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Fact or Fiction?
William Colenso's Authentic & Genuine History of the
Signing of the Treaty of Waitangi

A thesis submitted in partial fulfillment of
the requirements of the degree of
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Figure I: William Colenso, circa 1880, photographer unknown, reproduced with the permission of the Museum of New Zealand Te Papa Tongarewa.

Abstract

William Colenso's eye-witness account of the debate and signing of the Treaty at Waitangi on 5 and 6 February 1840 is part of a body of work which informs our understanding of the Treaty as the basis of our nationhood and the source of autonomous Maori rights. His record of the speeches of Nene and Patuone was pivotal in the Court of Appeal's judgment in the State-Owned Enterprises case and informed the decision-making of the Waitangi Tribunal in the Muriwhenua Land Claim. Colenso's history was also a pervasive influence on T. Lindsay Buick's history on the Treaty and Ruth Ross's work on the texts and translations. Despite the reliance on this 1890 text, historians have not tested Colenso's claims to authenticity and objectivity. This thesis compares William Colenso's manuscript, which was purchased at Peter Webb Galleries in Auckland in 1981, against his *Authentic and Genuine History of the Signing of the Treaty of Waitangi*, which was published by the government in 1890 to coincide with the 50th jubilee of the signing of the Treaty at Waitangi. It also explores the similarities and discrepancies between the two and whether it is possible to corroborate Colenso's narrative from the accounts of other European eye-witnesses. The thesis concludes that Colenso's manuscript is an 'authentic' eye-witness account that was written in 1840 and suggests it was principally intended to reiterate the allegations he had made in a letter to the CMS on 11 February 1840 in which he had referred to Henry Williams' land purchases and suggested that the missionary had had a conflict of interest when he encouraged Maori to sign the Treaty. The thesis also concludes that Colenso's manuscript was written with a purpose, that both texts were influenced by his personal views and biases and that the footnotes added by him in 1890 may have been inserted in order to garner favour with Canon Samuel Williams, the third son of Henry Williams, and obtain a seat on the Anglican Synod.

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Abbreviations

ACL	Auckland City Library
AML	Auckland Museum Library
ATL	Alexander Turnbull Library
AUL	Auckland University Library
CMS	Church Missionary Society
CO	Colonial Office
CUT	Cambridge University Library, England
HL	Hocken Library, Dunedin
HRA	Historical Records of Australia
MUL	Massey University Library
NLA	National Library of Australia
NLNZ	National Library of New Zealand
OLC	Old Land Claims
WMS	Wesleyan Missionary Society
WRM	Whanganui Regional Museum

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Introduction

In 1890, 50 years after the signing of the Treaty of Waitangi, the Government Printer published a small volume comprising just 36 pages of narrative and three pages of appendices. This volume claimed to be an authentic and genuine history of the debate and signing of the Treaty at Waitangi on 5 and 6 February 1840.¹ Its author, 79 year old William Colenso, had formerly been employed as a printer by the Church Missionary Society and had lived at the Paihia mission station in 1840. He claimed that his eye-witness account had been ‘written entirely at the time’ and corroborated by the former British Resident James Busby.²

In spite of its slim and unimposing appearance William Colenso’s history has had a profound influence on the historiography of the Treaty of Waitangi. Many of the key themes in the work of T. Lindsay Buick have their genesis in Colenso’s work including the notion that Waitangi is the cradle of the nation; that the Treaty of Waitangi is the Magna Carta of the Maori people and the belief that the policy adopted by Great Britain, as reflected in Lord Normanby’s instructions to William Hobson, was humane and intended to protect the Maori people from the adverse consequences of unregulated European colonization.³ These ideas also pervaded the speech delivered by the Governor-General when the Treaty was commemorated at Waitangi for the first time since its signing in 1934. On that occasion the address of Viscount Lord Bledisloe, who gifted the former Waitangi estate of James Busby to the nation, was written for him by T. Lindsay Buick; Bledisloe and the government funding the second edition of Buick’s history on the Treaty of Waitangi to coincide with the gift.⁴

¹ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi, New Zealand, February 5 and 6, 1840: Being a faithful and circumstantial, though brief, narration of events which happened on that memorable occasion; with copies of the Treaty in English and Maori, and of the three early proclamations respecting the founding of the colony*, Wellington: Government Printer, 1890.

² *The New Zealand Herald*, Friday 31 January, 1890, p. 5, ACL.

³ T. Lindsay Buick, *The Treaty of Waitangi or How New Zealand Became a British Colony*, Wellington: S. & W. Mackay, Lambton Quay, 1914, pp. vii-ix.

⁴ T. Lindsay Buick (ed.), ‘Introduction’ to Lord Bledisloe, *Ideals of Nationhood: A Selection of Addresses Delivered in New Zealand by The Right Hon. Lord Bledisloe, P.C., G.C.M.G, K.B.E., F.S.A., M.A., F.C.S., M.R.A.C., during His Governor-Generalship of the Dominion*, New Plymouth, 1935, p. 7, ACL. The speech appears on pp. 146-55; *The Governor-General’s Address at the Waitangi Celebrations on the 5th and 6th February, 1934*, by E. Earle, January 1944, pp. 3-4, 8-9, 17, AML; Buick’s copy and copies of the accompanying letters to Lord Bledisloe are in the Buick Papers, 58/1, and ‘The Treaty of Waitangi’, notes for speech, n.d., are in the Buick Papers, 58/66, ATL as cited by Chris Hilliard, *Island stories: The writing of New Zealand History, 1920 – 1940*, A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History, The University of Auckland, 1997, p. 75, note 136, <https://researchspace.auckland.ac.nz/handle/2292/2125>, retrieved 17 February 2011.

William Colenso's visual imagery of the scene at Waitangi on 5 February 1840 has also been brought to life by artists and cartoonists; the marquee made of sails and the flags which decorated it; the raised dais for Hobson and his attendants and the table covered with the Union Jack having been etched into the national psyche by commemorative plaques and paintings and witty cartoons referring to the Waitangi Tribunal and Maori Treaty claims. Re-enactments of the signing of the Treaty based on William Colenso's history have been played out at Waitangi on 'Waitangi Day'; the first of these drawing on direct descendants of the original participants to act the parts described by Colenso in his jubilee history.⁵ In 1987, in the Court of Appeal, Colenso's record of the speeches of Nene and Patuone were used to exemplify the 'Maori mentality' at Waitangi on 5 February 1840 and to determine that, consistent with the 'principles' of the Treaty of Waitangi, the Crown had a fiduciary duty toward Maori under the State Owned Enterprises Act.⁶

Equally familiar but divergent themes arising from William Colenso's volume pervade the work of Ruth Ross, Ranginui Walker, Paul Moon and Sabine Fenton. These include the notions that the Maori text was written in Protestant missionary Maori; that Reverend Henry Williams may have deliberately mistranslated the Treaty to protect his extensive land purchases and that the chiefs who signed the Treaty at Waitangi on 6 February 1840 may have thought they had only agreed that Captain Hobson could remain to govern the Europeans.⁷ These deprecations have in turn engendered responses from the Church Missionary Society of New Zealand and members of the Williams family.⁸

⁵ *Centennial of the Treaty of Waitangi 6 February 1840 Souvenir Programme*, Wellington: E.V. Paul, Government Printer, 1940, p. 7, AML.

⁶ *New Zealand Maori Council v Attorney General*, New Zealand Law Reports, Francis Wilson (ed.), Wellington: Butterworths, 1987, Volume 1, Case 641, Heard in the Court of Appeal in Wellington by Cooke P, Richardson, Somers, Casey and Bisson JJ on 4, 5, 6, 8, May and 29 June 1987, p. 715.

⁷ Ross, Ruth, *Te Tiriti o Waitangi*, illustrated by E. Mervyn Taylor, P. & S. Serial No. 6, Wellington: R.E. Owens, Government Printer, 1958, pp. 2-39; Ruth Ross, The Treaty on the Ground, in *The Treaty of Waitangi Its Origins and Significance, A series of Papers presented at a seminar held at Victoria University of Wellington, 19-20 February, 1972 under the auspices of the Department of University Extension of the University*, Wellington: Department of University Extension of Victoria University of Wellington, 1972; Ross, Ruth, *Te Tiriti o Waitangi: Texts and Translations*, *New Zealand Journal of History*, 6, 2, 1972, pp. 129-157; Ranginui Walker, *Ka Whawhai Tonu Matou Struggle Without End*, Albany: Penguin, 2004; Paul Moon & Sabine Fenton, Bound into a Fateful Union: Henry Williams' translation of the Treaty of Waitangi into Maori in February 1840, *Journal of the Polynesian Society*, 111, 2002, pp. 51-63.

⁸ Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume I, Auckland: Upton & Co., 1874; Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume II, Auckland: Wilson & Horton, 1877; Lawrence Rogers, *Early Journals of Henry Williams, 1826-1840*, Christchurch: Pegasus Press, 1961; Lawrence Rogers, *Te Wiremu: A Biography of Henry Williams*, Christchurch: Pegasus Press, 1973; Caroline Fitzgerald (ed.), *Te Wiremu – Henry Williams' Early Years in the North*, Wellington: Huia Publishers, 2011; Church Missionary Society, *Resolution to reinstate Henry Williams to an honoured place in the annals of the CMS*, 27 September 1939, MS 92/1, AML. Hugh

William Colenso's 1890 jubilee history was treated at a primary source by Buick and Ross and it was not until 28 October 1981 that his handwritten manuscript was purchased from Peter Webb Galleries in Auckland and archived in the Alexander Turnbull Library.⁹ During the course of the Muriwhenua land claim Dr. Anne Salmond advised the Waitangi Tribunal that there were discrepancies between Colenso's manuscript and jubilee history. However, she also said that none of the 'edits and additions seriously altered the gist of any of the speeches that were given, with the exception of those by Busby, and possibly those by Heke and Nene'.¹⁰ Similarly, in Stage One of the Northland Inquiry, Dr. Donald Loveridge submitted a table into evidence which compared the manuscript and published history. However he did not subject Colenso's narrative to scrutiny or discuss the similarities and discrepancies between the texts.¹¹

Given the reliance on Colenso's history and the far reaching consequences of the Tribunal's work it is somewhat surprising that William Colenso's account and his claims to 'authenticity' have not been more rigorously examined by historians. This thesis is a systematic attempt to explore how authentic Colenso's authentic history of the debate

Carlton married Lydia Williams in 1859. He edited the *New Zealander* and held his seat for the Bay of Islands until 1870. Caroline Fitzgerald is the great great-granddaughter of Henry Williams. Her grandfather Algar Williams commissioned Lawrence Rogers to edit the *Early Journals of Henry Williams* and write the biography *Te Wiremu*. The latter was written to commemorate the 150th anniversary of the missionary's arrival in the Bay of Islands. See Caroline Fitzgerald (ed.), *Te Wiremu – Henry Williams' Early Years in the North*, Wellington: Huia Publishers, 2011, p. xii.

⁹ William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL. There is also a photocopy of the manuscript in the General Library, Special Collections, Manuscripts and Archives, 2011/2, AUL.

¹⁰ The variations between Colenso's memoranda and 1890 history that were observed by Dr. Anne Salmond were (1) Colloquial language in the original manuscript – 'I'll, I won't, who'll' etc, has been formalised in the published account – "I will, I will not, who will" etc.; (2) The third person singular has been changed into Biblical language; 'you' – 'thee, thou'; (3) Contextual descriptions (of the chiefs' dress, manner etc.) have been added in some places; (4) Names of chiefs have in some instances been corrected, and in all cases their hapu affiliations have been added; (5) Comments supportive of the role of Busby and the missionaries have been added to the chiefs speeches in a number of places; (6) The rhetoric of the chiefs has been elaborated; (7) Comments and one entire speech by Busby have been added, evidently as the result of edits added by Busby on Colenso's invitation, which Colenso "faithfully copied (ipsissima verba), inserting them where Mr. Busby had placed them" on a manuscript copy other than the one which has survived; (8) A number of footnotes have been added to the published account with identifications of European speakers, comments on particular points in the speeches, etc., see Anne Salmond, Wai 45, # F. 19, *Submission for the Waitangi Tribunal on the Muriwhenua Land Claim*, Wellington: Waitangi Tribunal, p. 17.

¹¹ Donald M. Loveridge, Wai 1040, #3.1.361, Te Paparahi o Te Raki (Northland Inquiry), Memorandum of the Crown, 28 October 2010: A photocopy of Colenso's handwritten notes of 1840; a transcript of these notes; a photocopy of Colenso's 1890 publication, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*; and an A3 document which sets out (side by side) the handwritten notes, the transcript of the notes and the corresponding sections of the 1890 publication.

and signing of the Treaty at Waitangi actually is; whether his handwritten memorandum is a genuine 1840's document; whether his original notes have been modified or changed; what the differences are between the two texts; to what extent his 1890 history is a reliable account of what happened in 1840 and how well William Colenso's record of the events that occurred at Waitangi in February 1840 compares with other eye-witness reports from the period.

The method used in this thesis compares the text of William Colenso's handwritten manuscript against his 1890 jubilee history. The chapters are organized around the key themes which emerge from his work and present excerpts from the texts side-by-side in tabular form for ease of comparison. The journal and letters of Felton Mathew, William Wade's correspondence with the CMS and various newspapers published in Australia and New Zealand have been used to establish the provenance of the manuscript. Official records, including the Blue Book for 1840 and the Parliamentary Papers on New Zealand, have been employed to explore the sequence of events that led up to the Treaty meeting and the events which took place at Waitangi on 5 and 6 February 1840. The manuscripts of James Busby, Henry Williams and other missionaries; a newspaper report written for *The Sydney Herald* by Captain Robertson of the *Samuel Winter*; the letters of Bishop Pompallier, Father Servant and Captain Lavaud, and a publication by Commander Charles Wilkes of the United States Exploring Expedition are amongst the records that have been used to establish what other authors made of the events at Waitangi in February 1840. Inherent in this methodology is the overriding question of what contact, if any, Colenso may have had with these people; whether he discussed the events that had taken place at Waitangi with them, and to what extent their records of the meeting bear a resemblance to William Colenso's original account.

There is strong evidence that William Colenso's manuscript was written very soon after the Treaty signing at Waitangi. First, Colenso's manuscript is written on paper watermarked 1835.¹² Secondly, it appears to have been written before 26 February 1840,

¹² A note appended to the manuscript by the Alexander Turnbull Library states 'On paper watermarked 1835 this preliminary draft of a report to the Church Missionary Society, London, was written before 25 March 1840', see William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL; William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, General Library, Special Collections, Manuscripts and Archives, 2011/2, AUL.

when Patuone was baptised by Henry Williams; the baptismal prefix ‘Edward Marsh’ being absent from Colenso’s 1840 manuscript but included in his 1890 jubilee history. Thirdly, Colenso appears to have started writing his memorandum on or around 12 February 1840; the day after he wrote to Dandeson Coates and advised him of his intention to prepare an account of the Waitangi meeting for the CMS. Finally, he appears to have concluded his memorandum on or before 16 February 1840; his failure to copy or translate the Treaty into his manuscript suggesting that it was finished before Hobson asked him to print the Maori text on 17 February 1840.¹³

There is other more circumstantial evidence. The likelihood that Colenso’s manuscript was written during this period is also intimated by the journal of Felton Mathew which strongly resembles William Colenso’s manuscript and suggests that the printer discussed the events that had occurred at Waitangi with the surveyor and borrowed his journal. Entries in Mathew’s diary indicate that he attended church at Paihia on 9 February 1840 and that he was absent from the Bay of Islands between 10 February 1840 and 16 February 1840, when he accompanied William Hobson, Henry Williams and George Clarke to obtain signatures to the Treaty at Waimate and Hokianga. This suggests that William Colenso spoke to Felton Mathew either before or after the service at Paihia on 9 February 1840, borrowed his journal and prepared his memorandum for the CMS whilst Reverend Henry Williams’ was absent from the Paihia Mission Station.

William Colenso said that he gave his manuscript to William Wade to read during his voyage to Sydney on the *Eleanor* on 25 March 1840 and asked him, time permitting, to make a copy of it for the CMS. He also said that Wade had complied with his request and that the manuscript had been returned to him minus the printed appendices.¹⁴ The main body of Colenso’s manuscript does not cast any light on whether or not he sent it to Wade but an unnumbered one-page insertion does suggest that this statement is truthful. One side of the insertion records the speeches of James Busby and Henry Williams, whilst overleaf is a record of Te Kemara’s speech and Hobson’s comment to Moka that all land unjustly held would be returned and all purchases made after the date

¹³ William Colenso to Dandeson Coates, 24 January 1840, with addendum dated 11 February 1840, Collected papers of and relating to William Colenso, Letters, November 1834–February 1849, MS-0063/A, HL; William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 7. An entry in Colenso’s Day and Waste Book reveals that he subsequently composited and printed 200 copies of the Maori text of the Treaty on 17 February 1840, see William Colenso, Papers, Day and Waste Book, Paihia, Bay of Islands, 1st Printing Office, from 1836 to March 1842, MS 76, Box 2, Folder 13, AML.

¹⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, pp. 8-9.

of the proclamation would not been deemed lawful. Cross-writing over the speeches of Busby and Williams appears to be in the hand of William Colenso and reads ‘Mr. W. Colenso, Paihia’, whilst letters between Colenso and Donald McLean indicate that William Colenso was in the habit of appending his name in cross-writing on the final page of his correspondence. This suggests that the one-page insertion recording the speeches of James Busby and Henry Williams was written by William Colenso and originally appended to the back of his manuscript, which was subsequently sent to Wade at Te Puna where he boarded the *Eleanor* for Sydney.¹⁵

Given that Henry Williams required his subordinates to submit their letters to the Northern District Committee before they were sent to London, it is likely that Colenso gave his manuscript to Wade in order to ensure that Williams was completely ignorant of its existence. Wade, who had formerly worked in Salisbury Square and was on intimate terms with Coates, was also opposed to the missionaries’ land purchases and is likely to have agreed with Colenso’s criticism of Henry Williams. In keeping with this, Wade later told Coates that Williams’ response to Flatt’s evidence to the Select Committee of the House of Lords was misleading and that his land purchases were far more extensive than he had admitted to the CMS.¹⁶

Confirmation of Wade’s departure on the *Eleanor* is provided by Reverend Robert Burrows. Writing on Monday 23 March 1840 to inform Coates of his safe arrival in the Bay of Islands, Burrows said that he intended to send his letter to Sydney with William Wade ‘who is proceeding to Hobart Town to take charge of a Baptist congregation’.¹⁷ The *Australasian Chronicle* subsequently reported the safe arrival of the *Eleanor* in Sydney on 6 April 1840 and listed amongst her passengers James and Agnes Busby and their children and Reverend William Wade, Mrs. Wade and their children.¹⁸ Five months later

¹⁵ William Colenso to Donald McLean re land at Waimarama, MS-Papers-0032-0222, Object # 1017333, page 3, <http://mp.natlib.govt.nz/detail/?id=1017333&recordNum=66&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>; William Colenso to Donald McLean re his Maori Lexicon, MS-Papers-0032-0222, Object # 1016298, p. 3, <http://mp.natlib.govt.nz/detail/?id=1016298&recordNum=65&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>; William Colenso to Donald McLean re treacle for his sore throat, MS-Papers-0032-0222, Object # 10219117, p. 3. <http://mp.natlib.govt.nz/detail/?id=1021917&recordNum=72&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>, retrieved 22 October 2011.

¹⁶ William Wade to Dandeson Coates, 37 Murray Street, Hobart Town, 26 October 1840, William Wade, Outwards Letters, 1835-1844, PC-0165, HL.

¹⁷ Robert Burrows to Dandeson Coates, Paihia, Monday 23 March 1840, Church Missionary Society, London, Inwards Letters from New Zealand, 1838-1842, MS-0498/012, HL.

¹⁸ *Australasian Chronicle*, Sydney, Tuesday 7 April 1840, p. 2, <http://trove.nla.gov.au/ndp/del/article/31727997?searchTerm=navarino&searchLimits=l-decade=184||l-year=1840>,

a notice in *The Hobart Town Courier and Van Diemen's Land Gazette* announced that Reverend William Wade had been appointed as minister of the Baptist Church in Hobart Town and that daily services would be held at 11.00 am and 6.30 pm in the Baptist Meeting House.¹⁹

William Colenso maintained that William Wade had made a copy of his manuscript for the CMS and Wade's letters confirm that he did send 'a few papers relative to New Zealand' to Dandeson Coates on the *Navarino* on 16 June 1840. However his letter also indicates that he believed that this vessel had sunk and had decided to send duplicates of some of his mail. Wade's letter, which was written in October 1840, refers to other correspondence 'which should have been completed and sent sooner' and to 'Enclosure B' which he said he had promised to send but 'can hardly suppose will be of any use now'.²⁰ There is however no direct reference to Colenso's memorandum of the Waitangi meeting to verify that a duplicate was definitely sent to the CMS, although contrary to Wade's misgivings, the press later reported that the *Navarino* had arrived safely in London.²¹

Colenso said that William Wade had returned his manuscript to him minus the printed appendices. Cross-writing over the page that records Te Kemara's speech and Hobson's comment to Moka is not clearly legible but appears to say 'The ... Moreau accompanying this'. According to the *Australasian Chronicle* Reverend Delphin Moreau of the Society of Mary arrived in Sydney from Hobart in January 1843 and then sailed to join the

retrieved 14 August 2011; *The Australian*, Sydney, Tuesday 7 April 1840, p. 2,
<http://trove.nla.gov.au/newspaper/result?q=eleanor+wade+l-decade=184>, retrieved 28 September 2011;

The Colonist, Sydney, Wednesday 8 April 1840, p. 2,
<http://trove.nla.gov.au/ndp/del/article/31724851?searchTerm=eleanor%20wade%20&searchLimits=l-decade=184>,
retrieved 28 September 2011; *The Sydney Monitor and Commercial Advertiser*, Sydney, Wednesday 8 April 1840, p. 2,
<http://trove.nla.gov.au/ndp/del/article/32167829?searchTerm=eleanor%20wade%20&searchLimits=l-decade=184>,
retrieved 28 September 2011.

¹⁹ *The Hobart Town Courier and Van Diemen's Land Gazette*, Friday 25 September 1840, p. 1,
<http://trove.nla.gov.au/ndp/del/article/8747670?searchTerm=eleanor%20wade%20&searchLimits=l-decade=184>,
retrieved 28 September 2011.

²⁰ William Wade to Dandeson Coates, 37 Murray Street, Hobart Town, 26 October 1840, William Wade, Outwards Letters, 1835-1844, PC-0165, HL.

²¹ *The Australian*, Sydney, Tuesday 10 November 1840, p. 3,
<http://trove.nla.gov.au/ndp/del/article/36850715?searchTerm=navarino&searchLimits=l-decade=184||l-year=1840||l-monthInYear=November%7CmonthInYear%3A11>, retrieved 20 August 2011; *The Sydney Herald*, Friday 13 November 1840, p. 2, <http://trove.nla.gov.au/ndp/del/article/12866500?searchTerm=navarino&searchLimits=l-decade=184||l-year=1840||l-monthInYear=November%7CmonthInYear%3A11>, retrieved 20 August 2011.

mission of Bishop Pompallier. This suggests that Reverend William Wade may have given the manuscript to Father Moreau to return to William Colenso at Paihia.²²

Having established that William Colenso's memorandum of the debate and signing of the Treaty at Waitangi is a genuine 1840's document, the thesis will now compare Colenso's 1840 account against the published version and examine the authenticity of his narrative. Chapter One will address the arrival of the *Herald* in the Bay of Islands on 29 January 1840 and William Hobson's public address in the church at Kororaraka the following day. Chapter Two will focus on William Colenso's description of the scene at Waitangi on 5 February 1840. Chapter Three will look at Colenso's account of Hobson's speech to the chiefs and Chapter Four at the chiefs' responses to that address. Chapter Five will concentrate on the concerns that were raised at Waitangi about Henry Williams' interpreting and his subsequent defense of his land purchases, whilst Chapter Six will focus on James Busby's justification of his extensive acquisitions. Chapter Seven will address William Colenso's assertion that the second day's meeting was brought forward to 6 February 1840 because several chiefs proposed to leave for want of food. It will also explore whether it is possible to corroborate his claim that attendance was poorer because of the Whananake question and the squabble over tobacco the previous day. Chapter Eight will deal with Bishop Pompallier's request for religious freedom at Waitangi on 6 February 1840 and Chapter Nine with Colenso's query whether Hobson was satisfied that Maori understood the articles of the Treaty they had been called upon to sign.²³

²² *Australasian Chronicle*, Sydney, Tuesday 17 January 1843, p. 2, <http://trove.nla.gov.au/ndp/del/article/31738579?searchTerm=moreau><http://trove.nla.gov.au/ndp/del/article/31738579?searchTerm=moreau>, retrieved 23 October 2011.

²³ The author of this thesis was unable to attend the William Colenso Bicentenary, which was organized by the Hawkes Bay Museum & Art Gallery and held from 9 – 13 November 2011. However, the programme indicates that the research papers presented at the conference focused on his family background, his discovery of indigenous orchids and role in the Hawkes Bay Philosophical Institute, his employment as a provincial Inspector of Schools and his Maori Lexicon. See <http://www.williamcolenso.co.nz/Bicentenary-Programme.html>, retrieved 12 December 2011.

Chapter One: Hobson's Commission and Proclamations

This chapter will set the scene for the meeting at Waitangi on 5 February 1840 by addressing the arrival of Her Majesty's ship *Herald* in the Bay of Islands on 29 January 1840 and Hobson's public address in the church at Kororareka the following day. It will compare William Colenso's manuscript and jubilee history. It will also explore, using archives and the eye-witness accounts of other Europeans, whether it is possible to corroborate Colenso's narrative.

The first page of William Colenso's manuscript is headed *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency.*¹ Underneath this heading Colenso has written, 'See paper marked' and inserted a symbol. This symbol appears again on the first page of a two page insertion which is numbered 1A and addresses the events of 29 and 30 January 1840. It reads:

MS-Papers-1611	1890 Jubilee History
<p>1840 Jany. 29. This morning H.M.S. "Herald", Captain J. Nias, ^ arrived & anchored in the Harbour, ^ having on board His Excellency Lieut. Govr. Hobson & Suite arrived. J Busby Esq, the late B. Resident went on board, &</p>	<p>1840, <i>January 29th</i>. This morning Her Majesty's ship "Herald," Captain J. Nias, arrived in the Bay of Islands and anchored in the harbour, having on board Lieutenant-Governor Hobson and his suite.</p>
<p>30. This Early this morning ^ circular ^ Letters xxx were printed at the Press of the C.M.S., for the assembling of the Native Chiefs to meet the Govnr. at Waitangi, on Wednesday the 5th day day of Feby. next –</p>	<p>30th.- Early this morning circulars letters were printed at the press of the Church Missionary Society for the assembling together of the Native chiefs at Waitangi, to meet the newly-arrived Governor, on</p>

¹ William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL. A photocopy of this manuscript is held in the General Library, Special Collections, MSS & Archives 2011/2, AUL. The symbol ^ is ^ used in the transcription of the handwritten manuscript to indicate an insertion.

<p>and on the xx 2 Proclamations were also, issued by the Govr. The 1st declg, statg that he was had been apptd. L. G. over <u>all the</u> ^ any ^ Territory which is or may be acqd. ^ in sovereignty ^ by Her Majesty within the group of ^ the ^ Islands of New Zealand, & that he this day entd. on his office. The other 2nd stating that Her Majesty does not deem it expdt to recognise as valid any Titles to Land in N. Z. which are not derived from or confirmed by Her M. – And that all purchases of Land in any part of NZ made, after the Date of this xxx proclamation will be considered as absolutely null & void, & will not be confd. or in any way recogd. by Her Majy.</p> <p>In the afternoon, the Govr. landed at Kororareka, and walking to the church ^ there publically ^ read his Letters Patent, &c, &c -</p>	<p>Wednesday next, the 5th day of February.</p> <p>Two Proclamations were also issued by the Governor – the first stating that he had been appointed Lieutenant-Governor over any territory which is or may be acquired in sovereignty by Her Majesty within the Islands of New Zealand, and that this day he entered on his office; the second stating that Her Majesty does not deem it expedient to recognise as valid any titles to land in New Zealand which are not derived from nor confirmed by Her Majesty; and that all purchases of land in any part of New Zealand made after the date of this Proclamation will be considered as absolutely null and void, and will not be confirmed or in any way recognised by Her Majesty.</p> <p>In the afternoon the Governor landed at Kororareka, and, walking to the church there belonging to the Church Mission (the only large building), publically read his Letters Patent and his two Proclamations.</p>
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Colenso’s history is faithful to his manuscript and his narrative is confirmed by a variety of records. Documents held in the Alexander Turnbull Library indicate that William Colenso was contacted by James Busby on 29 January 1840. On that occasion he was asked to print Hobson’s proclamations and the invitations to the chiefs to attend a meeting with Hobson at Waitangi on 5 February 1840.² Entries in Colenso’s Day and Waste Book confirm that these items were printed on the mission press on 30 January 1840 whilst the invitation that was sent to Nene, which has survived, is dated ‘No te 30 o

² James Busby to William Colenso, re the printing of the invitation to the chiefs to meet Hobson, “Letter from James Busby and other papers 1835-1840”, f-76-048, ATL.

nga ra o Hanuere, 1840’ or ‘the 30th day of January 1840’.³ Moreover on 11 February 1840 William Colenso wrote an addendum to a letter dated 24 January 1840 in which he advised Dandeson Coates of the CMS that Captain Hobson had arrived, assembled some of the chiefs at Waitangi, and persuaded some to sign a treaty. His intention, as expressed in this letter, was to send the CMS copies of the proclamations he had printed, and his Day and Waste Book shows that he subsequently dispatched copies of Hobson’s proclamations and Busby’s invitation to the chiefs on the *Matilda* on 13 February 1840.⁴

Colenso’s narrative is supported by the British Parliamentary Papers on New Zealand. In a despatch to Lord John Russell dated 19 February 1840 Governor George Gipps of New South Wales enclosed copies of the despatches he had received from William Hobson. These show that immediately upon his arrival in the Bay of Islands on 29 January 1840 Hobson circulated notices inviting the Maori chiefs to assemble at Waitangi on 5 February 1840.⁵ They also show that Hobson issued an invitation to all British subjects to meet him at the church at Kororareka on 30 January 1840:

to hear read Her Majesty’s commission under the Great Seal, extending the limits of the colony of New South Wales, and Her Majesty’s commission under the Royal signet and sign manual, appointing me Lieutenant-governor of such parts of the colony as may be acquired in sovereignty in New Zealand.

Hobson reported to Gipps that ‘the ceremony of reading’ was performed publicly at Kororareka on 30 January 1840 and that 40 of those present had signed the document as witnesses. He also said that he had read the proclamations framed by Governor Gipps and the Legislative Council of New South Wales asserting the Queen’s authority over British subjects in New Zealand and advising them ‘that Her Majesty does not deem it

³ William Colenso, Day and Waste Book, Paihia, Bay of Islands, 1st Printing Office, from 1836 to March 1842, MS 76, Box 2, Folder 13, AML. Colenso printed 100 invitations to the chiefs, and 100 copies each of the two proclamations; Invitation to Tamati Waka Nene from James Busby inviting him to meet Hobson at Waitangi on 5 February 1840, James Busby Papers, MS 46 Box 5, Folder 20, AML; Tapuhi Reference, MS-Group-1551, Object ID: 1013560, <http://mp.natlib.govt.nz/pdf/?id=1013560&format=smallpdf§ion=0>, retrieved 14 August 2011.

⁴ William Colenso to Dandeson Coates, Paihia, 24 January 1840, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL; William Colenso, Day and Waste Book, Paihia, Bay of Islands, 1st Printing Office, from 1836 to March 1842, MS 76, Box 2, Folder 13, AML. Colenso also sent 10 Small Prayer Books; 10 Primers; 6 Bishop’s Address; 6 Class Books; Lessons; 10 First sheet Catechisms; 6 “Pukapuka Aroha”; 3 ½ sheets Prayer Book; Return of Books; Sundry Notices, Victoria Institution, and 1 Popish Bishop’s Books.

⁵ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 130, AUL.

expedient to acknowledge as valid any titles to land in New Zealand, which are not derived from or confirmed by a grant from the Crown'.⁶

Felton Mathew, who had been appointed Surveyor-General by Governor Gipps, also diarized the events of 29 and 30 January 1840.⁷ His record shows that the *Herald* arrived in the Bay of Islands on 29 January 1840 and that Hobson was visited by James Busby and three missionaries at 11.00 am the same day. It also shows that Hobson left the ship just before 2.00 pm on 30 January 1840 to read his proclamations in the church at Kororareka. Mathew estimated that there were 300 Europeans and 100 Maori present on that occasion. His journal also indicates that Henry Williams did not board the *Herald* until later in the afternoon on 30 January 1840 following his return from Waimate.⁸

A letter published in the *New Zealand Gazette and Wellington Spectator* on 23 May 1840 confirms Felton Mathew's account. It states that the *Herald* arrived on 29 January 1840 and that on the day that William Hobson landed at Kororareka a salute of 11 guns was fired by the ship.⁹ The salute was also recorded by Captain Joseph Nias who said that he fired 11 guns when Hobson left the ship at 2.00 pm on 30 January 1840 to read his commission on shore.¹⁰ Similarly *The Sydney Herald*, the *Australasian Chronicle* and the *New Zealand Gazette and Wellington Spectator* all reported that Captain Hobson had read two proclamations at Kororareka on 30 January 1840.¹¹

⁶ Hobson to Gipps, 4 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand*, Volume 3, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 2, p. 127, AUL.

⁷ Gipps to Russell, Despatch No. 14, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand*, Volume 3, Shannon: Irish University Press and London: W. Clowes and Sons, (311), p. 125, AUL.

⁸ Felton Mathew to Sarah Mathew, Thursday 30 January 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, pp. 23-24. <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

⁹ *New Zealand Gazette and Wellington Spectator*, 23 May, 1840, p. 3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18400523.2.11&e=-----10-1----0->, retrieved 11 March 2011.

¹⁰ Thomas Hall, *Captain Joseph Nias and the Treaty of Waitangi: A Vindication*, Wellington: L.T. Watkins, 1938, pp. 84-85.

¹¹ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-arcfile12864615>, retrieved 11 March 2011; *Australasian Chronicle*, Sydney, New South Wales, Friday 21 February 1840, p. 2, <http://trove.nla.gov.au/ndp/del/article/31727618?searchTerm=victoria%20allotments%20&searchLimits=sortBy=dateAsc>, retrieved 11 March 2011; *New Zealand Gazette and Wellington Spectator*, 25 April 1840, p. 3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18400425.2.10&cl=CL2.1840.04.25&e=-----10-EP-1----omaori+privy+->, retrieved 11 March 2011. *The New Zealand Gazette* was New Zealand's first newspaper. It was first published in London under the auspices of the New Zealand Company on 21 August 1839, and the second issue was

These English language accounts are supported by Bishop Pompallier. In a letter to a Marist colleague in May 1840 he said that Captain Hobson had arrived in January as Consul and Lieutenant Governor, under the immediate control of the Governor of New South Wales. He also said that the following day ‘the Maori chiefs received printed letters from Captain Hobson, inviting them to meet at a place in the Bay called Waitangi, where a treaty was to be read to them in their own language and afterwards signed by them’.¹²

This chapter has compared William Colenso’s manuscript against his history with respect to Hobson’s arrival in the Bay of Islands on 29 January 1840 and his public reading of his commission and proclamations in the church at Kororareka the following day. It has observed that Colenso’s record of the events of 29 and 30 January 1840 were written on a two-page insertion and that his 1890 history is faithful to his manuscript. It has also established that the events recorded by William Colenso are supported by numerous sources including his Day and Waste Book and correspondence with Dandeson Coates of the CMS; Captain Hobson’s official despatches to Governor George Gipps of New South Wales; Felton Mathew’s personal diary; articles published in *The Sydney Herald*, the *Australasian Chronicle*, and the *New Zealand Gazette and Wellington Spectator* and correspondence between Bishop Pompallier and his Marist colleague Monsignor Epalle.

published on 18 April 1840 in Wellington. See <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=CL1.NZGWS&e=-----10-1----0->, retrieved 11 March 2011.

¹² Bishop Pompallier to Epalle, Lettre du 14 Mai 1840, Lettres de la Nouvelle-Zélande, Marist Fathers, Archives Pompallier, micro MS 669, Reel 3, ATL, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 190; Bishop Jean Baptiste Francois Pompallier, *Early History of the Catholic Church in Oceania*, Auckland: H. Brett, 1888, p. 36. This is an English language translation of Pompallier’s *Notice historique et statistique de la Mission de la Nouvelle Zélande* which was published in Antwerp in 1850.

Chapter Two: The Scene at Waitangi on 5th February 1840.

William Colenso's visual imagery of the scene at Waitangi on 5 February 1840 has underpinned the work of historians, artists and cartoonists and informed reenactments of the Treaty signing at Waitangi. For example, in 1914 T. Lindsay Buick referred to the tent decorated with bunting; the raised platform and the table covered with a large Union Jack. In a later edition of his history on the Treaty he claimed that the flagstaff erected by the Waitangi National Trust Board 'corresponds approximately with what Mr. Colenso has called "the centre of the lawn" in front of the Treaty House'.¹ Similarly in 1987 Claudia Orange described the spacious tent made of sails and decorated with the flags of all nations; the procession of canoes moving from all quarters toward Waitangi; the narrow raised dais erected at the end of the marquee and the table decorated with the Union Jack where Hobson and Nias took the central seats.² In a second publication on the Treaty story Orange provided a diagram reconstructing the seating inside the marquee at Waitangi on 5 February 1840 based on William Colenso (See Figure VII, page 28).³

There are also several paintings which transpose William Colenso's description of the scene at Waitangi on 5 February 1840 onto the Treaty signing the following day. In 1939 Marcus King portrayed two tables covered in the Union Jack inside a marquee decorated with flags. He also depicted Henry Williams standing behind the smaller table in the foreground explaining the Treaty to a Maori signatory. In this rendition William Hobson is seated next to Captain Nias of the *Herald* and both are resplendent in full naval uniform (See Figure II, page 15). Leonard Mitchell's reconstruction of the Treaty signing appeared on the cover of the *New Zealand Journal of Agriculture* in January 1949. In his version the flags of many nations are strung along the inside of the marquee; Heke is shown shaking hands with Hobson across a table adorned with the Union Jack, and

¹ T. Lindsay Buick, *The Treaty of Waitangi: How New Zealand became a British Colony*, New Plymouth: Thomas Avery and Sons Ltd, 1936, pp. 115-116.

² Claudia Orange, *The Treaty of Waitangi*, Wellington: Bridget Williams Books, 2011, p. 51.

³ Claudia Orange, *The Story of a Treaty*, Wellington: Allen & Unwin/Port Nicholson Press, 1987, and 2nd edition, Wellington: Bridget Williams Books, 2011, p. 17. The diagram portrays the seating inside the marquee in the shape of a square however Felton Mathew said that the Europeans arranged themselves in a circle around the tent and that the Maori chiefs were seated in the centre, see Felton Mathew to Sarah Mathew, Thursday 6 February 1840 H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 33, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

Kawiti is portrayed signing the Treaty at a smaller table similarly adorned. Consistent with William Colenso's account, William Hobson is portrayed in civilian clothing and Marupo is depicted in the foreground exhorting a group of Maori chiefs not to sign the Treaty (See Figure III, page 16).



Figure II: Marcus King, *The Signing of the Treaty of Waitangi, February 6, 1840*, 1939, Colour photolithograph, Reference Number C-033-007, reproduced with the permission of the Alexander Turnbull Library, Wellington, New Zealand.

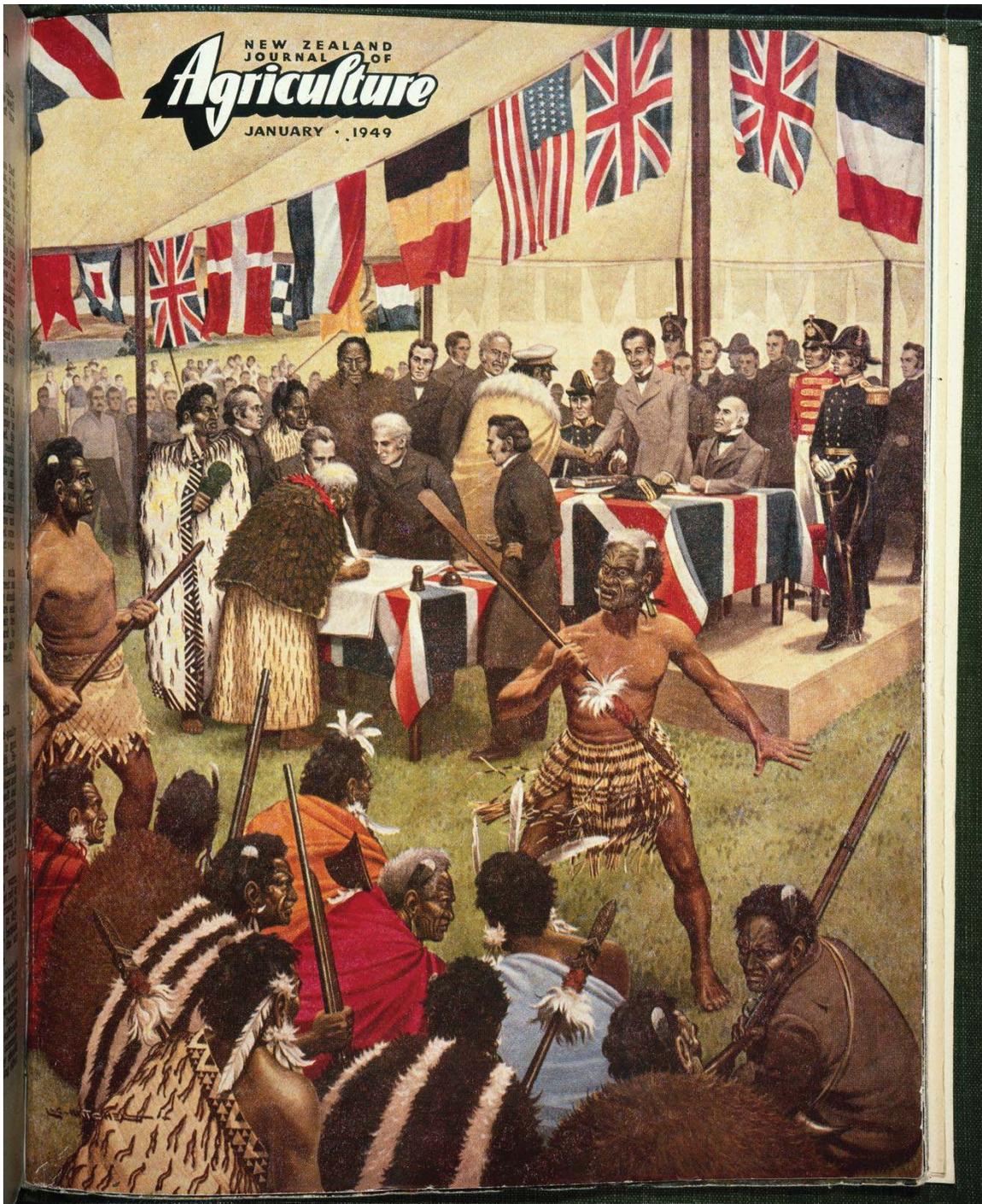


Figure III: Leonard Cornwall Mitchell, *A Reconstruction of the Signing of the Treaty of Waitangi, 1840*, Coloured lithograph published on the cover of the *New Zealand Journal of Agriculture*, January 1949, Reference Number A-242-002, reproduced with the permission of the Alexander Turnbull Library, Wellington, New Zealand.

Cartoonists have also drawn on William Colenso's history to craft their drawings. For example, a cartoon by Robert Brockie appeared in the *National Business Review* on 8 February 1982. It showed Hobson seated at a table in full naval attire pointing out the places on the Treaty to be signed. A Maori in traditional dress is depicted standing in front of the table with his feathered quill poised to sign – a caption to the right stating:

O.K. It's Hastily & Inexpertly Drawn Up, Ambiguous and Contradictory in Content and Chaotic In Execution But We Get Bastion Point, The Raglan Golf Course, Athletic Park and Half of Dunedin & Greymouth.... And a Holiday Once a Year....This should Amuse Our Gracious Queen (See Figure IV, Below).



Figure IV: Bob Brockie, *Great Moments in New Zealand History – Signing the Treaty of Waitangi*, 8 February 1982, Reference Number: A-314-2-003, reproduced with the permission of Bob Brockie and the Alexander Turnbull Library, Wellington, New Zealand.

Similarly a cartoon drawn by Tom Scott and published in the *Evening Post* on 28 September 1988 portrayed the scene at Waitangi at the end of the Treaty signing. A group of Maori are shown walking away from a table covered with the Union Jack, upon which a Bible rests. Amongst the group of Europeans walking away in the opposite direction a portly gentleman in a suit addresses a man in naval uniform and states “Well done Hobson. With a bit of luck we’ll never hear about fishing rights or land claims ever again” (See Figure V, Below).

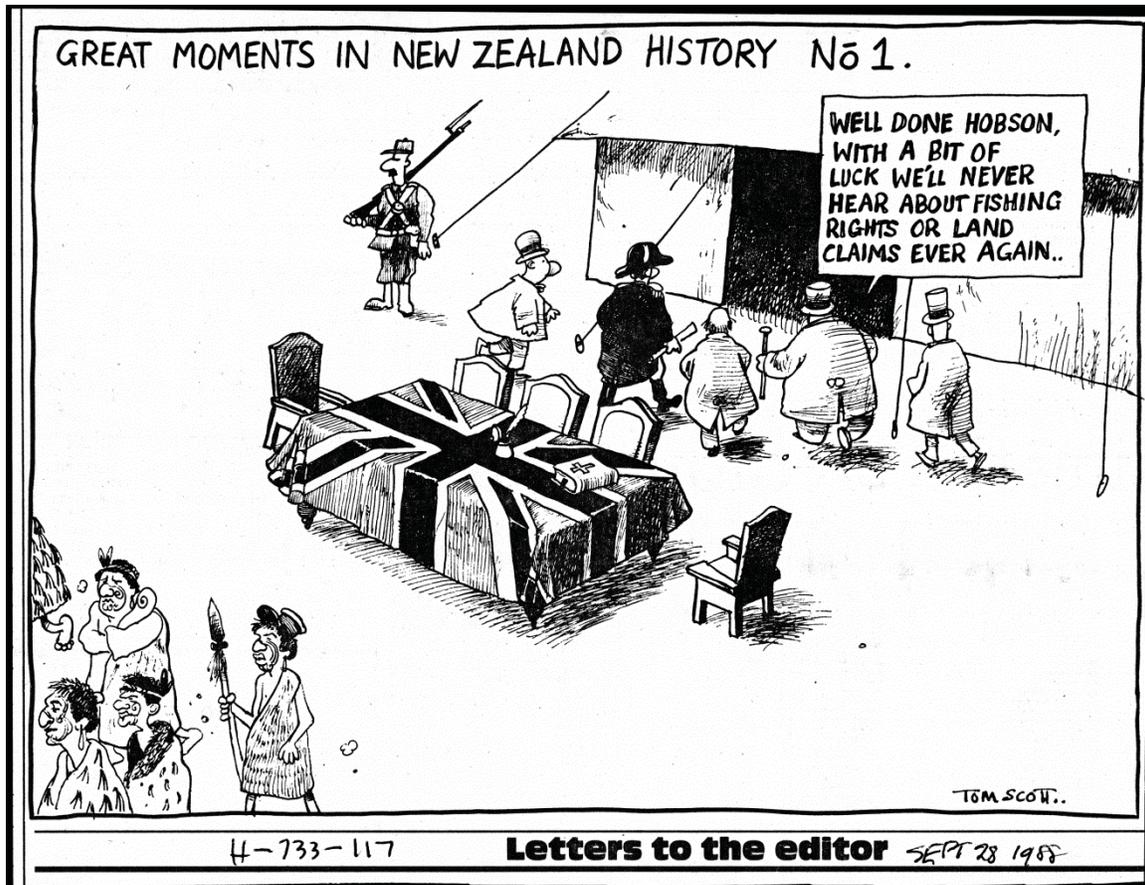


Figure V: Tom Scott, *Great Moments in New Zealand History No. 1*, “Well Done Hobson. With a Bit of Luck We’ll Never Hear About Fishing Rights or Land Claims Ever Again”, 28 September 1988, Reference Number: A-733-117, reproduced with the permission of Tom Scott and the Alexander Turnbull Library, Wellington, New Zealand.

Colenso’s history has also informed reenactments of the Treaty signing. The souvenir programme for the centennial reenactment at Waitangi in 1940 indicates that ‘the principal authority for the correctness of speeches and incidents is William Colenso, who took a very important part in the historic meetings of 5th and 6th February, 1840’. The programme also states that the people who took part in the reenactment were all

descendants of the original participants.⁴ Similarly, a photograph taken by Ross Giblin, staff reporter for the *Evening Post*, depicts Amster Reedy wearing a korowai and participating in a reenactment of the Treaty signing at the sesquicentennial celebrations at Waitangi on 6 February 1990.⁵ These examples all serve to illustrate the pervasive influence of William Colenso's history on the nation's understanding of the signing of the Treaty at Waitangi. This chapter will compare Colenso's handwritten manuscript and jubilee history with regard to the scene at Waitangi on 5 February 1840 and explore whether it is possible to corroborate his narrative from other European eye-witness accounts of the scene.



Figure VI: Marcus King, *The signing of the Treaty of Waitangi, February 6th, 1840*, Oil on Canvas, 1938, Reference Number G-821-1, reproduced with the permission of the Alexander Turnbull Library, Wellington, New Zealand.

⁴ *Centennial of the Treaty of Waitangi 6 February 1840 Souvenir Programme*, Wellington: E.V. Paul, Government Printer, 1940, p. 7, AML.

⁵ Amster Reedy acting in a recreation of the Signing of the Treaty of Waitangi, photograph by Evening Post staff photographer Ross Giblin, 1990, http://ndhadeliver.natlib.govt.nz/view/action/ieViewer.do?dps_pid=IE278472&dps_custom_att_1=tapuhi&dps_dvs=1322689641162~737&dps_pid=IE278472&change_lng=enhttp://ndhadeliver.natlib.govt.nz/view/action/ieViewer.do?dps_pid=IE278472&dps_custom_att_1=tapuhi&dps_dvs=1322689641162~737&dps_pid=IE278472&change_lng=en, retrieved 2 December 2011.

After the two page insertion which recounted Hobson's arrival in the Bay of Islands on 29 January 1840 and his address in the church at Kororareka on 30 January 1840, William Colenso returned to the first page of his manuscript and resumed his narrative with an entry dated Wednesday 5 February 1840:

MS-Papers-1611	1890 Jubilee History
<p>Wednesday, Feby. 5th - This morning, at an early hour, the Natives, who had been gathering together all day yesterday, began to move towards Waitangi, the place of meeting The day was particularly fine; and the spectacle of the most animated description. On the water ^ - ^ the numerous Canoes gliding ^ from every direction ^ towards the place of meeting ^ assembly, their respective rowers straining every nerve to gain & keep the lead, whilst ^ their paddles of the canoeists keeping ^ kept ^ time with the cadence of the canoe-song of the kaituke,† who, ^ standing conspicuously erect in the midst of each canoe, ^ animating the men by his gestures as well as his voice, stood conspicuous in the midst of each canoe the Boats of the many Settlers and Residents living on the Shores of the Bay, together with those from the different Ships and Vessels at anchor in the Harbour – and the Ships and Vessels decorated with the Flags of their respective Nations.</p>	<p>Wednesday, February 5th.- This morning at an early hour, the Natives, who had been gathering together all day yesterday, began to move towards Waitangi, the appointed place of the meeting.... The day was particularly fine, and the spectacle of the most animated description. On the water were to be seen the numerous canoes gliding from every direction towards the place of assembly, their respective rowers straining every nerve to gain and keep the lead, whilst their paddles kept time with the cadence of the canoe-song of the <i>kaituki</i> (canoe-song singer), who, standing conspicuously erect in the midst of each canoe, and often on the thwarts, animated the men by his gestures as well as his voice; the boats of the many settlers and residents living on the shores of the bay, together with those from the different ships and vessels at anchor in the harbour; and the ships and vessels decorated with the flags of their respective nations.</p>

Colenso's description of the procession of canoes toward Waitangi on 5 February 1840 is faithful to his manuscript, which closely resembles Felton Mathew's journal. Mathew wrote that 'The weather was very propitious and at an early hour the Bay was alive with Canoes paddling from all quarters to the place of Rendezvous - Mr. Busby's house'.⁶ In comparison, Colenso said, 'This morning at an early hour the Natives, who had been gathering together all day yesterday, began to move towards Waitangi, the place of meeting'. Both men used the words 'at an early hour' and began their respective narratives by describing the procession of canoes toward Waitangi – which Mathew called 'the place of Rendezvous' and Colenso called 'the place of assembly'.

Like Mathew, William Colenso then portrayed the role that had been played by the Maori who had stood amidships to regulate the paddlers. In Colenso's manuscript the words 'their respective rowers straining every nerve to gain & keep the lead' were inserted later, as were the words 'standing conspicuously erect in the midst of each canoe'. In comparison, in Mathew's diary he wrote:

You cannot imagine anything more picturesque than the appearance of one of the war canoes, rowed by between 30 and 40 natives, one standing "amidships," and with vehement gesticulation, beating & singing time to regulate the rowers – most admirable time they keep – and the rapidity with which they proceed is astonishing.⁷

The similarity between the two accounts suggests that Colenso may have referred to Mathew's diary when he wrote his memorandum to the CMS. The likelihood that this occurred is increased by the fact that Colenso's original narrative and insertions are in identical script and were probably penned in 1840, when he had an opportunity to discuss the events with Mathew and borrow his journal.

⁶ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 32, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

⁷ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, pp. 32-33, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

Colenso then described the scene of the assembly, which resembled the meeting that had been organized by Busby in 1834, when he invited the chiefs to Waitangi to select a national flag. On that occasion a large awning had been erected in front of Busby's house by Captain Lambert and the crew of the *Alligator* and decorated with flags; the British Ensign had been hoisted on a temporary flagstaff in front of the awning and James Busby had called out the name of each chief and asked him to enter the awning and cast his vote.⁸ The following table compares Colenso's manuscript against his history with regard to the marquee and the flags which decorated it and the raised dais erected for Hobson and his attendants:

MS-Papers-1611	1890 Jubilee History
<p>In the centre of the delightfully situated Lawn at Waitangi, a spacious tent was erected, which was tastefully adorned with Flags, &c, and, over which England's Banner streamed proudly in the breeze – the Whites, many of whom were new-comers, & who seemed to be much interested in delighted with the Scene before them, were seat comfortably walking-up-and-down in different little parties, socially chatting a-la-anglaise with each other – whilst the countenances and gestures of the Natives, who were grouped together according to their Tribes, bore testimony to the Interest which they took, if not in the Business, in the Gaiety of the day. Nature seemed for once to have consented to doff her mantle of N. Zealand grey – and to have become quite exhilarated.- Even the Cicadae, those little gallant monotonous-toned Summer</p>	<p>In the centre of the delightfully situated lawn at Waitangi, a spacious tent was erected, which was tastefully adorned with flags, &c, &c, over which England's banner streamed proudly in the breeze; the whites, many of whom were new-comers, who seemed to be much delighted with the scene before them, were comfortably walking up and down in different little parties, socially chatting with each other <i>à l' Anglais</i>; whilst the countenances and gestures of the Natives, who were squatting grouped together according to their tribes, bore testimony to the interest which they took, if not in the business, in the gaiety and life of the day. Nature appeared for once to have consented to doff her mantle of New Zealand grey,* and to have become quite exhilarated. Even the <i>cicadae</i>, those little gallant monotonous-toned summer gentlemen, sang livelier than usual.</p>

⁸ James Busby to Colonial Secretary, 23 March 1834, Despatch No. 38, Busby Despatch Book, qMS 0344, ATL.

<p>Gentlemen, sang livelier than usual. Every thing, in fact, wore the appearance of cheerfulness & activity</p> <p>Arriving at the Tent, the Lt. Govr. & the Capt taking took their Seats, on in the centre of a raised platform ... around the sides of the Tent & xxx xxx the ^ Native chiefs were different the whites, ^ residents and settlers, by ^ far the greatest part ^ of whom were ^ very respectably dressed. Outside of all were the diff. flags ^ of different nations ^ which, ^ from their colors ^ gave an air of liveliness to the whole.</p>	<p>Everything, in fact, wore the appearance of cheerfulness and activity</p> <p>Arriving at the tent the Governor and the captain took their seats in the centre of a raised platform Around the sides of the tent were the whites, residents, and settlers, by far the greatest part being very respectably dressed; and outside of them, against the walls of the tent, were flags of different nations, which, from the vividness of their colours, especially when the sun shone brightly on them, gave a charming air of liveliness to the whole.</p>
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Colenso's narrative, which is written on pages one to four of his manuscript, shows little evidence of emendations and continues to resemble Mathew's journal which described the 'large tent which had been prepared by the officers of the ship for the purpose, composed of sails, and adorned with numerous flags of all nations, very tastefully arranged'. Mathew said that the tent was 150 feet long, and that at one end, there was a dais with seats for Hobson and his suite and a table covered with the Union Jack. He also said that the Europeans arranged themselves in a circle around the tent and that the Maori chiefs were seated in the centre and estimated that 'of the latter there were probably about 200 – and about the same number of Europeans'.⁹

The accounts of William Colenso and Felton Mathew are corroborated by Captain Robertson of the *Samuel Winter* whose eye-witness account of the debate and signing of the Treaty at Waitangi on 5 and 6 February 1840 was published in *The Sydney Herald*

⁹ Felton Mathew to Sarah Mathew, Thursday 6 February 1840 H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 33, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

on 21 February 1840 and reprinted in the *New Zealand Gazette and Wellington Spectator* on 25 April 1840. Robertson reported that:

a great number of Natives and Europeans assembled on the grounds attached to Mr. Busby's residence, where a large tent had been erected for the occasion, under the superintendence of the first lieutenant of H.M.S. "Herald," measuring about 100 feet by 30 – at one end of which a platform with a table and seats was arranged.¹⁰

Similarly William Hobson told Governor Gipps that the chiefs had 'assembled under spacious tents, decorated with flags', whilst the Wesleyan missionary Samuel Ironside said that the proceedings were 'held in a very large booth, formed of the sails of H.M. sloop which had brought Governor Hobson to the country, on the lawn in front of the house of James Busby, esq., the British resident'.¹¹

Colenso also described the attire of the chiefs who had assembled at Waitangi on 5 February 1840:

MS-Papers-1611	1890 Jubilee History
<p>in front of the platform were the Native chiefs ^ of different tribes ^ some in Dogskin mats other ^ made of xxx alternating stripes of Bk & W Fur. Some ^ Others ^ in splendid xxx ^ Foreign silk ^ cloaks xxx of crimson, plaid, Blue, Brown & ^ indeed of every shade of colors – some in plain European, & some in common</p>	<p>In front of the platform, in the foreground, were the principal Native chiefs of several tribes, some clothed with dogskin mats made of alternate longitudinal stripes of black and white hair; others habited in splendid-looking new woolen cloaks of foreign manufacture, of crimson, blue, brown, and plaid, and indeed, of every</p>

¹⁰ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-arcfile12864615>, retrieved 11 March 2011; *The New Zealand Gazette and Wellington Spectator*, 25 April 1840, p. 3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18400425.2.10&cl=CL2.1840.04.25&e=-----10-EP-1---omaori+privy+->, retrieved 11 March 2011.

¹¹ Hobson to Gipps, 6 February 1840 in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42*, Colonies, New Zealand, Volume 3, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 130, AUL; *Taranaki Herald*, 27 June 1863, p. 3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=TH18630627.2.14&srpos=7&e=-----10--1---oBusby+treaty+war->, retrieved 17 September 2011.

Native Dresses

in the midst stood Hakitara a tall chief native of the Rarawa tribe, dressed in a large and handsome White Kaitaka mat with a very deep colored Border, the whole of Native manufacturing on which the light, streaming from an aperture in top of Tent on this beautiful white garment making his made the figure of this chief to be very conspicuous; - at the same time forming a fine contrast to the deep shades around

whilst here and there was seen a hani adorned with flowing white long hair and crimson cloth and feathers. In the distance the raven black locks of the Native ladies, gracefully ornamented with the snow white drooping feathers of seabirds forming a strong striking contrast-

shade of striking colour, such as I had never before seen in New Zealand; * while some were dressed in plain European and some in common Native dresses.

Nearly in the midst stood Hakitara, a tall Native of the Rarawa Tribe, dressed in a very large and handsome silky white kaitaka mat (finest and best kind of garment, only worn by superior chiefs), fringed with a deep and dark-coloured woven border of a lozenge and zigzag pattern, the whole of Native (I might truly say of national) design and manufacture.† The sunlight steaming down from an aperture in the top of the tent on this beautiful white dress threw the figure of this chief into very prominent and conspicuous relief, forming a fine contrast to the deep and dark shades of colour around;

whilst here and there a hani (or taiaha, a chief's staff of rank, &c.) was seen erected, adorned with the long flowing white hair of the tails of the New Zealand dog and crimson cloth and red feathers. In the distance the raven-black and glossy locks of the Natives, gracefully ornamented with the snow-white and drooping feathers of sea-birds and of the white crane, forming a striking contrast...

Colenso's manuscript continues to mirror the journal of Felton Mathew. For example, Mathew said that 'Many ladies also were there – their ears adorned with white feathers or the entire wing of a bird'.¹² In comparison, an insertion written in the margin of Colenso's manuscript reads:

In the distance the raven black ~~looks~~ ~~xxxx~~ heads of the Native ladies, ^ ~~xxx~~ gracefully ^ ornamented with the ^ snow ^ white ^ drooping ^ feathers of ~~xxx~~ seabirds forming a ~~strong~~ striking contrast.¹³

Similarly, when writing about the garments that had been worn by the chiefs William Colenso referred to:

dogskin mats made of alternate longitudinal stripes of black and white hair; others habited in splendid-looking new woolen cloaks of foreign manufacture, of crimson, blue, brown, and plaid, and indeed, of every shade of striking colour.¹⁴

In comparison, Felton Mathew said:

The majority of their chiefs were very fine men - many of them remarkably so – and although numbers were disfigured by the European dress – the oddest mixture of garments that can be imagined – some in blue coats – some in pea-jackets – blue cloaks – brown cloaks – jackets & every variety of dress – yet some of them retained their native costume and very magnificent fellows they are.¹⁵

¹² Felton Mathew to Sarah Mathew, Thursday 6 February 1840 H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 35, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

¹³ William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL. There is also a copy of this manuscript in the General Library, Special Collections, Manuscripts and Archives, 2011/2, AUL.

¹⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 15.

¹⁵ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, pp. 34-35, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

Colenso's manuscript then described Pompallier's canonicals and the audacity of the Bishop in entering the British Residency uninvited. He also provided a lengthy account of his own role in convincing the CMS missionaries that they too should enter the building for the sake of their position amongst Maori and his subsequent role in dissuading them from doing so when he realized that Bishop Pompallier and Father Servant would be in the receiving line alongside Hobson at the levee. Colenso's account of the levee itself also resembles Felton Mathew's journal. Mathew wrote:

after some preliminary proceedings the Gov. held his Levee – we his officers standing around him and Freeman acting as aid de camp. The visitors were numerous, but the proceeding did not occupy long. At its conclusion we retired to a large tent.¹⁶

In comparison, William Colenso said:

an invitation was announced from the Lieutenant-Governor for all those who had not and who wished to be presented to him to come in through one door, be presented, and then pass out through the other After the several persons who had entered had been introduced, which was soon done, the Lieutenant-Governor came out to proceed to the tent.¹⁷

The most striking similarity between the two is Mathew's phrase 'the proceeding did not occupy long' and Colenso's expression 'which was soon done', after which both authors said that Hobson had proceeded to the tent. This resemblance reinforces the impression that Colenso's manuscript was written in 1840 when he had an opportunity to discuss the events with Mathew and borrow his journal.

¹⁶ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 33, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

¹⁷ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 14.

Pompallier's antics were not mentioned by Felton Mathew or Captain Robertson. Henry Williams, John King, James Kemp, George Clarke and Charles Baker also failed to record them, as did Colenso himself when he wrote to Coates on 11 February 1840.¹⁸ In contrast, Colenso's statement that 'the Roman Catholic bishop and his priest stepped briskly up close to the heels of the Governor, so shutting us out unless we chose to walk behind them',¹⁹ is corroborated by Reverend Richard Taylor, who said that Bishop Pompallier kept 'so close behind the Governor that though I tried hard I could not get between'.²⁰

A reconstruction of the seating at the Waitangi meeting on 5 February, as described by some who were there.

Positions in the marquee at Waitangi meeting of 5 February

- | | | |
|------------------|-------------------------------------|------------------|
| ① William Hobson | ⑥ Jean-Baptiste-Francois Pompallier | ⑪ Officers |
| ② Joseph Nias | ⑦ Priest | ⑫ Hobson's suite |
| ③ James Busby | ⑧ Wesleyans | ⑬ Maori |
| ④ Henry Williams | ⑨ Willoughby Shortland | ⑭ Europeans |
| ⑤ Richard Taylor | ⑩ Church missionaries | |

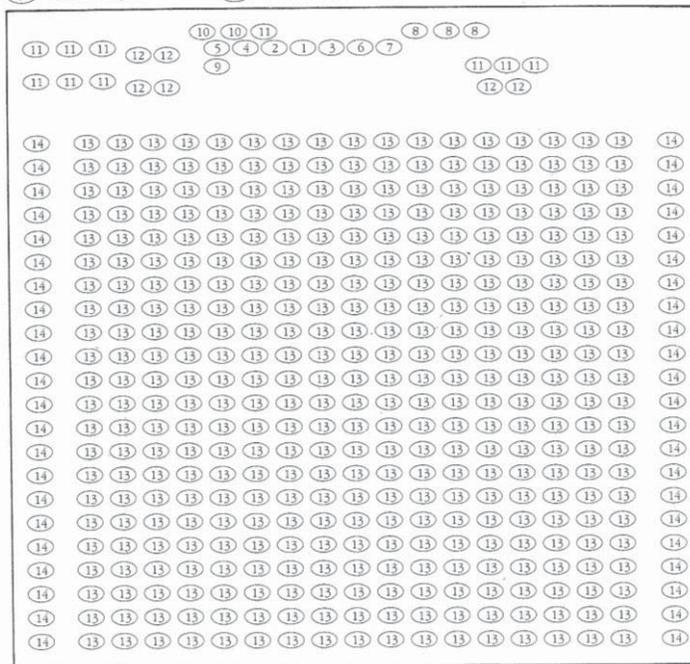


Figure VII: A Reconstruction of the Seating inside the Marque at Waitangi on 6 February 1840 from *The Story of a Treaty* by Claudia Orange, p. 17, published by Allen and Unwin/Port Nicholson Press, 1989 and 2nd edition, Bridget Williams Books, 2011, reproduced with the permission of Bridget Williams.

¹⁸ William Colenso to Dandeson Coates, Paihia, 24 January 1840, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL.

¹⁹ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 14.

²⁰ John Owens, *The Mediator: A Life of Richard Taylor, 1805-1873*, Wellington: Victoria University Press, 2004, p. 45.

Whilst the effect on the chiefs of the spectacle at Waitangi is unknown, the scene does appear to have impressed the Europeans who witnessed it. Hobson told Gipps that the ‘whole spectacle produced a most imposing effect’.²¹ Similarly Marianne Williams, the 20 year old daughter of Henry Williams, recalled the ‘flag waving and gun-firing celebrations’. She also remembered that in the absence of any bunting, the master of a schooner had hoisted a white flag ‘so that it presently appeared ... that the Admiral’s flag was flying gaily and unashamed from the poor little craft’.²²

Caroline Mair, the eldest of Gilbert Mair’s children, was 11 years old when the Treaty was signed at Waitangi. She remembered proudly helping Agnes Busby to lay the luncheon tables for Captain Hobson, his staff, and the assembled guests. She also recalled the:

many hundreds of Maori with their grand-looking chiefs, the naval and military officers in their uniforms, the venerable and familiar missionaries and their wives, the crowd of strangers, the big Union Jack flying on the tall flagstaff in front of the Residence, the firing of guns, the war-dances and speeches, and the brilliant sunshine over it all.²³

This chapter has compared William Colenso’s manuscript account of the scene at Waitangi on 5 February 1840 against his history, which was published by the government in 1890 to coincide with the 50th jubilee of the signing of the Treaty at Waitangi. It has established that Colenso’s history is faithful to his manuscript and that the staging of the scene at Waitangi on 5 February 1840 resembled the arrangements that had been made by James Busby in 1834 when he invited the chiefs to Waitangi to select a national flag. The chapter has also established that Colenso’s description of the progression of canoes toward Waitangi; the tent and the flags which decorated it, and the raised dais for Hobson and the European dignitaries are supported by Hobson’s official despatch to Governor Gipps of New South Wales; the private journal of Felton Mathew; an eye-witness account written by Captain Robertson of the *Samuel Winter* and published in *The Sydney Herald* on 21 February 1840; a letter written by the Wesleyan

²¹ Hobson to Gipps, 5 February 1840 in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 130, AUL.

²² Marianne Davies: An account of the reminiscences of Marianne Davies, eldest daughter of Henry Williams, recounts her father’s role in the Treaty of Waitangi, MS-0512, p. 6, HL.

²³ Johannes C. Anderson & George Conrad Petersen, *The Mair Family*, Wellington: A. H. & A. W. Reed, 1956, p. 44.

missionary Samuel Ironside, and by the reminiscences of Marianne Williams and Caroline Mair, the eldest daughters of Henry Williams and Gilbert Mair.

Finally, the chapter has observed that William Colenso's account of the procession of canoes toward Waitangi and the levee that was held by Hobson in the British Residency on 5 February 1840 use words similar to the phrasing that was employed by Felton Mathew in his personal diary. It has also observed that Colenso's insertions concerning the Maori who stood amidships to regulate the paddlers and the white feathers which adorned the ears of the Maori women mirror the contents of Mathew's journal. These similarities suggest that William Colenso's memorandum was written in 1840 when he had an opportunity to discuss the events that had taken place at Waitangi with Mathew and borrow the surveyor's journal. This possibility is further strengthened by Mathew's journal itself which indicates that Felton Mathew attended church at Paihia on 9 February 1840 and was absent from the Bay between 10 February 1840 and 16 February 1840, when he accompanied William Hobson, Henry Williams and George Clarke to the Treaty meetings at Waimate and Hokianga. This suggests that William Colenso spoke to Felton Mathew either before or after church on 9 February, borrowed his journal and prepared his memorandum for the CMS whilst Reverend Henry Williams' was absent from the Paihia Mission Station.

Chapter Three: Hobson's Speech to the Chiefs

T. Lindsay Buick was of the opinion that Great Britain had no reason to be ashamed of the way she had acquired the sovereignty of New Zealand. In his history on the Treaty of Waitangi he lauded the statesmanship of Lord Normanby and extolled his policy of treating with the chiefs for a cession of their sovereignty; arguing that Normanby's instructions to Hobson reflected the humanitarian intentions of the Imperial Parliament.¹ In contrast, Ian Wards observed that even though all the drafts of Normanby's instructions had acknowledged that Maori did not distinguish between sovereign and property rights, this recognition was deleted from the final instructions issued to Hobson in August 1840. Whilst he maintained that the Colonial Office had not sought to deceive Maori, he did suggest that the idealistic statements in Normanby's instructions were retained in order to enlist the support of the missionaries, whose co-operation was considered critical to the peaceful cession of sovereignty.² This chapter will compare Colenso's manuscript account of Hobson's speech to the chiefs at Waitangi on 5 February 1840 against the speech recorded by him in his jubilee history. It will also explore whether it is possible to corroborate Colenso's narrative from other eye-witness accounts of Hobson's address.

In July 1839 *The Hobart Town Courier and Van Diemen's Land Gazette* reported that Captain William Hobson had been appointed British Consul at New Zealand and that the incumbent British Resident James Busby had been recommended to Governor Gipps' consideration for employment.³ Hobson's appointment was subsequently announced in

¹ T. Lindsay Buick, *The Treaty of Waitangi or How New Zealand Became a British Colony*, Wellington: S. & W. Mackay, Lambton Quay, 1914, pp. vii-ix.

² Draft instructions, CO 209/4, pp. 251-282 as cited by Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand 1832-1852*, Wellington: Historical Publications Branch, Department of Internal Affairs, 1968, p. 29. In December 1838 Lord Glenelg advised Governor Gipps of New South Wales that James Busby was to be replaced with a British Consul. The Colonial Office began drafting the Consul's instructions when Glenelg was still the Secretary of State for War and Colonies. He was replaced by Lord Normanby in February 1839 and by September 1839 there was a change of government in Britain and Normanby was replaced by Lord John Russell. There are three drafts of the instructions. They are dated 21 January 1839 and 24 January 1839. The final draft is undated but appears to have been written sometime between the end of March and early May 1839. The final version of Normanby's instructions was approved on 11 July 1839 but not issued to Hobson until 14 August 1839. The statement which acknowledged that Maori did not distinguish between sovereign and property rights was deleted from the instructions on the advice of Normanby's Parliamentary-Undersecretary Labouchere. See Ian Wards, pp. 23-25, 29, 34.

³ *The Hobart Town Courier and Van Diemen's Land Gazette*, Friday 5 July 1839, p. 2, <http://trove.nla.gov.au/ndp/del/article/8747858?searchTerm=colonist%20busby&searchLimits=>, retrieved 16 August 2011; *The Australian*, Sydney, New South Wales, Saturday 30 November 1839, p. 2, <http://trove.nla.gov.au/ndp/del/article/36859488?searchTerm=lord%20normanby%20New%20Zealand%20&searchLimits=l-decade=183>, retrieved 16 August 2011.

the *New Zealand Gazette and Wellington Spectator* on 21 August 1839 and 6 September 1839, whilst Normanby's instructions to Hobson were published in installments after the signing of the Treaty by the *New Zealand Advertiser and Bay of Islands Gazette*.⁴

William Colenso recorded Hobson's speech at Waitangi on 5 February 1840 on pages seven to ten of his manuscript, which is compared against his history in the following table:

MS-Papers-1611	1890 Jubilee History
<p>A few little matters having been adjusted, the Lt. Govr. object of the treaty was & that it was principally for the xxx solely for his being having briefly stated to the whites xxx what xxx arose & addressed himself to the <u>whites</u> arose, & addressing himself briefly to the Whites sd. that the Meeting was convened for the purpose of xxx xxx informg. the Nat. Chiefs of Her Majesty's Intentions ^ towards them ^ & of gaining their ^ public ^ consent ^ to the same to a Treaty now</p>	<p>A few little matters having been adjusted, the Governor arose, and, addressing himself briefly to the whites, said that the meeting was convened for the purpose of informing the Native chiefs of Her Majesty's intentions towards them, and of gaining their public consent to a treaty now about to be</p>

⁴ *New Zealand Gazette and Wellington Spectator*, 21 August 1839, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=NZGWS18390821.2.7&srpos=38&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011; *New Zealand Gazette and Wellington Spectator*, 6 September 1839, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18390906.2.7&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011; *New Zealand Advertiser and Bay of Islands Gazette*, 20 August 1840, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZABIG18400820.2.8&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011; *New Zealand Advertiser and Bay of Islands Gazette*, 3 September 1840, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZABIG18400903.2.6&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011; *New Zealand Advertiser and Bay of Islands Gazette*, 10 September 1840, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZABIG18400910.2.7&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011; *New Zealand Advertiser and Bay of Islands Gazette*, 17 September 1840, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZABIG18400917.2.7&e=-----10--31----oinstructions+of+the+marquis+of+Normanby+to+Hobson-->, retrieved 16 August 2011.

<p>about to be proposed to them xxx on their approving of it ^ the same ^. He then addressed himself to the Natives, in English as follows – (the Rev H. W. ^ acting as ^ interpreting the same to the Natives) –</p> <p>“Her Majesty, Victoria, Queen of Great Britain, wishing to do good to the Chiefs and people of N. Zealand, and for the welfare of Her Subjects living among you, has sent me to this place as Governor.</p> <p>“But, as the law of England gives no civil power to Her Majesty out of her dominions, her efforts to do you good will be futile unless you consent.</p> <p>“Her Majesty has commanded me to explain matters to you, that you may understand them.</p> <p>“The people of Great Britain are, thank God! free; and, so long as they do not transgress the law, they can go where they please, and their sovereign has not power to restrain them. You have sold them lands here and encouraged them to come here. Her Majesty, always ready to protect her subjects, is also always ready to restrain them.</p> <p>“Her Majesty the Queen asks you to sign this treaty, and so give her that power which shall enable her to restrain them.</p> <p>“I ask you for this publically: I do not go from one chief to another.</p> <p>“I will now give you time to</p>	<p>proposed to them. He then addressed himself to the Natives in English, as follows, the Rev. H. Williams acting as interpreter:-</p> <p>“Her Majesty Victoria, Queen of Great Britain and Ireland, wishing to do good to the chiefs and people of New Zealand, and for the welfare of her subjects living among you, has sent me to this place as Governor.</p> <p>“But, as the law of England gives no civil power to Her Majesty out of her dominions, her efforts to do you good will be futile unless you consent.</p> <p>“Her Majesty has commanded me to explain matters to you, that you may understand them.</p> <p>“The people of Great Britain are, thank God! free; and, so long as they do not transgress the law, they can go where they please, and their sovereign has not power to restrain them. You have sold them lands here and encouraged them to come here. Her Majesty, always ready to protect her subjects, is also always ready to restrain them.</p> <p>“Her Majesty the Queen asks you to sign this treaty, and so give her that power which shall enable her to restrain them.</p> <p>“I ask you for this publically: I do not go from one chief to another.</p> <p>“I will now give you time to</p>
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<p>consider the proposal I shall now offer you. What I would wish you to do is expressly for your own good, as you will soon see by the treaty.</p> <p>“You yourselves have often asked the King of England to extend his protection unto you. Her Majesty now offers you that protection in this treaty.</p> <p>“I think it no necessary to say any more about it. I will therefore read the treaty.”</p> <p>Here His Excellency read the treaty (English) & Mr. W. read the ^ following ^ Native Translation to the Natives –</p> <p>[Notation in the right-hand margin]</p> <p>Get English copy</p>	<p>consider the proposal I shall now offer you. What I would wish you to do is expressly for your own good, as you will soon see by the treaty.</p> <p>“You yourselves have often asked the King of England to extend his protection unto you. Her Majesty now offers you that protection in this treaty.</p> <p>“I think it not necessary to say any more about it. I will therefore read the treaty.”</p> <p>Here His Excellency read the treaty in English, and the Rev. H. Williams read the translation of the same, which had been prepared in the New Zealand language, to the natives.</p>
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According to Hobson he began his address at Waitangi on 5 February 1840 by ‘announcing to the chiefs the objects of my mission, and the reasons that had induced Her Majesty to appoint me’. Unfortunately he did not recount the details of what he had said to the chiefs but simply said that he had explained ‘in the fullest manner the effect that might be hoped to result from the measure’ and ‘assured them in the most fervent manner that they might rely implicitly on the good faith of Her Majesty’s Government in the transaction’. Hobson also said that Henry Williams had interpreted ‘sentence by sentence, all I said’.⁵ In contrast, William Colenso’s record of Hobson’s speech is very detailed. It has also been written in flowing script, minus emendations, and faithfully copied into his jubilee history.

⁵ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 127, AUL.

A small notebook belonging to William Colenso and dated 1837 is held in the Alexander Turnbull Library. It features a label which reads 'also what Capt Hobson sd. to the natives afore the signing the Treaty'. Jotted inside the notebook are what appear to be Colenso's verbatim notes of Hobson's address to the chiefs at Waitangi on 5 February 1840. The verbatim notes in the 1837 notebook state:

As the Lw. of E. gives no civil power to Her M. out of her Dom. her efforts futile unless you consent. Her M. has comd. me to exp. y. matters to you ~~kia mat~~ yt. you may underst. them.

Ye p. of Gt. B. are thkg. free and so lg. as ye do not transgress the Laws they can go wher. they please & their gov. has no power to restrain them. You have sold them lands here and encouragd. them to come here Hr. M. always ready to protect her subjects. – is also ready to restrain them.

Hr. My the Q. asks you to sign ys Try. and so give her yt. power wh. shall enable her to restrain them I ask you for ys publicly I don't go to one c[hief]. to anor. I'll give you time to consd. the proposal I'll offer you what I wish them to do is expressly for their own good as they will soon see by the Ty. You yourselves have often asked the Kg. to extend her protectn. Her My now offers them that protect in ys Treaty.

I think it not necessary to say any more about it. I'll therefore rd. the Treaty.

One thing I'd ask. Do you think it is better for yr. country to be ruled by the Q. who has no other Int. but yrs. or those persons who come here with no other desire but to purchase lands for yourselves [themselves?].⁶

These appear to be the verbatim notes mentioned by Colenso's biographers Austin Bagnall and George Petersen and referred to by Dr. Claudia Orange and Dr. Phil Parkinson in their respective work on the Treaty of Waitangi and the drafts of the English text.⁷ William Colenso appears to have copied these verbatim notes from his

⁶ William Colenso, *Diary*, April 1837, MS-0582, ATL.

⁷ Austin Graham Bagnall & George Conrad Petersen, *William Colenso Printer Missionary Botanist Explorer Politician: His Life and Journeys*, Wellington: A.H. & A.W. Reed, 1948, p. 43, 94-95; Claudia Orange, *The Treaty of Waitangi*,

1837 notebook into his manuscript minus the final two sentences (which are also absent from his jubilee history). The sentences omitted from Colenso's manuscript read:

One thing I'd ask. Do you think it is better for your country to be ruled by the Queen who has no other interest but yours or those persons who come here with no other desire but to purchase lands for yourselves [themselves?]

These sentences are also missing from the eye-witness account written by Captain Robertson which states:

His Excellency began by stating that England was, thank God, a free country. Englishmen could go to any part of the world they chose; many of them had come to settle here. Her Majesty always ready to protect, had also the power to restrain her subjects; and her Majesty wished the chiefs of New Zealand to give her the power to protect as well as to restrain them – he was sent by her Majesty to request that object publically; they themselves had often requested her Majesty to extend her protection to them. What he did was open and above board; he did not go to one chief in preference to another; he came to treat with all openly. He would give them time to consider the proposals he had come to offer; that what he was sent to do was expressly for their own good – and her Majesty now offers them her protection by this treaty; it was unnecessary to say more, but he would read it to them.⁸

A close inspection of Colenso's 1837 notebook reveals that he struck out the words 'kia matou' in the second line of his verbatim notes.

As the Lw. of E. gives no civil power to Her M. out of her Dom. her efforts futile unless you consent. Her M. has comd. me to exp. y. matters to you **kia mat** yt. you may underst. them.

Wellington: Allen & Unwin/Port Nicholson Press, 1987, pp. 45, 273 note 51; Phil Parkinson, "Preserved in the Archives of the Colony": The English Drafts of the Treaty of Waitangi, Yearbook 10, *Revue Juridique Polynésienne/The New Zealand Association for Comparative Law*, Cashier Special, 2004, pp. 45-46.

http://www.victoria.ac.nz/law/NZACL_new/publications.aspx#10, retrieved 2 March 2011.

⁸ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>,

retrieved 11 March 2011; *The New Zealand Gazette and Wellington Spectator*, 25 April 1840, p.

3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18400425.2.10&cl=CL2.1840.04.25&e=-----10-EP-1----Omaori+privy+-->, retrieved 11 March 2011.

This suggests that Colenso, who was bilingual, had inadvertently recorded part of Henry Williams' translation of Hobson's speech when he recorded the words 'kia mat[ou]' instead of 'to you'. Similarly, Colenso's failure to copy the final two sentences from his verbatim notes into his manuscript suggests that the statement distinguishing between the humanitarian intentions of the Queen and the self-interest of the land speculators was made by Williams at the conclusion of his translation of Hobson's speech. This would also explain why the comment was not reported by Robertson in his article in *The Sydney Herald* on 21 February 1840.

Felton Mathew also recorded Hobson's speech to the chiefs on 5 February 1840. In a letter to his wife he said that Hobson had addressed the chiefs through Williams 'stating that he had been sent amongst them by the Queen to protect and defend them, and to place them under the paternal sway of Great Britain, and a good deal more such fustian'.⁹ However, Mathew wrote a fuller account of Hobson's speech in his diary:

He set forth briefly but emphatically, and with strong feeling, the object and intention of the Queen of England in sending him hither to assume the government of these Islands, provided the native chiefs and tribes gave their consent thereto. He pointed out to them the advantage they would derive from this intercourse with the English and the necessity which existed for the Government to interfere for their protection on account of the number of white people who had already taken up their abode in this country. He then caused to be read to them a treaty which had been prepared, by which the native chiefs agreed to cede the sovereignty of their country to the Queen of England, throwing themselves on her protection but retaining full power over their own people – remaining perfectly independent, but only resigning to the Queen such portion of their country as they might think proper on receiving a fair and suitable consideration for the same.¹⁰

⁹ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL; James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and his Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed for the University of Auckland, 1940, p. 33.

<http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 25 October 2011.

¹⁰ James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and his Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed for the University of Auckland, 1940, p. 34, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 25 October 2011.

On 6 February 1840 Mathew added:

I should have said that the object of the Treaty is to cede voluntarily to the Queen the Sovereignty of New Zealand – a measure which was rendered necessary by the British Govt. having some years ago formally recognised the independence of the country.¹¹

Jameson also said that Hobson had emphasized that ‘It was not the intention ... of the government to rob the natives of their land, but to treat with them for it, and to obtain in the same manner the cession of the sovereignty of the islands to the British Crown’, whilst Commander Charles Wilkes of the United States Exploring Expedition reported that William Hobson had told the chiefs ‘that unless they signed the treaty, he could do nothing more than act as consul!’¹²

Finally Colenso made a notation in the right-hand margin of his manuscript. It reads ‘Get English copy’ and has been written next to the statement:

Here His Excellency Read the Treaty (English) & Mr. W read the ^ following ^ Native Translation to the Natives.¹³

One would assume that if Colenso had possessed a copy of the Treaty parchment or the printed text at the time of writing he would have copied it into his manuscript as he had already done with his verbatim notes of Hobson’s speech. Colenso’s failure to do this suggests that he did not have a copy of the Treaty and that his manuscript was written before 17 February 1840 when he printed the Maori text for Hobson.¹⁴ Alternately, if the manuscript was written after 17 February 1840, Colenso’s notation could also indicate

¹¹ Felton Mathew to Sarah Mathew, Thursday 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460/001, HL.

¹² R. G., Jameson, *New Zealand, South Australia and New South Wales: A Record of recent Travels in these colonies with especial reference to Emigration and the advantageous employment of labour and capital*, London: Smith, Elder and Co., 1841, p. 203; Charles Wilkes, *Narrative of the U.S. Exploring Expedition during the years 1838, 1839, 1840, 1841, 1842*, Volume II, Philadelphia: Lea and Blanchard, 1845, p. 367, http://books.google.co.nz/books?id=EXAaQAAlAAJ&pg=RA2-PA367&dq=charles+wilkes+narrative+of&source=gbs_toc_r&cad=4#v=onepage&q&f=false, retrieved 17 March 2011.

¹³ William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL.

¹⁴ William Colenso, Papers, Day and Waste Book, Paihia, Bay of Islands, 1st Printing Office, from 1836 to March 1842, MS 76, Box 2, Folder 13, AML.

that he was aware of the discrepancies between the Treaty texts and had decided to use the 'official' English version. However, given that William Colenso was in Whangarei on 19 February 1840, where he witnessed Busby's deed at Waipu, it is more likely that his memorandum for the CMS was written before he printed the Maori text.¹⁵

This chapter has compared Colenso's manuscript account of Hobson's speech to the chiefs on 5 February 1840 against the speech reported by him in his jubilee history. It has also explored whether it is possible to corroborate Colenso's narrative from the eye-witness accounts of other Europeans. The chapter has established that William Colenso copied Hobson's speech into his manuscript from verbatim notes he recorded on the spot in a small notebook dated 1837. However it has also suggested that Colenso did not copy the last two sentences from his notebook into his manuscript because the words he had recorded had been spoken by Henry Williams at the conclusion of his translation of Hobson's speech. The likelihood that this was the case is supported by the account of Captain Robertson who recorded Hobson's speech for *The Sydney Herald* and also failed to include these sentences, which contrasted the humanitarian intentions of the Queen with the avarice of the land speculators. Finally the chapter has suggested that Colenso's failure to include a translation of the Maori text in his manuscript is evidence that he did not possess a copy of the Treaty parchment and had not yet printed the Maori text; thereby placing the date of the manuscript between 12 February 1840 (the day after he advised Dandeson Coates of his intention to write a memorandum) and 16 February 1840 (the day before Colenso printed the Maori text for Hobson).

¹⁵ OLC 24, Waipu Block (James Busby), Whangarei. On 19 February 1840 William Colenso and Gilbert Mair witnessed a deed in regard to 15,000 acres at Waipu. In this deed James Busby granted 300 acres, including a dwelling and cultivations, at Pohuenui to the Maori vendors and their children, on the condition that they did not sell or let it to other Europeans or Maori. In the event that this condition was breached, the deed provided for the land to revert to James Busby and his children. See <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g4-g12-t4.html>, retrieved 1 December 2011.

Chapter Four: The Chiefs' Responses to Hobson's Proposal

William Colenso's record of the speeches made at Waitangi on 5 February 1840 was cited in the Court of Appeal's adjudication on the meaning of section 9 of the State-Owned Enterprises Act 1986. In that case the Honourable Justice Bisson quoted from Colenso and said that 'the Maori concept' of the Treaty was best summed up by Nene and Patuone. He also cited Hobson's despatch to Gipps, in which Hobson had reported that he had assured the chiefs 'in the most fervent manner that they might rely implicitly on the good faith of Her Majesty's Government in the transaction'. Bisson said:

The passages I have quoted from the speeches of two Maori chiefs and from the letter of Governor Hobson enable the principles of the Treaty to be distilled from an analysis of the text of the Treaty.¹

The Honourable Justices Richardson and Bisson also cited Ruth Ross's work on the texts and translations of the Treaty which was also based on Colenso but had been written when his manuscript was still in private hands. Similarly, in her evidence to the Waitangi Tribunal Anne Salmond said that Colenso's work was the 'most important account of the 1840 Waitangi Treaty transaction' that had ever been written.² Unlike Ross, Salmond did have access to Colenso's manuscript and told the Tribunal that, whilst there were discrepancies between the two, none of the 'edits and additions seriously altered the gist of any of the speeches that were given, with the exception of those by Busby, and possibly those by Heke and Nene'.³ This chapter will compare William Colenso's manuscript against his history with respect to the speeches made by the chiefs at Waitangi on 5

¹ *New Zealand Maori Council v Attorney General*, in New Zealand Law Reports, Francis Wilson (ed.), Wellington: Butterworths, 1987, Volume 1, Case 641, Heard in the Court of Appeal in Wellington by Cooke P, Richardson, Somers, Casey and Bisson JJ on 4, 5, 6, 8, May and 29 June 1987, p. 715.

² Anne Salmond, Wai 45, # F. 19, Submission for the Waitangi Tribunal on the Muriwhenua Land Claim, Wellington: Waitangi Tribunal, pp. 15-17.

³ The variations between Colenso's memoranda and 1890 history that were observed by Dr. Anne Salmond were (1) Colloquial language in the original manuscript – 'I'll, I won't, who'll' etc, has been formalised in the published account – 'I will, I will not, who will' etc.; (2) The third person singular has been changed into Biblical language; 'you' – 'thee, thou'; (3) Contextual descriptions (of the chiefs' dress, manner etc.) have been added in some places; (4) Names of chiefs have in some instances been corrected, and in all cases their hapu affiliations have been added; (5) Comments supportive of the role of Busby and the missionaries have been added to the chiefs speeches in a number of places; (6) The rhetoric of the chiefs has been elaborated; (7) Comments and one entire speech by Busby have been added, evidently as the result of edits added by Busby on Colenso's invitation, which Colenso "faithfully copied (ipsissima verba), inserting them where Mr. Busby had placed them" on a manuscript copy other than the one which has survived; (8) A number of footnotes have been added to the published account with identifications of European speakers, comments on particular points in the speeches, etc., see Anne Salmond, Wai 45, # F. 19, *Submission for the Waitangi Tribunal on the Muriwhenua Land Claim*, Wellington: Waitangi Tribunal, p. 17.

February 1840 in response to Hobson’s proposal. It will also explore whether it is possible to corroborate Colenso’s narrative from the eye-witness accounts of other Europeans.

The following table picks up Colenso’s narrative from the point where Henry Williams had completed his Maori translation of Hobson’s speech to the chiefs:

MS-Papers-1611	1890 Jubilee History
<p data-bbox="235 640 734 919">^ The treaty xxx xxx xxx having been read in Eng & NZ tongue ^ This done, & xxx liberty of speech granted to anyone ^ who felt inclined to ^ speak on the subject, or to make any inquiry relative to the same –</p> <p data-bbox="235 989 734 1121">Kamera ^ chief of ^ got up ^ arose & said xxx xxxxxx in his usual manner, with xxxx of gesticulations</p> <p data-bbox="235 1438 734 1522">[Notation in the right-hand margin] See paper marked [Symbol]</p>	<p data-bbox="755 640 1382 871">The treaty having been publically read in English and in the Native tongue, liberty of speech was granted to any one who felt inclined to speak on the subject, or to make any inquiry relative to the same.</p> <p data-bbox="755 892 1382 1417">Some brief preliminary proceedings followed, during which Mr. Busby addressed the Natives to the effect that the Governor was not come to take away their land, but to secure them in possession of what they had not sold; that he (Mr. Busby) had often told them that land not duly acquired from them would not be confirmed to the purchaser, but would be returned to the Natives, to whom it of right belonged; that this the Governor would be prepared to do. Suddenly,</p>

In his manuscript William Colenso recorded that the assembly had been given an opportunity to respond to Williams’ translation of the Treaty and that ‘Kamera’ was the first to speak. In contrast, in his jubilee history Colenso said that James Busby had interjected after Williams and reassured the chiefs that the Governor had not come to take away their land but to secure them in possession of what they have not sold and that

land not duly acquired would be returned to them. Given that Colenso added this statement in 1890 it is not mentioned in the eye-witness account of Captain Robertson, who simply reported that ‘several of the Chiefs addressed His Excellency’ after Henry Williams had translated the Treaty to them.⁴

William Colenso was unable to identify Kamera’s hapu in 1840 but in 1890 he identified this chief as ‘Te Kemara’ and described him as ‘a chief of the Ngatikawa’.⁵ In his manuscript, following an unsuccessful attempt to record Te Kemara’s speech, Colenso wrote a notation in the right-hand margin which reads, ‘See paper marked’ and inserted a symbol. The symbol appears again on a separate sheet of paper which records Te Kemara’s speech as it appears in Colenso’s history:

MS-Papers-1611	1890 Jubilee History
<p>[Symbol]</p> <p>How dy Health to thee, o Govr. This ^ is mine ^ to thee o Govr. - I am not pleased towards you. I do n not wish for you. I do ^ not ^ xxx consent to your rmng here - If you stay as Govr. perhaps Kamera will be judged and condd. - yes, indeed, more than that, even hung by the neck - no, no, no. I won't shall never agree to your staying. Were all to be on an Equality, then perhaps the Kamera would say yes - but for the Govr. to be up & Kamera down! Govr. high - up, up, up, & Kamera down, low, & small - a worm - a crawler! No, no, no - o Govr. this ^ is mine ^ to thee, o Govr. My</p>	<p>Health to thee, O Governor! This is mine to thee, O Governor! I am not pleased towards thee. I do not wish for thee. I will not consent to thy remaining here in this country. If thou stayest as Governor, then, perhaps, Te Kemara will be judged and condemned. Yes, indeed, and more than that – even hung by the neck. No, no, no; I shall never say ‘Yes’ to your staying. Were all to be on an equality, then, perhaps, Te Kemara would say, ‘Yes;’ but for the Governor to be up and Te Kemara down – Governor high up, up, up, and Te Kemara down low, small, a worm, a crawler – No, no, no. O Governor! this is mine to thee. O Governor! my land is gone, gone, all gone. The inheritances of my ancestors, fathers, relatives, all gone, stolen,</p>

⁴ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla-news-article 12864615>, retrieved 11 March 2011.

⁵ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 17.

<p>land is gone – gone - all gone, - the inheritances of my ancestors, fathers, relatives, all gone, stolen, - gone, - with the Missionaries – yes, they have it all, all, all – that man there ^ the Busby, and that they^ and the Wiremu they xxx ^ have ^ my land. The land on which we stand this day, this xxx under my feet, return it to me – O Govr. return me my lands – let say to W. return K. his lands - You (pointing to H.W.) you, you, you bald headed man, you &c &c – have got my lands – O Govr. I xxx ^ do not ^ wish you to stay - You English are not kind like xxx other foreigners – you do do not give us good xxx things – xxx I say go back- go back Govr. - we do not want you here – and Kamera says to thee Go back.</p>	<p>gone with the missionaries. Yes, they have it all, all, all. That man there, the Busby, and that man there, the Williams, they have my land. The land on which we are now standing this day is mine. This land, even this under my feet, return it to me. O Governor! return to me my lands. Say to Williams, ‘Return to Te Kemara his land.’ Thou” (pointing and running up to the Rev. H. Williams), “thou, thou, thou baldheaded man – thou hast got my lands. O Governor! I do not wish thee to stay. You English are not kind to us like other foreigners. You do not give us good things. I say, Go back, go back, Governor, we do not want thee here in this country. And Te Kemara says to thee, Go back, leave to Busby and to Williams to arrange and to settle matters for us Natives as heretofore.</p>
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The insertion on which Te Kemara’s speech is recorded is not numbered sequentially like the rest of Colenso’s manuscript but comprises a single sheet of paper with writing on both sides. On one side of the page there are two symbols set against two separate insertions. One is a record of Te Kemara’s speech and the other is a record of Hobson’s comment to Moka that land unjustly held would be returned and all lands purchased after the date of the proclamation would not be held lawful (Appendix One, pages 113-114).

On close inspection of the manuscript it is apparent that William Colenso had started to jot down Te Kemara's speech and then crossed it out. The text, which is still visible through the crossing out, reads:

and grimaced, as if angry his objecting was principally 1. that he **wod. not consent** to a Govr. for he would not might be **judged and condemned; if all were to be on an equality he might then consent** 2. that **his land had gone with the Missionaries, especially with the Rev. H.W.**, 3. that **the English were not xxx as other foreigners**

These notes are mirrored in the record of Te Kemara's speech in the insertion:

I do not wish for thee. **I will not consent** to thy remaining here in this country perhaps, Te Kemara will be **judged and condemned** **even hung by the neck** **Were all to be on an equality, then, perhaps, Te Kemara would say, 'Yes;'** my land is gone stolen, gone with the missionaries **Busby, and ... Williams, they have my land** **You English are not kind to us like other foreigners**

The similarities between the two records suggest that they were either written by the same person or that the person who recorded Te Kemara's speech in the insertion had access to Colenso's original notes.

In her evidence to the Waitangi Tribunal Anne Salmond suggested that 'Comments and one entire speech by Busby have been added' to the manuscript.⁶ She did not identify which speech but given the nature of her commission, it is likely that she was referring to Te Kemara's speech.⁷ At first glance the handwriting on the one-page insertion which records this speech appears markedly different from that of either William Colenso or

⁶ Salmond said that 'Comments and one entire speech by Busby have been added, evidently as the result of edits added by Busby on Colenso's invitation, which Colenso "faithfully copied (ipsissima verba), inserting them where Mr. Busby had placed them" on a manuscript copy other than the one which has survived', see Anne Salmond, Wai 45, # F. 19, Submission for the Waitangi Tribunal on the Muriwhenua Land Claim, Wellington: Waitangi Tribunal, p. 17.

⁷ Salmond was asked by the Waitangi Tribunal to give an anthropological and historical analysis of the Treaty transactions at Waitangi, Mangungu and Kaitaia in 1840, addressing the following specific questions: (1) Have any Maori language records of these transactions survived? (2) What do the surviving records tell us about the Maori context in which these transactions took place? (3) Was there a "meeting of Minds" or were people "talking past each other"? (4) As a result of these transactions, what do you think Maori would have concluded about how they affected their rights to land and other resources?, see Anne Salmond, Submission for the Muriwhenua Land Claim, Document # F19, Wellington: Waitangi Tribunal, p. 1. Anne Salmond was contacted for clarification about which speech she believed had been added to Colenso's manuscript by James Busby but she indicated that she was unable to respond due to pressure of work.

James Busby. However, on closer inspection, it does seem possible that William Colenso may have been the author of the speech. For example, in both the manuscript and the insertion the writer has used abbreviations; shortening the word Governor to Govr., Reverend to Revd. and would to wod. He has also formed his 'h' with a loop at the top of the letter and when 'd' is at the end of a word, has formed the tail of the letter so that it slopes toward the left. The writer also has a tendency not to add the cross-bar to his 't' but when he does so, he often joins the cross-bar to the following word. In William Colenso's original manuscript examples of this are found in the sentences 'he wod. not consent **to a** Govr.' and 'if all were **to be** on an equality'. In the one-page insertion there are examples of the same practice in the sentences 'this is mine **to thee**'; 'I shall never agree **to your** staying'; 'were all **to be** on an equality' and 'but for the Govr. **to be** up'. This style of writing is also evidenced on the signed photograph of Colenso reproduced on the second page of this thesis (Figure I, page ii). In contrast, the handwriting on the one-page insertion does not resemble the handwriting in the surviving correspondence of James Busby (Appendix Two, pages 115-116).

In 1890 William Colenso extended Te Kemara's speech with the statement 'And Te Kemara says to thee, Go back, leave to Busby and to Williams to arrange and to settle matters for us Natives as heretofore'.⁸ Salmond observed that this is one of a number of emendations that have been added to Colenso's history which are supportive of the role of James Busby and the missionaries.⁹ However, in this instance the emendation appears to be authentic; Robertson's account in *The Sydney Herald* reporting that at the conclusion of his speech in response to Te Kemara James Busby said:

the best proof of the good-will of the Natives towards himself and Mr. Williams, was expressed by the very Chief [Te Kemara] who had caused the discussion, who was of the opinion that the country should remain as it was, and he would be satisfied to be guided, as heretofore, by the advice and counsel of Mr. Williams and himself (Mr. B.).¹⁰

⁸ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 18.

⁹ Anne Salmond, Wai 45, # F. 19, *Submission for the Waitangi Tribunal on the Muriwhenua Land Claim*, Wellington: Waitangi Tribunal, p. 17.

¹⁰ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla-news-artcile.12864615>, retrieved 11 March 2011.

This suggests that William Colenso may have based his 1890 amendment to Te Kemara’s speech on Robertson’s newspaper article.

Colenso also recorded the mannerisms that had been adopted by Te Kemara to accompany his speech. In his manuscript he crossed out the words ‘and grimaced, as if angry’ and wrote an insertion in the left-hand margin. It reads, ‘This chief spoke in his energetic, peculiar manner, as if very angry’. The following table indicates that Colenso faithfully copied this emendation into his jubilee history:

MS-Papers-1611	1890 Jubilee History
<p>[Insertion in the left-hand margin]</p> <p>This chief spoke in his xxx peculiar manner, as if ^ very ^ angry accomod. by a very great deal of gesture & grimace; it is morally impossible to convey a just idea of his manner, to an English anyone unacqud. with NZ oratory – especially when address himself to Rev. H.W. on the subj. of land,</p>	<p>This chief spoke in his energetic, peculiar manner, as if very angry; his eyes rolling, and accompanying his remarks with extravagant gestures and grimace, even for a Native. The officers of the man-ó- war, and all strangers, were wonderfully struck with his show of himself. To any one unacquainted with New Zealand oratory it is morally impossible to convey a just idea of his excited manner, especially when addressing himself to Mr. Busby and the Rev. H. Williams on the subject of the land.</p>

Felton Mathew also referred to Te Kemara in his letter saying:

After a while one of the Chiefs started up and in a strain of fervid and impassioned eloquence, accompanied by vehement gesticulations, denounced the treaty and advised that the Governor should not be received – expressing his fear

that their lands would all pass from them and they would become slaves. He was followed by several other chiefs all of whom expressed the same feeling.¹¹

Similarly, in his journal Mathew wrote:

After a while one ferocious looking chief started up and commenced a long and vehement harangue, in which he counseled his countrymen not to admit the Governor, for if they did so they would inevitably become slaves and their lands would pass from them. Then, addressing the Governor, he said:--

If you like to remain here it is well, but we will have no more white people among us lest we be over-run with them, and our lands be taken from us.¹²

William Bailey Baker implied that Kaiteke (Te Kemara) was violently opposed to the Treaty, whilst Robertson remarked that the discussion ‘was carried on with much animation, some in favour and some against; the speakers walking up and down, according to their custom’.¹³

The next speaker was Rewa. Colenso did not identify Rewa’s hapu in 1840 but in 1890 he described him as a ‘chief the Ngaitawake Tribe’. Colenso’s history is otherwise faithful to his manuscript, as demonstrated in the following table:

MS-Papers-1611	1890 Jubilee History
<p><u>Rewa</u> ^ chief of ^ got up arose and sd. ^ How d ye do Mr Govr. ^ this is mine to thee o Govr. ^ Let the Govr. return go back to his ^ own ^ country. Let</p>	<p>Rewa, chief of the Ngaitawake Tribe, arose, and said (his first short sentence being in English), “How d’ye do, Mr. Governor?” which, unexpected as it was, set all hands a-laughing.</p>

¹¹ Felton Mathew to Sarah Mathew, 6 February 1840, H.M.S. *Herald*, at sea, Felton Mathew Papers, MS-0460/001, HL. Mathew’s account of the events which took place at Waitangi on 5 February 1840 was written on the following day, 6 February 1840. His account of the events which occurred at Waitangi on 6 February 1840 was written later the same day.

¹² James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and his Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed for the University of Auckland, 1940, p. 36, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 25 October 2011.

¹³ William Bailey Baker, Notes on the Treaty of Waitangi, typed in the Auckland Museum from the original loaned by Mr. V. H. Baker, MS 22, Box 7, Folder 2, AML; *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

<p>my lands be returned to me which have been taken by the Missionaries ^ by D. & Clarke and who, who, ^ I have no lands now, only a name.</p> <p>[Insertion in the left-hand margin]</p> <p>Foreigners know Mr. Rewa, but this is all I have left a name. What do native men want with a Govr? We are not whites not foreigners – this land is ours – but the land is gone - but we are the Govr. - we the chiefs of our father’s land. I won’t assent to the Govr’s remg. ^ no, return: what! this land by like Port Jackson? & all lands seen by the Engsh.</p>	<p>“This is mine to thee, O Governor! Go back. Let the Governor return to his own country. Let my lands be returned to me which have been taken by the missionaries - by Davis and by Clarke, and by who and who besides. I have no lands now – only a name, only a name!</p> <p>Foreigners come; they know Mr. Rewa, but this is all I have left – a name! What do Native men want with a Governor? We are not whites, nor foreigners. This country is ours, but the land is gone. Nevertheless we are the Governor – we, the chiefs of this our fathers’ land. I will not say ‘Yes’ to the Governor’s remaining. No, no, no, return. What! this land to become like Port Jackson and all other lands seen [or found] by the English. No, no. Return. I, Rewa, say to thee, O Governor! go back.”</p>
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Hobson identified ‘Revewah’ as one of the principal opponents of the Treaty. In his despatch to Gipps he quoted the chief as saying:

Send the man away; do not sign the paper; if you do, you will be reduced to the condition of slaves, and be obliged to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed.¹⁴

This account is corroborated by Robertson’s article which, although it does not identify Rewa by name, said that the chiefs were concerned that ‘if they signed the Treaty they would become slaves, hewers of wood and drawers of water, and be driven to break

¹⁴ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 127, AUL.

stones on the road'.¹⁵ Henry Williams also said that many of the chiefs 'had hung back for some time having been told that they would be sent to break stones as the convicts of Port Jackson & to labour as they do'.¹⁶

Rewa was followed by his brother Moka. Colenso did not identify the hapu of Moka when he wrote his manuscript in 1840 but in 1890 he described him as a chief of Patuheka.¹⁷

MS-Papers-1611	1890 Jubilee History
<p>Moka ^ chief of ^ sd. Let the Govr. return - Let us remain as we were. Let my lands be returned - all of them - Those with Mr Baker ^ don't say they will be retd. Who'll listen & obey? ^ Where is Clendon? Where is Mair? - gone to buy our lands, notwithstanding the Proclm. ^ book ^ of the Govr. X Where is Baker ^ where is the fellow ^ there he is - there</p> <p>X See paper [symbol].</p>	<p>Moka, chief of the Patuheka Tribe, arose and said, "Let the Governor return to his own country: let us remain as we were. Let my lands be returned to me - all of them - those that are gone with Baker. Do not say, 'The lands will be returned to you.' Who will listen to thee, O Governor? Who will obey thee? Where is Clendon? Where is Mair? Gone to buy our lands notwithstanding the book [Proclamation] of the Governor."</p>

At the end of this excerpt Colenso inserted the symbol X and wrote 'See paper' against another symbol. This symbol appears again on the one-page insertion immediately below Te Kemara's speech. The narrative, which is attributed to Hobson, states that all lands unjustly held would be returned and all claims to lands, however purchased, after the date of the Proclamation would not be held to be lawful (Appendix One, page 114).

¹⁵ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article.12864615>, retrieved 11 March 2011.

¹⁶ Henry Williams to the Lay Secretary, Paihia, 13 February 1840, Donald M. Loveridge, Wai 1040, Te Paparahi o Te Raki (Northland Inquiry), Document bank, *The Knot of a Thousand Difficulties Britain and New Zealand, 1769-1840*, p. 999.

¹⁷ Rewa and his brothers Wharerahi and Moka were from Ngai Tawake but took the name Patuheka to commemorate the death of their mother who was murdered in her keha or turnip garden. 'Patuheka' has been spelt as 'Patuheka' in Colenso's jubilee history but this may have been a printing error rather than a mistake by William Colenso. See <http://www.maoridictionary.co.nz/index.cfm?dictionaryKeywords=keha&n=1&idiom=&phrase=&proverb=&loan=&search.h.x=22&search.y=8>, retrieved 28 October 2011; Jeffrey Sissions, Wiremu Wi Hongi & Pat Hohepa, *The Pūriri Trees are Laughing: A Political history of Ngā Puhi in the inland Bay of Islands*, Auckland: The Polynesian Society, 1987, p. 34.

Colenso’s account of Kawiti’s speech indicates that this chief rejected the Treaty on the grounds that Hobson would use his soldiers and his guns against Maori.

MS-Papers-1611	1890 Jubilee History
<p><u>Kawiti</u> – No, no, go back, go back. What do you want here? we don’t want to be tied up, & trodden down, we are free; Let the Misss. remain, You return. I won’t consent – to yr. remg. what! to not to fired at in our boats by night? What! to be fired at in our Canoes by night? No, no, go back – there’s no place here for you -</p>	<p>Kawiti, chief of the Ngatihine Tribe, rose and said, “No, no. Go back, go back. What dost thou want here? We Native men do not wish thee to stay. We do not want to be tied up and trodden down. We are free. Let the missionaries remain, but as for thee, return to thine own country. I will not say ‘Yes’ to thy sitting here. What! to be fired at in our boats and canoes by night! What! to be fired at when quietly paddling our canoes by night! I, even I, Kawiti, must not paddle this way, nor paddle that way, because the Governor said ‘No’ – because of the Governor, his soldiers, and his guns! No, no, no. Go back, go back; there is no place here for the Governor.”</p>

Although Colenso extended Kawiti’s speech in 1890, the tenor of the address is constant and is mirrored in the speech of an unnamed chief that was recorded by Felton Mathew:

Go, return to you own country. Mr. Busby has been shot at. You will be shot at, perhaps killed. Mr. Busby could do nothing, but you are a Man of War, Captain, and if you are killed the soldiers will come and take a terrible vengeance on our countrymen.¹⁸

The similarities between Colenso’s record and the stance of the chief recorded by Mathew reinforces the impression that the two men discussed the events that had taken

¹⁸ James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and his Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed for the University of Auckland, 1940, p. 36, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 25 October 2011.

place at Waitangi in February 1840 and that Colenso’s record of Kawiti’s speech may have been based on Mathew’s journal; Colenso being better positioned to identify the name of this speaker than Felton Mathew.

Colenso wrote an insertion in the left-hand margin of his manuscript to indicate that there was ‘a great bustle’ when Tareha and Hakiro arrived. However, a cursory glance at the following table indicates that Colenso significantly embellished Tareha’s speech in his 1890 jubilee history:

MS-Papers-1611	1890 Jubilee History
<p>Tareha ^ dressed in a filthy mat, used only as a floor mat but evidently dressed in this manner for the occasion ^. No Governor for me – for us – we are the chiefs – we won’t be ruled. What, you up, and I down – you high and I, ^ Tareha ^ the great chief, low? – I am jealous of you – go back ^ No, no, no, I wont say assent ^ what for? why? what is there here for you? ^ Our lands are gone – our names remain, ^ never mind ^. Yes we are the Chiefs. Go back – return – make haste away. We don’t want you return, return, -</p>	<p>Tareha, chief of the Ngatirehia Tribe, rose, and with much of their usual national gesticulation, said, “No Governor for me – for us Native men. We, we only are the chiefs, rulers. We will not be ruled over. What! thou, a foreigner, up, and I down! Thou high, and I, Tareha, a great chief of the Ngapuhi tribes, low! No, no; never, never. I am jealous of thee; I am, and shall be, until thou and thy ship go away. Go back, go back; thou shalt not stay here. No, no; I will never say, ‘Yes.’ Stay! Alas! what for? why? What is there here for thee? Our lands are already all gone. Yes, it is so, but our names remain. Never mind; what of that – the lands of our fathers alienated? Dost thou think we are poor, indigent, poverty-stricken – that we really need thy foreign garments, thy food? Lo! note this.”(Here he held up high a bundle of fern-roots he carried in his hand, displaying it.) “See, this is my food, the food of my ancestors, the food of the Native people. Pshaw, Governor! To think of tempting men – us Natives – with baits of clothing and of food! Yes, I say we are the</p>

chiefs. If all were to be alike, all equal in rank with thee – bit thou, the Governor up high – up, up, as this tall paddle” (here he held up a common canoe-paddle), “and I down, under, beneath! No, no, no. I will never say, ‘Yes, stay.’ Go back, return; make haste away. Let me see you [all] go, thee and they ship. Go, go; return, return.”*

Tareha was clothed with a filthy piece of coarse old floor-matting, loosely tied round him, such as is used by the commonest Natives merely as a floor-mat under their bedding. He was evidently dressed up in this fashion in order the more effectually to ridicule the supposition of the New-Zealanders being in want of any extraneous aid of clothing, &c., from foreign nations. He also carried in his hand, by a string, a bunch of tied fern-root, formerly their common vegetable food, as bread with us. His habit, his immense size – tall and very robust (being by far the biggest Native of the whole district) – and his deep sepulchral voice, conspired to give him peculiar prominence, and his words striking effect; this last was unmistakably visible on the whole audience of Natives.

Tareha did not sign the Treaty and in spite of the discrepancies between Colenso’s manuscript and history, his record of Tareha’s hostility is supported by Hobson who identified ‘Jakahra’ (Tareha) as the other principal opponent of the Treaty.¹⁹ Robertson also reported that ‘Tarika [Tareha] the oldest chief at Kororarika, was desperately

¹⁹ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 127, AUL.

opposed to the measure, and worked himself up to a frenzy against it'.²⁰ A similar comment was made by Jameson who said:

When the chiefs of the Bay of Islands were assembled, Taria was loud in his opposition to the measure, and worked himself into a vehement excitement. This old gentleman was, however, left in a small minority and, after a distribution of blankets and tobacco, the document was signed by nearly all present.²¹

The next speaker was Heke whose hapu affiliation was identified as Matarahurahu in 1890 but not mentioned by Colenso in 1840. Colenso recorded this speech in flowing script, minus emendations, in his manuscript and extended and embellished it in 1890:

MS-Papers-1611	1890 Jubilee History
<p>Hoani Heke To raise up or to bring down – To raise up or to bring down – which – which? Sit Govr If you return we are gone – ruined – what shall we do? Who are we? We don't know? Remain, a father for us – That is a good thing – Even as the W. of God – You go, no, no, the French, or the rum sellers, will have us, remain, remain, But we are children; its not for us, but for you, Fathers, Missionaries, for you to say, to choose, we are childn. – we don't know, do you choose for us – you our Fathers – Missionaries –</p>	<p>Hoani Heke, a chief of the Matarahurahu Tribe, arose and said, “To raise up, or to bring down? to raise up, or to bring down? Which? which? Who knows? Sit, Governor, sit. If thou shouldst return, we Natives are gone, utterly gone, nothing, extinct. What, then, shall we do? Who are we? Remain, Governor, a father for us. If thou goest away, what then? We do not know. This, my friends,” addressing the Natives around him, “is a good thing. It is even the word of God” (the New Testament, lately printed in Maori at Paihia, and circulated among the Natives). “Thou to go away! No, no, no! For then the French people or the rum-sellers will have us Natives. Remain, remain; sit, sit here; you</p>

²⁰ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article-12864615>, retrieved 11 March 2011; *New Zealand Gazette and Wellington Spectator*, 25 April 1840, p. 3, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=NZGWS18400425.2.10&cl=CL2.1840.04.25&e=-----10-EP-1---Omaori+privy+-->, retrieved 11 March 2011.

²¹ R. G. Jameson, *New Zealand, South Australia and New South Wales: A Record of Recent Travels in these Colonies with especial reference to Emigration and the advantageous employment of labour and capital*, London: Smith, Elder and Co., 1841, p. 204, AML.

	<p>with the missionaries, all as one. But we Natives are children – yes, mere children. Yes; it is not for us, but for you, our fathers – you missionaries – it is for you to say, to decide, what it shall be. It is for you to choose. For we are only Natives. Who and what are we? Children – yes, children solely. We do not know: do you then choose for us. You, our fathers – you missionaries. Sit, I say, Governor, <i>sit!</i> a father, a Governor for us.” (Pronounced with remarkably strong and solemn emphasis, well supported both by gesture and manner.)</p>
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Colenso said that Heke supported Hobson’s proposal, whilst Richard Taylor said that ‘John Heke our chief of Mawe was the first to speak in favor of the Govr’.²² Henry Williams also said that Heke urged the people to sign the Treaty because Maori ‘needed protection from any foreign power, and knew the fostering care of the Queen of England towards them’.²³

These accounts are contradicted by Samuel Ironside from the Wesleyan mission and William Bailey Baker, the son of Charles Baker, who lived at the Paihia mission station. Ironside said that ‘in the early part, angry discussion took place on the subject’ and ‘Johnny Heke took all sorts of exception’.²⁴ He also said that although Heke taunted Hobson saying “Go return; we don’t want you!” he was also amongst the first to sign the Treaty. ²⁵ Similarly Baker, whom Colenso described as the best of all the Native interpreters he had ever known, said:

²² J.M.R. Owens, *The Mediator: A Life of Richard Taylor, 1805-1873*, Wellington: Victoria University Press, 2004, p. 46.

²³ Henry Williams, ‘Early Recollections’, as cited by Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume 11, Auckland: Wilson & Horton, 1877, pp. 11-15.

²⁴ Samuel Ironside to the Editor of the Sydney Empire, *Taranaki Herald*, 27 June 1863, p. 3.

<http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=TH18630627.2.14&srpos=7&e=-----10--1----oBusby+treaty+war-->, retrieved 17 September 2011.

²⁵ *New Zealand Methodist*, 6 January, 1894, as cited by Wesley Chambers, *Samuel Ironside in New Zealand, 1839-1858*, Auckland: Ray Richards in association with the Wesley Historical Society of New Zealand, 1982, pp. 63, 67. Based on “New Zealand and its Aborigines”, a lecture to the Surrey Hills Young Men’s Mutual Improvement Society by Samuel Ironside, Wesleyan Book Depot, Sydney, 1863.

I remember distinctly being present during the whole of the meeting; that Hone Heke was very violent in his language, though he is not mentioned by Captain Hobson.²⁶

In contrast Henry Tacy Kemp, son of the missionary James Kemp, said that Heke remained silent during the Waitangi meeting. However his account was published 61 years after the event and claimed that John Hobbs had been present at Waitangi.²⁷ This is at odds with the account of Tolla Williment who said that her great-grandfather did not attend the Waitangi meeting but had spent several days with Nene beforehand ‘in advocacy of the plan’.²⁸

Heke was followed by Nene of Ngati Hao. Colenso slightly extended Nene’s speech in 1890 but the tenor of the address is consistent in both accounts:

MS-Papers-1611	1890 Jubilee History
<p>Tamati Waka I shall speak to us – to ourselves – what st do you say? The Govr. return – what ^ then ^ shall we do? – is not the land gone? Is it not covered all covd. with Men, with strangers, over whom we have no power, we are down, they are up:- What! do you say? The Govr. go back! I am sick with you! Had you sd. you ^ so ^ in old time – when the traders & grog sellers came – had you turned</p>	<p>Tamati Waka Nene, chief of the Ngatihao Tribe, rose and said, “I shall speak first to us, to ourselves, Natives” (addressing them). “What do you say? The Governor to return? What, then, shall we do? Say here to me, O ye chiefs of the tribes of the northern part of New Zealand! what we, what how?” (meaning, how, in such a case, are we henceforward to act?) Is no the land already gone? Is it not covered, all covered, with men, with strangers, foreigners – even as the grass and herbage – over whom we have no</p>

²⁶ William Colenso to Donald McLean, Napier, Saturday 28 October 1871, p. 3, <http://mp.natlib.govt.nz/detail/?id=1024002&recordNum=0&t=items&q=taylor+to+colenso&s=a&l=en>, retrieved 22 October 2011. Colenso also said that Reverend Richard Taylor ‘never knew Maori’; William Bailey Baker, Notes on the Treaty of Waitangi, typed in the Auckland Museum from the original loaned by Mr. V. H. Baker, MS 22, Box 7, Folder 2, AML.

²⁷ Henry Tacy Kemp, *Revised Narrative of Incidents & Events in the Early Colonizing History of New Zealand from 1840 to 1880*, Auckland: Wilson and Horton, 1901.

²⁸ From an address by R. C. Kirk (a grandson of John Hobbs and a Wellington solicitor) to the Early Settlers Association: “Glancing Back ... Times of Hobbs and Kirk”, *The Evening Post*, 22 August, 1923, as cited by Tolla Williment, *John Hobbs 1800-1883 Wesleyan Missionary to the Ngapuhi Tribe of Northern New Zealand*, Wellington: Government Printer, 1985, p. 146. Emma Hobbs married the Reverend William Kirk and they established a Wesleyan mission station at Whanganui.

<p>them back, then you cod. say to the Govr. go back – and it wod have been correct – and I would also have sd. go back – but now? No, No –</p>	<p>power? We, the chiefs and Natives of this land, are down low; they are up high, exalted. What, what do you say? The Governor go back? I am sick, I am dead, killed by you. Had you spoken thus in the old time, when the traders and grog-sellers came – had you turned them away, then you could well say to the Governor, ‘Go back,’ and it would have been correct, straight; and I would also have said with you, ‘Go back;’ – yes, we together as one man, one voice. But now, as things are, no, no, no.”</p>
<p>(Turning to ye. Govr.) O Govr. sit – I say sit, don’t you go away – remain, for us, a Father – a judge – a peacemaker – Yes – it is good – straight – remain – don’t go away ^ Heed not what Ngapuhi ^ say – you stay our friend & father O Governor.</p>	<p>Turning to His Excellency, he resumed, “o Governor! sit. I, Tamati Waka, say to thee, <i>sit</i>. Do not thou go away from us; remain for us – a father, a judge, a peacemaker. Yes, it is good, it is straight. Sit thou here; dwell in our midst. Remain; do not go away. Do not thou listen to what Ngapuhi say. Stay thou, out friend, our father, our Governor.”</p>

Both Hobson and William Bailey Baker reported that Nene and Patuone arrived at the Waitangi meeting on 5 February 1840 during the ‘crisis’ and that Nene’s speech had ‘turned aside the temporary feeling that had been created’.²⁹ This occurrence was also recorded by Felton Mathew who said that up until the arrival of Nene and Patuone matters had begun ‘to look very blue’. Felton Mathew also said:

Just, however, at the critical moment when the tide seemed settling all against us, it was suddenly turned by the arrival of two powerful Chiefs, both Christians and favourable to the English. They burst into the Tent and began addressing their

²⁹ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies*, New Zealand, Volume 3, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 127, AUL; William Bailey Baker, Notes on the Treaty of Waitangi, typed in the Auckland Museum from the original loaned by Mr. V. H. Baker, MS 22, Box 7, Folder 2, AML.

countrymen by observing that they knew and liked the English, and that if they did not submit to us and sign the Treaty some other nation, the French or American, would step in and take possession of their country, and that then they should indeed be slaves. It was good, therefore, to let the English remain, and to say to the Governor “you are welcome”.³⁰

Mathew recorded the arrival of the Hokianga chiefs in more detail in his journal saying:

Things had thus assumed a very unfavourable appearance and the current was running strongly against us, when a powerful chief named “Nina” [Tamati Waka Nene] rushed into the tent attended by other chiefs and followers, and commenced an address to his countrymen in a strain of fervid and impassioned eloquence such as I never before heard, and which immediately turned the tide in our favour. He commenced by saying:--

Let the Governor remain. Say to him, ‘You are welcome.’ The English have long been settled amongst us and we like them. They give us clothes and other things which we require, and since they have been here they have put a stop to the bloody wars which we used to have, and preserved us from eating each other. The English have more power and dignity that we have, and we shall derive dignity from them settling amongst us. If we do not let the English remain and acknowledge Queen Victoria, the other white people – the French or Americans – will come amongst us and make us slaves. We do not like the French or Americans, we will not have them. Therefore my speech is, Let us take the English who will protect us. Let us say to the Governor, “Remain, you are welcome”.³¹

Ironside said that Nene was concerned that Hobson was being insulted by Heke and reported him as saying, “Come, Sir, come – we have long wanted someone from the

³⁰ James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, p. 35, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

³¹ James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and His Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed, 1940, pp. 37-38, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 18 October 2011.

Queen to take care of us – we want kai tiaki – a guardian – come and you shall be our father”.³²

Patuone was the final speaker recorded by William Colenso. He referred to this chief by his Maori name in 1840 but in 1890 Colenso added the baptismal prefix ‘Edward Marsh’ to indicate that Patuone had been baptized by Reverend Henry Williams:

MS-Papers-1611	1890 Jubilee History
<p>Patuone What shall I say? This to thee, O Govr sit – stay – You and the Misss and the word of God – remain – that man ^ the French have us not, xxx that Pikopo, that bad man, have us not – remain, Govr remain –</p>	<p>Eruera Maehe Patuone (the elder brother of Tamati Waka Nene, who has for some time been living in the island of Waiheke, in the Thames, and who only came up from thence a few weeks back) rose and said, “What shall I say on this great occasion, in the presence of all those great chiefs of both countries? Here, then, this is my word to thee, O governor! Sit, stay – thou, and the missionaries, and the Word of God. Remain here with us, to be a father for us, that the French have us not, that Pikopo, that bad man, have us not. Remain, Governor. Sit, stay, our friend.”</p>

Hugh Carleton said that Patuone was baptized by Henry Williams on 26 February 1840 as ‘Edward Marsh’ after Williams’ cousin and brother-in-law Reverend Edward Marsh. Colenso’s failure to use Patuone’s baptismal name in 1840 is evidence that his memorandum to the CMS was written before 26 February 1840 and possibly, between 12 February 1840 (the day after he advised the CMS of his intention to write them a memorandum) and the 16 February 1840 (the day before he printed the Maori text of the Treaty for Hobson).³³

³² *New Zealand Methodist*, 6 January, 1894, as cited by Wesley Chambers, *Samuel Ironside in New Zealand, 1839-1858*, Auckland: Ray Richards in association with the Wesley Historical Society of New Zealand, 1982, pp. 63, 67.

³³ Hugh Carlton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume I., Auckland: Upton & Co., 1874, p. 243.

The only other person to comment on Patuone’s speech was Captain Lavaud of the French Navy. He was not an eye-witness to the events at Waitangi in February 1840 and in his despatch to the Ministry of Marine he reported what he had been told by Bishop Pompallier. In this hearsay account Lavaud said that Patuone:

spoke at length in favour of Mr Hobson, and explained, by bringing his two index fingers side by side, that they would be perfectly equal, and that each chief would similarly be equal with Mr Hobson.

Charles Lavaud also said that the ‘chiefs did not want to hear talk of obedience; they supposed that Captain Hobson would be an additional great chief for the Europeans only, but not for them’.³⁴ His account is supported by Robertson who also said that ‘There appeared to be considerable opposition at first to the idea of having a Governor over them, but that a Governor might come and exercise authority over the Europeans’.³⁵

Finally, Hobson recorded the antics of Kaiteke (Te Kemara) at the close of the meeting at Waitangi on 5 February 1840. In his official despatch to Governor George Gipps of New South Wales he said that

one of the chief’s ‘reproached a noisy fellow named Kitigi, of the adverse party, with having spoken rudely to me. Kitigi, stung by the remark, sprang forward and shook me violently by the hand This occasioned amongst the natives a general expression of applause, and a loud cheer from the Europeans, in which the natives joined.’³⁶

In comparison William Colenso’s narrative states:

MS-Papers-1611	1890 Jubilee History
Here K. ran up to the Govr. & caught	Here Te Kemara ran up to the Governor, and

³⁴ Captain Lavaud to the French Ministry of Marine as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 191.

³⁵ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article 12864615>, retrieved 11 March 2011.

³⁶ Hobson to Gipps, 5 February 1840, in Gipps to Russell, Despatch No. 24, 19 February 1840, Irish University Press Series of *British Parliamentary Papers: Correspondence and Other Papers relating to New Zealand, 1835-42, Colonies, New Zealand, Volume 3*, Shannon: Irish University Press and London: W. Clowes and Sons, (311), Enclosure 3, p. 127, AUL.

<p>hold of his hands and crossing his wrists asked shall I be like this? like this? Eh! say! like this? – he then caught hold of the Govrs. hand ^ shakes it lustily & ^ roaring out, How d’ye do – then again - & again – and again – the whole assembly being convulsed with Laughter</p>	<p>crossing his wrists, imitating a man handcuffed, loudly vociferated, with fiery flashing eyes, “Shall I be thus, thus? Say to me, Governor, speak. Like this, eh? like this? Come, come, speak, Governor. Like this, eh? he then seized hold of the Governor’s hand with both his and shook it most heartily, roaring out with additional grimace and gesture (in broken English), “How d’ye do, eh, Governor? How d’ye do, eh Mister Governor?” This he did over, and over, and over again, the Governor evidently taking it in good part, the whole assembly of white and brown, chief and slave, Governor, missionaries, officers of the man-ó-war, and indeed, “all hands,” being convulsed with laughter.</p>
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The handshake referred to by Hobson is reflected in Colenso’s manuscript and history, whilst Te Kemara’s gesture mimicking the use of handcuffs was noted by Felton Mathew, who recorded one chief as saying:

“No. If you come amongst us you will take all our lands and make us slaves. We shall be compelled to hew wood and break stones. I am a free man and a great chief, why should I break stones? A great part of our land has already passed from us. You will take the whole and we shall starve, then if we steal you will tie us thus” – crossing his hands like a man handcuffed – “and hang us” – putting his hands round his neck.³⁷

This chapter has compared Colenso’s manuscript and jubilee history with respect to the speeches that were made by the chiefs at Waitangi on 5 February 1840. It has also

³⁷ James Rutherford (ed.), *The Founding of New Zealand: The Journals of Felton Mathew, First Surveyor-General of New Zealand, and his Wife 1840-1847*, Dunedin and Wellington: A. H. and A. W. Reed for the University of Auckland, 1940, pp. 36-37, <http://www.enzb.auckland.ac.nz/document?wid=2549&page=1&action=null>, retrieved 25 October 2011.

explored whether it is possible to corroborate his narrative from the eye-witness accounts of other Europeans. The handwriting on the one-page insertion which records Te Kemara's speech appears to be that of William Colenso and corresponds with the notes that he wrote in the main body of his manuscript.

The available evidence suggests that Te Kemara, Rewa and Tareha opposed the proposal that was put to them by Hobson at Waitangi on 5 February 1840. In contrast, Patuone and Nene, who appear to have been briefed beforehand by Hobbs, supported it. Whilst there is no agreement about the stance that was adopted by Heke, the evidence suggests that Nene arrived at Waitangi during the course of Heke's speech and was concerned that Hobson was being insulted. A war of words appears to have ensued between the two and Nene's address has been credited with turning the tide in Hobson's favour. It seems unlikely that such a heated debate would have ensued if Heke had spoken in support of Hobson's proposal as outlined by William Colenso. This suggests that Colenso's record of Heke's speech may not be reliable.

The close connection between Colenso's 1840 notes and Felton Mathew's journal is further confirmed by Colenso's treatment of the chiefs' responses to Hobson's address. First, both Colenso and Mathew referred to the mannerisms adopted by Te Kemara to accompany his speech. However Colenso's account was written as an insertion in the margin of his manuscript and appears to have been added after reference to Mathew's journal. Secondly, Mathew recorded the speech of a chief who observed that whilst Rete had escaped retribution after he shot at Busby, there would be military reprisals if Hobson suffered the same fate. He was unable to identify the speaker but his account appears to have prompted Colenso, whose record of Kawiti's address concentrated on Hobson's ability to deploy soldiers and guns against him. Finally, Mathew said that at the end of the meeting Te Kemara had crossed his wrists and mimicked the use of handcuffs and then placed his hands around his neck to imitate the hangman's noose. In his manuscript Colenso crossed out his initial reference to Te Kemara's handshake and substituted it with a reference to the chief's imitation of a man handcuffed; possibly after reference to Felton Mathew's journal.

Finally, Colenso's failure to use the prefix 'Edward Marsh' in his memorandum to the CMS suggests that his manuscript was written before Patuone was baptized by Williams

on 26 February 1840 and probably between 12 and 16 February 1840. In contrast Robertson's article, which was published in *The Sydney Herald* on 21 February 1840, appears to have been the basis of Colenso's emendation to Te Kemara's speech in 1890 in which the chief is reported to have spoken in favour of the status quo and expressed his continuing willingness to be guided by James Busby and Henry Williams.

Chapter Five: Henry Williams' Interpreting and Defense of His Land Purchases

Reverend Henry Williams arrived in the Bay of Islands in 1823 and founded his mission station at Paihia; replacing John Butler as superintendent of the CMS mission to Maori. He has been widely credited with steering the mission away from Marsden's emphasis on civilization and refocusing it on evangelization. A retired lieutenant in the Royal Navy who had seen active service against the French and Americans, Williams also emphasized the need for the CMS missionaries to learn the Maori language, translate the Holy Bible and preach beyond the Bay. To this end he was responsible for commissioning the mission vessels *Active*, *Karere* and *Columbine* and for founding CMS stations at Kaitaia, Puriri, Waikato, Rotorua, Turanga on the East Coast and Otaki near Wellington.

By 1837, a total of 104 children had been born to 18 missionary couples, and the CMS missionaries had purchased and cultivated large tracts of land in the Bay of Islands.¹ These purchases drew criticism from many quarters. Amongst their detractors was former employee John Flatt, the Presbyterian Minister Dr. Lang and Edward Gibbon Wakefield, whose efforts to encourage the systematic colonization of New Zealand had been stymied by the CMS. The missionaries were accused of deceiving Maori and robbing them of their land; of purchasing large tracts for the aggrandizement of themselves and their families, and of cultivating their farming estates instead of engaging in their missionary duties.²

¹ Henry Williams to Dandeson Coates, 29 March 1836; George Clarke to the Secretaries, 2 June 1836; George Clarke to the Secretaries, 16 November 1838, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL; William Hobson to Eliza Hobson, Off Timor, August 25th, 1837, *Rattlesnake*, Letters of Captain William Hobson and of his wife Eliza Ann Hobson, 1835-1846, copied from part of a collection of original manuscripts given to the National Historical Committee, 1939, by Lt.-Col. R. M. Rendel, Owley, Wittersham, Kent, England, a great-grandson of William Hobson, MS 0372/11, HL; Henry Williams to Dandeson Coates, 7 February 7, 1839; Henry Williams to Dandeson Coates, 23 January 1840; Henry Williams to Dandeson Coates, 25 July 1840, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

² George Clarke to Dandeson Coates, 30 May 1838; Henry Williams to Dandeson Coates, 4 June 1838; Mr. N. Broughton, Church Missionary House, to Henry Williams, November 1839; Henry Williams to Dandeson Coates, 3 October 1840; Richard Davis to Dandeson Coates, 24 November 24 1840, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

Henry Williams' land claims were investigated by Commissioners Godfrey and Richmond and he was awarded 7,010 acres. This grant was later augmented by Governor Robert Fitzroy who awarded Williams a further 2,000 acres in recognition of the role that he had played in founding the colony.³ However the controversy over the missionaries' land claims continued unabated and in 1845 their purchases were linked to the outbreak of war against the British in the Bay of Islands. In 1848, Williams defied the instructions of Governor George Grey, Bishop Selwyn and the London Committee of the CMS and transferred his land to his three eldest sons to be held in trust for the Williams' family. He was dismissed by the CMS after he refused to accept 2,560 acres for himself and his family and return the balance to the original Maori owners.⁴ Williams, who was reinstated by the CMS in 1854, died at Pakaraka in 1867.⁵

In 1832 William Colenso joined Richard Watts and Sons in London, printers to the CMS. He later sailed to the Bay of Islands as a missionary printer with John Flatt and William Wade, who had been appointed superintendent of the press.⁶ Colenso arrived in December 1834 and was based at the Paihia mission station. He appears to have found Henry Williams a 'strict, imperious and distant' man and said that, with the exception of his brother, 'no missionary could ever live with him long in the same station'. A similar lack of cordiality appears to have existed between Colenso and Marianne Williams, whom he described as a 'highly imperious woman', and between Colenso and Williams' sons.⁷ In turn, Henry Williams appears to have thought that Colenso was insolent and disrespectful and believed that he had written to the CMS about his extensive land

³ Report of the Sub-Committee appointed 9 June 1847 to receive the statement of Archd. W. Williams respecting the case of Archd. Henry Williams & to report the same to the Committee either at a Special Meeting or at the next Monthly Meeting; Minute Communicated to the Committee by Rev. E. G. Marsh, Collected papers of and relating to Rev. Samuel Marsden, Correspondence with the Church Missionary Society concerning Missionary Land Claims, 1830-1867, MS-0175, HL; Henry Williams, 1792-1867, Missionary, by Robin Fisher, <http://www.teara.govt.nz/en/biographies/1w22/1>, retrieved 3 November 2011.

⁴ Bishop Broughton to Henry Williams, 28 September 1840; Governor Grey to Bishop Selwyn, 30 August 1847; Bishop Selwyn to George Clarke, for the Missionary Land Claimants, 1 September 1847; Report of the Sub-Committee appointed 9 June 1847 to receive the statement of Archd. W. Williams respecting the case of Archd. Henry Williams & to report the same to the Committee either at a Special Meeting or at the next Monthly Meeting; Minute Communicated to the Committee by Rev. E. G. Marsh, Collected papers of and relating to Rev. Samuel Marsden, Correspondence with the Church Missionary Society concerning Missionary Land Claims, 1830-1867, MS-0175; Lord Chichester to William Williams, 19 January 1852; William Williams to Lord Chichester, 23 January 1852, Collected papers of and relating to Rev. Samuel Marsden, Correspondence with the Church Missionary Society concerning Missionary Land Claims, 1830-1867, MS-0175, HL.

⁵ Henry Williams, 1792-1867, Missionary, by Robin Fisher, <http://www.teara.govt.nz/en/biographies/1w22/1>, retrieved 3 November 2011.

⁶ William Colenso to Dandeson Coates, London, January 1834, Correspondence [and] Journal of William Colenso, Typescript, MUL.

⁷ Austin Bagnall & George Petersen, *William Colenso Printer Missionary Botanist Explorer Politician: His Life and Journeys*, Wellington: A.H. & A.W. Reed, 1948, pp. 28, 58.

purchases. Their relationship appears to have soured even further after Colenso's proposal of marriage to Lydia Williams was rejected by her father.⁸

Colenso's letters provide testimony of his profound dislike of Henry Williams and disapproval of the missionaries' land purchases.⁹ In January 1840 he advised the CMS that he was convinced that 'it is almost a matter of impossibility for a man to be a Missionary amongst the Heathen and a possessor of Lands and Cattle'. He also suggested that the possession of land had 'a tendency to destroy all such a person's exertions for their spiritual good'.¹⁰ Colenso's acrimonious feelings toward Henry Williams and the Williams family in general persisted after he was ordained as a deacon and stationed at Ahuriri in the Hawkes's Bay and in 1846 he suggested that missionaries like Henry Williams and Charles Baker, who had acquired property and stock, should not be paid a salary. He also complained that Williams's son-in-law Charles Davies was receiving the same salary as himself, with less experience, and 'with very many more privileges'.¹¹

The role played by Henry Williams in the treaty-making process has been the subject of intense debate in the historiography. T. Lindsay Buick heralded James Busby and Henry Williams as the 'champions of British sovereignty'. He also claimed that Williams had wielded greater influence than any other man and that the chiefs had appealed to him with confidence to advise them on whether or not to sign the Treaty. Edward Williams, who had assisted his father with the translation, was described by Buick as a scholar of the Ngapuhi dialect, whilst the Maori text of the Treaty was said to have conveyed a clearer view to Maori than the English text had to Europeans.¹² Buick dealt with the allegations that Henry Williams had failed to faithfully interpret the speeches of Hobson and the chiefs by citing William Colenso, who had explained that 'Maori oratory is

⁸ William Colenso, *Memoranda of a Convn. which took place between the Revd. H. Williams and myself thus morning – August. 10th, 1839*, Tapuhi Reference: MS-Group-1511, Object ID: 1005636, ATL, <http://mp.natlib.govt.nz/detail/?id=1005636>,

retrieved 9 April 2011; Austin Bagnall & George Petersen, *William Colenso Printer Missionary Botanist Explorer Politician: His Life and Journeys*, Wellington: A.H. & A.W. Reed, 1948, pp. 61–62.

⁹ William Colenso to Dandeson Coates, 24 March 1838; William Colenso to Dandeson Coates, 7 February 1839, Collected papers of and relating to William Colenso, Letters, November 1834–February 1849, MS-0063/A, HL.

¹⁰ William Colenso to Dandeson Coates, 19 November 1844, Collected papers of and relating to William Colenso, Letters, November 1834–February 1849, MS-0063/A, HL.

¹¹ William Colenso to Dandeson Coates, Waitangi, near Cape Kidnappers, Hawke's Bay, 18 June 1846, Collected papers of and relating to William Colenso, Letters, November 1834–February 1849, MS-0063/A, HL.

¹² T. Lindsay Buick, *The Treaty of Waitangi or How New Zealand Became a British Colony*, Wellington: S. & W. MacKay, Lambton Quay, 1914, pp. vii–ix, 90–92; T. Lindsay Buick, 1936, pp. xiii–xiv.

redundant with repetition’ and claimed that Williams had ‘very properly’ eliminated this during the course of the translation.¹³

Ruth Ross also considered William Colenso a reliable source. She observed that Williams’ translation had been challenged on two separate occasions at Waitangi on 5 February 1840 and that the following day, Colenso had queried whether Maori understood the articles of the Treaty they had been asked to sign.¹⁴ She argued that even though the Treaty had been written in Maori, its ideas were alien to the chiefs. She also suggested that the missionary translator had struggled to express those concepts in the Treaty and that the chiefs may have only agreed that Hobson could remain and govern the Europeans.¹⁵ In her work on the texts and translations Ross noted that the best linguists were unavailable; that the language in the Maori text was Protestant missionary Maori and that Henry Williams had had a monopoly on the Treaty’s interpretation and explanation at Waitangi in February 1840.¹⁶ She also drew attention to discrepancies between the Maori text of the Declaration of Independence, in which Williams had used the word ‘mana’ to convey the meaning of ‘sovereignty’, and the Treaty, in which he had replaced ‘mana’ with ‘kawanatanga’ (a transliteration of the word ‘governor’ created by the missionaries). Ross questioned whether the wording chosen by Williams was adequate to convey the idea that the chiefs would be giving up their sovereignty forever. Similarly, on the basis of Colenso’s history, Ranginui Walker suggested that Henry Williams had revealed his motivation for urging the Treaty on Maori when he had said that he wanted an investigation of his land claims because he had a large family of eleven children to provide for.¹⁷

Paul Moon and Sabine Fenton also cited William Colenso when they argued that Henry Williams had complied with the Crown to protect his land holdings. They suggested that

¹³ T. Lindsay Buick, *The Treaty of Waitangi or How New Zealand Became a British Colony*, Wellington: S. & W. MacKay, Lambton Quay, 1914, p. 91; William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 20.

¹⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 33, as cited by Ruth Ross, *Te Tiriti o Waitangi: Texts and Translations*, *New Zealand Journal of History*, 6, 2, 1972, p. 138.

¹⁵ Ross to Beaglehole, 2 July 1957, MS 1422, 91:1, AML, as cited by Rachael Bell, *Ruth Ross New Zealand Scholar/Treaty Scholar*, A thesis presented in partial fulfillment of the requirements for the degree of Master of Arts in History at Massey University, 2005, pp. 44, 47; Ruth Ross, *Te Tiriti o Waitangi*, illustrated by E. Mervyn Taylor, P. & S. Serial No. 6, Wellington: R.E. Owens, Government Printer, 1958, pp. 2-39.

¹⁶ Ruth Ross, *Te Tiriti o Waitangi: Texts and Translations*, *New Zealand Journal of History*, 6, 2, 1972, pp. 129-157; *New Zealand Herald*, 20 January 1972, ACL.

¹⁷ Ranginui Walker, *The Treaty of Waitangi as the Focus of Maori Protest*, pp. 263-279 in I. H. Kawharu (ed.), *Waitangi: Māori and Pākehā Perspectives of the Treaty of Waitangi*, Auckland: Oxford University Press, 1989, pp. 264, 278.

Williams had cast the Maori text to ‘make it palatable’ to the chiefs and had promised them ‘the same sovereignty that they were supposedly ceding’.¹⁸ In contrast, Michael Belgrave perceived Williams as an honest, forthright and practical man and argued that it was inconsistent with his character to see him ‘engaged in a deliberate deception’. Based on Colenso’s history Belgrave observed that at Waitangi on 5 February 1840 the chiefs had repeatedly debated ‘whether they wanted a governor and, if they did, what powers the governor would have and what the consequences would be’. He argued that the chiefs were aware of the role from their visits to Port Jackson and that their speeches were evidence of the ‘down-to-earth, realistic discussions’ that Henry Williams would have encouraged. Belgrave also suggested that in translating article two Williams had simply sought to preserve a tribal theocracy.¹⁹ This chapter will compare William Colenso’s manuscript and jubilee history with respect to the concerns that were raised at Waitangi on 5 February 1840 about Henry Williams’ interpreting and Williams’ subsequent defense of his land purchases from Maori. It will also explore whether it is possible to corroborate Colenso’s narrative from the eye-witness accounts of other Europeans.

In his manuscript Colenso recorded the concerns about Williams’ translating after the speeches of Te Kemara, Rewa and Moka. In that account Colenso wrote that a European had interrupted the proceedings and told Hobson that his remarks had not been fully interpreted to the chiefs and the speeches of the chiefs had not been fully interpreted to Hobson. Colenso also recorded that Johnson had told Hobson that the previous speakers had said a great deal about land and missionaries that Henry Williams had failed to translate.

MS-Papers-1611	1890 Jubilee History
Here a white man add. His Excellency & sd. that the Native speeches were not half interpd. by Mr. W nor ^ neither ^ were His Exy’s remarks ^	At this juncture a white man came forward, and, addressing His Excellency, said that the Native speeches were not half interpreted by Mr. Williams, neither were His Excellency’s remarks

¹⁸ Paul Moon and Sabine Fenton, Bound into a fateful union: Henry Williams’ translation of the Treaty of Waitangi into Maori in February 1840, *Journal of the Polynesian Society*, Volume III, No. 1, March 2002, pp. 52-53, 58; William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 20.

¹⁹ Michael Belgrave, *Historical Frictions Maori Claims & Reinvented Histories*, Auckland: Auckland University Press, 2005, pp. 59-61.

<p>fully ^ interpd. to the N. – That a Mr Johnson was present who could interpret well - &c</p> <p><u>His Exy</u> – Then pray Mr. J. do me this great favor & come forward. & interpret for me &c &c - ^ Mr J ^ do you fully understand the N. Language?</p> <p><u>Johnson</u> – (coming forward.) Why, I can't say I do; but I know how to speak to them, & know ^ also ^ what they say –</p> <p><u>His Exy</u> Then pray tell me what has not been said - &c</p> <p><u>Johnson</u> No Sir, I beg to be excused. The Gent of the Mission ^ ought to be able to do it & ^ can do it very well; only let Mr. W. speak out so that we may hear – and let all the ^ Natives ^ say be interpreted <u>to the Govr.</u> They say a great deal about land & Missions. – which Mr. W. does not translate to you Sir</p>	<p>fully interpreted to the Natives; that a Mr. Johnson* was present who could interpret well, &c.</p> <p>The Governor: “Then, pray, Mr. Johnson, do me this great favour and come forward and interpret for me. I am anxious that the Natives should know what I say, and also that I should know what they say. Mr. Johnson, do you fully understand the Native language?”</p> <p>Johnson, (coming forward): “Why, I can't say I do, but I know how to speak to them, and know also what they say when they speak to me; and” –</p> <p>The Governor: “Then pray tell me what has not been interpreted.”</p> <p>Johnson: “No, Sir, I beg to be excused. The gentlemen of the mission ought to be able to do it, and can do it very well; only let Mr. Williams speak out loud so that we may hear – we here in the back part of the tent; and let all that the Natives say be interpreted to the Governor. They say a great deal about land and missions which Mr. Williams does not translate to you, Sir,” &c. †</p>
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Colenso said that Jones and two other Europeans reiterated these concerns about Williams' interpreting after the speech of Wai.

MS-Papers-1611	1890 Jubilee History
<p>Here was an interrupt.n. by Jones, and the man who had formerly spoken, and by another young man, callg. to have the speeches interpd. for the whites to hear, and to have them done correctly. Johnson was called on, who gave interpd. the speech of <u>Wai</u> to the Govr. commenting on the same &c</p>	<p>Here there was an interruption by a white man named Jones (a hawker and pedlar of Kororareka), and by the white man who had previously addressed the Governor, and also by another young white man, who all three spoke to the Governor at one time from different parts of the tent, calling on His Excellency to have the speeches interpreted for the whites to hear, and also to have them interpreted correctly. Johnson was again called for to come forward, who, on the Governor desiring him to do so, interpreted the speech of the last speaker, Wai, commenting on the same, after first remarking that "it was great lies."</p>

Captain Robertson, who reported on the events at Waitangi on 5 February 1840, filed a similar report to William Colenso's with the editor of *The Sydney Herald*:

The Treaty was then read by His Excellency, and a translation of it by the Rev. Mr. Williams, the substance of which was to the same effect as the address, after which several of the Chiefs addressed His Excellency. The Rev. Mr. Williams interpreting rather in an under tone, some of the residents of Kororarika requested that the interpretation might be given more publicly, throwing some doubts upon the translation as given by the Rev. Mr. Williams, and proposing one of their party as a good linguist, who being called upon by His Excellency, was unwilling to act. His Excellency then stated that if any one present thought he could interpret better than Mr. Williams, he would be glad to hear him, as it was a great object to ascertain the sentiments of the Chiefs as nearly as possible. The cause of this discussion arose in consequence of one of the Chiefs alluding to

some lands which had been disposed of to Mr. Williams, the gentlemen of the Mission, and Mr. Busby, which it was thought was not exactly interpreted.²⁰

Robertson said that the concerns raised at Waitangi on 5 February 1840 were about the inaudibility and inaccuracy of Henry Williams' translation. Richard Taylor, who was standing next to him, also said that Williams 'interpreted so low that I could not take correct account of the speeches', whilst Captain Lavaud reported that Williams 'did not always – and this was doubtless deliberate – convey well the thoughts' of the speakers.²¹

According to Robertson, Henry Williams was the first to seek permission from Hobson to speak to the assembly at Waitangi on 5 February 1840 in defense of his land purchases.²² His speech has been recorded in Colenso's manuscript on the one-page insertion below Busby's speech and overleaf from Te Kemara's. The handwriting displays the characteristics associated with Colenso's script and cross-writing over the page reads 'Mr. W. Colenso, Paihia'. The author, who loops the 'C' in the word 'Colenso', appears to have been Colenso himself; letters from Colenso to McLean appearing identical to the insertion and revealing that William Colenso was in the habit of appending his name in cross-writing on the final page of his correspondence.²³ This suggests that Colenso wrote across the insertion, appended it to the back of his manuscript, and sent it to Wade to read on his voyage to Sydney on the *Eleanor* on 25 March 1840 (Appendix One, page 113).

²⁰ *The Sydney Herald*, 21 February 1840, pp. 1-2, <http://nla.gov.au/nla-news-artcile12864615>, retrieved 11 March 2011.

²¹ Richard Taylor to Reverend William Jowett, 10 October 1840, Richard Taylor Papers, Volume 1, Letters to the CMS, July 1836-October 1853, pp. 80-1, WRM, as cited by J.M.R. Owens, *The Mediator: A Life of Richard Taylor, 1805-1873*, Wellington: Victoria University Press, 2004, p. 45; Captain Lavaud to the French Ministry of Marine as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 191.

²² *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla-news-artcile12864615>, retrieved 11 March 2011.

²³ William Colenso to Donald McLean re land at Waimarama, MS-Papers-0032-0222, Object # 1017333, page 3, <http://mp.natlib.govt.nz/detail/?id=1017333&recordNum=66&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>; William Colenso to Donald McLean re his Māori Lexicon, MS-Papers-0032-0222, Object # 1016298, p. 3, <http://mp.natlib.govt.nz/detail/?id=1016298&recordNum=65&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>; William Colenso to Donald McLean re treacle for his sore throat, MS-Papers-0032-0222, Object # 1021917, p. 3, <http://mp.natlib.govt.nz/detail/?id=1021917&recordNum=72&f=tapuhigrouppref%24MS-Papers-0032-0222&s=da&l=en>, retrieved 22 October 2011.

The following table compares Colenso's record of Henry Williams' speech on 5 February 1840 in his manuscript and jubilee history:

MS-Papers-1611	1890 Jubilee History
<p>Revd. H.W. havg. also obtd. permissn. of his Exy. xxx adds. the Whites xxx sd. – a great deal has been said about the Misss. holdg. land & Farms & what not – but the Commissrs. who were about to sit wd examine into the xxx ^ Land ^ & titles thereto held by the Misss. as strictly as any other. He wished for it & had applied to the His Exy. to have their Lands first brought before them. People shod recollect that were it not for the Misss. they wod. not be here this day – not be in possn. of any land in N.Z. – that if anyone had a prior claim to land in N.Z it must be the Misss. who had labd. so many years in the land, when others were afd. to show their noses – He had got a family of 12 children, more than any one present, & what were they to do when he was gø taken from them if they had no land? All he xxx wod. say at present was, that he hoped that all who held Land xxx ^ wod. be able to ^show as good ^ & honest ^ titles to the same, as the Missions. could do.</p>	<p>The Rev. Henry Williams, having obtained permission of His Excellency, addressed the whites in English, and said, “A great deal has been said about the missionaries holding land, and their farming, and what not; but the Commissioners who are about to sit will examine into the lands held by the missionaries, and their titles thereto, as strictly as into any other. I wish for this to be done, and I have already applied to His Excellency for the lands in the possession of the missionaries to be first brought before the Commissioners. People should recollect that were it not for the missionaries they would not be here this day, nor be in possession of a foot of land in New Zealand. If any person has a prior claim to land in this country, that person must be the missionary, who had laboured for so many years in this land when others were afraid to show their noses. I have a large family – a family of eleven children – more, probably, than any one present; and what are they to do when I am taken from them if they are not to have some land? Much has been said about my land, but I believe that when it is seen and known, and shared up between my children, no one will say that I have been over the mark,</p>

	<p>but, on the contrary, under. All I shall say at present is, I hope that all who hold lands obtained from the Natives will be able to show as good and as honest titles to the same as the missionaries can do theirs.”</p>
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A cursory glance at the comparative table indicates that Colenso extended his record of Williams’ speech in 1890 with the statement:

Much has been said about my land, but I believe that when it is seen and known, and shared up between my children, no one will say that I have been over the mark, but, on the contrary, under.²⁴

However the accuracy of this emendation is corroborated by Williams’ cousin and brother-in-law Reverend Edward Marsh who, in defense of the missionary’s land claims, told the CMS that even though Henry Williams’ claims had amounted to 11,000 acres, he had paid enough to claim 22,131 acres.²⁵

The only independent account of Williams’ speech is Robertson’s article which is quoted in full below:

Mr. Williams explained, and at the same time expressed his feelings as to the opposition which has been so long manifested against the Mission generally, and himself personally. It was quite true that he did hold lands in New Zealand, but it was also true that he had brought up a family of eleven children, all born on the Island, which he thought a good title to hold land. He hoped his claims would be the first to be investigated, and he was ready to give every information to any one respecting his lands, and to point them out. He was sorry that the Mission had been made a bridge to walk upon by individuals who had so much opposed them,

²⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 21.

²⁵ Minute Communicated to the Committee by Rev. E. G. Marsh, Collected papers of and relating to Rev. Samuel Marsden, Correspondence with the Church Missionary Society concerning Missionary Land Claims, 1830-1867, MS-0175, HL.

and who had, upon innumerable occasions, applied to the Mission for advice and interference.²⁶

In Robertson's article Henry Williams is reported to have begun his address at Waitangi on 5 February 1840 by acknowledging the widespread criticism of the missionaries' land purchases. He is also reported to have expressed his hope that his land claims would be the first to be investigated and to have indicated that he was ready to point out his land and provide all the necessary information respecting it. Colenso's record of Williams' address also began with this acknowledgement. It said that Williams had pointed out that the missionaries' land claims would be examined as strictly as any others and that he had already asked Hobson to ensure that the missionaries' claims were the first to be investigated by the Commission. In Colenso's narrative Henry Williams is also said to have expressed his hope that the other claimants would be able to show as good and honest titles to the land as the missionaries could.

In Robertson's article Williams is reported to have said that his 11 children were all born in New Zealand 'which he thought a good title to the land'.²⁷ In Colenso's record Williams is said to have referred to his longstanding residence in the country and his need to provide for his family of 12 children (a numerical error which Colenso corrected in 1890). Robertson's article also reported that Williams had observed that 'the Mission had been made a bridge to walk upon by individuals who had so much opposed them', whilst in Colenso's account the missionary is recorded as saying 'if anyone has a prior claim to land in New Zealand it must be the missionaries who had laboured so many years in the land, when others were afraid to show their noses'.²⁸

²⁶ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

²⁷ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

²⁸ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011. A similar comment was made by James Busby in his address to the Legislative Council of New South Wales in June 1840. On that occasion Busby said, 'The proprietor of this land is one of that worthy band of labourers in a holy cause, who for upwards of twenty years have sustained dangers and difficulties and privations of which no one who had not sojourned beyond the protection of law and comforts of civilized life, can form a conception. He is like the other Missionaries, the father of a numerous family, carefully reared and educated in christian principles, and the habits of civilized life, in spite of the most distressing obstacles and disadvantages. For his family he was bound to make what provision was honestly in his power, and in the circumstances of that country what provision could he possibly make if not by giving them a property in the soil', *The Sydney Herald*, Monday 6 July 1840, p. 4, <http://trove.nla.gov.au/ndp/del/article/12865002?searchTerm=waitangi&searchLimits=sortby=dateAsc>, retrieved 25 June 2011.

The accounts of William Colenso and Captain Robertson are supported by Henry Williams' letters to Reverend Edward Marsh and Dandeson Coates which reveal his long standing anxiety about the future of the children. In 1833 he suggested that each boy should receive £50 and 200 acres of land from the CMS when he reached 15 years of age (when financial support from the CMS for that child ceased).²⁹ The following year Williams bought land at Taiamai (where he planned to lay the foundation of a town) and Pakaraka (where he proposed to farm).³⁰ In June 1836 Henry Williams pressed Coates for a decision on what the CMS planned to do for the children; suggesting that £50 should be allowed for each boy and £40 for each girl when they reached the age of 15 years.³¹ In 1838, when three of his children were off the Society's books, he told Coates that he had spent £300 on land saying 'the eldest is 20 years old – the youngest two years – Stronger claims I consider children cannot have with less means of meeting them in a new and savage country'.³² Finally, in July 1840, writing in response to the Society's condemnation of the missionaries' land purchases, Henry Williams stated:

I have children – how were they to be provided for – No one proposed any better provision – no one had handed me over any cash to meet expenses. All which I had to look forward for was the removing my children at fifteen from off the books. My boys have sheep, cattle and horses – These run over a good surface of ground. I have also a good tract of ground, and what of all this. My accounts are bad because the land will produce nothing of itself I have a large family and am in debt between two and three hundred pounds – If any of my good friends who are so troubled about the land question will relieve me of my burden I shall feel obliged.³³

²⁹ Henry Williams to Dandeson Coates, Church Missionary Society, London, Paihia, April 16, 1833, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

³⁰ Henry Williams to Reverend E. G. Marsh, February 14, 1834, as cited by Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume I, Auckland: Upton & Co., 1874, pp. 162-165.

³¹ George Clarke to the Secretaries, Waimate, June 2, 1836; Henry Williams to Dandeson Coates, Paihia, March 29, 1836, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

³² Henry Williams to Dandeson Coates, June 4, 1838; Henry Williams to Dandeson Coates, Paihia, February 7, 1839. Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

³³ Henry Williams to Dandeson Coates, Paihia, July 25, 1840, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S. Volume 2, 1831-1840, copied from typescript transcripts in the possession of Algar T. Williams, Christchurch, MS-0285/B, HL.

In 1890 William Colenso made five key emendations to his manuscript. First, he inserted a footnote after Te Kemara's speech which dismissed the allegations against James Busby and Henry Williams as 'mere show' and said that the chiefs had subsequently given evidence as to the fair sale of their land to the Commissioners; Colenso himself acting as interpreter.³⁴ Two further emendations denigrated Williams' principal critics as a dealer in spirits (Johnson) and hawker and peddler (Jones), whilst another footnote stated that Reverend Henry Williams had translated fairly what was said but had omitted the repetitious statements made by the chiefs in their respective addresses to Hobson. Finally, in 1890 William Colenso embellished Wai's speech to describe Johnson's translation as "great lies", thereby raising doubt about his linguistic skills and fitness to replace Henry Williams as Hobson's translator.³⁵

This chapter has compared William Colenso's manuscript and history with respect to the concerns that were raised at Waitangi on 5 February 1840 about Henry Williams' interpreting and his subsequent speech in defense of his land purchases from Maori. It has also explored whether it is possible to corroborate Colenso's narrative from the eye-witness accounts of other Europeans. The available evidence suggests that on 5 February 1840 some of the Europeans present at Waitangi complained to Hobson about the inaudibility and inaccuracy of Henry Williams' translation. They also appear to have told him that the chiefs had said a great deal about land and missionaries that Williams had failed to translate. The reliability of this account is corroborated by Richard Taylor and Captain Robertson, who both reported that Williams' interpreting was inaudible. Similarly, the records of Robertson and Lavaud confirm that there were also complaints that Williams' translation was incorrect.

Williams' critics at Waitangi on 5 February 1840 appear to have believed that he was concealing from Hobson, the full extent of Te Kemara's criticism about his land dealings; this chief being the only one to have dealt with both Busby and Williams in respect of land. However there is no suggestion that the European complainants were concerned that Williams had failed to translate the articles of the Treaty correctly. Their focus was on what they perceived to be Henry Williams' land-sharking and they appear to have believed that he was speaking in an undertone to avoid the reproach of other Europeans

³⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 18, note *.

³⁵ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, pp. 20, notes * and †, 23.

like themselves who had understood what the chiefs had said. They also appear to have thought that Williams was trying to protect the ecclesiastical reputation of himself and his brethren by failing to interpret to Hobson all the adverse comments that had been made by the chiefs about the extensive land purchases of the CMS missionaries.

Whilst the accounts of William Colenso and Captain Robertson are not identical, the authors simply appear to have recorded different elements from the same speech which, when taken together, provide a coherent record of Henry Williams' address on 5 February 1840. The evidence suggests that Williams was the first to seek permission from Hobson to respond to allegations that he and Busby had stolen Maori land. Consistent with his personality Williams appears to have tackled his critics head-on by acknowledging the widespread criticism of the missionaries' land purchases. However, he also appears to have pointed out that the missionaries' land claims would be examined as strictly as any others and that he had already raised the matter with Hobson and asked him to ensure that the missionaries' claims were the first to be investigated. Williams seems to have referred to his large family and suggested that their status as old settlers entitled them to own land ahead of others who had only recently arrived. He also appears to have derided the duplicitous nature of his critics, who had previously called on the mission for help.

In spite of the acrimony between William Colenso and Henry Williams reflected in Colenso's letters to the CMS, there is no indication that Colenso's record of Williams' speech at Waitangi on 5 February 1840 is not authentic. His account is supported by Henry Williams' correspondence with Dandeson Coates whilst his 1890 emendation, in which Williams predicted that his land purchases would be found to be under the mark, is corroborated by Reverend Marsh, who said that Williams had paid for twice the acreage he claimed. Similarly, the footnotes added by Colenso in 1890 appear to have been intended to tone down his original criticism of Williams - Te Kemara's allegations against Busby and Williams were dismissed as 'mere show' and the chiefs were said to have given evidence in favour of the claimants to the Land Claims Commission; Williams' translation of the speeches was validated; his principal critics were spurned and doubts were raised about Johnson's skills as a Maori linguist.

Chapter Six: James Busby's Defense of His Land Purchases

James Busby was the British Resident in New Zealand between May 1833 and January 1840 when Hobson arrived in the Bay of Islands to replace him as British Consul. Although he has often been derided as 'A Man of War Without Guns' Busby's appointment to an independent country meant that he was unable to enforce English law and throughout his tenure the British government refused to support him with police, troops or a British warship. Rather, Busby was accredited to Henry Williams and the CMS missionaries and encouraged to call on the authority of the chiefs to apprehend British convicts and transport them to Sydney for trial. Although primarily appointed to protect the interests of British trade, James Busby endeavoured to mediate between British subjects living in the Bay. However he abandoned his efforts to conciliate between the races in 1836 after Waikato threatened to burn down his house because of his interference in a land sale at Whananake.¹ After the Treaty was signed James Busby's land claims, comprising 10,000 acres at Waitangi and 100,000 acres at Whangarei, were amongst the first to be lodged with Governor Gipps for investigation by the Commissioners.² This chapter will compare the contents of Colenso's manuscript and jubilee history with respect to the statements made by James Busby in defense of his land purchases at Waitangi on 5 February 1840. It will also explore whether it is possible to corroborate Colenso's narrative from other sources.

Colenso recorded Busby's speech on the one-page insertion above that of Henry Williams and overleaf from Te Kemara's speech (Appendix One, page 113). It reads:

MS-Papers-1611	1890 Jubilee History
[Symbol] Mr B. having obtd. permissn. of his Exy. to	Mr. Busby, having also obtained

¹ James Busby, 1802-1871, Viticulturalist, British resident, farmer, politician, newspaper editor, by Claudia Orange, <http://www.teara.govt.nz/en/biographies/1b54/1>, retrieved 1 November 2011.

² Stirling, Bruce, with Richard Towers, *Not with the Sword but with the Pen: The Taking of the Northland Old Land Claims*, Part 1: Historical Overview, A report commissioned by the Crown Forestry Rental Trust for Wai 1040 # A9, July 2007, p. 225, <http://www.waitangi-tribunal.govt.nz/inquiries/genericinquiries/northland/northlanddocumentstore.asp?category=8>, retrieved 28 November 2011; *The Sydney Herald*, Wednesday 27 January 1841, p. 3, <http://nla.gov.au/nla.news-article12867534>, retrieved 25 November 2011.

<p>say speak arose, & addrs. the whites on his purchg. Land sd. – that allusion having been made to his possg. large Tracts of land – he was happy to say that he did hold some Land – but that he did not ^ make any ^ purchases ^ worth mentg. ^ until he had xxx that until he was out of office & then findg. that after his 15 years Service xxx ^ under ^ Gvt. they had made no provn. for him or his family – he purchased Land, & only regretted that he had not done so earlier – and that to a larger extent. And that in all his purchases he had reconveyed to the Natives xxx ^ both ^ habitations & cultivations ^ by an inalienable deed of gift ^ accordg. to the no. of persons then residing thereon.</p>	<p>permission of His Excellency to speak a few words to the whites on his purchasing of land, rose and said in English, “I deny that the term ‘robbed’ has been used by the chiefs Te Kemara and Rewa with reference to my purchase of land, as indicated by the white man who spoke, and coupled by him with Mr. Williams by gestures, though not plainly by name. I never bought any land but what the Natives pressed me to buy, for which I always paid them liberally. Allusion has been made to my possessing large tracts of land: I am happy to say that I do hold some land; but I did not make any extensive purchase until I was out of office, and then, on my finding that, after having served the Government for fifteen years, not any provision was made, nor was likely to be made, for myself and my family, I purchased land. I only regret that I had not done so at an earlier period, and that to a larger extent. In all my purchases, also, I have reconveyed to the Natives both habitations and cultivations, by an unalienable deed of gift, according to the number of persons thereon.”</p>
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It is evident from the table that Colenso extended Busby’s speech in 1890 with the sentence:

I deny that the term ‘robbed’ has been used by the chiefs Te Kemara and Rewa with reference to my purchase of land, as indicated by the white man who spoke, and coupled by him with Mr. Williams by gestures, though not plainly by name.

However, this emendation acts as an introduction to Busby's speech and does not alter the tone or content of his address, which has been faithfully copied from Colenso's manuscript into his jubilee history. A second emendation by Colenso in 1890 said that Busby had only purchased what Maori had pressed him to buy and appears to have been based on an article written by Captain Robertson for *The Sydney Herald* (Appendix Three, p. 118).

Captain Robertson's account of James Busby's speech at Waitangi on 5 February 1840 was published on 21 February 1840.³ He reported that James Busby had defended his land purchases by referring to 'the footing he had been placed upon as British Consul, the income of which was scarcely adequate to provide for his family'.⁴ This circumstance is corroborated by Busby's private papers which reveal that by January 1838 his two room house at Waitangi was 'in a ruinous state' and that he had decided to bring his situation to the attention of the British government. His papers also indicate that Busby had decided to resign as British Resident, sell his house to the government and exchange the land around it for land in New South Wales.⁵

Robertson also reported Busby's claim that Maori had pressed him to buy and that he had experienced 'much difficulty in bringing his purchases to a conclusion'.⁶ These comments are supported by Busby's letters to his brother Alexander which refer to the muskets sent out for the land at Whangarei and state:

the Utū for Wangari procured me several offers – and before the Puke people could make up their minds – I had agreed with Kamera's i.e. Campbell's people – to purchase a continuation of the River side.

Busby's letters reveal that by March 1839 he had paid only half the price for the land and that the outstanding balance included seven double-barreled guns.⁷ They also show that

³ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

⁴ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

⁵ James Busby to Alexander Busby, 26 January 1838, Letters from James Busby to his brother Alexander Busby, 1830-1839, transcript, MS 46, Folder 1, pp. 73-74, AML.

⁶ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

⁷ James Busby to Alexander Busby, 1 March 1839, Letters from James Busby to his brother Alexander Busby, 1830-1839, transcript, MS 46, Folder 1, p. 91, AML.

his brother was experiencing problems procuring the guns and that Busby was growing increasingly anxious for their arrival to complete his purchases and make new ones.⁸

In Colenso's account Busby is reported to have justified his purchases by referring to the failure of the British government to provide for him after 15 years of service. Whilst this statement may reflect Busby's displeasure at being summarily replaced by a Consul, it is unreliable given that his government appointments in New South Wales were only temporary and he had accepted the position of British Resident on the condition that he would not receive a pension or compensation if it was decided to discontinue his services.⁹

In Colenso's account James Busby is also reported to have said that he did not purchase any land until he was out of office. This statement is also unreliable; his private papers indicating that Busby made his first purchase from William Hall in Port Jackson in 1831. Hall, who claimed to have bought land at Waitangi in 1815 when he worked for the CMS, subsequently wrote to Henry Williams and asked him to help Busby explain the transfer of ownership to Maori.¹⁰ Moreover in July 1840, when James Busby addressed the Legislative Council of New South Wales in opposition to the New Zealand Land Bill, he tabled two parchments dated 30 June 1834 and 22 November 1834 which he described as the titles to his land at Waitangi.¹¹

⁸ James Busby to Alexander Busby, 26 April 1839, Letters from James Busby to his brother Alexander Busby 1830-1839, transcript, MS 46, Folder 1, p. 99; James Busby to Alexander Busby, Bay of Islands, 14 September 1839, Letters from James Busby to his brother Alexander Busby, 1830-1839, transcript, MS 46, Folder 1, pp. 126-127, AML.

⁹ Guy Scholefield, *Dictionary of New Zealand Biography*, p. 123; Governor Darling to Sir George Murray, Despatch No. 9, 29 January 1831, C.O. 209/218; The Memorial of James Busby of N.S.W., Esquire, late collector of the Internal Revenue of that Colony, and member of the Land Board, *Historical Records of Australia*, Volume 16; Despatch R. W. Hay (Colonial Office) to James Busby, 28 March 1832, C.O. 202/28; James Busby to R. W. Hay, 31 March 1832, C.O. 209/1, as cited by Nora Bayly, *James Busby, British Resident in New Zealand, 1833-1840*, a thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History at the University of New Zealand, 1949, pp. 23-24, 26, 40-44; Alan Lambourn, *The Treaty-makers of New Zealand: Heralding the Birth of a Nation*, Sussex, England: The Book Guild Ltd, 1988, p. 73.

¹⁰ William Hall, Maperby Cottage near Blacktown, 15 April 1833, to Mr. James Busby Esq., Woolloomooloo Hill, Sydney, Misc-MS-1174/002, Correspondence relating to James Busby, typescript from MS 46, AML, as cited by Alan Lambourn, *The Treaty-makers of New Zealand: Heralding the Birth of a Nation*, Sussex, England: The Book Guild Ltd, 1988, p. 71.

¹¹ See *The Sydney Herald*, Monday 6 July 1840, page 2, <http://trove.nla.gov.au/ndp/del/article/12865002?searchTerm=waitangi&searchLimits=sortBy=dateAsc>, retrieved 25 June 2011; Old Land Claim is 14 dated 30 June 1834; OLC 15 is dated 22 November 1834; OLC 16 is dated 26 November 1835; OLC 17 is dated 27 November 1835; OLC 18 is dated 17 July 1838; OLC 19 is dated 8 February 1839; OLC 20 is dated 19 February 1839; OLC 21 is dated 13 March 1839; OLC 22 is dated 28 November 1839; OLC 23 is dated 23 December 1839 and OLC 24 is dated 29 January 1840, see <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g3-g1-t2.html>, retrieved 23 November 2011.

Both Colenso's account and Robertson's article refer to the provisions that were made by Busby for the Maori vendors. In Colenso's account Busby is reported to have said that in all his purchases, he reconveyed to the natives, their habitations and cultivations by an inalienable deed of gift, according to the number of people residing on it.¹² In Robertson's article Busby is reported to have said that he had 'made a specific clause in all his agreements, that 30 acres were to be allotted to every individual of the families from whom he had purchased land'.¹³ James Busby referred to the provisions that he had made for Maori at Waitangi in a letter to his brother Alexander dated 1 March 1839. In that letter Busby said 'I have given them a lease for ever on a "Kit of Potatoes" quit rent of their cultivated land – but not transferable from the descendants of the present proprietors'. He appears to have made similar provisions in his deed for Waipu, which is dated 19 February 1840, and provided for Maori to cultivate 300 acres at Pohuenui, on the condition that they did not sell or let the land to other Europeans or Maori. His original grants also appear to show reserves along the Waitangi River and in the Ratoa Valley.¹⁴

This chapter has compared William Colenso's manuscript against his jubilee history with respect to James Busby's defense of his land purchases at Waitangi on 5 February 1840. It has also explored whether it is possible to corroborate Colenso's narrative from other accounts. The insertion which records James Busby's speech appears to have been written by William Colenso in 1840 but the substance of the speech is contradicted by Captain Robertson of the *Samuel Winter* whose article was published in *The Sydney Herald* on 21 February 1840. Robertson said that Busby had defended his purchases by referring to the paucity of his income as British Resident and his difficulty in providing for his family. These claims are corroborated by Busby's private papers and Colonial Office records which reveal that Busby was appointed on half pay, that his home at

¹² William Colenso, *Memoranda of the arrival of Lieut. Govr. Hobson in New Zealand; and of the subsequent assembling of the Native Chiefs at Waitangi, the Residence of James Busby, Esq., on Wednesday, Feby. 5, 1840, for the purpose of meeting His Excellency*, MS-Papers-1611, Folder 1, ATL.

¹³ *The Sydney Herald*, 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

¹⁴ James Busby to Alexander Busby, 1 March 1839, Letters from James Busby to his brother Alexander Busby, 1830-1839, transcript, MS 46, Folder 1, p. 91, AML; OLC 24, Waipu Block, James Busby, Whangarei, <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g4-g12-t4.html>, retrieved 1 December 2011; James Busby, Title Deeds and Boundary Diagram, MS 93/115, AML; Rose Daamen, Paul Hamer and Barry Rigby with Part II by Michael Belgrave, *Rangahaua Whanui Series, Auckland District Report*, Wellington: Waitangi Tribunal, 1996, p. 95, http://www.waitangi-tribunal.govt.nz/resources/researchreports/rangahaua_whanui_reports/district_reports/district01report/district01auckl_andpart1.asp, retrieved 9 April 2011. The Waitangi Tribunal have established that James Busby did not include the Waitangi reserve in his survey in 1872 and that the Crown subsequently granted him all but 1,000 acres of surplus land at Waitangi.

Waitangi was in a dilapidated condition and that he had planned to resign as British Resident and return to New South Wales. In contrast Colenso's account of Busby's defense is contradicted by the same documents. These indicate that James Busby purchased land at Waitangi in 1831 before his appointment as British Resident, that his appointment to New Zealand was experimental, and that it was made on the condition that Busby would not be remunerated if it was decided to dispense with his services. These inconsistencies suggest that Colenso's record of Busby's speech is not reliable, although his emendation in 1890, which said that Busby had only purchased what Maori had pressed him to buy, appears to have been based on Robertson's article in *The Sydney Herald*.

Chapter Seven: The Second Day's Meeting

Ranginui Walker observed that after the meeting at Waitangi on 5 February 1840 ‘a quantity of tobacco was handed out, but no food’. Based on Colenso’s account he suggested that Captain Hobson’s failure to respect Maori customs of hospitality ‘was an inauspicious but symbolic start to a relationship that was supposed to be of mutual benefit’.¹ Similarly in their report on the Muriwhenua Land Claim in 1997 the Waitangi Tribunal described the lack of food at Waitangi as a ‘social gaffe’ and suggested that the CMS missionaries should have known better.² This chapter will compare William Colenso’s manuscript against his history and address his assertion that the second day’s meeting was brought forward to 6 February 1840 because several chiefs’ proposed to leave for want of food. It will also explore whether it is possible to corroborate Colenso’s claim that attendance was poorer because of the Whananake question and the squabble over tobacco the previous day.

Colenso’s account of the events of 6 February 1840 is headed ‘Second Day’s Meeting’ and reads:

MS-Papers-1611	1890 Jubilee History
<p>Thursday, Feby 6th – This morning at 10 [^] 1/2 past 9 [^] we proceeded to Waitangi; on our arrival we found that the Natives were already there, not, however, - such a – party as was present the day before. The squabble about the Tobacco, coupled with the remembrance of the affray on the Wananake question, kept several of them back. The xxx xxx Notwithstanding there were several</p>	<p>Thursday, February 6th, 1840. – This morning at 9.30, we (the missionaries) left Paihia Station for Waitangi, a mile and a half distant. On our arrival we found that the Natives were already there – not, however, such a large party as was present the day before. The fierce squabble about the tobacco yesterday, couple with the remembrance of the sad murderous affray which took place here on the Wananake question,* had sent several to their respective homes. Nevertheless, there were several present</p>

¹ Ranginui Walker, *Ka Whawhai Tonu Matou Struggle Without End*, Auckland: Penguin, 2004, p. 95.

² Waitangi Tribunal, *Muriwhenua Land Report*, Wai 45, Wellington: Waitangi Tribunal, 1997, pp. 110-111, <http://www.waitangi-tribunal.govt.nz/reports/downloadpdf.asp?ReportID={617D9262-6F31-47E8-A950-6B67993393A6}>, retrieved 30 June 2011.

<p>present ^ certainly ^ not less than 3 or 400. Eleven o Clock came, but not his Exy. - nor could any movement be discerned on board the Herald, ^ by ^ which ^ it ^ might be constructed ^ supposed ^ that the Govr. was coming. About noon a boat came on shore from the Ship, but a contg. 2 of the officers of his Exys. Suite, who seemed surprised at our being saying that we were waiting for the Govr., as they sd. His Exy. certainly knew nothing about a meeting on <u>this</u> day. It was evident that a misunderstanding had arisen some where – a Boat was instly. despatched to the Govr., who soon arrived in plain dress ^ unattended by any of the officers of the ship ^ at xxx. He assd. us that he knew no had not the least idea of a Meeting ^ to be held ^ this day – that as it was he wod. take the Sigs. of the N. Chiefs, but that he must have a Public Meetg. tomorrow, pursuant to the Notice he had given.</p>	<p>– not less than 300, or even 400 – scattered in small parties according to their tribes, talking about the treaty, but evidently not clearly understanding it. Time passed by, 11 o'clock came, but no Governor, nor could any movement be discerned on board H.M.S. “Herald” from which it might be inferred that His Excellency was coming; the Natives, too, were becoming impatient. About noon a boat from the ship came ashore, with two of the officers of His Excellency’s suite, who seemed surprised at our saying we were waiting for the Governor, as they said, “His Excellency certainly knew nothing about a meeting to be held there this day.” It was now evident that a misunderstanding had somehow arisen. A boat was instantly despatched to the ship to let the Governor know; and he soon arrived, in plain clothes, except his hat, and unattended by any of the officers of the “Herald.” He assured us he had not the least notion of a meeting to be held this day; but that, as it was, he would take the signatures of the Native chiefs who were present and desirous of signing the treaty; still, he must have a public meeting on the morrow (Friday), pursuant to the notice he had already given at the close of the meeting yesterday, &c.</p>
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Felton Mathew said that Hobson was expecting ‘at least a thousand natives’ and that preparations were made ‘on an enormous scale’ involving ‘1/2 ton of flour – 5 tons of Potatoes – 30 Hogs & other things, prepared to regale their mightinesses the New

Zealanders'.³ Colenso's record suggests that this food supply was quickly exhausted and that by the evening of 5 February 1840 Busby and the missionaries were concerned that the chiefs would leave before the meeting planned for 7 February 1840.⁴ Richard Taylor claimed that he sent a message to Hobson to 'give notice of the meeting being held the next day'.⁵ However, this missive does not appear to have reached the *Herald* as according to Colenso, Hobson arrived late on 6 February 1840 after being summoned by a messenger. He also said that in his haste, Hobson was dressed in civilian clothing, excepting his naval hat.

Colenso recorded that there were not as many Maori present at Waitangi on 6 February 1840 and estimated the number to be between 300 and 400.⁶ In contrast, Felton Mathew said that there was 'a large concourse of natives – many strangers having arrived last night & this morning from the more distant parts'. Mathew also said that while there could not have been more than a dozen Europeans present, 'there could not have been fewer than five hundred natives present – most of them Chiefs'.⁷ Mathew's account is supported by Robertson who said that there was 'a greater assembly of Natives than yesterday'. He also said that many chiefs had arrived overnight from the Bay of Islands, Hokianga and the Thames and were 'desirous of returning to their respective abodes as soon as possible'.⁸

Neither Felton Mathew nor Captain Robertson mentions the squabble over tobacco at Waitangi on 5 February 1840. However Commander Charles Wilkes of the United States Exploring Expedition said that after the meeting 'Tobacco and pipes were given them before they departed, which restored their good humour, and they went away shouting'.⁹ In contrast Ensign Best, who arrived on 20 April 1840 with a detachment of the 80th

³ Felton Mathew to Sarah Mathew, 3 February 1840, HMS *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460, HL.

⁴ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, pp. 29-30.

⁵ Richard Taylor, Journal, 5 February 1840, QMS-1985, p. 185, ATL, as cited by Phil Parkinson, "Preserved in the Archives of the Colony": The English Drafts of the Treaty of Waitangi, Yearbook 10, *Revue Juridique Polynésienne/The New Zealand Association for Comparative Law*, Cashier Special, 2004, p. 46,

http://www.victoria.ac.nz/law/NZACL_new/publications.aspx#10, retrieved 2 March 2011.

⁶ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 30.

⁷ Felton Mathew to Sarah Mathew, February 6 1840, HMS *Herald*, at sea, Felton Mathew Papers, Diary of Felton Mathew, transcribed by unknown, MS-0460, HL.

⁸ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://nla.gov.au/nla.news-article12864615>, retrieved 11 March 2011.

⁹ Charles Wilkes, *Narrative of the U.S. Exploring Expedition during the years 1838, 1839, 1840, 1841, 1842*, Volume II, Philadelphia: Lea and Blanchard, 1845, p. 367, <http://books.google.co.nz/books?id=EXAaAQAIAAJ&pg=RA2-PA367&dq=charles+wilkes+narrative+of&source=gbp toc r&cad=4#v=onepage&q&f=false>, retrieved 17 March 2011.

Regiment under Major Bunbury, said that in May 1840, when Hobson met Pomare, Kawiti and Tirarau to obtain their signatures to the Treaty, 'Kowetti' said 'that at the distribution of presents at the Treaty of Wytangie he had not been given any Tobacco'.¹⁰ This account confirms that the distribution of tobacco at the end of the meeting at Waitangi on 5 February 1840 was haphazard but Colenso's assertion that this resulted in a poorer attendance the following day is contradicted by Felton Mathew and Captain Robertson.

Colenso also attributed the reduced attendance at Waitangi on 6 February 1840 to memories of the Whananake question. This reference is to a meeting that had been organized by Busby in 1836 to discuss a land sale. When Waikato's claim to the land was challenged by Noa of Ngati Manu, Hikutu retrieved the arms that they had hidden on the property and shot two from the opposing party. They also threatened to burn down Busby's house; after which he refused to reassemble the Confederation of Chiefs to read them King William's acknowledgment of their Declaration of Independence.¹¹ However in spite of Colenso's assertion that memories of this dispute led several chiefs to return home, there is stronger evidence to suggest that there were more chiefs at Waitangi on 6 February 1840 than the previous day.

This chapter has compared William Colenso's manuscript and jubilee history and addressed his assertion that the second day's meeting was brought forward to 6 February 1840 because several chiefs had decided to leave for want of food. It has also explored whether it is possible to corroborate his claims that attendance at the second day's meeting was poorer because of the Whananake question and the squabble over tobacco the previous day. Whilst the records of Ensign Best have confirmed that the distribution of tobacco at the end of the meeting on 5 February 1840 was haphazard, there appears to have been more chiefs present at Waitangi on 6 February 1840 than the previous day.

¹⁰ Nancy Taylor (ed.), *The Journal of Ensign Best*, A Turnbull Library Monograph, Wellington: R.E. Owen, Government Printer, 1966, p. 222.

¹¹ James Busby to Colonial Secretary NSW, Despatch No. 84, 18 January 1836, Despatches of James Busby 1833-9; James Busby to Governor Bourke, Despatch No. 96, 18 May 1836, Despatches of James Busby, typescript, as cited by Nora Bayly, *James Busby, British Resident in New Zealand, 1833-1840*, a thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in History at the University of New Zealand, 1949, pp. 51, 53.

Chapter Eight: Bishop Pompallier's Request for Religious Freedom

Bishop Pompallier arrived on the Hokianga on 10 January 1838. Within days he was threatened by Wesleyan Maori, leading Busby to intervene on his behalf and request them not to harass him.¹ In contrast the Protestant missionaries printed tracts against Pompallier and the Catholic faith. One of these described him as the Antichrist and as a result Maori greeted the Bishop as 'Anatikaraiti' until he told them that his name was 'Episcopo'; which they rendered as 'Pikopo'.² The author of these tracts appears to have been William Colenso who wrote and printed 200 copies of a tract exposing the errors of Rome and claimed responsibility for persuading Tirarau and Moetara to forbid Pompallier from 'preaching errors' amongst their people.³

Pompallier purchased property at Kororareka in 1839 and made it the head of the Apostolic Vicariate. Shortly afterward Rewa's niece, whose health recovered after Pompallier prayed for her, was baptized. After a 12 year old child and Rewa's daughter were similarly cured by prayer, Bishop Pompallier was invited to Whangaroa, Mangonui and Tauranga. When he arrived in Opotiki he found that Moka had supervised the construction of a raupo church, whilst Rewa had encouraged his relatives at Hauraki to adopt the Catholic faith.⁴

Bishop Pompallier said that at Waitangi on 6 February 1840 he had asked Hobson to ensure 'free and equal protection to the Catholic as well as to every other religion in New Zealand'.⁵ This claim is supported by Robertson who reported that Bishop Pompallier

¹ Bishop Jean Baptiste Francois Pompallier, *Early History of the Catholic Church in Oceania*, Auckland: H. Brett, 1888, pp. 36, 37, 39-41; Henry Williams to Dandeson Coates, 11 January 1838; George Clarke to Dandeson Coates, 1 March 1838, Collected papers of and relating to Reverend Henry Williams, Henry Williams Letters, 1822-1860 to C.M.S., MS-0285/B, Vol. 2, 1831-1840, p. 364, copied from typescript in the possession of Algar T. Williams, Christchurch, HL.

² Bishop Pompallier, *Early History of the Catholic Church in Oceania*, Auckland: H. Brett, 1888, p. 44.

³ William Colenso to Dandeson Coates, 6 February 1839; William Colenso to Dandeson Coates, 24 January 1840, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL.

⁴ J. R. Cole, *Pompallier: The House and the Mission of Bishop Pompallier in Early New Zealand*, Wellington: Government Printer, 1957, pp. 10-15; Bishop Pompallier, *Early History of the Catholic Church in Oceania*, Auckland: H. Brett, 1888, pp. 60, 66-67

⁵ Bishop Jean Baptiste Francois Pompallier, *Early History of the Catholic Church in Oceania*, Auckland: H. Brett, 1888, pp. 62-63. Colenso's letters to the CMS indicate that he wrote several tracts on the errors of Rome in the Maori language after Bishop Pompallier's arrival on the Hokianga in 1838. His work on the errors of Rome was later bound into an 85 page booklet and advertised for sale for 1s 6d. in *the Hawkes Bay Herald* in 1894 and 1897. In 1897 Colenso also entered into a religious debate with Father Grogan in the *Hawkes Bay Herald*. See Mr. Colenso in Reply, *Hawkes Bay Herald*, 22 September 1897, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=HBH18970922.2.25.1&srpos=11&e=-----10-HBH-11----0errors+rome+->, retrieved 30 August 2011; Father Grogan in Reply, *Hawkes Bay Herald*, 30 September 1897, p. 4, <http://paperspast.natlib.govt.nz/cgiin/paperspast?a=d&cl=search&d=HBH18970930.2.27&srpos=29&e=-----10->

The insertion continues across the top of the next page and down the right-hand margin:

- when the S. made some remarks in an under tone to the Gov. wh. co? not be heard - but His Ex^{ty}, add^d himself to Mr W, the Statues chiefs, ^{were then} called on to come forward ^{as interpreted} and sign the document. Not one, however, wished it to seem desirous of coming forward; he stated to the Natives that his Religion will not be interfered with when Mr B. proposed calling them by their names, as they were written in the List of confederated chiefs, ^{to highlight the point} ~~fortunately~~ Hoani Heke happened to be the 1st / at least of those present ^{who} ~~and~~, on his being called by name, came forwards to the Table. At this moment Mr G. add^d himself to the Gov^{ty} saying - "Will y^r Ex^{ty} allow me to make a remark or two before that Chief signs the Treaty to which the Gov^{ty} have appealed - Mr G. proceeded - "May I ask y^r Ex^{ty} whether it is your opinion that these Statues ^{the articles of the T. are} and ^{what} they are now called on to sign? In this morning - the Gov^{ty} - of the Statues ^{chiefs} don't know the contents of this Treaty it is no fault of mine, - I wish them ^{to} understand it - I have done all I could to make them understand the same - and I

he stated to the Natives that his Religion will not be interfered with - that free toleration will be given in making of faith. I sh^d? the thank you, to say to them that ~~the Gov~~ will the protect & supported ~~the King~~ in his religion - that I shall protect all creeds alike. - See paper marked 27 to come here.

Colenso's insertion concludes on a separate sheet of paper:

28
on which Mr. W., ^{add^d} ~~turning~~ to the natives, s^d: "Ea, e mea
ana te Kawana" — when he stopped, turning round
to Mr. Luke of the Ch. Mission, s^d: something which was
inaudible beyond the spot on which he stood. Mr.
L. ^{app^r} ~~never~~ ^{did not} to und., or at least to ask ^{the Mr. W.}
of. Whatever it was, when Mr. Colenso ^{add^d himself to Mr. W.} said, "Pony Sir,
write it down first; it is an important sentence" —
Mr. W. taking pencil & paper proceeded to do so — Mr. L.
was seen ~~correct~~ suggest somewhat to Mr. W. —
the paper when written was passed to the Gov^r.
who passed it to the Bp. who s^d: "This will do very well."
Mr. W. then read ^{the change to} ~~it~~ the meeting — it was as follows,
"E mea ana te K. Ko aye Wakapono Katona o Ingarani
o aye Weteriana, o Roma, me te witeya Maori hoki,
e takina a pahaitia ~~ana~~ e ia."

Colenso faithfully copied this insertion into his history in 1890:

MS-Papers-1611	1890 Jubilee History
<p>At this stage of affairs a mengr. arrive came & sd. yt the R. C. Bp. was at Mr Bussy's - & that he wished to be intd. to the meeting, &, on wch the Govr. sent his Secy. to bring him down – He & his pt immedy. appd.</p> <p>When the B. made some, remarks in an under tone to the Govr. wh cd. Not be heard – but his Exy, addg. himself to Mr. W, (as interpreter) sd. “The Bp wished it to be stated to the Natives that his religion will not be interfered with - & that free toleration will be given in matters of faith. I shod. then thank you, to say to them that xxx ^ the Bp will be ^ protected & supported the Bishop in his religion – that I shall protect all creeds alike. –</p> <p>On which Mr. W. turning to addg the Natives, sd. “Na, e mea an ate Kawana” – when he stopped, & turning round to Mr Clarke of the Ch.</p>	<p>At this stage of the proceedings a messenger came to the Governor, informing him that the French Roman Catholic bishop and a priest were at Mr. Busby's house, and that they wished to be present at the meeting, &c., on which the Governor despatched his secretary to bring them over to the tent. They soon came, and took their seats in the same place they had occupied on the preceeding day. His Excellency then proposed that the Rev. H. Williams should read the treaty to the Natives from the parchment (as that read the day before was from the draft on paper), which was done by Mr. Williams.</p> <p>Here the Roman Catholic bishop made some remarks to the Governor in an undertone, which were not heard by us; and the Governor, addressing himself to the Rev. H. Williams, who was acting as interpreter, said, “The bishop wishes it to be publically stated to the Natives that his religion will not be interfered with, and that free toleration will be allowed in matters of faith. I should therefore thank you to say to them that the bishop will be protected and supported in his religion – that I shall protect all creeds alike.”</p> <p>On which Mr. Williams, addressing the Natives, said, “Na, e mea ana te Kawana.” – (“Attend, the Governor says” -) when he stopped, and turning to Mr. G. Clarke, of the Church Mission,</p>

<p>Mission, sd. Something which was inaudible beyond the spot on which he stood. Mr C. however ^appd.^ did not to und., or at least to ansr. The Mr. Ws qu. Whatever it was, when Mr. Colenso ^ addr. Himself to Mr. W. ^ said, “Pray Sir, write it down first; it is an important sentence.” -</p>	<p>standing next to him, said something that was inaudible beyond the spot on which they two stood. Mr. Clarke, however, appeared not to understand – at least, not to hear plainly what Mr. Williams had said. Seeing this, I, who stood next, said to Mr. Williams, “Pray sir. write it down first, as it is an important sentence.”</p>
<p>Mr. W. taking pencil & paper proceeded to do so. Mr C was seen xxx sugtg. somewhat to Mr. W. – the paper when written was passed to the Govr. who passed it to the Bp. who sd. “This will do very well.” Mr. W. then read it to ^ the clause to ^ the meeting – it was as follows, “E mea ana te K. ko nga wakapono Katoa o Ingarani o nga Weteriana, o Roma, me te ritenga maori hoki, e tiakina ngatahitia xx e ia.”</p>	<p>Then Mr. Williams, taking paper and pencil, proceeded to do so. The paper, when written on, was passed to the Governor for the Roman Catholic bishop’s inspection, who having read it, said in English, “This will do very well;” on which the paper was returned to Mr. Williams, who read the same to the Natives.</p>
	<p>The slip of paper contained the following words: “E mea ana te Kawana, ko nga whakapono katoa, o Ingarani, o nga Weteriana, o Roma, me te ritenga Maori hoki, e tiakina ngatahitia e ia”. (“The Governor says the several faiths [beliefs] of England, of the Wesleyans, of Rome, and also the Maori custom, shall be alike protected by him.”) I got Mr. Williams (though with some little hesitation on his part) to insert “me te ritenga Maori hoki” (“and also the Maori custom, or usage”) as a correlation to that “of Rome.”</p>

Colenso’s narrative is supported by an account that was written by James Busby and headed ‘At the Second Meeting, Treaty of Waitangi’. ⁷ This record, which has been written from the perspective of Henry Williams, resembles the missionary’s *Early*

⁷ James Busby, MS 46, Box 2, Folder 6, AML.

Recollections which were originally written for his son-in-law Hugh Carleton (who had planned to write the history of Northland). Carleton included Henry Williams' *Early Recollections* in the second volume of his biography of the Archdeacon's life, which was published after the death of Williams and Busby in 1877.⁸ James Busby's account appears to have been based on an article written by Williams and published in the *Missionary Register*; a notation on Busby's manuscript stating that the account was founded on an article published in a Protestant periodical (Appendix Two, page 116). Whilst neither Henry Williams nor James Busby mention William Colenso, their records otherwise validate his manuscript, as do the records of Bishop Pompallier himself.

This chapter has compared the contents of William Colenso's manuscript and history with respect to Bishop Pompallier's request for religious freedom at Waitangi on 6 February 1840. It has also explored whether it is possible to corroborate Colenso's narrative from other sources. Colenso's record is largely substantiated by Bishop Pompallier, James Busby and Henry Williams, although their respective accounts do not mention William Colenso or the role that he claimed to have played in assisting Reverend Henry Williams with the Maori wording of the requisite clause.

⁸ Hugh Carleton, *The Life of Henry Williams, Archdeacon of Waimate*, Volume 11, Auckland: Wilson & Horton, 1877, pp. 11, 14-15.

Chapter Nine: Colenso's Anxiety about Maori Understanding of the Treaty

The concerns raised at Waitangi about Henry Williams' interpreting have commonly been linked with William Colenso's unease the following day that Maori did not understand the articles of the Treaty they had been called upon to sign. This chapter will compare Colenso's manuscript and history with regard to his query of Hobson on 6 February 1840. It will also explore whether it is possible to corroborate his account from other sources and whether his concerns were shared by other European eye-witnesses to the signing of the Treaty at Waitangi in February 1840.



Figure IX: Marcus King, attributed works, *Reconstruction of The Signing of the Treaty of Waitangi*, circa 1950, photograph of a painting, Reference Number NON-ATL-0173, reproduced with the permission of the Alexander Turnbull Library, Wellington, New Zealand.

The following table compares Colenso's manuscript and 1890 jubilee history:

MS-Papers-1611	1890 Jubilee History
<p>^ The ^ Native Chiefs ^ were then ^ called on to come forward and sign the Document At this moment Mr. C. addd. himself to the Govr. saying – “Will yr Exy allow us to make a remark or two before that Chief signs the Treaty”? To which the havg. assented – Mr C proceeded – “May I ask yr Exy. whether it is your opinion that these Natives undd. what ^ the articles of the T. wh ^ they are now called on to sign? I this morning –</p> <p>The Govr. – If the Natives ^ chiefs ^ don't know the contents of this Treaty it is no fault of mine – I wish them ^ fully ^ to understand it – I have done all I could to make them understand the same – and I really don't know how I shall be enabled to get them to do so. They have heard the Treaty read by Mr. W. -</p> <p>Mr C. True, Yr Exy – but the Natives are quite children in ideas – It is no easy matter ^ I am aware ^ to get them ^ truly ^ to comprehend a thing ^ Document ^ of this kind nature; still, I think they ought to know somewhat of it in order to to</p>	<p>All being now ready for the signing, the Native chiefs were called on in a body to come forward and sign the document At this moment I, addressing myself to the Governor, said, - “Will your Excellency allow me to make a remark or two before that chief signs the treaty?” The Governor” “Certainly, sir.” Mr. Colenso: “May I ask your Excellency whether it is your opinion that these Natives understand the articles of the treaty which they are now called upon to sign? I this morning” –</p> <p>The Governor: “If the Native chiefs do not know the content of this treaty it is no fault of mine. I wish them fully to understand it. I have done all that I could to make them understand the same, and I really don't know how I shall be enabled to get them to do so. They have heard the treaty read by Mr. Williams.”</p> <p>Mr. Colenso: true, your Excellency; but the Natives are quite children in their ideas. It is no easy matter, I well know, to get them to understand – fully to comprehend a document of this kind; still, I think they ought to know somewhat of it to constitute its legality. I speak under correction, your Excellency. I have</p>

constitute its legality – I speak under Correction – but I have spoken to some chiefs, who had no idea of ~~whatever the purpose~~ as to the purpose of the Treaty -

Mr Taylor. You heard, Mr C what this chief (points to Hoani Heke) said yesterday, that it was not for them but for the Misss. ~~to choose~~, who understood the nature of these things to choose –

Mr C. Yes, ~~Sir~~ **Mr T.**, that is the ^ very ^ point to which I ~~am~~ was about to allude – The Misss. shod. do so, but at the same time the M. shod. explain the thing in all its bearings to the Natives, so that it should be their own act & deed – then, in case of a reaction taking place, the Native cod. not turn round on the Missy. & say You advised me to ~~this~~ ^ sign that paper ^ but never told me what ~~it was~~ were the contents thereof -

~~Here his Exy. made some remarks, on this~~

The Govr. – I am in hope that no such reaction will take place: I think that the people under your care will be peaceable enough – I’m sure you will endeavour too make them so – and as

spoken to some chiefs concerning it, who had no idea whatever as to the purport of the treaty.”

Mr. Busby here said, “The best answer that could be given to that observation would be found in the speech made yesterday by the very chief about to sign, Hoani Heke, who said, “The Native mind could not comprehend these things: they must trust to the advice of their missionaries”.

Mr. Colenso: “Yes; and that is the very thing to which I was going to allude. The missionaries should do so; but at the same time the missionaries should explain the thing in all its bearings to the Natives, so that it should be their own very act and deed. Then, in case of a reaction taking place, the Natives could not turn round on the missionary and say, ‘You advised me to sign that paper, but never told me what were the contents thereof.’”

The Governor: “I am in hopes that no such reaction will take place. I think that the people under your care will be peaceable enough: I’m sure you will endeavour to make them so. And as to those that are without, why we must

to those that are without why we must do the best we can xxx with them –	endeavour to do the best we can with them.”
Mr C. I thank yr. Exy. for the patient hearing you have given me. What I had to say arose from a conscientious feeling on the subject; having sd. what I have I have dischd. my duty –	Mr. Colenso: “I thank your Excellency for the patient hearing you have given me. What I had to say arose from a conscientious feeling on the subject. Having said what I have I consider I have discharged my duty.”

In Colenso’s manuscript he recorded that Reverend Richard Taylor was a party to the discussion between Hobson and himself in 1840. However in 1890 William Colenso replaced Taylor with James Busby, who is reported to have referred to Heke’s speech and suggested that if Maori could not understand the articles of the Treaty, then they must trust the missionaries to advise them. With the exception of this substitution, Colenso’s history is otherwise faithful to his manuscript.

William Colenso’s memorandum and jubilee history are corroborated by his correspondence with the CMS. On 11 February 1840 he wrote an addendum to a letter he had started on 24 January 1840 and said:

Since the foregoing was written, the Lieutenant-Governor and suite have arrived. His Excellency issued 2 Proclamations (copies of which are here enclosed) and has assembled together some of the chiefs, at Waitangi, and has got some to sign the Treaty. The principal articles of the treaty are:-

1. The cession of the Sovereignty of their respective tribes to the Queen of Great Britain.
2. Their consenting to sell their lands only through the person appointed by Government.
3. Their being entitled to the Rights of British Subjects on their signing the Treaty.

Colenso told the CMS that Hobson was going to Hokianga the following day and that:

I have little doubt, myself, but that the natives will come forward ready enough to sign the same, at the same time I believe it will be from ignorance of the Articles.

William Colenso also said that he was convinced that Maori did not understand the meaning of the pre-emption clause:

As to their being aware that by their signing the Treaty they have restrained themselves from selling their land to whomsoever they will, I cannot for a moment suppose that they can know it. A proof I can adduce: Hara, a chief of second rank in this neighbourhood, and one who wished the Treaty to be signed and who came forward and signed it - has since offered to sell his lands, and, on the persons saying that it was irregular, &c., &c., Hara rejoined, "What! do you think I won't do as I like with my own?"

Colenso then explained why he had interrupted the meeting at Waitangi on 6 February 1840 and addressed Captain Hobson:

I believed, and do still believe, that the natives did not fully understand what they signed. Believing this, and finding no other person would, I took upon me to address myself to His Excellency at the public meeting. When the first person was called up to append his name on the document, I asked His Excellency whether he supposed the native chiefs knew what they were about to do? etc, etc. His Excellency, in reply, stated that he had done his best to enable them to understand the same, &c., &c. I mention this circumstance, my dear sirs, that, in the event of a reaction taking place, you may know the very root from whence such a reaction proceeds.

Colenso appears to have believed that Henry Williams would complain to London about his interference at Waitangi on 6 February 1840 and suggested that Williams had had a conflict of interest when he encouraged Maori to sign the Treaty:

It is also possible that you may hear of my having addressed His Excellency on this subject, from another quarter. Interests are beginning to clash – beginning! did I say? – they have long begun to do so; and the dearest must be supported. Oh! how thankful should I be to the Lord (though I sometimes feel my poverty) that He has kept me from becoming possessed of land, and by that means seeking my own welfare, before that of my Redeemer, the Society, or the poor New Zealander.¹

Finally, in November 1844, William Colenso advised the CMS that Heke and a large party of Maori had cut down the British flag and plundered Kororareka. On that occasion he reminded them of his earlier prediction that there would be a ‘reaction’ to the Treaty and said ‘Perhaps a few years may fully display to the C.M.S. the truth of several remarks, which, from time to time, I have ventured to make in my letters to you’.²

Colenso’s opinion that Maori did not understand the Treaty was shared by Bishop Pompallier who said that ‘few understood well what they did in signing. They were won over by presents and their ignorance’.³ Pompallier also said that the chiefs ‘did not understand the whole tenor of the treaty and had not the slightest intention of ceding their territory and their sovereignty’.⁴ Father Servant also said that the majority of chiefs had not wanted Hobson to extend his authority over Maori but ‘over the Europeans exclusively’.⁵ This impression was shared by Captain Robertson who said that the chiefs were opposed ‘to the idea of having a Governor over them, but that a Governor might

¹ William Colenso to Dandeson Coates, 24 January 1840, with addendum dated 11 February 1840, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL.

² William Colenso to Dandeson Coates, 19 November 1844, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL.

³ Pompallier to Epalle, Lettre du 14 Mai 1840, Lettres de la Nouvelle-Zélande, Marist Fathers, Archives Pompallier, micro MS 669, Reel 3, ATL, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 190.

⁴ Bishop Pompallier to Cardinal Fransoni, 3 March 1845, Archives of the Congregation for the Propagation of the Faith, SC II, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 196.

⁵ Father Louis Catherin Servant to Father Colin, Archives of the Congregation for the Propagation of the Faith, SC I, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, note 27, p 197.

come and exercise authority over the Europeans'.⁶ Captain Lavaud also said that the chiefs 'supposed that Captain Hobson would be an additional great chief for the Europeans only, but not for them.'⁷ Similarly, Commander Wilkes of the United States Exploring Expedition said that all the arguments that were used to induce the chiefs to sign the Treaty were 'but little understood, even by those who were present and had some clue to the object in view'.⁸ Wilkes explained:

So far as the chiefs understand the agreement, they think they have not alienated any of their rights to the soil, but consider it only as a personal grant, not transferable. In the interview I had with Pomare, I was desirous of knowing the impression it had made upon him. I found he was not under the impression that he had given up his authority, or any portion of his land permanently; the latter he said he could not do, as it belonged to all his tribe. Whenever this subject was brought up, after answering questions, he invariably spoke of the figure he would make in the scarlet uniform and epaulettes, that Queen Victoria was to send him, and "then what a handsome man he would be!"⁹

In a letter dated 14 April 1840, Richard Taylor told Professor Adam Sedgwick of Cambridge University that the CMS missionaries had 'been aiding' the government and that as a result '*the natives who are opposed to our country* taking possession of theirs are now *distrustful* of us, we have just discovered a regular plot to *murder us all*, providentially for us the tribes are so separated & unable to keep a secret that we have not much to fear'.¹⁰ Similarly, writing in October 1840, John King said that the 'natives have no idea of being governed and the thought is repugnant to their feeling of independence and it fills them with savage anger'.¹¹

⁶ *The Sydney Herald*, Friday 21 February 1840, p. 2, <http://trove.nla.gov.au/ndp/del/article/12864615>, retrieved 11 March 2011.

⁷ Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, pp. 191-192.

⁸ Charles Wilkes, *Narrative of the U.S. Exploring Expedition*, Philadelphia, 1845, Volume II, p. 375, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 197; Charles Wilkes, *Narrative of the U.S. Exploring Expedition during the years 1838, 1839, 1840, 1841, 1842*, Volume II, Philadelphia: Lea and Blanchard, 1845, http://books.google.co.nz/books?id=EXAaAQAAIAAJ&pg=RA2-PA367&dq=charles+wilkes+narrative+of&source=gbs_toc_r&cad=4#v=onepage&q&f=false, retrieved 17 March 2011.

⁹ Charles Wilkes, *Narrative of the U.S. Exploring Expedition*, Philadelphia, 1845, Volume II, p. 375, as cited by Peter Low, Pompallier and the Treaty, *New Zealand Journal of History*, 24, 2, 1990, p. 197; Charles Wilkes, *Narrative of the U.S. Exploring Expedition during the years 1838, 1839, 1840, 1841, 1842*, Volume II, Philadelphia: Lea and Blanchard, 1845, http://books.google.co.nz/books?id=EXAaAQAAIAAJ&pg=RA2-PA367&dq=charles+wilkes+narrative+of&source=gbs_toc_r&cad=4#v=onepage&q&f=false, retrieved 17 March 2011.

¹⁰ Richard Taylor to Alan Sedgwick, Professor Alan Sedgwick Papers, Add 7652, CUT, as cited by J.M.R. Owens, *The Mediator: A Life of Richard Taylor 1805-1873*, Wellington: Victoria University Press, 2004, pp. 67-68.

¹¹ John King, 20 October 1840, Letters and Journals, 1819-1853, MS 73, HL, as cited by Angela Middleton, *Te Puna – a New Zealand mission station: historical archaeology in New Zealand*, New York & London: Springer, 2008, p. 78.

The Wesleyan Missionary Society said that the missionaries had been authorized by Hobson to explain that ‘while the *entire* sovereignty should be transferred to the British Crown, the *entire* land should be secured to the Natives.’¹² However on 24 February 1840 *The Sydney Herald* observed that sovereignty was ‘a thing for which their language did not afford a word until the Missionaries coined one for the occasion’.¹³ Similarly, in August 1840 *The Colonist* published a letter from the Bay of Islands which said:

It is notorious that in common with other savages, the natives of New Zealand have no notion whatever of what Sovereignty consists: what for their advantage or disadvantage it must ultimately entail upon them notwithstanding the efforts of the Missionaries and others to explain it.¹⁴

In 1841 Jameson also commented that sovereignty was ‘a shadowy, unsubstantial something, of the nature of which they could form no idea, and of whose very name they had never before heard’. He suggested that the chiefs had been unable to resist the ‘goodly store’ of blankets and tobacco and had signed the Treaty after an artful display of opposition.¹⁵

Further evidence of how Northern Maori perceived the Treaty is provided by James Busby and the CMS missionary George Clarke, who was appointed Protector of Aborigines in the new government. In June 1840, when he appeared before the Legislative Council of New South Wales, James Busby was asked by the Bishop of Australia if there was a word in the Maori language to signify ‘independence’. Busby replied, ‘I cannot say there is any word that has exactly that signification, unless *rangatiratanga*’. In response to further questioning by Governor George Gipps he also explained that ‘every man that holds land calls himself a chief, that is, every free man;

¹² Copy of a Letter from the Wesleyan Missionary Committee to the Right Honourable Earl Grey, Wesleyan Mission House, Bishopsgate Street, February 23, 1848, in *New Zealand Correspondence between the Wesleyan Missionary Committee and the Right Honourable Earl Grey, Her Majesty’s Principal Secretary of State for the Colonial Department, on the apprehended infringement of the Treaty of Waitangi*, as published in the Report of the Wesleyan Missionary Society, for 1848, London: P.P. Thomas, Printer, 12 Warwick Square, ACL. The letter was written in response to the proposal to take waste lands as Crown property. It is signed by Thomas Farmer, John Scott, Jabez Bunting, John Beecham, R. Alder and Elijah Hoole.

¹³ *The Sydney Herald*, Monday 24 February 1840, p. 1 s, <http://trove.nla.gov.au/ndp/del/article/12861782>, retrieved 25 June 2011.

¹⁴ *The Colonist*, Sydney, Saturday 22 August 1840, pp. 1-2, <http://nla.gov.au/nla.news-article31725487>, retrieved 1 November 2011.

¹⁵ R. G. Jameson *New Zealand, South Australia and New South Wales: A Record of recent Travels in these colonies with especial reference to Emigration and the advantageous employment of labour and capital*, London: Smith, Elder and Cp., 1841, p. 204-205.

but there is the Tino Rangatira, or “very chief,” who is the head of his tribe’.¹⁶ Consistent with Busby’s explanation, in June 1842 George Clarke told Hobson:

During my late tour to the northern part of the island I had to correct, as far as possible, a general notion prevalent among the chiefs who had signed the Treaty, viz. that in ceding sovereignty they reserved to themselves the right of adjudicating according to the native custom in matters purely native, while they ceded the right of Government in matters not only of the white, but between the white and the native, and have received several remonstrances to that effect from parties inimical to the Government.¹⁷

Six months later Clarke said that the chiefs were determined ‘to seek satisfaction in their own way’ and warned the government ‘*they only want a bold and enterprising leader to throw off even the name of subject*’. He also said that the right of the chiefs to resolve their own quarrels without any reference to the government ‘appears to me to be borne out by the Treaty.’¹⁸ Similarly in May 1842 an article in the *Morning Chronicle* reported that Northern Maori had stated that:

the English are *trorika rikas* (slaves) to the Queen and could no longer, since the Governor’s arrival, do as they would; while they themselves were still free.¹⁹

In 1844 Clarke told Governor Fitzroy that the Northern chiefs were of the opinion ‘that the obligations they had contracted under the Treaty of Waitangi ceased on the death of the late Governor Hobson’, and after the destruction of Kororareka admitted:

¹⁶ *The Sydney Herald*, Monday 6 July 1840, pp. 12-13, <http://trove.nla.gov.au/ndp/del/article/12865002?searchTerm=waitangi&searchLimits=sortBy=dateAsc>, retrieved 25 June 2011.

¹⁷ George Clarke to William Hobson, 18 June 1842, as cited in Roger Evans, *Truth and obedience: the life and letters of George Clarke, 1798 – 1875: missionary, protector of aborigines, and defender of the Treaty of Waitangi*, Kerikeri: R. Evans, 2004, p. 74; Governor Gore Brown to the Duke of Newcastle, Auckland, 13 July 1861, Enclosure 1 in No. 12, E-No. 1, p. 25, Native Affairs: Despatches from the Secretary of State and Governors of New Zealand, *Appendix to the Journals of the House of Representatives*, 1862, Session1, E-01, <http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&cl=search&d=AJHR1862-I.2.1.6.1&srpos=3&e=-----10--1-----Ogeorge+clarke+waitangi--1862>, retrieved 9 November 2011.

¹⁸ Governor Gore Brown to the Duke of Newcastle, Auckland, 13 July 1861, Enclosure 1 in No. 12, E-No. 1, p. 25, Native Affairs: Despatches from the Secretary of State and Governors of New Zealand, *Appendix to the Journals of the House of Representatives*, 1862, Session1, E-01, <http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&cl=search&d=AJHR1862-I.2.1.6.1&srpos=3&e=-----10--1-----Ogeorge+clarke+waitangi--1862>, retrieved 9 November 2011.

¹⁹ *Morning Chronicle*, 28 May 1842, as cited by Peter Kennett, *Unsung Hero Barzillai Quaiife*, Palmerston North: Dunmore Press, 1991, p. 125.

that the Natives had not a correct and comprehensive idea of all that was implied in ceding the sovereignty of their land; and that there was a consequent discrepancy between their intention in the act and our views and interpretation of it ... hence the frequent meetings at which sovereign acts and rights have been discussed and claimed, such as making war and peace amongst themselves without reference to the Government.²⁰

This chapter has compared Colenso's manuscript and jubilee history with respect to his inquiry at Waitangi on 6 February 1840 as to whether Hobson believed that the chiefs understood the articles of the Treaty they had been called upon to sign. Colenso's narrative is supported by his letter to the CMS which was written five days later and explained his reason for interrupting the meeting at Waitangi and addressing Captain Hobson. The chapter has also demonstrated that Colenso's impression was shared by a number of other European eye-witnesses. There is strong evidence to suggest that the Waitangi signatories believed that their chiefly authority would be preserved and that Northern Maori insisted on their right to resolve their own issues according to custom.

²⁰ Governor Gore Brown to the Duke of Newcastle, Auckland, 13 July 1861, Enclosure 1 in No. 12, E-No. 1, p. 25, Native Affairs: Despatches from the Secretary of State and Governors of New Zealand, *Appendix to the Journals of the House of Representatives*, 1862, Session1, E-01, <http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&cl=search&d=AJHR1862-I.2.1.6.1&srpos=3&e=-----10--1-----oGeorge+clarke+waitangi--1862>, retrieved 9 November 2011.

Conclusion

This thesis has shown that William Colenso's manuscript of Hobson's arrival and the debate and signing of the Treaty at Waitangi on 5 and 6 February 1840 is an 'authentic' eye-witness account that was written in 1840. It has suggested that the manuscript itself was written shortly after the event and possibly between 12 February 1840 and 16 February 1840. The thesis has also demonstrated that William Colenso was a perceptive observer who, not only put together a well-documented record of the proceedings for the CMS, but also checked the contents of his manuscript with Felton Mathew and possibly others who had also been present at Waitangi in February 1840. However whilst historians can rely on much of Colenso's reconstruction of the Treaty signing, this does not mean that the text can be used without considering the contexts of its creation and the agendas of its author in 1840 and in 1890.

William Colenso's account of the events that unfolded at Waitangi on 5 and 6 February 1840 should be treated with a degree of informed caution. There is no agreement between the European eye-witnesses about the stance that was adopted by Hone Heke at Waitangi on 5 February 1840 but it seems unlikely that a war of words would have ensued between him and Tamati Waka Nene if Heke had spoken in support of Hobson's proposal as outlined by William Colenso. Similarly, Colenso's 1840 account of James Busby's speech is contradicted by Colonial Office records and Busby's private papers, which both corroborate the newspaper article that was written for *The Sydney Herald* by Captain Robertson of the *Samuel Winter*. Whilst the records of Ensign Best confirm that the distribution of tobacco at the end of the meeting on 5 February 1840 was haphazard, the available evidence contradicts Colenso and suggests that there were more chiefs present at Waitangi on 6 February 1840 than the previous day. Similarly, although William Colenso's account of Bishop Pompallier's request for religious freedom is largely substantiated, the records of James Busby, Henry Williams and Bishop Pompallier do not mention Colenso or the role that he claimed to have played in assisting Williams with the Maori wording of the requisite clause.

Colenso's original manuscript, and to some extent his changes in 1890, had a particular purpose and were influenced by his personal views and biases. The clue to Colenso's purpose in writing his 1840 account lies in August 1839 when he wrote a similar

document for the CMS. This account was written within two hours of an argument between himself and Williams over a blanket taken by one or other of their respective 'boys'. According to Colenso, Henry Williams had expressed his displeasure at the way that he had handled the matter and the discussion had become heated after Colenso refused to accept his mistake. Williams is reported to have told Colenso that he had never been so insulted by anyone in all his life and accused the printer of behaving insolently toward him since his arrival in the country. Colenso's account of this incident was written to preempt any complaint that Williams might choose to make to London about his insubordination. It was also intended to justify his conduct and not only included a verbatim record of the alleged conversation but described the gestures that had been used by Henry Williams to intimidate and threaten him.¹

Similar motives appear to have led William Colenso to write an addendum to his letter to the CMS on 11 February 1840. On that occasion he told Dandeson Coates that Hobson had arrived as Consul, held a meeting at Waitangi and persuaded some of the chiefs to sign a Treaty. At that juncture Colenso was worried that Henry Williams would tell the CMS that he had interrupted the meeting at Waitangi on 6 February 1840 and addressed Hobson. He was also concerned that Williams would divulge that he had accused him of failing to explain the Treaty properly and suggested to Hobson that if there was an adverse reaction from Maori, it would be Henry Williams' fault.

To support his assertion that Maori had not understood the articles of the Treaty they had signed, Colenso told the CMS that one of the Maori signatories had subsequently insisted on his right to sell his land to whomsoever he pleased. He also implied that Williams had misled Maori by suggesting that his interests had clashed and that Williams had placed his own welfare first. Colenso closed his letter by telling Coates that he intended to write a memorandum of the events from notes he had taken on the spot and then quickly dispatched it on the *Matilda* on 13 February 1840 when Williams was absent from Paihia. Colenso's manuscript should therefore be seen as an attempt to justify his interference at Waitangi on 6 February 1840 and the disparaging comments he had made about Henry Williams.

¹ William Colenso, *Memoranda of a Convn. which took place between the Revd. H. Williams and myself this morning Augt. 10th, 1839*, Donald McLean Papers, Reference Number MS-Papers-0032-0221, Object #1005636, <http://www.nztl.govt.nz/detail/?id=1005636&recordNum=2&t=items&q=colenso+&l=en>, retrieved 30 October 2011.

William Colenso also recognized the prejudices of his audience and endeavoured to work them to his advantage. In his 1840 manuscript he described how he had discouraged the CMS missionaries from entering the British Residency while Bishop Pompallier and Father Servant were still inside. He also said that, at his suggestion, the CMS missionaries had stepped out of the line of procession rather than follow Rome. These emendations portray Colenso as a zealous Protestant and he seems to have exaggerated his part in the proceedings in order to garner favour with his London superiors. To this end Colenso had already sent a tract he had written on the *Matilda* which portrayed the Pope and Pompallier as anti-Christ and exposed the errors of Rome.

In a similar vein Colenso amended his manuscript in 1840 and added an account of the role that he had played in assisting Henry Williams to write out the clause requested by Pompallier. By telling the CMS that he had fashioned it to imply that the Catholic faith was synonymous with the pagan beliefs of Maori, Colenso reinforced his persona as a fervent Protestant. He also implied that he was the superior linguist and better positioned to judge whether Maori had understood the meaning and consequences of the Treaty.

Colenso appears to have used the speeches of Te Kemara, Rewa and Moka to capitalize on the Society's disapproval of the missionaries' land purchases. In his 1840 memorandum he told the CMS that 'Kamera' had run up to Williams, pointed directly at him and accused him of stealing his land. He also described the 'excited' mannerisms adopted by this chief 'particularly when addressing himself to Reverend Henry Williams on the subject of land'. Similarly Colenso appears to have used Rewa's speech to tell the CMS that the land purchases of Richard Davis and George Clarke had rendered Waimate Maori landless and Moka's speech to advise them that Maori had demanded the return of their land from Charles Baker. In this way, Colenso exploited Williams' vulnerability to criticism over his land purchases and provided 'evidence' to support his contention that the CMS missionaries had taken advantage of the ignorance of Maori to deprive them of their landed property.

Colenso recounted Hobson's speech and the concerns that had been raised about Henry Williams' translation. He had taken verbatim notes in an old notebook and copied them

into his memorandum minus the last two sentences. These sentences, which distinguished between the humanitarian intentions of the Queen and the avarice of the land speculators, appear to have been added by Henry Williams at the conclusion of his translation of Hobson's speech. Colenso rightly excluded them from Hobson's address. However he also omitted them from his 1840 manuscript because they provided evidence that Williams had encouraged Maori to sign the Treaty as a way of protecting their land from the greed of speculators – a statement that was completely at odds with Colenso's efforts to portray Henry Williams as a land shark who had mistranslated the Treaty to protect his own purchases.

Colenso appears to have used the speeches of Johnson and Jones to point out that he was not the only person who had raised their concerns with Hobson at the Waitangi meeting; that both men had suggested that Henry Williams had not interpreted correctly and had accused him of failing to translate the adverse comments made by the chiefs about the missionaries' land purchases. Colenso also appears to have used Heke's speech to echo his assertion that Maori were like children and could not understand the nature of the document they had signed. Through the medium of Heke's address he also indicated that Maori had placed their trust in the missionaries to advise them and had, by implication, been betrayed.

William Colenso's intention in advising the CMS that the second day's meeting was brought forward seems to have been to imply that Maori had not been given sufficient time to consider the Treaty and that Williams had acted hastily to safeguard his own interests. In a similar vein, his emendation in 1890, in which he said that an elderly chief had run up to Hobson and predicted his death, may have been intended to suggest that Hobson's untimely death in September 1842 was a consequence of irregularities associated with the signing of the Treaty at Waitangi.²

While Colenso's reliance on his 1840 notes makes his published account a largely accurate reconstruction of his 1840 interpretation of the events at Waitangi, changes made in 1890 reflect his different circumstances and those of the colony. In 1890 William Colenso claimed that he had been on intimate terms with the former British Resident. He said that James Busby had read his manuscript on the voyage to Sydney on

² William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, pp. 28-29

the *Eleanor* and made some emendations to it, which he had faithfully copied into his history. Colenso emphasized that his account was ‘attested by two capable witnesses’ and that his narration stood as Busby had read it ‘with his full acquiescence in its correctness’.³

The footnotes attributed to Busby in Colenso’s 1890 publication are relatively innocuous. The first maintained that the Union Jack was taken down from the flagstaff during the discussions; the second queried what Colenso had meant by his reference to nature’s grey mantle; the third said that Busby had sat on Hobson’s immediate right, with Pompallier next to Busby; the fourth claimed that the multi-coloured cloaks worn by some of the chiefs had been gifted to them by Pompallier; the fifth said that little attention had been paid to the speech of a Waikare chief because of the bustle when Tareha and Hakiro arrived, and the final footnote said that the demeanour of Te Kemara had changed on 6 February 1840 after Busby had told him that Hobson would be living in his house at Waitangi. Nevertheless these emendations imply that Busby read and agreed with the contents of Colenso’s manuscript in 1840 and that his 1890 jubilee history was therefore authentic. However, there are no emendations by Busby on Colenso’s manuscript and none of the footnotes attributed to Busby by Colenso in his 1890 history appear in his 1840 memorandum. Moreover, Busby’s speech, which was written by Colenso, is unreliable and includes statements that are contradicted by Colonial Office records and James Busby’s private papers.

It is doubtful that James Busby read Colenso’s manuscript during his voyage to Sydney on the *Eleanor*. His two year old son James, who died shortly after the family’s arrival in Darlinghurst, is likely to have been gravely ill and to have monopolized Busby’s attention. It is more likely that Busby was completely ignorant of Colenso’s memorandum. His purpose in travelling to Sydney was to address the Legislative Council of New South Wales in opposition to the New Zealand Bill which provided for Commissioners to enquire into the land purchases of people like himself and Henry Williams. In his evidence James Busby said that his right and title to his land at Waitangi had been held sacred by Maori and had never been challenged. He also defended the

³ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, p. 9.

purchases that had been made by Reverend Henry Williams in support of his large Christian family.⁴

James Busby would not have been enamoured by Colenso's account of Te Kemara's speech in which the chief had accused Busby and Williams of stealing his land. He is also unlikely to have condoned any suggestion that Williams had mistranslated the Treaty or that Maori had signed it in ignorance; the allegations made by Colenso against Henry Williams applying equally to himself. Moreover his brother Alexander had sailed for London on the *Navarino* in June 1840 and had carried some of Wade's sketches of New Zealand in his personal baggage for delivery to the CMS. One would expect that if James Busby had agreed with the contents of Colenso's manuscript, Alexander Busby would have also been asked to convey Wade's copy of it to Dandeson Coates. However, there is no reference to this in Wade's correspondence, which is preoccupied with the survival of his drawings.⁵

In 1890 William Colenso added further footnotes to his jubilee history that are completely at odds with the derisive attitude he had adopted toward Williams in 1840. The first was inserted after Te Kemara's speech and dismissed his allegations that Busby and Williams had stolen his land as 'mere show'. The same footnote also claimed that the chiefs had subsequently given evidence as to the fair sale of their land to the Commissioners; Colenso himself having acted as interpreter. A second footnote stated that Henry Williams had translated fairly what was said at Waitangi on 5 February 1840 but had omitted the repetitious statements made by the chiefs in their respective addresses to Hobson. Further footnotes were added to denigrate Williams' principal critics, Johnson and Jones, and raise doubts about Johnson's ability to speak the Maori language. Finally, Colenso added a footnote which observed that in 1840 Rewa, Moka, Tareha and Hakiro had all lived at Kororareka close to the Roman Catholic mission. This emendation implied that these chiefs had been influenced by Pompallier and appears to

⁴ *The Colonist*, Sydney, Wednesday 15 April 1840, <http://nla.gov.au/nla.news-article31724880>, retrieved 28 September 2011; *The Sydney Herald*, Wednesday 15 April 1840, <http://nla.gov.au/nla.news-article12858485>, retrieved 28 September 2011. James Busby junior died at Darlinghurst on 10 April 1840. He was aged 2 years and 4 months; *The Sydney Herald*, Monday 6 July 1840, page 2. <http://trove.nla.gov.au/ndp/del/article/12865002?searchTerm=waitangi&searchLimits=sortBy=dateAsc>, retrieved 25 June 2011.

⁵ William Wade to Dandeson Coates, 37 Murray Street, Hobart Town, 26 October 1840, William Wade, Outwards Letters, 1835-1844, PC-0165, HL.

have been intended to deflect the 'blame' for Colenso's criticism of Williams' onto the Bishop.⁶

However William Colenso did not act as an interpreter for the Commissioners in the 1840's but declined to do so on the grounds that it would 'divert him from the work for which he came to New Zealand'.⁷ Moreover Colenso had witnessed Henry Williams' deed for Te Hihi in 1836 and James Busby's deeds at Ruakaka and Waipu in December 1839 and February 1840. He had also drafted the clauses in Busby's deeds which gave Maori the right to cultivate small areas of land at Waitangi and Pohuenui. Consequently William Colenso had appeared before Commissioners Godfrey and Richmond as a witness in support of the land claims of both James Busby and Reverend Henry Williams.⁸

Whether or not William Colenso's emendations in 1890 were motivated by his desire to secure a place on the Anglican Synod is open to debate. His reinstatement as a practicing minister and his appointment to the Synod in 1894 followed the publication of his history, in which he had toned down his earlier criticism of Williams. At that time, he

⁶ William Colenso, *The Authentic and Genuine History of the Signing of the Treaty of Waitangi*, pp. 18, 20, 25; Caroline Fitzgerald (ed.), *Te Wiremu - Henry Williams Early Years in the North*, Wellington: Huia Publishers, 2011, pp. x, 324-325; William Colenso to Dandeson Coates, Waitangi, near Cape Kidnappers, Hawke's Bay, 18 June 1846, Collected papers of and relating to William Colenso, Letters, November 1834-February 1849, MS-0063/A, HL.

⁷ Austin Bagnall & George Petersen, *William Colenso, printer, missionary, botanist, explorer, politician: his life and journeys*, Wellington: A.H. & A.W. Reed, 1948, p. 144, note 3.

⁸ Bruce Stirling with Richard Towers, *Not with the Sword but with the Pen: The Taking of the Northland Old Land Claims*, Part 1: Historical Overview, A report commissioned by the Crown Forestry Rental Trust for Wai 1040 # A9, July 2007, pp. 200, 241, <http://www.waitangi-tribunal.govt.nz/inquiries/genericinquiries/northland/northlanddocumentstore.asp?category=8>, retrieved 28 November 2011; James Busby to Alexander Busby, 1 March 1839, Letters from James Busby to his brother Alexander Busby, 1830-1839, MS 46, Folder 1, p. 91, AML; *Daily Southern Cross*, 20 November 1863, p. 4, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&cl=search&d=DSC18631120.2.28.1&srpos=181&e=-----10--181---obusby+land+bill+->, retrieved 29 September 2011; Te Hihi Block, Bay of Islands, 500 acres, Henry Williams, April 1836, from Te Kemara, Marupo, Parangi and others, witnessed by William Colenso, <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g2-g72-t1.html>, retrieved 1 December 2011; Ruakaka Block, Whangarei, 25,000 acres, James Busby, 13 December 1839, witnessed by William Colenso, <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g4-g10-t1.html>, retrieved 1 December 2011; Waipu Block, Whangarei, James Busby, 15,000 acres, witnessed by William Colenso, <http://www.nzetc.org/tm/scholarly/tei-TurOldP-t1-g1-g1-g4-g12-t4.html>, retrieved 1 December 2011. This deed conveys 300 acres to Maori at Pohuenui; this being their dwelling and cultivations. William Colenso was suspended as a deacon and dismissed by the CMS in November 1852 after his affair with a Maori domestic became common knowledge. Ripeka, who had lived in Colenso's household in Paihia, had accompanied William and Elizabeth Colenso to Ahuriri in 1844. The revelation that she had born Colenso two children, the second dying shortly after birth, ended his marriage. See James Hamlin to C.M.S., Salisbury Square, London, 27 December 1852, Wairoa, Hawkes Bay, Letters to the Church Missionary Society, Inwards letters, MS-0498/013, HL; William Colenso, 1811-1899, Printer, missionary, explorer, naturalist, politician, by David Mackay, <http://www.teara.govt.nz/en/biographies/1c23/1>, retrieved 4 November 2011; Samuel Williams, 1822-1907, Missionary, framer, educationalist, pastoralist, by Mary Boyd, <http://www.teara.govt.nz/en/biographies/1w25/1>, retrieved 4 November 2011.

was welcomed into back into the fold by Samuel Williams and William Leonard Williams, the sons of Henry and William Williams.

Finally when William Colenso wrote his memorandum for the CMS in February 1840 he could not have foreseen that in the 21st century the old land claims of James Busby and Henry Williams would continue to dog their descendants or that the government would appoint a commission of inquiry to probe how Ngapuhi had understood the Treaty in 1840. His memorandum was simply written to excuse his behaviour at Waitangi on 6 February 1840 when he had interrupted the meeting and addressed the Queen's representative. In spite of the opinionated and caustic views that he freely expressed in his private correspondence with the CMS, William Colenso was then only 29 years old and very much intimidated by the indomitable Henry Williams. In 1890, when Colenso used his manuscript as the basis of his jubilee history, the reputation of Henry Williams was more secure, requiring Colenso to maintain his criticism in a more restrained manner. Consequently, while historians can now have greater confidence in their reliance on Colenso's account, they also need to acknowledge its limitations and biases and most importantly, the imprint of Colenso's personality on his 'authentic' history of the debate and signing of the Treaty at Waitangi in February 1840.



Figure X: William Colenso, 1887, a photograph by Samuel Carnell, Reference Number: F-4110-1/2, reproduced with the permission of the Alexander Turnbull Library, Wellington, New Zealand.

Good health to thee, O Gov^{is mine}, this to thee O Gov^{is mine} - I am not pleased
 towards you - I do ~~not~~ ^{not} wish for you - I will not consent to your
 being here - if you stay as Gov^{is mine} perhaps Kamera will be judged and
 cond^{ed}? - yes, indeed, more than that, even hung by the neck - No,
 no, no, I ~~will~~ shall never agree to your staying. Were all to be
 on an equality, then perhaps ~~the~~ Kamera would say yes - but
 for the Gov^{is mine} to be up & Kamera down! Gov^{is mine} high - up, up, up,
 & Kamera, down, low, small, - a worm - a crawler! No, no
 no. - O Gov^{is mine}: this to thee, O Gov^{is mine}: my land is gone - gone - all
 gone, - the inheritances of my ancestors, fathers, relatives, all
 gone, stolen, - gone, - with ~~the~~ ^{the} ellipionaries - yes, they have
 it all, all, all, - that man ^{the English and that they} ~~the~~ ^{the} Worema ^{they} ~~have~~ ^{have} my land
 the land on which we stand this day, this day, this day, this under my feet ^{on it} ~~is~~ ^{is}
 O Gov^{is mine} Return me my lands - ~~but~~ day to W. Rehura K. his lands
 - # you ^{pointing to H.W.} you, you, you, you bald head man, you
 have got my lands -
 O Gov^{is mine}: I ~~do~~ ^{do} ~~not~~ ^{not} wish you to stay - you English are not
 kind like the other foreigners - you ~~do~~ ^{do} do not give us good
 things - ~~do~~ I say so back - so back Gov^{is mine} - we do not
 want you here - and Kame ~~is~~ ^{is} day to thee go back

On this being interp^d to the Gov^{is mine} His Exp^y. s^d that all lands
 unjustly held w^d be returned - & that all lands ^{however} purchased after
 the date of the procl^m w^d not be held to be lawful - This was in-
 terp^d to Moka by Mr. W. when Mr. rejoined - That's right -
 O Gov^{is mine} that's straight - but, stop, let me see - yes - yes indeed.

Appendix Two: James Busby's Record of the Second Day's Meeting

at the second meeting ^{Treaty of Waitangi}

In the course of a few minutes the French Bishop attended by one of his priests pushed forward to the side of Capt. H. & was requested

"That the natives might be informed that that all who should join the Catholic religion should have protection of the British Government"

Capt. H. with much blandness observed "most certainly" and expressed his regret that he had not made known his wish earlier as "your desire should have been embodied in the Treaty" and turning to me requested that I would thus explain the wish of the Bishop.

I observed to Capt. H. I presumed the same protection would be afforded to all, he said certainly. I asked what need of this announcement if all would have protection alike

Capt. H. observed that as the Bishop wished the communication to be made he should feel obliged by my delivering the same to the meeting. I accordingly commenced but could not proceed finding that it was somewhat requiring care. I took paper and

as this very grave announcement was for the benefit of all I wrote as follows taking the various Missions in their order of establishment in the Country

"The Govt"

Figure XII: MS 46, Folder 6, reproduced with the permission of the Auckland Museum Library.

wishes you to understand that all the Maories
who shall join the Church of England, who
shall join the Wesleyan Church who shall
join the Piskopos or Church of Rome and
those who retain their heathen practices shall
have the protection of the British Government.

This paper I handed to the Genl who
passed it to the ^{French} Bishop who having read it
said 'O yes that will do' -

I read this document in silence the
Maories being at a perfect loss what it could
all mean. The Bishop then rose having
failed in his object bowed to the Governor
and retired from the Meeting.

After some little discuss and trifling
opposition the Treaty of Waitangi was signed
and the Meeting dispersed.

(This account though not perhaps in
the same words was sent to the Editor of
the Protestant Magazine and published
in that Periodical.)

Appendix Three: Captain Robertson's Article in "The Sydney Herald"

The Sydney Herald (NSW : 1831 - 1842), Friday 21 February 1840, page 2

Page 1 of 3

The Sydney Herald (NSW : 1831 - 1842), Friday 21 February 1840, page 2

PROCLAMATION.

By His Excellency **WILLIAM HOBSON, ESQUIRE,**
Lieutenant-Governor of the British Settlements
in progress, in New Zealand.

Whereas Her Majesty Queen Victoria, Queen of the United Kingdom of Great Britain and Ireland, has been graciously pleased, by Letters under the hand of the Most Noble the Marquis of Normandy, one of Her Majesty's Principal Secretaries of State, bearing date the 14th day of August, 1839, to command that it shall be notified to all Her Majesty's subjects, settled in or resorting to the Islands of New Zealand, that Her Majesty taking into consideration the present as well as future interests of the said subjects and also the interests and rights of the Chiefs and Native Tribes, of the said Islands, does not deem it expedient to recognise as valid, any title to land in New Zealand, which are not derived from or confirmed by Her Majesty. Now therefore, I **William Hobson, Esq.,** Captain in Her Majesty's Navy, and Lieutenant Governor in and over such

parts of New Zealand as have been or may be acquired in Sovereignty by Her said Majesty, do hereby accordingly proclaim and declare to all Her Majesty's subjects, that Her Majesty does not deem it expedient to recognise any title to land in New Zealand, which are not derived from or confirmed by Her Majesty, as aforesaid. But in order to dispel any apprehension, that it is intended to dispossess the owners of Land, acquired on equitable conditions, and not in extent or otherwise prejudicial to the present or prospective interests of the community, I do hereby further proclaim and declare, that Her Majesty has been pleased to direct that a Commission shall be appointed, with certain powers to be derived from the Governor and Legislative Council of New South Wales, to inquire into and report on all claims to such lands and that all persons having such claims will be required to prove the same, before the said Commission, when appointed; and I do further proclaim and declare that all purchasers of Land, in any part of New Zealand, which may be made from any of the Chiefs or Native Tribes thereof, after the date of these presents, will be considered as absolutely null and void, and will not be confirmed or in any way recognised by Her Majesty.

Given under my hand and Seal, at Kororarika, this 20th day of January, 1840, in the Third Year of Her Majesty's Reign.

(Signed) **WILLIAM HOBSON.**

By His Excellency's Command,

(Signed) **GEORGE COOPER.**
God Save the Queen!

Monday, Feb. 3.—His Excellency intended to receive an address presented by Captain Baerman and the inhabitants of Kororarika.

Wednesday, 5.—This being the day appointed by His Excellency to meet the Chiefs of and about the Bay of Islands, to

Chiefs of and about the Bay of Islands, to hold a conference and offer a treaty for their acceptance, a great number of Natives and Europeans assembled on the grounds attached to Mr. Busby's residence, where a large tent had been erected for the occasion, under the superintendance of the first lieutenant of H.M.S. *Herald*, measuring about 100 feet by 30—at one end of which a platform with a table and seats was arranged. At noon, His Excellency took his seat at the table, the gentlemen of the Church Mission being on his right, the French Bishop and a priest, with the gentlemen attached to His Excellency on the left—the Rev. W. Williams and Mr. Busby on either side assisting as interpreters. About 200 Natives with the Chiefs in front, and about 100 Europeans having assembled within the tent, the Europeans forming behind the Natives, His Excellency commenced the proceedings by an address to the Native Chiefs, which was interpreted sentence by sentence. His Excellency began by stating that England was, thank God, a free country. Englishmen could go to any part of the world they chose; many of them had come to settle here. Her Majesty always ready to protect, had also the power to restrain her subjects; and Her Majesty wished the Chiefs of New Zealand to give her the power to protect as well as to restrain them,—he was sent by Her Majesty to request that object publicly; they themselves had often requested Her Majesty to extend her protection to them; what he did was open and above board; he did not go to one Chief in preference to another; he came to treat with all openly. He would give them time to consider the proposals he had come to offer; that what he was sent to do was expressly for their own good—and Her Majesty now offers them her protection by this Treaty; it was unnecessary to say more, but he would read it to them. The Treaty was then read by His Excellency, and a translation of it by the Rev. Mr. Williams, the substance of which was to the same effect as the original, which several of the Chiefs addressed His Excellency. The Rev. Mr. Williams interpreting rather in an under tone, some of the residents of Kororarika requested that the interpretation might be given more publicly, throwing some doubts upon the translation as given by the Rev. Mr. Williams, and proposing one of their party as a good linguist, who being called upon by His Excellency, was unwilling to act. His Excellency then stated that if any

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His Excellency then stated that if any one present thought he could interpret better than Mr. Williams, he would be glad to hear him, as it was a great object to ascertain the sentiments of the Chiefs as nearly as possible. The cause of this discussion arose in consequence of one of the Chiefs alluding to some lands which had been disposed of to Mr. Williams, the gentlemen of the Mission, and Mr. Busby, which it was thought was not exactly interpreted. Mr. Williams explained, and at the same time expressed his feelings as to the opposition which has been so long manifested against the Mission generally, and himself personally. It was quite true that he did hold lands in New Zealand, but it was also true that he had brought up a family of eleven children, all born on the Island, which he thought a good title to hold land. He hoped his claims would be the first to be investigated, and he was ready to give every information to any one respecting his lands, and to point them out. He was sorry that the Mission had been made a bridge to walk upon by individuals who had so much opposed them, and who had, upon innumerable occasions, applied to the Mission for advice and interference. Mr. Busby, in reference to what had been applied to him, stated the footing he had been placed upon as British Consul, the income of which was scarcely adequate to provide for his family. He had always been solicited by the Chiefs to purchase lands, and he had expended much time, and had experienced much difficulty in bringing his purchases to a conclusion, in consequence of the number of claimants, and he had made a specific clause in all his agreements, that 50 acres were to be allotted to every individual of the families from whom he had purchased land, and the best proof of the goodwill of the Natives towards himself and Mr. Williams, was expressed by the very Chief who had caused the discussion, who was of opinion that the country should remain as it was, and he would be satisfied to be guided, as heretofore, by the advice and counsel of Mr. Williams and himself (Mr. B.). The business then proceeded by the various Chiefs addressing His Excellency, but the figurative language of the Chiefs rendered it very difficult to translate, and the substance of the speeches could only be given. There appeared to be considerable opposition at first to the idea of having a Governor over them, but that a Governor

might come and exercise authority over the Europeans. They had been told that if they signed the Treaty they would become slaves, hewers of wood and drawers of water, and be driven to break stones on the road. *Tarika*, the oldest Chief of *Kororatika*, was desperately opposed to the

measure, and worked himself up to a frenzy against it. The discussion was carried on with much animation, some in favour and some against; the speakers walking up and down, according to their custom; their greatest apprehension was that they would be made slaves, and that soldiers would be sent among them. At four o'clock the conference was adjourned to Friday, in order to give them time to consider the proposals.

Thursday 6.—Many Chiefs with their attendants having arrived at the Bay of Islands from Hokianga, the Thames, and various parts, and being desirous of returning to their respective abodes as soon as possible, at their request the Governor met them. There was a greater assembly of Natives than yesterday, and some few Europeans chanced to be present. After a short discussion, and a few speeches from the new arrivals, they began to sign the Treaty, and several who had violently opposed the Treaty yesterday, were among the first to sign their names to-day. The Catholic Bishop being present requested that it might be explained to the Natives, that all persuasions of religion were to be tolerated and protected, which was accordingly made known, and His Excellency expressed much gratification that the Bishop was present, as he wished all proceedings to be as open and candid as possible. Upwards of thirty Chiefs had signed the Treaty before Captain Robertson left the ground.

Friday 7.—Incumbent rain.

Saturday 8.—At 1 p. m. a royal salute was fired by H. M. S. *Herald*, and despatches were forwarded by the *Samuel Winter*, then under weigh for Sydney.

PORT NICHOLSON.—We have learnt, from a gentleman who arrived in Sydney from Port Nicholson, that the *Cuba* and *Aurora* had both arrived with passengers and merchandise, but that the immigrants had expressed themselves much disap-

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