

REPORT

OF

THE PUBLIC PETITIONS COMMITTEE

ON

THE PETITION OF WI TAKO AND OTHERS.

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ORDERED BY THE HOUSE OF REPRESENTATIVES TO BE PRINTED, TOGETHER WITH THE  
EVIDENCE TAKEN BEFORE THE COMMITTEE 15<sup>TH</sup> AND 18<sup>TH</sup> JULY, 1870.

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WELLINGTON.

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1870.

SECRET

THE PUBLIC POLICY OF THE UNITED STATES

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## REPORT OF THE PUBLIC PETITIONS COMMITTEE ON THE PETITION OF WI TAKO AND OTHERS.

THE Petitioners are the well-known Wi Tako Ngatata, and eighteen others, aboriginal natives of Waikanae. They state that the laws are not fairly administered; that if a Maori commits an offence against an European, he is punished; that if a Maori commits any offence against a Maori, no notice is taken of it; that the laws are, in consequence, of no benefit to the Maoris; that there are Europeans who desire a continuance of the war, in order that they may continue to draw the emoluments of office; and they pray that the evils complained of may be made over to the Maoris, in order that they may settle them themselves.

The Committee, deeming the matters mooted in the Petition of great consequence, called upon Wi Tako Ngatata to appear and state fully anything that he wished to make known. He appeared before the Committee, and as his statement contained serious imputations against Mr. Booth, the Resident Magistrate of the Upper Wanganui District, and as that officer was present in Wellington, the Committee directed him to attend. The Committee have taken advantage of the powers which they possess, and they have ordered the statements made by Wi Tako Ngatata and Mr. Booth to be printed for the information of the House.

I am directed to report that the Committee are of opinion that the allegations contained in the Petition have broken down; that those contained in Wi Tako Ngatata's deposition have been completely refuted by the statement of Mr. Booth; and that they cannot recommend the prayer of the Petition to the favourable consideration of the House.

### EVIDENCE TAKEN BEFORE THE COMMITTEE, FRIDAY, 15th JULY, 1870, ON THE PETITION OF WI TAKO NGATATA AND OTHERS.

Wi Tako Ngatata in attendance, and examined.

1. *The Chairman.*] Is this the Petition which you gave to the Member for the Southern Maori Electoral District, and are these signatures genuine?—Yes. The signatures which have no cross affixed to them are the signatures of the petitioners indicated. The names of those who cannot write were written by other parties, but the crosses were affixed by the petitioners indicated.

*Wi Tako.*  
15th July, 1870

2. What are "the important matters which are discarded by the law," and what are "the great evils which call for inquiry?"—There were three cases of murder perpetrated by Maoris, and the murderers were arrested and given up to the law by the Maoris themselves—Maketu, the murderers of the Gilfillans, and Maroro were hanged. A case in point in which the law was not carried out is that of Katatore,\* who was murdered by Isaiah. No inquiry was made. I presume that because Katatore was only a Moari, the murderer being also a Maori, the law was held in abeyance. That was a treacherous murder, for Isaiah made Katatore drunk before he murdered him. The Committee know Titokowaru. He came to Wanganui with Booth and McDonnell, after General Chute's campaign on the West Coast of the Northern Island. He remained there a fortnight, and then went away home to Ngutu-o-te-Manu. There he built a large house. He was then tied with a chain [he was bound by promises to maintain peace]. The Europeans who were settled on the confiscated lands on the banks of the Waihi River, took some horses belonging to the people of Titokowaru's hapu. Those people retaliated by stealing horses from the Europeans. McDonnell went up to Ngutu-o-te-Manu with 100 armed men. Titokowaru said, I will give up the stolen horses and the thieves, that the latter may be tried by the law. The horses were given up to McDonnell, and he returned to Waihi with them. When Booth saw that McDonnell returned without the thieves, he was angry. McDonnell said, Never mind; but Booth said the thieves must be brought in, and he (Booth) went with 100 armed men to Ngutu-o-te-Manu that same night, and brought away four Maoris of Titokowaru's hapu; but they were not the parties who had stolen the horses. When Booth's party was at Ngutu-o-te-Manu, one of the party pointed a gun at Titokowaru's sound eye. [N.B.—Titokowaru is blind of an eye, having been wounded in an engagement at the Waitara.] After this the trouble commenced. Titokowaru then reflected, that if these people come up again I shall be killed. So he broke his chain [considered himself absolved from his promises to maintain the peace], and then he commenced murdering and eating [cannibalism]. He became like a savage dog who has broken his chain.

\* NOTE.—This crime was perpetrated in Taranaki, 1858.

Wi Tako.  
15th July, 1870.

3. Can you explain to the Committee who are the Europeans who wish to continue the war, in order that they may continue to draw money from the Government?—Booth and McDonnell caused Titokowaru's raid.

4. What profit could accrue to Mr. Booth from a continuance of the war?—He went with an armed party to arrest the parties who had stolen the horses. He ought to have sat quietly in his Court House, and waited till the offenders were brought to him. I have heard that no summons was issued.

5. Is there any other European who has caused a continuance of war for his own gain?—I cannot say that I know of any European. I think that Booth incited Titokowaru to commence the war, in order that he might retain his position as Magistrate at Patea.

6. Did not Mr. Booth, at the risk of his life, go, in the month of July, 1868, to the village of Tauroa, the chief of the Pakakohi hapu of the Ngatiruanui Tribe, and bring him down to Wellington, to have an interview with the Governor, in the hope of confirming him in his allegiance to the Government?—I do not know of his going at the risk of his life to Tauroa's village; but I do know that Mr. Booth brought him down to Wellington about the time specified. I had an interview with Tauroa, and he told me that he was a prisoner.

6. Was Tauroa under a guard, and did you yourself see anything to prove that he was a prisoner?—No; he was not under a guard; but Tauroa told me that he was a prisoner.

The Petitioner then of his own accord made the following statement to the Committee:—The law is defective. When a Maori commits an offence against another Maori, no notice is taken of it; and therefore I say, that although the Government tells us that we, Maoris, are under the same law as the Europeans, we, the Maoris, receive no benefit from the law. The Europeans keep the body of the law, and give us the ghost of it. I compare the present state of the law to a man looking into a mirror. The European is in front of the mirror, and can see what is reflected in it; the Maori is behind it groping in the dark. Therefore, when a Maori commits an offence he is blamed for it and told that he is no good, and that he should be obedient to the law of which he knows nothing. Another thing I want to know is this, why are these Maori members allowed seats in the House of Representatives? I have never heard them say a word. I suppose they sit there as specimens of carved images.

WI TAKO NGATATA.

MONDAY, 18TH JULY, 1870.

Mr. Booth, R.M., in attendance, and having perused the statement of Wi Tako Ngatata, he deposed as follows:—

Mr. Booth.  
18th July, 1870.

With reference to the words used by Wi Tako, viz., "I think that Booth incited Titokowaru to commence the war, in order that he might retain his position as Magistrate at Patea," I beg to state, that in the year 1867 I was Resident Magistrate of the Upper Wanganui District, and resided at Pipiriki. In January of that year I received instructions from Mr. Richmond, then Minister for Native Affairs, to take charge of the tract extending from the right bank of the Waitotara River to the Kaupokonui River, north of the Waingongoro, and this tract was subsequently, by a Proclamation in the *Gazette*, included in the Upper Wanganui District. I received no additional salary for this large addition to my duties. I was not Magistrate of Patea, but I retained my old title of Magistrate of the Upper Wanganui District. I was compelled subsequently to reside at Patea, where Government built a house for me; but the fact whether there was war or peace at Patea did not affect in any way my salary as Resident Magistrate of the Upper Wanganui District. With regard to the words used by Wi Tako, "the Europeans who were settled on the confiscated land on the banks of the Waihi River, took some horses belonging to the people of Titokowaru's hapu," I beg to state that no Europeans did as stated by Wi Tako. I was at the time constantly on the banks of the Waihi,—in fact I was encamped there, it being the head-quarters of the Volunteer Force under command of Colonel Lepper, which was located there. The Committee must remember that I went to Patea in January, 1867; that the Natives at that time were living in the bush; that I induced the Pakakohi and the Tangahoe hapus to return to their homes; and subsequently, on the 30th November, 1867, I held a meeting at Ngutu-o-te-Manu, the head-quarters of the Ngaruahine hapu, at which Titokowaru made over his double-barrelled fowling-piece to me, laying it down on the ground, and jumping on it.—*Vide* letter of the above date printed in the Appendix Journals, 1868. After this Lieut.-Colonel McDonnell and I took Titokowaru with us to Wanganui, as detailed by Wi Tako, and peace prevailed in the Patea District from January, 1867, to April, 1868. I beg to refer to my official letters under date April 14th, 25th, May 5th and 15th, 1868, printed as above. In April, 1868, the people of Titokowaru's hapu, that is to say, the Ngaruahine hapu, began plundering and burglariously entering the homesteads of the European settlers on the confiscated lands, carrying off horses and other property. On complaint being made, I endeavoured to recover the property, and to arrest the thieves. In the first instance I went with Captain Ross and two orderlies, all unarmed, though warned by friendly Natives not to go at all to Ngutu-o-te-manu. A meeting was held—the Natives were in an excited state. I charged them with having violated the conditions entered into on the November previous, and challenged them to bring forward any charge of theft, even of a single potato, against the European settlers. Toi, who was the second chief under Titokowaru, admitted the truth of my assertion, and added, "I have the horses, guns,

and other property stolen from the Europeans, and I will not give them up.” Stamping on the ground he said, “The evil is with you; the land is the cause. When you and the European settlers retire to the left bank of the Waitotara River, then we will talk of giving back the stolen property.” I then issued a warrant for the arrest of Toi, Hauwhenua, and other Natives of the Ngaruahine hapu, for stealing horses. This warrant was placed in the hands of the Inspector of Police, Lieut.-Colonel McDonnell, for execution. He went with an armed party, and returned without the offenders and without the stolen property. I then induced a friendly Native named Natanahira, chief of the Tangahoe hapu, to go to Ngutu-o-te-Manu, and he brought back two mares and a foal, being a portion of the plundered property. One of these mares was a blood racing mare, and was the property of Edward McDonnell, brother of Lieut.-Colonel McDonnell. A complaint had been made to me by a settler named Smith, that his house had been broken into, and that his horses had been stolen, and information was given that Ihaka, of the Ngaruahine hapu, was the offender. I then went to Ngutu-o-te-Manu with Major Hunter, Captain Cumming, and eighteen armed mounted men, myself being unarmed. We left our horses in a clearing in the bush, and proceeded to the village with six armed men. There were in the village 100 armed Natives, the women and children having been sent away. Ihaka and two other Natives were arrested, and two stolen horses belonging to European settlers of Waihi were recovered. The Natives had run into the bush which surrounds the village, but I induced about thirty of them to come back, and I then explained to them that I should take away the prisoners and the horses. No resistance was made, except by one man named Kokiri, who was arrested by Captain Cumming, but as he had formerly given up a horse he had stolen to Natanahira, as detailed above, he was at once released. On my return to Waihi, I released the other two Natives, but I remanded for additional evidence the case of Ihaka, who was placed under the charge of the Inspector. He subsequently escaped from the custody of the police.

To prove to the Committee that I am not open to the charge of having incited Titokowaru to make war, I beg to state that, in the end of May, 1868, Pepe and other Natives of the Ngaruahine hapu, residing at the village of Araukuku, about four miles from Ketemarae, and I should think about six miles inland from Ngutu-o-te-Manu, brought in to me a sack full of stolen property, consisting of blankets, wearing apparel, farming implements, saws, wedges, &c., belonging to a settler named Cahill, and they stated that they had been induced to steal these things by Titokowaru,—that they saw that evil would arise, and therefore they had brought the stolen property back. I told them that they had done right in bringing back the stolen property. Subsequently, Pepe and his people, on the 8th June, invited me to visit them at their village the next morning. I promised that I would do so, and on the following morning, viz., the 9th June, I and Ross, both unarmed, started on horseback from Waihi at daybreak for Araukuku. We had not got more than four or five hundred yards into the bush, north from Ketemarae, when two men, armed, belonging to the village of Araukuku, met us, and told us they had been sent by their chief to turn me back, for that the Natives were assembling, and that they would meet me at the Ketemarae clearing. I answered, “I have been invited to Araukuku, and I shall proceed.” I and Captain Ross proceeded on our way at a foot’s pace, and these two armed men, who were on foot, followed us. Afterwards we met at different times, and at different places on the road, ten more armed men. These all tried to dissuade us from proceeding, and failing in this, they all turned round and followed us, just as the first two men had done. On reaching Araukuku I saw signs of treachery. There were no women or children present, and no fires had been lighted. Captain Ross and I stood close to one another. I made a friendly speech to Pepe, who had invited me, and we returned to Waihi. At Waihi I found Tukino, of the Tangahoe hapu, who lives in Matangarara. He told me that Titokowaru had decided that I must be cut in two [disposed of], and he warned me against going into the bush, or into any Hauhau village. I cautioned Major Hunter to the same effect. Having partaken of breakfast, I started for Patea. In less than an hour after my departure from Waihi, Cahill, Squires, and Clarke were killed by the Natives close to the Ketemarae clearing. My proceedings subsequently to the 9th June will be found in my official letters of the 10th and 11th June, 1868, published in the Appendix to the Journals, 1868.

6. *Mr. Kelly.*] Was no property of the Natives looted by the settlers or any other Europeans between January, 1867, and April, 1868?—I cannot speak positively to a negative. Before January, 1867, war had prevailed. The country was beginning to settle down. I know of no case of looting. In two or three cases Natives complained to me of the conduct of Europeans. I listened to the complaints, and afforded redress. One complaint was made by Wharerata, who belongs to the Ngaruahine hapu—that is Titokowaru’s tribe. The case broke down. I remember one case in which the Chief Tauroa, of the Pakakohi hapu, and who is now a prisoner in the Otago Gaol, complained to me that a settler had shot one of his cows. I gave judgment in favour of Tauroa, and my judgment was executed. There were complaints on the part of the Natives that the settlers shot their wild cattle for food. But no individual case was instituted. The Minister for Native Affairs, Mr. Richmond, on my representation, issued a proclamation forbidding the practice.

*Mr. Booth.*

18th July, 1870.

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