In the classic 1983 movie *Utu* the central character, Te Wheke, embarks on a bloody and ruthless campaign to seek satisfaction for the murder of his family by British troops during the New Zealand Wars, including one chilling and vivid scene in which he enters a church where a Pākehā priest is preaching to his Māori congregation, hacks off his head with a tomahawk and places it on the pulpit as he proceeds to deliver a sermon of his own (Martin and Edwards 1997, Reid 1986, Shadbolt 1982). Although there are some key differences, this scene draws unmistakably (if freely) on the received version of the murder of German-born missionary Carl Sylvius Völknner at Ōpōtiki on 2 March 1865. Völknner, according to this interpretation, was the victim of a fanatical adherent of the Pai Mārire (or Hauhau) faith. Kereopa Te Rau, so this story goes, arrived at Ōpōtiki late in February 1865 as one of the leaders of a party seeking converts to the new religion, and quickly gained a strong hold over the local tribes. When Völknner returned from Auckland a few days later in the company of fellow missionary Thomas Samuel Grace, the pair were seized and imprisoned.

Kereopa is said to have ordered Māori assembled at a meeting later that evening to execute their missionary and the following morning Völknner was taken to a nearby willow tree and crudely hanged for more than an hour, before his dead body was taken down, and dragged to the side of the church, the head hacked off with a tomahawk under Kereopa’s supervision and carried inside, where Kereopa plucked out the eyes and swallowed them (Walker 2007: 86). According to differing accounts, Kereopa is said to have labelled one eye the Queen and the other British law or in other versions the governor and the general (Clark 1975: 40, Oliver 1990: 503). What is beyond dispute is that Kereopa was among the crowd assembled around the willow tree, that he had assented to the killing and that he swallowed the missionary’s eyes, a ritualised and symbolic act of contempt for which he would later earn the sobriquet “Kai-whatu” (“Eye-eater”). Kereopa had been a party to the murder, then—that much is clear. But had he instigated it?

To answer this question fully would require a detailed and painstaking examination of the complex series of events that led to Völknner’s death. In my view, no historian has yet to undertake a study of sufficient depth to reach any confident conclusions as to what took place at Ōpōtiki in March 1865 (though...
Paul Clark perhaps comes closest). This paper has a more modest purpose, firstly, to consider whether the evidence presented at Kereopa’s trial was sufficient to prove beyond reasonable doubt that he had assumed such a role as the instigator of the murder and, secondly, to consider the circumstances leading up to his eventual execution. Kereopa pointed the finger at several others, alleging their involvement in the killing, but there is no attempt here to either prove or disprove such allegations.

Kereopa Te Rau belonged to the Ngāti Rangiwewehi people of Te Arawa, taking the name Kereopa (Cleophas) when baptised by Catholic missionary Father Euloge Reignier some time during the 1840s (Oliver 1990: 503). He probably served as a policeman in Auckland in the 1850s, and his wife and two daughters are believed to have been killed in the British attack on the Waikato village of Rangiaowhia on 21 February 1864 (an attack hotly condemned by Kingitanga leaders as the settlement was considered a place of refuge for women, children and the elderly and was left largely undefended in consequence). One day later Kereopa was present at Hairini, during a further British attack in which his own sister was killed by British troops. Like the fictional character Te Wheke, these killings were said to have filled Kereopa with an intense hatred of the British, combined with a desire for utu (satisfaction, payment).

Months later Kereopa became an early convert to the Pai Mārire faith of Taranaki prophet Te Ua Haumene, a religion which drew freely on Old Testament theology, identifying Māori with the Jewish people driven from their lands and promising deliverance and a return to Canaan for true believers. At the end of 1864 Kereopa joined a number of emissaries instructed to introduce the new faith to the people of the East Coast. Although Te Ua had issued clear instructions that Pākehā were not to be harmed and that the party were to spread a message of peace, it was during the course of this fateful journey that Völknner was killed. The missionary was accused of spying on the local tribes, and had certainly provided detailed accounts of their movements to the government, as well as forwarding it a carefully drawn plan of the Rangiaowhia Pā weeks before it was brutally invaded by British troops (Clark 1975: 35). A posthumous trial was conducted and witnesses called to give evidence justifying the decision to execute Völknner, though according to some sources the missionary was confronted with the evidence against him prior to his death (Clark 1975: 38, Grace 1865: 75,).

Kereopa then continued on his mission to Turanga (Gisborne), and spent some time in the Urewera district before later attempting to make his way to the Waikato. He was now a marked man, however, given widely reported rumours of his role in instigating Völknner’s death, and was forced back by
government allies on the Kaingaroa plains, marking the start of a lengthy period in which Kereopa claimed sanctuary in Te Urewera.

In November 1871, a handful of Tūhoe chiefs, worn down by years of scorched earth campaigns directed against them and desperate to restore peace to their ravaged district, handed Kereopa over to government allies. While being transported out of the district Kereopa was said to have repeatedly protested his innocence, declaring that he had not sinned nor done anything contrary to Māori custom in times of war (Cowan 1983: 456). He was taken to Napier at the end of the month, and arrangements made for a special sitting of the Supreme Court there. Napier had been chosen to maximise the political impact on other Māori, with Auckland or Wellington rejected as potential venues on the grounds that a hearing in either place was thought less likely to achieve such an outcome. From the outset, then, government officials treated the trial as a matter of great political significance. Kereopa’s arrival at Napier on the evening of 26 November created something of a sensation in the town. He had been branded a notorious rebel, murderer and cannibal from the time of Völkner’s killing in 1865, and had been hunted down mercilessly for more than six years, his movements being widely reported in the colonial press. In these circumstances, Kereopa’s prospects of obtaining a fair trial were slim to begin with, especially before a jury composed solely of Pākehā men.

Kereopa’s difficulties were compounded by the government’s clear determination to secure a guilty verdict, and indeed, by the apparently unshakeable belief of leading officials that this was the only possible outcome of any trial. The Attorney-General, James Prendergast, certainly appears to have been of this view, even though instructions to officials regarding the Crown case against Kereopa set out strict criteria as to the nature of the evidence necessary. Prendergast instructed that:

> The nature of the evidence required to convict Kereopa is that he was present at the meeting before the murder and ordered the murder and that he was present at the murder and ordered the hanging. It is of the utmost importance to prove that he was present at and ordered the hanging: it will not be enough... that he abused the body after death by cutting off [the] head, tearing out the eyes or otherwise.

Although there could be various explanations for why Prendergast wanted to prove that Kereopa was not merely an accessory to the murder but its prime instigator, two obvious factors seem foremost. Firstly, the government was looking not merely to secure a conviction but to justify Kereopa’s execution. Secondly, and more embarrassing perhaps from the government’s perspective, nearly all of the Māori witnesses who would give evidence
against Kereopa were themselves alleged to have taken a prominent part in Völkner’s killing. Their dubious role in the trial could surely be justified only if Kereopa’s culpability for the murder was proven to be much greater than that of any other person.

Understandably perhaps, many of those potential witnesses proved reluctant to possibly implicate themselves by testifying at the trial, prompting Prendergast to issue an undertaking that “any witnesses who can prove [the] case against Kereopa will be pardoned be they who they may.”5 It does not appear that this arrangement was shared with the presiding judge, jurors or defence counsel, even though it was surely material in weighing up the evidence of such witnesses.

Worse followed for Kereopa’s prospects of avoiding the gallows. Soon after his arrival at Napier, Kereopa requested a number of individuals be brought to Napier to testify for the defence. They included several members of the Whakatōhea tribe from Ōpōtiki, along with Grace (who had been spared Völkner’s fate and managed to escape) and Patara Raukatauri from Taranaki, another leading Pai Marire emissary during the journey to the East Coast.6 This request was rejected by Prendergast, who declared that none of those named would be able to prove Kereopa’s innocence. Not only had the Attorney-General decided the case in his own mind and effectively declared Kereopa guilty before the case even went to trial, but by his decision not to assist in bringing the potential defence witnesses to Napier he had also in effect largely decided the outcome of the trial itself. No witnesses appeared for the defence.

The Attorney-General was at least concerned enough about the appearance of justice to agree to pay £20 to secure defence counsel for Kereopa, though G. E. Lee of Napier had a matter of just days to prepare a case. On 11 December 1871 Kereopa appeared before a preliminary trial, before being committed to stand trial in the Supreme Court ten days later (DSC 20 December 1871: 3). On 21 December 1871 a grand jury was selected to determine the charges Kereopa should face. They promptly determined that Kereopa should stand charged with the murder of Völkner, a finding that Judge Alexander Johnston barely stopped short of directing them to reach. There was “no doubt”, he declared, “that if Kereopa was not actually engaged in the crime he was near enough to the scene to make him an accessory before the fact” (WI 27 December 1871: 2). A special jury was then empanelled straightaway, and, somewhat remarkably, included some of the members of the grand jury, prompting nervous Crown officials to later consult case law on the matter. Kereopa, of course, would have been unaware of any possible legal impropriety here, and his lawyer does not appear to have raised any objection to the special jury. In fact, it is difficult to discern what, if any, role Lee had played to date.
In an indication of the importance placed on the case, Prendergast personally represented the Crown. He alleged that Kereopa had instigated the murder of Völkner and that the evidence of the Māori witnesses “would show that the seizure of the ship” the Eclipse (which had returned Völkner to Ōpōtiki) “and detention of those on board were by order of Kereopa” (WI 27 December 1871: 2). The only problem with this statement is that several of those witnesses actually testified that Kereopa was absent from Ōpōtiki at the time the Eclipse arrived. And a mate on the vessel, though not asked to testify at the trial, subsequently informed his local newspaper that Kereopa was indeed absent (WI 29 December 1871: 3). The discrepancy was hardly a minor one: either local Māori had, or had not, determined to (at the very least) seize and imprison the missionaries by themselves, without Kereopa present to supposedly direct them to take such a course. None of the Māori witnesses fully disclosed their own roles at the time of Völkner’s death and one of those widely assumed to have been directly implicated through having tied the missionary up denied that he had fallen under the sway of the Pai Marire faith. Only one Māori witness admitted to having joined the religion, though he claimed that “the conduct and talk of Kereopa was the cause” (WI 28 December 1871: 2). Judge Johnston, in summing up, told the jury that had the evidence solely relied upon those who had succumbed to “Hauhauism” as this one witness confessed, then he would have declared it necessary to reflect on what credit if any could be placed on such testimony (WI 28 December 1871: 2). There was one further witness, the only European to testify during the trial, whose evidence Johnston declared “would probably be sufficient to satisfy them” as to Kereopa’s involvement in the murder.

Maurice Levy was captain of the Eclipse. He testified that when the vessel arrived at Ōpōtiki Kereopa had been present and had declared that he would kill every minister and soldier he came across. Völkner would be killed and Grace “crucified”, though Levy and his brother were informed by Kereopa that they would be spared because they were Jews. He further claimed that he witnessed Völkner being strung up on the willow tree under the direction of Kereopa and after turning away next saw the missionary hanging, before later seeing the head being hacked off, again under Kereopa’s direction. Quite why any Pākehā, even a Jewish one, would be allowed to witness such incriminating scenes was not explained and Levy was said to have admitted to one of the other sailors that he had not seen the murder (WI 29 December 1871: 3). Grace later wrote that during his detention at Ōpōtiki he felt safer with the Māori there than with Levy. He, the vessel’s mate, and other observers accused Levy of exaggerating key details, perhaps (as Paul Clark suggested) in order to “dissociate themselves from the act by making it seem to Victorian New Zealanders too horrendous even for Jews to endorse”
(Clark 1975: 39). Even allowing for a strong dose of anti-Semitism, there was much about Levy’s testimony that simply did not stack up.

Lee’s address for the defence failed to note the glaring contradictions in the evidence presented. He admitted that there was no doubt Kereopa was present, but the question was whether he had instigated the murder. Perhaps in an oblique reference to many of the prosecution witnesses, Lee added that if Kereopa was guilty, then there were many others equally guilty along with him. The fact was, he asserted, that Kereopa “was out of his senses, and knew not what he was doing” at the time of the murder (WI 28 December 1871: 2). Kereopa then addressed the Court. He declared that all but one of the Māori witnesses were “Hauhaus”, arguing that local Māori had determined to kill Völkner on their own initiative and claiming to have saved Grace from a similar fate. Such evidence failed to convince the jury, which took all of ten minutes to return with the inevitable verdict of guilty before Kereopa was sentenced to death.

It would seem that Kereopa had also assumed such a fate was inevitable from the moment of his capture. On his arrival at Napier Gaol at the end of November, Kereopa produced a concealed razor and drew it across his throat. Not one, but three local doctors were rushed to the scene to bandage the wound and ensure Kereopa would be well enough to stand trial (DSC 29 December 1871: 6). Thereafter two European inmates took turns sitting with Kereopa around the clock in order to ensure he was not able to harm himself again. Both men subsequently had their own prison sentences reduced in recognition of their role in helping to ensure that Kereopa lived long enough for the Crown to execute him.

Kereopa was one of dozens of Māori sentenced to death for actions arising out of the New Zealand Wars in the 1860s and early 1870s. Mokomoko and four others had already been executed in May 1866 for their own alleged involvement in the killing of Völkner, but in the majority of cases the Royal Prerogative of Mercy was exercised and the sentences commuted. There was hardly a public outcry for mercy to be shown in this case, though former missionary William Colenso was one perhaps surprising exception. One day after the verdict he wrote to the governor:

> It is highly doubtful whether Kereopa committed the various acts charged against him; or, if, in some degree, he did, whether such have not been both greatly exaggerated and colored [sic] by the Ōpōtiki tribe in order to remove as far as possible from themselves...the stigma of such an atrocious crime.”

Colenso’s lengthy public argument, published in a number of newspapers, suggested that Völkner had been a victim of war; many other Māori guilty of similar crimes had subsequently been pardoned; and the Ōpōtiki people had already paid heavily for their involvement through the killing of more than 50 of their number in subsequent Crown reprisal raids on the district (not to
mention later land confiscations). In this way Völknern’s death had already been more than avenged.

But Colenso’s appeal for Christian justice tempered with mercy was not shared by others and when Judge Johnston’s sentence was considered by the Governor-in-Council on 26 December 1871 it was promptly approved. Given the manner in which the Crown had relentlessly hunted Kereopa for more than six years prior to his eventual capture, the decision to allow his execution to proceed was not especially surprising. Decisions by Crown officials to proceed with a hasty trial, to grant pardons to all those allegedly implicated in killing Völknern in return for securing a conviction, and to refuse requests to assist in getting defence witnesses to the Court, had substantially contributed to Kereopa’s failure to receive a fair trial. But even if the verdict was accepted at face value, questions still arose as to the extent to which the evidence presented during the trial proved beyond reasonable doubt that Kereopa had instigated the murder of Völknern and had actively participated in its perpetration, rather than merely being some kind of accessory to the fact. It is not apparent that the Governor-in-Council gave any consideration to these sorts of questions before approving the execution of Kereopa.

At 8am on the morning of 5 January 1872 Kereopa Te Rau was executed at Napier Gaol. Mother Mary Aubert of the Sisters of Mercy attended upon him during the previous night (Munro 1996: 122-25, 2009: 72-76), and although no Māori were present at the execution and Kereopa made no final statement at the gallows, in the days before he wrote to his own people, Te Arawa, and close allies Ngāti Haua, in both letters continuing to deny responsibility for killing Völknern. Much as Völknern’s death was described as a murder, Colenso was right: he had been a victim of war, just as Kereopa Te Rau ultimately also was, albeit this time dressed in the cloak of English judicial procedures. Whether, however, there was any real difference between the “trial” Völknern had received after being marched off to the willow tree in March 1865 and Kereopa’s appearance in Court in Napier six years later prior to his own execution is perhaps a moot point.

NOTES

Abbreviations:
Archives NZ=Archives New Zealand, Wellington
DSC=Daily Southern Cross
WI=Wellington Independent

1. An alternative version has it that Kereopa had agreed to Tuhoe plans to hand him over to authorities as payment for the blood shed by the Urewera people and as a way of bringing peace to the district, before reneging on this and being captured
and handed over to Rapata Wahawaha (Oliver 1990: 503). Judith Binney (2002: 256) has queried this interpretation, and Kereopa’s own letters on the subject merely declare that some of the Tuhoe chiefs handed him over to the Ngati Porou chief. Kereopa Te Rau to “all Ngati Haua”, 3 January 1872, AGG-HB 7/2H, Archives NZ; Kereopa Te Rau to “all the Arawa”, 4 January 1872, AGG-HB 7/2H, Archives NZ.

2. J.D. Ormond to Donald McLean, 27 November 1871, J 1/1873/636, Archives NZ.
3. Although the Juries Act 1868 had made provision for Maori to sit on juries, as Alan Ward (1974: 219) notes, this was effectively stymied for many years by the failure of Crown officials to pass the necessary regulations to give effect to this change.

5. G.S. Cooper to H.T. Clarke, 4 December 1871, J 1/1873/636, Archives NZ.
6. Ormond to William Gisborne, 29 November 1871 (telegram), J 1/1873/636, Archives NZ.
7. William Colenso to Governor Bowen, 22 December 1871, J 1/1873/636, Archives NZ.

REFERENCES


Daily Southern Cross, 1871.

Grace, Thomas Samuel, 1865. “[Journal of] Mr Grace’s Imprisonment at Opotiki”, n.d., encl. in Grey to Cardwell, 27 April 1865, Great Britain Parliamentary Papers, 1866 [3601], pp. 72-79.


Reid, Nicholas, 1986. *A Decade of New Zealand Film: Sleeping Dogs to Came a Hot Friday*. Dunedin: McIndoe.


*Wellington Independent*, 1871.

**ABSTRACT**

Kereopa Te Rau is a notorious figure in New Zealand history. Hanged at Napier Gaol in January 1872 for the murder of Opotiki missionary Carl Sylvius Völkner more than six years earlier, his guilt is often assumed to be clear cut. This article examines the background to Kereopa’s trial and the evidence presented at it in an effort to consider whether his guilt was indeed proven beyond reasonable doubt. What chance did Kereopa Te Rau ever stand of avoiding the gallows?

*Keywords: Kereopa Te Rau, Carl Sylvius Völkner, Pai Mārire, New Zealand Wars*
The singing of waiata, of songs and chants, has always been an integral part of Maori life. Today waiata are heard in formal ceremonies on marae, in business or political meetings, and at casual, social events. But their texts alone make fascinating reading as an archive of historical, cultural and tribal life.

Over a period of forty years Sir Apirana Ngata, of Ngāti Porou, distinguished leader and scholar, collected and recorded hundreds of songs and chants from the iwi of Aotearoa which became the four volumes of Ngā Mōteatea. The first three volumes included translations and annotations by Ngata and the Ngāti Maniapoto scholar, Pei Te Hurinui Jones. The contents of Part Four, the fourth volume, were not available until after the deaths of Ngata and Pei. It was first published in 1990 as an edition of the Maori texts, edited by Tamati Maturangi Reedy from Ngata’s manuscripts, but without translation to English.

Now, for the first time, this new edition of Part IV comes with a translation of the waiata and annotations by Hirini Moko Mead, of Ngāti Awa. A scholar of rare and special expertise in Maori language and culture, he has also made important additions to the annotations. The translation to English opens up to a wide readership of Maori and non-Maori, nationally and internationally, the beauty of the poetic language of the waiata and a wealth of information about historic events and cultural practices of Maori life.

This is the last volume of a complete, new edition of this national treasure of Ngā Mōteatea, published by Auckland University Press in association with the Polynesian Society. The largest and most comprehensive collection of Maori waiata, it offers an enduring record for the practice of Maori waiata and teaching of tribal history, and a unique contribution to New Zealand poetry. This volume, like those preceding it, is a rich resource for continuing research and scholarship into the Maori poetic tradition, the language and the culture. It offers prime texts for the teaching of Maori language, literature and tribal history and serves as an inspiration for contemporary composition and performance.

This completely redesigned and reset edition of Part Four preserves the integrity of Ngata’s texts and commentary. Two audio CDs of the waiata in this volume, collected by Mervyn McLean, and held in the Archive of Maori and Pacific Music at the University of Auckland, are included.