

## CHAPTER 7

# HOROWHENUA 1869 TO 1871

### 7.1 INTRODUCTION

Te Rauparaha and his Ngati Toa arrived on the Kapiti Coast at the beginning of the 1820s. Shortly afterwards, one of the resident tribes, Muaupoko, made an attempt on his life. In the course of this affair some of Te Rauparaha's children and close relatives were killed.<sup>1</sup> He vowed vengeance on the perpetrators, and a harsh war of attrition began. This was directed at Muaupoko initially, but dragged in the other resident tribes, first Rangitane and then Ngati Apa, as well. When this struggle was concluded, Ngati Toa had subdued all local resistance. But they were relatively few in number, they now had a great deal of land to hold, and they had acquired many bitter enemies. It was imperative that allies be sought, and these Te Rauparaha found principally among Ati Awa, and his kinfolk Ngati Raukawa. Over a period of some years, at the expressed invitation of Ngati Toa, many members of these two tribes, both hapu and leading chiefs, moved south to the Kapiti Coast. By the late 1830s, when the pattern of tribal occupation along the coast had been finally settled, Ati Awa occupied the land to the south of the Kukutauaki Stream, Ngati Raukawa the land to the north.<sup>2</sup>

Te Whatanui, the paramount Ngati Raukawa chief, occupied the district of Horowhenua, settling at several locations on the south side of the Hokio Stream, near the south-western shores of Lake Horowhenua. He also maintained an imposing dwelling at Rangiuuru, the Ngati Raukawa's stronghold on the Otaki River, and he had places at other locations within the tribal territories of Ngati Raukawa as well.<sup>3</sup>

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1. W L Buller, 'The Story of Papaitonga; or A Page of Maori History', *Transactions of the New Zealand Institute*, vol 26, 1893, pp 572–584; G Graham, 'Te Wi: The Massacre There and Its Consequences as Recorded by Tamihana Te Rauparaha', *JPS*, vol 54, no 1, 1945, pp 66–78
  2. W C Carkeek, *The Kapiti Coast: Maori History and Place Names*, Wellington, A H & A W Reed, 1966, p 42
  3. R N Grove, 'Te Whatanui: Traditional Maori Leader', MA thesis, Victoria University of Wellington, 1985, pp 85–86

The new Ngati Raukawa lands were renowned and highly prized for the abundance of the natural food resources they contained, particularly eel and other kinds of fisheries. But in all of this very desirable territory, no place was more favoured or valuable than Lake Horowhenua. In the years immediately after the arrival of Ngati Toa, the original holders of Horowhenua, the Muaupoko tribe, had been worn down by constant attacks and driven into the hills and bush. But Te Whatanui, for reasons unrecorded, chose to shelter and protect the Muaupoko remnant, maybe as few as 100 souls, on a block of land to the north of his own residence at Horowhenua.<sup>4</sup> This block, of about 20,000 acres, included the principal Muaupoko pa of Raia te Karaka, on the western side of the lake, some other small lakeside settlements, and the northern part of the lake itself. The southern half of the lake, and the Hokio Stream, with its eel fisheries, remained in the hands of Te Whatanui and his people, part of the Ngati Pareraukawa hapu of Ngati Raukawa. On the east and west the boundaries were the snowline and the sea. To the south, adjacent to Ngati Pareraukawa, a related hapu, Ngati Kahoro, had their place, and several other Ngati Raukawa hapu were also resident on or close to the southern boundary as well. To the north, the Muaupoko block was bound by the territory of two other Ngati Raukawa hapu – Ngati Matau and the much larger Ngati Huia, based at Porotawahao.

Rod McDonald, a son of one of the first settlers, and a man who knew the tribal geography of Horowhenua intimately, described the situation of the Muaupoko as ‘curious’. They were not Ngati Raukawa slaves; nor was it strictly true to say that they had been conquered by Ngati Raukawa. But the bulk of their land had been taken from them, a small portion only being set aside for their use, on which they lived in ‘semi-independent fashion’.<sup>5</sup>

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4. Horowhenua Commission, *Wirihana Hunia*, 12 March 1896, AJHR, 1896, G-2, p 48

5. E O'Donnell, *Te Hekenga: Early Days in Horowhenua; Being the Reminiscences of Mr Rod McDonald*, Palmerston North, Bennett and Co, 1929, p 36

## **7.2 1869: WHATANUI'S HEIRS**

Te Whatanui died in 1849 and was succeeded by his sons Whatanui Tahuri and then Whatanui Tutaki. Whatanui Tutaki died in January 1869, leaving only one direct descendant – his daughter, Te Riti, married to a Ngapuhi chief, Wiremu Pomare. Te Riti's normal place of residence was with her husband at Mahurangi, north of Auckland. Tutaki's widow, Riria Te Whatanui, of Ngati Apa, decided during 1869 to return to her own people in the Rangitikei. This was not at the wish of her daughter and son-in-law.<sup>6</sup> Perhaps it was because she missed her own people. One reason may have been, as McDonald says, that she could make no claim to Te Whatanui's land. Whatever the reason or reasons, she went, and with her went those of her tribe who had been settled with her at Horowhenua – according to McDonald, about 50 in number.<sup>7</sup> It seem likely that this departure reduced the number of permanent residents in the different Ngati Raukawa settlements at Horowhenua quite sharply. Indeed, some of these settlement sites were apparently abandoned. The overall effect was to leave the local Ngati Raukawa interest, compared to Muaupoko, at a distinct numerical disadvantage. For example, when Hunia's raiding party came across the lake in 1871, 20 strong, there were, Watene Te Waewae reported later, only five adult residents at Kouturoa, too few to offer resistance.<sup>8</sup>

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6. Wiremu Pomare to Reria Te Whatanui, 12 March 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 1, p 1

7. O'Donnell, p 127

8. 'Horowhenua Land Dispute, Together with Notes of Meetings', 1874, MA series 75/12, p 7, NA Wellington

Another complication was that while Te Whatanui's lands at Horowhenua had apparently been left to Te Riti and her husband, they were resident in the far north, and in no apparent hurry to take up their inheritance.<sup>9</sup> The problem here was that there were other claimants – the grandchildren, and one of the children, of Hitau, Te Whatanui's sister – much closer to home. The principal figures in this group were Kararaina (Caroline) Nicholson, her sister Tauteka, and their uncle, Hitau's son, Watene Te Waewae.

According to evidence given before Horowhenua Commission in 1896, Kararaina's normal place of residence, in the late 1860s was in the Manawatu. Tauteka normally resided at Otaki, with her husband Matene Te Whiwhi. Watene Te Waewae was resident at Horowhenua from the late 1840s, but spent the latter part of the 1860s away, fighting for the Government. He returned to the district in 1869, to stake his claim, with his nieces, to Te Whatanui's land.<sup>10</sup> In any event, within a short time of Whatanui Tutaki's death, Kararaina and Tauteka attempted to exercise the rights of ownership. They did this by ordering Hector McDonald, a Pakeha settled at Horowhenua, to pay the rent for land which had been leased from Whatanui Tutaki to them. When McDonald declined, they started a campaign of petty harassment, the object being to drive him off the land. Hector wrote to J C Richmond, then Native Minister.<sup>11</sup> He also wrote to Whatanui Tutaki's heirs, Wiremu and Te Riti Pomare, about these matters, and received an encouraging reply from the latter.<sup>12</sup> He also received practical support from Ngati Huia, at Pomare's request, when more intimidating tactics were used against him, and assistance also from Muaupoko when Watene wrote to the Native Minister to accuse McDonald of interfering with the survey set in train by Kararaina and her sister.<sup>13</sup>

It was this action, the starting of a survey, that particularly riled both Riria Whatanui and the Muaupoko, stirred up Muaupoko memories, and led on to a determined campaign, under the direction of Kawana Hunia Te Hakeke and Kepa Te Rangihiwini, to reclaim Horowhenua.

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9. Wiremu Pomare to Hector McDonald, March 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 2, p 1

10. Horowhenua Commission, Hector McDonald, 16 March 1896, AJHR, 1896, G-2, p 114

11. Hector McDonald to Richmond, 7 April 1869, MA Series 75/5, NA Wellington

12. Atereti and Wiremu Pomare to Hector McDonald, 11 August 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 13, encl, p 6

13. Hector McDonald to Fox, 25 October 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 12, p 5

Kawana Hunia's main tribal affiliation was Ngati Apa, through his father, but his mother was of Muaupoko, hence his ability to interest himself in matters relating to Horowhenua. His father, Te Hakeke, had been one of the west coast chiefs first humbled by Ngati Toa and then forced to live, with his people, as dependents of Ngati Raukawa. His mother had been a Ngati Raukawa slave.<sup>14</sup> Thus on both his father's and his mother's side Kawana Hunia had grievances to settle with Ngati Raukawa. Ngati Apa had, in the late 1860s, already tried their lances against Ngati Raukawa in the Rangitikei–Manawatu over the right to sell land. This contest had ended, both during the purchase negotiations and then in the courts, with a defeat for Ngati Raukawa, and it was this event north of the Manawatu, in the 1860s, which formed part of the context for what happened south of the river in the 1870s.

Kepa's mother was Rangitane. His father, a Muaupoko chief, had escaped Ngati Toa by fleeing to the Wanganui district, where he lived in exile. His anger and desire for revenge against both Ngati Toa, who had killed his people, and Ngati Raukawa, who had taken his land, never died, and he passed on both to his son Kepa. By 1869 Kepa, or Kemp as he was often known, was a distinguished soldier. The men who had served with him during the campaigns, mostly Whanganui but some Muaupoko, Rangitane, and Ngati Apa as well, were hardened veterans. Of the latter tribal group, many were reputed to be the sons of men who had lived through, or perhaps not survived, the arrival of Ngati Toa on the Kapiti Coast, and the subsequent troubles of the 1820s and 1830s. In March 1869 Richmond received a letter from Riria Te Whatanui, Whatanui Tutaki's widow, from Te Wiiti, one of Te Whatanui's old comrades in arms, and a Muaupoko, Tamati Maunu, the list of signatories to the letter ending with the catch-all designation of 'Muaupoko also'. At this stage, the Muaupoko at Horowhenua and Te Whatanui's widow seemed to have been on good terms, and of one mind with respect to the attempts of Kararaina and her sister to lay claim to Te Whatanui's Horowhenua land. They wanted Richmond to prevent any surveying, because it was 'exceedingly wrong of certain persons to ask for such a thing'.<sup>15</sup>

H Halse, Assistant Native Secretary, replied, advising that they allow the land to be surveyed, and then make any claims they may have when the matter came before the court.<sup>16</sup> Riria was unmoved by this reasoning, and wrote to the surveyor, G F Swainson, on 14 April 1869, asking that he cease work and go away, and to Richmond in the same month, asking that he have the survey stopped.<sup>17</sup> In the same month the Muaupoko also wrote to Wellington, asking that Swainson be removed, 'also these people how are here without authority, making trouble in order that they may claim an interest in the land'.<sup>18</sup> But while the Muaupoko were writing these

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14. T L Buick, *Old Manawatu, or The Wild Days of the Old West*, Palmerston North, Buick and Young, 1903, p 231

15. Riria Te Whatanui and Others to Richmond, 17 March 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 4, p 1

16. Halse to Riria Te Whatanui and Others, April 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 5, p 4

17. Riria Te Whatanui to Swainson and Hone, 14 April 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 7, p 4; Riria Te Whatanui to Richmond, April 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 8, p 4

18. Hetariki Mateo and Other to Richmond, 19 April 1869, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 9, p 4

letters to the Government, other correspondence received in the Native Department during April 1869 revealed that they had, at the same time, been taking direct and by all accounts effective action to halt the survey.

Early in the month Swainson wrote from Otaki to G S Cooper, Under-Secretary of the Native and Defence Departments, asking for a copy of any letter from Te Ngakinui to Richmond, the Native Minister. He went on to say that Tauteka and Riria Te Whatanui had received letters from Te Ngakinui, but it is not clear what these letters say about the survey. Did Te Ngakinui in fact consent to a survey and the subsequent Native Land Court application? Swainson continued:

Muaupoko have come down to the southern boundary line at Waiwiri, nearly three miles inside Ngatiraukawa land, pulled up the boundary marks of the latter, and are trying to stop the survey by any means in their power. If, however, Te Ngakenui wishes, as expressed to Mr Richmond, are explicit on the subject, much may be done to prevent actual force being used by the Muaupoko, whose claims to interfere with the southern boundary are absurd.<sup>19</sup>

On 23 April 1869 Swainson wrote again, from Ohau. Would Cooper send him some reply to his recent request for information about Te Ngakinui's views on Horowhenua, assuming it was not a 'state secret':

If these wretched Muaupoko knew what he says on the subject of the survey they might cease their work of pulling up pegs and threatening men's lives. So if he, Ngakinui, *has* answered Mr Richmond's letter, will you let *us*, ie, Tauteka, Riria and Hone Wiite have a copy of it. [Emphasis in original.]<sup>20</sup>

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19. Swainson to Cooper, 12 April 1869, MA series 75/5, NA Wellington

20. Swainson to Cooper, 23 April 1869, MA series 75/5, NA Wellington

### *Horowhenua 1869 to 1871*

The Native Department had received no letter from a Te Ngakinui, and Swainson was informed accordingly.<sup>21</sup> Subsequent correspondence led to the identification of Te Ngakinui as Wiremu Pomare, the son-in-law of Whatanui Tutaki, and jointly with his wife Tutaki's heir.<sup>22</sup> While Muaupoko attitudes to the situation that had developed with the death of Whatanui Tutaki seem to have been plain enough, the views of the two Pomare, as expressed to their relatives Tauteka and Kararaina, were far from clear. They did say that Hector McDonald should be left undisturbed, and that Tauteka and Kararaina should 'be strong in the matter of our lands'. However, they said nothing about a survey. Nor did they see any need for urgent action, advising them that 'as soon as our interests in connection with the Ngapuhi are settled we intend going thither; this will be next summer'.<sup>23</sup>

### **7.3 1870: KUPE**

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21. Minute by Cooper, 24 April 1869, Swainson to Cooper, 23 April 1869, MA series 75/5, NA Wellington

22. Swainson to Cooper, 26 April 1869, MA series 75/5, NA Wellington

23. Wiremu Pomare and Te Riti Pomare to Tauteka and Kararaina, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 3, p 1

## *Wellington*

The attempt to survey Te Whatanui's land had raised the question of boundaries, and at Kawana Hunia's initiative a meeting was called of all interested tribes to discuss this matter. There were some preliminary discussions among Ngati Raukawa, Ati Awa, and Ngati Toa before they travelled up to Horowhenua to attend this meeting at the end of April 1870.<sup>24</sup> To provide a venue, Hunia had had the Muaupoko erect a large meeting house, Kupe, at Panui-o-Marama.<sup>25</sup> This location, a little to the south of the main Muaupoko pa at Raia te Karaka, was in fact south (that is, on the Ngati Raukawa side) of Te Whatanui's traditional boundary line, and indeed Kupe was built offensively close to the burial site of one of Te Whatanui's wives. Kupe was by all account an impressive building, but it was clearly intended to be more than an architectural statement. Besides Ngati Raukawa and their allies, chiefs from Muaupoko, Rangitane, Ngati Apa, Whanganui, and other tribes attended.

After talking about Horowhenua, and some other issues, for nearly two weeks, the assembled chiefs decided that in the absence of Wiremu Pomare and his wife nothing could be settled about the boundaries. The investigation would, therefore, be 'left open', pending the arrival of the Pomare heirs. 'When they arrived the relatives of Whatanui and the Muaupoko will be assembled again, and then it will be clearly understood how to settle the question of your land'.<sup>26</sup> A letter, signed by 13 chiefs, was sent to the Wiremu Pomare, asking him to come in February or March 1871 or earlier if he wished, and to bring with him any letters or documents he or his wife

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24. Tamihana Te Rauparaha to Cooper, 25 April 1870, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 19, p 8

25. G L Adkin, *Horowhenua: Its Maori Place-Names and Their Topographic and Historical Background*, Wellington, Department of Internal Affairs, 1948, pp 200-201

might have concerning Horowhenua.<sup>27</sup> This letter was dated 5 May 1870. Within days, however, it was made clear to the Government that the solution of simply waiting for Pomare had little appeal for Watene and his relatives:

The runanga say, leave it until Pomare arrives. I – in fact, all of us – did not consent, for there is no reason why we should wait for Pomare. We, the people who are living here, can arrange with Pomare. You have heard what I said to you, ‘The children ought not to lay up for the parents, but the parents for the children’. That word is in the Scripture. I use that word with reference to Pomare; therefore I say that I will not wait for Pomare, because we are the elders, and Pomare is the child. We, the people who have always lived at Horowhenua, have the management.<sup>28</sup>

By the end of the month, it was clear that Hunia and the Muaupoko were not waiting for Pomare either – they were building houses south of Te Whatanui’s boundary, on the disputed land. The Otaki chiefs who complained to McLean about this, however, had something else on their minds as well; the ‘bringing of guns by Kawana Hunia and the Ngati Apa to Horowhenua’. The Otaki chiefs wanted these guns returned to the Government stores, ‘for it is through his having possession of those guns that Kawana Hunia is so arrogant’.<sup>29</sup>

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26. Maiti Paraone Kaiiti and Thirteen Others to Wiremu Pomare, 5 May 1870, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 22, encl, p 10

27. Ibid

28. Watene to Cooper, 9 May 1870, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 23, p 10

29. Matene to McLean, 24 May 1870, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 24, p 11

## *Wellington*

It seemed apparent that Hunia and Watene, if not Ngati Raukawa and Muaupoko, were on a collision course, but before events could move much further along, Pomare at long last appeared at Horowhenua. Tamihana Te Rauparaha wrote to Halse on 23 June 1870, announcing Pomare's arrival and describing how the Ngati Raukawa had quietly sent him off to talk to the Muaupoko by himself, that is, without a Ngati Raukawa entourage, and without fanfare.<sup>30</sup> Early in July, Wiremu wrote to McLean. He had talked to the Muaupoko about the boundary dispute, and given his opinion that Te Whatanui's original boundary (known as Tauteruru) should be the boundary they observed. When they objected to this he had offered to move the boundary a little further to the south, so that Kupe would be on the Muaupoko side of the boundary. They objected to this as well, and said that the matter must wait until Hunia could be consulted. Pomare had agreed to this, he said, in the hope that this would eventually result in an amicable settlement.<sup>31</sup>

A few days later, apparently in a more decisive and less conciliatory frame of mind, Pomare wrote to Maitai Pene Tani.<sup>32</sup> He had decided on the boundary already offered to Muaupoko, and Maitai should inform Kemp. He also mentioned that the Muaupoko had proposed Mahoenui (a location just north of Lake Papaitonga) as the boundary, and that Te Whatanui's descendants should live, with Muaupoko, within this boundary. This offer and boundary he had rejected.

In late September, vaguely threatening letters arrived in Wellington from Kemp and Hunia.<sup>33</sup> In the same month, Maitai Pene Tani reported that he had attended

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30. Tamihana to Halse, 23 June 1870, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 25, p 11

31. Pomare to McLean, 29 June 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 27, pp 11–12

32. Pomare to Maitai Pene Tani, 9 July 1870, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 54, encl, p 19

33. Kemp to Fox, 19 September 1870, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 29, p 12; Hunia to McLean, 22 September 1870, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 30, p 12

a meeting at Waikanae on the settlement of the Horowhenua dispute and that on 14 September:

We led the descendants of Te Whatanui to see – along with the Muaupoko – the laying down of the boundary of their land. Six of the Muaupoko went with us when the boundary was pointed out.

I have the decision of the Maori ruannga on the subject of that dispute in my possession. It is to be printed and circulated amongst the people.

In our opinion the trouble has not arisen through the work of Muaupoko and the descendants of Te Whatanui: they have been living quietly for many years and during the lifetime of the old chiefs. It is through Hunia Te Hakeke and some of the Ngatiraukawa who are bounceable that this trouble has arisen.<sup>34</sup>

In 1874 Watene described where this boundary had been laid and by whose authority. It was, he said, the work of a ‘Komiti’ of leading chiefs, who had met at Waikanae. When Hunia and Kemp had been sent for, they had refused, three times, to attend. ‘The boundary line, therefore, was laid down in their absence’.<sup>35</sup> This ‘Komiti’ probably had in front of it Pomare’s firm decision as to where the boundary should be. In any event, whatever the authority for this boundary-setting exercise, it was quite unsuccessful. In October, Muaupoko wrote to McLean, to tell him to ignore whatever Pomare has said about boundaries, since they did not accept his ruling with reference to their land. Nor were they willing to have the matter decided by Pakeha law – a clear enough reference to the Native Land Court – or to have the land surveyed.<sup>36</sup>

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34. Maitai Pene Tani to McLean, 26 September 1870, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 31, p 12

35. ‘Horowhenua Land Dispute, Together with Notes of Meetings’, 1874, MA series 75/12, p 7, NA Wellington

36. Heta Te Whatamahoe and all the Muaupoko to McLean, 28 October 1870, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 32, pp 12–13

## *Wellington*

The new year started with petty disturbances – Muaupoko interfering with crops and fences at Mahoenui, a Ngati Raukawa kainga just north of Lake Papaitonga.<sup>37</sup> A few Ngati Raukawa wanted to punish Muaupoko, but the final decision was to act with forbearance, and to refer the matter to the Government's attention.<sup>38</sup>

By now the Horowhenua problem had been grumbling away for two years or so. The Government had left the matter more or less completely in Maori hands: no solutions devised in Wellington or by Pakeha had been attempted. In mid-1871, however, the Horowhenua situation moved into another and rather more problematic phase, and the Government became obliged to take a more active role in its resolution.

### **7.4 1871: CRISIS AT KOUTUROA**

At the end of June 1871, Kemp, Hunia, and a party of Muaupoko raided Watene's settlement at Kouturoa, on the southern shore of Lake Horowhenua. The attack appears to have been unprovoked, although J T Edwards, the Resident Magistrate at Otaki, later reported that Ngati Raukawa defiance in the face of demands by Hunia and Kemp that they should vacate Horowhenua was the underlying cause. The residents, mostly elderly, but some children as well, were dragged out of their houses; one of the old women was roughly handled; the houses were burnt.

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37. Nerihana Te Paea to McLean, 27 January 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 36, p 13

38. Tamihana to Halse, January 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 34, p 13

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Watene sent word of the attack to Ngati Raukawa.<sup>39</sup> News was received from Ihakara Tukumara that Ngati Apa and Ngati Raukawa were arming themselves.<sup>40</sup> Matene Te Whiwhi wired McLean for advice.<sup>41</sup> Edwards was sent post-haste to the district.<sup>42</sup> J A Knocks, a Native Department interpreter stationed at Otaki, was told to locate Kemp and Hunia and find out what they were doing.<sup>43</sup> He replied on the same day that they were said to be still at Horowhenua, and went on to report:

A part only of the Muaupoko are taking part with Hunia and Kemp, the other side more or less with the Ngatiraukawa. Hunia has a strong determination not to allow the Ngatiraukawa to have any claim to the Horowhenua district, and is prepared to prevent occupation of the disputed land by force of arms. They have built a war pa, and keeping military guard. I do not think anything serious will come of it.<sup>44</sup>

On 4 July, Edwards made his first report on the situation:

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39. Watene to Ngati Raukawa, 28 June 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 37, encl, p 14

40. Buller to Fox, 30 June 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 38, p 14

41. Matene to McLean, 30 June 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 39, p 14

42. Halse to Edwards, 1 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 42, pp 14–15

43. McLean to Knocks, 2 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 43, p 15

44. Knocks to McLean, 2 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 44, p 15

## *Wellington*

Much ill-feeling between Ngatiapa and Ngatiraukawa. The latter have determined to bring the case of house burning against Hunia and Te Horo before the Resident Magistrate in Wellington. Hunia boasts he will take the land and hold it by force of arms. I hope to be able to persuade them to refer the matter to the Native Land Court, as the only successful way of setting the difficulty.<sup>45</sup>

Over the next week Edwards worked to get agreement on his plan to allow the dispute to go before the court, but with no success. There was, he reported, a strong feeling of opposition to this course of action, one that he was quite 'unable to dispel'.<sup>46</sup> What might be acceptable, however, was another runanga, to be presided over or assisted by Europeans. As a pre-condition, neither side was to occupy the disputed lands pending the decision of this runanga, which was to be binding on both sides. Kemp and Hunia were receptive, provided the land was left unoccupied.<sup>47</sup> Ngati Apa were prepared to accept this plan, and Matene Te Whiwhi was willing to endorse it as well. In the meantime:

There is no danger of a collision between the tribes at present; they are thoroughly afraid of one another. Ngatiraukawa caused the armed demonstration of Hunia and Kemp by threatening to keep off, by force of arms, any of their opponents who should attempt to occupy the disputed block.<sup>48</sup>

McLean telegraphed Edwards that the idea of a runanga appeared 'to be the best mode of settlement', and that he hoped it would be adopted.<sup>49</sup> A few days later Edwards reported that both parties had agreed to the runanga proposal:

I would suggest this meeting should be held as soon as may be, that the European members of it should be men in whom the Maoris have faith, and who have knowledge of Maori tenure.

The burning of the house can only be settled by an appeal to the law, and the case will probably be brought before the Resident Magistrate in Wellington; the idea of the plaintiff being, that there will be less chance of collision between the adverse parties there than if the case were heard in the Native districts.

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45. Edwards to Bell, 4 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 48, p 15

46. Edwards to McLean, 10 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 55, p 17

47. Kemp and Hunia to Edwards, 6 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 51, p 16

48. Edwards to Bell, 6 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 49, p 16

49. McLean to Edwards, 6 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 50, p 16

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That Ngatiapa is much better armed than Ngatiraukawa, added to the wish of the latter to keep the peace and trust to the law alone for protection, had been the cause of their remaining passive under the great provocation they have received.

Prior to leaving the district the opposing parties promised me they would neither occupy the disputed block nor take any action with regard to it until the matter had been referred to the runanga, as proposed above.

In conclusion, I would respectfully suggest that if the Hon. Mr McLean were to see the disputing Natives and give them his views as to the merits of the case, a final solution of the difficulty would be rapidly and peacefully arrived at.<sup>50</sup>

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50. Edwards to McLean, 10 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 55, p 17

## *Wellington*

By 10 July 1871, it looked as if Edwards had settled the immediate crisis, and put the dispute on track for final resolution. But late on that day the situation began to veer out of control again. Watene broadcast an appeal for help. ‘Send us some men, this very night. Send them quickly, and send them to-night’. The reason? Hunia and Kemp intend to use ‘the muzzle of the gun’.<sup>51</sup> The Ati Awa chief, Wi Tako, sent word to Wellington that an attack on Horowhenua was imminent, and that Ngati Raukawa had started to mobilise.<sup>52</sup> Halse was instructed to send Edwards back to the district.<sup>53</sup> By 12 July, more encouraging intelligence was being received in Wellington. Matene Te Whiwhi advised that Ngati Raukawa were ‘living peaceably’.<sup>54</sup> Knocks reported that the excitement had been caused by some intemperate language used by Hunia, ‘expressive of hostile intentions to the Ngatiraukawa’. This language had been used in the presence of Muaupoko, who were, it seems, friendly to Watene, and they had told Watene. Hence the alarms in the night. However, while Knocks seemed to think these were false alarms, some, like Hadfield, then Bishop of Wellington, could see the potential for disaster that existed. He recommended that Edwards stay in the area.<sup>55</sup>

A few days later Edwards reported that Kemp and Hunia were at Horowhenua with 25 armed followers, and that Ngati Huia were building a pa at Porotawahao, to the north of the lake.<sup>56</sup> In the past, the dispute with Ngati Raukawa had centred on the area to the south of the lake, and with the handful of Ngati Raukawa known from

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51. Watene to Ohau and Others, 10 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 56, p 17

52. Wi Tako Ngatata and Others to Ihaia Porutu, 11 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 69, p 19

53. McLean to Halse, 11 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 59, p 18

54. Matene to McLean, 12 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 61, p 18; Knocks to McLean, 13 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 68, p 19

55. Hadfield to McLean, 13 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 63, p 18

56. Edwards to McLean, 18 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 72, p 20

about this time as Te Whatanui's descendants. Now the far more numerous Ngati Huia hapu, on the northern boundary, were involved as well.

Kemp was eventually tracked down and asked to explain himself. He admitted that he did have an armed party with him, but that was alright, they were all Muaupoko, who belonged at Horowhenua. As for the cause of the difficulties, the Ngati Raukawa were to blame, giving offence by building a pa, living on disputed land and going about armed.<sup>57</sup>

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57. Kemp to McLean, 22 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 74, p 20; Kemp to McLean, 29 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 78, p 21

## *Wellington*

McLean asked that Hunia and Kemp go to Wellington, to discuss the trouble.<sup>58</sup> Eventually, Hunia did make the trip, and agreed, again, to the Edwards plan of an arbitration by a court or committee of Europeans and Maori. There appears to have been two strings attached to this concession. One seems to have been that the matter of the house burnings would be forgotten.<sup>59</sup> The other was that Ngati Huia must stop killing Muaupoko cattle and committing other acts of aggression.<sup>60</sup> Immediately, McLean wrote to Matene Te Whiwhi, asking him to nominate the chiefs Ngati Raukawa wished to see on the court. He also asked him to send word to Ngati Huia that they were to stop interfering with Muaupoko cattle. His letter concluded with a direction that Matene was to see ‘that Raukawa and Ngati Huia conduct themselves properly’.<sup>61</sup> Finally, McLean ordered A Clarke, of the Native Department, into the district to act as the Government’s eyes and ears:

It will be your duty to take up your residence for a short space of time in the vicinity of [Otaki], and to frequently traverse the country, visiting settlements like Horowhenua, Manawatu, &c, and make yourself acquainted with the Native Inhabitants.

You will lose no opportunity of arriving at the real views held by those on the questions at present affecting them, more especially the Horowhenua dispute, and the disposition they feel to refer this matter to arbitration. Kawana Hunia has already expressed himself in favour of this course, and I should like to ascertain the general feeling of the rest of the contesting parties.

You will take care to keep me fully supplied with any information you may acquire.<sup>62</sup>

Clarke duly went to the coast, and started to supply reports back to McLean. He was making progress with the Ngati Huia and the cattle problem. He was hoping to persuade Watene to remove himself from the disputed land. He had, he thought, influenced Watene to cease work on a building which Watene said was a house but

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58. McLean to Kemp, 19 July 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 73, p 20

59. Halse to Edwards, 31 July 1871, MA series 5/1, p 464, NA Wellington

60. Hunia to McLean, 11 August 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 88, p 24

61. McLean to Matene, 11 August 1871, ‘Papers Relative to Horowhenua’, AJHR, 1871, F-8, no 89, p 23

*Horowhenua 1869 to 1871*

which, in Clarke's opinion, was intended to be a pa. He was still trying to get Watene to leave, 'as he is a cause of irritant to Hunia and Kemp'.<sup>63</sup> He was trying to work out with Ngati Huia and Muaupoko a solution to the cattle problem.<sup>64</sup> He had discussed Watene's situation with Matene Te Whiwhi. Ngati Raukawa would not agree to his removal, but he had got an undertaking that Watene would not 'touch anything about the place'. This was intended to avoid actions which 'keep up the excitement'. He noted that both sides were making mountains out of molehills.<sup>65</sup>

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62. McLean to Clarke, 11 August 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 87, pp 22-23

63. Clarke to McLean, 26 August 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 96, p 25

64. Clarke to McLean, 29 August 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 99, p 25

65. Clarke to McLean, 28 August 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 100, p 26

## *Wellington*

At the end of August Clarke forwarded a long report to Wellington.<sup>66</sup> This elaborated on the shorter communications he had made to McLean over the previous two weeks, enabling a clearer picture of the situation as it existed in August 1871 to emerge. Firstly, the newly-aroused Ngati Huia were proving to be a formidable obstacle in the way of Hunia and Kemp's ambitions in the Horowhenua. Their mobilisation had produced a force at least equal to that of Hunia and Kemp's, turning the area to the north of the lake into a no-go zone for Muaupoko. While Ngati Huia stood to arms, Hunia and Kemp were faced with a powerful and organised local Ngati Raukawa presence, not just the handful of Te Whatanui's descendants they had dealt with in the past. Secondly, there was considerable and increasing resistance to any scheme to move Watene away from Horowhenua, whatever the motives for the move, or to make any more concessions to Hunia and Kemp. This was true not only of Ngati Raukawa, but also of Ngati Raukawa's natural allies on the coast, Ngati Toa and Ati Awa. Tamihana Te Rauparaha, of Ngati Toa, in particular, was becoming very vocal in his support for Watene and his condemnation of the Government, and Wi Tako, of Ati Awa, was already on record as a man suspicious of the Government's motives, and unlikely to restrain his tribe should Hunia's provocations become unbearable.<sup>67</sup> What had started out as a very localised affair was now starting to drag in the whole of the Kapiti Coast, and a general hardening of opinions and positions was occurring among these tribes in favour of Te Whatanui's descendants.

At the same time, there was little, if any, extra support for Kemp and Hunia to be seen. It was clear, for example, that there was no enthusiasm in the Whanganui

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66. Clarke to McLean, 31 August 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 104, encl, pp 26–28

*Horowhenua 1869 to 1871*

district, where Kemp might have expected sympathy, for intervention in Horowhenua and, indeed, Mete Kingi had already stated quite flatly that the tribes concerned 'did not intend joining in the work of Keepa and Hunia'.<sup>68</sup> Chiefs in the Wairarapa and Hawke's Bay had also expressed the view that the dispute should be settled according to the law, although in the latter case this was at McLean's prompting.<sup>69</sup> None the less, the desire among Maori in the lower half of the North Island that the peace not be broken, and that any difficulties about Horowhenua be confined to Horowhenua, seems to have been genuine enough. Finally, while both sides were prepared to rattle the sabre, there seemed to be a general reluctance to be the first to actually start fighting. Indeed, at no stage of the Horowhenua dispute was anyone ever seriously hurt, let alone killed. There were suggestions at the time that much of the warlike behaviour, on both sides, was bluff or posturing that was never seriously intended to do more than impress the opposition. Kemp, of course, had a considerable reputation as a fighter, and it was unlikely that anyone would have challenge him directly. On the Ngati Raukawa side, the descendants of Te Whatanui were a handful of mostly elderly men and women: when they needed support it had to be summoned from Otaki, and the built-in delay this entailed tended to prevent hasty reaction. Ngati Raukawa were, it was said, less well armed than Kemp and Hunia and, if true, this was probably a moderating factor as well. At the same time, forbearance in the face of provocation seemed to have been the main characteristic displayed by Ngati Raukawa from the beginning to the end of the troubles at

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67. Clarke, 8 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 54, p 16

68. Mete Kingi to Matene, Karanama and Tamihana, 15 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 71, p 20

69. Ramera Te Iho and Others to Fox, 10 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 57, pp 17–18; Renata Kawepo and Noa Te Hui to Matene, 13 July 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 67, p 19

Horowhenua. But not always, and not by every section of the tribe. When Ngati Huia, the hapu to the north of Horowhenua, stood their ground in the winter of 1871 the effect was decisive.

Their resistance, growing support elsewhere on the coast for Ngati Raukawa, lack of support in the surrounding districts for anything that might disturb the peace, and Clarke and McLean's diplomacy, all combined to produce something of a backdown by Kemp and Hunia in the late winter of 1871. In September they withdrew to Wanganui.<sup>70</sup> Arrangements for the arbitration runanga were firmed up.<sup>71</sup> McLean raised the issue of the Government rifles with Kemp, and declared himself satisfied with Kemp's response.<sup>72</sup> In early October McLean asked Clarke to start making visits to the Manawatu and Rangitikei districts, clear evidence that Horowhenua was considered to be on the mend, a verdict confirmed in mid-October, when Edwards reported that 'all the Ngatiapa have left Horowhenua, and the Muaupoko are busy fencing and cultivating, and quieter than they have been for months'.<sup>73</sup>

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70. Woon and Others to McLean, 15 September 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 107, p 29

71. McLean to Kemp, 6 October 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 126, pp 31–32; Clarke to McLean, 5 October 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 119, p 30

72. McLean to Kemp, 7 October 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 128, p 32

73. McLean to Clarke, 6 October 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 120, p 31; Edwards to McLean, 12 October 1871, 'Papers Relative to Horowhenua', AJHR, 1871, F-8, no 131, p 32

## **7.5 1871: TAMIHANA'S PETITION**

The improvement in the Horowhenua came at a good time for the Government. In late September 1871 Tamihana Te Ruaparaha petitioned Parliament, raising the questions of the Government rifles, the attack on Kouturoa, the lawless behaviour of Kemp and Hunia, the lack of Government action, and general Government indifference to the plight of those that 'have been patient thorough the troubles which have occurred in this Island, [who] have steadfastly kept to their churches, their schools, and have been faithful to the Queen, and have upheld her laws'.<sup>74</sup> W B D Mantell, a former Native Minister, moved, on 26 September, in the Legislative Council, that all correspondence concerning Hunia and Kemp's activities in Horowhenua be tabled, taking the opportunity to ridicule Government policy on the arming of friendly tribes.<sup>75</sup> The motion of 26 September was renewed and expanded in the House of Representatives on 4 October.<sup>76</sup> Two days later, Tamihana's petition was referred to the Legislative Council's Select Committee on Native Affairs.

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74. 'Petition of Tamihana Te Ruaparaha and Others', AJHR, 1871, I-1

75. Mantell, 26 September 1871, NZPD, vol 10, pp 597-598

76. Gillies, 4 October 1871, NZPD, vol 11, p 85

*Wellington*

On 17 October McLean forwarded to the select committee relevant papers, and a memorandum for the chairman, setting out his position on the investigation the committee was planning to undertake. McLean said it was inexpedient for the committee to make any inquiry into the Horowhenua dispute. Both parties had already agreed to refer the matter to arbitration. Moreover, the committee would hear only one side of the dispute, which would have the effect of retarding its settlement. Hunia and Kemp had retired from Horowhenua some time ago. They had also agreed to deliver up their arms to the Government store. Every endeavour to bring about a peaceful solution to the tribal differences had been made, and McLean felt sure that the committee could see that it would be inappropriate for anyone to interfere with the Horowhenua situation at its present stage of development.<sup>77</sup> On 18 October Mantell moved successfully that the return ordered by the council on 26 September be produced 'forthwith'.<sup>78</sup> However, by that date the Government's damage control had saved the day. By the simple device of denying Tamihana and Watene a hearing before the select committee, the lid was kept on the Horowhenua situation, and the Government's critics deprived of all useful ammunition. On 20 October, reference was made in the House to a letter from Tamihana and Watene Te Waewae, published in the *Evening Post* of the day before.

Sir, – Please publish my letter in your next. I have made repeated visits to Wellington to request the Government to settle the Horowhenua dispute, to no avail. On the 25th September we petitioned the House of Assembly, now sitting in Wellington, on that subject, and asked the House to listen to the prayer of peaceful men. The House appointed a Committee to inquire into the cause of our petition. It

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77. McLean to Wakefield, 17 October 1871, MA series 75/5, NA Wellington

78. Mantell, 18 October 1871, NZPD, vol 11, p 383

*Horowhenua 1869 to 1871*

was agreed that the Committee should meet on the 14th of this month. Watene and I were summoned to attend: we came. The Committee met that day, and was postponed till eleven o'clock on Monday, and was postponed till Tuesday. On that day Watene and I attended again, but we were not allowed to be present. Taiaroa was sent to tell us that the Committee was over, and the matter settled; that Watene had consented to move off, that the arms were being collected, and that the investigation was to take place in December. Now, I wish the pakeha to know that the person appointed to collect these arms is this very Major Kemp who has taken up arms against us. Watene has not consented to move off the land. I am returning very sad (*pouri*) to my home, for I see this conduct is wrong, and will lead to wrong. If blood is shed, do not let the blame be thrown on NgatiRaukawa. Mr McLean's Government is not a Government that upholds the Queen's laws. It is carried on by bribing the Maori with money to keep them quiet. This is all.

G S Whitmore, Legislative Council, wanted to know if the statement made in the letter, that Kemp had been appointed to collect the rifles in question, was true.<sup>79</sup> However, he had worded his question badly, and appeared to be asking if all the statements in the letter were true. H Sewell, Minister for Justice, objected to the notion that a minister could be asked if a newspaper item that reflected, at least in part, on a parliamentary committee, was true or not, and asked the Speaker to rule whether the question, in the form given on the order paper, was one that a minister should be expected to answer.<sup>80</sup> The Speaker felt it was up to the minister whether he chose to answer or not, but did think that perhaps the question could be made more specific. Sewell could see an escape hatch when it was so carefully pointed out to him, and declined to answer the question unless it was withdrawn, redrafted, and re-submitted. Whitmore accordingly withdraw, redrafted, and re-submitted the question. Sewell, however, seemingly outsmarted him yet again. Whitmore wanted to know specifically if Kemp was to collect arms from Ngatiraukawa – a rather fanciful interpretation of Tamihana's letter – or from his own people. Sewell replied

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79. Whitmore, 20 October 1871, NZPD, vol 11, p 485

80. Sewell, 20 October 1871, NZPD, vol 11, pp 485–486

that Kemp had been given no instructions to collect arms from Ngatiraukawa, simply ignoring the second part of Whitmore's question.<sup>81</sup> Whitmore made no protest. He was, after all, a most unlikely candidate if the objective was to press home an attack on Kemp. The Government, in any event, was able to avoid admitting the truth of Tamihana's accusation: that Kemp had indeed been made responsible for disarming his own followers and thus for the disbanding of the private army that he and Hunia had been using to back up their claims to Horowhenua.

On 6 November 1871 the select committee reported back to the council that, as the decision of the arbitrators appointed by the tribes was currently being awaited, the committee did not deem it expedient to give any further consideration to the subject of the petition. Thus by a little devious management, and some shabby treatment of Tamihana and Watene, parliamentary scrutiny of the Horowhenua dispute, and the Government's policy with regard to it, had been avoided. Yet, in retrospect, it is hard to see what, if anything, the Government had to be defensive about. When the papers relating to Horowhenua were tabled, on or about 18 October 1871, they showed that the district was quiet, the matter of the rifles in hand, and plans for an arbitrated settlement well advanced.<sup>82</sup>

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81. Sewell, 25 October 1871, NZPD, vol 11, p 514

82. 'Papers Relative to Horowhenua', AJHR, 1871, F-8

**7.6 1871: TRAVERS COMMISSION**

*Wellington*

In November 1871, T L Travers was instructed by McLean to collect statements concerning the Horowhenua dispute from the opposing parties. In their evidence during the Foxton hearing, in November 1872, Kemp and Hunia both referred to this inquiry. According to Kemp, the suggestion came from Governor Bowen, during an after-dinner discussion between Kemp and Hunia on one side and McLean, Fox, and Bowen on the other.<sup>83</sup> Kemp also said that he gave his statement to Travers the following day. Kemp's statement to Travers is dated 23 November, and is prefaced by a note to the effect that it was obtained under an instruction by McLean dated 20 November 1871, that is, two days before.<sup>84</sup> If Kemp's evidence at Foxton is correct, the Travers investigation was not the product of a spontaneous after-dinner viceregal notion; it was something that had been planned by McLean some days in advance, then sprung on Kemp and Hunia with the help of Bowen and probably Fox as well. To what purpose is not at all clear, but it may have been an attempt to push the Horowhenua affair to a conclusion. Alternatively, it may have had something to do with Hunia. He was present at the dinner and apparently agreed to give a

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83. 'Kukutauaki Block: Copy of Proceedings of Native Land Court at Foxton, November 1872, with Notes of Evidence', MA series 75/8, p 60, NA Wellington

84. 'Minutes of Evidence Taken by Thomas Locke Travers in Reference to the Horowhenua Land Dispute Under Instructions of the Hon Mr McLean Dated 20th November 1871', MA accession 1369, box 4, p 1, NA Wellington

statement. In the cold light of day, however, upon hearing that statements were to be collected from Ngati Raukawa as well, he declined to do so.<sup>85</sup>

Watene Te Waewae and Ihakara Tukumarū, both of Ngati Raukawa, and Wi Tako Ngatata, of Ati Awa, displayed no such hesitation when approached to give their sides of the story later that month. Together, their statements, and Kemp's, provide a very clear picture of the origins of the dispute, and of the position of each of the parties on the eve of the arbitration. Watene's evidence is of particular value, in as far as he was one of the key players: yet little, relatively speaking, was known about him at the time.

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85. 'Kukutauaki Block: Copy of Proceedings of Native Land Court at Foxton, November 1872, with Notes of Evidence', MA series 75/8, p 61, NA Wellington

Kemp's position was crystal clear. He claimed all of the land formerly occupied by Te Whatanui and his descendants to the south of the lake, with the exception of a small plot that had, he said, been gifted to Te Whatanui. Of land within the Horowhenua block to the north, currently occupied by Ngati Huia, all, except for a small burial site, was claimed. He based these claims on ancestral rights, denying the significance of the battle of Waiorua, in fact stating that Ngati Toa claims of conquest based on that battle were inventions of recent origin. According to Kemp, Te Whatanui settled at Horowhenua after he had asked the Muaupoko to make peace with him. Muaupoko were at that time in occupation of the land and at no time before Te Whatanui's arrival had they ever ceased to occupy the land. After that peace, both sides had lived in harmony, in a state of complete fusion. There had been no problems until the time of Whatanui Tutaki. Then disputes over the leasing of land to the Pakeha arose, different parties trying to get as much land, and so as much rent money as possible. This had led to encroachments by Ngati Huia across the northern boundary, and by Matene Te Whiwhi and others, who were trying to push up from the south. Kemp also denied any knowledge that Te Whatanui had dealt with all of the land in the vicinity of Horowhenua: 'I never heard anything of the sort, and I was living there at the time. I am not keeping anything back. If I had heard that he had so, I should have stated it freely.'<sup>86</sup>

Kemp's evidence was taken across two days. On the second day, Kemp claimed that Te Whatanui's famous promise to Muaupoko, that nothing would touch them

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86. 'Minutes of Evidence Taken by Thomas Locke Travers in Reference to the Horowhenua Land Dispute Under

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but the rain from heaven, had not been kept. There had been a subsequent attack by Ngati Toa. On the second day Kemp also contradicted statements he made the previous day, about the relationship between Te Whatanui and Muaupoko. They did not, he said, live together on a friendly basis but in 'a state of distrust towards each other'.<sup>87</sup>

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Instructions of the Hon Mr McLean Dated 20th November 1871', MA accession 1369, box 4, p 6, NA Wellington  
87. Ibid, p 9

Watene gave his evidence on 29 November 1871. He said that he was living on Te Whatanui's lands at Horowhenua, his claim being that he was the nephew of Te Whatanui. He had lived at Horowhenua since 1847, since the time of Whatanui Tutaki, some 24 years in total. He agreed that Wiremu Pomare had a claim to the land, and stated: 'I am the elder branch of the same family, and I am in occupation of the land; this keeps his claim good as well as my title'.<sup>88</sup> His claim, he said, was to Te Whatanui's land; he had not encroached in any way across the original boundary laid down by Te Whatanui. Indeed, he had already consented to the transfer of part of Te Whatanui's land to Muaupoko, the territory that Pomare had agreed should be given, so that the meeting house Kupe would be on the Muaupoko side of the boundary. This new boundary had been confirmed by a 'Komiti' of leading chiefs, then formally pointed out to both the descendants of Te Whatanui and Muaupoko in September 1870.

It was Muaupoko who no longer observed the boundary lines, whether new or old. But this behaviour was of recent origin, only since 1870, and at Hunia's instigation. When asked about the status of Te Whatanui's land, Watene replied that it was family rather than tribal land. However, Ngati Raukawa would protect the descendants of Te Whatanui in their occupation if that was necessary. Te Whatanui had kept his promise of protection; the attack Kemp described had occurred away from Horowhenua, without Te Whatanui's knowledge. And while Te Whatanui and the Muaupoko chief at Horowhenua, Taweki, were friends, there was never any

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88. *Ibid*, p 11

promise by Te Whatanui to return land to them. ‘He laid down the boundary at first, and there was an end of it. It was never recurred to afterwards’.<sup>89</sup>

Ihakara Tukumarū’s evidence was quite brief and to the point. Te Whatanui had had mana over extensive tracts of land, not just at Horowhenua but in the Manawatu as well. When this latter land was sold to the New Zealand Company, Te Whatanui was the prime mover, and no one other than Ngati Raukawa had had any say in the matter. Ihakara noted that Taweki and other Muaupoko chiefs were alive at the time of this sale, living within the boundaries laid down by Te Whatanui, and went on to make the point:

It gives you a very good idea of the position at the time of the sale of the Manawatu, that although their chiefs were alive; they took no part in the sale on one side or the other. It is only owing to the Europeans that they are able to open their mouths at all now. They are like a dog that swims across the river. When he gets on the other side he shakes the water off. They are shaking themselves now.<sup>90</sup>

Ihakara had not heard that Te Whatanui had shared the proceeds of this sale with Muaupoko but he imagined that ‘as they were his slaves, it is very likely that he gave them blankets and things to keep themselves warm’.<sup>91</sup>

As to the status of the land, Ihakara endorsed Watene’s evidence. Horowhenua was the family estate of Te Whatanui and his descendants. Ngati Raukawa was only

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89. *Ibid*, p 15

90. *Ibid*, p 17

91. *Ibid*, p 16

*Wellington*

taking an interest in the matter because Hunia and others were interfering, suggesting that Ngati Raukawa would dig their 'spurs into them presently if they don't look out'.<sup>92</sup>

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92. Ibid, p 17

Wi Tako's evidence dealt with two principal issues – the status of Te Whatanui on the Kapiti Coast and the position of Muaupoko at Horowhenua. Te Whatanui was, according to Wi Tako, a very great chief, a major power-broker in the Ngati Toa, Ati Awa, Ngati Raukawa alliance, and a man whose word was always respected along the coast. As for the Muaupoko, they lived under Te Whatanui's protection; had this not been the case, they would have all been killed by Ngati Toa and Ati Awa. Their territory had been conquered by Ngati Toa and Ngati Raukawa, and Te Whatanui had 'merely allowed the Muaupoko to return and live there'.<sup>93</sup> Mana or right over the land was never given back to them, only permission to reside on it.

When he had finished taking evidence, Travers provided McLean with a summary of the main points. The land was claimed by Watene as the representative of the immediate descendants of Te Whatanui. Ngati Toa, Ngati Raukawa, and Ati Awa made no claims on the land, but felt obliged to defend the right of Te Whatanui's descendants to the land, as against the claims of Muaupoko, the former owners. Muaupoko had not, even with the assistance of Ngati Apa and Rangitane, been able to offer effective resistance to Ngati Toa and their allies, and if Te Whatanui had not provided his protection they would have all been killed. Te Whatanui took possession of the land and marked off the boundaries of the land to be occupied by Muaupoko. Taweki and his people made no objection to the appropriation of their land, and Te Whatanui and his descendants remained in undisputed possession until 1870, when Hunia erected a building on Te Whatanui's side of the boundary. A new boundary was drawn to allow for this encroachment, but this was an act of grace, not

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93. *Ibid*, pp 19–20

*Wellington*

a recognition of Muaupoko right to the land in question. These, said Travers, were ‘the leading facts deducible from the evidence of the parties examined’.<sup>94</sup>

During the troubled winter of 1871 it had been agreed by all parties that the Horowhenua dispute was to be submitted to a court or runanga of chiefs and Pakeha nominated by both parties. This plan appears to have been a Maori initiative, possibly fashioned with the help of Edwards, and was explicitly an alternative to placing the whole matter before the Native Land Court. A good deal of time was devoted during the latter half of 1871 to getting this proposal accepted, organising nominations by each of the parties, and setting the month: December 1871. One reason for the calm that settled over Horowhenua in late 1871 was that Ngati Raukawa seemed content to wait patiently for this arbitration to occur; that it was to occur was also the reason the select committee advanced in November 1871 for declining to hold a hearing on Tamihana’s petition.

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94. Horowhenua Land Dispute (Summary of Evidence Taken by Thomas Locke Travers in Reference to the Horowhenua Land Dispute Under Instructions of the Hon Mr McLean Dated 20th November 1871), MA accession 1369, box 4, p 3, NA Wellington

### *Horowhenua 1869 to 1871*

Despite these expectations, it seems clear that the arbitration hearing, court, or runanga, as it was variously called, never took place. A report in the *Evening Post* dated 10 July 1872, says: ‘Mr McLean promised to arbitrate in December, and has not arbitrated yet.’<sup>95</sup> In January 1874, during a meeting at Otaki, McLean mentioned that before Horowhenua had been referred to the Native Land Court, he had appointed certain chiefs to investigate and if possible settle the dispute over the land but ‘that attempt failed’.<sup>96</sup> It is not clear if this meant efforts to have the chiefs meet and consider the matter had not succeeded or that they had met but failed to agree, although the former seems more likely.<sup>97</sup> The exact nature of the failure in question is possibly of no significance: what is significant is that this failure left only one alternative. Early in 1872 the dispute was referred to the Native Land Court.

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95. *Evening Post*, 10 July 1872

96. ‘Horowhenua Land Dispute, Together with Notes of Meetings’, 1874, MA series 75/12, p 5, NA Wellington

97. *Ibid*, p 12

