

The death penalty

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First official execution in New Zealand, 7 March 1842

On 7 March 1842 Maketū Wharetōtara (also known as Wiremu Kīngi Maketū), the 17-year-old son of the Ngāpuhi chief Ruhe of Waimate, became the first person to be judicially executed in New Zealand. The previous November, at Motuarohia in the Bay of Islands, he had split Thomas Bull's head open with an axe while he slept. Maketū then killed Elizabeth Robertson, her two children and Isabella Brind, granddaughter of the Ngāpuhi leader Rewa, who lived with the Robertons.

Maketū worked with Bull on a farm owned by Robertson, a widow. He killed them because he believed they had offended his mana. Bull had been verbally and physically abusive towards him, and Mrs Robertson had sworn at him. Maketū failed to explain why he felt it necessary to kill Mrs Robertson's two children and Isabella. In the end it was perhaps the killing of Isabella that sealed his fate.

Maketū sought refuge in his father's village. Local settlers feared the killings were the start of something bigger. The local police magistrate, Thomas Beckham, refused to act for fear of provoking Maketū's kin.

Ngāpuhi reaction

What many settlers overlooked was that Maketū had killed the granddaughter of a high-ranking chief. Should Rewa demand utu for the death of Isabella, a significant intertribal conflict was possible. To avoid war with Rewa, Ruhe surrendered his son, and other Ngāpuhi leaders distanced themselves from Maketū's action. A statement to this effect was sent to the government at Auckland, requesting that Maketū not be allowed to return to the north. Clearly there was some concern that Maketū's actions might provoke a widespread response from the Pākehā authorities. A lone voice opposing handing Maketū to the authorities was Hōne Heke's.

Many Europeans felt that, as they were still in the minority, they had to tread carefully when it came to imposing British authority on Māori. Thomas Beckham's initial reaction to Maketū's actions suggests this. This case was to

be hailed by some European observers as a significant turning point, a triumph of British law and order and an acceptance on the part of Māori of British jurisdiction in affairs between Māori and Pākehā. Ruhe would not have seen his actions in this light.

The trial

Maketū's trial began on 1 March 1842. He had a Crown-appointed lawyer, C.B. Brewer, and the missionary George Clarke and his son (also George) served as his interpreters. Maketū pleaded not guilty. Brewer pointed out that all the witnesses to the killings were dead, but Maketū had spoken of his guilt to others who were called as witnesses. Under the circumstances a not guilty verdict was highly unlikely. Maketū was duly convicted and hanged on 7 March 1842.

Maketū asked to be baptised on the morning of his hanging. Reverend John Churton baptised the condemned teenager with the name Wiremu Kīngi. His family was initially denied his body, but in early 1843 his remains were returned for burial in the family cemetery at the Bay of Islands.

European judicial process versus utu

Maketū was the first person to be legally hanged in New Zealand. As the case involved a Māori and interracial killings, it was a highly contentious affair that had to be handled carefully.

In order to reassure Māori of the impartiality of the British judicial process, Maketū's trial was postponed for a day to enable a European to be tried for murder. This man was found guilty of manslaughter, however, and escaped the death penalty. A year later Māori would question how the British justice system could fail to convict and execute the European murderer of Rangihoua Kuika despite what seemed overwhelming evidence of guilt.

There were no great concerns over the guilty verdict, but there was a degree of shock and concern among Māori over the manner of Maketū's execution. The British legal process was seen as drawn-out and cold-blooded. Māori custom would have resulted in almost immediate death and, as the son of a chief, Maketū could have expected to receive a blow from a mere to the back of his head. The fact that the execution was public was seen as a great source of shame and humiliation.

The colonial government viewed Maketū's case as the first major test of the application of British law to a Māori offender; the authority of the Crown and its officials had been upheld. The government believed that its jurisdiction in

cases of interracial violence was now assured. It was said that 'the natives of that area' had been 'much impressed ... with the effectiveness, impartiality, and fearlessness of British justice'. The missionary Henry Williams believed that in the end Maketū had been handed over not because there was overwhelming support for the British judicial process, but because he had killed Rewa's granddaughter.

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