

CORRESPONDENCE

RELATIVE TO AN

OUTRAGE COMMITTED BY A MAORI AT MATAURE, BAY OF ISLANDS.

[*Return to an Order of the House of Representatives, dated 18th November, 1863.*]

“That there be laid upon the Table of this House copies of Correspondence between the Government and the Civil Commissioner at the Waimate (Bay of Islands), and others, relative to an outrage committed by a Maori on the daughter of a Settler at Mataure, near the Bay of Islands.”

(*Mr. Butler.*)

AUCKLAND.

1863

P A P E R S

RELATIVE TO

AN OUTRAGE COMMITTED BY A MAORI AT MATAURE.

No. 1.

THE NATIVE SECRETARY TO THE CIVIL COMMISSIONER, WAIMATE.

Native Office,
Auckland, October 12th, 1863.

SIR,—

With reference to the subject of the alleged criminal assault by a Maori named Hohepa on Miss Stephenson, I am directed by the Native Minister to request that you will be good enough to forward at once the report called for by minute on A.G. 63,900, which was referred to you on the 23rd ultimo, and to account for the delay which has already taken place.

I have, &c.,
EDWARD SHORTLAND,
Native Secretary.

The Civil Commissioner, Waimate, Bay of Islands.

No. 2.

THE CIVIL COMMISSIONER, WAIMATE, TO THE HONORABLE THE NATIVE MINISTER.

Civil Commissioner's Office,
Waimate, October 23rd, 1863.

SIR,—

Referring to your letter of the 12th instant, which I this day received, in which you request me to account for delay in reporting the case of Miss Stephenson, called for by your minute 63,900, I beg leave to shew that there has been no delay on my part.

Your minute of 23rd ultimo reached me late on Saturday night of 3rd instant. On Monday the 5th, I received Mr. Williams' report of the case, and on the 7th forwarded copy of the same by special messenger to Russell, covered with my letter of the 7th to the Native Minister. The delay must therefore have arisen from some other source.

I have, &c.,
GEORGE CLARKE,
Civil Commissioner.

The Honorable the Native Minister.

No. 3.

THE CIVIL COMMISSIONER, WAIMATE, TO THE HONORABLE THE NATIVE MINISTER.

Civil Commissioner's Office,
Waimate, October 7th, 1863.

SIR,—

I have the honor herewith to enclose to you the Resident Magistrate's report on the case, referred to me under blank cover from Mr. Kidd of the Taraire.

Mr. Williams in his report adverts to the delay, and regrets that he was not earlier made acquainted with the sad occurrence; and it is difficult to account for the circumstance of its being first referred to the Government instead of the Civil Commissioner or the Resident Magistrate of the Hundred.

The report enters so fully into the case that I shall only trouble the Government with a few general remarks upon it, with no intention of extenuating the vile conduct of the Maori, but to point out some of the difficulties connected with the settlement of these matters.

Although by an "Act to amend an Act No. 40" the Magistrates are allowed to inflict a fine without imprisonment, the Resident Magistrate felt it his duty in this case at first to demand the surrender of the culprit for trial by the Supreme Court; and although the Native Assessors and Wardens offered to take him by force if the Magistrate insisted upon it, he thought it better to resort to the milder course than to embroil the district—for such would have been the inevitable result.

The Prosecutor was so well aware of the facts that he acknowledged himself perfectly satisfied with the decision of the Court.

In addition to the infliction of the fine, the Chiefs agreed to banish the offender from his place and the vicinity of Mr. Stephenson's, and offered to become responsible for his conduct in future, and in the event of a repetition of the offence to give him up to the authorities.

The father of the culprit is an intelligent and well-disposed Native connected with most of the principal men of this district, who assisted him in furnishing the fine, and were anxious to do all in their power to make reparation except giving up the youth for imprisonment.

It is to be regretted that the Natives do not look upon the crime with the same abhorrence with which Europeans view it; they do not attach moral degradation with its committal.

This low estimation of this and similar offences is greatly increased by the immorality of many of our own countrymen. Many cases of wanton outrage upon native females are by white men compromised by pecuniary compensation, thus estimating morality and female purity by a monetary standard.

After the serious and very proper manner in which this case has been taken up, the Government must be prepared to hear that the natives will be more particular when in future outrages are committed upon their females by Europeans; and it will often be a difficult matter to convince them of the difference between compulsion and consent in such cases.

I have, &c.,
GEORGE CLARKE,
Civil Commissioner.

The Honorable the Native Minister,
Auckland.

Enclosure in No. 3.

THE RESIDENT MAGISTRATE, WAIMATE, TO THE CIVIL COMMISSIONER, WAIMATE.

Resident Magistrate's Office,
Waimate, 5th October, 1863.

SIR,—

In order to meet any exaggerated statements which may be circulated or appear in print respecting a case of a serious nature which has lately occurred in the neighbourhood of Mataure, a native village on the coast within the Hundred of Waimate, from which place I returned on the 3rd instant, I take the earliest opportunity of transmitting for the information of the Government the following particulars relative thereto.

On the 14th September, Mr. Stephenson, of Waiaua, called at my residence informing me that on the 25th August, a native youth of the name of Hohepa Whare had made an assault with intent upon one of his daughters, but without succeeding in his base design. I immediately wrote to the Assessors of the place appointing the 16th of September as the day for holding a special court upon this case. Unfortunately I was prevented by sickness from keeping my appointment, being unable to undertake the journey until the 23rd, when I arrived at Mataure, and with several of the Assessors, held a Court on the following day. The evidence produced was conclusive, the Court unanimously agreeing that the youth was guilty of the charge brought against him. I explained to the Assessors that the penalty inflicted by the law on a European in such a case would be imprisonment, and that I expected they would assist me in carrying the law by endeavouring to have the youth given up. They admitted the justice of doing so, but expressed a desire to meet the tribe, and discuss the question publicly. This I agreed to, and a discussion followed, which continued throughout the night, the whole tribe declaring their determination not to give him up, qualifying this statement by saying that had it been a case of murder no objection should have been raised. Every argument which could be made use of was brought forward to induce them to give in, but without avail. They expressed a willingness to pay for the crime, even begging me to receive it, but stating at the same time that they would not give up the youth, being ignorant that such crime was punishable by imprisonment; that many cases had occurred in which Native women had been roughly handled by Europeans when no imprisonment had been inflicted. The case of Mr.

Hicton's daughter was also brought forward, which according to report was a similar case to the present one, but for reasons best known to the father was passed over in silence by him, the Natives asked why that case was not noticed, contrasting Mr. Stephenson's conduct with that of Mr. Hicton's, declaring the former to be unnecessarily severe upon them, whilst the latter shewed his good feeling in passing unnoticed what was reported to have taken place. The young man I also found to be well connected, his friends being able to command a large party in his favor. Finding the Natives were so determinately opposed to the youth's imprisonment, I determined to adjourn the case until the 30th, to give time for deliberation, and returned home on the 26th.

I consulted with the Resident Magistrate of Russell as to the best course to be pursued. He agreed with me, that in the present excited state of the colony it would be unwise to take any steps which might lead to a disturbance, and that unless the natives themselves could be persuaded to give up the youth the better plan would be to avail ourselves of the discretionary power granted by the "Native Circuit Courts Amendment Act, 1862," and inflict a fine. On the 29th, in company with the Assessors, I again returned to Mataure, meeting the party on the following morning. We found them increased in numbers, and although expressing a strong determination that the young man should not be sent to prison, were evidently anxious to have the case settled by our accepting a fine. After two days' discussion, seeing no probability of the young man being given up, I agreed to a proposal made by the Assessors, that payment should be accepted; and accordingly a fine of Fifty pounds, (£50) was levied upon the party.

The Assessors engaged with me in this case have conducted themselves exceedingly well, as also Kingi Hori Kira, the Warden of the Hundred, who spoke pointedly to the party upon the subject, but appeared to stand alone as far as the giving up of the young man was concerned. He told me he would seize him if I gave the order, but that such a step would result in blows being given, and might end in a serious disturbance.

You will probably feel surprised that so much time should have elapsed from the date of the assault to the day on which Mr. Stephenson called upon me. I expressed to him my regret at the delay which had occurred, when he informed me that he was himself absent from home at the time; that Mrs. Stephenson, with her daughter, had been to the Taraire and stated the case to Mr. Kidd, that gentleman having taken their depositions and forwarded them to Auckland, without communicating in any way with me. In my letter also to the Assessor of the place, I expressed surprise that he should not have sent me notice of the affair, but he told me he was ignorant of what had taken place, and that, although he had seen Mrs. Stephenson after her return from the Taraire, she never mentioned the case to him; and when, on hearing of the circumstance, he again called to ask how it was she had not named it, she replied it was not a fit subject to be mentioned to Natives, but only to the Queen and the Governor. We were thus kept in ignorance of what had taken place until Mr. Stephenson returned from Auckland, when he lost no time in making known the case.

Although I cannot but feel that the law as applicable to Europeans in this case has not been carried out to its full extent, yet I hope that the notice which has been taken of this sad occurrence, the time devoted to its investigation, the number of Assessors engaged, and the amount of fine imposed are circumstances which, combined together, will tend to shew the Natives that such crime is not looked lightly upon, and cannot be practised by them with impunity. I trust also that, considering the difficulties which have surrounded this case, you will feel convinced that all has been done which could be peaceably accomplished.

I have, &c.,

E. M. WILLIAMS,
Resident Magistrate.

The Civil Commissioner,
Waimate.

No. 4.

MR. KIDD, TARAIRE, TO THE HONORABLE THE COLONIAL SECRETARY.

Enderly, Taraire, Bay of Islands,
28th August, 1863.

SIR,—

A gross outrage having been perpetrated on the person of Emily Stephenson, daughter of Mr. George Stephenson of Waiaua, a settler of old standing, residing about five miles distant, by a Maori named Hohepa or Joseph, son of Honi Taotahi of Hikurua, I have been called upon, as a Magistrate, by the mother and daughter to take their informations, which I have felt it my duty to do.

I now enclose these informations to you, placing the matter in your hands for further prosecution in whatever way you may think prudent. I do not consider myself competent to point out any particular course, but I am strongly of opinion that it is absolutely necessary for the security and protection of other families that this Maori should be made amenable to justice.

I feel a great personal interest in this case. I have myself a large family of daughters living isolated without other protection than that of British law, being thoroughly convinced of the futility of individual settlers attempting to obtain redress with their own hands. Such outrages,

however, are more than can be borne, and if allowed to pass unpunished by the law must result in personal conflicts, which will endanger the peace of the district and place the lives of all the settlers in jeopardy.

I have, &c.,

THOMAS A. KIDD.

The Honorable the Colonial Secretary,
Judicial Department,
Auckland.

Enclosures.

The information of Emily Stephenson, of Waiaua, in the Wangarua district, Province of Auckland, New Zealand :

My name is Emily Stephenson, daughter of George Stephenson, of Waiaua. I am sixteen years old. On Tuesday last, the twenty-fifth of August, about two o'clock in the afternoon, I went from my father's house on the road towards our barn. I had proceeded a short distance along this road when I saw a Maori sitting on the side of the road behind a tree. I had seen the same Maori and two boys at the house a few minutes before. The man had ridden along the road, and passed me on the road; the boys remained at the house. As soon as the man saw me coming along the road, he got up and came towards me, preventing me proceeding. He asked me where my sister was, and where I was going. I said I was going on. He attempted to take hold of me. I drew back, and ran towards the house a short way. He followed me, and caught me by the arms before I got far away. I cooed and screeched and made all the noise I could to get help. He threw me down on the road side; I still cried out. He threw up my clothes and sat on my legs, and held my hands, putting them across and holding them in one of his hands; he took his trowsers down with the other hand, pulled my drawers open, and laid himself down on me, and put his hand between my legs and attempted to violate me. I shouted as loud as I could, and struggled to prevent him. He put his hand upon my mouth to prevent me shouting and making a noise. I got his hand away from my mouth and continued to make a noise and resisted his attempts. He saw the Maori boys coming along the road, and got up and ran into the bush before he had effected his purpose. As soon as I got free, I went home, the two Maori boys following me. As soon as I got to the house, I told my mother what had happened. I know the Maori who attacked me; his name is Hohepa or Joseph. He is the son of Honi Taotahi, who lives at Hikurua. He was on board a whaler, Capt. Jones, which he left at Whangaroa a short time since. I had never spoken to him before. I know the two Maori boys; one is named Jack, the other Tutaki; they are now at Mataure. The Maori boys were first at the house, and got some needles from the store; they did not appear to be in company with the man.

EMILY S. STEPHENSON.

Sworn before me this twenty-eighth day of
August, at Enderly, Taraire.

THOMAS A. KIDD,
J.P. for New Zealand.

The information of Eleanor Stephenson, of Waiaua.

I am the wife of George Stephenson, and the mother of Emily Stephenson. I remember Tuesday, the 25th August; we had just done dinner, when I saw a Maori man at my house. I had just given two Maori boys some needles when I saw this man sitting down before the house. I knew him, and spoke to him where he was sitting. Very shortly afterwards he got on his horse and rode along the road. I saw him ride past my daughter Emily, who was walking along the road towards the barn. I did not hear any cries from the road at my house. In about ten minutes afterwards, I heard my house door opened in a great hurry. I came from my room and saw my daughter Emily in a very agitated and distressed state. I asked her what was the matter, when she told me of the attack that had been made upon her by the Maori Hohepa. I examined her person and found that she had been roughly treated; that she had bruises on her shoulders, from being thrown down on the roots of a tree. I went with my daughter to see the place where the assault had been made. I saw where the Maori had been sitting, and where the struggle had taken place, and the roots of the tree by which she had been bruised. The next day I went with another of my daughters, and found where the horse had been tied, some little distance in the bush.

E. STEPHENSON.

Sworn before me this twenty-eighth day of
August, 1863, at Enderly, Taraire.

THOMAS A. KIDD,
J.P. for New Zealand.

OUTRAGE COMMITTED BY A MAORI.

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No. 5.

MR. KIDD TO THE HONORABLE THE COLONIAL SECRETARY.

Enderly, 5th October, 1863.

SIR,—

I had the honor of addressing you under date the 28th August, enclosing informations sworn before me by Mrs. Stevenson and her daughter relative to a criminal assault on the latter by a Maori named Hohepa, son of Honi Taotahi of Hikurua, the acknowledgment of which letter has not as yet reached me.

Mrs. Stephenson called on me yesterday to inform me that two investigations had taken place before the Commissioner, Mr. George Clark, (the Resident Magistrate for the district) Mr. Edward Williams, and several Native Assessors, full particulars of which, no doubt, will in due course be reported to you.

These investigations were finally closed on 2nd inst. without leading to the arrest of the offender, though he was present during the proceedings, boasting and bragging that his party were too strong to allow of his being arrested, and threatening that he would take the life of the first of the Stephenson family he should meet.

These threats were considered of such importance by King George and Riwih Hongi (both Assessors) that they went to Stephenson's house to warn them of their danger, ordering the younger son, who was tending sheep at some distance from the house, to go home, and advising them, if they pushed the matter further, to fly at once, without losing any time to look after the property.

The Natives, though refusing to give the offender up, offered to pay a sum of money or give some land, thus showing that there was no doubt on their minds of the offence having been committed.

Mr. Williams said he did not consider it prudent under the circumstances to take any further steps to arrest the offender or to make him amenable, as he was unwilling to endanger the peace of the district. The matter now rests with the Government, as it seems clear that the ordinary administrators of the law are unable or unwilling to bring this ruffian to justice.

If the Government of New Zealand is not able to uphold the majesty of the law and protect the persons of British settlers, the peace of the district must soon be disturbed, as the natural consequence will be that the settlers will lose confidence in the administration of the law, and take upon themselves the vindications of their wrongs, thus bringing about daily collisions with the Natives.

The present case is one to which it is not in human nature to submit: nor is it likely that British-born subjects will tamely submit to the violation of the females of their families without the attempt to protect them from such outrages, disgusted by such abortive proceedings of law.

I therefore feel it my duty to urge on the Government the necessity as well as the prudence of having this offender made amenable without loss of time, as delay will not only embolden the natives, but will also influence the minds of the settlers, and bring about a collision, which in the first instance must cause a large sacrifice of property and of lives.

I have, &c.,

THOMAS A. KIDD, J.P.

The Honorable the Colonial Secretary,
Judicial Department,
Auckland.
