour cross-examination, he denied asking Teneia ‘not to split’, meaning to disclose,³⁶⁶

that Tita and Maraeiti were not near the potato field on the morning of the assault. He did not ask them not to go against him

³⁶² McKeogh in the newspaper account.

³⁶³ Supreme Court, *Auckland Star*, 17 June 1887, p. 8.

³⁶⁴ Supreme Court, *New Zealand Herald*, 18 June 1887, p. 3.

³⁶⁵ Supreme Court, *Auckland Star*, 17 June 1887, p. 8.

³⁶⁶ Eric Partridge, *A Dictionary of Slang and Unconventional English*, 8 ed., ed. Paul Beale (London, 1984), pp. 1128, 1129.

in this matter. He never told Aaron Sampson that he only waited a few days to carry out a plan to get rid of Charles Wight. He did not express to Sampson great enmity against the Wight family.

The doctor who had treated Wight's ear deposed that Wight had arrived at about 10.30 on the morning of the assault. He said that 'his horse had reared and thrown him back, and rolled on him, and his ear came into contact with a piece of glass, which had cut off the upper portion'. When told that the piece of ear, which he had brought, could not be 'replaced', Wight asked 'if his other ear could not be cut to match'. On the following Monday, Wight asked that his back be examined, and a bruise 'about the width of two fingers' was found. Two days later, Wight asked that 'his thighs and private parts' be examined, but no marks were found. 'On this occasion' Wight said 'he had been attacked by some Maoris, and that was how he had received his injuries. He also showed a severe bruise on the arm'. In reply to Cotter, the doctor stated that bruises from the treatment meted out to him by Mimiha would still have been visible.

Hone Koroneho³⁶⁷ described hearing Hariata calling out 'Oh, Rewi and others'; her cry 'was one of pain'. After he corroborated Mimiha's and Hariata's accounts, Cotter cross-examined him 'until he contradicted the evidence of some of the previous witnesses'; the nature of these contradictions was not recorded. Maraeiti and Tita both confirmed Mimiha's and his wife's evidence, but under Cotter's cross-examination Tita 'contradicted herself considerably'.³⁶⁸ Another account merely stated that the two women were 'closely cross-examined'.³⁶⁹

Constable Mitchell deposed that, when he arrested Wight, the latter said, 'I don't like the woman; it was only last week I ordered her out of the potato field, and I suppose that is why she has done this'. He told Cotter that when he was given Wight's hat by Mimiha, he 'could find no teeth-marks, blood or saliva' on it.³⁷⁰ As this ended the case for the prosecution, Cotter then opened his case:

At that stage of the case he did not intend to take up the time of the jury at any great length. The evidence for the prosecution had so completely broken down under his cross-examination that were

³⁶⁷ Honi Kuruni in this report.

³⁶⁸ Supreme Court, *Auckland Star*, 18 June 1887, p. 5.

³⁶⁹ Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

³⁷⁰ Supreme Court, *Auckland Star*, 18 June 1887, p. 5

it his own case he would be quite satisfied to leave it to the jury without calling any evidence for the defence, feeling convinced that no other verdict than that of “Not Guilty” would be the result. That verdict, though given, might still leave a doubt, and be equivalent only to the Scotch verdict of “Not Proven.”

Accordingly, he would produce evidence that ‘would not only absolutely prove the innocence of the accused, but would show that the prosecution was a base conspiracy formed by the natives to save themselves from the consequences of their admitted assault’ upon Wight.³⁷¹ His first witness, Teneia, ‘a native policeman’, stated that he and ‘a number’ of other Maori, including Tita and Maraeiti, had spent the night before the assault playing cards in the rununga house of their settlement. When he saw Hariata after the assault, her clothes ‘were not wet or dirty’.³⁷² He claimed that Maraeiti had told him that she ‘very much regretted’ Mimiha ‘bringing her into the case, as she knew nothing about it’.³⁷³ As well, at ‘another meeting of natives at Taipari’s³⁷⁴ house’, Hariata had said to them, ‘On your return do not any of you take sides with Charley Wight, lest I suffer’. He had also seen Hariata and Wight quarrelling about a week before the assault, and overheard the former say, ‘I am very angry with that European Wight’.³⁷⁵

Aaron Sampson declared that Mimiha, who was working on the railway line, had told him, five days before the assault,

that he wanted to be revenged upon Chas. Wight for having turned his wife out of Wight’s fields, and wished him to ask the boss for a few days’ leave, so that he (Hoera)³⁷⁶ might work out a scheme for such purpose. That Hoera had frequently offered his wife Harriett both to himself and his mate at any time for immoral purposes on payment to him of 10s or £1.³⁷⁷

³⁷¹ Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

³⁷² Supreme Court, *Auckland Star*, 18 June 1887, p. 5.

³⁷³ Names muddled: see Supreme Court, *Auckland Star*, 18 June 1887, p. 5; Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

³⁷⁴ Recorded as Taupiro’s.

³⁷⁵ Supreme Court, *Auckland Star*, 18 June 1887, p. 5.

³⁷⁶ Recorded as ‘Hona’.

³⁷⁷ Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

Mimiha 'had told his wife about the offer in witness's presence'.³⁷⁸ Thomas Logan, a farmer, had been passing the potato field at about 7.30 on the morning of the incident and had seen a meeting in it. There were several Maori, including Mimiha and Hariata, whom he had known 'for upward of 12 years'. Wight and his brother Albert Edward (born in 1862)³⁷⁹ were both there. William John McKee,³⁸⁰ a Thames contractor, deposed that he was living in the workmen's hut near the potato field, and early that morning had gone with Albert to 'the Maori whare', where they saw Wight 'talking about buying a horse' with several Maori.

As witness and Albert Wight came away they heard Charles Wight and Hoera talking very loudly. Witness said to Albert "There must be something up." When he looked round he saw Charles Wight going away from the natives. Hoera and his wife followed him up. Two other natives followed him. Three or four minutes afterwards he heard a man's voice "cooe" and a cry of "Help, help." He did not hear a woman cry. Upon looking round again he saw Hoera jump the fence and run across the potato paddock.

Wight then came towards them on his pony. His trousers were not torn, but his flannel shirt 'was torn right open. He had a cut across his forehead like the mark of a stick. His eyes were all bloodshot, and covered with mud. His hands were also muddy and cold', and he handed McKee the part of the ear that had been cut off. When McKee helped to wash him, he noticed that he was 'black and blue across the shoulders'.

Albert, who stressed that his brother had not been well, confirmed the early morning meeting in the field and all the defence evidence. 'He knew his brother and Hoera were not friends. They had a dispute about money matters'.

Charles Maunsell confirmed the meeting, had heard 'angry words', saw Logan riding along 'the native road', and Wight climbing over the fence with Maori following him and his calling for help when assaulted. William Willett, another Komata resident, corroborated, and Wight's brother Walter deposed to hearing Wight 'order Hariata from the potato field prior to the alleged assault'.³⁸¹ This was on the Tuesday beforehand, and he stated that

³⁷⁸ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁷⁹ Birth Certificate of Albert Edward Wight, 1862/6898, BDM.

³⁸⁰ McKeogh in the *Auckland Star* report.

³⁸¹ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

she had sworn at Wight and been 'very angry'. Robert Wight stated that his son had been 'very ill with diarrhoea and dysentery on the Thursday, Friday, and Saturday, and being in bed ill the whole of the day preceding the assault'.³⁸² (The point clearly being that Wight was neither in the mood nor had the strength to rape anyone.) He confirmed his son's meeting with Mimiha and Hariata and that Logan had ridden by at that time. This concluded the evidence for the defence.³⁸³

Cotter then addressed the jury:

He contended that the case for the prosecution had totally failed on their own evidence, added to which the defence had totally refuted all the points raised. It was evident to him that the whole case was a gross conspiracy, and that deliberate perjury had been committed by more than one of the witnesses. The plot was a deep-laid one, and no doubt Hoera thought he was sure of his revenge.³⁸⁴

Cotter's Maori witnesses had given evidence 'in a very different manner' from Tita and Maraeiti, whose evidence was 'absolutely false. Hone [Koroneho] had so contradicted himself while under cross-examination, and so often admitted that he had made mistakes in his evidence' that it should be discarded 'altogether'. The 'most important parts' of the evidence of Mimiha and Hariata had been contradicted by the defence witnesses.

The story told by the prosecutor of the assault was inherently absurd, the contradictions they made of each other's testimony on material points so very glaring, and the evidence for the defence so weighty and complete that he had no hesitation in asking not only that the jury should return a verdict of "not guilty" for his client, but that the whole of the witnesses for the prosecution should be indicted for conspiracy and perjury, as no settler would be safe from allegations and accusations of this kind if conspirators and perjurers were allowed to go unpunished.³⁸⁵

Hudson Williamson, the prosecutor,

³⁸² Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

³⁸³ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁸⁴ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁸⁵ Last four words in *Auckland Weekly News*, 25 June 1887, p. 13, because of defect in microfilm of *New Zealand Herald*, 20 June 1887, p. 3.

pointed out that the natives had nothing to gain from such a conspiracy. Money had been refused before the ear was cut away. The only other motive suggested was revenge. But that was of only a slight quarrel over three years ago about some contract. There was also a little trouble in the potato field, but these were not purely adequate motives for such a brutal and savage assault. He considered that the very discrepancies in the evidence for the prosecution proved that there had been no conspiracy in the matter.³⁸⁶

Charles Dudley Robert Ward, acting as a temporary Supreme Court judge,³⁸⁷ ‘clearly and concisely placed the issues of the case before the jury, his charge being strongly in favour of the prisoner’.³⁸⁸ In a fuller account of his summing up, he pointed out that the jury ‘had really to decide what party was committing perjury’ and noted that ‘on both sides some of the witnesses were the relatives of the principal parties concerned’. In briefly reviewing the prosecution evidence, he ‘alluded to the many discrepancies’ and that, had Wight been beaten and without his trousers, as Mimiha and his wife alleged, he could not have ridden away. ‘If they believed that the natives had spoken the truth, notwithstanding these discrepancies, then they must give their verdict accordingly; but if, on the other hand, they considered that the whole was the result of a conspiracy, then the prisoner must be acquitted’.³⁸⁹

While the jury took either five or ten minutes to consider its verdict,³⁹⁰ Ward instructed that all five Maori witnesses ‘should be brought into Court, and not allowed to leave the building’. When the jury found Wight not guilty, Ward stated that he was ‘safe in saying that the jury are of opinion that the prisoner leaves the dock without the slightest stain upon his character’. He ordered that Mimiha and his wife be taken into custody for perjury. ‘The only doubt he had’ was whether Hone Koroneho, Tita, and Maraeti should also be arrested on the same charge, and asked Cotter whether he intended ‘to make any application’. Cotter considered that the charge was ‘a very serious one. If young men settled in the country were

³⁸⁶ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁸⁷ Robin Cooke, *Portrait of a Profession: The centennial book of the New Zealand Law Society* (Wellington, 1969), p. 144.

³⁸⁸ Supreme Court, *New Zealand Herald*, 20 June 1887, p. 3.

³⁸⁹ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁹⁰ Five according to the *New Zealand Herald*, ten according to the *Auckland Star*.

liable to be treated in this matter, no settler would be safe. He thought that all the witnesses should be taken into custody'. Ward responded, 'Very well then; let them all be taken in custody', and they were removed to Mount Eden gaol as the police cells were full. Ward asked the gaoler 'to give every attention to the native woman, Hariata, who had a young baby with her'.³⁹¹

An editorial noted that 'an event occurred' at the conclusion of this case 'which, fortunately for our system of the administration of justice', was 'very rare indeed'. The Crown Prosecutor had agreed with Cotter that a verdict of not guilty would not only acquit Wight but show that all the Maori witnesses for the prosecution 'were guilty of a diabolical conspiracy and rank perjury', and the jury had taken 'a few minutes only' to decide that this was the correct verdict. 'The natives seemed much surprised when taken into custody', and the newspaper believed that this was the first time than an Auckland court, or indeed any New Zealand court, had ordered five people to be charged with perjury.

It is absolutely essential, for the protection of life, limb, and property, that the truthfulness of the evidence given in such Courts should be maintained; and we are glad that the learned Judge should have taken such a decided step when he considered that perjury or a combination to commit perjury, so as to defeat the ends of justice, had been attempted – as it was – in his very presence.³⁹²

Two days later, a letter from 'True Bill' noted that one of the arrested had 'yet to answer to a true bill against him for unlawfully wounding'. As they had not been brought up in court, he asked whether there now 'a "duplex system" of trial by jury, by which a verdict of not guilty in one case means guilty of perjury against those who have given evidence for the prosecution?'³⁹³ On the same day, it was reported that all five had been charged on the previous day and remanded for trial.³⁹⁴ All the prisoners were charged in the Auckland police court with perjury; their counsel, Joseph O'Meagher³⁹⁵ and Edmund Thomas Dufaur,³⁹⁶ unsuccessfully

³⁹¹ Supreme Court, *Auckland Star*, 20 June 1887, p. 2.

³⁹² Editorial, *New Zealand Herald*, 20 June 1887, p. 4.

³⁹³ Letter from 'True Bill', *New Zealand Herald*, 22 June 1887, p. 3.

³⁹⁴ *New Zealand Herald*, 22 June 1887, p. 4.

³⁹⁵ See *Cyclopedia of New Zealand*, vol. 2, p. 280.

³⁹⁶ See *Cyclopedia of New Zealand*, vol. 2, p. 278.

applied to have them remanded to Thames. ‘Bail was assessed at two sureties of £50 for each prisoner’, and Dufaur and ‘Rihia, a Waikato chief, became security for the amount’.³⁹⁷ Dufaur, who would marry a Maori in 1896,³⁹⁸ was ‘particularly well acquainted with the land laws affecting the Maoris and with native matters generally’.³⁹⁹

On 22 June, Williamson, who had prosecuted Mimiha, sent a telegram informing the Attorney General that Ward had committed the men for perjury. As Ward had disbelieved Mimiha’s claim that he was provoked into assaulting Wight ‘and has virtually tried the case it is not fair that the Maoris should be arraigned before him’. He requested that the trial be postponed until Williamson could be satisfied that the Maori version of events was ‘in the main true & that no perjury has been committed. Others competent to judge agree with me the action of the Judge will involve the Govt in grave complication with the natives – Judge Ward should not try’ these cases.⁴⁰⁰ The following day, Ward sent a telegram to the Minister of Justice, Joseph Augustus Tole, concerning Williamson’s intention to seek a postponement to enable Mimiha to obtain witnesses.

Williamson also stated that he did not think he could procure committal from Justices & did not know on what perjury was to be assigned – under the circumstances I would earnestly suggest that the conduct of this prosecution be entrusted to Mr Cotter ... & that Williamson have leave to assist his clients,

as he referred to them during the trial.⁴⁰¹ The under-secretary agreed with Ward that Cotter be used, advising that the government ‘must decline to interfere’ as Williamson asked in his telegram ‘addressed improperly to

³⁹⁷ Police Court, *New Zealand Herald*, 29 June 1887, p. 3.

³⁹⁸ Marriage Certificate of Edmund Thomas Dufaur, 15 June 1896, 1896/377; Death Certificate of Edmund Thomas Dufaur, 21 February 1901, 1901/601, BDM; Death Notice, *New Zealand Herald*, 22 February 1901, p. 1; Probate of Edmund Thomas Dufaur, BBAE 1569/4008, ANZ-A.

³⁹⁹ *Auckland Star*, 22 February 1901, p. 4.

⁴⁰⁰ Hudson Williamson (Crown Solicitor) to Attorney General, 22 June 1887 (telegram), Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰¹ C.D.R. Ward to J.A. Tole (Minister of Justice), 23 June 1887 (telegram), Justice Department, J 1, 87/1710, ANZ-W.

the Attorney General'.⁴⁰² One day later, 24 June, Ward sent another telegram informing Tole that O'Meagher had asked for a postponement 'on affidavit written out by' Williamson '& handed by him to O'Meagher in Court', which Ward described as a 'farce'; he repeated his request that Cotter take the case for the Crown.⁴⁰³ One the following day, Williamson telegraphed that he wanted 'to be released of prosecution' as he 'believed the Maori's statement to be substantially true', and recommended that his partner take over the case.⁴⁰⁴ Cotter was at first willing for that to happen, and then offered to conduct the case, but for a higher fee as it was 'difficult & likely to be strongly defended'.⁴⁰⁵ Tole agreed that Cotter should prosecute, and supported his request for higher fees, which were paid.⁴⁰⁶

Mimiha's case for unlawful wounding 'with intent to disfigure' and to do 'grievous bodily harm' was heard in late June. He 'admitted wounding the prosecutor, but it was under circumstances of great provocation. This was accepted as a plea of not guilty'. Dufaur applied to have the case deferred, as he believed other witnesses could be procured. Ward agreed to postpone it until the end of this session, by which time he would consider any affidavit filed 'stating positively these witnesses could be procured'.⁴⁰⁷ Mimiha had signed an affidavit 'that he could procure important evidence', which did not impress Cotter, who considered there had been 'ample time' for Mimiha 'to have had all his witnesses to hand, if he had wanted to'. While the case was adjourned, Mimiha was released on bail.⁴⁰⁸

The trial resumed on the first day of July. O'Meagher applied to withdraw the plea of not guilty and to enter one of guilty to the second

⁴⁰² Under-Secretary, Justice Department, to J.A. Tole, 23 June 1887, Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰³ C.D.R. Ward to J.A. Tole, 24 June 1887 (telegram), Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰⁴ Hudson Williamson to Under-Secretary, Justice Department, 25 June 1887 (telegram), Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰⁵ Thomas Cotter to Under-Secretary, Justice Department, 25 June 1887, 27 June 1887 (telegrams), Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰⁶ Memorandum by J.A. Tole, 28 June 1887; Thomas Cotter to J.A. Tole, 28 September 1887, 3 October 1887; J.A. Tole to Under-Secretary, Justice Department, 3 October 1887; Thomas Cotter to Under-Secretary, Justice Department, 5 December 1887; memorandum by Attorney General, 21 December 1887, Justice Department, J 1, 87/1710, ANZ-W.

⁴⁰⁷ Supreme Court, *New Zealand Herald*, 25 June 1887, p. 3.

⁴⁰⁸ Supreme Court, *Auckland Star*, 30 June 1887, p. 5.

charge of wounding with intent to do grievous bodily harm, 'as they were not in a position to go on with the defence'. When this was translated, Mimiha concurred, 'admitting that he had cut off the ear of the European'. O'Meagher asked Ward to defer sentence until the next sitting, 'and admit the prisoner to bail, in order that he might be in a position to prepare his defence to the charge of perjury.... If he was incarcerated now he would be unable to prepare his defence'. Cotter was willing that sentence be deferred, but 'strongly opposed' bail. Mimiha's affidavit accepted that he had wounded Wight, 'but that I did so under a lawful provocation', namely finding Wight 'in the act of committing a criminal assault upon my wife against her will and consent'. He considered that the evidence that led to Wight's acquittal could 'be successfully rebutted, and shown to be untrue, if further time be granted to me to procure the evidence of other witnesses now residing at Komata, and whose evidence cannot be obtained in time' for this court sitting. He cited Hata Puka, Tukukino, Kinewai, and Karauria Puka, all of Komata, along with other unnamed persons, who could testify that Maraeiti and Tita had not been 'in the Wharepuni or King House' watching the card playing. He averred that Koroneho had not been anywhere in the vicinity of the potato field before, during, or after the assault. A new claim was that at 11 o'clock on the morning of the assault, he had heard Albert Wight say to others in Paeroa that as Mimiha had punished his brother for assaulting Hariata, 'let him, meaning the said Charles H. Wight, be sent to prison'. When he was tried for perjury, he would then produce evidence that would be 'material' to the unlawful wounding charge. Without this evidence, 'I cannot receive a fair trial'. The last of his 12 reasons why the case should be postponed alleged that during the rape trial, 'the witness Karaka', really Paraku Rapana, 'said to me in the presence of my wife and of a woman named Parehauraki, and two other witnesses, that he and Teneia had come here for £100 to give evidence against me, and I verily believe that the said Paraki', again meaning Paraku Rapana, 'and Teneia were bribed by some person to give false evidence'.

Ward responded that, 'after full consideration', he would decline the defence requests. Summarizing the cases, he described the evidence of the Maori witnesses as 'so confused and contradictory' and 'so contradicted by a number of European witnesses' that Wight was acquitted. Mimiha had now pleaded guilty to wounding Wight, and had had 'ample opportunity, since Wight's discharge, to bring up further witnesses'. If he could prove that the wounding 'took place under the circumstances alleged in the rape case,

there would be no doubt of his own acquittal. But no such witnesses are forthcoming'. He would therefore pass sentence, and felt

justified in inflicting a special penalty, namely that the prisoner be imprisoned for 12 months; the first three months without hard labour, the last nine months with it. If he succeed in realising the anticipations of his counsel, at the September sittings, it is probable that the term of imprisonment which will then remain for him to serve will be remitted by the Crown; inasmuch as in that case circumstances will have been proved greatly extenuating the charge to which he has now pleaded guilty. But if he fails, then the penalty of perjury will be added to his present sentence.⁴⁰⁹

TRIED IN THE AUCKLAND POLICE COURT

In early July, a detective 'finished his survey' of Komata, which was expected to be 'an important part in the perjury case'. An Ohinemuri correspondent also reported a rumour 'that yet another case will arise from this cause celebre'.⁴¹⁰ When the charge of 'willful and corrupt perjury' came to trial in the Auckland Police Court in early July,⁴¹¹ Mimiha alone was prosecuted, by Cotter. O'Meagher and Dufaur were the defence team. Cotter acted as Crown Prosecutor because Williamson, prosecutor in the previous trial, 'having accepted the evidence of the native as bona fide, was reluctant to conduct the prosecution'.⁴¹²

Cotter opened the case by summarizing the accusations made in the rape case, He then 'put in a plan of the locality at Komata',⁴¹³ and explained that 'Wight would prove that he had gone to see Hoera concerning a debt of £37 which the Maori owed him. They had some high words', leading to his being assaulted. The evidence in the earlier case was summarized, including information not recorded in earlier press reports that witnesses had said that Wight's 'face was bleeding and his upper garments torn, but that his trousers were uninjured'. Edward Hammond, who had been the interpreter at the Supreme Court rape trial, deposed that Mimiha had

⁴⁰⁹ Supreme Court, *New Zealand Herald*, 2 July 1887, p. 3.

⁴¹⁰ Ohinemuri Correspondent, *Waikato Times*, 9 July 1887, p. 2.

⁴¹¹ Police Court, *New Zealand Herald*, 11 July 1887, p. 3.

⁴¹² *New Zealand Herald*, 7 July 1887, p. 5.

⁴¹³ J.M. Walker, 'Sketch Plan of Ground on Komata River', 11 November 1887, Police Department, P 1, 88/1210, ANZ-W.

stated that ‘the lower part of his body was almost naked. As he (Hoera) had torn his trousers off’. In response to Dufaur, he ‘could not swear to the words used by Hoera in his description of this particular’. James Mackay, who had been present at the Supreme Court rape trial, confirmed Hammond’s account of Mimiha’s evidence, and that, while he might have translated ‘some particulars’ differently, ‘in the portions now given there was no material difference’.

McKee repeated his evidence that he had been on Wight’s farm. He knew Mimiha, and had seen him at ‘about a quarter-past seven or half-past seven’ on ‘the Maori potato paddock’ across the Komata Creek and opposite the farm. Hariata and two other Maori were with him; one was Koroneho, but neither Tita nor Maraeiti were there. With Albert Wight, McKee left Wight with the group of Maori

and went away. They went towards Wight’s stables, crossing the creek. When witness was getting across he heard loud talking. When he got upon the bank, near the stables, he looked round and saw Wight going away out of the paddock at a fast pace, the natives following. They went over the fence. Witness then heard a shout for help and a cooey from a male voice. The natives then returned over the fence into the potato paddock, in the direction of the settlement. They were going at a quick pace. He then saw Chas. Wight, on horseback, coming by the road towards the creek. Witness waited for Wight, and when he came, he noticed that his shirt was torn, his ear was cut, and his head was covered with mud and blood. His trousers were muddy but not torn.⁴¹⁴

Wight gave evidence that, in the potato paddock, he had asked Mimiha, in the presence of Hariata, Maraeiti, and Koroneho, for money, whereupon Mimiha ‘became abusive’. When he ‘went to catch his horse, and put the bridle on’, Mimiha

came up behind and struck him with a stick, which knocked him down. Hoera jumped on him, and called upon the others to assist him. They did so, and Hoera then struck him in the face with his clenched fist. They then put dirt in his eyes, Hoera threatening to gouge them out. He felt his ear being cut, and “cooeyed” out. He did not see Tita or Maraeiti there. The natives then left him, and he went home. His clothes were muddy after the assault, but were uninjured. He was not good friends with Hoera, because he had cheated him out of some money two years previously. Since

⁴¹⁴ Police Court, *New Zealand Herald*, 11 July 1887, p. 3.

then he had not employed Hoera or his wife upon his father's farm as formerly.

Cross-examined by O'Meagher, he described riding to Thames to have his ear dressed. 'He did not stop en route, though there are five hotels on the road', and did not meet any acquaintances. 'He was not a quarrelsome person, and was on speaking terms with the whole of the publicans on the road'. He told the doctor that he had fallen from his horse and injured his ear 'by falling on a glass bottle'. He then went to a brother's house in Thames, where he was arrested. 'He had asked accused for the money he owed him, but the last time he asked him previous to the assault was 12 months before, as he had not seen him to speak to. The amount owed was £6 13s, for goods drawn by Hoera on account of other natives, but not delivered to them'.⁴¹⁵ (Cotter had said £37 was owed.)⁴¹⁶ He had been beaten with 'a stout stick about three feet long'. He had gone to Thames 'before communicating with the police' because 'he thought he might save his ear. The doctor asked him how he received the injury. He did not volunteer any statement. The reason he gave the doctor a false account was that he did not wish the affair prematurely noised abroad until proceedings had been taken', a step he had asked his father to take. He identified the clothes as his. They had not been washed, and he pointed out that the trousers were not torn and had been held up firmly by a belt.

The witnesses who had supported Wight's case in the previous trial repeated their evidence. Logan described seeing the group of Pakeha and Maori in the paddock at 'about half-past seven' when he was looking for some bullocks. Maunsell, a contractor who had been working for Wight's father, also confirmed that these people were in the paddock, and that he and Willetts 'could hear loud and angry words, but not what was said'. He had not seen the assault, but had heard Wight 'cooeing and calling for help', Maori running towards their settlement, and Wight coming along the road looking 'weak and knocked about'. Willetts corroborated him.⁴¹⁷

Albert Wight confirmed the evidence given by these witnesses, as did his father.

⁴¹⁵ Police Court, *New Zealand Herald*, 13 July 1887, p. 3.

⁴¹⁶ Police Court, *New Zealand Herald*, 11 July 1887, p. 3.

⁴¹⁷ Police Court, *New Zealand Herald*, 13 July 1887, p. 3.

Aaron Sampson, labourer, deposed that in April last he was at Komata, working on the railway in company with Hoera, the accused. On Tuesday, 26th inst., he interpreted for Hoera a request to Mr Jackson, their employer, that Hoera's son-in-law might work in his place, as he wished to go and catch fish. Witness asked Hoera why his son-in-law could not do the fishing, and he then said the fishing was but an excuse, as he wished to have revenge upon Chas. Wight, who had turned his wife off the farm on the day previous. Hoera had spoken about having a grudge against the Wights on previous occasions, as they would not let his wife work on their farm. Hoera remained away from work all that week. He had asked witness and his mate if they had any connection with his (Hoera's) wife. They said "No;" asking was such a thing likely? Hoera said, "Yes," if she was paid anything from 10s to £1." Hoera had mentioned this on another occasion.

The next witness, Tineia, said that on the night before the incident he played cards at their settlement until daylight with 'a large number' of Maori, including Tita and Maraeiti. 'Tita had told him that Hoera had drawn her into the case against her will. Hoera had told him that he must get Tita and Maraeiti to corroborate him (Hoera) in his statement'. Under cross-examination, he 'admitted that he did not know what became of Tita and Maraeiti after they had finished playing, which was about dawn'.⁴¹⁸

The hearing was adjourned for a fortnight because O'Meagher requested an analytical examination of 'certain marks' on Wight's clothes.⁴¹⁹ As no reference was later made to this test, it cannot have found anything relevant. When the hearing was resumed, 'Paraka', correctly Paraku Rapana, gave evidence that the women named

were in the large whare playing cards. When Hoera, Hariata and Hone arrived, these women were sitting just outside the whare. Maraeiti had told witness that she had been forced against her will to give evidence concerning the assault by Hoera, when she know nothing about it. She said she was afraid of Wickliffe, a Maori assessor, who is a connection of Hoera's.⁴²⁰

She was referring to Te Wikiriwhi Hautonga, a native assessor, whose son had married Mimiha's daughter Mihimera after her first husband,

⁴¹⁸ Police Court, *New Zealand Herald*, 14 July 1887, p. 3.

⁴¹⁹ *New Zealand Herald*, 13 July 1887, p. 4.

⁴²⁰ Police Court, *New Zealand Herald*, 28 July 1887, p. 3.

Hone Werahiko, had died.⁴²¹ Another woman, Hara, confirmed that the two women were playing cards all night. After all the evidence was translated for Mimiha, his counsel reserved his defence, and he was committed to trial in the Supreme Court.⁴²² When the other four Maori were subsequently tried for perjury, apart from the registrar of the Supreme Court the only witnesses were Wight and Willetts, whose evidence ‘was substantially the same as given in the previous case. The defence was reserved, and the four accused were committed for trial’.⁴²³

WHAT CONSTABLE MITCHELL UNCOVERED

Doubts had already felt by some people about Mimiha’s guilt. On 8 July, the native agent, Thomas George Wilkinson, reported receiving a telegram from Wikiriwhi Hautonga asking that Constable Mitchell ‘be instructed by Native Minister to make investigation for the purpose of getting evidence concerning the charge of perjury’. From what Wilkinson had heard as well as from Wikiriwhi’s telegram, Paeroa Maori believed ‘that a combination was got up to defeat the ends of justice & that Hoera is suffering wrongfully’.⁴²⁴ Permission was immediately granted for Mitchell to collect evidence.⁴²⁵ On 16 July, two weeks before Mitchell’s report was submitted, Inspector Samuel Goodall, appointed the previous year to take charge of the Thames district,⁴²⁶ recorded that five days previously he had instructed Mitchell to ‘make thorough enquiry and obtain all possible evidence so as to bring out full truth’. This was to be sent to O’Meagher ‘direct with facts & names of witnesses’. He noted ‘a strong feeling at Thames and Paeroa amongst some of the European population in favour of the supposition that the natives were not guilty of perjury’.⁴²⁷

⁴²¹ See paper on Hone Werahiko.

⁴²² Police Court, *New Zealand Herald*, 28 July 1887, p. 3.

⁴²³ Police Court, *New Zealand Herald*, 30 July 1887, p. 3.

⁴²⁴ G.T. Wilkinson to Under-Secretary, Native Department, 8 July 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴²⁵ Memorandum by Under-Secretary, Native Department, 9 July 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴²⁶ R.S. Hill, *The Colonial Frontier Tamed: New Zealand policing in transition 1867-1886* (Wellington, 1989), p. 361.

⁴²⁷ Memorandum by Samuel Goodall, 16 July 1887, Police Department, P 1, 88/1210, ANZ-W.

On 3 August, Mitchell sent a report to Goodall that was devastating for all involved as well as revealing Pakeha-Maori relations in that district:

I have made every enquiry into this matter, and feel satisfied that on Saturday morning – the 30 April – the woman Hariata who charged Wight with rape did go to the creek side, and invite Charles Wight over; and that it was solely in consequence of her beckoning to him that he, on horse back, crossed the creek that morning. The woman admitted to Mr Nicholls that she visited Koroneho's whare – which is situated close to the creek in the Maori potato field – that morning before she was assaulted.

As to whether she did this with or without Hoera's (her husband's) knowledge – whether or not it was pre-arranged that she should invite Wight over – knowing he would seek to have sexual intercourse – (seeing that he had had it with her two or three days' previous – as she told some natives) the husband be at hand – and, on the signal being given, appear on the scene is not so clear. In support of it I may mention 1st All the railway hands agree that Hoera did offer the use of his wife's body to them for sums varying from 10/- to £2 2nd Hoera ridiculed the question put by myself to him – as to whether the woman could possibly have been near Wight's place that morning, saying “we (my wife & I) had not separated more than 10 minutes – and it is impossible” 3rd It is well known the woman is terribly afraid of her husband, and as she some months since remarked to a Mrs [Rachel Anne] Lockwood⁴²⁸ – for whom she washed – “Hoera will make me do anything for money” 4th Hoera's general character is that of a low cunning scoundrel. While against it there is 1st the improbability that anything but genuine anger produced by catching Wight in the act would prompt him to use the knife 2nd the apparent genuineness of his reply in the witness box to the question – Did you not offer your wife to the railway men for money? “No; do you think I am a slave or a dog” 3rd the unanimous opinion of respectable people who have for years been associated with natives that it is an unknown thing for a native man to offer his wife.

As regards Hone, Tita and Maraeiti there is not an atom of evidence to show that they were a party to any pre-arrangement; but simply that they heard a cry or help, and rushed forward to the rescue.

The defence set up by the Wights, and supported by certain witnesses, forming the foundation of the charges of perjury

⁴²⁸ Wife of Alfred Andrew Lockwood: see Birth Certificate of Rachel Eliza Lockwood, 13 March 1875, 1875/2387, BDM. They were then living at Paeroa, where she owned property: *Te Aroha News*, 11 June 1887, p. 3. For his life, see paper on Joseph Campbell and his Hyperphoric Process.

preferred against the natives is without doubt a pure invention, and a gross conspiracy to overthrow an unfounded charge and I will venture to assert that if hereafter – proceedings are instituted against the whole of them for perjury that offers will be made by two or three of them to turn Queen's evidence.

I have stated that Hoera's character is bad, I shall only be acting fairly in saying that the verdict of the public make the Wight family equally entitled to the same.

Referring to the committal for trial of the four Maori for perjury and of Hone Koroneho for aiding and abetting the unlawful wounding, 'on Charles Wight's evidence only – this seems so strange as far as Hone is concerned, because during the time Hone was giving his evidence against Hoera in the Thames Court Charles Wight sat by myself, and whispered "I don't believe that rascal was there at all" '. He concluded by explaining that his 'firm belief in the falsity of the Wight's defence' was based on the statements he attached.⁴²⁹

These statements took up 11 pages, of which the first four-and-a-half comprised Mitchell's statement of what he had heard and done. As presented, either he had a phenomenal memory for conversations or had taken notes immediately afterwards:

On Saturday – the 30th April – about 1/4 to 2 in the afternoon *Albert Wight* came to the police office I said – Good day Albert – I am sorry your brother Charlie has got into this trouble "Yes" – he replied – "I came to ask you to make it as light as you can for him" "he is a damn fool I will venture to bet he can get a bit of Maori stuff every minute of the day if he wanted it; I have no pity for him to be had like that the woman was always running after Charlie – they have trapped him, that is just what they have done, and he has fallen into it the black wretches knew there was no one about – so they made up this charge against him to try and get money" "Don't be hard on him Mr Mitchell if you can help it – not for his sake – but for mothers, she has been sick some time" I said the only thing I can do for him is to suggest that your father rides to the Thames with me, and he can then probably arrange to have Charlie brought before a magistrate soon after arrest, and – by having some responsible person present ready to become surety – he will probably prevent your brother being locked up till Monday morning

⁴²⁹ A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

he remarked "it was only this morning that woman came to the creek, and invited Charley over" he asked me when I was going for Charlie I said directly he replied "all right – I will ride home at once, and tell the old man all about it – for Charlie told the old people this morning before he went to the Thames that he had been thrown from a young horse, and that his ear got caught in a barb wire fence" "if you will come on slowly I will have father ready, and he will go on to the Thames with you" I asked Albert – what did Charlie say to you about this unfortunate affair? he replied "I only saw him just for a few moments before he went away" "he looked terribly knocked about" "I dare say you know I have not been on good terms with my people for some time, and have not been living at home" "but I suppose now that this has happened I shall have to bury the hatchet, and go back again to take charge of the farm for Charlie – whether he gets out of this or not – will have to leave the district" "father has nothing to do with the farm – he only looks after his orchard"

About 1/4 to 3 I left the Station to arrest Charles Wight on the charge of rape I went in the direction of Thames expecting to meet accused returning to his home when passing the Komata farm Albert with his father *Robert Allan Wight* joined me I crossed the Komata bridge, and gave my horse a drink at the creek – there was a fresh on – heavy rain had fallen the previous night – there had been none that day

Albert returned in the direction of Paeroa – and the father rode on with me he remarked – "this is a bad job for me Mr Mitchell – I am sure I don't know how I am going to keep it from his mother – not that I am afraid there is any rape about it – for it is impossible that Charlie could have had to do with a woman this morning" "like some more of us this last day or two he has been very bad with diarrhoea and dysentery and it was only last night I gave him 60 drops of laudanum" he asked – "what time is this supposed to have occurred"? I replied – the natives say early this morn.

Wight⁴³⁰ remarked – "It is all nonsense Mr Mitchell – I was not so ill as Charlie, and yet I can tell you I was glad to be in bed – in fact – I was not out all day yesterday, and disappointed the Vigilance Committee – they would make me chairman – I am sure I did not want it"

"Mind Mr Mitchell – I don't want to make any excuse for Charlie – although he is my son – I am only sorry to have to say that a great deal of the trouble my boys get in is because they won't take my advice" "I am only telling you what I think – because I don't know anything about the case yet" "Charlie before he left this morning told his mother and me that he had been thrown from a horse, and injured his ear in a barb wire fence" I said surely

⁴³⁰ Written as 'White'.

there must be some truth in it – or Charlie would either have come or sent for me after being so savagely assaulted he replied – “as I told you just now I didn’t know anything about it, or I would very soon have sent for you” “for even if Charlie was guilty - he⁴³¹ had no right to take the law into his own hands like that” “but very likely Charlie has been to the police on the Thames” I said – I did not think so, or I should have heard something from them before this

When about 12 miles from Thames we met accused’s elder brother *Robert Alexander Wight* on horse back he had come from the Thames – and I asked him – where is Charlie? he replied – “At my house at Thames” I said I have a warrant for his arrest on a charge of rape, and I am now going down for him Robert replied – “if that is so there is no use my going any further” “I may a well turn back with you”

the three of us rode some distance in silence Robert then asked “if it is not outside your duty can you tell us the best thing to do in this matter”? I repeated the suggestion about steps being taken to get the accused bailed out till Monday they appeared much upset – and Robert remarked, “we are so unused to this kind of business – perhaps you would kindly give us a hint as to our best way to meet this charge”

I replied – I will allow my sympathy with you in this unfortunate affair to tempt me to advise as I (a policeman) have no right to do and that is, to guard your brother from saying anything at the time of his arrest that can be afterwards repeated to his disadvantage Robert said “thank you very much Mr Mitchell – I see clearly what you mean – I will get away home, and secure the attendance of a Justice, the Clerk of the Court, and another surety by the time you and father come in” and with that he increased his pace to a gallop He was in our company about 20 minutes, and during that time nothing was said about the charge of rape being unfounded, or the result of a conspiracy on the part of the natives and only when the question was put by the father to Robert – as to how was Charlie? – was anything said about the accused being assaulted.

On arriving at Thames about 8 o'clock – I went to Robert Wight’s⁴³² house the accused *Charles Wight* was in bed – he dressed and came into the dining room I read the warrant to him, he said nothing in reply we sat some time waiting the arrival of a cab he remarked “I don’t like the woman – we are not friends it was only last week I ordered her out of our potato field – I suppose that is why she has done this” (by the word – *this* – I concluded he meant the preferring the charge of rape) No

⁴³¹ ‘The native’ added as explanatory note in margin.

⁴³² ‘White’ in original.

reference was made by him to the attack upon himself that morning

On reaching the police station (Thames) Mr Von Rotter J.P. and Mr Burgess were in attendance On enquiry from Sergeant Murphy – in charge – I learnt that no complaint had been made to Thames police re assault and wounding

The next evening – Sunday – the 1st May – about 5 o'clock Albert came to the Paeroa Station, and asked if he could get a summons for a man as a witness in this case of Charlie's that the man was keeping out of the way at Waitekauri, and would not come without a summons. I asked if I knew the man: he said "Yes it is that man Dean", you had in chokey [prison] a short time since for the same kind of thing" I asked what on earth can he know about the affair when there was nobody about? Albert replied "I'll tell you – a short time ago Dean told me that he and Logan were in one of the pubs, that a lot of natives were there, and that he heard this woman say she would put Charlie in Mount Eden for the same kind of thing Dean had been in trouble" I asked him what had Logan to say about it – if he heard it there would be less trouble in getting him as he lives so near Albert replied "I don't know what Logan will say, I have not seen him yet" I asked him when did Dean tell you this?" he replied "the same day he was brought before the magistrate and got off" (that was 4th April AJM)

On Saturday evening – 4th June – *the father* came to me in Paeroa – and said – "I have been looking for you Mr Mitchell" "that fellow Humphreys tells me I made some statement to you about Charlie saying he had been thrown from a horse and hurt himself with a fence" "I said he told his mother that didn't I?" I replied you said that Charlie told both his mother and yourself that tale he remarked "and even if I did that won't affect the case will it?"

Since the trial of the rape case I have on several occasions noted the condition of the Komata creek and I have no hesitation in saying that during a fresh it would be a dangerous matter to cross that ford (at Wight's) on foot that the current is so strong a person would have great difficulty in keeping his feet

I am sure it is impossible for any person either standing in bed of creek (when a fresh is on) – near men's house – in cow shed – or in garden to hear voices of persons quarrelling at potato pits in Maori potato field

The place pointed out to me by Hoera as the scene of alleged rape was also shown me by Charles Wight as being the spot he was assaulted by natives where his horse was and to which he had walked straight across the Maori potato field when followed by the natives

I assisted Detective Walker in making a survey of the place on 7th July Charles Wight accompanied us, and pointed out the various positions taken up by his witnesses on the morning of the occurrence

On Friday – 15th July – I met *the father* on the Thames Paeroa road – he was returning from Auckland I handed him a summons for rates, and asked how were they getting on with the case in Auckland? he remarked “people say I am looking bad but I don’t wonder at it the worry is almost killing me and those witnesses I can’t stand them – the way they sponge and their familiarity it is something disgusting and now the Crown has taken it up – it is just the same with them then you know we have to stop in a lodging house with all of them, and keep them together, and see they don’t get into mischief I can tell you it does not suit me at all, and yet I suppose we must put up with it for a time anyhow.”⁴³³

Detective John Mitchell Walker of Auckland briefly reported having surveyed the back of Wight’s farm on 7 July, with Mitchell’s assistance.

I stood near Wight’s⁴³⁴ men’s house, and Mitchell crossed creek to where Charles Wight and natives were said to have been quarrelling in Maori potato field by agreement Mitchell called out to me at the top of his voice I only heard the sound of his voice – not what he said

I do not believe that any person standing where I was could hear quarrelling where Mitchell stood – without they shouted at one the other –

Neither do I believe such quarrelling could be heard by any person in White’s cow shed or in the garden.⁴³⁵

William McMicken, a farmer of Komata, deposed to the height of the stream on the morning of the incident, and was ‘positive’ that nobody could have crossed it on foot, as he would have been swept away. ‘When in the bed of the creek it is impossible to hear anything – not even the whistle of the steamer 1/2 mile distant and when there is a fresh – the noise of the water

⁴³³ Statement of A.J. Mitchell, pp. 1-5 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴³⁴ Once more, written as ‘White’s’.

⁴³⁵ Statement of J.M. Walker, p. 5 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

is like a thrashing machine'.⁴³⁶ Frederick James Law, a Paeroa carpenter, recalled discussing the affair with Albert Wight on the evening after it occurred:

I heard Albert say that he went to the Komata that morning to his father's place – that he got there just as Charlie came in after being ill used, that he got on his horse, and rode over to see if he could find the natives who had done it I asked him what he would have done if he had found them? he said he would have tried to give them some thing to remember him by that his brother had been travelling with that woman some time, and that it must have been a trap for her to call out like that that she came down to the creek that morning, and invited Charlie over that there was a big fresh on, and Charlie got on his horse and went over⁴³⁷

John Meagher, a Paeroa labourer, described meeting Logan on the road with his bullocks on the afternoon of the affair, and telling him what had happened to Wight when he was caught by Hoera 'having to do with his wife'. Meagher 'was under the impression at that time' that the affair had occurred at the old mill, about four miles from Komata, where Mimiha and his family usually lived. Logan remarked 'I wonder what Charlie would be doing round there so early in the morning after an old hag like that when he could get so many young ones if he liked near home'.

The Saturday evening after the occurrence – 7th May – I saw *Albert Wight* in Paeroa he was talking to James Brady I spoke to him and said Well Albert – how are things going on? he replied "Very bad" I asked him – have you no evidence? he replied "No – that is the worst of it there was nobody about" I remarked that is a pity "Yes" he said "I only wish I had been there" Since the case was heard in the Supreme Court I met Logan in Paeroa I said Good God Logan how came you mixed up in Wight's⁴³⁸ case? that Saturday afternoon when I met you on the road with your bullocks you didn't know any thing about it Logan held down his head and said "it is bad to know too much

⁴³⁶ Statement of William McMicken, pp. 5-6 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴³⁷ Statement of F.J. Law, p. 6 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴³⁸ Recorded as 'White's', yet again.

Jack – I am in it now and I will have to get out of it the best way I can”⁴³⁹

James Brady, another Paeroa labourer, stated that before the case was heard in the Supreme Court both Albert Wight and his father

came to me on several occasions about my having heard a native say that he held Charlie’s hands while Hoera cut off his ear Robert said he wanted me to give that evidence, and if I would stick in a word I should not be short of money that arrangement fell through, and I did not go to the Court

He confirmed Albert’s telling Meagher that there were no witnesses.

Some evenings after the case was heard in the Supreme Court I was talking to Ross and some other young fellows in Paeroa Albert Wight came along, and we spoke about the Maoris being in trouble for perjury – and told Albert in joke he had better watch that he did not get put in with them for the same thing he answered “I can tell as many lies as I like, and they can’t catch me” “Mitchell asked me in the Court in Auckland if I didn’t tell him something – and I said no – although of course I did – but I can tell him what I like – that’s nothing”⁴⁴⁰

John Pennell, also a Paeroa labourer, had seen Logan in his big paddock ‘driving two strange horses out’ at ‘a few minutes past eight’. Therefore he ‘could not by any means have passed the Maori potato field at Komata at 1/2 past 6 – have afterwards found his bullocks on the Government road – and then have been able to reach his place by the time I passed it is impossible’.⁴⁴¹ Joseph Pennell, a Hikutaia labourer who was working on the railway line at Komata, recalled being on the side of the creek about half a mile below Wight’s house waiting for the eight o’clock whistle to blow. The creek there was ‘narrow and deep’, and on the other side was Wight’s paddock, ‘where McKee & Willetts had a contract for clearing briars I could distinctly hear chopping as if clearing was going on

⁴³⁹ Statement of John Meagher, pp. 6-7 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴⁰ Statement of James Brady, pp. 7-8 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴¹ Statement of John Pennell, p. 8 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

I could not see who was at work', because briars obstructed his view, but neither men employed labour.

I heard the natives in the settlement shouting and making a great noise just before I turned to work I thought they were coming to turn us off the line shortly afterwards Hoera came up, and said "Good morning Joe" "Me win" he told me and others what he had caught Charles Wight doing, and how he had served him.⁴⁴²

William Grey Nicholls⁴⁴³ explained that on the morning of 30 April he was asked by Mimiha and other Maori from Komata to interpret for them when they laid a complaint at the police station

about Charles Wight having had to do with Hoera's wife the natives held two or three meetings that morning about the matter While they were about *Albert Wight* came to me, and asked me if I would assist him to arrange this matter of his brothers' with the natives I said – no – I will have nothing to do with it – you had better go to Etu Paaka

He confirmed that Albert had told Mitchell that Hariata had enticed his brother into a trap 'to get money'.⁴⁴⁴ Etu Paaka, noted as 'Native chief', deposed that he could speak English and recalled the day of the incident:

The Komata natives came up to Paeroa that morning, and held meetings about Charles Wight having outraged Hoera's wife About 1/2 past 10 just after one of the meetings *Albert Wight* came to me at the end of the Paeroa bridge he asked me what are all the natives talking about? I replied About Charles Wight he said "Well I think the only thing the natives can do is to drop the matter because the natives have cut off Charlie's ear, and they should be satisfied" "there is no use for them to go to Mitchell, because they will only get in trouble themselves for cutting off Charlie's ear" "he is nearly dead now" "I have been over to Mitchell, and he tells me there is no use the natives trying to do anything against Charlie" "I think it is better for the

⁴⁴² Statement of Joseph Pennell, pp. 8-9 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴³ See paper on his life.

⁴⁴⁴ Statement of W.G. Nicholls, p. 9 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

natives to leave the matter alone” “if they like I will give them £100 to drop the matter”

Albert can speak Maori – and sometimes spoke in Maori and sometimes in English

Hohepa Rapene and Hata Paaka and other natives were standing by me when Albert said this, and he spoke the Maori to them

Hohepa and myself then went to the crowd of natives, and told them what Albert had said to do but they were not agreeable and went to the police⁴⁴⁵

Michael Sheehy, a farmer at Te Puke, near Paeroa, stated that while the case against Wight was being heard in Thames, he went to Komata to get some rent due, but only Wight’s brother Walter was at home.

We talked about the trouble his brother was in Walter remarked “the worst of it is there was no one about but Maunsell, and he was down by the creek when Hoera showed himself on the other side, and flourished a stick at him saying he would serve him as he had done Charley” “that they know nothing about the matter till Charley came back to the house.”⁴⁴⁶

Humphreys, Wight’s solicitor at the Thames trials, stated that

during the interval between the committals and the sitting of the Supreme Court *Robert Wight* brought the two men *McKee and Willetts* to my office on two occasions- each time they made a statement about what they knew I took it down in writing and they signed it and swore to its correctness the two statements made by McKee were altogether different – and so were those made by Willetts - the documents were afterwards (some time after) taken by Robert for transmission to Mr Cotter who had them now⁴⁴⁷

Mitchell added that Humphreys could give ‘very complete evidence’ but was ‘delaying giving me the statement until good terms shall have been

⁴⁴⁵ Statement of Etu Paaka, pp. 9-10 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴⁶ Statement of Michael Sheehy, p. 10 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴⁷ Statement of T.M. Humphreys, pp. 10-11 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

arranged by him with those whose duty it will be to pay him'.⁴⁴⁸ The appendices concluded with a brief statement by 'Tukukino Junr', Petiwai Waraua, and Reko Tuhaiti, all of Komata, that on the night before the affair Maraeiti and Tita went home and that 'there was no card playing till dawn of day'. Another Komata Maori, Kiniwea Roera, made an even briefer statement that Wight had 'offered him £10 to give evidence against the natives'.⁴⁴⁹

BEFORE THE SUPREME COURT AGAIN

The new trial was expected to last three days.⁴⁵⁰ It did not, and after some days the *Auckland Star* referred to 'this wearisome case'.⁴⁵¹ When the 'Maori perjury cases', as they were called, was first before the court, on 9 September, O'Meagher asked that they be postponed because of the illness of Tita, who was mortally ill with tuberculosis. This application was declined, as Ward, once again the judge, knew of 'two other witnesses at least' who could testify to the same facts as Tita would state.⁴⁵² The trial began almost immediately, Cotter again prosecuting and Dufaur defending unassisted by O'Meagher. The indictment 'was about three feet long and eighteen inches in breadth', and 'took upwards of ten minutes to get through by the deputy registrar. It had then to be translated to the prisoner, and subsequently read to the jury'.⁴⁵³

As most of the evidence repeated that given at the earlier trials, it was not reported in the press.⁴⁵⁴ When Dufaur asked Wight how he explained his wound to the doctor, he 'declined to answer'. After Cotter cited the confidentiality of all communications with a doctor, 'the answer was not

⁴⁴⁸ Note by A.J. Mitchell, p. 11 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁴⁹ Statements of Tukukino Jr., Petiwai Waraua, Reko Tuhaiti, Kiniwea Roera, p. 11 of appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁵⁰ *Waikato Times*, 10 September 1887, p. 2.

⁴⁵¹ *Auckland Star*, 14 September 1887, p. 2.

⁴⁵² Supreme Court, *New Zealand Herald*, 10 September 1887, p. 3.

⁴⁵³ Supreme Court, *Auckland Star*, 9 September 1887, p. 5.

⁴⁵⁴ As explicitly stated in Supreme Court, *Auckland Star*, 9 September 1887, p. 5, 10 September 1887, p. 5.

further asked for'.⁴⁵⁵ Sampson repeated his claim that Mimiha had 'offered him the use of his wife for 10s or £1, but in reply to Dufaur stated he was unaware 'that at the date mentioned by him' Hariata 'was heavy with child. He did know that now she had a babe at the breast'. Albert

could not remember saying to Constable Mitchell, "Make it as light as you can for Charlie." He would not swear definitely when he could not remember. He had nothing to ask Mitchell to make it light for. He did ask Constable Mitchell not to alarm his mother. He could not remember telling the constable that it was all a trap and he had no pity for his brother. Witness's brother told him the Maoris set upon him and knocked him about. Witness remembered telling Mitchell that he believed his brother had been trapped over there by the Maoris. He could not remember asking Mr [William Grey] Nicholls to try and settle the case. He would not swear that he did not. He never asked Utapaka to try and arrange or compromise the matter.

To rescue his witness from appearing evasive by refusing to swear to particular conversations, Cotter got him to explain that he 'had talked with so many people during the last four months regarding his brother's case that he could not remember all his conversations'.⁴⁵⁶

James Mackay, who had taken notes of the Supreme Court trials, considered that 'in some instances' Hammond did not interpret 'correctly, but this might arise from the Maori habit of exaggeration'.⁴⁵⁷ Hammond, who pointed out that he had been interpreting in the land court for 15 years and had recently become a registrar of it, clarified that Mimiha had sworn on the Bible. He 'was thoroughly convinced that Hoera could have meant nothing else than the interpretation which he had given relative to tearing the trousers off Wight, for he had repeated the answer, and illustrated it by an action showing the act of tearing it'. There had been 'no difficulty in making Mimiha understand the question put to him, or in regard to his answer'.⁴⁵⁸ He had repeated the question, as he was concerned that Mimiha 'was making a mistake, but the reply received was a distinct repetition of the former one'.⁴⁵⁹

⁴⁵⁵ Supreme Court, *New Zealand Herald*, 10 September 1887, p. 5.

⁴⁵⁶ Supreme Court, *Auckland Star*, 10 September 1887, p. 5.

⁴⁵⁷ Supreme Court, *New Zealand Herald*, 12 September 1887, p. 3.

⁴⁵⁸ Supreme Court, *New Zealand Herald*, 13 September 1887, p. 3.

⁴⁵⁹ Supreme Court, *Auckland Star*, 13 September 1887, p. 8.

In reply to Dufaur, Wight stated that when Hone Koroneho had come up to him after the assault, he told him

“Go away, you are one of those who almost killed me. I won’t have anything to say to you.” Witness then ordered him to leave the place. He had previously been on friendly terms with him. He had never lived in a hut with Hone’s sister. He was not on such terms with her. He never had anything to do with her. The woman was now dead. He did not know whether or not she died pregnant.

Tineia said he heard Wight accuse Koroneho of assaulting him and that ‘when Koroneho asked Wight for his money it was not given to him, and an altercation took place between them. Koroneho asked Wight why he had accused him of being present at the assault; but witness forgot the answer Wight made’.⁴⁶⁰

This ended the case for the prosecution. Dufaur opened the defence by pointing out that ‘the whole question hung upon the point as to whether or not Charles Wight had assaulted the prisoner’s wife’.

They might be surprised that the constable for the district should be called for the defence instead of on behalf of the Crown, but he might explain to them that when at the conclusion of the last session the natives were committed for perjury, and the Wights returned home triumphant, so much indignation was felt in the Paeroa district that pressure was brought to bear upon the Government, with the result that Constable Mitchell was specially instructed to try and elicit the truth of the case.

He first called Wight, who stated that ‘he never heard Koroneho ‘ask why he was accused of being connected with the assault’. He was ‘positive’ that Koroneho was one of the persons who assaulted him’. Tineia then stated he had heard Wight and Koroneho ‘having an altercation about a woman, but could not remember what passed. He soon went away when they commenced to quarrel’. Paraku Rapana, the next witness, recalled a meeting in Wight’s stable at which Koroneho complained with Wight about his ‘money not being handed over. They also disputed about some pigs. Koroneho also expressed annoyance at the trouble Hoera had caused’. Asked to treat Rapana as a hostile witness for the defence, Ward declined.

⁴⁶⁰ Supreme Court, *Auckland Star*, 13 September 1887, p. 8; Supreme Court, *New Zealand Herald*, 13 September 1887, p. 3.

Hariata Marakai deposed that she was duly married to the prisoner in the Maori Church. – His Honor pointed out that such being the case, she could not give evidence against her husband. – Mr Dufaur said that he was previously unaware that they were married, having taken it for granted that they had simply been living together.

As Hariata could not give evidence, Maraeti was called. She repeated that she had spent the evening before the assault ‘in the Long House playing cards’, and gave the same evidence about it. Her cross-examination by Cotter was reportedly ‘very lengthy’, but its outcome was not recorded.⁴⁶¹

On the following day, Dufaur received permission to recall Teneia to make an explanation. He

said that Mr Dufaur said to them, “You have a strong desire to conceal the truth against your friends.” Witness replied that he was somewhat confused about that matter, and that was why he was unable to answer. He said to Mr Dufaur “Friend, that statement is quite true, but I had somewhat forgotten what was said.” Then witness’s companion Tupare said, “What Koroneho said was – “ [His Honor ruled the remainder of the reply out of order.] Witness continued that yesterday he was somewhat confused, but now he recollected some portion of the conversation. Mr Dufaur told him not to speak falsely or to conceal the truth. The witness then proceeded to explain certain discrepancies in the evidence. He stated that Charles Henry Wight had stated that it was false when he said that Koroneho had assaulted him.

Another version of this interchange had Ward reading the evidence Tineia had given on the previous day and asking him

whether he had any explanation to make. He now recollected that Wight replied that it was true. Koroneho replied that he had been very friendly with Wight, that it was he who had given him Ngawhira to cohabit with him. Something was also said about pigs which were given to Ngawhira, but which after her death went to her relatives. The witness was asked to whom he had been speaking, which enabled him to recollect all this, and he said he had spoken to no one, but it came into his recollection when thinking over what had taken place yesterday. On Mr Dufaur’s suggestion the witness was asked whether he had not spoken to him, and he said he had this morning in the Court. Mr Dufaur said to him that they had been very wrong to injure their

⁴⁶¹ Supreme Court, *Auckland Star*, 13 September 1887, p. 8.

friend and conceal conversations which had taken place. Witness told him he was somewhat confused about that matter, and that was why he was unable to answer. That statement was quite true, but he had somewhat forgotten what had been said, but that now he recollected some portions of the conversation. Mr Dufaur told them to tell the truth and not conceal it.⁴⁶²

Koroneho then gave evidence:

The night proceeding the assault he was playing cards in the Runanga House. They burned one candle while they played. Witness was the bank. The game was what pakehas called "loo." When the game finished witness and his wife slept in the potato house. Hone also slept in the potato house. When he got up in the morning he did not see either Charles Wight or McKee in the potato paddock near the house. He was sitting in the house when he heard Hoera saying to Charles Wight, "Go; your father has discovered your bad work to my wife." That was after Hone had woke him and said "Friend! friend! get up." [His Honor ruled the remainder of the reply out of order.] Witness continued:- He did not see Hoera, but merely heard his voice.

He was alone in the house when he awoke, for his wife Maraeiti had left the house but later came back with Tita, Rewi Manaroa's wife.

When he went with others subsequently to Charles Wight's house 'to get payment for cutting chaff, Charles Wight, who speaks Maori, refused to pay witness and Rewi the money due to them. Witness asked for it, when Charles Wight said, "Why did you two allow your wives to go and tell lies?" Witness replied, "You are the only person who has told lies. You stated that I assaulted you." Wight replied, "It is true, but it is not my doing." They did not receive their money, and went away. They had not yet got their money. – Mr Dufaur pointed out that in Maori the reply, "It is true," practically meant an assent to Koroneho's statement. He asked that the witness should be allowed to explain.

Ward considered that 'the reply as interpreted was sufficient', but when he asked the experienced interpreter, George Brown,⁴⁶³ for his view,

⁴⁶² Supreme Court, *New Zealand Herald*, 14 September 1887, p. 3.

⁴⁶³ See *New Zealand Gazette*, 7 December 1868, p. 594, 17 August 1882, p. 1110, 27 December 1888, p. 1425; *Auckland Weekly News*, 13 November 1886, p. 18, 20 November 1886, p. 18, 17 October 1912, p. 24; *Observer*, 6 March 1915, p. 5.

the latter 'said he was rather in doubt himself what the witness meant. He had simply given a literal translation'. This to Ward 'was all that could be taken, as the witness could not be expected to explain the meaning of Charles Wight's expression'.⁴⁶⁴ (Brown had been selected as the interpreter by Mimiha's counsel because of 'his special acquaintance with the dialect and idioms used by their clients'.)⁴⁶⁵

Koroneho gave evidence of being arrested for assaulting Wight, a charge he denied. 'Wight was an intimate friend of witness's, because he lived with witness's cousin'. In reply to Cotter, he denied telling anyone that he had helped to hold Wight down and of knowing three Pakeha witnesses who had claimed that he had said so at a football match. When Brady 'was produced' in court, Koroneho said he 'did not know him'. Cotter cross-examined him 'at great length', but to what purpose was not recorded. As on other occasions when it was claimed that he had had sexual relations with Maori women, Wight was not called by Cotter to rebut the allegations.

Mitchell gave evidence that Albert had asked him 'to make it as light as you could' for his brother, whom he had described as 'a d----d fool to be had like that. They have trapped him that's what they have done. That woman was always running after Charlie. The black wretches knew that there was no one about, so they have made up this charge against him to try and get money'.⁴⁶⁶ Mitchell had advised him

to get his father to ride in and procure bail to save the son being locked up when arrested. Albert Wight also asked witness to come along slowly, for Charley and he would ride ahead and "tell the old man about it." He also said that Charley had told the people that he had fallen from a horse, and hurt his ear on a barbed wire fence. Witness asked Albert Wight how his brother accounted for the affair.

His Honor stopped further evidence in that direction.

Mitchell described arresting Wight at his elder brother's house at Thames, and his being remanded on bail. He considered that Mimiha had 'a fair knowledge of English. He could make himself understood'. Wight's father had told him

⁴⁶⁴ Supreme Court, *Auckland Star*, 13 September 1887, p. 8.

⁴⁶⁵ C.D.R. Ward to Minister of Justice, 26 November 1887, Justice Department, J 1, 87/1526, ANZ-W.

⁴⁶⁶ Supreme Court, *Auckland Star*, 13 September 1887, p. 8.

that he had been looking for him, as “that fellow Humphreys tells me that I told you something the day you arrested Charlie as to what he said to me. I did not tell you what Charlie told me, did I? I said that he had told his mother that.” Witness replied: “You told me, Mr Wight, that he had told both you and his mother the same thing.” Mr Wight remarked: “And even if I did, that can’t affect the case, can it?”

Mitchell had ridden past Komata at the time of the assault, and had noted the unusually high level of the stream. In answer to Cotter, he explained that he had

looked after the evidence for the prosecution in the rape case. He was not annoyed at a conviction not being obtained in that case. He did ask to be relieved from laying the charge of perjury against the natives. He did so because, knowing as much as he did of the facts of the case, he could not conscientiously think them guilty of perjury. He was not particularly fond of the natives.

He had told Humphreys he was willing to give evidence, ‘not for the defence, but in the case. He had endeavoured to prove that Albert Wight did not sleep at home on the night preceding the assault, and his own sayings had warranted him in doing so’.

Mitchell’s evidence was followed by conflict between Dufaur and Ward provoked by the former producing a witness, James Law,⁴⁶⁷ who gave evidence about statements made by Albert which Ward ruled out of order because the latter ‘had not been previously questioned upon the matter’. When Dufaur then sought permission to recall Albert, Ward considered this was ‘out of order’, prompting Dufaur to comment ‘that the Crown should not persecute, but prosecute’. Ward responded that Dufaur ‘should have attended to these matters’ when Albert Wight was giving evidence, an omission Dufaur admitted to, ‘but contended that the Crown should not refuse to accept evidence for the defence’. Ward ‘ultimately granted permission’ for Albert to be recalled, but as he was not in attendance, Law could not give evidence. That ended the evidence for the defence.

Mackay, recalled by Cotter, produced his notes from the rape trial. According to these, Maraeiti had stated that neither she nor Tita had played cards in the Wharepuna house on the night before the assault, and

⁴⁶⁷ His life has not been traced.

that Koroneho and Rewi 'were not sleeping at the small house that night, but at the settlement. If such was stated, it was false. She first saw her husband upon her return to the Maori settlement'. Mackay explained to Dufaur that there was 'a great difference between the native dialects. If an interpreter spoke missionary Maori he might have some difficulty in making himself understood with some natives. He believed that generally the natives understood the questions put' by Hammond, who was 'an honourable man, and if any mistake had been made it must, undoubtedly, have been unintentional'. Mackay 'saw nothing to complain of at the time of the trial'. Hammond spoke in Ngapuhi dialect, by which he meant missionary Maori, the dialect in which the Bible was published, whereas the Maori involved in this trial spoke the Ngati Maru and Ngati Raukawa dialect.

James Brady deposed to meeting Koroneho on the football field on the 30th of April at Paeroa. Witness asked him what the natives had been doing to Charles Wight. Koroneho replied that they had marked him "all the same as a porter for raping Hoera's wife." Koroneho said that he had held Charles Wight's hands. He had said to Constable Mitchell that the Wights had come to him to ask him if he did not hear a native say that he had held Charles Wight's hands while Hoera cut his ear; also that if he would stick in a word for Charlie he would not be short of his money – meaning his expenses.

Dufaur commenced his address to the jury

by stating that it might strike the jury as somewhat of an anomaly that the Judge who ordered the prisoners into arrest should sit in judgment upon them. But they all knew His Honor too well – notwithstanding his comparatively short term upon the Bench – not to understand that his high sense of honour placed him above such suspicion.

Notwithstanding these words, he may have been attempting to plant some seeds of doubt in the jurors' minds. Dufaur then reminded them that Cotter, having previously acted as Wight's solicitor, 'could not therefore expect to entirely disabuse his mind of the evidence which he had previously collected, and to rather become a Crown persecutor than a Crown prosecutor. He could not help thinking that it was a questionable act on the part of the Crown' to ask Cotter to conduct the prosecution. Having

thus planted more seeds, Dufaur 'then reviewed the evidence in an eloquent manner'.

Cotter advised the jury that they should give the prisoner the benefit of 'any reasonable doubt' of his guilt, but pointed out that to acquit him 'would be practically charging the witnesses who had given evidence for the prosecution with having themselves committed perjury'. Taking over an hour, he pointed out 'the many contradictory statements made by the witnesses for the defence'.

Ward, in his summing up, 'complimented Mr Dufaur for the fire he had exhibited on behalf of the defence'. In briefly summarizing the facts, he considered it 'egregiously absurd' to claim that 'Wight should attempt to violate Hariata when other natives were present, because even the natives stated that the three other natives followed Hariata out of the house' that morning. Whilst 'some latitude was allowed the natives on account of their well-known exaggeration, still when matters of fact had to be considered they should be dealt with the same as others'. In a clear hint, he said the jury had to 'decide whether or not reliance could be placed upon the evidence given by the natives in the face of the many apparent contradictory statements'. Ward spoke 'for a considerable time, reading extracts from the evidence'.⁴⁶⁸ Another account of his summing up showed Ward giving a very strong direction to the jury:

If Hariata was in the presence of her husband at the time of the alleged assault, the whole accusation against Wight was absurd. The evidence for the prosecution and defence was then reviewed, and the contradictions in the evidence of the Maoris commented on. The jury could make a liberal allowance for Maori exaggeration if they liked, but if the Maoris swore to distinct facts which were proved untrue, they must be held guilty of perjury.⁴⁶⁹

When the jury failed to agree, despite being 'locked up for the night' at a hotel, Ward told them that 'perhaps he was somewhat to blame, as jurors were none the worse from a little direction upon the evidence, but in this case he had especially avoided leading the jury in any way. He was especially careful upon that point, on account of having ordered the arrest of the prisoner'.⁴⁷⁰

⁴⁶⁸ Supreme Court, *Auckland Star*, 14 September 1887, p. 2.

⁴⁶⁹ Supreme Court, *New Zealand Herald*, 14 September 1887, p. 3.

⁴⁷⁰ Supreme Court, *Auckland Star*, 14 September 1887, p. 2.

After the jury was discharged, it was correctly anticipated that the Crown would lay a fresh charge in this ‘wearisome case’.⁴⁷¹ When Cotter indicated he would proceed with a new case, Dufaur sought an adjournment until the next session. He put in an affidavit stating that he had not been aware until Hariata was called as a witness ‘that she was the wife of the accused, and her evidence was most material to the defence’. Tita was ill, but he hoped she could give evidence ‘on a future occasion. Also that material evidence for the defence had been elicited from the witnesses for the prosecution, of which he was not previously aware, and other material witnesses could be procured for the defence’. When Ward pointed out that the affidavit did not show ‘the names of these witnesses, and the nature of the evidence which they would give’, Dufaur sought time to submit a fresh affidavit. This was granted and the information was provided, Dufaur contending that a postponement would not prejudice the Crown’s case and that ‘it was the duty of the Crown to give a prisoner every opportunity to prove his innocence’. Ward did not consider sufficient reason had been given, and refused his application.⁴⁷²

When the fresh jury was being empanelled,

the right of challenge was freely exercised, those jurors who were challenged retiring to the body of the Court with pleased smiles, whilst those in the box could only look forward to three or four days’ confinement, and listening to the uninteresting and conflicting evidence which occupied the first jury four days, and on which they were unable to arrive at a verdict.⁴⁷³

This new hearing prompted a newspaper to refer to ‘this apparently interminable case’.⁴⁷⁴ The same evidence by the same witnesses was traversed yet again, the *New Zealand Herald* being so tired of it all that it gave only the briefest of summaries.⁴⁷⁵ McKee ‘submitted to a lengthy and searching cross examination’ by Dufaur, lasting three hours; it was reported that his ‘evidence was materially shaken on several points’, but no details

⁴⁷¹ *Hauraki Tribune*, 16 September 1887, p. 3; Supreme Court, *New Zealand Herald*, 14 September 1887, p. 3.

⁴⁷² Supreme Court, *New Zealand Herald*, 15 September 1887, p. 3.

⁴⁷³ Supreme Court, *New Zealand Herald*, 17 September 1887, p. 3.

⁴⁷⁴ Supreme Court, *Auckland Weekly News*, 1 October 1887, p. 19.

⁴⁷⁵ Supreme Court, *New Zealand Herald*, 19 September 1887, p. 3, 20 September 1887, p. 3, 21 September 1887, p. 3, 22 September 1887, p. 3, 23 September 1887, p. 3.

were provided.⁴⁷⁶ Albert was ‘questioned as to whether he had not asked the Maoris to try and square the matter between them and his brother. He replied in the negative’.⁴⁷⁷

When Dufaur wanted to call William Grey Nicholls ‘in order to give evidence rebutting that of Albert Wight’, Cotter protested and legal argument ensued.⁴⁷⁸ When Ward held that Nicholls’ evidence about what Albert had said about his brother was inadmissible, Dufaur cited a legal expert to argue that, as Wight was not on trial, this evidence could be taken. Ward felt that a ‘better way’ was to ask Albert directly whether he had made the statement alleged, but when called he was ‘not in attendance’. O’Meagher complained ‘that this was the second time that the defence had wished to recall Albert Wight and he had not been forthcoming’, prompting Cotter to guarantee his attendance within an hour. After considering other legal authorities cited by O’Meagher, Ward permitted Nicholls to be examined. He ‘deposed that he declined to assist Albert Wight in trying to set matters right’. He confirmed the words spoken by Albert to Mitchell about Hariata enticing Wight into a trap to extract money. Mimiha had told him that neither Maraeiti nor Tita ‘had arrived until he had cut off Charlie Wight’s ear’, and in reply to Dufaur said that ‘Hoera was then very excited’. Several Maori then corroborated the evidence of the Maori defence witnesses.⁴⁷⁹

It took the jury nearly two hours to reach a verdict of guilty. Immediately afterwards, Ward was asked not to call Mimiha, as the defence team ‘intended to make an application for a new trial, on the ground of the improper admission of an affidavit’. Ward agreed to hear this the following day. Then, told by Dufaur that the application was ‘on the ground of the wrongful admission of an affidavit by Hoera, and he had had no time or opportunity to contradict it’, Ward refused because ‘it was his own affidavit, and he could not contradict it’.⁴⁸⁰ In his statement before being sentenced, Mimiha

⁴⁷⁶ Supreme Court, *New Zealand Herald*, 19 September 1887, p. 3.

⁴⁷⁷ Supreme Court, *New Zealand Herald*, 22 September 1887, p. 3.

⁴⁷⁸ Supreme Court, *New Zealand Herald*, , 22 September 1887, p. 3, 23 September 1887, p. 3.

⁴⁷⁹ Supreme Court, *Auckland Star*, 22 September 1887, p. 5.

⁴⁸⁰ Supreme Court, *New Zealand Herald*, 26 September 1887, p. 3.

said he wanted to make an explanation, as he did not approve of the manner in which he had been treated. He had already confessed that he had cut the ear of that European because he had ravished his wife. What he had stated was the truth, and if he were tried twenty times he should make the same statement. It was he who took out the warrant against Charles Wight and gave the matter into the hands of the police. If he had stolen a horse from Wight's farm would he not have been summoned? The prisoner then proceeded to explain matters, but was stopped by His Honor. The prisoner asked if the law would not allow him to make a statement, seeing that he had instituted proceedings. His Honor explained that he had been convicted, and his lawyer had attended to the legal part of the business, after which he proceeded to pass sentence. He said that the prisoner had been found guilty of wilful and deliberate perjury by the jury, after making full allowance for the natural exaggeration of the natives. It was also evident that the prisoner had been actuated by feelings of revenge, and had assaulted Charles Wight, after which he tried to shelter himself from punishment by perjury. He then sentenced the prisoner to twelve months' imprisonment with hard labour; such imprisonment to commence at the conclusion of his previous sentence.⁴⁸¹

When Dufaur immediately applied for the other perjury cases to be adjourned until the next session, Ward asked 'for what reasons?':

Mr Dufaur: Well, I am compelled to refer to the fact that your Honor, having ordered the arrest of the prisoners, practically occupies the position of accuser, prosecutor and judge.

His Honor: Then I may tell you at once to sit down, Mr Dufaur.

His Honor then proceeded to explain that the course which he had taken was one that had repeatedly occurred, if not in Auckland [then] in the South. It was no uncommon occurrence for a judge of the Supreme Court to order a prisoner into custody. It was a position in which almost every judge in the colony had been placed at various times.⁴⁸²

In another version of Dufaur's statement, he described Ward as having 'himself directed the prosecution, and he sat on the bench in the position of judge and prosecutor'. Ward was quoted as saying that 'whenever a judge directed a prosecution, that prosecution took place before him'.⁴⁸³ Dufaur

⁴⁸¹ Supreme Court, *Auckland Star*, 24 September 1887, p. 8.

⁴⁸² Supreme Court, *Auckland Star*, 24 September 1887, p. 8.

⁴⁸³ Supreme Court, *New Zealand Herald*, 26 September 1887, p. 3.

responded that he 'would urge for the sake of justice and for the sake of mercy that you would allow this case to be adjourned until the next sessions, for your Honor, although a judge, is only a human being'. Ward again instructed him to be seated, and pointed out

that the evidence had been very clear. Repeated application had been made for an adjournment of the trial, but when he considered that an affidavit had been filed which contained two false statements, he was rather inclined to look upon all such applications for postponement with very grave suspicion.

Dufaur responded that their applications had been based on the fact that Tita, one of their principal witnesses, was too sick to attend. 'When Hariata was placed in the box, and Tita sick, the only real witness for the defence was almost an idiot. He held that the Crown had no right to declare any man guilty if there was any chance of him being proved innocent'. Ward responded that he was asking for a postponement because of 'the illness of one witness, whose previous evidence had already been falsified by other witnesses'. Further, 'according to all accounts she was not likely again to appear before a court' because she was dying. Dufaur then argued that Mackay, a Crown witness, had stated that some of the questions had been put by Hammond 'in an involved way, likely to mislead the Maori witnesses. If the Crown could prove that by the adjournment their case would be prejudiced, it would have been well enough, but it was not so. It was simply a question of a few pounds for the travelling expenses of the witnesses'. Once more, Ward referred to 'the many false statements that had already been made', including that the topographical survey would prove that Crown witnesses could not be believed, 'and yet when the survey was produced such was not the case. Not only that; he had also produced an affidavit by Hoera which contained two deliberate falsehoods'.

O'Meagher considered this reference to the survey 'cast a reflection upon his integrity', and explained that when he made the statement

he was acting under instructions received through a native interpreter, and fully believed then that the statement would be borne out. He had not at that time seen the country himself, and he considered that it was most unfair and a pity that His Honor should class his statement with the alleged false statements made in a sworn affidavit of the prisoner.

His Honor said that he could only class such action as a grave attempt to force deception upon the Court.

Mr O'Meagher: Not on my part, your Honor.

His Honor: Well, you were certainly concerned in it.

Mr O'Meagher: As an innocent instrument, your Honor.

His Honor: Well, as an innocent instrument it should have been excused.

After this unseemly squabble, Ward decided to hear the remaining cases, but not immediately.⁴⁸⁴ Three days later, Hariata was the first to be charged with perjury, the indictment being 'three feet long and two feet wide'.⁴⁸⁵ She pleaded not guilty. O'Meagher and Dufaur stated that they would not present any evidence or make any cross-examinations, 'with the full concurrence of the accused, as the whole matter would be relegated to the Supreme Court of the colony – the Parliament'. Accordingly, they withdrew from the case, and left the court.⁴⁸⁶ Ward assured them that their clients would 'not do any the worse'. When Cotter 'hardly knew what course' to pursue, Ward said that only 'one assignment' needed to be proved, 'as a matter of form, for in a case where a man's wife was charged practically in conjunction with her husband he supposed that the Crown would not press for a heavy penalty'. Cotter assured him 'that certainly he should not do so'. He briefly reviewed the evidence he would adduce, and 'as it was only necessary to prove one assignment, he would select one in which all the witnesses were Europeans, and thus get through the case more quickly'. He produced only six witnesses, who repeated their earlier evidence.⁴⁸⁷ Hariata was found guilty and ordered 'to come up for sentence when called on'.⁴⁸⁸

Maraeiti 'pleaded guilty, and was dealt with in an equally lenient manner'.⁴⁸⁹ Koroneho pleaded not guilty but was found guilty, sentence being deferred because of the other charge pending.⁴⁹⁰ The following day, charged with unlawfully wounding by holding Wight while the latter's ear was cut, Koroneho 'totally denied any connection with the assault. He affirmed that the witnesses for the Crown had told great falsehoods, but if Charles Wight wanted his arm cut off he might have it, and he would keep the remainder of his body for himself'. It took the jury only 'a few minutes'

⁴⁸⁴ Supreme Court, *Auckland Star*, 24 September 1887, p. 8.

⁴⁸⁵ Supreme Court, *Auckland Star*, 27 September 1887, p. 5.

⁴⁸⁶ Supreme Court, *New Zealand Herald*, 28 September 1887, p. 3.

⁴⁸⁷ Supreme Court, *Auckland Star*, 27 September 1887, p. 5.

⁴⁸⁸ Supreme Court, *New Zealand Herald*, 28 September 1887, p. 3.

⁴⁸⁹ Supreme Court, *Auckland Star*, 28 September 1887, p. 8.

⁴⁹⁰ Supreme Court, *New Zealand Herald*, 29 September 1887, p. 19.

to find him guilty, and he was sentenced to six months hard labour for wounding and the same punishment for perjury, to be served consecutively. Cotter then announced that, acting on the judge's 'suggestion' and 'in the fact of the statement of Mr Dufaur, he had decided to enter a *nolle prosequi*' [relinquishment of suit]⁴⁹¹ in the cases of Hariata and Maraeiti for unlawful wounding and Tita for perjury, and the jury was discharged.⁴⁹²

After these trials concluded, the *Thames Advertiser* complained that 'the late Maori perjury case arising out of the disgusting scandal near Hikutaia, cost the colony near £500'.⁴⁹³

AFTERMATH

Maraeiti Rota, as she signed herself, wrote to 'the newspapers of Auckland' on 28 September:

The words in the newspapers of this day say that I admit that I had spoken falsely. I never admitted that. I was asked by the interpreter in the Court, "Was I in a house one night playing cards?" These are my statements in the Court in reply to the question, "Did you not say otherwise in another Court in the matter of the case against Charles Wight?" My reply was, "I was grieved about the illness of my husband, therefore perhaps these words." I never said to the Court I was guilty intentionally of telling falsehoods. I never said so, but I said I was grieved and sad over the illness of my husband. What I have already said about Charles Wight having committed an assault upon Hariata was quite right and true. I never admitted I had told lied in Court about that. Therefore, I say that the newspapers and the Supreme Court are wrong in saying that I admitted the offence. I never said so. I am anxious that you should insert these words in your newspaper, that all people may see that I did not say that I was guilty of speaking falsely in the Court.⁴⁹⁴

As for the wider community, Ward's certainty that perjury had taken place was not generally accepted. Dufaur continued to cast doubts on the

⁴⁹¹ *The Concise Oxford Dictionary of Current English*, 5 ed. (Oxford, 1964), p. 818.

⁴⁹² Supreme Court, *Auckland Star*, 28 September 1887, p. 8.

⁴⁹³ *Thames Advertiser*, 12 October 1887, p. 2.

⁴⁹⁴ Letter from Maraeiti Rota, *Auckland Weekly News*, 1 October 1887, p. 9.

verdicts.⁴⁹⁵ Mitchell kept Goodall informed of the outcome of the trials, and added a concluding paragraph to the second verdict: 'I may mention that the Natives' Counsel argued that His Honor practically occupied the position of accuser, prosecutor and judge'.⁴⁹⁶

Aware that Mitchell had investigated the evidence used against Mimiha, Wight's father determined to clear his son's name by attacking the characters of Mitchell, Mimiha and his wife, and others. Almost immediately after the final trial, on 30 September he wrote to the Commissioner of Police, Walter Edward Gudgeon,⁴⁹⁷ claiming that Mitchell was trying to blacken his family. He wondered whether he had 'received a heavy bribe' from Wikiriwhi Hautonga, who was 'rich & whose son is married to a daughter of the prisoner Hoera'. As well, he claimed that Mitchell had 'kept a native woman who is said to be a niece' of Hoera.⁴⁹⁸ On the same day, he informed Inspector Robert Clarke Shearman⁴⁹⁹ that not only were Mimiha and his wife 'notorious characters & blackmailers' but that Mitchell knew whom they had blackmailed and how much has been paid.⁵⁰⁰ On 4 October, he told Goodall that Mimiha and his wife were 'amongst the very worst characters in the district'.⁵⁰¹ At about the same time, an Auckland newspaper received from him 'a letter on the cases which have lately been tried in the Supreme Court, in which his son was concerned. He assaults the natives, and also the Court for the lenient sentences pronounced. The letter is not suitable for publication'.⁵⁰² Goodall sent a press cutting of this paragraph to Gudgeon with the comment that

⁴⁹⁵ For reference to Dufaur's letter of 6 January 1888, see W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁴⁹⁶ A.J. Mitchell to Samuel Goodall, 29 September 1887, 1 October 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁹⁷ See *New Zealand Illustrated Magazine*, vol. 2 no. 3 (December 1900), p. 177; Elsdon Craig, *Destiny Well Sown: A Biography of Lt. Col. W.E. Gudgeon* (Whakatane, 1985), pp. 59-63.

⁴⁹⁸ R.A. Wight to W.E. Gudgeon (Commissioner of Police), 30 September 1887, Police Department, P 1, 88/1210, ANZ-W.

⁴⁹⁹ Whom he believed to be Inspector Sherman: see Hill, *The Iron Hand*, p. 12.

⁵⁰⁰ R.A. Wight to 'Superintendent Sherman' [R.C. Shearman], 30 September 1887, Police Department, P 1, 88/1210, ANZ-W

⁵⁰¹ R.A. Wight to Samuel Goodall, 4 October 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵⁰² *Auckland Weekly News*, 8 October 1887, p. 18.

Mitchell had been ordered to collect the full facts, had done so to the best of his ability, and would not have been malicious. 'Mr Wight it seems is dissatisfied & would evidently [have] liked to have been both Judge & Jury'.⁵⁰³

On 30 September, Robert sent a seven-page letter to Shearman drawing his 'attention to the conduct of Constable Mitchell'. His object was 'more to condemn his conduct as a Policeman than from any feeling of private wrong'. Should Shearman believe he was trying to deceive him, Shearman was referred to Mr Justice Gillies, 'who I have known 33 years', and lawyers, a bank manager, and a former mayor of Thames. After Wight was discharged 'without a stain upon his character' and his Maori accusers were charged with perjury, Mitchell 'took up an extraordinary course'. His report to Goodall was 'a tissue of falsehoods from beginning to end'. Mitchell did not leave any stone

unturned to find evidence, but he invariably rejected that which tended to convict the natives, he reported portions of the evidence he procured from parties and suppressed other portions that did not suit his purpose, he also invented a great portion of these statements, he put words into the mouths of men who utterly deny ever having used them & he related not only extraordinary & unlikely conversations that never took place but events that never happened. He also went out of his way to furnish a copy of his report to the Defence Solicitors, took them over the ground & did all he could to assist them & get up a case for the defence, against the Judge & the Crown Prosecutor and to procure a moral condemnation of my son & his witnesses.

Mitchell's motive was 'perhaps best known to himself and Mr Wickliffe', otherwise Wikiriwhi Hautonga, whose son he pointed out was married to Mimiha's daughter. 'It certainly did not arise from an honest conviction of right as he stated in Court, for no man knows better [than] Mitchell that the woman and her husband are notorious bad characters & blackmailers & he even knows the parties they have blackmailed & the amount paid to them'. He claimed that Maori perjury was 'rife' at Paeroa, and urged Shearman 'to consider the position of outsettlers', meaning Pakeha settlers living amongst Maori.

⁵⁰³ Samuel Goodall to W.E. Gudgeon, 11 October 1887, enclosing press cutting, Police Department, P 1, 88/1210, ANZ-W.

He then assessed Mitchell's report in detail, claiming that several of the 'so called informants' such as Meagher and the two Pennells denied making the statements cited.

Even Kiniwea who is a native defence witness denies having told Mitchell anything at all & he says he cannot speak English nor Mitchell Maori. He is indignant at having it said he told Mitchell my son offered him £10 to swear falsely, nor was this important question asked him on court because Mitchell knew very well he would deny it.

The 'most glaring case' was that Humphreys, who was not called by the defence, 'utterly' denied having the conversation that Mitchell recorded. This 'falsehood' could easily be proved, because Cotter had the written evidence of McKee, Willett, and Maunsell and others that Humphreys wrote down 'within 12 hours of my sons arrest for rape'.

For the purposes of defeating the ends of Justice Constable Mitchell set up 3 theories & they neither reflect credit upon his honesty or his brains. 1st That there was such a fresh in the river on the morning of the assault that no one could cross the river on foot & such being the case our statements must be false.

2nd That my son Albert was not at home on the evening or night of the 29 Apl or morning of the following day at the time of the assault.

3rd That my son Charles guilt was admitted or implied by various conversations between himself & his family or witnesses with various persons.

These theories were demolished in great detail. There had been no fresh, and 'over 20 persons' could prove that Albert had been at home, yet Mitchell 'instead brings his convenient friend Law to swear that Albert said he was not at home'. This witness, James Law, 'was in the Constabulary force (so I am told)' and wanted to be able to rejoin 'through the influence of his friend Mitchell'. Law had recently been unable to meet a debt of £5 and was ordered to pay 2s 6d a week '(this is the current report in Paeroa)', and until the trial 'his raiment was woefully dilapidated, now he appears in full bloom'. He had sworn that Albert had told him he was not at home at the time and that there was a big fresh in the river, but 'Albert was not on good terms with him & it does seem curious that he should have chosen him as a confidant to repose two secrets to, both of which were untrue with no possible view but to injure his brother & help out Mitchell's theory'. In fact,

Albert had not been at Paeroa at that time but was 'taking tea with friends elsewhere'. As for the 'imaginary condemnatory conversations', many 'point out themselves their untruthfulness'. As for his own 'supposed statements to him in confidence (!) as to my sons being always in trouble from not taking my advice', he defied anyone 'to say any of them were ever in any trouble'. That his witnesses were 'sponging on me & getting drunk' was 'cunningly fabricated to impose upon Mr Goodall & the Jury'. The 'most remarkable' statement was that, after Wight left the witness box, he 'should go straight over to Mitchell (the officer in charge of a pending case against him for rape) and actually whisper in his ear "That d----d fellow was not there"!!!'

Mitchell had suppressed Mimiha's admission that neither of the two women who swore to seeing the rape committed was present until after the ear was cut off, 'a rather important point that'. He had also suppressed that Wight had been at home on the 29th and that Neil, a railway worker, had heard Mimiha offer his wife for sex. Neil had told Mitchell, 'If you do not wish to have Hoera convicted do not call me as I know all about it'. And a 'highly respectable man' had told Mitchell that 'Hoera made a trade of his wife'.

Mitchell had cited John Earle, a farmer in the Waitekauri valley,⁵⁰⁴ supporting Law's evidence that Albert had been in Paeroa on the evening of 29 April,

but Earle swears positively that he did not tell Mitchell so & moreover Albert can be proved to have been at tea with a family & in their company from 5 oclock that evening & what is more Mitchell knows it as he took means to ascertain the fact from them & suppressed their information for his own purposes.

Mitchell 'willfully falsified' the statement that Wight had not laid an information against his attackers when Robert and his namesake son had asked that to be done. Mitchell had told them 'there was no hurry the natives were not going to run away & that Monday morning when the court was open was the proper time'. He disagreed with Mitchell's evidence about what he found at Komata and whether voices could be heard at a distance. 'Mitchell at his own request was excused from laying the information of perjury thus leaving him free to satisfy his conscience & help the defence'.

⁵⁰⁴ *Tauranga Electoral Roll, 1885*, p. 9.

My son Albert was called as a witness in a case a short time ago at Paeroa & offered £5 to take a false oath against a man whom the natives accused of⁵⁰⁵ stealing a horse. he refused & they lost their case & swore to be revenged, for this reason my son feared that a trap was set for him, if he denied certain statements that would be made as to "conversations", men like Law & natives would be got to contract him, & after explaining it to Mr Cotter that gentleman advised him not to say definitely he did not say so & so but to say he did not remember saying so too, & I do honestly believe this was Mitchell's doing.

He concluded by charging Mitchell with making it 'his business to go round to pretty well every person in the District & tell them that myself & my family are liars, that my son Charles did really commit the rape & that he was going to have us all in jail for perjury'. As Mitchell's position meant he was 'more or less believed', he had done Robert 'a very great deal of injury'. Some of the jurymen at the trial when the jury could not agree had told him 'that one of them was influenced by what his brother at Paeroa told him of what was said of us'. Logan, whom he described as 'a well known respectable man', has been 'deeply hurt by what has been said of him'. He hoped that Shearman would see 'what harm such a man can do in such a district as Paeroa', and claimed that 'some time ago a petition to have him removed was taken round'. While it was 'no business of mine to say' whether Mitchell was fit to be a policeman, he asked that he be removed to another district, as it was 'unjust to a great many of us that he should remain at Paeroa to assist the natives in such cases as are nearly certain to take place'.⁵⁰⁶

On 10 October, Robert wrote again to Goodall that Hariata 'as Mitchell knows is little better than a common prostitute'.⁵⁰⁷ That Goodall was not impressed was clear from his noting that Mitchell had been instructed to collect evidence and that it was not unusual that it should be contradictory. That Mitchell 'willfully made any false statement I do not believe for one moment'. He then referred to Wight having

⁵⁰⁵ 'To' in original.

⁵⁰⁶ R.A. Wight to 'Superintendent Sherman' [R.C. Shearman], 30 September 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵⁰⁷ R.A. Wight to Samuel Goodall, 10 October 1887, Police Department, P 1, 88/1210, ANZ-W.

committed one very suspicious act indeed and that was withdrawing his information against the Maori who cut off his ear, upon the withdrawal however the police brought forward the case.... I firmly believe that Const. Mitchell acted honestly and to the best of his ability and not in any way from malice or ill-will and I am personally aware at that time very strong popular feeling existed against the Wight family for various reasons.⁵⁰⁸

On 24 October, Gudgeon informed Robert that he had referred his allegations to Goodall, who gave Mitchell 'an excellent character' and did 'not believe him to be actuated by any ill feeling towards yourself or family'. While it appeared that no rape had been committed, his son 'acted injudiciously in not prosecuting the native Hoera for cutting and wounding, thereby giving colour to the charge brought against him'.⁵⁰⁹

On 30 October, Robert wrote a four and a half page letter to Thomas Fergus, the Minister of Justice, about 'an act of great injustice'. His son had been assaulted by 'some natives who slipped up behind him, felled him with a stick, held him down beat him nearly to death, filled his eyes & mouth with mud & then cut off one of his ears, maiming him for life'. Having to ride to Thames for 'the nearest medical aid & being very much exhausted & his brother who he expected to find there being absent', he did not charge his attackers until early Monday morning; 'of this circumstance the defence (for perjury) made a great capital'. The Maori, 'being afraid of the consequences of having allowed their passions to carry them so far', had charged him with rape. When this charge failed in the Supreme Court, the judge not only told Wight that he 'left the Court without a stain upon his character' (a statement not confirmed in the press reports) but 'so glaring was the perjury' that he took 'the unusual step' of having the accusers arrested.

Now occurred what I beg to draw your attention to. When the case of perjury against Hoera (the prosecutrix's husband) was brought, Constable Mitchell who had conducted the prosecution for rape, swore in the Court that (owing to what he personally knew of the case) his conscience forbade him to volunteer for the defence, he brought forward a report he had made to his officer

⁵⁰⁸ Memorandum by Samuel Goodall, 11 October 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵⁰⁹ W.E. Gudgeon to R.A. Wight, 24 October 1887, Police Department, P 1, 88/1210, ANZ-W.

Inspector Goodall containing a great many statements said to have been made to him by a variety of persons, and he also swore to certain occurrences which he himself saw & which were abundantly proved even by the defence never to have taken place. The persons who are said to have made these statements utterly deny having done so, amongst whom were detective Walker of the Auckland Police, & others on oath, & several of these further state that they had no conversations at all.

I feel quite certain that the presiding Judge will tell you that neither Constable Mitchell nor any other person could possibly have any doubts of the guilt of the natives accused of perjury & it is perfectly well known both to Mitchell and others that they are people of very bad character who have frequently black-mailed other persons in the same way to different amounts.

The native Hoera who was on trial has native relations who are rich & influential and this man Mitchell by his own confession in the witness box is a man of grossly immoral character who (being a married man) kept a maori (or half cast) prostitute who is some relation or connection of Hoeras, & that whilst his own wife & family were living with him.

I complained to the Commissioner of Police of this matter and I begged to have the subject investigated in the interests of the white population of this district, looking to the probabilities of the future, but Mr Inspector Goodall gives Mitchell an "excellent character" & the matter seems to end with the enclosed two letters.

But Sir I appeal to you, this district of Paeroa is full of Maories of a troublesome tribe & there have been several gross cases of perjury in one of which I well know an innocent man suffered, one was a case of rape (which fell through in the lower court) another of horse stealing where the animal produced was black & that said to have been stolen chestnut & so on, and it is absolutely necessary for the safety of the respectable white settlers that an honest & a moral man should be placed in charge of such a district & not one who would have any connections with the natives, particularly improper connections with their women.

To show the importance of what I ask to have inquired into I will only instance a very few of Mitchell's statements. He swore that a respectable man named Earle told him my son Albert made certain most damaging and unlikely admissions to him on a certain evening. Earle denies that those admissions were ever made, that he ever saw Albert on that evening, that he ever told Mitchell anything of the kind. He also stated that a native (an adverse (to us) witness) informed him Charles Wight had offered him a bribe of £10, this the native not only denies, but says that he cannot speak English nor Mitchell Maori & he never had any conversation with him at all. Mitchell produced a friend (an enemy of my son Albert) who swore to two admissions made to

him by Albert one evening at Paeroa (when he was elsewhere) in presence of a certain respectable tradesman, who says that he saw neither party, that no such conversation took place & that there is no foundation of truth in the statement. I could give you a dozen such cases, but I will only mention one in order to show the dangerous character of this man in his present place.

Mitchell wishing to get evidence that a certain witness was not present at the scene, questioned a man of most undoubted respectability, & ascertained that the witness was there but there had been a great “fresh” in the river, & the person he questioned made a mistake, & said it happened two days before the actual time, now Mitchell would not bring him forward because he would prove what was adverse to his friends, but unwilling to lose the idea of the “fresh,” (which had it been true, would have proved all our witnesses to be untruthful) he boldly swore in the Court that he had ridden his horse to the river side & given it a drink, & saw the fresh. Now I rode with him on that occasion & neither of us gave our horses a drink, but rode straight over the bridge & on, & two or three persons saw us. That is not all, but even the maories themselves swore the crossed the river “ankle deep” & there was no fresh”.

As for having any personal feelings as to Mitchell or as to his being actuated in that way to myself or my family I entirely disown it, Mitchells social position & my own are so far apart that I really know very little about him, but after the steps I have taken I feel sure that he will assist his native friends in having revenge upon some of us, he has now assisted & consulted so much with them in both the case against my son & in their own defence that they look upon him as their friend and adviser and in this instance have I already been threatened with consequences, one is against my son Albert who is to be accused of rape & “this time it will be better arranged” & the other is as yet undefined, I have noted this to the Resident Magistrate of the District & I have now told the same to you. I feel perfectly certain that sooner or later myself or some of my family will be accused & convicted of some crime we never committed and in the name of Justice most earnestly & respectfully beg that you will either cause some strict & impartial inquiries to be made into the truth or falsehood of my statements or for the protection of the District cause Constable Mitchell to be removed to some other station where there are no natives even if his conduct is to be rewarded instead of punished.⁵¹⁰

⁵¹⁰ R.A. Wight to Thomas Fergus (Minister of Justice), 30 October 1887, Police Department, P 1, 88/1210, ANZ-W.

On 10 November, Gudgeon informed Fergus that he had made a preliminary inquiry into these claims and suggested that the local magistrate, Henry Aldborough Stratford, be directed to inquire.⁵¹¹ Fergus immediately authorized this action, and Wight was informed of it.⁵¹² As no report by Stratford is on file, one seems not to have been made.

On the same day, the Under-Secretary of the Justice Department returned four petitions on these cases to the Public Petitions Committee of parliament, two from Pakeha in Auckland and Ohinemuri, one from Mimiha and others, and one from Haora Tareranui and others. He reported that, 'beyond the fact that the prisoners were tried and convicted as stated, I have no information to enable me to report on the various allegations contained in the petitions'.⁵¹³ A week later, one of these committees dealt with Mimiha's petition 'for a rehearing of his case, in order that he may be able to prove his innocence'. It was referred to the government 'for consideration'.⁵¹⁴ The committee also received four petitions from Pakeha and Maori in Auckland and elsewhere asking that the two men convicted of perjury 'may be allowed to show their innocence', which were also referred to the government.⁵¹⁵

As the petitions have not survived, the nature of these 'allegations' is not known, nor the numbers or names of the signatories, apart from the first ones. One, Edward Quinn, was a mine manager who had been a member of the domain board and licensing committee at Te Aroha as well as chairman of the town board, and was newly elected to the Karangahake Riding of the Ohinemuri County Council.⁵¹⁶ Another, Joseph Cochrane

⁵¹¹ W.E. Gudgeon to Thomas Fergus, 10 November 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵¹² Memorandum of Thomas Fergus, 10 November 1887; W.E. Gudgeon to R.A. Wight, 10 November 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵¹³ Under-Secretary, Justice Department, to Public Petitions Committee, 10 November 1887, Legislative Department, LE 1, 1887/12, ANZ-W.

⁵¹⁴ 'Reports of Public Petitions M to L Committee', *AJHR*, 1887, Session 2, I-2, p. 4.

⁵¹⁵ 'Reports of Public Petitions M to L Committee', *AJHR*, 1887, Session 2, I-2, pp. 4, 7.

⁵¹⁶ See Mines Department, MD 1, 87/584, ANZ-W; *New Zealand Gazette*, 21 January 1886, p. 58; *Waikato Times*, 16 February 1886, p. 2, 12 March 1887, p. 2, 17 November 1887, p. 2, Ohinemuri Correspondent, 24 November 1887, p. 2; *Observer*, 25 January 1902, p. 4; *New Zealand Herald*, 2 February 1923, p. 9, 29 December 1924, p. 8.

Macky, was a prominent Auckland businessman.⁵¹⁷ Edward McDonnell was notable at Thames as ‘a merchant, a mining investor, and a public man’.⁵¹⁸ L. McNamara has not been traced.

On 25 November, the Native Affairs Committee received what a Thames newspaper described as ‘a singular petition’.⁵¹⁹ Five rangatira, including Aihe Pepene,⁵²⁰ wanted parliament to help to remove Paraku Rapana,⁵²¹ ‘our worthy friend and member of the Maori Committee in Hauraki district’, from it. His reason for being a witness in Mimiha’s trial ‘was so apparent to the natives of Ohinemuri and Hauraki district, that it is unjust he should remain any longer a member of our committee’. Even though they viewed the verdict as being ‘in accordance with the law and the evidence’ and did not charge him with giving false evidence, they threatened to resign if he remained a member because ‘we could not discuss matters in his presence in a familiar manner’.⁵²² The committee made no recommendation.⁵²³

On 29 November, Thomas Thompson, the member for Auckland North, brought to the attention of parliamentarians the petitions praying that Mimiha and Koroneho be given an opportunity of proving their innocence, and asked that the petitions committee’s report be referred to the government. Sir George Grey stated that,

having perused the documents connected with the case several times, he was satisfied that very probably a gross injustice had taken place; and, if such an injustice had taken place, it was of the most extraordinary kind, because people who had suffered a very great injury and wrong were now in prison on a charge of perjury, said to have been committed in an attempt they made to redress that wrong. He believed it was a case worthy of the full consideration of the Government.

⁵¹⁷ See *Cyclopedia of New Zealand*, vol. 2, p. 139; N.L. Macky, *Macky Family in New Zealand 1845-1969*, vol. 1 (Auckland, 1969), pp. 17-21.

⁵¹⁸ See *Cyclopedia of New Zealand*, vol. 2, p. 865.

⁵¹⁹ *Thames Star*, 26 November 1887, p. 2.

⁵²⁰ See paper on his life.

⁵²¹ Printed as Parakau Rapana.

⁵²² *Thames Star*, 26 November 1887, p. 2.

⁵²³ ‘Native Affairs Committee’, *AJHR*, 1887, Session 2, I-3, pp. 8-9.

To 'a certain extent' he regretted the petition not gone directly to the government, for if that had happened 'the probability was that it would have been inquired into before this time, and probably justice would have been done. He trusted the Government would give this case, which was one of the most extraordinary he had ever known, that careful consideration it required'. He anticipated that the two prisoners would be found to be wrongly imprisoned 'and would have their liberty restored, and would have some compensation for the wrong they had suffered'. Thomas Peacock, the member for Ponsonby, also wanted the report considered. 'Ordinarily, it was not a proper thing to call in question a judgment of the Supreme Court. In this case, however, the circumstances were somewhat peculiar', and the government should consider whether a further trial should take place to enable the prisoners to clear themselves. Fergus assured the House that the government would give the report 'their very careful attention, and, if any wrong has been done, will endeavour, as far as possible, to rectify that wrong'.⁵²⁴

It is not known what 'documents' Grey had studied, but these seem to have been more than just press reports of the trials. Pressure on the government continued, Dufaur in January writing to point out Wight's 'suspicious behavior after being so violently assaulted'.⁵²⁵ Gudgeon carefully went through the evidence collated by Mitchell, noting against Meagher's evidence showing that Logan had lied, 'Why was not Meagher not called – Was there any evidence given for Defence in rape case', and 'Did Meagher give this evidence to Mitchell'.⁵²⁶

Not till mid-June 1888 did Gudgeon visit Paeroa to inquire into the allegations made against Mitchell. The *Waikato Times* considered that the 'possible' outcome of his investigation into 'the celebrated Komata rape case' would be Mimiha's release.⁵²⁷ This was certainly possible, as was discussed by senior police officers. Just before the inquiry commenced, Goodall told Gudgeon that he had been informed by the Auckland magistrate that James Mackay considered that Wight had been 'guilty of rape and that therefore the Maoris could not well be guilty of wilful perjury'. Noting that Mackay

⁵²⁴ *New Zealand Parliamentary Debates*, vol. 50, p. 118 (29 November 1887).

⁵²⁵ His letter was referred to in W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵²⁶ Marginal Notes by W.E. Gudgeon, n.d., on appendices to A.J. Mitchell to Samuel Goodall, 3 August 1887, Police Department, P 1, 88/1210, ANZ-W.

⁵²⁷ *Waikato Times*, 16 June 1888, p. 3.

had been employed to assist Cotter in getting up the perjury case, he suggested that Gudgeon 'might consider it advisable to see' Mackay, who was in Auckland.⁵²⁸ Gudgeon, in asking Inspector Thomas Broham of the Auckland police to check this statement, commented that 'though ostensibly the inquiry is touching the conduct of Const Mitchell yet the real object is to throw light on the so called perjury of the Maories'.⁵²⁹

Three days later, Mackay's statement revealed a more positive opinion of Mimiha:

I have an extensive acquaintance with the Maori race, their habits and customs, for the last 25 years. I have had many large transactions in land with Hoera and he has always dealt honestly with me. He is a quiet fellow and peaceably disposed. It is my opinion that he would not have resorted to such a barbarous act as the cutting of Wight's ear, if he had not caught him on top of his wife. I cannot say whether Charles Henry Wight had been criminally intimate with Hariata (Hoera's wife) prior to the occurrence of the 30th April, it is quite probable that such was the case, as she was rather loose in her morals and conduct. I do not think the natives concocted any plan to entrap him that morning, it appears to me that he was trying it on with Hariata, not knowing that her husband was so close at hand. I should say there was a great deal of false swearing on the part of the Europeans and their witnesses. The evidence of Paraku and Tinea for Wight's defence was written out in English by his father and it was I who translated it into the Maori language, while doing so the native objected to some parts of it, because it was not correct. Mr Wight, senr. had all the evidence for the defence written out and used to have rehearsals and school the witnesses in their parts. I have always thought it singular that Wight could find so many European witnesses who saw that affair and were in the neighbourhood at the time it took place. Very few white men were ever seen about Wight's farm, because they got all their work done by the natives, yet on that occasion there were several who happened to be just in the right place to see what occurred. I do not believe them.⁵³⁰

⁵²⁸ Samuel Goodall to W.E. Gudgeon, 10 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵²⁹ W.E. Gudgeon to Thomas Broham, 12 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵³⁰ Statement by James Mackay, 15 June 1888, forwarded by J.M. Walker to Thomas Broham, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

On 7 June, Mitchell informed Robert that Gudgeon 'intended to hold an inquiry of some kind' and 'that he did not know what it was about but supposed it was as to whether the natives convicted of perjury were really guilty'. Writing to Gudgeon the following day, Robert assumed that both from Gudgeon's 'official & your private letters to me' (the latter not included in the police file) that it would be about Mitchell's conduct.

I feel very much indebted to you, both for your kind sympathy, & for the expression of your opinion as to the accusation against my son, it has relieved my mind very much & I would willingly do any thing to assist you in what you now wish to do if I knew what that was.

Should Gudgeon wish to satisfy himself that 'the convictions were just', he reminded him that the prisoners were convicted on their own evidence. He should be puzzled by 'Mitchell refusing to assist the Crown case & going over to the defence purely for conscience sake, but I do not wish to prejudice you'. He did 'not see how any fresh evidence could affect this case', and reminded Gudgeon of where the evidence about Mitchell could be found. Yet again, he ran over some aspects of Mitchell's evidence. One new point, about his son whispering to Mitchell 'that d---d fellow was not there at all', he said the judge had told the jury 'that he could not expect them to believe this', which was not recorded in any press reports. Repeating that Kiniwea denied being offered a bribe of £10 to swear falsely on behalf of the Wight family, he described Kiniwea as 'a friend & witness of the accused. Reko a Maori girl also denied an implied conversation, & further states that her name was forged to the Maori petition, against her remonstrance'. He believed all Mitchell's 'statements & reports' were 'a tissue of lies', and certainly 'all the conversations he imputed to me they are utterly false & most improbable unless under the supposition that I was either drunk or mad & I do not drink & do not think I am mad'. He listed seven Maori witnesses, all friends of Mimiha, who should be questioned, along with Logan, Joseph Pennell, and Earle. 'As to the opinion of Hoera's near relatives as to whether he ought to be set free no doubt Mr Mitchell will procure their attendance & their disinterested evidence'. He repeated that 23 jurymen felt the Maori had committed perjury, the exception being 'a private personal enemy of mine'. He also cited Mitchell telling him on the previous evening that he felt 'that these poor natives' were 'innocent victims & that all our side are liars & perjurers. If you think such a man is fit to be

in his present station I am sorry to have to differ from you'. He felt he 'did right to decline' what he claimed was an offer by Fergus 'of a trial at my own expense. for one thing I could not afford it after all the unjust trial cost me, directly & indirectly, & besides it was not my place'. He concluded by stating that he was 'greatly indebted to you both for your kind expressions of sympathy & for taking the case up yourself, & I hope you will pardon me when I say you are doing justice to the public'. A postscript added that Charles was in Australia. 'Some of the principal witnesses in the perjury cases' were 'away' and one was dead, whereas Tita 'who was dead (or dying)' was 'alive again'.⁵³¹

Three days later, he wrote again because he had heard that Mitchell 'was exciting the Settlement with a long story to the effect that you were going to reopen all the Maori cases, that my son had "run away" to Sydney but was to be brought back and retried & we would all be proved guilty of perjury & the natives liberated & recompensed'. He felt 'very much annoyed' at Mitchell's latest behaviour, especially because 'he will not give me any idea of what is wanted or what witnesses are required'. For Gudgeon to judge the validity of the evidence, he should visit where the assault took place, and if he did 'not object to come to my house I will be happy to do what I can to afford you every information & take you to see the place'. All the Maori except Kiniwea would be there. By being on the ground he would know whether the Crown witnesses could have seen or heard what they had stated. 'These two points also decide Mitchells chief guilt or innocence'. As well, the 'getting up of the petitions' was 'worth enquiry into since disclosures may follow'.

I would beg of you to sift the matter because it is not only a question of innocence or guilty of Hoera but if he is considered to be innocent such being totally incompatible with the direct evidence of seven white men including myself it means that we are all guilty of the worst perjury & our characters are gone for ever. If it is desired to liberate this man I do not see how it can be done without utter ruin to so many respectable white men several of whom were quite disinterested parties who happened to be there & the effect in future will be to deter any one from going into court to witness any thing & so cause the conviction of innocent men.

⁵³¹ R.A. Wight to W.E. Gudgeon, 8 June 1888, Police Department, P 1, 88/1210, ANZ-W.

He insisted that he was 'most anxious that the matter should be thoroughly sifted' because these reports were 'not only very unfair' but were doing him 'injury when I have already been so heavy a loser from an unjust defence'. It was 'no use my telling Mitchell which witnesses you may require he would only take care that they did not attend, & I cannot afford to subpoena them'. Referring to the list of names of suitable witnesses appended, five Maori and three Pakeha, he commented that the Maori were 'no friends of mine & they will not attend to oblige me unless compelled to do so'. Logan he noted as being 'important', as was Kiniwea, then prospecting for gold at Komata. 'My son Charles & a great many of the white witnesses – (most of them) are not as far as I know very easily procurable at a short notice I don't know where they are'.⁵³²

Shortly afterwards, Robert sent a final letter to Gudgeon. He stressed that he faced 'several disadvantages', for as a witness he had not been present at most of the hearings and was only shown Mitchell's report 'for a very short time' and had not been given a copy. A year had passed, one witness was dead and several had left the colony, including 'the most important' ones, and he had 'no power to compel' anyone to attend. 'Only two or three have promised to come'. A fifth point, that Mitchell was 'partly to blame in the matter of witness', was crossed out. 'O'Neil', as he now wrote Neil's name, along with Sampson '& others' had gone away. He then restated the charges, 'as much as possible, in a form to obviate these disadvantages' and did not 'press those that depended upon the absent witnesses'. His 'Specific Charges' included that Mitchell claimed the field where the assault occurred was uneven when in fact it was flat; that he saw the fresh (which did not occur) that would have made it impossible to hear voices; and that witnesses were not where he said they were. Names were given of new witnesses who could prove that Albert had been at Komata on the night before the assault, and the point was stressed that Mitchell had not only not subpoenaed any of them but had suppressed the evidence of one man. The alleged views of Kiniwea and Reko were repeated, as was the claim that 'Mitchell swore to a great many imaginary conversations between himself & R A Wight and other members of the family all of which they deny having taken place'. These conversations were

so palpably improbable that no reasonable person could believe
any person however foolish could have made the statements,

⁵³² R.A. Wight to W.E. Gudgeon, 11 June 1888, Police Department, P 1, 88/1210, ANZ-W.

particularly to the Policeman who was in charge of the Case & who was not on any intimate terms with them. These conversations were stated to have taken place when no one was near to hear them.

He repeated Ward's view that it was unbelievable that his son would whisper to Mitchell that he 'that d---d fellow was not there at all', a whisper that nobody else could hear.

Mitchell also swore that my son told him that we had no witnesses for the defence & thereby implied that we had suborned all the 10 or 12 witnesses we produced. This would be the more unlikely as all the important witnesses had given their testimony in writing within 12 hours of the charge of Rape being made & those written evidences been deposited with a Solicitor before the alleged conversation took place.

He continued to blame Mitchell for not having McConnell given evidence of Koroneho boasting 'to him & a great many other men' of holding Wight's arm whilst Mimiha cut his ear off.⁵³³ He appended questions that Mitchell should be asked about evidence he gave and evidence he suppressed. His final one was to be used 'only if necessary': 'Then delicate leaning towards natives would he like it gone into or will he admit'. Robert listed eight witnesses who should be interviewed, with issues to be raised with four of them. William Grey Nicholls should be asked about Mimiha telling him the two Maori women were not present and that he 'advised Hoera not to go on with the case, warned him, only acted as licensed interpreter [because] was obliged to do'.⁵³⁴

Also appended were notes which, should Gudgeon take 'the trouble to run over them', would enable him to judge whether there could be any doubt about the perjury. These notes claimed that Mitchell had refused to assist the Crown case, and that at the first perjury trial only one jurymen would not find Mimiha guilty. This unnamed man was 'a bitter personal enemy of the Wights, because he said they had refused to pay him some money or some such reason'. All the other 35 jurymen along with the judge disagreed with Mitchell's view that the Maori were innocent. He then set out the

⁵³³ R.A. Wight to W.E. Gudgeon, n.d. [c. 12 June 1888], Police Department, P 1, 88/1210, ANZ-W.

⁵³⁴ Two pages appended to R.A. Wight to W.E. Gudgeon, n.d. [c. 12 June 1888], Police Department, P 1, 88/1210, ANZ-W.

evidence as given in court, pointing out where Mimiha's statements were refuted by others. As for Hariata, her evidence had been 'proved on the evidence of 7 seven white men to be untrue'. Hone Koroneho's evidence about the cutting of the ear was inconsistent, and it was claimed that he had 'admitted that one of the statements was a "lie" & that he "invented it"'. As for Maraeiti, not only had she also lied, but she was 'the most guilty of any of them in a way because she was not coerced, had no bad usage to plead, and was not like the others a party to a serious crime'. He claimed that she gave false testimony 'merely because she wished to show off as a clever woman & to have a visit to Auckland, & her time & expenses handsomely paid'. In his opinion, she should have been punished severely.⁵³⁵

Gudgeon summarized his investigation as being to determine the truth of Robert's claims that Mitchell suppressed evidence 'which would damage the Maories and generally assisted the Maories to the detriment of the Wight family'; that he 'concealed the evidence of Messrs Smith, Pennell, & Neil as to the character of Hoera's wife' and that Neil 'had told him that if he did not want Hoera to be convicted of perjury he should not call him as a witness'; and that Mitchell falsely swore there was a fresh in the Komata Creek on the day of the assault.⁵³⁶

Gudgeon arrived in Paeroa on 12 June, but his inquiry was delayed for two days by Mitchell being 'in attendance on the Supreme Court'. The investigation took two days, Gudgeon taking evidence from witnesses 'as they arrived irrespective of their being for the Prosecution or Defence', in order 'to keep these men (who were not compelled to attend) as short a time as possible from their avocations'.⁵³⁷ The press was excluded.⁵³⁸ A week before Gudgeon commenced his investigation, he was informed by Goodall

⁵³⁵ 'Notes for Commission', appended to R.A. Wight, n.d. [c.12 June 1888], Police Department, P 1, 88/1210, ANZ-W.

⁵³⁶ 'Charges brought by Mr R A Wight of Te Komata against Constable Alfred Mitchell of the same place', appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵³⁷ W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵³⁸ Ohinemuri Correspondent, *Te Aroha News*, 16 June 1888, p. 2.

that Robert had said he would not call witnesses, adding that Wight 'it seems' was in New South Wales.⁵³⁹

Thomas Logan's evidence took all of the first day. He claimed not to remember what evidence others gave in court, but repeated that he had seen the group of Maori and Pakeha in the paddock before the assault. Cross-examined by Mitchell, he described looking for his bullocks early in the morning and which routes he used at what times, a point he did not think he was examined on in court. He admitted sitting down with John Meagher and having 'a smoke & a yarn. I don't remember what we spoke of but I think we spoke of C Wight's trouble. I think this was in the afternoon – I think I knew of C Wight's trouble before I met Meagher. I think so because I met the brother & he told me so'. He could not recall at what time he had met Albert or what was said about the attack on his brother. 'I don't remember expressing surprise when told that C Wight had a piece of his ear off – I don't believe I said where did it take place. Mr Meagher has never told me that I had asked him where the offence was committed I never asked Mr Meagher these questions at least I don't remember'. He continued either not to remember the rest of their conversation or to deny Meagher's account. He could not explain why he 'should have noticed the creek so particularly', meaning that he had denied there was a fresh that day, '& yet forget all about the conversation'. If Albert had said he had not seen him 'since the assault he would not speak the truth'. He could not recall when he saw him, nor whether they had discussed the John Dean case, not a variety of other points raised. He denied hearing Hariata threaten to have Wight imprisoned as Dean had been, and that he had gone to Thames to tell Humphreys of her threat. 'It is not imagination on my part that I was in the vicinity of the Komata on that Saturday morning it is a reality'. If his sister-in-law had told the police that he was 'only absent for a few minutes at a time on the morning of the Saturday of the assault she has not spoken truthfully'.⁵⁴⁰

Next to give evidence was John Earle, who denied telling Mitchell that Albert had told him 'that he was not at home on that night'. Cross-examined by Mitchell, he admitted that he had said that Albert 'did not often go home'. He described Mitchell asking about where Albert had been on the

⁵³⁹ Samuel Goodall to W.E. Gudgeon, 8 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁴⁰ Evidence of Thomas Logan, 14 June 1888, pp. 1-6, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

night before the assault. 'You never asked me to strain a point in evidence against Wight. I don't remember your saying you only wanted the truth I have never heard any one say that you were favoring the Maories against the Wight family'. He believed Albert 'was about' Paeroa 'nearly every evening after tea. I never heard A Wight say that he only wished he had been present when the assault was made on his brother'. In the margin, Gudgeon noted that Robert had stated 'that a boy named Ashby can prove that A Wight was at home. Const. Mitchell here says that he never swore in court that Mr Earle told him A Wight was not at home on Friday night as affirmed by Mr R A Wight'.⁵⁴¹

Rewi Te Manaroa, who had been digging potatoes for Wight, recalled that there was no 'freshet' on the day of the assault. He had crossed the creek with Mimiha, Tukukino, and Te Wirihana⁵⁴² on their way to see Mitchell about it.⁵⁴³ Robert declined to give evidence about the creek, as Mitchell had admitted he did not see it on the morning of the assault. Questioned by Mitchell, he recalled that day. 'I remember Albert coming to my farm about 2 PM. & saying he had just left you he came to ask me to go with you to bail out my son'. As they rode together 'I did not seek your advice as to what excuse I should make to Mrs Wight about my absence – I think I regretted that Mrs Wight was obliged to know anything of the matter'. He remembered his son being 'very ill but I don't think I said it was through eating mushrooms & that he was ill. I think I may have told you that I had given Charlie 60 drops of Laudanum the previous night but I don't remember saying he was too weak to have anything to do with a woman I may have done so'. He didn't remember 'saying that tho he was my son I did not want to make any excuses for him', and denied having said anything to Mitchell that implied he knew anything about the case. 'I never said that Charlie had said he had cut his ear in a barbed wire fence – I can prove that Charlie never said so to me as I was not alone with him'. Humphreys told two of his sons 'that this statement had been made'. He did not recall saying 'that Charlie had told his mother about the barbed wire & not me & asking you if I had not told you so'. Nor did he know why Albert

⁵⁴¹ Evidence of John Earle, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁴² Either Taka, Aherata, or Wiriharai Wirihana, all members of Ngati Koi: Maori Land Court, Hauraki Minute Book no. 13, p. 158.

⁵⁴³ Evidence of Rewi Te Manaroa, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

‘should have told you that I knew nothing of the assault until he went back after interviewing you on behalf of his brother’. When they arrived at Thames, Mitchell had told him it was too late to lay an information and that Monday morning would do, but he did see the police and the magistrate. He had wanted the police to lay the charge, but ‘they would not at that time’ and told him to go to his solicitor. After Humphreys laid the charge, another lawyer ‘advised us to withdraw the information as disclosing our defence’, which was done, after which the police took action. He did ‘not think it was in consequence of a warning’ from Mitchell that his son ‘did not make a statement when arrested – I warned him but I do not think Robert did’. Concluding his statement, he did not consider that Mitchell had ‘done anything outside your duty as far as the Rape case is concerned – but I said you were in against us on the perjury case’. He did admit that Mitchell had told him that he ‘would call any witnesses I wanted’.

In reply to Gudgeon, he considered that Mitchell ‘ought to have taken notice of Hone & his false statements’. In reply to Mitchell, he discussed the evidence of McConnell.

I never thought that you would be dismissed without enquiry in consequence of my letters – I was only seeking an enquiry, but I did not want to be an accuser nor to have the expense of an enquiry – McConnell told me that Const Mitchell did not attempt to bribe or influence him to give evidence.⁵⁴⁴

John Meagher recalled Logan telling him he had heard something about Wight’s ear being cut, which Meagher thought had happened at the old mill near Paeroa where Mimiha usually lived.⁵⁴⁵

He made some remark as to what took him (Chas Wight) there so early in the morning he did not say that he had seen any of the Maories in question at the Komata but he said Hoera was a bad man & would swear anything. Mr Logan never let on to me that he knew anything about the assault I told him what I knew & that was all.

⁵⁴⁴ Evidence of R.A. Wight, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁴⁵ As Thomas Logan confirmed: evidence of Thomas Logan, 14 June 1888, p. 4, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

Although he had spoken to Mitchell ‘on five or six occasions on this subject’, Mitchell had

never tried to get me to give evidence especially against any one & never asked me to strain a point against the Wights but simply to state truly what I knew to be a fact – you have often told me it was my duty to protect the innocent – I have never heard any one accuse you of having tried to influence them against the Wights to give false evidence – I have heard people say that you were eager to gain information for either side.

Cross-examined by Robert, Meagher explained that it was after the committal to the Supreme Court but before the hearing that Mitchell had asked these questions. He could not recall what he had told Mitchell each time they spoke. Mitchell did not subpoena him to attend any of the trials. ‘I have stated to a crowd in Paeroa that I wondered what Logan could give evidence on as I was the first man to tell him about the affair’. It was ‘the general impression’ in the community that Mitchell ‘was trying to do his duty’. Logan ‘never told me that he knew nothing’. On the evening of the assault ‘or very soon after’, Albert ‘said in my presence that he would give half his life if he had been present at the assault he said the worst of it is we have no evidence’. Two men heard him say this, one of them being Brady. In reply to Logan, he remembered the latter ‘calling out to Mr [Francis] Lipsey⁵⁴⁶ as he passed that day that I was telling you about Charles Wight having his ear cut off’. In reply to Robert, he said ‘I sympathise with Hoera I don’t know the other Maories I believe he was not guilty of perjury’.⁵⁴⁷

Lipsey, who farmed near Paeroa,⁵⁴⁸ recalled seeing Logan and Meagher ‘sitting on the side of the road’ at about 4 o’clock in the afternoon of the assault. Logan called out, ‘have you heard the news’, which he explained, Lipsey then riding on ‘after expressing my sorrow’. Logan had said ‘Meagher is just telling me the news’ and that Wight was committed for

⁵⁴⁶ See below.

⁵⁴⁷ Evidence of John Meagher, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁴⁸ See *Thames Advertiser*, 27 August 1881, p. 3, 13 December 1881, p. 2, 30 May 1885, p. 3; *Thames Star*, 21 December 1881, p. 2; *Ohinemuri Gazette*, 25 February 1903, p. 2.

trial. 'I said this was a bad job for if [Thomas Bannatyne] Gillies⁵⁴⁹ is on the bench he will give him 50 lashes could he not prove an alibi Logan said no it was so early in the morning that there was not a soul about I advised Logan to tell Wight to clear out & forget the bail'. Mitchell did ask Lipsey if he could give evidence, but never gave him 'the impression that he was favoring either party'.⁵⁵⁰

Mitchell, the last to be examined, described the character of Wight's witnesses who had not come forward to give evidence. Maunsell 'has been convicted of drunkenness and constituted himself a common informer against [William] Burton the Publican.⁵⁵¹ Sergt Murphy believes his drunkenness was feigned so as to get at Burton he is a half caste Kanaka & has always been looked upon by the Police with suspicion as a low man'. Willetts was a convicted thief, sentenced to 12 months imprisonment in 1880, and 'was also connected with Maunsell in Burton's case as a common informer and had been seen in company with Robt Wight'. Sampson⁵⁵² also bore 'a bad character as a drunkard & man of loafing character', who had been fined for assault. 'He had often been compelled to support his wife'. He mentioned McKee, but did not assess his character.⁵⁵³ Perhaps he was not aware of his violence towards his wife in 1874, nor that he had been in trouble for permitting gambling in his hotel; he could not anticipate his being charged with drunkenness in the following decade.⁵⁵⁴

Excepting Sampson these men were in the employ of the Wight family at the Komata and remained in their employ until the case was ultimately disposed of in the Sup Court they then dispersed themselves in all directions so it would be now a matter of difficulty to obtain either of them as a witness.

I have been informed by Robt Wight that his brother Chas has gone to N. S. Wales he went away about the time that Mr [Henry

⁵⁴⁹ See *Cyclopedia of New Zealand*, vol. 2, pp. 42, 105.

⁵⁵⁰ Evidence of Francis Lipsey, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁵¹ See paper on Henry Hopper Adams.

⁵⁵² Recorded as Samson.

⁵⁵³ Evidence of A.J. Mitchell, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁵⁴ Police Court, *Thames Advertiser*, 21 August 1874, p. 3, 21 January 1896, pp. 1, 3; Magistrate's Court, *Thames Star*, 2 September 1881, p. 3, 5 September 1881, p. 2; *Thames Advertiser*, 13 March 1897, p. 3.

Aldborough] Stratford [the magistrate] intimated that he was about to hold an enquiry

I believe Mr Wight's grievance arose solely after getting a copy of my report which was sent to Mr Goodall he then said that I had remembered & noted the various conversations held with him & sons.⁵⁵⁵

In reporting to Fergus, Gudgeon wrote that, after hearing 'the few witnesses' brought by Robert, 'who appeared to be disinclined to proceed with the enquiry', he asked him 'to call all possible evidence & promised to obtain their attendance by means of the Police'. Some 'informal conversation' between Robert and Mitchell revealed that the former had believed Mitchell to have stated in court that the Komata Creek flooded soon after dawn on 30 April, 'whereas he had stated that he saw signs of a flood at 3 P.M. on that date – 8 hours after'. Another of Robert's grievances was that Mitchell had not provided the prosecution with a copy of the evidence he had collected; it was explained that Mitchell 'had done his duty well & thoroughly' and that a superior officer (Shearman) had sent this material to the wrong lawyer. 'When these two points had been satisfactorily explained Mr Wight who had failed to substantiate his charges by evidence unreservedly withdrew them & expressed himself as sorry that he had ever made them'.⁵⁵⁶

After this withdrawal, Mitchell handed in a written statement. On being instructed 'to obtain all possible information' he had 'made every enquiry so as to bring the whole truth to light'. He asked each person interviewed 'to tell me all they knew regardless of whether the communication favored the Whites or the Natives'. All the evidence was included in his report 'to the District Head Quarters', and a copy was sent to Dufaur. 'I submit that the remarks alluded to embody disinterested views and opinions of the whole affair'. He was still convinced that, whilst Wight did not rape Hariata, 'his having connection with her on that particular

⁵⁵⁵ Evidence of A.J. Mitchell, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Court, P 1, 88/1210, ANZ-W.

⁵⁵⁶ W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

Saturday morning was – in the first place at any rate – with her consent’. All the defence in the rape case ‘was a pure invention’.⁵⁵⁷

Gudgeon commented on some of the witnesses. Logan ‘gave his evidence in a most unsatisfactory manner he could not remember anything of real importance to the case’ and his evidence of seeing the assault ‘was flatly contradicted’ by Lipsey and Meagher. Lipsey also quoted Albert as saying that ‘it was so early that there was no one about’. In the second of the two letters sent to Fergus on 22 June, Gudgeon pointed out that Albert had sworn that he had seen Mimiha following his brother just before the assault.⁵⁵⁸ Maunsell, Willetts, and Sampson were all, in one letter, ‘of low drunken character’ and in the other letter ‘of indifferent or bad character’, one of them a convicted thief and all but Sampson in the employ of Mr Wight before & after the assault’. Wight had revealed ‘very suspicious behaviour’ after being assaulted, and was now in New South Wales. ‘I regret to state that there appears to me to have been perjury on all sides and that probably the only sound witness was Hoera who together with the imbecile Hone is now serving a sentence for perjury’. The other concluded that there appeared ‘to have been a great deal of perjury in all these cases and probably Hoera was the only good witness’.⁵⁵⁹

At no time during the inquiry were Robert’s charges of immorality against Mitchell mentioned. After its conclusion, one Ohinemuri correspondent quoted Gudgeon as saying that his inquiry ‘did not bear directly upon the request as to whether or no Hoera should be released from jail, yet collateral evidence brought out appeared strongly in favour of the natives; this he should make known to the Minister of Justice’.⁵⁶⁰ Another correspondent understood that it had ‘turned out very much in favour of the constable’ and was ‘likely to result in a royal commission as to the justice of the native’s incarceration’.⁵⁶¹ Yet another investigation was not required, as was reported from Wellington on 6 July. ‘The Auckland people will be glad

⁵⁵⁷ A.J. Mitchell to Samuel Goodall, 15 June 1888, with memorandum by W.E. Gudgeon, 15 June 1888, appended to W.E. Gudgeon to Thomas Fergus, 22 June 1888, Police Department, P 1, 88/1210, ANZ-W.

⁵⁵⁸ W.E. Gudgeon to Thomas Fergus, 22 June 1888 [second letter], Police Department, P 1, 88/1210, ANZ-W.

⁵⁵⁹ W.E. Gudgeon to Thomas Fergus, 22 June 1888 [two letters, with small variations], Police Department, P 1, 88/1210, ANZ-W.

⁵⁶⁰ Ohinemuri Correspondent, *Te Aroha News*, 16 June 1888, p. 2.

⁵⁶¹ Ohinemuri Correspondent, *Waikato Times*, 28 June 1888, p. 2.

to learn that Hoera Te Mimiha will shortly be released from Mount Eden Gaol. The term of his imprisonment, and that of one of his comrades, is about expiring, and his sentence has been commuted to the same term'. Fergus, after considering Gudgeon's report and receiving 'a deputation of chiefs, including Taipari', had recommended that the Governor 'use his clemency'. Sir George Grey had 'taken a lively interest' in the case, 'believing that a grievous miscarriage of justice took place' and had 'on various occasions presented petitions from Europeans and native residents at the Thames praying for the release of Hoera Te Mimiha and his fellow prisoners'.⁵⁶²

When Mimiha returned to Paeroa on 21 July, it was reported 'His incarceration does not appear to have damaged him'.⁵⁶³ He and Hone Koroneho then returned to live at Komata.⁵⁶⁴ A columnist drew the 'natural inference' from their immediate release 'that they were wrongly punished, being innocent. Now, who is going to compensate them for the injustice and degradation inflicted on them? We will hear of them petitioning the House for compensation next session'.⁵⁶⁵ They did not present a petition.

No Pakeha or Maori who had committed perjury on Wight's behalf were tried for this offence. Albert, who had been so creatively active on his brother's behalf, from the mid-1890s onward farmed in the Waitekauri, Karangahake, and Te Aroha districts. In the latter place, he applied for a special quartz claim in 1921 but very quickly thought better of it. In his later years he was a butcher.⁵⁶⁶ As for Wight, he became a grain merchant in Western Australia, from whence he never returned to New Zealand.⁵⁶⁷

DEATHS

When Hariata died at the end of July 1899, a large tangi in her honour was held at Te Hape, a settlement across the river from Paeroa.⁵⁶⁸ Mimiha

⁵⁶² Wellington Correspondent, *New Zealand Herald*, 6 July 1888, p. 5.

⁵⁶³ *Te Aroha News*, 25 July 1888, p. 2.

⁵⁶⁴ *Auckland Weekly News*, 28 July 1888, p. 23.

⁵⁶⁵ 'Mercurio', 'Local Gossip', *Auckland Weekly News*, 4 August 1888, p. 7.

⁵⁶⁶ Te Aroha Warden's Court, Register of Applications 1913-1921, hearing of 29 September 1921, BBAV 11505/6a, ANZ-A; *Cyclopedia of New Zealand*, vol. 2, p. 907; *Te Aroha News*, 21 December 1931, p. 4, 18 August 1933, p. 4, 25 August 1933, p. 5; Wight, p. 10.

⁵⁶⁷ Wight, p. 10.

⁵⁶⁸ *Ohinemuri Gazette*, 2 August 1899, p. 2.

died in November 1913, and his daughter Mihimera informed the land court that he had left a will (as it was not submitted for probate, no details of its contents are available). 'Will is to myself & one g'child', but as another granddaughter had been born since it was drawn up nearly two years previously the court agreed, at her request, to vary its provisions to include the second child.⁵⁶⁹

CONCLUSION

Hoera Te Mimiha was selected as a case study because of his relationship with Hone Werahiko and his involvement with mining. His life illustrated how rangatira argued their cases to be made owners of land, with some of the evidence in the land court being as questionable as that given in the trials that resulted in Mimiha being convicted of perjury. He was typical of many Maori trying to obtain interests in land to which they might not have been entitled, his financial difficulties were typical of those attempting to survive in the new cash economy, and his criminal trials illustrated a dark side of Maori interactions with Pakeha in the countryside. With Pakeha, in general, he had good relations, illustrated by Pakeha efforts to have him exonerated of the charge of perjury, but his character was blackened. Despite his claims, he was a minor rangatira.

⁵⁶⁹ Maori Land Court, Hauraki Minute Book no. 63, p. 76.