

# A ‘Wanton Piece of Business’? Lieutenant-Colonel Foveaux, Lieutenant Finucane and the Massacre of Te Pahi’s Te Puna People

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## Introduction

This article identifies a substantial intervention of British force into New Zealand affairs in the early nineteenth century, led by senior imperial officials. This intervention resulted in a massacre of scores of people in the Bay of Islands.<sup>1</sup> The two officials in question – recently in the government of New South Wales – were Lieutenant-Colonel Joseph Furneaux, and Lieutenant James Finucane. In what is shown to be a conspiracy, the moral and legal responsibility for the massacre was covered up from the Imperial Centre by a range of actors up to and including the Governor of New South Wales, Lachlan Macquarie.

The background to the intervention and the cover-up arises out of the rather better-known *Boyd* massacre. In December 1809, while seeking a load of spars the British brigantine the *Boyd* was attacked in Whangaroa harbour. Scores of people on board were massacred by the locals.<sup>2</sup> The historical consensus is that the main motivation for the *Boyd* killings was “utu” for beatings and abuse instigated by the ship’s Captain, John Thompson, of a local rangatira Te Ara, known to the British as George, who was a crewman aboard the *Boyd* on its journey to Whangaroa.<sup>3</sup> Following reports by Alexander Berry, supercargo on the ship *The City of Edinburgh*, Te Pahi, the principal rangatira on the Purerua peninsula of the Bay of Islands, was initially blamed by the British for the attack. The consequence was a reprisal assault, typically attributed to British whalers and sealers, on Te Pahi’s main residence on Te Puna, a small island in Wairoa Bay on the southern end of the peninsula, killing a number of people.<sup>4</sup>

The best early consideration of these broader consequences arising out of the *Boyd* massacre comes from Robert McNab, while Anne Salmond’s account adds additional important detail.<sup>5</sup> McNab does not mention any involvement of either Foveaux or Finucane.<sup>6</sup> Based on a 26 March 1810 dating of the attack in a letter from whaling and sealing ships’ captains whose crews participated in the Te Puna attack to then new Governor of New South Wales Lachlan Macquarie, Salmond believes that Foveaux and Finucane arrived in the Bay of Islands in early April 1810, well after the assault.<sup>7</sup> Foveaux and Finucane’s ship was en route to Britain and entered the Bay ostensibly to drop off William Leith, a flax trader. Doubtless a further goal was to clarify what had happened to the *Boyd* – the first report of the attack had only reached Sydney on 9 March and much about it was still uncertain, including the existence of survivors. The timing means that Foveaux and Finucane’s participation is not an issue for Salmond to address. But her account makes it clear that criminal liability for the killings that took place at Te Puna was seriously considered by the British government. She identifies an inquiry into the incident in 1812 by the Lords’ Committee of the Privy Council, which took depositions from two sailors who were present. According to Salmond, the view of the Solicitor General was that those who participated in the Te Puna attack had committed murder. But by then the two witnesses had quit the country and police were unable to locate any others. The Lords asked the Thames Police to keep a watch for the return to London of any of the ships whose crews were involved in the attack. Salmond considers that the investigation then lapsed.

Basing herself on evidence from Finucane's journal, Foveaux's biographer Anne-Maree Whitaker is the first historian to acknowledge Foveaux and Finucane's involvement in the Te Puna attack.<sup>8</sup> She also points out that "Joseph Foveaux's shadowy presence in this episode has been overlooked" but – surprisingly for a biographer – takes the matter no further.<sup>9</sup> Architectural historian Deidre Brown suggests the British made three separate attacks on Te Pahi and his people. She believes that Foveaux and Finucane were present in the Bay of Islands for the last of these.<sup>10</sup> She does not draw out Foveaux's role or identify his primary responsibility for a massacre.<sup>11</sup>

This article argues, contrary to Brown, that there is compelling evidence for a single attack which Lieutenant Finucane led on the orders of Lieutenant-Colonel Foveaux and for which the ultimate responsibility was thus Foveaux's. Furthermore, it examines Foveaux's "shadowy presence", showing strong evidence for a sometimes clumsy but ultimately successful cover-up of Foveaux and Finucane's roles in what was a massacre. It first considers the main *dramatis personae* of the event – Te Pahi, Foveaux and Finucane – and their relationships to one another. The shifting sands of evidence on the attack are then examined, demonstrating that there was only one attack and illustrating the cover-up by multiple persons. The demographic implications, including the assessment of the event as a massacre, are detailed. An analysis is made of how contemporary Māori may have perceived it. The article concludes with a broader discussion of the implications of the events as a whole.

### **Lieutenant-Governor Foveaux, Lieutenant Finucane and Te Pahi**

There are three main individual participants in this affair, all of whom were previously well-known to each other.

Te Pahi was a leading rangatira of the Bay of Islands. At the time of the assault he was a man in his fifties, a shade under six feet tall, sharp-witted and impressive of mien. His principal pā was on a small island named as Te Puna. According to his biographer, Te Pahi had several wives, one of whom he apparently killed for her sharp tongue.<sup>12</sup> Contemporary observer John Savage reported that he kept one of his daughters confined for some years in a small storehouse on Te Puna for refusing an important marriage alliance.<sup>13</sup> Clearly he was a man of great inherited and acquired mana, accustomed to getting his own way, if necessary by force or by lethal violence.

In late 1805 Te Pahi took ship to Sydney to visit Philip King, Governor of New South Wales, intending on building relationships for trading and technology acquisition. He was well-treated as a guest by King in a three month stay. King gifted Te Pahi tools, plants and livestock, in addition to a small prefabricated house. Te Pahi reciprocated these gifts with several cloaks and a stone mere. Following his successful visit, Te Pahi was returned to the Bay of Islands in 1806 by the Governor on the brig the *Lady Nelson*. Arriving safely at Te Puna, the prefabricated house was rapidly built by the British in a few days and the *Lady Nelson* then departed.<sup>14</sup>

Te Pahi returned to Sydney for a second visit in 1808, a visit which is generally accounted as less successful. It seems that this second visit was inspired by a pattern of mistreatment of Bay of Islanders, including of Te Pahi himself, by captains and sailors of visiting British ships.<sup>15</sup> According to Salmond, Te Pahi was seeking redress at the highest level of colonial government, which turned out at that time to be acting governor of New South Wales, Joseph Foveaux.<sup>16</sup>

Foveaux was born in England in 1766 and was about 44 years old at the time of the attack on Te Pahi. Joining the British Army as a junior commissioned officer in 1789, he purchased and

worked his way rapidly up the promotional chain to Lieutenant-Colonel in 1802. Foveaux was Lieutenant-Governor of New South Wales from 1796 to 1799, and Lieutenant-Governor of Norfolk Island from 1800 to 1804. He then sailed for England. Following the deposition of William Bligh as Governor, Foveaux, who had in the interim returned from England, was again Lieutenant-Governor of New South Wales but acted as Governor through 1808 and early 1809 until his military superior William Paterson arrived from Tasmania. Even thereafter, due to Paterson's diffidence and illness, Foveaux continued to effectively run the colony. Following the arrival of Governor Lachlan Macquarie in December 1809, Foveaux was recalled to England. He embarked on the brig the *Experiment* on 18 March 1810, sailing to England via the Bay of Islands.

Foveaux's first biographer describes a forceful character on a rapid upwards trajectory: "Promotion ...came with striking rapidity for a relatively young man stationed in an unimportant outpost on minor duties and suggests that someone in England may have looked after his interests." That powerful "someone" has been identified by Foveaux's more recent biographer Anne-Maree Whitaker as Richard Fitzpatrick, younger brother of the Earl of Upper Ossory on whose estate Foveaux's legal father was steward. Fitzpatrick, a Regency man-about-town and rake, soldier, politician, and minor poet, has been described as a "bon viveur", and an "inveterate gambler".<sup>17</sup> Fitzpatrick never married but seems to have conducted several affairs with married women which led to children.<sup>18</sup> A close friend of prominent Whig politician Charles Fox, Fitzpatrick was Secretary for War in 1783 and again in 1806-7. Given his libidinous background and the evident high levels of support, it may be plausibly conjectured that the relationship between Fitzpatrick and Foveaux may have been biological – father-son – rather than the genial social uncle-nephew model proposed by Whitaker. Foveaux has also been the subject of some controversy in his role on Norfolk Island. Initial assessments of Foveaux as an administrator were largely complimentary, but also questioned "the severity with which he crushed convict disturbances in 1801, and the dubious morality of allowing the sale of female convicts to settlers."<sup>19</sup> Robert Hughes and others have characterised his Norfolk Island administration as tyrannical, brutal and cruel.<sup>20</sup> More recent revisionism has returned to the initial assessment of Foveaux as a competent administrator of his time, and dealing effectively with the complex situation arising out of Bligh's deposition.<sup>21</sup> Whitaker regards the negative assessments as being over-reliant on inaccurate or even fraudulent contemporary sources.

As acting Governor of New South Wales, Foveaux treated Te Pahi with hospitality on his second visit, offering him food and an apartment at the Governor's house.<sup>22</sup> Other notables in the town also extended their hospitality to Te Pahi. However, Te Pahi's second visit was also marred by negative interactions with whalers and at times having to sleep under a bridge.<sup>23</sup>

Foveaux also had some significant personal investment in the *Boyd* massacre. William Broughton had been Foveaux's commissary in both Norfolk Island and Sydney, and Broughton's wife Ann Glossop and their young daughter Betsey were passengers on board the *Boyd*. Eventually it turned out that Ann had been killed and eaten and Betsey was one of the few survivors, but this information was not available to Foveaux at the time of sailing.<sup>24</sup>

Lieutenant James Finucane was Foveaux's and later his successor Paterson's secretary – in effect, a very senior public servant. Finucane too had encountered Te Pahi in Sydney. His watercolour caricature of Te Pahi – the only surviving evidence of Finucane's artwork – has been frequently reproduced. His journal suggests that Te Pahi posed for the portrait.<sup>25</sup> Anglo-Irish, Finucane was about 35 years old in 1810, and he had been commissioned in the army for

a decade and a half.<sup>26</sup> Finucane kept a journal of his time in Australia and New Zealand which languished unpublished until 1998. His journal is not merely an aide-memoire but seems to have been written to inform and entertain his family, and contains a number of striking, humorous and vivid passages.

### **The whalers' letter to Governor Macquarie of April 10, 1810**

The primary information usually relied upon for dating the attack on Te Pahi and his people is a letter to Governor Lachlan Macquarie dated 10 April 1810, identifying an assault two weeks earlier on 26 March. The letter was signed by the captains of five ships moored in the Bay of Islands, listed as the *Speke*, John Kingston [Hingston]; the *Inspector*, John Walker; the *Diana*, William Parker; the *Atlanta*, Josh. Morris; and the *Perseverance*, Frederick Hasselberg (the first four were whalers, the last a sealer). Many of these captains would have personally known Te Pahi from the Bay of Islands and Sydney and may have crossed – or been crossed by – him.<sup>27</sup> According to Phillip Tapsell, who was on the scene in the *New Zealander* immediately following the assault, there was a coordinated return of the whalers from the fishing grounds to the Bay of Islands on the news of the *Boyd* massacre in order to investigate it.<sup>28</sup> Their letter reads thus:

on the 26th March, 1810, we, the undersigned, with our respective boats' crews, determined to ascertain if any person had been so fortunate as to escape the general massacre and confined on Tippahee's Island, as well as to rescue them and recover the arms, ammunition, and other warlike stores from the hands of the savages. On landing at Tippoonah and proceeding to the top of the island, the residence of Tippahee, we found the natives in a hostile disposition, and after a short interval they set up a general cry, and immediately discharged a volley of musquetry and spears at us. Our retreat was impracticable without certain loss, when we proceeded and took possession of the island by force of arms. The natives, with Tippahee, escaped to the main, either taking away or destroying their musquets by throwing them into the sea.

We found the Boyd's longboat and some papers, which we send by the *Perseverance* to Port Jackson ...<sup>29</sup>

This account mentioned no loss of life amongst the Te Puna people or the attackers. Also of remark is its tone of injured surprise that the locals could develop “a hostile disposition” when a bunch of armed vigilantes showed up unexpectedly and uninvited, rendering “force of arms” necessary, as the attackers’ retreat became “impracticable without certain loss”. The words suggest a group of men writing an exculpatory letter to regional British officialdom justifying their violent actions, whilst minimising any negative consequences thereof. They were men with something to hide, but what exactly was it?

### **Lieutenant James Finucane's private journal entry of 10 April 1810**

According to his journal, Finucane arrived in the Bay of Islands on the *Experiment* on 7 April 1810. His entry for 10 April reads as follows:

Being instructed to ascertain if any person belonging to the *Boyd* had escaped the massacre, and if so to liberate them from captivity, or if any part of her cargo or stores could be recovered, I set out yesterday morning [9 April] with some of the captains of the ships at present here and 60 sea men well armed for Tippoonah where we arrived before daylight and on landing were received with a discharge of musketry and spears by which we had one man killed and some wounded. We soon cleared the island of its inhabitants. A few were killed and the remainder throwing their arms leaped into the sea and swam to the mainland, leaving their King's house with the presents he had at various times received from our Government and from individuals as a booty to the invaders...

We recovered the Boyd's launch, and several of her papers, together with a quantity of shirts, cloths, bath linens etc...<sup>30</sup>

There was only one person around who could instruct Finucane, his military and civilian superior also aboard the *Experiment* - Lieutenant-Colonel Foveaux.

Deidre Brown argues that the two different dates – March 26 given in the whalers' letter and 9 April in Finucane's journal - represent two separate assaults.<sup>31</sup> This view is contrary to all other circumstantial evidence. Despite the different dates, there are striking overlaps between the whalers' account and the attack described by Finucane. The two accounts were written up on exactly the same day - 10 April. They detail an attack on the same named place – Te Pahi's residence on the island of Te Puna. In both cases, men from several ships were involved. Both accounts commence their consideration of the assault's purpose with the verb "ascertain" and that purpose was virtually identical - to rescue possible survivors and recover goods plundered. They were both met in the same way, described in similar language, by the Te Puna people who "discharged a volley of musquetry and spears" versus "a discharge of musketry and spears". In both accounts, the fleeing Te Puna people are reported to have flung their muskets away. In both accounts, a boat and papers belonging to the *Boyd* were recovered. While in one account the boat was described as a "longboat" and in the other as a "launch", these were synonymous terms for a ship's largest boat.<sup>32</sup>

Further questions undermine the two assaults theory. Following the assault on Te Puna dated 26 March, why would the locals re-occupy the Wairoa Bay island(s), and with (possibly) more *Boyd* survivors? Their vulnerability to British assault was glaringly evident. The Te Puna people would have been weakened from losses of weapons in the first attack, not to mention any warriors killed or wounded. Wharepuni would likely have been destroyed, leaving no places to sleep. Further, once life had been lost, Māori abandoned settlements as tapu. If there were deaths, reoccupation was unlikely. And how was it that the Te Puna people had so many muskets they could throw two sets away in two weeks? Given the pillaging of the island by the whalers in the first assault, how did a second *Boyd* longboat, more papers and considerable weaponry, which Finucane records as purchasing from the sailors who pillaged it to on-sell at a profit, reappear?<sup>33</sup> If a second longboat was captured, where did it go (the first longboat was returned to Sydney by the *Perseverance*) and why did the *Boyd* have two longboats? Lastly, even if a second assault was deemed necessary, why did the whalers hang around for two more full weeks twiddling their thumbs, delaying rescuing possible *Boyd* survivors, before finally launching it?

Unlike the whalers' public letter to Macquarie, Finucane's private diary indicated loss of life on both sides. On 14 April he acknowledged hearing of the death of Te Pahi as a consequence of the attack and further noted a report that 70 people were killed. However, in an interesting choice of language, Finucane offers his view that 70 deaths was "[a] much larger number of his people than I am disposed to believe".<sup>34</sup>

The whalers' letter acknowledged five participating ships. Finucane did not specify the number and names of ships involved, but his account of an expedition inland the day following the assault indicated a party of sixty men, the same number who he reported assaulted Te Puna, in seven boats. If there were one boat per ship, this suggests seven ships were involved.<sup>35</sup>

### **William Leith's letter aboard the *Experiment* of 15 April 1810**



Like Foveaux and Finucane, William Leith was also aboard the *Experiment*, intending to set up a flax business in the Bay of Islands. In a letter to his employers ultimately deposited with the Colonial Secretary in London, as an apparently second-hand account Leith described the attack.<sup>36</sup>

Mr. Mason, late mate of the *Speke*, having offered to take charge of any despatches I might have to send you--he intending to leave this bay in the *Perseverance*--I have entrusted him with the delivery of the case containing the book, and this, my first letter to you.

On 4 April we made the North Cape of New Zealand. On the 5th at sunset we anchor'd at the entrance of the Bay of Islands, after experiencing two heavy gales of wind. Early in the morning of the sixth a friendly chief came on board. From this man with extreme sorrow we learnt the confirmation of the fate of the ship Boyd and crew, the particulars of which I send you herewith. He likewise informed us that 6 ships lay at the upper [Kororareka] part of the bay, names as p'r margin;\* that the boats of the ships had attacked and wounded Tip-pa-hee, destroyed his houses and property, and killed about 60 of his people, -which I find to be correct. The Boyd's longboat and some other articles fell into their hands. The loss on the side of the English is one man killed, by the accidental going off of a musket; a few were slightly wounded. Tip-pa-hee made his escape, it is reported, to Wongaloorah, where the unfortunate remains of the Boyd lays 5 fath'ns under water.

\* *Speke*, *Inspector*, *Atalanta*, *Perseverance*, *Spring-grove*, and *New Zealander*. These ships sailed in company with us.<sup>37</sup>

Leith's letter was dated six days following Finucane's 9 April assault. Yet despite this opportunity, by omission his letter concealed from authority any attack in which the *Experiment* was involved. In fact, Leith reported that he had found out about the only attack on the early morning of 6 April, the *Experiment* having moored at the Bay's entry on the evening of 5 April. By implication, the single attack Leith reports had taken place at some unspecified date prior to his arrival.

Why would Leith not report an attack in which at least one of his shipmates on the *Experiment* were involved (Finucane), especially given its apparent grand success in recovering the Boyd's launch and papers? Again, he is hiding something. Like the captains of the whalers, Leith, who may have been part of Finucane's 9 April assault party (he was with Finucane in the party who went inland on 11 April, after all), was bent on protecting those aboard the *Experiment* from any responsibility for the attack.

### **Mason's report in the *Sydney Gazette and New South Wales Advertiser* of Saturday 28 April 1810**

An account of the assault was provided to the *Gazette* by Mr Mason, mate (and hence second most senior officer) of the *Speke* (to whom Leith had referred in his letter) at the end of April. Mason had arrived in Sydney on the *Perseverance*, which also bore the Boyd's longboat and papers re-captured from Te Puna. In publicly identifying the presence and role of Foveaux and Finucane in the Te Puna attack, Mason's account is notably consistent with that of Finucane's private diary, and inconsistent with both Leith's report and the whalers' letter:

Upon their [the British attackers] landing at *Tippunah*, the district of *Tippahee*, they were opposed by a large body of natives, who in their determination to resist their approach fired on the party, and killed one man, a seaman belonging to the *Inspector*, whose loss was much regretted by Captain Walker, after which provocation however,

a sharp skirmish ensued, in which 16 or 18 natives were killed, but happily no other European was hurt. In this context Tippahee is stated to have been wounded in the neck and breast, but whether mortally or not was not ascertained. Mr. FINUCANE accompanied the party, which he commanded with equal spirit and forbearance, not permitting a single discharge to take place that was not actually necessary to the resistance of assault; and the conduct of the party was highly applauded by the COLONEL [Foveaux], who bestowed on Lieutenant Finucane, the Captains, and their people, the most satisfactory Eulogiums.<sup>38</sup>

Mason provided another largely exculpatory account but also acknowledged significant deaths amongst the Te Puna people. Pointedly, Finucane's journal account of heading the assault is independently corroborated. Whilst eulogising Finucane's control and restraint and Foveaux's endorsement of the action, Mason's account is also designed to publicly identify their responsibilities for the assault. Following their misleading 10 April letter to Governor Macquarie, at least Captain Hingston was having second thoughts about taking sole or indeed primary responsibility. As a senior officer, Mason was probably disengaged from the *Speke* by Captain Hingston to ensure that his story made it into the colonial press. Why else would Mason depart the *Speke* in New Zealand and return to Sydney but to personally carry this news? Mason and Hingston's tacit message to Foveaux and Finucane seems to be that "we're now in this mess together".<sup>39</sup> The conspiracy of the whalers' letter and Leith's report was wobbling.

### **The role of Governor Lachlan Macquarie**

Given the details of Foveaux and Finucane's presence in the Bay of Islands when the massacre occurred had been published in Mason's account in the *Sydney Gazette* on 28 April, it is certain that Macquarie would also have known about it, independent of any briefing by Foveaux. Sydney was a small town of several thousand people, the elite was even smaller, and there wasn't much new reading matter. And Macquarie regularly included *Gazette* material in his Colonial Secretary briefings, including on those involving the *Boyd*.

Following Captain Chace's first report in the *Gazette* of the *Boyd* massacre on 10 March 1810, Macquarie used it to brief the Colonial Secretary Lord Castlereagh on 12 March. On 28 April, the day of the arrival of the *Perseverance* and Mason's *Gazette* account, Macquarie simply noted in his diary (presumably written that evening) its arrival and its confirmation of the loss of the *Boyd* and the massacre of its crew by Te Pahi. There is no mention of any British attack on Te Pahi or Te Puna, despite the whalers' letter which would have been conveyed to Macquarie from the ship and despite the *Gazette* article that day mentioning the involvement of Foveaux and Finucane in an attack on Te Puna. No further diary mention is made of the *Boyd* developments in the days which follow.<sup>40</sup>

There is no direct evidence that Foveaux wrote a briefing on the matter conveyed back to Macquarie on the *Perseverance*. Given Foveaux was a senior British official on the spot following up after the murder of scores of British citizens and given he had an obvious opportunity to communicate considerable new information on events there directly via letter to his successor in Sydney (as indeed the whalers had done in their letter to Macquarie), the lack of a written report is extremely surprising. There is a suggestion that Foveaux may have written such a report in Mason's 28 April *Sydney Gazette* account. Mason described a young Bay of Islands woman as an information source for the British on the *Boyd* massacre. She arrived in Sydney aboard the *Perseverance* as she was said to be "no longer safe from the vengeance of the chiefs". This young woman was, according to the *Gazette*, "recommended by Colonel FOVEAUX to the protection of His Excellency the GOVERNOR-in-CHIEF." It is most

unlikely that Foveaux's recommendation to Macquarie regarding protection of this young woman was made orally via an intermediary and not in writing. If it was a written recommendation, it was likely part of a more comprehensive report to Macquarie on the events discussed above. If so written, Foveaux's report, unmentioned by Macquarie, was mislaid or was destroyed.

On 30 April, two days after Mason's published *Gazette* account of the attack which identified the participation of Foveaux and Finucane, Macquarie wrote a further, more detailed despatch to the Colonial Secretary including a discussion of the *Boyd* affair, enclosing "copies of papers containing a more circumstantial account". Mason's *Gazette* article of 28 April was notably missing from those forwarded papers, which included the whalers' false letter which had been conveyed on the *Perseverance*.<sup>41</sup> Interestingly, Macquarie described Foveaux in this very lengthy despatch as a man of "strict Honour and Integrity", and he would be an ongoing strong supporter of him thereafter for senior positions in the colony.<sup>42</sup> By omission, Macquarie was hiding from London Mason's revelations of Foveaux and Finucane's participation in the attack on Te Puna. Exactly what motivated Macquarie's cover-up decision making is unknown.

### **The depositions of William Smith and Henry Byers of 16 December 1811**

The investigation into the assault eventually led to depositions being taken in London from two sailors involved.<sup>43</sup> These are dated 16 December 1811. It is unclear how these two men came to the attention of the London authorities. The evidence they provided was consistent with the whalers' initial cover-up letter to Macquarie in terms of dates and who participated. But they did acknowledge a massacre. William Smith identified himself as chief mate of the *Inspector* under Captain Walker. He mentioned, in addition to the *Inspector*, the presence of the *Diana*, under Captain Parker, the *Speke* and other unnamed vessels "employed in the Fishing" present in the Bay of Islands at the time of the assault. Each of five ships contributed a boat to the assault on Te Pahi to see if they could recover anything from the *Boyd*. The party was away eight hours and, according to Smith, the island which was their target was about twenty miles distant.<sup>44</sup> He acknowledged that some of the locals were killed. So too was one man from the *Inspector*, named as Joseph Tindal, and a second, Nixon Smith, was recorded as slightly wounded. The assault party recovered the longboat and some stores. William Smith only recalled one other name of those involved – Henry Byers, who made the second deposition, and whose precise London address Smith was able to supply.

Henry Byers was a seaman aboard the *Inspector*. The assault's goal, according to him, was the recovery of the *Boyd*'s stores. Byers attested that five boats were involved. They departed the anchorage at 4 am. The other boats he named were the *Perseverance* and the *Speke*. He indicated that Captain Walker of the *Inspector* gave the orders for the assault and to fire, and that the locals were armed with spears and a musket. The initial British volley killed four locals, leading the remainder to flee the island, swimming to a larger island. The *Inspector*'s and *Speke*'s boats followed the swimmers, killing many in the water. Byers claimed to have fired only five shots and said that his boat's reluctance to kill more people made Captain Walker angry. He personally counted fifteen people killed but could not distinguish between men and women since they were dressed alike. No children were mentioned. Like Smith, Byers named Tindal as accidentally killed and Nixon Smith as wounded and added that Smith subsequently had drowned. He noted that all the huts on the small island and some on the larger island were burned. Byers' overall retrospective judgement on the assault was that it was "a wanton piece of business".



In their similar depositions, neither Smith nor Byers mentioned the participation of Foveaux or Finucane in the attack or the presence of the *Experiment* at their anchorage. Both dated the attack to March. This March dating may be, as Brown believes, there were two attacks, and the first attack was uniquely perpetrated by the whalers. Yet, despite their ship the *Inspector* overlapping in the anchorage with the *Experiment*, neither man mentioned a second joint coordinated attack with it in their interrogation.

Despite this notable omission, Byers mentioned 15 deaths, similar to the 16 to 18 deaths in Mason's *Gazette* report of 28 April 1810 which had acknowledged the presence and roles of Foveaux and Finucane. Equally, the loss of one man on the British side is acknowledged by both Smith and Byers in their depositions and is consistent with Finucane's dairy and Mason's 28 April *Gazette* report. Again, a singular assault is suggested.

Neither Smith nor Byers were forthcoming about the identities of the participants in the assault. Indeed, beyond the captains who would have been already well-known to any investigators, the only two people named – and named by both Smith and Byers – most unfortunately happened to be dead and hence incapable of providing any additional information to an inquiry. The facts that Smith had identified Byers as a person of interest to the inquiry and knew where in London he was to be found suggests some further coordination between them. Like most of the other ships captains and Leith and Macquarie, Smith and Byers were giving away little or nothing to the British government.

Just how the matter had come to the attention of the British authorities, kicking off the abortive criminal investigation, is unclear. Leith's letter which indicated 60 deaths was forwarded to the Colonial Secretary, so that may have been the impulse. Additionally, whether London was aware of Foveaux's and Finucane's involvement is unclear. Macquarie, Smith and Byers had all kept shtum. Both Foveaux and Finucane were back in Britain in the army when the investigation was conducted and were locally available for interviewers. To have found Mason's *Gazette* article revealing the presence of Foveaux and Finucane would have required the copy of Mason's *Gazette* report both getting to London and being read by the investigators. It seems unlikely.

### **Mana and utu: Contemporary Māori understanding of events**

Archaeologist Angela Middleton has characterised the attack on Te Pahi as “an unjustified and bloody act of revenge”, and art historian Deidre Brown has described it as “unwarranted” and an injustice, views reflecting both contemporary British and modern New Zealand moralities.<sup>45</sup> But how might have contemporary Māori perceived the Te Puna massacre, especially in terms of their core organising principles of mana and utu? The answer is rather differently.

They would have known of Foveaux's presence in the Bay of Islands at the time and his importance as a long-time senior soldier and civil servant in the Australian colonies, including him being the immediate previous effective Governor of New South Wales. They would have been aware he was a man of considerable mana. It is thus likely they correctly ascribed a leadership role to him in the massacre. They would have known about the complex background to the Te Puna massacre. In addition to the *Boyd* massacre, their context would have been the history of insults displayed by British whalers toward Te Pahi and others in the Bay of Islands, the respect paid (at least at times) by the British rangatira to Te Pahi in Sydney, and the background to and 1808 massacre of the *Parramatta* crew in the south-eastern Bay of Islands.<sup>46</sup>

In an incident with some similarities, following the December 1773 massacre of Furneaux's men in Queen Charlotte Sound, by not seeking utu when he returned in 1777 Captain James Cook's response was seen as seriously lacking in mana by many Tōtaranui people.<sup>47</sup>

The ultimate revenge taken by Foveaux, Finucane and the whalers on Te Pahi's people may not have seemed unusual or out of place to local Māori. In their cultural world, utu to maintain or enhance mana could be taken on those who had an indirect or even no connection to a precipitating event.<sup>48</sup> Equally, the killing of non-combatants in violent conflicts, including women and children, was also consistent with contemporary tikanga. For contemporary Māori, unlike the British, there was no shame, no social or legal jeopardy arising from massacre, except consequentially in terms of leaving one's people open for possible further utu.

Responsibility for events for contemporary Māori of the time was held to be collective, not individual. The best evidence suggests that Te Pahi was in all likelihood not individually involved in the *Boyd* killings. Yet from a contemporary Māori perspective, at a minimum Te Pahi had a clear group connection to the *Boyd* massacre via his people's acceptance of a significant amount of the plunder which was recovered by the British following the Te Puna assault.

There is also considerable evidence for Te Pahi and his people displaying a pattern of aggression and hostility towards the British both prior to and following the *Boyd* massacre. When the *Lady Nelson* was returning Te Pahi to the Bay of Islands in apparent triumph following his successful first visit to Sydney in 1805, a Tahitian seaman reported Te Pahi had asked one of the local chiefs in the Karikari area to go ashore and get that chief's men to attack the ship.<sup>49</sup> In late 1808, there were attacks on the *City of Edinburgh* which Alexander Berry attributed in part to the Te Puna people.<sup>50</sup> In early March 1810, after the *Boyd* massacre but before the Te Puna attack, Captain Wilkinson of the *Star* fled Mercury Bay following a contretemps, seeking the protection of Te Pahi. Instead of offering protection, Te Pahi's conduct was reported as hostile. A watering party was surrounded by armed locals who unsuccessfully attempted to take the sailors' weapons.<sup>51</sup>

There also may have been further abortive or actual utu following the 9 April Te Puna massacre. For example, shortly after the assault on Te Pahi's island, locals were reported to have killed and eaten three men belonging to the *New Zealander*.<sup>52</sup> The *New Zealander* was one of the whalers associated with the assault, albeit probably after the fact. Additionally, in a visit to the Bay of Islands in late April, Captain Chace was informed of a plot to take his ship the *Governor Bligh*.<sup>53 54</sup>

Lastly, the evidence also suggests that the aftermath of the Te Puna massacre led to war between the Te Puna and Whangaroa people, presumably as the Te Puna people sought further utu there for that extracted from them by the British.<sup>55</sup>

Peace-making was also an important factor for Māori in resolving inter-group disputes. A peace-making process occurred in 1815, when missionary Thomas Kendall mediated between the Te Puna people and Captain Parker (in 1810 of the *Diana*), who by Tapsell's account had shot Te Pahi in the Te Puna massacre.<sup>56</sup> Kendall informed the locals of how the whalers had misunderstood Te Pahi's responsibility for the *Boyd* massacre. This led to a Te Puna local, who spoke good English, pointedly informing Parker of numbers of men, women and children killed in the attack but also who went on to state that they were ready to make peace. Following this process, Parker presented the Te Puna people with some symbolic gifts ("an axe and some

other articles”), and peace was made.<sup>57</sup> Finally and notably, an 1823 peace-making letter to Governor Brisbane from Te Ara (George), the primary Whangaroa chief involved in the *Boyd* events, dictated to and translated by missionary William White, explicitly identified the Te Puna people as shared participants in the *Boyd* massacre:

I went on Shore and told my tribe the Tribe at Whangaroa, the Kiddi Kiddi, Tipponah, and the tribe at Shukianga and they all came to this Place and killed Capt. Thompson and his crew.<sup>58</sup>

Te Ara went on in the translation of his letter to mention “[a] ship came from England to revenge the loss of the *Boyd*” and noted the consequent deaths of Te Pahi, his son and Ruatara. The implication is that those deaths, from his perspective, balanced the accounts. Te Ara then indicated: “[t]hat is enough, let our anger cease”. He wrote that as a token he had sent Governor Brisbane a cloak, a gift of high esteem, and proposed as an equal exchange to seal the deal the reciprocal gift from Brisbane of a fowling piece, another valued gift. The equal exchange he proposed suggests that Te Ara thought that the accounts were sufficiently balanced already.

In massacring Te Pahi’s people, recovering the plundered goods from the *Boyd* and sacking Te Puna, Foveaux had asserted British mana and a British ability to project power across seas and oceans to the Bay of Islands to extract utu. That would have been well understood locally as tikanga-consistent, culturally legitimate behaviour. For example, in advising locals not to plunder the wreck of the *Brampton* in the Bay of Islands in 1823, Ngāti Manu rangatira Te Whareumu informed them they didn’t want to “become odious to all Englishman”, as George (Te Ara) had in attacking the *Boyd*. He immediately followed this remark, likely with the Te Puna massacre in mind, in stating that “Englishmen were well able to avenge their wrongs”.<sup>59</sup> The peace-making by both the Te Puna and Whangaroa people can also be readily understood in this contemporary cultural context. What was “wanton” behaviour to Byers, “unjustifiable” to Middleton and “unwarranted” and unjust to Brown likely appeared comprehensible and indeed normal to contemporary locals.

### **The death toll and the Te Puna massacre**

The death toll reported varies between 15 (personally counted by Byers) and 70 people (as reported to Finucane, with Leith reporting 60 in total). Byers said he fired only five shots during the assault. Musket cartridge boxes of the time typically contained 35 rounds. If sixty men fired an average of ten shots each, that’s a lot of lead. If one in each of these ten shots struck and killed someone, that gives sixty deaths, meaning Byers witnessed about a quarter of the deaths. About 60 to 70 people killed seems a fair conclusion.

In 1815 perhaps a thousand people lived on the Purerua peninsula.<sup>60</sup> Assuming similar numbers in 1810, between 1.5 and 7 percent of the local community had been killed – a significant negative demographic event. Given that the bulk of these people would have been killed while trying to escape in the water – recall only four were killed in the initial British volley before people fled – the Te Puna assault qualifies, like the *Boyd* killings, as a massacre.

Who was killed? In 1815, in the presence of Thomas Kendall, the spokesman for the Te Puna people informed Captain Parker that he had participated in killing many men, women and children. At least nine women had been wounded. “[D]espairing of any mercy”, these wounded women had not been able to swim away. But despite this immobility, they were not killed by the sailors, indicating at least some degree of British restraint.<sup>61</sup> <sup>62</sup> Children must also have been present in the settlement. Even in the absence of testimony from Te Puna locals that they died, it is highly likely that some were killed or drowned. Other visitors to the Bay soon

afterwards also thought that women and children had been killed.<sup>63</sup> Again, this demographic pattern supports the conclusion of a massacre.

## Conclusion

The two apparently separately dated attacks identified on the Te Puna people were one and the same event. That singular assault took place on 9 April 1810, not on 26 March as many historians currently believe. The assault led to a massacre where the involvement of senior British officials was covered up from London by the assaulters with the further connivance of the Governor of New South Wales Lachlan Macquarie.

It has escaped the notice of New Zealand historians that Foveaux was arguably the highest status and most powerful British colonial official ever to visit New Zealand up to that point, even though he was a (very recent) acting Governor of New South Wales.<sup>64</sup> Indeed, he was such until the arrival of William Hobson and his proclamation as Lieutenant-Governor of New Zealand in early 1840.

As a former Lieutenant-Governor and acting Governor of New South Wales, Foveaux would have had a considerable amount of status with the whalers he found in the Bay. As an experienced and senior army man, his military background would have granted him further additional status. These factors mean that, even if he might not have had legal authority over the whalers in the Bay of Islands, he would have held considerable moral authority.

While he was a senior British official engaged in an important matter involving the deaths of considerable numbers of British citizens and of local people, if Foveaux wrote a report to his superiors on the matter it has not survived. He had the clear opportunity to send such a report on the *Perseverance*, which returned to Sydney with the recaptured booty from the *Boyd*. The apparent absence of a report is an extraordinary lacuna – either Foveaux did not write one or Macquarie, having received it, excised it from the record. On balance, the latter is more likely. That Finucane was also less than forthcoming in his diary about what had occurred may reflect the fact that revealing his role in a massacre to his family would have been shameful – behaviour not befitting an officer and a gentleman. Or, through cognitive dissonance, it may have been self-denial.

The lack of any surviving report and the strong evidence of concealment of Foveaux and Finucane's involvement in the assault uncovered above is evidence of a guilty conscience. Exactly what role Foveaux played in initiating the assault or covering up the massacre after the fact is unclear. However, given his personality, allied with his status and experience, his role was highly likely to be an active one, including the drafting of the whalers' dishonest March-dated letter taking sole responsibility and downplaying the incident. It is unlikely he planned a massacre and a cover-up before the fact, but Foveaux's decisions to effectively send out an ill-disciplined civilian posse who Finucane seems to have struggled to control clearly led to one, and that is his responsibility. The decisions that Foveaux and Macquarie made to hide the massacre indicated they knew it would be morally and probably legally regarded as such.

Foveaux does not come out well from this episode. He instructed Lieutenant Finucane to lead a night-time amphibious assault on a settlement – a complex operation, even for an experienced group of military professionals – with a fired-up bunch of civilian vigilantes. What could have possibly gone wrong? A death by accidental discharge and the massacre of scores of people is the answer. If Foveaux's actions had been fully investigated, he may well have been found to

have been criminally liable (along with others) for murder (although there is a legal question of whether British criminal law could be applied to actions of British citizens overseas, an issue which later arose regarding the potential prosecution of Captain Stewart of the *Elizabeth* for aiding and abetting the 1830 massacre of Te Maiharanui's people by Te Rauparaha). Moreover, Foveaux's failure to take direct command of the operation, delegating that to Lieutenant Finucane, opens him up to the accusation of shirking the physical risks which he was commanding others to take. Nor does Governor Macquarie, who covered for Foveaux, come out well from the events.<sup>65</sup> One can only speculate regarding the extent to which the cover-up was directly aided by the actual or perceived power of Foveaux's patron Richard Fitzpatrick.

However, from a Machiavellian perspective the consequences of Foveaux's actions may not have been negative in the longer term for either the British or locals. They would have impressed upon all Bay of Islanders a British ability to rapidly coordinate and project significant lethal force into the Bay from a great distance – *utu* in response to challenges to British mana, demonstrating the power of regional colonial government to act in a forceful and violent manner consistent with contemporary local *tikanga*. As Judith Binney has noted, “the attack on Te Pahi at the Bay served to warn both the Whangaroa and Bay of Islands tribes not to attempt further wholesale slaughters”.<sup>66</sup> “Tit-for-tat” – effectively what the British were playing at in attacking Te Puna – is well recognised as an effective strategy to generate longer-term cooperation.<sup>67</sup> That effective power projection, combined with the threat of the loss of trade, contributed to the relative peace and productive trade between the British and Bay of Islanders, to their mutual advantage, for three decades up until 1845.

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<sup>1</sup> The Australian Massacre Map project defines massacre as “the indiscriminate killing of six or more undefended people in one operation” (<https://humanities.org.au/power-of-the-humanities/the-australian-wars-new-insights-from-a-digital-map/>, downloaded 20/08/2024). Many recent New Zealand historians have avoided use of the word in the context of the *Boyd* deaths. However, it is a meaningful functional description of a certain form of group killing and it is consequently used here. The *Boyd* massacre was indiscriminate in that (1) numerous defenceless people were killed who bore no active responsibility for the act which apparently triggered the massacre and (2) the killings were disproportionate to the triggering event.

<sup>2</sup> The accepted view is that there were about 70 British people aboard the *Boyd* and who were killed in the massacre. Finucane's dairy entry of 10 March 1810 asserts numbers aboard were “at least 100 persons”. See Anne-Maree Whitaker ed., *Distracted Settlement. New South Wales after Bligh. From the Journal of Lieutenant James Finucane 1808-1810*, The Miegunyah Press, Melbourne, 1998, p. 95. The first reference to 70 people comes in J.L. Nicholas, *Narrative of a Voyage to New Zealand*, London, Black & Sons, Volume I, 1817, p. 150: “Not less, I suppose, than seventy human beings were destroyed in this furious carnage”. Alexander Berry, who was on the scene shortly after the massacre and who left several accounts, put the number on board at about 40 (“Adventures of British Seamen in the Southern Ocean”, *Constable's Miscellany*, vol. 4, 1827, pp. 323-53, p. 341). Yet there is no complete crew or passenger list to independently assess numbers. There were 16 named people known to have been aboard as passengers, names derived from a requirement for colonists to advertise from the Sydney papers to ensure that their debts were settled before leaving the colony (Wade Doak, *The Burning of the 'Boyd'*, Auckland, Hodder and Stoughton, 1984, p. 91). The *Boyd* was reported to have had 28 crew in 1795 (see <http://www.1812privateers.org/Great%20Britain/marque1793-1815.pdf>, downloaded 22/12/2024) Assuming the same 28 crew in 1809 plus 16 passengers, makes 44 people aboard. However, children of an uncertain number were also passengers on the ship.



<sup>3</sup> The strongest evidence for this motivation is testimony from Te Ara himself (Te Ara (Maori Chief) d 1827, Letter, Wangaroa, MS-Papers-0983, Alexander Turnbull Library, 6 November 1823). A local Tahitian suggested that there were four or five Whangaroa locals mistreated as crew aboard the *Boyd* (“Destruction of the Boyd”, *Sydney Gazette and New South Wales Advertiser* (SG), Saturday 1 September 1810, pp. 1-2).

In the past often glossed as “revenge”, utu has come to be more richly understood with implications of equivalence, reciprocity and restoration of balance (Angela Ballara, *Taua*, Penguin Books, Auckland, 2003, pp. 82-3). If this form of utu was the sole motive, then balance for Te Ara’s mistreatment could have evidently been restored by a reciprocal beating and (possibly) plundering of Thompson, not his killing. The massacre of scores of people, the cannibalism of at least some of those killed (an act utterly destroying their mana) and the looting and destruction of the *Boyd*’s estimated £40,000 value does not appear to be an equivalent response. What modern definitions of utu miss is its relationship with circumstantial power – power of the powerful to impose on the less powerful their definition of what constitutes appropriate balance and the consequent endorsement and recreation of a social hierarchy.

<sup>4</sup> The name of the island is that used by the British. This name may or may not reflect contemporary Māori usage. There is some evidence for the former in the 1823 letter by Te Ara to Brisbane cited above.

<sup>5</sup> Robert McNab, *From Tasman To Marsden: A History of Northern New Zealand from 1642 to 1818*, J. Wilkie & Company, Dunedin, 1914, pp. 139-47; Anne Salmond, *Between Worlds*, Viking, Auckland, 1997, pp. 390-391.

<sup>6</sup> Foveaux’s enduring legacy in New Zealand is the name of Foveaux Strait, bestowed upon it by sealers whose activities he supported.

<sup>7</sup> Salmond, *ibid.*, p. 373 incorrectly names Finucane as “John” (his first name was James) and wrongly describes him as “a convict artist”.

<sup>8</sup> Anne-Maree Whitaker, *Joseph Foveaux: power and patronage in early New South Wales*, Sydney, University of New South Wales Press, 2000, pp. 128-9. Finucane’s journal was eventually published in 1998. See Whitaker ed., 1998.

<sup>9</sup> Anne-Maree Whitaker, ‘From Norfolk Island to Foveaux Strait: Joseph Foveaux’s role in the Expansion of Whaling and Sealing in Early Nineteenth century Australasia’, *The Great Circle* 26.1 (2004), pp. 51-59, p. 59. See also Anne-Maree Whitaker ed., *ibid.*, 1998, p. xx.

<sup>10</sup> Deidre Brown, ‘Te Pahi’s whare: the first European house in New Zealand’, in: *Fabulation: myth, nature, heritage*: Proceedings of the 29th Annual Conference of the Society of Architectural Historians Australia & New Zealand, Launceston, Tasmania, 5–8 July 2012, Launceston: Society of Architectural Historians Australia and New Zealand, pp. 181–183.

<sup>11</sup> According to Brown (p. 13), the first attack occurred on 1 January 1810 when on leaving the harbour and at the urging of Kororareka rangatira, Alexander Berry’s ship the *City of Edinburgh* “fire[d] the ship’s cannons” at Te Pahi’s island in passing, aiming by implication at his British-supplied house on the island. Brown’s account suggests multiple shots but later indicates a singular shot. Berry wrote of firing “a shotted gun” (Alexander Berry, Account of the destruction of the Ship Boyd, Alexander Turnbull Library, qMS-0163, pp. 10-11). The chances of a single shot from a ship-borne muzzle loading cannon doing damage or causing loss of life at the likely distance is extremely low. Whether this arguably symbolic shot constitutes an attack is a matter of semantics.

<sup>12</sup> Angela Ballara, ‘Te Pahi’, Dictionary of New Zealand Biography, first published in 1990. Te Ara - the Encyclopedia of New Zealand, <https://teara.govt.nz/en/biographies/1t53/te-pahi> (accessed 20 August 2024).

<sup>13</sup> John Savage, *Some Account of New Zealand*, J. Murray, London, 1807, pp. 13-14.

<sup>14</sup> Ida Lee, *Logbooks of the Lady Nelson*, Grafton and Co., London, 1915, <https://gutenberg.net.au/ebooks/e00066.html>.

<sup>15</sup> See Captain James Gordon, Letter to Reverend Samuel Marsden. 8 November 1813. Marsden Online Archive. Last modified October 14, 2014.

[http://www.marsdenarchive.otago.ac.nz/MS\\_0054\\_015](http://www.marsdenarchive.otago.ac.nz/MS_0054_015) and Salmond, *ibid.*, pp. 269.

<sup>16</sup> Salmond, *ibid.*, pp. 368-369.

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- <sup>17</sup> Whitaker, 2000, *ibid.*, p. 15.
- <sup>18</sup> See Leonard Woolf in *The Nation and Athenæum*, Vol. 43, 1928, p. 255.
- <sup>19</sup> For a short earlier biography of Foveaux, see B.H. Fletcher, 'Foveaux, Joseph (1767–1846)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <https://adb.anu.edu.au/biography/foveaux-joseph-2062/text2567>, published first in hardcopy 1966, accessed online 17 August 2024.
- <sup>20</sup> Robert Hughes, *The Fatal Shore*, Vintage, New York, 1986.
- <sup>21</sup> Whitaker, 2000.
- <sup>22</sup> SG, Sunday 17 Jul 1808, p. 2.
- <sup>23</sup> Reverend Thomas Kendall, Letter to Reverend Josiah Pratt. 25 March 1814. Marsden Online Archive. Last modified October 3, 2014. [http://www.marsdenarchive.otago.ac.nz/MS\\_0054\\_035and036](http://www.marsdenarchive.otago.ac.nz/MS_0054_035and036).
- <sup>24</sup> Whitaker ed., p. xx.
- <sup>25</sup> Whitaker ed., Finucane's entry of 21 September 1808, p. 62.
- <sup>26</sup> Whitaker ed., pp. xxiii-xxv.
- <sup>27</sup> For example, Hingston flogged Te Pahi when he falsely believed Te Pahi had stolen an axe. See Captain James Gordon, *ibid.*
- <sup>28</sup> Phillip Tapsell, *Reminiscences*, MSY-6864, Alexander Turnbull Library, p. 28.
- <sup>29</sup> Whalers' letter to Governor Macquarie, in Robert McNab, *Historical Records of New Zealand*, Wellington, Government Printer, volume 1, 1908, pp. 299-30.
- <sup>30</sup> Whitaker ed., Finucane's entry of 10 April 1810, pp. 99-100.
- <sup>31</sup> Brown, *ibid.*, pp. 12-15.
- <sup>32</sup> "The largest ship's boat on a naval ship in 1788 was commonly called the longboat. However by that date many were built with a deep broad hull and were known officially as 'launches'" <https://shfmember.org.au/explore-the-fleet/our-operational-vessels/historic-replica-boats/>, downloaded 16/08/2024.
- <sup>33</sup> Whitaker ed., Finucane's entry of 12 April 1810, p. 104.
- <sup>34</sup> Whitaker ed., Finucane's entry of 15 April 1810, p. 107. There is uncertainty about whether Te Pahi was killed in the assault, died of his wounds or was later killed. His death from a spear wound in an encounter with the Whangaroa people before 28 April 1810 is reported in SG, Saturday 25 August 1810, p. 1. A later account suggests he was killed because of a relationship with a Whangaroa woman. See John King, Dinah Hall, and William Hall. Letter to Reverend Josiah Pratt. 4 October 1810. Marsden Online Archive. Last modified October 3, 2014. [http://www.marsdenarchive.otago.ac.nz/MS\\_0498\\_236](http://www.marsdenarchive.otago.ac.nz/MS_0498_236).
- <sup>35</sup> Whitaker ed., Finucane's entry of 11 April 1810, p. 101. In addition to the whalers' five ships, the other two ships were likely the *Experiment* and the *Spring Grove*. The *Spring Grove* is noted by Leith as leaving the Bay with the other ships on 15 April 1810 and her Captain is identified as an eyewitness to the assault in Captain James Gordon, *ibid.* Leith also mentioned the *New Zealander* as leaving the harbour with the other ships but Tapsell's *ibid.*, account implies she arrived after the attack.
- <sup>36</sup> Leith letter in McNab, 1908, p. 301.
- <sup>37</sup> From the signatories to the letter to Macquarie the *Diana* is missing, and *Spring Grove* and *New Zealander* added.
- <sup>38</sup> SG, Saturday 28 April 1810, p.2.
- <sup>39</sup> There is further evidence in missionary correspondence of Foveaux's presence in the Bay at the time of the assault, suggesting that this fact was broadly known in Sydney circles. See Captain James Gordon, *ibid.*, and Reverend Thomas Kendall, *ibid.*
- <sup>40</sup> Lachlan Macquarie, diary entry for 28 April 1810, ATL MS-Papers-0716.
- <sup>41</sup> See F.M. Bladen, *Historical Records of New South Wales*, vol. VII – *Bligh and Macquarie. 1809, 1810, 1811*, Sydney, Government Printer, 1901, pp. 262-3. The later *Sydney Gazette* account of 25 August 1810, which also did not mention Foveaux and Finucane, and which cleared Te Pahi as an individual instigator of the Boyd massacre, was also forwarded to London, p. 407.
- <sup>42</sup> Bladen, *ibid.*, p. 262.

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<sup>43</sup> Colonial Office CO208/51, pp. 393-397.

<sup>44</sup> It is 12 to 14 kilometres.

<sup>45</sup> See Angela Middleton, no date. Historical and Archaeological Background, Te Puna Proposed Historic Area, Anthropology Department, University of Auckland, no date, p. 5, <https://heritage.nzdl.org/greenstone3/library/sites/hnz/collect/pdf-reports/index/assoc/Middleto/n6.dir/Middleton6.pdf>. and Brief of Evidence of Deidre Brown, Dated 27 October 2016, Wai 1040, #AA26, <https://whangaroapapahapu.org.nz/wp-content/uploads/2023/09/Deidre-Brown-Wai-1040-AA026.pdf>.

<sup>46</sup> See Whitaker ed., Finucane's entry of 14 April p. 106, which attributes the apparent massacre of the *Parramatta* crew to the people of Whangaroa and more briefly Leith, p. 304; Reverend Samuel Marsden and John Besent. Deposition of John Besent Relating to the Loss of the *Parramatta* Schooner, 10 November 1813. Marsden Online Archive. Last modified October 13, 2014. [http://www.marsdenarchive.otago.ac.nz/MS\\_0054\\_017](http://www.marsdenarchive.otago.ac.nz/MS_0054_017). The latter account indicates the *Parramatta* was wrecked between Kororareka and Cape Brett, Besent seems to have seen the wreckage. Besent's and Finucane's accounts are not necessarily inconsistent as the Whangaroa people had a presence in the south-eastern Bay of Islands.

<sup>47</sup> Salmond, *ibid.*, pp. 129-130.

<sup>48</sup> Ballara, *ibid.*, pp. 82-3.

<sup>49</sup> Lee, *ibid.*

<sup>50</sup> Alexander Berry, *Reminiscences of Alexander Berry*, Angus & Robertson, London, 1912, p. 43, p. 100.

<sup>51</sup> SG, 31 March 1810, p. 2.

<sup>52</sup> Reverend Samuel Marsden, Journal: Continuation of Reverend Samuel Marsden's Second Visit to New Zealand. Marsden Online Archive. Last modified October 3, 2014. [http://www.marsdenarchive.otago.ac.nz/MS\\_0176\\_003](http://www.marsdenarchive.otago.ac.nz/MS_0176_003).

<sup>53</sup> SG, 25 August 1810, p. 1.

<sup>54</sup> Brown's account of the events surrounding the attack on Te Pahi in her brief of evidence to the Waitangi Tribunal makes no reference to either the complexities or deep ambiguities of Te Pahi's engagements with the British, nor analyses it as locals may have perceived it at the time.

<sup>55</sup> Reverend Samuel Marsden, Marsden's Account of his First Voyage to New Zealand, 20 June 1815, Marsden Online Archive, last modified October 3, 2014, [http://www.marsdenarchive.otago.ac.nz/MS\\_0055\\_004](http://www.marsdenarchive.otago.ac.nz/MS_0055_004), p. 12

<sup>56</sup> Tapsell, *ibid.*, p. 29.

<sup>57</sup> Kendall, *ibid.*

<sup>58</sup> Te Ara (Maori Chief) d 1827, Letter, Wangaroa, MS-Papers-0983, 6 November 1823. Salmond, *ibid.*, p. 393 concludes that "[t]he truth of this matter can never be finally known" but clears Te Pahi from *personal* involvement.

<sup>59</sup> SG 1823, 25 December, p. 3.

<sup>60</sup> See Simon Chapple, 'Is a Māori contact-era population of 100,000 too low? Evidence from population density analogues', *Asia-Pacific Economic History Review* 64.1 (2024), pp. 94-112.

<sup>61</sup> Kendall, *ibid.*

<sup>62</sup> Marsden's account, that the whalers "murdered every man and woman the[y] could find" is contradicted by the Te Puna locals' evidence. Marsden also claimed that Te Pahi was hit seven times and died from his wounds, also almost certainly inaccurate. See Marsden, Reverend Samuel. Journal: Reverend Samuel Marsden's First Visit to New Zealand in December 1814. Marsden Online Archive. Last modified October 3, 2014. [http://www.marsdenarchive.otago.ac.nz/MS\\_0176\\_001](http://www.marsdenarchive.otago.ac.nz/MS_0176_001).

<sup>63</sup> J.L. Nicholas, *Narrative of a Voyage to New Zealand*, James Black & Son, London, vol 1, 1817, pp. 298-99.

<sup>64</sup> As Lieutenant-Governor of Norfolk Island, Philip King briefly visited Northland in 1793 without going ashore.

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<sup>65</sup> Brown's claim in her Waitangi brief that the Te Puna massacre was "likely endorsed by the Crown" is contradicted by the evidence. As shown here, the massacre was concealed from higher authority and deliberately minimised by the whalers, Leith and Macquarie. Plus there was a police investigation, which also met with concealment by witnesses. None of that amounts to Crown endorsement – indeed the opposite.

<sup>66</sup> Judith Binney, Christianity and the Maoris to 1840: A comment. *New Zealand Journal of History* 3, no. 2 (1969), pp. 143-165, p. 161.

<sup>67</sup> Robert Axelrod, 'The emergence of cooperation among egoists', *American political science review* 75, no. 2 (1981), pp. 306-318.