

# Ockhams Sampler

Extracts from  
the finalist books in the  
**General Non-Fiction Award**  
at the 2023 Ockham New Zealand  
Book Awards

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## The General Non-Fiction Award

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The General Non-Fiction Award at the Ockham New Zealand Book Awards recognises excellence in primarily text-based non-fiction work from one or more authors. The winner of the 2023 award will receive \$12,000 in prize money.

Judging the category this year are writer and award-winning columnist Anna Rawhiti-Connell (convenor); prize-winning author, academic and researcher Alison Jones; and historian Professor Te Maire Tau (Ūpoko of Ngāi Tūāhuriri, a hapu of Ngāi Tahu).

The judging panel says the diversity of form in the General Non-Fiction shortlist showcases the breadth of non-fiction writing in New Zealand, and a mastery of craft. "Each finalist offers an evolution and an innovation – whether it be in form and style, command of language and storytelling or in what they contribute to our shared knowledge and understanding of ourselves and each other."

This Ockhams Sampler gives you a taste of the writing craft at play in each of this year's shortlisted books in the General Non-Fiction category. You can read the judges' comments about each finalist in orange at the start of that title's extract.

Look out for samplers of the finalists in the other three categories in the Ockham New Zealand Book Awards. As they are rolled out in the coming weeks, you will find them here:

[www.issuu.com/nzbookawards](http://www.issuu.com/nzbookawards)

[www.anzliterature.com](http://www.anzliterature.com)

<https://www.nzbookawards.nz/new-zealand-book-awards/resources/>

# Contents

4

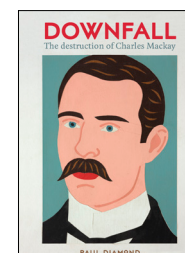


**A FIRE IN THE BELLY OF HINEĀMARU: A COLLECTION OF NARRATIVES ABOUT TE TAI TOKERAU TŪPUNA**

Melinda Webber and Te Kapua O'Connor

Published by Auckland University Press

12

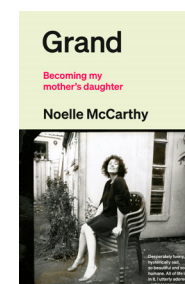


**DOWNFALL: THE DESTRUCTION OF CHARLES MACKAY**

Paul Diamond

Published by Massey University Press

20

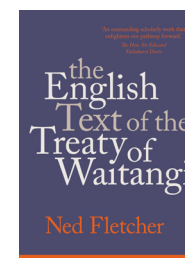


**GRAND: BECOMING MY MOTHER'S DAUGHTER**

Noelle McCarthy

Published by Penguin, Penguin Random House

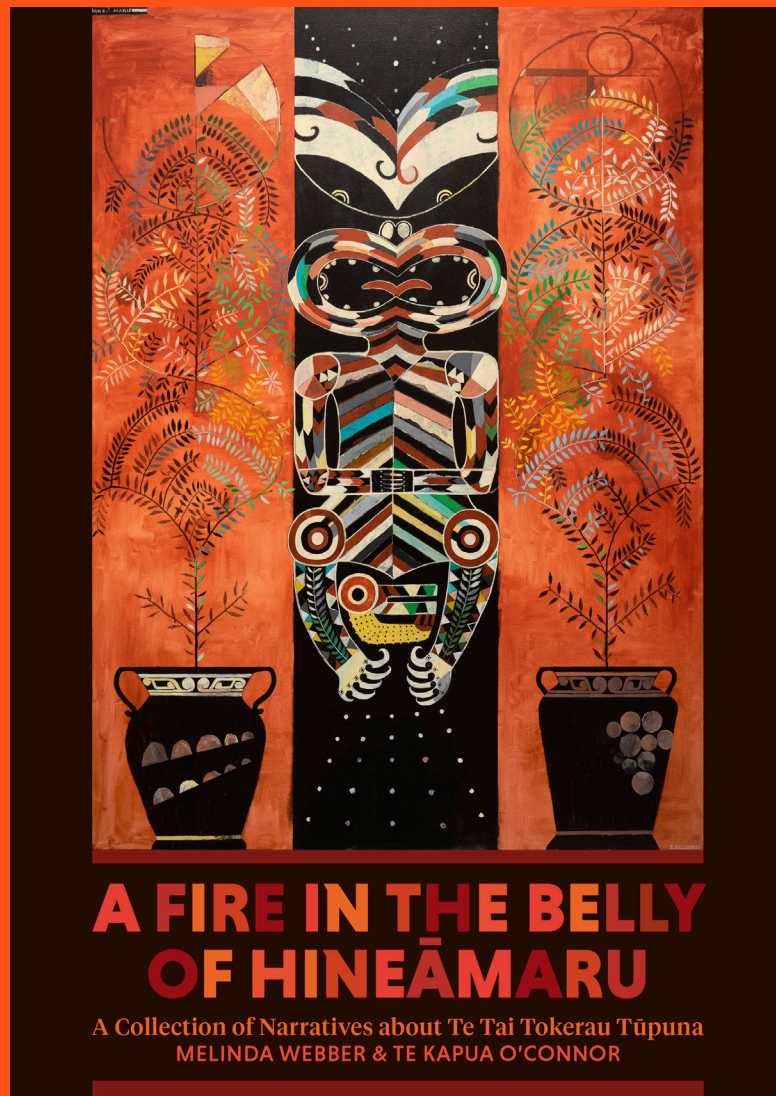
28



**THE ENGLISH TEXT OF THE TREATY OF WAITANGI**

Ned Fletcher

Published by Bridget Williams Books



Published by **Auckland University Press**

# A Fire in the Belly of Hineāmaru: A Collection of Narratives about Te Tai Tokerau Tūpuna

5

## JUDGES' COMMENTS

An exquisite and innovative book that uses a form of storytelling, pūrākau, to construct further stories that elucidate and challenge. It adds a layer of narrative truth to what we know about Te Tai Tokerau and, more importantly, shifts existing perceptions. It reveals the richness of knowledge in whakapapa which, especially for Te Tai Tokerau rangatahi, will spark significant personal and collective inspiration.

Extracts from Preface and 'Audacious  
and Inventive Thinkers' overleaf

E kore e mōnehunehu te pūmahara ki ngā momo rangatira o neherā  
nā rātou nei i toro te nukuroa o Te Moana Nui a Kiwa me Papa Tū a  
Nuku. Ko ngā tohu o ō rātou tapuwae i kākahutia ki runga i te mata  
o te whenua – he taonga, he tapu

*Time will not dim the memory of the special class of rangatira of the past  
who braved the wide expanse of ocean and land. Their sacred footprints  
are scattered over the surface of the land, treasured and sacred*

6 While writing *A Fire in the Belly of Hineāmaru* we used Sir James Hēnare's words above as a call to action, an instruction to celebrate our unbroken connection to our histories, our lands, and our esteemed ancestors. 'A fire in the belly of Hineāmaru' is a metaphor referring to Hineāmaru's tenacity in the face of adversity. As rangatira of her hapū, her burning desire to see her people flourish drove her to guide them from the west coast to the east as they searched for a new home. From a te ao Māori perspective, emotions, drive, and mauri are felt in the belly – and from these spring thought, deliberation, and action. The journey took some years to complete, but they eventually found fertile land and grew flourishing crops in Waiōmio. In recognition of her leadership, her people became known as Ngāti Hine. Hineāmaru's status as a rangatira also urges us to acknowledge and celebrate the many female leaders throughout Te Tai Tokerau and the integral role that they have played in our history.

The title of the book was influenced by the teachings of Melinda's stepfather Henare Mahanga. Henare tutored a kapa haka group called Te Kupenga, also known as the Ngāti Hine Midgets. On noho marae, Henare would share whakapapa kōrero related to the carvings in whare tūpuna. Melinda can remember drawing pictures of Hineāmaru with a fire in her puku to represent her fierce spirit. That is how this book came to be called

*A Fire in the Belly of Hineāmaru.* Ngā mihi i ērā akoranga e Henare.

7 Through this research we have immersed ourselves in rich stories like Hineāmaru's and been taken to a Te Tai Tokerau of long ago. We were transported to sit side by side with Nukutawhiti in the waka hourua *Ngātokimatawhaorua*, observing the stars that guided our people from Hawaiki to Te Hokianganui a Kupe. We travelled with Āraiteuru's thirteen taniwha sons, whose curiosity created the many rivers that flow into Hokianga today. We watched with bated breath as Tūmatahina wove a rope long enough to reach from a besieged Murimotu to the mainland, saving his people from capture or death. We were then transported many hundreds of years ahead, and saw rangatira such as Pūmuka pick up the pen to sign He Whakaputanga o te Rangatiratanga o Nu Tirenī on 28 October 1835. Five years later, Hone Heke Pōkai arrived at Waitangi and became the first rangatira to sign Te Tiriti o Waitangi on 6 February 1840. A few months later, in Kaitiāia, we watched the illustrious female rangatira Ereonora also endorse Te Tiriti, influencing many other leaders to sign on the day. Things were to change – but our Rangatira were used to change. Rāwiri Taiwhanga became Aotearoa's first dairy farmer in Kaikohekohe. Āperahama Taonui suggested we implement Mākana Tāta (his version of the Magna Carta) to protect our tino rangatiratanga. Te Ruki Kawiti formed an alliance to fight off the much larger army of British troops in three battles in inland Pēowhairangi (Bay of Islands). Apihai Te Kawau used his diplomacy and political nous to invite the Crown to live in partnership with Ngāti Whātua in Tāmaki Herenga Waka.

These names were known to us, but the ingenuity of their deeds was largely unknown. We had been taught that our ancestors drifted here and washed up on these shores emaciated and unwell.

We were told that the blood that ran through our ancestors' veins instilled an unquenchable thirst for war. We listened to stories of ancestors who were said to have sold their lands for a petty sum. We were supposed to acquiesce, to grow quiet, and keep our eyes on the ground. But our ancestors wouldn't let us. They wouldn't allow us to listen to lies, hear tales of defeat, or feel ashamed to be Māori.

In 2016 we began our research. We have gleaned important information from hundreds of books, theses, and manuscripts by authors from Te Tai Tokerau, including our own whānau manuscripts. We have spent hours watching film and television programmes from the north. In the archives and museums, we have carefully copied out whakapapa and hapū narratives by hand. We have learnt and recited multiple waiata, karakia, whakataukī, and pepeha. We have attended whakapapa and reo Māori wānanga in the north and discussed our emerging narratives with our whānau.

We begin this book by acknowledging the whakapapa connections between both authors, as an example of the intertwining and overlapping whakapapa that bind us all throughout Te Tai Tokerau. One of Melinda's iwi affiliations is Te Paatu ki Pāmapūria and one of Te Kapua's is Ngāti Kurī. Both Te Paatu and Ngāti Kurī are iwi based in Te Hiku o Te Ika (the tail of the fish), also known as Muriwhenua (the end of the land). In the past, some Ngāti Kurī and Te Paatu hapū lived peacefully side by side at Ūtia pā, which is close to Hukatere, on the shores of Te Oneroa a Tōhē. The peoples of Te Paatu and Ngāti Kurī maintain a close relationship and have overlapping territories to this day. Relationships of this nature are present throughout many hapū and iwi of Te Tai Tokerau. It is often said that as hapū from the north we are both independent *and* have an unbroken connection with one another. We embarked on this project

standing both as descendants of autonomous hapū, while also acknowledging the interwoven whakapapa between us, and to other hapū in the north. We used this connection to write the book in the spirit of mahi ngātahi – cooperation and partnership – upholding the importance of inter-hapū collaboration as our ancestors did for centuries before us.

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## Ruanui and Nukutawhiti —

Te Aupōuri, Ngāpuhi, Te Rarawa

When Kupe returned to Hawaiki, he became even more of a celebrated rangatira: he was someone who had successfully voyaged all the way to Aotearoa and back. The harbour that Kupe departed from, today usually referred to as Hokianga, was originally named Te Puna i te Ao Mārama (the spring in the world of light) by Kupe. This name refers to the different light patterns in Aotearoa. In Te Puna i te Ao Mārama, light would precede sunrise in the morning and would linger for a time after sunset, in a way that was unfamiliar to Kupe and his companions. After travelling throughout Aotearoa, Kupe lived in Te Tai Tokerau for around fifteen years, but he yearned to see Hawaiki again. Eventually he resolved that he would complete a return voyage to Hawaiki and that he would leave from Te Puna i te Ao Mārama. As he stated:

Hei konei rā, e Te Puna i te Ao Mārama  
Ka hoki nei tēnei, e kore e hoki anganui mai

*Goodbye, Te Puna i te Ao Mārama,  
This one is going home and will not return this way again*

From this pepeha came the name for the harbour, Te Hokianganui a Kupe (usually shortened to Hokianga), a name that commemorates Kupe's return to Hawaiki. In Hawaiki, Kupe's expertise and knowledge became critical in teaching and advising future voyagers and constructing waka hourua. Two rangatira who were inspired by his great feat were Nukutawhiti, captain of *Ngātokimatawhaorua*, and Ruanui, captain of *Māmari*. Ruanui was the grandson of Tokaakuaku, and Nukutawhiti was the grandson of Kupe. Kupe and Tokaakuaku were the two rangatira who re-adzed *Ngātokimatawhaorua*.

Ruanui and Nukutawhiti eventually made the long voyage to Aotearoa, settling on opposite sides of the Hokianga – Ruanui on the southern side at Āraiteuru, and Nukutawhiti on the northern side at Whānui. One of the first undertakings of both rangatira was to establish whare wānanga on their respective sides of the harbour, built to preserve and transmit the knowledge that they had brought with them from Hawaiki. Ruanui's whare wānanga was called Te Āraiteuru or Te Whatupungapunga, and Nukutawhiti's was Te Pouahi.

There are two stories about the completion of the whare wānanga. The first story is that Ruanui completed his whare before Nukutawhiti. Seeing that Ruanui was finished, Nukutawhiti asserted his mana as the older relative and asked Ruanui to wait until his whare was also finished so that the two could perform the opening ceremonies together. However, Ruanui did not listen. He went to the shore to perform a karakia to celebrate the opening of his whare. Ruanui was certain that – despite being the younger of the two – his karakia were more powerful than Nukutawhiti's. Seeing what Ruanui was doing, Nukutawhiti threw his tools down and rushed to the ocean,

where he stood across from Ruanui on his side of the harbour. As Nukutawhiti arrived, Ruanui decided to assert what he believed was his superior knowledge of karakia. As a whale passed, he chose to attempt to bring it ashore to demonstrate his close connection with Tangaroa. Before long, his karakia started to pull the whale towards the Hokianga harbour mouth. Nukutawhiti watched the whale being pulled towards Ruanui and realised what his adversary was doing. He recited a karakia that caused a sandbar to close across the mouth of the Hokianga, turning it momentarily into a lake. Unperturbed, Ruanui recited a karakia that summoned a great wave that thrust the whale over the sandbar into Hokianga. From here, a sort of tug of war ensued, where both rangatira issued karakia after karakia, Ruanui still trying to pull the whale to his side of the harbour, and Nukutawhiti trying to wash it out to sea. In the battle of karakia that raged for many hours, both rangatira eventually used all the karakia that they knew. Staring across the harbour at each other, they both searched for another karakia, but none came to mind for either of them; their repertoires were well and truly exhausted. This event influenced another name associated with the Hokianga harbour:

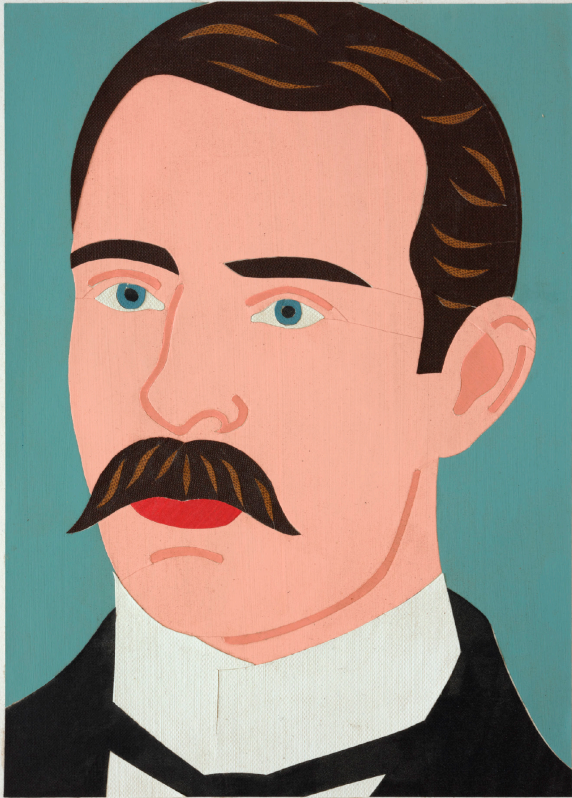
Hokianga whakapau karakia

*Hokianga that exhausts karakia*



# DOWNFALL

The destruction of Charles Mackay



PAUL DIAMOND

Published by Massey University Press

# Downfall: The Destruction of Charles Mackay

## JUDGES' COMMENTS

This beautifully produced and generous book is a fascinating account of an extraordinary moment in small-town colonial New Zealand with its vivid line-up of characters, a revenge plot, blackmail and local Pākehā political intrigue. Alongside gripping, skilled and elegant popular historical storytelling, readers will find well-researched and closely observed insights into aspects of our national character, and our struggles with social decency.

13

Extract from Chapter 1 'Ridgway St' overleaf

It is five minutes to one on a Saturday afternoon in May 1920 in the town centre of Whanganui. Engineer Colin Cameron is standing on the back of a lorry when he hears shots being fired from the first floor of a two-storey wooden building on Ridgway Street, the town's main commercial thoroughfare, which runs parallel to the Whanganui River.

A chair then crashes through a window and lands on the pavement, scattering glass. Cameron looks up at the window, where a man appears. This is Walter D'Arcy Cresswell, a 24-year-old returned soldier who lives in the South Island town of Timaru but is in Whanganui visiting relatives. Cameron and his father George, standing nearby, hear Cresswell shout, 'Help! I have been shot!', and see him struggling with an older man. This is 44-year-old barrister Charles Mackay, the mayor of Whanganui. The pair disappear from view and a further four or five shots are heard.

Colin Cameron enters the building and runs up the stairs with Sydney Sykes, a labourer. The stairs open onto a landing. To the right is an open corridor with a wooden balustrade. There is a door near the landing and another off the corridor, from which Cresswell emerges, holding a revolver. Sykes takes it from him.

'Mr Mackay has shot me,' Cresswell tells Cameron and Sykes. 'Get a car and take me to a doctor.'

Mackay appears behind Cresswell. 'I accidentally shot him while I was demonstrating an automatic revolver,' he says.

With Mackay and Sykes following, Colin Cameron helps Cresswell halfway down the stairs. He and his father then get Cresswell to the bottom of the stairs, which open directly onto the street. There they lay him down on the footpath, Sykes and Colin Cameron supporting his head. George Cameron, who has a notebook, is trying to copy down what Cresswell is saying.

Mackay remains on the stairs about a yard away, between Sykes and George Cameron.

'I am dying,' Cresswell tells Cameron. 'I feel I am going. Give my love to my mother.'

'If you think you are dying you had better tell us all you know,' says Sykes.

'I discovered a scandal and Mr Mackay shot me,' Cresswell replies.

'I accidentally shot him while showing him the revolver,' says Mackay.

'It was not an accident. I was shot,' Cresswell replies, and then lapses into unconsciousness.

When police constables John McMullin and David Wilson arrive, Mackay tells them the shooting was an accident and gives himself up. After handing the gun to McMullin, Wilson goes upstairs to Mackay's office to phone for a doctor. An ambulance arrives and takes Cresswell away. Sykes also heads upstairs to Mackay's office, where he finds the mayor putting papers into a safe and turning the key. Sykes leaves the office and McMullin goes upstairs, where he meets Mackay on the landing.

The pair go back into the office, which is in a state of disarray. Mackay's high-backed chair is lying on the floor, the window behind his table, which faces onto the street, is broken, and there is shattered glass on the floor. Mackay explains that he was showing Cresswell his revolver when it went off by mistake. The young man then fell against the window and broke the glass, he says. When McMullin asks, 'How did the chair get outside?', Mackay replies, 'What chair?'

McMullin instructs Mackay to lock up his office, then hands him, and the revolver, over to another police officer, Sergeant



James Reid, who takes Mackay to the police station, around the corner from Ridgway Street.

At the station, Mackay again insists, this time to Senior Sergeant Thomas Bourke, that the shooting was an accident, and says he fears for Cresswell's life: 'Sergeant, I shot a young man through the chest. I believe he will die.' Bourke tells him the Camerons reported hearing the disturbance in the office before the shots were fired, and then seeing the chair falling from the window onto the street.

Soon after this, Bourke goes to Mackay's office, where he finds five photographs of naked women in a locked drawer of the office table. He searches unsuccessfully for the resignation letter Mackay told him he had written. He finds four revolver bullets: two in Mackay's chair, one at the back of some books and a bookcase on a wall and one at the back of the roll-top desk. One bullet has gone through the wall into the next room and the other into some books.

Back at the station Bourke charges Mackay with the attempted murder of Walter D'Arcy Cresswell.

'I understand, Sergeant,' is Mackay's reply.

In Whanganui, the first report of the shooting appeared two days afterwards:

A PAINFUL SENSATION.  
YOUNG MAN SERIOUSLY WOUNDED.  
MR C. E. MACKAY UNDER ARREST.

A painful sensation was caused on Saturday afternoon when it became known that a returned soldier, Walter D'Arcy Cresswell, aged 24 years, had been admitted to Wanganui Hospital suffering from a bullet in the right breast and Mackay, the Mayor, was implicated in the affair.

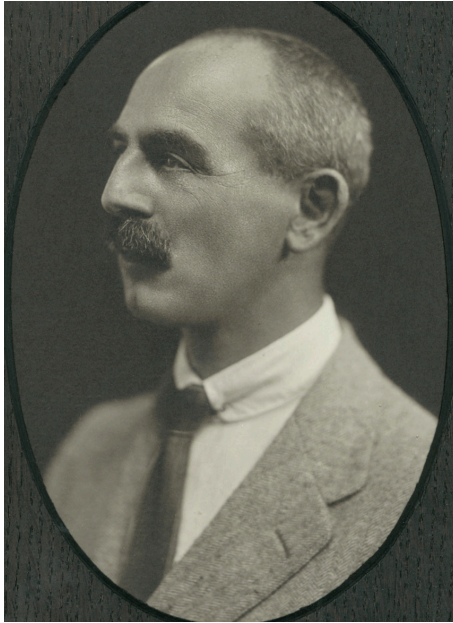
The brief *Wanganui Chronicle* article summarised the eyewitness accounts of the shooting and Mackay's arrest and remand in custody. It also noted that Cresswell's parents had arrived from Timaru the previous day, and that their son was progressing satisfactorily in Wanganui Hospital. The bullet, believed to be in his lung, had not been located and an operation would probably be necessary. Updates about Cresswell's condition — steadily improving — were the only news reported about the case, as both Whanganui newspapers were observing a suppression request from Mackay's lawyers.

Newspapers elsewhere, such as the *Te Puke Times*, were more forthcoming:

A WANGANUI SENSATION  
MAYOR OF TOWN ARRESTED  
RETURNED SOLDIER WOUNDED  
Wanganui, May 15

The greatest and most painful sensation Wanganui has experienced for some considerable time, was the shooting affray in Ridgway Street this afternoon, when Mr C. E. Mackay, solicitor and Mayor of the borough, shot and badly wounded a returned soldier named Darcy Cresswell who hails from Timaru. The police are very reticent over the affair, but it is stated that an altercation took place in Mr Mackay's office, and the crashing of a chair through a window preceded the report of a gun.

Although the facts of the case were 'shrouded in mystery', reported the tabloid *N.Z. Truth*, it was 'known that Mackay entertained the wounded man at dinner at a local hotel' the week before the shooting, and that the pair had had a big fight before the shot was fired. The paper also mentioned Mackay's row with the Returned Soldiers' Association (RSA) over the visit of the Prince of Wales, the future Edward VIII, 12 days earlier, on



Charles Mackay, photographed in 1919.  
Whanganui Regional Museum, 1986.51.11



Walter D'Arcy Cresswell, photographed in 1921,  
a year after the shooting.  
Alexander Turnbull Library, PAColl-5543-05

3 May, and noted that the mayor had been in poor health since an accident the previous year.

Cresswell had arrived at Wanganui Hospital with a small bullet wound in the right side of his chest, about level with his heart. Although his condition was pronounced serious, he improved rapidly, according to Medical Superintendent Dr Herbert Hutson. Cresswell was unable to appear in court to give evidence, but was well enough to give the police a statement.

Exhibit B in the eventual case *Police v. C. E. Mackay* is a three-page typed document, recording Cresswell's account of events from when he arrived in Whanganui on Monday 10 May until the shooting a few days later. Cresswell apparently dictated the statement from his hospital bed but did not, as was normal police practice when there was a risk of a witness not surviving, sign or date it. Had he been physically unable to do so, there would normally have been a signed note from an inspector or a 'professional' person explaining the absence of a signature. Cresswell was also able to draw a sketch plan of Mackay's office.

On 26 May, the day before the trial, Mackay asked to see Whanganui police inspector Charles William Hendry, who, arriving at the gaol, found Mackay with his lawyer, William Treadwell, the Whanganui borough solicitor. Hendry handed Treadwell Cresswell's statement for Mackay to read. After speaking with Treadwell in private, Mackay returned 20 minutes later, having, at the inspector's suggestion, initialled each page and added this endorsement: 'I have read the above statement and as far as it relates to my own acts & deeds I admit the statement to be substantially true.'

The next day — 12 days after the shooting — Inspector Hendry read Cresswell's statement at Mackay's trial for attempted murder.

# Grand

Becoming my  
mother's daughter

Noelle McCarthy



Desperately funny,  
hysterically sad,  
so beautiful and so  
humane. All of life is  
in it. I utterly adored it.  
— MEG MASON

Published by Penguin, Penguin Random House

# Grand: Becoming my Mother's Daughter

## JUDGES' COMMENTS

This memoir presents both a woman confronting her own shame and the shame of generations with visceral honesty. It offers a treatise on forgiveness and a light of hope. Noelle McCarthy's command of language imbues readers with sight, sound, smell and taste. It is complete as an individual narrative, while the centrality of the mother-daughter relationship and the weight that loads onto the process of knowing oneself offers much to our collective emotional intelligence.

21

Extract overleaf

## One

When I was very small I loved wolves, she told me. I used to go to bed with one under my pillow, couldn't fall asleep without him. The wolf in Eve's Little Red Riding Hood book has a big bushy tail and a tweed jacket with a knife and fork in his top pocket. All the better to eat you with, Madam. We got a different version of the story out of the library recently, a beautifully illustrated one where nobody rescues Red Riding Hood at the end, she stays in the wolf's belly. Eve took it in her stride, but I was haunted.

Mammy was a werewolf, it only took one sip of drink to change her. The first mouthful of the first pint of Carling, all the evil came out dancing. Her face would change, but subtly; her eyes would brighten and her nose would lengthen. Everything about her became wilder and sharper and more alert. That was when the barman would need to watch himself.

It took some of them a while to realise it. Like the place she got thrown out of on Blarney Street for screaming that her glass was dirty. The miracle was, she never ran out of bars, or taxi drivers, even as she ate up every one who crossed her. They'd reach their limit sometimes, call in reinforcements, rattled by her savagery. She'd sit in the front seat, us in the back in our school uniforms, parked up outside the Guards station, a glass of bright green in her hand still, like we were at a cocktail party. Vodka and a dash of lime cordial. Even the Guards didn't know what to do with her; a grandiose drunk baiting her taxi driver, refusing to pay him because he wasn't deferential enough, insulted her somehow, her children in the back seat, on a Tuesday. The Sergeant would just tell the driver to take us home, ask my father for some money.

She wrote me a card one year. It has a wolf on the front of it, lapping at a silver pool of water, a big moon behind him glowing. That overwrought, romanticised kind of animal portraiture you see on jigsaws, velour blankets and heavy metal t-shirts. She got it in a little hole-in-the-wall she went to on the Coal Quay, a tiny place in one of the old workers' cottages, full of crystals and candles and similar. My Fairy Shop, she called it.

'Look at the wolf,' she wrote in my card, repeating what the witchy owner told her. 'He's looking into the water, seeing everything in it. He's aware of his surroundings. He's alone, but he can see himself in the water. He keeps himself company. Wolves are strong, brave and clever.' She wrote all this out carefully on a lined sheet of copybook paper and signed it 'Your crazy Momma, Caroline'. There's a lipstick kiss near the signature but I don't remember if she did that or I did.

I carry the letter around with me, folded up six times into a square in my wallet, wrapped around a small photo of my mother. It's a passport photo, black and white. She is very beautiful – dark eyes in a pale oval face, long dark straight hair parted in the centre falling well past her shoulders, very '60s, early '70s. She's wearing some sort of woolly jumper – white, or pink maybe, with a high collar and a thin ribbon tied in a bow around the neckline. She's not smiling, but she looks completely relaxed, her brow unclouded. You can see her top teeth, her lips are parted, she's breathing easily. I could stare at this photo for hours, days maybe – as though by looking hard enough, I could somehow see in this perfect, silent teenager any trace of the woman who gave birth to me. See how she became the person she became later, the woman in the front seat of a Lee Cabs taxi outside the Guards station, with a vodka and lime in her hand and a bellyful of fury. I stare and I stare, and she stares back, the



oval-faced girl with the ribbon on her jumper, who looks a little bit like Sharon Tate, with her poker-straight hair and general air of innocent sexuality. ‘This was my girlfriend from 1969–1971,’ someone has written on the back in pencil, faded but legible. She’d have been 16 years old in 1969. She met my father when she was 14, she always told me. That is not my father’s writing on the back of the photo. He may have been her first boyfriend, but he wasn’t her only one. I used to look at that photo sometimes and think about asking her who wrote it. But I never had the nerve to. I don’t even remember how I got it – I have a habit of taking things when I am home on holiday, just squirrelling them away, not even asking for permission.

When I was a teenager, I sometimes used to wait until she was in bed, getting ready to go to sleep, and I’d run into the room and flash her a picture from one of my film magazines. A two-page spread from *An American Werewolf in London*. The moment of hairy transformation – man becoming wolf, the snout bursting through his nostrils, teeth elongating.

‘Ah stop Noelle, stop it, you’ll go to hell for that! Don’t come near me with that – it freaks me!’ she’d shriek, horrified and delighted, hiding under the blanket. ‘Go away with it! May God forgive you.’

In my memory she is often in my bedroom on those nights. That may be because I’m older by then, and I’d already left it. Some nights, I climb into the bed beside her, feel the heat of her bare legs wrapped around me. She had very little hair anywhere on her body, her legs were never stubbly. I lie with her in the mother-den beneath the covers.

‘They just don’t stop, you know? Like, I don’t know, werewolves or something. They’re all fucking crazy once they get the drink in them. Don’t go to bed like normal people.’ My dad

on the phone, many years later, telling me about a night down in Kerry with my mother and her brothers and sister. I was like that too, obviously. The worst thing was not knowing how it would go on any given night. Would it be two drinks, then home, blameless? Or home two days later, minus a handbag, having spat at a stranger? I had no reliable indicator. It was the same for Carol. Two pints some days, and Daddy picking us up outside the funeral home, no drama. Other days, parked outside the Guards six hours later.

I never noticed at the time, what the moon was doing, but even now, many years since my last drink, at certain times of the month, I can feel the imp within me, an antic demon behind my teeth, using my mouth to make trouble. I want to get barred from places, I want to scream the glass isn’t clean enough. I want to break things. There’s a little police station up by the SuperValue. Some nights I want to be driven into it.

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## Two

The doctor’s name is Byrne. A consultant oncologist. She’ll have appreciated his air of authority, the undeniable doctorliness of him, even as she plotted to outwit him.

‘Your mother is a lovely woman.’ Slight trace of a Dublin accent in his voice down the phone to me, the only sound in a quiet house after midnight, last Monday night in New Zealand. ‘A lovely person, but she didn’t want the treatment. And of course that is her right,’ he adds quickly.

I almost feel sorry for him. He’s come up against her with no warning. ‘She’s a lovely person, and an intensely private person,



and she's spent the last two or three months not letting anybody in.'

It's a sort of relief hearing that, finally, and from a medical professional. Try living with her, I want to say. Try being her daughter. 'The progression of her cancer is significant. Her blood sugars are out of control now there's no food going in. With her diabetes, the underlying systems won't cope with this, ultimately.'

I write 'underlying' and 'ultimately' in the exercise book in front of me like a good journalist, marvelling in a detached kind of way – how often do you see two words beginning with u in the same sentence? No radiation – I can't say I blame her – and only two half-hearted goes at chemo. Can't blame her for that either, she wasn't more than six stone to begin with.

'What would you do if it was your mother?' The room is cold and the overhead light is in my eyes. I'm shivering.

26 'If it was me, I'd come home in the next day or two.' I almost laugh, it sounds so serious.

'How long do you think...?'

'Within the next week I'd say, possibly two. I'd be getting on a plane right now, if it was my mother.'

But it isn't his mother. And now it's Thursday night, ten days later, and Sarah and I and Dr Byrne are all leaning awkwardly against a wall-mounted whiteboard in an empty corridor of an overheated women's ward in the Mercy. That's what everyone calls it here, not even hospital, just the Mercy.

He'd said a week, maybe two. But that was nearly ten days ago and now I'm here for a funeral, and she's still not dead, and I have my own daughter to go home to.

'So, in terms of time...?' Awkward, trying to word it.

'Yes, well, in this sort of situation... where she's not eating, or drinking anything, you'd almost want to be able to put people

out of their misery.' I feel Sarah stiffen beside me. He's looking at her the whole time, full-on eye contact, even though I'm the one asking the questions. His skin is smooth and rosy, more like a boy than a man. No white coat, but a fine wool suit, the mobile in his pocket buzzing constantly. 'Not that that's what should ever happen,' he adds hurriedly. 'Another few days, I think, if that even.' Is it my bright red coat, the red lipstick, that's making him not look at me? I always want to stand out when I'm back home, and then I'm ashamed when I do. 'She's not really open to hospice, is she? It's just, it would be a much better environment for her, at this stage.'

'She wants to go home, she thinks she's going home.' Sarah is nervous, but being firm with him, defending Mammy. I look down at her shoes, flimsy slip-ons, and feel a surge of irritation. They're paper thin, way too cold for this weather. She's always hated wearing shoes – Eve's the same, I've noticed recently. I am waiting for the person to materialise who knows how to handle all of this, knows all the right things to ask, but it's just the two of us here, nobody else is coming. I belt my coat tighter, even though I'm sweating.

'An outstanding scholarly work that enlightens our pathway forward.'

*The Hon. Sir Edward  
Taibakurei Durie*

# the English Text of the Treaty of Waitangi

Ned Fletcher

Published by **Bridget Williams Books**

# The English Text of the Treaty of Waitangi

## JUDGES' COMMENTS

Ned Fletcher's extensively researched and meticulously constructed book provides a valuable contribution to scholarship, history and law, and makes a timely and evolved interjection into the conversations of this country. Readers are led to evidenced conclusions via Fletcher's clear hypotheses, structural commitment to reason and thorough examination of the characters and context involved in the creation of the English text of Aotearoa's founding document.

29

Edited extract from the conclusion overleaf.

### *Reasons for British Intervention*

There is no good reason to doubt that the motive for British intervention in New Zealand was to establish government over British settlers for the protection of Māori. The policy of intervention was reached reluctantly, in recognition that, compared to unregulated settlement, it was the lesser evil. The Colonial Office preference was that Māori should not be brought into contact with Europeans but that their 'social improvement' should be left to 'the gradual influence of Christian missions'. The visceral adverse reaction of Glenelg and Stephen to the New Zealand Association's proposals in mid-1837 was based on their conviction that colonisation would be disastrous for Māori because its 'evils' for native populations were 'inherent, and not accidental'. By December 1837, however, they accepted that intervention was necessary because '[c]olonization to no small extent is already effected in those Islands'. By 21 January 1839, the harm of unregulated colonisation had become 'irreparable' and was 'daily increasing'. It was 'perhaps to be regretted that the New Zealand Islands were ever visited by our Countrymen', but '[t]he only question' was now 'between acquiescence in a lawless Colonization, and the establishment of a Colony placed under the authority of Law'. Both the 24 January and February drafts of the instructions continued to express doubts about the propriety of intervention and to justify it on the basis that the obligation to protect Māori made it the lesser evil. Normanby's instructions retained the sense that British intervention was 'essentially unjust' and fraught with risk to Māori (which, if realised, would also be injurious to Britain). Intervention was undertaken with 'extreme reluctance' and because '[t]he necessity for the interposition of the Government has ... become too evident

to admit of any further inaction'. Hobson, too, told Gipps that Glenelg had expressed directly to him this 'reluctance', explaining that 'the force of circumstances had left them no alternative'.

These repeated expressions of reluctance overcome by the need to protect Māori make it clear that Māori were the priority and that intervention was not seen as equally a duty owed to British settlers. Rather, British purpose was, as Glenelg told Parliament in March 1838, 'to protect the natives of the country, and the British settlers consistently with the interests of the natives'. Although, as the February draft of the instructions commented, the establishment of law would be 'partly for the protection of the Settlers of European origin', the main aim was that Māori would be 'rescued from the Calamities impending over them'.

### *British sovereignty and Tribal Government*

Perhaps the most compelling evidence that the Treaty was understood to leave intra-tribal government undisturbed (except in the matters of law and order for which sovereignty had been ceded) is found in the explanations given at the Treaty signings or recorded in witness accounts, discussed in Chapter 19. Hobson reported that he had assured the chiefs that their standing amongst their tribes would not be affected by British sovereignty. That assurance is confirmed by Father Servant's report that the Treaty involved the chiefs giving Hobson authority to 'maintain good order, and protect their respective interests' while preserving to them 'their powers'. Major Thomas Bunbury agreed with Te Hāpuku that the literal effect of the Treaty was to place the Queen over the chiefs as they were

over their tribes, but only to enable the Queen to ‘enforce the execution of justice and good government equally amongst her subjects’; it was ‘not the object of Her Majesty’s Government to lower the chiefs in the estimation of their tribes’.

The Colonial Surgeon, Johnson, considered that Nōpera’s imagery of ‘the shadow of the Land’ going to the Queen beautifully expressed the effect of the transfer of sovereignty. Of the Treaty signing at Waitangi, Felton Mathew wrote that the chiefs, in agreeing to cede the sovereignty of the country and in throwing themselves on the protection of the Queen, nevertheless retained ‘full power over their own people – remaining perfectly independent’. He also commented on the demands the chiefs had made ‘for the preservation of their liberty and perfect independence’ and observed that, if Māori did not disappear as a result of colonisation, they might ‘in after centuries become as enlightened and powerful a nation as we are ourselves’.

32

### *Reconciling the Māori and English texts*

The Treaty in Māori is outside the scope of this book. Further close study of its text and context may provide further insights. But the survey undertaken here suggests that the implications of the English text were understood in the same sense as the division between ‘kāwanatanga’ and ‘rangatiratanga’ in the Māori text. On this basis, it is quite conceivable that Busby and the *New Zealand Gazette* were not alone in understanding the effect of the Treaty as akin to the federal arrangement prefigured by the Declaration of Independence. Accordingly, ‘rangatiratanga’ refers to independence in internal affairs, leaving ‘kāwanatanga’

or ‘sovereignty’ defined and limited by reference to its objects (as William Martin maintained) as applying to foreign relations, justice, peace and good order, and trade.

Justice, peace and good order were also to be understood in the context of continuing tribal self-management. Inter-tribal disputes were to be mediated by the sovereign power, and warfare was contrary to the cession of sovereignty and Māori allegiance to the Queen, as Russell’s 9 December 1840 instructions made clear. The sovereign power obtained full authority over Europeans, and British justice was to regulate inter-racial conflict, both criminal and civil (although Russell envisaged that legislation would permit Māori custom to be taken into account). At least in British settlements or where a tribe relinquished authority over a malefactor, serious crimes not involving Europeans could also be prosecuted under colonial law. Whether in 1840 the sovereign power could be exercised over Māori beyond the purposes for which it was conveyed in the Treaty was unclear but, as has been seen, there was a body of opinion that sovereignty could be limited by the terms of a treaty of cession.

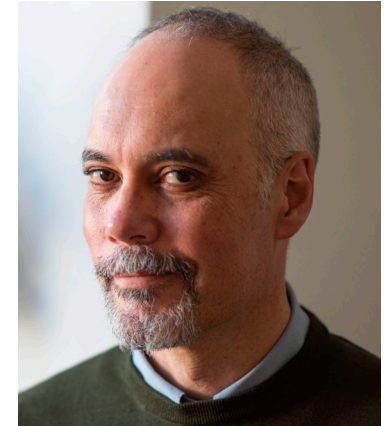
33

Seen in this light, the Māori and English texts of the Treaty reconcile. The view taken here is that ‘sovereignty’ in the English text is to be understood according to the principal purpose of establishing government over British subjects for the protection of Māori. The effect of the Treaty in English was to set up an arrangement similar to a federation, in which the sovereign power did not supplant tribal government. Although the Treaty was not without precedent, it was the product of Normanby’s instructions, which themselves represented James Stephen’s considerable experience of Empire and the intellectual ideas

of 1839. Trevor Williams is right that the Treaty ‘marked a new method, or the coherent enlargement of an older and more tentative method, of attempting to protect a native race from the inrush of a new and essentially different culture’. It was conceived, written and affirmed in good faith.



**Melinda Webber (Ngāti Kahu, Ngāti Hau, Ngāti Hine, Ngāpuhi, Ngāti Whakaue) and Te Kapua O'Connor (Ngāti Kurī, Pohūtiare)**  
A Fire in the Belly of Hineāmaru: A Collection of Narratives about Te Tai Tokerau Tūpuna



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**Ned Fletcher**  
The English Text of the Treaty of Waitangi

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