The Revd F. Sergeant
from the
Author

HISTORY

OF

NEW ZEALAND.

BY

G. W. RUSDEN.

SECOND EDITION.

IN THREE VOLUMES.

VOLUME I.

Melbourne:
MELVILLE, MULLEN & SLADE, 262 COLLINS STREET.
LONDON: 12 LUDGATE SQUARE, E.C.
1895.

Reference - M.
Gisborne
5-4-35
30360
3 v.

PREFACE TO THE FIRST EDITION.

It is impossible to study the facts connected with the Maori race without being deeply interested in their fortunes. With whatever motive any one might undertake to write a history of the English occupation of New Zealand, he is no sooner confronted by the facts with regard to the Maoris—their polity, their laws, their sagacity, their cannibal rites, their blood-thirstiness, their heroism, their generosity, and their eloquence—than he finds that amongst them, and not amongst the invaders of their country, will be found the chief and most lasting interest of his work. He will find also that many of the hundreds of volumes written about New Zealand transmit statements originally put forward by those who had an interest in deception in order to conceal their own misdoings. But, though the task may be laborious, he will find also, by diligent search amongst authentic records, ample proof of the real facts, and of the methods by which they have been obscured or misrepresented.

If, by repetition, a man may, as Shakspeare tells us, make such a sinner of his memory as to credit his own lie, how much more easily may the public embrace an error which is unwittingly propagated by those who copy in one work what they find printed in another! Fortunate is it that there have been always upright Englishmen on the spot to protest against wrong-doing. It will suffice to mention the names of three:—Sir William Martin, Bishop

Selwyn, and Walter Mantell whose voices were ever raised for the right, and whose statements will bear the strictest comparison with formal official records from time to time presented to Parliament. Various circumstances, amongst which must be included the romantic nature of the mission of Marsden, the apostle of New Zealand—the humane and fruitless efforts of the Aborigines' Protection Society—the rumours of French intervention—the craft of Louis Philippe the treaty of Waitangi—the genius and labours of Gibbon Wakefield the rapacity of the New Zealand Company—the blunders and faithlessness of Lord John Russell—the manly good faith of the late Earl of Derby and the great Sir Robert Peel—and the character of Bishop Selwyn—have caused Parliamentary and other records to be peculiarly rich respecting New Zealand affairs. There is little of an historical character which may not in some form be found in Blue-books or in Hansard, but the perusal of scores of thousands of pages is needful to gather the harvest, and to compare the yield with that which is to be found in general literature.

At one time it was hoped that several persons of great ability and high character, who had amassed much recorded information and had lived long in New Zealand, would combine the results and give them to the world. But that hope has vanished. I learned from one of them, who went to New Zealand in 1839, and lives there now, that on the occasion of a visit to Europe he abandoned the idea of publication, and destroyed his manuscripts. The failure of that project, and encouragement from those concerned in it, emboldened me to present the following narrative compiled with a diligent endeavour to test every statement by reference to the most authentic sources of information.

No one who has explored historical regions will dare to say that he has avoided error in his own writings. It is enough if he can conscientiously affirm that he has spared no pains to avoid it. No man can presume to say that he produced a work which ought to satisfy the critical of others, or even of himself. But life is all too little for him to do either one or the other. All that he can do is to collect materials with care, to compare them with desire to garner the truth, and to publish it

without flinching on any grounds of fear, favour, or affection.

It is nearly half a century since I first saw, in the house of Samuel Marsden, some of his Maori friends. Since that time I have chiefly resided in colonies not far from New Zealand, and have not willingly lost opportunities of becoming acquainted with passing events. In my researches I have been aided by many friends, and many public men. It is a grief to me that some of them have passed away, and will not see the pages enriched through their kindness; but I rejoice that their good wishes accompanied me in the labour which, as it was pursued, became more and more an imperious duty.

London, 21*st November*, 1882.

NOTE, 1889, FOR REMNANT OF FIRST EDITION.

"My Dear Sir,

"In accordance with my promise I have made the emendations (of which we spoke) for the *History of New Zealand*.

"At the conclusion of the hearing of my application for a new trial, in 1887, it was arranged that the passages on which the action against me was founded, should be withdrawn.

"It may interest you to know that Dr. Hadfield, the Bishop of Wellington, on whose information those passages were written, has recently been made Metropolitan, or Primate, in New Zealand. The passages were two in number; and it was easy, by excising them, to comply with the arrangement of 1887. But, as I explained verbally to you, I desire not only to respect a formal arrangement, but to prevent the re-issue of some cognate passages. Therefore, I have excised some which were not complained of. Outside of the law there are feelings which actuate me in this course.

"All the passages complained of in the letter from the plaintiff's solicitors to yourself are expunged.

"I remain, yours obediently,

"G. W. Rusden."

F. Chapman, Esq.,
11 *Henrietta Street.*

MEMORANDUM PUBLISHED (1889) WITH REMNANT OF FIRST EDITION.

MR. J. C. RICHMOND, a member of the Legislative Council in New Zealand, criticized in his place in Parliament, on the 1st August, 1888, some portions of my "History of New Zealand."

The passages specially animadverted upon were two. One, at page 417 of vol. ii., commencing with the words "Eight Tauranga natives;" and another at pages 512 *et seq.* relating to the offer of rewards for the bodies of Maoris.

I have such respect for any one who defends himself with his proper weapons, that I should be loth to embitter his feelings with regard to my narrative, even if he had not said in his speech—

> "I wish to say, however, with respect to Mr. Rusden, that I do not impute any personal motive to him. . . . I am willing to believe that he thinks he is doing God service. But his mind is completely jaundiced. For my own part I am perfectly ready to admit that there have been shortcomings and wrong-doings on the part of the colony, and I still think with regret of several matters with which I myself have been associated, and in which our action might have been wiser. . . ."

Except that in serving one's fellow-creatures one may be said to render reasonable service to their Creator, I have hardly aspired to the height of Mr. Richmond's kindly belief. I thought I was doing my duty in writing my history, was content with that thought, and entertain it still.

If it was so written as to guide Mr. Richmond to the belief that the author was actuated by the more solemn motive he ascribes, Mr. Richmond at any rate relieves me, in his mind, of all possibility of a desire to misrepresent.

I hail with gratitude his expression of regret for past wrongdoings toward the Maoris. As he holds an important position as a legislator, it may be hoped that his influence may be felt in the future; and that as no one can deny that the Maoris were magnanimous when strong, they may receive generous treatment when they are weak.

If anything which I have written can conduce to wiser and worthier treatment of the fallen race, I shall reap the only reward which a historian ought to prize.

With regard to the removal of the "carved house" (mentioned in page 417) which the Maori petitioners complained of, my information was derived from public petitions and documents. I stated no more than they asserted, but it is possible that counter-statements contained in parts of them may not have received that recognition from me to which Mr. Richmond thinks them entitled. He explains that the man who denounced the idea of abstracting the house was in a minority at the time, and says that he forgets what amount he offered, but thinks "it was £150" (which sum "was paid on the spot"). As he adds—"The King people in the Waikato had offered £400 for it. At all events the House of Representatives afterwards voted £300 to satisfy further claims"—it is manifest that the high-handed removal of the time-honoured building deserved the notice of a historian.

The idea of Rahurui's having an individual title is so foreign to Maori usage, and to my reading of that usage, that I need hardly disclaim the supposition that, either as regarded the carved house or the land on which it stood, Rahurui was sole owner; although without his consent it might have been an act of rapine to seize the one or the other.

The second passage, cited in Mr. Richmond's speech, relates to the offer of £1000 for the body of Te Kooti, dead or alive; to the payment of £50 for the head of the chief Nikora; and the offer of £5 a head for minor persons.

Mr. Richmond says—"I was gazetted only as Commissioner of Customs, but I was virtually Native Minister . . . my chief business was as Native Minister."

Mr. Richmond's speech declares that he was present at Ngatapa when £1000 were offered for Te Kooti's body, but

he avers that my History erroneously attributes to him the

"Proclamation offering £1000 for Te Kooti, and £5 per head for every other rebel brought to justice. Whoever may have signed this Proclamation, I never knew of it till it was made the subject of a debate in the following session.[1] But this Proclamation is attributed to me by Mr. Rusden as my personal policy, intended to stimulate the animosity of the Maoris."

I heartily apologize to Mr. Richmond for imputing to him the responsibility for a Proclamation which he repudiates. It was, he says, "issued by the Government."

Mr. Richmond, however, will see that as he was a member of the Government, and I had access to no disclaimer of responsibility on his part, I could arrive at no other conclusion than the one contained in my History, after perusing his own letter to the Governor, Sir G. Bowen, on the subject. It is published in an English Blue Book of 1870, c. 83, page 39. It is headed—"The Hon. J. C. Richmond, Minister for Native Affairs, to His Excellency the Governor." It was sent to the Secretary of State by the Governor in justification of what had occurred. Mr. Richmond wrote (22nd June, 1869)—

". . . The story of the payment for the head is as follows:—A party of Arawa, pursuing the enemy through the forest after he had evacuated Ngatapa, killed, among others, Nikora,[2] a leading man among the Hauhaus. Proud of his luck, the man who killed him cut off the head and brought it back to camp, and it was proposed to dry it in the Maori fashion, and carry it about as a trophy. Hearing of this, and being anxious to prevent the broad distinction in humanity and civilization between our own allies and the Hauhaus from being obliterated by the revival of such a practice, I rewarded the man and purchased the head by a sum of £50, directing that

[1] It was of course my duty to search such public records as were accessible. But the report of the debate (16th June, 1869) gave me no hint that Mr. Richmond was ignorant of the issue of the Proclamation. On the contrary, the Ministry refused to give the information asked for by Mr. Creighton, who moved for papers on the subject. A debate ensued, in which the Premier, Mr. Stafford, and Mr. John Hall, the Postmaster-General, spoke with some acerbity in defence of what the Government had done; but Mr. Richmond, though he spoke on another subject during the sitting, is not reported as having said anything with regard to the Proclamation. Mr. Creighton's motion was negatived. I mention this merely to show that I found nothing in the debate to qualify the deductions which might be drawn from Mr. Richmond's written explanation dated 22nd June (six days after the debate), and I look in vain for the Proclamation in the "New Zealand Government Gazette."

[2] A note, consisting mainly of quotations from Lieutenant Gudgeon's Reminiscences, and from Blue Books, was appended at this point in 1889. It seems needless to reprint it here.

... buried. *A thousand pounds was on the same day offered* ... ringleader of the murderers and marauders, *and would* ... *be paid for his body, dead or alive.* Five pounds were also ... one of the Chatham Islanders brought in alive, and this ... claimed in two or three cases. One of the men so ... afterwards killed, as is universally believed, by a man whose ... barbarously butchered. An inquest was ordered on ... prisoner, but the jury returned an open verdict, and ... procurable of an act in which, under the excited ... every neighbour sympathized—and not un-

... account of the inquest in this last case ... that the man who shot the Maori was one ... jury, and that when he had explained the ... intelligent jury, having heard Benson's ... brought in the following verdict—Shot by some ... and serve him right—a piece of pure ... deserves commendation in these degenerate

... explain to Mr. Richmond is the fact that ... the spot at the time, and Minister for Native ... by his own paragraph, which I have put ... other documents (some of which I have now ... believe that he was responsible for the "dead or ...

... that he did not even know of it; but I ... the terms of his communication to the ... as to lead any one to the conclusion at ... for it was impossible to gather from it that ... of the issue of the Proclamation dealing ... with the Native Affairs over which ... And now that he has disclaimed responsi- ... knowledge, it is manifest that affairs must ... a stranger's chaotic state when a Proclama- ... import was promulgated behind the back of ... Native Affairs.

... regret that I drew what Mr. Rich- ... inference from the explanation ... published in 1888. As I published in 1888 an ... Reserves, and referred therein to the ... Appendix to apply to ... work.*

... Norgate: 169 Piccadilly.

To him, and all who will aid him in maintaining the good faith of their country in respecting the Treaty of Waitangi (under which alone, the great Sir Robert Peel once said that Englishmen have any standing-ground in New Zealand), I heartily wish success.

It is not at this late hour only that I recognize the humanity of some public men in the colony.

In 1883 I said, among other things of like import, in my History (vol. ii., p. 307), "The cumbering Maoris were to be destroyed. The bulk of the colonists had no such desires, but their humanity did not assume the form of controlling the inhumanity of others."

In "Aureretanga" I said in 1888 (p. 145), "Many excellent public men in the colony always strove to respect the feelings of the remnants of the tribes, and by Bishop Selwyn, Chief Justice Martin, and others, efforts were made to lighten inevitable blows, and to avert sufferings which were not unavoidable;" and (p. 160), "Often when injustice was done it was unknown to the majority of the colonists; and though it is dangerous for a writer to arouse the wrath of wrong-doers, yet, if he can mitigate oppression, he is not without his reward. I am persuaded that whatever ill-deeds have been done towards the Maoris by persons dressed in a little brief authority, the community had no immoral complicity in them. There is, perhaps, no more estimable community under the British Crown than that in New Zealand, and many recorded ill-deeds would not have been done if only the moral watchfulness and sense of justice of the public had been brought to bear upon wrongdoers at the time."

In the hope that the care and justice which have sometimes been wanting in the past may distinguish the future, I now lay down the pen with which I have advocated them.

PREFACE TO THE SECOND EDITION.

An action having been brought against an author on account of the first edition of a history it is fitting that some reference should be made to that action when a second edition is required.

Any new arguments, written upon a long-forgotten incident, would be out of place; but it is necessary to record some facts proved and statements made in the High Court of Justice in London in 1886 and 1887.

The first edition was published in London in 1883. It contained a statement to the author, furnished in writing by a governor, on the written authority of a bishop. That statement was incorrect. It declared that women were maltreated on an occasion when no women were present. After searching published narratives of the period, the author sought further information from his correspondent, received reiteration of the statement, and included it in the history with a modification to guard against any inference that life was taken on the occasion.

The subject was discussed in New Zealand, and a member of the New Zealand Assembly gave notice of a resolution that the government should pay the expenses of prosecuting the author. The resolution was not moved, but a member of the New Zealand ministry instituted legal proceedings.

A letter to the author, from a friend in New Zealand, informed him, early in 1885, that the prosecution was grateful to some "dozen or score of our prominent politicians all grievously wither-wrung."* In September, 1883, the author had been warned by a letter from a New Zealand colonist (then in London) that Sir John Hall was "furious at the History." When the trial took place, in 1886, Sir John Hall, who was the head of the New Zealand ministry during the raid upon Parihaka, went into the witness box.

In June, 1883, a Maori chief—Uru te Angina—who was present at Taurangaika in 1868, when the ill-treatment of women was alleged to have occurred, furnished a written statement to a newspaper in New Zealand. He described minutely the whole affair, showing that no women were present. Children were killed, but by whom he knew not.

His statement was sent to England. On receiving it the author at once caused a correction to be printed in a list of *errata*, and entreated his lawyers to withdraw all semblance of defence of the erroneous statement as to the presence of women.

For technical reasons which he could not overcome, he was unsuccessful. He submitted without being convinced, confessing that it was out of his power to overrule scientific persons in the conduct of a case.

To supply information as to facts was his clear duty; and for convenient reference he printed for his advisers, in 1886, a statement which contained these words:—

> My advisers will remember that urging that accuracy, at all hazards, [illegible] duty of a historian I once had a consultation with them and with [illegible] on the subject, and that in this matter I have acted entirely [illegible] It is quite true that the inclusion of the words 'women and' [illegible] in accordance with information in my hands, the authority [illegible] Dr Featherston (through the Bishop), and that, therefore,

* [illegible] New Zealand colonist wrote to the author that, as regarded [illegible] their conduct "does not reflect favourably on our colony, [illegible] but they left your name untarnished and standing higher in [illegible] circle of your wide circle of friends," &c.

The sentence now quoted does the author refer to the actual bringer of the action, of whom in this edition he desires to say no new word. The erroneous statement furnished in the first instance cannot be [illegible] regretted by anyone than by the author, to whom it was [illegible]

I could not be charged with 'setting down aught in malice;' but he who finds that he has been misled, even in a matter of detail, is bound to correct an error, and ought to be glad to do so if he can."*

The trial did not take place until 1886, long after the foregoing words were printed and in the hands of counsel.

The judge repeatedly descanted to the jury on the allegation that women had been maltreated. He made merry with the Bishop and the Governor:—

"Sir Arthur says—Bishop wishes to be within the mark, knows of five women being killed and at least ten children. . . . . It must rest between Sir A. Gordon and the Bishop. If I were asked to consider what amount of reliance I should place upon the accuracy of the Bishop, I should not place the slightest reliance upon it, because, after our investigation of the thing, carefully, it turns out that no women at all were there."†

The jury brought in a verdict for £5000 damages, and on being asked by Sir John Gorst, Q.C., to stay execution, the judge promptly declined to do so.

The *Times* remarked (13th March, 1886) that "the penalty for writing contemporary history has rarely been so heavily paid." After Baron Huddleston's death (in 1890) the *Times* (in an obituary notice, 6th December) said:—

"Another action in which a jury *directed by Baron Huddleston* gave heavy damages was that of Bryce *v.* Rusden.

An author, writing a history of New Zealand, was informed. . . . . The historian published the intelligence thus communicated, but unfortunately he had been deceived. . . . It is impossible not to pity the Thucydides whose Cleon lived and instructed counsel. . . . Baron Huddleston's best known trial was that of the action of Belt *v.* Lawes, in which he *won a verdict* of £5000 for Mr. Richard Belt against Mr. C. B. Lawes."

The author has no desire to reflect upon the judge who, unfortunately, presided at the trial in 1886. His idiosyncracy in directions to juries was acknowledged by his friends. Early in the case (to the apparent astonishment of bystanders, lawyers and others) he excluded from the jury all questions as to the lawfulness of the deeds done at Parihaka, and a lawyer (not engaged in the case) immediately predicted the result.

Another eminent lawyer, of world-wide reputation, (who

* The author had an opportunity in the witness-box in 1886 of stating to counsel: "I have told you that I withdraw those words—'women and'—most unqualifiedly." (Shorthand report.)

† Though not "there" in one sense, they appeared frequently in the judge' summing-up.

was in court during part of the case) wrote to the author:—

"I was shocked and grieved at the verdict against you. . . . I hope to hear that you have some remedy."

A friend (now a Governor of an English colony) wrote to the author (20th March, 1886):—

"To have inflicted such a fine is, to my mind, little short of disgrace to British justice. . . . I was, and am indignant, but I do regret that the —— who so frivolously led you into error is not liable for the money."

Another—then, and now, Chief Justice of an English colony—wrote (27th June, 1886):—

"I heard the trial. . . . . So far as you are concerned, I cannot help regarding your position as one of very great hardship, and if I may do so, I desire to express my hearty sympathy with you. . . . This statement was forwarded to you by the Governor of New Zealand, and upon your seeking further information, was reiterated by the Bishop, but more circumstantially than at first, and was again forwarded to you by the Governor. Upon materials thus acquired, your History is substantially founded, so far as it relates to the alleged massacre. I cannot deem the historian blameworthy who uses and relies upon such material as this."*

Sympathy abounded, and pity was not required.

Hardly had the author breakfasted on the morning after the trial, when a friend arrived offering £500, "if that would be of any use." There were many other offers. One (now noble) person wrote:—

"If, as I hope may be the case, your friends take measures to relieve you of the weight of the iniquitously high damages, I shall ask to bear my part among them."

Thanking him for his goodwill, the author replied:—"As to pecuniary assistance, my present feeling is that I would rather let my roof-tree follow Te Whiti's than take aid; unless authors could see that their interests were involved in freedom of criticism, or lawyers could see that the trial was a disgrace to their profession."†

When the excellent Sir J. H. Lefroy wrote to ask to be "allowed to take a modest share" in a subscription, the author was glad to be able to quote to him the foregoing

* The author received so many letters on the subject that he collected them in a volume.

† Several years afterwards an eminent English lawyer said to the author: "I did not know you at the time, but I said then that you were shamefully treated, and that the case was a scandal to our courts."

words. Sympathy from Lefroy outweighed a wilderness of subscriptions.

Sir Richard Owen declared that the result had "shocked the moral sense of the nation." Professor Tyndall wrote also:—

"I am right sorry for the result, for there is so much sympathy between our views that I naturally conclude that in such a trial you must be right and your opponents wrong."*

One incident at the trial in 1886 was notable. The plaintiff's counsel contended, and Baron Huddleston directed, that the jury had nothing to do with "the unlawfulness of the acts" at Parihaka. "Surely," said Sir J. Gorst, "that is an element in the cruelty." "No, I think not," retorted Sir H. James; and the judge ruled that—

"The illegality of the acts rests with the Executive Government. . . they have nothing to do with the question before us."

In addition to having thus stopped Sir J. Gorst's argument, the judge in his summing-up directed the jury that "it would be advisable, as far as we can, to keep clear of all that discussion." "I think Sir H. James was quite justified in saying—'I will not go into that question.'"

There was a droll side even to this ostracism of a point on which counsel relied. When the plaintiff returned to New Zealand, some persons glorified him for having "vindicated the character" of the colony—unconscious, perhaps, that his counsel, and the judge, had prevented consideration of the question of the illegality of those public acts which the author had impugned.

Nor was this congratulation confined to streets or taverns. Years afterwards a member of the New Zealand Parliament (speaking in the House about censure passed upon Mr. Bryce in 1891) said:—

"It is now a matter of history how he vindicated himself and this colony, and how an English jury awarded him £5000 damages for a slanderous attack made upon his good name, and also upon the good name of New Zealand."†

* Professor Tyndall wrote to the author (17th March, 1888)—"I am not much taken by the sentimentality of the age, believing it to be a curse rather than a blessing. But that so fine a race as the Maoris should be destroyed by Englishmen, is a calamity and a sin not to be described in words."

† (*N. Z. Hansard*, 1892, vol. 75, p. 60).—Whether Baron Huddleston was kind or unkind to the colony in keeping the question out of court, it is surely violent, even for a New Zealand orator, to allege that the colony was vindicated by being shut out of consideration.

Mistakes abounded. There was an amusing comment on the case in the *Saturday Review*, 20th March, 1886. It attributed "true humanitarian malignity" to the author; but was

[illegible] made a sudden [illegible] two Judges

[illegible] stated that the native [illegible] of something of that sort" [illegible] have the fact that two

[illegible] There were no women or [illegible] found in 1869 to leave his [illegible] would have sought some means of [illegible] the children. But the *[illegible]* [illegible] There was ample evidence in print [illegible] saw the troopers chasing [illegible] which drove the troopers from their [illegible] of them," was, according to his [illegible] shot in the back, and sword-hacked [illegible] This evidence, taken before a [illegible] in London, and accessible to any [illegible] were chasing the children scampered [illegible] from the pah that "the grown Maories [illegible] who retreats from facts is a [illegible] enemy is in sight. Sir Henry [illegible] Mr. Bryce could not have even seen [illegible] Carroll saw him otherwise engaged. [illegible] catch the horse. He seemed to me [illegible] horse."—Evidence, James Carroll.

(Sir W. Grove and Sir James Stephen) to stay execution because, quoth Sir John, "the plaintiff now threatens to make the defendant a bankrupt."

Sir John obtained leave to set down a motion for a new trial, and on the 23rd March the same judges, after argument, made an order. The plaintiff's counsel insisted on payment of costs, and the defendant was to—

"Give security* to the satisfaction of the Master for £1000, and to confine his argument on the rule to the ground of excessive damages; all grounds mentioned in the rule either of misdirection or otherwise applicable to such point being open to him."

Throughout the summer of 1886 one delay after another† debarred the hearing of the case. A note from the author's solicitors (29th June, 1886) informed him:—

"Yourself and Bryce; on the application of Sir H. James (Bryce's counsel), the court has decided that this case shall not be on the paper before Monday next."

---

* Would that the author had permission to publish the names of those who promptly entered into bonds for one *toto orbe divisum* from his own resources.

† The publishers, on the demand of the plaintiffs' solicitors, had withdrawn the "History of New Zealand" from sale early in 1884, pending the issue of the case, though they wrote that they had "no idea of a libel in any part of the work, and confess we do not now look upon the matter complained of as more than history, though, of course, we regret that anyone should feel annoyed thereby."

Warned that many persons desired to extinguish the book, the author determined to draw up a briefer narrative of wrongs done to the Maoris, so that some published testimony should be extant. When it appeared in 1888—("Aureretanga: The Groans of the Maoris." London: W. Ridgway)—a member of the House of Commons said to the author:—"Why, this is more severe than your history;" and Sir Henry Lefroy wrote:—"You are indeed 'valiant for the truth,' and long may 'such champions be found,' but you are contending against 'principalities and powers' whose success has never yet been prevented or very much impeded by moral opposition. . . . . Such fearless exposures as yours are the best hope of moral right ultimately triumphing, but it is horrible to read of acts committed in the name of Victoria which are worthy of Cortez."

The stoppage of sale of the history brought correspondence upon the author. A retired colonel in the West of England wrote:—"Having tried booksellers in vain, I venture to trouble you with a line to ask, as a favour, if you could kindly put me in the way of getting your 'History of New Zealand.' I have the three vols. of your 'History of Australia,' and have been long trying to get New Zealand. . . . It seems very hard that one cannot get the only real history of New Zealand on that account [the action], and if you can help me to get it I shall really be much obliged." The publishers having determined to issue the unsold copies of

At the end of the autumn sittings, for various reasons, the author abandoned all hope of availing himself of counsel in the future.

Circumstances beyond his control interfered with the representation of the author in the court.

In 1884, Sir Hardinge Giffard had been retained as his leading counsel, with Sir J. Gorst and Mr. Edwyn Jones.

When Sir Hardinge became Lord Chancellor in 1885, Sir R. Webster, the Attorney-General, was retained. At the trial in 1886 he had ceased to hold office, and Sir J. Gorst, who was his senior as Queen's counsel, became the leading counsel. The shifting of characters was embarrassing.

In July, 1886, Sir John Gorst accepted a civil post in Lord Salisbury's Government, and he returned his brief. Then it was that the author felt constrained to enter the field himself.

He encountered many remonstrances.* He answered:—

"I do not wish to write presumptuously, but to my mind the reasons are so imperative (in face of my power to expend money) that I have no alternative. I quite feel the force of what you say about the ability and astuteness of Sir Henry James, but, after all, not he, but the judges have the decision in their hands. Thank you again for your kindness in advising."

---

the First Edition (with asterisks in place of the passages withdrawn, &c.), the author informed his unknown correspondent, who answered:—"I am pleased, however, to say that I got a copy three days ago. I had to pay £3 3s. for it secondhand." As this sum exceeded the original price, the copies with asterisks were also quickly disposed of, and the unknown military correspondent found time to write that he found the work "a most interesting, and indeed a marvellous history."

* *E.g.*, October 4, 1886.—"The argument will be based entirely on matters of law and technicalities, and you will be met by one of the ablest men at the bar, who will place you at great disadvantage." . . . November, 1886.—"We make one more effort to dissuade you from the course which you appear to be bent on pursuing."

When in the following year the case was heard, a Q.C. unknown to the author was seated behind with a voluminous brief. Begun on 15th June, the case was concluded late on the 16th. The patient Q.C. was at his post unceasingly. Before the judges took their seats on the 16th a barrister said to the Q.C.: "How long is this case going to last?" Q.C.: "I don't know. They said last night it wouldn't last ten minutes, but it's going on still."

When it was over the author said to the Q.C.: "I feel that I ought to apologize for having kept you waiting so long, but you will make allowance for a first appearance in such an arena." Q.C.: "You need not apologize. You conducted your case remarkably well; better than any counsel could have done it for you."

the libraries of the Inns of Court, called by Ben Jonson "the noble nurseries of humanity and liberty," were hospitably open to him, but the case had not been called when autumn expired, and in the winter medical advice drove him to Italy in time to be earth-shaken at Bordighera on the 23rd February, 1887.

When the Easter sittings began in April, week after week elapsed without seeing the case called; but on the 18th May it was first on the list of applications for new trial on the 19th.

On that morning it was found that because a clerk to Sir H. James had on the 18th asked "an officer of the court not to put down the case for the 19th, as Sir H. James would not be in London," the case had disappeared from the list.

When the judges (Denman and Grove) took their seats the author brought the matter before them. Judge Denman courteously informed him that though they would not then go into the matter of the omission, the applicant was quite within his rights in bringing it before them, and perhaps such a thing would not happen again. They could put down the case for the following morning. Their Lordships had no sooner been thanked for their intimation than Mr. Justice Denman said there was one further difficulty, namely, that his "Brother Grove" would "rather not sit on the case, being acquainted with one of the parties."

Thus the defendant suffered because he happened to know so eminent a judge and man of science as the author of "The Correlation of Forces."

It was intimated that Sir Henry Hawkins would return from circuit in a day or two, and that then the case might be taken.

As Sir H. Hawkins had early in the year directed a Manchester jury in a manner which appeared to differ from that in which Baron Huddleston directed the jury in the author's case,* his appearance on the bench would have been interesting; but, by suggestions in court, letters, and an affidavit

* "Sir H. Hawkins told the jury that if they acquitted the defendant of malice, or of knowledge of the untruth of the statement complained of, they ought to find a verdict for the defendant."—*Morning Post*, 5th February, 1887.

on the 6th June, on the plea of indisposition of counsel (the brilliant judge, Sir C. Bowen, admitted that there was sometimes truth even in an affidavit), the hearing was delayed until 15th June, 1887, when Mr. Justice Field and Mr. Justice Manisty presided, in the manner shown in the following extracts from the "Shorthand Notes of Mr. A. J. Wright, Rolls' Chambers, Chancery-lane":—

"The Defendant: This notice of motion gives a great many instances where the learned judge is said to have done what he ought not to have done, and not to have done what he ought to have done.

"Mr. Justice Field: Please observe the order of the Court of Appeal. It is no use going into these matters unless you can show us that they affect the amount of damages. It is not a question of misdirection or that the judge said or did this, that, or the other that he ought not to have said or done.

"The Defendant: I point out that simply to show that I was not the drawer-up of that notice of motion, and, as it seems to impugn the learned judge's conduct with regard to the case as inducing the giving of very large damages, with the utmost respect for the person and for the office of the judge, I am put in a predicament of endeavouring to find out in what way I can account for misdirection, so-called, which so prejudicially affected me. . . . The learned judge said, without, no doubt, any intentional leaning, that he had something on his mind which was calculated to be injurious to me; because, without reference to it by anybody else, he alluded to the case of a certain Mr. Thompson who had gone to New Zealand and was eaten by the natives. I was well acquainted with the circumstances of that case, and I informed my counsel that there was no cannibalism in that case at all. I remember the case very well. It was considered in England, and there is a Blue Book containing 800 and odd pages, very many of which are about it. I said to my counsel that Mr. Thompson was not eaten, and that there was no cannibalism in that case, but the bodies were decently interred by a Wesleyan missionary. My counsel told him that, and the learned judge said: 'He was a very thin man indeed. A report came that he was eaten up by Maoris.'"

This effect on the brain of the learned judge, this delusion or "metaphysical aid" or "false creation, proceeding from the heat-oppressed brain," as Shakspeare might have called it, seems to affect my case.

"Mr. Justice Field: Will you please to point out to me and to my Brother some portion of the summing-up which you complain of?

"The Defendant: I will, my lord; but I am endeavouring to show you deferentially why I may say something about the summing-up of another judge.*

. . . . . .

*In the index provided by the publishers for the first edition of the History there was an entry—"Colonists are horror-struck by tidings of a massacre by Te Kooti at Poverty Bay." Baron Huddleston's attention was in some manner directed to Te Kooti's atrocities, and, while the case was being heard, the judge read two pages descriptive of the massacre. When he began to do so the defendant apprised him that the scene was on the opposite coast, far from Taurangaika, but the judge persisted in reading, and, except that he stumbled a little at a quotation ("rising to help Hyperion to his horse"), read with considerable emphasis. Many persons in the court seemed surprised, and the jury were very attentive.

"Sir John Gorst: Your lordship has read to the jury an account of one of the most horrible atrocities ever committed in New Zealand by Te Kooti. . . . As I cannot put any

"Mr. Justice Field: You are entitled to say anything you like. . . . You must show that the verdict is against the weight of evidence. At least, that point is not open to you absolutely; and about it being against the weight of evidence, you must always recollect that it is subject to the limitation of, as bearing on the damages. . . . ."

"Mr. Justice Field: What we have to deal with is the order of the Court. The order of the Court is clear, that it is only open to you to advert to any question for the purpose, if you can, of showing that that particular thing tends to show that the damages are excessive. The only ground of motion that you can make is that ground; and upon that point we shall be glad to hear anything you have to say."

"The Defendant: I shall be very unwilling to waste your time by endeavouring to argue a point which you are inclined to lay down that I cannot argue, but I imagine that when all the grounds are reserved, all the directions in the rule, either of misdirection or otherwise, applicable to such point will be open to me."

"Mr. Justice Field: So far as they bear on the question of excessive damages.

"The Defendant: Yes. Then any ground of misdirection which the learned counsel named, so many of which I find in that notice of motion, I suppose I may take up.

"Mr. Justice Field: If you can make out that they bear on the question of damages.

"The Defendant: If I can make out that they influence the jury.

"Mr. Justice Manisty: On the question of damages.

"Mr. Justice Field: On the question of damages.

"The Defendant: I should be very sorry to weary your patience on any point, and then be stopped.

"Mr. Justice Field: You must observe this bargain. You obtained by this rule a great advantage. Instead of having to pay £5000, or instead of giving a security for £5000, you obtain a rule giving you an opportunity for moving for a new trial, because the damages were excessive in your view.

. . . . . .

---

question to Mr. Bryce, I should rather like your lordship to put this question to him—Whether Mr. Bryce did not afterwards shake hands with this very man, Te Kooti?" . . . Sir Henry James asked the question, and Mr. Bryce replied that he "did shake hands with Te Kooti after the passing of the Amnesty Act."

In his subsequent summing-up the judge said: "If it is supposed for a moment that when I called attention yesterday to the transaction near Poverty Bay . . . that I was doing that for the purpose of in any way prejudicing the view you might take of the case itself, I may say at once that I disclaim any such intention, and certainly such an intention never crossed my mind. . . . It is recorded in vivid and graphic language, because Mr. Rusden, I am bound to say, is a master of language."

In applying for a new trial in 1887 the defendant said: "The learned judge, of course, had no such intention, but he would not have felt it necessary to say this unless he feared that his having read . . . might influence the jury. . . . It had a prejudicial effect. Here was a description of the atrocities taken from my own book, which shows the fairness with which I compiled it. . . . The judge read it . . . and said he did not mean that his reference should bear hardly on me. It opened up a very serious prospect for me; because, after my writing passages in which I denounced this Maori offender, he has been taken into favour, and he may bring an action against me, for aught I know, in any one of the courts. Mr. Bryce admitted he had shaken hands with the man who had committed these atrocities, and I may be made the subject of actions by every one of these Maoris who have committed the atrocities described in that book, and which I have detailed impartially. In another part of the summing-up the learned judge said: 'At that time martial law was existing on the West Coast of New Zealand;' but, my lords, it was not. No doubt the learned judge was under a false impression. Of course he would not have said that if he had not been—but the West Coast of New Zealand was not under martial law at that time at all. . . . ."

"The Defendant: But surely, my lord, it cannot be contended that a published work on a public subject is in its nature not privileged? One may go beyond a privilege——

"Mr. Justice Field: That we are not going to try. That has been tried and disposed of against you.

"The Defendant: But that is one of the points in the notice of motion.

"Mr. Justice Field: That is disposed of against you by the arrangement your counsel came to. It disposed of that point against you. The rule is this—let us go into it again in order that there may be no mistake about it. It is ordered that the defendant do confine his argument on the motion for a new trial to the ground of excessive damages, and that all the grounds mentioned in the notice of motion, either misdirection or otherwise, applicable to such point, be open. Therefore you may upon that ground refer to anything which affects the question of damages, but you must start with this—that it is an unjustified and unprivileged libel.

"The Defendant: But, my lord, one of the points mentioned in the notice of motion is—verdict against the weight of evidence; then damages excessive; and then improper reception of evidence; and then that the learned judge misdirected the jury; and that on the facts proved the libel was privileged, unless malice was proved.

"Sir Henry James: They abandoned that.

"The Defendant: My counsel never said it was abandoned.

"Mr. Justice Field: We must take the rule. We cannot go into that when we have a rule of court describing very clearly what was done. We are bound by that, and we shall not go out of it.

"The Defendant: But, you see, they specially reserve all the grounds mentioned in the notice of motion for new trial, either misdirection or otherwise, applicable to the point.

"Mr. Justice Manisty: As bearing on the question of damages you may go into all those matters.

"The Defendant: I suppose I am allowed to go into the general nature of it?

"Mr. Justice Field: If you will just tell us what your view of it is we shall not be inclined to hold you to it too strictly. Go on, and tell us what you have to say. If we think you are going beyond the terms of the rule we shall soon stop you; but tell us what you have to say as fairly as you can. We wish to hear all you have to say, only keep in mind as a general guide the terms of the rule. We shall not grant you a new trial if there has been a misdirection merely because there has been misdirection. We cannot grant you a new trial if the thing was privileged; but we can grant you a new trial if you satisfy us that the damages are excessive, and if we come to any conclusion as to what would be reasonable, and the plaintiff is not willing to accept that sum. That is the discretion we have to exercise to-day.

. . . . . .

"Mr. Justice Field: Just draw our attention, if you please, to what you consider the strongest act of misdirection. Take one, by way of illustration, and we shall see when you have put that to us whether it bears on the question of excessive damages. You know what misdirection is, I suppose? It is telling something to the jury which is not correct law.

"The Defendant: Or fact?

"Mr. Justice Field: No, only law. If the learned judge makes a misrepresentation of the facts; if he misrepresents them so as to misguide the jury on the question of damages, that might come within the rule.

"The Defendant: I will put a crucial instance before going into it generally, because it would not be any use going into it generally if I am not to go into the facts. The main complaint of the libel——

"Mr. Justice Field: Will you let us read the libel first? We read it before we read the evidence. Now let us read it again.

"The Defendant: I am talking of the second one. I am only following the line of your lordship's direction that I should give you a case likely to influence the jury, and at random I am now doing so. The second alleged libel speaks of the conduct of Mr. Bryce, as Native Minister, being cruel.

"Mr. Justice Field: Let us see what it is. I have read them carefully, but I have had all the evidence since.

(The passages complained of were read by Judge Field in open court, and might therefore be quoted at this stage; but as the author withdrew them, he has no desire to reissue them even in a legitimate manner as a part of proceedings in court.)

. . . . . .

"The Defendant: Of course, I contest altogether that I had any malice in my mind. I knew nothing about him. But I am not now going into that point. If your lordship desires me to give an instance of misdirection as to the law, I can give you one that refers to this second paragraph, and I will do it now.

"Mr. Justice Field: Yes, do that now. Let us see whether we can follow you upon that point, and see whether it may have led to excessive damages. What is the point?

"The Defendant: The point is this—I will not refer to the documents, though I easily can. The allegation in this so-called libel is, that Mr. Bryce behaved cruelly to the Maoris at Parihaka, as Native Minister, and elsewhere.

"Mr. Justice Field: Stay a moment. Not only did he behave cruelly at Parihaka, but that his exploits against little children at Tauranga Ika earned for him the title of murderer.

"The Defendant: That he acquired the title among the Maoris, there is no doubt. I did not give it to him.

"Mr. Justice Field: But, you know, it will not do for you to say:—'Somebody called him a murderer, and therefore I said so.' You must make out it is true, which is what you have failed in doing. You admit most clearly, and on some points very properly, that this was false. I do not say false to your knowledge, but untrue.

"The Defendant: No, I never alleged that he personally cut down anybody.

"Mr. Justice Field: But I must tell you another thing in point of law. If a man tells people to cut down children, he is as much guilty as if he cut them down himself.

"The Defendant: That is what the other side contested. They said he is not an accomplice, although an officer.

"Mr. Justice Field: That is in your favour.

"The Defendant: I think it is.

"Mr. Justice Field: That would not be misdirection of the jury.

"The Defendant: The time is late, my lord. I was going to suggest a point on which the learned judge misdirected the jury with regard to the cruelty of this person as Native Minister. My allegation against him was, that his conduct as Native Minister was cruel—that in pulling down a church, that in robbing houses, and that in dragging women and children

[illegible] were natives of the place [illegible] as Native Minister. The learned [illegible] argument by hinting that under [illegible] acts had been condoned, how- [illegible] know that he used that word; [illegible] but a historian must look

---

[illegible] summing-up is:—"I must say, and I [illegible] constitution of this country, which [illegible] New Zealand, the Executive has a right [illegible] is not necessary, I suppose, that the [illegible] with the Governor, the Executive are [illegible] I think Sir Henry James was [illegible]

[illegible] the illegality of the acts, if there is [illegible] any observation rests with the Executive [illegible] may have been right, but they have [illegible]

[illegible] Baron Huddleston in addressing the [illegible]

[illegible] before you, gentlemen. [illegible] good ground for believing that in fact he was [illegible] comment made in the alleged libel. [illegible] and in order that I may shorten this [illegible] words of more authority [illegible] the words of Judge Gillies in the pre- [illegible] Judge Gillies said, and I did get [illegible] the events were going on. [illegible] only justifiable either to repel [illegible] law, when the civil law had proved [illegible] There was no armed [illegible] there was no pretence of any hostile [illegible] brought to trial before Judge Gillies [illegible]

[illegible] Judge Gillies' charge was in 1883.

[illegible] my lord.

[illegible] was before Mr. Rusden when [illegible]

[illegible] the book itself.

[illegible]

[illegible] Sir Arthur Gordon, and [illegible] "The only remaining [illegible] of the West Coast Settlement Act [illegible] unusually great—I might almost [illegible] wisdom has thought fit to confer [illegible] question the propriety of their being [illegible] a highly penal one, and that [illegible] your duty to see that the Act be [illegible] alone, but extends to Europeans [illegible] such orders as shall seem to him [illegible] the following to be an offence, [illegible] any person authorized by the [illegible] of this Act, or for the purpose [illegible] 'obstruction.' In the present [illegible] when ordered to do so. This may or [illegible] obstruction. It would at most [illegible] authorized by the Governor had [illegible] that the order to move [illegible] gentlemen of the jury will now [illegible] It would not be sufficient [illegible] It must be the official act of the [illegible] to do some particular act in [illegible] the depositions show, there appears [illegible] Mr. Hursthouse to do any special [illegible] certain natives, given by a [illegible] the Acting-Governor calling upon [illegible] There is in it a request made, but on

into them; he has a privilege as a member of the public, and he must look into them and see whether they are cruel or not. It seems to me it was cruel, and if there is to be no tribunal, not even public opinion, before which a man is to be called when he has committed a cruelty, what becomes of it? Now, the judge has misdirected the jury in law (by instructing or directing them) that it has been arranged in New Zealand that if the Ministry did wrong they could be impeached. 'According to the constitution of this country, which is, I suppose, the same as the constitution of New Zealand. . . . They are responsible, and as I say, they are liable to be impeached if they do what is wrong—and they could be impeached—the Executive are responsible; *they are liable to be impeached*,' said the judge. Now, my lords, they could be no more impeached for it than that clock. There is no power of impeachment in any of the colonies; and not only is there no power of impeachment in any of the colonies, but it has been ruled by the Privy Council of this country that there is no power. I am not complaining that the learned judge was not aware of the history of the colonies. I happened to be acquainted with men who strove many years ago to bring about such a state of things as that there should be a power of impeachment for wrongs of that sort, done there or anywhere. I know that as a fact. I know that they brought their desire before the Colonial Department many years ago, and I know that the answer of the Colonial Department was that there was no such power; that it existed in no colony, and that the claim for it was one for which there was not any colour of foundation. That is what I remembered in the despatch supplied, but I was aware (when I was unfortunately compelled by various circumstances, to which I need not more closely allude, to take up my defence) that I had to look into it, and acting on this memory of the impossibility of obtaining any impeachment for wrongs of this sort in any part of the British colonies, I found (in a case, Keilley *v.* Carson, in Moore's *Reports of the Privy Council*, vol. iv., p. 89) it was laid down in a judgment. The judges present were the Lord Chancellor, Lord Denman, Lord Abinger, Lord Cottenham, Lord Campbell, Lord Brougham, the Vice-Chancellor of England, the Lord Chief Justice of the Common Pleas, Baron Parke, Mr. Justice Erskine, and the Right Honourable Dr. Lushington. The case was argued at great length before them. The question argued there was not that particular question, but they went on to say—'and, besides, this argument from analogy would prove too much, since it would be equally available in favour of the assumption by the council of the island of the power of commitment exercised by the House of Lords, as well as in support of the right of impeachment by the Assembly; a claim for which there is not any colour of foundation.' I do not complain that the learned judge was not aware of the history of the different colonies, amongst which I have spent some part of my time; but I do think I had a right to expect that, when the law had been laid down in Keilley *v.* Carson so broadly by so illustrious a Bench, that there was no impeachment against any public men in the colonies, it should be laid down accurately by the learned judge. That I have reason to complain that it should be laid down erroneously, I think I have a right to say, and that it was a great misdirection to put it in that way.

. . . . . .

order for the natives to disperse—no calling on them to do so—merely a recommending them to do so. If this be so, then these natives have been taken into custody for disobeying the order of a person who had no authority from the Governor, though a Minister, to do any special act or thing under the provisions of this statute.'" Sir J. Gorst failed to persuade Baron Huddleston to put Judge Gillies' charge before the English jury.

"Mr. Justice Field: Stay a moment. Very well. 'They are liable to be impeached. The present Ministry in England would have the right to give orders with reference to matters connected with this country without consulting the Crown, or even without the sanction of Parliament. They are responsible, and, as I say, they are liable to be impeached if they do what is wrong.' Why is it wrong? It is in your favour, I was going to say. Perhaps Sir Henry James might have complained of some part of it, but it is in your favour, is it not?

"The Defendant: What I mean is this—by telling the jury that to be impeached before public opinion in the press was wrong, because they could be impeached in a constitutional and legal manner. He was leading the jury to think, 'This writer has no business to do this; the proper punishment is impeachment; we will punish him, and we will punish him heavily.' It was an inducement to the jury to think that the writer was not justified in this condemnation of cruelty, because there was a specific tribunal for the purpose; but, according to this illustrious Bench of learned lords, in Keatley v. Carson, a claim to the right of impeachment by a colonial Assembly is a claim for which there is not any colour of foundation.' It seems to me it was misdirecting the jury as to the state of law to say, 'These men could be impeached by the law if they had done wrong.' They could not, and it becomes the duty of anybody exercising the noble functions and privileges of an author to impeach them. That is my argument. This is a misdirection on a serious point of law which affects everybody; and if the jury are to be led into considering they have nothing to do but consider whether things could be done in another way, with what bated breath and whispering humbleness must one treat public affairs, if he—who is doing it conscientiously, as I shall endeavour to show your lordships, I did—is to be persecuted, as I think I shall be able to show I have been with considerable [illegible] and then when the thing comes before the Court the jury are to [illegible] that there is, or was, or must be, a remedy; a remedy which [illegible] does not exist anywhere in any part of the British dominions except [illegible] United Kingdom. That seems to me to be a misdirection; and as [illegible] lordships ask me for an instance of misdirection with regard to the [illegible] I have given one which seems a very strong one. I have to apologize [illegible] for appearing before you to defend my case. I have certainly been forced into this position. . . . When this action was first [illegible] me, being perfectly conscious of my innocence, and [illegible] that I had no more antipathy to this poor creature [illegible] I had to that clock, I was urged by several of my friends to [illegible] and my reply to that urgency was this - If this matter [illegible] me only, I might do something of that sort; but this is a [illegible] not only my interests; it affects the interests of the public; [illegible] it affects free criticism; and if I foolishly go to defend [illegible] I am pitted against those great lights of the Bar, and lose my [illegible] will be said: 'The daring fellow! what did he mean by com- [illegible] the interests of literature and humanity by undertaking to [illegible] I said, 'No, I cannot help it; I am not rich, but what- [illegible] I will not put myself in the position of having dared to [illegible] because of my incapacity in managing my case—an [illegible] who would influence all other writers.' If this judgment [illegible] why could there write contemporary history? It would be [illegible] Therefore I said I would not defend myself; and, my [illegible] When this notice of motion was given [illegible] I was still enjoying the luxury of being represented by [illegible] notice of motion come on for argument early last year,

I should have been represented by counsel. My counsel were still Sir Richard Webster and Sir John Gorst, but various causes much more intelligible——

"Mr. Justice Field: I do not think we ought to go into this question. We are very glad to hear anything you have to say. It does not require any apology. You have a perfect right to defend yourself, and we shall listen to all you say, and be willing to pay the same respect to it as if it were said by the most eminent member of the bar. Therefore do not apologize for it or explain it, but tell us what you think you ought to tell us in your defence."

[The hearing of the case was continued on the following day, 16th June, 1887.]

Portions of the evidence of witnesses who saw the dead and wounded children in 1868 having been read,

. . . . . .

"Mr. Justice Field said: Mr. Tyrrell Paine or Sir Henry James will say presently that the character of the libel was to impute a cruel murder to the plaintiff.

"The Defendant: Individually? . . .

"Mr. Justice Field: Of unarmed natives or children. . . .

"The Defendant: But I deny utterly that I ever said it.

"Mr. Justice Manisty: You must never forget that part of your defence was that that was true in substance and in fact, and that does not appear to have ever been withdrawn.

"Mr. Justice Field: So far from that, you know this evidence was read at the trial, and you are now reading it to us for the purpose of showing that there was some foundation for this. You see what you are doing.

"The Defendant: My lord, I have no desire to do it, because my statements have been consistent all through that I never meant to make an individual charge.

"Mr. Justice Manisty: But you did make it.

"The Defendant: Permit me to point out that there is another paragraph in the book.

"Mr. Justice Manisty: But how do you get over your defence that the charge is true?

"The Defendant: Well, I contend that that was not the charge. I contend that the charge was collective;* that he was one of the party; and I

* The shorthand report at another part deals with this point:—

"The Defendant: I am not presuming to exchange words with your lordship on a point of law; but when you speak of Hannibal cutting up the Romans, you do not mean that he did it with his own hand, but that the army under him did it. And so again the Duke of Cumberland has been called a butcher.

"Mr. Justice Field: Let us call a spade a spade.

"The Defendant: Nobody thought that the Duke of Cumberland killed people with his own hand——

"Mr. Justice Field: But nobody called him a murderer.

"The Defendant: Butcher, my lord—they called him 'butcher.'

"Mr. Justice Manisty: Your very observations lead me to this—that you still think he did take part in it as a murderer.

"The Defendant: No, I do not.

"Mr. Justice Manisty: What part did he take in it? The only part he is said to have taken in it was to draw the men off. When you compared him to Hannibal, or the Duke of Cumberland, what part do you say he took in it?

"The Defendant: I may have expressed myself ill. I do not mean to say he took the part they took; but that they entitled themselves to certain designations, not for acts done by themselves, but for acts done under their sanction.

"Mr. Justice Manisty: Yes, that he sanctioned it; and if he did that, he is as guilty as if he did it himself."

was going to say, with regard to that other passage, that there is a decision upon the subject in the case of Thornton *v.* Stephen, in 1837, reported in *Moody and Robinson's Reports*, vol. ii. That was an action for libel contained in a newspaper.

"Mr. Justice Field: What are you reading now?

"The Defendant: I am reading a quotation from the case of Thornton *v.* Stephen.

"Mr. Justice Field: Where reported?

"The Defendant: In *Moody and Robinson's Reports.**

"Mr. Justice Field: Will you hand it up to us if you have it? [Book handed.] Oh, yes! you have a right to have it all read if any other part is referred to in the libel. Of course, everybody is entitled to have that. We do not dispute that for a moment. You need not trouble yourself by reading this case, because we do not dispute it.

"The Defendant: I was only going to read one sentence of Lord Denman. He says that the import of the previous case, alluded to there, was that it should be considered part of the plaintiff's case. Now, the whole of my book is in evidence, and another portion of that book mentions the presence of troopers on that occasion; and the plaintiff had full notice of that, because in the particulars——

"Mr. Justice Field: Was that part of the book which you are now reading read at the trial too?

"The Defendant: Of course it was, my lord, because it is the second alleged libel.

"Mr. Justice Field: Where is it? Give us the part of the book where the passage is.

"The Defendant: It is the exact second alleged libel, and the events at the woolshed are alluded to in that part as well as the other; and the presence of troopers is mentioned in that second paragraph, showing it was a collective act; and, moreover, more than three years ago my solicitors were asked for particulars, and they gave particulars, in which this sentence occurs:—'The above are the events and treatment of the children referred to in the said extract, and are the exploits with the Kai Iwi troopers referred to in the second paragraph." So that those two paragraphs show that the action was collective, and no individuals were charged. As I said in my evidence, I could not say who struck the child on the head, but that some of the party did it. The second paragraph shows that there were troopers; that it was an act of a body of men;† that Mr. Bryce was present; and that the presence of troopers was not denied, and was stated—

* Thornton *v.* Stephen—"In an action for libel contained in a newspaper, the defendant has a right to have read, as part of the plaintiff's case, another part of the same newspaper referred to in the libel complained of."—*Moody and Robinson's Reports*, vol. II., p. 46.

† Elsewhere the shorthand report is:—"The Defendant: This witness (Uru te Angina) could be under no mistake. He saw Hoani Tamou 'being removed by his parents. . . . His father was carrying him in his arms.' These witnesses could not be under any mistake, therefore, as to the size of the children and the circumstances of the whole affair. They had nothing to disturb their judgment or their memory, and what I read that evidence for was to show the unfavourable circumstances, for giving accurate evidence, of the troopers; and the so far favourable position—although they lost their little children—for giving evidence of the natives themselves, who, in despondency, picked up their dead children and carried them to the pah. . . . There is no doubt that I need not impute to these troopers any intentional deception in their evidence. They laboured under very great disadvantage. They saw these poor little children at a distance of 400 yards. They were ordered to discharge a volley, I believe, and they were ordered to charge. They did charge. A number of them got into a swamp; the horses stuck fast; there was a good deal of undergrowth, and they saw, what they saw, at a distance. . . . They were under great disadvantages, as I shall show you."

[The judges conferred.] I was going to say that that was one of the points of misdirection that I complain of.

"Mr. Justice Field: Which is—what is?

"The Defendant: That the learned judge would not put before the jury that the presence of the troopers was mentioned.

"Mr. Justice Field: Where do you say he would not do it?

"The Defendant: Because he refused to let me do it; and because in the summing-up he abstained from doing it.

"Mr. Justice Field: You must do it now, otherwise I shall forget all about it. Show me the part of his summing-up in which he refused to do something which he ought to have done, and which would have had an effect upon the damages if he had done his duty.

"The Defendant: It is at page 31. I have found it rather hurriedly.

"Mr. Justice Field: Now then comes a most remarkable passage, because it is this passage with another which Mr. Rusden says justified him in saying that Lieutenant Bryce cut down women* and children, gleefully and with ease.

"The Defendant: Will you allow me to point out that that is not what I said? I have a note at the side saying that I consider that a misstatement—a misdirection on the evidence. I said that that, coupled with Captain Newland's boasting despatch about the way in which they had cut down and sabred eight people, justified me in saying it was done gleefully, because they wrote a boastful despatch† saying that they had cut down with sword, pistol, and revolvers. There were twelve little children, one of them sworn to be not much higher than the table, and there was a boastful despatch about numerous performances of cutting these children down. As to ease, of course it is very easy to cut down little children, with their naked legs, running away in the fern. The ease is necessary; and the ease is shown by the boast of Captain Newland; and his lordship misdirected the jury in saying that it was 'this passage coupled with another.' I said it was this passage coupled with the boastful despatch which made me say it was gleefully done. 'A party of mounted men from among the besiegers headed by Mr. Bryce and Mr. Maxwell rode among them, and, on their flying, pursued and cut them down.' That was the information sent to me by Sir Arthur Gordon, taken from the bishop. Then the judge says: 'Now that passage would impute the act to the party of mounted men, and it

* Another part of the shorthand report makes the defendant say:—"Now, my lords, with regard to that, as far as inclusion of the word 'women' is concerned, I will not trouble your lordships with a long recitation of the evidence. I stated, after my book was published, that one of the chiefs wrote a letter describing what he saw, and in that letter he stated that there were no women present. I immediately prepared or amended a list of errata, striking out that about the word 'women,' and issued it to those friends who I knew had copies, and I would have caused the publishers to include it in all the books they had, but as they could not sell them it did not much matter. They said so, and it was on technical grounds alone, so far as I knew, that it was not withdrawn from the pleadings. I earnestly pleaded that it might be. I may have been right, or I may have been wrong. I do not understand the law. It is very clear I did not, but I earnestly pleaded that that word might be withdrawn. There may have been certain legal reasons, and very good reasons, why it should not be. That was all stated in evidence. That is the only matter with reference to the complicity of one of the parties which seems to be untrue."

† " . . . . as soon as possible we mounted the dismounted men and charged, killing eight with sabre, revolver or carbine, besides wounding others. . . . I must acknowledge the assistance rendered to me by Captain O'Halloran, of the Patea Yeomanry Cavalry and Lieutenant Bryce, commanding Kai Iwi and Wanganui cavalry. These gentlemen were prominent in this affair and set their men a gallant example." Captain Newland's despatch was sent to England in 1868 (Blue Book, 1869, No. 307), and was produced before a commission in New Zealand in 1885 by himself.

might have been done without the knowledge of either of the persons commanding it, because it does not say that they were present.' Now how could they not be present when they headed the party? Surely when it says, 'A party of mounted men from among the besiegers, headed by Mr. Bryce and Mr. Maxwell, rode among them, and on their flying cut them down'—how could it be said that the passage does not say they were present?

"Mr. Justice Field: You are arguing now that the verdict is wrong. That we cannot listen to. Your argument now is that the jury ought to have found that he did it, whereas that is conclusively found against you.

"The Defendant: Pardon me. I do not put it in that way. The way I put it is this—that the learned judge told them that these men were not stated to be present. He allowed them to think they were not present, and allowed them to give large damages against me because they were not present, and influenced them in giving that very outrageous verdict, or verecundict, as I would rather call it. 'Now that passage would impute the act to the party of mounted men, and it might have been done without the knowledge of either of the persons commanding it, because it does not say that they were present. But, gentlemen, does that justify Mr. Rusden in saying that from this passage he understood that Lieutenant Bryce and Sergeant Maxwell personally cut down women and children 'gleefully and with ease?'" Well, I never did say so. Then the learned judge says, 'I cannot help noticing this that Mr. Rusden says, 'I rather weakened the effect of the bishop's information.' I thought I did, because I did not say that a child was killed, although the despatch says eight were killed. I distinctly pointed that out in the letter printed in 1883, long before this action was ever thought of, or rather brought. The letter said, 'I did not say that any children were killed. I spoke of their treatment, not of their death, in the History.' Therefore I have never changed, and moreover, the plaintiff admitted in the court that he had a copy of that letter. I sent several copies in print to a friend in New Zealand, and he sent me information that he gave one to a colleague of Mr. Bryce's to give him, and Mr. Bryce admitted in court that he had it and saw it.

"Mr. Tyrrell Paine: Not until after the trial.*

. . . . . .

"The Defendant: I quite feel that if I were to insist upon imputing to any one that which I could not prove, it would be a very abominable thing. I do not insist on that. I never said that any child was killed at all. And something which fell from you leads me to think that you imagine an apology was asked for; and there is a phrase in the learned

* This interruption from counsel shows what liberties men with wigs and gowns sometimes take. At the trial, in 1886, the shorthand report was:—

"Sir Richard Webster: Now, my lord, I call on Mr. Bryce to produce a copy of the letter of 1st September, 1883. It was sent out to New Zealand for him. I do not want the original. . . . Sir Henry James says he did receive it, though he cannot tell exactly the date. That is the letter on that print. It was sent to a friend to give to Mr. Bryce, and Mr. Bryce very frankly admits that he got it.

"The Defendant: I do not say that it was sent to be given to him; but it was sent, and my friend told me he got it.

"Sir R. Webster: Mr. Bryce very frankly admits that he got it."

The following phrases were in the letter:—"It seems that a passage in my History, with regard to an exploit of a few of the Kai Iwi cavalry, has been designated as untrue. If it were so it would be my first duty to make all reparation in my power. But I must receive assistance in order to enable me to do so. . . . It would afford me pleasure to be able to exculpate Mr. Bryce from the imputation of having been one of the party which maltreated the children. . . ."

judge's summing-up to the effect that an apology was asked for; but the first intimation I had from Mr. Bryce was when I was abroad in France, when I got a letter from the solicitors, saying that they had been told by my publishers where I was . . . and on the night of the 6th of February, no apology having been asked for at all, or explanation—on one night at any rate—I got notice that unless by the following morning in London, which was impossible, I communicated with the plaintiff's solicitors, they would take steps to 'serve me out' of 'the jurisdiction," as their instructions left them 'no alternative.' That is the only way in which any apology was ever asked for, my lord. Steps were taken, I am told, and the writ was put into the hands of a French agent.

"Mr. Justice Field: We cannot go into all that.

"The Defendant: But does it not show that no apology was asked for?

"Mr. Justice Manisty: Assume that.

One complaint against the author imputed to him a statement that the chief Rangihiwinui (or Major Kemp) had been improperly or maliciously dismissed by the plaintiff from the public service. His dismissal was mentioned in two places in the History, one of them being an alleged libel, on which Baron Huddleston dwelt strongly in his summing up.

The other passage (not complained of) assigned as the cause of the dismissal some unruly conduct about a land quarrel.

Charging the jury in 1883, Baron Huddleston said (about the first passage):—

"What is the meaning of that? Taking up the document and reading it as a man of common sense, it means this—Kemp has expressed an opinion; he earned thereby the hatred of Bryce for it. He was dismissed in consequence. I should think that is the meaning. . . . You must ask yourselves what is the meaning of that passage. It is not what Mr. Rusden says now or did say then. . . . Can you come to any other conclusion than that the insinuation is that because Rangihiwinui expressed himself in this way Mr. Bryce, the plaintiff, turned him out?"

The other passage was:—

"Rangihiwinui was under a cloud in 1880. There was a dispute about land at Murimotu, in the Wanganui district; and his conduct was turbulent towards the other Maories. Mr. Bryce dismissed him from the Public Service as Native Assessor and Land Purchase Agent.'

Questioned in 1886 by Sir Richard Webster as to the first paragraph, the defendant pointed out that the cause of dismissal was specially stated in another part of the book (viz., in the second paragraph quoted above).

"Cross-questioned by Sir H. James: Do you believe Kemp's statements?

"Defendant: Yes; I believe them all. . . .

"You put those two things together, and did not intend to convey to the public that there were cause and effect connected with it?

"Defendant: No, I did not. In another passage I assigned the cause. I put the two together. You put passages together against me.

"Sir H. James: Does it occur to you that persons may read one volume and not the other?

"Defendant: I hope the subject is interesting enough to lead them on.

. . . . . .

"Sir H. James: Had you when you wrote this passage any information that there was any connection between the hatred and the dismissal?

"Defendant: No, I had not, and I did not mean the passage to convey that. I prove that by assigning the real cause in another place in the book.

"Sir H. James: You told us that before.

"Defendant: You speak as though you had not heard it before.

. . . . . .

In the application for a new trial, the defendant said:—

"Then, on the same page, nearly half-way down, the learned judge instructed the jury that nobody could doubt that I meant he had cut down women. I have already testified that I withdrew the word "women" to the best of my power, and that I did not impute personally at all. Again, the learned judge dwells upon that about Kemp. He says:— . . . 'He was dismissed in consequence.' I denied the consequence even in the one paragraph; but with the other paragraph, explaining why he was dismissed, it is quite clear. But I am not allowed to refer to that, although it was in the book. This one paragraph you may take, and may say he was dismissed in consequence, although there is another passage in the book explaining what it was in consequence of which he was dismissed. . . . There is no doubt that (by some persons apparently) the passage in the libel, so called, might be read as if it were a consequence. 'He earned thereby the hatred of Bryce, who long afterwards, when Native Minister, dismissed Rangihiwinui from office.' I contended in the witness-box that there was no necessary sequence between the one part of that sentence and the other. It was long afterwards. It had nothing to do with the case, and I never meant to say he was dismissed in consequence of that. When asked in the box, I said I did not think that was the meaning of the passage, but if it was so slovenly written as to give that meaning, I take up the book and I find the cause of Kemp's dismissal described elsewhere. 'There had been a dispute about land,' &c. . . . I adduced that passage to your lordships in Thornton *v.* Stephen, by which it is quite clear I could have demanded that that passage should have been read as part of the plaintiff's case, but the learned judge never even put it to the jury as part of mine.

"Here I distinctly allege that owing to his disputing and turbulent conduct he was dismissed; and it is quite clear from the decision of Thornton *v.* Stephen, which dates a long time ago, but has never, so far as I have heard, been upset, I am entitled to the benefit of that paragraph; but the learned judge dismissed it when I brought it forward, as unconnected, and would not have anything to do with it. He would not put it before the jury. Surely that was an inducement to them to give heavy damages—having my defence shut out, and not only a defence, but

a defence I was entitled to claim as part of his case. Surely that is waiving it away by saying—'It is in another volume,' and so on, when I had a distinct proof that I was entitled to it. Then the same thing crops up in another passage—'It is not what Mr. Rusden might have thought as to the meaning of the words he used;' whereas the learned judges in Clark *v.* Molyneux said that is exactly what it was—the *bonâ fide* belief in the writer's own mind."

The gallant Rangihiwinui himself was questioned on the subject before a Commission in New Zealand in 1885. A friend (writing at the time that Rangihiwinui was questioned whether he bore any malice against Bryce on account of his dismissal by that minister) regretted that "the reports cannot show the calm dignity with which he drew himself up and said: "A chief never bears malice." Cross-questioned: "Have you any reason to suppose Mr. Bryce bore malice against you?" . . Rangihiwinui answered: "No; I don't know. It is for Mr. Bryce to answer that, not for me."

The military air and powerful voice of the chief added to the impressiveness of his words—but the English jury saw none of these things.

Another witness before the New Zealand Commission was Colonel Whitmore, Commander-in-Chief of the local forces in 1868, who said:—

"At that time Major Kemp (*i.e.*, Rangihiwinui) was our mainstay on that coast, and in everything that occurred he was allowed to have very full say."

Rangihiwinui was asked:—

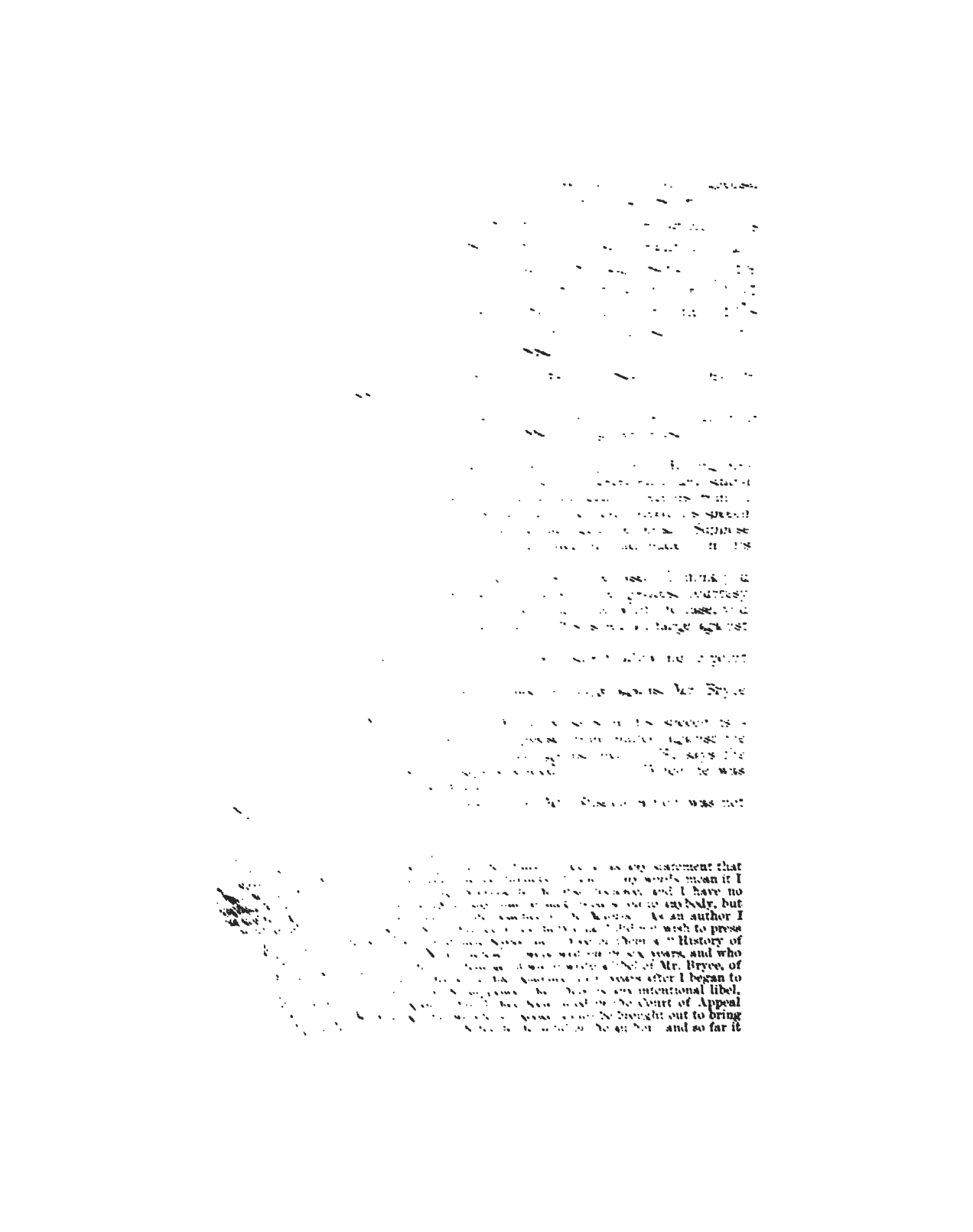
"Were you angry at what you heard about the killing of the children?"

He replied:—

"There was a dispute between me and an officer of the colonial forces about the position near the bush (at Taurangaika). The officer is since dead. I do not know his name. I remarked at the time—'If I knew you were going to kill children I would have nothing more to do with the fighting.' Colonel Whitmore interfered and pacified us." . . . Do you know whether those were the exact words you used?—"I was angry, and I did say I would resign. I also said that I had to go in front of the troops, as 'the eye of the army,' to reconnoitre."

On the question of malice the plaintiff had spoken thus in the New Zealand Parliament on 12th July, 1883:—

"The truth is this book has to some extent been misapprehended. The attack is not *per se* upon me. What does Mr. Rusden care about me individually? He cares nothing about me . . . and when he refers to me he merely does so to show that the colonists are so entirely vile to the core that they will select persons of that kind to administer their affairs. That



"The Defendant: I am very glad Sir Henry James said that, because it assists me. How could he get up in the House and explain the purport of the book without having read it?

"Sir Henry James: From a review. He said so.

"Mr. Justice Field: Please, Mr. Rusden, confine yourself, as any other gentleman is bound to do, to your address to the Court.

"The Defendant: I apologize, my lord. It seems inconsistent to get up in his place in the House at New Zealand and explain the nature of the book without having read it, but yet having read it sufficiently to explain the purport of it, he said—'The man cannot have any malice against me.'

"Mr. Justice Field: And that is what you have to show to us.

"The Defendant: Only that portion of it——

"Mr. Justice Field: Please go on with anything that is material and relevant, but do not occupy our time with matter which we tell you is irrelevant. We have heard you now for four and a-half hours. We do not wish to abridge your time, but we do call upon you to speak to matters which are of importance.

"The Defendant: I do not know whether your Lordships will allow me to read some cases with regard to the law.

"Mr. Justice Field: Oh, no; we need not trouble you with that. My brother is fully acquainted with the law. I will not say I am; but he is. Oh, no. There are no cases bearing on this question—none. We know what they are.

"The Defendant: What I should wish to do, my lord, would be to show what was the operation on my mind as to my position.

"Mr. Justice Field: You have told us all that, and we have listened to you, and we shall hear from Sir Henry James what weight he thinks is to be given to what you have told us. He knows, and we shall hear from him what weight is to be given to what you have said.

. . . . . .

"The Defendant: Then I will go to the place in the summing up on page 4, where the learned judge says:—'The third ground of defence stated upon these pleadings is that it was written by the defendant, who honestly believed it to be true, without malice, and in his capacity as a public writer. I tell you, without the slightest hesitation, that that is no defence.'

"Mr. Justice Field: You cannot complain of that on this rule.

"The Defendant: I am very anxious to show you this, because the learned judge says:—'I tell you, without the slightest hesitation, that that is no defence,' but in the case of Clark *v.* Molyneux, which was tried also——

"Mr. Justice Field: We know Clark *v.* Molyneux as well as any case in the books. Baron Huddleston was the learned judge who tried that case. Baron Huddleston, who tried this case, also tried Clark *v.* Molyneux.

"The Defendant: I know he did.

"Mr. Justice Field: But how does it bear on the question of damages?

"The Defendant: If he misdirected the jury on that point, and in Clark *v.* Molyneux I find that a new trial was granted mainly on that ground, or at any rate that that was one of the principal grounds, surely I may cite it.

"Mr. Justice Field: Surely I may appeal to you, Mr. Rusden—I

thought I could appeal to you successfully just now—to confine yourself to the limits of this rule.

"The Defendant: Surely it induced——

"Mr. Justice Field: Very well; I will not say any more.

"The Defendant: Surely it induced the jury to give large damages when he directed them in the same terms as in Clark *v.* Molyneux; and for directing them in those terms, Lord Justice Bramwell said there was a misdirection; and Lord Justice Brett said there was a misdirection on that point about *bonâ fide* belief; and Lord Justice Cotton said the same on that very point about *bonâ fide* belief. Lord Justice Bramwell said (Q.B., Law Reports, 1877-8, vol. iii., p. 244):—'At a later period of the summing up the judge explains what he means by honest belief, and the effect of his language is that the jury must have been led to think that "honest belief" means not the actual belief in the defendant's mind, but belief founded upon reasonable grounds. Apart, therefore, from the question upon whom the burden of proof lay, I think there was a misdirection as to the meaning of the term "honest belief"'—(that, my lord, is exactly the meaning the judge gave in my case)—'and that the verdict against the defendant cannot stand.' . . . Then Lord Justice Brett said that 'the direction to the jury left them to suppose that although the defendant did believe them in fact, yet that did not protect him unless his belief was reasonable, whereas *the only question was whether the defendant did in fact believe what he said, and not whether a reasonable man would have believed it.*'

"Mr. Justice Field: That was on the question of privilege.

"The Defendant: *Bonâ fide* belief——

"Mr. Justice Field: That was upon the question whether the communication was privileged.

"The Defendant: But *bonâ fide* belief——

"Mr. Justice Field: *Bonâ fide* belief; that is not open to you now.

. . . . . .

"Mr. Justice Field: Well, if you will go on I cannot help it.

"The Defendant: It would be very improper and ungracious of me; but at the same time I wish clearly to show that it was not with any crude and foolish idea of arguing a point of law that I wished to do it, but to show that it it really should have come in the category of privileged cases, then that direction of the judge, which prevented my getting the benefit of that point, had absolutely led to the jury giving large damages, and, at the same time, contained in itself inherent evidence that the damages, if any at all, should be reduced to the lowest amount. That was my intention in looking into those cases of privilege; but if I may not do it, I may not. But at any rate I formally submit with regard to Clark *v.* Molyneux, that the learned judges there overruled this very statement which is made in the summing up against me, because the *bonâ fide* belief, which the learned judge in this instance says was no defence, was admitted in the case of Clark *v.* Molyneux, and the learned judge himself was overruled by that judgment. Now, I will take a different point. I understand your lordships do not want me to go into this case of privilege?

[illegible] would seem to ordinary persons—to have [illegible] belief, and as to the necessity to prove, and not to [illegible]

[illegible] the cases reported a case (Partridge *v.* The General [illegible] of the United Kingdom) in which the report says:— [illegible] that he was prepared to decide that this [illegible] and he would therefore suggest that the

"Mr. Justice Manisty: Certainly not.

"The Defendant: Then I will take another point in this summing-up. . . . The learned judge said: 'What answer is it to say I am very sorry for it? I beg your pardon, but John Brown, or Tom Snooks, or James Stiles told me it was true, and I believed it.' That seems to be a reference to my informants (a governor and a bishop) under the old appellations of John Brown, or Tom Snooks, or James Stiles. As I read the paragraph I remember the use of those names, John Brown, Tom Snooks, and James Stiles, in a very celebrated law case which I had better perhaps not go into, as I must not go into cases—the case of Bardell *v.* Pickwick. It was Sergeant Buzfuz who, on that occasion, looking at Mr. Pickwick when he wanted to harrow Mr. Pickwick, used the names Nokes, or Stokes, or Stiles, or Brown, or Thompson, and the learned judge put my witnesses in that light, and knowing the high characters which they held, and knowing the high character which Sir Arthur Gordon has maintained. . . .

"Mr. Justice Field: We have heard all this.

"The Defendant: I will explain why I did this. A libel action was tried at the beginning of this year at Manchester before the learned judge ——

"Mr. Justice Field: What are you reading from now?

---

jury should be discharged, and it be left to his decision; in which event either party could go direct to the Court of Appeal.

"Mr. Waddy said his client wished the matter to go to the jury.

"Baron Huddleston: But I will not permit it. I have told you that I am going to decide the matter at once.

"Mr. Waddy: Then I can say no more, my lord.

"Baron Huddleston gave judgment for the defendants, holding that there was no evidence of malice on the part of the defendants, and that therefore the action did not lie. . . . He did not think it required authority to establish that where persons in a quasi-judicial capacity exercised their discretion wrongly no action could be maintained against them for such a decision, unless it could be shown that they arrived at their decision maliciously. Here there was no evidence at all of malice, and the plaintiff must therefore be nonsuited, and judgment entered for the defendants."

On appeal, this judgment was upheld.

Partridge's appeal was reported in the *Times*, 23rd March, 1892. It was heard before the Master of the Rolls, and Lord Justices Fry and Lopes. Partridge's counsel urged that "an inference of malice might fairly be drawn." The Master of the Rolls said: "There is really no evidence on which anyone can say these gentlemen were actuated by anything like malice. . . . The appeal must be dismissed with costs." The other judges concurred.

The *Times* of 16th November, 1889, reported the case of Besant *v.* Hoskyns, tried before Baron Huddleston, who directed the jury that the question was—"What the defendant's honest belief was, . . . for if the reading of her writings had created in the defendant's mind a reasonable and honest belief that she did, and he published it on a privileged occasion, he had a complete answer to this action." The learned judge finally left these questions to the jury—

"(1) Did the defendant publish the alleged libel?

"(2) Was the matter complained of a libel?

"(3) Was it true in substance and fact?

"(3A) If untrue, then did the defendant, when he published it, honestly and sincerely believe it to be true, and his duty to publish it, and did he do so without malice?

"The first question was practically admitted. The second they would doubtless answer in the affirmative. If the libel was true, there would be a verdict for the defendant; if not, then they would have to say whether the defendant had been guilty of *mala fides* in the sense he had explained. If they answered this in the negative, as he had held the occasion to be privileged, it would be a verdict for the defendant.

"Verdict for the defendant accordingly."

Though the author may regret that the Huddleston of 1886 seemed to differ so much from the Huddleston of 1889, it must be satisfactory to other authors to notice the later deliverances.

The Defendant: The *Manchester Courier*.

Mr. Justice Field: We do not permit these papers to be cited in this Court. We do not permit it. It is a rule.

The Defendant: Then I refer to it in this way ——

Mr. Justice Field: We do not permit newspapers to be referred to in this Court.

The Defendant: Then I will refer to it from memory. The editor had inserted an imputation, or what was supposed to be an imputation, on a Mr. Pankhurst. . . . His defence was that a respectable person made the speech in a public place, and that he was justified in printing it. Mr. Justice Hawkins in that case said that as the man was a man of reputation he was quite justified in doing it; he was bound to believe it, and if it was erroneous he was to be pitied rather than blamed; that the editor had a perfect right, if the speaker was a man of reputation, to believe his statements. How could I doubt Sir Arthur Gordon, then? I cannot imagine in what way I could doubt him. He was commended by Lord Selborne. Lord Selborne says: 'Sir Arthur Gordon has been for many years one of my dearest and most intimate friends, and there is, perhaps, no one who has a greater right than myself to say that he thoroughly understands the case, his ability, and his character. . . .'

Mr. Justice Field: What are you reading now?

The Defendant: It is a speech of Lord Selborne.

Mr. Justice Field: What have we to do with a speech of Lord Selborne?

The Defendant: It is to show the character of my authority, Sir Arthur Gordon.

Mr. Justice Field: We have nothing to do with that now. He is a great lawyer, but he has nothing to do with the case of to-day. Do come back to the question. Are the damages excessive? If it is possible, you will wear out my patience.

The Defendant: You have been so very kind I think that will be impossible.

Mr. Justice Field: If you will keep to the question you may speak for a month if you like, but when you are outside the question, as you are again at present, we must stop you. Do pay that attention to the Court.

The Defendant: I will; but when I find my witnesses compared to John Nicol, Tom Snooks, and James Styles, I think I may say something as to my character.

There were other occasions on which their Lordships thought it right to check the defendant, though with consideration, for his legal ignorance.

Mr. Justice Field: It is no use telling us all that. You may produce any evidence given at the trial.

The Defendant: Then I will merely say I hunted up and could not find it. Then I had sent to me the letter produced at the trial from the bishop to Sir Arthur Gordon.

Mr. Justice Field: What does the bishop say? He was not present, you know. He had no reason for knowing it one way or the other. How-ever, what did he say?

Defendant: I am only showing what steps I took. He says, 'I in this morning met a person who belonged to the Kai Iwi tribe, and he named no name but Maxwell's. He said that the Honourable Commander of the party who killed the children.'

"Mr. Justice Field: If you had said that there would be no harm in it—that he had commanded the party, and one of the party shot down the boy or killed the boy, but that is not what you said.

"The Defendant: Well, I did not mean more than that he commanded the party.

"Mr. Justice Field: But we must attribute to you the knowledge of the English language. You have shown yourself a thorough master of it.

"The Defendant: I wish I were more so. I think I had better not go on with Sergeant Handley's evidence.

"Mr. Justice Field: I think not. If I may say so, I quite agree with you.

. . . . . .

"The Defendant: I wish to point out this. The learned judge says:—'I think it only right that I should point out to you what was the state of affairs prior to this expedition to Parihaka.' Mr. Bryce's evidence is very misleading as to the facts in that case. No doubt he is a man of strong opinions (he is not here, and I do not wish to say anything against him), and his statements of the condition of the district of Parihaka at that time are absolutely incorrect. The learned judge puts that absolutely incorrect description of the district to the jury, and says that any denunciation of the conduct of this man as Native Minister is wrong, because the district was not in the condition that the author describes, but in quite a different position. Te Whiti is in one place (in the summing-up) said to be a man addicted to fire-water. The Blue-book shows that he was not so, but prevented the sale of drink amongst his people. It was, in fact, just the contrary; and if the learned judge thought it right to put before the jury the condition of the district at the time, and put before them not the real condition, but a different condition, I am entitled to show that the jury were induced to give a verdict against me not justified by the facts, but by the misleading evidence of Mr. Bryce. When men wish to do a thing no doubt they will do it, but I have no feeling against him; he was only the instrument in doing it. I will admit that. But there were more than two thousand peaceable inhabitants of Her Majesty's realm turned out of their houses, their houses were destroyed——

"Mr. Justice Manisty: That is not the question. It has nothing to do with the question we are trying. You are driving me against you, you really are. You go on with certain matters which make your case far worse.

"The Defendant: It gives me great grief to drive you against me. If I only knew how I could drive you for me, I should certainly do it very quickly.

"Mr. Justice Manisty: I was very anxious to see how you could mitigate the damages, and how you could mitigate the serious charge you have made against the plaintiff, but instead of that you are driving me against you.

"The Defendant: I am not going into that matter.

"Mr. Justice Manisty: I tell you plainly you are making a very bad impression upon me.

"The Defendant: If I am not to go into this question of Parihaka, I abandon it.

"Mr. Justice Manisty: It has nothing to do with it.

"The Defendant: The learned judge thought it necessary to bring it before the jury.

"Mr. Justice Manisty: A great deal was necessary to bring before the

ury in order that the *whole* matter might be before them, but the judge gives the whole question.

The Defendant: *These* were his words:—'I think it right that I should point out to you what was the state of affairs prior to this expedition to Parihaka.' On that state of affairs he points out two points merely on the authority of Mr. Bryce, and the authority of Mr. Bryce is intervalled page after page in this Blue-book, quoted in evidence on several days throughout the trial, and put in evidence in course of the trial. If he took the isolated opinion of Mr. Bryce as to the state of the district, rejecting the crowd of evidence in this book which was in evidence, surely I was entitled to go into it. Of course, if I am not to go into the question, I must abandon it, because it is idle for me to speak if your lordships do not wish to hear me; but at the same time, if he thought right to point out the condition of the district, the condition of the district is of importance, and if the true condition of the district is of importance, not the incorrect condition of it, then I ought to go into it. Of course, if I am prematurely stopped, I am stopped. Does your lordship feel that I ought not to go on?

Mr. Justice Field: We do not say that you are not to. We do not preclude you from going on. We tell you our views and the materiality of it, but we cannot stop you.

The Defendant: Then, my lord, I will do it as briefly as I possibly can. That being the state of the district, the Governor issued a proclamation, saying that the rights of all the loyal natives were recognized as long as they continued to reside in the district, but about the year 1868 and 1869 took place a provocation. I will not go into the point, but I could easily show your lordships that the Maoris were very much provoked. That resulted in Titokowaru making a stand. He was put down in the year 1869, mainly by the activity of this chief, Kemp (Rangihiwinui). In the beginning of one of the documents in this Blue-book,* your lordships will see at page 51 what was the condition of the district at that time. That insurrection was now being put down, the Royal Commissioners, Sir William Fox and Sir Dillon Bell, described the state of the country. I will point out to your lordships that it is not my business to take the part of absentees, but at the same time, as some remarks were made about Bishop Hadfield as a person of no repute, and the learned judge said to the jury that he might have inquired among his constituents in the district as to the state of the district after the insurrection, I will read this formal document which gives a description of the state of the district. 'When the insurrection was suppressed, the country between Waitotara and Cape Egmont had been all but deserted by natives and settlers alike. In October, 1869, so far up as the outskirts of the settled districts at New Plymouth, the country was without a European inhabitant save about 100 at Patea township, a few families that had gallantly remained at the Wairoa throughout the war under the shelter of our redoubts, and the outposts and block-houses garrisoned by a handful of volunteers and a Ngatiporou contingent. A homestead only here and there was being rebuilt. As to rebel natives, they had entirely disappeared. All their pahs and cultivations had been utterly destroyed. There was not a native of the rebel tribes to be seen from Waitotara to Waingongoro.' The settlers asked the Government to see that the rebel natives should not come back. 'No native fire was ever lighted again by a rebel in the Patea country. This policy was sternly carried out. News having come in that small parties of Titokowaru's

* Blue Book, 1883, C 3882.

followers were creeping back to the north bank of the Waingongoro, a reconnoitring party went out and shot two of the men and captured a woman; at another place, some miles up the Waitotara river, another native was shot and a second woman was taken. For a time this severity deterred the insurgents from renewing any attempt to reoccupy their country." That, my lord, shows that Bishop Hadfield could not have found any of those rebels to talk to in that district. Then, my lords, in 1869, there came in a Native Minister (afterwards knighted), Sir Donald Maclean, and he immediately furthered the return of those natives under the terms of the proclamation.

"Mr. Justice Field: Does this all appear on the evidence?

"The Defendant: Yes, it appears in the Blue-book.

"Mr. Justice Field: Was the Blue-book put in?

"The Defendant: It was put in, and then the document was read.

"Mr. Tyrrell Paine: It was not put in by us, my lord.

"This document was in evidence, and Sir Donald Maclean in 1872 gave the Governor, after three years' experience of these things, this memorandum, which the Governor sent to England:—'Arrangements have also been entered into with a view to a more accurate definition of native rights within the confiscated territory, and for the acquisition by purchase, with the goodwill of the natives, of such portions of land as they hold within it, but do not require for their own use, and which appear desirable for European settlements.' Therefore the state of the district is this, that the proclamation limited (as I read to you) under the instructions of the Secretary of State, had reserved the right of the natives to be there; that although in 1869 they were scattered by this insurrection, or whatever it may be called, of Titokowaru's people, they returned under the authority of the Government; and in 1879 this return, which was perused by the learned judge, shows that the Government had absolutely purchased within that nominally confiscated block no less than 434,000 and odd acres, recognizing the absolute title of the natives to live at peace under the government of the Queen in that district. . . . As to this chief, Te Whiti, I may say in a sentence, the Maori tribes being superstitious, he exercised on them what they called the influence of a prophet. I need not enlarge upon that, but they rallied round him in the way described. The plaintiff himself admitted that the collection of native people about Parihaka was larger than at any other place he had seen. Therefore this collection of peaceable sober people was at Parihaka, and it is there that I, as a historian, notice that the people were dragged from their homes by thousands.

Mr. Justice Manisty: That has nothing to do with the question before us. It has nothing to do with the question. You will keep harping on things which are absolutely miles away from the question at issue.

"The Defendant: This is the second paragraph, not the first.

"Mr. Justice Manisty: It is as far away from the second as the first; it has nothing to do with the question.

"The Defendant: It is his conduct as Native Minister.

"Mr. Justice Manisty: What has that to do with the question whether you are right or wrong in saying he committed murder?

"The Defendant: But that is not the question; there was no murder at Parihaka.

"Mr. Justice Manisty: That has nothing to do with this case.

"The Defendant: But there was a destruction of property.

"Mr. Justice Manisty: That has nothing to do with the question we

are trying. It is all very well for you to go into the whole question, and to show you were vindicating the rights of the natives, and giving a true account, and a good many other things: but what on earth have we to with that?

"The Defendant: I am charged with having libelled a man, because I said his conduct as Native Minister was cruel.

"Mr. Justice Manisty: No, no; his having been a murderer.

"The Defendant: But I am not now going on that point.

. . . . . .

"The Defendant: I have had no opportunity of explaining in any other way than by defence. . . . If your lordships are of opinion that my words mean what I did not mean them to mean, that is one affair.

. . . . . .

"Mr. Justice Field: My brother says do not go back, and I cordially agree.

"The Defendant: May I ask your lordship ——

"Mr. Justice Field: Do not ask us any questions; we do not answer them. Go on, please.

"The Defendant: I was going to ask whether your lordship would kindly tolerate ——

"Mr. Justice Field: I was going to say 'my dear friend,' but I will not do that: but do consider that we have been since this time yesterday afternoon listening to you with the greatest possible patience. Surely you can confine what you have to say with regard to the public time. You told us the same thing at twelve o'clock.

"The Defendant: I have missed out nearly everything.

"Mr. Justice Field: If you have anything more to say, say it at once.

. . . . . .

"The Defendant: Then there is a case in which a writer dealt with a public man in the end of the last century.

"Mr. Justice Field: I have told you that the question of privilege is not for us.

"The Defendant: No, my lord, I am not going on privilege. I am not arguing the question of privilege. I understand you to say I must not, and I will not. An action was brought by Mr. Pitt against a man who accused him of gambling in the Funds. I will not waste time by speaking of the importance of the character of Mr. Pitt. He brought the action, and although he, the Prime Minister of England, was accused of fraudulent conduct, the amount of the damages in his case was only £250. Surely that is only a twentieth part of the value which is put upon Mr. Bryce's character. Now surely, my lord, an attack upon Mr. Pitt, the Prime Minister of England, does not require to be punished twenty times less severely than an allusion not meant to be an attack on Mr. Bryce at all, but only found in a *History*. This was an attack upon Mr. Pitt, and he [illegible] of what (on what I conceive to be this inference—which I will not [illegible] complain of) was given to Mr. Bryce. My lords, I will not [illegible] that case. I had a good many more cases to quote. I see that [illegible] doing it is improper, and I accept your lordship's opinion [illegible] enough has been quoted. I will say no more about cases; but I will say myself, that my only object in writing that *History* was to endeavour to attract public attention to the wrongs done to Her Majesty's subjects. In doing that, if I have encountered the—I do not [illegible] the word cruelty, but the objection, I will say, of other

people, of course if it is within the reasonable range of such affairs, I suppose I have nothing to grumble at as a subject of Her Majesty; but nobody can doubt that writing on the information before me I wrote with a *bonâ fide* belief in the truth of what I wrote. If it is held that I made errors, this follows:—If I be crushed, if my roof-tree follows that of Te Whiti, it is of very little importance;—but if such enormous damages are to follow upon an honest attempt to write upon a public subject, the liberty of the press will be very much contracted, and public censure when it may be deserved may not fall; and I do submit to your lordships that, however I may have been wrong, and however I may have deserved to be visited with censure or punishment, it would be injurious to the public liberty and freedom if any verdict were given or sanctioned which in any way limits or narrows the privilege of the press." . . . .

(The judges conferred.)

After a brief statement from Sir Henry James, in which he said that what he sought was not "pecuniary benefits" for his client,

"Mr. Justice Field: You hear, Mr. Rusden, what Sir Henry James says, and under those circumstances I think that I ought to appeal to you whether you will not now do what, after having heard all you have to say, I think as a gentleman you ought to do; what I think you ought as a man to do; and what I think as an author you ought to do. I think you ought to accept Sir Henry James's offer, and you ought to express to Mr. Bryce your regret for having, as you have told us over and over again, acted upon insufficient information in bringing so serious a charge against him. I do not wish to hear any further address from you at all, but I do wish you to consider whether you will not avail yourself of the handsome offer of Sir Henry James which he now makes, and which he may give effect to. Do not say anything to us about it, but do consider whether you have not some friend to advise you for your own sake to set yourself straight.

"The Defendant: My lord, I will do exactly what your lordship thinks I ought to do.

"Mr. Justice Field: You are only aggravating the matter. Just listen to what is going to be said to you.

"Sir Henry James: I would rather state it openly in court, my lord. Mr. Bryce occupies a very responsible position in New Zealand, and he has had to bear great responsibility as a member of the Government, as great as any public man here. It grated on my ears when I heard him spoken of as 'that poor creature Bryce,' but I do not think that ought to influence me in the action I propose to take. I am only anxious to take care that Mr. Bryce is indemnified against any expenses of coming from and going back to New Zealand, and his expenses here, in spite of much that I could point out as indicating a not very generous spirit on the part of Mr. Rusden. Security has been given for £1000; if Mr. Rusden will pay £1531, making in all £2531, instead of £5000, as that will indemnify Mr. Bryce, I will accept it.

"Mr. Justice Manisty: Does that mean in full of damages and costs?

"Sir Henry James: There has been a sum of £1144 paid for costs. I will ask nothing further than a sum of £1531, making £2531 in substitution of the £5000.

"Mr. Justice Field: Do I understand that would be refused?

Sir Henry James: The solicitor for the defendant, who has always communicated with me with great courtesy, will tell me.

(Sir Henry James and the defendant's solicitor consulted.)

The Defendant: I am told that it is right for me to mention to your lordship that the offer made by Sir Henry James has been accepted by my lawyer, and that I bow to the decision and arrangement myself.

Sir Henry James: One word more.

The Defendant: And that I will do whatever else is required.

Sir Henry James: I hope Mr. Rusden will now give a full retractation.

Mr. Justice Field: Do justice to yourself, Mr. Rusden.

The Defendant: Most undoubtedly, my lord; I do so in the most ample manner.

Sir Henry James: Then, if your lordship pleases, the verdict will stand nominally, and if within one month from this date the sum of £2531 be paid, that shall be taken in full satisfaction of damages and costs up to this date, the £1144 being retained by the plaintiff.

Mr. Justice Manisty: And there is a retractation of the charge.

Mr. Justice Field: I think, on the part of the Court, that this has been a very serious case for us to consider. It is a case involving very large interests to very many people, and particularly very serious interests to the plaintiff, Mr. Bryce. We have had a great many arguments adduced before us which it might have been necessary to advert to. No one supposes for a moment that the questions in this case are not very, very serious. There would have been very great difficulty on the part of the Court in interfering, after the course originally adopted, with the verdict of the jury, but Sir Henry James has done that on the part of the plaintiff which a man of high honour would wish to do, and he has simply required fair and reasonable satisfaction, and an indemnity for the very large expense to which the plaintiff has been put; and I think this is very reasonable. The Court is very glad also on the part of the defendant that he is willing to state, as a gentleman and a man, that he has made the statements against Mr. Bryce acting upon information which has turned out to be absolutely insufficient; and that he now regrets having done so, and retracts everything that has been written against Mr. Bryce, expressing his sincere regret for having done so. Under those circumstances the Order of the Court is in the terms which the parties have agreed to.

The Order recorded was as follows:—'By consent it is ordered that the verdict obtained at the trial of this action for the sum of £5000 do stand, but if £2531 (over and above the sum of £1144 already paid for costs) be paid to the plaintiff's solicitor's within one month from the date of this order, the said sum of £2531 is to be taken in full satisfaction and discharge of all damages and costs, defendant making full retractation of the libels.'

The *Times* report (17th June, 1887) after giving a number of particulars,* said that the judges read carefully the

*Among those particulars was included a counterclaim for words used by the plaintiff against the defendant. It was made without the knowledge of the defendant, and adhered to in spite of his remonstrance. It was made known to him by letter, and he at once wrote (from the *Lago Maggiore*, 28th Feb., 1884,) 'I do not think it will comport with my position to raise a counterclaim for damages against Bryce. His associations are in such different spheres that anything that he may say

notes of the trial, "and having heard defendant's critical examination of the evidence (in the course of which he displayed very marked skill and was repeatedly complimented by the Bench) . . . defendant, without hesitation, expressed his readiness to accept Sir H. James' terms. . . . The Court expressed satisfaction at the creditable conclusion of the litigation."

A correspondent who expressed sympathy wrote from abroad to ask the author in what manner the inaccurate passages were withdrawn. He was told—

"The judges appealed to me as a man and an author to withdraw the passages complained of, and express regret at their publication. . . . The upshot was that I withdrew the passages at their desire, and expressed regret at their having been published, and most unfeigned regret I feel."

The cynic of the Forest of Ardennes could fitly moralize upon the inception and the fate of the unfortunate paragraphs so absolutely erroneous, so innocently promulgated, and so willingly withdrawn.

The bishop who furnished the error to the Governor was soon afterwards chosen by his brother bishops as Primate of New Zealand.

The Governor was made a peer in 1893, when Mr. Gladstone sorely needed votes for his bill to destroy the union of Ireland with Great Britain. The author's rewards have been inestimable friendships, which bar him from saying—

"Ille crucem sceleris pretium tulit, hic diadema."

In place of one of the paragraphs withdrawn from the history there are in this edition a few brief extracts from the sworn testimony of eye-witnesses of the affair at

---

cannot affect me more than . . . ; but in the legal matter my opinion is of no value against yours.' On the 31st March he reiterated his objections, but they were of no avail.

Among newspapers sent to the author was a copy of the *Evening Press*, Wellington, 24th Nov., 1888. It called the author "a malignant and prejudiced fanatic;" and so far perverted its references to the trial as to declare that the author "confessed that he had been merely the tool of Sir Arthur Gordon, who was the real author of the libels."

The allusion made by the author to Sir Arthur Gordon at the Divisional Court is reprinted at pp. xxvii, xxviii in this Preface. . . How the New Zealand editor could found his statements on that allusion, the author is not sufficiently malignant or prejudiced to understand. It is one of the things, perhaps, which no one can understand. Portions of the New Zealand press were rife with such things from 1883 to 1888.

Tauranga'ika in 1868. If the value of evidence be proportionate to the cost of procuring it, that of Uru te Angina is of great worth.

Sermons in stones and good in everything may be found even by a historian, and inaccuracies pointed out by critics have been corrected in this edition. Moreover, as the narrative of events in 1882 was composed in haste for publication early in 1883, in order that the outrages at Parihaka and their condonation by Lord Kimberley might be brought without delay before the public, the present edition, after the lapse of years, has afforded an opportunity for leisurely revision and improvement.

The decade which has elapsed since the appearance of the first edition has required notice, and to prevent the volumes from growing cumbersome some of the original matter throughout the History has been compressed or dispensed with.

It has commonly been asserted that speeches ascribed to ancient Greeks or Romans are fictitious.* The shorthand writer has of late days, both in and out of Parliament, deprived the historian of any credit for inventing Maori speeches.

A member of a learned profession, who had not read any speeches of the chiefs until he saw them in this History, exclaimed "Why, this is like Homer."

Some critical notices recommended "compression" in a second edition. The *Saturday Review* (9th Feb., 1884) commended the "account of the manners and customs of the Maoris," but thought the citations from Blue Books too copious. Such comments the author has regarded.

Some of the actors on the New Zealand stage have passed away since 1883. Of them no censure which was not published in their lifetime will be found.

It is always unpleasant to condemn, and especially distasteful to collect upon those who can no longer answer for themselves. Nevertheless history has a solemn function to fulfil. "Quod præcipuum munus annalium reor, ne virtutes sileantur, utque pravis dictis factisque ex posteritate et infamia metus sit."

* I know not as to the retentive memories of ancient rhapsodists and might plead strongly for the authenticity of ancient reports.

In the first edition the citations from "Cook's Voyages" were taken from the volumes published in 1773. It was explained by the editor, Dr. (afterwards Sir John) Hawkesworth, that he drew up the narrative from the journals of Cook, Banks, and others, placed in his hands by the Admiralty—"all parties acquiescing" in the arrangement that Hawkesworth should use the first person (*i.e.*, Cook's) throughout.

In 1893, Captain Wharton, hydrographer of the Admiralty, published (Elliot Stock, London) a literal transcription of Cook's journal, recently brought to light.

Cook's own graphic and sagacious words are used, therefore, in this edition.

The approbation of Mr. F. E. Maning satisfied the author that there was no need to change the substance of passages dealing with the land laws and usages of the Maoris.*

Prologue and epilogue should be in harmony. These volumes close with the honoured name of William Swainson. To obtain the approval of such as he was the highest reward for which the historian could hope. In June, 1884, he wrote thus to the author:—

". . . As to the book itself, it quite confirms the opinion I had formed of your minute and accurate knowledge of the affairs of New Zealand, expressed to yourself before the book was published, and shared since he has read it by my very old and valued friend, Dr. Shortland—on the subject of New Zealand, and especially its native people,—no mean authority."

* Lord Derby, meeting the author in 1884, expressed his opinion that the History was exactly what the history of a young country ought to be. He expressed also his thanks for the terms in which his father was commended, for which the author disclaimed any credit, saying—"Your father acted a noble part, my lord, and it was my duty to record it." Lord Derby's approbation of the scope of the first edition justifies an adherence in the main to the lines on which that edition was constructed.

In that edition—while the author's friend General Gordon was alive—there was an expression of regret that the Imperial Government did not avail themselves of his "gallantry, wisdom, humanity, and piety" in New Zealand instead of employing him in 1865 in a minor office at Gravesend. To stereotype that regret is vain. Instead of it the author presents to his readers a pamphlet on Gordon's betrayal, which with the signature "Vindex" he published in England in 1890, and of which it may without indecorum be said that the late Lord Hannen remarked to the author: "For the manner in which the facts are arrayed I look upon it as a valuable State paper."

Mr. Swainson's experience in New Zealand lasted from 1841 until 1884. An obituary notice in the New Zealand *Herald* (December, 1884) stated that on the voyage in 1841, as Attorney-General, he was engaged with the Chief-Justice (Sir William Martin) in framing many important measures. In the colony—

> "He had not only to devise and frame every Government measure, but to take charge of them through the Council. When the new Constitution was brought into operation Mr. Swainson was senior member and first Speaker of the Legislative Council."

To have received his approval was a reward worth striving for, and the adverse criticism which this history has encountered is but dust in the balance compared to the commendation of the upright Swainson.

COTHAMDENE,
SOUTH YARRA, MELBOURNE.

CONTENTS OF VOL. I.

CHAPTER I.

CIRCA 1350 TO 1769.

The Maoris and their Land . . . . . *Pages* 1—63

The Maori Language—
Introduction of an Alphabet . . . . . *Page* 39

CHAPTER II. *Pages* 64—92

1769 TO 1793.

European Visitors—Tasman—Cook—De Surville—Marion du Fresne—Cook—Furneaux—Vancouver—D'Entrecasteaux—Hanson—P. G. King

CHAPTER III. *Pages* 93—156

1793 TO 1838.

Traffic with the Maoris—Ruatara—Samuel Marsden—Massacre on the ship "Boyd"—Tipahe and Mr. A. Berry—Governor Macquarie—Samuel Marsden and Missionary Labours—First Christian Service, 25th December, 1814—Death of Ruatara—Translations of Scripture—Hongi—Pakeha Maoris—Samuel Marsden—Baron de Thierry—Mission Prospects and Perils—The Brothers Williams—Traffic in Human Heads—Governor Sir Ralph Darling, New South Wales—Waharoa—Battle of Taumatawhiwhi, 1830—Haowhenua—Sack of Pukerangiora, 1831—Waharoa and the Missionaries—His War against the Arawa—Matahau, the Boy Missionary—War at Rotorua—Waharoa's Christian Son—Death of Samuel Marsden—Land purchased for Children of Missionaries—Mr. Fairburn's Land Claim at Tamaki—Bishop Selwyn on the Maoris in 1842—Manumission of Maori Slaves.

CONTENTS.

CHAPTER IV. *Pages* 157—204

1830 TO 1840.

Committee of House of Commons—Rauparaha, Stewart, and the brig Elizabeth"—Sir Ralph Darling indignant—House of Commons Committee Report on the atrocious crime committed—Appointment of a British Resident—Maori Flag acknowledged—H.M.S. Alligator" at Taranaki—Marshall's Narrative—H.M.S. "Alligator" at Bay of Islands—Baron de Thierry checked by Busby, British Resident—Edward Gibbon Wakefield—N.Z. Association—New Zealand Company—Marquis of Normanby—Captain Hobson, R.N., Lt.-Gov. of New Zealand—Colonel Wakefield's Proceedings—Henry Williams and Hadfield at Otaki—J. C. Bidwill at Tongariro in 1839 His Description of a War-dance.

CHAPTER V. *Pages* 205—282

1839 TO 1842.

Sir G. Gipps and Lt.-Gov. Hobson—Treaty of Waitangi—Waka Nene and Patuone—Terms of Treaty—F. E. Maning—Aid of Missionaries—Hobson's Tribute to them—Colonel Wakefield aims at Independence—Nopera Panakareao at Kaitaia—Hobson with Shortland shatters Colonel Wakefield's Plots—Hobson founds Auckland—Henry Williams and E. J. Wakefield—Sir G. Gipps as a Regulator and as a Legislator—Hobson becomes Governor of N.Z—Hobson on Land-claims—Alarm of N.Z. Co. and Deputation to Sir G. Gipps—Langlois and Akaroa—Capt. Owen Stanley, H.M.S. "Britomart"—Baron de Thierry's Diary—Nantelo-Bordelaise Company—Lord Stanley's Decision—Foreign Relations—Lord Palmerston on Claims of Aliens—Lord Stanley on Removal of Aliens—Gipps thanked as "Just and Liberal" to N.Z. Co.'s Settlers—Gipps arrests unlawful proceedings of Col. Wakefield at Wanganui and Taranaki—Lord J. Russell duped by N.Z. Co.—Insolence of N.Z. Co. to Hobson—House of Commons Select Committee, 1840—N.Z. Co. denounce Sir G. Gipps' proceedings—Lord J. Russell as a dupe and as a teacher—He bewails the result of his having been duped, as proved by Mr. Pennington's Award—Rauparaha and E. J. Wakefield—Lord J. Russell's inane Instructions—Hobson's Land Sales at Auckland—Lord J. Russell's Misconduct praised at Taranaki—New Plymouth Company—Settlement at Nelson—Colonel Wakefield insolent to Hobson—Chatham Islands—Mr. R. D. Hanson and Lord Stanley—Hobson visits Wellington—Arrival of Martin and Swainson—Edward Halswell—Octavius Hadfield—Clarke, Protector, sneered at by E. J. Wakefield—Te Aro Dispute temporarily adjusted by Hobson—Lord Stanley commends Hobson—Te Rangitake described by Mr. [illegible] as "the most powerful Ngatiawa Chief"—Hobson, Te [illegible] and Taranaki—Hobson appoints Halswell to various [illegible]—Lord Stanley approves—Lord Stanley's Crown Land Sales [illegible] Labours of Martin and Swainson—Hobson's Financial [illegible]—Execution of Maketu—Arrival of Spain, the Commissioner [illegible] and Death of Hobson.

CHAPTER VI. *Pages* 282—312

1842 TO 1843.

Commissioner Spain's Court at Wellington—Warrant to seize Rangihaeata refused—Colonel Wakefield's Shuffling—N.Z. Co. object in London to an Inquiry into the Validity of their Titles—They are rebuked by Lord Stanley—Spain reprehends their Conduct in New Zealand—They are checked at Wanganui—Colonel Wakefield breaks his Promises—Spain at Manawatu and Porirua—Colonel Wakefield puts off Settlement of Claims—W. Shortland, Acting-Governor—Bishop Selwyn—Shortland's Difficulties at Tauranga—International Questions, and Responsibility to Law in New Zealand—Judge Willis on Condition of Aborigines—Lord Stanley on Reserves for Maoris of One-tenth of Land Purchased by N.Z. Co.—Spain's Opinion on Colonel Wakefield—F. E. Maning's righteous Dealings—Lord Stanley on Desecration of Burial Grounds—Manukau Company

CHAPTER VII. *Pages* 313—413

1843 TO 1846.

The Wairau—Spain, Rauparaha, and Rangihaeata—Tuckett, the Surveyor—Cotterell, Captain Wakefield, and Mr. Thompson—Captain Wilson, E.I.C.S.—Puaha—The Wairau Affray and Massacre—Mr. Whiteley on Rangihaeata's Conduct—Excitement at Wellington—Mr. Ironside—Resolution moved by Dr. Evans and seconded by Mr. Petre in Wellington—Shortland's Proclamation about the Wairau Affray—His Despatch to Lord Stanley—Opinions of Swainson and Spain—Hadfield on Rauparaha's Eloquence—Te Rangitake protects Wellington—Spain and Rauparaha—Spain at Otaki—Shortland confers with Munro and Domett on the Wairau Affray—Shortland's Decision—Dissatisfaction of Monro and Domett—Spain and Colonel Wakefield on Compensation to Maoris—Shortland and Colonel Wakefield—Shortland appeals to Sir G. Gipps, who sends Sir Evd. Home in H.M.S. "North Star" to New Zealand—Arrival of Governor Fitzroy—Fitzroy at Wellington, at Nelson, at Kapiti, at Waikanae—His Decision respecting the Wairau Affray—Bishop Selwyn, Tuhawhaiki, and Young Rauparaha—Te Aro Dispute decided by Fitzroy with aid of Tu Puni—Settlement at Otago—"One-tenth" Reserved for the Maoris—Honi Heke—Kawau rescues a Maori Prisoner—Native Exemption Ordinance, 1844—Fitzroy's "Ten Shillings an Acre" Proclamation—Maori Meeting at Remuera—Depredations by returning Ngatihaua—Te Whero Whero indignant—Tarapipipi enforces Restitution—Spain's Land Court at Taranaki—Rights of Absentees—Mr. Forsaith and G. Clarke, Junior—Mr. Whiteley thinks Spain wrong—Spain's Interim Report—Fitzroy, Bishop Selwyn, Donald McLean, and Mr. Whiteley at Taranaki—Te Rangitake's Letter to Fitzroy—Fitzroy announces that he is bound to maintain the Rights of Absentee Proprietors—Donald McLean—House of Commons Select Committee Report, 1844—Lord Stanley's Despatch on the Report—Spain's Final Reports—Spain sees Rauparaha forbid a Land Sale—Charles Buller, M.P., gives notice of a

Hostile Motion Residents at Nelson pray for Censure against Governor Fitzroy Honi Heke cuts down the Flagstaff at Kororarika Waka Nene's Advice to Fitzroy—Fitzroy on Writings in the Press Fitzroy's Financial Troubles—Heke again cuts down the Flagstaff at Kororarika Bishop Selwyn on House of Commons Select Committee Report Fitzroy, relying on future aid, acts on the Defensive Kororarika sacked and the Flagstaff cut down a Third time Mr. F. E. Maning in the field—Bishop Selwyn and Henry Williams bury the Dead Lieut. Philpotts' Tribute to the Bishop—Fitzroy's Tribute to Capt. McKeever, U.S. Frigate "St. Louis"—Sir Everard Home's Report on Affairs in N.Z.—Mr. Buller's Assault upon Lord Stanley in the House of Commons—Recall of Fitzroy and Appointment of Capt. G. Grey as Governor—Dr. Evans presents a Memorial in London Captain Ross, R.N., defends Fitzroy in House of Commons Debate in the House Sir Robert Peel—Lord Stanley on the N. Z. Co. Sir Robert Peel defends Lord Stanley—Capture of Pomare by Treachery Waka Nene obtains Pomare's Release—Okaihau Pah besieged Ohaeawai Pah attacked with Loss—Bishop Selwyn and Rauparaha's Son Fitzroy's Terms of Peace—Arrival of Governor Grey His Pledge to fulfil the Terms of the Treaty of Waitangi His Negotiations with Kawiti and Heke—Ruapekapeka Pah captured by Colonel Despard Peace made with Kawiti—Governor Grey and Henry Williams Kawiti's Son—Grey's words on the satisfaction of Rauparaha and Te Rangitake—Lord Howick becomes Earl Grey and Colonial Secretary—Rangihaeata suspected Rauparaha seized at Night Rangihaeata's Lament—Te Rangitake and the Government Death of Te Heu Heu—The Governor's Excuses for the Seizure of Rauparaha Young Rauparaha's Account of it—Wereatita done to Death Maoris transported unlawfully to Van Diemen's Land Rauparaha released at Request of Te Whero Whero and Waka Nene Exasperation of Colonel Wakefield at the Release of Rauparaha

CHAPTER VIII. *Pages* 414—495

1846 to 1852.

Rangihaeata wounded Te Rangitake and his Prisoners—Rangihaeata's Reply at Kaiapoi A Maori wounded at Wanganui—Murder of Settlers' Family Capture of Murderers by Hipango—Governor Grey and Waka Nene and Te Whero Whero—Return of Rauparaha to Otaki Colonel Mundy on Rangihaeata—Deaths of Rauparaha, Rangihaeata, Heke, Pomare, and Kawiti—Governor Grey's "Blood and Treasure" Despatch Church Missionary Society Report—Fitzroy on the Society, Earl Grey's Machinations against the Treaty of Waitangi His Instructions, 1846 Governor Grey's Despatch important Point Governor Grey does not give Effect to them—Bishop Selwyn, Chief Justice Martin protest against them—Te Whero Whero's Letter to the Queen about them—Wesleyan Committee remonstrate against them Earl Grey driven to profess good faith Hon. H. Maunsell on the Treaty of Waitangi—Earl Grey vents his Spleen upon Bishop Selwyn—The Bishop's Reply—Chief Justice Martin's Pamphlet, "England and the New Zealanders"

—His Defence--His Prophecy—Bishop Selwyn in accord with C. J. Martin—Earl Grey's Explanations—Earl Grey's Scheme abandoned--Mr. Disraeli upon it—Lord Stanley's Remarks—Act passed to annul the Instructions, &c., of 1846—Grants of Land to Missionaries--Bishop Selwyn upon the Grants—Henry Williams upon them—Waka Nene upon them—Governor Grey and Earl Grey—Regina *v.* Clarke--Regina *v.* Taylor—Quieting of Titles Act—Otago Association—Canterbury Association—J. R. Godley--Downfall of N.Z. Company—Complaints of Company's Settlers against the Company--How Lord Stanley succoured it in Time of Need—Purchase of Middle Island—Purchase of Middle Island in 1848 (Of Stewart Island in 1864)—Governor Grey's Influence in Negotiation for Land extolled by D. McLean—The Wairau Purchase excites Col. Wakefield's Indignation—Spain's Report established that Col. Wakefield was wrong--Gov. Grey's Bold Despatch to Earl Grey on Maori Possessions - Major Richmond finds Maoris easy to deal with —- Death of Col. Wakefield—Fox, his Successor—Mr. Forsaith refutes Charges made by Gov. Grey against Protectors of Aborigines--Mr. Gladstone's Hope that Gov. Grey might be able to reverse a just decision of Gov. Fitzroy—Sir G. Grey yields to the Temptation—His Casuistry -- Contrasts in his Dealings with Maoris—Te Rangitake, Sir G. Grey, and D. McLean—Return of Ngatiawa from Waikanae to Waitara—Knighting of Sir G. Grey—His Esquires—Te Waru and Kahawai write to the Queen—Her Gift to them -Roadmaking advocated by the Duke of Wellington—Representative Institutions considered – Earthquake—Sir G. Grey's Provincial Councils Ordinance, 1848 - His Description of the Maoris—He lauds the Missionaries—Settlers' Constitutional Association—Earl Grey lauds Sir G. Grey—Fox wishes Emigrants to refund Cost of their Passage—Earl Grey suggests a Tax upon Employers—Transportation to New Zealand objected to—Sir G. Grey's Provincial Councils Ordinance--Imperial Legislation for Australia—Fox denounces Sir G. Grey in England—Sir J. Pakington, colleague of Lord Derby, passes a Constitution Bill for New Zealand, 1852—Provision for Justice to Maoris--Land Legislation—Sir J. Pakington's Instructions—Sir G. Grey's Land Regulations, 1853—His Departure from N.Z.—Proclamation of Six Provinces by him—Church Mission Society and Henry Williams--His Reinstatement—His Death --Maori Memorial to him.

NEW ZEALAND.

CHAPTER I.

CIRCA 1350 TO 1769.

THE MAORIS.

ETHNOLOGISTS and speculators have disputed as to the manner in which the Maori race found a way to the country which a Dutch voyager called New Zealand, but which ought to be called Maoria.[1]

There is, however, no reason for distrusting the traditions of the Maoris.

There may be an admixture of fable coined by Eastern imagination, but internal evidence confirms the story in the main.

From the day when Cook's Tahitian companion, Tupia, freely conversed with the Maoris in 1769, it could not be doubted that the Maori race was a branch of the family which had spread itself throughout the Isles of the Pacific, and was found in prosperous but warlike communities at the Sandwich Islands twenty degrees north, at New Zealand more than forty degrees south, of the equator, and at Easter Island, five thousand miles from New Zealand, and only half that distance from South America.

Natives of many of these islands have visited New Zealand during the last forty years, and, like Tupia, have found their

[1] We have taken the substance, and might accord the name of the Maoris to their land.

own language spoken by the Maoris—slight terminal differences, or interchange of one letter for another, having failed to present serious difficulty.

The tradition of the Maoris was that they migrated to New Zealand in large canoes of which they religiously preserved the names.

They add that a previous explorer, a chief named Ngahue, fleeing from civil war at Hawaiki, had discovered New Zealand and returned with the precious Pounamu or green-stone, found in the Middle Island, which was consequently named Te Wai Pounamu.

There was internecine war at Hawaiki when Ngahue returned thither, and on the death of a great warrior his sons carved enormous canoes with axes made of the Pounamu so auspiciously brought; one of the canoes being called Arawa, and arriving first.

Such was the Arawa tradition, and on the east coast a large tribe still proudly bears the name of Arawa. In memory of it,[2] at this day, on the tribal meeting-house at Rotorua is carved the name of the great ancestor who led the immigration—Tama te Kapua.

Other tribes arrogated for other canoes the honour of having first reached the promised land, the guiding star to which was the Southern Cross, called in Maori language Star of the South. Amongst the most celebrated canoes were the Aotea, Tainui, Kuruhaupo, Takitumu, Tokomaru, and Matatua.

The calabash, the kumera, the taro, and the yam, were carried in the fleet. The karāka,[3] or New Zealand laurel, was also imported, as well as the dog, and the kiore, or small rat, which formed an article of food until the Norway rat (introduced by Europeans) destroyed the southern creature, and was ominous of human destruction in like manner.

[2] Accounts given of the Maori fleet somewhat vary. One copious narrative was published by the Rev. Richard Taylor, in "Te Ika a Maui; or, New Zealand and its Inhabitants." He was a missionary of the Church of England for more than thirty years in New Zealand, and published several works. In 1870 a second edition of "Te Ika a Maui" was published (730 pp.)

[3] *Corynocarpus levigatus.* The fleshy fruit was used by the Maoris.

The canoes were larger than those afterwards used in New Zealand, and the veneration of the Maoris imputed greater strength and skill to their ancestors than has belonged to posterity.

The great distance between the Sandwich Islands and New Zealand has caused many persons to endeavour to find some other island as the original hive of the Maori.[4] Savaii, at the Navigator group, has been chosen by some, but without any favouring tradition.

It was the fortune of the author to hear a Rarotonga chief and a Sandwich Islander discuss these traditions with Maori chiefs on the banks of the Waipa, in the Waikato district, in 1879.

Explanation followed fast upon question, and it was interesting to compare the Sandwich Island tradition with the Maori. A general concordance might have arisen from vague rumour. But the Europeans present were surprised when it was found that the Sandwich Island story agreed with that of the Maoris, not only as to the migration, but as to the names of canoes in which the voyage was undertaken.

Of all but one canoe mentioned by the Maoris the Hawaiian knew the names; and his ignorance of that one tended to confirm the general truth of the separate traditions by proving that one was no servile copy of the other.[5]

[4] Mr. J. C. Crawford, after forty years' acquaintance with New Zealand, sailed thence to the Sandwich Islands in April, 1879. He encountered "a head wind all the way from Auckland to Honolulu—a noticeable fact in connection with the migration of the Maori race and the peopling of New Zealand by it. . . . Such a voyage now seems to me possible, although it still looks highly improbable. . . . This theory of migration will, however, in no way explain how the Maori race arrived at Hawaii or Hawaiki, which is a far more difficult problem" (p. 377).—"Recollections of Travel in New Zealand and Australia," J. C. Crawford. London, 1880.

It may be noted that one of the islands of the Hawaiian group is Maui, that Maui is the demigod of Maori mythology, and that the Northern Island of New Zealand is called Te Ika o Maui, the fish of Maui, because he drew it up from the depths of the sea.

[5] A Maori chief discredited one part of the Hawaiian tradition. The Maori believed that civil war and the fame of the Pounamu caused the emigration. The Hawaiian declared that in the civil war one party was hopelessly surrounded and doomed to die, when an old chief said, "Let us not kill them. Are they not our brothers? Let us rather mark out trees from which canoes may be made to carry them elsewhere." His eloquence prevailed, and when the canoes were about to depart he implored the

The canoes were separated on the voyage, and arrived at different times and places in New Zealand.

The tradition in Rarotonga is precise. The ancestors of the people came from Avaiki.[6]

The Maori took with him images resembling the sitting idols of the East. A red porphyritic image about a foot high, and of great specific gravity, reported to have been carried by the Arawa canoe, was presented by Arawa chiefs to Sir George Grey.[7]

Protruding from the hideous mouth is the tongue,[8] as in the wooden carvings at Maori buildings and fortifications, and it may be that the sculpture is but a remnant of the religious observances of some other land.

Moreover, the savage acts of the sect which worshipped Siva and the ferocious Kali were emulated in New Zealand, and the carvings of the Maoris might be adduced to show that the Lingamhari of Hindostan had taught the sea-rovers of the Pacific those obscene rites which defiled the

...ible to live in peace in the land they were seeking. They would prosper ... they killed the earth, they would be miserable if they followed the deeds ... the god of war." The Maori in 1879 declared that the Hawaiian ... right in all that he said except as to the overcoming of Maori ancestors ... Hawaiki. They were, he said, unconquerable, and greater than any ... in these degenerate days.

[6] Island is called Hawaii by its natives, Hawaiki by the Maoris, ... by the Rarotongans, Havaiki at the Marquesas, Havaii at Tahiti, ... at Samoa.

[7] ...ight literal changes which the language has undergone (where *l* is ... Hawaii the Maori uses the letter *r*) do not impede conversation ... lapse of many centuries.

[8] ... buildings and gigantic sculptures found at Easter Island are ... ascribed by speculators to an extinct race. But the carved ... made by the Maoris in their migration prove that whencesoever ... they were acquainted with sculpture and venerated its produc... to the fatal idea of so many that men do not retrograde in arts, ... would annihilate races of mankind rather than forego a theory. ... admitted that the Easter Island problem is crucial. A statue ... in the British Museum is eight feet high and weighs four ... to the island some statues were between thirty and forty feet high. ... stone platforms on various headlands presented an array of the ... images, for each of which a rock carved crown had been made of ... material from that of the body. The gaze of the images is said to ... always upward.

[9] M. Bidwill, in 1840, saw a handsome woman so transform her features ... very much like some of the most forbidding of the Hindoo ... in New Zealand," by John Carne Bidwill. London,

Dionysiac festivals in Greece,[9] and which two thousand years ago were suppressed in Rome with a rigour which demonstrated the conviction of the Senate that corruption was widespread and the danger terrible.

Some writers have imagined that the Maori migrated from North America. Whencesoever he sprung he belonged to a sea-roving band, which conquered island after island, and eventually fitted out the expedition which seized New Zealand.

However dimmed by time in some respects, or encrusted with mythological additions, there is little doubt that the mental grasp and fond veneration of the race enabled them to preserve their folk lore with wonderful accuracy.

In one volume[10] Sir G. Grey gathered five hundred pages of their songs and story, and it was the glory of a chief to adorn his speech with gems from song and proverb. The Maori Lares were carved upon the inner posts of their tribal houses. The tribes, like the Heraclidæ, gloried in the heroic name from which they derived their own.

The love of ancestors was cherished with a fervour amounting to religion. The genealogical wands, representing each ancestor from the date of the Maori landing, and comparison of the genealogy recorded in one part of New Zealand with that preserved in another with which there had been intermarriages in the past, have shown in English courts the trustworthiness of Maori memories and records.

A brief summary of the districts in which the various leading tribes settled, and of the positions which they occupied when Captain Cook saw them in 1769, may be given.

The Arawa canoe left a few persons at Maunganui (the projecting steep cone which stands like a sentinel seaward of Tauranga), and the remainder proceeded to Maketu, claiming all the land within sight.

[9] The ὠμοφάγια of Greece may be remembered not as palliating Maori cannibalism, but as an instance of the atrocities to which mankind is prone.

[10] "Ko Nga Motuatea, Me Nga Hakirara o nga Maori," by Sir G. Grey. New Zealand, 1853.

In another volume, "Polynesian Mythology and Ancient Traditional History of the New Zealand Race" (London, John Murray, 1855), Sir G. Grey published (in English) much Maori tradition.

Tradition declares that their hero's stature was nine feet.

Their territory included the coast at Maketu and the lake district of Tarawera and Rotomahana.

The luxurious warm baths provided by Nature did not soften the savageness of the Maori heart. The feuds of the Arawa tribe were as ferocious as those of others, but it ever prided itself on loyalty to the Queen.

It arrogated superior importance on account of having carried to New Zealand not only the stone image which was obtained by Sir G. Grey from the chiefs, but a larger one jealously treasured in the island of Mokoia in Lake Rotorua.

Other tribes contended for the honour of having carried with them fruits of the earth with which to replenish their new home, but the massive carved idols were the precious freight of the Arawa canoe. They appear to have been venerated rather than worshipped. Though all Maoris treasured the green-stone "heitiki," they could not be charged with adoring those quaint resemblances to images.

The voyage of the Tainui was notable because after landing a few persons at the East Cape and at Katikati, the leader, Hoturoa, entered the Hauraki Gulf, and at the head of the Tamaki, having observed sea-birds flying from the west, conjectured that he was near a narrow isthmus. The fact being ascertained the canoe was dragged overland from Tamaki to the head of the Manukau Harbour, and a final landing being made at Kawhia, the voyagers became the parents of tribes which (as Waikato, Ngatimaniapoto, Ngatiraukawa, Ngatitoa, and others) occupied the Waikato territory, with rights upon the West Coast. The volcanic hills near Auckland, whose terraces and excavations tell of the labour of centuries, were peopled by men of the Tainui. At the earliest date probed by English researches (18th century), the occupants of that coveted and much-suffering isthmus were known as Nga Iwi, or "the tribes."

The Tokomaru[11] bore the progenitors of the great Ngatiawa tribe, commanded by Manaia, who, after a dispute

[11] One tradition tells that the Tokomaru like the Tainui was dragged *across the isthmus* between Tamaki and Manukau.

with the rovers of another canoe at Aotea, passed to Mokau, and was not induced to settle until he reached the rich lands of the Waitara, where he found and slew "the original occupants of the country." If there were any such occupants, their fame is now confined to this record of their destruction.

The Aotea carried her people, under the guidance of Turi, to the harbour which bears her name on the west coast. Proceeding southwards he gave names to Waitara, Oakura, and other places, and planted seeds of the karāka (laurel) on his way. He founded a colony at Patea, and his people were the ancestors of the tribes of Wanganui.

The great Ngapuhi tribe had its own tradition, and scorned the Arawa myth that the Ngapuhi progenitors were carried in the prow ("Puhi," or adorned with feathers) of the Arawa canoe and were thence named.

The Ngapuhi declare that their forefathers, under Nukutawhiti, immigrated in a canoe named Mamari, which followed another voyager, in the Matahourua, a chief named Kupe; and that the men of the Mamari, learning from him that he had circumnavigated the North Island, settled at Hokianga, which Kupe had named. They claim also to have had two other canoes.

They point with reverence to a massive stone which Nukutawhiti placed near Tarawaua at Hokianga. Long after the English were established in the neighbourhood every passing Maori laid on the stone a branch of Raurekau[12] and uttered an incantation.

The Matatua landed her voyagers at Whakatane. The Kuruhaupo brought others to Poverty Bay. One tradition averred that the Takitumu, commanded by Tata, carried the first immigrants to the Middle Island, with the evil reputation of having seen lots cast and bodies devoured when hunger raged among the crew.

There were vague rumours that aborigines were found and destroyed by the Maoris in both islands. If some were spared and enslaved their features may be partially preserved among the varieties of physiognomy found in the islands.

[12] A species of *coprosma*.

proverbs which required an interpreter to apply them, coloured the language of an orator. Its meaning was sought like that of the Delphian oracle—by careful study.

The deadliest foe of the Maoris could not scorn them. Their dignity, chivalry, eloquence, and capacity, their intuitive talent for war and skill in fortification forced themselves upon the recognition of the world; and the colonists, who have eaten their way into the territory, paid a moral tribute to the dispossessed when they placed them in the halls of the Legislature.

Mr. Swainson wrote:[13]—"The gentleman is struck by their natural good breeding and quiet gentlemanly demeanour; the coarse and vulgar-minded who trade with and live familiarly amongst them describe them as ungrateful, avaricious, and disobliging; the soldier who has met them in the field always speaks of them with respect; the good-humoured and light-hearted are pleased with their ready appreciation of a joke; and the political agent rarely boasts his superiority over them in diplomatic skill. Each observer seems to see himself reflected in their character. . . . They are themselves quick observers, and have the tact to take for the moment the tone of those with whom they are brought into contact; . . . in intellectual quickness they are by no means inferior to ourselves."

Such was the testimony of an accomplished eye-witness who lived long years amongst them, and held office as Attorney-General in the early days of English colonization.

Another writer (W. Colenso, F.L.S.) declared, after long study,[14] that the intellectual and moral faculties of the race were of a high order, their subtlety great, their memory good, their fidelity, conscientiousness, hospitality and courage remarkable. Their undying revengefulness, their thirst for the blood of an enemy, and a total want of gratitude, darkened in his eyes the aspect of the national character; but their courtesy extorted his admiration until under European influences they became ruder in demeanour. "Sometimes," he wrote, "when a besieging party knew of their enemies wanting food, or stones, or spears, they sent

[13] "New Zealand and its Colonization." Swainson, London, 1859.

[14] "On the Maori Races of New Zealand." Transactions of the New Zealand Institute, vol. i.

[illegible] heaps them down in heaps near their [illegible] evening.

Customs [illegible] with one another, they selected [illegible] fortified hills or fortified abodes; and with [illegible] made embankments, ditches, and [illegible] of which astonished all observers. They [illegible] an agricultural people. As one plot [illegible] exhausted the tillers passed on to another, [illegible] the ancient Germans. They never used [illegible] from plot to plot as they deemed that [illegible] exhausted, but not so rapidly as those of [illegible] *circuitu mutant*."

[illegible] edited by Hawkesworth in 1773, [illegible] as to the disposition of filth the [illegible] than some European countries: [illegible] sight, it was not used to fertilize [illegible] when the early missionaries began to [illegible] the Maoris were shocked at the [illegible]

[illegible] potato, and the taro (*Caladium* [illegible] with such care that Sir Joseph [illegible] the ground as well broken down [illegible] gardens of the most curious people [illegible] provided convenient vessels. [illegible] special [illegible] for food. [illegible] they made stone hatchets [illegible] They carved canoes and [illegible] stone with much [illegible] carpenter's tools, and [illegible] of this hard material [illegible] and wet sand. The [illegible] was the labour of years, [illegible] of a tribe.[16] The manu-

[illegible] Ancient New Zealanders," [illegible] 1880). The passage in [illegible] Journal of Banks, who might [illegible] of civil economy" (as he [illegible] fields.

[illegible] was long, was shaped like [illegible] The largest were several

facture of wooden agricultural implements, spears, fish-hooks, the preparation of dyes for mats, the carving of boxes, the adorning of the principal whārĕ, or house, at which the tribe assembled for (korero, or) discussion, occupied the time not needed for the great work of hewing timber, carving war-canoes, and preparing weapons of war. As the war-canoe moved the chief or other appointed warrior chanted songs with which the oarsmen kept time. Each song had its appropriate time. The first English visitors noticed that more than one hundred paddles struck the sides of a canoe so accurately as "to produce but a single sound at the divisions of the music."

While men had such duties to perform, for women was reserved the preparation of food, and the weaving of the baskets in which they cooked it. Such baskets in ancient days were never used a second time to contain food.

The women prepared flax (*Phormium tenax*), and made it into clothing; they procured shell-fish and firewood, and weeded cultivated grounds. On them fell the task of carrying on their backs every year the fresh gravel required for the kumara, or sweet potato, fields. They also gathered fruit and expressed the juice of the tutu (*Coriaria ruscifolia*) for drinking.

The ample supply of fish, cray-fish, and shell-fish, made amends for the paucity of animals on land. Numerous varieties of wild-duck and the mutton-bird (*Titi* or *Pelecanoides urinatrix*) furnished food in season. The great rail, the weka (*Ralus Australis*), was as large as an ordinary domestic fowl. Quails, and pigeons, and other birds, if not abundant, furnished variety of diet.

The remains of the Pipi shells, strewn in every old pah in myriads, attest the enormous supply and consumption of cockles in the islands, and the part performed by Maori women in providing the principal meals, of which there

inches long, and massive. The perforation and polishing entailed immense labour. The heitiki was suspended upon the breast. The art of perforating the pounamu or jade was notable in the Maoris. Sir John Lubbock ("Prehistoric Times") remarks: "The smiths of the Bronze Age seem to have been unable to pierce bronze, and the holes for rivets are cast and not pierced." Yet the Maoris (classed with the Stone Age) drilled holes through one of the hardest of substances.

...the men sitting
...as usual.
...ad imported from
...the ground. The
...summer, before
...ssels for containing
...from the karaka
...was poisonous unless
...and wholesome and

...support. The root was
...stacked in dry places
...the stack. When
...sun-dried, and then

...sweet potato, was almost
...and their wooden
...was carefully placed
...propitiate the god
...hands and held
...their mast.
...of roasting. Captain
...als in the same
...Sea Islands: that is,
...the ground, and
...on the fire."
...preparations
...were dispensed.
...tribe, there
...ons of sea-fish
...asses of shark oil.
...sweet potatoes,
...
...ing liquor. Their
...was merely
...to enjoy a good
...a good old age."
...which had been
...solid food. Tribes
...exchanged mats for

The pig, though known in Polynesia, had not been carried by the Maoris to New Zealand.

They had no means of boiling water. Their vessels were wooden. To open shell-fish they obtained hot water by putting hot stones into water in their wooden vessels. Yet with their scant appliances, Maoris feasted in thousands.

In the neighbourhood of the hot lakes nature had provided them with an unbought luxury of cooking.

Labour was divided into classes—male, female, sacred, and common. Though the chiefs were honoured as of noble blood, they worked hard with and amongst their numerous slaves. In labour, as in war, it was the glory of the chief to excel, though the baser kinds of work he did not touch.

Vast posts appeared in the palisade which enclosed the houses of the fortified village. The enormous war-canoe, with its hundred paddles, bore witness to the strength and diligence with which, by the aid of stone axes and adzes, they had been shaped. The adze was similar to that represented in Egyptian sculptures.

Fabrics made from various vegetable fibres attested the inventive faculty of the race, or the art which they carried with them from Hawaiki. The string-turned drill with which they bored the hard green-stone as deftly as an European lapidary was tipped with quartz.

The wedge (matakahi) enabled them to split blocks of timber. Of the saw they were as ignorant as were the Russians before the days of Peter the Great.

Tradition was precise, and the demands of custom were inexorable. Only the chief (Rangatira) could wear the white-tipped tail-feathers of the Huia (*Neomorphia Gouldii*); and his staff was adorned with feathers and inlaid eyes of mother-of-pearl. There were large war-gongs, various kinds of flutes, whistles, and a trumpet, made of wood or of a large conch-shell, which alarmed Tasman in 1642.

Though they had no medium of exchange, they gave and received gifts, and it was a point of honour that the recompense should exceed in value that of which it was a recognition. There was exchange of commodities; and inland tribes gave mats or other articles in return for dried fish or shark oil, supplied by friends from the coast.

But for continual warfare the tribes might have been happy in the luscious but temperate climate of the North Island.

Yet they encumbered life with ceremony. There was rejoicing over birth; there was a function of naming, or removal of tapu from the child; and betrothal often occurred as soon as the child drew breath. Tattooing ensued at the age of puberty. The whole face of the man was deeply scored with curved lines having some beauty in themselves if not in their position. The lips of the women needed to be tattooed before they could marry, and perpendicular or curved lines from the mouth to the chin added to an effect more strange than pleasing on a naturally handsome face. The statuesque appearance of an old chief whose head seemed rigid as the figures in an Egyptian temple excited more wonder than disgust. Both sexes wore a short kilt, and a mat was fastened over the shoulder. In war the men discarded everything but their weapons and their belt, which was made of flax. Dog-skin mats were a favourite garment with the chiefs.

Polygamy was encouraged, and divorce was easy. Alliances of the well-born in different tribes were valued because of the influence they created or ensured.

At the death of friends there was formal wailing or tangi, which was often repeated if the deceased was of high reputation. The Maoris gashed themselves like other ancient people of the East in their great lamentations. Mourners came from far to join in the doleful duty. The body of the deceased was allowed to decay, and another ceremony—the hahunga, or cleaning of the bones—ensued after many months, or even after years. Those who scraped the bones were tapu, or sacred, and could only be relieved from their state by the tohunga or priest. The bones, when cleaned, were carried by a select few and secretly deposited in some cave or rocky cleft in uninvaded recesses. For a stranger to touch them was desecration. An enemy, if he could find them, would make flutes or fish-hooks of them, and the tribe of the deceased would be horror-struck. Captain Cook was "never able to learn" how the Maoris buried their dead, although he ascertained *that* they scarified themselves grievously in mourning for

friends. In later times the ceremonies were often seen. Priests dressed the body and placed it in sitting posture, garlanded with flowers. Albatross feathers adorned the hair. The face was smeared with oil and red ochre. The body was enveloped in a fine mat. The weapons of war he had used were around the body of the chief in the midst of the bones of his ancestry. Birds were sacrificed to the gods. Tribes came to visit the spot. Long wisps of grass were placed in the hands of the corpse and held by weeping friends. Laments were sung, of which the following, composed by a Rarawa chief, Papahia, may serve as an example :—

"Behold the glare of the lightning!
It seems to rive Tuwhare's rugged mountains.
From thy hand the weapon has fallen,
And thy spirit has departed
Beyond the heights of Raukawa.
The sun grows dim and hastes away
As a woman from the scene of the battle.
The ocean-tides weep as they ebb and flow ;
The mountains of the South melt away ;—
For the spirit of the chief wings its way to Rona.[1] [17]
Open the gates of the heavens ;
Enter the first heaven, then enter the second,
And when thou shalt traverse the realm of spirits
And they say unto thee—What meaneth this ?
Say that the wings of this world of ours
Have been torn from it in the death of the brave,
The leader of battle.
Atutahi[18] and the stars of the morning
Look down from the sky :—
The earth reels to and fro,
For the great prop of the tribes is laid low.
Ah! my friend, the dews of Hokianga
Will penetrate thy body :
The waters of the rivers will ebb away,
And the land will be desolate.
From afar I see the cloud arising
Over the head of famed Heke.
Let him be extinguished, yea, for ever,
Let the heart now sad with grief ne'er think of evil more."[19]

After a time the body of the departed chief was wrapped in mats and placed in a canoe-shaped box with the "mĕrĕ,"

[17] Who according to Maori tradition was borne "aloft to the moon and stars."

[18] Canopus.

[19] "Maori Mementos," C. O. B. Davies. Auckland, 1855. In the same

and raised on a stage, suspended from a tree, or temporarily interred. The lamentation of friends still continued, and after about a year the bones were scraped clean and secretly deposited by priests, with those of ancestors, in caves or recesses in the mountains. Then the "mĕrĕ" was received by the heir. For a great warrior, hahungas might be repeated for years. The preserved head was brought from its hiding-place to grace the ceremony, and fervid orations commemorated the virtues of the dead, and roused the emulation of the living.

The tohunga or priest was not the only or principal priest. The ariki, the head of the tribe, the first-born male or female by the eldest branch, was the chief priest of the people. As the representative of the great progenitor, from whom the tribe was named, he or she was entitled to and received respect amounting to homage. As amongst the ancient Germans, incapacity might cause a transfer of the active duties of a chief to some one worthier than the heir, though in matters affecting the whole tribe the blood right was never forgotten. *Reges ex nobilitate, duces ex virtute sumunt.*

The offspring of intermarriage of important chiefs or chieftainesses might become of higher blood than the father, and the child or heir of the name was honoured accordingly.

work may be found the following dialogue between the locust and the ant, a song, by an unnamed Maori poet.

TATARAKIHI (*Locust*).
Come hither, quickly, oh my friend,
And to my urgent call attend;
Thy work, Oh Ant, is wondrous fair.
And thy commanders act with care.

POKORUA (*Ant*).
Come hither thou, and dig the ground
And raise with me a spacious mound,
Where we may house us from the rain
Of heaven, and hide our stores of grain
For food, when each successive blast
Of winter's dreary night sweeps past.

LOCUST.
But is not this my sole delight,
To bask in sunbeams, warm and bright?
To rustle with my wings and cling
To some high branch and gaily sing?

"But the "mana," or prevailing influence of the well-born, might be tarnished by unworthiness, and the low-born but daring and sagacious counsellor and warrior in troublous times rose to commanding power.

Chiefs wore the insignia of their position. Only they could wear the huia feathers and the white plume of the crane. They wore the heitiki or green-stone image on their breasts. They kept the green-stone mĕrĕ, the cherished heirloom of the tribe.

Even the slave, the αἰχμάλωτος, spared by his captors, might by prowess obtain position amongst them, and such instances were known. Though slavery was a reproach, it was a lot which all who went to war might encounter, and a captive spared after a great battle might live in comfort among his conquerors.

The land was the domain of the people, and though by separate cultivation a man had a right to the product, he acquired no fee-simple of the land. Over the whole domain the tribe hunted; and as the kiore, or native rat, was snared in distant places, the boundaries of each territory were well known, and, if necessary, defined by marks. Alienation to a foreigner could not be the act of the separate occupier. Only common consent could alienate the common property. In the same manner if a hapu, or sub-tribe, of a neighbouring clan was invited to settle on the lands of a tribe, the newcomers, under the general tribal sanction, acquired such rights as any occupier of the inviting tribe could have possessed. Inheritance was from father to son.[19]

Treasure-trove belonged to the finder in ordinary cases, but certain royal fish or a white crane fell to the ariki, or head of the tribe.

Captain Cook found much to admire in the Maori canoes, which would carry from forty to one hundred armed men.

[19] Mr. Colenso, F.L.S., states this broadly (vol. i. "Transactions of New Zealand Institute") in an elaborate paper on the Maori race, and it may be accepted as a general maxim. [1894. When the first edition of this work was published, Mr. Maning (the great authority on Maori customs and the author of "Old New Zealand"), wrote to the author, 30th April, 1883:— "I cannot help writing to say that I admire your short and correct description of the tenure of the land by the Maoris amongst themselves, given in pages 18 and 32, Vol. 1. The ariki was trustee for the whole tribe, and had the right of veto on any alienation, which was exercised at Waitara unsuccessfully by Wi Kingi Te Rangitake."]

and injurious air, relieved by no ventilation. Even under such deadly conditions the race was healthy and long-lived, although consumption marked its prey among the less hardy. Their pahs and villages were perched on heights when Cook saw them. After the acquisition of firearms, with which positions on low ground could be defended, there was a change destructive to health.

The Hakari was a great festival which accompanied the making of peace, or conference about great affairs, or was in return for a previous feast. Crops were obtained from land planted for the occasion, and after the great dances the ruler of the feast divided to each tribe its portion. Six thousand guests have been seen by Europeans at a Hakari. It was a point of honour that a feast given in return should be more profuse than its precursor. The Maori poured forth all that he had. The assembly was like a joyous fair. Presents were exchanged, bargains were made, and all the popular pastimes of Maoris made their Isthmian games a round of pleasure. They deserved the praise ascribed to the ancient Germans; *convictibus et hospitiis non alia gens effusius indulget.* Dancing, singing, wrestling, spear-throwing, contests with long sticks, and great orations, furnished memories of a happy Hakari. The national songs and chants have, fortunately, been preserved by Sir G. Grey, and it is sufficient here to say that they are full of imagery, Oriental in colouring, and oracular in expression.

The assembly of a tribe was called a Runanga. The conference itself was called a kórĕro. An orator who could touch the strings which roused the veneration of the race for their ancestors or their traditions could work a Maori audience to frenzy.

They were fond of games. They had whipping-tops, and kites which hovered in the shape of birds. They had a game with ball, and played maui, or intricate cat's cradle, with dexterity. The young practised athletic exercises by wrestling, running, leaping, swimming, and in contests with the spear. The dance, in which the performers bounded as one man in admirable time, wielding their weapons as if one muscle moved every spear or gun, excited them to seeming fury. The savage distortion of face, and the grating quivering sound like the roar of wild beasts,

[illegible] from the mouths of all, as if from one, terrified [illegible] beholders.

Grossness of speech, which would have been intolerable amongst the unrefined Europeans of the 15th century, did not offend the Maoris.

They reckoned time by lunar months, of which they had twelve. May was the first month, and was marked by the appearance of the star Puanga (Rigel) in the morning. The flowering of certain trees distinguished various months; the rising of stars accompanied others. March was the month in which the kumara crop ripened, and April was the season for digging it up. Errors arising from lunar calculations were sufficiently remedied for Maoris by the rising of stars and the flowering of plants. They continually rectified their calendar, instead of allowing it to run into such disorder as compelled Julius Cæsar to change the style by the intercalation of two months. Nights, not days, were the units into which the month was divided, each having a distinct name.

Marriage was attended with no solemnities. Polygamy was practised, and divorce could be obtained by turning a wife out of doors. If a man wished to marry a woman of different tribe, the consent of his own tribe was required, as well as that of hers. The wife was treated well if faithful (as was the rule), but might be killed for infidelity. The unmarried girl was allowed liberty unknown to the married. The first European visitors noticed that friends of a girl would consent to her accepting a lover, but that all intercourse before the world was to be scrupulously delicate, and the lover who disregarded the Maori custom was ignominiously repelled.

Children of importance were named by a priest, with a formal rite, in which he sang an incantation, praying for heroism and strength for a boy and industry for a girl. The boy was dedicated with a chant (to the god of war) which imprecated for him all the virtues of a ruler, a workman, and a warrior.

The salutation of Maoris was the hongi, or rubbing of their noses together; and ceremony required a (tangi or) wail on meeting of long-parted friends, or on arrival at any place where friends had died since the last visit.

Dignity was the characteristic bearing of a chief, and there were many Europeans whose admiration of the Maori was unbounded. There were others who commenced their acquaintance with respect, and were repelled by the uncleanliness of their savage friends. Yet persons of all classes were found who took up a permanent abode with them long before the English set up any form of government in the islands. Such denizens became the clients of a Rangatira, or chief, and were called Pākĕhā[20] Maories. A Pakeha of good birth was admittedly a Rangatira Pakeha, but he came under the "mana," or authority, of his Maori patron. Patron and client acknowledged reciprocal duties. Profit was supposed to accrue to the first from the bargains he made through his Pakeha with traders. The client, on the other hand, submitting to friendly extortions from his Rangatira, was protected from ill-usage by others.

These singular relations have been described by one who entered into them (Mr. F. E. Maning), and carried to his client-sphere, strength and audacity, which would have made him the idol of gladiators; intelligence and humour, which rank him amongst the raciest of English narrators. His experiences were published under the title of "Old New Zealand, by a Pakeha Maori," and it may safely be affirmed that, allowing for passages written for effect, no New Zealand story which is at variance with Mr. Maning's book can be trusted, though the lights and shades of his picture show contrasts which, as in other countries, leave room for large and varied disquisitions. Long after English rule had been established in New Zealand the Colonial Government persuaded Mr. Maning to accept the office of judge in a Native Land Court, where his knowledge of Maori laws and usages was of the utmost service, while his reputation amongst his Maori friends secured respect for his decisions. It may be well to cite his interpretation of a Maori word, on which turned, in the opinion of some persons, the war of 1860 between the Government and the Maoris and the greater war which was its consequence.

"'Mana' has several different meanings, and the difference between these diverse meanings is sometimes very great, and sometimes only a mere shade of meaning, though one very necessary to observe; and it is

[20] Pakeha meant "foreign."

therefore quite impossible to find any one single word in English, or in any other language that I have any acquaintance with, which will give the meaning of 'mana.' And, moreover, though I myself do know all the meanings and different shades of meaning properly belonging to the word, I find a great difficulty in explaining them. . . . *Virtus*, prestige, authority, good fortune, influence, sanctity, luck, are all words which, under certain conditions, give something near the meaning of mana, though not one of them gives it exactly. . . . Mana sometimes means more than a natural virtue or power attaching to some person or thing, different from and independent of the ordinary natural conditions of either, and capable of either increase or diminution, both from known and unknown causes. The mana of a priest or tohunga is proved by the truth of his predictions as well as the success of his incantations, which same incantations performed by another person of inferior mana would have no effect. When most of a doctor's patients recovered, his mana was supposed to be in full feather. . . . Mana, in another sense, is the accompaniment of power, but not the power itself; nor is it even in this sense exactly 'authority,' according to the strict meaning of the word, though it comes very near it.

"This is the chief's mana. Let him lose the power, and the mana is gone; but mind you don't translate mana as power; that won't do; they are two different things entirely. Of this nature also is the mana of a tribe, but this is not considered to be the supernatural kind of mana.

"Then comes the mana of a warrior; . . . before leaving him some supernaturally ominous occurrence might be expected to take place, such as are said to have taken place before the deaths of Julius Cæsar, Mark Antony, or Brutus. Let not any one smile at my, even in the most distant way, comparing the old Maori warriors with these illustrious Romans, for if they do I shall answer that some of the old Maori *Toa* were thought as much of in their world as any Greek or Roman of old was in his; and, moreover, that it is my private opinion that if the best of them could only have met my friend, Lizard Skin, in his best days, and would take off his armour and fight fair, that the aforesaid Lizard Skin would have tickled him to his heart's content with the point of his spear.[22] . . . A spear, a club, or a mĕrĕ may have a mana, which, in most cases, means that it is a lucky weapon; but some weapons of the old times had a stronger mana than this, like the mana of the enchanted weapons we read of in old romances or fairy tales. Let any one who likes give an English word for this kind of mana; I have done with it. . . . If the reader has not some faint notion of mana by this time I can't help it. I can't do any better for him. I must confess I have not pleased myself."

[22] Lizard Skin was Mr. Maning's Rangatira. He had borne a part against the Frenchmen killed with Marion du Fresne in 1772. He was not the head of his tribe, but was nobly connected. "He was," says his Pakeha, "a model of a Rangatira. He was a little man, with a high massive head, and remarkably high square forehead, on which the tattooer had exhausted his art. Though of great age, he was still nimble and active. He had evidently been one of those tough active men, who, though small in stature, are a match for any one. There was in my old friend's eyes a sort of dull, fiery appearance, which when anything excited him, or when he recounted some of those numerous battles, onslaughts, massacres or stormings, in which all the active part of his life had been spent, actually seemed to blaze up and give forth real fire. His breast was

How many ideas clustered around the word in the mind of a Maori could be guessed only by those who had lived amongst the people. It will be seen hereafter that a colonial Minister, a prime promoter of the wanton war of 1860, spoke scornfully of the word "mana,' declaring in the General Assembly that he neither knew nor wanted to know anything about it.

The Tapu of New Zealand, like the Taboo of islands of the Pacific, was a mysterious power which Europeans often offended ignorantly if not maliciously. It held universal sway over all Maoris. A superstitious awe compelled obedience. Though the Ariki, the chief priest or *pontifex maximus*, could impose it upon any object, he was himself bound to submit to it. In each chief resided a kind of sacredness; the head and back being its principal depositories. If he desired to preserve any land or other object from intrusion he called it his head or back, and to violate the "tapu" thus conferred was a deadly insult to

covered with spear-wounds, and he also had two very severe spear-wounds in his head, but he boasted that no single man had ever been able to touch him with the point of a spear. It was in grand *mêlées* where he would have sometimes six or eight antagonists that he had received these wounds. He was a great general, and I have heard him criticize closely the order and conduct of every battle of consequence which had been fought for fifty years before my arrival in the country. . . . Before the introduction of the musket the art of war had been brought to great perfection, and when large numbers were engaged in a pitched battle the order of battle resembled in a most striking manner some of the most approved orders of battle of the ancients. . . . My old friend had a great hatred of the musket. He said that in battles fought with the musket there were never so many men killed as when in his young days men fought hand to hand with the spear; when a good warrior would kill six, or eight, ten, or even twenty men in a single fight." The old man thus celebrated by Mr. Maning had accidentally killed his own father. Returning from a successful war foray, he saw the smoke of fires on the coast. He landed at night to attack the supposed enemy; surprised the camp, killed the first man himself, and found it was his father. Blows ceased, wordy recriminations ensued as to whether the fault was with the assailants or assailed, for indolence or carelessness—a tangi or lamentation was indulged in by all, a prisoner was slain and eaten, and Lizard Skin's father's body was carried home with due respect. The killing was deemed clever, the parricide merely unlucky. Mr. Maning saw Lizard Skin die. The old man bequeathed his "mĕrĕ" to his Pakeha, adjured his tribe "to be brave that they might live," said that his two old wives would hang themselves (as they did), and with battle cries ringing from his lips, with eyes actually blazing, passed away, and was secretly buried with his spear and tomahawk beside him.

the chief who had imposed it. War-parties were "tapu"; any property could be subjected to it, for a time or indefinitely, and it could only be removed by religious obedience to prescribed forms. The staff or wand on which genealogies were preserved; the first-fruits of the sweet-potato crop; Maoris engaged in making nets; slaves in attendance on chiefs or priests; fishing expeditions, and numerous objects were held to be "tapu" in a sacred sense. The graves of ancestors were "tapu" in the highest degree. He who touched anything sacred placed himself under a ban. He who, when under the "tapu," entered a house rendered it unfit for others to approach. Mysterious terror surrounded even an unwitting violation of the law.

A chief with a war-party happened to leave a portion of food prepared for his dinner. Slaves and camp-followers came afterwards to the spot, and one strong man, seeing the food, ate it without asking questions. Being told of the atrocity he had committed the man was seized with convulsions and died in a few hours.[22] Yet he was a warrior remarkable for courage, though a slave.

Tapu was thus a mode of preserving property. It preserved the forests, fishing-grounds and game. The sick were tapu and isolated accordingly. Enemies of the Maori declared this law selfish. Their friends said that sickness arose from a visitation of an "Atua" or offended spirit, who must be avoided. Tapu thus pervaded every relation in life or death.

The Pakeha Maori himself, Judge Maning, violated it by performing an act of humanity. Returning with sixty men from an expedition he saw a number of bones on the beach, picked up a human skull and buried it. His companions fled or shrank from him. He sat apart at night. They placed food near him, which it was his duty to eat without touching it with his hands. They shuddered when in spite of their cries he handled it. They left in dismay, travelled all night, and warned his household, all Maories, of the accursed plight in which their master would return. The inmates fled. When he reached his home it was desolate. Four days he lived or fumed alone, cooking his own meals

[22] "Old New Zealand, by a Pakeha Maori." London, 1876.

and dwelling in his kitchen. Then a "Tohunga," or priest, came in a canoe to charm away the "tapu." Mumbling incantations, he made the culprit eat a baked kumera. All the kitchen utensils were doomed to destruction. The very clothes of the offender were thrown away. At night the household returned to their allegiance; but a new kitchen was built, as none would enter the old one.

The Tohunga or priest was also a seer. Like the oracle of Delphos his utterances were sometimes ambiguous. Consulted about the success of a war-party, one cried out, "A desolate country! a desolate country." The warriors went forth in hope, and were slain to a man. It was their own and not their enemies' country which was to be desolate, but the reputation of the Tohunga was maintained. It was believed that the seer could summon the spirits of the dead, and Judge Maning was present when in a large building, at night, the friends and relations of a deceased "Rangatira" gathered to converse with his spirit under the guidance of a notable necromancer. He heard conversation with a voice. He saw the powerful effect produced upon the tribe. Two young men held back their sister, the lover of the deceased, as she cried out that she would fly to her beloved. The parting voice seemed to say farewell in air as well as underground. The bewildered audience had retired to rest when Mr. Maning heard the report of a gun and the wailing of women. The distracted girl had shot herself, and her father, himself a Tohunga, with one hand supported the lifeless body as he knelt, and with the other twisted in agony his matted hair, howling in despair, as he sustained the shattered remains of his child. Thus speaks Mr. Maning: "A calm low voice spoke close beside me—'she has followed her Rangatira,' it said. I looked round and saw the famous Tohunga of the night."

On the minds of such a people the tapu wielded a potent influence. Dread of supernatural rather than of human vengeance sanctified it in their eyes; but their traditions, laws, and customs gave it minute application, and hardened its use. The authority which first enjoined obedience had passed into the hand of the high-born Ariki, at once patriarch and priest, and endowed with a power which, if scorned by the wilful or careless, might call supernatural

the chief who had imposed it. War-parties were "tapu"; any property could be subjected to it, for a time or indefinitely, and it could only be removed by religious obedience to prescribed forms. The staff or wand on which genealogies were preserved; the first-fruits of the sweet-potato crop; Maoris engaged in making nets; slaves in attendance on chiefs or priests; fishing expeditions, and numerous objects were held to be "tapu" in a sacred sense. The graves of ancestors were "tapu" in the highest degree. He who touched anything sacred placed himself under a ban. He who, when under the "tapu," entered a house rendered it unfit for others to approach. Mysterious terror surrounded even an unwitting violation of the law.

A chief with a war-party happened to leave a portion of food prepared for his dinner. Slaves and camp-followers came afterwards to the spot, and one strong man, seeing the food, ate it without asking questions. Being told of the atrocity he had committed the man was seized with convulsions and died in a few hours.[22] Yet he was a warrior remarkable for courage, though a slave.

Tapu was thus a mode of preserving property. It preserved the forests, fishing-grounds and game. The sick were tapu and isolated accordingly. Enemies of the Maori declared this law selfish. Their friends said that sickness arose from a visitation of an "Atua" or offended spirit, who must be avoided. Tapu thus pervaded every relation in life or death.

The Pakeha Maori himself, Judge Maning, violated it by performing an act of humanity. Returning with sixty men from an expedition he saw a number of bones on the beach, picked up a human skull and buried it. His companions fled or shrank from him. He sat apart at night. They placed food near him, which it was his duty to eat without touching it with his hands. They shuddered when in spite of their cries he handled it. They left in dismay, travelled all night, and warned his household, all Maories, of the accursed plight in which their master would return. The inmates fled. When he reached his home it was desolate. Four days he lived or fumed alone, cooking his own meals

[22] "Old New Zealand, by a Pakeha Maori." London, 1876.

and dwelling in his kitchen. Then a "Tohunga," or priest, came in a canoe to charm away the "tapu." Mumbling incantations, he made the culprit eat a baked kumera. All the kitchen utensils were doomed to destruction. The very clothes of the offender were thrown away. At night the household returned to their allegiance; but a new kitchen was built, as none would enter the old one.

The Tohunga or priest was also a seer. Like the oracle of Delphos his utterances were sometimes ambiguous. Consulted about the success of a war-party, one cried out, "A desolate country! a desolate country." The warriors went forth in hope, and were slain to a man. It was their own and not their enemies' country which was to be desolate, but the reputation of the Tohunga was maintained. It was believed that the seer could summon the spirits of the dead, and Judge Maning was present when in a large building, at night, the friends and relations of a deceased "Rangatira" gathered to converse with his spirit under the guidance of a notable necromancer. He heard conversation with a voice. He saw the powerful effect produced upon the tribe. Two young men held back their sister, the lover of the deceased, as she cried out that she would fly to her beloved. The parting voice seemed to say farewell in air as well as underground. The bewildered audience had retired to rest when Mr. Maning heard the report of a gun and the wailing of women. The distracted girl had shot herself, and her father, himself a Tohunga, with one hand supported the lifeless body as he knelt, and with the other twisted in agony his matted hair, howling in despair, as he sustained the shattered remains of his child. Thus speaks Mr. Maning: "A calm low voice spoke close beside me—'she has followed her Rangatira,' it said. I looked round and saw the famous Tohunga of the night."

On the minds of such a people the tapu wielded a potent influence. Dread of supernatural rather than of human vengeance sanctified it in their eyes; but their traditions, laws, and customs gave it minute application, and hardened its use. The authority which first enjoined obedience had passed into the hand of the high-born Ariki, at once patriarch and priest, and endowed with a power which, if scorned by the wilful or careless, might call supernatural

curses upon them. Supposed to be sprung from Heaven the power was wielded by man, and no Maori disputed it.

The Maori prized "high birth, vigour of bone, desert of service." The noble families which had immigrated from Hawaiki were, in their several tribes, the governors of the new land. Yet the principal chief could scarcely be called a king even in his own tribe. Priest and the great chief were the two highest orders. Next to them were the "Rangatira," the general name for every chief of noble birth.

There was a middle class and a lower class of people, and under all were the slaves—the captives and the children of the αἰχμαλῶτοι, who abounded in the land, as the hewers of wood and drawers of water.

Stern even after death, the law of slavery was believed to extend beyond the grave. The great were to be happy, and in various dwellings in space each Maori was to find his eternal abode.

A Rangatira of great fame might acquire more weight in council than the tribal chief, but the latter was not deposed from his hereditary position. In the councils of the old men the movements of the tribe were determined, and great meetings were held at which orators declaimed. Ever among them the speaker who could most artfully or pathetically interweave ancient song or proverb with his reasoning succeeded best in reaching their hearts, and sometimes roused them to ungovernable applause.

Ancestry and veneration for the past held sway. They loved the land which enshrined their forefathers with a feeling repellent of marketable value.

War was the delight and occupation of every chief. The almost universal salutation to Captain Cook was, "Haromoi, harenta a Patoo ago," which Tupia translated into "Come here, come ashore with us, and we will kill you with our Patoo-patoos."

Tradition said that the warriors who landed in the Tainui, at Kawhia, crossed the island and burned the Arawa canoe at Maketu, while the people were spread abroad at Rotorua and Taupo. The torch of war was never afterwards ıed.

verb said that women and land were the causes of

The first Europeans who visited New Zealand found the Maoris dwelling in forts framed on hills to prevent surprise. No man was safe from attack except by means of his own right hand. Yet till blood had been shed there was a chance of averting wars, and when the moving spirits had agreed to terms, great meetings were held at which the reconciled tribes performed the war-dance which preceded feasting. A stranger would have thought it a prelude to a fight.

An ill-tempered man might, however, bring on war at any time by rearing an effigy of a chief and striking it. The insult demanded redress as if cast upon the living man. It was an insult not to him only, but to his tribe, and any of them might avenge it. The result was chronic war.

"Whatever people we spoke with upon the coast," Cook wrote, "they generally told us that those that were at a little distance from them were their enemies." He added: —"All their actions and behaviour towards us tended to prove that they are a brave, open, warlike people, and void of treachery."

With the savageness of cravers for an enemy's flesh the Maori mingled feelings of delicacy and honour. Opposing armies have broken up their forces until a fixed day, in order to let one or other side attend to a farming operation, or celebrate the obsequies of a friend. On the day fixed the ranks of war were resumed. It was customary to warn an enemy of the time when he would be attacked. If he was starving, food has been supplied. After a battle visits were sometimes interchanged, and even the future plan of the campaign was discussed before it was resumed with ferocity.

The weapons of old time were spear and club. Captain Cook described the heavy spear as 14 or 15 feet long. There was also a lighter lance hurled by hand, and clubs were used as battle-axes. The Patoo-patoo, or clubs made of wood, bone, or stone, were used "to knock men's brains out, and to kill them outright after they are wounded; and they are certainly well-contrived things for this purpose." He thought it strange that there were no missive weapons, "such as bows and arrows, slings, &c., things in them-

selves so easily invented and common in every other part of the world." "In most of their dances," he said, "they appear like madmen." Many travellers have noted the contortions of limb and face, the thrusting out of the tongue, the strength, agility, and harmony of movement by every performer. With brandished weapons, sudden but concerted motion, now bounding in the air and cleaving it with his club, yelling in chorus and pausing at the same instant, each Maori maddened himself for the combat in which each selected an individual foe. The darling object was to inflict more loss than was received, and to seize the bodies of the slain. The victors pursued the defeated, and then returned to their cannibal rites. The heads of their own slain chiefs were carried home with reverence, those of the enemy were carried in derision on the points of spears. The women went out to meet returning warriors. The widow of a slain warrior has been known to brain more than one prisoner brought back in bonds. She could also doom a slave to die to avenge her husband. The tapu was duly removed from the returning war party.

The heads of fallen chiefs were placed with the bones of their ancestors, but could be produced to excite the tribe to vengeance. Those of the foe were reared about the pah or village, and continually insulted. "Where is your father? eaten! Your brother? eaten! Your wife? There she sits, a wife for me! Your children carry burdens as slaves!"

The doom which Hector dreaded for Andromache fell with dire reality on Maori wives. Maori savageness, more cruel than the Greek,[23] strove to torture the spirits of the dead whose families were enslaved.

Captain Cook visited a pah at Mercury Bay, and described it minutely. It stood on a promontory in some places inaccessible. It was "defended by a double ditch, a bank, and two rows of picketing, the inner row upon the bank, but not so near the crown but that there was good room for men to walk and handle their arms between the picketing and the inner ditch. The depth of this ditch from the bottom to the crown of the bank was 24 feet. Close within the inner

[23] Ἀλλά μέ τεθνηῶτα χυτὴ κατὰ γαῖα καλύπτοι
Πρίν γ' ἔτι σῆς τε βοῆς σοῦ θ' ἑλκηθμοῖο πυθέσθαι. "Iliad," vi. 464.

picketing was erected by strong posts a stage 30 feet high and 40 feet in length and 6 feet broad. The use of this stage was to stand upon to throw darts at the assailants, and a number of darts lay upon it for that purpose." A similar stage was near it. The situation was such that "a small number of resolute men might defend themselves a long time against a vast, superior force, armed as these people are."

The keen eye of the sailor detected the flaw, that although "an immense quantity of fern-root and a good many dried fish had been laid up in store," in preparation for a siege, no fresh water was nearer than a brook "close under the foot of a hill." "I suppose they can at times get water though besieged, and keep it in gourds until they use it."

By the side of the hill was a patch of cultivation tended by the dwellers in the fort.

Cook saw many forts at a distance; and such was the internecine warfare of the tribes that every village was a fort.

Carved heads, or figures like vast idols, were placed over the gateways of pahs, and wooden figures with protruded tongues were placed at intervals in the palisades.

Before the introduction of firearms Maori villages were forts placed on hills. The inhabitants marched down to till the soil under the guard of fighting men in times of danger. There was one compensating result. The hills were healthy sites, and in spite of decimation by wars the population of the North Island was considerable when first seen by Europeans.

A law called "Muru," or "plunder," was strange. If a man's child fell into the fire, if his canoe were upset, if a fire he had kindled spread too far, the "hapus," or subsections of the great tribe to which he belonged, were entitled to assemble and inflict the penalty of the "muru" upon him. The victim was informed beforehand, and the compliment to him was greater in proportion to the size of the marauding band. He prepared a feast of all that he had. The "taua muru" (or party for the muru) arrived, and was welcomed with shouts. The inevitable war-dance was exhibited by the guests and hosts. A spear-combat ensued between the victim and the leader of the "muru" band.

...titles orally
...paramount
...the only safe-
...minds, nor the
...required his

...Henry Williams.
...a Hawaiki

sanction to make good their own transactions. Strange rights accrued and multiplied. A fishing right possessed by a man's father entitled him to compensation, and the owner of the spot could not sell without satisfaction to the claimant.

Marriage relations conferred partial rights.

One man claimed compensation because his grandfather had been murdered on land—another because his own grandfather had committed the murder.

If wise counsels could not allay strife, fresh fighting conferred fresh rights.

Conquest—absolute conquest with occupation—gave indefeasible title. But if a remnant of a defeated tribe escaped death or captivity, it preserved its rights except as regarded those portions of its birthright which the conquerors chose to occupy, to till, or to hunt or fish over.

Known of all men among Maoris, after a fashion, these rights were to be the source of unnumbered woes by means of colonists whose interests were supposed to lie in despising or disputing them.

In 1871 the Native Lands Court was long engaged in an inquiry as to the consequence of a Maori war of 1830. The Ngatihaua chief claimed Te Aroha on both sides of the Waihou river by virtue of conquest. The Ngatimaru admitted their defeat at Taumatawiwi, in the Waikato district, and their expulsion therefrom, but denied the loss or evacuation of the Aroha block, which they pleaded that (though it was ravaged by marauding parties) they had never ceased to occupy more or less. The allegation of the Ngatihaua was that certain of their number had occupied places in the land, and thus acquired complete title accruing from conquest.

After much conflict of evidence before Judges Maning (the Pakeha-Maori) and Monro, the claims of the Ngatihaua were rejected by the Court. The dispute furnished a key to the endless causes of war amongst a race whose titles were recorded only in oral tradition.

Another trial of a question of title before the Native Lands Court in 1869[26] gave startling proof of the sufferings

[26] The Orakei Case. Chief Judge Fenton's Judgment.

undergone by the dwellers on the rich lava fields which abound on the isthmus which divides the Hauraki Gulf from the harbour of Manukau. Each volcanic cone was in 1720 a fortress terraced by the hand of man. The traveller marvels now at the vast remains of labour performed with wooden implements. More than a score of such hills, varying from one hundred and fifty to six hundred and forty-two feet in height, are within six miles of the centre of the isthmus.

Maungawhao (now absurdly called Mount Eden) was the highest, and still bears traces of the vast works erected upon it. But in 1720 Mangakiekie (One Tree Hill) was the dwelling-place of the great chief Kiwi. In 1740 he fell in battle with invaders from Kaipara. The Ngatipaoa and the Ngatiwhatua, with various fortune and sometimes with aid of friends from Waikato and elsewhere, kept up destructive warfare almost without intermission so long as only wooden weapons were available.

The ancient dwellers, the Ngaiwi (*i.e.*, the tribes), had been broken; the isthmus was the highway of war-parties; and the Ngatiwhatua, the nominal occupants, were plundered by each marauding war-party that traversed their territory, and were involved in perpetual strife with the Ngatipaoa.

The distribution of the tribes at the time of the English occupation in 1840 may be briefly summarized thus:

In the extreme north of Te Ika o Maui (the North Island of the colonists) the Aopouri had been decimated by wars with their neighbours, the Rarawa.

South of the Rarawa territory, which approached Hokianga, the Ngapuhi, Hongi's tribe, occupied the land from sea to sea, until they reached the land of the Uriohau, extending from Kaipara to Cape Rodney, and bounded on the south by the territory of the much-enduring Ngatiwhatua,[27] at and near Auckland, the highway of war-parties.

The Ngatitai held the small block which is bounded on the west by the Tamaki Creek and the Manukau harbour.

[27] "Nga"—the plural of the article "te," "the," or Ngati—was the usual affix to the names of tribes, *e.g.* Ngatimaru, Ngatimaniapoto, Ngatiawa. Sometimes, *e.g.* Rangitane, the affix was not used. Sometimes it was abbreviated, as in Ngapuhi.

Thence the Waikato tribes occupied the Waikato river from its mouth upwards, above the confluence of the Waipa river, where was the Maori settlement Ngaruawahia, or "the meeting of the waters."

From Matamata on the Thames to the west coast, under the sagacious guidance of Te Waharoa, the Ngatihaua leader; of Te Whero Whero and others on the lower Waikato; and of the warlike Ngatimaniapoto chiefs on the Waipa River, the Waikato tribes held sway. How they had become possessed of Kawhia, and of the great forest which stretched thence towards the mouth of the Mokau river, will be told when the career of Rauparaha, the Ngatitoa, demands consideration.

Inland the Ngatimaniapoto met the Ngatiraukawa, a tribe which held land on the Waikato upwards from Maungatautari towards Lake Taupo, from which the Waikato or Horotui river streamed northwards.

The Ngatitama held a tract of land extending inland from Mokau to upper sources of the Wanganui river. The Ngatiawa held a much-loved territory at the Waitara, although their principal chief had, in concert with Rauparaha, led forces southwards to conquer new lands. Mount Egmont was included in the Ngatiawa boundary.

The Taranaki tribe held a small tract on both sides of Cape Egmont, with the whole of its coast.

The Ngatiruanui held the land fronting the Waimate bight, and stretching inland so as to include a portion of the Wanganui river. A small tract, including Waitotara and extending nearly to Wanganui, was held by the Ngarauru.

The Ngatihau held the lower part of the Wanganui river and joined the Ngatiruanui on the north, although the Ngarauru boundary projected sufficiently to enclose a small portion of the Wanganui.

South of the Ngatihau territory was an expanse in which the Rangitikei and Manawatu rivers, and a portion of the Tararua mountains, were included. In this expanse were the lands of the Muaupoko, the Rangitane, and the Ngatiapa.

Superadded to them in certain places were the Ngatiraukawa, who, on the invitation of Rauparaha,

followed him to enjoy his southern conquests. When the colonial government endeavoured to buy lands in the district, the numerous titles were so little understood or respected that neither Sir Donald McLean nor any other agent could ascertain how to deal with them; and valid claims of ownership were in danger of being set aside at the risk of violence or war, until, after many years of temporizing on the part of one Ministry after another, the Native Lands Court in 1869 applied the test of law, and blunders of government agents were exposed.

South of the composite territory alluded to was a small tract held by the Ngatiawa, under the leadership of W. Kingi te Rangitake at Waikanae.

The Ngatitoa, under Rauparaha, held the island Kapiti, and also a tract on the mainland, including the Porirua harbour and a great portion of the (Eritonga or) Hutt river.

The peninsula which includes Port Nicholson was held by another branch of the Ngatiawa, of whom the principal chief was Te Puni.

In the enumerated tribes each will be seen to have held some land bordering on the sea. But one great tribe occupied the heart of the island, and had no such sea-claims. Nevertheless, the great Lake Taupo, often called mŏănă or sea by the Maoris, was in their domain. The Ngatituwharetoa, under the giant Te Heu Heu, held that domain, which was bounded on the west by the Waikato tribal lands, by the Ngatitama, by a small portion of the Ngatiruanui mountain land, by the interior boundaries of the Ngatihau lands, and by the district of those composite claims which no New Zealand government or agent could unravel.

On the north, Te Heu Heu met the Ngatiraukawa—*i.e.* the residue of the tribe who had not cast in their fortunes with Rauparaha at Rangitikei and Manawatu.

The east coast from Cape Palliser to Paretu (north of Table Cape) was considered to be the land of the Ngatikahungunu. Their western boundary was formed by the eastern limits of the lands of the Ngatiapa, the Ngatitoa, the Ngatiawa (at Waikanae), the composite district, and by Te Heu Heu's central domain, and ran for a long dist-

along the great Ruahine Range. Their spacious territory was occupied by numerous hapu or sub-tribes. Mr. Colenso, preparing a census in 1849, enumerated forty-five without exhausting them.

Poverty Bay was the heritage of the Rongowhakaata, bounded at Gable End Foreland by the Ngatiporou, who held the coast thence round the East Cape to Cape Runaway.

Thence on the eastern arc of the Bay of Plenty to Opape the Whanauapanui held the land. From Opape to the river Whakatane the Whakatohea ruled.

Both the Whanauapanui and the Whakatohea territories were bounded by the land of the Ngatiporou in the interior.

From Whakatane to Waitahanui the land was held by a section of the widely-distributed rovers, the Ngatiawa.

From Waitahanui to Papomoa the Arawa held the coast, and their territory extended inland to the hot-lake district of Rotorua and Rotomahāna.

In the interior, at the back of the Ngatiawa district just mentioned, a rugged tract belonged to the Uriwera tribe. They required the almost inaccessible fastnesses of the Whakatane mountains to shelter them from their numerous neighbours. Their boundaries touched upon the lands of the Ngatiawa, the Arawa, the Ngatituwharetoa under Te Heu Heu, the Ngatikahungunu (from Tauhara to Lake Waikaremoana), the Rongowhakaata, and the Whakatohea.

On the coast from Papomoa to Katikati the Ngaiterangi held the land. On their northern boundary they met the Ngatimaru and Ngatipaoa, who, with their numerous subdivisions (some of which derived their name from ancestors of bygone centuries) held the whole of the Coromandel Peninsula, with great portions of the Thames and Piako rivers, and whose western boundary was co-terminous with the Waikato boundary, and ran through the Wairoa range, trending northerly until it met the waters of the Hauraki Gulf at the mouth of the Wairoa river.

The population of the tribes thus distributed in the Northern Island was believed to exceed one hundred thousand. Rumour said that it had once been greater. It was plain that by desertion or otherwise many once populous forts and villages had become desolate.

Amongst the Maoris living in 1840 many held high reputations as counsellors or warriors. Hongi had left the world which he had troubled, and Te Waharoa had died of disease. But Rauparaha at Kapiti, Wiremu Kingi Te Rangitake at Waikanae, Te Whero Whero in Waikato, Rewi among the Ngatimaniapoto, Waka Nene and his brother Patuone among the Ngapuhi, Panakareao among Rarawa, and other chiefs on the east and west coasts, maintained their fame. Conspicuously at Lake Taupo the Ngatituwharetoa chief, Te Heu Heu, was the undisputed leader of men.

Mr. J. C. Bidwill, who saw him in 1839, described him[28] as "a remarkably fine man, upwards of six feet high and very strongly built,—a complete giant." Ever bold and haughty, confident in his remoteness from the gathering grounds of invaders, Te Heu Heu lived in surly grandeur until, in 1846, with his village, Te Rapa, and about sixty followers, he was engulfed by a landslip on the shores of the lake.[29]

The Middle Island, Te Wai Pounamu, the land of mountain, flood, and fjord, seems never to have been largely peopled. Various traditions were extant as to the manner in which the Maoris overspread it sparsely No distinct story explained the fate of the tribe supposed to have been landed from the Takitumu canoe. It may have recrossed Raukawa (Cook's Strait) to the warmer land of Te Ika o Maui.

Precise narratives declare that under Tauriapareko a detachment of the Ngatihau sailed from Wanganui and occupied the Arahura country, where the precious greenstone was found; and that from the detachment sprung the Ngaituahuriri, a powerful hapu of the Ngaitahu, whom the English found in possession.

[28] "Rambles in New Zealand," by J. C. Bidwill. London, 1841.

[29] Te Heu Heu's brother, who succeeded him, composed a pathetic but proud lamentation for the lost chief, who was "a spreading tree to shelter his people when evil hovered near." Stars disappearing were emblems of the beloved lost one. . . . "What strange god has caused so dread a death? . . . Show again thy strong frame. . . . Ah! the people are comfortless and sad. . . . Lo! thou art fallen. The earth receives thee as its prey. But thy wondrous fame shall rise resounding through heaven."

Maori tradition ascribes to another migration from Taupo, by way of Wanganui, the occupation of the southern shore of Cook's Strait by the Ngatitumatakokiri, who were, in 1642, the assailants of Tasman in what is now called Golden Bay.

Other migrations succeeded.[30] The sanguinary wars of the North Island were imitated in the South. Reinforcements sallied from the Northern Island to aid friends or conquer new lands. The Ngatikuri, a branch of the Ngatiruanui, migrated to Cloudy Bay.

The Ngatimamoe, descendants of the warriors of the Aotea canoe, migrated from Wanganui, rather to slay and conquer than to discover new lands.

The Ngaitahu sprung from the Ngatikahungunu of the east coast, went forth to slaughter their cousins in the Middle Island about the time when Philip II. planned the destruction of the English by means of his invincible Armada.

After wars, reconciliations, inter-marriages, and renewals of slaughter and cannibalism, the Ngatimamoe were thrust to the south, and the Ngaitahu held sway to the north of the 43rd South parallel. For them a murderous doom was prepared by Rauparaha long after white men had frequented Cook's Strait.

In 1827 Rauparaha slew hundreds at Kaikora, and though peace was made he planned fresh assaults. In one expedition he met a rebuff which he never forgave. His uncle, Te Pehi, while engaged with other chiefs in entrapping the Ngaitahu, was slaughtered, and Rauparaha, who had been wily enough to avoid the fate of his uncle, sullenly retired, brooding over schemes of vengeance, in which he was to be aided by the master of a British vessel, in 1830.

Speaking in general terms it may be said that, in 1831, Rauparaha and his allies had, by slaughter and subsequent occupation, acquired a title to much territory on the south shore of Cook's Strait. But he was not glutted with revenge, and besieged and captured, with the usual cannibal results, a great pah at Kaiapoi, where hundreds of the

[30] Details may be found in "A Compendium of Official Documents relative to Native Affairs in the South (or Middle) Island," compiled by Alexander Mackay, Native Commissioner, 2 vols. Printed at the Government Printing Office, Wellington, 1873.

Ngaitahu fell. Nevertheless the remnant of the tribe maintained a desultory warfare, and Tuhawaiki on one occasion surprised the wary Rauparaha himself, who only escaped by swimming in the sea to his fleet of canoes at the mouth of the Blind River. About 1835 Rauparaha formally apportioned to his own tribe the Ngatitoa, and to his Ngatiawa and other allies, the territories at Cloudy Bay, at D'Urville Island, Queen Charlotte's Sound, and Tasman Bay.

The Ngaitahu by degrees returned from the south, and under the increasing influence of the missionaries felt themselves safe near their old homes at Kaiapoi. Soon after Bishop Selwyn's arrival he went with a son of Rauparaha in a small vessel to preach peace among the Ngaitahu, upon whom Rauparaha's vengeance had fallen so heavily.

The decimation of the Ngaitahu and the Ngatimamoe, though it left territory to them, grievously impaired their importance, and made it easy for the English to procure for trifling sums enormous tracts, which were represented as useless to the owners. Part of the consideration was to be the provision of schools, hospitals, and the application of fifteen per cent. of the land revenue for their welfare. The "unfulfilled promises," of which they complained year after year, and the ignoble evasions of the New Zealand government, form a dreary episode in their history. It may be mentioned that when the British Government assumed the sovereignty of the Middle Island the Ngaitahu were recognized as lords of the soil of the east coast from Kaiapoi to Stewart's Island, but there had been much inter-marriage between them and the Ngatimamoe.

There was a race, the Moriori, settled at the Chatham Islands, and it has been suggested that they, the original denizens of New Zealand, had gradually been driven southwards. But their language was not so different as to demand such an explanation.

The proclivity to decay and degradation after a period of high culture, plunged ancient Egypt and Phœnician cities into relative barbarism, has other families of the human race, and the Moriori fairly be classed as a being of a different order from

The Ngatiawa pro[illegible] tende[illegible] Europeans were visit[illegible] A

an English vessel in 1838 and sailed to the Chatham Islands, where he subdued the Moriori inhabitants, and established his own people.

The Maori language, so easily understood by Captain Cook's Tahitian companion, was full of vowels, and when the Christian missionaries committed it to paper they found fourteen letters sufficient for the purpose. They performed their task so well, that when one of their number, Kendall,[31] went with Hongi and another chief named Waikato to England, in 1820, with the aid of Professor Lee, at Cambridge, and their own subsequent improvements, they reduced the language to writing with such precision that even a person unacquainted with Maori has taken down the words of a speaker with accuracy. As in Australia, the natives had no sound which required the use of the letter *s*. As in Australia, there was a sound which no English letter would render, and a combination of two letters (*ng*) was coined to give it approximately. The letters were *a*, *e*, *h*, *i*, *k*, *m*, *n*, *ng*, *o*, *p*, *r*, *t*, *u*, *w*. The pronunciation of letters adopted by the missionaries was that of the Italian language. The broad sound of the *a* was the prevailing tone which struck a foreigner, and a dialogue in mild accents was pleasing to the ear. Every word ended with a vowel, and every English word converted into Maori terminated in like manner. Like other unwritten languages, the Maori was not copious, but the Oriental genius of the people relieved it by the imagery of their songs and orations.

Their veneration for nobility of birth preserved them from becoming an undistinguished herd. Their intricate laws of tapu had lost no vigour during the centuries of their occupation of New Zealand, which preceded the English intrusion. Divided into tribes and rent by wars, the Maori race clung to the laws and rites of its ancestors. It had, or, rather, it may be said each tribe preserved, definite laws and rules of conduct for all cases. Howsoever or wheresoever adopted, it had a code commanding right, and forbidding wrong in a manner questioned by none. It had all

[31] A grammar, drawn up by Kendall previously, had, by Mr. Marsden's aid, been printed in Sydney in 1818. Revised by Professor Lee as described in the text, the new edition was printed by the Church Missionary Society in London in 1820.

the foundations of sovereignty which resides in lawful states. There was no disaffection; there was unhesitating submission or concurrence with that which the accredited rulers declared to be just.

But for their wars and their lust for cannibalism, the Maoris might have been happy, so far as man can attain happiness without hopes and aspirations for a life to come. Of that life to come they had consciousness, but their laws did not teach how to attain it with the blessing of a Father in heaven. The priceless heritage of man in the Lord's Prayer was not revealed to them until gifts from vile sources had poisoned the springs of their life. Yet they retained remnants of creeds which their ancestors in other lands had professed. They believed in a future state, though they did not worship one great Creator. They recognised rather than worshipped special powers or gods, the makers of trees, of mountains, of fish, the patrons of men and of war. Even to them they did not address prayer, though in their ancient karakia, or incantations, they referred to their attributes, more by way of exorcism than in humility.

The nearest approach to practical worship was reverence for ancestry, but it did not assume the form of prayer. The Lares Familiares of Italy, the Θεοὶ ἐφέστιοι of Greece, the Pitris of Hindustan, were reproduced if not continued in the tūpŭnă (ancestors) of the Maori. High on the pediment of the great house of a tribe was carved the image of the Ἥρως ἐπώνυμος. To the distant progenitor were often assigned virtues or powers more than mortal. In the dim regions of mythology the supernatural and natural were blended.

Maui was mortal; but had power to fish up the Northern Island from the depths of the sea. He controlled the sun and moon in their courses.

Yet were the Maoris not without traditions of [illegible] by which the world they saw around them was wr[illegible] its forms.

From primæval night had sprung light, and then nothingness. Afterwards followed in successic[illegible] abstractions, which produced at last Rangi a (Heaven and Earth). Fro[illegible] the thin men see. Before Heaver[illegible] par

children were in darkness and became rebellious. They determined to rive asunder their parents or to slay them. One only, Tawhiri-matea, the father of winds and storms, would not consent.

Rongomatane, the god and father of the cultivated food of man, struggled to rend apart Heaven and Earth, but failed. Tangaroa, the god and father of fish and reptiles, Haumiatikitiki, the god and father of the food of man which springs without cultivation, Tu-matauenga, the god and father of fierce human beings, strove in vain in like manner. Then Tane-mahuta, the god and father of forests, of birds, and of insects, rose, and with giant force succeeded. Heaven and Earth were sundered; darkness was made manifest, and so was the light.

Then were seen the multitudes of human beings hitherto concealed between the bodies of Rangi and Papa. But the god and father of storms, Tawhiri-matea, followed his father to the realms above, and hurried to the sheltered hollows in the boundless skies. Thence, in indignation at the sundering of his parents, he sent forth clouds and hurricanes, sweeping away forests, lashing the ocean into fury, and terrifying his rebellious brothers, all but one of whom he conquered. But Tu-matauenga, the god of fierce man, resisted him, and slew and ate his brethren who would not aid in the struggle. But, like Tu-matauenga, Tawhiri-matea was unconquerable, and remained the enemy of man whom he still vexes with storms. Tu-matauenga taught the human race incantations and prayers;—to Heaven for fair weather and to Earth to bring forth all things abundantly.

The tradition told by the Maoris to Sir George Grey concluded thus:—"Up to this time the vast Heaven has still remained separate from his spouse, the Earth. Yet ir mutual love ontinues. The soft warm sighs of ving bosom r rise up to him, ascending from dy mountai men call these mists; and the ven, as he through the long nights his from his b drops frequent tears upon her h men seei term them dewdrops."[32]

thology Traditional History of the New ished by ts and chiefs." Sir George Grey,

The children of Tu-matauenga multiplied upon earth, and in due time Maui, the Maori demigod, was born.[33] How he wrought great deeds; arrested the wandering sun so as to lengthen the daylight within which man might work; wielded enchanted weapons; fished from the sea the Northern Island (Te Ika o Maui, "The Fish of Maui"); procured fire; transformed himself at will; and vainly strove to win immortality for mankind by defying Hine-nui-te-po, the goddess of death, may be read in the traditions recounted to Sir G. Grey by the Maoris, who claimed descent from Maui as the ancestor of the men of Hawaiki and of Aotearoa.[34]

Howsoever the custom arose, the cannibalism imputed to Tu-matauenga, the god of fierce man, was enshrined as part of the religion of Maoris. It was not as mere food that flesh was eaten. The feast was the incarnation of triumph, and, as such, was not shame but glory. The foulest and most disgusting scenes were enacted. Human bodies strewn about the ground; fragments carried to the ovens and thrust before the face of the visitor in boasting or derision; sights at which humanity might shudder to its inmost core,—were the sequel to every battle.

Maori tradition tells that the Maori was not a cannibal when the Arawa and her sister canoes carried the race to its new homes; but the horrid rite existed and remained among islands of the Pacific. Revenge and superstition gave it force in New Zealand. The hatred of the living was fed; the dead were disgraced by being eaten. One corpse was set apart for the god of war; and portions of it were kept as symbols to remove the "tapu" from the conquering war party. It was the ferocious desire of the victors to prevent, as it was ever the heroism of the vanquished to secure, the carrying away of the dead and wounded. It was so great a disgrace to the Maoris to be eaten that the Maori would welcome death rather than let a morsel of a friend approach his lips. He devoured his with a passion accursed by his religion. He at a tribute to a friend who was dead.

[redacted]

[33] *Ibid.* [34] A name for the islands in Maori tradition with the arrival of the Aotea canoe.

The women were not indulged in the repast. But for the chief woman of the tribe was reserved the devouring of a portion of the first victim slain in battle, consecrated to the Atua, or god, who had given victory. The ferocity of the Maori was raised to the dignity of a religious rite.

Captain Cook, from whom the natives did not conceal the practice of cannibalism, did not, during his stay, acquire a knowledge of the superstitions connected with it. On his second visit he said: "Neither the want of animal food, nor the want of food of any kind can, in my opinion, be the reason. But, whatever it may be, it was too evident that they have a great liking for this kind of food." Tupia "very often argued with them against it, but they always as strenuously supported it, and never would own that it was wrong."

"Four or five heads were brought off to show to us, one of which Mr. Banks bought, or rather forced them to sell, for they parted with it with the utmost reluctancy, and afterwards would not so much as let us see one more for anything we could offer them."

Trained thus, the Maori was athirst for blood and gloried in inspiring terror. Thus was said to have sprung up the custom of tattooing, which Maoris declare to have been adopted after the migration to New Zealand. Yet it prevailed among some of the islands whence they came.

The face, hips, and thighs of men were scored in waving patterns, of which each line had a name. The heraldic bearing of a chieftain was worn on his face, and was as well known as the tartan of a Highland clan. The duskier countenances became almost black with the process, dark vegetable pigments being inserted when the lines were cut. The priest performed the operation with a mallet and sharp incisor. Bystanders sung ancient songs to inspire the patient with fortitude. The elders accumulated their adornments by degrees, and shone superior to the young. "Many of the old and some of the middle-aged men (Cook wrote) had their faces marked or tattooed with black (and some of them other parts of their bodies). The figures are spirals, drawn and connected together with judgment. They are so exact in the

application of these figures that no difference can be found between the one side of the face and the other."

Whether adopted to terrify the enemy or not, the curved lines became beautiful to the Maori eye, and the women suffered the disfigurement on the lip, chin, and eyelid.

The mythology and traditions of the Maoris would fill volumes.[35] The tale that Maui (whose name by some has been thought to be the root of the word "Maori") dragged the Northern Island from the depths of the sea became rooted in the minds of the people by the name of the island. Perhaps, also, the tradition was connected with that which declared Cape Te Reinga, the north-west point of the island, to be the place whence the spirit of man took flight to the future world by entering "Spirit Bay." It was not unnatural that the children of Maui should find the eternal world in the depths whence their demigod had drawn the land of their birth.

The word "Maori," was used as the descriptive term for "man," before the arrival of European voyagers made it necessary to invent another term, Pakĕha, "foreign," to describe other races of mankind.

Savagely addicted as the tribes were to war, their abodes appear to have been, for some time, comparatively unchanged until the introduction of firearms revolutionized the mode of warfare.

Early in the 19th century the visits of whaling and other vessels had supplied firearms to a limited extent in the districts north of the Gulf of Hauraki. In 1820, Captain Cruise, of H.M. 84th Regiment, saw twelve muskets in the hands of a tribe at Whangaroa, and heard at the Bay of Islands that the firearms possessed by the Ngapuhi had made them "the terror and scourge of New Zealand."

An illustration of Maori conquest, within the range of modern evidence, may here be given. The wily Ngatitoa chief Rauparaha, at Kawhia, hearing of the traffic of fire-

[35] Many of the traditions of the Maoris have been preserved by Sir George Grey, *vide* "Mythology and Traditions of the New Zealanders," London, 1854; and "Poetry of the New Zealanders," New Zealand, 1853. They are also detailed at some length in "New Zealand and its Inhabitants," by the Rev. Richard Taylor, M.A., F.G.S.: London, 1870; and in the Volumes of the "New Zealand Institute," by the learned W. Colenso, F.L.S.

arms in the north, scented danger from afar, and devised schemes of conquest at Cook's Strait which might not only place him at a distance from the Ngapuhi, but enable him to barter successfully for powder and shot.[36]

At the same time the savage Hongi was hungering for yet more weapons, and told Cruise "he should die if he did not go to England;" for there he would procure at least twelve muskets and a double-barrelled gun.

Another chief, about to become a great warrior, was keenly observing the course of events, and plotting for the aggrandisement of his tribe, a section of the Waikato people. Te Waharoa, the Ngatihaua leader, was the son of Taiporutu. Taiporutu, in the act of attacking a pah, had been slain in the Waharoa, or principal gateway, and when his widow brought forth a son soon afterwards she called him Te Waharoa, in memory of the father's deeds. Carried away captive to Rotorua when two years old, he had almost grown to man's estate when, about 1795, he was allowed to return to the dwelling-place of his tribe, then established near the Maungakawa Range, which overlooks the Waikato river, near Cambridge, and from which in a northerly direction the heads of the Piako river, the Waitoa, and the Thames flow down the extensive valley called after the latter.

[36] It is difficult to fix precisely the dates of some events; but in addition to the fact that Maori memories retained enough traditional lore to fill volumes, we have the aid of resident missionaries from the second decade in the nineteenth century. Mr. Alexander Mackay, Native Commissioner, in his volumes on "Native Affairs" (Vol. i., p. 46) assigns the following dates with regard to Rauparaha. Early in 1822 he moved southward to Taranaki where, after conflicts with the Ngatiawa tribes, he made peace, and aided by them and by the Ngatiraukawa, "conquered and overran the whole coast line of the Northern Island from Kawhia nearly to Hawke's Bay, destroying and taking captives, or driving into the mountain fastnesses the denizens of the soil."

(Other authorities inform us that it was about 1827 that the Ngatiawa, ...der Reretawhangawhanga and his son Te Rangitake, migrated in large ...rs (leaving many tribesmen in occupation at Taranaki) to take ...nt possession of their southern conquests.)

...ckay adds that "in 1827, having purchased large supplies of guns ...ition from the whalers in Cook's Straits, Rauparaha crossed over ...nd with an allied force composed of picked men from the ..." &c.

...have assigned 1819 as the date of Rauparaha's final ...a.

Established upon the streams were the Ngatimaru and their kindred; and the brain of Te Waharoa devised schemes for expelling them, and seizing the rich lands on the upper portions of the Piako, the Waitoa, and the Thames, as well as securing possession of a portion of the east coast at Tauranga by conquest, or by negotiation with the occupying Ngaiterangi, and obtaining, by traffic with European flax-buyers, the fire-arms which in Maori eyes were the only safeguards against death or slavery.

Active, subtle, and ferocious, distinguished for address and reckless bravery in single combat, he obtained, in spite of the taint of slavery in childhood, undisputed leadership of his tribe. He succeeded in allying himself with the Ngaiterangi, and with their aid inflicted severe loss upon the Ngatimaru.

It has been suggested that Te Waharoa's schemes and alliances with the Ngatimaniapoto branch of the Waikato people drove Rauparaha from the home of his ancestors. It seems more probable that Rauparaha elected his new career for the reasons previously stated. He had blood relations amongst the Ngatiraukawa tribe whose head-quarters were at Maungatautari, a remarkable range on the west bank of the Waikato river a few miles above Cambridge. He had visited and won the admiration of the great Taupo chief Te Heu Heu. He had sounded the Ngatimaru about alliances; and it was suspected that with the help of the Ngatiraukawa and the Ngatimaru he hoped to conquer the Waikato tribes who under Te Whero Whero held the valley of the Waikato from Pirongia to the sea.

About 1812 he had visited the Ngatiwhatua, the harassed holders of the lands near Auckland.

But fire-arms were as yet held only in [illegible] districts frequented by whaling vessels, and their visi[illegible] prin-cipally confined to the Bay of Islands and [illegible]-east coast. Though he had raised his reputation [illegible]rior by successful raids, Rauparaha was insecure. [illegible]all territory of his tribe extended from Kawhia to [illegible] was open to incursion of the Waikato tribes wh[illegible] embittered against himsel[illegible] or astu[illegible] new direction to his thou[illegible] an[illegible] Patuone, great Ngapuhi

visited Kawhia in 1812, and it was arranged that Rauparaha should join them in a slaughtering and devouring war-party. They carried fire-arms. Their fighting men were said to be two hundred. Sparing the neighbouring Ngatiawa who were then friendly to Rauparaha, the allies successfully assailed the Ngatiruanui, and the other coast tribes until they paused at the island Kapiti.

There the wily Rauparaha, conceiving a desire to possess the land, thought it useful to conciliate the occupying Ngatiapa, and friendly relations were established, though a tribute of cherished green-stone implements was extorted.

Again the war-party proceeded to Cape Terawiti. The neighbouring Ngatikahungunu fled, warned by rumours of the slaying and devouring which had marked the path of the invaders.

Pursued to their pah at Tawhare Nikau the fugitives saw it stormed with great slaughter; and, scattered amongst the hills, fled in terror from the death-dealing fire-arms with which they could not cope. Slaying and capturing, Rauparaha and his friends chased the unhappy flyers as far as Porangahau, north of Cape Turnagain, before they retraced their steps to gorge their warriors upon the bodies left at Tawhere Nikau.

As they finally departed homewards the sagacious Waka Nene, seeing a European vessel in Cook's Straits, said: "Rauparaha, see you those people sailing on the sea? They are a good people. If you subdue this land and traffic with them for fire-arms you will become very great."[37]

Rauparaha hardly needed the hint. On his return he cultivated the friendly feeling already established with the Ngatiapa. The chief of that tribe had avoided the general ruin as Rauparaha and his friends passed down the coast. He led his people into the mountains, and the scourge passed on, leaving his tribe unscathed. A few scattered individuals were caught, but their capture did not constitute a war, nor was it deemed serious. Amongst them was a chieftainess, Pikinga, and the wily Rauparaha, instead of treating her with indignity, negotiated a marriage between her and his nephew Rangihaeata, one of the fiercest of the warriors of the expedition.

[37] See Chapter XIV., Vol. ii.

Thus were the powerful Ngatiapa ingratiated[38] and made to form a friendly barrier between the new country which Rauparaha intended to occupy, and the northern territories where the musket-possessing tribes were an object of fear.

To his Ngapuhi companions Rauparaha showed no distrust on the return to Kawhia. They passed on loaded with slaves and other spoils to their homes in the north.

But Rauparaha took no rest. The power of fire-arms, proved in his recent campaign, and the ambition of Hongi, who did not conceal his intention to carry fire and slaughter among the tribes south of Auckland, told too surely the probable fate of a small tribe like the Ngatitoa assailable either by war-canoes coastwise or by land.

Yet the veneration of the Maori for the homes and burial-places of his forefathers presented a serious obstacle. Rauparaha devoted all his energy to overcome it. He visited his kindred the Ngatiraukawa at Maungatautari to induce them to join in his migration to his southern conquests.

The Ngatiraukawa leader, Hape Tuarangi, the "Ariki" of the tribe, was at the point of death before the assembled people. The dying man asked if his successor could tread in his steps, lead the tribe to victory, and thus keep up their honour. His sons were silent. After a pause Rauparaha rose and said:

"I am able to tread in your steps, and do more than even you."

No other chief spoke; the superstitious chiefs accepted the omen, and thenceforward Rauparaha was accepted as a leader of the warlike Ngatiraukawa.

The adoption was not unnatural, for both the Ngatiraukawa and the Ngatitoa tribes traced their descent from a common ancestor, and Rauparaha's mother Parekowhatu was a Ngatiraukawa chieftainess.

[38] In ascribing importance to Rauparaha's negotiations and alliance with the Ngatiapa the author does not follow Mr. Travers' paper ("Life and Times of Te Rauparaha," by W. L. T. Travers. Transactions of N.Z. Institute 1872), but the judgment of the Native Lands Court in the Rangitikei-Manawatu case in 1869, when scores of Maori witnesses were examined. It seems prudent to agree with the Chief Judge (Fenton), and Mr. Maning (the Pakeha-Maori), who delivered the judgment.

Fortified by his new dignity, Rauparaha in frequent visits impressed upon the Ngatiraukawa the necessity of detaching a portion of the tribe to obtain new territory with a coast line which would enable them by traffic with ships to procure the one thing needful—fire-arms—to save them from the incursions of the well-armed men of the north. Gradually he prevailed, and numbers joined him. Nor was this all. The powerful Ngatiawa tribe which held the land between Mokau and Mount Egmont was largely connected by marriage with the Ngatitoa. They shared his southern conquests, and joined in their partition.

Further diplomacy was needful. His principal successes in war in his youth had been achieved against the Waikato tribes. If the whole tribe of Ngatitoa should be in movement a war-party from Waikato might wreak vengeance for past disgraces. The women and children could not escape the Waikato wrath.

Rauparaha, through agency of friendly chiefs of Te Whero Whero's tribe, proposed a cessation of hostilities, and offered to cede, on his departure to Kapiti, the Ngatitoa domains to the Waikato tribe.

All these arrangements were concluded before the dreaded Hongi sailed to England to procure fire-arms. Provisions for the aged and infirm were sedulously stored, and in 1819 the farewell of the tribe was spoken.[39] The great carved house which could not be transported was burnt. From a neighbouring hill the people looked back at their abandoned homes and wept bitterly, "Farewell, Kawhai! the people go to Kapiti." On the way it was found necessary to leave a number of women with a guard at the Puohoki pah. Rauparaha's own wife Akau, then pregnant, was one of them.

The main body passed on to Taranaki. In spite of entreaties Rauparaha refused to take back more than twenty chosen warriors to escort the women who had been left

[39] Although these facts have been ascertained after full inquiry in courts of law, in "Reminiscences" published in a New Zealand newspaper in 1882, Rauparaha's departure is absurdly post-dated to a period long subsequent to the time in which it occurred. He migrated before the invasion of Waikato by Hongi. But the author of the "Reminiscences" attributes his flight to a subsequent invasion at Taranaki by Te Whero Whero.

behind. He lost no time, for he shared the apprehensions of his people. The Waikato, or the Ngatimaniapoto, might be unable to resist the temptation to destroy the small Ngatitoa band.

Rauparaha himself carried his new-born son. His wife, Akau, of commanding stature, arrayed like a chief with feathers in her hair, and brandishing a war-club, strode in the van with twenty other women similarly attired. As the custom was for women to wear the upper mat over one shoulder, and for men to wear it over the other, the deception was convincing. The weaker people followed, and Rauparaha with chosen warriors occupied the post of danger.

His precautions were necessary. A band of Ngatimaniapoto had prepared to destroy the travellers; but, deceived by the apparent number of Ngatitoa warriors, shrunk from the encounter. Rauparaha, having espied them, dashed upon them and slew five. Arriving at the Mokau river he found it swollen by rain and by a high tide. He was constrained to encamp. Again his wiles deceived the enemy. He caused many large fires to be made, and at each were women disguised as warriors. Only one man was at each fire. The rest, with Rauparaha, acted as scouts throughout the night. The men at the fires were ordered to call loudly to one another, saying—"Be strong, ye people, to fight on the morrow if the enemy should return. Think not of life. Consider the valour of our tribe."

In that night, so awful for the women, a terrible incident occurred. Tangahoe, a chief's wife, had her infant at one of the fires. It began to cry. Rauparaha saw that his stratagem might be exposed. He said to the mother in oracular sternness—"I am that child." She understood him, and with Roman rigour strangled her babe to save the lives of others.

By these arts and horrors th
deceived, and before daylight Rau
river when the tide was low.

Leaving the women safe in a frie
the bodies of the slain, amongst wh
and the disgusting orgies of cannib
by Rauparaha and his Ngatiawa frien

The enraged N proc

Whero Whero and brought a larger party into the field, accompanied (some said) by Waharoa the Ngatihaua chief.

But the star of Rauparaha was in the ascendant; and, availing himself of a favourable position, with the aid of the Ngatiawa warriors he fell upon the assailants and inflicted a loss of more than a hundred men, who were devoured with the usual atrocities.

Thus freed from danger in the rear, Rauparaha travelled to Tuhua, on the Wanganui, where Te Heu Heu promised assistance in taking possession of Kapiti, but no more. Confident in his own resources he required no new territories.

Thence Rauparaha went to a gathering of the Ngatiraukawa under the authority of the chief Whatanui, eloquently pleading that the only safety for the Ngatiraukawa was in obtaining fire-arms, and that at Kapiti they could be obtained.

The tribe would not be persuaded. Rauparaha passed on to Rotorua (and even, it was rumoured, to Tauranga), to obtain recruits, but failed.

Months, even years, were consumed before he procured the aid he thought sufficient to ensure safe possession of the lands he had so easily overrun with Waka Nene and Patuone.

The details need not be dwelt upon, It is enough to say that he obtained auxiliaries from Pomārĕ, a Ngapuhi chief; that in 1827 he persuaded Te Rangitake, the Ngatiawa chief at Waitara (whose father Reretawhangawhanga accompanied his son), and a large body of Ngatiawa to follow him; that a band of Ngatiraukawa under Ahu Karamu joined him, that Whatanui himself, in company with Te Heu Heu, travelled down the Rangitikei river to see the promised land, and that the result was that, in 1828, a large section of the powerful Ngatiraukawa tribe migrated to share the territory with Rauparaha and his people.

The hairbreadth escapes of Rauparaha, the ferocity with which he pursued the remnants of conquered tribes, the disputes amongst the conquerors about the conquered land, it would be tedious to relate. There were battles in which Rangihaeata was distinguished as a fighting chief. There was no occasion on which by guile, strategy, or cruelty, Rauparaha failed to be a gainer. Once, while he was on

the mainland, a combination of the Rangitane, the Muaupoko, the Ngatikahungunu, and others, attacked the Ngatitoa on Kapiti, and hemmed them in at Waiorua. A truce was agreed upon, but it was rudely broken by the arrival of Rauparaha and his warriors, and two hundred of the allied tribes were destroyed.

By a rough rule of rapine, in accordance with Maori law, the land was appropriated by Ngatitoa, the Ngatiawa, and the Ngatiraukawa. The Ngatiapa, by reason of their alliance with Rauparaha, retained their possessions on the north of the Rangitikei river. At one time there was fighting between the conquerors about the land, but at the suggestion of Rangihaeata's mother, backed by the command of Rauparaha, the Ngatiawa took possession of Waikanae, leaving the Horowhenua country to the Ngatiraukawa. The hapless expelled tribes, pursued by the wrath of Rauparaha (who never forgot or forgave an attempt to kill him at night in a Muaupoko pah, to which he had been inveigled by an offer of canoes; Rauparaha being the only one who escaped), sought refuge in mountain fastnesses, or with their friends at Wanganui and Patea. Some were received as accessions to the Ngatiapa tribe; and Whatanui the Ngatiraukawa leader was kind to them.

As soon as possible, Rauparaha encouraged flax cultivation and other means of bartering for the coveted fire-arms, and vessels calling at Kapiti supplied his wants. Obtaining these, the immigrating Ngatiraukawa were content with their lot, and roving bands of their countrymen joined them occasionally, passing through the friendly territory of "the king of men," as they esteemed him,—the high-born Te Heu Heu.

Some of these events occurred after the ferocious designs of Hongi had been matured and [illegible] deluging [illegible] orth with blood, but Rauparaha had [illegible] them by [illegible] ng Kawhia,[40] and ensconcing hims[illegible] the frie[illegible] s

[40] The author was told (1881) by the [illegible]lington, L[illegible] that when in 1840, and subsequently, R[illegible] o secure i[illegible] home Kapiti, used to discourse on native [illegible]n, he cou[illegible] reflect, as he saw how the old man guided [illegible] of the [illegible] weighed the consequences of events, that [illegible] fore him[illegible] equal in sagacity and eloquence to such [illegible] Talley[illegible] Metternich.

of Te Heu Heu, the Ngatiapa, and his Ngatiraukawa friends in their new homes.

The large migration of many hundreds of the Ngatiawa under Te Rangitake in 1827, strengthened the Ngatitoa position, but it left the remaining Ngatiawa at Waitara a prey to incursions of any powerful invader.

How Rauparaha carried to the Middle Island the horrors from which he himself had fled is told elsewhere.

The changes in the disposition of the tribes, as above narrated, were chiefly effected by Maori modes of warfare, the fire-arms possessed being for a long time mainly confined to the north of Auckland.

Enough has been said to show the state in which the Maori lived before Europeans discovered him, and though some of the foregoing pages have dealt with a condition partly due to the introduction of gunpowder amongst a warlike people, the description of that condition has been confined to the intertribal relations over which no Europeans exercised control. Up to the date of Rauparaha's conquests, no white man could reside in New Zealand except on sufferance. An armed ship might destroy canoes or even villages, but on the land the Maori was undisputed master. Though he traded with white men and appreciated their manufactures, he neither owned nor felt a personal inferiority.

It may be convenient now to cast a hasty glance at the nature of the land of the Maoris, and at some of its productions.

It is a land of mountain and of flood, of everlasting snow, of glaciers, lakes, hot springs, and steep-down precipices outrivalling Norwegian fiords. It is essentially the land of fern. No part of the islands is far enough from the sea to deprive it of moist influences even in the hottest weather, and the nights are cool.

Containing rather more than a hundred thousand square
les, the three islands stretch nearly from the thirty-third
forty-eighth parallel of south latitude, trending west-
om the thirty-sixth.

-ait divides the Northern (Te Ika o Maui) from
and (Te wai Pounamu, the water of the green-
rty-first parallel, while the small Southern

(Stewart's) Island (Rakiura) is separated by Foveaux Straits from the south end of the Middle Island. The Northern Island contains about forty-five thousand square miles, the Middle about fifty-eight thousand, while Rakiura is limited to less than seven hundred.[41]

Mountains rib the Middle Island from north to south, frowning precipitously on the west coast, and declining more gradually to the east. In the Northern Island Mount Egmont, near Taranaki, towers more than eight thousand feet, while in the Middle Island numerous peaks shoot higher far, and Mount Cook rears his hoary head more than twelve thousand feet in air.

Frowning precipitously towards the west coast the mountain range, which includes the granite masses of Mount Cook, forms fiords which have been pronounced equal to those of Norway in grandeur and surpassing them in beauty. Milford Sound, the most celebrated of them, was early chosen as a place of call by steamers carrying pleasure-seekers.

The tourist who wanders inland to see the attendant glories of Mount Cook, arrives at the glaciers of which he may, at one time, count many, and at the same time see towering above and unintercepted by surrounding hills the gleaming snows of the monarch mountain. From a cavern in the terminal moraine of the Tasman glacier, three miles wide and six times as long, issues from the cleft ice the Tasman river with a giant's force, hurling large stones, on the surface of the water, like feathers, and spitting fragments from the upper part of the ice-cliff like stony hail.

At times an apparently tropical vegetation of ferns and tangled vines may be seen almost overhanging a glacier of purest ice. And the mountain scenery extends far to the north of Mount Cook. Great lakes are found on the [illegible]ern watershed. The rivers run eastward principally, and [illegible] the east are the most level and inviting lands for colo[illegible]. Treeless plains or undulating prairies were found at [illegible] church, but the high lands are clothed with dens[illegible] On most of the open ground fern grew extensively, b[illegible] not so luxuriant and had not [illegible]sive possi[illegible]

[41] Various estimates have been offic[illegible] numb[illegible] text conform to those in the N.Z. Offi[illegible]

the Middle as in the Northern Island. Only in the Middle Island, and in few places there, was found the valued greenstone. More than three-fourths of the Middle Island are occupied by mountains. In the North Island about one-tenth of the surface is similarly formed.

Yet the Northern Island is neither tame nor wonderless. From the central plateau, elevated two thousand feet, rise two giant peaks, Tongariro and Ruapehu, surrounded by smaller hills called by the Maoris the children of the mountain pair. The fires of Ruapehu, which rises more than nine thousand feet above the sea, and is covered for three thousand feet with snow, are now extinct; but the cinder cone of Tongariro, seven thousand feet, is ever capped with the cloud of steam issuing from active craters near its summit. Beneath the cone thus devoured by fire the cooler shoulders of the mountain sometimes put on their garb of snow.

Lake Taupo, covering several hundred square miles, lies at the north, and is fed by the streams which flow from the watershed of the great hills. From the lake flows the Waikato river, towards Orakeikorako, a hot-spring district, and after curving westwards, runs northwards through the great Waikato plain. In a line between Lake Taupo and the ever-active White Island, in the Bay of Plenty, is the Lake district, whither travellers were wont to resort, to gratify their wonder or restore their health.

The boiling water sent up jets of steam which were so numerous at Rotomahana (or warm lake), that they heated the waters of the whole lake. From a sulphur pool a hot muddy stream flowed to it at one place. Mud was spouted from rocky pits. A roar issued from one hole which stunned bystanders. Close to a hot mud excretion a green stagnant pool, of great depth, was cold.

But the terraces of Rotomahana were its glory. The waters coursing downwards to Rotomahana from their boiling pools, had deposited a fretwork of stone in terraces, on one side of the lake white, and on the other pink. At each the water was of vivid blue. At Tarata, the White Terrace, basins as of alabaster, which enclosed the pools in terraces widening as the water descended towards the lake, invited

the bather to luxury, if he had not been sent there for the medicinal favours they afforded. From the rims of the terraces hung delicate stalactites. The rock of silica thus created assumed all forms. The most delicate twig or fibre thrown upon the terrace was petrified in marvellous fret-work. The solid rim which formed the ledge of the pools seemed like flint corded in gigantic coils to contain the blue water. Some parts of the terraces were solid, and the traveller paused, fearful of marring the delicate tracery under his foot. At the Pink Terrace (Tukapuarangi, The Clouded Sky), the colour was not all-pervading, but blushing through the white ground-work. Yet as approached by the lake the colour seemed general to the eye.

The charm of so rare a colour in rock extorted admiration, but the more symmetrical widening of each concentric terrace, as the geyser overflow descended to the lake, gave the White Terrace the palm in general effect.

Whatever toil the wanderer encountered in journeying to Rotomahana, even when travelling was attended with difficulty, was amply repaid. At the Pink Terrace the fretwork on which the bather trod was not harsh but soft to the touch, and the sourest valetudinarian was compelled to join in admiration.

The Arawa tribe were proud of their heritage in Nature's freaks of beauty and of wonder, for each of which there was a special and descriptive name.

Travellers from afar did not admire Nature less, but more, because the guides to the lakes were the Maoris.

But ever and anon might be heard, as the European population multiplied, muttered complaints that so rare a treasure should be held by savages. The Arawa, having been consistently friendly to the settlers, could hardly be robbed as others were who had been in arms against the local forces, or who were connected with those who had thus been in arms.

Some diplomacy was needed. The Government (Mr. Hall's) in 1881 passed a law based on an arrangement made by Chief Judge Fenton (of the Native Land Court) with the Arawa chiefs. A block of land was appropriated for a township at Lake Rotorua. Mr. Rolle

member in charge of the bill, predicted, "would become the sanatorium of the world."[42]

It was not only at Rotomahana and Rotorua that the earth sent forth its steam and geysers. A slightly curving line from Tongariro to White Island in the Bay of Plenty, passes a steam-spouting district, at Orakeikorako, before, extending by Rotomahana and Rotorua, it trends to the bay. Maori tradition connects the fires of Whakare (White Island) with those of Tongariro. At Whakare sulphur is found in great quantities.

Westward of the Horotiu or Waikato River is the valley of its confluent, the Waipa, and amongst its mountain feeders are stalactite caves in regions once haunted by the moa.

Volcanic action has not been confined to Tongariro, the isthmus of Auckland being studded with its works, and the land on both sides of Cook's Strait at times throbs with earthquakes. The wide valley through which the Waikato (Horotiu) river flows presents in most places a level or slightly undulating sea of pumice. The subsidence of the ashy material in places has created fissures or clefts of various depths, at the bottom of which flow running streams, or else is seen a winding narrow swamp through which water sluggishly oozes to join the nearest watercourse.

On the West Coast, Captain Cook, on the 11th January, 1770, saw and named Mount Egmont, "a very high mountain, and made very much like the Peak of Teneriffe," which is still, under the name he gave, the pride of the dwellers in the Taranaki district, and at a height of 8300 feet bears a perpetual crown of snow, almost in line of latitude with Ruapehu, sixty miles eastward.

Volcanic action has left its traces in the south, but it was
mes long past, and geologists generally agree that a
of gradual upheaval is taking place throughout the

oast-line of three thousand miles, it is not to be
hat looking forward to naval pre-eminence the

he bill afforded a proof of Maori honour. The Arawa
existing private leases granted by them should be
the Government the bill did not give effect to
r House passed the bill; the Upper House
existing leases, and the Lower House was

modern dwellers in New Zealand have caught at the title of "Britain of the South."

The harbours of the Northern Island could accommodate the fleets of nations. The Hauraki Gulf is itself an enormous harbour studded with islands, and the ancient volcano Rangitoto standing opposite the Auckland entrance only adds to its beauty and tranquillity while leaving a channel on both sides.

The climate of the islands is favourably modified by the ocean. At Auckland the mean average temperature is said to be 59.54°, at Wellington 55.58°, at Dunedin 50.72°.

The indigenous animals were not numerous. The gigantic moa (dinornis), more than twelve feet high, has never been seen since the English settled in New Zealand, but the Maoris spoke of its having been hunted in recent times. At first their stories were doubted. Some natural philosophers, having committed themselves to the opinion that the moa must have become extinct in times anterior to modern man, strove to rebut the evidence of facts. But Maori middens abounding with moa remnants; a perfect egg, ten inches in length and seven in width; bones with integuments still clinging to them; feathers and egg-shells; Maori traditions of the habits of the bird, and of the mode in which it was hunted; and Maori memories that even in the 18th century its feathers were worn as ornaments, have commended themselves as satisfactory to common sense. There may be doubters remaining. There is a class of men sceptical as to everything but their own sufficiency to expound how the world ought to have been made.[43]

[43] The great but unassuming professor, Richard Owen, was jeered at when in 1839 he deduced from a thigh-bone of a moa a correct idea of the bird. Subsequent discoveries awarded the palm of merit where it was due. Though often told, the story may be mentioned. In 1838 a man called upon the professor with a bone which a Maori had told him was the bone of a bird. The man thought it must be an eagle. Astounding as the conclusion appeared, and little as others could credit it, Owen firmly believed that, hitherto unreported, there had been in New Zealand a larger form than the ostrich. In 1839 he published a paper in the "Transactions of the Zoological Society." Copies were sent to New Zealand. Chief Justice Martin (a friend of Owen's) promoted search. The missionaries aided. In 1842 various bones were sent to England by William Williams (afterwards Bishop of Waiapu). Ere long Professor Owen completely described the species of the Dinornis. *Vide* "Proceedings of Colonial Institute," 1878-9.

New Zealand was meagre in its fauna. Fish were abundant, and the enormous quantities of pipi (bivalve) shells, scattered wherever Maoris have dwelt, attest the extent to which the Maori was sustained by shellfish.

Assuming the truth of the Maori tradition that the dog and rat were imported by the Arawa and her sister canoes—and in this instance the pretensions of speculators agree with tradition—the only indigenous mammals in New Zealand were two kinds of bat.

The gigantic moa was not the only apteryx in the islands. The kiwi, of which there are several varieties, was found in both. Though the bird is not larger than a common fowl, the egg is five inches long and nine in circumference.

A gigantic rail, the weka, is nearly as large as the kiwi. There are two migratory cuckoos, whose path through air philosophers find it as difficult to account for as that of the Maori by water. There are owls of a kind not elsewhere found. There are parrots and honey-suckers. There are, of course, various wild ducks and cormorants, but there were no swans. The huia (Heterolocha Gouldi), of which the chiefs wore the feathers, was found only in special districts. The tui, or parson-bird of Captain Cook, one of the songsters of the island, was a delicacy prized by Maoris. It was more often noticed than many New Zealand birds, which, from the nature of the forests, it was difficult to see. Wherever there was forest there was also dense undergrowth, intertwined with tangled vines and fern-trees. In the Northern Island the luxuriance of the tall common ferns also screened small birds from observation. The number of species of birds, supposed a few years ago to be limited to about eighty, has recently been stated to be one hundred and forty-nine.[44]

The existence at Norfolk Island of more than one species of bird found in New Zealand has given rise to conjectures as to the manner in which the feathered population found its way to the latter. It is known that though Norfolk Island when discovered by Cook was uninhabited by men it had not always been unpeopled, for when Englishmen went there in the last century they dug up many stone imple-

[44] "Transactions of New Zealand Institute," 1873, vol. v., p. 206.

ments, and the Governor (King) was told by two New Zealand chiefs, who were eye-witnesses with him, that the implements were exact counterparts of those made by their countrymen.

Of reptiles there was a scarcity in New Zealand. No snake of any kind was found. There were a few species of lizard. One of them (*sphenodon punctatum*[45]) has not been found elsewhere. The Maori regarded it with horror, and the sight of any lizard was deemed an ill-omen; yet no Maori would ill-treat the creature. The mere sight of the kakariki (*Naultinus elegans*, a small, green lizard) was a prognostic of death. An Atua, or spirit, was supposed to dwell in or to actuate it. If the animal emitted its usual sound the native felt that death was in the air. A carving on a Maori tomb has borne the effigy of the dreaded reptile. For a long time it was supposed that frogs were not indigenous, but in 1852 some were exposed by gold-miners at Coromandel.

Eels were abundant, and, with the numerous fish of the sea, entered largely into the diet of the people. Cray-fish abounded both in fresh and sea-waters. The frost-fish, prized as a delicacy by colonists, was a favourite with the Maori. Not caught with net or line it often makes for the shore in winter, and with head erect flings itself upon the beach, where it is picked up by watchers or passers-by.

The flora of New Zealand, like the fauna, presented a distinctive character, though estimated to contain about two thousand species. More than five hundred are peculiar to the islands. Naturalists comment upon the startling fact that abounding as they do in adjacent Australia, no species of eucalyptus or of acacia have been found in New Zealand. None of the trees are deciduous. The crowning glory of vegetation is the kauri pine (*Dammara Australis*), of which shameful waste has been made, not only by destroying without planting, but by reckless burning. The procurement of spars of this tree was one of the earliest motives for visits of European ships. It abounded in the North Island, but was not found south of the Bay of Plenty on the east nor of

[45] Various naturalists have given various names to this lizard. The above name is one to which two learned men have agreed. [1894. In Wallace's Australasia, 1893, the name assigned to the creature is ***Hatteria punctata.***]

Kawhia on the west coast. The exuding gum became an article of commerce, and, hardened into a substance like amber, was dug up in great quantities on the sites of perished forests. The kahikatea, or white pine (*podocarpus excelsus*) was more widely distributed throughout the islands, and has supplied the saw-mills of Europeans in both. The rimu, or red pine (*dacrydium cupressinum*) is one of the most beautiful of trees. Its pendulous delicate foliage arrests the wonder of the dullest observer. All these trees attain a height of nearly two hundred feet. The tōtārā (*podocarpus totara*) of less height furnishes valuable timber, and the Maoris made their war-canoes of the largest specimens in olden time.

The Rata (*metrosideros robusta*) is, however, the apparent monarch of the forest: an honour which it attains by the arts of the parasite, who supplants his benefactor. At first a tender climbing thing, it attaches itself to the rīmū or some other tree, and sends down trailing cords which root themselves at the base. Then it clasps the doomed stem with bonds which strengthen with years and at last envelope the hidden trunk. Exalted in air it spreads its leaves on high, and spangles the forest with a blaze of red flowers. Another tree of the same genus, the Pohutukaua (*metrosideros tomentosa*) stands on its own merits. It was called the Christmas Tree by colonists, as its red luxuriance flushes its ample boughs at the end of December. Gnarled alike in root and trunk and branch, it affords hospitable shade on the rocky shore of the sea, and thence derives its Maori name, which means "spray-sprinkled." It abounds only in the Northern Island, and its strong timber is of value for the knees of ships. The fact that it grew on the shores of Lake Tarawera persuaded one scientific person that the sea once made incursions to that spot.

The puriri (*vitex littoralis*) allied to the teak of the East Indies, possesses valuable properties, and after inearthment of forty years, posts have been found sound under the soil. It also confined itself to the North[illegible] Island, and the Maoris devoted great la[illegible] in carving [illegible]amented boxes out of it. Various kind[illegible]each adorn[illegible]woods.

It was not only fr[illegible] of the fore[illegible]at the M[illegible] derived assistance. T[illegible]est lum[illegible]antic tru[illegible]

of which his canoes were made: with the solid posts of his houses and of his fortifications. The raupo (*typha angustifolia*), a great bulrush, and other rushes, furnished material for the sides and roof of his whare. The root of the raupo supplied a substance of which he made a rough kind of bread.

To diversify the scene, shrubs, such as Veronica, Pittosporum, Clianthus, and many others, as well as fern trees, and a palm tree (*areca sapida*), and several racænæ, were scattered widely in the belts of forest which skirted the rivers, hung thickly on the hills, filled most of the gorges and ravines, and were occasionally found in patches amidst great plains or rolling downs, where common fern held almost undisputed sway.

The Hărăkĕkĕ (*Phormium tenax*), or New Zealand flax, indigenous only in New Zealand, Norfolk Island, and the Chatham Islands, was almost as useful to the Maori as the edible fern. With it he made ropes which bound the walls and roof of his dwelling. Of it he made his garments and baskets. From its flowers he obtained a liquid like honey. The dried flower-stems he used for fuel when, as was often the case amid undulating fern-plains or swamps, no wood could be procured. The root provided a purgative medicine.

The plant most infamous in the eyes of the colonists was the Kărĕăo, or supplejack (*Ripogonum parviflorum*). Trailing widely, and climbing to the tops of shrubs and trees, it made a passage through the forest almost impossible for a European. The unclothed Maori found it easier to escape its toils; and in binding together his palisading and fences it was invaluable.

It is unnecessary to describe further the productions of the islands. The reader who desires more information may obtain it in works on natural history, or in "Taylor's New Zealand and its Inhabitants," where the assiduous investigations of a life are gathered together.[46]

[46] 1894. The terraces described in the foregoing chapter have been swept away since this History was published in 1883.

Tarata and Tukapuarangi have been dissolved and have left "not a wrack behind." Rotomahāna was described in an official report to the New Zealand Government (N.Z. Parl. Paper, H. 26, 1886), as having been changed from "a placid lake into a roaring crater, from which rises a column of steam nearly a mile and a quarter in its longest diameter, and,

as far as at present can be ascertained, nearly a mile in width. This grand column of steam, like a mass of cumulus cloud, ascends to over 15,000 feet—15,480 feet measured by clinometer, but the top of the column could not be seen." In a separate report, by the scientific Sir James Hector, the then ascertained facts were made known. The mountain range, with its three summits—Wahanga, Ruawahia (3600 feet), and Tarawera (about the same height)—frowned with dark volcanic grandeur upon the Tarawera lake, to the south-west of which Rotomahāna lay with its fairy terraces. At two on the morning of the 10th of June the mountains burst from the sleep of centuries. Wahanga, the most northerly, sounded the signal; Ruawahia, the central, immediately followed; and the roar of their eruptions was succeeded by an appalling explosion from Tarawera, whence rose a portentous column of blackness, emitting lightning flashes which seemed to far-off spectators brighter than any they had seen before. Fragments of rock and showers of hot stones fell round for several miles. Pumice dust and steam filled the air. A great rent was opened in the side of Tarawera, and it ran thence through the Rotomahāna lake and about two miles further. Dr. Hector wrote that it "appeared as if a portion of the mountain measuring 2000 feet by 500 feet and 300 feet deep had been blown out, leaving a ragged rocky chasm from which steam was being discharged;" and that when he saw it, five days after the outburst, volumes of steam rising "from the newly-formed fumaroles that occupied the site of Rotomohāna" obscured the view of the fissure.

For many miles round Tarawera the fall of pumice-sand covered the earth so thickly as to obliterate its features. Some of it, according to Dr. Hector, was carried "at least 120 miles" from the points of eruption, of which there were said to be no less than eighteen.

That no horror might be absent, an overwhelming fall of mud crushed the forest for many miles to the north-west, and left the buildings at the village of Wairoa a confused scene of desolation.

CHAPTER II.

1769 to 1794.

EUROPEAN DISCOVERIES.

THE land thus cursorily described, and its warlike inhabitants, were unknown to Europeans until a Dutchman, Abel Jansen Tasman, on a voyage of discovery found them in 1642. His ships were the "Heemskirk" and the "Zeehaan."

Claims of prior discovery have been put forward on behalf of French and Spaniards, but they do not stand the test of inquiry, and may be dismissed. Claims made long after the death of the pretended discoverers, were fortified by no more definite statements than that a Frenchman, De Gonneville,[1] reached some undescribed South Land in 1504; and that a Spaniard, sailing for a few weeks from the west coast of South America, saw some brown men wearing cloth garments on a fertile shore in the Pacific.

Tasman discovered and described with accuracy. Commissioned by Governor Antony Van Diemen, he sailed from Batavia to the Mauritius. Thence, in search of the Great South Land of which navigators dreamed, he found his way to the south cost of Tasmania, which he named after his patron Van Diemen.

Exploring eastward he saw the Middle Island, Te Wai Pounamu, (Sept. 1642) and anchored in what now appears on maps as Golden Bay.

[1] De Gonneville's story was palpably absurd. Kerguelen, who was sent to verify De Gonneville's tale, thought he must have been at Madagascar!

Two war-canoes approached the ships, and a blast like that of a Moorish trumpet saluted the wondering Dutchman.

He sent no boats to the shore on that day. On the following day a canoe with thirteen men was paddled near his vessel, the "Zeehaan." He could not tempt the Maoris on board though he invited them with presents. The solitary canoe returned to the shore, whence seven other double canoes went straight to the "Heemskirk," and the Maoris scaled the vessel's side.

Tasman sent seven men in a boat to warn his comrades of danger, and the boat was at once attacked by several canoes. Three Dutchmen were killed; a fourth was wounded. The Maoris made off at once, carrying with them a dead Dutchman.

Tasman called the bay Murderer's Bay, and departed. Twenty-two canoes put off to jeer or attack him. Tasman poured a broadside upon them. A man in the foremost canoe holding an ornamented spear, was struck down; and the iron storm discomfited the Maoris, who fled to the shore.

The navigator, despairing of obtaining refreshments from such a race, sailed northwards, and called the northwest cape of the North Island, Maria Van Diemen.

He was about to land on one of the islands he named the Three Kings, near the Cape, when he was deterred by seeing thirty-five gigantic natives, "taking prodigious long strides with clubs in their hands."

He had discovered but not landed on the islands, and he did not ascertain that a strait divided his enemies at Murderer's Bay from the land which he coasted on his way to Cape Maria Van Diemen. He declared that the natives were bloodthirsty, and that their attack on him was unprovoked.

His countrymen could scarcely lay claim to the territory on which he did not set his foot, and where he did not even endeavour to plant his country's flag,—the cheap pretence recognized by Europeans as giving titles to foreign lands.

The great English navigator, Captain James Cook, was the next European who visited the land of the Maoris. He had served under Captain (afterwards Sir Hugh) Palliser, in the "Eagle," and retained that officer's esteem throughout his life. It was Palliser, who, recognizing Cook's

[illegible] had raised him from the position of an ordinary seaman to that of an officer. It was Pallisser who, in the Straits of Canso erected a monument "to the memory of Captain Cook, the wisest and most renowned navigator that any country had produced." While still yet in Pacific survey Cook published some observations on an eclipse which aroused attention, and when it was determined to send an expedition to the Pacific to observe the transit of Venus in 1769, Cook, who had won the esteem of Lord Colville under whom he served in the "Northumberland," and the steadfast friendship of Pallisser, was selected as the commander of the "Endeavour," a vessel of 370 tons. Sir Joseph then Mr. Banks, Dr. Solander, and other men of science accompanied him, and the required observations were duly made at Tahiti called by him Otaheite.

Enlisting a native named Tupia as guide, Cook sailed in search of new lands, and 6th Oct. 1769 saw land, of which Hawkesworth makes him say, "the general opinion seemed to be that we had found the Terra Australis Incognita," although Cook's own journal contains nothing of that nature.[1]

He anchored at Turanga on Sunday the 8th of October, and landed with Sir Joseph Banks, Dr. Solander, and a party of men. He saw a palisading encompassing the crown of a hill; "huts 200 or 300 yards from the water side;" and men in canoes, as well as gathered on the shore. He crossed a river, in his yawl, to speak to some of them, and they ran away. But four others rushed from the woods to attack the boys he had left in the yawl. The pinnace was at the river's mouth, and the coxswain called to the boys to drop down the stream. They did so, but were pursued.

[1] Cook's career was eventful. Born in 1728, and apprenticed to a draper and grocer, he ran away to sea. When mate of a collier in 1755, to avoid a threatened rifle, he shipped as an able seaman in H.M.S. "Eagle," and soon took command even afterwards. Through Pallisser's influence he was appointed master of the "Mercury," and served with the operations which resulted in the capture of Quebec. His journal shows that he did not share the expectation that a great continent would be found. "I mean (he wrote, March, 1770) any thing to the northward of 40° S., for what may lie to the southward of that parallel."

The coxswain fired twice over the Maoris' heads. At first they stopped and looked round them, but renewed the chase, and as one of them was about to launch his spear against the boys, a shot was fired which killed him. His companions, petrified for some minutes, dragged the body some distance and then fled.

Cook turned back at the sound of the firing, and saw the body of the man thus slain on the day on which the white man first set foot in the islands.

Brown, but not very dark, in complexion, tattooed on one side of the face, clad in a mat of fine texture, the victim lay dead, shot through the heart.

Cook returned to his ship. The natives were heard talking earnestly and loudly in the night.

In the morning Cook took another armed party on shore. Maoris sitting down on the opposite side of the river seemed to await him unarmed. He, Sir J. Banks, Dr. Solander, and Tupia approached the river. "We called to them in the George's Island language, but they answered us by flourishing their weapons over their heads and dancing, as we supposed, the war-dance."

The marines being drawn up, Cook, with Banks, Solander, Tupia, Mr. Green, and Dr. Monkhouse, advanced. "Tupia spoke to them in his own language, and it was an agreeable surprise to us to find that they perfectly understood him." After some conversation twenty or thirty Maoris swam over the river. Tupia repeatedly warned Cook that he must be on his guard, as they were unfriendly. "We made them presents, but this did not satisfy them; they wanted everything we had, especially our arms, and made several attempts to snatch them out of our hands."

"One of them snatched Mr. Green's hanger from him, and would not give it up; this encouraged the rest to be more insolent, and, seeing others coming over to join them, I ordered the man who had taken the hanger to be fired at, which was accordingly done, and he was wounded in such a manner that he died soon after." Small shot were fired at them and they swam away. Cook designed to surprise some of them, and by treating them kindly "to endeavour to gain their friendship."

On the following day he waylaid two canoes with his boats, but one escaped. The other was approached so closely that "Tupia called to them to come alongside and we would not hurt them; but instead of doing this they endeavoured to get away." A musket fired over their heads made them stop, not to surrender, but to fight. With "whatever they had in the boat" they attacked Cook, and he was constrained to fire upon them. "Unfortunately, two or three were killed and one wounded, and three jumped overboard. These last we took up and brought on board, where they were treated with all imaginable kindness, and to the surprise of everybody became at once as cheerful and merry as if they had been with their own friends. They were all three young . . . the youngest about 10 or 12. I am aware that most humane men who have not experienced things of this nature will censure my conduct in firing upon the people in their boat; nor do I think myself that the reason I had for seizing upon her will at all justify me, and had I thought that they would have made the least resistance I would not have come near them; but as they did, I was not to stand still and suffer either myself or those that were with me to be knocked on the head."

In the morning the boys were taken on shore, but when Cook approached his first landing-place near the river they said it was in "the hands of their enemies, who would kill and eat them." He crossed the river, but when he "thought proper to take everybody on board to prevent any more quarrels" the boys could not be prevailed upon to stay behind, which was "the more strange because the man that came over to us was uncle to one of them."

On the next morning, Cook intending to sail, "put the three youths ashore seemingly very much against their inclination; but whether this was owing to a desire they had to remain with us or the fear of falling into the hands of their enemies I know not. The latter, however, seemed to be ill-founded, for we saw them . . . walk leisurely off with the other natives."

On the 11th Oct. Cook left the Bay, which he named "Poverty Bay, because it afforded us no one thing we wanted."

With the brave Rongowhakaata tribe he had failed in establishing satisfactory relations.

Sailing southwards he coasted the territory of the Ngatikahungunu.

Occasionally Maoris were induced to go on board the "Endeavour."

Three were once left on board all night, and "did not seem at all uneasy." In the morning, "one argument they used to entice others alongside was in telling them that we did not eat men, from which it should seem that these people have such a custom among them."

On 15th Oct., Tupia's Tahitian boy, "Tiata, being over the side," was seized by a Maori and dragged into a canoe. "This obliged us to fire upon them, which gave the boy an opportunity to jump overboard We brought the ship to, lowered a boat into the water, and took him up unhurt."

The scene of Tiata's escape was called Cape Kidnappers to commemorate it. Hawke's Bay was named after the First Lord of the Admiralty.

On the 17th Oct., Cook ceased to explore to the south, and called a place Cape Turnagain to mark the fact.

His dealings with the Ngatikahungunu had been less disastrous than with their neighbours, but no real confidence had been established. As he passed northwards, not far from Poverty Bay, "a canoe came off from the shore, wherein were five people. They came on board without showing the least signs of fear, and insisted upon staying with us the whole night; indeed there was no getting them away without turning them out of the ship by force, and that I did not care to do; but, to prevent them playing us any trick, I hoisted their canoe up alongside. . . One of the chiefs seemed to be of a free, open, and gentle disposition. They both took great notice of everything they saw. . . The two chiefs would neither eat nor drink with us, but the other three (who appeared to be their servants) eat whatever was offered them. Notwithstanding that these people had heard of the treatment the others had met who had been on board before, yet it appeared a little strange that they should place so much confidence in us as to put themselves wholly in our power, whether we would or no, especially as the others we

had met in this bay had upon every occasion behaved in quite a different manner." . . " At 7 a.m. brought-to under Cape Table, and sent away the Indian canoe. At this time some others were putting off from the shore, but we did not wait. . . ."

At Gable End Foreland two chiefs went on board, and Cook took advantage of the occasion to fill some water-casks, "and to give Mr. Banks an opportunity to collect a little of the produce of the country." There Banks saw plantations, where, in Hawkesworth's phrase, "the ground was as well broken down and tilled as even in the gardens of the most curious people among us." The ground was everywhere clean, each little cluster of houses having its proper appendage, and all offal being placed in a midden.

At Tolago Bay, within the confines of the Ngatiporou tribes, Cook found an excellent watering-place. The inhabitants were friendly. An old chief exhibited to Banks and Dr. Solander the use of spear and club, and his savage gestures in striking the mock enemy (a stake) with his patoo-patoo (club), after furiously thrusting at it with his spear, made the visitors infer that in Maori battles there was no quarter. The Ngatiporou, however, were hospitable to the travellers.

On the 30th Oct. Cook left Tolago Bay and coasted to the north, observing much cultivated land and many villages in the Ngatiporou territory. He saw and named East Cape and Hicks' Bay. The latter, according to Cook's custom, was called so because Lieutenant Hicks descried it. As he proceeded westward, armed Maoris, in canoes, put off from the shore in a menacing manner, and were only driven away by grape and cannon-shot fired near them as a demonstration. As they fled Cook called the cape near him Cape Runaway. White Island was named on the same day.

On the 1st Nov. forty-five canoes were near the ship, and, Tupia having conversed with the natives, barter was commenced; but as the Maoris became insolent Cook again displayed the terrors of gunpowder, and was constrained to wound one boastful chief with small shot. The same audacity was shown by all the tribes of the Bay of Plenty. The pahs which were seen on shore were thought by Tupia

to be places of worship; but on the 2nd Nov. Cook remarked that the numerous "palisades and works" were, he "rather thought, places of retreat or stronghold where they defend themselves against the attack of an enemy; as some of them seemed not ill designed for that purpose."

On the 4th Nov. Cook anchored at Mercury Bay, so called because he there made observations of the transit of Mercury. Several canoes accompanied the ship and stayed till dark. Before their owners left "they were so generous as to tell us that they would come and attack us in the morning, but some of them paid us a visit in the night, thinking, no doubt, they should find all hands asleep, but as soon as they found their mistake, they went off."

While Cook was on shore on the 9th Nov. the second lieutenant, Gore, indignant with a Maori who, while bargaining, retained his own property and carried off the cloth for which he had bartered a mat, fired upon and killed the man. "I have here inserted the account of this affair just as I had it from Mr. Gore, but I must own it did not meet with my approbation because I thought the punishment a little too severe for the crime, and we had now been long enough acquainted with these people to know how to chastise trifling faults like this without taking away their lives." [4]

[4] This occurrence was the means of proving the occasional longevity of the Maoris. Colonel Mundy saw in New Zealand, in 1848, an old chief, Taniwha, who spoke of Captain Cook's visit, of which he had a vivid remembrance. His narrative was taken down, in 1852, by Colonel Wynyard, and it confirmed the accuracy of Cook's description.

Taniwha said that when, after the man was shot, the Maoris landed, they consulted over the body, and decided that as the dead man "commenced the quarrel by the theft of the calico, his death should not be revenged, but he should be buried in the cloth which he had paid for with his life."

Taniwha was ever friendly to the English, and fond of repeating that Captain Cook had kindly placed his hands on the children's heads.

If, as was supposed, Taniwha was at least ten years old in 1769, he was ninety-three when he gave his narrative to Colonel Wynyard; yet the latter said "his faculties were little impaired, and his great age perceptible more from a stoop and grey hairs than any other infirmity."

Colonel Mundy, in 1848, saw Taniwha excited by the sight of single-stick exercise. He capered round the combatants, and hobbled away to procure a staff about six feet long. With this he undertook to contend with one of the Englishmen.

"The octogenarian gladiator commenced operations by a most grotesque war-dance, accompanying his movements by a monotonous, croaking song, wielding his staff in exact measure with his chant, and gradually nearing

During the remainder of his stay at Mercury Bay, Cook maintained friendly relations with the natives. He visited their pahs, and thought that "the people must have long and frequent wars, and must have been long accustomed to it, otherwise they would never have invented such strongholds as these, the erecting of which must cost them immense labour, considering the tools they have to work with, which are only made of wood and stone." "The best engineer in Europe could not have chosen a better site" than that which Cook saw at Mercury Bay.

Before leaving the bay, Cook cut upon a tree the name of his ship, and, "after displaying the English colours, took formal possession of the place in the name of His Majesty." On the 15th Nov., 1769, he departed.

After naming Cape Colville and the River Thames (which he surveyed), and Cape Brett, he saw at the Bay of Islands the great Ngapuhi tribe, whom he found and whom he treated like the rest of their countrymen. The country seemed to be well inhabited. As usual, the final solution of a trading difficulty was a shot. But Cook was careful to show that he desired to be just. At one place three sailors went into a plantation and dug up some sweet potatoes. Cook ordered them to be flogged, giving severer punishment to one of them for insisting that "there was no harm in what he had done." Wherever he went, Cook found that the fame of his guns had preceded him. He named the North Cape, saw Tasman's Cape Maria Van Diemen, and the Three Kings, encountered severe weather on the 27th and 28th of Dec., and consequently kept farther from the shore than had been his wont on the east coast. His own journal and map must be studied in order to estimate his perseverance at this

his opponent, who on his part stood firm, with his eye fixed on that of his adversary, but with a careless guard. From the manner in which the old man held his staff we all imagined that his visitation would be in the shape of the broad sword exercise, when suddenly, and with a vigour of which he seemed quite incapable, old Tamwha, elongating his left arm and sliding his hand through the same hand, gave his opponent the point, the stoccato hitting on his ribs with an emphasis quite sufficient to prove that had the tourney occurred twenty years ago and been *à outrance* the white flag would have been done brown and supped upon."—"Our Antipodes," by Lieutenant Colonel G. C. Mundy. London, 1855 (Bentley).

critical stage of his voyage.[5] Reverting to the land, he gave names to False Bay, Gannet Island, The Sugar Loaves, Cape Egmont, and Mount Egmont, "in honour of the Earl." On the 14th Jan. he was within the wide entrance to Cook's Strait (which seemed a large bay), and on the following day, desiring to careen the ship, then "very foul," with the aid of "boats ahead towing," crossed the straits; and at 2 p.m. on the 16th the "Endeavour" was at anchor in Ship Cove, not far from the spot where in the previous century Tasman lost several men and departed without effecting a landing. The Maoris, clad like their forefathers, as described by Tasman in 1642, with four canoes at once assailed the "Endeavour" with stones. Tupia spoke to them, and some of them ventured on board, but did not remain long. Finding himself so near the scene of Tasman's encounter, Cook directed Tupia to inquire if any tradition of Tasman's visit had been preserved, but could hear of none. He did ascertain that cannibalism was practised, but only on the bodies of enemies killed in battle. Banks bought one human head which was taken to the ship. "Tupia," Cook wrote, "always accompanies us, and proves of infinite service." Cook careened the ship, and, finding the Maoris "inclinable to quarrel," "fired some small shot at one of the first offenders." "This made them keep at a proper distance while they stayed." The fearless confidence of Cook is shown in the fact that a few days afterwards he took one man with him, ascended a hill, and saw to the eastward the Strait which was destined to bear his name. He returned to the ship "between 8 and 9 o'clock."

On the last day of Jan., 1770, an old chief gave "free consent," while Cook "hoisted the Union flag, and dignified this inlet with the name of Queen Charlotte's Sound, and took formal possession of it and the adjacent lands in the name and for the use of His Majesty."

The old chief confirmed Cook's belief that there was a strait between the North and Middle Islands; the name of

[5] Captain Wharton notes at this period that the "mingled audacity and caution of Cook's navigation off this coast must awake the admiration of every seaman."—Cook's Journal, p. 178.

the North Island being Aeheinomouwe;[6] that of the Middle Island, "Tovy Poinammu,[6] which signifies green talc or stone." With his small ship Cook entered the strait now known by his own name, placed on his map the name given by the old chief as Cape Terawhiti; and after naming Cape Palliser on the north, and Cape Campbell on the south of the strait, he sailed northwards until Cape Turnagain was in sight. "I then called the officers upon deck, and asked them if they were now satisfied that this land was an island, to which they answered in the affirmative, and we hauled our wind to the eastward."

Captain Cook did nothing by halves. He determined to survey the Middle Island. On the 14th Feb. he was off Kaikoura. The Snowy Mountains contained a peak which some on "board thought to be much higher than the Peak of Teneriffe, which I cannot agree to." Even Cook, however, could not in rough weather avoid a casual error when working under disadvantage. He called Banks' Peninsula an island. He himself explained that his map of the Middle Island could not be so accurate as that of the North. "The season of the year and circumstance of the voyage would not permit me to spend so much time about this island as I had done at the other, and the blowing weather we frequently met with made it both dangerous and difficult to keep upon the coast." In spite of weather which beat him to sea, Cook saw and named Cape Saunders after his old comrade and leader when Quebec was captured in 1759. Doubtful Sound, where "the land on each side of the entrance riseth almost perpendicular from the sea to a very considerable height," was observed, but not entered, "because I saw clearly that no winds could blow there but right in or right out, that is, westerly or easterly; and it certainly would have been highly imprudent in me to have put into a place where we could not have got out but with a wind that we have

[6] Cook and Banks did not spell the Maori words in the manner afterwards adopted. The appellation of the North Island as given to them at Queen Charlotte's Sound, Te hinga o Maui, was "the fishing of Maui," and was another name for Te Ika o Maui, the fish of Maui, usually given to the North Island. The spelling of the names of places in New Zealand somewhat varied, not only as between Hawkesworth's volumes and Cook's journal, but in that journal itself. Poenammu occurs within a few pages of Poinammu. Terawhiti also is variable.

lately found to blow but one day in a month. I mention this because there were some on board that wanted me to harbour at any rate, without in the least considering either the present or future consequences." Of the general aspect of the west coast of Tovy Poinammu, Cook said that "the ridge of mountains are of a prodigious height, and appear to consist of nothing but barren rocks, covered in many places with large patches of snow, which, perhaps, have lain there since the creation." (It was summer in New Zealand when Cook thus wrote.) "No country on earth can appear with a more rugged and barren aspect than this doth; from the sea for as far inland as the eye can reach nothing is to be seen but the summits of these rocky mountains, which seem to lay so near one another as not to admit any valleys between them." The weather was foggy while Cook was on the West Coast, and he says in his journal:—"All night we kept the lead going continually," which indicates that he left as little scope as he could to what men call chance.

Cascade Point was named on the 16th March, Rock's Point on the 23rd. On the 27th Cook had circumnavigated the islands and reached Admiralty Bay. There he filled all his water-casks. On the 31st he named "Admiralty Bay, the north-west point Cape Stephens, and the east point Jackson, after the two secretaries" (to the Board of Admiralty).

In a general "account of New Zealand" inserted in his journal he speaks of it as a "country which before now was thought to be part of the imaginary Southern Continent." As he left the coast finally he named Cape Farewell. Noticing the mountainous nature of Tovy Poinammu, he wrote:—"Should it ever become an object of settling this country the best place for the first fixing of a colony would be either in the River Thames or the Bay of Islands." He lauded the timber of the forests there as excellent for all kinds of building.

Pitying the Maoris for the want of animal food Cook left with them afterwards at various times, the pig, the sheep, the goat, and the domestic fowl. The pigs and fowls throve, and became abundant both in the woods and in confinement. The sheep disappeared. The common potato

was given to several tribes, and an old chief told in after years how one tribe preserved for seed their crops for three years, and in the fourth year held a great feast to commemorate the introduction, under the auspices of the Englishman and Rongomatane (the god and father of cultivated food), of the new blessing. Cook[7] left other vegetables on the islands, many of which, such as the cabbage, prospered under the tilth of the Maoris.

On the last day of March, 1870, Cook "consulted with the officers" as to their future path. To explore the southern seas towards Cape Horn in search of the imaginary "southern continent,"—to return *viâ* the Cape of Good Hope with no hope of "discovery of any moment in that route," or to "steer to the westward until we fall in with the east coast of New Holland, and then to follow the direction of that coast to the northward, or what other direction it may take us, until we arrive at its northern extremity, and if this should be found impracticable, then to endeavour to fall in with the land or islands discovered by Quiros" (in 1605); these were the three courses discussed by Cook and his gallant men nearly two years after they had left their native land. The last-named project was "resolved" upon, and Cook proceeded to discover, to survey, and to take possession of the whole of the east coast of Australia.

The next navigator who visited Maoria was a Frenchman, De Surville, commanding the "St. Jean Baptiste." He indeed arrived while Cook was engaged in his task. The bay which Cook called Doubtless Bay (near the boundary

[7] Sir Joseph Banks and others have been censured for supposed invidious behaviour towards the relatives of Sydney Parkinson, artist, who accompanied the "Endeavour" and died (27th January, 1771) on the homeward voyage between Batavia and the Cape of Good Hope.

The ailments contracted at Batavia were fatal to many of the "Endeavour's" company.

But neither Banks nor Cook deserved censure for adherence to the regulation that journals kept on board of ships of discovery became the property of the government.

Cook's Journal (30th September, 1770) says:—"In the A.M. I took into my possession the officers', petty officers', and seamen's log-books and journals—at least all that I could find—and enjoined everyone not to divulge where they had been."

Banks, who employed Parkinson (Cook calls him "natural history painter to Mr. Banks"), gave his own journal to the government, and can hardly be blamed for asserting the right of the government to Parkinson's.

between the territories of the Rarawa and the Ngapuhi) De Surville, who entered it soon after Cook left it, named Lauriston.

The treatment of the Maoris by Cook had been warlike, but it was tempered by good faith and prudence. De Surville's conduct was unrelieved by such considerations. He had been hospitably received. Some invalid Frenchmen, prevented by a storm from rejoining their ship, had been kindly entertained by a chief, Naginoui, and all seemed to augur well for future relations between the natives and the Wee wees (*Oui, oui*), as the French were called by the Maoris. But when the storm had passed away a boat was missing. De Surville thought the Maoris had stolen it. He inveigled the hospitable Naginoui on board, put him in irons, destroyed the village, and carried off the chief, who pined away, died on board, weeping only because he would no more see his children. The kidnapper was himself drowned in the surf at Callao a few days after Naginoui's death.

Another Frenchman was the next visitor in Maori-land. Marion du Fresne, with two ships, the "Mascarin" and "Marquis de Castries," arrived (11th May, 1772) at the Bay of Islands. He saw Mount Egmont, and called it Le Pic Mascarin.

The Ngapuhi were kind, and the French were plunged in Cytherean delights. Mutual confidence endured for a month. The French commander was treated with respect. Then (as Crozet, the second in command alleged) without provocation or warning Du Fresne, with sixteen others, was brutally murdered, and the Maoris ate their victims. Crozet had previously entreated Du Fresne not to confide in the islanders. He now inflicted condign punishment upon them. He was on shore with sixty men, obtaining kauri timber. Gallantly he withdrew his men, embarked them in a boat, and then into the thick ranks of the Maoris poured a murderous fire. For several days he destroyed all Maori life and property within his reach.

Long years afterwards an Englishman heard the Maori version of the death of Marion du Fresne. It was remarkable that the wreck of a French corvette enabled him to hear it. In 1851 Sir George Grey, the Governor, sent Dr.

Thomson (58th Regt.) to assist in forwarding shipwrecked Frenchmen from the west coast to Auckland. They had been wrecked about fifty miles from the scene of Du Fresne's exploits and death, but on the opposite coast. Two hundred natives were assembled to assist the French, who numbered about one hundred. At night Dr. Thomson heard the Maoris tell the tale of Marion Du Fresne's death. When the French were about to depart they violated sacred places, cooked food with tapu-ed wood, and put chiefs in irons. In revenge the Maoris slew and ate the offenders, and the Frenchmen shot the Maoris and burned their villages. Dr. Thomson made further inquiries at the Bay of Islands and satisfied himself that this version of the tragedy was true,[8] and that Maori superstition made it imperative on the islanders to revenge the insults to their law. In 1820 Captain Cruise (14th Regt.) heard a similar story. Korokoro minutely told how Marion's men were massacred in revenge for the burning of two villages.[9]

Crozet testified to Cook's accuracy. As soon as he procured Cook's chart he compared it with his own. "I found it to possess an exactness and minuteness which astonished me beyond all expression. I doubt whether our own coasts of France have been delineated with more precision."

Again Captain Cook entered upon the scene, and again bloodshed befouled it, under his comrades, though not by his command. In 1772 he in the "Resolution," 462 tons, and Captain Furneaux in the "Adventure," 336 tons, sailed together to search for southern lands. Cook was instructed to be kind to all natives he might encounter. If he could not find land near the South Pole he was, after careful search, to return by the Cape of Good Hope to Spithead. He was empowered to use his discretion as to proceeding northwards at any time for refreshment or refitment. In Feb. the ships parted company, and Cook, having vainly sought for the "Adventure," proceeded on his voyage.

Ice-barriers blocked his course in lat. 67.15 south. He bore away to New Zealand, and entered Dusky Bay in

[8] "Story of New Zealand," A. S. Thomson, Surgeon-Major, 58th Regiment. John Murray. London, 1859.

[9] "Journal of a Ten Months' Residence in New Zealand" (R. A. Cruise), p. 47.

March, 1773, having been one hundred and seventeen days out of sight of land. In the "Endeavour" he had lost many persons after his detention at Batavia. By scrupulous care he had in the "Resolution" averted the scourge of navigation—scurvy. Sweet wort and sour krout, cleanliness, ventilation and fumigation, were amongst the weapons with which Cook made Admiralty functionaries wonder at his success. At Dusky Bay he saw and established friendly relations with the Maoris; but he had no Tupia as an interpreter. That faithful companion died at Batavia during the previous voyage. He sailed northwards, and (18th May) found the "Adventure" at Queen Charlotte's Sound. Captain Furneaux, having vainly endeavoured to rejoin the "Resolution," had borne up for Van Diemen's Land, had obtained wood and water, explored the east coast from Adventure Bay to the Sisters (north of Flinders' Island) without discovering Banks's Strait or Bass's Strait, and then sailed for the rendezvous at New Zealand. The Maoris were inquisitive about Tupia, were grieved at his death, and wished to know whether he had died naturally or had been killed by the English.

Captain Furneaux had avoided quarrels. During the several weeks he had been at New Zealand he had made gardens on shore. Cook did the same, and left them for the benefit of the Maoris, after explaining as well as he could his benevolent intention. He wondered at not seeing the same natives as he had seen three years before, and imagined that conquest had expelled them.

Erroneously imagining that Furneaux's examination of Van Diemen's Land had proved it to be a part of New Holland Cook prosecuted his voyage to the eastward, passing through Cook's Strait on the 7th June, 1773. After cruising in the Pacific, visiting Tahiti, the Society Islands, and the Friendly Islands, he returned to New Zealand on the 21st Oct., carrying pigs, fowls, seeds, and roots for the Maoris. On board the "Adventure" was Omai, a native of the Society Islands. Another, Heete Heete, was in the "Resolution."

At Black Head, between Cape Kidnappers and Cape Turnagain, Cook presented to a chief (in what was the country of the Ngatikahungunu in 1840) pigs, fowls,

"wheat, beans, peas, cabbage, turnips, onions, parsnips, and yams, &c.," obtaining a promise that the animals should be permitted to multiply.

A great change had been wrought in three years. The value of iron had been learned. Nails, formerly despised, were greedily clutched at. The guns of the English had inspired respect. The Maoris now said, "We are afraid of the guns."

In stormy weather the ships were again parted. Cook in the "Resolution" reached the rendezvous at Queen Charlotte's Land, and there saw several Maoris of whom he had made friends in 1770.

Before he sailed away he and his comrades endured a moral lesson from Heete Heete,[10] a native of Bora Bora, one of the Society Islands. The lad had joined Cook's ship in Sept. Returning on board with Heete Heete (23rd Nov., 1773,) Cook found that an officer had bought a Maori head on shore. There had been tribal fighting. The English officers had seen a Maori on board broil and eat flesh taken from the head. Cook's horror was overcome by shameful curiosity, and he ordered a piece of flesh to be broiled, and saw it eaten. "Heete Heete was so affected with the sight as to become perfectly motionless, and seemed as if metamorphosed into the statue of Horror. It is utterly impossible for art to describe that passion with half the force that it appeared in his countenance. When roused from this state by some of us he burst into tears; continued to weep and scold by turns; told them they were vile men; and that he neither was nor would be any longer their friend. He even would not suffer them to touch him; he used the same language to one of the gentlemen who cut off the flesh; and refused to accept or even touch the knife with which it was done. Such was Heete Heete's indignation against the vile custom; and worthy of imitation by every rational being."

It was well that Heete Heete was on board to teach such a lesson. He had not at first been able to converse as freely as Tupia with the Maoris: but in two or three weeks had

[10] Cook called the young man Oedidee at first, but on taking him back to his home found that Heete Heete was his right name.

mastered the differences between the languages of Bora Bora and New Zealand.

Burying a bottle to inform Captain Furneaux of his movements, Cook again passed between the North and Middle Islands and sailed in search of southern lands. Again he strove to pierce through the regions where ice rears pinnacles like mountain steeps. At 71.10 of south latitude he was finally repelled on the 30th Jan., 1774, and was satisfied that no such southern continent as had been imagined was to be found. Heete Heete (of whom Cook published a portrait) survived the polar privations, and returned with Cook to his native land. He was anxious to go to England, but Cook would not promise that he could return. The love of country strove with friendship. "I have not words," Cook wrote, "to describe the anguish which appeared in this young man's breast when he went away. He looked up at the ship, burst into tears, and then sunk down in the canoe. . . . . He was a youth of good parts, and, like most of his countrymen, of a docile, gentle, and humane disposition."

On the lurid horrors of Maori cannibalism the conduct of the untutored lad from Bora Bora casts a gleam which justifies a glance at his portraiture by Cook.

Again Cook explored the Pacific Ocean, visited Eastern Island, described the colossal statues there, visited Tahiti, discovered the Palmerston and Savage Islands, Turtle Island, visited the New Hebrides of which the Northern Island only had been seen by the Spaniard Quiros, and made a chart of which Captain Wharton the hydrographer declared in 1893 that it is still for some of the islands in the New Hebrides, "the only one." He discovered and explored the east coast of New Caledonia; and, on his way to refit in New Zealand, discovered Norfolk island, which he "named in honour of the noble family of Howard."

In Oct., 1774, he anchored again at Queen Charlotte's Sound.

Meantime the consort ship, the "Adventure," under Captain Furneaux, had been in perils of the sea, and her commander had suffered a fatal collision with the Maoris, in which he lost the whole of a boat's crew. The "Adventure" was run on shore near Cape Palliser, (4th Nov., 1773,)

while Cook, at anchor in Queen Charlotte's Sound, waited for her. Captain Furneaux, despairing of safe passage through Cook's Straits, went to Tolago Bay to obtain wood and water. His crew were weary, and his decks leaky. After battling with adverse winds he succeeded in reaching Queen Charlotte's Sound on the 30th Nov., a few days after Cook's departure. He saw a direction to dig under a carved stump of a tree, and in a buried bottle he found a letter telling him that Cook would wait a few days at the entrance of the Straits; but it was nearly a month before Furneaux contrived to obey orders, although he declared that he "set about getting the ship ready for sea as fast as possible." On the 17th Dec., having refitted and taken in wood and water, he sent his large cutter on shore at Grass Cove with a boat's crew under a midshipman named Rowe, to "gather wild greens," and return the same evening. On the 18th the "Adventure" was to sail. The boat did not return. In the morning Mr. Burney, second lieutenant, with a boat's crew and ten marines, went in search of the absent—two midshipmen, a quarter-master, four forecastle men, two men of the after-guard, and the captain's man.

Late at night Mr. Burney returned with a tale of horror. Maoris had waved to him to depart; but he continued searching from cove to cove, firing guns to attract the attention of the missing crew. Near Grass Cove some Maoris fled from the shore, and Burney found in their deserted canoe some clothing recognized as having belonged to one of the lost midshipmen. In Maori baskets Mr. Burney found human flesh, and the hand of one of the forecastle men was known.

Burney advanced. In Grass Cove he saw several canoes, and a crowd of Maoris retreated to a small hill, hallooing to the Englishmen to land. Burney reserved his fire until near the natives. "The first volley did not seem to affect them much; but on the second they began to scramble away as fast as they could, some of them howling. We continued firing as long as we could see any glimpse of them through the bushes. Amongst the Indians were two very stout men, who never offered to move till they found themselves forsaken by their companions, and then they marched away with great composure and deliberation;

their pride not suffering them to run." Burney thought there were from 1500 to 2000 Maoris gathered together for their inhuman feast or triumph.

On the beach were the remnants of the carnage of the previous day. Fragments of flesh were scattered about, and dogs were gnawing them. Horror-struck, Burney, enraged as he was, reflected that "killing some more of the savages" was "poor satisfaction," and returned to the ship carrying with him the head of the captain's servant, and three recognized hands of the midshipmen. These, with other remains, were reverentially buried.

Furneaux was "not inclined to think there was a premeditated plan of these savages. . . . It might probably happen from some quarrel which was decided on the spot." Conjecturing that none of the missing men could be alive, Furneaux[11] sailed away (23rd Dec., 1773), having seen no more of the Maoris. When Cook re-appeared at Queen Charlotte's Sound (Oct., 1774), the Maoris fled from him. "The moment we landed they knew us. Joy then took the place of fear, and the rest of the natives hurried out of the woods and embraced us over and over again, leaping and skipping about like madmen; but I observed that they would not suffer some women, whom we saw at a distance, to come near us." . . .

"Our good friends the natives having brought us a plentiful supply of fish, afterwards went on shore to the tents and informed our people that a ship like ours had been lately lost in the Strait; that some of the people got on shore; and that the natives stole their clothes, for which several were shot; and afterwards, when they could fire no longer, the natives, having got the better, killed them with their Patoo-patoos and ate them; but they themselves had no hand in the affair, which happened on the other side of the Strait."

These and other stories alarmed Cook, who could not but fear that the "Adventure" (ordered to join him at the Sound) was the lost ship.

[11] In a narrative, usually accurate, the loss of the boat's crew has been erroneously described as having happened to Captain Cook. It is therefore right to state the facts.

[illegible] had not now his former interpreters, but knew many words himself. . . . "I endeavoured to come at the truth by every method I could think of. All I could get from them was 'Caurey' (Kahore, as now written), 'No;' for they not only denied every syllable of what they had said on shore, but seemed wholly ignorant of the matter, so that I began to think our people had misunderstood them, and that the story referred to some of their own people and [illegible]."

Subsequently a chief, Matahouah—"of fine person and good presence"—told Cook that the "Adventure" had arrived soon after the departure of the "Resolution," had stayed between ten and twenty days, and had been gone ten months; and that neither she nor any other ship had been wrecked on the coast. Cook's anxiety was thus set at rest with regard to his comrades. His own stay was characterized by the utmost friendliness; and he thus spoke of the Maoris: "Notwithstanding they are cannibals, they are naturally of a good disposition, and have not a little humanity."

The immediate cause of the slaughter of the "Adventure's" men was not then discovered. The fact observed by Cook when he returned—that the women were not allowed to approach the English—seemed to indicate that the "Adventure's" crew, by their demeanour to the women, had given offence. Or it might be that sin against the law of tapu; desecration of holy ground; removal of some cherished heirloom temporarily suspended, or some other sin so easy of committal by those who did not know the law, might have provoked the islanders. But there was no clue to the mystery.

Cook had spent Christmas at Christmas Sound in Terra del Fuego, and made discoveries in the Southern Ocean before, on reaching the Cape of Good Hope (22nd March, 1775) he found a letter left for him by Captain Furneaux to inform him of the slaughter of ten of the "Adventure's" best men at Grass Cove.

Great honour was paid to Cook. He was elected a Fellow of the Royal Society, and was promoted to the rank of captain. He was publicly thanked for having "under Divine favour, with a company of 118 men, performed a voyage of

three years and eighteen days throughout all the climates from 52° North to 71° deg. South with the loss of only one man by sickness."

He received Sir Godfrey Copley's "medal, with his unperishing name engraved upon it." . . . "If Rome" (said Sir John Pringle, President of the Society) "decreed the civic crown to him who saved the life of a single citizen, what wreaths are due to that man, who, having himself saved many, perpetuates in your 'Transactions' the means by which Britain may now on the most distant voyages save numbers of her intrepid sons, her mariners, who braving every danger, have so liberally contributed to the fame, to the opulence, and to the maritime empire of their country!"

Before a year had elapsed Cook again sailed with the ships "Resolution" and "Discovery."

He was instructed to search for certain islands said to have been discovered by the French, and to proceed (touching at New Zealand if he thought fit to do so) by Tahiti or the Society Islands, and thence northwards to latitude 65° North to find, if possible, a passage from the Pacific Ocean to the North or Atlantic Sea.

In July, 1776, he sailed. In December he examined Kerguelen's Land, discovered by Kerguelen in 1772.

On the 24th Jan. he sighted Van Diemen's Land, and while obtaining wood and water at Adventure Bay received a friendly visit from eight native men and a boy, whose apparently woolly hair surprised him.

On the 12th Feb. he anchored at Queen Charlotte's Sound, in New Zealand. He had with him Omai, a native of the Society Islands, who had been taken to England by Captain Furneaux in the "Adventure," and was returning with Cook to his own country.[12]

At first the Maoris would not go on board Cook's ships. He thought they feared that he would avenge the deaths of the "Adventure's" boat's crew. Cook, through Omai, persuaded them that they had nothing to fear, and they

[12] He had been introduced by Lord Sandwich to the King at Kew. He was highly esteemed by Sir Joseph Banks and other distinguished persons in England. He had rendered himself (Cook declared) acceptable to the best company, but he longed to return to his native land.

cast away their distrust. He himself was studious in precautions. No boat was allowed to go far from the ship without a trustworthy officer and sufficient arms. He observed also that the Maoris always piled their arms so that they could lay hold of them in a moment. The sailors had conceived a dislike to the Maoris, and did not visit their houses. A chief, Kahoora, was pointed out as the man who had led the attack on the "Adventure's" boat. Some of the Maoris urged Omai to persuade Cook to kill Kahoora, whom they rather feared than liked. They were surprised to find that Cook thought such revenge improper.

One day he visited Grass Cove and saw his old friend Matahouah there. Many natives kept aloof, but Cook established friendly relations with some. He was told that the quarrel arose about thefts in which the natives were detected. There were various accounts, but all agreed "that there was no premeditated plan of bloodshed, and that if the thefts had not been unfortunately too hastily resented, no mischief would have happened."

Kahoora several times went on board Cook's ship. Omai threatened to kill him on the third occasion. Kahoora heeded him so little that he returned with his family. Omai took him to the cabin and said to Cook—"There is Kahoora, kill him." As Cook did nothing, Omai said—"Why did you not kill him? You tell me that if a man kills another in England he is hanged for it. This man has killed ten, and yet you will not kill him, though many of his countrymen desire it; and it would be very good." "Omai's arguments, though specious enough, having no weight with me, I desired him to ask the chief why he had killed Captain Furneaux's people. At this question Kahoora folded his arms, hung down his head, and looked like one caught in a trap; and I firmly believe he expected instant death. But no sooner was he assured of his safety than he became cheerful. He did not, however, seem willing to give me an answer to the question till I had again and again repeated my promise that he should not be hurt. Then he ventured to tell us that one of his countrymen having brought a stone hatchet to barter, the man to whom it was offered took it, and would neither return it nor give anything for it, on which the owner of it snatched up the

bread as an equivalent, and then the quarrel began. The remainder of Kahoora's account of this unhappy affair differed very little from what we had before learnt. He mentioned the narrow escape he had during the affray, a musket being levelled at him, which he avoided by skulking behind the boat, and another man close by him was shot dead." Kahoora then attacked the midshipman in command, who fought with his hanger till overpowered by numbers. Kahoora said that Mr. Burney killed no natives when he fired at them on the following day, and other Maoris confirmed his statement. Cook wondered that Kahoora put himself so often in the power of an enemy. After the interrogation was over, "he was so far from entertaining any uneasy sensations that on seeing a portrait of one of his countrymen in the cabin he desired to have his own portrait drawn, and sat till Mr. Webber had finished it without marking the least impatience. I must confess I admired his courage, and was not a little pleased to observe the extent of the confidence he put in me."

Cook, however, gave warning that he would punish the authors of any future outrage. The confidence reposed in him was such that a Maori lad, Taweiharooa, resolved to accompany Omai, though Cook declared that the lad could never return. A boy nine years old was given to Cook to act as a servant to Taweiharooa.

Cook finally left the land of the Maoris in friendship with the islanders; glad to have given them food of various kinds, grieving for their internecine wars.

The Maori lad and boy, in the affliction of sea-sickness, repented their expatriation, and made their moan in chaunts of the charms of Maoria. No consolation soothed them for many days; but at length they became attached to their new friends, and eventually remained with Omai at Huaheine.[13]

[13] In 1788, Captain Sever, in the "Lady Penrhyn" transport, touched at Huaheine. He saw Heete Heete and other friends of Cook. Omai and the two Maoris had died of sickness, and the men of Ulietea, of which Omai was a native, had made war on the men of Huaheine to obtain Omai's chattels, most of which were carried away in triumph. The house built by Captain Cook for Omai had fallen into a chief's possession. Heete Heete was unremitting in kindness, and shed tears when Captain Sever departed.

On this voyage Cook discovered an island, Wateeoo, at about the 20th South parallel of latitude. Omai found there three of his own countrymen who had been twelve years at Wateeoo. They were the remnant of twenty who, endeavouring to cross from Tahiti to Ulietea, had been swept away by strong winds. Death made havoc among them. They were without provisions, their intended voyage having been short. When only four men were left the boat was oversot. Six hundred miles from their home the four men clinging to their overturned boat were seen by the natives of Wateeoo. They were rescued and taken care of. They had married at Wateeoo and declined to return with Cook to the land of their birth. He did not fail to record this striking instance of the manner in which the Pacific had been occupied. He found that not only Omai but the Maori lads could converse easily with the natives of Wateeoo.

At Tahiti Cook saw his old friend Heete Heete. He showed genuine pleasure, and Cook gave him presents.

Cook settled Omai at Huaheine in Oct., 1777. The Maori lads wished to remain with Cook; but not being able to promise that he could ever send them to New Zealand he would not allow them to remain with him. The elder, who was "capable of receiving any instruction," seemed "resigned, though perhaps with reluctance, to end his days in ease and plenty at Huaheine. The other was so strongly attached to us that he was taken out of the ship and carried ashore by force."

Cook obtained a cession of land for Omai from the chiefs of Huaheine. On this spot, rather more than two hundred yards square, the ship's carpenters built a house for Omai, whose household consisted of his brother, the two Maoris, and a few Tahitian servants. His father had been dispossessed of his land at Ulietea, but Omai seemed as well content to remain at Huaheine as to return to his native place. Religious rites were performed on his induction to his new estate.

In bidding farewell (2nd Nov., 1777), Cook says that Omai sustained himself with "manly resolution till he came to me. Then his utmost efforts to conceal his tears failed."[14]

[14] Cowper wrote of Omai, and the author has seen his portrait, painted by Sir Joshua Reynolds, amongst the treasures at Castle Howard. When

How Cook, after battling with the ice in 70.30 N., fell at Hawaii on the 14th Feb., 1799, for supposed violation by his people of the law of Taboo, or on account of some blunder made by himself or others, and how his assailants seemed to dread the eye of the great sailor, and struck him the coward's blow on the back, is recorded in the narrative of his last voyage.

The publication of that narrative, and the mutual slaughter of Maoris and Frenchmen, gave bad eminence to the Maori race.

Captain Vancouver was at Dusky Bay in 1791, but not at the North Island. D'Entrecasteaux, in 1793, declined all intercourse with the savages, although the naturalist of the expedition wished to obtain specimens of plants, and the Maoris seemed anxious to barter with him.

The bad faith which characterized the next transaction of the English with the Maoris, was calculated to arouse hatred.

Governor Phillip had, on the 26th Jan., 1788, founded the settlement at Sydney. He sent his friend King to form a settlement at Norfolk Island forthwith. It was desirable to cultivate and manufacture the New Zealand flax found there by Cook.

King, on his way to England, asked the discoverer, Vancouver, at the Cape of Good Hope, to obtain by friendly means two Maoris, to teach at Norfolk Island the art of manufacturing the flax.

Vancouver, in 1793, sent a store ship from Nootka Sound, under Lieutenant Hanson, who was instructed to comply with King's request, on the voyage to Sydney.

It was not difficult to obtain the consent of the inquiring and adventurous Maori; but Hanson did not strive to obtain it. Two young chiefs, Tookee and Woodoo, boarded his vessel, and Hanson kidnapped them. The acting Governor (Grose), at Sydney, instead of condemning the act, shipped the chiefs to Norfolk Island, whither King had returned.

Grose ordered that the captives should be "victualled and clothed."

The chiefs were sullen and sad. King said—"They often

Omai dined with Lord Mulgrave and Samuel Johnson the company "were struck with the elegance of his behaviour."

in an affecting manner lament their separation from their friends, which they express by mournful songs." At first they would give no information about flax. They haughtily declared that they were well-born chiefs, unskilled in menial service. King strove to soothe them, and entertained them as guests at his own table. He promised to restore them to their homes, and by degrees won their confidence. They told what they knew. They became attached to him. They recognized the "stone axes" dug up in the island as exactly like their own.

King kept his promise, and to ensure its fulfilment went with his friends (Nov., 1793) and restored them to their people, amongst whom they held honourable estimation. The absence from Norfolk Island was only of ten days' duration.

One of the chiefs took the name of his restorer, Kawana Kingi,[15] and British sailors were hospitably received by the Maoris at the Bay of Islands by the grateful chiefs, and by Ti-pa-he, a personage of importance.

King, after he became Governor of New South Wales (1800), in order to confirm relations which were of importance to mariners, directed the commandant at Norfolk Island to send some breeding stock to Ti-pa-he. The chief, desirous to see the author of the gifts, sailed with four sons in H.M.S. "Buffalo," by way of Hobart Town to Sydney, in 1806. Governor Collins, at Hobart Town, sent gifts on board.

In Sydney, King[16] was hospitable. "This worthy and respectable chief (for so we found him in every sense of the word after residing among us three months) informed me that he had long intended this visit, being encouraged by the report" of Tookee and Woodoo.

There was one grievance. A blow was an insult which a Maori must wipe out, if need be, by blood.

"He complained that in one instance a New Zealander had been flogged by the master of a whaler, and hoped that

[15] The Maori mode of expressing the words "Governor King." Long years afterwards, at the request of King's widow, the Rev. Samuel Marsden discovered the chief, and persuaded him to embrace Christianity, in which faith the convert died.

[16] King to Lord Camden, 15th March, 1806.

I would give orders that no such act would be committed in future, and very liberally observed, that he supposed the master must be a bad character in his own country to commit such violence on a stranger, whose countrymen were relieving his wants.

"I assured him that I would give strict directions that nothing of the kind should happen again, but if, unfortunately, it should recur, every pains should be taken to bring the offender to justice. . . ."

"That he might receive no unpleasant impressions, he ate at my table, and was with his four sons comfortably lodged."

King sent him home in H.M. colonial vessel, the "Lady Nelson," with gifts of fruit-trees. There was a project to procure Maoris to serve as shepherds in Australia. Ti-pa-he discountenanced the idea of obtaining the "emoki or lower class, who were too idle and vicious." The middle-class would "be more expert and tractable." That a high-born chief should perform menial service was not to be contemplated.

Ti-pa-he received a silver medal with a suitable inscription, and bearing on the obverse: "In the reign of George III., by the grace of God King of the United Kingdom of Great Britain and Ireland." The commander of the "Lady Nelson" reported on his return that it was "evident that Ti-ha-he is a chief of considerable authority."

The roving spirit which took Ti-pa-he and his sons to Sydney gave Samuel Marsden an opportunity of becoming acquainted with the race which he was to evangelize. As a close friend of King, Marsden saw much of the guests, and formed projects for the benefit of their countrymen.

By some writers Marsden's first acquaintance with the Maoris, for whom he was to do so much, was ascribed to his having seen Tookee and Woodoo in Norfolk Island, but they had returned to their homes before Marsden first landed in Australia.[17]

[17] This case is a proof of the care with which he who would compile a truthful history must guard against repeating the unintentional errors of others. The Rev. R. Taylor, of unimpeachable veracity, and "a missionary in New Zealand for more than thirty years," says (p. 396), in "New Zealand and its Inhabitants":—"On such apparently trifling circumstances

[illegible] of Hanson was promptly remedied [illegible] adventurers, less careful of the good [illegible] encountered various fortunes on New [illegible]

[illegible] depend! Mr. Marsden's first desire to send [illegible] New Zealand arose from his there (Norfolk Island) meeting [illegible] and being struck with their superior intelligence; [illegible] sent back to their country enriched with presents," [illegible] did not see the chiefs at Norfolk Island at all. King took [illegible] in Nov., 1793, and Marsden did not arrive in Australia until [illegible] The error adopted by Mr. Taylor has not even dust for a [illegible] King's account of the chiefs was published in Collins' "New [illegible] Wales," in 1798.

CHAPTER III.

1794 TO 1838.

LABOURS OF MISSIONARIES, AND LIFE AMONG THE MAORIS,—1814 TO 1840.

THOUGH cannibalism had given a bad odour to the Maori name, roving Englishmen were not repelled from the islands. In 1792, Mr. Raven, sailing in the "Britannia" from Sydney, in quest of live stock and provisions, left at Dusky Bay his second mate, Mr. Leith, with others, to occupy themselves in sealing, while he went to the coast of Brazil and thence to the Cape of Good Hope before returning to Sydney in 1793. In Oct., 1793, Raven went to look for Leith and his companions. They had procured 4500 seal-skins, and had built a vessel of New Zealand pine to aid their escape in case of need. The vessel was of sixty-five tons burden. The natives, few in number in that region, had not molested, but avoided them. Presents left for the Maoris were left untouched. The English had procured abundance of fish and game. The vessel they had built was left in the bay.

More than two years afterwards, Mr. Bampton, in the "Endeavour," found his ship dangerously leaky, and ran her on shore at Dusky Bay. The vessel built by Mr. Leith and his carpenter was found in good order, launched, and named the "Providence." All whom she could contain went in her; others remained to sail in a vessel which one Hatherleigh, a carpenter's mate, volunteered to construct

out of the long-boat of the abandoned "Endeavour." The new vessel was called "The Assistance," and in a few months she carried to Sydney as many passengers as could be supplied with food, leaving others for a future opportunity. Mr. Dell, the commander of the "snow" "Fancy," keeping his destination secret, though it was suspected, sailed (Sept. 1794) from Sydney to the Frith of Thames. The "snow" was armed,[1] was of about 170 tons burden, had a strong crew, a guard of Sepoys, and a commission from the Bombay Marine Department.

In three months Mr. Dell cut down more than 200 fine trees, for the uses of the East India Company. He bartered bits of iron for flax. He fired on the natives, he said, because some axes were stolen. Two Maori men and one woman were killed.

Such was the commencement of a traffic which was to disgrace the north-east coast of New Zealand. From this period many Maoris went in European ships to various countries; and, after a time, runaway convicts and reckless adventurers found their way to New Zealand.

In 1800 the Rev. T. Fyshe Palmer (one of the "Scotch martyrs" convicted of seditious practices), the term of his banishment having expired, chartered a vessel, and went to New Zealand for timber. Such an adventure was not always profitable. Mr. Palmer was twenty-six weeks at the islands, consumed all his stores, and went to Tongataboo to refit.

Whalers resorted to New Zealand, and the Maoris went to sea as harpooners to earn money and buy guns. A story is told of one who, when scorned for missing one whale, sprung on the body of the next that appeared, and having struck home, vanished in a whirlpool of blood and foam,—emerging coolly with his hand on the gunwale and being hauled on board as the boat was dragged into speed by the wounded whale. The Vikings from Hawaii scattered themselves freely amongst the crews of foreign ships. One or two went to England. Some were anxious to see the king of the nation which carried thunder and lightning, and blew its foes to atoms. They were disappointed when they

[1] Collins' "New South Wales," p. 390.

found he was not a great warrior. One who vainly sought to see the king saw, without seeking him, the future apostle of the Maori race.

Ignorant of the relative importance of Europeans, Maoris supposed that the commander of a ship was a leader of men who could easily introduce his friends to the king of England. The unscrupulous took advantage of this credulity and inveigled Maoris to enter upon such vain voyages. Ruatara was one such victim. A casual meeting with him[2] far from his home was to colour the future fortunes of the Maoris, and render Marsden famous.

Ruatara's story is typical of the Maori sea-rover. He was nephew of the warrior-murderer Hongi, the Ngapuhi conqueror, the introducer of fire-arms on a large scale. The nobility of Ruatara was unquestionable. He could trace his pedigree to the chieftains who led the people from Hawaii. He was a relative of King's friend Ti-pa-he.

In 1805 he embarked in a whaler, the "Argo," at the Bay of Islands. He worked on board as a sailor, stipulating that he should be landed at Sydney. The master of the ship cheated him of his earnings and abandoned him there. Another captain (of the whaler "Albion"), Richardson by name, treated him honourably, paid him his earnings during a six months' cruise, and landed him at the Bay of Islands.

The spirit of a rover was upon him, and again he shipped with others in a vessel, the "Santa Anna," cruising for seal-skins in the Pacific. At the head of a sealing party (put on shore upon an island while their vessel returned to New Zealand for pork and potatoes) he underwent much privation. Three of the sailors died. Ruatara was fired with a desire to see King George, and the captain took him to England in 1809, promising to gratify him. In London he did not see the king, was hardly allowed to go on shore, and in illness, without wages and in rags, was put on board the "Ann," a convict transport bound for Sydney.

[2] The name has been spelt in many ways, such as Duaterra, &c. The spelling in the text was adopted by the first Bishop of Waiapu (William Williams). The name of Hongi, sometimes called Shonghi, has been similarly treated. *Vide* "Christianity among the New Zealanders," by Right Rev. W. Williams, D.C.L., Bishop of Waiapu. London, 1867.

He had received that deadly insult to a Maori chief—he had been struck. The fate of the insulter would have been inevitable if Ruatara could have met him amongst Maori form. But the ship which carried Ruatara carried also Samuel Marsden, the future apostle of New Zealand. In ministering to the crew his glance fell upon the dusky form of Ruatara. His sympathies were attracted to the sufferer. The heart of Ruatara was touched. Kindly treated, he recovered, and on reaching Sydney found a home and a friend in the house of Marsden. After sojourning with his teacher he sailed for his native country, was again deceived, and landed at Norfolk Island, after passing within a few miles of the home in New Zealand whither the captain had pledged himself to sail. A whaling vessel found him at Norfolk Island and took him to Sydney. The guest of Marsden for a time, he took ship again for New Zealand, and was safely landed among his friends.

His travels and narrative made him the first missionary to his countrymen. The web of European life was not all bad. The examples of Governor King and of Marsden outweighed the conduct of brutal and fraudulent captains. It was good that in establishing relations with a fearless and intelligent but bloodthirsty race, there was a messenger like Ruatara, who could tell the tale of Marsden's kindness, But he himself was no common man. He had carried some seed wheat with him on last leaving Marsden. The growth of the new crop was watched with curiosity by Ruatara's countrymen, who were loth to believe that it could produce the flour of the Europeans. It was garnered and a new difficulty presented itself. Ruatara had no mill. His boasted importation was flouted. But at this juncture Marsden had matured his plans with certain lay missionaries—Hall, King, and Kendall. He had long yearned to evangelize and civilize the Maoris, and the encounter with Ruatara in the convict ship seemed to open the way. Hall and King had accompanied Marsden from England. They would have gone at once with Ruatara to New Zealand if tidings had not been received at Sydney, in August, 1810, of the massacre of the crew of the ship "Boyd" at Whangaroa.

While Marsden strove to lay the foundation for a good

understanding between the two races, another European caused a catastrophe which was to exasperate them and sacrifice not only the friendly chief Ti-pa-he, but almost all his "hapu," or sub-tribe. One Thompson, master of the "Boyd," going to New Zealand for timber, had engaged some Maoris in Sydney. One of them was a chief, Tarra, known as George. He was, or feigned to be, too ill to work. Thompson tied him to the gangway and flogged him twice, telling him that he was no chief. He sullenly answered:— "When you arrive in my country you will find that I am a chief."

He dissembled afterwards, and persuaded Thompson to enter the harbour of Whangaroa, his native place. There he showed his stripes to his friends. The back of a chief is peculiarly sacred in Maori belief. Vengeance was vowed. The captain and several of the crew went on shore to select timber. They were all murdered. Dressing themselves in their victims' clothes, the triumphant savages at dusk went to the ship, scaled its side, and slaughtered all they could seize except a woman and two children, and a boy (who, having shown some kindness to George on the voyage, was spared). Others who appealed to George for mercy were brained by his club. Five sailors fled to the rigging, where they remained all night. Ti-pa-he, in the morning, being on a visit to Whangaroa to trade for dried fish, saw their situation, and invited them into his canoe. He landed them safely, but the Whangaroans pursued and killed them.

The vessel was plundered and burnt. Gloating over the firearms, the father of George snapped a musket over an opened cask of gunpowder,[3] and was, with a dozen followers, blown into the air.

The white women and children were gallantly rescued at some risk by Mr. Alexander Berry (an early colonist in New South Wales), who was in New Zealand for trading purposes in the ship "City of Edinburgh." Leaving his vessel at the Bay of Islands, Mr. Berry went with three armed boats to Whangaroa, but he strove to recover the captives "by gentle measures." Ti-pa-he assisted him. Mr. Berry sailed away with Mrs. Mozeley and her child; a

[3] "The New Zealanders." Library of Entertaining Knowledge, 1830.

girl, the daughter of Mr. Commissary Broughton, of New South Wales; and the boy Davidson, whose kindness to George had saved his own life.

Five whaling ships met soon afterwards at the Bay of Islands. Believing or presuming that Ti-pa-he was an accomplice in the destruction of the "Boyd," the captains attacked his village by night, slew nearly all the inmates, and burned the village and the growing crops. Ti-pa-he escaped, wounded, but was soon afterwards killed by the men of Whangaroa, who were incensed with him for endeavouring to save the lives of the sailors who had taken refuge in the rigging of the "Boyd."

The consequences which Ti-pa-he had predicted to Governor King fell upon himself and his tribe through the act of Thompson. Some of his countrymen, soon after the destruction of Ti-pa-he's village, murdered and ate three sailors belonging to a whaling ship.

The circumstances of the massacre of Thompson and his crew were revolting in themselves, and distorted in narration. It was not until after many years that collation of evidence enabled Englishmen to form a correct judgment.

Though anxious to intervene, Marsden was restrained by Governor Macquarie, who for some time interdicted him from going to New Zealand.

Justice requires that it should be recorded that Macquarie endeavoured to stay the horrors which were rife. He and others had learned that breach of the tapu would be followed by vengeance in order to satisfy an offended power, or a prevailing superstition. In 1813 he proclaimed that ill-usage of natives at New Zealand, Tahiti, and other islands, caused danger of retaliation. He extorted bonds for a thousand pounds from every vessel clearing from the territory of New South Wales. All on board were to behave well to the natives. There was to be no trespass on their lands or burial-grounds. No natives were to be shipped without their free consent and that of their friends, and no female native was to be shipped without written permission of the Governor of New South Wales.

The Proclamation seems to have failed, for in 1814 Macquarie found it necessary to issue another, denouncing the insulting and injurious practice of carrying off New

Zealanders, male and female, by commanders and sailors. Many a Maori Helen was the cause of deeds of blood, and coarse abductions by violence were followed by revenge. Macquarie invested Ruatara (Marsden's friend), Hongi, and Koro Koro, with power to give or withhold permission to white men to remove natives from New Zealand, which permission was to be "certified under the hand of Mr. Kendall, the resident magistrate, or of the magistrate for the time being." Offenders would be prosecuted with the utmost rigour.

The zeal of Marsden was not unsupported in Sydney. In 1813, D'Arcy Wentworth (father of the statesman), with others, caused a meeting to be held in Sydney to consider measures for promoting the welfare of South Sea Islanders visiting Port Jackson. Marsden meanwhile represented to Missionary Societies in England the desperate condition in which the Maoris were plunged by contact with the scum of civilization. In England, in 1809, he had appealed to the London Missionary Society and the Church Missionary Society. Two lay missionaries, Hall and King, were selected to aid him. At last he obtained leave to charter a vessel, if a captain could be found daring enough to go, and was promised that if she returned safely Marsden might then follow. After many difficulties (Marsden says): "Finding that the Societies in London could not make up their minds, neither as a body nor as individuals, to send out a vessel, I at last determined to purchase one for the purpose on my own account. The various expenses attending it have created me some little pecuniary difficulties, but they are only known to myself, and not such as will be attended with any serious consequence. I hope in a little time I shall be able to surmount them; whether I shall keep the vessel in my own hands or not, I am not certain as yet. I cannot do it without some assistance at the first; if I could, I certainly would not trouble any of my friends." His plan was to encourage commerce, and make the vessel, the "Active," yield some returns. "You cannot," he said, "form a nation without commerce and the civil arts."

Hall and Kendall sailed in the "Active," carrying a message from Marsden requesting Ruatara's kind offices, and

asking him to return with two or three chiefs. They took with them a timely present. Marsden sent a hand-mill for grinding corn. Anxious eyes watched the experiment upon Ruatara's grain. Bread was made, doubters were convinced, Ruatara and the missionaries were in high favour. The great warrior Hongi, his nephew Ruatara, and other chiefs were passengers in the "Active" to Sydney in Oct., 1814. All were Marsden's guests. He wrote to England: "They are as noble a race of men as are to be met with in any part of the world. I trust I shall be able in some measure to put a stop to those dreadful murders which have been committed upon the island for some years past both by the Europeans and the natives. They are a much-injured people notwithstanding all that has been advanced against them."

In Nov., 1814, he sailed in the "Active" for the Bay of Islands, accompanied by Messrs. Kendall, Hall, and King, and their families. Eight New Zealanders and two Tahitians were with him, and he took three horses as well as a bull and two cows, presents from the Governor. Mr. Nicholas went also, as a friend. Marsden's reputation ensured a favourable reception; but he asked for something more. He wished to establish peace among the natives. A war was then raging. The massacre of the company of the "Boyd," and the subsequent slaughter of Ti-pa-he's people, had left unsatiated lust for revenge. Battles had been fought, and at Parramatta Ruatara and Hongi told Marsden of the quarrel. (Marsden ascertained also that Ti-pa-he had no hand in the "Boyd" massacre.) These quarrels Marsden set his heart upon terminating. But how was he, the guest of Hongi, to approach Hongi's enemies; and how was he, the countryman of Ti-pa-he's assailants, to approach the kindred or friends of Ti-pa-he's decimated tribe? He whose life was marked as "the first to be taken" in the Irish rebellion in 1804 in New South Wales, who had carried it in his hand for years before that period, was deterred by no personal apprehensions now. With Mr. Nicholas he passed over from the camp of Hongi, to that of the Whangaroans and was cordially received. "We sat down amongst them and the chiefs surrounded us." There was amongst the Whangaroans a chief who had sailed in an English

ship. He interpreted. Marsden explained the object of the mission, and dwelt on the blessings of peace. The tribe retired to rest by degrees, Marsden and Nicholas being directed by the interpreting chief to remain near him.

"The night was clear, the stars shone bright, and the sea in our front was smooth. Around us were innumerable spears stuck upright in the ground, and groups of natives lying in all directions, like a flock of sheep upon the grass, as there were neither tents nor huts to cover them. I viewed our present situation with sensations and feelings that I cannot express, surrounded by cannibals who had massacred and devoured our countrymen. I wondered much at the mysteries of Providence, and how these things could be. Never did I behold the blessed advantage of civilization in a more grateful light than now."

In the morning Marsden invited the chiefs on board the "Active." The boat arrived, and Ruatara also. "At first I entertained doubts whether the chiefs would trust themselves with us or not, on account of the 'Boyd,' lest we should detain them when we had them in our power; but they showed no signs of fear, and went on board with apparent confidence."

After breakfast the chiefs sat in the cabin to receive presents which Marsden distributed, Ruatara handing to him axes, bill-hooks, prints, &c. Marsden introduced the missionaries. Mr. Kendall was to teach the children; Mr. Hall to build houses, boats, &c.; Mr. King to make fishing-lines; Mr. Hanson to command the "Active," which would procure supplies as required. And then came a request that the contending tribes would be reconciled. "Ruatara, Hongi, and Koro Koro shook hands with the chiefs of Whangaroa and saluted each other as a token of reconciliation by joining their noses together. I was much gratified to see these men at amity once more."

The chiefs promised in future to protect the missionaries and European traders. Horses and cattle excited the wonder of the natives, and one of the chiefs in turn excited that of Marsden. On Saturday, Ruatara enclosed half-an-acre of ground; placed in it a pulpit and a reading-desk, fixed seats (for the Europeans), made of portions of old canoes; erected a flagstaff on the highest hill in the village;

and in the evening informed Marsden that everything was ready for Divine Service on the following day.

On that memorable Sunday, 25th Dec., 1814, the English flag was hoisted, to Marsden's intense gratification.

"About ten o'clock we prepared to go ashore, to publish for the first time the glad tidings of the gospel. I was under no apprehension for the safety of the vessel, and therefore ordered all on board to go on shore to attend Divine Service, except the master and one man. When we landed, we found Koro Koro, Ruatara, and Hongi dressed in regimentals which Governor Macquarie had given them, with their men drawn up, ready to be marched into the enclosure to attend Divine Service. They had their swords by their sides and switches in their hands. We entered the enclosure, and were placed on the seats on each side of the pulpit. Koro Koro marched his men and placed them on my right hand in the rear of the Europeans, and Ruatara placed his men on the left. The inhabitants of the town, with the women and children, and a number of other chiefs, formed a circle round the whole. A very solemn silence prevailed—the sight was truly impressive. I rose up and began the service by singing the Old Hundreth Psalm, and felt my very soul melt within me when I viewed my congregation, and considered the state they were in. After reading the service (during which the natives stood up and sat down at the signals given by Koro Koro's switch, which was regulated by the movements of the Europeans), it being Christmas Day, I preached from the 2nd chapter of St. Luke's Gospel, ver. 10: 'Behold, I bring you glad tidings of great joy,' &c. The natives told Ruatara that they could not understand what I meant. He replied that they were not to mind that now, for they would understand by-and-by: and that he would explain my meaning as far as he could. When I had done preaching he informed them what I had been talking about. . . . In this manner the gospel has been introduced into New Zealand; and I fervently pray that the glory of it may never depart from its inhabitants till time shall be no more."

Ruatara was as proud as Marsden was pleased, at this formal reception of his countrymen into the Christian fold.

A coasting voyage was undertaken. Twenty-eight armed New Zealanders went in the "Active," manned by only seven Europeans. Mr. Nicholas wrote: "I do not believe that a similar instance can be shown of such unlimited confidence placed in a race of savages known to be cannibals. We are wholly in their power, and what is there to hinder them from abusing it? Next to the over-ruling Providence of God, there is nothing but the character of the ship, which seems to have something almost sacred in their eyes, and the influence of Mr. Marsden's name, which acts as a talisman amongst them. They feel convinced that he is sacrificing his own ease and comfort to promote their welfare."

One thing Marsden would not do for them. He would supply no weapons for war. The smith was forbidden to repair them. Axes, hoes, or agricultural implements he was to make and mend, but on no account to touch implements of war. Theft and lying were denounced as deadly, and Ruatara gave manly aid in discouraging them.

Marsden's leave of absence was short, and in Feb., 1815, he sailed to Sydney, having first bought with twelve axes from "Anodee O Gunna, king of Rangheehoo," about two hundred acres of land for the Church Missionary Society. The land was in "the district of Hoohee, bounded on the south side by the Bay of Lippoona and the town of Rangheehoo, on the north by a creek of fresh water, and on the west by a public road into the interior." Mr. Nicholas and Mr. Kendall signed their names to the deed, which made the land "free from all taxes, charges, impositions, and contributions whatsoever for ever." The "amoco," or tattooing in the face of Gunna, was drawn by Hongi in the deed, and Gunna placed his mark by it. The provident Marsden had taken with him a form of conveyance prepared in Sydney.

Thus was New Zealand first touched by wholesome Western influence. Well would it have been if all Marsden's countrymen had been imbued with his spirit!

This narrative cannot embrace the minute details of later occurrences. But Marsden's singular encounter with Ruatara; his apostolic confidence at Whangaroa; the scene, worthy of a national picture, of the celebration of Divine

Service under the guidance of the chiefs; and the rapidity with which Marsden's mission of peace was accomplished, throw an air of romance about this portion of New Zealand story.

Marsden's safe return with his companions to Sydney was unexpected, and Macquarie congratulated them upon it. The little colony at Rangheehoo (or Rangihoua) numbered twenty-five Europeans. Ruatara died soon after the "Active" sailed. He had said with triumph to Marsden:—"I have now introduced the cultivation of wheat into New Zealand. New Zealand will become a great country. In two years more I shall be able to export wheat to Port Jackson, in exchange for hoes, axes, spades, tea and sugar." Maori honours were paid to Ruatara. Hongi wept like a child. Rahu, the widow, violently took away her own life in order to rejoin her husband in the land of spirits. The priests had surrounded him during his illness. Anxious to introduce Christianity among his countrymen, Ruatara had not been received into the Christian Church.

The English Government, stimulated by reports from Macquarie, and the representations made by missionaries and their friends, passed an Act (57 Geo. III. cap. 53; 27 June, 1817), for the more effectual punishment of murders and manslaughters not committed within His Majesty's dominions. The preamble declared that murders at Honduras, "and like offences committed . . . as well on the high seas as on land, in the islands of New Zealand and Otaheite, and in other places . . . not within His Majesty's dominions, by the masters and crews of British ships and other persons," necessitated the enactment. It was provided that all such crimes "committed, or that shall be committed, in the said islands of New Zealand and Otaheite . . . not within His Majesty's dominions . . . shall and may be tried, adjudged, and punished in any of His Majesty's islands, plantations, colonies, by virtue of the King's commission . . . in the same manner as if such offences had been committed on the high seas."[4]

[4] This Act was afterwards supplemented by Acts to provide for "the better administration of justice in New South Wales," &c. Section iii. of

The death of Ruatara did not abate Marsden's zeal. He engaged two New Zealand youths, "not to be idle," but to aid in preparing a vocabulary. If they could not be useful in that way he asked that they might be "put into a rope-walk and be kept to close labour while they remain in England." They returned safely, and accompanied Marsden to their native land in 1819.

It is needless to narrate his proceedings in detail. His congregation assembled on the beach, there being "no place sufficiently spacious to hold the people." He saw one of the New Zealanders to whom Governor King had been kind, and who now spoke gratefully of King.

Hongi was still ferocious to enemies and faithful to friends. Marsden was able to dissuade him from a warlike expedition when warriors were already gathered together. But Hongi bided his time. He revolted against Marsden's prohibition of fire-arms. In 1820 Marsden went to New Zealand in H.M.S. "Dromedary," though leave was reluctantly given to him.

The natives had determined to do no work, and exchange no article, except for muskets and powder. Marsden adddressed the settlers, the missionaries, and the natives, in turn. To the Church Missionary Society he wrote :—"I think it much more to the honour of religion and the good of New Zealand, even to give up the mission for the present than to trade with the natives on these terms." But no dissuasion could restrain Hongi, who, while Marsden was in New Zealand in 1820, sailed for England, determined upon doing, by the worst means, the worst.

The settlement at the Bay of Islands received casual accessions of a more or less equivocal nature, and Kororarika was soon to obtain unenviable notoriety as the gathering-ground of the reckless and debauched. It was bootless for Marsden to protest against the callousness with which ruffians amongst them supplied fire-arms to the Maoris.

4 Geo. IV. cap. 96, gave power to the Supreme Courts of New South Wales and Van Diemen's Land to inquire, hear, and determine all treasons . . . piracies, felonies, murders on the sea or in the islands of New Zealand, Otaheite, or any other place "in the Indian or Pacific Oceans, and not subject to His Majesty," and to punish the criminals, "any law, statute, or usage to the contrary notwithstanding." Section iv. of 9 Geo. IV. cap. 83 (25th July, 1828), made similar provisions.

Service under the guidance of the chiefs; and the rapidity with which Marsden's mission of peace was accomplished, throw an air of romance about this portion of New Zealand story.

Marsden's safe return with his companions to Sydney was unexpected, and Macquarie congratulated them upon it. The little colony at Rangheehoo (or Rangihoua) numbered twenty-five Europeans. Ruatara died soon after the "Active" sailed. He had said with triumph to Marsden:—"I have now introduced the cultivation of wheat into New Zealand. New Zealand will become a great country. In two years more I shall be able to export wheat to Port Jackson, in exchange for hoes, axes, spades, tea and sugar." Maori honours were paid to Ruatara. Hongi wept like a child. Rahu, the widow, violently took away her own life in order to rejoin her husband in the land of spirits. The priests had surrounded him during his illness. Anxious to introduce Christianity among his countrymen, Ruatara had not been received into the Christian Church.

The English Government, stimulated by reports from Macquarie, and the representations made by missionaries and their friends, passed an Act (57 Geo. III. cap. 53; 27 June, 1817), for the more effectual punishment of murders and manslaughters not committed within His Majesty's dominions. The preamble declared that murders at Honduras, "and like offences committed . . . as well on the high seas as on land, in the islands of New Zealand and Otaheite, and in other places . . . not within His Majesty's dominions, by the masters and crews of British ships and other persons," necessitated the enactment. It was provided that all such crimes "committed, or that shall be committed, in the said islands of New Zealand and Otaheite . . . not within His Majesty's dominions . . . shall and may be tried, adjudged, and punished in any of His Majesty's islands, plantations, colonies, by virtue of the King's commission . . . in the same manner as if such offences had been committed on the high seas."[4]

[4] This Act was afterwards supplemented by Acts to provide for "the better administration of justice in New South Wales," &c. Section iii. of

The death of Ruatara did not abate Marsden's zeal. He engaged two New Zealand youths, "not to be idle," but to aid in preparing a vocabulary. If they could not be useful in that way he asked that they might be "put into a rope-walk and be kept to close labour while they remain in England." They returned safely, and accompanied Marsden to their native land in 1819.

It is needless to narrate his proceedings in detail. His congregation assembled on the beach, there being "no place sufficiently spacious to hold the people." He saw one of the New Zealanders to whom Governor King had been kind, and who now spoke gratefully of King.

Hongi was still ferocious to enemies and faithful to friends. Marsden was able to dissuade him from a warlike expedition when warriors were already gathered together. But Hongi bided his time. He revolted against Marsden's prohibition of fire-arms. In 1820 Marsden went to New Zealand in H.M.S. "Dromedary," though leave was reluctantly given to him.

The natives had determined to do no work, and exchange no article, except for muskets and powder. Marsden adddressed the settlers, the missionaries, and the natives, in turn. To the Church Missionary Society he wrote :—"I think it much more to the honour of religion and the good of New Zealand, even to give up the mission for the present than to trade with the natives on these terms." But no dissuasion could restrain Hongi, who, while Marsden was in New Zealand in 1820, sailed for England, determined upon doing, by the worst means, the worst.

The settlement at the Bay of Islands received casual accessions of a more or less equivocal nature, and Kororarika was soon to obtain unenviable notoriety as the gathering-ground of the reckless and debauched. It was bootless for Marsden to protest against the callousness with which ruffians amongst them supplied fire-arms to the Maoris.

4 Geo. IV. cap. 96, gave power to the Supreme Courts of New South Wales and Van Diemen's Land to inquire, hear, and determine all treasons . . . piracies, felonies, murders on the sea or in the islands of New Zealand, Otaheite, or any other place "in the Indian or Pacific Oceans, and not subject to His Majesty," and to punish the criminals, "any law, statute, or usage to the contrary notwithstanding." Section iv. of 9 Geo. IV. cap. 83 (25th July, 1828), made similar provisions.

An early instance of the efficacy of fire-arms in Maori hands, which occurred at Tauranga, was more potent with Hongi than any eloquence. Temorenga, a Ngapuhi chief, to avenge the death of a niece (who after being carried away by a Sydney vessel had been landed at Mercury Bay, treated as a slave, and finally killed and eaten by Te Waru, a Tauranga chief), went with many men in war-canoes to Tauranga about 1818. He had thirty-five muskets. Te Waru had none. Hundreds of the Tauranga men were slain. The great pah at Maunganui was taken. In a second battle two hundred and sixty men were made prisoners. The astonished Te Waru fled to the woods. One day Te Whareumu, a Ngapuhi chief, was pounced upon not far from Temorenga's camp. "Who are you?" said the assailant. The prisoner equivocated. "I must know your name. I will not kill you. I am Te Waru, and I wish for peace." Te Whareumu gave his name. Finding the importance of his captive, Te Waru gave him a mat and said: "Lead me to Temorenga." Temorenga's people would have slain Te Waru on the spot, but Whareumu motioned them away and told the story of his own capture by the self-risking chief. Peace was made. Te Waru declared he could not have conceived that muskets would prove so deadly. He asked for his wife and children, and Temorenga released them. He sorely lamented his slain father. Temorenga gave him a musket to console him; and he departed. Three days the victors remained to feast upon the slain, and then departed with prisoners and captured canoes.

Hongi saw his way to bad eminence. He would better the example of Temorenga. "There is but one king in England," he said, "and there shall be but one in New Zealand."

He resolved to go to England. He went thither with another chief, Waikato, in company with the lay-missionary Kendall, in 1820; leaving Marsden in New Zealand in the ship "Dromedary," labouring for the peace of the Maoris. The services of Hongi and his companion were availed of by Professor Lee and Mr. Kendall in framing a Maori vocabulary and grammar at Cambridge.

Kendall had previously compiled and Marsden had

printed in Sydney an elementary grammar, which formed the basis of Professor Lee's Grammar and Vocabulary. This was subsequently revised and largely amended by missionaries in New Zealand, and it may be well to record some of their names here. Mr. Shepherd in 1824 translated the Gospel of St. John. The Rev. William Williams, an Oxford graduate (afterwards Bishop of Waiapu), in 1826 translated some portion of the book of Genesis.

In 1832 the Rev. W. Yate went to Sydney to superintend editions of two Gospels, the Acts of the Apostles, Epistles, and part of the Book of Common Prayer.

In 1833 William Williams translated the Gospel of St. Luke.

In 1834 the Church Mission Society sent a printing-press to New Zealand, under charge of Mr. W. Colenso.

In 1835 the Rev. Robert Maunsell carried his zeal and devotion to the islands, and his scholarship was of infinite advantage; as was the example he set as a noble Christian in every hour of trial.

In 1844 Bishop Selwyn procured the appointment of William Williams, Maunsell,[5] and Puckey, to revise the Maori Prayer Book. In the same year William Williams published the first edition of a Maori Dictionary.

Two Wesleyan missionaries, Hobbs and Buddle, assisted in a revision. In 1847 William Williams, his son Leonard Williams, and Maunsell, with the aid of Hobbs, Reid, and Whiteley, Wesleyans, further revised the translation of the Old Testament.

In 1867 William Williams, his son Leonard, and Maunsell, again revised the New Testament. Mrs. Colenso, an excellent Maori scholar (a daughter of Mr. Fairburn, missionary catechist), prepared the last revision by writing the corrections on a printed copy, and the final work, promulgated under the sanction of Bishop Selwyn, justified its claim to be called, in the words applied to an earlier edition by Dr. Broughton, the Bishop of Australia—"a monument of well-directed piety."

[5] In 1843, Maunsell's house was burnt, and his MS. Dictionary Translations, and Notes were lost. Nothing daunted, before his hands were healed from scorches he was at work again, and efforts of friends supplied him with books to replace his library.

Although Hongi in 1820 assisted Professor Lee, his affections were riveted to munitions of war. The soldiers, the arms in the Tower of London, were ever in his mind. The king presented him with a suit of armour. Loaded with presents he returned to Sydney; and there converted his treasures into weapons of war, with which to destroy his countrymen and brutalize himself. He saw Marsden at Parramatta. Four chiefs from the Thames district were there desirous to go to England and do as Hongi had done. Marsden tried to dissuade them. Hongi concurred with Marsden, and told them that the English climate had injured his own health. Tidings reached him while he was Marsden's guest that his son-in-law had fallen in battle at the Thames.

He said to Hinaki, one of his fellow-guests at Marsden's table, "Hasten home and prepare for war. I shall soon attack you." He sold in Sydney all ordinary presents and gathered together three hundred stand of fire-arms. With a fleet of war-canoes he descended upon the gulf of Hauraki. Hinaki had taken warning, and the Ngatimaru were in force in their pah Tōtārā near the mouth of the Thames. The works were so extensive that Hongi resorted to guile. Barter was put forward as the object of the Ngapuhi, and many of them were received in Tōtārā. An old chief, thus hospitably entertained, struck with compunction, or prompted by Maori chivalry, lingered behind his fellows, and said "Kia tupato" be cautious. His warning was vain. In the night Totara was surprised and a thousand Ngatimaru were destroyed.

Hongi's dreams were realized. None could stand before him. The unhappy Ngatimaru, scattered before his guns, had to meet on the sources of their rivers the savage Te Waharoa. Many were killed and eaten, but hundreds were made captives. The refugees will be encountered hereafter at Ngaruawahia (the Waikato river) where their fortress [illegible] was to become notable.

Hongi's conquering canoes returned the missionary [illegible] the slaughter of captives by widows of [illegible] who had been killed by the Ngatimaru. They [illegible] horrors, but were afterwards told that the savage [illegible] five victims with his own hand. Hinaki was

amongst those who were eaten. More slaughters occurred before Hongi fitted out in 1822 another expedition. It was asserted that some Waikato people had been in alliance with the Ngatimaru, and Hongi went to punish them. He sailed into the Tamaki;[6] and, where the suburb of Panmure now stands, carried by assault two notable pahs, Mauinaina and Makoia, which had been built not far from a vast Maori fort of olden time, which stood in the eighteenth century in the days of Nga Iwi or "the Tribes."

Again fire-arms overpowered wooden weapons; and again the cannibal conquerors glutted themselves on bodies of the slain Ngatipaoa.

But Hongi thirsted for more sweeping vengeance. He drew his war canoes across the isthmus at Otahuhu, crossed the Manŭkau harbour, and again hauled his canoes overland to the Waiaroa, which he descended,—straightening the channel where its curves were too sharp to allow his canoes to pass. Reaching the Waikato river the fleet moved up the stream. The Waikato tribes, aghast at the ruin of their northern neighbours, had mustered in a great pah at Matakitaki (look out, or place for watching), situate between the Maungapiko and the Waipa rivers, below the existing town Alexandra. The pah was on a narrow neck of land, with precipitous banks on each side. A deep ditch and an enormous bank formed the inland barrier, and ran from the top of one river bank to the other. Two other banks and ditches within the pah crossed the neck of land; and, where the high land terminated suddenly, leaving a low tongue between the converging rivers, the final fortification was made steep as a cliff, at the foot of which was a deep ditch, on the outer side of which was a large glacis, sloping downwards to the low tongue of land. The Maori palisades were of vast strength. The portion of the pah nearest the

[6] The narrative in the text is compiled from various statements, in "The Story of Te Waharoa," by J. A. Wilson; in Mr. Taylor's various works; in a Judgment of the Native Lands Court in the Orākei case, and other books, as well as from conversation with Maori chiefs. The author has endeavoured to embody the facts upon which all the statements agree. There are discrepancies in various versions. Tribal disputes as to land-titles caused the creation of a Commission in 1881, which investigated some of the facts; *vide* N.Z. P. P., 1861. G. 2 A.

river junction was held by the men of Waikato.[7] The inland division, several hundred yards wide and about as long, was held by the allied tribes which had fled for shelter to the stronghold. Some of them had perhaps seen the effects of fire-arms at Tōtără and at Mauinaina.

Hongi landed at the point of low land. The Waikato warriors dashed forward to dispute his landing. Long afterwards they told how one daring warrior slew four of the Ngapuhi before he was shot. But valour was vain. Two hundred muskets mowed down the Waikato and the survivors fled aghast. Their steep glacis, ditch, and earth cliff, impeded their escape. Their narrow gateway was choked by the fliers. They were shot and slaughtered like sheep. They clambered round the bank in hopeless confusion. A panic seized the inmates of the pah. The inland gateway for egress was too narrow for the crowd of men, women, and children. They rolled in heaps into the deep ditch, and were suffocated before the Ngapuhi men arrived to deal death to the strugglers.

Te Whero Whero himself, the future Maori king, was rescued by a friendly hand which dragged him from the floundering mass in the ditch. A remnant of the fliers turned upon the pursuers and drove them back nearly a quarter of a mile across the level ground to the pah, but were again met by the fatal fire-arms, and fled to rally no more, nor even to pause until they reached Hangatiki, many miles away.

More than a thousand had been killed. Hongi revelled in his ferocity, and boasted that he had slaughtered fifteen hundred fellow-creatures at Matakitaki.

The dispersion of the tribes from the Thames to the Waipa seemed complete. Men, women, and children, enslaved by hundreds, were carried to the Bay of Islands. The missionaries thought all their past efforts had been annihilated by Hongi's fell designs. It is one proof of the sagacity of Rauparaha that soon afterwards he, though with difficulty, persuaded his tribe to abandon their homes at

[7] The name of this pah had been Taurakohea originally. The inland part was called Mangapiko. The whole was spoken of as Matakitaki. Some confusion has been caused by reference to the different names.

Kawhia and seek other lands, under his guidance, at the south.

But Hongi was still unsated. In 1823 he took war-canoes down the east coast and sacked the Arawa stronghold at Maketu. Ascending a stream as far as the depth of water permitted, he dragged his canoes along a road which he made to Lake Rotoiti. The lake tribes were gathered in their pah on the island of Mokoia in Lake Rotorua. Their canoes were carefully kept at the island, and they had laughed at the idea that Hongi could assail them. Bringing canoes from the coast to their stronghold had seemed impossible. But the fleet entered Rotorua from Rotoiti, and made straight for Mokoia.

The pah was on a plateau overlooking the lake on the south side of the hill which forms the island. Higher ground in the centre of the island overlooked it. The Arawa rushed to the water's edge to confront the enemy with spears and stones. They fell in heaps before the Ngapuhi fire-arms. Some fled over the spur of the hill to the pah. The pursuing Hongi, from the height above the pah, poured a murderous fire on the defenders. The pah was quickly stormed, and again a thousand Maoris were slaughtered by their countrymen. Miserable survivors escaped in canoes.

Another war-party of Ngapuhi, led by Tareha, besieged Waharoa at Matamata; but that wily chief, having stores of food, kept within his fort, until, when the Ngapuhi became over-confident, he dashed upon them, slew several in close combat, and crucified several prisoners on the posts of his pah beneath the grinning heads which disfigured rather than adorned the posts. Then he sent a challenge to the gigantic Tareha:—"I hear you fight with the long-handled tomahawk. So do I. Meet me." But Tareha and his men withdrew.

The dragon's teeth of civilization had been sown, and the Maoris had reaped the consequences. Ere long the fiery and astute Waharoa was known to be plotting to drive the weakened Ngatimaru from their settlements on the upper part of the Thames valley. The land seemed given up to slaughter. Rauparaha had escaped the evil at Kawhia but he had carried it southwards. From

[illegible] Waitemata there was wailing and gnashing [illegible].

The missionaries were almost in despair. Their previous labours had not produced much apparent effect, and it seemed that all their efforts had been neutralized. If Marsden could have prevailed upon the Government to withhold rather than assist Hongi's baleful plans the result might have been otherwise. But with the guns obtained in England and under the eyes of Governor Macquarie in Sydney he had stalked through the land, and did not conceal his contempt for the persuaders of peace. But Marsden was as militant for good as Hongi was for evil. In 1822 he enlisted another Christian soldier. Henry Williams, born in 1792, had entered the navy in 1806. He served gallantly at Copenhagen and elsewhere (being midshipman of the "Endymion" when she captured the "President"), but he had retired on half-pay. A relative, the Rev. W. Marsh, was an active member of the Church Missionary Society. In 1819 Williams was preparing himself for mission work in New Zealand. In 1822 he was ordained, and when the deeds of Hongi struck the Society with horror, a change of field was offered to him, but he persevered in his plans. In 1823, with his wife and three children, he was at Marsden's home, assisting in parochial work. Marsden had not lost courage, for Williams wrote to Marsh, "He is in great spirits at present about the Mission." Two Maori chiefs assisted Williams at Parramatta in learning their language.

In August, 1823, Marsden landed at the Bay of Islands with his new friends, who, like himself, knew the dangers of the task before them, but had courage for them all. Paihia, on the opposite shore to Kororarika, was chosen as the scene of Williams' labours. Whether from old association or from compunction, Hongi still condescended to patronize the missionaries, although he never professed Christianity. His reputation was a partial protection for them from meaner people. When Williams arrived the war-party of 1823 was absent on the east coast.

Not long afterwards peace was made between the Waikato and Ngapuhi tribes. Te Kati and other chiefs visited Hongi at the Bay of Islands. A chief woman of the

Ngapuhi was given in marriage to Te Kati, who was brother of Te Whero Whero, and Rewa and sixty Ngapuhi chiefs accompanied the bride, Matire Toha, to her new home. There they tarried two years amongst those whom they had so ferociously treated at Matakitaki, and they formally restored them to their lands to which Hongi's conquests had acquired presumptive titles for the Ngapuhi.

The reconciliation of the great tribes of Waikato and of the Bay of Islands removed one stumbling-block from the path of the missionaries then dwelling at the Bay of Islands, and relieved the isthmus of Auckland from some of the horrors which had converted a pleasant land into a waste, where, in the language of a Maori witness (Warena Hengia, in 1869), "all the men were wandering about the face of the earth." "All that men then thought of," said Hori Tauroa, "was to save their lives and get guns." The procurement of guns was the one thing in which the missionaries would not assist. But without stern efforts on the part of the British Government no check could be imposed. Marsden and his friends did what they could. They offended many by resisting the importation of fire-arms. But hoes, spades, and axes were distributed largely. "They," he said, "are silent but sure missionaries. . . . The natives have made considerable advances in civilization." One missionary had lent himself to the introduction of fire-arms. He was dismissed, and Marsden argued much before he could convince the chiefs that the dismissal was just, and that no missionary could be allowed to sell muskets and powder. They admitted at last that if the man had disobeyed positive orders he was rightly discharged.

It was perhaps fortunate that the wreck of Marsden's vessel detained him two months at the Bay of Islands, and enabled him to acquire "great confidence" in Henry Williams, and commend him successfully to the Maoris.

Mrs. Williams required heroic virtues for her post as wife of a missionary. She gratefully saw the loving estimation in which Marsden was held. When Marsden's vessel struck, as he was sailing away, the chiefs prevented plunder. All property was saved from the wreck. When Mrs. Williams landed at Paihia the natives crowded round to shake hands, exclaiming with glee, "The wife (Te Wahine): Tena ra ko

koe, Homai mai to ringaringa,—How do you do? give me your hand." The bold apostle and his wife soon found themselves "comfortable, nay, never more happy" than in their noble task.

Occasional outbreaks marred their peace. It was Maori law that if a man were hurt, or lost anything, he might make reprisals against any of the tribe of him who robbed or injured in the first instance. A rude chief determined to take something by force, leaped the fence of the mission-house, and demanded payment for an injury done to his foot against the fence. For more than two days he indulged in frantic exhibitions, threatening to burn the house. He was quiet while the family were at prayers. Mrs. Williams sent him some tea in the morning, and "hoped it might prove a quieting draught, but before long he was again prancing about in the yard with others, hideous figures armed with spears and hatchets, and some few with muskets."

Notwithstanding these freaks, the worthy Christians (said the Bishop of Waiapu, W. Williams) "were able to lie down in peace every night, without fear of molestation, the windows not secured, and in a raupo (rush) hut, which would burn to the ground in less than ten minutes." They trusted in God and were instant in prayer.

The first-fruits which they had reason to believe had been yielded to their Master were shown by a chief who had been Marsden's guest at Parramatta. Whatu had then heard, but not understood. Now he came with more willing mind, and there was hope that he was comforted by Christian faith.

In 1824 Rangi, a chief from Bream Bay, went with his people to live near Paihia. He was an ally of Hongi, but retired from Bream Bay to avoid surprise in case the incensed natives of the Thames should plan a murderous revenge on Hongi's friends. He inclined seriously to hear the Gospel. He induced his followers to respect the Sunday. He became a disciple, humble, yet hopeful. Before his death, in 1825, he said: "I have prayed to God and to Jesus Christ, and my heart feels full of light." He had been steady in his conduct for many months, and Williams baptized him. "This," says the Bishop of

Waiapu, "was the first Christian baptism, the earnest of a large harvest, which, in God's appointed time, was to be gathered in. Whatu and one or two others may have gone before, but now was Christ acknowledged in a more open manner."

Reflecting that angels rejoice over the repentant, Marsden's friends took comfort, and were cheered by Rangi's example, although the family of the chief did not seem inclined to follow it. Ten years of mission labour had been undergone before the first-fruits of the harvest gave cause for rejoicing.

Hongi meantime pursued his deadly course, and perished by it. About 1825[8] or 1826 he fought a battle against the Ngatiwhatua and their allies, and an Englishman who professed to have been amongst the latter described it. The march of the Ngatiporou contingent from the East Cape shows the hatred entertained against Hongi for his southern raids. Rutherford (the sole survivor of the crew of the "Agnes," destroyed by the Maoris on the east coast in 1816) had been treated as a chief by the Ngatiporou, and accompanied his tribe with a war-party five hundred strong, inclusive of slaves. Many of the latter were sent home when the provisions they carried were consumed. The journey occupied five weeks. Eleven hundred Maoris received Rutherford's friends at Kaipara. The food of the army was fern-root, cockles, and fish. On the opposite side of a wide river four hundred of the enemy waited for reinforcements. Heralds passed to and fro between the foes. One told Rutherford that a white man in Hongi's army wished to see him; and that the chiefs, who also desired to see him, would grant safe conduct and return. Rutherford's father-in-law, "Aimy," consented. The tattooed Englishman accepted his dangerous mission, and was saluted by the enemy chiefs in the usual manner by the rubbing of noses. The white man with Hongi's forces was also living with a Maori woman at Hokianga. He admitted that he had been a runaway from a sloop-of-war,

[8] Some accounts place this battle in 1826, but if Rutherford escaped (as he said) in January, 1826, the battle must have been fought as early as 1825. He was not intelligent, and cannot be relied upon, though his narrative is interesting, and probably written in good faith.

and might have added that he had been formerly convicted of theft in Sydney. Rutherford returned to his friends. "The two parties," he said, "had altogether about two thousand muskets among them."[9]

According to Rutherford's narrative, which is partially confirmed by other accounts, Hongi was worsted on this occasion. But whether the sequel was known to Rutherford or not, it was fatal to his friends. Hongi speedily avenged his temporary failure, and drove the Ngatiwhatua and their remaining friends to Waikato.

There are conflicting accounts of subsequent events, but it was said by the Ngapuhi that Hongi traversed Waikato in pursuit of the flying Ngatiwhatua, and finally wreaked his wrath by slaughtering the fugitives at a pah in the Waikato district, after warning the Ngatipaoa hosts of the Ngatiwhatua not to interfere between him and his prey.

This was the culmination of his successful ferocity. Chiefs of other tribes imitated his example. When soon afterwards a Ngapuhi war-party, led by Pomare, invaded Waikato they found fire-arms arrayed against them. Not stupefied as at Matakitaki, but artful as their foes, the Waikato warriors surprised the invaders at Te Rore, and hardly a man returned to tell the tale. Hongi's brutal schemes recoiled upon himself. Fire-arms in other hands were destructive as in his. He fell eventually in domestic strife, being wounded by a bullet which pierced his lungs. His death was expected, and as he had been in his peculiar manner a patron of missionaries, they might, by Maori usage, be lawfully pillaged. Even his wound would justify such conduct. In effect a marauding band plundered and burnt (9th Jan., 1827) the Wesleyan Mission station at Whangaroa. The Maori servants had fled beforehand. No life was taken, but the missionaries and their families, terrified and destitute, sought refuge at Kerikeri, the Church of England station, twenty miles distant.

At that station, and at Paihia, another trouble was then rife. A brig, the "Wellington," carrying convicts to Norfolk Island, had been seized by the prisoners and taken to

[9] "They have at this time many thousand stand of arms among them, both in the Bay and at the river Thames." Davis, missionary ("Missionary *Register*," 1827).

the Bay of Islands on the 5th Jan.[10] On Sunday, the 7th, while a gale prevented egress from the harbour, two whaling captains of the "Harriet" and the "Sisters," fired upon the "Wellington." The convicts capitulated on condition of being allowed to land. As they landed the Maoris captured them. "Tapsell," a Pakeha-Maori, was then chief mate of the "Sisters." The Maoris guarded the convicts at Kororarika, but they were a source of terror to the missionaries when (10th Jan.) they heard of the destruction of the Wesleyan Mission station at Whangaroa. Henry Williams and Mr. Davis nevertheless started with sixteen Maoris to the relief of the homeless Wesleyans. William Williams and Mr. Fairburn mounted guard at Paihia. Apprehensive of a plundering party the Maori domestics had fled from the missionaries at Kerikeri. On the 11th Henry Williams took the refugees to his wife's care at Paihia. The "Sisters" after a few days sailed to Sydney, with most of the runaway convicts, and with the Wesleyans. The Maoris demanded and obtained a musket and gunpowder for securing each convict.

Mrs. Henry Williams wrote in her Diary on the 19th Jan.: "All the tribes are rising there (at the north); some to avenge Hongi's supposed death; some to oppose his avengers."

Hongi's wound enraged him. He captured a pah, and ordered the slaughter of man, woman, and child. Only slaves were to be spared. He sent for William Williams, who found him encamped in a pah he had captured. He was dejected only lest his wound should incapacitate him for further conquests. He was courteous to Williams, and a few weeks afterwards visited Paihia. Returning to Whangaroa, brooding over future wars as "utu," or satisfaction for his wound, he died (6th March, 1828) exhorting his followers to be bold in resisting any force, however great.

He was asked, by an attending savage, "who should be killed in satisfaction for his death," but answered that the

[10] In 1880, under the title "Scenes from the Life of John Marmon," an erroneous version of the capture of the "Wellington," as of many other events, was published.

only "utu"[1] he required was bravery of his tribe in war. He breathed his last breath as he uttered "Kia toa. Kia toa." (Be courageous. Be courageous.)

Though he never professed Christianity he sent his children to mission schools, and would not permit the tohunga to perform Maori incantations before his death. He commanded that no slaves should be sacrificed upon his grave; and he urged his followers to be kind to the missionaries, who were "doers of good."

Had he died soon after his wound it seemed almost certain that the Church of England Mission stations would have been destroyed like the Wesleyan, but Hongi's transfer of domicile from Kerikeri to Whangaroa contributed to a different result. Because his immediate connection with the missionaries had been for a time broken, it became less incumbent upon Maoris to rob his friends.

Thus the Church of England Mission stations were saved, when Hongi died as he had lived—in blood. His deeds explain his character. Though he was of the class "conqueror" there is no reason to suppose that he was as corrupt as Julius Cæsar. He bribed no Curio, but he would have been proud to eat Pompey. On the other hand, he was no lawgiver. He sent his children to school because, like many Maoris, he valued mental training.

To secure European tact, the New Zealanders had created a singular institution already alluded to in the first chapter. Many white men had taken up their abode amongst them. Masters of whaling vessels obtained Maori wives with facility, and sometimes abandoned them, without remorse, at a different part of New Zealand, or even on foreign shores. Some white men took Maori wives and cherished them as lovingly, and were loved in return as dearly, as if the partners had been of one race. Runaway sailors, desperadoes of every kind, were among the white clients of the Maori patron. Many a daring deed was done by the foreigner. He was possessed, moreover, of the musket or fowling-piece, which, while rare amongst the Maoris, was a

[1] "Utu" was a comprehensive word. It might mean a return, a payment, a ransom, satisfaction for injury, a compensation: and was so closely allied to "uto" or revenge, that the satisfaction for injury was almost synonymous with the hatred which demanded it.

sign of power. The white vassal was called Pakeha Maori, and knew his Maori patron as his "Rangatira" or lord.

Hongi's plans diminished the value of a common Pakeha as the possessor of fire-arms, but the white man of intelligence and education was valued as the channel for trade and the purveyor of luxuries, the greatest of which was a gun. Not Hongi alone, but the wily Rauparaha at Cook's Straits accumulated ammunition and supplies.

One craving passion ruled the Maori mind. Power to conquer, power to defend, could only be found in fire-arms. The quantity obtainable for a given amount of native products depended on the intelligence and honesty of the Pakeha friend.

Many Europeans had been treated as slaves before Hongi's campaigns. Afterwards the Pakeha Maoris increased twentyfold. In 1840 there were said to be 150 of them. In that year the establishment of English settlements at Wellington, and in the north, palsied their importance, and their number rapidly dwindled away.

One English witness saw on the Upper Wanganui River a "Shakspeare" and a "Classical Dictionary," which the Rangatira said had belonged to his deceased Pakeha Maori. The wit and wisdom which might belong to such a man were shown in the celebrated F. E. Maning, whose name has been already quoted in these pages, and will be found again.

Shrewdness and honour induced respect for some of the Pakeha Maoris, but as a rule they exercised no wholesome influence, and rather injured than promoted the aims of Marsden to humanize the war-loving Maori. One, whose life was prolonged until 1880, was so firmly believed to have partaken in feasts on human flesh that for years he was called by an appropriate name.[12]

There was one of them who had no choice when he was adopted. John Rutherford, an Englishman, after various marine adventures, shipped on board the "Agnes," an American brig, trading for pearls and tortoise-shell, and carrying six guns. Intending to touch at the Bay of Islands, the

[12] "Cannibal Jack." Born of convict blood he was himself a criminal. His "Reminiscences" were published in 1880 as those of "John Marmon."

master, one Coffin, was driven to the southward, and anchored at Tokomaru in March, 1816. The Maoris offered mats for sale, and carried water and pigs to the ship. Rutherford says that they began to pilfer lead from the ship's stern, and drew nails out of the boats. Coffin, suspecting danger, made arrangements for departure, but the Maoris anticipated him, murdered him, the mate, and the cook, and bound twelve others who formed the crew. The cable was cut, the "Agnes" drifted on shore, and was burnt.

On the following day six more white men were killed and eaten, after being cooked in Maori ovens before the eyes of Rutherford and the survivors. Atrocious as were these deeds, the surprise in England was qualified by the fact that, within a few years, at least a hundred Maoris were murdered by Europeans at the Bay of Islands.[13]

Loaded with plunder, the natives took Rutherford and his remaining comrades to the interior. The captives were stripped, and held on the ground for four hours while they were tattooed. Nearly the whole of Rutherford's face, the lower part of his arms, his breast, and part of his body were deeply scarred and coloured with dark pigment. For three days the victims were in a state of "tapu," and not allowed to touch food with their hands, but were fed by women, who treated them kindly.

The six tattooed captives were gradually dispersed in the possession of different sections of the tribe. Rutherford and another were left with the chief Aimy. They acquired the use of the language, and went out to fish and shoot. Their lives seemed safe. One of them lent his knife to a slave to cut rushes for repairing a house. He afterwards peeled potatoes with it, and gave some of them, when cooked, to an old woman (the mother of the chief Aimy), who was ill, and who ate them in the presence of the Maori doctor. She died on the following morning, and funeral obsequies showed that she was a notable person. On the third day some hundreds of the assembly cut themselves and wept, and the ordinary occupants of the village, including the white men, sat down to feast upon provisions brought by

[13] "Proceedings of Church Missionary Society," vol. v., p. 465.

the numerous visitors. On the fourth morning only the men appeared, formed in a circle round the body which was in state, in a sitting posture.

The old woman's doctor strode up and down within the circle and explained her illness to the questioning chiefs. Rutherford and his companion understood the dialogue. The doctor retired, and a chief of importance, adorned with the feathers of the "huia," and striding up and down in the circle, declared that in his opinion the woman's death was caused by eating potatoes peeled by a white man's knife after it was used for cutting rushes to repair a house. The man to whom the knife belonged ought therefore to be killed in honour of the old woman.

The proposition was favourably accepted, and Rutherford went into the circle to argue against it; pleading that even if the act of his comrade was wrong, ignorance of their customs might excuse it. He besought Aimy to spare his friend, but Aimy sat motionless, mourning for his mother, and while Rutherford was yet speaking the chief with the huia feathers smote the white man dead with a mĕrĕ. Aimy did not allow the man's body to be eaten, and Rutherford caused it to be buried.

Some time afterwards Aimy, commending Rutherford's activity in shooting and fishing, proposed to make him a chief. Rutherford consented. His hair was cut in front with an oyster shell. Mats and a green-stone mĕrĕ were presented to him. Having to choose wives he took Aimy's two daughters. In Rutherford's wanderings with the tribe he met an Englishman in like circumstances to his own, but not, like him, desirous to escape. In 1825 or 1826 he was with his tribe at Kaipara and saw Hongi's discomfiture, as already described.

He had not long returned to the east coast when signal fires announced that a vessel had arrived at Tokomaru. Preparations were made to capture her, and Rutherford was deputed to decoy her people. With the son of a chief and four slaves he went in chief's attire in a canoe to the ship, not yet at anchor.

The ship was American. Rutherford warned the captain of the plot. The chief's son was flogged upon a charge of stealing, and put back into the canoe, and Rutherford was

property of any kind. If he meet with an accident it is the same; so also when he dies. In these cases the whole tribe suffers. Hongi has several times been subject to this compliment within these two years. Once he was severely hurt by the falling of a tree; they commenced the pillage immediately, and he was visited by parties from all the northern part of the island. He has been several times served in this way, owing to the death of his son and some of his wives, &c." The greater the plundering band the higher was the compliment to the victim of "muru," and the more incumbent it was upon Hongi to maintain a Spartan demeanour under the infliction.

Marsden made allowance for the faults of his disciples. Writing to England after he had left Henry Williams at Paihia, he said that "agriculture had increased twenty-fold since the New Zealanders had got hoes;" that able missionaries were required; that the natives were "a wise and understanding people. Their study is human nature in all its bearings; they talk more of the heart of man than we do, and of the evil that is lodged there. . . . Cannibalism is interwoven through the whole of their religious system. They offer up human sacrifices as sin-offerings. . . . Their eating human flesh has its origin in superstition. . . . As for their wars, these will not be prevented until an object can be found that will employ their active minds. . . . Agriculture and commerce are the only means that promise to remedy their civil wars. . . . To bring this noble race of human beings to the knowledge of the only true God and Jesus Christ is an attempt worthy of the Christian world."

But war still raged, and when in 1827 the Wesleyan Mission premises at Whangaroa were destroyed and Marsden's own friends were in danger he hastened to them. The storm had passed away, and he remained but a few days at the Bay of Islands. Soon afterwards he circulated translations of portions of the Bible into the Maori tongue; but much as he hoped for from the Sacred Word he was constrained to admit that the tide of events necessitated some European (therefore some English) interference.

Weakened by wars, the tribes, nevertheless, would not

or could not unite under an Egbert. Hongi had failed in his subjugation schemes and was dead. It was surmised, though doubtless with exaggeration, that fire-arms and new diseases had in twenty years swept away one hundred thousand natives.

Kororarika had become the gathering-ground of scoundrels of every dye. Beyond the control of law, their orgies were such as would defile the page of history. Marsden reluctantly came to the conclusion that even for the sake of the Maoris British authority ought to be asserted. A brief experiment was actually made, in 1825, to form an orderly settlement by purchase of land at Hokianga and elsewhere in the North Island. Lord Durham (then Mr. Lambton) was one of the promoters; but the project wanted the vigour which Gibbon Wakefield was afterwards to infuse, and the scheme of 1825 was abortive. In 1826 some of the company's emigrants actually reached New Zealand, intending to take up lands on the Thames and at Hokianga. They did not remain long in the land. It was said that what they saw of a war-dance, and what they heard of cannibalism, cured them of their colonization scheme.

The agent, one Captain Herd, professed to buy land on behalf of the company, and some Maoris were willing to sell and to adhere to their bargains. The titles, such as they were, were bought up by the more important New Zealand Company, formed in 1839, of which Lord Durham was the governor, and amongst the directors of which were other names included in the unprosperous company of 1825. One of the settlers who remained at Hokianga lived to a green old age.

A singular attempt to form a colony, French or English, or to found a sovereignty in his own name, was made by one Baron de Thierry in 1822. The son of French parents, he had been partly educated in England. He had held a minor diplomatic appointment, and had been in an English regiment. He appeared to think that if the English Government were slow to recognize him he could cast off his English skin and become a Frenchman whom France was bound to support. He had seen Hongi and Waikato Mr. Kendall at Cambridge in 1820. His soul was

fired with ideas of sovereignty. He invited Kendall's co-operation.[15] He declared afterwards that Kendall promised to buy for him all the land from Auckland to the North Cape. But as Kendall had been many years in New Zealand, and knew something of Maori customs, it is impossible to believe De Thierry's statement.

Kendall did something for him. He bought, through three chiefs, about 200 acres of land at Hokianga for a few axes. Waka Nene, and his brother Patuone, were among the contracting Maoris, and their version of the sale is more worthy of credence than De Thierry's. He bemoaned his hard fate in obtaining what he chose to call 40,000 acres for 36 axes, but regretted in his Diary that his payment was so small.

Kendall could only say, "I have done as well as I could for you." The result was 200 acres, bought for less than 30 axes. But the purchaser determined to erect a sovereignty on such a foundation. He applied to Earl Bathurst for recognition. The Under-Secretary, Wilmot Horton, replied (Dec. 1823) that New Zealand was "not a possession of the Crown." He applied to the French Government without success. He endeavoured to "assemble a colony" in London. He failed. He rushed to France to plead his rights in person. He found some persons offended because he had in the first instance applied to England. In 1826 he opened an office in London and received applications from intending colonists who might have been impressed by Falstaff. To add bitterness to failure, he saw what he called a "rival scheme," Lord Durham's Company, send out their expedition under Herd. In due time he learned the failure of his rivals.

He went to America, still thinking of his "Hokianga property," but also revolving schemes for cutting the Isthmus of Panama, and colonizing on a scale which the world had never seen. He found sympathizers, but they were not moneyed men, or they would not devote their money to his objects. He roamed from city to city. He was at Guadaloupe in 1834, on his way to Hokianga; and, going from Guadaloupe to Panama, at last found convey-

[15] The author has used in this sketch a MS. autograph, by De Thierry, with the necessary precaution where corroborating evidence is required.

[illegible] in 1835, and met a rebuff from Mr. Busby, [illegible] resident at New Zealand, who denied De Thierry's [illegible] a matter to be told hereafter.

[illegible] the failure of the English company in 1826, and the [illegible] De Thierry's early schemes, left the mis- [illegible] as they best might against the evil passions [illegible] the lawlessness of Europeans. They did, [illegible] prevail upon offended tribes to lower [illegible] A Bay of Islands chief had been shot in a [illegible] Ngapuhi chief, Whareumu, went with an armed [illegible] to examine the case. There had been much discussion, [illegible] seemed assured, when excitable spirits brought [illegible] Whareumu was killed, and his friends were [illegible] law demanded satisfaction for Whareumu's [illegible] were gathering in March, 1828, to [illegible] although the injured and the injurers were in [illegible] close blood-relations. Some Ngapuhi chiefs, [illegible] influenced by Christian teaching or example, invited [illegible] missionaries to accompany their war-party and labour [illegible] Henry Williams, Clarke, Davis, and Kemp [illegible] the Ngapuhi chief Rewa to Hokianga. After [illegible] during which Sunday (as "ra tapu" or sacred [illegible] passed peacefully, the tribes separated without [illegible] On the Sunday a congregation of 500 listened [illegible] to Divine Service. Seven hundred men, the [illegible] all armed with muskets, paraded on the 24th [illegible] manœuvred in their savage manner, and by mutual [illegible] agreement fired volleys in the air. Then Rewa spoke for [illegible] Bay of Islands tribe in favour of peace. Patuone [illegible] on the part of the men of Hokianga, and the [illegible] were escorted to the Hokianga pah. Bullets, [illegible] intended to do harm, but as ebullitions of joy, were [illegible] about in all directions until the missionaries entered [illegible] when the chiefs succeeded in checking the demon- [illegible] of their people. Thus, for the first time, the gospel [illegible] prevailed in the mouths of the grateful missionaries.

Having once acted as peace-makers, they used their [illegible]-ground on other occasions. In the end of 1828 [illegible] ventured to hold at Paihia a public examination of [illegible] three schools situate at Rangihoua, Kerikeri, and Paihia. The proceedings were opened with the Church of

England Liturgy in the Maori tongue, and greatly gratified the relatives of the 170 pupils assembled.

An examination was held in 1829 at Kerikeri with similar results. Early in 1830 Taiwhanga, a warrior in Hongi's wars, was publicly baptized, and the missionaries hoped for other conversions. Mrs. Henry Williams wrote (Feb., 1830): "When I saw Taiwhanga advance from the other end of our crowded chapel, with firm step and subdued countenance, an object of interest to every native as well as to every English eye, and meekly kneel, where, six months before, we had, at his own request, stood sponsors for his four little children, I deeply felt that it was the Lord's own doing."

The conduct of a master of a whaler dashed the high hopes of the missionaries. He had cohabited with a Maori woman of Kawa Kawa, and had abandoned her for a daughter of a chief at Kerikeri. Maori law demanded reparation. The friends of the injured woman determined to avenge her. The tribes mustered. Eight hundred men opposed six hundred. Vainly the missionaries raised their voices on the field of battle. Henry Williams looked in vain for a chief of importance as he stood between the armies, concealed from one another by fences and leafy screens, and distant but few yards apart.

When a conference was at last brought about, it was rendered null by a casual shot, and in the consequent resumption of battle (6th March) the fall of the great chief, Hengi, who had rushed between the combatants to stay them, seemed to make peace impossible. A hundred lives were lost. The native houses at Kororarika were in flames. The deck of a vessel in the harbour was covered with wounded Kororarika warriors. The enemy, from Whangaroa, had withdrawn but a short space from the field of battle.

At this juncture Samuel Marsden appeared upon the scene (8th March, 1830). His arrival was opportune. Two thousand armed men were ready to renew the fray, of which the battle of Kororarika was but the beginning. In each camp were near relatives to many in the other. Fathers had fought against sons, brothers against brothers. During the truce they mingled freely with the ranks

against which they had fought and were about to fight again. It was rumoured that all the men of Hokianga were about to march to take one side or the other. A "tremendous shout" announced (Mrs. Williams wrote) "a ship, Mr. Marsden!" It was echoed on the shore, and the old man landed with his daughter. The mission was in danger, as were the whaling vessels anchored in the Bay.

Marsden visited the victors, and was well received. He turned to the worsted, and found them thirsting for revenge. "The war had been caused by an Englishman; what satisfaction could Marsden give for the lives lost?" Marsden could give no satisfaction, but would write to England to prevent the shipmaster's return. The natives begged him to do nothing of the kind; they longed for the man's return, that they might take their revenge. A whole day was spent in parleying. In the morning it was decided that Marsden and his companion missionary, Henry Williams, should, with two commissioners from each camp, arrange a peace.

On the following day (Sunday) Marsden preached, contrasting, doubtless, in his sermon, as in his journal, the two shores of the Bay. Decently-clad natives reading the Litany in their own language on one side; on the other, wrath and preparation for war. The peace was concluded. On Tuesday thirty-six war-canoes came upon the scene. The women were left behind. None but fighting-men were on board. Marsden hastened to intercede. The native commissioners told him that if peace should not be concluded he must die like the rest.

"The whole day was spent in deliberation; at night, after a long oration, the great chief on one side clove a stick in two to signify that his anger was broken. The terms of peace were ratified, and both sides joined in a hideous war-dance together, repeatedly firing their muskets. We then took our departure from these savage scenes with much satisfaction, as we had attained the object we were labouring for."[16]

[16] The sons of the slain Hengi, dissatisfied with the peace, but prevented by tribal honour from breaking it, led a war-party to the south to avenge by the spilling of blood the death of their father. They slew many Maoris with whom they had no quarrel, and sowed the seeds of a long war with the men of Tauranga.

Other less discouraging scenes followed. Marsden married some converts, and at an earnest service, at which the widow of Hongi was present, she ejaculated "Astonishing!" as she saw the fervour of her country-folk. In the end of 1830, the tribes which had been recently arrayed against one another in war were represented by peaceful delegates to the Maori school examination at Paihia. Two hundred pupils were collected. Early in 1831 the sons of Hengi, having feasted on the slain in the south at Mayor and Motiti islands, in revenge for their father's death elsewhere, were themselves surprised and slaughtered by the enraged enemies, and a general war to avenge so much noble blood seemed imminent. The missionaries devised an embassy to the south, whence an ambassador from Rotorua had already been sent to ask for a missionary. At Paihia, in 1828, a Rotorua chief, Pango, had been saved by Mr. Williams. A plot had been laid to massacre Pango and his friends. Williams took them on board ship, and sailed away with them in the night. Hence the embassy from Rotorua in 1831. The Rev. H. Williams and Mr. Chapman went to Ohinemutu at Rotorua, preached, conversed, and prayed. The Maoris were greedy to learn letters, and to read and write the language of their forefathers. In half-an-hour one young man had learned the alphabet and was teaching it to his eager comrades.

The efforts of the missionaries to restrain the Ngapuhi from avenging the sons of Hengi were not successful. The future Bishop of Waiapu, William Williams, in vain aided his brother. The Ngapuhi led a war-party to the Bay of Plenty; and though the missionaries were allowed to cross from camp to camp in peace, neither the Ngatiawa nor the Ngapuhi would accept their counsel. In 1833 the Rarawa from the north plunged into the fray, and the missionaries, in despair, left the murderous work which they were unable to arrest.

An event occurred at the same period which led to important results. A whale-ship becalmed at the East Cape received on board twelve Ngatiporou. As they slept on board, a breeze carried the vessel northwards. The master, whether ignorant or reckless of Maori usage, landed his unwilling guests at the Bay of Islands. The

Ngapuhi distributed them amongst their chiefs as slaves. The missionaries pleaded against the injustice of enslaving those who had been brought against their will to the place, and a sense of right induced the chiefs to consent that the Ngatiporou should reside at the mission station until they could be returned to their homes in the mission schooner. After eight months they went home with the future Bishop of Waiapu. Other Maoris, released from slavery, swelled the number of returned exiles to thirty, who were returned to their friends in Jan., 1834. Nothing had been heard of them by those friends since their departure. Their joy was unbounded. Their gratitude to William Williams was wild. They had been assembled for war when the schooner arrived, but they said: "Give us missionaries to teach us and we will cease to war. We like what you tell us; but when you are gone who shall teach us?" He preached to five hundred of them on the site of his future bishopric, and fixed upon it in his own mind as a mission station. He saw the ruins of pahs, sacked by the Ngapuhi in years bygone; and, extending his researches to Table Cape, he heard that thither had been gathered the Maoris, hunted by Rauparaha from Wairarapa, near Cook's Strait. They were protected by Te Wera, a Ngapuhi chief, who, having under Hongi's banner conquered and enslaved at Table Cape, after a time enfranchised his prisoners, went with them to their home, and was received as their own chief. With him Rauparaha had no desire to be at feud, and under his Ngapuhi "mana" the land had rest. The long strife between the Ngapuhi and the men of Tauranga also came to an end without signal defeat of either party, the wearied invaders finally abandoning the feud which the sons of Hengi had so wantonly originated.

Shocked at one form of atrocity which was encouraged by Europeans, General Darling, Governor of New South Wales, made it known in 1831 that the English Government reprobated and would punish it. The heads of slain Maoris, dried by their slayers, had become the object of a brutal traffic. In ancient days the conqueror kept h enemy's head as an enduring trophy. But curators European museums, careless as to causes of death, set a

high value upon heads thus cunningly preserved. A trade grew up. At first hardly secret, it soon became shamefully open, although it was known that, in their desperate strife for fire-arms, Maoris, to procure guns, slaughtered their slaves in order to exchange heads for guns.[17]

Brutal traders added heads to their ordinary exports. One of these transactions roused the wrath of Darling, and relegated the trade to secrecy, if it did not destroy it. In one of the Ngapuhi raids upon the Ngaitirangi at Tauranga in 1830 some of their men were killed, and the heads were prepared for sale. A debauched master of a schooner (the "Prince of Denmark") bought them. Touching at Kororarika on his way to Sydney, while many of the Ngapuhi had boarded his vessel, the brutal trader brought upon deck a sack from which he rolled out a number of heads which the Ngapuhi recognized, by the tattooing, as those of their lost friends. Terror, weeping, and rage broke forth, and the Maoris rushed to the shore. The trader, alarmed lest they should return in vengeance, fled to sea. Rumour accompanied him. When he arrived in Sydney, Governor Darling promptly proclaimed that such atrocities would be severely punished. He demanded the restoration of the heads to the friends of those "to whom they belonged." He imposed a fine of forty pounds for each infringement of his order, and determined to publish, as marks for detestation, the names of all engaged in the inhuman traffic. It was, he said, his "imperative duty to take strong measures for totally suppressing the inhuman traffic which the masters and crews of vessels trading between New South Wales and New Zealand" were pursuing.

The word of a Governor was potent in those days, and it strengthened the missionaries in their contest with the evil agencies of their countrymen. When Darling issued his edict to stay the traffic in heads (April, 1831) he had ...dy commande... tha... the master of a trading vessel ...d be prosecu... f... ...n atrocity committed in New ... The re... ... Stewart) will be told else-

d") tells of an instance in which ·illed to gratify this horrid lust

But the career of Waharoa the Ngatihaua for many years had boded ill for missionary influence. As ferocious as Hongi, he was more astute, and had acquired power without the crushing superiority of weapons possessed by the Ngapuhi chief.

The Ngatimaru held Matamata while Waharoa was young. He had expelled them from it. His own stronghold had been Maungakawa, near the sources of the Piako. Between Maungakawa and Tauranga, Matamata was held by the Ngatimaru, whose territory also extended by way of the Piako swamp to the Waikato river, where Cambridge and Hamilton are now situated. Much of this territory they occupied peacefully after their flight from Hongi, but in process of time strife arose between them and the Ngatihaua. Until 1825 the Ngatimaru leader, Takurua, maintained his ground, although his tribe had been much weakened by the massacre at the Totara pah at the Thames. Waharoa proposed terms of friendship and joint occupation at Matamata. They were accepted. For two years the tribes lived like Romans and Sabines—*geminata urbe*. Then the Maori Romulus profited by the murder of his rival, which he was thought to have contrived. He was on a journey to Tauranga, when at midnight the Ngatihaua treacherously rose and murdered the Ngatimaru Tatius and most of his people at Matamata. Thus Waharoa secured control of the upper Waiho, or Thames. He was nevertheless grieved to see the Ngatimaru assembled at many strong pahs, especially Haowhenua,[18] on the Horotiu or Waikato river (near Cambridge). There were assembled many who had fled from the shambles of Mauinaina and Makoia. Moreover, Waharoa in 1828 lost the support which he might have expected from the Ngatiraukawa. In that year they yielded to Rauparaha's solicitations, and large numbers migrated to share his fortunes in the south.

Haowhenua was not only a stronghold of the ...maru. It intercepted Waharoa's communication with ...kato people under Te Whero Whero, whose allianc... valued highly. He invited the co-operation of th... and Ngatimaniapoto tribes in 1830. With ...

[18] The name "Hao" gathering as in a net, "whenua" the lan... the suspicion and animosity of the Ngatihaua.

warriors they joined him at Maungatautari, where his force (his own people and numerous Ngaiterangi allies from Tauranga) amounted to seven hundred. The Ngatimaru, the Ngatipaoa, and their friends had gathered together to meet the coming storm. They marched to battle at Taumatawiwi, were defeated, and were pursued to Haowhenua. The victors, nevertheless, suffered severely. But for the courage and skill of Waharoa it was thought that they would have been beaten. He was shot in the hand and wounded by a tomahawk. He devised a plan for obtaining possession of Haowhenua without further loss. He was in the position of conqueror. He occupied the field of battle, and had possession of the bodies of the slain. But his men were weary and the enemy were entrenched in fortifications. An accepted tradition[19] told that in the stillness of the night he sent a herald to announce that during four days the enemy might retire unmolested, but that if they would not do so, on the fifth day Haowhenua and all that it contained would be destroyed. "No answer was returned, but during the interval a multitude of all ages and sexes issued from the pah and marched in close order along the road by Matamata to the Thames." Slaves availed themselves of the downfall of their Ngatimaru masters, and by night deserted to the ranks of the conqueror. Such was the Ngatihaua tradition.

In 1871, when English rule had been set up in the land, and Judges of the Native Lands Court pronounced upon Maori titles, the Pakeha Maori, Judge F. E. Maning, with Judge Monro, delivered a decision upon tribal titles, accruing from the battle of Taumatawiwi, the retreat of the Ngatimaru (called in the judgment Maru-tuahu), and the extent to which the claims of the Ngatihaua encroached upon the former domain of their enemies.

The Ngati[illegible]sserted a right to the Aroha, a tract of

Vide "Story [illegible]dition is [illegible]The spirit [illegible]

" by John A. Wilson. Auckland, 1866. he facts elicited forty years after the gh the mode in which the wounded identical with the details of the Haowhenua proved to have been ed in the popular belief. This is unded on truth, and heightened e crystallized in oral tradition.

land on both sides of the Waihou river, where the Aroha mountain stood pre-eminent as an object of beauty seen from and far near, and was sometimes confronted and sometimes apparently left behind by voyagers towards it on the sinuous waters of the river. The tract in dispute was about two hundred thousand acres. The Ngatihaua claimed it by conquest, and the terms of the evacuation of Haowhenua, followed by sufficient occupation to establish a right.

The Ngatimaru denied the defeat of their forefathers, and declared that the terms of the evacuation gave no title to the Aroha, which had been in their possession subsequently. For both claims there was colourable evidence, for after the expulsion of the Ngatimaru from Haowhenua the Aroha was comparatively tenantless.

Witnesses on both sides admitted that the space which intervened between the abodes of the hostile tribes was unsafe, and that the Aroha was more often traversed by war-parties than occupied in peace. Waharoa himself was said to have gone in person to take formal possession of Aroha, and allotted, with his chiefs, the eel-weirs and the lands to their people. If he had devoted his attention to the north it was thought that he would have put the matter beyond doubt; but war with the Arawa in the south engrossed him. As it was, he left a lawsuit to his descendants.

When the Court sat in 1871, Ngatihaua chiefs who fought at Taumatawiwi gave evidence. At night, they said, Waharoa burned his own dead to prevent their bodies from falling into the hands of enemies, and was proceeding to attack Haowhenua in the morning when a deputation of unarmed Ngatimaru besought an audience. Among them were Taharoku and Tupua, of high rank. "If ye had beaten me," said Waharoa, "you would have taken my land. As you are beaten, my land returns to me, and you must go back to the Thames."

"How (said Taharoku) am I to get away?"[20]

[20] The laconic question was understood on both sides. Ho
hundreds of women and children pas ~h a hostile c.
One witness said that Tuhua, who ·ted to W.
seeing the burning bodies of the N ~ had l

"You shall be led out," was the brief reply,

Peace was agreed upon. By the Ngatimaru account they retired within three months. The Ngatihaua witnesses said the evacuation was completed within three weeks. A Ngatihaua chief, Pakeraheke, and two chief women accompanied their enemies. Good faith was kept, and in three separate bands, by the Waikato, the Waihou, and the Piako rivers, the Ngatimaru retired without molestation. The death of Hongi, who had slaughtered the Ngatimaru at Totara, relieved them from fear of the Ngapuhi, amongst whom the missionaries had already obtained influence.

Amidst the conflicting evidence as to the Aroha land the Court determined that the Ngatimaru were never dispossessed to such an extent, and the Ngatihaua never occupied in such a manner, as to give the latter a good claim. On the contrary, it was held that the Ngatimaru had for twelve years after the battle of Taumatawiwi made incursions into Ngatihaua territory, and thus rendered it impossible for the Ngatihaua to occupy permanently the disputed land. The diversion of Waharoa to his southern wars saved the Aroha district for a time for the Ngatimaru. The death of Hongi had relieved them from fear of the Ngapuhi. But decimation as rapid as that of the tomahawk or the musket was to follow. Ten years after the battle of Taumatawiwi the sovereignty of the Queen was proclaimed. Though justice was the object of England, the destruction of the tribes was more rapid under her flag than under the internecine strife of former years. In 1880 the coveted Aroha block was parcelled out for sale to settlers.

It may be well to describe the condition of Waharoa's allies, the Waikato people, after the battle of Taumatawiwi in 1830.

After the crushing defeat at Matakitaki, which did not Waharoa, there raids in which the Ngatipaoa, the same as the Ngatimaru, carried war hi territory land of the atua, about Auckland, had te. The which the Romans called where, on hill had swarmed with

have jou g), gruffly said to Waharoa, visions

men. It has been seen that in 1826 the Ngatiwhatua, after their defeat by Hongi, fled for aid to the Waikato, with whom Hongi had already concluded peace; and there, according to Maori tradition,[1] Hongi entered into friendly relations with Waharoa, in order more completely to destroy the Ngatiwhatua, after their Ngatipaoa hosts had been induced to abandon their cause.

It is difficult to trace the fortunes of each hunted tribe. It is clear that peace was established between Te Whero Whero, the Waikato chief, and Hongi, a few years after the great slaughter at Matakitaki. The marriage of a Ngapuhi chieftainess to Te Kati, and the visit of Rewa[21] to the Waikato tribes, were sufficient pledges of friendship—for a time. But the pestilent lust for blood worked in the minds of the Waikato tribes. Before returning to the hereditary domain restored to his tribe, and taking up his abode near Auckland, Te Whero Whero, who so narrowly escaped death at Matakitaki, resolved to prove his title to the lurid honours of a Maori conqueror. The redoubted Hongi was dead. The last expedition of the Ngapuhi against Waikato had been annihilated at Te Rore, and Te Whero Whero could safely make an excursion.

The Ngatiawa of the west coast, weakened by the absence of those who in 1827-8 followed Rauparaha to southern territories at Waikanae and Cook's Straits, were the unhappy victims.

At Pukerangiora, on an abrupt promontory, steeply scarped on the bank of the Waitara river, stood the Ngatiawa stronghold, in which the bulk of their people were collected. Towards the shore they looked upon their rich cultivations. Inland was a dense forest, and Mount E[illegible]mont reared its snowy cone in the south-east.

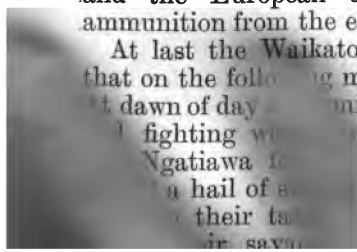
At Ngamotu stood another pah, opposite the Su[illegible]i Islands, near the site of the modern town, New Ply[illegible] With the Maoris at Ngamotu were eleven European[illegible] pated Pakeha-Maoris, living with Maori Delilahs. [illegible] their own or other ships they had procured for their de[illegible] four carronades, in case of need.

In December, 1831, a war- Te Whero W[illegible]

[21] The man who had the moral [illegible] missionar[illegible] averting war at Hokianga in 1828.

invaded the land. Terror seized the tribes, who fled to Pukerangiora, without delaying to provide food. During twelve days they strove with their enemies—slaughter and famine. The killing of many besiegers whetted the revenge of the others. At last the starving people, rushing to escape, were pursued and captured. Then mothers, dreading worse horrors, threw their children over the precipice, and plunged after them into the yawning river below. How many were slain none could tell. Two hundred were said to have been slaughtered on the following morning, many of them by the hand of Te Whero Whero.

Human flesh was feasted upon; and, not yet satiated, the inhuman horde passed on to Ngamotu. There three hundred and fifty Ngatiawa, aided by their Pakehas and carronades, prepared to receive them. The carronades were respected, and a parley ensued. Skirmishes were followed by persuasion. The Waikato were willing to embrace as friends; but all the Europeans and many Maoris would not trust them. More fighting ensued. Firebrands were thrown into the pah, but active exertions prevented conflagration. The invaders, confronted for the first time by cannon, invented a method to avoid the effects, and approached the pah by sap. A schooner arrived during the siege and supplied provisions to Ngamotu. The master had a conference with the Maori leader, but distrusted his promises. At intervals communication between besieged and besiegers took place; and the European defenders were permitted to buy ammunition from the enemy.



At last the Waikato army, in want of food, sent word that on the follo g morning they would storm Ngamotu. t dawn of day mi g party cut through the palisading, fighting w on within the entrenchments. Ngatiawa f desperation. The carronades a hail of s ıg the invaders. At last they their ta ıtive garrison dashed out to ir sava ı the wounded, whom the leave on the field.

aikato did not repeat their , nor consummate their

conquest by occupation. But, apprehensive of invasion, many of the Ngatiawa followed their countryman, Wiremu Kingi Te Rangitake, who had previously gone to Waikanae, and only a few remained at Ngamotu or in the forest on the flanks of Mount Egmont As a last resort they had recourse to the largest of the Sugar-loaf Islands, Moturoa, whenever, between intervals of truce, they had reason to dread a fresh invasion. There they collected fuel and provisions, and built houses on every plateau, so that they might guard their island rock. The works of Ngamotu were abandoned, and the guns which had preserved it were spiked. Richard Barrett, one of the English defenders, showed the place to the colonists of the New Plymouth Company. Amongst the other Pakeha combatants were men named Love, Oliver, and Wright. All of them after the siege found their way to Cook's Straits, then frequented by whaling ships. The name of the Ngatiawa chief who commanded at Ngamotu was said to have been Warepori.

Murderous as had been the Waikato war-party, Ngatiawa and Taranaki captives were nevertheless carried away, and (as in the case of the victims of Hongi) some were permitted to live as servants in the mission houses. There they were brought under immediate Christian influence. The seed sown in reflective minds brought forth fruit. The fleeting nature of earthly success lost its charm in the eyes of men so lately fast-bound in misery and iron. The zeal and kindness of the missionaries prompted inquiry as to the probable cause of a demeanour which appeared more than human. Yearnings for something better and more enduring were created and strengthened.

Released by the missionaries, and conveyed to their former homes, the enfranchised victims of war carried back a knowledge of the Gospel, and taught their countrymen what they had learned of letters and of religion. In time the conquering chiefs themselves followed the missionary example, and manumitted not only their captives but their hereditary slaves.

Thus the droves of victims, whose sad fate had appalled the missionaries when they saw them dragged to death or slavery by ruthless masters, supplied active agents in humanizing their far-off countrymen, and William Williams

took comfort[22] when he saw that the dark cloud had yet a silver lining, and that from the atrocious deeds of the past a salutary future was wrested by Divine permission.

The application of the chief Pango for a missionary at Rotorua induced others to follow his example. A trader in flax named Tapsell, a Pakeha Maori, residing at Maketu, had previously resisted rather than assisted the missionaries in their efforts to make peace, although he had been personally hospitable.

In 1833 he wrote to Henry Williams: "My people (Maoris) bid me write to you to send them a missionary. If you should approve of that I hope you will send one to Tauranga, Whakatane, and the river Thames, as it would be the means of keeping peace among them."

In Nov., 1833, Henry Williams and others endeavoured to satisfy the petitions made to the missionaries.

At the Thames the natives received them cordially near the picturesque but ill-fated site of the Totara pah, destroyed by Hongi. There "human bones lay scattered about in all directions," the remains of Hongi's repulsive feast.

Ascending the river to Turua, the missionaries held Divine Service there. To their amazement the hymns and responses were correctly and musically uttered by a congregation of more than one hundred and fifty Maoris. Three boys educated at Paihia had been the teachers, but the people prayed that a missionary might be sent to them. The missionaries went on to Matamata and saw the dreaded Waharoa, the foe of the men of Turua. He "was sitting in state in the midst of his nobles," and "welcomed the travellers graciously." Whatever their motives were, he and his chiefs "pleaded hard for a missionary." "Waharoa (Henry Williams said in his Diary) has been a great warrior, and it is highly gratifying to see him thus, as a little child making inquiries. . . . He is a venerable grey-bearded man, bold, determined in his undertakings, and possessed of much natural good sense." The old man's petition could not then be complied

[22] "Chapters among the New Zealanders" (Bishop Waiapu), pp. 39, 40.

with, but a mission station under the care of Messrs. Wilson and Fairburn was formed at Puriri. At that time missionaries could pass freely everywhere.

Although there was feud between the natives at the Lower Thames and those of the Waikato, William Williams, with Messrs. Morgan and Slack, journeyed from Puriri to the Waikato, to Matamata, and to Tauranga. Te Kati, the brother of Te Whero Whero, had been visiting the Bay of Islands with his Ngapuhi wife, and accompanied the missionaries, who, dreading an attack, recommended Te Kati to go home by another route rather than visit the Thames. He declined to do so, and under an armed escort of friends the party walked safely to the Maramarua, where Te Kati was free from danger. The Waikato river was ascended; Matakitaki and Te Rore were seen; the events of former time were described, and a site for a mission station was chosen at Mangapouri. The young chief, Awarahi, who had authority there, said: "If you wish to remain I will have your house built for you; but for me, I am a man of war, and must be at war directly. Perhaps you may find one little boy to believe you now, and by-and-bye we may all believe." Williams selected a site, and in five minutes forty men were employed in clearing it for the erection of a mission-house.

Thence Williams went to Matamata (2nd Sept., 1834) and said: "Waharoa was one of the finest specimens of a native I had yet seen. He was of middle stature, with small features well formed; his head was grey, and his hair, which was partially so, was exceedingly neat, while his dress and general deportment marked him out among the multitude as a superior chief. He had long been celebrated as a warrior, but his manners were mild, and the expression of his countenance pleasing.[23] I had expected to find a

[23] Waharoa's deeds soon afterwards belied his gentle appearance. As to his ability, his biographer Mr. Wilson ("The Story of Te Waharoa") says it was well that he departed as he did in 1839. "Well for us also; for if he had led his tribes, in 1863, we probably should not have forgotten Te Waharoa." Mr. Hugh Carleton ("Life of Henry Williams") agreed with Mr. Wilson: adding "He was not only a consummate tactician, but a desperate fighter besides, and in single combat was never worsted." But Te Waharoa would have been eighty-eight years old if he had lived till 1863.

surly old man, not very well pleased that other places were being supplied with missionaries while he was passed by. He soon began to talk upon the subject, but in a very quiet way." He had heard of a Saviour, and in consequence of what missionaries said "had refrained from fighting, though he had had much provocation." But he added, "How can I believe? I have no one to teach me; no one to tell me when it is the Sabbath day; no one to direct me what to do."

The missionary gave him hopes, and saw the old man go to his potato fields, where a hundred young men were at work. When food was served, five hundred and fifty men, women, and children partook of the hospitality of the Maori baron.

Williams went to Tauranga, and on his return was again entreated by Waharoa to send missionaries to Matamata. In April, 1835, the Rev. Mr. Brown arrived there and encountered various difficulties from the quarrelsome dispositions of his pupils.

In the same year the missionaries Wilson and Fairburn performed an act of heroism. A party of Waikato people were flax-scraping, while a larger number of their countrymen had proceeded in formal manner to discuss terms of peace between the Ngatimaru and their own people. An unreconciled section of the Ngatimaru fitted out a war-party to destroy the unsuspecting flax-scrapers. Wilson and Fairburn, taking a few Christian disciples as guides, started in a stormy night from Puriri, descended the Thames, crossed its Frith, ascended the Piako, walked through mire across the ranges, and before night succeeded in anticipating by a few minutes the arrival of the war-party. The flax-scrapers had barely time to glide away on the stream of the Maramarua before Koinaki, the leader of the Ngatimaru, with characteristic gesture, dashed into the deserted whare. He did not enter in straight manner, but, tomahawk in hand, leapt obliquely through the doorway, making a defensive ward as he sprung. Finding no prey, he emerged, and met Mr. Wilson, who met his passionate gaze with calmness.

The disappointed warriors kept [illegible] hours. Sheltered from the rain

the missionary party, they neither ate nor spoke. Silence was broken by prayers commencing with a Maori hymn:

"E! Ihu homai e koe
He ngakau houi ki au."[24]

The stern features relented. When the service was ended the thwarted war-party became courteous. All wended their way homewards on the morrow, Mr. Fairburn, from exhaustion and excitement, fainting repeatedly by the way.

Koinaki, struck by the manner in which the Christians had risked their lives for peace sake, said, "If Waharoa will cease fighting, so will I." He kept his word.

But Waharoa's thoughts were in the end of the year diverted to troubles at Rotorua, where already a missionary, Mr. Chapman, was placed. The cause of war illustrated the condition of the Maori mind under the influence of greed. About the same date, war between the Waikato tribes and those of the Thames was averted by the efforts of the Rev. H. Williams and his brethren. It will not be needful to dwell upon details. It will suffice to say that in Feb., 1835 (after seeing Waharoa at Matamata), H. Williams passed across to the Waikato river, where tribal war had broken out.

He noticed a field of more than a hundred acres of corn. He descended the river from Mangapouri, saw Matakitaki near the noble mountain Pirongia, and at Horo reached the seat of war. The Maoris whom he passed recognized him as an ambassador of peace. But a skirmishing party (19th March, 1835) brought back dead and wounded to the camp at Horo. His efforts resulted in a truce for a few months, after which he was to return to make permanent peace. At Ngaruawahia he saw Te Whero Whero. Everywhere he had large audiences. He returned with Robert Maunsell in Dec., and after much negotiation, when neither side would cede to the other the land in dispute, both sides agreed to cede their claims to Williams himself. To avoid imputation of personal aims, he transferred the bone of contention to Mr. Fairburn the catechist, and the land had peace.[25] Between the natives of the Thames and the Waikato

[24] "O Jesus! give to me a heart made new by Thee."
[25] *Infra*, p. 153.

no ground for quarrel was left. Williams went in Jan., 1836, with a reputation as peacemaker, to see Waharoa. The chief was not at Matamata. Williams heard there of the murder of Waharoa's relative at Rotorua, and travelled to Tupuna, at Tauranga. He found Waharoa there, but made no impression upon him. He passed on to Rotorua to try his powers upon the Arawa. All were civil. The missionaries, Messrs. Chapman, Pilley, and Knight, were well treated at their Rotorua abode. Williams reprehended the Maoris for having permitted so foul a deed to occur amongst them. They seemed to admit their fault, but to be careless about the future, though professing no desire for war. Williams returned sadly to his home at the Bay of Islands. The foul deed done at Rotorua was one of the worst type of Maori ferocity.

Tapsell, the trader at Maketu, had allotted various merchandise amongst the Arawa (then generally called Ngatikakauwe) chiefs, in payment for flax contracted for. One Huka, an inferior chief, received no payment from Tapsell, to whom he complained. Tapsell had paid all he promised, and would give no more. Enraged with his own relatives, who had pocketed all the payment, Huka resolved to plunge them into war.

At Rotorua lived Hunga, a cousin of Te Waharoa. On Christmas Day, 1835, Huka paddled across the lake with a few companions, and was well received by Hunga at his abode. In the act of salutation Hunga was killed by a coward blow on the back of the head.

The Arawa people did not think of appeasing Te Waharoa by punishing Huka, and apologizing for his act. The criminal knew that Maori usage neither admitted of apology by his tribe, nor acceptance of apology by Te Waharoa. War and the shedding of blood were the necessary "utu," or payment. The Arawa hacked the body of Hunga into pieces, which were sent to their various tribesmen to show the new phase of politics upon which they had entered by the act of Huka.

Chapman, missionary at Rotorua, obtained the [illegible]apu) head of murdered man and gave it to his relative Te Waharoa, at him word that he would burn his own. To Arawa he sent message. At

that time the Rev. R. Maunsell had joined Mr. Brown at Matamata. All knew that Waharoa would avenge himself, but he deceived both enemies and missionaries as to his method. Affecting consideration for Mr. Brown he refused to let him visit Mr. Chapman at Rotorua. He told him to go to Maketu and invite Mr. Chapman thither.

In March, 1836, with a thousand men, Ngatihaua, Ngatimaniapoto, and others, he had passed Tauranga on his way to Maketu. A few Arawa were waylaid, slain, and eaten in spite of the entreaties of the Tauranga missionaries, Messrs. Wilson and Slade. When Mr. Wilson, upbraiding Waharoa (27th March), reminded him that he might not return from the war, and how would "he meet his offended God?" the superstitious chief, passive till then, fiercely shouted, "Stop, say not that. If I am killed what matter? If I return, will it not be well?" Putting his warriors in motion he vanished like Richard III., not brooking reproof from those on whom he would not lay his hand.

It was a lurking belief among the Maoris that the Atua, or God of the white man, was mysteriously connected with the missionaries, and to avoid ill omen (aitua) the savage checked Mr. Wilson's words with flourish of his departure, "with an order and regularity (Wilson wrote) I had little expected to see."

On the 29th March, the pah at Maketu was stormed. Tapsell, the trader (who had no less than four stations, three on the coast and one at Matamata) was not killed, but his dwelling was burned.

At the intercession of the missionaries Tapsell and his Maori wife were permitted by Te Waharoa to depart in safety.[26] The missionaries Maunsell and Brown had wished to go to Tauranga before Waharoa's army left Matamata, but he would not permit them to do so. They met him on his return.

The fiendish conquerers, drunk with blood, scorned the remonstrances of the missionaries. Te Waharoa, who, as usual, had led the storming party, and had first cut the palisade lashings, savagely told Mr. Brown, "If you are angry with me I will kill and eat all the missionaries."

[26] Tapsell died peaceably at Maketu in 1870, ninety-six years old.

The Arawa retaliated a few weeks afterwards by storming, though with much loss, the Tumu pah (near Maketu), occupied by Waharoa's allies, the Ngaiterangi.

Despair for a time overwhelmed the missionaries, so lately grateful for the extension of their sphere to places which had now become human shambles. From Rotorua and Matamata Mr. Chapman, Mr. Brown, and others withdrew. War-parties were prowling everywhere.

A young girl, Tarore—the child of Ngakuku, a Ngatihaua chief travelling to Tauranga with his daughter, whom he had committed to Mrs. Brown's care—was murdered by a band of Arawa, who had been guided to the father's camp by the light of a fire incautiously made. The murder elicited some of the brighter parts of Maori character. When the Rev. Mr. Brown had buried the child, Ngakuku addressed his countrymen solemnly. He entreated them not to demand murderous revenge for Tarore's death. "Let peace be now made. My heart is not sad for Tarore, but for you. You asked for teachers. They came, and now you are driving them away. You are weeping for my daughter; but I weep for you, for myself, for all of us. Perhaps this murder is a sign of God's anger towards us for our sins. Turn to Him. Believe, or you will all perish."[27]

Yet again did sparks from heaven light up the darkness around Tarore's fate. She had the Maori Gospel of St. Luke with her. Her murderers carried it off, and used part of it for cartridge paper.

Amongst the Ngapuhi some years before had been a boy slave, Ripahau[28] (afterwards Matahau) who, when at Paihia, had shared in the instruction given. About 1833 he had been permitted by his Ngapuhi master to accompany one of the expeditions against the Tauranga natives, and to travel onwards to visit relations in the interior and at Otaki. There, under Rauparaha's [illegible], with a slate and a few scraps of p[illegible], he unfold[illegible] mysteries of letters to his countrymen. [illegible]ew Rotorua [illegible] travelling to Otaki carried fragments of [illegible], amongst [illegible]ich was the [illegible]ospel torn from Tarore. [illegible] it Matahau [illegible]ught the [illegible] nephew

[27] "Christianity [illegible] New Zea[illegible] Bishop of [illegible], p. 244. He was called [illegible] of Otaki, [illegible] signed [illegible] thus to Treaty of Wait[illegible] [illegible]l to re[illegible] Chap[illegible]

of Rauparaha and others. With it he went to Waikanae and taught there, in return for the eager kindness of Wiremu Kingi te Rangitake, until induced to return to Otaki.

Rauparaha's son was sent by his father with a cousin to implore that a missionary might be sent to Otaki.

When, eventually (1839), the Rev. Mr. Hadfield went thither with his introducer, the Rev. Henry Williams, the labours of Matahau were thus described by Williams: "He has laboured with astonishing zeal and perseverance. He has taught many to read, and has instructed numbers, as far as he is able, in the truth of the Gospel, so that many tribes, for some distance round, call themselves believers, keep the Lord's Day, assemble for worship, and use the Litany of the Church of England. The schools also are numerous. I felt that our boy Matahau had set an example which ought to rouse the missionaries to every exertion and act as a powerful appeal to the friends of the Society at home."[29]

The close of Te Waharoa's career may fitly follow his last war. Four months after he had led the storming party at Maketu, though more than sixty years old, he was with a select band of warriors at Patatere, and in Aug., 1836, appeared before the great pah at Ohinemutu, Lake Rotorua. It was not the size but the valour of Waharoa's army that made the Arawa take shelter in their fort, which was on the south shore of the lake, by means of which provisions could be brought from the island Mokoia or elsewhere.

Waharoa resorted to stratagem. He sent a chosen few to make a feigned attack. The beguiled Arawa rushed in pursuit of the fliers, who, unalarmed, enticed them to an ambuscade. Breathless, they encountered fresh men, and would have been utterly destroyed in their own retreat, if the leading chief, concealed on one side while Waharoa was hidden on the other, had not committed a blunder which would have made Waharoa's two bands pour their fire upon each other. The Arawa availed themselves of the blunder, but many were laid low by the tomahawk, as they fled into their pah, and closed the gate upon their following foes.

[29] "Life of Henry Williams" (Carleton), vol. i., p. 218.

Mr. Chapman's mission-station (from which he was absent) was outside of the pah, and was ruthlessly plundered.

Mr. Knight, who lived there, went to Waharoa's camp to complain. The successful warriors had just returned laden with their booty, and with sixty bodies for their feast. But for the humane intervention of Waharoa's son Tarapipipi (afterwards Wiremu Tamihana Te Waharoa), it was believed by some that Mr. Knight would have been added to the disgusting repast.

When the Ngatihaua had robbed the mission station, the Arawa completed the destruction by burning the buildings.

Waharoa was so enraged at the partial failure of his stratagem that he challenged his blundering lieutenant. The fight with long tomahawks had been commenced, when the surrounding chiefs burst in between the combatants.

After the usual feasting of several days, Waharoa returned with the preserved heads of his victims.

Messrs. Chapman and Wilson visited the deserted camp in the end of the month, and described it as "a valley of bones, the bones of men still green with flesh, hideous to look upon."

Fighting was afterwards carried on between the tribes, but the conversion of some of the people to Christianity retarded the war. At Tauranga Waharoa was seized with erysipelas. The missionaries, Wilson and Brown, visited him and found him still implacable. He was carried to Matamata, and died there in 1839.

It was palpable that in asking for missionaries, the bloodthirsty Waharoa had in view the material advantages which might follow education.[30] Perhaps also, as the Maori was superstitious, he thought it prudent to patronize the Christians, lest their Atua or God should be hostile.

[30] The Rev. Henry Williams ... reason to qualify his first impressions about the ... He saw ... the second time in March, 1835, and said: "He ... old man, ... been a terrible ... He had much ... of his own ... and the evil ... neighbours—a failing not ... to New Ze... Again at ...ata, in Jan., 1836, Willia... of the nam... Hunga at ... and found Waharoa near ..., but could ... certain his ... "Poor old man! he is ... in temporal ... and desire ... eternal." Williams went ... to Isla... ... in 2... When

His son, Tarapipipi, was to be an example to governors and to legislators. As the Warwick or king-maker of New Zealand, his name will ever live in Maori history. When the missionaries withdrew from Matamata a lawless band of Ngatihaua plundered them. Tarapipipi, indignant at such an outrage upon guests, led a pursuing party and recaptured and returned the stolen property. He was not the eldest son of Waharoa, or the grief of the old man at these humane acts might have been overwhelming. But he was the ablest; and not long after Waharoa's death the tribe selected him as their leader, although he had already been publicly baptized by the name Wiremu Tamihana (William Thompson). He subsequently adopted the name Waharoa. When baptized, he announced that thenceforward he would be a man of peace. In the first instance he had to build a separate pah for his Christian fellows, about four hundred in number. A short code of laws, drawn up in his own handwriting for their guidance, was fixed upon one of the posts of his church.

Before these events occurred the first apostle of the Maoris had passed away. In 1837, Samuel Marsden, having passed the span of three-score years and ten, bowed in frame and racked by pain, paid his last visit to his beloved Maoris. Again his daughter tended him. The captain of the ship which landed him at Hokianga recorded, in a letter which was published, the patience with which he bore intense suffering and displayed unabated "pious zeal in his Master's cause."

The Maoris thronged around him with fervent affection. At Waimate a thousand were gathered together. One chief was rebuked by a bystander for his persistent gaze upon the old man's face. "Suffer me," he said. "Let me take a last look. I shall never see him again."

He could no longer ride on horseback, and the Maoris, proud of their office, bore him long distances in a litter. When he would have striven to ride a horse prepared for

Waharoa had carried war to Maketu and Rotorua, and the missionaries were in danger, Williams (Nov., 1836) again saw him at Maungatapu (Tauranga), and found "his speech 'maro tonu' (very stiff). Determined to return, and hold on here as well as can be done. Gloomy, very gloomy."

him, Waka Nene opposed the idea, declaring that he would leave the party unless Marsden would consent to be carried by the Maoris.

Again with Henry Williams he laboured for peace. Titore was making war upon Pomare, who was entrenched in a strong pah. Eight hundred men attacked it, but in vain. Pakeha Maoris were to be found in each camp. A rabble of white men hung on to each force. One hundred and thirty were in Pomare's camp. Marsden wrote to the Church Mission Society: "These are generally men of the most infamous character—runaway convicts, and sailors and publicans, who have opened grog-shops in the pahs, where riot, drunkenness, and prostitution are carried on daily. . . . Some civilized government must take New Zealand under its protection, or the most dreadful evils will be committed by runaway convicts, sailors, and publicans." But within the mission sphere (Mrs. Williams wrote) "the dear old gentleman was delighted" with what he saw. Captain Hobson, of H.M.S. "Rattlesnake," calling at Kororarika, gave him a passage in his ship, and he left some days before Williams succeeded in making the peace of which the tidings reached him in Sydney. Soon afterwards he passed away, in his seventy-fourth year, amidst the veneration of all who knew him, and was buried at Parramatta, a place familiar to the Maoris who at various times had been his guests.

The Church Missionary Society recorded their "deep respect for his personal character, and gratitude to the great Head of the Church who raised, and who so long preserved, this distinguished man for the good of his own and of future generations. . . . While he omitted no duty of his proper ministerial calling, his comprehensive mind quickly embraced the [illegible]st spiritual interests, till then well-nigh entirely unhee[illegible]f the innumerable islands of the Pacific Ocean. . . [illegible]to his visits to New Zealand, begun [illegible]enty-five yea[illegible]d often since repeated, and to his [illegible]st appeals [illegible]f of that people, that the com[illegible]ent and co[illegible]n of the Society's missions in [illegible]n Island[illegible]attributed."

[illegible]he witne[illegible] the character of the "good [illegible]ol"— [illegible] of New Zealand.

[illegible]dvanced to the stage of

having Maori teachers; and the first Bishop of Australia, Dr. Broughton, went in H.M.S. "Pelorus" to observe the progress of so interesting a development. In March, 1839, he reported his opinions to the Society in England. "The grey-haired man and the aged woman took their places to read and to undergo examinations among their descendants of the second and third generations. The chief and the slave stood side by side with the same holy volume in their hands." The Liturgy and the Scriptures, in Maori, would "ever remain a monument of laborious and well-directed piety." About that time five thousand copies of the Maori New Testament, printed at the mission press in New Zealand, were found insufficient. Ten thousand were ordered from England, while the local press was devoted to the Prayer-book and portions of the Old Testament.

On one point Marsden had differed from Henry Williams. He thought it essential to introduce the arts of civilization in order to pave the way for the reception of Christianity. Wheat-growing was with him a prime object. Trades were to assist by their utility in weaning the Maori from customs linked with hereditary superstitions. He thought it unwise to assume that they were "already prepared to receive the blessings of Divine revelation."

Henry Williams, though a devoted admirer of Marsden, advocated "seeking first the spiritual good" of the people, and then, "as opportunity offered," embracing Marsden's "views of planting wheat, shoemaking, blacksmithing and carpentering."[31]

Each had reason on his side, but not all reason. Both laboured with zeal undiminished by theoretical differences. Both were constrained to acknowledge the marvellous manner in which distant communities had been drawn to Christianity by the labours of the boy-slave, Matahau, the once unconsidered pupil at Paihia.

The acquisition of land by missionaries, which was to give rise in later time to much ill-feeling between them and the local government, was discussed by the Church Missionary Society in England at an early date.

[31] Letter from Rev. H. Williams o Rev. E. G. Marsh, 4th September, 1831. "Life of Henry Williams," by Hugh Carleton. Auckland, 1874.

The condition of a married missionary may be gathered from the foregoing pages. He had gone without scrip or purse to cast his lot amongst his hoped-for pupils.

The children of a missionary, if they were to be brought up with a view to intellectual culture, would need provision. The Society, to avert absolute want, contributed the sum of £10 a year with food for each child until the age of fifteen years, when a final gift of £50 was to determine the obligation.

The missionaries proposed that the Society should, to secure for each child the means of living, purchase for it two hundred acres. In 1830 the Society resolved to do so on condition that if the beneficiary child should die without attaining the age of twenty-five years the land should revert to the Society, but otherwise be the absolute property of the child.

The missionaries shrunk from the risk. Labour on land liable to forfeiture might be the ploughing of sand. The sweat of their children might fertilize the field of the stranger. They preferred to buy from their own resources on behalf of their children, and to place them on land as they became capable of using it. The Society did not discountenance the proceeding, and between the years 1833 and 1837, Henry Williams, who had several children, made purchases, which were not objected to at the time, but became, long after the assumption of sovereignty by the Queen in 1840, the subject of bitter controversy. The sagacious Bishop of Australia, Dr. Broughton, warned the missionaries, at the time, of the necessity for caution in their procedure. He did not condemn the acquisition of land for their children. "It was not only a natural feeling, but your bounden duty to provide for them as the country itself should enable you. This was a part of that support which the foresight and goodness of God had placed within your reach, and a man who did not avail himself of it fairly and to a reasonable extent would have denied the faith, and would have be[illegible]orse than [illegible]nfidel. It is my earnest prayer that God [illegible] have gi[illegible] you all the grace of forbearance, th[illegible] not be [illegible] [illegible]vetousness or an in[illegible] of th[illegible] [illegible]s of the world, [illegible] [illegible] as clear

as the light, and your just dealing as the noonday." Later in the year (Sept., 1840), he more pointedly marked out the path. "You are bound to provide for your own. Do so, then, and may they enjoy the blessing and support of their Father which is in Heaven. But I say again, and emphatically, reserve no lands for your own personal property and advantage; so shall you vindicate yourselves and the cause from the aspersions cast upon it."

Sir George Gipps was at the time scaring the flight of harpies which descended upon New Zealand, and the Bishop shrunk with horror from the rumour that missionaries had abused their position to their own advantage. Rumour was not converted into accusation[32] in 1840, but as in 1847

[32] An exception may perhaps be made with regard to Dr. J. D. Lang, whose assertions are not to be believed merely because he makes them. Sailing to England he touched at New Zealand in January, 1839. Arriving in England he found the New Zealand Land Company actively at work. The "Tory" had sailed with the first expeditionary band. Lang addressed four letters to Lord Durham. He urged that the Company ought to make way for a national Colony. He animadverted upon Marsden's plan of civilizing before evangelizing. He declared that the Church missionaries had been the "principals in the grand conspiracy of the European inhabitants to rob and plunder the natives of their land," and that their abuse of their position constituted "one of the grossest breaches of trust witnessed for a century past." The letters were published by Lang in London. Henry Williams, seeing them in 1840, wrote:—"I hope the nerves of the members of the Church Mission Society will not be disturbed by such a wicked production. I have taken upon myself to give some reply to it, which I have forwarded to Sydney. These observations of this wretched man have only excited our pity. His motives are evident, his ignorance profound, and his impudence unbounded. . . . To me his letters carry their own condemnation."

One singular fact Williams could not be aware of in 1840. Dr. Lang, in his second letter (to prove his moral worth to Lord Durham) said of himself:—"I deemed it my bounden duty as a minister of the Gospel, whose own hands must be clean in bearing the vessels of the Lord, never to become the owner of a single head of sheep or cattle."

It became public in 1841 that some time previously the Presbyterian body desired to effect an exchange of land with Sir John Jamison in Sydney; Jamison agreed. Lang succeeded in getting the conveyance made (not to the church of which he was the minister and trustee, but) to himself. He obtained loans of public money for building a college, and erected the buildings on the land wrongfully conveyed to himself. He was living in 1841 in one of the houses built on the land. This transaction by one who told Lord Durham in 1839 that he knew it was his duty to keep his own hands clean was brought to light by a Select Committee of the New South Wales Legislative Council in 1841. It is amusing to observe that he volunteered an opinion that if New Zealand were colonized "there would be no necessity for a body of troops to protect the colonists."

Bishop Selwyn unguardedly committed himself with Governor Grey to statements which were found incapable of proof, it has been necessary to refer chronologically to events which at one time formed the chief subject of discussion in New Zealand, and attracted attention in England.

Two large claims excited much unfavourable comment. The Rev. R. Taylor asserted that he had, in order to put an end to tribal war, purchased, for £681, fifty thousand acres at the North Cape. In 1843, on inquiry, two English Commissioners awarded him only two thousand seven hundred and twenty-six acres, with certain reservations in the reduced area.

Mr. Fairburn claimed forty thousand acres at Tamaki for a payment of £923. His claim was cut down to three thousand six hundred and ninety-five acres by a similar award. This exceptional purchase was made in 1836, when Henry Williams made peace between the Thames and Waikato. Having consulted Patuone, the Ngapuhi chief, he and Mr. Fairburn made overtures to the men of Waikato. After interviews with Te Whero Whero and others, long discussions terminated in a remission of the matter to the missionaries. A boundary was fixed on the 8th Jan., 1836. The Thames natives alleged (according to the evidence of Williams and Fairburn) that there would be future fighting unless the missionaries would buy land adjoining the boundary. Henry Williams wrote (1839), that to set the question at rest he announced he would take the land—"to which all gave consent. Of course it was understood that payment should be made, and I had no desire for the land myself, but felt that it was needful that it should be purchased. I therefore proposed to Mr. Fairburn to take it, which he accordingly did; and since that period there has been no word of dispute between the natives of Waikato and the Thames upon the subject."[88]

The [illegible] of the purchase was pointed at as proving [illegible] character of the missionaries, but the man [illegible] derived no profit from it. When it [illegible] offered to retain a third of the two-thirds in equal portions to the

vra, p. 142.

Church Missionary Society and in trust for Maori purposes. The Government declined the offer. They held that the land did not belong to the Maoris who had sold it, and that it could not remain with the buyer except upon such terms as the Government thought fit to impose. Commissioners cut the claim down to less than four thousand acres, and the Government, without payment, appropriated the remainder. The other claims were not put forward as made upon necessity to prevent war, and were for the most part made for children of missionaries; but they were impugned and defended in a manner hereafter to be told.

When Dr. Broughton, Bishop of Australia, visited New Zealand in 1838 in H.M.S. "Pelorus," he was accompanied by Octavius Hadfield, then in deacon's orders, who had been driven from Oxford by ill-health. Fired by zeal in his Master's service, the young man, when he heard of the application from Rauparaha for a missionary at Otaki, said: "I will go; I know I shall not live long; I may as well die there as here." Overcoming remonstrances, he went thither with Henry Williams in 1839, about the time when Colonel Wakefield arrived at Cook's Strait in the ship "Tory," to form settlements for the New Zealand Company, and a few months before an English colony was established in the name of the Queen at the Bay of Islands. Before describing those events it will be well to state briefly the condition of the missions of the Church of England and other bodies.

The Wesleyans, having been driven from Whangaroa in 1827, formed a station at Hokianga. There was no antagonism between them and Marsden. On the contrary, he assisted them.[31] They gradually occupied other stations, and laboured with their customary zeal.

In 1838, the arrival of a Roman Catholic Bishop, Dr. Pompallier, fluttered the Protestant bodies, who saw in the

[31] The kindly feeling was reciprocal. When Marsden died at Parramatta, the following notice was read in the Wesleyan Church: "Next Sunday morning we intend to close this place of w[orship] as a mark of respect to our late venerable friend, go to the En[glish] church to hear his funeral sermon." ("Forty Years in New Zealand," by Mrs. Buller, p. 274. London, 1878.)

invocations and images of the Romish Church a dangerous similarity to the Maori cult of various deities and the venerated heitiki or green-stone image which was worn on the breast, or suspended on the carved ancestors of the Maoris in their tribal "whārĕs" or great houses. Moreover, he followed closely on the heels of De Thierry, who longed to establish a French settlement; and as Pompallier's aiding priests were French, suspicion increased on his arrival.

The Frenchmen also plunged into polemics. They denounced the English missionaries as wolves and adulterers (because they had wives); and confiding in their logical adroitness, invited open discussion, from which, when they encountered Henry Williams at the Bay of Islands, they derived no success in the eyes of the Maoris, in whose language it was conducted, while an English magistrate presided.

A summary of the results of the English missions was addressed to the Church Mission Society in 1841, by Henry Williams. "The natives assembling every Lord's Day under our missionaries and native teachers are not fewer than thirty-five or forty thousand." William Williams, writing from Tauranga, was able to say that idols were cast away, swords converted into ploughshares, animosities between distant tribes abandoned, and local quarrels settled by arbitration.

Mr. Hadfield, on the west coast, reported in 1840 that, on the field of Matahau's labour, if he had five thousand Maori Testaments he could not keep one of them a fortnight.

Lest the witness of workmen in the field should be ascribed to unfair bias, it is right to adduce the testimony of the Bishop of New Zealand, G. A. Selwyn, who, on arriving in 1842, was so conversant with the Maori tongue that he preached in it forthwith. He thus described the people he found. "We see here a whole nation of pagans converted to the faith. A few faithful men, by the power of the Spirit of God, have been the instruments of adding another Christian people to the family of God. Young men and maidens, old men and children, all with one heart and with one voice praising God; all offering up daily their morning

and evening prayers; all searching the Scriptures to find the way of eternal life; all valuing the Word of God above every other gift; all, in a greater or less degree, bringing forth, and visibly displaying in their outward lives, some fruits of the influences of the Spirit. Where will you find throughout the Christian world more signal manifestations of that Spirit or more living evidences of the kingdom of Christ?"

Here also may be stated conspicuously that the manumission of slaves, at first special, soon became general; and all the chiefs of the land resigned that forced labour by which their forefathers had cultivated it.

Unlike the abolition of slavery in England and America, where slave-owners lost by compulsion all property in their fellow-creatures, the emancipation of Maoria was voluntary on the part of every hereditary master. Such an act of self-sacrifice may be almost called sublime, and will perhaps outweigh in the judgment of the All-wise the memory of many Maori sins to which a fellow-creature would refuse forgiveness. It was an act fruitful in effects upon the emancipated, for by Maori law, as by the Roman *jus postliminium*, he who returned, by whatsoever manner, to his former home was invested with all his former rights.

CHAPTER IV.

1830 TO 1840.

COMMITTEE OF HOUSE OF COMMONS.

THOUGH as a people the Maoris had welcomed the Gospel of peace, there was no abatement of the evils caused by lawless Europeans congregated at Kororarika, and other parts of the coast.

In 1836, a Select Committee of the House of Commons reported upon the horrors revealed to it. One of them involved not only the chief Rauparaha but the master of a British vessel.

Te Pehi, the uncle of Rauparaha, soon after Hongi's successes with fire-arms, thirsted to emulate them. Seeing a vessel in Cook's Strait he approached her with three canoes. The crew prepared to encounter him. Te Pehi, in broken English, tried to show that his aim was peaceful. He sprung upon the deck of the "Urania," and ordered his countrymen to retire. He demanded fire-arms. When they ve refused, he said he would go to England to see King ge. The in ordered men to throw him overboard, clung ly to two ring-bolts that without such as the wa s loth to use, it was impossible to Pehi fo l. When the struggle was over wers and they returned to the 's strove to land Te Pehi, but

The Maori became popular in the "Urania," and at Monte Video plunged into the sea and rescued the drowning captain, who had fallen overboard. The rescued man was kind, and when Te Pehi was ill at Liverpool, called in a physician. Dr. Traill was struck by the chief's intelligence, and induced the government to make an allowance to maintain him in England, and to pay for his passage back to New Zealand; but the gift of arms was not repeated as in Hongi's case. Nevertheless, before reaching his native land he procured fire-arms and he led war-parties to the Middle Island. The manner of his death at Kaiapoi has been told already.

In 1830, Rauparaha, thirsting for revenge, hired a man named Stewart, commanding the brig "Elizabeth" (236 tons), to convey Rauparaha and several scores of armed followers to Banks' Peninsula.[1]

Stewart's villainy required little solicitation from Rauparaha. The "Elizabeth" arrived at Sydney in July, and in August, Stewart sailed for New Zealand with a cargo adapted to his future deeds.[2] Stewart's hire was a few tons of flax.[3] The object was murder. Rauparaha, savage at the killing of his uncle, Te Pehi, and finding it difficult to pounce upon his intended victims, stipulated that Stewart should secretly convey an armed band and assist in his murderous designs.

Arriving at Pigeon Bay, in Banks' Peninsula, Rauparaha remained in the hold of the vessel with his men, and sent Stewart on shore to beguile the principal chief Maranui. Anticipating danger from Rauparaha, and knowing that the "Elizabeth" had been at Kapiti, Maranui asked whether

[1] Some difficulty in tracing the occurrence arises from the fact that in 1831 there were three or four vessels named "Elizabeth" trading at Sydney.

[2] A newspaper described it as "four cases and eighteen muskets; two kegs flints and bullets; two bales slops, two kegs gunpowder, one bundle hardware, five baskets tobacco and stores." The "Elizabeth" carried eight guns, two swivels, and an ample supply of small arms. Parliamentary Papers, 1838.

[3] Attempts have been made to exculpate Stewart and charge Rauparaha with deceiving him. In 1880 under the title of "Scenes from the Life of John Marmon," who was living in the North Island in 1830, a garbled account was given of Stewart's exploit. But the facts can be drawn incontrovertibly from authentic sources. Marmon was a convicted thief before he went to New Zealand. It was a weak point in the Maori character that many such clients were patronized by chiefs.

any Maoris were on board. Stewart lied to him; and at last, by promise of fire-arms, enticed Maranui, his wife, his daughter (nearly twelve years old), and a few chiefs, on board the "Elizabeth."

In the cabin Maranui was suddenly seized, with the active assistance of Stewart, his mate, and crew. Most of the visitors, with others, who subsequently arrived on board, were slaughtered.

Maranui, his wife, and daughter were reserved for a severer fate. He was ironed and so brutally bound that wounds and mortification ensued.

At night, Rauparaha emerged with his army from the womb of the fatal ship, which, like another Sinon, the perjured Stewart had persuaded the Ngaitahu to trust. Maranui's village, unprepared for resistance, was surprised, its inmates were slaughtered, and their dwellings burnt. It was rumoured that Stewart and his men aided Rauparaha even in this atrocity. The white ruffian allowed the dark savage to carry the remains of the victims on board, and the orgies of cannibalism were perpetrated in the ship. Human flesh was in baskets, and was cooked, with Stewart's connivance, in the vessel's galley. Maranui not only knew what was done, but endured the insulting mockery of his captors. Defiant of personal sufferings, he rescued his child from torture. At a sign from him the wife (whose hands were free) strangled her willing daughter to save her from worse evils. Forthwith Maranui was tortured in Stewart's presence; but he gave none of his tormentors satisfaction by showing sign of pain. There was a rugged triumph in his scorn. His daughter was rescued from shame. His fortitude baffled his torturers. The unhappy wife survived to suffer all that savage hatred could inflict upon her at Kapiti. Three of Maranui's brothers were among the slain.

When the "Elizabeth" returned to Kapiti, Mr. Montefiore, a merchant, was there in a vessel of his own with which he had intended to visit the coast. Montefiore gave evidence before a Select Committee in England. "Expecting that the whites would be slaughtered" (in revenge for Stewart's brutality), Montefiore "was obliged to take refuge" in the "Elizabeth," in order to return here to money. Maranui was on board, Stewart retaining [illegible] refuge

"until the charter-party was finally arranged." Montefiore testified that when the promised flax was not paid by Rauparaha, Stewart "saw the folly of his conduct," but would not take Maranui to Sydney, as Montefiore "begged."[4] Montefiore's clemency to Maranui was distempered by thought for himself.

"Maranui slept in the next cabin to me for several nights. He was resigned to his fate; he knew he would be killed. He was as fine a man as ever I saw in my life. The state (mortification) of his legs arose from the irons the captain put upon them. I spoke to the captain, saying as a British subject I could not suffer him to be ironed. . . . I had the irons struck off; but still he was kept confined on board, being *afraid of our own lives while he was on board* after his treatment." Stewart "gave up Maranui[5] into the hands of his enemies. I went on shore and saw the whole process of his intended sacrifice. I did not see him killed" (he was tortured inhumanly, without showing sign of pain), "but I know he was killed during the night, and the following morning the widow of the great chief who had been killed" (Te Pehi) "had his entrails as a necklace about her neck, and his heart was cut into pieces to be sent to different tribes, allies of Rauparaha."

With his flax, and Montefiore, and another passenger, Stewart arrived in Sydney in Jan., 1831, and it was not from Montefiore that Governor Sir C. Darling heard what had been done.

Mr. Gordon Browne brought the facts under notice early in February, and the Governor wrote (13th April): "I lost not a moment in giving orders that it should be immediately proceeded in, the 'Elizabeth,' the captain, and the crew being here at the time. The depositions . . . were

[4] It is permissible to check Montefiore's evidence by other facts. "On my arrival in Sydney (he says) I related the circumstances, and they tried the captain." Governor Darling wrote to Lord Goderich (13th April) that Mr. Gordon Browne "first brought the matter under notice." Moreover, the captain was never tried, though Montefiore may have left Sydney under the impression that he would be tried. The many conflicting and erroneous statements as to the prosecution of Stewart made it necessary to trace the facts carefully, and to be satisfied with nothing less than a record made by an officer of the Supreme Court. Montefiore avers that Stewart did not receive his hire. This may be true; or, although false, it may have been asserted by Stewart. It is absolutely true that the "Australian" [illegible] paper recorded the arrival of the "Elizabeth" in Sydney, 14th Jan[illegible]1, with thirty tons of flax, Stewart being master, and Montefiore a pa[illegible] It is probable that Maranui was held as security only till the flax w[illegible] cured.

[5] In some narratives the chief is called Tamaiharanui. The n[illegible] text was used in Governor Darling's despatches, and by Mont[illegible] saw the chief surrendered to torture.

referred to the Crown Solicitor on the 7th Feb., the day they were received. But it will be seen by the accompanying copy of his letter, that he entertained doubts whether there were sufficient grounds for putting the parties on their trial. I nevertheless desired that he should proceed, considering it a case in which the character of the nation was implicated, and that every possible exertion should be used to bring the offenders to justice."

Stewart was detained on bail, and retained the able Dr. Wardell to defend him. All witnesses were spirited away, and it was vainly hoped that the Governor would release Stewart.

In the end of March another white ruffian, master of the "Prince of Denmark," arrived with human heads for sale, and Darling, who was warned by Mr. Gordon Browne of the new atrocity, was in no humour to make the ways easy for such criminals. He fulminated (16th April) his order declaring that it was his "imperative duty to take strong measures for totally suppressing the inhuman traffic" which masters and crews of vessels were promoting.

Stewart's vessel went to sea under another master. Darling feared that the legal proceedings would be ineffectual in the absence of witnesses, but he kept Stewart in suspense as long as possible. Dr. Wardell complained bitterly of the detention. Had Stewart been tried, the counsel for the Crown might have contrasted the mildness of his treatment with that inflicted upon the fettered chief.

On the 13th April a chief, accompanied by a nephew of Maranui, waited on the Governor to urge that something should be done by England to stay the hands of her unworthy sons.

The well-disposed English in New Zealand also informed the Governor that they feared "that their lives would be made answerable for the proceedings of their countrymen."

Darling, still holding Stewart to bail, told the Secretary of State that he would "immediately send a person to New Zealand in the character of Resident,[6] which appears in

[6] On the 4th June Governor Darling wrote: "It is my intention to employ Captain Sturt at New Zealand, should there be no objection on his part. . . . It is an object to conciliate and keep the New Zealanders in good humour, and Captain Sturt's disposition and character" gave him

accordance with the wishes of the natives," so as to assure them of the friendliness of the Government. Of Stewart he wrote that "the sanguinary proceeding of the savages could only be equalled by the atrocious conduct of Captain Stewart and his crew. Rauparaha may, according to his notions, have supposed that he had sufficient cause for acting as he did. Stewart became instrumental to the massacre, which could not have taken place but for his agency—in order to obtain a supply of flax!" The "barbarous traffic" in heads, the Governor designated as an incentive to war. It was "infinitely more disgusting than slavery, which may be considered a branch of it, and which it would certainly have the effect of promoting; . . . . . (it would increase) the desire to obtain prisoners, who, instead of being kept as slaves to be employed in the service of their captors, would, to a certain extent, be immolated as victims to this new and detestable commerce."

While the Governor's manly despatch was on the way to England, his term of office was closing, and his successor was appointed. It seems that the law officers were remiss in permitting witnesses to leave the colony. The Imperial statute constituting the Supreme Court of the colony (9 Geo. IV. cap. 83) gave express power to deal with such offences as that of Stewart. His trial was to take place in May. The Sydney "Gazette" spoke of the case as peculiar because it involved "the question of the liability of British subjects for offences committed against the natives of New Zealand." The "Australian" (controlled by Dr. Wardell) could not "divine the justice of denouncing Stewart as amenable to laws, which, however strict and ssary under certain circumstances, were not applicab vage broils and unintentional acts of homicide to wh nust have been an unwilling party, and over which h not possibly exercise the slightest control."

the best chance of succeeding with them. On the 7th Sept., 18
having heard of the appointment cessor (gazetted in
April), wrote :—"I shall not ve with the
notified in my despatch with nd." C
devoted his energies and fine of
Australia.

No criminal was ever without a criminal apologist, and the Governor received scant assistance in seeking to wipe off the stain with which Stewart's immunity would blot the English name.

When the case, *Rex* v. *Stewart*, was called (21st May), the law officer was not ready to proceed on the original information, but intended to proceed upon another for a misdemeanour (23rd May). Wardell at once, but in vain, applied for the discharge of Stewart's recognizances. On the 23rd May the Crown Solicitor announced that he abandoned the charge of misdemeanour and intended to proceed on the information already filed as soon as the witnesses should be forthcoming. Dr. Wardell, protesting against the hardship of "holding Stewart to bail in the sum of £2000 for an indefinite period," again strove to withdraw the recognizances. He objected to "skipping first from a charge of murder to a misdemeanour, and then to murder back again;" but the Court refused to discharge the bail, allowing the matter to be brought forward for reconsideration. Accordingly a rule was granted for hearing Wardell's application. The law officers did not satisfy the Court that the criminal ought to be detained, and (20th June, 1831), he was "discharged on his own recognizance in the sum of £1000."

Various works, usually trustworthy, have repeated an erroneous statement made to a Select Committee in 1836—viz., that Stewart was tried in Sydney.[7] Whatever might have been the result of a trial, if held, it is only just to the

[7] Evidence before the House of Commons Select Committee (12th Feb., 1836):—"On the trial there was no evidence which could convict the captain." "He was tried before the Supreme Court in Sydney."—"Story of New Zealand," Dr. Thomson. As to Stewart's fate, Montefiore told Comm[illegible]at he understood that Stewart "met his death by being [illegible]ed o[illegible] coming round Cape Horn." Dr. Thomson records, as [illegible]lt o[illegible] inquiry, "that he dropped dead reeking of rum" off [illegible] "pitched overboard by his own crew with little [illegible]." Of the release of Stewart in Sydney, it was [illegible]as r[illegible] newspaper recorded it, and the order of [illegible]a[illegible]he Law Offices in 1881. The kindness of [illegible] kept the official records of the Court [illegible]l made by himself at the time, put the [illegible]e evidence. Though ninety years old [illegible]ick and intelligent as ordinary men [illegible]sy was signal.

inhabitants to show that no jury in New South Wales acquitted so deep-dyed a criminal. It is some relief to know that the son of Rauparaha went upon an expedition, eighteen years after the death of Maranui, to carry the Gospel to his decimated people.

Rife as were atrocities amongst the base English in 1831, the conduct of Stewart in making his ship a human shambles was deemed disgraceful. Archdeacon Broughton besought the Government to avert the evils to which the aborigines in Australia and the islands were exposed. Marsden called attention to it by letters to Governor Darling and Mr. Fowell Buxton, M.P., as well as to the Missionary Society.

The Committee of the House of Commons reported that through unexplained difficulties neither Stewart nor his accomplices were brought to justice. Those "who might have been witnesses were suffered to leave the country. Thus, then, we see that an atrocious crime, involving the murder of many individuals, has been perpetrated through the instrumentality of a British subject, and that yet neither he nor any of his accomplices have suffered any punishment."

In 1832 Lord Goderich, the Secretary of State, wrote to Governor Bourke (who had succeeded Darling): "It is impossible to read without shame and indignation these details. The unfortunate natives of New Zealand, unless some decisive measures of prevention be adopted, will, I fear, be shortly added to the number of those barbarous tribes who in different parts of the globe have fallen a sacrifice to their intercourse with civilized men who bear and disgrace the name of Christians. . . . There can be no more sacred duty than that of using every possible method to rescue the natives of these extensive islands from the further evils which impend over them, and [illegible]liver our country from the disgrace and crime of [illegible]either occasioned or tolerated such atrocities."

Marsden in the same year warned the S[illegible]f the Church Mission Society that if the atrocities [illegible]l by white men could not be restrained by existi[illegible] necessary for the British Parliament to pass redress the wrongs of the natives:" otherwis[illegible]

themselves might resort to revenge. Nearly two thousand Europeans were believed to be on the islands when this appeal was made.

A Bill was introduced by Lord Howick into the House of Commons in 1832 to subject British stragglers to the restraints of law "in islands situate in the Southern or Pacific Ocean, and not being within His Majesty's dominion;" but the House did not devise a satisfactory scheme, and the Bill lapsed. Mr. Burge warned Lord Howick, on its introduction, that if the islands were within the king's dominions the Government could act without the new law, and that if they were not the House could not legislate with respect to them. Lord Howick pleaded that Stewart's crimes in assisting murder and cannibalism on board a British ship had "escaped all punishment from the defect in the law." Mr. Croker asked why crimes committed on board a British ship could not be punished, and Lord Howick could only repeat that there was no power to bring such miscreants before the New South Wales Courts.[8]

Lord Howick's ineptitude was tasked by Lord Granville Somerset in the same year. Asked what security there was for the person of the British Resident, the noble lord replied: "I understand there is a very amicable intercourse between New South Wales and New Zealand."

The intention of Governor Darling to appoint a Resident was not lost upon the British Government, whose proceedings were perhaps quickened by rumours that the French intended to form a settlement in the islands. The Maoris preferred the friendship of the English, and thus petitioned the king, while a French man-of-war was cruising on their coast: "We have heard that the tribe of Marion is at hand, coming to take away our land; therefore we pray thee to become our friend and the guardian of these islands, lest the annoyances of other tribes should

[8] Lord Howick appears to have been ignorant that the English statute, 57 Geo. III. cap. 53, was passed in 1817 to meet such cases (New Zealand being specially mentioned in the statute), and that two statutes (4 Geo. IV. cap. 91, 1823; and 9 Geo. IV. cap. 83, 1828), gave special power to the Supreme Courts of New South Wales and Van Diemen's Land to try such cases, New Zealand being named in each of the statutes.

touch us, and lest strangers should come and take away our land. And if any of the people should be troublesome or vicious towards us (for some persons are living here who have run away from ships), we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them." Lord Goderich, in reply, did not allude to the French, but, in 1832,[9] appointed Mr. James Busby as "British Resident at New Zealand," to prevent the arrival of criminals, and apprehend runaways if he could. Busby carried a letter to the chiefs from Lord Goderich, stating that the king would do "all in his power to prevent a recurrence of the outrages complained of, and to punish the perpetrators whenever they can be apprehended and brought to trial." A letter from (Darling's successor) Sir Richard Bourke to Busby, in 1833, proves that the Government shrunk from proper responsibility. "You are aware," he wrote, "that you cannot be clothed with any legal power or jurisdiction by virtue of which you might be enabled to arrest British subjects offending against British or Colonial law in New Zealand." Circumstances had prevented an enactment to supply the defect. "You can therefore rely but little on the force of law, and must lay the foundation of your measures upon the influence you shall obtain over the native chiefs."

Bourke expatiated upon the enormities committed by Europeans, and recommended Busby to consult the missionaries. Two things had been asked for by the chiefs:—British assumption of guardianship, and coercion of lawless British vagabonds. With neither of these did Lord Goderich or Sir R. Bourke affect to deal, except in the vague letter of the former to the chiefs.

Busby went to New Zealand in a [illegible] war, and could not be blamed for doing nothing, after [illegible] been officially told that there was nothing that he co[illegible] In 1834 he purposed to establish a national flag for [illegible] Zealanders. Sir R. Bourke sent three patterns. The [illegible]ted on which was publicly hoisted, and was sal[illegible] went one guns by H.M.S. "Alligator" (20th Ma[illegible]

Lord Aberdeen, as Secretary of State,

[9] Despatch, Lord [illegible]832, to B[illegible]

proceedings. The chiefs sent an address to the King of England, thanking him for the acknowledgment of their flag, and asking for further recognition in return for the aid they always afforded to British subjects. The English Government temporized, as though they hoped that the difficulty, if let alone, would settle itself. By some acts they had treated New Zealand as part of the British Empire. Governor Phillip's commission had always been interpreted as including New Zealand. In 1814, when Marsden carried the Gospel thither, Governor Macquarie issued a proclamation asserting rights of government, and appointed magistrates to exercise authority. The statute, 57 Geo. III. cap. 53 (1817), "for the more effectual punishment of murders and manslaughters committed in places not within His Majesty's dominions," specially designated New Zealand as one of such places, and two statutes for administration of justice in New South Wales (while giving power to the Supreme Court in the colony to try such crimes) declared that New Zealand was "not within His Majesty's dominions." The appointment of Busby, in 1832, showed a doubting condition of mind, but the recognition of the flag disclaimed sovereignty.

Soon after the saluting of the Maori flag[10] the fair fame of the navy was tarnished at Taranaki, where the whaling bark "Harriet" was wrecked in April, 1834. Guard, the master, had been trading at the islands about eleven years with his crew, and knew, and was known by, many Maoris. His story was that a few days after the wreck two of his men deserted, joined the natives, and supplied them with gunpowder for an attack, which was made on the 10th May; that after much fighting he fled with others, leaving his wife and two children and twelve dead or wounded in the hands of the conquerors; and that in running away he met, and surrendered to, some Ngatiawa. "Some wanted to eat us, others to protect us, which providentially they did, and sent a guide with us to Moturoa." Guard, with

[10] It is described in W. B. Marshall's "Personal Narrative." London, 1836. It was white, with a St. George's cross; and in the upper corner on the left hand, a blue field with a red cross, and four white stars. Before the chiefs voted, one of them consulted Mr. Marshall. The chosen flag received twelve votes; another ten; the third six. Two chiefs abstained from voting, apprehensive that danger lurked in the adoption of a flag.

the Ngatiawa, went to Sydney, and appealed to Sir R. Bourke, to rescue the captives at Taranaki.

Guard was examined by Sir Richard Bourke and his Council. One of them (the Treasurer, Mr. C. D. Riddell) suspected that the fighting between the crew and the natives had arisen from licentious quarrels, which the desertion of two of the crew implied, and which were afterwards ascertained. But the horror of the tale overbore Riddell's averment that it was incoherent and might be false, Guard having been "formerly a convict, and his dealings with New Zealanders having in some instances been marked with cruelty." Captain Lambert, was enjoined, however, to use "amicable means," lest a "spirit of revenge of hostility" should be excited among other tribes. Force was to be employed only on failure of "amicable means."

Captain Lambert (12th Sept.) put an interpreter, with a companion, on shore at the Numa, a Ngatiruanui pah. They were instructed to say that he wished to avoid hostilities, but would give no ransom, and would employ force if necessary to recover the captives. Foul winds prevented the emissaries from regaining the ship until the 16th Sept. They had been in fear for their lives, and had promised a cask of gunpowder as ransom for the woman and children.

The "Alligator" landed the Ngatiawa chiefs at Moturoa, but a cask of gunpowder, promised by Guard to the Ngatiawa, was refused.

On the 28th a military force was landed to attack the Numa pah. Two unarmed Maoris met the military. One of them addressed Guard familiarly, and [illegible] him that the captives were well and would be [illegible]ed for the promised ransom. The officer, who [illegible]me represented the majesty of England, seized [illegible]tonished chief, O-o-hit, and, with assistance from [illegible]others, dragged him to the boat, buffeting and [illegible] with bayonets on the way. O-o-hit sprung ove[illegible] shot at, wounded, recaptured, and taken to [illegible] The surgeon found ten wo[illegible] head, int[illegible] men on an unarmed [illegible] them the strength of the p[illegible]

Captain Lambert's account of the transaction was brief: "We fortunately secured the chief who had charge of Mrs. Guard; he was severely wounded in trying to make his escape from the boat."

The natives fled from the Numa pah, and the military occupied it. On the 29th (Lambert reported), Captain Johnson, 50th Regt., "finding all communication with the natives at an end, after having completely destroyed their pah, embarked, and returned on board without a single accident."

During these events one of the Maoris, who had gone on board the "Alligator" soon after her arrival, preserved a quiet demeanour. He was landed on the 30th at Waimate, in order that he might inform the tribe that O-o-hit's life was safe, but that he would "never be given up until Mrs. Guard and her children were restored."

The Ngatiruanui were seen in great numbers. On the 31st two boats were sent to the shore, and O-o-hit from one of them addressed his people, who, with signs of joy, conveyed Mrs. Guard and the youngest child in a canoe to the "Alligator's" boat. Captain Lambert reported that as the wounded chief "had no power over the tribe who possessed the boy, I sent him on shore, as I had promised." There was much rejoicing and dancing on the shore in welcome of O-o-hit. Lambert sent a lieutenant to ask for the other child, but he was "fired at from one of the pahs while waiting patiently outside the surf. Such treachery could not be borne, and I immediately commenced firing at them from the ship." The Maoris hoisted a white flag, but the cannonade was continued for three hours. A chief was seen with the boy in one hand and waving a white flag with [illegible]ther, but the fire was not slackened, and all the cano[illegible] sight were destroyed. Unfavourable weather caus[illegible]igator" to leave the scene for a few days, [illegible]on [illegible]t. the child was seen on the shore with his [illegible]h a Maori went to the "Alligator," and [illegible]f [illegible]e child would take it on board if [illegible]main on shore as hostage for the [illegible]lunteered, but Captain Lambert [illegible]ndertake a service deemed

On the 8th soldiers and marines were landed with Guard and his crew, and a six-pound carronade to bombard the pahs. While it was being drawn into position Maoris advanced. Conference was held, and they said that they were desirous of peace and willing to give up the child.

A chief—carrying the child on his shoulders, and followed by others—came forward; while flags of truce were flying on both sides. Of the treatment he received, there were various versions. The official narrative of the soldier indicated that the chief, being told that no ransom would be given, turned to go; that a sailor shot him; that the marines first, and then the soldiers from the height, poured a general fire upon the Maoris, without any order from Captain Johnson, who commanded the party. Afterwards, Johnson, thinking the natives hostile, advanced upon them and captured their pahs, one of which contained, in his opinion, about 200 huts.

Captain Lambert reported to Governor Bourke that by 4 p.m. both pahs were taken, and the child on board, "without sustaining any loss, while that of the natives has been considerable," and all their canoes were destroyed.

He did not report that the chief's head was cut off, and that on the following day the triumphant soldiers and marines amused themselves by "kicking it to and fro."[11]

"Thus, by their cruelty and obstinacy have these guilty tribes been most justly and severely punished," was Captain Lambert's final commentary on the transactions, for their share in which he praised all concerned. He thought that "twenty to thirty natives" had been killed.

Sailing to Kapiti, he found Rauparaha[illegible]rs "in considerable alarm," and issued a notificat[illegible] Oct.) that he had only avenged the "horrid murd[illegible] of the crew of the 'Harriet,' and that the King o[illegible] was friendly to Maoris, but would punish offender[illegible]

He had, however, given an ill-name to his [illegible]n, not so much on the [illegible]; he had ta[illegible] because the natives b[illegible]he had broke[illegible] as a "Rangatira," or g[illegible]

[11] Surgeon Marshall, who te[illegible] buried by himself and Lieut[illegible] "heaped over it a cairn of ston[illegible]

The blood-stain at Taranaki roused horror at the Colonial Office. Mr. Marshall,[12] a surgeon on board the "Alligator," published, in 1836, a narrative dedicated to Lord Glenelg, and fervently appealing to him, and to right-minded Englishmen, against the atrocities which the writer had witnessed. He alleged that the attack on the crew of the "Harriet" was not the result of a general plot, but supervened after quarrels among the crew and the debauchery of a fortnight.

The breach of promise of ransom, the conversion of the head of the chief into a "tennis ball for the sport of private soldiers," "the savage cannonading of two villages, crowded with a mixed multitude of men, women, and children," . . "the gratuitous and crowning cruelty of burning the habitations and consuming the provisions and fuel laid by in store for many coming months," were told with horror.

One redeeming feature was that when the child was seized while the flag of truce was flying, and slaughter was commenced, "Ensign Wright"[13] (50th Regt.) hurried along the line breathless with haste and crying to the men at the top of his voice to cease firing. For some time he was entirely disregarded, and not only generally disobeyed, but in some instances laughed at; nor until several dead bodies were seen stretched upon the sands could the united efforts of himself and the other officers put a stop to the frightful tide of slaughter.

"Nothing," Mr. Marshall wrote, "can justify so foul a deed of blood."

When the "Alligator" called at the Bay of Islands after her exploits at Taranaki, and when Marshall saw Maori congregations gathered to hear the missionaries, he declared his inability to describe his feelings. The contrast between what he had seen at Taranaki and what he saw at Paihia spurred him to cry to his countrymen.

At the latter place he said, "a spectacle of greatest sub-

[12] A "Personal Narrative of Two Visits to New Zealand in His Majesty's ship 'Alligator,' A.D. 1835." By William Barrett Marshall, Surgeon; Assistant-Surgeon, R.N. London, J. Nisbet and Co. 1836.

[13] Mr. Wright died more than forty years afterwards while holding the office of Sheriff at Melbourne. His numerous friends in Victoria may be gratified to read that in youth he proved his humane disposition at personal risk.

limity and most affecting interest is to be seen, week after week, of whole multitudes met together to make known their wants and weaknesses unto the God of the whole earth, and 'laying aside all malice, and all guile and hypocrisies and envies, and all evil speakings.' . . . These effects have, it is undeniable, been introduced by the introduction of Christianity among the savages of New Zealand."

He appealed to Christian Englishmen to send a pastor to the tribes amongst whom he had seen a king's ship inflicting the wrongs he described.

The publication of Marshall's narrative took place in the same year (1836) that the Select Committee[14] of the House of Commons animadverted upon the "lawless and infamous mode of British colonization which is now making rapid progress, and which, all testimony concurs in asserting, threatens to exterminate the New Zealand race."

In 1838, William Howitt[15] published a scathing diatribe upon the horrors which, in the South Seas and elsewhere, were perpetrated by Europeans. He saw some gleams of hope—in the formation of an Aborigines Protection Society in London; in the admission by the Select Committee that the native government should be advised—that is, directed—by the missionaries who had induced the chiefs to form it; and in the profession of the New Zealand Association that their plan was framed to Christianize and civilize, and "serve in the highest degree instead of gradually exterminating the aborigines," to whom the land truly belonged.[16]

Mr. Busby availed himself of the presence of the "Alligator" at the Bay of Islands in Oct., 1834, to enforce

[14] Captain Lambert was examined by the Committee. He was unable to tell how the scuffle originated when the chief was wounded and dragged on board. He concluded that, when the other chief brought the child down, one of the sailors fired the first shot, and then the general firing began, but he was not on shore himself. One man seized the child, and simultaneously another shot the chief. Lambert was shocked (he said) at the cutting off of the chief's head; but he did not explain his reticence on the subject in his report to Governor Bourke. Marshall also gave evidence before the Committee.

[15] "Colonization and Christianity." William Howitt: London, 1838.

[16] "British Colonization of New Zealand" (p. 42). Published for the New Zealand Association. London, 1837.

a decision against the chief Pomārĕ, who was alleged to have defrauded a runaway trader. The man had a small schooner, and contracted for flax and timber with Pomārĕ. He sold the articles to shipmasters without paying Pomārĕ for them, and then, selling his schooner, decamped. Pomārĕ seized the schooner as security. The purchaser from the runaway urged Mr. Busby to resume the schooner under the "Alligator's" guns. Busby, without due inquiry, demanded the schooner, and Pomārĕ laughed at him.

The "Alligator" moved up the harbour to the promontory on which stood Pomārĕ's pah. Before opening fire upon the place negotiation was thought prudent. The Revds. W. Williams and W. Yate landed to ask Pomārĕ to go on board the man-of-war. He declined until the missionaries reminded him that their wives and children at Paihia were in the power of the Maoris, and were hostages for his safety. Then he started to the ship, which he saluted from his fort with two guns.

On board, after a moment's hesitation, he went into the cabin undauntedly, and proved his case so clearly that the captain and Busby had no doubt about it. Pomārĕ agreed to leave it to the missionaries to decide what compensation he was to receive, and undertook to deliver the schooner on receiving the amount.

It was found that he had been robbed of twenty pounds.[17] Perhaps admiring the boldness of Pomārĕ in venturing on board, Captain Lambert humoured him by according him a salute of two guns on his departure.

Although Lord Howick told the House of Commons that a British Resident would be safe at the Bay of Islands, because there was a very "amicable intercourse between New South Wales and New Zealand," Busby was to learn the contrary.

In May, 1834, his house was attacked at night. Furniture was stolen. Shots were fired, and he was wounded by a splinter. Armed men from ships in the harbour rushed to the scene, but the robbers had decamped. Henry Williams' wife stayed with Mrs. Busby as a protection. Williams asked the chiefs to join in detecting the offenders, and

[17] Evidence before House of Commons of Rev. W. Yate, and Personal Narrative of W. B. Marshall, Surgeon, H.M.S. "Alligator."

watched at Busby's premises, assisted by several Maori youths.

Ten European residents in a written document demanded, for the future safety of their wives and families, that Busby would "bring the natives to a proper sense" by inflicting punishment. If Busby should "decline from the character of the station" he occupied, he would cause them to "doubt the intention of the Government" in appointing him.

Busby told them that the chiefs had promised to "use every means to bring to punishment the guilty parties."[18] In October the offender, Reti, was discovered. With a guard of seventy armed men Titore brought him forward to stand his trial. Henry Williams was told to accuse him publicly. He did so. After much talking, Reti admitted that he had fired at Busby. Williams told Titore that the missionaries wished Reti's abode at Puketona to be confiscated to the use of Busby or of the British Government, and that Reti should leave that part of the island. Titore thought the proposal moderate.

H.M.S. "Alligator" was at the Bay of Islands (after her exploits at Taranaki), and Captain Lambert attended at a meeting of chiefs and others in front of Busby's house, which lasted three hours. The chiefs declared that they could not punish Reti unless he confessed his crime. When he did so, some suggested that he should be shot on the spot, but eventually—the counsels of Titore prevailing—the proposal of the missionaries was adopted.

In 1835, Busby denounced the project of De Thierry, who had arrived at Tahiti in August, and had issued a proclamation styling himself "Charles, Baron de Thierry, Sovereign Chief of New Zealand, and King of Nukuheva," one of the Marquesas Islands. The pretender ised to be gracious to missionaries and others under

Busby called a meeting of the chiefs to the

[18] After several years' residence in New Zealand, Busby ve misunderstood the Maoris. He wrote (1837), "With regard of troops which it might be necessary to maintain, I think it but little knowledge of military tactics to satisfy any one who anything of the warfare of the natives, that one hundred so an overmatch for the united f whole islands. probably no Maori who had suc of milita. Busby ("N.Z.P.P.").

crisis. With Busby's concurrence, they declared (28th Oct.) their independence, under the name of the United Tribes of New Zealand; declared that within their territory all sovereign power and authority resided entirely and exclusively in the hereditary chiefs and heads of tribes collectively, and that a Congress should meet in each autumn to make laws; invited the southern tribes to join their confederation; entreated the King of England to be their Protector against all attacks upon their independence, and promised friendly offices towards all British subjects. With Busby's aid, laws were to be made. In rural districts a chief and a European sheriff were to administer the laws, and a mixed force of Maoris and Pakehas was to be formed to support authority.

Thus fortified, Busby wrote (30th Oct.) to De Thierry to "defeat his enterprise." He denied De Thierry's title, sent a copy of the Declaration of Independence, and of a notification issued in New Zealand, calling on all British subjects to resist De Thierry's pretensions.

The pretender replied (1836) that New Zealand was not a British possession, that Tasman was there before Cook, that he was "the humble champion of the present and future liberties of New Zealand," and would not be warned "not to approach (his) property."

Of this letter he sent a copy to Governor Bourke, in New South Wales. In 1837 he found his way to Sydney, and offered to lay down his sovereign title if Bourke would guarantee "protection" to him. Bourke declined. Would Bourke like to see him protected under the French or American flags? Certainly not.

Such was De Thierry's record in his autobiography. Bourke wrote (Sept., 1837) to Lord Glenelg: "I have not consider[illegible] it my duty to interpose any obstacle to his proceed[illegible] New Zealand, of which country he claims to be a c[illegible]ght of purchase. He denies all intention prej[illegible] interests of Great Britain, and professes [illegible]ianc[illegible]al influence alone for the authority he [illegible] to

ry issued a bombastic "Address New Zealand, saying: "I go to ither go as an invader or a

despot." He gathered a motley crew in Sydney, and (leaving his tutor there suffering from *delirium tremens*) landed in his own delirium at Hokianga (4th Nov. 1837) to ascend his throne, having ninety-three followers. He found one European who was willing to vacate his premises on receiving £2000. The Baron had not the money. The white residents at Hokianga sneered at his pretensions. The Maoris called him a pretender—King Pukanoa—a king unauthorized. But they pitied him, while smiling at his claims. They consulted with the missionaries as to what should be done to rescue his ragged crew from want.

Waka Nene and other chiefs met him at Otararau. They acknowledged the receipt of a few axes from Kendall, and pointed out a section of two or three hundred acres as the equivalent. His retinue joined in jeering him. He armed to defend himself. Deserted by most of his people, he escaped to a spot he called Mount Isabel (in honour of his wife), and hoisted his despised flag there, "leaving the baser material of the expedition to the contempt of the world." In his journal he bitterly inveighed against Busby's assertion that the axes given by Kendall had purchased no extensive territory, and animadverted upon Kendall as a deceiver. Maugre his assertions, all who knew Waka Nene, Taonui, and Patuone thoroughly believed their account of the transaction, and their readiness to keep faith.

Captain Fitzroy, R.N., was examined before a committee of the House of Lords in 1838, and scouted De Thierry's claim. Nevertheless, when the French Bishop, P[illegible]pallier, arrived at Hokianga, in 1838, there was an u[illegible]eling amongst European residents lest the frail flag [illegible]aron should be supplanted by the lilies of France. [illegible]nch ships appeared in New Zealand waters, and p[illegible]ion gravitated to a belief that unless England shou[illegible]te her, France would lay claim to the islands.

The distressed Baron [illegible]hile eked out a livelihood, nursing hop[illegible]ionally receiv[illegible] from France which h[illegible] flattering delayed.

While his scheme [illegible] serious effort demande[illegible]

government. One of the most subtle brains of the time was busy to compel colonization. Edward Gibbon Wakefield having startled the political world by broaching a new theory of colonization in 1829, had, by letters, pamphlets, and books, stirred public opinion and created adherents who gathered round him like the followers of an ancient philosopher.

The shadow of social disgrace was upon him,[19] and when he propounded his ideas in his "Letter from Sydney" (edited by Robert Gouger), he kept his name from view. In 1830 he caused the formation of a Colonization Society, but still laid no claim to the parentage of his theories. In 1831 and 1834 he formed associations for colonizing South Australia. In the latter year an Act of Parliament was passed for the purpose.

By degrees the founder of the new philosophy was recognized, and privately and publicly his voice and pen prevailed.

In 1837 a New Zealand Association was formed. Mr. Francis Baring was chairman. Lord Durham, Mr. Hawes, Sir W. Molesworth, Mr. H. G. Ward, the Rev. Samuel Hinds, and several members of Parliament were on the committee. A volume of more than four hundred pages was published for the Association at once. It told some of the horrors laid bare before the House of Commons in 1836. It declared that "no attempt should be made to convert any part of the country into British territory without the full, free, and perfectly-understanding consent and approval" of the chiefs, and that public opinion forbade "the invasion and confiscation of a territory which is as truly the property of its native inhabitants as the soil of England belongs to her landlords."

Lord Glenelg was willing to grant a charter of colonization which should protect the inhabitants or chiefs, whose consent was requisite. The charter was to be for a term, and the Crown was to have a right to disallow enactments, a veto on the nomination of all [illegible] settlement was to be limited. [illegible] be valid unless sanctioned by

[19] Zealand," calls him "the notorious [illegible]tion, he had been sent to Newgate.

the Crown, and ample participation of the proceeds of land-sales was in all contracts to be secured for religious and scholastic instruction of the Maoris. Certain subscribed capital, with a definite paid proportion, was to precede the assumption of any authority under the charter.

Lord Durham objected to the last condition. The Association wished "neither to run any pecuniary risk nor reap any pecuniary advantage." On this and other grounds the negotiations were abandoned. The Association asked whether the Government would oppose the introduction of a bill to secure their objects. Lord Glenelg replied that they would not, but that they "desire it to be distinctly understood that they do not in any degree pledge themselves to the future support of it, but hold themselves at liberty to take any course which they may think fit with regard to it in any of its subsequent stages."

At this juncture Lord Durham withdrew his own and Gibbon Wakefield's energies to Canada, where the former, then the idol of extreme reformers, had been made Governor in time of trouble.

The New Zealand Association was not idle, although its high-priest was for a time withdrawn. Out of the efforts of the time grew also a small company (the Manukau and Waitemata) whose course and termination may be told hereafter.

A select committee of the House of Lords took evidence on New Zealand affairs. In April, 1838, Neti, a Maori who had gone to France in a French whaler with the hope (ungratified) of seeing Louis Philippe, gave evidence. Vanity perhaps made him claim higher rank than he was entitled to. Dr. G. S. Evans, who was to assume a position under the New Zealand Company, gave evidence in May.

In June, 1838, Mr. Francis Baring obtained leave to bring in a bill for founding a British colony in New Zealand. On the 20th the Government resisted the second reading. Mr. Hawes, a member of the Association, considered the opposition of the Government ill-timed. Mr. Gladstone said that the House ought to be cauti "There was no exception to t nd melan story of colonization." Mr. . mber

Association, retorted that interference ought not to be delayed. "The European visitors of New Zealand had entailed on it all the curses of civilization without its benefits. . . . The last persons who ought to oppose the bill were the members of the administration. During the whole of his experience in public life he had never known so much uncertainty, vacillation, or change of purpose displayed by the Ministry towards those connected with the undertakings, whom he himself, relying on the faith of the Government, had been a party to deluding." Viscount Howick disclaimed having given encouragement. The moment he heard that a loan was proposed his answer was that the Government could not think of giving encouragement to "a bill which gave no security against inveiglement of Her Majesty's subjects, nor for observance of justice towards the aborigines."

The bill was thrown out, but the promoters worked unceasingly to effect their purpose, and Gibbon Wakefield's ire was excited against Lord Howick, whom he accused of voting against the project he had formerly patronized. The secretary of the Church Missionary Society, Mr. D. Coates, incurred the wrath of the Association by opposing the scheme as fraught with danger to the Maori race.

The disallowance of Lord Durham's Ordinance in Canada, and his abandonment by the Melbourne Ministry, terminated his Canadian career, and Gibbon Wakefield returned to England free to devote his energies to New Zealand.

Lord Glenelg was driven onward. He consulted the Foreign Office (Dec., 1838). Busby's appointment as Resident had proved inoperative. The objects of the chiefs who sought England's protection when alarmed at De Thierry's pretensions had not been attained. The autumnal meeting of chiefs had not been held. Lord Glenelg was of opinion that order might be "more effectually attained by the appointment of a British Consul to reside at New Zealand." Lord Palmerston, Foreign Secretary, concurred, but it was not until August, 1839, that the appointment was made.

Captain [illegible], R.N., had been sent by Governor Bourke to New Zealand in 1838 with H.M.S. "Rattlesnake," and suggested the appointment of Bourke, that factories

should be formed at certain ports,—the chief factor being accredited to the chiefs as political agent and consul, being assisted by other Europeans as magistrates, and strengthened by a treaty made with the chiefs binding them to recognize and protect British property. The amount of that property might be inferred from the fact that there were nearly two thousand British subjects in the islands, and that a hundred and fifty-one vessels had entered in the year 1836 at the Bay of Islands, infested with "abandoned ruffians" from Britain. It seemed proper to select Hobson to give effect to his own proposal; but he did not receive his instructions from Lord Glenelg, who had fallen; sacrificed by his colleagues when they annulled Lord Durham's Ordinance, which they had previously approved, but which, under Lord Brougham's coercion, they abandoned. The Marquis of Normanby took the seals at the Colonial Office.

The resourceful Wakefield, early in 1839, constructed a new engine. He formed a New Zealand Company, of which he made Lord Durham governor, and Mr. Joseph Somes deputy-governor. Members of Parliament were directors, and, though Wakefield's name did not appear, it was known that many documents signed by Somes were written by Wakefield. For him the opposition of the Colonial Office and of the Church Mission Society had no terrors.

The position of the Government was illogical. It had claimed New Zealand through Cook's discoveries (and taking possession), and had saluted a Maori national flag. It had appointed magistrates at the Bay of Islands in 1814, and had subsequently declared that New Zealand was "not within His Majesty's dominions." It passed a law in 1817 to punish crimes committed in New Zealand. It appointed in 1832 a Resident without power, and in 1838 it resolved to appoint a Consul.

The omission of New Zealand from the islands under the commission of the Governor of New South Wales 18[illegible] imputed by a subsequent Governor to accident.

Lord John Russell at the Colonial Office was of [illegible] that "New Zealand[20] was by solemn Acts of Parlian

[20] Memorandum sent to Lord Palmerston. Parliamentary Pape of Commons, 1840, vol. xxxiii.

of the King" recognized as a substantive and independent state.

It was to no purpose that Lord Normanby declined to receive a deputation from the new company if the "rejected offer of 1838" was to be claimed as a pledge. With the names of the men he had put in front of him, Wakefield grew bold. He scorned the dilatory tricks of officialism. The new company assumed to combine the interests of its precursors in 1825 and 1837. Presumptive titles to land bought in the former year might be used as a fulcrum. A capital of £100,000 was paid up, and a hundred thousand acres of land in New Zealand were sold in London before a title to one had been acquired. They who paid money drew lots for sections unknown of lands which the company was about to seek.

In April, 1839, the ship "Tory" was prepared to sail with the first instalment of the company's settlers. Colonel Wakefield, a brother of the prime mover, and Mr. E. J. Wakefield were amongst them. Introductory letters to Governors of colonies were solicited at the Colonial Office. Lord Normanby was taken by surprise. He would neither give letters, nor sanction, directly or indirectly, any effort to buy lands and establish a system of government independent of the authority of the Crown. He wished it to be "further understood that no pledge can be given for the future recognition of Her Majesty of any proprietary titles to land within New Zealand which the company or any other persons may obtain by grant or by purchase from the natives." It was probable that the Queen would be "advised to take measures without delay to obtain cession in sovereignty" of lands occupied by British subjects in the islands.

If the Secretary of State hoped thus to arrest Gibbon Wakefield he knew little of the audacity and resource which gui the company's proceedings. Before divulging his schem the public, W kefield sent his first ship, the "Tory," Zealand, u the control of his brother, Colonel Wi Wakefield, ceived elaborate instructions for hi nce. H to be philanthropic and t. If his had be rmable to his ostensible ructions ry of Ne and would have shown

a fairer page. Neither he nor his employers regarded them.

There was a rumour that the Government might stay the departure of the "Tory." Gibbon Wakefield, nothing daunted, despatched her in secret, travelling (it was said) by night to escape observation. The formation of the company was then announced, and (22nd May, 1839) Lord Durham, on its behalf, sought an interview with Lord Normanby, announcing at the same time that "preparations for a very extensive emigration were in progress in various parts of England and Scotland. Under these circumstances, the gentlemen whom I represent trust that H.M. Government will be convinced of the expediency, or rather the necessity, of affording to British settlers in New Zealand better securities for law and government than have hitherto been established amongst Her Majesty's subjects there." He enclosed a prospectus of the "New Zealand Land Company" for whom he wrote. They had already purchased "very extensive tracts of land." The pioneer vessel (the "Tory") now on the seas was to purchase more, "in eligible spots." A society had been formed, in immediate dependence on the company, with a view to prompt settlement of families in New Zealand. The prospectus issued by this last society showed that the "first colony was to depart in a body during August next." The authority of Lord Durham, the reputed framer of the Reform Bill, the hope of advanced reformers, could not be despised. Sir William Molesworth, a man of no mean reputation amongst those whom the Ministry did not desire to offend, was also a member of the company.

The manœuvre by which the despatch of the "Tory" was effected had shaken the ramparts of the Colonial Office. Gibbon Wakefield was victorious. The interview with the Marquis of Normanby took place. But that [illegible] bestirred himself to counteract the unauthorized [illegible]ation of the islands. The Colonial Office, by the [illegible] Mr. Stephen, intimated (13th June) that "[illegible]ces appeared to the Marquis of Normanby and [illegible]nt Palmerston to force[21] upon Her Majesty's Gov[illegible] adoption of measures for establishing some Briti in New Zealand."

[21] English Parliam[illegible] 1840, vol. xxxiii.

On the 15th June Her Majesty extended the boundaries of New South Wales, so as to include such portions of New Zealand as the Crown might acquire; and on the 30th July, the office of Consul, of which Hobson was to have been the holder, was expanded into that of a Lieutenant-Governor. Lord Normanby frankly told him "that circumstances entirely beyond the control of the Government had compelled them to alter their course, and that they departed from it with extreme reluctance." On the 14th Aug., Hobson received his instructions.

Meanwhile, to every applicant for information from England, Ireland, or Scotland, Lord Normanby, and Lord John Russell, his successor (Aug., 1839) gave a formal reply that "the Government had no connection with the New Zealand Company, nor any knowledge of their proceedings." Lord J. Russell went further. At a public meeting of emigrants under the auspices of the New Zealand Land Company, a document had been signed binding the subscribers to obey the rules and to respect the voluntary government of the settlement. Lord J. Russell wrote to the chairman, Mr. G. F. Young, for a copy of the document, in order to test its legality. After delay and correspondence the document was forwarded with a letter, explaining that the company had meantime been advised that the agreement was unlawful, and had instructed their principal agent that he ought to assist Captain Hobson in establishing British authority.

With this assurance the Minister expressed satisfaction, though he knew that the bold company openly prosecuted their schemes; and that deluded settlers were drawing lots in London for selection of New Zealand lands which the company pretended to sell. But governors in ships of war did not move so rapidly as Colonel Wakefield, the principal agent for the company despatched in the "Tory" with authority which could reach the Colonial Office. In the race Wakefield was the winner, and in order to understand the position of Captain Hobson's position it is necessary to narrate Wakefield's proceedings up to Hobson reached New Zealand. Hobson was not aware that Wakefields were free. The instructions (14th Aug.) declared that with a committee of the

House of Commons (1836) "in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British government." The gathering together of lawless Europeans, some of whom were British convicts; the outrages and crime of which they were alternately the authors and victims; compelled the Government reluctantly to intervene. "To mitigate and, if possible, to avert these disasters, and to rescue the immigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil government. To accomplish this design is the principal object of your mission."

Hobson was to treat with the natives for "the recognition of Her Majesty's sovereign authority over the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion." The task was difficult, and might excite Maori suspicions. Lord Normanby trusted that Hobson would "find powerful auxiliaries amongst the missionaries who had won and deserved the confidence of the natives, and amongst the older British residents who have studied their character and acquired their confidence."

Hobson was to induce the Maoris to contract with him not to cede in future any land "except to the Crown of Eng land," and by other methods "to obviate the danger of the acquisition of large tracts of country by mere land-jobbers." In acquiring land, Hobson was to confine himself to districts where the Maoris could alienate it "without distress or inconvenience to themselves; to secure the observance of this will be one of the first du[ties] [of] their official protector." There would be "a legislat[ive] [Commit]tee" appointed to investigate land claims made [in] [certain] districts, to inquire how far they were lawful an[d] what consideration had been g[iven] then decide how far the claim[s]

what considerations, to "confirmatory grants to the Crown." There were copious instructions on other matters, and the Marquis concluded by saying: "Aware how powerful a coadjutor and how able a guide you will have in Sir G. Gipps, I willingly leave for consultation between you many subjects on which I feel my own incompetency at this distance from the scene of action to form an opinion."

When these instructions became known in England, the Company invited Lord Palmerston's attention (7th Nov., 1839) to the danger of admitting the independence of the Maoris in a land which Captain Cook had taken possession of in 1769. In France the government was openly urged to protest against the colonization of the islands, or "to claim equal right with England to plant settlements there." In reply, Mr. Somes was informed by (Lord Normanby's successor) Lord John Russell that the pretensions made by the company on behalf of Her Majesty were, by "solemn acts of the Parliament and of the King of Great Britain," and otherwise, shown to be unfounded.

(It was true, nevertheless, that public attention in France was directed to the colonization of the islands; and the connection of the French government with the enterprise of a French company will be shown subsequently.)

Colonial Wakefield took with him in the "Tory" the young Maori, Neti, already mentioned. The instructions which Gibbon Wakefield caused the directors to give to his brother recommended Port Nicholson as the place where he might find the most eligible harbour for the settlement. Colonel Wakefield was to be frank with the natives, and to make no [illegible]gain without taking care that all the owners of the la[illegible]re "approving parties," and that each should receive h[illegible] share of purchase-money. No negotiation was to be [illegible]leted till "[illegible]roughly understood by the native pro[illegible] and by i[illegible]be at large."

The com[illegible] would sel[illegible] England orders for "land [illegible] 100 acr[illegible] . . . one-tenth[22] of these land

[illegible] "eq[illegible]nth of the whole." The art[illegible] afterwards contended that [illegible], on the plea that one part [illegible] true construction of "one-

orders will be reserved by the company for the chief families of the tribe by whom the land was originally sold . . . the priority of choice for the native allotments[23] being determined by lot, as in the case of actual purchasers. . . . You will take care that the servants of the company show every mark of respect to the missionaries with whom you may meet, and also in conversation with the natives respecting them. This is due to their calling; is deserved by the sacrifices they have made as the pioneers of civilization, and will moreover be found of service in your intercourse with the natives. . . ."

The "Tory" anchored in Queen Charlotte's Sound (16th Aug., 1839), and was at once visited by Maoris. Colonel Wakefield wrote (29th Aug.): "The laws of property are very undefined in this part of New Zealand. Neither Ihaparaha nor Hiko possesses the power of absolute disposal of any portion of land in the Strait. Great confusion exists respecting vested rights."

On the 31st he saw at Terawiti the man Barrett, one of the sailors who had served the guns at Nga-motu against the Waikato invaders, and had afterwards migrated to Cook's Strait, where he was engaged in whaling. Wakefield employed him as pilot, and explored Admiralty Bay in a boat manned by natives. Barrett was retained as Maori interpreter, although he belonged to that class of Pakeha Maori who could talk the language much in the manner in which an unreading peasant talks English. To ask him to deal with the intricacies of Maori customs was like remitting a question of general average to a man who has never heard of a ship and is unconscious of arithmetic. The consequence of the appointment was such as might have been foreseen. The injunction to pay respect to missionaries was neglected.

On the 17th Sept., Wakefield heard that Henry Williams was expected from the Bay of Islands, and he hastened with Barrett to Port Nicholson, whither Williams had sent to warn the natives against alienating their land.

[23] It seems strange that the acute mind of Gibbon Wakefield did not foresee that by this arrangement natives might be expelled from their cultivation grounds. That he did not anticipate trouble from seizure of Maori burial-grounds was perhaps less to be wondered at.

At Port Nicholson Wakefield found two chiefs who deprecated missionary instruction, and he cultivated their acquaintance. Descending the river Hutt in a canoe, he heard a Maori ask if any on board were missionaries. Wakefield's guide replied—"No; they are all devils." The shouts of laughter which ensued indicated, in Wakefield's opinion, the "uncharitable tenets" of the missionaries, who had so long contended against the atrocities they found in the islands, as well as those which Pakeha Maoris had introduced. It was easy for a barterer in fire-arms to win favour from the natives.

On the 25th he had resolved to buy land, and produced his purchasing-wares on the deck of the "Tory."

A native missionary, Reihana, had been three months at the place. He, like Matahau, had been educated at Paihia. He had caused houses and chapels to be built at Port Nicholson. Though Wakefield encouraged sneers at the missionaries, he sent for Reihana to witness his land-purchase. Dr. Dieffenbach, the naturalist, reported of Reihana: "I found him a very devout and honest man." But Wakefield was prejudiced against him. Reihana had vainly opposed the chiefs who desired to sell, but they could not induce him to forego his own rights. Wakefield said: "I found him so exceedingly importunate on his own account and held in such slight respect among the chiefs—afraid also of being a party to the transaction in case of future regrets on their parts—that I was not sorry when the plea of a sick child took him on shore again."

One chief, Buacawa, both on shore and in the ship vehemently deprecated the sale. On the 27th, Wakefield promised an addition of twenty muskets to the goods offered, and the deed was signed by some persons.

One hundred and fifteen stand of arms, twenty-one kegs of gunpowder, one cask of ball-cartridges, night-caps, pipes, a gross of Jews' harps, and twelve sticks of sealing-wax, were part of the consideration. On the 29th the exultant chief, Warepori, proud of the fire-arms acquired, harangued some villagers who had not received much of Wakefield's treasure, and told them that the muskets would protect them. When a Christian Maori reproached Warepori for not reserving land for mission uses, the chief administered

a rebuke, "eloquently delivered," to the satisfaction of Wakefield.

On the 30th Sept., "the New Zealand flag" was hoisted on "an immense flag-staff" on shore, and was saluted with twenty-one guns from the ship. There was then a Maori dance. "The whole scene passed in the greatest harmony."

Wakefield inspected Cloudy Bay (4th Oct.) in the Middle Island, and on the 16th arrived at Kapiti to deal with Rauparaha, whom all men knew as the bloodthirsty chief who hired the wretched Stewart to aid him in a deed of blood. They knew him also as a powerful ruler uniting the best blood of the Ngatitoa with that of the Ngatiraukawa. His "mana" was recognized not only on both shores of Cook's Straits but in the interior. In all his deep-laid plots he was said to have succeeded. "To dive into the thoughts of Rauparaha" was a proverb expressing difficulty.[24] With him Wakefield was now to measure himself. He arrived at Kapiti on the 16th Oct., and was told that there had just been a great battle at Waikanae, between the Ngatiawa and the Ngatiraukawa. The victorious Ngatiawa were wailing for their dead when Wakefield and his friends entered their pah. Rauparaha's Ngatitoa people had taken no part, but he had watched the battle as a friend of the Ngatiraukawa, narrowly escaping capture in a sally, and his Ngatiraukawa friends had suffered great loss. Wakefield did not say that the quarrel was about his own ill-omened gifts at Port Nicholson; but such was the fact, admitted by the natives on both sides.

At Rauparaha's invitation Wakefield visited him at Kapiti, and thought him fearful and servile, and for some time distrustful. He rose and shook hands with his visitors, and told them that he was "determined to discountenance further fighting." He was "slow and dignified in his action,"[25] and "perfectly easy in his address. In

[24] So noted was he that among the riotous Pakeha Maoris and their whaling associates he was spoken of as "Satan" and "the old Sarpint."

[25] Mr. E. J. Wakefield thus described Rauparaha: "His features are aquiline and striking, but an overhanging upper lip and a retreating forehead, on which his eyebrows wrinkled back when he lifted his deep-sunk eyelids and penetrating eyes, produced a fatal effect on the good prestige arising from his first appearance. The great chieftain, the man able to lead others, and habituated to wield authority, was clear at first sight; but

resolving to visit and conciliate this old savage, however strong my repugnance to his character and practices, I am more led by the hope of acquiring his land on which to locate a society which shall put an end to his reign than by any good wishes to him." Rauparaha, with other chiefs, visited the "Tory." "They all came prejudiced against the sale of land . . . and also betrayed great jealousy respecting the purchase of Port Nicholson." Wakefield thought that he convinced them that they would better their condition by parting with their land for his wares.

"No scruples," he wrote 28th Oct., "would have deterred me from putting ever so large a quantity of fire-arms in their possession, as I feel sure that in this case they will not only prevent a war of aggression on the part of their enemies, but that they will be readily supplied by some party from Sydney desiring the land, in case the owners determine to become the attacking force."[26]

On the 18th Oct., greedy for guns, Rauparaha and others made an arrangement which Wakefield affected to construe as a sale of all the Ngatitoa rights on both sides of Cook's Straits. Only Kapiti was exempted. Such a bargain would have left the Ngatitoa homeless, for the land of their birth at Kawhia had been solemnly alienated by tribal consent long years before. "The negotiation was difficult and disagreeable; none of the good feeling I had met with at Port Nicholson being displayed. Their rights to large portions of territory are, however, indisputable."

On the 21st—"the sight of the goods seemed to decide their intentions; the quantity being far beyond what they had ever seen received for any sale of land in their country, and the reality of them convincing them that I had the means of performing my part of the treaty." Wakefield explained that "reserves would be made for the maintenance of the chiefs, their families, and successors for ever,"

the savage ferocity of the tiger, who would not scruple to use any means for the attainment of that power, the destructive ambition of a selfish despot, was plainly discernible on a nearer view. The life of this remarkable savage forms an era in the history of New Zealand." ("Adventures in New Zealand," by E. J. Wakefield. London, 1845.)

[26] While acting thus, Wakefield professed to be shocked at the opposition of missionaries to his proceedings.

and the 22nd Oct. was appointed for signing the deed of conveyance. But Hiko, Rauparaha's nephew, was ill on that day, and a vessel arrived from Sydney with alarming tidings. The British Government was about to stretch its arm to New Zealand. On board of the vessel there were "deeds from various merchants to be filled up by the chief's names." The men of Port Nicholson were arriving to aid their kinsmen of Waikanae against the Ngatiraukawa.

Wakefield could no longer dally. His deck was stored with wares on the 23rd, and Maoris crowded round them. Waiting till the fire-arms were produced, Rauparaha (though nearly seventy years old) and others rushed to seize them. Hiko went away in anger, and Wakefield "sent the whole of the goods below." Recrimination followed. "If I were not aware of the cruel delusions and dishonest practices of most of the foreigners they have seen, towards them, I should have been angry with their violent and perverse conduct." Commiserating the "mental condition of the wild race," Wakefield pursued his negotiations; and, on the 24th, Hiko and Rauparaha, without any followers, signed the deed and carried away double-barrelled guns. For fresh gifts of twenty muskets, eleven guns, twenty kegs of powder, and goods including two pounds of beads, Wakefield recorded gratefully that he had, by his two transactions, "acquired possessions extending from the 38th to the 43rd degree of latitude on the western coast and from the 41st to the 43rd on the eastern;" though "to complete the rights of the company to all the land unsold to foreigners in the above extensive district, it remains for me to secure the cession of their rights in it from the Ngatiawa, and in a proportionally small tract from the Ngatiraukawa and Wanganui people."

Such monstrous claims, by which whole tribes would have been unseated, even Colonel Wakefield could not hope to make good, but he wrote that whenever the time might come for scrutiny, it would "be found that but very few written records of purchases prior to this day's date of any portion of land within the boundaries of my purchase can be produced." He had outwitted speculators from Sydney, but he knew not that there was a spectator there who had will and ability to thwart much of the injustice which the

shameful transactions on board the "Tory" were calculated to inflict.

Wakefield wrote:—"In purchasing on the large scale I have done in this transaction—in marking the boundaries upon the fullest and most satisfactory explanation and examination by parallels of latitude—I conceive that I have obtained as safe and binding a title as if the subject of negotiation had been but a single acre, and defined by a creek or notched tree; and it must be remembered that nine-tenths of the land is without an inhabitant to dispute possession, and that the payment I have made to the owners is large when valued by the standard of exchange known amongst them, and perfectly satisfactory to the sellers."

On the 25th Oct. other chiefs signed the deed, but only eleven marks in all were procured for it. They could not by Maori law have conveyed the tribal land rights if they had wished to do so. It was fortunate, however, that there were some (though few) witnesses, for thus the production of evidence to refute the assertion that the natives understood what they put their marks to, was, at a future time, made easy, when a British Commissioner scrutinized the deed. Wakefield heard at the time that there was an opinion among the natives that he had included in his deeds lands which the signers had no power to deal with, but he was "rejoiced at the termination of the noisy and troublesome bargain."[27] On the 26th, he remarked of Rauparaha: "It will be a most fortunate thing for any settlement formed hereabouts when he dies; for with his life only will end his mischievous scheming and insatiable cupidity." On the 27th, he had an interview with the Ngatiawa at Waikanae, and found that they wanted "nothing but fire-arms" from him. On the 30th, he congratulated the company on the daily proofs of "the speed of our outward voyage having frustrated the intentions formed by the New Holland speculators on receiving the news of our departure and destination."

On the 8th Nov., he assembled some of the Ngatiawa

[27] The facts are recorded in the Appendix to the Twelfth Report of the Directors of the New Zealand Company, in which Col. Wakefield's Journal appears.

chiefs upon his deck, and exhibited a deed purporting to convey to him, in trust for the company, their interests in an enormous territory, over much of which they had no control.

"Know all men . . . that we the undersigned chiefs of the Ngatiawa tribes, residing in Queen Charlotte's Sound, on both sides of Cook's Strait in New Zealand, have this day sold and parted with . . . in consideration of having received, as a full and just payment for the same, ten single-barrelled guns, three double-barrelled guns, . . . sixty muskets, . . . forty kegs of gunpowder, two kegs of lead slabs, . . . two dozen pairs of scissors, two dozen combs, two pounds of beads, . . . one thousand flints, . . ." &c., (the land on both sides of Cook's Strait, *i.e.*) "bounded on the south by the parallel of the 43rd degree of south latitude, and on the west, north, and east by the sea[28] (with all islands), . . . and also comprising all those lands, islands, tenements, &c., situate on the northern shore of the said Cook's Strait, which are bounded on the north-east by a direct line drawn from the southern head of the river or harbour of Mokau, situate on the west coast in the latitude of about 38° south to Tikukahore, situate on the east coast in the latitude of about 41° south,[29] and on the east, south, and west by the sea, excepting always the island of Kapiti (Rauparaha's home) and the small islands adjacent thereto, and the island of Mana (Rangihaeata's) but including Tehukahore, . . . Wairarāpa, . . . Port Nicholson, . . . Otaki, . . . Manawatu, Rangitikei, . . . Wanganui, Waitotara, Pātēā, Ngatirūānūi, . . . Taranaki, Moturōa, and the several Sugar-loaf Islands, and the river or harbour of Mokau."

It is absolutely impossible that Wakefield could have believed that the few signatures he obtained could convey to him the shore line from the Whareama river on the east coast to Mokau on the west, or the lands of the interior bounded by the line assumed. The tribes, Ngatitama, Taranaki, Ngatiruanui, Ngarauru, Ngatihau, Ngatiraukawa, Ngatiapa, Muaupoko, Rangitane, and the Ngatiawa and Ngatitoa (Rauparaha's) would have been homeless, while the southern course of his "direct line" encroached on the territory of Ngatikahungunu.

But he wanted signatures, and the Maoris wanted guns. He did not explain the meaning of his deed. He hoped to profit by it, with the help of the company he served. The Ngatiawa thought they were merely parting with their interests at Port Nicholson, and were willing to do so for the sake of the coveted weapons. Wakefield himself

[28] This included Hokitika on the west, and Cheviot and Kaikora on the east.

[29] This embraced the North Island from sea to sea, within the "direct line." A glance at the map will show the folly of Wakefield's pretences.

described their avidity. A dispute took place among the Maoris while the wares were being allotted, and it was not until he threatened to "put all the things below and go to sea," that some of the disputants were induced to leave the ship. Then he "took advantage of the momentary calm to secure the signatures of chiefs to the number of thirty. No sooner . . . had the distribution recommenced than a more violent altercation took place. . . . In a moment the most tumultuous scene we have ever witnessed took place, in which many blows were exchanged. . . . I understand that the tribes which had taken their goods on shore . . . had a similar if not more unfriendly distribution. . . . Never did a ship witness such a scene of violence without bloodshed."

Thus did Colonel Wakefield give effect to the humane professions of the New Zealand Company, and maintain the honour of his country. He did not obtain more signatures to the deed of the 8th Nov. On the 11th Nov. he found that preparations for war were in active progress at Waikanae; but, if he knew, he concealed the fact that the quarrel was about his baneful wares. On the 12th he learned that the missionary, Henry Williams, was expected there. "Some people hope that his presence may prevent the encounter among the natives, but from what I have seen of these people, and know of their revengeful feelings, I have no idea that anything but a great slaughter on one side or the other will satisfy them."

Colonel Wakefield had done much to promote such a result. By his last "deed of purchase" he had added seventy-three stand of arms and forty kegs of gunpowder to the Ngatiawa means of war. Ignorant as he was of Maori tribal rights, it would have been impossible for him, even had he been prudent and scrupulous, to make the purchases he affected to have made. He was neither prudent nor scrupulous, and a dread of speculators from Sydney hurried his proceedings. Anticipating missionary opposition, he discarded the wise instructions which enjoined him to pay such respect to the missionaries in New Zealand as might aid him in his intercourse with the natives. It may almost be asserted that he trusted that if he could, *per fas aut nefas*, place Englishmen on the soil, the power

of the Empire would by force of circumstances be drawn in to maintain them there. On no other ground could his proceedings be explained. Having with one wave of his hand pointed to mountains in the interior, with another he pointed to a distant headland, and then defined his boundaries with pretentious precision, as including all harbours, rivers, &c., between invisible degrees of latitude. He obtained signatures at random, and, leaving time or chance to cure defects and confound Rauparaha, sailed from port to port with his coveted munitions of war.

It cannot be said that he or his employers were without warning of the danger of his course. Amongst the works cited in the volume published by the New Zealand Association in 1837 was Yate's "New Zealand."[30] The following sentence was quoted: "I believe a severe struggle would ensue before they would allow any force to take possession of their soil, or any portion of it, without what they deemed a fair equivalent." The succeeding sentences in Yate's book could not have escaped the notice of the company, and ought to have regulated their proceedings.

"The rights of possession are held most sacred in New Zealand, and every one knows the exact boundaries of his own land, which remains his until death, or till the consequences of war take it from him. A strong tribe may make war upon one that is weaker, and, if they conquer, the land with all upon it belongs to them. But when the people have remained unconquered, and have possessions at a distance, they sometimes allow those possessions to be occupied by another, but fail not every year to assert their right to the place,—by claiming the fat of rats, or by going in a body—if it be forest land—to shoot and carry away the pigeons in the season; or to demand a portion of the payment, if any has been received, by Europeans or others for timber."

Though not a full description of Maori land law, the foregoing extract pointed to such tribal rights as those which existed amongst the ancient Germans, and implied that the title of individual occupiers was only usufructuary. It followed, necessarily, that no man could alienate land without the consent of his tribe. The further law of *post liminium*, which, like the Roman, restored to all his pristine rights an absentee returning even from slavery, was not so clearly laid down by Yate, but he showed that rights of

[30] "An Account of New Zealand," by the Rev. W. Yate, missionary of the Church Missionary Society. London, 1835. He resided in New Zealand for many years.

absentees could be, and were, kept alive. Nothing could be more plain than that the rights of Wiremu Kingi te Rangitake at Waitara were important. He had migrated with his people to secure new territory at Waikanae long before the Waikato invasion and victory at Pukerangiora in 1831. He had never concealed his resolution to return to the Waitara; and yet, as will be seen, Wakefield pretended to destroy his rights by an alleged purchase from about seventy persons, including children, who were found at Sugar-loaf Point, Ngamotu. The white man's stores were coveted there as well as at Port Nicholson. How much dishonesty was mingled with greed cannot be told. Possibly some recipients did not think that Wakefield would claim through their signatures to have abrogated the rights of their tribes.

Yet ever, as he went, Wakefield had reason to know that his pretended purchases were almost worthless. His efforts to procure signatures or marks proved that he was not entirely ignorant that tribal rights were widespread. The missionaries had long known the fact, and had so successfully conformed to it that no purchase made by them was disputed by the Maoris. The company's instructions referred Colonel Wakefield to "the system of dealings for land" established by members of the Church Mission Society, and commanded him to abstain "from completing any negotiation" for purchase until its probable result (the formation of a colony) "shall be thoroughly understood by the native proprietors and by the tribe at large."[31]

A Wesleyan missionary, the Rev. J. Buller, visited Cook's Straits in Jan., 1840, and thus described Colonel Wakefield's operations: "It was patent to me that Colonel Wakefield's land claim would be hotly disputed. He had bought—or was presumed to have bought—territory by degrees of latitude while in ignorance of the rightful owners."[32]

An altercation with Rauparaha (not mentioned by Wakefield) is thus described by his nephew, E. J. Wakefield:—(Rauparaha had told Wakefield, Nov., 1839, that the claims of the latter in the Middle Island were unjust. He had

[31] Instructions (May, 1839) to Colonel Wakefield.
[32] "Forty Years in New Zealand" (p. 77). Rev. James Buller. London, 1878.

sold him only Taitapu and Rangitoto there.) "Colonel Wakefield reproached him instantly in the strongest terms with his falsehood and duplicity, making the interpreter repeat several times that he had behaved as a liar and a slave, instead of a great chief. Rauparaha, however, maintained an imperturbable silence, giving no answer to this severe attack. . . . We were, of course, much hurt by this rapid repudiation of his bargain. . . . We foresaw some obstacles . . . during the life of this deceitful old savage."[33] If Colonel Wakefield did not report to his employers this difference between himself and the chief whose claims he admitted to be indisputable, he acted unfairly to them and to Rauparaha. If he did report it, the company acted dishonourably in concealing it from the public when they professed to publish their agent's proceedings.

It will be found that when a British Commissioner examined the matter he found that Rauparaha was right and Wakefield wrong. An Englishman may blush to think that in the scene depicted the Maori chief contrasted favourably with the representative of the New Zealand Company.

The translation of Wakefield's intemperance by a man acquainted only with the coarse jargon used by rough whalers in intercourse with Maoris must have heightened the effect.

Detained by calms at Kapiti, Wakefield observed that the Christian Maoris (Matahau's disciples) would only fight in self-defence. On the 16th Nov., "not to be entirely idle," he negotiated with three Wanganui chiefs, who had come to assist the Ngatiawa in the war, "the purchase of all their district from Manawatu to Patea." He procured three signatures in acknowledgment of gifts, and a chief, "supposed to be the most influential man in the tribe, was deputed to accompany him and to receive the remainder of the payment amongst their people;" and after vainly striving to enter the Wanganui river to examine his possessions, he passed on to Taranaki on the 27th. He had with him one John Dorset, and Barrett. The Maoris at Taranaki were few in number, but the refugees on the

[33] "Adventures in New Zealand," p. 143). E. J. Wakefield. London, 1845.

Sugar-loaf Islands, "with occasional assistance from their southern neighbours," still held their ground, and "declared their determination to die on the land of their grandsires."

Finding it "impossible to collect the chiefs whose consent was requisite for the transfer of the land from Manawatu to Mokau under at least a week," the impatient Wakefield left Barrett to "secure this fine territory." Barrett, he said, was "perhaps the only man who could negotiate the bargain." With amusing presumption Wakefield wrote: "Barrett landed with his wife and children with instructions to assemble the numerous chiefs resident on a coast line of one hundred and fifty miles in a month's time, when I am to return to make the payment for the different districts, and receive the written assent of the chiefs to the sale."

Amongst the chiefs so summarily to be dealt with were they whose habitations had been wantonly destroyed five years previously by H.M.S. "Alligator." They had not forgotten their chief, whose head (sacred in their eyes) had been dishonoured on the beach. But Wakefield cared for none of these things.

He sailed to Hokianga to look after the relics of title of Lord Durham's defunct expedition of 1826. There he bargained for Herd's Point (named by and after the leader of that expedition), and for land at Motukaraka. The company had bought land at Kaipara from one Lieut. McDonnell, and Wakefield carried with him McDonnell's letter announcing to the chiefs that he had sold his interests to the company.

He found at Hokianga a Maori woman, whom he described as Mrs. Blenkinsopp, widow of the master of a coasting vessel. From her he bought her rights to "the Wairau and other property in Cloudy Bay." She handed him deeds purporting to be conveyances, but it was subsequently ascertained that they were copies of originals held in Sydney, and that Blenkinsopp's rights at Cloudy Bay consisted of a right, on the delivery of a six-pounder gun, to obtain wood and water.

Wakefield found Baron De Thierry at Hokianga "in dispute with all the proprietors in the district," and talking of obtaining a French man-of-war to aid him in ejecting

them. De Thierry's narrative differs somewhat from that of Wakefield.

The Baron, in his "Autobiography," thus describes the dialogue: He had in March, 1839, issued a proclamation—"Given at Mount Isabel"—to regulate land sales within his territory. He says that Wakefield proposed to unite the Baron's establishment to that of the New Zealand Company. The Baron explained by what dishonourable means his property was withheld from him. Wakefield sympathized, and said it was "absurd to rail at the price (thirty-six axes) given for my forty thousand acres. We got (quoth Wakefield) upwards of a million acres at the south for less than fifty pounds in trade." The "trade" may be inferred from the following items in a schedule put forward by the company: Two hundred muskets, thirty-nine guns, eighty-one kegs of gunpowder, two casks of ball cartridge, two hundred cartouch-boxes, twenty-four bullet moulds, and fifteen hundred flints. It is fair to add that there were seventy-two hoes and a gross of Jews' harps amongst the other articles. Was it unnatural that the friends of the Maori should look with suspicion upon such trade, and appeal to the Queen to rescue from impending woes the race which had recently given such marked proofs of the power of the Gospel to win men's souls from the lust for war, and to induce them at great personal loss to emancipate their slaves?

Dorset's transactions at Taranaki may briefly be summed up. Wakefield did not return so soon as he expected. The "Tory" went on shore at Kaipara and required repairs. Wakefield returned to Wellington by the east coast, and Dorset acted without further assistance. While Barrett and Dorset negotiated for the land, Dr. Dieffenbach, the naturalist, roamed safely over it with Maori guides. In December[34] (he wrote) a European arrived from Kawhia, accompanied by "many natives," to dissuade the residents from selling to the company. "It was said that the missionaries were much concerned in these transactions." In January they were warned by two Ngatiawa messengers (emancipated after captivity in Waikato) that the Waikato

[34] "Travels in New Zealand." Dieffenbach.

men would not permit the residents to sell the Taranaki lands to the company. Dorset and his men took refuge on the island of Moturoa to prevent surprise. No war-party arrived, and Dieffenbach (10th Jan.) visited the Waikato people at Kawhia. On the way he met "a large party of Waikato natives, and also men, women, and children of the Ngatiawa," permitted by their masters to visit their old home. Amongst them was Barrett's mother-in-law, who loaded Dieffenbach with salutations when he spoke of her daughter. Dieffenbach was hospitably entertained by the Ngatimaniapoto at Mokau, and returned safely. When the accident to the "Tory" was made known, by a passing brig, to Dorset, "a liberal price was given to the natives for their land, and the goodwill of the Waikato purchased by presents." A deed (15th Feb., 1840) purported to convey all the land from the Wakatino river to the shore on the south of Mount Egmont, and comprised within a line running to the summit of the mountain and thence to the Wanganui river in the interior, and thence circuitously to the Wakatino river (near Mokau), the commencing point.

It was worthy of remark that a part of this space had been included in the deed by which Wakefield pretended to buy the territory from the Ngatiawa residing in Cook's Strait. Dorset's deed was signed by all the men, women, and children upon whom Barrett could prevail. There were forty-three signatures of men and boys, and thirty-two signatures of women and girls. In such a manner the company afterwards averred that they had fairly purchased what Dr. Dieffenbach described as "the finest district in New Zealand."

Before Dorset fabricated this deed, the missionary Hadfield (afterwards Bishop of Wellington) had heard (1839), at Waikanae, that it was the intention of Wiremu Kingi te Rangitake to lead back the bulk of his tribe to their ancestral lands at Taranaki; and from that time until he led them back in 1848, the chief never swerved from his purpose. It was proved in an English Court,[35] after many

[35] New Zealand Parliamentary Papers, 1867, A. No. 23. (Pedigree of Ngatiuenuku). *Vide infra cap.* xiv.

years of misery and war, that the genealogy of Te Rauparaha justly gave him the position recognized by his followers.

Dr. Dieffenbach was right in believing that missionaries in New Zealand looked with no favour on such proceedings as those of Dorset. When the New Zealand Association, under Gibbon Wakefield's guidance, scattered broadcast their pamphlets, in 1837, the Mission Society in London sent some of them to their friends in New Zealand. It has been seen that Marsden was driven to the conclusion that the assumption of authority by the Crown was necessary to stay the anarchies which European influences were creating or fomenting. Henry Williams shared his belief. In Jan., 1838, he wrote to the Society: "I do not hesitate to say that unless some protection be given by the British Government the country will be bought, and the people pass into a kind of slavery, or be utterly extirpated. . . . The only protection that I can propose is that the English Government should take charge of the country as the guardians of New Zealand." The local missionaries declared that they dreaded the establishment of a company which, by buying land, might set up claims of sovereignty. In June, 1838, Henry Williams wrote that natives were alarmed. In May, 1838, the missionary Davis wrote that "to deliver up a country which is not their own into the hands of a company of men, whose primary object is gain, is a crime I trust my countrymen will never be guilty of. If the country is to be colonized let it be done by the British Government." The remonstrances of the society in England brought upon them in due time the wrath of Gibbon Wakefield; but they may have contributed to cause the appointment of Captain Hobson. The stratagem by which Gibbon Wakefield despatched his brother to purchase principalities before British authority could interfere with him seemed, nevertheless, to have succeeded.

The "Tory" had not arrived at her destination when the Bishop of Australia (Dr. Broughton) in H.M.S. "Pelorus," visited the Bay of Islands, accompanied by Octavius Hadfield, a deacon, who volunteered to go to Cook's Strait as missionary, and being admitted to priest's orders by the

Bishop, sailed with Henry Williams, who was to introduce him as the missionary supplied in compliance with the application of Rauparaha. When the missionaries reached Port Nicholson (7th Nov., 1839), they found that Colonel Wakefield had been before them, and already there had been a battle about land.

An old pupil at Paihia, Reihana, had, at Port Nicholson, followed the example of Matahau at Otaki, and Christian services had been commenced. Reihana had vainly opposed Colonel Wakefield's transactions. From Reihana, from Neti (who had left Col. Wakefield), and from others, Williams and Hadfield learned the proceedings of the company. They travelled overland, visited Rangihaeata on his island, "Mana;" and (19th Nov.) only one day after Wakefield had sailed northwards in the "Tory," they crossed from Waikanae to visit Rauparaha, who declared his gratitude at the prospect of Hadfield's residence with the people. He promised to "tread down anger," so that there might be no more fighting.

Williams learnt that the battle in October, which Wakefield spoke of as a native quarrel, was brought about by Wakefield's doings. He wrote in his Diary: "We went over the ground on which the late battle was fought, owing to the payment for Port Nicholson (by Colonel Wakefield) not being generally distributed. . . . . Of the aggressors (Ngatiraukawa) seventy fell; of their opponents (Ngatiawa, Te Rangitake's people) twenty. The Ngatiawa buried their enemies with military honours, with their garments, muskets, ammunition, &c., not reserving to themselves anything which had belonged to them. This is a new feeling, arisen from the great change which the introduction of the Gospel (mainly by the lad Matahau) has effected among them."

More successful than Wakefield expected, Williams after many days succeeded in making peace.[36] Matahau, already

[36] The Ngatiraukawa, who were worsted in the battle, confessed their shame at having departed from the usual Maori magnanimity in attacking the Ngatiawa without fair warning. This was, they said, more painful than defeat. The fact that the Ngatiawa buried their slain enemies, does not depend only on the testimony of Henry Williams. Mr. C. Heaphy, draftsman, accompanied Wakefield to Waikanae. When the company's agents entered the pah three hours after the battle the "tangi" was going

married to the daughter of a Ngatiawa chief, was selected by the tribe to ratify it; and on the following day (Sunday, 1st Dec.) twelve hundred Maoris assembled at Divine Service. Matahau himself, three days afterwards, was baptized as Joseph.

It was arranged that Hadfield should reside alternately with Rauparaha's people and at Waikanae, the abode of Te Rangitake.

Leaving Hadfield with his new friends, Williams journeyed homewards by land, having devised an expedient to protect the rights of the chiefs on the west by receiving from them a conveyance of a large block of their own land from Rangitikei to Patea, to be held in trust for their benefit.[37] He also bought, on his own responsibility, about fifty acres at Port Nicholson for the Church Missionary Society, from Reihana (who was about to proceed to Taranaki, the birthplace of his wife). Both purchases offended Colonel Wakefield.

On the 18th Jan., Williams had returned to the Bay of Islands, and on the 29th the arrival of Hobson as Lieutenant-Governor afforded him an opportunity to render service to the Crown and protect the interests of the natives.

A description by a casual traveller illustrates the state of the land and the manners of the Maoris. Mr. J. C. Bidwill arrived at the Bay of Islands in Feb., 1839. A botanist and lover of nature, he resolved to explore. He went to Tauranga, and saw at the solitary mountain which guards the harbour the remains of the cannibal feast at which the men of Tauranga were devoured by the Arawa many years before. Mr. Stack, the missionary, was kind, and supplied guides. Bidwill journeyed through the picturesque forest which intervenes between Rotorua and Tauranga, by a Maori track which crossed the Mangarewa Gorge.

on within it, and "a party of men were still out amongst the sandhills, burying the dead of the enemy, or bringing in the corpse of a friend." (New Zealand Institute, "Transactions," 1879, vol. xii.) Notes by Major Charles Heaphy, V.C.

[37] Writing to his wife (6th Dec.) Williams said: "I have secured a piece of land, I trust, from the paws of the New Zealand Company, for the natives."

Hospitably received by Mr. Chapman (the missionary at Lake Rotorua), he sped onwards to Lake Taupo, described to him by Chapman. Tongariro was an invitation and a challenge to his skill. When he reached the cone of the burning mountain, sacred in the eyes of the natives as "tapu" to their ancestry, he ascended alone.

Two days afterwards, Te Heu Heu, "a complete giant, a remarkably fine man, upwards of six feet high and very strongly built," rated Bidwill for approaching the holy spot, but was pacified by an assurance that the crime was witless, and enjoined the offender not to tell other Pakehas of the ascent.

Returning to Tauranga, Bidwill went thence to Matamata the Ngatihaua stronghold, where to procure fire-arms Te Waharoa had largely cultivated flax. Both there and at Tauranga, flax culture was abandoned because "pigs supplied the wants of the natives with infinitely less trouble to themselves."

The women at Matamata were "almost all strikingly handsome." The demon of war was raging, though the old leader was sick unto death and died soon afterwards. Bidwill saw a Taua, or war-party, on its march.

"About 3000 nearly naked savages, made as hideous as possible by paint . . in close ranks . . performed a sort of recitative of what they would do with their enemies if they could lay hold of them. . . . They stood in four close lines, one behind the other, with a solitary leader (as it appeared) in front at the right end of the line. This leader was a woman, who excelled in the art of making hideous faces. . . . They stamped in excellent time. Their arms and hands were twisted into all possible positions to keep time with the recitative; their eyes all moved in the most correct time it is possible to conceive, and some of the performers possessed the power of turning them so far downwards that only the whites were visible. This was particularly the case with the woman I have spoken of as the leader. She was a remarkably handsome woman when her features were in their natural state, but when performing she became more hideous than any person who has not seen savages can possibly imagine. She was really very much like some of the most forbidding of the Hindoo idols—the resemblance to a statue being rendered more perfect by the pupil-less eyes, the most disagreeable part of sculpture. . . They would repeat a number of words in a short staccato manner, and then dwell on one with a general hiss which would make one's blood run cold. At other times the sound would be still more horrid, but one that it is impossible to describe: it was not, to my idea, a yell, but something far more dreadful. One of their hisses, however, reminded me of the sound of returning ramrods when well performed by a large body of soldiers. I can

[illegible] describe the manner in which the words were repeated by supposing they were according to the time of a piece of music, but all in one note; as the different tones, crotchets, and[illegible] could hardly be represented by any kind of musical interval. The whole performance was so perfectly horrible that although I am possessed of strong nerves I could not repress a shudder, and my hair almost stood on end."

Such were the sights to be seen in the land to which Colonel Wakefield carried his cargo of murderous weapons, and in which the English Government was at last stirred to redeem itself from the shame which other English law-breakers, anticipating Wakefield, had reflected upon their mother-country.

CHAPTER V.

1839 TO 1842.

SIR GEORGE GIPPS.

WHEN Gibbon Wakefield clandestinely despatched the "Tory" in May, 1839, he quickened the movements of the Colonial Secretary, the Marquis of Normanby, who informed the Lords of the Treasury, in June, that "circumstances had transpired which have further tended to force upon Her Majesty's Government the adoption of measures for the providing for the government of the Queen's subjects resident in or resorting to New Zealand. With that view it is proposed that certain parts of the islands should be added to the colony of New South Wales as a dependency of that Government, and Captain Hobson, R.N., who has been selected to proceed as British Consul will also be appointed Lieutenant-Governor."

On the 15th June the boundaries of New South Wales were accordingly extended under the great seal; and on the 18th July Hobson was made Lieutenant-Governor of "any territory which is or may be acquired in sovereignty by Her Majesty" in New Zealand.

With instructions (from Lord Normanby) Hobson sailed from England in H.M.S. "Druid," three months after Colonel Wakefield's departure. When he arrived in Sydney, Wakefield's proceedings were known, and without the clear judgment of Governor Gipps to guide him Hobson might have been sorely distressed. But Gipps would not have

shrunk from contest with Gibbon Wakefield, and that astute statesman had sent creatures inferior to himself to carry out his designs.

Before Hobson left Sydney he took (14th Jan., 1840) the oaths of office as Lieutenant-Governor. On the 15th, Gipps, who had received a commission extending his authority to any territory of which the "sovereignty has been or may be acquired in New Zealand," communicated a copy of his commission to Hobson, together with Hobson's commission as Lieutenant-Governor. He also gave stringent instructions to Hobson. As to the extent of land to be acquired the Marquis of Normanby had given commands, and Gipps would "take the earliest possible measures for carrying them into effect."

On the 14th Jan. Gipps issued three proclamations—One enlarging the limits of the colony of New South Wales; another announcing that he had on 14th Jan. administered the prescribed oaths to Hobson as Lieutenant Governor of New Zealand; and a third announcing how titles to land in New Zealand would be "acknowledged as valid" within the new territory, and declaring that all future irregular transactions would be considered as absolutely null and void, "and would not be in any way recognized by Her Majesty."

With details as to Treasury regulations and estimates these pages need not be encumbered further than by noting that Gipps gave specific instructions. Hobson could not pardon criminals, but might stay execution of legal sentence, and could only recommend to Gipps persons to be appointed magistrates.

The rod with which the New Zealand Company and all other traffickers in Maori land were to be controlled was shown by the announcement in the third Proclamation that the Queen "will not acknowledge as valid any title to land . . . which is not either derived from or confirmed by a grant to be made in Her Majesty's name or on her behalf."[1]

Hobson's own proclamation was prepared for him under the careful eye of Gipps. Quoting the Queen's pleasure in the matter, and averring that the "rights and interests of the natives" were part of her care, he added that, to dispel

[1] Parl. Paper, 29th July, 1840 (560.) House of Commons.

apprehension that there was a desire to dispossess "owners of land acquired on equitable conditions," he proclaimed that a Commission would be appointed under powers "derived from the Governor and Legislative Council of New South Wales to inquire into and report on all claims to such lands." All purchases made after publication of the Proclamation would be "considered as absolutely null and void, and will not be confirmed or in any way recognized by Her Majesty."

Hobson sailed from Sydney on the 19th Jan. in H.M.S. "Herald," and arrived at Kororarika on the 29th. His Commission and Proclamation were published on the 13th Jan., 1840. Thus all British rovers were brought into subjection; and the first ship despatched by the New Zealand Company with immigrants to Port Nicholson, the "Aurora," arriving on the 22nd Jan., found that not the company but the British Government would control them.

There still remained a foreign element to deal with. Gipps, apprised of designs to form a French settlement, warned Hobson (25th Jan., 1840) that, as the Colonial Secretary's instructions were entirely silent on the subject, the inference to be drawn was that until territory could be "acquired in sovereignty by the Queen," Hobson could not be brought into contact with foreigners, but that after such acquisition foreigners would stand towards the Government in "the same relation as they do in any other colonial possession of the Crown." Hobson was to abstain from agitating the question in any manner; and as to fishing and resort to harbours by foreigners, to take no step until Her Majesty's pleasure might be signified.

Hobson's arrival extinguished Busby's position as British Resident; but Busby loyally assisted him. The missionaries also heartily welcomed the representative of that power which they looked to as a safeguard against lawless occupation of the country.

On the 30th Jan., 1840, Hobson proclaimed at Kororarika the foundation of the colony (by virtue of Sir G. Gipps' proclamation), and issued his own proclamation calling "upon all Her Majesty's subjects" to aid and assist him. Forty inhabitants (of whom Busby signed first, and Moko used a Maori tattoo-mark as a signature) attested their

presence at the ceremony. On the same day attempts were made to dissuade the Maoris from accepting the sovereignty of the Queen.

The English inhabitants presented an address to Hobson on the 3rd Feb. Lord Normanby's instructions were explicit as to the treaty to be made. Hobson invited the chiefs, by notices printed in Maori, to consider a draft treaty, which he called upon Henry Williams to translate. He informed Williams that he was authorized by the Secretary of State to appeal to him; and the Bishop of Australia by letter to Williams urged the missionaries to exercise their influence to induce the chiefs "to make the desired surrender of sovereignty to Her Majesty."

On the 5th Feb., a dramatic scene was enacted in Maori land. Not now Ruatara, but Captain Nias of H.M.S. "Herald," was master of the ceremonies. Tents decorated with flags were arranged round an area containing a platform at Waitangi, on the north shore of the Bay of Islands. At twelve o'clock (after receiving Europeans at Busby's house) Hobson, supported by Nias and his officers, and "followed by all the principal European inhabitants in procession," took his seat on the platform. Chiefs were seated around it. Europeans were behind them. Henry Williams was ready with the treaty in Maori, carefully examined beforehand by Busby. Hobson spoke to the chiefs, Henry Williams interpreting. "I explained (Hobson wrote to Gipps), and I assured them in the most fervent manner that they might implicitly rely on the good faith of Her Majesty's Government in the transaction."

Williams explained the treaty clause by clause. It guaranteed to chiefs, tribes, and "to the respective individuals and families thereof, the full, exclusive, and undisturbed possession of their lands, and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same."[2] Williams said that the

[2] "Ki nga Rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino Rangatiratanga o o ratou whenua, o ratou kainga me o ratou taonga katoa." When casuists afterwards strove to qualify the terms of the treaty, the words "tino rangatiratanga" foiled them. "Tino" is an intense expression of fulness, comprehension, and precision, and "rangatiratanga" included all rights of chieftainship.

missionaries fully approved of the treaty, and that it was an act of love on the part of the Queen, who desired to secure for the Maoris their property, rights, and privileges.

The chiefs were invited to speak. Twenty or thirty spoke, "five or six of whom opposed me (Hobson) with great violence. . . . At this crisis the Hokianga chiefs under Nene and Patuone made their appearance, and nothing could have been more seasonable. It was evident that some underhand influence had been at work. The chiefs Revewah and Jakahra, who are followers of the Roman Catholic bishop, were the principal opposers, and the arguments were such as convinced me they had been prompted." Revewah said (pointing to Hobson): "Send the man away. Do not sign the paper; if you do you will be reduced to slavery and be compelled to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed."

At the first pause, the Ngapuhi leader, Waka Nene, "came forward and spoke with a natural eloquence that surprised all the Europeans, and evidently turned aside the temporary feeling which had been created." He appealed to his countrymen to place confidence in the English; and then he, too, turned to Hobson, and said: "You must be our father. You must not allow us to become slaves. You must preserve our customs and never permit our lands to be wrested from us." Other chiefs supported Nene, and one of them having reproached a noisy chief for rudeness to Hobson, the offender, Kitigi, "sprang forward and shook me violently by the hand, and I received the salute apparently with equal ardour." Applause from natives and Europeans ensued, and the assembly broke up, leaving the question to be decided after one clear day for reflection.

It was not unnatural for the French bishop to contend against recognition of British sovereignty in a land where many Frenchmen desired to hoist their own flag. But Pompallier, a recent visitor, could not cope with the influence of Williams, who had laboured without ceasing for nearly eighteen years, and spoke to old friends. Neither could the authority of Revewah vie with that of Waka Nene, great of yore in battle, and always sage in council.

The real difficulty was a certain amount of misgiving—whether the good faith of the English could be trusted. The character of the missionaries overcame that difficulty. On the 6th the chiefs told Williams they had made up their minds to accept the treaty, and would sign it without further delay, and return to their homes. Hobson accordingly landed. Pompallier asked him if he would announce that Roman Catholic converts would be protected; and Williams, at Hobson's desire, read a statement that all Maoris, those of the Mission, and the Wesleyans, and the Roman Catholics, and those retaining their Maori practices, would be protected. Forty-six leading chiefs[3] signed it (Hobson wrote) "in presence of at least five hundred of inferior degree." Thus, and on such terms, was the sovereignty of the Queen declared.

"Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal favour the native chiefs and tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary (in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia which is still in progress) to constitute and appoint a functionary properly authorized to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of civil government, with a view to avert the evil consequences which must result from the absence of the necessary laws and institutions, alike to the native population and to her subjects, has been graciously pleased to empower and to authorize me, William Hobson, a Captain in Her Majesty's Navy, Consul and Lieutenant-Governor over such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent chiefs of New Zealand to concur in the following articles and conditions:—

"1. The chiefs of the confederation of the united tribes of New Zealand, and the separate and independent chiefs who have not become members of the confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said confederation or independent chiefs respectively exercise or possess, or may be supposed to exercise or possess, over their respective territories, as the sole sovereigns thereof.

"2. Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to

[3] Waka Nene wrote his own name. Some chiefs made a Maori mark such as was used in tattooing. Others made a mark such as is used by Englishmen unable to write.

retain the same in their possession: But the chiefs of the united tribes and the individual chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

"3. In consideration thereof, Her Majesty the Queen of England extends to the natives of New Zealand her Royal protection, and imparts to them all the rights and privileges of British subjects."

This short treaty was duly signed by Hobson, and by the assembled chiefs, and attested as "Done at Waitangi this 6th day of February, in the year of our Lord, 1840," with the following addition:—

"Now, therefore, we, the chiefs of the confederation of the united tribes of New Zealand, being assembled in congress at Victoria, in Waitangi, and we, the separate and independent chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the provisions of the foregoing treaty, accept and enter into the same in the full spirit and meaning thereof, in witness of which we have attached our signatures or marks at the places and the dates respectively specified."

Of the forty-six who signed the treaty at first, twenty-six had signed the declaration of independence in 1835. In both cases they desired to keep away the French and to obtain English protection. In both they had the sympathy of their English resident friends.

Hobson abstained from making presents till the treaty was signed, and then "distributed a few articles of trifling value."

A facsimile of the treaty and signatures was published by the New Zealand Government in 1877. The names of the signers are set forth in the Proceedings of the New Zealand Legislative Council of 1869, with those obtained afterwards. On the 13th, at Hokianga, thirty-four signed, although Pakeha Maoris endeavoured to dissuade them.[4] The

[4] [1894. In the first edition of this history it was mentioned, on the authority of a statement in a despatch by Governor Hobson, that Mr. Maning (author of "Old New Zealand") was among the dissuaders. The author subsequently learned from Mr. Maning that the statement was erroneous. He wrote, however:—"I do not blame you at all. . . . I have documentary evidence to show that Governor Hobson was misinformed, and he died, after having said so to me, almost immediately, so that he could not have written a despatch to England to contradict his first. . . . I know what history is, and when once a mistake is printed it is not easy to remedy the matter. I thank you for your kind promise to make the attempt." An *erratum* in unsold copies of the first edition in part

92

Wesleyan missionaries assisted Hobson, and interpreted his "solemn assurance that truth and justice would always characterize" the government. The task of obtaining signatures was subsequently delegated to Lieut. Shortland, Captain Nias, H.M.S. "Herald," Major Bunbury, and the Revs. H. Williams, W. Williams, and R. Maunsell.

On the 4th March, at Waitemata, on the 28th April, at Kaitaia, where the great chief Nopera was friendly, and at various dates extending to June, 1840, signatures were obtained from chiefs on the Thames River, of Kororarika, of Coromandel, Akaroa, Otago, Cloudy Bay, Kapiti (where Rauparaha and Rangihaeata signed), Hawke's Bay, Manukau, Kawhia, Waikato Heads, Opotiki, Whakatane, Rangitoto, Wellington, Waikanae (where the boy evangelist, Matahau,[5] signed in the presence of Henry Williams and Octavius Hadfield, and where also Te Rangitake signed), Wanganui, Tauranga, and Turanga. Many hundreds of signatures were obtained and witnessed by officers of the army and navy, by merchants, clerks, and by missionaries.

Colonel Wakefield, already jealous of Henry Williams on account of the visit paid by Hadfield and Williams in 1839 to Port Nicholson, resented the introduction of the treaty at the settlement which he had hoped to govern without interference. Williams wrote: "Colonel Wakefield, the first time I met him, was very insolent, but afterwards retracted what he had said, and withdrew his objection to the treaty being signed. It was accordingly signed by the chiefs," amongst the signatures being those of Ngatata and Te Puni. Captain Hobson specially authorized Williams "to treat with the principal native chiefs in the southern part of these islands for their adherence to the treaty executed at Waitangi on the 6th Feb., 1840. I have the honour to enclose a copy of the treaty which I have signed, and to request that you will obtain the signatures thereto of such high chiefs as may be willing to accede to its conditions."

annulled this error. Here it may be corrected more effectually. The author saw Mr. Maning in London. Far from having any grudge against the innocent circulator of a mistake made by another, he congratulated the author upon his work, and said:—"I call you the Herodotus of the South."]

[5] See p. 145.

When, at a later date, Hobson proclaimed the Queen's authority over the islands, he formally acknowledged "the very zealous and effective assistance" rendered to him by the missionaries. He afterwards declared to the Legislative Council (1841) that but for the aid of the missionaries "a British colony would not at this moment be established in New Zealand." Busby also received Hobson's warm thanks for his exertions in obtaining the "ready adherence" of the chiefs to the treaty. Gipps promptly congratulated Hobson on the success of his negotiations. In March, 1840, he sent him a military force, consisting of a field officer, a captain, two subalterns, four serjeants, and eighty rank and file. He sent also two police magistrates, one of whom, having officiated as Clerk of Petty Sessions, was conversant with criminal law. Hobson had dispensed with the presence of Captain Nias of the "Herald," on account of personal differences; but Gipps sent him back because naval co-operation was "essential in the enterprise" at New Zealand, and the Queen's sovereignty was "established only over a small portion of the Northern Island."

Hobson, infirm in health, sustained a shock of paralysis (1st March, 1840) while visiting the Waitemata and Tamaki (represented to him by Henry Williams as fitter for the seat of government than any part of the Bay of Islands, and eventually selected by Hobson as the seat of government at Auckland).

Gipps, always unsparing of himself, condoled with Hobson, but hoped that "negotiations with the chiefs would not be interrupted" by the illness. "The necessity for an immediate visit to Port Nicholson and the northern parts of the Central Island appears to me most urgent" (2nd April).

On 3rd April he wrote: "Whatever advantages the settlers at Port Nicholson may have gained by being left so long undisturbed in their negotiations with the chiefs for the purchase of land will, I hope, be overcome by the necessity which, sooner or later, they will be under of submitting to such terms as the Government may dictate, but in respect to the extension of the Queen's authority over the Central Island, prompt measures appear to me very urgently required, and indeed (though I leave this point entirely to your own decision) I am disposed to think that the assertion

of the Queen's sovereignty by virtue of the right of discovery[6] would perhaps be the most advisable course of proceeding which could be adopted." He regretted that he had sought in vain for a qualified Colonial Secretary for New Zealand. As to legal advice, he grimly said: "I am informed by the Attorney-General that —— (one of the magistrates) has a very competent knowledge of the law, and though he cannot stand to you in the position of a responsible adviser, I am much disposed to doubt whether a functionary of that description would not be more likely to embarrass than to aid you." Unconscious of the master-gaze of Gipps, and his sufficiency of ability and will, Colonel Wakefield meanwhile strove to set up an independent polity, although he knew that Hobson's commission extended to Port Nicholson. On the 1st May, 1839, the company[7] had solemnly assured Lord Normanby that it "does not, nor has even imagined the possibility of establishing a system of government in New Zealand either independently of the British Crown or in any other way." Colonel Wakefield acted as if no such assurance had been given. The first settlement, which he called Britannia, he had made at Petone at the entrance of the valley of the Hutt.

The gifts and the authority of Te Puni gave him undisturbed possession there. But the place was found unsuitable. The surf made it difficult to land. In March, 1840, it was resolved to transfer the settlement to Te Aro, where stood a native pah, and where the natives protested against intrusion. To disparage them Colonel Wakefield called them slaves, and their pah a slave-pah. He was equally overbearing towards Wesleyan missionaries. Their committee complained (June, 1840) in London that he had taken possession of the site previously selected by their missionaries at Port Nicholson.

The company, in honour of the Duke of Wellington's patronage of Wakefield's views when South Australia was founded, called the new settlement "Wellington."

Whether the natives would have resented Wakefield's arrogance if they had considered him the sole representative

[6] Cook "took possession" for King George III., pp. 72-73 *supra*.
[7] *Mr. Hutt* to Mr. Labouchere.

of the English cannot be told. Henry Williams, when procuring signatures to the treaty of Waitangi, assured them that the Governor would send persons to examine their titles and do justice. With this they were pacified. Wakefield had under pretext of the assent of chiefs, formed a provisional government of which he was president, and when he opposed the signing of the treaty, Williams reported officially to Hobson, that owing to the opposition of the company's people, he could not for ten days procure signatures to the treaty, but that it was then "signed unanimously." Maugre the assurance given to Lord Normanby, the provisional government at Wellington emulated the insolence of its chief. On the 14th April, 1840, under a presumptuous warrant, one Pearson, master of a trading brig, was brought before a self-styled district magistrate, on a charge of illegal conduct towards his charterer, a resident in Van Diemen's Land. Refusing to recognize the jurisdiction, Pearson was committed, and was rescued by his friends. An escape-warrant was issued. The company had a newspaper at Wellington. It declared: "We are well pleased that the first person subjected to an assertion of law is of sufficient standing and intelligence to raise the question of our right to act under the sovereign power of the district. Captain Pearson will find that the constituted authorities of Port Nicholson have power to compel obedience." . . . (We have not attempted to obtain the sovereignty) "but acting under the various proclamations issued in relation to these islands, have accepted a constitution from the sovereign chiefs, placing a limit to their despotic power." In promulgating these absurdities the company were abetted by men who were called lawyers.

Pearson was astute enough to know that the idol set up by the company was thinly-veiled lynch-law, and fled to Hobson, who had recently been enjoined to take "prompt measures" to proclaim the Queen's authority. Prevented by ill-health from going southwards himself, Hobson had sent Major Thomas Bunbury (80th Regt.) in H.M.S. "Herald," "to carry out the unexecuted instructions of Government" as to the Queen's sovereignty, and to obtain signatures to the treaty of Waitangi. Bunbury was to assemble chiefs, to explain the treaty, and to offer a

"solemn pledge that the most perfect good faith would be kept by Her Majesty's Government, that their property, their rights and privileges, should be most fully preserved." He was to urge that it was the interest of the chiefs to subscribe, because "of the dangers to which they may be exposed by the residence amongst them of settlers amenable to no laws or tribunals of their own, and the impossibility of Her Majesty's extending to them any effectual protection unless the Queen be acknowledged as the sovereign of their country."

Bunbury obeyed, and after chiefs had signed the treaty (17th June, 1840) under a salute of twenty-one guns from the "Herald," the English flag was hoisted at a pah at Queen's Bay, and possession of the Middle Island, on the ground of "having been ceded in sovereignty," was taken and "formally proclaimed."[8] Stewart's Island was taken possession of on the 5th of June, "by right of discovery," because Bunbury did not there "meet with natives."

While feverishly waiting for the reports of Bunbury, and of the brothers Williams, Hobson was consoled by the success of Shortland, his Colonial Secretary, at Kaitaia, where many chiefs signed the treaty in April, under the advice of Nopera Panakareao, a Rarawa chief, whom Hobson described as a "superior person, full of intelligence, of a most independent and liberal spirit, and possessing unbounded influence in the district."

Nopera said: "Hearken, all of you, Pakeha and Maori. My desire is that we should be all of one heart. Speak your words openly. Speak as you mean to act. Do not say one thing and mean another. I am at your head. I wish you all to accept the Governor. We are saved by this. . . . What wrong has the Governor done? The shadow of the land goes to the Queen, but the substance remains with us. We will go to the Governor and obtain payment for our lands as before. . . . Do not, like the chiefs at

[8] Bunbury's proceedings were "attested" by sixteen persons belonging to the "Herald," and by one belonging to H.M.S. "Beagle." Their signatures were "witnessed" by Joseph Nias, Captain H.M.S. "Herald;" Thomas Bunbury, Major 80th Regiment, "charged with a diplomatic mission;" and Edward Marsh Williams, interpreter. Some persons having imagined that the treaty of Waitangi could not apply to the Middle Island, it is right to record the facts.

Hokianga, wish to kill the Governor. Live peaceably with the Pakeha. We have now a helmsman. Formerly one said, 'Let me steer,' and we never went straight. . . . What man of sense would believe that the Governor would take our possessions and only pay to us half their value? If you have anything else to say, say it; but if not, finish, and let all of you say 'yes, yes.'"

There was some ground for the reference to men at Hokianga. Hobson, in the same despatch[9] which reported Panakareao's aid, declared that rumours of a conspiracy against the Government were "not without foundation. I know the principal persons implicated, and I will have them closely watched. If there is really any truth in the matter it may be ascribed to the mischievous stories that have been circulated by low abandoned Europeans, who try to persuade the natives that we only wait until we are strong enough to take possession of all the land and sell it irrespective of native claims. I have issued circulars to the chiefs, and have taken other measures which I trust will disabuse their minds."

When it is borne in mind that there were many low Europeans both at Hokianga and at Kororarika, the significance of Nopera's words and the critical position of Hobson will be understood. Nevertheless, though stricken with sore disease, a resolution to do his duty and the moral strength of the strong-minded Gipps supported him. The sick man had heard of the signing of the treaty at Wellington and other places in the North Island, and waited only for Bunbury's report to assert the Queen's general sovereignty. But Gipps had authorized a Proclamation of Sovereignty over the Middle Island, on the plea of discovery, if necessary. Within an hour of hearing of Wakefield's upstart council and magistrates, Hobson proclaimed (21st May, 1840) the Queen's sovereignty over the North Island on the ground of cession by "the chiefs of the confederation of the united tribes, and the separate and independent chiefs." By a separate proclamation on the same day he asserted the sovereign rights of the Queen over all the islands of New Zealand, averring that he had

[9] Hobson to Gipps, 5th May, 1840.

... it in command" so to do. He explained to the Secretary ... of State that in thus acting he "yielded to the emergency ... the case arising out of the events at Port Nicholson. and ... was supported by the advice of Sir G. Gipps, previously ... given. According to my opinion, unaided by legal advice, ... proceedings of the Association at Port Nicholson ... amount to high treason. They have usurped the power of ... Majesty in establishing a constitution, and in appoint... magistrates." They had levied taxes, and "unjust as ... illegal magisterial authority" had been exercised.

... would not "take immediate cognizance of those ... but sent Shortland to publish the Proclamations in ... and at once to displace all persons holding ... under the authority of the usurped government," and ... to all persons the possession of property of ... they were in possession when the emigrants arrived, ... which they had been forcibly ejected by persons ... themselves magistrates." He gave Shortland a ... proclamation, dated 23rd May, at Russell,[10] Bay of Islands. ... declared the Association at Port Nicholson illegal and ... commanded all persons to withdraw from it and ... upon all persons there or elsewhere under his govern... upon their allegiance to submit to, and to aid, "the ... authorities in New Zealand."

... palsied Governor was able to report that Shortland ... been despatched "without one hour's delay," with ... soldiers. Shortland arrived at Port Nicholson on ... 2nd June, and sent the Proclamations on shore with a ... announcing that he would land and read them on the ... following day. The firmness of Sir George Gipps was by ... time known and regarded. Dr. Evans, with others, ... that the company's conduct had been misrepresented; ... the Council had only been formed provisionally until ... could act, and that the settlers were "highly ... delighted" at Shortland's arrival. He accepted their over... on condition that "the Council vanished and that the

[10] Lord John Russell, in honour of whom the provisional capital was ... named, communicated (10th Nov.) to Hobson the "entire approbation" of ... Government of all these proceedings, and promised to send him a com... as first Governor of New Zealand, about to be constituted a sepa... government.

flags be hauled down." His terms were acceded to; his Proclamations were read and responded to with cheers and a European salute by Europeans, and a war-dance and volleys of musketry by Maoris. Mr. E. J. Wakefield, in his "Adventures in New Zealand," while sneering at Shortland, confessed that many of the company's people acknowledged the authority of the Government with ill-grace. Nevertheless (1st July) they addressed Hobson with thankfulness, told him that they had heard with "surprise and indignation" the false reports circulated against them, and said that being "assured that sooner or later" Wellington must be the seat of government, they had, in planning their town, "set apart the most valuable sections of land for the convenience of the public offices and for the personal accommodation" of Hobson. Colonel Wakefield carried the address to the Bay of Islands and was thanked. He had reason to submit to British authority. Without it he could not obtain a title to the site of Wellington, and it was clear that Gipps would confer no title wrongfully.

While Shortland was on the spot there was (26th Aug.) a disturbance between armed settlers and the Maoris. He forthwith issued a notice forbidding all persons to assemble with arms, and he entered into an agreement with the Maoris, whom he described as unarmed and well-behaved, and who assigned their interests to the Crown to be afterwards dealt with. He warned Wakefield that he would permit no person to take possession without investigation. Wakefield accepted his intervention thankfully. Shortland reported that the Te Aro natives stoutly maintained that they had not sold their land, and that when he asked Te Puni whether he had professed to sell it in September, 1839, the chief replied, "Yes; how could I help it when so many muskets and blankets were put before me?"

It was, however, plain that Wakefield's vaunted deeds of conveyance were almost worthless, and that while Sir George Gipps exercised authority it would be difficult to give them a value to which they were not entitled. Hobson transmitted to England a report from Shortland that the chiefs "did not recognize the titles" set up at their headquarters by the company. Therefore, trusting in the potency of Lord Durham and the directors of the company,

Colonel Wakefield applied to England, where it was hoped that the political exigencies of a tottering ministry might make Lord John Russell more pliable than the man greater than he who ruled in Sydney. One method resorted to was to vituperate Hobson. Having inspected Waitemata (Feb., 1840) and obtained reports as to its position; its means of communication with the sea, eastward and westward respectively, through the Manukau harbour, and the Hauraki Gulf; its soil, and other advantages; Hobson made arrangements to buy a site for his capital. The church missionaries consented to forego their claim to the services of one of their body, Mr. George Clarke (catechist), in order that he might act as Chief Protector of the Aborigines;[11] and he was deputed to purchase the land required. In Sept., 1840, the British flag was hoisted at the new settlement, which Hobson called Auckland. He had already purchased 30,000 acres there, and was in treaty for more. He removed the public establishments thither early in 1841. In June, 1842, the Secretary of State announced that Her Majesty approved Hobson's selection. The company never forgot nor forgave his failure to appreciate the claim of Wellington to be the seat of government. Hobson's statement, that the title of the company at Port Nicholson was disputed by the natives, Mr. Somes had the audacity to contradict:—"We have not heard of a single instance, though accounts have reached us of strenuous efforts made by one of the church missionaries to cause such disputes."

It must be remembered that (Dec., 1839) Henry Williams attempted to lock up in trust for the natives the land from Rangitikei to Patea (after Colonel Wakefield had failed to enter the Wanganui river to obtain land in his usual manner); and that he made a purchase of about fifty acres at Port Nicholson. In Aug., 1840, a Wanganui chief, Te Anaua, showed to E. J. Wakefield a notice of the Wanganui trust, in Williams' handwriting. Wakefield endorsed the document as an "arrant falsehood," and returned it to the

remarking (in his book) that he "could not see a
e for Williams' conduct, which must have been
revent the completion of a bargain which we

[11] Hobson to Gipps, 21st April, 1840

had commenced at Kapiti a month before his arrival." Shortly after endorsing the notice, although Hobson had long assumed the government, and Gipps' proclamations had deprived such negotiations of even the pretence of validity, young Wakefield procured goods with which to re-enact his uncle's dealings. Discontented chiefs (he said) went to the ship in canoes "and exclaimed against the smallness of their share. . . . They wanted to return the goods to me, but I steadily refused, and told them that the bargain was concluded, and that they must now arrange the division in their own way. . . . Te Anaua appeared to have been wounded, having a bandage round his head."

Such were the transactions which the company called upon the majesty of England to sanction.

Young Wakefield sent a narrative to England, and the company told Lord John Russell that they could entirely rely upon his veracity. They quoted only a part of the account; but the wildness of their claim might be seen at a glance. It included the coast from Manawatu to Patea, and extended inland to Tongariro, where in those days Te Heu Heu would speedily have stifled the company's claims if they had been locally asserted. The purchase made by Williams at Port Nicholson was denounced by Colonel Wakefield to the company in terms which recoiled upon his own head in the estimation of all who knew the two men. He railed at "his selfish views, his hypocrisy, and unblushing rapaciousness." William Williams had sent a petition to the Queen against purchases pretended to have been made at Hawke's Bay by a private trader. The company confounded one Williams with the other in mixed abuse. The purchase at Wellington was made by Henry Williams from Reihana, who was the first missionary there, and who was about to migrate to Taranaki. Reihana had refused to join in the presumed sale to Wakefield by Te Puni and Warepori. Williams bought the land for the Church Missionary Society. The local committee at the Bay of Islands declined to take it, lest it should bring them into collision with the company. It remained meanwhile free for occupation by Reihana. When H. Williams went to Wellington in April, 1840, to procure signatures to the treaty of Waitangi, at Hobson's request, and heard from

Dr. Evans that reserves for the natives were a part of the company's plans, he told him that under such circumstances he did not desire to retain the land bought from Reihana. At one interview Colonel Wakefield used such coarse language that Williams declined to enter upon the subject; and, meeting Dr. Evans afterwards, Williams was informed that Evans was legally retained to resist Reihana's claims on the ground that he was a slave. Williams replied that he was well acquainted with Maori usage, and that Reihana's claim was valid. Another person was sent to ask Williams, but in vain, if he would abandon his claim on receipt of a sum of money. The hand of Gipps was at that time felt, and Wakefield thought fit to make an apology, which he offered to make public. Williams was content, and told Wakefield that the reserves for natives having been made, he would present the land to the company, retaining one acre for Reihana and another for himself, as an acknowledgment of title. Reihana afterwards lived upon his land. The acre kept by Williams was sold for Church purposes, and the proceeds formed part of the endowment fund of Trinity Church, Pakaraka, near the Bay of Islands. But the reserves for natives, which formed the consideration for which Williams handed over to the company nearly fifty acres in the town of Wellington, were not respected. The Government, in later times, sold them on the plea that they were not legally secured, and that "having done so much for the natives," it was reasonable that it should be reimbursed "from the lands originally set apart for reserves for the benefit of the natives." If these words were not to be found in a State document (1848), strangers to New Zealand might think they were intended for satire.

As the petition of the Rev. William Williams has been referred to, it is proper to advert to his proceedings. With his family he had taken up his abode at Poverty Bay in Jan., 1840. In February he petitioned the Queen to prevent the injustice which traders were endeavouring to inflict by pretended purchases of Maori lands. In May, 1840, having procured signatures of chiefs to the Waitangi treaty, he reported for Hobson's information further details with regard to the matter of his petition. He sent an account of "a most nefarious transaction which took place

in January last, being an attempt on the part of Captain Rhodes, of the barque 'Eleanor,' from Sydney, to dupe the natives out of a tract of land extending from Port Nicholson to the north side of Ahuriri in Hawke's Bay, and again from the north bank of the river Wairoa to the north of Table Cape." For one hundred and sixty miles of coast, with undefined limits in the interior, Rhodes pretended to have procured a title by distributing property valued at £160.

Williams hoped that the transaction would be set aside,[12] and was prepared to prove that much of the land was claimed under signatures of Maoris who had no interest in it; that those who signed the deed did not know its contents; that some of those who had signed, on learning the nature of the deed, refused to receive payment; that the so-called purchase was made on board of the "Eleanor;" and that "the most numerous body of the proprietors were not consulted, and expressed their most decided disapprobation." All such transactions Gipps felt it his duty to check. On the 6th May, 1840, he told Hobson that he had settled the terms of a bill for regulating titles to land in New Zealand. The first clause would "declare all purchases or pretended purchases from the natives to be null and void." The contemplated provisions were, in the main, eventually comprised in the Act 4 Vict. No. 7, passed (4th Aug., 1840) in Sydney. Its preamble may best describe it:

> Whereas in various parts of the Islands of New Zealand comprehended within the limits of the territory and government of New South Wales tracts or portions of land are claimed to be held by various individuals by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same; and whereas no such individual or individuals can acquire a legal title to, or permanent interest in, any such tracts or portions of land by virtue of any gift, purchase, or conveyance, by or from the chiefs or other individuals of such aboriginal tribes as aforesaid; and whereas Her Majesty hath by instructions under the hand of one of her principal Secretaries of State (14th Aug., 1839) declared her pleasure not

[12] Though W. Williams called Rhodes "the master of a trading-vessel on the coast," Mr. Somes (29th March, 1841,) accused him of denouncing Colonel Wakefield under that title. The transaction was so like one of Wakefield's that Somes' mistake was not unnatural. He did not make any apology when the mistake was pointed out.

to recognise any titles to land in New Zealand which do not proceed from, or are not, or shall not be, allowed by Her Majesty; and whereas it is expedient and proper to put beyond doubt the invalidity of all titles to land within the said Islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles from the said uncivilized tribes or aboriginal inhabitants of New Zealand: Be it therefore declared and enacted by His Excellency the Governor of New South Wales, with the advice of the Legislative Council of the said Colony, That all titles to land in New Zealand which are not, or may not hereafter be allowed by Her Majesty, are and shall be absolutely void.

By eleven other clauses the Governor was empowered to appoint Commissioners who were to be guided by the real justice and good conscience of the case; no grant was to exceed two thousand five hundred and sixty acres unless authorized by the Governor in Council; no bays, headlands, islands, &c., which might be required by the public, were to be included, nor sites for towns or villages, or sites required for public utility; and it was not to be obligatory on the Governor to make a grant even when recommended by the Commissioners.

The passage of the bill was vehemently opposed by Busby, the late Resident, and other claimants. Amongst them was no less a man than William Charles Wentworth, whose powers were great; but from a contest with whom Gipps did not shrink.

Early in 1840 seven Maori chiefs were in Sydney, and they were invited to sign at Government House a declaration of their willingness to accept the Queen as their sovereign. They attended and heard the necessary document read; each of them received ten sovereigns, and they were to return to the Governor in two days to sign the declaration. They did not return. To a message sent to them, one of their English hosts replied that they had been advised to sign no treaty which did not contain full security for the possession by the purchasers of all lands acquired from the natives. It transpired that William C. Wentworth had so advised. He himself claimed one hundred thousand acres in the Northern, and twenty millions of acres in the Middle Island. The seven chiefs who had not kept their appointment at Government House were the nominal sellers. They were to receive two hundred pounds a-year for life.

Wentworth and others prayed to be heard against the bill. Mr. Busby, the late Resident, was a claimant for fifty thousand acres and for the site of a township at the Bay of Islands.

Two days were spent in hearing the petitioners at the Legislative Council. Sir George Gipps replied to their arguments. He cited Kent, Story, and Marshall, to show that the English doctrine of acquisition of territory by the Crown was received as law in the United States. He quoted opinions given in England in 1836 to the effect that Batman and his associates were incompetent to acquire territory, except through the Crown, at Port Phillip. He adduced the abortive attempt of the New Zealand Company to form a legal community at Port Nicholson without sanction of the Crown. He could not satisfactorily deal with the point taken by Wentworth that the English Government had recognized the sovereignty and independence of New Zealand; but when a Government changes its opinions on such a point no logical defence can be made for it. His speech is enshrined in the Parliamentary Papers of the House of Commons (1841, first session), with a congratulatory despatch upon it from Lord John Russell. Mr. Wentworth's has not been so preserved, but the heads of it are in the proceedings of the Legislative Council of New South Wales. Gipps passed his measure. Wentworth threw up his commission as a magistrate, and Gipps withdrew a recommendation he had made in 1839 that Wentworth should be offered a seat in the Legislative Council. Thenceforth there was war between the two.

The English Government meanwhile having determined to make New Zealand a separate colony, Gipps was informed that his Act would be consequently disallowed, with a view to legislation in New Zealand, and that a Commissioner would be sent from England to investigate the claims to land. Hobson re-enacted the measure, 9th June, 1841, with few changes; but the ingenuity of speculators may be read in one of them. The new preamble proscribed "leases or pretended leases, agreements, or other titles, either mediately or immediately, from the chiefs or other individuals or individual of the aboriginal tribes." Gipps himself had urged Hobson (6th March, 1841) to "declare

that Her Majesty's Government will not suffer so manifest an invasion of the Act of Council as the practice of taking lands from the natives would, if recognized, establish." All transactions "which are not or may not hereafter be allowed by Her Majesty, her heirs and successors, are and the same shall be absolutely null and void."

Lest it should be thought that the British Government failed in any manner to approve of the action of Gipps and of Hobson in making the treaty of Waitangi and in dealing with Maori lands, it will be proper to quote some State papers. Lord Normanby's instructions have been cited. Lord John Russell wrote to Gipps (17th July, 1840): "Her Majesty's Government entirely approve of the measures which you adopted, and the manner in which they were carried into effect by Captain Hobson." When Royal instructions were sent to Hobson as Governor they declared the Queen's will that he should "especially take care" to protect the natives "in their persons, and in the free enjoyment of their possessions, and that you do by all lawful means prevent and restrain all violence and injustice which may in any manner be practised or attempted against them."

Adverting to these instructions, Lord John Russell wrote (28th Jan., 1841): "Her Majesty in the royal instructions under the sign manual has distinctly established the general principle that the territorial rights of the natives as owners of the soil must be recognized and respected." To make the assurance greater he added that lands pointed out by the Protector "as essential to the well-being of the natives should be regarded as *inalienable* even in favour of the local government."

It has been mentioned that a shoal of speculators emulated the career of the Company. Soon after Hobson's arrival he wrote: "The passion for land-jobbing now pervades every class, and all other considerations appear to be absorbed in that one object. Tracts of country in some cases of five hundred square miles are claimed by single individuals. . . . The Proclamation issued by your lordship's order has had the effect of stopping this traffic, but extensive mischief has been done before its promulgation. . . . I greatly fear that the conflicting claims will create a

violent ferment through every class of society both native and European." He was "not yet sufficiently informed of all the intricacies of the question" of native land titles, but would "sift it" and report to the Secretary of State and impress his views on the Land Commissioners. Hobson had reason to be startled at the audacity of the claims put forward. Irrespectively of the New Zealand Company's fraudulent claims, millions of acres in the North Island were alleged to have been purchased. In the Middle Island more acres were asserted to have been bought than it contained. Setting aside Wentworth's claim, more than nineteen millions of acres were demanded. Many claimed the same land. One man, residing at Sydney, claimed the whole of Stewart Island, for an alleged payment of one hundred pounds. In some instances claimants were content to claim without alleging any precise payment. Their reticence could hardly have arisen from shame, for one man claimed five and a-half millions of acres at Akaroa for an alleged payment of sixty pounds. He also was a Sydney resident. It is almost needless to say that many claims overlapped one another. Two men of the same surname claimed several millions of acres at Banks' Peninsula, the Bluff, the Molyneux, and other points on the coast, but never appeared to support their claims before the Commissioner. Greedy as were the Maoris for arms, the lust for land made the white man equally avaricious, and it was well that the vigorous hand of Gipps was near to stay the plague which would have prevailed if vicious titles had been even provisionally acknowledged. With complicated tribal titles, over which the sovereignty or 'mana' of chiefs was exercised in a manner uncomprehended by the land-jobbers, it was as certain as any mathematical definition that the bargains asserted by the European would not be acknowledged by the Maori. By limiting every claim, and by appointing Commissioners to examine, Sir G. Gipps would, but for the foolish interposition of Lord John Russell, have adjusted difficulties on a reasonable basis. He saw the risk of quarrel between the two races. Bargains perverted, deeds misrepresented or misunderstood, could lead to no other result. Firearms tempted the eyes, large promises plied the ears of the Maori. The lust of war meanwhile

was in the new world. The teeth of the serpent were everywhere sown.

The settlers at Port Nicholson were appalled at the prospect of examination of their titles, and a reasonable limitation of their claims. Mr. E. J. Wakefield (in his book) confessed that the "panic which seized the colonists" could hardly be conceived.

Colonel Wakefield was absent when the disastrous tidings arrived. He had gone to pacify Captain Hobson, and ask him to transfer the seat of government to Port Nicholson. "Various were the projects suggested by the panic-struck adventurers, each according to his disposition." Some hoped that Hobson might be made independent of Gipps. Some wished at once to return to England. Some would go to Chili. Some would remain to fight the battle. Colonel Wakefield's return reassured them. Captain Hobson had been friendly, but had declined to transfer the seat of government to Cook's Strait. At a public meeting thanks to the Lieutenant-Governor were voted; and Dr. Evans, Mr. Hanson, and Mr. Moreing were sent as a deputation to Sir George Gipps. Dr. G. S. Evans was a barrister, appointed as umpire to the settlement under the company's arrangements which had been condemned as unlawful. If his steadfastness to principle had been equal to his intelligence he might have made his mark in any colony. Mr. R. D. Hanson, a solicitor, had been sent from England as agent for the company for purchase of lands. His legal knowledge had not saved him from committing the blunder of going to the Chatham Islands and believing that he had secured them by purchase. He was engaged at Kawhia when the report of Sir George Gipps' proceedings arrested his own.

The deputation did not succeed in inducing Gipps to recognize the claims of the company. But he gratified them by acknowledging individual claims of settlers, leaving to the government the task of examining the accounts between the settlers and the company. He reserved the rights of the natives and of purchasers from them, as against the company, for the decision of the Commissioners under the Land Claims Act. He determined that the one hundred and ten thousand acres asked by the company should be

taken in one continuous block, and that private claimants should be compensated by the company or by the body of the settlers, whom he advised to apply for a charter of incorporation for municipal purposes, inasmuch as the government (having received no funds from the sale of land at the spot) would erect no buildings except for judicial and fiscal needs. The arrangement was to be subject to approval by the British Government. Any recognition seemed better than none. The panic subsided; and at a public meeting (15th Dec., 1840) the residents voted unanimous and cordial thanks to Sir George Gipps for his "justice and liberality." The settlers were content with the prospect of individual Crown grants, and Colonel Wakefield thought it politic in a letter (26th Feb., 1841) to England to laud Sir George Gipps' decision. At the same time Colonel Wakefield and the Directory in London brought counteracting influences to bear upon the Colonial Office, and the beneficial results of the decision were to be thwarted by Lord John Russell.

There was one act for which Hobson received unqualified praise from Gipps and all colonists. One Langlois, the master of a French whaler, had, in 1838, arranged with certain chiefs for the purchase of "all Banks' Peninsula, with the exception of the Bay of Hikuraki and Oihoa." The instalment to be paid at once was one hundred and fifty francs, or their value in old clothes. Langlois was to pay afterwards in guns, sabres, gunpowder, clothes, wine, a tambour, and other articles, creditable to his ingenuity if useless to the Maoris. He returned (Aug., 1840) in the "Comte de Paris" (whaler), with fifty-seven settlers, leaving others to follow. His wares were valued at more than £200, and then only was a formal document signed by a few Maoris. But in Jan., 1840, Gipps had proclaimed the invalidity of such transactions; Hobson had asserted the Queen's sovereignty; and many Maoris at Akaroa impugned Langlois' presumed purchase. Tuhaiwaki, the principal chief, laughed it to scorn.

There was another obstacle. When Langlois reached Akaroa (16th Aug., 1840) he found the English flag flying, and a court of petty sessions established—though it had nothing to do. Hobson had sent the flag under singular

circumstances. Although, under Gipps' advice, he proclaimed the Queen's sovereignty in May, 1840, rumours were rife about French occupation. The French frigate "L'Aube" was at the Bay of Islands. Hobson met her officers with cordiality. H.M.S. "Britomart" was in the harbour, and on the 21st July Captain Owen Stanley[18] received a hasty letter from Hobson.

It was "of the utmost importance that the authority of Her Majesty should be most unequivocally exercised throughout the remote parts of the colony, and particularly in the Middle and Southern Islands, where I understand foreign influence and even interference is to be apprehended. . . . There are various rumours current that Captain Lavaud, of the French corvette 'L'Aube,' now at anchor in this port, is employed in the furtherance of designs such as I have before mentioned. From some observations which fell from him I observed that it was his intention to proceed to the South Islands, being under the impression that the land at Akaroa and Banks' Peninsula is the property of a French subject. These circumstances . . . excite in my mind a strong presumption that he is charged with some mission in that quarter incompatible with the sovereign rights of Her Majesty, which . . . it will be your study by every means to frustrate. If my suspicions prove correct, the 'L'Aube' will no doubt proceed to Akaroa and Banks' Peninsula, for which place I have earnestly to request that you will depart with the utmost expedition, as it will be a point of the utmost consideration that on his arrival at that port he may find you in occupation, and that it will be out of his power to dislodge you without committing some act of hostility." If Captain Lavaud should anticipate Stanley either at Akaroa, or elsewhere, Stanley was to remonstrate, and "impress upon him that such a proceeding must be considered as an act of decided hostile invasion."

Hobson gave Stanley a copy of Major Bunbury's certificate that the natives had formally ceded the sovereignty of the Southern Islands when they signed the treaty of Waitangi, and called his attention to the Proclamation of sovereignty on the 21st May. "On the subject of this communication I have to request the most inviolable secrecy from all except your superior officers, to whom it may be necessary to report your proceedings. The ostensible purpose of your cruise may appear to be the conveyance of two magistrates to Port Nicholson . . . the real object . . . is to defeat the movements of any foreign ship of war that may be engaged in establishing a settlement on any part of the coast of New Zealand." Gipps wrote to Hobson that the instructions to Captain Stanley appeared to him "judicious," and that they would

[18] of the Dean of Westminster, Arthur Penrhyn Stanley.

be at once transmitted to the Secretary of State. He also commended Hobson's "firmness and discretion" in his demeanour towards the commander of the French corvette.

Captain Lavaud was innocent of the intentions suspected, or knew how to disarm suspicion, for the gallant Hobson, on the 23rd July, wrote to Stanley that further communication with Lavaud induced him to believe that the "French force in these seas have no similar or concealed object in view. It will, however, be our duty to watch their proceedings, and to interrupt any of their measures that may be deemed inimical to the rights or privileges of Her Majesty. It has been reported that some French emigrants are on their way from Europe to settle in some part of these islands. Should that prove true, I particularly request that you will visit the place of their disembarkation and land one of the magistrates, who will act under the instructions I have now the honour to enclose to meet that contingency." The magistrates were to hold a court on shore, and "should no case be brought under consideration, to adjourn from day to day," carefully reporting their proceedings. Baron de Thierry,[14] in his autobiography, reveals the fact that some Frenchmen thought it Lavaud's duty to anticipate the "Britomart." He declares that at a dinner party at Bishop Pompallier's, where Stanley was present, he privately warned Lavaud in these words: "A trick is going to be played you. You will find the British flag flying at Akaroa when you arrive there. . . . Captain Stanley will get the start of you." De

[14] The words of the vivacious De Thierry must be accepted with caution. He was angry with Lavaud for not "by the strong voice of authority" prevailing on the natives at Hokianga "to give me back my own" (*i.e.* the land he erroneously claimed). "The whites upon my property should now be taught that they were more criminal in buying what they well knew was already mine than the natives were in selling." Lavaud prudently declined the complicated task put before him, but humanely offered to take De Thierry to France as "l'hôte de la nation." De Thierry's family preferred to remain, if he would do so. Finding Lavaud unwilling to interfere at Hokianga, the Baron was annoyed at such neglect of a Frenchman's claims on "la grande nation." Lavaud courteously told him that by the Code Napoleon he had no claims. He had not been drawn for conscription—the only test. The Baron asked for commendatory letters to French ships, and Lavaud politely gave them. Though he accepted them, De Thierry wrote sadly that Lavaud had not accorded to him the "protection toute spéciale" to which he was entitled.

Stanley hailed Akaroa a "French station," and when he heard that Lavaud found the British flag hoisted there wrote: "It is unquestionably true that the French lost the port of Akaroa."

The "Britomart" encountered stormy weather. A steamboat was wrecked away, another boat was destroyed; but Stanley brought his vessel to anchor at Akaroa on the 10th August. Captain Lavaud, arriving later, was detained two or three days off the point. When the "L'Aube" anchored, the sun had for four days been shining on the English flag ashore.[5]

The French immigrants, under Langlois in the "Comte de Paris," had not arrived. On the following day they appeared. Lavaud agreed that his countrymen should land in an unoccupied part of the bay, and that until instructions should be obtained from the English and French Governments, the Frenchmen should only build shelter-houses and make gardens.

The English commander, finding that the French whaler had "six long twenty-four pounders" on board, protested against their being landed with the French settlers. Captain Lavaud professed surprise at the fact that the guns had been sent out, and assured Captain Stanley that they should not be landed. Politeness reigned at the peninsula. The English resident magistrate became a guest on board of the French frigate until he could provide himself with shelter on shore. Captain Stanley sailed away and left the French to their own devices.

Mr. Robinson, the magistrate, agreed to assist in maintaining the authority of the French over their people "until

[5] Subsequent inquiry showed that Langlois, on behalf of the French Government and the Nanto-Bordelaise Company, endeavoured to forestall Captain Stanley by other means, as well as by the voyage of "L'Aube." Langlois was at Pigeon Bay (on the north coast of the peninsula) before the "Britomart" anchored at Akaroa on the south, and he procured Maori signatures to a deed conveying enormous tracts of land across the island, but the Maoris averred that they never received any consideration. One chief maintained that he had claims over the whole peninsula, had sold nothing, and signed no deed. Langlois, nevertheless, obtained more signatures at Akaroa, although he found the "Britomart" there, and was aware of Hobson's Proclamation of the Queen's sovereignty. The land which some Maoris admitted that they agreed to sell at Akaroa, in 1838, was about four hundred acres. (Report of Land Commissioners, 21st Oct.,

some definite arrangements could be made between the respective governments respecting the various conflicting claims to the lands in Banks' Peninsula," and Lavaud undertook to help Robinson in maintaining order, but did not wish the English flag to be hoisted over his countrymen in the meantime. This arrangement was sanctioned by Hobson and was approved in England.[16] The final decision as to the manner in which the French company were required to prove their claims at Akaroa was communicated by Lord Stanley (20th Aug., 1842). They were to be dealt with "on the same principle as if they had been a British company," and were invited "as a preliminary step to prove the extent of their claims, with an intimation that the claims when proved to be just would be allowed in the Northern Island, and that no difficulties would be thrown in the way of their naturalization."

Subsequent investigation of the titles of the French settlers elicited proof that the French Government had more to do with Langlois' expedition than Captain Lavaud knew or admitted. Lavaud (to Hobson in 1851) disclaimed any national intrusion on the part of his Government, but "supported the claims of his countrymen as the only *bonâ-fide* purchasers from natives."[17]

Among the documents produced by the French company in 1844, in support of their claims for compensation, was a compact between the Nanto-Bordelaise company (to whom Langlois sold) and a Commission named on behalf of the French Government by Admiral Duperre, the Minister of Marine. The Commission was countersigned by the Prime Minister, Marshal Soult, and the Minister of Commerce, and was approved by the King of the French. It was notorious that Hobson was on his way to New Zealand when (11th Dec., 1839) a remarkable agreement between

[16] The diplomacy of Lord Palmerston was called upon with regard to the French claims. He told the French *chargé d'affaires* in London (12th Aug., 1842), that the object of the Government was "to ascertain and confirm titles already acquired,"—that there might be some so extravagant and frivolous that it would be unjust to sanction them—that therefore a Commissioner had been appointed, and that Her Majesty's Government trusted that his "decisions would be such as to prevent any complaint on the part of the French settlers whom it would be the duty of the British Government to protect in their lawful possessions and useful occupations."

[17] Despatch from Hobson, 5th November, 1841.

the French company and the Commission was signed. It showed that the vessel (nominally Langlois'), the "Comte de Paris," was put at the disposition of the company "par le département de la Marine tout armée et approvisionée de rechanges pour un an . . . fonder et à occuper les premiers établissemens qui y (New Zealand) seront créés par la compagnie après qu'elle aura acquis les terrains sur lesquels elle s'établira." At least, one vessel of war was to be always on the station to protect, and "pour la formation des établissemens." For these favours the company "livrera a l'Etat le quart des terrains qu'elle pourra acquérir," as well as sites for forts and public uses.

By the light of these documents[18] one can understand why Langlois so hastily framed his deeds to convey millions of acres extending from the east to the west coast. One sees also that Hobson's suspicions were not unfounded.[19]

On the 20th Feb., 1840, another document was signed by the parties to the agreement of the 11th Dec. They constituted themselves "La Compagnie Française de la Nouvelle Zelande," for the purpose of acquiring and colonizing lands there and prosecuting whale fishing in the adjacent seas. The name of Admiral du Petit Thouars appears among them as one of the links connecting the Government with the fortunes and schemes of this singular company. Their further operations were arrested in France when the Proclamation of the Queen's sovereignty by virtue of the treaty of Waitangi became known; but the French agent at Akaroa informed Governor Hobson in 1841 that "five hundred persons were on the point of embarkation, and were only prevented from proceeding to the colony" by Her Majesty's Proclamation.

On the whole it seems that if Gipps had not forced upon the dutiful but palsied Hobson the prompt assertion of

[18] Enclosed in a despatch, 7th July, 1845, from Lord Stanley to Governor Grey. They were bulky, and perhaps escaped the scrutiny which would have been bestowed upon them if it had been known that the claims of the French company were based upon asserted alliance with the French Government. The eventual transfer of the Nanto-Bordelaise claims to the New Zealand company annihilated all interest in the subject.

[19] Colonel Godfrey pronounced Langlois' alleged contracts in 1840 utterly worthless. Langlois put in at Van Diemen's Land for repairs on his voyage, and was there informed of the Proclamations of Gipps and of Hobson, as well as of the treaty of Waitangi.

sovereignty in the Southern Islands, the enterprise of Langlois, with the aid of the French Ministry, might have had a different result; and, to use the expression of De Thierry, the French might not have "lost the port of Akaroa." Gipps approved Hobson's proceedings, and commended to the Secretary of State the "firmness and discretion" with which Hobson had acted. The fate of the French settlement may be briefly told. The project, nipped in the bud by the dashing Stanley, withered into oblivion. The English Ambassador in Paris was moved to communicate with Lord Aberdeen (Foreign Secretary) in July, 1842. At that time Hobson wished to assign to the French settlers fifty thousand acres at Kaitaia in the "extreme northern district." Lord Aberdeen (July, 1842) apprized the French Government of that fact, and added that Her Majesty's Government "proposed to deal with the company connected with the French settlers on the same principle as if they had been a British company, and to invite them as a preliminary step to prove their claims, which, when proved to be just, will be allowed in the Northern Island—no difficulties being thrown in the way of their naturalization." When this despatch was laid before the Land Claim Commissioners, Colonel Godfrey and Major Richmond, they saw that the principles on which British claims were decided would bar the French from compensation, inasmuch as the pretended bargains were made long after Sir G. Gipps' Proclamation forbidding, and making null, the acquisition of land after the 14th Jan., 1840. Except as to a trifling area the French deeds were dated in Aug., 1840.

Calling attention to these facts the Commissioners reported the evidence taken. Sending their report to England, the Acting-Governor (Shortland) remarked that Akaroa was one of the most important harbours and stations in New Zealand.

At that time (1844), one Monsieur Maillieres was pressing the claims of the French company upon the Colonial Office. His powers were, in 1845, supplemented by a power of attorney from Langlois, the original adventurer. The asserted expenditure was £36,000. The Land and Emigration Commissioners, at Lord Stanley's request, investigated the claims, and were satisfied that £11,685 had been

expended by the company. In consideration of the silly rule established by Lord John Russell in dealing with Wakefield's New Zealand Company—viz., awarding "four acres for every pound sterling" (expended by the adventurers)—Lord Stanley consented, although the claims put before Colonel Godfrey[20] at Akaroa were manifestly worthless, to authorize a confirmatory grant limited to thirty thousand acres,[21] and subject to the usual inquiry as to the validity of the contract with the natives. Maillieres was profuse in thankfulness. Not cognizant, perhaps, of the proofs required as to boundaries, and tribal consent, he wrote to Under-Secretary Hope:

"J'ose espérer . . . que les délégués de l'autorite souveraine seront completement favorable a mes commettans dans la meilleure désignation des trente mille acres que le Gouvernement de S. M. Brit. a été désireux de nous concéder . . . qu'enfin de fausses interpretations et d'étroites vues n'entraveront pas la prompte et finale réalisation des volontés nobles, franches, et généreuses que le Gouvernement de S. M. la Reine a bien voulu manifester à la Compagnie Nanto-Bordelaise. J'emporte cette pensée consolante, monsieur, et je bénis ceux qui comme vous me l'ont fait concevoir."

When Lord Stanley's instructions reached New Zealand, Beligny, the agent for the French company, not having anticipated so favourable a result, was not to be found. Delays intervened. In May, 1847, the French company treated with the New Zealand company for sale of their claim, but considered they were entitled to larger credit for expenditure than had been allowed in 1845. They asked for two hundred and sixty thousand acres. Langlois opposed the sale to the English company. Earl Grey

[20] Colonel Godfrey was in England, and was consulted by Lord Stanley. He pointed out the worthlessness of a pretended deed conveying to Langlois all the land from sea to sea, between Lat. 42·20 and 44·45. It would have comprised nearly all Canterbury, all Westland, with portions of Nelson and Marlborough. It was signed by a few Maoris at Pigeon Bay on the 12th Aug., 1840, months after the Proclamation of the Queen's sovereignty, (well-known to Langlois,) and two days after Captain Stanley had occupied the peninsula by Hobson's directions. The consideration was trivial, and the owners of the territory had heard nothing of the deed, and would have received no consideration.

[21] The fourth part of land which the French company was to cede to the French Government dropped out of sight. The company did not recoup their government for the outlay on the "Comte de Paris." Maillieres put forward claims on that account in London, but the Emigration Commissioners deemed them untenable.

declined to alter Lord Stanley's decision, and (Nov., 1846) authorized the Governor to mark out the thirty thousand acres without aid from Beligny if he should be absent or unable to act.

Finally (4th July, 1849), before the selection was made, the official liquidator of the French company, M. Raillard, conveyed their entire property and interests in New Zealand to the New Zealand company for the sum of £4500. The sale was a relief to the New Zealand Government, which was at the time negotiating for the "Port Cooper and Port Levy blocks" with the Maoris, and the undetermined French claim was inconvenient. Among the arguments used by Tikao—in asking remuneration—was that he risked "the anger of the French Government by acknowledging the supremacy of the English." It is fair to add that Tikao insisted on and obtained a guarantee that the grave of a child at Pigeon Bay should be undisturbed until there might be formed a cemetery, to which, unless it might comprise the grave, the remains were to be removed.

When the French settlers, chiefly carpenters, gardeners, stonemasons and labourers, were left at Akaroa they planted orchards to remind them of "la belle France," but they made no homes. M. Beligny, botanist and mineralogist, remained to superintend the settlement, but it did not prosper.

Eventually most of the settlers were removed to the French Marquesas. Over those Frenchmen who remained at Akaroa their government long kept up surveillance. The senior French naval officer on the station acted as Commissaire du Roi. A farm and garden were at his disposal. A servant handed the keys of his dwelling to each new commissaire on his arrival.

While the position of the French at Akaroa was in suspense, Lord Stanley observed the movements of their countrymen. In 1842, a frigate, "La Reine Blanche," touched at Brazil with three hundred troops on board, supposed to be destined for New Zealand. Two corvettes joined her. The Ambassador at Paris was put in motion, and M. Guizot assured him that no expedition to New Zealand was contemplated. "All that we desire is that the rights and properties of the French residing there should

be acknowledged and respected by the British authorities." It was true that the corvettes had sailed to relieve the officer on the French station there. Two months afterwards the Ambassador was again assured by the Minister of Marine (on the honour of the head of the "division de Colonies"):

"Que la frégate 'La Reine Blanche' n'a point sa destination à la Nouvelle Zelande; non plus que le but de coloniser dans la groupe de la Tasmanie. . . . Seulement il a reçu l'ordre de venir partout et de toute manière dans ses voyages au secours des Français, et de donner au gouvernement des renseignemens certains et précis sur le commerce d'Australie et des différens isles;—commerce qui a pris un grand essor, surtout dans les dernières années. Il a de plus l'ordre d'examiner s'il n'y aurait pas dans l'Australie un lieu propre à la colonisation, et d'en avertir le gouvernement Francais."

Fitting instructions were issued by Lord Stanley to the various governors in the south.

When the American Consul saw Gipps' New Zealand Bill, he inquired (11th June, 1840) whether it was "expected that American citizens who may have acquired, by purchase or otherwise, lands or titles in New Zealand, shall submit their titles to the proposed Commission?" The Governor replied that he had sought instructions as "to the course to be pursued with reference to lands claimed by persons other than British subjects," and he regretted that he could in the meantime give no more definite answer. When Gipps extended the laws of New South Wales to New Zealand, the Consul (Williams) again asked (22nd June, 1840) whether the enactment was intended to "affect the commercial relations of the United States with New Zealand?" The Governor replied that it "was not intended to alter in any way the commercial relations between any part of the territory comprised between the limits of this Government and the United States, it being indeed incompetent for the legislature of any colony to pass laws affecting its relations with foreign powers. Sir G. Gipps deems it right, however, in making this communication, to add that New Zealand having been placed by Her Majesty under this government, the trade between it and all foreign countries will be governed, he presumes, by the laws which regulate the general trade of the Empire, although he has as yet received no communications from Her Majesty's Government on the subject." The Consul inferred that "all cases

having reference to citizens of the United States residing at New Zealand or resorting thither for the purposes of trade, will remain upon the same footing as in former years," and questions arising would be referred to England and America. The Governor coincided as to reference of disputes; but although he could "not pledge himself that the intercourse between citizens of the United States and the people of New Zealand shall remain exactly on the same footing as at present, he will endeavour (and especially with regard to the whale fishery and the curing of whale oil) to obviate any cause of complaint, so far as it may be in his power to do so." The Governor told Lord John Russell (23rd July, 1840) that the question might affect the Consul's countrymen as land claimants, whale fishers, and importers. There had hitherto been no Customs duties or port-charges in New Zealand. He proposed to postpone inquiries as to titles of foreigners to land until he had disposed of claims of Her Majesty's subjects; to allow whale fishing to go on as before till the Queen's pleasure might be known; and to make payments by foreigners (of Customs duties) commence on the 1st July, 1841.

Lord John Russell consulted Lord Palmerston. He thought that rules with regard to titles ought "to be relaxed in favour of any aliens possessing lands in New Zealand by virtue of valid titles acquired previous to the Proclamation of the Queen's sovereignty there." Lord Palmerston deemed the proposal "liberal but just." Though such claimants could not reasonably object to be called upon to prove their titles, "yet, as in the case of a conquered colony, it would not be just to apply retrospectively to aliens, who had become landowners before the islands formed part of the dominions of the British Crown, the law which prevents aliens from acquiring landed property within those dominions."

To have recognized all claims without inquiry would, however, have invited imposition. One citizen of the United States—a runaway from a whaling vessel and a Pakeha Maori trading in pigs, &c.—might have asked for the winding shores of the Hauraki Gulf. The despatches of Gipps had warned the Government of the danger of such claims (designated by Lord Palmerston, in 1842, as

"extravagant and frivolous") and Hobson was instructed by Lord J. Russell (17th March, 1841) that except in special cases (to be referred to England), "where aliens have acquired lands from chiefs prior to your Proclamation, and that fact is undisputed, the claims must be acknowledged; but where a doubt arises whether the alien made a *boná fide* purchase of the land, the settler must be treated as a British subject, and his claim disposed of accordingly." The exorbitance of claims was the only safeguard against the abuse of the diversity of proofs permitted by Lord J. Russell. Hobson, in March, 1842, sought more definite instructions, on the occasion of an application from a Belgian subject who was scrupulous as to taking the oath of allegiance, which Hobson thought necessary. Hobson, in the same month, pointed out that he had been directed in 1840 to cause Baron de Thierry's claims to be investigated in the same manner "as the claims of all other persons, British and foreign." As these "conflicting directions" (both from Lord John Russell) left Hobson in doubt as to the mode in which foreign claims were to be dealt with, he asked for instructions, and craved pardon for suggesting "that foreigners are not deserving of exemption from regulations imposed on Her Majesty's subjects." Lord Stanley told him (6th Dec., 1842) that "whenever it was doubted that the alien had made a *boná fide* purchase, the doubt must be solved by the same process of investigation that was settled for British subjects;" and that, "besides requiring the oath of allegiance from an alien previously to his receiving a grant of land, an Act should be passed naturalizing such alien." As there could scarcely be a case in which the validity of purchase by adventurers in New Zealand was undoubted, Lord Stanley's attempt to reconcile his predecessor's contradictions afforded a *modus decidendi*, but it was unfair to Hobson to add that the Colonial Office could see "no discrepancy between the two instructions."[22] The strong hand of Gipps was capable of maintaining order, but the demolition of his control by Lord J. Russell remitted New

[22] Discrepancy seems to have been suspected by some one, for the denial of it was omitted in the extracts laid before the House of Commons.

Zealand to the care of men less able to maintain the rights of the Crown.

The question of Custom duties elicited a petition from citizens of the United States, who complained of loss by reason of the high duty (which they declared illegal) on spirits. The United States Minister asked for compensation. Lord Stanley was informed that British subjects had equal ground of complaint, and that the Consul for the United States (a British subject) was a member "of the Legislative Council, and helped to pass the Act complained of." The Custom House, moreover, had only demanded the bonding of, or the payment of duty on, the goods. Subsequently Governor Fitzroy remonstrated against the consignment of seven thousand pounds of gunpowder and fifteen cases of muskets to a person acting as Consul for the United States. Representations were made to America, and President Buchanan sent fitting instructions to the new Consul, but thought it unnecessary to rebuke the offender, who "never held an appointment direct from the United States Government."

On its being pointed out by Governor Fitzroy, in 1845, that the United States Consul, and the consignee of the gunpowder, had, as well as the French bishop Pompallier, fomented troubles at the Bay of Islands, where some disreputable persons incited disturbances, Lord Stanley (15th Oct., 1845) was incisive in his instructions to the new Governor, Grey: "You will propose to the local legislature the enactment of a law authorizing the removal of aliens from New Zealand if any doubt should be entertained by your legal advisers as to the existence of that right without the aid of a positive law." At the same time the Governor was to "observe the utmost caution and circumspection in the exercise of such a power."

It was convenient to class together the correspondence concerning foreign claims and conduct of foreigners, but it is necessary now to recur to Hobson's general proceedings in 1840.

When presenting the address from the company's settlers, Colonel Wakefield had made so favourable an impression on Hobson that the latter asked Gipps to send magisterial commissions for Wakefield and two other persons. One of

them Gipps appointed, but added (11th June, 1840), "until I have an official report of an entire submission to the authority of Her Majesty by the settlers at Port Nicholson I can scarcely feel myself authorized to place any persons connected with that settlement in the commission of the peace. This, of course, will not prevent your sending to Port Nicholson any magistrate unconnected with the settlement or with the company under whose direction the settlement has been formed."

With regard to another matter, Gipps arrested Hobson in an error for which Lord Stanley subsequently condemned him. The impressible Hobson had made a preliminary arrangement to purchase from a Mr. Clendon, by granting thirty times its area elsewhere, a piece of land for a township on the Kawa Kawa river at the Bay of Islands, and by paying to Clendon a considerable rent for a term. Gipps pointed out that Clendon could have no title; that the bill in preparation would prevent the Land Claim Commissioners from recognizing claims to sites suitable for towns; and that Gipps was constrained to "decline to become a party to any engagement which would seem to be contrary to so important a principle, and which might also form a very inconvenient precedent. I must further observe that the purchase of lands from any other parties than the aboriginal possessors of them does not seem to me to be one of the objects for which I am authorized by the Lords of the Treasury to make advances out of the Crown revenue for New South Wales." But the effective control of Gipps was soon withdrawn. The Crown (Nov., 1840) formally separated New Zealand from the Government of New South Wales, declaring the North Island to be New Ulster, the Middle Island New Munster, and Stewart Island New Leinster—names destined soon to disappear.

Two instances may be given of the manner in which Sir George Gipps used his powers. Hobson reported that Dr. Martin, a settler "of integrity and reputation," was alarmed. He had made large pretended purchases at the Thames. He had a saw-mill. Under the Land Claims Act he feared the cramping of his claims. Even if he should receive the maximum allowed by Gipps' Act, the consequence might be that the quantity awarded would be

insufficient to supply his mill with timber. Gipps replied (5th Dec., 1840): "This, however, may be the case, and still no injustice done to Dr. Martin, as I can see no more reason that all the timber sawn at a mill should be grown on his own land than that all the wheat or other grain ground at a mill in England or elsewhere should be produced on land the property of the miller."'

In one respect Gipps had not grasped the difficulties of land purchase in New Zealand. Outside of the missionary circle no one seemed to understand the attachment of Maoris to their hereditary tenure. Gipps told Hobson (30th Nov., 1840) that where the chiefs admitted that a sale had been made, their titles were to be considered extinct, whether "or not the whole or any portion of the land be confirmed to the purchasers or pretended purchasers." In cases of insufficient consideration, Hobson, in concert with the Protector, was to award further compensation to the chiefs.

Two vices were thus sanctioned: robbery of a tribe because one or more chiefs had agreed to sell their interest in land; and recognition of a contention that a bad transaction could be made good by compelling him who had been cheated to accept from a third party compensation which the sufferer might deem insufficient. And yet Sir G. Gipps might have suspected that the words of Tacitus—*Agri pro numero cultorum ab universis in vices occupantur*—were applicable to the Maoris. The vicious principles which he was willing to sanction were ere long put in practice; not perhaps because he in ignorance approved them, but because only by their means could the company's purchase at Port Nicholson be retained. But it was under no blandishment or threat that Gipps yielded to error. The company could not coerce him, as they coerced Lord J. Russell.

It has been seen that the deputation to Sir G. Gipps (Dr. Evans, Mr. Hanson, and Mr. Moreing), returned to Wellington with a decision recognizing under certain conditions the Wellington settlement, but limiting the company's claim to 110,000 acres to be selected in one block adjacent to Port Nicholson: that a public meeting at Wellington in 1840, unanimously thanked Gipps for his justice and liberality." Nothing loth, presuming upon the countenance of Gipps from

the scene of action, and the reported influence of the company upon Lord John Russell, Colonel Wakefield attempted to allot lands at Wanganui and at Taranaki far from the locality to which the company's selections were confined. The "Surveyor-General" of the company published notices that plans of the districts were ready for inspection, and that selections would be made on the 4th Feb., 1841. The precedent at Wellington was ominous of evil. Even there, mistakes in the plans had been discovered, and a postponement of the selections had been necessary at the last moment; and there the Maoris had remained quiet, trusting to the assurance of Henry Williams that the Governor would send a functionary to do justice, and being similarly counselled by the powerful Te Puni. At Wanganui the company was violating a transaction entered into by Williams. To Taranaki it was known that Wiremu Kingi te Rangitake intended to lead back some hundreds of the Ngatiawa. "There is great reason to apprehend" (Hobson wrote to the Secretary of State) "that none of this vast territory has been legally purchased from the aborigines. But this is a question I will not prejudge."[23] When Hobson saw the advertisement of the intended selection he hastily asked Gipps (29th Dec.) what course he should "pursue to prevent the serious consequences which would result from apportioning lands in contravention of the conditions, reservations, and limitations on which the settlers at Port Nicholson were to remain undisturbed." Gipps forthwith (12th Jan.) answered: "You will, without loss of time, direct the police magistrate at Port Nicholson to notify in the most public manner possible that no such selections will be acknowledged by Her Majesty's Government, nor any titles whatever derived from the New Zealand Company beyond the limits of 110,000 acres taken in one continuous block around Port Nicholson." To prevent delay, Gipps added that he was sending a copy of this order "direct to the police magistrate at Port Nicholson with instructions to act upon it as soon as it shall reach him."

Detected in a fraud upon the conditions which (he admitted) were "gratefully accepted," Wakefield, whose

[23] Hobson, May 26th, 1841.

object seemed to be to ensure a quarrel with the Maoris, wrote a false and fulsome letter to Sydney. He desired "to comply most strictly with the law enacted by the local government regarding land in these islands," and submitted an explanation which he could not himself have believed. "Presuming that the favourable countenance shown by His Excellency to the first settlers . . . would be afforded to all comers," he "authorized a survey of the districts of Wanganui and Taranaki and the location of settlers arriving from England therein. It remains for me, therefore, to submit to His Excellency my desire to open the land for selection according to the terms prescribed in the instance of the district of Port Nicholson." He knew well that the hand of Gipps would soon be removed. He wished to temporize, and, by Gibbon Wakefield's ability, to coerce the feebler mind of Lord John Russell in England. He sent a copy of his false explanation to England, and the prompted Somes laid it before Lord John Russell as a proof of "the respectful and submissive course which their agent would certainly have pursued if he had been called upon in a manner more mild. . . ." The Directory respectfully complained of a "peremptory and harsh manner" as calculated "to detract gratuitously from their officer's influence, and consequent usefulness." Somes had the audacity to state (though the facts convicted Colonel Wakefield) that he would "implicitly and instantly have obeyed any orders which Captain Hobson might have addressed him," instead of appealing to the peremptory Gipps. Lord J. Russell meekly submitted to the company. He was of opinion that Colonel Wakefield's explanatory letter (to Gipps) "deserves the praise of temperance, which the New Zealand Company claim for it." He could hardly expect that Gipps would be duped into a like admission. He must have been conscious that he and not the Governor deserved admonition, for he told Somes (19th Aug., 1841,) that "the friendly relations which it was important to maintain between the Governor of New Zealand and the company's agents would, in his opinion, be rather impeded than advanced by making the subject of correspondence and admonition those misunderstandings which may unfortunately have arisen, while the parties were in ignorance of the negotiations which passed

between the company and Her Majesty's Government at the close of the last year."[24]

The campaign of Gibbon Wakefield and his coadjutors in England was conducted on the principle of pouring settlers into New Zealand without any consideration as to the procurement of lands on which they were to be placed. Colonel Wakefield, on the spot, aimed at placing the settlers on lands to which he knew he had no title, and for which, under Sir G. Gipps, it was manifest that no legal title could be secured. The company sold land in England, and the purchasers, on arrival in New Zealand, drew lots for sections, on which Colonel Wakefield placed them without complying with the requirements of law. At Wanganui, and at Taranaki, Gipps arrested this lawless procedure, and Lord John Russell condoned it. The company truthfully reported to Colonel Wakefield that the Colonial Office was becoming pliant.

The servants of the company became insolent in New Zealand. They called Captain Hobson "Captain Crimp," because he attracted workmen from Cook's Strait to Auckland. They derided him publicly and privately. They pointed triumphantly to the population which, under their loose devices, had accumulated at Wellington in greater numbers than could be found at the official colony. An affray between American sailors and Maoris at the Bay of Islands afforded Hobson an opportunity of representing the want of a military force. Lord John admitted the need, but could hold out no hope, "at least for the present," and advised the formation of a body like the Irish police. When Mr. Somes angrily commented on the petition of the Rev. William Williams, and imputed it to Henry Williams—at the same time vilifying the latter—Lord John sent the correspondence to Hobson, with an intimation that he looked to Somes and to Williams "for co-operation in establishing friendly relations between [redacted]" He did not stop to observe that one William [redacted] confounded with another, and as late as [redacted] company did "not deem it advisable to ta[redacted]

[24] This episode is given in detail, because if it were not would be almost impossible to believe that a British *could* act in the manner described

making public the correction of this mistake." So plastic was the Minister in the hands of the company that when the Land and Emigration Commissioners in London offered special areas of 5120 acres to settlers in New Zealand, and Mr. Somes remonstrated, Lord John compelled the Commissioners to revoke their advertisement lest the designs of the company should be incommoded.

Among the weapons of the company was a Select Committee of the House of Commons in 1840. Lord Eliot was chairman. Gibbon Wakefield was examined at great length, and professed to represent Lord Durham, who died before the Committee was closed. With his usual address, Wakefield commented on the proceedings of the Association of 1837, the opposition of Lord Howick, the hostility of the Church Missionary Society to Mr. Baring's bill in 1838, and the "act of hostility" of Lord Melbourne's Government in not allowing the New Zealand Company to carry out the self-governing agreement (which Sergeant Wilde, on being applied to by the company, had pronounced illegal). Wakefield insisted that the company were "morally right," but on moral questions he was not deemed an authority. He denounced the recognition of rights of Maori chiefs. England ought to have claimed sovereignty on account of discovery. He assailed the missionaries. Mr. Dandeson Coates, the secretary of the Church Missionary Society, admitted that it had been formerly opposed to interference with the Maoris by the Government. It had hoped to civilize them as a people; but, unless English authority should be set up, anarchy had become inevitable. As to the charge against missionaries for purchasing land, the Society had, in 1840, thought moderate purchases as provision for their children desirable. In 1838, on rumours of large purchases, the society instituted inquiry, and deeming a purchase by a catechist[25] inordinate they informed him that it was incompatible with his office. If he denied their right to control such matters, the committee must "adopt the painful alternative of declaring his connexion with the society terminated." A representative of an Mission Society testified to similar moderation

a. The purchase (40,000 acres at Tamaki) has been
pp. 142, 153-4.

on their part. They found fault with one missionary for purchasing lands; he defended himself, and about 1837 they "came to the conclusion to dismiss him."

Mr. Hutt, M.P., a director of the New Zealand Company, disputed the validity of Gipps' Proclamation of Jan., 1840, and the intended commission to examine titles to land. The company had met (that morning) to fortify Hutt. They were wise in their own generation. They well knew that Colonel Wakefield's pretended deeds were vicious. His own letters either admitted or proved the fact. They resolved to terrify Lord John Russell and shake off the control of Gipps. Mr. Hutt read their resolutions:

1. Sir George Gipps' Proclamation is "so contrary to international law and so repugnant to justice" that they would "use all legitimate means of resistance."

2. That the subjection of private property in New Zealand to "absolute control of a distant and rival colony is so repugnant to justice and propriety" that it must be resisted.

Their third resolution was widely inconsistent with their assertion that Maori chiefs could have no sovereign rights.

3. "That inasmuch as this unparalleled interference with private rights cannot even lawfully take place in any part of New Zealand not ceded to Her Majesty, it is to be expected that the settlers on the company's territory, with a view to preventing their own ruin, may be led to induce the chiefs of New Zealand to retain the sovereignty thereof."

4. That the company would concur in any general scheme concerning its shareholders and purchasers.

5. That the company would furnish funds by loan—"to defray expenses of government in the islands until sufficient colonial revenue shall accrue" —duly secured on ordinary revenue and collaterally on the land fund.

The Parliamentary friends of the company were numerous, and Lord Eliot submitted a report in unison with their views at a time (30th July) when Lord Durham, their leader, was dead but unburied. England ought to "become the sole proprietor of the whole soil of New Zealand." The treaty of Waitangi was absurd.

The committee rejected the report, and by seven votes against four resolved merely to report the evidence taken. Gibbon Wakefield's wrath against Lord Howick for voting against Lord Eliot's draft report was unbounded.

The close of Parliament (11th Aug.) enabled the company to ply their arts upon Lord J. Russell. In Nov., 1840, he contracted a formal "agreement" with them, which over

threw all the benefits derived from the sagacity of Gipps. He guaranteed to the company "as many acres as shall be equal to four times the number of pounds sterling" expended in despatch of ships,[26] purchasing stores, buildings, surveys, &c. Mr. Pennington was named by him as the accountant empowered to make the estimate. The lands to be assigned were to be taken "at or in the neighbourhood of Port Nicholson, or at or in the neighbourhood of New Plymouth (Taranaki)," but were "not collectively to amount to more than 160,000 acres." One-tenth of all land acquired by the company was to be reserved for the Maoris. Reserves made for the natives were to be guaranteed to them by the Crown in fulfilment of the company's pledges. Lord J. Russell agreed that "for the present all sums of money which shall be paid by the company for the purchase of land in New Zealand, shall, whenever such money shall be paid in England, be laid out in the removal of emigrants to New Zealand." For reasons unexplained (and inconsistent with the affectation of Lord Durham in 1837, as to the detestation by his friends of any mercantile profits), he agreed to allow a discount on cash payments for blocks of 50,000 acres. He added (Dec., 1840) that at least fifty per cent. of the proceeds of land sales in the colony (where the uniform price was to be one pound sterling per acre) would be applied to immigration, the remaining fifty per cent. duty being regarded as chargeable with the expenses of surveys, with the protection of the aborigines, and other "indispensable expenses." The agreement provided for the grant of a charter to the company.

In Jan., 1841, the company suggested that the discount allowed to them—"as a reasonable scale of remuneration"—should be twenty-five per cent., but no decision was arrived at. The agreement had left the amount of discount a blank. The company, well aware of [illegible] into which they were leading Lord. J. Russell (by [illegible]ion of four acres for each pound expended, [illegible] of Taranaki as a field for their settlement[illegible] that he should see whither he was [illegible]

[26] The surreptitious despatch of the "Tory," [illegible] the Cabinet whom it had overreached.

late to retract. He felt secure in his dream that he had limited their claim to the quantity (160,000 acres) named in his "agreement" with them.

Above all things, they desired to commit him irrevocably to the removal of the keen gaze of Gipps from their operations.

Unconscious of the heritage of woe which he was entailing upon Pakeha and Maori by recognizing the vicious pretensions of the company at Taranaki, Lord John Russell sent his foolish correspondence to Gipps, adding, that he had not abandoned "the plan of instituting a commission to inquire into titles or claims to land in New Zealand." The sinister influence under which he was labouring, was shown by his directing Gipps "to defer the execution of any powers" given under the Land Claims Act of New South Wales "until you shall receive further instructions from me on the subject." Thus did he, at the instigation of the company, paralyze the arm of justice. Fortunately Gipps had not received the instruction when he arrested Colonel Wakefield's lawless conduct at Wanganui and Taranaki in Jan., 1841.[27]

Lord John had leisure to become didactic. With his despatch (9th Dec., 1840) in which he transmitted the letters patent creating New Zealand a separate government,[28] and conveyed to Hobson his commission as Governor, he sent copious instructions on "legislation, administrative authority, use of the public revenue, the aborigines, sale and settlement of waste lands, and the general care of the education of youth, and the religious instruction of all classes within the government." Like Polonius, he uttered wise maxims; but like Charles II., he did no wise things. A declaration that the treaty of Waitangi would be respected and that no settlement would be permitted except on land of which the title might be approved by the representative of the Crown, was all that was required from him, but he did not make it. By what he called his negotiations with the company in London, he had made it difficult for Hobson

[27] Page 244 *supra*.

[28] Letters patent designated parts of New Zealand as in 34th parallel of *North* Latitude, and Hobson's commission styled him John, though his name was William.

to carry into effect the wise instructions of Sir George Gipps. He, nevertheless, admitted that the Maoris had been "formally recognized by Great Britain as an independent state, and that, even in assuming the dominion of the country this principle was acknowledged, for it is on the deliberate act and cession of the chiefs, on behalf of the people at large, that our title rests." Hobson was to support the missionaries, and to maintain the Protector of the Aborigines. Lord John sent for his perusal a report by Captain George Grey[29] on the aborigines of Australia, the general principles of which would be applicable in New Zealand. Governor, protectors, and missionaries using wise foresight, and endeavouring to secure "the assistance of the more intelligent and wealthy settlers,"—together with a just faith in the susceptibility "of improvement and culture of every race" . . . might "rescue the natives of New Zealand from the calamities of which the approach of civilized man to barbarous tribes has hitherto been the almost universal herald. . . ." Soon afterwards (April, 1841), Lord John disallowed Gipps' Act because "the arrangement which I have made with the New Zealand Company will forbid the application of the Act in its present form to the case of the lands to be granted to them;" but he authorized Hobson to postpone notification of Her Majesty's disallowance if such notification should seem injurious. Hobson was to propose a new law embracing the general conditions of the Act of Gipps; and Lord John would send a single commissioner to investigate the land claims.

He had read something about Maori occupation and tenure, for he wrote (Jan., 1841): "It would appear to be the custom or understanding of the natives that the lands of each tribe are a species of common property which can be alienated on behalf of the tribe at large only by the concurrent acts of its various chiefs."

The company having warped the Colonial
uprightness under Lord Normanby into the
Lord J. Russell, told Colonel Wake
that their "footing was much im

[29] Afterwards Governor of New Zealand,

polite to Hobson. They offered to convey a house for Hobson which was to be shipped from England. Colonel Wakefield was to send a special messenger to receive Hobson's directions about the house (which it was hoped would be erected at the company's settlement), and to allot ample room for gardens and appurtenances. In Dec., 1840, they told Wakefield of the "most satisfactory arrangement" concluded with Lord John Russell as to land and policy. They anticipated, on the authority of an Under-Secretary, the documents which the Colonial Office were about to send, and which would rescue Hobson from the control of Gipps. They congratulated Hobson (Dec., 1840) on his appointment as Governor. They declared to him "the cordial and liberal spirit with which Her Majesty's Government is now furthering the objects and proceedings of the New Zealand Company," and hoped that Hobson would "co-operate in maintaining the rights now sanctioned by the Government."

Weak Hobson might have been in judgment, stricken by sore disease he was, but the company miscalculated his moral strength if they hoped to make him swerve from any point of known duty. He was not ignorant of the manner in which the company's agents pretended to buy territory, and forced occupants upon unbought lands, hoping to drag down the majesty of England to support their frauds.

In 1841, they cultivated the good graces of their victim at Downing-street, and on the 12th Feb. their charter was granted to them. Somes was their first governor, and Mr. Francis Baring their deputy-governor.

On the following day they invited Lord John to a banquet, but they still kept sight of their claim for discount of twenty-five per cent.

In March, he thought ten per cent. the highest rate which could properly be allowed. The company reminded him, in April, that they had verbally mentioned twenty-five per cent. when the agreement was made, and the amount was left in blank. They had supposed that "sum already agreed upon." This audacity roused Lord John to a partial sense of his position. He denied any compact or promise on the part of the Colonial Office, but felt "justified in allowing twenty per cent.—that amount to be

reduced to fifteen per cent. after the expiration of two years from the date of the agreement." In May, the company, in face of the Minister's disclaimer, did "not further press the point" of "any preliminary understanding," but ventured to think that they had qualifications for colonization which "neither the Executive Government nor individuals" possessed. They deprecated the contemplated reduction at the expiration of two years. They thought the item should "be called commission rather than discount."

At this time Sir Robert Peel had thrown down the gage of battle in the House of Commons, and a triumph for the ministry was improbable. Two days before Sir Robert proposed a vote of want of confidence, Lord Russell answered Mr. Somes. He "did not expect that his consenting to raise the amount of discount would be converted into an argument against him." "Two years hence the question may be discussed, whether" twenty or fifteen per cent. should be allowed. The result of Mr. Pennington's award was a blow to the self-sufficiency even of Lord John, who when he blunderingly abolished the control of Gipps imagined that the maximum of the company's claim would be 160,000 acres. Mr. Pennington reported that the company were entitled in May, 1841, to 531,929 acres, and "may be hereafter entitled to a further portion of between 400,000 and 500,000 acres."

The minister thus drawn into the toils of Gibbon Wakefield feebly complained that the result was unforeseen by him, "and, as he believes, by the company themselves when the original agreement was made." The company (he had discovered) had obtained a "double advantage" from the agreement he had made with them: they purchased land at five shillings instead of twenty; and "the whole of that purchase-money was applied for emigration purposes." He might have added that the shameful traffic in fire-arms with which Colonel Wakefield endeavoured to dupe the natives appeared nakedly to the company's credit in the accounts submitted to Pennington, and that the good name of England was tarnished by evil deeds which an English minister was ac-

The seals he unworthily held [illegible]

his grasp. In June Sir Robert Peel had carried a motion of want of confidence. A dissolution was followed by elections fatal to the Melbourne ministry. Sir Robert Peel was sent for on the 31st Aug., and Lord Stanley became Colonial Minister. The company had nothing to expect from Lord John, and could afford to expose his folly without mercy. They threw off the mask they had worn while cajoling him. Gibbon Wakefield's ductile scribe, Somes, informed Lord Stanley that the company had not been told to what Lord John had supposed their claim might amount, nor "what excess above that was sufficient to produce an impression upon his mind unfavourable to the application of the purchase-money to immigration," but they assured "his lordship that as we could not be ignorant of our past expenditure, we never anticipated making good our claim to any extent materially less than that awarded by Mr. Pennington." Before dealing with Lord Stanley's proceedings it will be well to follow the course of events in the colony.

Governor Hobson could not but dread disputes arising from the claims of the company. Numerous chiefs denied their validity and extent. Rauparaha, the controlling genius of the Maoris at Cook's Strait, impeached some purchases which Colonel Wakefield said were duly made. Mr. E. J. Wakefield thus described Rauparaha's influence on the occasion when the departure of Ngatiraukawa allies was threatened.

"Much as I abhorred his character I could not but yield my unbounded admiration to the imperious manner in which he overthrew the whole effect of Ahu's beautiful summons to the tribe. Instead of his usual doubting and suspicious manner, his every gesture became that of a noble chief. He rose with all the majesty of a monarch, and he spoke in the clearest and firmest tones. . . . 'Go! all of you! go, Ngatiraukawa, to Maungatautari. Take your children on your backs. Go, and leave my land without men. When you are gone I will stay and fight the soldiers with my own hands. I ask you not to stop. Rauparaha does not fear. . . . By fighting I have got my name. Since I conquered these lands I have ever been spoken of as a king. I am their king. I have lived and will die a king, with my "mĕrĕ" in my hand. Go! I am no beggar. Rauparaha will fight the Queen's soldiers with his own hand,—with his own name. Go to Maungatautari.' Then suddenly changing his strain he looked on the assembly of chiefs, bending down towards them with a paternal smile, and softening voice to kindness and emotion: 'But what do I say? What is me about? You are children. It is not for you to talk. . . . Can you speak when I am here? No, I shall [illegible] you all,

shall sit dumb; for you are all my children, and Rauparaha is your high chief and patriarch!' He completely won his point by this fearless rejection of their assistance, ending in arrogant assumption of absolute authority. . . . One of the highest chiefs said to me: 'It is true. He is our father and our Ariki. Rauparaha is king of the Maori, as your Queen is over the Pakeha;' and the others bowed a silent assent, and seemed each to swell with conscious dignity as the follower of such a leader."

Such, in the opinion of an enemy, was the man whom Colonel Wakefield had told an interpreter to call liar and slave; and against whom, if he should abet Wakefield's claims, Hobson would, by Lord J. Russell's advice, have to provide a body like the Irish police. Lord J. Russell, in a style which wavered between that of Dogberry and Polonius, thus instructed the Governor in April, 1841:—

He feared "that the arrangements of the army would not admit of any material increase to the force in New Zealand." He "approved the tone of Hobson's communications with the natives, and had nothing to add to former instructions about the survey of lands; but I gather from your report that there is abundance of Crown land at the disposal of the Government, and I shall accordingly authorize the Colonial Land and Emigration Commissioners to advertise the sale of the Crown lands of New Zealand in this country, as is done in regard to the waste lands of the Australian colonies. There appears to be an essential difference between the soil of New Zealand and that of every district hitherto occupied by British subjects in Australia. The country appears to be essentially fitted for agricultural and not for pastoral operations. . . . I should wish you to endeavour to act on the general principle of forming the settlers of each district into a regular community, as in the early history of this country the Saxons were settled under King Alfred, and as in the present time new townships are settled in the United States of America. Acting on that system it will be desirable to encourage in every settled district the establishment of a place of worship and a school, and the appointment of a magistrate with one or two constables, and a vestry or township meeting to impose rates."

Disputes in the colony, arising out of sales of land in England while existing claims of the New Zealand Company were unadjusted, threatened to add to Hobson's troubles. To assuage them, Lord John, in the same despatch, promised that a Judge and an Attorney-General should soon be sent to him. In August, 1840, Lieutenant Shortland had reported that a guard of thirty soldiers whom he had sent to Nicholson had been needed to enable him to [illegible] between some of the company's settlers [illegible] inferior degree. The difficulties of [illegible] ated by Lord John, were sufficient [illegible] health; and he, as was known

to his detractors, was unsound except in the noble quality that from no act of known duty could he be diverted.

The prospect of sales of land by Hobson at Auckland annoyed the company. They represented to Lord J. Russell (July, 1841) that the uniform price of land ought to be raised to £2 or at least £1 10s. per acre, and he had "no objection to raise the uniform price to thirty shillings, and would hereafter be prepared to adopt the plan of sale by auction." He asked "the intention of the company" as to selling land. They replied that they were selling none in England at less than thirty shillings, and had directed Colonel Wakefield "on no account to allow the upset price on land offered by the company for sale by auction to be lower than the uniform price of Government for the time being." Hobson's first sale took place in April, 1841, and he allowed about twelve Government officers to select allotments, for which they were to pay the average price realized in the section on which they might be chosen. For this he was bitterly assailed. The company's settlers appealed to Sir G. Gipps against "the wrong done to intending purchasers" by Hobson, in allowing the Government officers to select allotments at the average established by auction. Hobson urged that it was advisable to allow the officers to know beforehand where they might erect shelter, and Gipps reminded the settlers that the lowest possible price to the officers at Auckland would have been £80 an acre, and that amongst the memorialists there must have been some, if not many, who (as company's immigrants) had "obtained allotments, and even some of the best, in the town of Wellington, at the rate of twenty shillings an acre." But Sir G. Gipps was sustained by Lord Stanley in condemning Hobson's departure from Gipps' instructions as to the method in [illegible] he was to permit the officers to acquire land. Lord [illegible]y's instructions were minute and terminated a st[illegible] rent the little community of Auckland, and gave [illegible]guish to Hobson, whose condemnation by local en[illegible] supplemented by that of official superiors. Am[illegible]field's engines was the formation of ancillary com[illegible] 1840, a Plymouth Co[illegible] (merged in t[illegible] Company in May, 1[illegible]med at P[illegible]

Earl of Devon was governor, and the directory was imposing. The new company bought from the New Zealand Company 10,000 acres, and subsequently 50,000 acres, and despatched a surveyor to examine the land. In Aug., 1840, Colonel Wakefield sent surveyors to look at Taranaki. When Mr. F. A. Carrington, the surveyor for the New Plymouth Company, reached New Zealand, Colonel Wakefield placed a vessel at his disposal to enable him to examine Queen Charlotte's Sound, Blind Bay, and Taranaki. Carrington was not unwarned of difficulties, for he wrote to England: "Things are very far from being right with regard to confidence in the Government." Nevertheless, after examining the shores of Golden Bay, Blind Bay, and the coast from thence to Cloudy Bay, he proceeded in defiance of the Government to select a site for a New Plymouth settlement at Taranaki. "Nothing" (one of his party wrote) "can surpass the quality of the soil if we are to judge from the luxuriant vegetation springing up everywhere." There can be no doubt that the surveyor entered fully into the lawless proceedings of Colonel Wakefield, which were promptly checked by Sir G. Gipps when he forbade in Jan., 1841, any selections by the New Zealand Company at Taranaki.[30] In spite of the stoppage of the selections the surveyor, Carrington, proceeded to Taranaki with intending settlers, trusting to the good offices of the man Barrett, already mentioned. At a banquet in England the new settlers had been promised a town section on arrival in Taranaki. So confident were they that they could overbear the Government that in drawing lots for the order of choice they made no reservation of land for the natives when, after the removal of Gipps' authority, they drew lots in Sept., 1841. At a banquet in Taranaki (March, 1841), joyous in their escape from the just rule of Gipps, they drank the health of Lord Russell, praising his statesmanship and generosity. The [illegible]ent (one speaker said) "had at length met all

[30] In a "History of Taranaki" (by B. Wells), published in [illegible] the author shows in a few words the disloyalty to [illegible] Wellington, Taranaki, &c. "In the early days [illegible]nd was a wretched vampire, preying upon the [illegible]ments" (p. 74).

their wishes." But Hobson was not so weak as the speaker imagined. At Wellington (Sept., 1841) he informed Colonel Wakefield that the Crown would forego its pre-emptive right over a limited block (extending ten miles on the coast from Sugar-loaf Point towards the Waitara river), and the wail of the settlers was loud when they found the coveted Waitara district excluded from their operations. Moreover, grants were only to be issued of such land as had been "validly purchased from the natives." It was not auspicious for the company that Messrs. Godfrey and Richmond, the Commissioners appointed by Governor Gipps, had shown a desire to conform to the Act prescribing their functions with regard to "real justice and good conscience." The claim of the Rev. R. Taylor, though admittedly purchased to put an end to a tribal dispute, was reduced from 50,000 acres to 3000 acres, and a man who had paid £223 saw his claim cut down from 10,000 acres to less than 900. Unless Lord Russell's appointee, Mr. Spain, the Chief Commissioner, should be found more pliant, the company might be embarrassed.

The New Plymouth Company was not the only engine employed by Gibbon Wakefield. What was called the Second Colony of New Zealand was first brought into notice by a letter (2nd Feb., 1841) from Mr. B. E. Duppa. His associates desired to work upon a large scale. As Sicily had been colonized by the establishment of Greek towns on the coast, so should the English form their cities on the shore. They were prepared to take 201,000 acres at some site to be determined upon after reaching New Zealand, the price being thirty shillings per acre. Of the £300,000 obtained for the land, half would be expended on immigration, one-sixth would meet expenses of founding the colony, one-sixth would provide for local public needs, and another sixth would accrue to the new company as profit on the use of its capital. Amongst the public needs [illegible] the supply of religious ordinances, and the establis[illegible] of a college, to each of which uses fifteen thousand [illegible] were to be given. The directors of the New Zealand [illegible] adopted Mr. Duppa's propositions with slight [illegible] prospectus, and obtained Lord John Rus[illegible] patch to Hobson, 22nd April, 1841) to th[illegible]

new lands in any part of New Zealand which Hobson might sanction. The company were entitled, under the award of Mr. Pennington, to select a site for their second colony in that part where "their settlement had been formed, and to which they had laid claim in virtue of contracts made by them with the natives or others antecedently to the arrival" of Hobson as Governor. Colonel Wakefield applied for Hobson's sanction in selecting "at least 200,000 acres with a port capable of accommodating large vessels." He desired to choose them in the Middle Island, at Port Cooper, subject only to two conditions imposed by Lord John Russell, viz., that sufficient public reserves be made, and that "the substituted lands should not embrace any part of the future capital of New Zealand," or of its suburbs. Hobson shrunk from allowing occupation of the Middle Island. It would distract his feeble resources, and might destroy the capital at Auckland by making Wellington the most desirable centre of authority. He would purchase lands on the Thames or the Waipa as they might be placed at his disposal by the chiefs. Colonel Wakefield preferred to go to Blind Bay, and Hobson yielded. The French Company's claims at Akaroa were put forward by Hobson as a bar to the formation of a colony at Banks' Peninsula, but Wakefield made light of foreign pretensions running counter to British claims coeval with Captain Cook. An unhappy expression, in which Hobson wrote of the company as "selling towns in England which are beyond the wants of the colony, and are used merely as a means of carrying on gambling and speculations by persons who never dream of becoming colonists," was warmly repudiated by Wakefield, and Lord Stanley informed Hobson that, on reconsideration he would probably "be of opinion that it had better have been omitted." Straws show how the wind blows, and those who were in the colonies at the time remember that the wind blew very hard [illegible] Hobson. He had been induced, "on the score of [illegible]," to relax the restriction upon occupation by [illegible]'s settlers of lands at Wanganui and Taranaki, [illegible]ieutenant-Governor he had appealed suc- to check that occupation. Lord John [illegible]ns" had defeated the providence of

Gipps; and as "the only means to restore confidence to occupiers who had bought from the company" under the implied assurance that the title "was clear and undisputed," Hobson had permitted occupation subject to subsequent examination, but he declared (Sept., 1841), that he would not allow such a "procedure to be drawn into precedent," especially for those "not already occupants." Wakefield insolently informed Hobson that if the district pointed out by the latter should be unsuitable, he would fall back upon his old powers, being instructed by the directors in that event to "stand by the old right of choice, and select within the limits pointed out by the agreement" (with Lord J. Russell). "In other words, I shall be obliged to take the best lands and harbour I can find within the territory claimed by the company, in virtue of my contract with natives and others made antecedently to your arrival as Lieutenant-Governor."

Declining to establish his second colony at the Thames, Wakefield sent his brother, Captain Wakefield, who was the leader of the new settlers, to form it in the Middle Island, and, in defiance of Hobson,[31] Port Cooper was aimed at. Information from a Maori chief led to an examination of Blind Bay; and the harbour of Wakatu or Nelson being shown to him, Captain Wakefield abandoned his resolution to sail to Port Cooper. Not tenanted by many natives, Blind Bay was more at the disposal of conquering chiefs than some parts of New Zealand. Rauparaha always admitted that, as to his own rights, the sale to Wakefield of Blind Bay, in 1839, was valid. Those who weigh evidence will perceive in the facility with which the Nelson settlement was formed a presumption in favour of Rauparaha's good faith, as well as of Hiko's, for both those chiefs, without demur, acknowledged that Blind Bay had been fairly bought. Hobson could no longer oppose the triumphant company, and one difficulty was removed, though not in a manner conducive to the maintenance of his authority.

Lord Stanley relieved him from another, into which Hanson's attempt to purchase Chatham Island

[31] Paper furnished by Nelson

have led him, when no longer supported by the vigorous intelligence of Gipps. The terms were not made public when Hanson returned to Port Nicholson. Mr. Somes (Oct., 1841) informed Lord Stanley that the company were in treaty with official persons at Hamburg and other German cities for the sale of the islands to a German Colonization Company. He averred that the islands were not British possessions, and that advantages would accrue from attracting thither friendly Germans. He offered to stipulate for the British flag the status enjoyed by the Hanse towns, and "would restrict the purchasers from making any part of the islands a penal settlement." Lord Stanley declared (Dec., 1841) that the supposed purchase by R. D. Hanson for the New Zealand Company, and the contemplated sale, were illegal; that the overtures about the national flag and the intended restrictions were an intrusion on the royal perogative; and that he could find nothing in the company's charter warranting the application of money to the purchase of the islands. But progress had already been made in negotiating their resale. K. Sieveking, Syndic of Hamburg, and others issued a prospectus of the German Company, announcing that they had made a contract, were about to take possession, and would apportion the proceeds of land sales, one-half towards German immigration, one-quarter for public expenditure in the new colony, and one-quarter to defray the expense of administration in Hamburg. One-tenth of each district, port, suburb, and rural area, was to be set apart for "higher objects, on the security of which the value of the new settlement in the eyes of the better part of its population must depend—the church and the school." Promptly Lord Stanley requested the Foreign Secretary to apprise "Mr. Syndicus Sieveking" that the Chatham Islands would thenceforward form part of the colony of New Zealand, and would be subject to laws which made null any assumed sales of land unrecognized by the local government after a report from Commissioners. The necessary Proclamation was forthwith promulgated. Somes contended that the purchase was made before the issue of the company's charter, and was therefore legitimate. The company consisted of different persons from those for whom

Hanson had purchased, "because, since the grant of the charter, a new body of shareholders" had been admitted; but the acquisition of the Chatham Islands, though impossible for the chartered company, was lawful for the co-partnership for which Hanson had made it. A suspicion must have crept into the minds of the directory that Lord Stanley could not be imposed upon, for they hoped that their "having perhaps rather unguardedly stated that they, the directors, were in treaty for the sale of the islands" (to the German towns) "would not prejudice them in his judgment." He told them that as it appeared they had no property in the islands, it was unnecessary to pursue correspondence with them on the subject, but he "must be understood as not acknowledging the right of any persons to any land in the Chatham Islands acquired by purchase from the natives." Subsequently he informed Somes that the law officers had reported that the consequence of an abuse of the trust created by a charter might be forfeiture of the charter altogether, though they doubted whether the conduct of the company in the case before them would, "if the intention were abandoned, be deemed to amount to such forfeiture." Recognizing their master, the directors expressed a "deep sense of his kindness" in communicating to them the opinion of the lawyers, "and were happy to find that they express no opinion that any bad consequences have been incurred by acts already done." They would take the utmost care in future. For the credit of his literary ability it may be assumed that Gibbon Wakefield took no part in framing the apology, which was signed by a secretary, Mr. John Ward. At a later date it was ascertained that Mr. Ward, while accredited to Hamburg as a Commissioner from the Crown for other purposes, had, on behalf of the company, negotiated with Mr. Syndicus Sieveking. Then Lord Stanley's ultimat[illegible]s sent to Sieveking and to the company. The lega[illegible]quence of the transaction he did not think it necessa[illegible]ire into for the immediate purpose of his letter, [illegible]was to declare Hanson's transaction void. Some[illegible] in reply, averred that Ward had not a company's instructions, and that, "thou pressed to ratify Mr. W[illegible]nent, they

to do so." The letter was written with the vigour of Gibbon Wakefield, and showed none of the cringing tone of Mr. Ward's apology. Lord Stanley appears not to have condescended to point out that it was utterly at variance with the plain terms of Mr. Somes' first letter, that the company were "in treaty with certain parties for the sale" of the islands. Nevertheless, Lord Stanley had due warning that the moral code of the company was not of a high order.

Before Hobson visited Wellington in Sept., 1841, he had held a session of the Legislative Council in May, and passed Acts to establish Courts, Customs and Distillation Acts, an Act to declare the laws of New South Wales in force, so far as applicable, and a Land Commission Act to replace the Act of Gipps. He re-appointed the Commissioners sent by Gipps—Messrs. Godfrey and Richmond—and before Hobson went to Wellington, nearly six hundred claims had been referred to them.

Mr. Spain, appointed by Lord J. Russell as Commissioner of Land Claims preferred by or on behalf of the New Zealand Company, was daily expected. At a public meeting at Wellington a petition had been adopted, praying for Hobson's removal. An amendment moved by Hanson, for redress of grievances, was rejected, and in violation of rule the petition was sent direct to England, copies being sent to Hobson and Gipps. A counter-petition in favour of Hobson was sent from the northern portion of the island. It must have been with a heavy heart that the infirm but gallant Hobson went to Wellington in Aug., 1841. His proper authority had been curtailed by Lord J. Russell. He was the butt of the greedy and triumphant company. When he became Governor, Wakefield, Hanson, Dr. Evans, and others had sent him an address, lauding the advantages of Wel[illegible]on, and almost demanding that the seat of govern-me[illegible]ld be established there. "The honour of" [illegible]ired such a consummation. He replied [illegible] did not touch upon the question of the

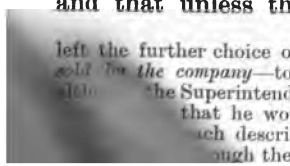
' State he narrated (26th May, 1841)
company which, from the impunity
achments on land had been made,

would, if not overcome, leave the company sole masters of the field. The location of settlers at Wanganui and Taranaki had taken place in spite of prohibition, and there was reason to apprehend that no land had been legally acquired by the company at those places. "More than one tribe has called on me to remove intruders, threatening to dislodge them by force if I do not afford redress." Hobson would call upon the company to submit their claims for examination. Of the natives he reported that they preserved a peaceable demeanour, and were amenable to English laws "in a wonderful degree." Aspersions made against him by the company arose from his declining to establish the seat of government at Wellington. He could have made himself popular by abandoning his duty, but "had I yielded to these temptations the moral debasement would have sunk me to the grave." He hoped to establish courts of justice and municipal government throughout the settlements, and if his measures should be approved by the Secretary of State, he would be "fully compensated for all the vexatious and offensive opposition" he had encountered. If Lord Russell had replied, he, as abettor of the company's misdeeds, would, perhaps, have censured Hobson. Lord Stanley (24th Jan., 1842) approved his proceedings.

At the time of Hobson's arrival at Wellington, New Zealand had received the only boons for which she was indebted to Lord J. Russell. Chief Justice (afterwards Sir) William Martin, and the Attorney-General, William Swainson, arrived. It speaks volumes for the missionary Hadfield, that of him all men spoke with praise. Mr. Edmund Halswell had been appointed (1840) by the New Zealand Company to manage their native reserves. At that early date they hoped by an arithmet[illegible] juggle to break the contract which guaranteed a-tenth [illegible]eir lands as the heritage of the Maoris. Halswell was [illegible]elect an eleventh, or a quantity equal to one-tenth [illegible] native reserves.[32] The purpose of the company, he [illegible], was

[32] This audacious preter[illegible] discussed; althe[illegible]
was bound by its agreemer[illegible]ussell (*supra*,
one-tenth (of all lands th[illegible]o sell) as
natives—although J. J. Sy[illegible]e New
ment in 1844 to superinten[illegible]n

"to guard the chief families from cruel debasement," by "giving them property in land." He was to promote "their moral and physical well-being to the utmost extent." He was not inactive. He had made a census (Nov., 1841) which showed 107,219 natives residing in the islands. All except 4424 of them were in the North Island. He lived much amongst the chiefs near Otaki, and found them peaceful. The change from the former scenes of bloodshed had been principally brought about (he said) by Mr. Hadfield. A similar testimony was afforded by Mr. E. J. Wakefield. Mr. Hadfield's "irreproachable character and winning demeanour procured him the love and respect of all classes, in both races; of the heathen native and the brutal beachcomber, as well as of the grateful converts and the colonists of education. . . ." Colonel Wakefield himself wrote (Feb., 1842): "Mr. Hadfield, who was educated at Oxford, and is a single-minded and sincere minister of the Gospel, well deserves the estimation in which he is held by all parties." It was good for New Zealand that there were such men to show that the word of a white man could be trusted. Regard for their conduct made the Maori abide by the decision of the servants of the Queen. Yet there was occasional risk of disturbance. A Maori was found dead near the Te Aro pah at Wellington. Settlers said he had died of apoplexy. Maoris said a Pakeha had killed him. A rope tied in a knot unused by Maoris convinced them that there had been foul play. There was commotion. Mr. Murphy, the magistrate, with difficulty averted violence. Wrathful settlers accused him of cowardice. At a public meeting it was resolved that executive authority vested in a police magistrate was inadequate, and that unless the Queen's representative would adopt



left the further choice of the reserves—namely the *tenth part of all land sold to the company*—to be decided by His Excellency the Governor: [illegible] the Superintendent of New Munster reported to Governor Fitzroy that he would "therefore demand, on behalf of the natives, [illegible]ch description of allotment, namely town, suburban, and [illegible]ough the Superintendent was informed that his proceed- "been approved by His Excellency the Governor." ve Council, 1885, No. 15. Governor Fitzroy's ite to Superintendent approving of what he has "veying my sanction of the arrangements."— p. 493.

measures it would "become necessary for Her Majesty's faithful subjects to organize the means of protection against disturbers of the public peace and the opponents of British law and authority which is presumed to be established in New Zealand." Dr. Evans, gifted with a ready flow of high-sounding words, descanted on this theme with classical vigour. Mr. Murphy averted mischief until the arrival of the Governor (19th Aug.) brought the settlers face to face with the Queen's representative, for whose dismissal they had appealed. Mr. E. J. Wakefield, writing soon after the event, declared that the settlers "were convinced that they had an enemy to meet;" and that, when Hobson landed, the inhabitants withdrew "in a marked manner." A levée was, according to the same authority, "a complete failure." Captain Hobson was accompanied by Te Whero Whero, the Waikato chief; by Mr. Halswell, the Commissioner of the New Zealand Company for the management of native reserves; by Mr. George Clarke, Chief Protector of the aborigines, and a few others.

Conscious of the worthlessness of some of their titles to land, the company's settlers did not attempt to conceal their dislike of Mr. Clarke and of his office. "He was," said Mr. E. J. Wakefield, "always to be seen prowling about in the pahs, and holding much private talk with the discontented among the natives."

From the Maori village, Te Aro, Colonel Wakefield had vainly striven to remove the inhabitants. After one conference with the Governor in presence of the Maoris, Colonel Wakefield declined to attend another, unless Mr. Clarke were forbidden to be present. He preferred the alternative of a private arrangement with the discontented, but he failed to make it. Hobson was resolute. He was willing to waive the pre-emptive rights of the Crown over the lands which the company alleged that they had bought, but neither insult nor cajolery could shake his decision that the company's purchases [illegible] be proved before the Commissioner of Land Claims [illegible] request of the Aro Maoris, he gave them [illegible] writing (through Clarke, the Protector) [illegible] would permit them to be forced [illegible] garbled account which Wak[illegible]

one thrill with pleasure at the sight of the stricken man battling in favour of right against the wrong-doing of the company, fortified, as he believed, it to have been by a Secretary of State. There were no telegrams from Europe in those days, and Lord Stanley's recent accession to power was unknown to Hobson. Colonel Wakefield reported that Hobson "positively refused to look upon the native title as fairly extinguished by reason of the advantages secured to the aborigines by their reserved lands, and the introduction of civilization. This view . . . so inimical to the quiet progress of the company's settlements . . . has been taken in consequence of the treaty of Waitangi." Unwilling to allow innocent settlers to suffer from the position into which some of them had been inveigled, Hobson withheld a proclamation which he had prepared on the subject of titles, and waived in favour of the company the pre-emptive right of the Crown over lands at Wellington, Porirua, the Hutt, Manawatu, Taranaki, and Wanganui; promising a grant of such lands as had been "validly purchased from the natives." With his formal letter Hobson sent another intimating that in order to enable the company to fulfil its engagements with the public he would sanction any "equitable arrangements" made by Wakefield to induce natives residing within the blocks (over which Hobson waived the pre-emptive right) to "yield up possession of their habitations; but I beg you clearly to understand that no force or compulsory measures will be permitted." With characteristic subtlety, Wakefield, when he quoted this note, omitted the limitations imposed by Hobson, who if he had been wary would have distrusted Wakefield. If Lord J. Russell had not interfered with the arrangements of Gipps, Hobson ...wing his duty would have done it. Aiming at com-...ce with Lord J. Russell's directions, Hobson compli-... matters in a manner which would have been ...ide under Gipp... He found his confidence abused. ...mber[33] he ...ed that his permission to

...into any equitable arrangements for re-...ich the natives are guaranteed against ...ed in a separate note, lest disaffected

13th Nov., 1841.

persons might induce them to make exorbitant or unreasonable demands;" and in a later despatch[31] (concerning Wanganui, where Wakefield's impositions were resisted) he said: "I promised to allow any defect in Colonel Wakefield's engagements to be corrected by after payments in order that the wishes of Her Majesty's Government (*i.e.*, Lord J. Russell) might with greater certainty be fulfilled, and that the settlers under the auspices of the company should not be exposed to disappointment. But I never pledged myself, as I have heard it has been asserted, to allow the purchase of any land by the company after the Proclamation (of H.M. sovereignty) except to permit subsequent demands of the natives to be satisfied."

Hobson's decision (in itself divergent from the judgment of Gipps communicated to the deputation from Wellington in 1840) became, when encumbered by subsequent intrigues and misrepresentations, fruitful of injustice.

Wakefield informed his employers that Hobson's decision gave "great satisfaction" to the Wellington community. Hobson wrote (13th Nov., 1841), that—

"To divert mischievous consequences from collision between the settlers and the natives, he thought it right to pledge the Government to protect the aborigines in the possessions of their pahs and cultivations unless it is proved that they have sold them."

Colonel Wakefield alleged that he had bought two pahs which the Maoris "denied that they had sold."

"The agent for the company, I suppose, calculating on getting possession either by bribery or by force, has, notwithstanding the native claims, included these pahs in the disposable land, and has allowed them to be selected by purchasers. This very dubious step may involve the company in great embarrassment and litigation; as against any compulsion, the natives shall be amply protected by the Government, and they seem perfectly resolute in resisting all offers of compensation."

Hiko, whose signature Colonel Wakefield had boasted of obtaining in 1839, being examined before the Governor, the Chief Justice, Colonel Wakefield, the Rev. O. Hadfield, and others, denied that he had signed any deed of sale of Porirua. E. J. Wakefield asserted the contrary. The ignorant Barrett, perhaps conscious that, in the presence of the expert Maori scholar Hadfield, deception would be difficult, admitted that Hiko's signature was "not obtained willingly," and Clarke, the Protector, skilled in the language, declared that the document signed was calculated to mislead the natives. Hiko was constant in denial of Wakefield's statements, and Hobson's mind was "left with the impression that he had not sold" the land. "Resistance is

[31] 12th March, 1842, No. 8.

offered to the company in every quarter," . . "nor ought any decision to be come to until the case is fairly weighed and considered by the Commissioner."

Clarke, the Protector, reported that the Governor's temporary adjustment of the Te Aro dispute was, fortunately for the settlers, made at a moment of crisis. He told Hobson that it was "an improbability almost amounting to an impossibility that the natives could have sold themselves out of their possessions to the extent stated by the agent of the company. How can a transaction with them be valid without the consent not only of the chiefs but of the occupants of the soil, who to the amount of thousands are still living upon the land claimed by the company, ignorant of or disbelieving the transaction, who tenaciously cling to the land of their fathers, and who will not leave it except by compulsion? The work which the New Zealand Company is said to have accomplished in a few weeks in their purchases would occupy several years' time of an agent well qualified to treat with the natives." What had been done was done in a blundering manner, and opposition made at the time by real owners had been slighted as uninfluential by Wakefield.[35] At Wanganui there was risk of collision between the company and chiefs who denied that they had sold land which Wakefield strove to allot to settlers. Only the good offices of the resident magistrate and the Rev. Mr. Hadfield had prevented violence.

It is a relief to find that Lord Stanley, unawed by the powerful friends of the company, unreservedly approved of Hobson's resolution to protect the Maoris in possession of homes which they had not sold.[36]

The shadow of trouble at Taranaki was already athwart the path of the Government. The voluntary migration of a portion of the Ngatiawa tribe to Waikanae, under Wiremu Kingi te Rangitake; the subsequent victories of the Waikato tribe at Pukerangiora and elsewhere, and their repulse from Ngamotu, have been told already. Hobson found Te Wherowhero prone to assert Waikato claims from conquest in Taranaki. When Clarke, by Hobson's desire, went to consult Colonel Wakefield, Te Whero Whero

[35] Parliamentary Papers, 1848, vol. xlii. [36] Despatch,

off all conference on the subject. Hobson reported that Te Whero Whero's claim was not a primary one, the received rule being that occupants must first be satisfied. He did not touch upon the more serious claims of the large body of Ngatiawa who had migrated under Te Rangitake. And yet that chief's importance was thus described by Mr. Halswell in 1842: "E Witi is by far the most powerful and influential chief in the whole of Cook's Strait, and both sides of the Northern Island from East Cape and Waikato; he is a very excellent man. . . . Warepori set off some time ago to meet a party of Waikato people at Taranaki; on arriving at Waikanae he was stopped and sent back by E Witi."

Such was the status of E Witi, or Te Rangitake, the son of Reretawhangawhanga, as described by the gentleman delegated by the company to act as Protector of the natives and Commissioner for the management of native reserves. Te Rangitake, by his acquisitions of territory in the south of the island, had not sustained any diminution of his rights in the land of his forefathers. No one ever ventured to assert that there was any doubt of the Maori law on this point. Whether, if Te Whero Whero had conquered and enslaved the whole of the Ngatiawa residents found on their territory, and had occupied it by cultivation, hunting, fishing, &c., his title would have become paramount, was a question which never arose; for after the invasion, the repulse at Ngamotu, and the homeward return of the Waikato army, there was always a remnant of the Ngatiawa enjoying the usufruct of the tribal lands, and cherishing their own and their kinsmen's rights.

Moreover, the Waikato enslavers, influenced by Christianity, avowedly manumitted numbers of their captives to enable them to return to their old homes. The Maori law was like the Roman law of *postliminium*: "Qui ab hostibus capti sunt, si reversi fuerint, omnia pristina jura recipiunt." Like the Roman, the Maori law cared not for the manner of return: "Nihil interest quomodo captivus reversus est." All the returning Ngatiawa were invested with full tribal rights. They could stand and speak with their enemy in the gates. The great Te Waharoa himself, the leader of many tribes, had been a slave in his youth at Rotorua.

No one acquainted with Maori law could doubt that t

acquire land at the Waitara, the company had need to procure the assent of the manumitted Ngatiawa and of Te Rangitake and his followers. Except in the absurd deeds prepared by Colonel Wakefield and Barrett (25th Oct. and 8th Nov., 1839) they never affected to do so. The former of these pretended to buy rights at Waitara from Rauparaha who never claimed any there; and the latter pretended to convey from Te Rangitake enormous territories in the Middle Island over which he asserted no control. Wakefield's agent had bargained for the goodwill of some Waikato people in 1840, when a few signatures were procured at Taranaki, but if that agent imagined that Te Rangitake's rights could thus be defeated, he had resided among Maoris and obtained a smattering of their language to little purpose. Moreover, Rangitake never concealed his intention to return to the Waitara. He spoke of it openly and often, and the Rev. Mr. Hadfield stated in evidence before a Select Committee that he heard him do so in 1839. As the war wantonly made in 1860 hinged upon the worthless acts of Colonel Wakefield, and the covetousness of settlers whom Lord J. Russell's weakness aided Wakefield in thrusting upon Taranaki in defiance of the prudence of Gipps, it is well to state the course which successive Governors adopted on the subject.

After much negotiation Hobson (31st Jan., 1842) induced Te Whero Whero and his brother Te Kati to receive "on behalf of the tribes of Waikato for their interest in the lands £150 in money, two horses, two saddles, two bridles, and one hundred red blankets." Hobson had previously told Lord J. Russell that the compensation accepted by Te Whero Whero was "for the claims of his tribe."[37] If any

[37] Despatch No. 29, 13th Nov., 1841. Te Whero Whero distrusted Colonel Wakefield. Hobson wrote (15th Dec., 1841), that on his proposal to refer the Waikato claims to Wakefield, Te Whero Whero broke off all coll[illegible] "Where he has gone or what his intentions are I do not yet k[illegible]on narrated a conversation between himself and Wakefield, [illegible] that "the str[illegible]rs on the land . . . from whom he [illegible]ly be dealt with. . . . Even Colonel [illegible]ixty families who returned to their [illegible]ead of their powerful neighbours, [illegible]hat this miserable remnant of a [illegible]f disposing of this wide tract of [illegible]h No. 8, 12th March, 1842.

person will trace the described lands on the map, he will see that no sane man could presume that their value was intended to be represented by the articles given. "The northern boundary is at Tongaporutu, the western is along the seashore between Tongaporutu and Waitotara, the southern is from Waitotara inland by Piraunui." When in after years some Maori chiefs were told that the sale of the Waikato "interests" would bar the claims of Te Rangitake, the unanimous answer was that they could not, and amongst those who thus answered was Te Whero Whero.

Before Hobson left Wellington he appointed the company's officer, Halswell, Chairman of Quarter Sessions, Commissioner of Court of Requests, and Local Protector of Natives. In his general report of his proceedings at Wellington (20th Oct., 1841), Hobson stated that from the largest and most influential body of the colonists he received "cordial support," in spite of the "ferment excited by a venal press, and a few discontented spirits;" that he had selected Mr. Earp (who had in May taken a violent part at a public meeting which demanded Hobson's removal) as a member of the Legislative Council, and that the settlers had found that their local requirements were anticipated by the provisions he had made. The native chiefs expressed confidence in the Government, "but they all demanded protection from the encroachments of the company, who, they asserted, had most unscrupulously appropriated their lands."

Lord Stanley in due time (24th June, 1842), approved his proceedings, and said: "In your transactions with the company you may rely at all times on my firm and full support of your authority as Governor against any exaggerated pretensions on the part of the company or its agents." At the same time he was to treat them and their settlers "with the utmost consideration and courtesy."

Some persons at Wellington continued to assail the Governor. In Nov., 1841, he transmitted a memorial from them to Her Majesty. The birth of the Princess Royal was made the occasion of an address of congratulation to the Queen, but its burden was the condition of Wellington. Either the Governor should be instructed to reside there, or "ample powers of legislation and administration" should be

granted to the settlers. Soon after promising to support Hobson against exaggerated pretensions (a promise which Hobson did not live to read), Lord Stanley carried through Parliament a bill to regulate the sale of Crown Land in the Australian Colonies. It embraced New Zealand; and, in transmitting it, Lord Stanley showed that he knew how carefully the proceedings of the company ought to be watched.

One moiety of the land fund was (after deducting survey expenses from the whole) to be devoted to immigration, in New Zealand, as elsewhere. Fifteen per cent. of the other moiety Hobson was to apply as he might judge fit for the benefit, civilization, and protection of the Maoris. Certain expenditure on roads and bridges, required to open a way for fresh settlement, was authorized in New Zealand as in Australia. In the latter, the Governors were to lay before their legislatures periodical and detailed accounts of such expenditure, and after making adequate provision for it to "pay to the general account of the colony" any surplus remaining. An exception was made with regard to New Zealand.[38] The advances made to the new colony by the Government in Sydney, the bills drawn by Hobson on England, the want of information as to financial prospects, and the probable condition of the land fund, induced Lord Stanley to decline "at present to place any residue of the land fund at the disposal of the local government."

Hobson did not live to fret about the matter. He died a few days before the despatch was written. Some of his proceedings had been disapproved by Lord Stanley. It will be remembered that Sir G. Gipps declined to sanction a transaction by which Mr. Clendon was to receive a high rent for eighteen months, and thirty acres for each acre surrendered by Clendon at the Bay of Islands. Hobson afterwards completed the arrangement. Lord Stanley wrote (Jan., 1842), that—

"Had the transaction been of a recent date, and had it been possible to communicate a decision within a limited time, I should even in the present state of the case have directed the disallowance of the agreement; but looking to the irregularities which have characterized the whole settlement of New Zealand, [illegible] hich you are placed of taking care that the m [illegible] monopolized by powerful private land com[illegible] [illegible]ce now would probably

[38] Parliament [illegible], 1842.

lead to much confusion and difficulty, Her Majesty's Government will not withhold their sanction"—subject to regulations by which Mr. Clendon was barred from choosing town or suburban allotments. He added: "You will understand that you are positively prohibited in future, under any circumstances, from purchasing land from any individuals without the previous sanction of Her Majesty's Government. In the present case the previous disallowance by the Governor of New South Wales very much increases the responsibility which you have taken on yourself."

Hobson pathetically urged that Busby, the former British Resident, had demanded more than £20,000 for the land he claimed at the Bay of Islands, and that before his arrangement was made, Clendon had actually commenced selling his land in town allotments. His surveyor-general had pronounced Clendon's land to be the most eligible site. Yet Hobson must have seen the absurdity of making the government pay largely for land, the title to which only itself could confer, and which Clendon[39] had procured for a nominal price.

Having dealt with his difficulties at Wellington, Hobson returned to Auckland, where William Swainson had superseded a temporary Attorney-General, and William Martin had been installed as Chief Justice. It is not easy to exaggerate the services which Lord John Russell rendered to New Zealand by appointing them, and it was not their fault that by rejection of their advice the governing colonists proved themselves unworthy of the boon conferred upon them.[40]

[39] Clendon was afterwards made a Legislative Councillor by Hobson.

[40] Mr. Martin became Sir William. A gold medallist at Cambridge, a Fellow of St. John's, beloved by all who knew him, he contended through life against a frail constitution; and his labours in the law, in the Church (for which he assisted Bishop Selwyn in framing a scheme of government), and for the Maoris, were such as might shame the robust. He was the venerated friend of Patteson, the Melanesian bishop and martyr. He died at Torquay, in England, in 1880, in his seventy-fourth year. He pursued his literary studies to the last. Three days before his death he said: "Do you think I am now free from all responsibility of work? My civil work is done; my ecclesiastical work is done; and now I leave it in God's hands. I pray for the Church of England, and I embrace all Christians in the bonds of Catholic unity." Thus, when stricken by mortal disease, he died as he had lived,—a pattern to all. He was remarkable for his modesty and gentleness; but, as will be seen in future pages, showed firmness when his own duty or the rights of others demanded it. It was recorded that when he left New Zealand he "was without an equal in general scholarship and knowledge of languages ancient and modern." The happy philologist, Bishop Patteson, revelled in his converse with Martin, who, to the classic lore acquired at Cambridge, had added researches in Hebrew, Arabic, Polynesian, and Melanesian languages.

On their voyage the two friends devoted themselves to the preparation of an "outline of a legal system adapted to the condition of an infant colony." Their tastes and sense of duty were congenial: their powers of no common order. Their work reflected their zeal. Swainson in the Legislative Council passed measure after measure (between Dec., 1841, and April, 1842), adapted to excite admiration, if not envy, in the hearts of law-reformers in other lands.

Common law and equity were blended in the Supreme Court. A system of procedure was initiated by which suitors, whether appealing to civil, criminal, or testamentary jurisdiction, obtained redress without recourse to different channels. The transfer of real property was simplified; and the way was left open for maintaining the safeguards of the great charter, that no man should be convicted except on the verdicts of twenty-four of his countrymen in the grand and petty juries of the land.[41]

Hobson was able to report at the close of the session in which Swainson aided by Martin did such heroic work, that Ordinances had been passed:—to establish a Supreme Court and County Courts; for the constitution of juries (for which all resident freeholders were qualified); for regulating the practice of petty sessions; for establishing municipalities; for promoting religion; for regulating postage; for registration of deeds and instruments affecting real property; for facilitating the transfer of real property; to render certain marriages valid; for regulating the sale of liquors; for licensing auctioneers; for accommodating the Land Claims Commission Act to the terms made by Lord Russell with the New Zealand Company and other purposes; for regulation of harbours; for summary recovery of compensa-

[41] To meet pressing exigencies it was enacted that an indictment signed by the Attorney-General should be as valid as if it had been presented by a grand jury. Materials for forming juries were not then plentiful. But the temporary expedient, though it obscured, was not allowed to extinguish, the great charter as it was extinguished in Australia. After a brief space the early Ordinance was repealed by another in 1844, which did not allow the Attorney-General to stand in the place of a grand jury, and that institution being deemed a part of the law of England applicable to the colony, became the birthright of the colonists, and has not as yet been bartered away to gratify spleen or pander to departmental convenience.

tion for trespass by cattle; for imposing a tax upon raupo (rush) houses; to secure copyright in books; and—because provision had been made locally—to repeal the Ordinance of the previous session which gave force in New Zealand to the laws of New South Wales.

The language of the Ordinances shows the spirit which actuated their framers. The preamble of the one for building churches and chapels and maintaining ministers of religion declared that—"Whereas for the promotion of good morals within the colony it is desirable to encourage the building of churches and chapels, and to provide for the maintenance of ministers of the Christian religion," &c.

The Supreme Court Ordinance cast upon every sheriff all the "duties and responsibilities," and gave him all the "powers and privileges," of sheriffs in England. Thus, when the temporary investment of the Attorney-General with power to indict, was not renewed by the Ordinance of 1844, the colonists at once succeeded to the rights of Englishmen. There were only twenty-five clauses in the Supreme Court Ordinance, but they provided for the creation, constitution, and practice of the court, and regulated the function of sheriffs, barristers, and solicitors. Barristers and solicitors were enabled to practise in common for five years, unless otherwise ordered by the court, and it was never otherwise ordered. The experiment having been supposed to have succeeded, practice has remained open to both branches of the legal profession to this day. The preamble to the Municipal Ordinance declared that whereas it was needful to provide for good order, health, &c., "and the inhabitants themselves are best qualified, as well by their more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same; and whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance and a respect for the law, and to prepare men for the due exercise of other political privileges, Be it enacted," &c.

The Ordinance guarded against abuse of votes by the careless or thriftless by enacting that—"Whereas there may be persons interested in the good government of a borough, and qualified to have a voice therein, but who may not have property rateable under this Ordinance, and it is not fitting

that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough, or any share in the management of the funds thereof, who shall not himself contribute thereto,"—any person claiming to be put on the roll should pay twenty shillings, which sum was to be afterwards accounted for to him with regard to any rate assessed upon him. The notion that a man's freedom is infringed because he is not enabled to prey upon the industry of others found no favour with the jurists of Auckland.

An Unsworn Testimony Ordinance permitted Maoris and Polynesians, who by reason of defective religious knowledge were by law incompetent to give evidence, to give evidence on affirming their desire to speak the truth. This simple act of justice was never done in Australia. Its proposal was bitterly contended against there by Mr. Robert Lowe, afterwards Lord Sherbrooke.

Financial troubles weighed upon the sailor Governor. His treasury was worse than empty. Like Julius Cæsar, he required a large sum in order to owe nothing. The system of selection at a fixed price at the company's settlements militated against sales by auction at Auckland. For advances from New South Wales, New Zealand owed about £44,000; and Sir G. Gipps, while responsible for New Zealand, had drawn bills on the Treasury in England to relieve the New South Wales funds, then heavily encumbered with charges for immigration. The Lords of the Treasury reluctantly authorized the bills, assigning as a reason the fact that Gipps had not been apprised of their intention to make the New Zealand government repay the advances. Hobson was directed to lose no time in liquidating the debt, which was transferred to the English Treasury. But his exchequer could not meet local demands. In 1841 his expenditure exceeded £80,000, while his revenue barely exceeded £37,000, of which £28,000 had accrued from land, and £6407 from Customs duties. Holders of goods were as impecunious as the government. Hobson reported "that he was of necessity compelled to relieve the colonists from the Act (of New South Wales), which obliged [illegible] of spirits to pay duties on their stock [illegible] with which they were utterly unable to [illegible]."

At Auckland, in Feb. [illegible] jury

brought to bear upon a native. Maketu, a Maori lad, enraged at an insult from a man-servant of Mrs. Roberton, brained the offender, and savagely slew Mrs. Roberton, her two children, and a half-caste child. He then set fire to the homestead, took a canoe, paddled to his father's village, and told what he had done. The murders were committed in Nov., 1841. The flames were seen from Kororarika. The dead bodies were discovered. Accompanied by Maoris some of the inhabitants went to the spot with the coroner. "In the course of the examination one of the jurors requested a postponement, as he had received secret intelligence from a native chief likely to . . . disclose who was the perpetrator. Accordingly, on the next morning, very early, a large party again proceeded to the island, and the natives pointed out the man, who was apprehended on suspicion, but owing to the threats of the natives was not secured until his father came forward and gave him up. The adjourned inquest took place at Kororarika."

Such was Hobson's narrative.[42] He could not account for the surrender of Maketu by his father, unless from fear of Rewa, the Ngapuhi chief, grandfather of the murdered Maori child. After the surrender of the criminal (one of the dissolute always associated with disreputable white men at Kororarika) meetings were held by the natives to decide whether their countryman should be permitted to be tried by Pakeha law.

Hēkē was absent when Maketu was surrendered, and was furious at a large meeting held subsequently at Paihia. The authority of the principal chiefs, Waka Nene, Pomare, Rewa, and others, prevailed, and a memorial was signed, expressing loyalty to the Queen, denouncing the murderer, and leaving the trial of the offender to the law. But there was apprehension lest the wilder spirits of the tribe should break out. Maketu was confined at Auckland until his trial, which the Maoris deemed superfluous inasmuch as he confessed his crime.

One Leathard, a British subject, was arraigned at the Auckland assize for feloniously shooting at a Maori. Mr. Swainson took his case first: the jury found him guilty of a

[42] Despatch 41; 16th Dec., 1841.

"common assault," and he was sentenced to two years' imprisonment with hard labour. The condition of New Zealand may be inferred from the fact that the Acting-Governor wrote, in 1843, that such offences as Leathard's had been common, and that the example of his punishment "had the effect of stopping these practices," by convincing Europeans that equal justice would be afforded to both races.

When Maketu was placed at the bar (1st March), eager eyes of Maoris and Pakehas were bent on the proceedings. The former wondered at the grave process of proving a confessed crime, and at the solemn demeanour of the judge. They (and the prisoner himself) admitted the justice of his sentence, but declaimed against the cruelty of keeping him alive after condemnation. Before his trial he had written inflammatory letters to friends, but the Governor wrote that afterwards he "fully admitted the justice of his sentence," and, attended assiduously by a clergyman "to the latest moment," "died a perfect penitent" in peace. He was hanged on the 7th March, and buried in the gaol. After many months, his father, Rūhĕ, begged for the body, and bore the carefully-scraped bones to the burial-place of his ancestry. Rūhĕ composed a lamentation for his child:

> "Lost when his name was scarcely known.
> My son, I may never forget thee,
> Far, far from hence thou art gone:
> The deep springs of a father's love gush forth:
> My mind is bewildered, as caught by a storm," &c., &c.

When Chief Justice Martin travelled, the Maoris looked with fixed gaze at the delegated voice of law; but Rūhĕ bore him no malice, and was among the first to greet him when he visited the Bay of Islands.

Although Hobson gave no umbrage with regard to land in the north where Mr. Clarke negotiated with the Maoris, private quarrels occurred. Intrusion on tapu-ed grounds led to attacks upon the property of settlers at Kaipara, and the harassed Governor sent Clarke to labour for peace. He proclaimed the Queen's just intentions, but it was difficult to allay suspicion or stifle revengeful feeling.

It is worthy of remark that [illegible] 12), Lord Stanley foresaw the desirability of [illegible] Protector of the

Maoris of the task of trafficking for their lands. He considered it "inconsistent with the character he fills." The arrival of the Commissioner, Spain, appointed by Lord J. Russell, and eagerly looked for by Maori and Pakeha, was delayed by shipwreck at the Cape of Good Hope. Governor Sir G. Napier took the responsibility of chartering the "Antilla," in which Spain arrived at Wellington (24th Dec., 1841). Thence he proceeded to Auckland, where his prolonged stay excited jealousy at Wellington.

Colonel Wakefield's friends had asserted that Hobson's concession—that compensation might be paid by the company in order to complete doubtful titles—enabled Wakefield to make fresh purchases, and Hobson felt compelled to contradict such assertions when he informed Lord Stanley in March, 1842, that Spain was about to proceed to Wellington.

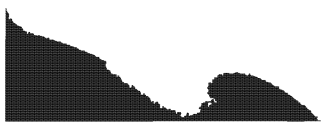
It will be unnecessary to follow Hobson's proceedings further. Worn by disease, but struggling to do his duty, he awaited the result of the machinations of the company, at home and abroad, to bring about his ruin. In June we find him replying successfully to the charges of showing favour in the appointment of Shortland as Colonial Secretary. Hobson was "in treaty with Mr. Harington, late Under-Secretary of New South Wales, to fill the office," when Shortland, who was holding it temporarily, was "unexpectedly confirmed" in it by Lord J. Russell. With such accusations did Hobson's enemies assail him. On the 10th Sept., 1842, honoured by all loyal hearts in New Zealand, he died from a stroke of paralysis.

Commenting on New Zealand story, Swainson the Attorney-General, lamenting that the harassed Hobson died a few weeks before the arrival of Lord Stanley's assurance that he might rely on support in withstanding the "exaggerated pretensions" of the company, added that [redacted] man strove to do his duty, and that if the Maori ra[redacted] escape the usual consequence of contact with E[redacted] civilization they would "owe something to the i[redacted] sense of justice of their first Governor."[43] Sucl[redacted]

[43] "New Zealand and it Colonization" (by William Swainson). 1859.

verdict of the able and upright Swainson, than whom no man was better qualified to judge.

A Maori chief recorded his opinion in a letter to the Queen: "Mother Victoria,—My subject is a Governor for us the Maoris, and for the Pakeha in this island. Let him be a good man. Look out for a good man, a man of judgment. Let not a troubler come here. Let not a boy come here, or one puffed up. Let him be a good man, as the Governor who has just died."



CHAPTER VI.

1842—1843.

SPAIN'S COURT.

When Spain arrived "he supposed he could hear claims in Auckland by the ordinary process of summoning before him claimants and witnesses from all parts of the colony. But this notion is already dissipated."[1] It was needful to inquire carefully upon the spot.

On the 22nd of April, 1842, Spain returned to Wellington accompanied by Mr. George Clarke, junior, son of the Protector of the Aborigines. Again the settlers grumbled at the son for "prowling about" among the Maoris as his father had done. "He resembled" (Mr. E. J. Wakefield said) "a sulky Maori boy rather than even a white government officer." Spain's court was opened on 16th May, and he offended Colonel Wakefield by requiring proof that the signers of his bargains for land "had a right" to convey the land claimed. Mr. E. J. Wakefield sneered at such a demand as ridiculous.

The Maoris showed more inclination to respect the Queen's representative. Before Spain's arrival there might have been bloodshed but for their confidence in their cause and in the justice of the Commissioner. They were at peace with Englishmen everywhere. A solitary white man could travel from tribe to tribe amidst hospitable welcomes.

[1] Despatch Governor Hobson, No. 21; 26th March, 1842.

But they were suspicious about designs on their land. At Taupo the great chief Te Heu Heu told Mr. E. J. Wakefield, who was one of the travellers through Maori land, that he had not sold and would not part with his land or chieftainship. "We will welcome you as visitors, but we will not part with the land, sacred to the ashes of our fathers."

This feeling Mr. E. J. Wakefield made light of in his published work,[2] and in his recorded conversations with chiefs. He was not the only offender. The settlers were not so willing as the Maoris to wait for Mr. Spain's decision. The Maoris, finding that the pretensions of Wakefield had been set aside by Hobson without difficulty, were not inclined to obey Wakefield's behests. When they had first seen him with a cargo of gifts, they formed exaggerated notions of his importance. They soon resented his claims based upon transactions which neither party had understood, and about which he did not tell the truth. Finding that he had a superior in New Zealand they resisted what they called his unrighteous claims. They would respect, they said, the agreements they had understood. If a white man built a hut on land to which the title was disputed, the Maoris pulled down the hut, abstaining from destroying the materials. They told Wakefield they would continue to do so. He must abandon his claims or complete his titles properly.

Rangihaeata had in April, 1841, shown how the company would be resisted if they entered upon disputed lands. He pulled down a surveyor's hut at Porirua. Every morning the surveyor found that his "station posts had been removed by the natives." The surveyor told a Committee of the House of Commons that Rangihaeata only wanted "more payment;" but Murphy, the magistrate, officially reported at the time that Rangihaeata denied any sale of th[illegible] "he wished it for his children, and would main-t[illegible], but acknowledged himself a British subject." [illegible], having no official knowledge that the land [illegible]mpany, did not interfere. In April, 1842, [illegible]ndeavoured to occupy the land, and

[illegible]nd." E. J. Wakefield. Vol. ii., p. 335.

Rangihaeata with fifty men pulled down the huts, declaring that he had never sold the land. A meeting was called in Wellington, which the police magistrate did not attend. The "willingness of the entire population to assist the sheriff" was declared, and the police magistrate was unsuccessfully applied to, by the agent for the land, for "a capias to arrest the chief." Mr. Halswell, Commissioner of the native reserves on the company's settlement, pacified the natives; but when building operations were resumed in June, Rangihaeata again removed, without appropriating, the materials. The magistrate wrote to Hobson: "Until Mr. Spain decides upon the claims, I would not interfere to prevent any natives keeping possession of lands which they state they have not sold," and Hobson approved his determination. The chagrin of Colonel Wakefield at being thus checked by the lieutenant of the "old savage," whose rights and reign he wished to extinguish was hardly concealed; and though the protectors of the aborigines were unanimous in bearing testimony to the treaty-respecting demeanour of the natives, collisions were dreaded. Spain, writing to Hobson in 1842, declared that the aborigines at Wellington had "upon many occasions when deprived of their cultivations, shown the greatest forbearance, and I very much doubt whether their white brethren would follow their example if placed in precisely similar circumstances. The cause of quarrel is generally the disputed title to land, and I am not aware of any cases of outrage committed by the natives upon Europeans, or of even any misunderstanding between the two races upon any other point." Acting-Governor Shortland wrote (Sept., 1842) that Spain reported that the "natives generally hailed his arrival with delight as a means of terminating their disputes, and expressed their belief that the Queen and the government will do them justice." Clarke, one of the protectors, in the same year found the Cloudy Bay natives much excited "by the desecration of their burying-grounds, which were broke[redacted] by whaling parties and ransacked for the sake of the [redacted] stone and other treasure." The body of Raup[redacted] brother was thus exhumed, and Clarke promised to matter before the government. "I could not surprised," he wrote to Hobson, "that the natives

so quietly refer the matter to the government."[3] The enemies of Rangihaeata were not satisfied with Mr. Murphy's refusal to seize him. Chief Justice Martin was at Wellington in Oct., 1842. He was applied to for a bench-warrant to arrest the chief. He reserved judgment, declining to issue a warrant, partly because the application was *ex parte*, and argument was requisite before judgment on so grave a matter, and partly on a technical ground connected with the Police Magistrate's Ordinance under which a magistrate's warrant had been refused. He gave final judgment in 1843, and refused the warrant.

Another event, in which it was impossible to prove their complicity, cast suspicion on the Maoris. The death of the native whom the Maoris thought to have been killed by a Pakeha at Wellington, before Hobson's arrival in Aug., 1841, was mysteriously followed by the death of a settler who was found dead (Jan., 1842) with fractured skull, on the Petone road. Halswell thought the murder was in revenge for the supposed murder of the Maori.

Spain's proceedings were resisted at the threshold by the company in England and at the antipodes. Colonel Wakefield protested against probing the validity of his alleged purchases. Somes, in England, denounced as preposterous any inquiry as to the validity of titles derived from the "aboriginal inhabitants." How such assumptions would have fared when put before Lord J. Russell may be questionable. Before the heroic mind of him who rendered the "Iliad" into worthy English they fell without force. Before Mr. Spain they were loyally tested, by his instructions and by the treaty of Waitangi.

The guarantee to the company of the site of Wellington and the shores of Port Nicholson was, according to Mr. Spain, subject to proof of extinction of the Maori title,[4] and the reserve of the native pahs, cultivations, and burial-grounds. Confident in the strength of the company, Colonel Wakefield did not at first protest against Spain's [redacted]diction, but submitted six purchase-deeds—of Port

vol. xiii., p. 124.

1842. Parliamentary Papers, 1844.

Nicholson, Nelson, Taranaki,[5] Wanganui,[5] Porirua, and Manawatu. It was only when called upon to produce further evidence than that of Te Puni that Wakefield demurred to inquiry which might reveal rights which he had not purchased.[6] Petone, where the settlers first established themselves, was duly sold to them by Puni and his friends. At Wellington there were rights not within his control, and Wakefield well knew the fact. Spain told him plainly that to ask the "Government for a Crown grant of land, whether the native title was extinct or not, was calling upon them to do that which was totally out of their power, as the Crown could not grant what the Crown did not possess."

Spain saw at once that although chiefs were always consulted and their consent was necessary, nevertheless there was a tribal right, conferring usufruct equivalent to temporary individual ownership, which could not be alienated without the acquiescence of the individual owner or occupier, as well as of the tribe. Contempt of this fact led Colonel Wakefield to commit the company to a settlement where such rights abounded. It was plain that if a final report on the Port Nicholson claims should be made in 1842, it would necessarily be unfavourable to the company, and that their settlers would be confined to a very limited area. Spain felt the difficulty of the position, and after protracted sittings, during which Dr. Evans abandoned the conduct of the company's case, and Colonel Wakefield successively undertook and abandoned it also (while at the same time the repulsion of intruding settlers at Porirua and Taranaki caused anxiety), Wakefield proposed, and Spain agreed, to recommend to the Governor that the unsatisfied claims of natives should be held over for a final award by Spain himself, aided by Mr. Halswell, after thorough investigation. Wakefield and Spain jointly consulted with the government at Auckland in Nov., 1842.

The Acting-Governor, Shortland, renewed Hobson's permission to satisfy by "further payments those natives who,

[5] These places were then called New Plymouth and Petre, but it is convenient to adhere to the popular names.

[6] Parliamentary Papers, 1844, p. 295.

not having been parties to Wakefield's purchases, might refuse to vacate their lands,"[7] and was in 1843 assured by chiefs in Wellington that they were satisfied with his arrangement to meet such of their demands as Clarke, the Protector, might deem just. It was not until Jan., 1843, that it was decided that the arbitration contemplated by Wakefield and Spain should take place. Mr. George Clarke, junior, and an agent of the company were to arbitrate, and Spain was to be umpire in case of disagreement.

Colonel Wakefield's own words convict him of striving to evade justice. On the 30th May, 1842, he made an urgent appeal to England against Spain's proceedings. He had imagined that Lord J. Russell's agreement had exempted his transactions from the rule proclaimed by Gipps and embodied in an Act.

He was "not forgetful at the same time of the assumption in the agreement that the lands had been 'purchased' from the natives, and of some passages implying a proposed investigation into the titles. Still less could I put out of sight the mischievous treaty of Waitangi, made by Captain Hobson at the instance of the missionaries.[8] I was not therefore surprised to learn from Mr. Spain . . . that he was here to investigate the titles derived from the natives. I supposed that the incompatibility was to be got over by the inquiry into the company's titles being little more than a matter of form. . . . I certainly had no conception that any tedious proceedings were contemplated, or that a searching inquiry, managed with all the niceties of rules of law and evidence, was to take place. . . . The injustice to the company is not less striking. . . I shall not fail to urge upon Mr. Spain the mischievous consequences of a protracted examination of the natives."

Any examination was sure to be fatal to Wakefield's claims; and it is due to Lord J. Russell to state that in no letter to the company, to Hobson, or to Gipps, did he imply that he would tolerate such suggestions as Colonel Wakefield's; or countenance a departure from Lord Normanby's declaration that all titles would be examined by a Commission.

Soon afterwards, Lord Stanley's words sped over the sea. [illegible] had taken up Wakefield's position. They told

[illegible] 184

[7] escribing events of 1842.

[illegible]d been enforced by Lord Normanby's [illegible]lamation prepared by Gipps, before [illegible] Queen had caused it to be declared [illegible]ze as valid any titles not derived [illegible]e Wakefield had made no pre-

Lord Stanley that Spain misapprehended their titles in thinking that the agreement made by Lord J. Russell had not set them at rest. Every needful consummation had been obtained by Pennington's award in London. "It was difficult," wrote the prompted Somes, "to conceive how the Commissioner could have imagined that the title thus derived from an agreement with the Crown could, in any respect, be regarded as coming within the scope of an inquiry into the validity of titles derived from the aboriginal inhabitants." He asked Lord Stanley to direct the Governor to issue a grant in compliance with Pennington's award, "without reference to those proceedings of Mr. Commissioner Spain, which have already been productive of so much gratuitous evil."

Lord Stanley replied that he could give no decision with regard to Spain's proceedings without hearing Spain's statements. To the proposition that the Maori titles were to be considered extinguished without inquiry he could not accede. He could not admit that such an inference could be drawn from any arrangements between the government and the company, and it was utterly repugnant to Lord Normanby's original instructions and to the rights "confirmed and guaranteed" by the treaty of Waitangi. As the subject was important he was willing to receive the directors if they should "wish to explain their views more fully than could conveniently be done in writing."

Mr. Somes replied that "within the *four corners* of the agreement the directors find no simple phrase leading us in the remotest way to imagine that the fulfilment of the grant promised to us on the part of Her Majesty was to be dependent in any manner or degree upon the company's antecedent purchases from the natives." The government would have to settle with the natives; the company looked to the government to fulfil the agreement, and did not "venture to interfere with the mode in which Her Majesty's government may enable itself, with justice to third parties, to fulfil its equitable contract with the company." In brief, it was asked that Colonel Wakefield's pretended purchases were, without inquiry, to be made good at the cost of the blood, treasure, and honour of England. The Maoris with whom he had dealt were to be brushed aside as unimportan

The directors saw Lord Stanley, and, by his desire, furnished a written statement of the grounds of their protest against Spain's proceedings. They averred little more than before. The agreement decided "everything but the *amount* of the grant." Pennington's "sole and final decision" was all that could follow. The company's claim was free from Spain's inquiries. Unless the natives were recognized as having interests "never yet recognized by any Christian nation as possessed by savages," they were not entitled to consideration except as regarded the small patches of land in "actual occupation." Those were "capable of the easiest arrangement." "If hereditary claims of Maoris were to be viewed as co-extensive with our own, an inquiry into these would put our title to our whole property again at issue, and the agreement and award would be mere nullities." But the directors were "happy to find" that no such aboriginal rights could be maintained.

Lord Stanley received with "extreme astonishment" an intimation that because Lord Normanby's announcement of the Queen's commands in August, 1839, was not referred to in the agreement, those commands were not applicable to the company's dealings with Maoris. Lord Normanby's letter was laid before Parliament in the session preceding the date of the agreement. Lord Stanley could "not allow the company to plead ignorance of such a document, or permit them to assume that in entering into the arrangement with them Her Majesty could contemplate deliberately violating the faith which she had publicly pledged to the natives, in conveying to the company rights which, on the part of the Crown, she had solemnly disclaimed. . . . Lord Stanley cannot now permit it to be maintained either that the natives had no proprietary rights, in the face of the company's declaration that they had purchased those very rights, or that it is the duty of the Crown either to extinguish those rights or to set them aside in favour of the company." As to Mr. Pennington's award, it was merely that of an accountant instructed to ascertain the money [redacted]ed by the company, and the proportion of land to [redacted] entitled them. "That gentleman [redacted] with the title to any one acre of

To a proposition to compensate, by selections from native reserves, settlers disappointed in obtaining portions of lands sold by natives, Lord Stanley answered that to seize the former to make good deficiencies in the latter would be to make the Maoris pay for disappointment of which they were not the cause; "a course which would involve injustice to them and a breach of trust on the part of the Government." The utmost Lord Stanley could do to remedy acknowledged difficulties was to sanction the grant of a *primâ facie* title, leaving inquiry to be made on the spot.

The company then cast away the scabbard, and (24th Jan.) sent a missive more like a pamphlet than a document addressed to a Secretary of State. They may have thought their friends powerful enough to overawe the ministry. They declared that they asked no favour. They endeavoured to bind Lord Stanley to what they presumed must have been the intention of his predecessor, Lord J. Russell, viz., to demand no investigation as to the validity of the purchases from the natives. If the justice exacted by Lord Stanley had been in Lord J. Russell's mind it would have been a "deep and cold-blooded fraud" in the latter to mislead the company as they had been misled. But Lord John had no such secret purpose. Lord Stanley misinterpreted the agreement.

Mr. Somes sneered at Lord Normanby, at "naked savages," and their rights.

"We did not believe that even the royal power of making treaties could establish in the eye of our courts such a fiction as a native law of real property in New Zealand. We have always had very serious doubts whether the treaty of Waitangi, made with naked savages by a consul invested with no plenipotentiary powers, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment."[9]

Lord Stanley "need not say so very positively" that he could not allow the company to plead ignorance of Lord Normanby's letter. It was "probably" not overlooked by them.

"We thought it most probable that, whenever possession [illegible] New Zealand should be actually obtained by Her Majesty, the [illegible] adopted by Lord Normanby would be found impracticable [illegible]

[9] The discredit of prompting this sentence has been claimed Buller, M.P., by his friends.

without difficulty. . . . We candidly confess that we object to the inquiry because we feel no security for being able to establish the validity of our contracts with the natives, according to the views on which the Commissioner is apparently acting. . . . What we object to is that we should be required to prove that in every instance every native with whom our agent contracted understood the full force and meaning of the contract which he made, and that the tribe with which he dealt had a right to convey according to the New Zealand law of real property. . . . We still believe that, difficult as it is to enforce any process for inducing the Crown to fulfil its equitable engagements, the laws of our country will protect us against a direct violation of our agreement."

To those laws the unjust stewards declared that at the proper time they would appeal. Well may man pray not to be led into temptation, when a company comprising English gentlemen could pollute an elaborate paper with such words. Well was it that Edward Geoffrey Stanley held the seals of the department to which they were addressed. The descendant of ancient Saxon and Norman chiefs—whose motto was "Sans changer"—was neither to be cajoled nor coerced to perpetrate a wrong. He told the company (1st Feb., 1843) that the tone of their letter left him "no alternative but that of referring them to the extreme right on which they desire to stand, and of informing them that he willingly consents to their reference of the case to the judicial tribunal to which they express their readiness . . . to appeal." To prevent doubts he stated what seemed to be their contention:

"That it is the duty of Her Majesty's Government to grant to the company between seven and eight hundred thousand acres of land to be selected by them out of a tract of twenty millions of acres in New Zealand. That Her Majesty's Government are bound to make this grant without any regard to the rights of the natives, or to the rights of Europeans claiming under purchases earlier than those of the company; and further, that it is the duty of the Government to guarantee and to secure to the company the possession of such lands, whatever opposite claims may be asserted by third persons, and whatever may be the basis on which such opposite claims may rest. In answer to these claims, Lord Stanley desires me to remind you that he has offered on the part of the Crown, as a matter not [illegible] right, but of grace and favour, to instruct the Governor to make to the [illegible]ny [illegible]ditional grant, subject to prior titles to be established as by [illegible]only of such portion of the Wellington settlement as is [illegible]ettlers under them, but also of all parts not in the [illegible] of others; the extent of such grant, of course, not [illegible] are entitled under Mr. Pennington's award. [illegible]'v cannot consent to go, consistently with [illegible]n, as he conceives, is bound.

"Lord Stanley is not prepared as Her Majesty's Secretary of State to join with the company in setting aside the treaty of Waitangi after having obtained the advantage guaranteed by it, even though it might be made with 'naked savages,' or though it might be treated by lawyers as a 'praiseworthy device for amusing and pacifying savages for the moment.'

"Lord Stanley entertains a different view of the respect due to obligations contracted by the Crown of England; and his final answer to the demands of the company must be that, as long as he has the honour of serving the Crown, he will not admit that any person, or any government, acting in the name of Her Majesty, can contract a legal, moral, or honorary obligation to despoil others of their lawful and equitable rights."[10]

A challenge of so certain a sound Mr. Somes did not venture to accept. He declared that the company never contemplated "so odious a suggestion" as to "set aside the treaty of Waitangi after obtaining the advantages guaranteed by it." Though he continued to argue, his tone was humble, and instead of impeaching the Waitangi treaty he pleaded that it could not embrace the claims of the company in the Middle Island, although at Captain Bunbury's request the chiefs of that island accepted it. It was clear that the authority of Lord Stanley would support the just decisions of the Land Commissioner. In May, 1843, Mr. Somes became a petitioner. Difficulties about titles had arrested not only sales of land, but emigration from England.[11] He submitted proposals under which he hoped the company would be able to fulfil their functions to "Lord Stanley's satisfaction," their own credit, and the public advantage. Lord Stanley sanctioned an arrangement by which the company were to receive 50,000 acres at Auckland, abandoning their claim to a like quantity elsewhere. The Government undertook as soon as practicable to establish some general rule for settling claims and titles, and to aid the company in making arrangements for giving equitable compensation to natives for lands which the company or the settlers might without sufficient title have effected improvements.

Of this arrangement Hobson was not to hear. It did not differ essentially from the plan proposed by Somes and approved by Hobson. It contained germs of dispute.

[10] For such despatches I denounced by house as a "Colonial Minis non-colon protecting, Exeter Hall an " (Vol

[11] Somes to Lord Stanley.

It was obvious that one sturdy owner unwilling to part with his land might render nugatory the assent of a majority desirous to sell. If force should be resorted to, the treaty of Waitangi would be violated, and wrong would rankle in the Maori mind. The anomalous condition into which Lord J. Russell had allowed the company's relations with the Maoris to drift had made the question of expediency assume almost the magnitude of a principle. The well-being of the large number of settlers congregating on both sides of Cook's Strait could not but claim earnest attention. Yet there was a danger that it might warp the authorities to abandon that which was right.

Spain reported officially that the conduct of the company showed a disregard of justice, and that "they wanted to make it appear that the executive of the commission was a mere useless form, to which they were obliged to submit, but that the result was immaterial to them, as they could call upon the government under the agreement (with Lord J. Russell) to give them a Crown[12] grant, whether my report were favourable or not to the validity of the purchase."

The company disseminated rumours that the Colonial Office had succumbed to them. Shortland wrote (21st Oct., 1843):

"Until the idea be dispelled that is now current that your Lordship has instructed his Excellency (Captain Fitzroy, R.N., already appointed Governor) to enact an Ordinance whereby the natives will be obliged to dispose of their lands at a price to be therein fixed, there will be no chance of any good resulting from the re-opening of (Mr. Spain's) court. I cannot draw any such inference from your Lordship's despatch, and I must candidly express my opinion that no such Ordinance could be carried out except at the point of the bayonet, and then only by more than one regiment aided by a naval force. But I feel certain that your Lordship's instructions have been misinterpreted, and that the solemn assurances, again and again reiterated by the local government to the aborigines, that their territorial r[illegible] shall not be invaded, nor their land taken without their [illegible] consent [illegible] never be departed from."[13]

[illegible]th Sept. 1843.

[illegible] was written to England in May, 1842, by Mr. R. [illegible]migrated as an officer of the New Zealand Com- [illegible]34 appointed crown prosecutor, in the Port [illegible]contributor to the London press; a man [illegible] his secretary in Canada; an associate [illegible]oters of the New Zealand Company; [illegible]ustralia, may be considered capable [illegible]f the company. He described them

The rumours thus circulated were scattered abroad after the company had signally failed in their efforts to induce Lord Stanley[14] to "define authoritatively" in England "the extent to which native rights to land might be admitted." The company had defeated the wisdom of Gipps by bending Lord J. Russell to their will, but they were as the viper before the file when they plied their arts against Lord Stanley.

Spain was called upon to defend himself from imputations against his court; which Mr. Somes in England vied with Colonel Wakefield in decrying. Wishing to make a burlesque of a treaty made in the name of the Queen, they taunted Spain with making the Court of Claims a burlesque in the eyes of spectators. He, meanwhile, as he could not conclude his labours at Wellington until the decision of the government might be known about granting conditional titles subject to further compensation of unsatisfied owners, strove to do his duty elsewhere.

At the Hutt there was a settler who appealed for protection against Taringa Kuri. Mr. Halswell went thither in Aug., 1842, and called Spain to his help. They seemed to have succeeded in some measure—Taringa Kuri promising to await Mr. Spain's award—when an armed party sent by Rangihaeata and Rauparaha confounded the peacemakers. The settler was not attacked, but trees were cut down on the plea that the Maoris wished to cultivate the ground. At Wanganui also there was trouble.

In Aug., 1841, the chiefs stopped the surveying of land by the company. Mr. Dawson, the resident magistrate, prevailed upon the missionary Hadfield to intercede in

thus—". . . it is right that some person should watch their proceedings on the part of the natives. . . The New Zealand Company have no title to the greater portion of the lands which they have professed to sell, and it may be stated with confidence that nothing short of an Act of Parliament could divest the native proprietor of his title, nor that without an adequate compensation. . . The natives of Te Aro (the site of Wellington) were never consulted as to the sale, and not one of them signed the deed . . (though they) had gardens on the space now occupied by the town" (there were other similar cases). What Mr. Hanson thus exposed Colonel Wakefield well knew; yet there are remnants of the company's admirers who praise their proceedings, and revile any writer who condemns them.

[14] Despatch No. 31; 13th Aug. 1844. Lord Stanley to Governor Fitzroy.

September. At his intercession, and on his explanation that the survey would not weaken their title, which only the Governor or his deputy could decide, the Maoris allowed the work to be proceeded with, declaring that the land should not be taken without their lives. They had sold none on the east side of the river; on the west they admitted a sale of about 70,000 acres. The spirit in which the company acted was shown by the fact that after such remonstrances they proceeded to allot the land. Mr. Dawson warned the surveyor (23rd Sept., 1841), that "the sectionists" must intrude on no disputed land, and that no Maori should be moved without his free consent. Early in 1841, Governor Hobson had warned all persons officially not to occupy or settle under the company's land orders at Taranaki or at Wanganui, unless such lands had been conveyed to the company by a Crown grant.

In December there was another selection, and Dawson sent a similar warning to Colonel Wakefield, who was then in Wanganui. Wakefield promised to convey the warning, but said that he would state also to selectors that he held a letter from Captain Hobson authorizing him to remove natives "by any means in his power except compulsion." He omitted Hobson's declaration that only an equitable arrangement should receive his sanction. With an assumption not uncommon in his correspondence, he added: "Your instructions to protest publicly against the occupancy of the land by the company's settlers are so utterly inconsistent with the spirit of this communication that I cannot but conclude, with regret, that the local government is now disposed to thwart the colonization of this part of the country by the company, as sanctioned by Her Majesty's Colonial Minister." Wakefield referred to Lord J. Russell, but the rebuke of his own conduct was ere long to arrive in the words of Lord Stanley, concerning justice and the honour of the Queen of England. Mr. Dawson made a manly and effective reply on the spot.

When the proposal that the company might remedy defective purchases by giving further compensation was sanctioned, Colonel Wakefield and Mr. [illegible] conferred without agreeing upon any point [illegible] Spain. Dreading an adverse decision, Wakefield [illegible]

it. Spain proceeded to Porirua to examine private claims. Wakefield followed him, and wished to proceed to Taranaki, promising that on his return he would meet Spain at Wanganui, to examine the company's titles there. Spain consented. Wakefield broke his word. He did, however, tell the Wanganui natives that he would pay the compensation which might be awarded to them. This promise he also broke. Spain waited for three weeks. The natives were urgent for inquiry, and Spain (April, 1843) entered upon it, being careful to examine every native whose name appeared in the company's purchase-deed.

Wakefield returned by sea from Taranaki to Wellington, but Spain heard of him and invited him to keep tryst. Wakefield then showed, if not his true colours, the value of his word. He had not thought that Spain would so speedily reach Wanganui. Important business had called him to Wellington. His nephew, Mr. E. J. Wakefield, would attend Mr. Spain's court. "But," he added, "I think it right to inform you that I have received intimation that (the directors) have remonstrated with the Secretary of State against being made liable for any further expenditure than that for which Mr. Pennington has awarded land to the company, and that until I receive further information on the subject I shall be under the necessity of postponing the arrangement contemplated with respect to further compensation." In other words, Wakefield, to escape an adverse decision, had made a proposal and a promise to the colonial government. In consideration of the position of Englishmen induced by false pretences to emigrate to New Zealand to occupy lands to which the company had no title, the Governor had accepted Wakefield's word. Trusting to the influence of the company in England, and not estimating sufficiently the difference between the Lords J. Russell and Stanley, Wakefield intended, if not to break, to postpone to the Greek Calends the fulfilment of, his promise. [illegible] conversation, in which Mr. E. J. Wakefield taunting[illegible]ed Rauparaha why he did not stop ships with his ca[illegible]d just taken place, when E. J. Wakefield was depu[illegible] uncle to attend Spain's court. He delayed so [illegible] Spain felt compelled to open [illegible]he proceedin[illegible] *out him*. At Wakefield's req[illegible]'as reope[illegible]

a native witness called by him was heard. He promised to produce further evidence, but day after day elapsed without his doing so. Spain grew weary of waiting, and moved southwards, telling Wakefield that if he would follow with his witnesses they would be examined on the way, or at Port Nicholson. The nephew, worthy of his uncle, went away northwards, and imputed Spain's anxiety to leave to a desire to escape the privations of life at Wanganui. Spain in his formal report declared: "It appeared to me that Colonel Wakefield purposely avoided both the settlers and the natives, and that he was doing everything in his power to put off the settlement. . . ." The company's claims at Wanganui were found by Spain defective "to the extent of millions of acres. They only established a claim to land on one side of the river." Again, a provisional decision, coupled with further compensation to unsatisfied Maori owners, seemed to Spain the only resort. Again, it was found that, as between Colonel Wakefield and the Maoris, truth was on their side.

Spain went to Manawatu and there saw Rauparaha, fresh from a dialogue with E. J. Wakefield, who spoke of the "hyena-like scream" with which the Maori said his countrymen would fight about their land. Rangihaeata was there, and was violent.

"I, however, treated them with firmness (Spain's Official Report), got them to submit to give evidence, and ultimately convinced them of the just intentions towards them of the British government. I also obtained their confidence and their unqualified consent to abide by my decision. . . Though Porirua is only eighteen miles from Wellington, and I remained there a fortnight, Colonel Wakefield never came near the place, or sent any agent to conduct the company's case. Rauparaha and Rangihaeata both repeatedly asked me why he did not come and face them in my court, and hear what they had to say about the alleged sale to him?—that I made them attend, and why did I not make him do so also? These chiefs claim the Wairau on the Middle Island, and they pressed me to cross with them from Porirua and settle the question. I explained that I had advertised to hold another court at Wellington, . . . after which I would come to Wairau. This appeared to satisfy them, and they promised me they would not go near the Europeans at Wairau until I went there."

Spain added: "Not long before, [illegible]ata went to Nelson, where Captain [illegible]esident agent, wished to make [illegible]u, but they positively refused [illegible]ould never consent to part

from it." Captain Wakefield, nevertheless, sent surveyors to Wairau while Spain was holding his court at Wanganui in April, 1843. At Wellington, Spain vainly attempted to put into operation the arbitration for further compensation sanctioned at Wakefield's request. Wakefield on the 24th May pleaded for delay. He expected despatches from England, where the directors were in correspondence with the Colonial Office. Thus stood the company's affairs before the fatal encounter at the Wairau, which, like the bursting of a shell, was to startle not only Maoriland, but England and her colonies, and to show what dangerous materials the rashness and bad faith of the agents of the company had heaped against themselves by their contempt of the treaty of Waitangi, their disrespect for a court held in the name of the Queen, and the scarcely-veiled rapacity with which they clutched at Rauparaha's lands in order, in Colonel Wakefield's own words, "to put an end to his reign."

Before visiting the field of blood it is necessary to glance at the general condition of the islands in May, 1843, when Spain was holding his court at Wellington. Lieutenant Willoughby Shortland, R.N., the Colonial Secretary, became administrator of the government on the death of Hobson. Another important personage stepped upon the scene in 1842. The busy brain of Gibbon Wakefield had seen that true happiness could not be attained in any community without consideration of its spiritual welfare. He stirred his allies. A "Church Society of New Zealand," numbering amongst its promoters the Earl of Devon, Lord Ashley, and many members of Parliament, had in 1840 applied to the New Zealand Company for aid in procuring the appointment of a bishop or bishops. The Bishop of London applied to the Archbishop of Canterbury for help. The secretary to the New Zealand Company, remarking that in the Colonization Bill, prepared by the company in 1837, they had embodied a similar proposal, guaranteed assistance and an endowment of land for the new bishopric. Lord J. Russell in July, 1840, refused to recognize a transaction which assumed that the company had territorial or other rights in New Zealand. He had not received *Hobson's* official report of the treaty of Waitangi. When

a British colony might be founded he would discuss the subject.

Gibbon Wakefield said ("Art of Colonization") "Everybody laughed at us. . . . The Colonial Office which hated our whole proceedings, sneered at the episcopal scheme. . . . The newspapers turned us into ridicule; . . . . public men of mark refused their support generally, . . . at length, one of us, Dr. Hinds, the present Dean of Carlisle, converted the late Archbishop of Canterbury to our view. . . . In these labours it would be affectation to pretend that I have had any but the principal share."

Others were busy. A Colonial Bishoprics Council was formed early in 1841. A bishop for New Zealand was wanted, and George Augustus Selwyn, curate at Windsor, was chosen for the heroic work. He had won honours at Cambridge in halls of learning as well as in athletic sports. Young as he was (thirty-four) none doubted his fitness.[15] Earnest in mind, vigorous in body, indomitable in spirit, Christian to the core, he was to be received by the Maoris as a true leader of men, and to wield an influence over them for which the worldly-minded could not render a reason. He gathered funds for his diocese before he sailed in quest of it. Lord Stanley sanctioned arrangements under which the company was to grant sums in the colony and to advance £5000 to the church on mortgage of the "native reserves in the company's settlements." The New Zealand Company (to whose proceedings at this period was appended a name, F. D. Bell, long to be known in the colony) and the Church Missionary Society, passed harmonious resolutions. The new bishop displayed business-like energy in England, and in May, 1842, was at Auckland. He studied on the voyage with the aid of a young Maori returning to New Zealand, and on the first Sunday after his arrival preached in the native language. He appointed the missionary William Williams archdeacon of the eastern [redacted] formed a school at Hobson's request upon the

[redacted]e the Melbourne ministry resigned) [redacted]ad declined it. When Sir Robert [redacted]ointment which his predecessor

plan of King's College, London. He required every clergyman to learn Maori. He travelled with Chief Justice Martin in the North Island. The greater part of the Maoris, he said, had publicly professed Christianity. He found the missionaries more than equal to his expectations. "As for the people, I love them from my heart, and my desire to serve them grows day by day."

In Oct., 1842, he had made eight voyages, and had travelled by land from Wellington to Taranaki, in the company of Maoris. His first visitation lasted six months, and nearly 800 miles were travelled on foot, and 250 in boats or canoes. Maoris admired and Englishmen respected him. In after years when a chief was told that a zebra was untameable, he said—"Ah! you never tried Bishop Selwyn with one." His foresight was shown by his acquiring a knowledge of navigation on his first voyage, and putting it to use afterwards in his missionary cruiser in the Pacific.

The Acting-Governor was in a critical position. Lord Stanley's approval of Hobson's proceedings had not reached the colony when the government devolved upon Shortland. The company's settlements were increasing. Forty-four vessels with emigrants had sailed to Port Nicholson, Nelson, and Taranaki, when Hobson died. Shortland's first act was to apprise Colonel Wakefield (15th Sept., 1842) that he would fulfil Hobson's promises as to land claims. He had an intricate question before him as to the status of Maoris. It arose during Hobson's lifetime.

Taraia, a chief in the Thames district, made a raid upon the natives at Tauranga, slew some, enslaved others, and indulged in the ferocious rite of cannibalism, which Englishmen had deemed extinct. Hobson sent Clarke, the chief Protector, to reason with Taraia. The chief said the English had nothing to do with intertribal quarrels or customs. If he had injured a Pakeha the Governor might meddle, but not with Maori matters. Clarke recommended (June, 1842) that force should be used in case of need to coerce Taraia, whose victims were Christians. He advised that the release of all prisoners and abandonment of land in dispute should be authoritatively enjoined. Hobson

consulted his Executive Council. Clarke and Major Bunbury were summoned before it. Clarke said that any man attempting to summon Taraia would do it at the peril of his life. Bunbury was ready to go with forty soldiers if required.

A letter from Taraia was subsequently produced: "I was angry about my land, and the bones of my fathers. Don't let the Pakehas presume with the Maoris. With the Governor is the settling of Pakeha affairs; it is with us to adjust Maori matters."

Another chief wrote: "Friend, Governor, I care nothing about yours or the Pakeha's anger. I said nothing in the case of Maketu.[16] It was correct in you to take 'utu,' payment, for the European killed (by Maketu). This is payment for my friends killed; also for my land taken. Yours was correct, as mine is correct."

In July, Hobson sent Shortland to Taraia, who received him courteously. He had heard that soldiers would be sent to take him, so that he might "be hung like Maketu," and said—"If this be true, I shall take a few lives first myself." Shortland protested that the Governor only wished to see the Maoris living in peace. Taraia retorted —"Why should the Governor love Wanaki (the slain chief) so much? What relation is he to him? I would not object to pay for the dead if all my relations are paid for too. Have they not eaten my mother? Has there not been war many years?" Shortland went to Tauranga, and found the injured tribes breathing fire and slaughter. He dissuaded them not altogether in vain. They finally asked for a Pakeha chief to assist in settling difficulties at Tauranga. Shortland urged Hobson to station in every district a magistrate, who might by mild, just, and firm measures assist in civilizing the "noble-minded and intelligent aboriginal race." In December, Shortland went to Tauranga (as Acting-Governor) to purchase land. The Maoris were in commotion. Tongeroa, a chief of the Arawa tribe at Maketu, had made a raid at Mayor Island (or Tuhua) upon relatives of the men of Tauranga. Each tribe had seized boats belonging to Europeans. Shortland

dissuaded Te Mutu, a Tauranga chief, from an avenging expedition, and sent two protectors, with his aide-de-camp, to demand restitution of a boat, and express Shortland's displeasure at the outrages committed. Tongeroa breathed resolution, if not defiance. Other chiefs were anxious to restore the boat, but almost all were determined to adhere to cannibalism. In Shortland's presence, Te Mutu told the Protector, Clarke, that if he caught Taraia he would kill and eat him. "Pork," said the men of Maketu, "is the food for the Pakeha, flesh for the Maori." Shortland asked Major Bunbury for all the available force (a detachment of the 80th) at Auckland, and Major Bunbury went to his aid, received his thanks, and was entrusted with the preservation of the peace at Tauranga, but told to avoid collision with the natives. No attempt to seize offenders was made.

Shortland's jurisdiction over Tongeroa was impugned by Swainson, the Attorney-General. The Ngati-wakaue (or Arawa) tribe had always asserted their independence, as did the Hauraki, with whom they were allied. Doubting the legality of interference, as well as his power to interfere effectually, Shortland wrote to Sydney for reinforcements, and did not attempt to arrest the Maoris. Returning to Auckland he called his council together, and laid before them Swainson's opinion—that the British government had acknowledged the sovereignty and independence of the New Zealanders; that the title of England to a portion only of the islands had been acquired by treaty; and that only those natives "who have acknowledged the Queen's authority, either by becoming parties to the treaty or otherwise, can be considered British subject[illegible] amenable to British law." Great Britain had di[illegible] seizure, had gained no title by conquest, and w[illegible] by the treaty of Waitangi.

The Executive Council questioned Clark[illegible] ector. Did the natives who signed the treaty ack[illegible] their subjection?—They did. How far and to wh[illegible] did the various tribes acknowledge the Queen's s[illegible]?— Only those who sig[illegible]aty, and th limited sense, guar[illegible]wn custo and confining Britis[illegible]ave

war and murder, and all disputes between natives and Europeans." The natives who had not signed held that they had a common right with the British to interfere in disputes between the tribes and Europeans, but limited "British interference to European British subjects." In your communication with the natives, have you asserted that they are British subjects, and the right of the government to interfere with them as such?—He had, but "very few even of those who signed the treaty" would acquiesce except as to disputes "between Europeans and natives." What would be the effect of admitting that any tribe was not amenable to British law?—It would be destructive; and as colonization had been begun, "every honourable and humane means should be used to get the tribes universally to cede the sovereignty where it has not been ceded." "Supposing that we should treat as British subjects, by force, those tribes who have uniformly refused to cede the sovereignty to Great Britain, should we be keeping faith with the principles we professed when we originally negotiated for the cession of the sovereignty?"—Such a course would be considered by the natives a breach of faith, would lead to war, and, although the result might be ruinous to the natives, it would be inglorious to Britain.

Shortland questioned his council. Are the islands British territory? Were all the natives British subjects and amenable to British law? Could Tongeroa be apprehended and tried for the murder at Tohua? Was Tohua British territory? Could Tongeroa be proceeded against for taking the boat? Should the boat be recovered? Would it be expedient to apprehend and try him for the murder? What course ought the government to pursue, having regard to pledges made by the Protector under Hobson's authority and to the notices in the "Maori Gazette?" "Whether it would be advisable to interfere for the suppression of native wars and cannibalism?"

Shepherd, the Treasurer, and Swainson, the Attorney-General, differed. The former considered New Zealand British territory, and its natives amenable to British law. Tongeroa could be apprehended legally, and he would apprehend him if he could; but without more force it would be inexpedient to attempt it. He would employ

force when more military power enabled him to do so successfully. The latter replied that the islands were not British territory; that from discovery, cession, assertion, and occupation, England's title was good against other nations, but that as to those tribes who had never ceded authority, and had refused to acknowledge the Queen's authority, she had not the right, nor could she, in good faith, impose on them her penal code. Tongeroa could only be apprehended if the sovereignty of Tohua had been ceded. Swainson thought it had not. He would use all means except force to recover the boat, but would not apprehend Tongeroa. If there were even a reasonable doubt of his being amenable to law, it would be unwise to try him, for if he demurred to the jurisdiction and the plea should be allowed, mischievous results must follow. He would trust to persuasion, example, and civilizing influences to suppress wars and cannibalism; resorting to force only when "all arts of persuasion and kindness had proved unavailing," as Lord Normanby had enjoined.

Shortland did not argue with Swainson, but he thought as deeply as he could. He probably had not read Vattel, Puffendorf, or Grotius. If he had looked into Blackstone he would have been sorely puzzled at the definition of law which it was his supposed duty to enforce:—*Honeste vivere, alterum non lædere, suum cuique tribuere.* Golden maxims —which from the days of imperial Rome had restrained brutal tendencies in man; and were never more required than in New Zealand. To live honestly was no doubt Shortland's desire. But how could h[illegible]id hurting the natives, with a rapacious crowd of hi[illegible]rmen flocking to divide the choicest morsels of t[illegible]ongst themselves? How could he give the nati[illegible]lue, when it was clear that, whether by design [illegible]ce, Colonel Wakefield was unwarrantably claimin[illegible]erished as heritages or venerated as burial groun[illegible]

Shortland did what seemed to him hi[illegible]e determined not to ado[illegible]ainson's opinion, [illegible]ontinue to govern until f[illegible]mands on the [illegible] that the whole of New [illegible] British colo[illegible] all the New Zealand[illegible]able to Briti[illegible] but he did not try to e[illegible]t against

greater evil would arise from his being brought before the Supreme Court and dismissed than by allowing the natives for a time to continue their wars."

Lord Stanley made short work with the matter. The Great Seal had been attached to commissions for government of New Zealand. No subject of the Queen could impugn their validity. The justice or policy of the course pursued he would not discuss. It was sufficient that Her Majesty had pursued it. New Zealand and its inhabitants were within the British dominions, and neither Mr. Swainson nor any other person opposing this fundamental principle could be permitted to act any longer under the Queen's commission.

What was to be done if a judge should lay down the law differently, the imperious Secretary did not state. He saw objections indeed to his positive and sweeping theory. No Governor could act upon it. The tribes were too numerous and warlike to be controlled. Therefore Lord Stanley evaded Swainson's logical deduction, that if New Zealand was completely under British law the natives must be liable to its penalties and amenable to its tribunals. He could not perceive the necessity. Without quoting any writer on jurisprudence, without (it would seem) referring to a law officer, he laid down an axiom that there was "no apparent reason why the aborigines should not be exempted from any responsibility to English law or to English courts of justice in all cases in which no person of European birth or origin had any concern or interest." Yet the judges in New South Wales had previously decided that natives were amenable to the law for all offences *inter se*, and the missi[illegible]y Threlkeld had vainly protested against the not[illegible] consequences of such a rule where native wit[illegible] rejected. Judge Willis, at Port Phillip, in [illegible]d a different view, and when Governor [illegible] the subject to England with a view to [illegible]n of the law officers Lord Stanley, in [illegible] ask for their opinion. Yet in the see no reason why a course should [illegible] Zealand diametrically opposed [illegible]ed in Australia in defiance of

the opinion of a judge who, though eccentric, was known to be able.[17]

Colonel Wakefield and Spain conferred with the government at Auckland after Hobson's death. About the same time, the first mayor and aldermen of Wellington were elected, and Judge Martin held his first court there. Colonel Wakefield was twenty-four days at sea between Wellington and Auckland, and was half that time at sea on his return voyage. He found no fault with Shortland, who promised to visit Wellington after calling at Tauranga to arrange a land-purchase from the natives. Tongeroa's proceedings compelled him to return to Auckland to examine the rights of nations, but he arrived at Wellington in Jan., 1843, and was received with more loyalty than had been accorded to Hobson, although he had been the agent sent by Hobson, in 1840, to sweep away the flag of the company and to rear the Union Jack in its stead. He visited Akaroa, and returned to Wellington, sailing thence by way of Nelson and Taranaki to Auckland. A shadow of coming danger was cast across his path by Colonel Wakefield, who wrote that "unless some decisive measures were adopted to repress native aggressions, they would end in collisions between the two races."

There was at Taranaki an agent for the company named Wicksteed. In July, 1842, he reported violent proceedings, to repress which he induced Mr. Cooke, a magistrate, to swear in special constables, and with twenty-eight armed men made a demonstration at the Waitara. He made presents of tobacco and blankets after exhibiting his forces.

[17] Addressing a native convicted in Melbourne, Willis said: "For protection and for responsibility in his relation to the white man, the black is regarded as a British subject. In theory this sounds just and reasonable, but in practice how incongruous becomes its application! . . . As a British subject he is entitled to be tried by his peers. Who are the peers of the black man? Are those of whose laws, customs, lang and religion he is wholly ignorant—his peers? He is tried in his land by a race new to him, and by laws of which he knows nothing. ou unhappy man! had the good fortune to be born a Frenchman, or be of any other country but your own, the law of England would ha you to demand a trial by half foreigners and half Engli Without a jury of your own countrymen—without the powe adequate defence by speech or witness—you are to stand the everything that can be alleged agai your only chance *is not the strength* of your own, but your adversa

Flushed with this success, he pulled down (Dec., 1842) a fence erected by Maoris for cultivation purposes on a section which he wished to hand over to a settler. Without any appeal to law, Wicksteed pulled down, and with equal pertinacity the Maoris again built up, the fence. On the 24th Dec., with a stronger party, Wicksteed returned, and, not without a scuffle, removed the fence. A young chief brandished his tomahawk over Wicksteed's head, and was given into custody of constables whom the police magistrate, Mr. King, had ordered to be in readiness. By a burlesque of justice Wicksteed charged the native with assault. The Bench dismissed the case, and Mr. King reported: "We took the opportunity of pointing out to him the illegality of his conduct." Wicksteed complained that King gave him "the least possible assistance."

Shortland (Feb., 1843) called Colonel Wakefield's attention to the matter. He advised that the settlers should show forbearance until the land titles could be adjusted and defined. He did not prevail; but his relations with the company prompted Wakefield to write (27th Jan., 1843): "The cordial manner in which His Excellency has proffered his assistance to enable the company to fulfil its engagements to the public leads me to hope for his sanction to a speedy and satisfactory settlement." Shortland (April, 1843) recommended relaxations as to the time and manner within which the company were bound to select their lands, under Mr. Pennington's award. Lord Stanley's instructions on these points reached Shortland's successor in the following year.

Another matter referred to England, in 1843, was the question whether the native reserves[18] were to be deducted from the total grants to the company. Spain thought they should not be deducted, and Wakefield once thought the same; but his appetite had grown, and he abhorred any [illegible] slices carved out of Maori territory by his [illegible] Lord Stanley had no doubt that the deduc[illegible]d, and ought to be carried into effect. [illegible]t Colonel Wakefield himself pro[illegible] Spain for recommending, and

ote at p. 264.

to the government for consenting, that defective bargains might be recognized on condition of further compensation being paid to the natives on award under arbitration. When Wakefield found that substantial payments were entailed by his proposal he strove to escape from it. The composite rights of Maori ownership engendered doubts, and Wakefield's shuffling was more multiform than they. Ever as a last resort he had in view an assault in England upon Lord Stanley. Meanwhile by promises, broken faith, and procrastination he resisted a just settlement in the colony.

Spain recorded the obstructions he encountered. He wrote to Shortland :—

"It is quite clear to me that Wakefield feared to meet both the settlers and the natives. . . . The untenable reason that he assigns for now refusing to carry out his agreement with you is absurd, and is founded upon general instructions which he alleges to have received from London, not to make any further payment to the natives, such instructions having been received months before this specific agreement was entered into, Colonel Wakefield having entered into it at his own special request to be allowed to do so. . . . I therefore contend that the company is legally and morally bound by the act of their agent. . . . The natives who have been, through their Protector, parties to the negotiation, are naturally most indignant at Colonel Wakefield's refusal to pay them the compensation to which I may decide they are entitled."

Wakefield remonstrated against the "unexpected amount" of the award and the "exorbitance of the insatiable demands" of the natives. Spain, writing (May, 1843) confidentially to Shortland, reported the "wretched subterfuge" resorted to by Wakefield to avoid payment of awarded compensation. Though pledged to do so, Wakefield would not refer to Spain's decision any difference between himself and Clarke, the Protector, as to the amount to be paid.

"The most annoying part of the business is that after encountering all sorts of opposition and difficulties, and just as I had got all the natives to listen to reason, and ready to settle the question, Colonel Wakefield should draw back and refuse to fulfil his engagement. My court will close here on the 19th June, after which I must proceed to Queen Ch[illegible] Sound, Nelson, and Taranaki, for although Wakefield pretends to [illegible] has called all his witnesses he wants examined, yet he has not single native witness in support of the deeds executed in Queen C Sound and Taranaki, and therefore I cannot proceed to make a fi on those cases without proceeding to those places and exami *native* witnesses whose names appear to those deeds."

In the northern part of the island no such difficulties were encountered as had been brought about by Wakefield's proceedings. Many contracts with the natives had been entered into there by persons who knew the Maori language and people, and proofs were accessible to test other claims made with less tact or prudence. One thousand and thirty-seven claims were referred to the Commissioners, Godfrey and Richmond, who were able in May, 1843, to report the settlement of more than half of them. Sir George Gipps' Proclamation had dissipated a cloud of claims, but even amongst those put forward the alleged consideration proved the worthlessness of many applications. Two instances, taken from one place, Hokianga, may be compared. For a payment of £24, or value in kind, one man claimed to have bought 1500 acres. The Commissioners awarded 96 acres. Another claimed to have bought 200 acres for £233 10s., or equal value, and the Commissioners awarded all that he claimed. He was the Pakeha-Maori, F. E. Maning, the author of "Old New Zealand." In toiling through musty tomes it sends a pleasure to the heart to find that amongst those who did not strive to overreach the Maoris was the man who best knew, and could most easily have traded upon, their ignorance of the significance of the parchments they were tempted to sign.[19] Individual claimants in the Auckland district could not strive to coerce the government, as Colonel Wakefield hoped that Gibbon Wakefield's talents, aided by influential friends, would enable him to coerce it.

Shortland was distracted with anxiety. It must have been feared, if not seen, that the concession already made as to occupation of disputed land and subsequent compensation would create distrust and feud. There was a more immediate danger. While resorting to what Spain denounced as "wretched subterfuges," and declining to produce evidence, Colonel Wakefield connived at unlawful steps taken by his brother and others at Nelson. Surveyors were sent to mark out sections for settlers at the Wairau, Cloudy Bay, where Rauparaha and Rangihaeata asserted [redacted] and whither Spain was pledged to proceed to inquire con [illegible]isputed claims. Only in one direction

met Mr. Maning when the above sentence

could Shortland look for support. Lord Stanley's reprobation of the fraudulent designs of the company had been sent, not only to Mr. Somes, but to the Colonial government, and the subordinate could act confidently when he knew that his superior was upright and capable.

The details of government with which the Colonial Office dealt may be surmised from the fact that while millions of Englishmen held their breath in suspense for the fate of their countrymen sent under Nott and Pollock to avenge the massacre at Cabul; while Sir Robert Peel was reconstituting the basis of taxation; while Mr. Duncombe was pressing Chartist petitions upon the House of Commons; while passages of arms were occurring in South Africa and China—Lord Stanley had to direct the New Zealand government how to prevent local disorder. Maoris, indignant at the desecration of a burial-ground, had committed an outrage at Kaipara. Lord Stanley considered it of the "greatest consequence to lead the natives to be satisfied with our mode of administering justice and to abandon their own. . . . I am not clear whether under any local enactment the violation of tapu would or would not be punishable: but it should be made so if it is not now, and a punishment should be attached to the act which might seem disproportionate to the nature of the offence, or the natives will not be restrained from taking the law, or rather vengeance, into their own hands. In this case, however, European feeling as well as that of the New Zealanders is in favour of protecting the sanctity of the dead."[20]

It may be well to mention the Manukau Company, which sprang into existence before Gibbon Wakefield launched the New Zealand Company, and grew out of his earlier efforts with Lord Durham to form the New Zealand Association in 1837.

One Mitchell (in 1835) purchased land at Manukau from the Maoris. The company bought from him. The natives admitted that they had sold some land, but not the quantity claimed. When the ship "Brilliant" arrived, in 1841, with sixteen men, eight women, and three children, as settlers of the Manukau Company, Hobson did not know

[20] Despatch, 5th Oct. 1842.

where to put them. In an account, furnished in 1842 to Lord Stanley, on behalf of the company, it was urged that they purchased in 1837, after the independence of the New Zealanders had been officially declared; that in 1838 they bought further rights from the executors of a British subject (Mitchell); that in 1839 they sent an agent to take possession; that in 1840 they issued a prospectus; that they sold eighty-four sections, of 100 acres each; and that when aware of the rules to be applied to British subjects, they "desisted from selling, anxious not to embarrass the government or mislead other individuals." The original purchase-money for land had been less than £1000.[21] Alleged expenses raised the claims of the Manukau Company (under the absurd arrangement by Lord J. Russell with the New Zealand Company) to £10,457 5s. 3d. The accountant (Pennington) reduced them to £4980 19s. 3d., which by Lord J. Russell's arrangement still entitled the company to ask for 19,924 acres. Lord Stanley consented (Dec., 1842) to the accountant's award, with the limitation that the assignment would be made "from the actual lands to which the company may have been able to prove a valid title." Meanwhile, the company had received £9350 in London for land which the settlers on arrival could not find. It is almost needless to say that when the claim was examined on the spot, the valid title shrank to very small proportions, and would not have sufficed to furnish homes for one-fourth of the settlers from whom the company had taken money in England. Hobson had much trouble in the matter, and his successor, Captain

[21] A brief statement of the cost of colonization in this instance may be given:

Purchase from Mitchell's trustees	£500	0	0		
Cost of conveyance	39	2	6		
Captain Symonds' further purchases	400	0	0		
Costs, &c.	23	0	0	£962	2	6
Charges of emigrants, stores, &c., per "Brilliant"	£947	17	1			
,, per "Osprey" for Loudon Camp ..	710	0	0			
Sundry vessels	675	0	0			
Liability for further exp[illegible] ..	1575	0	0	3907	17	1

Expenses in New Zeal[illegible] to London [interest] [illegible] total claim of £10,457 5s. 3d.

Fitzroy, pronounced a decision against which the company appealed to Earl Grey, who refused (27th Feb., 1847), to reverse it (in terms which are descriptive of many New Zealand claims). The company had abandoned the attempt to define their boundaries, their deed was mutilated, there were palpable omissions; its purport was utterly denied by the natives concerned. Other natives were believed to be owners of much of the land; but (and here is seen the vice of Lord J. Russell's regulations as contrasted with the virtue of Sir G. Gipps') the Earl added—"While I must for these reasons decline to consent that the decision should be set aside or reopened, I am of opinion that the Manukau Company are entitled in virtue of the precedents which have been established, and the principles which have been admitted in this and similar cases, to receive such a number of acres of land in New Zealand as may be equal to four times the number of pounds sterling which it has been ascertained that they had expended in emigration to that colony before the enactment of the Australian Land Sales Act."

Delay thwarted even this solution. In June, 1850, the Governor informed Earl Grey that he could not ascertain that the company had any authorized agent in the colony; that "their operations have been for several years suspended, and the government, finding that those of their settlers who had arrived in the colony had not obtained land from the company, gave them lands in exchange for their claims. I believe that there are no settlers on the lands of the Manukau Company." The claims of the New Zealand Company were more vicious than those of its contemporary; but the Manukau Association had not the parliamentary support which in the hands of Gibbon Wakefield had controlled Lord J. Russell.

CHAPTER VII.

1843 to 1846.

THE WAIRAU.

While Shortland and Spain strove to settle the burning question of Maori titles, Lord Stanley was issuing instructions to a new Governor, Captain Robert Fitzroy, R.N. Captain Fitzroy had not left England when the perversity of the company's agents precipitated the strife which Spain and Hobson had laboured to avert. The darling object of some of those agents was to provoke the Maori into contest with the Queen's authority. For this, Wicksteed at Taranaki, and Wakefield at Wellington, had applied for a summons or warrant. For this, knowing that Rangihaeata would fume under letters, application had been made to Chief Justice Martin for a bench-warrant. Face to face, *per fas aut nefas*, the races must be brought, and in the struggle the company's defective titles might be made good. Spain's antiquated notions about justice must be frustrated, if need be, by violence.

When Rauparaha and Rangihaeata besought Spain to cross with them from Porirua to settle the Wairau question, he promised to go thither after holding his court at Wellington in June, 1843. They said to Spain: "Be [illegible] be [illegible]." They knew that in spite of their refusal [illegible] March, 1843, [illegible] accept payment for their

[illegible] 1845, vol. [illegible] p. 33. Evidence of **Tuckett**, [illegible] Rang[illegible] said that "we should **not have** [illegible] him."

Wairau lands, or to sanction the survey of them, Captain Wakefield in the following month kept surveyors there; and they warned Clarke, the Protector, that they would prohibit the survey of the land.[2] They had told Captain Wakefield, and repeated to Clarke, that in order to obtain forcible possession he must first take their lives or make them slaves. Spain thought he had persuaded them not to interrupt the surveyors, but to await his arrival. But with the Maoris at Cloudy Bay, Spain had no communication.[3] In April they pulled up the surveyors' ranging-rods and destroyed a saw-pit. The surveyors persevered, and on the 6th May the Maoris destroyed some of their huts. They allowed Mr. Cotterell's to stand because he promised to leave it for them.

Mr. Tuckett, the principal surveyor at Nelson, went thence on the 27th May to aid his subordinates; but before his arrival Rauparaha and Rangihaeata had appeared. They arrived on the 1st June, and when Tuckett followed, on the 3rd, he found that they had destroyed Mr. Cotterell's hut, and had removed his effects without injuring them. Rauparaha declared that as the hut was built of materials taken from his land, he had a right to destroy it. He made his followers assist in carrying the surveyor's property to the boats. Cotterell (with a letter to Captain Wakefield) went to Nelson, and on the 12th June laid an information against Rauparaha and Rangihaeata for burning his hut. Mr. H. A. Thompson, police magistrate, Protector of Aborigines, and government representative at Nelson, issued a warrant to apprehend the chiefs, on a charge of arson. Captain Wakefield wrote to his brother on the 13th: "The magistrates have granted a warrant, and Thompson, accompanied by myself, England, and a lot of constables are off immediately in the government brig to execute it. We shall muster about sixty, so I think we shall overcome these travelling bullies."

On the way to Cloudy Bay, Mr. Thompson met Tuckett the surveyor, in a boat with about ten men. Despairing success in continuing his survey, Tuckett was returning to Nelson. He turned back with the armed party in

[2] Parliamentary Papers, 1844, vol. xiii., pp. 336 and 441. [3] *Ibid.*, p.

brig, which anchored in Cloudy Bay on the 15th June. On board the brig was Captain J. H. Wilson, E.I.C.S., who had taken his passage to Auckland before the vessel was diverted to Cloudy Bay, to carry the executors of the warrant. Captain Wilson told a Committee of the House of Commons (1844) that he differed from Captain Wakefield as to the probability that the chiefs would surrender. Wakefield told Wilson that Rangihaeata "was only a bully, that there was nothing in him;" and at various times argued that the chiefs would not resist. Wilson was equally confident that they would, and did not land. The landing party were forty-nine in number. Thirty-five were armed. On the 16th they went in search of Rauparaha. Meeting a chief named Puaha (a nephew of Rauparaha), they persuaded him to accompany them. He warned them "not to be rough with Rauparaha and Rangihaeata." Some of the armed men who spoke insultingly to Puaha were rebuked by their leaders. Puaha succeeded in sliding away unperceived, and went to Rauparaha. Rauparaha had seen the brig, and imagined that Spain had arrived to hold his court. Warned by Puaha[4] of the object of the expedition, he told his people to remain quiet until they saw him being dragged away, and then to rescue him.

On the 17th the magistrates found Rauparaha encamped by a stream, in which was his canoe. Captain Wakefield

[4] Puaha was respected by colonists. In a volume printed by the N.Z. Government, it is said: "Rawiri Puaha (who played so conspicuous a part in his efforts to prevent bloodshed at the unfortunate Wairau massacre, and whose anxiety to effect a peaceable settlement of the disputed question which originated the affray, as also his interference on subsequent occasions to maintain peace between the two races, are well-known matters of history) died at his own village, Takapuahia, Porirua harbour, on 6th Sept., 1858. His health had been declining for many years; . . . when any important question had to be discussed the fire of the decaying warrior brightened up, and his powers of oratory and the influence he [illegible] combined with the prestige of his reputation, gave almost [illegible]ht to his opinion. He always acted in a calm, decided, [illegible]nner in settling quarrels and disputes among his own [illegible]ned a hi[illegible] ter as a consistent and conscientious . . . and was descended in a migrated from Hawaiki . . . anied Rauparaha from Kawhia, of Te Pehi, whose death at ha with the aid of Stewart,

crossed in the canoe with Thompson and others. The usual salutations were exchanged. Mr. Thompson asked for Rauparaha, who rose and said, "Here am I; what do you want with me?" He held out his hand, but Thompson pushed it away. Tuckett and Cotterell accepted it, and shook hands with other natives. Thompson, by his interpreter, told Rauparaha that he had brought a warrant to apprehend him and Rangihaeata for destroying the hut. He had not come (he said) about the land. Rauparaha answered that he had destroyed no European possessions. The hut was made from his own property; the materials were obtained from his land, and he had a right to do what he liked with his own. He would wait, till Spain arrived, about the land; but would not be manacled like a slave. "I will not go; I will stay where I am." Thompson produced the warrant, calling it "the Queen's book." Puaha interposed and urged both sides to be peaceful. Thompson pushed him aside and declared that he had brought an armed force, and would use it. He asked for Rangihaeata, who angrily sprung up, saying, "I am on my own settlement. I do not go to England to interfere with you." Rauparaha told Rangihaeata to leave him to settle the matter. Thompson again urged Rauparaha to submit, but received the same cool answer. Thompson threatened to fire. Rauparaha told him not to "be so thoughtless." Handcuffs were produced. Rauparaha put his hands under his garment and repeated his warnings. Thompson called on his men to fix bayonets and arrest the chiefs. Captain England advanced. Wakefield cried out, "Englishmen, forward." A shot was fired from the European side;[5] a Maori fell. Te Ronga, the daughter of Rauparaha and wife of Rangihaeata, being close to her husband, was shot. Rauparaha's voice was heard in the confusion. "Hei koni te marama. Hei koni te ra. Haere mai te po."—"Farewell the light. Farewell the da[illegible] Welcome the darkness of death." Volleys were fir[illegible]re the

[5] At first it was urged that it was doubtful from wh[illegible] first shot was fired. But the evidence left no doubt upon t[illegible] then alleged that the first shot must have been accident evidence was adduced. The police magistrate finally clusion (14th July) that the conflict "originated from a from one of the European party."

invaders had crossed the stream. Some fled. Wakefield and Thompson rallied them in vain. The Maoris pursued, and, resistance being hopeless, a white handkerchief was waved in token of submission. Rauparaha called out "Enough," but Rangihaeata shouted, "Give no quarter: they have killed your daughter, Te Ronga." The young men slew all who could not escape by flight or concealment in the woods. It was said that Rangihaeata struck down Wakefield and other captives.

Mr. Whiteley, a Wesleyan missionary at Taranaki, wrote: "By Rangihaeata's own law he was required to do this, and it was a matter of honour that he should thus revel in revenge (for his wife's death), and cease not till he had made a full end. Rauparaha could not interfere, because he too was injured." In his scorn of the Maori and his laws, Captain Wakefield had plunged with a light heart into an affray which aroused not only the passions but the superstition of the race. With Wakefield fell Thompson, the magistrate; Richardson, Crown Prosecutor at Nelson (also editor of a newspaper); Cotterell, the surveyor; an interpreter, and others. Nineteen bodies were found. Four Maoris were killed. Mr. Tuckett, the surveyor, escaped. In a whale-boat he returned to the brig, crossed the Strait, and on the following day told his tale to a special meeting of magistrates at Wellington. The excitement and indignation of the European community were intense. It was stunned, but not intimidated. Martial spirits wished to organize a band of volunteers and pursue Rauparaha to the death. Wiser men knew that if a national feud should then arise the whole of the Europeans might be swept from the earth in few days. Just men knew that the cause of quarrel was unjust. The police magistrate, McDonough, was in the chair. Spain was present with eleven other magistrates. It was determined that the police magistrate, Spain, Colonel Wakefield, Dr. Evans, Mr. Clifford, and others should proceed to the Wairau and endeavour to [illegible]tain the [illegible] of any prisoners. The massacre of the [illegible]s [illegible] known. After delay from adverse [illegible] reached. Spain had stipulated [illegible]hat the survey should not be [illegible]as settled. The horror of his

brother's death perhaps made the resolute man submit to terms which he would otherwise have resisted. At Cloudy Bay Spain and his companions took evidence as to the massacre from those who had escaped, and from a missionary, Mr. Ironside. At Wellington, meantime, McDonough publicly enjoined peacefulness on both sides. Rauparaha after the affray had buried four Maori dead, crossed the Strait, and retired to Otaki. A Wesleyan missionary, Mr. Ironside, who met him on the 20th, asked if he might bury the Europeans. Rauparaha consented. The bodies, mangled by tomahawk, but not for cannibalism, were found, and the Wesleyan minister read over their graves the burial service of the Church of England. Under the head of Captain Wakefield Mr. Ironside found a piece of bread, presumably placed there as an insult to the Pakeha chief. By Maori usage nothing common should be put near a chief's head, and bread was common. Mr. Ironside found and buried nineteen bodies.

Inquiry by the magistrates revealed the facts. On the 29th June the magistrates met again at McDonough's house. Colonel Wakefield was not present. Dr. Evans related the tale of the Wairau fight and massacre, and on his motion, seconded by the Hon. J. Petre, it was resolved "that Mr. Spain, the Commissioner of Land Claims, be requested to go in his capacity as one of the magistrates to communicate to the native chiefs and tribes in Cook's Strait their determination, which is not to make or to sanction any attempt to take vengeance for the death of the white men at Wairau, but to leave the whole matter to the decision of the Queen's Government, who will inquire into it and decide according to law."

Dr. Evans was a prominent person in the New Zealand Company. He had been intended to act as their jurist until it was discovered that without aid from the Crown they could set up no jurisdiction. He had gone to Sydney to negotiate with Sir G. Gipps about their lands; and he was now deputed by the magistrates to go to Auckland to represent the facts connected with "the late lamentable catastrophe at Wairau, Cloudy Bay." From Nelson, Dr. Monro and Mr. Alfred Domett were sent thither on the same errand.

Acting-Governor Shortland issued a proclamation (12th July), warning all claimants to land whose claims were disputed by natives against "exercising acts of ownership thereon, or otherwise prejudicing the question of title to the same, until the question of ownership shall have been heard and determined by one of Her Majesty's Commissioners." He authorized the issue, in the Native Government Gazette, of a narrative, deploring the conflict, condemning the subsequent slaughter, and announcing that lands not sold by the natives would not be taken from them. He appointed Major Richmond (96th Regt.) chief magistrate of the southern districts, and sent a few soldiers to Wellington. He told Lord Stanley that Thompson's rashness in attempting to seize Rauparaha was, in his opinion, "not only illegal, but in the highest degree unjustifiable," the question of ownership being unsettled, and about to be considered by Spain. The effects of the catastrophe he "feared to calculate." To coerce the natives was impossible without "an overpowering regular force." The natives would universally resist infringement of their landed rights, and of the treaty regarding them; and they were superior in arms to undisciplined Englishmen. He concurred with others in lauding Captain Wakefield. Nothing but ignorance of the land question and of the native character could have led him to join in the step taken. The arrest of Rauparaha was out of the question. His countrymen would, to a man, side with him, believing that he had only defended his honour and his life. The indignant chief had carried off the handcuffs intended for himself to show to his people.

From Spain and Swainson, Shortland received opinions concurring with his own as to the endeavour to seize Rauparaha. Swainson declared that the proceedings of Mr. Thompson having been illegal, the European survivors had in strictness incurred the legal guilt of a capital offence. Spain reported that, "independent of
tions, which are very strong upon the po
information I have obtained goes to show
commencement the natives exhibited t
forbearance, and evinced the utmost
with the Europeans, requesting that
referred to me for decision."

After careful inquiry, Spain wrote (23rd Sept., 1843):

"Not long before the collision at the Wairau, Rauparaha and Rangihaeata went to Nelson, when Captain Wakefield, the company's resident agent, wished to make them a payment for the Wairau, but they positively refused to sell it, and told him that they would never part from it. . . . The Wairau is situate seventy miles from Nelson (where the agreement in England permitted the company to select land), and the company had never informed me, nor I believe the government, of its intention to take a block there. The survey was commenced only two months before the affray took place, the agent to the company being well aware that the natives had always disputed the sale of the district. I have given the whole subject my best and most attentive consideration, and I have arrived at the conclusion that the conduct of the company's agents, in forcing a survey of the Wairau, can only be regarded as an attempt to set British law at defiance and to obtain possession of a tract of land the title to which was disputed, and at the very time under the consideration of a Commissioner specially appointed to report upon it."

At a later date Spain added that "no evidence of the purchase has been adduced by the company's agent;" that there was no proof "in any way that the district was ever alienated to the company by the parties from whom that body asserts, through its agent, that it has been purchased; and I entertain no apprehension that a candid and impartial perusal of the evidence will ever lead to any other conclusion."

Such was the quarrel in which Colonel Wakefield measured swords with "the old savage" whose land he hoped to acquire, and to whose reign "to put an end." In spite of Hobson and Shortland, and of Lord Stanley, the honour of England had been stained in a cause which would not bear the light of day. An honourable ally, a high-spirited race, were roughly estranged by a land-trafficker. An Iliad of woe was entailed upon the Maoris; and a sense of shame upon English soldiers who, while gallantly carrying their country's flag, felt that it ought not to have waved in such a quarrel.

Lord Stanley had to determine without the help of Spain's later opinions. He had before him various accounts of the occurrence, and of the zeal with which a section of the settlers demanded military reinforcements and revenge. Without entering on the unsettled claim to the land, he decided that the expedition to arrest Rauparaha was manifestly unlawful, unjust, and unwise. No law forbade the chief to destroy the hut erected on the land. No

responsibility could fall upon the natives who did but exercise the rights of self-defence, after urging with temper and strong reasons their objection to yield as prisoners of war. Evan as to the revolting slaughter of the captives, there was the apology that the savage antagonists were "kindled by the violent death of a wife and daughter protecting her husband's person at the sacrifice of her own." As to Swainson's arguments that the Queen's sovereignty over the islands was disputable, they had been condemned by Lord Stanley before, and must "henceforward be silenced." Implicit acquiescence in the doctrine laid down by Parliament was "an indispensable condition of tenure of any public office in the colony." Fitzroy was to endeavour by "conciliation, sincerity' and firmness," to repair the error committed at Cloudy Bay.

When Rauparaha left the scene of the massacre, he must have felt that whatever hatred had actuated the company's servants before, would be intensified in future. He crossed the stormy strait to rejoin the main body of his countrymen, and weary and wet with the spray which swept continually over himself and his retainers arrived at Waikanae. The cultured Hadfield has asserted that he never saw such effects of oratory and of action. The Ngatiawa and others, assembled to hear him, seemed unsympathizing, and the old man spoke or affected to speak, with difficulty, coughing frequently as though from suffering or infirmity.

But his narrative enchained them; and when, holding up his hands as if manacled in view of all, he said: "Why should they seek to fetter me? I am old and weak; I must soon pass away. What could they gain by enslaving me?—by fastening irons on these poor old hands? No; that is not what they seek. It is because through my person they hope to dishonour you. If they can enslave me they think they degrade the whole Maori race."

The demeanour of his hearers changed. They seemed to thirst for war. One of Hadfield's Maori assistants entreated him to interrupt the meeting by summoning the people to pray[illegible]; otherwise Rauparaha's eloquence would carry them away to wreak his will. The advice was adopted. The bell which summoned to Divine Service silenced for that [illegible] the tocsin of war.

On the following morning Rauparaha addressed his own people, the Ngatitoa, at Otaki, and Hadfield could hardly believe his eyes. Not bowed down, nor shrinking from the cold; not appealing for pity or sympathy; but erect and imperious, nay, jubilant and confident, Rauparaha called upon his countrymen to avenge the insult cast upon them. "Now is the time to strike. You see now what the glozing pretences of the Pakeha are worth; you know now what they mean in their hearts; you know now that you can expect nothing but tyranny and injustice at their hands. Come forward and sweep them from the land which they have striven to bedew with our blood."

The Ngatitoa required little instigation, and would, with their allies, have marched direct upon Wellington but for the influence of Hadfield and the authority of Te Rangitake. The biographer of Bishop Selwyn believed that, humanly speaking, Hadfield prevented the extension of war and massacre. Hadfield attributed the result to Te Rangitake, and declared (1860) at the bar of the New Zealand House of Representatives that Wiremu Kingi te Rangitake was mainly instrumental in preventing a combined attack upon Wellington. "He rejected the proposal of Rauparaha and Rangihaeata to join them in it, and exercised the whole of his influence to prevent any of his tribe from doing so." During Hadfield's absence for a few days they renewed their persuasions, but Te Rangitake "again positively declined to take any part in such a proceeding."

How a New Zealand ministry returned evil for good the treatment which the chief received at the Waitara will show. The debt of the colony to him[6] may be inferred from the following paragraph in a petition sent, after the Wairau massacre, to Parliament (by the inhabitants of Wellington) in which the mayor and seven hundred persons averred: "That it is in the power of the aborigines at any

[6] Long years after Governor Browne's ministry, in 1860, had forced him to make unjust war upon Rangitake, Sir W. Fox and Sir F. D. Bell, members of a Commission of Inquiry in 1880 made this remarkable confession:—"It is worthy of remark that the settlement of Wellington was probably saved from destruction by the act of W. K. Te Rangitake. . . . We believe that if his loyalty had been requited as it ought to have been, we might never have known him otherwise than as a friend." N.Z. P.P. 1880, G. 2A.

time to massacre the whole of the British population in Cook's Strait, and that Rauparaha has been known to declare that he will do it."

Mr. Spain hastily sought Rauparaha when requested (29th June) by the magistrate to do so. Riding over bad roads, through tangled forests, Spain found Rauparaha at Waikanae. "Rauparaha," he said, "is the most talented native I have seen in New Zealand. He is mild and gentlemanly in his manner and address; a most powerful speaker, and his argumentative faculties are of a first-rate order." The tribe assembled to hear Spain, who spoke through an interpreter. The Maoris were wrong if they supposed that Englishmen would slay indiscriminately in retaliation. The Governor only could decide whether any of those engaged at the Wairau should be punished. Meantime there would be no aggression against the Maoris. A chief said: "Your words are very good, but who can tell what will be the words of the Governor?" Spain replied: "Have you not known me long, and have I ever deceived you?" This was accepted with favour, and the chief agreed that the Europeans should not be molested by his people. Rauparaha had crept into the assembly and sat behind the chiefs. When they had concluded conference he rose and "made a most powerful speech." He narrated all that occurred at Wairau, and "asked with energy, 'Is this the justice the Queen of England promised to the Maoris? You are not satisfied with having taken all our land from us, but you send a Queen's ship, headed by a Queen's officer, to fire upon us and kill us.'"

Spain explained that a warrant to apprehend did not imply a foregone conclusion as to guilt. Had Rauparaha surrendered he might have given bail till the day of trial, and neither the Governor nor the Queen knew of the issue of the warrant. The slaughter of the captives had excited horr[illegible] For this Rauparaha was "very sorry," and [illegible] to Rangihaeata's passion at the death of his [illegible] this he [illegible]s-examined me with as much [illegible] e that ordeal in Westminster [illegible]nglish bar." Was not the [illegible] to assemble troops, and [illegible] cautiously, aiming at

peace. Rauparaha replied: "I hope you will at all events act as a gentleman." Spain trusted he had always done so. "What special meaning was in Rauparaha's mind?" "Why, if the Governor should decide upon sending soldiers to take me and Rangihaeata, will you send and let us know when they arrive? because you need not take the trouble to send up here for us. If you will only send I will come down to Port Nicholson with a thousand Maoris and fight with the Pakehas. If they beat us they shall have New Zealand and we will be their slaves, but if we beat them they must stand clear."

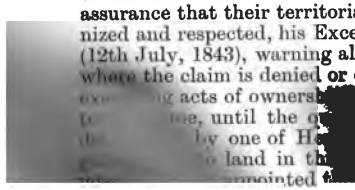
Spain proceeded to Otaki. The chiefs announced that if any attempt should be made to seize Rauparaha and Rangihaeata they would join them in fighting the English. Had the Maoris been wrong in the beginning they would not have interfered; but the white people had been unjust. The chiefs had received Rauparaha and Rangihaeata as friends, and would defend them to the last. Spain gave a pledge that the government would not attack the Maoris without further provocation.

After Spain's retirement, Mr. E. J. Wakefield passed through the district, and saw Rauparaha. It was natural that the nephew should refuse the hand which seemed to him red with the blood of his uncle. Rauparaha "acknowledged the propriety" of the refusal. He harangued Wakefield upon the Wairau affray, but when Wakefield rose in umbrage to depart, it was promised that the subject should not be mentioned. Other matters were debated. Then it was that Wakefield was struck with unbounded admiration of the imperious eloqence of Rauparaha.

At a crisis in which no man knew whether the revengeful spirit of the Maoris would incite them to rise as one man against the encroaching Pakeha, it was natural that Englishmen should unite to protect their lives. They gathered together to be drilled to arms at Wellington. Shortland having despatched a company of the 96th from Auckland to Wellington, Major Richmond issued a Proclamation (after a friendly conference with the head of the armed associations) intimating that such associations were lawful and would be dispersed. The settlers were hurt at their words in the Proclamation which

vious assemblies had been unlawful, and Mr. R. D. Hanson, Crown Prosecutor, declared, in justice to Major Richmond, that the expression was Hanson's and inadvertent.

At Auckland, Messrs. Monro and Domett conferred and corresponded with Shortland, who was fortified by recent despatches from England. Monro and Domett admitted that the first shot had been fired by the English, but said it was accidental. They contended that the claim of the company to land at Wairau had "not yet been proved to be invalid," that the unfortunate magistrate, Thompson, thought he was executing his duty, and that he had in conversation with one of themselves declared that the former refusal of a warrant to apprehend Rangihaeata was injurious to the British prestige. They believed that had Rangihaeata "been dealt with in a decided manner," the Wairau "calamity might never have occurred." The Nelson settlers "confidently expected" that the "enormity of the Wairau crime" would be avenged as soon as a sufficient force could be collected to "render the mandates of the law irresistible." An acting secretary expressed Shortland's deep sympathy for the irreparable loss sustained. An awful responsibility for the recent bloodshed had been incurred. On the degree of criminality and on whom it rested he would not express an opinion. But the deplorable event had arisen from "surveyors, without the knowledge or concurrence of the local government, proceeding to take possession of and survey land in opposition to the original native owners who have uniformly denied the sale of it."

To "prevent recurrence of such an evil, and that no reason may be given to the New Zealanders to doubt the good faith of Her Majesty's solemn assurance that their territorial rights as owners of the soil should be recognized and respected, his Excellency has caused a Proclamation to be issued (12th July, 1843), warning all persons claiming land in this colony in cases where the claim is denied or disputed by the original native owners, from

rwise prejudicing the question of title
wnership shall have been heard and
ommissioners appointed to investi-
. One of Her Majesty's Com-
last to investigate claims to land
recent fatal collision all claims
this moment have been dis-
emind the settlers of Nelson
which the British Govern-

ment undertook the colonization of this country—That the Queen in common with Her Majesty's predecessor disclaimed for herself and her subjects every pretension to seize upon the islands of New Zealand, that by the treaty of Waitangi Her Majesty has guaranteed to the chiefs and tribes of New Zealand the full, exclusive, and undisturbed possession of their lands, and that in the Royal Instructions under the sign-manual Her Majesty has distinctly established the general principle that the territorial rights of the natives as owners of the soil must be recognized and respected."

With regard to the complaint that the Maoris had "burnt down a house built by a servant of the New Zealand Company upon land which it claims to have purchased, and which claim has not yet been proved to be invalid," His Excellency reminded his correspondents that as to all lands "the title of the claimants was subject to the investigation of a Commissioner to be appointed for that purpose;" that by the Lands Claims Ordinance lands "validly sold by natives were vested in Her Majesty as demesne lands of the Crown;" that by Lord J. Russell's agreement the company was to be assigned, "subject to the investigation of a Commissioner," certain blocks of land "under the sanction of the local government;" and that by the same agreement the company had foregone and disclaimed "all title or pretence of title to any lands purchased or acquired by them in New Zealand other than the lands so to be granted to them. His Excellency deems it proper now to inform you that the New Zealand Company has not selected any block of land in the valley of the Wairau, nor has the local government yet received any intimation that it is the intention of the company to select a block in that district. . . . It will scarcely be necessary for His Excellency to give the assurance you require, that the case shall not be prejudged, that impartial justice shall be done, and that the penalties of the law shall certainly overtake those whom its verdict shall pronounce to be guilty."

For the company in England the pen of Somes often signed the productions of Gibbon Wakefield. For Sho[redacted] it was known that in this important crisis the clear[redacted] and honourable mind of William Swainson were at [redacted] The Nelson delegates replied at great length. They ext[redacted] the importance of the company. They urged that "[redacted] natives the greater part of the land is, in fact, [redacted] nothing." The wisest men have agreed that "the [redacted]

of aborigines to land . . . are not entitled to great respect. . . . If common sense and justice declare those lands to be worthless to the native," surely the advantages of colonization carried on with a due regard to their *real* (*sic*) interests "entitled the company to expect help from the Government in transferring lands to white settlers." It was little "less than madness in dealing with grasping and avaricious natives to exhibit a morbid and ostentatious sensitiveness to native rights; a sentimental scrupulousness about depriving them of possessions the value of which to them is a fanciful chimæra, and has been instilled into them perhaps principally by this very exhibition."

The Wakefield code of morals or the excitement of the terrible time would seem to have tainted the judgment of the company's settlers when two educated men could thus vie with Somes in proclaiming the disorder of their minds. They denied that the Nelson magistrates had been rash. "The men they took with them were sufficient in numbers, and ought to have insured success. . . . This was precisely a case in which at least success would have been universally allowed to have justified the attempt, and what possible means did they neglect to insure it? . . . The very order to advance was rather a defensive than offensive step on their part, . . . and in taking this *defensive* step a gun was *accidentally* discharged, and followed immediately by a volley from the natives. . . . That the natives were guilty even according to the written letter of the law we are perfectly certain. . . . Nor let us be accused of prejudging the case." Prejudgment was only wrong where doubt remained. At Wairau there was none. Law was uncertain. They had a higher standard in the human heart. They appealed "to the wide voice of human nature itself wherever not sunk into the lowest barbarism [illegible] confirm our verdict and pronounce that punishment [illegible]d be inflicted on the guilty. . . . White man or [illegible]ealander, [illegible] law or Maori custom, savagery or [illegible] aster the other, and that the [illegible]e zation can be attained without [illegible] we cannot believe to be

After a time Shortland published Lord Stanley's memorable manifesto[7] (1st Feb., 1843) in reply to Somes. Spain, in Aug., 1843, invited Colonel Wakefield to facilitate the removal of difficulties, and to "proceed with arbitration, commencing from the precise position" Wakefield had been in when (in May, 1843, before the Wairau horrors), he receded from his promises on the plea that he expected letters from England. Spain expected an "assurance that the amount of compensation shall be paid when my final award is made." Wakefield, whose brother's death at the Wairau made him an object of sympathy, announced his readiness to resume negotiations, but asked if Spain would recommend that, in consideration of his consent, a further proportionate quantity of land should be awarded to the company. In announcing his readiness to resume negotiations, Wakefield told Mr. G. Clarke: "I infer that you have waived your objection to a cession of the pahs and cultivated grounds with a view to inspire confidence in the minds of the settlers and re-establish a good understanding with the natives." Spain knew the shifting sands in which his anchor was thrown while Wakefield's words were in question, and told him that he should still expect, as "indispensable to the resumption of negotiation," Wakefield's "assurance that the amount of compensation shall be paid when my final award is made." Wakefield replied that he had always understood that such liability existed, and that so far as he was concerned he was prepared to take the necessary steps to meet it. Spain answered that whatever Wakefield had understood he had had to complain of previous nonfulfilment of the terms, and added, with reference to Wakefield's letter to Clarke, that though Wakefield might use such arguments as he liked with Clarke as referee, "I cannot allow any condition to be imposed upon me through him inconsistent with the original terms of the arbitration." But it was not Wakefield's intention to be upright even at this stage. He procured (24th Aug.) the assent of a deputation of settlers to the new terms he sought to impose as to pahs and cultivations, and in order to extort complicity on the part

[7] *Supra*, pp. 291, 292.

of Spain, communicated that assent to him. Spain replied that such terms interdicted the resumption of negotiations. The baffled Wakefield complained[8] to his employers of "the pusillanimous and treacherous part taken by the local government in the Wairau murders, . . . but the time is not far distant when the rising generation of Anglo-Saxons will neither want the nerve nor the skill to hold their ground against the savage, and take ample and just vengeance for the opposition we are now encountering." It was ever Colonel Wakefield's habit, when detected in any subtlety, to make charges against the government which detected him. He could no longer hope to impose either on Spain or on Shortland. When he strove to overbear the former by the expressed wishes of the colonists, on the 24th Aug. he transmitted to Shortland their appeal to be saved (from "impending ruin") by "an immediate and final settlement of the land claims."

Shortland recited the steps taken by the Government to promote, and the shuffling by which Wakefield had evaded, the fulfilment of "an arrangement entered into at his own request and solemnly confirmed at a meeting with the native chiefs at Port Wellington." He told Wakefield that the solemn assurances of Her Majesty to the Maoris would "never be departed from," and to make it impossible even for the elusive Wakefield to profess ignorance of his meaning, he set forth in terms Lord Stanley's rebuke of the company on 1st Feb., 1843.[9] Although Shortland maintained the honour of England when urged to stain it, he took measures to protect the settlers. He appealed to Sir G. Gipps. Sir Everard Home, in H.M.S. "North Star," sailed to New Zealand with troops "to be brought back in the 'North Star,' and not landed in any part of New Zealand except their services be absolutely required for the protection of the lives of Her Majesty's subjects."

[8] Colonel Wakefield to Secretary of Company, 12th Sept., 1843.

[9] In a long narrative of the Wairau m[illegible] the "Nelson Examiner and New Zealand Chronicle" 23rd Dec., 18[illegible] ighed for the "spirit of the olden time" when In[illegible] were slaugh[illegible] by settlers in Connecticut and Massachusetts. [illegible] days we l[illegible] Government the punishment of foes—our own [illegible]tion. But [illegible] its duty. On these principles we say [illegible] executed [illegible] of the l[illegible] ve us protection."

It was satisfactory for Shortland to find that Mr. McDonough, the police magistrate, in an overland trip from Taranaki to Wellington, found the Maoris hospitable and peaceful. He saw Rauparaha content to be at rest. Mr. Clarke also visited Rauparaha, and received assurances from him and others that they would inculcate peace. When at Wellington (Sept., 1844), Sir Everard Home was entreated by the inhabitants to remain there. They heard that Maoris were gathering at Porirua, and that an attack on Wellington was contemplated. At Nelson also the residents asked that the frigate might remain, or that soldiers might be landed for their protection. Their necessity did not arise from Maori troubles only. Their men employed on public works rose against them in August. Mr. Fox bitterly imputed his distress to the inability of the government to control the working class, who were settlers holding land and working at stated times in creating those public works which enabled the company to claim extension of territory. Sir Everard Home saw no necessity to keep the man-of-war at Nelson to control the Maoris. On the contrary, under his ægis, Major Richmond hearing that the company had recommenced the Wairau survey warned the surveyor, who recalled his men.

On the 13th Oct. Sir E. Home was requested (at Nelson) to execute a warrant signed by four magistrates, Duppa, Dillon, Tytler, and Munro, for the apprehension of Rauparaha and Rangihaeata for murder at Wairau. He declined. They "mistook his functions" in imagining that he was "bound by law to enforce any act authorized by warrant from two magistrates." He would "on no account do anything contrary to his judgment of what was right." Reporting this interview to Governor Shortland, Home stated that in his opinion "none of the settlements he had visited had anything to fear from the natives as long as they are fairly dealt with." Revenge rather than impartial justice appeared to be sought by those who had "supposed that he would have been honoured by the execution of the warrant" put before him. A force was wanted at Nelson "not to repel the attacks of the natives but to restrain and keep in subjection the English labourers brought over by the New Zealand who have,

believe, been in open rebellion against their employers more than once." Sir Everard Home left the settlements in peace in October. The inhabitants at Wellington, headed by Mr. Fitzherbert, applied to Shortland in November to relieve them from the disastrous position in which the land question was placed. Shortland rejoined that if Colonel Wakefield had not "declined to carry into effect the compensation arrangement which he had not only agreed to but himself proposed, the settlers might long since have been placed in peacable possession of their lands." Under existing circumstances Shortland concurred with Mr. Spain that it would be impolitic to enter again upon the arbitration, unless the "compensation money were forthcoming concurrently with the award," and "that a second disappointment of the natives should on no account be risked." Shortland would only place settlers in possession of land to which they could "prove themselves legally entitled;" but he would bring their memorial before Governor Fitzroy, on his arrival.

Fitzroy, arriving in Nov., 1843, went to Wellington, in H.M.S. "North Star." He had endeavoured to obtain precise instructions from the Colonial Office as to land claims, the waiving of pre-emptive Crown rights, and the acceptance of a settler's estimate of his time and his expenses in building or improving, in order to determine the extent of claims. The answers to two of his questions were vague. To the last the answer was in the negative. No such estimate could be allowed. No hope of obtaining more soldiers was held out, and as to controlling or interfering with the natives, Lord Stanley said: "It would be vain for me to attempt, at this distance, to encounter by anticipation the difficulties which will gradually disclose themselves to you." Fitzroy's temperament made the disclosure by no means gradual. He gave offence to Sho[illegible]d by commending a newspaper which had reviled Sho[illegible]during his vice[illegible]'s rule. Shortland resigned [illegible]Secretary, [illegible]Colonial Office soothed his [illegible]or of the island of Nevis. [illegible]lar. In Nov., 1843, [illegible]mently assailed him [illegible]) the Chief Justice

proved the untruth of one of their allegations.[10] Fitzroy arrived at Wellington (26th Jan., 1844) and reported to Lord Stanley that the place was quiet, and the land claims would be entered upon immediately. His appointment had given umbrage to the company's people. He received a deputation at which settlers pressed for vengeance against the natives; while on the other hand Maoris told him that the settlers showed evil dispositions towards them. Fitzroy unwisely lectured Mr. E. J. Wakefield in the reception-room where he held a *levée*. Mr. E. J. Wakefield subsequently obtained an interview with the incautious Governor, and angry speeches resulted. In reply to a memorial Fitzroy said that the Maori chiefs could not be expected to "submit tamely to laws administered with such evident injustice as that which, to the disgrace of our nation, characterized the fatal proceedings at Wairau. . . . I feel it imperative on me to remind you that our countrymen were there the aggressors; that the principal magistrate was acting illegally."

Nevertheless he sought to allay ill-feeling and to compound differences about titles to land. He conferred with Colonel Wakefield (29th Jan.) at Major Richmond's house. Mr. Spain, Clarke the Protector, and Mr. Forsaith (Protector and Interpreter) were present. At Fitzroy's suggestion (that Colonel Wakefield should have a friend to consult) Dr. Evans was sent for. After discussion of past correspondence, and reference to his inquiries in England before sailing to New Zealand, the Governor categorically asked whether Wakefield was "prepared to make a fair compensation to those natives who might be entitled to receive it, without including their pahs, their burying-places, and their grounds actually in cultivation." Not without remonstrances, Wakefield at length declared that he was so prepared, and would provide the funds without delay. There was discussion as to the meaning of the words "pah," and "cultivation grounds," but the result of the conference was to compel the company to make a fresh promise to comply with its former promise. Mr. Spain was requested by Fitzroy to act as umpire on disputed matters between

[10] Parliamentary Papers, 1844, viii., p. 264.

ho were seated in a semicircle around.
as dark when he heard at Sydney of
had come to discover the truth. He
account, and wished to hear that
ht judge. When he first heard of
f vengeance for the slaughtered
hey had behaved improperly he
whole matter. Clarke, the
h in Maori. No native rose to
rke to invite Rauparaha to do
id the dispute was about the
sold any land to Wakefield
ere Bay. He narrated his
he had warned the surveyors
"korero" in Captain Wake-
ich Wakefield threatened
Rangihaeata had said they
he narrated every circum-

knows; the demand for his
d the massacre. Thompson
a to save him. Rangihaeata
paraha said: "A little while
n a friendly manner, and you
save me: I will not save you."
ttle to kill the chief men of the
interpreter to tell the old man to
what to say. For half-an-hour the
wrote with a pencil and
Governor rose and
to
the
the
ot
y bro
into c
aths." H
rrible crime
ur, had surren

Captain Wakefield. He asked for military force to coerce the European working class. Fitzroy would not send troops, but thought he might send a ship of war to arrest ringleaders. He received a deputation of working men, and told them he would endeavour to find them employment, but would put them down if they should become disturbers. The deputation of settlers which had presented the public address sought for a private interview on the following day. Their spokesman, Mr. McDonald, upheld the conduct of the magistrates, and handed in his own resignation. It was not thus that a British sailor was to be daunted. Fitzroy rebuked him and his abettors, who were "raising for themselves a character for rudeness." At the "close of his harangue he rose while speaking, wished them good morning and retired." The deputation thought it necessary to disclaim complicity with their spokesman, and presented a statement to that effect to Fitzroy. He received them again on the following day, and discussed some local wants. A Maori deputation waited on him. He promised them even-handed justice; punishment if they offended; protection if they should be injured. Mr. Fox's narrative admitted that the Governor "declared very fairly his intention of maintaining even justice between the two races." Mr. E. J. Wakefield said that his intolerable conduct made Nelson "overflow with the greatest indignation."

The Governor desired to see Rauparaha, and sailed in the "North Star" to Kapiti. There he attended Divine Service on shore. Besides the Governor's narrative, with notes, a diary was kept by Mr. F. Dillon Bell, to whom a passage was given in H.M. ship. Mr. Bell had been assistant-secretary in London to the New Zealand Company, but had recently immigrated to Nelson, holding powers for absentee owners of land. Several hundred natives were present, and Fitzroy heard many of them catechized. Rauparaha sat near, observing. The Governor took no notice of him, though Sir E. Home shook hands with him.

On the following day (12th Feb.) Fitzroy landed to hold conference at Waikanae. Hundreds of natives were assembled. Major Richmond and Clarke, the Protector, met the Governor on shore. Rauparaha sat near the Governor's chair. Rangihaeata, present at the old chief's request, was

behind other natives, who were seated in a semicircle around. Fitzroy said his mind was dark when he heard at Sydney of the Wairau affray. He had come to discover the truth. He had heard the European account, and wished to hear that of the Maori, that he might judge. When he first heard of the massacre he thought of vengeance for the slaughtered English, but finding that they had behaved improperly he came calmly to judge the whole matter. Clarke, the interpreter, repeated his speech in Maori. No native rose to speak, and Fitzroy directed Clarke to invite Rauparaha to do so. The old man rose. He said the dispute was about the land. He denied that he had sold any land to Wakefield except at Blind Bay and Massacre Bay. He narrated his transactions in 1839; told how he had warned the surveyors at the Wairau, and had had a "korero" in Captain Wakefield's house at Nelson, at which Wakefield threatened violence, and Rauparaha and Rangihaeata had said they would not submit to it. Minutely he narrated every circumstance.

The rest of the tale the reader knows; the demand for his person, the refusal, the fight, and the massacre. Thompson the magistrate asked Rauparaha to save him. Rangihaeata said: "Your daughter!" Rauparaha said: "A little while ago I wanted to talk to you in a friendly manner, and you would not. Now you say, Save me: I will not save you." It was their custom after battle to kill the chief men of the enemies. Fitzroy told the interpreter to tell the old man to sit down while he decided what to say. For half-an-hour the natives sat observant while Fitzroy wrote with a pencil and consulted the interpreter. Then the Governor rose and said: "Hearken, O chiefs and elder men, to my decision. . . . In the first place the Pakehas were in the wrong; they had no right to build houses upon the land the sale of which you disputed, and on which Mr. Spain had not decided; they were wrong in trying to apprehend you who had committed no crime. . . . As they were greatly to blame, and as they brought on and began the fight, and as you were hurried into crime by their misconduct, I will not avenge their deaths." He told them that the Maoris had committed a terrible crime in murdering men who, relying on their honour, had surrendered. They must live peace-

ably. He would do equal justice; and no land should be taken which they had not sold. Fitzroy then returned to the "North Star" after announcing that Major Richmond was the superintendent of the southern districts, and impressing on the Maoris the necessity of resorting to him and to the missionaries for advice in all cases.

It is almost unnecessary to say that Mr. E. J. Wakefield railed at the Governor for his decision. It was hard for a nephew to bear the loss of a gallant relative in so cruel a manner; but it was the utterance of a nephew, not of a judicial mind, which declared that the company's officers were "in the right" in the affray. Indignant at the rebuke inflicted upon him at the Governor's levee, by which he thought "the pleasure of his friendly relations with the natives must necessarily be impaired," he at once left the colony, and published in London his "Adventures in New Zealand."

The strange contrasts in New Zealand life were shown by the fact, recorded by the Governor, that as he was about to leave Wellington, "the Lord Bishop of New Zealand arrived from Stewart's Island and Banks' Peninsula in a small coaster of about twenty-five tons burthen, owned and commanded by a chief named Tuhawaiki, well known in New Zealand. With his lordship, his sole companions were a son of Rauparaha and five natives." It was from Tuhawaiki that Rauparaha had escaped by swimming in the sea to his fleet of canoes, on one of his blood-thirsty raids in the Middle Island.

The Governor made appointments, of magistrates and others, and was called in to conclude a land negotiation. The Te Aro Maoris required larger compensation for past deficiencies than had been awarded. They hoped to induce the Governor to yield to their demands, and it was believed that only Te Puni's influence availed in overcoming them.

At Mr. Spain's court, in presence of Major Richmond, Clarke, Forsaith, and Colonel Wakefield, Fitzroy harangued the Maoris on the Queen's justice and clemency, and the righteousness of Mr. Spain's award. The money was on the table. The Maoris, after two days' discussion, finding the Governor and Te Puni immoveable, accepted the proffered money. Colonel Wakefield's proposal that a

defective purchase should not be annulled, but be made complete by subsequent compensation, thus served to eject the Te Aro Maoris from the future capital of New Zealand.

Fitzroy was called upon to determine questions relating to a new settlement—a Scotch settlement—about to be made by the company. Colonel Wakefield required 200,000 acres for it in the Middle Island. The Crown had bought none there. The company had proved no claim elsewhere than at Nelson. To overcome the difficulty the Governor waived the Crown's right of pre-emption over 150,000 acres in the Middle Island; but, warned by the Wairau catastrophe, he appointed Mr. J. J. Symonds to superintend the transaction. Mr. Symonds had been a surveyor, and a sub-protector of aborigines, and had been recently made police magistrate at Wellington. He spoke the Maori language, and received instructions to inform the natives that they were to be free to sell as pleased themselves. Mr. Spain was at the same time required by the Governor to superintend the selection of 150,000 acres by the company at Wairarapa, and of not more than 250,000 acres elsewhere, within the limits claimed by the company under Mr. Pennington's award; the Crown right of pre-emption being waived under certain conditions. Mr. Tuckett, who had escaped at the Wairau, was appointed by Colonel Wakefield to co-operate with Mr. Symonds in selecting land at Otago. Not even the Wairau disaster could teach Tuckett wisdom. He insisted on surveying land without the consent of the owners or of Mr. Symonds. The latter had armed himself with instructions in case of such an occurrence, and declined to sanction, even by his presence, such a procedure. He reported to Major Richmond his withdrawal from the negotiations. Colonel Wakefield was a wiser and a sadder man. He instructed Tuckett to conform to Symonds' requirements, but insinuated that he was not much to blame, inasmuch as partial preliminary surveys were permissible where the Maoris did not remonstrate.

Major Richmond reminded [illegible] Symonds had received peremptory written [illegible] no survey was to be allowed except upon [illegible] and that in Wakefield's presence, [illegible] verbally that "nothing [illegible]

of the government officer." Colonel Wakefield sent his brother, Mr. Daniel Wakefield, to propitiate Tuckett; but the surveyor was obstinate, and Symonds again withdrew. Colonel Wakefield himself then went to Otago, and with his aid the surveyor[1] was controlled. On the 31st July, 1844, Tuhawaiki, Taiaroa, and twenty-three other Ngaitahu chiefs signed a deed conveying land to the company, and making certain reserves "for themselves and their children." The consideration was £2400. Symonds, Tuckett, and Clarke, junior, with another, signed on behalf of the European contracting authorities. Symonds stipulated "on behalf of the natives for one tenth of each description of allotment, viz., town, suburban, and rural;"[12] and the Governor formally sanctioned his arrangements. There were some English settlers on the spot whose claims Mr. Symonds commended to the government. He also adverted to the mournful fact that intercourse with "Europeans" (chiefly whalers), "and intemperance and epidemic diseases introduced by them, were rapidly destroying the natives. I am the more confirmed in this opinion, not only from personal observation, but by the melancholy forebodings of the chiefs themselves."

When Fitzroy returned to Auckland (March, 1844) troubles awaited him. The attempt to seize land by force at Wairau had raised suspicion in the Maori mind. There were mutterings. Honi Heke, a son-in-law of Hongi, had asked if "Rauparaha was to have all the honour of killing Pakehas?" A spark had nearly set the native passions on fire. Imprisonment was shrunk from by a "Rangatira" as a slavish insult. A native named Manaia was convicted (20th Feb., 1844) and sentenced to imprisonment for theft. Before he could be removed from the dock a chief, Kawau, and others started up, brandished their tomahawks, and dragged the culprit away in the sight of the bewildered functionaries. The sheriff endeavoured to close the doors, but the Maoris burst them open and escaped with their countryman.

[1] In one of his letters to Mr. D. Wakefield, Tuckett said of Richmond (the "Superintendent of the Southern Division" of New Zealand): "I regard him as little as Mordecai did Haman."

[12] N.Z. Parliamentary Papers, Legislative Council, 1885, No. 15.

Major Bunbury (80th Regt.) was in command at Auckland during Fitzroy's absence. The Executive Council met (21st Feb.) to consider the propriety of executing a warrant to apprehend Kawau, which the police magistrate had issued. Mr. Clarke, senior, wrote to Kawau that he had done a great wrong, and must bring back Manaia.

Kawau replied: "Friend Mr. Clarke. Salutations. Listen. I will not go to you. Would it not be better for you to come to me? Yes. Do come here. Come to me: that is all. I have finished. Listen to me. Because evil is increasing the love of many grows cold."

Clarke knew that the last figurative sentence meant that the Maori was becoming suspicious of the Pakeha. He produced Kawau's letter before the Executive Council, and told Major Bunbury and his advisers that he was satisfied that the Ngati-whatua would never permit Kawau to be taken alive. Clarke retired. Bunbury asked if it was essential to vindicate the law. The Colonial Secretary, Sinclair, objected to the use of force in the Governor's absence, and thought the available force insufficient. The Attorney-General, Swainson, thought so flagrant an act ought not to be overlooked, whenever the government might have sufficient force. The Colonial Treasurer, Shepherd, concurred with the Colonial Secretary. Major Bunbury "feared that the aristocratic feeling" might spread among the tribes, and induce them to aid Kawau. He thought he could arrest him, but he could not defend the scattered settlers from acts of vengeance. The use of force was reserved for the Governor's consideration. At Swainson's suggestion the Chief Protector was asked to urge the chiefs to use their influence and cause Manaia to be yielded to the law's demands. The missionaries brought about a peaceful surrender of the culprit. Fitzroy returned. Kawau, admitting that he had infringed English law, urged that compensation in money satisfied [illegible] of New Zealand and of the Scriptures. [illegible]ntually, [illegible]ion of Manaia's sentence was remitted, [illegible] Native E[illegible]ion Ordi[illegible]ce was passed (July, 1844), [illegible]ich native [illegible]ering fo[illegible] the value of a thing sto[illegible]ught [illegible]risonm[illegible] Natives were only to be [illegible]d by [illegible] tribe, an[illegible]ivil suits were [illegible]

ment. Mr. Swainson, the law framer, thought that by such an adaptation to the feelings of Maoris many offenders were allowed to be taken who would otherwise have set law at defiance. The colonists "were not," he said, "dissatisfied with the exceptional character of the law," since their property or its value was restored to them. When the Ordinance met Lord Stanley's eye, he feared that the zeal, however laudable, for the welfare of the Maoris, which dictated it, had outrun discretion. The Governor (Grey) was directed to suggest amendments. In Nov., 1846, he reported that he "thought it better at once to repeal it."

The land question at Auckland, in 1844, differed from that at Wellington and Nelson, but presented difficulties. Under the treaty of Waitangi only the government could buy land from the Maoris; but little had been bought. Natives were discontented with their inability to sell to others what the government could not or would not buy. To obviate the difficulty Fitzroy (March, 1844) by Proclamation, allowed settlers to buy from the natives on paying ten shillings an acre to the government. Little land was sold on these terms; and the purchasers, while haggling with the natives, averred that the sum claimed by the government clogged their transactions and reduced the price they could offer. It was suggested that the Proclamation violated the treaty of Waitangi, which guaranteed to the Maoris freedom of sale at such prices as they might think fit, subject to the pre-emptive right of the Crown. The new demand was represented as a juggle.

The Waikato tribes gave a great feast at Remuera, close to Auckland, in May, 1844. The Governor described the scene. Accompanied by officers and escorted by Putini (son of Wetere, of Waikato) and other chiefs, he rode to Remuera. Natives of seventeen tribes were gathered there. The Waikatos were 800 in number.

As Fitzroy approached a shout of welcome aros[illegible] the nearest tribes danced and brandished their w[illegible] in unison. Dismounting, the Governor shook hands [illegible] chiefs near him and saluted others generally. [illegible] enforced a pause, while it was doubtful what tribe [illegible] first visit. "It was, howe[illegible]ickly decided [illegible] Whero Whero and Wetere, as [illegible]f the feast,

be visited first, and that I should then go round the encampment, taking each tribe in local succession, without regard to relative influence or numbers." Some chiefs wore European clothes; some had gay scarfs, while some appeared in a wrapping mat, a mantle, or a blanket.

After the circuit of the encampment a sham fight took place. The adverse bands occupied hills, a mile apart.

"With muskets glittering in the sun, their tomahawks and clubs waving in the air, they stamped their wild war-dance, and then, alternately, rushed thundering down the slope. Halting as one man in front of their opponents, each party again defied the other in dance and shouts and yells. Then one body, the strangers, fled up the hill, halted, danced, rushed down again at their utmost speed and again halted, like soldiers at a review, at the word of their chief, within pistol-shot of the adverse party, who were crouched to receive them with spears, the front ranks kneeling, the mass behind, about forty deep, having muskets and other weapons in readiness. Each body consisted of about eight hundred men, in a compact mass, twenty in front and forty deep. Their movements absolutely simultaneous, like well-drilled soldiers. The lines along which these bodies ranged were crowded by natives, by English, by women of both nations, and by children, as if it had been a race-course. The sight was indeed remarkable. It was wonderful to see women and children gaily dressed wandering about unconcernedly among four thousand New Zealanders, most of whom were armed, and many utter strangers as well as heathens."

Some Christian natives took no part in the sham fight, but with their missionary teachers approached, unarmed, the spot where the warrior bands had halted. There they sat down and listened to the speeches of welcome and good feeling, which continued till near sunset. The orators walked "to and fro, among or in front of their party, sometimes running or jumping, seldom standing still." Then came the division of the feast. One long shed was covered with blankets, of which the Waikatos presented more than one thousand to their visitors. Sharks of various sizes, and potatoes, were hung up and stored in settled divisions, and at a given "signal from Te Whero Whero one general attack commenced, and each party vied with the other in carrying ickly to their encampment the portion of blankets, nd potatoes ad been allotted to them by the kato. . reat majority of the English ian a thousand, including mall straggling parties at nce as if they had been eard of no instance of

misconduct or rudeness, neither was there any theft or even pilfering."

On the following day, Sunday, many Christian natives attended Divine service in Auckland, while unbelievers looked on; but the majority of the Christians attended Divine service conducted by missionaries at Remuera. On Monday the gift-potatoes were, at daylight, borne for sale to Auckland on the backs of the Maoris. At eleven o'clock Fitzroy received the chiefs at Government House. About two hundred attended. Te Whero Whero was at the Governor's right hand. After a short speech of salutation they waited for the Governor to address them. He suggested that the chiefs should discuss any matter in which he could advise or assist them. On a proposed sale of land, at Kawhia, to the government, they handed in a letter. Fitzroy told them he did not contemplate purchasing at present, but their memorial would be preserved for reference. He complimented them on their friendly gathering and their attention to missionary teaching. He urged them to cultivate the arts of peace, produced to them a piece of woollen cloth manufactured in New Zealand, and recommended them to encourage pastoral pursuits. He deprecated the unclothed condition in which "a very few" of the Maoris had exhibited themselves on Saturday. He did not wish to interfere with their customs, however. A sailor himself, he recognized the duty of fighting for his country, and honoured patriotism in them. He was, with the learned men now present (the Chief Justice and Attorney-General) endeavouring to prepare a law[18] to meet the peculiar condition of the Maoris as to compensation for offences in lieu of imprisonment, two or three chiefs being made responsible.

Wiremu Nera then spoke. The Maoris had been wicked before the missionaries taught them Christianity, but they were improved, and had sought the guardianship of the Queen. "We are now anxious that our lands should be secured to us so that a check may be put upon the English urging us to sell those lands that we cannot part with." The English should take pains that the evil customs of the Maoris might be gradually cast aside. The proposed regu-

[18] The Native Exemption Ordinance of July, 1844, already alluded to.

lation as to non-imprisonment of chiefs was very pleasing. Te Whero Whero, being called upon, changed the subject abruptly. The island Motiti, near Tauranga, was claimed by the Ngatiwakaue, who occupied it, and by the Matamata tribe, who were, under Pohepohe, four hundred strong at Remuera. Let them vacate it. "See, contrary to our old ways are we come, that it may be adjusted quietly; not by force of arms to dispossess the present inhabitants, but breaking through those customs we are come that, by the intervention of the Governor, the tribe of Ngatiwakaue (Arawa) may be persuaded to depart in a peaceable manner." Kiripaka and Pohepohe spoke also. The island was sacred and dear to them. Te Kanawa urged the Governor to comply with the request. "Let the Governor look round the room; if Motiti be not quietly given up to these chiefs, eyes that are now looking at the Governor may never see him again. Blood will be shed and friendly visits prevented." Wiremu Nera followed in the same strain. Fitzroy could not decide on the statement of one side. He would send an officer to inquire, but he would only use peaceable means. Various chiefs spoke in praise of all they had heard from the Governor. Waka Nene was the last speaker. His tribe numbered 12,000. "How will the chiefs receive the instruction that has been given them to-day? Will they receive it rightly or wrongly? Many of them will receive it well. We are at present like children, and need to be borne with as children when they are receiving instruction. Let all remember what has been said to-day; it is very good, and let it be received as such."

As the tribes dispersed homewards a freak of native custom produced a bad impression. Some Matamata (Ngatihaua) natives, in open day, committed depredations at Pakakura, about twenty miles from Auckland. On return from a great feast, the pillage of a friend was customary. Te Whero Whero sought an interview with the Governor. He felt di[illegible] none of his own tribe were implicated. Rat[illegible]ration should be made his tribe would pay [illegible] demanded by the Governor, and even u[illegible]roy disclaimed any desire for [illegible]mand compensation of Polhep[illegible]Kons

with him, and leave the Motiti Island dispute untouched, till restitution should be made. The chiefs applauded. Te Whero Whero turned to a Matamata chief and said: "Tell them that like mean men they took advantage of the absence of their chiefs to behave like cowards, like dastards. If they wanted to fight why did not they attack men instead of two or three old women? They deserve to be considered as dogs and treated as such by their tribe. And tell the Matamata people that I and the other chiefs hold ourselves as hostages to the Governor for their misconduct, and that it is owing to his goodwill, and entirely as a matter of favour, that I am now at large instead of being in prison." He told Fitzroy he would write to Pohepohe, and if reparation were not made the Waikato would be responsible. They had no produce but pigs, flax, and potatoes, but these should be given to any extent.

Fitzroy could not sanction this pledge. He doubted not that the Matamata tribe would do right. Tarapipipi was a Christian chief in his tribe, and he could not tell what steps he would take. He might perhaps wish to treat the culprits by English custom, and be opposed by those who have not become Christians. Nevertheless all would with one voice give reparation. Fitzroy complimented Te Whero Whero and the chiefs generally on the good order prevalent at Remuera. Te Whero Whero expressed his gratification. "It was true that it had been the former custom on such occasions to plunder on the way home, but with their present knowledge of English customs, the conduct of the Matamata people was disgraceful." It was some time before restitution was made; but when the tribe reached Matamata, Tarapipipi (the son of Te Waharoa) ordered a red table-cloth, part of the stolen property, to be hoisted on a pole, declaring that it should remain there till all the property of the Europeans was deposited at its base. Most of it was soon brought in. For what was lost the chiefs determined to pay compensation in land or in pigs, and Mr. Edward Shortland, the Protector of aborigines, proposed the latter, leaving the quantity to the chiefs, who were disposed to act liberally. Tarapipipi, the future king-maker, wrote to Fitzroy when restoring the goods and making compensation:

"Darker than the darkness of a gloomy night without stars is the gloominess of my heart on account of the conduct of these disreputable fellows. . . . I cannot describe the load of shame I feel on account of this plunder. But you must not suppose that this behaviour is a novelty. No, it is of old; like my own dispositions for mischief formerly. It was so with me, not under the influence of Christianity, but when following our old customs. I inherited an evil disposition from my forefathers, descending downwards to my father, and from him to me; but when Christianity came I was taught to be kind, and to protect my fellow-creatures, which I continue to do to this day. Now I have collected the property plundered, which I send by the 'Victoria.' Three pigs are in payment for the assault committed on the European."

In describing the Remuera gathering to Lord Stanley, Fitzroy said that it was partly in return for a feast to the Waikatos in a former year, partly to show the rangatiratanga of Te Whero Whero, and also as a demonstration to the English. He doubtless aimed in his own despatch to produce an effect upon Lord Stanley. How could he govern by force tribes which could in a few days sweep every foreigner from the land?

The enemies of the Maori and of the missionaries alleged that this display of physical force was not without its influence on Fitzroy's mind. But there was sufficient force in the arguments against the ten-shillings-an-acre Proclamation to induce the Governor to revoke it, and substitute a nominal payment of one penny an acre as recognition of the Queen's paramount rite. This change, however, was not made until Oct., 1844. Nearly fifty times as much land was bought from the natives under the substituted Proclamation as had been bought under that which it superseded. Both were eventually disallowed by Lord Stanley.

Meanwhile colonization was partially paralyzed. The New Zealand Company and their friends were exasperated at what they considered the success of the missionary party, and the impunity of the Maoris. Spain privately warned Fitzroy that designing men instigated Rauparaha to mischief; and that a military force, not to [illegible] attack, but as a sign of power, ought to be at h[illegible] settlers at Auckland were as thoroughly co[illegible] Fitzroy that there was no European force in [illegible] able to cope with the Maoris assembled [illegible] company's friends meanwhile were sed[illegible] Fitzroy in order to effect his remov[illegible] friends in Parliament.

In the same month that the Remuera feast was held, Mr. Spain's Land Claims Court was to sit at Taranaki (or New Plymouth) to decide on the claims of the New Zealand Company to the territory alleged to have been purchased by Colonel Wakefield's agent in 1840, and by himself on various occasions. Spain and Wakefield travelled in company to the scene. Mr. Forsaith was the interpreter. How the pretended purchase was made in 1840, by Dorset and Barrett, has been told already.

It is much to be lamented that Spain did not perceive the justice, indeed the necessity, of recognizing the claims of absentee proprietors. Each Maori community held its land in common; and no occupant enjoying usufruct of his cultivated ground could alienate it from the tribe. Only tribal consent could break the bond which linked each member to the common property, which sustained the body politic, which was endeared to them as the land of their birth, and was made sacred by the burial-places of generations of those ancestors, who in Maoria as in ancient Italy were worshipped or reverenced with religious devotion, and whose images were carved with care in the great house of the tribe. Over all other rights towered that of the principal chief, or Ariki, trustee for the tribe; without whose consent no lands could be dealt with. With this fact Spain was but partially acquainted; but, however unversed in Maori usage, he might have respected the principles which, if he owned real property in England, enabled him to return to it.

It was fortunate that under the Land Claims Ordinance it was not obligatory upon the Governor to confirm the award of a commissioner. This wise precaution of Gipps had been re-enacted by Hobson in the New Zealand law. Colonel Wakefield always averred that Te Puni, by whose aid he secured land at Petone, recommended him to buy the land at Taranaki; but he did not procure Puni's signature to the deed which pretended to convey the land at that place to the company. The deed to which he procured signatures at Kapiti from Rauparaha, Hiko, and nine others (25th Oct., 1839), affected to convey the land, but it was notorious that some of the signers never claimed any interest in Waitara or Taranaki lands. Some marks were

added by proxy to the document, and Wakefield did not venture to submit it formally to Spain. There was a second deed, signed (8th Nov., 1839) on board the "Tory" in "the most tumultuous scene" Wakefield had witnessed. This also Wakefield thought it prudent to abandon (with its gifts of rivers, harbours, forests, and of Mount Egmont, and a direct line from Mokau on the west coast to lat. 41° on the east) in favour of a third, executed at Taranaki (15th Feb., 1840), under supervision of an incompetent interpreter, who professed to buy from about seventy men, women, and children at Ngamotu, numerous rivers, forests, harbours, and mountains, for a few blankets, guns, powder, and goods, of which a pound of sealing-wax was the last mentioned. Spain's report (12th June) adverted to the carelessness of the company in its alleged purchases—to the procurement of a few signatures, and the insertion (in deeds) of boundaries comprising millions of acres, upon the surface of which lived thousands of "resident natives who were the actual cultivators of the soil," but whom Wakefield did not consult.

Spain affirmed that Vattel laid down the doctrine that actual occupiers and cultivators ought not to be dispossessed by immigrant colonizers, but he did not recognize the *jus postliminium* which prevailed in the land; and in spite of their European advocate, and the evidence of natives, he set the right at nought. Though earnest to elicit the truth, he may have failed to appreciate the Maori usages, to which the treaty of Waitangi had pledged the name of the Queen. The laws and customs of the dusky owners were foreign; the language in which they gave evidence was rhetorical and oracular. Continually an answer was accepted in a different sense from that which the witness intended. Spain was "happy to find" the Taranaki purchase free from the objections which tainted other transactions of the company. A restored Maori, Wahao, was cross-questioned by Wakefield as to having been enslaved by th[illegible] With evident reluctance the fact was admitte[illegible] ignorant or contemptuous of Maori law, sai[illegible] taken prisoner did not you forfei[illegible] ng to native custom?"—"No [illegible]" Spain interposed to ext[illegible]

that he was aware that Captain Hobson had bought the captured lands from the Waikato chiefs. Wahao denied that he had ever heard of such a purchase, and Spain discredited his answer; but Maori law would have taught him that as the Waikato chiefs could only sell their own interest in the land, the witness might truthfully declare that the Ngatiawa interest remained untouched by Hobson's transaction with Te Whero Whero. Passing over the undoubted rights of the returned Ngatiawa, and the cognate rights of their countrymen still at Waikanae, under Te Rangitake, whose *animus revertendi* was known, Spain unfortunately reported in favour of the New Zealand Land Company; not for their whole claim, but for 60,000 acres. He conceived that the Ngatiawa returning after the alleged purchase by the company could have no rights to land, though if they had returned before Barrett's visit rights might have accrued to them. He affirmed in his report, not only with regard to those enslaved by the Waikato, but as to the conquering Ngatiawa chiefs at Cook's Strait, that he could not recognize title to land in two places. If a Ngatiawa chief had rights at Cook's Strait he could have none at Taranaki. Mr. Spain[14] says he "invariably discouraged" such claims as "unfair and unjust," although it would be hard to find a reason why a British subject may hold land in different counties in England and Scotland, and a Maori owner should be debarred from a share in plurality of holdings in New Zealand; and it would be still harder to discover an interpretation of the treaty of Waitangi which would accord with Spain's ruling in 1844. Moreover, the custom of the Maoris was enshrined in Hindostan. Among the Rajputs no length of time or absence could affect the claim to the hereditary land.[15] Mr. Spain complained afterwards that Clarke, the Protector, did not clearly bring forward his view of the right of *postliminium*, but at the same time (March, 1845), Spain insisted that enslaved "aborigines" in New Zealand forfeited all rights to land when "taken in war." When Wahao, cross-questioned on the subject in 1844, asserted the right of *postliminium*, Spain thought the man told an untruth, and set aside his statement as worthless. Haste,

[14] Spain's Report. Parliamentary Papers, 1846, vol. xxx., p. 52.
[15] Rajasthan. (Colonel Tod.) Vol. i., p. 526.

accident, or design on the part of Colonel Wakefield deprived Spain of testimony as to the date of the voluntary migration of a detachment of the Ngatiawa tribe to take possession of land at Cook's Strait in 1827. Evidence could easily have been procured.[16] Te Rangitake was alive, and had given recent proof of his friendliness by averting destruction from Wellington.

But Spain had imbibed a false notion that the Ngatiawa, who occupied at Cook's Strait, were runaways from their native soil after defeat at Pukerangiora. In his final report (31st March, 1845) he made this mis-statement in express words. But as the voluntary migration to the south preceded by several years the sack of Pukerangiora by Te Whero Whero, Spain's argument was vitiated by ignorance of fact, and by the assumption that the Ngatiawa at Cook's Strait, "having left this district after the fight, . . . and obtained another location, . . . cannot now show any equitable claim according to native customs, or otherwise to the land they thus abandoned."

Thus Spain wrote in his report (31st March, 1845), in which he supported by long arguments his original award of June, 1844, which Governor Fitzroy had promptly declined to ratify.

Spain was careful to point out: "I gave the fullest public notice at the time that a Crown grant could not issue until your Excellency had approved my decision."

During the hearing of the case in 1844 it seems that those who had even slight knowledge of Maori usages foresaw that danger was at hand.

The interpreter, Mr. Forsaith,[17] spoke of "injustice;" but Spain told the Governor that he "had to request Mr. Forsaith publicly to confine himself to his duty as interpreter;"

[16] In a pamphlet ("The New Zealand War, . . . 1861") Bishop Hadfield mentions that Te Rangitake and his father led the migration, about the year 1827.

[17] After the publication of this History in 1883, Mr. Forsaith wrote to the author: "I have read your book with much interest. . . . I have [illegible] the slighte[illegible]plaint to make regarding what you said about me. [illegible]haps, had I [illegible]o you were writ[illegible] on the subject, I might have told [illegible]me thing[illegible]ght have ind[illegible]you to say more. I notice that [illegible]it appe[illegible] I was the [illegible]all in question the equity of [illegible]ssion [illegible]aki. Bef[illegible]rpreted his award to the

while the principal agent of the company (Colonel Wakefield) publicly accused him of misinterpretation.

If Wakefield presumed that his rebukes would extinguish all remonstrance against Spain's ill-omened error of judgment, he erred grievously himself.

Clarke (junior), Maori advocate in Spain's court at Taranaki, saw the dangers which Spain's decision might entail. He wrote to his father in June, 1844.[18] He pointed out the inherent complications in the case. He declared that the Waikato title to the Waitara, on which Spain laid stress, had never been perfected, that the *postliminium* claims of the enfranchised were unjustly set aside:—that the numerous Ngatiawa who had conquered at the south before the defeat at Pukerangiora could not be compromised by it; that the boundaries had never been understood by the residents with whom Barrett professed to negotiate, and that if any Waikato claim could be established, all those engaged at Pukerangiora could demand a share in it. Writing to his father he pleaded at the time, that by immediate and public protest against Spain's decision, he would have acted indecently and injured "the cause of the natives." When Spain rejected evidence, of the nature put forward, Clarke did not produce a second witness.

"On the very day of the decision the natives were so annoyed that a party of about fifty actually set out to destroy the houses of the settlers on the road to Waitara; but I succeeded at last . . . in sending the most influential men after them and bringing them back again. I then told them that . . . they could gain nothing and would ruin their cause by resorting to violence, and that the only course they could pursue was to send a fair and candid and calm account of their griefs to the Governor. . . One false step now must plunge us sooner or later into ruin—perhaps bloodshed. The natives never will give up tamely what they consider to be their just rights. If the government are determined to put the settlers in possession of lands which we cannot convince the natives *or ourselves honestly* that they have alienated, they must do it at the point of the bayonet; and if they once resort to violence it must end in the extermination, ultimately, of the natives throughout the length and breadth of the

natives I spoke to him privately and urged him to reconsider the matter. He was furious and charged me with insubordination. . . . It has always been a source of satisfaction to me, in looking over the past, that I was the first to impugn in public the justice of the Taranaki war."

[18] Remarks on a pamphlet by J. Busby, Esq., commenting upon a pamphlet entitled "The Taranaki Question," by Sir W. Martin, D.C.L. late Chief Justice of New Zealand, by G. Clarke. Auckland, 1861.

island, but only after a sacrifice of life too horrible to contemplate. . . I feel it my duty to put the government in possession of my views at any risk of personal blame or misconstruction of motives. I feel that an awful and harassing responsibility rests upon me, but I do not know in what way to place the matter before the government. Mr. Spain, the judge in the matter, has expressed an opinion which, if carried out, will, I believe, fill the country with bloodshed, and I—an advocate in his court . . . entertain views exactly opposite. . . . If you can advise me, as my father and my friend, as well as in your position at the head of my department, as to what steps I ought to pursue, and can convince me of their necessity, I shall be rejoiced to undergo blame or personal risk of any kind."

The war of 1860 sprung from the Waitara land dispute. Many thousands of pages have been written in vain attempt to prove that the local government did not violate the law, and that the natives set up fictitious claims in order to contest the supremacy of the Queen. It is all-important, therefore, to show the truth. Mr. Whiteley, a Wesleyan missionary, at Kawhia, wrote to Clarke, the Protector (1st July, 1844). He enclosed a letter from excited chiefs to the Governor. To Whiteley they had written thus: "Speak to the Governor that our land may be returned to us. If that cannot be, why then we shall call to the gates of hell to be set open, that the people who have long been dead may ascend up, and that the people of this world may descend thither." As regarded the remigrants from Cook's Strait and the rights of the enfranchised, Whiteley argued that Spain's decision was unjust. Rights of those not compromised by negotiations between themselves and the company should "be held inviolate. . . . My object is simply peace, and to ensure peace we must do justice." The elder Clarke expressed surprise that his son had not called more than one witness. The son maintained that he "confuted the claims of the company by their own witnesses," and sent a catalogue of cases to prove that the rights of the returning Ngatiawa were sanctioned by well-known Maori laws.

It was Spain's custom to make *ad interim* reports, and his Waitara decision, with the warnings of Clarke, Whiteley, and others, was promptly considered by Captain Fitzroy, who saw that there would be bloodshed if the injustice recommended by Spain should be consummated. While Spain was still at Taranaki, Te Rangitake wrote to Fitzroy:

—"This is the determination of our people. Waitara shall not be given up. . . . The Ngatiawas are constantly returning to their land—the land of their birth. . . . . Friend Governor, do you not love your land—England—the land of your fathers—as we also love our land at Waitara?" (8th June, 1844). Military assistance at Taranaki was craved by the inhabitants. Spain reported that it was required to overawe the Maoris. The Governor replied that he would be on the spot as soon as possible, and sailed thither in H.M.S. "Hazard." The Bishop travelled overland from Auckland by way of Kawhia, from which place the Rev. J. Whiteley had hastened to the scene of danger. Inquiry was instituted without delay.

Captain Fitzroy summoned a meeting (3rd Aug.) to hear his decision. On points of law, "especially New Zealand law, considered with reference to national laws in general," authorities might differ. Without disparaging others the Governor must nevertheless decide. He would institute further inquiries, and in the meantime would not adopt Mr. Spain's recommendation, and "would allow in all their integrity the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840."[19] The Bishop[20] and Mr. Whiteley had been influential in allaying excitement, and Donald McLean, Local Protector, was instructed how to act. The Maoris were prevailed upon by the Bishop, by Mr. Whiteley, and Mr. McLean to await the Governor's return. Fitzroy found that "a large number of natives would be set aside by Mr. Spain (namely, those who were absent or in captivity at the time their lands were said to have been sold), whose claims I am bound to recognize and maintain." He told the Secretary of State: "With the proceedings at this meeting all parties appeared to be satisfied; and the minds of the natives were disabused of the impression that they might be dispossessed of their own lands." On the 5th Aug. the Governor and Bishop sailed away in the "Hazard." (There was trouble at Kororarika, where Heke had defiantly cut down the flagstaff in July.) On the 8th Nov. the Governor returned to Taranaki to consider the

[19] Parliamentary Papers, 1845, vol. xxxiii., p. 102.

[20] The Bishop wrote to his brother in England: "The Governor has, I hope, appeased the commotion."

recommendations of Mr. Whiteley, Mr. McLean, and Mr. Forsaith. Finally (25th Nov., 1844), the native interests in the town and its immediate vicinity were bought, a block of 3500 acres was secured for the company for "£350 in goods, money, and animals;" and Fitzroy waived, "in favour of the company only," the Crown's right of pre-emption within the block of 60,000 acres already surveyed at their expense. The "long-meditated [21] return of the Ngatiawas," and the consequent "difficulties, if not disasters, apprehended to the settlers," would be avoided by concentrating the settlement in the manner sanctioned by him, and he thought it desirable that the company's agent should defer treating for the country "sections until their real owners, or the majority of them, are on the spot." The death of the father of Wiremu Kingi Te Rangitake left the latter paramount in the tribe, and the old man's dying injunction was that Waitara should not be sold.

Spain was mortified at the Governor's reversal of the only award which he had been able to make in favour of the company. He complained that Clarke had not brought forward evidence to support the claims of absentees and returned captives. He did not advert to the fact that under the treaty of Waitangi such claims had been solemnly guaranteed to the natives by the Queen. The dangers he foresaw were great. It would be harsh to condemn him for disregarding greater dangers which he did not foresee. He did not shrink from adhering to his award, but admitted that "difficulties and perplexities had met him at every step." The company's friends assailed Fitzroy for giving weight to the "customs of barbarism," for being "blinded by maudlin sentimentality for slaves," and "spurred on by the missionary clique to dispossess the company of the finest territory they had ever acquired." [22]

The author of a "History of Taranaki," [23] published in 1878, denounced Fitzroy's decision as "an insane act." With characteristic unscrupulousness Colonel Wakefield (Nov. 1844) denounced it as inducing the Ngatiawa to

Parliamentary ... iii., p. 102.
Account of ... Plymouth in New Zealand," pp.
by Charles ... don, 1849.
... of Taranaki ... New Zealand, 1878.

return to Taranaki "upon the ground that they have more right to it than the returned slaves, whose claims the Governor has allowed." Yet Rangitake's letter to the Governor, declaring that "Waitara shall not be given up," was written on the 8th June, and it was not until Aug. that Fitzroy announced his decision. It was not promulgated as affecting merely a local dispute. It was published for the information of all Maoris in the "Maori Messenger" (Sept., 1844). It attributed the erroneous claims to mistake, not to dishonesty. It declared that no Rangatira of the Queen of England would consent to dishonesty, and that to take the land of a Maori without a fair completed bargain "would be theft." Distinctly it averred that the rights of a man returning from slavery would be sacredly regarded. "If we were at war with any other nation, and I were taken as a slave and afterwards liberated—if when I returned home and found my place sold, what would my thoughts be? Would I consent? Not at all." He would respect all claims of the Ngatiawa tribe, insist on fulfilment of lawful bargains, maintain peace, and give to all "what is right and just."

The first appearance of Donald McLean in important negotiations deserves remark. Immigrating to New Zealand an uneducated lad, he devoted himself to ordinary labour. Versed in Gaelic, and venerating the tribal chiefs of his native land, he saw in the Maori race a repetition of the Gael. His proficiency in Maori led to his appointment as Local Protector of aborigines at Taranaki. Nevertheless, the colonists were astonished when, in after years, Governor Grey appointed McLean Chief Commissioner to treat with the natives for cessions of land.[24]

McLean warned the chief Protector in Dec., 1844, that there were still dangers ahead. The Ngatiawa, at Waitara, showed no inclination to part with their land, and averred that they were incompetent to negotiate for its sale "without the consent of several absentee chiefs, residing at Waikanae, who own the greater part of the land. They

[24] When Edward Gibbon Wakefield arrived in New Zealand he foresaw McLean's future. He called him "the great Maori mystery man," but did not live to see his prophecy fulfilled.

do not acknowledge the claims of the company to any part of that district. They never received payment, and were not cognizant of a sale thereof, and will not be induced to suffer European settlers to establish themselves there." Katatore, a chief of the Puketapu tribe, was obstructive. Some of his people had received payment from the company, but Katatore withheld information as to the land paid for.

The Puketapu and the Ngamotu natives had rushed to arms, and McLean, Mr. Turton (missionary), and Mr. Webster "were successful in depriving some of the most exasperated of their guns and tomahawks."

Governor Fitzroy himself (Nov., 1844) settled a dispute at Waikanae. Rauparaha and Rangihaeata accepted compensation which they had previously refused (£400) for land in the valley of the Hutt, and promised that settlers should not be molested.

While these events occurred in New Zealand the company was active in England. Lord Stanley's rebuke, in 1843, convinced the wily managers that if they wished to break faith they must work not by assault, but by sap. The Wairau massacre afforded an opportunity. A Select Committee of the House of Commons was appointed.[25] After it was nominated Lord Stanley succeeded in adding to it the equable judgment and firm grasp of Mr. Cardwell. Lord Howick as chairman imported into the deliberations his perverse denial of Maori rights, and of the duty of England to abide by treaty. One of the first steps taken was to ask Mr. Aglionby, a member of the company as well as of the committee, for a statement. After hearing evidence the committee assembled to consider nineteen resolutions submitted by their chairman. He condemned as "highly irregular and improper" the conduct of the New Zealand Company in sending out settlers not only without sanction, but in defiance of the authority of the Crown. But in other propositions he himself denied that authority and sneered at the "so-called treaty of Waitangi." Mr. Cardwell met his resolutions by submitting a draft the tenour of which may be [illegible] by its [illegible]nation of Maori

[25] The Committee was sitting [illegible] Downing Street era meeting. One could [illegible] Lord Howick and Fitzroy exchanged places with [illegible] Fitzroy.

rights, and of the virtue of the treaty of Waitangi, as "binding in conscience and policy on the British Government, and highly valued by the native tribes." Mr. Hope moved that Mr. Cardwell's draft be considered, and was defeated by one vote.[26] Lord Howick's animadversion upon the company having been affirmed, he used his majority in condemning the treaty of Waitangi as "part of a series of injudicious proceedings." On a subsequent day (9th July) it was resolved (in spite of Mr. Hope and Mr. Cardwell) that the acknowledgment by the local authorities of a Maori right of property in "wild lands" after the Queen's assumption of sovereignty was "not essential to the construction of the treaty of Waitangi, and was an error which has been productive of serious consequences:" that the company had a right to expect to be put in possession (according to Pennington's award) "without reference to the validity or otherwise of its supposed purchase from the natives, all claims derived from which have been surrendered." Admitting that the company could only claim grants of land vested in the Crown, Lord Howick in his sixth resolution showed how he would enlarge the vested area. Means ought forthwith to be taken to establish the "exclusive title" of the Crown to all lands not occupied or enjoyed by "natives, or held under grants from the Crown, such land to be considered as vested in the Crown for the purpose of being employed in the manner most conducive to the welfare of the inhabitants whether natives or Europeans." A land-tax was recommended, not exceeding two-pence an acre. The pliant majority determined that it should apply to the lands of the Maoris. Mr. Hope moved that fifteen per cent. of the proceeds of the sale of wild lands should be set apart for its plundered heirs, and was defeated by a majority of nine to one! Reserves for native uses were sanctioned. It was advised that the local military force should be strengthened: that there should be an armed steamer on the spot—which, under proper precautions, Maoris might

[26] The majority (7) were Mr. Milne, Mr. Roebuck, Mr Charteris, Lord F. Egerton, Lord Ebrington, and Mr. A minority (6) included Mr. Hope, Mr. R. Clive, Lord Jocel Inglis, and Mr. Wilson Patten.

to serve—a native force also; that it was desirable to employ the Maoris in the civil service; and that efforts should be made to wean them from their ancient customs on the principle recommended by Captain Grey for the nomadic tribes of Australia (who, totally without agriculture, had no points in common with the agriculturists of New Zealand). The committee expressed no opinion on the law of the case of the Wairau affray (on which the evidence before them was irresistible), but thought that the conductors of the expedition from Nelson to arrest Rauparaha believed it to be lawful. The committee having swallowed his resolutions, Lord Howick submitted a report, which they in turn submitted with "much diffidence" to the House. The laborious manner in which Lord Howick's draft assailed the guaranteed rights of the Maoris indicated that he felt he was wrong. He strove to show that in "terms" the treaty was "ambiguous;" that there could only be a "qualified dominion" of "uncivilized inhabitants" over their native soil; that the Marquis of Normanby's instructions to Hobson were "not sufficiently precise upon this important point;" that as the treaty of Waitangi had reached England when Lord J. Russell issued the Charter and Instructions relative to the New Zealand Company, it might therefore "fairly be assumed that it must have been understood as *bearing a meaning not inconsistent with the terms in which they are couched.*[27] . . . To have assumed at once all unoccupied land to belong to the Crown as a right inherent in the sovereignty would have been attended with no sort of injustice to the natives, and would have been conducive to their real interest. . . . The error in policy . . . fallen into by the officers who have held the government in New Zealand in not asserting the right of the Crown to all the unoccupied soil in New Zealand," is closely connected with "another . . . want of vigour and decision in the [redacted]dings adopted towards the natives . . . an over-[redacted]fear of infri[redacted]pon native rights." Mr. Hope [redacted]aft repor[redacted]ning the inviolability of the

[27] ollow that a foolish or dishonest laws as he chooses, and that are to be warped in order to

Waitangi treaty, but the chairman's report was adopted. Having thus recommended a course which would necessitate the practice of murder to wreak into action a policy of theft, Lord Howick gloated over the idea that Lord Stanley would be compelled to abandon the stand he had taken or to offend the House of Commons by slighting the advice of a committee.

Fortunately, the House did not adopt the resolutions, and the confidence which it reposed in the financial ability of Sir Robert Peel (who in that year dealt with the question of banking), made it impossible for Lords J. Russell and Howick (though already profiting by the personal venom of Disraeli [28]) to shake the great Minister in his seat.

The task imposed on Lord Stanley was indeed difficult, but for him not impossible. He would doubtless have discarded office rather than sanction known injustice. He could not, however, respect the report of the committee, nor could he characterize it in fitting terms of reprobation while transmitting it to the Governor. Like Sir George Gipps he foresaw that the promulgation of the report, unaccompanied by wise counsel to the Governor, must provoke that strife

[28] Popular opinion sometimes confuses dates. It is often asserted that Sir Robert Peel's change of opinion in 1846 on free trade in corn justified the hostility of Mr. Disraeli. But Sir Robert did not change his abstract opinion in 1846. The famine in Ireland, in his opinion, necessitated a change. He had said in the House (May, 1842) that all must "agree in the general rule that we should purchase in the cheapest market, and sell in the dearest." He had repeated in Feb., 1843, this conviction, while urging that "unquestionably sound" as the principle was, the "complicated considerations" to be borne in mind, and the "great and extensive interests which had grown up," made it unwise to meddle rashly with them; although they must give way to the general good (May, 1843). It was not, therefore, on general grounds, nor on account of the abolition of the Corn Laws in 1846, that Mr. Disraeli turned traitor to his chief. He had indeed deserted him as soon as he could after he was not included in Peel's Ministry in 1841. In May of that year he bespattered Peel with praise. But in Sept., when the new Ministry was composed without him, he suffered *spretæ injuria formæ*, and in Feb., 1845, was goaded to frenzy by the contempt with which Sir Robert said: "I tell the honourable gentleman at once that I will not condescend to reciprocate personalities with him. Neither now, nor after the lapse of a week, will I stoop to do so. I feel no inclination for the practice. . . . Being in the position which I fill, I will pursue that course which I believe to be for the public interest; and if in pursuing it I subject myself to the honourable gentleman's vituperation, or to the much heavier penalty of diminished confidence on the part of others, that penalty I am ready to pay and submit to the consequences." This was long before Sir Robert abolished the Corn Laws.

which the acts of Colonel Wakefield and his subordinates were calculated to produce. He called the attention of the Governor [29] to the fact that the committee were "far from unanimous."

"Nevertheless I cannot but apprehend that this report, carrying with it as it must be admitted to do, the authority of a committee of the House of Commons, may add to the difficulties of your position, less indeed by the practical measures it recommends than by the principles which it lays down, and on which it proceeds—principles which I know to be opposed to your own views, and which, if you were to attempt to carry them into practice would, I fear, lead to most unhappy consequences."

As to the rights of "uncivilized inhabitants," and the company's claims under Pennington's award—

"I am not sure that were the question one of mere theory I should be prepared to subscribe unhesitatingly and without reserve to the fundamental assumption of the committee, and I am sure that it would require considerable justification as applicable to the inhabitants of New Zealand. (There were many gradations of 'uncivilized inhabitants,' and among them the Maoris held a 'very high place,' by reason of their agriculture, tribal rights, rights of individuals *inter se*, their knowledge of letters at the time of British occupation, and the adoption by many of Christianity.) I cannot think it would be either just or practicable to apply the same rule with regard to the occupation of land to classes of aboriginals widely differing from each other. But whatever may be the right theory, it is indisputable that in practice a distinction has been drawn by the acts of the British Government. Up to 1839 this country recognized the chiefs of New Zealand as the heads of an independent community, and when in that year the unauthorized settlement of the country had rendered necessary the interposition of some higher authority, the Marquis of Normanby, then Secretary of State, expressed his concurrence in the view taken by a committee of the House of Commons in 1836.[30] The Marquis disclaimed on the part of the Queen, for herself and for her subjects, every pretension to seize on the islands or to govern them as part of the dominion of Great Britain, unless the free and intelligent consent of the natives, expressed according to their established usages, should be first obtained; and acting on this view, the British Government directed their agent to accept from the chiefs the grant of sovereignty on conditions (embodied in the treaty of Waitangi, and laid before Parliament). Personally neither you nor I are interested in now considering whether this policy were wise or unwise. Before the present Government assumed any responsibility . . . not only had those steps been taken (and sanctioned), but an officer h appointed to administer the government, laws had been passed by legislature for regulating titles to land, (a commissioner) had been for the settlement of those titles subject to enactments previousl and guided by instructions issued by my predecessor. to me that such an inquiry is useful for any practical to the future. What you and I have to do is to adm the colony in reference to a state of things which create, and to feelings and expectations founded, n

[29] Despatch No. 31; 13th August, 1844. [30] 1

have been a right theory of colonization, but upon declarations and concessions made in the name of the Sovereign of England. You will observe, indeed, that the committee admit that erroneous as they believe the policy hitherto pursued to have been, they are sensible of the great difficulty which may now be experienced in changing it, (and bearing in mind the distance of the Governor, &c.,) they are not prepared to recommend that he should be peremptorily ordered to assert the rights of the Crown as they believe them to exist: all they advise is that he should have clearly explained to him what those rights are and the principles on which they rest, and should be directed to adopt such measures as he may consider best calculated to meet the difficulties of the case, and to establish the title of the Crown to all unoccupied land as soon as this can safely be accomplished. (The committee deprecated also the 'notions' of proprietary title which the Maoris had recently been taught to entertain.) I cannot overlook the fact that your measures must be framed in reference to the existence of such notions founded on interpretations of law and treaty hitherto admitted by the authorites at home and on the spot, and entertained by a high-spirited, warlike, and well-armed race of people confident in British justice, and whom it is most important by a conciliatory course to bring into more close connection with, and more complete subjection to, British authority. The extent to which native rights to land might be admitted was, as you remember, matter of frequent and anxious discussion between us previous to your departure from England; and you are aware that, feeling the information necessary for the purpose not to be within my reach in this country, I constantly refused . . . to define authoritatively here so difficult and important a question. On the one hand, to restrict those rights to lands actually occupied for cultivation appeared to me wholly irreconcilable with the large words of the treaty of Waitangi—lands and estates, forests, fisheries, and other property which they may collectively or individually possess,—and of which the full, exclusive, and undisturbed possession is thereby confirmed and guaranteed to them. The claim of the Crown to all unoccupied ground to the exclusion of the New Zealanders appeared . . . not less at variance with the directions of the Marquis of Normanby to Captain Hobson to obtain by fair and equal contract the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers, . . . and it must be remembered that the directions had not only been promulgated but acted upon in the colony at an early period after the sovereignty had been assumed. Lastly, it appeared to me inconsistent with the practice of those tribes who, after cultivating and exhausting a given spot for a series of years, desert it for another within the limits of the recognized property of the tribe. On the other hand, I had no doubt that . . . you would find . . . considerable tracts . . . to which no tribe could establish a *bonâ fide* title, and still more extensive districts to which by personal communication with the chiefs you would obtain a title by easy terms and by amicable arrangements. I had thus in some measure anticipated the wish of the committee, but I cannot go with them in directing you 'forthwith' to establish the title of the Crown to all unoccupied land, except indeed under the extensive qualification of the following words of the report: 'as soon as this can be safely accomplished.' On this fundamental point depends the whole of the arrangement with the New Zealand Company, to which I must now advert, and in reference to which I do not think that the report of the committee renders it necessary th I should in any way modify the instructions which you have alre

received. I do not think it would answer any useful purpose to discuss the terms of the original agreement with the company. I retain my fixed opinion that that agreement was based upon the assumption that the company had obtained,[a] by purchase from the natives, a much larger tract of land of which they consented to receive a portion by grant from the Crown."

As to the right of the company to obtain Crown grants "without reference to the validity or otherwise of its supposed purchases from the natives," Lord Stanley referred to his previous instructions and his correspondence with Mr. Somes, which justified the inference that the instructions were "acceptable to the company," viz., that the Governor was—

"authorized in substance to make grants, to the company and to their settlers, of land to be selected by themselves within the districts specified in the arrangement with Lord J. Russell, so far as the Crown had power to make such grants, that is, subject to the condition that such lands were vested in the Crown, and that no other parties could establish a valid claim to them. This direction was repeated . . . to you on 26th June, and appears to me practically to fulfil the intentions of the committee, . . . for while they assert the right of the company as against the estate of the Crown, they as distinctly negative the right to select any land not vested in the Crown. The question then ultimately resolves itself into the inquiry whether any particular lands be so vested; and I see no mode of settling this question but by the conditional grants which you are already instructed to make, giving to the company and its settlers the benefit of a *primâ facie* title, but not debarring other parties from substantiating by law a prior title. You have already been instructed further to use your influence in obtaining for actual settlers, on fair and reasonable terms, the possession of lands on which they may have effected improvements even though an adverse title should be substantiated; and to these instructions I have nothing to add, nor does the committee, I think, suggest any practical solution of the difficulty. I am not without hopes that before the report of the committee reaches you, you may have been enabled in pursuance of instructions . . . to place this question on a satisfactory footing. (As to the tax on all native lands), I presume it is contemplated that non-payment shall be followed by confiscation of a portion of the lands equivalent to the amount of the tax unpaid. I think it will be very difficult to apply the principle to the remoter tribes which are only partially subject to our authority; and with respect to all, its application would require the greatest caution. I wish, therefore, to leave you an unfettered discretion on this point, though if it can be peacefully effected it would appear to suggest an easy mode of obtaining a large

[a] There [illegible] this assumption. Between the date of the agreement [illegible] Charter promised in it, the Under-Secretary, [illegible] 2nd Dec., 1840) recapitulated *inter alia* Lord J. Ru[illegible] the "investigation of a commission [illegible] company never objected to the comm[illegible] posture.

amount of available land in commutation or redemption of the tax upon the remainder."[32]

(After commending the suggested native reserves, Lord Stanley alluded to the military force contemplated in the report):—

"If indeed it had been my duty to instruct you to act upon the principle laid down by the committee of considering all unoccupied lands as vested in the Crown, and of confining the native tribes to such portions as they are actually enjoying and occupying, I should have felt that a very large increase of both military and naval force was requisite, and should have looked forward with apprehension to the results of the alienation and hostility which such a measure would engender between the two races, but I rejoice to see that the committee abstain from recommending that you should act on the principle which they lay down, and for my part I cannot take on myself the responsibility of prescribing to you a course which I believe would neither be consistent with justice, good faith, humanity, or policy. . . . I am quite sensible that . . . it may be necessary to temper the strict application of the penalties of British law with much discretion and forbearance. Under certain circumstances, indeed, I am afraid it may even be inevitable to consider, before interfering with native customs, which are in themselves objectionable, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which, in case no resistance was to be apprehended, you would not hesitate to adopt. Difficult, however, as the task may be, I trust that your endeavours to effect it will be unremitting, and I cannot but hope that by firm and judicious conduct, by inspiring a respect for the rights which are guaranteed, and a dread of committing the offences which are prohibited by British law, at the same time that you convince their minds of its justice by making them feel that in their persons and properties they enjoy full protection, you may gradually wean the native tribes from their savage habits, render them submissive to British law, and incorporate them in the community of British subjects."

Lord Stanley could not undo the work of the committee. But he neutralized the poison of their report. He concealed nothing. He laid his despatch on the table of the House on the day on which Parliament was assembled (4th Feb., 1845). It was some consolation to the Governor to feel that the Secretary of State would support him in doing justice, but it was difficult to do justice under the conditions already sanctioned. The issue of conditional grants to unlawful occupiers, on the understanding that further compensation would be made to natives unjustly dispossessed, was pregnant with injustice. Spain's final reports were not sent to the Governor until long after Lord Stanley's despatch had

[32] This method of confiscation was for many years a favourite scheme with the legal members of governments in New Zealand, who, not unwilling to *rob*, preferred to rob by parchment rather than with the sword.

been received. They dealt with the company's claims at Port Nicholson, Nelson, New Plymouth, Petre (Wanganui), Porirua, and Manawatu. Fitzroy, in transmitting them (13th Sept., 1845) to the Secretary of State, regretted that "the only settled claims" were those at Port Nicholson and Nelson. All others were "disputed by the natives," excepting as regarded the small block which Fitzroy himself had awarded at Taranaki, and could "not be fully occupied by settlers under existing circumstances until very large additional payments have been made, with great care, much time, and an amount of difficulty that few will encounter." Fitzroy was surrounded by troubles. In conference with Wakefield and others (Jan., 1844) he had settled, and Spain in his various awards decided, that all pahs, burial-places, cultivated grounds, and the native reserves should be exempt from the company's claims: but even this arrangement failed to give satisfaction. The site of Wellington was secured at Port Nicholson on payment of an additional sum of £1500, but much adjacent land was in question. At Nelson, where Rauparaha, Rangihaeata, and their friends admitted the sale of their rights, the claims of the company were contracted by their own arrangements with the Secretary of State to 151,000 acres, within which Spain's award reserved all pahs, cultivation grounds, and burial-places for the natives. The massacre at Wairau delayed the investigation which Spain was ready to make in 1843. It was not until Aug., 1844, that Spain held it at Nelson. The facts were simple. The statements of Rauparaha and Rangihaeata to Protector Clarke were clear. They placed no obstacles in the way. But Captain Wakefield, when forming the settlement, had agreed to make further payments to the resident natives, and to redeem his promise it was arranged that a further sum of £800 should be distributed. While finally rejecting the company's claim at the Wairau, Spain by no means favoured absentee Maori proprietors, for he [illegible] his report on the Nelson district: "I have set it [illegible]nciple in sales of land in this country by the [illegible] the actual occupants must be [illegible]d before any title can be [illegible]f the satisfaction of claims [illegible]o not reside on not

cultivate the soil. In short, that . . . in all cases the residents, and they alone, have the power of alienating any land." Repugnant as was this so-called principle to Maori law and usage, and contrary, therefore, to the treaty of Waitangi, the fact that he who laid it down pronounced that the company had no claim to the Wairau, lays bare the folly of the company's agents, who strove to put fetters upon Rauparaha when he entreated them to wait for the arrival of Spain. At Wanganui (Petre), with the usual reservation of pahs, &c., and subject to a further payment of £1,000, 40,000 acres were awarded [33]; but in May, 1844, the assembled natives refused the proffered money, and said they would have the land. Spain replied that the offer of the money was sufficient, and that their refusal would not stay the occupation of the land by Europeans. The pernicious expedient of supplementing vicious titles by further payments may have justified this reply, in his mind, but he must have felt that it sowed the seeds of future troubles. At Porirua, Rauparaha and Rangihaeata were concerned. They denied the efficacy of Wakefield's alleged bargains in 1839; and Hiko, on whose power Wakefield had relied, when questioned by Spain, averred that he in 1839 had said that Rauparaha was the "man grown" to be applied to, Hiko being "a youngster." Spain decided that the company was "not entitled to a Crown grant of any land in the district of Porirua." At Manawatu, where many chiefs had been willing to sell their rights to certain lands, Spain saw many unconsenting owners, and awarded only a small block of 100 acres. He found the influence of Rauparaha exerted everywhere to prevent further alienation of land. Spain, on his way to Manawatu with Wakefield, agreed to meet some chiefs at Ohau to consult about establishing a European settlement there.

[33] Spain's report (31st March, 1845) on this case shows that in 1840 the acting principal agent for the company (E. J. Wakefield) quite understood the meaning of reserving one-tenth of the land for Maori uses. Spain quotes as Mr. Wakefield's words (in reply to a question) "for every nine occupied by the white men, there would be one kept sacred, or Tapu, for the natives." House of Commons paper, 203, 8th April, 1846, p. 73. Spain said that Mr. Wakefield "concluded that the system of reservation for the natives was perfectly understood by them." See *supra* pp. 249, 264, and *note*, and 307, 338.

Rauparaha was warned at night, repaired to the spot, and (Spain wrote) "breaking at once into the midst of the meeting, he made a long and violent speech, in which, in a loud tone and with angry gestures, he bade us go on our way to Manawatu, forbade the natives to proceed with the sale, and denounced the whole affair in no measured terms. Some of the natives endeavoured to reply to this tirade, but their courage seemed to fail them in his presence; and at last, under the influence of a power which they felt was irksome, yet could not resist, they told us that any further attempt would be fruitless." The large claim at Manawatu was pronounced against by Spain.

When Fitzroy (July, 1845) offered the Port Nicholson and Nelson deeds of grant to Wakefield on payment of the fees (which on 222,900 acres amounted to more than £1100), Wakefield referred the matter of the grants and the fees to the directory in London. Both the company and the government were in pecuniary straits at the time. In Nov., 1844, Fitzroy authorized the police magistrate at Taranaki to employ distressed labourers at 2s. a day on public works, until private employment might be procurable. To Wicksteed (the company's local agent) he justified his interference by referring to the suspension of payment by the company, the land troubles, and consequent distress. Mr. Wicksteed responded to his appeal for co-operation. So discontented were the directors in England with the condition of their affairs, and with the apparent strength of Peel's Ministry, that they appointed a committee, with authority to conclude any arrangement with the government. Mr. C. Buller prepared a scheme for a proprietary government, in which the provisions of the treaty of Waitangi were to be confined to the Northern Island; and the rights of the natives were to be stifled by a payment from the new company to the government. It was averred that the treaty of Waitangi had no force elsewhere than at Auckland. This scheme was sent to Lord Stanley in May, 1845, and was by him declined. He was willing to consider suggestions for putting an end to existing embarrassments. Buller, pending Lord Stanley's decision, had postponed a hostile motion; and as the company was embarrassed, and emigration to New Zealand was arrested, it seemed prudent for the com-

pany to make terms, if possible, rather than leave the arbitrament to a House which supported the Ministry. Mr. Buller framed his indictment when negotiation failed. Lord Stanley was the chief mark, but Fitzroy's alleged blunders were cited. Residents at Nelson condemned Fitzroy's decision on the Wairau affray. He had invaded private rights, suppressed the law, maligned the dead, and prejudiced public interests. They prayed for censure upon him. Among the memorialists were Mr. Duppa, Mr. E. W. Stafford, Mr. Fox, Mr. Dillon Bell, Dr. Monro, and Mr. Alfred Domett. Lord Stanley's despatch approving Fitzroy's proceeding was on the table of the House in March, 1845. "I am of opinion," he said, after summing up the case, "that, in declining to make the conflict at the Wairau the subject of criminal proceedings, you took a wise, though undoubtedly a bold, decision." He did not disapprove the acceptance of the resignation of the magistrates who had signed the warrant to apprehend Rauparaha and Rangihaeata, and had asked Sir Everard Home to enforce it. He approved generally the land arrangements. He abstained from condemning the ten-shillings-an-acre proclamation at Auckland, though he suggested that certain evils must be guarded against in carrying it out. To denounce Fitzroy was therefore to condemn the Secretary of State. But Mr. Buller did not shrink.

Tidings had reached England of outbreaks at the Bay of Islands. Instigated by designing men, Honi Heke was reported by Fitzroy to have cut down the flagstaff at Russell (Kororarika). There had also been disturbances at New Plymouth; but Fitzroy reported them as set at rest by his reversal of Spain's award. Members of Parliament were excited by apprehended danger. Sympathy, even with wrong-doers, was not unnatural; and the company had many friends in the House, who laid all blame at the door of the government. The Remuera gathering seemed to show that the land question might unite the Maoris. It was hard to decide in England whether Honi Heke's violence was the prelude to concerted action.

In July, 1844, that chief with about 100 others demanded payment for abusive language used by a Maori woman married to an European named Lord. Mr. Kemp, a Protector of

aborigines, for awhile dissuaded Honi Heke from violence, but after two days he and his companions, mostly young men, plundered one or two houses, and otherwise provoked the residents. Henry Williams was absent, but with the aid of Archdeacon W. Williams the Maoris were persuaded to abstain from disorder on Sunday. Nevertheless, at daylight on Monday they cut down the flagstaff, and though they then departed it was understood that they would return in greater numbers. Captain Fitzroy was about to sail in H.M.S. "Hazard," to prevent disorder at Taranaki, whither he sailed on the 20th July. But he sent a few soldiers to Kororarika, and applied to Sir G. Gipps "for immediate assistance, both military and naval." The crisis was serious. National honour was involved. He must have an overpowering force, and he would then "demand ample atonement from the chief Heke." Gipps summoned his council on the day on which the letter reached him; and resolved to send a detachment (99th Reg.), with an intimation that the troops should be sent back on the cessation of the emergency. Within two days the vessel which carried Fitzroy's appeal was freighted with soldiers, with two six-pounder brass guns, and 30,000 cartridges. When the troops reached Kororarika (14th Aug.), Fitzroy with their aid, and H.M.S. "Hazard," made some show of power. Meanwhile, neighbouring chiefs offered to atone for Heke's misconduct. Waka Nene volunteered to guard the English from harm if Fitzroy would send back the troops. One disturbing cause which enabled Heke to find supporters was to be found in the Customs laws. Two American ship-masters had been fined for smuggling, and the Maoris were insidiously told that interference with their commerce was due to the malignant influence of the Queen's flag, which had made them "hĕrĕ hĕrĕ" (αἰχμάλωτοι),[34] slaves to the Queen. Waka Nene said that if Fitzroy would abrogate the Customs laws the grievance would vanish. Fitzroy accepted the advice. On 2nd Sept. a meeting of chiefs was held. Fitzroy addressed them. The number of guns and tomahawks demanded by Fitzroy was given up, the chiefs

[34] Like customs produce like terms. Hĕrĕ is a Maori word for spear. Hĕrĕ also meant to "bind with cords," and a captive was δεσμώτης.

springing up and laying them at his feet; and assurances of good feeling were pronounced by the leading chiefs. Fitzroy returned to them their weapons. More than a score of chiefs spoke, and Waka Nene was sternly practical. The Maoris would fight for the flagstaff; "You may return the soldiers. Return, Governor, we will take care of the flag; we, the old folks, are well disposed, and will make the young folks so also." Bishop Selwyn was there, and spoke, as did other clergymen, and conference was held on the following day with a few chiefs on the land question, at which Fitzroy's statements were deemed satisfactory. Fitzroy warmly thanked Gipps, and told him that the disturbance "had been caused by the false assertions of bad and designing men,—English; and by the land question, and above all by the Customs regulations, which have almost destroyed the traffic of the bay, without producing any very considerable amount of revenue. By removing the Custom-house officers from this port, the root of the mischief will be, I believe, extracted." He passed an Ordinance in Council (28th Sept.) repealing the Customs' Ordinance and imposing a rate upon property. His council bent before the crisis. Rumours were rife to the effect that Americans and French Roman Catholics stimulated disaffection, and told the Maoris that the British flag caused all their woes.

And now the sins of the majority of the Select Committee of the House of Commons found them out. Designing persons pointed to the scarcely-veiled rapine of Maori lands which the report recommended; and its unveiled disloyalty to the treaty made by the Queen. Lord Howick and his supporters had therefore done all that was in their power to promote strife and bloodshed in New Zealand, and to heap difficulties upon the Governor. As soon as Clarke, the Protector, saw the resolutions of the committee he warned Fitzroy that their circulation must destroy confidence in the government. To impeach the treaty of Waitangi; to impugn the rights of the chiefs to wild lands; to assert that the company ought not to be bound to prove absolute purchase, &c.—these were such unjust resolutions that they must array with Heke many chiefs who were as yet friendly. "I need not add," he said, "that your Excellency (to secure you from the effect of such publications) has

need of both steamers and an army to ensure the peace of the country." Before the arrival of the Ides of March, Clarke's prophecy was to be made good.

Fitzroy told Lord Stanley (24th Feb., 1845) that the only guarantee for the future was to be found in "the presence of an overawing force of regular troops." He sent an extract from a New Zealand journal, which would, he said, be undoubtedly translated to Rauparaha by one of the mischievous Europeans about him. Rauparaha was denounced as a "beast of prey," a savage whose life is forfeited by the rude laws of his own tribe as well as by those of England. His own countrymen would acknowledge the right of the kinsmen of those who fell at the Wairau to take his life ". . . against him as against a mad dog there is but one security,—death. . . . Blood must have blood is the only maxim whose enforcement can get the savage from murder. There will be no security till Rauparaha and Rangihaeata expiate the massacre of the Wairau by their deaths." Such writings did more damage to English rule than the presence of a thousand soldiers could undo. Moreover, Fitzroy was warned, and believed that the influence of the chiefs, so far as it was salutary, was being sapped, and lawless aspirations were coursing through the veins of the younger spirits of the tribes, amongst whom wild ideas of expelling the English were fostered by foreign intrigue.

Clarke made gloomy prognostics as to the aggressive tendencies of some of the younger Maoris, and advocated measures to enhance the power of the chiefs. Meanwhile Heke corresponded with Fitzroy, who gave him peaceful advice, and said he hoped to visit the Bay of Islands in the summer, and then to meet Heke.

In Sept., 1844, the Governor was at his wits' end in dealing with the finances, pacifying the natives, and neutralizing the practices of foreigners who excited disaffection. In May he passed an Ordinance authorizing him to issue debent[illegible]. It was [illegible]allowed in England as contrary to the Roy[illegible]nstruction[illegible] prevailing rules, and to the welfare of the [illegible]ony. In [illegible] he pa[illegible] another Ordinance amending [illegible]Customs [illegible], and imposing a duty of [illegible] per cent [illegible]ins,

weapons, gunpowder, &c. During the same period general legislation was pursued. Every man of full age was made a burgess, and, till he paid any rate, might by paying one pound to the returning officer claim to be put on the roll. Every settlement with 2000 souls was to be a borough.

Fitzroy doubtless hoped to stir the Maoris to self-government by associating them in municipal duties with the Europeans. On the 16th Sept. he thought he had discovered a panacea for "the discontent fast increasing in the minds of the natives at not being allowed to trade alike in all places." At whatever cost the ports must be thrown open. It was the only measure which could "avert extreme misery, and save the colony from utter ruin." "We have no money except the paper currency." The absolute poverty of the settlers (he had signed 400 deeds of grant for which the grantees were unable to pay the fees), the distress caused by the cessation of the company's operations, the arrears due by government, were causing the utmost perplexity. Officials were receiving only half salary in paper money. Fitzroy hoped for a grant from Parliament. He passed his Ordinance repealing the Customs duties and imposing a tax on property, real and personal, of one per cent., commencing at the unit of £100. There were not many who could be supposed to have incomes exceeding £1000 a year, but all who chose to do so could compound by paying a yearly sum of twelve pounds. He trusted "that Her Majesty would be graciously pleased to sanction such unprecedented proceedings in consideration of the unprecedented nature of the case, and the most critical condition of the colony."

His measures did not pacify disaffected Maoris. His Customs Duty Abolition Act was itself repealed by an Ordinance passed in April, 1845. He could not collect the new taxes. The re-establishment of the duties was hailed, he said, with as much delight by all classes as their abolition had been six months before. In the midst of his anxieties he never swerved from a desire to do justice. While warning Lord Stanley (Oct., 1844) that a sufficient cause might unite the tribes against the government, he urged that "under God's providence the only means" to avert evil was "to take care that our conduct and policy

towards the aborigines is so undeniably correct and just that it will stand their most searching scrutiny."

Early in the summer Heke resumed operations. On the 10th Jan. he cut down the flagstaff at Kororarika, but did not enter the town or attack the English. Fitzroy proclaimed a reward of £100 for the capture of Heke, and appealed, as before, to Governor Gipps. Heke retorted by offering a reward for the capture of Fitzroy. Gipps told his Council that in his opinion troops should be sent from Sydney, and saw what Lord Howick and Mr. Aglionby had failed to see, for he recorded his "fear that the want of troops to keep in check the natives and to preserve peace between the two races, would be more extensively felt in proportion as the late report of the Select Committee of the House of Commons should become generally known in the colony."

Bishop Selwyn (writing to the Rev. E. Hawkins) deplored the same evil. The missionaries and clergy had always maintained that England would honourably respect the treaty of Waitangi and the rights of the Maoris. "To our great surprise and grief all our assertions have been falsified by the late report of the House of Commons, by which all lands not actually occupied by the natives are declared to be vested in the Crown; . . . they can see the merits of a question as clearly as we can . . . if they detect us in a falsehood, or even in a change of purpose the reason of which they cannot understand, our influence with them is lost." Two hundred of the 58th Regiment were sent at once from Sydney. The second destruction of the flagstaff was significant, and Fitzroy resolved to protect the new symbol of power. Commander Robertson, of H.M.S. "Hazard," took from Auckland a block-house, close to which a new flagstaff was to be erected, "guarded by iron bars, hoops, and chain, so as to resist any axe." A military guard was to be stationed in the block-house. In February the flagstaff was set up. In that month Clarke, the Protector, reported that Heke, Kawiti, and five others were most disaffected among the chiefs, while Pomare, Ruhe, and [illegible] were wavering. Waka Nene, his brother Patuone, T[illegible] and other [illegible] chiefs were opposed to Heke's aims [illegible] dom and the

removal of every mark of British authority. Like Catiline (it was said that) Heke had gathered round him the eager and riotous.

Fitzroy wrote to Gipps (Feb., 1845), that relying on future help he was only acting on the defensive. The majority of the natives were friendly, but might be made hostile by injustice. Settlers were warned that they must take shelter in Kororarika. Heke and his friends meantime closed round the settlement. Kawiti's men plundered houses in the outskirts, and fired upon a boat sent from H.M.S. "Hazard." Archdeacon H. Williams tried persuasion with Heke in vain. Fitzroy wrote to him (18th Feb., 1845): "This country and Great Britain owe you deep gratitude for your untiring efforts to put mistaken people in the right track." It was by dwelling on the justice of the treaty of Waitangi, and extolling the good faith of the Queen, that Williams prevailed. He circulated amongst the chiefs copies of the treaty printed for the occasion. Heke was obdurate. He said the treaty "was all soap, very smooth, and oily, but treachery was hidden under it." The inhabitants of Kororarika were drilled by Lieut. Philpotts of H.M.S. "Hazard." On the 8th March, Henry Williams with the police magistrate went to Heke's camp and made a last effort to stay hostilities. On the 9th, it was believed that Heke and Kawiti, with their followers and allies, were from six to seven hundred in number. On that day Lieut. Philpotts and Mr. Parrott, midshipman, while reconnoitring, were surprised by a large body of Maoris, who detained them a few minutes, but liberated them on finding that they had no followers. Chivalrous feeling of such a kind did not check hostility. On the 11th March, before daylight, by several bands of about 200 each, a general attack was made. The guard at the block-house, going out at four a.m. to dig a trench were disturbed by firing, and were under arms to resist the assault when Heke dashed forward, and, while most of the guard were away, secured possession of the block-house before the officer knew of his presence. The block-house was on a steep hill, and to avoid severance from his friends, the officer retired down the hill to a lower block-house. The seamen and marines of the "Hazard" did yeomen's service,

as did the military and the civilians; but the flagstaff block-house was the key of the position. From it, as from a tower, everything around might be surveyed. Yet, though the civilians under arms were but 110, and the military only 50, the main attack was repulsed. The "Hazard" contingent behaved nobly, and Lieut. Philpotts had to command when his senior officer, Robertson, was wounded in several places, after successfully repulsing the attacking party. Firing continued till noon, when the Maoris hoisted a flag of truce and desired to bury their dead. What might otherwise have followed can only be guessed, for the blowing up of the powder magazine induced a resolution (after conference on board the "Hazard") to evacuate the settlement. Captain McKeever, of the U.S. frigate "St. Louis," aided in carrying the refugees, in unarmed boats, to the "Hazard," to the "St. Louis," and to an English whaling vessel. The natives did not interrupt the removal, which was covered by firing from the "Hazard." Most of them remained on the heights while small reconnoitring parties entered the deserted town. Some of them assisted Henry Williams in removing dead bodies to the boats. Others carried property thither. The Bishop and Williams were not molested as they buried the dead.

In reporting the catastrophe to Fitzroy, Lieut. Philpotts returned "the thanks of every person on board to the Bishop of New Zealand, in the first instance in bringing off the women and wounded, when exposed to a heavy fire, and also in attending during the whole night to their spiritual and bodily wants, performing the most menial offices, and doing everything in his power to alleviate their sufferings." In the same despatch, while recording the release of himself and Mr. Parrott on the 9th, he paid tribute to "the noble conduct of the natives in sending under the protection of a white flag, from the first block-house, the wife and child of John Tapper, signalman at the flagstaff, who was wounded whilst bravely working one of the guns." The crowded condition of the [illegible] rendered it dangerous to retain the refugees at Koror[illegible] and they were removed to Auckland. The day after the [illegible] for the M[illegible] pillaged and burned the town. Fitzroy [illegible] that [illegible] required him "to state that European [illegible] would [illegible] Mer

nor shown less vindictiveness. Acts of a chivalrous nature were performed by them, and their forbearance to the settlers, especially the missionaries, after the conflict was remarkable. No missionary, no mission property, known to be such, was injured intentionally." The American captain (Fitzroy said) "could not interfere hostilely, but he sent his unarmed boats and went himself under frequent fire to succour the women and children and convey them safely to his frigate." The surprise of the block-house, from which the officer and sixteen men were distant only two hundred yards, and the subsequent explosion, had rendered it impossible to maintain the place. Fifteen British had died, and more than twenty were wounded, while the relative casualties amongst the Maoris doubled those of the Europeans. Thus for the third time was the flagstaff cut down.[85]

Sir Everard Home, stirred by Fitzroy's appeals, sailed from Sydney for Auckland on the very day of the attack. He attributed the ill-success at Kororarika to want of knowledge of Maori tactics, and not keeping the troops inside the block-house when alarm was made. The officer in charge had erred on the side of boldness, for while he advanced to fight one band of Maoris another dashed forward to profit by his absence from the block-house. The

[85] 1894.—In a letter to the author (1883) Mr. Maning (author of "Old New Zealand") thus commented on this occurrence:—"When Heke began his rebellion against government, and sacked and burnt the town of Kororarika, and drove the whole party to Auckland, I was the only and first man who raised men and held Heke and his force in check, fighting almost every day for a month till the troops arrived. I asked the chief Waka Nene to oppose Heke; he said he had not men enough, but that if I would join him with all the men I could get he would turn out. I saw the fate of the north depended on my answer (Heke was then on the march to Hokianga). I said at once I would join him, and in twenty-four hours I had joined the chief *with twice as many men as he had*, and as I have said we found the enemy in employment for a month, till the troops came."

In another letter Mr. Maning wrote, as to his "History" of Heke's war (edited by the Earl of Pembroke), that "every person named in that history, is a true person, and the whole may be relied on as a perfectly true history wherever the facts are stated as being so, and not hearsay, which is nearly the whole of it."

The author will be pardoned for adding that he heard from Mr. Maning's lips how sensible he was of the gracious sympathy of the Earl *and* Countess of Pembroke during Maning's fatal *ill*ness in London.

conduct of the officers, seamen, and marines of the "Hazard" was the theme of praise in all mouths. Fitzroy had "had offers of assistance from several tribes in the north of New Zealand of about 3000 men, which he declines accepting unless driven to extremity, lest they should become his masters."[36] Sir Everard Home would take the responsibility of remaining at New Zealand against orders till justified in leaving. "The present time is thought by the Governor to be the most critical hitherto experienced in this colony, and it is his opinion that upon the events of the next few months will depend its actual tenure by Great Britain. The utmost efforts have been used by designing men, chiefly foreigners, to render the natives dissatisfied, and to persuade them that we shall ultimately take away their lands and make those whom we do not kill our slaves." Fitzroy passed a Militia Ordinance (25th March) against which complaints were made on the grounds that to organize a local force would keep back permanent assistance from England, and that compulsory service was objectionable. The friendliness of Henry Williams to the Maori race made one officer accuse him of treachery. The Governor comforted him by writing (2nd April, 1845), that "the charge was unfounded, unjustifiable, and ungrateful, as it is indeed absurd."[37]

The attack on Kororarika was not known in England when, in June, 1845, Mr. Buller led the Whigs in an assault upon Lord Stanley in the House of Commons, though there Lord Stanley no longer had a seat. He had gone to the House of Lords. In April he had disallowed Fitzroy's Debenture Ordinance as contrary to instructions and otherwise bad. The bankrupt state of the finances, the stoppage of the company's business, the condition of the Maori mind, required more than advice in a despatch. Fitzroy was recalled; not in the offensive manner which hurried Sir Eardley Wilmot to his grave in Tasmania shortly afterwards, but with words of regret which, when read in the House of Commons, soothed the feelings of friends.

[36] ... of Henry ..., by Hugh C...ton; vol. ii. Appendix. And... 1877. "F... 11th March ...lly chiefs went several time... their ser... protect Kororar... ...inst Heke and Kawiti, but ... 'close ... ground' lest ... ...ld be mistaken for the ene... Narrative ... Willia...

[37] *Ibid.*

The new Governor (Grey) was directed to proceed from Adelaide and assume the government without delay. Anticipating his acquiescence Lord Stanley enclosed his commission; but the government of South Australia was to be administered provisionally so as to be open for his resumption. To insure his personal independence his salary was "to be paid immediately by the Lords of the Treasury." His new duties had nothing to recommend them but their arduous nature, but "the urgent necessity which has arisen for invoking your aid in New Zealand is the single apology I have to offer (to a man of your character it will be ample apology) for calling on you with no previous notice" to proceed to New Zealand to relieve Captain Fitzroy. As to the "doctrine maintained by some" that the Waitangi treaty was only a blind to deceive ignorant savages, he said: "In the name of the Queen I utterly deny that any treaty entered into and ratified by Her Majesty's command was or could have been made in a spirit thus disingenuous, or for a purpose thus unworthy. You will honourably and scrupulously fulfil the conditions of the treaty of Waitangi." Parliament would be asked for a grant in aid, but on Grey was imposed "the responsibility of finding his own path through the financial difficulties" in the meantime. He must send "reports frequent, punctual, and complete." In this Fitzroy had failed to do justice to himself. The unfriendly relations with the natives were the chief causes which made Grey's appointment necessary. To his "energy, capacity, and circumspection" Lord Stanley looked. "I devolve upon you a responsibility which it is impossible for me to narrow, and of which I am persuaded you will acquit yourself in such a manner as to enhance your claims to the approbation of the Queen and the gratitude of Her Majesty's subjects." To Fitzroy he wrote: "The concern with which I announce this decision is greatly enhanced by the remembrance of the public spirit and disinterestedness with which you assumed this arduous duty, and of the personal sacrifices which you so liberally made on that account, nor can I omit to record that in whatever other respect our confidence in you may have been shaken, Her Majesty's Government retain the most implicit reliance on your personal character and in your zeal for the Queen's service."

Fitzroy received his recall with dignity. He was aware that his endeavours to act honestly towards the natives, for the safety of the settlers as well as from principle, had been followed by unceasing efforts to procure his resignation or recall. "It is not known, and I have endeavoured to conceal the fact from the settlers lest still greater alarm should prevail, that I have been struggling to preserve their lives; and that I have willingly sacrificed my own character, temporarily, for the sake of preventing such hostilities as (while there was no protecting force in the colony) would have caused the extermination, not of the natives, but of the settlers." It was true, but Fitzroy could not state, that the bad faith recommended by the committee of the House of Commons was the most serious obstacle of peace and the most potent weapon in the hands of the seditious. The sailor Governor was not without friends in Parliament. It was known that there were petitions for his recall. Dr. Evans had been deputed by colonists at Wellington to present a memorial in England. They echoed Lord Howick's phrase by speaking of "what is called the treaty of Waitangi." They denounced Fitzroy's penny-an-acre proclamation. They strove to limit the rights of the natives to lands in "actual use and occupation." Dr. Evans went beyond the memorial in assailing the Governor. He had "publicly caressed the perpetrators of the massacre of Wairau;" he had exposed every man to ruin; he had "abolished Customs duties for the avowed purpose of gratifying rioters."

Under-Secretary Hope heard and cross-questioned Evans. The baffled envoy complained to Lord Stanley that "the conclusion of the interview has left me completely in the dark as to your Lordship's motives in desiring that I should wait upon Mr. Hope." Mr. Hope, by Lord Stanley's directions, acknowledged his communications, and said that it was Lord Stanley's "intention to reserve for Captain Fitzroy's successor whatever instructions he might think it right to give." Mr. Hope added that Dr. Evans had placed an erroneous construction upon the interview with himself.

Before leaving New Zealand Fitzroy proved anxiety for its welfare exceeded his care for himsel

me congratulate you," he wrote to a friend (Nov. 1845), "on the result of three nights' sharp debate in the House of Commons on New Zealand. The company were beaten by fifty-one; the integrity of the *Treaty of Waitangi* being thus secured against all their infamous endeavours, for *that* was the point at issue."[38] But Fitzroy was not friendless. The gallant Captain Rous, a brother sailor, asked early in May whether his friend was to be recalled. Mr. Hope, admitting the fact, quoted the kindly language of Lord Stanley's despatch. Somewhat soothed by the tribute to Fitzroy's character Rous turned upon the company. They made government impossible. Rous had recommended Fitzroy not to accept the post of governor, encumbered by such an *imperium in imperio*. Why did not Mr. Buller bring on his motion? Rous would prove that the company had acted illegally and had inveigled immigrants under false pretences. On the 20th May, Rous threatened to move that the Waitangi treaty ought to be maintained "with strictest integrity." On the 30th, Mr. Hope explained that Buller's motion had not been postponed to please the government. On the 17th June, Mr. Buller called the treaty of Waitangi a sham; reviled Busby the Resident, the Maoris, the missionaries, and all who differed from the New Zealand Company; assumed that Wakefield had fairly bought the Wairau district from Rauparaha; attacked Fitzroy for fostering Maori insolence, and giving way to Heke by abolishing the Customs duties; Lord Stanley, for being obstinate to the last;—and occupied, if he did not edify, the House for several hours. The Under-Secretary lengthily replied; but in a court of honour he might have contented himself with citing Lord Normanby's despatch acknowledging the "title to the soil and sovereignty of the New Zealanders as indisputable, and solemnly recognized by the British Government." On what plea could the Whigs abandon the construction put upon the treaty by their own leaders who made it? Captain Rous, in the adjourned debate, defended the Maoris, confuted Buller, and maintained the binding nature of the treaty of Waitangi. Mr. Aglionby, a director of the New Zealand

[38] "Life of Henry Williams," by Hugh Carleton. Vol. ii., p. 120.

Company, and a member of the Select Committee of 1844, spoke in obedience to his position. Sir Robert Inglis maintained the treaty of Waitangi, and pointed out that for little more than £7000 the New Zealand Company had the audacity to claim to have bought 15,000,000 acres. Mr. Hawes, the late Under-Secretary, supported Buller. Sir H. Douglas vindicated the treaty, and made merry with the contention (of the company's friends) that the Maoris had but "a qualified ownership" in their native land. Lord Howick impugned the treaty of Waitangi, and objected to the rumoured appointment of Captain Grey, whose rank, age, and station were such that he could hardly carry weight and authority. Again the debate was adjourned. On the third night Messrs. Ellice, Mangles, R. L. Shiel, and Lord J. Russell supported Buller; Messrs. Cardwell, Colquhoun, Sir James Graham, and the Prime Minister battled for Lord Stanley.

It was almost unprecedented for a colony to engross the attention of the House so long. It was bought indeed by blood, for the shedding of which some members might be constructively held responsible; but to have turned the House aside from the petty fencing with which it sometimes amused itself was something. It is worthy of remark that Macaulay, whose phrase about London Bridge has filled the mouths of many, had not a word to say on this occasion about the New Zealander. Shiel accused Lord Stanley of "splenetic authoritativeness and fractious sophistication." Had Lord Stanley been in the House, Shiel would have probably suffered not from sophisticated, but plain English in reply. Mr. Cardwell and Sir J. Graham defended their absent friend. The latter cited the treaty of Waitangi as binding on the honour of England. Lord J. Russell gnawed at the treaty; he would narrow the Maori rights to land "in actual occupation by them." Some members might sin through ignorance, but Lord J. sinned boldly with full knowledge of his own degradation. Sir Robert Peel, at the close of one of his masterly statements, showed that if the House now censure Lord Stanley, it would repudiate the principle which it had maintained when the treaty was ratified by those who now on the Opposition

and seeking to violate it,—would lower its character in the estimation of all who respected fidelity to public engagements, and would condemn a Minister who, superior to powerful solicitations, had maintained the good faith and honour of his country. Buller in reply said petulantly that Peel had repeated "all the flummery about the treaty," but the House rejected his motion by 223 votes against 178.

Then further ominous tidings arrived from New Zealand, and, while the public mind winced under them, Buller renewed his attack (July), moving that the feelings of the House were "greatly aggravated by the want of any sufficient evidence of a change in the policy which led to such disastrous results." Mr. (afterwards Sir) James Stephen was virulently attacked in the debate. That practised writer had in 1840 been sneered at by Buller as "Mr. Mother-country of the Colonial Office," and Gibbon Wakefield had barbed every dart which he could wing against one whom he looked upon as the embodiment of errors in colonization. Mr. Roebuck now attacked him in Parliament, and Sir Robert Peel placed lance in rest in his defence. Mr. Stephen had offered to resign, but the government wished him still "to continue to give the public the great value of his services." There was personal animosity against him. The company had angry correspondence with the Colonial Office concerning the meaning of words in the agreement made by Lord J. Russell in 1840. "For the present," it said, "Her Majesty's Government engage that all sums of money which shall be paid by the company for the purchase of lands in New Zealand shall, whenever such money shall be paid in this country, be laid out in the removal of emigrants to New Zealand." On the construction of this announcement the company had long contest with Lord J. Russell and with his successor, in the course of which the difficulty of weaving falsehood into the shape of truth was unpleasantly brought home to the company.

Mr. Somes sent to Lord Stanley (Nov., 1841) a violent indictment against Hobson, which in the reports of the company occupied forty pages. Lord Stanley, at an interview (10th Jan., 1842) told the directors that it was impossible to receive such a document without controverting its

allegations, or to yield to demands made in such a manner. They formally withdrew it, negotiated differently, and addressed a letter to Lord Stanley (June, 1842) accepting with thanks his final decision with regard to the application of Lord J. Russell's terms to the settlement at Nelson. The indictment, nevertheless, remained at the Colonial Office. But when (24th Jan., 1843) the directors threw off the mask and demanded that the Queen's plighted word should be treated as a "device for amusing and pacifying savages for the moment" they thought it useful to revive the document they had agreed to withdraw. They sent it to Lord Stanley (30th Jan.) as a document signed by Somes "which was never transmitted." It was "a record of fears entertained at the time," but "not communicated" to Lord Stanley. It was intended to give weight to their statement that it was vain for them "any longer to contend with the hostility of the government in New Zealand and the evils of perpetual conflict with your Lordship's department." Lord Stanley's declaration (1st Feb., 1843) that while he served the Crown he would not admit that "anyone acting in the name of Her Majesty could contract legal, moral, or honorary obligation to despoil others of their lawful and equitable rights" proved to the company that their threats were vain. When the indictment (of the 24th Nov., 1841) was again sent to him in 1843 he scornfully said he would "not hazard the expression of the surprise with which he read the statements" that it had not been transmitted or communicated to him in 1842; . . . statements "certainly at variance with the facts." It was still amongst the records of the department. He recounted the process of its formal withdrawal and the thanks proffered to him subsequently. As the indictment had been retransmitted to him he remorselessly exposed the manner in which the company had striven to warp their agreement with Lord J. Russell by reference to alleged conversations, and proved that such perversion of the agreement was incompatible with letters exchanged between the company and the Colonial Office.

Mr. Somes endeavour[illegible] he had with "perfect propriety" described [illegible] not having been transmitted; but there [illegible] which Somes could not confront. [illegible] 1841, he [illegible]

written that the directors were partly prepared (by Lord J. Russell's letter of Dec., 1840) for an intimation from Lord John about funds available for carrying emigrants to New Zealand. On the 20th Aug., 1841, the same Somes said they were "totally unprepared" for the same intimation contained in a letter dated more than six months after the first. Lord Stanley pointed out the contradiction in May, 1842. Somes then alleged that different directors had prepared the conflicting accounts of the mental condition of their body, and told Lord Stanley, "your detection of the slip which we had committed has served ever since to make us very careful in correspondence with your Lordship." If the company had accepted warning that Lord Stanley was not easily to be deceived he had also been warned that their statements could not unreservedly be accepted. There were also vain charges made by the company against Mr. (afterwards Sir James) Stephen, the Under-Secretary, over whom Sir Robert Peel threw his ægis in the debate. Sir Robert was firm in defence of the honour of the country and of Lord Stanley. He did not say that the treaty of Waitangi ought to have been made, but that being made it ought not to be violated. For his own part he thought the treaty unwise. It would have been better to assert sovereignty on ground of discovery, and negotiate with the chiefs for the sale of land. But Lord Melbourne's government had made the treaty, and England was bound by it. "Surely" (Sir Robert retorted, in June, to an interruption from Lord J. Russell) "the noble Lord will not make a distinction between Lord Normanby and himself. . . . If ever there was a case where the stronger party was obliged by its position to respect the demands of the weaker, it was the engagements contracted under such circumstances with these native chiefs." In July he said the point at issue was whether Lord Stanley should be unjustly censured for avowing his determination to carry honourably into effect the treaty made by his predecessor.

"After all the volumes of controversy which have appeared, the question really resolves itself into this. Shall the Government undertake to guarantee in this country, within certain limits in New Zealand, a certa amount of land without reference to the rights to that land vesting in t natives? . . . This I tell you distinctly we will not do; and if t House entertains a different opinion, it is but right that it should g

expression to it. We will not undertake in the absence of surveys and local information, as to the claims of the natives, to assign to you a million, or any other number of acres, and dispossess the natives by the sword. . . . I will not do that which the New Zealand Company seem to think I might do—undertake to supersede a Minister who I believe has discharged his official duties with almost unexampled ability, and with a sincere desire to promote the interests of every colony over which he now presides."

Lord J. Russell feebly replied, and Buller's motion was defeated on the 23rd July.

Worsted in Parliament, the company procured an opinion from counsel that the government of New Zealand rested on no lawful foundation, and that all acts of the Governor and Council were null and void. They warned Lord Stanley (7th July) lest he should commit any errors in despatches about to be sent to Governor Grey. Lord Stanley thanked them for their courtesy. He would consider the statement which the company were about to send. The opinion, given by Mr. William Burge, rested on technical grounds. Lord Stanley submitted it to the Attorney-General, Solicitor-General, and to Sir Thomas Wilde. On equally technical grounds, the names of Fitzroy Kelly, F. Thesiger, and Thomas Wilde, vouched that neither Mr. Burge's "reasons, nor any other that occur to us, furnish any well-founded doubt upon the subject." Lord Stanley directed Governor Grey to be guided by their opinion in New Zealand, adding that "if Mr. Burge's opinion should have been made public there (as will probably have been the case), you will give equal publicity to the joint opinion of the three legal advisers of the Crown which I now transmit to you." The company were defeated at all points in England; and every eye was fixed upon Captain Grey, who (Nov., 1845) arrived in Auckland, where Fitzroy with less means and support than were confided to Grey, had not been able to contend with financial and warlike difficulties.

There was a tribal feud between Te Heu Heu and other Maoris, which Major Richmond, with the aid of Bishop [redacted] Rev. Richard Taylor, and Forsaith the inter- [redacted]uch dis[redacted] allayed in Jan., 1846. This [redacted]of pea[redacted] ut demonstration of power. [redacted]nterference took shape. [redacted] free his country, but [redacted]ad no hope that New

Zealand could alone maintain a national freedom. The English yoke must first be shaken off, and then alliance with another power was to be sought. Auckland was to be attacked in April. Fitzroy told Lord Stanley that at least two regiments of the line and three or four men-of-war were indispensable. He still trusted the friendly natives, arrayed under Waka Nene, to control Heke; "but the result, or their ultimate conduct, was doubtful. If attacked by moderate numbers we shall beat them off, but if an extensive combination of tribes takes place, awful indeed will be the consequences" (9th April, 1845). Again, the dishonourable proposals of the Select Committee were England's worst enemy. What was so likely to cause combination of tribes as proof that England would not keep faith? "On one side," Fitzroy wrote, "we shall have the consciousness of right and the energy of despair, and no retreat."

Well might Captain Rous say that Fitzroy's position made good government impossible. Warned that he could hope for neither men nor money; his debenture measures being disallowed; his European subjects numbering about 12,000, distributed at eight settlements (the Maoris being estimated at 110,000), Fitzroy must have yearned for release from a post where he was neither provided with help from abroad, nor free to act on the spot. One thing seemed certain. He would have to fight. Unfortunately a blunder threatened his alliance with the friendly Maoris. Pomārĕ, one of the Ngapuhi, shared in the plunder of Kororarika. Pomare was captured by treachery while a flag of truce was flying, and his pah (at which dangerous letters had been written) was destroyed. Waka Nene sent a deputation to Auckland. If he, who had mainly induced his countrymen to agree to the treaty of Waitangi, should fall off, the outlook would be gloomy. He asked for Pomare's release. He would guarantee his future good conduct, and would "root out" the rebels. [redacted] pardoned on conditions. He admitted that [redacted] written at his pah were bad, but denied complici[redacted] and undertook to use his influence to obtain [redacted] the Kororarika plunder. Pomare returned to [redacted] and Heke and Kawiti, who could not cope with

in the field, constructed pahs, which they thought impregnable. To these they did not retreat until Waka Nene had pressed them hard, without any aid from the English, while Fitzroy waited for reinforcements.[39]

In July, 1845, Clarke, the Protector, reported Waka Nene's efforts to Fitzroy, and warned him that "if the British Government contemplated the immediate or even the ultimate adoption of the principles embodied and recommended in the report of the Select Committee . . . . they would consider themselves relieved from every obligagation, and rise *en masse* to assert and maintain their independence." Fitzroy transmitted this opinion to Lord Stanley without delay; but that nobleman had already insisted on maintaining honourably the treaty of Waitangi, and to his plain speaking the company's settlers were perhaps indebted for safety. With ironical simplicity the Protector said that Heke's arguments bore a strong analogy to the principles of the report of the committee. Fitzroy (more sagacious than his successor of 1860) warned Lord Stanley (Oct., 1845) that the military talents of Maoris had been much underrated. "I cannot believe that those most dangerous resolutions of the House of Commons in 1844, respecting unoccupied land, can be adopted by Her Majesty's Government; but if such should be the fatal case, the native population will unite against the settlers, and the destruction of the colony as a field for emigration must be the result. There is not a braver or a more intelligent race of men than the New Zealanders. It would require many thousand men, extremely well commanded and supplied, to conquer even half the Northern Island." As reinforcements reached him, Fitzroy determined to act. Portions of the 58th and 96th Regts., with men from the "North Star" and the "Hazard," amounting in all to 400, under Colonel Hulme, aided by a similar number of Maoris under Waka Nene, proceeded (May, 1845) to attack Heke, at Okaihau, a pah of Kawiti's. Colonel Hulme's order to storm was strongly protested against by Waka Nene as an act of madness. Two rows of palisades and a fosse guarded and concealed the defenders. A rocket disconcerted them, but

[39] See note, page 374.

Heke bade them to wait for what was to come. A sally, made simultaneously with a rush from an ambush in the neighbouring forest, was foiled by the watchfulness of a native ally, and the besieged were driven into their entrenchments at the point of the bayonet. Kawiti lost two sons in the fight. Fourteen soldiers were killed and thirty-nine were wounded. At night the besieged Maories were heard singing their evening hymn. Hopeless of storming the pah without artillery, Colonel Hulme drew off his troops, and the kindness of the Maoris in carrying the wounded through difficult paths won admiration from the soldiery. Surprise was mingled with respect when it was known that Heke's men deepened the graves of the English dead and caused Christian burial service to be read over them. Emboldened by success, Heke attacked Waka Nene at Pukenui with a superior force, but was driven back, he and other chiefs being wounded in the attempt to crush Waka Nene before fresh troops, under Colonel Despard, could be landed. Fitzroy, reinforced by the arrival of Colonel Despard of the 99th, ordered an assault on the Ohaeawai pah. Three rows of palisading protected it. The inner one was made of trunks of trees, some of them twenty inches in diameter. Between it and the middle palisade was a fosse five feet deep, in which the Maoris were concealed, and from which they fired. Underground passages communicated with the interior, in which also were excavations to shelter the Maoris, deemed to be 250 in number. Flax, hung over the outer palisade, served as a screen, and concealed the inner palisade.

Colonel Despard had more than 600 men and four guns. Waka Nene had 250 Maoris. On the 24th June Despard opened fire. His guns were small and ineffective, and by much toil the commander of the "Hazard" dragged a thirty-two pounder to the spot, and got it into position a hundred yards from the palisade. The enemy made occasional sallies: once so unexpectedly as almost to capture Despard himself. They took a British flag and hoisted it under Heke's in their pah. Judging from what he could see, Despard thought the destruction caused by the thirty-two pounder justified an attempt to storm. Waka Nene deprecated it strongly, and was supported by the senior engineer officer; but Despar

ordered the assault (1st July). One hundred and sixty soldiers under Majors Macpherson and Bridge, forty sailors and volunteers under Lieut. Philpotts of H.M.S. "Hazard," essayed the task. They tugged at the palisades in vain. The strong inner one was almost uninjured by the bombardment. Two officers and nearly half the men were struck down before the remainder drew off. Archdeacon H. Williams went to bury the dead, and was warned off but not assailed. After two days a flag of truce was hoisted in the pah, and the English were invited to bury their dead. Thirty-four were dead and sixty-six wounded. Captain Grant (58th Regt.) and Lieut. Philpotts, of the "Hazard," were among the killed. Not, it seemed, for cannibal orgies, but to mutilate a chieftain's body and please the god of war, the officers' bodies had been mutilated. When peace was made it was found that Philpotts' reckless daring in struggling to enter the palisade had earned the admiration of his foes. Disgust at imagined treachery and irritation at defeat were thought by some to have determined him to lose his life. It was said that the Maoris called to him to go back, being loth to kill a man so brave. The courage of the English soldier made him popular with his Maori enemies, one of whom said: "We had been often told that soldiers would go wherever they were bid to certain death; but we did not believe it. Now we know it." In the Maori theory of war the object was to avoid giving the enemy the pleasure of taking life, and fortified positions were valuable because they enabled the defendants to inflict loss on the enemy. To risk life in assaulting them was in Maori eyes a blunder.

It was before the assault on Ohaeawai that a peculiarity in Maori courtesy surprised the English. The convoys of food were unmolested on the alleged ground that the enemy would not be able to fight if he had no food; and the Maori desire was to fight him, not to starve him. Despard remained at his camp, and when the arrival of more shot enabled him to use a three-two pounder, he brought it to bear (9th J[illegible] On the night of the 10th the Maoris [illegible] the English knew nothing of th[illegible], who said that the Maoris we[illegible] away.

On the 14th July, Despard drew off his men to Waimate. Clarke, the Protector, hoped that Heke would now seek peace; and to encourage him to do so Fitzroy sent the soldiers to Kororarika, where they began to form a military post. Some colonists deprecated the cessation of hostilities. Not to avenge the past was to submit to degradation, and to invite future ill-treatment by the Maoris. England must send troops. There must be no half measures. No inquiry or diplomacy was necessary.

Donald McLean, the Protector of aborigines in the western district, was hospitably entertained by the great Hēŭ Hēŭ at Taupo in July, 1845, and wrote that Heu Heu praised Heke for asserting his country's freedom against the English, who were an insatiable people—for whom, however, the Americans were a check. Buonaparte would have been a match for the English, he thought, if he had not been taken by stratagem. But more peaceful agencies were at work. Bishop Selwyn had at his college a son of Rauparaha. Fitzroy sent to Lord Stanley a letter from Rauparaha to Te Whero Whero, in which the old warrior urgently counselled peace with the white man, and reprobated the conduct of Heke. Through these agencies Heke remained in a minority; but Fitzroy forwarded a letter from a missionary stating positively that "if the government were to attempt to put in practice the recommendations of the Committee of the House of Commons there would be a general resistance." Fitzroy corresponded with Heke and Kawiti. In May, Heke justified the destruction of the flagstaff. He was told that it was the symbol that the Maoris had no power over their country. "I cut it down. God made this land for us and for our children. Are we the only people that God has created without giving land to live upon?" In August he sneered at Waka Nene and said that if peace was not made with Kawiti it could not be made with himself. If there should be further war it would "assume a different aspect," and the fault would be Fitzroy's. Kawiti meanwhile was building fortified places. He wrote from one of them (Sept., 1845), Ruapekapeka (Bat's Nest) to Archdeacon Williams, consenting to peace at Williams' intercession. On the 29th Sept., Fitzroy communicated his terms. 1. The treaty of Waitangi to be

binding. 2. The British colours to be sacred. 3. All plunder now in possession of the natives to be restored. 4. The following places to be given up to the Queen, and to remain unoccupied by anyone until the decision of Her Majesty be signified, namely—parts of Mawe, Ohaeawai, Taiamai, Te Aute, Wangai, Waikare, Katore, and Kaipatiki. 5. Hostilities to cease entirely between all chiefs and tribes now in arms, with or against the government.

It is a strange commentary upon Wakefield's alleged purchases, and upon the charges made against Maoris, that some of the lands thus demanded by Fitzroy were not under the control of Kawiti or Heke. When Grey arrived in New Zealand, Fitzroy, better informed, wrote to him (22nd Nov., 1845): "Defective information about the lands was given to me. I was under the impression, until very recently, that the lands named, through Colonel Despard and the Rev. Mr. Burrows privately, included those of Heke, Kawiti, and the Waikadi natives." How could Kawiti or Heke subscribe to such terms? Heke told Mr. Burrows on receiving them, that he must consult the owners. Afterwards he said that none of the lands demanded were his. Kawiti was not the owner of some of them, but would yield none. Kawiti wrote (7th Oct.):

"It was you who said that I was the first to commence killing the Europeans, and that I should therefore be the first to propose peace. I accordingly gave my consent in a letter to Mr. Williams. It is he who said you were urging me to make peace; on this account I wrote a letter to you, but as you have said we are to fight—yes—we will fight. If you say, let peace be made, it is agreeable; but as regards this you shall not have my land—no, never, never! I have been fighting for my land; if you had said that my land should be retained by myself, I should have been pleased. Sir, if you are very desirous to get my land, I shall be equally desirous to retain it. This is the end of my speech. It ceases here.—From me, KAWITI."

Fitzroy proclaimed a free pardon for every native retiring from the rebel chiefs. Despard ascertained that the whole of his force would be required to take Ruapekapeka. Fitzroy (25th Oct.) made a catalogue of ships and men at his command. H.M.S. "Hazard," "Racehorse," "Dædalus," "North Star," and "Inconstant" were available, though the "Daphne" had returned to Auckland. Colonel Despard had 390 soldiers, 50 [illegible] Auckland Colonel Hulme had 90 [illegible]

150 soldiers and 200 militia. Colonel Wynyard had arrived at Auckland in October, with 200 of the 58th Regt. The Rarawa chief Nopera Panakareao had arrived with 100 men to assist Waka Nene and the allies. In publicly welcoming him Nene pointed to the hills to which Heke had retreated, and stamped on the ground, as he hoped that Heke would come near; but had no will to follow him to the woods. It was disgraceful in Maori eyes to suffer loss from ambuscades. Panakareao and others were more eager for the fray. They "would not return back till they had drunk the waters of the Kawa Kawa," a stream which watered the lands to which Kawiti had retreated. Colonel Despard conferred with Waka Nene and others, and it was determined that the Maori allies should remain near Waimate.

The new governor arrived at Auckland on the 14th Nov. armed with the confidence of Lord Stanley, of a majority in Parliament, and with pecuniary and military support which had been denied to Fitzroy. On the 18th he assumed the government. Rumours had been spread as to his evil intentions against the Maoris. Grey held a *levée*, and assured chiefs who attended it that the Queen desired to promote their happiness. On the 21st, the chiefs had a special interview with Grey, and accepted his assurance that there was no desire on the part of the government to deprive them of their lands. They returned from Auckland to the Bay of Islands in H.M.S. "North Star." In reporting the interview, Grey urged that the military and naval force asked for by Fitzroy should be placed at his disposal together with an armed steamer. The minds of settlers and natives were disturbed. Nearly £37,000 of debentures were afloat, and to interfere with them would breed general disaffection. The importation of arms and ammunition had never been checked, and his official advisers assured him that if he ventured to control it a general revolt was probable.

Of the sincerity of their fears there could be no doubt. Fitzroy either shared them or apprehended other ill consequences. He had received Lord Stanley's despatch disallowing the Debenture Ordinance six weeks before Grey's arrival. The last phrase was: "You will immed

cause Her Majesty's decision to be published in the usual and most authentic manner." He had not obeyed. It was not known in Auckland that the Ordinance had been disallowed. The day after he had assumed office, Grey asked if the despatch had been received. It was not among the documents handed over to him. It was not produced till he had made arrangements to visit the Bay of Islands. He promptly published the disallowance; and, to alleviate distress, notified that, of debentures for not less than £70, when produced at the Treasury, one-fourth would be paid in specie, and a debenture for the remaining principal and interest would be issued bearing eight per cent. interest, payable at any time at the option of the government after three months' notice. Grey's instructions, though not Fitzroy's, gave confidence that this step might be sanctioned, for Grey had almost a blank charter. To carry it into effect he borrowed £1800 from the military chest, intending to repay it out of the parliamentary grant to his government. Having thus asserted his position with the settlers, he sailed to the Bay of Islands to deal with the Maoris. Within six days of his assumption of office he was able to write that the "hitherto friendly chiefs" were well acquainted with the discussions in the House of Commons, and were consequently distrustful, "their apprehensions being avowedly based upon what transpired during the debate" on Buller's motions. On the 28th he had an interview with the chiefs. Waka Nene and his friends received a public assurance from Grey (in conformity with Lord Stanley's direction) that it was the intention of the government "most punctually and scrupulously to fulfil the terms and promises of the treaty which was signed at Waitangi on the arrival of Governor Hobson." He told them that he allowed Kawiti and Heke only four more days to accept Fitzroy's terms; promised to punish whites and Maoris impartially for any wrong-doing, and to acquaint the Queen with the loyalty of Waka Nene, Macquarie Mohi Tawhai, Broug[illegible], and [illegible] great and good chiefs." Waka Nene [illegible] others p[illegible]nced that Grey's speech was just and ri[illegible]

War [illegible] Nene knew that Kawiti [illegible] nded lands. To

some of them Waka Nene asserted his own claims, and was so confident in Kawiti's honour that he declared if Kawiti were present, though an enemy, he would acknowledge the claims to be just.

A prompt acknowledgment that the Waitangi treaty was binding on the English was better than an army. Kawiti and Heke could bring no more than 700 men into the field. Waka Nene and his friends could command many more. They had 900 under arms to aid Despard before Grey arrived.[40] Mohi Tawhai raised 600 men at his own cost. Yet, though opposed to Heke, these chiefs were not unfaithful to their country like the tribes or nations used by the Romans in subjugating lands. They did not call in the English to enable them to win their battles. They accepted sovereignty because English, French, and Americans were gathering upon their coasts, and the island reeked with abominations caused by foreigners. They did not accept British rule until Marsden had been driven to the conclusion that it had become necessary in the interests of the Maoris themselves. Heke had clearly infringed the treaty which guaranteed the Maori rights so dear to all. Even Heke might not have been induced to destroy the flagstaff unless the House of Commons committee had afforded a plea for the seditious advice he received. Grey annihilated Fitzroy's terms by requiring answers from Kawiti and Heke in so short a time that it was impossible for them to confer in order to reply. He, perhaps, expected thus to annul by artifice the terms which, as Kawiti and Heke were not the owners of the lands demanded, could not be decently urged. Grey's ultimatum had been given on the 27th Nov. On the 29th Kawiti wrote: "I am not willing to give up the Kotore which is demanded to be given up, because that place, the Kotore, does not belong to me. The right is with the people of Kawa Kawa, with Matthew, with James. Now you understand I will not give up that place; that is the whole of my saying upon this subject." He said in a separate letter that Waka Nene's fighting was not for the English dead: "No, it is on account of those who were

[40] c.f.n. 374, 385.

killed long ago; on account of Hao, Tuahui, Tihi, and Pooka. These were killed long, long ago. Sir, Governor, the thought is with you regarding Waka Nene that he return to his own place. Do not be hasty about the land. Land is enduring, but man passes away. Friend, I have no desire to write to you, but you can write if you are pleased with my letter. Sir, if you say that we shall fight —it is well. If you say cease—it is well." Thus wrote the old warrior, though already he had passed the threescore years and ten allotted to man. Heke was more violent. He said: "You are a stranger, we are strangers; we do not understand your thoughts, and you do not understand our thoughts. God has made this country for us; it cannot be sliced; if it were a whale it might be sliced; but as for this, do you return to your own country, to England which was made by God for you. God has made this land for us, and not for any stranger or foreign nation to lay hand on this sacred country." He cited the words of a war song: "Oh! let us fight, fight, fight, aha; let us fight, aha, for the land which lies open before us!—you have not taken it away to your land, to Europe . . ."

Old age and manhood thus rose against the combination arrayed against them. Better a warrior's death than a slave's submission. The terms offered being as described, neither chief could accede to them, and Grey meantime prepared for war. Deeming it safer to rely on gifts than on "abstract sentiments," he appointed some of the chiefs magistrates, with salaries. He had about 700 men of the 58th and 99th Regts., with artillery and marines; and four ships of war were at Kororarika. Kawiti at Ruapekapeka, 22 miles south of Kororarika, had 200 men. Heke, 20 miles from Kawiti, had the same number. After arranging for the issue of stores to his allies, Grey returned to Auckland, summoned his Council (12th Dec.), took "the first public opportunity of stating in the most explicit terms," in his opening speech, that he had "been instructed most hono[redacted] ly to fulfil the conditions of the trea[redacted] h the full, exclusive, and undi[redacted] estates, forests, fishe[redacted] iefs and tribes of Ne[redacted] individuals

thereof may collectively or individually possess, was confirmed and guaranteed to them so long as it may be their wish and desire to retain the same."

The machinations of the company, and the sinister recommendations of Lord Howick's committee, were thus publicly disowned on the part of the Crown within a few weeks of the Governor's arrival in New Zealand.

On the following day he passed an Ordinance empowering him to regulate by proclamation everything relating to the importation and sale of warlike stores. Waka Nene and other chiefs, wiser than some of his counsellors, pressed the importance of passing this law upon Grey. He found the colonial debt £75,000; the outlay of the year £48,000; while the income from all sources, including a parliamentary grant, was only £25,000. He told Lord Stanley that his drafts would exceed the credit placed at his disposal, but he would use all practicable economy, and he returned to the seat of war, where the arrival of H.M.S. "Castor" from China had increased the forces at his command. He had 1100 men available on shore, besides native allies. Eventually his proceedings were sanctioned by Lord Stanley's successor, Mr. Gladstone, the pledge to maintain the treaty of Waitangi being "highly approved." Grey wrote (19th Dec.) to the chief Macquarie, who was chosen by the Maoris to prevent a junction between Heke's and Kawiti's forces—"You, like a fine fellow, watch the rebels. If they march to join Kawiti, fall upon their rear; if they turn upon you do not commit yourself to a serious action, but feign a retreat. . . . When they get near the Ruapekapeka, press them closely; and, if you can, drive them in upon Kawiti in a state of disorder. They shall be looked after when they get there. . . ." Macquarie performed his task admirably. Heke, however, suffered no disaster. On one occasion he surprised a party taking cattle to the English camp and assisted them in their task. When told afterwards that he should have captured them in order to starve his foes he replied as on a former occasion at Ohaeawai. In the end of December, Ruapekapeka was beleaguered by Despard. Roads were made and heavy guns were dragged over hills and through forests by the sailors, working in parties of fifty or sixty to a gun. On the 31st,

rockets and shells were thrown into the pah. A stockade to cover a battery was in course of construction by the troops, and the detachment placed there was in imminent danger from a secret sally when Waka Nene, Nopera, and other chiefs dashed forward and drove back the assailants with loss. Waka Nene begged that the Europeans would not interfere, because he dreaded lest the soldiers should not distinguish between friend and foe. He presented to Grey the trophies of the slain, but was requested to retain them. On Friday, 9th Jan., thirty-two pounders, eighteen pounders, howitzers, and mortars were in position before the stronghold, which was only 350 yards from the main battery. The forces employed were nearly 2000, inclusive of Maori allies. A general fire was opened on Saturday, and kept up during the day. The outer works were damaged, "but the numerous stockades inside, crossing the place in different directions, and composed of much stronger timbers, were scarcely touched." An assault was in contemplation by Despard, but on the vehement remonstrances of Mohi Tawhai it was not undertaken. Heke, in the moment of danger, entered the pah with forces, and the loss of life in storming might have been great. On Sunday, though firing was going on, the garrison were collected at prayers in one of their outworks, sheltered by the slope of the ground from observation and from shot. A brother of Waka Nene, noticing that no Maoris were moving about in the pah, crept with a band of allies towards the partial breach made in the outer works. He suspected that the pah might be evacuated. It was common for the Maoris to betake themselves from one stronghold to another. The wily chief saw the actual condition, and made signs to the English. Captain Denny with 100 men entered the pah with many natives before the besieged Maoris learned the fact that Sunday services did not interfere with European warfare. They stood to arms at once, but their own stronghold was now the strength of their enemies. They poured in a fire of musketry from the back of the pah against them their outworks, but, outnumbered by the rapid rush of soldiers, sailors, and Maoris, they were driven to the west of the pah, where trees prevented pursuit. A second place of position gave them

shelter, and thence they kept up a galling fire. A gap was made in the palisading, and sailors and soldiers rushed out and dislodged them, but they covered their retreat and and carried off their wounded. The engagement lasted four hours. All firing ceased at 2 o'clock.

In his official report to the Governor, Colonel Despard said:—"Your Excellency has been an eye-witness to all our operations, and I may say actually engaged in the assault." Twelve English fell and thirty were wounded. It was estimated that the enemy had lost twenty-five men. Despard had reason to be thankful that Mohi Tawhai had stayed the assault. He reported (12th Jan.)—"The extraordinary strength of this place, particularly in its interior defences, exceeded any idea I could have formed of it. Every hut was a complete fortress in itself, being strongly stockaded all round, with heavy timbers sunk deep in the ground and placed close to each other, few of them being less than one foot in diameter and many considerably more, besides having a strong embankment thrown up behind them. Each hut had also a deep excavation close to it, forming a complete bomb-proof, and sufficiently large to contain several people, where at night they were completely sheltered from both shot and shell."

Such was the strength of the place and the gallantry of its defenders that praise was poured upon its captors although the besiegers thrice outnumbered the besieged, and used heavy guns and rockets against fowling-pieces and muskets. Tidings of the capture and of the peace reached Sydney on the 11th February, and relieved many anxious minds. The capture was indeed significant. Grey's assurances had satisfied the Maori allies as to the maintenance of the Waitangi treaty. Kawiti and Heke could not excite a general rising, and were not so mad as to prolong strife in which the majority of .their countrymen were arrayed against them. They did not keep their forces together after retreating from Ruapekapeka. Grey returned to Auckland, whither Waka Nene followed him (22nd Jan.) with a memorandum from Clarke, the Protector, and tidings that all the rebel chiefs had visited Pomare to obtain his influence in making peace. Waka Nene sent an emissary to Pomare's pah, who found that peace was really

sought for and on any terms. They would give up any lands over which they had control. Kawiti wished to see Waka Nene, who, considering that the war was the Governor's, not his own, determined to see the Governor and urge him to grant peace. He had not seen Kawiti. Kawiti, however, sent a characteristic letter to Grey:—

"FRIEND,—O my esteemed friend, the Governor, I salute you. Great is my regard for you. This is the end of our converse which I now give you. Friend Governor, let peace be made between you and me. I have had enough of your riches (cannon-balls), therefore I say let us make peace. Will you not? Yes. This is the termination of my war against you. Friend Governor, I, Kawiti, and Heketene, do consent to this good message. Friend, this was my object in going to Karetu to see Pomare to make peace with you. This is the end of mine to you. It is finished.

"To my esteemed friend the Governor,

"KAWITI."

Pomare and another chief supported Kawiti's request. Grey wisely used his opportunity. He proclaimed a free pardon, announcing that the defeat and dispersion of the rebels, their complete submission, and the intercession of Waka Nene and his friends, made him think it proper to give effect to the Queen's earnest desire for the welfare of her Maori subjects. Waka Nene consented, at Grey's request, to forego any claims to forfeited lands which Fitzroy's terms would have secured to him. Grey notified that letters found at Ruapekapeka and brought to him had been destroyed unread. He was aware that many who once abetted the rebellion were now friendly to the government, and as he had not even ascertained the names of the writers of the letters no one need entertain apprehension of his displeasure. Martial law was discontinued, and it was notified that a captured Maori would be restored to his friends when cured of his wounds. Kawiti's last letter was as usual terse and characteristic. "This is my absolute consenting to make peace with the Europeans on this day. Exceedingly good, O Governor, is your love towards us, and I say also good is my love towards you. This is the jo[illegible] of peace for ever, ever, ever." Heke wrote at grea[illegible]ngth, dis[illegible]ing how and by whom a flagstaff ough[illegible] be re-er[illegible] at Kororarika. The Governor told [illegible] Stanley th[illegible]awiti coul[illegible] thoroughly be relied on for [illegible]uture, as [illegible]es "of g[illegible] influence and the highest [illegible]d honou[illegible] Heke w[illegible]rbulent,

but, repressed by Waka Nene and abandoned by Kawiti, was unimportant, and it was rumoured that in vexation he had resorted to "fire-water."

Before the fall of Ruapekapeka, Grey had assumed authority over chiefs who affected neutrality. Out of twenty-six leading chiefs, he found ten actively loyal, nine neutral, and seven in arms. On his demand several of the nine rendered submission. All his proceedings were sanctioned by the Queen. There was one which did not in terms meet the eyes of the English Government, and which, if its consequences could have been foreseen, the new Governor would have been prudent to avoid. Much has been written about it, and it therefore deserves mention. It was rumoured that amongst the letters found at Ruapekapeka were some which involved the good fame of Henry Williams, trusted by Fitzroy and beloved by Maoris. Having announced that he had destroyed without reading "letters addressed by various persons to the rebels," some "of which he was informed were of a treasonable nature," it was doubtless impossible for Grey to discuss their contents. Yet when Williams, virulently assailed as one of the alleged writers, demanded investigation, it would have been honourable to gratify him. But Grey determined to owe success not to the missionaries, but to himself. He allowed the rumours to spread, and insinuations were broadly and bitterly made against Williams as a traitor. Fortunately the latter had preserved a copy of a letter written at the request of Fitzroy before Grey's arrival. It recommended Kawiti to make peace. The old chief replied: "If peace be made it must be made with respect to the land also;" and a part of his letter was addressed to Fitzroy himself, who answered: "Mr. Williams, I can plainly see, has been giving you good advice; you have done well to hearken to him, and I trust your future conduct will show that you are really sincere and desirous of peace."

Such were the materials out of which it had been sought to stain the character of the missionary; and, without overtly supporting the charge itself, Governor Grey seemed to give countenance to it by disparaging the object of the slander, with whom, on the subject of land purchases, he had long contention. In a letter written by Williams

(Jan., 1846), he said: "My opinion was asked perpetually; now it is being rejected as that of a 'traitor,' 'unsafe,' 'false.' . . . Our ears are saluted frequently with expressions truly savage as to how these people ought to be served—to be 'poisoned,' to be 'flayed alive,' to be 'shot like dogs.'" The Bishop in a letter to Williams in April, 1846, marked one result of such language. After a visitation among the tribes, he found that "a general sympathy with Heke seems to be a feeling overruling all intestine animosities of old times." The Governor was possessed of similar information, and, having asserted superiority in arms, abstained from exciting suspicion by re-erecting the symbolic flagstaff, which, with Lord Howick's aid, had enabled Heke to arouse a quasi-national feeling among the disaffected.

The flagstaff was not set up again during the first government of Sir G. Grey nor during the lives of Kawiti and Heke. In 1857, a son of Kawiti, who had succeeded to his father's honours, and was a Christian, commemorated his chieftainship by a public act of reconciliation. Four hundred men were chosen from the tribes who warred against the Queen in 1845. A large spar was conveyed to the site of the old staff on the hill, which commands a view of the many beauties of the in-reaching waters of the Bay of Islands. With Maori significance the new staff was named "Whakakotahitanga," "being in union," and has borne its banner until the present day.

Having secured peace in the warlike north, Grey turned his attention to Wellington. But the difficulty of legislating for settlements so divided as those in New Zealand induced him to recommend the appointment of a Lieutenant-Governor. To enable him to secure legislative councillors from other parts of the islands, the three non-official members resigned office voluntarily. Early in February he was at Wellington with ships of war and soldiers. It was known that he had accompanied the troops at Ruapekapeka, and the Maoris saw in him "the fighting chief" of the Queen of England. Headed by Mr. Clifford the colonists presented him a la[illegible]ory address. H[illegible]uccess in the field [illegible]ed for fidel[illegible]he treaty of W[illegible]ngi. From the v[illegible]f the Hutt, [illegible]-kuri went [illegible] terms as

to the evacuation of the valley. Grey would make no terms until the intruders had vacated the lands, but he would receive a deputation afterwards to consider any application for compensation for unexhausted improvements—a question which in later times was to agitate the parliamentary wisdom of England. In a week the intruders left the valley, and Grey wrote that he hoped the dispute might be adjusted without bloodshed. With seven chiefs of his tribe the Ngatitoa, three of the Ngatiawa (of whom Te Rangitake was one) and the same number of the Ngatiraukawa, Rauparaha had applied to Grey (Jan., 1846) to provide some friendly adviser, acquainted with English and Maori laws and customs, who would explain them to the natives. They were anxious to maintain the laws of the Queen; they already had ministers teaching them the laws of God. Hitherto "their friend and guide, Mr. Hadfield," had calmed their apprehensions when white men said their land would be taken from them. They were anxious to learn the Governor's intentions. Grey commended their letter. The Queen had directed him to do all in his power to ensure their safety and happiness. "Maoris and Europeans shall be equally protected and live under equal laws; both of them are alike subjects of the Queen and entitled to her favour and care; the Maoris shall be protected in all their properties and possessions, and no one shall be allowed to take anything from them or to injure them; nor will I allow Maoris to injure one another; an end must be put to deeds of violence and blood." He invited them to write to him when they were in difficulty, and to send a deputation to Wellington to discuss points which a letter could not deal with.

The bold assertion of authority as between Maori and Maori, now broadly declared for the first time by a man successful in war, was not repudiated. Shortland, at Tauranga, was unable to make such a declaration, [illegible] Mutu had openly breathed contempt at any such in[illegible]ence. Rauparaha accepted it gladly.

"We have heard your words like the light of day to us; our h[illegible] glad. Friend, now will I hold fast your words for good, and for quiet, both of natives and Europeans. Your protecting word [illegible] forth for one and for the other; your kind words are a light to [illegible]

for the first time I can say that light has dawned for the Maoris; and now no wrong-doing shall spring from me,—I mean the errors of the natives. If you cannot come hither will you write to me?—TE RAUPARAHA."

Rangitake and the Ngatiawa chiefs wrote similarly.

"We have decided that the natives of the faith should hearken fully to the laws of the Queen. . . . It is for your good customs to beat down our evil customs, with the help of God, that the work left for us may be the growth of provisions for the life of the body and the faith of Christ for the life of the soul. . . ."

Grey made arrangements for the protection of the districts near Wellington, Porirua, and the Hutt, by five hundred soldiers and by militia and police. He communicated his plans in April to the Secretary of State. Friendly natives at Porirua offered help. But all was not quiet. In March, on the assurances of Rauparaha and Rangihaeata that the hostile Maoris had quitted the Hutt, Grey had visited the district and found the country abandoned. The recent camp was approached by a difficult and narrow path, flanked on each side by precipices overgrown with jungle. It was almost inaccessible, and Grey described it as the strongest position he had seen in any part of the world. Early in April a marauding band stole past the troops and killed an old man and a boy. Rauparaha deplored the event, imputing it to strange Maoris from Wanganui. He offered help, and Grey was convinced of his sincerity. But Rangihaeata betook himself to fastnesses in the forest. Grey returned to Auckland, and found the north in peace. The chiefs were anxious for visits from him, "waiting to feel the warmth of the sun." He addressed himself to fiscal questions, which were in an anomalous condition. To tax the European population of 12,000 souls and leave the Maoris untaxed, who were ten times as numerous, was neither just nor likely to produce good results; yet to tax all the Maoris was absurd, for large numbers of them dwelt far from control, asking [illegible] and receiving nothing from the government. Grey [illegible]d to [illegible]n local Customs duties and a parliamentary [illegible]unt of the latter he could not [illegible]00, but the increasing yield [illegible]hope of early diminution of [illegible]iture of £58,000, of which

only £22,000 were locally met, there was need of military aid. He required 2500 troops of the line. In May, the old warrior, Kawiti, visited him on board H.M.S. "Driver" at Kororarika, in the presence of other chiefs. "Nothing (Grey wrote) could have been more proper and becoming than the old chief's manner and the mode in which he expressed himself."

The Governor's applications were not to be considered by Lord Stanley. On freetrade and protection Sir Robert Peel and Lord Stanley had voted together, but on different grounds. The latter deemed protection of the agricultural interest essential to national prosperity. Sir R. Peel had, in 1844, declared that "in a new state of society, and abstractedly speaking, there should be no protection for native interests; but that in a country like England, with complicated relations and large vested interests, it would be dangerous to apply principles even abstractedly right, and incur the risk of great disturbance of capital and great injury to those engaged in existing arrangements." The famine of 1845 seemed to remove the conditional arguments in favour of the qualified protection he had supported.[41] Lord Stanley did not so read his duty, and retired. Sir R. Peel tendered his resignation, and Lord J. Russell was sent for (Dec., 1845). Lord J. Russell was anxious for office, if he could extort from Sir Robert Peel an undertaking to support him while there. Lord Howick frustrated the schemes of his party by refusing to join a Ministry in which Lord Palmerston was to be Foreign Secretary. Sir R. Peel, loyal to his Queen, sacrificed himself by resuming office; carried (May, 1846) his Corn Importation Bill; and fell in June before a combination of Whigs, Protectionists, and disappointed followers; declining even in his last official speech to "condescend to bandy personalities" with the most envenomed among them, whose artificial patriotism and consummate acting he was never at fault in valuing. Mr. Buller was in the majority which drove the great Minister from office on the question of a Bill for the Protection of Life in Ireland. The rancour of the New Zealand Company's partisans was yoked with the simulat

[41] See note, page 358.

of some, and the honest but indignant sensibilities of other members of the House. The vulgar untruth that the voice and not the conscience of the people confesses the command of God was rebuked by the conduct of the House. No cheers saluted the announcement of the division. The shout of victory so often heard in St. Stephen's was not raised. The result was received in silence, which seemed to own that an unworthy act was being done, and that the nobler prey was being torn down by meaner creatures. It was speedily proved that the Bill on which Sir R. Peel was expelled was not one which the Whigs would deal with conformably with any allegations on which Sir Robert Peel's expulsion was demanded. But Peel heaped coals of fire on the heads of his enemies by supporting the Irish measures they were compelled to pass.

Lord Howick, having become Earl Grey, became Colonial Secretary in July, 1846, and dealt with Governor Grey's despatches. The interval between Lord Stanley's retirement and Earl Grey's appointment had been filled by Mr. Gladstone, without change of policy. A part of the request for soldiers was granted. Lord Grey instructed his namesake that a corps of Royal New Zealand Fencibles (500 in number) would be sent from England, and that 900 men from the regiments serving in Australia would be detached to New Zealand. Secretaries of State for the Colonies were a movable corps in 1846. In June, the Governor wrote to Mr. Gladstone pointing out the multifarious and onerous duties cast upon him, and asking for large and liberal allowance for any errors he might appear to commit. But Grey, not Gladstone, replied; and, happily for the Governor, announced that the Russell Ministry entirely approved all the proceedings in New Zealand.

In May, 1846, there were troubles in the Hutt district. [redacted]rmed Maoris came down like wolves before daylight and [redacted]ed fifty soldiers of the 58th Regt. stationed at a farm. [redacted]were killed and four wounded. Though alarm was [redacted]icquet had been overpowered, and the [redacted] back after much firing. They [redacted]nd continued firing from the [redacted]der Major Last (99th Regt.), rumours of an attack on

Wellington, and Major Richmond made preparations for its defence, in which he received advice from Te Puni. Under Captain Russell (58th Regt.), relatives and slaves of Rauparaha distinguished themselves in cutting roads. "As workmen, they have more than equalled the Europeans," was the report furnished to the Governor. But Major Last in June reported that Rangihaeata was occupying a fortified position, and that he was "a little suspicious" of Rauparaha. That chief, however, offered to visit Last in Wellington; but this the latter thought unadvisable, the feeling among the whites being hostile to the man of the Wairau. In June, there was another skirmish on the Hutt. In July, Grey was at Wellington, and Rauparaha, whose thoughts it was proverbially difficult to sound, was to be mastered by boldness and treachery. Rangihaeata's pah was reconnoitred. It was easy to invest, but not with such suddenness as to prevent escape; and Grey distrusted Rauparaha, fearing lest he might attack the English in rear while they were engaged with Rangihaeata in front. Rangihaeata had "tapu"-ed, or made sacred, a road, and two Maoris, driving pigs for European use, were prevented from using it. Grey ordered that the travellers with their charge should be passed on. Rauparaha visited Grey on board H.M.S. "Driver," and gave assurances which some persons deemed untrustworthy. An intercepted letter from a companion of Rangihaeata mentioned that Rauparaha had consented that certain Maoris should visit Rangihaeata in peace. Grey showed the letter to Rauparaha, who said that the writer told falsehoods. "I watched him narrowly at the time, and his manner was such as to lead me to think that he really had no knowledge that such a letter had been written." Yet Grey, though he could not convict, was doubtful about Rauparaha.

Friendly chiefs at Waikanae thirsted for strife with their countrymen, and asked for arms. Grey shrunk from a movement against Rangihaeata until he could obtain forces which would render it impossible for Rauparaha, if treacherous, to fall upon the rear. He determined to proceed up the coast, from Wellington, to "stop or destroy" the Maoris moving down to join Rangihaeata. If his suspicions of Rauparaha should be confirmed, he would

attempt to seize Rauparaha and other Ngatitoa chiefs so suddenly that Rangihaeata could make no opposition, and could then be advantageously attacked. On the coast Grey found no proof of Rauparaha's bad faith; but the "tapu," established by Rangihaeata and respected by Rauparaha's followers, was represented as effective in exalting the influence of Rangihaeata. Grey returned to Porirua and sent an armed party of about 150 men on shore before daylight. Rauparaha and others were surprised in sleep, and seized on the 23rd July.[42] He remonstrated against the indignity of imprisoning him with Pohi, an inferior captive, and Pohi was released. When accused by the officers of treachery in inviting disaffected natives to the coast, the old chief, like Themistocles, said his object was to lead them into a trap in order that he might aid the English to destroy them. "This statement of his own," Grey said, "sufficiently illustrates his character." But Grey was in no position to cast stones at the man whom he consulted, and by whom he was treated as a friend up to the moment of the stealthy seizure. Other Englishmen had behaved honourably to Rauparaha, and therefore he trusted Grey. When Spain visited him after the Wairau massacre, Rauparaha had said: "I hope you will at all events act as a gentleman;" and explained that if the seizure of himself and Rangihaeata were desired, notice must be sent beforehand.

Rangihaeata, on hearing of the seizure, dashed to the neighbourhood to aid his chief. To avoid the English at Porirua he made a circuit, and had it been otherwise he would have been too late. From the wooded heights he overlooked the rifled dwelling of his friend; but he could do no more. This fighting warrior, to whom Rauparaha had been the eye of counsel, was denounced by several witnesses before the Select Committee of the House of Commons, in 1844, as a brutal savage addicted to drunkenness. Yet he had qualities which in all ages have been admired. Rauparaha was now seventy-seven years old.

[42] Gillop, then mate in H.M.S. "Calliope," afterwards admiral in the service of the Khedive, to whom the capture to the author in 1873.

Rangihaeata was sixty. They had never been parted before. Rauparaha was a prisoner in H.M.S. "Calliope." The uncaged warrior composed a lament, which found its way to Parliamentary Blue Books. Rauparaha was compared to "a brave canoe" shattered by the surge of war, "all crushed on yonder war-ship's deck."

Raha! my chief, my friend,
Thy lonely journey wend;
Stand with thy wrongs before the god of battle's face;
Bid him thy foes requite.
Ah me! Te Raukwa's foul desertion and disgrace.
Ah me! The English ruler's might.

Rauparaha's trustfulness in the Pakeha was bewailed. Rangihaeata had entreated him to break up his forces at Porirua, and spread them in marauding bands about the country.

But Porirua's forest dense,
Ah! thou wouldst never stir from thence;
Now, now, of such design ill-starred
How grievously thou reap'st the full reward.

Then bursting into fury the poet-warrior exclaimed:

Hence vain lamentings! hence away!
Hence all the brood of sorrow born!
There will be time enough to mourn
In the long days of summer, ere the food
Is cropped abundant for the work of blood.
Now I must marshal in compact array
Great thoughts that crowding come of an avenging day.

The tactics he had recommended he pursued. He vacated his pah near the coast and took to guerilla warfare. He endeavoured, also, to stir up national indignation. He wrote to the Waikato chiefs, whose demonstration at Remuera had impressed the whites with a sense of their power. "To all the tribes," he said: "Friends and children, come and revenge the injuries of Te Rauparaha, because Te Rauparaha is the eye of the faith of all men. Make haste hither in the days of December." The northern chiefs told him that to attempt to exterminate the Europeans was foolish. "How could you dry up the sea? That is why we say finish fighting with the Europeans." They were Christians, and advised that Rauparaha and Rangi-

haeata should turn to the Gospel. The few who wrote spoke in the names of others, and, not knowing where Rangihaeata might be, they addressed him as "perhaps at Wanganui." Such an answer might well appal even the "*atrocem animum Catonis*;" and Rangihaeata's campaign was not only against foreigners unacquainted with the forests and passes. Te Rangitake was true to his engagements with the Pakehas, and guided their military movements. Colonel Last spoke of the great service rendered by the "native allies," and by a published order (Aug., 1846), when Rangihaeata had been driven to his secret lair, thanks were rendered to the "numerous native chiefs who had so nobly come forward." The elements seemed to war against the cause of Rangihaeata.

The recent death of Te Heu Heu, the great chief of Taupo, who had sympathized with Heke and Kawiti, seemed to imply that heaven and earth were against the cause of the Maori. Tribal had been embittered by religious feuds, and an invasion by 140 of Te Heu Heu's heathen allies, the Patutokuku, laid waste the territory of the Christians at Waitotara. The latter fled, returned with help and besieged the invaders, of whom few escaped the slaughter which ensued. Te Heu Heu also, in May, 1846, came to an untimely end. His village, Te Rapa, stood near the Taupo lake, frowned upon by the Ruapehu and Tongariro mountains, in the region where hot springs, bursting from below, and the wreaths from the summit of Tongariro still betoken the fires which are labouring under the crust of the earth.[43] At night the hill overhanging the village gave way and overwhelmed Te Heu Heu and all but one of those who were with him.

But Rangihaeata, though almost alone, refused to succumb. He would not trust himself to his pah Pahautanui. Grey would have pounced upon him there, but Rangihaeata, before the allied Maoris could cut off his retreat, abandoned Pahautanui and betook himself to the forest of Horokiwi. Hunting single chiefs an ignoble occupation, and Grey returned to Auckland reporting that the natives almost to a man [illegible] the Porirua [illegible] had ris[illegible]

[43] 1894.—Less than four years after [illegible] words [illegible] published in Tarawera eruption proved their truth.

on the side of the government against Rangihaeata. Soldiers, settlers, militia, and Maoris were all entitled to the highest praise for their alacrity. But there was a bitter taste in the cup which he had prepared for himself. On the 1st Dec., 1846, he laboured to justify to the Colonial Office the seizure of Rauparaha. The justification itself required to be justified, and imputed what it was impossible to prove. It dealt shafts of incrimination recklessly around.

"A number of designing Europeans, who are annoyed at my interfering with their illegal purchases of land, have thought it proper to agitate the question of the justice and propriety of my arresting Rauparaha. Some most improper publications . . . have already appeared, and I regret to state that I find a great effect is being produced upon the mind of the native chiefs." . . . The difficulty of my position is that I am not yet quite satisfied whether or not it will be necessary or expedient to bring the old man to trial. In fact, I am rather anxious to avoid doing so, and I fear that if I were to make public the various crimes for which he has been seized by the government and the proofs of his guilt upon which the government justify his detention, that a large portion of the European population would be so exasperated against him that it would be difficult for the government to avoid bringing him to trial; and if I were compelled to adopt this step from having made known the charges against him, I should probably be accused of having ungenerously prejudiced the public against him previously to his being brought to trial."

The despatch by no means conveyed a full view of the case. Far from concealing any crimes for which Rauparaha had been seized, the Governor diligently endeavoured to discover grounds of accusation. Nothing which he could have discovered could have augmented the hatred conceived against Rauparaha on account of the Wairau massacre. The despatch might blind Earl Grey, but could deceive no one in New Zealand. It enumerated the grounds on which Rauparaha was arrested. Suspected collusion with Rangihaeata, and apprehension that if any movement were made against the latter, "Rauparaha would fall upon our rear, in which case, from the difficult nature of the country, and from our total ignorance of it, serious loss, possibly a repulse, might have been sustained, for it must always be

" *Raro antecedentem*, &c. Long years afterwards (1879) when Sir G. Grey was the head of a ministry, and it seemed important to make terms w Tawhiao, the Maori king, his overtures were re alleged stumbling-blocks the seizure of Rauparal why Sir G. Grey could not be trusted.

borne in mind that the enemy are better armed and better clothed for bush fighting than our own men." (This was only true as to the clothing, but might mislead Earl Grey.) It seemed that the Maori proverb that it was "hard to dive into the thoughts of Rauparaha" was true during his captivity. The Governor complained that no proof could be brought home to him. His "messengers were heard by several witnesses on two occasions to deliver certain messages . . . a link in the evidence is yet wanting which would prove that Rauparaha directed these messengers to deliver these messages." Another grief oppressed the Governor with regard to Pohi, captured with Rauparaha and quickly released. "Ultimately, as there was no charge against Pohi, he was (as it turns out now very unfortunately) released." He was suspected of being a messenger. It was the custon of Maoris to confess the facts even when they were arrested for murder, and seven Wanganui prisoners (five of whom were irregularly transported to Hobart Town) were plied with questions about Rauparaha; but the Governor lamented that even in such a manner no evidence could be procured to inculpate the imprisoned chief. How blind men may become while attempting to deceive is shown by the fact, that it does not seem to have occurred to the despatch writer that reluctance to exasperate the settlers by making known the "crimes" for which Rauparaha was seized was incompatible with the sedulous efforts made to procure evidence. It would have been better to have put forward at once the immoral plea of necessity to escape calamity by any means. When asked in after years if there was other apology for Rauparaha's seizure, Sir G. Grey replied:

"At the time I had no doubt, and I have now no reason to doubt, that Rauparaha was the real author of the letter alluded to, which might, unless prompt steps were taken, have involved the future fate of the colony and of the European population here. . . . One curious circumstance . . . he earnestly begged the officer who took him to let one (of the prisoners) go to take a message to prevent blood being shed in an attempt for his immediate rescue. The man was allowed to go at his request (and was afterwards supposed to know important secrets). It was at least a curious coincidence that he was so anxious that this man should be set free, for there were several others with him regarding whom he seemed quite careless."

The latter explanation adds little to the statements in the

despatch. It may be well to show what Rauparaha's son[45] said on the subject:—

"Rauparaha was taken prisoner by Governor Grey without sufficient pretext. A letter was written. It was said that Mamaku and Rangihaeata wrote the letter, and signed the name of Rauparaha to give it force. I was at school at this time with Bishop Selwyn. . . . When I returned and arrived in Wellington I went on board the 'Calliope,' the man-of-war in which my father was a prisoner. When I saw him we wept together, . . . he said to me, 'Son, go to your tribes and tell them to remain in peace. Do not pay for my seizure with evil, only with that which is good. You must love the Europeans. There was no just cause for my having been arrested by Governor Grey. I have not murdered any Europeans, but I was arrested through the lies of the people. If I had been taken prisoner in battle it would have been well, but I was unjustly taken.' . . . I returned on shore . . . and saw (the men of) Ngatitoa and Rawhiri Puaha (the chief who strove to prevent the Wairau massacre). We told them the words of Rauparaha respecting that which is good, and living in peace. Two hundred of the Ngatiraukawa came to Otaki. . . . Rangihaeata wished to destroy Wellington and kill the Pakehas as a satisfaction. I told them the words of Rauparaha . . . that they must put away foolish thoughts, . . . live in peace, and cast away bad desires. They consented. . . . When Rauparaha was liberated he urged Ngatiraukawa to build a large church in Hadfield Town at Otaki. Had he not returned the church would not have been built. He had a great desire to worship the great God. He was continually worshipping till he died on the 27th Nov., 1849."

Whatever plea could be urged for treachery towards Rauparaha none could be maintained for the killing in cold blood of Wareaitu, concerning which (as if to wipe it out of remembrance) little allusion is found in official documents. Eight prisoners were captured near Parepare in Aug., 1846, and were handed over to the troops while Te Rangitake was busily engaged in the field. One of them, Wareaitu (called Martin Luther by the settlers), was tried by court-martial for being in arms against the Queen, and joining the rebels under Rangihaeata, of whom he was a blood relation. When the sentence was explained to him, he said he was not afraid of death, but sorry that he had not been killed when captured, instead of being reserved for a shameful death. The deed to be done was so revolting that it was with difficulty that for a purse of gold a hangman could be found among the soldiers. It is recorded that the victim was attended by a clergyman, and died with good words on his lips. His demeanour, perhaps, assisted to burn into

[45] "Transactions of New Zealand Institute," vol. v., 1872. The "Life and Times of Te Rauparaha," by W. T. L. Travers, F.L.S.

the conscience of the colonists a sense of the barbarity of his taking off. Mr. Crawford, who afterwards became sheriff at Wellington, was in the neighbourhood at the time. In a book published nearly forty years afterwards he wrote: "During the march to Pahautanui a Maori was taken prisoner, and was some months afterwards tried by court-martial and hanged. I cannot help thinking that this was a blunder."[46] That which shocked the soldiery could not but be deemed wrong by their Maori allies. Te Rangitake, who had so recently been the saviour of Wellington, declared that he had fulfilled his promises and had done enough. Unwilling to lose his help, the captain of H.M.S. "Calliope" offered to fortify and guard the chief's pah if he "would take the field, but the latter declined the offer." The soldier-hangman was shrunk from by his comrades, and when, after more than a year, he was drowned in shallow water, men muttered that his share in the killing of Wareaitu had clung to him like a curse. The Christian Maoris granted a site for a college near the place of Wareaitu's murder, and declared in the deed that their object was "that the Maori and the English might grow up as one people." It would be difficult to find an excuse for the act by which Wareaitu was done to death in Sept., 1846. The Governor strove to palliate it on the 23rd Oct. He thought the prisoner wantonly joined Rangihaeata to commit murders; that he was present "at murders," and was "captured close to Rangihaeata's pah, the resort of the murderers when it was attacked; and as they were persons of consequence it appeared for many reasons desirable that they should be tried and summarily punished." First, it was proper to satisfy the minds of Europeans. Second, that "natives should see that we distinguished between open and honourable warfare and the dreadful murder of old men and boys committed by Rangihaeata and his followers." Third, it was "almost certain that the native witnesses who could alone be brought forward against this prisoner would never have been induced to go to the town of Wellington; and there was [illegible] reason to apprehend, that if time had been [illegible]

[46] "New Zealand and Australian Rambles" Crawford, London, 1880.

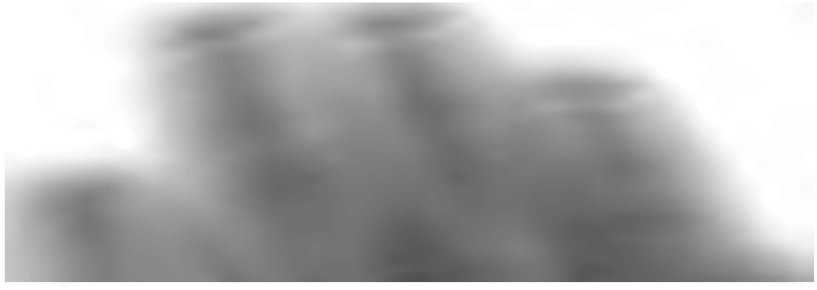
prisoner's relatives to intimidate the native witnesses by threats they might have been prevented from giving any evidence against him. Upon the whole, the urgency of the case appeared to justify me in recommending the officer commanding the troops to direct the prisoner to be proceeded against according to the forms of martial law."[47] The prisoner was found guilty of a portion of the charges against him. As he admitted joining Rangihaeata, it was not difficult to secure conviction, but no charge of murder was made.

The crooked ways in which Wareaitu's death was brought about were applied to other Maoris. Five were tried by a court-martial at Porirua (12th Oct.) on charges of rebellion, aiding Rangihaeata, and "unlawfully having a firelock." They were sentenced to transportation for life, and sent to Van Diemen's Land, where Mr. Latrobe then administered the government. The despatch which accompanied them was sinister enough to rouse suspicion. Governor Grey wrote: "A great advantage would result to this country if these men were from time to time really kept to hard labour, and if they could be allowed to correspond with their friends, their letters passing through the government of New Zealand. In this manner many of the turbulent chiefs would ascertain that the government really intended to punish severely all those who connected themselves with murderers and robbers, and would find from the letters of their friends in Van Diemen's Land what the nature of the punishment of transportation really is." Mr. Latrobe recoiled from being the instrument to inflict in Van Diemen's Land a wrong which could not for shame's sake be perpetrated in New Zealand. He promptly (30th Nov.) pointed out to the Secretary of State that he could not

[47] Dr. Thomson (in the "Story of New Zealand") wrote: "Luther's death is a disgrace to Governor Grey's administration, and he probably thought so himself, as there is no published despatch on the subject." The author has been more fortunate in finding the despatch than Dr. Thomson, who knew the facts. The disingenuousness of the despatch is shown by the fact that it dwelt on Luther's complicity in "murders," whereas the court-martial tried him for attacking the Queen's troops, being in arms against the Queen, and joining the rebels under Rangihaeata, the last of which charges he frankly admitted to the court. "Justice (wrote Dr. Thomson) repudiates the name of rebels applied to the prisoners."

herd such prisoners with ordinary convicts at Norfolk Island, but would detain them temporarily at the Penitentiary until he could receive instructions. His objections were fatal. In 1847 it was decided that the prisoners could not lawfully be detained under the sentence, and they were released.

It is probable that some remorse for the killing of Wareaitu and the illegal transportation of his friends induced the Governor to perform soon afterwards an act which might be thought generous. Yielding to the requests of Te Whero Whero and Waka Nene, he set Rauparaha at liberty. So long as Rauparaha was on parole at Auckland it was difficult to convince Rangihaeata that his kinsman was safe from the destroyers of Wareaitu, and he sullenly refused to trust in anything but Rauparaha's free release. When it took place Colonel Wakefield was exasperated. Rauparaha's avoidance of trial after the massacre at Wairau; the failure of the company to make good its false claims there; the subsequent purchase of the land by the government, which thus confessed the impropriety of the company's claim; and the pardon of "Rangihaeata and his savage band," were deplored by Wakefield as likely to "make the future historian hopeless of a solution in tracing the circumstances." Even when shortly before Rauparaha's death that chief joined in a loyal address to the Queen, Colonel Wakefield derived no comfort from the thought that Fitzroy's treatment of Rauparaha was more honourable to England than the fate of Wareaitu.



CHAPTER VIII.

1843—1846.

THE WAR OF 1846.

THERE could be but one end to the strife waged in 1846. Yet Rangihaeata made a stand on a wooded mountain spur, and there was loss of English life. Te Rangitake wrote to Grey that he had captured three women and a child, and would deal with the prisoners as Grey might direct. He would not entrust them to colonial care. He did not intend to follow Rangihaeata further.[1] Grey replied that they must be well treated, furnished with food for their journey, and told to warn their husbands not to be so foolish as to get into difficulties with the English. It is needless to narrate the warfare in detail. Rangihaeata withdrew whither it was thought useless to follow. Chased at the Pouaha mountain by 1000 men, he successfully drew off his band of 200. Captain Russell, of the 58th, who afterwards superintended the formation of a military road at the spot, recorded his admiration of Rangihaeata's genius for war in conducting his band along the narrow mountain crest, and sullenly skirmishing as he withdrew.

Proclamations of martial law by Grey were not infrequent. (In Oct., 1847, he passed an Indemnity Ordinance for all

[1] Parliamentary Papers, 1847, vol. xxxviii., p. 58. "The white people said, 'Put them on board the ship,' but I replied to the captain of the ship of war, 'No; leave them in our care. We will wait for the Governor's return.' Then they said, 'They will return to Rangihaeata.' But, hark you, we shall retain them till you or your word shall arrive."

acts done under them.) They did not deter Rangihaeata from a daring exploit. He was thought to be concealed amongst the forests. On the 18th April, 1847, one Brown, a settler at Kapiti, waked to see the tall form of the old chief standing over him with a tomahawk. Armed Maoris surrounded the house. Brown deposed that Rangihaeata said he had come to rob and slay. "I told him he might as well kill me in bed at once. He bade me get up and dress myself. He said he had heard I had a great quantity of powder, and had come to take it away. . . . On going away he shook hands with me. I upbraided him and his party for plundering me. They replied that they were poor and wanted the things; that they had no animosity towards me, but wanted powder." Rangihaeata arrived and departed in a war-canoe. The authorities thought that professedly friendly Maoris had connived with him. When Grey, going to the scene of action in May, arrived at Wellington, he found a messenger from Rangihaeata with a parcel containing bank-notes, sovereigns, and other valuables. Rangihaeata, finding that some of his men had taken these things, returned them to Grey lest he should be esteemed a common thief, "whereas his only object was to obtain from the owner of the house gunpowder which he had left in his care, and which had never been returned to him."

A few days before Rangihaeata appeared at Kapiti a new cause of war arose at Wanganui. A midshipman of H.M.S. "Calliope" promised something to a chief for service rendered. There was a dispute about the price on the 16th April. The midshipman, pretending to be angry, threatened the chief with a pistol. Accidentally, it was said, the pistol was discharged, and the bullet wounded the Maori's head. The military, without holding an inquiry, sheltered the midshipman in a stockade, and thus confirmed the suspicion of the Maoris that the shot was intentional. The head of a chief being [illegible] serious consequences might be apprehended, but the [illegible]rous murders which ensued were unexpected. [illegible] to take revenge for their [illegible] chief. [illegible]hem was

[illegible] and its Inhabitants [illegible] Hillans

twenty years old; one was only twelve. On the 18th April, the day on which Rangihaeata surprised Brown at Kapiti, they savagely murdered Mrs. Gilfillan and four children. When they went to the house, Mr. Gilfillan strove to prevent their entrance. He was wounded with a tomahawk, but escaped into the house by a back-door, which he fastened. The youthful murderers began to force an entrance. Mrs. Gilfillan heroically urged her husband to go. Only his life, she said, could be thirsted for. Escaping by a small window overshadowed by an eave, he crawled away. When the Maoris broke into the house they butchered Mrs. Gilfillan, two boys and a girl, and wounded a fourth child. The brave Mrs. Gilfillan at first hid her children, and afterwards told a boy eight years old to jump out of the window. He did so and escaped to a swamp. She put a girl six years old out of the window, and the little creature ran after her brother. When the child was questioned at the inquest she told how, when she was "running after Johnny," the Maoris were sitting together, "and one of them knocked her down with a stick, and hurt her very much." Though the outrage might have sprung from the savage demand of blood for blood—the utu of the Maori—all Maoris did not approve it. Chiefs of Putiki at once tendered their services. John Williams (Hipango), a

to the necessity under Maori law of exacting blood for blood. Others have declared that the wound of the chief was an insufficient pretext. It would perhaps be presumptuous to assert that the Wanganui war was caused altogether by the wound carelessly inflicted on the chief by the midshipman. But such was the belief amongst many. Mr. Fox declared: "The pretext for it by the natives was an accidental discharge of a pistol in the hands of a midshipman, by which a chief was wounded in the cheek. Five young men of the tribe 'took payment' for the injury to their chief by barbarously murdering the family of Gilfillan." . . . ("The War in New Zealand." London, 1866.) Captain Laye, less impressed than Mr. Fox by the traditions of Maoris as to the sacredness of a chief, did not connect the murders with the shot. He did not report the latter until he had to tell of the former, and then passed over the occurrence as one which on his explanation was satisfactorily set aside as unimportant by the natives (P. P. 1848, vol. xliii., p. 56), who "at first sight were rather excited." Sir G. Grey in a despatch (July, 1847) described the murders as committed by the Maoris "in accordance with their custom of revenge" (P. P. 1848, vol. xliii., p. 60). In 1880 Fox (then Sir William) and Sir F. Dillon Bell in a report (West Coast Commission) said the cause of war was the accidental shooting of a "great chief through the cheek. By native custom this was an indignity to be wiped out by blood."

Christian chief, with five others, ascended the river in a canoe, learned who the murderers were, captured five of them, and handed them over to the soldiers, having paddled sixty miles (without stopping for refreshment) in twenty-four hours. A coroner's inquest found the culprits guilty of wilful murder. When Governor Grey heard of the murders he wrote to Captain Laye, directing him, "unless some extraordinary necessity had arisen," to retain the prisoners until they could be handed over to the civil authorities. But they could not be sent 120 miles overland to Wellington without passing through the heart of Rangihaeata's country. Though they might have been sent by sea, Captain Laye, without waiting for instructions, considered the necessity extraordinary, assembled a court-martial on the 23rd April, and tried the prisoners on four charges—killing, wounding, stealing, and being in possession of stolen goods. The prisoners all pleaded guilty, but evidence was taken. All were found guilty, and all but Narikuri were sentenced to death. His "extreme youth" caused his sentence to be transportation for life. The others were hanged on the 26th April. They were related to some of the leading Wanganui chiefs, whom their execution offended. On the 19th May an attack was made on Wanganui. Captain Laye, with 170 soldiers, repulsed it, with loss to the Maoris of their commander and a few others. Governor Grey himself reached Wanganui with more troops immediately after the repulse of the Maoris by Captain Laye. He was accompanied by Waka Nene and by Te Whero Whero.

Grey wrote: ". . . Not only did these natives accompany me to Wanganui for the purpose of co-operating with Her Majesty's forces, but I am sure that every officer who was there will bear me out in saying that we could not have dispensed with their services, and that nothing could have surpassed their activity and gallantry."

The fighting near Wanganui was desultory, though on one occasion as many as [illegible] were engaged on each side. Towards the [illegible] of 1847 Grey regarded the disturbances as terminated. [illegible] native [illegible] by Waka Nene and Te Whero Whero [illegible] They urged that not [illegible] ment, but

their own would suffer if Rauparaha should be kept close prisoner. They offered any guarantee required for his peaceful conduct. Grey allowed Rauparaha and Hohepa to live in the north till he might think their return to Porirua advisable. Many chiefs visited Rauparaha in his exile. He recounted his own deeds of old, and the treacherous manner in which he had been seized. But his heart was dark, and he quickly withdrew from the assembly. In 1848 he returned home, in an English man-of-war, accompanied by the Governor, Te Whero Whero, Colonel G. C. Mundy, and others. Preparations were made to receive him at Otaki. He went on deck in an officer's uniform, and saw the Governor and others in plain dress. His eye flashed meaningly. He withdrew and promptly reappeared in a mat and blanket. He asked for a salute on landing, but Grey would not accord it. Te Whero Whero, dressed in best attire, landed with the party. Rauparaha's son had gone on board to meet his father in European evening costume. A companion of Grey's related that, after landing, Rauparaha strode from the rest of the party (who proceeded to the village), sat down on the ocean shore, "covered his old grey head with his mat, and remained for hours immovable. Not a soul of his family or tribe came near him: they stood aloof in a crowd several hundred paces distant; for Maori etiquette forbade that the great chieftain should be approached whilst exhibiting such signs of emotion." Maori courtesy required that the Governor's clemency should not be unacknowledged: and the old man's son gave a feast. Though described by Colonel Mundy as showing the remains of great strength, Rauparaha was bowed by age and did not long survive his return. In 1849 he died, eighty years old, and was buried at a spot selected by his old comrade Rangihaeata, near the Otaki church. Fifteen hundred mourners followed his remains to the grave. Rangihaeata survived "the eye of faith" about seven years, when he, too, was gathered to his fathers. After the embers of his strife had died out he met the Governor at Otaki, and said he was not tired of war, but the times were peaceful, and men, like women, used the weapon of the tongue. "I want nothing of the white men. I wear nothing of their work," he proudly said, arrayed with

feathers in his hair, and with a dog-skin mantle thrown over him. When Grey reminded him that a peacock's feather in his hair was not native, he cast it reproachfully on the ground, saying, "True; that is Pakeha." He did not acknowledge that Europeans had conquered him. Mr. Forsaith, in 1860, in the House of Representatives at Auckland, reminded members that Rangihaeata said to Grey, "I am finished. But do not suppose, O Governor, that you conquered me. No. It was these, my own relatives and friends, Rangitake and others. It was by them I was overcome." As years rolled on, he too, like Rauparaha, attended Divine worship, and dissuaded from war. He accepted European arts for his people, but adhered to Maori customs in his own person. In 1849 Rangihaeata pointed out to McLean the impregnable position of his pah at Porotawao to which he had retreated in 1847. The morasses and lagoons would have furnished eels, the forests on the hills their feathered game. In 1849 the mention of roads excited his wrath. He thought them means of conquest. In 1852 Donald McLean reported that three lines of road were in course of construction at Porotawao; one of them at Rangihaeata's sole expense. In 1852 he wrote to Grey, then about to leave the colony:—

"O Governor! my friend,—I send you greeting. . . . I need scarcely call to your remembrance the circumstances attending my flight and pursuit; how it was that I took refuge in the fastnesses and hollows of the country, as a crab lies concealed in the depths and hollows of the rocks. You it was who sought and found me out, and through your kindness it is that I am at this present time enjoying your confidence and surrounded with peace and quietness. This, then, is the expression of my esteem for you, which I take occasion to make now that you are on the point of leaving for your native land. . . . TE RANGIHAEATA, Principal Surviving Chief of the Ngatitoa tribe."

Though Colonel Mundy, as the guest of Governor Grey, saw many chiefs, nothing could induce him to visit Rangihaeata, whom he styled in his book "The Tiger of the Wairau:" but who was described to him [illegible]gularly manly, well-formed, and athletic; in heig[illegible] two, with curly black hair, aquiline [illegible] piercing eye, and a haughty bearing." [illegible] a measure of respect from Heke. [illegible] held aloof after his proclaimed p[illegible] view with the commander of

reported. He affected to expect the Governor to visit him. In July, 1849, he wrote a letter to the Queen of which the Governor advised the acceptance as a customary courtesy, but not as a tribute to the assumed consequence of the writer, who dwelt on the relations established between King George and Hongi, and deprecated the pouring out of innocent Maori blood by quarrelsome foreigners. In 1850 he was smitten by consumption, and Grey sent presents which he gratefully acknowledged. Remembrance of the past haunted him even in affliction, for, taking up a sovereign he turned it round and round and said: "As it comes from Governor Grey, I am looking to see if it has a hook anywhere about it." After some months' illness he died, aged forty-two years. There were various reports of the cause of his death, but the Governor "apprehended the truth to be that he died from consumption." In May he wrote to Grey, "My disease is great, but do not grieve about that. This is not the everlasting abode of the body." He died a Christian. Old Pomārĕ, the object of so much solicitude at the time of Heke's war, and then seized under a flag of truce, died about the same time, seventy-five years old; and the ancient race waned one by one from the land of their fathers.

In Feb., 1853, old Kawiti was publicly baptized by Henry Williams in the Paparaka church crowded by his countrymen. He had previously informed them that he had decided to renounce his Maori ritenga (mos, or usages) and enter the Christian Church. For a year he was instructed by Williams, who, when he baptized him, trusted that the "honourable old warrior had in sincerity and truth become a soldier of Christ." Kawiti's conversion smoothed the way to the re-erection by his son of the flag-staff at Kororarika.

Not in the field only but in the senate the Governor had weapons. To provide against such deeds as Rangihaeata's raid at Kapiti, he passed a law to prohibit the keeping of gunpowder except in stipulated quantity. He strove to prevent the sale of ardent spirits to the Maoris. He gave pensions to his friends. On Waka Nene an annuity of £100 a year was settled by law for "the zeal, courage, and loyalty" he had displayed. While labouring thus the

Governor was nevertheless paving the way for future trouble by a despatch hastily written and not withdrawn when its impropriety was proved. He would be *aut Cæsar aut nullus*. He desired to show that he was not dependent upon the good offices of the missionaries.

In June, 1846, before he sailed upon the expedition in which he seized Rauparaha, and, it may be presumed, before he had become acquainted with the intricacies of the question, he wrote to the new Secretary of State, Mr. Gladstone, that which was long known in New Zealand as the "Blood and Treasure" despatch. It was marked "confidential," and was written on the same day that Lord J. Russell with the aid of Mr. Disraeli procured a majority against Sir Robert Peel on the Protection of Life Bill (Ireland). It was received by Mr. Gladstone's successor, Earl Grey. It deprecated the large tracts of land which Fitzroy had granted under "what is termed the penny an acre proclamation." Claims under it were "not based on substantial justice to the aborigines or to the large majority of British settlers. . . . Her Majesty's Government may also rest satisfied that these individuals cannot be put into possession of these tracts of land without a large expenditure of British blood and money." . . . "It must be decided whether British naval and military forces should be employed in putting these individuals into possession of the land they claim . . . and how are Her Majesty's forces to be reconciled to such a service? From the desultory mode of warfare adopted by the natives no decisive victory can be gained . . . the individuals interested in these land claims form a very powerful party. They include among them those connected with the public press, several members of the Church Missionary Society, and the numerous families of those gentlemen, various gentlemen holding important offices in the public service. . . ." As it was not true that any missionary asked to be "put in possession," or that any Maori disputed the claims of the missionaries, and as the [illegible] Henry Williams boldly asserted the fact, and [illegible] the whole body that any missionary [illegible] rendering possible "such an [illegible] shedding of one drop of human

the Governor's words was manifest as soon as they were published. Earl Grey received them in Jan., 1847, and communicated them to the Church Missionary Society. A special committee of the society met in February. A statement was prepared. Under Fitzroy's penny-an-acre proclamation there were no claims of missionaries. Among those claiming arrears exceeding the maximum of 2560 acres fixed by the Land Sales Act, there were six missionaries and two persons who had been missionaries. The lands had been purchased from Maoris before the Queen assumed sovereignty, and at a time when the natives desired their missionary friends to abide with them. The purchases were countenanced by the land regulations of New South Wales, where grants of land were made by the government to children of chaplains. The society had warned its missionaries against permitting the purchase of land to subject them to the reproach of being imbued with a secular spirit. The awful consequence of spending British blood and treasure was now for the first time suggested by the Governor. The society was sure that "not one missionary or catechist would endure the idea of sacrificing British blood in order to obtain possession of land." Their past lives might "well shield them from such an imputation." Nevertheless, that the society might be above reproach, the committee resolved "that no missionary or catechist can be allowed to continue his connection with the society, who shall retain for his own use and benefit a greater amount of land than shall be determined upon as suitable by the Governor of New Zealand and the Bishop of New Zealand jointly, or by such other referee or referees as they may be pleased to appoint for the determination of this question, the adoption of which measure is not to be regarded as casting any reproach or suspicion upon the past integrity of the missionaries." The committee concluded with praise of the missionaries, thanks to Earl Grey for his courtesy, and a request that their statement might be submitted to Parliament if papers on the question should be laid before it. Earl Grey sent copies of the papers to ex-Governor Fitzroy, who, in March, 1847, stated his conviction that no missionaries' claims could "give rise to *native* wars," the natives having "remarkably strong

feelings of attachment to the older missionaries and their children." Earl Grey[3] had written to Governor Grey: "I deeply regret, with you, that any members of the Church Missionary Society should have engaged in this traffic." Fitzroy told the Earl:[4] "I am able to assure your Lordship in the most decided manner that no member of the Church Missionary Society, no missionary or catechist in New Zealand, has done so, directly or indirectly." Charges made without foundation were insupportable. It would have been prudent to retract them frankly when they were found incapable of proof. Such a course was not chosen, as will be seen hereafter. It is sufficient to say here that the Governor linked the influence of Bishop Selwyn indirectly with his own in the course of the proceedings. The thorns which he was to find in his path with regard to the missionary claims were strewn by himself. There were others scattered by Earl Grey. It was known to all men that however rash Heke might have been, he could not have aroused even a section of his countrymen unless he had been able to persuade them that their land was in danger —that the substance of it had passed away, and they were but tenants at will, whom the Pakeha eyed with disgust while longing for the day when their lands would be ravished from them. Sir G. Gipps had warned the English Government that Earl Grey's principles, made known by the report of the House of Commons in 1844, must do mischief. All who knew the Maoris felt the danger of allowing it to be believed that England would not honourably fulfil the treaty of Waitangi.

If Waka Nene and his friends in the north, and the men of Waikato, of Wanganui, with the Ngatitoa, Ngatiawa, and Ngatiraukawa, were to lose faith in the word of the Queen, all tribes might combine, and the inversion of the proverb that leaders may govern by dividing might prove that governors may be destroyed by injustice which begets union.

The hurricane which in the first century almost swept the Romans from Britain might recur with greater terrors in New Zealand, where no Paulinus was at hand with

[3] Parliamentary Papers, 1847. Vol. xxxviii., p. 30
[4] *Ibid*, p. 78 (10th February, 184)7.

unconquerable legions. No military man supposed that a settler could remain in the country if all Maoris willed it otherwise; and many doubted whether even Wellington and Auckland could be held.

In such a state of things, while the Governor was winning the goodwill of the chiefs by studying their language and traditions, and rewarding their devotion, Earl Grey marked his own accession to office by Instructions as foolish as they were unjust. He who, as Lord Howick, had repudiated good faith with the Maoris, was no sooner installed in office with Lord J. Russell than he determined to display his quality at the antipodes. Lord Stanley's instructions to the Governor with regard to the report of the Select Committee of the House of Commons in 1844 were wormwood to its chairman, who stepped as Earl Grey into the seat from which Lord Stanley had issued the instructions which Earl Grey resolved to undermine. He lost no time in broaching his theories. He procured the passing of a Bill containing his "scheme of municipal, legislative, and executive polity." The provisions for provincial assemblies and a General Assembly need not be set forth here. He transmitted Royal Instructions. A special chapter (XIV.) provided that in particular, or aboriginal, districts the courts and magistrates were to give effect to the Maori customs and usages so far as they were "not repugnant to the general principles of humanity." In view of the conduct of the magistrates at the Wairau, Earl Grey's folly in calling upon them to decide upon general principles of humanity, and Maori customs which they neither respected nor understood, is astounding. At Governor Grey's request, Chapter XIV. was repealed by Royal Instructions, 14th July, 1848. It is noticeable that the principles of the Bill elicited no debate in either House, and that Mr. Hawes said that its object was to establish a municipal and representative government, "thus carrying into effect the views of both the late and the present government." Neither House was warned that Earl Grey intended to deceive Parliament, and break faith with the Maoris, by practically repudiating the treaty of Waitangi. When he moved the second reading of the Australian Land Sales Act, in Aug., 1846, he abstained from mentioning that the

exclusion of New Zealand would leave the land in that colony at his mercy. Writing (23rd Dec., 1846) to the Governor, he said that his project had been blamed as too complicated, but "the inevitable conditions of the practical problem to be solved were more than usually numerous and complex." Parliament had drawn the broad outlines; the Queen in Council could delegate power to the Governor to fill up details, and obviate errors into which the Imperial Government might have fallen. Four instruments were sent with the new Act, viz., a new charter for the government; new Royal Instructions, exhibiting the details of the new scheme; a commission appointing Grey Governor-in-Chief, as well as Governor in each province, and a commission appointing Mr. Eyre Lieut.-Governor of each of the two provinces immediately to be established. Having solved these "practical problems," Earl Grey proceeded to undermine the treaty of Waitangi.

The new statute (9 and 10 Vict. cap. 104) for regulating sales of land in the Australian colonies repealed all previous provisions made with regard to New Zealand. "Thus," Earl Grey said, "there is a complete absence of any statutory provisions on this subject. The Queen, as entitled in right of her Crown to any waste lands in the colony, is free to make whatever rules Her Majesty may see fit on the subject. . . ." "The accompanying charter authorizes the Governor to alienate such lands. The accompanying Instructions direct how such power is to be used. I proceed to explain the motives by which these Instructions have been dictated." From the doctrine "that aboriginal inhabitants of any country are the proprietors of every part of its soil of which they have been accustomed to make any use, or to which they have been accustomed to assert any title" Earl Grey "entirely dissented," "whether it be maintained on the ground religion, morality, or of expediency." He quoted abstract opinion of Dr. Arnold's (inapplicable to a co where a treaty like that of Waitangi existed), that it could hardly be denied that it was right which had been claimed for the aborigir of those islands to the exclusive possessio extent of fertile but unoccupied lands which

He would not invade their "patches of potato ground;" "but so long as this injustice was avoided I must regard it as a vain and unfounded scruple which would have acknowledged their right of property in land which remained unsubdued to the uses of man. But if the savage inhabitants of New Zealand had themselves no right of property in land which they did not occupy, it is obvious that they could not convey to others what they did not themselves possess." Again, "it was only as tribes that they were supposed to possess it, and granting their title as such to have been good and valid, it was obviously a right which the tribes enjoyed as independent communities; an attribute of sovereignty which with the sovereignty naturally and necessarily was transferred to the British Crown." Such were the principles on which the Governor would be instructed to act, "if the colonization of New Zealand were only now about to begin." Past transactions made "a strict application of these principles impracticable, but the Governor was to look to them as the foundation of the policy which so far as it was in his power he was to pursue." "The exclusive right of the Crown to purchase land from the native tribes to which it has been assumed that it belongs" rested "not only upon what has been called the treaty of Waitangi," but upon national law. Other passages in the despatch spoke of the sacred duty of watching over the interests and cultivating the minds of the aborigines, and it is fair that they should be alluded to, in order that those who choose to do so may refer to Earl Grey's own words in the Parliamentary Papers which contain his scheme to defraud a remarkable race of its heritage, to humiliate England by a breach of faith, and to effect by trickery what the House of Commons, stirred by the manly words of Peel, had condemned. The Earl's humane professions were but as vapour when contrasted with one section of the several chapters of the Royal Instructions attempted to be imposed on the Governor. There were to be District Land Courts.

"(9) No claim shall be admitted in the said Land Courts on behalf of the original inhabitants of New Zealand to any lands situate within the said islands, unless it shall be established to the satisfaction of such court that either by some act of the Executive Government of New Zealand as hitherto constituted, or by the adjudication of some court of competent

jurisdiction within New Zealand, the right of such aboriginal inhabitants to such lands has been acknowledged and ascertained, or that the claimants or their progenitors, or those from whom they derived title, have actually had the occupation of the lands so claimed, and have been accustomed to enjoy the same, either as places of abode or for tillage, or for the growth of crops, or for the depasturing of cattle, or otherwise for the convenience and sustentation of life, by means of labour expended thereupon."

Earl Grey had heard that the rights of Maoris to land were, like those of his Teutonic ancestors, in the main, common. The heredium, the homestead, was undisturbed by tribal intrusion; but no member of a tribe could sell to a stranger even his apparent patrimony without tribal consent. The hunting-ground had ever been common, and the treaty of Waitangi "confirmed and guaranteed to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may individually and collectively possess, so long as it is their wish and desire to retain the same in their possession." Lord Stanley had, it was true, in burning words branded as unworthy any evasion of the treaty to which the Queen was pledged. But his successor was the man who, in 1844, submitted to a committee resolutions declaring that the treaty was "injudicious," that the acknowledgment of a Maori "right of property in wild lands" . . . was contrary to all sound principles, and that their ownership "should have been confined to land actually occupied and enjoyed;" and who advised that "means ought to be forthwith adopted for establishing the exclusive title of the Crown to all unoccupied and waste land."

It was no ignorant sin that the Lord Howick of 1844 committed when, as Earl Grey and Secretary of State in 1846, he strove to effect that which in 1845 the House of Commons had condemned. All native claims were to be registered. All unregistered lands were to be confiscated finally without appeal.[3] Virgin land[illegible]re confiscated without regard for ancest[illegible]laims.

Earl Grey could not [illegible] been so [illegible] be

[3] Such was the [illegible] the Instr[illegible] minded Sir Will[illegible] Martin, the [illegible] Bishop in protesti[illegible]

ignorant that his Instructions would dispossess the natives of the bulk of their lands; and the Governor told him that not by cultivation only, "but from fern-root, from fishing, from eel-ponds, from hunting wild pigs (for which they require extensive runs), and by such like pursuits" the Maoris supported themselves; and that "to deprive them of their wild lands for the purpose of cultivation is, in fact, to cut off from them some of their most important means of subsistence." Even the cutting down of a tree on certain lands was a deadly infringement of Maori hereditary rights. Fortunately, the theorizing Earl had misunderstood the "practical problem" of New Zealand so completely that his scheme broke down.

The new Royal Instructions for welding the Europeans and the Maoris together under municipal and representative government provided that the franchise was to be withheld from "any person not able to read and write in the English language." Governor Grey adroitly expressed (3rd May, 1847) much concern lest any want of care on his part in forwarding information should have left Her Majesty's Government in ignorance of various points which he feared were not under their consideration when they proposed to introduce the new constitution into the Northern Island, where there were about 100,000 Maoris and 4500 Europeans. All Maoris would be excluded from the representation offered, for he did not know one who could read and write English, though they could read and write Maori fluently, and contributed largely to the revenue. The European minority would impose taxation, and would not have to pay for the British troops who would be employed in coercing the Maori majority. The Maoris would be indignant. Friendly chiefs would point out that they had shed their blood to maintain the Queen's sovereignty. The Maoris were equal in natural sense and ability to the mass of the European population, jealous and suspicious. No nation in the world was more sensitive as to the disposal of its property or "less likely to sit down quietly under what they may regard as injustice."

The Governor wrote much in this strain, and Earl Grey published the bulk of the despatch forthwith. He suppressed passages which suggested that the governing

minority "to whom the new powers are to be entrusted will benefit largely from (Imperial) expenditure, and will have a direct interest as great as possible;" and that such devices as those of the Select Committee in 1844 roused suspicion, and tended to cause the Maoris to combine. "Indeed, so far has this spirit of nationality extended, that it is a common object of contemplation amongst their young chiefs, and I feel satisfied that many of them have entertained this design if a favourable opportunity offers of endeavouring to set up some national government." Earl Grey excised also the following extracts:—

"If the privilege of local self-government is one of such inestimable value, how much greater a privilege must it be deemed to confer upon so small a population . . . such extensive power over so large a number of their fellow-creatures whose interests in many respects are totally opposed to their own? Then if one examines the claims of the inhabitants of this portion of New Zealand to so vast and unusual a privilege, one feels much difficulty in seeing on what grounds such claims could rest; but it is certain that the majority of them have never quitted the immediate vicinity of the town, and know little more of New Zealand and its inhabitants and of their wants and real position than people living in England do. To permit, therefore, the inhabitants of this little town to return the representatives to the Lower Chamber, does not really give to New Zealand the benefit of a representative government in the ordinary sense of those words. . . . It should be remembered that the minority, to whom it is proposed to entrust these powers, are not required, indeed, cannot pay the expenses of the naval and military force which their proceedings may at any time necessitate to be employed in this country, . . . I beg to state that whilst I have been writing this despatch Lieut.-Col. Gold . . . has called upon me, in reference to some recent proceedings here, to state his entire conviction that many most improper steps are taken by the European population of this colony with the sole object of compelling the government to incur an increased naval and military expenditure. Captain Graham, C.B., the senior naval officer upon this station, some time since wrote me a letter in which he formally recorded it as his opinion that such was also the sole object of many Europeans here, and my own opinion entirely coincides with that of the two officers."

The Governor did not offend Earl Grey's morbid antipathy by alluding to the treaty of Waitangi, to which he, like his predecessors, had solemnly pledged the British [illegible] but he assumed a responsibility which only a stro[illegible] incur. He refrained from giving effect to [illegible] Instructions, and earnestly requested Earl [illegible] Her Majesty to revoke their offensive [illegible] out in a separate despatch the st[illegible] necessary for the government of N[illegible]

Grey in his work, "The Colonial Policy of the Administration of Lord John Russell" declared: "We did not hesitate to act upon his advice." . . . "The merit which we are entitled to claim, is what belongs to us for having supported him in the policy he has pursued, and co-operated with him to the utmost of our power." The blunder of excluding every Maori from the franchise, and the instructions to violate the treaty of Waitangi as far as practicable, found no place in Earl Grey's book.

The Governor's despatches had been written in May; but Earl Grey's injurious proposition did not become known in the colony until June, 1847. Two men in New Zealand stepped forward in the imminent breach to save England from the shame with which Earl Grey would have loaded her. Chief Justice Martin offered his assistance to Bishop Selwyn in representing the injustice and impolicy of the Earl's propositions. The Governor professed to disbelieve that he was instructed to give them effect. The Bishop was not deceived by such professions, and his character gave weight to his words. Passing from camp to camp in time of war, visiting the wounded under fire, crossing swollen rivers, threading mountain tracks in company with those whom Earl Grey scorned as savages, Selwyn had won a reputation for the courage of a warrior and the devotion of an apostle. First appealing for confirmation as to facts to Henry Williams (who had translated and explained the treaty when it was made), and fortified by his clear statement, the Bishop on behalf of himself, and of the clergy employed by Hobson to explain the treaty of Waitangi to the chiefs in 1840, recorded his "formal and deliberate protest against the principles" expressed by Earl Grey. None of those clergy would have aided Hobson if Hobson's assurances "had not been directly contrary to the principles now avowed by the Right Hon. Earl Grey." "It is my duty" (he added) "also to inform your Excellency that I am resolved, God being my helper, to use all legal and constitutional measures, befitting my station, to inform the natives of New Zealand of their rights and privileges as British subjects, and to assist them in asserting and maintaining them, whether by petition to the Imperial Parliament, or other loyal and peaceable methods;

but that in so doing I shall not forget the respect which I owe to your Excellency, nor do anything which can be considered likely to add to the difficulties of the colony." The Bishop's request that his protest might be forwarded to the Secretary of State was complied with by the Governor, who, to do him justice, manfully strove to counteract Earl Grey's Instructions. The Chief Justice drew up a clear and cogent statement,[6] which was printed at the Bishop's College Press, but was not published. A few copies were sent to friends in England.

The Governor received other warnings. Captain Sotheby, of H.M.S. "Racehorse," visited chiefs in the Northern Island, and the Governor invited Earl Grey's attention to "the rapidity with which the report that the British Government intended to deprive the native chiefs of all lands not under cultivation had circulated through the northern part of the island, and the dissatisfaction which this report had excited even in the minds of those chiefs who had hitherto been friendly to the British, and had always fought on our side." Captain Sotheby, aided by Waka Nene, informed the chiefs in various places, "on the authority of the Governor, that there was no truth in the report that the government claimed all land not under tillage." But while trusting the Governor the Maoris distrusted Earl Grey. Te Whero Whero and others wrote to the Queen. With her word they would be content.

"O Madam the Queen . . . hearken to our words, the words of all the chiefs of Waikato. . . . May God grant that you may hold fast our word, and we your word for ever. Madam, listen; news are going about here that your Ministers are talking of taking away the land of the native without cause, which makes our hearts dark. But we do not believe this news, because we heard from the first Governor that the disposal of the land is with ourselves. And from the second Governor we heard the same word, and from this Governor. They have all said the same. Therefore we write to you that you may be kind to us, to your friends that love you. Write your thoughts to us, that peace may prevail among the natives of these islands."

In transmitting the letter Grey said that he had assured the chiefs that he was instructed scrupulously to fulfil the conditions of the treaty; but they said their countrymen's

[6] "England and the New Zealanders." Remarks upon a despatch from the Right Hon. Earl Grey to Governor Grey, dated 23rd Dec., 1846. Bishop's Auckland, 1847.

jealousy was aroused, and some distinct declaration upon the subject from the Queen was requisite to secure their attachment. Grey commended Te Whero Whero as a most excellent man, and a most faithful subject. From the Wesleyan Mission Committee in London Earl Grey received an earnest memorial deprecating any violation of the treaty of Waitangi, and dwelling on the alarm created by Earl Grey's despatch. They cited the treaty, and the pledges of former Secretaries of State, and of Governors. They apprehended fatal results from the enforcement of Earl Grey's novel Instructions. They did not call them nefarious, but they proved them so. Before he answered the memorial the conscience of others had taught him to speak of "the treaty of Waitangi," and not of "what has been called the treaty." In reply, he employed the signature of the Under-Secretary, Herman Merivale (who thought the treaty in its inception a mistake as recognizing private estates of Maoris, but who declared in 1861 that Earl Grey's "assertion of general principle came too late to be of much practical use after the treaty of Waitangi"). The reply to the Wesleyan Committee stated that Her Majesty's Government intended, "and have always intended to recognize the treaty of Waitangi," and that the attention of the Governor would be directed to the true meaning of the Instructions. In sending to New Zealand the correspondence with the Wesleyan Committee, Earl Grey expressed the satisfaction with which the Queen had received the loyal and dutiful address of Te Whero Whero and the Waikato chiefs, and conveyed Her Majesty's assurance that "there is no foundation for the rumours to which they allude; and that it never was intended that the treaty of Waitangi should be violated by dispossessing the tribes which are parties to it. . . . On the contrary, Her Majesty has always directed that the treaty should be most scrupulously and religiously observed."

The Bishop had not contented himself with a personal protest. A petition signed by himself, by the Chief Justice, and many others, was handed to the Governor for transmission. They declared that the propositions in Earl Grey's despatch were dangerous, and that though the Governor maintained silence as to the intentions of the

local government, something more was required. They prayed that Earl Grey's Instructions might be revoked as derogatory to the Queen's honour, and that the spirit, as well as the letter of the treaty, might be maintained.

It must have been wormwood to the Earl to reply that the Queen received the petition very graciously, and that he was commanded to refer to the repeated assurances of the government that no intention had "ever existed to interfere with any of the rights secured to the natives of New Zealand by the treaty of Waitangi."

The cause maintained by Lord Stanley and Peel had so far prospered that their opponent recognized the treaty. The Governor meanwhile endeavoured to convince himself and others that Earl Grey's Instructions could be wrested into conformity with it. He was compelled, however, to furnish further proof that the construction put on them by Te Whero Whero, by the Bishop, by the Wesleyan Committee in London, and by the Chief Justice was generally entertained. The Rev. Robert Maunsell, on the ground that he had taken a large share in the framing and adoption of the Waitangi treaty, urged his claim to be heard in favour of its inviolability. He appealed to the Governor. From the day on which that treaty "was signed the conduct of the Maori towards the British has been marked by a spirit of chivalry, of friendship, and of good faith." . . . "Why now does the statesman of a mighty nation seek to confiscate the guaranteed possessions of our friends and allies?" The Instructions and despatch carried out the spirit of the Select Committee Report of 1844, "(of which also Earl Grey was, I believe, the chief author), and they all indicate an uniform preconcerted plan, which, though rejected by the then Colonial Secretary, is now revived with authority and furnished with machinery for being carried into operation." The only course open to some of the missionaries would be in sorrow to leave the country as soon as the Governor might begin to act on his Instructions. Mr. Maunsell was represented by the Governor as an excellent person. Never having obtained land for himself, he was free to take [illegible] from his feet if Earl Grey's scheme made [illegible]

Earl Grey referred to his reply to Te Whero Whero as an answer to Mr. Maunsell's arguments.

"Deeply lamenting the necessity," in deference to the Governor's advice, Earl Grey abandoned his projects. On the 20th and 30th Nov., 1847, he informed the Governor that Parliament would be asked to pass a Bill enabling the Queen to suspend the new constitution. "A sense of what is due to the public safety," he said, "could alone have induced the government to sanction a departure from the plan originally chalked out." The old legislative body would be reconstituted for a limited time, and empowered to establish two subordinate provincial councils, and (should it be deemed advisable) to introduce representative members therein. The restriction of municipal franchise to those who could read and write English the Governor would have a discretionary power to dispense with. The tried ability and knowledge of the Governor made Earl Grey feel it his duty to give to his "opinion all that personal weight to which it is entitled." But though the scheme was abandoned, one conspicuous opponent of it was not to be allowed a peaceful triumph. Beloved by Maoris, and respected by all, Bishop Selwyn's character had given force to his protest which entered like iron into the soul of Earl Grey. On him he vented his spleen. A despatch of the same date as the one last quoted denounced the haste of the Bishop in his "perilous appeal to the feelings of the natives," and vainly argued in words which were to be communicated to the Bishop by the Governor, that his despatch expressed only "opinions," and that the universal understanding as to it and the Instructions was erroneous. About the outrageous Chapter XIII. the Earl was discreetly silent, though his despatch was long. The Bishop had no difficulty in exposing its fallacies. He justified his protest, and denied that it was circulated in such a manner as to excite the Maoris to resistance. Not one of them had seen it. This denial was confirmed by the Governor in transmitting the Bishop's letter. With it the Bishop sent the printed paper drawn up by Chief Justice Martin, as already described.

"Whether," the Bishop said, "Earl Grey's principle were a mere *expression* of opinion, or an opinion big with the fate of the Ne

Zealanders; whether the grievance were substantial in its nature, or in itself an act of injustice; whether the New Zealanders be careless of their rights or vigorous in asserting them; whether they be warriors to command our respect, or worms to be trampled on; whether the treaty of Waitangi be a mere farce, or a solemn act of the Queen in the exercise of her prerogative;—we all, with one voice, as the friends and advisers of this native people, have persuaded them to put their trust in the good faith of England; and with one voice we will protest against any infringement, either in word or act, of the rights of British subjects which they acquired by cession of their independent sovereignty."

He appealed to the Governor to say whether he had not found the clergy and missionaries of all denominations faithful allies to British interests, and Grey reported that such was undoubtedly the case, and that if he had not done ample justice to the Bishop and the missionaries, he could only plead that many of his despatches were written under the exciting circumstances of war when he himself was called upon to take an active part.

With regard to the Chief Justice's pamphlet ("England and the New Zealanders"), the Governor forwarded to its author copies of the despatch discussing the Bishop's defence of his protest. The Chief Justice reminded the Governor that both Bishop and Chief Justice concurred "in the view taken by the great body of the colonists of the tendency of the despatch," and offered such aid as they could render "under the urgent difficulty." They subsequently determined that "to ward off great evils" they were bound as good subjects to do what they could, and it seemed proper to draw up a complete statement of the case, and put it "into the hands of the leading public men in England." The "Remarks" were printed at the College Press to avoid risk of publicity and embarrassment to the Governor, and only five copies were given to private friends in New Zealand. In dignified language Martin defended his position and refuted Earl Grey. He had always kept aloof from political questions; but chiefs had often asked him whether the words of the first Governor would be fulfilled, and Martin had always answered: "The words of the first Governor [illegible] words of the Queen; they will never [illegible]." [illegible] he had frequently been requested [illegible] to the chiefs on behalf of the [illegible] duct, in striving [illegible] able, he left

with entire deference to the judgment of H. M.'s government, with whom it would rest to determine whether it would be for the public advantage that he should retain the office which Her Majesty had entrusted to him.

A prophetic passage in the Chief Justice's pamphlet demands special notice. It was devoted to prove, "that Earl Grey's Instructions involve a breach of the national faith of Britain; and a violation of established law;" and to protest against the new principle of colonization advocated by Earl Grey. The past dealings of England with the Maoris; the national faith pledged in the treaty; the words of Waka Nene when he induced his countrymen to sign it; the reference to those words by Sir Robert Peel, when he said to the Opposition—"Do not hastily renounce that character for honour and good faith to which this chief appealed in his eloquent address;" the fact that Governor after Governor had declared that the treaty would never be violated; and Lord Stanley's noble words rebuking the company in London;—were marshalled with irresistible force by the Chief Justice. He proved, from writings of American jurists, that even if there had been no treaty, the universal principle, obeyed alike by England and the United States, regarded the American Indians as proprietors of the soil, and that in Canada (Sir Howard Douglas had declared in 1845): "Every part of the vast region now settled has been obtained by regular conveyances and compacts from the native tribes." He proved that Chapter XIII. of Earl Grey's Instructions must bring about confiscation, "final and without appeal." He cited proofs that the N. Z. Company's followers had already raised a shout of triumph over the Maori, and a song of praise to Earl Grey. One writer had declared that by Earl Grey's Constitution, "the humbug treaty of Waitangi is very properly laid on the shelf;" another, that "it sweeps away the whole system of official machinery and self-impeding sophistry established by Lord Stanley—all the treaty of Waitangi nonsense. . . ." Finally, he pointed out that as yet among the Maoris, confidence had—

"On the whole prevailed, because no act of aggressi
mitted by the Queen's gove
have received Christianity are

In partic
to na

government. But let the plan of confiscation or seizure be once acted on, and all this will be at an end. The worst surmises of the natives will have become realities. To them we shall appear to be a nation of liars. All our means of exercising a moral influence over this people will have ceased, together with all the hopes (which we have nationally professed to hold most dear) of success in the work of civilizing and Christianizing them. The Christian faith itself has from the necessity of the case been received mainly upon our credit; that is, in the belief that the Pakeha who proclaimed it was a true man, honestly seeking to benefit, in every way, those whom he instructed. If our dishonesty shall be seen, the Christian religion will be abandoned by the mass of those who now receive it. That such will, in that case, be the result, may be shown (as far as any result yet contingent can be foreshown at all) from the language and conduct of the natives, since the contents of Earl Grey's despatch became known. This consideration can scarcely be deemed a slight matter in the judgment of any Englishman; certainly it cannot appear so in the judgment of any Christian man."

The Chief Justice's prediction was unheeded at the time; but, when the local government proved faithless, was mournfully wrought into fact. The prophet in New Zealand found honour only amongst a few. Selwyn wrote to the Rev. E. Coleridge in England (1848), "If Lord Grey's principle had been avowed by the Governor as the rule of his policy, the safety of the English settlements could not have been guaranteed for a day." The Chief Justice and Bishop had been told by the Governor that "the Instructions were only a satisfaction to Earl Grey's theoretical opinions to which he was pledged, and that he neither would nor could carry them into practice in New Zealand. We, on the contrary, affirmed that the abstract injustice of the principle was in itself an evil to be protested against. . . . We looked in vain in the English newspapers for any condemnation of a doctrine which we believe to be so essentially false, and so dangerous to New Zealand in particular."[7]

[7] Time brought about a change in Earl Grey which Bishop Selwyn did not live to see. In 1880 the Earl bitterly denounced the Irish Land Act of 1870 for interfering with "freedom of contract," and invading the "rights of property." A further "departure from principle" was heinous [illegible] eyes. Forgetful of his Instructions of 1846, he wrote to the [illegible] (20th Dec., 1880): "No nation ever departs from the principles [illegible] the canons of sound legislation . . . no matter under [illegible] necessity—without paying dearly for it in the end." Queen's word plighted in a treaty deserved less [illegible] temporary lease, and that the Maoris had [illegible]ve land than the purchaser at a sheriff's [illegible]ples" for different parts of the world?

For a time a great crime was averted. Even Earl Grey's obstinacy was abashed by the manly and temperate tone of the Chief Justice. The battle was won, and Parliament had pronounced judgment before the Governor's despatches were answered. Earl Grey acknowledged that many of his former comments on the Bishop's protest were unnecessary, inasmuch as the protest was a private remonstrance, and had not been generally circulated. As the question had become abstract rather than practical, he did not notice the Bishop's further observations. The Bishop promptly accepted the explanation as regarded himself. As to the rights of Maoris, as understood by the missionaries, it would be unnecessary to say more unless they should be again assailed. Chief Justice Martin was not removed from office. Earl Grey doubted not that he was actuated by the best and purest intentions, and it was "amply sufficient" for Earl Grey to be assured that the Chief Justice had no intention to give publicity to the "Remarks" in New Zealand. To a friend in England, the Bishop wrote (1848) that Earl Grey had sent him a complimentary message, "but I would rather that he cut me in pieces than induced me by any personal compliments to resign the New Zealanders to the tender mercies of men who avow the right to take the land, and who would not scruple to use force for that purpose." In 1851, looking back upon the crisis, he said, "A little more and Lord Grey would have made me a missionary bishop, with my path upon the mountain wave, my home upon the deep."

Mr. Labouchere introduced in the Commons, Dec., 1847, a Bill to sweep away Earl Grey's scheme, and confide in the discretion of Governor Grey. Mr. Gladstone touched on the Bishop's protest, and saw nothing in it which contemplated publication in New Zealand. Mr. Roundell Palmer also justified the Bishop. Mr. Joseph Hume condemned Bishop and missionaries, and Mr. Cardwell maintained that the protest was within the scope of the solemn responsibilities of the learned and most estimable prelate who made it. "There was no right more inherent than that of an Englishman in any situation to state, in firm and temperate language, his opinion on a matter for which he was responsible." Others spoke in a similar

strain; and Mr. Labouchere had little to say, except that the protest was unjustifiable because Earl Grey's despatch did not really mean what it said, and what no Maori could doubt that it meant. On 9th Feb., the Bill was to be committed. (On the previous day the narrative of Captain Sotheby's visit to the Northern chiefs with Grey's opinion that he could "not now entertain any doubt that the country is in a very critical state," had been placed before the House). Mr. Gladstone urged the demands of the Maoris for justice, declared that "as far as England was concerned, there was not a more strictly and rigorously binding treaty in existence than that of Waitangi," and deplored the unfortunate designation of it by Earl Grey as that which "has been called the treaty." Mr. Labouchere declared that the treaty "should be scrupulously and largely interpreted," and hoped Mr. Gladstone "would be satisfied that there was no intention on the part of the Colonial Office to interfere with or take any course upon the question of waste lands in New Zealand, inconsistent with the rights guaranteed to the natives under the treaty of Waitangi." The cause of the Bishop was triumphant; and not the less because Mr. Labouchere contended that Earl Grey had not meant to undermine the treaty. Mr. Cardwell said that as the House "had ascertained from the Government the spirit in which they intended in future to carry out the treaty, he thought it would not be proper to offer any further opposition to going into committee."

There was further discussion; the Earl of Lincoln recommended the withdrawal of the Bill, and the repeal rather than suspension of the Act of 1846. Mr. Disraeli asked if it "was to be tolerated that a government being just formed, a member of it imbued with certain abstract and theoretical opinions upon colonial government, should make his *début* in his official career by drawing up with the greatest coolness what he called 'a Constitution,' sending it to a distant colony, and to an appalled Governor, and be saved only by the discretion and the abilities of the Governor, and by the presumed indulgence of the House of Commons from the consequences of absurdity so flagrant, and which might have been so ruinous?" Why h-- Bill to suspend a Constitution which was not r

existence, and acknowledged by the Government to be too ridiculous to defend? They were "astounded by one great assumption, that there was a Constitution which had been suspended. Why should they introduce, into this new, this simple, and this primitive society, such a degree of enormous lying?"

On all sides the ability of Governor Grey was relied upon to counteract the crotchets of Earl Grey, and the Bill was sent to the Lords, where Earl Grey urged that it would be "inexpedient not to be guided almost implicitly by the advice received from a person on the spot, who had shown practically that he so thoroughly understood the position and interests of the colony. Looking at what Governor Grey had achieved, he thought it would involve no little presumption to think they could form a judgment of the measures that should be adopted there better than himself. Accordingly, the measure which he was about to ask their Lordships to sanction was founded almost entirely on the recommendations of Captain Grey." He had not been quite prepared for the fact that though by far the majority of the Maoris could read and write their own language, the Governor knew none of them who could read and write English, and therefore all were debarred by Earl Grey from the franchise; "but no doubt it was one of considerable importance." Like the man who, when rated, abuses some one else, "he thought it a great error on the part of the missionaries in New Zealand that they had reduced the barbarous language of the tribes there to the condition of a written language." Lord Stanley expressed surprise that the papers laid before Parliament contained no opinion of the Governor on the Instructions issued by Earl Grey as to the property of the Maoris in land unsubdued to the purposes of man, but believing that the Governor would maintain the rights of the tribes he did not oppose the Bill.

Governor Grey's mode of reconciling the treaty of Waitangi with Earl Grey's Instructions was more adroit than ingenuous. He "considered the Instructions as referring to such lands only as have no claimants, and not in any way touching the treaty of Waitangi." He expected that in some places native titles might disappear before the government would be called upon to assert its own

Independently of the paramount right to the land, he had been sorely vexed by the question of the acquisition of private rights. As early as in June, 1846, he lamented that, under cover of Governor Fitzroy's penny-an-acre proclamation of Oct., 1844, extensive tracts were purchased, over which the Crown's right of pre-emption had not been waived. Settlers, launching into speculations with a view to ulterior sales of land, were prone to neglect their legitimate pursuits. Natives were tempted to repeat again and again improvident sales of land of which they were "only part owners, and to which their titles were generally doubtful." He apprehended perpetual contest and warfare. In June, 1846, he notified that he would not "entertain or grant any application for waiving the Crown's right of pre-emption under Fitzroy's notice." He told the Secretary of State that he would propose to allow Europeans to purchase directly from the natives only on proof to the government of the native title and payment to the Crown of a fee of fifteen shillings an acre. Larger tracts of land were claimed than he thought fit to grant. The limit of 2560 acres fixed by the government had often been exceeded.

Missionaries claimed large tracts. The Rev. Mr. Kemp had six claims, amounting to 9276 acres. In 1842 and 1843 Commissioners Godfrey and Richmond had awarded him 3638 acres, and Hobson and Shortland confirmed the awards. Subsequently the general rule had been laid down that "only a maximum grant of 2560 acres could be given to each individual for all claims." But Governor Fitzroy reopened the cases of Kemp and others. A new Commissioner, R. A. Fitzgerald, in 1844, recommended that Mr. Kemp should receive a grant of the 9276 acres he had claimed, and to nine others he awarded larger tracts than the limit of 2560 acres would permit. Grey objected to these proceedings, and determined to issue no further grants of such a nature until instructed to do so. Earl Grey, in March, 1847, condemned the award of Fitzgerald on the ground that it was not competent for Fitzroy to reopen a [illegible] by his predecessor. Governor Grey, writing [illegible] commented on "the admirable exertion[illegible] and his clergy, together wi[illegible]able body of

missionaries of different denominations." Nevertheless he resisted the claims of some missionaries to land which he denounced as "illegally acquired." The resolutions passed by the Church Mission Society in Feb., 1847, with regard to lands held by missionaries for their own use and benefit, have been mentioned.[8] Governor Grey's opponents believed that he entered upon his crusade against Archdeacon H. Williams and others because, after receiving a deputation from the company's friends at Wellington, he desired to secure the goodwill of the company. The company, though it had bought land at nominal prices, depended for success upon selling at not less than £1 an acre to the settlers. To be undersold at the north would mar its proceedings. Earl Grey's Instructions proved how little he respected the plighted faith of the Crown. He might be pliable in the same manner with regard to grants made to the missionaries, whose influence the company instinctively dreaded. Whether the Governor was or was not consciously, or unconsciously, warped in the manner imputed to him, the belief that he was so warped imparted a tone to the subsequent proceedings. Henry Williams in particular comported himself in such a manner as to show that while his character was impugned he would abate no jot of his claims, although, if imputations made against him and others in the "Blood and Treasure" despatch should be withdrawn, he would consent to any arrangement about the claims of his family. Williams assented to an arrangement on behalf of his family, on condition that "the numerous and severe animadversions expressed or implied by His Excellency upon the past conduct of some of the missionaries be either fully established or fully and honourably withdrawn."

When Earl Grey's despatch of Feb., 1847, reached the colony, with the resolutions of the parent Missionary Society of the same date, some qualms affected the Governor, who had not anticipated the publication of his confidential despatch. He told the Secretary of State that he was "very sensible of the incalculable benefits which some of the missionaries have conferred and may yet

[8] p. 422.

confer;" he thought it needful to explain that Earl Grey's regret that missionaries had "engaged in traffic under the ten shillings an acre and penny proclamations" was "an error into which your Lordship has inadvertently fallen. . . . I never heard that any of them had engaged in this traffic themselves, nor did I intend to bring such a charge against them."[9] He limited his objection to the excess of grants beyond the 2560 acres permitted by the Land Sales Act. Williams averred that he claimed no such excess. He produced an official letter written by him in 1840, enumerating his eleven children, for whose use and benefit the purchases were made.

In August, 1847, for himself and others, he asked officially whether any missionary or son of a missionary had ever asked for aid in obtaining possession of land claimed, whether the recent military movements were in any way connected with such claims, whether during the war any missionary or son of a missionary had been dispossessed or disturbed by the Maoris, and whether any complaint against a missionary or son of a missionary had been preferred to the government by a Maori. To these questions the Governor vouchsafed no answer, but he sent them to the Bishop, saying: "Not that I wish to impose upon your Lordship the trouble of even reading this letter if you do not desire it, much less of expressing any opinion upon it." He requested the Bishop to recommend the missionaries to accept the grants of 2560 acres, and "then voluntarily restore the surplus land to the original owners or to their heirs," or to adopt some similar course.

The Bishop wrote to his missionary brethren. He vindicated his own sincerity by quoting a confidential letter, in which he had in 1843 informed the Society that the pur-

[9] In the first edition of this work the long dispute about the "Blood and Treasure Despatch" was treated at greater length than is needful in the second. The case of the enemies of the missionaries is contained in the numerous works published by the friends of the company. That of the missionaries may be found ably stated in "A Page from the History of New Zealand," by Metoikos (Auckland, 1854), and the "Life of Henry Williams" (2 vols., 1874 and 1877, Auckland), both by the same accomplished author, Hugh Carleton, for many years a public man in New Zealand. In the "Life of Bishop Selwyn" (London, 1879) no facts are stated on which a judgment can be formed. Chapter viii. of the first edition contains the whole case.

chases of the missionaries had "an injurious effect upon the minds of the natives and the English settlers." He had in 1845 protested against grants which would infringe the Society's rules, and Captain Fitzroy had declined, as Civil Governor, to "make distinctions between the various land claimants," or make himself the lay representative of the Society in New Zealand "for the management of its secular affairs." He begged the missionaries to dismiss from their minds the despatch accusing them of a readiness to sacrifice "British blood and money" in order to be unjustly put in possession of tracts of land. He eloquently entreated them to "forgive and to forget every attack upon you which may have seemed unjust." He neutralized his labour for peace by saying that the land purchases of the missionaries had created jealousies, affected the character of the Society, and alienated Maori affections. "All this I will undertake to prove if it should ever be necessary; but I earnestly desire to be spared the painful duty by your quiet acquiescence in the Governor's proposal." A guilty man might have been awed by threats; an innocent man could not close with such an offer. Henry Williams replied that he would abide strictly by the Society's resolution. "I did never purpose to retain any portion of the said purchases for my own private use and benefit, of which your Lordship is fully aware . . . for myself I have not received one shilling" from the proceeds of the farm. A long dispute ensued as to the construction of the resolutions and letters of the Society. Williams consented to abide by the Bishop's construction, on condition that the Governor's charges "be either fully established, or fully and honourably withdrawn. Should these painful difficulties be removed, I shall then be ready to accede to any proposition, however opposed to my own judgment, as to the reading of the Society's letter of March 1st, 1847." Another member of the body, the late Chief Protector, Clarke, consented with a different condition. If it could be shown that his retention of land exceeding 2560 acres would tend in any way to embarrass the government, he would surrender his grant, "provided always that the land over and above the 2560 acres may be made over by me to the Church of England for the education of the natives." A third, Mr. Kemp,

volunteered in like manner on condition that the surplus land should be appropriated for the benefit of the natives. The Governor informed Clarke that his proposal to benefit the Maoris could not be entertained. There was long contention as to the Governor's accusations, and the form in which they should be answered by those he accused.

The Archdeacon's "style and tone" were censured by the Society in England, and regretted by many of his friends. He returned to Paihia, where he was comforted by a long letter from Waka Nene, his fellow-labourer in persuading the Maoris to accept the treaty of Waitangi. The chief declared that the purchases of the missionaries were honourably acquired. "Let not your heart be dark, as if it were a saying of mine that it is through the missionaries the land is gone." The war had not arisen from the purchases. "If they had fought for their lands I would not have fought against them; but their fighting was wrong." The Archdeacon answered that he did not believe such an untruth as his "old friend" repudiated. He did not relax his efforts to avert the danger with which Earl Grey's Instructions threatened the land. In December, 1847, he justified his interference on the ground of the prominent part he had taken in procuring the treaty of Waitangi. "Earl Grey's despatch strikes at the very root of life and liberty of the aborigines. . . . Let them be once persuaded of the correctness of the reports they have heard recently of Earl Grey's despatch, and I do not hesitate to assure your Excellency, after a residence of twenty-five years in this country, that the whole island will be actuated by one patriotic feeling of resistance." The Governor rejected advice from such a source. He converted its offer into an occasion for rebuking the missionaries, and for lauding Earl Grey with disingenuous daring. He caused the Archdeacon to be informed that his Excellency has "not seen any instructions of Earl Grey's which direct that the lands of the natives should be taken from them; and the Governor attributes a great deal of the ill-feeling of the natives in the north to the large land claims of some of the missionaries, who his Excellency had hoped would have assisted in the adjustment of them."

About the same time the Governor laboured to prove to

Earl Grey, as he vainly endeavoured to convince men in New Zealand, that the despatches of the Earl were consistent with good faith. "I distinctly understood those expressions which have been objected to (by the Bishop, the Chief Justice, and others), as not being intended by you to be applicable to the present state of New Zealand. . . I felt it my duty to refrain from admitting that the tenour of your Lordship's instructions was such as they maintained; and I would not state that the local government would not act in any manner opposed to the principles of equity and justice, because such a statement on my part would have been an admission that I had received instructions of such a nature from your Lordship." Earl Grey had the audacity (Nov., 1848) to say that the Governor's despatch entirely confirmed his own views.

The Governor instituted legal proceedings by *scire facias* against the missionary grantees. The first case tried was that of the ex-Protector Clarke. The Supreme Court in New Zealand gave judgment for Clarke (24th June, 1848, though the case was not argued on Clarke's behalf) on the grounds that the Governor exercised the Royal Prerogative in granting lands; that its exercise could only be restrained by express words, and that a departure from the spirit of the Ordinance could not invalidate a grant in the absence of any false suggestion by the grantee. The New Zealand Government appealed, the respondent did not appear, the Privy Council heard an *ex parte* case, and decided in favour of the Crown. The Governor was held to have exceeded his powers, which were limited by his commission and instructions, and by the Ordinance on which the Crown relied, an amending Ordinance never having been allowed by the Queen. Judgment was delivered on the 15th May, 1851, and Grey was for a time triumphant over the technically erroneous acts of his predecessor. He had in the meantime acted on the spot.

In another case (July, 1849) (the Queen *versus* Taylor), the court in New Zealand attributed validity to a Governor's grants, although made in opposition to the Land Claims Commissioners' report, and though otherwise irregular. In August the Governor laid before his Council a Draft B for quieting titles to land in the province. It accepted t

decision of the Supreme Court, and gave validity to all grants made on behalf of the Crown by the Governor under the public seal of the colony. The speech of Swainson (the Attorney-General), warmly supporting the second reading, appears in parliamentary papers. The measure was passed on the 25th August, and in 1850 was allowed by the Queen.

It was fortunate that the New Zealand titles were secured by the Ordinance thus passed, for a subsequent appeal from South Australia, which was argued before the Privy Council, qualified the decision against Clarke. The case of Reg. *v.* Clarke was relied upon by one side "as an express decision that *scire facias* will lie although there is no record." Lord Chelmsford, on the case argued in 1866, declared that such reliance was erroneous. "From the beginning to the end in that case, there was nothing to raise any doubt as to the propriety of the proceedings by *scire facias*. No objection was taken to it in the colony (where the case was undefended). Not the slightest suggestion was offered upon the subject in the course of the argument upon the appeal. The hearing before the Judicial Committee was *ex parte*, the respondent not having appeared, and the attention of their Lordships was not in any way called to the irregularity of the proceeding, in the validity of which they are supposed by their silence to have acquiesced." When the decision was given in Clarke's case, in the Colonial Court in 1848, Henry Williams, relieved from suspicion that he could be influenced by sordid motives, appealed to Earl Grey to order an investigation of the charges made against the missionaries. Earl Grey refused, on the ground that to grant an inquiry would be an affront to the Governor. Other troubles which beset Williams and his friends may be relegated to an appendix.[10]

The manner in which territory at Otago was obtained for the New Zealand Company has been mentioned. In May, 1845, an Otago Association was formed at Glasgow to found a settlement for Scotchmen. Gibbon Wakefield declared the New Zealand Company "intimately co-operated [illegible]neral Assembly of the Free Church of Scot-

[10] Appendix to this chapter.

land" in founding the new settlement. But there was trouble. In Aug., 1845, Lord Stanley smoothed the way by instructing the Governor to waive for the present the Crown's right of pre-emption of native lands, and to grant 400,000 acres to the New Zealand Company at Otago. The Governor obeyed. Captain Cargill sailed (Nov., 1847) in the "John Wickliff" as leader of the pilgrims, and pitched his tent in March, 1848, at the selected site. Even a Scotch settlement was incapable of prosperity without other national elements on which to work. The association could not fulfil its functions; some of its own settlers petitioned in 1851 that no charter might be granted. The Governor was informed in 1852 that the legal control devolved upon the Crown because of the inability of the association to "sell the stipulated quantity of land." The settlers deemed the Governor hostile to them, and petitioned the Queen (Jan., 1852). Under the Constitution Act provision was made for a charter, and they applied for it. They said that they had a Mechanics' Institution, a Property Investment Company, an Agricultural Association, and a bank with a subscribed capital of £7500. There had been no civil or criminal business before their Supreme Court, and they thought the expenditure (£800) for the judge and other expenses totally unsuitable. They wished for the charter to which Earl Grey had acceded. Their Coryphæus, Cargill, had been a captain (74th Regt.), and they confided in his judicial capacity. They were 1500 in number. Sir John Pakington declined (Nov., 1852) to grant the charter. He thought it unadvisable to make Otago an exceptional province with regard to administration of land, and he remitted the subject with confidence to the General Legislature created under the Constitution Act, of which he, as Secretary of State, was the promoter.

The Otago Association characteristically asked permission to continue their operations in Edinburgh for a few months. They were under obligations for salaries and office rent until May, 1853, and they wished to obtain value for their money. To this prudent proposal Sir J. Pakington assented.

A plan to form a Canterbury settlement consisting of members of the Church of England was mooted before the

disturbances at the Bay of Islands engrossed attention. The Wairarapa Valley was considered a fitting site. A prospectus for the formation of the settlement was issued in 1848. Archbishops, bishops, and members of Parliament, abounded in the Canterbury Association. Lord Lyttelton corresponded on their behalf with Earl Grey. They asked for a million of acres. The New Zealand Company adopted the scheme, and corresponded with the Colonial Office and with the acting-secretary of the association, Mr. John Robert Godley. In Jan., 1850, a charter was obtained in which the name of Archbishop Whately appeared as the leader of the Queen's loving subjects desirous to found "a settlement of colonists wholly members of the Church of England." Canterbury pilgrims began to move. A bishop's staff gave sanction on one hand, and Gibbon Wakefield descanted on the vigour of religious organization as an incentive to immigration of the better order of people, and especially the better order of women, "to live and die in a colony." The site, Port Cooper, had been selected and approved in 1849. Some pilgrims reached their destination in 1850. There were supposed to be no difficulties as to land titles. Mr. Walter Mantell had done much to quiet them in the Middle Island before the Canterbury settlement was formed. Christchurch was chosen as the name of the capital; Lyttelton was to be the seaport, in Banks' Peninsula. The contemplated Church arrangements were never completed. Bishop Selwyn resigned so much of his New Zealand See as was deemed requisite; but legal doubts arose. Parliament passed an Act to give validity to the Bishop's resignation; but the course of affairs was not smooth. The new Bishop designate returned to England, and other personages fled from a scene which was neither so Arcadian nor so profitable as they had anticipated. In one respect the Canterbury settlement was more successful than that at Otago. It obtained a charter in Nov., 1849; and in Aug., 1850, an Act of Parliament defined the terms on which land was to be sold—rural at not less than £3 an acre, and town allotments at not less than £12 for a quarter of an acre. One-sixth of the land fund was to be paid to the Crown instead of to the New Zealand Company (then

conditions of the Association) was appropriated thus:—Two-sixths to ecclesiastical and educational purposes, two-sixths to immigration, and one-sixth to surveys and other expenses. But though it survived the New Zealand Company, the Canterbury Association was unable to pay the amount (one-sixth) exacted by law on the disposal of lands. Sir John Pakington intimated (Dec., 1852), that their power to dispose of land had ceased, and a few days later his successor, the Duke of Newcastle, gave formal notice to the same effect. To the Governor, Sir G. Grey, was delegated the power to deal with the subject until, under the New Constitution Act, the General Assembly might legislate.

The name of John Robert Godley deserves more than passing mention. Born in Ireland, he was educated at Harrow and Oxford. He published letters which attracted attention. He urged the government to avert the evils of famine by conveying a million of the starving Irish to Canada. Failing in that scheme he devoted himself to local duties in his county, and was defeated in a contest for a seat in Parliament. Familiar with Gibbon Wakefield's writings, he came into contact with the man, and over Godley, as over many others, a glamour was thrown by Wakefield's genius. Thus was the Canterbury Association first founded, and Godley's hand promoted its formation. An agent went to New Zealand, and the Canterbury block (1,000,000 acres originally, but increased afterwards to 2,400,000) had been asked for by a local agent, and allotted by Governor Grey at Port Cooper, when, in 1849, his ill-health alarmed Godley's friends. Emigrants were about to sail for the new land, and he sailed thither to prepare the way for them. Before leaving he wrote a public letter to Mr. Gladstone, upbraiding the Colonial Office, upon which he heaped the contumely to which it was accustomed from the pen of Charles Buller. The judgment of Godley was surpassed by the warmth of his heart. He had [illegible] been in New Zealand before he found that the [illegible] which he cursed the Colonial Office for curbing might have deserved censure. [illegible] the model C[illegible] Association as exercising [illegible]ance, an[illegible] his resignation in the mi[illegible]n h

New Zealand, he found himself nerveless. The association had exhausted its funds. The local agent at Lyttelton had overdrawn his credits. Godley stopped the current expenditure, and went to Wellington, where he threw himself with ardour into the political opposition which Fox and others had organized, under the name of a Settlers' Constitutional Association, against Sir G. Grey. Some persons thought it unbecoming in the agent of one settlement to constitute himself a violent agitator in another; but the amiable character of the man extenuated his conduct. He returned to Lyttelton before the immigrants arrived there in Dec., 1850. He designed the town of Canterbury and practically governed the community. The pastoral regulations of the association were in his opinion unwise, and he abolished them in favour of propositions of his own, for which he was prudent enough to seek, and fortunate in obtaining, the assent of a "Land Purchasers' Society." Mr. J. E. Fitzgerald moved the resolution which pledged the society. Confidence was restored. Capital flowed in from Australia. Tracts of land were by the new regulations leased to persons who, not being purchasers, would have been debarred by the regulations which were set aside; and in the opinion of the friends of Godley he had averted ruin. Disagreement with the association in England made his post irksome. He told it (March, 1851) that local prosperity was incompatible with its rule, and that only by the "wisdom and considerateness of Sir G. Grey, who has hitherto practically given to its officers nearly the whole administration of public affairs," had work been made possible. His former friend, Gibbon Wakefield (he said in a private letter) "out-Heroded Herod in the outrageous virulence of his abuse." The introduction of a New Zealand Constitution Bill in Parliament stayed his resignation but not his political activity. When Sir John Pakington succeeded in carrying hat Bill, Godley, though pressed to become superintendent he new province of Canterbury, conceived that his work me, and red from the scene. His political friends ached England, and with them by ation was ranked Mr. Gladstone, ccepted a post in the public laboured with credit till his

death. The Canterbury Association ever respected him, and after they had, in 1856, succeeded in settling their affairs they held a festival at which he was present. To keep the tottering association from the dust, Lord Lyttelton, Sir John Simeon, and others, advanced many thousands of pounds. Their claim for repayment was recognized by the province of Canterbury. Mr. Godley, endeared to the association by the charms of personal character, gratefully declared that sacrifices had been made on public grounds to support a scheme upon which many had embarked through friendship to himself; "challenged the world for a precedent and analogy of the case;" and sang the praises of Canterbury, where recent elections had returned members avowedly favourable to meeting justly the claims now paid. He never failed to speak with affection of the province he had contributed to found, and he recorded his profound esteem for Mr. J. E. Fitzgerald, one of the first Canterbury settlers, who edited the "Lyttelton Times," a newspaper established immediately after the formation of the settlement. When Godley died Fitzgerald edited a "Selection from the Writings and Speeches of John Robert Godley,"[11] as a fitting memorial of the worth of him who had passed away in the prime of life in 1861. The affection of a friend was not the only memorial. A statue by Woolner stands before the Christchurch cathedral to show to the world what manner of man the Canterbury pilgrims had amongst them in the person of their idol, Godley. Even in their darkest hours the settlers had not blamed him for their reverses. Circumstances beyond his control had caused them. Advantages which he had a large share in procuring had lightened them. The immigrants were admittedly o a high order. The Wakefield system was more fairly adopted there than elsewhere, and to the end of their lives many of the pilgrims ascribed the prosperity of Canterbury to the plan on which it was founded. Yet even Gibbon Wakefield's system was inadequately tested. it could only be ripened by enforced results, and result hardly be enforced when, within easy reach of the hung land, it might be bought for a less price than we

[11] Published New Zealand,

Canterbury. Nevertheless, in spite of all drawbacks, the inhabitants were to prosper under even a distorted application of Wakefield's principles.

It is right to record here the expiry of the New Zealand Company, the nursing-mother of so many separate communities in New Zealand. Conflict, or supposed conflict, of interests led to singular consequences in those communities. At Wellington the company had fixed the price to be paid by settlers for land at £1 per acre, of which one-half was deemed the intrinsic value, and the other was looked upon as a return for advantages conferred by the company in importing labour and providing for other needs. They subsequently raised the price to £2. At Nelson the sum was raised to £1 10s., at Otago to £2, and at Canterbury it was originally £3,—the enhanced price being deemed in each case compensated for by special advantages, religious and educational, and notably by application to roads and public works of the sums accruing from sales of land.

The financial difficulties of the New Zealand Company were to bring about its downfall soon after the Canterbury pilgrims reached New Zealand. The Canterbury Association could not pay the company for land and defray its own expenses; the company, maugre its able advocates and powerful friends, was compelled to give official notice (4th July, 1850) of surrender of its charters and its claims. The negotiations of 1847 promoted by Charles Buller were abortive. His active brain ceased to throb in 1848, and he saw not the failure of his schemes. The forfeiture provided by the Statute (10 & 11 Vict., cap. 112), which authorized a loan to the company, was the only solution available. The promoters clung to a hope of reimbursement for losses, and consumed reams of paper in urging their claims. They urged that the withholding of representative institutions was a restraint on wholesome immigration and a cause of [redacted] financial failure. There was a debt of £268,370 to [redacted] holders, but it was secured, by law, on proceeds [redacted] sales. For surrender of their land they [redacted] would also be paid. Of the 30,653,466 [redacted] as purchased, 28,000,000 had really [redacted] ris by the Government, between [redacted] Government and the company

referred the knotty points involved to Mr. (afterwards Sir) J. G. S. Lefevre, distinguished at Cambridge and in the public service, and universally respected. The Lords of the Treasury were called in as a last resort. Meantime Earl Grey, besieged by friends of the Otago and Canterbury Associations, promised to give them direct charters to supply any wants created by the annihilation of the New Zealand Company. With minute details history need not trouble itself further. The Government assumed responsibility, but instructed the Governor to consider the desires of the colonists at Otago and at Canterbury in appointing magistrates and even judges.

An Act was passed in England (cap. 86; 7th Aug., 1851) to enable the Crown, through the Governor, to close the affairs of all the company's settlements. The debt of £268,000 remained a charge for some years, and was finally wiped out after the passing of a local Act by the Legislature of New Zealand. Many of those who initiated the company had passed away, but their comrades received their money with joy, and were profuse in self-laudation.

Mr. Spain's appointment was so abruptly terminated by Governor Fitzroy that the Colonial Office was appealed to, and it was determined that Spain should be remunerated "to the date (Sept., 1846) of the last report which he furnished as Lands Claim Commissioner to the local government." To secure impartiality by employing a person of repute free from local prejudice, Lord Stanley (Dec., 1845) informed the Governor that Lieut.-Col. McLeverty (48th Reg.), having been appointed Deputy-Quarter-Master-General in the Australian colonies, would proceed to New Zealand "for the purpose of undertaking the duty of giving his best assistance to the company in their selection of land, to aid in surveying the exterior boundaries of such selections, and to judge of the reasonableness of the terms of any purchase which the company may make from the natives with reference to the company's right to reimbursement in land in respect of money paid for such purpose." Colonel McLeverty drew up an elaborate report upon Port Nicholson, where, in Jan., 1847, there were 489 adult Maoris and 144 children, with 639 acres in cultivation. The necessity was then, as in the

time of Mr. Spain, to temper to the disinherited the wrong done to them by Colonel Wakefield which Governor Hobson (after Gipps' wise arrangements had been counteracted by Lord John Russell) had been able to mitigate by compensation, but not to remove.

Some of the company's settlers furnished an amusing proof of the sagacity of Gipps. In July, 1846, at a public meeting attended by "nearly every owner of land orders in Wellington,"[12] the failure of the company to fulfil the conditions to which they were pledged was bitterly denounced by Dr. Featherston, Mr. C. Clifford, and others. At a subsequent meeting, an address to the directors was adopted. It animadverted on the disregard by the company of the interests of the settlers. The latter would have been wiser if they had closed with Sir G. Gipps'

"arrangement which adopted the principle of acknowledging the claim of the individual settler, leaving to the government the task of looking to the state of the accounts between the settler and the company. The effect would have been not only that we should have obtained Crown grants, but would have been entitled to the protection of the government; we would, in fact, have become the immediate charge of the Crown, instead of having been for six years the victims of the unhappy differences between the company and the Colonial Office. (Colonel Wakefield himself had, in his letter of Feb., 1841, lauded Gipps' proposal.) Such, gentlemen, were the fair prospects before us when you stepped in—set aside the arrangement fraught with so many advantages; and, consulting your own interests, entered into Lord J. Russell's agreement of Nov., 1840, in which you not only upset tho Crown titles assured to us by Sir G. Gipps, and insisted that our titles should be derived from the company alone, but also relieved the government from all responsibility to us, and took upon yourselves the sole and entire liability to make good your contracts and engagements with your purchasers."

Clause 12 of Lord John Russell's agreement disclaimed liability of the Crown for the company's contracts of sale which it was understood the company would

"fulfil and carry into effect. How, after such a stipulation as this—how, after having thus over-ridden our arrangement with Sir G. Gipps . . . can you now deny your liability, and attempt to throw it upon the government whom you have so expressly relieved from it? (We) claim from you compensation . . . every concession made to you has been made by the government with a view to our relief, and Lord Stanley has declared in the most unequivocal manner that Her Majesty's Government [illegible] induced to [illegible] the company the recent favourable terms

[12] "A [illegible] to the [illegible] land Company from the resident [illegible] of land [illegible] Zealand. Printed by R. Stokes, [illegible]

chiefly, if not entirely, on acccount of our sufferings. . . . We claim not as a matter of favour but of right" to "throw up all the worthless land we have so unjustly been compelled to select; and that the Wairarapa and the other blocks . . . be purchased, surveyed, and thrown open for our selection. . . . We are smarting under a sense of wrong . . . we have been inexpressibly grieved, mortified, and surprised at the unaccountable determination so openly announced in your reply to Dr. Evans—your determination to repudiate your most solemn and sacred obligations."

These protesters must have known other violations of good faith by the company; but their protest is evidence of the mischief wrought by Lord J. Russell and the company. Fifty-five names were attached to it, and amongst them are those of Edward Daniell, J.P.; Charles (afterwards Sir C.) Clifford; Mr. (afterwards Sir) W. Fitzherbert; Dr. Featherston, and others more or less prominent at the time. It devolved upon the Governor to solve the difficulties complained of. The general in command in Australia, by removing from New Zealand all Colonel McLeverty's seniors, confined him to military duties, and Earl Grey (23rd March, 1848) and the New Zealand Company entrusted the Governor with uncontrolled power of deciding disputes. He arranged with Colonel Wakefield conditions for amicable settlement of the disputes with the company's settlers. They had scarcely been determined upon when Colonel Wakefield died suddenly (19th Sept., 1848), though not before he had received a grateful record of the thanks of the settlers, amongst whom were F. A. Weld, H. W. Petre, C. Clifford, and others of note.

When reporting the conclusion of the arrangement at Wellington, and his regret at the death of Colonel Wakefield, the Governor stated that only the Taranaki questions remained to be adjusted; and if the undertakings made by the local authorities had been adhered to his statement might have been borne out by facts. It may appear strange that he easily acquired titles where others had failed. His own sagacity, and his habit of working in concert with influential chiefs in matters relating to the Maoris, had aided him, for in those days the word of men in authority was trusted by the natives. But the prescience of Lord Stanley largely assisted him. Reviled as that nobleman was by the New Zealand Company for asserted neglect, nevertheless mitigated the evil consequences of t

blunders. At the very time in which they assailed, and Sir Robert Peel defended him in the House of Commons, he wrote thus (28th June, 1845) to the Governor whom he had sent to New Zealand. He was aware—

"that the company might be unable, even with the indirect assistance to which I have already referred, . . . to obtain possession of lands to the full extent of those awarded to them; and with the view of meeting this possible contingency I have to authorize you as a last resource to afford yet more direct assistance to their agent. With this object Her Majesty's Government are willing to place at your disposal a credit to the extent of £10,000, which it is desirable that you should employ in the purchase of lands from the natives, in such districts suitable for the purposes of settlement as you may be able to obtain from them with their free consent. It would in our opinion be desirable that you should make these purchases, to the full extent of your credit, as nearly simultaneously as possible and in blocks of considerable extent, but that you should carefully avoid giving any previous intimation of the objects with which you make them. If the N.Z. Company should succeed, independently of those purchases, in obtaining their full amount of land, that which you may thus acquire will of course be brought into the market as you may judge expedient; and, after applying the profits of the sale to the purposes to which the proceeds of waste lands are applicable, you may continue to reinvest the original sum entrusted to you in similar purchases. If, however, you should be unable in any other way to satisfy the requirements of the company, you will consider yourself authorized, without admitting the validity of the construction put by them upon the engagement entered into by them with Lord J. Russell, to apply the lands so purchased, or such portion of them as may be necessary, to make good the deficiency. Her Majesty's Government are induced to give you this discretionary power in the hope of facilitating the early and final adjustment of all questions arising out of the agreement of 1840, which as long as they remain unsettled cannot fail to be highly injurious to the prospects of the colony, and a source of continual embarrassment to yourself and to the Government. . . . The credit above-mentioned you will understand to be wholly distinct and in addition to that for which, as you will see by my separate financial despatch of this date, it is proposed to make application to Parliament."

Armed with this singular power, the Governor effected the purchase of the Middle Island and some portions of the Northern, and thought, in 1848, that no doubtful claim remained except at Taranaki.

Mr. H. T. Kemp was the Commissioner employed in 1848 to purchase what was substantially the Middle Island, viz., with the exception of the Kaikoura and east coast land [redacted] with the Ngatitoa, "one continuous block" [redacted] ago. The payment was to be £2000 in [redacted] Waitai (Milford Sound) [redacted], which was signed by [redacted] ed "our places of

residence and our cultivations for us and our children after us; and it shall be for the Governor hereafter to set apart some portion for us when the land is surveyed by the surveyors." But it was soon found that many owners had not been consulted,[13] and Mr. Walter Mantell was in Aug., 1848, appointed a Commissioner for extinguishing native titles in the Middle Island. By promises of "more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and protection, I procured" (he wrote to the Secretary of State in 1856) "the cession of these lands for small cash payments. The Colonial Government has neglected to fulfil these promises." One plea by Sir D. McLean for non-fulfilment was the enormous outlay which fulfilment would entail. He did not compute the wrong done to those who were defrauded. An instructive result ensued in the purchase of Stewart Island in 1864 by Mr. H. T. Clarke. More than 30,000,000 of acres had been obtained in the Middle Island. Stewart Island contained less than 500,000 acres.[14] But the Maoris demanded for it £6000, with reserves, and Clarke reported that they rigidly insisted on certain provisions because "all promises of a like nature made by former Commissioners had never been fulfilled. . . . These unredeemed obligations on the part of the Government have been made a great obstacle in my negotiations with the natives for the purchase of Stewart's Island. They placed no faith in my promises of a like nature, and it was only by inserting the several stipulations in the text of the deed of cession that I was able to overcome the difficulty.

[13] The company's claims at Wanganui foreboded such a result. Spain found that though the company had purchased 40,000 acres there, many natives were no parties to the alleged purchase. He wished to procure their sanction for a payment of £1000, which they refused. In 1846 the Governor found them more willing, and sent Mr. Symonds to conclude the matter, but (Despatch 24th June, 1846) "when Mr. Symonds recently proceeded to Wanganui a new tribe of claimants appeared who had wholly escaped notice. . . . It appeared upon inquiry that their claim was a valid one, and was admitted to be good by the very natives who contracted to dispose of the land. (There could be) no doubt that any purchasers from the company (attempting to) take possession would have been expelled by the natives whose claims remained unsatisfied, and who apparently did not think it worth their while to come forward until the land was about to be occupied."

[14] New Zealand Official Year Book, 1893.

In conclusion, I would respectfully urge that the Government lose no time in giving full effect (by schools, protecting care, &c.) to the promises, &c."[15] There were less difficulties in dealing with titles in the Middle Island than in the Northern, but the tribal rights were of the same order; the individual had only a separate usufruct of the plot he cultivated; and there was the same veneration for the burial-places of ancestry and kin. It was not until 1853 (although in 1848 he had thought all native claims there "conclusively set at rest") that, after long conferences with the chiefs, the Governor was able to report that he had obtained the cession of the native rights in the northern and central parts. Donald McLean reported officially that nothing but an anxious desire to avail themselves of Grey's counsel would have induced the chiefs to cede their lands "even if they were hereafter offered a much higher remuneration." Bargaining for land is a singular occupation for a governor, but in this case it might be pleaded that a whole territory was involved, and peace might be promoted by allaying doubts.

In Sept., 1853, Donald McLean reported that 560,000 acres had been secured at Wairarapa, in the North Island, "His Excellency having himself taken an active part in directing how the negotiation should be carried on." The Governor informed the Secretary of State of his "happiness" in completing the arrangement which had "given the most lively satisfaction to all the inhabitants of the province. . . . A considerable European population had in fact already occupied the district under agreements with the natives, illegal in themselves, and which were very likely to favour the cause of future disputes which might hereafter endanger the peace of the country." As to Maori titles in the Middle Island, for which he had agreed to pay £2000 in four annual instalments, he remarked that it was "as large an amount as they could profitably spend, or as was likely to be of any real benefit to them." Unfortunately

[15] Mr. (afterwards Sir) W. Fox was Colonial Secretary when Clarke's
h[illegible] receive[illegible] colleagues had tendered their resignation;
left wh[illegible]d the great length of
the large debts due.
[illegible] nothing to pay

he did not take the proper steps to secure the fulfilment of those promises which formed a part of the consideration when trifling cash payments were accepted from Mr. Kemp and Mr. Mantell. The ill-omened scene of the massacre at the Wairau was visited by him in 1847. "The natives were unwilling, from feelings of jealousy, to transact with the New Zealand Company's agent any business relating to the land which had previously been in dispute. . . . I found it necessary to take into my own hands the settlement . . ."

The reader will appreciate the posture of affairs in New Zealand when he is reminded that about this time the publication of the Governor's confidential attack upon the missionaries, Earl Grey's Instructions and the uproar they raised, together with the war at Wanganui, and the imprisonment of Rauparaha, divided his attention. Having arranged with chiefs of Rauparaha's tribe, the Ngatitoa, for the cession of land at the Wairau, and certain reservations for the tribe, the Governor communicated the result to Colonel Wakefield, the company's principal agent, in March, 1847. That gentleman protested against it. "Payment of this sum (£3000), not to resident natives in actual enjoyment of the land, but to the very men who savagely murdered our countrymen now nearly four years ago, is tantamount to a declaration of the invalidity of that claim without investigating it, aud therefore to a justification of the perpetrators of that dreadful tragedy." Colonel Wakefield was wrong in saying there had been no investigation. Mr. Spain's final report was conclusive.[16] The Governor told the Secretary of State—

"That to have taken the waste lands I have now purchased by any other means than those I have adopted would at once have plunged the country into an expensive war, which from its supposed injustice would

[16] "I am compelled to state that I am not prepared to recommend that the district of the Wairau be included in the Crown grant. . . . I have come to the decision after much and careful deliberation, after a consideration of the evidence which has been given on the whole case, and which I cannot but declare has failed to prove in any way that the district in question was ever alienated to the company by the parties from whom that body asserts, through its agent, that it has been purchased; and I entertain no apprehension that a candid and impartial perusal of the evidence will ever lead to any other conclusion."—P. P. 1846. Vol. xxx., p. 41.

have roused the sympathies of a large portion of the native population against the British Government, and would thus probably have retarded for many years the settlement and civilization of the country. . . . To deprive the Maoris of their wild lands (over which they hunted and fished and gathered fern-root), and to limit them to lands for the purpose of cultivation, is in fact to cut off from them some of their most important means of subsistence, and they cannot be readily and abruptly forced into becoming a solely agricultural people. Such an attempt would be unjust, and it must for the present fail, because the natives would not submit to it."

The Governor's statement of these truths was utterly opposed to the speculative probabilities[17] which he had handled in defending Earl Grey's Instructions. But the times would not brook delay or honeyed words. Without the countenance of Te Whero Whero, Waka Nene, and the aid of chiefs, the Wanganui war could not be checked, and Earl Grey's Instructions were discarded in words, as they had been subtly discarded in practice. The noble Earl submitted to his fate. He laid before Parliament no despatch concerning it; and in his book on colonial policy there is no mention of his own Instructions or of the bold words with which in the hour of trial the Governor discarded them. But further negotiations ensued. A tract called Waitohi was coveted to redress defective boundaries. The Governor, in 1848, with Mr. F. D. Bell as agent for the New Zealand Company, went thither to induce the Maoris to abandon the Waitohi, which, the Governor reported, "the interests of the natives did not in any way require that they should retain." He succeeded, by pledging himself to "survey a native town, a new town at Waikawa for the residence of the natives for ever," and to build there "a wooden church, a place of prayer to our Saviour."

When Major Richmond went some months afterwards to cause a survey of the site selected by the chief Ropoama, he "found the natives so thoroughly conversant with the conditions attached to the sale" that he "had no difficulty

[17] "Et encore que le commandement du superieur soit juste, cela ne vous oblige pas de lui ob[illegible] car il n'est pas juste de tous points et en toutes manières, *non undi[illegible] juste proc[illegible]* mais seulement probablement; et ainsi vous n'êtes [illegible] que prob[illegible]nt à lui obéir et vous en êtes probablement deg[illegible] *probabiliter [illegible] et probabiliter deobligatus.* 'On ne saurait trop [illegible] en si lon[illegible] de la double probabilité.'"—Pascal, "Lettres Pr[illegible]," vi.

in carrying them out to their entire satisfaction." Faith kept on one side creates faith on the other, and the enemies of the Maori could not call him dishonourable. When Colonel Wakefield died suddenly (Sept., 1848) he was succeeded by Mr. William Fox, who declined, or was unable, to keep faith for the company by paying the sums stipulated for by the Governor in purchasing land from the natives.

Aggrandizing power, and justly acquiring influence, the Governor created enemies. He was an adept at making a part appear the whole, and drawing conclusions which the whole would not justify. In 1848 he charged the officers of the Protectorate with having, while paid by the government to guard the Maori in land-selling, received presents for acting at the same time as private agents of Europeans in land-buying. He sent documents to England implicating Mr. Forsaith by name in such practices. Mr. Forsaith had quitted office, but was in Auckland, and no intimation was made to him as to the charge thus made. Accusations in Blue Books sometimes escape notice, but Mr. Forsaith saw the imputation and demanded explanation. He denied the charge. All necessary witnesses

"are on the spot. I challenge all or any of them to come forward and prove that I assisted as a private agent to negotiate a purchase, or received in any shape whatsoever a fee or reward for so doing; and I am bold to assert the same for my colleagues in office at the time. I am confident that none of the Protectors of Aborigines are open to censure on this account. . . . By transmitting statements to Her Majesty's Government, in which I am charged by name with conduct so discreditable without giving me an opportunity of defending myself, or even acquainting me of the fact of such a charge having been made, His Excellency has treated me with great injustice. I regret it the more deeply not because I myself am likely to be permanently injured, but because the precision—a precision wearing almost the appearance of design—with which a false inference of a general character is conveyed and sought to be confirmed by statements which are true only in a particular and limited sense must have a tendency to injure His Excellency, by fostering in the minds of many in this community a sentiment which, I am sorry to say, is daily becoming more prevalent—that in framing despatches to the Secretary of State His Excellency is influenced more by his views of expediency than by a simple love of truth."

He trusted that the Governor would "undeceive Earl Grey," and apprise him that as regarded the Protecto the charges were "unfounded and unjust." The Goverr regretted that "the officers (who signed the documei

transmitted to England) had "fallen into the mistake," and "in the fullest and most complete sense" accepted the denial of the circumstance as far as Mr. Forsaith was concerned. Mr. Forsaith was not satisfied with an apology which left his late colleagues under a stigma. He obtained from the two persons who had furnished the inculpatory documents (sent to Earl Grey) written statements affirming that they never knew any Protector to act as private agent in the manner imputed, and he enclosed them in a letter from himself to Earl Grey, which the Governor forwarded, and which was laid before Parliament. Mr. Forsaith was determined that the "simple truth" should in this case be told in his own words rather than in the disingenuous style which public opinion charged upon the Governor. The Governor in this instance admitted his error, as regarded Mr. Forsaith, and requested Earl Grey "to give as extensive publicity to the correction as was given to the error itself," but, as he did not confess any regret at the sweeping charges of the former despatch, and declined "to alter the views expressed" in it, he justified Mr. Forsaith's pertinacity, and confirmed the "sentiment" which Mr. Forsaith deplored.

At Taranaki the Governor acted with disingenuousness and injustice towards Te Rangitake. Governor Fitzroy had disallowed Spain's erroneons award. Had Governor Grey adhered to Fitzroy's decision, it is possible that he might have precluded the war plunged into by another Governor in 1860. But he desired to display his diplomacy. He was too well acquainted with Maori usages to imitate Spain's error by denying the rights of Ngatiawa absentees, of returning fugitives, and manumitted slaves. He would thus have forfeited respect among the Maoris, who were his friends. Te Rangitake had been his effective supporter in the campaign against Rangihaeata in 1846, and it would have seemed disgraceful to repay him by denying his rights, whether tribal or as a chief (the Ariki), at his ancestral [redacted]. Like his father, Te Rangitake had migrated [redacted] before the great defeat of the Ngatiawa at [redacted] by Te Whero Whero, and his [redacted] by personal overthrow. From [redacted]rn to the land of his fathers

was notorious. The Governor determined to counteract by diplomacy what it might have been dangerous to deny openly. Unfortunately, Mr. Gladstone (July, 1846) tempted him by writing:—"I indulge the hope that you may have found yourself in a condition to give effect to the award of Mr. Spain at Taranaki; . . . unless, indeed, which I can hardly think probable, you may have seen reason to believe that the reversal of the Commissioner's judgment was a wise and just measure." Thus tempted by his casuistical superior, while Rangihaeata was still at large, and Rauparaha was kept prisoner, and before the wounding of a chief preceded the Wanganui war, the Governor went to Taranaki in March, 1847. Many of Te Rangitake's friends who had preceded that chief informed him that they would adhere to their hereditary tribal rights. Te Rangitake himself went with Grey, and has been accused of insolently insisting that he would return to his ancestral lands, and settle wheresoever he listed. In an evil moment Grey yielded to temptation. Adverting to Fitzroy's decision he said:—"I do not understand, nor can I think, that he intended that the original purchase (of the company) should be set aside in as far as those natives were concerned who had originally sold their land in a *bonâ fide* manner, and received payment for it." He had read Spain's report[18] of Rauparaha's prohibition of a sale of land. He knew that Te Rangitake, like Rauparaha, was the Ariki of his tribe. He must have known that it was impossible for the natives with whom Barrett negotiated in 1840 to compromise the claims of the large majority whom Barrett did not see. He admitted that "the majority of the natives" he himself saw at Taranaki declared that they "would not upon any terms permit the Europeans to move beyond the block of 3500 acres." He told them they had lands at Cook's Strait, and had in many cases suffered their rights to lapse by non-assertion; but they were deaf to arguments inconsistent with fact, and barred by the treaty of Waitangi. One settler occupied fifty acres outside of the boundary fixed by Fitzroy. Him they would not disturb if proper compensation should be made. Asking how many persons were

[18] *Supra*, p. 365. H. of C.: paper 203. 8 Ap., 1846, p. 102. See also in note, p. 17 *supra*, F. E. Maning's pronouncement as to the rights of the Arik

entitled to it, Grey was told that they were 200. "In fact it is quite clear that, relying upon their great numerical superiority, they had determined to allow no more Europeans to come amongst them." The settlers complained of the overbearing conduct of the Maoris. "I thought it proper therefore to assume a high tone, and to acquaint them that I intended ultimately to carry out the arrangement, the terms of which I would acquaint them with." The ineptitude of his plans ought to have been clear to himself, for he wrote that the inability of the Maoris to adjust their own claims, "makes them unwilling to allow the land to be sold at all, and they constantly assert that those natives who wish to sell land have no right to dispose of it." He was not ignorant of the nature of the tribal right, but he resolved, rightly or wrongly, to make his will prevail. He informed the chiefs that he would make "most ample reserves for their present and future wants"—even of those having an *animus redeundi*—but that the remaining portion of the "country in that district should be resumed for the Crown and for the use of the Europeans." He would appoint a Commissioner to assess the value of the wild lands, and a Court to inquire into the native titles, so that "those natives who established valid claims" should receive corresponding payment.

There is a painful contrast between this determination and the words he used a few weeks afterwards about the Wairau district in terms already quoted.[19] The Taranaki natives could have used no stronger arguments than those which the Governor was about to use elsewhere. He could not have expected to convince them. "But very few of them seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it. I trust that it may meet with your Lordship's approval as the best which could under circumstances of such difficulty be made . . . although I fear that the natives . . . may, if they think they are strong [redacted]vour to re[redacted] by force of arms." He had [redacted] objection on the part of [redacted]ty of Waitangi. He

reported that the remains of pahs and cultivations showed how densely the country had once been populated, and to bar the "savage owners" from their former homes must have been one drop of sweetness in the bitter cup which Parliament had compelled Earl Grey to drink when it upheld the sacredness of treaties. It is sad to reflect that, by declining to recognize at Taranaki the principles which he so solemnly pronounced it necessary to adhere to on the southern shore of Cook's Strait in order to avoid an unjust and expensive war, Governor Grey made himself accessary to the unjust war of 1860. Yet, though "assuming a high tone," the Governor was prescient of danger. Te Rangitake's claims were acknowledged even by the Waikato tribes, whose own rights, in Spain's opinion, were paramount. Mr. Forsaith stated in the New Zealand Parliament that Te Pakaru, a Waikato chief who had taken part in the alleged conquest at Waitara, went thither, about 1842, to take possession, and commenced to clear timber in order to cultivate. Te Rangitake promptly sent an embassy from Waikanae to warn off the intruder, and "Te Pakaru, conscious that his position was not tenable, gave up the attempt and returned to Waikato."

On the 5th March, 1847, Grey instructed Donald McLean, the Commissioner, "to make every effort to acquire for the European population" the whole of the land included in Mr. Spain's award, which Fitzroy had set aside. McLean was also to carry out the proposals sent to the Secretary of State by Grey, in order "to evade in as far as practicable the difficulties" caused by the fact that the Europeans clung to Spain's proposition, and the Maoris trusted to the Waitangi treaty and Fitzroy's decision. No time was to be lost. It was felt but not expressed that Te Rangitake might return, and his influence might defeat the project. The government possessed his letter to Fitzroy in 1844, saying: "Waitara shall not be given up."[20] When Grey had returned to Auckland, he wrote (27th April, 1847) urgently to Wellington. He heard that Te Puni, always friendly to the English, was "putting together nine large canoes capable of holding about sixty persons each." He

[20] p. 352 *supra*.

considered it of the utmost importance "that the Ngatiawa tribe should not be allowed to proceed for the present" to Taranaki. Te Puni must be asked to dismantle the canoes. If he should refuse there would be ground for suspicion; "the canoes should be seized by the government, and either be retained in their possession until the land question at Taranaki is settled, or be destroyed, as may be thought most advisable." Major Richmond communicated with Captain Laye in order to arrest the remigration. McLean co-operated. Richmond saw Te Rangitake at Waikanae (July, 1847). The chief said he intended to remain at Waitara, but "repudiated the idea of doing so by stealth or before consulting the Governor. . ." The Ngatiawa tribe had always been friendly to the Europeans, and desired to remain so. He and his brethren offered to sell their Waikanae possessions to the Government. On this hint the Governor offered fresh terms. If the Ngatiawa residing on the south bank of the Waitara river would within three years remove to the north bank, and Te Rangitake and his friends would agree to settle on the north of the river, he would recognize their titles there without further inquiry, and would consent to purchase the proffered Waikanae lands "for such compensation as may be agreed upon." All pretensions to land on the south of the Waitara were to be relinquished by the tribe. McLean adopted the Governor's views. He was unable or unwilling to comprehend the Maori law of *postliminium*, and had probably never heard of its Roman precursor. Yet, in 1844, the chief Protector, Clarke, furnished many instances to assure Captain Fitzroy that the return of natives "from captivity replaced them in the position they held before their captivity." McLean was therefore without
when he declared before the House of Represen
"that the Ngatiawa title had been superseded by th
of the conquerors." Moreover, a deed
McLean (April, 1848) purported to conv
certain absentee natives to the Fitzroy a
Taranaki, and proved that at that date ne
the Governor denied the rights of absente

Te Rangitake did not accept the new government purchased for about £390 wh

Grey block of nearly 10,000 acres at Taranaki, before McLean, hearing that the chief was in earnest, saw him at Kapiti, and told him that Waitara was under offer to the government. McLean's account (years afterwards) was that Te Rangitake said, "'Let me return thither and I will then consider the matter. When I get there one side of the river shall be yours, and the north side mine. . . .' He was allowed to locate himself at Waitara, and nothing was said about the land: there was no attempt to press the matter hastily. He returned with his people: the sanction of the Governor to his doing so had been given, though the act was on his part intended as one of defiance." Te Rangitake denied the accuracy of McLean's story, and it is inconsistent with the chief's letter to Fitzroy in 1844, with numerous other letters written by him, and with his statements on the spot to Grey and to McLean in 1847. Another witness confirmed McLean's statement that it was not by submission that Te Rangitake returned. Mr. F. D. Bell declared in the House of Representatives (1860): "At one of the meetings Te Rangitake declared the intention of himself and his people to return to Waitara. Sir G. Grey refused to grant them permission to do so, and Te Rangitake said he should return without it, and defied the Governor to prevent him." The return took place in April, 1848. McLean reported it officially. Some chiefs rode through the forest. Forty-nine canoes were employed. Five hundred and eighty-seven souls were thus settled. Two hundred and eleven went to the north of the Waitara. Two hundred and sixty-four settled at Waitara. Forty-one fixed themselves between Waitara and the town of Taranaki; and seventy-one at the south side of the town. It may be feared that Grey who, to prevent Te Rangitake's return in 1847, ordered the unlawful destruction of canoes, would in 1848 have resorted to violence if he had not winced under the arguments of the Bishop and the Chief Justice, about Earl Grey's Instructions, and had not suspected that as the Waikato tribes consented to the return of the Ngatiawa he would offend his most powerful Maori friends by wronging their countryman who had done so much for the Wellington settlers. The Governor could not afford to be in arms against the Bishop, the Chief Justice, and every notable

chief. If Te Whero Whero should side with Te Rangitake, and Waka Nene should adhere to Te Whero Whero, the government would be friendless.

The settlement of the returned Ngatiawa was completed according to Maori usages. Tribal meetings sanctioned it. There was apprehension of a raid from the Ngatimaniapoto tribe, and it was resolved that Te Rangitake and many more should reside "on the south bank for mutual protection." These were the words of Teira, who returned to the Waitara under Te Rangitake's guidance, who was one of those who thus resided, and through whose procured agency a future governor was to be plunged into war. No resistance was offered by Grey, nor did any despatches indicate that in his opinion, or in that of McLean, Te Rangitake committed any wrong by the mode of settlement adopted, although McLean considered his return "an act of defiance, to which the sanction of the Governor had been given." Every step with regard to the Waitara lands requires to be carefully followed by those who would understand the causes of the war of 1860. Donald McLean's position was absurd. He asserted that the Ngatiawa title had merged in that of the conquering Waikato, and when confronted with the written opinion of Clarke, the Protector (1843), "that the principal right to land in the Taranaki district still vested in the original inhabitants," he could only reply: "Mr. Clarke's views are not materially different from mine. He in the first instance recognized the Waikato right of conquest."[21] It may be asked how the Governor

[21] P. P. 1860. Vol. xlvii,, p. 342. Clarke wrote: Again, the titles of tribes about Port Nicholson cannot be wholly extinct if they have kept up a friendly intercourse with the residents. . . . A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be complete and valid without the consent of the original proprietors. . . . Possession of land even for a number of years does not give a right to alienate such property to Europeans without consent of the original donors of the land; but it may be continued in the possession of the descendants of the grantee to the latest generation." Asserting that these views did not differ materially from his own, McL[illegible] connived at a war based upon an utter disregard [illegible]em. Having [illegible] employed at Taranaki, in 1844, by Governor Fit[illegible] and having [illegible]eported the contentment produced by Fitzroy's [illegible]tion of the [illegible] absentees with which McLean concurred, Mc[illegible] was without [illegible] for the breach of faith which he was willing to [illegible]mit in 1848, [illegible]ircumscol in 1859.

could expect to maintain his reputation for good faith amongst the Maoris. He seized Rauparaha. He plotted to prevent Te Rangitake's return. But his despatch suggesting the destruction of the Ngatiawa canoes was not published until 1860. Moreover, he exercised winning arts. Travellers observed the confidence with which he trusted himself amongst the chiefs, and the facility with which he adopted their modes of speech. When invested with the Star of the Order of the Bath at Auckland, he selected Waka Nene and Te Puni as his esquires. They, in their turn, recognized him as a leader of men, though if Te Puni had known of the plot to destroy his canoes his suspicions might have been aroused. The Governor's reputation enabled him to obtain royal recognition of his dusky and chivalrous friends. Two chiefs, Te Waru and Kahawai, wrote to the Queen (1849) from Waikato, "O madam, the Queen, we salute you. We return our thanks to you for your letter in which you tell us that the land shall not be taken away, but that the treaty of Waitangi shall be strictly abided by." They were grateful for the introduction of Christianity and the customs of the Pakeha. They thanked the Governor. They told how, though poor, they had after a year's exertions built a watermill by their own resources, and Grey had generously given them a plough.

"O, the Queen! We regard you with affection, because we have nothing to give you; because we, the Maoris, are a poor people; but we wish that you should see and eat of the flour grown at Rangiaohia; find not fault with what we send, whether much or little; it is little in the presence of the Queen of England; we have nothing else except this flour to give you. Be graciously pleased with our present, that our hearts may be glad. The schools for our children are very good, and we will all become civilized; but send no convicts here to our country; they will cause us trouble, and we fear lest evil should be increased in our islands."

The Governor, pointing out that the letter was written by a native, trusted that Her Majesty would be graciously pleased to encourage the attachment of the chiefs by some slight acknowledgment of the confidence reposed in her by her distant subjects striving so earnestly to benefit their country, and loyally conscious of her sovereign goodwill. Two phrases in the letter of the chiefs were obnoxious to Earl Grey; the reference to the treaty of Waitangi, and the

prayer that no convicts might be sent to New Zealand. He had for some time been endeavouring to revive transportation to Australia, and in 1853 he reiterated his opinion that England was "perfectly justified in continuing the practice." But nothing could be denied to a Governor who had educed order out of chaos, and loyalty out of distrust. Although Her Majesty in general declined presents, the flour was to be accepted, and the interest of the Maoris in education was to be promoted. Two pictures of the Queen, with Prince Albert and the royal children, were presented by the Queen to the two chiefs, but the Governor was to send no more presents without previous permission. The pictures arrived safely, and crowds of Maoris went to see them at Auckland before they were sent to their inland destination, that, as the chiefs expressed themselves, "the Queen might be really seen by all her subjects."[22] Again the two chiefs thanked Her Majesty. Agriculture was increasing amongst them.

"But, O Queen, what we prize most are the schools for our children. . . . O, lady the Queen, hearken to us. Let Governor Grey long remain here as Governor of this island. We have a great affection to him. He is frequently persuading us to remain at peace, the Pakehas and the Maoris one with another, that they may live as one, that they may live with a friendly feeling, that all the natives of this island may live in comfort believing the Word of God. Thus we shall abide in peace. These are very righteous purposes—principles—for us and for our children."

It was not only by founding schools and hospitals that the Governor strove to convince the Maoris of his goodwill. He obtained sanction for a loan to a chief to enable him to buy a coasting vessel, and the loan was repaid. He kept scrupulous faith with those whom he employed in making military roads, a policy which he strongly urged, and which the great Duke of Wellington impressed on the Ministry as one of the first objects to be aimed at. Cruisers actively stopped the trade in firearms. Commander Sotheby, of H.M.S. "Racehorse," seized a Hobart Town barque, but found no more than a due complement of arms on board. The master was then tried and fined £100 (or three months' imprisonment) for bartering a musket to a native for a pig

[22] In 1864 the pictures were discovered in good preservation when General Cameron sacked the Rangiaohia Maori settlement.

(the barque being forfeited), and was further fined £100 (or three months' imprisonment) for leaving the port without a clearance, and still further fined £100 for threatening the harbour-master. The Governor's legislation and Sotheby's activity rendered ships on the coast precarious property. The Governor had almost a blank charter. Troops and ships were sent to him, and Parliamentary grants were freely given. Peace and prosperity seemed secure in New Zealand. A traveller, Colonel Mundy,[23] predicted that there would not be another Maori war. Differences between the Governor and Europeans resulted in his favour. An editor who arraigned the Governor in letters to Sir W. Molesworth, and transmitted copies through the Governor to Earl Grey, was coolly dealt with. He had been charged with garbling a letter, and when he proved that the letter published was correct and the charge mistaken, Earl Grey retorted that the publication had been without proper authority, and that the charge was "an accidental consequence of his own unjustifiable act." The stars in their courses seemed to fight for the Governor.

Yet there were troubles in store. The hopes which had been excited by Earl Grey's abortive Constitution in 1846 survived its suspension. Amongst the colonists a craving for representative institutions found frequent vent. They knew that their old champion, Charles Buller, had been the trusted adviser both of the Company and of Downing-street. They pressed their claims. But the Governor stayed his hand. He told Earl Grey that he hoped ere long to introduce representative institutions, but the colonists were ignorant of his views. They assailed him with addresses. From Wellington he was told (1848) that his form of government was "more absolute than that of any other dependency of the British Crown, with the exception of Norfolk Island." Admitting the existing prosperity, but attributing it partly to British gold, memorialists said they were "not so utterly corrupted as it as to be indifferent to the possession of representative institutions." They solemnly protested against delay. To all addresses Grey replied

[23] "Ou

In Oct., 1848, the throb of an earthquake vibrated from Taranaki to Wellington and from Nelson to Cloudy Bay. At Wellington only four brick buildings escaped damage, while wooden structures were uninjured, although for a fortnight the pent forces of the disturbing power made the earth tremble. Lt.-Govr. Eyre detained vessels in the harbour in order to reassure the terrified townsmen and to provide means of flight. The earthquake afforded a pretext for action at the south, without making changes in the northern districts. Grey summoned his Council on the 16th Nov. Prompt measures were needed at Wellington. He proposed to call into existence Provincial Legislative Councils for each of the provinces into which New Zealand might be divided; the Suspending Act of 1848 having empowered the Governor-in-chief to take such a step with advice of his Council. With powers thus obtained the Provincial Legislature of New Munster would be able "to meet the urgent demands of the present crisis." On the 18th Nov., 1848, he had passed his measure. On the 26th he arrived at Wellington, and reported on the following day that the alarm created by the earthquake had subsided, and the prospects of the settlement were unendangered. On the 29th he transmitted, for the signification of Her Majesty's pleasure, his "Ordinance to provide for the establishment of Provincial Legislative Councils." He explained his views at great length. He wished to modify the existing form of government in anticipation of the time when the Act suspending the Constitution of 1846 would, by its own expiry, give life to the one it had suspended. But New Zealand should defray her own expenses before receiving representative institutions. He gave an outline of the government he desired to establish. A General Assembly, consisting of a Legislative Council nominated by the Crown and an Assembly elected in the several provinces; unicameral Provincial Councils, of which one-third should be nominated by the Crown and two-thirds elected; municipal corporations; a £10 burgess and £5 suffrage (annual value) for Europeans who could read and Maoris owning property of £200 from the Governor-General— the Provincial Legislatures

he would not give power to legislate on subjects affecting the Maoris or Crown lands. He was confident and prompt. On the 19th Dec. he appointed, subject to approval of the Crown, six members of the Legislative Council of New Munster; on the 21st he addressed the new body; on the following day they solicited further information; on the 23rd he informed them of the recommendations he had made; and three days later the Council expressed their satisfaction, having no suggestion to make except that Crown nominees in Provincial Legislative Councils should not exceed five.

When apprising Earl Grey of these events the Governor urged that self-support should precede representative government, the craving for the latter being useful as a lever to bring about the former.

"Should Her Majesty's Government think proper to declare that a representative government should be introduced into this colony at the period named, or at an earlier date, either throughout the whole colony or in any such province or provinces as may be proclaimed by the Governor-in-Chief, I would neither shrink from the responsibility of declining to introduce such institutions into any province until I believe they can be safely conferred upon it; nor will I, on the other hand, for a single day unnecessarily delay obtaining for the inhabitants of the colony a boon which I am most anxious to see conferred upon them."

In March, 1849, he wrote that the population of the Northern Island was—near Wellington, 1500 male adults, besides 1793 military; in Northern districts, 1657 male adults, besides 1155 military. There were supposed to be 105,000 Maoris. In July, 1849, he forwarded lengthy arguments as to the condition of the colony and of its inhabitants.

Nearly all Maoris had become Christian.

"They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; are attached to Europeans, admire their customs and manners; are extremely ambitious of rising in civilization, and of becoming skilled in European arts. They are apt at learning; in many respects extremely conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and Europeans."

War with such a race was to be avoided; an unnecessary war would be costly. "During a considerable period any signal failure in an operation which had been entered upo would have led to a simultaneous and almost general rising

the effects and cost of which may be easily conceived." Mercy, justice, and prudence counselled delay as the rule on which the government should act. Before Grey arrived there had been 57 English killed and 114 wounded. Subsequently there had been 28 English killed and 53 wounded. The skilful employment of allied Maoris had diminished the European death-rate.

The missionaries had worked wonders. It was questionable whether at any former period of the world there had been a body so eminently qualified by piety, ability, and zeal for their office. Instructed by them, "probably a greater proportion of the population than in any country in Europe were able to read and write," and schools had been established by the government. The local government had been upbraided for postponing elective institutions, but "looking to the peculiar condition and population of the country, it was better to err on the side of prudence than incur the risk of the fearful evils which would ensue from another rebellion for the sake of acquiring one or two years earlier that which must certainly within so short a period be obtained."

Meantime, irresponsible colonists denounced the Governor's tactics. From Nelson, Mr. E. W. Stafford and eight others, four of whom were magistrates, complained to Earl Grey. The "temporary absolutism" of the Governor must be put an end to. Right of self-government was inherent in a community of Englishmen. Many of the nominees of the Crown in the Council at New Munster would not have been elected as representatives, and the memorialists scorned to be governed by them. In 1849, a Settlers' Constitutional Association was formed at Wellington. Mr. Fitzherbert, Mr. Fox, Dr. Featherston, Mr. Weld, Captain Daniel, and others, carried resolutions condemning the Governor. They declared that, "if, with every despatch received from Earl Grey the Governor had received one from his Lordship's political adversaries, and putting the former into the fire had carried out the instructions of the latter, some clue might be found to the course pursued by him." They charged inconsistency in his "skilfully-written despatches," his aversion from representative institutions, and his "fallacies

and misrepresentations" should be dragged into light. He —satisfied that he would "not be expected to notice the personal attacks made upon himself, the Government, and Legislative Council" at Wellington — coolly dealt with constitutional questions, and maintained his views with apparent good temper. The insinuation that the Governor had disregarded Earl Grey's Instructions did not incense the Earl, who replied: "I have seen nothing to diminish in the slightest degree the confidence which my experience of your past conduct, and the results of your administration, both of your former and your present government, lead me to repose in you."

The Settlers' Constitutional Association was not the Governor's only trouble at Wellington. His old friend, Eyre, was unfortunate enough to become a stumbling block to him. A long despatch (Dec., 1849), sanctioning the Provincial Legislative Council Ordinance of Nov., 1848, declared on the subject of the civil list that the provision for its appropriation, under direction of the Lords of the Treasury—

> "will only become of real importance when a popular Legislature shall be created, to which the power of controlling the whole public expenditure, except that portion reserved as a civil list, will be entrusted. In the meantime, while the whole colonial revenue is appropriated by yourself, with the aid of a Legislature nominated by the Crown and acting under the directions of Her Majesty's Government with respect to the salaries to be assigned to the various public servants in the colony, it is practically immaterial which of these salaries are nominally charged upon the Civil List under the sanction of the Lords Commissioners of the Treasury."

When the despatch was published, Messrs. Bannatyne, Bell, and Ludlam resigned their nominee seats as incompatible with their independence, if held on the terms imposed by Earl Grey. They would not have accepted them under such conditions, and they declined to sit "subject to the imposition afterwards" of such terms by Earl Grey. Their advice was worthless if given "under directions." Eyre, in transmitting the resignations to Sir G. Grey, remarked that he could not conceal from himself that the form of the Council was "so unpopular, and daily becoming more so, that there was little probability of being able to induce any other gentlemen of sufficient character, standing, and ability to join" the government. Two other

members had previously resigned. Governor Grey[24] strove to right the matter by asserting that as members held their seats under an Act which defined their powers, "no casual paragraph of a despatch from the Secretary of State could have any effect or force whatever, and he was certain that no alteration or modification was designed by the Secretary of State in his despatch." Earl Grey declared as to the three members: "I certainly never intended my despatch to bear the sense put upon it, although I regret now to perceive that it was worded in such a manner as to be susceptible of that interpretation, and I am sorry that this should have occasioned the loss of their services to the public." In Jan., 1851, Major-General Pitt, the Lieutenant-Governor of New Ulster, died, and Grey filled the vacancy by the appointment of Lieutenant-Colonel Wynyard, who commanded the troops in the colony, and the Queen approved.

From Auckland a violent impeachment of the Governor was authenticated by 168 signatures. He forwarded it with comments. Earl Grey applauded him, and in a book published in 1853 extolled his ability. "The slightest error in judgment, or defect of prudence, firmness, or decision on his part, would," Earl Grey wrote, "have converted the war of 1845 into a mortal struggle" which, "once commenced, could hardly have been closed except by our abandonment of the islands in disgrace, or the extermination of the aboriginal inhabitants." The Earl claimed for the Russell ministry the humble credit of supporting the Governor's policy to the utmost of their power. In 1876 the slow foot of time enabled the Governor to produce proof that the chairman of the public meeting at Auckland wrote in 1859 an apology for having in 1849, as chairman, signed a letter which was unjust, and contained "assertions made for no other purpose than to give personal annoyance."

[24] It was at this period that Mr. Godley arrived in Wellington, and joined the malcontents. He upbraided Dr. Monro as having "by accepting a seat at Sir G. Grey's Council board, contributed towards the infliction of a most serious and irreparable injury upon the colonists of New Zealand. ... enabled to carry out his anti-colonial ... The nominees ... the puppets and obedient servants ... Godley to Monro.)

The principles of Wakefield's colonization scheme having been applied nowhere thoroughly, the evils against which it was aimed were felt everywhere. Mr. Fox, the acting principal agent of the New Zealand Company in the colony, in a long despatch (Nov., 1848), enumerated the evils arising from the transfer of labourers into the position of employers, and the consequent general depression. He proposed to abolish free passages and enforce repayment by each immigrant of the cost of his emigration. Thus he hoped to keep up a continuous stream of immigration. He had not grasped the key of Wakefield's position, which was not the creation of a land and immigration fund, but the application of the land itself to the most wholesome purposes, and the establishment of a prosperous community, applying its energies in wholesome channels. In his confusion he seemed to find himself at war with Gibbon Wakefield. He pleaded that he had entire faith in the principles of his master, and hoped he might not be accused of impugning "the soundness of the principles of systematic colonization first developed" by Wakefield, and adopted by the New Zealand Company. Earl Grey said Mr. Fox's scheme had so often been tried and so often failed that he could not concur with it. He suggested that a tax might be put upon all employers of labour. Disloyal to Wakefield's idea, which would in a straightforward manner fix labour in the most wholesome sphere, he indirectly strove to satisfy Wakefield's disciples by putting a tax on employment of labour in every sphere. He seemed to think that the best method of promoting useful industries was to tax them. The colonists who were recommended to make the experiment shrunk from it. They recoiled with equal determination from Earl Grey's advice that convicts should still be sent to Australia, and that England was "perfectly justified in continuing" to send them thither.

Importation of convicts was opposed by colonists and by Maoris. More than 300 of the latter at Cook's Strait thus addressed the Queen in 1849 :—

"O Lady, O Queen ! . . . A rumour has reached us that exiles or prisoners are to be sent hither. . . . We earnestly supplicate that prisoners may not be allowed to come here. . . . We have long since heard of the evil propensities of that class of men from those of the white

people here who are our friends, as well as from the testimony of those our countrymen who have visited Port Jackson and Hobart Town. . . ."

Three hundred and seventy-six chiefs near Auckland sent their prayers to the Queen :—

"O LADY!—Salutation to you. . . . Behold, we have heard that a letter has been received from one of your counsellors, from Earl Grey, dated the 3rd day of August, 1848, proposing to allow exiles to live in this island. Behold, we say, let not this be done! Do not depart from the agreement first made that this country should be settled by your people. . . . It was then promised that thieves and such people should not be conveyed hither. Let this be adhered to as well as all our laws. O lady! we shall be perplexed if the convicts are allowed to come here. . . . . Abandon that thought. Rather let gentlemen, men of peaceful life, come here. We like such men. . . ."

Settlers at Auckland prayed that New Zealand might be spared the infliction contemplated. The grand jury at New Munster made a presentment of similar import. A public meeting at Wellington was of the same mind. Lt.-Gov. Eyre and his Legislative Council remonstrated against Earl Grey's scheme. Governor Grey urged (May, 1849) that no country was less adapted for such an experiment. "I beg, therefore, to recommend your Lordship not to include New Zealand in those places into which convicts with tickets-of-leave are to be introduced." The advice was taken. Earl Grey (1849) informed the Governor that he concurred with his reasoning, and that "Her Majesty would not be advised to send convicts to New Zealand." The convict question was by common consent banished from New Zealand.

The Governor followed his own course. In 1848 and 1849 he resisted the pressure brought upon him, but hoped to introduce in due time the principle of representation. In Nov., 1849, he told Earl Grey that in 1851 it might be put to trial. In Oct., 1850, noticing that Lord J. Russell had commended his opinion to Parliament, the Governor prepared an ordinance for establishing Provincial Legislative Councils in which some members were to be elective. The franchise was to be given to the Maoris, in common with the Europeans, by enabling the Governor to constitute convenient electoral districts, which were to be only those in which the white population abounded. All outside of such districts were to have no vote. Leasehold of a fixed annual value, as well freehold, was to con-

fer a vote, and there were to be nominee members. The necessity of retaining power in the hands of the Crown was an article of faith with the Governor. The nominee members were to be appointed for two years only. The Governor-in-Chief was to have power to disallow Ordinances, or to reserve them for the Royal pleasure.

Some settlers loathed the idea of a Maori franchise. Mr. Stafford and others at Nelson passed resolutions. They insisted that no alien should vote, and required universal suffrage and vote by ballot, as a right they were "perfectly fitted to possess." Auckland was too remote, and if they could not have a central Executive Government they demanded "complete separation, legislative, executive, and financial," of the provinces. They would have two elected Houses, and the Governor should be removable on address of two-thirds of each House. A counter-memorial was signed by 161 Nelson colonists, who thought universal suffrage an improper test of the enlightened opinions of a community, and did not approve of the ballot. They saw grave objections to local machinery for the removal of the Queen's representative. Among the objectors was Dr. Monro.

At Wellington the Governor's Ordinance was denounced. Mr. Clifford, Mr. Fox, and others proposed that a General Council should be formed from the chief executive officers and persons selected "by the Governor from individuals chosen by a public meeting in each settlement." They appointed Mr. Fox, who was on the eve of departure to England, "political agent for the Wellington settlers." The settlers in the valley of the Hutt disavowed all sympathy with the Wellington projects. As at Nelson, so at Wellington, an earnest minority protested against the proceedings of the majority. They traversed many allegations of the friends of Fox, whose employment as principal agent for the company precluded him from advocating the interests of the settlers, with regard to "the burdens to be imposed upon the colony in consequence of the dissolution of the company." The Governor was willing to confer representation when the time might in his opinion be suitable. He dreaded the assumption of supremacy by the relics of the company.

But the tide of events betokened that Imperial legislation was at hand. A Committee of the Privy Council had reported in 1849 on the Australian Constitutions, and Parliament passed in 1850 the Australian Constitution Act (13 and 14 Vict., cap. 59). It was plain that New Zealand would be dealt with.

Though not originally a servant of the New Zealand Company, Mr. Fox declared that public gratitude was due to it for having "created the colony of New Zealand, rescuing it from a foreign dominion which hovered over it, and compelling the home government to retake possession of one of its most important dependencies, which had by the acts of that government been abandoned on a plea of philanthropy to a small body of savages, from whom a more sagacious and perhaps less scrupulous European power stood ready to wrest it." Before leaving the colony, he disputed with the government as to conveyances of land and the surrender of original plans and registers.[25]

These occurrences did not soothe the ill-temper with which he eyed the policy which regarded as sacred a treaty made by the Queen with "a small body of savages." He left New Zealand (10th Feb., 1851), to denounce Sir G. Grey to the Secretary of State. Earl Grey declined to recognize Mr. Fox as agent for the settlers, and as he could not accord an interview "without great inconvenience," asked for a written statement. Fox arraigned the Governor for advocating an odious form of government; acting illegally; injuriously if not unlawfully tampering with the currency; managing Maories injudiciously; taxing colonists excessively; spending their money wastefully; loading them with debt; and not establishing a militia to enable them to defend themselves. Earl Grey simply acknowledged the indictment with its lengthy enclosures.[26] He received equally elaborate statements from the Governor. But he was not destined to reply. He was about to vacate office.

[25] An order for their surrender was eventually obtained from England.

[26] Mr. Fox's complaints were not confined to the Governor. He railed in 1852 against Mr. F. Dillon Bell in such terms that Mr. Bell demanded and obtained from Mr. Harington, the Secretary of the dying New Zealand Company, an acknowledgment that their confidence in Mr. Bell's "fidelity, integrity, and zeal" were unabated when he left their service (P. P. 1854. Vol. xlv. p. 392). The Governor, in transmitting Mr. Bell's reply to Fox's

In Feb., 1852, Lord J. Russell's Ministry fell before an adverse amendment moved in a Militia Bill by Lord Palmerston, who had recently been dismissed from the post of Foreign Secretary. As Earl Grey had been able six years before to prevent the formation of a ministry with Lord Palmerston as Foreign Secretary, so now the latter was strong enough to overthrow his late colleagues, and the name of Earl Grey disappeared finally from Cabinets. Sir John Pakington became Colonial Secretary in the Earl of Derby's ministry, and as the Queen's speech invited Parliament to confer representative institutions on New Zealand, he, in May, obtained leave to bring in a Bill. He complimented Sir G. Grey. He adopted the franchise suggested, and consented to do what Earl Grey had declined, by delegating to the Governor-General the power to assent to, or veto, Bills passed in the Provincial Assemblies. Six provinces were created:—Auckland, Wellington, Nelson, Canterbury, Otago, and New Plymouth. The Governor was to appoint their boundaries. In deference to Governor Grey's suggestion, the superintendents of the provinces were to be elected. The control of lands and minerals was handed over, subject to certain conditions (for payments to the New Zealand Company). The measure excited the attention of Gladstone, and drew amendments from Sir William Molesworth. The late paramount authority on New Zealand affairs was absent. The voice of him who refused to "give up to party what was meant for mankind," had been hushed by death in 1850, and his loss sent a thrill of pain to the hearts of Englishmen at the antipodes. But Peel's spirit still ruled in the Commons, and Sir J. Pakington was not thwarted. Gibbon Wakefield was one of the petitioners that the Bill might pass. Sir William Molesworth vainly protested against a nominee Upper Chamber. A division on the clause gave Sir J. Pakington a majority of 43. John Bright and Richard Cobden were in the minority, but neither of them spoke.

Before the Earl of Derby, Earl Grey did not plot against the treaty of Waitangi. The constitution of the Upper

imputations, curtly said, that if the attack were published so should the defence be. The charges made by Mr. Fox against the Governor were issued in form of a pamphlet "for private circulation only."

Chamber, the veto of the Governor upon provincial measures, the election of provincial superintendents, and the hypothecation of the land fund to reimburse the company, were the main points discussed by Lord Lyttelton, the Duke of Newcastle, and Earl Grey. In Committee the Duke of Newcastle moved amendments upon the formation of the Upper House, the veto, and the compensation clauses, but was defeated. Memorable words fell from Lord Derby. Earl Grey had sneered at Pitt's failure to create an hereditary order (by the Canada Act of 1791) from which an Upper Chamber might be formed. "Parliament," he said, "could no more create a House of Lords than it could create a full-grown oak." The phrase was as unhappy as flippant. By the sowing of acorns full-grown oak trees are produced in due time; and respect for distinctions is as general in the human mind as is the genial productiveness of the earth. Lord Derby hoped "that there would arise a class possessing large property, out of whom might be taken those who would represent the aristocratic element in the colony; who would (as life-nominees in the Legislature) exercise a great deal of influence both on the popular will on the one hand, and on the will of the Governor on the other; and that influence would go on extending and increasing as the aristocratic element developed itself, until it might ultimately approximate to the principles of the British Constitution." Alas! no Minister, since the days of Pitt,[27] has endeavoured to plant the acorn, and the clumsy ineptitude of Earl Grey stands as a maxim for those whom the attempt and not the deed confounds.

Few of the 82 clauses of the Act referred directly to the Maoris. Nevertheless, Lord Derby, warned by the conduct of the New Zealand Company, provided safeguards which might enable the Crown to keep the faith so often plighted by Governors and by Secretaries of State. The 19th clause barred Provincial Councils from making laws "affecting lands of the Crown or lands to which the title of the

[27] Pitt persuaded Parliament, but subse[illegible]ved him, Lord Stanhope says: "Though the Bill [illegible] hereditary honours in the Provinces of [illegible] honour was in fact conferred." ("Life of Pitt," [illegible]

aboriginal native owners has never been extinguished," and from "inflicting any disabilities or restrictions on persons of the native race to which persons of European birth or descent would not also be subjected." Other clauses empowered the Governor to disallow Provincial Bills, and to refuse assent to, or to reserve for Her Majesty's pleasure, Bills passed in the General Assembly, or to make amendments in such Bills for the consideration of the two Houses. The function of instructing the Governor was specially reserved for the Crown, as was also the power of disallowing Bills "at any time within two years" after their reception by the Secretary of State. The Governor was authorized to pay from the Crown lands revenue any sums payable "on account of the purchase of land from aboriginal natives, or the release or extinguishment of their rights in any land." The 71st clause provided that "whereas it may be expedient that the laws, customs, and usages of the (Maoris), so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, or usages should be so observed, it shall be lawful for Her Majesty (by Letters Patent) from time to time to make provision for the purposes aforesaid, any repugnancy (of such laws, &c.) to the law of England, or to any law, statute, or usage in force in New Zealand, or any part thereof, in anywise notwithstanding." The 73rd clause forebade any person, "other than Her Majesty, . . . to purchase, or in anywise acquire or accept from the (Maoris), land of or belonging to or used or occupied by them in common as tribes or communities, or to accept any release or extinguishment of (their) rights in any such land as aforesaid." Any conveyance or transfer or agreement for conveyance or transfer in violation of this provision was to be absolutely void. The 79th clause distinctly enabled the Crown to delegate to the Governor by Letters Patent, the powers reserved as to the "preservation of aboriginal laws, customs, and usages." There was nothing in the Act[28]

[28] 15 and 16 Vict., cap. 72.

which derogated from the right, or diminished the duty, of the Crown to be loyal to the treaty of Waitangi. There was nothing in it to sanction or condone the disloyalty which it will be seen was displayed afterwards by various Secretaries of State at the instigation of New Zealand Ministers.

Sir John Pakington expressed pleasure in entrusting to the Governor the execution of the law which owed its shape in great degree to his suggestions. There was a clause which gave power to the Crown to set apart districts in which Maori customs and usages were to be preserved, and this power was delegated by the Crown to Sir G. Grey, as well as the power to form municipal corporations. Royal Instructions (13th Sept., 1852) were afterwards sent, which provided, that as a general rule no question should be put before the Executive Council except by the Governor, and that he might execute the powers conferred upon him, though the whole Council should oppose him. It may be said briefly that confidence in Sir G. Grey largely influenced the changes made in the administration of Crown lands. For the first time at the Antipodes was power placed by statute in local authority as to disposal of land. The discovery of gold in Australia, and anticipation of its existence in New Zealand, did not deter Sir John Pakington from the concession; and he was applauded when, in June, 1852, he announced that he was prepared to advise that both in New Zealand and in Australia the Crown rights in all minerals should be transferred to the local legislatures. Sir G. Grey had intended to issue writs for the elections in New Munster under his Ordinance of July, 1851. He had made preliminary proclamations, and the elections were only deferred till Sept., 1852, when tidings of the introduction of Sir John Pakington's Bill in the House of Commons stayed his proceedings. On the 17th Jan., 1853, he proclaimed the new Constitution Act. On the 4th March he proclaimed regulations for the disposal of Crown lands. [illegible] established sales by auction for town and [illegible] lands [illegible] for rural lands outside of the limits of [illegible] shillings an acre, with [illegible] te of their low value, [illegible] was to be surveyed

before an applicant could take possession. The regulations were to be in force throughout New Zealand (except as regarded lands reserved to the Canterbury or Otago Associations) within fifteen days of their receipt in each province. Whether intended to injure those associations or not, they could have no other effect. At Canterbury the original price of land was £3 an acre. Who could be expected to pay such a price, when, in a neighbouring province, it might be obtained from the Government at one-twelfth of the sum required by the association?

Earth-hunger knows no restraint of reason. A chorus of satisfaction arose. Liberation from a high price was the burden of the song. Thanks poured in to the Governor from Auckland, Taranaki, Wanganui, Hawke's Bay, the Hutt, and even from some persons at Wellington. But at the latter place there was one man indisposed to see settlements destroyed by a proclamation. Gibbon Wakefield had arrived there. He caused a case to be brought before the Supreme Court, and a judge pronounced against Grey's proclamation. The Governor disregarded the judgment and was supported in England. But an opening was left for the exercise of local control in certain places. The Governor was instructed in July, 1853, to maintain the land regulations of Otago, until the General Assembly should otherwise enact.

There was a burning question at Auckland. When Parliament granted £236,000 in 1847 to save the New Zealand Company, Auckland was unbenefited. When a further sum of £268,000,[29] to be paid to the company, was made a charge upon all New Zealand lands, Auckland considered itself pillaged. The company had done nothing for Auckland. Why should Auckland lands pay the debts of the company? In September, 1852, the Executive Council at Auckland had drawn up a memorial denouncing such an imposition as injurious to the northern district, and Sir G. Grey acquiesced in their opinion. But the Constitution Act continued the charge. In May, 1853, he, awaiting instructions, held back £9000 which New Ulster

[29] Fractions are omitted.

have had to pay to the New Zealand Company under the obnoxious arrangement. He pleaded in vain. His influence in England had evaporated. The epigrammatic felicity and stinging epithets which made Disraeli a power in opposition did not serve him as Chancellor of the Exchequer, and the Derby Ministry was expelled upon its Budget (Dec., 1852). The Duke of Newcastle became Colonial Minister. To the despatch of May, 1853, he replied (Dec., 1853) that disobedience might be justifiable in a Governor if he had "anything to urge not previously known to his superiors. Nothing of this kind can be alleged in the present instance. Everything which you had to say was familiarly known already." Imperatively the Governor was told to "transmit the money without delay." The Governor did not receive the despatch. His application for leave of absence had been acceded to. In Sept., 1853, he received farewell addresses. Merchants, traders, and settlers at Wellington offered him a piece of plate with the inscription, "*Fundatori quietis.*" Bishop Selwyn and his clergy presented an address which Sir George Grey designated in his reply "as one of the highest rewards he could receive."[80]

Many Maori addresses were presented. From Rotorua, William Marsh Rangikaheke, Hori Haupapa, and others travelled with an elaborate farewell studded with poetical imagery. Rangikaheke was one of those who had taught Maori lore to Sir G. Grey. The men of Waikato presented valuable green-stone heirlooms, with a touching lamentation for the departure of their friend. Weteni Taiporutu, who was to fall in the war provoked by Grey's successor, was amongst the signers. Te Waru was one of those who wrote from Rangiaohia, where, in Grey's second term of office, Maori women and children were to be burned in their houses. The Ngatiwhatua chief, Uruamo Whangaroa, composed an ode of grief. Tamati Ngapora did the same. [illegible] called Sir G[illegible]rey the father of the orphan, because he [illegible] diligently [illegible]ared to provide schools. The Ngapuhi

[illegible]nted in a volume containing
[illegible]eries of Addresses," &c.
[illegible] General Government.

chief, Patuone,[31] brother of Waka Nene, deplored in lyric strains the roar of the waves, which reminded him of the departure of his friend.

"I saw him last upon the steep
Where surges lave.
But now there's nought upon the deep
But one wide wave.
Alas! Since thou art called away
And we must part,
Oh! let thy spirit near me stay
To soothe my heart."

Te Heu Heu from Taupo, and Te Rangitake from Taranaki, joined in the tribute rendered by the tribes from the North Cape to Wairarapa. Old Te Whero Whero, who had added Pōtātāū to his name, to signify that he had been a watcher by the death-bed of a daughter, promised to protect the Pakeha.

In addition to separate replies, Sir G. Grey published a farewell address to the Maori people, urging them to prove themselves a noble nation in the future, and to hearken to the counsels of the Bishop and the pastors, who laboured for their good. Rangihaeata's farewell has been quoted already. His tribe, the Ngatitoa, with the Ngatiraukawa and Ngatiawa, at Otaki, presented green-stone heirlooms with an address. "Alas! O Governor! our kind and faithful friend; it is but now that the sudden tidings of your departure have reached us. Great is our sorrow. . . . Go, then, father, with our good wishes, hence to thy native land, thy near relatives and friends; to thy Queen, and to ours. Forget us not; keep us in mind frequently. Look back upon us all, and in kindness remember us. . . ." Nearly three hundred signatures were affixed, and an adaptation of an ancient farewell poem

[31] Patuone was a grammarian. Conversing with Sir G. Grey in front of a besieged pah during Heke's war, he insisted that a certain particle used in a certain correlation had no intrinsic meaning, but was required to make the sentence conform to pure Maori speech. Sir G. Grey argued that it *must* have a meaning of its own—that everything had, &c. While they were speaking a shot struck the Maori flagstaff in the pah, and the soldiers cheered. Patuone said: "There! you hear the 'Hip! Hip! Hurrah!' What does 'Hip!' mean in that sound? What is the meaning of 'Hurrah?' Those sounds are like the Maori particle. They have no meaning, but are useful in their place."

appended to it[32] was sung by a large number of Maoris. Afterwards the heirlooms were presented.

Old Rauparaha's son, receiving the Governor's reply, said to the Maoris, "It is true we are going to lose the Governor, but this record will remain with us for ever." "My children," it said, "it was not originally any arrangement of mine that I should come to New Zealand, to a people unknown to me, and whose language I did not then understand, so that when they came to me with complaints, I could make no kind reply to them." . . . "I called upon all good men, Europeans and natives alike, to aid me. . . . For nearly eight years we have thus laboured together, churches and schools have been raised, men have abandoned false gods, peace has been established, lands have been ploughed, mills have been built, great roads have been made, abundance prevails everywhere." Posterity would look back to the patriots of early days, and the names of Grey's friends would be freshly remembered. "My parting request is that you will not hereafter suffer any evil deeds to sully those names, or to obscure the good works which have been performed in this country." The chiefs shook hands with him, the schoolroom rung with cheers of the Maori children; and a newspaper, printed at

[32] "Lo! yonder mountain stands:
Pukehika, whose towering peak
Peeps out, enwrapped in sombre cloud,
Itself the path by which
The darling object of my heart
Departed on his way.

"Oh then,
Pause for one moment—there
Cast back one glance on me,
Thus to receive one fond,
One last fond look,
Thy love came first, not mine;
Thou diddest first behold
With favour and regard
The meanest of our race.

"Thence is it
The heart o'erflows; the eye
Bedewed with tears doth anxiously desire
To catch one fond, one parting glance,
Ere thou art lost to sight for ever,
Alas! for ever!"

the town from which Rangihaeata's blood had, a few years before, been almost with one voice demanded, declared that "no one could have witnessed the scene without feeling deeply impressed with the fact that some really good influence must have been at work to cause so great and beneficial a change in the minds and habits of the native race."

Bishop Selwyn graced a banquet at Auckland, and men of all classes joined in doing honour to their guest. When he sailed from the islands in 1853 the Bishop accompanied him. On his return to England, Oxford honoured the successful Governor with the distinction dear to Englishmen at home and abroad, and while he received the degree of D.C.L., the undergraduates gave cheers for "The King of the Cannibal Islands." He became Governor at the Cape of Good Hope until new troubles demanded his return to New Zealand.

The population he left in 1853 was, of Europeans, more than 30,000; of Maoris, more than double that number. The latter could only be roughly estimated, and the death-rate amongst them was known to be rapid.[33] More than a third of the colonists were in the province of Auckland, nearly a fourth of them in that of Wellington. Of the Maoris, two-thirds were in the Auckland province; and of the whole number, little more than 2000 were denizens of the southern islands. At Auckland and Onehunga alone, £16,000 in value (chiefly farm produce) were imported in native canoes. It is proper to record such signs of material progress, but it must be remembered that they do not necessarily spring from the acts of a government. Expansion of a young community, in pastures new, may take place in spite of the worst legislation. It is probable that in New Zealand more was due to the Governor's ability than in ordinary settlements, for on his personal relations with the Maoris depended the questions of peace or war; and confidence, the life-blood of commercial progress, could only course through a community undisturbed in its industry. The New Constitution Act (15 and 16 Victoria, cap. 72) proclaimed by Sir G. Grey in Jan., 1853, was

[33] Soon after Grey's departure an outbreak of measles decimated tribe after tribe.

followed in March, 1853, by three proclamations, defining the boundaries of the six new provinces (Auckland, New Plymouth, Wellington, Nelson, Canterbury, Otago), arranging for the election of members, provincial and general, and assuming (7th March) the powers vested in the Governor by the Crown. Colonel Wynyard, relieved from office as Lieutenant-Governor of the former province of New Ulster, was thanked for the ability with which he had discharged his duties. In the close of 1853, Sir G. Grey reported that the Constitution was well received, that the best men were becoming candidates for election, and that, "if the Constitution is still carried out in a spirit of justice," happiness and prosperity of both races would be promoted.

It was unnecessary to interrupt New Zealand story; but it is proper to mention that, on more than one occasion, Sir G. Grey urged the Colonial Office to extend the Imperial Government throughout the Pacific. New Guinea ought, he thought, to be annexed. In March, 1848, he was able to say that Tonga and Fiji were tendering allegiance. Earl Grey declined to act upon his suggestions.

APPENDIX TO CHAPTER VIII.

SEE PAGE 447.

In June, 1848, the Church Mission Society resolved that Henry Williams ought to have acceded to the Bishop's requests. They hoped he would renew his consent to the Bishop's proposals, and "thus avert the painful alternative in which they would otherwise be placed of regarding his continued refusal as a dissolution on his part of his connection with the society, which the committee could not contemplate without pain and regret." They trusted he would make reparation for his vehement letter to the Bishop. They omitted to notice that Williams had stipulated for "substantiation or retractation" of the grave charges against him. Williams pointed out the omission. He had "no possible objection" to thorough and impartial public inquiry. A central committee of the Mission Society in New Zealand was set in motion. Mr. Clarke was informed that in consequence of the legal decision in favour of his grants "a stronger obligation rested on him to fulfil his pledge by surrendering his surplus lands." When the Governor declined the condition that those lands should be held by "the Church for the education of the natives," Clarke assigned the grants to members of his own family. This procedure was condemned by the central committee. They also blamed Henry Williams, and required him to state whether he had been accessory to the publication of the "Blood and Treasure" despatch, and of a letter from the Governor to the Bishop. He answered: "To reply to your queries I should consider to be a degradation to my station." He quoted a letter from himself to the society in London, stating that the despatch had not been supplied by him, and reminded the central committee that it had the letter before it.

The central committee reported unfavourably to Henry Williams—disclaiming "all knowledge of any stipulation expressed or understood beyond the one proviso contained in the pledge itself." The Society (Nov., 1849) were "reluctantly compelled to declare the connection to be dissolved between Archdeacon Henry Williams and the Church Missionary Society." They strove to mitigate the blow by resolving that their decision "must not be regarded as giving any countenance to the charges"

land had addressed the assemblage, the Rev. Matthew Taupaki spoke. . . . . "The one great moving principle which brought Te Wiremu to this island was the word of God, 'Go ye into all the world, and preach the Gospel to every creature.'" He recounted his apostolic labours, and how often he had made peace. "It is meet and proper, therefore, that we should erect this monument to keep in memory a great man who is dead." A "Memoir" of the Life of Williams was written by his son-in-law, Hugh Carleton.[3]

year 1823. He was taken from us in the year 1867. The tribes who raised this monument are Ngapuhi, Te Rarawa, Te Aupouri, Ngatiraukawa, Ngatikahungunu, Ngatiporou, Ngatimaru." On the other side of the bay stands the memorial erected by the colonial government in honour of Waka Nene, the coadjutor with Williams in securing the treaty of Waitangi.

[3] The "Life of Henry Williams, Archdeacon of Waimate." Hugh Carleton. 2 vols. Auckland, 1874, 1877.

mourn over "the severe trial of another Maori war, wantonly brought on by the Governor (Browne) in the forcing of a disputed claim of land at Taranaki" in 1860. "The language used by the Europeans to the natives is extremely vile, and I am prepared to expect sad work." He wrote to a friend in England: "The country is involved in war through the folly of our self-willed ministers, men of no experience of native matters." He saw the grim spectre of Hauhauism stalk through the land, reviving the long-laid ghost of Maori ferocities. He saw his brother (who had battled for him before the Society in London) made Bishop of Waiapu under circumstances which must have made the hearts of both brothers warm towards Bishop Selwyn. In 1847, the latter wrote of William Williams, "I cannot pretend to equal his piety or maturity of wisdom." In 1859, at a Church Synod in Wellington, the brave but modest Selwyn spoke publicly of William Williams, then about to be consecrated, as "one whose age and experience have often made me feel ashamed that I should have been preferred before him."

Henry Williams saw his brother, the Bishop of Waiapu, driven by the Hauhau fanatics to take refuge with him, and to aid in his ministrations in the north. When his brother returned to his diocese, Henry Williams, though seventy-five years old, continued his pastoral labours for a brief space only. In May, 1867, a tribal war was imminent near Pakaraka, concerning a boundary line, and the old man grieved that he could not as of yore rush between the combatants. He was ill, and sent his sons to essay the task of peace-making. But his own spirit was the talisman of peace. Blood had been shed in skirmishes. The resident magistrate, a son of Henry Williams, risked his life by riding between the combatants, and stayed the strife for a time. But the day for general battle was fixed. Each camp prepared for strife at the coming daylight.

Suddenly rumour ran that "Te Wiremu" (The Williams) was dead. Haratua, the general on one side, exclaimed: "Naku i mate ai a Te Wiremu—I have killed Te Wiremu." He ordered his people to act only on the defensive. There was a truce, not formally made, but felt on both sides. Chiefs left the camp to act as mourners. Haratua was a pall-bearer, and declared that he could not fight after the ceremony. Other Maoris arriving from Hokianga aided the sons of Williams, and peace was made. Judge Maning arrived opportunely to open a Land Court, and cast his influence in the scale. A Hokianga Christian chief, Abraham Taonui, issued from Haratua's pah with a white flag, followed by Haratua's warriors. He read from the New Testament, concluding with the text: "Blessed are the peacemakers, for they shall be called the children of God." A war-dance followed, with every show of defiance between the forces. Again Taonui read from the Testament, and at his bidding the rival forces knelt on the field and prayed for a blessing. Peace-offerings and oratory were interchanged, and there was the customary feast.

The Maoris determined to raise a memorial. Matthew Taupaki, Maori minister at Paihia, gathered subscriptions in the north. A stone cross at Paihia[2] was unveiled on 11th Jan., 1876. After the Bishop of Auck-

[2] The Maori inscription meant—"A Memorial to Te Wiremu. A token of love to him from the Maori Church. He was a father indeed to all the tribes; a man brave to make peace in the Maori wars. For forty-four years he sowed the Glad Tidings in this island. He came to us in the

land had addressed the assemblage, the Rev. Matthew Taupaki spoke. . . . . "The one great moving principle which brought Te Wiremu to this island was the word of God, 'Go ye into all the world, and preach the Gospel to every creature.'" He recounted his apostolic labours, and how often he had made peace. "It is meet and proper, therefore, that we should erect this monument to keep in memory a great man who is dead." A "Memoir" of the Life of Williams was written by his son-in-law, Hugh Carleton.[3]

year 1823. He was taken from us in the year 1867. The tribes who raised this monument are Ngapuhi, Te Rarawa, Te Aupouri, Ngatiraukawa, Ngatikahungunu, Ngatiporou, Ngatimaru." On the other side of the bay stands the memorial erected by the colonial government in honour of Waka Nene, the coadjutor with Williams in securing the treaty of Waitangi.

[3] The "Life of Henry Williams, Archdeacon of Waimate." Hugh Carleton. 2 vols. Auckland, 1874, 1877.